

Policy Report March 2010

# The Criminal Justice Costs of Marijuana Prohibition in Rhode Island



**OPENDOORS**



**OPENDOORS**

841 Broad Street Providence, RI 02907  
401.781.5808 [info@opendoorsri.org](mailto:info@opendoorsri.org)

[www.opendoorsri.org/policyresearch](http://www.opendoorsri.org/policyresearch)

©2010 OpenDoors

Supported by Marijuana Policy Project  
[www.mpp.org](http://www.mpp.org)

# INTRODUCTION

Rhode Island currently criminalizes the possession of small amounts of marijuana. This policy has widespread and significant fiscal and human costs, results in unfair and racially disproportionate punishment, and has no demonstrated public safety benefits.

In 2007, there were 1,922 arrests for first-time marijuana possession in Rhode Island. In 2008, there were 584 incidents of incarceration for marijuana possession.<sup>1</sup> Ending prohibition and eliminating these arrests would save the state approximately \$12.7 million in criminal justice costs.

***Ending prohibition and eliminating arrests for marijuana possession would save the state approximately \$12.7 million.***

Marijuana possession is unfairly punished—different people receive far harsher punishment for the same act. As a result of several factors, black and Hispanic people arrested for marijuana possession were sentenced to prison at a rate 8 times higher than white people even though they use marijuana less than whites. The crime control benefits of this incarceration are questionable because the people incarcerated for marijuana possession generally are not associated with violent or dangerous crime. In the year after release from a prison sentence for marijuana, only 7% of individuals were reconvicted for a violent offense, and only 2.5% were reconvicted for a violent felony.

While marijuana can be abused and can have negative health effects, overall it is a safer substance than alcohol. Marijuana decriminalization has broad support in RI: 64% of likely registered voters support decriminalization, including 72% of registered democrats.<sup>2</sup> In 2009, Massachusetts voters decriminalized possession of less than one ounce of marijuana for individuals over 18 years of age, replacing arrest with a fine of \$100. This report recommends that Rhode Island adopt a similar policy.

## MARIJUANA ARREST AND INCARCERATION ARE FREQUENT AND WIDESPREAD

In 2007, there were 1,922 arrests for first-time marijuana possession in Rhode Island, spanning the entire state.<sup>3</sup> Arrests are concentrated in urban areas and among black and Hispanics. However, arrests are distributed fairly evenly amongst urban centers, from Warwick to Newport to Providence. Some rural areas, such as Narragansett and Burrillville also had relatively high arrest rates. Black and Hispanic people were arrested at rates 1.6 times higher than white people. Arrest rates are higher for people of color

[1] This only includes people charged for possession, not for intent to delivery or delivery.

[2] 625 likely registered voters were interviewed April 29-30, 2008 by Mason-Dixon Polling & Research, Inc. of Washington, D.C. Margin for error is plus or minus 4%.

