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California Law Changes at the San Luis Obispo County Line

Stacey Ward for Salem-News.com

Police harassment and intimidation in SLO County; Medical marijuana laws don't apply here.

(SAN LUIS OBISPO, Calif.) - Yesterday, I received some friendly advice that it's better to "lay low" than put myself on the radar of local law enforcement.



My friend had heard me complain on the radio last week that the recent Narcotics Task Force arrests of more than a dozen medical marijuana distributors lacked the force of law, and was intended merely as harassment and intimidation.

Local law enforcement has made it clear that medical marijuana, which is legal in this state, won't be tolerated in San Luis Obispo County.



Photos of a recent pro-medical marijuana rally on the San Luis Obispo Courthouse steps by Tristan Miller.

Talk show host Dave Congalton at 920 KVEC asked me to come on the air because I'd spoken out in the past when the sheriff's department overreached its authority by setting up and taking down Charles C. Lynch for operating a medical marijuana dispensary in Morro Bay.

Lynch was later sentenced to one year and one day in federal prison, much to the distress of 9th U.S. District Court Judge George Wu who sentenced Lynch. Federal law gave Wu little choice, the judge said, but to send Lynch to prison.

The Justice Department, even after newly appointed U.S. Attorney General Eric Holder announced it would back off from marijuana cases, was fierce in its prosecution of Lynch, demanding that he serve a minimum five-year sentence.

The judge thought better of it.



It was clear that Lynch had committed no real crime against the community. He wasn't the big drug lord that the government tried to make him out to be. He was dispensing large quantities of "medical" marijuana, to be sure, but, unfortunately, federal law and the U.S. court system refuse to recognize "medical" as a legitimate claim. The term "medical," in fact, was ruled out as a means of defense in Lynch's case. Lynch became another victim to the War on Drugs.

Lynch, who now must submit to regular and random drug tests, recently declared bankruptcy, and remains free pending the appeal of his case.

Sadly, Lynch's cross with the law seemed fueled not so much by federal agents as by local Sheriff Patrick Hedges, who acted more as sheriff provocateur than sheriff protector, and made known to residents that he would not tolerate the sale and use of medical marijuana, even though voters had already made it legal, and California's Attorney General Jerry Brown had provided the necessary [legal guidelines](#) on the issue.

They weren't the clearest guidelines but the intent was clear: Medical marijuana, within certain

Charles Lynch at the clinic that he was forced to close. parameters, is legal and should be protected in the state of California.



Meanwhile, the sheriff's department and the Narcotics Task Force, whose job it is, I presume, to enforce local community laws and standards, have continued to ignore those guidelines. Instead, they enforce their own interpretation of the law—as federal operatives, in a sense—not as it's written, which is to serve and protect the interests of law-abiding citizens, including those who sell, distribute and use medical marijuana in the state of California.

Sadder still is that, as a result of overzealous law enforcement, Lynch's life as a businessman and homeowner, has been completely wrecked: He lost a thriving business that had been welcomed and supported by the City of Morro Bay, he filed bankruptcy and faces losing his home. To what end?

Whose interests were being protected and served?

His life will never be the same; and neither will those children be the same, who watched recently in terror as armored police burst into their home, forced everyone at gunpoint to the ground and needlessly hauled their parents off to jail. The parents were later released after the district attorney dropped the charges.



Charles Lynch with Al Roker

The message? Don't mess with the "cowboys," as they're called, who make up the San Luis Obispo County Narcotics Task Force.

Unfortunately, what the NTF is doing—without oversight from the public or any other local agency as far as we know—is not law enforcement; it's intimidation and harassment. It won't pass muster in the California legal system, and it's a terrible waste of precious resources.

It's also bad for business, bad for the local community, and makes the cops look like renegades.

My friend is probably correct in suggesting that I keep my mouth shut, which seems to be the consensus among many who live here in San Luis Obispo County: Don't cross the law; keep your mouth shut. People here are afraid to speak out. That in itself ought tell us something about the sort of "law enforcement" we have here.

Why should anyone but actual criminals be afraid of cops?



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I'm not against law enforcement. I'm against law enforcement that uses terror to bring down non-violent suspects such as medical marijuana growers, distributors and users.

Frankly, I don't want to be on anyone's radar. Like most people, I'd rather be left alone. But I refuse to "lay low" when law abiding-citizens are being unjustly harassed and thrown into jail.

That alone ought to send shivers down the spines of anyone who cares about their safety. Any time the police can break down your door with hardly a second's notice in the middle of the night and throw you around in your own home, you're not safe.

I detest the pervasive use of SWAT tactics—designed to overwhelm and subdue violent criminals—to arrest distributors and users of marijuana, medical or not, who have no violent criminal past and who, if they were stoners, would be the least likely to resist.

Too much can go wrong, [as it did recently in Utah](#) when police got a warrant to raid a home using SWAT methods on the fear that the suspects inside might respond with gunfire.

A guest, unbeknown to the police, was sleeping in one of the rooms, and responded to the pre-dawn raid by grabbing a golf club to fend off the intruders. He was gunned down and died on the spot, not an uncommon occurrence in the endless, costly and useless War on Drugs.

It's only a matter of time, so long as local law enforcement continues to imprudently apprehend medical marijuana providers and patients, before someone is seriously hurt or killed.

More tragic still is that those who were targeted by local law enforcement in the recent raids weren't even violating the law. They were, again by most news accounts, in compliance with California laws that regulate the use of medical marijuana.

The district attorney has already dropped charges against three of the people who were arrested. Likely as not, any charges that do stick and go before a judge will also be dropped. In any event, a court case from these arrests ought to be welcomed as an opportunity to show how out of line local police have been.

Recently a [judge in Montana](#) couldn't even seat jury because potential jurors said they would refuse to convict someone for possessing a few buds of marijuana. The defendant faced felony charges of "criminal distribution of dangerous drugs."

The judge in the case was confounded by the citizen revolt and said he'd never seen anything like it before. Be sure to witness more such citizen revolts if police continue to cross the legal line of enforcement.

If the tone of Congalton's frustrated listeners who called the station and complained of being unfairly targeted for growing and distributing medical marijuana is any indication, courts in this county will also have a tough time finding citizens who support the NTF's local war on drugs.

I don't know much about the Narcotics Task Force, a state-mandated agency supported through the participation of local police departments; I don't know where its budget comes from, or who oversees its operations. I do know they're members of our community, they're "out there," spending countless hours spying on and attempting to entrap legal medical marijuana distributors and customers. It's a terrible waste of time, money and energy, which could be better spent preventing real crimes.



We also know that without the support of our local lawmen, the NTF would cease to function.

Too often I hear people say, "What can you do? The cops will do whatever they want."

Only if we let them, only if through silence and complacency we turn our backs and "lay low" to avoid getting into the crosshairs of police who don't respect the law. As long as no one speaks out, lawmen will continue to harass and intimidate law-abiding citizens whenever they please simply because they don't agree with the laws we've enacted with our votes.

That's not law enforcement; it's harassment and intimidation. §

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Douglas Benson January 22, 2011 9:43 am *(Pacific time)*

Its also deprivation of rights . Law enforcement has shown you the path take it . They may be within the federal law but not the states and are liable under it . It may be hard to find a lawyer that is willing to use this tool though .Thier little club frowns on using this tactic .Its no real secret that if you want a good defense,or offense you need an out of state lawyer . They listen when you get a large judgement ,untill then it costs them nothing,they score points with the feds and a small portion of the public . Peace

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