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February 9,  
2012



## LAW ENFORCEMENT AGAINST PROHIBITION

Members of the Long Beach City Council  
333 W. Ocean Blvd  
Long Beach, CA 90802  
VIA eMail  
Honorable Councilmembers:

In reading the Gazette article about your considerations to ban medical marijuana in Long Beach I was reminded of statements made by a LBPD narcotic officer while testifying in a medical marijuana trial I audited a few weeks ago. He made a point of saying that the LBPD gave him no training whatsoever in the area of narcotic or medical marijuana enforcement and that the Narcotic Officers Association or the Federal government via federal task force funding provided all of his training.

As you will see in the below analysis of the statements reported as being made by the Chief of Police in this weeks Grunion Gazette, the Narcotic Officer Association and the federal government are not the organizations that local law enforcement should rely upon to train their personnel when everything they stand for is to oppose, denigrate and mislead the public about medical marijuana laws passed by a 55% of the voters 15 years ago.

Our Chief is relatively new to Long Beach and many in the community fear that he is being misled and manipulated by other elements in city offices, including the city attorney, the head of code enforcement and the so-called marijuana enforcement experts assigned to dispensary enforcement. It has been reported that one of the officers working closely with code enforcement has been overheard to say, "I don't work for the Chief." I recognize this is hearsay, but the "cultural" ramifications surrounding this kind of attitude permeating city offices and personnel is certainly worth inquiry by the Council.

The following are my comments related to the statements made by the Chief of Police as reported in the Gazette article posted on Feb. 8, 2012 for your consideration when deciding whether or not to ban or to uphold State medical marijuana law in Long Beach, California at your meeting scheduled for February 14, 2012:

Gazette: "The murder was that of 29-year-old Los Angeles resident Phillip Victor Williamson on March 24, 2011. He was distributing marijuana from Chico to various Los Angeles County area medical marijuana collectives".

**Comment: This is akin to the jewelry salesman who is robbed and murdered. Why is a legitimate deliveryman's murder cause for banning his business?**

Gazette: McDonnell said Monday that robberies and burglaries are the most common crimes the LBPd has encountered on calls related to medical marijuana collectives - they are ripe for that because people know they will have large amounts of drugs and cash on hand.

**Comment: Many businesses have cash on hand and are ripe for robberies. Does the LBPd provide them extra protection if such crimes occur or are they just blamed for the crimes because of the nature of their business?**

Gazette: "I think we're only seeing the tip of the iceberg, because people who are going to them won't report crimes if they don't have to," he said. "People who own and run them don't want to attract the attention unless necessary."

**Comment: This is akin to undocumented workers not reporting crimes. They fear harassment or unwarranted arrest by police. Many medical marijuana patients fear the police because of their perceptions that the police will harass them rather than protect their legal right to grow use and/or possess medical marijuana. An interview of any number of medical marijuana patients will bear this out. A patient walking out of a drug store is treated differently than a patient exiting a medical marijuana dispensary. Why?**

Gazette: McDonnell also stood by his belief that there are potentially dangerous ties to organized crime, like the Mexican Mafia since it is linked with many local Latino gangs that can receive marijuana from collectives. He added that there have been multiple arrests of drug dealers who have been caught selling marijuana from packaging given through collectives.

**Comment: Street gangs are the distributors, collectors and enforcers for cartel marijuana smuggled across the border and/or grown in our national forests. According to the DOJ cartels control the illegal drug trade in 1,000 American cities while the 32,000 gangs with a membership of 1,500,000 services their distribution, sales, collection and enforcement.**

**The marijuana distributed by the cartels and street gangs is not grown with the care offered by collectives or screened for harmful pesticides by laboratories employed by collectives to protect their patients. The statement that "multiple arrests" of drug dealers caught selling marijuana from packaging given though collectives should be examined in that light.**

**The cost of medical marijuana compared to illicit cartel marijuana peddled on the street is higher, thus it is counterintuitive that street gangs would purchase and re-distribute a collective's medical marijuana product when their access to cartel marijuana is easier to obtain, much less expensive and is supportive of their standing criminal agreements with the cartels.**

