

**Los Angeles Police Department
LD12 Controlled Substances
EV10 Quality of Life
S10 Drug Categories**

Date Revised: December/2019

Course Goal: To develop basic knowledge how drugs affect the body, types of controlled substance and basic laws dealing with possession, possession for sales and officer safety.

Module Goal: Recruit officer will have an understanding of laws regarding the use, possession, and sales of a controlled substance.

Learning Objectives:

- Recognize the crime as infraction, misdemeanor or felony. [12.III]
- Recognize the crime elements required to arrest for [12.III.A.1,2,3,4]
 1. Possession of paraphernalia
 2. Being under the influence of a controlled substance
 3. Possession of a controlled substance
 4. Possession of a controlled substance for sale
 5. Transporting/selling/furnishing, etc. of a controlled substance
 6. Manufacturing a controlled substance
 7. Possession of precursor chemicals for manufacturing
- Recognize the crime elements to arrest for : [12.III.B.1,2,3,4]
 1. Possession of marijuana/concentrated cannabis
 2. Smoking/ingesting marijuana/concentrated cannabis in public
 3. Cultivating or harvesting marijuana
 4. Possession of marijuana/concentrated cannabis for sale
 5. Transporting/selling/furnishing, etc. of marijuana/concentrated cannabis

Session Time: 4 hours

Resources: <ul style="list-style-type: none"> • Laptop with media software and power point developed for this module. • LD 12 	
Module Summary: In this module the class will be separated by groups and a drug category will be assigned to each group. The groups will be given time to read their portion and create a presentation to teach the material to the class. Upon completion of each presentation, the instructor will discuss any content that was omitted.	
Outline	Instructor Notes
I. Recognizing Elements of Crimes Involving Controlled Substances. A. Probable Cause.	Facilitate: Learning Activity #1 [12.III.A] Lecture: Crimes Elements Required for Arrest

