

# MAINE STATE LEGISLATURE

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THE  
DECRIMINALIZATION OF MARIJUANA  
AND THE  
MAINE CRIMINAL JUSTICE SYSTEM

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A TIME/COST ANALYSIS — 1979



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Drug Abuse Prevention  
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## FORWARD

In June of 1975, the Maine Criminal Code was signed into law, thereby making Maine the third state to "decriminalize" possession of marijuana. The law took effect on May 1, 1976, and since then persons who possess any amount of marijuana for their personal use in Maine are not subject to arrest and imprisonment; instead, they are cited or ticketed for a civil violation punishable by a maximum \$200 fine.

Despite the passage of four years, the decriminalization of marijuana continues to generate legislative and public debate. The debate in Maine remains centered around three issues:

First, does the use of marijuana seriously endanger one's health?

Second, has decriminalization caused or contributed to an increase in marijuana use?

Third, has decriminalization helped relieve court congestion or otherwise saved the police, prosecutors, or judges any time or money?

The first issue, that of marijuana and health, is best answered in the semi-annual reports to the U.S. Congress from the Department of Health, Education, and Welfare entitled Marijuana and Health.

In response to the second issue, the Maine Office of Alcoholism and Drug Abuse prevention (OADAP) conducted a random survey of 1,800 high school students and adults from June through August of 1978. The resultant report, An Evaluation of the Decriminalization of Marijuana in Maine - 1978, reported that 48% of all adult users and 26% of all high school users had decreased their marijuana use, and that 13% and 38% respectively, had increased their use from 1976 to 1978. With regard to the principal question, 3.1% of all high school students and less than 1% of all adults reported that their use of marijuana had increased because of decriminalization.

The third issue, and the one closest to the taxpayer's wallet, is the subject of this report.

In Part I, we examine the number of arrests and/or citations for the three year period, 1975-1978.

In Part II, the pretrial *police* time and money spent in making an arrest is compared with the police time and money required to issue a citation.

Part III looks at trial costs and compares the police, prosecutorial, and judicial costs of processing criminal defendants with those of processing civil defendants.

In Part IV, post conviction costs of criminal defendants are compared with those of civil defendants.

In Part V, the total costs (pretrial, trial, and post conviction) of processing marijuana possession offenders under a civil penalty are compared with the costs under a criminal penalty.



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## SUMMARY OF FINDINGS

### Arrests, Citations

Although the number of citations issued in 1978 for possession of marijuana was up 23% over the number of arrests made in 1975, the entire statewide increase is attributable to a 1600% increase in the small (pop. 4050) border town of Calais. When Calais is discounted, the number of citations issued in 1978 is 1% less than the number of arrests made in 1975. (Table 1)

### Police Costs

Based on estimates supplied by municipal, county, and state police, it takes a police officer from 5 to 13 (depending on the policy agency involved) times longer to make a marijuana possession arrest than to issue a marijuana possession citation (Table 2). Similarly, using average cost per hour figures computed from police budgets, making an arrest is 5 to 13 times more expensive than issuing a citation (Table 3).

### Guilty, Not Guilty

Statewide, the decriminalization of marijuana has reduced the number of defendants who plead not guilty by 87%, and increased the number of guilty pleas by 263%. This alone saves thousands of hours of police, prosecutor's, and judge's time and produces a \$188,000 annual saving. (Tables 6 and 8)

### Suppression Hearings

Decriminalization has caused a 99% reduction in the number of requests for marijuana possession pretrial suppression hearings. (Under the Maine Rules of Criminal Procedure, a suppression hearing may be held before trial to determine if evidence was illegally seized.) In 1975, 148 defendants filed motions for suppression hearings, while in 1978, two motions were filed, resulting in an annual saving of \$89,300. (Tables 6 and 8)

### Superior Court Cases

In 1975, 25% (323 defendants) of all persons charged with possession of marijuana requested a trial in Superior Court. (Under the 1975 Maine Rules of Criminal Procedure, *criminal* defendants could elect to be tried in District or Superior Court. Once possession became a *civil* offense, defendants could no longer transfer their cases to the Superior Court.) In 1978, the Superior Court heard two marijuana possession cases. (Table 6)

### Fines

The average fine imposed upon conviction for possession of marijuana in 1975 was \$145 while in 1978 it was \$83. The total estimated income from fines earned in 1978, however, is \$3,800 greater than the estimated income earned in 1975 because a far greater proportion of defendants pleaded guilty, were convicted, and were fined. (Table 9)

Imprisonment

In 1975, thirty-nine persons convicted of possession of marijuana were imprisoned in a county jail or the state operated Men's Correctional Center at a cost of \$30,000. Since decriminalization, no possession offenders have been sentenced to imprisonment (Table 10).

