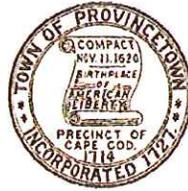


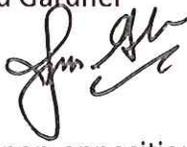
## Town of Provincetown

*James F. Golden*  
*Chief of Police*  
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## Police Department

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To: Assistant Town Manager David Gardner  
From: Chief of Police James Golden   
Subject: Pending Determination (RMD non-opposition) Letter for HEAL, Inc.  
Date: July 13, 2016

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Mr. Gardner,

First, let me start by saying that I believe a duly qualified medical patient can improve their quality of life, which may be negatively impacted by any documented serious and debilitating medical condition, by the use of medical Cannabis.

While Cannabis is perhaps best known for its benefits with regard to pain management, some medical studies suggest that health benefits of medical marijuana may also include: combating nausea, diminished appetite and subsequent malnutrition and weight loss resulting from chemotherapy treatments, HIV/AIDS, anorexia, and gastrointestinal conditions like Crohn's Disease, improving mobility by relieving joint pain and muscular pain caused by arthritis or severe injuries and possibly even inhibiting the growth of cancerous cells when Cannabis is used in conjunction with chemotherapy.

There are several factors to consider whenever a municipality is faced with a proposal for a Registered Marijuana Dispensary (RMD) in their community. The Massachusetts Medical Marijuana Program falls under the auspices of the Department of Public Health (DPH), and includes the oversight of patients, caregivers, dispensary agents and registered practitioners, as well as RMDs. The program is now integrated with the Bureau of Health Care Safety and Quality (BHCSQ) within DPH.

The DPH guidelines recognize the role of municipalities in adopting local laws and regulations regarding uses related to medical marijuana which are appropriate for their respective community. DPH does not require any involvement by municipalities in the regulation of an RMD, hardship cultivation registrations, or any other phases of marijuana for medical use.

The Medical Marijuana Program must comply with all local ordinances, bylaws and regulations, which, according to the Attorney General's Office, do not conflict with state law. Municipalities may not prohibit RMDs, or create bylaws or ordinances requiring qualified patients to register with the municipality; requiring personal caregivers engaged in home cultivation to register with local officials who are not law enforcement personnel, requiring a special permit for home cultivation, or limiting home cultivation to a particular area within the community, prohibit home delivery, require buffer zones around home cultivation sites, or requiring RMDs to comply with federal law.

There are several types of designs for RMDs which include cultivation only sites, combined cultivation, processing and retail RMD sites, or a retail site only with off-site cultivation. The HEAL presentation proposes a retail site only with off-site cultivation/processing being done in the Town of Warren, Massachusetts.

There is always concern with the operation of an RMD in any community and I affirm it is the Chiefs job to highlight potential public safety implications. Research suggests crime in and around dispensaries in other states has generally been under-reported; however Massachusetts regulations mandate reporting to the police for specific incidents. Since RMDs are a cash and carry business involving two lucrative commodities; cash and marijuana product, they become a potential target of crimes such as robbery, B&E, internal and external theft as well as unscrupulous employees who may partake in the diversion of marijuana products. Target specific crime victims in this industry may include the dispensary agents themselves, patients, caregivers and the RMD delivery drivers.

The Board of Selectmen will be asked to consider the local impact of an RMD as far as how it will affect the quality of life within our community. Given the proposed location, and referring to information from other states (like Colorado), ancillary problems such as loitering, public use of marijuana, traffic congestion, noise, odor complaints, and drug re-sales & diversion may occur. I believe DPH regulations require the location be at least 500 feet away from any school. This needs to be further examined as the by-law referenced in our meeting only requires 100 feet.

Please know that recreational use of marijuana could be legalized in 2016, which raises the question as to how the passage of legalization will impact the operation of already established medical marijuana dispensaries. Under the Massachusetts ballot proposal for "recreational" marijuana/THC products, registered marijuana dispensaries (RMDs) would be given preference for licenses to grow, process and sell, marijuana products at the same location for retail sale. Medical marijuana facilities are non-profit and are not taxable, while recreational are for-profit sales, taxable up to 12%. Fast tracking this applicant (until we see what the voter initiative does this fall) could effectively green-light a commercialized retail marijuana store in Provincetown.

This document should not be construed to be an attack on the legalization of Marijuana in Massachusetts. The voters of Massachusetts enacted the first marijuana decriminalization law

passed in November 2008 by voter initiative. In effect since January 2009, marijuana possession is no longer a crime in Massachusetts, nor is it arrestable.

From a law enforcement stand-point, there are limitations on entry to an RMD. Only registered qualifying patients, personal caregivers, dispensary agents and authorized state and local officials may enter an RMD, with limited exceptions. This applicant needs to highlight how they plan on handling security of the perimeter and building, as well as security of the staff and the patients at or near the facility. I will make inquiries on how the applicant plans on restricting access to specific areas, installing alarms, and video surveillance, use of security guards, destruction procedures, tracking loss, theft, diversion and coordinating other activities with the police.

RMDs in Massachusetts are not required to offer home delivery; however, the vast majority (including the current applicant) in our state do. If an RMD proposes that they will provide delivery services they must comply with the same stringent guidelines as the RMD especially in the area of procedure, security and safety. The DPH regulations require such mandates as surreptitious delivery vehicles, two-man rule, GPS monitoring, tracking inventory, and maintaining two-way communication with RMDs.

