

Illegal Marijuana Market Enforcement Grant Program Report

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Oregon Criminal Justice Commission

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Illegal Marijuana Market Enforcement Grant Program Background

Oregon Criminal Justice Commission

The mission of the Oregon Criminal Justice Commission (CJC) is to improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems. This agency is tasked with developing and maintaining a state criminal justice policy and a comprehensive long-range plan for a coordinated state criminal justice system that encompasses public safety, offender accountability, crime reduction and prevention, and offender treatment and rehabilitation (ORS 137.656).

The Legal vs. Illegal Marijuana Market in Oregon

In 2014, Oregon voters approved [Measure 91](#), a ballot measure that legalized the recreational use of marijuana under circumstances and in quantities regulated by the Oregon Liquor Control Commission.¹ Medical marijuana usage has been regulated in Oregon since its legalization in Oregon in 1988. Measure 91 allowed legal possession of limited quantities of marijuana for adults 21 and older in 2015 and allowed retail sales, via OLCC-licensed retailers, in 2016.

Despite legal avenues for purchases and sales of marijuana within Oregon, an illegal marijuana market continues to cause public-safety concerns, including diversion of marijuana to other states, sales of marijuana to underage buyers, illegal cultivation of marijuana on private, state, and federal property, and enrichment of organized criminal operations. Additionally, illegal market operations remain highly challenging to investigate and, in some circumstances, even more challenging to prosecute, given the difficulty in drawing empirical distinctions between legal and illegal cultivation and distribution, the industry's cash-heavy operations, and the added problem that some of the areas most impacted by illegal operations have long seen their public safety systems operate while starkly under-resourced.

Grant Origins

In 2018, the Oregon Legislature passed [Senate Bill \(SB\) 1544](#), which created the Illegal Marijuana Market Enforcement Grant Program (grant program) to assist local law enforcement agencies in their efforts to address the illegal marijuana market in Oregon.² The CJC is the administering agency for the grant program.

The Legislature allocated approximately \$8.25 million in funding to the grant program. These grant funds are to be disbursed in quarterly increments, beginning July 1, 2018, through October 1, 2023, amounting to approximately \$1.3 million, annually.³

Eligible applicants include units of local government, such as cities and counties, and agencies organized under statute, and city or county charter. Cities and counties may apply on behalf of agencies or organizations within their boundaries. Cities and counties who have opted out of recreational marijuana sales may also apply.

¹ Text of Measure 91. <http://www.oregon.gov/olcc/marijuana/Documents/Measure91.pdf> (2014) (last accessed December 3, 2019).

² Oregon Legislature. 79th Assembly, 2018. Senate Committee on Judiciary. SB 1544 §13 <https://olis.leg.state.or.us/liz/2018R1/Downloads/MeasureDocument/SB1544/Enrolled> (last accessed December 3, 2019).

³ In addition to grant program funds, a portion of funds pay for CJC staff time necessary to administer the grant program.

Investigation and Prosecution Priorities

The Legislature mandated four enforcement priorities when awarding funding through the grant program.⁴ As defined in [OAR 213-080-0030](#), those four priorities are:

- (a) Rural areas;
- (b) Large-scale operations;
- (c) Organized crime; and
- (d) Diversion of marijuana outside of Oregon.

Measuring Impact — Enforcement Operations Data Tracking & Reporting

Grant recipients are required to track data that demonstrates the impact of the grant funding on their enforcement operations. Data that grant recipients must track and report includes: felony arrests and felony convictions with an illegal-marijuana nexus, assets seized, and illegal marijuana quantities seized. Arrests and convictions with an illegal marijuana nexus need not be cannabis-specific crimes but must be crimes committed in furtherance of illegal marijuana market operations. Grant recipients are required to periodically report grant-funded interdiction, investigation, and prosecution data to the CJC.

Status Report

SB 1544 requires the CJC to submit a report on the status and effectiveness of the grant program by January 1, 2020, and not later than January 1 each year thereafter, to the interim committees of the House and Senate Judiciary committees of the Oregon Legislative Assembly. This report summarizes the programs funded during grant cycle, spanning July 1, 2019 to June 30, 2020, and displays the data collected thus far on grant-funded interdiction and prosecution efforts achieved by grantee jurisdictions.