Total Costs

From a strictly economic point of view, the decriminalization of marijuana serves as a model of successful government reform because it has turned a \$332,600 governmental expense into a \$16,900 profit. If possession of marijuana had been a criminal offense in 1978 it would have cost \$332,615 to arrest, prosecute, and punish the 1,307 defendants processed that year. Under the present system of civil penalties in effect in 1978, the State actually made money because marijuana related revenues (fines) were \$16,957 greater than the costs of arrest and prosecution. (Tables 9 and 11)

Quality of  
Justice

The decriminalization of marijuana has also substantially improved the quality and uniformity of justice administered to marijuana possession defendants in Maine. As stated by one District Attorney, "Prior to the decriminalization of marijuana, it was common knowledge to all defense lawyers that if they dug in their heels, filed a motion to suppress, and requested a Superior Court jury trial on a simple possession case, they could frequently get it dropped because the time and money needed to counter the legal tactics couldn't be justified."

The decriminalization of marijuana has almost entirely eliminated the expensive and time consuming "courtroom gamesmanship" that frequently accompanied marijuana cases. The number of marijuana possession cases heard by the Superior Court has dropped from 323 in 1975 to 2 in 1978; while in the same period the percentage of defendants pleading not guilty has dropped from 65% to 8%, and the percentage pleading guilty has jumped from 22% to 80%.

# PART I - MARIJUANA POSSESSION ARRESTS IN MAINE: 1975-1978

Table 1 indicates that 1,056 persons were arrested in Maine in 1975 for possession of marijuana. By 1978, the annual number of citations issued by police had increased 23% over the 1975 arrest rate. However, a county-by-county breakdown reveals that Maine did not experience a uniform statewide increase in arrests/citations.

Washington County, which contains the principal border crossing for all U.S. Route 1 coastal traffic, experienced an 874% increase in arrests/citations from 1975-1978. This 874% increase more than accounts for the entire State increase in the 1975-78 period. Within Washington County, the border town of Calais with .4% of the State's population, accounts for 22% of all marijuana possession citations issued in 1978. From 1976 to 1978, Calais (population 4,050) recorded an astonishing 1600% increase, from 19 arrests/citations in 1976 to 291 citations in 1978.

Aroostook County, which stretches for more than 250 miles along the Canadian border, recorded a 128% increase in arrests/citations from 1975 to 1978. This increase is also attributable to increased arrests in border towns.

When arrests from Washington and Aroostook Counties are not included in the 1975 and 1978 state totals, arrests/citations for the 14 remaining counties, which contain 88% of the State's population, were actually down 15% from 1975 to 1978.

## TABLE 1

### ADULT ARRESTS FOR SIMPLE POSSESSION OF MARIJUANA IN MAINE, 1975-78

	1978 Population	1975 Arrests	1976 Arrests/ Citations <sup>1</sup>	1977 Citations	1978 Citations	% Change '75-78
STATE TOTAL	1,105,000	1,056	564	888	1,307	+23%
Washington County	35,400	31	30	145	302	+874%
Aroostook County	98,100	100	41	150	228	+128%
STATE TOTAL less Wash. & Aroostook Counties	971,500	925	504	539	778	-15%

<sup>1</sup> Table 1 also reveals that in 1976, the first year in which decriminalization took effect, arrests/citations dropped 47% from 1975. This reflects some initial police disapproval and unfamiliarity with the citation procedure. As police have become comfortable with the citation process, the number of citations issued has steadily climbed back and now exceeds the former arrest level.

## PART II - PRETRIAL COST COMPARISON: 1975 vs 1978

### A. ARRESTS VS CITATIONS: PRETRIAL TIME COMPARISONS (TABLE 2)

Prior to May 1, 1976, a marijuana possession offender was arrested, transported to a county or local jail, fingerprinted, bailed, released, or detained. The police agencies interviewed for this study estimated that this process took 1 hour and 15 minutes for municipal police and 3 to 3.25 hours for county sheriffs and state police. All persons arrested by county sheriffs and state police are "booked" in one of Maine's 16 county jails. Because Maine covers more than 30,000 square miles, state and county police often travel substantial distances to "book" an arrestee. Consequently, it routinely takes state and county police more time to make an arrest than it does a municipal officer.

Since May 1, 1976, a marijuana possession offender is no longer subject to arrest, instead he or she is given a written notice (citation) to appear in court at a later date. The police interviewed estimated that the citation process takes an average of fifteen minutes. Thus, Table 2 reveals that in 1978 it would have taken the police 1,911 hours longer to make 1,307 arrests than it took to issue 1,307 citations.

