

Culver City Cannabis Business Permit Criminal Background Check Administrative Guidelines

Live Scan criminal background checks through the California Department of Justice and the FBI will be performed on each Responsible Person associated with a cannabis business permit applicant.

As stated in the Culver City Municipal Code, section 11.17.115(C)(2), “the City reserves the right to reject any or all applications if it determines it would be in the best interest of the City, taking into account the public health, safety and welfare.”

The Culver City Police Department will use the following administrative guidelines when determining if a Responsible Person is qualified for receipt of a commercial cannabis business permit based on his or her criminal background and the interest of public health, safety and welfare. All Responsible Persons associated with an application must be qualified for the permit to be approved.

Responsible Person Status	Criminal Background History
Disqualified.	- Any prior felony conviction, excluding crimes that have since been reclassified as a misdemeanor. This includes, but is not limited to: - Violent felony (See CPC 667.5(c), attached); - Serious felony (see CPC 1192.7(c), attached); - Felony involving fraud, deceit, or embezzlement; - Felony involving minors and controlled substances—including cannabis; - Felony for trafficking a controlled substance—including cannabis (See CHSD Section 11370.4 or 11379.8, attached); - Felony involving possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance—including cannabis.
May be qualified.	Misdemeanor, or felony conviction that has since been reclassified as a misdemeanor, involving possession, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance—including cannabis—if more than 5 years ago, one time only, has completed sentence, and has statement of rehabilitation, mitigating circumstances, and supporting evidence. See additional information and factors that CCPD will take into consideration when determining qualification, below.
Not considered for qualification purposes.	Previous conviction of possession of cannabis that has since been reclassified as an infraction.

Fines, Sanctions, or Enjoinments

Although the following information will not appear in Live Scan background check results, since they are not criminal charges, they will be taken into consideration when staff reviews an application:

Responsible Persons who have been issued a fine, sanctioned, or enjoined for operating a **cannabis** dispensary or retailer without the necessary permits within the last 3 years, will be disqualified.

Responsible Persons who have been issued a fine, sanctioned, or enjoined for operating a **cannabis** dispensary or retailer without the necessary permits outside of the last 3 years, may be qualified with statement of rehabilitation, mitigating circumstances, and supporting evidence (see below).

Factors Taken Into Consideration for Certain Criminal Convictions/Fines/Sanctions/Enjoinments

Conviction for certain crimes, receipt of fines, etc. listed above as “May be qualified”, does not necessarily make a Responsible Person ineligible to receive a commercial cannabis business license. A Responsible Person disclosing a criminal conviction or prior fine in one of the “May be qualified” categories, above, or other penalty should submit any evidence of rehabilitation for consideration by the CCPD with the application. A statement of rehabilitation should be written by the Responsible Person and contain all the evidence that the Responsible Person would like the CCPD to consider that demonstrates the Responsible Person’s fitness for permitting. Supporting evidence may be attached to the statement of rehabilitation and may include, but is not limited to, evidence specified below, and dated letters of reference from employers, instructors, or counselors that contain valid contact information for the individual providing the reference.

Factors that will be taken into consideration by the CCPD when determining eligibility include:

1. Whether the Responsible Person originally included the applicable information from the background check on their application with the City.
2. The nature and severity of the act or offense, including the actual or potential harm to the public.
3. The Responsible Person’s criminal record as a whole.
4. Evidence of any act committed subsequent to the act or offense under consideration that could be considered grounds for denial, suspension, or revocation of a permit.
5. The time elapsed since commission of the act or offense.
6. The extent to which the Responsible Person has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the Responsible Person.
7. If applicable, evidence of expungement proceedings under Penal Code section 1203.4 or a similar law in another state.
8. If applicable, a certificate of rehabilitation obtained under Penal Code section 4852.01 or a similar law in another state.
9. Other evidence of rehabilitation submitted by the Responsible Person.

Section 667.5(c) of the California Penal Code

(c) For the purpose of this section, "violent felony" shall mean any of the following:

- (1) Murder or voluntary manslaughter.
- (2) Mayhem.
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
- (4) Sodomy as defined in subdivision (c) or (d) of Section 286.
- (5) Oral copulation as defined in subdivision (c) or (d) of Section 288a.
- (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.
- (7) Any felony punishable by death or imprisonment in the state prison for life.
- (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.
- (9) Any robbery.
- (10) Arson, in violation of subdivision (a) or (b) of Section 451.
- (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.
- (12) Attempted murder.
- (13) A violation of Section 18745, 18750, or 18755. [Note: These sections pertain to the use of explosives.]
- (14) Kidnapping.
- (15) Assault with the intent to commit a specified felony, in violation of Section 220.
- (16) Continuous sexual abuse of a child, in violation of Section 288.5.
- (17) Carjacking, as defined in subdivision (a) of Section 215.
- (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.
- (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22.
- (20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22.
- (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
- (22) Any violation of Section 12022.53. [Note: This section pertains to use of a firearm in conjunction with certain crimes.]
- (23) A violation of subdivision (b) or (c) of Section 11418. [Note: This section pertains to use of weapons of mass destruction.]

