
**The Financial Burden of Substance
Abuse in West Virginia:
The Judicial System**



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*West Virginia's Governor-Appointed Substance Abuse
Prevention & Intervention Planning Body*

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**Staff to the WV Partnership &
Support for WV's Community-Level Substance Abuse
Prevention Efforts**

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The economic impact of drugs and alcohol to any society is astronomical; this is the case in West Virginia. This is the seventh in a series of several reports that will attempt to estimate the cost of drugs and alcohol to the West Virginia Criminal Justice System, which includes the Regional Jail Authority, Division of Corrections, Parole Board, Prosecuting Attorneys Institute, Public Defender Program, Law Enforcement, the judicial system, and Division of Juvenile Services. This report will estimate the percentage of the West Virginia judicial system's budget that was spent on prosecuting individuals arrested for drug- and alcohol-involved crimes from fiscal year (FY) 2005 to fiscal year 2008. It will also estimate the costs of drug- and alcohol-related arrests to West Virginia's judicial system from FY 2005 to FY 2008, as well as the sources of these funds for each year.

The West Virginia judicial system includes the supreme court of appeals, circuit courts, magistrate courts, family courts, mental hygiene commissioner, probation office, and municipal courts, which deal with ordinance violations and operate at the local level. Of particular interest in the present report are the circuit and magistrate courts, and the probation office, because they deal with persons arrested for drug- and alcohol-related crimes.

The circuit courts are West Virginia's only trial courts of record. In 2005, West Virginia's 55 counties were divided into 31 circuits with 65 judges (WV Supreme Court of Appeals, 2009). The circuits vary in size; one has seven judges while eleven have one judge each (WV Supreme Court of Appeals, 2009). The circuit courts have jurisdiction over civil cases at law over \$300 or more or in equity, felonies and misdemeanors, juvenile matters, appeals de novo or on the record from magistrate, court and municipal court, appeals from state administrative agencies, excluding workers' compensation, and appeals from family court decisions (WV Supreme Court of Appeals, 2009). In 2006, the year with the most recent publicly available data, 47,998 cases were filed in West Virginia. Of these cases, 31,325 were civil cases, 9,053 were criminal cases, and 7,620 were juvenile matters. Although no information was provided on how many of these cases were drug- and alcohol-involved crimes, estimates obtained from arrests data will be applied to obtain the percentage of the 9,053 cases that were due to drugs and alcohol crimes. The estimate obtained would be applied to the circuit courts' budget in FY 2005 to 2008. Different estimates were not applied for the different years because there is significant fluctuation in the number of cases filed at the circuit courts and this makes it hard to determine the trend. For example, 44,170, 47,772, 46,890, 48,535, and 47,998 cases were filed between 2002 to 2006.

This report also focused on how much drug- and alcohol-involved crimes cost the magistrate courts. There are 158 magistrates in West Virginia. The magistrate courts oversee civil actions of \$5,000 or less, felony preliminary hearings, misdemeanors, landlord-tenant matters, traffic violations, and emergency protective orders in domestic violence cases (WV Supreme Court of Appeals, 2009). In 2006, the year with the most recent publicly available data, 367,082 cases were filed in West Virginia. Of these cases, the 24,698 felony, 160,585 motor vehicle misdemeanor, and 80,634 other misdemeanor cases are of relevance in this study. Although no information was provided on how many of these cases were due to drug- and alcohol-involved crimes, estimates obtained from arrests data will be applied to obtain the percentage of the number of each type of case that was due to drugs and alcohol crimes. The number of cases filed at magistrate courts fluctuated in a similar manner to the circuit courts cases.

The cost to the probation office is also of interest in this report. Probation officers provide many services to circuit courts, such as conducting investigations and drug screening, preparing pre-sentence reports, recommending sentences for criminal offenders, and monitoring offenders sentenced to probation. Although no recent public data exist, the West Virginia court system had 41 adult, 84 adult/juvenile and 48 juvenile probation officers in 2005, the year with the most recent publicly available data. Probation officers supervised 14,404 adult and juvenile offenders in 2005 with an average annual cost of \$882 per offender (WV Supreme Court of Appeals, 2009).

Cost of Drug- and Alcohol-involved Crimes in the Judicial System

The number of total arrests made in West Virginia was used to estimate the number of cases that were prosecuted for crimes that were drug- and alcohol-involved in the judicial system. The WV state police (2009) provides the number of arrests by calendar year. This format is different from the fiscal year used by the state for budget purposes. Consequently, this report used the counts for calendar year 2004 as the estimates for fiscal year 2004/2005 or FY 2005, and likewise for subsequent years. Additionally, the data for the most recent year in this report, FY 2008, was not available. Therefore, this report used linear trend analysis in Microsoft Excel to estimate the number and percentages for FY 2008 based on data for the three previous years.

