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TOKIN UP IN THE 5280: INSIGHT INTO HOW DENVER POLICE OFFICERS  
MAKE SENSE OF, AND DEFINE, INTERPRET, AND REACT TO THE  
LEGALIZATION OF MARIJUANA

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August 2015

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## ABSTRACT

TOKIN UP IN THE 5280: INSIGHT INTO HOW DENVER POLICE  
OFFICERS MAKE SENSE OF, AND DEFINE, INTERPRET, AND REACT TO  
THE LEGALIZATION OF MARIJUANA

Kara K. Hoofnagle  
Old Dominion University, 2015  
Director: Dr. Mona J. E. Danner

Laws surrounding the possession, use, and distribution of marijuana have undergone many changes for over a century. Political pressures and social prejudices have most often been the cause of these changes, rather than scientific research or rational thinking. As a result, the law has sometimes lagged behind social practice as in the current case in much of the U.S., including Colorado. In such an environment, it often falls on a police officer's definition, interpretation, and reaction to the laws to determine the extent to which certain laws and sanctions are enforced. Drawing on the work of Weick (1976), this dissertation utilizes the theoretical framework of sensemaking to examine two research questions. First, what sense are police officers in Colorado making of new legalization of marijuana laws? Second, how are officers defining, interpreting, and reacting to marijuana laws in Colorado?

Semi-structured interviews were conducted with 22 Denver police officers. Findings suggest that the lack of bright line policies regarding marijuana enforcement play a role in officers making sense of the law in different ways. Officers' definition and interpretation of marijuana law seems to be founded upon their experiences, as well as the experiences of their peers. Several unintentional consequences of marijuana legalization were identified by officers, and appear to play a substantial role in the sensemaking process.

Theoretically, this research contends that the four key components of sensemaking (Weick 1976) (i.e., social process, ongoing process, reliant on extracted cues, and based off of plausibility rather than accuracy) are interwoven with the aspects of defining, interpreting, and reacting to laws. As such, a call exists for the elaboration or construction of a theory combining the intertwined elements of defining, interpreting, and reacting to organizational change with the interwoven elements of sensemaking.

Findings suggest several policy implications. The call for Colorado and all states that are considering legalization for recreational purposes is to create bright line policies in an effort to reduce confusion among

officers. The construction of such policies will reduce the grey area in which officers operate thereby ensuring that users are treated fairly across all jurisdictions and states.

This dissertation is dedicated to my precious daughter

Emily. I love you most.

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## CHAPTER I

### INTRODUCTION

Denver Broncos' quarterback, Peyton Manning's name is no longer only affiliated with football. Rather, a strain of marijuana in Colorado that promises the best of two worlds; a happy uplifting euphoric and a body medicine bears the name the "Peyton Manning." This largely reflects the glorification of marijuana in the mile high city.

Historically, the perception and acceptance of marijuana has been largely political and therefore has been and remains in flux. Movies such as "Reefer Madness" and newspaper article titles like "Marijuana: Crazy sex drug menace" during the 1920's and 1930's, were expressions of public obsession with the drug. While marijuana has persisted as a topic of political debate, very little attention has been given to how the ebb and flow of marijuana policies affect police officers. Given that police officers are on the front line of drug enforcement, what sense they make of marijuana laws, that is, how they define, interpret, and react to marijuana policies, is likely to have an impact on the effectiveness of such policies. Subsequently, this dissertation research addresses two questions. First, what sense are police

officers in Colorado making of new legalization of marijuana laws? The second research question helps to define the first question, that is, how are officers defining, interpreting, and reacting to marijuana laws in Colorado?

This dissertation uses the theoretical notion of sensemaking to explore the research questions. A social psychological theory first conceived of by Karl Weick (1976), sensemaking builds upon the ideas of coupling and loose coupling to explore the influence that organizational elements have on how individuals within those organizations come to make sense of, not only the organization itself, but also, changes within and to the organization. It is argued that how an officer makes sense of the law is key to how they enforce the law, as well as perform other aspects of their role. Additionally, it is posited that the sense that they make is largely a reflection of the policing organization, supervising officer, and immediate peers.

The legislative process in relation to the decriminalization and legalization of marijuana has varied greatly from state to state. Colorado is one of the states that have swiftly moved to decriminalize and legalize marijuana. Citing clogged courts and wasted money, the State Attorney supported a new city ordinance allowing law

enforcement officers to issue tickets for possession of the substance as opposed to making arrests (DiChiara and Galliher 1994). Apart from this, Colorado's legislative measures mirrored those on the Federal level, until November 2000 when Amendment 20 was passed and the state's constitution enshrined the decriminalization of marijuana for medicinal purposes.

Amendment 20 legalized limited amounts of marijuana for medicinal purposes for patients and also allowed primary caregivers to possess and cultivate the substance. The lack of clear definitions of terms such as the "caregiver-patient relationship" resulted in "caregivers" operating discretely in retail stores and providing delivery services. In essence, they were acting like vendors rather than traditional caregivers of sick people. The debates over whether Amendment 20 gave "permission" for this type of distribution contributed to the Colorado legislature enacting the Colorado Medical Marijuana Code in 2009 (SB10-109 and HB 10-1284), which essentially licensed commercial businesses to produce and distribute marijuana for medicinal purposes.

Regulatory loopholes in marijuana legislation in Colorado have led to confusion among local governments and law enforcement officials as to what exactly they are

supposed to enforce. House Bill (HB) 11-1043 in 2010 was an attempt to close the loopholes in legislation regarding medicinal marijuana by clarifying regulatory inconsistencies in regard to caregivers, caregiver grows (i.e., the amount of cultivation allowed), and who is responsible for payment of sales tax on medical marijuana purchases. Governor John Hickenlooper signed in to law several historic measures that clarified marijuana legislation, and established Colorado as the world's first legal, regulated, and taxed marijuana market for adults (Ferner 2013). Despite the common belief that marijuana is legal in Amsterdam, the fact is that marijuana (or cannabis as it is called in Europe) is only *de facto* legalized. Though residents and non-residents 18 and older are able to purchase up to five grams of marijuana in designated coffee shops in Amsterdam, it is not actually legal; it is merely tolerated (Ferner 2013). While legislation created a legal marijuana market in the state, regulatory inconsistencies and the lack of instructions provided to police created confusion for law enforcement.

Marijuana has been a constant in American history. The substance has been viewed as a commodity, a resource, a dangerous substance, and today, at least at the state level, a drug that perhaps is not harmful and should be

legalized. This stance does have precedent. For instance, in 1619, King James I, by decree ordered every colonist to grow approximately 100 marijuana plants for export.

Specifically, this translated into England's only colony in the Americas growing hemp to meet the obligation set forth in the decree and itself in an active cycle of supply and demand (Deitch 2003). This trend continued. The 18<sup>th</sup> and 19<sup>th</sup> centuries in the United States were booming with hemp crops for the purpose of fabric and rope. Beginning in 1840, marijuana received positive attention for its medicinal abilities in treating a variety of illnesses (Mikuriya 1973). By the 1850s, marijuana began appearing in pharmacies as it was endorsed for its medicinal benefits (Gieringer 1999). Society during this time seemed to have more of an accepting view of marijuana, its usage, and medicinal benefits. Also worth mentioning is that the Tetrahydrocannabinol (THC) levels, (i.e., the main psychoactive component of marijuana) of this time were significantly less than they were in the decades that followed.

The political climate shifted in regard to marijuana in the 1930s and both the substance and its users began receiving considerable negative attention. Research and newspaper titles were focused on how the substance would

make users crazy, violent, criminal, and even promiscuous (Goode 1989). As discussed in chapter II, this shift in the perception of marijuana was largely tied to its users and the agendas of elites and politicians. Still today, political climate has affected societal perception of the substance; however, the responsibility of the enforcement of such policies has never left the hands of police officers. It is clear that debate over marijuana's place in society is not going away, while the enforcement of regulatory laws is also not going to be taken out of the hands of police officers. As such, the issue needing attention is how officers make sense of these changes, and subsequently, what sense they are making of the changes; that is, how are officers defining, interpreting, and reacting to marijuana laws in Colorado?

Discretion is a key component of an individual's role as a police officer. With the use of discretion comes a high degree of authority, which can lead to corruption. While each officer makes decisions based on a sense of the situation they are dealing with, these decisions do not exist in a vacuum. Rather, the paramilitary organizations of policing, and the leaders within these organizations, have a strong influence on officers' actions (Klinger 2004; Johnson & Dai 2014). Most research looking at how the



organizational structure affects individual officer discretion has focused on issues such as deadly force (Fyfe 1988; Geller & Scott 1992) and domestic violence (Sherman 1992). Research assessing how this structure affects the sense that officers make of policy change has not been undertaken, hence the importance of this study. It is surmised that discretion is one aspect of an officer's role that will be affected by the legalization of marijuana for recreational purposes. This said, it is also speculated that many more aspects of their role will be affected and will only be revealed from gaining an understanding of what sense officers are making of the laws, and how they are defining, interpreting, and reacting to such laws. Further, the influence of the police organization and culture is assumed to have an effect on the sense that officers come to make of the laws. The following chapter presents the literature on the history of marijuana in the United States and in Colorado.

#### SUMMARY OF CHAPTERS

The following chapters provide the background into research seeking understanding of the sense that police officers in Denver Colorado are making of marijuana laws. Chapter II presents a review of the literature with acute

attention paid to the history of marijuana on both the federal and state levels, in addition to the traditional policing role in marijuana enforcement. This chapter also provides a discussion of the theoretical framework used to guide this research. The notion of loose coupling and subsequent sensemaking as proposed by Weick (1976) is discussed in great detail. Chapter III discusses the methodology of semi-structured in depth interviews that were used to explore the research questions. Chapter IV presents the findings in terms of the major themes that emerged from the data. Finally, Chapter V provides a summary of the research, a detailed discussion of the findings, a discussion of the insights and implications gleaned, and considerations for future research.

## CHAPTER II

### LITERATURE REVIEW

Historically police officers have been on the front lines of the "war" on drugs because they enforce federal and state laws regarding illicit substances (Blumenson and Nilsen 2009). However, it appears that states leading the way in new marijuana legislation have not considered the impact that their laws may have on street-level police officers and their practices. This research investigates how police officers are "making sense" of marijuana laws in Colorado and what sense they are making of them; that is, how are they defining, interpreting, and reacting to marijuana laws in Colorado?

#### HISTORY OF MARIJUANA

Until the late 1920s, marijuana, like alcohol was legal in the United States. In 1930, the political climate changed dramatically in regard to society's perception of marijuana. Publication titles such as "Marijuana-Sex Crazy Drug Menace," and "Marijuana-the Weed of Madness" (Nahas 1975; Mann 1985) appeared frequently in newspapers. By 1935, several states enacted laws prohibiting the sale, use, and possession of marijuana. In 1937, President

Roosevelt signed the Marijuana Tax Act. This act primarily did three things: (1) it imposed a tax upon its growers, sellers, and buyers; (2) it placed marijuana into the same category as cocaine and opium; and (3) it made it illegal to import marijuana into the United States (Inciardi 1999). Consequentially, by 1941, the National Formulary and the U.S. Pharmacopeia no longer recognized the drug as legal and it remained illegal under state laws (Library of Congress 2000). Federal marijuana policy continued to become more restrictive as illustrated by the passage of the Boggs Act (1951) and the Narcotic Control Act (1956). Such legislation set precedence for uniform penalties and mandatory minimum sentences and escalated existing penalties and fines for the possession and sale of narcotics, respectively (Bonnie and Whitebread 1974).

Despite more restrictive marijuana legislation during the 1950's, marijuana usage continued and its recreational use actually increased by the 1960s (Khatapoush and Hallfors 2004). The seeming explosion of marijuana usage during the 1960s was attributed primarily to a shift in perception regarding the drug; as a new generation of mostly college aged individuals began using marijuana it lost its reputation as the "devil weed." Their usage was in part a rejection of "the establishment" and of their

parents' generation, as well as a means of political protest and civil disobedience against U.S. foreign policy in Vietnam (Fox 2009). The increase in marijuana use and the wavering of societal norms called for a quick reaction by the government to control users. As a result, there was a steep increase in marijuana arrests, ballooning from just over 10,000 a year nationally during the early part of the decade, to more than 100,000 by 1969 (Gettman 2005). Most marijuana offenders faced severe penalties, ranging from a mandatory sentence of a few years to decades in prison. By 1970, approximately eight to twelve million Americans were using marijuana recreationally. Following a year of hearings on pot policies, Congress felt compelled to act. This information contributed largely to the passing of the 1970 Comprehensive Drug Abuse and Prevention Control Act (Gettman 2005). Commonly referred to as the Controlled Substance Act (CSA), the Comprehensive Drug Abuse and Prevention Control Act led to a complete overhaul of all state and federal statutes governing marijuana. Most importantly, CSA consolidated all illicit drug statutes under the jurisdiction of federal control. Further, the CSA banned all possession, cultivation, and distribution of marijuana (U.S.C. 2006). While states were still charged with enforcing their illicit drug laws, the new federal

statute overruled state laws. The federal government placed all illicit drugs in a schedule classification merely based on their potential for abuse due to the notion that those drugs with a high potential for abuse and no general medical purpose should be deemed Schedule I drugs.

Marijuana was and still is classified by the federal government as a Schedule I drug along with other drugs such as heroin and LSD. According to the federal government, a Schedule I drug is one that: (1) has a high potential for abuse; (2) has no currently accepted medical use in the U.S., and (3) lacks accepted safety standards for use of the drug under medical supervision (Library of Congress 2000).

In addition to the classification of marijuana into a scheduled drug by the federal government, the CSA also called for the creation of a special federal commission to study all aspects of the cannabis plant, its uses and users. Upon the completion of this research, Congress and the President were to re-evaluate the dangerousness of the drug and its penalties. As promised, in 1972, the commission completed its report and presented it to Congress and President Nixon. In sum, the commission found little proven danger of physical or psychological harm from the use of cannabis (National Commission on Marijuana and

Drug Use 1972). Despite recommendations from the commission, President Nixon publicly expressed his intentions to continue to oppose efforts to legalize marijuana, most visibly by declaring the "war" on drugs and making marijuana a primary target. This decision led to an increase in marijuana arrests from 119,000 in 1969 to 445,000 by the end of his term in office in 1974 (Gettman 2005).

The 1980s saw an unprecedented expansion of the drug war that Nixon had declared the decade prior, setting the stage for drug hysteria and skyrocketing incarceration rates. This increased attention on drugs, the "Just say no" campaign led by First Lady Nancy Reagan, and the formation of the Drug Abuse Resistance Education (D.A.R.E.) program led to an increased paranoia about drugs. This paranoia, and attention to drug education, set the stage for zero tolerance drug enforcement by local and state law enforcement officers, and local and state law enforcement officers followed the guidance of the federal government.

Of particular importance to drug policies during the 1980s was the emergence of the crack-cocaine epidemic. The attention the media, politicians, and the public placed upon this issue shifted attention away from marijuana. Substantial anti-drug policies were passed during this

decade (i.e., 1984 Sentencing Reform Act, Anti-Drug Abuse Act of 1986, and the Anti-Drug Abuse Act of 1988), which increased penalties for drug usage and provided more funds for fighting the "war on drugs" (Bertram, Blachman, Sharpe, and Andreas 1996). Such policies under President Reagan laid the groundwork for the intolerance of all drug usage, which continued under George H.W. Bush into the early 1990s. In fact during his campaign, George Bush declared drug usage as the most pressing problem facing the nation (Beckett 1997).

