

INDUSTRIAL HEMP URGENCY ORDINANCE EXTENSION

EDSO WENET

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**Background**

On May 18, 2021 A motion was made by Supervisor Thomas, seconded by Supervisor Novasel to:1) Direct the Sheriff and the Agricultural Commissioner/Sealer of Weights & Measures to explore Hemp with the Agricultural Commission and return to the Board in November 2021 with a recommendation or update.

Since May 18, 2018, the Sheriff's Office has attended meetings and participated in discussions regarding hemp, as requested by the Board of Supervisors.

It is the duty and responsibility of the El Dorado County Sheriff's Office to consider public safety concerns related to any issue that arises in our communities, including the allowance of cultivating commercial industrial hemp. The El Dorado County Sheriff's Office, in good conscious, cannot support the growing of industrial hemp in El Dorado County.

Hemp and marijuana are the same plant, both are Cannabis Sativa, the mere difference being that Hemp plants contain less than .3% THC. Being that Hemp and marijuana plants are virtually identical, it is difficult, if not impossible to tell the difference between a marijuana plant and a hemp plant without laboratory testing. Hemp plants look like, smell like and are grown in the same manner as marijuana plants.

Since widespread legalization of hemp crops in October 2019, law enforcement agencies and code enforcement agencies have reported "dope rips", violent crimes, and environmental abuses like those observed with illicit marijuana grow operations.

**HEMP RELATED CRIME AND CRIMINAL ACTIVITY**

**Local Incidents and Concerns**

In 2020, the El Dorado County Agriculture Department reported 13 registered hemp grows within the county. Of the 13 registered hemp grows, only 8 actually had plants in the ground.

During the summer of 2020, El Dorado County Sheriff's Office Narcotics Unit Detectives made consensual contact with 2 registered hemp growers and asked permission to conduct non-intrusive presumptive testing to ensure compliance. Both growers refused to allow testing. A third registered hemp grow was visited at their processing site and also refused to allow testing. Ultimately, Narcotics Detectives served search warrants at 4 registered hemp grow locations. Of the 4 registered hemp grows where a search warrant was served, 3 were found to be unlawfully growing marijuana.

On 5-12-2020, Narcotics Detectives executed a search warrant on Mt Aukum Road in Somerset. A sign on the gate indicated the property was a registered hemp grow. The individual responsible for the grow admitted the plants were marijuana and were not hemp. 551 marijuana plants were eradicated.

On 8-1-2020, EDSO Patrol responded to Dawn Rose Lane in Placerville for a call for service. The responding Deputy contacted a male adult and observed an approximate 1,000 plant marijuana grow on the property. On 8-3-2020, a Patrol Deputy responded back to the property for follow up and discovered all the plants were harvested and located no subjects on the property. The Deputy had contacted the registered hemp grow owner who subsequently told him he was unaware that a male subject was growing marijuana on the property.

On 10-9-2020, Narcotics Detectives executed a search warrant on Sand Ridge Road in Placerville. Detectives located 108 "hemp" plants growing in pots in an outdoor setting. On a lower portion of the property detectives located four hoop structures containing 998 marijuana plants. It was later learned; the El Dorado County Agriculture Department conducted a site visit on 9-8-2020. Per staff, they were led to the 108 "hemp" grow and were unaware of the 998-marijuana plant grow on the lower portion of the property. Agriculture Department staff took samples of only the 108 plant "hemp" grow.

Detectives conducted presumptive field tests of 10 plants out of more than 4,000 plants on the fourth grow site. The plants tested, were found to be hemp. However, during the summer of 2020, the Sheriff's Office, Code Enforcement, Agricultural Department and Air Quality Control received dozens of public nuisance complaints to include, but not limited to, foul odor, trespassing, trash encroaching on neighboring properties, endangerment to live stock, alterations to property line fences, plants being visually unpleasing, plants too close to property lines (no setbacks), illegal camping near neighboring property lines and constant noise from generators. The most concerning complaint regarding this hemp grow site, was the report of armed workers patrolling the perimeter fencing of neighbors.

