
Marihuana Enforcement

529.1 PURPOSE AND SCOPE

The purpose of this general order is to provide members of the Denton Police Department with guidance for investigating the acquisition, possession, transportation, delivery, production or use of marihuana. These guidelines do not decriminalize marihuana, nor do they alter the penalties for possession of a controlled substance.

529.2 POLICY

The Denton Police Department will consider its resources and its mission of protecting the community when exercising any discretion to avoid making arrests related to marihuana that the arresting officer and Department reasonably believe would not be prosecuted by local, state, or federal authorities. While the Denton Police Department does not specifically target marihuana enforcement, it is important to note that violent crimes, such as home invasion robberies, are often associated with low level amounts of marihuana. To that end, the Denton Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both our community as well as the resources of the department.

529.3 ENFORCEMENT

When establishing probable cause to make an arrest for marihuana, officers will not use the smell of marihuana alone, but instead use the individual merits of each case to do so.

529.3.1 ARRESTS

A custody arrest may be made when individuals are found to be in possession of more than four ounces of marihuana, or found to be in possession of misdemeanor amounts of marihuana of less than four ounces and the following has occurred:

- (a) The circumstances of the possession are indicative of marihuana distribution, such as:
 - 1. Multiple small individual baggies packed for resale;
 - 2. Presence of digital scales and/or packs of empty baggies;
 - 3. Officer observed hand-to-hand drug transactions; or
 - 4. The individual was involved in a narcotics investigation.
- (b) The individual possesses marihuana in conjunction with a firearm; or
- (c) The individual will also be charged with an assault offense or violent felony.

All suspected marihuana shall be seized and processed as outlined in the Property and Evidence General Order.

529.3.2 CITATION IN LIEU OF ARREST

For marihuana possession alone, of four ounces or less, officers may issue a citation titled "Possession of Drug Paraphernalia," and release the offender from custody. Officers shall

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sufficiently identify the suspected offender with a form of government photo identification or, if a government photo identification is not available, through all reasonably available means to confirm the validity of the personal information provided by the individual.

Offenses occurring in Drug Free Zones are not eligible for the issuance of a citation.

All marihuana evidence will be packaged, transported and entered into evidence. Under no circumstance shall seized marihuana be destroyed at the scene.

529.4 LAB TESTING

As required by HB1325, passed by the State of Texas Legislature on June 10, 2019, lab tests must be completed to establish whether the suspected marihuana has a THC content of .3% or more. The Denton Police Department will utilize a contracted lab that is fully accredited and approved to conduct the tests. Only approved cases will be sent for testing.