

**Published October 13, 2021. Editor's headline:  
The High Cost of Marijuana Enforcement in Wyoming**

Support for legalizing marijuana in Wyoming has grown over the years, according to surveys conducted by the University of Wyoming's Survey and Analysis Center. In October 2020 it found that 54% of Wyoming residents support allowing adults to legally possess marijuana for personal use, while 85% of Wyomingites support medical marijuana, and 75% support decriminalizing marijuana in the state.

Wyoming NORML Director Bennett Sondeno said that DEA-funded marijuana crackdowns "are wasting our tax dollars." He criticized policies and programs that cause harm and expressed dismay over law enforcement agencies gloating about marijuana seizures or arrests that ruin someone's life. He said to target people via traffic stops is equivalent to the so-called "stop-and-frisk" program in New York City that was aimed at racial minorities. If found in possession of even small amounts of marijuana, a person may face felony charges. People are arrested "for simple possession," and it turns their lives upside down. While driving intoxicated by marijuana or any other substance should be illegal, he said, simply having marijuana or THC products in your vehicle poses no more danger than an unopened container of alcohol. He said law enforcement in Wyoming should go after driving-impaired individuals rather than stage huge operations that, in toto, net mere grams of marijuana.

As Wyoming debates drug-law enforcement as regards marijuana, our neighbors to the north voted to pass an initiative that makes it legal, beginning January 1, 2022, for adults to possess up to an ounce of marijuana for personal use. Montana Governor Greg Gianforte also signed a bill into law that allows the sale of recreational marijuana. Further, residents can cultivate two marijuana plants per household.

Still the DEA boasts on its website that in 2019, its Domestic Cannabis Eradication/Suppression Program eliminated 3,232,722 cultivated outdoor cannabis plants and 770,472 indoor plants for a total of 4,003,194 marijuana plants. “In addition, the DCE/SP accounted for 4,718 arrests and the seizure in excess of 29.0 million dollars of cultivator assets. The program also removed 3,210 weapons from cannabis cultivators”—meaning seizure via civil asset foreclosure. In 2020, the DEA continued its nationwide cannabis eradication efforts and provided resources “to 127 state and local law enforcement agencies that actively participate in the program. This assistance allows the enhancement of already aggressive eradication enforcement activities throughout the nation.”

The program began in 1979 as part of the War on Drugs. No effort to reform the agency has had any effect on its bloated operations. The National Hemp Association’s e-newsletters regularly detail appalling destruction of growers’ crops. In one instance, owners watched in helpless rage as helicopters uprooted and carried off eight-foot-tall hemp plants.

As long as marijuana remains illegal in Wyoming, law enforcement agencies continue to carry out “drug interdiction operations” using K-9 units. In an article earlier this year, *Oil City News* reported on studies and data suggesting that drug-sniffing dogs in the field frequently give false alerts. A review conducted in New South Wales, Australia, from 2002-2004, showed that in 74% of cases in which a drug-sniffing dog indicated the presence of drugs on a person “no drugs were subsequently found.” And National Public Radio reported in 2011 that the Chicago Tribune had analyzed three years’ worth of data on cases in suburban Chicago. “According to the analysis, officers found drugs or paraphernalia in only 44 percent of cases in which the dogs had alerted them. When the driver was Latino, the dogs were right just 27 percent of the time.”

The *Oil City News* article also detailed a study from the University of California at Davis that evaluated how handlers’ beliefs and expectations affect their dogs. It found that the dogs’ behavior is influenced by cognitive factors. The study’s lead

author, Lisa Lit, explained that these factors “might be as important—or even more important—than the sensitivity of a dog’s nose.” Drug-sniffing dogs can exhibit what is known as the “Clever Hans” syndrome, so named after a horse whose owner claimed could conduct mathematical operations. A psychologist who observed Hans and its owner recognized that the horse was not performing any mental tasks at all but was watching the body language of its owner, who was unaware he was providing cues. Finally, in 2020 a federal court in Utah threw out a defendant’s indictment over concerns about the reliability of the drug-sniffing dog. Yet in Wyoming, a drug-sniffing dog’s alert can still be used as the probable cause in traffic stops that allows tearing apart the vehicle in search for drugs—without having to provide a warrant—and agents continue to hound whomever they perceive to be marijuana offenders.

On August 7, 2020, WyoFile, an online news service, published the story of one such drug bust under “Judge tosses marijuana charges brought against hemp farmers.” Laramie County Circuit Court Judge Antoinette Williams threw out all drug-trafficking charges against hemp farmers Debra Palm-Egle and her son Joshua Egle. The judge found that prosecutors lacked probable cause that the duo intended to grow and distribute marijuana. He also dismissed charges against Brock and Shannon Dykes, who work for the farmers and were on the property when the Wyoming Division of Criminal Investigation raided it in November 2019. Prosecutors had sought to charge all four with conspiracy to manufacture, deliver or possess marijuana; possession with intent to deliver marijuana; possession of marijuana, and planting or cultivating marijuana. All but the last are felonies.

On November 4, 2019, the Dykes family worked at the Egles’ property in Albin, a village in eastern Laramie County near the Nebraska line. The Egles, who for the most part reside in Colorado, were not home. Brock Dykes was burning some waste wood.

The couple was working outside while their two sons, 11 and 12 years old, were inside the farmhouse, when a line of unmarked cars, plus one Wyoming Highway Patrol car, came toward them. Presently law enforcement officers in tactical gear, who turned out to be DCI agents, pointed their rifles at the couple, yelling at them to “put your fucking hands up.” Brock Dykes saw five or six officers with a battering ram approach the door of the house with the children. He yelled that it was unlocked. They dropped the ram but trained their guns on the children, the parents told WyoFile.

Brock Dykes showed DCI agents the results of tests conducted on the crop that indicated it contained less than 0.3% THC. The agents weren’t interested, even though marijuana contains up to 25% THC.

Under Wyoming’s hemp statutes, the crop must show a THC-concentration below 0.3%. Tetrahydrocannabinol, or THC, is the chemical in marijuana that gets users high. (Because the Nixon and later Administrations made no distinction between hemp and marijuana, decades of lobbying followed; still, it wasn’t until 2018 that the Farm Bill restored hemp to its legitimate position as an agricultural commodity, at least under federal law. Interested states had to enact legislation to comply with the federal statute, which Wyoming did in March 2019.

Acting on a tip from an informant, DCI seized 700 pounds of hemp from the Egle farm. Agents ran their own tests, and most results came back with THC concentrations a smidgen higher than 0.3%, the highest being 0.6%.

On May 25, 2021, [county17.com](http://county17.com) reported further on the case under the headline “High court finds cop lied in hemp case, censures prosecutor.” The Wyoming Supreme Court docked a Cheyenne attorney for allowing DCI Special Agent Jon Briggs, the lead investigator in the case, to make false testimony during the 2020 case in which “law enforcement sought to prosecute hemp farmers as marijuana traffickers,” and the prosecutor made no effort to correct the record. The Egles spent \$60,000 to clear their names, Deb Egle tells me—we know each other from

our hemp-advocacy days—and all four defendants were obliged to undergo expensive drug testing every week until the case was dismissed.

What I want to know: What is the cost to the taxpayer when wronged parties sue and obtain compensation for police harassment, killings, illegal seizures, and the expense of defending against due process violations? What of the countless victims of law enforcement overreach who cannot afford a lawyer to represent their—however legitimate—claims?