Metropolitan Police Academy

10.2 Marijuana Offenses

August 3, 2026

Introduction

As you learned in the previous lesson, narcotics enforcement can be a very complex topic. Not covered previously was marijuana, one of the most commonly encountered drugs by law enforcement. Although possession of marijuana is still illegal under US Code, several states and the District of Columbia have recently decriminalized possession and use of marijuana for medical and recreational uses. In 2010, the District government approved and implemented a program governing the use of marijuana for medicinal purposes. In 2014, the District decriminalized minimal amounts of marijuana. In 2015, the District went a step further and legalized minimal amounts of marijuana.

In this lesson, you will learn the laws of the District of Columbia regarding legal and illegal uses of marijuana, how to enforce criminal violations of those laws, and the regulations governing the District's medical marijuana program.

10.2.1 Acquire a working knowledge of the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014

Marijuana is a commonly used drug and is derived from the flowering of the *cannabis sativa* plant. Cannabis has been harvested since ancient times for a variety of industrial and recreational purposes. The main psychoactive component of the cannabis plant is the chemical tetrahydrocannabinol (THC). Ingestion of THC generally results in feelings of euphoria and relaxation. It can also result in feelings of anxiety or paranoia, diminished memory, and impaired perception. When you field test suspected marijuana, you are testing for the presence of THC.

Marijuana is usually encountered as ground plant material. It is often green in color but can also be brown or grey. Marijuana has a distinctive odor which can be extremely strong. Marijuana is sold in varying amounts from small zips to multiple ounces at a time and is often smuggled into Washington, DC from other locations. However, marijuana plants can also be grown inside houses and apartments in the city.
THC can be introduced into the body in a number of ways. One of the most common ways is by smoking marijuana, often in hand-rolled cigarettes called blunts or joints. Marijuana can also be smoked in a variety of glass pipes and bongs. Another common way is to introduce THC into baked goods, candies, or other foods which are eaten. These are commonly known as "edibles."

Before we discuss the specifics of the laws in Washington, DC, there are a few issues you need to be aware of. As we mentioned in the last lesson, the DC Code currently specifies marijuana as a Schedule III controlled substance, which acknowledges some medical use. However, the Controlled Substances Act found in the US Code still specifies marijuana as a Schedule I substance. Therefore, it is illegal to possess, distribute, or use marijuana under federal law. Federal law enforcement officers can enforce this law in Washington, DC, particularly in federal office buildings and the National Mall and on park land under the jurisdiction of the US Park Police.

Additionally, the legalization of marijuana has had *no* effect on the Department's controlled substances policy. Members of the Department are still absolutely prohibited from using marijuana or THC and face discipline up to and including termination if they are discovered to have done so.

The legalization of marijuana in the District of Columbia means that anyone who is twenty-one (21) years of age or older is allowed by law to:

- **Possess or transport two ounces or less of marijuana -** An ounce is twenty-eight (28) grams. Keep in mind that when you weigh suspected controlled substances to measure their weight, you should leave a margin of error for the weight of whatever the drug is packaged in.

- **Transfer one ounce or less to another person who is also aged twenty-one (21) or older** - Transfer means to give marijuana to another person without payment of any kind (such as money, goods, or services).

- **Possess, grow, or harvest within the interior of his or her primary residence up to six (6) cannabis plants** - Up to three (3) of these plants may be mature, flowering plants. If there is more than one (1) person in a house or apartment who is twenty-on (21) years or older, a total of up to twelve (12) plants (with no more than six (6) being mature) may be possessed within the house or apartment. The possession of the marijuana produced by these cannabis plants is legal within their residence.

- **Use or sell drug paraphernalia for the use, growing, or processing of marijuana or cannabis** - The implements and tools associated with consuming, transporting, cultivating, and all other aspects of legal marijuana use are exempted from the prohibition against drug paraphernalia. It is also legal to sell such paraphernalia, as long as it is for apparent legal usage.