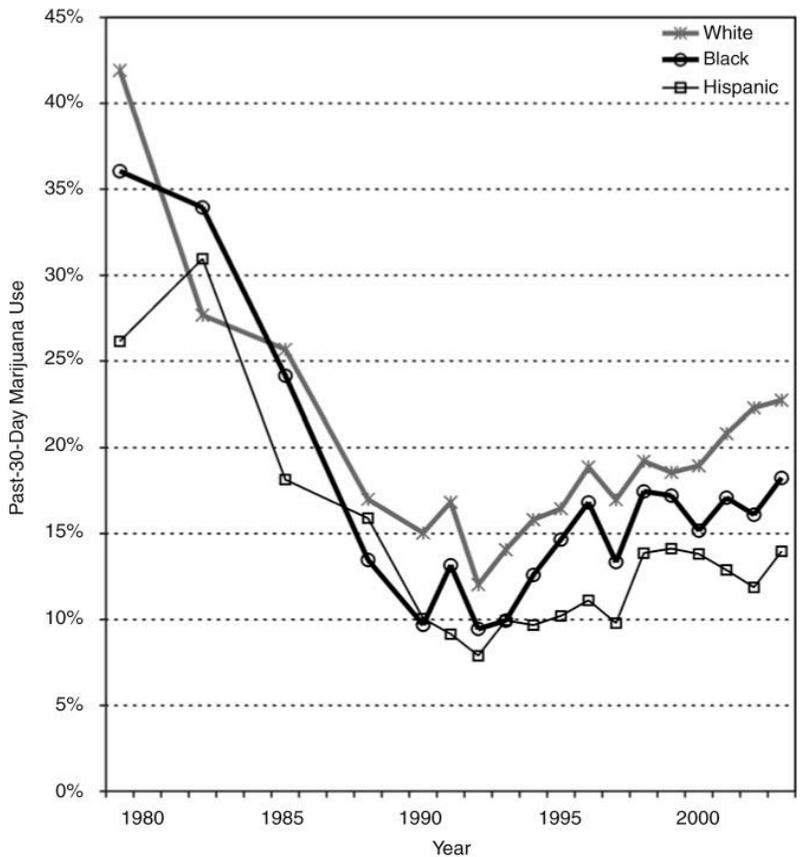
[3] The Rhode Island State Police releases yearly reports on statewide arrest data. Until 2004, those reports included the total number of arrests per year, by community and race. In 2004, there were 1725 arrests. 2007 data from "The Budgetary Implications of Drug Prohibition," February 2010, by Harvard Professor Jeffrey A. Miron.

even though marijuana use has historically been lower for blacks and Hispanics for the last four decades. Currently, use amongst whites is 30% greater than for blacks and 60% greater than for Hispanics (See Figure 1).<sup>4</sup>

In 2008, 584 of those arrested were actually incarcerated. This includes 396 who were jailed and 188 who were actually sentenced to prison for marijuana possession. A variety of types of criminal cases triggered these 188 sentences, including individuals on probation for other charges in which the only new conviction leading to the incarceration was marijuana possession. On average, the 188 sentences led to 118 days in prison each. As shown in Figure 2, between

57 and 85 inmates were incarcerated at one time for marijuana possession in 2008. These results are similar to data provided by the Department of Corrections and the Judiciary, as described in the Methodology section.

Figure 1. Nationwide Marijuana Use by Race<sup>5</sup>



## SAME ACTIVITY, DIFFERENT PUNISHMENT

It is not the actual possession of marijuana alone that causes the use of prison sentence as punishment, but the background of the person possessing it. While it is common for people with criminal histories to receive greater punishment for offenses, the possession of marijuana is a common, non-violent activity. Even when arrested, many people will never be convicted or sentenced to prison. However, for the same act, other individuals will unfairly receive harsh punishments.

***In RI, people of color that are arrested for possession of marijuana are sentenced to prison at a rate 8 times higher than whites.***

[4] Gulab, "The Growth in Marijuana Use Among American Youths During the 1990s and the Extent of Blunt Smoking," *J Ethn Subst Abuse*. 2005; 4(3-4): 1-21.

[5] *Ibid*

Prison sentences for marijuana possession are used almost entirely to punish people who have previous criminal records. This has resulted in vastly different rates of prison sentences for certain populations. People in Providence arrested for marijuana are sentenced to prison at a rate 20 times higher than those arrested in Warwick. Similarly, people of color that are arrested for possession of marijuana are sentenced to prison at a rate 8 times higher than whites. Of the 188 people sentenced to prison for marijuana possession in 2008, 46% came from Providence and 57% were black or Hispanic.