The election of Bill Clinton in 1992 changed the perception of drugs that many had held for an entire decade. Musto (1987:282) stated, "Clinton's entry into the White House gave the drug issue special relevance. Mr. Clinton grew up in the era of rising drug toleration and admitted during his campaign that he had tried marijuana." Although Clinton intended to divert focus away from drug usage, his intentions were somewhat thwarted by the increase usage of marijuana by teens and the political rhetoric that used drug issues to attack his campaign for re-election (Nielsen 2010). As a result of the criticism that his administration received for not being focused on drugs, upon re-election in 1996, Clinton changed his focus to demand-side reduction and treatment for drug users



although federal drug policies remained unchanged (Carnevale and Murphy 1999; Musto 1987). The new millennium brought in a new President (i.e., George W. Bush), as well as a continued focus on drug war policies established by his predecessors. Similar to drug policies on the federal level, legislation in the state of Colorado has had many splashes in a rather persistent stream, mirroring societal perceptions and changes.

#### HISTORY OF MARIJUANA IN COLORADO

Since the state's formation in 1876, Colorado has made many changes in its marijuana legislation. Both cannabis and hemp were legal in 1876, and remained legal on the state level until March 1917, when Democratic representative Andres Lucero introduced House Bill 263, making the growing and use of cannabis a misdemeanor and criminalizing the recreational use of marijuana. Interestingly, the reason as to why the substance was criminalized was not well publicized, only noted briefly in the Oak Creek Times (Horner 2012). However, the micrographic archivist at the State of Colorado Archives was cited as stating that one theory as to why the bill was enacted was tied to civil insurrection in Mexico. "It was aimed to hurt the funding of Pancho Villa's forces..."; "He

was using the marijuana to fund his army" (Christenson as cited by Horner 2012:1). The bill was tied to the notion that marijuana was a distinctive device of Mexican migrants. Perhaps not a coincidence, the county that Lucero represented was largely populated with Spanish families who wanted to distance themselves from the laborers coming from Mexico to Colorado (Whiteside 1997). Due to the symbolic nature of this bill, it is not surprising that out of 40 arrests for the year, only seven or eight of them were clearly Hispanic names (Whiteside 1997).

In 1929, the sale, possession, and distribution of marijuana in Colorado became a felony offense. The most cited reason for this sudden change was the control of the growing population of Mexican migrants who had come to Colorado for agricultural work. Controlling the growing of marijuana by Mexicans was one *de facto* way to control them as users. Coincidentally, just prior to the criminalization measures, the Denver Post ran several stories about a Mexican immigrant who killed his stepdaughter while under the influence of cannabis, casting a negative light on the substance and its effects on users.

Throughout the 1930s, the perception of marijuana being a "devil weed" was rampant both in Colorado, as well as nationally. Colorado media continued to connect

marijuana to race and cited Mexicans as the primary reason for its prevalence in the state. Colorado was not alone; the entire country was swept in the "racist reefer madness," resulting in the federal government passing the Marijuana Tax Act in 1937. Until the 1960s, marijuana laws in Colorado remained the same, as did the anti-Mexican sentiments.

In the 1960s, however, Denver newspaper articles began to shift attention away from Mexican marijuana users to stories about hippies growing marijuana plants in their backyards. The local newspaper, the Rocky Mountain News conducted a survey in 1968 which showed that Colorado college students were largely accepting of marijuana. Specifically, 67 percent of Colorado College students who participated in the poll favored legalizing marijuana. The University of Colorado became known as a marijuana friendly school, illustrated by the acceptance, availability, and usage of the substance. As a result, legislators began arguing possession of marijuana be changed from a felony to a misdemeanor. In essence, white middle and upper class kids were using the substance and police were reluctant to throw them in jail. Politically this message was delivered in a manner which suggested that widespread use meant that localities were spending an inordinate amount of resources

aimed at marijuana enforcement (DiChiara and Galliher 1994).

When questioned by reporters affiliated with the Denver Post Newspaper, State Attorney MacFarlane stated that he supported reducing marijuana penalties in Colorado because they were clogging the courts and wasting money (Decriminalization Effort 1975). By 1975, directed by a new city ordinance, Colorado officers began issuing tickets for marijuana possession instead of making arrests. During a House hearing, a Colorado prosecutor was noted as stating that Colorado can no longer expend taxpayers' money and lawyers, and investigators can no longer spend time chasing the pot smoker around the dormitory (Decriminalization Effort 1975). By 2012, 11 other states had passed some type of decriminalization legislation. The decriminalization of the drug for medicinal purposes then paved the way for the legalization of marijuana for recreational purposes in the state.

Convoluting the history of marijuana in Colorado is the fact that while debates regarding decriminalization of marijuana were taking place, legislation measures were on the table to legalize marijuana for recreational purposes. Decriminalization for medicinal purposes brought to the

surface issues regarding cultivation, usage, and the caregiver relationship.

In 1996, voters in California approved Proposition 215, which allowed the use and cultivation of marijuana for medicinal purposes. Colorado jumped on this legislation and in 1998 pushed Amendment 19 onto the ballot. Although rejected, Amendment 19 would have allowed for the use of marijuana for medicinal purposes for those with chronic and debilitating health issues. Under the care of a caregiver those with such health issues could legally be issued marijuana. Then in November 2000, Colorado passed Amendment 20 to the state's constitution, which legalized limited amounts of medical marijuana for patients. It also allowed primary caregivers to possess, cultivate, and distribute the drug to those in their care.

However, the definition of the patient/caregiver relationship was vague at best, which led to "caregivers" operating discretely in retail locations and providing delivery services. In 2004, the Colorado Department of Health and Environment (CDHPE) enacted a policy prohibiting "caregivers" from providing medical marijuana to more than five patients. These policies were an attempt to end the commercial distribution of marijuana; however, following a lawsuit by Sensible Colorado (an organization devoted to

marijuana reform), the arbitrary policy suggesting that a caregiver can only provide marijuana to five patients was overturned in 2007. This decision gave caregivers the freedom to provide medical marijuana to any number of people for medicinal reasons, paving the way for the plethora of medical marijuana dispensaries that shortly lined the streets of Denver. In 2009, the CDHPE once again tried to limit the number of patients that a caregiver could have. Sensible Colorado once again opposed the motion and what became known as the "Green Rush" in Colorado was born. As a result, more dispensaries opened and the number of marijuana consumers increased.

Also in 2009, U.S. Attorney General David Ogden released the Ogden memorandum, stating that it was an unwise use of federal resources to prosecute medical marijuana users and caregivers who were acting within the confines of state marijuana laws. In Colorado, state legislatures interpreted this as receiving a green light from the federal government to make medical marijuana a business. The vagueness of Amendment 20 provided the opportunity for legitimate dispensaries to function as any other service provider, even though the amendment did not explicitly provide authorization for the commercial distribution of marijuana. Advocates for the authorization

and regulation of marijuana rallied and in late 2009 the Colorado legislature enacted the Colorado Medical Marijuana Code (SB10-109 and HB 10-1284), which licensed commercial businesses to produce and distribute medical marijuana.

A series of codes in Colorado followed this legislation that allowed local discretion when interpreting marijuana laws. For example, Senate Bill 10-109 provided for the regulation of doctors who indicated a need for their patients to obtain marijuana, resulting in patients being required to see a doctor in person in order to obtain the recommendation for the use of medical marijuana. By 2010, numerous loopholes in legislation prompted HB 11-1043, which was an attempt to clean up regulatory inconsistencies. The bill required caregivers to register their "caregiver grow" with the Medical Marijuana Enforcement Division, yet also exempted patients who fell below the federal poverty line from paying an annual registry fee and sales tax on their purchases.

The ongoing debate and reactionary measures to clarify medical marijuana legislation in the state continued, as effects of current legislation continued to be illuminated. Simultaneously, activists were pushing to enact new initiatives surrounding marijuana. Specifically, supporters

began to propose legislation that would legalize marijuana for recreational purposes.

While the medical marijuana industry in Colorado was still in its infancy, supporters began to rally for the legalization of marijuana for recreational use. In 2005, the newly founded "Safer Alternative for Enjoyable Recreation" (SAFER), was able to pass resolutions at two large universities in Colorado (i.e., Colorado State University and the University of Colorado) to treat marijuana offenses the same as alcohol offenses.

Similarly, SAFER was able to put a measure on a city of Denver ballot that would decriminalize possession of up to one ounce of marijuana for non-medicinal purposes by anyone over the age of twenty. The passing of this proposal made Denver the first city in the nation to approve such a measure. It was largely symbolic as it simply reinforced the decriminalization laws in Colorado dating back to 1975 (Breathes 2012). However, this led to increased media attention on the Colorado marijuana debate and confusion amongst many regarding what was decriminalized, legalized, and illegal in the state.

Clarification of the laws and policies governing medicinal marijuana were still developing and legal initiatives were bouncing between clarifying the laws



regarding medicinal marijuana and the decriminalization of the substance for recreational use. Issues surrounding decriminalization took a back seat and legalization quickly took the stage in 2012.

Amendment 64 was passed in November of 2012. This measure legalized the possession of up to an ounce of marijuana for personal use for adults 21 years and older and authorized the state to collect an excise tax of up to 15 percent on marijuana. While the amendment did not okay the sale of marijuana by an individual, it did specify that one may cultivate and keep up to six plants for personal use. Further, Amendment 64 allowed the grower to keep their entire harvest, even if it exceeded an ounce, and also granted permission to the individual to give away up to an ounce to another adult over the age of 21 (Breathes 2012).

Backed by a variety of groups such as the Colorado Democratic Party, the Libertarian Party of Colorado, the local branch of the American Civil Liberty's Union (ALCU), and the Colorado Defense Bar Association, the passing of Amendment 64 gave Colorado the image of being a marijuana "friendly" state. These groups, along with the passage of Amendment 64, both changed the law and changed how people think about marijuana in the state of Colorado (Knowles 2013).

Despite the rapidity of policy changes over time, it is important to remember that the ideological foundation of these laws rest on the race of the legislature and the supposed users. Indeed, marijuana legislation has had its roots in more than just concerns over policies; rather, the race of its users has been the impetus of legislative response and changes.

### *Symbolic Marijuana Legislation*

Arguably, many of the changes in marijuana policies, both on the federal and state levels, have mirrored perceptual changes regarding users of marijuana. The most recent changes in marijuana legislation were passed as more and more white, middle-class citizens were entering the criminal justice system. This changed the portrait of the drug addict of the early years from poor minorities to middle-class, white college males. As such, politicians faced pressures to evaluate and review their marijuana policies. The policies aimed at marijuana were built upon a symbolic foundation driven by ideology rather than theory and research (Dichiara and Galliher 1994). As a result, as public perception(s) of marijuana and its users began to change, *de facto* decriminalization took hold, which served

to address the social and political issues associated with the its users, as illustrated below.

During the 1920s and 1930s marijuana usage was primarily associated with lower class minorities (Clausen 1961).

Most marijuana smokers are Negroes, Hispanics, Filipinos, and entertainers. Their satanic music, jazz, and swing result from marijuana usage. This marijuana causes white women to seek sexual relations with Negroes. (A Report to the President 1975)

Harry Anslinger, the first Commissioner of the U.S. Bureau of Narcotics and a determined advocate of the war on drugs, supposedly had distaste for jazz musicians due largely to their involvement with marijuana and their race (Singer and Mirhej 2006). In fact, during the Congressional hearings on the Marijuana Tax Act (1937), Anslinger warned that marijuana would make white women want to have sex with blacks; he also indicated that those blacks who used marijuana were both violent and insane (Singer and Mirhej 2006). Racial panic during this time was not focused solely on blacks. In California, it centered on the large legal and illegal immigrant Mexican population. The Great Depression had exacerbated racial prejudices and led to increased anti-Mexican hostility and resulted in arguments linking Mexicans to evil marijuana usage (Musto 1987). Marijuana legislation severely punished those (minorities)

arrested, resulting in stiff penalties and years spent within the correctional system.

Prior to the 1960s, government officials described marijuana users as maladjusted and hopeless, or criminal and violent. By the end of the decade, the President's commission on Law Enforcement and Administration of Justice (NCMDA) stated that marijuana was merely a mild hallucinogen and its users were essentially indistinguishable from their non-marijuana using peers (NCMDA 1963). Such reports and the sudden downplay of marijuana for whites, but not for blacks, perpetuated the double standard that marijuana is not so bad and that "kids" are just being "kids", unless they are black and then they are criminals.

This significant shift began in the early 1960s as more white middle-class college kids were arrested for marijuana. Research at that time revealed that those smoking marijuana were most likely to be urban, college students in their early twenties (Goode 1970). The same image that gave rise to affiliate "devil weed" with lower class blacks, became a type of societal icon. Anslinger's portrait of the violent and insane Jazz musician morphed into the cool, unflinching musician not afraid to live on the edge of society (Singer and Mirhej 2006). It was this

"cool cat" image that propelled the idea of marijuana use as a rebellious drug adventure throughout the culture of the 1960s and 1970s. The white, middle class counter-culture latched onto this image and the drug that was associated with it, thereby making marijuana usage a characteristic of these decades (Singer 2006).

Arguably, a policy window had opened and policymakers began to view deviance as being increased by official reactions (Empey 1978 as cited in DiChiara and Galliher 1994). By 1969, 10 states had changed their narcotic control laws, resulting in a reduction of marijuana possession to a misdemeanor (Galliher, McCartney, and Baum 1974). President Ford stated that more people were being hurt by criminal laws against marijuana use than hurt by the drug itself (Galliher et al. 1974). U.S. senators and representatives even argued that middle and upper class college students, well on their way to professional success, should not be incarcerated for possessing marijuana (Peterson 1985). Abelson and Fishburne (1977) contended that by 1977 60% of those aged 18-25 had used marijuana. Overall the trends in research showed not only an increase in marijuana usage, but most strikingly that usage had increased dramatically amongst middle-class, college-educated whites, a very stark difference to the

image of marijuana users during the 1930s (DiChiara and Galliher 1994). Additionally, many prominent society leaders were using marijuana, setting the stage for the reconsideration of existing laws.

It is no surprise that the passage of new marijuana legislation was mostly prominent in racially homogeneous states, such as Nebraska, where drug use was not as likely to be associated with a minority group (Galliher and Basilick 1979). In particular, research conducted in Utah and Nebraska revealed that marijuana usage was not affiliated with any particular social or racial group (Galliher and Basilick 1979). Although laws were changing, there was still inherent racism in the laws and this racial history of marijuana can and does affect enforcement.

Most visibly, actors within the criminal justice system, particularly police and judges, were struggling to find appropriate ways to enforce laws and punish marijuana users. Deciphering who and how to punish such offenders was blurred by ambiguous and rapidly changing laws, in addition to the fact that marijuana users were no longer being identified by the color of their skin or class.

## POLICING

Police officers have played a substantial role and spent significant funds enforcing laws surrounding the billion-dollar industry of marijuana. As such, the legalization of marijuana in Colorado has the potential to create several issues for law enforcement, some of which have already begun to surface while others will only be revealed as time goes on. The following section discusses the role of local law enforcement in national drug policies, the influence of the police organization and culture on marijuana enforcement, as well as potential consequences of legalization upon law enforcement.

### *Law Enforcement and Their Role in National Drug Policies*

Throughout history, police officers have had the responsibility of drug enforcement. According to Caulkins (2002), local police are charged with enforcing national drug policies for several reasons; police officers are the only professionals who can respond quickly to drug problems, policing efforts can be tailored to specific types of drug issues, and policymakers have felt that police officers can help reduce the supply of drugs in society. Drug enforcement and specifically marijuana enforcement, has been an expensive endeavor. Research for

2005 suggested that the marijuana market itself exceeded \$10 billion a year nationally, and the cost of marijuana enforcement was \$7.7 billion (Miron 2005). U.S. federal law enforcement agencies in the early 2000s spent well over \$4 billion a year and arrested nearly three-quarters of a million people on primarily marijuana possession (Schlosser 2003). According to the Federal Bureau of Investigation's (FBI) annual Uniform Crime report data, nearly half (49.5%) of the 1,531,251 arrests for drug violations in 2011 were for marijuana, 43.3% of which were for possession alone (FBI 2011).

