



Michael Ridgway
Director of Public Safety

ROSS PUBLIC SAFETY DEPARTMENT

PUBLIC SAFETY BUILDING • 33 SIR FRANCIS DRAKE BLVD
P. O. BOX 320 • ROSS, CALIFORNIA 94957

July 8th 2002

Alternative Health Systems

Reference: Request for Public Information

Dear Mr.

I am in receipt of your June 28th letter requesting any and all documents concerning Ross Police Department procedures for handling cases relating to the possession of medical marijuana and/or the California Compassionate Use Act. The Ross Police Department has no specific internal policy or procedure with respect to processing medical marijuana cases, however we do subscribe to and support the Marin County District Attorney's Office's protocol relating to contacts with people who claim medical necessity as an affirmative defense against a violation of Health and Safety Code Section 11357(b), personal possession of marijuana.

In response to your specific request for the release of public information relating to the topic of medical marijuana, I have enclosed the following:

1. April 25th 2002 e-mail to my staff advising them that the Ross Police Department will henceforth follow the District Attorney's Office's protocol for processing cases involving possession of marijuana for medical purposes.
2. My 28th 2002 e-mail to Marin County District Attorney Paula Kamena affirming my support for her newly established medical marijuana protocol.
3. Marin County District Attorney's Office Medical Marijuana Protocol subsequently distributed to each officer of the Ross Police Department.

The above three (3) items represent in their entirety the documents held by the Ross Police Department with respect to Health and Safety Code Section 11362.5, the California Compassionate Use Act.

Should you have any questions or require additional documentation, please feel free to contact me at (415) 453-1453, ext. 101.

Yours truly,

MICHAEL J. RIDGWAY, DIRECTOR
Ross Department of Public Safety

Mike Ridgway

From: Mike Ridgway
Sent: Thursday, April 25, 2002 2:39 PM
To: POLICE DEPARTMENT
Subject: Marijuana Protocol...

The Marin County District Attorney's Office is in the process of revising the manner in which it handles cases involving the affirmative defense of possessing marijuana for medical purposes. One part of that revised protocol will include an understanding that their office will not prosecute persons for possession of marijuana if they are able to produce a Medical Marijuana Program ID card issued by the Marin County Department of Health and Human Services.

Each newly recognized ID card will have an expiration date affixed beneath the holder's photograph. The cards are only good for one year and H&HS must have first verified a medical provider's recommendation that the applicant use marijuana for medical purposes before it will issue a card. A copy of the card has been attached to this memorandum for your review and information.

I have informed DA Paula Kamena that the Ross Police Department will support her decision by also recognizing that an H&HS ID card authorizes the holder to possess marijuana for medical purposes. As such, if a person is found in possession of a quantity of marijuana consistent with medical use, and they are also in possession of a Medical Marijuana Program ID card issued by the Department of Health and Human Services, they are not to be arrested for possessing that marijuana. If the amount they possess is more than could reasonably be used for legitimate purposes, or there is evidence the person is violating other H&S sections, such as possession for sale, then an arrest should be made.

I'm generally not very comfortable with these types of "no arrest" policy decisions, but the bottom line is, even if we were to arrest someone who had a valid H&HS card for possession of marijuana, the DA would not prosecute and we would eventually be returning the drug to them anyway.

If you have any questions about this new policy, please don't hesitate to contact your supervisor.

Thanks...

Mike Ridgway

From: Mike Ridgway

Sent: Tuesday, May 28, 2002 11:08 AM

To: 'pkamena@marin.org'

Subject: Medical Marijuana Protocol...

You may affix my signature to your new medical marijuana protocol, but just a heads-up, I did not get the e-mailed version referenced in your fax. I only got the fax.

When you are done with this project, can you please see that a hard copy of your new policy is sent to me via either the US or Inter-Office mail? I'd like an official copy for my files.

Thanks.



OFFICE OF THE DISTRICT ATTORNEY
MARIN COUNTY, CALIFORNIA

Prevention ★ Prosecution ★ Protection

Paula Freschi Kamena
District Attorney

TO: All Chiefs of Police, the Sheriff and Watch Commanders
FROM: Paula Freschi Kamena, District Attorney
DATE: June 7, 2002
RE: New Medical Marijuana Policy Effective Today

Following this memo is a copy of the new Marin County District Attorney Medical Marijuana Policy and a press release related thereto. This policy is effective at 2p.m. today. It is critical that all line officers be aware that all twelve local Police Chiefs have signed a memorandum of agreement to respect the presentation of a valid Marin County Department of Health and Human Services, Department of Health Services card a proof of medical need. (State agencies such as CHP are not signatories to the agreement because of state policy, nor are federal law enforcement agencies, but it is good for them to be aware of the program.)

Should line officers be presented with a Marin County Card, the officer should call the Marin County Sheriff's Office Communications Center to verify the card. An information bulletin is being issued by the Sheriff's Office with further information in this regard. The press release will go out at 4:00 p.m. today to give you an opportunity to advise your staff of the effectiveness of this policy at this time.

Following also is information provided by H&HS to persons applying for cards and a copy of a sample card.



OFFICE OF THE DISTRICT ATTORNEY
MARIN COUNTY, CALIFORNIA

Prevention * Prosecution * Protection

Paula Freschi Kamena
DISTRICT ATTORNEY

Michael A. Gridley
CHIEF ASSISTANT
DISTRICT ATTORNEY

Edward S. Berberian
ASSISTANT DISTRICT
ATTORNEY-CRIMINAL

**MARIN COUNTY DISTRICT ATTORNEY'S POLICY RE:
PROPOSITION 215
COMPASSIONATE USE ACT—MEDICAL MARIJUANA**

This policy, dated June 7, 2002, supercedes any previously published policies or memoranda of agreement regarding the Marin County District Attorney's Guidelines about Use of Marijuana for Medical Purposes.