On 09-06-21, an owner of a registered hemp farm reported that a grand theft of 500 hemp plants had been stolen following the dismissal of an employee.

### **Incidents in other Jurisdictions**

Nefarious activities surrounding hemp grows have been reported by jurisdictions all over the country and internationally. These activities include thefts, armed robberies, home invasion robberies, shootings and homicides.

In November 2021, in Oceanside, CA, an armed assailant or assailants disabled the external surveillance cameras for a hemp flower wholesaler before forcing entry into the business and confronted an employee. Police say that the suspect(s) stole 4,000 pounds of hemp flowers valued at \$1.3 million dollars.

In September 2021, in South Carolina, suspects stole 315 pounds of packaged hemp from a hemp farm valued at \$199,000. The article states that it is unclear if the suspects knew it was hemp or mistook the hemp for marijuana. The article indicated this would not be the first time suspects mistook hemp for marijuana.

An article in September 2020 by the Navajo Times reported a story in which corn fields on an Indian Reservation in New Mexico had been replaced with hemp plants. With the hemp plants came hired guards in flak jackets that patrol the roads alongside the farm. The article states that some of the workers for this operation are children as young as 10 years old. They are required to work 10 hour shifts in scorching heat for \$5 per hour.

The article also states some workers on the farm are from foreign countries. One worker, a 19-year-old, told reporters that some of the workers carry guns and “one time a couple of them got into a knife fight.” The article states that an estimated 1000 foreign laborers manage the cultivation site, which is about 400 acres.

According to seven employees that were interviewed, they are also growing “high-powered, black-market marijuana”. The following is an excerpt from the article:

***“Heated confrontations have erupted between cannabis farmers and throngs of Shiprock residents frustrated with the tribal government’s slow response. On at least a dozen occasions, angry protesters have marched to the gates of the farms, sometimes blocking roads, shouting at the workers and carrying placards reading “..... No Human Trafficking”***

Surrounding residents have indicated that they have begun to carry firearms in response to the so-called hemp workers.

### **Laborers, Human Trafficking and Mexican Drug Cartels**

In an article written by Vickie Aldous with the Mail Tribune regarding hemp and marijuana grows in the state of Oregon, she indicates that law enforcement personnel are seeing an influx in foreign drug cartels behind many of the grows. The report states that law enforcement in southern Oregon has been completely overwhelmed with these grows and that criminals from at least 8 different states have descended on southern Oregon to rob and assault both legal and illegal grows.

Oregon law enforcement has stated that since the hemp program rolled out, there were not enough regulations to adequately enforce and control the industry. Furthermore, people are illegally growing marijuana under the guise of “legal hemp”. Growing marijuana under a lawful license carries with it many more regulations and restrictions

compared to hemp, therefore; people are growing marijuana under the guise of hemp in order to circumvent the marijuana regulations.

According to the Oregon Department of Agriculture, 53% of registered hemp grows were unlawfully growing marijuana, calling the hemp grows “fronts” for marijuana cultivation. The testing only occurred with licensed hemp grows and did not account for the hundreds of unlicensed hemp grows throughout the state.

The report also states “Many laborers are being forced to work and live in dangerous and deplorable conditions, often without pay, in a situation some are calling narco-slavery.” Jackson County Code Enforcement Supervisor Alicia Brown states that workers at hemp farms being held against their will in extremely poor environments. Brown stated that they have seen children at many of these grow sites and she described it as a “...really terrible humanitarian situation.”

Brown reports that their code enforcement team is so overwhelmed with the sudden influx of marijuana and hemp grows that they are only able to respond to the “most egregious, dangerous cases”. Each code enforcement member has a case load of more than 300 cases each.

### **Reasons Hemp Thefts Occur**

There are many reasons why hemp thefts occur. One of the many reasons Hemp thefts occur is that marijuana dealers steal the hemp plants because the hemp plants are identical to marijuana plants in look, feel, and smell. Marijuana dealers will use the hemp as a cutting agent to increase the weight and volume of their marijuana. In doing this, marijuana dealers can increase their profits by expanding the weight and volume and selling the drug on the black market. Essentially, a marijuana cultivator can more than double the amount of marijuana by weight while not having to increase the number of plants being grown. Sometimes, marijuana drug dealers will pay a much higher price for hemp than what it is worth to a hemp cultivator in order to use the hemp as cut for their marijuana, again in order to increase volume and weight, thus increasing profits.

