

# CALIFORNIA Sheriff

CALIFORNIA STATE SHERIFFS' ASSOCIATION

Volume 35 ■ Number 3 ■ October 2020



## *Sheriff Robinson and the Kings County Honor Guard*

Photo by: Senior Detentions Technician Phillips

***Hemp in California  
A State Sheriff's Perspective***

Page 11

***CSSA Welcomes our Newest Sheriff,  
Madera County Sheriff Tyson Pogue***

Page 14

***Legacy in Law Continues at the  
Modoc County Sheriff's Office***

Page 19



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*Supporting Law Enforcement*

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CALIFORNIA STATE SHERIFFS' ASSOCIATION

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Sacramento, CA 95814  
Telephone 916-375-8000; 1-800-761-CSSA (2772)

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1231 I Street, Suite 200, Sacramento, CA 95814

Telephone 800-761-2772 • Fax 916-375-8017

Website [calsheriffs.org](http://calsheriffs.org) • e-mail [members@calsheriffs.org](mailto:members@calsheriffs.org)

### STAFF

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# contents



## In every issue

- 4 President's Message**  
*Sheriff David Robinson, Kings County*
- 6 Executive Director's Perspective**  
*M. Carmen Green, Executive Director*
- 8 Legislative Update**  
*Cory Salzillo, Legislative Director*
- 9 Legal Update**  
*James R. Touchstone, General Counsel*
- 20 CSSAF Membership Program**
- 21 CSSA Merchandise**

**Association Mission Statement:** To support the role of Sheriff as the Chief Law Enforcement Officer in each county and to speak as a collective statewide voice on matters of public safety.

**Foundation Mission Statement:** To provide education and training services to the 58 Elected Sheriffs of California, their departmental employees and other members of the California State Sheriffs' Association.

## Features

- 11 Hemp in California A State Sheriff's Perspective**
- 14 CSSA Welcomes our Newest Sheriff, Madera County Sheriff Tyson Pogue**
- 16 Bridging the Gap: Connecting More Victims to Important Resources through Vine**
- 18 CDCR to Offer Live Chat Service to Crime Victims**
- 19 Legacy in Law Continues at the Modoc County Sheriff's Office**



■ SHERIFF DAVID ROBINSON  
■ KINGS COUNTY

**Greetings everyone.** As I write this we are in the midst of a sweltering heat wave across California. In my county we are seeing days upon days of triple digit temperatures. As we work through rolling blackouts, the COVID-19 and winding down the legislative session, I want to thank my Sheriff's Office staff and recognize the women and men of law enforcement across this great state. It's been a challenging year, but one thing that I know, we will rise up to any challenges we face.

In my first quarter as president I've had the privilege of working alongside some great people. The State Sheriffs' Association Staff and our Legislative advocates are top notch professionals. To them, I say thank you for helping make my transition into the presidency smooth and efficient.

In the recent installation banquet, a very small group of family, friends and fellow Sheriff's gathered at the Hanford Elks Lodge 1259. We were lucky enough to have hit the window between the reopening of California and then the rollback of the reopening. I'd like to give a special shout out to Michelle Howard and the Exalted Ruler of the lodge Jamie Solis. The Elk volunteers that night were amazing and the food was delicious.

The keynote speaker/officiant that night was Congressman Devin Nunes. In the previous two years we had the pleasure of having Governor Brown and last year California Supreme Court Chief Justice

Cantil-Sakauye. Congressman Nunes gave an amazing speech about the state of the country, and mentioned many challenges we in law enforcement face. He made it very clear of the respect and support he has for the profession and all of the men and women who wear the badge. I was honored to have Congressman Devin Nunes administer the Oath of Office to myself and my fellow CSSA Officers.

I look forward to this year as President, working together with the leaders of the California State Sheriffs' Association and the leaders throughout the State of California. While we may have differences, we also have many similarities and as long as we keep open minds and dialogue, I believe we can accomplish anything.

**Respectfully,**

**Sheriff David Robinson, Kings County**  
CSSA President ☆





Sheriff Robinson and the Kings County Honor Guard



Doug Robinson (Sheriff's Brother), Kathy (Mother), Carrie (Sister in Law) and Zach (Nephew)



Elk Volunteers, Congressman Devin Nunes and Sheriff Robinson



Congressman Devin Nunes



Sheriff Robinson with his wife Melanie and their children



Invocation: Chaplain Wilbert Keel, Kings County Sheriff's Office



▪ M. CARMEN GREEN  
▪ EXECUTIVE DIRECTOR

## Welcome to the latest edition of the *California Sheriff Magazine.*

On behalf of the California State Sheriffs' Association, we would like to say "thank you" to the CSSA **Corporate 100 Partners** and our many **individual members** for your continued support during these difficult times.

Due to COVID-19 we had to cancel our Corporate 100 Partners Annual Event, but we want to be sure to recognize them and express our sincere appreciation. For a list of our partners see page 7.

**Red Ribbon Week is October 23 - 31, 2020.** During Red Ribbon week the California State Sheriffs' Association Foundation (CSSAF) will unite with over 100 statewide organizations for this crucial seven-day campaign to help build drug-free communities and to raise awareness of the destructive consequences of drug abuse. See page 15 for more details.

**Be Sure to "Like and Follow" Our Facebook Page.** This is a great way for us to connect with you and to hear your voice! Simply visit us at [www.facebook.com/CalSheriffs](https://www.facebook.com/CalSheriffs).

**October is Domestic Violence Awareness Month.** Domestic violence is a major concern for all of law enforcement. To register against an offender be sure to do so on the VINE (Victim Information and Notification Everyday) Program. VINE

is a statewide service sponsored by the California State Sheriffs' Association. See page 16 for more information. VINE is free of charge, available 24/7/365 and is completely confidential.

**REMINDER: The New Website is Here.** We are pleased to inform you that we are now live on our new user-friendly website. **Please note, you must have a username and password to log into your profile on the website.**

You will be able to renew your membership, purchase merchandise, and make additional tax-deductible donations online.

If we have your email on file, you should have received an email from us with your online login credentials. If we do not have an email for you and you would like to be notified, please email us your information at [members@calsheriffs.org](mailto:members@calsheriffs.org). We can also send you a letter with the login credentials. Joint and Lifetime Joint members will only be receiving one set of credentials. After your initial login, you will be able to change your login and password to one of your choosing. ✨

California State Sheriffs' Association

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## 100 Partners Program



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For more information, please contact  
Member Services Coordinator Chelsea  
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or at 916-375-8000.





▪ **CORY SALZILLO**  
▪ **LEGISLATIVE DIRECTOR**

**T**he Legislature concluded the second year of the 2019-20 regular session on Tuesday, September 1, to meet the constitutional deadline for all bills to pass. All legislation presented to the Governor this year faced a deadline of Wednesday, September 30 to be signed into law or vetoed. Bills signed into law take effect on January 1, 2021 unless another date is specified in the bill.

During spring and summer, the Senate and Assembly leadership paused legislative session twice and approved a new legislative calendar and shortened hearing schedules, with the goal of concentrating on COVID-19 related legislation and attending to an unprecedented state budget deficit. Even with these difficulties, during the 2020 legislative year, CSSA was actively involved in 127 bills with potential impact on sheriffs, law enforcement, and public safety generally. In response to national events, more than two dozen of these bills, attempting to reform policing practices in California, were introduced more than halfway through the truncated legislative year.

For many sheriffs, perhaps the most notable among these was **AB 1185** (McCarty, D – Sacramento), which would allow county boards of supervisors to create civilian oversight of sheriffs' office. This bill was approved by the legislature despite CSSA's opposition, and at the time of this writing, is awaiting action from the Governor. CSSA asked the Governor to veto this measure because it will bog down sheriff's work with important state government partners, creates unnecessary tension between boards of supervisors and sheriffs, and largely ignores the reality that more than sufficient oversight by several entities, including the Attorney General, county grand juries, district attorneys, courts, and voters, already exists.

In addition, the Legislature considered several other bills that would limit funds available for important inmate rehabilitative programs; impose expensive, unfunded mandates on law enforcement agencies; and require the release of sensitive peace officer records. Of those that were introduced, CSSA assisted in stopping and/or altering several problematic measures, including a bill that would have limited peace officer immunity from civil liability and imposed an exceedingly problematic peace officer decertification scheme (**SB 731** (Bradford, D – Gardena)), expanded the public availability of peace officer personnel records (**SB 776** (Skinner, D – Berkeley)), limited the use of rubber bullets and tear gas by law enforcement at protests (**AB 66** (Gonzalez, D – San Diego)), required officers to physically intervene when another officer uses what may be excessive force (**AB 1022** (Holden, D – Pasadena)), added items into use of force policies regarding protests and

rallies (**AB 1652** (Wicks, D – Oakland)), removed several law enforcement members from the State 9-1-1 Advisory Board (**SB 773** (Skinner, D – Berkeley)), and reallocated juvenile justice funding from government public safety agencies to community-based organizations (**AB 1007** (Jones-Sawyer, D – Los Angeles)). We suspect that at least some of these measures will come back next year, and we expect to engage on a workable and appropriate peace officer decertification program.

Conversely, CSSA supported several reform bills as part of a balanced effort to enhance and protect the integrity of the law enforcement profession, including bills that would share vital information with the Commission on Peace Officer Standards and Training (POST) regarding officers who are terminated or resign or retire in lieu of termination with a complaint or charge pending (**AB 1299** (Salas, D – Bakersfield)), address bias in police recruitment and hiring (**AB 846** (Burke, D – Inglewood)), and bolster civil and criminal statutes to protect against the use of the 9-1-1 system to harass others (**AB 1775** (Jones-Sawyer, D – Los Angeles)). These CSSA-supported bills were all approved and sent to the Governor.

Public safety reform seems to be a perennial priority for policy makers and stakeholders. As such, CSSA will continue to be thoughtful as it participates in continuing discussions, in a collaborative manner, to keep our communities safe while bolstering the public's trust in law enforcement.

The 2021-22 legislative session will convene on Monday, December 7 for the purposes of swearing in new members of the legislature and orienting them to the legislature before they begin their work in earnest in January. We are indebted to sheriffs and their staffs for their assistance in advancing CSSA's legislative priorities. We could not be as successful as the CSSA team if we did not have the time, expertise, and insight of those we serve. ☆

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*Cory Salzillo, CSSA's Legislative Director, is a partner of the firm WPSS Group, a pre-eminent team of advisors on matters involving state and local government. The firm effectively influences public policy in a broad spectrum of public sector issues.*

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**JIM TOUCHSTONE ▪  
GENERAL COUNSEL ▪**

# “The Case for Qualified Immunity”

Law enforcement agencies are serving their communities today in the setting of a nation fragmented over beliefs regarding race, equity, political viewpoints, and the role of law enforcement. Violence and destruction have frequently displaced protected First Amendment expression and communication. California law enforcement is committed to leading through what is happening in a way that builds public trust and strengthens our communities.

