

HOW WILL THE LEGALIZATION OF MARIJUANA IMPACT OFFICER
PERFORMANCE IN A LARGE, URBAN LAW ENFORCEMENT AGENCY BY 2009?

A project present to
California Commission on
Peace Officer Standards and Training

By

Lieutenant Rolfe Appel
Sacramento County Sheriff's Department

Command College Class XXXVI

Sacramento, California

September 2004

This Command College Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.

Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.

Managing the future means influencing the future: creating it, constraining it, adapting to it. A futures study points the way.

The views and conclusions expressed in this Command College project are those of the author and are not necessarily those of the Commission of Peace Officer Standards and Training (POST).

TABLE OF CONTENTS

LIST OF TABLES	iv
Chapter I	
ISSUE IDENTIFICATION AND LITERATURE SCAN	1
Introduction	1
Issue Statement	2
Historical Review	2
Criminality	2
Caselaw	7
Workplace Issues	8
Chapter II	
FUTURES FORECASTING	12
Introduction	12
Nominal Group Technique	13
Trend Analysis	14
Event Analysis	22
Cross Impact Analysis	31
Scenario Development	38
Scenario 1: Pessimistic	38
Scenario 2: Optimistic	40
Scenario 3: Normative	41
Summary	42
Chapter III	
STRATEGIC PLANNING	43
Introduction	43
Organization Description	43

Vision and Goals	44
Organizational Analysis	44
Internal Strengths	45
Internal Weaknesses	46
External Opportunities	47
External Threats	47
Stakeholder Identification and Analysis	48
Strategy Development	51
Development of Alternative Strategies	51
Summary	53
Chapter IV	
TRANSITION MANAGEMENT	54
Introduction	54
Commitment Planning	54
Intervention Strategies	56
Responsibility Charting	58
Implementing Change	63
Implementation Monitoring	64
Evaluation	65
Summary	65
Chapter V	
CONCLUSION	67
Project Summary	67
Implications for Leadership	68
Budget Implications	69
Recommendations for the Future	70
Conclusions	71

APPENDICES	73
A. List of Trends	73
B. List of Events	75
C. General Order - Marijuana Policy	77
ENDNOTES	78
BIBLIOGRAPHY	82

LIST OF TABLES

Tables		Page
2-1	Trend Summary Chart.....	15
2-2	Event Summary Chart	24
2-3	Cross Impact Chart	32
4-1	Critical Mass Commitment Chart	55
4-2	Responsibility Chart	59

CHAPTER I

ISSUE IDENTIFICATION AND LITERATURE SCAN

Introduction

Over the past thirty years, California has slowly been changing its political attitude regarding the usage of marijuana. What started out as a dangerous, addictive, narcotic drug, punishable as a felony in state prison, has dwindled down to a legalized use for medicinal purposes. As marijuana laws continue to be chipped away, it appears that legalized use by the adult general public is just around the corner. As law enforcement managers grapple with this paradigm shift, agencies will need to prepare their departments for the potential use of marijuana by its officers.

The first chapter reviews the history of marijuana laws in California and how the public's perception has changed regarding marijuana as a dangerous drug. This review will include federal and state legislation as well as case law decisions regarding the legal use of marijuana. The chapter will conclude with published studies regarding behavioral issues of marijuana intoxication at the workplace.

The second chapter describes the Nominal Group Technique (NGT) process which was used to identify trends and events that may impact officer performance in a large, urban law enforcement agency as a result of the legal use of marijuana. Based on the input from the NGT process, the chapter concludes with three future scenarios: a pessimistic, an optimistic, and a normative example of a futuristic incident.

The third chapter identifies strategies for developing agency policies regarding officers' usage of marijuana on and off-duty, and the issue of being under the influence while performing law enforcement functions. In order to better study the need for policy changes, stakeholder

analysis and strategic planning will establish a means of identifying an assessment of readiness for change by examining the strengths and weaknesses as well as the threats and opportunities that could be encountered.

The fourth chapter discusses transition management and identifies implementation techniques needed for marketing new agency policies regarding marijuana usage by officers. The study will examine ways to overcome resistance and achieve critical mass for acceptance by using commitment planning and responsibility charting.

The fifth chapter will be a summation and conclusion of this study. The chapter will also explore recommendations for future, related studies.

Issue Statement

This project attempts to answer the question: How will the legalization of marijuana impact officer performance in a large, urban law enforcement agency by 2009? Legalization refers to the authorized, non-criminal use and possession by the general, adult public. Performance is defined as all activities an officer engages in to fulfill the agency's mission. Large, urban law enforcement agency refers to a fulltime public safety agency that employs over 500 sworn peace officers to serve a metropolitan community.

Historical Review

Criminality

When California first became an official state of this nation in 1850, the commercial growing of hemp (marijuana) was a productive cash crop. Hemp was used primarily for the manufacture of clothing, rope, and paper. As California grew, immigrants from Asia and Mexico introduced the medicinal uses of marijuana to control pain, depression, and eating

disorders. During this time, marijuana was listed in the U.S. Pharmacopedia as a treatment for several ailments, until it was removed at the insistence of the Federal Bureau of Narcotics in 1941.¹

In 1913, the California State Poison Act was enacted. The Act made possession, usage, and sales of narcotics illegal. Marijuana was included in this group as a narcotic. The federal government followed suit with the passage of the Harrison Narcotic Act a year later. Although similar to the California law, the Act governed the importation and sale of narcotics through licensed pharmacists and doctors, but did not restrict marijuana.²

To combat alcohol addiction, the Volstead Act was enacted in 1920. The Act prohibited the sale and possession of alcohol beverages nationally. However, society's desire to consume illicit alcoholic beverages spurred the spread of organized crime as bootleg distillers and distributors flourished across America. Enforcement of alcohol prohibition failed miserably and the prohibition was repealed in 1933.³

With alcohol now legal to possess and consume, the Federal Bureau of Narcotics (later renamed Drug Enforcement Administration) broke away from its partnership with the Treasury Department and the Alcohol, Tobacco, and Firearms division. They began to focus more on harder, addictive drugs that organized crime was now heavily involved in. The commercial release of the movie, "Reefer Madness" in 1936 sparked political interest in the dangers of marijuana usage. This docudrama showed how innocent citizens could go crazy and commit violent crimes like rape and murder after smoking marijuana.⁴ In response to the excitement caused by this media event, the Federal Marijuana Tax Act was enacted in 1937. This Act declared marijuana as having no medicinal purpose and thus was illegal to possess, use, or sell.⁵

Almost immediately after marijuana was declared a dangerous drug, controversy began to percolate throughout the nation. In 1944, New York City Mayor Fiorello LaGuardia commissioned the New York Academy of Medicine to research the abuse of marijuana in the city. Their findings concluded marijuana did not lead to addiction, nor did it lead to morphine, heroin, or cocaine addiction.⁶

Believing that harsher punishments would deter the public from using marijuana and other illicit drugs, U.S. Senator Hale Boggs authored the Boggs Act in 1952 which mandated minimum federal sentences for drug related offenses. As drug usage continued to increase nationwide, the Narcotics Control Act of 1956 was enacted and doubled those prison sentences.⁷

To follow the federal government's lead, California began to revamp its drug laws. In 1961, Health & Safety (H&S) Code section 11530.5 made it illegal to sell marijuana in California. In 1968, H&S 11530.1 made it illegal to cultivate marijuana in California.⁸

In response to the increased, blatant use of marijuana by teenagers and young adults in the late 1960s, the federal government passed the Controlled Substances Act in 1970. This Act divided all drugs into "schedules." Marijuana was classified as a Schedule I drug and thus could not be dispensed by any physician because it served no useful purpose. As the rates of arrest and imprisonment continued to rise, California passed the Moscone Act in 1976. This act reduced criminal sanctions for the possession of small amounts of marijuana by reclassifying such crimes from a felony to a misdemeanor to ease prison overcrowding.⁹

The federal government approved dronabinol (marinol) in 1985 for the treatment of nausea for cancer patients. This drug was a synthetic form of tetrahydrocannabinol (THC), the active intoxicant in marijuana.¹⁰

In 1996, the Marijuana Compassionate Use initiative (Proposition 215) was passed by California voters with a vote of 56% to 44%. The act allowed physicians to recommend the use of marijuana to patients as a form of medical treatment, and thus possession, usage, and cultivation by the patient was not considered criminal.¹¹ This new law was in direct conflict with the federal government's prohibition.

In October 2003, the U.S. Supreme Court backed a decision by the U.S. 9th District Court of Appeals finding that doctors recommending the use of medical marijuana could not be prosecuted or have their licenses revoked.¹² This decision was followed up in December 2003, when the U.S. 9th District Court of Appeals ruled that the federal government had no jurisdiction to interfere with patients and caregivers of medically recommended marijuana if the product was produced and distributed from within the state.¹³

In January 2004, California amended H&S 11362.7 (SB 420) requiring the State Department of Health Services to issue standardized identification cards to medical marijuana users. Further, the law allowed medical marijuana users to possess as much as 8 ounces of dried marijuana, and cultivate as many as 12 marijuana plants. This legislation was supported by the California District Attorney's Association.¹⁴

Local leaders are responding to the new marijuana laws. Three major cities in the metropolitan area of Sacramento have passed ordinances allowing medical marijuana sales outlets to operate. The city of Roseville (81,000 population) opened its first marijuana storefront on January 22, 2004.¹⁵ After some debate, the city of Elk Grove (102,000 population) passed a zoning ordinance clearing the way for its first marijuana store on April 7, 2004, as did the city of Citrus Heights (population 78,000) on April 14, 2004.¹⁶

As the federal government continues its fight to maintain control of marijuana laws, several high profile leaders have come forward exposing their personal usage of the drug. In March 1992, while campaigning for President, Bill Clinton admitted, "I experimented with marijuana a time or two, but I didn't inhale."¹⁷ Then in June 1992, candidate Clinton reiterated his marijuana usage in an interview on MTV saying, "I'd do it again and this time I would inhale."¹⁸

After becoming Surgeon General, Joycelyn Elders told the National Press Club in December 1993 that America had lost the drug war and suggested society look at legalizing drugs.¹⁹ She was asked to resign her post the following year.

In May 1994, while campaigning for Governor of Texas, George W. Bush dodged the issue of his personal marijuana usage saying, "Maybe I did. Maybe I didn't. How I behaved as an irresponsible youth is irrelevant to this campaign."²⁰ As he ran for President in 2000, he refused to elaborate on his prior usage.

In July 1999, the former Chief of Police for San Jose, Joseph McNamara, wrote an editorial for the Orange County Register in which he stated, "Marijuana should be decriminalized. There is no record of anyone dying from marijuana or committing a murder under its effects. Any number of scientific studies have indicated that in some cases, it may be an effective medicine, and it is certainly a less dangerous drug than alcohol."²¹

During his campaign for Governor of California in September 2003, body builder/actor Arnold Schwarzenegger was haunted by his past experience with marijuana usage. During his campaign, Schwarzenegger's 1977 documentary film, "Pumping Iron", was re-released nationwide. In the movie, the future California Governor is shown openly smoking marijuana.

Further, in an interview conducted in August 1977 for an adult male magazine, he readily admitted, "Yes, I use grass and hash."²²

Case Law

As the push continues throughout the nation to make some sort of marijuana usage legal, questions have arisen as to its usage in the workplace. Under the Americans with Disabilities Act (ADA), the Act states that the illegal use of drugs “does not include the use of a drug taken under supervision by a licensed health care professional.”²³ Since the idea of medicinal marijuana is still being defined by administrative agencies and the courts, these issues are not easy to answer. There are a few cases proceeding through the courts dealing with being under the influence of marijuana at work. Although these cases are not California cases, they will have an impact on how the California court system might rule.

One of the first test cases of arguing marijuana as a medicinal drug was in 1995. In that case, a postal employee, Stephen Castleman, was discovered smoking marijuana on the job. Castleman was fired because he possessed the substance on the job site, which was against employment rules. He objected to the firing, claiming he had smoked marijuana regularly on the job to relieve job stress, and that his consumption on the job site had not interfered with his job performance in the two years of his employment. In February 2002, the Equal Employment Opportunity Commission (EEOC) agreed with his termination (*Castleman v. Postal Service*, EEOC #01994009, Feb 6, 2002).²⁴

The second case is *Washburn v. Columbia Forest Products*. This case stems from an employee who, in February 1999, was discovered during a random drug test to have THC in his system. Washburn admitted to using marijuana for chronic back pain. He was ordered to stop using the drug and attended mandatory drug counseling sponsored by his employer. Washburn

continued to use marijuana after getting an official recommendation from a physician. As a result of his continued usage, he failed two subsequent random drug tests conducted by his employer. He was terminated from employment in March 2001 and appealed the firing to an Oregon superior court. In 2002, the judge agreed with the firing, stating medical marijuana was no excuse for violating employment rules. He is currently appealing that court ruling to the Oregon Court of Appeals.²⁵

In another case, *Freightliner v. Teamster Local 305*, an employee, John Thomas, was fired from his job as a forklift operator after running his forklift into a water pipe in December 2002. During the post-accident investigation, Thomas was tested for drugs and found to have THC in his system. Thomas claimed he smoked marijuana while off-duty during the weekend to alleviate his back pain. During the time of the accident, Thomas claimed he could not be under the effects of marijuana that he consumed two days earlier. After a labor arbitrator recommended he be hired back, the company refused. The case was sent to the U.S. District Court in August 2003 and is still pending a ruling.²⁶

Workplace Issues

The impact marijuana consumption will have on job performance is not fully known. There are several studies that conclude marijuana may have the same devastating effects that alcohol has had.

