

## Office of Research and Strategic Planning

### RESEARCH BRIEF

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# Drug Offenders Incarcerated in West Virginia: Characteristics and Population Trends, 1998-2015

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#### Highlights:

- **The number of drug offenders admitted each year into West Virginia state prisons has increased by more than 300% since 2000.**
- **Drug offenders now comprise about 25% of all new prison admissions, up from about 10% in 2000.**
- **Correctional population forecasts project that West Virginia's drug offender population will continue to grow significantly during the next decade.**
- **The results of offender risk and needs assessments suggest that many drug offenders do not have a serious history of physical assault or other forms of violent behavior.**

#### EXECUTIVE SUMMARY

The growing size of the drug offender population housed in state prisons and jails in West Virginia is an increasingly important concern for state policy-makers and planners, and many recent policy changes intended to curb prison population growth include measures that specifically target drug offenders. For example, the policy framework for West Virginia's Justice Reinvestment Initiative (JRI), also known as Senate Bill 371, increases the state's investment in both prison and community-based substance abuse treatment programs, and includes provisions intended to enhance their effectiveness by improving the implementation of evidence-based practices in corrections. In addition, the state is engaged in efforts to reduce the number of drug offenders who are sent to prison by increasing the utilization of alternative sanctions and strengthening community supervision programs. These initiatives seek to achieve substantial reductions in prison population growth by decreasing rates of incarceration and recidivism for drug offenders.

The present research brief examines long-term trends in the number of incarcerated drug offenders utilizing statistics drawn from annual reports produced by the WV Division of Corrections (DOC) and correctional population forecasts

conducted by the Office of Research and Strategic Planning (ORSP). In addition, this brief summarizes the results of all risk and needs assessments conducted on drug offenders in DOC custody during the 2015 fiscal year. The results of these analyses highlight the rapid growth over time in the number of inmates sentenced to DOC facilities for drug offenses each year, the changing composition of the state’s prison population, and the diverse criminogenic needs of incarcerated drug offenders. They also point to several recommendations for reducing the size of the incarcerated drug offender population in West Virginia.

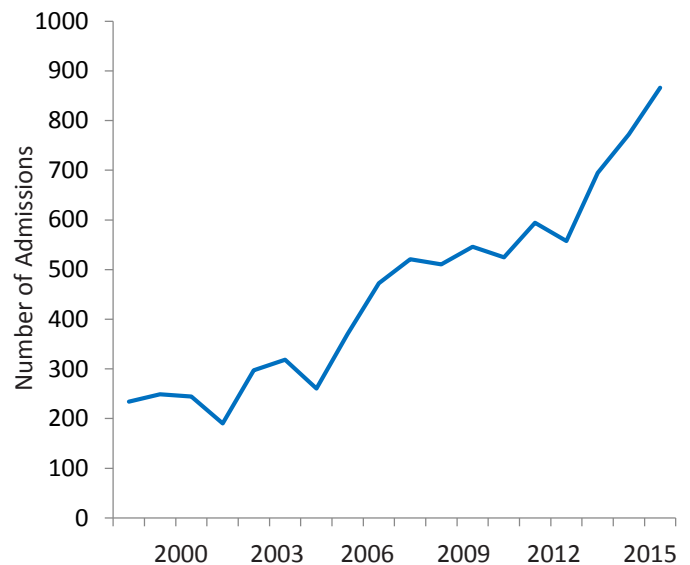
## KEY FINDINGS

The statistics presented here describe characteristics of the drug offender population housed in WV DOC facilities. Inmates are identified as drug offenders if their most serious present offense is a drug offense. It should be noted that these statistics do not capture inmates who committed drug offenses in addition to other more serious offenses, and that they do not include the population of drug offenders housed outside of DOC custody, such as offenders housed in regional jails and those who have been placed on probation or other forms of community supervision. By examining drug offenders in the custody of the DOC, this brief focuses on those drug offenders who have received more serious sanctions for their offenses and who are likely to have the highest risk of recidivism and the greatest criminogenic needs. **Selected observations include:**

- The number of drug offenders admitted into WV DOC custody each year has more than tripled in the past 17 years, growing from about 200 inmates per year in 1998 to more than 800 in 2015 (Figure 1).
- The proportion of offenders admitted to WV DOC custody whose most serious crime was a drug offense increased from around 15% in 1998 to almost 25% by 2015 (Figure 2). Conversely, during this time period, the proportion of inmates admitted for crimes against a person decreased from about 37% to 20%. In 2015, the majority of new DOC admissions were comprised of property and drug offenders.