One of the worst consequences has been to minimize and discount the sacrifices of thousands of law enforcement officers serving their communities with extraordinary dedication and commitment. Part of this has included a deliberate effort to expose individual officers to greater personal liability through the elimination or significant modification of the doctrine of qualified immunity. The purpose of this article is to provide Sheriffs and command staff with information to assist in explaining the importance of this crucial concept.

The doctrine of qualified immunity provides a critical defense to law enforcement officers against federal claims of civil liability pursuant to 42 U.S.C. section 1983. The Supreme Court first articulated the contours of the modern defense of qualified immunity in the case entitled *Harlow v. Fitzgerald*.<sup>i</sup> The doctrine of qualified immunity shields officials from civil liability so long as their conduct “does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.”<sup>iii</sup>

The United States Supreme Court has emphasized in recent cases, such as *Mullenix v. Luna*,<sup>iii</sup> *White v. Pauly*, and *District of Columbia v. Wesby*,<sup>iv</sup> that, in order to deny qualified immunity, the determination of whether the law was clearly established at the time of an incident must be “particularized to the facts of the case.” This approach to analysis of claims of qualified immunity has resulted in the immunity being grant-

ed more frequently recently than in the past. The methodology balances giving full weight to previous decisions but does not extend rulings to situations beyond what has been clearly established through prior case law.

Arguments in support of abrogation or modification of the doctrine of qualified immunity include: 1) Liability is necessary to hold officers accountable for excessive force. The allegation is that officers are free to maliciously violate the Fourth Amendment and other constitutional rights of citizens without any cost to themselves; and 2) The fear of rampant lawsuits against police are over-

blown. Many municipalities indemnify their officers, meaning the city or county would pay for any settlement, not the officers themselves.<sup>v</sup>

Let’s examine each of these arguments. The first justification noted above is that it is necessary to prevent repeated constitutional abuses by law enforcement officers. The first argument is intrinsically related to the second argument. Namely, since officers are indemnified by their employers, they have no financial incentive to change bad behavior because it does not personally affect them. These arguments, however, ignore several basic realities governing the provision of law enforcement services.

Specifically, law enforcement agencies continually review the actions of their officers to ensure compliance with departmental policy and the law. An internal affairs investigation may be triggered by a member of society, or internally by another officer, who makes a complaint concerning an officer’s actions. An officer who violates departmental policy, including by using excessive force, is subject to discipline by his or her employer. Discipline available potentially would include termination from employment. While some would argue that officers rarely are terminated for use of excessive force, principles of progressive discipline and experience dictate the contrary. The loss of one’s job, or suspension without pay, obviously and directly provides an immense personal incentive for officers to adhere to departmental rules and laws

prohibiting a variety of impermissible actions. For example, the use of excessive force, providing false statements or testimony, planting of evidence, or sexual assault, to name a few.

In addition, many other agencies apart from an officer's employer engage in robust oversight of law enforcement agencies and their officers. These agencies include local district attorney's offices, the state Attorney General's Office, the Federal Bureau of Investigation and the Department of Justice. These outside oversight agencies have the ability to institute criminal investigations and prosecutions against officers for their actions. In turn, this may result in disqualification of an officer to work as a peace officer in the state. Again, few could argue that the loss of an officer's ability to follow his or her chosen profession has no personal financial repercussions.

In contrast, sound policy reasons support the doctrine of qualified immunity, particularly as applied in the context of providing law enforcement services. These policy arguments include: 1) Law enforcement officers perform their jobs in environments that require split-second decisions under dangerous, life-threatening circumstances. A major component of this consideration involves acknowledging how frequently officers encounter offenders armed with firearms; 2) Removing qualified immunity could invite more litigation against public entities unjustifiably elevating split-second decisions officers are required to make and creating financial pressure to pay settlements and which would lead to significant costs for officers and their employers; and 3) Officers need to be able to act decisively and trust they won't be held liable as long as they rely on their training and adhere to agency policy and the law.

Each of these arguments has significant merit. It is difficult to dispute the first contention set forth above. Some have tried, however, noting that the use of force is governed by the *Graham v. Connor* decision,<sup>vii</sup> and thus already includes in its calculus that an officer cannot be judged with the benefit of hindsight 20/20 vision, therefore providing a standard for liability that is "already highly deferential to on-the-spot police decision-making."<sup>viii</sup> This argument completely ignores the practical fact that officers' actions necessarily are evaluated in the quiet repose of a courtroom where everyone has been searched for weapons in order to even enter. This process will take place over several days or weeks by persons who have little or no law enforcement experience and usually have not had their lives threatened with a knife or a gun when forced to make a critical decision. In other words, while the *Graham* standard seems deferential on paper, it is not always the case in application.

I have already noted the significant personal financial repercussions for officers who violate departmental policy or the law, but what about his or her employer? The costs of litigation in the modern law enforcement environment are substantial. Regrettably, this holds true even in situations where the outcome fully ratifies the conduct at issue and no damages are awarded. Elimination of qualified immunity, in conjunction with the attorney's fee provisions of the civil rights statutes, would leave public entities vulnerable to ongoing and persistent litigation beyond what should reasonably exist in the volatile and dangerous context of policing. In saying this, from the perspective of whether this change would attain the implied objective of improving law enforcement outcomes, we also need to recognize that agencies already react in the aftermath of events involving critical incidents, whether a lawsuit is filed or not. Departments develop responsive organizational and individual training, issue related discipline, change or create policy, evaluate mechanisms of documentation, examine response protocols, and assess effectiveness of command and control. Moreover, as many have noted,

employers bear the immediate costs for an adverse liability verdict arising from the actions of one of their officers. However, what many critics of qualified immunity fail to acknowledge, or meaningfully discuss, are the downstream implications of significant liability verdicts on municipal budgets. A pattern of adverse civil rights liability verdicts, or even a large individual verdict, may result in an increase in insurance costs for a municipality and increased self-insured retention limits. Municipalities bearing these increased costs must find the money somewhere. Many times, a budget is balanced by decreasing services in one form or another, including potentially decreasing the number of law enforcement officer positions or decreasing training budgets. Neither of these outcomes favors public safety or the advancement of law enforcement in California.

The third argument has particular merit. Specifically, how can we expect officers to conform their actions to the law when they aren't told the rules of proper, constitutional behavior until after the fact? Officers, like any employee in any profession, are entitled to fundamental fairness of knowing in advance what they should be doing and what they are prohibited from doing before they are expected to perform their jobs. Qualified immunity advances this precept. It is many times difficult for our nation's greatest legal scholars to determine if certain actions are constitutional or not, after weeks of contemplative deliberation, research, and multiple appellate hearings. Can we realistically expect more from a law enforcement officer acting in a split second while in danger of the loss of his or her life? By requiring that certain actions be found to be "clearly established" before an officer is faced with significant civil liability exposure, the doctrine of qualified immunity strikes a balance that is fair and appropriate. This is particularly true in what may be considered difficult circumstances for all parties involved in any encounter on the streets, both law enforcement officers and those they encounter in performing their roles as public servants. ✨

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**James R. Touchstone** is a partner with the public sector law firm of Jones & Mayer. He serves as General Counsel to CSSA. Information on [www.jones-mayer.com](http://www.jones-mayer.com) and in this article is for general use and does not constitute legal advice. This information is not intended to create, and receipt of it does not constitute, an attorney-client relationship.

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<sup>i</sup> 457 U.S. 800 (1982)

<sup>ii</sup> *Pearson v. Callahan*, 555 U.S. 223, 231 (2009) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)).

<sup>iii</sup> 136 S. Ct. 305 (2015).

<sup>iv</sup> 138 S. Ct. 577 (2018).

<sup>v</sup> Authors unknown, "Qualified Immunity: Both Sides of the Debate," <https://supreme.findlaw.com/supreme-court-insights/pros-vs-cons-of-qualified-immunity--both-sides-of-ebate.html> (June 2020).

<sup>vi</sup> See Cal. Govt. Code section 1029 (setting forth the various bases for disqualification for service as a peace officer in California).

<sup>vii</sup> 490 U.S. 386 (1989).

<sup>viii</sup> Schweikert, Jay, "The Most Common Defenses of Qualified Immunity, and Why They're Wrong," Cato Institute, <https://www.cato.org/blog/most-common-defenses-qualified-immunity-why-theyre-wrong>, (June 19, 2020).



# HEMP IN CALIFORNIA

## A State Sheriff's Perspective

- **DAVID ROBINSON**
- **CSSA PRESIDENT AND CA HEMP ADVISORY BOARD MEMBER**

In late 2013 Governor Jerry Brown signed legislation that made it possible to grow hemp in California as a crop. Hemp was now legally defined as a cannabis plant if it contained less than 3/10 tenths of 1% THC. This gave the legal definition of marijuana from the Cannabis plant as having more than 1% THC. Without getting into the “weeds” the area between the two could still be considered hemp or marijuana depending on if it was being grown as a registered hemp crop or not. If being grown as hemp the property owner can have it retested in an attempt to gain the lower test value if not it would have to be destroyed. Any hemp grower who tests higher than 1% has to destroy the crop almost immediately.

In the Federal 2014 Farm Bill some changes were made to allow for hemp to be grown in states that had regulated it and set parameters for it. The parameters were still very limited, therefore the Hemp Industry in California was coming along at a snails pace. In November 2016, voters passed Prop 64. This was known as the legalization of Marijuana Bill for California. What most people didn't know is this proposition also had some language dealing with hemp. When this passed it spurred the hemp movement a little farther in California and there became a larger interest in farmers wanting to test the legal hemp market. Then in 2018, President Trump signed the 2018 Farm bill. The biggest thing in this bill as it related to hemp was it took hemp out of the Federal Controlled Substances Act if it didn't have more than 3/10 of 1% THC.

Hopefully at this point everyone knows the THC level dictates the level of psychotropic reaction (“the high”). Most marijuana on the market today can range from 15% or higher. So 3/10 tenths of 1% THC wouldn't do much of anything for someone wanting to get high.