The major concern over the use of marijuana on the job site is how much consumption is deemed "being under the influence." One study has recommended a minimum of 80 nanograms per milliliter (ng/ml) of THC found in the urine or blood should be considered "under the influence."²⁷ This figure was achieved by comparing physical coordination and mental concentration in completing tasks while sober, while under the influence of marijuana, and while

under the influence of alcohol (0.08% by weight of alcohol in blood). However, for pre-employment screening, most employers use the federal standard of 50 ng/ml or less of THC.²⁸

Although the effects of smoking marijuana are generally felt up to four hours after consumption, some studies suggest the effects can last longer. In 1985, Stanford University conducted a study using airline pilots. The pilots were allowed to smoke marijuana and then were tested 24 hours later by flying and landing an airplane using a flight simulator. Although the pilots reported feeling no residual effects of marijuana intoxication, they were unable to safely land their simulated aircrafts.²⁹ In 1996, a study found that college students who used marijuana daily had trouble focusing attention and had trouble recalling new learned items even though they had not used the product for at least 24 hours prior to participating in the study.³⁰

Because marijuana affects complex behavioral and cognitive skills, accidents and injuries are more likely to occur. In January, 1987, a freight train improperly entered and stopped on a main track line in Chase, Maryland. An Amtrak passenger train travelling at 120 miles per hour slammed into the rear of the freight train, killing 16 people and injuring 174. The freight train engineer and brakeman were both found to be under the influence of marijuana.³¹ In 1990, a one-year study involving marijuana usage by U.S Postal Service workers was published. This study revealed that candidates who admitted in their pre-employment interview of using marijuana were later found to be responsible for accidents 55% more often than those candidates who did not admit to using marijuana. Additionally, those candidates who admitted to using marijuana previous to obtaining employment were 85% more likely to be injured on the job.³²

In addition to affecting concentration, marijuana studies have indicated that chronic smokers have higher absenteeism and job turnover. The previously mentioned 1990 study also showed that postal candidates who admitted to using marijuana during their pre-employment

interview were later found to be absent from work 78% more often than those who did not admit to using marijuana. Further, the postal worker study found that involuntary turnover was 56% higher for persons who admitted to smoking marijuana prior to their employment.³³ The results of this study were reinforced in 1999 by a nationwide household survey.³⁴ School absenteeism was also studied using students aged 12 - 18 years old in the Netherlands. This 1999 study is of specific importance because marijuana is legal to purchase and consume in the Netherlands. The ten-year study found that truancy increased 21% for those students who smoked marijuana.³⁵

The fear cited by many employers is that marijuana is a gateway or stepping stone drug to harder, more addictive illicit drugs. If the use of marijuana doesn't affect their current job performance, certainly the use of other illicit drugs will. A Philadelphia study of arrestees in 1999 showed that the use of marijuana led 21% to graduate to methamphetamines, and 44% to graduate to cocaine and/or heroin. However, the study also revealed that the real gateway drugs were alcohol and tobacco.³⁶

The RAND Drug Policy Research Center released a contradictory study in 2002. The RAND study concluded that over 70 million Americans have tried marijuana, and yet less than 10% ever go on to use any other illicit drug.³⁷ This study too was contradicted in 2003 after researchers in Australia surveyed the drug usage of twin siblings. The researchers determined that those who used marijuana before the age of 17 years were two to five times more likely to experiment with harsher, illicit drugs.³⁸ According to Lieutenant Elizabeth Sawyer, Commander of the Sacramento County Sheriff's Department Pre-Employment Bureau, approximately 80% of the candidates applying for deputy sheriff positions admit to having experimented with marijuana. Of those candidates, approximately 20% also admitted to experimenting with other illicit drugs.

This chapter reviewed the history of marijuana laws in California and how the public's perception has changed regarding marijuana as a dangerous drug. The chapter included federal and state legislation as well as case law decisions regarding the legal use of marijuana as a medicine. The chapter concluded with published studies regarding behavioral issues of marijuana intoxication at the workplace.

As marijuana is increasingly recommended by physicians as an alternative form of medical treatment, its usage will become an issue for law enforcement agencies to deal with regarding officer performance. The following chapter provides discussion and analysis of future trends and events that may impact officer performance in a large, urban law enforcement agency as a result of the legal use of marijuana.

CHAPTER II

FUTURES FORECASTING

Introduction

Future forecasting is the concept of looking into the future for the purpose of developing and implementing plans that will influence a better chance for a positive outcome. To project into the future, past and present trends and events are identified and analyzed. Based on these trends and events, scenarios can be developed that project optimistic, pessimistic, and neutral futuristic outcomes. One method used for identifying trends and events for future projections is the use of the Nominal Group Technique.

A Nominal Group Technique (NGT) is used to elicit a wide range of ideas to address a specific issue from a group of individuals. The process involves a facilitator who clearly defines the issue to explore and then allows the participants time to write down their responses to the issue. By allowing the participants to write down their responses in secret, the negative social and psychological pressures associated with group dynamics are diminished. Peer pressure and intimidation are kept in check. Once the group has completed writing down their ideas, the facilitator allows each participant to share one idea verbally with the group before moving on to the next person. After systematically rotating through the group several times for responses, each idea is logged and posted. Once a complete list of ideas is posted, the participants are asked to narrow down the number of viable responses. The group is again asked to secretly choose from the posted list, a specific number of ideas that will have the greatest impact on the issue. Upon completing their selection, the facilitator directs each participant to share their choices openly, one at a time. As the group's selections are recorded, the strongest, most viable

responses are clearly brought to light. This simple structured brainstorming method allows a wider range of ideas to surface, and fosters greater creativity to reach consensus.

Nominal Group Technique Session

In December 2003, a NGT process was conducted to identify and forecast trends and events that could possibly impact officer performance if marijuana was legalized. To get a diverse outlook into the future, ten panel members from different walks of life were invited to participate. The panel members consisted of a patrol officer, a narcotics detective, and a crime scene investigator employed with the Sacramento County Sheriff's Department. In addition to these participants, a clerical supervisor, a security officer, and a mental health counselor, all employed by the County of Sacramento took part in the panel. Rounding out the panel was a registered nurse and a drug counselor both employed by private entities. Finishing up the NGT panel was a former newspaper editor who is writing a book on the legalization of marijuana, and an accountant who grew up in the Mendocino/Humboldt County area. Although a majority of the panel was from the public sector (60%), the responses generated from both, the private and public sector were imaginative and diverse.

Prior to the panel meeting date, all members were given the issue to contemplate and were advised that if marijuana became legalized in California, how would it affect officer performance in delivering law enforcement services in the community.

When the panel met, they were briefed on the current case law regarding the legal use of medical marijuana. With this information in mind, the group was asked if they foresaw a total legalization of marijuana in California's future. Eight of the panel members felt that marijuana was on its way to becoming a legal recreational drug in California. Two panel members stood fast to their belief that marijuana would remain illegal. The panel was then asked to project

when the legalization of marijuana in California as a recreational drug would occur. The responses ranged from two years to never. Using the median response from the panel, the group felt four years in the future was the most likely time line before marijuana becomes a legal recreational drug in California.

Trend Analysis

The panel members were given a brief definition of what is meant by a trend. They were told that a trend was a series of incidents that appear to indicate a direction a particular issue may be heading. Trends can be observed and measured over a long period of time. By examining past and present incidents, forecasts can be made for future trends.

Using the NGT process as described earlier, the panel identified thirty-three trends (see Appendix A) using this systematic round robin approach. After reviewing these trends, the panel narrowed down the list to twelve trends that they felt should be explored because of their potential impact on officer performance if marijuana was legalized. These trends are listed in Table 2-1. The order of the trends appearing in the table were randomly placed and should not be interpreted as to their importance or priority. After identifying the trends, the panel was asked to rate the level of the trend based on a standard score for today. The panel was asked to compare the trend today with its occurrence five years earlier, five years in the future, and ten years in the future. The panel was then asked to rate the trend as to the level of concern on a scale of 1 to 10, with 10 being of the highest concern relative to officer performance and the legalization of marijuana. All responses appearing on the following table were calculated using the median score.

Table 2-1
Trend Summary Table

Trend	-5 Yrs	Today	+5 Yrs	+10 Yrs	Concern
T-1 Number of candidates applying for law enforcement positions	80	100	120	130	3
T-2 Number of officers involved in driving accidents on-duty	90	100	120	150	6
T-3 Number of officers involved in shooting incidents on-duty	90	100	110	130	10
T-4 Number of officers injured on-duty	80	100	150	200	9
T-5 Number of officers possessing marijuana on-duty	10	100	110	110	10
T-6 Number of officers smoking marijuana on-duty	10	100	110	100	10
T-7 Number of officers failing to show up to work without permission (AWOL)	90	100	130	160	4
T-8 Number of officers having respiratory illnesses	80	100	120	140	3
T-9 Number of training hours needed for teaching officers marijuana laws	90	100	150	120	6
T-10 Number of officers investigated by I.A. for off-duty behavior	70	100	150	170	5
T-11 Number of officers using other "harder" illicit drugs	20	100	140	150	8
T-12 Number of officers arrested off-duty for driving under the influence of marijuana	20	100	160	140	3

T-1: Number of candidates applying for law enforcement positions

The NGT panel felt that some candidates are discouraged from applying for law enforcement positions due to their past drug history. If past marijuana usage was not considered in the background process due to its legalization, the panel concluded that more candidates would apply for jobs. Although the panel felt law enforcement might expect a slight increase in the number of candidates, the increase would not be great. However, even a slight increase in the number of candidates could eventually lead to a fully staffed work force. With more officers

on the street, overall officer performance would improve in the area of response times. Allowing more candidates with a recent history of marijuana usage to apply for law enforcement jobs was not a major concern relative to future officer performance.

T-2: Number of officers involved traffic accidents on-duty

The NGT panel saw this trend getting worse once marijuana was legalized. They cited the number of alcohol-related traffic accidents during the time of prohibition compared to the number after prohibition. Although these studies related to the general overall public, the panel felt the same result would occur involving law enforcement officers. Although one panel member did not see any change in the number of accidents as a direct result of smoking marijuana, he still felt there would be a slight increase in on-duty accidents due to the increased number of drivers caused by the increased population. The panel felt this trend would be of moderate concern regarding officer performance. Officers involved in vehicle accidents on-duty are not able to respond to calls for service while the incident is investigated. Further, if more officers are injured in vehicle accidents, they will not be able to work their normal assignments. The lack of human resources and mechanical resources will have an impact on the effectiveness of the agency and on officer performance.

T-3: Number of officers involved in shooting incidents

The NGT panel believed this trend would increase over time. The panel believed that an increase in shootings was due more to the increased number of violent people in society, than due to smoking marijuana. Three panel members saw the increase in shootings due to poor judgement, caused by the lasting effects of smoking marijuana. Although the panel believed the

increase in shootings would be slight, the inclusion of possible marijuana intoxication made this trend a high concern regarding officer performance.

T-4: Number of officers injured on-duty

The NGT panel thought this trend would increase dramatically over the years. The panel cited the consistent increase over the years in the number of officers injured while performing their jobs. However, the panel also felt that since marijuana slows down reaction time, a significant increase in the number of officer injuries should be expected. One panel member felt injuries would decrease because the officers would not be overly aggressive. They would take more time to defuse a volatile situation, thereby avoiding any chance of a physical altercation and possible injury. Nonetheless, the panel expressed a high concern for officer performance leading to an increase in officer injuries due to marijuana consumption. The panel also felt that additional officer injuries would lead to higher health care costs, higher workers compensation premiums, and earlier officer retirements.

T-5: Number of officers possessing marijuana on-duty

The NGT panel saw this trend increasing unless law enforcement officials took action to prohibit its possession at work. The panel suggested that if marijuana policies prohibited its possession at work, much like the prohibition of alcoholic beverages at work, the potential problem could be controlled successfully. However, two panel members pointed out that if the marijuana was used for "medicinal" purposes, much like the pain killers Vicodin and Oxycontin, law enforcement officials could expect to have officers break the rules and bring marijuana to work. The panel noted that five years earlier, the potential for officers bringing marijuana to work was not very likely. Although the medicinal use of marijuana had been approved by

California voters, the legal wrangling between the new state law and the federal government had not been sorted out. The panel felt that officers found in possession of marijuana five years earlier would have faced immediate termination. At the current time, that fear has subsided and although disciplinary action would still be taken against officers found in possession of marijuana, the sanction would not be as severe. The panel members felt this trend would be a high concern regarding officer performance because if marijuana was allowed at work, there would be a high temptation to smoke it on-duty by the officers.

T-6: Number of officers smoking marijuana on-duty

The NGT panel felt this trend would be dangerous for law enforcement officers. However, the panel members did not see this trend increasing very much. The panel again compared the smoking of marijuana on-duty to that of drinking alcoholic beverages on duty. The vast majority of officers would never drink alcohol on duty, and thus they would not smoke marijuana on-duty. The panel members were in agreement that if marijuana was readily available and acceptable, a very small minority of officers might try to smoke it on-duty initially. However, as marijuana possession became common place, any usage on-duty would decrease over time, especially after disciplinary cases became known. Despite this small measurable change, all members felt this trend would adversely affect officer performance and thus was of high concern. All but one panel member thought a department policy would be needed to prohibit smoking marijuana on-duty. The sole dissenter felt a policy directing a prohibited behavior fueled the desire to break the policy. As in the previous discussed trend, the panel believed that very few officers smoked marijuana on-duty five years earlier due to the strict sanctions imposed.

T-7: Number of officers failing to show up to work without permission (AWOL)

The NGT panel believed marijuana caused apathy and lack of concern in performing critical tasks. With the exception of one panel member, all members believed marijuana smoking officers would not bother calling their supervisors when they wanted a day off. The majority of the panel members believed the supervisor would have to assume the responsibility of calling absent employees to determine if they would be coming to work. Much like an alcoholic employee, absenteeism would increase with the use of marijuana by officers. If the officer did bother showing up, he/she would probably be late more often than those officers who did not smoke marijuana off-duty. This trend was of moderate concern to the panel regarding the performance of officers.

T-8: Number of officers having respiratory illnesses

The NGT panel could not agree on the full physical dangers of smoking marijuana. Although the majority of panel members believed that smoking any substance was hazardous to a person's health, there were no concrete studies specifically identifying a health hazard. The majority believed that allowing a new form of smoking would increase respiratory illnesses over the years. Four members believed that inhaling marijuana smoke deep in the lungs and holding it in longer than tobacco products, would lead to a higher chance of lung cancer. Five other members believed that if cancer was not a possibility, surely lung and throat irritation were a reality. One panel member saw no medical danger associated with smoking marijuana, and felt that people were in more jeopardy by breathing the current polluted air. Although the marijuana smoker was the only person physically affected by smoking, the panel saw a definite distinction between healthy, high performing officers and those officers who could not perform strenuous exercise or tasks due to poor physical health. Because this would only affect a very few

marijuana smoking officers, the panel had a low concern for this issue regarding officer performance.

T-9: Number of training hours needed for teaching marijuana laws

The NGT panel thought the amount of training hours would increase initially when marijuana was legalized, but would eventually taper off. Even though the legalization would repeal some statutory laws, other laws and regulations would have to be added. For example, laws regarding minimum age for purchase and possession, as well as commercial sales regulations would have to be taught to officers. In addition, there would be a need to better define specific regulations and thus, case law decisions would be needed. This increase in training hours would pull officers from their normal assignments, and thus would affect the agency's normal business performance. The absence of officers from their regular duties would not slow down the amount of work for the agency. Upon their return, officers would have to make up the work they missed. For this reason, the panel saw the addition of training hours to be of moderate concern regarding officer performance.

T-10: Number of officers investigated by Internal Affairs for off-duty behavior

The NGT panel believed the number of complaints regarding officer's off-duty behavior would increase as a result of marijuana usage. They compared the use of alcohol by officers and the number of off-duty complaints related to alcohol consumption. The panel felt that the same result would occur with marijuana usage. Since marijuana affects judgment, as does alcohol, the majority of panel members felt officers would get in more trouble. One panel member disagreed with the other members' reasoning. Although he felt off-duty complaints would increase, he felt this would be due more to society's rude overall behavior, and not necessarily being related to

the smoking of marijuana. All panel members were in agreement that off-duty complaints do impact performance. Officers who are the subject of internal investigations are preoccupied with the inquiry and are worried about the outcome. They are less productive and proactive. If the investigation concludes with time off as a sanction, there is no work accomplished by that officer. The panel concluded that this trend had the potential of being a moderate concern regarding officer performance.