2019-2021 Awards

Three applications were received from counties during the 2019-2021, and the CJC's Commissioners approved funding for three grantees, all of which were grantees previously awarded during the 2018-2019 grant cycle. The grantees for the 2019-2021 grant cycle, spanning July 1, 2019 through June 30, 2021, are:

- (1) Deschutes County Sheriff's Office and District Attorney's Office, and the City of Bend Police Department;
- (2) Jackson County Sheriff's Office and District Attorney's Office, and the City of Medford Police Department;
- (3) Josephine County Sheriff's Office and District Attorney's Office.

⁴ SB 1544 §13 (5)(a-d).

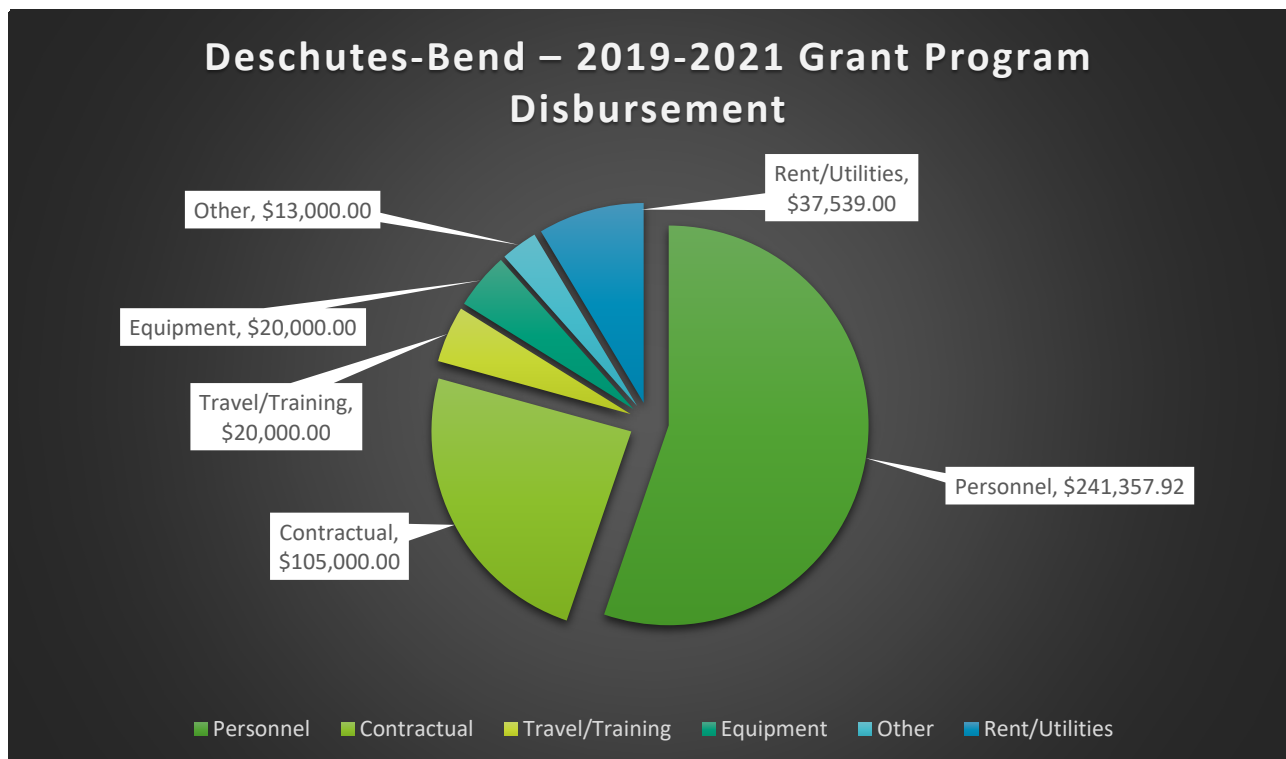
2019-2021 Award Cycle Grantee Profiles

Deschutes County Sheriff's Office and District Attorney's Office, and Bend Police Department

The Deschutes County Sheriff's Office, Deschutes County District Attorney's Office, and Bend Police Department (hereinafter "Deschutes-Bend") applied as an inter-agency grant team. This team was awarded \$436,896.92 for personnel, contractual services, travel/training, equipment, rent/utilities, and other expenses. The focus of Deschutes-Bend's 2019-2021 grant program is to expand on the research and evaluation performed during the 2018-2019 grant cycle and launch a community outreach coordination program to better leverage community input and information in steering local illegal marijuana interdiction efforts.

