

DEPARTMENT MANUAL OF THE MISSOULA COUNTY SHERIFF'S DEPARTMENT

SUBJECT: **2006 Missoula County Marijuana Initiative**

INCLUSIONS: Rule Policy Procedure

CHAPTER: SECTION:

APPLICABILITY: All employees Sworn deputies (regular) Sworn deputies (reserve)
 Detention/Corrections Officers Court support Administrative support Non-sworn
detention facility employees Non-sworn volunteers Other (specify)

EFFECTIVE DATE: **Immediately upon approval** APPROVAL:

REVISION: **NO** IF "YES", ORIGINAL EFFECTIVE DATE:

AMENDS/SUPERCEDES:

The rule, policy and procedure(s) contained in this document are for internal use only and do not enlarge an employee's civil or criminal liability in any way. This document should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violation of a rule or policy, or inappropriate application of a procedure, if proven, can only form the basis of a complaint by this department and then only in a non-judicial administrative setting.

Administrative note: On November 7th, 2006, Missoula County Initiative #MCSO2006-02 was passed by a majority of the voters in the general election and it became effective on November 14th, 2006. The initiative focuses on law enforcement priorities relating to "adult marijuana offenses". These policies and procedures have been developed to guide members of the Missoula County Sheriff's Department in working with the initiative.

Legal guidelines:

1. The possession, use, distribution and sale of marijuana in any form is a violation of state and federal criminal statutes except as permitted under the Montana Medical Marijuana Act;
2. No element of the initiative can supersede the criminal statutes;
and,
3. The initiative, as written, is primarily permissive in its construction.

Policy statements: It is the policy of the Missoula County Sheriff's Department that:

- A. Response to reported or observed violations of the law will be prioritized by employees and their supervisors according to the circumstances at the time. "Circumstances" in this context includes, but is not limited to, issues of safety, seriousness of the offense, perceived immediacy requirements and any competing demands on the employee's attentions.

- B. Employees will fully and promptly cooperate with members of other law enforcement agencies in the investigation of and response to reported or observed violations of the law unless such cooperation is specifically restricted by statute or rule. Regular deputies may, in the course of such interagency cooperation and with advance approval of the sheriff, accept

federal deputization or commissioning for purposes of providing requested investigative assistance.

- C. Employees will fully and promptly provide whatever assistance is requested by local, state and federal prosecutors in the investigation and prosecution of offenses.
- D. The sheriff or a designated representative will act as the sole spokesperson for the Department in contacts with the initiative's Community Oversight Committee. "Contacts" in this context includes appearances before the committee, responses to inquiries from the committee and submission of any necessary documentation to the committee.

Procedures: The following procedures govern compliance with this policy:

1. Employees will utilize existing reporting formats to document all aspects of responses to reported or observed violations of the law.
2. [Temporary] Deputies will note "Felony" or "Misdemeanor" as the first entry in the narrative block of their offense report to describe the severity of the actual or potential charges relating to any marijuana-related aspects of their investigation or action.
3. Commanders of the uniform (patrol), detective and detention divisions shall provide the administrator of the support services division with copies of all reports involving, in any way, response to adult marijuana offenses as defined by the initiative. "Reports" in this context shall include memorandums or supplements summarizing assistance provided to other law enforcement agencies if the offense report itself is not generated by our department. Providing the DR or CFS numbers is sufficient. The undersheriff shall provide similar documentation pertaining to activities of deputies assigned to the HIDTA interagency drug task force.
4. The support services division administrator shall, by the end of the first full business week of January and July of each year, provide the sheriff with a summary report containing the data included in Section 6, subsection 3-a of the initiative. The sheriff shall submit the information to the Community Oversight Committee.

AUTHORIZING SIGNATURE

DATE