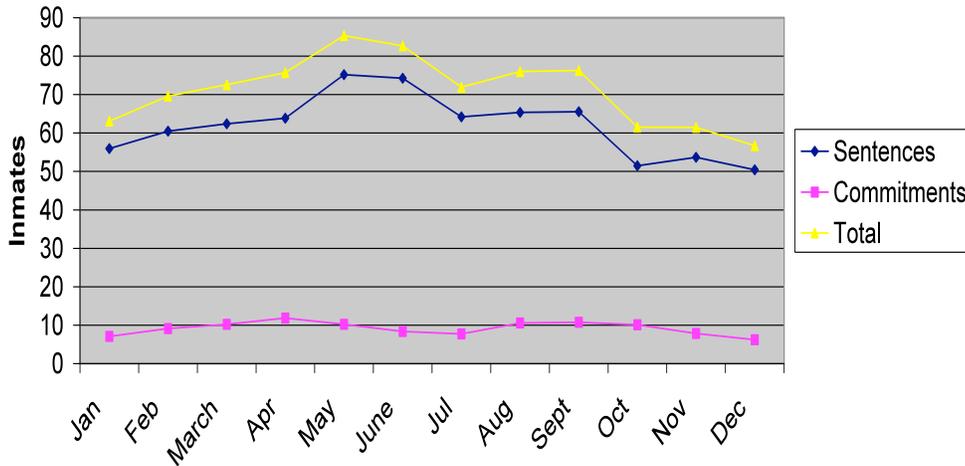


Figure 2. Number of Inmates in 2008 for Marijuana Possession by Month<sup>6</sup>

## OTHER INCARCERATIONS

In 2008, 396 people were put in jail because of marijuana possession charges, in addition to the 188 actually convicted and sentenced to prison. These are relatively short periods of incarceration, generally 3-10 days. As shown in the chart, they are incarcerated for the following reasons: 1) they failed to appear at a court fine/fee hearing being held to monitor payment of court debt stemming from their marijuana charge; 2) they failed to appear at court, such as a bail hearing, violation hearing, or other court review date; 3) they were held on a technical probation violation, such as not reporting to a probation officer or not going to drug treatment; 4) they were awaiting trial for the marijuana possession charge but were ultimately not sentenced to prison for the charge.

Chart 1: Commitments

Reason for Jail	Number	Average Days in Jail
Court Fines/Fees	81	3.0
Failure to Appear in Court	143	4.1
Technical	31	8.2
Held Awaiting Trial	141	9.1
<b>Total</b>	<b>396</b>	<b>2,366 total days</b>

[6] See methodology.

# COSTS AND SAVINGS

*Prohibition of marijuana possession costs the state approximately \$12.7 million in criminal justice costs which could be saved by ending prohibition.*

## Savings from Reduced Incarceration

Decriminalization of marijuana possession would result in immediate savings of approximately 1.1 million dollars a year in incarceration costs. This savings estimate is based on the amount of money that would actually be saved in the short term if those cases disappeared, either in saved revenue or in staff time that could be spent on other services. This report estimates 67 beds on average per year for a savings of \$668,124 in per-diem costs. In addition, this report estimates a potential \$282,000 in possible savings from long-term costs such as administration and capital costs, decreases in guard personnel, and difficult to calculate costs-- such as additional medical or psychiatric care required by certain inmates, facilities management costs, and any correctional services. We estimated these additional costs at \$1,500 each for the 188 inmates sentenced in 2008.

In their December 2009 report, Data Related to Possession of Marijuana, the DOC calculated a conservative estimate of savings. The DOC used only the per-diem costs of individuals incarcerated for possession of marijuana of \$3,874 per year, and estimated a reduction of 61 beds for a total savings of \$236,314. These savings are much lower because they do not include the money spent on medical, guard, or administrative costs as explained above.

## Savings from Reduced Arrests

As shown in Chart 2, eliminating 1,922 arrests could save the state an estimated \$11 million. This estimate is based on arrests made in 2007 by Professor Jeffrey Miron of the Harvard Economics Department, and is explained further in the Methodology section.

## Savings from Reduced Judicial and Legal Costs

The state also pays for the prosecution and defense of individuals arrested for marijuana possession. The Rhode Island Public Defender estimates that it provided representation for approximately 1,280 misdemeanor simple possession cases in 2009, in addition to 193 felony possession cases.

This representation required in total approximately two attorney's staff time, which represents a cost of approximately \$200,000. The state also pays for the prosecution of each of those cases, either through the Attorney General's Office or municipal prosecutors. It is reasonable to estimate that the cost of prosecution would be similar to the cost of defense, so this report estimates a total of \$400,000 in total costs to the state for prosecution and defense of marijuana cases. Overall, these cases take up approximately 44% of a single court's time. This time is conservatively worth \$176,000.

