

EXHIBIT P

## **IX. RELIGIOUS USE OF MARIJUANA**

**A. An officer shall document all claims of religious use of marijuana made by a defendant.**

**1. Spontaneous utterances and statements made after the defendant is advised of his/her rights shall be documented in a supplementary report and submitted as part of the investigation.**

**2. All documents explaining the religious use of marijuana to include fliers, identification cards, etc., voluntarily given to the investigating officer, shall be recovered as evidence and submitted as part of the investigation.**

**B. Arrests, as in any other criminal case, shall be based upon probable cause.**

## **INVESTIGATIONS INVOLVING THE MEDICAL AND RELIGIOUS USE OF MARIJUANA**

**C. The police shall not decide whether the suspect's claimed religion is a recognized religion within the meaning of the First Amendment and not just a belief, as this is a legal question reserved for the courts.**

**D. The police shall not decide whether the suspect has satisfied the legal requirements espoused in State v. Blake, 5 Haw. App. 411, 695 P.2d 336 (1985), since these are legal questions with respect to the determination of fact and burden of proof, specifically reserved for the courts.**

**HAWAII POLICE DEPARTMENT  
COUNTY OF HAWAII**

**By: (Signed)**

**JAMES S. CORREA**

**POLICE CHIEF**

**Date: 04-16-02**

**COUNTY OF HAWAII**

**By: (Signed)**

**HARRY KIM**

**MAYOR**

**Date: 07-19-02**