

Tackling the Problem of Illegal Cannabis Grows at a City and County Level



Moderator

Keith C. Metzler
City Manager
City of Victorville

Impact to City/County Operations

- Delays to Police and Code Enforcement resident service response
- Requires a multi-department response
- Consumes limited Building Inspection and Sanitation staff
- Post enforcement actions further strains limited Code Enforcement personnel
- Requires jurisdictions to use general funds to abate public nuisances generated from cannabis grows





Panelists



Lieutenant Marc Bracco, MBA – San Bernardino County Sheriff's Department

For the past 3 years, Marc has overseen all narcotics teams for the Sheriff's Department, which includes the marijuana enforcement teams. Since 2000, he has been in law enforcement, and holds a BS in Business and an MBA in Business Management. During his career, he has been a traffic, gang, and major narcotics investigator.

Jorge Duran – Code Enforcement Official, City of Victorville

Jorge Duran joined the City's Code Enforcement Department in 2004 and oversees the expanded Code Compliance and Animal Care and Control services. Jorge holds a BS in Public Administration and Criminal Justice.

Ignacio Nuñez – Code Enforcement Chief, County of San Bernardino

Ignacio Nuñez is the Code Enforcement Chief for San Bernardino County and oversees the Code Enforcement and the Fire Hazard Abatement Programs. He has 24 years' experience working in the code enforcement field, joining the County Code Enforcement Team in 1998.

Joan Smyth Deputy City Attorney – Green, de Bortnowsky LLP

Green, de Bortnowsky, LLP assists with related legal matters and supports code enforcement operations related to civil litigation, nuisance abatement actions, and prosecution of criminal actions.

INDOOR GROWS

Code Enforcement Compliance Efforts

Characteristics

- Often located within residential housing tracts
- Rental properties
- Covered or painted windows
- Use of:
 - ✓ Bright interior lights
 - ✓ Multiple AC condenser units
 - ✓ Large air filters to reduce exterior odors
- Marijuana odors surround properties
- Plant waste approximately every 90-120 days
- Caretakers are often human trafficking victims

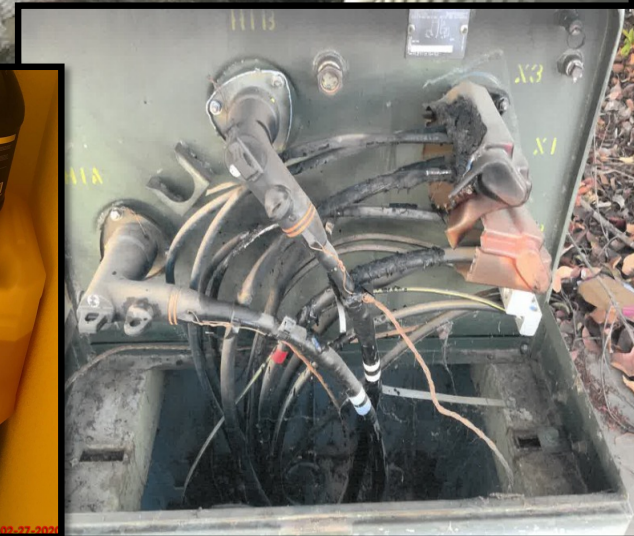


INDOOR GROWS

Code Enforcement Compliance Efforts

Immediate Hazards & Common Violations

- Bypassed/overloaded electrical systems prone to fires
- Explosion hazards from honey oil operations (butane)
- Inhalation and skin hazards from fertilizer & pesticides
- Atmospheric hazards from high carbon dioxide levels
- Alteration/damage to various structural components
- Hazardous living conditions to cultivation caretakers/occupants
- Mold from excessive high humidity environments
- Structure modifications requiring extensive repair

