ACADEMY OF CRIMINAL JUSTICE SCIENCES - POLICE SECTION

Police Forum

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Chair's Comments

I am writing these comments on the first day of my fall semester. It seems like just yesterday I was in New York City for the annual meeting. In six months, we will be heading to Dallas for the 2013 Annual Meeting. Remember, abstracts are due on September 10 – this date seems to get earlier and earlier every year. Check out the ACJS website for topic areas and submission guidelines.

Speaking of the 2013 ACJS Annual Meeting, the Police Section is planning a reception to honor past recipients of the O.W. Wilson Award, the Police Section Outstanding Service Award and the past-chairs. The reception will also honor the 2013 award recipients as well as the outgoing and incoming Executive Board members. Consider this your "save the date" notice for Thursday, March 21, 2013 from 4:00 to 6:00 PM.

Prior to the reception, I would like to have a panel comprised of previous award recipients. Just think of the brain power and knowledge that will be gathered in one room to discuss the past, present and future of police research and education. I am excited about this opportunity and am hoping the awardees agree to be included in the panel.

There is still time to nominate yourself or another Section member for a position on the Executive Board. These terms will begin at the Annual Meeting in March 2013. The information concerning positions and nominations appear later in the newsletter. Elections will take place in November.

In this issue you will also find a request for nominations for the two Police Section awards given at the Annual Meeting. Be sure to submit your nomination by the due date.

I will be contacting some of you shortly with a request to serve on a committee. If you have a desire to be part of the exciting world of the Police Section policy making apparatus, please let me know. I have been negligent in doing this earlier and I apologize for that.

This is the first issue of the *Police Forum* for our new editor, Jeff Bumgarner. He is already making his mark by including comments from the Vice-Chair and the Historian. Jeff can be contacted at bumg0004@umn.edu . Thank you Jeff for taking on this role!

I am looking forward to autumn and the change in weather. It seems that in the fall, the sky is a brilliant blue color that is not present during the rest of the year, and in places where the

leaves change color the bright oranges, reds and yellows against that sky is a picture worth a thousand words. I wish you all a colorful fall, complete with great activities including classes, grading papers, football, soccer, cross country track, trips to the zoo and walks in the woods. Enjoy!

Cheers,
Janice Ahmad
ACJS Police Section Chair

Vice-Chairs Comments

Greetings fellow members of the Police Section. I wish to extend my gratitude for the opportunity to serve in the capacity of vice-chair, and I want to briefly outline some of the tasks I see as being important for building the future of the section.

First, I want to thank the many members who have sacrificed countless hours as they voluntarily served in various capacities to ensure that we may all enjoy the benefits of having a Police Section within the Academy of Criminal Justice Sciences. As I reviewed past issues of the *Police Forum* I was reminded of the founding members, executive office holders, and the numerous article contributors whose work has benefited academics and police practitioners alike. Thankfully, many of those folks are still active in the Police Section.

As vice-chair, I am looking forward to helping Chairperson Janice Ahmad as she works to complete the goals she set out to achieve when she began her service to the section many years ago. Together, we will work with others on the Executive Board as well as with section members to enhance the section website. While enhanced communications between the section and its members remains important, I believe it is critical that we work on communicating our mission to those not familiar with us. That will, in my estimation, serve us well in an effort to increase membership.

An additional piece of this process involves our presence at the annual meetings. I think it is important that we increase the visibility of the Police Section, and I will be working with other members toward that goal. Chairperson Ahmad has been continuing her work with an ad-hoc committee on two or three scholarships, and we anticipate further discussion of this important work in Dallas next March. Collectively, your Executive Board is continuing to work on the print/no-print option for Police Quarterly.

Again, I want to thank the membership for giving me the honor of serving as your section vice-chair. I encourage your comments, recommendations, or ideas about the direction and future of our important association.

Charles L. Johnson
ACJS Police Section Vice-Chair

Editor's Comments

Greetings all. This is my first edition of the *Police Forum* as its editor. It is labeled as the August Edition, and I think technically I'm still okay with that as the publication is being finalized as I write this…on August 30th. I've got one full day to spare.

I'm looking forward to the challenge of serving as the *Police Forum* editor, and as the Secretary for the Police Section. As the new editor, I am quite open to ideas or suggestions any of you may have about the content of the *Police Forum*. Traditionally, the publication has been a means to convey section and ACJS news, minutes of meetings, new or emerging scholarship, and various announcements relating to awards, calls for papers, meeting times, etc. I suspect all of those things will continue to be included in the *Police Forum*. But I'm also open to other ideas, including invited essays, author meets critic pieces, and other submissions.

Finally, I want to thank Lorie Rubenser and Jeff Rush for their years of editorial service to the *Police Forum*. Their dedication to the section as editors of the *Police Forum* was unsurpassed. And they remain dedicated section members. I especially want to thank Lorie for permitting me to reach out to her with any and all questions. She's been most gracious and helpful.

As many of you know, the *Police Forum* and other information about the Police Section was previously housed on the server at Sul Ross State University—Lorie's home institution. The Police Section page has moved. Today, the webpage for the Police Section is embedded within the ACJS website. You can find the section webpage at http://www.acjs.org/police_section.cfm. There, you will also find the most recent edition of the *Police Forum.*

Take care and have a terrific Fall!