To support this work, Deschutes-Bend funds two data analysts, one whom will focus on community information coordination, one researcher, a new web site for community members to provide information on illegal activities and gain education about which law enforcement or regulatory agency covers each complaint type, office space, specialized equipment and training for interdiction team members, and outreach materials for community meetings.

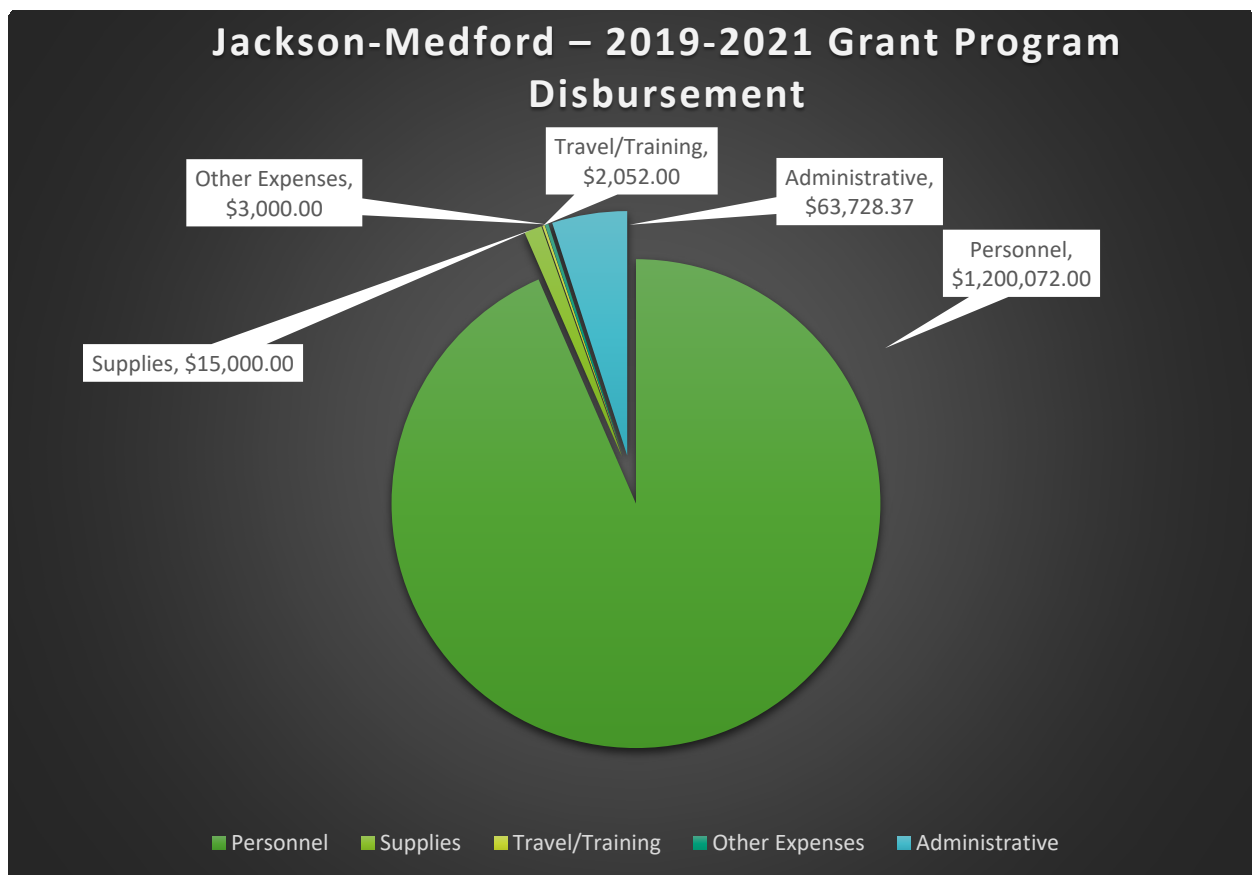
Deschutes-Bend – 2019-2021 Grant Program Disbursement	
Personnel	\$241,357.92
Contractual Services	\$105,000.00
Travel/Training	\$20,000.00
Equipment	\$20,000.00
Rent/Utilities	\$37,539.00
Other Expenses	\$13,000.00
Total Disbursed	\$436,896.92



