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**PER-UNIT AND PER-TRANSACTION
EXPENDITURES IN THE MONTANA
CRIMINAL JUSTICE SYSTEM**

by David E. Olson

for the Montana Board of Crime Control

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MONTANA BOARD OF CRIME CONTROL

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ABOUT THE AUTHOR

David Olson is currently the Director of the Illinois Criminal Justice Information Authority's Information Resource Center. Mr. Olson has been with the Authority for more than 5 years, serving in various research capacities. He is also a lecturer of Criminal Justice at Loyola University of Chicago. Mr. Olson received his Bachelor of Science degree in Criminal Justice from Loyola University of Chicago, his Master of Arts in Criminal Justice from the University of Illinois at Chicago, and is currently a doctoral candidate in Political Science/Public Policy Analysis at the University of Illinois at Chicago. He has written and published numerous articles, reports, and book chapters on the financing of the criminal justice system.

TABLE OF CONTENTS

I.	Introduction	1
II.	Per-Unit and Per-Transaction Expenditures for Law Enforcement in Montana	2
III.	Per-Filing and Per-Disposition Expenditures for Court Activities in Montana	9
IV.	Per-Diem and Per-Booking Expenditures for Montana's County Jails	17
V.	Per-Annum, Per-Diem and Per-Sentence Expenditures for Montana's Prison and Probation System	21
VI.	Combined Expenditures to Process an Offender Through the Montana Justice System	24
VII.	Appendix I	25
VIII.	Bibliography	42

LIST OF FIGURES

Figure Number	Page Number
1. 1992 Per-Capita Expenditures by Montana's County Sheriffs	26
2. 1992 Per-Offense Expenditures by Montana's County Sheriffs	26
3. 1992 Per-Arrest Expenditures by Montana's County Sheriffs	27
4. 1992 Per-Capita Expenditures by Montana's Municipal Police Departments	27
5. 1992 Per-Offense Expenditures by Montana's Municipal Police Departments	28
6. 1992 Per-Arrest Expenditures by Montana's Municipal Police Departments	28
7. 1992 Per-Capita Expenditures by Montana's Sheriffs and Municipal Police Combined	29
8. 1992 Per-Offense Expenditures by Montana's Sheriffs and Municipal Police Combined	29
9. 1992 Per-Arrest Expenditures by Montana's Sheriffs and Municipal Police Combined	30
10. 1991 Total Per-Filing District Court Expenditures in Montana	31
11. 1991 Total Per-Disposition District Court Expenditures in Montana	31
12. 1991 Per-Criminal Filing District Court Expenditures in Montana for Court Reporters	32
13. 1991 Per-Criminal Disposition District Court Expenditures in Montana for Court Reporters	32
14. 1991 Per-Criminal Filing District Court Expenditures in Montana for Witnesses	33
15. 1991 Per-Criminal Disposition District Court Expenditures in Montana for Witnesses	33
16. 1991 Per-Criminal Filing District Court Expenditures in Montana for Psychiatric Exams	34

LIST OF FIGURES (CONTINUED)

Figure Number	Page Number
17. 1991 Per-Criminal Disposition District Court Expenditures in Montana for Psychiatric Exams	34
18. 1991 Per-Criminal Filing District Court Expenditures in Montana for Juries . . .	35
19. 1991 Per-Criminal Disposition District Court Expenditures in Montana for Juries	35
20. 1991 Per-Jury Disposition District Court Expenditures in Montana for Juries . . .	36
21. 1991 Per-Criminal Filing District Court Expenditures in Montana for Indigent Defense	37
22. 1991 Per-Criminal Disposition District Court Expenditures in Montana for Indigent Defense	37
23. 1991 Per-Criminal Filing District Court Expenditures in Montana for Prosecution	38
24. 1991 Per-Criminal Disposition District Court Expenditures in Montana for Prosecution	38
25. Annual Per-Inmate Expenditures in Montana County Jails, 1988	39
26. Daily Per-Inmate Expenditures in Montana County Jails, 1988	39
27. Per-Admission Expenditures in Montana County Jails, 1988	40
28. Per-Admission Expenditures in Montana County Jails, 1988 (by Size of Jail) . . .	40
29. Annual Per-Inmate Expenditures in Montana County Jails, 1988 (by Size of Jail)	41
30. Daily Per-Inmate Expenditures in Montana County Jails, 1988 (by Size of Jail)	41

LIST OF TABLES

Table Number	Page Number
1. Per-Capita Expenditures by Montana's County Sheriffs, 1988, 1991, and 1992 . . .	3
2. Per-Offense Expenditures by Montana's County Sheriffs, 1988, 1991, and 1992 . .	4
3. Per-Arrest Expenditures by Montana's County Sheriffs, 1988, 1991, and 1992 . . .	4
4. Per-Capita Expenditures by Montana's Municipal Police Departments, 1988, 1991, and 1992	5
5. Per-Offense Expenditures by Montana's Municipal Police Departments, 1988, 1991, and 1992	6
6. Per-Arrest Expenditures by Montana's Municipal Police Departments, 1988, 1991, and 1992	6
7. Per-Capita Expenditures by Montana's Sheriffs and Municipal Police Combined, 1988, 1991, and 1992	7
8. Per-Offense Expenditures by Montana's Sheriffs and Municipal Police Combined, 1988, 1991, and 1992	7
9. Per-Arrest Expenditures by Montana's Sheriffs and Municipal Police Combined, 1988, 1991, and 1992	8
10. Total Per-Filing and Per-Disposition District Court Expenditures in Montana, 1991	10
11. Per-Criminal Filing and Disposition Expenditures in Montana's District Courts for Court Reporters, 1991	11
12. Per-Criminal Filing and Disposition Expenditures in Montana's District Courts for Witnesses, 1991	12
13. Per-Criminal Filing and Disposition Expenditures in Montana's District Courts for Psychiatric Exams, 1991	12
14. Per-Criminal Filing and Disposition Expenditures in Montana's District Courts for Juries, 1991	13
15. Per-Jury Disposition Expenditures in Montana's District Courts, 1991	13

LIST OF TABLES (CONTINUED)

Table Number		Page Number
16.	Per-Criminal Filing and Disposition Expenditures in Montana's District Courts for Indigent Defense, 1991	14
17.	Per-Criminal Filing and Disposition Expenditures in Montana's District Courts for Prosecution, 1991	15
18.	Per-Criminal Filing and Disposition Expenditures in Montana's District Courts for Criminal Cases, 1991	16
19.	Per-Annum and Per-Diem Expenditures to Incarcerate an Offender in Montana's County Jails, 1988	18
20.	Per- Pretrial Detention Expenditures in Various Case Outcomes in Montana, 1988	18
21.	Per-Admission Expenditures in Montana County Jails, 1983 and 1988	19
22.	Per-Admission, Per-Annum, and Per-Diem Expenditures in Montana's County Jails, 1988	20
23.	Per-Annum and Per-Diem Expenditures for Montana's Prison System, 1991	21
24.	Per-Prison Sentence Expenditures in Montana, 1991	22
25.	Combined Per-Offender, Per-Transaction Expenditures to Process an Offender Through the Montana Criminal Justice System	24

I. INTRODUCTION

In order for criminal justice policy makers to be able to accurately assess the full *financial* impact of various decisions in the justice system and throughout the processing of an offender through the criminal justice process, it is necessary to estimate the costs of the various activities involved. Simply analyzing aggregate budgets, without comparing them to various measures of the justice system's workload, does not reveal the costs associated with specific units of production. Thus, the intention of this report is to present different methods from which estimates of the *average* costs associated with the most common or frequently cited workload measures of the components of the criminal justice system (criminal offenses, arrests, criminal court filings, criminal court dispositions, trials, admissions to county jails, lengths of pre-trial detention, and forms of incarceration and supervision in Montana) can be produced.

Data on expenditures for specific justice activities and agencies were collected from numerous sources, including Montana-specific data from the Bureau of Justice Statistic's *Justice Expenditure and Employment in the U.S.* and *Census of Local Jails* data series, and data collected from state agencies in Montana, including the Montana Department of Commerce and the Montana Supreme Court Administrator's Office.

Data on specific measures of criminal justice system activities and workloads were also collected from numerous sources, including Montana-specific data from the Bureau of Justice Statistic's *Census of Local Jails* data series, the Montana Board of Crime Control's Uniform Crime Report dataset, the Montana State Judicial Information System, and the Montana Department of Corrections and Human Services.

The organization of this report is such that each component (law enforcement, courts, indigent defense, prosecution, jail, prison, and probation) of the Montana justice system is first considered individually, then all the estimates are brought together to form a system-wide cost estimate. Two measures were used to estimate the average per-unit expenditure for the individual transactions that occur in the processing of an offender. The first measure is a *weighted average*, where total expenditures were divided by the total workload measure. For example, total law enforcement expenditures in Montana were divided by the total number of criminal offenses reported to law enforcement agencies in Montana to arrive at the average per-offense expenditure. The second measure is the *mean* or each individual unit of government's per-workload measure. For example, law enforcement expenditures for each individual law enforcement agency in Montana were divided by the total number of criminal offenses reported to each individual law enforcement agency. The mean of these individual law enforcement agency per-offense expenditures was then calculated. The weighted average and mean for each measure of per-unit expenditures are presented in tables for each activity. The weighted average is a more accurate measure of overall expenditures for a specific activity in Montana, whereas the mean is influenced more by individual agencies that may have extremely high or low per-unit expenditures. Figures presenting the per-unit expenditure for each county or unit of government, the weighted average, and the mean are presented in Figures 1 through 30 in the Appendix.

II. PER-UNIT AND PER-TRANSACTION EXPENDITURES FOR LAW ENFORCEMENT IN MONTANA

Overview of Methodology and Assumptions

In order to measure the cost associated with various units of output or transactions that occur with police operations, a number of measures have and could be used. Among these are the number of miles patrolled, the number of Index offenses reported to the police, the number of calls for service made to the police (criminal and non-criminal), and the population of the jurisdiction (per-capita expenditures). When measuring the total workload of police departments relative to expenditures, however, the use of *Index* offenses (Murder, Rape, Robbery, Aggravated Assault, Larceny/Theft, Burglary, Motor Vehicle Theft, and Arson) in the denominator has a couple of limitations. The first, and most important in terms of estimating average expenditures per-crime, is that *Index* offenses accounted for only half of all criminal offenses reported to local (county and municipal) law enforcement agencies in Montana in 1992 (Crime in Montana, 1992, p. 10). Thus, if only Index offenses were used in the denominator the average per-offense expenditure would be over-inflated. Second, because the investigation of relatively infrequent and involved cases (like homicides, rape, or robbery) can be extremely time and resource consuming, per-offense costs for these types of cases could be extremely high. Therefore, all offenses (Index and non-Index) are used in the following analyses. Specifically, per-capita, per-offense, and per-arrest expenditures by Montana's sheriffs and municipal police are examined and presented in the following chapter. Because not all Montana law enforcement agencies participate in the Montana Uniform Crime Reporting (MUCR) program, those agencies are excluded from the analysis since offense and arrest data are not readily available. Expenditure data for Montana's local law enforcement agencies in 1988 came from the Bureau of Justice Statistic's *Justice Expenditure and Employment in the U.S.* data series. Expenditure data for Montana's local law enforcement agencies in 1991 and 1992 were collected from financial forms submitted by local units of government to the Montana Department of Commerce. Because the 1988, 1991, and 1992 expenditure figures presented have not been adjusted to control for inflation, comparisons of these figures from year to year should not be made.

Per-Capita Expenditures by Montana's County Sheriffs

One of the most commonly used measures of the level of law enforcement expenditures when comparing across jurisdictions is per-capita expenditures, calculated by dividing the total expenditures by the total population served by the law enforcement agency. Two different statistical methods were used to estimate the average per-capita expenditures in 1988, 1991, and 1992. First, a *weighted average* was calculated, where county sheriff expenditures and the population served by the sheriffs were aggregated and then the division of total expenditures by

total population took place. Second, an average of all individual county sheriff per-capita expenditures was calculated (that is, the data were not aggregated prior to the calculation of the fraction). The results of both of these per-capita expenditure calculation procedures are presented in Table 1 below for the three years analyzed. Included in the table are the number of counties included in the analysis. The individual 1992 per-capita expenditures for each of the Montana counties included in the analysis are presented in Figure 1 on page 26 of the Appendix.

