

**RIVERSIDE COUNTY SHERIFF'S DEPARTMENT  
STANLEY SNIFF, SHERIFF**

**TO: All Personnel**

**DATE: November 19, 2009**

**FROM: Stanley Sniff, Sheriff**

**Department Directive #09-010**

**RE: Medical Marijuana**

**Background**

The Compassionate Use Act (CUA) of 1996, (Health and Safety Code 11362.7 et sec.) permits qualified patients and their primary caregivers to use, possess and cultivate marijuana for medical purposes of a patient without being subject to criminal prosecution or sanction. In 2003, to promote the implementation of the CUA, the Medical Marijuana Program (MMP) detailed in Health & Safety Code sections 11362.7 *et seq.* was enacted. Hereafter, the CUA and MMP are collectively referred to as "the law."

The law directs the State Department of Health Services, in cooperation with county health departments, to establish and maintain a voluntary program for the issuance of identification cards to qualified patients and, if any, their primary caregivers, and to maintain a 24-hour telephone number or website so law enforcement officers can verify the validity of an identification card.

The Riverside County Health Department has a program to issue identification cards to those persons who meet the requirements of a qualified patient and, if identified, their primary caregiver. These identification cards are similar in appearance to a driver's license and contain a hologram on the front. A valid identification card contains identifying information, a unique number, an expiration date, and a photo of the person.

A website has been created by the State Department of Health Services where the validity of a medical marijuana identification card can be verified. The site address is <http://www.calmmp.ca.gov/>.

The law does not prevent law enforcement from conducting investigations on all persons and designated primary caregivers who possess a valid identification card and are found in possession, delivery, or cultivation of marijuana. It is incumbent on law enforcement to determine if the marijuana is an amount allowable under the statutes and verify the card is not false or falsified, or the card was obtained by means of fraud. Also, law enforcement must ensure there are no other factors indicating the marijuana is being utilized for non-medicinal purposes. However, the law also provides it is *not* necessary for a person to obtain an identification card in order to claim the protections under the CUA.

A qualified patient is defined as someone who qualifies for protection under the CUA, (i.e., upon the written or oral recommendation or approval of a physician).

A primary caregiver is defined as someone designated by a qualified patient and who consistently assumes responsibility for that qualified patient's housing, health, or safety. The California Supreme Court has stated that merely providing medical marijuana to a patient is not sufficient to claim caregiver status. A person in the caregiver status can legally dispense medicinal marijuana to their qualified patient who has been designated by that qualified patient as his or her primary caregiver. A caregiver should have proof of a qualified patient's medical marijuana status as well as a ledger detailing their dispensing of medicinal marijuana to the qualified patient. A caregiver can provide marijuana to multiple qualified patients as long as the patients reside in the same city or county, and may have one qualified patient outside the county. A person may receive compensation for services provided to a qualified patient or for payment of out-of-pocket expenses incurred in providing those services. However, the caregiver cannot cultivate or distribute marijuana for profit.

The law permits a qualified patient or a primary caregiver to possess the following amounts of marijuana.

- No more than eight ounces of dried marijuana per qualified patient;
- No more than six mature plants; or
- twelve immature marijuana plants per qualified patient; or
- Upon showing of a doctor's recommendation that the above amounts do not meet the medical needs of a qualified patient, then an amount that meets such needs of the patient may be possessed.

Counties and cities may enact guidelines allowing qualified patients or primary caregivers to possess more than the above limits, but may not pass ordinances that allow for less than these limits. Riverside County has not passed an ordinance altering the state limit. Additionally, only the dried mature processed flowers of female cannabis plant (the bud) or the plant conversion (hashish) shall be considered when determining allowable quantities of marijuana.

The law also allows for marijuana cultivation cooperatives, stating that qualified patients and caregivers may collectively or cooperatively cultivate marijuana for medical purposes. The California Supreme Court upheld the law stating that a collective or cooperative can be formed to provide the needed marijuana for the members of that group. The court stated a collective or cooperative must follow the Attorney General's guidelines to determine its legality. The Attorney General recommends collectives and cooperatives be organized and operated in a manner that ensures the security of the crop and safeguards against diversion for non-medical purposes.

Neither collectives nor cooperatives may be operated for profit of the group, members or an individual. Cooperatives are democratically controlled and must file articles of

incorporation with the state. The earnings of the cooperative business must be used for the general welfare of its members or equitably distributed to members in the form of cash, property, credits, or services.

