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## Research Brief

TO: Senator Johnny Ellis  
FROM: Chuck Burnham, Legislative Analyst  
DATE: January 8, 2013  
RE: Fiscal Impact of Reclassifying Misconduct Involving a Controlled Substance IV  
*LRS Report 13.061*

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***You asked us to delineate the fiscal impact on the State of reclassifying the criminal charge of Misconduct Involving a Controlled Substance IV from a class C felony to a class A misdemeanor. You also wanted to know what legal restrictions are attached to felons that are not experienced by misdemeanants.***

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With the data available to us, we are unable to reliably calculate the annual fiscal impact of reclassifying Misconduct Involving a Controlled Substance IV (MICS 4). We are, however, able to provide a rough calculation of the cost of imprisonment and parole for those convicted of class C felonies as compared to costs for class A misdemeanants over the entire, multi-year course of those cases. As we detail below, using this “life-cycle” methodology, we estimate that had the average number of prisoners discharged in recent years after serving a sentence for a MICS 4 felony been instead convicted of a class A misdemeanor, the costs associated with the entirety of their collective sentences would have been reduced by an average of roughly \$14.3 million per annual cohort of discharged prisoners. We emphasize that this is the difference in aggregate costs but should not be viewed entirely as possible savings should the reclassification be made. That is, a portion of such costs are fixed—those for heating prisons and paying correctional officers, for example—and would be incurred regardless of the length of sentence for a given crime or group of prisoners.

It is important to note that our conclusions are made in the absence of certain important information including, significantly, data from the Alaska Department of Law, and a detailed understanding of how other variables in the criminal justice process may change, thereby altering costs, should a reclassification of MICS 4 occur. Nonetheless, the single most significant cost associated with both class C felonies and class A misdemeanors, and the largest expenditures made for each by a wide margin, are generated by incarcerating and providing parole supervision for those convicted of such crimes. Therefore, because periods of both incarceration and parole are invariably much longer for felons, we are confident that reclassifying MICS 4 to a class A misdemeanor would result in substantial net savings to the state.

### **MICS 4 Crimes and Penalties**

As you know, the crimes classified as MICS 4 are enumerated at AS § 11.71.040. They include manufacturing or delivering any amount of a schedule IVA or VA drug, or more than one ounce of a schedule VIA substance; possession of any amount of IA or IIA drugs or larger amounts of IIIA and IVA substances; and a variety of other offenses ranging from possession of certain drugs near schools to obtaining a controlled substance through fraud or forgery.<sup>1</sup> There are six levels of controlled substance offenses in Alaska Statute, decreasing in severity from MICS 1 to MICS 6. Therefore, although offenses classified as MICS 4 are not among the most serious drug crimes, those offenses are treated in Alaska law as being sufficiently serious to warrant punishment at the felony level.

Pursuant to AS § 12.55.125(e) and AS § 12.55.035(b)(4), individuals convicted of a class C felony are subject to imprisonment of up to five years and/or a maximum fine of \$50,000, with consideration given to aggravating and mitigating factors in establishing punishment within the presumptive ranges set out in AS §§ 12.55.155-175. By contrast, the maximum penalty assigned to a class A misdemeanor is one year imprisonment and/or a \$10,000 fine. Clearly, given disparate penalties,

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<sup>1</sup> We include a copy of AS § 11.71.040 as Attachment A. As you know, in the schedules of controlled substances, drugs, narcotics, and related substances are grouped by the perceived risk they pose to users and society with schedule IA containing the most dangerous drugs (heroin and methamphetamines, for example) through schedule VIA, which contains substances such as marijuana that are perceived as relatively less dangerous.

reclassifying MICS 4 in the manner you contemplate would be a consequential change both to those convicted and to the state's criminal justice budget.<sup>2</sup>

### Estimated Fiscal Impacts of Reclassification

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The reclassification of MICS 4 would most directly impact the operations, and therefore budgets, of three state entities—the Departments of Law (DOL) and Corrections (DOC) and the Alaska Court System (ACS). We contacted representatives of each for assistance on your request.

#### Department of Law

Staff with the DOL determined that their electronic records systems do not offer any means of determining the Department's historical costs associated with prosecuting MICS 4 cases and, therefore, there is no ready basis for estimating the impacts of reclassification.<sup>3</sup> Producing such an estimate would require an extensive review of physical court files, which would be both time-intensive and likely to produce imprecise findings.

