

Study: Oregon police find marijuana laws difficult to enforce

By Garrett Andrews EO Media Group

A recent study that draws heavily on Deschutes County found an "overwhelming consensus" among law enforcement officers that Oregon's marijuana laws are poorly written and confusing.

As a result, this perception has even led some local officers to stop enforcing marijuana laws altogether, according to the February report by Portland State University researchers Kris Henning and Greg Stewart.

"The laws are too convo-

expect the citizens to be able to understand them?"

Wrote another, "I have just started treating weed as if it is legal regardless of the amount."

For their report, titled "Dazed and Confused: Police Experiences Enforcing Oregon's New Marijuana Laws," Henning and Stewart surveyed 301 police officers in the second half of 2020. Participants included officers and deputies from four agencies: Bend Police Department, Redmond Police Department, the Deschutes County Sheriff's Office and the Klamath County Sheriff's Office. out of state had increased in the past three years.

• More than 90 percent believe instances of driving under the influence of marijuana had increased for adults and juveniles.

• More than 60 percent of respondents felt Oregon's marijuana laws make it difficult to determine if someone has broken the law.

In 2014, Oregon voters approved Measure 91, legalizing recreational use of marijuana for people 21 and older. What followed were a number of major changes to Oregon law in a short period of time. This included

authority to restrict marijuana production licenses.

Today, there are six areas where marijuana offenses are still charged, though the offending amounts differ from those prior to 2014: Driving while impaired, the illegal use or possession of marijuana and the illegal growing, processing or distribution of marijuana.

In response to open-ended questions in the PSU study, three of four officers mentioned confusion in understanding the laws. Many officers expressed a feeling they'd been intentionally written to be vague recreational cannabis laws. They also discussed a difficulty determining if a person possessed an illegal amount of a drug, or in determining if it was purchased from a licensed retailer. Many officers noted a breakdown in cooperation with state agencies that regulate cannabis, notably the OLCC, the Oregon Health Administration and the Oregon Department of Agriculture.

This lack of clear understanding often manifests in roadside contacts between officers and members of the public, according to the amounts of marijuana. They also reported a near-impossibility in determining if a driver with large amounts is heading out of state.

"Offenders often claim the product is hemp rather than marijuana which also makes it difficult to determine what the product is," one officer wrote.

Many officers also reported declining to make marijuana arrests because they feel district attorneys will not prosecute the cases.

"It seems pointless to care about it when, in (redacted) county, even if someone has several hundred pounds,

luted to comprehend," one officer wrote in a survey response. "If we as law enforcement can't easily decipher the laws, how can we

County Sheriff's Office.
Among the results:
More than 90 percent of participants felt that the illegal shipment of marijuana

the Oregon Liquor Control Commission tightening its licensing guidelines in 2018. The next year, the Legislature afforded the agency more

so officers would eventually give up on enforcement.

officers surveyed spoke to confusion about enforcement of medical vs. study. Officers said it can be difficult determining the authenticity of documentation showing a person is in lawful possession of large

there will be no prosecution," wrote a respondent. "I would just prefer that it is legalized and then it is not an issue."

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