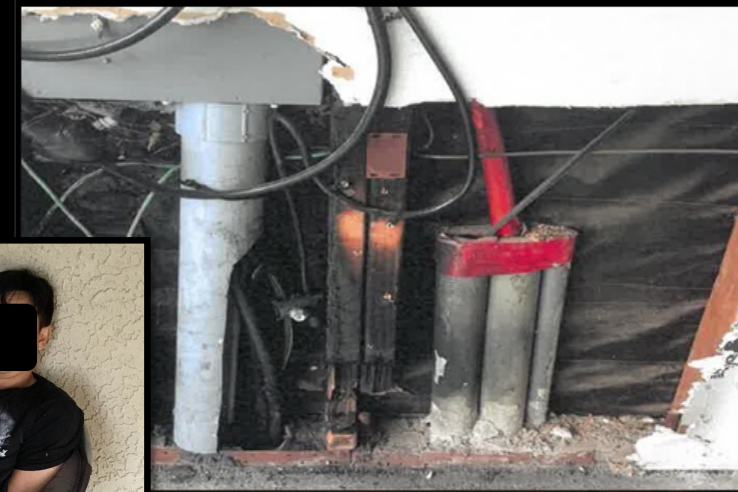
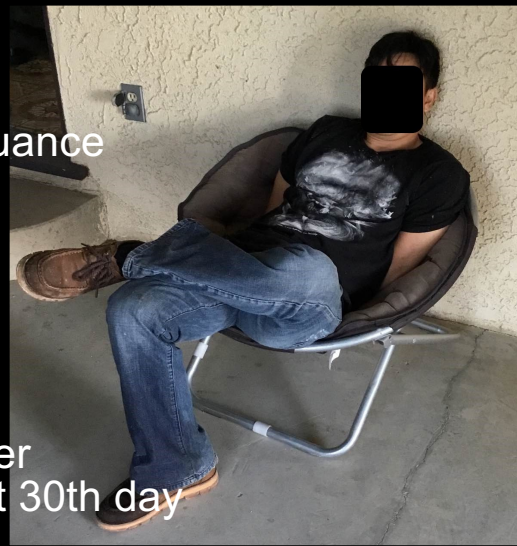


INDOOR GROWS

Code Enforcement Compliance Efforts

Enforcement, Fines & Investigation

- Occupant arrest for utilities theft
- Cannabis abatement by Police and City staff
- Citation and Illegal Cultivation field report issuance
- Recording of a Notice of Pendency
- Termination of impacted utilities
- Property owner fines:
 - ✓ \$100/plant Fine issued to the property owner
 - ✓ \$1,000/per day for uncorrected violations at 30th day
- Identification of other properties owned by listed property owners or business entities through county systems
- Use California Secretary of State corporate and LLC search

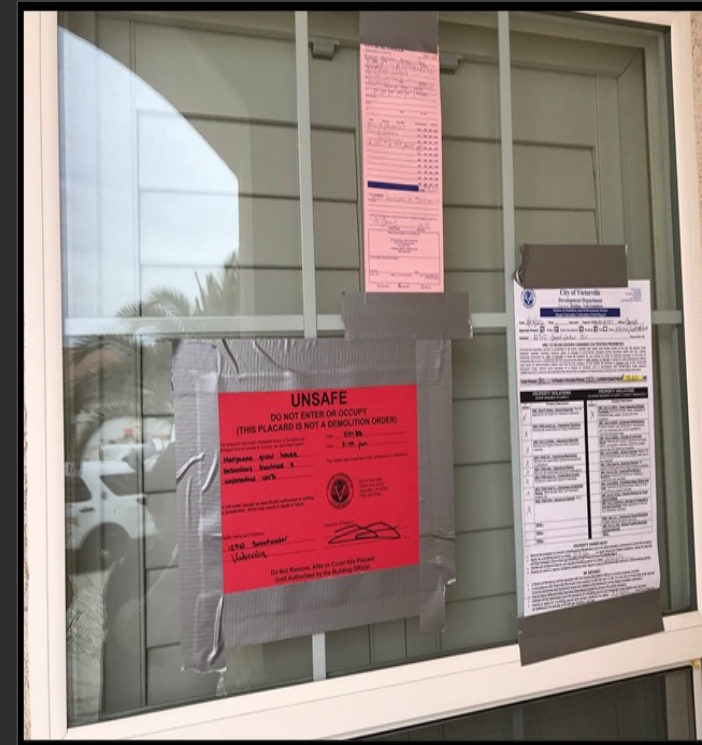


INDOOR GROWS

Code Enforcement Compliance Efforts

Staffing and Partnerships

- Victorville Police – enforcement reporting and actions/abatement
- Building and Safety conducts structure damage assessments
- So-Cal Edison – utility theft and electrical system load assessment
- City Water Department – water contamination and utility disconnection
- Victorville Fire – hazmat and fire response
- Victorville Sanitation transports and disposes of waste
- County Solid Waste Division expedites landfill access



