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Measuring the Criminal Justice System Impacts of  
Marijuana Legalization and Decriminalization Using State Data

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July 2019

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## Table of Contents

List of Tables .....	ii
List of Figures .....	iii
Abstract .....	iv
Acknowledgments .....	v
Introduction .....	1
Methodology .....	1
Results .....	2
Research Question 1 .....	3
Research Question 2 .....	11
Research Question 3 .....	18
Conclusions .....	24
Appendix A. Data Availability Worksheet .....	28
Appendix B. Example of Data Request .....	32
Appendix C. Summary of Interview Themes .....	33

## List of Tables

Table 3.1 Nebraska Arrest Rates (per 1,000) for Marijuana Possession in the Ten Bordering Counties (2000-2014) .....	18
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## List of Figures

Figure 3.1 Number of Washington Arrests for Marijuana, Heroin, and Amphetamine/Methamphetamine Possession (Jan 2010-Dec 2014).....	4
Figure 3.2 Number of Washington Arrests for Marijuana, Heroin, and Amphetamine/Methamphetamine Distribution (Jan 2010-Dec 2014).....	5
Figure 3.3 Number of Oregon Criminal Court Case Filings for Drug Possession (Jan 2013-Oct 2015) .....	7
Figure 3.4 Number of Oregon Case Filings for Drug Delivery (Jan 2013-Dec 2015) .....	8
Figure 3.5 Number of Oregon Arrests for Marijuana, Heroin, and Methamphetamine Possession (Jan 2013-Dec 2015).....	9
Figure 3.6 Number of Oregon Arrests for Marijuana, Heroin, and Methamphetamine Distribution (Jan 2013-Dec 2015).....	10
Figure 3.7 Number of Oklahoma Possession Arrests (2010-2014) .....	13
Figure 3.8 Number of Oklahoma Arrests for Drug Sales/Manufacturing (2010-2014) .....	14
Figure 3.9 Number of Kansas Defendants Sentenced for Drug Possession (Jul 2011-Jun 2014).....	15
Figure 3.10 Number of Nebraska Arrests for Drug Possession (2000-2013).....	16
Figure 3.11 Number of Nebraska Arrests for Drug Sales (2000-2013).....	17
Figure 3.12 Number of Idaho Arrests Associated with Marijuana, Heroin, and Amphetamine/Methamphetamine Seizures (2005-2014) .....	20
Figure 3.13 Number of Idaho Arrests for Marijuana, Meth, and Heroin Transporting (2005-2014) .....	21
Figure 3.14 Number of Idaho Court Case Outcomes Related to Charges of Marijuana Transporting (2008-2013).....	22
Figure 3.15 Number of Washington Arrests Associated with Seizures of Marijuana, Heroin, and Amphetamine/Methamphetamine (Jan 2010-Dec 2014) .....	23

## Abstract

The Justice Research and Statistics Association (JRSA), with funding from the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS), conducted a project to collect, assess, and analyze data from the states (specifically, the state Statistical Analysis Centers or SACs) related to the impact of marijuana legalization and decriminalization on state criminal justice system resources. The goal was to identify and collect quantitative and qualitative data in 11 targeted states (Arizona, California, Colorado, Idaho, Kansas, Nebraska, Nevada, Oklahoma, Oregon, Utah, and Washington) that could be analyzed to address three research questions:

1. What are the impacts of marijuana legalization and decriminalization on criminal justice resources in Colorado, Washington, and Oregon?
2. What are the impacts on criminal justice resources in states that border those that have legalized marijuana? This includes Nebraska, Nevada, Oklahoma, Utah, and Kansas.
3. What are the impacts of marijuana legalization and decriminalization on drug trafficking through northern and southwest border states? This includes Arizona, California, Idaho, Oregon, and Washington.

Seven SACs provided data in the form of tables and/or data extracts. JRSA used these quantitative data to address the three research questions identified above. In addition, project staff completed 35 interviews with law enforcement personnel in seven states to obtain their perceptions of the issues associated with the above research questions.

To address the first research question, JRSA examined drug possession arrests in Washington from 2010-2014, and drug possession court case filings from 2013-2015 in Oregon. To address the second research question, JRSA looked at drug possession and sale/manufacturing arrests in Oklahoma from 2010-2014; defendants sentenced for felony drug offenses in Kansas from mid-2011 to mid-2014; arrests for drug possession and sales in Nebraska from 2000-2013; and arrest rates for marijuana possession from 2000-2013 for the 10 Nebraska counties bordering Colorado. To address the third question, JRSA analyzed arrests associated with drug seizures and transportation of drugs in Idaho from 2005-2012; and arrests involving drug seizures in Washington from 2010-2014. For each question the quantitative analyses were supplemented by information gleaned from interviews conducted with law enforcement officials.

The project identified a number of challenges associated with the availability and usefulness of marijuana-related data in the states. Given these challenges, analyses of the data that were available suggests that: legalizing the recreational use of marijuana resulted in fewer marijuana related arrests and court cases; legalizing marijuana did not have a noticeable impact on indicators in states that bordered those that legalized; and, there were no noticeable indications of an increase in arrests related to transportation or trafficking offenses in states along the northern or southern borders. Interviews with law enforcement officials identified a number of concerns about the legalization of marijuana, including the potency of marijuana products, increased marijuana use among youth, the influx of people from out-of-town or out-of-state, and increases in incidents of drugged driving. Both the quantitative and qualitative data should be interpreted with caution given the limitations of each identified by the project.

## **Acknowledgements**

The authors wish to acknowledge the contributions of Linda Truitt, National Institute of Justice, and Stephanie Burroughs, Bureau of Justice Statistics. We would also like to thank the SAC directors and staff who provided information and data for this project, and the law enforcement officers and others who agreed to be interviewed for this project. Bailey Maryfield, JRSA Research Analyst, assisted with the production of this report.

## 1. Introduction

The legal status of marijuana in the states has been changing and evolving for years. Some states decriminalized the use of marijuana in the 1970s, and in 2001 states began legalizing the medical use of marijuana. Since 2012, eight states and the District of Columbia have legalized the recreational use of marijuana.<sup>1</sup>

Law enforcement agencies, policymakers, and researchers are interested in understanding the impact these legal changes have (or may have) on a wide range of issues, including criminal behavior and criminal justice resources. Understanding and examining these complex and multifaceted issues requires data: multiple measures, over multiple years, and across different agencies. With a decentralized criminal justice system, gathering these data can be challenging, and the resources and barriers related to data access may vary greatly from one state to the next.

In 2015, the Justice Research and Statistics Association (JRSA) was tasked by the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS) with collecting, assessing, and analyzing data from the states (specifically, the state Statistical Analysis Centers or SACs)<sup>2</sup> related to the impact of marijuana legalization and decriminalization on state criminal justice system resources. The goal of this project was to gain a better understanding of the availability of data, both within and across states, which would allow for an assessment of the impact of changing marijuana laws on the criminal justice systems in the states.

Eleven states were selected to be the focus of the project's initial efforts: Arizona, California, Colorado, Idaho, Kansas, Nebraska, Nevada, Oklahoma, Oregon, Utah, and Washington. These states were selected because they: (1) have legalized marijuana for recreational use; (2) have decriminalized marijuana; or (3) share a border with states that have legalized or decriminalized marijuana. The goal was to identify and collect quantitative and qualitative data that could be analyzed to address three research questions:

1. What are the impacts of marijuana legalization and decriminalization on criminal justice resources in Colorado, Washington, and Oregon?
2. What are the impacts on criminal justice resources in states that border those that have legalized marijuana? This includes Nebraska, Nevada, Oklahoma, Utah, and Kansas.
3. What are the impacts of marijuana legalization and decriminalization on drug trafficking through northern and southwest border states? This includes Arizona, California, Idaho, Oregon, and Washington.

## 2. Methodology

In April of 2015, JRSA project staff provided the SACs in the 11 selected states with a description of the research project and asked them to complete a worksheet that listed 26 indicators selected for their potential utility in examining the impact of marijuana legalization

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<sup>1</sup> In 2015, when this project commenced only 4 states (Alaska, Colorado, Oregon, and Washington) plus the District of Columbia had legalized the recreational use of marijuana.

<sup>2</sup> SACs are state agencies that collect and analyze statistical data on the criminal justice systems in their states, and are funded in part by BJS. JRSA is the membership organization of the SACs.



and decriminalization on criminal justice resources in the states (see Appendix A). For each of these indicators, SACs were asked to describe:

- type of data available (quantitative/qualitative);
- availability of marijuana specific measures;
- availability of data at the state, county, and/or local level (jurisdiction);
- availability of data annually, quarterly, and/or monthly (level of frequency);
- time frame of data;
- data reliability assessment (good, fair, poor).

Nine SACs completed and returned the availability worksheets to JRSA. Approximately four months later data requests were sent out to those nine SACs, and seven subsequently provided some form of data or information in response to JRSA's request. The SACs provided data in the form of tables and/or data extracts.<sup>3</sup> JRSA used these limited quantitative data to address the three research questions identified above.

In addition to obtaining quantitative data from the SACs, JRSA attempted to recruit a range of relevant stakeholders (e.g., law enforcement, policy makers, and policy advisors) to obtain their assessments and perceptions regarding the impact of marijuana legalization and decriminalization. Due to challenges in recruiting policy advisors and policy makers, JRSA focused its recruitment efforts on law enforcement officers, particularly those from sheriffs' offices and from the various drug task forces within the participating states.

Interviews with sheriffs' office and Drug Task Force (DTF) members were conducted between December 14, 2015 and February 25, 2016. A total of 163 individuals were contacted, of whom 30 were ultimately interviewed. Those interviewed included 29 sheriffs or deputies (four of whom were also DTF members), one DTF member, and five law enforcement officers from other agencies (e.g., local police departments) (see Appendix C for a summary of completed interviews by state).

Interview formats varied slightly based on whether states had legalized marijuana, decriminalized marijuana, bordered states that had legalized marijuana, or some combination of the preceding conditions (see Appendix B for a sample set of interview questions). Interview responses were examined for major themes relating to the three research questions. Findings are presented in the results section (see Appendix C for a summary of all the themes drawn from the interviews).

### 3. Results

Many SACs were unable to provide the requested information.<sup>4</sup> The SACs that offered explanations for why data were not available indicated either that the data did not exist because

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<sup>3</sup> Data extracts are subsets of data pulled from larger datasets or data storage files. For this current project, they often involved administrative data files used to track various track criminal justice offenses or court case processing. These files often include raw data that requires cleaning and recoding before being analyzed.

<sup>4</sup> Detailed information on SAC assessments of data availability and data ultimately provided are available from JRSA upon request.

they were not being tracked *or* they were being tracked/collected but were not readily available because they were not being reported in any systematic way to a centralized agency. In some instances, data that were initially reported as being available turned out not to be. This was due to a variety of reasons, including heavy SAC workload, misjudgment of data availability, and not being permitted to release data to JRSA.<sup>5</sup>

The limited data that were provided to JRSA were used to address the research questions identified above. The findings for each research question are provided below, with relevant information for the states in which the questions were examined provided as necessary.

***Research Question 1: What are the impacts of marijuana legalization and decriminalization on criminal justice resources? (Washington, Oregon)***

Washington

On November 6, 2012, recreational use of marijuana was legalized in the state of Washington, allowing individuals 21 years of age or older to legally possess up to one ounce of marijuana, 16 ounces of a solid marijuana infused product, or 72 ounces of a marijuana infused liquid. Legal possession and DUI limits went into effect on December 9, 2012. The recreational sale of marijuana went into effect on July 8, 2014.<sup>6</sup>

The Washington SAC provided data on drug related arrests, which included five years of individual-level data (2010-2014) regarding drug type (amphetamines/methamphetamines, barbiturates, heroin, marijuana etc.) and drug related activity (possessing, distributing, cultivating, buying etc.).<sup>7</sup> The data allowed for a general trend analysis examining the number of arrests for marijuana possession both before and after the 2012 legalization of recreational marijuana use. In turn, six months of data were available for use in examining the potential impact of the July 2014 implementation of legal retail marijuana sales.

The analysis was focused on drug possession, which represented the largest portion of arrests. Of the 16 other types of drugs tracked in the Washington arrest data file, heroin and amphetamine/methamphetamine were the two most common drugs, after marijuana, for which arrests were reported. These were utilized for comparisons with marijuana arrests.

Figure 3.1 shows arrests for marijuana, heroin, and amphetamine/methamphetamine possession from January 2010 to December 2014. Arrests for marijuana possession were quite variable over the 60-month time frame, especially in comparison to the degree of variation in amphetamine/methamphetamine and heroin arrests. To help decrease the visual noise caused by the level of variability, the trend lines have been enlarged and emphasized while the graph lines have been minimized. From roughly mid-2010 to mid-2012 arrests for marijuana, as well as arrests for

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<sup>5</sup> In some of the states in which the SACs could not release data, JRSA might have been able to obtain the data by submitting a formal request to the agency that collected and maintained the data had time permitted.

<sup>6</sup> Some Washington cities banned retail marijuana stores, while others passed moratoriums on marijuana sales.

<sup>7</sup> Defendants could have multiple charges involving amphetamine/methamphetamine, heroin, and/or marijuana. The data was aggregated by case number and if a case included charges associated with any (or all) of three drug types each different drug type was counted once. As a result, one case could be designated as involving heroin, marijuana, and amphetamine/methamphetamine possession.

heroin and amphetamine/methamphetamine, trended upward. While arrests for both heroin and amphetamine/methamphetamine continued that trend, arrests for marijuana possession dropped precipitously in December 2012 to their lowest level in at least three years. Excluding the dramatic spike in arrests in January 2014,<sup>8</sup> after December 2012 marijuana arrests continued their downward trend and remained at lower levels than they had been at any point prior to the implementation of the recreational use legislation.

Trend lines (dotted lines) show that over the five-year period, while marijuana arrests for possession were decreasing, arrests for amphetamine/methamphetamine and heroin possession were increasing. By March 2013, marijuana arrests dropped below amphetamine/methamphetamine arrests and remained lower through the end of 2014 (excluding the Jan 2014 spike).