Included in the table are the number of counties used in the analysis. For some counties, usable expenditure data were not available from the sources due to non-reporting or the expenditures were not dis-aggregated enough to determine law enforcement expenditures. Other counties do not submit data to the Montana Board of Crime Control through the Montana Uniform Crime Report program. Because of these limitations, data were only available for certain counties. Still, these counties included those which account for the majority of Montana's population. The 43 counties included in the analysis for 1992 accounted for almost 70 percent of Montana's population served by county sheriffs.

Table 1
Per-Capita Expenditures by Montana's
County Sheriffs, 1988, 1991, and 1992

Per-Capita Expenditures			
	1988 (N=36)	1991 (N=40)	1992 (N=43)
Weighted Average	\$34.98	\$54.68	\$60.52
Mean	\$44.58	\$64.65	\$68.52

Per-Offense Expenditures by Montana's County Sheriffs

In order to estimate how much Montana's County Sheriffs spent, on average, for each criminal *offense* reported to their offices, 1988, 1991, and 1992 expenditure and offense data were analyzed.¹ As in the previous analysis, a *weighted average* was first calculated, where expenditures and offenses were aggregated and then the division of total expenditures by total offenses took place. Second, an average of all the individual county sheriff per-offense expenditures was calculated (that is, the data were not aggregated prior to the calculation of the fraction) to produce the *mean*. The results of both of these per-offense expenditure estimation procedures for Montana's county sheriffs in 1988, 1991, and 1992 are presented in Table 2

¹ The total number of offenses reported to the police were extracted from the Montana Uniform Crime Report database maintained by the Montana Board of Crime Control.

below. The individual 1992 per-offense expenditures for each of the Montana counties included in the analysis are presented in Figure 2 on page 26 of the Appendix.

Table 2
Per-Offense Expenditures by Montana's
County Sheriffs, 1988, 1991, and 1992

Per-Offense Expenditures			
	1988 (N=35)	1991 (N=36)	1992 (N=43)
Weighted Average	\$495.85	\$734.12	\$793.67
Mean	\$4,220.56	\$1,919.86	\$1,520.06

Per-Arrest Expenditures by Montana's County Sheriffs

The number of arrests, another measure of law enforcement workload, were also analyzed using a similar method. County sheriff expenditures were divided by the total number of arrests reported through the MUCR program using 1988, 1991, and 1992 data. Table 3 below contains the weighted average and the mean per-arrest expenditures by Montana's county sheriffs in 1988, 1991, and 1992. As can be seen, 1992 county sheriff per-arrest expenditures are more than three times higher than per-offense expenditures. The individual 1992 per-arrest expenditures for each of the Montana county sheriffs (as well as the mean and weighted average) included in the analysis are presented in Figure 3 on page 27 of the Appendix.

Table 3
Per-Arrest Expenditures by Montana's
County Sheriffs, 1988, 1991, and 1992

Per-Arrest Expenditures			
	1988 (N=34)	1991 (N=37)	1992 (N=39)
Weighted Average	\$1,165.16	\$2,580.47	\$2,500.52
Mean	\$4,700.56	\$10,278.97	\$13,214.92

Per-Capita Expenditures by Montana's Municipal Police Departments

As was discussed previously, one of the most commonly used measures of the level of law enforcement expenditures when comparing across jurisdictions is *per-capita* expenditures. As in the previous analyses, the 1988, 1991, and 1992 *weighted average* and *mean* were calculated for those Montana *municipal* police departments for which data were available. The results of these per-capita expenditure calculation procedures are presented in Table 4 below. Included in the table are the number of municipalities included in the analysis. The individual 1992 per-capita expenditures for each of the Montana municipalities included in the analysis (as well as the mean and weighted average) are presented in Figure 4 on page 27 of the Appendix.

Included in the table are the number of municipal departments included in the analysis. For some municipalities, usable expenditure data were not available from the sources. Other municipalities do not submit data to the Montana Board of Crime Control through the Montana Uniform Crime Report program. Because of these limitations, data were only available for certain municipal police departments. Of the 37 municipal police departments identified in *Crime in Montana 1992*, data were available for 30 of those municipalities in 1992.

Table 4
Per-Capita Expenditures by Montana's
Municipal Police Departments, 1988, 1991, and 1992

Per-Capita Expenditures			
	1988 (N=22)	1991 (N=27)	1992 (N=30)
Weighted Average	\$50.78	\$65.45	\$67.36
Mean	\$65.94	\$70.61	\$78.72

Per-Offense Expenditures by Montana's Municipal Police Departments

Similar to the analysis performed with Montana's county sheriffs, two different statistical methods were used to estimate the average expenditure per-offense in 1988, 1991, and 1992 for Montana's municipal police departments. The results of both of these per-offense expenditure estimation procedures for Montana's municipalities are presented in Table 5 on the following page. In addition, the 1992 per-offense expenditures for each municipal police department included in the analysis (as well as the mean and weighted average) are presented in Figure 5 on page 28 of the Appendix. Comparing the per-offense expenditures calculated for Montana's county sheriffs (Table 2) to Montana's municipalities (Table 5), it can be seen that Montana's county sheriffs spent almost twice as much *per-offense* as did Montana's municipalities in 1992. Part of this difference may be explained by the fact that the jurisdiction of a county sheriff is

much larger (in terms of square miles) and those citizens served by the sheriff are spread out over a larger geographic area (the population density served is lower for the sheriff). In addition, non-law enforcement activities may be paid from the amount reported as law enforcement expenditures (e.g., serving warrants).

Table 5
Per-Offense Expenditures by Montana's
Municipal Police, 1988, 1991, and 1992

Per-Offense Expenditures			
	1988 (N=22)	1991 (N=27)	1992 (N=30)
Weighted Average	\$322.26	\$408.06	\$402.70
Mean	\$747.49	\$1,144.15	\$1,057.36

Per-Arrest Expenditures by Montana's Municipal Police Departments

Table 6 below contains the weighted average and the mean per-arrest expenditures by Montana's municipal police in 1988, 1991, and 1992. As can be seen, per-arrest expenditures by Montana's municipal police are more than twice as large as per-offense expenditures. The 1992 per-arrest expenditures for each municipality included in the analyses are presented in Figure 6 on page 28 of the Appendix.

Table 6
Per-Arrest Expenditures by Montana's
Municipal Police, 1988, 1991, and 1992

Per-Arrest Expenditures			
	1988 (N=22)	1991 (N=27)	1992 (N=30)
Weighted Average	\$579.30	\$1,256.31	\$1,076.21
Mean	\$1,390.34	\$3,101.10	\$2,060.21

Per-Capita Law Enforcement Expenditures in Montana

In order to get an overall average of per-capita law enforcement expenditures by local law enforcement agencies in Montana, the data available for the county sheriffs and the municipal police were combined and analyses similar to that presented above were performed on these data.

Based on this combination of the data, it can be seen in Table 7 that in 1992, \$64.02 per-capita was spent for local law enforcement activities in Montana. This \$64.02 spent per-capita in 1992 when the combined data are analyzed was 6 percent higher than when only Montana's county sheriffs' expenditures were analyzed and 5 percent lower than when only Montana's municipal police expenditures were analyzed. Data for the individual agencies included in the analysis are presented in Figure 7 on page 29 of the Appendix.

Table 7
Per-Capita Expenditures by Montana's
Sheriffs and Municipal Police Combined, 1988, 1991, and 1992

Per-Capita Expenditures			
	1988 (N=56)	1991 (N=63)	1992 (N=73)
Weighted Average	\$40.99	\$59.71	\$64.02
Mean	\$51.80	\$67.34	\$72.59

Per-Offense Law Enforcement Expenditures in Montana

In order to estimate the overall per-offense law enforcement expenditures by local law enforcement agencies in Montana, the data available for the county sheriffs and the municipal police were combined and analyses similar to that presented above were performed. Table 8 contains the weighted average and mean per-offense expenditure when all local law enforcement agencies for which data were available are analyzed. As can be seen in Table 8, the \$561 per offense estimated for 1992 when all agencies are included is lower than the \$793 when only county sheriffs were analyzed and higher than the estimate of \$402 when only municipal police departments were included in the estimate. Data for the individual agencies included in the analysis are presented in Figure 8 on page 29 of the Appendix.

Table 8
Per-Offense Expenditures by Montana's County
Sheriffs and Municipal Police Combined, 1988, 1991, and 1992

Per-Offense Expenditures			
	1988 (N=56)	1991 (N=63)	1992 (N=73)
Weighted Average	\$393.58	\$516.55	\$561.01
Mean	\$2,880.08	\$1,587.41	\$1,329.91

Per-Arrest Law Enforcement Expenditures in Montana

In order to estimate the overall average per-arrest law enforcement expenditures by local law enforcement agencies in Montana, the data available for the county sheriffs and the municipal police were combined and analyzed. As can be seen in Table 9, and as was seen in Table 8, the average when all agencies are combined falls between the previous results using either the county sheriff or municipal police data. The combined \$1,580 per-arrest estimated for 1992 when all agencies are included is between the \$2,500 when only county sheriffs were analyzed the \$1,076 when only municipal police departments were included in the estimate. Data for the individual agencies included in the analysis are presented in Figure 9 on page 30 of the Appendix.

Table 9
Per-Arrest Expenditures by Montana's County
Sheriffs and Municipal Police Combined, 1988, 1991, and 1992

Per-Arrest Expenditures			
	1988 (N=56)	1991 (N=63)	1992 (N=73)
Weighted Average	\$781.00	\$1,634.44	\$1,580.46
Mean	\$3,400.13	\$7,250.00	\$8,365.05

Summary and Conclusions

As can be seen from the analyses and estimates produced for law enforcement activities in the preceding pages costs can vary widely, depending upon which measure is used in the denominator of the fraction used to estimate per-unit expenditures. However, when the per-offense and per-arrest expenditures are compared using either the sheriffs or the municipalities, or the combination of the two, it appears that the most conservative, consistent estimate would be that based on the combination of the two. In addition, the use of the per-offense, rather than the per-arrest, estimate would also be more conservative and easier to argue as an indicator of how much it costs police to *respond* to each crime that occurs. If only arrests are used as a measure, then no weight is given to the crimes that are either investigated extensively with no resulting arrest, nor does it measure crimes which are solved or resolved without the arrest of an individual. Therefore, in 1992, a conservative, accurate measure of the weighted average cost of a criminal offense to the police in Montana is \$561, or a mean of almost \$1,330 per-offense.

III. PER-FILING AND PER-DISPOSITION EXPENDITURES FOR COURT RELATED ACTIVITIES IN MONTANA

Overview of Methodology and Assumptions

Unlike police agency expenditures and activities, which are involved solely in criminal justice related operations, court expenditures are often for both civil and criminal justice activities. For example, justice of the peace courts, municipal courts, and city courts are involved in both misdemeanor and civil cases. The District courts hear civil, felony, and juvenile cases. Because of the mix between civil and criminal cases, it is often difficult to separate the cost of these two functions from aggregate "court" budgets in most jurisdictions. To a lesser extent, county attorney's offices not only prosecute all criminal cases, but also represent the state and county in civil matters and provide legal services to county officials. Some expenditures, however, can easily be identified as "criminal" court costs. Public defense expenditures, for example, are specific to the cost associated with processing *criminal* offenses through the courts. The cost of a psychiatric examination for a defendant can also be identified as a "criminal" court cost.

In Montana's District courts, costs incurred by counties for those activities listed below are reimbursed by the state. Because these costs are *reimbursed* to counties, it is a more accurate representation of how much was actually spent on each activity. Those specific criminal court costs which are reimbursed by the state include;

- 1) a percent of Court Reporters' salaries;
- 2) the cost of transcripts of eligible criminal proceedings;
- 3) the cost of psychiatric examinations in criminal proceedings;
- 4) witness and jury expenses of criminal proceedings, and;
- 5) indigent defense expenses of criminal proceedings.

In some states, the costs of court reporters' salaries, transcripts, psychiatric examinations, and witness and jury expenses are included as part of an agency's overall budget and cannot always be separated out from other expenditures.

