

PLAN FOR A DRUG-FREE WEST VIRGINIA

**A STRATEGIC SPENDING PLAN FOR THE STATE'S
*PURDUE PHARMA ASSET FORFEITURE FUNDS***

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**Governor Joe Manchin III
1900 Kanawha Boulevard East
Charleston, West Virginia 25305**

This plan was prepared for the West Virginia Governor's Office by **Public Works LLC**.



Public Works LLC
1690 East Strasburg Road
West Chester, PA 19380
www.goodideas.us

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THE GOAL:

A DRUG-FREE WEST VIRGINIA

Scope of West Virginia's Current Drug Problem and Recent Trends

West Virginia's role in investigating and prosecuting the producers of OxyContin for fraudulent marketing has further enhanced its reputation as a state determined to move towards a drug-free future. But, challenges related to drug abuse still exist for the state. Indeed, in the early years of this century, drug abuse in West Virginia has been rising, mainly because of the state's geographical position between major drug centers in Pennsylvania, Ohio, Maryland, and beyond.

According to the most recent multiyear state trend analysis by the U.S. Department of Health and Human Services, from 2002 to 2005 West Virginia moved from below to above the national average in per capita (non-marijuana) illicit drug use and cocaine use, and remained well above the national average in non-medical use of pain relievers. In total illicit drug use, West Virginia remained below the national average, but showed significant increases even as national trends declined.¹

Of even greater concern, the same report showed that per capita illicit drug use by West Virginians under the age of 25 was increasing rapidly, and by 2005 had reached higher levels than in the neighboring states of Pennsylvania, Ohio, Maryland, Virginia, and Kentucky. And, West Virginia was the only state where cocaine use increased among the under-25 population.²

A 2003 "Drug Threat Assessment" for the state conducted by the U.S. Department of Justice's National Drug Intelligence Center found that "the production, distribution and abuse of illicit drugs and the diversion and abuse of pharmaceuticals pose serious threats to West Virginia."³ Cocaine (particularly crack) use and abuse of prescription drugs were deemed especially urgent threats, with methamphetamine flagged as an emerging threat.

"Cocaine is readily available, commonly abused, and frequently associated with violent crime in the state. There were more cocaine-related offenses in the state than offenses for any other illicit drug in 2002. Further, over 57 percent of drug-related federal sentences in West Virginia in fiscal year 2001 were cocaine-related."⁴

But prescription drugs have been the most serious emerging problem. ["T]reatment data indicate that there were more pharmaceutical-related treatment admissions in 2000 than admissions for any illicit drug except marijuana."⁵ By 2006, the problem of prescription drug abuse reached an alarming level as drug overdoses became the leading cause of death in West Virginia for adults under the age of 45, the highest rates in the country.⁶

While the banning of OxyContin has addressed part of the problem, overdoses of other powerful painkillers, particularly methadone, hydrocodone, oxycodone, morphine, and fentanyl, remain all too common and deadly. In human terms, the numbers are sobering: as of 2005, roughly 250,000 West Virginians were using some sort of prescription drugs for non-medical purposes.⁷

Drug treatment in West Virginia, as in most states, lags behind the need. According to one 2005 assessment, 40,000 West Virginians needed drug treatment but did not receive it.⁸

While drug-related violence and gang activity has not been as significant a problem for West Virginia as for many other states, recent drug abuse trends need to be reversed in order to prevent major criminal organizations from setting up shop in the state, and to prevent drug-related corrections costs from overwhelming the prison system.

The corrections issue is particularly compelling. Between 1995 and 2005, West Virginia had the second fastest growing prison population in the country.⁹ Drug offenders are expected to represent a growing percentage of West Virginia prison inmates in the future.

The Need for an Enhanced Anti-Drug Effort

What West Virginia needs is a comprehensive initiative aimed at preventing, fighting, and treating—and ultimately eliminating—drug abuse.

State and local law enforcement needs help investigating and prosecuting the growing number of drug offenses.

State agencies need help identifying patterns of illicit use of prescription drugs, and improving the ability of pharmacists and health care professionals to prevent prescription abuse, and dangerous drug interactions.

State and local prevention and treatment facilities need help meeting current and emerging needs.

West Virginia citizens need help understanding substance abuse, including school-based prevention efforts, prescription drug abuse risks, the value of treatment, and emerging drug threats.

Non-West Virginia drug traffickers and distributors need to be warned that West Virginia is not a hospitable climate for drug production, sales, or consumption.

State and local resources need to be focused more directly on the most urgent drug threats where action can most efficiently produce a drug-free West Virginia.

Cocaine use, prescription drug abuse, and home-grown drugs like methamphetamine, are all problems that West Virginia can fight with the right deployment of resources and leadership. This plan is designed to apply newly-available resources toward that fight and put West Virginia on the road to a drug-free future.