T-11: Number of officers using other "harder" illicit drugs

The NGT panel was divided on the trend of officers using harder, more addictive, illicit drugs. Six members felt that marijuana was the "gateway" or "stepping stone" drug to harder, harsher addictive drugs. Four panel members did not think there was any link to the use of marijuana and the graduation to harder drugs. One member cited the experience of the Netherlands in which marijuana is legal to purchase at specific sales outlets. Per this panel member, the Netherlands found no increase in the use of other harder, illicit drugs. The panel felt that if marijuana did lead to the use of harder drugs, then this would be a major impact on officer performance and thus would be a major concern.

T-12: Number of officers arrested off-duty for driving under the influence of marijuana

The NGT panel felt that the number of off-duty officers arrested for driving under the influence of marijuana would increase immediately after marijuana became legalized and readily available. However, as the officers became more accustomed to the effects of marijuana, the panel believed the officers would have more knowledge and better control, and therefore arrests would decrease. The panel noted that five years earlier, the potential for off-duty officers driving under the influence of marijuana was not very likely. The panel felt that off-duty officers arrested

for driving under the influence of marijuana five years earlier would have faced immediate termination. However, with society's current attitude regarding marijuana usage, the fear of termination has subsided. Although disciplinary action would still be taken against the officers' off-duty arrest, the sanction would not be as severe. In addition to internal sanctions, the officer would also face criminal punishments. Both of these outcomes would eventually result in poor officer performance due to guilt and shame felt by the officer. Further, media exposure to these types of arrests would cause embarrassment to the department. This negative publicity would spill over to the entire work force causing low self esteem and degrading work performance. Even though the panel was not overly concerned about the number of arrests off-duty, they saw this trend adversely affecting all officer performance throughout the agency.

In reviewing the trends selected, the panel found that if marijuana was legalized as a recreational drug within the next four years, officer performance would be adversely affected in all but one trend. Although officer performance may currently be affected by the use of medical marijuana, there was no obvious indication of concern by the panel. On the other hand, the panel had a high concern for poor officer performance if marijuana was legalized throughout California as a recreational drug.

Event Analysis

After forecasting a list of potential trends, the NGT panel was tasked with identifying future events that would impact officer performance if marijuana were legalized. The panel was given a brief definition of an event. They were told an event was a single incident that occurs at a specific date and time. The event is a spectacular incident, much like one would find in a newspaper headline, that has the potential to bolster or change the course of a particular issue.

The NGT panel held to their belief that marijuana would be legalized as a recreational drug within four years. The panel then identified twenty-two events (see Appendix B) using the same systematic round robin approach as earlier described. After reviewing these events, the group pared down the list to eleven events that they felt should be explored regarding officer performance and the legal use of marijuana. These events are listed in Table 2-2. The order of the events listed in the table were randomly arranged and should not be interpreted as to their importance or severity. After identifying the events, the panel was asked to forecast the probability the event would occur in five years, and in ten years after the legalization of marijuana. Upon completing that process, the panel was then asked to forecast the earliest year the event could occur from the date marijuana was legalized (four years in the future per the panel) and finally, whether the event would have a positive or negative impact on officer performance, using a scale of +10 to -10. All responses appearing on the following table were calculated using the median score.

Table 2-2
Event Summary Table

Event	Yr Likely to Occur	+5 yrs	+10 yrs	Impact (-10 to +10)
E-1 New marijuana sobriety machine available	4	60%	100%	+10
E-2 Study shows marijuana increases chances of lung cancer	7	0%	80%	-3
E-3 7,000 inmates held on marijuana crimes released from prison	2	100%	100%	-5
E-4 New marijuana tax to fund law enforcement	1	100%	100%	+6
E-5 Officer driving under influence of marijuana kills family of 6 in automobile accident	3	75%	100%	-7
E-6 Officer under influence of marijuana kills child with stray bullet during shoot out	3	75%	100%	-8
E-7 Marlboro begins selling marijuana cigarettes	6	0%	90%	+2
E-8 Agency refuses to hire marijuana users due to health cost issues	7	0%	90%	+1
E-9 Agency restricts marijuana users from SWAT team	2	100%	100%	+5
E-10 Study shows marijuana use on increase by public safety officers	2	80%	100%	-1
E-11 Officer arrested for supplying marijuana to minor son/daughter	6	0%	80%	-3

E-1: New marijuana sobriety machine available

The NGT panel felt this technology was important in monitoring the public and the officers. Although there are several testing devices currently on the market, the devices require a blood draw or urine sample and may take as much as 5-30 minutes for a result. The devices are not accurate for detecting under the influence, only for detecting the presence of THC. The level of THC required to be under the influence would still have to be defined. The panel envisioned a device that could use a subject's saliva, collected by a simple swab of the gums, and analyze the sample within a matter of seconds. They felt the technology could be developed within four

years. The panel was unanimous that such a device would have a very positive impact on officer performance. Quick detection of persons under the influence of marijuana would keep officers and the public in line. The probability of this event occurring with 100% certainty was projected by the panel to occur within ten years of marijuana becoming legal.

E-2: Study shows marijuana increases chances of lung cancer

The majority of NGT panel members felt that once a study confirmed that marijuana smoking and lung cancer were directly related, there would be a minor negative impact on officer performance. The panel felt that officers who had been smoking marijuana would suddenly get stressed out and their work performance would be negatively impacted. Two members felt that a study linking marijuana smoking with lung cancer might actually have a positive impact on officer performance. If officers believed that marijuana smoking was a confirmed health hazard, those smoking it would immediately stop and any performance issues related to its intoxication would disappear. However, since current studies do not actually link the two, the panel felt it would be at least seven years before any correlation could be determined. The panel was nonetheless convinced that there was a link. They thought that any vegetation product that is burned releases tar as a by-product. Since marijuana is a vegetation product, and is inhaled deep into the lungs and held for long periods of time, the tar would certainly cause lung cancer. One panel member refused to budge on the issue and held steadfast that marijuana smoking did not cause lung cancer, and thus, felt it was an unrealistic event.

E-3: 7000 inmates held on marijuana crimes released from prison

The NGT panel believed this event would occur within two years of marijuana becoming legalized. Assuming the prisoners did not have any other crimes associated with their marijuana

arrest, they would be eligible for release. Other inmates who had additional crimes joined with their marijuana arrest would have to be dealt with on a case-by-case basis. Seven of the ten panel members felt that releasing all of these inmates back into society at once would cause more calls for service and thus have a moderately negative impact on officer performance. The inmates would break more laws sooner, and thus force law enforcement to react and adjust to a new increase in crime. Three of the panel members (one civilian and two officers) thought the lower jail population would have a positive impact on officer performance. They felt jail assaults and other jail misbehavior would decrease by a lower prisoner count resulting in officers not having to take enforcement action as often. One panel member disagreed with the notion that the prisoners who used marijuana would cause problems on the outside. He believed that the former prisoners would return to work, and thus contribute positively to the economy. The panel felt this event had a 100% certainty of occurring within five years of marijuana becoming a legal recreational drug.

E-4: New marijuana tax to fund law enforcement

The NGT panel saw a new source of revenue through taxation of marijuana. They felt the legalization of marijuana would be directly connected with the taxation, and thus the event would occur within the first year of legalization. Six panel members felt that the tax revenue generated through marijuana sales should go to law enforcement. Four members felt the tax revenue should be shared among other public service agencies (i.e., fire department, health department) since they too would be impacted by the legalization of marijuana. Whether law enforcement was the sole recipient of the tax, or whether it shared the revenue, it was still believed by the panel to have a moderately positive impact on officer performance. More officers and better equipment could be obtained through the increased revenue, thus improving

officer performance. Two of the panel members were skeptical that the tax revenue would really assist law enforcement. They felt that once the tax revenue was stabilized and predictable, the governing boards would back down other revenue from the law enforcement funding. In essence, law enforcement would see a positive financial boost initially, but within four to six years, their other anticipated revenues would decrease. The group believed this event would occur with a 100% probability by the fifth year after marijuana is legalized.

E-5: Officer on-duty driving under influence of marijuana kills family of 6 in automobile accident

The NGT panel felt this event could first occur within three years after marijuana becomes a legal recreational drug. Marijuana's abuse would be similar to the abuse of alcohol. The event would have great media exposure and have a significant negative impact on the law enforcement profession and thus, officer performance. Officer's pride and motivation to do a quality job for the organization would slip. The event would force law enforcement managers to develop strict policies regarding being under the influence of marijuana while on-duty. The panel thought this event was 100% probable by the tenth year after marijuana is legalized.

E-6: On-duty officer under influence of marijuana kills child with stray bullet during shoot out

The NGT panel saw this shooting event first occurring within a three years of marijuana being legalized as a recreational drug. The panel was in agreement that marijuana affected judgement and coordination. The three sworn members on the panel believed that in the split second an officer has to use deadly force, the last thing officers needed was a drug that clouded their decision making and coordination. Even the civilian panel members agreed that mixing

marijuana usage with firearms was not a wise idea. Accidents were certain to occur. One panel member argued that the person under the influence of marijuana would probably not fire a weapon, and instead would delay any aggressive action. The panel agreed that this event would trigger very negative agency criticism and would draw more questions regarding officer performance in all shooting incidents. The group believed the event had a 100% probability of occurring within ten years after marijuana is legalized.

E-7: Major cigarette company begins selling marijuana cigarettes

The NGT panel thought this event would occur, but was split as to the time the event would first present itself. Although the majority of the panel felt the product would be sold commercially within six years of being legalized as a recreational drug, they projected it may take as long as ten years before the event had a 90% chance of actually occurring. Five of the panel members thought this new market would spring up as soon as it was legal. Five other panel members felt there would be a lengthy delay due to the licensing and testing one must go through to sell a new drug in California. The panel felt that once marijuana was marketed, the drug would be safer because there would be no chance of altering the product as is currently done on the streets. If the product sold was pure marijuana, it would have less side effects due to street additives and would have a very slight positive impact on officer workload and performance. Further, one panel member noted that the marijuana cigarettes could be sold in "regulars" and "lights," thereby helping the consumer control the THC levels and hallucination effects. This would be especially beneficial to officers consuming the drug on their time off, just prior to reporting to work.

E-8: Agency refuses to hire marijuana users due to health cost issues

The NGT panel felt this discrimination practice could become a reality within seven years if there were studies to back up the health hazards of smoking marijuana. Two sworn panel members spoke about the current practice by a few law enforcement agencies in California that prohibit the hiring of tobacco smokers. These agencies cite the health concerns associated with tobacco smoking. By denying employment to a candidate who smokes, the agency would be able to lower its health care costs. The panel believed that healthier officers perform better for the agency, even though this increase in performance would be minimal. The trade off for this policy would be that health costs might go down, but so too would be the number of candidates applying for law enforcement positions.

E-9: Agency restricts marijuana users from SWAT team

The nine members of the NGT panel saw this event as being likely to first occur within two years of marijuana becoming legalized. Since the residual effects of marijuana intoxication may not be fully recognized by the user, agencies would be subjecting themselves to liability issues if their tactical officers smoked marijuana off-duty, but came to work with traces of THC still in their system. The situations that SWAT teams encounter require them to be on alert and be available to take succinct and accurate action without any mental or physical handicaps. Agencies prohibiting the use of marijuana by SWAT team members would need to perform random testing to be certain no usage is surreptitiously occurring. One panel member disagreed with the majority and felt that performing a sniper shot is no different than driving a one ton automobile in a pursuit. Each act requires alertness and is a potential danger to those in the area. If marijuana smokers were excluded from participating in SWAT operations, then they should be excluded from all other law enforcement activities; that would constitute discrimination and

should not be tolerated. The nine other panel members saw this event as having a moderately positive impact on officer performance by demanding sobriety. The panel felt this event had a 100% certainty of occurring within five years of marijuana becoming a legal recreational drug.

E-10: Study shows marijuana use on increase by public safety officers

Because of the judgement and coordination effects of marijuana, the NGT panel felt this event would have a slightly negative impact on officer performance. Three of the panel members believed that there are a handful of peace officers in all law enforcement agencies that are "closet marijuana smokers." They limit their smoking due to the criminal sanctions imposed for possession and usage. Once the veil of criminality is lifted, those officers will smoke marijuana more often, and other officers will begin using it. Seven of the panel members disagreed saying if they had not smoked marijuana during their career, making it legal to consume would not entice them to begin. Despite this diversity in views, the panel felt this event might first occur within two years, but would most certainly occur (100%) within ten years after marijuana is made legal as a recreational drug.

E-11: Officer arrested for supplying marijuana to minor son/daughter

Seven members of the NGT panel could not foresee this event occurring anytime soon. Parents are overly protective of their children and would not offer drugs to them. However, the other three members disagreed. When the event was changed to offering beer to their children so they could occasionally party at home, the beer event seemed plausible to the entire panel. With this analogy in mind, the seven members joined the rest of the panel. They concluded the marijuana event was likely to first occur within six years of marijuana becoming a legal recreational drug. If word leaked out that a peace officer/parent was supplying marijuana to

his/her minor children, the agency would face ridicule, and thus this event would have a moderately negative impact on officer performance throughout the agency due to low self esteem and pride.

In reviewing the events examined by the NGT panel, only two events would have a significant positive impact regarding officer performance. The invention of a rapid THC analyzer and the implementation of a marijuana tax were felt to have positive impacts on officer performance. The panel also believed two events showed a severe, negative impact on officer performance. Those events identified by the panel included a mass casualty vehicle accident and an accidental shooting death, both caused by an on-duty officer under the influence of marijuana. Both groups of events had a 100% probability of occurring within five to ten years after marijuana is legalized as a recreational drug.

Cross Impact Analysis

After forecasting a list of potential trends and events, the NGT panel was asked to analyze the impact each event would have on each trend in relation to officer performance and the legal use of marijuana. To accomplish this task, a cross impact chart (Table 2-3) was developed. The NGT panel was asked to rate each intervention as a positive or negative impact using a scale of +5 to -5. All responses appearing on the following table were calculated using the median score.

Table 2-3
Cross Impact Chart

	T-1 Candidates Applying	T-2 Veh Acc on-duty	T-3 Shootings on-duty	T-4 Injuries on-duty	T-5 Possess on-duty	T-6 Smoki ng on- duty	T-7 AWOL	T-8 Respiratory illness	T-9 Training hours	T-10 I.A. off-duty	T-11 Heavier drugs	T-12 DUI off-duty
E-1 Sobriety machine	+1	+5	+5	+2	0	+5	+2	0	-1	0	+4	+5
E-2 Lung cancer	-1	+1	+1	+1	+2	+3	0	+5	0	+1	-2	+1
E-3 Inmates released	+1	0	-2	-2	0	0	0	0	-1	-3	0	-2
E-4 Marijuana tax	+1	0	0	0	-1	-1	-1	+1	-2	-1	0	-1
E-5 Deadly car crash	0	-5	-1	-1	-3	-4	-2	0	0	-1	-4	-3
E-6 Deadly stray bullet	0	-2	-5	-4	-2	-3	-1	0	-2	-1	-4	-1
E-7 Marlboro joint sales	+2	-2	-2	-2	-4	-3	-3	-3	-4	-1	-2	-3
E-8 No hire users	+1	+3	+2	+2	0	-1	0	+4	0	+2	+3	+1
E-9 No users for SWAT	0	+2	+4	+3	+3	+5	+1	+3	0	+1	+3	+1
E-10 Public safety use	+2	-3	-3	-4	-1	-4	-2	-5	0	-2	-3	-1
E-11 Supply to minor	-1	0	-1	-1	-1	-2	-2	-3	-4	-5	-3	-3

E-1 & T-2: The panel saw the availability of a roadside marijuana testing device having a significant, positive impact (+5) on the trend for detecting officers who drive on duty while under the influence of marijuana. The current trend in most law enforcement agencies is not to have the officers sobriety tested for alcohol or drugs following a vehicle accident unless there are signs that the officer is under the influence. If such a sobriety device became available, it would help deter officers from coming to work under the influence of marijuana, and thus would contribute to a lower number of on-duty vehicle accidents.