As with the estimation of per-capita/per-arrest/per-offense expenditures by Montana's local law enforcement agencies, there are numerous denominators that can be used in estimating the cost associated with specific activities or transactions that occur in the criminal court process. For example, simply dividing total District court expenditures by the *total* number of cases (civil plus criminal) filed or disposed of would result in the weighted average or mean per-filing or per-disposition expenditures. However, because of the availability of criminal court-specific expenditure and activity data, it is possible to develop a component/transaction-specific estimate of *criminal* court costs in Montana.

There are two ways per-filing and per-disposition costs can be estimated for the processing of offenders through the criminal courts in Montana; 1) by determining how many instances of

witnesses, transcripts, jury, psychiatric exam, or use of indigent defense there *actually* were, or 2) by amortizing the costs of these activities over all criminal cases filed or disposed of in the courts. The first method would provide for exact per-case costs, given different scenarios, while the second would result in an "average" cost associated with processing an "average" offender through the court. As with the analyses performed for law enforcement expenditures per-unit, the per-unit court related expenditures for each Montana county are presented in the Appendix. Expenditures for these court activities represent reimbursements to counties from Montana's Office of the Supreme Court Administrator and reports filed with the Montana Department of Commerce. Criminal filing data were also provided for each county by the Montana's Office of the Supreme Court Administrator. Because the fiscal year of Montana's governmental units cover the period from July 1 to June 30, and criminal filing data were available by calendar year for 1991, expenditures for fiscal year 1991 and 1992 were calculated and applied to the 1991 criminal filing data.

Per-Filing and Disposition Expenditures in Montana's District Courts

As was stated on the previous page, one of the most basic methods that can be used to estimate the per-case cost in Montana's District courts is to divide total District court expenditures (criminal and civil) in each county by the total number of cases (criminal and civil) filed or disposed of in the District court in each county. Using this method, it is assumed that all cases (civil, criminal, and juvenile) require an equivalent amount of resources to process. The results of these calculations are presented in Table 10 below. The per-filing and per-disposition expenditures for each individual Montana county in 1991 are presented in Figures 10 and 11 on page 31 of the Appendix. As can be seen in Table 10, the weighted average cost per-filing in Montana's District court in 1991 was approximately \$495 and the weighted average per-disposition cost was almost \$580.

Table 10
Total Per-Filing and Per-Disposition District Court
Expenditures in Montana, 1991

	Per-Filing Expenditures	Per-Disposition Expenditures
Weighted Average	\$495.12	\$579.51
Mean	\$709.07	\$812.12

Per-Criminal Filing and Disposition Expenditures for Specific Criminal Justice Activities

Although the easiest method for estimating costs in the courts would be to follow the procedure described above, where it is assumed that all cases (civil, criminal, and juvenile) require equal resources, it is far more advantageous if data specific to *criminal* justice costs can be analyzed

apart from the civil justice expenditures and criminal cases can be separated from civil cases. Based on the data available in Montana, this is possible. Because data on how much was spent for court reporters, psychiatric exams, witness and jury costs, indigent defense, and county attorney expenditures exist, it is possible to analyze these data with information on the number of *criminal* cases filed and disposed of in Montana's District courts. These data are available for every county in Montana. Similar to the method used to estimate the average per-unit cost for Montana's law enforcement agencies, both a weighted average and mean were calculated separately for the *per-criminal case filing* and *per-criminal case disposition* expenditures for court reporters, witnesses, psychiatric exams, jury expenses, indigent defense, and county attorney.

Per-Filing and Disposition Expenditures for Court Reporters in Montana's District Courts

Per-filing and per-disposition expenditures for court reporter activities specific to criminal cases are presented in Table 11. In 1991, an average of \$76.98 was spent per-criminal filing for court reporter services, compared to \$64.89 when per-disposition expenditures are estimated. Because court reporters are involved in all criminal cases, it can be safely assumed that this is an accurate estimate and not an underestimate. Per-filing and per-disposition court reporter expenditures for each county are presented in Figures 12 and 13 on page 32 of the Appendix.

Table 11
Per-Criminal Filing and Disposition Expenditures in Montana's District Courts for Court Reporters, 1991

	Court Reporter Per-Filing	Court Reporter Per-Disposition
Weighted Average	\$76.98	\$64.89
Mean	\$109.98	\$95.73

Per-Filing and Disposition Expenditures for Witnesses in Montana's District Courts

Per-filing and per-disposition expenditures for witness fees specific to criminal cases are presented in Table 12 on the following page. In 1991, an average of \$28.98 was spent per criminal filing for witnesses, or \$24.43 when criminal dispositions are used as the measure of workload. Because not all criminal cases require witnesses, this method *overestimates* the cost in those cases not needing witnesses and *underestimates* those cases where a witness is required. Because it is not possible to know the number of cases involving a witness, it is not possible to make this estimate more specific. Per-filing and per-disposition witness expenditures for each

county where witness expenditures were reported in 1991 are presented in Figures 14 and 15 on page 33 of the Appendix.

Table 12
Per-Criminal Filing and Disposition Expenditures in Montana's District Courts for Witnesses, 1991

	Witness Per-Filing	Witness Per-Disposition
Weighted Average	\$28.98	\$24.43
Mean	\$79.73	\$42.62

Per-Filing and Disposition Expenditures for Psychiatric Exams in Montana's District Courts

Per-filing and per-disposition expenditures for psychiatric exams specific to criminal cases are presented in Table 13. In 1991, an average of \$28.47 was spent per-criminal filing for witnesses, or \$24.00 when per-dispositions are used as the measure of workload. Because not all criminal cases require a psychiatric examination, this *overestimates* the cost in those cases not needing these services and *underestimates* those cases where a defendant needed a psychiatric exam. Because it is not possible to know the number of cases requiring a psychiatric examination to be performed, it is not possible to make this estimate more specific. Per-filing and per-disposition psychiatric exam expenditures for each county where psychiatric exam expenditures were reported in 1991 are presented in Figures 16 and 17, on page 34 of the Appendix.

Table 13
Per-Criminal Filing and Disposition Expenditures in Montana's District Courts for Psychiatric Exams, 1991

	Psychiatric Exam Per-Filing	Psychiatric Exam Per- Disposition
Weighted Average	\$28.47	\$24.00
Mean	\$50.23	\$55.35

Per-Filing and Disposition Expenditures for Jury Fees in Montana's District Courts

Per-filing and per-disposition expenditures for juries specific to criminal cases are presented in Table 14. In 1991, an average of \$45.93 was spent per criminal filing for juries, or \$38.72 when criminal dispositions are used as the measure of workload. Because not all criminal cases are disposed of by a jury, this estimate *overestimates* the cost in those cases where there is a guilty plea or bench trial. Per-filing and per-disposition jury fee expenditures for each county where jury fee expenditures were reported in 1991 are presented in Figures 18 and 19, on page 35 of the Appendix. Because data are available on the number of dispositions resulting from a jury, it is possible to make this estimate more specific.

Table 14
Per-Criminal Filing and Disposition Expenditures in Montana's District Courts for Juries, 1991

	Jury Per-Filing	Jury Per-Disposition
Weighted Average	\$45.93	\$38.72
Mean	\$102.98	\$67.98

Although Table 14 presents the per-filing and disposition estimate the per-jury expenditures at \$45.93 and \$38.72 respectively, using *total* filings and dispositions severely *underestimates* the per-unit cost where a jury trial was utilized to dispose of a criminal case. Because such a small proportion of all criminal cases initiated in the courts are disposed of by a jury trial, using *total* criminal cases in the denominator amortizes the cost of jury trials over a large number of cases which do not use juries. Therefore, in order to attempt to more accurately estimate the cost associated with a jury disposition of a criminal case, total jury expenditures were divided by the number of jury dispositions in each Montana county in 1991. The results of these calculations are presented in Table 15. As can be seen, the estimate produced when only jury dispositions are used in the denominator is considerably higher than when the expenditures for juries are amortized across all criminal filings and dispositions and not specifically those disposed of by a jury. Per-*jury disposition* jury fee expenditures for each county in 1991 are presented in Figure 20, on page 36 of the Appendix.

Table 15
Per-Jury Disposition Expenditures in Montana's District Courts, 1991

	Jury Reimbursements
Weighted Average	\$1,044.44
Mean	\$1,100.35

Per-Filing and Disposition Expenditures for Indigent Defense in Montana's District Courts

Per-filing and per-disposition expenditures for indigent defense specific to criminal cases are presented in Table 16. In 1991, an average of \$459.80 was spent per criminal filing for indigent defense, or \$387.60 when criminal dispositions are used as the measure of workload. Because not all criminal defendants are represented by a public defender, this estimate *overestimates* the cost in those cases where a private attorney is retained by the defendant and *underestimates* those cases where a public defender was utilized. Per-filing and per-disposition indigent defense expenditures for each county in 1991 are presented in Figures 21 and 22 on page 37 of the Appendix.

Table 16
Per-Criminal Filing and Disposition Expenditures in Montana's
District Courts for Indigent Defense, 1991

	Indigent Defense Per-Filing	Indigent Defense Per-Disposition
Weighted Average	\$459.80	\$387.60
Mean	\$548.61	\$459.86

Because some data are available on the proportion of criminal cases handled by an assigned attorney or the public defender, it is possible to make this estimate more specific. Based on analysis of criminal cases disposed of in Montana's District courts, it was determined that 80 percent of the cases used indigent defense. Thus, the per-disposition weighted average cost of those cases which utilized the services of the public defender or assigned counsel in 1991 was more than \$484.

Per-Filing and Disposition Expenditures for Prosecution in Montana's District Courts

In order to estimate the cost associated with prosecuting a criminal case in Montana's District courts, county attorney expenditures were divided by both criminal filings and criminal dispositions in the District courts. Although Montana's county attorneys are not only involved in the processing of criminal cases, it is not possible to separate their various functions from the available expenditure data. As can be seen in Table 17 on the following page, the weighted average per-filing prosecution expenditures in Montana's District courts in 1991 was more than \$1,600, compared to a per-disposition cost of almost \$1,340. Per-filing and per-disposition prosecution expenditures for each county in 1991 are presented in Figures 23 and 24 on page 38 of the Appendix.

Table 17
Per-Criminal Filing and Per-Criminal Disposition
Expenditures for Prosecution in Montana's District Courts, 1992

	Per-Filing	Per-Disposition
Weighted Average	\$1,609.81	\$1,334.78
Mean	\$3,770.23	\$3,567.37

Per-Filing and Disposition Expenditures for the Judiciary in Montana's District Courts

In order to estimate the cost of judicial services (that is, the total cost for judges to hear criminal cases), an assumption was made that all cases heard require the same resources. By dividing the total expenditures for District court judge's salaries, equipment, and operating expenditures by the *total* (civil plus criminal) number of cases filed and disposed of in Montana's District Courts, the result is the weighted average *per-filing* judicial expenditure. In 1992, the *per-filing* expenditure was \$112.35, while the weighted average *per-disposition* judicial expenditure in 1992 was \$131.50.

Summary and Conclusions

By combining the per-filing and per-disposition expenditures for each individual component or stage of the processing of an accused offender through the Montana District courts, it can be seen that the total cost per-filing or per-disposition can range from \$1,511 to almost \$3,000, depending on the specific nature of the case. For example, if the defendant does not use the services of the public defender and pleads guilty (e.g., no jury trial), the cost per-disposition would be \$1,511 (\$1,334 for prosecution, \$65 for a court reporter, and \$112 for the judge). However, if the defendant were indigent, and therefore was provided indigent defense services and opted for a jury trial, the per-disposition cost (based on the weighted averages presented in Table 18 on the following page) would be \$2,991. When the individual components of processing a criminal defendant through the Montana District courts are compared, it appears that the largest costs are those for prosecution and indigent defense services. Table 18, summarizes the weighted average and mean of each individual component of the Montana District courts for each disposition.