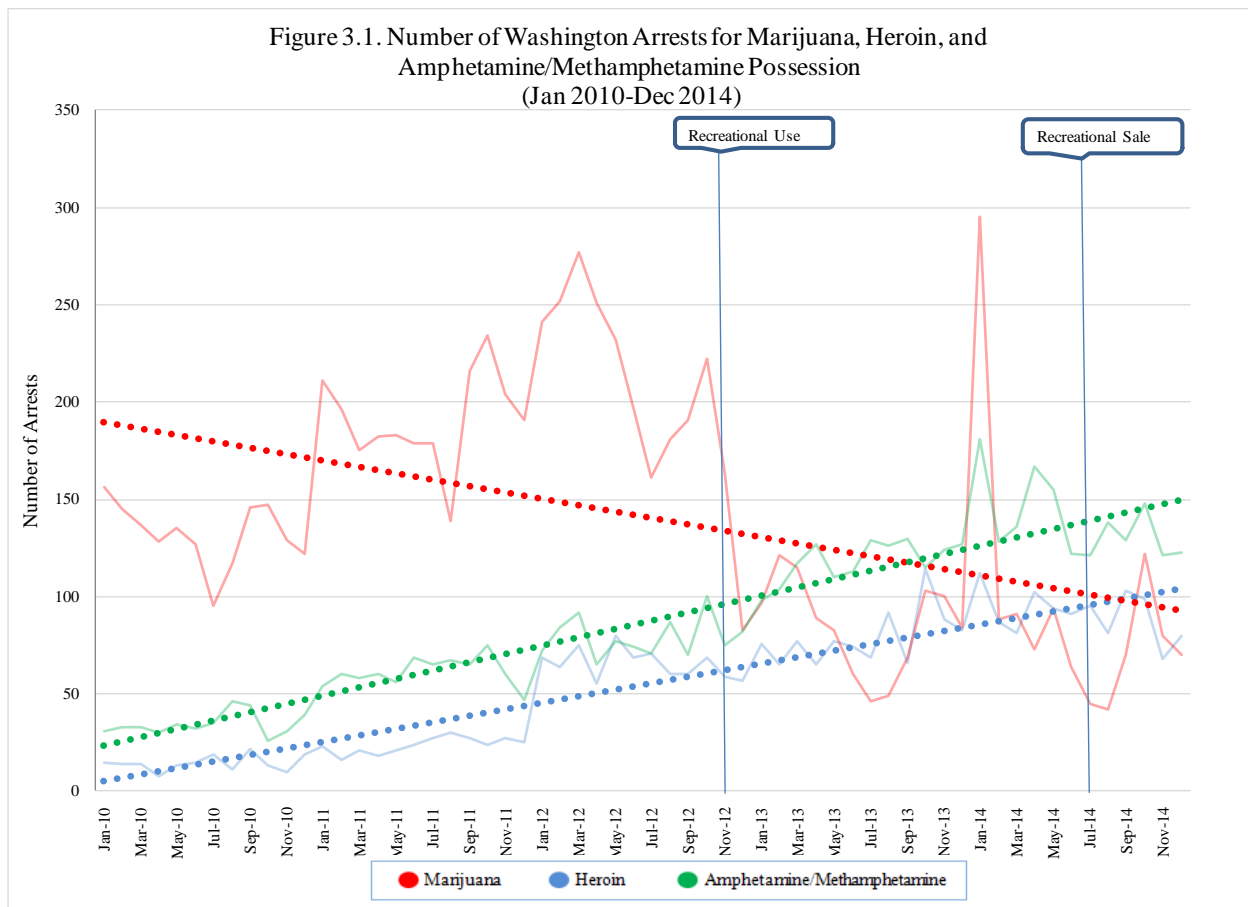
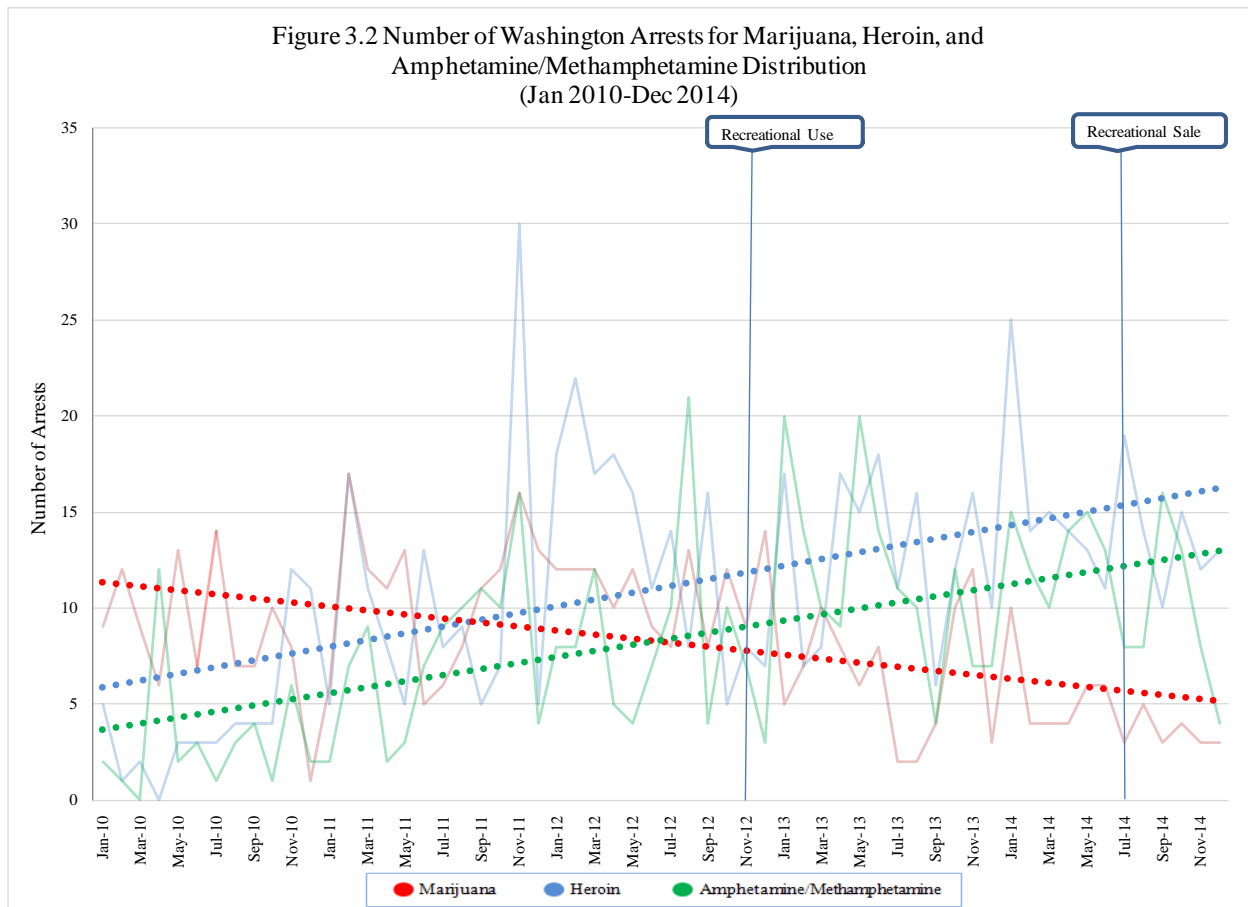


Figure 3.2 presents the number of arrests for marijuana, heroin, and amphetamine/methamphetamine distribution between January 2010 and December 2014. To help decrease the

<sup>8</sup> This may have been an anomaly in the data given the lack of a similar spike in distribution arrests, which are shown in Figure 3.2.

visual noise caused by the level of variability, the trend lines have been enlarged and emphasized while the graph lines have been minimized. The number of distribution arrests per month was notably smaller than the number of possession arrests. For example, combining the three drug types there were 202 possession arrests in January of 2010, while distribution arrests for this same month totaled just 16. While the large variation in monthly arrests across all three drug types makes it difficult to visualize trends in the pre- or post-period, the trend lines across the entire 60-month period look similar to those in Figure 3.1. Arrests for marijuana distribution generally decreased over the five-year period while arrests for amphetamine/methamphetamine and heroin distribution increased. These trends are such that by mid-2011, heroin distribution arrests began to exceed marijuana distribution arrests for the first time, and remained higher for the rest of the time period. Similarly, amphetamine/methamphetamine distribution arrests began to exceed those of marijuana in early 2013 and generally remained higher through the end of 2014.



## Oregon

On July 27, 2015, the Governor of Oregon signed legislation legalizing the possession of small amounts of marijuana. Specifically, the law allows individuals 21 years of age or older to possess up to 8 ounces of marijuana and to grow up to four plants.<sup>9</sup> The legal sale of recreational marijuana (through medical marijuana dispensaries) went into effect in October of 2015.

The Oregon SAC provided a data extract which included individual-level court case data with information on drug type (methamphetamine, marijuana, cocaine, heroin etc.), drug activity (possession, delivering, manufacturing etc.), offense severity (misdemeanor or felony)<sup>10</sup>, disposition type (convicted, not convicted etc.) and sentence length (in days).<sup>11</sup> The SAC also provided their own trend figures summarizing drug arrests by drug type, activity, county, and month (finger-printable offenses only).

Court case data were utilized to examine trends in case filings for drug offenses. Methamphetamine and heroin filings were utilized for comparison purposes.<sup>12</sup> Possession cases were also singled out for examination, as they were the most commonly reported drug-related cases. The court case data spanned the time period from January 2007 to October 2015. With the legalization of recreational use of marijuana going into effect in late July of 2015, the availability of monthly-level data allowed for only three data points in the post-legalization time period. The pre-legalization time period for the analysis was truncated to January 2013.

Figure 3.3 presents the number of case filings<sup>13</sup> for marijuana, heroin, and methamphetamine possession from January 2013 to October 2015. Overall, court case filings for marijuana possession were very low across the entire time period as compared with both heroin and methamphetamine. Trend lines reveal case filings for marijuana possession decreased over the 34-month timeframe while heroin case filings slightly increased and methamphetamine filings remained relatively constant. In the post-legalization period, arrests for marijuana possession, already low, dropped to close to zero.

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<sup>9</sup> Each county in Oregon needed to vote to either accept or reject the initiative. Fifteen Oregon counties rejected the initiative, meaning this law does not apply within these counties.

<sup>10</sup> Defendants with misdemeanor charges were dropped from the analyses due to their extremely small number.

<sup>11</sup> A data file containing drug court case information covering 2007 to 2012 included sentence type (e.g., probation, jail, corrections etc.); however, since this measure was not available after 2012 it was not included in the trend analysis.

<sup>12</sup> Defendants could have multiple charges involving methamphetamine, heroin, and/or marijuana. The data was aggregated by case number and if a case included charges associated with any (or all) of three drug types each different drug type was counted once. As a result, one case could be designated as involving heroin, marijuana, and methamphetamine possession.

<sup>13</sup> Offense date was provided in the data extract however case filing date was utilized to pull the data. Filing date was used to conduct trend analysis.

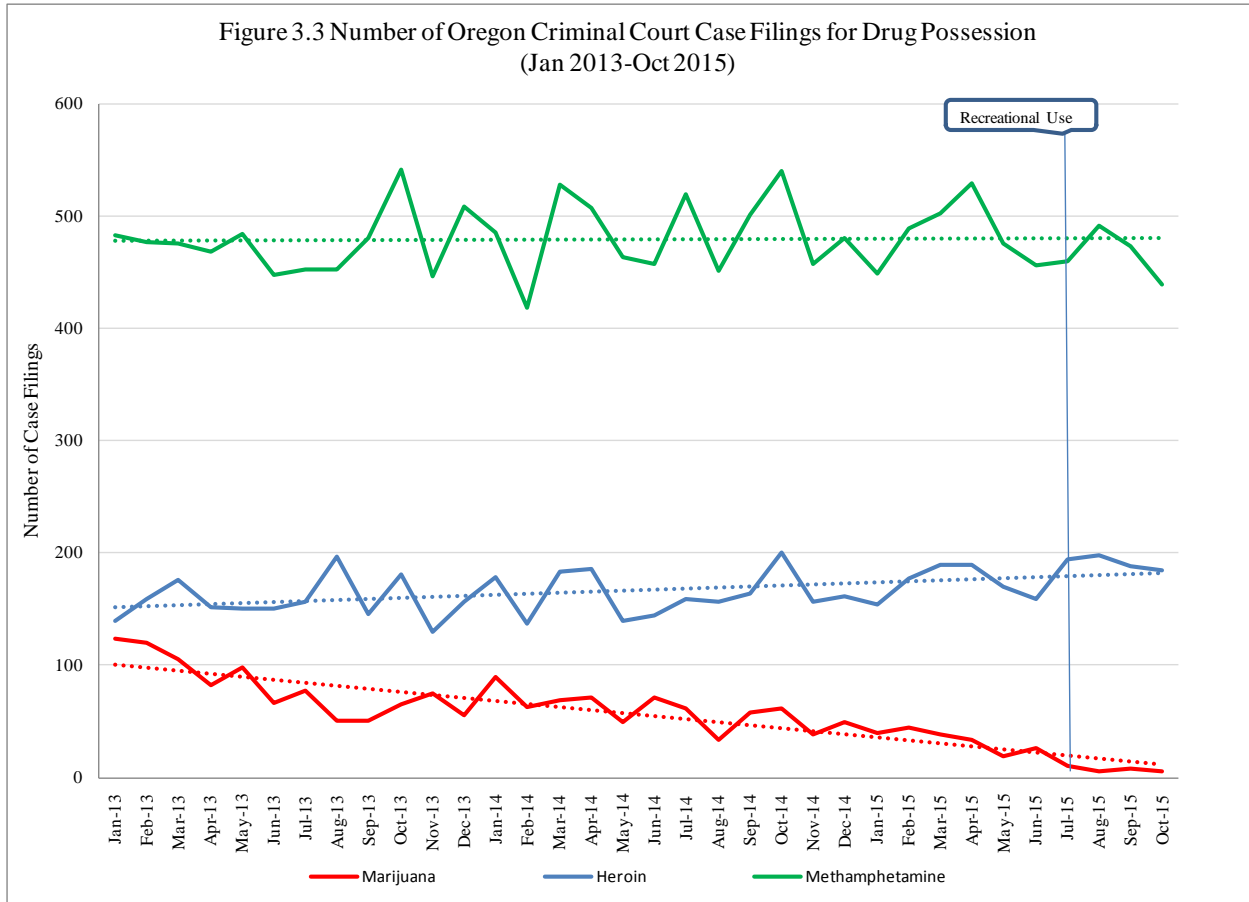
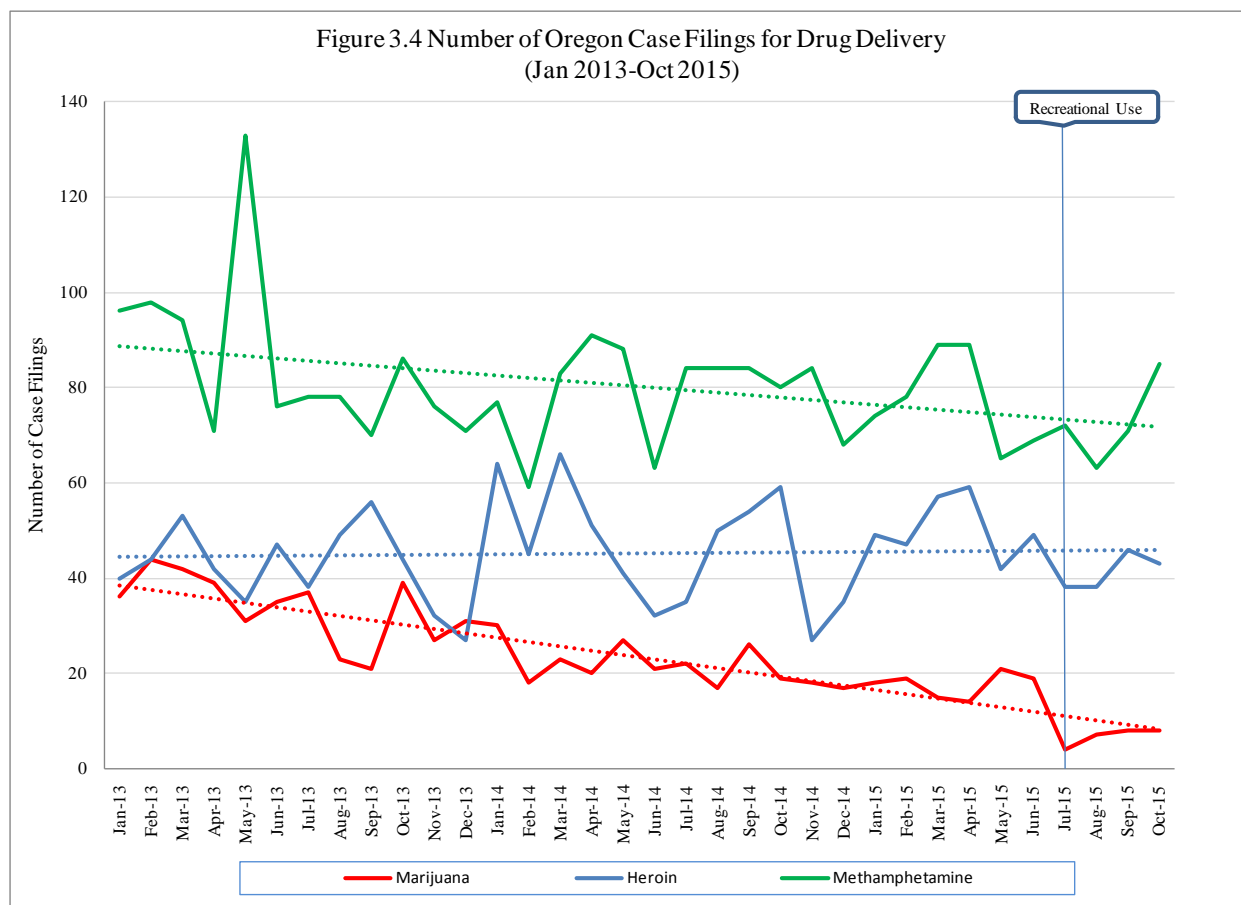


Figure 3.4 presents the number of Oregon case filings for marijuana, heroin, and methamphetamine delivery. Overall there were notably fewer case filings for delivery activities than possession activities. For example, in January 2013 there were 483 case filings for methamphetamine possession whereas there were just 96 for methamphetamine delivery. Case filings for delivery showed a great deal of month-to-month variation across the three drug types. While case filings for marijuana showed a relatively steady decline over the time period, there was a small increase in the three months following the implementation of the law regarding recreational marijuana use.