While many police departments have devoted teams of officers to drug enforcement as their primary role, most rank and file officers are actively involved in employing tactics to enforce drug laws. Weisburd and Eck (2004) suggested that officers typically engage in the following initiatives for drug enforcement: (1) community wide policing activities that rely on police establishing partnerships with community stakeholders; (2) geographically focused activities that target drug hot spots; (3) hot spot policing tactics, such as crackdowns and raids; and (4) traditional approaches that are geographically unfocused and rely primarily on reactive policing. However, the particular manner in which police



officers engage in drug enforcement is largely affected by the police culture and organization. Perhaps not surprising, both the policing organization and culture play a substantial role in the sense that police officers make of drug laws.

### *Police Organization and Culture*

Throughout the late 1970s and into the late 1980s, organizational change in police departments was a continued debate amongst scholars (Greene 1981). In large part this was due to the shift in policing from the reform era of policing to a community oriented policing philosophy. Most policing organizational change research, however, has not addressed the ways in which changes actually filter down to the micro level and the psyche of the individual officer. This is important to acknowledge in that it is surmised in this dissertation that their acceptance and degree of "buy in" into change is largely a result of how they view the change(s) on a personal level.

In his classic research, James Q. Wilson (1968) created a typology for police departments, subsequently dividing them into three types: (1) legalistic, (2) watchman, and (3) service-style. In essence, Wilson (1968) argued that the different styles of policing were largely

dependent upon the chief's beliefs and the political culture, both of which influenced the officer's behavior through the organizational structure. Subsequently, the police culture and organization took on certain norms, values, and beliefs and enforced the law according to the norms, values, and beliefs of the larger police culture that operated as one of the above typologies.

Coordinated with the current research, Worden (1995) linked Wilson's theory to that of the Christopher Commission findings. Specifically, he postured that incentive structures, such as that of the Los Angeles Police Department (LAPD) influenced police behavior and that there is a link between the formal administrative structure and the informal organizational culture (Worden 1995). The idea that both the formal and informal organizational culture affecting various aspects of policing (i.e., incentive structures) is tied to the notions of coupling and loose coupling proposed by Karl Weick (1976).

Weick (1976) introduced the concept of loose coupling, implying that organizational elements are only loosely or minimally connected within organizations. This idea built upon organizational literature, which suggested that one can understand an organization by looking at its formal

structure, goals and activities of the organization. Although Weick (1976) acknowledged the idea of coupling, he argued that one cannot understand an organization without looking at its more informal, and often chaotic parts, which he deemed loose coupled elements. This notion of the influence of formal and informal elements within an organization is crucial to the theoretical contention of this research. That is, the policing organization, on its formal and informal level, has an influence on the sense that officers make of legislative changes.

The informal organization and especially the police culture may be even more important sources of decision premises for police officers than the formal organization. The police culture presumably stems from a set of assumptions about police work that is widely shared among officers and it includes a "code" to which they are expected to adhere (Westley 1970; Van Maanen 1974; Manning 1976, 1979, 1982, 1987; Brown 1981; Reuss-Ianni 1983). Hallett (2003) argued that a police officer's attitude is shaped largely by the internalization of the police culture. Further, he posits that the more an officer becomes a part of the culture and abides by the "code", the more the culture comes to influence the officer's decisions. However, the code is vague and an officer only

comes to make valid decisions and judgments once they incorporate their personal knowledge and experience. This culture is perpetuated in that their personal knowledge and experience cannot help but reflect and reinforce the culture, thereby creating a tautological cycle of the policing culture.

While attitudinal explanations may be compelling in deciphering officer's use of discretion, most theoretical explanations have addressed the issues involved with situational pressures, such as norms and the norms of reference groups and the behavior of others (Worden 1995). Lipsky (1980) argued that both the formal and informal police organization serve as the most important reference groups for officers when making decisions. Manning (1977:163) suggested that written rules within police organizations are "ambiguous and subject to negotiation"; therefore, the translation of organizational rules into decision-making is not clear. As such, the informal organization and especially the police culture may be a more important source of decision making guidelines (Worden 1995).

Mastrofski, Ritti, and Hoffmaster (1987) proposed that both the formal and informal organizational characteristics influence an officer's decision to make DUI arrests. The

results of their study showed that departments that were legalistic, as described by Wilson (1968) had fewer DUI arrests than those in other departments. Further, they found that informal aspects, such as peers, were more influential and a better predictor of police behavior than formal training.

It is clear that research regarding how officers come to interpret information and make decisions is largely dependent upon the police organization and both formal and informal elements. As such, it may be that decisions officers make and how they perform their jobs are results of the sense that they make of the police organization, explained theoretically by the sensemaking perspective as proposed by Weick (1976).

#### *Police Role and Discretion*

Much research exploring the policing role has focused upon the role of discretion (Walker 1993). Discretion refers to an officer's power to make decisions and to act upon their decisions according to their own judgment(s). While discretion is crucial to an officer's role, it is convoluted by the police culture and organization. Two primary issues that police officers encounter in the policing culture are unpredictable and punitive supervisory

oversight (McNamara 1967; Brown 1988; Skolnick 1994; Manning 1995), and the ambiguity of the police role (McNamara 1967; Bittner 1974; Brown 1988). In essence, police officers are expected to enforce the law, in addition to following the proper procedural rules and regulations (McNamara 1967; Brown 1988; Skolnick 1994); however, officers may feel constrained to use their discretion due to the fear of supervisory response. Pepinsky (1975) in his classic work suggested that all research regarding police decision making is focused on aspects of how police decide to enforce or whether to enforce the law.

A police officer's role, then, becomes more like that of a craftsman, and the rule of law as the primary objective of police work falls to the wayside. As Skolnick (1966) contended, five features of a police officer's occupational environment weaken the conception of the rule of law as being the primary objective of police conduct, and it may be that the (1) social psychology of police work, (2) the police officers stake in maintaining their position of authority, (3) police socialization, and (4) the pressure to produce and to be efficient, rather than (5) objective according to legal standards, hold more sway when the two norms are in conflict. Further, the low

visibility nature of the job provides opportunity for police officers to behave inconsistently with the rule of a law. This said, it becomes a platform for debate regarding what is policing role, with one side arguing that police officers are legal actors, and the other contending that they are skilled craftsman. This dilemma affects their use of discretion. It is anticipated that the legalization of marijuana in Colorado will affect officers and their role(s) in many different ways, most of which cannot be foreseen. One issue in particular that has been illuminated is the issue of driving while under the influence of marijuana.

#### *Driving Under the Influence of Marijuana*

One of the most intense debates and questions on Capitol Hill in Denver has been the issue of driving while under the influence of marijuana. This issue proposes unique challenges to law enforcement and their use of discretion.

While it has been established that alcohol increases the risk of someone having a car accident, much less evidence suggests that "driving while high" poses the same risk. However, studies have shown that psychomotor skills are impaired when high (Bates and Blakely 1999; Smiley

1999; Chesher and Longo 2002). In 2011, the Colorado House of Representatives reported that 13 percent of deadly car crashes in the state involved marijuana. This statistic was used to help push House Bill 1114 into the state house. Bill 1114 uses standards similar to those for blood alcohol limits for drunk drivers. Essentially, it sets a limit of five or more nanograms of delta-9-THC present in a milliliter of whole blood for a driver to be considered under the influence of marijuana. A primary issue with using this measurement is that THC lasts a longer period of time in someone's system, as opposed to alcohol. Consequently, a driver who reaches the five-nanogram limit can present to the court their argument that the results were as such due to their tolerance, weight, or other contributing factors. Because Colorado has not set a limit on the amount of marijuana an individual can consume for medicinal purposes, this permissive interference section of HB 1114 allows room for rebut by those who are chronically above the five-nanogram limit (State of Colorado 2012).

This will affect the police in several respects. Firstly, the only way to test the level of THC in an individual's system is by blood draw. Second, should the person refuse the blood draw, they become in jeopardy of losing their license. Third, there is no alternative way



for an officer to know whether a person is above the legal limit of marijuana in their system. Fourth, because there is no road side test to determine if someone is over this limit, an officer therefore must use his/her discretion to determine if the driver's behavior warrants a blood draw. Lastly, unlike alcohol, there are no procedural guidelines to date guiding officers in how they are to handle this issue.

Because of the lack of bright line guidelines and policies regarding this issue, officers are put into the position of using a great deal of discretion. It is surmised that because Colorado legislators have picked an arbitrary number of nanograms following a similar Bill that was passed in Washington state, police officers are unclear as to how they are to handle those who they pull over who may be under the influence of marijuana. The use of discretion, as it pertains to this issue may lend an officer to rely largely not only on their experience, but also on their opinion toward marijuana and its effects on users.

#### *Police Attitudes Toward Marijuana*

A variety of personal factors may play a role in forming an officer's opinion about marijuana. Several

classic studies have suggested that officers' attitudes affect their "style" of policing and that their behavioral style in this respect is associated with their attitude and values (White 1972; Borderick 1977; Muir 1977; Brown 1981). In their work, Beck, Kavelak, and Summons (1982) assessed officers' attitudes toward marijuana. Most interesting, their findings revealed that higher-ranking officers had a more favorable attitude toward decriminalization of marijuana when compared to patrol officers. This is in stark opposition to the traditional role of drug enforcement within the law enforcement role, whereby marijuana violations were strictly enforced.

In addition, the majority of police officers with a college degree indicated that marijuana should be decriminalized, as they felt that it was not addictive and did not lead to increased crime. It may not be surprising that the majority of the higher-ranking officers were also those with a college degree given educational expectations for advancement, and that those with college experience are more favorable toward marijuana given the history of the perception of marijuana and its users present in many Universities. This indicates that perhaps education plays a role in disseminating accurate beliefs about the harmfulness of the substance. Additionally, it may imply

that the college-aged males who were using marijuana in the dormitories during the 1960s are the same officers now indicating a more tolerable approach toward the substance. Such results may mean that an officer's personal attitude toward the substance will have an effect on whether they believe that enforcing the law in regard to driving while high is something that they should do.

The legalization of marijuana in Colorado is still in its infancy and research looking at the ways in which these policies will affect officers is lacking. It is important to assess how police officers are making sense of this legislation, and in particular, how they are defining, interpreting, and reacting to the laws. The sense that they make of the law may affect their attitude and ultimately how they perform their job. Equally important, the sense that they are making of the policies may also shed light on the impact of the police culture and organization in enforcement.

#### THEORETICAL FRAMEWORK

This dissertation investigates how police officers are "making sense" of marijuana laws in Colorado and what sense they are making of them; that is, how they are defining, interpreting, and reacting to marijuana laws in Colorado.

The theory of sensemaking is used as the theoretical foundation for this research.

Theoretically, the current research suggests that officers make sense of marijuana laws through some combination of the following: (1) they follow written organization rules approved by the top brass (e.g., Chief, Sheriff); (2) they rely on their immediate supervisor's stated and/or implied directions; (3) they follow their peer group of officers of their same rank and/or officers within whom they interact with regularly; and/or (4) they follow their own thoughts completely independent of the above.

It is suggested that each of the above are influenced both by the organization, which includes individuals within the organization, and by an officer's interpretation of marijuana laws. To understand how an officer comes to make sense of the laws, and how they define, interpret, and react to them, understanding the policing organization is necessary.

#### *The Policing Organization as a Loosely Coupled System*

Social psychologist Karl Weick introduced the notion of loose coupling in organizations in 1976, implying that organizational elements are only loosely or minimally

connected. This idea built upon organizational literature, which suggested that one can understand an organization by looking at its formal structure, as well as the goals and activities of the organization. Although Weick (1976), acknowledged this idea referred to as coupling, he argued that one cannot understand an organization without looking at the more informal and often chaotic parts of organizations, which he deemed loose coupled elements. Essentially, the idea of loose coupling suggests that every event that affects an organization has its own identity and that actors within the organization cannot make sense of the event without addressing informal elements that help one make sense of the organization and organizational changes.

Weick (1976) used the educational system in the United States as an example of how loosely coupled systems both exist and are important for organizational function. He suggested that viewing an organization as a loose coupling of actors, rewards, and technologies may help to explain better how organizations adapt to their environments and survive amidst uncertainties. If only viewing the educational system from those elements that are considered coupled, one is fixated on technical couplings between things such as technology, role and task, and authority

couplings, including positions, rewards, and sanctions that presumably hold this system together. Although prominent in this system, one must also recognize the temporality and variability of these couplings. As such, coupling alone cannot explain organizations.

Distinguishing between coupled and loosely coupled systems, Weick (1976) suggested that loosely coupled systems often involve: (1) situations where several means can produce the same result; (2) lack of coordination; (3) absence of regulations; and (4) highly connected networks with very slow feedback times. Further, he suggested that these loose couplings might actually help organizations in that, amongst other things, they allow for more self-determination by actors, something that is missing from tightly coupled organizations.

Further, Weick (1976) and Orton and Weick (1990) suggested that loose coupling is exhibited not only between subunits in organizations but also between hierarchical levels, between goals and actions, and between policy and practice. In essence, this concept helps to describe the simultaneous presence of rationality and indeterminacy in organizations (Maguire and Katz 2006).

Policing literature has used the idea of loose coupling in the context of institutional theory (Crank and

Langworthy 1992; Crank 1994, 1998; Mastrofski 1998; Maguire and Mastrofski 2000; Mastrofski and Ritti 2000). Crank and Langworthy (1992) suggested that research investigating the police organization historically has focused upon the institutional values laden within the organization and police practices.

Maguire and Katz (2006:506) used loose coupling as a cognitive model to investigate how police organizations "interpret, label, enact, or otherwise make sense of innovations and reforms in their environments." In addition to utilizing the idea of loose coupling in their research, they also used the sensemaking perspective. Using the combination of loose coupling and sensemaking, Maguire and Katz (2006) strove to examine how local police agencies interpret, define, and react to community policing. Their research focused on the perception that police organizations and the actors within them, must engage in the sensemaking process to organize and react to vast pools of information in their policy environments. While their results were not able to determine the interpretive processes of loose coupling and sensemaking, they were able to observe the products of both of these processes.

While focused upon how officers are making sense of new marijuana laws and what sense they are making of them -

that is, how they are defining, interpreting, and reacting to the laws - it is surmised that this "sense" will affect their policing role and/or daily practices in some respect. Thus the notion of sensemaking is used as it implies that organizations are loosely coupled systems comprised of individuals who have a great deal of freedom to not only interpret, but also to implement organizational changes as they see fit (Manning 1997).

### *Sensemaking*

Weick (1995) expanded upon his notion of loose coupling to include the theoretical idea of sensemaking. The theory of sensemaking has its roots in the social psychological perspective of the interpretivist paradigm. This perspective is based on the idea that some sort of stimuli is placed into a framework, defined as categorizations, anticipations, or assumptions. Essentially, Weick (1995) contends that the process of sensemaking occurs whenever individuals, subunits, or organizations within an industry encounter ambiguous phenomenon and attempt to explain it. This involves the active process of turning circumstances into situations that can be comprehended in words and subsequently acted upon. Gioia and Chittipeddi (1999) claim that the images



that are created by turning situations into actionable words suggest three important points about organizational life:

First, sensemaking occurs when a flow of organizational circumstances is turned into words and salient categories. Second, organizing itself is embodied in written and spoken texts. Third, reading, writing, conversing, and editing are crucial actions that serve as the media through which the invisible hand of institutions shapes conduct. (365)

The authors are suggesting that these three aspects merge into sensemaking as an ongoing process that is instrumental, subtle, swift, social, and often taken for granted. Mills (2003) proposed that this process results in sensemaking being the central role in the determination of human behavior. Specifically, he argues that sensemaking is the primary site where meanings materialize which informs and constrains identity and action.