The 2013 California legislation created the Industrial Hemp Advisory Board. I took my position on the Board June 1, 2016. This Board was developed as an advisory board according to the legislation to **ADVISE** the California Department of Food and Agriculture (CDFA) on the development of Hemp Regulations in California. I bolded the word advise, because some have confused our board with having the authority to make the regulations, change the laws and/or tell the Federal or State Governments what to do. We are only advisory and made up of farmers, law enforcement,



Ag professors, researchers, and an Ag Commissioner. We are there to help CDFA Staff craft language that we believe will work with all interested parties and offer suggestions and advice. We make motions, take votes, etc., but at the end of the day the CDFA and the Secretary who runs CDFA has the final say as to what goes through the state process to become the final regulations.

In 2019, enough regulations had been compiled and developed to allow for some form of hemp crops to be grown in California. The regulations have been molded and changed numerous times between 2017 to date, which creates challenges for all involved. With those challenges there were still growers and seed breeders who registered in California on 2019. (See Attachment A - can be found with the online magazine on [calsheriffs.org](http://calsheriffs.org)). All told more than half of the CA Counties allowed hemp in some form or fashion. Some counties chose a slower approach and passed moratoriums. In many of those counties they wanted to wait and see final regulations for the state and federal governments before moving forward. As of the November 1st 2019 reporting, there were slightly more than 35,000 acres of hemp being grown in California, with those acres being divided unevenly though 550 registrants. This year through July 1, 2020, we have had a similar number of registrations, but overall acreage being grown is down about 9,000 acres. (See Attachment B)

The first full year was not without bumps in the road. Some growers of marijuana tried to disguise their marijuana grows and products saying it was hemp. Some farmers fell out of the legal range of hemp and had to destroy their crops. Others were successful in staying within the legal limits, but may not have had a purchaser of their crop at the purchase price needed. Many growers and seed breeders simply planted test crops to see how the hemp would do in California and are gearing up for later when more processing and manufacturing companies take on hemp in California. In my smaller county, we saw 18 registrants and 816 acres of hemp being grown. I supported my Board of Supervisors and the handful of farmers who wanted to give growing hemp a try. The Kings County Board of Supervisors passed local regulations to make sure the first year went as smoothly as possible, I appreciate them for that. The goal was for us to have a smaller group of farmers and smaller acres of crop so we could also learn about any issues that may arise. This proved to be very ben-

eficial, because we did have some failures and successes from a law enforcement perspective in dealing with the hemp crop.

Families had rightful concerns, because it looks and smells very similar to marijuana. They were not wrong. We got a few calls for service because of the look and smell and had to spend time verifying with our local Ag Commissioner's office that it was a registered hemp grown and falling within the legal limits. Criminals preyed on many of the hemp grows, even though signs were posted indicating they were hemp grow sites. Some of the criminals we arrested said they were stealing it to add hemp to their marijuana product to create more volume to sell as marijuana. Others stole it thinking it was marijuana and could be smoked or otherwise ingested to get high. One criminal reported to us he did smoke it and it didn't do anything except gave him a headache. Some of the criminals stealing it we ended up in dangerous vehicle pursuits, seized guns and other weapons from them or property was damaged pursuing them.

I found that our growers were all ready to help law enforcement learn as well. Many invited us to their plantings, samplings and harvesting. All readily showed their lab results and cooperated fully. The registration process was a valuable asset and our local Ag Commissioner and his staff were awesome keeping us informed on where each grow was at and the step in the process they were in. All in all it had its challenges and we unfortunately did have some bad experiences, but the vast majority of the grow season went smooth and the cooperation from farmers was exceptional. I have included a few photos from one harvest at the Meyer Family Farm in Kings County. Mr. Meyer had been working on bringing Hemp to California for the last 20 years at the Federal and State level. He and his son are both pictured with me. (See photos)

Some of the lessons we learned going into this year, local regulations should have distance set backs from residences. This crop does attract a lot of attention from criminals for various reasons. The set backs will also be

## Attachment B | Industrial Hemp Program Registration Summary (As of July 2, 2020)

County	Registrants			Registered Sites			Registered Acreage		
	Grower	Breeder	Total	Grower	Breeder	Total	Grower	Breeder	Total
Alameda	4	0	4	4	0	4	71.1	0.0	71.1
Butte	14	3	17	43	4	47	251.9	1.6	253.5
Colusa	7	0	7	13	0	13	844.1	0.0	844.1
Contra Costa	2	0	2	4	0	4	36.4	0.0	36.4
El Dorado	6	0	6	6	0	6	93.8	0.0	93.8
Fresno	41	7	48	69	28	97	1,991.0	209.5	2,200.5
Imperial	14	3	17	26	4	30	1,011.9	18.0	1,029.9
Kern	34	3	37	56	1	57	2,285.2	2.0	2,287.2
Kings	11	1	12	12	1	13	312.1	10.0	322.1
Lake	13	4	17	15	12	27	66.6	10.1	76.7
Lassen	7	0	7	8	0	8	67.8	0.0	67.8
Los Angeles	10	0	10	27	0	27	585.2	0.0	585.2
Madera	14	1	15	15	1	16	747.5	50.0	797.5
Marin	1	0	1	1	0	1	1.5	0.0	1.5
Merced	3	0	3	12	0	12	123.8	0.0	123.8
Monterey	7	2	9	7	2	9	531.5	10.1	541.6
Orange	1	0	1	1	0	1	1.0	0.0	1.0
Riverside	87	14	101	130	22	152	7,621.8	569.7	8,191.5
San Benito	9	3	12	18	3	21	152.1	8.0	160.1
San Bernardino	27	7	34	86	15	101	2,513.2	249.8	2,763.0
San Diego	64	14	78	108	22	130	471.0	38.1	509.1
San Joaquin	9	0	9	36	0	36	460.7	0.0	460.7
San Luis Obispo	1	0	1	1	0	1	0.1	0.0	0.1
San Mateo	7	1	8	46	4	50	82.8	3.4	86.2
Santa Barbara	2	0	2	2	0	2	41.0	0.0	41.0
Santa Cruz	13	1	14	27	2	29	45.4	1.4	46.8
Shasta	3	0	3	8	0	8	161.6	0.0	161.6
Stanislaus	21	4	25	43	12	55	278.0	25.5	303.5
Sutter	15	2	17	35	3	38	1,554.1	30.2	1,584.3
Tulare	1	0	1	1	0	1	0.9	0.0	0.9
Ventura	28	7	35	69	12	81	2,464.9	119.0	2,583.9
<b>Total</b>	<b>476</b>	<b>77</b>	<b>553</b>	<b>929</b>	<b>148</b>	<b>1,077</b>	<b>24,870.0</b>	<b>1,356.3</b>	<b>26,226.3</b>






helpful for the nearby residents who don't want, and shouldn't have to put up with, that activity. Additionally the smell can be unpleasant so the further away from houses would be helpful to your neighbors. Have lots of plans for security measures, especially as the harvest date approaches. Extra field checks, lighting, cameras. Work closely with your local law enforcement, know the non-emergency phone numbers to call if you have a problem. Be a great witness, get descriptions, license numbers and such. Don't try to intervene with the criminal, this crop isn't worth it.


For my law enforcement friends: Have a plan in place. Incorporate crimes committed at the fields into your pursuit decision making spectrum, weigh out the good and the bad before taking on more risk for a crop that resembles marijuana. Work with your local district attorneys office ahead of time. Think out side the box. My Rural Crimes unit used crop theft penal codes for enforcement on those stealing this crop.

Hemp has a place in California, we must keep the regulations simple and easy to follow for the farmers and law enforcement alike. Hemp has thousands upon thousands uses and can be a stable crop for years to come in our state.



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To learn more detailed information about hemp and hemp laws and regulations, please go to the California Department of Food and Agriculture Industrial Hemp website. ✨

# CSSA WELCOMES OUR NEWEST SHERIFF

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## MADERA COUNTY *Sheriff Tyson Pogue*

Now serving his first term in Office, Sheriff Tyson Pogue is the 16th Sheriff to serve Madera County. Sheriff Pogue is the Chief Law Enforcement Officer and Chief Coroner of Madera County. He is responsible for providing public protection and investigating crimes that occur within the unincorporated areas of Madera County. He and his staff are responsible for determining the cause, manner and circumstances of specified deaths in Madera County. Sheriff Pogue is also the Director of Emergency Services pursuant to Madera County Code. The Sheriff's Office Of Emergency Services (Sheriff's OES) is the lead agency during any disaster or emergency.

A Madera County native, Sheriff Pogue grew up in Oakhurst and joined the Madera County Sheriff's Office at the age of 21 and worked his way through the ranks, starting as a Patrol Deputy in the mountains. Supervising and working in patrol and several special units - such as MadNET, K-9, and the Dive Team - all gave him what we call a 'ground reality' of the day-to-day operational needs for both the community and the office he now oversees.



His educational background in Computer Science has greatly aided his office in achieving his Vision Statement of providing excellent service to our community by increasing resources and utilizing the latest technology coupled with a proactive, innovative approach.

In June of 2019, Sheriff Pogue graduated from the prestigious Federal Bureau of Investigations National Academy. The FBI National Academy is a professional course of study for the United States and international law enforcement managers nominated by their agency heads for their demonstrated leadership qualities. The 10-week program—which provides coursework in intelligence theory, terrorism and terrorist mindsets, management science, law, behavioral science, law enforcement communication, and forensic science—serves to improve the administration of justice in police departments and agencies at home and abroad and to raise law enforcement standards, knowledge, and cooperation worldwide.

Sheriff Pogue is also actively involved in the community, serving on the Board of Directors for Community Action Partnership for Madera County (CAPMC) as Chairperson for Eastern Madera County. CAPMC is a non-profit public benefit corporation established in order to “allow residents to make decisions affecting the community in which they live and work.” The board focuses on the needs of low-income residents and advocates for individuals and families who live in poverty.

The Madera County Sheriff's Office is divided into four divisions which operate under the direction of Sheriff Pogue. Those divisions are the Patrol Division, Investigations Division, Special Operations Division and Professional Standards Division. ★



# Dear CSSAF Supporter,

For the week of October 23rd through October 31st, the California State Sheriffs' Association Foundation (CSSAF), will join over 100 statewide organizations in sponsoring **"Red Ribbon Week,"** a seven-day campaign to raise awareness of the destructive consequences of drug abuse and to help build drug-free communities. The **Red Ribbon Week** Campaign is the oldest and largest drug prevention program in the nation, reaching millions of young people. This campaign provides communities with a forum to bring together parents, schools, and businesses as we look for new and innovative ways to keep kids drug free.

Your investment in CSSAF assists your local Sheriff in continuing the fight against the devastating drug epidemic that is plaguing California. Not only by continuing to educate people about the harm of both illegal and prescription drug use through campaigns such as **"Red Ribbon Week,"** but also by working together on programs and services that would provide law enforcement the necessary tools to effectively stop the spread of drugs at their source.