The legalization bill also has three major restrictions on law enforcement in the District:

1. Members shall not arrest individuals for being impaired by marijuana.

2. Members shall not apply for search warrants if the sole basis for its issuance is the possession or transfer of two (2) ounces or less of marijuana.

3. The third major restriction on law enforcement excludes several marijuana related factors from being used in or to support any formulation of reasonable suspicion. Officers are prohibited from considering:

    - **The odor of marijuana by itself** - If you can see marijuana or you can observe someone who appears to be consuming marijuana, you are allowed to include the odor of marijuana in building your reasonable suspicion or probable cause. However, the odor of marijuana *by itself* cannot be used to build your level of proof. For example, if you stopped an individual and *only* smelled the odor of marijuana emanating from their person, you would not be able to use the odor of marijuana to build your level of proof for any further investigatory activity. In contrast, if you stop an individual and smell the odor of PCP emanating from their person, you would have probable cause and could search that individual to recover any PCP that may be in their possession.
    - **Possession or suspicion of possession of marijuana**
    - **Possession of multiple containers of marijuana**
    - **Possession of marijuana in proximity to any amount of US currency**

These last three restrictions do not apply if there is evidence of more than two (2) ounces of marijuana being present. Additionally, it is still illegal to operate a vehicle under the influence of or while impaired by marijuana. Although you will learn the specifics of DUI investigations later, the restrictions we just talked about do not apply if you are conducting an investigation into the potential impairment of the operator of a boat or motor vehicle.

For example, you receive a radio assignment to respond to a popular coffee shop. When you arrive on the scene, a woman approaches you and states that she called the police because she observed a man hand a small bag of marijuana to another man he was sitting with at a table. You approach the two men she has pointed out, and there is a small zip, the size of a quarter, of what appears to be marijuana sitting on the table in front of one of them. You can smell the odor of marijuana emanating from about their persons. You greet the men and tell them why you are talking to them. One of the men says that he has recently finished cultivating his first crop of marijuana and wanted his friend to try some of it and so he gave him the small bag as a gift. Both men appear to be well over twenty-one (21) years old. As long as the individuals are not consuming the marijuana in public, no crime has been committed. You do not need to take further police action.

As another example, you receive a call to respond to the bus terminal for an individual selling drugs. When you arrive, you spot a man standing next to a large duffel bag who matches the description. When you walk up to him, you see that the duffel bag is open and can see several large gallon-sized bags of what appears to be marijuana sitting in the duffel bag. Although you cannot see the rest of the contents of the bag, it appears to be full. The man notices you glancing at his bag and says, "It's all good officer, I know weed's legal now in DC!" First, you notice the packaging and quantity. Individuals in DC can carry up to only two ounces of marijuana and the bag is heavier than two ounces. Then, conduct a field test. If the contents of the bag are marijuana, seize the marijuana as evidence and arrest the person for Possession of Marijuana.

For a final example, you are working and observe a vehicle drifting in and out of its lane of traffic. It fails to signal a right turn and the driver over steers, almost striking the curb. You initiate a traffic stop and approach the vehicle when it pulls over. You walk up to the driver's side window which is rolled down. You introduce yourself and state the reason for your stop. You ask for the driver's license and registration. There is a ten (10) second delay and the driver then says "What?" The driver's eyes appear blood shot and you can smell the odor of marijuana emanating from inside the vehicle. The odor of marijuana by itself is not proof of any unlawful activity, however you may use your observations of how the driver was handling the vehicle and the driver's behavior during the stop to make a DUI arrest.

10.2.2 Classify the elements of marijuana related offenses

Despite the legalization of marijuana by District government, there are still several behaviors associated with marijuana that are prohibited by law. Violations of these laws subject the defendants to criminal sanctions, just like other controlled substances offenses. Keep in mind that the restrictions we just discussed when attempting to build your levels of proof while investigating potential marijuana offenses.