A central theme of sensemaking is the reduction of uncertainty and ambiguousness through the careful effort to understand a situation (Shannahan et al. 2013). Lipshitz and Strauss (1997) stated that uncertainty arises in situations and in individuals when there is a lack of information, inadequate understanding, and undifferentiated alternatives. Their categorization of uncertainty into the sensemaking perspective was derived from Weick's (1979) classic research whereby he proposed that equivocality

consists of having too many means from which to choose. That is, once ambiguous events or actions are perceived, they are thought about by the individual and then talked about amongst groups of people who compare the current situation with past experiences in an effort to apply meaning. These conclusions then take on meaning and decisions are made as to what to do next. Thus, the interpretation and sense that officers make of policy changes are influenced by their immediate peer group in addition to their own thoughts.

Further, Reuss-Ianni and Ianni (1983) undertook an extensive review of organizational theory and its application to policing. They concluded that it is not the larger organizational structure that motivates and controls individual officer behavior; rather, it is the immediate work or peer group that most strongly influences an officer's behavior. As such, it is appropriate to acknowledge the organization of policing, but vital to focus on what most strongly dictates an officer's behavior. Thus it is surmised that an officer's influences and the resultant sensemaking the officer engages is an ongoing process, whereby he/she comes to define, interpret, and react to change, and subsequently different aspects of the policing role are affected.

*Key components of sensemaking.* There are four key components of sensemaking: (1) sensemaking is a social process; (2) it is an ongoing process; (3) the act of making sense of change comes from extracted cues and lastly; and (4) the act of making sense is driven by plausibility rather than from accuracy (Weick 1995). The process of sensemaking thus "creates objects of sensemaking" (Weick 1995:36).

Sensemaking is not static, but rather a very dynamic social process by which, through interactions and discussions with others, an individual makes sense of what is going on around them. Weick (1995) suggested that additional social and organizational factors also affect the process where members come to make sense of what is around them. Through articulation and sharing, tacit knowledge becomes part of the officer's world (Chan 2007). While some type of shared understanding is gained through these processes, it is important to recognize that the experience of the collective actions is what is shared (Weick 1995) and this collective action is tied to the notion of symbolic power.

Hallett (2003) posited that members of organizations have differential access to symbolic power, understood as power to define the situation. The police organization

lends itself neatly to this idea as many people have symbolic power that is often in competition with another's sense of power, a situation that certainly lends itself to both consensus and conflict. For example, in policing organizations supervisors receive and interpret the changes in marijuana legislation from those who are ranked above them, such as sergeants, commanders, and chiefs.

Supervisors transmit this information to the street level officers along with their own interpretations, beliefs, and attitudes about the changes. As such, street level officers interpret not only what their supervising officers have told them directly (and other superiors indirectly), but also how they themselves understand and feel about the changes. A team of officers may come to make sense of marijuana laws in one way, while another team may make sense of them in an entirely different manner because they have different supervisors and are composed of different team members. This social process of making sense then becomes an ongoing process impacted by the experiences the officers have while enacting their interpretation of the laws.

Sensemaking as an ongoing process suggests that there is no discrete starting or stopping point (Weick 1995). As such, police officers are making sense of events based on

their own interpretations and expectations, while simultaneously being influenced by continuous interruptions and changes. Hence, emotional responses may be induced thereby influencing an officer's attitude toward the organization, in addition to his/her own personal attitude about marijuana enforcement. The idea of an ongoing process in policing coincides with an officer's role of having to make decisions quickly in a variety of situations.

Discretion thus becomes the impetus informing an officer's decisions on the street. While officers are engaged in an ongoing process of organizational change (i.e., change in marijuana law), they are also engaged in making sense based off of extracted cues (i.e., any word or action that an individual has internalized from their external world).

In the context of extracted cues, police officers not only interpret and assign meanings to their experiences, but also act by linking the concrete with the abstract. According to Weick, Sutcliffe, and Obstfeld (2005:412), members of an organization "interpret their knowledge with trusted frameworks; yet mistrust those very same frameworks by testing new frameworks and new interpretations." In effect, part of the sensemaking process is about action. Members of the organization are not just interpreting and concluding, but rather, they are acting "thinkingly."

Weick (1995) contended that sensemaking occurs whenever individuals within an industry are presented with an ambiguous situation or phenomenon and are engaged in a continuous effort to understand the issue or situation. Choo (1996) stated that the sensemaking process is characterized by individuals identifying pieces of information that they deem important. The significance of information is ascertained by exchanging information with others within the same industry to create common interpretations and labels. This results in sensemaking being the result of organizational actors enacting their environment and constructing their own reality (Choo 1996). Accordingly, the notion of sensemaking in this respect is built upon the foundation that "reality is an ongoing accomplishment that emerges from efforts to create order and make retrospective sense of what occurs" (Weick 1993:635).

Weick (1995:36) postured that sensemaking is the "feedstock for institutionalization." That is, people socially create their world, which then becomes their "real" world. Essentially, this suggests that only through the process of making sense of the world that surrounds a police officer, is a police officer able to create what to him/her is the world in which he/she operates. This idea is

tied to the idea of the social construction of reality proposed by Berger and Luckman (1967). The social construction of reality may affect not only an officer's opinion of marijuana laws, but also the way in which they handle offenses, as well as their daily practices and overall policing role.

*The effect of sensemaking on the police role and decision making.* In his classic research, Wilson (1968) explored factors that affect an officer's decision to arrest. He concluded that this decision making is affected by organizational contexts; that is, officers often are not making decisions in a vacuum, nor are they strictly interpreting the law, as described above. Rather decisions are somehow influenced by organizational factors. Further, Walker (1993) suggested that police decision making has historically been influenced by an officer's own discretion. The work by Wilson (1968) and Walker (1993) suggest two perspectives: (1) that the policing organization explains an officer's decision, and (2) that decisions are made by individual officers based on their own interpretation of the organization and the situation of which they are a part. Further, when there is a change in policy and/or law, that change first takes place within the organization at the "brass" level (i.e., sergeants and

above) and is then filtered down to street level officers. As such, from a theoretical perspective, it is argued that how the change in policy/law filters down to the actual behavior of street officers is dependent upon the sense that street officers make of the law and the expectations for how they are to define, interpret, and react to the change in policy/law.

### *Methodology and Sensemaking*

Weick (1995) suggested that organizational studies using the sensemaking paradigm be conducted using a qualitative research design and longitudinally so that the process of sensemaking could be observed as it unfolds. The current research uses a qualitative research design over a few months of time in order to understand how police make sense of the new marijuana legislation in Colorado allowing for the legal use of marijuana for recreational purposes, and what sense they make of the laws; that is, how they define, interpret, and react to marijuana policies. Chapter III presents the methodology used to pursue this research.



## CHAPTER III

### METHODS

This chapter details the research design used to explore the question: How are police officers “making sense” of marijuana laws in Colorado and what sense they are making of them; that is, how are they defining, interpreting, and reacting to marijuana laws in Colorado? This chapter first provides a brief description of the research participants, followed by a discussion regarding qualitative methodology and semi-structured interviews. Lastly, the research plan is presented.

#### RESEARCH PARTICIPANTS

Participants for this dissertation research are officers employed with the Denver Police Department (DPD). The Denver Police Department is a full service police department for the City and County of Denver, Colorado. Officers are responsible for providing a full spectrum of police services to over 600,000 people within 155 square miles. The Department is comprised of six patrol districts. Contained within these districts are three different sectors with each having multiple precincts. As of February 2014, the city and county of Denver had one marijuana store

for every 3,780 residents in the city and county (McKay 2014). Because DPD is the largest police jurisdiction in Colorado, and because Denver has more marijuana dispensaries than any other city or county in the state, they are the most appropriate sample to interview. In an effort to assess the sense that police officers are making of marijuana laws in Colorado, semi-structured interviews were conducted.

#### QUALITATIVE RESEARCH

Qualitative methodologies are used primarily to explore how or why a phenomenon occurs, to describe the nature of an individual's experience, or to develop a theory (Glesne 2006; Fetters, Curry, and Creswell 2013). The method chosen for research should be driven by the research question. Given the exploratory nature of this dissertation, to ascertain what sense police officers in Denver are making of marijuana laws, qualitative methodology is most appropriate. Information obtained from qualitative methods focus on depth, rather than breadth and has an ability to capture complex meanings and experiences which quantitative research cannot uncover (Gubrium and Holstein 1997; Bachman and Schutt 2007). Qualitative methods range from a variety of epistemological orientations, data

gathering techniques, and analytic procedures (Bachman and Schutt 2007). Further, qualitative analysis "allows a researcher to get at the inner experience of participants, to determine how meanings are formed through and in culture, and to discover rather than test variables" (Corbin and Strauss 2008:12).

In this vein, Rubin and Rubin (2005) suggested that when assessing organizational culture research, interviews are the most appropriate method to obtain data. Organizational culture research is that which is aimed at understanding organizational behavior (Rubin and Rubin 2005). The notion of sensemaking (Weick 1995) as discussed in the theoretical framework of this dissertation, suggests that questions should explore the influence of the organization on an officer's sense of marijuana law. Interviews allow for the exploration of the influence of the policing organization on the sense that an officer is making of marijuana laws. Semi-structured interviews were used as the specific methodology to explore the research question.

#### *Semi-Structured Interviews*

Semi-structured interview data constitute the empirical background of much qualitative research in the

social sciences, and is an active performer in creating meaning (Campbell,Quincy,Osserman and Pedersen 2013). Researchers in the areas of urban inequality, economic sociology, and organizational sociology have used this method intensively (Campbell et al. 2013). This type of in-depth interviewing involves conducting an intense conversation with a participant in order to understand their perceptions, opinions, and thoughts about a subject (Creswell 2007), while allowing for new ideas to be brought up and explored (Rubin and Rubin 2007). As such, phrasing and tone used to ask each question may be adjusted as necessary in an effort to relate to the interviewee and to capture as much information as possible from the participants. This type of method allows the interviewer to interact with the participants in a manner in which they are able to understand and learn as much as possible from the participant (Baxter and Babbie 2004).

Further, semi-structured interviews are frequently used in policy research (Harrell and Bradley 2009), therefore making this technique the most appropriate method for this research. Such interviews differ from in-depth controlled interviews in many respects, the most prominent being that the researcher approaches each interview with questions and topics that must be covered, but reserves

some discretion about the order in which the questions are asked. In an effort to maintain the validity of these interviews, the questions are standardized and probes are frequently used to ensure that the researcher covers the correct material. Semi-structured interviews are sometimes referred to as a conversational interview in which through a more relaxed interview, the topic is able to be deeply and fully explored and understood (Harrell and Bradley 2009). Because this research is the first to address the sense that officers in Denver are making of marijuana laws, it was necessary to be open to information that the interviewee brought up in need of further exploration.

While there are several benefits to this methodology, such as providing participants with opportunities to express their own personal viewpoints and reflections about social issues (Creswell 2007), there are some limitations as well. First, this method can be time consuming given the amount of time it may take to conduct interviews. Second, like most qualitative methodologies, the findings are argued to be less generalizable than quantitative findings, thus, encroaching upon the external validity of the research (Berg 2007). Lastly, this method involves the researcher being knowledgeable as to the appropriate questions for the interview, in addition to their knowing

how to avoid leading questions, and how to remain an ethical and neutral researcher. These limitations are overcome in the current study by the expressed nature of the research as exploratory and the researcher's commitment to the project. Thus, given the research topic, this technique was appropriate for assessing the sense that officers are making of marijuana laws in Colorado.

#### *The Interview Schedule*

The appendix contains the interview schedule. The questions were designed to capture the key components of the theoretical perspective of sensemaking.

Assessing how an officer has come to know and develop their opinion about marijuana legislation is key to sensemaking. In fact, Reuss-Ianni and Ianni (1983) alluded to the notion that it is the immediate peer group of an officer that most strongly influences their behavior. Accordingly, ascertaining how an officer has come to know about legislation helped to determine the organizational versus peer influence on the officer.

Questions 1 through 3 sought to uncover general information regarding how participants have come to know about and develop opinions/views about marijuana legislation in an attempt to assess the importance of the

peer relationship as suggested by Reuss-Ianni and Ianni (1983). Additional questions (i.e., 4 through 11) attempted to uncover information about the four key components of sensemaking as a social process, as an ongoing process, as an act that comes from extracted cues, and lastly, as a process that is driven by plausibility rather than accuracy, as suggested by Weick (1995).

Questions 4 through 6 were designed to uncover sensemaking as a social process. While questions 4 and 5 asked respondents about who has influenced their interpretation of the marijuana laws, as well as whether the officer believes that their peers have the same views regarding legalization as they do; question 5c dug a little deeper into the notion of the social process by addressing how information is disseminated through the police department. Realizing that the social process may be influenced not only by immediate peers, but also by supervisors and that those influences may affect the social process differently, question 6 asked participants how their perspective of the marijuana laws has been formed through interactions with peers and question 6a asked how it has been formed through interactions with supervisors.

Sensemaking as an ongoing process is addressed in question 7. By asking participants how their day-to-day job

related activities have been affected by legalization, provided an opportunity to see how making sense of such legislation does not exist in a vacuum and is indeed an ongoing activity. Further, discretion is a decision making power that differs according to the given circumstances that an officer finds him/herself in and changes as the situation is happening or ongoing. Accordingly, question 7a asked participants how if at all their discretion has been impacted. If, perhaps, an officers discretion has been impacted, one may surmise that the process of understanding how to handle daily tasks relating to marijuana are also ongoing, just as discretion.

In the context of extracted cues, police officers not only interpret and assign meanings to their experiences, but also they act by linking the concrete with the abstract. According to Weick, Sutcliffe, and Obstfeld (2005:412), members of an organization "interpret their knowledge with trusted frameworks; yet mistrust those very same frameworks by testing new frameworks and new interpretations." Questions 8 and 9 explored the extracted cues component. In doing so, question 8 explored the existing framework by asking how that framework may affect an officer's decision when handling marijuana. Questions 8b and 8c assessed why and how things within the police



department (e.g., existing framework) affect an officer's decision(s) by asking why and how they affect decisions regarding marijuana. Asking officers how people's behaviors have changed since legalization(question 9) and how the officer is responding to a once hidden behavior being very public (question 9a), was an attempt to further assess the way that an officer may be making sense of marijuana legislation from extracted cues.

Weick (1995) and Choo (1996) argued that when individuals are presented with ambiguous situations they constantly engage in an effort to understand the situation. Further, Choo (1996) stated that individuals identify pieces of information that they deem important and use those pieces to make sense of the situation. This results in sensemaking being the result of organizational actors enacting their environment and constructing their own reality (Choo 1996). These ideas are thus tied to the plausibility element of sensemaking; officers create an understanding and acceptance those things that they seem worthy of approval of acceptance and act accordingly. In an effort to discover the plausibility component, questions 10 and 11 addressed this idea in two different ways. Question 10 tapped into the experiences that officers have had with enforcing marijuana laws. Based on the idea that an officer

will make sense of the laws and that they will create their sense partially based off of plausibility, this question asked what experience they have had enforcing such laws. In the same vein of plausibility, question 11 asked officers what things should be considered with the passing of Amendment 64. This question helped to uncover not only some issues worthy of further consideration, but also, discrepancies in the law itself and the officer's interpretation of the law. While this question engaged the plausibility aspect it also helped to illuminate the overall sensemaking process itself.