Jeff Bumgarner
ACJS Police Section Secretary
Editor, *Police Forum*

Historian's Comments

Thanks to generous donations by section members the Police Section Archives contains print issues of *Police Forum*, *Police Quarterly*, other criminal justice related journals, and section documents. These holdings are in environmentally controlled storage at Radford University's McConnell Library, where they are protected from moisture, fire, and bugs. Physical access to the holdings is controlled by the McConnell Library Archivist, Gene Hyde, and me so there is no danger of them "walking off." You can find a list of journals in the Archives collection on the Academy of Criminal Justice Police Section website.

Gene and I fill requests for articles from non-electronic journal issues in the Archives holdings. Most requests are for articles published in *Police Forum* between 1991 (the first date

of publication) and 2005 (after which *Police Forum* became available electronically), and thanks to your help the Police Section Archives collection of non-electronic *Police Forum* issues is almost complete. Because article requests have been primarily from *Police Forum* issues Gene and I have worked over the past year to create electronic copies of these *Police Forum* issues. They are now available on the McConnell Library website. The link is http://library.radford.edu/archives/policeforum.html. A few issues are missing or incomplete, but I hope to fill these gaps soon.

If you have ever held a position in the Police Section or were instrumental in its creation please consider donating any documents you have, or copies of them, to the Police Section Archives. They can be as simple as an early version of the bylaws or meeting minutes. These are valuable for documenting the history of the Police Section. Also, if you have issues of police related journals unavailable electronically that need a home I would be happy to add them to the Archives collection. Contact me at lhochstei@radford.edu about donations to the Archives.

Happy Autumn!

Lucy Edwards Hochstein
ACJS Police Section Archivist/Historian

Police Forum

CALL FOR SUBMISSIONS

The *Police Forum* is seeking law enforcement-related submissions for future editions. Opinion pieces, essays, research notes, scholarly articles, and book reviews are all welcome. Announcements relating to calls for papers, conferences, and job vacancies are also sought. Other submission ideas will also be considered.

Please email your submissions or ideas to Jeff Bumgarner, Editor of the *Police Forum*, at bumg0004@umn.edu. Or, feel free to call Jeff directly at 218-281-8274.

Smoke and Political Mirrors: Policing Marijuana in Washington State

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Abstract

At present, 16 states have enacted laws to legalize marijuana (ProCon.org, 2011). One of the early states to do so was Washington. There is a conflict between federal and law state concerning the possession and distribution of marijuana. In addition, large scale marijuana dispensaries have evolved that may exceed state law standards and are certainly illegal according to the federal government. The present study examines how this plays out in the state of Washington and the problems associated with enforcement of marijuana laws.

Early History of Medical Marijuana

Marijuana has been used for medical purposes for thousands of years and has been accepted as a means of treatment in the United States since the mid-19th century. Doctors in the U.S. recognized its medical value in 1840 and it was included in the United States Pharmacopoeia as a treatment for lack of appetite until 1942. Marijuana general use was not regulated on the state or federal level until California prohibited its possession or sale in 1915. All other states followed California's prohibition. In 1937, Congress passed the Marijuana Tax Act of 1937 in an attempt to tax marijuana out of existence. The American Medical Association was not a supporter of the act. In 1951, the Boggs Act established significant penalties for possession of marijuana including mandatory prison sentences. The law was bolstered in 1956 with the Narcotic Control Act. The act designated marijuana as: 1) having no therapeutic value, 2) not safe for medical use, and 3) having a high abuse potential (Conboy, 2000). It was given a "Schedule I" determination placing it at the same level of danger as heroin, LSD and crack cocaine. This Schedule I designation effectively eliminated marijuana for medicinal use purposes.

In 1988, Drug Enforcement Administration (DEA) Administrative Law Judge Francis L. Young heard testimony concerning the medical value of marijuana (consisting of anecdotal and low empirical observations) from reform advocates and ordered the marijuana plant be reclassified as a Schedule II drug. This decision was overruled by the DEA, which issued a final rejection of all pleas for reclassification in March 1992. Advocates appealed the decision to the District of Columbia's Federal Circuit Court which supported the rejection of marijuana's reclassification to Schedule II because marijuana's medical value has never been proven in sound scientific studies. Nonetheless, the federal government and some states did allow small scale "compassionate" testing and use of marijuana for medical purposes among terminally ill patients and others.

California and Proposition 215

In 1996, California voters passed Proposition 215 which provided for the expansive medical use of marijuana for several diseases. The statute protected patients, whose physicians recommended the use of marijuana for a variety of ailments, from state criminal prosecution for the cultivation or possession of marijuana and protected the prescribing physician from state prosecution for recommending the medicinal use of marijuana. President Bill Clinton vowed to oppose the state legislation including exclusion of recommending physicians from Medicare and Medicaid program participation. Indeed, the U.S. Attorney General announced that law enforcement would focus on prescribing doctors. Some doctors successfully filed suit and received a preliminary injunction forcing the DEA to abandon its threats against California doctors, thus they were protected from prosecution for recommending the drug. However, physicians could still be prosecuted for acts relating to assisting their patients obtain marijuana. This made things difficult to define, because a recommendation might enable a patient obtain marijuana in violation of federal law. (Conboy, Smoke Screen: America's Drug Policy and Medical Marijuana, 2000). However, the U.S. Court of Appeals for the Ninth Circuit held that physicians' First Amendment freedom of speech rights under the privileged doctor-patient relationship permitted them to issue recommendations to patients. During the time of the injunction, Washington and Alaska medical marijuana voter initiatives passed in 1998.