The summary figures provided by the Oregon SAC included number of arrests by drug type and activity between November 2006 and December 2015 (for fingerprintable offenses only). Figure 3.5 presents monthly arrests for marijuana, heroin, and methamphetamine possession with the pre-period timeframe truncated to January 2013. The figure shows that arrests generally resemble data on court filings in that methamphetamine accounts for a very large proportion of arrests. Moreover, while methamphetamine and heroin arrests increased slightly over the 36-month period, marijuana arrests decreased steadily. As was the case for court filings, by the end of 2015, marijuana possession arrests had dropped to near zero.

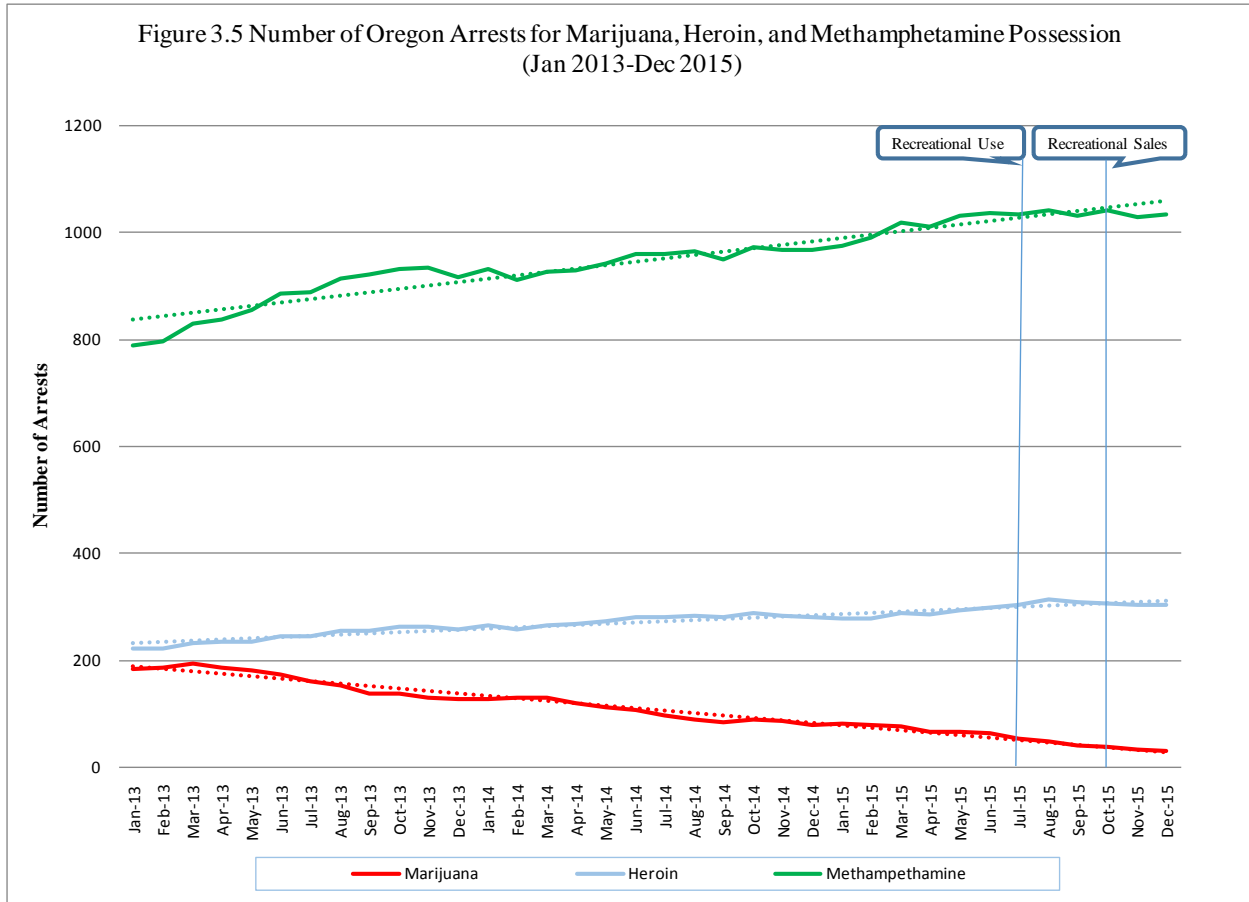
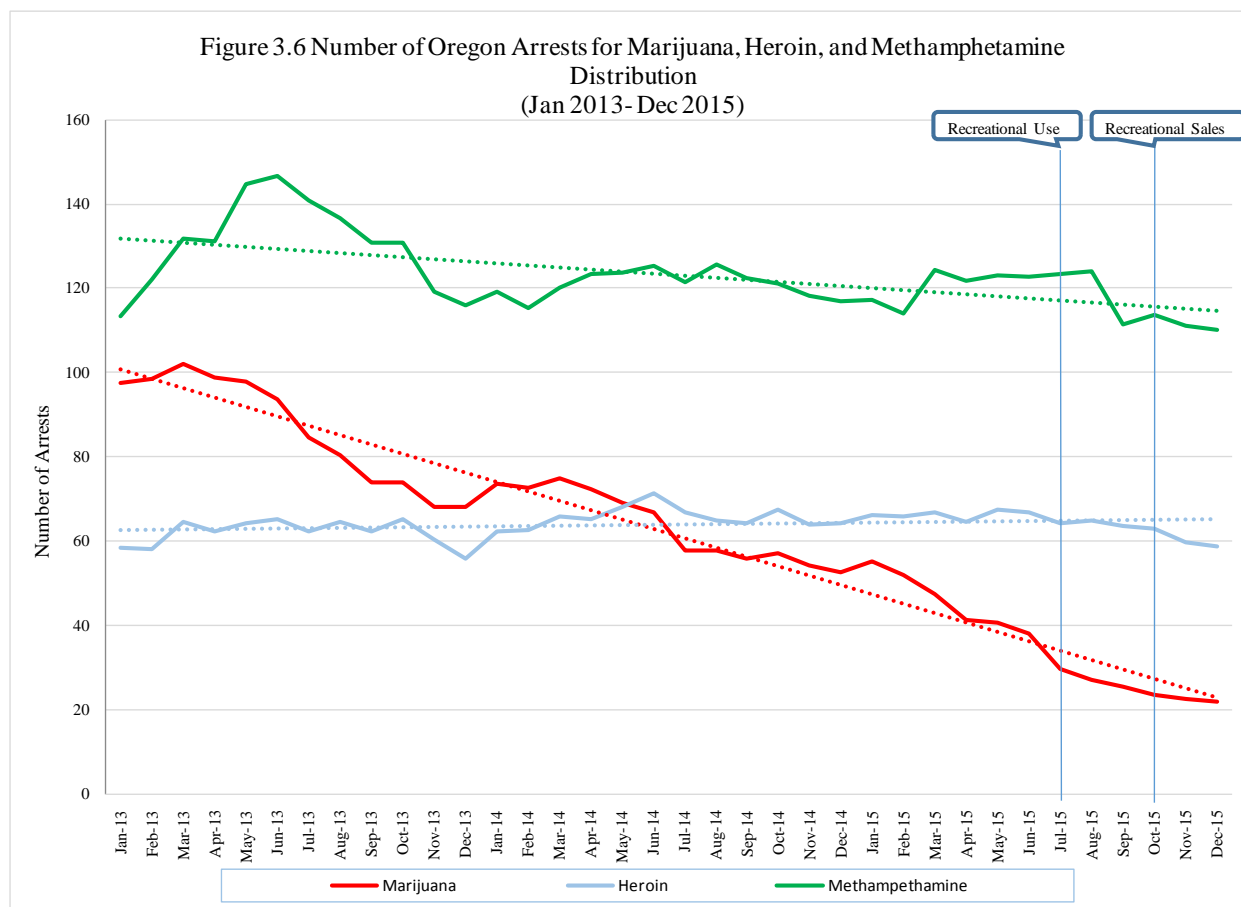


Figure 3.6 presents the number of Oregon arrests for distribution of marijuana, heroin, and methamphetamine between January 2013 and December 2015. As was the case in Washington, the number of Oregon arrests for distribution activities was notably smaller than the number of arrests for possession. Similar to the other figures, this figure shows the extent to which methamphetamine arrests outpaced heroin and marijuana arrests, as well as the overall decline in arrests related to marijuana.





### Qualitative Findings

To address Research Question 1, interviews were conducted with 17 law enforcement officers in two of the three states of interest: Colorado and Oregon. Five key concerns emerged from the interviews: the potency of marijuana products; marijuana use among youth; the influx of people from out-of-town or out-of-state; drugged driving; and the greater demands of heroin and methamphetamine (as opposed to marijuana) on criminal justice resources.

Interview respondents from both Colorado and Oregon reported an increase in the potency of marijuana products. According to these respondents, the increase in potency, or THC content (tetrahydrocannabinol, the psychoactive component of marijuana), was reportedly linked to an increase in criminal behavior and self-harm, particularly burglary (for marijuana), violence (e.g. domestic violence, child abuse and neglect) and suicide. Participants also noted the need to enforce new policies and regulations regarding where and how many plants can be grown and where someone can/cannot smoke.

The increase of marijuana use among youth was a significant concern for both Colorado and Oregon law enforcement officers. Respondents from both states reported youth-targeted

marijuana marketing that involved THC infused gummy bears, brownies and cookies. An Oregon participant noted an increase in Minors in Possession of Marijuana (MIPS) petitions.

The influx of individuals from either out-of-town or out-of-state has also created new challenges and issues, according to those law enforcement officers interviewed. Respondents in Colorado in particular reported an increase in the homeless population from individuals moving to the state for jobs in the marijuana industry that failed to materialize. Other concerns expressed by interviewees related to criminal behavior associated with the marijuana business, such as attempts to steal marijuana and take over selling from locals. Individuals reportedly set up illegal grow operations in their homes and have engaged in violence in attempts to establish drug turf. In Oregon, these out-of-towners are reportedly stealing marijuana plants and participating in home invasions, as well as engaging in violent criminal behavior.

Drugged driving is another challenge for law enforcement. An Oregon respondent reported a 55-60% increase in marijuana-related DUIs. With this increase in DUIs also comes an increased need to test and confirm marijuana intoxication. Marijuana testing is complicated in that traces of marijuana use can remain in the human body for days, creating challenges when law enforcement officers are trying to determine an individual's current level of intoxication. To determine intoxication level, law enforcement officers are required to take a suspect back to the precinct where Drug Recognition Officers (DROs) run individuals through a variety of tests that may include taking blood and/or urine specimens, as well as measuring pupil size and heart rate. One Oregon respondent mentioned the need to train more officers to be DROs.

Finally, while both Colorado and Oregon respondents reported a number of law enforcement concerns regarding the legalization of marijuana, they also placed these concerns in the larger context of the drug problem in general in their states. These individuals noted that methamphetamine and heroin use and related criminal behavior were demanding more of their time and resources than marijuana use. For example, both Colorado and Oregon respondents described an increase in methamphetamine use (imported by Mexican drug cartels) and a corresponding increase in theft (including motor vehicle theft), burglary, prostitution, and violent behavior such as assault. Respondents offered similar comments regarding heroin.

***Research Question 2: What are the impacts on criminal justice resources in states that border those that have legalized marijuana? (Nebraska, Kansas, Oklahoma, Utah)***

Colorado passed a measure legalizing marijuana use in November 6, 2012 and the Governor added the law to the state constitution on December 10, 2012. This law permits adults 21 years of age or older to possess up to one ounce of marijuana while traveling and to grow up to 6 plants privately (three immature and three mature). The commercial sale of marijuana went into effect January 1, 2014.<sup>14</sup> Kansas, Nebraska, Oklahoma, and Utah were selected to examine the impact of Colorado's legalization of marijuana on bordering states.

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<sup>14</sup> A number of cities and towns voted against or banned retail stores while others passed moratoriums on recreational marijuana sales.

In the same vein as Question 1, a range of measures relating to arrest, court processing, and corrections could be utilized to examine the potential impact of marijuana legalization on bordering states. In addition, we hypothesized that impacts related to the fact that these states bordered Colorado might be more likely to be seen in the specific counties that bordered the state. We therefore attempted to analyze data on these specific counties where possible.

### Utah

Utah provided five years of information (2011-2015) regarding drug task force (DTF) arrests and seizures (methamphetamine, marijuana, heroin, prescription drugs, and synthetic narcotics such as “bath salts”) disaggregated by DTF regions. Drug arrests were not disaggregated by drug type, precluding any analysis of effects on arrests specifically for marijuana. While the quantity of drugs seized by drug type was provided, validity and reliability issues raised concerns as to the interpretability of this measure (concerns regarding seizure measures are discussed in greater detail under Research Question 3 below). Based on these factors, Utah was excluded from the quantitative analysis.

### Oklahoma

Information pertaining to Oklahoma included the annual number of drug (marijuana, opioids, cocaine or other derivatives, synthetic narcotics, and other dangerous non-narcotics) arrests by juvenile/adult and activity type (sales/manufacturing and possession) between 2010 and 2014. Since Colorado implemented its policy change at the end of 2012, only two post-implementation data points could be included in the Oklahoma data analysis. The limited number of data points in the post-period precluded any pre-post comparison; however, the data were still analyzed for overall trends.

Only one Oklahoma county (Cimarron) borders Colorado, and there were too few arrests reported for Cimarron County to support a meaningful analysis. Marijuana drug arrests were therefore examined at the state level only, with arrests for synthetic narcotics and other dangerous non-narcotics used in the trend analysis for comparison purposes.

Figure 3.7 presents the number of possession arrests (for juveniles and adults combined) by drug type. Arrests for marijuana possession greatly outpaced the other types of drug arrests. Arrests for marijuana possession decreased from 2010 to 2011, increased slightly in 2012, and decreased again in 2013 and 2014 (the years after recreational use became legal in Colorado). Arrests for synthetic narcotics also remained relatively stable with a small uptick in 2014. Arrests for other dangerous non-narcotic drugs increased between 2011 and 2013, with a small decline in 2014.