Collectives are organizations that merely facilitate the collaborative efforts of patient and caregiver members, including the allocation of costs and revenues. The collective should not purchase marijuana from, or sell to, non-members; instead it should only provide a means for facilitating or coordinating transactions between members.

The court also ruled that marijuana dispensaries are illegal. In addition to the illegality of dispensaries, Riverside County Ordinance 17.12.040 prohibits a medical marijuana dispensary from operating in the county area.

As prescribed by the law, probationers and those on parole may be allowed to possess medical marijuana under the same conditions as other qualified patients.

The law states an inmate shall not be prohibited or prevented from obtaining and submitting the written information and documentation necessary to apply for an identification card. It continues that correctional facilities may allow a prisoner or a person under arrest who has an identification card to use marijuana for medical purposes under circumstances that will not endanger the health or safety of other prisoners or the security of the facility. Riverside County does not allow the use of marijuana in correctional facilities.

Finally, the law prohibits a qualified patient from smoking marijuana in any place where smoking is prohibited by law, within 1,000 feet of the grounds of a school recreation center, or youth center, on a school bus, or while operating a boat or motor vehicle.

### Procedure

When a person possessing, processing, or cultivating marijuana claims to fall under the Compassionate Use Act, and possesses either a government issued medical marijuana identification card or a written recommendation from a physician, deputies shall:

- Gather all applicable items required to determine legality of the possession to include; complete search for marijuana, marijuana plants, scales, pay/owe sheets, packaging, medical marijuana paperwork, ledgers, etc.
- Review the medical marijuana card and determine that it is valid, has not expired and has been issued to the person presenting it.
- Access, via dispatch or station personnel, the appropriate medical marijuana identification card website (<http://www.calmmp.ca.gov/>) to verify the validity of the identification card.
- If applicable, review the physician's recommendation to determine if it recommends use of more than the maximum allowable amount (Eight ounces of

dried marijuana or plant conversion [hashish] and no more than six mature or twelve immature marijuana plants).

- Contact, if possible, the physician who issued the authorization to confirm its validity.

If the medical marijuana identification card and/or physician's recommendation is valid, and the person possesses a quantity within the limits set by state law or recommended by the physician, the person is to be released and the marijuana is not to be seized. When a person possessing, processing and cultivating marijuana claims to fall under the Compassionate Use Act, and does not possess either a government issued medical marijuana identification card or a written recommendation from a physician, deputies shall use sound professional judgment to determine the validity of the CUA claim. Based on the totality of the circumstances present, if the deputy reasonably believes that the medical marijuana claim is valid, and the person is within the state maximum possession limits, the person is to be released and the marijuana is not to be seized; unless the investigating officer has probable cause to believe the marijuana is not being possessed solely for a qualified patient's personal medical use.

If a person is a primary caregiver for more than one medical marijuana patient, they may possess up to the state maximum limit for each of their registered patients.

If the person has a valid medical marijuana identification card, or a valid physician's authorization, but possesses more than is authorized by state law or physician's recommendation, all of the marijuana should be seized and appropriate enforcement action should be taken.

Additionally, if based on the totality of circumstances, it appears that marijuana is not possessed as provided by the law or other legal purpose, appropriate enforcement action should be taken, notwithstanding the possession of an identification card or physician's recommendation. Considerations should include, but are not limited to, evidence of sales such as pay/owe sheets, large amounts of cash, heavy traffic at a particular location, and other circumstances normally considered in investigating the sales of controlled substances.

Marijuana seized during an investigation must be returned to the person under the following circumstances; the person provides proof of his/her medical marijuana user status, or the court dismisses the charge(s) that relate to the marijuana confiscation and issues an order requiring the return of the marijuana. The deputy releasing the marijuana will review the medical marijuana card or physician's recommendation and the court order. If the person does not have proof of their medical marijuana status, the deputy will verify their status by contacting the person's physician, the handling deputy district attorney, or the defense attorney. The deputy will make a copy of the paperwork and attach it to a supplemental report indicating the marijuana was released.