Based on data provided by the Court System, which we detail below, it is reasonable to believe that reclassifying MICS 4 to a lesser offense would result in a reduction in the hours that DOL attorneys and staff spend on those cases. Clearly, however, the cases would not be eliminated completely. We cannot say whether the reduction in time dedicated to prosecuting MICS 4 cases were they class A misdemeanors would be sufficient to justify eliminating staff positions. If this were to be the case, it would most likely occur in Anchorage, where roughly half of MICS 4 cases are heard. We speculate that the overall annual impact on the DOL budget would be in the tens of thousands of dollars—perhaps into the low hundreds of thousands if a limited number of positions were eliminated—and that, impacts in the millions of dollars are unlikely.

#### Alaska Court System

According to ACS General Counsel Nancy Meade, in recent years the state's courts have heard an average of approximately 900 cases in which a charge of MICS 4 was brought.<sup>4</sup> Of these, MICS 4 was the only or most serious charge in roughly 71 percent of cases, or about 640 per year on average. These are the cases that reclassification of MICS 4 would significantly impact.<sup>5</sup> However, it is important to emphasize that very few—less than one percent—of MICS 4 cases are contested at trial. This is because the vast majority of such cases are settled through plea arrangements that take relatively little court time. In fiscal year (FY) 2012, just four MICS 4 trials received a verdict by jury.

Although discernible savings would likely occur in the ACS budget with a reclassification of MICS 4, the overall net impact would likely be relatively small. Any cost reductions would likely stem primarily from the transfer of cases from Superior Court, where felonies are heard, to District Court, where misdemeanors are handled. At the district level, juries are reduced in size from twelve to six members and judges' salaries are lower. Ms. Meade estimates that combined these two factors would likely produce approximately \$35,000 in annual savings. She cautions, however, that these projections are theoretical and based on limited data.

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<sup>2</sup> This report focuses strictly on costs; however, there would no doubt be impacts beyond strictly fiscal matters should MICS 4 be reclassified. For example, where prosecutors currently offer a reduction in charges in exchange for guilty pleas in MICS 4 cases in order to expedite proceedings, their ability to do so may be hampered should defendants be facing a class A misdemeanor charge. Further, it is unclear how, if at all, the change might impact penalties for other levels of MICS crime, and how those changes would alter judicial proceedings.

<sup>3</sup> We communicated with Anne Carpeneti, Attorney V, on several occasions via email and telephone (907-465-3428) regarding this request.

<sup>4</sup> Ms. Meade can be reached at 907-264-8264. We include her full analysis of the impact on the ACS of reclassifying MICS 4 as Attachment B.

<sup>5</sup> The remaining MICS 4 cases were brought in addition to more serious charges. According to Ms. Meade, the reclassification of MICS 4 would have very little impact in such cases.

## Department of Corrections

In researching your request we encountered numerous uncertainties. What is abundantly clear, however, is that any significant savings from reclassifying MICS 4 to a misdemeanor would come from the Department of Corrections.

As we mentioned, the maximum penalty for a class C felony is five times that for a class A misdemeanor. Although the contrast is not as stark in actual penalties handed down, the difference remains substantial, leading to wide variation in the cost of care for felons as compared to misdemeanants. Michael Matthews, Research Analyst IV with the DOC, compiled data from FY 2008 to FY 2011 on the average cost of imprisonment and probation for those convicted of MICS 4 compared to that for class A misdemeanors.<sup>6</sup> Please note that these are not annual expenditures but rather the average cost of care over the entire course of multi-year term of incarceration and parole for all such prisoners who were discharged during the years in question.

For both felons and misdemeanants the daily costs of imprisonment and parole were the same at \$140.46 and \$6.73, respectively. The major difference, as you might expect, lay in the length of sentence. Those convicted of class A misdemeanors and discharged between 2008 and 2011 served an average of roughly 155 days of imprisonment and 263 days of probation. By contrast, MICS 4 convicts discharged over the same period were incarcerated for 457 days and served 441 days of probation, on average. In addition, about 41 percent of MICS 4 prisoners were discharged to a Community Correctional Facility, or “half-way house,” for an average period of roughly 59 days, at a cost of \$80.17 per day, prior to entering probation. All told, the 1,289 MICS 4 convicts discharged between 2008 and 2011 generated corrections costs of over \$85.5 million. Had all of those prisoners been instead convicted of class A misdemeanors, and served the average sentences for such crimes, the cost would have been approximately \$28.3 million, or nearly \$57.2 million less than actual costs. This equates to cost of care reductions of approximately \$14.3 million per average annual cohort of MICS 4 prisoners discharged between 2008 and 2011. We include a table aggregating the data prepared by Mr. Matthews as Attachment C.

