



## MEASURE K OVERSIGHT COMMITTEE

### SEMI-ANNUAL REPORT - DRAFT

June 2014

DATE: September 25, 2014  
TO: Mayor and City Councilmembers  
FROM: Measure K Oversight Committee

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In fulfillment of the requirements outlined in Santa Cruz Municipal Code Section 9.84.060, this semi-annual report is submitted to the Santa Cruz City Council.

#### Background

On November 7, 2006, Santa Cruz City voters approved Measure K, the “Lowest Law Enforcement Priority Policy,” which was codified as Chapter 9.84 of the Santa Cruz Municipal Code (SCMC) and effective as of December 8, 2006.

The purpose of the Lowest Law Enforcement Priority Policy, as described in SCMC 9.84.020, is to make investigations, citations, arrests, property seizures, and prosecutions for adult marijuana offenses the lowest law enforcement priority for the City of Santa Cruz; establish a city policy supporting changes in State and Federal laws that support a system of taxation and regulation for adult use of marijuana; and transmit an annual notification of the enactment of the Chapter 9.84 to State and Federal elected officials who represent the City of Santa Cruz.

The Lowest Law Enforcement Priority Policy states that Santa Cruz law enforcement officers shall make law enforcement activity relating to adult marijuana offenses their lowest law enforcement priority, including but not limited to investigation, citation, arrest, seizure of property, or providing assistance to the prosecution of adult marijuana offenses. The policy also pertains to cooperation with State or Federal officials and prohibits the acceptance of Federal funding or the deputization or commissioning by Federal agents for investigating, citing, arresting, or seizing property from adults for marijuana offenses included in the Lowest Law Enforcement Priority Policy. There are exemption categories where the policy does not apply, which are delineated in SCMC 9.84.050:

- 1) distribution or sale to minors;
- 2) distribution, sale, cultivation, or use of marijuana on public property; and
- 3) driving under the influence.

SCMC 9.84.060 created an oversight committee to, “oversee the implementation of this chapter” (SCMC 9.84.060(1)) with the charge to: 1) ensure the timely implementation of the chapter; 2) receive any grievances from individuals who believe they were subjected to law enforcement activity contrary to the Lowest Law Enforcement Priority Policy; and 3) submit a semi-annual written report to the City Council on the implementation of this ordinance.

Report on the Implementation of the Chapter

The Committee finds that SCMC 9.84 has been implemented.

On January 30, 2014 in accordance with SCMC 9.84.070, the City Clerk transmitted notification of the enactment of the chapter to President Obama, Congressman Farr, U.S. Senator Boxer, U.S. Senator Feinstein, Governor Brown, State Senator Monning and Assemblymember Stone.

With respect to the components of the Lowest Law Enforcement Priority Policy detailed in SCMC 9.84.050(3), (4) and (5), City staff reported that there have been no instances of cooperation with State or Federal agents to arrest, cite, investigate, prosecute, or seize property from adults for marijuana offenses included in the Lowest Law Enforcement Priority Policy. Santa Cruz law enforcement officers or other personnel did not accept or renew formal deputization or commissioning by a Federal law enforcement agency for the purposes of investigating, citing, arresting, or seizing property from adults for marijuana offenses included in the Lowest Law Enforcement Priority Policy. The City of Santa Cruz did not accept Federal funds for activities that would be used to investigate, cite, arrest, prosecute, or seize property from adults for marijuana offenses.

As stipulated by SCMC 9.84.060(2)(e), the Committee is to provide the City Council with statistical information regarding the implementation of this Chapter. In accordance with the semi-annual cycle, the following statistical information is drawn from the period of November 1, 2013 through April 30, 2014.

<b>November 1, 2013 – April 30, 2014</b>		
	<u><b>Current Period</b></u>	<u><b>Prior 6-Month Period</b></u>
Total Number of Calls for Service	<b>49,216</b>	55,851
Total Number of Citations/Arrests	<b>6,110</b>	6,735
Number of Marijuana Citations and Arrests	<b>50</b>	36
Number of Measure K Applicable Cases	<b>0</b>	0

<b>Percentage Breakdown (11/1/13 – 4/30/2014)</b>	
Percentage of Marijuana Citations/Arrests to Total Citations/Arrests	<b>0.82%</b>
Percentage of Marijuana Citations/Arrests to Total Calls for Service	<b>0.10%</b>
Percentage of Measure K-Applicable Cases to Total Citations/Arrests	<b>0%</b>

The preceding data provides an overview of total calls for service, total number of citations or arrests, total number of marijuana-related citations and arrests, and number of Measure K applicable cases for the six month period from November 2013 through April 2014. For comparison purposes, the information is broken down into percentages.

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In this six-month period, there were 50 marijuana-related arrests and citations. This figure does not represent 50 separate individuals cited for a single marijuana-related crime, however. This figure includes cases where an individual may have been cited for multiple marijuana citations stemming from a single contact with law enforcement, i.e. citations for the transport, usage and possession of marijuana, as it is not uncommon for individuals to receive more than one citation associated with the same incident. Additionally, the citations/arrests number includes instances where the marijuana citation was a secondary charge, for example, where an individual was initially contacted and arrested for a battery and was also found to be in possession of marijuana.

The 50 marijuana-related citations/arrests, when compared to the total number of citations/arrests over the same period illustrates that 0.82 percent of all citations/arrests in the City of Santa Cruz were marijuana-related. When compared to total calls for service, of the 49,216 calls, 0.10 percent resulted in a marijuana-related citation or arrest.

SCMC 9.84.060(2)(e) also asks the Committee to provide information about the estimated time and money spent by the City on law enforcement and punishment for adult marijuana offenses. There were no Measure K applicable citations and arrests in the period analyzed and therefore no City money was spent on law enforcement of such cases. The City does not levy punishment, which is solely in the purview of the court system, and thus expended no money.

Grievances

*Should any grievances be offered at the October, 6 2014 meeting, the Committee may include them here.*

Conclusion

The Committee is pleased to submit this semi-annual report to the City Council.