All investigations in which a claim of medical marijuana possession is involved shall be documented in a written report. The newly created EDP Codes MDMJ1 or MDMJ2 shall be used on all such reports in addition to any other applicable EDP Codes. Code MDMJ1: Medical Marijuana – Patient, will represent a person who claims the marijuana is for his or her own use due to a medical condition. Code MDMJ2: Medical Marijuana – Provider, will represent anyone who claims they are providing marijuana to a patient. A provider could also be a caregiver and/or a cooperative/collective.

Attachments

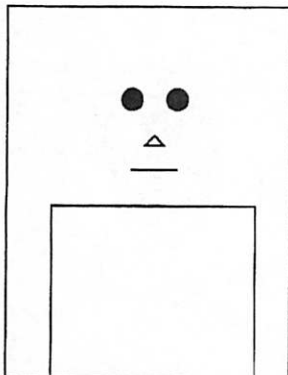
- A) Example of Riverside County Medical Marijuana Identification Card
- B) Example of a Physician's Recommendation for Marijuana Use
- C) Patient Questionnaire
- D) Cooperative/Collective Questionnaire
- E) Caregiver Questionnaire
- F) Deputy Checklist



# Medical Marijuana Identification Card Program

County of Riverside | Department of Public Health

State of California  
Medical Marijuana Identification Card  
Patient



**ID # 123456789**

To verify: [www.calmmp.ca.gov](http://www.calmmp.ca.gov)

Date of Expiration:  
**01/01/2007**

Riverside County  
Department of Public Health



The State of California's Medical Marijuana Identification Card Program allows residents of Riverside County to apply for an optional identification card to facilitate understanding between users of medicinal cannabis and local and state law enforcement. The nonrefundable fee is \$100; Medi-Cal patients receive a 50% discount. Payment can be in the form of cash, check, or charge (Visa and MasterCard). Upon approval, the card is valid for one year from the date of issue. Appointments can be made Monday, Tuesday, Wednesday, and Friday from 8 a.m. to 12 p.m. and 1-5 p.m.

Applications can be downloaded from the web site below, picked up at our office, or requested to be mailed to

County of Riverside | Department of Public Health

Bank of America | Chicago Title Building  
6370 Magnolia Avenue, Suite 220  
Riverside, CA 92506-2405

Phone: 1.888.358.7932/951.358.7932  
Fax: 951.358.7934  
E-mail: [mmicinfo@co.riverside.ca.us](mailto:mmicinfo@co.riverside.ca.us)  
<http://www.rivcommic.org>



*Established December 2005*

**Attachment B – Sample Physician’s Statement**

**Alternative Care Experts**

12345 Main St  
Anytown, Ca.  
Tel: (951) 000-0000

**PHYSICIAN’S STATEMENT**

Health and Safety Code Section 11362.5

This certifies that John Q. Citizen Jr. was examined in my office. The patient has a serious medical condition which, in my professional opinion, may benefit from the use of medical cannabis. I have discussed the potential risks and benefits of medical cannabis with the patient. I approve of the patients use of cannabis as medicine. If my patient chooses to use cannabis as medicine, I will continue to monitor the patient’s use. Do not use this medication with alcohol or other mind altering medications. Do not drive, operate heavy machinery or engage in any activity which requires alertness while using medical cannabis.

Patient Declaration:

I, John Q. Citizen Jr. declare that all the information provided to the physician is true and correct under penalty of perjury. I am a California resident.

John Q. Citizen Jr.  
Patient Signature

Date of Statement: 11/12/2009  
Patient ID #: 00000

Signed:   
Dr. John Doe

Time period covered (maximum 1 year)

License No.: G000000

3 months       6 months  
 12 months       Other \_\_\_\_\_

A Medical Marijuana Patient may possess, transport, process, and cultivate marijuana. A patient must have a physician's recommendation, written or verbal. A patient may possess a State of California Medical Marijuana Identification Card but it is not mandatory. A patient may possess as much marijuana as he/she requires to treat their medical condition.

Deputies/Investigators handling medical marijuana investigations may utilize this checklist as a *guideline only*, keep in mind that subjects being investigated are not required, by law, to answer medical questions. When conducting a marijuana cultivation/possession for sales investigation and a person is claiming to be a medical marijuana patient, the deputy should ask the following:

**Ailment Questions:**

- 1) What ailment do you take marijuana for?
- 2) When was your ailment initially diagnosed?
- 3) Which doctor diagnosed your ailment? How?
- 4) Who is your regular physician?
- 5) How long has he/she treated you for this ailment?
- 6) Do you still suffer from this ailment?
- 7) What other treatments have you taken to remedy this ailment?  
Did the treatments work?
- 8) Describe your pain and/or problem?
- 9) Is it continuous or intermittent pain?  
If intermittent, how often does the problem occur?
- 10) Does the marijuana alleviate the symptoms of your ailment?