E-1 & T-3: The panel felt the implementation of a simple, quick marijuana sobriety machine would have a major, positive impact (+5) on the trend for officer involved shootings. If marijuana usage among officers became more prevalent due to its legality, then one would expect that some percentage of officers involved in shootings would be under the influence of marijuana. If the officers knew their sobriety would be checked immediately after a shooting incident, the panel felt the officers would be more careful in not coming to work under the influence.

E-1 & T-6: The panel believed that a non-intrusive device to check for marijuana intoxication would have a highly, positive impact (+5) on detecting officers who might choose to smoke marijuana on-duty. It is not uncommon for agencies to discipline officers for drinking alcoholic beverages on duty, so it is not unreasonable to expect officers to smoke marijuana on duty if it became a legal drug. Currently, the detection of marijuana intoxication is hard to identify. It requires special training to recognize the stealth, physiological signs and must be backed up by a laboratory examination of the person's blood or urine. If a simple, but accurate field testing device could be developed, it would deter the smoking of marijuana on-duty by officers.

E-1 & T-12: The panel was split slightly on whether a marijuana sobriety tester would have a positive impact on the number of off-duty officers arrested for driving under the influence. The majority of the group felt the device would have a positive impact (+5) by deterring officers from smoking marijuana before driving. However, two members felt officers would continue to smoke marijuana and would try driving while under the influence. Once arrested, the media would publicize the off-duty arrests, bringing discredit to the agency. Additionally, the officers

could face incarceration time or restrictions on their driving status and thus impact the agency's staffing levels and officer performance.

E-2 & T-8: The panel saw this event as having a significant, positive impact (+5) on the number of respiratory illnesses. If a scientific study could clearly establish a link between lung cancer and the smoking of marijuana, very few officers would smoke marijuana, and thus respiratory illnesses would decrease.

E-3 & T-10: The panel was slightly divided on what impact this event would have on the trend for off-duty complaints to Internal Affairs (I.A.). The majority of the panel felt that if inmates convicted of marijuana offenses were suddenly released from incarceration, off-duty officers would have a greater chance of running into these former inmates and confrontations would occur. Any time confrontations occur off-duty, complaints are likely to occur. This would create a moderate, negative impact (-3) on officer performance as the investigation is conducted. Two members felt that marijuana users were generally non-violent. These panel members felt releasing convicted marijuana users back into society early would not create any problems with on-duty or off-duty peace officers, thus there would be no impact the number of I.A. complaints.

E-4 & T-9: The panel was split on whether a new tax for marijuana purchases would have a positive or negative impact on the amount of training officers receive. The majority of panel members felt the need for more training on marijuana laws would negatively impact (-2) agencies because officers would be taken away from their regular assigned duties for the training. However, other panel members felt the increase in revenue from the new marijuana tax would help fund all forms of training. Special equipment and facilities that could not be budgeted for in earlier years due to funding limitations could now be done.

E-5 & T-2: The panel was united in their belief that an officer involved in a fatal on-duty vehicle accident who was under the influence of marijuana would have a huge, negative impact (-5) on the law enforcement profession and thus on the morale and performance of other officers. An event of this magnitude would probably spur the legislature to create a punishment enhancement specifically aimed at public safety personnel.

E-5 & T-11: The panel was in agreement that a fatal vehicle accident involving an officer under the influence of marijuana and other harder drugs would have a significant, negative impact (-4) on officer performance throughout the agency. Three panel members did not believe that marijuana was a gateway drug, and thus saw no correlation to this event having any impact on the trend. One member saw this event having a positive impact on the trend to use harder drugs. This panel member felt that this horrendous vehicle accident would be an eye opener to those officers who did use harder drugs and might make them stop.

E-6 & T-3: The panel felt that a fatal stray bullet fired by an officer under the influence of marijuana would cause an immediate outcry from the public to review law enforcement agencies' shooting policies. Law enforcement agencies throughout the nation would certainly feel the impact and would tighten up policies on the use of deadly force. The incident could lead to officers being tested for marijuana intoxication prior to the start of each shift, much like professional athletes do prior to competing in a major sporting event. The event would have a huge, negative impact (-5) on officer performance.

E-7 & T-1: The panel believed that commercial sales of marijuana would lead to a safer product that was not spiked with other illicit materials. If potential candidates for law enforcement

positions smoked only pure, legal marijuana, then drug testing during the background process would not detect any other illicit drugs and more candidates would be expected to pass. As more candidates are hired, officer vacancies would disappear, and there would be more officers to handle calls for service. This would have a moderate, positive impact (+2) on officer performance.

E-7 & T-5: The panel saw commercially sold marijuana cigarettes as a convenience for the consumer. Because of the convenience, the panel felt there would be an increase in the trend for more officers to possess marijuana on-duty. This in turn would tempt officers to smoke marijuana on-duty, and thus would have a major, negative impact (-4) on officer performance.

E-7 & T-7: The panel was nearly unanimous that this event would have a significant impact on the trend, and thus have a negative impact (-4) on officer performance. Nine panel members felt that the convenience of purchasing ready-rolled and packaged marijuana cigarettes would create more usage among peace officers. The panel concluded that as marijuana smoking increased among officers, self-discipline and initiative would decrease. Officers would begin showing up to work late, or simply calling in sick more frequently. Staffing shortages could be expected.

E-8 & T-8: The panel thought that disqualifying marijuana smokers from applying for law enforcement jobs, even if the drug was made legal, would have a positive impact (+4) on the prevention of respiratory illnesses and officer performance. A few agencies currently follow this policy in regards to tobacco cigarette smoking. The increased health costs associated with cigarette smoking justify agency discrimination. Healthier officers lead to less days of sick leave and more productivity.

E-9 & T-3: The panel felt even if marijuana became legal to use, those members of a SWAT unit should not be allowed to use it. Because SWAT members must be at their height of concentration and tactical skills at all times while on duty, especially in shooting situations, the team should not take the chance of residual effects compromising an emergency operation. All police shootings are reviewed and scrutinized by several investigative bodies. By not allowing team members to use marijuana at all, this potential issue is removed from the investigation and thus would have a huge, positive impact (+4) on officer performance.

E-10 & T-4: The panel believed that a survey citing increased use of marijuana by public safety officers (i.e., police, fire, and emergency medical personnel) would help explain why law enforcement injuries increase each year. Since marijuana impairs judgment and reaction time, the panel felt more on-duty injuries would occur. The study would give health insurance organizations justification for raising premium costs to all groups of public safety officers. Officer performance would be negatively impacted (-4) because of the increase of injuries.

E-10 & T-11: The panel saw this publicized study as a warning that law enforcement officers might also be graduating to harder drugs. The majority of the panel and the public believe that marijuana is a gateway drug to harder drugs. A study that reveals a documented increase in marijuana throughout all public safety professions would cause society to lose respect and trust for its public servants. The loss of public support and confidence would have a negative impact (-3) on officer performance.

E-11 & T-10: The panel felt this event would foster the trend that off-duty complaints to Internal Affairs would be increasing. Supplying legal marijuana to minor children would be investigated criminally and administratively. The time, energy, and funding required to

investigate and later rebuild the agency's reputation would have a significant, negative impact (-5) on the agency and on officer performance. This event would receive major media attention and create pressure on departments to severely punish those officers contributing to the delinquency of minors.

Scenario Development

Scenarios were created based on input from the Nominal Group Technique. Scenarios are future stories utilizing the trends and events identified through the NGT process. The purpose of these scenarios is to help law enforcement officials recognize optimistic, pessimistic, and normative outcomes that might lie ahead. By examining the full spectrum of possible futures, law enforcement officials can start making strategic plans that will mold and shape the future.

Futuristic Scenario - Pessimistic

It was November 6, 2009, the second anniversary of marijuana being legalized by voters in California. Officer Smith arrived for work late. After smoking a Marlboro marijuana cigarette just two hours earlier, he was debating on whether he should go into work at all today. Smith's wife convinced him to go to work.

Upon his arrival at the station, Smith's supervisor counseled him for his continued tardiness. Smith tried to listen to the advice of his supervisor, but between Smith's persistent coughing, and his inability to focus on his supervisor's words, Smith could not fully concentrate.

After suiting up and hitting the streets in his fuel-cell powered squad car, Smith was dispatched to a domestic dispute call. The recent legalization of marijuana had significantly increased the number of calls for service regarding domestic violence.

While driving to the call, Smith heard a broadcast of a robbery that just occurred. As Smith viewed the description of the suspect and the vehicle on his CAD dispatch wrist watch, he realized the suspect vehicle was directly in front of him on I-5. Without waiting for back up, Smith turned on his vehicle's emergency lighting. The suspect responded to Smith's actions by accelerating. Smith too accelerated his squad car and before he realized, accelerated too fast, striking the rear of the suspect's vehicle.

The suspect's vehicle veered off across 3 lanes of traffic, striking two northbound vehicles, jumping the center dividing wall, and crashed head on into three southbound cars. As the vehicles struck, a chain reaction continued in both directions until a total of 80 vehicles were involved. Despite the carnage at the collision, the suspect managed to climb out of his wrecked car and began to stagger across the roadway. Smith too crashed his squad car into the center dividing wall. Smith exited his car and saw the suspect staggering across the roadway. Realizing he was not physically fit to run after the suspect due to respiratory inflammation cause by his chronic marijuana smoking, Smith drew his service weapon and fired two shots at the suspect. Both rounds missed the suspect, but instead hit a three-year-old girl who was strapped into a safety seat inside a vehicle which was part of the accident scene.

As the scene was infiltrated by other law enforcement and rescue personnel, the suspect was quickly taken into custody just before Smith's supervisor arrived on the scene. As was standard practice with their department, Smith's supervisor swabbed the inner gum of Smith. The swab was then inserted in the input tunnel of the department's new marijuana sobriety machine. The device immediately identified the presence of THC in Smith's blood; he was still under the influence of marijuana. Smith was placed under arrest for driving under the influence of marijuana.

Smith was restrained using the new spray foam hand restrictors and searched. In his front pants pocket was a 2" x 2" zip lock bag containing eight chunks of rock fantasia. Smith was placed under arrest for its illegal possession.

As the crowd of on-lookers focused their attention and anger on the detention of Smith, he was airlifted out of the area and transported to jail using the department's fuel-cell powered helicopter.

Futuristic Scenario - Optimistic

It was January 1, 2006, when marijuana was legalized in the state of California. In the past three years, the police department had flourished with a dramatic increase in budget funding. The funding was a result of the new marijuana tax that was used for public safety and health services.

As Officer Smith was dispatched to a barking dog complaint, he called the complainant on his new department issued watch-radio-phone purchased through the new tax money. He learned from the complainant that the neighbor's dog barked frequently during the day for no apparent reason. Smith was able to review premise history using his laptop computer which was wirelessly connected to the department's new CAD. All officers in his department are issued these items thanks to the new funding.

Smith drove to the call in his fuel-cell powered squad car. The department had purchased 5 new fuel-cell powered squad cars since last year, thanks to the new marijuana tax. The new vehicles were needed to accommodate the increase in staffing due to the surge in candidates applying and successfully passing the department's background check.

As Officer Smith responded to the barking dog call, he was happy in thought knowing that he no longer had to work his off-duty job. Thanks to the 500 new jobs created by the

opening of the Marlboro marijuana processing factory in his community, his wife now had a job and the family had more income. The Smith's were planning on having a swimming pool installed with their new income.

Upon arrival, Officer Smith heard firsthand how obnoxious the dog's barking could be. Officer Smith had the complainant retrieve a chocolate bar and a marijuana cigarette. Smith mixed the two ingredients up in a bowl. He then allowed the neighbor's dog to gobble down the concoction. Within minutes, the dog was passively lying on the ground, no longer barking. The complainant was happy and now had a quick solution for future disturbances.

Futuristic Scenario - Normative

It was October 6, 2008, and Officer Smith was on sky patrol using his personal anti-gravitational sky mover. Smith had not received a dispatched call in over 45 minutes and was getting bored.

As Smith was cruising over the city, he observed a two-vehicle accident occur on the ground below. A green Ford Starlight ran a red light, T-boning a tan Chevy Moonbeam. Officer Smith landed his sky mover and walked over to the two motorists. After confirming that no one was injured, Officer Smith interviewed the drivers.

The driver of the tan Chevy admitted to smoking one Marlboro marijuana cigarette about 30 minutes prior to driving. Officer Smith tested the driver's sobriety using his marijuana sobriety machine. The device indicated the driver was within the legal limits to drive.

Officer Smith then questioned the driver of the green Ford. The driver admitted to being distracted when his low calorie, low fat, Big Daddy Bacon Burger was dripping juices on his leg. The driver admitted to taking his eyes off the road for a split second, just long enough to not see

the signal light turn red. Officer Smith tested the driver's sobriety, but found he was not under the influence of any drug.

Officer Smith ran both drivers for records and learned that the Chevy driver had one prior arrest back in 2005 for marijuana possession, when the drug was illegal. The driver of the Ford had a clean criminal record, but had an expired driver's license. After Officer Smith placed him under arrest him for driving on an expired license, he searched the driver and found three chunks of the illicit drug fantasia in his pants pocket. Officer Smith requested a transport unit to the scene to book the driver.

At the end of watch, Smith met two of his beat partners for an after hours de-stress briefing at the local pub. As Smith lit up his Marlboro marijuana cigarette, he couldn't help being angry with Officer Jones, who has become addicted to alcohol, and with Officer Green who was diagnosed in the early stages of emphysema caused by his addiction to tobacco cigarette smoking. As Smith puffs away on his marijuana, his anger melts away and he relaxes with his friends.

Chapter Summary

This chapter used the results of the Nominal Group Technique process to identify trends and events that might impact officer performance in a California law enforcement agency if marijuana became legal. By using the data gathered from the NGT, three futuristic scenarios were established. The scenarios will assist law enforcement officials make strategic plans to promote the positive outcomes, and minimize negative futures.

The next chapter will deal with developing strategic plans regarding officers' usage of marijuana on and off-duty, and the issue of being under the influence while performing law enforcement functions.

CHAPTER III

STRATEGIC PLANNING

Introduction

Before implementing change in an organization, several steps must be taken. Performing the correct preparatory planning is the key to a successful organizational change. To demonstrate the steps involved in strategic planning, a fictitious law enforcement agency was created. The agency's description, vision, and goals were produced and illustrated. The process of organizational analysis, stakeholder identification, and strategy development were then examined to allow the fictitious agency to plan for the impact the legalization of marijuana will have on its officers' performance. To avoid the pessimistic scenario projected in the previous chapter, a department policy regarding the legal use of marijuana was the strategic plan developed for this project.

