



## The Economics of Misdemeanor Marijuana Prosecution

Over the past decade, criminal justice data shows that on average 10,000 misdemeanor marijuana cases are prosecuted annually by the Harris County District Attorney's Office.<sup>i</sup> These cases, on any given day, comprise over 10% of the misdemeanor court dockets in the Harris County Criminal Courts at Law.<sup>ii</sup> The routine processing of these cases impact the budgets of Harris County's 160+ law enforcement agencies, three crime labs, and the Harris County jail in significant ways.

Calculated generally, the following breakouts illustrate current annual costs:

### **Police: \$1,384,800**

\*Anecdotally, law enforcement officers report spending an average of 4 hours per marijuana arrest. **40,000 police patrol hours** calculated at the average local hourly compensation rate<sup>iii</sup> total more than **\$1.3m** currently spent by front line defenders arresting and transporting marijuana offenders rather than patrolling neighborhoods.

### **Crime Labs: \$1,790,000**

It costs \$179 for the Harris County crime lab to analyze a single-exhibit case.<sup>iv</sup> Other crime labs report similar testing costs. Currently, the Harris County Institute of Forensic Science analyzes and tests marijuana in every single criminal case, regardless of the case outcome. This wastes valuable and limited crime lab resources.

### **Jail: \$13,187,000**

The Harris County Jail is the single largest public safety expense in Harris County. At \$800 booking fee per case<sup>v</sup> and an average of 7.98 days<sup>vi</sup> at \$65/day<sup>vii</sup> spent on jailing

misdemeanor marijuana offenders, Harris County's primary public safety asset is being used to house low risk offenders who pose no real threat to the public at large.

### **District Attorney: \$4,780,000**

The Harris County District Attorney's Office expends significant prosecutor time and effort prosecuting misdemeanor marijuana cases. At an estimated cost per case of \$478, more prosecution dollars are being spent annually on misdemeanor marijuana cases than numerous types of serious crimes, such as Sexual Assault and Burglary of a Habitation.

### **Indigent Defense: \$2,552,000**

Harris County is constitutionally required to pay for court-appointed defense counsel for indigent defendants at an average cost of \$440 per case.<sup>viii</sup>

### **Courts: \$2,970,000**

The court cost for a misdemeanor marijuana case in 2016 was \$297.<sup>ix</sup>

### **Conclusion:**

**Annually, approximately \$26,663,800 of Harris County tax dollars are spent on the arrest and prosecution of misdemeanor marijuana offenders. Comparatively, far fewer tax dollars are spent on the apprehension and prosecution of violent criminals responsible for rape, robbery and burglary in the greater Houston area.**

Absent any data to show that prosecution of misdemeanor marijuana at current levels improve the public's safety, the economics of misdemeanor marijuana prosecution just don't add up. Additionally, the collateral damage to the local workforce -- thousands of ordinary people unnecessarily disqualified from work, education, and housing opportunities because of criminal records related to marijuana possession -- negatively impacts our local economy by creating obstacles to the very workforce necessary for economic growth in the region.

To that end, the Harris County District Attorney's Office and more than 160+ local law enforcement agencies have joined in collaboration to redirect limited public safety dollars away from low level misdemeanor marijuana offenders and towards offenders committing crimes against people and property. Ultimately, it is the consensus of criminal justice leadership in Harris County that the public will be safer as a result.

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<sup>i</sup> Internal data provided by Harris County District Attorney's Office ITS Department, included in press packet

<sup>ii</sup> Minutes of December 2016 Harris County Criminal Justice Coordinating Committee

<sup>iii</sup> Average hourly rate \$34.62 per [www.hpdcareer.com](http://www.hpdcareer.com), 2/10/2017

<sup>iv</sup> Per Harris County Institute of Forensic Science

<sup>v</sup> Data provided by Harris County Criminal Justice Coordinating Council

<sup>vi</sup> Internal data provided by Harris County District Attorney's Office IT Department

<sup>vii</sup> Harris County Budget Management, "Estimated Harris County Jail Detention Costs," 02/28/2015

<sup>viii</sup> Dr. Ana Yanez-Correa, Texas Criminal Justice Coalition, "Harris County, Texas Adult Criminal Justice Data Sheet,"  
countyresources.texascjc.org, 4/17/2015

<sup>ix</sup> Per HCCCL 16 Clerk, court cost for misdemeanor marijuana case in 2016