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1. DRUG OFFENSES

A. Drug offenses are found in [Arizona Revised Statutes \(ARS\), Title 13, Chapter 34](#).

(1) Common Drug Offenses

ARS-13-3102.A.8	Using or Possessing a Deadly Weapon during the Commission of any Felony Offense included in Chapter 34
ARS 13-3403.A.1	Possession and sale of a Vapor-Releasing Substance Containing a Toxic Substance
ARS 13-3405.A.1	Possession of Marijuana (POM)
ARS 13-3405.A.2	Possession of Marijuana for Sale
ARS 13-3405.A.4	Transporting Marijuana for Sale
ARS 13-3407.A.1	Possession or Use of a Dangerous Drug (PODD)
ARS 13-3407.A.2	Possession of a Dangerous Drug for Sale
ARS 13-3407.7	Transporting a Dangerous Drug
ARS 13-3408.A.1	Possession or Use of a Narcotic Drug (POND)
ARS 13-3408.A.2	Possession of a Narcotic Drug for Sale
ARS 13-3408.A.7	Transporting a Narcotic Drug
ARS-13-3411	Possession, Use or Sale of Marijuana, Peyote, Prescription Drugs, or Narcotic Drugs, or Manufacture of Dangerous Drugs in a Drug Free School Zone
ARS 13-3413.A	Possession, Manufacture, Delivery, and Advertisement of Drug Paraphernalia
ARS-13-3417	Use of Wire Communication or Electronic Communication In Drug Related Transactions

(2) Imitation Drug Offenses

ARS 13-3455.A	Manufacturing or Distribution of Imitation Over-the-Counter Drugs
ARS 13-3456.A	Possession of an Imitation Controlled Substance
ARS 13-3457.A	Possession of an Imitation Prescription-Only Drug
ARS 13-3458.A	Possession of an Imitation Over-the-Counter Drug
ARS 13-3459.A	Possession of Imprinting Devices

(a) Officers will submit an Incident Report (IR) for follow-up investigation by the Drug Enforcement Bureau (DEB).

(b) Field officers will not make on-view arrests but will seize substances they believe to be imitation drugs.

- Imitation drug substances seized for destruction purposes only do not require an IR.

(3) Elements of Criminal Charges

(a) Possession	<p>To be in possession, an illegal substance must be either in a person's possession or under their personal control.</p> <ul style="list-style-type: none"> • Possession may be held by more than one person. • There must be evidence establishing each person exercised authority and control over the illegal substance. • Mere presence at the scene where others are using illegal substances and knowledge that others are using them does not constitute a possession violation. • Caution must be taken when arresting for illegal substance violations to ensure only those persons having actual control over an illegal substance are taken into custody. • When there is doubt as to who was in possession or control of the illegal substance, an IR will be completed, and the evidence seized and submitted for scientific analysis.
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1. A. (3) Elements of Criminal Charges (Continued)

(b) Usable Quantity	<p>The quantity of an illegal substance present must be sufficient enough to be swallowed, injected, or smoked according to known practices and uses.</p> <ul style="list-style-type: none"> For marijuana arrests, a sufficient amount of marijuana must be present to make one-half of a marijuana cigarette. In the case of seeds only, there must be a sufficient number in one place to indicate that they are being saved for germination. When there is doubt as to usable quantity, submit an IR.
(c) Useable Condition	<ul style="list-style-type: none"> Marijuana seeds are considered usable if they are in a condition to germinate; burnt or split seeds will not germinate. When there is doubt as to usable condition, an IR will be submitted. Arrests will only be made when illegal substances are in a useable condition.

- B. Officers may request assistance from DEB in determining if the necessary elements of an offense are present or for determining if a substance is an illegal substance.

2. **HANDLING DRUGS**

- A. **Officers will never taste or smell any suspected illegal substance.**

- B. Considerable care will be taken when handling suspected illegal substances.

- (1) Officers will handle suspected illegal substances as little as possible to avoid accidental exposure and **will wear** proper personal protective equipment (PPE) when the suspected illegal substance must be handled beyond the initial locating/finding of the substance.
- (2) Proper PPE includes nitrile gloves (two pairs are recommended) and, when loose substances present the potential for exposure or inhalation, an N-95 mask and safety glasses (or air-purifying respirator (APR) gas mask).
 - Gloves should be changed often as substances can be absorbed directly through the skin.
 - Special care should be taken when handling suspected illegal substances in liquid form.
 - * Gloves should be changed immediately if the liquid substance makes contact with the gloves.
- (3) Officers will wash their hands thoroughly after handling any suspected illegal substance and disposable (single-use) items will be properly disposed of in a clearly marked hazardous material container.
 - Non-disposable PPE items will be cleaned with copious amounts of water.

- C. To determine if a substance is illegal, a field test should be conducted which will **ONLY** be performed by a current certified controlled substance officer (CSO).

3. **CONTROLLED SUBSTANCE OFFICER (CSO) PROGRAM**

- A. General Information

- (1) CSOs are certified in a 16 hour class and must complete annual certification training provided by the Laboratory Services Bureau (LSB) to field test drugs using marijuana chemical field test kits or the TruNarc™ handheld narcotics analyzer.
- (2) CSOs generate affidavits through the records management system (RMS) certifying the results of field tests which are used by the Maricopa County Attorney's Office (MCAO) to charge suspects with drug offenses.

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3. B. CSO Program Requests

- (1) To participate in the CSO program, officers will submit a memorandum through their chain of command; once approved, forwarded to LSB.
- (2) Precincts/bureaus will be allotted CSO positions based on funding and to ensure proper coverage throughout the City.
 - Coverage gaps will be identified and evaluated by LSB annually.