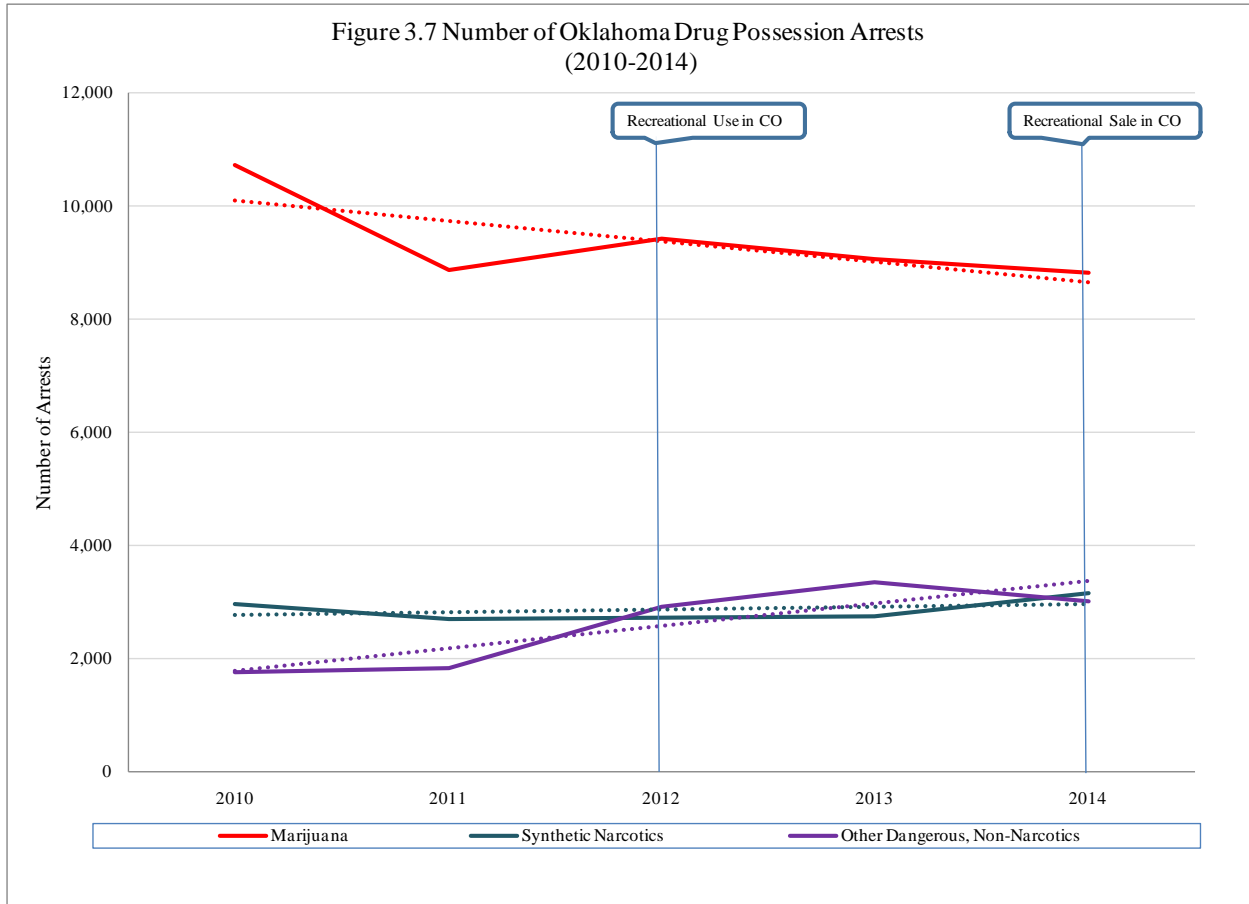
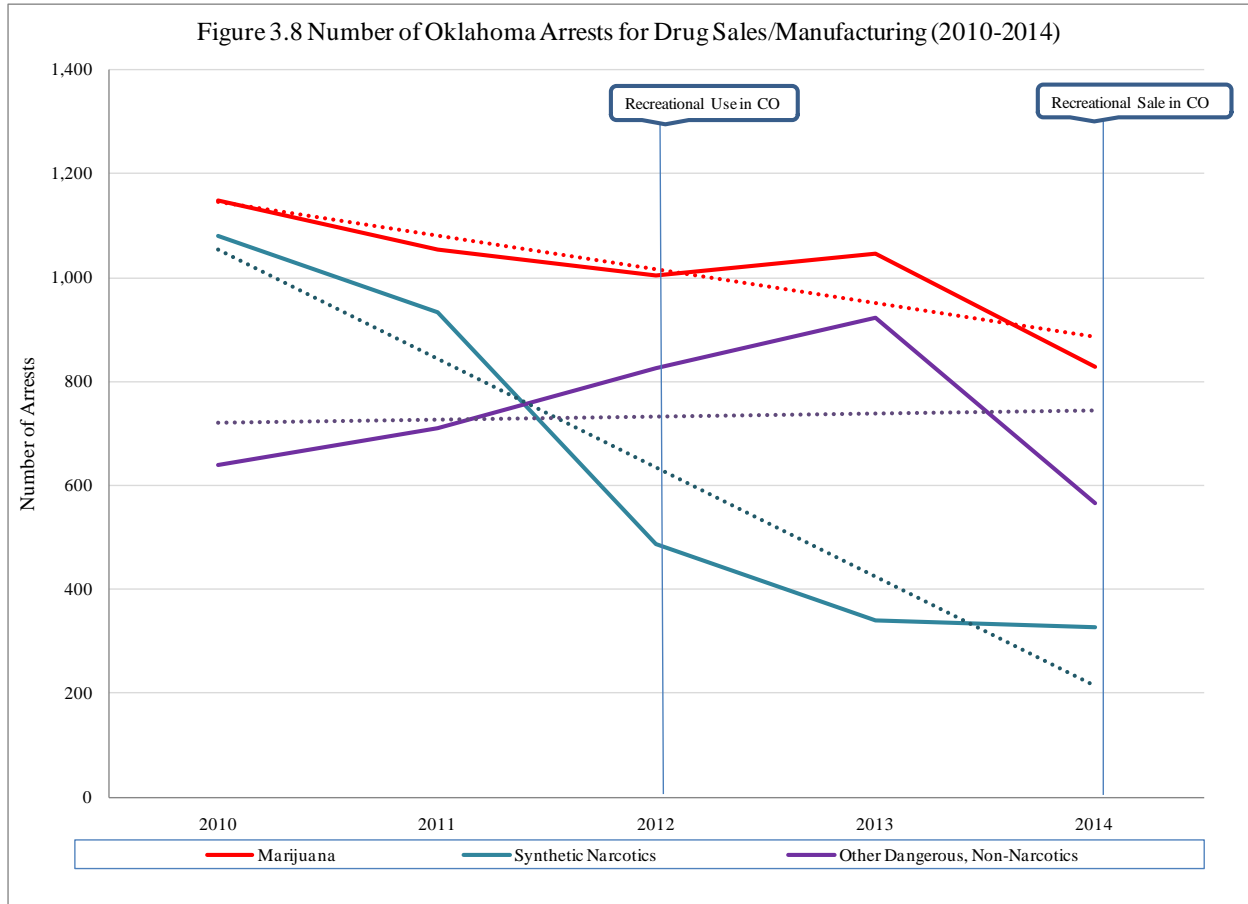


Figure 3.8 presents the number of arrests for drug sales/manufacturing between 2010 and 2014. Overall, the trend line shows arrests for marijuana sales/manufacturing declined between 2010 and 2012, increased slightly in 2013, and decreased again in 2014. For both possession and sales/manufacturing, arrests were never as high in subsequent years as they were in 2010. Sale/manufacturing arrests for other dangerous non-narcotics rose steadily until dropping sharply in 2014. Arrests for the sale/manufacturing of synthetic narcotics decreased substantially from 2011 to 2013.



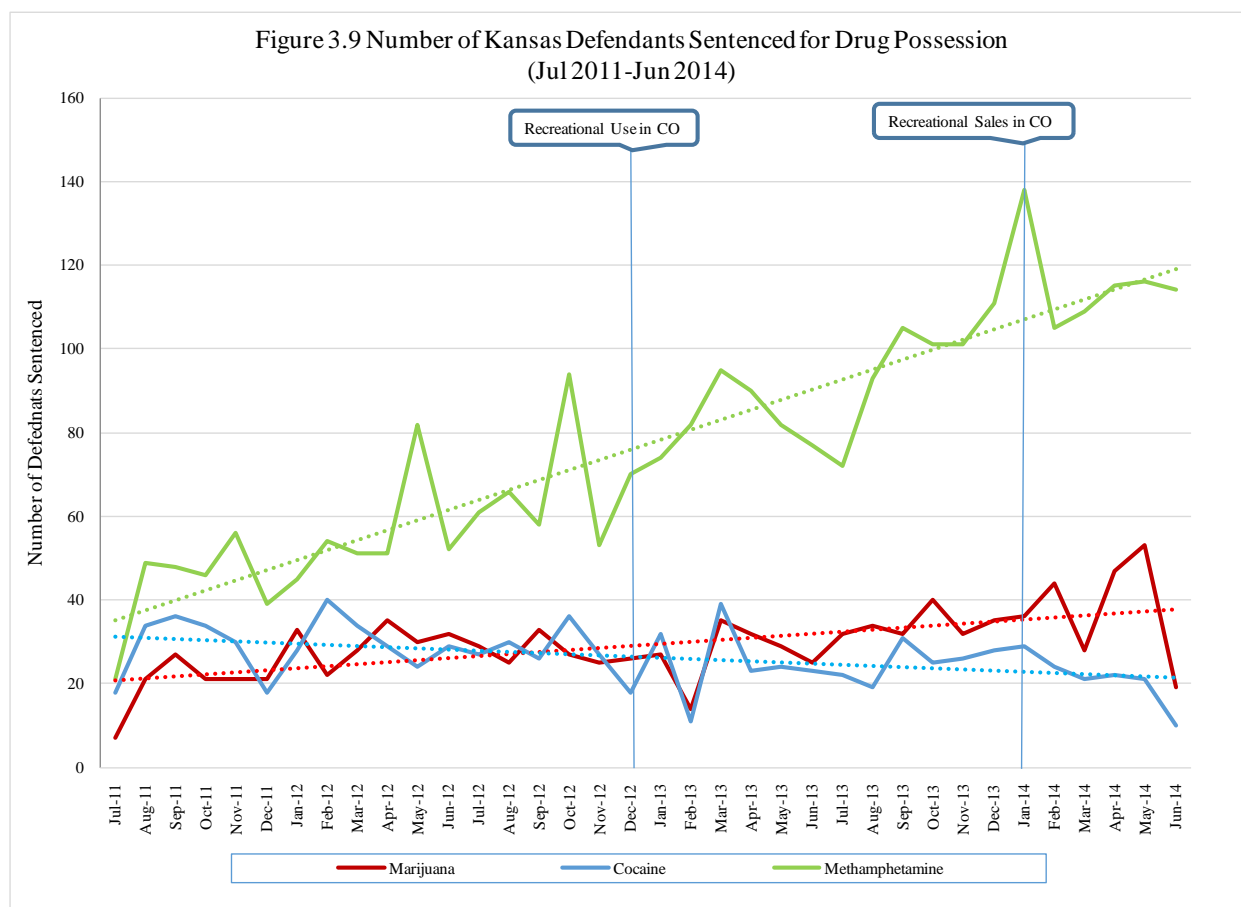
### Kansas

The Kansas SAC provided information regarding drug arrest, offense type, severity, and sentence type, but for only one year, 2014. Given this lack of information, and per the Kansas SAC’s recommendation, JRSA requested data from the Kansas Sentencing Commission. After submitting a formal data request, JRSA received a data extract which included three years of individual-level court case data (fiscal years 2012-2014) pertaining to drug-related felony sentences. Measures of interest included drug type (marijuana, methamphetamine, cocaine, heroin etc.), drug activity (possession, distributing, manufacturing etc.) sentence type, and sentence length (in days). However, only the data files for FYs 2013 and 2014 identified all drug types for various drug activities. The FY 2012 data file identified only three unique drug types (marijuana, methamphetamine, and cocaine) and this was only for possession. As a result, an examination of the trends in drug-related sentencing was limited to possession.

We attempted to examine the number of defendants sentenced for possession-related activities in the seven counties bordering Colorado (Cheyenne, Greeley, Hamilton, Morton, Sherman, Stanton and Wallace). However, the number of cases was so small that no meaningful trend

analysis could be undertaken.<sup>15</sup> As a result, an examination of trends was limited to the state-level.<sup>16</sup>

Figure 3.9 presents the number of defendants sentenced for felony drug (marijuana, methamphetamine, and cocaine) possession offenses between July 2011 and June 2014. Overall, the number of defendants convicted of marijuana possession increased slowly but steadily over the 36-month time frame, although these changes were not sizeable. While the trend for cocaine possession remained relatively stable, the number of defendants sentenced for methamphetamine possession increased dramatically over the 36-month time frame. No noticeable change in the trend line for marijuana occurred after recreational use was legalized in Colorado.



<sup>15</sup> For example, Greeley County reported only one possession case, Morton County reported two, and Cheyenne County reported one during FY 2012.

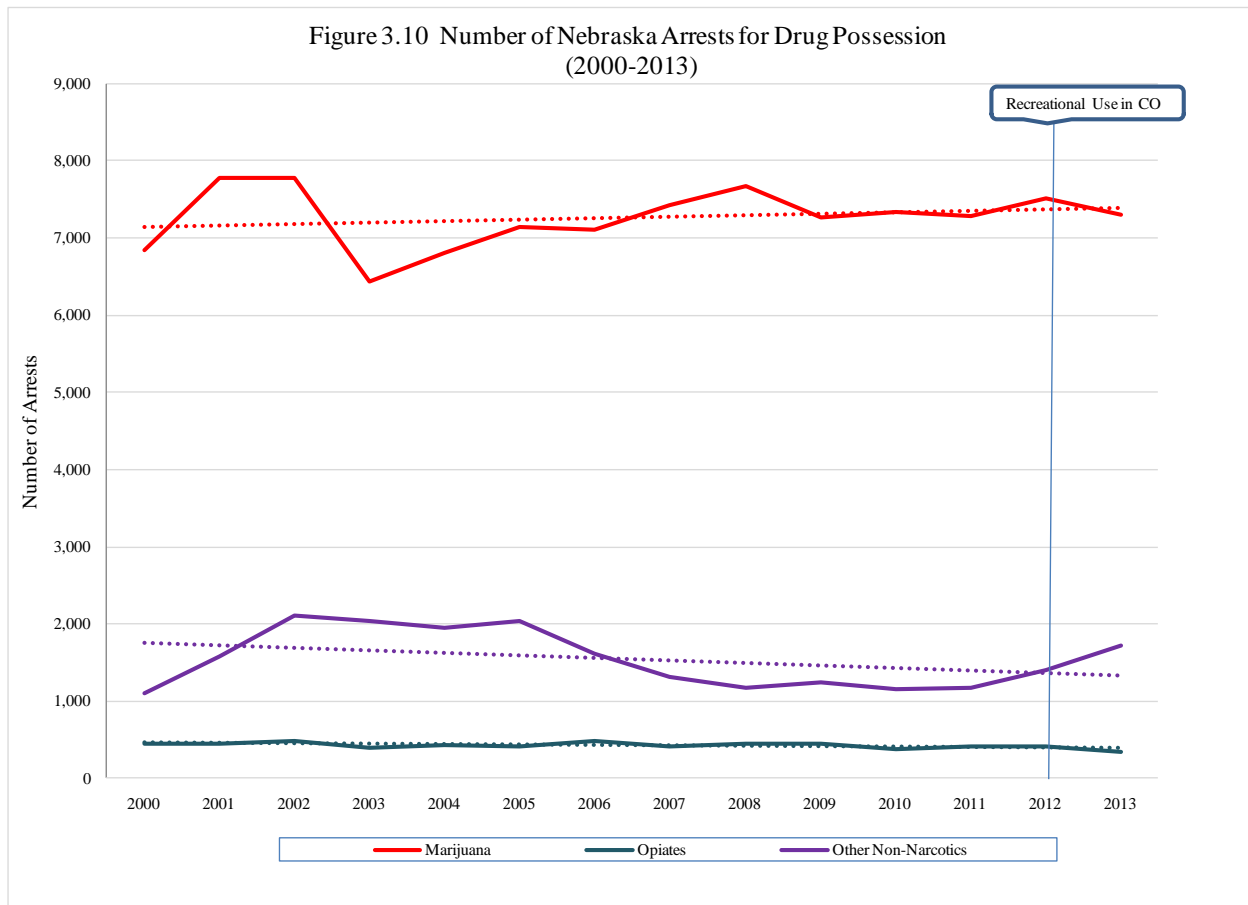
<sup>16</sup> Data provided did not include dismissed or diverted cases.

## Nebraska

The Nebraska SAC provided annual data on the number of arrests for marijuana, opiates (e.g., heroin), and other non-narcotics from 2000 to 2013. These data were also disaggregated by law enforcement agency and as a result could be subsequently combined to provide county-level numbers. Since the Nebraska data included only one year (2013) following Colorado's legislation, a pre-post trend analysis could not be conducted. Instead, general arrest trends between 2000 and 2013 were examined.

