
**The Financial Burden of Substance
Abuse in West Virginia:
Public Defender Service**



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The West Virginia

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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. In West Virginia, not only is this cost high, it has increased significantly. This is the fifth 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 Public Defender Service (PDS) budget that goes towards dealing with drug- and alcohol-involved crimes from fiscal year (FY) 2005 to fiscal year 2008. It will also estimate the costs of drug and alcohol arrests to PDS from FY 2005 to FY 2008, as well as the sources of these funds for each year.

PDS is different from most other agencies examined in this series because it does not provide direct services to individuals who committed crimes that are drug- or alcohol-involved. PDS funds all indigent defense for the State of West Virginia through private attorneys appointed on a case-by-case basis or full-time Public Defenders (West Virginia Public Defender Services, 2008). PDS pays each private attorney and other service providers for each case pursuant to a court order, following review by a Circuit Judge (WV PDS, 2008). Full-time Public Defenders are employees of a Public Defender Corporation organized at the Circuit Court level (WV PDS, 2008). These Corporations are separate legal entities but are funded by PDS. In addition to defense services for criminal charges, PDS pays for representation in abuse and neglect, mental commitment, juvenile proceedings, and other related matters (WV PDS, 2008). PDS does not provide direct representation except in a limited number of appellate matters (WV PDS, 2008).

Cost of Drug- and Alcohol-involved Crimes in the Public Defender Program

The number of total arrests made in West Virginia was used to estimate the number of individuals who may have been arrested and prosecuted for crimes that were drug- and alcohol-involved and who would have been defendants in court cases filed by the state of West Virginia. 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 $(25 \times 0.08) / 100 = 0.02\%$. 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 Prosecuting Attorneys Institute

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	0.09	0.02	0.00	0.00	0.15	0.04	0.13	0.03
Assault	13.00	2.84	0.37	2.60	0.34	2.26	0.29	2.11	0.27
Rape	18.00	0.59	0.11	0.44	0.08	0.67	0.12	0.64	0.12
Robbery	39.00	0.56	0.22	0.77	0.30	0.52	0.20	0.58	0.23
Burglary	36.00	4.02	1.45	3.64	1.31	2.67	0.96	2.11	0.76
Larceny-Theft	23.00	18.79	4.32	19.57	4.50	14.14	3.25	12.88	2.96
Motor Vehicle Theft	23.00	2.63	0.60	1.98	0.46	1.51	0.35	0.93	0.21
Indirect Drug-involved	--	--	7.09	--	6.99	--	5.21	--	4.58
Direct Drug Offenses	--	10.72	10.72	11.20	11.20	11.32	11.32	11.68	11.68
Overall Drug Offenses	--	--	17.81	--	18.19	--	16.53	--	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.

¹ These are the percentages of arrests for each type of crime as reported by WV state police (2009)

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

Table 2: Percent of Crimes Directly and Indirectly Attributable to Alcohol from FY 2005 to FY 2008 in the Prosecuting Attorneys Institute

SOURCE	Miller et al.'s %Attributable	2005		2006		2007		2008	
		Total ³	Due to Drugs ⁴	Total	Due to Drugs	Total	Due to Drugs	Total	Due to Drugs
Homicide	42.00	0.09	0.04	0.00	0.00	0.15	0.06	0.13	0.05
Assault	41.00	2.84	1.16	2.60	1.07	2.26	0.93	2.11	0.87
Rape	39.00	0.59	0.23	0.44	0.17	0.67	0.26	0.64	0.25
Robbery	33.00	0.56	0.18	0.77	0.25	0.52	0.17	0.58	0.19
Burglary	36.00	4.02	1.45	3.64	1.31	2.67	0.96	2.11	0.76
Larceny-Theft	19.00	18.79	3.57	19.57	3.72	14.14	2.69	12.88	2.45
Motor Vehicle Theft	26.00	2.63	0.68	1.98	0.51	1.51	0.39	0.93	0.24
Indirect Drug-involved	--	--	7.31	--	7.03	--	5.46	--	4.81
Direct Drug Offenses	--	12.58	12.58	10.88	10.88	16.28	16.28	16.93	16.93
Overall Drug Offenses	--	--	19.89	--	17.91	--	21.74	--	21.74

Table 3 shows that over \$6 million was consumed from PDS' budget for prosecuting persons arrested for drug-involved crimes in FY 2008; this was a 56% increase from FY 2005. Table 3 also shows that over \$12 million was consumed from PDS' budget for prosecuting persons arrested for alcohol-involved crimes in FY 2008; this was a 24% increase from FY 2005. In total, drug- and alcohol-involved crimes consumed over 50% of PDS' budget.

