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CONTACT

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Full Initiative Text

The people of the city of Santa Cruz ordain as follows:

Title 9 of the Santa Cruz Municipal Code is amended to add a new Chapter 9.84 entitled "Lowest Law Enforcement Priority Policy Ordinance" to read as follows:

Chapter 9.84

Sections

- 9.84.010 Title
- 9.84.020 Purpose
- 9.84.030 Findings
- 9.84.040 Definitions
- 9.84.050 Lowest Law Enforcement Priority Policy
- 9.84.060 Community Oversight
- 9.84.070 Marijuana Policy Reform
- 9.84.080 Enforceability
- 9.84.090 Severability

9.84.010 Title

This chapter shall be known as the Lowest Law Enforcement Priority Policy Ordinance.

9.84.020 Purpose

The purpose of this chapter is:

- (1) to make investigations, citations, arrests, property seizures, and prosecutions for adult marijuana offenses the lowest law enforcement priority for the city of Santa Cruz;
- (2) to establish a city policy supporting changes in state and federal laws that support a system of taxation and regulation for adult use of marijuana; and
- (3) to transmit notification of the enactment of this chapter to state and federal elected officials who represent the city of Santa Cruz.

9.84.030 Findings

- (1) The federal government's war on drugs has failed.
- (2) Santa Cruz should determine its marijuana policies locally, not hand them over to the federal Drug Enforcement Administration.
- (3) Otherwise law-abiding adults are being arrested and imprisoned for nonviolent marijuana offenses, which is clogging courts and jails in California.
- (4) Each year California spends over \$150 million of taxpayer money enforcing marijuana laws.
- (5) Law enforcement resources would be better spent fighting serious and violent crimes.
- (6) Making adult marijuana offenses Santa Cruz's lowest law enforcement priority will reduce the city's spending on law

enforcement and punishment.

(7) Decades of arresting millions of marijuana users have failed to control marijuana use or reduce its availability.

(8) Recreational marijuana users can still be productive citizens that work and pay taxes.

(9) It is the hope of the citizens of Santa Cruz that the federal and California state governments will change the laws to tax and regulate marijuana, thus eliminating the problems and costs caused by marijuana prohibition and raising revenues for vital public services.

9.84.040 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Adult" means an individual who is 18 years of age or older.

(2) "Santa Cruz law enforcement officer" means a member of the Santa Cruz Police Department or any other city agency or department that engages in law enforcement activity.

(3) "Lowest law enforcement priority" means a priority such that all law enforcement activities related to all offenses other than adult marijuana offenses shall be a higher priority than all law enforcement activities related to adult marijuana offenses, other than the exceptions designated in this chapter.

(4) "Marijuana" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.

9.84.050 Lowest Law Enforcement Priority Policy

(1) Santa Cruz law enforcement officers shall make law enforcement activity relating to adult marijuana offenses their lowest law enforcement priority. Law enforcement activities relating to adult marijuana offenses include, but are not limited to, investigation, citation, arrest, seizure of property, or providing assistance to the prosecution of adult marijuana offenses.

(2) This lowest law enforcement priority policy shall not apply to the following:

(a) distribution or sale of marijuana to minors;

(b) distribution, sale, cultivation, or use of marijuana on public property; or

(c) driving under the influence.

(3) This lowest law enforcement priority policy shall apply to cooperating with state or federal agents to arrest, cite, investigate, prosecute, or seize property from adults for marijuana offenses included in the lowest law enforcement priority policy.

(4) Santa Cruz law enforcement officers and other city employees shall not accept or renew formal deputization or commissioning by a federal law enforcement agency if such deputization or commissioning will include investigating, citing, arresting, or seizing property from adults for marijuana offenses included in the lowest law enforcement priority policy.

(5) The city of Santa Cruz shall not accept any federal funding that would be used to investigate, cite, arrest, prosecute, or seize property from adults for marijuana offenses.

9.84.060 Community Oversight

(1) A Community Oversight Committee shall be appointed to oversee the implementation of this chapter and shall serve voluntarily. The committee shall be formed and begin meeting within 100 days after the enactment of this chapter, even if some of its members have not been appointed. Each Santa Cruz City Councilmember shall appoint one city resident, and the Santa Cruz Police Department and the Santa Cruz County District Attorney's office shall each send a representative as a non-voting liaison to the meetings. Each committee member shall serve at the pleasure of the council member who appointed him or her, and city council members shall appoint replacement committee members on an as-needed basis.

(2) Responsibilities of the committee shall include:

(a) ensuring timely implementation of this chapter, with the cooperation of the Santa Cruz Police Department and other law enforcement agencies in providing needed data;

(b) receiving any grievances from individuals who believe they were subjected to law enforcement activity contrary to the lowest law enforcement priority policy;

(c) designing a supplemental report form for Santa Cruz law enforcement officers to use to report all adult marijuana arrests, citations, and property seizures, and all instances of officers assisting in state or federal arrests, citations, and property seizures for any adult marijuana offenses in the city of Santa Cruz; the report shall be designed with the goal of allowing the committee to ascertain whether the lowest law enforcement priority policy was followed;

(d) requesting additional information from any Santa Cruz law enforcement officer who engaged in law enforcement activity relating to one or more marijuana offenses under circumstances which appear to violate the lowest law enforcement priority policy. An officer's decision not to provide additional information shall not be grounds for discipline; and

(e) submitting written reports semi-annually to the Santa Cruz City Council on the implementation of this ordinance, with the first report being issued nine months after the enactment of this chapter. These reports shall include but not necessarily be limited to: the number of all arrests, citations, property seizures, and prosecutions for marijuana offenses in the city of Santa Cruz; the breakdown of all marijuana arrests and citations by race, age, specific charge, and classification as infraction, misdemeanor, or felony; the percentage of all arrests in the city of Santa Cruz that are for adult marijuana offenses; any instances of law enforcement activity that the committee believes violated the lowest law enforcement priority policy; and the estimated time and money spent by the city on law enforcement and punishment for adult marijuana offenses.

(3) Santa Cruz law enforcement officers shall submit to the committee the supplemental report form as designed by the committee within seven calendar days after each adult marijuana arrest, citation, or property seizure, or instance of assisting in a state or federal arrest, citation, or property seizure for any adult marijuana offense in the city of Santa Cruz. Such reports shall be public records to the extent permitted by state law and made available to any citizen that requests them.

9.84.070 Marijuana Policy Reform

(1) This chapter makes it the policy of the city of Santa Cruz that the city of Santa Cruz supports policies to tax and regulate marijuana for adults.

(2) Beginning three months after the enactment of this chapter, the city clerk shall execute a mandatory and ministerial duty of sending letters on an annual basis to the city of Santa Cruz voters' U.S. representative or representatives, both of California's U.S. senators, the city of Santa Cruz voters' senators and Assembly members in the California State Legislature, the governor of California, and the president of the United States. This letter shall state, "The citizens of the city of Santa Cruz have passed an initiative to deprioritize marijuana offenses and request that the federal and California state governments take immediate steps to tax and regulate marijuana use, cultivation, and distribution and to authorize state and local communities to do the same." This duty shall be carried out until state and federal laws are changed accordingly.

9.84.080 Enforceability

All sections of this chapter are mandatory. If any provision of this chapter is not carried out properly, any person who is registered to vote in the city of Santa Cruz may seek a writ of mandate to ensure the law is fully implemented.

9.84.090 Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

**Santa Cruz Citizens for Sensible Marijuana Policy
Santa Cruz, CA**