Chart 2: Short term savings from ending prohibition

	#	Savings
Arrests	1,922 arrests	\$11,163,000
Prison Beds (food and medical costs)	67 prison beds	\$668,124
Prison Beds (additional guard and program costs)	67 prison beds	\$282,000
Judiciary Costs	1,725 cases	\$176,000
Legal Costs	1,725 cases	\$400,000
<b>Total</b>		<b>\$12.7 Million</b>

## DOES MARIJUANA PROHIBITION DECREASE CRIME?

The majority of people sent to prison for marijuana possession are not associated with violent crime. Many people are sent to prison for marijuana possession not specifically for possessing marijuana, but because they have committed crimes in the past. One possible reason for this is that people with records and people on probation are seen as possible dangerous re-offenders, and these prison sentences remove them from the community. It is impossible to conduct a complete cost-benefit analysis of this practice. However, this section provides some information on the criminal history background of those incarcerated for marijuana and their likelihood of re-offending.

***In the year after release from prison for marijuana, only 7% of the 188 sentenced to prison were reconvicted for a violent offense and only 2.5% for a violent felony.***

Incarceration for marijuana possession is used primarily for people not associated with violent or dangerous crime. Of the 188 sentences to prison in 2008 for marijuana possession, 67% were of people never previously convicted of a non-drug related felony. In addition, 50% did not have a non-drug felony or violent or property misdemeanor on their record.

Only a small percentage of those sentenced to prison for marijuana are convicted of committing a violent offense in the year after release. In the year after release from prison for marijuana, only 7% of the 188 sentenced to prison were reconvicted for a violent offense and only 2.5% for a violent felony.

# DOES MARIJUANA PROHIBITION REDUCE USE?

*RI laws are harsher than many other states, while marijuana use is higher.*

In Rhode Island, the first marijuana possession offense of less than one kilogram is a misdemeanor punishable by up to one year in prison or a fine of \$200-\$500. Second offenses are classified as felonies. In 13 states, plus 9 municipalities, including relatively conservative states such as Mississippi, possession of small amounts of marijuana is decriminalized entirely, or is a misdemeanor with no possible jail sentence. In New York, for example, the first and second offenses of possessing up to .88 of an ounce is a civil citation punishable by a \$350 fine. In Ohio, possession of .7 ounces has been punishable by a \$100 fine, and has been a minor misdemeanor (equivalent to a traffic violation) since 1975.

In Rhode Island, 10.3% of the total population over twelve years old reports using marijuana in the past month<sup>7</sup>. This is the highest rate in the country. In contrast, in the states with partially decriminalized marijuana laws, marijuana use was an average of 6.5%.<sup>8</sup> Overall, the widespread strengthening of drug laws has been accompanied by varying trends in marijuana use. Reliable data is available since 1979, when 12.6% of the national population reported marijuana use in the past month.<sup>9</sup> Use reached a minimum in 1993, and then increased over the next 12 years.<sup>10</sup> By 2007, use amongst 18-25 year olds had reached 16% nationally, as compared to 14.2% in 1999.<sup>11</sup>

There is also no evidence that decriminalization increases marijuana use. In Alaska, for example, household possession of less than an ounce has been legal since 1975. However, law enforcement actively arrested people for possession until 2003, when a judge upheld the law and reinstated household legalization. In 2006, an anti-marijuana voter initiative was passed but later that year the Alaska courts voided the law. Over this period of changing levels of criminalization, marijuana use in Alaska showed no reliable trends.<sup>12</sup> In Nevada, marijuana use decreased from 7.6% to 6.1% after partial decriminalization in 2002.

[7] National Household Survey on Drug Abuse, 2007 (the most recent year it has been released), conducted by the Substance Abuse and Mental Health Services Administration of the US Department of Health, available at <http://www.oas.samhsa.gov/2k7/State/AppB.htm#TabB-3>.

[8] Ibid.

[9] National Household Survey on Drug Abuse, 1979, SAMHSA, original analysis. Raw data available at <http://webapp.icpsr.umich.edu/cocoon/SAMHDA/DAS/06843.xml>

[10] Gulab, "The Growth in Marijuana Use Among American Youths During the 1990s and the Extent of Blunt Smoking," J Ethn Subst Abuse. 2005; 4(3-4): 1-21.

