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May 21, 2002

Alternative Health Systems

ATTN:

Dear Mr.

Enclosed you will find a copy of a Vernon Police Department training bulletin addressing the issue of proposition 215: medical use of marijuana. I hope this training material meets your needs. This is the same training bulletin that is used to instruct our officers about proposition 215.

If there is anything else we can do for you regarding this issue please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "James P. Rodino Lt.".

James P. Rodino, Lt.
Industrial Relations Division



VERNON POLICE DEPARTMENT TRAINING BULLETIN



PROPOSITION 215: MEDICAL USE OF MARIJUANA

POLICE CHIEF LOUIS ROSENKRANTZ

November 15, 1996

Proposition 215, which adds Section 11362.5 to the Health & Safety Code, became effective at 12:01 a.m. on November 6, 1996. The following information describes the interim policy and procedure of the Los Angeles County District Attorneys Office and guidelines for Vernon Police Department personnel as it relates to Proposition 215.

It is the policy of the Los Angeles County District Attorneys Office that Proposition 215 has created an affirmative defense to the offenses of possession or cultivation of marijuana -- Health and Safety Code Sections 11357 subsections (b) through (e) and 11358. This medical use defense applies only to a "patient or patient's primary care giver," as defined, who possesses or cultivates marijuana for the "personal medical purposes of the patient upon the written or oral recommendation or approval of a physician."

It is also the policy of the Los Angeles County District Attorneys Office that Proposition 215 is inapplicable to subsection (a) of Section 11357 (concentrated cannabis) and to the sale of marijuana or any actions predicate to sales of marijuana.

In cases relating to Proposition 215, Deputy D.A.'s, before filing a case in which the medical use defense may apply, will inquire of the arresting agency whether the medical use defense is factually applicable, and what investigation there has been to confirm or disprove the defense.

As with other affirmative defenses, the burden of proof is on the defendant. In prosecuting marijuana violations, the District Attorneys Office will presume that the conduct is unlawful unless the affirmative defense can be proven.

If evidence of the medical use defense comes to light after a case has been filed, it is the policy of the District Attorneys Office to request appropriate investigation by the investigating agency, and if the defense is determined to be valid, to dismiss pending charges.

In an effort to provide guidance to law enforcement personnel, the State Attorney General suggests that:

* In light of Proposition 215, the focus in cases involving potential marijuana violations should be on whether the medicinal use defense is factually applicable.

* Vernon Police Department personnel should consider the following matters in determining probable cause for arrests involving marijuana. Further, it is imperative that all information obtained during the initial investigation should be included in the arrest report:

- A. An officer has the right to detain and question for that period of time reasonably necessary to determine whether the defense applies.
- B. The officer should ask early whether the person is taking medication, what medication, for what condition, at which doctor's direction, and the duration of treatment. The officer should attempt to verify the information when possible.
- C. An officer should ask whether the individual is a patient or care giver. If he/she says patient, then ascertain name of doctor and care giver. If care giver, ascertain for whom, for how long, and on what basis (responsible for housing, health or safety of patient). The officer should attempt to verify the information when possible.
- D. The quantity and packaging of the marijuana.
- E. The presence of cash, pay/owe documents and the absence of any indicia of patient or care giver status.
- F. Observed sales to persons.
- G. The presence of weapons, scanners or the use of evasive tactics or other conduct associated with unlawful drug activity.
- H. The criminal history of the individual.
- I. Activity evidencing consciousness of guilt.
- J. The experience and expertise of the law enforcement officer.
- K. The nature and consistency of the statements made by the person detained and questioned.

SGT. M. CHAVEZ
Sergeant Michael Chavez
Training Division