C. CSO Requirements

- (1) Each CSO must perform at least 10 correct field identifications (IDs) per year.
- (2) CSOs may be removed from the program for:
 - Excessive paperwork errors
 - Failure to document testing/scans in report or CSO logbook
 - Failure to notify the LSB Controlled Substances Section of errors
 - Failure to complete corrections
 - Failure to adhere to the program/Department policies
 - Misidentification of a drug
 - Using inappropriate test kit/instrument
 - Testing prohibited items

D. When handling suspected illegal substances/conducting field tests, CSOs will:

- Wear appropriate PPE, wash hands, and clean contaminated testing surfaces after handling suspected illegal substances/test kits.
- Use only the minimum amount of the suspected controlled substance necessary for testing in H kits/MJ test kits.
- Conduct testing in open and well-ventilated area.
- Do not eat, drink, or smoke when handling/testing suspected controlled substances.

E. Marijuana Chemical Field Test Kits

- (1) Duquenois Levine chemical field test kits are only authorized for current certified CSOs (no other chemical field test kits are to be used).

F. TruNarc™ Handheld Narcotics Analyzer - Uses Raman spectroscopy and contains a class B laser which is powerful enough to cause eye damage and ignite flammable or explosive materials.

- (1) The TruNarc device is only authorized for use by current certified CSOs.
- (2) CSOs must perform self-checks prior to each evidence scan.
- (3) Keep eyes out of 47.2 inch hazard zone.
- (4) Keep bare skin at least 4 inches away from laser.
- (5) CSOs should not test items on a reflective surfaces or magnifying lenses.
- (6) CSOs should not test suspected explosives or flammable materials.
 - (a) If the item/s are suspected to be an explosive material, please call the bomb squad.

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3. F. (7) CSOs must use goggles when testing liquids and other translucent materials that will not fully absorb laser light.
- (8) CSOs should not directly scan dark colored materials with the TruNarc.
 - (a) Black tar heroin must be prepared with an H kit before testing.

4. **DECISION TO ARREST**

- A. To arrest for a drug offense, sufficient probable cause must be established to indicate the substance in question is actually an illegal substance.
- B. Officers may use their discretion when deciding to make a drug-related arrest.
 - If an arrest is to be made during the initial investigation, every effort will be made to have a field test completed by a current CSO for any approved drug listed on the [CSO PolicePoint page](#).
 - In some instances it may be preferable to release a person found with a substance believed to be illegal and pending analysis, seek a warrant or summons upon confirmation.
- C. Drug Paraphernalia Only
 - (1) When a person ([ARS 13-3415.A](#)) or business establishment (ARS 13-3415.B) is found to be in possession of drug paraphernalia only, **no** on-view arrest will be made unless the suspect has other charges.
 - Officers will submit an IR and impound any evidence.

NOTE: Field officers will not make seizures from businesses found in violation of this statute.
 - (2) Supervisors may authorize deviation from this policy.

5. **IMPOUNDING/SCIENTIFIC ANALYSIS**

- A. If a complaint is to be filed, an IR will be completed and the substance believed to be illegal will be impounded and, if a field test was **not** completed, submitted for scientific analysis.

NOTE: If an arrest **is** made and a field test was not completed by a CSO, the evidence **must** be impounded at the Property Management Unit (PMU) Annex at 621 West Washington and tagged "In-Custody" (refer to [Operations Order 5.8.02, Controlled Substances/Drugs/Paraphernalia Procedures](#), for more information regarding impounding procedures and impound locations for non-arrest situations).
- B. Deteriorative Illegal Substances
 - (1) Fresh marijuana plants will be impounded, as outlined in [Operations Order 5.8.07, Impound Locations Section 1.D.\(2\)](#) at a drying facility.

NOTE: When a suspect is charged with growing marijuana, color photographs will be taken of all live marijuana plants in their growing condition **before** seizure.
 - (2) Illegal substances which are wet; for example, removed from a toilet, also need to be impounded at a drying facility.
 - (3) Small food items believed to contain an illegal substance may be impounded in the PMU Annex refrigerator.

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5. B. (4) Large food items believed to contain an illegal substance and/or Khat need to be impounded in the freezer at 100 East Elwood, Monday - Friday, 6 a.m. to 5 p.m. After hours, weekends, or holidays, contact the Communications supervisor to request an on-call PMU supervisor.
- C. A Field Interview (FI) will be required to impound illegal substances for destruction purposes only with *Other/Found Property* as the "Offense Description" in the Offense section.
 - In the Evidence section, select *Drugs* as the "Category", *Found* as the "Action" and note "For destruction only" in the Description box.

6. **PRESCRIPTION FRAUD INVESTIGATIONS**

- A. In the case of prescription fraud, such as a forged prescription, the Department will be responsible for the original investigation.
 - (1) The majority of prescription fraud investigations will be initiated by patrol officers.
 - (2) Officers may contact DEB during normal business hours for assistance and to advise them of the situation.
 - In aggravated situations, DEB can be contacted after hours through the Communications supervisor.
- B. Prescription Fraud Documentation
 - (1) The basic prescription violations usually fall under one of three charging sections.
 - (a) Narcotic drugs, [ARS 13-3408.A.6](#) (a felony).
 - (b) Dangerous drugs, [ARS 13-3407.A.6](#) (a felony).
 - (c) Non-narcotic or non-dangerous prescription only drugs [ARS 13-3406.A.6](#) (usually a misdemeanor).
 - (2) An IR will be completed.
 - (a) To insure proper routing for the timely follow-up and filing of charges, the appropriate drug offense code should be selected from the "Offense" drop-down box.
 - (b) The victim will be listed as the "State of Arizona".
 - (c) The name of the pharmacist or other witnesses, who identified the suspect and/or participated in a one-on-one identification, as well as the store address and telephone number, will be included.
 - (d) The following information will be listed in the Narrative section of the IR:
 - The name of the doctor or doctor's office personnel who confirmed whether the prescription was valid or not, and the doctor's office address and telephone number
 - Information that was called in or inscribed on the prescription blank (name of intended patient, type and amount of medication, etc.)
 - Complete information on any pill bottles