Jackson County Sheriff's Office and District Attorney's Office, and Medford Police Department

The Jackson County Sheriff's Office, the Jackson County District Attorney's Office, and the Medford Police Department (hereinafter "Jackson-Medford") applied as an inter-agency grant team. This team was awarded \$1,283,852 for personnel, supplies, travel/training, other expenses, and administrative expenses. Jackson-Medford will continue funding the illegal marijuana interdiction personnel funded by the 2018-2019 grant funds, including two sheriff's detectives and one police detective, a half-time deputy district attorney, and a financial analyst. Jackson-Medford will also use grant funds on illegal marijuana interdiction specialized supplies and training costs, as well as administrative costs.

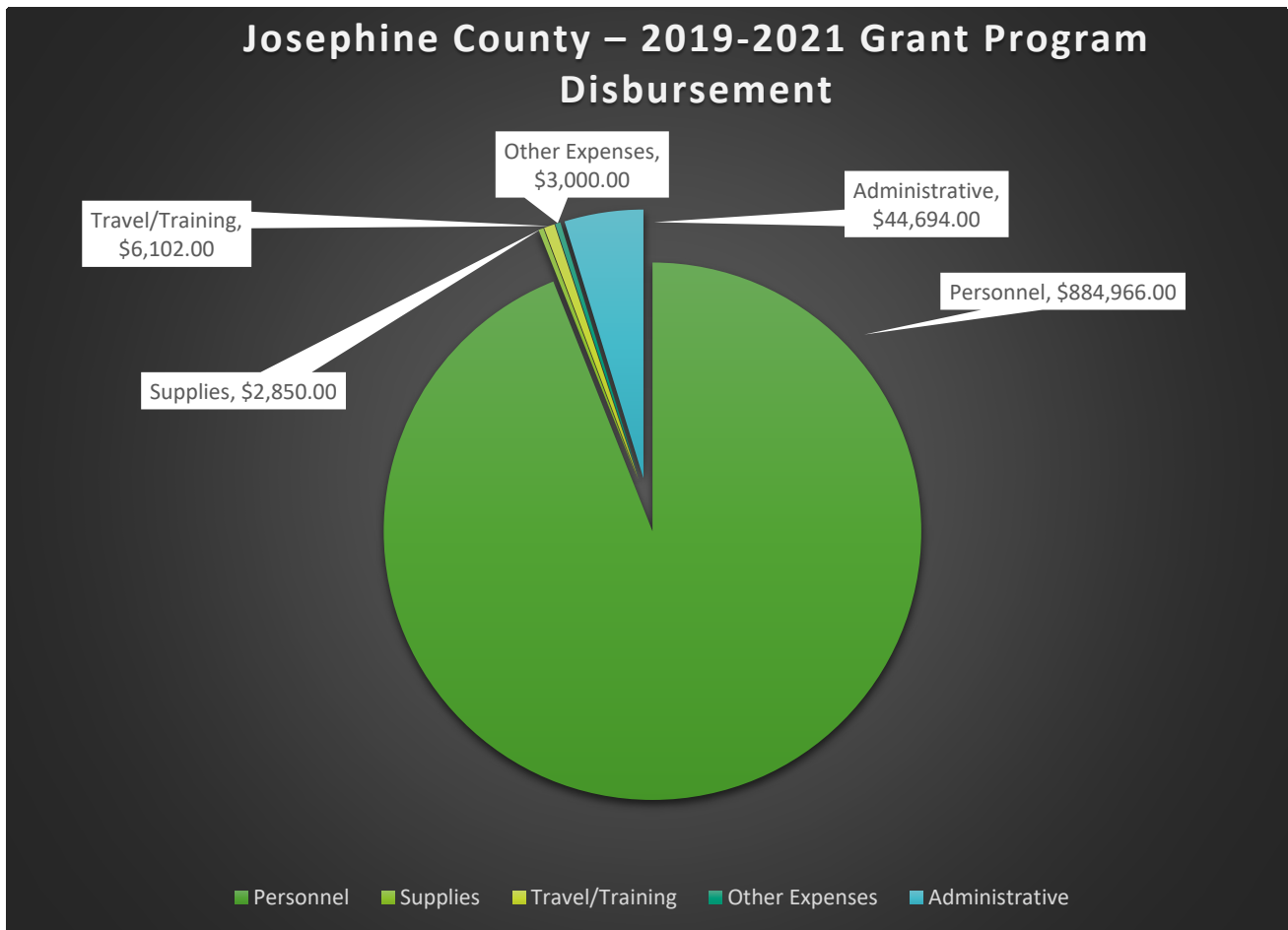
Jackson-Medford – 2019-2021 Grant Program Disbursement	
Personnel	\$1,200,072.00
Supplies	\$15,000.00
Travel/Training	\$2,052.00
Other Expenses	\$3,000.00
Administrative	\$63,728.37
Total Disbursed	\$1,283,852.37



