



**COLORADO**  
**Department of Local Affairs**  
Division of Local Government

# Gray and Black Market Marijuana Enforcement Grant Colorado Revised Statute 24-32-119(4)

SMART ACT REPORT

December 2023



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## **SMART ACT REPORT**

### **Gray and Black Market Marijuana Enforcement Grant Program**

### **December 2023**

Section 24-32-119 (4), of the Colorado Revised Statute (C.R.S) requires the Department of Local Affairs, Division of Local Government, provide an update regarding the effectiveness of the Gray & Black Market Marijuana Enforcement Grant program in the Department’s annual report as required by the “State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act” part 2 of article 7 of title 2. This document serves as a response to this reporting requirement.

### **Program History and Status**

In Colorado Revised Statute (C.R.S.) 24-32-119, The Gray & Black Market Marijuana Enforcement Grant program gives grants to Colorado counties and municipalities with the purpose of providing financial assistance to local law enforcement and district attorneys for actual expenses related to investigation and prosecution of unlicensed marijuana cultivation or distribution operations.

The appropriation for Fiscal Year (FY) 22/23, was \$955,178, after accounting for administrative costs the amount available for awarding grants was \$650,000. 31 applicants were awarded grant funding. The FY 2023 grant period will close May 31, 2024. Over the course of seven (7) fiscal years from FY 18 to FY 24, the program has provided over \$19.6M to 108 municipalities and counties for illicit marijuana enforcement activities. \$963,668 has been appropriated for FY 23-24; after administrative costs accounted for \$794,303 has been earmarked for grant funding.

### **Program Effectiveness**

Program grantees are required to report quarterly on their project activities. In addition, grantees provide detail around the effectiveness of the program from their perspective as a recipient of these grant dollars.

With the legalization of some types of possession and use of marijuana, there was a general belief that the black market would cease to exist or at least be dramatically reduced. However, the statistics being reported indicate that the illicit marijuana market has continued to flourish and local law enforcement are spending thousands of hours investigating and prosecuting activity related to the illicit marijuana operations. The program grant funds help subsidize the costs associated with these investigations and prosecution expenses.

With the help of these grant funds to meet the demand of controlling this ongoing illicit marijuana activity of cultivation and distribution operations, recipient cities and counties report they have been able to increase law enforcement activities in addressing these illegal operations, perform multi-county operations, safely conduct covert surveillance, increase the execution of search warrants, seize tens of thousands of marijuana plants, seize several thousands of pounds of refined marijuana, and shut down hundreds of illegal grows. The funds have made it possible to better outfit detectives and officers with much-needed equipment thereby reducing the hazards of illegal marijuana grow enforcement and dangerous criminal activities.

Prior to this grant program, the manpower, equipment and specialized training needed by local law enforcement, as well as additional staff hours required for prosecution by district attorneys' offices were cost-prohibitive. However, the resources provided through the grant program have made it possible to proactively investigate illicit marijuana activities as well as support collaboration between law enforcement and district attorneys for prosecution of such activity. Rural communities' report that, without the grant funding, they would not have been able to put the man-hours needed into illegal marijuana enforcement.

The effectiveness of this program is evident in the assistance it has afforded law enforcement in protecting their communities, and in facilitating the construction of new investigative frameworks. This is critical to both successful prosecution and aggressively creating a culture that communicates that this type of illegal activity will not be tolerated. The grant increased operational effectiveness as a result of the additional funding for overtime support, special training, and equipment. Without the assistance of the program, grantees would not be able to sustain the effort of increased investigation and prosecution of unlicensed and illegal marijuana activities.

The items below are indicative of the types of expenses associated with investigating and prosecuting unlicensed marijuana cultivation or distribution operations conducted in violation of state law.

**Investigation:**

- PPE supplies and equipment, including filtered breathing apparatus which protects from dangerous mold spores and toxins while dismantling illegal marijuana grow sites. Other equipment purchased that helps support the safety of law enforcement officers are drones, cameras, tactical equipment, safety suits, and N95 masks.
- Personnel salaries, including overtime costs that support increased patrol and enforcement, grant funds help to defray costs of personnel dedicated to the detection, surveillance, contact, reporting, and court time regarding illegal marijuana.
- Computers, IT equipment, digital intelligence supporting law enforcement in the field to access actionable intelligence at the scene.
- Training and education for law enforcement regarding drug cartels and culture, investigation, and testifying in court.
- Vehicles, trucks for on and off-road that can travel through bad weather in remote areas, ATVs, equipment trailers, drug incinerators to burn/destroy marijuana that is collected at illegal grow sites. Armored vehicles are utilized in defense against heavily armed individuals and hardened grow sites.

**Prosecution:**

- Financial assistance for district attorneys addressing and prosecuting unlicensed marijuana in violation of state law.
- Investigation and curtailment of underage possession and consumption.



**Table 1 - Program Outcomes FY 2022-2023**

MJ Cases/Seizures	MJ Pounds Seized	MJ Grows/Sites/Labs Dismantled	MJ Plants Seized	Number of Disruptions of Sale or Distribution of Illicit Activity	Arrests	Weapons Seized
1,272	21,474	124	27,732	162	229	22



**Table 2 - Program Awards FY 2023**

FY2023		
Applicant Name	County	Funding
Adams County	Adams County	\$38,905.24
City of Aurora	Adams, Arapahoe, Douglas	\$53,981.73
Arapahoe County	Arapahoe County	\$38,684.14
Archuleta County	Archuleta County	\$9,569.63
Boulder County	Boulder County	\$16,767.31
Conejos County	Conejos County	\$3,178.07
Costilla County	Costilla County	\$2,500.00
Custer County	Custer County	\$3,093.88
City of Delta	Delta County	\$7,254.73
Delta County	Delta County	\$11,118.14
City and County of Denver	Denver County	\$32,338.92
Dolores County	Dolores County	\$2,500.00
Douglas County	Douglas County	\$32,338.92
El Paso County	El Paso County	\$32,338.92
City of Colorado Springs	El Paso County	\$32,338.92
Elbert County	Elbert County	\$18,686.82
Fremont County	Fremont County	\$20,771.97
Grand County	Grand County	\$6,633.12
City of Durango	La Plata County	\$15,163.32
La Plata County	La Plata County	\$26,178.39
City of Fort Collins	Larimer County	\$32,338.92
Las Animas County	Las Animas County	\$4,333.95
Mesa County	Mesa County	\$57,823.01
City of Grand Junction	Mesa County	\$26,321.60
Montezuma County	Montezuma County	\$11,945.91
Montrose County	Montrose County	\$15,298.66
Otero County	Otero County	\$3,960.20



Pueblo County	Pueblo County	\$44,787.32
Saguache County	Saguache County	\$2,987.66
San Miguel County	San Miguel County	\$2,703.61
City of Greeley	Weld County	\$43,156.97
<b>Total</b>		<b>\$650,000.00</b>
Grant Term ends May 31, 2024		