

Illegal Marijuana Market Enforcement Grant Program Report

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Oregon Criminal Justice Commission

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Executive Director

Executive Summary

In 2018, the Oregon Legislature passed [Senate Bill 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.¹

The Legislature mandated four enforcement priorities when awarding funding through the grant program. 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.

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.

Three applications were received from counties during the 2019-2021 grant cycle, 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

The funds available for disbursement during the 2019-2021 grant cycle amounted to \$2,662,362.29. In the 2021 Regular Session, the Oregon Legislature passed [House Bill 3000](#), which added an additional \$3 million to the Illegal Marijuana Market Enforcement grant program to address increasing amounts of unlawful marijuana cultivation or distribution operations occurring across the state.²

Further, in the 2021 Second Special Session, the Legislature passed [Senate Bill SB \(SB\) 893](#), in recognition of the growing humanitarian crisis associated with these operations. Accordingly, SB 893 added a fifth grant review priority to the program, which favors grantees that enter into partnerships with community-based organizations who can connect impacted individuals to necessary assistance and services, including but not limited to language translation services and housing and legal services.³ Finally, during the same special session, [Senate Bill 5561](#) provided an additional \$20 million in one-time funding to the program to address both the increasing amounts of illegal marijuana cultivation as well as the humanitarian crisis.

¹ Oregon Legislature. 79th Assembly, 2018. SB 1544 §13. <https://olis.oregonlegislature.gov/liz/2018R1/Measures/Overview/SB1544>

² Oregon Legislature. 81st Assembly, 2021. HB 3000 §39. <https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/HB3000>

³ Oregon Legislature. 81st Assembly, 2021. SB 893 §1. <https://olis.oregonlegislature.gov/liz/2021S2/Measures/Overview/SB893>

This report summarizes the programs funded in the 2019-2021 grant cycle, and displays the data collected on grant-funded interdiction and prosecution efforts by grantee jurisdictions during the period spanning July 1, 2020 to June 30, 2021.

The key findings of this report are:

- The number of felony arrests and cases filed have increased since the inception of the Illegal Marijuana Market Enforcement Grant Program.
- The amount of cash, firearms and illegal marijuana plants seized has increased significantly since the start of the program.

A copy of the full report is available online at <https://www.oregon.gov/cjc>, or by contacting the Criminal Justice Commission at (503) 378-4830.

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SECTION A: Illegal Marijuana Market Enforcement Grant Program Background

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 Criminal Justice Commission is the administering agency for the grant program.

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.

Investigation and Prosecution Priorities

The Legislature mandated four enforcement priorities when awarding funding through the grant program. 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.

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

² Oregon Legislature. 79th Assembly, 2018. SB 1544 §13. <https://olis.oregonlegislature.gov/liz/2018R1/Measures/Overview/SB1544>

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.

Grant Program Enhancements

In the 2021 Regular Session, the Oregon Legislature passed [House Bill 3000](#), which added an additional \$3 million to the Illegal Marijuana Market Enforcement grant program to address increasing amounts of unlawful marijuana cultivation or distribution operations occurring across the state. Further, in the 2021 Second Special Session, the Legislature passed [Senate Bill SB \(SB\) 893](#), in recognition of the growing humanitarian crisis associated with these operations. Accordingly, SB 893 added a fifth grant review priority to the program, which favors grantees that enter into partnerships with community-based organizations who can connect impacted individuals to necessary assistance and services, including but not limited to language translation services and housing and legal services.³ Finally, during the same special session, [Senate Bill 5561](#) provided an additional \$20 million in one-time funding to the program to address both the increasing amounts of illegal marijuana cultivation as well as the humanitarian crisis.

SECTION B: 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 in the 2019-2021 grant cycle, and displays the data collected on grant-funded interdiction and prosecution efforts by grantee jurisdictions during the period spanning July 1, 2020 to June 30, 2021.

2019-2021 Awards

Three applications were received from counties during the 2019-2021 grant cycle, 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 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

Following is a profile for each grantee and summary of local data reported this reporting period.