Nebraska has ten counties bordering Colorado. For county comparisons, the number of arrests was transformed into rate of arrests per 1,000 population.<sup>17</sup>

Figure 3.10 presents the number of arrests for drug possession between 2000 and 2013. Trend lines reveal the number of arrests for marijuana, opiates, and other non-narcotics remained relatively stable over the time period. Marijuana arrests increased from 2003 to 2008, but did not change much from 2009 to 2013 (except for a slight increase in 2012). Marijuana arrests outpaced arrests for opiates and other non-narcotics over the entire time period.



<sup>17</sup> Utilizing the population estimates created from the 2010 census.

Figure 3.11 shows the number of arrests for marijuana, opiate, and other non-narcotic sales. The number of arrests for sales varied greatly from year to year for each of the four drug types. Marijuana arrests increased over the time period, particularly from 2006 to 2010, but were appreciably lower in 2013 than in 2012. Arrests for sale of other types of drugs trended downward over the time period.

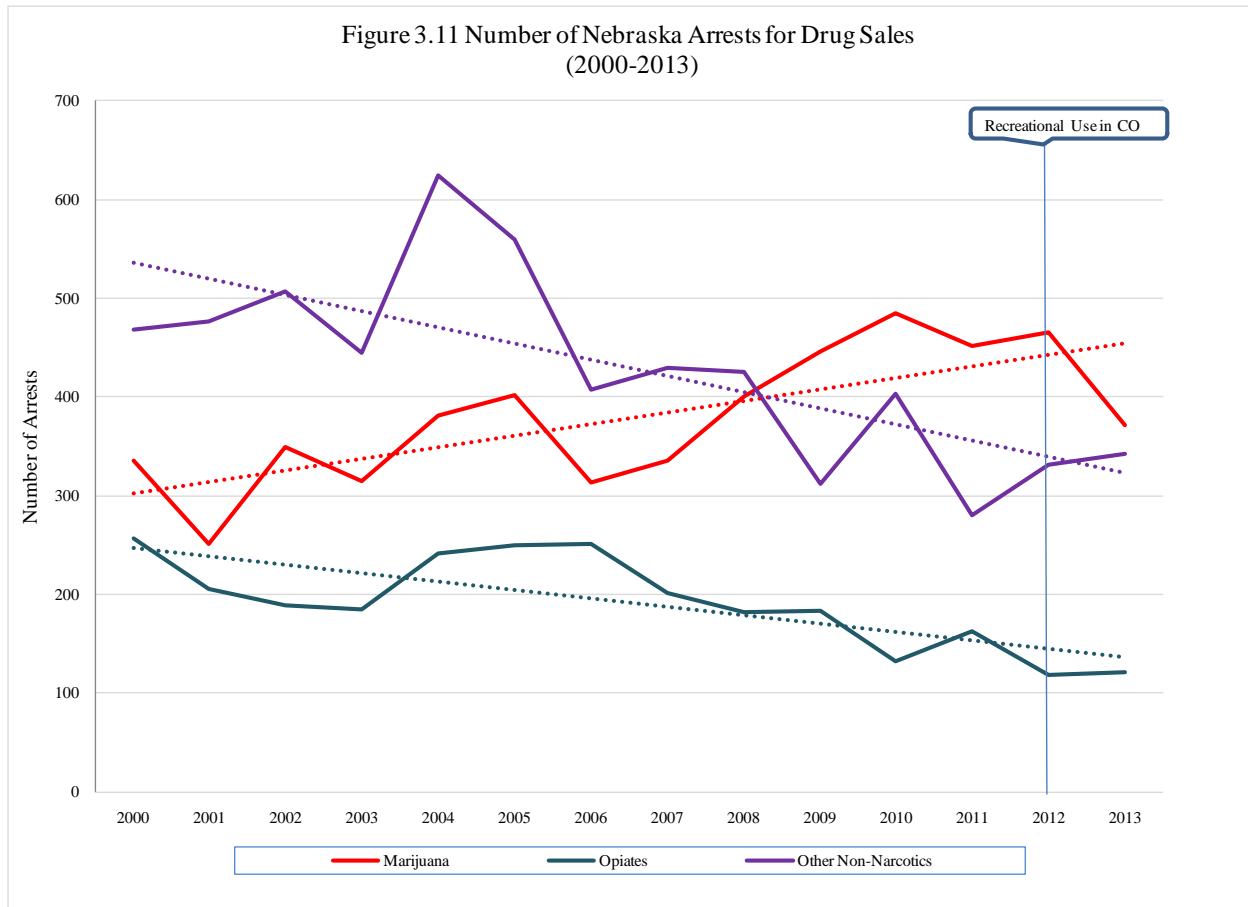


Table 3.1 presents the arrest rates for marijuana possession from 2000 to 2013 for the ten Nebraska counties bordering Colorado. Focusing on the change from 2012 to 2013, four counties showed an increase in arrest rates, four showed a decrease, and two remained the same. For the rest of the state, arrest rates increased slightly from 2012 to 2013. When looking at county averages over the past fourteen years, only four of ten border counties ranked in the top ten counties in terms of arrest rates. Examination of average arrest rates over the 14-year time period of the border counties and all other counties combined shows that six of the ten bordering counties had higher averages than counties in the rest of the state. In each year from 2000 to



2013, either six or seven of the border counties had higher average arrest rates than the average of the remaining counties in the state.

**Table 3.1 Nebraska Arrest Rates (per 1,000) for Marijuana Possession in the Ten Bordering Counties (2000 - 2014)**

County	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Average
Banner	0.00	2.90	2.90	4.35	5.80	18.84	15.94	8.70	11.59	10.14	4.35	4.35	4.35	4.35	7.04
Chase	3.03	2.02	2.52	4.29	3.03	1.77	0.25	1.26	0.50	1.51	0.76	1.26	1.51	1.26	1.78
Cheyenne	3.70	3.60	3.70	3.90	5.20	7.40	9.50	6.00	7.10	6.30	5.40	6.40	6.30	5.40	5.71
Deuel	0.52	5.15	9.27	8.76	6.70	11.33	7.21	6.70	8.76	12.88	7.21	5.67	37.61	30.40	11.30
Dundy	1.99	2.99	3.98	1.49	0.00	0.50	0.00	0.00	3.49	0.00	0.00	0.00	0.00	1.49	1.14
Keith	3.94	3.59	6.21	4.30	4.66	4.78	5.38	5.62	6.21	11.47	11.83	10.40	9.32	10.76	7.03
Kimball	4.19	3.14	1.31	2.62	5.76	5.50	7.59	6.28	3.14	6.02	7.07	4.45	5.76	6.02	4.92
Perkins	0.00	0.34	0.34	1.01	0.00	0.00	0.00	0.34	0.67	0.34	0.00	3.37	4.04	6.40	1.20
Scotts Bluff	2.54	1.79	2.41	2.27	2.14	3.27	3.81	4.84	4.84	3.90	3.19	4.11	4.73	4.68	3.47
Sioux	0.00	1.53	0.00	1.53	0.00	1.53	0.76	2.29	0.00	0.00	0.76	0.76	0.76	0.76	0.76
Remaining Non-Border	1.47	1.90	1.96	1.75	2.10	1.96	1.89	2.15	2.43	2.16	2.19	2.17	2.03	2.15	2.02

### Qualitative Findings

Interviews were conducted in two of the five border states originally selected to participate in this project: Nevada (4 interviews) and Nebraska (3 interviews). While Nevada respondents reported an increase in marijuana use, this seemed to be related more to California’s medical marijuana policy than Oregon’s legalization of marijuana. As a result, a detailed analysis of these responses is not presented here.

Nebraska’s three respondents reported that Colorado’s legalization of marijuana had increased Nebraska’s drug-related problems. The three respondents specifically cited perceived increases in the potency of marijuana, the availability of edibles with high concentrations of THC, and law enforcement challenges related to cannabis products that look like regular sports drinks, candy, and brownies. Respondents also perceived an increase in DUIs associated with marijuana.

### ***Research Question 3: What are the impacts of marijuana legalization and decriminalization on drug trafficking through northern and southwest border states? (Idaho, Washington, Oregon)***

While the two prior research questions addressed the general impact of changing marijuana policies on criminal justice resources, the third question focuses on one particular activity, drug trafficking, and more specifically the impact of drug trafficking at the local and state levels. One challenge in examining this issue is the lack of available data, which is the result of the variability in states’ recording of offenses involving drug trafficking.

Examining drug seizure data (amount, unit, drug type) is one possible way to assess drug trafficking at the local and state level. Drug seizure data have proven difficult to interpret due to varying reporting patterns across law enforcement agencies within states. For example, marijuana can be measured in a number of ways depending on its form (e.g., liquid, edible, joint, plant, bud, etc.). Common measurements include doses, units, fluid ounces, gallons, grams, kilograms, liters, milliliters, ounces, pounds, and number of plants. It is not the various measurements that pose the challenge, however, since conversion calculations can be utilized to standardize different measurements. The challenge is the lack of standardization in how different jurisdictions will record the amount and type of marijuana products. To illustrate the lack of

standardization, consider marijuana infused “gummy bears.” In one jurisdiction, a seizure of 50 gummy bears may be recorded as 50 units, whereas in another jurisdiction 50 gummy bears may be recorded in terms of their weight. To further complicate the matter, recording marijuana seizures in terms of unit, weight, and fluid ounces does not account for THC content. Two edibles can weigh the same but contain significantly different levels of THC. Labeling these two edibles as equal based on weight and not the THC content creates interpretability issues.

To address the issue described above, the number of arrests *associated with* marijuana seizures was selected as a proxy for drug trafficking. While this measure may be less precise than drug seizures it is easier to interpret. Both Idaho and Washington provided information regarding arrests associated with seizures.

Most states have specific statutes related to drug trafficking and collect data on these types of offenses. For example, Idaho and Washington provided data on drug-related activities that included transporting, transmitting, or importing. Upon further examination, the Washington data included only a small number of arrests associated with transporting/transmitting/importing activities and as a result was excluded from further analysis.<sup>18</sup> While Idaho also had relatively small numbers in comparison to other drug-related activities, there were enough cases (1,372) to examine trends.

Drug-related traffic stops are another potential measure of drug trafficking. Unfortunately, the traffic stop information provided by Washington did not provide marijuana specific identifiers, and while Idaho provided “marijuana confirmed” identifiers within the traffic stop data (as well as in and out of state licenses and tags), the information was related to Idaho State Police traffic tickets. These tickets are most often, if not always, traffic infractions and misdemeanors, the types of offenses not likely to represent drug trafficking offenses. As a result, this measure was excluded from the analysis.

In summary, Idaho and Washington data could be used to examine arrests associated with drug seizures, and Idaho data could also be utilized to examine drug transporting offenses. With the Oregon data lacking information on either of these measures, they were excluded from this analysis.

### Idaho

Figure 3.12 presents the annual number of arrests associated with drug (marijuana, heroin, and amphetamine/methamphetamine) seizures. With Washington polices going into effect in December of 2012, only two data points are available for the post-period, precluding a pre-post comparison. The figure shows that while the number of arrests associated with marijuana seizures varied over the years, overall there was an upward trend in marijuana arrests involving seizures. In 2013, arrests involving seizures increased, but the number of these arrests decreased from 2013 to 2014. Arrests involving seizures associated with methamphetamine increased in 2013 and 2014, while the small number of arrests associated with heroin seizures remained relatively stable, increasing slightly in 2014.

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<sup>18</sup> The Washington data included a total of 55 arrests over a five-year period.

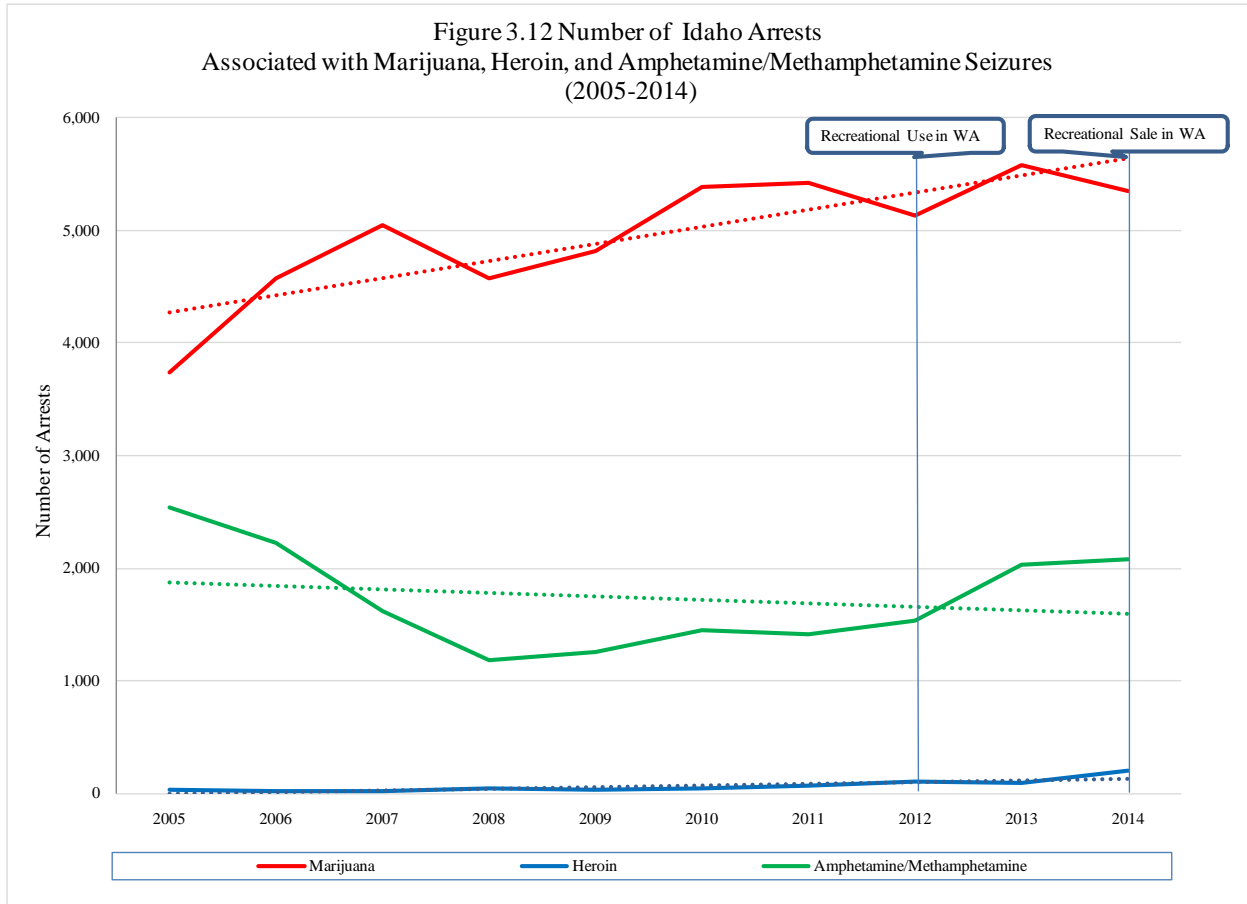


Figure 3.13 presents the number of arrests for drug (marijuana, heroin, and amphetamine/methamphetamine) transporting. The figure shows that arrests for marijuana transporting increased steadily from 2008 to 2013, with large increases occurring in both 2012 and 2013. Similar increases were also seen in amphetamine/methamphetamine transporting arrests, and both drug types show a subsequent drop in arrests in 2014.