Since the interview questions are theoretically driven, they allowed for the deep exploration of the sense that officers are making of marijuana laws, in addition to how they have come to define, interpret and react to such laws.

#### RESEARCH PLAN

In an effort to understand the sense that police officers in Denver are making of marijuana laws, semi-structured interviews were conducted with officers. Convenience sampling, a type of sampling technique whereby participants were chosen to be interviewed based entirely on the convenient accessibility of the researcher (Creswell

2007) was used. This non-probability sampling technique allows the researcher to use those who are most easily accessible, subsequently resulting in being able to explore the research question in a timely and inexpensive manner (Berg 2007). Officers recruited for interviews shared their insight into how they have come to make sense of marijuana laws in the state of Colorado.

One month prior to the interviews, officers employed with the Denver Police Department were emailed by the researcher asking if they would like to participate in the study. Contained within the email was information regarding the confidentiality of this study, in addition to it being a purely volunteer initiative on behalf of the participant.

Prior to commencing each interview, officers were given an information sheet as well as orally informed regarding the confidentiality and anonymity of their responses, their right not to participate in the study at any time, as well as a brief overview of how the interview would flow. Once voluntary consent to conduct the interview was given, the interview commenced. During the course of the interview, the researcher recorded questions and responses in addition to taking in depth notes. These two strategies helped to accurately capture the interviewees' responses.

In an effort to ensure reliability and validity the transcribed data was checked with the audio recording of the interview. The Denver Police Department was given a report of the results of the research.

#### PROTECTION OF PARTICIPANTS

The College of Arts and Letters Human Subjects Review Committee members at Old Dominion University approved the project and interview schedule as exempt from full review.

The research was conducted ensuring that the rules and regulations protecting human subjects were followed.

In order to ensure confidentiality, an identification number was applied to each interview session. This number was used only during data collection and analysis in order to be able to follow-up with an officer after the interview to clarify responses if necessary. Participants were informed of their rights during the course of the interview, most importantly of their right to abstain from answering any question and their right to refuse to continue the interview at any time. Further, each participant was informed that upon completion of the research, the list matching identification numbers and officer names would be destroyed.

## CHAPTER IV

### FINDINGS

This chapter presents the findings following interviews with Denver Police officers. Questions were asked in an effort to explore two research questions. First, what sense are police officers in Colorado making of new legalization of marijuana laws? Second, how are officers defining, interpreting and reacting to marijuana laws in Colorado?

#### SAMPLE DEMOGRAPHICS

Data for this research was collected during the fall of 2014. In an effort to obtain volunteers for this research, emails were sent out to contacts within Denver Police Department asking if they would be interested in participating. Additionally, fliers were placed at sub stations in each of the six districts in Denver. The recruitment yielded 22 Denver police officers. Participants include patrol officers, sergeants, lieutenants, and commanders. Participants represent all six districts. The average age of participants is 39 and ranges from 24 to 60 years old. The sample is mostly male (N=19) and the years of service ranges from six months to just over 40 years

(mean = 13.86 years, std = 11.985, median = 13.86). Given the skewed gender composition of this sample, in an effort to ensure the confidentiality of participants, the male pronoun is used in all reporting of responses. The interviews took place at various public locations or in the course of a ride along with the officer. The amount of time spent interviewing participants varied from 17 minutes to over an hour.

Following the collection of demographic information, questions were asked to assess what sense officers are making of marijuana laws in Colorado and how they are defining, interpreting, and reacting to the legislation. Findings are reported within three main themes (i.e., knowledge acquisition, attitudes, and unintended consequences) and are presented below.

#### THE ACQUISITION OF KNOWLEDGE ABOUT MARIJUANA LAWS

Several questions (see appendix) were aimed at assessing the ways in which officers obtain their knowledge regarding marijuana laws in Colorado. Responses reveal that officers obtained their knowledge from a departmental bulletin, the media, and/or their peers.

*Department Bulletin*

A handful (N=6) of officers stated that they obtained their knowledge regarding marijuana laws from a department bulletin that was emailed to them. In addition to stating that they felt that they obtained most of their knowledge from the bulletin, several other themes emerged regarding the bulletin. In particular, officers indicated that they had not read the entire document, that time was one of the primary reasons as to why they had not read the entire bulletin, and that they expected that the bulletin would not be informative and therefore they did not read it.

Of the six officers who indicated that they used the bulletin to obtain their knowledge, three were eager for the researcher to look at it.

There was a bulletin that was sent out on January 1<sup>st</sup> or 2<sup>nd</sup> of last year. Would you like to see it? I have never read the whole thing but I have referred to it once or twice when I have had a question. (Officer #3)

Another officer stated, "You know we got a bulletin, right?" (Officer #9). "Here is the bulletin", one officer said as he pulled it up on his computer, "it has pretty much everything we need to know about Amendment 64" (Officer #10). Four of the officers who indicated that they had received their knowledge regarding legalization from the bulletin also indicated that they had not read it in

its entirety but that they refer to it upon occasion when they have a question.

The bulletin that we got in our email mostly sums up the law for us and provides some procedural guidelines for different situations. I have not read the entire thing but have looked at it a few times. (Officer #17)

Another officer echoed this statement by indicating that he uses the bulletin as a quick reference guide of sorts. "It seems to me that a few times I have had a question about the law and have pulled up the bulletin for clarification" (Officer #9). While it was clear that a bulletin was sent out via email to all officers in DPD (indicated by these officers representing different districts), it was also clear that several officers neither read nor relied on this bulletin for information regarding marijuana laws.

Specifically, more than one-half of the officers in the sample (N=12) indicated that they have never read the bulletin. "So, there was a bulletin that was emailed out to us but I don't have time to read it" (Officer #1). Others expressed this same sentiment, that time was an issue and the primary reason as to why they have not read the bulletin.

I barely have time to do what I need to on my shift. Reading a bulletin telling me what Amendment 64 says is just impossible. It has been over a year and I am yet to find the time to read the thing. (Officer #6)



One officer indicated that he doesn't like reading information that the department sends out because it is generally full of useless information. "I never read the stuff that comes from the department. Bulletins like that are always way too big and wordy and I find them to be useless" (Officer #18). When asked how he knew that it was useless if he had not read it he indicated that they are all the same and once you have read one update on a law, you have read them all. "Well, that is a good question but trust me, they are all the same. Just a bunch of words. I want a summary not an encyclopedia" (Officer #18). Three additional officers expressed that they did not read bulletins with updates to laws because they view them as pages of useless information.

I used to always read everything the department sent out. But now, I don't read any of them. I would get frustrated after I read a bulletin because I never felt that it really told me what I needed to know.  
(Officer # 2)

When asked what it was that he thought the bulletins were missing the officer responded, "I think it is the application piece. Like I understand that we need to know the law but I really just need to know what it means to me."

While the bulletin was used by some to obtain their knowledge, others stated that the media plays a role in forming their knowledge regarding legalization.

### *Media*

Several officers (N=9) indicated that they acquire their knowledge of marijuana law from the media.

You know it is interesting that you ask me this, because I was watching the news the other day and they were talking about a girl getting sick from edibles. They were talking about the lack of regulations regarding those. I actually thought to myself how I find out so much regarding law change considerations from the news. (Officer #8)

"We are just kinda on our own to understand things. I usually find out about what's going on with the laws from the news" (Officer #6). One officer made a distinction between the local television news and the local newspaper in aiding their acquisition of knowledge. "I don't trust the news casts," said one officer, "I only read the Post and see what they have to say. They have outlined the law from the beginning and I have read every one of those articles and have learned what I need to know" (Officer #12). Another officer said, "Amendment 64 is so confusing and it seems like new things are coming up all of the time. I rely on the news to keep me up to speed. They just get to the point" (Officer #18).

When I think about where I have gotten my knowledge about legalization, the first thing that pops in my head is the news. It has been arguably the hottest topic on the news for a long time and they do a good sum up version of the law. For this reason, I've got to say that I have kept apprised of the law from the news and they have helped me get my knowledge about marijuana. (Officer #2)

One officer indicated that getting his knowledge from the news may not be the best, but it is where he has obtained it. "Right or wrong, and perhaps not the best source to get my knowledge, but the majority of what I know about the law itself came from the news (Officer #1). "It's just so convenient," stated one officer, "anytime anything changes the news tells us about it. It is just easy to find out what I need to know about the law from the news. Maybe I should question what they are telling me, but I don't" (Officer # 8). Of the officers who stated that they received their knowledge from the media they all echoed the sentiments above. That is, that the news is an easy, convenient, straightforward way of hearing what they need to know.

In addition to the department bulletin and the media, several respondents stated that they obtain the majority of their knowledge from their peers.

### *Peers*

A subculture of policing with its own set of shared norms, values, and beliefs largely defines the police organization. The subculture and the beliefs within were illustrated by officers indicating that they obtained the greatest amount of information regarding marijuana law from their peers. "When I think of how I have obtained information about Amendment 64, I recall a series of conversations that I have had with my team" (Officer #20). Specifically, this officer talked about how, regardless of what information they are given from the top, understanding the information comes down to conversation amongst officers. Moreover, he talked about how everyday they encounter issues surrounding marijuana and they talk to one another about it during the course of their day. "Sometimes it isn't a 'big' situation but it's a weird one, or one that made us mad, or makes us think. We talk about that" (Officer #20).

Two officers stated that while there are many ways to obtain information, really understanding enforcement issues requires the sharing of stories and experiences.

The law is the law, and that is just it. But it is not the law that we think about. We talk about the issues we are having on the street with marijuana. We talk about how jacked up the law is and we talk about what

"they" (i.e., lawmakers) should do to help us out a bit on the street. (Officer #21)

Other officers echoed this statement, suggesting that it is one thing to read the law and another thing to enforce it. Further, they discussed how the only way to really know what is going on and how to react in certain situations is to learn from their peers.

I don't encounter stuff every day. But I have co-workers who do. So in a sense I guess you can say that we rely on each other to learn different things about enforcement, and also what new ways people are getting around the law. (Officer #19)

Officers' responses made it apparent that learning about legalization and what it means to them is a matter of encountering different situations either personally or through their peers. This was made clear by statements such as, "The law doesn't help me, being in situations helps me" (Officer #20); "I have to ask my buddies what they are doing in certain situations. Honestly, I don't always know what I am supposed to do" (Officer #7); and "We use each other as teachers. We teach each other what to do and what we shouldn't do" (Officer #11). Like these line officers, those officers ranked as a Lieutenant or Commander also acknowledged the peer influence.

I guess it probably shouldn't be this way. But I took the law, helped make the bulletin, and then sent it down to the Sarges. I've been in policing long enough to know that the bulletin would be looked at by a few,

but the majority would just wait and see what happened on the street and take it from there. I also knew, and know, that the guys are talking and they are making up their own minds about how they will handle stuff within the confines of the law. They have gotten real good at articulating the situations to remain within the law. I'll say it again. This isn't cause of the bulletin; it is because what they are learning from their peers. (Officer #5)

After identifying where officers obtained the majority of their knowledge regarding legalization, respondents were asked a series of questions directed at gaining an understanding as to the sense that they are making of the laws and how they are interpreting and reacting to them. Several themes emerged.

#### ATTITUDES ABOUT CHANGES IN MARIJUANA LAWS

It was clear from the first question that was asked of officers as to what they know and do not know about marijuana legislation that there was something more going on in regard to what they knew. Officers' responses were not simply "factual" or "stick by the book" responses. Rather, their responses were loaded with emotion; they talked very passionately about their thoughts and appeared eager to share them. Additionally, at times officers used language that expressed frustration and anger. As a result, through the coding process it became quite clear that overall, officers in this sample largely felt powerless or

alienated, meaning that they are unable to make change and just needed to do their job.

"What can I do? I really don't care about it. It's legal. I just do what I am supposed to" (Officer #18). Several officers (N=4) stated that they just do what they are told and while they believe that there are some hard consequences of legalization, all that they can do is sit back and "watch the show," as expressed explicitly by one officer. "I can't do anything about any of this crap. So, I'll just continue to sit back, watch the show, and wait until it all blows up" (Officer #4). This type of sentiment was expressed several times.

It became apparent in the course of the interviews that officers felt alienated, like their hands were tied which resulted in an "I don't care" attitude. "I'll tell you, there's nothing I can do about it. The laws are definitely messed up, but I can't do anything about it" (Officer #22). Some officers stated that they decided to participate in this research because they felt like they do not have a say and cannot "do" anything about the laws; this research allowed them to have their voice heard.

I feel like my hands are tied. And who am I gonna tell about my concerns? No one cares what we have to say and what we say won't change anything. I am just glad that someone is interested in what we have to say about the topic. (Officer #6)

The following exchange between the researcher and one officer was similar what occurred in the majority of conversations.

Officer #19: I can tell you what I know for certain about the laws from a law perspective. But I am more inclined to tell you that what I know for certain is that the laws are so messed up.

Researcher: What about the laws are messed up?

Officer #19: Well besides the legal aspects that make no sense, there are the enforcement issues that weren't addressed. And then there is the fact that no one cares about how the law affects us on the street.

Researcher: Can you tell me about how it is affecting you on the street?

Officer #19: Well in so many ways. But the bottom line is that law makers didn't think about how they would basically be tying our hands with this law. It affects just about everything I do these days from community relations to enforcement. But what I really want you to hear is that I don't care that we legalized. I mean, I care, but I have been shown that my thoughts and opinions don't matter. So when you ask me to talk about all of this legalization stuff, I just want to say it is gonna be a waste of time for you because it doesn't matter, won't change anything, and I frankly don't care about the law.

Researcher: I understand what you're saying. Can you tell me more about why you don't care?

Officer #19: Um, sure. It is hard to explain. But I don't care, meaning I am not investing myself in fixing the issues because of legalization because I am at the bottom of the totem pole and what I say or do isn't going to make a difference. So I just do what I am told, I exercise my discretion the best way I can and it is just part of my work life.



As this conversation illustrates, officers felt that they had no choice but to let things go and not interfere with legalization measures because "no one listens or cares to listen to us about laws" (Officer #9). It also became very clear that officers have been socialized into thinking that there is nothing that they can do.

This was apparent when comparing the narratives of those officers who had less than five years of experience with DPD, versus those that had over five years. Officers who had less than five years of service (N=8) were much more eager to talk about ways they wish they could change the law, but acknowledged that no one within their team "gave a shit," as several officers expressed, and therefore they did not either. Comparatively, those with over five years of experience (N=14) immediately talked about how "they," meaning themselves and their peers, felt powerless or alienated, and did not feel that they were able to make a difference or bring about change. For example, when asked what for certain they knew about marijuana legislation either current or past, one officer stated:

Well obviously I know it is legal for both recreational and medicinal purposes. I also know that a lot of things need to change because it was totally reactive law making, which we are seeing now. I wish I could make a difference and let lawmakers know the things that I see that need to change. But like my Sgt says, we don't have a say, so I just keep my

frustration to myself and go about my job. (Officer #1)

This narrative captures the essence of what most officers felt: they don't have a say and therefore, they just do their jobs best they can. The feeling of powerlessness or alienation became most apparent during the coding process whereby the strongest theme emerged: that there are host of unintentional consequences as a result of legalization.

#### UNINTENDED CONSEQUENCES OF LEGALIZATION

Several topics emerged in the course of the interviews that focused on the unintended consequences. During the interviews, officers identified several harms which appeared to fuel their passion regarding the issues they face as a result of legalization. Responses were filled with emotions such as frustration, anger, uncertainty, and desperation for change to lessen these harms.

