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[Via e-mail to listed addresses]
City Councilmembers, City of Sutter Creek
City Manager Tom DuBois [tdubois@cityofsuttercreek.org]
City Planner Erin Ventura [eventura@haugebrueck.com]

Re: Embarc Dispensary Project Proposal

Honorable Councilmembers, Mr. DuBois, and Ms. Ventura:

I write on behalf of the District Attorney's Office to urge your consideration of the opposition to the Embarc Dispensary Project. We reference the letters submitted by our colleagues on behalf of the County, particularly Sheriff Redman and General Services Administration Director Spitzer, alongside Chief O'Connell and the Amador County Unified School District outlining the very real and practical implications of a dispensary in Sutter Creek.

Our office's opposition is based upon the following issues: (1) the known public safety impacts to the City and the County; (2) the danger of increased access to marijuana and cannabinoids to minors and impacts to our schools; and (3) that the promised benefits to the City of Sutter Creek are illusory and far outweighed by the negative impacts to the County.

This is no comment upon the legalized recreational and medicinal use of cannabis products by adults. Safe and legal access to those products is already available to those consumers. But plainly, allowing the dispensary makes it easier for the next location to become established, and for Amador to share in the problems that plague surrounding counties.

Public Safety Impacts

The staffing and patrol constraints referenced by Sheriff Redman and Chief O'Connell are well-taken. In addition to enforcement and arrests, though, the impact of any crimes connected to a dispensary location extends through the investigation, charging, and prosecution of those offenses, all the responsibility of the District Attorney's Office. Our superior court and public defenders would further carry the obligations of those additional cases on the docket.

This office has investigated and prosecuted multiple marijuana-related crimes, all of which occurred because of the cash and processed cannabis available on-hand. In 2011, there was an attempted robbery of an illegal marijuana grow in the Carbondale area, which resulted in the murder of the operation's caretaker. Another robbery and shooting occurred with a man who was selling marijuana from his home at the 49er Trailer Village. Owing to enforcement efforts here against illegal mass cultivation, and the consistent position of County Supervisors on marijuana-related issues, we have been spared more frequent crime than our neighbors.

While a storefront is distinguished from black or grey-market cannabis cultivation, it presents the same vulnerability: it is well-known that dispensaries have cash on premises because the state will not allow them to have business accounts at an FDIC-insured bank. In many places, dispensaries have been robbed. Patrons of a dispensary in the proposed location are also vulnerable – with only a few main roads traversing the area, most of which are not highly-traveled or well-lit, there is opportunity for those who would target their purchases.

This dispensary will be located near a thoroughfare for patrons of the Jackson Rancheria Casino. Some of those patrons will purchase products and use or sell them on Casino grounds. That already occurs, but with a local dispensary, it will be even more convenient. And when patrons elect to use their purchases and drive those roads, it will exacerbate the significant problem we face with DUIs here – which include marijuana-related DUIs. Despite our rural location and size, Amador County has an outsized ratio of alcohol and substance-related traffic fatalities. When it comes to impairment from cannabis or other ingested substances, too many drivers still perceive that usage is without risk. Those cases are also more difficult to prove, requiring specialized training among patrol officers to identify signs of impairment and expert evaluation and testimony – additional staffing and prosecution costs.

Increased Access to Cannabis Products by Minors

Minors will undoubtedly have greater access to marijuana and cannabis products that will be given to them by young adults who are able to purchase the products from the dispensary. The demand is there. Just months ago, ACCNET (Amador County Combined Narcotics Enforcement Team) agents investigated and shut down a business near the proposed location of the Embarc dispensary. Evidence established that the proprietor had a steady cash trade selling THC-containing vape pens to minors. The investigation began when a 14-year-old was taken to the hospital for treatment, having ingested legally purchased THC gummies. Marijuana-induced psychosis is a real thing that can hit youth hard, particularly those with undiagnosed mental illness and/or anxiety. For all these reasons, and more, ACUSD has taken a position in opposition to the proposed dispensary.

Any Fiscal Benefit is Uncertain and Outweighed by These Costs

The promised revenue to the City of \$1.6 million is illusory. These figures are extended in every jurisdiction that has considered approving a dispensary – and those numbers are not reached across the board. Even if they were to deliver, the financial benefit is far outweighed by the public safety, youth and medical impacts and costs that will be borne by the City and the County. Our neighbors in Calaveras County, which still faces ongoing budget shortfalls, struggle with the consequences of the approval of dispensaries and related difficulty of enforcement on larger marijuana grows. Please don't start that process in Amador County. It will detrimentally impact our quality of life. Any monetary gain – which has not been realized – is just not worth the cost.

Respectfully:



Caitlin M. Casey
Chief Assistant District Attorney