

Thursday, May 17<sup>th</sup>, 2012, 6:00 p.m.

## Draft Meeting Minutes

Council Chambers, City Hall, One Frank H. Ogawa Plaza

### Members:

Dale Gieringer	District 1	Vacant	District 7
Charles Mintz (pending)	District 2	A. Kathryn Parker	At Large
Sierra Martinez	District 3	Leslie Bonett	Mayor
James Anthony	District 4	Vacant	City Auditor
Matt Hummel	District 5	Joe DeVries	City Administrator
Vacant	District 6		

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## DRAFT MINUTES

### A. Roll Call and Determination of Quorum

*Members Gieringer, Hummel, Martinez, DeVries, Parker, and Chairperson Bonett were present. Also present was Charles Mintz whose appointment was pending at the time of the meeting.*

*Chairperson Bonett gave newly appointed Member Parker an opportunity to introduce herself. Member Parker explained that she lives near Lake Merritt and wanted to join the Measure Z Committee because she is very passionate about cannabis policy. She has worked on drug policy reform for 6 years having first gotten involved in drug reform policy in college by joining Students for Sensible Drug Policy, she has worked with a couple of non-profits regarding drug policy and currently works as a paralegal with a couple of Oakland law firms.*

### B. Open Forum / Public Comment

*Cecile Bernardi addressed the committee, mostly wanting to thank the committee for their ongoing work and commitment to ensuring that the issues surrounding cannabis use be kept in the spotlight, especially in the aftermath of the Federal Raid on Oaksterdam.*

### C. Review of the Pending List

*Chairperson Bonett asked if any committee member was aware of any statewide ballot measures that should be up for discussion as the election draws closer. After brief discussion it was*

Persons may speak on any item appearing on the agenda; however a Speaker Card must be filled out and given to a representative of the Measure Z Commission. Multiple agenda items cannot be listed on one speaker card. If a speaker signs up to speak on multiple items listed on the agenda, the Chairperson may rule that the speaker be given an appropriate allocation of time to address all issues at one time (cumulative) before the items are called. All speakers will be allotted 3 minutes or less – unless the Chairperson allots additional time.

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Questions or concerns regarding this agenda, or to review any agenda-related materials, please contact the Measure Z Commission at (510) 238-3301.

*determined that no statewide ballot initiatives garnered enough support to be on the ballot. Member Martinez asked if the committee typically tracks legislation in other states. Member Hummel suggested that anything coming up around the country should be discussed at the committee. Chairperson Bonett agreed but noted they need to be agendized ahead of time. Joe DeVries asked if the other state measures (Colorado) are medical or general legalization measures. Member Parker clarified that they are non-medical.*

*The group agreed to put updates on ballot measures or legislation that has already passed from around the country on the pending list.*

*Member Hummel asked if the committee has ever heard directly from the District Attorney regarding adult cannabis arrests and prosecutions. Chairperson Bonett noted that item #7 on the list addresses that and feels that it is a good item to discuss. It was agreed to add a discussion with the District Attorney to the agenda in coordination with the discussions around OPD. They directed staff to invite the District Attorney to either the June or July meeting.*

- D. Approval of the Draft Minutes from the Measure Z Committee meeting of January 18<sup>th</sup>, 2012.

*The minutes were approved by consensus after some minor typographical errors were noted including the comments made by newly appointed Member Martinez.*

- E. Reports for Discussion and Possible Action

1. A continuation of the discussion of the federal crackdown on marijuana dispensaries and the City's response to it.

*Member Parker stated that she had approached Council Member Kaplan to determine if the City Council had discussed this issue in Closed Session. Joe DeVries also contacted the Assistant City Administrator and the City council had not discussed this issue in Closed Session. He went on to note that it will only be on the City Council's radar if members of this committee ask them directly to address it. Chairperson Bonett noted that she had emailed the Mayor's Office and Council Members and had received a response only from Council Member SchAAF who stated she supported, in concept, taking a stand against the federal crack down and in support of Oakland's dispensaries.*

*Chairperson Bonett also noted that every other week the City Council declares a medical emergency in respect to medical cannabis since 1999 and the federal crack downs back then. Member Parker asked if all the committee needs to do is supply a draft resolution. Joe DeVries agreed to send out the memo that was sent to Council in January in Word format to the committee so they can send it to their council members individually. Member Parker will work on an official draft resolution.*

*After some discussion on federal legislation, Joe DeVries pointed out that all of the committee members and the public in general can come to a City Council Meeting and sign up to speak on the Declaration of Emergency that already appears on the agenda each week.*

2. A continuation of the discussion of City's Smoking ordinance

*This item was tabled until such time as a draft ordinance is ready for consideration and will remain on the Pending List.*

3. Monitoring OPD's implementation of the Measure Z provision making private, adult marijuana offense arrests the lowest law enforcement policy.