In early 1998, the U.S. Government began lawsuits against medical cannabis cooperatives and several individuals associated with the cooperatives, alleging violation of federal law. The Supreme Court reviewed lower court decisions concerning the Oakland Cannabis Buyers' Coop. to determine whether medical necessity was a defense to manufacturing and distributing of marijuana. The Court unanimously ruled against the permissibility of the medical necessity defense.

Washington State and Medical Marijuana Beginnings

Meanwhile, the use of marijuana for medical purposes continued to grow in the state of Washington. In 1996, previous to any voter initiatives, there were well known marijuana cooperatives supplying marijuana to patients in need. Ronald Miller was growing marijuana for medical purposes on Bainbridge Island, when he was arrested and his facility was seized by the police. Miller was one of the founders and operators of Green+Cross Patient Coop, Washington state's sole above-ground medical-marijuana network. He was filmed delivering marijuana on a Seattle PBS program called Health Notes, in a segment originally produced for the McNeil-Lehrer News Hour. All of the participating patients had letters on file informing their doctors of intent to seek marijuana from the coop. The cooperative did not sell marijuana but gave it away. Instead they required financial contributions sufficient to maintain operation costs and did not turn people away due to an inability to pay. The case against Miller was thrown out because police overstepped the limits of the search warrant. Green+Cross had been up and running for a little less than two years before the raid and was well known in Seattle's AIDS community and had 70 members (Christie, 1996).

In 1997, following the California initiative a diverse group of advocates placed an initiative on the Washington state ballot that would allow physicians to prescribe marijuana to

seriously or terminally ill patients and would offer persons convicted of drug possession the opportunity to receive treatment services instead of jail time. The measure was modeled after a successful 1996 Arizona ballot initiative. Drafters of the initiative used the term "recommend" rather than "prescribe" in order to protect doctors from the threat of prosecution. Advocates for the initiative stressed the immediate importance of allowing medical marijuana for treatment of cancer pain and other ailments. Opponents of the initiative focused on the measure's potential application to heroin, according to the initiative's supporters. Opponents also characterized the measure as a sneaky way to legalize drugs (Alcoholism & Drug Abuse Weekly, 1997).

For example, Forbes wrote that most Americans would not countenance outright legalization and that many promoters deceitfully profess their only goal is to help the seriously ill. He pointed out that the nausea-relieving, appetite-stimulating properties of marijuana can be reproduced with Marinol, a synthetic form of the chemical in marijuana. Marinol is FDA-approved and available by prescription. Instead, he asserted that medical marijuana is the "stealth legalizers' Trojan Horse." In addition, Forbes argued that the legalization of medical marijuana would lead to more addiction (Forbes, 97).

The initiative was hotly debated and resoundingly defeated. Initiative 685 would have allowed doctors to "recommend" any Schedule I drug for use by seriously or terminally ill patients. Some believed that a strong lobbying effort against the medical marijuana initiative, including vocal opposition from Lt. Gov. Brad Owens and police chiefs, persuaded voters to reconsider their earlier support for the proposal. Advocates of medical marijuana policy reform remained optimistic that the medical marijuana issue would receive broader public support in the future (Alcoholism & Drug Abuse Weekly, 1997).[1]

The advocates were correct. In 1998, voters approved initiatives to legalize the medical use of marijuana in the states of Alaska, Arizona, Nevada, Oregon and Washington. It was believed that the votes would give confidence to politicians who were afraid to publicly support allowing doctors to recommend marijuana to patients suffering from illnesses like glaucoma, cancer and multiple sclerosis. Opposition to the medical marijuana movement came from police chiefs, Congress, and the White House's top drug policy official, Gen. Barry R. McCaffrey. McCaffrey noted that the measures in no way altered the status of marijuana under Federal law (Broke, 1998).

By 2006, 11 states had laws supporting medical marijuana, yet it remained a Schedule I substance. At the Seattle Cancer Care Alliance, any patient who met the criteria for use of medical marijuana reviewed the benefits, risks, safety concerns, side effects and potential hazards with his or her physician. This procedure was documented on a treatment consent form and an authorization for use form that patients keep in their possession to provide medical

[1] Researchers have examined whether the introduction of such medical marijuana laws affects the level of cannabis use among arrestees and emergency department patients. Using a variety of test sites including one in Washington state (Seattle) researchers found no statistically significant pre-law versus post-law differences. Medical cannabis laws do not appear to increase use of the drug (Gotman & Huber, 2007).

documentation and a basis for the legal defense against prosecution. As such these patients could possess and manufacture marijuana for personal use (Debondt, 2006).