TABLE 2

COMPARISON OF PRETRIAL POLICE TIME REQUIRED TO ARREST 1,307  
OFFENDERS VERSUS PRETRIAL TIME REQUIRED TO ISSUE 1,307 CITATIONS IN MAINE

1978 ARRESTS<sup>2</sup>

	<u>Number of<sup>3</sup> Arrests</u>		<u>Avg. Police Hours Per Arrest</u>		<u>Total Hours</u>	
Municipal Police	972	X	1.25 hours	=	1,215	
County Sheriffs	73	X	3.25 hours	=	237	
State Police	<u>262</u>	X	3.00 hours	=	<u>786</u>	
	1,307				2,238	= Projected Pretrial Hours Spent in Arresting 1,307 Marijuana Offenders in 1978

1978 CITATIONS

	<u>Number of Citations</u>		<u>Avg. Police Hours Per Citation</u>		<u>Total Hours</u>	
Municipal Police	972	X	15 minutes	=	243	
County Sheriffs	73	X	15 minutes	=	18	
State Police	<u>262</u>	X	15 minutes	=	<u>66</u>	
	1,307				327	= Actual Pretrial Hours Spent in Citing 1,307 Marijuana Offenders in 1978
					<span style="border: 1px solid black; padding: 2px;">1,911</span>	= Total Pretrial Hours Saved by Police in Citing Rather Than Arresting 1,307 Marijuana Offenders

<sup>2</sup> In 1978, there were no arrests for simple possession of marijuana; all offenders were issued citations. Table 4 compares the actual police hours spent in issuing 1,307 marijuana citations versus the hours it would have taken to make 1,307 arrests.

<sup>3</sup> The Municipal-County-State police arrest breakdown was computed by the Data Center of the Maine Criminal Justice Planning and Assistance Agency.

B. SINGLE ARREST VS SINGLE CITATION; PRETRIAL COST COMPARISON  
(TABLE 3)

The total pretrial cost of making an arrest or issuing a citation was determined by multiplying the average hours required times the average cost per hour. The average hours required are police estimates (see Part II-A). The average cost per hour figure was computed by dividing the total annual police budget by the total annual police hours worked.<sup>4</sup> The average cost per hour of a municipal police officer in Maine is \$8.68; the result of low budgets and even lower wages. The average cost of county and state police agencies is significantly higher at \$14.93 and \$15.48 per hour, due primarily to increased transportation and administrative costs.

TABLE 3

COMPARISON OF PRETRIAL POLICE COST OF MAKING AN ARREST  
VERSUS  
THE PRETRIAL COST OF ISSUING A CITATION IN MAINE

SINGLE ARREST

	<u>Avg \$ Cost Per Hour</u>		<u>Avg Hours Required to Make Arrest</u>		<u>Total Pretrial Cost of Making an Arrest</u>
Municipal Police	\$8.68	X	1.25 hours	=	\$10.85
County Sheriffs	14.93	X	3.25 hours	=	48.52
State Police	15.48	X	3.00 hours	=	46.44

SINGLE CITATION

	<u>Avg \$ Cost Per Hour</u>		<u>Avg Hours Required to Issue Citation</u>		<u>Total Pretrial Cost of Issuing a Citation</u>
Municipal Police	\$8.68	X	15 minutes	=	\$2.17
County Sheriffs	14.96	X	15 minutes	=	3.73
State Police	15.48	X	15 minutes	=	3.87

<sup>4</sup> Data compiled by the Data Center of the Maine Criminal Justice Planning and Assistance Agency

PART II, PRETRIAL COST COMPARISON (continued)

C. TOTAL ARRESTS VS TOTAL CITATIONS: PRETRIAL COST COMPARISON  
(TABLE 4)

Table 4 multiplies the cost of a single arrest or citation computed in Table 3 by the number of citations issued by all municipal, county, and state police agencies in 1978. Using this formula, it cost the various police agencies in Maine \$3,395 to issue 1,307 marijuana possession citations in 1978. It would have cost the police \$26,255 to make the same number of arrests in 1978.<sup>5</sup> Thus, the total police pretrial costs involved in issuing 1,307 citations is 87% less than the total cost of making the same number of arrests.

TABLE 4

COMPARISON OF PRETRIAL POLICE COST OF MAKING 1,307 ARRESTS  
VERSUS PRETRIAL COSTS OF ISSUING 1,307 CITATIONS IN MAINE

1978 ARRESTS<sup>5</sup>

	<u>Number of Arrests in 1978</u>		<u>Cost of Each Arrest</u>		<u>Total Costs of Arrests</u>	
Municipal Police	972	X	\$10.85	=	\$10,546	
County Sheriffs	73	X	48.52	=	3,542	
State Police	262	X	46.44	=	<u>12,167</u>	
	<u>1,307</u>				<u>\$26,255</u>	= Projected Pretrial Cost of Arresting 1,307 Marijuana Offenders in 1978

1978 CITATIONS

	<u>Number of Citations,<sup>2</sup> in 1978</u>		<u>Cost of Each Citation</u>		<u>Total Cost of Citations</u>	
Municipal Police	972	X	\$2.17	=	\$2,109	
County Sheriffs	73	X	3.73	=	272	
State Police	262	X	3.87	=	<u>1,014</u>	
	<u>1,307</u>				<u>\$ 3,395</u>	= Actual Pretrial Cost of Citing Marijuana Offenders in 1978

<sup>5</sup> In 1978, there were no arrests for simple possession of marijuana -- all possession offenders were issued citations. In order to compute cost savings, Table 3 compares the actual cost of issuing 1,307 citations with what it would have cost to make 1,307 arrests.

