Law Enforcement Challenges

- Law Enforcement Training
- Data Collection
- DUlid/Impaired Driving
- Infused Products & Edibles
- Increase Use by Youth
- Complexity and conflicts between state and federal law
A-20 Passes

2000

MJ Decrim in Denver

2005

A-44 Defeated

2006

Denver MJ Ordinance “LLEP”

2007

Denver District Court Judge Naves

2008

Defeated A-20

Brecken

2009

MJ Media Campaigns

2010 – 2013

CDPHE Rule Making

2014

Legalized

David Ogden Memo
rado voters pass amendment 20
Use of Marijuana

Takes Effect 2001

Only a handful of Medical Marijuana Caregivers Exist between 2002 and 2006

More than 1000 Medical Marijuana Dispensaries in the Colorado 2009 13

EXPLOSION
CACP Response to Marijuana Legalization

- Participated on the Amendment-64 Task Force
- Focused on three primary areas:
  - Law Enforcement Training
  - Data Collection
  - Legislative Involvement Represented on numerous working groups, including Edible and Infused Product working group and Potency working group
- Created the Marijuana Working Group and law enforcement training working group
Law Enforcement Challenges

What are some of our challenges?

1. Data Collection is a major concern for law enforcement
2. Law enforcement training is a major concern around DUID, the Colorado Marijuana Code, 1st Responder safety issues
3. Legislative Issues
CACP Data Response

What has been the response?

- CACP worked with “Rebound Solutions” the Consultants hired by the Governor’s Office to complete a study of data gaps and collection mandated by SB 13-283

- CACP has been represented on the Governor’s Office Data Issues working group which has met several times since 2014

- DCJ released foundational data report in March 2016
Executive Summary—Public Safety

• The total number of marijuana arrests decreased by 46% between 2012 and 2014, from 12,894 to 7,004. Marijuana possession arrests, which make up the majority of all marijuana arrests, were nearly cut in half (-47%). Marijuana sales arrests decreased by 24%, while arrests for marijuana production did not change appreciably (-2%). Marijuana arrests that were unspecified, meaning the specific reason for the arrest was not noted by law enforcement, went down by 42%.

• As a share of all arrests in Colorado, marijuana was responsible for 6% of all arrests in 2012 and 3% in 2014.

• The number of marijuana arrests decreased by 51% for Whites, 33% for Hispanics, and 25% for African-Americans. The marijuana arrest rate for African-Americans (348 per 100,000) was almost triple that of Whites (123 per 100,000) in 2014.
Executive Summary - Public Safety

- Ten major Colorado counties (Adams, Arapahoe, Boulder, Broomfield, Douglas, El Paso, Jefferson, Larimer, Mesa, and Weld) showed a decrease in arrests, ranging between -30% (El Paso) and -63% (Adams). The average decrease across these 10 counties was -46%...

- In terms of court filings, the total number of marijuana-related filings declined 81% between 2012 and 2015, from 10,340 to 1,954. The number of felony filings declined 45% (1,023 to 566), misdemeanors declined 1% (586 to 409), and petty offenses dropped 89% (8,728 to 979) between 2012 and 2015. The charge of marijuana possession dropped 88% (9,130 to 1,068).

- Filings fell 69% for juveniles 10 to 17 years old, 78% for young adults 18 to 20 years old, and 86% for adults 21 or older.

- The most common marijuana industry-related crime in Denver is burglary, accounting for 63% of marijuana crime related to the industry in 2015.
Executive Summary-Public Safety

- Traffic safety data is limited, but the Colorado State Patrol (CSP) found that the number of summons issued for Driving Under the Influence in which marijuana or marijuana-in combination with other drugs decreased 1% between 2014 and 2015 (674 to 665).
- The prevalence of marijuana or marijuana-in-combination identified by CSP as the impairing substance increased from 12% of all DUIs in 2014 to 15% in 2015.
- The Denver Police Department found summons where marijuana or marijuana-in combination was recorded increased from 33 to 73 between 2013 and 2015. Citations for marijuana or marijuana-in-combination account for about 3% of all DUIs in Denver.
- Toxicology results from Chematox Laboratory showed an increase in positive cannabinoid screens for drivers, from 57% in 2012 to 65% in 2014. Of those that tested positive on the initial screen, the percent testing positive for delta-9 Tetrahydrocannabinol (THC) at 2 nanograms/millileter rose from 52% in 2012 to 67% in 2014.
- Fatalities with THC-only or THC-in-combination positive drivers increased 44%, from 55 in 2013 to 79 in 2014.
- Note that the detection of any THC in blood is not an indicator of impairment but only indicates presence in the system. Detection of delta-9 THC, one of the psychoactive properties of marijuana, may be an indicator of impairment.
What has been the response?