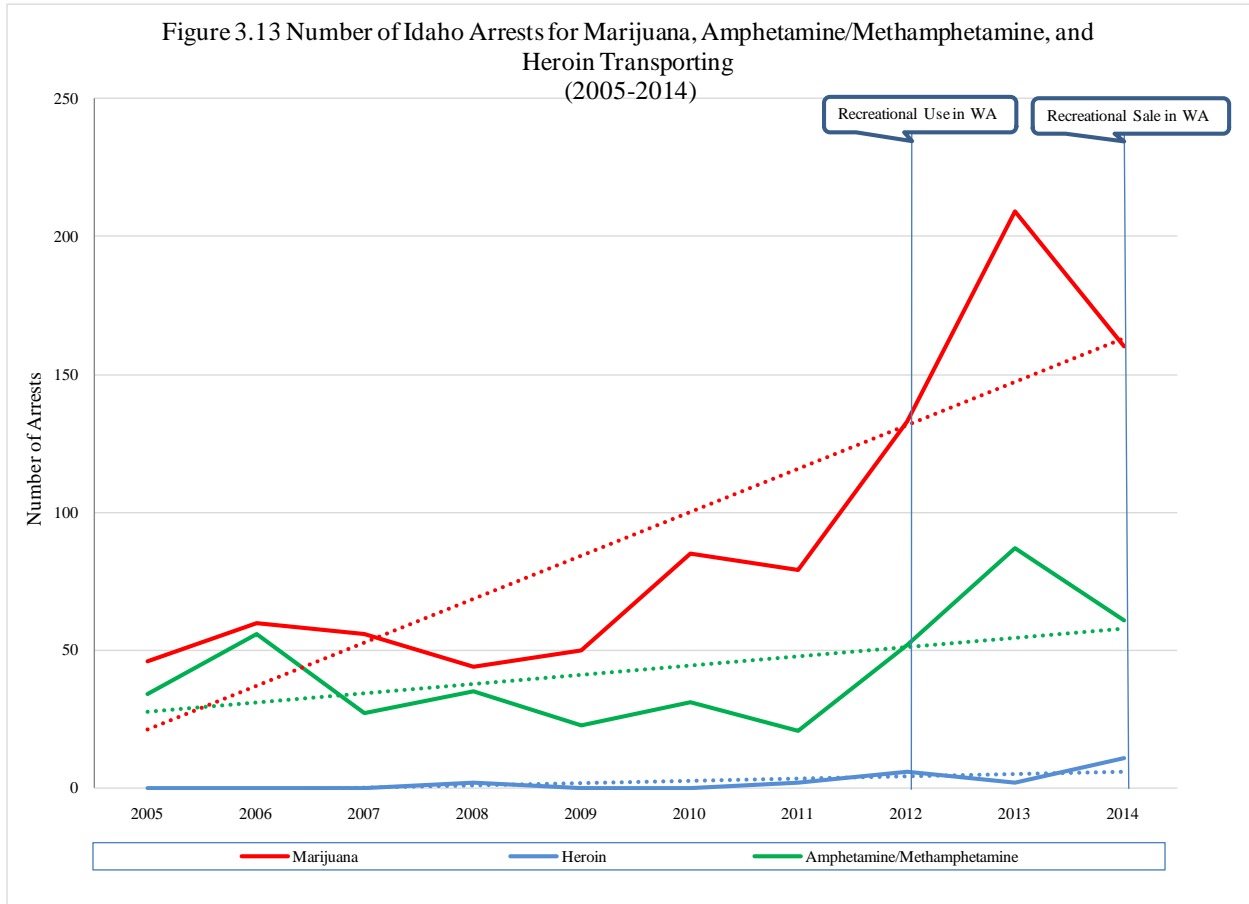
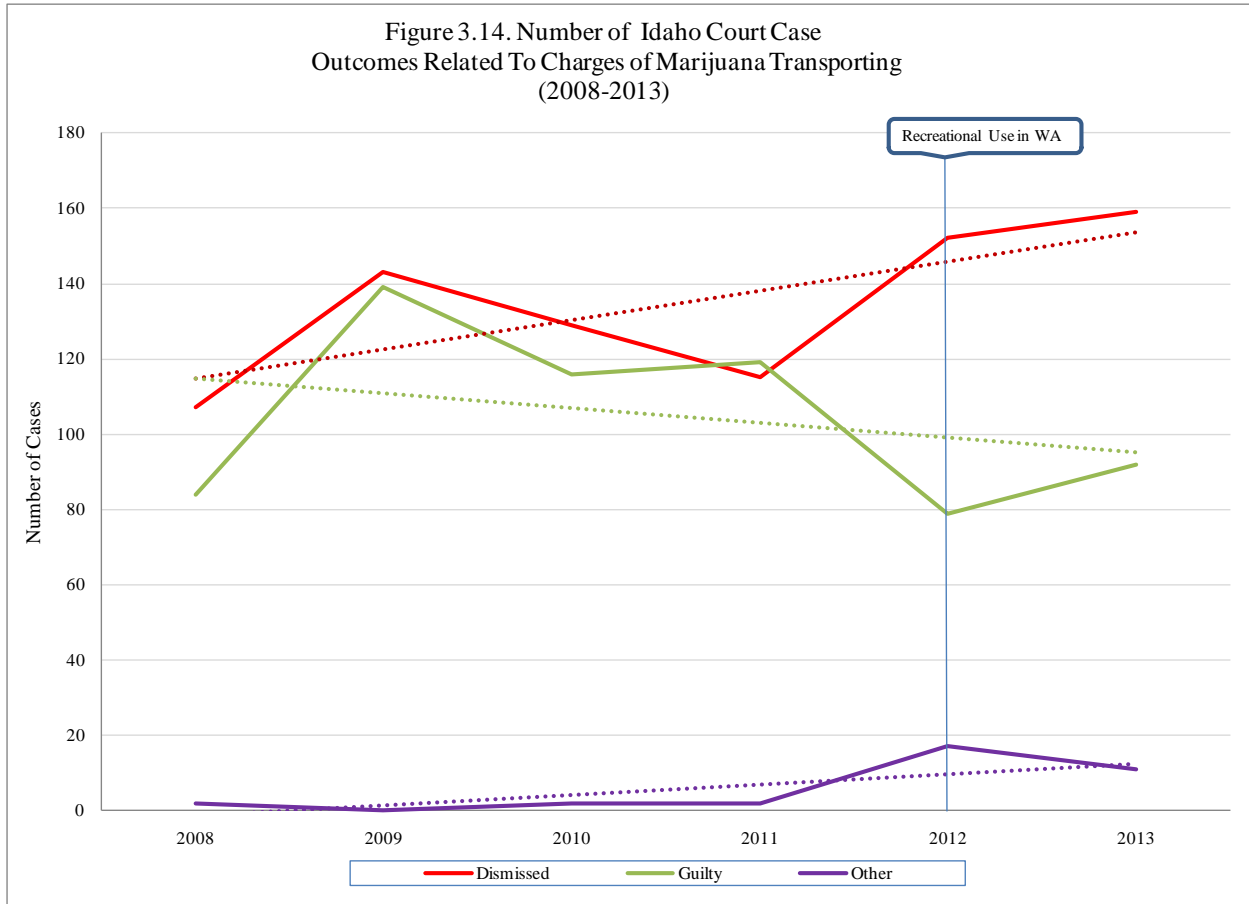
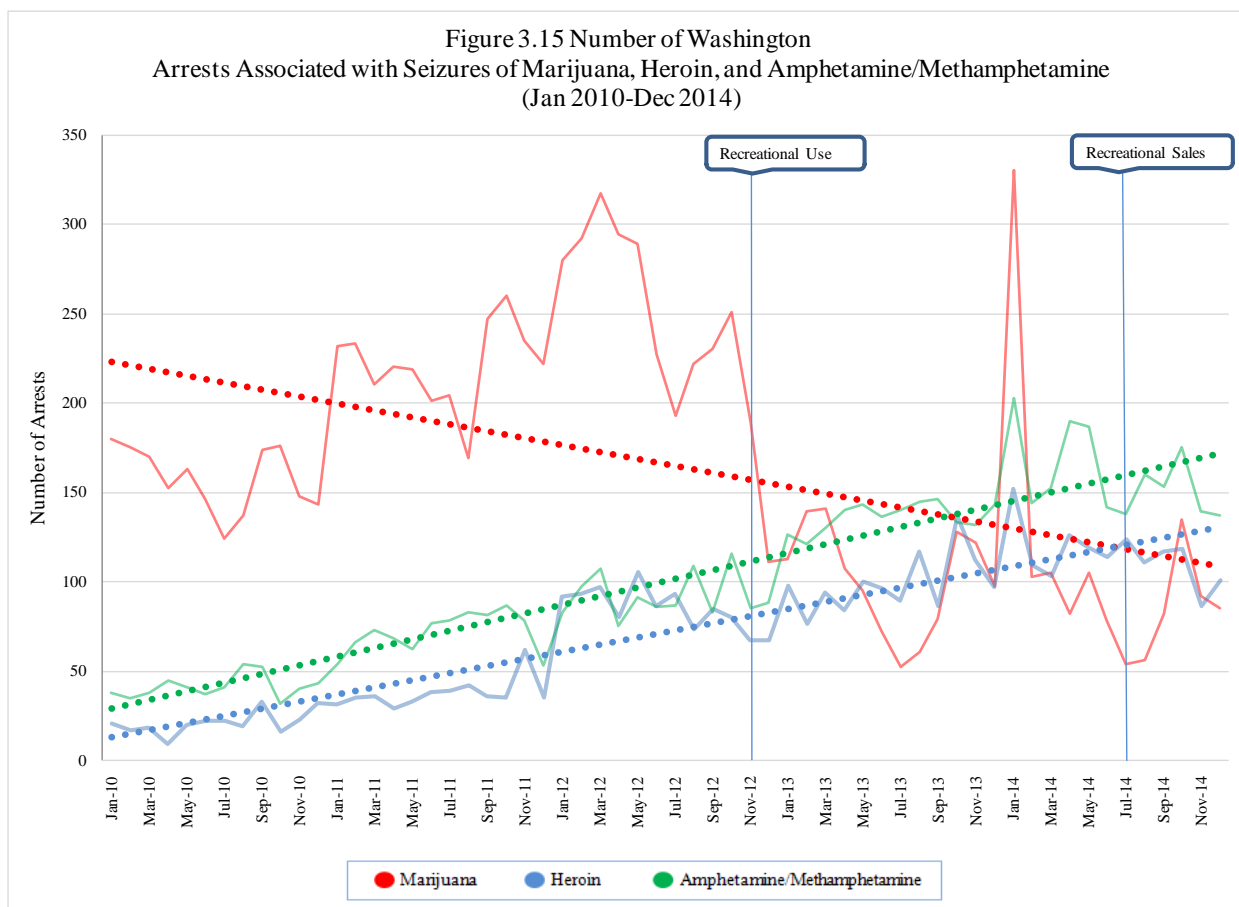


Figure 3.14 presents the outcomes for Idaho cases involving charges of marijuana transportation. Between 2008 and 2011 the number of cases associated with a guilty outcome and the number dismissed were quite close. The number of dismissed cases increased greatly in 2012, while the number of cases resulting in a guilty outcome notably decreased.



### Washington

Figure 3.15 shows the number of arrests involving the seizure of marijuana, amphetamine/methamphetamine, and heroin between January 2010 and December 2014. To help decrease the visual noise caused by the level of variability, the trend lines have been enlarged and emphasized while the graph lines have been minimized. From July 2010 to March 2012 arrests involving the seizure of marijuana increased. After that, arrests began to drop and continued at a much lower level through the end of 2014 (with one notable spike in January 2014). Arrests involving seizures of amphetamine/methamphetamine and heroin rose steadily over the course of the entire time span. At their peak in March 2012, arrests involving marijuana seizures were roughly four times as common as those involving amphetamine/methamphetamine and heroin. The decline of marijuana arrests was so dramatic that by the beginning of 2013 marijuana arrests had dropped below arrests involving the seizure of amphetamine/methamphetamine, and by mid-2013 had dropped below arrests involving the seizure of heroin. By the end of 2014, the number of arrests involving the seizure of marijuana was less than one-third of what it had been at its peak.



Qualitative

Interviews regarding the impact of drug trafficking on state and local criminal justice resources were conducted in four of the five states originally selected to be part of the analysis: Arizona (5), California (2), Idaho (4), and Oregon (10). Respondents from each state shared concerns that seemed to be unique to their states. For example, interviews with Colorado law enforcement officials revealed a sense that large amounts of marijuana are being shipped from Colorado *into* Mexico. Marijuana is reportedly being shipped to multiple parts of the country via the U.S Postal Service and commercial shippers such as DHL and FedEx. Given the increased potency of locally grown marijuana, Colorado respondents suggested that the Mexican drug cartels had largely gotten out of the marijuana business.

Interviews with Idaho law enforcement officials suggest that different regions of Idaho have been reporting different patterns of marijuana trafficking. Those adjacent to the interstates have reported increases in trafficking due to the availability of marijuana in Washington and Oregon and the consumer demand in the Dakotas (particularly the oil fields that have attracted new groups of workers). The sheriffs responsible for the localities in which the oil fields are located are reportedly suffering from a lack of resources in attempting to handle the influx of people and

associated issues, which includes the increased use of marijuana. Marijuana trafficking was thought to be decreasing in localities that are not adjacent to the interstates.

According to Oregon respondents, individuals who previously came to the area (prior to legalization of recreational marijuana use) would purchase large amounts of marijuana with the intent of selling it in other parts of the country. Now individuals are reportedly buying up property to grow and sell illegally. These individuals purchase other people's growing authorization and then sell their products on the black market. Whereas the largest drug trafficking organization used to be the Mexican cartels, Oregon respondents reported that Russian and Afghani groups who steal crops and cash from local growers are now heavily involved in drug trafficking.

In regard to Arizona, one respondent described their state as a "pass through region" for marijuana traveling from Mexico to other parts of the country. However, while marijuana from Mexican cartels remains a concern, one law enforcement official reported the seizure of large amounts of hydroponically grown marijuana from California and Colorado being transported via interstate highways.

#### **4. Conclusions**

This project set out to address three research questions: (1) What are the impacts of marijuana legalization and decriminalization on criminal justice resources? (2) What are the impacts on criminal justice resources in states that border those that have legalized marijuana? (3) What are the impacts of marijuana legalization and decriminalization on drug trafficking through northern and southwest border states? The project explored the availability of data in 11 states to address these research questions, primarily through the State Statistical Analysis Centers. In many cases, data that were thought to be accessible ended up not being available. In some cases, data were obtained but were ultimately deemed to be unusable. The data that were received were analyzed to address the three questions posed above.

Our conclusions from this project, in terms of both data availability and findings from the data analysis, are discussed below.

##### Data Availability

Determining the impact of the legalization and/or decriminalization of marijuana on state criminal justice systems requires data on a wide variety of indicators. The results reported above demonstrate some of the challenges associated with obtaining and utilizing these data. Generally, many states do not systematically collect and compile the data needed to appropriately examine and answer research questions such as those posed here. When data are available, they may not be recorded or collected in a format suitable for addressing research questions regarding the impacts of marijuana legalization and decriminalization.

Part of the difficulty in obtaining relevant data to address research questions such as those posed here relates not to data on marijuana (or other drug) impacts, but to the collection of, and access to, state-level criminal justice data in general. Often, data available at the state level is administrative or operational data, designed for use by agencies to keep track of the legal status of

individuals for whom they are responsible. These data often are not collected in a form that is useful for research purposes. Records may not be complete or accurate with regard to the specific type of drug, the quantity of the drug, and so on. Law enforcement data systems may not record drug information in the same way as those used by courts and correctional systems, and records from these various systems often cannot be linked with one another. Some information may not ever be reported as part of an automated system, requiring a manual review of records often maintained at the local level.

Even when relevant data are available, obtaining the data for research purposes can be a challenge. State and local agencies are often concerned about releasing data on individuals to researchers. Staff of state and local criminal justice agencies are busy and often do not have the time or other resources to produce data for researchers. Information that should be available may not be, and when it is available may require a great deal of “cleaning” to be useful for research purposes.