Please note that the cost of care for MICS 4 prisoners discussed above is a relatively blunt measure in that it is simply the total number of applicable prisoners multiplied by average costs for all prisoners. That is, the total cost of correctional institutions divided by the number of prisoner days. As a result, the difference between the costs of care for those convicted of MICS 4 and those found guilty of class A misdemeanors cannot, in a strict sense, be viewed as potential savings. A portion of the costs of operations (heat, certain maintenance costs, etc.) remain constant so long as the correctional facility in question holds prisoners.<sup>7</sup> With the data available to us, we are unable to precisely identify what portion of the above differences in costs would be realized in actual savings to the State.

## Loss of Revenue from Fines

In the fiscal years 2008-2012, the average of annual aggregate fines levied on MICS 4 convicts was about \$205,000. We do not have data on average misdemeanor fines but presume, for the sake of this report, that they would be roughly one-fifth of the MICS 4 average, or about \$41,000 per year. As a result of reclassification then, the state could expect to lose roughly \$154,000 in fines annually as a result of reclassification.

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## Legal Restrictions on Felons

Legal restrictions placed on felons but not on misdemeanants include the following:

AS 08.11—disqualified from obtaining certain professional licenses. (In certain instances, misdemeanants may also be barred from licensure.);

AS § 09.20.020—barred from serving as a juror until discharged from imprisonment, parole, and probation;

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<sup>6</sup> Mr. Matthews can be reached at 907-465-3313.

<sup>7</sup> Presumably, with a significantly reduced prisoner population, portions of prisons or even entire facilities could be closed, thereby generating savings; however, we do not view the reclassification of MICS 4 alone as sufficient to cause such action.

AS § 11.61.200(a)(1)—may not possess a firearm capable of being concealed on one's person;

AS § 15.05.030—disqualified from voting until “unconditional release” from sentence;

AS § 18.65.440—revocation of licensure as a security guard upon conviction of a felony;

AS § 24.45.041—may not register as lobbyists; and

AS § 44.50.020-- commission as a Notary Public is unavailable to felons for ten years after conviction.<sup>8</sup>

We hope this is helpful. If you have questions or need additional information, please let us know.

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<sup>8</sup> Although we believe our research to be thorough, there may be additional legal restrictions placed upon felons that we were unable to locate due to variations in legal wording and construction.

**Attachment A**

AS § 11.71.040

1 of 1 DOCUMENT

ALASKA STATUTES  
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\*\*\* Annotations current through opinions posted on Lexis.com as of June 22, 2012. \*\*\*

TITLE 11. CRIMINAL LAW  
CHAPTER 71. CONTROLLED SUBSTANCES  
ARTICLE 1. OFFENSES RELATING TO CONTROLLED SUBSTANCES

**Go to the Alaska Code Archive Directory**

*Alaska Stat. § 11.71.040 (2012)*

**Legislative Alert:** LEXSEE 2012 AK. ALS 57 -- See section 1.

Sec. 11.71.040. Misconduct involving a controlled substance in the fourth degree

(a) Except as authorized in *AS 17.30*, a person commits the crime of misconduct involving a controlled substance in the fourth degree if the person

(1) manufactures or delivers any amount of a schedule IVA or VA controlled substance or possesses any amount of a schedule IVA or VA controlled substance with intent to manufacture or deliver;

(2) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing a schedule VIA controlled substance;

(3) possesses

(A) any amount of a schedule IA or IIA controlled substance;

(B) 25 or more tablets, ampules, or syrettes containing a schedule IIIA or IVA controlled substance;

(C) one or more preparations, compounds, mixtures, or substances of an aggregate weight of

(i) three grams or more containing a schedule IIIA or IVA controlled substance except a controlled substance in a form listed in (ii) of this subparagraph;

(ii) 12 grams or more containing a schedule IIIA controlled substance listed in *AS 11.71.160(f)(7)* -- (16) that has been sprayed on or otherwise applied to tobacco, an herb, or another organic material;

(D) 50 or more tablets, ampules, or syrettes containing a schedule VA controlled substance;

(E) one or more preparations, compounds, mixtures, or substances of an aggregate weight of six grams or more

containing a schedule VA controlled substance;