**Figure 1**

### Number of Drug Offenders Admitted to the WV Division of Corrections (DOC), 1998-2015



Source: WV Correctional Population Forecasts, 1998-2014; WV DOC Annual Reports, 1998-2015

### Categories of Offenses Committed by Inmates in DOC Custody

**Person** offenses are crimes in which someone is a victim of force or physical harm. Examples include homicide, sex offenses, robbery, and assault.

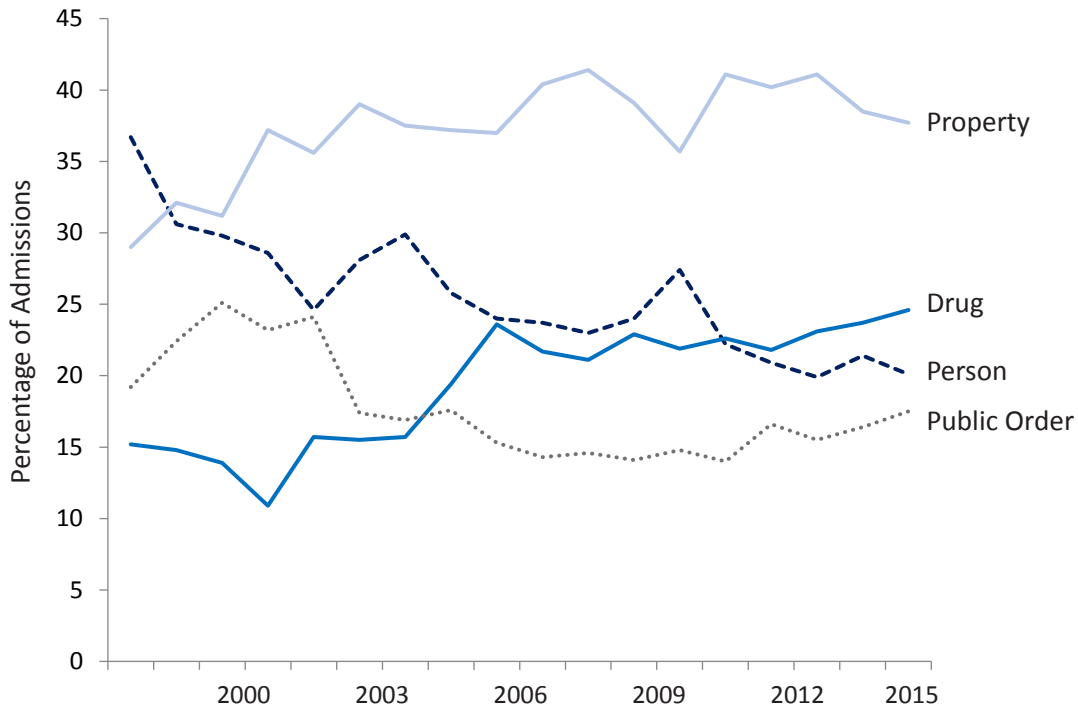
**Property** offenses involve the taking or damaging of property without the threat of force to a victim. Examples include arson, burglary, breaking and entering, forgery, fraud, and larceny/theft.

**Drug** offenses involve the use and distribution of illicit drugs. Examples include manufacturing/delivering a controlled substance, operating a clandestine drug laboratory, distribution to persons under the age of 18, and obtaining drugs through misrepresentation.

**Public Order** offenses include DUI, prostitution, weapon law violations, fleeing, conspiracy to commit a felony, accessory, and others.

**Figure 2**

**Proportion of Admissions to the WV Division of Corrections (DOC) by Broad Offense Category, 1998-2015**



Source: WV Correctional Population Forecasts, 1998-2014; WV DOC Annual Reports, 1998-2015

- Similar trends can be observed in the changing composition of the prison population between 2005 and 2015 (Table 1). During this period, the proportion of inmates whose most serious crime was a drug offense increased from 7.9% to 11.4%. Likewise, the proportion of inmates incarcerated for property offenses increased from 19.8% to 24.8%. In contrast, the proportion of those incarcerated for person offenses decreased from around 56% to 49.5%.
- While the prison population was roughly twice as large in 2015 as in 2005, a greater proportion of inmates in 2015 were incarcerated for non-violent offenses.
- Drug offenders released from DOC custody in 2015 spent an average of around 21 months in prison.
- The annual cost of incarcerating drug offenders has increased steadily along with the growing drug offender population (Table 2). In 2005, WV spent an

### Correctional Population Forecast Results

The most recent WV correctional population forecast projects that, if current trends continue, more than 1,200 drug offenders will be housed in WV DOC facilities by 2024 (Haas & Spence, 2015). This represents a growth rate of more than 50% relative to the 837 drug offenders who were housed in state prisons in 2014.