Table 3: Estimates of Drugs and Alcohol Cost to the Public Defender Service from FY 2005 to FY 2008

YEAR	Total Budget ⁵	% Crime Due to Drugs	Estimated Cost of Drugs Crimes ⁶	% Crime Due to Alcohol	Estimated Cost of Alcohol Crimes ⁶	Total cost of drugs and alcohol
2005	\$28,173,550	15.01	\$4,228,850	36.72	\$10,345,328	\$14,574,178
2006	\$28,124,848	16.72	\$4,702,475	34.85	\$9,801,510	\$14,503,985
2007	\$29,091,048	17.36	\$5,050,206	36.56	\$10,635,687	\$15,685,893
2008	\$35,587,983	18.55	\$6,601,571	36.02	\$12,818,791	\$19,420,362

Table 4: Cost of Drugs and Alcohol to the Public Defender Service by Source of Fund

SOURCE	2005	2006	2007	2008
Drugs Cost by Source				
General Fund	\$4,227,869.00	\$4,700,803.00	\$5,048,470.00	\$6,599,716.00
Federal Fund	\$0.00	\$0.00	\$0.00	\$0.00
Appropriated Special Fund	\$0.00	\$0.00	\$0.00	\$0.00
Unappropriated Special Fund	\$981.00	\$1,672.00	\$1,736.00	\$1,855.00
Total⁶	\$4,228,850.00	\$4,702,475.00	\$5,050,206.00	\$6,601,571.00
Alcohol Cost by Source				
General Fund	\$10,342,928.00	\$9,798,025.00	\$10,632,031.00	\$12,815,189.00
Federal Fund	\$0.00	\$0.00	\$0.00	\$0.00
Appropriated Special Fund	\$0.00	\$0.00	\$0.00	\$0.00
Unappropriated Special Fund	\$2,400.00	\$3,485.00	\$3,656.00	\$3,602.00
Total⁶	\$10,345,328.00	\$9,801,510.00	\$10,635,687.00	\$12,818,791.00

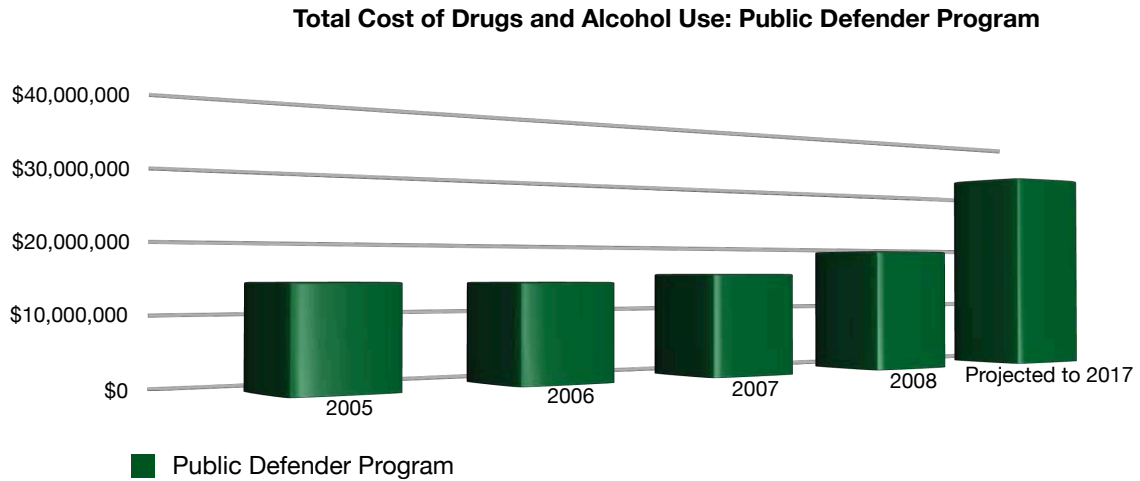
³ These are the percentages of arrests for each type of crime as reported by the WV state police (2009)

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

⁵ Budget figures were provided by the West Virginia Budget Office

⁶ Rounded up to nearest dollar

Table 4 presents data on the different sources of funds for PDS' budget. Nearly all of PDS' budget comes mainly from general funds. Less than 0.01% comes from the unappropriated special funds which could also be from state funds. Thus, the state of West Virginia bore nearly all of the cost of PDS' services for persons arrested for drug- and alcohol-involved crimes.



References

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