\$22,860

 = Total Pretrial Dollars Saved in 1978 by Issuing 1,307 Citations Rather Than Making 1,307 Arrests



## D. LABORATORY COST COMPARISON: 1975 vs 1978 (TABLE 5)

The laboratory analysis is an important component in the process of convicting a marijuana possession offender, for the state laboratory must positively identify the substance confiscated as being marijuana before an offender can be convicted.

One efficiency measure used by the State is to delay the lab analysis until a plea has been entered. If the defendant pleads not guilty, the substance alleged to be marijuana is sent to the lab, but if a guilty plea is entered or if the case is filed, no lab analysis is performed. Because the percentage of defendants pleading not guilty was reduced from 62% in 1975 to 8% in 1978, the State realized a \$13,900 saving.

TABLE 5  
LABORATORY ANALYSIS COST;  
1975 vs 1978

<u>YEAR</u>	<u>NOT GUILTY PLEA</u>	<u>LABORATORY COST</u>	<u>TOTAL COST</u>
1975	809	\$20	\$16,180
1978	114	\$20	2,280

LABORATORY ANALYSIS COST SAVINGS \$13,900

## PART III - TRIAL COST COMPARISON: 1975 vs 1978

### A. COURT DISPOSITIONS IN 1975 and 1978 (TABLE 6)

Under a system of criminal justice that requires the State to prove guilt beyond a reasonable doubt, it is axiomatic that the more defendants that plead not guilty and go to trial, the more time and money the State must devote to the task of proving guilt. In order to compare the breakdown of guilty/not guilty pleas in 1975 and 1978, representatives of the Office of Alcoholism and Drug Abuse Prevention reviewed approximately 200,000 criminal and civil cases from 1975 and 1978. The results clearly demonstrate that the change from a criminal to a civil offense has substantially affected the cost of administering justice to marijuana offenders in Maine.

The first significant change observed was a large reduction in the number of defendants in 1978 who requested a pretrial hearing on a motion to suppress evidence. A motion to suppress alleges that evidence (marijuana) was unlawfully seized and a hearing on the motion is usually held sometime before trial. In 1975, 148 defendants requested a pretrial suppression hearing but by 1978, the number of requests for such hearings had dwindled to two. Thus, in three years, the State experienced a 99% reduction in suppression hearings for possession of marijuana.

Under the 1975 Maine Rules of Criminal Procedure, a defendant who pleaded not guilty had a choice of a non-jury trial in District Court or he could elect to have his case transferred to Superior Court for a jury or non-jury trial. In 1975, 323 persons, or 25% of all defendants charged with possession of marijuana, elected to transfer their cases to Superior Court. In 1978, however, not a single possession case was transferred to Superior Court because only persons charged with criminal offenses could elect to transfer to Superior Court. (The precise cost of the 1975 transfers is examined in Part III, Table 8.)

The large reduction in not guilty pleas in 1978 was accompanied by a large increase in the percentage of defendants who pleaded guilty. In 1975, only 22% of all persons charged with possession of marijuana pleaded guilty, but by 1978 fully 80% of all possession defendants were entering guilty pleas.

The time and dollar consequences of the changes in pretrial hearings and guilty/not guilty pleas are computed in Tables 7 and 8.

TABLE 6

COMPARISON OF SUPPRESSION MOTIONS AND COURT DISPOSITIONS  
OF MARIJUANA POSSESSION OFFENDERS:  
1975 VERSUS 1978

	<u>1975</u>		<u>1978</u>	
	<u>Percent of total cases (Number)</u>		<u>Percent of total cases (Number)</u>	
MOTIONS TO SUPPRESS EVIDENCE	11%	(148)	.002	(2)
DISTRICT COURT DISPOSITIONS				
<u>Filed</u> upon payment of court costs	16%		12%	
<u>Pleaded guilty</u>	22%		80%	
<u>Pleaded not guilty</u> - hearing held	37%		8%	
<u>Pleaded not guilty</u> and transferred to Superior Court <sup>6</sup>	<u>25%</u>	<u>(323)</u>	<u>0%</u>	
	<u>100%</u>		<u>100%</u>	
SUPERIOR COURT DISPOSITIONS				
<u>Filed</u> upon payment of court costs	30%	(97)	---	
<u>Pleaded guilty</u>	58%	(187)	---	
<u>Pleaded not guilty</u> - non-jury trial	11%	(36)	---	
<u>Pleaded not guilty</u> - jury trial	<u>1%</u>	<u>(3)</u>	---	
	<u>100%</u>	<u>(323)</u>		

<sup>6</sup> Under the Rules of Criminal Procedure in effect in 1975, a person charged with a criminal offense could choose either to be tried initially in District Court or Superior Court. Persons charged with civil violations in 1978 can be tried only in the District Court although the Superior Court may hear their case on appeal.