Based on the current average annual cost per inmate, the estimated cost of housing a drug offender population of this size would be more than \$34,000,000 per year.

In contrast, the forecast projects that the number of offenders incarcerated for person offenses is likely to decrease slightly, from 2,668 in 2014 to a projected 2,568 in 2024.

**Table 1****WV Prison Population by Broad Offense Category, 2005-2015**

	<u>2005</u>		<u>2010</u>		<u>2015</u>	
	N	%	N	%	N	%
Person	2147	(56.3)	3289	(50.7)	3425	(49.5)
Property	754	(19.8)	1931	(29.8)	1712	(24.8)
Drug	302	(7.9)	758	(11.7)	790	(11.4)
Public Order	612	(16.0)	505	(7.8)	987	(14.3)
<b>Total</b>	<b>3815</b>	<b>(100.0)</b>	<b>6483</b>	<b>(100.0)</b>	<b>6914</b>	<b>(100.0)</b>

Source: WV DOC Annual Reports

estimated \$7.1 million incarcerating drug offenders. By 2015, the estimated cost of housing drug offenders had grown to more than \$22.4 million per year, an increase of roughly 315% over the course of 10 years.

- The results of offender risk and needs assessments<sup>1</sup> indicate that while a majority of drug offenders have a high overall risk of recidivism, most do not have a high level of need in core areas such as Procriminal Attitude and Antisocial Pattern (Figure 3), which research

has established as two of the strongest predictors of recidivism and which are an important target for cognitive-behavioral interventions. Less than 20% of drug offenders were assessed as High or Very High risk in either of these two areas.

- Most drug offenders were not assessed as having a High or Very High level of need in the area of Criminal History. This suggests that many drug offenders had relatively few prior offenses and were unlikely to have a history of juvenile offending or institutional misconduct.
- Only 48% of drug offenders in the sample were assessed as having High or Very High needs in the area of Alcohol/Drug Problem. This suggests that although these offenders are currently incarcerated for a drug offense, many may not have serious criminogenic needs related to substance abuse and may instead have patterns of offending that are driven primarily by other risk factors.
- The two areas in which drug offenders were most likely to have High or Very High levels of need were Leisure/Recreation (74.1%) and Companions (53.7%). This suggests that the drug offender population in WV has a substantial need for services which increase involvement and satisfaction in prosocial leisure activities, as well as assist in reducing associations with antisocial peers and cultivating relationships with prosocial cohorts.

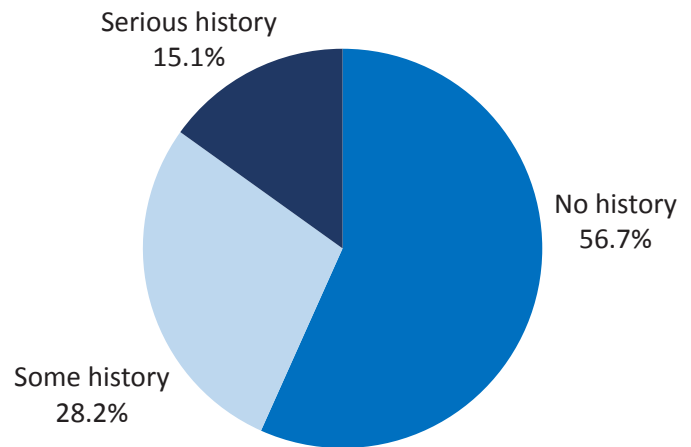
**Table 2****Estimated Costs of Incarceration for Drug Offender Population in WV DOC, 2005-2015**

	<u>2005</u>	<u>2015</u>
<b>Drug Offender Population</b>	302	790
<b>Avg. Annual Cost Per Inmate</b>	\$23,736	\$28,369
<b>Est. Annual Cost of Incarcerating Drug Offenders</b>	\$7,168,272.00	\$22,411,510.00

Note: Cost estimates reflect average annual cost of housing offenders in a DOC facility. Actual costs may differ due to variation in sentence lengths and temporary housing of DOC inmates in regional jail facilities.