Federal Response

By mid-2009, fourteen states had decided to permit medical marijuana under certain circumstances. These laws came about through voter initiatives or legislation; these states exempted patients and physicians from prosecution for violating state laws governing the use, possession, or cultivation of marijuana. Two cases came before U.S. Supreme Court out of California. In both instances, the U.S. Supreme Court ruled that federal authorities could continue to take action against patients, physicians, and others who were protected under state medical marijuana laws.

However, in a later case the U.S. Supreme Court declined to review a court decision upholding legislation implementing California's medical marijuana law. In 2003, California established the Medical Marijuana Program that required counties to participate in a system that allowed patients and caregivers registration and cards protecting them from arrest for violating state marijuana possession prohibitions. Some California officials were unhappy with the state's permissive stance and refused to take part in the program and filed suit. According to the plaintiffs, the California law was preempted by federal law which fails to exempt medical marijuana from the usual criminal penalties. In 2008, a California appellate court ruled against the counties. Medical practice and state criminal law creates a presumption against federal preemption in these areas.

In 2009 the Obama Administration, through U.S. Attorney General Eric Holder, announced that the DEA would limit future raids and other enforcement activity to individuals violating both federal and state criminal law. As such, people complying with state medical marijuana laws were no longer to be targeted by federal law enforcement officials. Holder said that under his leadership, the Department of Justice would focus its efforts on large-scale commercial marijuana operations (Dresser, 2009). While running for president, Barack Obama defended the medical use of marijuana and said that he would not use Justice Department resources to override state laws. In October 2009, the Justice Department directed federal prosecutors not to focus their efforts on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana (Nadelmann, 2011).

Large Scale Commercial Marijuana Operations

One of the grey areas has to do with large scale commercial marijuana operations that may or may not receive state exemption. In 2009, a website went up promising to help qualifying patients in Central Washington gain access to medical marijuana. The NorthWest Alliance for the Healing Cure listed a toll-free number and an address of a home owned by 59-year-old arthritis sufferer and medical marijuana user. Acting on an informant's tip, Yakima, Washington police arrived at the home with a search warrant. The home owner told police that her doctor's recommendation for the drug had expired. Further, her son, Valtino Hicks, was arrested for possession and charged with manufacturing marijuana. Police confiscated about 200 plants in

various stages of growth. What is not clear is whether cooperative growing operations are allowed under Washington's marijuana laws. King County Prosecutor Dan Satterberg has declined to prosecute collectives or co-ops while prosecutors in other areas of the state, including Spokane and Olympia, have pursued cases against such operations.

Medical marijuana law in Washington is different from California's system, which allows anyone with a medical marijuana card to purchase the drug from large-scale dispensaries. In Washington, those who get a recommendation from their doctor are essentially on their own to either grow marijuana or find a provider and there is no registry. The only thing that a doctor's recommendation does for a medical marijuana user is to provide an "affirmative defense" against prosecution under state law. Under the law, a patient is allowed to possess a 60-day supply, which the state Department of Health ruled in 2008 is 24 ounces of marijuana and 15 plants. Because some patients are incapable of growing their own marijuana, the law also stipulates that a provider can grow marijuana for a patient, but the status of collective grow operations is not clear. According to some, the law neither permits nor prohibits a collective operation. There may, indeed, be legitimate reasons for collective growing, including sharing expertise and diffusing the cost of expensive equipment (Muir, 2010). [2]

In Yakima, Valtino Hicks charged and tried. He was then acquitted after less than 25 minutes of jury deliberation. The jury returned its verdict in spite of the fact that the judge prohibited testimony regarding a medical-marijuana card that Hicks said he possessed. The prosecution maintained a 201-plant growing operation at his home far exceeded the 15-plant supply allowed for medical-marijuana patients or for one who provides patients with the drug. The plants were taken by police. Hicks' defense called six witnesses who said that they were either patients or endorsed providers for patients. Hicks was described as a medical marijuana advocate who took horticulture classes. At the time of the acquittal, the state legislature was considering allowing limited dispensaries, although it's unclear what form the law would ultimately take. Dispensaries faced opposition from several places, including the Washington Association of Sheriffs and Police Chiefs (Morey, 2011). In fact, Yakima County Prosecuting Attorney Hagarty vowed to continue to charge those who grow marijuana even in compliance with state law saying, "When you're growing marijuana, it's illegal" (Morey M. , 2011).

[2] In addition to the above reasons, individual marijuana growers are vulnerable to criminal victimization. In March 2010, a man living near Tacoma, died after he reportedly was beaten while confronting people trying to steal marijuana plants from his property. In another instance, a prominent medical-marijuana activist shot an armed man who was accused of breaking into his home in a suburban area near Seattle where he grew and distributed marijuana plants. In both instances, the victims were selected because they were known to have relatively large amounts of marijuana in their homes. Marijuana advocates complain that law enforcement officials focus more on confiscating marijuana from the growers than on arresting the thieves (Yardley, 2010). In December of 2011 in Kennewick, Washington, two home invasion robberies apparently targeted medical marijuana users. As recently as September 2011, two male cousins and a woman were charged with scheming to rob a Kennewick man of cash and medical pot. In October 2011, a 30-year-old Kennewick man was shot and killed while allegedly breaking into a Moses Lake home to try to steal marijuana from a medical marijuana user.

