

## **Appendix 1.**

# **Maximum Estimates of State and Local Criminal Justice Costs of Marijuana Arrests by State (2000)**

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The most prominent discussion of the fiscal costs of drug abuse and related public policies is a report on *The Economic Costs of Drug Abuse in the United States* prepared by the Lewin Group and published by the Office of National Drug Control Policy in 2001. [22]

The ONDCP report considers costs in three broad categories: Health Care Costs, Productivity Losses, and the Costs of Other Effects including criminal justice system, other public costs, and private costs.

Productivity losses include both the work time lost by victims of crime as well as by individuals incarcerated for criminal offenses. The public costs include Police Protection, Legal Adjudication, State and Federal Corrections, Local Corrections, and Federal Spending to Reduce Supply.

The health care costs of marijuana use are beyond the scope of this report other than to note that differences in the drug's dependence liability and route of administration distinguish marijuana from more addictive drugs such as alcohol and heroin and from the public health costs created through needle sharing by IV drug users.

Productivity losses attributable to arrests for marijuana are a significant public cost attributable to the policy choice to retain a prohibition approach to marijuana

[22] Office of National Drug Control Policy (2001). *The Economic Costs of Drug Abuse in the United States, 1992-1998*. Washington, DC: Executive Office of the President (Publication No. NCJ-190636). This publication can be accessed electronically through the following World Wide Web address: <http://www.whitehousedrugpolicy.gov>

regulation.

Marijuana prohibition creates considerable costs for the criminal justice system regardless of how many offenders are fined or how many stay in a local jail or how long they are sentenced. Increases in arrests and/or increases in norms for the severity of sentences for marijuana offenses increase the costs of marijuana prohibition in any state of municipality. Obviously the opposite is also true, explaining in part the logic of decriminalization of marijuana in 12 states that have done away with arrest for possession of small amounts of marijuana (Alaska, California, Colorado, Maine, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, and Oregon.)

In the ONDCP report the costs of police protection and legal adjudication for drug abuse related offenses are estimated using a very simple and straightforward method: "police protection and legal adjudication costs were attributed to drug abuse based on the percentage of arrests attributable to drug abuse." [23]

In other words if drug abuse offenses comprised 10% of all arrests then the costs of drug abuse offenses would be estimated at 10% of all police protection and legal adjudication costs. On this basis the fiscal costs of marijuana law enforcement can be estimated by a) determining what percentage of all arrests are attributable to marijuana possession or sales, b) determining the entire costs of police protection, and c) multiplying the percentage of arrests attributable to marijuana times the total police budget.

Estimates of the criminal justice costs related to marijuana arrests are presented in Table 60. The costs were estimated using the

[23] *ibid*, pg. 39.

method described above for police protection, judicial and legal, and corrections. The source data on combined state and local criminal justice costs were obtained from the Bureau of Justice Statistics Criminal Justice Expenditure and Employment Extracts Program for 2000. [24] The cost estimates are labeled as “maximum cost” estimates to call attention to the method of estimation and the necessity to consider it in analysis of the resulting data.

The estimation method is based on the premise that all arrests have equal investigative, custodial, judicial, and sentencing costs. These and other factors affect the true cost of law enforcement for any specific offense in any specific location.

As indicated above many states try to minimize the costs of marijuana possession offenses through decriminalization; in addition to replacing arrest with civil fines many states replace sentencing with conditional discharge or other lower-cost alternatives. Regardless of these considerations the resulting estimates call attention to the significant costs of marijuana law enforcement. In 4/5 of the states marijuana accounts for five to ten percent of all arrests. Those are considerable costs no matter how they are calculated.

The maximum estimate for the state and local criminal justice costs of marijuana arrests for 2002 is \$7.6 billion; police costs are \$3.7 billion, judicial/legal costs are \$853 million, and correctional costs are \$3.1 billion (See Table 60.) The maximum estimate of \$7.6 billion for marijuana arrests nationwide is equal to \$10,402 per arrest.

[24] Bureau of Justice Statistics, Criminal Justice Expenditure and Employment Extracts Program (CJEE), cjee0008.wk1, Table 8. Per capita justice expenditure (fiscal 2000) and full-time equivalent justice employment per 10,000 population (March 2000) of State and local governments by activity and state.

The two largest states in the country provide a good example of the concept of cost management. California and New York both have maximum criminal justice costs for marijuana offenses of over \$1 billion each (See Table 60.) In order to reduce actual costs for enforcing marijuana possession laws California and New York have decriminalized possession of small amounts of marijuana producing what are likely to be substantially lower actual enforcement and other criminal justice costs.

Both Ohio and Pennsylvania have maximum cost estimates for marijuana arrests near \$300 million. However, Ohio has decriminalized possession of small amounts of marijuana and as in the example above is likely to have much lower actual costs from marijuana law enforcement than Pennsylvania.