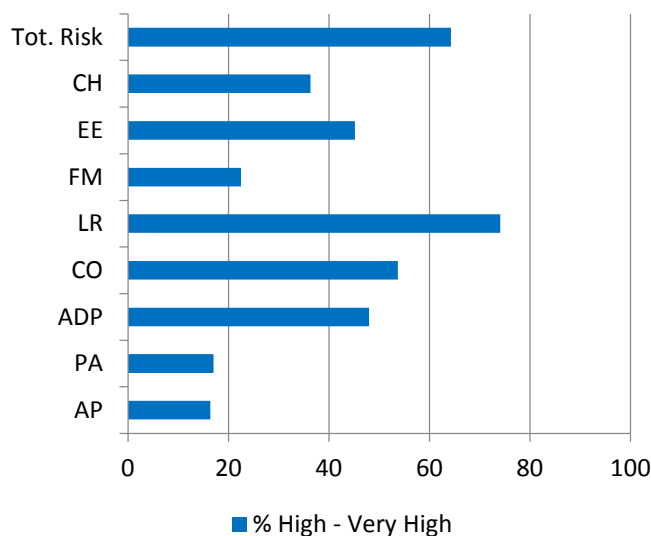
- Assessment results from Section 2<sup>2</sup> of the LS/CMI indicate that most drug offenders had minimal histories of violence or assault. Specifically, the majority (56.7%) of drug offenders assessed had no history of committing physical assault or other forms of violence against others based on items 8-14 of Section 2.2 of the assessment (Figure 4). These items record instances of violent behavior including nonsexual physical assault, stalking, assaults on authority figures, and weapon use. Around 28% of offenders had one item selected, indicating some history of violence, and 15% had two or more items selected, denoting a more serious history.
- According to items 1-7 of Section 2.2, which measures perpetration of sexual assault, 96.8% of drug offenders assessed had no history of sexual assault.
- Selected items<sup>3</sup> in Section 1 of the LS/CMI indicate that most (74.3%) drug offenders had no history of early or diverse antisocial behavior, and a majority (60%) had no official record of assault or violence.

**Figure 4**  
**History of Physical Assault and Other Forms of Violence by Drug Offenders in WV DOC Custody (FY 2015) (N = 483)**



**Note:** Percentages were calculated using LS/CMI Section 2.2 (History of Perpetration), items 8-14 (Nonsexual Physical Assault and Other Forms of Violence). Offenders were classified as “no history” if no items were selected, “some history” if one item was selected, and “serious history” if two or more items were selected.

**Figure 3**  
**Percentage of Drug Offenders in WV DOC Custody (FY 2015) with High or Very High Risk/Needs by LS/CMI Subcomponent (N = 529)**



**Note:** Tot. Risk = Total Score-Based Risk/Need Level; CH = Criminal History; EE = Education/Employment; FM = Family/Marital; LR = Leisure/Recreation; CO = Companions; ADP = Alcohol/Drug Problem; PA = Procriminal Attitude/Orientation; AP = Antisocial Pattern

## RECOMMENDATIONS

Consistent with the recommendations of several other recent studies of the WV offender population (Grasso, 2013; Haas & Spence, 2015), the findings presented here suggest that the pursuit of measures designed to reduce reliance on incarceration as a means of sanctioning drug offenders would be likely to have a significant impact on the state. Primary recommendations are described below.

- Prioritize community-based treatment options for drug offenders.** Research suggests that incarceration may have a criminogenic effect, and studies show that recidivism rates tend to be higher for offenders who spend longer periods of time in prison or who are incarcerated rather than receiving community-based sanctions (Gendreau, Goggin, & Cullen, 1999). Given that most incarcerated drug offenders in West Virginia appear to have a non-violent criminal history and that roughly 40% have a Very Low to Moderate risk of reoffending, it is likely that some offenders

could be diverted to community supervision programs and receive treatment in the community without substantially increasing the risk to public safety.