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6. B. (3) Evidence

- (a) A copy of the prescription form or call-in form will be scanned and attached to the IR as a "Document".
 - The original prescription form or call-in form will be impounded and a copy will be left at the pharmacy.
- (b) A copy of the patient profile and any prior fraudulent prescription blanks will also be scanned and attached to the IR as a "Document".
- (c) A photograph of any suspects or investigative leads will be processed/stored as outlined in [Operations Order 5.8.05, Photographs and Audio/Video Procedures](#).

(4) Commonly Abused Prescription Drugs

- (a) Below is a partial list of narcotic drugs:

NAME	INGREDIENT	NAME	INGREDIENT
Darvocet	Dextropropoxyphene	Percodan	Oxycodone
Demerol	Meperidine (isonipocaine)	Oxycontin	Oxycodone
Dilaudid	Hydromorphone	Tylenol #3	Codeine Phosphate
Lorcet	Hydrocodone	Tylenol #4	Codeine Phosphate
Lortab	Hydrocodone	Vicodin	Hydrocodone
Percocet	Oxycodone		

- (b) Below is a partial list of dangerous drugs:

NAME	INGREDIENT	NAME	INGREDIENT
Ativan	Lorazepam	Ritalin	Methylphenidate
Klonopin	Clonazepam	Soma	Carisoprodol
Fastin	Phentermine	Valium	Diazepam
Fiorinal	Butalbital	Xanax	Alprazolam

7. RECREATIONAL MARIJUANA PROCEDURES

- A. General Information – [ARS Title 36](#) Chapter 28.2, Smart and Safe Arizona Act (SSAA), governs the possession, consumption, purchasing, processing, manufacturing, transporting, and transfer of recreational marijuana and marijuana concentrate and the possession, cultivation, processing, transporting, and transfer of marijuana plants.

- (1) Persons 21 years of age or older may possess up to one ounce of marijuana, up to five grams of marijuana concentrate, and up to six marijuana plants.
 - (a) Possessing a combination of marijuana and marijuana concentrate cannot exceed one ounce, but only up to five grams can be marijuana concentrate.
 - (b) Possessing, transporting, cultivating, or processing up to six marijuana plants if all the following apply:
 - Not more than 12 marijuana plants are produced at a single residence where two or more individuals who are at least 21 years of age reside at one time.
 - Cultivation takes place within a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.
 - Cultivation takes place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft, or other optical aids.

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7. A. (2) Persons 21 years of age or older may transfer one ounce or less of marijuana (or five grams or less of marijuana concentrate) to an individual who is at least 21 years of age if the transfer is without payment of any type and is not advertised or promoted to the public.

- Transferring a combination of marijuana and marijuana concentrate cannot exceed one ounce, but only up to five grams can be marijuana concentrate.

- (3) Persons 21 years of age or older may transfer up to six marijuana plants to an individual who is at least 21 years of age if the transfer is without payment of any type and is not advertised or promoted to the public.

- (4) Assisting another individual who is at least 21 years of age in any of the previous acts described is not a violation.

- B. The SSAA does not authorize any person to engage in, nor does it prevent enforcement action and penalties imposed for, the following conduct:

NOTE: The odor of marijuana or burnt marijuana, by itself, does not constitute reasonable suspicion justifying a stop, detention, or investigation.

- * This does not apply when investigating DUI offenses.

- (1) Possession, transportation, or consumption of marijuana or marijuana products by persons under the age of 21.

- (2) Selling marijuana or marijuana products without authorization from the Arizona Department of Health Services (AZDHS).

- (3) Smoking marijuana in a public place or open space.

- Does not apply to consuming edibles or vaping.

- (4) Operating, navigating, or being in the physical control of any motor vehicle, aircraft, or motorboat while under the influence of marijuana.

- (5) Consuming, in any way, marijuana or marijuana products while operating, navigating, or driving any motor vehicle, aircraft, or motorboat **OR** while riding in the **passenger seat** or compartment of any **operating** motor vehicle, aircraft, or motorboat.

- (6) Undertaking any task under the influence of marijuana that would constitute negligence or professional malpractice.

C. Definitions

(1) Consume	<ul style="list-style-type: none"> • The act of ingesting, inhaling, or otherwise introducing marijuana into the human body.
(2) Cultivate	<ul style="list-style-type: none"> • To propagate, breed, grow, prepare, and package marijuana.
(3) Marijuana	<ul style="list-style-type: none"> • All parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. * Includes cannabis as defined in ARS 13-3401 * Does not include registered industrial hemp (see ARS 3-311 thru 3-320) or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other products. • See https://agriculture.az.gov/plantsproduce/industrial-hemp-program for a list of current licensees.

