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:

- 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
١.	Recognizing Elements of Crimes Involving	Facilitate: Learning Activity #1
	Controlled Substances.	[12.III.A]
	A. Probable Cause.	Lecture: Crimes Elements Required for
		Arrest

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1. Officers will be able to establish		
elements of probable cause based	Refer: LD15 Law of arrest.	
on observation of behavior and	Facilitated Discussion.	
physical signs and symptoms of	Ask: Can an officer have reasonable	
drug impairment and/or use. Signs	suspicion to detain a person based on	
and symptoms may be:	observation of behavior and physical signs	
a. Hyperactivity.	or symptoms of drug impairment? Yes.	
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.		
2. Recognition of paraphernalia		
associated with a controlled		
substance (drug) like:		
a. Crack/meth pipe	Ask: Can an officer detain a person for	
b. Needles, Spoons.	paraphernalia? yes	
c. Eyedroppers, film canisters.	[12.III.A.2]	
B. Possession of Drug Paraphernalia.	Lecture: Crime Elements-Drug	
1. Health and safety code section.	Paraphenalia	
a. 11364 H&S It is unlawful to		
possess any device, contrivance,	Ask: What must be present in the	
instrument, or paraphernalia	paraphernalia for the officer to make the	
used for unlawfully injecting or	arrest?	
smoking specific controlled	Possession of drug paraphernalia. (There	
substances.	must be evidence of prior use) (Must have	
b. It is legal to possess	residue.)	
paraphernalia until it is used or	• 11364 H&S	
intent to use is shown. To show	Misdemeanor.	
specific intent to use, there must		
be the presence of evidence of		
prior use.		
2. Classification.		
a. Misdemeanor.		
b. Possession of a syringe		
without a prescription is a		

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misdemeanor (Business and Professional Code 4140). c. Possession of syringe for needle exchange exception (Health and Safety Code 11364.7). C. Being Under the Influence of a Controlled Substance. 1. Health and safety code section. a. 11550 H&S being under the influence of certain specified controlled substances. b. Crime elements.	[12.III.A.2] Lecture: Being Under Influence of Controlled Substance
 (1) To arrest for being under the influence of a controlled substance that person has to have: b) Knowledge of its presence. (1) Control or willfully takes into his or her body a controlled substance. (2) Specific intent to inhale, inject, ingest, etc., a controlled substance. 2. Under the influence vs. use. 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. 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. 	 Lecture: The importance about officer safety when dealing with drug paraphernalia and searching an arrestee. When searching anyone and be aware of: Broken glass pipes, Blades, Needles syringe in pockets, shoes. Exposure to the drug by contact. Being under the influence of a controlled substance. 11550 H&S (Misdemeanor.) Ask: Difference between-Influence VS use

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c. To establish use, it must be		
shown that, the suspect had	Lecture: Intent to inhale volatile poisonous	
recently used one of the	substances.	
controlled substances.	(Need to prove person wanted to get high	
3. Classification misdemeanor.	from the product.)	
D. Intent to inhale volatile poisonous		
substances.		
1. 381 PC covers any substance or		
material containing toluene,		
including, but not limited to, glue,		
cement, dope, paint thinner,		
paint, etc., and any combination		
thereof.		
2. The elements of the crime include.		
a. Any person who possesses or		
willfully ingests, inhales, or		
breathes fumes of any poison as		
defined in Schedule D of Section		
4160 of the Business and		
Professions Code.		
b. Intent to cause intoxication,		
elation, euphoria, dizziness,		
stupefaction, intoxication, or		
dulling of the senses.		
3. Classification: Misdemeanor.		
4. Schedule D of Section 4160 of the		
Business and Professions Code		
applies to other inhalants such as		
glue, cement, dope, paint thinner	Lecture: Disorderly conduct. 647(f) PC	
and other hydrocarbons.		
5. Penal Code Section 381b has the	Display: Powerpoint	
same elements, but it refers to		
nitrous oxide.		
E. Disorderly conduct.		
1. 647(f) PC covers disorderly		
conduct while under the		
influence.		
2. The elements of the crime include:		
a. Any person found in any public		
place under the influence of		
intoxicating liquor, any drug,		
controlled substance, toluene,	1	

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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.	
b. One who interferes with or	
obstructs or prevents the free	
use of any street, sidewalk, or	
any other public way.	
c. Classification: Misdemeanor.	
F. Possession of a Controlled Substance.	[12.III.A.3]
1. Every person who possesses any	Lecture: Possession of a Controlled
controlled substance, without the	Substance
written prescription of a physician,	
dentist, podiatrist, or veterinarian	
licensed to practice in the state of	
California, has committed a crime.	A UOF ensued and subsequently resulted
2. Health and safety code section.	in the suspect's death.
The following lists the crimes	
related to possession of controlled	Distribute: Use of Force and Tactics
substances with the classifications	Directive #9.
and the corresponding Health and	
Safety Code sections. [12.III.C]	Facilitate: Discussion on officers'
a. 11350 HS Heroin and other	responsibilities when a suspect ingests
Opiates Cocaine. (Classification	narcotics.
Misdemeanor.) [12.III.B]	
b. 11357(a) HS Any usable amount	
of hash/hash oil concentrated	
cannabis. (Classification	
Misdemeanor.)	
c. 11377 HS Unlawful possession of	
specified substances,	
methamphetamine, PCP, LSD,	
Rohypnol, etc. (Classification	
Misdemeanor).	
3. Crime elements.	
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).	