**There is no evidence that law enforcement has dried up the black market for illicit marijuana to the extent that organized gangs would be driven to obtain physician letters or pay the high price of collective marijuana in order to satisfy their illegal customer base.**

**A simple survey of middle school or high school students would prove that cartel marijuana is readily accessible on any school ground in the city. This is not the case with alcohol or medical marijuana, because they are controlled and regulated.**

**The fact is if all marijuana was regulated and controlled like wine or beer, it too would disappear from our school and playgrounds. We never hear of a bottle of Jack Daniels being pushed on school grounds, nor have we heard of a shootout between a Coors and Budweiser distributor on our streets. And it's evident that Robert Mondavi does not grow his grapes in our National Forests.**

**Gazette: "If our number of sick people can be equated by who goes into these (dispensaries), then we have a problem for the Center of Disease Control," he said.**

**Comment: Should we call in the Center of Disease Control because the local pharmacy has hundreds of customers each day?**

**This is a statement that comes from ignorance about the benefits many sick people derive from the use of medical marijuana. There was a time in my career as a police officer that I would have made the same kind of insensitive remark. But, I have taken the time to visit many collectives and speak with many medical marijuana patients. I understand now why they view such a remark as callous and why they fear the police. It is my recommendation that anyone who agrees with this remark undertake his or her own investigation of the true benefits of medical marijuana. Talk to the people who need and benefit by its use.**

**Gazette: "When there was no regulation at all, we saw proliferation, and a lot of people saw an opportunity to make a quick buck when opening these. When we attempted to put some regulations on, we saw many closed, but others combine in an effort to try and stay in business."**

**Comment: The fact is that when the dispensaries are shut down the proliferation and support of the black market is even greater. The medical marijuana patient is forced back to the street and to the black-market.**

**It is the shortsighted prohibitionist attitude, like that of the City Attorney, that has caused a proliferation of marijuana in the black-market, reaped hundreds of**

**millions for the cartels and gangs and allowed black-market sales and distribution of marijuana to our children to thrive.**

**The California State Legislative Analyst has stated that regulating marijuana like wine would save the criminal justice system tens of millions and bring in hundreds of millions in tax revenues. It would also dry up the black market and those under the age of 21 would find that obtaining marijuana for their personal use would be much more difficult than it is today.**

Gazette: Since the court ruling struck down Long Beach's law, McDonnell confirmed that his department knows of at least 10 new collectives that have opened for business - five during Christmas week. He said that the federal law prohibits marijuana and even the California law doesn't intend for businesses to open, but rather primary caretakers growing it.

**Comment: The fact remains that 55% of the people, and an even greater number in Long Beach, voted 15 years ago for medical marijuana to be legal in California. Rather than law enforcement undertaking to assist in implementing of the will of the people, the first act of officialdom was for the then sitting State Attorney General, Dan Lungren, to call a meeting of California Chief's of Police and begin the process of, not how to best implement the new law, but how to impede its implementation.**

**This action by the Attorney General was followed by the State Police Chief's Association publication of a "white paper" that has been used since to falsely denigrate and impede the medical marijuana laws across the state.**

**The Police Chief's "white paper" was then used to support lobbyist campaigns financed by the Narcotic Officers Association.**

**So, those sworn to uphold the laws of the state of California instead undermined them and violated their oath to the people.**

**###**

Thank you, honorable members of the City Council, for taking the time to consider this information for your upcoming deliberations. For your further information and use, I have also attached a PowerPoint that was distributed nationally today. It outlines a recent California poll that shows 62% approval for regulating marijuana like wine, that 67% of California voters believe adults over the age of 21 should have the right to use marijuana, 71% believe state and local law enforcement agencies spend too much time, money and resources enforcing marijuana and 80% believe new drug policies are needed across the country.

This poll is one more in a long line of accumulated voter data that should give notice to those wishing to hold public office that prohibitionist attitudes have reached a negative peak with California voters. Those who publically recognize this fact will be well armed when fighting future political battles to either seek higher office or to continue serving in

their present capacity.