Section 1192.7(c) of the California Penal Code

(c) As used in this section, "serious felony" means any of the following:

- (1) Murder or voluntary manslaughter;
- (2) mayhem;
- (3) rape;
- (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
- (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
- (6) lewd or lascivious act on a child under 14 years of age;
- (7) any felony punishable by death or imprisonment in the state prison for life;
- (8) any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
- (9) attempted murder;
- (10) assault with intent to commit rape or robbery;
- (11) assault with a deadly weapon or instrument on a peace officer;
- (12) assault by a life prisoner on a noninmate;
- (13) assault with a deadly weapon by an inmate;
- (14) arson;
- (15) exploding a destructive device or any explosive with intent to injure;
- (16) exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
- (17) exploding a destructive device or any explosive with intent to murder;
- (18) any burglary of the first degree;
- (19) robbery or bank robbery;
- (20) kidnapping;
- (21) holding of a hostage by a person confined in a state prison;
- (22) attempt to commit a felony punishable by death or imprisonment in the state prison for life;
- (23) any felony in which the defendant personally used a dangerous or deadly weapon;
- (24) selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code;
- (25) any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;

- (26) grand theft involving a firearm;
- (27) carjacking;
- (28) any felony offense, which would also constitute a felony violation of Section 186.22;
- (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220;
- (30) throwing acid or flammable substances, in violation of Section 244;
- (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245;
- (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Sections 245.2, 245.3, or 245.5;
- (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246;
- (34) commission of rape or sexual penetration in concert with another person, in violation of Section 264.1;
- (35) continuous sexual abuse of a child, in violation of Section 288.5;
- (36) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 12034;
- (37) intimidation of victims or witnesses, in violation of Section 136.1;
- (38) criminal threats, in violation of Section 422;
- (39) any attempt to commit a crime listed in this subdivision other than an assault;
- (40) any violation of Section 12022.53;
- (41) a violation of subdivision (b) or (c) of Section 11418; and
- (42) any conspiracy to commit an offense described in this subdivision.

Section 11370.4 of the California Health and Safety Code

(a) Any person convicted of a violation of, or of a conspiracy to violate, Section 11351 , 11351.5 , or 11352 with respect to a substance containing heroin, cocaine base as specified in paragraph (1) of subdivision (f) of Section 11054 , or cocaine as specified in paragraph (6) of subdivision (b) of Section 11055 shall receive an additional term as follows:

- (1) Where the substance exceeds one kilogram by weight, the person shall receive an additional term of three years.
- (2) Where the substance exceeds four kilograms by weight, the person shall receive an additional term of five years.
- (3) Where the substance exceeds 10 kilograms by weight, the person shall receive an additional term of 10 years.
- (4) Where the substance exceeds 20 kilograms by weight, the person shall receive an additional term of 15 years.
- (5) Where the substance exceeds 40 kilograms by weight, the person shall receive an additional term of 20 years.
- (6) Where the substance exceeds 80 kilograms by weight, the person shall receive an additional term of 25 years.

The conspiracy enhancements provided for in this subdivision shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the planning, direction, execution, or financing of the underlying offense.

(b) Any person convicted of a violation of, or of conspiracy to violate, Section 11378 , 11378.5 , 11379 , or 11379.5 with respect to a substance containing methamphetamine, amphetamine, phencyclidine (PCP) and its analogs shall receive an additional term as follows:

- (1) Where the substance exceeds one kilogram by weight, or 30 liters by liquid volume, the person shall receive an additional term of three years.
- (2) Where the substance exceeds four kilograms by weight, or 100 liters by liquid volume, the person shall receive an additional term of five years.
- (3) Where the substance exceeds 10 kilograms by weight, or 200 liters by liquid volume, the person shall receive an additional term of 10 years.
- (4) Where the substance exceeds 20 kilograms by weight, or 400 liters by liquid volume, the person shall receive an additional term of 15 years.

In computing the quantities involved in this subdivision, plant or vegetable material seized shall not be included.

The conspiracy enhancements provided for in this subdivision shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the planning, direction, execution, or financing of the underlying offense.

(c) The additional terms provided in this section shall not be imposed unless the allegation that the weight of the substance containing heroin, cocaine base as specified in paragraph (1) of subdivision (f) of Section 11054 , cocaine as specified in paragraph (6) of subdivision (b) of Section 11055 , methamphetamine, amphetamine, or phencyclidine (PCP) and its analogs exceeds the amounts provided in this section is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(d) The additional terms provided in this section shall be in addition to any other punishment provided by law.

(e) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

Section 11379.8 of the California Health and Safety Code

(a) Any person convicted of a violation of subdivision (a) of Section 11379.6 , or of a conspiracy to violate subdivision (a) of Section 11379.6 , with respect to any substance containing a controlled substance which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054 , or in paragraph (1) or (2) of subdivision (d) or in paragraph (3) of subdivision (e) or in paragraph (2) of subdivision (f) of Section 11055 shall receive an additional term as follows:

(1) Where the substance exceeds three gallons of liquid by volume or one pound of solid substances by weight, the person shall receive an additional term of three years.

(2) Where the substance exceeds 10 gallons of liquid by volume or three pounds of solid substance by weight, the person shall receive an additional term of five years.

(3) Where the substance exceeds 25 gallons of liquid by volume or 10 pounds of solid substance by weight, the person shall receive an additional term of 10 years.

(4) Where the substance exceeds 105 gallons of liquid by volume or 44 pounds of solid substance by weight, the person shall receive an additional term of 15 years.

In computing the quantities involved in this subdivision, plant or vegetable material seized shall not be included.

(b) The additional terms provided in this section shall not be imposed unless the allegation that the controlled substance exceeds the amounts provided in this section is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(c) The additional terms provided in this section shall be in addition to any other punishment provided by law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) The conspiracy enhancements provided for in this section shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the direction or supervision of, or in a significant portion of the financing of, the underlying offense.