**Physician's Recommendation & Marijuana Identification Card Questions:**

- 1) When did you obtain your physician's recommendation?  
Is it in writing?
- 2) Who is the doctor that provided you with the recommendation?
- 3) When did you see him/her?
- 4) How many times have you seen him/her for this ailment?
- 5) Did the doctor perform a physical evaluation prior to issuing a medical marijuana recommendation?  
Describe the evaluation?
- 6) Did the doctor recommend any other course of treatment before recommending marijuana?
- 7) What is your recommended dosage of marijuana?
- 8) How did the doctor recommend that you ingest the marijuana?
- 9) How did you learn of this doctor?
- 10) Do you have a county/state issued medical marijuana card?



**Usage Questions:**

- 1) How often do you ingest marijuana?
- 2) How do you ingest the substance?
  - a) Do you ingest in any other ways? If yes, how often do you ingest with each method?
- 3) What amount do you ingest; daily, weekly, and monthly?  
What dosage? (Weight of joint, amount in bowl, per usage)
- 4) How much marijuana do you store and for how long?

**Cultivation Questions:**

- 1) Describe your grow method?
- 2) How long have you been growing your own marijuana in this way?
- 3) How often do you harvest marijuana? (cycles, etc.)
- 4) How much finished product do you typically get from each plant?
- 5) How do you store your finished product?
- 6) Where did you learn to grow marijuana?
- 7) How many plants do you need to provide relief for your ailment?

**Marijuana Supplier Questions:**

- 1) Where did you get this marijuana?
- 2) How did you learn of this supplier?
- 3) How much have you obtained from this supplier?
- 4) How often do you purchase marijuana and in what amounts?
- 5) How much do you pay for the marijuana?

## Attachment – D

## Cooperative/Collective Questionnaire

A collective or cooperative can be formed to provide medical marijuana for its members, who must be qualified patients. The organization should be organized, ensure the security of the marijuana, and safeguard against diversion for non-medical purposes. The organization should exist merely to cultivate and provide marijuana for its members without realizing a profit.

Deputies/Investigators handling medical marijuana investigations may utilize this checklist as a *guideline only*. When conducting an investigation into a collective or cooperative for marijuana cultivation/possession for sales, the deputy should ask the following:

(A collective/cooperative will be referred to as an organization).

### Collective/Cooperative Questions:

- 1) When was the organization started?
- 2) Are you a caregiver for any or all of the organizational members?
  - a. If yes, refer to caregiver questionnaire for the caregiver's patients.
  - b. After completing caregiver questionnaire, continue with #3.
- 3) How many members belong to the organization?
  - a. What specific information do you have for each member?
    - i. Ask for the member's name, address & phone number?
    - ii. Ask for each member's Physician's Recommendation and copy of their medical marijuana card?
  - b. What role in the organization is each member responsible for?
    - i. Is the member in charge of watering, fertilizing, trimming, etc?
    - ii. How much money has each member contributed?
  - c. How much marijuana has each member been told they will receive and when should they expect it?
  - d. How much marijuana has each member received so far?
    - i. Has any member requested marijuana recently?
      1. Did the member get the marijuana, if no why?
- 4) How much marijuana is currently available?
  - a. How much processed marijuana bud?
  - b. How many mature marijuana plants?
    - i. What type of yield do they expect from their plants?
  - c. How many immature marijuana plants?
  - d. What is the address for the marijuana grow(s)?
    - i. How many plants per location?
- 5) What is the process for handling currency?
  - a. Who handles the currency?
  - b. Where is the currency kept?
  - c. How much currency does the organization have?
  - d. Do employees/volunteers get paid? If so, who and how much?
- 6) What is the organizational structure?

- a. Is the structure documented?
- b. What supporting documents exist that detail how the organization is operated, the guidelines, etc?
- 7) Does the organization make a profit?
  - a. Who receives the profit or how is it distributed?
- 8) Does the organization or you provide marijuana to non-members?
  - a. If yes, how many times has this occurred?
    - i. What is the name and contact information for the non-member?
    - ii. How much marijuana did they receive?

