



# CITY OF LONG BEACH

PUBLIC SAFETY ADVISORY COMMISSION

# R-23

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March 23, 2004

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

Subject: Long Beach Police Department's Policy Regarding Medical Marijuana

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## DISCUSSION

At the November 2003 meeting of the Public Safety Advisory Commission, several members of the public brought forward questions and concerns regarding the Long Beach Police Department's policies regarding medical marijuana. Following their comments, a discussion ensued as to whether this was an item for the Commission to consider. With input from our Long Police Department liaison, Commander Torben Beith, the Commission agreed to seek further information about the issue before proceeding any further.

Subsequent discussions with the City Attorney's office indicated that the issue of Medical Marijuana was not an issue within the scope and authority of the Commission.

At the January 2004 meeting of the Commission, members of the public once again brought forward the issue of the Long Beach Police Department's policies on medical marijuana. In light of the recommendations from the City Attorney, the Commission declined to consider the issue at that time, but agreed to again approach the City Attorney, with his possible appearance before the Commission to clarify the issue. A letter from a member of the Commission was also received and filed requesting we undertake the issue.

J. Charles Parkin, Deputy City Attorney for the City of Long Beach, appeared at our February meeting. He advised that the Commission's role was strictly "advisory" to the City Council, and only on issues of public safety that the City Council had control over regarding police services. He also advised we avoid discussing specific incidents or allegations regarding who, or when public safety officers would arrest. Mr. Parkin also explained that the City's policy on arrests under medical marijuana situations was determined by the Police Department, and not under the control of the City Council.

With his recommendations in mind, the Commission once again entertained public participation on the issue. Several members of the community once again presented information and testimony as to their experiences and expectations under the State's Medical Marijuana Law. Commission members questioned the various speakers and Mr. Parkin on the issue. Several documents were also presented by the public and made part of the permanent record of the Commission.

CONCLUSIONS:

Following the public's input and discussions with Mr. Parkin and Commander Beith, it became evident to the Commission that there is indeed a number of issues that need to be clarified and refined in regards to the City's policies on medical marijuana.

The State law and the City's policies are perceived as being at odds with each other, creating confusion for those involved in the use of medical marijuana. The current policy of arresting or citing all in possession of marijuana creates an atmosphere of distrust and anger from those who feel they are following the State law as written. Public safety officials, on the other hand, feel they have no equitable and legal means to determine when not to cite or arrest at their level.

Without making any judgment on the current policies of the Long Beach Police Department, the Commission finds the situation in general has created a great deal of anxiety for those involved in the use of medical marijuana. Without debating the efficacy of their medical marijuana treatment, nor suggesting the actions of the public safety officers involved are deficient, something should be done to clarify the issues for all concerned.

Citations and arrests are troubling, costly events for all concerned. They place citizens in jeopardy of temporarily losing their freedoms and place a further burden on an already over worked police force and judicial system. If a clarification and refinement of policies and procedures can result in reducing or eliminating arrests of people legally using, possessing or cultivating marijuana, everyone will benefit.

The Commission is ready to provide any additional information or assistance you may require.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

    Create a task force to study how the Long Beach Police Department can develop a policy that conforms to the State guidelines on the use of medical marijuana.

Respectfully submitted,

DAVID KEAN, CHAIR  
PUBLIC SAFETY ADVISORY COMMISSION  
CITY OF LONG BEACH