PART III, TRIAL COST COMPARISON (continued)

B. TRIAL LEVEL TIME SAVINGS: 1975 vs 1978 (TABLE 7)

Every time a defendant is arrested and subsequently brought to trial, the arresting officer or a court officer, the prosecutor, and the judge must devote a certain amount of time to the processing of the case. The time required by these various government employees varies considerably depending on the disposition of the case. For example, Table 7 indicates that when a defendant pleads guilty or has his case filed, it requires 3 hours of police time and 10 to 12 minutes of the judge's time. When a defendant pleads not guilty, however, it requires an average of 5.25 hours of police time and 1.17 hours of the judge's time.

The "time required to process one case" contained in column 2 of Table 7 are statewide averages of estimates obtained from interviews with police and prosecutors. The police time figures include travel time and time spent waiting for a case to be heard. The "number of cases" that were filed, pleaded guilty, not guilty, or transferred in 1975 and 1978 are actual totals obtained from an examination of 195,000 District Court cases and 7,400 Superior Court cases heard in 1975 and 1978.

Table 7 shows that the principal time saving realized in 1978 was the result of far fewer not guilty pleas in 1978 than in 1975. The second most significant time saving resulted from 146 fewer suppression hearings being held in 1978 than were held in 1975. This tremendous reduction in suppression hearings, when coupled with the substantial increase in guilty pleas occurring in 1978, seems to indicate that once the stigma of a permanent criminal record is removed, far fewer defendants feel compelled to engage in a protracted courtroom battle.

Another significant time saving was the 2,556 hours resulting from 321 fewer cases being heard in the Superior Court in 1978. Under Maine's trial system, a criminal defendant may request a non-jury trial in District Court or defendant may elect to transfer his case to Superior Court for a non-jury or jury trial. Once possession of marijuana became a civil offense, defendants no longer could transfer their cases to the Superior Court. Two possession cases did reach the Superior Court, both on appeal from the District Court.

In sum, the time savings at the trial level resulting from decriminalization totaled 7,770 hours of the equivalent of 194 work weeks.



TABLE 7

Comparison of the Total Time Required to Process  
1,307 Defendants as Criminal Cases  
Versus  
The Total Time Required to Process  
1,307 Defendants as Civil Cases

## DISTRICT COURT - 1975

	Number of Cases		Time Required to Process One Case	=	Total Time (Hours)
Police	206	X	3 hours	=	618
Prosecutors	206	X	40 minutes	=	137
Judges	206	X	12 minutes	=	41
					<b>796 hours</b>
Police	292	X	3 hours	=	876
Prosecutors	292	X	23 minutes	=	112
Judges	292	X	10 minutes	=	49
					<b>1037 hours</b>
Police	486	X	5.25 hours	=	2551.5
Prosecutors	486	X	2 hrs 11 min	=	1077
Judges	486	X	1 hr 10 min	=	567
					<b>4195.5 hours</b>
Police	323	X	3 hours	=	969
Prosecutors	323	X	20 minutes	=	108
Judges	323	X	10 minutes	=	54
					<b>1131 hours</b>
Police	79	X	4 hours	=	316
Prosecutors	79	X	3 hours	=	237
Judges	79	X	2.5 hours	=	198
					<b>751 hours</b>

Sub-total = 7910 hours

## SUPERIOR COURT - 1975

Police	284	X	3 hours	=	852
Prosecutors	284	X	45 minutes	=	213
Judges	284	X	12 minutes	=	57
					<b>1122 hours</b>
Police	36	X	10 hours	=	360
Prosecutors	36	X	3 hours	=	108
Judges	36	X	1 hr 50 min	=	66
					<b>534 hours</b>
Police	7 <sup>7</sup>	X	11 hours	=	77
Prosecutors	7	X	10 hours	=	70
Judges	7	X	8 hours	=	56
Jury	7	X	7 hours	=	49
					<b>252 hours</b>
Police	69	X	4 hours	=	276
Prosecutors	69	X	3 hours	=	207
Judges	69	X	2.5 hours	=	173
					<b>656 hours</b>