Table 18
Per-Criminal Disposition Expenditures
in Montana's District Courts, 1991

	Weighted Average	Mean
Court Reporter	\$65	\$96
Witnesses	\$24	\$43
Psychiatric Examination	\$24	\$55
Jury Fees	\$1,044	\$1,100
Indigent Defense	\$388	\$460
Prosecution	\$1,334	\$3,567
Judicial	\$112	\$131
Total	\$2,991	\$5,452

Another important comparison that can be made is between the per-case expenditure figures presented in Table 18 and those presented in Table 10 (page 10). In the analysis that produced the per-filing and per-disposition expenditures in Table 10, total district court expenditures were divided by total filings and dispositions (civil and criminal). The weighted average per-disposition expenditure resulting from that analysis is \$579, which is 80 percent lower than when the individual per-disposition expenditures for criminal case related activities are analyzed (Table 18). Determining how many (or what proportion of) all criminal cases require witnesses and psychiatric exams would make the estimated per-criminal filing and disposition expenditures more specific and robust.

IV. PER-DIEM AND PER-BOOKING EXPENDITURES FOR MONTANA COUNTY JAILS

Overview of Methodology and Assumptions

Determining the appropriate denominator in estimating a per-unit cost for correctional institutions (jails and prisons) is perhaps one of the most intuitive of all the per-unit estimation procedures in the criminal justice system. For the most part, operational correctional costs are estimated on a per-diem or per-annum basis. Not included, and beyond the scope of this project, is the inclusion of the amortized cost of the capital and debt-financing associated with jail or prison construction.

There are three basic measures that can be used to assess the cost of various jail activities. The first is the cost per-unit of time (per-day or per-year). The second is the per-admission cost, whereby the cost for each individual admitted to the jail is estimated. Lastly, the combination of per-diem expenditures and the length of days an inmate or pre-trial detainee spends in jail will result in a per-incarceration expenditure estimate. This last estimation procedure requires data on the average length of stay or period of incarceration the typical inmate has to incur. These data are not available from any source in Montana, so other measures of processing times are employed to give some sense of how the data can be used.

Per-Diem and Per-Annum Jail Expenditures Per Inmate

In order to estimate the annual cost to incarcerate an inmate in a county jail in Montana, the total expenditures were divided by the average daily population in each of Montana's county jails. In order to estimate the daily cost to incarcerate an inmate in a county jail in Montana, the per-year expenditures were divided by 365. Table 19, on the following page, presents weighted average and mean annual and daily per-inmate expenditures in Montana's county jails in 1988.² Forty-four of Montana's 56 counties are included. Some counties do not operate county jails, but rather, contract with neighboring counties. The per-inmate expenditures per-year and per-diem for each individual Montana county are presented in Figures 25 and 26 on page 39 of the Appendix.

² Because statewide data on jail populations are not collected by any agency in Montana, data from the *Census of Local Jails, 1988* are used in this analysis.

Table 19
**Per-Annun and Per-Diem Expenditures to Incarcerate
 an Offender in Montana County Jails, 1988**

	Per-Inmate, Per-Year	Per-Inmate, Per-Diem
Weighted Average	\$12,409.76	\$34.00
Mean	\$27,998.04	\$76.71

By determining per-annun and per-diem expenditures per inmate in Montana county jails, the cost associated with various lengths of incarceration or pre-trial detention can be estimated. Although not all defendants are held in a county jail prior to the disposition of their criminal case, these cost estimates represent the amount that would be expended if pre-trial detention for the entire court processing time were utilized. For example, based on analysis of data available through the Statewide Judicial Information System by the Montana Board of Crime Control, it was determined that the *median* time between the filing of a criminal case to a guilty plea at arraignment was 33 days.³ If a defendant were detained in a county jail for this entire period, the *per-case* cost for pre-trial detention would be \$1,122 (Table 20). If a defendant were detained the entire period, from filing to final disposition, and had a bench trial--in which the median processing time was 143 days-- the pre-trial detention cost would exceed \$4,800 (Table 20). If a defendant were detained the entire period, from filing to final disposition, and opted for a *jury* trial--in which the median processing time was 168 days-- the pre-trial detention cost would exceed \$5,700 (Table 20).

Table 20
**Per-Pretrial Detention Expenditures for
 Various Case Outcomes in Montana, 1988**

	Median Time	Per-Disposition Cost
Filing to Arraignment	33 Days	\$1,122
Filing to Bench Trial	143 Days	\$4,862
Jury Trial	168 Days	\$5,700

³ Unpublished report provided by the Statistical Analysis Center of the Montana Board of Crime Control.

Per-Admission Jail Expenditures Per-Inmate

Although per-annum and per-diem expenditures are an easily understood and easily manipulated measure of the costs associated with detaining or incarcerating someone in a county jail in Montana, there is another measure of the costs associated with processing an individual through Montana county jails. Each person admitted and processed through the jail can be seen as a workload unit. Thus, the total number of admissions into each county jail can be divided by total jail expenditures to get a per-jail admission expenditure. As with the previous analyses, both the weighted average and the mean expenditure of all counties were calculated. Table 21 contains the estimated per-admission expenditures in Montana's county jails in 1983 and 1988. Figure 27 on page 40 of the Appendix, contains the per-admission expenditures for Montana county in 1988.

Table 21
Per-Admission Expenditures in Montana
County Jails, 1983 and 1988

	1983 (N=45)	1988 (N=44)
Weighted Average	\$94.25	\$251.61
Mean	\$382.86	\$636.52

Per-Admission, Per-Annun, and Per-Diem Jail Expenditures in Different Size Jails

Preliminary analysis of these per-unit jail expenditure data, whereby Montana's county jails were aggregated into "Large," "Medium," and "Small" jails, revealed some dramatic differences in per-admission, and per-annun and per-diem expenditures.⁴ The weighted average expenditures per-inmate for these measures are presented in Table 22 on the following page. Figures 28 through 30 on pages 40 and 41 of the Appendix graphically present these data. For the most part, smaller jails have higher per-diem and per-annun costs than larger county jails in Montana, most likely due to the realization of economies-of-scale in the larger jails.

⁴ The jails were put into the various size categories by sorting the total admissions from highest to lowest, and then assigning the top third to the "large" category, the middle third to "medium" and the lower third to the "small" category.

Table 22
Per-Admission, Per-Annum, and Per-Diem
Expenditures in Montana County Jails, 1988

	Per-Admission	Per-Annum	Per-Diem
Large (N=15)	\$195.18	\$9,827.23	\$26.92
Medium (N=15)	\$378.96	\$17,324.33	\$47.46
Small (N=14)	\$938.21	\$41,356.24	\$113.30

Summary and Conclusions

Although the availability of workload measures for Montana county jails are not as readily available as for law enforcement and District court activities, Montana data available from the national *Census of Local Jails, 1988* does reveal some of the costs of processing individuals through the county jails. Generally, the per-diem expenditures to house an individual in a county jail in Montana can be used to determine the financial impact of pre-trial detention as well as to determine if incarceration post-conviction in a county jail is more cost effective than probation, electronic monitoring, or other alternatives to non-secure detention. One thing that appears clear from the data analyzed and presented is that smaller county jails have considerably higher per-annum costs than do larger jails. Again, this appears to be due to economies-of-scale.

V. PER-DIEM, PER-ANNUM AND PER-SENTENCE EXPENDITURES FOR PRISON AND PROBATION SENTENCES IN MONTANA

Overview of Methodology and Assumptions

As discussed in the chapter on costs associated with processing offenders through a county jail, estimating per-annum and per-diem per-inmate expenditures for prison and probation operations is a fairly simple process.

Per-Diem and Per-Annum Prison Expenditures Per-Inmate

Data on per-inmate, per-diem prison expenditures are available from the Montana Department of Corrections and Human Services. In their annual report, the Montana Department of Corrections and Human Services calculates and presents the per-inmate, per-diem expenditures for the Montana State Prison, the Swan River Forest Camp, and the Women's Correctional Center.⁵ Table 23 below presents these per-diem and per-annum expenditures.

Table 23
Per-Diem and Per-Annum Expenditures for
Montana's Prison System, 1991

	Per-Diem	Per-Annum
Montana State Prison	\$35.71	\$13,034
Swan River Forest Camp	\$47.38	\$17,294
Women's Correctional Center	\$45.05	\$16,443

Per-Prison Sentence and Length of Stay Expenditures

One of the ways that the per-diem and per-annum expenditures can be used to determine the cost per offender is to multiply these operating costs by the length of prison sentences imposed on offenders in Montana and the length of time the average inmate stays in prison. Since most inmates are sentenced to and stay in prison for more than one fiscal year, measuring costs only on an annual basis does not reveal much in terms of per-case processing costs.

Based on the Department of Corrections and Human Services' *Corrections Division Report 1988-*

⁵ Department of Corrections and Human Services, *Corrections Division Report 1988-1991*, January 1992.

1991, in 1991 the average sentence length of those admitted to prison in Montana in 1991 was 126 months. Since the average prison sentence length imposed on females in Montana was lower than that imposed on males, 10.7 years compared to 7.7, but incarceration costs were higher for females, Table 24 below presents the per-sentence cost for both male and female prison inmates in Montana. As can be seen in Table 24, at an annual cost of \$13,034 to incarcerate a male offender in the Montana State Prison and an average sentence length of 10.7 years, the per-sentence cost is more than \$139,000. Even though the average sentence length imposed on females in Montana is 28 percent lower than that given to males, because the per-annum expenditures to incarcerate a female are higher, the per-prison sentence expenditure for females of \$126,611 is only 10 percent lower than that for male inmates.

Table 24
Per-Prison Sentence Expenditures
in Montana, 1991

	Per-Sentence Expenditures
Male	\$139,464
Female	\$126,611

However, because of parole, the average length of time an inmate actually stays in prison is lower than the length of the sentence originally imposed. For example, those male inmates released in 1991 spent an average of 33.2 months in prison.⁶ Thus, the average expenditure per-prison *stay* in Montana in 1991 was \$36,060. If these inmates spent the entire length of time specified in their original sentence, the average expenditure per-prison incarceration would have been more than 250 percent higher (Table 24) than it actually was. The average length of stay for female inmates released in 1991 was 19.2 months, which when multiplied by the annual per-female inmate expenditures results in a per-prison incarceration expenditure of \$27,670 per-inmate.

Included in the length of time an inmate serves incarcerated in prison is the amount of time an inmate spends in a pre-release center. In 1991, the annual per-offender expenditures for pre-release centers averaged \$13,666 per year, or \$37.44 per day, just slightly higher than the institutional cost to incarcerate male inmates.

Also, once an inmate is released from the Montana State Prison, there is a period when they are supervised and monitored in the community (e.g., parole). Annual per-offender parole expenditures in 1991 were \$481.11.

⁶The sentence length of those *admitted* in 1991 should not be compared to the length of stay of those *released* in 1991 to determine the proportion of prison sentences served.

Probation Supervision

Also presented in the Montana Department of Corrections and Human Services' *Corrections Division Report 1988-1991* report are annual per-offender probation expenditures. In 1991, the annual cost to supervise an offender on probation was \$481.11.⁷ Because data on the average length of probation sentences in Montana are not readily available, the average length of probation sentences imposed in a sample of counties across the United States was used. In 1988, the mean probation sentence length was 43 months, or slightly more than 3.58 years (*Felony Sentences In State Courts, 1988*, p. 3). Applying this average probation sentence length to the annual per-probationer expenditures in Montana, on average it costs \$1,724 to place an offender on general or standard probation.

Summary and Conclusions

Although not unique to Montana, it is clear from the data presented that incarceration is the most expensive component of the processing of an offender through the Montana criminal justice system, and probation is one of the least expensive correctional sanctions that can be applied to an offender. One of the costs which is not included in the per-inmate prison expenditures are the capital costs and debt financing associated with building and renovating prisons.

⁷ Because parole and probation activities are carried out and financed by the same agency, these costs are combined. Therefore, per-offender annual parole and probation expenditures are the same.

VI. COMBINED COSTS TO PROCESS AN OFFENDER THROUGH THE MONTANA CRIMINAL JUSTICE SYSTEM

Bringing together all of these justice system component transaction costs results in the total cost associated with processing an *average* offender through the criminal justice system in Montana. The two ends of the spectrum, in terms of case complexity and processing, are presented in Table 25. If the offense and processing were *simple*, meaning the defendant commits an offense investigated by a local law enforcement agency, is processed minimally in a county jail (e.g., booked), does not use the services of the public defender, pleads guilty, and is sentenced to probation, the per-case expenditure would average just over \$4,000. However, if the defendant were incarcerated the entire period from arrest to a finding of guilt through a jury trial, was indigent (and therefore was provided indigent defense services), and was sentenced to prison, the average per-case expenditures would total \$45,312.