³ Oregon Legislature. 81st Assembly, 2021. SB 893 §1. <https://olis.oregonlegislature.gov/liz/2021S2/Measures/Overview/SB893>

1. 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. An evaluation [report](#) completed by Portland State University was released in February 2021.

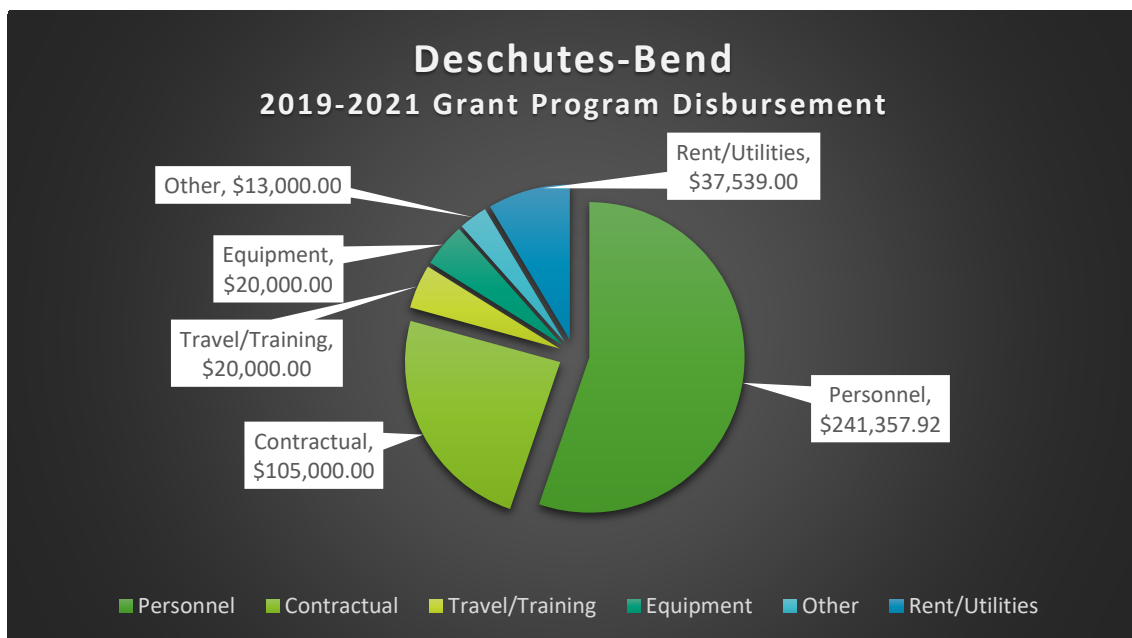
To support this work, Deschutes-Bend funds two data analysts, one whom will focus on community information coordination, one researcher, a new web site for community members to provide information on illegal activities and gain education about which law enforcement or regulatory agency covers each complaint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

From July 1, 2020-June 30, 2021, seizures by Deschutes-Bend included:

Deschutes-Bend Items Seized (2020-2021)	
Cash	\$435,795.00
Firearms	33
Marijuana Plants	1212
Processed Marijuana	4,896.89 lbs
Marijuana Edibles	8.7 lbs
Vehicles	3

Newly reported items seized in this period included:

- Marijuana edibles



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

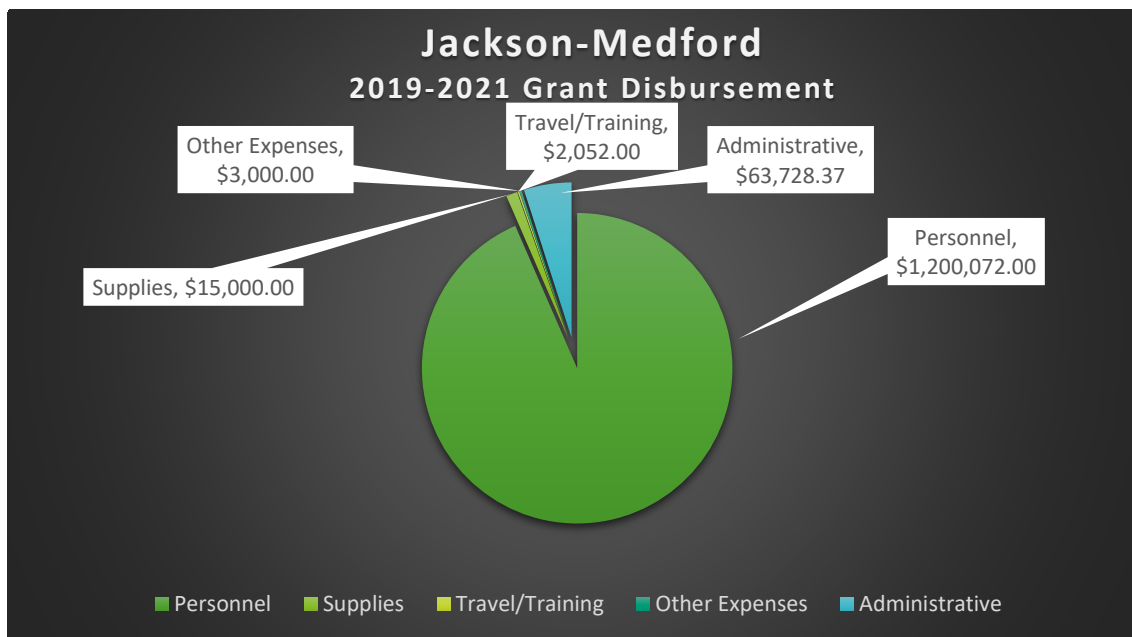
The Jackson County Sheriff's Office, the Jackson County District Attorney's Office, and the Medford Police Department (hereinafter "Jackson-Medford") applied as an inter-agency grant team. This team was awarded \$1,283,852 for personnel, supplies, travel/training, other expenses, and administrative expenses. 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 specialized supplies and training costs, as well as administrative costs.

From July 1, 2020-June 30, 2021, seizures by Jackson-Medford included:

Jackson-Medford Items Seized (2020-2021)	
Cash	\$2,228,534.00
Firearms	62
Marijuana Plants	167,633
Processed Marijuana	10,577.69 lbs
Methamphetamine	7.34 lbs
Heroin	3.77 lbs

Newly reported items seized in this period included:

- Methamphetamine
- Heroin
- Cocaine
- BHO (Butane Hash Oil)
- Fentanyl
- Suboxone
- MDMA (Ecstasy)
- Xanax
- Adderall
- Marijuana edibles
- Marijuana concentrate



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

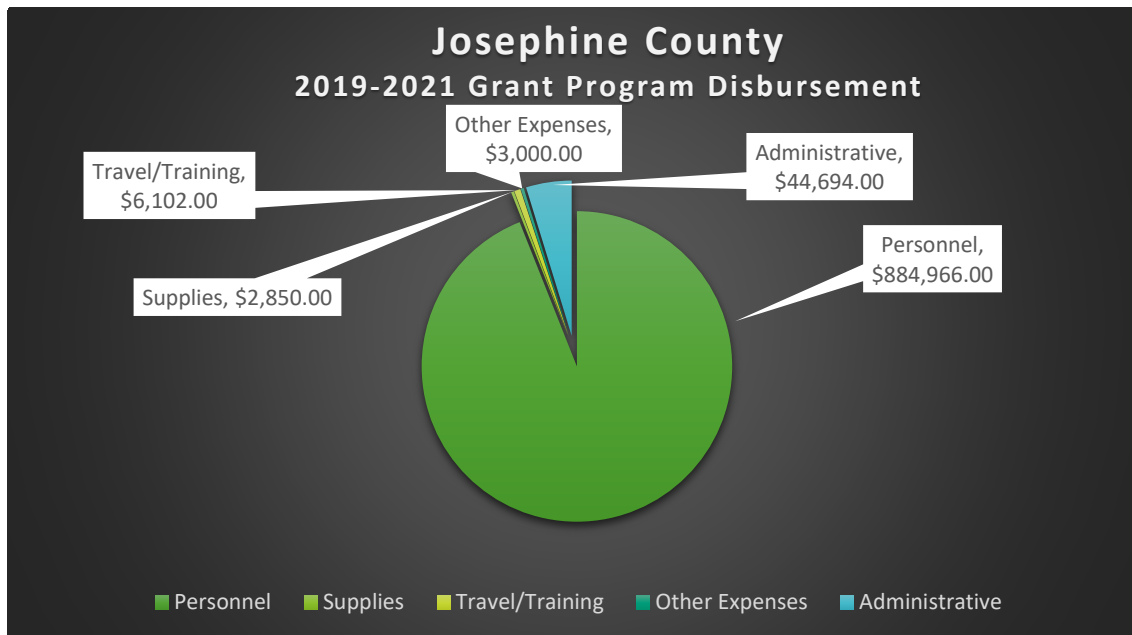
The Josephine County Sheriff's Office and the Josephine County District Attorney's Office (hereinafter "Josephine County") applied as an inter-agency grant team. This team was awarded \$941,613 for personnel, supplies, travel/training, other expenses, and administrative expenses. Josephine County will 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 specialized supplies and training costs, as well as administrative costs.