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7. C. Definitions (continued)

(4) Marijuana Concentrate	<ul style="list-style-type: none"> Resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture, or preparation of that resin or tetrahydrocannabinol. * Does not include registered industrial hemp (see ARS 3-311 thru 3-320) or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other products. <ul style="list-style-type: none"> See https://agriculture.az.gov/plantsproduce/industrial-hemp-program for a list of current licensees.
(5) Marijuana Products	<ul style="list-style-type: none"> Marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.
(6) Open Space	<ul style="list-style-type: none"> A public park, public sidewalk, public walkway, or public thoroughfare
(7) Public Place	<ul style="list-style-type: none"> Means any enclosed area to which the public is invited or in which the public is permitted, including airports, banks, bars, common areas of apartment buildings, condominiums or other multifamily housing facilities, educational facilities, entertainment facilities or venues, health care facilities, hotel and motel common areas, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports facilities, theaters, and waiting rooms. <ul style="list-style-type: none"> A private residence is not a "public place" unless it is used as a childcare, adult daycare, or health care facility.

D. Common Marijuana Violations: - Includes statutes from [Title 36](#) and [Title 13](#)

(1) ARS 36-2853.A	<ul style="list-style-type: none"> Persons <u>over</u> the age of 21 in possession of greater than 1 ounce but not more than 2.5 ounces of marijuana; of which not more than 12.5 grams is in the form of marijuana concentrate <ul style="list-style-type: none"> Petty Offense
(2) ARS 36-2853.B	<ul style="list-style-type: none"> Persons under the age of 21 in possession of 1 ounce of marijuana or less, of which not more than 5 grams of marijuana may be in the form of marijuana concentrate <ul style="list-style-type: none"> Possession of marijuana related drug paraphernalia * 1st Violation – Civil Violation * 2nd Violation – Petty Offense * Subsequent Violations – Class 1 Misdemeanor
(3) ARS 13-3405.A.1	<ul style="list-style-type: none"> Persons <u>over</u> the age of 21 in possession of over 2.5 ounces of marijuana; or more than 12.5 grams of concentrate; or any combination of marijuana or marijuana concentrate that would equate to over 2.5 ounces of marijuana Persons <u>under</u> the age of 21 who are in possession of greater than 1 ounce of marijuana except that not more than five grams of marijuana may be in the form of marijuana concentrate. Consume marijuana or marijuana products while operating, navigating, or driving any motor vehicle, aircraft, or motorboat Consume, marijuana or marijuana products while riding in the passenger seat or compartment of any operating motor vehicle, aircraft, or motorboat. * Class 6 Felony
(4) ARS 36-2853.C	<ul style="list-style-type: none"> A person who smokes marijuana in a public place or open space * Petty Offense
(5) ARS 36-2853.D	<ul style="list-style-type: none"> Cultivating marijuana plants visible from public view Cultivating marijuana plants outside of an enclosed area equipped with a lock/security device that prevents access by minors * 1st Violation – Petty Offense * Subsequent Violations – Class 3 Misdemeanor

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7. D. Common Marijuana Violations (continued)

(6) ARS 36-2853.E	<ul style="list-style-type: none"> A person under 21 years of age who uses false identification to purchase marijuana or marijuana products <ul style="list-style-type: none"> * 1st Violation – Petty Offense * Subsequent Violations – Class 1 Misdemeanor
(7) ARS 36-2853.F	<ul style="list-style-type: none"> A person under 21 years of age who solicits another person to purchase marijuana or marijuana products <ul style="list-style-type: none"> * 1st Violation – Petty Offense * Subsequent Violations – Class 3 Misdemeanor
(8) ARS 13-3405.A.3	<ul style="list-style-type: none"> Possessing more than six plants at an individual's primary residence, or more than twelve plants at a single residence where two or more individuals who are at least 21 years of age reside <ul style="list-style-type: none"> * Class 6 Felony
(9) ARS 13-3405.A.2	<ul style="list-style-type: none"> Possession of marijuana for sale <ul style="list-style-type: none"> * Under 2 pounds – Class 4 Felony * Between 2 and 4 pounds – Class 3 Felony * More than 4 pounds – Class 2 Felony

E. Investigative Procedures

(1) Proof of Age – It must be determined the defendant was under the age of 21 by:

- State Driver's license or identification card
- Employment identification or school ID card with picture and date of birth
- Statements from a relative, other than a spouse, or close friend, indicating the defendant's identity and age.
- Statements from an employer indicating the defendant's identity and age
- RMS Master Name Index (must contain the date of birth and a photograph).

(2) Evidence/Prisoner Property

- When enforcing violations of [ARS Title 36](#) Chapter 28.2, SSAA, marijuana will be identified based on officer training and experience, odor, suspect admissions, suspect impairment, marijuana packaging, and Duquenois-Levine Reagent test kits (if necessary).
- When possible, officer will photograph their evidence and upload the images in PDF form to their Citation, Field Information Report (FI), or Incident Report (IR).
- Marijuana, marijuana concentrates, and marijuana drug paraphernalia seized under violations of [ARS Title 36](#) Chapter 28.2, SSAA, will be impounded for destruction.
 - Officer should avoid impounding marijuana as evidence except under unique circumstances.
- Marijuana violations of ARS Title 13 will be impounded in accordance with [Operations Order 5.8.02](#).
- Marijuana legally possessed by individuals who are arrested for unrelated charges may be handled in one of the following ways:
 - Impounded as prisoner property
 - Transferred to a third party at the request of the arrestee, so long as the third party may legally possess marijuana and does not already possess an amount that, combined with the arrestee amount, would rise to the level of a violation
 - At the request of the arrestee, secured inside the primary residence or vehicle of the arrestee

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7. E. (2) (f) In instances where an officer chooses to use discretion and educate a person who is in violation of Title 36 instead of taking enforcement action, an FI will be completed to document the contact and generate an invoice to impound the marijuana for destruction.

(3) Verifying Prior Violations Under [ARS 36-2853](#)

- (a) Several violations listed under [ARS 36-2853](#) have escalating criminal classifications.
- Depending on the existence of prior offenses, the violation can be a civil offense, petty offense, or misdemeanor.
- (b) When enforcing violations of [ARS 36-2853](#), officers will, at a minimum, conduct an RMS Master Name Index search to determine prior Title 36 violations.
- JCC may be contacted for juveniles.
- (c) If prior violations exist, the following items will be documented at the beginning of the IR narrative.
- Prior IR or Citation number
 - Location of offense
 - Date of offense

F. Disposition of Underage Title 36 Marijuana Violators

(1) Title 36 Marijuana Violators – Under 18 years of age

- (a) Juvenile marijuana violators who are 13 years or older may be issued a civil ATTC or detained at JCC depending on the number of prior violations (Ops 4.38.7.D.3).
- Juveniles will only be detained in aggravated cases.
 - Supervisor approval is required when taking enforcement action on Title 36 violations involving juveniles who are 12 years of age or younger.
- (b) Court Jurisdiction
- Civil ATTC's will be cited into JCC
 - ATTC's issued for petty offenses will be cited into JCC
 - Misdemeanor offenders will either be issued an ATTC cited into JCC Court **OR** detained at JCC with arrest/referral worksheet, affidavit, and Form IV.
 - Refer to [Ops 7.6.00](#), [Ops 7.8.00.F](#), and [Ops 7.8.03.D](#) for further details on issuing juvenile arrests and citations.
- (c) In cases where juveniles may be charged with any Title 13 offense/s (other than status offense [ARS 13-3622](#)), an ATTC will not be issued; the Juvenile Arrest/Referral Worksheet section of the IR and a Juvenile Affidavit must be completed listing all charges.
- (d) An FI report will be completed in RMS for all Title 36 violations civil offenses (first time offenders).
- If an officer chooses to use discretion and educate instead of taking enforcement action, an FI will be completed to briefly document the contact and generate an invoice to impound the marijuana for destruction.
- (e) An IR will be completed in RMS for all Title 36 petty offenses and misdemeanor offenses.

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7. F. (2) Title 36 Marijuana Violators – 18-20 years of age

- (a) In cases involving Title 36 violations where the elements of a misdemeanor crime are met, underage violators will only be booked in aggravated cases.
- (b) All ATTC's related to violations of Title 36 involving subjects 18 years old or older will be cited into Phoenix/IA Court.
 - Court dates will be determined by classification of offense – civil (28-day rule) or petty/misdemeanor (10-day rule).
- (c) An FI report will be completed in RMS for all Title 36 petty and misdemeanor offenses.

G. Recreational Marijuana Possession Enforcement Guidelines: (deviation with supervisor approval)

(1) Adults 21 and older:

AMOUNT OF MARIJUANA	DOCUMENTATION	ENFORCEMENT ACTION
1 ounce or less; except that not more than 5 grams may be in the form of concentrate	None	None
Greater than 1 ounce but not more than 2.5 ounces; of which not more than 12.5 grams is in the form of concentrate	IR, CSO test, impound full amount for destruction	Petty offense – ATTC Violators will NOT be booked
Greater than 2.5 ounces	IR, CSO test, impound full amount as evidence	Charge the appropriate ARS Title 13 code consistent with current practices
Greater than 12.5 grams of concentrate	IR, Lab test, impound full amount as evidence	Charge the appropriate ARS Title 13 code consistent with current practices
Any combination of marijuana and marijuana concentrate that exceeds 2.5 ounces (71 grams) in weight	IR, CSO/Lab test, impound full amount	Charge the appropriate ARS Title 13 code consistent with current practices
Smoking in public *Vaping and/or consuming edible marijuana products in public is lawful	IR, CSO, impound for destruction	Petty Offense – ATTC Violators will NOT be booked

(2) Adults 18-21:

AMOUNT OF MARIJUANA	DOCUMENTATION	ENFORCEMENT ACTION
1 ounce or less; except that not more than 5 grams may be in the form of concentrate; or marijuana related paraphernalia	1 st violation: ATTC, Photo, FI, impound for destruction 2 nd violation: IR, Photo, impound for destruction 3 rd or subsequent violation: IR, CSO test, impound full amount as evidence	1 st violation: Civil ATTC (if appropriate) 2 nd violation: Petty Offense, ATTC (If appropriate) Violators will not be booked 3 rd of subsequent violations, Class 1 Misdemeanor, ATTC/CLD or booking
Greater than 1 ounce but not more than 2.5 ounces; of which not more than 12.5 grams is in the form of concentrate	IR, CSO test, impound full amount for destruction	Petty Offense – ATTC Violators will not be booked
Greater than 2.5 ounces	IR, CSO test, impound full amount as evidence	Charge the appropriate ARS Title 13 code consistent with current practices

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7. G. (2) Adults 18-21: (continued)

Greater than 12.5 grams of concentrate	IR, Lab test, impound full amount as evidence	Charge the appropriate ARS Title 13 code consistent with current practices
Any combination of marijuana and marijuana concentrate that exceeds 2.5 ounces (71 grams) in weight	IR, CSO/Lab test, impound full amount	Charge the appropriate ARS Title 13 code consistent with current practices
Smoking in public	IR, CSO, impound for destruction	Petty Offense – ATTC Violators will NOT be booked

(3) Juveniles: (under 18):

AMOUNT OF MARIJUANA	DOCUMENTATION	ENFORCEMENT ACTION
1 ounce or less; except that not more than 5 grams may be in the form of concentrate; or marijuana related paraphernalia	1 st violation: ATTC, Photo, FI, impound for destruction 2 nd violation: IR, Photo, impound for destruction 3 rd or subsequent violation: IR, CSO test, impound full amount as evidence	1 st violation: Civil ATTC cited into JCC (if ATTC includes civil traffic along with marijuana violation, cite all into JCC) 2 nd violation: Petty Offense, ATTC cited into JCC, NO referral or Affidavit needed, Violators will not be detained 3 rd or subsequent violations, Class 1 Misdemeanor, ATTC cited into JCC OR JCC detention with arrest/referral worksheet, affidavit, and Form IV
Greater than 1 ounce but not more than 2.5 ounces; of which not more than 12.5 grams is in the form of concentrate	IR, CSO test, impound full amount for destruction	Petty Offense – ATTC Violators will not be booked
Greater than 2.5 ounces	IR, CSO test, impound full amount as evidence	Charge the appropriate ARS Title 13 code consistent with current practices
Greater than 12.5 grams of concentrate	IR, Lab test, impound full amount as evidence	Charge the appropriate ARS Title 13 code consistent with current practices
Any combination of marijuana and marijuana concentrate that exceeds 2.5 ounces (71 grams) in weight	IR, CSO/Lab test, impound full amount	Charge the appropriate ARS Title 13 code consistent with current practices
Smoking in public	IR, CSO, impound for destruction	Petty Offense – ATTC Violators will NOT be booked

8. **MEDICAL MARIJUANA PROCEDURES**

A. General Information - [ARS Title 36](#) Chapter 28.01, Arizona Medical Marijuana Act, governs the Arizona Medical Marijuana Program.

- (1) The Arizona Medical Marijuana Act authorizes persons who have been diagnosed by a physician as having a debilitating medical condition to be in possession of an allowable amount of usable marijuana (see section 6.B for definitions).
- (2) Possession of marijuana remains a federal crime and non-medicinal use remains a crime under Arizona State Law therefore the Arizona Medical Marijuana Act does not invalidate the detention or the arrest of a person based either on a warrant or probable cause, or on-view violations of any criminal law.

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8. A. (3) The Arizona Medical Marijuana Act does not authorize any person to engage in, nor does it prevent enforcement action and penalties imposed for, the following conduct ([ARS 36-2802](#)):
- (a) Possessing, transporting, or selling of marijuana without authorization from the Arizona Department of Health Services (DHS).
 - (b) Possessing or engaging in the medical use of marijuana:
 - On a school bus.
 - On the grounds of any preschool or primary or secondary school.
 - In any correctional facility.
 - (c) Smoking marijuana in any public place, including public transportation.
 - (d) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marijuana.
 - A registered qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.
 - (d) Undertaking any task under the influence of marijuana that would constitute negligence or professional malpractice.

B. Definitions

- (1) Designated Caregiver - A person who assists up to five (5) qualifying patients with the medical use of marijuana and must be registered through DHS.
- (2) Medical Marijuana Dispensary - Entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, or dispenses marijuana or related supplies and educational materials to cardholders.
- (3) Qualifying Patient - A person who has been diagnosed by a physician as having a debilitating medical condition and must be registered through DHS.
- (4) Registry Identification Card - A document issued by DHS that identifies a person as a registered qualifying patient, registered designated caregiver, or a registered nonprofit medical marijuana dispensary agent.
- (5) Usable Marijuana - The dried flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, or roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink.
- (6) Allowable Amount of Marijuana for:
 - Qualifying patient - Two and one-half (2.5) ounces of usable marijuana. If authorized to cultivate marijuana, 12 marijuana plants contained in an enclosed, locked facility except while in transit if the patient is moving.
 - Designated caregiver - Two and one-half (2.5) ounces of usable marijuana for each qualifying patient legitimately under their care. If authorized to cultivate marijuana, 12 marijuana plants for each qualifying patient legitimately under their care, contained in an enclosed, locked facility except while in transit if the caregiver is moving (up to 72 plants if the caregiver is also a patient).

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8. C. Procedures

- (1) It is the responsibility of a qualifying patient to disclose they are legitimately authorized to use marijuana for medicinal purposes and must have a valid Registry Identification Card.
 - (a) Verification of the Registry Identification Card can only be completed through DHS by the individual's 20-digit registry number, and not by name, date of birth, social security number, etc.
 - To verify card holder status, log onto www.azmmvs.azdhs.gov to register for access (website is also available on PolicePoint).
 - Officers may also request assistance from the Communications Information Channel for a query to verify card holder status.
 - (b) If an individual does not have their Registry Identification Card in their possession but knows the 20-digit registry number, officers should verify the subject's identity through an alternate form of identification, such as a valid Arizona driver license or identification card.
 - (c) When a subject cannot or will not provide a valid Registry Identification Card/number, the individual should be treated as any other subject found to be in possession of marijuana ([ARS 13-3405](#)).
 - If it is later established the individual is in fact a qualifying patient, the IR will be "Closed" and no further investigation is required.
 - * Marijuana impounded as evidence may be released to the qualifying patient or qualifying patient's designated caregiver.
- (2) A "qualifying patient" from another state which permits the use of medical marijuana, shall fall under the same terms as in the Arizona Medical Marijuana Act, except that they will not have the authority to obtain marijuana from an Arizona medical marijuana dispensary.
- (3) If a verified qualifying patient is to be booked on other charges and/or warrants, and they are in possession of an allowable amount of marijuana, they will be provided the opportunity to secure the marijuana at the location of the arrest if reasonable (their home, in their vehicle if it's not being towed, turned over to their designated caregiver if present).
 - (a) If their designated caregiver is not present, consideration may be made to contact the designated caregiver to release the medical marijuana to them. This shall not interfere with the investigation and/or arrest process.

NOTE: The designated caregiver's Registry Identification Card will have the patient's identification (ID) number under the caregiver's ID number.
 - (b) Officers will note where/who the medical marijuana was secured/released to and if applicable, that the caregiver was verified as the patient's designated caregiver.
 - (9) If the marijuana cannot be secured at their residence or in their car, or released to their designated caregiver, it will be impounded for Safekeeping.
- (4) For questions, contact DEB at 602-275-5886 during normal business hours or the on-call supervisor after hours, weekends, or holidays.

8. D. Enforcement Guidelines

VALID REGISTRY IDENTIFICATION CARD*	AMOUNT OF MARIJUANA	DOCUMENTATION	ENFORCEMENT ACTION
Yes	2.5 ounces or less	None	None
Yes	More than 2.5 ounces	IR, impound full amount	Charge the appropriate ARS code
No	Any	IR, impound full amount	Charge the appropriate ARS code
* Verified as outlined in sections 7.C.(1)(a) and (b) above.			

9. **PAINT OR GLUE**

- A. When a complaint of the illegal sale/display of a vapor-releasing glue containing a toxic substance is received, an IR will be completed unless the situation requires immediate action.
- B. In cases involving paint or varnish, the vapor-releasing substance containing a toxic substance must be dispensed by aerosol spray and the can must be present to determine the substance actually was dispensed by aerosol spray ([ARS 13-3403.H](#)).
- C. The type of item, manufacturer's name, and the toxic substance involved must be included in the Narrative section of the IR; see [ARS 13-3401, Definitions](#), to verify the substance in question is actually a vapor-releasing substance containing a toxic substance.
 - (1) The information should appear as follows:
 - Type: Aerosol paint, liquid glue, etc.
 - Mfg: Krylon 13401, silver, etc.
 - Toxic substance: Toluene, acetone, methyl alcohol, etc.
 - (2) All evidence must be impounded; scientific analysis is not required if the vapor-releasing substance containing a toxic substance is listed on the container.
 - All cloth materials (rags, towels, etc.) used to facilitate the breathing/inhalation of a vapor-releasing substance containing a toxic substance must **only** be impounded in tightly sealed metal containers with lids; see [Operations Order 5.8.00, Evidence, Impounding, and Property, Section 5.M](#).

10. **PSEUDOEPHEDRINE/EPHEDRINE DISPLAY AND SALES**

- A. Enforcement of the City Pseudoephedrine Sales Ordinance will be the responsibility of DEB.
- B. All products containing pseudoephedrine or ephedrine as active ingredients are required to be stored in a manner inaccessible to the customer (behind the counter or in a locked cabinet).
- C. When a complaint of improper display or sale of pseudoephedrine/ephedrine products in a retail establishment is received, officers may conduct an inspection to determine if any of the products are on display.
 - Officers will not take enforcement action.
- D. If a retail establishment is found to have improper sales or display of pseudoephedrine/ ephedrine products, officers will do the following:
 - Contact DEB during normal business hours at 602-275-5886 and report the violation to the V22 Squad.
 - Complete an FI with the names of the products on display, location of the store, and ensure the *Drug Enforcement Bureau, Street Squads* is selected as "Offense Element 2."

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10. E. Officers are encouraged to look for Pseudoephedrine/Ephedrine based products on display in retail establishments during their normal duties.

11. **INCIDENT REPORTS (IRs)** - Information to be included in all drug offenses IRs:

A. Victim	<ul style="list-style-type: none"> State of Arizona
B. Suspect	<ul style="list-style-type: none"> Full description including full name, addresses, marks, scars, tattoos, etc.
C. Multiple Suspects	<ul style="list-style-type: none"> Each suspect must be individually designated and described.
D. Weapon	<ul style="list-style-type: none"> Description, including type, caliber, and serial number
E. Other Persons: Witnesses/ Investigative Leads	<ul style="list-style-type: none"> Full name, race, sex, address, home/work phone numbers, work/school hours
F. Evidence	<ul style="list-style-type: none"> All items of evidence found, in the order found, showing where, when, and by whom; for example: <ul style="list-style-type: none"> * Item 1 - One plastic bag containing a green, leafy substance believed to be marijuana * Location - Right, front pants pocket * Time - 2000 hours * Found by - Officer John Brown #5555 The name of the officer retaining the evidence for submission to LSB for analysis.
G. Interviews	<ul style="list-style-type: none"> Statements made by suspects that show knowledge of the illegal substance
H. Miranda Rights	<ul style="list-style-type: none"> The time suspects were advised of their constitutional rights, by whom, and the suspect's responses; for example: <ul style="list-style-type: none"> * "Suspect Joe Smith was advised of his constitutional rights from the standard Miranda Rights card at 2015 hours by Officer John Brown #5555. He responded, 'Yes,' when asked if he understood his rights."
I. Narrative	<ul style="list-style-type: none"> The names of persons to be subpoenaed for trial EXAMPLE: SUBPOENA: Officer John Brown #5555, Patrol Division Detective John Green # 5556, DEB The circumstances leading to the arrest, such as the reason the officer was at the scene and why the officer made a search. The exact location of all persons at the scene of the arrest to show control of the illegal substance. <ul style="list-style-type: none"> * If the suspect was arrested in a vehicle, the position of each person in relation to the evidence will be specified, as well as which person was driving and the name of the vehicle's owner. * The relationship of the driver to the registered owner will be indicated, as well as the method used to determine ownership, such as registration, etc. The time a search was concluded and the name of the person identifying the substance. If identification was made by a uniformed officer, the officer's training and past experience in illegal substance identification; for example: <ul style="list-style-type: none"> * "Officer Sam Brown #5556 has received training from the Phoenix Police Crime Lab and DEB in identifying marijuana. Officer Brown has identified marijuana in the past and has made numerous previous arrests for possession of marijuana." Facts supporting every element of the charge. If no arrest is made and charges are pending, it will be indicated in the IR.