Today, we hope you will help by sending a positive message to the children within your community that they should "Be Happy. Be Brave. Be Drug Free!" Enclosed with this letter is a set of personalized address labels that include **Red Ribbon Week** stickers. Please use your labels the week of October

23rd to help spread the word that it is okay to do the right thing and say NO to drugs.

Thank you for your support. It is genuinely appreciated!

Sincerely,



David Robinson, CSSA President  
Sheriff, Kings County



*The California State Sheriffs' Association  
Foundation never asks for donations by telephone.*

**Contributions are tax deductible (Federal Tax ID #59-3813461) Make checks payable to the California State Sheriffs' Association Foundation (CSSAF)**

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# BRIDGING THE GAP:

CONNECTING MORE VICTIMS TO IMPORTANT RESOURCES THROUGH



■ KATHLEEN KRILL

**E**ach year, more than 10 million people experience physical abuse at the hands of an intimate partner – a rate of nearly 20 people per minute. Recent data also indicates that domestic violence incidents due to COVID-19 lockdowns and restrictions may have nearly doubled. Although numerous resources are available to help victims – from law enforcement officers to victim advocates – studies have shown that fewer than 1 in 10 victims of violent crime receive assistance from a victim services agency. Staggeringly, fewer than half of victims even report their experiences to the police.

When we think of potential reasons why these numbers are so low, many come to mind: The victim may fear coming forward will provoke their abuser, they may not be aware there are resources to help them, or they may not trust the criminal justice system. However, studies have also shown that victims who do report their experiences to the police and receive help from a professional are more likely to see an arrest made in their case and continue forward in the criminal justice process.

How can we bridge this gap between victims and the services available to them? One essential step is to centralize agency information in a single location so that victims more easily identify and locate services. For more than 25 years, Appriss' flagship solution, VINE® (Victim Information and Notification Everyday) has provided victims with peace of mind and safety through the power of knowledge. In recent years, VINE has leveraged technology to further streamline and improve access to all people who use the service. The idea that VINE can support victims in their journey to healing is built into the fabric of Appriss' mission to provide "Knowledge for good."

## ■ ■ Mary Byron's Story

In late 1993, Mary Byron was raped and assaulted by her former partner, who was then incarcerated for these crimes. Two weeks later, on her 21st birthday, Mary was shot and killed by her assailant as she left work at a shopping mall in Louisville, Kentucky. He had been bailed out by a family member. *Mary had never been informed of his release.*

There was an outcry in Mary's devastated community. In response, the county requested bids to develop a system that would automatically notify crime victims when their offenders were released from custody.

At the time, a local father of two small daughters watched Mary's heartbroken parents on the news and was motivated to act. He committed himself to developing a technological solution to address this dangerous gap in the system. He created a company (today known as Appriss) that built the nation's first automated victim notification system. Exactly one year after Mary's death, in a single county in Kentucky, Mike Davis and his business partner proudly launched VINE. Today, VINE spans 48 states and delivers more than 33 million notifications each year.

The tragic night in 1993 when Mary lost her life remains the driving force behind VINE, influencing continued enhancements to the service as we seek to prevent tragedy, promote self-advocacy, and better serve communities.

## ■ ■ A New Version of California VINE

In Spring of 2017, Appriss introduced an expanded version of the VINE platform focused on an entirely new experience for victims of crime. Enhanced VINE allows victims and their families to identify and work collaboratively with victim service providers and allied professionals. California joined the updated service in early 2018, becoming one of the first states to provide a new suite of VINE resources and benefits to people throughout the state.

A crucial part of this update is to centralize agency information in each state so victims gain more insight into the services available to them in their area. When they are referred to VINE, victims will not only be able to find offender information and register for custody updates, they will also see that service providers are there to help. This serves to expand access to information and resources for those who may not need to register for notification of custody updates but are still seeking support services.

## ■ ■ California VINE's Service Provider Directory

Since California introduced the new VINE system in 2018, more than 120 agencies have begun promoting their services through VINE's Service Provider Directory, including many county district attorney's offices, community service groups, and even national service providers. This established network allows anyone using VINE to locate service providers by name or the types of services they offer (such as basic needs, child services, counseling, victim assistance, or legal assistance), and filter those providers by ZIP Code or county.

As awareness of the directory grows, it is proving to have a significant impact. In 2019:

- Over 29,000 searches for victim services were completed within VINE.
- Of those searches, more than 3,000 VINE users self-reported that



they were victims of domestic abuse looking for assistance.

- Many also reported themselves victims of related crimes like assault and battery (1,923), sexual assault (837), and stalking (1,309).
- When looking for services, the majority reported wanting assistance with finding information about their offender, locating victim assistance, needing financial assistance, or seeking help with basic needs.
- More than 4,500 also reported wanting to speak with someone immediately, allowing them to see agencies in their area or national providers who offer 24/7 hotlines for immediate connection.

The directory allows each person to review agencies that may help with their specific situation, learn more about the types of services offered and the mission of the agency, and even save preferred providers to their account, improving access to resources when needed.

### ■ ■ Designing for the Future of VINE

Earlier this year, Appriss launched a significant redesign of VINE's national portal, VINELink.com. The new layout and features were designed after a year-long research initiative that included interviews with and feedback from victims, advocates, and others who use the VINE service. The result is a more victim-centric, trauma-informed design. Because people who use VINE may be coming to the service in times of very high stress or high trauma, the redesign helps ensure that they can quickly and easily understand VINE, how it works, the resources available to them, and how to locate the information they need.

While Appriss prepared to launch this new redesign, the COVID-19 crisis was escalating, with many states issuing stay-at-home orders, restricting travel, and limiting face-to-face interactions in the interest of public health. Many victims of abuse had to shelter in place with their abusers, with the isolation and stress of the pandemic increasing the likelihood of violence.

It became critical to find new ways to ensure victims can feel supported and safe, and one key feature of the redesign proved to be a helpful tool to communicate potential resources and important news. "New in VINE" is a newsfeed-style log that communicates upcoming changes, recently released improvements, new features, and other announcements. Through this tool, posts were added to both national and state landing pages that included resources for domestic violence support during COVID-19 and important notices about court closures and restrictions that may impact notifications. To date, both posts have been viewed by more than 51,000 people on the service.

As we learn from the ways people respond to the new features, we will identify additional opportunities to connect people with important resources right when they need them. Likewise, law enforcement officers, criminal justice professionals, and victim advocates can further turn to VINE as a trusted resource to help victims in times of crisis. As victims have a greater understanding of the support available to them, they may also feel more comfortable reporting when they have experienced

a crime, find healing and peace of mind, and ultimately help make communities safer. ✨

For more information about California's VINE Service Provider Directory, including guidelines and how to join, please visit <https://apprissinsights.com/cavine>.

*Kathleen Krill has worked with Appriss for six years as a Client Relationship Manager. She is passionate about serving victims by increasing awareness around VINE and Appriss' mission to provide "Knowledge for good." Kathleen has 17 years' experience in client relations with a background in finance and technology.*

## Banking for Law Enforcement & their Families

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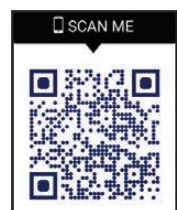
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## CDCR to Offer **Live Chat** Service to Crime Victims



The Department of Corrections and Rehabilitation, Office of Victim and Survivor Rights and Services (OVSRS) is pleased to announce a new on-line service for victims. Now victims, family members, law enforcement agencies and the general public have the ability to chat and directly instant message an OVSRS Victim Advocate to check the status of their case. This service offers victims real-time quick access to a live agent which allows for easy updates on an offender, the ability to quickly update contact information, to coordinate parole hearing participation, and request status of restitution collections. CDCR strives to increase all on-line services including expanding the CDCR Inmate ID Locator to include status information of offenders <https://inmatelocator.cdcr.ca.gov/>, the ability for victims and witnesses to register for services via the on-line Request for Victim Services Form (1707) <https://e1707.cdcr.ca.gov/>, and the ability to send an email re-

questing information on Restitution services and outstanding or collected restitution balances ([CDCRrestitution@cdcr.ca.gov](mailto:CDCRrestitution@cdcr.ca.gov)).

The public will be able to access this new OVSRS Chat feature Monday – Friday during normal business hours on our website at [www.cdcr.ca.gov/victim-services](http://www.cdcr.ca.gov/victim-services).

You may also call 877-256-6877 to speak with a Victim Advocate or email our office at [victimservices@cdcr.ca.gov](mailto:victimservices@cdcr.ca.gov). ✨

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*This project is supported by Grant No. VI19089502 awarded by the California Governor's Office of Emergency Services (CalOES). Points of view or opinions in this document are those of the author and do not represent the policies of CalOES.*

# J & M

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## LEGACY IN LAW CONTINUES AT THE *Modoc County Sheriff's Office*

▪ HEATHER HADWICK

Modoc County Sheriff Lynn Harris retired in August 1979, leaving office after 17 years of service. Almost to the day, 41 years later, his grandson Joe Harris was pinned with his Grandpa's badge at the College of the Siskiyou's Law Enforcement Academy graduation ceremony last weekend. Joe's wife Julie smiled with pride as she pinned his badge that his grandpa wore throughout his career. After eight months of training, education, testing and a pandemic, Joe Harris completed the Academy. Joe started in Corrections ten years ago with the Modoc County Sheriff's Office. "I've worked with Joe for almost 20 years, first cowboying then in law enforcement. Joe is a hard worker, intelligent and can make hard decisions much like his Grandpa. Sheriff Lynn Harris accomplished a lot during his time with the Sheriff's Office, I have no doubt that Joe will do the same." said current Sheriff Tex Dowdy.

"When I started in the jail, my Aunt Joan asked Grandpa if he wanted to go have a visit. He just chuckled and said, nope. I have no desire to go back in there," said Joe Harris. Lynn Harris was a humble man and a true leader. His forethought, commitment and heart for service, led him to be one of the most productive and popular Sheriff's in the history of Modoc County.

Lynn started his law enforcement career as a military policeman in World War II. Harris was hired under Sheriff Buck Server as the Undersheriff. There he served for twelve years before being appointed by the Board of Supervisors to Sheriff after Server's retirement midterm in 1962. When Lynn started his career there were just two officers covering the 4,200 square miles of Modoc County. Today, there are 10 in the patrol unit along with the Sheriff and Undersheriff. Lynn was a founding and charter member of the Modoc County Sheriff's Posse. He attended the FBI Academy in Quantico, VA and Peace Officer School at St. Mary's College. He was heavily involved in his community and ran unopposed for Sheriff for five terms.