Social media has become a popular platform to advertise, market and sell all kinds of drugs, to include marijuana. Users will contact subjects via social media who are advertising marijuana for sales and place an online order, often times from other states. Often times the buyer does not know the seller. The seller advertising marijuana can then ship hemp to the buyer, which is virtually worthless, and sell it to the buyer as marijuana and receive the high dollar for the marijuana. Knowing the buyer does not have any other way of contacting the seller or knowing who the seller is who duped them into buying hemp at a marijuana rate; the seller can make significant profit selling hemp as marijuana to unsuspecting buyers.

It is also relatively common for subjects to commit theft of outdoor hemp plants, commit commercial burglaries into hemp storage facilities or conduct takeover armed robberies because the thieves confuse hemp as marijuana or suspect the hemp growers are growing the more lucrative plant, marijuana.

## **REGULATING HEMP COSTS MONEY**

Investigations into illegal marijuana and/or hemp farms are very labor intensive. Using an illegal grow site of 1500 plants as an example, the initial stages of an investigation into an illegal marijuana grow typically consists of overflight operations with use of a rotary aircraft, organization of photos and determining the location of illegal grows by use of GPS coordinates and Parcel Quest, conducting research into property owners (which can be time consuming when owned by out of state owners or commercial owners), authoring and obtaining a search warrant and conducting operational planning. Once the initial investigation is complete, the execution of the search warrant would consist of, on average 10-15 deputies and detectives. Considering the size of the plants, the presence of cages or netting, heat and terrain, the eradication can take up to 4 hours. After the search warrant is executed, detectives must conduct follow up with suspects, booking individuals who may be arrested, book and process evidence, destroy excess marijuana (dump and dumping fees), contact property owners, generate a crime report and attend court hearings when a case is filed by the District Attorney.

Costs to complete a case for 1500 illegal plants could reach upwards of \$250,000. This is a significant cost.

## **Conclusion**

Some believe that by implementing a hemp program within El Dorado County it will bring revenue to the county. Although it may bring some revenue, it is the Sheriff's Office opinion that the cost of the harm caused on the community, regulation and enforcement of this industry will far exceed what revenue it may bring. Hemp and marijuana, which look and smell alike, make it difficult to reliably distinguish without time consuming, and costly testing. Additionally, the cost of even a very basic investigation into illegal activities directly or indirectly surrounding hemp grows will cost taxpayers in the long run.

It has been widely documented that not only in El Dorado County, but nationwide and even worldwide that the growing of hemp, whether legal or illegal brings with it the same violence, victimizations, crime and public nuisances that marijuana brings. Legal Hemp represents yet another breakdown in the history of widespread black-market cannabis criminal activities and creates significant new challenges for law enforcement. It was suggested by many that the "legalization" of cannabis would hinder or halt the black-market economy of the marijuana industry...it has not. With the legalization of cannabis, the black-market marijuana industry continues to thrive and flourish today. It is the belief of this Office that this will also be true with licensed and unlicensed cultivation of industrial hemp. The black-market surrounding hemp will continue to grow and negatively impact our communities and residents not only from a public nuisance standpoint, but more importantly will continue to threaten the safety and well-being of our citizens.

The mission of the El Dorado County Agricultural Department in part says to "sustain public health, safety, and the welfare of all citizens..."

Part of the Sheriff's Office vision is "Total care for victims, witnesses and the community". The Sheriff and his employees hold this vision to a high standard and

therefore, the Sheriff's Office cannot in good conscious support the proposal of licensed hemp growing in El Dorado County and is adamantly opposed to legalizing hemp cultivation in El Dorado County. It is the recommendation of the Sheriff's Office to implement a complete and total ban of industrial hemp in El Dorado County, including any type of Pilot or temporary program.