(F) one or more preparations, compounds, mixtures, or substances of an aggregate weight of four ounces or more containing a schedule VIA controlled substance; or

(G) 25 or more plants of the genus cannabis;

(4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

(A) with reckless disregard that the possession occurs

(i) on or within 500 feet of school grounds; or

(ii) at or within 500 feet of a recreation or youth center; or

(B) on a school bus;

(5) knowingly keeps or maintains any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for keeping or distributing controlled substances in violation of a felony offense under this chapter or *AS 17.30*;

(6) makes, delivers, or possesses a punch, die, plate, stone, or other thing that prints, imprints, or reproduces a trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of these upon a drug, drug container, or labeling so as to render the drug a counterfeit substance;

(7) knowingly uses in the course of the manufacture or distribution of a controlled substance a registration number that is fictitious, revoked, suspended, or issued to another person;

(8) knowingly furnishes false or fraudulent information in or omits material information from any application, report, record, or other document required to be kept or filed under *AS 17.30*;

(9) obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge; or

(10) affixes a false or forged label to a package or other container containing any controlled substance.

(b) It is an affirmative defense to a prosecution under (a)(4)(A) of this section that the prohibited conduct took place entirely within a private residence located within 500 feet of the school grounds or recreation or youth center. Nothing in this subsection precludes a prosecution under any other provision of this section or any other section of this chapter.

(c) Nothing in (a)(5) or (6) of this section precludes a prosecution or civil proceeding brought under any other provision of this section or any other section of this chapter or under *AS 17*.

(d) Misconduct involving a controlled substance in the fourth degree is a class C felony.

## **Attachment B**

Nancy Meade, General Counsel, Alaska Court System, analysis of the fiscal impact of reclassifying Misconduct involving a Controlled Substance IV from a class C felony to a class A misdemeanor



I've looked into your questions about the potential fiscal impact on the court system of reclassifying the MICS 4 crimes from felonies to misdemeanors. You did clarify that you are interested in the impact of reclassifying *all* MICS 4 charges, not just the possession charges, and that is the data that I used. In other words, the case statistics are for all charges brought under AS 11.71.040, whether the charge was for manufacture/distribution of Schedule IVA or VA drugs under (a)(1) or (2), running a "crackhouse" under (a)(5), using fraudulent pharmaceutical credentials or forms under (a)(7)-(a)(10), or possession of smaller amounts of specified proscribed drugs under (a)(3). We don't keep case statistics by statutory subsection of the offenses, so pulling out just the possession offenses would not have been possible with our data.

I'm sorry to say that my responses are fairly vague, because, as you note, there are lots of missing data pieces and coming up with a reliable estimate of the impact is difficult. I can say, though, with the caveats below, that the proposal could likely result in some fiscal impact; I estimate is that it **could save up to \$35,000 per year** for the court system. This savings is mostly because, as you know, felonies are handled in superior court and misdemeanors in the district court, and, very generally, district court cases are less expensive for the court to process. Below is an explanation and the reasoning I used.

1. There were 977 cases filed with a MICS 4 charge in FY 12; the number was 878 in FY11 and 848 in FY12, so I'll average those three years and begin with an **assumed 900 cases filed per year** with at least one charge under AS 11.71.040.
2. Of the 900 cases, some have other charges, which could be other felonies or other misdemeanors. This is relevant because if the case had other felony charges, reclassifying the MICS 4 to a misdemeanor would have very little impact, as the case would remain in superior court for resolution of the accompanying felony charges. Our case statistics show that the MICS 4 charge was the highest or only charge in the case in 71-72% of the cases over the last three fiscal years, meaning that those cases were handled in the superior court, but would be handled in the district court if the charge became a misdemeanor. For this estimate, then, I took 71% of the assumed 900 cases to conclude that **approximately 640 cases per year** are either stand-alone MICS 4 or MICS 4 with misdemeanor charges, but not other felony charges. These cases would become misdemeanors and be handled by the district court rather than the superior court under the proposal.
3. There are three potential areas of cost savings from moving 640 criminal cases from the superior court to the district court: no grand juries are used in misdemeanors, misdemeanor trials use 6 rather than 12 jurors, and a district court judge (who would be handling these cases) is paid at a lower salary than a superior court judge.
  - a. *Grand Juries.* A defendant is not entitled to a grand jury for a misdemeanor charge, so that could be seen as a cost savings for the system. This does not appear to be the case however, mainly because grand jurors are paid one flat fee per day (\$25) no matter how many hours they serve that day. (There are 18 grand jurors, so at \$25/juror/day, a day when the grand jury convenes costs the court \$450 in juror payments.) And, I heard an estimate from one prosecutor that presenting a MICS 4 charge to a grand jury might take about 20 minutes. (This is, obviously, anecdotal and not researched at this point.) You could conclude that 640 cases x 1/3 of an hour equals 213 hours in grand juror time, and at 7.5 hours

per day, that is a savings of 28.5 days. Then, \$450/day x 28 days equals \$12,787 in saved grand jury costs.