Table 25
 Combined Per-Offender, Per-Transaction Costs to Process an
 Offender Through the Montana Criminal Justice System

	Simple	Complex
Law Enforcement Costs	\$561	\$561
District Court Costs	\$1,511	\$2,991
Jail/Pre-Trial Incarceration Costs	\$251	\$5,700
Correctional Costs	\$1,724	\$36,060
Total Costs	\$4,047	\$45,312

VII. APPENDIX

Figure 1

1992 Per-Capita Expenditures by Montana's County Sheriffs

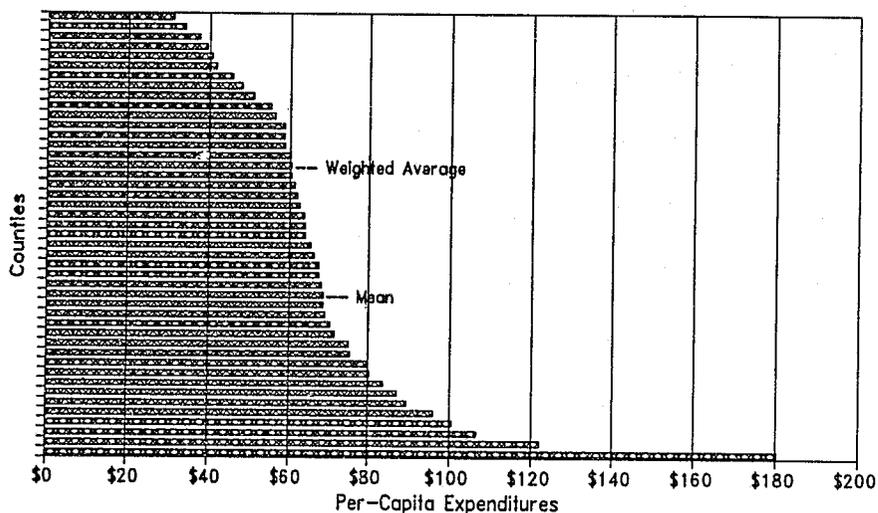


Figure 2

1992 Per-Offense Expenditures by Montana's County Sheriffs

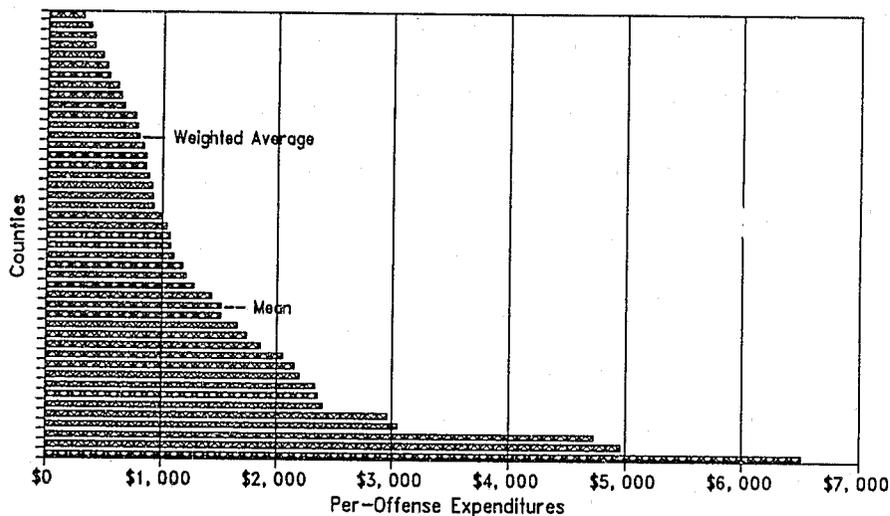


Figure 3

1992 Per-Arrest Expenditures by Montana's County Sheriffs

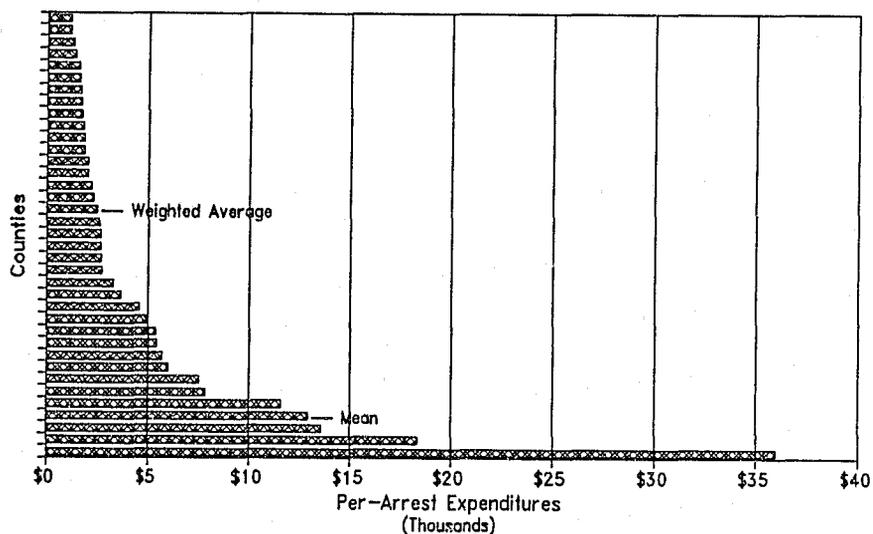


Figure 4

1992 Per-Capita Expenditures by Montana's Municipal Police

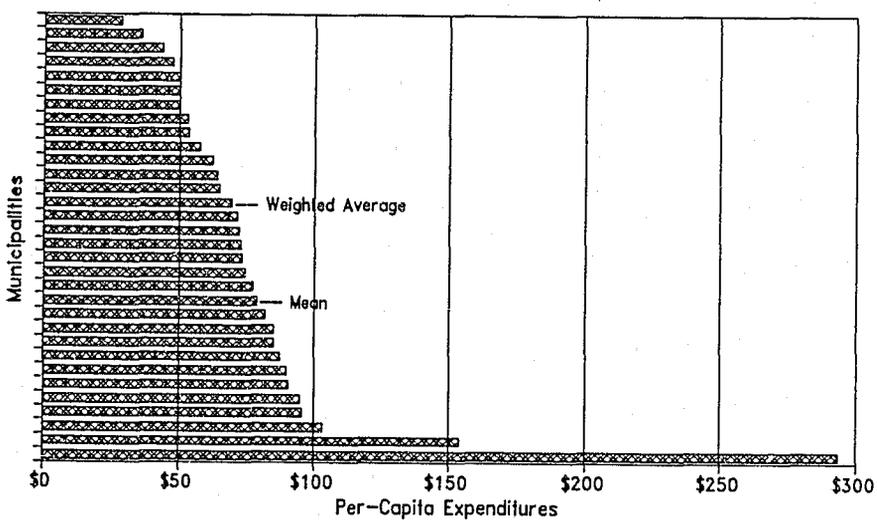


Figure 5

1992 Per-Offense Expenditures by Montana's Municipal Police

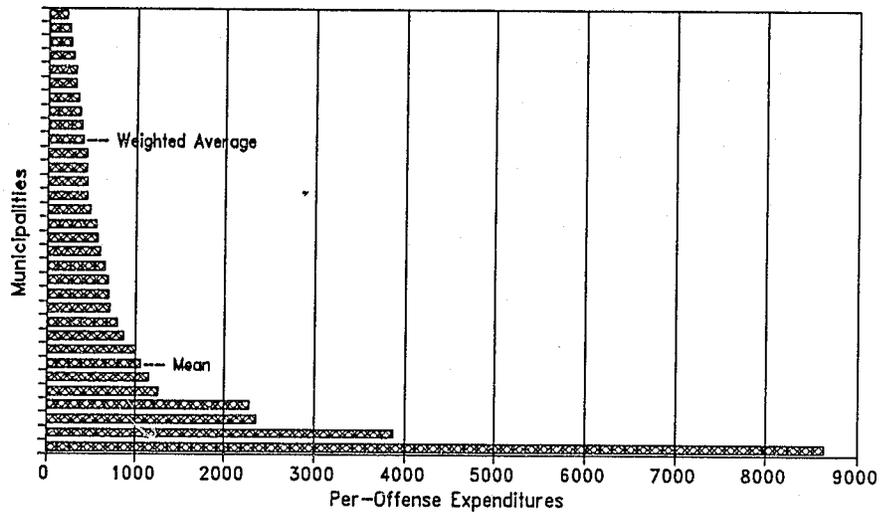


Figure 6

1992 Per-Arrest Expenditures by Montana's Municipal Police

