

MONTEREY COUNTY

OFFICE OF THE DISTRICT ATTORNEY
JEANNINE M. PACIONI, DISTRICT ATTORNEY



May 24, 2024

Honorable, Stephanie Hulsey
Judge of the Superior Court
c/o Office of the County Counsel
Attention: Sandra Ontiveros
168 W. Alisal Street, 3rd FL
Salinas, CA 93901

Re: 2023-2024 Monterey County Civil Grand Jury Final Report – “Cannabis Tax Revenues: Highs and Lows”

Dear Judge Hulsey,

This letter is written in response to the May 3, 2024, Monterey Civil Grand Jury Final Report – “Cannabis Tax Revenues: Highs and Lows” and shall serve as the Monterey County District Attorney’s formal response to that report pursuant to Penal Code sections 933 and 933.05.

The Monterey County District Attorney’s Office understands its responsibility in prosecuting illicit cannabis activities and is committed to appropriately enforcing cannabis statutes and regulations.

FINDINGS

Finding 8 - Criminal/Civil penalties for most illicit business activities may be adjudicated as a misdemeanor by the District Attorney’s office with less than a year probation and/or a fine of \$1,000 or less, resulting in an ineffective deterrent system.

California voters approved Proposition 64 in 2016, significantly reducing criminal penalties for unlicensed cannabis activities. This proposition reduced and reclassified most cannabis-related crimes from felonies to misdemeanors. Additionally, in 2021, California Assembly Bill 1950 amended state laws, reducing misdemeanor probation terms from three (3) years to one (1) year for most cannabis offenses. The District Attorney’s Office may only pursue remedies that align with these new laws. Therefore, the District Attorney currently has very little discretion to pursue felony convictions for cannabis related offenses. Despite these changes in law, the District Attorney will continue to enforce cannabis laws and regulations to the maximum extent possible as appropriate under the law.

RECOMMENDATIONS

Recommendation 9 – The District Attorney’s office in cooperation with the Cannabis Program and Sheriff/Coroner’s office increase prosecutorial efforts of unlicensed and underreporting cannabis growers to the maximum extent of the law; by using existing resources, potential grant funding, and assistance from the Cannabis Administrative Prosecutor Program (CAPP) by December 31, 2024.

The Monterey County District Attorney's Office fully supports the recommendation to increase prosecutorial efforts, in cooperation with the Cannabis Program and Sheriff/Coroner's Office. Recognizing the evolving landscape of the cannabis market in Monterey County, our office continues to renew and enhance our cannabis prosecutorial program in alignment with the observations and recommendations outlined in the Civil Grand Jury Final Report. We are actively initiating and expanding criminal prosecutions and pursuing civil penalties against those operating in the unlicensed and underreporting sectors of the cannabis market.

However, our office takes issue with the recommendation to seek assistance from the Attorney General's new Cannabis Administrative Prosecutor Program (CAPP). Nothing in the Grand Jury Final Report's facts and findings provide any information about CAPP. It is unclear to our office whether any counties in California are working with CAPP. And while little is known about CAPP, the implementation of it in Monterey County may not effectively address the concerns raised in the Civil Grand Jury Final Report's findings. Without more information, it is possible that CAPP could exacerbate the issues identified in the report, by diverting responsibility and accountability from Monterey County to Sacramento.

The Monterey County District Attorney's Office remains steadfast in its commitment to address the concerns highlighted in the Civil Grand Jury's Finding (F8) and Recommendation (R9) by aggressively pursuing felony convictions and seeking civil penalties to eradicate unlicensed and underreporting cannabis activities within our jurisdiction.

I hope that this information addresses the Monterey County Civil Grand Jury's Finding (F8) and Recommendation (R9). Please contact me directly should you have any questions or require additional information.

Respectfully,



Jeannine M. Pacioni
Monterey County District Attorney