To present the best case possible, you should field test any suspected marijuana when you seize it and describe the results of the test in your paperwork. Remember, THC is the main active component in

marijuana and is the compound you are field testing for. A positive field test would be described as a "positive color reaction for the presence of THC." In circumstances where you are unable to field test suspected marijuana, you should describe its appearance and distinctive odor (when present).

Prohibited Acts – Possession of Marijuana (§ 48-904.01(d)(1))
It is still unlawful to possess *more than* two (2) ounces of marijuana (which equals fifty-six (56) grams). Anyone who is in possession of more than two (2) ounces (without indicia of intent to distribute) is subject to arrest and being charged with UCSA – Possession of Marijuana.

Possession of Marijuana is a misdemeanor punishable by up to 180 days in jail.

Prohibited Acts – Manufacture of, Distribution of, or Possession with the Intent to Distribute Marijuana (§ 48-904.01(a)(1))
While the new law allows cultivation of marijuana, it places a strict limit on the number of plants that can be grown. Regardless, it is still unlawful in the District *to sell, or offer for sale, any amount of marijuana*.

The three felony offenses described in this statute still apply to marijuana in certain circumstances.

Manufacturing
The first felony offense is manufacturing a controlled substance. Remember that manufacturing means to grow or produce a controlled substance through any process. This would include growing cannabis plants and cultivating marijuana from its flowering.

While it is lawful for anyone twenty-one (21) years of age or older to grow six (6) plants and cultivate marijuana from them, with a maximum of twelve (12) plants allowed in residences with more than one (1) 21-year-old living there, this only applies if the marijuana is for the person's personal use and *not* intended in any way for sale.

It is unlawful for anyone *under* age twenty-one (21) to grow cannabis or cultivate marijuana. If someone under twenty-one (21) is to do so, it would be unlawful, and they are subject to arrest or criminal prosecution. To sustain an arrest and prosecution under this statute, the owner or principal resident of the location would likely have to be under twenty-one (21). This offense would be charged as **UCSA – Manufacture of Marijuana**.

If you encounter someone over twenty-one (21) who is growing more marijuana plants than is permitted by law, you shall contact VCSD for assistance and guidance. Additionally, you should contact VCSD for assistance if you need to determine if a marijuana plant is mature or flowering to ensure compliance with DC law.

Distribution
Distribution of marijuana is still an arrestable offense in the following circumstances:

- The distribution of *any* plants.
- Transfer of more than one (1) ounce.
- Distribution of any amount of marijuana to someone under age twenty-one (21).

- Sale of any amount of marijuana: It is unlawful to sell marijuana or to distribute it in exchange for any other type of gain, such as goods or services. Unlike distribution charges for other controlled substances, to charge someone with Distribution of Marijuana for amounts under one (1) ounce you *must* have an exchange of money, goods, or services. This offense would be charged as **UCSA – Distribution of Marijuana**.

- It is still possible to arrest and charge someone with **Possession with Intent to Distribute (PWID)**. In a situation where you were arresting someone for possessing more than two (2) ounces of marijuana, the facts and circumstances may warrant charging them with PWID. You should perform an analysis of the factors that would lead you to articulate the intent to distribute the same way you would for any other controlled substance.

The legalization act prohibits the sale of any amount of marijuana and states that any marijuana sold or offered for sale is contraband. If there was a completed sale or an offer for sale, you could charge someone with PWID for an amount of marijuana less than two (2) ounces. You will need to describe the sale or the offer in as much detail as possible to sustain this charge.

The DC Code has an exception in sentencing for this section when the controlled substance in question is marijuana. §48-904.01(2)(B) provides that upon the first conviction when the controlled substance is marijuana, the offender may be imprisoned for no more than 180 days. In other words, the first Manufacturing, PWID, or Distribution conviction for marijuana is a misdemeanor instead of a felony.