If an RMD is established in our municipality, DPH Regulations require RMDs to coordinate with local enforcement regarding panic alarms, providing hours of operation, after-hours contact information and access to RMD surveillance operations; as well as requiring dispensary agents to produce their dispensary agent card to law enforcement upon request. DPH Regulations also require RMD agents to report to local law enforcement, within 24 hours: any diversion of marijuana; unusual discrepancies identified during inventory, theft, loss and any criminal action; unusual discrepancy in weight or inventory during transportation; any vehicle accidents, diversions, losses, or other reportable incidents that occur during transport; any suspicious act involving the sale, cultivation, distribution, processing, or production of marijuana by any person; unauthorized destruction of marijuana; any loss or unauthorized alteration of records related to marijuana, registered qualifying patients, personal caregivers, or dispensary agents; an alarm activation or other event that requires response by public safety personnel; failure of any security alarm system due to a loss of electrical power or mechanical malfunction that is expected to last longer than eight hours; and any other breach of security.

The Department of Public Health will consider many different criteria before allowing an RMD to proceed at a proposed location, including an objective assessment of the applicants(s); geographic dispersion and county location, diversion and safety for the proposed location, patient access and support. DPH will also consider the financial capability of the enterprise, knowledge of operating a dispensary, public safety & security to include handling unforeseen events, disaster plans, reporting structure to police and corrective action plans.

## Letters of Support or Non-Opposition

According to DPH, RMDs may approach municipal officials to acquire letters of local support or non-opposition, which is required for the siting profile portion of the application. An RMD is required to obtain a letter of support or non-opposition from its host community before it will be permitted to proceed to the inspection phase. In terms of the assessment, there is no difference between a letter of support and a letter of non-opposition from local officials. However, a letter of non-opposition demonstrates that the city/town is neutral on the topic. Either letter will satisfy the requirement for DPH, but the municipality is not obligated to produce a letter if they do not support or oppose an RMD. As I have stated, municipalities may not outright ban RMDs from a city or town. Neither the Medical Marijuana Act nor its enabling regulations prohibit municipalities from executing a host community agreement with a potential RMD. (More below)

If the applicant is proposing a retail dispensary location in a city or town and a separate cultivation facility in another city or town, the applicant is required to submit a letter of support or non-opposition from both municipalities. The letter may be signed by the Chief Executive Officer/Chief Administrative Officer for the desired municipality; or the City Council, Board of Alderman, or Board of Selectmen for the desired municipality. The applicant's choice of (a) or (b) should be done in consultation with the host community.

From my perspective, there is a substantial public safety interest with any proposal for an RMD within this community. The purpose of this letter is to ensure that the concerns of your police department are heard during the application phase and prior to any letters of support or non-opposition of a dispensary presented by the municipality. As the application progresses, we should be cognizant of the obligations in which the RMD Agents have to the local police. Our staff will require a greater knowledge of the facility and its operations, and to fulfill this need, the following is a list of questions or concerns with the currently proposed plan:

These will include:

- Submission of a Security Operations Summary.
- Review of their comprehensive security plan. Representatives of the police department would like to review the policy in full so as to ensure a complete understanding and cooperative effort in the event of an emergency.
- Regarding any Security Officers, the police department would like to know what their training entails, what duties will be carried out, what equipment will be utilized, and what code of conduct can be expected. The police, as well as the public, should be made aware of what the expectations are of the security officers, and what their general ("routine") duties will be if utilized at both the dispensary location and proposed home delivery model.
- The police department should be made aware of the materials used to design the vault, and what the material's capabilities are (for example, 30 minute drilling blocks used).

- The facility will have proximity cards and electronic locks. The police department is inquiring if there will be back-up keys, and who will have access to them.
- Patrols in the evening and nighttime more effectively check facilities with adequate lighting. Security is enhanced through effective surveillance, whether by human eye or by surveillance camera. A lit parking area will be important for the times of year when darkness falls early and the business may be open. There should also be dedicated parking at the multi-unit building for the dispensary with cameras and lights specifically on them. Additionally, their initial presentation would require video surveillance be saved for a minimum of 90 days, and we are looking for a minimum of 180 days retention for the storage of all video and electronic information.
- Landscaping should not allow for any concealment near the facility. Also, trees should be maintained to have at least an eight foot canopy. Ground plantings should be kept trimmed to a height no greater than two feet.
- Any awning reapplied to the building should not inhibit a responding police officer from being able to scan the interior spaces upon their approach to the building.
- The police department would like to have knowledge of the policies and procedures for the diversion, theft, or loss of marijuana. This will not be for public release.
- We are looking for clarification to ensure that the alarm does not ring in our dispatch center. We understand that the alarms will be through private alarm monitoring companies and they will contact the Provincetown Police in the event of a triggered alarm.
- The police department is requesting the confirmation that there will be a battery back-up for the security and surveillance systems. They may also want to consider a generator to ensure continuity during any lapse of power as a result of an outage.
- The police department maintains contact and alarm information in our in-house dispatch computer system. We expect that these records will be kept timely and accurately.
- It is recommended that there be a regular point of contact for our officers to contact in order help establish a positive relationship.

Town counsel should also review the ramifications of “host agreements” from any potential RMD applicants. In other communities, RMD applicants offer cash donations to desired host communities to support general community initiatives and interests and to express its appreciation for the community support it receives to operate an RMD in the host community.

Please let me know what questions you may have.