[11] National Household Survey on Drug Abuse, 2007 and 1999, conducted by the Substance Abuse and Mental Health Services Administration of the US Department of Health.

[12] In 2002-2003, overall marijuana use in Alaska was 9.78%. After household possession was re-legalized, use increase slightly to 9.88% in 2003-2004 and 10.12% in 2004-2005. This reflected a slight increase in use among adults, from 7.14% to 7.99%. However, use amongst 12-17 year olds actually decreased during that time from 11.08% to 9.71%. Office of Applied Studies. (2007). Changes in Prevalence Rates of Drug Use between 2002-2003 and 2004-2005 among States, available at <http://www.oas.samhsa.gov/StateChanges/3trends.doc>.

## EVALUATING THE HEALTH EFFECTS OF MARIJUANA: Marijuana is Safer Than Alcohol

The majority of research has concluded that marijuana has medical benefits, has no demonstrated dangerous, long-term health effects for most people, and as a whole is safer than alcohol. As discussed in the previous section, there is no evidence that decriminalization increases marijuana use. Still, marijuana use is not recommended, and frequent marijuana use has been shown to have negative health effects. Any policy changes to marijuana law should discuss how marijuana use affects human health and consider successful methods for decreasing marijuana dependency, such as addiction counseling.

***Marijuana has medical benefits, has no demonstrated dangerous, long-term health effects for most people, and as a whole is safer than alcohol.***

In 2006, medical marijuana was established in Rhode Island for the treatment of symptoms associated with debilitating medical conditions, including cancer, glaucoma, HIV, hepatitis, seizures, chronic pain, and severe nausea. The Rhode Island Medical Society supported the law.

There is no conclusive evidence that chronic marijuana use causes long-term neurological impairment, emphysema, or cancer in most users. Heavy use of marijuana does impact memory and brain function during use; however, studies demonstrate that these effects end after termination of use.<sup>13</sup> Marijuana has been proven to cause wheezing, cough, and shortness of breath while smoking.<sup>14</sup> However, studies have shown no sustained impairment to lung function or increased emphysema.<sup>15</sup> Previous research had indicated that chronic marijuana use probably increases the risk of respiratory cancer; however, in 2006, a large controlled study reported that frequent marijuana users did not have increased rates of cancer.<sup>16</sup>

[13] Kalant, "Adverse Effects of cannabis on health: an update of the literature since 1996." *Progress in Neuro-Psychopharmacology and Biological Psychiatry*. 28 (2004): "Cognitive impairments of various types are readily demonstrable during acute cannabis intoxication, but there is no suitable evidence yet available to permit a decision as to whether long-lasting or permanent functional losses can result from chronic heavy use in adults.;" Fried et al., "Current and Former Marijuana Use: Preliminary Findings of a Longitudinal Study of Effects on IQ in Young Adults." *CMAJ* 166 (2002): 887-91. "Current marijuana use had a negative effect on global IQ score only in subjects who smoked 5 or more joints per week. A negative effect was not observed among subjects who had previously been heavy users but were no longer using the substance. We conclude that marijuana does not have a long-term negative impact on global intelligence. Whether the absence of a residual marijuana effect would also be evident in more specific cognitive domains such as memory and attention remains to be ascertained."

[14] Taylor et al, 2002a. "A longitudinal study of the effects of tobacco and cannabis exposure in young adults." *Addiction* 97, 1055- 1061. Taylor, D.R., et. al.. 2000. "The respiratory effects of cannabis dependence in young adults." *Addiction* 95, 1669- 1677.

[15] Taylor et al, 2002a.; Tetreault, et al. 2007 *Archives of Internal Medicine*, Vol. 167.