Organizational Description

River County is a large, diverse county located in Northern California. The county consists of 994 square miles of residential, business, and rural life styles. River County has three major rivers flowing through its jurisdiction. Established in 1850, the county encompasses six incorporated cities. The River County Sheriff's Department supplies contractual law enforcement services to three of the incorporated cities. Each of these cities has a population of approximately 90,000.

The River County Sheriff's Department is a large urban law enforcement agency. The department consists of 1800 sworn officers and 600 civilian employees. The gender make up of the department is composed of 67% male and 33% female. The ethnic composition of the

department is 56% Caucasian, 18% Hispanic, 12 % Black, 10% Asian, 3% Native-American, and 1% other. As a sheriff's department, the agency supplies correctional services, judicial protection, patrol services, and investigative functions to a population of 1.1 million citizens, including its contract cities.

Vision

To provide professional law enforcement service in partnership with the community that enhances the quality of life, by providing a safe environment, through the protection of life and property.

Goal

The legalization of marijuana will not relinquish responsibility of officers to remain sober during the course of performing law enforcement functions. Public confidence cannot be jeopardized by the perception that officers or other employees of the department are under the influence of marijuana during their working hours. Agency guidelines must be developed and implemented to ensure department employees are performing their public service sober and free from the effects of marijuana intoxication.

Organizational Analysis

As the legalization of marijuana inches closer to reality, the challenge for the River County Sheriff's Department is to supply law enforcement services to the community that is not hampered by officers being under the influence of marijuana. To accomplish this, the department must clearly communicate a policy to its employees that marijuana intoxication at work will not be tolerated.

There are internal and external forces that may impact officer performance of law enforcement services relative to the legalization of marijuana. These forces must be identified and anticipated well in advance. By using the STEEP model, impacts from future trends in social, technological, economic, environmental and political developments were developed from the literary research and from the contributions of the NGT panel.

Before implementing any strategic plan, one must conduct an evaluation of the organization's current state. A SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis of the River County Sheriff's Department was performed. The SWOT model is designed to analyze department's internal strengths and weaknesses, and to explore external opportunities and threats that could impact the strategic plan of developing and implementing a policy regarding marijuana intoxication by on-duty officers.

Strengths

- Nearly 95% of the employees do not smoke tobacco products. Tobacco smoking is the initial indoctrination to inhaling other smoking products.
- Over 20% of the employees hired in the past 10 years have never smoked marijuana at any time in their lives.
- Over 50% of River County Sheriff's deputies have attended a POST-certified course in Drug Influence Recognition (Health & Safety Code 11550).
- Over 70% of the sworn supervisors/managers have attended a POST-certified course in Drug Influence Recognition (Health & Safety Code 11550).
- River County Sheriff supervisors may order an employee they suspect is under the influence of any drug to submit to a medically approved drug analysis.

- River County Sheriff's Department utilizes the services of an Employee Assistance Program (EAP) to assist employees with personal issues including drug dependency.
- River County Sheriff's Department has developed a cadre of over 100 trained Peer Support counselors.
- River County Sheriff's Department employees have a strong tradition of following department policies and procedures.
- River County Sheriff's Department enjoys a good partnership with the Deputy Sheriff's Association.
- River County Sheriff's Department has developed a "Progressive Discipline Manual."

Weaknesses

- Nearly 80% of the employees hired in the past 10 years admitted smoking marijuana prior to their employment.
- Officers involved in shootings are not tested for being under the influence of drugs.
- Officers involved in vehicle accidents are not routinely tested for driving under the influence of drugs or alcohol unless transported to a hospital.
- River County Sheriff's Department requires only a high school diploma or GED for employment as a sheriff's deputy. Marijuana smoking is associated with low education performance.
- Decentralization has caused a span of control issue within the department.
- Only half of the deputies have attended a course in Drug Influence Recognition (Health & Safety Code 11550). Without special training and being alerted to the potential for suspected usage, marijuana intoxication is likely to go unnoticed.

Opportunities

- Affordable new technologies have been introduced to law enforcement within the past decade. Devices such as night vision goggles, electronic stun devices, and roadside sobriety testers are just a few.
- Advances in medical science continue to improve by leaps and bounds. Hospitals that once physically drew blood from patients to determine oxygen content are now able to accurately compute that content by the use of a laser beam device projected through the tip of a patient's finger.
- Simple, inexpensive marijuana testing devices are commercially sold that detect the presence of THC in the urine or blood of subjects.
- There is public support for all on-duty officers to be sober and not under the influence of any mind altering substance.
- The River County Sheriff's Department is seen by outside agencies as taking a proactive stance in controlling marijuana usage by its employees.

Threats

- The crime rate continues to increase in River County leading to public perception that its deputies are under the influence of marijuana and not performing adequately.
- County budget cuts have forced the River County Sheriff's Department to reduce training costs, including educating officers in the long term effects of marijuana consumption.
- Political pressure is exerted by legal marijuana suppliers urging the River County Sheriff not to dissuade deputies from using the drug.

Stakeholder Identification and Analysis

Stakeholders are individuals and/or groups of people from within the organization, or outside the organization, that have the potential to impact an organization's strategic plan, or will be impacted themselves from the plan. The following is a list of stakeholders that may be impacted by the development and implementation of a policy limiting the use of legalized marijuana by employees of the River County Sheriff's Department.

Sheriff/Management

- Plan, draft, and will support a policy that mandates a sober workforce
- Ensure public is served by officers who are not under the influence of marijuana
- Policy could have negative political implications and be interpreted as encouraging workforce to consume marijuana
- Will require an allocation of funding for training officers on the long lasting effects of marijuana intoxication
- Will require an allocation of funding for testing officers suspected of being under the influence of marijuana.

Sheriff's Supervisors

- Will support and market the policy to avoid future subordinate problems
- Must discipline employees showing up late due to marijuana intoxication
- Must discipline employees abusing sick leave due to marijuana intoxication
- Must investigate and discipline employees driving while under the influence of marijuana
- Must investigate and discipline employees involved in shootings while under the influence of marijuana

- Must discipline employees for using other, harder illicit drugs
- Must adjust staffing levels so employees can attend training on the long lasting effects of marijuana intoxication

Deputy Sheriffs

- May not fully support the policy due to concern for additional disciplinary action if policy is violated
- Written reminder that they must not come to work under the influence of marijuana
- Must be aware of when it is safe to consume marijuana prior to shift hours
- If issue is not addressed, can expect more complaints filed against them from citizens
- Policy may be interpreted to encourage marijuana usage and lead to higher respiratory illnesses caused by marijuana smoke inflammation
- Must be aware of when it is safe to consume marijuana prior to shift hours

Deputy Sheriff's Association

- Assist in drafting policy language
- Will support and market policy to keep members out of trouble
- Increased need for disciplinary representation if policy is violated
- If issue is not addressed, increased need for disciplinary representation due to poor officer performance

Citizens

- Will support any department policy that improves or secures quality law enforcement service
- Although not fully in favor of legalizing marijuana's usage, will support the need to control its usage

- If issue is not addressed, concerned over officers taking longer to respond to calls, due to shortage of available (AWOL) officers
- If issue is not addressed, concerned over officers giving poor advice to solve citizens' problems
- If issue is not addressed, concerned over citizens injured by officers driving under the influence
- If issue is not addressed, concerned over citizens injured by officers shooting firearms (stray round)

County Risk Management

- Will support any department policy that will lower the likelihood of liability
- If issue is not addressed, increase in lawsuits due to officers under the influence hurting citizens and/or destroying property
- If issue is not addressed, higher workers compensation costs from officers under the influence being hurt on-duty

Snail Darter

A snail darter is a term that has come to mean an unanticipated individual or group that suddenly intervenes in the strategic plan. Because the snail darter is unexpected initially, it has the potential of derailing the planned course of action, and can be a momentous obstacle to overcome.

An example of a snail darter would be the intervention of a civil rights group such as the American Civil Liberties Union (ACLU). The group could possibly object to the Sheriff trying to dictate how officers behave on their off-duty time. Since the Sheriff's policy would require

abstinence from marijuana consumption for as long as 24 hours prior to the start of the officers' shift, the policy would be perceived as unjustly interfering in the officers' personal off-duty life. This group could file a legal injunction prohibiting the implementation of the policy until the issue is officially resolved in court.

Strategy Development

As the legalization of marijuana moves forward, the River County Sheriff's Department must develop a strategy to deal with the impact of this drug becoming prevalent within the law enforcement organization. To control the impact that marijuana intoxication will have on the performance of officers delivering law enforcement services in the community, the department must take some action that will help direct this potentially negative scenario and create a desired future outcome. Since the department's vision is to provide professional law enforcement service in a partnership with the community, the desired strategy must focus on the best interests of the public's safety.

Development of Alternative Strategies

There are alternative strategies that should be explored to deal with the impact that marijuana legalization will have on officer performance within the River County Sheriff's Department. The following strategies are based on the pessimistic scenario developed in the previous chapter with a desire to achieve a positive future outcome.

Strategy One

The River County Sheriff's Department must establish a policy that gives clear direction to its employees regarding the use of marijuana (see model policy in appendix C). The policy

must address the issue of employees reporting for duty while under the influence of marijuana. This portion of the policy is aimed at controlling off-duty behavior. Because of the long lasting affects of THC, off-duty marijuana intoxication can spill over into the employees' on-duty hours and thus adversely impact on-duty officer performance. The policy should note that documented studies have shown that marijuana intoxication adversely affects performance as long as 24 hours after smoking the drug.

Additionally, the policy must also focus on the problem of employees smoking marijuana during on-duty hours. On-duty consumption will obviously lead to immediate intoxication. This intoxication will be intense since the drug is immediately administered into the blood stream. Poor employee performance will be the ultimate consequence.

Further, the policy must prohibit the simple possession of marijuana by the employee while on-duty. Commercial, pre-packaged marijuana cigarettes will make the drug convenient to purchase and carry. If the drug is readily carried on-duty, the chances of usage during duty hours will increase. Further, the possession of marijuana on-duty will give the community a perception that its law enforcement officers are regularly under the influence.

In addition, the policy must forbid employees from bringing marijuana to a work site. As already noted, a drug that is readily available in a desk drawer, a brief case, or in a locker has a higher chance of being abused during duty hours.

Finally, the policy must emphasize that all personnel are bound by the order, regardless of assignment, rank, or sworn/non-sworn status. Developing such a policy would be the preferred strategy to select to create a desired future outcome.

Strategy Two

Since the legalization of marijuana as a recreational drug has not reach fruition, the River County Sheriff's Department may chose to adamantly fight legislation and public opinion that support such at a change in law. Politically, the Sheriff may consider networking with local and state politicians, seek backing from community and special interest groups, and consult with marketing professionals to erect successful roadblocks.

Strategy Three

If fighting the mindset of legislative representatives and the public is not desirable, the Sheriff may chose to do nothing once the legalization of marijuana occurs. Under the model of Total Quality Management (TQM) developed by Edward Deming, managers should trust their employees to do the right thing.³⁹ Since employees know the far reaching ramifications of being intoxicated by any mind-altering drug while on-duty, they will do the right thing and only perform their job while sober.

Summary

This chapter examined the steps to follow in strategic planning. Using the vision and organizational structure of a fictitious law enforcement agency, the process of organizational analysis, stakeholder identification, and strategy development were performed to prepare for the impact the legalization of marijuana will have on officer performance. The preferred strategy is to develop a policy that directs the behavior of department employees so they are not under the influence of marijuana while performing their jobs (see model policy in appendix C). The next chapter will focus on transition management and how to go about implementing the policy strategy selected.

CHAPTER IV

TRANSITION MANAGEMENT

Introduction

To prepare the River County Sheriff's Department to mitigate the performance impact that the legalization of marijuana will have on the department, a policy must be implemented. A carefully crafted plan must be implemented to move the desired policy into the future successfully. This implementation process is called transition management.

Commitment Planning

Any change to an organization requires some level of commitment from the stakeholders involved. Although no plan will ever have total support of all parties involved, it must receive enough commitment to allow the change to progress successfully. A change plan requires a large enough number of people or groups who collectively are able to influence a change effort from being something needed or wanted, to something actually happening. This is called critical mass.

Although the stakeholders identified in the previous chapter all have an interest in the proposed policy, only those who can impact the implementation and outcome of the policy are considered critical mass. To assess the minimum number of key stakeholders needed towards achieving critical mass for the proposed change, a commitment chart was established. The chart is used to display a visible listing of stakeholders' current commitments, and their need for support in the future to move the plan to fruition. The commitment chart (Table 4-1) allows the change planner to determine how much marketing and influence will be needed to promote each stakeholder's support of the plan to implement the desired change. Four groups of stakeholders

were identified as being critical for the success of the policy. The groups needed for critical mass were the Sheriff and his/her management, sheriff supervisors, the labor organization, and risk management.

Table 4-1
Critical Mass Commitment Chart

KEY PLAYERS	NO COMMITMENT	LET CHANGE HAPPEN	HELP CHANGE HAPPEN	MAKE CHANGE HAPPEN
Sheriff & Managers		X —————	—————	—————▶ O
Sheriff Supervisors			X —————	—————▶ O
Labor Organization		X —————	—————▶ O	
Risk Management		X —————	—————	—————▶ O

Table 4-1: X = current position O = desired position

The critical mass participants can be placed in three role categories. The three categories are:

- Those who plan the change
- Those who implement the change
- Those who are recipients of the change.

The Sheriff is the strategist or planner of the policy. The Sheriff's ability to forecast a potential future problem and take preventative action early will minimize the negative outcomes of legalizing marijuana. The Sheriff may appoint a manager to coordinate the project and eventually draft the policy. Sheriff managers will need to market the policy to sheriff supervisors and stand firmly behind the Sheriff's directive.

The supervisors are the ones who will market and eventually implement the policy. The supervisors will need to explain the necessity of the policy to the line staff so negative performance by their subordinates is kept at a minimum. Since the supervisors will also be bound to follow the policy, they too will be recipients of the new policy.

The labor organization will be part of the policy implementation. Since the policy will dictate how members of the labor organization will behave off-duty, as well as on-duty, they will be needed for marketing. The policy has the potential of changing employees' working conditions and thus, the labor organization must be consulted and involved. With their buy in and support, the labor organization will be used to convince the membership that there is a need for the policy and that the policy is not just a management tool for an unwarranted, tyrannical control. Additionally, the labor organization will also be a recipient of the policy. Members who fail to follow the guidelines established will face disciplinary action. The labor organization will have to represent those members during the disciplinary investigation.

Risk Management will play a major part in helping to implement the policy. They should identify and forecast a negative future if the issue of legalized marijuana usage is not addressed at the workplace. They may be a link to the Sheriff to supply additional funding needed for the training and dissemination of the policy throughout the department. They may also be the agency that supplies the research regarding the long lasting affects of THC, and what the current case law is regarding marijuana intoxication liability.

Intervention Strategies

Anytime an organization faces change, three groups of people will emerge. There are those who will support the change, those who will resist the change, and those who are neutral. Of these three groups, the hardest one to influence is the resistor. To gain enough critical mass

support for the new policy with the least amount of resistance, the leader must get the neutral group to lean towards supporting the implementation. This group can become instrumental in removing some of the roadblocks erected by the resisters.

