

**Senate Bill 728**  
**By Bracken McKey**  
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I'm a Senior Deputy District Attorney with the Washington County District Attorney's Office. I supervise our Drug Team. I'm here to share with you what I've seen regarding marijuana's impact on our criminal justice system.

My experience has shown that marijuana is often a component of crimes that go beyond the simple manufacture, delivery or possession of marijuana. Driving-related crimes, assaults, robberies, cases involving the neglect, abuse and death of children often have the contributing factor of marijuana use.

The first murder case I prosecuted involved a stabbing after an argument over marijuana. In Washington County, more home invasion robberies involve marijuana than any other controlled substance.

Marijuana is abused by Oregon teens more than any other illegal drug. That is consistent with statistics from the National Drug Control Policy—those numbers show that of children age 12-17 in drug treatment, nearly 62 percent had a primary marijuana abuse diagnosis.

In Oregon, a person can commit the crime of driving under the influence with either alcohol or a controlled substance. The **Number ONE** illegal drug for DUIIs?

**Marijuana.** And its not even close. In Oregon, the Oregon State Police Crime Lab in Clackamas conducts urinalyses to determine the presence of a controlled substance for driving related offenses. Between 2002 and 2007, the Crime Lab confirmed the presence of marijuana in approximately 24,000 DUII-related cases. The Second Highest illegal drug was Meth with approximately 7000 confirmed UAs. As a foot note, the State Police Crime Lab only confirms the presence of marijuana at a 20 nanogram level and above. I should mention that this scientific testing is conducted up front. There is no data to show how many of these defendants were convicted, went through a diversion program or were acquitted of their DUII offenses.

Washington County's DUII numbers are similar. Of DUII offenses involving illegal drugs in 2008, that drug was marijuana 80% of the time.

Our Office's Child Abuse Team prosecutes cases of sexual abuse, physical abuse and neglect. Many of the cases with allegations of physical abuse and neglect involve parents or caretakers using marijuana.

I've spoken to CARES Northwest, Portland's medically based child abuse and assessment and intervention program. According to CARES Northwest,

Neglect kills 2 times as many kids as abuse in Oregon. Of child death cases involving neglect, there is a high correlation between neglect and drug and alcohol abuse and many of those cases involve marijuana. They are unable to flesh out percentages of cases involving marijuana use, vs. other illegal drugs or alcohol.

One physician who works with abused children but asked to be unnamed put it bluntly:  
“Marijuana makes people lazy and stupid and they don’t pay attention to their children.”

I’m currently prosecuting a case of abuse and neglect. The defendant beat his wife with a broom handle -3 times a week for over a year. When a concerned neighbor finally called the police two weeks ago, the police found three children in the home, ages 4, 2 and 14 months. The children slept on a single dirty mattress on the floor. Not one of them had ever seen a primary care physician. Not one had received a single immunization. The father, the household’s only wage earner, worked 28 hours a week. He had \$300 a week marijuana habit. When the police searched the home, they found toast crust and marijuana buds on the children’s bed.

I’m not suggesting that everyone who smokes marijuana beats their wife and withholds medical attention from their children, but in cases where there IS neglect or abuse, marijuana is often a component.

Because you are mandated to reclassify marijuana, I’m asking, and it’s the Oregon District Attorney’s Association position, that you classify marijuana no lower than Schedule II.