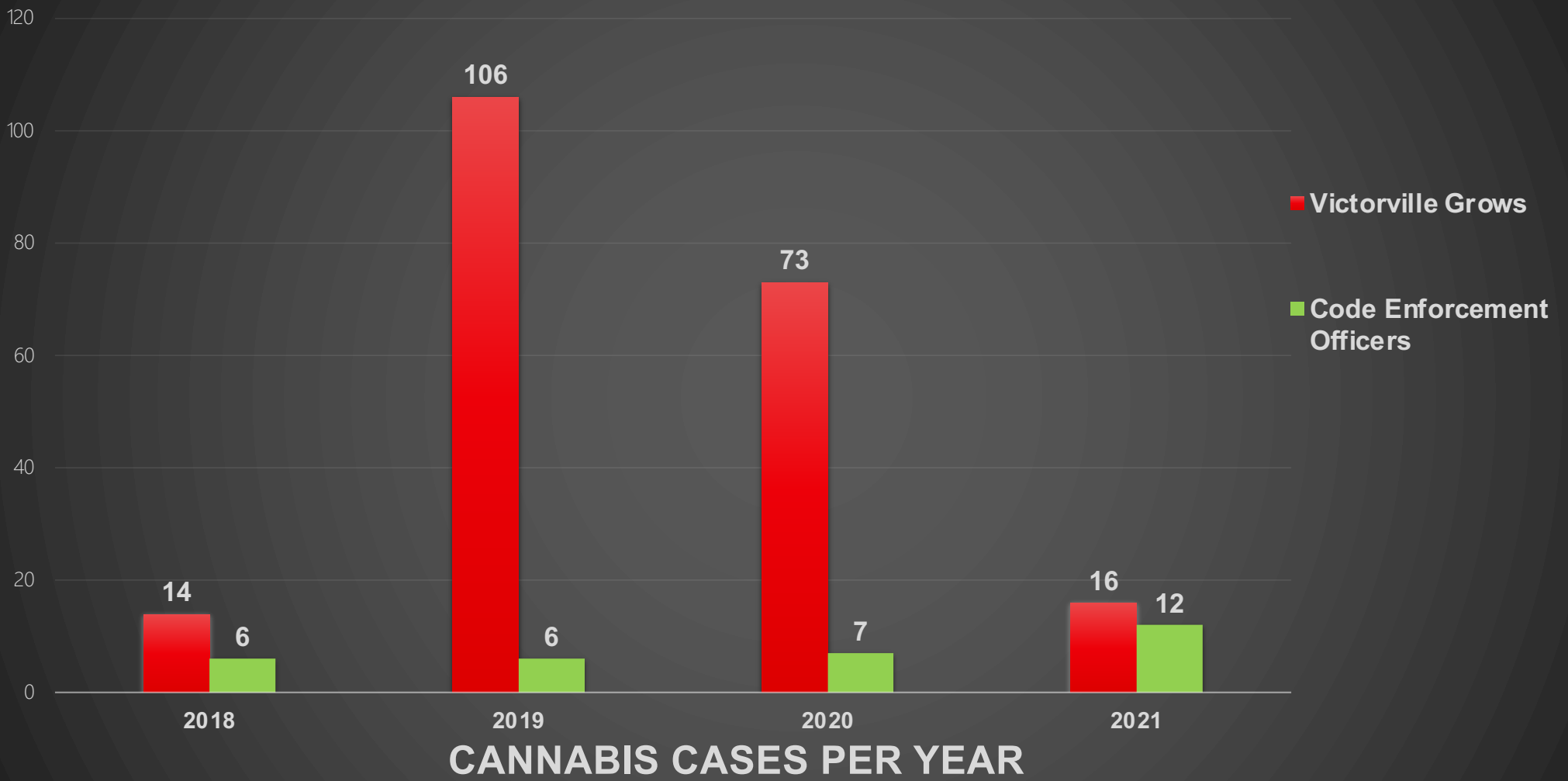
Victorville Enforcement Results

Strengthened Enforcement Procedures

- 85% cannabis grows reduction after adoption of \$100 per plant fine
- Efficient law enforcement coordination
- Improved officer safety response protocols
- Comprehensive reports and property owner investigation
- Court consideration of owner cannabis grow history
- Fines upheld by civil courts