1. Law enforcement training is a major concern around DUID, the Colorado Marijuana Code, 1st Responder safety issues.

2. CACP partnered with the AG’s Office, POST and the Governor's Office to obtain funding from Marijuana revenues. Fiscal 2014-2015 received $1.1M for training. AG’s Office and POST developed marijuana-101 Training.

3. As of September, 2016, POST has trained 5000 officers. Goal is 75% officers trained by December 2019.
What has been the response?

1. CSP has purchased a number of the Oral Fluid testing devices and is now conducting a pilot project to determine the effectiveness of these devices. The pilot program began on April 1st 2015.
Law Enforcement Training Response

What is the future plan?

- Thirty-five percent of state law enforcement officers (35%) trained by December 2016
- Fifty percent (50%) trained by December 2017
- Sixty-five percent (65%) trained by December 2018
- Seventy-five percent (75%) trained by December 2019

Issue is the rapidly changing landscape of marijuana laws in Colorado
Law Enforcement Legislative Response

What has been the response?

1. Testified on Caregiver Reform bill and introduced BHO explosion bill.

2. Both bills were ultimately passed and the new legislation will help us get a better handle on home cultivations and Caregivers.
CACP worked with the Police Foundation in Washington, DC to create a “Five-Things” document which can be used by law enforcement officials when presenting a short “Elevator Speech”.

1. **Marijuana Legalization Creates More Rather Than Less Law Enforcement Challenges for Police Officers and Sheriffs’ Deputies.**

   Legalization creates new issues that must be addressed: crime and disorder, drug testing, and marijuana legalization’s impact on public safety.

2. **Law Enforcement Faces a New Challenge in Educating the Public on the Continuing Risks of Marijuana.**

   Because the public believes legal marijuana is safe to use, law enforcement leaders face a new challenge in alerting the public to the continued safety and health risks.

3. **Marijuana Cultivations Create H.R. Laws to Law Enforcement, Growers, Residents and Communities That Are Home to Cultivation Facilities.**

   “Flash of” extraction operations involve highly flammable and potentially explosive solvents such as butane and acetone. The result can be as dangerous to law enforcement and the public as a home production lab. As marijuana availability increases, there are increased opportunities to create the danger in urban and suburban locations. Also, many marijuana cultivators have increased standard building codes, increasing the potential for fires with poorly insulated electrical and ventilation systems.

4. **New Production Methods Can Increase the Health Risks of Marijuana Use.**

   The processed potency of marijuana, combined with widespread “edible” varieties in baked goods and candy, increases the risk of impairment and death. Emergency rooms have documented a growing number of THC overdoses, with patients experiencing psychotic episodes, agitation, delirium, or heightened anxiety. Additionally, the packaging and marketing of products are directed to youth with candy, cookies, soda pop, and lollipop forms. A marijuana user has over 24 hours the risk of a heart attack — up to an hour after smoking the drug. Driving impairment can last up to 24 hours after ingestion.

5. **Youth Marijuana Use May Soon Become a Public Health Problem Raising Youth Alcohol Use.**

   Marijuana legalization increases availability of the drug and especially decreases youth perception of risk, increasing the trend of marijuana consumption. Youth are especially vulnerable for both health and safety reasons. Research done shows that marijuana use causes permanent brain impairment during critical growth stages during adolescence; decreases IQ, brain function; and increases suicidal thoughts.
CACP also worked with the Police Foundation to create a more in depth technical assistance guide for law enforcement and public officials nation-wide.

http://www.policefoundation.org/content/marijuana-guidebook
It’s Legal now—So What’s the problem?

COMMANDER JAMES HENNING
DENVER POLICE DEPARTMENT
City and County of Denver

Almost All In:

- RMJ and MMJ Licenses (As of Sept 19):
  - Grows: 577
  - Stores: 335 (215 locations)
  - MIPS (Kitchens): 139
  - Testing Labs: 11

That is a total of 1062 licenses in 474 separate locations.
Denver Efforts

Office of Marijuana Policy
- 55 additional employees City wide
- DPD MJ Team: 3 Sgts and 13 detectives

Changes to local laws
- 12 plants - Residential
- 36 plants - Non-licensed Commercial
- Eliminate Non-licensed solvent-based extraction
- Odor Ordinance
- Now capping grow and store licensing
A Letter to Myself:

Dear: James of October 2012

From: James of October 2016
A Letter to James of 2012:

- Amendment 64 will pass and be signed into law on December 12, 2012.
- The Federal Government will not be coming to the rescue.
- MJ is legal now: get over it and get to work
- Marijuana is NOT Alcohol
- You are still good looking
A Letter to James of 2012:

- Begin building relationships with other City Agencies now: **ALL of THEM.**
- The Broncos defense will win SuperBowl 50, bet it all and you won’t have to write this letter
- Your biggest crime issue will be business burglaries to licensed facilities (11-12%)
- In 2014 you will attend the FBINA in the Fall, be sure to look up Sarah Wilson when you get there: Sarah.M.Wilson@usdoj.gov
- New Words: **THC Extraction** and **Concentrates**
THC Concentrates
Extraction State of the Art
Marijuana Edibles
A Letter to James of 2012:

- Begin developing your new policies ASAP
- Employee consumption of MJ
- Officers working for MJ Industry
- MJ as personal property
- Seizing, storing, and destroying MJ
- Public Consumption and Pot Clubs
- PPE will be critical, not just for Cops, but for all city employees, grows are nasty, dirty and dangerous
- The longer you wait to train your cops, the harder it will be.
- Pesticides ARE a big deal.
Discovery of Pesticide Contamination

How did we stumble into the world of pesticides?
A Letter to James of 2012:

- Quantifying THC is harder than anyone realizes, the Denver Crime Lab will lead the way - edibles are still impossible to test.
- Half the city will be smoking MJ, the other half will want data about it.
- The black market will only get bigger, much bigger.
- A Drug Endangered Child doesn’t care if MJ is legal or not.
Denver Home Grow issues Since September 19th, 2016

- **September 19th**: Home invasion robbery, victim tied up, unknown amount of MJ taken by two armed suspects.
- **October 9th**: Armed suspect defending his outdoor grow shoots two teens; killing a 15 yoa male, and possibly paralyzing a 14 yoa.
- **October 17th**: Party defending his outside home grow shoots an intruder with a BB gun, the suspect returns fire with a real gun and leaves the victim in critical condition. The ‘victim’ was running an unlicensed dispensary out of his home with 8 plants and a BHO Lab.
- **October 19th**: Detectives investigate an outdoor home grow next door to the Young Americans Bank, suspect had 64 plants and a BHO Lab.
- **October 24th**: Suspect with 60 plants tries to put out a fire in his indoor home grow of 60+ plants, suffers smoke inhalation and burns. Mushrooms and Cocaine also found.
- **October 26th**: DPD Marijuana Team working on 70+ home grow complaints
- **October 27th**: The DPD Marijuana Team Prays for snow.
QUESTIONS?

Commander James Henning

DENVER POLICE DEPARTMENT

JAMES.HENNING@DENVERGOV.ORG
Marijuana Considerations for Law Enforcement

Residential Cultivation/Production/Interstate Smuggling
Aurora Municipal Ordinance: Sec. 22-573: Aurora Police Response

- To address health and safety issues associated with cultivation operations.
- Regulates residential cultivation for within the City of Aurora in the following ways:
  - Cultivation, production, or possession of marijuana plants for medical use shall be allowed in residential structures subject to these conditions:
    - In compliance with state law (licenses at premises, etc.).
    - Must be cultivated, produced, or possessed within licensed patient’s or caregiver’s primary residence.
    - Not perceptible from the exterior of the primary residence.
  - Marijuana plants not grown or processed within the common areas of a home.
  - Plants will be used by licensed patient to address debilitating medical condition.
  - All grows will be limited to a contiguous space within a primary residence:
    - Single family dwelling: Secure, contiguous 150 square foot area within the primary residence.
    - Multi-family dwelling: Secure, contiguous 100 square foot area within the primary residence.
  - Must be in compliance with all city and building codes.
  - Outdoor grows and greenhouse grows are illegal!!
  - No more than 12 plants in a residential structure.
Influx of Criminal Organizations

- Various ethnicities and countries of origin represented
  - Cuban (via Florida)
  - Chinese
  - Vietnamese
  - Eastern European

- Almost always funded by organized criminal groups with extensive financial
  - In many cases poor immigrants are sent to Colorado to set up grows, produce high grade marijuana, then smuggle it back to other parts of the country for maximum profit
    - Local black market prices: $1800-$2200 per pound
    - East coast prices: $3500-$5500 per pound
COLORADO MARIJUANA SMUGGLING
Authorities say they’ve intercepted thousands of shipments of marijuana leaving Colorado, destined for sale on the black market in other states.

States with Colorado marijuana

SOURCES: El Paso Intelligence Center, National Seizure System, as of March 20, 2015
Janet Loehrke, USA TODAY
Motorhome carrying 100 pounds of marijuana seized in Marion County

August 26th, 2016  |  by Staff Report  |  In Local Regional News  |  Read Time: < 1 min.

Tennessee Highway Patrol stops motorhome and locates 100 pounds of marijuana coming from Colorado.
Cuban Grows/Smuggling
Cuban Grows/Smuggling
Cuban Grows/Smuggling
Cuban Grows/Smuggling
Cuban Grows/Smuggling
Chinese/Asian Grows
Chinese/Asian Grows
Sometimes the cash comes home...
2009-16: Marijuana Team Enforcement Efforts

- Summonses Issued
- Search Warrants
## 2009-16: Marijuana Team Enforcement Efforts

<table>
<thead>
<tr>
<th>Year</th>
<th>Grows</th>
<th>Patrol Response to Crime</th>
<th>Federal S/W</th>
<th>State S/W</th>
<th>Muni S/W</th>
<th>Muni Summons</th>
<th>BHO</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>31</td>
<td>18 (58%)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>2010</td>
<td>87</td>
<td>48 (55%)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>2011</td>
<td>132</td>
<td>63 (48%)</td>
<td>0</td>
<td>19</td>
<td>15</td>
<td>58</td>
<td>n/a</td>
</tr>
<tr>
<td>2012</td>
<td>109</td>
<td>51 (47%)</td>
<td>1</td>
<td>10</td>
<td>22</td>
<td>66</td>
<td>n/a</td>
</tr>
<tr>
<td>2013</td>
<td>107</td>
<td>45 (42%)</td>
<td>2</td>
<td>5</td>
<td>40</td>
<td>67</td>
<td>1</td>
</tr>
<tr>
<td>2014</td>
<td>144</td>
<td>47 (33%)</td>
<td>1</td>
<td>2</td>
<td>64</td>
<td>121</td>
<td>5</td>
</tr>
<tr>
<td>2015</td>
<td>172</td>
<td>57 (33%)</td>
<td>0</td>
<td>7</td>
<td>69</td>
<td>105</td>
<td>10</td>
</tr>
<tr>
<td>2016</td>
<td>136</td>
<td>40 (30%)</td>
<td>0</td>
<td>7</td>
<td>52</td>
<td>95</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>918</strong></td>
<td><strong>365 (40%)</strong></td>
<td><strong>4</strong></td>
<td><strong>50</strong></td>
<td><strong>262</strong></td>
<td><strong>512</strong></td>
<td><strong>21</strong></td>
</tr>
</tbody>
</table>
## 2014-16: Marijuana Team Enforcement Efforts

<table>
<thead>
<tr>
<th>Year</th>
<th>Arap. Filings</th>
<th>Adams Filings</th>
<th>Plants Seized</th>
<th>Marijuana Seized</th>
<th>Currency Seized</th>
<th>Marijuana Concentrate Seized</th>
<th>Building Responses</th>
<th>Social Services Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>13</td>
<td>3</td>
<td>5495</td>
<td>286,100.1 gm. = 630.74 lbs.</td>
<td>$153,111</td>
<td>976.2</td>
<td>38</td>
<td>24</td>
</tr>
<tr>
<td>2015</td>
<td>23</td>
<td>1</td>
<td>8895</td>
<td>543,576.10 gm. = 1,198.38 lbs.</td>
<td>0</td>
<td>548.03</td>
<td>59</td>
<td>17</td>
</tr>
<tr>
<td>2016</td>
<td>24</td>
<td>1</td>
<td>10133</td>
<td>666,599.52 gm. = 1,469.60 lbs.</td>
<td>$113,089</td>
<td>739.89</td>
<td>45</td>
<td>6</td>
</tr>
</tbody>
</table>

**Total:**
- Marijuana Seized: 1,496,275.72 gm.
- Currency Seized: $7,257,184
2014-16: Marijuana Team Enforcement Efforts
Aurora Police Narcotics Response

- Issues...
  - Odor complaints by personnel at police headquarters
  - Drying
  - Packaging

- Evidence Storage-APD Property
  - Long/Short Term

- Destruction of plants/marijuana product

- Dry/Chip plants-commercial chipper

- Protective gear
  - Dirty Job!
Aurora Police Department Narcotics Section

Sergeant Scott Pendleton  (303) 739-1616
dpendlet@auroragov.org