In addition to these general data issues, analyzing the impacts of changes in marijuana laws presents unique problems. One of these problems is the inability to establish an adequate baseline in order to address changes. Establishing a baseline requires the availability of a relatively large number of data points prior to the implementation of legislative changes. Data must be recorded in a consistent fashion over a relatively long period of time prior to the implementation of legislation legalizing or decriminalizing marijuana. As noted above, for a variety of reasons these types of data may not be available. Looking at trends over time to assess impacts can also be challenging. For example, data reported annually (e.g., the number of arrests for marijuana possession each year) will prove to be a blunt measure that requires considerable time to have lapsed after legislative changes have been implemented. Analysis of quarterly or monthly data avoids this problem, but may be difficult to obtain.

With an increasing number of states moving to put marijuana legalization or decriminalization measures on the ballots, it would be wise for state and local analysts to begin to ensure that data are being recorded consistently and accurately. Identifying drug type and specifying drug units or quantities in a consistent fashion in all data sources are key elements for assessing the impacts of marijuana legalization. Making the data accessible for analysis should also be a priority for states and localities.

In addition, our interview findings, though they must be interpreted with caution because they are based on the perceptions of only a small number of respondents, suggest that marijuana legalization has the potential to lead to additional crime and crime types that have not been seen before. Burglary of grow houses, theft of marijuana plants, illegal sales, and transport and sale out of the state are all problems that did not previously exist. States must ensure that data are being collected on these new types of crimes for impacts to be assessed accurately.

JRSA’s approach to obtaining the data analyzed here was to work through the SACs in the selected states. SACs are agencies that are designated by the Governor’s office or state legislature as the agency that collects and analyzes criminal justice data for the state. It is reasonable, therefore, to begin with the state SAC when seeking data related to marijuana legalization and



decriminalization. While most SACs are not repositories for state data, they are familiar with where to obtain data and data quality issues for any particular topic. Since SACs often have analysts on staff, they are aware of issues associated with data quality that might affect analyses based on the data.

It is certainly possible that researchers may have more success going directly to state or local agencies for administrative data related to marijuana. For example, a local police department might be willing to provide data on arrests, citations, etc. Our experience suggests that obtaining data, whether from SACs or another source, is an iterative process. Initial assumptions about the quantity and scope of data available may turn out to be false. Moreover, this will vary depending on the state and on the particular type of data that is being sought.

The results of our attempt to obtain data from a sample of states using the state SACs as a source suggests that researchers need to thoroughly think through what information they want and how they want it. Researchers need to specify the exact data they want, and need to be patient when dealing with the state and local agencies providing the data.

### Findings

We have described in detail the difficulty with obtaining data to address these three questions in the targeted states, as well as the shortcomings in the data we did manage to obtain. It is imperative to keep these caveats in mind in interpreting the analyses we presented here.

It is also important to note that the passage of legislation legalizing marijuana occurred relatively recently in the states. Even if high quality data could be obtained, it is still too early to identify trends that might unambiguously be associated with the legalization of marijuana.

Given these caveats, some general conclusions can be offered based on the analyses of the quantitative and qualitative data presented here. First, it indeed seems to be the case that legalizing the recreational use of marijuana results in fewer marijuana related arrests and court cases. Whether we look at arrests or court case filings for possession or distribution, marijuana-related offenses seem to have decreased in Oregon and Washington since legalization of recreational use. In most cases, these decreases appear to have started well before legislation was enacted, perhaps reflecting changes in law enforcement policies and practices in anticipation of the coming policy changes.<sup>19</sup>

Interviews with law enforcement officials, though based on the perceptions of only a small number of respondents, provided insight into a number of concerns with regard to legalization of marijuana, including the potency of marijuana products, increased marijuana use among youth, and increases in incidents of drugged driving. All of these anecdotal “findings” may potentially be verified empirically, provided that law enforcement agencies collect the requisite data and make it available for analysis. It should also be noted that several of the law enforcement officers interviewed indicated that methamphetamine and heroin were much larger problems for their agencies than was marijuana.

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<sup>19</sup> It is equally plausible to suggest that states that are already more “tolerant” of marijuana as indicated, for example, by declining arrests for possession in recent years, are those in which legalization is most likely to occur.

Our efforts to address the second question, regarding border states, were limited by the lack of availability of data in these states. Nevertheless, for the data we examined, we saw no evidence that marijuana legalization had an impact on indicators in border states. Marijuana-related arrests and charges did not increase in either the state as a whole or, in the case of Nebraska, in counties that directly border the state that legalized marijuana, after legalization. It is possible that additional indicators or a longer follow-up time period might reveal impacts in these states and localities.

The few interviews we conducted in one border state (Nebraska) suggested increases in the potency of marijuana and in incidents of driving under the influence of marijuana. Again, these are perceptions that should be verified by future research.

The third question, related to drug trafficking, was particularly challenging to address. Relatively few individuals were charged with trafficking in the data we examined, and it is difficult to identify other indicators of trafficking in state and local data. However, in the data we did examine we found no indications of increases in arrests related to transportation/trafficking offenses. Interview results suggested that drug trafficking had indeed increased in some states, including border states. Again, it is possible that different indicators, examined over a longer period of time, might reveal impacts of marijuana legalization on drug trafficking.

## **Appendix A**

### **Data Availability Worksheet**

#### **Justice Research and Statistics Association (JRSA)** **NIJ Research and Data Analysis on Marijuana and Other Drug Markets**

April 3, 2015

Dear SAC Director:

In FY2014, NIJ partnered with the Bureau of Justice Statistics (BJS) to support a new task--Research and Data Analysis on Marijuana and Other Drug Markets--under BJS' State Justice Statistics Technical Assistance Program for Statistical Analysis Centers. Potential research topics for this task include: the effects of marijuana legislation or other illegal drug market changes on crime in the U.S.; the resurgence of heroin and other opiate use; and the supply of amphetamines to areas targeted by Mexican Drug Trafficking Organizations and domestic manufacturers.

JRSA is currently exploring quantitative and qualitative information resources available to examine the effects of marijuana legislation that legalizes marijuana for personal use or decriminalizes marijuana in cases involving small amounts or first offenses on State and local crime trends, law enforcement and other criminal justice agency resources that handle crimes and offenders relating to marijuana.

Part of JRSA's effort involves connecting with various SACs to gather relevant data that may help with assessing the effects of marijuana legislations on the criminal justice system. To help guide this effort, definitions and project parameters have been established to specify the scope of information needed.

Potential Research Questions: What are correlations between marijuana legislation and:

- a) drug crimes and the criminal justice system within a State;
- b) drug diversion from States with legislation to bordering States and other jurisdictions; and,
- c) drug trafficking through northern or southwest border States (import or export)?

Crimes: Drug crimes relating to marijuana (drug possession, sale, distribution, cultivation, possessing drug paraphernalia); drugged driving; offenses with marijuana as a lesser offense/charge; and violent or property crimes relating to marijuana (robbery of a person or dispensary, controlled substances homicide).

Variables of interest: Allocation of law enforcement personnel and resources, drug seizures (including plants and concentrates/edibles), infractions/violations, warrants, arrests (misdemeanor/felony, violent/other), prosecution and court caseloads, case dispositions (fines, conditional/probation, incarceration), and jail/prison personnel and resources.

**PLEASE USE THE ATTACHED FORM TO CONFIRM INFORMATION AND RESOURCES. RETURN VIA EMAIL TO DR. STAN ORCHOWSKY, JRSA RESEARCH DIRECTOR, AT [sorchowsky@jrja.org](mailto:sorchowsky@jrja.org) NO LATER THAN April 24. Please direct any questions to Ajima Olaghere at [aolaghere@jrja.org](mailto:aolaghere@jrja.org).**

**SECTION I: INFORMATION AVAILABLE ON CRIME TRENDS AND CRIMINAL JUSTICE SYSTEM**

Please indicate for each information type whether you have qualitative and/or quantitative information for your jurisdiction relevant to the Crimes listed on page 1. For each check all applicable and specify: form (quantitative/qualitative), specificity to marijuana (MJ), jurisdiction (State, County, or local City/Town), recency (annual, quarterly, monthly), time period (years collected), and reliability rating (good/fair/poor). Please record any relevant notes on p. 4.

Information Type	Form: Quant/Qual		Specific to MJ: Yes/No		Jurisdiction: State/County/Local			Recency: Annual/Quarterly/Monthly			Time Period: Mo/Yr to Mo/Yr	Reliability: Good/Fair/Poor			Ease of Access	Comments
	Quant.	Qual.	Yes	No	State	County	Local	Annual	Quarter	Monthly		Good	Fair	Poor		
Calls to police	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	___ to ___	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Crimes reported (victims)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	___ to ___	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Field/bioassay tests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	___ to ___	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Drug seizures (plants, concentrates, edibles)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	___ to ___	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Other related seizures (guns, other drugs)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	___ to ___	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Drug trafficking organization	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	___ to ___	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Traffic stops (State license)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	___ to ___	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Possession citations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	___ to ___	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Justice Research and Statistics Association  
 Measuring the Criminal Justice System Impacts of Marijuana Legalization and Decriminalization

Arrests by offense (charges, severity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Defendants arrested (State residence, US citizen)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Cases prosecuted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Cases arraigned	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Case dispositions (dismissed, plea, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Sentence types and length (probation, incarceration)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Pretrial release hearing caseload	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Prosecution caseload	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Public defender/panel attorney caseload	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Court docket caseload	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Probation caseload	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Jail population (pre-trial, post-disposition)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Prison population	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Pretrial/probation/parole violations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Law enforcement personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Law enforcement training/certification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Jail personnel and facility resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Prison personnel and facility resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ to _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

**SECTION II: OPEN-ENDED NOTES AND SUGGESTIONS**

Please record here any notes relevant to the preceding table. Suggestions for other qualitative and quantitative information resources and variables are encouraged and should be enumerated here or in attachments.

**Do you have any notes relevant to the preceding table on types of information available?  
Are there any other types of information or resources we should consider?**

**SECTION III: SAC CONTACT INFORMATION**

Please provide the most up-to-date contact information for the person responsible for completing this form and/or serving as a point of contact for follow-up and future inquiries.

**Select your State:**

**Date:**

**SAC Contact**

**Name:**

**E-mail:**

**Phone:**

**Primary contact: Yes**

**No, please provide primary contact information:**

**Name:** [Click here to enter text.](#)

**E-mail:** [Click here to enter text.](#)

**Phone:** [Click here to enter text.](#)

**Thank you very much for your help!**

## Appendix B Example of Data Request

**Please provide data by locality month, US/non-US citizen when possible, and for whatever time frame available.**

*Data Source: Police/Law Enforcement*

- Number and type of calls for service related to marijuana
- Number and type of traffic stops (in-state/out-of-state distinction)
- Number and type of marijuana-related seizures
- Number and type of other-drug related seizures
- Lab results for Marijuana seized
- Number of arrest charges for marijuana-related (only most serious if multiple charges) offenses broken down by:
  - Offense type (sale, distribution possession, cultivation, hash & concentrate etc.)
  - Charge severity (i.e., citation, violation, misdemeanor, felony, violent felony etc.)
- Number of arrest charges for other drug-related (only most serious if multiple charges) offenses broken down by:
  - Offense type
  - Charge severity

*Data Source: District Attorney's Office/Criminal Court*

- Number of charges at arraignment (only most serious if multiple charges) for marijuana-related offenses broken down by:
  - Offense type
  - Charge severity
- Number of arraignment charges for other drug-related offenses broken down by:
  - Offense type
  - Charge severity
- Number of case dispositions for marijuana-related offenses and other drug-related offenses (i.e., dismissed, plea, conviction, etc.)
- Number and Type of sentence outcomes for marijuana-related offenses and other drug-related offenses (i.e., Fine, diversion, probation, Jail/Prison etc.)
- Prosecutor caseload:
  - MRJ/non-MRJ related

*Data Source: Criminal Court/Corrections*

- Jail population
- Probation/parole violations
  - MRJ/non-MRJ related

## Appendix C Summary of Interview Themes

The themes discussed below were based on interviews with 35 law enforcement officials in seven states (see table below). These opinions are subjective and should be interpreted with caution.

**Summary of Completed Interviews by Agency and State**

	<i># of Sheriff Officers Interviewed</i>	<i># of Drug Task Force Members Interviewed</i>	<i>Other Law Enforcement Agencies</i>	<i>Total Number of Completed Interviews</i>
<i>Arizona</i>	<b>4</b>	<b>1*</b>	<b>0</b>	<b>5</b>
<i>California</i>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>
<i>Colorado</i>	<b>7</b>	<b>0</b>	<b>0</b>	<b>7</b>
<i>Idaho</i>	<b>4</b>	<b>0</b>	<b>0</b>	<b>4</b>
<i>Kansas</i>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<i>Oklahoma</i>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<i>Oregon</i>	<b>4</b>	<b>3*</b>	<b>3</b>	<b>10</b>
<i>Nevada</i>	<b>3</b>	<b>0</b>	<b>1</b>	<b>4</b>
<i>Nebraska</i>	<b>1</b>	<b>1</b>	<b>1</b>	<b>3</b>
<i>Washington</i>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<i>Utah</i>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>25</b>	<b>1</b>	<b>5</b>	<b>35</b>

*\*Note: Drug task force member also member of the Sheriff's Office*

### ***Problems in implementing marijuana legalization/ decriminalization laws***

#### States that have legalized marijuana

Law enforcement respondents in Colorado expressed disappointment and confusion because while legal in their states, marijuana remains illegal under federal law. They stated that the federal government is not showing any leadership in guiding them on how to navigate the discrepancy between state and federal law.

Oregon has only recently enacted their legalization laws and so there were no rules in place regarding sale of recreational marijuana at the time of the interviews. New laws did go into effect on March 1, 2016 that delineate penalties for medical vs. recreational marijuana. Respondents indicated that when legalization of recreational marijuana was passed, local jurisdictions had the ability to opt in or out. The legalization provision was worded such that if it was voted down by more than 55% of a county's population, that county could ban dispensaries.

#### States that have decriminalized marijuana

Arizona now has medical marijuana but law enforcement respondents reported that they are closely monitoring states such as Colorado, because Arizona may consider legalizing in the near



future. They noted what they perceive as too much inconsistency across the states in marijuana enforcement and are hoping to see definitive rules issued by the federal government. As an example, they would like more clarification on zoning ordinances for cultivating marijuana.

California and Nebraska respondents expressed similar disappointment that federal officials have not taken a stronger position on marijuana. A local U.S. District Court in Nebraska ruled that the federal government should not get involved in marijuana enforcement unless children are involved, or there is interstate trafficking. Nebraska is part of a multistate lawsuit against Colorado claiming excessive impact from their marijuana legalization. In March 2016, the Supreme Court refused to hear the lawsuit.

### ***Perceived flaws in the logic behind legalization/decriminalization***

#### **States that have legalized marijuana**

Colorado respondents indicated that while part of the justification for legalizing marijuana was that tax revenue from sales was to go to the schools, the money is actually being used for construction projects. They indicated that the revenue has not offset costs associated with regulating marijuana grows and distribution. They also challenged what they feel is a false argument that marijuana legalization helps police by allowing them to concentrate on more serious offenses. They stated that overall crime is up because of marijuana.

Oregon respondents felt that marijuana advocates were not being responsible in the messages they are sending to children, and that early onset of marijuana use will only increase with legalization.

#### **States that have decriminalized marijuana**

In California, additional bills are being introduced to further decriminalize marijuana. The advocates are saying that it will help generate revenue, but law enforcement respondents feared that there will be unintended negative consequences.

### ***General concerns about health and safety***

#### **States that have legalized marijuana**

Colorado respondents expressed concern marijuana legalization has created a more accepting attitude toward drugs in general. They also indicated that in some communities, there has been an increase in homeless people – that a number of persons came to the state because of marijuana legalization but have no means of support. They also felt that marijuana edibles are a big problem because of their THC content, and that they’ve actually had a number of overdose deaths from these products.

Respondents from Oregon reported that the message being sent by legalizing marijuana is that it’s safe. One task force commander observed that instead of people simply trying it at some point in their lives as normal “experimentation,” legalization brings about more regular, “patterned” users. Others stated that the proliferation of marijuana affects quality of life in neighborhoods, and that its use in plain view degrades livability. Some respondents also believed

that marijuana use creates havoc in families, and that it was related to domestic violence, child abuse and neglect, and academic failure. Another reported specific concerns about people using hash oils. These oils have produced explosions, and have harmed innocent citizens who happened to live in the same housing structures as users.