- **Reduce reliance on incarceration as a punishment for technical violations.** Recent analyses indicate that the use of jail and prison time as sanctions for technical violations of the terms of community supervision has been an important driver of the growth of West Virginia’s prison population (Grasso, 2013). This issue is particularly salient with respect to the state’s drug offender population because drug offenders are generally more likely than other offenders to be sanctioned for technical violations, especially as a result of failed drug tests (Campbell, 2015; Grattet, Lin, & Petersilia, 2011). Consequently, the findings presented here highlight the importance of utilizing alternative sanctions to respond to technical violations.
- **Continue to utilize risk and needs assessments to guide decisions related to case management and offender treatment.** Rehabilitative treatment has been shown to be more effective when treatment decisions are guided by the results of actuarial risk and needs assessment tools such as the LS/CMI (Jolley & Kerbs, 2010; Lowenkamp, Latessa, & Holsinger, 2006). In order to maximize the effectiveness of existing treatment programs, correctional staff should continue to assess offenders’ risk and needs as soon as possible after admission, and ensure that the results of these assessments are taken into account when deciding which programs and services offenders receive.

## OPPORTUNITIES FOR FUTURE RESEARCH

The findings presented here point to several opportunities for further research. First, more research is needed to examine the size and characteristics of other drug offender populations in West Virginia, such as those who have been placed under community supervision or who are housed in regional jails. These drug offender populations are significantly larger than the one housed

in WV DOC facilities and are likely to be the most directly affected by increases in the number of new drug offenses. In addition, comparative analysis of changes in the size and composition of these different populations can yield important insights about the impact of reforms and other policy changes on West Virginia’s correctional system. Thus, these can support the development of metrics that can be used to assess the impact of multifaceted reforms such as the Justice Reinvestment Initiative.

A second opportunity for additional research concerns the front-end processes associated with the sanctioning of drug offenders. While the present brief provides an accurate picture of the offenders who end up in DOC custody, more research is needed in order to fully understand the processes that lead them there. Further analysis of data related to arrests, convictions, and sentencing can help researchers identify the drivers of drug offender population growth and potentially highlight areas where further policy changes may help reduce reliance on incarceration.

## NOTES

1. Assessment results were obtained using the Level of Service/Case Management Inventory (LS/CMI), a validated offender risk and needs assessment tool. The LS/CMI provides measures of both the overall risk that offenders will recidivate after release (i.e., total risk) and the severity of offender needs in eight areas, or subdomains, that research has shown to contribute to the likelihood of reoffending.

2. Section 2 of the LS/CMI is designed to expand on the general criminogenic needs identified in Section 1. Therefore, it records specific risk/need factors and includes the subsections *Personal Problems with Criminogenic Potential* and *History of Perpetration*, which notes whether offenders have perpetrated violence against others or engaged in various other types of antisocial behavior. This information is important for case management purposes, and can be gleaned from offender interviews as well as numerous sources of collateral information including but not limited to case files, databases, previous assessments, criminal history records, and presentence investigation reports.

3. Percentages were calculated from item 41, which records early and diverse antisocial behavior including problems of adjustment, early contact with the criminal justice system, official records of assault or violence, escape history, and failures to cooperate with prior supervision.

## REFERENCES

Campbell, C. M. (2015). *Dooming Failure: The Impact, Utility, and Practice of Returns on Technical Violations* (Doctoral dissertation). Pullman, WA: Washington State University.

Gendreau, P., Goggin, C., & Cullen, F. (1999). *The effects of prison sentences on recidivism*. A report to the Corrections Research and Development and Aboriginal Policy Branch, Solicitor General of Canada. Ottawa, Ontario: Public Works & Government Services Canada.

Grasso, M. (2013). *Justice Reinvestment in West Virginia: Analyses & Policy Options to Reduce Spending on Corrections & Reinvest in Strategies to Increase Public Safety*. New York, NY: Council of State Governments Justice Center.

Grattet, R., Lin, J., & Petersilia, J. (2011). Supervision regimes, risk, and official reactions to parolee deviance. *Criminology*, 49(2), 371-399.

Haas, S. M., & Spence, D. H. (2015). *The Impact of Correctional Population Reduction Strategies in West Virginia: Forecast Projections and Cost Savings Estimates for 2014-2024*. Charleston, WV: Office of Research and Strategic Planning, Division of Justice and Community Services, Department of Military Affairs and Public Safety.

Jolley, J. M., & Kerbs, J. J. (2010). Risk, need, and responsibility: Unrealized potential for the international delivery of substance abuse treatment in prison. *International Criminal Justice Review*, 20(3), 280-301.

Lowenkamp, C. T., Latessa, E. J., & Holsinger, A. M. (2006). The risk principle in action: What have we learned from 13,676 offenders and 97 correctional programs? *Crime & Delinquency*, 52(1), 77-93.



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