Marijuana Consumption in Public Space Prohibited (§48-911.01) (Misdemeanor 60 days)
It is unlawful to smoke, inhale, ingest, or in any way consume marijuana in, on, or upon:

- a street, alley, park, sidewalk, or parking area.

- a vehicle in, or upon any street, alley, park, or parking area.

- any place to which the public is invited.

This charge is prosecuted by the Office of the Attorney General. This offense functions similarly to Possession of an Open Container of Alcohol or Drinking in Public in terms of where marijuana can be legally consumed. Department policy does not require members to issue a PD 61D for "Public Consumption of Marijuana." Members may issue a PD 61-D to eligible arrestees or they may effect a custodial arrest for "Public Consumption of Marijuana" (TT-12-006-24). Seize and process any marijuana as evidence.

For example, you receive a radio assignment for an individual smoking drugs at the intersection of 7th and O Streets, NW. You respond to the location and find a male smoking a white hand-rolled cigarette. You can smell a strong odor of marijuana emanating from the male. You have probable cause to stop the male, search the cigarette, and, upon confirming that it contained marijuana, can either make a non-custodial or custodial arrest for consuming marijuana in public. However, if a member has probable cause to charge Public Consumption of Marijuana and the person is not eligible to be issued a PD 61-D (i.e., they refuse to identify themselves), then the proper course of action for the officer to take would be a custodial arrest, in which case a full field search of the person incident to arrest would be proper and required.

Another example: As an officer, you receive a radio assignment for an individual smoking marijuana inside of a restaurant. You respond to a popular coffee shop and observe a male smoking from a glass pipe, with a strong odor of marijuana emanating from his person. You stop the individual and, after explaining why you are there, examine his pipe. You are able to see that the pipe contains a green weed-like substance with an appearance and odor consistent with that of marijuana. You have probable cause to field test the suspected marijuana and, upon a positive color reaction for THC, a non-custodial or custodial arrest could occur. Although the restaurant is private property, it is considered a place to which the public is invited and thus consumption of marijuana there is illegal.

A final example: You receive a radio assignment for a person complaining of a very strong odor of marijuana emanating from the neighbor's apartment. When you approach the apartment door in question, you can smell marijuana and hear loud music and loud conversation from inside the apartment. When you knock on the door, the apartment owner opens it to speak with you. Behind him, you can observe what appears to be a party, with an individual smoking from what appears to be a bong. You have no basis to take any law enforcement action here, as the apartment is private property. Despite the fact that the apartment owner has several invited guests present, it would not be considered a place to which the public is invited.

Remember, this charge is for consumption of marijuana in any form and by any means in a *prohibited* place. Although the examples involved an individual smoking marijuana, it would be no different if the individual was eating a THC-infused food, like a cookie or a brownie.

10.2.3 Explain the procedures for handling marijuana that comes into departmental custody

If you recover marijuana that is evidence of a criminal offense, you should process it the same as any other drug evidence.

If you arrest someone for an offense that is not related to marijuana, you will treat less than two (2) ounces of marijuana in their possession as prisoner's property. The marijuana will be placed in a narcotics bag instead of a property bag for storage but will in all other ways be treated as prisoner's property.

Remember, DC law only allows legal possession of marijuana by individuals who are aged twenty-one (21) and older. If you observe someone that you know to be or have reasonable suspicion is under age twenty-one (21) in possession of less than two (2) ounces of marijuana, you should investigate further to determine the person's date of birth. If the individual claims that they are of legal age and proves that they are twenty-one (21) or older, you should take no further action. Although showing you a government-issued identification is probably the easiest way for the person to prove his or her age, it is not the only acceptable way. Additionally, the person is under no legal obligation to show you identification or to prove his or her age.