#### *Impact on Kids*

Every officer (N=22) in this sample mentioned the impact that legalization is having, or will have on kids in Colorado. "I can tell you that I am dealing with kids everyday who are smoking pot" (Officer #10). What legalization means, one officer stated, "is that now we

have a lot to explain to our kids" (Officer #22).

Narratives regarding kids were centered upon two concerns.

First, the harm that may come to kids who smoke pot at a young age and the role that it will play as a gateway drug and second, how marijuana will change society as these kids become adults with attitudes about drugs and police that differ from previous generations.

Kids think it is okay to use marijuana. I know from years of experience that this is the same kid that I will encounter at some point because of other drug usage or criminal behavior. (Officer #5)

Officers expressed concern that kids are learning that it is okay to use drugs. "Regardless of what the law says, it affects you in some way - there is no such thing as a non-harmful drug" (Officer #8).

Many officers (N=13) indicated that they believe that the greater public does not understand the frequency and increased usage of marijuana among juveniles in the state. "I will tell you, these kids are using it, and they are using it at a young age. I don't care what anyone else says, I see it" (Officer #2).

One officer expressed that kids are being used as a social experiment and that the effects of this experiment will not be known for nearly a decade. Others echoed this sentiment and became very passionate when talking about the

lack of regulation regarding edibles and the impact that is having on kids.

And don't get me started talking about edibles... perhaps the largest aspect of regulation that no one considered. Kids are eating tons of edibles. They don't realize how high the THC content is and kids are getting sick. I can't tell you how many times I have had to go to Denver Health because a juvenile basically overdosed on THC. (Officer #16)

Three officers referred to a situation over the summer when a college student from another state came to Colorado and jumped over the railing of his hotel and died. Friends stated that he had eaten an entire marijuana cookie.

Autopsy results confirmed that there were no substances in his body other than THC. "I wish we would learn from these situations and see that it's the kids that are being most strongly influenced and affected by the state's move to make some money" (Officer #13). Officers were extremely passionate about the need for better regulation.

Officers also asserted that the increased usage among juveniles has led to increased hostility between police and the juvenile population.

It's like the kids hear the message that it is okay to smoke marijuana. And then we are coming in telling them it is not okay because they are under 21. I can't tell you how many times they have told me that they got it from their parents and that their parents are okay with them smoking pot, or trying edibles. So basically I have to tell the kids that their parents are wrong and it is not okay and I have to try and get them to respect my words over their parents. It is one

of the hardest situations to be in. Cause they are breaking the law but mom and dad say it is OK.  
(Officer #19)

Many officers echoed this narrative and indicated that they are in a war of sorts with parents who condone smoking marijuana and police who tell them that it is dangerous.

Basically you have smart ass kids who don't respect a word we say, or even respect your authority and they have a very f-you attitude and push us to our limits.  
(Officer #4)

In addition to concern over the consequences that legalization is having, or will have on kids, is the impact that it is having on homelessness.

#### *Impact on Homelessness*

While Colorado has long had a persistent homeless population, an article in the Denver Post in July 2014 blamed marijuana usage for the increase in the homeless population since 2012. Officers reiterated this message, especially those officers working out of District 6 (N=4), "I wish I kept track of how many homeless people I interact with daily who are not from Colorado but are here because of the availability of marijuana" (Officer #15). The following dialogue sheds light on the concerns that officers have regarding the influx in the homeless population.

Researcher: What are some things that you think should have been taken into consideration with the passing of Amendment 64?

Officer #16: Well there are lots of things but I will start with the influx of homeless people we are seeing.

Researcher: That is interesting. Can you tell me more?

Officer #16: I guess the best way to say this is that we already have challenges in dealing with our homeless population and they take a lot of our time and resources on a daily basis. The problem now is that there are more of them and they are all stoned and trying to figure out how to get marijuana. It's a no brainer that they cannot afford to buy the stuff so they are robbing stores or robbing another in order to get it.

Researcher: Oh, I see. So there is an increase in numbers as well as more people engaging in crime in order to get marijuana.

Officer #16: That is exactly right. I just don't think people thought about that. I mean, shit, these people have nothing in the state where they are from, so they might as well come to Colorado where they can smoke weed. Oh, the other issue is that these people are going out to the suburbs; they aren't just staying within Denver. So we are seeing all sorts of things happen with that.

Researcher: What sorts of things?

Officer #16: Well I know that their crime rates are going up just like ours. Oh and then there is the whole thing of people calling the cops because someone who looks creepy is in their neighborhood or whatever. So you know police as a whole are dealing with homeless doing whatever it takes to get pot, and the suburbanites freaking out because the homeless are in their neighborhoods.

This narrative sums up what the majority of officers were experiencing; an influx in a homeless population who sought

to obtain marijuana in a non-legal manner. Specifically, the homeless are migrating out of Denver city limits and into the suburbs, which is presenting issues for the community as well as police officers in multiple jurisdictions.

I have a buddy who is a cop in Golden. He was telling me the other day that they have been dealing with homeless people walking the streets and trying to get pot. Golden has never had a big homeless population, but I guess they figure it is a good place to get pot because of the college population in that city. My buddy was telling me that they (i.e., Golden PD) are spending a lot of time on a daily basis talking to the homeless and locking them up cause they are harassing the college kids for pot. (Officer #9)

Denver officers also indicated that this influx in the homeless population is having an effect on their resources, hospitals, and Denver city jail.

We used to have just a fight or two around the time when the shelter was bringing people in for the night. Now it seems like we have fights down there all the time. There are so many people trying to get into the Denver Rescue Mission and the riff raff starts. It takes at least three of us to respond to these calls. It never used to be this way. Denver homeless are rather territorial and these people have come in from outside of Denver and they don't understand the rules that the usual homeless people have in place. This causes emotions to rise and they have nothing to lose so they all just start fighting. The fight isn't a big deal, the big deal to me is that I have to send several cars to respond and I have to respond as well. It takes up at least a few nights of my weekly shift. (Officer #13)

Several (N=5) officers indicated that they spend a lot of their time responding to issues with the homeless and that

there has been an increase in the homeless moving into Denver. "I used to rarely deal with a conflict amongst homeless people, now I deal with it daily" (Officer #16). It was also clear that the concerns that the police have are not just the influx in the homeless population itself, but rather, that legalization is the impetus in the influx; therefore, it will not lessen and issues will increase.

I honestly do not think that we would be seeing as much unrest in the homeless population had it not been for legalization. I have homeless people tell me all the time that they came to Denver because they could get marijuana. (Officer #14)

One homeless woman flat out told me that she doesn't want any trouble with the law so she came from Michigan to Colorado where she can get her weed legally and not get in trouble. I laughed as I put her in cuffs for smoking in public. (Officer #12)

The officers in District 6 who patrol the downtown Denver area also asserted that the homeless do not really understand Amendment 64.

Okay, we have several things going on. We have an increase in the homeless population, we have an increase in crime in that population, we have them begging for weed, we have them stealing, and we have all smoking out in public, or in the shelters. They do not understand the law. They think that they can just smoke wherever. At some point we just let them smoke wherever because we do not have the time or resources to write them all tickets or lock them up. So basically we are letting them smoke in public, but we are citing or locking up those kids down the street who are not homeless for the exact same violation. (Officer #17)



One officer was frustrated that stakeholders did not consider homelessness issues when promoting legalization.

I just don't understand. How could you not think that we may have people coming to Colorado not just for pot tourism, but to live here and that some of those people would be homeless? And how could you not have considered that an increase in the homeless population would put additional strain on our time and resources? And what about Denver Health? They are having an increase in patients because of the homeless who need health care. Oh, and our jail? As if it wasn't already overcrowded. I take close to double what I used to during a given week and I would say that close to half of those people are homeless. (Officer #14)

Overall the majority of officers (N= 14) indicated the increase in the homeless population and the increase in issues related to this population is an unintended consequence of legalization. "I want to think that someone thought that homeless people would come to Denver because of legalization, but I don't think that they did" (Officer #19). "I actually don't think that anyone thought about legalization causing an increase in migration of homeless people to the state" (Officer #9). "I actually don't think that anyone could have anticipated the added issues that we would have to deal with", one officer stated, "I just don't know if anyone could have anticipated how many problems legalization would cause on the street, especially amongst the homeless" (Officer #21).

In addition to the impact of homelessness, officers identified consequences of a cash only business as an unintended consequence.

#### *Consequences of a Cash Only Business*

The fact that marijuana is legal in Colorado yet still a Schedule I drug on the federal level has created several issues for dispensaries in Denver in regards to payment. Since legalization, dispensaries have been forced to operate on a cash only basis. This is because of the regulatory haze between federal banking laws, the Drug Enforcement Administration (DEA) policies, and the state's experiment with legalization. Traditional banks have steered clear of allowing dispensary owners to open bank accounts because they fear prosecution from the federal entities who are charged with enforcing federal drug policy. While Colorado, supported by a memo from the Department of Justice (DOJ), has proposed a "pot bank" to open in the state to handle dispensary cash, such a bank has not opened and dispensaries are still operating on a cash only basis. Police officers identified several issues in regards to "dispensary cash."

Ten officers wondered why Colorado would pass a law that would put dispensary owners in such a vulnerable

position. "It just doesn't make sense. It is like no one thought about the fact that dispensaries would have tons of money in their buildings every day" (Officer #21). "I am fairly confident that officials didn't think about the fact that dispensaries would be operating on a cash only basis" (Officer #2). One officer was very passionate regarding the issue of dispensaries being a cash business.

What the hell were people thinking? Do you know how much trouble dispensaries having so much cash on hand has created? They are targets for burglaries which increases the chance that someone will get hurt in the process. There is no way to police these places; we can't prevent anything we just have to respond to the call after they have been burglarized. It's ridiculous." (Officer # 17)

The sentiment that this cash only business poses an increased risk for being burglarized was echoed several times.

Obviously our building is right across from a dispensary. I cannot tell you how many times that place has been burglarized. It is almost comical; I mean people have no fear that we are right across the street. They go in and rob them and take off. But in all seriousness, these dispensaries are mostly operating with a ton of cash and it makes them a target for sure. And we are left taking care of not only investigating, but preventing it from happening again. How do we do that? (Officer #4)

The difficulty in investigating such crimes was brought up by three officers who indicated that the lack of a paper trail to determine the cash flow presents unique challenges.

One of the main challenges that we face, I think, when a dispensary is burglarized is that sometimes these places have months of cash on hand and poor record keeping. It makes it difficult to know exactly how much we are looking for. (Officer #16)

I hate investigating a dispensary burglary. Because it is cash I have no idea who I am looking for unless we got them on camera. There is no way for me to trace someone's cash. It really makes identifying a suspect challenging." (Officer #18)

The cash only business led officers to express concern about money laundering and inadequate paperwork for taxing purposes. One officer insisted that this increased money laundering.

There are not, to my knowledge any regulations regarding the tracking of sales in dispensaries. So it is fertile ground for laundering. We don't have data on that, or at least I don't know that we do, but I'm telling you, it is happening. (Officer #7)

Several officers (N=4) who identified the consequence of the cash only business, indicated that the ample amount of cash from the marijuana industry makes not only money laundering an easy crime, but it also attracts cartel activity to the state. "It is so easy for these guys to come in, make a ton of cash, and take the product out of the state" (Officer #11). "I find it absolutely crazy," said one officer, "that the state is kind of operating on an honor policy with sales in dispensaries in terms of reporting. That just invites crime" (Officer #19).

Anyone who ever thought that legalization wouldn't attract cartel activity is crazy. It was a welcome invitation and they came and continue to operate out of our state. (Officer #5)

In addition to the challenges that exist in this cash only business, officers spoke about the struggles that they have in regard to lawful searches and seizures.

#### *Consequences for Search and Seizure Law*

During one of the conversations that eventually led to this research, the former Chief of the Marijuana Enforcement division indicated that vagueness in the amendments governing medicinal and recreational marijuana created barriers for officers in establishing probable cause for search warrants. Thus, it was not surprising that officers in this sample brought up the same issue.

These laws don't make any damn sense. I don't understand how no one thought about how this would affect [probable cause] and search warrants. We didn't take care of the issues with medicinal law so we have a hell of a time getting search warrants for marijuana. The laws are completely vague. And frankly, the [district attorney] isn't going to prosecute the case because jurors side with medicinal users, even if they are involved in distributing or breaking the law in some other way. (Officer #11)

Other officers expressed frustration in regards to the impact that legalization has on their ability to seize marijuana.

Would you believe that we have to take care of someone's plants? We have to take care of them when we seize them as evidence because if the charges are dropped or they are acquitted we have to return the plants to them. (Officer #2)

This situation clearly illustrates the ambiguity in state versus federal laws. Specifically, federal law says that marijuana is prohibited, yet state law in Colorado says it is legal. Aspects of search and seizure is where most officers used the expression, "my hands are tied," primarily referring to the fact that the state may dictate that plants or other marijuana and paraphernalia be returned to an acquitted defendant, yet under federal law it is a violation to return the marijuana. Several officers (N=6) expressed frustration when talking about how they felt like they had to choose which constitution to uphold when it comes to search and seizure. "I am a sworn officer and need to uphold the Federal Constitution. But I also have to uphold Colorado's Constitution. They conflict, so what am I supposed to do?" (Officer #22).

I think that this is where a lot of the problem lies. We just let it go because unless it is associated with organized crime we are going to be stuck in a horrible spot of seizing marijuana and then possibly having to return it to the user. It is embarrassing and I think that it lessens respect that people have for us. (Officer #7)

Officers repeatedly stated that "the laws are not clear," "the laws make no sense," "I don't understand," and

"what am I supposed to do" when talking about this particular unintended consequence.

### *Consequences of "Grey" Market Activity*

Officers identified a growing "grey market" in Colorado. Historically, the term black market has been used to describe activities that are clearly illegal. Today in Colorado, the term grey market is used to represent the grey areas of the law that exist and in many ways make illegal activities possible. Officers in this sample refer to the grey market when talking about those who are legally operating and also illegally selling under the table.

You know it is such a no brainer. Of course people are going to sell underground and illegally. People are also gonna sell under the table, meaning they are legally operating but they are selling underground. This grey market, as we call it, is huge and growing.  
(Officer #20)

"What I don't get, said one officer, is how did they not think about the black market? And how did they not think about the development of a grey market?" (Officer #1). "It just doesn't make sense" was a common sentiment expressed by officers. The establishment and growth of the grey market in the state, according to officers, is tied to cartel activity which opens another "can of worms" as one officer stated.

So you have these people who are growing legally and the demand for marijuana is high from other states and countries. So you have people selling to cartels essentially. Well that brings in another host of issues and opens a huge can of worms. I mean now we have cartels coming into Colorado and operating and most of them are armed, don't care about our laws, and pose a threat to our community and our officers. I would say that the majority of our big busts have been related to cartel activity. It is not just maw and pa shops around here. No, we have the big guys coming in and out of Denver. It is actually rather scary. I mean look at the damage that cartels have done in other places. These guys will kill. They place a large demand on people for product and when they don't produce, well ya, they kill them. (Officer #4)

Besides cartel activity, the grey market encourages illegal grows due to "the whole supply and demand thing" (Officer #17). Several officers (N=8) discussed how it is nearly impossible to determine when a legal grower is growing or selling for the grey market. "Again, our hands are tied. It is almost impossible to determine. So we don't do a damn thing about it" (Officer #9).