**Table 60a. Maximum Estimates of State and Local Criminal Justice Costs of Marijuana Arrests by State (2000) (All costs in \$1000's)**

	Marijuana as a Pct of All Arrests	Maximum Police Costs	Maximum Judicial and Legal Costs	Maximum Correctional Costs	Maximum Criminal Justice Costs
Alabama	5.87%	\$38,504	\$7,678	\$23,731	\$69,914
Alaska	4.26%	\$7,539	\$2,764	\$7,455	\$17,757
Arizona	7.17%	\$78,593	\$21,902	\$68,474	\$168,969
Arkansas	3.87%	\$13,614	\$3,026	\$12,685	\$29,325
California	5.27%	\$458,684	\$164,817	\$377,879	\$1,001,380
Colorado	5.64%	\$46,816	\$9,270	\$46,267	\$102,352
Connecticut	6.18%	\$42,142	\$13,290	\$34,231	\$89,664
Delaware	6.94%	\$11,541	\$3,147	\$15,828	\$30,517
District of Columbia	5.53%	\$18,237	\$1,284	\$16,853	\$36,374
Florida	5.53%	\$206,907	\$38,641	\$181,131	\$426,679
Georgia	7.59%	\$97,094	\$19,919	\$104,400	\$221,414
Hawaii	2.47%	\$5,481	\$2,222	\$3,819	\$11,522
Idaho	5.56%	\$11,530	\$2,825	\$10,625	\$24,980
Illinois	5.53%	\$168,992	\$26,601	\$97,552	\$293,145
Indiana	7.34%	\$61,863	\$11,923	\$53,355	\$127,142
Iowa	7.37%	\$31,460	\$9,310	\$21,931	\$62,701
Kansas	6.21%	\$26,689	\$6,399	\$21,689	\$54,776
Kentucky	8.42%	\$41,101	\$12,214	\$51,410	\$104,725
Louisiana	7.08%	\$58,717	\$12,694	\$55,213	\$126,624
Maine	8.19%	\$13,417	\$2,810	\$10,099	\$26,326
Maryland	7.37%	\$82,558	\$18,035	\$81,358	\$181,951
Massachusetts	7.53%	\$111,352	\$23,632	\$59,832	\$194,816
Michigan	4.58%	\$82,098	\$20,735	\$84,855	\$187,688
Minnesota	8.24%	\$71,996	\$18,227	\$48,705	\$138,928
Mississippi	6.19%	\$25,001	\$4,777	\$18,065	\$47,843
Missouri	5.19%	\$45,957	\$9,309	\$34,894	\$90,160

Notes: Costs estimated on percentage basis. Police and Corrections costs are estimated using total costs times the percentage of all arrests. Total Judicial and legal costs include civil as well as criminal use of the courts, therefore total criminal judicial costs have been estimated as 50% of total judicial costs. The judicial costs of marijuana arrests has been estimated using this estimate of criminal judicial costs and the percentage of all arrests.

Arrest data was unavailable for DC, FL, and IL. The national arrest percentage has been used to estimate costs for these states.

**Table 60b. Maximum Estimates of State and Local Criminal Justice Costs of Marijuana Arrests by State (2000) (All costs in \$1000's)**

	Marijuana as a Pct of All Arrests	Maximum Police Costs	Maximum Judicial and Legal Costs	Maximum Correctional Costs	Maximum Criminal Justice Costs
Montana	2.08%	\$2,825	\$682	\$2,594	\$6,102
Nebraska	9.04%	\$21,266	\$4,336	\$20,924	\$46,525
Nevada	3.87%	\$20,867	\$4,802	\$18,247	\$43,915
New Hampshire	10.57%	\$19,773	\$4,878	\$12,175	\$36,826
New Jersey	7.55%	\$168,464	\$35,790	\$111,759	\$316,013
New Mexico	3.42%	\$13,071	\$2,855	\$10,787	\$26,713
New York	9.85%	\$563,120	\$111,427	\$432,635	\$1,107,181
North Carolina	5.03%	\$69,480	\$11,829	\$58,276	\$139,585
North Dakota	5.32%	\$3,627	\$1,474	\$2,151	\$7,252
Ohio	6.36%	\$135,140	\$36,827	\$123,219	\$295,186
Oklahoma	8.92%	\$46,235	\$8,616	\$45,610	\$100,461
Oregon	5.48%	\$38,141	\$9,749	\$40,953	\$88,843
Pennsylvania	5.71%	\$126,819	\$30,474	\$126,875	\$284,167
Rhode Island	8.70%	\$18,374	\$4,574	\$12,113	\$35,061
South Carolina	8.84%	\$57,749	\$7,922	\$49,373	\$115,044
South Dakota	8.08%	\$7,112	\$1,601	\$6,551	\$15,264
Tennessee	7.44%	\$69,952	\$14,840	\$44,940	\$129,731
Texas	6.52%	\$208,904	\$44,161	\$244,868	\$497,933
Utah	4.91%	\$18,706	\$4,965	\$17,254	\$40,925
Vermont	4.76%	\$3,708	\$938	\$3,156	\$7,802
Virginia	5.47%	\$64,301	\$14,033	\$68,164	\$146,497
Washington	6.10%	\$61,440	\$14,328	\$64,256	\$140,023
West Virginia	6.12%	\$10,474	\$3,296	\$11,269	\$25,039
Wisconsin	4.43%	\$49,840	\$9,757	\$45,653	\$105,250
Wyoming	6.77%	\$6,699	\$1,694	\$6,658	\$15,051
United States		\$3,663,969	\$853,298	\$3,122,795	\$7,640,062

Sources: Bureau of Justice Statistics, Criminal Justice Expenditure and Employment Extracts Program (2000); Uniform Crime Reports, County-level Detailed Arrest and Offense Data (2000); Wisconsin arrest data estimated using data obtained from the Wisconsin Office of Justice Assistance.