POLICY

It is the policy of the Marin County District Attorney's Office that cases involving the claim of medicinal use of marijuana will be reviewed on a case-by-case basis. All aspects of Proposition 215 (Compassionate Use Act) will be followed. The legitimacy of the medical purpose for use of marijuana and the appropriate amount for the medical condition to be used will be based on medical evidence available. The Marin County District Attorney's Office will accept valid registration cards issued by the Marin County Department of Health and Human Services, Division of Health Services, as evidence of being a patient with a valid medical recommendation for the legitimate use of marijuana for a medical purpose. There is no requirement to register; however, registration will ease a great many of issues involved in this complex law.

**THE MARIN COUNTY DEPARTMENT OF HEALTH AND HUMAN
SERVICES, DIVISION OF HEALTH SERVICES, REGISTRATION CARD
SYSTEM**

In conjunction with extensive cooperation between the Marin County District Attorney's Office, the Marin County Department of Health and Human Services, Division of Health Services, and the Marin County Chiefs of Police Association, an updated medicinal marijuana registration system has been forged. While the law does not require application for these identification cards, possession of a valid Marin County card will aid both legitimate patients, law enforcement officers, and the District Attorney when contact occurs over various legal issues as to the decision of arrest and/or confiscation of marijuana, as well as prosecution.

If presented with a valid identification card during a contact with a person possessing or cultivating marijuana who claims medicinal use as a patient or primary caregiver, all twelve local Marin County police agencies have agreed to call a 24-hour telephone number to verify the card and the cardholder. Absent any other legal, evidentiary issues or other unrelated violations, the twelve local Marin police agencies have agreed that such valid cards will be considered presumptive proof of a valid claim of medicinal necessity for the use of marijuana. The patient will not be arrested and the marijuana will not be confiscated, unless the law enforcement officer has probable cause to believe that there is evidence of possession for sale or some other offense. Please note that because they are not local Marin police agencies, the local offices of the California Highway Patrol and federal agencies such as the U.S. Park Police are not permitted by their umbrella agencies to agree formally to this policy although they are aware of the registration system and the number to call.

The policy with regard to obtaining a valid card has been developed and published by the Department of Health and Human Services, Division of Health Services, a copy of which is attached. Essentially, Health Services will verify the patient's or the primary caregiver's identity and residency in Marin, confirm physician recommendation, and then issue a card. No completed applications, names or addresses will be maintained by Health Services after the card is issued. Law enforcement will not have access to the records used to obtain the card, but may receive confirmation at a 24-hour telephone number upon a valid request for verification of a card presented by a person at the time claiming to be a valid patient.

REFERRALS TO THE DISTRICT ATTORNEY

Should a case involving a claim of medicinal marijuana be referred to the District Attorney's Office, if police have determined the ID card to be valid and/or the District Attorney has confirmed with the Division of Health Services that the ID card is valid, the District Attorney will not contest the issue of medical need.

If the issue involved is the appropriateness of the amount possessed, either with or without a valid card, the District Attorney's Office will, in conjunction with the police, conduct an investigation. The suspect of the investigation may voluntarily present information as to confirmation of the appropriateness of the amount and the medical need without having been a registered person with Division of Health Services. This information will be considered before filing charges. If, however, the information is not presented before filing of charges it may be necessary to file charges in order to legitimately obtain the information needed to verify the claim.

The law does not require registration for the claimant to provide any information, nor does it require a suspect to provide information to the prosecution on a voluntary basis. The offer of pre-filing review upon the voluntary request by a person referred to the District Attorney is intended to provide a service to legitimate patients and their caregivers. It is an avenue, a method to ease the issue of unnecessary confiscation of medical marijuana appropriately possessed, to avoid undue legal hardship on legitimate patients and unnecessary action by the criminal justice system.



Paula Freschi Kamena
Marin County District Attorney

Date: 6/7/02

**Marin County Department of Health and Human Services
Medical Marijuana Photo ID Card Program**

Jane Doe

Member ID: 9999



Date Issued: 12/17/2001


Exp. Date: 12/17/2002

Call MCSD Communications Center to verify card.

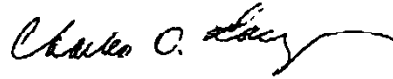
Memorandum of Agreement

The Chiefs of Police of the following cities have agreed to use the Marin County Department of Health and Human Services, Division of Health Services, Medical Marijuana ID Program to verify that a person contacted qualifies for the use of medicinal marijuana.

Dated: 6/7/02



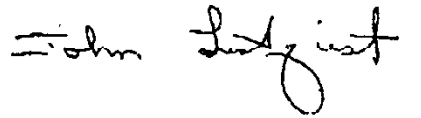
Chief Brian Brady
Novato Police Department



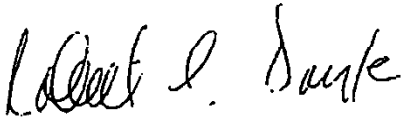
Chief Charles Lacy
College of Marin Police Dept.



Chief Michael Cronin
San Rafael Police Department



Chief John Lundquist
Belvedere Police Department



Robert Doyle
Sheriff



Chief Charles Maynard
San Anselmo Police Department



Chief Phillip Green
Twin Cities Police Department



Chief Robert Ritter
Mill Valley Police Department



Chief Ken Hughes
Fairfax Police Department



Chief Matt Odetto
Tiburon Police Department

M. Ridgway

**Chief Mike Ridgway
Ross Police Department**

J. Kreins

**Chief Joseph Kreins
Sausalito Police Department**