



Distributed on:
DEC - 3 2010
City Manager's Office

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Christopher M. Moore

SUBJECT: Santa Clara County Special
Enforcement Team (SCCSET)

DATE: December 1, 2010

Approved Deanna Antner Date 12/3/10

INFORMATION

At the November 9, 2010, City Council meeting, Councilmember Oliverio asked staff to provide an information memorandum regarding the Santa Clara County Special Enforcement Team's (SCCSET) recent enforcement action of medical marijuana dispensaries and clarify the City's role in the enforcement. Subsequent to that request, Council District 6 requested that the information memo include response to three specific questions.

BACKGROUND

The California Department of Justice (DOJ) operates and manages a variety of task forces in its role as the statewide agency charged with enforcing state drug laws and apprehending violent criminals who use illegal weapons in the commission of crimes. In turn, each task force is supervised by a Bureau of Narcotic Enforcement (BNE) Special Agent Supervisor who is under the direction of the BNE regional office in the region the task force operates. Each task force is also governed by a council made up of local Chiefs, Sheriffs, District Attorneys, Chief Probation Officers, and BNE Special Agent in charge in the region the task force operates.

The SCCSET is one of two BNE task forces that operate in the City of San Jose. SCCSET is comprised of law enforcement officers from various law enforcement agencies in Santa Clara County including an officer from the San Jose Police Department (SJPD), Santa Clara Police Department (SCPD), California Highway Patrol (CHP), the Los Gatos Police Department (LGPD) and the Mountain View Police Department (MVPD), as well as an investigator from the Santa Clara County District Attorney's Office.

The San Jose Police Department's Narcotics/Covert Investigations Unit (NCI) is responsible for investigating narcotic and non-narcotic related cases in the City of San Jose. NCI works closely with multi-jurisdictional drug task forces located in the greater San Jose area. Upon request NCI provides tactical, surveillance and covert operation assistance to other law enforcement agencies.

In the event NCI is unable to provide assistance Special Operations officers from other specialty units within the SJPD may be tasked with the request (e.g., METRO and MERGE).

Since September 2010, NCI has assisted SCCSET with three major SCCSET operations. A summary of the operations is listed below:

- On September 30, 2010, NCI officers assisted in a sting operation involving multiple marijuana delivery businesses. As part of the operation, NCI ordered marijuana from these businesses, which were suspected to be run by marijuana dealers. The suspect(s) subsequently delivered marijuana to locations in San Jose. The operation was overseen by SCCSET and involved similar investigative techniques in four other jurisdictions. Two of the individuals NCI arrested stated they had come to San Jose from outside the state (Texas and Arizona) because they realized they could make significant profit selling marijuana in California, calling it the "Green Rush" (similar to the "Gold Rush" of the 1800s).
- On October 7, 2010, NCI assisted SCCSET with the service of a search warrant at the New Age Healing Collective, a self-described medical marijuana collective, located at 914 S. Bascom Avenue in the City of San Jose. The primary suspects at the collective had prior convictions for narcotics sales. NCI provided tactical assistance by securing the business for SCCSET. Had NCI been unavailable, Special Operations METRO or MERGE officers would have been requested to serve the search warrant and secure the business.
- On November 11, 2010, NCI officers assisted SCCSET/BNE with the service of search warrants and arrests at the culmination of a long term investigation. The suspects were members and associates of an Asian gang. Approximately 20 lbs of manicured and bulk packaged marijuana was seized (marijuana that was ready to be ingested) in addition to several firearms. During the investigation investigators learned that the gang was involved in several shootings and weapon brandishing incidents. SCCSET also learned that the gang ran several marijuana grow houses for intended distribution to marijuana dispensaries. NCI, Special Operations MERGE, and the Sunnyvale SWAT team assisted in this operation serving search warrants and secure locations in the City of San Jose.

RESPONSE TO QUESTIONS

Below are responses to the subsequent questions posed by Council District 6 staff:

Question #1 --"Since the enforcement was not done as a "normal activity" thus, the outside enforcement had to be requested, then who within the City asked for this enforcement to be done and who gave the permission?"

SJPD Response #1 - The above listed investigations were initiated by SCCSET. SCCSET is one of two BNE state task forces that operate in the City of San Jose. SCCSET is responsible for enforcing state drug laws in Santa Clara County. The Santa Clara County Police Chiefs' Association, which includes all Chiefs of Police in Santa Clara County and the District Attorney, in conjunction with SCCSET determined that

HONORABLE MAYOR AND CITY COUNCIL

RE: Santa Clara County Special Enforcement Team (SCCSET)

December 1, 2010

Page 3

criminal investigations of marijuana dispensaries needed to be undertaken after numerous complaints were made about marijuana dispensaries by citizens in various jurisdictions throughout Santa Clara County.

Question #2 - "How many police are taking part in these raids?"

SJPD Response #2 - SCCSET members and various law enforcement agencies have participated in various criminal investigations into medical marijuana dispensaries. The number of police officers taking part in enforcement varies, depending on the specific operation.

Question #3 - "Who is paying for the raids to be done?"

SJPD Response #3 - SCCSET is a State funded narcotics task force.

For any questions, please contact Captain Laurence Ryan, Bureau of Investigations, at 408-277-4244.

/S/

Christopher M. Moore
Acting Chief of Police

CMM:LR:lr