Marijuana
Legal or Not?
The politics of pot in Washington State have been interesting. Medical marijuana has been around for a while, the last updates to the law occurring in 2011. Then in 2012 along came I-502 which legalized recreational pot in small amounts within this state. So we as cops have three, no four laws to deal with. Federal law still classifies marijuana possession as a crime; certain amounts of marijuana in Washington remain a crime, and some marijuana is legal because it is recreational and some because it is medical - and your police officers need to sort this out each and every day. And it gets more interesting as we approach the opening of pot stores throughout the state.

Some history. Marijuana is a large part of the “War on Drugs” which began in the last ‘60’s and has continued to this day with billions being invested in law enforcement, courts, corrections, treatment - and the other social costs that go along with destructive behavior. In Centralia, the three biggest challenges to law enforcement have been 1) domestic violence, 2) sexual crimes against children, and 3) drugs - with drugs involved in the first two as well. In fact about 70% of our crime involves drugs; either as the underlyng cause of the criminal event (either under the influence at the time of the crime or committing crimes to provide the means to obtain drugs) or the possession/sale/delivery of the drugs themselves. Whether or not drugs should be legalized and treated as a public health issue is a debate for others smarter than me; but at the end of the day, police officers are usually the ones that must deal with the broken lives, associated criminal events, and community disorder brought about by the abuse of drugs - yes including alcohol.

Back to marijuana. I have received a lot of questions about medical marijuana and recreational marijuana; the differences, what’s legal and what’s not, and what remains a misdemeanor criminal event versus an infraction, versus a felony. Well, they all still apply - just in different ways now. Medical marijuana and recreational marijuana flow from two different bodies of law and they are not consistent with each other or, in some cases the current criminal law regarding marijuana. So here we go.

Medical Marijuana - medical marijuana is allowed in this state if the individual has gotten a medical marijuana authorization (not a prescription - the feds control the prescription process and so pharmacies cannot stock and distribute marijuana) from a qualified physician for an “eligible” illness or debilitating condition. The individual may possess up to 15 marijuana plants and no more than 24 ounces of usable marijuana or a marijuana product (brownies for example) that could reasonably be produced with no more than 24 ounces of marijuana; or a combination of the two. Public possession of medical marijuana is a crime and public smoking/use of marijuana is a civil infraction (like a traffic ticket).

Fast Facts
- In Centralia during 2012, Drug Violations (280 cases) by type of drug included:
  - Marijuana - 43%
  - Methamphetamines - 31%
  - Heroin 16%
  - Cocaine 2%
- 71 of the cases dealt with the sale and delivery of illegal controlled substances
- 137 of the cases dealt with possession, the most common were possession of methamphetamine and possession of marijuana
- 257 individuals were arrested for drug related offenses in 2012
- Heroin has re-surfaced as one of the three leading drugs of abuse in our community
- Over $500,000 in property was stolen in Centralia last year - 20% of the property was recovered

Do you have a question about the law, police procedures, policing tactics? Send it in - we will pick questions e-mailed to us and provide an opinion, answer, department procedure practice, or what the law says. E-mail your question to cpd@cityofcentralia.com.

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Recreational Marijuana - recreational marijuana is allowed in this state if the individual has purchased the pot from an authorized retailer. The individual can possess no more than one ounce (28.3 grams) of usable marijuana, or 16 ounces of a solid substance (like butter infused with THC), or 72 ounces of liquid containing infused THC. Public smoking/use of marijuana is also an infraction.

Misdemeanor Marijuana - still a crime and it would be the possession of marijuana, more than 28.3 grams but less than 40 grams (unless with a medical authorization where the maximum would be 679.2 grams).

Felony Marijuana - possession of 40 or more grams of marijuana (unless with a medical authorization where the maximum would be 679.2 grams), delivery of marijuana or the cultivation of marijuana (unless licensed by the Washington State Liquor Control Board as a grower or wholesale distributor, or a medical marijuana provider or as part of an approved collective garden), or the sale of marijuana.

Confused yet?
There’s more.
Medical marijuana may be grown in collective gardens (our city council just approved the zoning regulations). Collective gardens are where several individuals - up to ten - can collectively grow medical marijuana for others provided that the medical authorization has been obtained. The law limits the number of plants to 15 plants per patient but no more than 45 in total; along with no more than 24 ounces of usable marijuana or a marijuana product that could reasonably be produced with no more than 24 ounces of marijuana; or a combination of the two per qualifying individual. In Centralia, approved collective gardens must have extensive security requirements, must be located within a manufacturing zone, and cannot be within 1,000 feet of a school, church, park, day care or community center, library, or another collective garden.

While you may see them in Seattle, medical marijuana dispensaries remain illegal, and this department will investigate and arrest anyone involved in a medical marijuana dispensary.