Despite the state legality of medical marijuana, it would appear that some law enforcement officials will not support state law. In October of 2011, an exposition in Yakima Valley was shut down due to a misstep in filing an event permit with the county fire marshal because there hadn't been a scheduled on-site inspection. A number of medical marijuana vendors from west of the Cascades were scheduled to take part. Sheriff Ken Irwin said his office had notified the federal Drug Enforcement Administration of the event and volunteered to "support any action they cared to take at the event." He said that state law is such a mess right now that he would defer to the federal government. He felt that the exposition was not an appropriate function and violated federal law (Faulk, 2011).

Presently, Washington state law permits medical marijuana use, but access remains an issue. In May 2011, after a year-long legislative effort, attempts to clarify the state's medical marijuana laws collapsed, leaving state dispensaries without legal recognition. While state law allows for collective gardens, it also cities to license, zone and impose other requirements on the gardens. A number of Washington cities have imposed temporary suspensions on such gardens. At least one city is moving toward an outright ban, even though possession and growth are legal (Faulk, 2011).

Yakima's City Council unanimously voted to proceed with an emergency moratorium against gardens and to consider where gardens might be allowed and how they would be licensed. Advocates pointed to Ellensburg, Washington, which had adopted a model ordinance offered by the Association of Washington Cities. Advocates noted that Yakima was missing a chance to make money through licensing fees (Morey, Yakima Herald-Republic, 2011). Following Yakima's decision, the town of Zillah, Washington also imposed a moratorium on medical marijuana gardens and dispensaries until state lawmakers better defined regulatory guidelines. Zillah's City Council approved a six-month moratorium. The town's mayor said the state law lacks guidelines about how to regulate such operations (Ferolito, 2011). The municipalities of Kennewick, Richland, Pasco and West Richland have also enacted moratoriums. Naches, Washington's town council asked its attorney to draft an ordinance banning such operations rather than issuing a moratorium. The purposes of moratoriums were to iron out zoning and other regulations about the collective gardens that are now allowed under state law, but Naches had no intention to eventually permit the gardens and dispensaries. One argument for the Naches ban was that such operations would drive up policing costs (Ferolito, 2011).

At the same time, marijuana growth and distribution has grown to over a billion dollar a year industry in California alone, paying more than$100 million in sales tax. For example, Harborview in Oakland, California, brings in $22 million a year and is one of the city's top taxpayers. While the Justice Department said in 2009 it would not go after groups providing marijuana to sick patients in accordance with state law, it appears that there are dispensaries that reap illegal profits in the name of medical treatment and smuggle marijuana over state lines. Federal prosecutors have raided or threatened to raid such growers and dispensaries—even if regarded as abiding by state law. The Internal Revenue Service has levied large, disputed tax charges against large dispensaries. Federal prosecutors have sent letters to dispensaries or their landlords warning that their property may be confiscated and that they could face prison if they do not shut down (Eckholm, 2011).

In April 2011, more than 40 medical marijuana dispensaries in Spokane were warned by the U.S. Attorney's Office of federal prosecution if they did not end their operations. Federal authorities threatened the operators of the stores and the owners of the properties where the stores were located. Similar dispensaries also operate in Western Washington, but no enforcement action has been announced yet. Scott Shupe, owner of Change, became the first commercial dispenser to experience prosecution. He was convicted of three felonies. Prosecutors in Spokane County believed the businesses were illegal because state law says nothing about commercial dispensaries. Rather, state law allows for caretakers to provide marijuana to one person (Cuniff, 2011).

Washington Governor Christine Gregoire has petitioned the federal government to reclassify marijuana as a drug with accepted medical uses. She said that the change is needed so states can regulate the safe distribution of the drug without risking federal prosecution (Cooper, 2011). Previously, Gregoire partially vetoed legislation that would have allowed residents to establish both dispensaries and community gardens. Gregoire blocked the dispensaries out of concerns that state workers might face federal prosecution for breaking drug laws, but left intact provisions for community gardens (Morey, Yakima Herald-Republic, 2011).

Concluding Remarks

At present, the enforcement of marijuana law in Washington is murky. It is a fact that medical marijuana is illegal according to the federal government. State law enforcement officials are in a position where they are told to overlook an illegal and dangerous drug. In Washington, the statute that allows for personal possession of medical marijuana does not speak to the issue of procuring marijuana in the first place. Instead it allows for possession and personal growing of marijuana, and allows someone else to grow the marijuana for patients too ill or without sufficient knowledge to do so on their own. Who is to assist the patient is not really clear and it appears that in some instances large scale commercial types of dispensaries have evolved. The manufacture of marijuana is a serious felony on the state and federal level. On the state level, the question of the legality of large scale commercial production of medical marijuana remains ambiguous. City governments find the development of restrictions and structuring equally as difficult to discern, and at this point are failing to allow for state law in some instances. At present, law enforcement officials can waive state law and arrest violators; however the time and resources involved may be a waste. The operators of dispensaries have been acquitted and the Justice Department is uninterested in individual patients possessing personal marijuana.

