



## Oregon Board of Parole and Post-Prison Supervision

<b>Title: Recreational Marijuana Possession and Use</b>	<b>Policy:</b>
<b>Effective Date: July 27, 2015</b>	<b>Supersedes:</b>
<b>Signature:</b> 	

### **I. PURPOSE**

To establish policy and procedures governing the possession and use of recreational marijuana by offenders.

### **II. DEFINITIONS:**

- A. Offender: A person who is serving a period of parole or post-prison supervision under the authority of the Oregon Board of Parole and Post-Prison Supervision.
- B. General Condition 2: Condition of supervision that states offender is not to use or possess controlled substances except pursuant to a medical prescription.
- C. General Condition 10: Condition of supervision that states offender must obey all laws, municipal, county, state and federal.

### **III. POLICY:**

The Board will find a violation of General Condition 10 (GC #10) for possession of marijuana, assuming it is alleged by the supervising officer and otherwise substantiated.

The policy is intended as a permissive one. That is, an individual county may determine how it wants to handle the recreational use of marijuana, and each offender's individual circumstances will help determine whether a GC #10

violation is alleged by the supervising officer. Just as a condition that prohibits contact with minor children allows for the supervising officer to evaluate the offender's individual circumstances, so too will this policy allow a supervising officer to evaluate an offender's individual circumstances to determine whether to allege a GC #10 violation. If a supervising officer alleges a GC #10 violation, then it will need to be substantiated as possession of marijuana in violation of federal law. For instance, in addition to a positive urine analysis for marijuana use, a supervising officer should establish facts that the offender possessed the marijuana before using it.

As with medical marijuana, the Board will not give special permission to use recreational marijuana for offenders in Orders of Supervision Conditions. The Board's focus is on the possession of marijuana in violation of federal law if that violation is alleged by the supervising officer and otherwise substantiated as described by this policy.

When offenders admit to marijuana use, or there is a positive drug test result for marijuana submitted by the offender, but no other substantiation for possession of marijuana, the Board will continue the established practice of reviewing this conduct for possible violation of General Condition 2. It will be important for the supervising officer to note that marijuana continues to be listed on the Federal Government's controlled substances schedule.