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TRANSITIONS

We welcome to the department Teri Simpson, our newest Police Records Technician. Teri replaces the position vacated by Mary Cummins who retired last month (see August E-newsletter article). Teri comes to us from Chehalis PD where she worked in a similar position for the past 6 years. Teri will be one of the counter receptionists and will be responsible for records entry data, warrants, and transcription as needed. Teri lives in Chehalis and has three small children. While they keep her busy she also enjoys shopping and baking. We welcome her to the department.

Leaving the department after seven years of service is Carin Haldy, also a Police Records Technician. Carin has been responsible for warrants, counter reception, and records data entry. We have appreciated her professional demeanor in the workplace and the meticulous attention to detail she brought with her to the job. Carin has always had a special place in her heart and action involving a church in Central America; a place she travels to each year on a mission trip. Her caring for others is a significant part of who she is. We wish Carin all the best as she begins a new chapter in her life.

Carin’s position will not be replaced. The budgeted funds, along with funds available from our part time work budget, will be used to employ two full time community services officers for such things as evidence/property room management, animal control, parking enforcement, nuisance violations, prisoner transport, etc. This is in line with a reorganizational plan for the department to gain greater efficiency in support operations of the agency made necessary by the reduction in staff of two police officer positions.

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“If you wait until you are ready, you will wait forever” - Will Rogers
### The Data Page
This page presented for those of you who love “looking at the numbers”

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| Total                   | 82        | 590      |

### Annual Projection Based on Year to Date, August 31

### Community Policing Calendar 2013
- October 31st - Halloween Safe Trick or Treat Downtown
- November 20th - Tower Crawl
- December - CDA Christmas Tractor Parade
- December - Day with Santa

**You could win this truck!**
Raffle Tickets Available!
Contact any Centralia Police Officer.
Proceeds go to support community programs of the association
Recreational marijuana is regulated by the Washington State Liquor Control Board who, when asked about regulating the medical marijuana activity said no.

Recreational marijuana may be purchased in a state approved store (Centralia has been authorized two stores by the liquor control board). The individual wanting to engage in such business must apply for a license with the state (as a producer, wholesaler, or retailer) of marijuana. The state also has stringent requirements as to where “pot stores” can be sited very similar to the siting restrictions under the Centralia’s collective gardens ordinance. So don’t look for any stores on Harrison Avenue (Borst Park, Riverside Park, Nazarene Church, Middle School, Ford’s Prairie School, and Harrison Four Square Church) or in the downtown area (Washington Park and Centralia Train Depot). And remember, the only legal way to obtain recreational marijuana is from the state licensed retail store. Oh, there is another small problem. The city cannot currently issue a business license to any potential retailer of recreational marijuana (required as a part of state licensing) because our ordinance will not allow for a license to be issued for any business which violates state or federal law.

But wait there’s more. Advanced and new training is necessary for all CPD officers because of the impacts on DUI. Additional training will be required for officers (DRE or drug recognition expert - a multiple day course). Also, breath tests don’t work for drug caused DUI - blood tests are necessary and search warrants are required for that. More judge time to approve warrants.

It is also interesting to note that most of this flies in the face of the good work of our county drug court in using coercive based treatment to provide a path back from addition.

I will not bore you with the workplace issues involved as to the drug free workplace status that our city currently enjoys; a condition that allows for federal grants and other assistance to be sought and obtained. I am sure there will be more to come on that.

Finally, what does a chief of police do when marijuana comes into the evidence/property room because the possessor is booked into jail on an unrelated charge (marijuana is not logged in as personal property) or someone has their marijuana confiscated because they do not have their medical marijuana authorization card on their person. Delivery of marijuana is a federal crime - releasing the marijuana would be a delivery under the law: I cannot violate federal law by returning otherwise “now legal” marijuana.

If it sounds like I am complaining - I’m really not. All of this just points out the complexities of the law that your police officers deal with each and every day. It is also all about the law of unintended consequences. As for the millions and millions of new state revenue; I have been a police officer long enough to be cynical. Who would purchase one ounce of marijuana at a state store when, for a pro forma visit to some doctor in Seattle or Bellevue, that person can obtain a medical marijuana authorization (remember, not a prescription), get together with a friend and grow their own; legally possessing 24 times the legal amount for recreational possession. That’s a loophole that even the United States Congress could appreciate. Stay safe.

“I will not surrender responsibility for my life and my actions” - John Powell
OUR LATEST ACQUISITION

In a previous E-Newsletter, I shared with you our use of the Department of Defense law enforcement surplus program and other grant programs to obtain several special purpose vehicles for the department at little or no cost to our city taxpayers.

We have been looking for the past two years to replace our aging armored rescue vehicle, a Peacekeeper we obtained from the United States Air Force. We have just been awarded a much newer vehicle to replace that asset. It is a MRAP (mine resistance, ambush protected) vehicle from the United States Army. We took delivery of it three weeks ago and will paint, refurbish, equip and place it in service within the next six months.

Other significant pieces of equipment acquired by the department through this program include: