



Seattle Police Department Policy Manual



15.150 – Narcotics

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This policy section is intended to delineate policies and procedural guidelines for personnel dealing with narcotics-related offences. These guidelines are designed to enhance the efficiency, effectiveness, and safety of personnel tasked with narcotics enforcement.

15.150-POL-1 Possession and Public Use

1. Seattle Municipal Code (SMC) Adopted the RCWs Concerning Narcotics Possession and Public Use

SMC Section [12A.09.020 – Adoption of RCW Sections](#) have been amended as follows:

- [RCW 43.43.754](#)'s crime of refusal to provide DNA
- [RCW 69.50.101: Definitions. \(wa.gov\)](#) (except that cannabis is not included in the definition of 5 "controlled substance")
- [RCW 69.50.204 – Schedule I](#) (except that cannabis is not included)
- [RCW 69.50.206 – Schedule II](#)
- [RCW 69.50.208 – Schedule III](#)
- [RCW 69.50.210 – Schedule IV](#)
- [RCW 69.50.212 – Schedule V](#)
- [RCW 69.50.4013](#)(1), (2), (7), and (8) as amended by 2E2SSB 5536 (68th Legislature, 2023 1st 21 Special Session), Section 2

2. Sworn Employee Considerations for Narcotics Possession and Public Use

Sworn employees will seek to minimize the use of force and incorporate de-escalation and crisis intervention in accordance with current SPD policies (see manual sections [Title – 8 Use of Force](#) and [16.110 - Crisis Intervention](#).)

Sworn employees will also operate recording equipment in accordance with manual section [16.090 – In-Car and Body-Worn Video](#).

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Recognizing the urgency of providing medical aid and the importance of preserving human life, sworn employees will request medical aid, if needed, and render appropriate medical aid within their training as soon as reasonably possible in accordance with manual section [16.130 – Providing Medical Aid](#).

Sworn employees must have probable cause to believe that a subject knowingly possesses a controlled substance or is knowingly using a controlled substance in a public place to take enforcement action for possession of narcotics and public use of narcotics.

3. Establishing Probable Cause for Knowingly Possessing and Public Use

Sworn employees may consider factors when establishing probable cause for knowingly possessing or public use crimes including, but not limited to, the following:

- An observed sale or purchase of suspected narcotics;
- An admission by the individual;
- Open possession of suspected narcotics or paraphernalia with suspected narcotics residue;
- Suspected narcotics in plain view; or
- Open use of suspected narcotics.

When considering making an arrest for knowingly possessing narcotics or public use of narcotics, sworn employees will determine whether the subject, through their actions and conduct, presents a threat of harm to others or public harm. This determination is based on the totality of the circumstances and the sworn employee's training and experience.

4. Sworn Employee's Assessment for Threat of Harm to Others ("Public Harm")

When considering making an arrest for knowingly possessing narcotics or public use of narcotics, sworn employees will determine whether the subject, through their actions and conduct, presents a threat of harm to others/public harm.

- This determination will occur after probable cause has been established. The threat of harm/public harm assessment will govern sworn employee decision making when determining to make an arrest for possession or public use and is not an element of these crimes.
- This determination is based on the totality of the circumstances and the sworn employee's training and experience.

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Sworn employees will identify factors when assessing the threat of harm/ public harm presented by the subject. These factors may include but are not limited to the following:

- Threats of violence;
- The subject's demeanor appears to be escalating and the sworn employee can articulate pre-attack indicators;
- Other co-occurring crimes;
- The location of public use;
- The type of narcotic(s) used;
- Whether there are community members, commercial entities and businesses, or other organizational activities occurring in the near vicinity; or
- The apparent physical condition of the individual.

Given the high likelihood of the presence of other community members and the inherent impact on public safety and security, a threat of harm/public harm will be presumed if the public use or possession of controlled substances occurs in the following locations:

- Upon or within close proximity to the grounds of any school or park;
- In or within proximity to a bus stop, rail station, or other transportation structure.

5. Sworn Employee's Assessment for Threat of Harm to Self

When a sworn employee determines there is probable cause that public possession or public use of a controlled substance has occurred, as described under this policy, but the subject does not pose a threat of harm to others/public harm, the sworn employee will make a reasonable attempt to contact and coordinate efforts for community care resources.

If information is available to or can be obtained by the sworn employee about a subject's existing service relationship, the sworn employee will make reasonable efforts to report on the individual's current circumstances to the service provider/case manager.

Sworn employees may call the LEAD on-call phone line at (206) 455-0386 for guidance and consultation on community care resources or other alternatives.

If a sworn employee determines there is probable cause to arrest, and the sworn employee's assessment indicates that the individual does not pose a threat of harm to others, the individual only poses a threat of harm to self.

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- A sworn employee will not arrest in this situation, absent articulable facts and circumstances warranting such action.
- Facts and circumstances that could still warrant an arrest may include, but are not limited to, the following:
 - Possession of seven (7) or more grams of suspected narcotics, and/or
 - To securely transport directly to community-based care, and/or
 - To prevent the subject causing additional harm to self.

6. Diversion and Treatment Programs are the Standard Approach for Most Instances of Knowingly Possessing and Public Use of Controlled Substances

Diversion, treatment, and other alternatives to booking are the preferred approach when enforcing the crimes of simple possession of narcotics and the public use of narcotics.

When an arrest is warranted, sworn employees should prioritize diversion in lieu of booking.

- A lack of diversion opportunities will not be a reason for booking.

7. Let Everyone Advance with Dignity (LEAD) Program

The LEAD program will be available to provide pre-booking diversion for subjects arrested for misdemeanor narcotics crimes. Diversion through LEAD is available 24/7 through the LEAD on-call phone line at (206) 455-0386.

When a subject is arrested, and prior to booking, the arresting sworn employee, or their supervisor, will call the LEAD service provider at the on-call phone line.

The subject will then be released to the case management team (pursuant to agreed LEAD protocols to which SPD is a partner) for initial screening at a department precinct.

8. Crisis Diversion

Recognizing that sworn employees may often encounter individuals with a diminished mental capacity or other health challenges, sworn employees may refer eligible subjects with mental illness and/or substance use disorders to the Crisis Solutions Center (CSC) or Crisis Diversion Facility (CDF) (see manual sections [16.110-POL-5 Responding to Subjects in Behavioral Crisis](#) and [16.110-PRO-4 Referring a Subject to CSC/CDF.](#))

9. Sworn Employees Must Document Narcotics Incidents

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If a sworn employee determines, based on the totality of circumstances, that an arrest is appropriate, the sworn employee will complete an arrest report.

The report will indicate if the subject was booked into jail, diverted to community-based services prior to jail booking, or referred for prosecution.

At a minimum, the report will include the following:

- The facts underlying the probable cause, and
- An assessment of the threat presented by the subject engaged in possession and/or public use, and
- Whether, and in what manner, arrest or diversion was considered and/or utilized, and
- The response of the diversion resources to the sworn employee's request.

Sworn employees will document each contact with an individual in pursuit of enforcement of misdemeanor narcotics crimes and the number of attempts to contact and coordinate efforts for diversion, outreach, and other alternatives to arrest in the department's record management system (see manual section [6.220 – Voluntary Contacts, Terry Stops, and Detentions](#)).

10. Sworn Employees Acting in a Manner Otherwise Consistent With SPD Policy, Will Not be Subject to Discipline for Decisions Regarding Arrests, Booking, or Diversion in Carrying Out This Policy

15.150-POL-2 Special Narcotics Enforcement Programs

1. Drug Free Zones

The establishment of Drug Free Zones is viewed as a method of deterring drug use and sales within those geographical areas surrounding schools and other special sensitive areas as noted below, by increasing the penalties of these activities within the designated zone.

In many cases, Drug Free Zone signs are posted on the outermost 1,000-foot boundaries of public and private schools.

[RCW 69.50.435](#) provides that suspects who manufacture, sell, deliver (or possess with intent to manufacture, sell, deliver) controlled substances are subject to twice the fine and increased imprisonment than is ordinarily mandated if the offense occurred in one of the 10 circumstances listed below:

- In a school

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- On a school bus
- Within 1,000 feet of a school bus route stop
- Within 1,000 feet of perimeter of school grounds
- In a public park
- In a public housing project designated by a local governing authority as a drug-free zone.
- On a public transit vehicle
- In a public transit stop shelter
- At a civic center designated as a drug-free zone by the local governing authority
- Within 1,000 feet of the perimeter of a facility designated under the above.

Completed reports should clearly establish the time and location where the arrest took place. If possible, the name of the school for which the Drug Free Zone has been established should also be included. The report will use the RCW - 69.50.435.1.D | VIOLATION IN CERTAIN PUBLIC PLACES offense.

- Citing or arresting suspects for drug trafficking in School Drug Free Zones must be noted in reports so the prosecutor may seek expanded sentences.
- School hours are considered when applying the enhanced sentencing. Delivery, manufacture, or possession with intent between the hours of 0700-1800 hrs. weekdays are considered to be in violation of the [RCW 69.50.435](#).

2. Stay Out of Drug Area (SODA)

SODA (Stay Out of Drug Areas) are court orders that prohibit drug traffickers from frequenting areas known for continuous drug activity ([RCW 10.66.005](#)), or conditions of community custody ([RCW 9.94A.703](#)).

Detailed descriptions of the SODA Zones and SODA enforcement can be found in manual section [15.300 – Stay Out of Drug Areas \(SODA\) – Defined Boundaries](#).

King County Superior Court and Seattle Municipal Court will issue written SODA orders prohibiting certain offenders from entering restricted areas (SODA Zones). The SODA order will indicate which precinct and zone the offender is restricted from entering.

A person in violation of a SODA order may be found in contempt of court if the order was issued as a condition of release from custody.

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If the SODA order is issued as a condition of probation or parole, the person may be held for parole/probation violation.

15.150-POL-3 Offender Programs

1. Drug Court

Eligible defendants for Drug Diversion Court will have the option of attending court monitored drug treatment. Treatment includes inpatient or intensive outpatient counseling, random urinalysis, and sober-support meetings. The program also requires regular court review hearings and the payment of restitution, if applicable.

The defendant must agree to allow the judge to make a determination of guilt based on review of the police report, if they fail the treatment program. Should the defendant successfully complete the approximately year-long program, the charges will be dismissed.

Direct questions to the Drug Court Liaison at (206) 615-1067.

2. Juvenile Drug Court

King County Juvenile Drug Court also has eligibility criteria and program requirements. In addition to attending court monitored drug treatment, participants are required to attend school or a GED program and obey home rules. Juvenile Drug Court review hearings take place weekly instead of monthly.

15.150-POL-4 Cannabis

1. Cannabis – Possession of 40 Grams or Less

Private citizens may legally possess cannabis in Washington State for personal use. Possession is limited to one ounce of cannabis (28.3495 Grams), 16 ounces of cannabis-infused product in solid form, or 72 ounces in liquid form.

Possession of greater than an ounce of cannabis, and less than 40 grams is a misdemeanor [RCW 69.50.4014](#). Sworn employees should not normally book suspects into jail on the charge of Possession of 40 Grams or Less of Cannabis.

2. Medical Cannabis

The purpose of this policy section is to assist sworn employees with the investigation of possession and/or manufacturing of cannabis in cases when people assert that they are either a medical cannabis qualifying patient and/or a designated provider, or qualifying patients in a collective garden under [RCW 69.51A](#). This type of investigation will involve determining if there is compliance with Washington State medical cannabis laws and what actions to take if there is non-compliance.

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[SMC 12A.20.060](#) states that the Seattle Police Department and the City Attorney's Office will make the investigation, arrest and prosecution of misdemeanor cannabis offenses the City's lowest law enforcement priority, where the cannabis was intended for adult personal use. In addition, the Seattle Police Department is sensitive to the fact that some medical cannabis patients and designated providers may have difficulty obtaining cannabis for medicinal use. Although the Seattle Police Department is required to enforce the Medical Use of Cannabis Act and its subsequent amendments, this does not prohibit the police department from exercising some discretion while investigating these cases.

However, this policy 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. Furthermore, case law states that a suspect's production of a document purporting to be a cannabis use authorization does not prohibit further investigation by police officers who have probable cause to search the suspect's home when they smelled the odor of cannabis (*State v. Fry*, 168 Wn.2d 1, 228 P.3d 1 (2010)).

Considering this policy, each case requires a responding sworn employee or supervisor to consider the totality of the circumstances when considering a course of action. The decision to take action or not should be weighed in favor of keeping the community safe. Factors to consider may include:

- An apparent "for profit" operation,
- Presence of weapons,
- Theft of electrical power,
- Other illegal drugs at the premise,
- Record of citizen complaint and/or nuisance behavior consistent with narcotics trafficking,
- Presence of children,
- Fires and other environmental concerns, and/or
- Violent crime or other dangers demonstrated to the community.

3. Medical Cannabis Definitions

The following definitions apply throughout:

Collective Garden: a "collective garden" allows up to 10 qualifying patients to grow 45 plants and have 72 ounces of usable cannabis at a collective garden. No usable cannabis from the collective garden may be delivered to anyone other than its qualified members. The law enables cities to license, zone and impose health and

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safety requirements. "Collective gardens" are for qualifying patients, not designated providers. Only one collective garden can be at one site.

If there are only two qualifying patients participating in a collective garden, they can only possess their individual sixty-day supply of medical cannabis, not the total amount authorized for a collective garden.

Designated Provider: a designated provider must be 18 (or older) and they must carry a copy of the patient's designation, health care professional's authorization on tamper resistant paper, and proof of their identity whenever they are growing, obtaining or in possession of cannabis. Upon request, a designated provider must present the above documents to law enforcement. A designated provider is limited to providing cannabis to 1 patient every 15 days.

A person may stop serving as a designated provider to a given qualifying patient at any time. However, that person may not begin serving as a designated provider to another (different) qualifying patient until 15 days have elapsed from the date the last qualifying patient designated them to serve as a provider.

Dual Coverage Under the Statute: if a "qualifying patient" asserts that they is also a "designated provider" to one other qualifying patient and can provide the copy of the patient's designation along with the health care professional's authorization on tamper resistant paper, and proof of their identity, the sixty-day supply of cannabis should be doubled to 48 ounces (1,268 grams) of usable cannabis and no more than thirty (30) plants. However, if the patient cannot supply the identification information of the other patient, the patient/provider will only be provided with a sixty-day supply for their personal use.

Health Care Professional: a "health care professional" includes a physician licensed under [RCW Chapter 18.71](#), a physician assistant licensed under [RCW Chapter 18.71A](#), an osteopathic physician licensed under [RCW Chapter 18.57](#), an osteopathic physician's assistant licensed under [RCW Chapter 18.57A](#), a naturopath licensed under [RCW Chapter 18.36A](#), or an advanced registered nurse practitioner licensed under [RCW Chapter 18.79](#).

Qualifying Patient: a qualifying patient must be a Washington resident and may possess a sixty-day supply, which is defined as no more than 24 ounces of useable cannabis and no more than 15 plants. Qualifying patients must carry valid documentation whenever they possess or use medical cannabis. Documentation consists of a healthcare professional's authorization on tamper resistant paper and proof of identity such as a driver's license. Upon request, a qualifying patient must present the above documents to law enforcement. Qualifying patients may designate another person to provide them with medical cannabis.

A health care professional may explicitly authorize more cannabis than the standard sixty-day supply. The qualifying patient's authorization should reflect the increased supply.

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Sixty-Day Supply: a sixty-day supply is defined by law as no more than twenty-four (24) ounces of usable cannabis (684 grams) and no more than fifteen (15) plants. Usable cannabis is defined as “the dried leaves and flowers of the Cannabis plant Morceau and does not include stems, stalks, seeds and roots. A plant is defined as “any cannabis plant in any stage of growth.

Tamper Resistant Paper: if the health care professional’s qualifying statement is issued on or after June 10, 2010, it must be signed, dated, and written on “tamper resistant paper” that includes one or more industry-recognized features designed to prevent copying, counterfeiting, or erasure or modification of information [[RCW 69.51A.010\(5\)](#)].

4. Investigation of Medical Cannabis Cases

Sworn employees are required to screen medical cannabis situations with a supervisor, and the supervisor is required to respond to the scene.

The screening supervisor will review the facts and circumstances and then consult a Narcotics Section sergeant prior to taking enforcement action (arresting the suspect or seizing cannabis). Whenever there is uncertainty regarding a course of action, supervisors are encouraged to consult a Narcotics Section sergeant.

Narcotics Section sergeants are available 24-hours a day and may be contacted via SPD Communications Section. If a Narcotics Section supervisor is unavailable, then a CRG supervisor may be consulted.

All screening supervisors will notify their respective chains of command.

Any search warrant affidavit related to a medical cannabis investigation must be screened in advance by the Assistant Chief of the Investigations Bureau and then followed up with a review by a Deputy Prosecuting Attorney.

If it is determined that a search warrant affidavit should be prepared, then the “Cannabis Grow Investigative Guidelines” will be closely followed and articulated in the affidavit. These guidelines are available as an online form (22.2).

15.150-POL-5 Seizure of Assets

1. Drug Money

(Also refer to manual section [7.090 – Evidence Money Submission](#))

In order for money to be legally seized and forfeited, state law ([RCW 69.50.505](#)) requires:

- Probable cause exists to show the money can be traced to drug trafficking, or

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- The money was intended for the purchase of drugs.

Simply discovering money on a person who has been arrested for a narcotics violation does not allow for seizure and forfeiture.

Seizing money under such circumstances, even with the expectation the arrested person may not claim the money, could result in the invalidation of the seizure laws or a revision which makes them difficult to enforce.

Do not seize money solely because of proximity of the money to an illegal drug, or as a punitive measure.

Sums less than \$500 generally should not be seized, unless they contain "buy money" with previously recorded bill numbers.

2. Vehicles or Personal Property

Seizing vehicles requires either removing personal property from the vehicle, and returning it to the owner, or placing the property into the Evidence Unit for safekeeping.

Seizing vehicles or personal property requires the same threshold of probable cause as seizing money. All seized property must be traceable to a narcotics transaction.

Firearms and cannabis grow equipment should not be seized for forfeiture purposes. Instead, place these items into the property room as evidence. These items are generally not convertible for department use and seizing them often creates difficulties in the prosecution of the case.

Questions about seizing drug money, vehicles, and personal property should be directed to Communications who will contact an on-call Narcotics Supervisor.

15.150-POL-6 Narcotics: Other Considerations

1. Narcotics Paraphernalia

Sworn employees will refrain from arresting or citing suspects for drug paraphernalia.

Due to the wording of the Drug Paraphernalia Statute, [RCW 69.50.412](#) the Prosecutor's Office has found it difficult to obtain a conviction without a positive lab report.

If sworn employees recover items with enough residue to be tested, the sworn employees should arrest the suspect(s) for VUCSA and complete the case as any other narcotics case.

2. Illegal Drug Labs

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Sworn employees encountering suspected Illegal Drug Labs should immediately evacuate themselves and others from the area.

Sworn Employees encountering suspected illegal drug labs should secure the area and contact a Narcotics Unit Supervisor and the Health Department through Communications and notify a supervisor. The Supervisor will screen the incident with the Narcotics Unit.

While the Narcotics Unit does not have the appropriate equipment to process illegal drug labs Sworn Employees should still ensure that a Narcotics Unit Supervisor is contacted through Communications.

15.150-PRO-1 Stay Out of Drug Area (SODA) General Process

Sworn Employee

1. **Identifies** the offender through the MDT or radio and determines that a valid SODA order exists for the zone the offender was observed in.
2. **Confirms** the SODA information with SPD Data and request a faxed copy.
3. **Documents** all contacts with a SODA order subject on an SPD Supplement Report using the original report number.
4. **Includes** the SODA hit information in the narrative and notes which court issued the SODA order.
5. **Sends** the supplemental report to a supervisor for approval and notify the supervisor directly.

Supervisor

1. **Reviews** the supplemental report and, after approval, routes it for transcription as normal.
2. **Sends** an alert email to the Narcotics Section. The email will contain the report number.

Sworn Employee

1. If the suspect is being booked into jail, **completes** a Superform.
2. **Includes** a statement of probable cause (non-VUCSA) that identifies the SODA Zone and the precinct where the offense occurred, as well as the issuing court (SMC or Superior) and details of the violation.
 - For Seattle Municipal Court SODA order violations, the charge will be "Violation of SODA order/SMC [12A.56.020](#)."

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- For King County Superior Court SODA order violations, the charge will be Investigation of Violation of SODA order/KC Superior Court.

15.150-Task-1 Medical Cannabis – General

When conducting an investigation involving cannabis, and the subject claims medical cannabis protection, the **sworn employee**:

1. **Advises** any person asserting medical cannabis protection of their Miranda Rights in accordance with manual section [6.150 – Miranda Warnings](#).
2. **Requests** consent to search (in writing) for any premise that is being used for storage or cultivation of medical cannabis. However, applying for a search warrant is advisable for any medical cannabis operation that appears to be in-excess of the authorized supply.
3. **Asks** for proof of identity, such as a Washington State Driver's License or I.D. Card and valid documentation required for "qualifying patients" and/or "designated providers" on tamper resistant paper.
4. **Attempts** to establish if the person is a qualifying patient, designated provider, or both (dual coverage under the statute).
 - Whenever a person asserts that they are both a qualifying patient and a designated provider, they are required to have the documentation for both.
 - If possible, photograph or photocopy the person's identification and medical authorization. Originals must be returned to the person. Only in cases of stolen documents or obvious forgeries should the originals be placed in evidence.
5. **Conveys** the following information to qualifying patients and designated providers and note such advice in the report.
 - It is a class 3 civil infraction to use or display medical cannabis in a manner or place that is open to the public.
 - They should review the [RCW 69.51A Medical Cannabis](#) and obtain the required qualifying documents if they were unable to produce them.
6. If the qualifying patient and/or designated provider asserts medical cannabis protection, **confirms** the amount of cannabis at the scene is in-compliance with the authorized supply for the situation, whether it's a qualifying patient, designated provider, dual coverage under the statute, or a collective garden.
7. **Completes** a report which will include the following:
 - The facts and circumstances of the incident.

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- The names of the screening supervisors.
- If the amount of cannabis at the scene was "in-compliance" with the authorized supply or "in-excess" of it, for the situation.
- If the individual(s) claiming medical cannabis protection had valid documentation and identification. Whenever an individual does not have valid documentation or identification, make a note of this in the report and any associated sworn employee statements. Share this information with the screening supervisors and narcotics detectives.

15.150-Task-2 Medical Cannabis – "In-Excess" of the Authorized Supply (no Plants Involved - not a Grow Operation or Collective Garden)

When conducting an investigation involving cannabis, and the subject claims medical cannabis protection, and the quantity of cannabis is clearly in-excess of the authorized supply, the **sworn employee**:

1. **Photographs** the entire quantity of "useable cannabis" to illustrate the amount, the presence of paraphernalia, and any other indication of usage, including any equipment used for growing, harvesting, or packaging cannabis. (If there are plants involved then advance to the next section, which is medical cannabis "grow operation" or "collective garden" in-excess of the authorized supply).
2. **Seizes** the excess "usable cannabis" and "plants". These cases will be referred to the King County Prosecuting Attorney to determine if criminal charges should be filed.
 - Seize all but the authorized supply of useable cannabis.
3. **Provides** the qualifying patient or designated provider with approximately twenty-four (24) ounces (684 grams) of usable cannabis by filling two 15" x 18" air-dry bags with cannabis. This amount will be doubled if an individual qualifies as both a qualifying patient and designated provider.
 - If nobody is present at the location but there is knowledge that it belongs to a qualifying patient and/or designated provider with legitimate paperwork, then the authorized supply of useable cannabis should be left at the scene.
4. **Takes** a random sample of the useable cannabis by filling one 9" by 12" air-dry bag for evidence. Any remaining "excess cannabis" will be placed in evidence for destruction (this excludes the authorized supply and the random sample).
5. **Completes** a report.

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15.150-Task-3 Medical Cannabis – “In-Excess” of the Authorized Supply Grow Operation or Collective Garden

When conducting an investigation involving cannabis, and the subject claims medical cannabis protection, and the quantity of cannabis is clearly in-excess of the authorized supply of plants, the **sworn employee**:

1. **Photographs** the entire quantity of cannabis and equipment (used to grow it) to illustrate the amount, size of any plants, the presence of paraphernalia, and any other indication of usage. Include a measurement device when photographing cannabis that is in plant form – this will illustrate approximate size of the plants.
2. **Counts** the number of “plants” and assess the amount of “useable cannabis” at the scene (typically, “useable cannabis” is found at places where cannabis plants are grown).
3. **Seizes** all but the authorized number of cannabis “plants” and authorized supply of “useable cannabis”, for the situation.
4. **Allows** the qualifying patient or designated provider to select the authorized number of cannabis plants that will remain at the location.
 - If nobody is present at the location but there is knowledge that it belongs to a qualifying patient and/or designated provider at a grow operation, or qualifying patients at a collective garden with legitimate paperwork, then the authorized number of plants in various stages of growth (including mature plants if present) should be left at the scene.
5. If the “useable cannabis” at the scene is in-excess of the authorized supply (for the situation) then **provides** the qualifying patient(s) or designated provider with the following amounts, which are in-compliance with the law:
 - Grow Operation: Approximately 24 ounces (684 grams) of usable cannabis (for a qualifying patient or designated provider) by filling two 15” x 18” air-dry bags with the substance. Dual coverage under the statute will double the amount, if valid documentation authorizes it.
 - Collective Garden: By law the maximum of amount of useable cannabis allowed at a collective garden is 72 ounces (2,052 grams), even if there are more than 3 qualifying patients. Designated providers are not authorized to participate in collective gardens, so dual coverage under the statute should not be a factor.
 - Do Not Harvest from growing cannabis plants to meet the above indicated authorized supplies of useable cannabis because fresh cannabis does not meet the definition of useable (dried) cannabis.