Sub-total = 2564 hours

1975 Total = 10,474 hours

## DISTRICT COURT - 1978

	Number of Cases		Time Required to Process One Case	=	Total Time (Hours)
Police	165	X	1.5 hours	=	248
Prosecutors	165	X	20 minutes	=	55
Judges	165	X	12 minutes	=	33
					<b>336 hours</b>
Police	1030	X	1 hour	=	1030
Prosecutors	1030	X	10 minutes	=	172
Judges	1030	X	10 minutes	=	172
					<b>1374 hours</b>
Police	112	X	5.25 hours	=	588
Prosecutors	112	X	2 hrs 11 min	=	248
Judges	112	X	1 hr 10 min	=	131
					<b>967 hours</b>
Police	0	X		=	
Prosecutors	0	X		=	
Judges	0	X		=	
					<b>0 hours</b>
Police	2	X	4 hours	=	8
Prosecutors	2	X	3 hours	=	6
Judges	2	X	2.5 hours	=	5
					<b>19 hours</b>

Sub-total = 2696 hours

SUPERIOR COURT - 1978<sup>3</sup>

Police	2	X	3 hours	=	
Prosecutors	2	X	45 minutes	=	1.5 hrs.
Judges	2	X	12 minutes	=	.4 hrs.
					<b>8 hours</b>

Sub-total = 8 hours

1978 Total = 2704 hours

<sup>7</sup> Includes extra days on jury trials that lasted longer than 1 day. There were 3 jury trials -- one lasted 4 days, one 2, and one 1 day.

TOTAL SAVING

**7770 HOURS**



PART III, TRIAL COST COMPARISON (continued)

C. TRIAL LEVEL COST SAVINGS: 1975 vs 1978 (TABLE 8)

To obtain dollar savings, Table 8 multiplies the "number of cases" (from Table 7) times the "time required to process one case" (from Table 7) times the "cost per hour." The police cost per hour represents the combined average cost per hour of all municipal, county, and state police departments in Maine. Every municipal, county, and state police budget was divided by the total annual hours worked by all full-time sworn police officers in that particular department. The three resulting cost-per-hour figures were then averaged to produce a statewide weighted average police cost of \$13 per hour.

The cost-per-hour of prosecutors was obtained by dividing the salary of an assistant district attorney plus office and administrative expenses by the annual hours worked by the assistant DA. The resultant \$21.50 per hour is a very conservative minimum because it does not include rent, electricity, heat, and building and janitorial maintenance.<sup>8</sup>

The judges' cost-per-hour includes all costs and was obtained by adding the judge's and clerk's salaries, courtroom maintenance, heat, utilities, witness' fees, and administrative expenses, and dividing this total by the annual hours worked by the judges. Because of the much higher administrative costs (most courts have at least two full-time clerks) plus higher salaries for judges plus more costly heating and maintenance, the operation of the District Court cost \$115 per hour and the Superior Court cost \$291 per hour.

Table 8 reveals that the largest cost savings at the trial level results from the District and Superior Courts having to process 695 fewer not guilty cases in 1978 than in 1975. This huge reduction alone accounts for a \$256,069 savings. Furthermore, of the 809 persons who pleaded not guilty in 1975, 40%, or 323, elected to transfer their cases to Superior Court. This compares to only two appeals to Superior Court in 1978.

Because Superior Court judge's time costs the State an average of \$291 per hour, the elimination of 321 cases from the Superior Court docket saves a very substantial amount of money. In 1975, it is conservatively estimated that it cost the State of Maine \$142,430 to process 323 Superior Court marijuana possession cases, while in 1978 it cost the State \$227 to process the two cases appealed to the Superior Court.

As was true for Table 7, the second largest cost savings at the trial level results from the large reduction in suppression hearings between 1978 and 1975. There were 146 fewer suppression hearings held in 1978 resulting in a savings of \$89,344.

In sum, time saved is also money saved. When cost increases in 1978 are combined with cost savings, the trial level net saving to the State of Maine is \$277,276 per year.

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<sup>8</sup> The costs of rent, electricity, etc. for prosecutors could not be determined from the totals contained in the county courthouse budgets.





