



Kansas Bureau of Investigation

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Testimony in Opposition to Senate Bill 113 Before the Senate Standing Committee on Public Health and Welfare

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Chairman Suellentrop and Members of the Committee:

My name is Kirk Thompson and I have the privilege of serving as the Director of the Kansas Bureau of Investigation. Thank you for the opportunity to testify in opposition to Senate Bill 113, which proposes to create a legal path for the use of marijuana under the guise of a legitimate treatment for a number of specified medical conditions. Make no mistake that despite the fact SB 113 is characterized as a “medical cannabis” bill, the terminology merely seeks to disguise the fact that this is about the legalization of *marijuana*, and I will refer to it as such.

While the normalization of marijuana use in our society has contributed to public opinion generally supportive of, or indifferent to, the legalization of marijuana for so-called “medical” use, I have to believe those who are not strongly objectionable to the mere thought are not aware of the litany of associated negative consequences. I hope to adequately convey some of my most significant concerns – the ones that keep me awake at night – and ask you to seriously weigh the misguided public opinion with my forty-plus years of dedicated, real-world law enforcement experience, which has included the investigation of drug, property, financial, and major violent crimes against persons.

It is because of that experience that I feel uniquely positioned to offer a perspective that is both vast and multifaceted. I have had the opportunity to review Senate Bill 113 and contemplate many of the possible law enforcement, public health, regulatory, and public policy related implications that would result from its passage. While there are vast amounts of information relevant to addressing my opposition within each of those categories, I will focus my attention on providing information regarding marijuana seizures, crime data and violence, and provide just a few examples of major violent crimes in Kansas that have involved marijuana, thereby shedding light on my strong objection to drug legalization and being hopeful that you adopt a similar perspective.

Marijuana is the most widely available and commonly abused illicit drug in the United States

This is true in Kansas, as well. According to drug seizure data from the Kansas Incident Based Reporting System (KIBRS), between 2012 and 2017 law enforcement reported¹ marijuana seizures had increased 8.9% and submissions of marijuana/THC evidence to the KBI Forensic Science Laboratory increased 14.7%. While these don't sound like significant increases, marijuana seizures and laboratory submissions have consistently exceeded other drug categories by a wide margin. Annual marijuana seizures have consistently been almost double the combined total of all stimulants seized annually, which is the second highest class of drug seizures in Kansas.

As is true with all narcotics, **availability drives use, use drives demand, and demand drives availability**. SB 113 proposes to expand access to a drug that has long been held to have a high potential for abuse, the potential to create severe psychological and/or physical dependence, and lacks any demonstrated medical value. The mere thought of expanding access, thereby contributing to an increase in use and demand and furthering the downward spiral, is frightening.

Increases in Violent Crime and Property Crime in Years Following Legalization

In the years following legalization, Colorado, Oregon, and Washington all experienced increases in violent crime and property crime. Below are some high-level reflections of those increases in relation to when legalization occurred.

- After COLORADO's marijuana program became operational, violent crime increased more than 18% and property crime increased more than 8% between 2013 and 2016.ⁱ All crime increased nearly 11% during the same time.ⁱⁱ
 - According to 2012-2016 data from the National Incident Based Reporting System (NIBRS), Colorado saw the following increases in major violent crime:
 - Homicide increased by 41%;
 - Assault increased by 41%;
 - The number of crimes against persons increased by 27%.
- OREGON legalized "recreational" marijuana in 2015. Oregon experienced significant increases in crimes against persons between 2014 and 2016. According to Oregon Uniform Crime Reporting (UCR) data from this timeframe, there was a 153% increase in assault, 270% increase in homicide, 198% increase in kidnapping, and 216% increase in forcible sex offences.
 - According to 2012-2016 data from the NIBRS, Oregon saw the following increases in major violent crime:
 - Homicide increased by 248%;
 - Assault increased by 171%;
 - The number of crimes against persons increased by 177%.

¹ The Kansas Incident Based Reporting System does not include seizure data from the law enforcement agencies still reporting summary data. As such, seizure data is not reflective of all drug seizures in Kansas. Annual Kansas crime statistics can be found at http://www.accesskansas.org/kbi/stats/stats_crime.shtml

- In WASHINGTON, records show an increase in crime after the commercialization of marijuana. Data from the Federal Bureau of Investigation's Uniform Crime Report (UCR) shows an increase in multiple criminal offenses between 2013 (one year prior to marijuana commercialization) and 2016. During this timeframe, there was a 24% increase in assault, a 23% increase in homicide, a 600% increase in human trafficking, and observable increases in other criminal offenses.
 - According to 2012-2016 data from the NIBRS, Washington saw the following increases in major violent crime:
 - Homicide increased by 41%;
 - Assault increased by 28%;
 - The number of crimes against persons increased by 46%.
- Nationally, increases were present but not nearly as significant.
 - According to 2012-2016 data from the NIBRS, the following increases were observed at the national level:
 - Homicide increased by 41%;
 - Assault increased by 8%;
 - The number of crimes against persons increased by 9%.

