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July 27, 2005

BPC #05-0235

✓ The Honorable Public Safety Committee
City of Los Angeles
c/o City Clerk's Office
City Hall, Room 395
Los Angeles, CA 90012

Attn: Adrienne Bass

Dear Honorable Members:

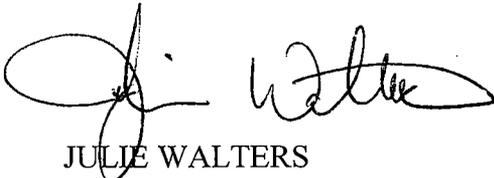
RE PUBLIC SAFETY COMMITTEE REQUEST RELATIVE TO FACILITIES THAT DISTRIBUTE
MEDICAL MARIJUANA WITHIN THE CITY

At the regular meeting of the Board of Police Commissioners held Tuesday, July 26, 2005, the Board APPROVED the Department's report relative to the above matter.

This matter is being forwarded to you for City Council approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS



JULIE WALTERS
Commission Executive Assistant

Enclosure

c: Office of Chief of Police

BPC # 05-0235

INTRADEPARTMENTAL CORRESPONDENCE

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July 19, 2005
8.4
OCOP #2005-05-02

RECEIVED
JUL 13 2005

TO: The Honorable Board of Police Commissioners

POLICE COMMISSION

FROM: Chief of Police

Anthony M. Johnson 7/13/05

SUBJECT: REPORT ON FACILITIES THAT DISTRIBUTE MEDICAL MARIJUANA
WITHIN THE CITY OF LOS ANGELES

RECOMMENDED ACTIONS

1. That the Board approve and transmit this report to the City Council, Public Safety Committee.
2. That the Board recommend to the City Council, should the City Council choose to allow the existence of medical marijuana dispensaries, that such facilities only be allowed to operate in commercial areas of the City and be prohibited in residential areas, near schools and colleges, or near public and private recreational areas.

DISCUSSION

There are four known medical marijuana dispensaries located in the City of Los Angeles. These dispensaries are located in the communities of Hancock Park in Wilshire Area, Van Nuys in Van Nuys Area, Rancho Park and Cheviot Hills in West Los Angeles Area. There are other dispensaries located near City boundaries in West Hollywood and Inglewood. Narcotics Division (ND) has received 21 complaints from patrol officers working in geographic Areas about the existence of these dispensaries, the public use of marijuana and possession of illegal amounts of marijuana. In addition, 50 citizen complaints have been received with the same observations. Geographic Area, Narcotics Enforcement Detail (NED), personnel have conducted criminal investigations at the Hancock Park dispensary and at a West Hollywood dispensary adjacent to the border of Los Angeles. A total of 15 felony and one misdemeanor arrests have been made. The Los Angeles County District Attorney's Office is still evaluating those arrests for criminal prosecution.

One additional dispensary, in the community of Venice in Pacific Area, was investigated last year and closed after three arrests were made. One defendant pled guilty to felony possession of marijuana for sale and two defendants pled guilty to felony possession of marijuana. A citizen complaint about this location caused the Pacific Area NED to initiate this investigation.

Anecdotal information indicates that several other unidentified medicinal marijuana "clubs" exist in the City of Los Angeles, however these are more secretive, tend to be mobile, and do not operate storefront dispensaries.

Although no reported non-narcotics related crimes can be attributed to these locations, there is a high probability that crimes such as theft, robbery, and assault have occurred and will occur along with the sales of marijuana obtained from these locations. Past experience has indicated that Part I Crimes and crimes related to gangs occur where illegal narcotics are used, possessed and sold, causing concern to citizens and the Department alike.

According to Bob Krause, County Health Section, California Department of Health Services, there is no State medical marijuana program at this time. Later this year, a pilot program involving eight Central and Northern California counties will start to issue identification cards for medicinal marijuana patients and caregivers. Krause stated each county will be responsible for regulating medical marijuana facilities and had no information or guidelines to refer to.