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<p>1. Officers will be able to establish elements of probable cause based on observation of behavior and physical signs and symptoms of drug impairment and/or use. Signs and symptoms may be:</p> <ol style="list-style-type: none"> a. Hyperactivity. b. Impaired Gait. c. Paranoia. d. Blank stare. e. Profuse sweating. f. Excessive or constant scratching. g. Physiological conditions. h. Slurring. i. Dry mouth. j. Pupil size. k. Pulse rate. <p>2. Recognition of paraphernalia associated with a controlled substance (drug) like:</p> <ol style="list-style-type: none"> a. Crack/meth pipe b. Needles, Spoons. c. Eyedroppers, film canisters. <p>B. Possession of Drug Paraphernalia.</p> <ol style="list-style-type: none"> 1. Health and safety code section. <ol style="list-style-type: none"> a. 11364 H&S It is unlawful to possess any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking specific controlled substances. b. It is legal to possess paraphernalia until it is used or intent to use is shown. To show specific intent to use, there must be the presence of evidence of prior use. 2. Classification. <ol style="list-style-type: none"> a. Misdemeanor. b. Possession of a syringe without a prescription is a 	<p>Refer: LD15 Law of arrest. Facilitated Discussion. Ask: Can an officer have reasonable suspicion to detain a person based on observation of behavior and physical signs or symptoms of drug impairment? Yes.</p> <p>Ask: Can an officer detain a person for paraphernalia? yes [12.III.A.2] Lecture: Crime Elements-Drug Paraphenalia</p> <p>Ask: What must be present in the paraphernalia for the officer to make the arrest? Possession of drug paraphernalia. (There must be evidence of prior use) (Must have residue.)</p> <ul style="list-style-type: none"> • 11364 H&S • Misdemeanor.
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<p style="text-align: center;">misdemeanor (Business and Professional Code 4140).</p> <p style="padding-left: 20px;">c. Possession of syringe for needle exchange exception (Health and Safety Code 11364.7).</p> <p>C. Being Under the Influence of a Controlled Substance.</p> <p style="padding-left: 20px;">1. Health and safety code section.</p> <p style="padding-left: 40px;">a. 11550 H&S being under the influence of certain specified controlled substances.</p> <p style="padding-left: 40px;">b. Crime elements.</p> <p style="padding-left: 60px;">(1) To arrest for being under the influence of a controlled substance that person has to have:</p> <p style="padding-left: 40px;">b) Knowledge of its presence.</p> <p style="padding-left: 60px;">(1) Control or willfully takes into his or her body a controlled substance.</p> <p style="padding-left: 60px;">(2) Specific intent to inhale, inject, ingest, etc., a controlled substance.</p> <p style="padding-left: 20px;">2. Under the influence vs. use.</p> <p style="padding-left: 40px;">a. Both being under the influence and use of a controlled substance are considered violations. However, case law has established the meanings of the two terms differently.</p> <p style="padding-left: 40px;">b. A person is considered to be under the influence if the controlled substance is affecting the central nervous system, brain, muscles, or other parts of that person's body or if the substance is creating an abnormal mental or physical condition.</p>	<p>[12.III.A.2]</p> <p>Lecture: Being Under Influence of Controlled Substance</p> <p>Lecture: The importance about officer safety when dealing with drug paraphernalia and searching an arrestee. When searching anyone and be aware of:</p> <ul style="list-style-type: none"> • Broken glass pipes, Blades, Needles syringe in pockets, shoes. • Exposure to the drug by contact. <p>Being under the influence of a controlled substance.</p> <ul style="list-style-type: none"> • 11550 H&S (Misdemeanor.) <p>Ask: Difference between-Influence VS use</p>
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<p>or any combination thereof in such a condition that he or she is unable to exercise care for his or her own safety or the safety of others.</p> <p>b. One who interferes with or obstructs or prevents the free use of any street, sidewalk, or any other public way.</p> <p>c. Classification: Misdemeanor.</p> <p>F. Possession of a Controlled Substance.</p> <p>1. Every person who possesses any controlled substance, without the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in the state of California, has committed a crime.</p> <p>2. Health and safety code section. The following lists the crimes related to possession of controlled substances with the classifications and the corresponding Health and Safety Code sections. [12.III.C]</p> <p>a. 11350 HS Heroin and other Opiates Cocaine. (Classification Misdemeanor.) [12.III.B]</p> <p>b. 11357(a) HS Any usable amount of hash/hash oil concentrated cannabis. (Classification Misdemeanor.)</p> <p>c. 11377 HS Unlawful possession of specified substances, methamphetamine, PCP, LSD, Rohypnol, etc. (Classification Misdemeanor).</p> <p>3. Crime elements.</p> <p>a. To arrest a subject for the crime of possession of a controlled substance, the necessary crime elements include actual control or constructive possession any amount (usable quantity).</p>	<p>[12.III.A.3] Lecture: Possession of a Controlled Substance</p> <p>A UOF ensued and subsequently resulted in the suspect's death.</p> <p>Distribute: Use of Force and Tactics Directive #9.</p> <p>Facilitate: Discussion on officers' responsibilities when a suspect ingests narcotics.</p>
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<p>G. Possession of Marijuana/Concentrated Cannabis</p> <ol style="list-style-type: none"> 1. Every person who possesses Marijuana and/or concentrated cannabis, except as authorized by law has committed a crime. 2. To arrest a subject for the crime of possession of marijuana and/or concentrate cannabis, the necessary crime elements include: <ol style="list-style-type: none"> a. Actual control or constructive possession b. Age of the subject c. Quantity and type(marijuana or concentrated cannabis) d. Lack of physician's recommendation. 3. The following lists the crimes related to possession of Marijuana / Concentrated Cannabis a with the classifications and the corresponding Health and Safety Code sections. <ol style="list-style-type: none"> a. 11357(a)(1) Not more than one ounce(28.5 grams) and/or 4 grams of concentrated cannabis. Under 18 year of Age(Classification Infraction) b. 11357(a)(2) Not more than one ounce (28.5 grams) and/or 4 grams of concentrated cannabis.From 18-20 years of age. (Classification Infraction.) c. 11357(b)(1) More than one ounce(28.5 grams of concentrated cannabis. Under 18 years of age (Classification Infraction .) d. 11357(b)(2) More than one ounce (28.5 grams) and/or 4 grams of concentrated cannabis. 	<p>[12.III.B.2] Lecture: Smoking, Ingesting, Concentrated Cannabis</p>