While a person is not subject to arrest or ticketing for not proving his or her age, you shall seize the marijuana after performing a field test to confirm that it is marijuana. You will issue the person an **OAH-1** or **Notice of Violation (NOV)**. You will check the two (2) boxes on the form labelled "Possession of Marijuana" and "DC Code 48-1201." On the blank space labelled "Other Violation," you shall write "WARNING." There is not a fine associated with this NOV; it will serve as the person's receipt if he or she wishes to claim their marijuana from MPD.

You should give the person **Copy B of the NOV** and instruct him or her that if he or she go to the appropriate police station and present the copy of the NOV and proof of age, the seized marijuana will be returned. The person must wait at least twenty-four (24) hours to go to the station but has up to twenty-one (21) days to do so to claim the seized marijuana.

On **Copy C of the NOV**, you will record the name and CAD of the member who field tested the marijuana, as well as the result. When you return to the station, you will fill out a Property Record and place the form, along with the marijuana and **Copy A of the NOV**, inside of a narcotics bag. You will place the sealed narcotics bag wherever your district stores property for safekeeping. You will keep Copy C of the NOV for your records.

If the marijuana is not claimed, it will ultimately be destroyed.

If you confirm that someone in possession of marijuana is under age twenty-one (21), you shall seize the marijuana. You will bring it to the station and follow the procedures to place it on the book for destruction. Currently, as long as the possession involves less than two (2) ounces of marijuana, there is no criminal sanction for underage persons in possession of marijuana. They are not subject to arrest or fine, just seizure and destruction of the marijuana. If underage persons are in violation of any of the criminal offenses described earlier in the lesson, however, they are subject to arrest.

10.2.4 Acquire a working knowledge of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010

In July of 2010, the District of Columbia approved the prescription and use of medical marijuana. Even with the legalization of *recreational* amounts of marijuana, the DC Code regulations concerning medical marijuana still remain in effect. The US Code, however, does not recognize medical marijuana. This, even when prescribed, medical marijuana is illegal under federal law. We are guided by DC laws when crimes are committed on DC property but must be guided by federal law when crimes are committed on federal land (which includes several parks in the District, which are federal grounds).

A patient must submit an application and be approved to be registered with the DC Department of Health (DOH) as a medical marijuana patient. Once registered, DOH will issue the qualified patient a medical marijuana registration card. This registration card verifies the patient's lawful possession and use of medical marijuana. The registration will be entered into WALES and can be verified by running a WALES check on the patient.

Additionally, a registered patient can designate someone over the age of eighteen (18) as a caregiver. This caregiver must also be registered with DOH. Registered caregivers are permitted to possess, obtain, and transport medical marijuana on the patient's behalf. Additionally, they can help the patient administer the medical marijuana, though they may not consume it themselves.

As of July 2026, there are nine active cultivation centers and 69 active dispensaries in the District's medical marijuana program. **Cultivation centers** are registered facilities which have been approved by DOH to grow medical marijuana to supply the program. **Dispensaries** are the facilities that have been registered and approved by DOH to dispense medical marijuana to registered patients and caregivers.

Cultivation centers are permitted under DC Code to sell marijuana to dispensaries. Dispensaries are permitted under DC Code to sell marijuana to registered patients (or to give it to registered caregivers on the patient's behalf). Additionally, it is legal for registered patients to consume their medicinal marijuana inside the dispensary.

Other than the exceptions just mentioned, DC medicinal marijuana patients must follow the law regarding marijuana. Medicinal marijuana patients are permitted to possess no more than two (2) ounces of medicinal marijuana or edibles at a single time.

Medicinal marijuana patients are not permitted to cultivate their own medicinal marijuana. Although they would have the same rights to cultivate up to six (6) plants as any other resident of the District, they could not claim any sort of exception to the number of plants allowed by saying the plants are medicinal.

Medicinal marijuana patients are only permitted to possess medicinal marijuana from the registered dispensary listed on their medical marijuana registration card. Any medicinal marijuana obtained from that dispensary should have a label attached to it clearly marking it as obtained from the dispensary, similar to the labels on other medicines, and that indicates the amount of marijuana in the packaging.