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6. **Takes** a random sample of the cannabis by filling one 9" by 12" air-dry bag for evidence and for use at trial.
7. **Seizes** the excess cannabis (excluding the authorized supply and random sample) and **places** in evidence for destruction.
8. **Leaves** all the grow equipment at the scene and **screens** the disposition of the equipment with a Narcotics Section supervisor.
9. **Completes** a report.

15.150-Task-4 Misdemeanor Narcotics Arrest

When investigating misdemeanor narcotics crimes, the **sworn employee**:

1. **Determines** probable cause for a misdemeanor narcotics crime.
 - If no probable cause exists, the sworn employee **offers** the subject diversion resources, if they feel it is appropriate.
2. **Determines** if public harm exists.
 - If no public harm exists, **offers** diversion resources.
 - Absent public harm, a sworn employee **may still arrest** a suspect but must articulate the factors leading to arrest in their report.
 - If public harm exists, the sworn employee **may arrest** the subject.
3. **Prioritizes** diversion if appropriate, safe, and feasible.
 - **Contacts** LEAD at the LEAD on-call phone (206) 455-0386.
 - If LEAD is contacted, **completes** the LEAD Referral Cover sheet, and **attaches** the form in Mark 43.
4. If the sworn employee deems appropriate, **screens** the diversion through a CDF per manual section [16.110-PRO-4 Referring a Subject to CSC/CDF.](#))
5. If appropriate, **turns** the subject over to a LEAD Project manager at a department precinct.
6. **Completes** a report.
 - **Establishes** and **articulates** the probable cause for the arrest. Sworn employees must provide enough information so the full nature of the case is understood.

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- **Notes** in the narrative if the incident occurred in a restricted area (SODA/Drug Free Zone).
 - **Ensures** the correct arrest type is selected in Mark 43 and whether a Crisis Report is appropriate.
 - **Indicates** the results of the suspected narcotics field test in the report. **Documents** negative results as inconclusive.
 - If applicable, **articulates** the additional factors leading to arrest, absent public harm. Misdemeanor Narcotics Arrests do not need to be routed to the Narcotics Unit and instead the appropriate LEAD Referral or other unit label may be attached to the report in Mark 43.
7. **Completes** a property report.
- **Lists** all items of evidence, who found it, where it was found and what was done with it.
 - **Completes** a separate laboratory request for each subject that possessed the narcotics.
 - **Places** the item most important to be tested on the first line of the request. The laboratory will generally only test the first item.
8. **Field tests** suspected narcotics.
- Conducting field tests on unknown substances demands caution. Avoid handling unknown substances, especially those in powdered form. Many noxious materials are water-soluble and may be absorbed through the skin. Always perform narcotics field tests in well-ventilated areas. Avoid doing field tests in vehicles.
9. **Weighs** suspected narcotics.
- If the suspected narcotics amount weighed is over an ounce, and no other criteria indicating a felony narcotics crime exists, **emails** the Narcotics Unit, and **includes** the case number.
10. **Routes** the report for approval.

15.150-Task-5 Felony Narcotics Arrest

When conducting an investigation involving a felony narcotics crime, the **sworn employee**:

1. **Completes** a report

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- Establishes and articulates the probable cause for the arrest. Sworn employees must provide enough information so that anyone will understand the nature of the case.
 - Note in the narrative if the incident occurred in a restricted area (SODA/Drug Free Zone).
 - Include recommendations in your narrative if appropriate for alternative misdemeanor charges.
2. **Completes** a Certification for Determination of Probable Cause (form 34.0) and **attaches** it to the report in Mark43.
3. **Field tests** the suspected narcotics and indicates the results in the report. **Documents** negative results as inconclusive.
- Conducting field tests on unknown substances demands caution.
 - Avoid handling unknown substances, especially those in powdered form. Many noxious materials are water-soluble and may be absorbed through the skin.
 - Always perform narcotics field tests in well-ventilated areas. Avoid doing field tests in vehicles.
4. **Completes** a property report.
- Lists all items of evidence and describes who found it, where it was found, and what was done with it.
5. **Completes** an officer statement. Officer statements will be detailed and include the following:
- The sworn employee's experience and training (i.e., primary officer, reasonable suspicion/probable cause cases, etc.).
 - Specific details (i.e., "high narcotics area") in cases where this generated the investigation.
 - Explain the nature of the investigation (i.e., buy/bust, routine patrol, etc.).
 - Explain observations, actions, responses, and opinions (based on facts).
 - Probable cause must be clearly stated.
 - Specific location for all recovered evidence (including dominion and control for the area or basis for believing it was the suspect's clothing, etc.).
 - All field tests and the results.
 - Specific times and time periods must be clearly stated.