From July 1, 2020-June 30, 2021, seizures by Josephine included:

Josephine Items Seized (2020-2021)	
Cash	\$712,424.00
Firearms	61
Marijuana Plants	382,159
Processed Marijuana	301 lbs
Bombs	8

Newly reported items seized in this period included:

- Bombs
- Greenhouses (hoop houses)
- Water pumps
- Generators
- BHO (Butane Hash Oil) and related manufacturing equipment



2019-2021 Fund Distribution

The funds available for disbursement during the 2019-2021 grant 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 cycle began July 1, 2019 and ended on June 30th, 2021. In this grant cycle agencies have hired new staff in the rural counties and are continuing programs that were in the beginning development stages in the 2018-2019 grant cycle.

SECTION C: Data Reported

The grantees awarded funds during the 2019-2021 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.

i. Reported Interdiction Data

The number of felony arrests and cases filed have increased through the last three reporting periods. The following table shows the reported interdiction data since the inception of the Illegal Marijuana Market Enforcement Grant Program.

	July 1, 2018 - June 30, 2019*	July 1, 2019 - June 30, 2020	July 1, 2020 - June 30, 2021
Felony Arrests	53	118	98
Felony Cases Filed	37	74	78
State Cases Open	2	27	46
Cases Dismissed	11	8	4
Felony Convictions	14	25	14
Misdemeanor Convictions**	10	14	14

*The 2018-2019 reporting period also includes data from Klamath County.

**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.

The information contained in the table 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 2018-2019 and 2019-2021 grant cycles. 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.

ii. Reported Asset Seizure Data

The amount of cash, firearms and illegal marijuana plants has increased significantly through the last three reporting periods. The following table shows the reported asset seizure data since the inception of the Illegal Marijuana Market Enforcement Grant Program.

Asset Type	July 1, 2018 - June 30, 2019*	July 1, 2019 - June 30, 2020	July 1, 2020 - June 30, 2021
Cash	\$585,740.00	\$2,446,801.85	\$3,376,753.00
Firearms	23	119	156
Marijuana Plants	13,677	90,582	551,004
Processed Marijuana	N/A	820 lbs	15,776 lbs
Vehicles	9	5	4

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 2018-2019 and 2019-2021 grant cycles. 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.

SECTION D: Effectiveness

In its third year of operation, the Illegal Marijuana Market Enforcement Grant Program supported rural law enforcement in destroying 551,004 illegal marijuana plants and seizing \$3,376,753.00 of cash from illegal marijuana operations in Oregon. Additionally, 78 felony cases with an illegal marijuana nexus were filed during the third 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 or limited during a portion of this reporting period, and unable to process open cases.

Because the illegal marijuana market is an especially nebulous sector to evaluate, three 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 third 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.

*The 2018-2019 reporting period also includes data from Klamath County.