Kansas Crime Already Rising at Alarming Rates

Since 2014, Kansas has been experiencing steady increases in all violent crime categories and in most property crime categories. **Between 2014 and 2017, the number of violent crimes reported to Kansas law enforcement has increased by 23.2%. Murder has increased by 74.3%.** The 176 murders committed during 2017 was the most in a single year since 2000. Of those, 68.8% involved firearms, 22.3% were considered domestic violence homicides, and 21.1% involved multiple murders in a single incident. Each of these categories was higher than in previous years. Rape has increased by 20.0%. Robbery has increased by 30.3%. Aggravated Assault / Battery has increased by 21.6%.

- To compare this to the 2012 to 2016 data previously cited for Colorado, Washington, and Oregon, according to 2012-2016 data from KIBRS, Kansas has seen the following increases in major violent crime:
 - Homicide increased by 174%;
 - Assault increased by 28%;
 - The number of crimes against persons increased by 36%.

When considering the tangible and intangible costs, the economic impacts of crime, alone, are significant to Kansas citizens, the criminal justice system, and the overall economy. While there is no direct causal link between the legalization of marijuana and increases in violent and property crime, the correlation is evident and I hope the case examples below will demonstrate that point.

Kansas Case Examples of Violent Crime Related to Marijuana Cultivation and Trafficking

From decades of experience as a law enforcement officer and investigator of major crime, **I could not believe more strongly that drug use and abuse is one of the most significant drivers of violence and property crime.** The types of crime associated with marijuana use, trafficking, and distribution include assaults, robberies, burglaries, home-invasions, illegal marijuana growing operations, money laundering, forced labor trafficking, and exploitation.

As the state's criminal investigative agency, our personnel have witnessed, firsthand, the crime, abuse and personal harm associated with the cultivation, trafficking, use, and distribution of marijuana. I recently had a conversation with one of our Special Agents and inquired about his transition from our proactive narcotics enforcement division to our division tasked with investigating major violent crimes. His response, which was much more eloquent than what I can summarize here, offered interesting perspective relevant to this public policy debate. He shared with me that when investigating major violent crime, while the KBI response often begins with processing a crime scene where the violent act occurred, the investigation that follows is really no different; it almost always involves a narcotics investigation. As you read through the following case examples, I ask you to contemplate what I often do: **If we, as a state, were more effective at reducing the availability of drugs, would the number violent crimes committed against our citizens also be reduced?**

In 2009, the KBI became aware of an outdoor marijuana cultivation operation in Miami County. Investigation revealed three Hispanic men, each armed with rifles, were routinely tending to the marijuana plots. While one of our agents and a local law enforcement officer were on the property conducting investigative activities, one of the males arrived at the location, observed an unmarked law enforcement vehicle near the property and **fired approximately 12 rifle rounds in the direction of officers in the marijuana fields.** Luckily neither were injured. One of the males was identified, indicted, and convicted of federal crimes. The other two were never identified.

In 2011, the KBI and local agencies investigated a large outdoor marijuana cultivation operation in Osage County. As a result of the investigation, three Hispanic males, all from Jalisco, Mexico, were arrested in the field. The two adults and a 15 year old juvenile were living in a tent on the property, tending the plants in the 3 acre plot daily. One of the adult males was diabetic and had suspended his insulin from a string in the tent into a hand dug hole that was below the frost line to keep the insulin cool. While the men were getting paid meager wages that were being sent back to their families in Mexico, **they were in a forced labor situation, living under deplorable conditions while they cultivated nearly 7,500 marijuana plants.**

In 2012, the Kansas Highway Patrol stopped a vehicle in Haskell County with approximately 20 pounds of marijuana secreted inside. The KBI investigation identified an outdoor marijuana cultivation operation in Seward County. Several Hispanic adults were located and brought in from Colorado by a "handler" to cultivate, harvest, and process the marijuana on the Kansas farm; **these individuals were locked inside the property, which was surrounded by fencing and gates, to perform labor.** Several individuals were convicted and sentenced for crimes related to this investigation.