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b. Usable quantity is a sufficient		
amount of the substance to be		
used as a controlled substance.		
4. Possession / Constructive		
possession.		
a. Possession is the act of having or		
taking control.		
b. Constructive possession does		
not require actual possession,		
but does require that a person	Lecture: Crime elements	
knowingly exercises control or		
the right to control an object,		
either directly or through		
another person or persons.		
5. Control or constructive control:		
Control or constructive control is		
when a person shows ownership		
of a controlled substance or	Lecture: Possession vs Constructive	
object. This is corroborated by:	possession	
a. Actual physical possession.	[12.III.B.1]	
b. Presence in house, vehicle,		
purse, etc., of subject who is		
owner, renter, or lessee.		
c. Evidence supporting		
constructive control (e.g., keys,		
clothing, utility bills, vehicle		
registration, rental agreements,		
etc.).		
d. Fingerprints.		
6. Supporting an arrest. Some		
circumstances that could support		
an arrest for the possession of a		
controlled substance are:		
a. Statements from the subject.		
b. Drug residue in clothing (i.e.,		
pockets) on person or in close		
proximity.	[12.III.C]	
c. User paraphernalia (e.g., straws,	Lecture: Crime Classification	
syringe, spoons, razor blades,		
etc.).		
d. Objective signs and symptoms of		
drug use.		

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G. Possession of Marijuana/Concentrated		
Cannabis		
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:		
a. Actual control or constructive		
possession		
b. Age of the subject		
c. Quantity and type(marijuana or		
concentrated cannabis)		
d. Lack of pyhsician'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.		
a. 11357(a)(1) Not morethanone		
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	[12.III.B.2]	
age. (Classification Infraction.)	Lecture: Smoking, Ingesting, Concentrated	
c. 11357(b)(1) Morethan one	Cannabis	
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.		

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Over 18 years of age	
(Classification Misdemeanor.)	
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)	
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)	[12.III.B.2]
H. Smoking/ingesting	Lecture: Smoking/Injesting Marijuana in a
Marijuana/Concentrated Cannabis in	Public Place
Public.	
1. Every person who who smokes or	
ingests marijuana or marijuana	
products in any public place,	
except those locations in	
accordance with Business and	
Professions Code 26200, 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:	
a. any person who is 21 years old	[12.III.B.4]
or older	Lecture: Possession of Marijuana
b. who smokes or ingests	/Concentrated Cannabis for Sale
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	

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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.	
3. Classification Every person who smokes or	
ingests marijuana or marijuana products in	[12.III.B.5]
any public place, except those locations in	Lecture: Transporting, Selling and
accordance with Business and Professions	Furnishing Marijuana
Code 26200, in the State or California, has	
committed an infraction	
I. Possession of Marijuana /Concentrated	
Cannabis for Sale[12.III.B.4]	
aEvery person who possess	
marijuana for sale or for the	
purpose of sale has committed a	[12.III.C]
crime. [12.III.C]	Lecture: Crime Classification
a. 11359(a) Possession for sale.	
Under 18 years of age	
(Classifcation Infraction)	Follows the super strike rule
b. 11359(b) Possession for sale. 18	 the suspect has one or more prior
year of age and older	convictions for an offense listed in
(Classificaiton Misdemanor)	Penal Code Section 667(e)(2)(C)
c. 11359(c)(3) Possession for sale.	includes sexually violent offenses,
Over the age of 21 with specified	child molestation, homicide, or
priors(Classificaiton Wobbler	attempted homicide, solicitation to
(Misdemeanor /Felony)[11]	commit murder, assault with a
d. 11359(d) Knowingly employ or	machine gun on a peace officer or
use person 20 years of age or	firefighter, possession of a weapon
younger. Over the age of 21	of mass destruction, and any
(Classification Wobbler	serious or violent felony punishable
(Misdemeanor/Felony)	by life imprisonment or death.
1. Transporting/Selling/Furnishing, etc.	 the suspect is required to register
of Marijuana/Concentrated	pursuant to Penal Code Section 290
Cannabis Every person who	or
transports, sells, imports, furnishes,	 the suspect has two or more prior
offers, administers, or gives away	convictions of Health and Safety
any marijuana in the state of	Code section 11358(c)
California, unless upon the written	
prescription of a physician, dentist,	

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 podiatrist, or veterinarian licensed to practice in this state, has committed a crime. b. 11360(a)(1) Transport, sale, import, giveaway of marijuana. Uner 18 years of age (Classifaction Infraction) c. 11350(a)(2) Transport, sale, import, giveaway of marijuana. 18 years of age and older (Classification Misdemeanor) d. 11360(a)(3) Transport, sale, import, giveaway of marijuana. 18 years of age and older (Classification Wobbler*** (Misdemeanor/Felony)) [11] 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) J. Possession of a Controlled Substance for Sale. 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 Sale differs from possession for sale differs from possession for personal use. 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 or controlled substance for sale: a. 11351 HS Possession or purchase for sale: a. 11351 HS Possession or purchase for sale: 	 other aggravating circumstances exist (NOTE: refer to Health and Safety Code Section 11358(d)(3). [12.III.A.4] Lecture: Possession of a Controlled Substance for Sale [12.III.C] Lecture: Crime Classification 	
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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:	
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:	
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.	

	S10 Drug Ca	tegories
К.	Possession of Marijuana for sale.	[12.III.B.4}
	1. Every person who possesses or	Lecture: Possession Marijuana for Sale
	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.	
	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:	
	a. 11359 HS Possession for sale:	
	marijuana / concentrated	
	cannabis for sale.	
	b. Classification felony.	
	3. Necessary crime elements include:	
	a. Actual control or constructive	
	possession.	Lecture: Crime Classification
	b. Specific intent, to sell.	
	c. Any amount available for sale.	
	4. Specific intent to sell indicates a	[12.III.C]
	person plans to receive money or	
	any other consideration in	
	exchange for Marijuana. This is	
	corroborated by:	
	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,	
	denominations, and location of	
	U.S. currency, etc.	
	c. Any amount available for sale.	