According to the WV state police (2009), a total of 8,871 persons were arrested for direct drug-involved crimes of the total 66,917 arrests made in FY 2007. This figure was higher than the 5,958 and 7,530 drug-involved arrests made in FY 2005 and 2006, respectively (WV state police, 2009). Trended forward, this resulted in an estimate of 10,573 arrests in FY 2008. The same increasing trend was observed for direct alcohol-involved arrests. According to WV state police (2009), 15,244, 16,539, and 19,428 persons were arrested for direct alcohol-involved crimes in FY 2005, 2006, and 2007, respectively. Trended forward, this resulted in an estimated 21,254 arrests in FY 2008. The trend in total arrest was also increasing; 54,748, 63,633, 69,818, and an estimated 77,803 arrests were made in FY 2005, 2006, 2007, and 2008, respectively. Overall, these data resulted in 10.88%, 11.83%, 12.71%, and 13.59% arrests for direct drug-involved crimes and 27.84%, 25.99%, 27.83%, and 27.32% arrests for direct alcohol-involved crimes in FY 2005, 2006, 2007, and 2008, respectively.

Apart from the arrests that were for direct drug- and alcohol-involved crimes, other arrests are indirectly associated with drugs and alcohol. Using the 1996 Survey of Inmates in Local Jails and the 1995 Survey of Adults on Probation, Miller, Levy, Cohen, and Cox (2006) estimated the percentage of other crimes that are indirectly drug- and alcohol-involved. They defined a crime as being indirectly drug-involved if an inmate reported being under the influence of drugs or if the inmate committed the crime to pay for drugs. The percentages of assault, rape, robbery, burglary, larceny, and motor vehicle theft which were attributed to drugs by Miller et al. (2006) are reported in Table 1. Further, they defined a crime as being indirectly alcohol-involved if an inmate reported consuming at least one drink of alcohol shortly before the offense was committed. The percentages of homicide, assault, rape, robbery, burglary, larceny, and motor vehicle theft which were attributed to alcohol by Miller et al. (2006) are reported in Table 2. This methodology was used for estimating indirect drug- and alcohol-involved arrests in the present report. For example, 0.08% of arrests were for homicide in FY 2005 and Miller et al. (2006) argued that 25% of these homicides were indirectly due to drugs.

Miller et al.'s (2006) attribution percentages were multiplied by the percentage of arrests that were for the crimes classified as drug- and alcohol-involved and the results were divided by 100. The results provided the percentages of homicide arrests that were indirectly drug- and alcohol-involved related. For example, the percentage of arrests that were for homicides that were indirectly drug-involved in 2005 is $(25 * 0.08) / 100 = 0.02\%$. The resulting estimates were summed and then added to the 10.88% direct drug-involved and 27.84% direct alcohol-involved arrests, respectively. The results suggested that approximately 15.01% arrests in 2005 were either directly or indirectly related to drugs (Table 1) and approximately 36.72% arrests were either directly or indirectly related to alcohol in the same year (Table 2). Note that Miller et al. (2006) also included child sexual abuse and child physical abuse/neglect crimes which were not included with the WV state police data.

Table 1: Percent of Crimes Directly and Indirectly Attributable to Drugs from FY 2005 to FY 2008 in the Judicial System

SOURCE	Miller et al.'s %Attributable	2005		2006		2007		2008	
		Total ¹	Due to Drugs ²	Total ¹	Due to Drugs ²	Total ¹	Due to Drugs ²	Total ¹	Due to Drugs ²
Homicide	25.00	0.08	0.02	0.10	0.03	0.07	0.02	0.07	0.02
Assault	13.00	17.10	2.22	15.04	1.96	15.30	1.99	14.38	1.87
Rape	18.00	0.35	0.06	0.37	0.07	0.38	0.07	0.38	0.07
Robbery	39.00	0.36	0.14	0.38	0.15	0.34	0.13	0.35	0.14
Burglary	36.00	2.07	0.75	1.84	0.66	1.77	0.64	1.65	0.59
Larceny-Theft	23.00	3.22	0.74	8.08	1.86	7.16	1.65	9.26	2.13
Motor Vehicle Theft	23.00	0.88	0.20	0.77	0.18	0.71	0.16	0.65	0.15
Indirect Drug-involved	0.00	0.00	4.13	0.00	4.91	0.00	4.66	0.00	4.97
Direct Drug Offenses	0.00	10.72	10.72	11.20	11.20	11.32	11.32	11.68	11.68
Overall Drug Offenses	0.00	0.00	17.81	0.00	18.19	0.00	16.53	0.00	16.26

Tables 1 and 2 also provide trends in the percentage of crimes directly and indirectly attributable to drugs and alcohol. Overall, the total percentage of drug-involved crimes increased over the years despite the slight dip in the percentage of crimes indirectly attributable to drugs in FY 2007. For alcohol-involved crimes, there were also some fluctuations due to declines in the percentage of crimes indirectly attributable to alcohol.