It is nearly impossible to determine whether a grow is illegal. I especially see this when dealing with medicinal marijuana and caregiver grows. Caregivers do not register their cultivation grows as they should, so often I have to challenge the legality of the grow which is challenging. In fact, I don't even challenge it anymore because it is almost impossible to file charges due to the law. Caregivers can have grows in numerous locations for their patients. So I don't even question their grows anymore. I guess what I am trying to say is that because of the law people are essentially allowed to grow a ridiculous amount of marijuana which is actually just feeding the grey market because they have so much excess pot. (Officer #19)



The grey market, as identified by officers, has consequences that will affect law enforcement for some time.

How do you stop it? Legalization has really just welcomed in cartels, and the development of a grey market. Now that the door is opened, there is no way to shut it. So what we really need to do now is figure out how we are going to best control it. This stuff just gets me frustrated. It is so hard to make sense of it all and I want to change things but can't, obviously. (Officer #7)

Overall officers indicated that the grey market is a direct consequence of legalization and will continue to expand.

#### SUMMARY OF FINDINGS

In sum, Denver officers shed light on the complexity of the legalization of marijuana in Colorado and the many ways in which it affects them. Of interest, the findings did not seem to be concentrated in any particular demographic category and themes transcended years of service, rank, precinct, and age.

Officers indicated that the manner in which they had obtained their knowledge of marijuana law has not come from one source. Rather, officers learned about the law from three primary sources: department bulletin, media, and/or peers. In discussing where officers obtain their knowledge and why they felt as though this source has had the

greatest impact on their knowledge, it became evident that officers have their own personal views regarding marijuana and these carried over into their development of knowledge. One officer in particular said, "Thinking about where I have obtained my knowledge is difficult because it has always been a part of my life in some capacity" (Officer #21). Another officer echoed this sentiment stating that it is one of "those things that has personal values and beliefs intertwined." As such, the concept of knowledge was shown to be one of the many layers in explaining how officers are defining the laws and the subsequent sense that they make of them.

There appears to be a sense of alienation, or powerlessness amongst officers. Evidence for this is found as officers state that they "don't care because there is nothing that they can do." Discussed in the following chapter, this may be reflection of the sense that they are making of the laws, in addition to the ways in which they are obtaining their knowledge. Further, conversations regarding why they don't care brought to light the most powerful theme of this research: there is a host of unintended consequences that affect police daily.

Unintended consequences, in the form of the impact on kids, the attraction of homeless juveniles to Denver, the

consequences of a cash-only business, ambiguity in search and seizure law, and the establishment and growth of the grey market, help to shed light on the sense that officers are making of marijuana legislation. The implications of these findings are discussed in the next chapter.

## CHAPTER V

## DISCUSSION

This study investigates how police officers in Denver, Colorado are making sense of marijuana laws and how they are defining, interpreting, and reacting to the laws. Historically police officers have been on the "frontlines" of drug enforcement. Local police have been responsible for enforcing national drug policies for three primary reasons: (1) they are the only professionals who can respond quickly to drug problems; (2) their efforts can be tailored to specific types of drug issues; and (3) policymakers have felt that police officers can help reduce the supply of drugs in society (Caulkins 2002). Police officers are the experts charged with ensuring that drug laws are enforced. As such, the sense that they make of marijuana laws and how they are defining, interpreting, and reacting to such laws undoubtedly impacts the effectiveness of marijuana policies in Colorado.

In-depth interviews with 22 Denver police officers were conducted to answer two research questions: (1) what sense are police officers in Colorado making of new legalization of marijuana laws? and (2) how are officers defining, interpreting, and reacting to marijuana laws in

Colorado? Prior to conducting this research, it was surmised that officers make sense of the law through some combination of the following: (1) they follow written organizational rules approved by the top brass; (2) they rely on their immediate supervisor's stated or implied directions; (3) they follow their peer group of officers of their same rank and/or officers with whom they interact with regularly; and/or (4) they follow their own thoughts completely independent of the above. As such, this chapter provides an analysis of the findings that are grounded within the theoretical framework of Weick's (1976) theory of sensemaking.

#### RELEVANCE OF THEORETICAL FRAMEWORK

Weick (1995) contends that the process of sensemaking occurs whenever individuals, subunits, or organizations within an industry encounter ambiguous phenomenon and attempt to explain it. In this research Amendment 64 (i.e., marijuana law) is the ambiguous phenomenon and the attempt to explain it can be defined as the process of interpreting the law. Weick (1995) suggests four key components to the sensemaking process: (1) it is a social process; (2) it is an ongoing process; (3) it draws from extracted cues; and (4) it is based on plausibility rather than from accuracy.

The process of making sense involves turning circumstances into situations that can be comprehended in words and acted upon (Gioia and Chittipeddi 1999). Mills (2003) suggests that sensemaking is where meanings materialize and inform or contain action. That is, officers engage in interpretation, including both their experiences and source of their knowledge, and then they react.

While the findings from this study support each of the four components of Weick's (1995) theory of sensemaking, they also highlight the importance of experiences and subsequent interpretation of such. How officers define, interpret, react and make sense of marijuana law in the state do not exist independently; rather, they are intertwined. Not only are they intertwined, they are interwoven with the four components of sensemaking. Arguably, officers form their definition of and reaction to the law in light of their experiences and interpretation of such. This interpretation then leads officers through a process of making sense. This process illustrates the intertwining of the elements of defining, interpreting, and reacting within the interwoven elements of sensemaking as a social, ongoing process that relies on extracted cues and the aspect of plausibility.

Every officer in this sample (N=22) experienced a case involving marijuana at least once prior to being interviewed and so had knowledge gained from personal experience as well as from other sources. Thus the sense that they are making of the law and how they are defining, interpreting, and reacting to the law has been exposed to both formal and informal elements. Formal elements are defined as the policing organization, and informal elements are defined as their personal experiences and what they hear from their peers. Within the framework of sensemaking, scholars recognize the influence that the formal and informal elements of an organization have on the sensemaking process (Weick 1979; Worden 1995). This notion of the influence of formal and informal elements within an organization is crucial to the theoretical contention of this research and in discussing the findings. That is, that the policing organization, on its formal and informal level, has an influence on the sense that officers make of legislative changes, such as the legalization of marijuana.

#### EMOTION IN RESPONSES

Strong emotions about the legalization of marijuana in Colorado emerged as a surprising theme in this research. Frustration, anger, and confusion were the most common

emotions expressed by officers. Stories of their or their peers experience(s) with marijuana law evoked emotion which attached to their interpretation, reaction, and definition of the law and ultimately the sense that they made of the law. Officers' emotional responses may be attributed to the influence of the formal and informal elements of the police organization and their attitude towards both.

#### *Denver Police Organization: The Formal Elements*

Weick (1976) spoke of the formal elements within an organization and how the formal elements influence the way that individuals make sense of change, such as legislative change. In this research the Denver police organization was represented by the formal element of a department bulletin that was emailed to officers to explain Amendment 64.

When asked where officers obtained the greatest amount of information regarding marijuana legislation, 'some (N=4) referred to a department bulletin. While only a small number of officers stated that they used the bulletin to obtain information regarding marijuana laws, every officer spoke of the bulletin as something that they had received. Overall officers in the sample appear to have a cynical attitude toward the police organization as evidenced by their statements regarding the bulletin.



Participants expressed that they felt like the bulletin was full of useless information, that the department bulletins never tell them what they really need to know from an application standpoint, and that reading them is a waste of time. The officers who stated that they read the bulletin to obtain information regarding the law expressed the same type of cynical attitude; they felt that the bulletin contained what they needed to know and they referred to it when they needed a reference for procedure, but acknowledged that they have not read it in its entirety. When asked why they had not read the entire bulletin they stated that there is a lot of useless information in it and that they simply do not have the time to read the entire thing.

The findings suggest that participants have had previous exposure to department bulletins and that they were useless, time consuming, and a waste of their time. Suffice it to say that previous bulletins have not proven to be useful. As such, officers formed an opinion of the bulletin regarding marijuana law and chose to discount its value in informing them. Arguably it is not the bulletin itself, but an overall cynical attitude toward the Denver police department and frustration with administration for not providing officers with useful, applicable information.

Officers expressed their frustration with the organization and seemed to lump DPD administration into the group of people that did not consider what street cops would face as a result of legalization, perhaps perpetuating cynicism amongst officers. Undoubtedly officers' attitudes toward DPD have an effect on their process of making sense as they are not relying on formal elements for knowledge acquisition. Participants essentially dismissed the formal element of the organization and deferred to the informal element (i.e., experiences and peers) to inform their definition, interpretation, and reaction.

*Peers and Experience: The Informal Elements*

The findings in this research suggest that informal elements are a more significant influence on the sensemaking process. Weick (1976) stated that one cannot understand organizational change and the sensemaking process without acknowledging the informal and often chaotic elements of an organization, which he deemed loose coupled elements. Manning (1977:163) suggested that written rules within police organizations are "ambiguous and subject to negotiation," therefore, the translation of organizational rules into decision-making is not clear. As such, the informal organization and especially the police

culture may be a more important source of decision making guidelines (Worden 1995). The policing culture is comprised of a shared set of norms, values, and beliefs that serve as a reference guide for officers to determine if they are "acting" in the capacity of how an officer is to act in their department. The findings suggest that officers indeed participate in the police subculture and that it affects how they make sense and how they define, interpret, and react to marijuana law.

On numerous occasions officers shared conversations they had with their peers. One officer expressed his belief that the source used to understand marijuana laws is the experiences of his fellow officers. Another officer commented that the best teachers are his peers. Participants time and again referred to the experiences of their peers in helping them to understand the law and to know how to react to certain situations, which coincides with the extracted cue component of sensemaking. The knowledge gained from shared experiences amongst officers therefore defines the norm for how one should act and feel. In other words, officers are influenced by shared stories and learn which opinion is the "right" opinion for a member of the subculture to possess.

Drawing upon Weick (1976) and the component of extracted cues in the sensemaking process, the findings in this research support and suggest that officers engage in a process of interpreting their experiences and assigning meaning to them not only from the experience itself, but from the experiences of their peers. For example, officers may create a concrete definition in their head that the law is stupid; however, this sense arguably is made as a result of linking their concrete definition (i.e., the law is stupid) with the abstract; that is, the knowledge obtained within the trusted framework of peer experiences and interaction with them. Officers are therefore reacting "thinkingly" as implied by Weick, Sutcliffe, and Obstfeld (2005) who posit that organizational members interpret their knowledge within trusted frameworks. Findings from this research suggest that officers did not have an experience and automatically act without thinking. Rather, the knowledge that they have is a compilation of their experiences and their peers' experiences with enforcement, which then drives their reaction. This was illustrated in the findings when officers explicitly stated that they learned how to handle cases from their peers. Three quotes captured the essence of peer influence including, "We talk about the issues we are having on the street with

marijuana" (Officer #21); and "So in a sense I guess you can say that we rely on each other to learn different things about enforcement" (Officer #19). The last quote was from one command officer when he stated:

The guys are talking and they are making up their own minds about how they will handle stuff within the confines of the law. This isn't because of what they learned from the department, it is because of what they are learning from their peers. (Officer #5)

After obtaining knowledge from their peers and adding it to their own personal experience, officers internalize it as knowledge, interpret it, and then act upon their new definition of the law. This notion is eloquently tied to the idea of the social construction of reality, as proposed by Berger and Luckman (1967). Choo (1996) stated that the sensemaking process is characterized by individuals identifying pieces of information that they deem important. The significance of information is ascertained by exchanging information with others within the same industry to create common interpretations and labels. Thus sensemaking is the result of organizational actors enacting their environment and constructing their own reality (Choo 1996). Accordingly, sensemaking is built upon the foundation that "reality is an ongoing accomplishment that emerges from efforts to create order and make retrospective sense of what occurs" (Weick 1993:635).

Having established the presumed role of both the formal and informal elements in the findings of this research, a more in depth discussion regarding the role of the theoretical framework, as well as the formal and informal influences on responses and sensemaking is warranted.

#### MAKING SENSE THROUGH EXPERIENCE USING FORMAL AND INFORMAL ELEMENTS

Unintended consequences, in the form of the impact on kids, the attraction of homeless individuals to Denver, the consequences of a cash-only business, ambiguity in search and seizure law, and the establishment and growth of the grey market were identified by officers in the course of the interviews. Although initially conceived as merely unintended consequences, it is apparent that these consequences are a reflection of the sense that officers are making of marijuana law and reflects how they are defining, interpreting, and reacting to the law.

Officers' emotions (i.e., anger, frustration, confusion) were most pronounced when engaged in conversation regarding these consequences. These emotions were illustrated by statements such as; "We devote so much time and resources to these issues" (Officer #21); "I feel

as though my hands are tied" (Officer #2); "It's like no one thought of this"(Officer #1); "I just don't understand"(Officer #4); "It is just so frustrating" (Officer #13); and "There is nothing that I can do"(Officer #19).

Accompanying their shared statements and emotions were similar stories and beliefs about the harms identified. Their emotional stories and statements are a representation of the role that the shared norms, values, and beliefs play within the sensemaking process of police officers.

Interestingly, conversations with officers in this regard illuminated that they are not necessarily concerned about the consequences of legalization because of safety or harm, but rather, they are emotional about them because of their impact on officers themselves and their peers or teams. Specifically, officers spoke of the increased time spent on marijuana cases, the diversion of resources to investigate marijuana cases and the future issues that the officers will face as a result of legalization.

Although concerned about the impact that legalization will have on kids, officers made statements such as, "We will have to deal with these kids later" (Officer #5); "We have to deal with increased hostility" (Officer #4); and "We have to deal with a lack of legitimacy and respect"

(Officer #13). When talking about the influx in the homeless population, officers indicated that the homeless take a lot of their time and resources and that they create increased crime and the other problems. The focus was not on the impact on the homeless individuals; rather, it was once again focused on the draining of officers' time and resources. This apparent deflection to how the unintended consequences would affect police was also apparent when speaking about marijuana as a cash only business, the vagueness in search and seizure procedure, and the development of a grey market. Officers spoke about the amount of time that is spent investigating crimes that involve dispensaries since there is no paper trail, the attraction of cartel activity to Colorado and the increased crime as a result, and the sheer amount of time that is required to investigate crimes in a cash only business.

All officers spoke about the ambiguity of search and seizure law in relation to marijuana and the difficulty in articulating probable cause to obtain a search warrant. Officers related that this ambiguity tied their hands and so they frequently did nothing about marijuana violations. This has led to a "hands off" approach. Interestingly, even officers who had not encountered this situation stated that they chose to do nothing about marijuana violations because



the case will not be prosecuted. Officers who had not encountered this issue themselves were nonetheless certain of their knowledge of how the case will be handled; clearly this knowledge comes from their peers. Discussions regarding the grey market were similar in that officers feel like their hands are tied and that they cannot stop the activity so they choose to take to do nothing to stop the expansion of this market.

While it is clear that officers are concerned about the issues that each of these consequences cause for them, it is also clear that these experiences contribute to the sense that they are making of the law. Officers stated that the law is stupid, that it doesn't make sense, and that it is impacting them because no one thought about the consequences of legalization on police officers. The conclusions that officers drew about the law, as stated above, were obtained when asking officers what they knew for certain about the law and what sense they were making of the law. As such, it is apparent that the sense that officers are making is that the law "doesn't make sense" due to its ambiguity. This is largely because their experiences have evoked negative emotions which have played a role in their interpretation of the law through their experiences, leading to their reaction and then their

defining of the law as something that doesn't make sense. It may also be because officers had a negative emotion regarding legalization prior to experiencing enforcement of such on the street. The discussion so far has helped to understand how officers are defining and interpreting marijuana laws. The interpretation that officers have and the subsequent definition drive their reaction.

