

# Measure Z Committee

## Meeting Minutes

Thursday, May 21, 2009, 6:00 p.m.

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

### Members:

Dale Gieringer	District 1	Keith Stephenson	District 7
Joseph E. Villatoro	District 2	Vacant	At Large
Richard Lee	District 3	Leslie Bonett	Mayor
James Anthony	District 4	Cathi Bartice	City Auditor
Vacant	District 5	Bill Uber	City Administrator
Vacant	District 6		

## MINUTES

### A. Roll Call and determination of quorum

*Members Present: J. Anthony, C. Bartice, L. Bonett, D. Gieringer, R. Lee, K. Stephenson, B. Uber, J. Villatoro*

*The meeting of May 21, 2009 was called to order at 6:08 p.m..*

### B. Open Forum / Public Comment

*The following individual(s) spoke: Mr. R. Muller*

*Ms. Bonett noted approximately 35 attendees.*

### C. Review of the Pending List

*Mr. Anthony asked Mr. Uber for a date when Item 4 – Draft a proposed Training Bulletin for OPD for Measure Z. Mr. Uber said he did not have a firm date. Mr. Anthony offered to assist in the preparation. The Pending List was then accepted, by consensus.*

### D. Approval of Draft Minutes

*Mr. Anthony corrected the spelling, no letter "e" at the end, of public Speaker Mr. Raich, asked that the handout distributed at the March 19, 2009 meeting by Mr. Raich be appended to the Minutes for that date and that the second sentence under Item E-1 be amended as follows: "Mr. R. Raich, who brought this issue to the Committee ~~at its Special Meeting on February 26, 2009,~~ spoke and handed out part of a deposition from US District Court case no. C06-05915 MJJ, with certain passages underlined, which refuted contentions of Oakland Police Department personnel as stated in the report, and*

*indicated that officers do arrest persons smoking marijuana in the smoking sections.” The Minutes of the March 19, 2009 meeting were approved, as amended, by consensus.*

**E-1 Report from the Oakland Police Department on Marijuana Arrests in Oakland Between January 1, 2003 – December 31, 2008**

*The following individual(s) spoke: Mr. R. Raich*

*Vice Chair Gieringer noted there were 50 audience members present.*

*Lieutenant Michael Poirier offered regrets on behalf of Acting Chief Jordan, at being unable to attend the meeting. Lt. Poirier introduced the report and offered himself up to questions from the Committee. Mr. Gieringer said he found the “Possession for Sale” numbers disturbing, even without the “Street Sales” and stated it was the first time he had heard about cocaine dealers switching to marijuana. The Lieutenant said part of the reason was the doubling of the price of cocaine. Mr. Villatoro asked if other cities were seeing the same thing. The Lieutenant said he could not speak to the experience of other cities. Ms. Bartice asked about arrests for medical cannabis. Lt. Poirier said OPD follows the rules as established by Council and internal OPD training. Ms. Bonett asked about how police treated people who might have “a small, private use garden and the casual user with small amounts” of marijuana. Lt. Poirier said small grows would most likely be considered low priority. If the marijuana discovery came about as part of a vehicle stop, it would depend of the circumstances; might be a citation. Ms. Bonett asked about convictions for such and the Lieutenant said he did not know, as that was a District Attorney matter on how or if the offense was charged.*

*Mr. Stephenson asked about the emerging trend of grows being found in foreclosed homes and asked if OPD had found whether these were for “Street Sales”, Measure Z grows or Medicinal Cannabis. The Lieutenant stated that OPD does not arrest with proper documentation medical cannabis growers; as for the other types, he did not know. Mr. Lee asked the lieutenant for his opinion on sizes for small plots and amounts of possession. Lt. Poirier said he could not give a specific number for either, that any action he took would consider the situation and the totality of the circumstances surrounding event. Mr. Gieringer and Lt. Poirier talked about misdemeanor possession arrests (§11357 HS). Ms. Bonett asked if it was possible to have a more detailed breakdown of the amount of marijuana involved in the arrests. The Lieutenant stated the amounts ranged from “dime bags” to “large amounts”; reminding everyone that these statistics were for illegal and open-air street sales.*

*Mr. Lee was noted as absent at 6:49 p.m.*

*Mr. Stephenson asked if the lieutenant had ever heard of persons committing serious crimes while medicated. Lt. Poirier had not. Mr. Villatoro asked about the spike in*

cultivation arrests. Lieutenant Poirier said that most of those come to OPD's attention as the result of citizen complaints, burglary response, and fire response; and most of the foreclosure finds were the result of complaints. As for the Sales/Transportation (§11360 HS), most were for sales and the increase in numbers the result of attaining full staffing levels, and the ability to increase street level operations.