Bibliography

Alcoholism & Drug Abuse Weekly. (1997). Wash Initiative Includes Medical Marijuana, Justice Reforms. *Alcoholism & Drug Abuse Weekly , 9* (34), 1.

Alcoholism & Drug Abuse Weekly. (1997). Wash Voters Nix Measure on Medical Marijuana, Sentencing. *Alcoholism & Drug Abuse Weekly , 9* (43), 1.

Block, B. (2012). *Marihuana Tax Act of 1937*. Retrieved January 1, 2012, from Bruce Alan Block : http://brucealanblock.com/marihuana-tax-act-of-1937-full-text/

Bristol, C. (2011, April 25). *Supporters want another shot at legalizing pot*. Retrieved January 1, 2012, from Yakima Herald-Republic: http://www.yakima-herald.com/stories/2011/04/25/supporters-want-another-shot-at-legalizing-pot

Broke, J. (1998, November 5). The 1998 Elections: The States – Drug Policy; 5 States Vote Medical Use Of Marijuana. *New York Times* , 10.

Christie, J. (1996). Club Medicine. *Reason , 27* (11), 1.

Conboy, J. R. (2000). Smoke Screen: America's Drug Policy and Medical Marijuana. *Food and Drug Law Journal , 55*, 601- 617.

Conboy, J. R. (2000). Smoke Screen: America's Drug Policy and Medical Marijuana. *Food and Drug Law Journal , 55*, 601-618.

Cooper, M. (2011, December 1). Governors Asking U.S. to Ease Rules on Marijuana to Allow for its Medical Use. *New York Times* , p. 22.

Cuniff, M. M. (2011, April 7). Spokane Medical Marijuana Dispensaries On Federal Notice; Operators, Owners Could Face Prosecution. *The Spokesman-Review* , p. 1.

Debondt, E. (2006). Historical and Regulatory Issues of Medical Marijuana. *Oncology Nursing Forum* , 440.

Dokoupil, T. (2010). Colorado's Dope Dilemma. *Newsweek , 155* (8), 8.

Dresser, R. (2009). Irrational Basis: The Legal Status of Medical Marijuana. *Hastings Center Report , 39* (6), 7-8.

Eckholm, E. a. (2011, November 24). Medical Marijuana Industry Is Unnerved by U.S. Crackdown. *New York Times* , p. 22.

Faulk, M. (2011, October 15). *Medical marijuana expo idea quickly burns out*. Retrieved January Sunday, 2012, from Yakima Herald-Republic : http://www.yakima-herald.com/stories/2011/10/15/medical-marijuana-expo-idea-quickly-burns-out

Ferolito, P. (2011, March 9). *Bill would give pot providers a place to grow, way to sell to patients who need it*. Retrieved January 1, 2012, from Yakima Herald-Republic : http://www.yakima-herald.com/stories/2011/03/09/bill-would-give-pot-providers-a-place-to-grow-way-to-sell

Ferolito, P. (2011, October 12). *Naches goes step beyond medical pot moratoriums*. Retrieved January 1, 2012, from Yakima Herald-Republic : http://www.yakima-herald.com/stories/2011/10/12/naches-goes-step-beyond-medical-pot-moratoriums

Ferolito, P. (2011, September 20). *Zillah imposes moratorium on medical marijuana*. Retrieved Januray 1, 2012, from Yakima Herald-Republic: http://www.yakima-herald.com/stories/2011/09/20/zillah-imposes-moratorium-on-medical-marijuana

Forbes, S. (97). Don't be Deceived by Pushers of Drug Legalization. *Human Events , 53* (36), 1.

Gotman, D., & Huber, C. (2007). Do medical cannabis laws encourage cannabis use? *International Journal of Drug Policy* , 160-167.

Morey, M. (2011, August 11). Retrieved January 1, 2012, from Yakima Herald-Republic: http://www.yakima-herald.com/stories/2011/08/16/city-council-opts-to-pass-on-medical-marijuana-garden-decision

Morey, M. (2011, March 11). *Despite verdict, prosecutor still will pursue pot operations*. Retrieved 1 1, 2012, from Yakima Herald-Republic : http://www.yakima-herald.com/stories/2011/03/26/despite-verdict-prosecutor-still-will-pursue-pot-operations

Morey, M. (2011, March 24). *Medical-marijuana dispensaries-- First county trial ends in acquittal*. Retrieved January Sunday, 2012, from Yakima Herald-Republic : http://www.yakima-herald.com/stories/2011/03/24/medical-marijuana-dispensaries-first-county-trial-ends-in-acquittal

Muir, P. (2010, March 15). *Arrests spark medical marijuana debate in Yakima*. Retrieved 1 Sunday, 2012, from Yakima Herald-Republic: http://www.yakima-herald.com/stories/2010/03/15/arrests-spark-medical-marijuana-debate-in-yakima

Nadelmann, E. (2011, November 7). Reefer Madness. *New York Times* , p. 25.
ProCon.org. (2011, 12 23). *16 Legal Medical Marijuana States and DC*. Retrieved January 3, 2012, from Medical Marijuana : http://medicalmarijuana.procon.org/view.resource.php?resourceID=000881

Tri-City Herald. (2011, December 20). *Police: Kennewick robberies target medical marijuana users*. Retrieved January 1, 2012, from Yakima Herald and Review: http://www.yakima-herald.com/stories/2011/12/20/police-kennewick-robberies-target-medical-marijuana-users

Yardley, W. (2010, March 17). Violent Turn Prompts Debate Over State's Medical Marijuana Policy. *New York Times* , 13.