In 2016, the KBI and other Kansas law enforcement agencies assisted in the investigation of an officer involved shooting which had occurred in the state of Illinois. The investigation into the acts which precipitated the officer involved shooting centers on a large marijuana trafficking and

distribution conspiracy in which **marijuana was being trafficked from Oregon, where marijuana has been recreationally legalized**, to Kansas, and from Kansas into Illinois. Four individuals from two different Kansas communities had delivered several pounds of marijuana to Illinois; they later discovered the payment they received was short, having been paid for with small bills wrapped in much larger bills of U.S. Currency. After the “drug rip” was discovered, a suspect in Illinois requested the Kansas residents conduct acts of retaliation against Illinois residents, after which they would get paid. The **retaliatory acts included a home invasion and two drive-by shootings** in Illinois. Shortly after one of the drive-by shootings, local law enforcement officers responding to a “shots fired” call got into a vehicle pursuit with the suspects; it was **during the pursuit that one of the four Kansas residents shot the Illinois police officer in the eye, causing permanent loss of sight**. Several individuals have been indicted for criminal acts related to this investigation; prosecution of some individuals is ongoing while others have been convicted and received lengthy prison sentences.

These case examples are just a few of the major investigations we have conducted that are demonstrative of the connections we have observed, firsthand, between marijuana cultivation and trafficking, and the commission of other related criminal activity.

Increases in Illegal Growing Operations and Black Market Activity

Other states have experienced dramatic increases in illegal growing operations after the passage of medical marijuana laws. In California, **the number of illegal grow sites increased dramatically** following passage of Proposition 215, which legalized medical marijuana in much the same way SB 113 proposes to do. When Colorado legalized recreational marijuana in 2014, proponents argued it would kill the sale of illegal marijuana in Colorado; subsequent investigation has shown **legalization became a magnet for black market marijuana**. Charges for serious marijuana-related felony crimes, including large-scale black market activity, are up nearly seven-fold from 2014 through 2017.

Make no mistake: **the drug Cartels will exploit to greatest extent possible the confusion in enforcement that will result from passage of SB 113** or any legislation proposing to expand access to illegal narcotics.

The Decent of No Return

The state supported sanctioning of marijuana growers and drug dispensaries, as proposed by SB 113, will only encourage illegal activity to flourish. Even with the regulatory structures proposed, **no level of oversight will prevent the black market expansion**. Overproduction will lead to diversion and the criminal activity associated with the furtherance of drug trafficking and distribution.

Soon after passage of a measure claiming to be fail-proof, it will be realized that the costs associated with a failing regulatory structure are too great to bear given their ineffectiveness, and the path will have been paved for a repeal of that structure in favor of recreational drug use. This is the measured approach that the multi-billion-dollar marijuana lobby has successfully advocated for in states across the country. As the largest producer of marijuana in the world, the United States will be known for marijuana as Columbia is known for cocaine.

With significant increases in violent crime already observed in Kansas, and given the trends other states have experienced following the legalization of marijuana under the guise of “medicinal” or recreational purposes, **we would be derelict in our duty and mission to prevent crime and improve the safety of our citizens to not voice strong opposition to anything that would carry with it the extreme likelihood of increasing crime and victimization.**

In Closing

There are many arguments, both pro and con, for legalizing the so-called medicinal use of marijuana and marijuana substances. Those arguments could fill days of testimony and pages of well researched documents.

With marijuana being perhaps as available as it has been over the last several decades, some may suggested that we accede and abandon the war on drugs. To me, that is analogous to suggesting we abandon efforts to enforce any other type of criminal activity because there is more than what resources allow us to adequately address. To those that suggest Kansas cave to the peer pressure and follow in the footsteps of the 33 other states that have taken some action to legalize marijuana, my years of experience compels me staunchly oppose and continue to encourage us to hold the hard line.

Based on the negative impacts other states have experienced following the legalization of marijuana, I strongly believe that passage of any legislation authorizing marijuana usage for any purpose is bad for our state, but more importantly, bad for her people. In the end, however, we recognize this is a public policy decision that each of you, this Committee, and the Legislative body carry the weight of.

It has often been said that there are five things that can’t be taken back: a stone once it’s been thrown; a word once it’s been spoken; an occasion once it’s been missed; an action once it’s been done; and time once it’s passed. I urge you to contemplate adding so-called “medical” marijuana to that list as the impossibility of taking back the grave negative consequences to our state’s economy, and the public health, welfare, and safety of the Kansas citizens are very real.

I ask that you give deference to the experience and opinions of the public servants in this room. We have each seen devastation in a way, thankfully, most of you have not. I urge you to contemplate why it is that the very people who have taken an oath to protect our citizens from harm are the same people so adamantly opposed to the legalization of marijuana.

Thank you for your time and thoughtful consideration to my perspective and the perspectives of my esteemed colleagues.

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ⁱ *The Legalization of Marijuana in Colorado: The Impact* (Vol. 5, p. 73, Rep.). (2018). Denver, CO: Rocky Mountain High Intensity Drug Trafficking Area. doi:September 2018

ⁱⁱ *Ibid.*