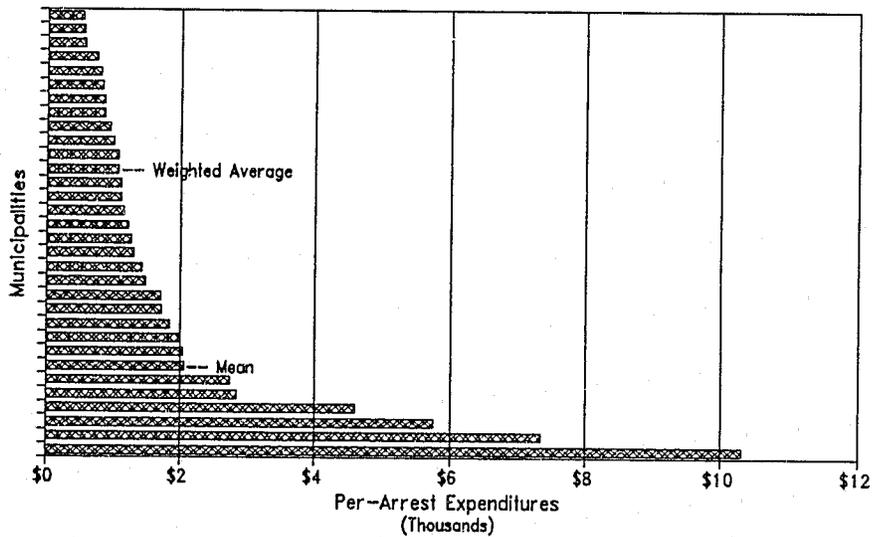


Figure 7

Per-Capita Expenditures by Montana's
Local Law Enforcement Agencies, 1992

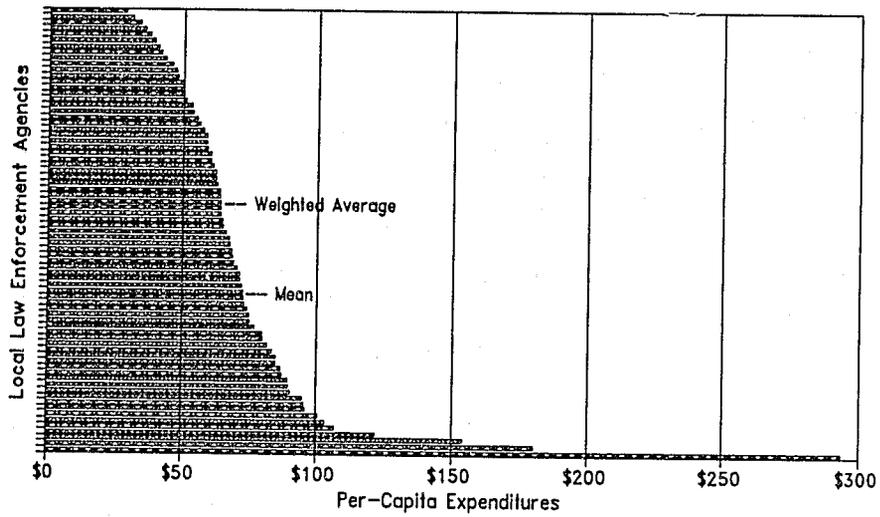


Figure 8

Per-Offense Expenditures by Montana's
Local Law Enforcement Agencies, 1992

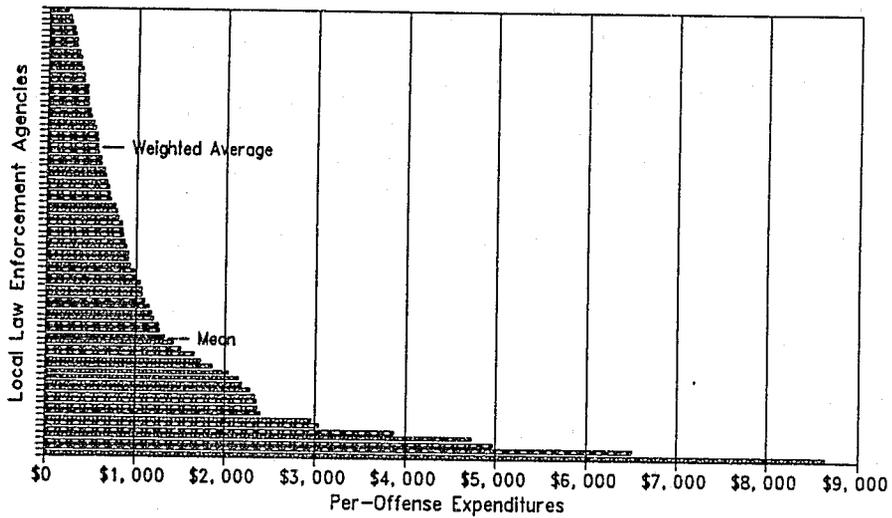


Figure 9

Per-Arrest Expenditures by Montana's
Local Law Enforcement Agencies, 1992

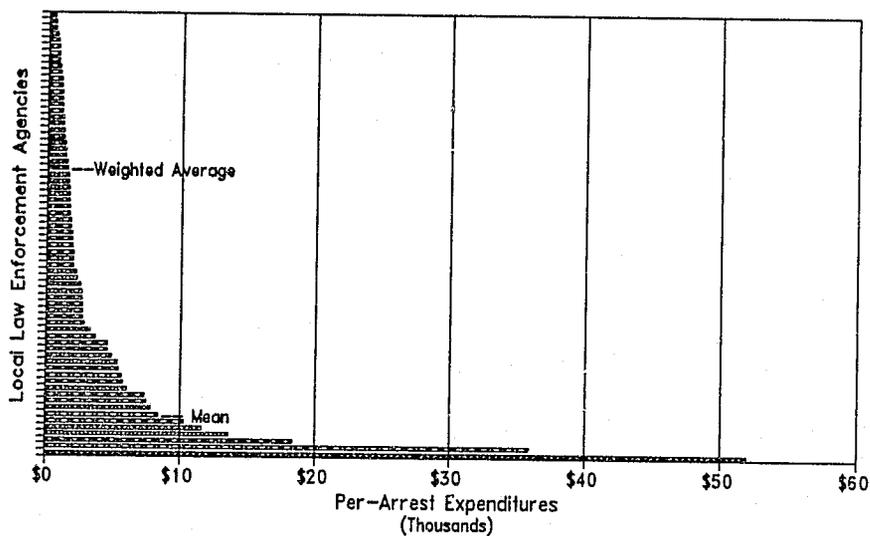


Figure 10

Per-Filing District Court Expenditures in Montana, 1991

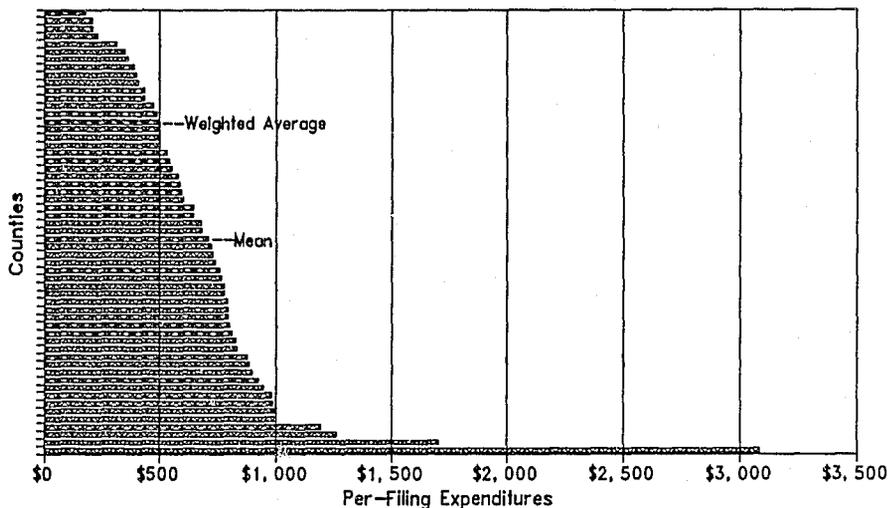


Figure 11

Per-Disposition District Court Expenditures in Montana, 1991

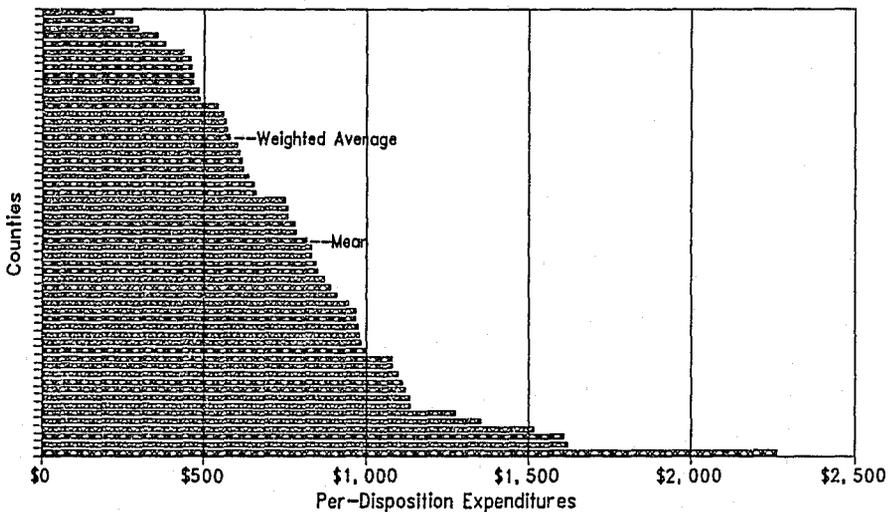


Figure 12

Per-Criminal Filing District Court
Court Reporter Expenditures, 1991

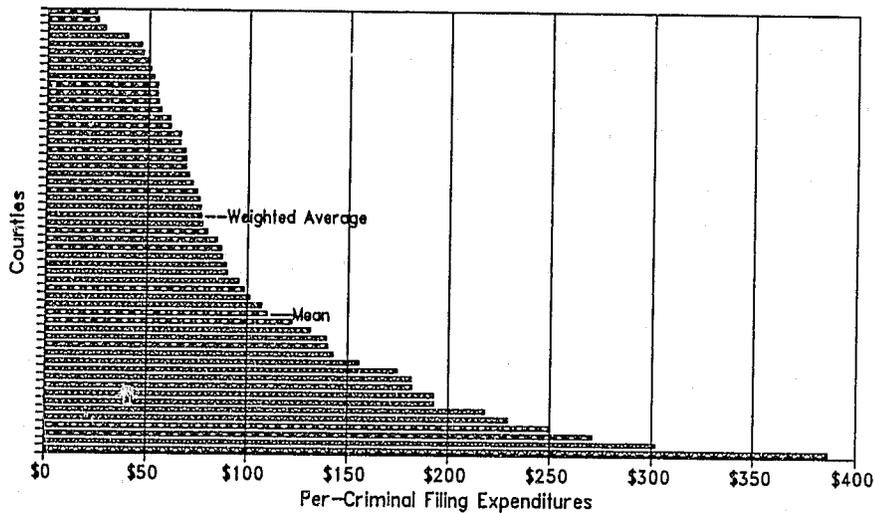


Figure 13

Per-Criminal Disposition District Court
Court Reporter Expenditures, 1991

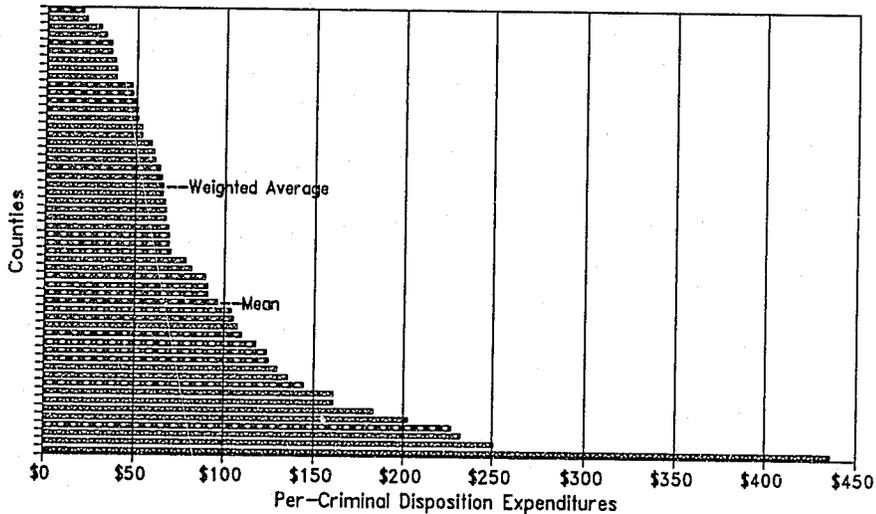


Figure 14

Per-Criminal Filing District Court
Witness Expenditures, 1991

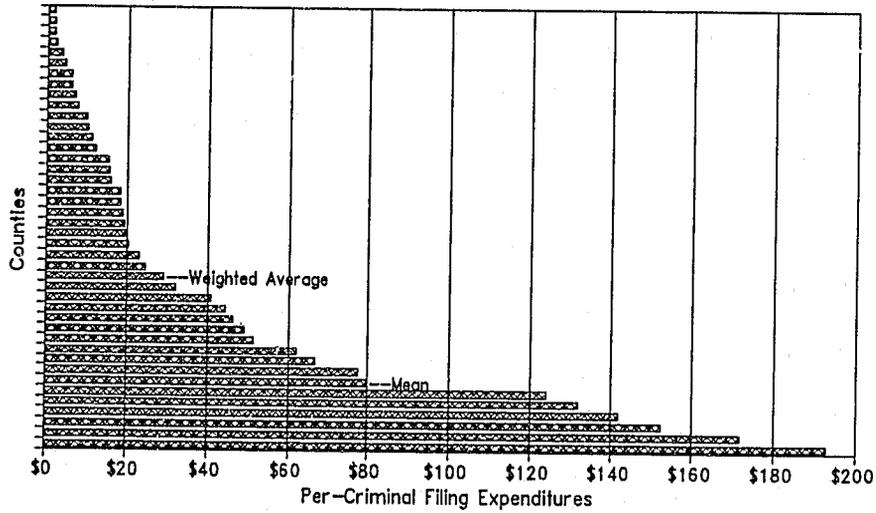