TABLE 8

Comparison of the Trial Costs of Prosecuting  
Criminal Cases vs the Cost of Civil Cases:  
1975 vs 1978

## DISTRICT COURT - 1975

	Number of Cases		Time Required to Process One Case		Cost Per Hour	=	Total Cost
Police	206	X	3 hours	X	\$13 <sup>4</sup>	=	8,034
Prosecutors	206	X	40 minutes	X	21.5	=	2,953
Judges	206	X	12 minutes	X	115	=	4,738
<b>\$ 15,725</b>							
Police	292	X	3 hours	X	13	=	11,388
Prosecutors	292	X	23 minutes	X	21.5	=	2,407
Judges	292	X	10 minutes	X	115	=	5,597
<b>\$ 19,392</b>							
Police	486	X	5.25 hours	X	13	=	33,169.5
Prosecutors	486	X	2 hrs 11 min	X	21.5	=	22,814.5
Judges	486	X	1 hr 10 min	X	115	=	65,205
<b>\$121,189</b>							
Police	323	X	3 hours	X	13	=	12,597
Prosecutors	323	X	20 minutes	X	21.5	=	2,315
Judges	323	X	10 minutes	X	115	=	6,191
<b>\$ 21,103</b>							
Police	79	X	4 hours	X	13	=	4,108
Prosecutors	79	X	3 hours	X	21.5	=	5,095
Judges	79	X	2.5 hours	X	115	=	22,713
<b>\$31,916</b>							

Sub-total = \$209,325

## DISTRICT COURT - 1978

	Number of Cases		Hours Required to Process One Case		Cost Per Hour	=	Total Cost
Police	165	X	1.5 hours	X	\$13	=	\$ 3,218
Prosecutors	165	X	20 minutes	X	21.5	=	1,182
Judges	165	X	12 minutes	X	115	=	3,795
<b>\$ 8,195</b>							
Police	1030	X	1 hour	X	13	=	13,390
Prosecutors	1030	X	10 minutes	X	21.5	=	3,691
Judges	1030	X	10 minutes	X	115	=	19,742
<b>\$ 36,823</b>							
Police	114	X	5.25 hours	X	13	=	7,780
Prosecutors	114	X	2 hrs 11 min	X	21.5	=	5,351
Judges	114	X	1 hr 10 min	X	115	=	15,295
<b>\$ 28,426</b>							
Police	0	X				=	0
Prosecutors	0	X				=	0
Judges	0	X				=	0
<b>\$ 0</b>							
Police	2	X	4 hours	X	13	=	104
Prosecutors	2	X	3 hours	X	21.5	=	129
Judges	2	X	2.5 hours	X	115	=	575
<b>\$ 808</b>							

Sub-total = \$ 74,252

VERSUS

## SUPERIOR COURT - 1975

Police	284	X	3 hours	X	13	=	11,076
Prosecutors	284	X	45 minutes	X	21.5	=	4,579
Judges	284	X	12 minutes	X	291 <sup>3</sup>	=	16,529
<b>\$ 32,184</b>							
Police	36	X	10 hours	X	13	=	4,680
Prosecutors	36	X	3 hours	X	21.5	=	2,322
Judges	36	X	1 hr 50 min	X	291	=	19,206
<b>\$ 26,208</b>							
Police	7	X	11 hours	X	13	=	1,001
Prosecutors	7	X	10 hours	X	21.5	=	1,505
Judges	7	X	8 hours	X	291	=	16,296
Jury	7	X	8 hours	X	1000/day	=	7,000
<b>\$ 25,802</b>							
Police	69	X	4 hours	X	13	=	3,588
Prosecutors	69	X	3 hours	X	21.5	=	4,451
Judges	69	X	2.5 hours	X	291	=	50,197
<b>\$58,236</b>							

Sub-total = \$142,430

## SUPERIOR COURT - 1978

Police	2	X	3 hours	X	13	=	78
Prosecutors	2	X	45 minutes	X	21.5	=	32
Judges	2	X	12 minutes	X	291	=	117
<b>\$ 227</b>							

Sub-total = \$ 227

VERSUS

1975 TOTAL = \$351,755

\$277,276

1978 TOTAL = \$ 74,479

TOTAL SAVINGS



## D. ESTIMATED REVENUES RECEIVED FROM FINES: 1975 VS 1978

The average fine imposed for possession of marijuana in 1978 was \$83 while in 1975 it was \$145. Despite this decrease, Table 9 indicates that the total estimated revenue received from fines was actually up 4% in 1978. This increase results from a far greater proportion of arrestees being convicted in 1978 than in 1975. (See Table 6 where 22% of all defendants pleaded guilty in 1975 compared to 80% in 1978.)

TABLE 9

COMPARISON OF ESTIMATED REVENUE RECEIVED FROM FINES  
IMPOSED UPON CONVICTION FOR POSSESSION OF MARIJUANA;  
1975 VS 1978

	<u>Estimated Average Fine Imposed</u>		<u>(Estimated) No. Convictions &amp; Filed Cases Resulting in Fines</u>		<u>Total Estimated Revenues Received</u>
<u>1975</u>	\$145	X	644	=	\$93,380
<u>1978</u>	\$ 83	X	1171	=	\$97,193

## PART IV - POST CONVICTION COST COMPARISON: 1975 VS 1978

Table 10 reveals that 39 persons convicted of possession of marijuana in 1975 served time in a county jail or the State operated Men's Correctional Center. Even at a conservative cost of \$45 per day, costs of imprisonment for marijuana defendants in 1975 totaled \$30,105, while in 1978 there were no costs of imprisonment because no possession offenders were sentenced to imprisonment.