Since the selected strategy is to implement a policy that will maintain the performance of officers who choose to use marijuana when it becomes legal, the stakeholders must be examined as to their position of support, or resistance, of the planned policy.

The Sheriff will need to communicate to his/her management team his vision to maintain a high level of officer performance in the community. The Sheriff must have the support of his/her management team to accomplish this. Any concerns or resistance at this management level must be dealt with. The Sheriff must be honest and open with the management team. He/she must actively solicit feedback from management staff to fully understand any concerns they may have. Off site workshops and retreats will help break down the symbolic barriers that restrict honest communication.

Sheriff's supervisors should also be brought into the early discussions of the planned policy. Since they will be the first line of implementation, they must understand the goal of the policy and how it affects the vision of the department. Because training issues dealing with identifying employees under the influence, and conducting disciplinary investigations will certainly be a concern for the supervisors, the Sheriff should have a training plan drafted to address these issues. Since these supervisors are the inspirational role models, their actions of support will help influence their subordinates when implementation occurs.

The Deputy Sheriffs must be convinced that the purpose of the policy is to ensure high performance and professional pride as they carry out their law enforcement duties. The Sheriff should take time to address groups of officers at their assigned locations and shifts to explain the

policy and answer questions. To market the policy to this major recipient group, the Sheriff should not dwell on the disciplinary consequences of violating the rules.

The labor organization should be involved at the earliest stage. A policy change that has the potential of leading to disciplinary actions against its members will normally be resisted. However, because labor organizations have the political power to move a policy quickly into critical mass support, the Sheriff should allow the labor organization to play a role in the wording of the policy early in its development. This will help move them from resisters to supporters. The policy issue dictating how officers will behave on their off-duty time will be the toughest hurdle of resistance to overcome.

The Board of Supervisors and Risk Management will be supporters of the Sheriff's policy. Taking the proactive road to ensure exceptional officer performance will help alleviate some liability concerns.

The citizens of River County will be supportive of the policy. Although this group may never realize the planning and marketing occurring within the organization to draft and implement the policy, they will reap the benefits of high performing, sober officers.

Responsibility Charting

Before implementing any change, the leader must identify specific persons or groups who are responsible for completing specific actions, decisions, or activities. To help visualize each participant's responsibility in successfully implementing the policy regarding officers' use of legalized marijuana, a responsibility chart (Table 4-2) was established. The chart is used as a means to identify those participants in the change process who have the responsibility of making actions occur, have approval rights, have supporting roles, or just have a need to be kept informed as to the plan's progress .

Table 4-2
Responsibility Chart

DECISIONS OR ACTIONS	ACTORS									
	S H E R I F F	M A N A G E R S	S U P E R V I S O R S	E M P L O Y E E S	L E G A L A F F A I R S	B O A R D O F F U N I O N S	L A B O R U N I O N	T R A I N I N G D I V	F I S C A L A F F A I R S	R I S K M A N A G E M E N T
Budget for training	S	A				S		S	R	S
Legal Wording of Policy	A	S	I		R		S			I
Communicate Policy at Briefings	I	A	R		S		S	S	S	I
Communicate Policy Through Videos	A	R	S		S		S	S	S	I
Communicate Policy Through E-Mail	A	R	I		S		S	S		
Communicate Policy Through Hard Copy	A	R	S		S		S	S		I
Training – Effects of Marijuana	A	S	S	S	S		S	R	S	I
Training – Signs of Marijuana Intoxication	A	S	S		S		S	R	S	I
Training- Review of Disciplinary Invest.	A	S	S	I	R		S	S	S	

Table 4-2: Responsibility Chart Legend:

- R = Responsible for seeing that decisions or actions occur
- A = Approve of decisions or action with the right to veto
- S = Support action or decisions by committing resources, but no right to veto
- I = Informed of action or decisions but with no right to veto
- = Irrelevant to this action or decision

The responsibility chart list above was designed to identify who was responsible for each task. This tracking process is used to help avoid duplication of effort, reduce ambiguity and

assist the leader in determining who has decision making power for each task and who should be informed of each action's progress.

Budget for Training

Money needed for educating the workforce will need to be identified as encumbered. The fiscal affairs unit has the responsibility of ear-marking this money for this specialized training. The Sheriff, training division, Board of Supervisors, and risk management will be supporters of this action. The Board of Supervisors and risk management maybe asked to add additional funding to the Sheriff's annual budget for this special program. The Sheriff's manager in charge of the fiscal unit has the right to approve the reallocation of funds if they must be moved from another program.

Legal Wording of Policy

Although the wording of the policy will be done through a consensus of the key stakeholders, the actual legal wording is the responsibility of legal affairs. The key stakeholders who will support the drafting of the policy will be Sheriff's managers and the labor union. As the drafting process continues, Sheriff's supervisors and risk management will be kept informed. The Sheriff will have the final approval power of the written document.

Communicate Policy at Briefings

Sheriff supervisors have the responsibility of explaining the policy at briefings. Sheriff's managers should be at the briefings to approve the dissemination of the information. Legal affairs, the labor union, the training division, and fiscal affairs will be supporters at the briefings. Legal affairs will be needed in case there are legal questions asked by the employees. The training division will be needed to log those employees in attendance. Fiscal affairs will be needed to fund any overtime associated with the briefing training. The Sheriff and risk

management should be kept informed on the number of briefings the training was held at, and the feedback from the employees.

Communicate Policy through Videos

Not all work units with the River County Sheriff's Department hold formalized briefings. Because of this, the work units will need another forum for disseminating the policy information. Video training can accomplish this. Sheriff's managers will be responsible for seeing that all employees in their work units are trained regarding the new policy. Sheriff's supervisors, legal affairs, the labor union, the training division, and fiscal affairs will play supporting roles. The training division will develop the media while fiscal affairs will supply the funding. Risk management will be kept informed on the progress of the training. The Sheriff will have the final approval power for the video's release.

Communicate Policy through E-mails

Since some worksites have very few employees assigned to them and are located at satellite facilities throughout the county, the department's e-mail system would be another method of delivering the actual policy document to the employees. Sheriff's managers would be responsible to making this occur. Upon receipt of the e-mail policy by each employee, an automatic confirmation would be generated and logged into each employee's personnel file. Legal affairs, the labor union, and the training division would support this method of delivery since it would track and record all employees who have received a copy of the policy. Sheriff's supervisors would be kept informed of this delivery method. The Sheriff would have final approval power to send the document out department wide.

Communicate Policy through Hard Copy

Because some employees do not attend formal briefings, or are technology challenged and do not use e-mail, a hard copy of the actual policy should be delivered to all employees. Sheriff's managers would be responsible for disseminating the hard copy to all employees within their command. They would be supported by Sheriff's supervisors, legal affairs, the labor union, and the training division. Risk management should be kept informed of the progress. The Sheriff would have the final approval power of the actual written document before it is released.

Training – Effects of Marijuana

The training division would be responsible for developing a lesson plan that educates the employees on the effects of marijuana so they have a better understanding of why the policy is important. Sheriff's managers, Sheriff's supervisors, employees, legal affairs, labor union, and fiscal affairs must support this educational venture. Risk management should be kept informed of the progress. The Sheriff would have final approval of the lesson plan.

Training – Signs of Marijuana Intoxication

The training division would be responsible for developing a mini course on the signs of marijuana intoxication. The course would help Sheriff's managers and supervisors identify employees under the influence of marijuana. Sheriff's managers, Sheriff's supervisors, legal affairs, the labor union, and fiscal affairs will be needed to support this. Risk management should be kept informed. The Sheriff would have final approval of the course.

Training – Review of Disciplinary Investigation

Legal affairs would be responsible for developing a review course for Sheriff's managers and Sheriff's supervisors on how to conduct a disciplinary investigation. The course would need the support of the training division, fiscal affairs unit, Sheriff's managers, Sheriff's supervisors,

and the labor union. Employees should be kept informed of this since it will send a message to them that the department is serious about enforcing directives. The Sheriff would have final approval of the course.

Implementing Change

Once the strategic plan is laid out, the leader must implement the change. If the leader has included the key stakeholders in the planning process as noted, most of the employees have already heard bits and pieces of the proposed policy regulating the use of legalized marijuana.

The employees should receive training on the effects of marijuana, and specifically, the long-lasting effects. Although their assumption may be that marijuana affects a person for only three to four hours, the employees must be informed of studies that show marijuana can cause concentration and coordination impairment for over 24 hours. Further, the employees should be reminded that if their actions result in the property damage, injury, or death to a citizen as a result of being under the influence of marijuana, they will bear the liability for their negligent behavior. This training should be offered during briefings and should consist of a video/digital recording so all training is consistently delivered. A training bulletin should also be disseminated to all employees.

Sheriff's managers and supervisors should receive training in recognizing the signs and symptoms of marijuana intoxication. This training will have to be detailed and in-depth. The managers and supervisors will need to become experts in recognizing persons under the influence. Employees should not expect to be subjected to "witch hunt" testing unless there is clear suspicion that they are under the influence of marijuana. The Sheriff's managers and supervisors should also attend a refresher course in the proper investigation of disciplinary

matters. The emphasis of the training should be on the protection of employee due process rights and the documentation required. This training is not a simple matter and would take at least one full day of instruction.

Due to the size of this large, urban law enforcement agency, the Sheriff will need to notify the department of the official start date for the policy. The Sheriff should address all department employees by means of a video/digital recording so consistency is preserved. In addition to this advisement, an e-mail advisement, and a hard copy of the policy should be delivered to each employee. Each employee should sign and date a receipt that documents he/she has received a copy of the new policy. This signed receipt should be placed in the employee's personnel file.

Implementation Monitoring

After the change is implemented, it must be fostered to maturity. There are several techniques for success when implementing a new policy.

The Sheriff must monitor the progress of the policy to be certain no new resistors have surfaced. Supervisors and managers who bought into the plan in the beginning must be monitored to be certain they have not changed sides and are now undermining the progress of the policy.

Additionally, the Sheriff should highlight "wins" and openly market them for the entire department to share. For example, if the agency experiences a dozen on-duty vehicle accidents during the first month of implementation, and none of the involved employees are under the influence of marijuana, this information should be communicated through the department.

Another support "win" would be to identify another agency that may have had a recent on-duty incident involving an officer under the influence of marijuana. Comparing that agency's

lack of preparation on the marijuana issue will strengthen compliance and support for the new policy. Further, if the Sheriff brings this outside agency's issue to the attention of his/her employees, the Sheriff can take the time to thank his/her employees for their compliance. This pat on the back is a reward for department employees.

Finally, if an employee is determined to be under the influence of legalized marijuana while on-duty, disciplinary action must be taken. Although these investigations and outcomes are confidential, employees will find out. Employees who are disciplined for being under the influence on-duty of legalized marijuana will send a symbolic message to other employees that the policy must be followed.

Evaluation

The goal of the policy was to keep officers sober while will performing law enforcement functions in the community. To evaluate the success of the policy, the Sheriff should consult with Legal Affairs to determine how many cases of on-duty marijuana intoxication have been identified within the first ninety days of the policy implementation. Although the hope would be that no such cases exist, any cases of marijuana intoxication that are identified should be compared to the number of on-duty alcohol cases for the same time period. This comparison would give the Sheriff a better idea on whether non-compliance of the policy will be an epidemic that needs to be revisited with another strategy.

Summary

After selecting the preferred strategy of developing a policy that prevents employees from performing law enforcement functions while under the influence of legalized marijuana, plans were made to implement the strategy through transition management. Through the use of

commitment charting, and responsibly charting, critical mass was determined. The policy was implemented with all parties working together to accomplish a successful transition. To verify that the policy was progressing towards a positive outcome, the policy was monitored and evaluated. The next chapter will focus on leadership and budgetary implications and recommendations for future research and action.

CHAPTER FIVE

CONCLUSION

Project Summary

This project examined how the legalization of marijuana would impact officer performance in a large, urban law enforcement agency by 2009. The usage of marijuana is highly controversial and its legalization would have significant impact for society and law enforcement agencies. To overcome the negative impact this issue would have on law enforcement performance, a sample policy was proposed, and developed to create a desired future (see model policy in appendix C).

In the first chapter, the history of marijuana was discussed. Although legal to use in the early stages of U.S. history, it was classified as a dangerous drug in the mid-1930s. As the drug became popular with the younger generation in the late 1960s, California passed legislation to reduce criminal sanctions for marijuana usage in the mid-1970s. As its usage continued to grow, advocates of marijuana were successful in making it legal to possess for medicinal purposes in the late 1990s. The chapter was brought to end with a review of workplace issues surfacing as more employees are now discovered under the influence of marijuana at work.

In chapter two, future forecasting was accomplished using a Nominal Group Technique (NGT) process. The NGT panel identified trends and events that could occur as marijuana is legally consumed by law enforcement employees. Using the trends and events developed through the NGT process, futuristic scenarios were designed.

In the third chapter, a large fictitious urban law enforcement agency was created to study the impact that legalized marijuana would have on the agency's performance in the community. After describing the agency's vision and goal for maintaining a sober work force, strategic

planning was implemented. Using the SWOT model to evaluate the agency's current state, internal strengths and weaknesses were examined, as were external threats and opportunities. Before developing a strategic plan, stakeholders were identified, including a snail darter. Although three plans were developed to help handle the impact of officer performance once marijuana was legalized, one plan was selected as the preferred strategy. The selected strategy was to create a policy regarding marijuana usage by law enforcement officers.

In chapter four, transition management was discussed. The plan of implementing a new policy addressing the usage of legalized marijuana by law enforcement personnel was developed. A commitment plan was designed using a commitment chart to identify those people and groups involved in the change. Intervention strategies were then nurtured so critical mass could be established. To be certain all parties knew their assigned duties and tasks, a responsibility chart was drafted. Once the plan was designed, the new policy was ready to be implemented. Communication and training were identified as going hand-in-hand while implementing the plan. Finally, as the policy was implemented, it had to be monitored and evaluated to be certain that it was progressing as expected.

Implications for Leadership

The legalization of marijuana has the potential of negatively impacting the performance of law enforcement personnel. Employees who are under the influence of marijuana will have trouble staying focused on tasks, will experience a decrease in fine motor skills, will make poor decisions, will have difficulty concentrating, will tend to have more respiratory illnesses, and will lack internal drive to perform. These characteristics of marijuana intoxication will lead to personnel issues and jeopardize public safety. By recognizing the potential of this paradigm shift, the Sheriff must remain focused on the vision of the department and take action to achieve

the goal of supplying the community with sober-performing personnel. Although tasked with complying with legislation that allows the usage of marijuana, the Sheriff must prohibit its usage at work by his/her employees. The Sheriff must walk a tight rope between the legalities of state statutes, and the safety of the community.