**Member of multiple Collectives/Cooperatives Questions:**

- 1) How many different organizations do you belong to?
- 2) How long have you been a member of each organization?
- 3) What role do you have in each collective?
  - a. Do you supply marijuana?
    - i. How much marijuana do you sell to each organization?
    - ii. How much are you paid?
    - iii. How much money have you made selling marijuana?
    - iv. Why do you sell to these particular organizations?
    - v. If there is a dispensary closer, why do they drive further to sell their marijuana?
    - vi. Why do you sell to multiple organizations?
    - vii. Where do you obtain your marijuana?
      - 1. If you cultivate, how many plants do you have?
        - a. Do you provide marijuana to anyone else, besides organizations?
  - b. Are you just a member?
    - i. Why are you a member of different organizations?
    - ii. Do you prefer one or the other? If yes, why?
  - c. Are you an employee of each dispensary?
    - i. How are you paid, marijuana/currency/check?
    - ii. Are you provided a payroll receipt reflecting taxes paid?
    - iii. Are you provided Worker's Compensation insurance?
- 4) Why do you belong to multiple organizations?

## **Attachment E – Caregiver Questionnaire**

A Caregiver is a person designated by a medical marijuana patient to supply them with their medical marijuana. A caregiver can supply their own needs as well as multiple patients.

Deputies/Investigators handling medical marijuana investigations may utilize this checklist as a *guideline only*, keep in mind that subjects being investigated are not required, by law, to answer medical questions. When conducting a marijuana cultivation/possession for sales investigation and a person is claiming caregiver status, the deputy should ask the following questions:

- 1) Have you been designated as a primary caregiver? If so, by whom?
- 2) Were you a designated caregiver prior to administering medical marijuana?
- 3) When were you designated as a caregiver, how long has it been?
- 4) How many persons do you administer medical marijuana to?
- 5) Which city and county do the patients reside in?
- 6) Do you have documentation for each patient that you care for?
- 7) How many marijuana plants are you currently growing?
- 8) How much processed/dried marijuana do you possess?
- 9) How much money do you spend per plant?
- 10) Do you have documentation of your expenditures for the cultivation of marijuana?
- 11) What services/support do you provide to the qualified patient?
- 12) What actions are you taking to demonstrate you are caring for the qualified patient's health, safety and welfare? Be specific, detail times/dates/actions?

The following questions should be asked when reviewing the caregiver's documents regarding the furnishing of marijuana to patients.

- 1) Are you the caregiver for this individual/patient?
- 2) How long have you been the caregiver for the patient?
- 3) Where does this individual/patient live?
- 4) What is the condition of the residence where the patient lives?
- 5) What type of medical condition does the patient have that requires the use of marijuana?
- 6) When did you evaluate the patient and has there been a change in their condition?
- 7) How much marijuana does the patient need for his medical ailment (daily, weekly, monthly)?
- 8) How much marijuana supply do you provide this patient? (Example: You provide a one month supply).
- 9) How does the patient ingest his/her marijuana?
- 10) How much do you charge the patient for the marijuana?
- 11) Do you provide marijuana to any other person(s) that do not have a recommendation letter or medical marijuana card?

The Compassionate Use Act (CUA) and Medical Marijuana Program (MMP) allow qualified patients to use, possess, transport, and cultivate marijuana. In addition the CUA and MMP allow qualified caregivers to possess, provide, transport, and cultivate marijuana. Collectives and Cooperatives may also be formed to cultivate and provide marijuana for their members. The CUA and MMP does not legalize marijuana but provides an affirmative defense for subjects meeting the CUA and MMP guidelines. Deputies/Investigators handling medical marijuana investigations may utilize this checklist as a *guideline only*, keep in mind that subjects being investigated are not required, by law, to answer medical questions.