Enforcement Results	
Total Cannabis Grow Cases	209
Notice of Violations Issued	159
Notice of Pendency's Recorded	148
Fines Assessed	\$4,662,200
Administrative Appeal Hearings	54
Civil Court Cases	15
Cannabis Rehab Permits	141

City of Victorville Illegal Cannabis Grow Cases



Administrative Enforcement Process and Legal Measures

- **Appeal of the Administrative Citation**
 - Extend time for appeal
- **Provide a Comprehensive Officer Report**
 - ✓ Enforcement action summary
 - ✓ Property ownership and licensing records
 - ✓ Cannabis grow history
 - ✓ List all occupants present during the enforcement action
- **Superior Court Appeals**
 - ✓ Sustained per plant fines (8th amendment argument)
 - ✓ Sustained fines to the property owner
- **City Attorney Case Settlement Coordination**
 - ✓ Timely cost recovery reimbursement
 - ✓ Stipulations regarding timely property repairs
- **Gov Code Section 53069.4**
 - ✓ Review lease agreements for language prohibiting cannabis cultivations
 - ✓ Presence of the tenant listed in the lease agreement during the enforcement action



OUTDOOR GROWS

Code Enforcement Compliance Efforts

Characteristics

- Operate in rural areas
- Large in scale with non-permitted grading of raw or undisturbed lands
- Self-contained with dumping of sewage, waste and trash on site
- Consume massive amounts of water impacting water resource in the community
- Workers live on site in trailers, RV's, sheds, illegal structures
- Cause dust (traffic), odor (cannabis), noise (fans/generators) and nighttime light pollution



OUTDOOR GROWS

Code Enforcement Compliance Efforts

Immediate Hazards & Common Violations

- Large pits used for trash and trespassing deterrent
- Disposal of hazardous chemicals and Sewage waste
- Environmental and ecological damage
- Bypassed water meters, illegal wells and theft of electricity
- Armed criminal element
- Illegal structures
- Hazardous substandard living conditions
- Junk, trash, debris, and inoperable vehicles
- Unpermitted grading



OUTDOOR GROWS

Code Enforcement Compliance Efforts

Enforcement, Fines & Investigation

- Enhanced administrative citations (Civil prosecution)
- Penalties: admin/criminal citations
- Less than 200 plants: \$1000, \$1500, \$3000
- More than 200 plants: \$3000, \$6000, \$10,000
- Notice of Action/Liens clouding title
- Special assessments to recover costs
- Abatement actions to clear trash and debris
- Use of temporary restraining orders
- Use of receiverships



Penalties and Fines

City/County	Sample: 1000 Plants	Per Plant Fine	Set Penalty/ Charge	Additional Fines	Total Agency Fines (Single day)
Victorville	1000	\$100 per plant	\$0	\$1,000 per day, per violation	\$100,000 +
San Bernardino County	1000	\$0	\$10,000	\$10,000 per day	\$10,000
State of California (Law Enforcement)	Unlimited	\$0	Misdemeanor Charge \$25-\$500 fine	\$0	\$500

OUTDOOR GROWS

Code Enforcement Compliance Efforts

Staffing and Partnerships

- Dedicated Code Enforcement Cannabis Team: Supervisor, 3 Code Enforcement Officers (CEOs), and 1 Technician
- Dedicated Abatement Team: 2 CEOs
- One CEO assigned to each Sheriff Marijuana Enforcement Team
- Dedicated Deputy County Counsel
- Collaboration with:
 - ✓ District Attorneys Office
 - ✓ Water boards
 - ✓ California Department of Fish and Wildlife