Table 2: Percent of Crimes Directly and Indirectly Attributable to Alcohol from FY 2005 to FY 2008 in the Judicial System

SOURCE	Miller et al.'s %Attributable	2005		2006		2007		2008	
		Total ³	Due to Alcohol ⁴	Total	Due to Alcohol	Total	Due to Alcohol	Total	Due to Alcohol
Homicide	42.00	0.08	0.03	0.10	0.04	0.07	0.03	0.07	0.03
Assault	41.00	17.10	7.01	15.04	6.17	15.30	6.27	14.38	5.90
Rape	39.00	0.35	0.14	0.37	0.14	0.38	0.15	0.38	0.15
Robbery	33.00	0.36	0.12	0.38	0.13	0.34	0.11	0.35	0.12
Burglary	36.00	2.07	0.75	1.84	0.66	1.77	0.64	1.65	0.59
Larceny-Theft	19.00	3.22	0.61	8.08	1.54	7.16	1.36	9.26	1.76
Motor Vehicle Theft	26.00	0.88	0.23	0.77	0.20	0.71	0.18	0.65	0.17
Indirect Alcohol-involved	0.00	0.00	8.89	0.00	8.88	0.00	8.74	0.00	8.72
Direct Drug Offenses	0.00	12.58	12.58	10.88	10.88	16.28	16.28	16.93	16.93
Overall Drug Offenses	0.00	0.00	19.89	0.00	17.91	0.00	21.74	0.00	21.74

Table 3 shows that close to \$4 million of the circuit courts' budget was consumed by drug-involved cases in FY 2008; this was a 52% increase from FY 2005. Table 3 also shows that over \$7 million of the circuit courts' budget was consumed by alcohol-involved crimes in FY 2008; this was a 21% increase from FY 2005. In total, over 50% of the circuit courts' budget went towards prosecuting drug- and alcohol-involved crimes.

¹ These are the percentages of arrests for each type of crime as reported by WV state police

² These are estimated percentages of persons arrested for crimes that are indirectly due to drugs using Miller et al.'s (2006) fractions

³ These are the percentages of arrests for each type of crime as reported by the WV state police (2009)

⁴ These are estimated percentages of persons arrested for crimes that are indirectly due to alcohol using Miller et al.'s (2006) fractions

Table 3: Estimates of Drugs and Alcohol Cost to the Judicial System from FY 2005 to FY 2008

YEAR	Total Budget ⁵	% Crime Due to Drugs	Estimated Cost of Drugs Crimes	% Crime Due to Alcohol	Estimated Cost of Alcohol Crimes	Estimated Cost of Drugs and Alcohol Crimes
Circuit Courts						
2005	\$17,345,549.86	15.01	\$2,603,567	36.72	\$6,369,286	\$8,972,853
2006	\$20,379,612.77	16.72	\$3,407,471	34.85	\$7,102,295	\$10,509,766
2007	\$20,851,866.66	17.36	\$3,619,884	36.56	\$7,623,442	\$11,243,326
2008	\$21,461,758.96	18.55	\$3,981,156	36.02	\$7,730,526	\$11,711,682
Magistrate Courts						
2005	\$18,601,045.92	15.01	\$2,792,017	36.72	\$6,830,304	\$9,622,321
2006	\$21,038,746.53	16.72	\$3,517,678	34.85	\$7,332,003	\$10,849,681
2007	\$22,525,394.33	17.36	\$3,910,408	36.56	\$8,235,284	\$12,145,692
2008	\$25,300,556.29	18.55	\$4,693,253	36.02	\$9,113,260	\$13,806,513
Probation Office						
2005	\$12,792,130.19	15.01	\$1,920,099	36.72	\$4,697,270	\$6,617,369
2006	\$12,928,920.72	16.72	\$2,161,716	34.85	\$4,505,729	\$6,667,445
2007	\$14,431,699.13	17.36	\$2,505,343	36.56	\$5,276,229	\$7,781,572
2008	\$15,022,547.85	18.55	\$2,786,683	36.02	\$5,411,122	\$8,197,805
Total						
2005	\$48,738,725.97	15.01	\$7,315,683	36.72	\$17,896,860	\$25,212,543
2006	\$54,347,280.02	16.72	\$9,086,865	34.85	\$18,940,027	\$28,026,892
2007	\$57,808,960.12	17.36	\$10,035,635	36.56	\$21,134,956	\$31,170,591
2008	\$61,784,863.10	18.55	\$11,461,092	36.02	\$22,254,908	\$33,716,000

In addition, Table 3 shows that close to an estimated \$5 million of the magistrate courts’ budget was consumed by drug-involved cases in FY 2008; this was a 68% increase from FY 2005. Table 3 also shows that over \$9 million of the magistrate courts’ budget was consumed by alcohol-involved crimes in FY 2008; this was a 33% increase from FY 2005. In total, over 50% of the magistrate courts’ budget went towards trying drug- and alcohol-involved crimes.

