

RAID PREPAREDNESS

Raid Preparation for Medical Cannabis Dispensing Centers (MCDC) and other medical cannabis providers

The Drug Enforcement Administration (DEA) and local law enforcement agencies continue to raid medical cannabis providers, even if their conduct is legal under state law and complies with all city and county regulations. Medical cannabis providers need to prepare themselves, both mentally and operationally, for a raid until federal law is harmonized with state law and state laws are fully implemented. Preparing for a raid does not have to be an exercise in paranoia. In fact, knowing that you are as prepared as you can be may ease anxiety.

This document is a tool for preparing for a law enforcement raid. Not every bullet point applies to every provider. Think of this as a guide to having an internal conversation with partners, managers, and staff – as opposed to a simple checklist.

OPERATIONAL PREPARATION

When providing medical cannabis, there are certain principals and methods of operation that should be considered:

- Organize & protect patient, doctor, and financial data – use encryption software and off-site storage whenever possible (or in accordance with state and local laws)
- Establish and maintain your center in a legal and professional manner – pay your taxes, obey zoning laws, comply with all labor laws, etc. Failure to do so can complicate your legal situation following a raid.

- Minimize exposure by keeping inventory manageable and discussing financial obligations with any debtors or investors in advance.
- Label all medical products and related items “for medical use only”
- Have off-site location to store backup copies of patient and financial data, maybe with your lawyer
- Avoid storing any illicit drugs, weapons, pornography, or unauthorized persons on-site
- Monitor the area around centers for signs of surveillance; approach people who are suspicious. Get license plate numbers and record information about the contact
- Consider having an alternative location to continue services for qualified patients- churches, etc
- Be prepared to forward patients to centers that are still open

LOGISTICAL PREPARATION

In order to prepare for a raid by local or federal law enforcement, consider the following logistical items:

- Fill out ASA's Raid Support form and send it to ASA's Oakland office
- Set up a collective phone tree of people to notify such as you lawyer, PR people,

grassroots coordinators, other phone trees and important contacts

- Have backup, off-site phone number for patients and supporters to call (maybe an 800#)
- Set up call forwarding to forward calls from a raided center to an active member
- Develop several methods of communication for during a raid (cell and regular phones)
- Have cameras and/or video cameras available to document a raid from inside and on the outside. Use a remote storage device to prevent the DEA from taking your tapes
- Prepare email, phone and fax blast lists to contact supporters immediately: keep the data in a backup location
- Let other people in your life know what you are doing and that you may be at risk.
- Make plans for child, pet, and plant care. Have a general plan on how to manage your personal affairs if you are arrested.

LEGAL PREPARATION

In preparing for a raid, there are also legal arrangements to consider that may help mitigate the harm:

- Secure the services of or retain one or more lawyers
- Plan for bail/bond
- Plan a legal defense fund
- Plan to support people who get arrested and help get people out
- Plan for being released on your own recognizance; get attorney-client data sheets filled for all employees

- Have more than one attorney on notice
- If you are arrested, be prepared to stay in jail while details of your bail are worked out. It may take a couple of days to reduce it to a manageable amount and secure your release.

ACTION PLAN

Since this issue is very political, it is important to consider the following steps to activate supporters to take action:

- Get ready to mobilize your supporters fast
- Develop and train patient and collective spokespeople
- Distribute a flyer now for patients of "what to do if a center is raided"
- Attend direct action, legal patient spokesperson, and legal observation trainings
- Develop raid scenarios for your dispensary and train staff to enact them
- Contact city council members to find support and have them primed to respond
- Develop quick notification techniques to let all employees know if a raid is underway, especially people in remote areas of a center
- Develop sister alliances with likeminded organizations, companies, and individuals
- Encourage public support for medical cannabis and providers associations
- Learn the magic words "I choose to remain silent and want to see my lawyer," and teach your staff, patients, roommates, etc.
- Develop a media plan

- Prepare an action list of people in places of influence to contact in case of a raid
- Develop celebrity and high profile spokespeople
- Develop non-violence guidelines
- Decide goal of direct action & decide what the action is
- Designate spokespeople, press liaison, police liaison, legal observers, vibes watchers, and outside observers
- Make protest signs and banners and store offsite
- Be politically active in advance to keep our issue a priority in the public mind
- Lobby your elected and appointed officials at the local, state and national levels
- Get the states and cities that have medical cannabis laws to front and support our efforts
- Educate people about jury nullification and the need to not convict for medical cannabis

Considerations for Providers During a Raid INSIDE THE FACILITY

In the event of a raid by law enforcement, there are considerations for persons inside a facility that is being raided:

- Execute appropriate response based on your raid scenarios worked out in advance
- Calm patients and anyone else involved in the raid
- Do not consent to a search, even in the case of a legal search warrant. Do not resist a search, after stating your lack of consent, stand aside and maintain your right to remain silent.

- Say the magic words "I choose to remain silent. I want to see my lawyer," and do not speak or give information after invoking these rights.
- Quickly get all the patients inside to understand that they should only say the magic words and stick to them.
- Call the person at the head of your phone tree to begin the outside mobilization. Notify Americans for Safe Access immediately
- Designate a spokesperson to uphold the magic words and communicate with officers in case of emergency
- Designate a legal observers and vibes watchers inside to manage people stuck inside
- Listen to what the police say to discover information or clues to additional plans
- Get lawyers inside to help if possible

OUTSIDE THE FACILITY

In the event of a raid by law enforcement, there are considerations for persons outside a facility that is being raided:

- Call all the lawyers
- Make sure Americans for Safe Access is notified to begin support role using our toll free hotline: (888) 929-4367
- Call press people and activate media plan
- Call patient spokespeople to come to the scene
- Further activate phone tree
- Coordinate a vigil to support the raided center
- Photograph the raid and make photos immediately available to out-of-town

press and supporters

- Contact city council and other key spokespeople to respond
- Have a human on hand to answer off-site emergency response phones
- Update message on all voice mail/ answering machines to reflect current response plans
- Find out what MDCs and individuals were targeted and find out who is open for patients
- Stop patients and people from accidentally wandering into a raid or commenting to the police

Considerations for Providers AFTER A RAID

LOGISTICAL

After a raid has occurred, there are certain logistical steps to consider:

- Coordinate an activist/supporter meeting the next night to plan the ongoing campaign
- Coordinate long-term plan for public support and coordination
- Continue implementing media plan

- Make a flyer to update people on what is happening
- Distribute a list of people to target for complaints about a raid
- Activate communications network to get support
- Contact city council, politicians, and celebrities to maintain their support
- Utilize patients and citizen spokespeople
- Organize ongoing and/or overnight vigils
- Re-open or refer patients to ongoing services
- Calm and reassure patients and suppliers

LEGAL

After a raid has occurred, there are certain legal steps to consider:

- Get word out to other providers about raid specifics so they can be better prepared
- Get people out of jail and offer jail support to those inside
- Plan Court support
- Develop long term legal plan and response to case(s)
- Work on defense fund