



County Administrative Office

BOARD OF SUPERVISORS PRESENTATION

Updates on Illegal Cannabis Cultivation

Agenda Item #43

August 10, 2021



Introduction – Illegal Cannabis Cultivation

San Bernardino County is experiencing an unprecedented proliferation of illegal cannabis cultivation throughout our desert areas

- The estimated number of sites have increased from approximately 200 to over 1,080
- These illegal operations have put a strain on County operational resources
- Residents, agencies, and the Board of Supervisors have expressed concerns related to the overall negative effects of these illegal operations



Why Is Illegal Cultivation Happening?

- With the passage of Proposition 64 in 2016, the criminal consequences related to illegal cannabis cultivation were reduced to a misdemeanor
 - With less of a criminal deterrent, the County has experienced a significant spike in illegal cannabis cultivation
- Desert land is abundantly available
- Climate and soil conditions are ideal for cultivation
- Low Cost/High Return on investment with low barriers to entry into cultivation
- Remote locations with limited population/density



How Widespread is the Issue?

- Statewide Problem
 - Locally: Counties of San Bernardino, Riverside, Los Angeles, San Diego
- As of this presentation, over 1,080 identified illegal grow sites within San Bernardino County
- Since the passage of Proposition 64, County Sheriff has experienced a 224% increase in seizure of marijuana plants and 620% increase in firearms discovered during search warrants
- Many involved in these illegal cannabis grow operations are involved in, or victims of, human trafficking



What Are We Doing About This Issue?

The County has made enforcement against Illegal Cannabis Cultivation a priority and designated significant resources to address community concerns and public safety

Financial Resources

- In addition to other existing resources, the Board has allocated \$10.4 million and \$4.0 million to fund Community Concerns and Crime Suppression reserves
 - These funds are being used to address many community concerns, including the illegal cannabis cultivation issues present in the County through increased Sheriff and Code Enforcement resources

2021 Sheriff Abatements

- The MET team has raided and taken down 272 illegal cannabis operations in 2021 alone



What Are We Doing About This Issue?

Multi-Disciplinary Task Force

- The County has formed a multi-disciplinary task force to increase communication and collaboration across departments to combat illegal marijuana cultivation
 - Sheriff
 - District Attorney
 - Land Use Services/Code Enforcement
 - County Counsel
 - County Fire
 - Ag Weights and Measures
 - Public Health/Environmental Health Services
 - County Administrative Office

Urgency Ordinance

- Significantly increases Fines and Penalties for those who operate illegal cannabis operations and for the property owners who allow this use on their land
- More information later in presentation



What Are We Doing About This Issue?

Additional Staffing Resources

- County departments continue to expand the number of staff in order to address this issue
 - Sheriff: Increasing from one (1) Marijuana Enforcement Team (MET) to five (5)
 - Code Enforcement: Recruiting 5 new staff members dedicated to illegal marijuana enforcement

Messaging Campaign

- Coordinated Messaging Effort
 - Public outreach to affected communities
- Procuring real-time satellite imaging tool to proactively identify illegal grow operations



What Are We Doing About This Issue?

Code Enforcement collaboration with the Sheriff's Department has helped in the enforcement efforts

- Notice of Complaints have been issued to 105 property owners over past 3 weeks

Partnering With External Agencies

- Collaborating with state legislators to educate and inform outside entities of the problem
- Exploring a possible regional coalition with other counties to combat illegal cannabis cultivation



What Are We Doing About This Issue?

Abatement Ordinance

- County is developing an abatement ordinance which will allow the County to remove and dispose of private property from an illegal grow if it is clearly for the dedicated use of illegal marijuana cultivation
 - This would include infrastructure such as hoop houses, lighting, utilities, and even some structures and equipment

Hemp Ordinance

- County is developing a Hemp Ordinance to better control and monitor commercial hemp cultivation



Water Is a Key Tool

- County is exploring ways to limit the water sources to the illegal operations
 - Coordinating with local water agencies to limit water to these illegal operations
 - County Environmental Health Services now requesting use to be included on all agricultural well applications
 - Exploring measures to control water hauling operations that supply illegal grow sites



County Sheriff has significantly increased illegal cannabis enforcement efforts

- Marijuana Enforcement Teams (MET), from one team to five teams
- 2021 Year to Date Statistical Data
 - **1,085** – Pending identified illegal grows
 - **272** – Total search warrants served
 - **35** – Illegal by-pass grows
 - **251** – Total arrests (**39**-Felony & **212**-Misd.)
 - **52** – Firearms seized/recovered
 - **404,598** – Plants seized (*\$242,758,800)
 - **21,029** – Lbs. of processed cannabis (*\$25,234,800)
 - **\$129,056** – US currency seized



*Estimated Wholesale Value of the Illegal Cannabis Seized
Year-to-Date Stats as of August 3, 2021

Identified Toxic Carbofuran

- Recently, Sheriff's MET has seen an increase in the use of ***Carbofuran/Qufuran/Furadan***
 - ***Deadly to People and Wildlife***
 - It is a carbamate pesticide, widely used around the world to control insects on a wide variety of field crops
 - Carbofuran has one of the highest acute toxicities to humans of any insecticide widely used on field crops
 - 1ml (1/4 teaspoon) can be fatal to people
 - Carbofuran is known to be particularly toxic to birds; in its granular form, a single grain will kill a bird







District Attorney's Approach to the Environmental Cannabis Crisis

- Dual Enforcement Approach
 - Criminal and Civil Enforcement
 - SBDA pursuing both Criminal and Civil Actions against both the cultivators and landowners.
- Providing Additional Personnel
 - SBDA is hiring two additional civil lawyers to assist in Civil Enforcement, one paralegal and two PSE's to address the increased workload from the crisis.
- Expanded Training
 - SBDA's Environmental Unit is providing enhanced trainings for prosecutors, law enforcement agencies and regulators.
 - Trainings will focus on both Criminal and Civil Enforcement approaches to address the environmental impact that has resulted from the Cannabis Crisis.