Medical marijuana patients are only permitted to consume their marijuana inside of their residence or inside of their designated dispensary. The prohibition against public consumption of marijuana has no medical exception and individuals consuming medical marijuana in public are still subject to arrest.

Medical marijuana shall only be transported from the registered dispensary in a sealed package bearing a label from the dispensary. Drivers of public vehicles in the District shall never have any unsealed medical marijuana in or on their vehicle.

There is no medical marijuana exception in the impaired driving laws of the District. Any driver who is impaired by medical marijuana is still subject to arrest.

The Metropolitan Police Department assists the DOH by collecting data about medical marijuana events that come to its attention. For any incident or crime with an articulable link between the event and medical marijuana, members shall prepare an Event Report and select "Medical Marijuana Incident" as one of the event types. For example, if an individual was arrested for selling his own medical marijuana to other people, the arresting officer should prepare a report for UCSA – Distribution of Marijuana as event 1 and Medical Marijuana Incident as event 2. Or, if a patient was robbed of his or her medical marijuana, officers should prepare a report for Robbery as event 1, and Medical Marijuana Incident as event 2.

Whenever members take a report about a Medical Marijuana Incident, they must fully describe the event's connection to medical marijuana in the narrative. All paperwork associated with any of these report types, to include all arrest and property forms, must be forwarded to VCSD.

If you should need to enter a medical marijuana cultivation center or dispensary, you should first notify the dispatcher with the name and address of the facility. Once inside, you should take any police action necessary based on what you observe.

- If you observe a criminal violation related to narcotics, you should handle the case as normal and ensure that a copy of all the completed paperwork is forwarded to VCSD.

- If you observe an administrative violation, you should document the violation with an event report and inform the facility's management so that someone there can correct it. You should forward the Medical Marijuana Incident report to VCSD.

Finally, any medical marijuana that comes into department custody will be treated the same as non-medical marijuana. If it is evidence, it will be processed as drug evidence; otherwise, it will be treated as prisoner's property or held for safekeeping.

Should a prisoner inform you that they need to take their medical marijuana, it will be treated the same as any other request for medicine. Remember, the department does not administer medication to prisoners. Instead, you should notify an official who will ensure that an **Arrestee's Injury/Illness Report (PD 313)** is prepared and that the prisoner is transported to the hospital for treatment.

10.2.5 Complete an Arrest/Prosecution Report, Property Record, and Report of Drug Property Collected, Purchased, or Seized for Public Consumption of Marijuana

Fill out online forms.

Summary

Marijuana is one of the most commonly used drugs throughout the world and is derived from the flowering of the cannabis sativa plant. Marijuana is often consumed in hand-rolled cigarettes (known as blunts or joints) or smoked in a variety of glass pipes and bongs, but it can also be consumed in baked goods, candies, and other food items commonly known as edibles. It is important to have an understanding of the marijuana laws in the District of Columbia because of its pervasive use. Having this working knowledge will ensure proper adherence to DC laws regarding marijuana possession and associated paraphernalia.

REFERENCES

SO-15-07	Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014 (Initiative 71) (***NOTE***: SO-15-07 was amended by SOC-15-01)	02/26/2015
SO-13-08	(Medical Marijuana)	08/29/2013
GO-OPS-307.01	Handling Drug Complaints and Investigations	06/15/2015
GO-PER-100.02	Drug Screening Program	09/11/2015
GO-SPT-601.01	Property and Evidence	10/15/2025

Fredrickson, Darin D. and Siljander, Raymond P. *Street Drug Investigation: A Practical Guide for Plainclothes and Uniformed Personnel*. Charles C. Thomas Publisher, Ltd., 2004.

Savelli, Lou. *Street Drugs*. Looseleaf Law Publications, Inc., 2008.

Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014, DC Act 20-565, December 3, 2014. Initiative Measure No. 71.