*Joe DeVries stated that he had not been able to get OPD scheduled to speak this month but did want to make some comments on the prior year's report. First he noted that the report states that OPD statistics bear out that they are abiding by that policy. The first supporting fact is the number of arrests/citations for possession of less than an ounce of cannabis. However, nowhere in Measure Z does it state anything about "less than an ounce of cannabis" versus any other amount.*

*When one further looks at the number of total arrests it shows that in 2009, OPD arrested/cited 5326 persons for drug related offenses. Of those, 255 (4.7%) were arrested/cited for possession of less than one ounce of cannabis. In 2010, 3,274 persons were arrested/cited for drug related offenses, with 111 arrested/cited for possession of less than one ounce of cannabis.*

*The report goes on to provide a graph that breaks down total arrests over a seven year period for three different Marijuana Offenses none of which are mere possession.*

*If one were to add the total number of arrests/citations in the report for 2009 it totals 991 out of 5,326 total drug arrests or **18.6%** of all drug related arrests/citations. For 2010 the total for marijuana arrests/citations is 822 out of 3,274 total arrests/citations which equal **25%** of all drug arrests. These arrest rates are surprising in light of the Measure Z mandate.*

*Member Gieringer also noted that the report states, "The majority of persons arrested/cited for private cannabis possession were in a public place and often the result of specific complaints or investigation into other criminal activity." This is an obvious typo since if they were in public it could not have been a private offense.*

*Another point of the report that was curious was the police reference to crimes against cannabis dispensaries such as robberies and the reference to Mexican Drug Cartels causing problems with illegal grows on public lands. This really doesn't have anything to do with private cannabis offenses in Oakland and detracts from the important data in the report.*

*Joe DeVries also noted that the City Auditor's Office is interested in ensuring that all City Departments are abiding by current policy and that would include Measure Z and OPD.*

*Member Martinez noted that there was a clarification between adult and juvenile arrests in one part of the report and not another and therefore the numbers could be skewed a bit by this discrepancy as well.*

*Member Parker stated that any amount of information on arrests would be helpful in studying this issue. Chairperson Bonett noted that the committee did receive details on a sampling of cases back in October. More data like that would be helpful. Also, she is interested in how the change in state law has impacted OPD arrest/citation rates (this is the change that made possession of less than an ounce an infraction instead of a misdemeanor). Furthermore she wants to compare marijuana arrests compared to all other crimes, not just drug related crime since marijuana is to be OPD's lowest law enforcement priority period—not just the lowest drug-related policy.*

*Member Hummel agreed with this line of thinking—jay walking and parking tickets should be considered a higher priority than marijuana offenses. He also noted an instance where he had an interaction with an officer that did not lead to an arrest and was curious how notes on non-arrest interactions could be tracked.*

*Joe DeVries noted that there is a lot of information that the committee could review but it may be wise to really focus in on a small number of cases instead of asking for a mountain of paperwork.*

*Chairperson Bonett pointed out that the public is much more concerned about violent crime than marijuana offenses and therefore the less time spent on marijuana the more time spent on violent crime. Member Hummel noted that if OPD is willing to waste time on arresting people for private cannabis offenses then he has no problem having them spend a lot of time explaining why they are doing so.*

*Member Parker agreed that based on the thin reports from the past, it is important to ask for a “mountain” of paperwork to get the real information.*

*Member Gieringer expressed pessimism based on his years of trying to obtain information on cannabis arrests. He does not feel that long lists of data will help the committee reach any real conclusions regarding enforcement. He went on to note that his hope when this committee was formed was that it would become a forum for people to express their experience dealing with OPD in regard to enforcement problems and that had never really materialized. He also has received just one complaint on the California NORML Hotline about OPD in the many years he has been monitoring that hotline. However he is disturbed by the striking increase in the number of felony arrests especially for sale of cannabis. He stated that last time this came up he was told that all the crack dealers are now selling cannabis.*

*Member Parker asked if the committee should be advertising its existence in order to raise people's awareness that the committee exists and is interested in this issue. She suggested we could advertise at the clubs.*

*Member Hummel also expressed concern about the geographic/racial/socio-economic breakdown of arrests in Oakland. He wanted to see if there is a difference between arrests of upper middle class college students versus poor people.*

*Joe DeVries noted that seeking other sources of information such as the public defender may be worthwhile. He went on to discuss the ways in which police practices lead them to make an arrest for marijuana when they are not necessarily in search of marijuana to begin with. For example, the smell of marijuana smoke after approaching an individual often opens the door to other possibilities and has been used as probable cause by officers. He went on to note that an effective marketing campaign would be to emphasize the importance of keeping marijuana smoking in private—in other words, market the fact that private offenses are low priority, since so many young Oaklanders are smoking marijuana in public places.*

*Chairperson Bonett agreed with Member Hummel that tracking total interactions (including where there is no arrest) is pertinent information and that police officers do write down information about all their interactions regardless of whether they arrest or cite someone.*

4. Review of Oakland compliance / non-compliance policies with the Drug Enforcement Agency (DEA)

*The committee moved into a brief discussion of item 4 and it was noted that this item really can be rolled into item 3 as it is all related. Joe DeVries stated that he would take all of the comments from this discussion and capture them in an email to Lt. Poirier in his request for information at the June meeting.*

5. A discussion of the Measure Z annual report to the City's Public Safety Committee.

*Chairperson Bonett spoke briefly about the many documents that were included in past annual reports and that they can be used as a guide as to what should be in this year's annual report. However, she thought the committee should have a more thorough discussion at the June meeting. Joe DeVries commented that prior year reports are fairly short and to the point but this year may be longer based on some of the recent work done around the training bulletin and reviewing arrests records, and that this would be a good strategy to provide more information to the Public Safety Committee.*

*Last, Joe DeVries gave a quick update on Measure Z appointments and reappointments.*

F. Announcements

*There were no announcements.*

G. Adjournment

*The meeting adjourned at 7:30pm.*