

In the interest of compliance with the 2006 voter initiative on marijuana, the County Attorney's Office is adopting the following policy:

We are asking law enforcement officers to stop arresting individuals or writing and submitting tickets (with mandatory appearance dates) where the offense committed is solely possession of marijuana in misdemeanor amounts or possession of drug paraphernalia intended for use of marijuana. Those potential cases should be routed to our office like all other cases where the defendant is not in custody. Instead, we will treat them as uncharged cases that will be assigned to a prosecutor and charged on a lowest priority basis. If charged, we will seek the issuance of a summons with the complaint when they are charged. If an individual has no prior record of any consequence, prosecutors will be directed to offer, a defendant in such a case, the opportunity to enter into a deferred prosecution agreement as opposed to filing formal charges against the defendant. If the defendant declines such offer and charges are filed, the prosecutor shall re-assign the case to an unpaid clinical intern to handle the case from that point forward.

Finally, if someone is arrested on other charges (such as a DUI) and has marijuana or marijuana related paraphernalia in his/her possession, such person should only be taken into custody on the marijuana related charges where exigent circumstances demand. If the other charges are resolved prior to the resolution of the marijuana or marijuana related paraphernalia charges, the procedure set forth above regarding reassignment to a clinical intern shall apply.