

CHIEF OF DETECTIVES

NOTICE

March 15, 2018

1.8

TO: All Concerned Personnel

FROM: Chief of Detectives

SUBJECT: BOOKING NON-EVIDENCE CANNABIS – LEGAL UNDER THE ADULT USE OF MARIJUANA ACT

As a result of changing cannabis laws, the use of cannabis may increase and officers may encounter individuals who possess small amounts of cannabis. The purpose of this notice is to provide some clarity as to what actions officers should take when determining the disposition of cannabis at the conclusion of their investigation.

When officers cite individuals for minor violations which are infractions such as smoking cannabis in public or possessing an open container in a vehicle, officers must properly handle the disposition of the property. As a result of the Adult Use of Marijuana Act (AUMA) it is lawful for anyone 21 years of age and older to lawfully possess up to 28.5 grams (one ounce) of cannabis or up to eight grams of cannabis concentrate. If a violator is 21 or over, they should be cited and allowed to keep their cannabis. For all individuals under the age of 21, the cannabis shall be seized and booked as evidence.

Exception: Individuals 18 or older who possess a physician's recommendation to possess cannabis are lawful to possess and should be treated the same as a person 21 years of age or older. They should be cited for the violation and allowed to keep the cannabis.

Any cannabis that is booked within the above written guidelines shall be booked for evidentiary purposes. However, regardless of the age category, if an individual is cited and lawfully allowed to retain their cannabis but then engages in the same unlawful activity that they were initially cited for, the cannabis can be seized as evidence at that point.

In most situations, when an arrestee is in possession of non-evidence cannabis (legal amounts under AUMA), officers should allow the arrestee to determine the disposition of the cannabis from the following acceptable options:

- Leave the cannabis secured at his/her residence;
- Locked in the trunk or other secure area of their vehicle; or,
- Given to a third-party.¹

¹ Third-party must be at least 21 years of age.

If the arrestee does not choose one of the above options, the arresting officer must book the cannabis into Property Division as "Excess Personal Property".²

Exception: Perishable food items containing cannabis cannot be booked as Excess Property. Those items will be discarded consistent with current procedures governing disposal of perishables prior to booking of the arrestee.

When cannabis is booked as "Excess Personal Property", the arresting officers must advise the arrestee of the following:


- The cannabis is not being seized or being booked as evidence.
- The cannabis will be available for release to a person of the arrestee's choosing or at the time the arrestee is released from custody.
- Cannabis booked as "Excess Personal Property" will be retained for no longer than 60 days from the date the Department took possession of the property for disposal.

Should you have any questions, please contact Lieutenant II Stacy Spell, Officer-in-Charge, Gang and Narcotics Division, Major Enforcement Section "C" at (213) 833-3700.



JUSTIN EISENBERG, Deputy Chief
Chief of Detectives

APPROVED:



SEAN W. MALINOWSKI, Deputy Chief
Chief of Staff
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² General procedures for the booking of Excess Property are contained within Department Manual Section 4/645.20.