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<p>Over 18 years of age (Classification Misdemeanor.)</p> <p>e. 11357(c) Not more than one ounce (28.5 grams) and/or 4 grams of concentrated cannabis. Over 18 years of age on school grounds (Classification Misdemeanor)</p> <p>f. 11357(d) Not more than one ounce (28.5 grams) and/or 4 grams of concentrated cannabis. Under 18 years of age on school grounds (Classification Infraction)</p> <p>H. Smoking/ingesting Marijuana/Concentrated Cannabis in Public.</p> <ol style="list-style-type: none"> 1. Every person who who smokes or ingests marijuana or marijuana products in any public place, except those locations in accordance with <i>Business and Professions Code 26200</i>, in the State or California, has committed a crime. 2. To arrest for smoking or ingesting marijuana or marijuana products in any public place the necessary crime elements must include: <ol style="list-style-type: none"> a. any person who is 21 years old or older b. who smokes or ingests marijuana or marijuana products c. in a public place or vehicle d. where smoking tobacco is prohibited e. within a 1000 feet of a school, day care or youth center while children are present f. or who smokes or possesses marijuana or an open container or package of marijuana or 	<p>[12.III.B.2] Lecture: Smoking/Injesting Marijuana in a Public Place</p> <p>[12.III.B.4] Lecture: Possession of Marijuana /Concentrated Cannabis for Sale</p>
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<p style="text-align: center;">marijuana products while driving, operating, or riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.</p> <p>3. Classification Every person who smokes or ingests marijuana or marijuana products in any public place, except those locations in accordance with <i>Business and Professions Code 26200</i>, in the State or California, has committed an infraction</p> <p>I. Possession of Marijuana /Concentrated Cannabis for Sale[12.III.B.4]</p> <p style="padding-left: 20px;">a. .Every person who possess marijuana for sale or for the purpose of sale has committed a crime. [12.III.C]</p> <p style="padding-left: 20px;">a. 11359(a) Possession for sale. Under 18 years of age (Classification Infraction)</p> <p style="padding-left: 20px;">b. 11359(b) Possession for sale. 18 year of age and older (Classification Misdemeanor)</p> <p style="padding-left: 20px;">c. 11359(c)(3) Possession for sale. Over the age of 21 with specified priors(Classification Wobbler (Misdemeanor /Felony))[11]</p> <p style="padding-left: 20px;">d. 11359(d) Knowingly employ or use person 20 years of age or younger. <i>Over the age of 21</i> (Classification Wobbler (Misdemeanor/Felony)</p> <p>1. Transporting/Selling/Furnishing, etc. of Marijuana/Concentrated Cannabis Every person who <i>transports, sells, imports, furnishes, offers, administers, or gives away</i> any marijuana in the state of California, unless upon the written prescription of a physician, dentist,</p>	<p>[12.III.B.5] Lecture: Transporting, Selling and Furnishing Marijuana</p> <p>[12.III.C] Lecture: Crime Classification</p> <p>Follows the super strike rule</p> <ul style="list-style-type: none"> • the suspect has one or more prior convictions for an offense listed in <i>Penal Code Section 667(e)(2)(C)</i> includes sexually violent offenses, child molestation, homicide, or attempted homicide, solicitation to commit murder, assault with a machine gun on a peace officer or firefighter, possession of a weapon of mass destruction, and any serious or violent felony punishable by life imprisonment or death. • the suspect is required to register pursuant to <i>Penal Code Section 290 or</i> • the suspect has two or more prior convictions of <i>Health and Safety Code section 11358(c)</i>
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<p>podiatrist, or veterinarian licensed to practice in this state, has committed a crime.</p> <p>b. 11360(a)(1) Transport, sale, import, giveaway of marijuana. <i>Uner 18 years of age</i> (Classification Infraction)</p> <p>c. 11350(a)(2) Transport, sale, import, giveaway of marijuana. 18 years of age and older (Classification Misdemeanor)</p> <p>d. 11360(a)(3) Transport, sale, import, giveaway of marijuana. 18 years of age and older (Classification Wobbler*** (Misdemeanor/ Felony)) [11]</p> <p>e. 11360(b) Offers to giveaway/ offers to transport or transports or attempt to transport less than one ounce (28.5 grams) Any person (Classification Infraction)</p> <p>J. Possession of a Controlled Substance for Sale.</p> <p>1. Every person who possesses or purchases a controlled substance for sale or for the purpose of sale has committed a crime. Possession for Sale differs from possession for personal use.</p> <p>2. Possession or purchase of a controlled substance for sale is covered by a number of sections within the Health and Safety Code. The following lists the crimes related to possession of controlled substances for sale:</p> <p>a. 11351 HS Possession or purchase for sale of controlled substance (heroin, cocaine, etc.) Classification felony.</p>	<ul style="list-style-type: none"> • other aggravating circumstances exist (NOTE: refer to <i>Health and Safety Code Section 11358(d)(3)</i>). <p>[12.III.A.4] Lecture: Possession of a Controlled Substance for Sale</p> <p>[12.III.C] Lecture: Crime Classification</p>
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<ul style="list-style-type: none">b. 11351.5 HS Possession of cocaine base for sale. Classification felony.c. 11359 HS Possession for sale: marijuana / concentrated cannabis for sale. Classification felony.d. 11375 HS Possession for sale of specified prescription drugs (Valium, Lorazepam, etc.) Classification felony.e. 11378 HS Possession for sale: amphetamine or methamphetamine, LSD, Rohypnol, etc. Classification felony.f. 11378.5 HS Possession for sale of designated substances (PCP). Classification felony.3. Necessary crime elements include:<ul style="list-style-type: none">a. Actual control or constructive possession.b. Specific intent, to sell.c. Any amount available for sale.4. Specific intent to sell indicates a person plans to receive money or any other consideration in exchange for a controlled substance. This is corroborated by:<ul style="list-style-type: none">a. Observation of subject's movements, behavior, characteristics, associates, and high volume of vehicle and pedestrian traffic at a specified location.b. Evidence such as packaging, scales, calculator, notebook, mathematical notations, cutting agents, denominations and location of U.S. currency, etc.c. Any amount available for sale.	
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