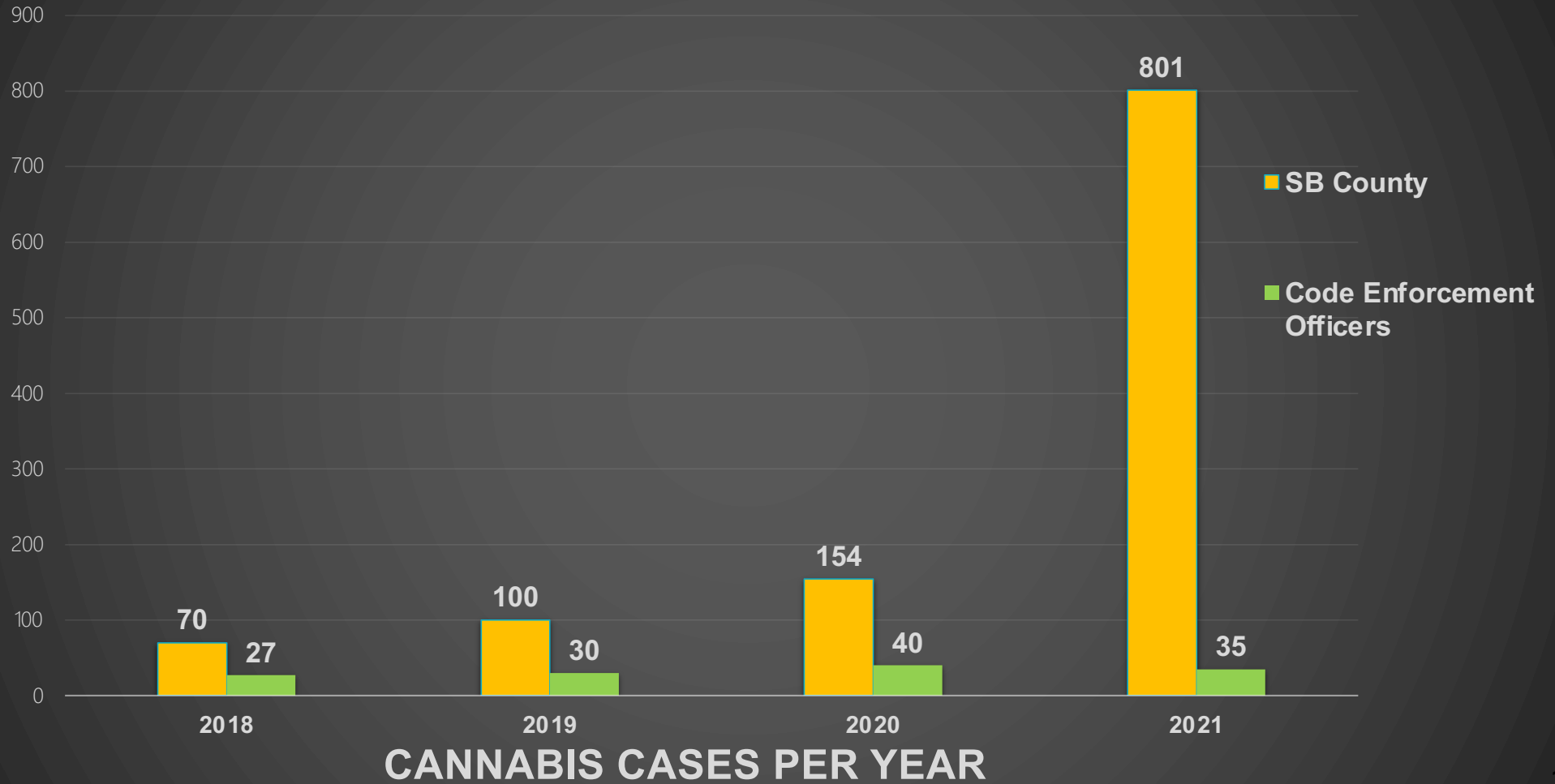
County Enforcement Results

Technology

- iPad
- Satellite Images
- Case Management Solution
- Mobile Application
- GIS Dashboard

