

UW Whitewater Police



Marijuana Diversion Program

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Special Instructions:			
Approved By: Chief Kiederlen	Effective Date: 11/1/2011	Revised Date: 4/19/2023	Revision number: 5

I. Purpose

The purpose of this policy is to provide officers with an additional discretionary tool when making a first contact with a cooperative subject that has consumed or is in possession of marijuana or drug paraphernalia illegally. Rather than issuing a citation, an officer can issue a referral to the Marijuana Diversion Program.

II. Definitions

Arresting Officer: The contacting officer who would otherwise be issuing a citation or conducting an arrest.

Participant: An individual who has no previous alcohol or drug related contacts with any of the following departments: Housing, the Dean of Students Office, or the UW-Whitewater Police Department, and who has been referred to this program by the arresting officer and has no contacts with law enforcement for like infractions within the past calendar year.

Marijuana (State Statute 961.41(3g)(e)): All parts of the plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinols. "Marijuana" does include the mature stalks if mixed with other parts of the plant, but does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

Paraphernalia (State Statute 961.573(1)): All equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog in violation of this chapter.

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III. Policy

It is the policy of the UW-Whitewater Police Department (UWWPD) to respond and/or act to all incidents where illegal drugs are being consumed, possessed, or manufactured illegally. Officers responding to an incident where marijuana or its paraphernalia is suspected of being involved shall utilize their investigative skills to determine if a crime has been committed and how to conclude the incident. This may include arrest, issuance of citation, referral to Dean of Students Office, referral to Housing, and/or referral to this program.

If an individual meets the eligibility requirements, is recommended to the Marijuana Diversion Program (MDP) by the arresting officer and successfully completes the program requirements, no citation will be issued and there will be no state record for the possession of marijuana or possession of drug paraphernalia violation. However, there will be a local record at UW-Whitewater Police Department of the individual's participation in the Diversion Program.

IV. Procedure

A. Marijuana Diversion Program (MDP)

1. Requirements of the MDP

- a. The contact with UW-Whitewater Police Officer must be the first documented illegal drug related contact by any of the following: Housing, Dean of Students Office or UW-Whitewater Police Department.
- b. A participant must be at least 17 years of age.
- c. A participant must be referred to this program by a UW-Whitewater Police Officer.
- d. A participant must contact the Marijuana Diversion Program (MDP) Liaison Officer within two business days of police contact to discuss eligibility.
- e. A participant must be willing to accept responsibility for personal actions and be willing to learn from their potentially at-risk behavior.

2. UWWPD Police Officer Responsibilities

- a. The arresting police officer must confirm with the participant that they have not had any prior documented drug contacts with Housing, Dean of Students Office, or UW-Whitewater Police Department.
- b. The arresting police officer must feel that the participant is a candidate to successfully complete the Marijuana Diversion Program and give them the referral card to the program.
- c. The arresting police officer will assign an incident number and label the call type as the appropriate marijuana or paraphernalia violation and document the appropriate offense in an incident report. They will include all elements of the crime in the event they need to write a citation at a later date and, in the narrative, list that the participant was referred to this program.
- d. The arresting police officer will complete a Marijuana Diversion Form to be submitted with their incident report and Incident Status Log (purple sheet).

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- e. If after two business days, contact was not made by the participant, the MDP Liaison Officer will update the Incident Status Log sheet and send an email to the arresting police officer who will then issue citation(s) and complete any necessary supplemental report(s).
- 3. UWSPD Marijuana Diversion Program (MDP) Liaison Officer Responsibilities
 - a. When notification of a referral is received from a UW-Whitewater Police Officer the MDP Liaison Officer will confirm with Housing, Dean of Students and UW Police Department that this is the first drug related contact for the participant.
 - b. If the participant makes contact within the two-business day requirement, the participant will be sent an email which details what is expected of them and outlines the due dates for the items to be completed.
 - c. If the participant does not contact the MDP Liaison Officer within the two business days, the MDP Liaison Officer will update the Incident Status Log sheet and send an email to the arresting police officer to then issue a citation.
 - d. The MDP Liaison Officer will keep a log of all the referrals, if a person enters into the program or not and if the program was completed successfully.
- 4. Completion of the MDP
 - a. A participant must pay a \$200 Administration Fee. The fee must be paid online using the link provided to the participant, or in person and in cash at UWSPD, Goodhue Hall. The entire \$200-administration fee is non-refundable.
 - b. Complete 90-day probationary period with no alcohol or drug related contacts. From the date of your referral to this program, participant must go 90 days without having contact with law enforcement or University Housing officials for any drug or alcohol violations. If the participant is involved in any drug or alcohol violations during this 90-day period, they will fail the Marijuana Diversion Program.
 - c. Participant is not allowed to engage in any criminal conduct during the 90-day probationary period or could result in failure of the MDP.
 - i. Checks of the following for each participant will be completed at the end of the 90-day probationary period.
 - 1. University/Housing contacts
 - 2. CCAP
 - 3. eTIME
 - 4. Criminal History
 - 5. Local Police records in ProPhoenix
 - d. Attend mandatory class on assigned date.