



Alaska Association of Chiefs of Police

Marijuana Position Paper

February 23, 2015

Philosophy and Position:

The Alaska Association of Chiefs of Police (AACOP) recognizes that Ballot Measure 2 was passed by voters in 2014 and codified in Alaska Statute 17.38. This legislation legalized the cultivation, distribution, possession and non-public consumption of small amounts of recreational marijuana. Now in 2015, the Alaska Legislature is crafting legislation to align related statutes affected by AS 17.38. Soon the Alaska Legislature will be developing legislation to regulate the commercial cultivation, manufacturing and sale of marijuana and marijuana-based products.

The AACOP recognizes that society's views and norms are evolving on the use of marijuana, yet we also believe that public safety is also of paramount concern to our residents, businesses and visitors.

- The primary mission and focus of Alaska law enforcement officers represented by the AACOP is the prevention and reduction of crime and disorder. Marijuana legalization will negatively impact driver and public safety in Alaska communities. The AACOP is committed to research and the implementation of practices and strategies that will maintain safety in our communities.
- It is recognized that Alaska peace officers have a duty and responsibility to uphold the Alaska Constitution as well as local, state and federal laws.
- The conflict between Federal law and State law with regard to marijuana remains a major obstacle and needs to be resolved.
- It is the position of the AACOP that clear direction and guidance is essential for our officers, prosecutors and communities. The AACOP supports legislation, training and education which provide clear direction and guidance to our officers and the communities we serve. This includes developing statutory definitions of the legal meaning of terms such as public, manufacturing, marijuana, cannabinoids, etc.
- The AACOP supports community education to reduce the use of marijuana by our youth and to highlight the risks of marijuana use to our communities and

individuals. The AACOP requests that adequate funding be provided for the development and delivery of community and youth education.

- The AACOP supports an effective and robust regulatory system, which can regulate the retail, commercial distribution of medical and recreational marijuana.
 - AACOP supports the idea of a separate Marijuana Control Board, and desires that a seat on that board might be designated for an AACOP member to insure that the interests and expertise provided by executive level law enforcement leaders are considered in the regulation of legalized marijuana in Alaska.
- The AACOP is concerned for the safety of the motoring public and passengers as it pertains to driving under the influence of drugs.
 - The legislature should adopt a presumptive inference standard of impairment for cannabinoids at 0 nanograms/millileter THC or higher, as per se evidence of impairment.
 - The AACOP strongly supports the adoption of breath, blood, urine or saliva as authorized sampling methods during the investigation of impaired driving when the officer establishes probable cause that impairment due to the presence of alcohol and/or drugs, including cannabinoids, exists.
 - The AACOP strongly advocates that Alaska peace officers be trained in Advanced Roadside Impaired Driving Enforcement (ARIDE) and as Drug Recognition Experts (DRE) and requests that adequate funding be provided to increase training for peace officers statewide.
 - The AACOP requests that funding be provided for the purchase of oral fluid testing equipment for local agencies to explore the effectiveness of this technology in determining if drivers are under the influence of marijuana or other legal and illegal drugs. Training on use of such equipment should also be funded.
 - It has been recognized by experts in the field that being under the influence of both alcohol and marijuana is more dangerous than being under the influence of just alcohol or just marijuana. The AACOP supports additional legislation or changes in current law to enhance the seriousness of offenses when drivers are found to be impaired by alcohol and marijuana and/or other drugs.

- The AACOP have identified a gap in the establishment of statutory charging authority and penalties concerning possession and use of marijuana by minors, as prohibited under AS 17.38, and recommends that appropriate language be added to existing statutes or new statutes created.
- The AACOP requests that the legislature develop clear and understandable guidance to law enforcement in establishing the authority and procedures for the storage and disposition of lawfully seized marijuana that will not conflict with current federal law.
- The AACOP acknowledges great concern for the diversion of marijuana outside the state of Alaska and for the availability of marijuana to minors.
- The AACOP support development and analysis of accurate data to determine the impact to the communities we serve. The AACOP will partner with all stakeholders, including all local, state and federal law enforcement partners to ensure safety in the communities we serve and will assist in the collection of data to determine the impact of marijuana legalization in Alaska.

The Alaska Association of Chiefs of Police is committed to working with all stakeholders to ensure that all Alaska communities remain safe and the legalization of marijuana does not adversely impact the communities in which we live and work.