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12. **UNDERCOVER PLANNED EVENTS IN OTHER JURISDICTIONS AND ANTI-DRUG OPERATIONS WITHIN THE CITY**

- A. All local, state, and federal agencies operating in Maricopa County have agreed their officers will adhere to inter-agency law enforcement notification guidelines when undertaking a planned event in another agency's jurisdiction.
- B. To avoid conflicts with personnel from other jurisdictions, all officers involved in illegal substance activities will participate in the Regional Information Sharing Systems (RISS), administered by the United States (U.S.) Department of Justice (DOJ), Bureau of Justice Assistance (BJA).
 - (1) Participation is mandatory, even when conducting activities within the City.
 - (2) DEB can be contacted for details.
- C. Planned Event - A law enforcement activity that can be planned in advance, such as:
 - Narcotics buy/bust and reversal operations
 - High-risk undercover operations such as "stings,"
 - Large narcotics purchases or "flashes" of contraband
 - High-risk or high-profile arrests where identification may be a factor
 - Search warrant operations requiring forced or tactical entries
 - Tactical or Special Assignments Unit (SAU) operations, such as narcotics search warrants
 - Fixed or long-term surveillance
- D. Notification of Venue Agencies - Prior to a planned event in another jurisdiction, Phoenix supervisors will notify the venue agency (the agency having primary responsibility for that geographic area).
 - (1) Notifications will be made in a timely manner to the venue agency's communications supervisor, who shall be responsible for making proper notifications within that venue agency.
 - (2) The notification should include:
 - The time and location of the planned event, the name of the supervisor in charge, and a contact number (mobile phone, pager, etc.).
 - The nature of the planned event, such as search warrant.
 - An assessment of the potential for problems.
 - What assistance, if any, is or may be requested of the venue agency.
 - (3) Once notified, the venue agency is responsible for:
 - Maintaining the confidentiality of the information.
 - Any internal notifications deemed appropriate.
 - Providing reasonable assistance, if requested or if appropriate.
- E. Each agency will provide a telephone number that is staffed 24 hours a day, 7 days a week (Communications Center supervisor) and provide its own agency with internal instructions for the proper notification of persons having responsibility for the type of operation being conducted.
- F. When other jurisdictions notify the Department of planned events within our jurisdiction, the Communications Bureau radio supervisor will notify the affected precinct commander.

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12. G. Exit Notification

- (1) At the conclusion of the planned event, the service agency (agency which initiated the investigation) shall make an exit notification to advise the venue agency of the event's termination.
 - (a) If possible, exit notification should be made to the person who took the initial notification information, or that person's relief.
 - (b) Should the event result in a noteworthy incident (such as a large seizure or arrest of a notable person), this information shall likewise be conveyed to the venue agency.
- (2) Press notifications, if appropriate, should be handled by the initiating agency or jointly by both agencies.

H. Surveillance/Undercover Operations

- (1) Surveillance and undercover operations are conducted by specialized units in accordance with guidelines established by unit commanders.
- (2) Units without written guidelines should refer to the Homeland Defense Bureau (HDB) or the DEB manual for information and direction.

I. Decoy Operations

- (1) Decoy operations are used for the purpose of apprehending criminals while in the commission of their crimes and are hazardous to employ.
- (2) Details employing decoy operations are required to submit a written operations plan to the bureau/precinct commander for approval prior to implementing the plan.
- (3) The plan will include the following:
 - Personnel involved
 - Analysis of victims, crimes, and crime locations
 - Methods of disguising officers
 - Back-up assignments for security and protection
 - Communications equipment and procedures
 - Procedures for observation, containment, and arrests of suspects
 - Provisions for notifying the appropriate patrol commander
 - Provisions for close, on-scene supervision
 - Legal considerations

13. **NARCOTIC COMPLAINT DATABASE**

- A. In order to avoid duplication of effort, promote the efficient use of manpower, and minimize hazardous situations created by other officers, the Department has implemented the Narcotic Complaint Database.
 - (1) DEB will be the repository for information and custodian of the database.
 - (2) Before any Department unit initiates a drug-related investigation, the unit supervisor will contact DEB to determine whether or not anticipated locations/suspects are currently under investigation by another unit.

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13. A. (3) If locations/suspects are currently under investigation, the inquiring supervisor **will not** initiate an investigation, but will contact the supervisor or the investigating unit and will share any information and coordinate any future activity.
- (4) If the locations/suspects are not currently under investigation, the inquiring supervisor will provide the following information to DEB personnel for inclusion in the Narcotic Complaint Database:
- Address of investigation
 - Suspect/s name and description
 - Type of drug
 - Whether an informant is being used
 - Investigation start date
 - Anticipated completion date
 - Investigating officer's name, serial number, and squad assignment
- (5) At the conclusion of the investigation, the supervisor will notify DEB of the conclusion of the investigation by routing a copy of the bureau/precinct activity log to DEB so database entries may be closed.
- B. The Narcotic Complaint Database may also be used as an information database by any supervisor in determining prior history or potential suitability for future enforcement activity.

Last Organizational Review: