

## OFFICE OF SPECIAL OPERATIONS

**NOTICE**  
18.2

January 4, 2017

**TO:** All Concerned Personnel

**FROM:** Assistant to the Director, Office of Special Operations

**SUBJECT:** DISPOSITION OF MARIJUANA IN POSSESSION OF AN ARRESTEE –  
LEGAL UNDER THE ADULT USE OF MARIJUANA ACT

On November 8, 2016, California voters approved Proposition 64, also known as the Adult Use of Marijuana Act (AUMA), which legalized the personal possession of marijuana up to 28.5 grams (one ounce) or 8 grams of concentrated marijuana, by individuals 21 years and older. Prior to the passage of AUMA, marijuana was classified as contraband and all marijuana taken into police custody was booked as evidence. The AUMA expressly prohibits any seizure of legally possessed marijuana under California State law.

Possession of marijuana over 28.5 grams or more than 8 grams concentrated remains a violation of California State law and will be booked as evidence in accordance with all current procedures.

If a person taken into custody and booked into a detention facility, is in possession of a legal amount of marijuana, the preferred method of disposition of that marijuana is to:

- Leave the marijuana secured at their residence or locked in the trunk or other secure area of their vehicle; or,
- Give it to a third-party that is at least 21 years of age.

If those options are not feasible, the legal amount of marijuana will be treated as excess property at the time of booking at Custody Services Division, placed in a separate sealed envelope and packaged in a manner similar to the packaging of currency or other valuables.


**Exception:** Food items containing marijuana will be discarded consistent with current procedures for discarding food items.

At the time of booking the arrestee shall be advised of the following:


- The marijuana is not being seized or being booked as evidence, and will be kept as excess property for no longer than 60 days.
- The marijuana can be retrieved by the arrestee at the time of their release or can be retrieved by a person designated by the arrestee, in accordance with established property release days and times.

Should you have any questions, please contact the watch commander at Custody Services Division, at (213) 356-3440.

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VITO N. PALAZZOLO, Commander  
Assistant to the Director  
Office of Special Operations

APPROVED:

  
SEAN W. MALINOWSKI, Commander  
Chief of Staff  
Office of Chief of Police

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