Lynn looked back on his years as Sheriff with great affection being quoted in the SVE Ruralite, before his passing, "I never even carried a gun, and for years didn't wear a uniform. You just didn't have the violent people back then." In the 1970's a shift in the communities happened. "The drugs came, then everything else started changing. There was more disrespect and things started to be a hassle." As law enforcement in the County evolved, Lynn had made a promise to himself and the residents he served to build the jail facil-

ity. At that time, the jail was in the basement of the courthouse. He could see the potential liability of the facility and was instrumental in finding funding for construction.

"There was a deadline for blueprints when they were moving forward with the jail project. They had some issues with delays on the plans being drawn up, so Grandpa drove to Trinity County and picked up a copy of their blueprints to not halt their progress. So our Modoc Jail is near identical to the facility in Trinity County. Traveling 4 hours was not the norm in the 70's but Grandpa was always thinking out of the box," added Joe Harris.

Lynn Harris was full of stories from plane crashes to murders. He often talked about one of his first calls as an officer and transporting a suspect. When he arrived on scene at 4 am, officers at the scene loaded a man into the front seat of his car and told him to transport him to the County Jail for booking. He took him to jail and returned to the scene to help. He then found out that the man had just shot and killed three people. "and there I had him in the front seat with me. It was a good job then. If someone shot someone else, they would stay and wait for you to come out and arrest them. People had respect for the law and if you told them to do something, they did it," said Harris in a 1995 local publication.

Lynn and his wife Doris raised their family in Modoc and they continue that legacy and raised their children here. Now a generation of their great grandchildren will have the same sunset to admire, mountains to climb and watch Lynn's grandson Joe step behind the badge. Modoc County

still holds those American values to heart. The tight knit communities there believe in hard work, the importance of family and quality of life. If you want to know about a town's values, all you have to do is ask the people who live there. Lynn Harris served Modoc County for 17 years upholding those values and creating a legacy.

Lynn was once asked what makes a good Sheriff. He replied in the Ruralite that "the most important thing is to do your job well. That you've got to be a politician and that you need to like people. Seems simple, but it worked for him."

"I'm looking forward to being in Patrol, getting to know the outlying communities better and the opportunities the lie ahead," said Joe Harris. ☆



New Deputy Joe Harris and Sheriff Tex Dowdy

# CALIFORNIA PEACE OFFICERS' MEMORIAL FOUNDATION HONORS WOMEN PEACE OFFICERS



For the first time in the history of the California Peace Officers' Memorial, a new bronze figure will be added to the hallowed grounds honoring our fallen heroes who have died **In the Line of Duty**.

Last year, the CPOMF board of directors voted unanimously to honor women peace officers with a bronze figure representing the ultimate sacrifice made by the brave women who are called to this noble profession.

**PROJECT COST \$200,000**

**DONATE TODAY!**

## The Project

After interviewing several renowned sculptors from across the state, it was Christopher Slatoff's vision that resonated, and in late 2019 he began work on the project. Slatoff's sculpture depicts a modern-day Honor Guard Officer on one knee presenting a folded flag in "heroic scale" – approximately seven feet tall. The completed bronze sculpture will be placed in the circle planter of the monument at the main entrance to the memorial grounds, which faces the honored families of our fallen heroes during the annual California Peace Officers' Memorial ceremonies.

## Be a Part of History

The CPOMF needs your help. This project will cost \$200,000. Please consider being a part of our monument's history by helping us bring this important and long overdue honor to the women who have made the ultimate sacrifice. The CPOMF is a 501(c)3 non-profit charitable organization, Federal Tax ID #95-4350983. All donations are tax deductible. Donations can be mailed to CPOMF, 640 Bercut Drive, Sacramento 95811. Please note "Honoring Women Peace Officers" on your donation. For more information about the CPOMF please visit our website: [www.camemorial.org](http://www.camemorial.org). For questions about this project contact us at 916.443.1797 or [cpomf@camemorial.org](mailto:cpomf@camemorial.org).

[www.camemorial.org](http://www.camemorial.org)  
[cpomf@camemorial.org](mailto:cpomf@camemorial.org)  
916-443-1797





# California State Sheriffs' Association Foundation Membership Program

Individuals and Businesses who want to take a proactive approach to support public safety in their communities may join the California State Sheriffs' Association Foundation (CSSAF). CSSAF is entirely funded by the generous contributions and support from our members. We are a qualified, non-profit organization under 501(c)(3) of the Internal Revenue Service Code, which means that your donations qualify as tax deductions. The sheriffs of California have full control and direction of all association operations and activities.

## MEMBERSHIP LEVELS

### Individual Membership Levels

#### ASSOCIATE, STUDENT & RECENT GRADS, & JOINT MEMBERS

- ★ Personalized membership card
- ★ Two Bumper stickers
- ★ One-year subscription to California Sheriff

#### LIFETIME & JOINT LIFETIME MEMBERS

- ★ Personalized plastic member card
- ★ Metal license plate holder
- ★ Two Bumper stickers
- ★ Name recognition as a Lifetime Member in California Sheriff
- ★ Lifetime subscription to California Sheriff

## MEMBERSHIP LEVELS

### Business Membership Levels

#### BRONZE, SILVER, GOLD & PLATINUM MEMBERS

- ★ Membership Plaque (plaque size and star color depends on membership level)
- ★ Membership cards
- ★ Two Bumper sticker/window decals
- ★ One-year subscription to California Sheriff
- ★ Partner listing on our website, calsheriffs.org (Gold Members Only)
- ★ Partner listing with your website link on our website, calsheriffs.org (Platinum Members Only)

We never solicit by telephone.



## 2020 Membership Form

Please check the membership level you wish to join or which you would like to renew your current membership at:

### ☐ Individual Membership Levels

- ☐ Associate (\$40)
- ☐ Joint (\$55)
- ☐ Lifetime (\$350)
- ☐ Joint Lifetime (\$375)
- ☐ Student & Recent Graduate (\$20)

Name of School \_\_\_\_\_

Year you will graduate/graduated \_\_\_\_\_

### ☐ Business Membership Levels

(Renewal rate is \$50 for all levels)

- ☐ \$75 Bronze (7x9 plaque)
- ☐ \$250 Gold (9x12 plaque)
- ☐ \$150 Silver (8x10 plaque)
- ☐ \$500 Platinum (10 1/2x13 plaque)

☐ Additional Donation \$ \_\_\_\_\_

☐ To participate in the Refer-A-Friend promotion, please list the name/phone number of the friend that referred you:

Name \_\_\_\_\_

Phone No. \_\_\_\_\_

☐ Check here to access the California Sheriff Magazine online only.

Name/Company \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Joint Member Name \_\_\_\_\_

Member No. \_\_\_\_\_ Phone No. \_\_\_\_\_

Email \_\_\_\_\_

Description of your business (Business Members Only) \_\_\_\_\_

## METHOD OF PAYMENT

### ☐ Check Enclosed

Please make all checks payable to **California State Sheriffs' Association Foundation (CSSAF)**. Send order form to California State Sheriffs' Association Foundation, 1231 I Street, Suite 200, Sacramento, CA 95814.

### ☐ Credit Card

If you wish to pay by credit card, please log on to our website, [www.calsheriffs.org](http://www.calsheriffs.org), or pay by phone by calling the toll-free member line 1-800-761-2772. MC, Visa, AmEx and Discover cards are accepted.

- ☐ MC
- ☐ VISA
- ☐ AMEX
- ☐ DISCOVER

Credit Card Number \_\_\_\_\_

Expiration Date \_\_\_\_\_ Security Code \_\_\_\_\_

Name on Card \_\_\_\_\_

Authorized Signature \_\_\_\_\_

Please detach the form and mail.

# CSSAF Merchandise

## Exclusive Lifetime Member Merchandise

Lifetime Merchandise can only be purchased by Lifetime Members.

**NOW AVAILABLE  
IN GREEN!**



F.



G.



E.

Lifetime Merchandise now available online!



C.



Y.



ZZ. **NEW**



K.



R.



Z. **NEW**



V.



W.



O.



X.



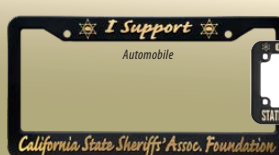
T.



A.



Q.



D.



L.



B.



I.

P.



M.



N.



J.



U.



S.

**NEW**



Back of T-Shirt



H.

Front of T-Shirt

Go to [www.calsheriffs.org](http://www.calsheriffs.org) to view and purchase the latest merchandise available.



# Merchandise Form



Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Member Number \_\_\_\_\_ Email \_\_\_\_\_

Phone Number \_\_\_\_\_

ITEM	COLOR/SIZE/DESCRIPTION	QTY	UNIT PRICE	SUB TOTAL
A	Baseball Cap <b>**Now available in Charcoal**</b>		\$15	
B	Lapel Pin		\$6	
C	Challenge Coin **		\$10	
D	License Plate Frame		\$8	
E	Lifetime Member Flashlight		\$25	
F	Lifetime Member Hat <b>**Now available in Green**</b>		\$20	
G	Lifetime Member Metal License Plate Frame		\$15	
H	Thin Blue Line Performance T-shirt		\$25	
I	Men's Cotton Polo Shirt—Short Sleeve**		\$25	
J	Men's Long Sleeve Shirt		\$60	
K	Tow Hitch Cover		\$45	
L	Star Lapel Pin		\$5	
M	Sweatshirt**		\$35	
N	Men's Camp Shirts**		\$45	
O	Business Card Holder		\$15	
P	Women's Cotton Polo Shirt**		\$25	
Q	Wireless NFC Bluetooth Speaker		\$40	
R	LEO (CSSA Mascot)		\$14	
S	Black Soft-Shell Jacket <b>NEW</b>		\$50	
T	Mesh Shorts		\$20	
U	Jacket		\$40	
V	16 oz. Clear Tumbler Cup**		\$5	
W	20 oz. Graphite Tumbler		\$10	
X	RFID Blocker		\$6	
Y	Challenge Coin		\$5	
Z	Belt Buckle <b>NEW</b>		\$40	
ZZ	Challenge Coin <b>NEW</b>		\$10	

PRICES GOOD FOR OCTOBER, NOVEMBER, DECEMBER 2020

\*\* Limited Quantities Available

TOTAL FOR MERCHANDISE:

PLUS 8.75% TAX:

SHIPPING & HANDLING:  
(SEE S&H CHART BELOW)

CONTRIBUTION:

ORDER TOTAL:

**CHECK ENCLOSED:** Please make all checks payable to **California State Sheriffs' Association Foundation (CSSAF)**.

Send order form to the address found on bottom right of page.