Josephine County Sheriff's Office and District Attorney's Office

The Josephine County Sheriff's Office and the Josephine County District Attorney's Office (hereinafter "Josephine County") applied as an inter-agency grant team. This team was awarded \$941,613 for personnel, supplies, travel/training, other expenses, and administrative expenses. Josephine County will continue funding the illegal marijuana interdiction personnel funded by the 2018-2019 grant funds, including two existing sheriff's deputies, a half-time deputy district attorney, and a financial analyst. Josephine County has also hired a third grant-funded deputy to staff its illegal marijuana interdiction team and will use grant funds on illegal marijuana-interdiction specialized supplies and training costs, as well as administrative costs.

Josephine – 2019-2021 Grant Program Disbursement	
Personnel	\$884,966.00
Supplies	\$2,850.00
Travel/Training	\$6,102.00
Other Expenses	\$3,000.00
Administrative	\$44,694.00
Total Disbursed	\$941,613.00



Fund Distribution 2019-2021

The funds available for disbursement during the grant's second cycle amounted to \$2,662,362.29

2019-2021 Grant Program Awards	
Deschutes-Bend	\$436,896.92
Jackson-Medford	\$1,283,852.37
Josephine County	\$941,613.00
Total Awarded	\$2,662,362.29

This grant period began July 1, 2019 and ends on June 30th, 2021. As the second year of this grant agencies have hired new staff in the rural counties, and are continuing their programs that were in the beginning development stages in 2018-2019 grant period.

During this 2019-2021 grant cycle, CJC staff will continue to assist grantees in planning for spending allocated funds, including possible redistribution of underspent funding, if necessary.

Data Reported

The grantees awarded funds during the 2019-2020 grant cycle were required to submit periodic data reports to CJC staff on grant-funded illegal marijuana interdiction activities. This grant cycle focused on the following data points:

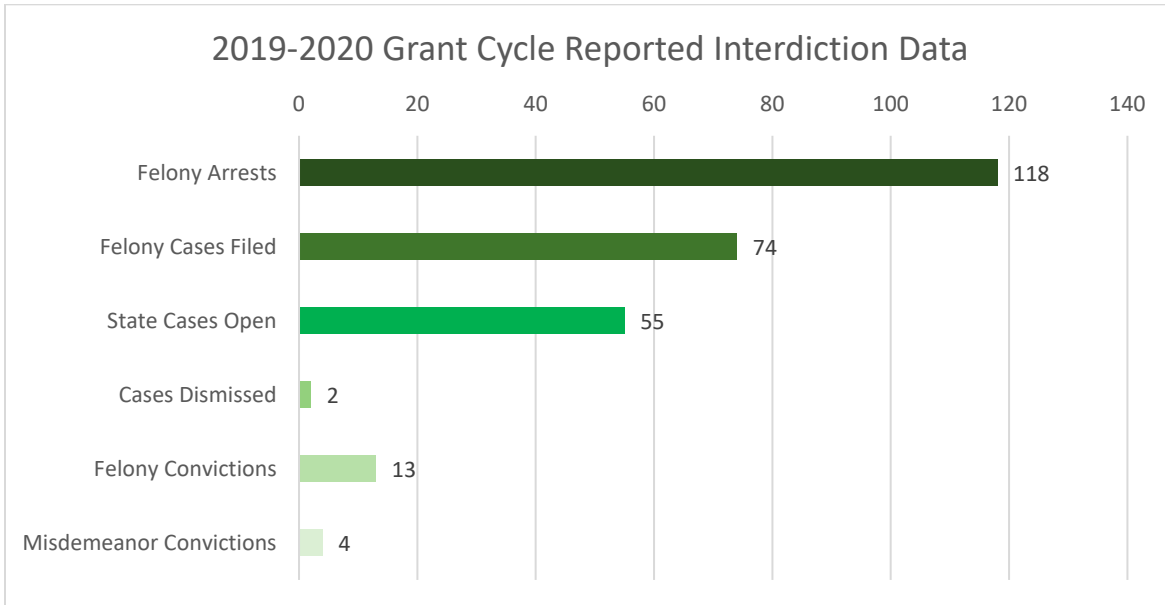
- Felony arrests made, with an illegal marijuana nexus;
- Felony indictments, with an illegal marijuana nexus;
- Felony convictions, with an illegal marijuana nexus; and
- Assets and illegal marijuana plants seized during grant-funded interdiction efforts.