**Initial Assessment:**

- 1) Gather all pertinent evidence/information by conducting a thorough lawful search.  
Examples of evidence include, but are not limited to, the following:
  - A) Processed Marijuana and Marijuana plants.
  - B) Scales, pay/owe sheets, packaging, other indicia of sales.
  - C) Medical marijuana paperwork to include Physicians Recommendation and Medical Marijuana Card.
    - a. Phy. Recommend. - Check expiration date and if it allows for more than the maximum allowable amount.
      - i. The recommendation may appear as a card or a document but must (according the Attorney General’s Guidelines) have the doctor’s name, the marijuana recommendation, an expiration date, and the subject’s name.
      - ii. Keep in mind, even if a recommendation is expired a doctor can testify the patient still requires marijuana thus nullifying the expiration date.
    - b. Med. Marij. Card - Verify card utilizing website [www.calmmp.ca.gov/](http://www.calmmp.ca.gov/).
      - i. Must be a government issued card.
      - ii. Collective/cooperative membership cards are not valid proof of being a qualified medical marijuana patient.
  - D) Ledgers and documentation related to forming a collective or cooperative.
    - a. Documentation includes a list of members, marijuana distribution and revenues/expenditures.
    - b. Paperwork detailing the guidelines for a collective’s or cooperative’s operating procedures.
- 2) Conduct initial interviews
  - A) Interview all involved parties, witnesses, neighbors, and anyone with pertinent information.
    - a. The involved subject(s) should be asked about their intent with the marijuana and obtaining all documentation they have supporting their medical marijuana claim.
- 3) If any of the following applies, all involved subjects should be arrested.
  - A) Marijuana cultivation on public lands.

- B) Investigation indicates the marijuana is not for medicinal purposes.
  - C) The involved parties do not have proof of medical marijuana status, and you cannot determine their by other means.
- 4) If Step 3 does not apply, determine the case category.
- A) Patient – A subject is ingesting, possessing, transporting, and/or cultivating marijuana for personal use due to a medical condition.
  - B) Caregiver – A subject possessing, providing, transporting, and/or cultivating marijuana, and claiming to be a designated primary caregiver
  - C) Collective/Cooperative – Someone possessing, providing, transporting, and/or cultivating marijuana, and claiming to be a member of a Collective or Cooperative

**Category A: Patient**

- 1) Ask involved subject(s) questions detailed in the “Medical Marijuana Patient Questionnaire.
- 2) Based on the totality of the investigation determine if an arrest should be made.
  - A) If the subject has a valid Physicians Recommendation and/or a Medical Marijuana Card, possesses an amount commensurate with his/her medical needs and no indication of sales or distribution is occurring then do not make an arrest and do not seize the marijuana.
  - B) If the subject does not have a valid Physicians Recommendation and/or Medical Marijuana Card (Only one must be valid) then an arrest should be made and the marijuana seized.
    - a. A Physician’s Recommendation can be made verbally.
      - i. If the subject claims they have a verbal recommendation then the deputy should attempt to contact the doctor to verify this.
      - ii. If the deputy is unable to verify the verbal recommendation, an arrest should be made and follow-up can be conducted later. (It is incumbent on the subject claiming protection from arrest to provide information supporting their claim).
  - C) If the subject possesses more marijuana than he/she requires for their medical condition then an arrest should be made.
    - a. Ascertain the amount of marijuana the patient needs for his/her condition and use this information to calculate how much marijuana he/she should possess, review the physician’s recommendation for dosage amounts, and/or contact the physician to ascertain the amount.
    - b. Example: A subject claims to need ¼ ounce of marijuana a week for his/her medical condition. Based on this claim, the subject would require three ounces of marijuana in order to have a three month supply.
  - D) If evidence indicates the person is providing marijuana to others then arrest should be made and the marijuana seized. (See caregiver category should this claim arise).

### **Category B: Caregiver**

- 1) Ask subject(s) questions detailed in the “Medical Marijuana Caregiver Questionnaire.”
- 2) Based on the totality of the investigation determine if an arrest should be made.
  - A) If the subject is a designated primary caregiver and meets all the requirements for a caregiver then do not make an arrest and do not seize the marijuana.
    - a. The subject has been selected as a primary caregiver by a qualified patient(s).
      - i. The subject cannot be a caregiver for more than one patient that lives outside of the county.
    - b. The subject does not exceed the amount of marijuana required to meet the medical needs for all of his/her patients.
    - c. The subject is not making a profit.
  - B) If the subject does not meet the designated caregiver status then an arrest should be made and the marijuana seized.
    - a. A subject should have been filling the role of a designated caregiver for a patient's illness, prior to the patient receiving a physician's recommendation for medical marijuana.
    - b. A caregiver must consistently assume the responsibility for the patient's housing, health, or safety.
      - i. A caregiver must do more than simply provide marijuana related information, supply marijuana, and occasionally drive the patient to a doctor's appointment.
      - ii. A caregiver should either know or have documentation indicating they are aware of most of the following for each of their patients:
        1. Patient's medical condition
        2. Patient's address and condition of the residence
        3. Patient's marijuana dosage
        4. Services they provide each patient
    - c. The caregiver must not be making a profit.
      - i. The caregiver can receive compensation to cover the expenses of growing the marijuana but no profit can be made.
  - C) If the subject possesses more marijuana than is needed to meet the medical needs of all of his /her patients then an arrest should be made and the marijuana seized.
    - a. All marijuana should be seized if the person is over the allowable maximum amounts.