There were also no marijuana possession offenders placed on probation in 1978 while seven persons at a cost of \$780 were placed on probation in 1975.

In both 1975 and 1978, there were no marijuana possession convictions which resulted in a sentence to state-supported drug treatment programs; therefore, no savings were realized. When the costs of imprisonment and probation are added up, the postconviction savings resulting from decriminalization totaled \$30,885.

TABLE 10  
COMPARISON OF POST CONVICTION COSTS:  
1975 VS 1978

1975					
<u>SANCTION</u>	<u>Number of Persons Sentenced</u>	<u>Cost Per Day</u>	<u>Average Length of Sentence</u>	<u>Total Days Spent by All Offenders</u>	<u>Total Cost</u>
Probation	7	\$120 (cost <sup>9</sup> per year)	---	6.5 years	\$ 780
Imprisonment	39	\$45 <sup>9</sup>	17 days	669 days	\$30,105
Drug Treatment Programs	0	0	0	0	0
					\$30,885
1978					
Probation	0	---	---	---	0
Imprisonment	0	---	---	---	0
Drug Treatment Programs	0	---	---	---	0
					0

<sup>9</sup> Estimate from the Data Center of the Maine Criminal Justice Planning and Assistance Agency.

PART V - TOTAL PRETRIAL, TRIAL, AND POST CONVICTION COST  
COMPARISON: 1975 VS 1978

Table 11 demonstrates that the total costs of processing 1,307 marijuana possession offenders in 1978 as civil violators was \$80,236, while the cost of processing the same number of persons as criminal offenders in 1978 would have been \$425,995.

When revenues received from fines are subtracted from the total cost figures, the net cost of criminal prosecution of 1,307 offenders in 1978 would have been \$332,615. When these same 1,307 offenders were prosecuted for civil violations, revenues exceeded costs and the State actually made \$16,957. Thus, from a strictly financial point of view, the decriminalization of marijuana has been an unqualified success because it has turned a \$332,615 yearly deficit into a \$16,957 yearly surplus.

TABLE 11

NET COST OR SURPLUS RESULTING FROM THE CRIMINAL AND CIVIL  
PROSECUTION OF 1,307 MARIJUANA OFFENDERS

	1975 (Criminal Penalties)	1978 (Civil Penalties)
Pretrial Police Costs (from Table 4)	\$26,255	\$3,395
Laboratory Costs (from Table 5)	16,900	2,280
Police, Prosecutorial, Judicial, and Adminis- trative Costs of Prosecu- tion (from Table 8)	351,955	74,561
Post Conviction Costs (from Table Table 10)	<u>30,885</u>	<u>0</u>
TOTAL COSTS	<u>\$425,995</u>	<u>\$80,236</u>
Revenues Received from fines	\$93,380	\$97,193
minus		
Total Costs	(-) <u>425,995</u>	(-) <u>80,236</u>
Net Cost or Surplus to State of Maine	- \$332,615 (Cost)	+ 16,957 (Surplus)

\$349,574

TOTAL ANNUAL COST SAVING

## APPLICATION TO OTHER STATES

Maine proved to be an ideal state in which to conduct an extensive plea-pattern study. Research was made more manageable by its relatively small size and by the open and cooperative atmosphere of its state government. Duplication of this study in a larger state (or county) would likely require a substantial time and manpower commitment.

The following formula should substantially reduce the research necessary to arrive at a dollar figure which would reflect the data gathered in this report. The dollar figure arrived at by this report will represent the Savings resulting from decriminalization.

### FORMULA

1. Find the percent of simple possession offenders in the total caseload of criminal offenses and traffic violation in the most recently completed fiscal year.
2. Multiply that percent times the derived constant of 1.06.
3. Multiply the adjusted percent arrived at in Step 2 times the most recently completed fiscal year expenditures of the police, the district attorneys, and the court system. (If this is a statewide study, include county and municipal expenditures.)

The constant, 1.06, is necessary because marijuana offenders, when prosecuted under criminal sanctions, use more than their equivalent percent of the criminal justice budget. Conversely, when prosecuted as civil infraction violators, the offenders use much less than their equivalent percent. The constant partially adjusts this disparity. A further adjustment was built into the formula for labeling the dollar figure as dollars "saved." Accordingly, the formula does not indicate the cost of prosecuting marijuana offenders, but the amount of money the State would save if it switched to decriminalization.

With these adjustments, the formula should be applicable regardless of arrest rates or criminal justice costs, and should indicate the dollar amount that would be saved from the decriminalization of possession of marijuana.