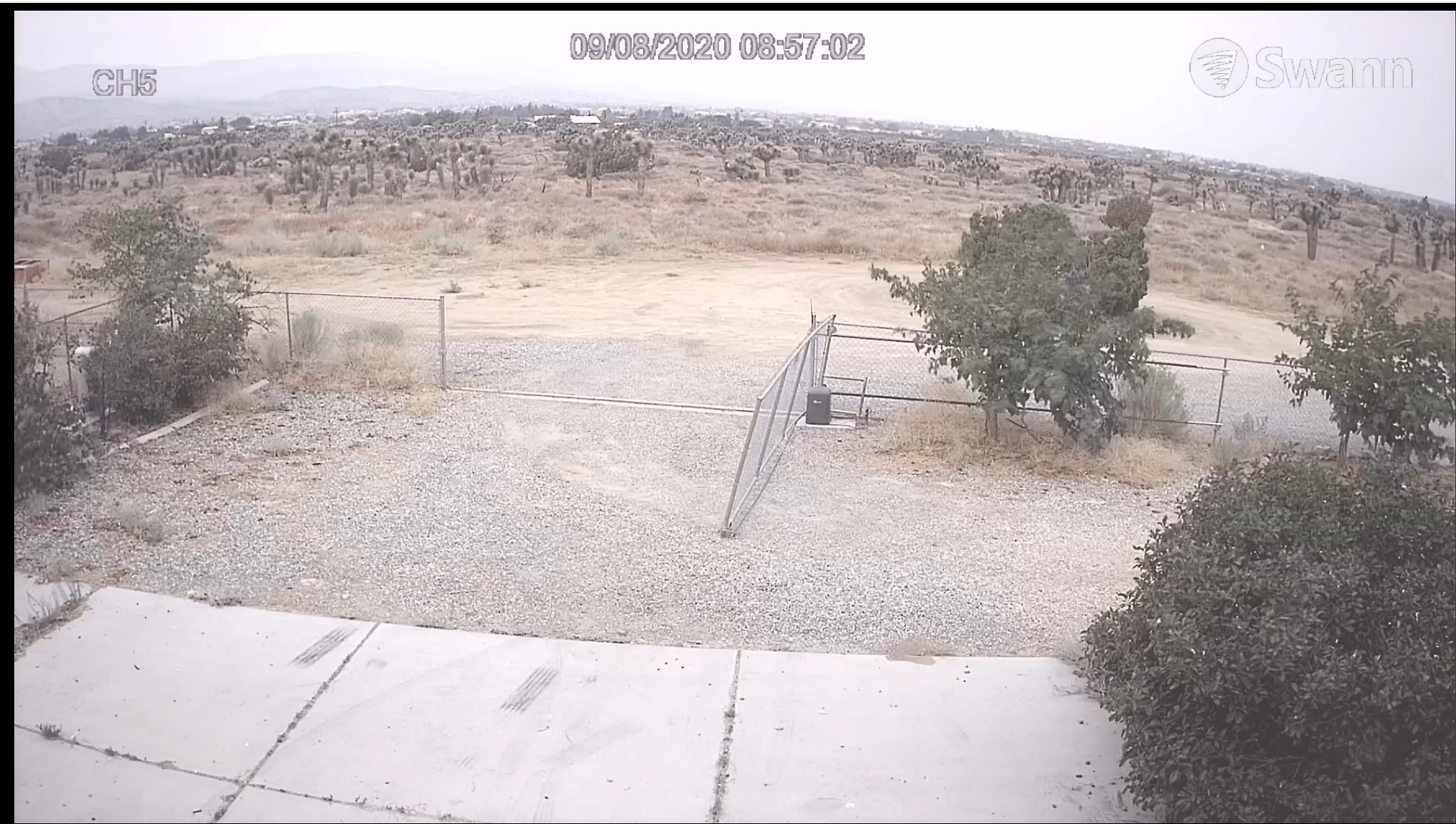
Results and Achievements	
Investigations Completed	1373
Notices Issued	888
Citations Issued	408
Fines assessed	\$839,600
Cases Closed	237
Abatements Performed	10

San Bernardino County Illegal Cannabis Grow Cases



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Sheriff's Department Efforts

- Enforcement Action Summary
 - ✓ Related Criminal Activity
 - ✓ Human Trafficking
- Criminal Organizations
- Joint enforcement efforts with other Police (State to Federal Partners)
- Prosecution and Legal Updates



Operation Hammer Strike



San Bernardino County Sheriff 

@sbcountysheriff

Operation Hammer Strike, Weeks 29 and 30; Over
50,000 Marijuana Plants, Guns, and Cash Seized

Search Warrants	2019	2020	2021	Total
Victorville	95	69	13	177
Countywide	409	599	640	1648

Search Warrant
Grow Activity



The Importance To React

- Respond to community complaints
- Prevent repeat cannabis grows
- Support law enforcement efforts
- Address electrical fire and potable water risks
- Take immediate action with property owner
- Ensure adequate rehabilitation through coordination with the Building Department
- Support possible receivership actions
- Recover enforcement and abatement costs

Thank You

Questions and Open Discussion