#### States that have decriminalized marijuana

Arizona law enforcement officials interviewed reported an increase in marijuana-related emergency room episodes, including panic attacks and other medical side effects. They also expressed concern that the public is underestimating the physical damage that can come from marijuana intoxication. Respondents from California indicated that marijuana use was leading to various mental health issues, which in turn produced a rise in violent crime.

Nebraska respondents were concerned that the average potency of marijuana is much higher since Colorado legalized it. Nevada respondents reported an overall increase in marijuana use since California legalized medical marijuana.

#### ***Border states***

Idaho respondents' major concern was the degradation of the community. They opined that increased marijuana use was associated with a lack of participation in community life and that marijuana appears to be a gateway to other drug usage. They reported that the legalization of marijuana in some states is changing social norms and acceptability. They reported a feeling on the part of their citizens that if marijuana is allowable in Oregon, Washington and Colorado, it should be allowable in Idaho as well.

#### ***Problems specific to medical marijuana***

##### States that have legalized marijuana

According to Colorado respondents, "doctor mills" liberally prescribe medical marijuana for a number of supposed medical conditions. Further, it is easy for growers to get a medical marijuana license, which allows them to grow more than they could under the recreational use provisions.

Oregon officials similarly reported that the majority of cards are signed by a relatively small number of doctors. They indicated that since medical marijuana was legalized in 1998 the list of ailments covered has grown, and now includes conditions such as PTSD or pain in general. There is a corresponding increase in illegal sales at the medical marijuana dispensaries. Because of inefficiencies in the system, individuals can sometimes obtain several medical marijuana cards, multiplying the number of plants they are able to grow on their property. They can also establish multiple residences, allowing them to grow more plants.

##### States that have decriminalized marijuana

Arizona respondents also reported seeing doctors issuing recommendations for medical cards without medical justification, and increases in growing operations where people are planting much more than they're licensed for, or are growing marijuana without being certified. They

reported that medical marijuana has created a big increase in workload for officers because of the time it takes to determine whether grow operations are compliant with regulations.

California respondents reported that medical marijuana laws there are abused as well. Plants being grown for the medical dispensaries are also leaving the state for illegal sales elsewhere. The low price of land and limited law enforcement resources there has created a huge population influx to buy up land for medical marijuana growing operations. Nevada officials also reported seeing the diversion of medical marijuana to non-medical users and to minors.

#### Border states

A problem reported by Idaho respondents is people coming there from states that have medical marijuana not understanding that their licenses are not valid in Idaho. These persons may attempt to justify their marijuana consumption by saying they have a medical marijuana card, knowing it's not valid.

#### ***Increased use by minors***

##### States that have legalized marijuana

Respondents in Colorado and Oregon maintained that there has been a dramatic rise in illegal marijuana use by minors, even in middle schools. Some of the edibles are showing up in the schools in the form of gummy bears, brownies, and cookies. Consequently, kids are intoxicated in class. With both medical and recreational marijuana in the state now, the perception is that marijuana use is permissible. A coalition of law enforcement and educators in Oregon is trying to bring to the forefront this issue of product marketing to minors. Respondents in these states also stated that minors often have marijuana readily available from friends and family members because adults no longer hide their usage from their kids.

##### States that have decriminalized marijuana

Arizona, California, and Nebraska respondents indicated a large uptick in initial marijuana use by high school students, as well as more frequent use beginning as early 4<sup>th</sup> or 5<sup>th</sup> grade. California respondents opined that this tied to more kids failing in school.

#### Border states

Idaho respondents report younger children starting to overdose on edible marijuana.

#### ***Perceived changes in marijuana-related offenses***

##### States that have legalized marijuana

Several Oregon respondents warned of the proliferation and dangers posed by butane hash oil (BHO). This process involves placing marijuana buds, seeds, stems, and leaves into a PVC pipe, capping it, and then forcing gas into the product so it will drip the oil. Once it is cooked, the oil produces a product with about 95% THC. The butane gas can also blow up and cause serious fires. They have also seen a proliferation of products such as electronic cigarettes and vapors that

attempt to mask THC consumption. Without smoke, these products are difficult for police to detect.

Respondents also reported a dramatic increase in DUI connected to marijuana, more burglaries involving marijuana theft, as well as dispensaries getting robbed by criminal organizations.

#### States that have decriminalized marijuana

In Arizona, California, and Nebraska, DUIs and motor vehicle accidents involving marijuana have reportedly increased. Nebraska respondents report more erratic driving associated with higher THC levels in the newer marijuana products. Fatalities from marijuana-impaired driving there have tripled. Also, in all three states, drug users are increasingly involved in a wide range of property crimes to support their habit: theft, burglary, armed robbery of convenience stores, credit card fraud, as well as violence and extortion associated with marijuana selling. Regarding grow operations, water theft for plant irrigation and use of illegal pesticides are on the rise.

#### Border states

Idaho respondents primarily expressed concern over DUI drug issues, but also said they'd seen a multitude of property offenses they believe are connected to supporting regular marijuana use.

#### ***Increases in population***

##### States that have legalized marijuana

Colorado has experienced a growth in “out-of-towners” coming to the area who steal marijuana and take over selling from locals. These individuals have reportedly committed violence in establishing their drug turf and have beaten up and robbed locals. They have also set up illegal grow operations in their homes and in residential areas. There is also a new transient population that does not work, but just sells and uses marijuana.

In the past, Oregon had what they called “trimmigrants” which are migrants who come to the area at the end of the growing season to help harvest marijuana plants and then leave. These people are now coming to the area and staying. They have no other vocation and often get in trouble with the law.

#### Border states

People come to Idaho from states where marijuana is legalized and experience difficulty finding a job. When interviewed, they're asked when the last time was that they smoked marijuana, and are then rejected. They believe that because they smoked in a state where it is legal, and therefore should not disqualify them for jobs in Idaho. Idaho officials are also seeing organized crime figures beginning to show up in their areas to drum up business for marijuana sales.

#### ***Changes in marijuana trafficking***

##### States that have legalized marijuana

Colorado respondents are reporting that large amounts of marijuana are being shipped into Mexico from there; the reverse of past trafficking patterns. It is also being shipped to multiple

parts of the country via U.S Postal Service and commercial shippers such as DHL and Fed Ex. There is a huge profit in selling out of state. Officials believe that the Mexican drug cartel has largely gotten out of the marijuana business. The product grown locally has greater potency, so the cartel is focusing on other types of drugs.

Oregon respondents indicated that outsiders previously came to the area to load up on marijuana and then left to sell it in other parts of the country. These persons are now buying up property to grow it for illegal selling. They purchase other people's growing authorization cards under the guise that they're growing it for that person, but it's then sold on the black market. Larger quantities are now being seized by police, and the sellers are getting younger. Whereas, the largest drug trafficking organization used to be the Mexican cartel, it is now being run by Russian and Afghani groups who steal crops and cash from local growers.

#### States that have decriminalized marijuana

The southern portions of Arizona are near the Mexican border and serve as pass-through regions for marijuana trafficked from Mexico to various areas of the state. Much of this trafficking goes through underground tunnels. The cartels are now spiking the Mexican marijuana with certain chemicals to make it stronger to compete with marijuana coming from Colorado. Respondents believe that even if Arizona eventually legalizes, there will be limits on the amount that can be possessed, and so the Mexican cartels will continue to use the state as a pass-through region. Officials have also seen more hydroponically grown marijuana being transported on the interstate.

Nebraska law enforcement respondents indicated that Colorado is the primary source now; no one wants Mexican marijuana anymore because the quality is lower. The Colorado grow operations have resulted in new opportunists taking advantage of high profit potential, but the new sellers are not prepared for the dangers associated with selling and have encountered violence from criminal organizations.

#### Border states

According to an Idaho respondent different regions of Idaho have reported different patterns of marijuana trafficking. Areas adjacent to the interstate reported a huge increase in trafficking due to the availability of marijuana in Washington and Oregon and the consumer demand in the Dakotas, particularly the oil fields that have attracted new groups of workers. Further away from the interstate, marijuana trafficking was reported to be going down.

### ***Adjustments in policies or practices by law enforcement agencies in response to changes in marijuana laws and offenses***

#### States that have legalized marijuana

Some Colorado and Oregon respondents reported that they're now focusing on the remaining marijuana restrictions on underage use, policies regarding where marijuana can be smoked and cultivated, and on laws regarding illegal distribution. Most respondents indicated that they are

adopting more of a community policing approach with residents rather than looking to arrest people for violations. This includes public education and getting addicts into treatment.

Colorado respondents highlighted some of the difficulties associated with enforcing marijuana laws. For example, police can no longer use the aroma of marijuana as probable cause for arrest. Regarding DUI, Oregon respondents indicated that the testing process is ineffective at distinguishing pre-existing THC levels in drivers' systems from current intoxication levels. Blood tests are expensive, costing \$300 each. Oregon police are utilizing state-trained drug recognition experts. Under new protocols, suspected drivers are run through field sobriety tests, and if they fail they are arrested and taken back to the station for a breathalyzer. If they blow under the legal BAC, a drug recognition expert can put them through a different battery of tests, and based on those tests draw blood or urine. State officials, however, haven't yet determined the legal thresholds for marijuana intoxication.

In Colorado, tourists who are not staying at a private residence may not have a legal location to consume marijuana. As a result, if they smoke in parks and forests, they can be arrested under the state's Clean Air Law.

Marijuana legalization has also impacted police hiring practices. As more recruits report having used marijuana before entering the police academy, the probationary period for these individuals in some departments has been reduced.

#### States that have decriminalized marijuana

Similar to Colorado, some Arizona respondents noted that they can no longer use the odor of marijuana as probable cause for an arrest. However, this policy is not consistent across the state. Most respondents indicated they are now more relaxed in dealing with possession of small amounts of marijuana. Several departments are now focusing attention on the dispensaries to catch customers who attempt to smuggle marijuana out of state. Arizona task force officials stated that they are trying to educate themselves on how the marijuana extraction labs operate, and how these products have a different effect than ordinary marijuana. Nebraska respondents said they are seeing the courts be more lenient toward marijuana users and so, given limited resources, are directing their attention toward illegal grow operations.

California respondents reported that were doing more training on the medical marijuana laws, and how to detect if it is being illegally possessed. Nevada respondents indicated law enforcement is working with medical marijuana dispensaries to ensure that their security is adequate.

#### Border states

Idaho respondents reported that since marijuana was legalized in Washington and Oregon, they are focusing more of their efforts on the interstate to get drug traffickers off the road. They are consequently working more collaboratively with other agencies (State Police, DEA) and combining efforts for greater efficiency. Issues for police hiring were again mentioned, with respondents noting that they're having a more difficult time finding people who can clear background checks for employment.

### ***Controlling marijuana growing operations***

#### **States that have legalized marijuana**

Colorado respondents stated that illegal marijuana grows are “a logistical nightmare.” They try to regulate compliance with state and county statutes regarding proper licensure and amounts but some are very large operations, and require local law enforcement to work with DEA botanists to clear the greenhouse operation by taking clippings from each plant. Law enforcement agencies must then store a large quantity of confiscated plants, which is expensive, and police then assume liability for them. As the plants dry out they release moisture and produce high temperatures in the storage area.

Oregon respondents stated that they see more marijuana being grown on private property now rather than in the woods. The trafficking is often taking place by commercial shipping companies such as UPS and Fed Ex. Law enforcement has to then determine which exports are legitimately being sent to medical dispensaries and which are headed for illegal sale. One strategy is to let the package go through to its destination in order to identify and apprehend those receiving the product.

#### **States that have decriminalized marijuana**

In California respondents report seeing private grow sites with smaller quantities of plants than what used to be seen on public land. They are more hidden and harder to detect for police.

### ***Agency priorities and goals as they relate to marijuana-related offenses***

#### **States that have legalized marijuana**

Respondents in Colorado indicated that many prosecutors are not pursuing low-level marijuana possession, and so police are moving more toward public education. They are looking to work with residents to facilitate compliance with possession and grow activities, and will only seek a warrant if they suspect illegal trafficking activities. Another area law enforcement is focusing attention on is marijuana edibles and marijuana infused products because of their high THC content.

Oregon respondents reported a state-level committee had been tasked with writing new marijuana regulations and thus far there has not been unanimous agreement on those rules. Examples of issues under discussion include how to handle passengers who are smoking marijuana in vehicles, how to ensure that those entering the marijuana industry don't have criminal backgrounds, how officers who stop a truck hauling marijuana can confirm that marijuana loads are legal and legitimate, and whether any smoking in public venues will be allowed.

Some Oregon respondents are sensing that the community is endorsing a position that they prioritize violent crime, not marijuana enforcement. They indicated they would therefore adopt a community policing approach and try to work with citizens on compliance and educate youth on the dangers of drug use, including marijuana, by expanding their school resource officer program.

### States that have decriminalized marijuana

In California, respondents indicated that their priorities have shifted toward violent crime now that most drug offenses are misdemeanors.

Nebraska respondents are similarly reporting that they will place higher priority on drugs other than marijuana. Their only exception is the THC extract products, including edibles, oils, and candies, which they believe pose enhanced behavioral risks. They are educating their officers on the detection of these extracts.

### ***Additional resources received or requested to deal with changes in marijuana laws***

#### States that have legalized marijuana

Most respondents indicated they had not requested nor received additional resources and one Oregon drug task force reported having lost federal Byrne funds because the state was reserving drug enforcement funding only for HIDTA agencies. Most assistance received by departments was non-monetary. One agency in Oregon received assistance from the national Child Safety Council to send letters to the business community to generate support for drug abuse prevention. Another received training support from USDOJ on marijuana enforcement issues. A sheriff in Colorado reported being one of several counties to receive a state grant for mental health services in the jail from their state Department of Behavioral Health. The funds were derived from marijuana sales taxes, and were used to develop a continuum of services for drug addicted inmates.

#### States that have decriminalized marijuana

Many respondents indicated they had not requested nor received additional resources. One agency had a marijuana suppression grant from the state but that money was rescinded. Another obtained a federal Byrne grant from the state to produce posters for public education warning of the dangers of prescription pill abuse, as well as to purchase new incinerators to safely dispose of these pharmaceuticals. Other assistance reported was federal RICO funding to cover operational costs to investigate drug dealers.

Regarding grant applications submitted, one agency applied for a DEA grant to help fund investigation of marijuana grows, and another is seeking federal and state resources for more manpower to help enforce the medical marijuana laws.

#### Border states

Idaho agencies indicated they had not requested nor received additional resources.

### ***Collaboration with regional, state or federal task forces on drug-related matters***

#### States that have legalized marijuana

In Colorado, respondents most commonly reported working with their local HIDTA agencies. The drug task forces cited were mostly regional multijurisdictional operations. A few also reported working with the DEA on high-level cases.



Respondents in Oregon reported a somewhat wider range of collaborative working relationships directed toward illegal drug activity. One sheriff, for example, was part of a task force that was formed through an intergovernmental agreement to include local police departments, parole, probation, the FBI, the district attorney, and the state police, along with occasional coordination with the DEA. Another described how they work with package delivery companies/agencies such as U.S. Postal Service, UPS, and Fed Ex, that may handle marijuana trafficking. Similar to Colorado, most respondents mentioned their HIDTA office as a key partner on drug investigations.

#### States that have decriminalized marijuana

All the drug task forces in Arizona belong to a state-level HIDTA, and there are local HIDTA offices as well. Besides regional drug task forces, some agencies are working with a specialized task force under the Bureau of Indian Affairs. The FBI and DEA reportedly do not have jurisdiction over those lands. California and Nebraska respondents reported their agencies were working with local drug task forces as well as with a multitude of federal agencies including DEA, FBI, ATF, U.S. Marshals Service, and DHS.

#### Border states

Respondents in Idaho cited difficulties in coordinating with HIDTA offices because of their distance from them. They cited a number of areas in the state that are not being covered by task force resources.