

MONTEREY COUNTY



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TO: Board of Supervisors Cannabis Committee
FROM: Joann Iwamoto, Cannabis Program Manager
DATE: June 6, 2018
SUBJECT: Cannabis Program Enforcement Strategy Status Update

Recommendation:

Staff recommends that the Board of Supervisors Cannabis Committee receive the Cannabis Program Enforcement Strategy status update.

Background:

During the early stages of the Monterey County Cannabis Program, an Enforcement Work Group was created with high-level staff from various departments. The purpose was for County staff to work together to effectively respond to both permitted and unpermitted commercial cannabis enforcement activities. In June 2017, state law changed with the adoption of adult and medicinal cannabis use in a single regulatory program. An Enforcement Protocol was developed and approved by the Board ad hoc committee on cannabis in August 2017. During the fall of 2017, several cannabis search warrant services were conducted that resulted in the destruction of thousands of pounds of cannabis.

Various circumstances, mostly due to program changes (local and state), put the Enforcement Work Group on hold. Lead staff from key departments continued to meet with the CAO's office on critical issues. In recent months, meetings with a larger group of County staff and external agencies have reconvened. A new document has been created, "Cannabis Program Enforcement Strategy" to replace the Enforcement Protocol previously approved in August 2017. (Attachment A).

Discussion:

On July 7, 2015, the Board of Supervisors adopted an Interim Ordinance (ORD #5424) to address cannabis activities in the unincorporated areas of Monterey County. At the same time the Board ad hoc committee on cannabis was formed. In August 2017, the Board ad hoc committee on cannabis approved the "Enforcement Protocol." An Enforcement Work Group was created in 2017 with the purpose of bringing the County Administrative Office (CAO), Resource Management Agency (RMA), Agricultural Commissioner's Office (Ag Comm), Sheriff Office (SO), Health Department – Environmental Health Bureau (EHB), District Attorney's Office (DA), Office of the County Counsel (County Counsel), and external agencies together to effectively respond to both permitted and unpermitted commercial cannabis activities. The Work Group continuously met and conducted several search warrant services in late 2017. The last service resulted in 1,798 plants weighing a total of 7,520 pounds being seized and destroyed.

At this point in time, much has changed in state and County regulations, the cannabis industry, and in Monterey County's Cannabis Program. Changes will continue.

Recently, the Enforcement Work Group was reconvened. The approved Enforcement Protocol has been updated and revised as the “Cannabis Program Enforcement Work Group.” (Attachment A). The SO and DA are responsible for criminal and civil enforcement of illegal operations, and the RMA with legal assistance by County Counsel are responsible for administrative enforcement of those that can come into compliance under the Monterey County Code. With the continuous changes in state law and an anticipated short term decrease in cannabis tax revenue, the Work Group will need to strategically coordinate department tasks that yield the most efficient enforcement activities. The internal strategies of protocol and tactical processes are considered internal work procedures.

The Cannabis Enforcement Work Group Strategy is considered a working document. The Work Group will continue to develop and refine its operational strategies.

Areas of further development include, but are not limited to, the following:

- Clearly define enforcement/abatement of illegal operations versus compliance checks on permitted operations, and identify roles and responsibilities to coordinate activities related to site inspections.
- Research how to use the Accela Automation platform as the single repository for collecting and tracking enforcement and compliance data for all enforcement and compliance departments.
- Continue to build on the Bureau of Cannabis Control, CalCannabis and the Department of Public Health’s enforcement and licensing knowledge, tools, and data to institute best practices in the County’s enforcement protocol.
- Establish standard performance measures to analyze data and use outcomes as a meaningful tool to plan, coordinate site inspections, and track related costs including staff time related to cannabis activities.
 - Examples of Performance Measures to be reviewed by Work Group:

<i>Workload Performance Measures</i>
Number of businesses investigated.
Number of inspections completed on permitted operators.
Number of Code Enforcement cannabis complaints received.
Number of search and inspection warrants issued.
<i>Efficiency Performance Measures</i>
Cost per search warrant service operation, and the fines and penalties collected.
Average fines and penalties per Code Enforcement Administrative Hearing cannabis case.
Average number of hours expended by staff per search warrant service.
Average number of hours expended by staff per Code Enforcement case work.
<i>Effectiveness Performance Measures</i>
Percent of Cannabis Taxes paid on time.

The Cannabis Program will keep the Board Committee informed of its progress and commitment to improve the policing of illegal cannabis activity, enforcement of laws through a coordinated process, and a collaborative relationship with operators to achieve and maintain compliance.