Budgetary Implications

Although the legal sale of marijuana has the potential of generating a new source of revenue for the state, there is no guarantee that any of the funding would trickle down to local government or local law enforcement. For example, the revenue generated in 2002 for the sale of tobacco cigarettes in California was \$1.5 billion while the revenue generated that same year for the sale of alcohol was nearly \$0.3 billion.⁴⁰ None of this revenue was directly channeled for law enforcement purposes. Despite claims that as much as \$1 billion dollars could be infused into the California budget,⁴¹ those figures may not cover the cost associated with the negative use of marijuana. If the usage of marijuana becomes as prevalent as that of alcohol, the revenue taken in will not cover the liability costs. The National Institute on Alcohol Abuse and Alcoholism noted in a 1998 report that nationwide, over \$134 billion is lost annually due to lost productivity, and \$26 billion is spent by health care professions for alcohol related injuries and treatment.⁴²

The legalized use of marijuana by the community may not reduce the Sheriff's enforcement costs as one might assume. Although one could expect that street sales would diminish and thus officers could be transferred to other crime suppression details, other related crimes might also increase. Officers will need to enforce retail marijuana sales as is currently done with alcohol and tobacco cigarette sales. Officers who enforce the possession of alcohol and tobacco cigarettes by minors will need to add marijuana enforcement to their duties. Traffic

officers who randomly conduct DUI check points will have to add new checkpoints for the enforcement of marijuana DUI. To demonstrate the need for this additional check point, in 2002, there were 1,612 driving fatalities in California directly related to alcohol.⁴³ Allowing another legally obtained intoxicant into the hands of the public will only increase those numbers and require more preventative measures by law enforcement.

The Sheriff's costs for incarceration of persons arrested for marijuana related crimes may not decrease. Although the jails could see an immediate decrease in the number of persons arrested for simple possession of marijuana, other crimes would likely increase. Thus, the costs associated with incarceration may not decrease. Persons who drive under the influence of marijuana, supply marijuana to minors, smuggle California marijuana into other states, sell non-taxed marijuana within the state, and those lacing street marijuana with other illicit drugs would likely increase and thus would replenish correctional facilities with inmates.

Recommendations for the Future

As California continues to chip away at current marijuana laws, the legalization of marijuana as a recreational drug appears very likely. Studies should be conducted now to measure the number of officers currently using marijuana as a medicinal drug. This could be achieved by testing all officers involved in on-duty vehicle accidents, discharging firearms, and being injured on the job requiring medical attention. Such a study could be used as a starting point or control group for comparison purposes if marijuana becomes legal as a recreational drug in the future.

In addition to measuring marijuana intoxication while on-duty, statistical data should be collected now regarding employee tardiness, absenteeism, respiratory illnesses, citizen complaints against employees, and the prosecution of officers for using other illicit drugs. These

statistics could be used as the starting point to determine if there is a connection between the legalization of marijuana and future employee issues.

Conclusions

Throughout this project, many questions are left unanswered due to the lack of quality, impartial research in the area of marijuana intoxication. Current researchers seem to begin their studies with a preconceived agenda and thus do not offer definitive, objective results.

The purpose of this project was to study how the legalization of marijuana would impact officer performance in a large, urban law enforcement agency by 2009. Although the potential may exist for a positive future, the evidence tends to suggest a negative future is more likely to be experienced. The hope of all law enforcement administrators is to deter all personnel from performing law enforcement functions while under the influence of legalized marijuana. To see this goal come true, administrators must send a clear message to their employees that on-duty marijuana intoxication will not be tolerated. Law enforcement leaders must create a policy through a coordinated effort with several key stakeholders regarding the use of marijuana by their workforce. Before implementing the policy, agency leaders must educate their employees on the long lasting effects of marijuana intoxication. Employees must be convinced that coordination and concentration deficiencies occur from the usage of marijuana and that these deficiencies will impact their delivery of services to the community.

To assist law enforcement administrators for this potential event, a sample policy was drafted and is included in this project (see model policy in appendix C). The policy prohibits employees, regardless of assignment, rank, or sworn status, to report for duty while under the influence of marijuana. The policy also prohibits possession of legal marijuana on their person, or at their work sites, and/or the use of legal marijuana while on-duty.

This project was designed to examine how the legalization of marijuana would impact officer performance in a large, urban law enforcement agency by 2009. In the last three decades, California has experienced a political and philosophical shift on how marijuana should be viewed. As marijuana laws continue to be chipped away, law enforcement managers must prepare their agencies for the likelihood that their employees will consume marijuana for medicinal and recreational purposes.

APPENDIX A

LIST OF TRENDS

- Number of vehicle accidents by citizens – officers not taking enforcement action
- Number of officers involved in on-duty vehicle accidents – officer under the influence
- Number of police reports written – officers not bothering to write reports
- Number of officers over weight – officers having the munchies
- Number of candidates applying for law enforcement jobs – more candidates means larger pool & more cops
- Number of radio calls missed by officers – officers not paying attention or listening to rock music
- Number of traffic tickets issued – officers not taking enforcement action
- Number of unsolved crimes – officers doing poor investigations and missing critical clues
- Number of officers involved in on-duty shooting incidents – poor judgment by officer
- Number of poor police reports – reports kicked back by detectives & DA
- Number of officers injured on-duty – officers with slow reaction times
- Number of arrests dropped by DA – poor investigation by officer
- Number of officers possessing marijuana on duty – temptation to use on duty
- Number of officers missing court – officers forgetting or just don't care
- Number of officers smoking marijuana on-duty – under the influence on-duty
- Number of officers giving bad advice to citizens – poor information given by officers
- Number of misunderstood radio transmission – officer slurring speech or not making sense
- Number of officers AWOL from work – officers not showing up or bothering to call in

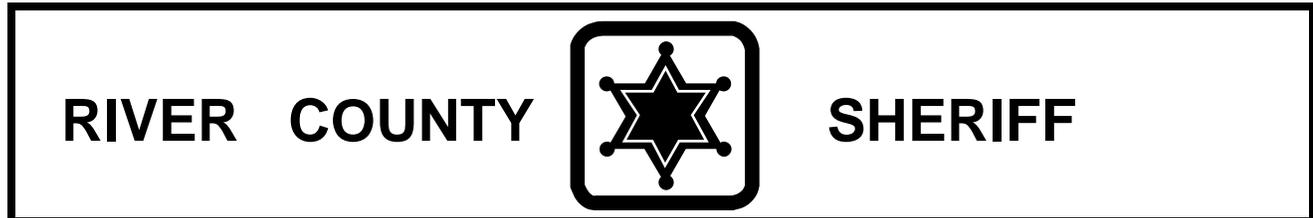
- Level of crime in community – officers not doing proactive work
- Number of incidents involving loss of county equipment – officers leaving equipment lying around or forgetting what they did with it
- Number of officer having respiratory illnesses – inflammation of throat and lungs from smoking
- Number of officers failing to achieve a qualifying score at range – officers poor coordination
- Number of training hours needed to teach marijuana laws – officers away from assignment to attend training
- Number of officers investigated by IA for off-duty behavior – citizens reporting officers bad behavior
- Number of attempted jail escapes – officers not doing security checks
- Number of officers using harder illicit drugs – harsher drugs would cause worse officer performance
- Number of officers (bailiffs) giggling in court – officers not able to control behavior
- Number of officers arrested off-duty for DUI of marijuana – officers discredit agency & face jail time
- Number of officers failing to search patrol vehicle at BOW – items found after suspect detention can't be connected to suspect
- Number of wrongful jail releases – officers miscalculating “good time” or not verifying ID of inmate
- Number of officers hanging out at doughnut shops – officer munchies
- Number of officers “out of uniform” – officers looking disheveled, or in dirty uniform

APPENDIX B

LIST OF EVENTS

- New marijuana sobriety machine is available
- Officer under influence of marijuana beaten by own baton
- Officer under influence of marijuana shoots self at range while drawing weapon
- Officer arrested for supplying marijuana to minor son/daughter
- Sheriff's radio system jammed by portable radio stolen from officer who was intoxicated by marijuana
- 7,000 inmates held on marijuana charges are released from prison
- Officer under influence of marijuana crashes car into wall at EVOC
- Marlboro begins selling marijuana cigarettes
- Wheelchair bound suspect out runs out of shape officer
- Officer arrested for selling marijuana at main jail
- Agency restricts marijuana users from SWAT team
- Officer leaves gun belt in public restroom
- Sheriff vehicle catches fire after officer leaves burning marijuana cigarette on front seat
- Study shows marijuana increases chances of lung cancer
- Sheriff declares officers will be tested for marijuana intoxication at the start of each watch
- New marijuana tax to fund law enforcement
- Officer hospitalized after smoking laced marijuana cigarette
- Officer driving under influence of marijuana kills family of 6 in vehicle accident
- Officer facing discipline after releasing homicide suspect on citation

- Agency refuses to hire marijuana users due to health cost issues
- Officer returns to work after 3 year battle with back pain – cites medical marijuana cured him
- Study shows marijuana use on increase by public safety officers



GENERAL ORDER

MARIJUANA POLICY

The purpose of this order is to control the impact that marijuana intoxication can have on job performance. Public confidence cannot be jeopardized by the perception that employees of the Department are under the influence of marijuana during their working hours.

- I. Employees shall not report to work following the consumption of marijuana when the product has not metabolized to a level of 50 nanograms per milliliter (ng/ml) or less of THC in urine or blood.
 - a. Employees are reminded that residual, adverse effects of marijuana can last longer than 24 hours after consumption.
- II. Employees shall not consume any amount of marijuana during their assigned shift.
- III. Employees shall not consume any amount of marijuana during any break period during their assigned shift.
- IV. Employees shall not possess marijuana at any department or county work site.
- V. Employees shall not bring marijuana into any department facility or vehicle.
- VI. Employees suspecting another employee of violating provisions of this policy shall immediately notify their supervisor.

ENDNOTES

1. *History of Marijuana Use*. Internet.
http://www.marijuanaaddiction.com/marijuana_hist.html#america;
Accessed: 28 December 2003
2. Dale H. Gieringer, "The Forgotten Origins of Cannabis Prohibition in California," *Contemporary Drug Problems*, 26(Summer 1999): 257.
3. *Volstead Act*. Internet.
http://college.hmco.com/history/readerscomp/rcah/html/ah_089600_volsteadact.htm; Accessed:
28 December 2003.
4. Paul Franklin and Arthur Hoerl, *Reefer Madness*. Produced by George A. Hirliman, Directed by Louis J. Gasnier, 67 min. Goodtimes Home Video, 1936, videocassette.
5. David F. Musto, "The 1937 Marijuana Tax Act," *Archives of General Psychiatry*, 26 (February 1972): 101-108.
6. Mayor's Committee on Marihuana, by the New York Academy of Medicine, *The La Guardia Committee Report: The Marihuana Problem in the City of New York* (1944). Internet.
<http://www.druglibrary.org/schaffer/Library/studies/lag/lagmenu.htm>; Accessed:
11 January 2004.
7. *Busted: America's War on Marijuana-- Time Line* (1998). Internet.
<http://www.pbs.org/wgbh/pages/frontline/shows/dope/etc/cron.html>; Accessed:
28 December 2003.
8. *California Health & Safety Code*, Vol. 40-2, *West's Annotated California Code* (Eagan: West Publishing, 2000), 86.
9. *Standard California Codes: Penal Code with Selected Other Codes* (San Francisco: Matthew Bender & Company, 2003), H&S 11357.
10. Congress, House, Judicial Committee, *Medical Marijuana Referenda Movement In America: Hearing before the subcommittee on Crime of the Committee on the Judiciary House of Representatives*, 105th Cong., 1st Sess., 1 October 1997, 147. Internet.
http://commdocs.house.gov/committees/judiciary/hju58955.000/hju58955_0F.htm; Accessed:
28 December 2003.
11. *Standard California Codes: Penal Code with Selected Other Codes* (San Francisco: Matthew Bender & Company, 2003), H&S 11362.5.
12. Claire Cooper, "Medical Pot a Big Winner, White House Bid to Punish Physicians is Rejected," *Sacramento Bee*, 15 October 2003, A-1.

13. Claire Cooper, "Major Ruling Favors Medical Marijuana." *Sacramento Bee*, December 17, 2003, A-1.
14. Ed Fletcher, "Davis Signs Adjunct to Medical Pot Law, But Refuses to Legalize the Sale of Syringes Without a Prescription," *Sacramento Bee*, 14 October 2003, A-3.
15. Art Campos and Jocelyn Wiener, "Store for Medical Pot Opens in Roseville," *Sacramento Bee*, 31 January 2004, A-1.
16. David Richie, "Council Restricts Medical Pot Sale, Citrus Heights Would Still Allow the City's Cannabis Shop to Open," *Sacramento Bee*, 18 April 2004, N-1.
17. Douglas Jehl, "Clinton Tells of Marijuana Use in 60's," *L.A. Times*, 30 March 1992, A-1.
18. Gwen Ifill, "Clinton Goes Eye To Eye With MTV Generation: Youth Vote," *New York Times*, 17 June 1992, A-22.
19. Karen Tumulty, "Legalizing Drugs Could Cut Crime Rate, Elder Says," *L.A. Times*, 8 December 1993, A-1.
20. Tim McNeese, *George W. Bush: First President of the New Century* (Greensboro: Morgan Reynolds Publishers, 2002), 79.
21. Joseph D. McNamara, "Drug Peace for a New Millennium? A Century Of Prohibition Has Not Worked," *Orange County Register*, 25 July 1999, Commentary -4.
22. Peter Manso, "Arnold Schwarzenegger On The Sex Secrets Of Bodybuilders." *OUI*, (August 1977). Internet. <http://www.msu.edu/user/daggy/cop/effluvia/arnold.htm>; Accessed 11 January 2004.
23. U.S. Department of Justice, *Americans With Disabilities Act of 1990*, Title I – Employment, Sec. 101 – Definitions (6)(A). Internet. <http://www.usdoj.gov/crt/ada/pubs/ada.txt>; Accessed 11 January 2004.
24. Tanya N. Ballard and Kelli Lunney, "You Booze, You Loose," *GovExec.com Newsletter*, (March 1, 2002). Internet. <http://www.govexec.com/dailyfed/0302/0301021b.htm>; Accessed 28 December 2003.
25. Corbett Gordon, "Medical Marijuana in the Oregon Workplace," Internet. http://library.lp.findlaw.com/articles/file/00394/009231/title/Subject/topic/Labor%20%20Employment%20Law_Employment/filename/laboremploymentlaw_2_78; Accessed: 28 December 2003.
26. Ibid.