- SBDA Environmental Unit.
 - SBDA's Environmental Unit has increased collaboration with
 - (1) Law Enforcement (SBSO, LASO, DCC (Department of Cannabis Control), CDFW (Department of Fish and Wildlife and other agencies),
 - (2) Regulatory Agencies (DCC, CDFW, Lahontan Regional Water Quality Control Board, CalEPA, US-EPA, Department of Public Health and Department of Food and Agriculture)
 - (3) Prosecutorial Agencies (US Attorney's Office, Riverside District Attorney's Office, Kern County District Attorney's Office, San Diego County District Attorney's Office and others.

In response to this problem, the County is proposing an urgency ordinance to increase criminal penalties and administrative citations to combat these illegal operations

- This creates more of a financial deterrent for criminals
- Impacts property owners who allow this use on their properties



Proposed Criminal Penalties: (applicable to each individual convicted)

- Misdemeanor involving cultivation of less than 200 plants:
1st conviction: \$1,000 2nd conviction: \$1,500 3rd conviction: \$3,000
- Misdemeanor involving operation of a dispensary, delivery, manufacturing, distribution, or cultivation involving 200 or more plants:
1st conviction: \$3,000 2nd conviction: \$6,000 3rd conviction: \$10,000

Or imprisonment in the County jail for up to six months or both a fine and imprisonment

Proposed Administrative Citation Fines : (applicable to both operators and/or property owners where illegal marijuana cultivation occurs, and may be cited separately for each day in violation)

- Cultivation involving less than 200 plants:

1 st citation: \$1,000	2 nd citation: \$1,500	3 rd citation: \$3,000
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- Operation of a dispensary, delivery, manufacturing, distribution, or cultivation involving 200 or more plants:

1 st citation: \$3,000	2 nd citation: \$6,000	3 rd citation: \$10,000
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Example: Code Enforcement receives a complaint regarding an illegal cannabis grow site (approximately 400 plants) and issues a Notice of Complaint to property owner and operators

- Day 1: Code Enforcement follows up with an investigation, confirming the violation, and issues a Notice of Violation
 - Time between Notice of Complaint and Violation is discretionary
- Day 11: Ten days later, a follow up inspection is made, and finds grow still active. A first violation citation for \$3,000 is issued
- Day 16: Five days later, a follow up inspection is made, and finds grow still active. A second violation citation for \$6,000 is issued, along with five days of \$6,000 citations for a total of \$36,000.
- Day 21: Five days later, a follow up inspection is made, and finds grow still active. A third violation citation for \$10,000 is issued, along with five days of \$10,000 citations for a total of \$60,000.
- Within three weeks from the confirmation of an illegal grow, \$99,000 in fines have been levied

- In summary, the proposed ordinances continue the prohibition of commercial cannabis activity in the County Code and establish increased penalties and fines for engaging in illegal commercial cannabis activity.
- These ordinances do not impact authorizations in State law for the personal use of cannabis.
- The urgency ordinance is proposed as an urgency measure necessary for the immediate protection and preservation of the public peace, health, safety and welfare, and shall take effect immediately upon its adoption, pursuant to Government Code section 25123(d).

1. Consider proposed urgency ordinance amending Sections 11.0206(a)(1) and 11.0208(e)(1) of Chapter 2 of Division 1 of Title 1 of the San Bernardino County Code regarding violations and enforcement by establishing increased penalties and fines for violations of the commercial cannabis activity prohibition.
 - a) Make alterations, if necessary, to proposed urgency ordinance.
 - b) Approve introduction of proposed urgency ordinance.
 - An urgency ordinance of the County of San Bernardino, State of California, to amend Section 11.0206(a)(1) and Section 11.0208(e)(1) of Chapter 2 of Division 1 of Title 1 of the San Bernardino County Code, relating to increased fines for engaging in prohibited commercial cannabis activity.
 - c) ADOPT URGENCY ORDINANCE (Four votes required).
 - d) Direct the Clerk of the Board to file a Notice of Exemption.
2. Consider proposed ordinance amending Sections 11.0206(a)(1) and 11.0208(e)(1) of Chapter 2 of Division 1 of Title 1 of the San Bernardino County Code regarding violations and enforcement by establishing increased penalties and fines for violations of the commercial cannabis activity prohibition.
 - a) Make alterations, if necessary, to proposed ordinance.
 - b) Approve introduction of proposed ordinance.
 - An ordinance of the County of San Bernardino, State of California, to amend Section 11.0206(a)(1) and Section 11.0208(e)(1) of Chapter 2 of Division 1 of Title 1 of the San Bernardino County Code, relating to increased fines for engaging in prohibited commercial cannabis activity.
 - c) SCHEDULE ORDINANCE FOR FINAL ADOPTION ON TUESDAY, AUGUST 24, 2021, on the consent calendar.
 - d) Direct the Clerk of the Board to file a Notice of Exemption.