Mr. Anthony asked Lt. Poirier a series of questions about career at OPD (25 years of service, promoted to Lieutenant in February 2009, commands the Special Operations Group, first name Michael). He then asked about the field training received by new officers. The Lieutenant explained that the rookies spend their first several years learning and gaining experience starting with patrol, working a cold burglary call, performing a walking stop, receiving case law experience, and ensuring they can do the paperwork properly; adding it takes several years before officers do surveillance work and specialty enforcement. Mr. Anthony queried then if the number of officers was a direct correlation to increased arrests. The Lieutenant said it was a matter of more eyes on the street, additional time for experienced officers to do their work.

Ms. Bonett asked about Measure Z training, since there is no written policy at OPD. Lt. Poirier said that for private, adult use the overall theme is "it is low priority, it's taught that way, it's ingrained," and when encountered, a supervisor must be called. Mr. Gieringer noted that that ties in with Item E-3. He recapped the report and asked Lt. Poirier about enforcement at the Coliseum. The lieutenant said it is a sticky issue and he did not know specifics and said discussion with the Coliseum and SMG – the stadium management group - (who pay for OPD security at Coliseum events) would be needed.

Mr. Anthony asked about the number of foreclosure home where cultivation was discovered and the number of people arrested. The Lieutenant said he personally knew of three (3) homes. One person was arrested a one location, at the other two locations, there was no one there to arrest – they were unoccupied, foreclosed dwellings.

The Committee thanked Lieutenant Poirier for his time and presentation.

## **E-2 Annual Report of the Measure Z Committee for 2008**

Mr. Anthony introduced the report, which he wrote. Ms. Bonett recommended that information about the two long-term vacant seats from District's 5 and 6 be added to the report. Mr. Anthony asked if the report should be amended and brought back to the Committee in June or if the changes could be made and the report forwarded to the Public Safety Committee of the City Council. The Committee voted to have Mr. Uber add information on how long the vacancies have existed and have the report scheduled for City Council. Mr. Uber said he'd attempt to get it scheduled for the Public Safety Committee meeting of June 23, 2009 (the Committee's regular start time is 5:30 p.m. on

the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month, except August). It was moved by Mr. Gieringer, second by Mr. Villatoro to adopt the Annual Report for 2008, as amended, by consensus.

The following individual(s) spoke: Ms. L. Held, Mr. J. Aebi

**E-3 Continued Discussion on Oakland-Alameda Coliseum Regulations Regarding Medical Cannabis Patients Taking their Medications in Designated Smoking Areas and How Law Enforcement Handles Such Situations**

Mr. Anthony noted that this report was a carry-over from the previous meeting in March and asked if any action was needed. Mr. Gieringer volunteered to find out exactly what the Coliseum's policy is concerning the issues raised in the report and bring that information back to the Committee in a future report.

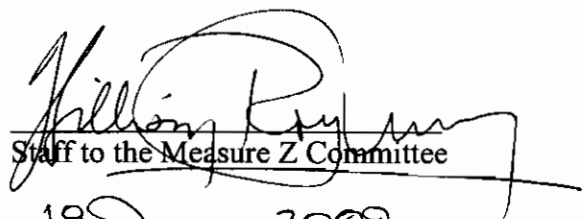
**F. Announcements**

Ms. Bartice was noted as absent at 7:31 p.m.

There would be a mixer at the Oaksterdam University Student Union, 1915 Broadway following the meeting. The L.A. Convention Center was hosting a discussion by THC experts on June 13 – 14.

**G. Adjournment**

There being no further business, and upon the motion duly made, the Measure Z Committee adjourned the meeting at 7:32 p.m.

  
Staff to the Measure Z Committee  
18 June 2009  
Date Adopted