Marijuana can be addictive, and an estimated 10% of marijuana users develop dependency.<sup>17</sup> While marijuana withdrawal symptoms have still not been conclusively established, most research shows that withdrawal after heavy use causes symptoms such as irritability and sleep loss, similar to withdrawal from tobacco.<sup>18</sup> Overall, marijuana is less addictive than either cigarettes or alcohol.<sup>19</sup>

***Overall, marijuana is less addictive than either cigarettes or alcohol.***

Lastly, although marijuana use has possible negative effects, it is safer than alcohol. As opposed to alcohol, excessive use of marijuana and marijuana withdrawal cannot be fatal. While alcohol is known to be associated with violent behavior, there is no proof that this is true for marijuana.<sup>20</sup> Research has shown a correlation between motor vehicle accidents, although less so than alcohol, and experimental evidence has shown less impairment than alcohol and relatively increased caution while driving.<sup>21</sup> Research has shown that frequent marijuana use has no long-term effects on mortality, while alcohol abuse is associated with 35,000 deaths per year.<sup>22</sup> Frequent alcohol use is known to increase mortality rates through diseases such as liver cancer and cirrhosis.<sup>23</sup>

[16] In a 2002 review of the evidence, Hall and McPhee concluded that there was good grounds to believe that chronic smoking of marijuana causes cancer. Conclusions were largely based on the existence of cancer-causing indicators in the lungs of marijuana users. However, a more rigorous study of cancer incidence in 2006 found no evidence: "they[the results] suggest that the association of these cancers with marijuana, even long-term or heavy use, is not strong and may be below practically detectable limits. (Hasibe et. al., "Marijuana Use And the Risk of Lung Cancer and Upper Aerodigestive Tract Cancer." *Cancer Epidemiological Biomarkers & Prevention* 15 (2006) 3.

[17] Poulton, R., et al, 2001. Persistence and perceived consequences of cannabis use and dependence among young adults: implications for policy. *N. Z. Med. J.* 114, 544-547.; Fergusson, D.M., Horwood, L.J., 2000. Cannabis use and dependence in a New Zealand birth cohort. *N. Z. Med. J.* 113, 156-158.

[18] Budney, A.J., et al, 2003. The time course and significance of cannabis withdrawal. *J. Abnormal Psychol.* 112, 393-402; Smith, N.T., 2002. A review of the published literature into cannabis withdrawal symptoms in human users. *Addiction* 97, 621- 632.

[19] "Although [some] marijuana users develop dependence, they appear to be less likely to do so than users of other drugs (including alcohol and nicotine)." -National Academy of Science, *Marijuana and Medicine: Assessing the Science Base*, 1999

[20] Blondell et al., "Toxicology Screening Results: Injury Associations Among Hospitalized Trauma Patients," *The Journal of Trauma* 58 (2005); 561-700. In addition, fewer than 5% of law enforcement agencies identify marijuana as a drug that contributes to violent crime in their area (National Drug Intelligence Center, *National Drug Threat Assessment*, 2004).

[21] Smiley (1999). "Experimental studies have shown clear but modest impairment of driving skills and actual driving performance in subjects smoking small or moderate doses of cannabis, but that the drivers appeared to be less aggressive, more cautious, and more aware of their impairment than subjects impaired to a similar degree by alcohol"; Many articles have demonstrated correlation between accident and marijuana. See Kalant (2004) for a review, which concludes "the causal role of cannabis [in driving accidents] cannot yet be regarded as completely proven, but is strongly suggested..."

[22] Sidney, et al. "Marijuana use and Mortality." *American Journal of Public Health* 87 (1997): 585-90; Data on 35,000 deaths is from the National Institute on Alcohol Abuse and Alcoholism, *NIAAA Strategic Plan for Research*, 2009-2014.

[23] The 35,000 alcohol related deaths includes 12,000 liver related fatalities (U.S. Centers of Disease Control, *Vital Statistics Report* April 19, 2006).

# CASE STUDIES<sup>24</sup>

## Brett

In 2006, Brett was searched while walking down the street, and was arrested for possession of a small amount of marijuana. It was his first and only arrest. After representing himself in court, he was sentenced to complete substance abuse counseling and pay a fine. Because of his work schedule and the cost of the classes, Brett did not complete the counseling. In 2007 he was sentenced to prison for 90 days.