**CREDIT CARD:** If you wish to pay by credit card, please log on to our website [www.calsheriffs.org](http://www.calsheriffs.org), or pay by phone by calling the toll-free member line. MC, Visa, AmEx and Discover cards are accepted.

☐ MC ☐ VISA ☐ AMEX ☐ DISCOVER

Credit Card Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Name on Card \_\_\_\_\_

Authorized Signature \_\_\_\_\_ Security Code \_\_\_\_\_

SHIPPING & HANDLING CHART	Under \$20	\$4.99	\$40.01—\$60.00	\$8.99	\$80.01—\$100.00	\$11.99
	\$20.01—\$40.00	\$6.99	\$60.01—\$80.00	\$10.99	Over \$100.00	\$12.99

\*\*SALE PRICES GOOD THROUGH TO DECEMBER 31, 2020\*\*

**California State Sheriffs' Association**  
1231 I Street, Suite 200,  
Sacramento, CA 95814  
1-800-761-CSSA (2772)  
[www.calsheriffs.org](http://www.calsheriffs.org)  
[cssa@calsheriffs.org](mailto:cssa@calsheriffs.org)



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## **Senate Bill (SB) 153**

### *Summary of Changes*

- Clarifies that the intent of the bill is not to limit local authorities from imposing local ordinances and regulations not in conflict with general laws.
- SB 153 amends various definitions:
  - Defines “industrial hemp” or hemp” to mean an agricultural product, whether growing or not, that is limited to types of the Cannabis Sativa L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, the cannabinoids, isomers, acids, salts, and salts of isomers with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry-weight basis.
  - Removes references to “seed” and defines “cultivar” and “hemp breeder” to reflect the common use of clonal propagation in hemp cultivation practices.
  - Defines “premises” to have the same meaning as defined Section 26001(ap) of the Business and Professions Code.
  - Defines “established agricultural research institution” to mean an institution of higher education, as defined in Section 101 of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1001), that grows, cultivates, or manufactures hemp for purposes of agricultural or academic research.\*
  - Defines “research plan” to mean a strategy devised by an established agricultural research institution, or applicant established agricultural research institution that details the planned approach to cultivate industrial hemp for academic or agricultural research.\*
- SB 153 amends the Industrial Hemp Advisory Board membership to increase board membership from 11 members to 13 members:
  - Increases grower representation from three members to five members,
  - Removes representation from processors or manufacturers of hemp products, and
  - Increases representation from businesses that sell hemp products from one member to two members.
- SB 153 amends registration requirements for growers, hemp breeders, and established agricultural research institutions:
  - Removes the term “for commercial purposes” to expand the purposes for which hemp may be cultivated.
  - Requires established agricultural research institutions to register and provide contact information, information on the land area to be used for hemp cultivation or storage, a

research plan that includes information on the varieties to be used, a testing plan, measures to destroy plants that test above the THC limit, measures to prevent unlawful use of the hemp plants, and a procedure to maintain records documenting the research. Registration for established agricultural research institutions would be valid for one year.\*

- Requires the county agricultural commissioner (CAC) to determine that all requirements are met and the applicant is eligible to participate in the hemp program before issuing a registration to the applicant.
  - Anyone convicted of a felony relating to a controlled substance under state or federal law before, on, or after January 1, 2020 shall be ineligible for ten years to participate in the hemp program.
  - A person who materially falsifies any information in their application to participate in the hemp program shall be ineligible to participate.
  - Registrants who commit three negligent violations in a five-year period shall be ineligible to participate in the hemp program for five years, beginning on the date of the third violation.
- Requires the CAC to determine that all requirements are met before approving any amendments to registered land areas, approved seed cultivars, seed development plans, and research plans.
- Specifies that variety development plan of the registration application for hemp breeders, must include the name of the seed-certifying agency if the cultivar is to be certified, varieties of hemp to be used and how those varieties will be used in the development of the new cultivar, a plan for testing all plants grown and destroying any plants found to have THC concentrations more than 0.3%, a plan to prevent unlawful use of the hemp grown, and procedure for maintain records documenting the development of the new cultivar.
- Requires the CAC to transmit contact information for each registrant, a legal description of the land on which the registrant engages in hemp cultivation, and registration status of the grower, seed breeder, or established agricultural research institution to the Department.
- Requires the Department and CAC to retain registration information for at least three years after collection.
- SB 153 amends cultivation requirements:
  - Removes minimum acreage requirements for breeders to allow the development of new cultivars on a smaller scale.
  - Restricts hemp cultivation on premises licensed for cannabis cultivation or processing.
  - Requires all hemp cultivation to be sampled and tested for THC concentration prior to harvest, except when grown by registered established agricultural research institutions



and tested in accordance with an approved research plan, and registered hemp breeders and tested in accordance with an approved variety development plan.

- Removes the requirement for a copy of the seed certification documentation and Tetrahydrocannabinol (THC) testing report to accompany the sample collected for THC testing.
- Specifies testing for THC will be a “post decarboxylation or similarly reliable methods for determining THC concentration levels. The laboratory test report shall indicate the percentage concentration of THC on a dry-weight basis.”
- Allows the secretary to authorize a registered established agricultural research institution or registered hemp breeder to cultivate or possess hemp found to have a THC concentration of more than 0.3% in accordance with its approved research plan or approved variety development plan if the cultivation or possession will contribute to the development of a cultivar that will comply with the THC limit.
- Establishes consequences for negligent violation as determined by the Secretary to include:
  - If the violation is not a repeat violation, the registrant shall comply with corrective action by a reasonable date.
  - The registrant shall periodically report to the Secretary for at least two calendar years.
  - Three negligent violations in a five-year period shall result in ineligibility to participate in the hemp program for five years, beginning on the date of the third violation.
  - For violations committed intentionally, or with recklessness or gross negligence, the Secretary shall immediately report the registrant to the United States Attorney General and the California Attorney General, as applicable.
- Specifies that the Secretary of the Department, in consultation with the Governor and the Attorney General shall develop and submit a state plan for hemp to the United States Secretary of Agriculture on or before May 1, 2020.
- Removes FAC Section 81006(e), which is a remnant of previous legislation and is no longer relevant.

\* Specifies that this amendment will become effective on the date on which a state plan pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 is approved for California.

**Industrial Hemp Program  
Registration Summary  
As of November 1, 2019**

County	Registrants			Registered Sites			Registered Acreage		
	Grower	Seed Breeder	Total	Grower	Seed Breeder	Total	Grower	Seed Breeder	Total
Alameda	6	1	7	8	2	10	495.0	0.1	495.1
Butte	15	8	23	27	17	44	400.1	43.6	443.7
Colusa	1	0	1	2	0	2	0.7	0.0	0.7
Contra Costa	4	0	4	5	0	5	442.5	0.0	442.5
El Dorado	3	0	3	9	0	9	292.6	0.0	292.6
Fresno	43	2	45	108	5	113	3,527.6	74.0	3,601.6
Humboldt	2	1	3	5	1	6	2.2	0.1	2.3
Imperial	15	2	17	48	3	51	3,290.2	18.0	3,308.2
Kern	37	6	43	84	13	97	7,740.3	410.0	8,150.3
Kings	17	1	18	22	1	23	806.1	10.0	816.1
Lake	35	9	44	60	41	101	504.8	87.1	591.9
Lassen	1	0	1	1	0	1	20.1	0.0	20.1
Los Angeles	10	0	10	28	0	28	910.7	0.0	910.7
Madera	11	1	12	14	1	15	1,196.5	50.0	1,246.5
Merced	1	0	1	9	0	9	100.3	0.0	100.3
Monterey	6	2	8	3	1	4	296.0	5.0	301.0
Plumas	7	1	8	6	1	7	41.1	5.0	46.1
Riverside	60	9	69	116	11	127	6,799.4	469.0	7,268.4
Sacramento	1	1	2	1	1	2	0.9	0.9	1.8
San Benito	12	4	16	20	4	24	159.1	44.0	203.1
San Bernardino	19	8	27	63	18	81	1,038.3	250.6	1,288.9
San Diego	52	11	63	90	14	104	1,229.9	31.3	1,261.2
San Francisco	0	1	1	0	1	1	0.0	0.1	0.1
San Joaquin	3	0	3	5	0	5	351.1	0.0	351.1
San Luis Obispo	18	0	18	62	0	62	438.6	0.0	438.6
San Mateo	0	1	1	0	4	4	0.0	6.7	6.7
Santa Cruz	16	3	19	64	14	78	121.2	37.2	158.4
Shasta	2	0	2	3	0	3	156.0	0.0	156.0
Solano	2	1	3	3	6	9	166.0	310.0	476.0
Stanislaus	27	4	31	42	16	58	228.6	35.6	264.2
Sutter	18	1	19	32	1	33	1,084.9	10.4	1,095.3
Ventura	21	7	28	39	9	48	1,477.3	103.3	1,580.6
Total	465	85	550	979	185	1164	33,318.1	2,002.0	35,320.1

# INDUSTRIAL HEMP PROGRAM REVENUE AND BUDGET UPDATE

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*Industrial Hemp Advisory Board*

*November 6, 2019*



<b>Fiscal Year</b>	<b>Registration Fees Collected</b>
2018/2019	\$238,500
2019/2020	\$271,800
<b>Total</b>	<b>\$510,300</b>

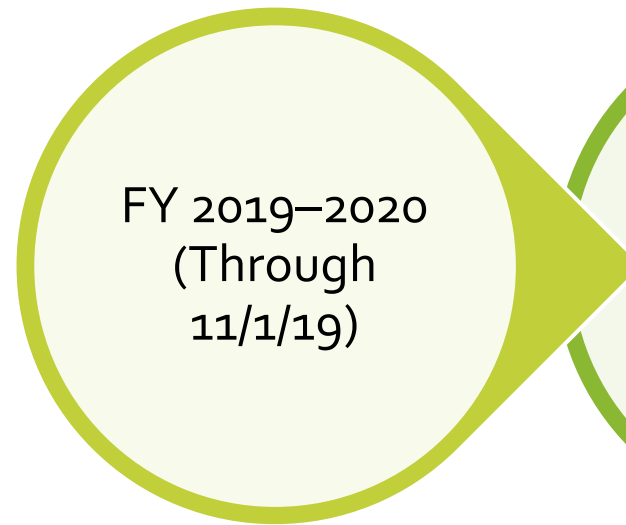
Revenue Update

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# Registration Activities Summary