THE ACJS POLICE SECTION

CONGRATULATES

JACK GREENE
RECEPIENT OF THE
2012 O.W. WILSON AWARD

Jack Green receiving the O.W. Wilson Award from Vince Webb during the Police Section's General Business Meeting on March 16, 2012.

ACJS Police Section
Annual Report for the ACJS Board
August 2012

Report Submitted by Janice Ahmad, Chair of the Police Section

OFFICERS AND EXECUTIVE COMMITTEE

Chair
Janice Ahmad (Term March 2011 to March 2013)
University of Houston – Downtown

Vice Chair
Charles L. Johnson (Term March 2012 to March 2013; then Chair 2013 to 2015)
University of Maine at Presque Isle

Immediate Past Chair
Randy Garner (Term March 2011 to March 2013)
Sam Houston State University

Secretary
Jeff Bumgarner (Term March 2012 to March 2014)
University of Minnesota, Crookston

Police Section has no Treasurer Police Section Report 2 August 22, 2012

Executive Counselor Position 1
Stan Shernock (Term March 2012 to March 2014)
Norwich University

Executive Counselor Position 2
Bertus Ferreira (Term ends March 2013)
Murray State University

Executive Counselor Position 3
Christopher Ortiz (Term ends March 2013)
New York Institute of Technology

Police Section Historian (not a member of the Executive Committee)
Lucy Edwards Hochstein
Radford University

ACCOMPLISHMENTS AND INFORMATION
- ✓ Elections were held for Vice-Chair (Charles Johnson), Secretary (Jeff Bumgarner) and Executive Counselor Position 1 (Stan Shernock)
- ✓ Jeff Bumgarner was appointed editor of *Police Forum*, effective August 2012 edition

- ✓ The 2010 ISI index rating for *Police Quarterly* was .930. The journal debuted at number 23 of 46 journals which is a higher ranking than other indexed policing journals.
- ✓ Section members voted at the annual meeting to replace receiving the paper edition of *Police Quarterly* with the electronic format
- ✓ The O.W. Wilson award was presented to Jack Greene.
- ✓ Constitution and By-Laws changes were approved to allow for electronic voting
- ✓ Email address was created for the section – acjspolicesection@gmail.com
- ✓ Jeff Bumgarner developed and will maintain the Section's website that is attached to the ACJS main website
- ✓ Section membership was 246 as of July 16, 2012

ELECTIONS

- Elections were held for Vice-Chair (Charles Johnson), Secretary (Jeff Bumgarner) and Executive Counselor Position 1 (Stan Shernock)
- Elections will be held during Fall 2012 for Vice-Chair; Executive Counselor 2 position and Executive Counselor 3 position
- Nominations were solicited during the 2012 Annual meeting and through the Police *Forum*. Closing date is Monday, October 1, 2012.

AWARDS

- ✶ Charles Johnson chaired the Awards Committee, members were Kim Lersch and Richard Holden
- ✶ Jack Greene was selected to receive the O.W. Wilson award; presentation made at annual meeting
- ✶ No nominations received for the Outstanding Service Award
- ✶ Work with editors of *Policing* to make outstanding paper award at Section's annual meeting
- ✶ Continue to discuss and put into place new award, *Police Quarterly* Outstanding Manuscript Award
- ✶ Call for 2013 award nominations published in the *Police Forum* and on the website.

PLANS FOR THE COMING YEAR

- ➢ Maintain and continue updating the Section's website
- ➢ Explore and develop Section scholarships
- ➢ Explore developing Facebook and/or LinkedIn pages
- ➢ Explore creating a Life Membership category for the Section
- ➢ Explore reducing the amount of dues for the Student Membership category to increase student participation in the Section
- ➢ Review and update Constitution and Bylaws
- ➢ Develop *Police Quarterly* Outstanding Manuscript Award
- ➢ Develop panels and speakers for ACJS Annual Meeting
- ➢ Hold reception at Annual Meeting honoring past award winners and Section Chairs

ITEMS FOR ACJS EXECUTIVE BOARD ACTION

- If *Police Quarterly* Outstanding Manuscript Award is created, Board will be contacted for approval
- Approve budget request for reception at Annual Meeting, when submitted
- Discuss and approve the request for a Life Membership category for the Section, when submitted