### **Category C: Collective or Cooperative**

- 1) Ask subject(s) questions detailed in the “Medical Marijuana Collective/Cooperative Questionnaire.”
- 2) Based on the totality of the investigation determine if an arrest should be made.
  - A) If the subject is a member of a collective or cooperative and meets all the requirements then do not make an arrest and do not seize the marijuana.

- a. A collective or cooperative consists of multiple persons coming together for the sole purpose of growing marijuana for their own medical needs.
  - b. No member can possess more than is commensurate with his/her medical needs.
  - c. Collectives/cooperatives should be doing the following:
    - i. Each member assisting in cultivating marijuana in some fashion (i.e. watering, planting, trimming, fertilizing, etc.)
      - 1. Only if a member is capable of assisting.
    - ii. Each member should get an equal portion of the marijuana grown by the group.
- B) If the subject does not meet the collective or cooperative criteria then an arrest should be made and the marijuana seized.
- a. Members cannot provide marijuana to non-members.
  - b. The collective or cooperative should have documentation detailing its organizational structure, guidelines, and by-laws.
  - c. Members cannot exceed the amounts relative to their medical needs.
  - d. All members must be qualified patients with valid Physician's Recommendations or Medical Marijuana Cards.
  - e. No member can make a profit from providing/cultivating marijuana.
    - i. A member can receive compensation to cover the cost of expenses.
      - 1. These expenses should be logged in some fashion (Although it is not required).
      - 2. Revenues collected should also be logged.
  - f. No marijuana can be accepted from non-members.

**Documentation:**

1) Deputies should complete a report on all marijuana investigations regardless if an arrest is made.

- A) Investigations resulting in an arrest should be processed similar to other arrests.
- B) Investigations resulting in no arrest should be forwarded to the Riverside Sheriff's Department – Marijuana Team for review.
- C) Reports should include detailed information regarding the following:
  - a. Number of mature and immature plants.
    - i. Indicate plant size and if plants contain buds.
  - b. Amount of processed marijuana.
    - i. Indicate amount of marijuana bud.
    - ii. Indicate a separate amount for the leaves and stems.
  - c. Attach copies of all documentation collected as evidence.
  - d. List detailed information on a caregiver's patients and members of a collective/cooperative.
    - i. Information required for possible follow-up investigation.
  - e. Detail any security measures protecting the marijuana.
    - i. Subjects are recommended to keep the marijuana secure.
  - f. All involved subject(s) statements along with witnesses statements.



2) Deputies should utilize the appropriate EDP code for the suspected crime being investigated and a secondary medical marijuana code.

A) A Medical Marijuana EDP Codes should be used in all applicable cases.

d. EDP Code MDMJ1: Medical Marijuana – Patient

i. This code should be used when a subject claims the marijuana is for his or her own use due to a medical condition.

e. EDP Code MDMJ2: Medical Marijuana – Provider

i. This code should be used when a subject claims they are providing marijuana to a patient. A provider could be a caregiver or a member of a collective/cooperative.

B) Example: A subject is being investigated for growing marijuana and claims it is for his or her own use due to a medical condition.

a. First list the EDP Code for Marijuana Cultivation – 20A2-F.

b. Second list the Medical Marijuana code for a patient – MDMJ1.