But, this savings is theoretical and is unlikely to actually occur in practice. That's because in nearly every grand jury day, multiple cases are presented for consideration. It is not the case that a grand jury convenes for just one case, such that removing that case from the grand jury would save the day's pay. Instead, the incremental 213 hours per year that the MICS 4 cases might take in grand jury time (which is equal to just 17.5 hours per month spread over the 12 court locations where grand juries convene, for approximately 1-1/2 hours of additional grand jury time per month per location) would be absorbed in the days when the grand jury is already convening to hear numerous cases, and is already being paid. Because the number of cases is low and the time spent presenting them to the grand jury is minimal, it is likely that making these cases misdemeanors rather than felonies would result in **extremely small, if any, actual savings of court funds for the grand jury aspect.**

- b. *Petit (Trial) Juries.* Trials in misdemeanor cases use six jurors, while felony trials use twelve. Again, this could be seen as a cost savings for the court, since it would save half the expense of juror payments if the trials for the MICS 4 cases were misdemeanor trials in district court.

This savings, again, would be quite small. This is because so few cases in general proceed through to a trial; the court has an overall trial rate in criminal cases of between 1 and 5%. For the approximately 640 cases where MICS 4 was the highest or only charge over the last three fiscal years, our data shows that very few were resolved by a jury trial. (For example, of the 271 MICS 4 cases in Anchorage in FY12, zero proceeded to a jury.) For this calculation, if we approximate that 2% statewide would go to a jury, that means that there could be possibly 12 trials around the state; these could last from 1-8 days for ALL the charges to be presented and resolved by the jury. (This approximation of the number of trials is high; as explained in section c. below, the percentage is actually between 1/2% and 2%. For this calculation, however, the court is supplying an optimistic estimate.) Six extra jurors x \$25/day x average of 4 days equals a savings of \$600/trial, x 12 trials equals **\$7,200 in trial juror pay.**

The court would also see small savings from other costs associated with the jury, such as parking fees (for trials held in Anchorage) and a meal provided during jury deliberations (if they proceed through a meal time; \$16/lunch x 6 extra jurors = \$96/trial). We could estimate that half the trials require a juror meal, and half require parking fees to be paid by the court; the **incidental jury costs could reach approximately \$900** for this number of trials. These juror pay and incidental jury costs may overstate the savings in this category, but those amounts may be possible.

- c. *Judge Processing Time.* If 640 cases were reclassified as misdemeanors rather than felonies, and therefore moved from the superior to the district court calendar, the court would experience some savings because the cases would be presided over by judges who make a lower salary. In theory, one might estimate the savings by comparing 640 to the average number of cases a superior court judge handles, and computing the percent of a judge's time these cases would take, and then considering that percentage of a salary as a savings; the cases would be added to the district court judge's caseload, and the two would be netted for the total potential savings.

This approach, however, has a flaw that makes the result imprecise. That is, even though a superior court judge generally handles 600 cases per year, it does not follow that removing these 640 MICS 4 cases from the superior court calendar would save about one judge's worth of time. The reason is that MICS 4 cases have an *extremely* low trial rate: between ½% and 2% of the MICS 4 cases have gone to trial statewide over the last three years. (In FY12, a total of *four* MICS 4 cases went to trial; the number was 10 in FY11, and 13 in FY10.) Though a superior court judge handles about 600 cases per year, the vast majority of the judge's time (and therefore of the court's costs) is spent on the cases that go to trial. Those are the cases with discovery disputes, motions to dismiss, and motions to suppress evidence that are filed, argued, and decided, and with a number of hearings to discuss the parties' readiness and scheduling. The cases that go to trial also involve time-consuming jury issues such as the wording of instructions, questioning and choosing jurors, and the time spent on the trial itself.