Figure 15

Per-Criminal Disposition District Court
Witness Expenditures, 1991

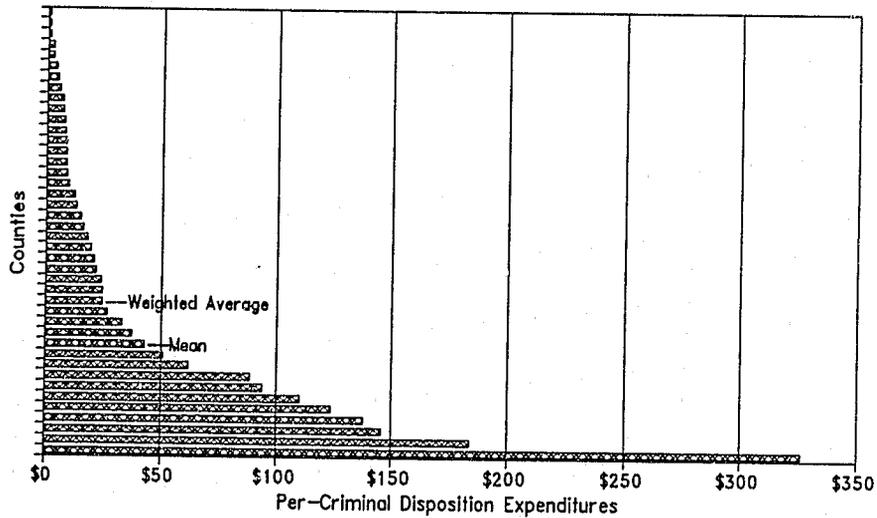


Figure 16

Per-Criminal Filing District Court
Psychiatric Exam. Expenditures, 1991

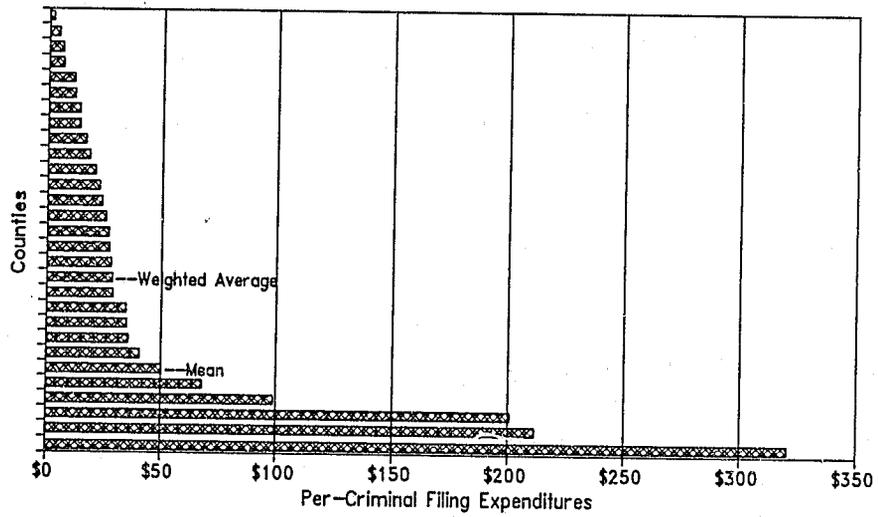


Figure 17

Per-Criminal Disposition District Court
Psychiatric Exam. Expenditures, 1991

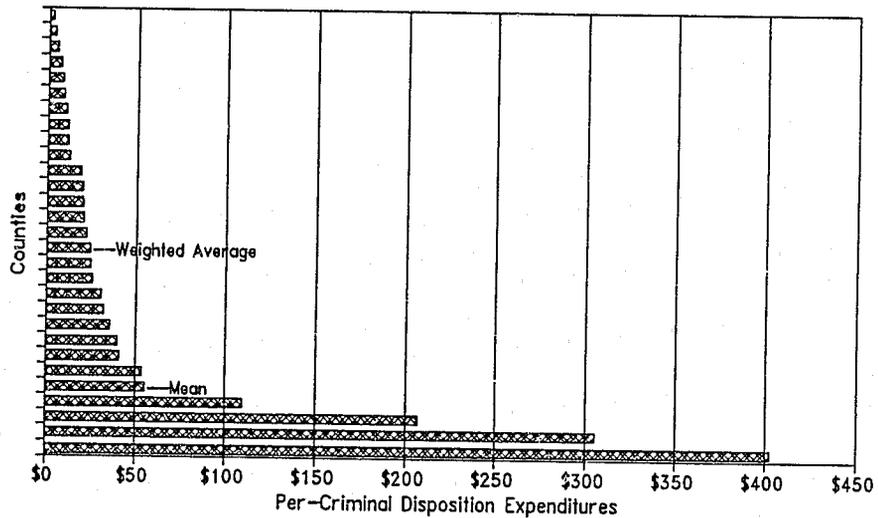


Figure 18

Per-Criminal Filing District Court
Jury Expenditures, 1991

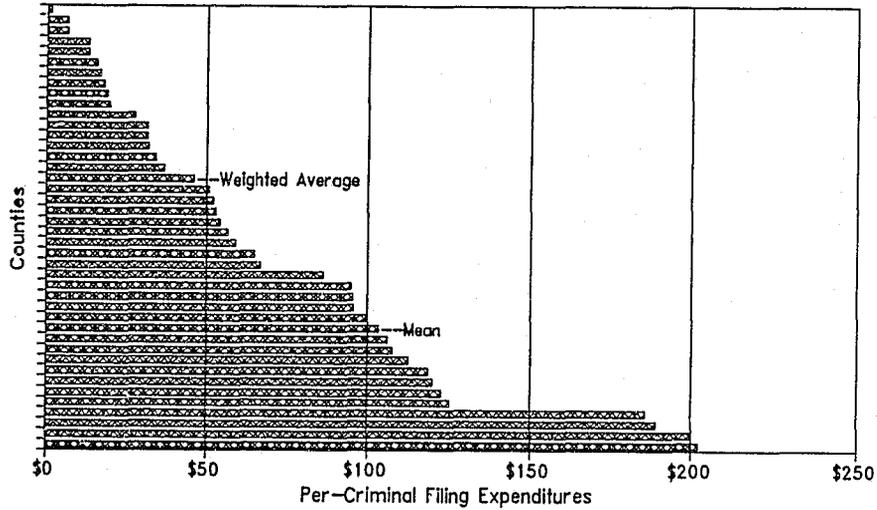


Figure 19

Per-Criminal Disposition District Court
Jury Expenditures, 1991

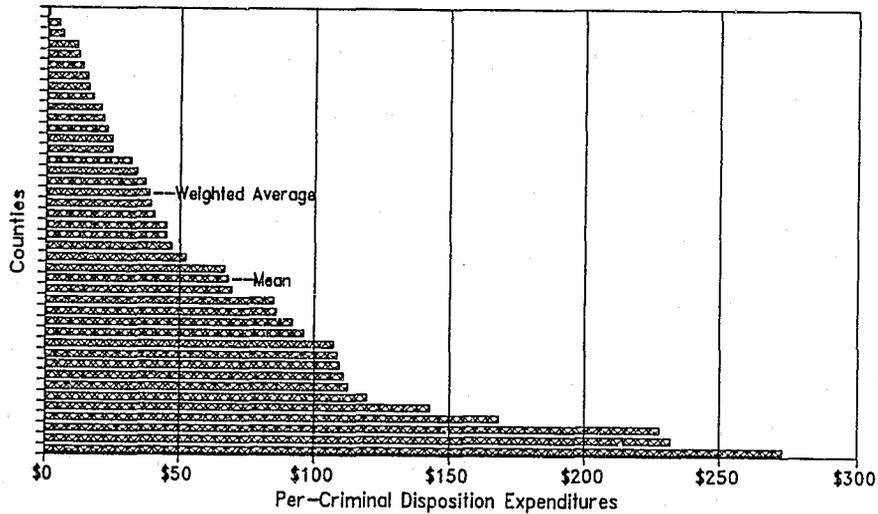


Figure 20

Per-Jury Disposition District Court
Jury Expenditures, 1991

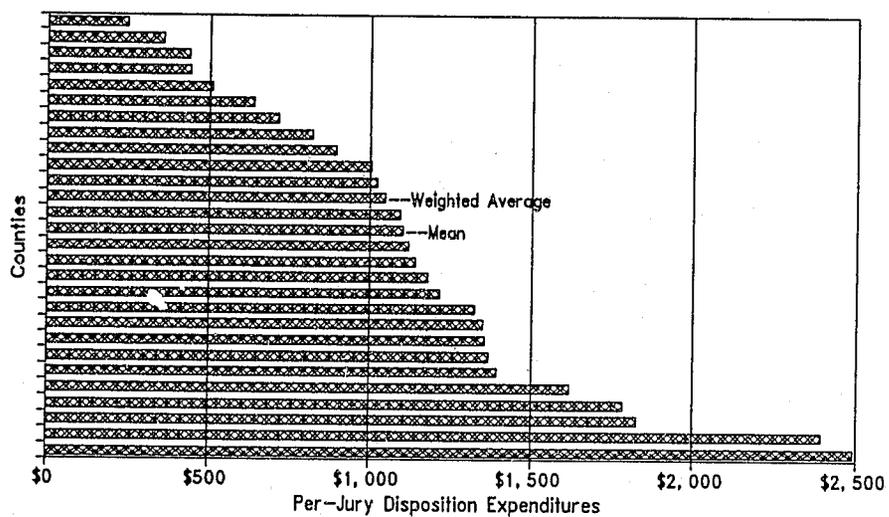


Figure 21

Per-Criminal Filing District Court
Indigent Defense Expenditures, 1991

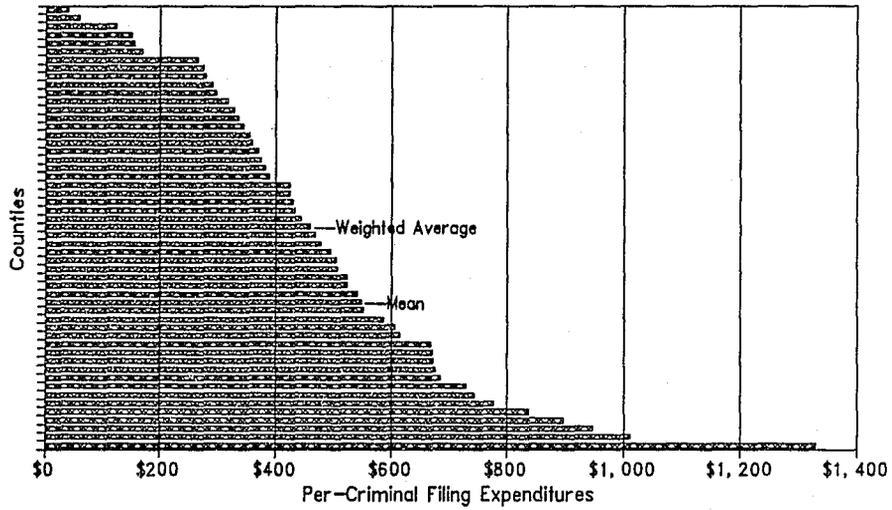


Figure 22

Per-Criminal Disposition District Court
Indigent Defense Expenditures, 1991

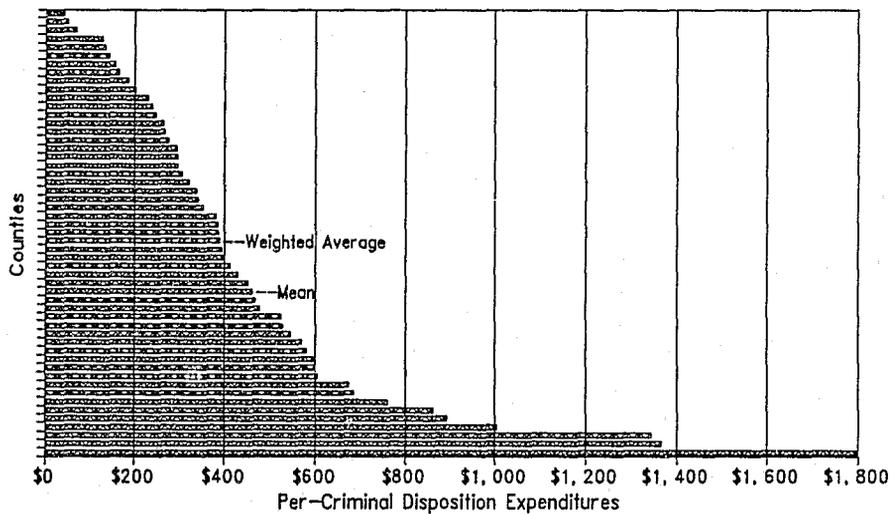