- 266 registrations
- 64 amendments



- 284 registrations
- 147 amendments



- 600 registrations
- 250 renewals
- 425 amendments

	PPPY FY 2016/17	PPY FY 2017/18	PY FY 2018/19
TOTAL PERSONAL SERVICES	18,519	88,548	199,802
TOTAL OPERATING EXPENSES & EQUIPMENT	2,283	15,309	39,865
COUNTY AGREEMENTS	0	0	244,765
TOTAL COST RECOVERY	0	0	-500
<b>TOTAL BUDGET</b>	<b>20,802</b>	<b>103,857</b>	<b>483,932</b>

## Budget for Previous Years

*As of 10/14/19*



	CY FY 2019/20
TOTAL PERSONAL SERVICES	654,110
TOTAL OPERATING EXPENSES & EQUIPMENT	177,743
COUNTY AGREEMENTS	2,000,000
TOTAL COST RECOVERY	-2,155
<b>TOTAL BUDGET</b>	<b>2,829,699</b>

## FY 2019/2020 Projections

# County Agreements – Reimbursable Activities

- Registration issuance
- Enforcement activities of non-registered cultivation
- Public outreach activities
- Training
- Reporting/invoicing



# County Agreements – Projections

- Requested invoices from April 30 – Sept 30
- Out of 50 counties, we received approximately 60% of the invoices

Status	Counties
Pending	6
Executed	44
Cancelled	6
<b>Total</b>	<b>56</b>

Time Period	Total Invoiced To Date	Projected Cost
FY 18/19 (Apr 30 – Jun 30)	174,832	244,765
FY 19/20 (Jul 1 – Sep 30)	349,689	489,564
April 30 – Sept 30	524,521	734,329

- Total projected annual cost for 50 counties- \$2,000,000

# Current Fund Condition

	PPPY 2016/17 Actual	PPY 2017/18 Actual	PY 2018/19 Actual	CY 2019/20 Projection	Projection for 2020/21	Projection for 2021/22
BEGINNING RESERVE BALANCE	\$0	(\$20,802)	(\$124,658)	(\$370,091)	(\$2,434,789)	(\$4,692,137)
REVENUE CATEGORIES						
Registration Fees	0	0	238,500	765,000	765,000	765,000
Interest & Miscellaneous Income	0	0	0	0	0	0
TOTAL REVENUE	\$0	\$0	\$238,500	\$765,000	\$765,000	\$765,000
EXPENDITURES						
Personnel Services	18,519	88,548	199,802	654,110	836,759	836,759
Operating Exp & Equipment	2,283	15,309	39,865	177,743	187,743	187,743
County Agreements	0	0	244,765	2,000,000	2,000,000	2,000,000
COST RECOVERY						
Reimbursement 224c - Admin	0	0	(500)	(2,155)	(2,155)	(2,155)
TOTAL EXPENDITURES	\$20,802	\$103,857	\$483,932	\$2,829,699	\$3,022,347	\$3,022,347
ENDING RESERVE BALANCE	(\$20,802)	(\$124,658)	(\$370,091)	(\$2,434,789)	(\$4,692,137)	(\$6,949,484)

The Department recommends that programs maintain a reserve of between 1/3 and 1/2 of its annual expenditures



# INDUSTRIAL HEMP PROGRAM REGISTRATION FEE PROPOSAL

---

*Industrial Hemp Advisory Board*

*November 6, 2019*

# Current Structure (CCR 4900)

- NEW REGISTRATION: \$900 registration fee per applicant in each county applicant intends to cultivate hemp
- RENEWAL: \$900 registration fee per applicant in each county applicant intends to continue to cultivate hemp

# Registration Fee Proposals

- Option 1 – flat fee
- Option 2 – flat fee + acreage (tiered)
- Option 3 – flat fee + acreage
- Additional Options Considered



# Option 1 – Flat Fee

- NEW REGISTRATION: \$4,500 registration fee per applicant in each county applicant intends to cultivate hemp
- RENEWAL: \$4,500 registration fee per applicant in each county applicant intends to continue to cultivate hemp

Total projected annual revenue - \$3,825,000

# Option 1 – Fund Condition

	PPPY 2016/17 Actual	PPY 2017/18 Actual	PY 2018/19 Actual	CY 2019/20 Projection	Projection for 2020/21	Projection for 2021/22
BEGINNING RESERVE BALANCE	\$0	(\$20,802)	(\$124,658)	(\$370,091)	(\$1,518,589)	(\$715,937)
REVENUE CATEGORIES						
Registration Fees	0	0	238,500	1,681,200	3,825,000	3,825,000
Interest & Miscellaneous Income	0	0	0	0	0	0
TOTAL REVENUE	\$0	\$0	\$238,500	\$1,681,200	\$3,825,000	\$3,825,000
EXPENDITURES						
Personnel Services	18,519	88,548	199,802	654,110	836,759	836,759
Operating Exp & Equipment	2,283	15,309	39,865	177,743	187,743	187,743
County Agreements	0	0	244,765	2,000,000	2,000,000	2,000,000
COST RECOVERY						
Reimbursement 224c - Admin	0	0	(500)	(2,155)	(2,155)	(2,155)
TOTAL EXPENDITURES	\$20,802	\$103,857	\$483,932	\$2,829,699	\$3,022,347	\$3,022,347
ENDING RESERVE BALANCE	(\$20,802)	(\$124,658)	(\$370,091)	(\$1,518,589)	(\$715,937)	\$86,716

# Option 2 – Flat Fee + Tiered Acreage Fee

- NEW REGISTRATION: \$2,000 plus additional cost based on acreage per applicant in each county applicant intends to cultivate hemp
- RENEWAL: \$2,000 plus additional cost based on acreage per applicant in each county applicant intends to cultivate hemp
- Amendments to registration may require additional payments

Total projected annual revenue - \$3,903,045

Acre	Add'l Cost
0 - 1	0
1 - 5	500
5 - 10	1000
10 - 20	1500
20 - 50	2000
50 - 100	2500
100 - 200	3000
200 - 500	3500
More than 500	4000



# Fund Condition for Option 2

	PPPY 2016/17 Actual	PPY 2017/18 Actual	PY 2018/19 Actual	CY 2019/20 Projection	Projection for 2020/21	Projection for 2021/22
BEGINNING RESERVE BALANCE	\$0	(\$20,802)	(\$124,658)	(\$370,091)	(\$1,816,607)	(\$935,909)
REVENUE CATEGORIES						
Registration Fees	0	0	238,500	1,383,182	3,903,045	3,903,045
Interest & Miscellaneous Income	0	0	0	0	0	0
TOTAL REVENUE	\$0	\$0	\$238,500	\$1,383,182	\$3,903,045	\$3,903,045
EXPENDITURES						
Personnel Services	18,519	88,548	199,802	654,110	836,759	836,759
Operating Exp & Equipment	2,283	15,309	39,865	177,743	187,743	187,743
County Agreements	0	0	244,765	2,000,000	2,000,000	2,000,000
COST RECOVERY						
Reimbursement 224c - Admin	0	0	(500)	(2,155)	(2,155)	(2,155)
TOTAL EXPENDITURES	\$20,802	\$103,857	\$483,932	\$2,829,699	\$3,022,347	\$3,022,347
ENDING RESERVE BALANCE	(\$20,802)	(\$124,658)	(\$370,091)	(\$1,816,607)	(\$935,909)	(\$55,211)

# Option 3 – Flat Fee + Acreage Fee

- NEW REGISTRATION: \$1,250 plus additional \$50 per acre per applicant in each county applicant intends to cultivate hemp
- RENEWAL: \$1,250 plus additional \$50 per acre per applicant in each county applicant intends to cultivate hemp
- Amendments to registration may require additional payments

Total projected annual revenue - \$3,791,773

# Fund Condition for Option 3

	PPPY 2016/17 Actual	PPY 2017/18 Actual	PY 2018/19 Actual	CY 2019/20 Projection	Projection for 2020/21	Projection for 2021/22
BEGINNING RESERVE BALANCE	\$0	(\$20,802)	(\$124,658)	(\$370,091)	(\$1,544,562)	(\$775,137)
REVENUE CATEGORIES						
Registration Fees	0	0	238,500	1,655,227	3,791,773	3,791,773
Interest & Miscellaneous Income	0	0	0	0	0	0
TOTAL REVENUE	\$0	\$0	\$238,500	\$1,655,227	\$3,791,773	\$3,791,773
EXPENDITURES						
Personnel Services	18,519	88,548	199,802	654,110	836,759	836,759
Operating Exp & Equipment	2,283	15,309	39,865	177,743	187,743	187,743
County Agreements	0	0	244,765	2,000,000	2,000,000	2,000,000
COST RECOVERY						
Reimbursement 224c - Admin	0	0	(500)	(2,155)	(2,155)	(2,155)
TOTAL EXPENDITURES	\$20,802	\$103,857	\$483,932	\$2,829,699	\$3,022,347	\$3,022,347
ENDING RESERVE BALANCE	(\$20,802)	(\$124,658)	(\$370,091)	(\$1,544,562)	(\$775,137)	(\$5,711)



# Additional Proposals Considered

- Flat fee + cultivation site
- Different registration fees for growers and breeders
- Different registration and renewal fees
- Registration fee for amendments

# Industrial Hemp Program Budget Summary

	PPPY	PPY	PY	*CY
	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
	As of 10/14/19	As of 10/14/19	As of 10/14/19	As of 10/14/19
Staff Salary	12,363	58,550	133,229	447,559
Staff Benefits	6,156	29,998	66,573	206,552
<b>TOTAL PERSONAL SERVICES</b>	<b>18,519</b>	<b>88,548</b>	<b>199,802</b>	<b>654,110</b>
General Expenses	0	663	1	500
Printing	0	0	0	500
Communications	0	0	0	500
Postage	0	14	74	250
Insurance	0	0	0	5,000
Travel: In-State	2,283	8,678	9,549	15,000
Travel: Out-State	0	1,976	4,024	5,000
Training	0	0	420	0
Facilities	0	0	0	30,000
Cons/Profs	0	-13	210	500
Attorney General	0	0	0	1,000
Indirect Costs - Exec/Admin	0	2,577	15,453	17,990
Indirect Costs - Division	0	1,401	8,221	9,914
Indirect Costs - IT	0	0	0	60,000
Pro Rata & SB 84	0	0	1,661	13,989
Information Technology	0	12	252	0
Equipment	0	0	0	15,000
Auto Inspection	0	0	0	2,500
Field/Agricultural Supplies	0	0	0	100
Other Misc. Charges	0	0	0	0
<b>Subtotal Operating Exp/Equip</b>	<b>2,283</b>	<b>15,309</b>	<b>39,865</b>	<b>177,743</b>
County Agreements	0	0	244,765	2,000,000
<b>TOTAL OPER EXP/EQUIP</b>	<b>2,283</b>	<b>15,309</b>	<b>284,630</b>	<b>2,177,743</b>
Reimbursement 224c - Admin	0	0	-500	-2,155
<b>TOTAL COST RECOVERY</b>	<b>0</b>	<b>0</b>	<b>-500</b>	<b>-2,155</b>
<b>TOTAL BUDGET w/ PERSONNEL &amp; BENEFITS</b>	<b>20,802</b>	<b>103,857</b>	<b>483,932</b>	<b>2,829,699</b>

# Overview of Indirect Charges

Industrial Hemp Advisory Board – November 6, 2019

## Interdepartmental Charges

### Division – Indirect Costs

- Division Infrastructure – Director, Asst. Director, Permits & Regulations, etc.
- Data Management

### Departmental Indirect Costs

Internal departmental indirect costs include such items as:

- Personal services costs of the department's administrative, supervisory, and executive staff incurred at the unit, bureau, or division level.
- Personal services costs of support units, including accounting, human resources, contracts, internal audits, legal, information technology, clerical support, etc.
- Operating expenses and equipment costs not incurred to directly support a specific cost objective.