The cases that don't go to trial, like most of the MICS 4 cases, take up very little judge time, generally speaking, since they are often resolved right at the initial hearing (arraignment), or by the parties in a plea agreement that is presented to the court at one hearing before the case is closed. Even though just four of the 640 MICS 4 cases went to trial last year (and therefore the vast majority of the MICS 4 cases did not take significant judge time), the superior court judges would still see some small decrease in workload if these cases were eliminated from the statewide superior court calendar. Even if there were an average of just eight trials per year statewide that could be moved from the superior to the district court, at an estimated four days per trial, the court could see a savings of **approximately \$17,760** (\$23,680 in saved superior court pro tem judge time, minus the additional \$5,920 in district court pro tem judge time; though the pro tem judges are paid the same for work in both courts, the caseload in the district court is about four times higher per judge, and therefore the computed cost per day for a district court case is about one-fourth of the cost for a superior court case.).

In addition, the MICS 4 cases that do *not* go to trial (the other approximately 632 of the 640) certainly take some judge time, though the amount is variable and can't be calculated with our data. Though many of the charges are dismissed or result in a guilty plea very quickly, some may take more judge time for status hearings or other disputes. (These cases also take up time for other court staff who open the file, enter data, track deadlines, and do other file processing tasks, but those costs would remain the same whether the charge were a felony or a misdemeanor.) The savings in judge time from moving these non-jury-tried cases to the district court could be up to \$10,000, though the amount cannot be determined with accuracy.

In total, then, we can say that the proposal could result in approximately \$35,000 in savings to the court system (\$7,200 in trial juror pay + \$900 in incidental jury costs + \$17,760 in judge's trial time + ~\$10,000 in other time). Thank you for the chance to explain this, and if you have any more questions or want further information, please give me a call.

## **Attachment C**

Michael Matthews, Research Analyst IV, Alaska Department of Corrections, analysis of the fiscal impact of reclassifying Misconduct involving a Controlled Substance IV from a class C felony to a class A misdemeanor

### Cost of Care for MICS-4 Offenders

MICS-4 Variables	Annual Averages						
Discharge Years (Calendar Year)	Total MICS-4 Discharges	Number of Days Incarcerated for MICS-4 from Intake to Discharge	Number of MICS-4 Discharges that go to Probation	Number of Discharges Going to Probation Sent to a CRC	Length of Stay for MICS-4 Offenders Discharged from CRC	Number of Discharges going to Probation not including CRC	Length of Stay on Probation for MICS-4 not including CRC
2008-2011	1289	457	179	131	59	48	441

#### Class A Misdemeanors

Average Length of Sentence for Misdemeanor A Convictions Where There Were no Other Convictions of Greater Offense	Average Length of Stay on Probation for Misdemeanor A Discharges
156	263

> Total cost of care for MICS-4 offenders was calculated by multiplying the number of MICS-4 discharges by the average number of days incarcerated and multiplying the product by the average daily cost of care for offenders in institutions. Additionally, the cost of housing MICS-4 discharges in a CRC was created using the same methodology and added to the product of the institutional stay. Finally, the cost of putting MICS-4 discharges on probation was also added to the sum.

>The cost of Misdemeanor A offenders was created much the same way but with the following exceptions:

- ~ Instead of using average number of days incarcerated, average length of Misdemeanor A sentence was used. Since it is impossible to determine how long a judge will require an offender to remain incarcerated should the felony C drug conviction be changed to Misdemeanor A, the average length of sentence was used instead of average length of incarceration.
- ~ Very few discharged Misdemeanor A offenders ended up housed in a CRC, so this number was not used.
- ~ Average length of probation for Misdemeanor A discharges was calculated the same as probation length for felony C discharges.

#### Constants

Institution Daily Cost of Care	CRC daily Cost of Care	Probation daily Cost of Care
\$140.46	\$80.17	\$6.73

#### Calculations

Institutional Cost of Care for Felony C MICS-4 Offenders	CRC Cost of Care for Felony C MICS-4 Offenders	Probation Cost of Care for Felony C MICS-4	Total Cost Associated with MICS-4 Offenders from Intake to Full Discharge	Total Cost if Felony C Drug Convictions were Misdemeanor A Offenses	Potential Reduction in Cost
\$82,432,723.76	\$2,483,198.41	\$566,777.11	\$85,482,699.28	\$28,311,035.86	\$57,171,663.42

>Please note: These numbers should not be interpreted as realized savings. Actual savings in cost are difficult to calculate. For example, the heating bill for an institution will remain unaffected regardless of whether MICS-4 is a felony or misdemeanor.