Figure 23

Per-Criminal Filing District Court
Prosecution Expenditures, 1991

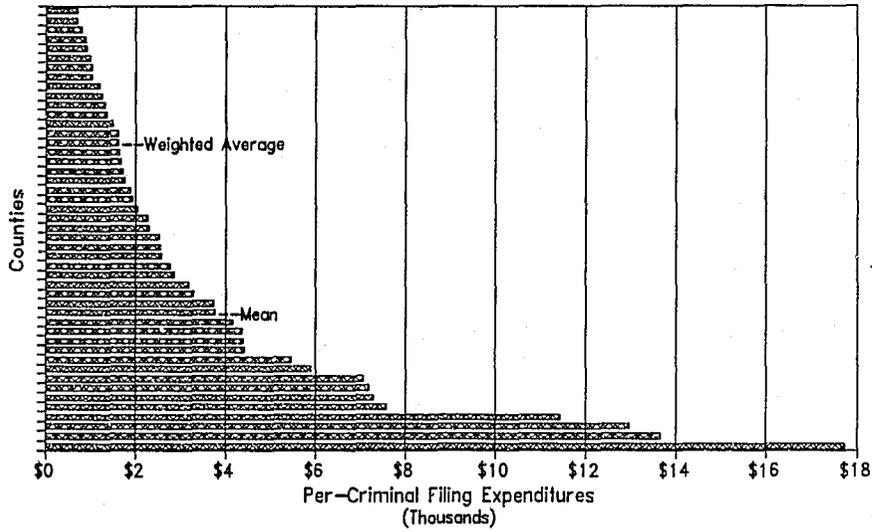


Figure 24

Per-Criminal Disposition District Court
Prosecution Expenditures, 1991

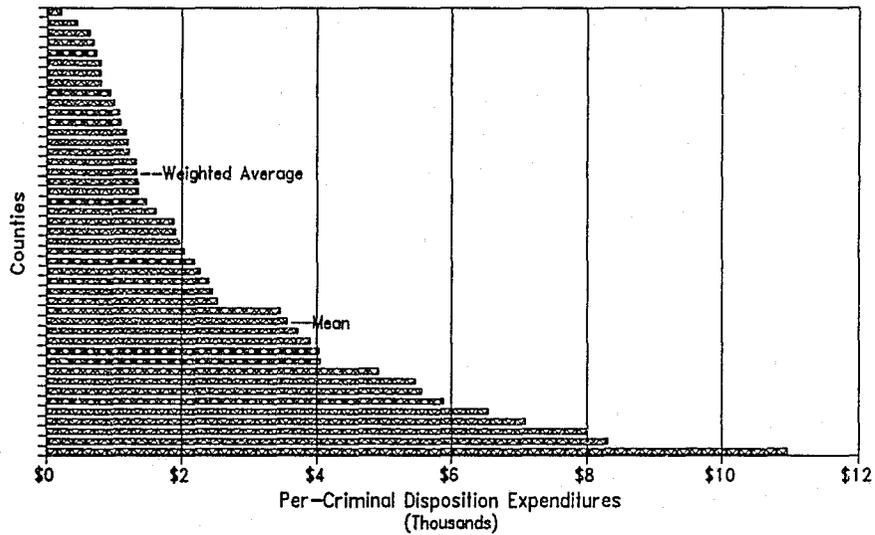


Figure 25

Annual Per-Inmate Expenditures in Montana County Jails, 1988

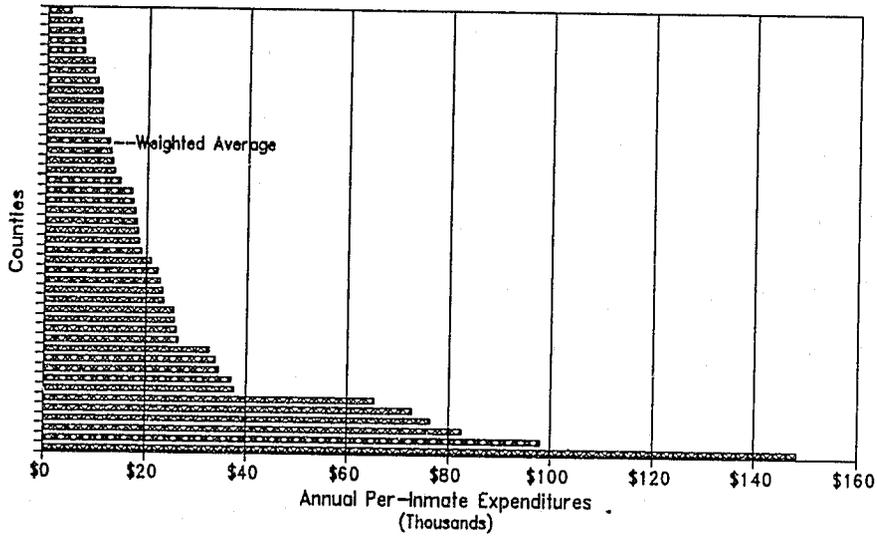


Figure 26

Daily Per-Inmate Expenditures in Montana County Jails, 1988

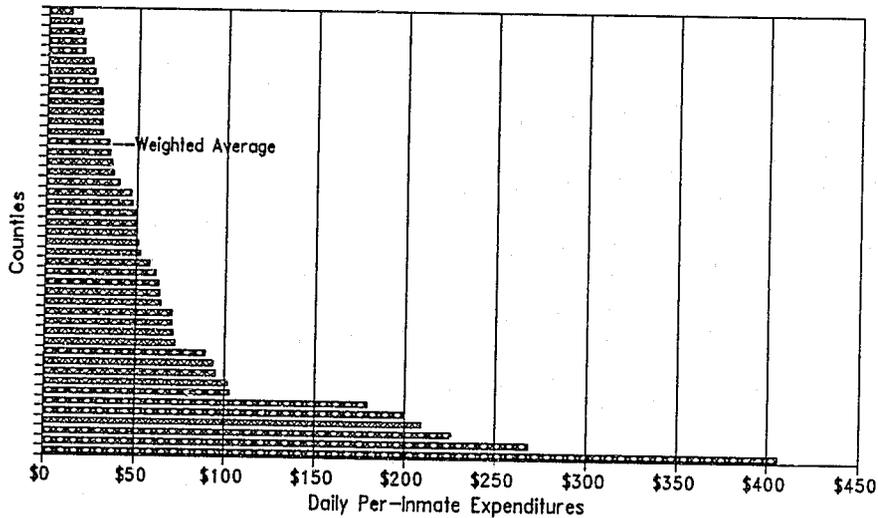


Figure 27

Per-Admission Expenditures in Montana
County Jails, 1988

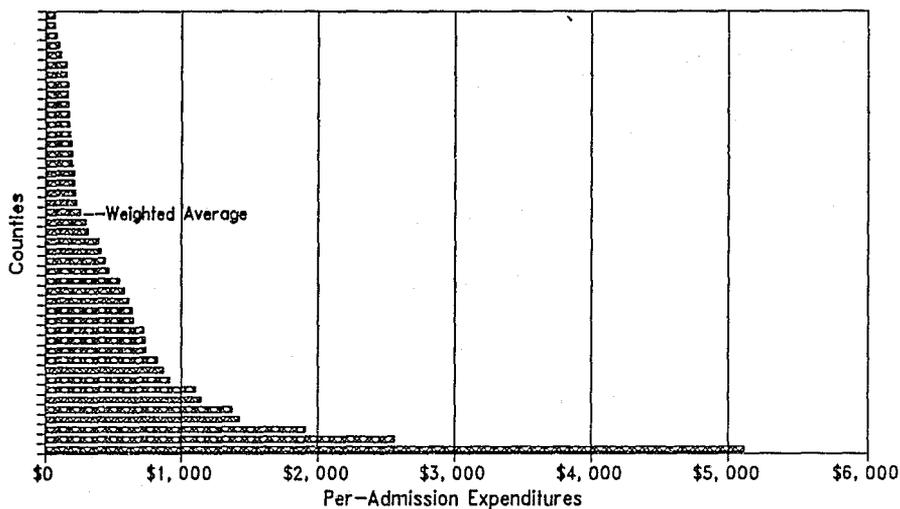


Figure 28

Per-Admission Expenditures in Montana
County Jails, 1988

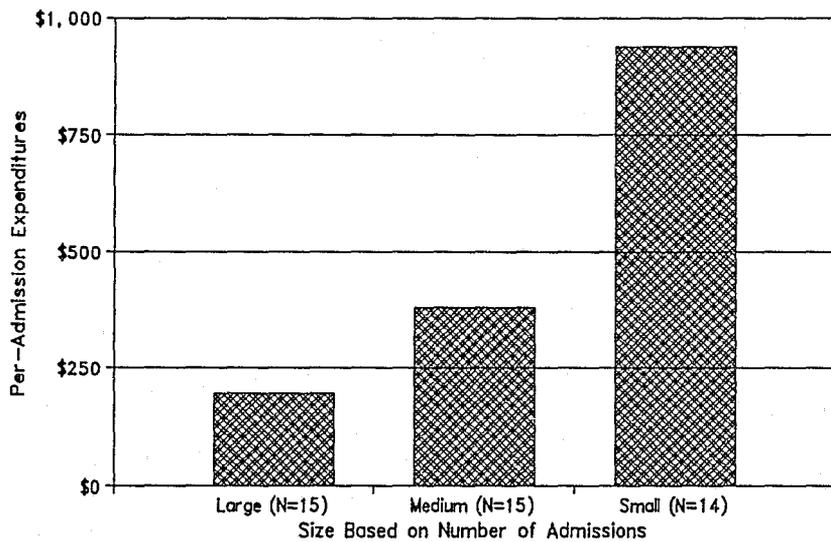


Figure 29

Annual Per-Inmate Expenditures
in Montana County Jails, 1988

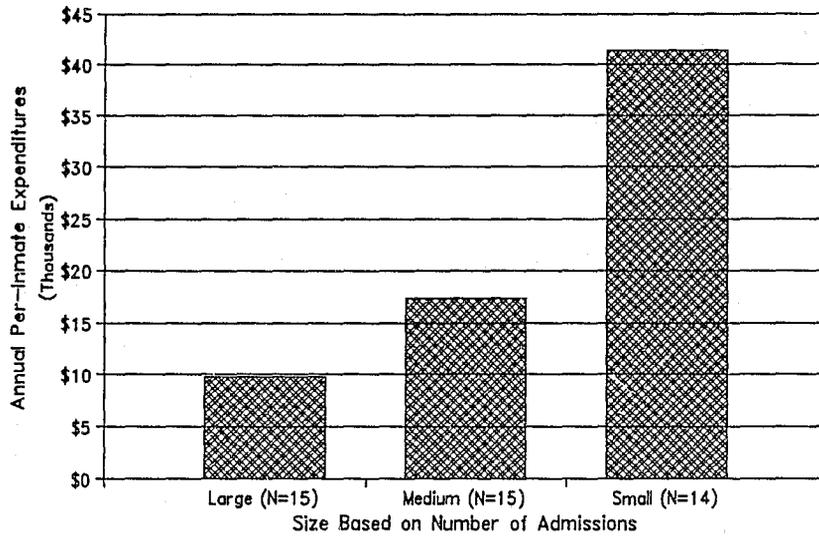
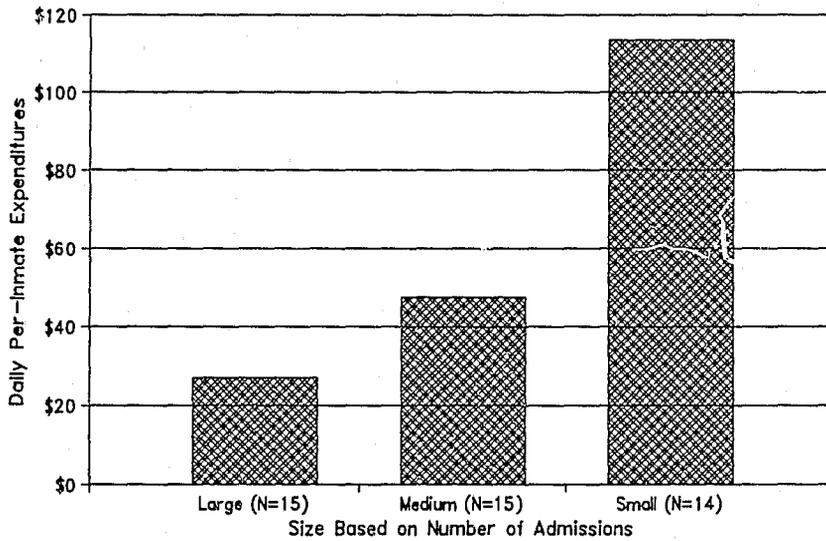


Figure 30

Daily Per-Inmate Expenditures
in Montana County Jails, 1988



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