According to Anna Long, Chief of Staff, Los Angeles County Department of Health Services, there is no Los Angeles County program in place to issue identification cards or license medical marijuana facilities. County Counsel has advised the Los Angeles County Board of Supervisors to wait for a United States Supreme Court case to be decided before implementing any program. On June 6, 2005, the United States Supreme Court announced their ruling in *Raich vs Ashcroft*, which allows the federal government to continue to enforce federal law prohibiting the cultivation, possession, and use of medical marijuana even where it is legal under state law, such as in California.

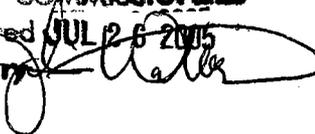
The lack of a medical marijuana program in the City of Los Angeles, coupled with the lack of State and/or local laws dealing with medical marijuana facilities have left the Department with only Health & Safety Code Sections regarding marijuana as a guide to enforcement. The Department will prepare protocols for Departmentwide enforcement of offenses related to medical marijuana facilities when Los Angeles County implements a medical marijuana program.

Should the City Council choose to allow the existence of medical marijuana dispensaries, the facilities should only be allowed to operate in commercial areas of the City and should be prohibited in residential areas, near schools and colleges, or near public and private recreational areas.

Respectfully,



WILLIAM J. BRATTON
Chief of Police

BOARD OF
POLICE COMMISSIONERS
Approved JUL 28 2005
Secretary 

Attachment

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File Number

05-0872

Last Changed Date

05/04/2005

Title

MEDICAL MARIJUANA

Initiated by

Zine Mover 2005 / Reyes

Subject

Motion - In 1996, California passed the Compassionate Use Act, which legalized the use of marijuana for medical purposes. In essence, this statute allows persons to grow or possess marijuana based on the recommendation of a licensed physician that a person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine or other illnesses for which marijuana provides relief. Physicians can make oral or written recommendations, and prescriptions or record-keeping is not required.

The statute does not include provisions which regulate the proper use and dispensing of MEDICAL MARIJUANA when recommended by physicians. Lack of guidelines or rules regarding who can operate marijuana dispensaries, the permitting and inspection of such dispensaries, and methods of ensuring legal operation of such facilities has created confusion and has limited the ability of law enforcement to prosecute cannabis club operators that have been linked to criminal activity. This unintended consequence of the Compassionate Use Act both negatively impacts legally and responsibly operated MEDICAL MARIJUANA dispensaries and neighborhoods where illegal cannabis clubs are protected.

Consequently, a growing number of cities, including San Francisco, Modesto, Ontario, Huntington Beach and West Hollywood, have implemented a temporary ban on dispensaries, clubs and cooperatives that distribute marijuana for medical purposes, until enforceable guidelines, requirements, and zoning requirements for these establishments are developed.

The City of Los Angeles should evaluate the impacts of MEDICAL MARIJUANA cannabis clubs, dispensaries, and other establishments to its residents, neighborhoods, and legally operated businesses. Further, appropriate actions necessary to ensure that such facilities are operated in a legal manner, that City zoning appropriately addresses the unique citing considerations for such facilities, and that concerns identified through the evaluation are addressed should be recommended for City implementation.

THEREFORE MOVE, that the City Council instruct the Los Angeles Police Department, with the assistance of the City Attorney and other City departments as appropriate, to report to the Public Safety Committee within 60-days regarding facilities that distribute MEDICAL MARIJUANA located within the City of Los Angeles, complaints received regarding such facilities, criminal activity concerns, and recommended actions necessary

To: 00
Due: 6-20-05

- Information Only
- Approp. action, retain & file
- Reply to correspondent by you
- Copy to COP
- Fact sheet to COP
- Invest. reply COP signature
- Forwarding communication to COP
- File

1-6-8

OCOP-2005-05-62

cdl
#2056

RECEIVED

MAY 06 2005

OFFICE OF THE CHIEF OF POLICE

RECEIVED

MAY 06 2005

DB

OFFICE OF OPERATIONS

to ensure that such facilities are operated in a legal manner and that City zoning appropriately addresses the unique siting considerations for such facilities.

Date Received

05/03/2005

File History

- 5-3-05 - This day's Council session
- 5-3-05 - Ref to Public Safety and Planning and Land Use Management Committees
- 5-3-05 - File to Public Safety Committee Clerk

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