Departmental indirect costs are accumulated and distributed through a cost allocation process to the various units (Programs) in the department.

## Statewide Indirect Costs

There are more than 500 state agencies in California. Statewide indirect costs are non-reimbursed (General Fund) central service agency costs. Central service costs are those amounts expended by central service departments and the Legislature for **overall administration of state government and for providing centralized services to state departments**. These functions are necessary for state operations and are centralized to provide efficient and consistent statewide policy and services. Examples are:

- |                                     |  |   |
|-------------------------------------|--|---|
| • Dept. of Finance (Finance)        | • California Victim Compensation and Government Claims Board | • State Agencies Secretaries:           |
| • Dept. of Information Technology   | • Office of Administrative Law                               | – Health and Human Services             |
| • Dept. of General Services for:    | • California State Library                                   | – Youth and Adult Correctional          |
| • State Controller's Office         | • Health Benefits for Retired Annuitants                     | – State and Consumer Services           |
| • State Treasurer's Office          | • Dept. of Justice   | – Business, Transportation, and Housing |
| • State Personnel Board             | • Bureau of State Audits                                     | – Resources                             |
| • Dept. of Personnel Administration | • Legislature  |   |



## SWCAP & Pro Rata

Central service agencies provide services benefiting all State departments. Statewide indirect costs may be charged as either Pro Rata or SWCAP. SWCAP costs are used for federal reimbursement purposes. Pro Rata costs are used for special funds and other reimbursements. Only continuously appropriated (CA) funded programs are charged Pro Rata.

CDFA is sent a Pro Rata charge, which is spread across programs based on factors and formulas that consider workload data, billable and non-billable fund categories, and budget data.

### Pro Rata is a process that:

- recovers for the General Fund, costs incurred by central administrative service agencies that provided central administrative services to departments
- allocates the costs of each central administrative service agency to operating departments using the departments' workload
- allocates central administrative service agency's costs to a departments' funding sources (i.e., industry-funded programs that use those services)

### What is the Ag Trust Fund?

FAC § 233. (a) The trust fund consists of moneys transferred by the director from the Department of Food and Agriculture Fund, including all income therefrom. The amount of funds, excluding interest earned thereon, contained in the trust fund shall be determined by the director, and shall be the same percentage for all agricultural programs, but shall not exceed 10 percent of the annual operating budgets of each agricultural program. Funds in excess of 10 percent of the annual operating budgets of each agricultural program that are in the trust fund, or such other lesser percentage as the director may determine, may be returned to the Department of Food and Agriculture Fund.

(b) The director shall establish separate accounts in the trust fund for the money transferred to the fund from each of the agricultural program accounts in the Department of Food and Agriculture Fund. The trust accounts shall be used by the Department of Food and Agriculture Fund for expenditure when necessary for the exclusive purpose of implementing and continuing any of the agriculture programs with money contained in the trust fund.

FAC § 240. The moneys in the trust fund shall be disbursed only to pay for costs arising from unanticipated occurrences associated with administering self-funded programs. These costs shall include, but are not limited to: attorney costs related to litigation; workers' compensation costs; unemployment costs; phaseout costs of existing programs; and temporary funding for programs that are implementing a fee increase. Any program using the moneys from the trust fund shall repay the trust fund based on a schedule approved by the director.

Pamela  
Cassar,

Nov, 5, 2019

Deputy Agricultural Commissioner/Sealer  
Department of Agriculture  
County of Santa Cruz

Dear Pamela,

It was a pleasure meeting with you and County Ag Staff Thursday at the Hemp farm. As we discussed, the protocols for THC testing is confusing. While I have been involved with California's evolving Industrial Hemp rules and regulations by attending and contributing my 20 years experience in Cannabis cultivation at every board meeting of the Hemp Advisory Board, we are now tasked with the merger of both the State Hemp laws as defined in Prop 64, sb1409 and Ca Code 4940 as well as the USDA Hemp rules as defined in the 2018 Farm Act. The intention of this letter is to seek guidance to statewide rules in an effort to avoid any crop failures due to confusing or misunderstood rules and regulations.

The State in an effort to allow farmers access to permits to cultivate hemp this season, rushed temporary rules that would allow Ca. Counties to license farmers. The Hemp board has and continues to work very diligently in completing these regulations. These temporary rules have now created a situation of some, not understanding the testing/sampling protocols. In the field today, with a copy of the rules, we seemed to be understanding different meanings of the same written rules.

Next week is the next Hemp Board meeting. I will at public comment time, bring this issue as well as this letter to the board. I will copy the Hemp Board on this letter

At this weekend's World CBD Expo in San Jose, I discussed this situation with several testing facilities at the show. They agreed that while the rules are straight forward, some Ag Commissioners are being told different sampling protocols.

At the farm on Thursday 10/30 a sample was taken from plants in each section, as was proper and compliant. The issue we had was a difference of opinion involving the definition of what the top 18 inches of a lateral branch is. County staff took about a four to five inch flower off the top branch, and then took a full 18 inch branch off the bottom 1/3 of the plant. These were tall plants with many lateral branching.

Based on our difference of opinion the results will vary substantially. This was a topic of discussion at two board meetings. The (temporary) rules are the results of this effort in the rule making process, most of what was voted on by the board made it through the 45 day review process. We tested our grow at week 4, 5, 6 and our results were derived by using the formula as described in California Code 4941. The results of these COA's, all passed as this variety has done so in three other Counties this season.

In a discussion with other County staff at the farm, was that the CDFA was holding weekly phone conferences to educate County Ag Commissioners how to take samples. I was told that they were instructed by the "state" to just take the top flower. And the bottom 18 inch lateral branch.

Hopefully the board can provide guidance on these and any other new sampling protocol developments.

The other issue is the moisture content of the sample. Our pre R&D COA's , contained moisture content that had a spread of almost 300%. In week 5 we had the sample tested at Steep Hill labs and SC labs, one was at .4% and one at 1.17%. Both of these moisture contents had rendered the product useless. Cannabis is a viable product at 8-10%. The board at open meetings had discussed a moisture level for testing at those numbers. I assume that item did not get voted on or pass the comment period.

My concern is whether the testing labs are complying with the **" Measurement of Uncertainty"** as required with ISO certification. Below is an overview of that SOP.

**At this Wednesday's Hemp Board meeting I will focus on two issues.**

### **§ 4941 Sampling Procedures for Testing Industrial Hemp for THC Content**

On sampling, the concern is about some of the language. I will list code 4941 below.

(b) Sample Volume and Composition (1) Each primary sample shall include all parts of the plant, including stems, stalks, flowers, leaves, seeds, and buds from: (A) If two or more lateral branches are present,

If any branch is less than 18 inches, the whole branch shall be taken.

(B) If two lateral branches are not present, the terminal 18 inches from the terminal bud at the top of the plant. If the plant is less than 18 inches tall, the whole plant shall be taken.

### **Moisture content of samples.**

Sections 297B(a)(2)(A)(iii) and 297C(a)(2)(C)

This interim rule defines "measurement of uncertainty" as "the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement." This definition is based on the definition of "uncertainty (of measurement)" in section 2.2.3 of the Joint Committee for Guides in Metrology [6] 100:800, Evaluation of measurement data—Guide to the expression of uncertainty in measurement (JCGM Guide). NIST Technical Note 1297, Guidelines for Evaluating and Expressing the Uncertainty of NIST Measurement Results (TN 1297), is based on the JCGM Guide. USDA also relied on the Eurachem/Co-Operation on International Traceability in Analytical Chemistry's "Guide on Use of Uncertainty Information in Compliance Start Printed Page 58525 Assessment, First Edition 2007". Colloquially, the measurement of uncertainty is similar to a margin

of error. When the measurement of uncertainty, normally expressed as a  $\pm$  with a number, (*e.g.*,  $\pm 0.05$ ) is combined with the reported measurement, it produces a range and the actual measurement has a known probability of falling within that range (typically 95%).

The definition of “acceptable hemp THC level” explains how to interpret test results with the measurement of uncertainty with an example. The application of the measurement of uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution, or range. If 0.3% or less is within the distribution or range, then the sample will be considered to be hemp for the purpose of compliance with the requirements of State, Tribal, or USDA hemp plans. For example, if a laboratory reports a result as 0.35% with a measurement of uncertainty of  $\pm 0.06$ , the distribution or range is 0.29% to 0.41%. Because 0.3% is within that distribution or range, the sample, and the lot it represents, is considered hemp for the purpose of compliance with the requirements of State, Tribal, or USDA hemp plans.

These two issues, unresolved could lead to the same chaos we are seeing with the BCC regulatory system. Many farmers could lose their farms, leading to unnecessary litigation and a rise of black market operations. We are seeing this already in a massive way with California’s marihuana program.

I offer my help in any way to assist with a compliant Industrial Hemp program. One project our research company is planning is a one acre research grow in Northern, Central and Southern California Counties. The project will grow as many certified seeds from as many seed companies as we can source. We will cultivate in a controlled fashion using standard growing methods. The results of this research will be provided to all CDFA Commissioners.

We hope that this research will assist farmers in making the right choices when it comes to genetics, fertilizers and soil types.

**George Bianchini**

**CEO / MC FARMACEUTICAL**  
**[WWW.MCFARMACEUTICAL.COM](http://WWW.MCFARMACEUTICAL.COM)**

**510-504-3961**