## Orlando

Orlando has been convicted of marijuana possession 7 times, each time for less than one ounce of marijuana and usually for less than one quarter of an ounce. Orlando is currently attending a technical college for computer networking. He was incarcerated for 8 months in 2008 on a probation violation when he tested positive for marijuana use. Because of the incarceration, he lost his recently acquired job at an insurance company. In August of 2009, he was charged again for possession of a small amount of marijuana. In September of 2009 he applied for a medical marijuana license after his community clinic physician authorized the application, citing his severe migraines and nausea. Orlando has also been diagnosed with Post-Traumatic Stress Syndrome. Despite his license, he is facing 6 months in prison for the pending marijuana possession charge.

## David

In September 2008, David was arrested for having an eighth of an ounce of marijuana. He was finishing up a 15 year drug related suspended sentence. He was eventually held without bail for twenty days until he ultimately pleaded to the probation violation and received a two year suspended sentence. David had been working at Wal-mart since 1999, and was currently working as assistant store manager and earning over \$50,000/year. As a result of the 20 days of incarceration David was fired without compensation.

## Chris

Even though Chris had a medical marijuana license, he was arrested for possession of marijuana. He uses marijuana in place of Oxycontin to control his chronic pain. After hiring a lawyer, he pled no contest to the charges and was placed on probation. He was assessed \$800 in fines and fees. As a result of failing to appear for a review hearing on payment of these fines, he was incarcerated for five days.

[24] Some names have been changed to protect identities of clients.

# METHODOLOGY

The results in this report are based on 2004-2008 sentence and commitment data provided by the Department of Corrections. This data indicates the time of each incarceration and the court cases associated with each incarceration. Public court records were used to supplement this data when necessary.

## Prison Sentences

The total number of prison sentences for marijuana possession per year was calculated by counting the total number of prison sentences caused by marijuana criminalization from January 1, 2008 to December 31, 2008. The analysis includes all sentences that would be affected by marijuana decriminalization. This includes four types of sentences: 1) Individuals not on probation that are convicted of marijuana possession. 2) Individuals on probation for a prior offense that are convicted of marijuana possession. 3) Individuals on probation for marijuana only that are incarcerated without a new conviction—"technical" violators. 4) Individuals on probation for marijuana that are sentenced to prison for nonviolent misdemeanors. This estimate is slightly higher than the estimate provided by the Department of Corrections in their report Data Related to Possession of Marijuana. That report estimates 154 total sentences instead of 188. However, the DOC does not include several types of offenders, including individuals on probation for marijuana incarcerated for nonviolent misdemeanors or individuals incarcerated as probation violators that were charged with marijuana possession but not specifically sentenced to prison for the marijuana conviction. As another comparison, the Judiciary reported that in 2007 there were 459 convictions for marijuana possession which overall included sentences to prison for an average of four months.

The estimate of 188 does not include the considerable number of people arrested for marijuana possession that are charged with "Possession of a Schedule I-IV Substance." In collaboration with Miriam Hospital, OpenDoors has completed a survey of 128 individuals sentenced to the ACI for drug possession. The full results of this study will be released in 2010. The survey identified the drug the person was charged with possessing. Of the 23 individuals charged with possessing marijuana, 18 had marijuana indicated in their disposition while 5 did not. Although this is a small sample, it indicates that a substantial number of marijuana possession cases are prosecuted as general possession cases. However, at this point, this number is not included in the analysis.

Defendants convicted for marijuana possession could possess a varying amount of marijuana. Although statutes with greater penalties apply to anyone with more than a pound of marijuana, there is not a requirement that defendants possessing larger amounts of marijuana are charged with "possession" as opposed to "intent to deliver." However, the previously mentioned OpenDoors study found that 90% of the individuals convicted for marijuana possession carried an ounce of marijuana or less.

## Prison Commitments

The 396 reported commitments per year reflect the number of incidents of incarceration for marijuana possession, not including those cases involving sentences to prison. This was calculated by counting all commitments to the ACI in which the controlling charge was a marijuana possession charge. As in the methodology for sentences, incidents were not counted if they were probation violations associated with new non-marijuana charges. Effort was made to not double count incidents, so that if an individual was committed while awaiting trial for a charge and then sentenced for the charge, the incident would be counted as a sentence but not as a commitment.