BUDGET FOR COMING YEAR

Police Section
Budget v. Actual Report
As of June 30, 2012

	2010-2011 Approved	2010-2011 Actual	2011-2012 Approved	2011-2012 Actual	2012-2013 Approved
Revenue					
Membership	$6,900.00	$9,361.00	$6,900.00	$9,472.00	$7,400.00
Total Revenue	$6,900.00	$9,361.00	$6,900.00	$9,472.00	$7,400.00
Expenses					
Police Quarterly	$5,500.00	$5,962.50	$5,500.00	$5,512.50	$5,000.00
Police Forum	$50.00	$0.00	$50.00	$0.00	$50.00
Elections	$0.00	$0.00	$0.00	$0.00	$0.00
Plaques	$200.00	$0.00	$200.00	$0.00	$250.00
Miscellaneous	$150.00	$0.00	$150.00	$0.00	$150.00
Total Expenses	$5,900.00	$5,962.50	$5,900.00	$5,512.50	$5,450.00
Revenues Over Expenses	$1,000.00	$3,398.50	$1,000.00	$3,959.50	$1,950.00

Carryover From 2009-2010: $18,837.73
Only 1/2 of the Carryover amount may be used to cover current year expenses.

Carryover from 2010-2011: $22,236.23

Carryover from 2011-2012: $26,195.73

CALL FOR NOMINATIONS
POLICE SECTION AWARDS

The Police Section of the ACJS confers two awards annually at its general business meeting during the ACJS Conference. All Police Section members are encouraged to nominate individuals for the following awards. Nominations are due to Janice Ahmad, Chair Police Section, by Friday November 2, 2012**.** Email nominations to ahmadj@uhd.edu

Outstanding Service Award

Awarded to people who are deemed deserving of special recognition for their outstanding contribution to the Police Section. The Police Section Outstanding Service Award was established as an annual award to honor the person who has provided significant service to the Police Section.

O. W. Wilson Award

Given to recognize outstanding contributions to police education, research, and practice. The nominee should be a practitioner, policy maker, researcher, or educator who, over a number of years, has exemplified and supported the following ideals:

1. Quality higher education for the police field.
2. Careful and scientific police research.
3. Cooperation and collaboration among police educators, researchers, policy makers, and practitioners.
4. Effective, equitable, and accountable policing.

The nominee is not required to be a member of the Police Section.

Award Procedures

1. Nominations for each award must be submitted to the Chair of the Police Section by Friday, November 2, 2012.
2. Nominator must be a current Police Section member.
3. Submission of supporting materials with nominations is encouraged but not required.
4. The nomination is to include:
    a. a brief summary of the nominee's contributions in accordance with the award criteria;
    b. an explanation of the significance of these contributions;
    c. a current vitae or resume of the nominee.

Email nominations and supporting materials to Janice Ahmad, Chair Police Section, at ahmadj@uhd.edu. **Nominations are due Friday, November 2, 2012.**

Any questions about the awards can be directed to Janice Ahmad at ahmadj@uhd.edu. Awardees are selected by a committee of at least three Police Section members.

WANTED

NOMINATIONS for
EXECUTIVE BOARD OFFICES

The following criteria apply:

- ✓ More than one person can be nominated for each position
- ✓ You can self-nominate!
- ✓ If nominating someone else, please obtain their agreement to be nominated.
- ✓ *The due date for nominations is* ***Monday, October 1, 2012***

Executive Board members **MUST** be current members
of ACJS and the Police Section

Positions available

VICE CHAIR (term 2013 to 2015). In 2015, the Vice Chair will become the Chair for two years followed by another two years as Immediate Past Chair.

EXECUTIVE COUNSELOR POSITION 2 (term 2013 to 2015). The two year term, instead of three, results from the lack of nominees for the past election. The two year term will allow for the election of one Executive Counselor every year, as one of the three Executive Counselors will rotate off each year.

EXECUTIVE COUNSELOR POSITION 3 (term 2013 to 2016).

Nominations should be sent to Janice Ahmad, Police Section Chair, at acjspolicesection@gmail.com

Position Announcement

North Dakota State University

The Department of Criminal Justice and Political Science invites applications for a nine-month, tenure-track appointment at the rank of Assistant Professor in Criminal Justice. The position is housed in a Criminal Justice program that offers B.S., M.S., and Ph.D. degrees. Candidates will be required to teach two courses per semester (this will include undergraduate and graduate level courses), conduct scholarly research and engage in service activities.

The candidate must have a Ph.D. in Criminal Justice or in an appropriate social science discipline before August 2013. The candidate must also have sound oral and written communication skills. Preferred qualifications include an established research agenda, the ability to work in an interdisciplinary department, and research specialization in policing, along with women and minorities in the criminal justice system. Salary commensurate with qualifications. To apply for this position, use the following link for Human Resources at North Dakota State University: http://jobs.ndsu.edu/postings/2483

If you have any questions about this position, please contact Dr. Carol Archbold (Search Committee Chair) at carol.archbold@ndsu.edu or 701-231-5697.

Position will be open until filled. Review of applications will begin October 1, 2012. NDSU is an equal opportunity and affirmative action employer. [AA/EOE]. This position is exempt from North Dakota Veterans' Preference requirements.

Academy of Criminal Justice Sciences

Police Section

Executive Board

Editor

Jeff Bumgarner
University of Minnesota, Crookston
bumg0004@umn.edu

http://www.acjs.org/police_section.cfm

Membership: Join online at www.acjs.org

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