

Last Chance Residents Threaten Lawsuit Against Sheriff

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The battle lines are being drawn again over Last Chance.

On the one hand are the residents of this 70-household community on the North Coast who have recently become incensed over what they perceive as "harassment" by the sheriff's office narcotics unit.

The controversy has grown to the point where they are threatening to bring a lawsuit against the sheriff's office, said Santa Cruz attorney Ray Grueneich.

On the other side is the sheriff's office narcotics unit, whose job it is to try to seize as much of the marijuana grown in this county as possible. This year, the narcs have confiscated about \$2 million of the illegal weed.

In Last Chance, the agents have seized nearly 300 high-grade sinsemilla plants, worth an estimated \$600,000 on the street. Most of the plants — 248 of them — came in one raid, agents said.

"All of this is tax-free and illegal," notes one agent.

In their forays into the marijuana fields throughout the county, the agents have come upon a wide variety of illegal housing throughout the county, said one agent.

"We see all kinds of dwellings — everything from teepees to cardboard boxes," the agent said.

In a letter to the Board of Supervisors July 20, Sheriff Al Noren outlined some of the problems he sees between the proliferation of illegal houses, environmental damage and narcotics activity.

Among the problems he cited were a homemade drug lab that burned down a home (in Last Chance three years ago) and the cutting down of trees protected by the Timberland Preserve Zone.

Not all of these problems are restricted to Last Chance.

However, as Supervisor Gary Patton

puts it, "Last Chance has become the symbol of illegal housing in the county."

As such, attorney Grueneich — who is representing some of the residents in their potential lawsuit — said, "The community has become an open target for any kind of abuse."

Last Chance is a kind of counterculture enclave. "The community's most common bond is that they want to live out in an isolated area," said Grueneich. Many of the them, he added, don't have anything to do with marijuana growing.

Grueneich said the residents share a

laissez-faire attitude toward each other and the community as a whole. He added, "Their attitude is anathema to the authoritarian personality."

Last Chance residents live behind a locked gate near Swanton Road. They built their homes without building permits

and without PG&E and sewer systems.

None of this pleases Sheriff Noren, who feels that if "John Q. Citizen" has to abide by the rules, so should the Last Chance residents.

"If the county knowingly allows people to illegally put up structures," he said, "It is hardly in a position to tell others to abide by the law."

Noren added that unless the county "gets a handle on this, it will encourage the proliferation of these kinds of dwellings."

One officer in the department pointed out that it isn't fair that the developer of Wingspread in Aptos should be restricted to building apartments of 600-square-feet by a planning commission that turns its back on the illegal housing in the rest of the county.

Gary Patton is the supervisor in whose district the Last Chance enclave is located. He's bothered by the illegal housing situation.

"How can I, who believes in growth management, not be disturbed when people don't play by the rules?" he asked rhetorically.

Most of the dwellings at Last Chance, he said, were built before Measure J — the county's growth control initiative which was passed by voters in 1978. Patton wrote the legislation.

He said the residents have promised not to build any more houses, but added, "lately, I've found out that may not be true."

Patton has worked on drawing up plans for a "cabin standard" building code for owner-built homes — something which would follow in the same vein as recent state legislation allowing such standards.

However, he said he's had a hard time getting agreement from the people who will have to live with it.

Meanwhile, these same people have come to him with complaints about the narcotics agents' behavior on marijuana raids, he said.

"There are three or four complaints," he said. Residents claim agents are using offensive language and acting rudely; they speed on the narrow roads and last year nearly crashed into a woman, forcing her off the road. Agents pulled out guns and allegedly held a family at gunpoint while searching an adjacent home for marijuana and the agents are searching homes that may not be covered by search warrants, he said.

Patton added, "I feel it (the problems) may come a little from both sides."

In the past, the county's building inspectors have complained of being harassed and being met with guns when they tried to investigate the Last Chance dwellings.

A narcotics agent said he is unaware of any guns being pulled on peace officers.

And he added, "We wouldn't be up there if they weren't growing dope."

But Grueneich believes the issue goes deeper than that. "I think the sheriff is on a crusade," he said. "I personally think Al Noren's sheriff's office has a tradition of targeting communities from time to time for attack, and once it is targeted, they don't stay within the law."

As support for his allegation, Grueneich has collected affidavits from some of the residents that will be filed with his lawsuit.

The residents claim they have been threatened with arrest for a variety of charges unrelated to marijuana growing; that the officers didn't — or were reluctant to — identify themselves as peace officers; that some houses were searched without warrants, and that the people were treated unprofessionally.

Robert Batchik wrote in one affidavit: "I was concerned the sheriff and the deputies will continue to treat all of us in the Last Chance community as people who have no rights and as targets of abuse and harassment."

Noren said all his deputies have been armed with search warrants, to his knowledge. Without knowing if it is true, he has also warned his officers to drive carefully.

Noren said he's not trying to "accomplish anything" in airing the problems with the illegal houses, burgeoning drug activity, and environmental damage, other than to bring it to the attention of the public.

"Either the electorate wants controlled growth or not...if they don't give a damn about it then they can change the law and allow people with property to build on it," he said.

Noren said that Last Chance was originally for a group of people who wanted an alternative lifestyle. Now, he feels that may be a facade for them to make their fortunes illegally.

With the marijuana situation in the county being what it is, Noren said his main goal is to eradicate the illegal stuff, and secondly to make arrests.

He said he is not trying to insinuate that everyone who lives at Last Chance is growing marijuana.

But when his officers obtain search warrants for marijuana, they will check it out. Anyone exceeding the authority of the warrant, he added, is doing so without the authority of himself or the office.

Grueneich said his aim is not to restrict the sheriff's office from its lawful duties, but to insure that everyone — including the Last Chance residents — are given equal protection under the law.

"They shouldn't have lesser rights just because they live in Last Chance," he said.