Commitments were broken down into four categories by comparing the DOC data with court records:

- Failure to Appear:** Any commitment resulting from a warrant for failure to appear for a court date for a new marijuana charge, prior to the disposition of that charge. This includes not showing up for a probation violation hearing or court review date. This does not include failure to appear for a court fine hearing.
- Court Fines and Fees:** Any commitment resulting from failure to pay court fines and fees or failure to appear for a payment hearing. This category is separated from the previous category because all of these commitments are after the disposition of the charge. The individual was already sentenced but is on a payment plan and fails to show up at date to review their payment plan.
- Technical:** Any commitment in which there is no new criminal charge associated with the commitment and the individual is held for violating probation on a case that has already been disposed. Technical violations are caused by non-criminal behavior that breaks a condition of probation, such as not keeping an appointment with a probation officer or not attending mandated drug treatment.
- Held Awaiting Trial:** Any commitment in which the individual was charged with marijuana possession but never sentenced to prison for the charge. This includes cases where the individual was acquitted and also cases where the individual was sentenced to probation but not to prison.

**Arrests**

Arrest data is based on the 2007 Uniform Crime Report, as used in “The Budgetary Implications of Drug Prohibition,” February 2010, by Harvard Professor Jeffrey A. Miron.

**Recidivism**

The recidivism data included in the “Does marijuana prohibition decrease crime?” section was estimated using DOC and court records. Recidivism is defined as any reconviction, not just reconviction to prison. This includes any misdemeanor or felony reconviction. The one-year recidivism rate includes anyone reconvicted within one year, using the date the complaint was filed, not the date of the conviction, because that more accurately represents the date of the crime.

**Prison Beds**

The number of prison beds required because of marijuana prohibition is estimated by combining the total beds necessary for commitments and sentences. As shown in Chart 1, commitments require a total of 2366 prison days. Divided by 365 days, this equals 6 prison beds. 188 Prison sentences for marijuana possession for an average of 118 days require 61 prison beds.

**Costs and Savings**

The savings from reduced arrests is based on the proportion of the total state police budget taken up by marijuana related arrests. This estimate is based on the study “The Budgetary Implications of Drug Prohibition,” February 2010, by Harvard Professor Jeffrey A. Miron. Miron’s study uses arrest data from 2007.

The savings calculation is a conservative estimate of how much money the state could save by decriminalizing marijuana possession. The approximately 1,700 marijuana court cases a year require a considerable amount of judicial time as well. According to court records, on average these cases require 3.7 court appearances. This total approximately 6,290 appearances. If a court can hear an average of eight people an hour for seven hours a day, five days a week, that would be 14,000 appearances in a single court. Marijuana cases would then require 44%, or a little over two days a week of a full court. These cases are of course spread out over many courts, so it is difficult to estimate a cost or savings. However, court personnel, including judge, court reporter, sheriff, and clerk, costs approximately \$400,000 in salary and benefits, so 44% of this salary is \$176,000.

The Rhode Island Office of the Public Defender estimates that they represented 1,280 defendants charged with misdemeanor marijuana possession charges and 192 felony charges in 2009. This is approximately the caseload of two attorneys, costing the state approximately \$200,000 in personnel costs. The Attorney General’s Office did not supply similar statistics, but it can be assumed that prosecution costs are at least as great if not greater, for a total of \$400,000 in legal costs.

The prison savings is based on the FY 2011 Governor’s Recommended Budget. The Department Corrections budget reports that in FY 2010 the inmate population was reduced by 124 individuals which resulted in a savings of \$1.2 million, \$294,788 in medical costs and pharmaceuticals, \$788,776 in medical services, and \$152,995 in non-medical costs. This report estimates another \$16/day for additional guard overtime and program costs. Using these savings estimates, the state could save \$15,942/bed. The total average cost of one inmate in Minimum Security was \$33,736 in 2008, so this report still only estimates saving 47% of the total bed cost. If the population is reduced by 67 inmates at \$15,924/bed, the total correctional savings are 1.07 million dollars.