27. OSH Position Paper: *Impairment Created by Marijuana (Cannabis) Use in the Workplace and Appropriate Biological Testing*, (January 2001). Internet. <http://www.ramazzini.co.nz/mj.doc>; Accessed: 11 January 2004.
28. U.S. Department of Health & Human Services, *Mandatory Guidelines for Federal Workplace Drug Testing Programs*, Substance Abuse and Mental Health Services Administration (SAMHSA), Section 2.4e (September 4,1994). Internet. <http://www.drugfreeworkplace.gov/ResourceCenter/r362.htm>; Accessed: 28 December 2003.
29. J.A. Yesavage, Von Otto Leirer, Mark Denari and Leo Hollister, "Carry Over Effects of Marijuana Intoxication on Airline Pilot Performance: A Preliminary Report," *American Journal of Psychiatry*, 142 (November 1985): 1325-1329.
30. Harrison G. Pope and Deborah Yurgelun-Todd. "The Residual Cognitive Effects Of Heavy Marijuana Use In College Students," *Journal of American Medical Association*, 275 (February 21 1996): 521-527.
31. Stuart, Reginald. "Drug Trace Found In 2 Rail Workers After Fatal Crash: Inquiry Finds the Operators of Conrail Engines Showed Signs of Marijuana." *New York Times*, 15 January 1987, A-1.
32. Craig Zwerling, James Ryan and Endel John Orau, "The Efficacy of Pre-Employment Drug Screening For Marijuana and Cocaine in Predicting Employment Outcome," *Journal of American Medical Association*, 264 (November 28 1990): 2639-2643.
33. Ibid.
34. John Hoffman and Cindy Larison. "Drug Use, Workplace Accidents and Employee Turnover," *Journal of Drug Issues*, 29 (Spring 1999): 341-364.
35. S.B.M. Kuipers and W. M. Dezwart. "Trends and Patterns of Illicit Drug Use Among Students Aged 12 to 18 in the Netherlands," *Journal of Drug Issues*, 29 (Summer 1999): 549-564.
36. Robert J. Kane and George S. Yacoubian, "Patterns of Drug Escalation Among Philadelphia Arrestees: An Assessment of the Gateway Theory," *Journal of Drug Issues*, 29 (Winter 1999): 107-120.
37. Sid Kirchheimer, "Marijuana Not A 'Gateway' Drug." December 4, 2002. Internet. <http://my.webmd.com/content/Article/54/65298.htm>; Accessed: 3 February 2004.
38. Michael T. Lynskey, and others, eds. "Escalation of Drug Use in Early-Onset Cannabis Users vs Co-twin Controls." *Journal of the American Medical Association*, 289 (January 22/29, 2003): 427-433.

39. Mary Walton, *The Deming Management Method*, (New York City: Putnam Publishing Group, 1986), 70.
40. California Board of Equalization, *California Excise Tax, 1932-35 to 2001-02*. Internet. <http://www.boe.ca.gov/sptaxprog/spexcise.htm>; Accessed: 11 January 2004.
41. *Analysis Finds Marijuana Legalization Could Yield California \$1.5 Billion Per Year*. Internet. http://www.canorml.org/background/CA_legalization.html; Accessed: 11 January 2004.
42. National Highway Traffic Safety Administration, *Drunk Driving Statistics-2002*. Internet. <http://www.alcoholalert.com/drun-driving-statistics.html>; Accessed: 13 March 2004.
43. U.S. Department of Health & Human Services, "Economic Costs of Alcohol Abuse," *NIAAA Alcohol Alert Bulletin*, January 2001. Internet. <http://www.niaaa.nih.gov/publications/aa51.htm>; Accessed: 13 March 2004.

BIBLIOGRAPHY

- “Analysis Finds Marijuana Legalization Could Yield California \$1.5 Billion Per Year.” Internet. http://www.canorml.org/background/CA_legalization.html; Accessed: 11 January 2004.
- Ballard, Tanya N., and Kelli Lunney. “You Booze, You Loose.” *GovExec.com Newsletter*, (March 1, 2002). Internet. <http://www.govexec.com/dailyfed/0302/0301021b.htm>; Accessed 28 December 2003.
- Benson, Bruce L., Ian S. Leburn, and David Rasmussen. "The Impact of Drug Enforcement On Crime: An Investigation Of The Opportunity Cost Of Police Resources." *Journal of Drug Issues*, Fall 2001, 31 (4) pp 989-1006.
- Bluth, Alexa H. “Backing For Law On Medical Pot Climbs In Poll.” *Sacramento Bee*, January 30, 2004, A-1.
- Bonnie, Richard J., and Charles H. Whitebread. *Marijuana Conviction: A History of Marijuana Prohibition In the United States*. New York City: Lindesmith Center Publishing, 1999.
- Busted: America’s War on Marijuana-- Time Line* (1998). Internet. <http://www.pbs.org/wgbh/pages/frontline/shows/dope/etc/cron.html>; Accessed: 28 December 2003.
- California Board of Equalization. *California Excise Tax, 1932-35 to 2001-02*, Internet. <http://www.boe.ca.gov/sptaxprog/spexcise.htm>; Accessed: 11 January 2004.
- California Health & Safety Code*. Vol. 40-2, *West’s Annotated California Code*. Eagan: West Publishing, 2000.
- Campos, Art, and Jocelyn Wiener. "Store for Medical Pot Opens in Roseville." *Sacramento Bee*, January 31, 2004, A-1.
- Canada Cancer Society. *Get The Facts: Frequently Asked Questions About Marijuana Cancer Risks Of Long-Term Recreational Smoking*, November 2003. Internet. http://www.ncic.cancer.ca/ccs/internet/standard/0,3182,3225_71944811_71962447_langI_d-en,00.html; Accessed 13 March 2003.
- Cooper, Claire. "Major Ruling Favors Medical Marijuana." *Sacramento Bee*, December 17, 2003, A-1.
- _____. "Medical Pot a Big Winner, White House Bid to Punish Physicians is Rejected." *Sacramento Bee*, October 15, 2003, A-1.

- Drug Policy Alliance. "Medical Marijuana." *Marijuana: The Facts*, August 2003.
Internet. <http://www.lindesmith.org/marijuana/medical/>; Accessed: 13 March 2004.
- Earleywine, Mitchell, and Alan G. Marlatt. *Understanding Marijuana--A New Look At Scientific Evidence*. Oxford: Oxford University Press, 2002.
- Fletcher, Ed. "Davis Signs Adjunct to Medical Pot Law, But Refuses to Legalize the Sale of Syringes Without a Prescription." *Sacramento Bee*, Oct 14, 2003, A-3.
- _____. "Pot Measure Stuck at Starting Line, A Program to Issue Medical ID Cards and Clarify Parts of Prop. 215 Lacks Startup Funds." *Sacramento Bee*, Dec 26, 2003, A-3.
- Franklin, Paul, and Arthur Hoerl. *Reefer Madness*. Produced by George A. Hirliman, Directed by Louis J. Gasnier. 67 min. Goodtimes Home Video, 1936. Videocassette.
- Gieringer, Dale H. "The Forgotten Origins of Cannabis Prohibition in California." *Contemporary Drug Problems*, Summer 1999, 26 (2) pp 237-288.
- Goldberg, Raymond. *Taking Sides, Clashing Views on Controversial Issues in Drugs and Society*. Guilford: Dushkin Publishing Group, Inc., 1993.
- Goodwin, William. *Marijuana*. San Diego: Lucent Books, 2001.
- Gordon, Corbett. "Medical Marijuana in the Oregon Workplace." Internet.
http://library.lp.findlaw.com/articles/file/00394/009231/title/Subject/topic/Labor%20%20Employment%20Law_Employment/filename/laboremploymentlaw_2_78; Accessed: 28 December 2003.
- Green, Jonathan. *Cannabis*. London: Chrysalis Books, 2002.
- History of Marijuana Use*. Internet.
http://www.marijuanaaddiction.com/marijuana_hist.html#america; Accessed: 28 December 2003
- Hoffman, John, and Cindy Larison. "Drug Use, Workplace Accidents and Employee Turnover." *Journal of Drug Issues*, 29 (Spring 1999): 341-364.
- Ifill, Gwen. "Clinton Goes Eye To Eye With MTV Generation: Youth Vote." *New York Times*, June 17, 1992, A-22.
- Iverson, Leslie L. *The Science of Marijuana*. Oxford: Oxford University Press, 2000.
- Jehl, Douglas. "Clinton Tells of Marijuana Use in 60's." *L.A. Times*, March 30, 1992, A-1.
- Kandel, Denise B. "Does Marijuana Use Cause the Use of Other Drugs?" *Journal of American Medical Association*, 289 (January 22/29, 2003): 482-483.

- Kane, Robert J., and George S. Yacoubian. "Patterns of Drug Escalation Among Philadelphia Arrestees: An Assessment of the Gateway Theory." *Journal of Drug Issues*, 29 (Winter 1999): 107-120.
- Kassirer, J.P. "Federal Foolishness and Marijuana." *New England Journal of Medicine*, 336 (January 30 1997): 366-367.
- Kirchheimer, Sid. "Marijuana Not A 'Gateway' Drug." December 4, 2002. Internet. <http://my.webmd.com/content/Article/54/65298.htm>; Accessed: 3 February 2004.
- Kleiman, Mark A.R. *Marijuana: Costs of Abuse, Costs of Control*. West Post: Greenwood Press, 1989.
- Kuipers, S.B.M., and W. M. Dezwart. "Trends and Patterns of Illicit Drug Use Among Students Aged 12 to 18 in the Netherlands." *Journal of Drug Issues*, 29 (Summer 1999): 549-564.
- Lynskey, Michael T., Andrew C. Heath, Kathleen K. Bucholz, and Wendy S. Slutske, eds. "Escalation of Drug Use in Early-Onset Cannabis Users vs Co-twin Controls." *Journal of the American Medical Association*, 289 (January 22/29, 2003): 427-433.
- Manso, Peter. "Arnold Schwarzenegger On The Sex Secrets Of Bodybuilders." *OUI*, (August 1977). Internet. <http://www.msu.edu/user/daggy/cop/effluvia/arnold.htm>; Accessed 11 January 2004.
- Martinez, Martin, and Francis Podrebarac. *New Prescription: Marijuana As Medicine*. Berkley: Pub Group West, 2000.
- Mathias, Robert. "Marijuana Impairs Driving-Related Skills and Workplace Performance." *NIDA Notes*, 11-1 (January/February 1996). Internet. www.drugabuse.gov/NIDA_Notes/NNVol11N1?Marijuana.html; Accessed: 28 December 2003.
- _____. "Studies Show Cognitive Impairments Linger in Heavy Marijuana Users." *NIDA Notes*, 11-3 (May/June 1996). Internet. www.nida.nih.gov/NIDA-Notes/NNVol11N3/MarijMemory.html; Accessed: 28 December 2003.
- Mayor's Committee on Marihuana, by the New York Academy of Medicine. *The La Guardia Committee Report: The Marihuana Problem in the City of New York* (1944). Internet. <http://www.druglibrary.org/schaffer/Library/studies/lag/lagmenu.htm>; Accessed: 11 January 2004.
- McNamara, Joseph D. "Drug Peace for a New Millennium? A Century Of Prohibition Has Not Worked." *Orange County Register*, July 25, 1999, Commentary -4.

- McNeese, Tim. *George W. Bush: First President of the New Century*. Greensboro: Morgan Reynolds Publishers, 2002.
- Musto, David F. "The 1937 Marijuana Tax Act." *Archives of General Psychiatry*, 26 (February 1972): 101-108.
- National Highway Traffic Safety Administration. *Drunk Driving Statistics-2002*. Internet. <http://www.alcoholalert.com/drun-driving-statistics.html>; Accessed: 13 March 2004.
- OSH Position Paper: Impairment Created by Marijuana (Cannabis) Use in the Workplace and Appropriate Biological Testing*, (January 2001). Internet. <http://www.ramazzini.co.nz/mj.doc>; Accessed: 11 January 2004.
- Pope, Harrison G., and Deborah Yurgelun-Todd. "The Residual Cognitive Effects Of Heavy Marijuana Use In College Students." *Journal of American Medical Association*, 275 (February 21 1996): 521-527.
- Richie, David. "Council Restricts Medical Pot Sale, Citrus Heights Would Still Allow the City's Cannabis Shop to Open." *Sacramento Bee*, April 18, 2004, N-1.
- Ruschmann, Paul. *Legalizing Marijuana*. Broomhall: Chelsea House Publishing, 2003.
- Schwenk, Charles R. and Susan L. Rhodes. *Marijuana And The Workplace*. Westport: Quorum Books, 1999.
- Sloman, Larry. *Reefer Madness, A History of Marijuana*. New York City: St. Martin's Press, 1998.
- Standard California Codes: Penal Code with Selected Other Codes*. San Francisco: Matthew Bender & Company, 2003.
- Stuart, Reginald. "Drug Trace Found In 2 Rail Workers After Fatal Crash: Inquiry Finds the Operators of Conrail Engines Showed Signs of Marijuana." *New York Times*, 15 January 1987, A-1.
- Stossel, John, "Just Say No, Government's War On Drugs Fails." ABC News, July 30, 2002. Internet. http://abcnews.go.com/onair/2020/stossel_drugs_020730.html; Accessed: 11 January 2004.
- Tumulty, Karen. "Legalizing Drugs Could Cut Crime Rate, Elder Says." *L.A. Times*, December 8, 1993, A-1.
- U.S. Code, Title 21, Section 812, *Comprehensive Drug Abuse Prevention and Control Act of 1970*. Internet. http://www.ncjrs.org/club_drugs/legislation.html; Accessed: 28 December 2003.

- U.S. Congress. House. Judicial Committee. *Medical Marijuana Referenda Movement In America: Hearing before the subcommittee on Crime of the Committee on the Judiciary House of Representatives*. 105th Cong., 1st Sess., 1 October 1997. (page 142) Internet. http://commdocs.house.gov/committees/judiciary/hju58955.000/hju58955_0F.htm; Accessed: 28 December 2003.
- U.S. Department of Health and Human Services. "Economic Costs of Alcohol Abuse." *NIAAA Alcohol Alert Bulletin*. January 2001. Internet. <http://www.niaaa.nih.gov/publications/aa51.htm>; Accessed 13 March 2004.
- U.S. Department of Health and Human Services. *Mandatory Guidelines for Federal Workplace Drug Testing Programs*, Substance Abuse and Mental Health Services Administration (SAMHSA), Section 2.4e (September 4, 1994). Internet. <http://www.drugfreeworkplace.gov/ResourceCenter/r362.htm>; Accessed: 28 December 2003.
- U.S. Department of Health and Human Services. *Results from the 2002 National Survey on Drug Use and Health: National Findings*, Substance Abuse and Mental Health Services Administration (SAMHSA), Office of Applied Studies, NHSDA Series H-22, DHHS Publication No. SMA 03-3836. Internet. <http://www.oas.samhsa.gov/nhsda.htm#NHSDAinfo>; Accessed 28 December 2003.
- U.S. Department of Justice. *Americans With Disabilities Act of 1990*, Title I – Employment, Sec. 101 – Definitions (6)(A). Internet. <http://www.usdoj.gov/crt/ada/pubs/ada.txt>; Accessed 11 January 2004.
- U.S. General Accounting Office. "Marijuana, Early Experiences with Four States' Laws That Allow Use for Medical Purposes." Washington, D.C.: GAO-03-189, November 2002.
- Volstead Act*. Internet. http://college.hmco.com/history/readerscomp/rcah/html/ah_089600_volsteadact.htm; Accessed: 28 December 2003.
- Walton, Mary. *The Deming Management Method*. New York City: Putnam Publishing Group, 1986.
- Wood, Phillip. "City Council opens door to medical marijuana dispensaries." *Elk Grove Citizen*, April 9, 2004, A-1.
- Yesavage, J.A., Von Otto Leirer, Mark Denari, and Leo Hollister. "Carry Over Effects of Marijuana Intoxication on Airline Pilot Performance: A Preliminary Report." *American Journal of Psychiatry*, 142 (November 1985): 1325-1329.
- Zwerling, Craig, James Ryan, and Endel John Orau. "The Efficacy of Pre-Employment Drug Screening For Marijuana and Cocaine in Predicting Employment Outcome." *Journal of American Medical Association*, 264 (November 28 1990): 2639-2643.