# RIVERSIDE COUNTY SHERIFF'S DEPARTMENT MEDICAL MARIJUANA COURSE

POST # 2200-xxxxx  
*HOURLY SCHEDULE*

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## DAY 1:

0800-0815	Registration & Introduction	Training Coordinator
0815-0930	Overview of Proposition 215	Sgt. Eric Hernandez <i>Riverside County Sheriff</i>
0930-1100	Overview of SB 420	Sgt. Eric Hernandez <i>Riverside County Sheriff</i>
1100-1200	Case Law Update	Sgt. Eric Hernandez <i>Riverside County Sheriff</i>
<b>1200-1300</b>	<b>Lunch</b>	
1300-1400	Group Scenarios	Sgt. Eric Hernandez <i>Riverside County Sheriff</i>
1400-1500	Marijuana Investigations	Sgt. Eric Hernandez <i>Riverside County Sheriff</i>
1500-1600	District Attorney Guidelines	DDA Jay Kiel <i>District Attorney's Office</i>
1600-1630	Other Available Resources	Sgt. Eric Hernandez <i>Riverside County Sheriff</i>
1630-1700	Evals & Certificates	AOT Coordinator

**Riverside County Sheriff's Department  
Ben Clark Training Center  
Expanded Course Outline  
Pending P.O.S.T. # 2200-xxxxx**

**Medical Marijuana Training**

1. Introduction
  - a. Course Description and Expectations
  - b. Issue Handouts
  
2. Overview of Proposition 215
  - a. Discuss specifics of the law
    - i. Protections for Patients
    - ii. Protections for Caregivers
  - b. Group Exercise
    - i. Group will list what patients and caregivers are allowed to do under the Compassionate Use Act.
  
3. Overview of SB 420
  - a. Discuss specifics of the law
    - i. Identification Card Program & Arrest immunity
    - ii. Individual Affirmative Defenses
    - iii. Group Cultivation Affirmative Defenses
    - iv. Marijuana Quantity Limits
  - b. Group Exercise
    - i. Group will list the various elements of the Medical Marijuana Program
  
4. Case Law Update
  - a. Discuss pertinent case laws affecting Medical Marijuana investigations
    - i. People v Urziceanu (2005)
    - ii. People v Mower (2002)
    - iii. People v Strasburg (2007)
    - iv. People v Mentch (2008)
    - v. People v Kelly (2008)
    - vi. People v Hochanadel (2008)

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5. Group Scenarios (Collectives & Cooperatives)

- a. Groups will discuss and decide whether particular scenarios are within or outside of the Medical Marijuana laws. Scenarios to include;
  - i. Subject cultivating marijuana
  - ii. Mobile delivery service
  - iii. Group cultivation site
  - iv. Non-medical marijuana holder at location with marijuana
    - 1. Update scenario to reflect children

6. Marijuana Investigations

- a. RSO Department Directive #09-010 regarding Medical Marijuana
- b. Review Questionnaires contained in DD
- c. Evidence Collection
  - i. Processing marijuana plants, marijuana, and other drugs
  - ii. Processing marijuana lab related items. Submission to DOJ
  - iii. Evidence requiring documentation but not requiring collection such as; lights, ballasts, growing cubes, trays, etc
  - iv. Document but cannot be collected; halogen bulbs, filled/partially filled butane bottles, fertilizers, misc. chemicals
- d. Charges
  - i. 11358 Health & Safety – Marijuana Cultivation
  - ii. 11359 Health & Safety – Possession of Marijuana for Sales
  - iii. 11360 Health & Safety – Transportation, furnishing, sales of Marijuana
  - iv. 11379.6(a) Health & Safety – Clandestine Lab
- e. Other possible Charges
  - i. 273a(a) Penal Code – Child Endangerment
  - ii. 498b Penal Code – Misdemeanor Theft of Utilities (Electricity)
  - iii. 498d Penal Code - Felony Theft of Utilities (Electricity – Over \$400)
  - iv. 647(f) Penal Code – Disorderly Conduct/Public Intoxication
    - 1. Must be in public and unable to care for themselves or obstructing free use of sidewalk/street
  - v. 23152(a) California Vehicle Code – DUI drugs
    - 1. Must be able to testify to driving impairment

7. District Attorney

- a. Riverside County has dedicated D.A.'s for marijuana cases
- b. Considerations for filing cases

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8. Other available Resources

- a. Code Enforcement
  - i. Illegal Dispensaries – All dispensaries are illegal in the county and contract cities
  - ii. Illegal Structures – Building additions not meeting building code standards. (Possibly remove electrical meter)
  - iii. Un-permitted structures - Owner did not obtain required permits
  
- b. Drug Enforcement Agency
  - i. Federal law does not recognize medical marijuana
  - ii. Currently investigating all open dispensaries
  - iii. Will not investigate small residential cases