We are at the tipping point of ending the war on drugs and future political success will be awarded to those who can now see the same kind of future that California progressives saw when they voted to end alcohol prohibition two full years before ratification of the 21<sup>st</sup> Amendment.

Sincerely;

Stephen Downing  
Deputy Chief, LAPD (ret.)  
Executive Board Member: LEAP (Law Enforcement Against Prohibition)  
Resident: City of Long Beach

# **Will California Finally Legalize Marijuana?**

## **Study Shows 62% of California Voters Polled Favor Legalization**

**LOS ANGELES, Calif., February 8, 2012**—In November, 2010, a ballot initiative to legalize marijuana was narrowly defeated (53-46) in California. Convinced the time has come to legalize cannabis, activists are collecting signatures to place the Regulate Marijuana Like Wine Act of 2012 (RMLW) on the November, 2012 ballot.

“Wine is something that people understand can be used in moderation,” said retired LAPD Deputy Chief Stephen Downing, who coauthored the voter initiative. “In fact, a recent study found that 64 percent of people polled stated marijuana poses no greater risk to society than drinking alcohol.”

In the report, conducted by Fairbank, Maslin, Maullin, Metz & Associates (FM3), 62 percent of California voters polled believe marijuana should be legalized, 67 percent believe responsible adults over the age of 21 should have the right to use marijuana, and 80 percent believe new drug policies are needed.

The report further indicates most Californians believe law enforcement spends too much time enforcing marijuana laws, which prevents them from concentrating on more serious crimes like murder, rape and robbery.

According to the FM3 survey:

- 71 percent of respondents agree state and local law enforcement agencies spend too much time, money and resources enforcing marijuana.
- 63 percent believe a main reason for severe prison overcrowding is the prosecution and incarceration of non-violent drug offenders.
- 64 percent say marijuana should be taxed to fund public schools, police and fire services, and other vital services.

According to a summary prepared by the Attorney General, some of the initiative’s regulations include:

- Decriminalizing marijuana sales, distribution, possession, use, cultivation and transportation.
- Retaining laws forbidding use while driving or in the workplace.
- Establishing regulation of commercial marijuana trade to match regulation of wine and beer.
- Directing state and local officials to not cooperate with federal enforcement of marijuana laws.
- Banning development of genetically modified marijuana.

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### **California's Legislative Analyst's summary of the initiative's fiscal impact**

If the initiative passes, the potential fiscal impact on state and local government could:

- Save tens of millions of dollars annually because state and local governments will no longer incarcerate and supervise certain marijuana offenders.
- Net hundreds of millions of dollars in additional tax revenues related to the production and sale of marijuana products.

Jack Cole, co-founder of Law Enforcement Against Prohibition, a 50,000 member organization of police, prosecutors, judges, and supporters, said, "LEAP believes the citizens of California are far ahead of the federal government in assessing a policy that will reduce death, disease, crime, and corruption, when they register 62% support for the initiative Regulate Marijuana Like Wine."

### **The State of California Drug Policy Reform Ballot Measure Issues Survey**

The survey was conducted January 26-29, 2011 by Fairbank, Maslin, Maullin, Metz & Associates (FM3), a public opinion research and strategy firm with offices in Santa Monica and Oakland, California; Madison, Wisconsin; and Mexico City. In telephone interviews the firm polled 804 California voters likely to cast ballots in the November 2012 election. Margin of sampling error is +/-3.5% at the 95% confidence level. Margins for subgroups within the sample will be higher.

To obtain a copy of the Regulate Marijuana Like Wine Act of 2012 (RMLW), The FMR Poll Report and PowerPoint Presentation, or to make donations for obtaining signatures to place the ballot on the November 2012 ballot, visit [www.regulatemarijuanalikewine.com](http://www.regulatemarijuanalikewine.com).

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[www.regulatemarijuanalikewine.com](http://www.regulatemarijuanalikewine.com)

The Regulate Marijuana Like Wine Act (2012) – A California Voter Initiative

CA STATE CAMPAIGN ID NUMBER 136887

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