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DATE: February 2, 2021

TO: BROWARD COUNTY LAW ENFORCEMENT AGENCIES AND
BROWARD COUNTY POLICE CHIEFS

FROM: HAROLD F. PRYOR, STATE ATTORNEY
STATE ATTORNEY 17TH JUDICIAL CIRCUIT, BROWARD COUNTY

SUBJECT: POLICIES FOR THE PROSECUTION OF CANNABIS AND
TETRAHYDROCANNABINOL (THC) CASES

EFFECTIVE: IMMEDIATELY

This policy change is intended to help law enforcement and the Office of the State Attorney, 17th Judicial Circuit, (SAO17) devote resources to fight serious criminal offenses and better serve the community's public safety needs. This is in line with changes in the law, shifting public attitudes regarding marijuana possession, and successful similar programs in other jurisdictions. By handling these matters in a non-criminal way, the community will benefit by allowing those who want to stop using cannabis the opportunity to find help without obtaining a criminal record. However, possession of cannabis and possession of drug paraphernalia charges that are attached to other offenses will be reviewed on case - by - case basis.

Recognizing the amount of time, costs, and resources involved in testing evidence and prosecuting misdemeanor cases involving the possession of cannabis, SAO17 will be handling these cases in a non-criminal manner. Prosecuting these cases has no public safety value and is a costly and counterproductive use of limited resources. This policy decision affects stand-alone cases of misdemeanor possession of cannabis and possession of drug paraphernalia, and becomes effective immediately.

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It is recommended that, in lieu of making an arrest, law enforcement use their discretion. This can include referring adult cases to local diversion programs in their jurisdiction; or issuing a civil citation if the individual otherwise qualifies.

Regarding the prosecution of juvenile misdemeanor cannabis cases, SAO17 recommends that, in lieu of making an arrest, law enforcement continue to use their discretion in the issuance of a civil citation. The State Attorney's Office will continue to divert youth who qualify in cannabis and THC arrests in an effort to discourage drug use with a focus on substance abuse education and rehabilitation. Since it will remain illegal for minors to possess cannabis and THC, they will be subject to prosecution should there be unsuccessful completion of any diversionary-type program.

Pursuant to the Office of the State Attorney, 17th Judicial Circuit, Policies and Procedures dated August 19, 2019, regarding the prosecution of cannabis and tetrahydrocannabinol (THC) cases, the SAO17 will maintain the required minimum threshold of 24 grams net weight of cannabis for the filing of all felony possession of cannabis offenses. That same threshold net weight amount of a minimum of 24 grams will now also be applied to the filing and prosecution of all felony possession of tetrahydrocannabinol (THC)/cannabis offenses. This change is due to a recent opinion by our District Court of Appeals that was previously sent to local legal advisors. All other requirements pursuant to those policies and procedures remain in full force and effect.

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