

Raid Preparedness

Raid Preparation for Medical Cannabis Providers, Producers and other Businesses

Medical cannabis remains illegal under Federal law. The Drug Enforcement Administration (DEA) and other federal agencies can 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 item will 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 principles 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 business 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
- ASA's [Patient Focused Certification](#) can help ensure your compliance, and properly train your staff for federal law enforcement interactions
- Minimize exposure by keeping inventory manageable and discussing financial obligations with any debtors or investors in advance
- Comply with your state's labeling requirements
- Have off-site location to store backup copies of patient and financial data, maybe with your lawyer
- Make sure that there are no illicit drugs, weapons, or unauthorized persons on-site
- Monitor the area around businesses 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 direct patients to locations 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 at safeaccessnow.org/raid_center_intake
- Set up a collective phone tree of people to notify such as your 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 (such as email, texting, social media, cell and regular phones)
- Have cameras and/or video cameras available to document a raid from inside and on the outside. Use remote storage to prevent the DEA from taking your footage
- Prepare email, phone and social media 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
- Set aside money for bail/bond
- Establish 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:

- Make sure all staff know to contact **Americans for Safe Access immediately**
- Get ready to mobilize your supporters fast: encourage your members to sign up for ASA text messages alert system at safeaccessnow.org/raid
- Develop and train patient and other spokespeoples
- Distribute a flyer now for patients of "what to do if we are raided"
- Attend direct action, legal patient spokesperson, and legal observation trainings at safeaccessnow.org/raid_training
- Develop raid scenarios for your dispensary and train staff to enact them
- Contact city council members, state representatives, and program regulators 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
- Develop sister alliances with like-minded 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," teach your staff, patients, roommates, etc.
- Develop a media plan: develop celebrity and high profile spokespeople
- Prepare an action list of people in places of influence to contact in case of a raid
- Designate spokespeople, press liaison, police liaison, legal observers, vibes watchers, and outside observers
- Make protest signs and banners and store them off-site
- 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 and write down (if able) what the police say to discover information or clues to inform additional action plans or future defense
- 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 and take video of the raid and make the materials 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 cannabis operations 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