Similarly, close to an estimated \$3 million of the WV probation office’s budget was consumed by drug-involved cases in FY 2008; this was a 45% increase from FY 2005. Over \$5 million of the probation office’s budget was consumed by alcohol-involved crimes in FY 2008; this was a 15% increase from FY 2005. In total, over 50% of the probation office’s budget went towards providing services for clients who were incarcerated for drug- and alcohol-involved crimes.

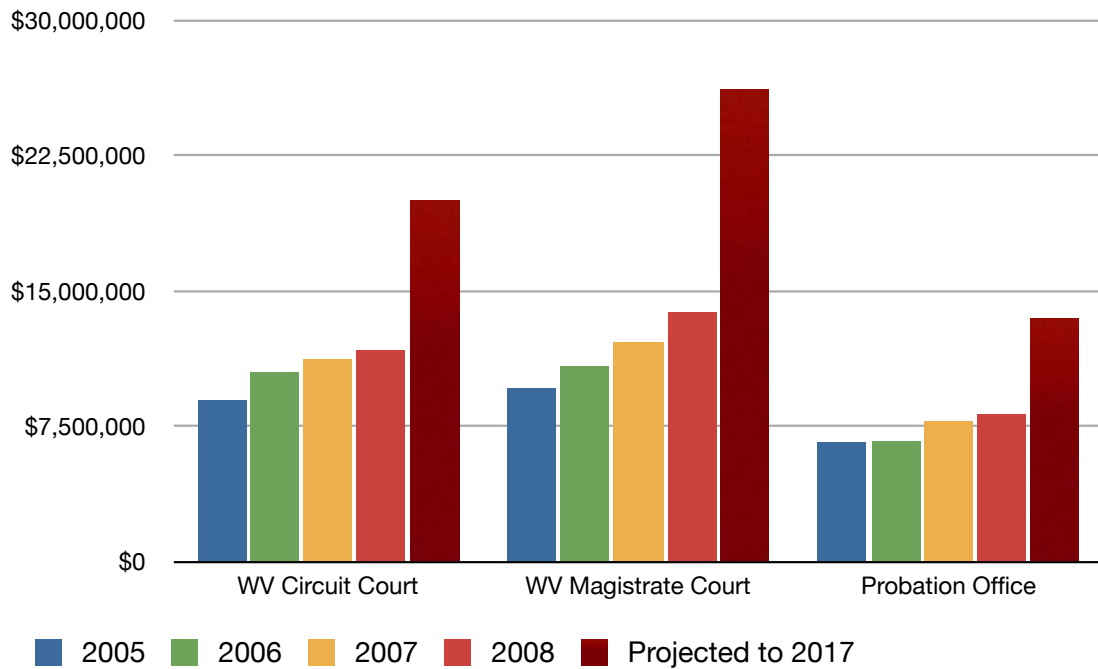
The source of the budgets for the circuit and magistrate courts, and the probation office, were not provided but some indication of the sources of the budgets for the circuit and magistrate courts and the probation office was obtained from the sources of funds for the overall Supreme Court budget in WV. According to data provided by West Virginia Budget Office, over 97% of the judicial system’s budget comes from the general fund. Around 1% comes from the federal government. Further, in the past two years, some unappropriated special funds have been available, making up slightly more than 1% of the budget. However, unappropriated special funds are also entirely state funds. Thus, it is safe to conclude that over 97% of the cost of prosecuting cases and providing probation services to individuals who commit drug- and alcohol-involved crimes is borne by the state.

⁵ Budget figures were provided by the Administrative Services Division of the WV Supreme Courts of Appeal.

Table 4: Cost of Drugs and Alcohol to the Supreme Court by Source of Fund

SOURCE	2005	2006	2007	2008
General fund	\$76,402,510	\$82,363,717	\$96,460,328	\$104,061,600
Federal fund	\$150,000	\$1,150,000	\$0.00	\$1,000,000
Appropriated Special Fund	\$0.00	\$0.00	\$0.00	\$0.00
Unappropriated special fund	\$0.00	\$0.00	\$1,375,000	\$1,398,000
Total	\$76,552,510	\$83,513,717	\$97,835,328	\$106,459,600

West Virginia Courts



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