For the purposes of this report, illegal marijuana nexus has been defined to mean that a felony crime involving marijuana was the primary basis for an arrest, indictment, or conviction. The following table shows the reported interdiction data for 2019-2020.

July 1, 2019 – June 30, 2020	
Felony Arrests	118
Felony Cases Filed	74
State Cases Open	55
Cases Dismissed	2
Felony Convictions	13
Misdemeanor Convictions ⁵	4

⁵ Grant program funds are restricted to supporting felony-level illegal marijuana interdiction operations; however, during the course of prosecution, felony charges may be dismissed or defendants may plead to misdemeanor offenses. Accordingly, CJC tracks dismissed cases and misdemeanor outcomes of grant-funded felony arrests and indictments, as well.

2019-2020 Grant Cycle Reported Interdiction Data



The information contained in the table and graph on the previous page reflects only the arrests and cases that were reported as the result of grant-funded illegal marijuana interdiction activities performed by grantees during the 2019-2020 grant cycle. Additional arrests and cases filed related to illegal marijuana operations may have taken place in grant-funded jurisdictions that were not reported because they were not the result of grant-funded interdiction work.

Assets Seized During Grant-Funded Illegal Marijuana Interdiction Work: 7/1/2019 – 6/30/2020

Asset Type	Amount/Quantity
Cars/Trucks	3
Motorcycles/Jet ski/ATVs	2
Trailers	3
Coins	119 Silver Coins/12 Gold Coins
Guns	119
Illegal Marijuana Plants	90,582 (approximately 10 tons)
Cash	\$2,446,801.85

The information contained in the table above reflects only the assets seized and illegal marijuana plants destroyed that were reported as the result of grant-funded illegal marijuana interdiction activities performed by grantees during the 2019-2020 grant cycle. Additional assets and illegal marijuana plants may have been seized that were not reported as the result of grant-funded interdiction work. The figure for illegal marijuana plants seized should be viewed as an estimate, as counting individual plants

encountered during law enforcement interdiction activities of large-scale illegal grows is often not feasible.

Effectiveness

In its second year of operation, the Illegal Marijuana Market Enforcement Grant Program supported rural law enforcement in destroying approximately 9.97 tons of illegal marijuana plants and seizing \$2,446,801.85 of cash from illegal marijuana operations in Oregon. Additionally, 118 felony arrests with an illegal marijuana nexus, and 74 felony cases with an illegal marijuana nexus, were filed during the second year of grant operations as a result of grant-funded law enforcement work. It should be noted that due to COVID-19 courts were closed and unable to process open cases.

Because the illegal marijuana market is an especially nebulous sector to evaluate, two years of operation of this grant program does not provide the CJC with enough information to thoroughly assess the impact of the grant program on large-scale, organized criminal operations that divert illegal marijuana outside of the state. This second year of collected interdiction data best serves as a baseline from which to measure the effects of ongoing and future grant-funded law enforcement operations. The CJC will continue to assist grantees in collecting and assessing data for outcomes analysis in order to determine program effectiveness in future grant cycles.