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- Descriptions of suspects involved and their names.

6. **Completes** a Superform.

7. **Completes** Objection to Release if applicable. Criteria sworn employees should consider when documenting the objections to release section are:

- The suspect's true identity is in question.
- The suspect lacks a verified King County address and the cooperation of a responsible third party that will always know how to contact the detainee.
- The suspect has a prior felony conviction within five years or pending charges of violating the Uniform Controlled Substance Act, or two or more prior failures to appear in court.
- The suspect has prior drug related charges.
- The suspect was in possession of a firearm

8. In the Superform **completes** probable cause certification.

9. **Completes** a WSP Crime Laboratory Division Drug Analysis Request (WSP-CL-442)

- Complete a separate laboratory request for each suspect that possessed the narcotics.
- Place the item you most want tested on the first line of the request. The laboratory will generally only test the first item.

10. **Compiles** an Alert Email for the Narcotics Section by scanning and including all documents below:

- Statements, if completed on paper
- Superform, if completed on paper
- Original WSP Crime Laboratory Division Drug Analysis Request (form WSP-CL-442),
- Notice of Seizure and Intended Forfeiture (form 1.1.9)
- Computer Rap Sheets.

11. **Submits** an Alert Email to the Narcotics Section.

12. **Sends** the report to a supervisor for approval and **notifies** the supervisor directly.

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15.150-Task-6 Possession of Cannabis with No Related Criminal Offenses

When conducting an investigation involving Possession of Cannabis with no related criminal offenses, the **sworn employee**:

1. **Completes** a report.
2. **Lists** "*Possess or Consume Cannabis*" in the Offenses block.
3. **Requests** that the additional charge of "*Possession of Cannabis (<40 grams)*" be filed by the prosecutor, pending cannabis leaf test results.
4. **Completes** a field test on the suspected cannabis and document the results.
5. **Places** the cannabis into evidence.

15.150-Task-7 Possession of Cannabis with Related Criminal Offenses (Suspect Not Booked into Jail)

When conducting an investigation involving the possession of cannabis with related criminal offenses, and the subject is not booked into jail, the **sworn employee**:

1. **Completes** a report.
2. **Lists** the offenses and "*Possess or Consume Cannabis*" in the Offenses block.
3. **Requests** that the additional charge of "*Possession of Cannabis (<40 grams)*" be filed by the prosecutor, pending crime lab results.
4. **Completes** a field test of the suspected cannabis and document the results.
5. **Places** the cannabis into evidence.

15.150-Task-8 Possession of Cannabis with Other Criminal Offenses (Suspect Booked into Jail)

When conducting an investigation involving the possession of cannabis with related criminal offenses, and the subject is booked into jail, the **sworn employee**:

1. **Completes** a report.
2. **Lists** the offense for which the suspect is booked into jail and "*Possess or Consume Cannabis*" in the Offenses block.
3. **Requests** that the additional charge of "*Possession of Cannabis (<40 grams)*" be filed by the prosecutor, pending crime lab results.

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- Do not list "*Possession of Cannabis (<40 grams)*" as a charge on the Superform.

4. **Completes** a field test of the suspected cannabis and document the results.
5. **Places** the cannabis into evidence.
6. **Follows** normal arrest and booking procedures for the jailable offense.

15.150-Task-9 Felony Arrest and Possession of Cannabis

When conducting an investigation involving the possession of cannabis with a related felony offense, the **sworn employee**:

1. **Completes** a report.
2. **Lists** the felony offense(s) and "*Narc-Possess-Mariju*" in the Offenses block.
3. **Requests** that the additional charge of "*Possession of Cannabis (<40 grams)*" be filed by the prosecutor, pending cannabis leaf test.
 - Do not list "*Possession of Cannabis (<40 grams)*" as a charge on the Superform.
4. **Completes** a field test of the suspected cannabis and **documents** the results.
5. **Places** the cannabis into evidence.
6. **Follows** normal arrest and booking procedures for the felony offense.