Based on their knowledge and interpretation from personal experience and the experience of their peers with marijuana enforcement, officers in this sample primarily chose one reaction. That is, they chose, for the most part, to not arrest, investigate, or pursue marijuana cases. Their choice not to engage in these enforcement activities was not only made as a result of their knowledge, but it was driven by emotions of feeling powerless and alienated, that they could not make a difference, and so just needed to do their job. A common sentiment amongst officers was stated by one officer in particular. "I can't do anything about any of this crap. So, I'll just continue to sit back, watch the show, and wait until it all blows up" (Officer #4). Others stated things such as, "I'll tell you, there's nothing that I can do about it. The laws are definitely messed up but I can't do anything about it" (Officer #22). The majority of officers (N=16) stated that they felt as

though their hands were tied and that they don't do anything about enforcement because no one cares and it isn't going to matter because they are not supported on an organizational level.

Officers' reaction of ignoring marijuana violations is not only a reaction influenced by their knowledge, but also a result of them feeling as though their command staff and the Denver police department did not care to listen to them. This was captured in several responses where officers said things such as, "Like my Sgt says, we don't have a say, so I just keep my frustration to myself and go about my job" (Officer #1). And "No one wants to listen to us about our concerns" (Officer #5). When speaking of the increased grey market activity, one officer stated that "they," meaning he and his team, do not do anything to stop it because the "DA's office will not prosecute the case" (Officer #10). Clearly, officers feel unsupported in their endeavors to enforce marijuana law and the lack of support has led them to take a hands-off approach. In addition, the discrepancies between federal and state marijuana law has also put them in a position of non-enforcement as they feel that the procedural guidelines between the federal and state laws are extremely vague.

The findings in this research suggest that the informal elements of the policing organization have the strongest effect on the sense that officers are making and how they are defining, interpreting, and reacting to the law. Interestingly, there are several things that officers did not mention that are hot topics on both political and public platforms in regard to legalization. The question then becomes why police officers are not talking about the topics that many others are discussing regarding marijuana.

#### WHAT ARE OFFICERS NOT TALKING ABOUT AND WHY

While police officers are talking about the problems that they have identified and experienced since legalization, the conversations on the political and public platforms are much different. The most cited reason used to advocate for legalization is the tax revenue that it generates.

President Obama was cited as saying that legalization generates tax revenue, reduces crime, and frees up limited police resources (Roberts 2015). There is no doubt that legalization in Colorado is a large money producer evidenced by the \$53 million increased state revenue in 2014 (Gittens 2014). Other states considering legalization refer to the money making aspect first and foremost

(Gittens 2014). Police officers, however, never mentioned this topic when addressing the sense that they are making of the laws. Further, contrary to President Obama's statement, police indicate that legalization is not reducing crime and is actually tying up police resources, not freeing them up. Participants in this research indicate that the cash only market and the creation of a grey market, as well as the influx of the homeless population in search of marijuana and cartels in search of profits, have actually increased deviance and crime. As a result of these issues, respondents indicate that they have to devote more time and effort in investigations to the crimes that legalization has created.

The fact that participants did not talk about the financial aspect of legalization shows that the sense that they make about legalization is built upon their experiences with enforcement. In essence, they have a jaded perspective as they are not dealing with responsible consumers of marijuana. Their sense is therefore built upon only that which they and their peers have experienced and is not influenced by legalization in a broader picture. Their lack of regard for the importance of increased state revenues and the large numbers of responsible drug users in tandem with their opposition to the President on crime and

justice resources demonstrates that the police subculture indeed exists and that the norms, values, and beliefs are constructed as a result of experiences and shared "war" stories.

Because officers are not interacting with those who are happy about and benefit from increased tax revenues, this topic is not of their concern. It is surmised that realizing the financial benefits to Colorado as a result of legalization means nothing positive to them in the course of their jobs. Officers are not talking about the financial benefits of legalization to the state because it is not within their socially constructed world at work. In this study it is contended that the topic of tax revenue generation was not brought up because officers have not experienced the benefits of increased tax revenue; therefore, fiscal benefits are not part of their process of making sense of the law.

#### POLICY IMPLICATIONS

Responses by Denver police officers reveal two primary areas in which policies should be directed: (1) clarification of laws and procedures and (2) training for police officers of all ranks.

*Clarification of Laws and Procedures*

The lack of bright line policies has largely led to confusion about and misuse of discretion in regard to legalization. Police officers have a pledge to uphold both the Colorado and United States Constitutions, which conflict regarding marijuana laws. Until the federal/state debate is addressed, Colorado should provide officers with clear policies and procedures regarding marijuana enforcement. Officers are unclear about how to determine an illegal versus a legal grow and what to do with seized marijuana. They are also unclear about the probable cause needed to execute search warrants. The law surrounding driving while under the influence of marijuana is not officer friendly and is also extremely vague. Providing officers with a procedural handbook with concrete examples, similar to the peace officers handbook, may help officers to enforce the law that they are responsible for enforcing. It will also empower officers with the knowledge necessary to accurately understand the law and to interpret the law as something that is manageable and is helpful to them and not only problematic for them. The construction of the handbook should begin with focus groups of officers from all jurisdictions in Colorado in an effort to obtain a

comprehensive picture of where officers are in need of procedural guidance and law clarification.

#### *Increased Resources & Increased Training of Officers*

Officers in this study cited several times that they have to extend their current resources to address marijuana crimes and enforcement. The police department should assess their resources and consider training all officers on marijuana investigations, apprehension of cartel members and other marijuana activities in order to increase the number of officers available to handle such cases. The burden in Denver is that very few officers are able to fully investigate marijuana cases because sufficient numbers have not been adequately trained through Colorado Peace Officer Standards and Training (P.O.S.T.) initiatives. The lack of training for all officers has led to only a few being able to take cases for investigation, or officers who are untrained having to swim their way through murky waters. This has led to increased time and money spent on marijuana investigations.

#### *Command Awareness Training*

A primary issue identified in this research is that the hierarchical structure of policing results in the



command at the top being unaware of the issues being struggled with by line officers. As such, DPD should consider increased awareness training in the form of focus groups in an effort to allow the street officers to communicate to Command what the challenges they experience. Similarly, this would give Command officers an opportunity to communicate in person with patrol officers regarding areas in need of attention. This could also be used as a way for Command staff to clarify marijuana laws and procedures and to communicate the norms, values, and beliefs of the Denver police organization.

#### CONTRIBUTIONS AND FUTURE DIRECTIONS

This study contributed to the criminological and social psychological literatures by providing an overview of how police officers make sense of, and define, interpret, and react to marijuana laws in Colorado. This research is the first to assess how police officers in Colorado are making sense of new marijuana laws, thereby making a substantial contribution to the literature. It shed light on the ways in which officers engage with both formal and informal elements within the course of their jobs and how each of those elements affects them in their role. This will enhance organizational literature as well

as literature focused on the subculture of policing and the police role. The theory of sensemaking and the qualitative data gathered combine to reveal the intertwined and interwoven components of sensemaking; paving the way for future theory elaboration or construction.

The findings from this research present several opportunities for additional research. Future research should address the issues for street level police officers created by the inconsistencies in federal and state marijuana laws. The exploration of these issues may help to clarify for legislators and police command staff how they can most accurately help their officers to understand what they are to do and not do in regard enforcing marijuana laws. Officers in this research time and again expressed that they felt that their hands were tied and that they could do nothing about the problems that they were experiencing because of the vagueness of the law. Researchers may also consider expanding upon Weick's (1995) updated theory to include the impact that experience plays in the process of sensemaking. Weick's (1995) theory does not emphasize how experiences and the sharing of those experiences with organizational actors substantially impact the sense that actors make of phenomenon. Yet this research found that the sharing of experiences were key to officers'

knowledge about and reactions to the law. In this vein, future research should be undertaken to interweave the four sensemaking components with Weick's (1976) original ideas of coupling and loose coupling, as discussed previously in this research. The interweaving of these components should be placed on different organizational levels, such as on an administration level, a brass level, the street level, and individual level. This will aid in identifying how the sensemaking process involves defining, interpreting, and reacting based off of sense that individuals make as a result of their knowledge. This theoretical elaboration could then be applied to other research questions and both qualitative and quantitative analysis.

Assessing the preconceived notions of officers regarding marijuana as a substance, in addition to their opinion regarding legalization would add another layer of dimension to understanding the sense that officers are making. Such research would help in understanding sensemaking on a micro level. Understanding the sense that officers make on an individual level and what influences their interpretation of the law may help to identify areas that are leading to unequal treatment amongst users. As long as the law is not clear and officers are acting upon their own interpretation and preconceived opinions

offenders are being treated differently across jurisdictions. This unequal enforcement and subsequent treatment should be considered. States that are contemplating legalization should consider this component of enforcement.

Future research should also expand on the number of participants in Colorado to include representation of police departments in all jurisdictions. This study includes 22 Denver police officers across all police districts in DPD but the sample is not representative of all law enforcement in the state, or even in Denver. The sense that other officers are making of marijuana laws and how they are defining, interpreting, and reacting to the laws may be different than those in this sample. It may also be that those officers who volunteered to be interviewed are those most upset or most affected by legalization. Obtaining a larger sample size will help to gain a clearer picture of the reality of the sense that officers are making. Nonetheless, because marijuana is affecting all law enforcement in the state, collecting data from rural as well as urban jurisdictions will provide legislatures with a clearer picture of the "state" of marijuana from a law enforcement perspective. This will also help in creating a handbook clarifying laws and

procedures and in guiding other states considering legalization. Despite these limitations, this study does provide valuable insight into the sense that officers are making of marijuana laws in Colorado and how they are defining, interpreting, and reacting to them.

## CONCLUSION

This research provides a glimpse into not only how the theoretical framework of sensemaking can be applied to policing, but also the issues that police officers in Denver, Colorado are confronting as a result of legalization. It can be concluded that the situations that officers are facing because of marijuana laws in Colorado are those situations that cannot be anticipated without talking to police officers. Further, this study delves into the theoretical framework of sensemaking and illustrates how each of the components work when applied to individual actors within a policing organization.

It is apparent that police officers are making sense of marijuana laws based on their preconceived notions of the law and then engaging in a process with both the formal and informal elements of the organization of which they are a part. In other words, the policing organization, both on its formal and informal level, is influencing the sense

that officers are making of the law. Second, the components of making sense are interwoven with the intertwined actions of defining, interpreting, and reacting. This entire process is contained under the umbrella of emotion and peer influence and has ultimately resulted in one key contention; that is, officers in Denver are taking a hands off approach to marijuana because they perceive the law as something that is in need of change but that they cannot change. The power of the police subculture is present in this research and in essence served to answer the research question, what sense are officers making of new marijuana laws in Colorado? Based on the findings, the answer is that overall officers are having a hard time understanding the law and so are relying on knowledge and attitudes gained from the police subculture as well as their own experience. How officers are defining, interpreting, and reacting to marijuana laws in Colorado is by going through an ongoing process of having experiences, internalizing them, processing them, sharing with peers, gaining knowledge, and then defining the law accordingly based on their social construction of reality.

The findings of this research suggest that officers make sense of the law through some combination of the following: (1) they follow written organizational rules

approved by the top brass; (2) they rely on their immediate supervisor's stated or implied directions; (3) they follow their peer group of officers of their same rank and/or officers with whom they interact with regularly; and/or (4) they follow their own thoughts completely independent of the above. Further, the findings also suggest that making sense of marijuana laws does indeed involve one or more of these contentions but that currently in Colorado supervisors and/or peers have the most powerful influence on the sense that officers make of the law.

The U.S. has been engaged in a symbolic war against drugs, and specifically marijuana, for decades. Marijuana usage has long been associated with racial minorities and many people have been imprisoned for long periods of time as a result of marijuana. Currently another road that may lead to inequality has opened up in enforcement due to the lack of bright line policies. The lack of explicit and clear policies may result in enforcement based on stereotypes. The call for Colorado and all states that are considering legalization for recreational purposes is to create bright line policies in an effort to reduce confusion among officers. The construction of such policies will reduce the grey area in which officers operate thereby

ensuring that users are treated fairly across all jurisdictions and states.



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APPENDIX  
INTERVIEW SCHEDULE

**Introduction:** Hi, my name is Kara Hoofnagle and I am a Ph.D. student at Old Dominion University in Norfolk, VA. Thank you so much for agreeing to talk with me today to help with my research. Today we will be having a conversation regarding your thoughts about the legalization of marijuana in Colorado. Let me assure you that your participation is strictly confidential, meaning that I will never tell anyone what you have said during the course of our time together today. I may use what you say in my research, however, you will not be identified in any manner, nor will I ever indicate that you met with me.

Our conversation will be recorded so that I may focus on our conversation instead of taking notes. After our conversation, I will listen to the recording to take notes. The recording will be destroyed as soon as my note taking is completed. Your name will not appear in any of my notes or other files. Again, let me reassure you that I am only recording this conversation so that I can be fully engaged in our talk.

This interview is one component of my research for my dissertation. Upon completion of my dissertation, the Denver Police Department will receive a copy of my research, however, no names will be mentioned in my research, nor will any other way in which you could be identified.

You may decline to answer any question and you may stop the conversation at any time.

Do you have any questions? May we begin?

*Knowledge and Sensemaking*

1. What do you know for certain about the marijuana laws in

Colorado, either current or past?

2. Do the current marijuana laws make sense to you?

a. In what ways do they?

b. In what ways do they not?

3. Where have you obtained the greatest amount of information on marijuana legislation?

a. Would you say that you have obtained the most information from a trainer or supervisor?

b. What about from your peers, how much information have you obtained from them?

c. Or would you say that publications like training bulletins, printed copies of the legislation, or news articles have provided you with the most information?

#### *Social Process*

4. Who, or what, has influenced your interpretation of the laws

most significantly?

a. How have they influenced you?

5. Do you think that you and your fellow officers have similar

views regarding the legalization of marijuana in Colorado?

a. What makes you believe that?

b. Can you please give me some examples that have led you to believe this?

c. How are these views disseminated amongst the police department?

6. Have your perspectives of marijuana laws been formed through conversations with your peers?

a. How?

b. Have they been formed through conversations with your supervisor?

c. How?

#### *Ongoing Process*

7. What aspects of your day-to-day job related activities have

been affected by the legalization of marijuana?

a. How, if at all, has your use of discretion been impacted?

*Extracted Cues*

8. Is there anything related to the police department that affects your decisions when handling a situation involving marijuana?

a. What are those things?

b. Why do they affect your decisions?

c. How do they affect your decisions?

9. How have civilians behaviors related to the legalization of marijuana for recreational purposes changed?

a. How are you responding to these changes?

*Plausibility*

10. Have you had experiences enforcing the current marijuana law?

a. Can you please tell me about some of those experiences?

11. What are some things that should have been taken into consideration with the passing of Amendment 64?

a. Why do you think that these are important considerations?

CONCLUSION OF THE INTERVIEW:

Do you have questions for me?

Closing: Thank you so much for your time, I have enjoyed our conversation and hope that you have found this time useful. I am very appreciative of your time and insight that you have given me today. As I mentioned prior, this is for my dissertation research and DPD will receive a copy of it when completed. Please remember that your name will not be used, nor will I tell anyone what you specifically said. Thanks and have a good day!

## VITA

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## EDUCATION

Ph.D. Criminology and Criminal Justice, Old Dominion University, 2015  
 M.A. Applied Sociology (Criminal Justice emphasis), Old Dominion University, 2006  
 B.S. Criminal Justice, Old Dominion University (Magna Cum Laude), 2004  
 AA/AS Liberal Arts (Summa Cum Laude), Lord Fairfax Community College, 2002

## PUBLICATIONS

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