A NEW OPPORTUNITY FOR ACTION: WEST VIRGINIA'S SHARE OF THE *PURDUE* ASSET FORFEITURE FUNDS

Background

In 2007, the West Virginia State Police (WVSP) received \$44,176,000 from the U.S. Department of Justice for their role in a three-year federal criminal investigation of *Purdue Pharma LP*, the pharmaceutical company that produced the drug OxyContin. In total, the federal government collected over \$276 million in "asset forfeiture funds" as part of a \$634.5 million settlement from *Purdue* in a case that alleged *Purdue* had failed to disclose fully to doctors and patients the risks of addiction to OxyContin.

Federal asset forfeiture funds, considered to be proceeds of criminal activities, are often shared by the federal government with state and local law enforcement authorities that have contributed to the investigation and/or prosecution of federal crimes. These funds are only allowed to be used by state and local law enforcement agencies for certain law enforcement-related activities that are outlined in the U.S. Department of Justice's *Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies*.

Uses of Federal Asset Forfeiture Funds¹⁰

U.S. Department of Justice asset forfeiture funds are typically used to support general law enforcement purposes.

The Department of Justice has pre-approved the use of forfeiture funds for certain purposes, including:

- Activities calculated to enhance future investigations
- Law enforcement training
- Law enforcement equipment and operations
- Detention facilities operated by the recipient entity
- Law enforcement facilities and equipment
- Drug education and awareness programs
- Asset fund accounting and tracking

Additionally, the Department of Justice has determined that some uses are expressly prohibited when using forfeiture or equitable sharing funds, such as:

- Payment of salaries for existing positions
- Payment of any salaries for more than one year
- Payment of non-law enforcement expenses
- Uses contrary to the laws of the state
- Extravagant expenditures

In some circumstances, the Department of Justice will allow law enforcement agencies to transfer forfeiture funds to other governmental departments or private, non-profit, or community organizations to support drug abuse treatment, drug and crime prevention efforts, or other

community-based programs related to a law enforcement mission. Agencies receiving these “pass-through” funds may use them only for the same allowable purposes stipulated in the Department of Justice Guidelines.

In cases like *Purdue*, when the total forfeiture amount represents more than twenty-five percent (25%) of the recipient agency’s (here, the West Virginia State Police’s) annual budget, any forfeiture amount over 25% of the agency’s annual budget may be transferred to another entity as “pass-through” funds. Of the \$44,176,000 WVSP received in the *Purdue* forfeiture funds, up to \$19,730,112 may be passed through to other entities.

The Department of Justice directs that forfeiture assets should normally be expended for their designated use as they are received. It is permissible to retain forfeiture funds in a holding account for a reasonable period of time so that they can be used to satisfy future needs. Generally, monies received should not remain unspent for a period of time exceeding two years from the date of receipt. Forfeiture funds may only be used to pay for salary expenses for a period of one year.

It should be noted that the *Purdue* federal asset forfeiture funds are distinct from the settlement funds that were collected by the West Virginia Attorney General’s Office in a similar case against *Purdue Pharma*. Federal asset forfeiture funds are subject to strict U.S. Department of Justice guidelines for use.

THE ACTION PLAN: STRATEGIC ANTI-DRUG INITIATIVES

An aggressive action plan for a drug-free West Virginia can be launched with the *Purdue* asset forfeiture funds. Strategic anti-drug initiatives should include:

- Targeted **prevention** strategies to stop drug addiction before it starts;
- Enhanced substance abuse **treatment** options; and
- Heightened resources for **law enforcement** to combat drug abuse throughout the state.

Below is a list of strategic anti-drug initiatives designed to help put West Virginia on the road to a drug-free future.

Prevention: Expand School Prevention Resource Officer Programs

Background: West Virginia has been nationally recognized for its School Prevention Resource Officer (PRO) Program, a cooperative effort between schools and law enforcement designed to put officers in schools to teach and mentor students about drug and safety issues. The Prevention Resource Officers are also specially trained to recognize potential danger, prevent violence, and respond to dangerous school situations. Currently, the West Virginia Division of Criminal Justice Services (DCJS) supports 41 School Prevention Resource Officers in 20 counties with federal justice grant funds from the Justice Assistance Grant (JAG); Juvenile Accountability Block Grant (JABG); and Juvenile Justice and Delinquency Prevention Title II Grants; and Juvenile Justice Delinquency Prevention Grant funds. Under the current program, DCJS provides funds (through a backfill reimbursement) to communities that want to hire a Prevention Resource Officer. Currently, DCJS allocates approximately \$33,000 per officer (\$28,000 for salary & benefits and \$5,000 for travel and expenses). The current grants require a 25% local match and are limited to three years of funding. Many of the current PRO grants supported by federal funds will soon expire.

Description: Monies from the *Purdue* funds can be utilized to expand the current School Prevention Resource Officer program administered by the West Virginia Division of Criminal Justice Services (DCJS). Local law enforcement agencies will be invited to apply for a one-time \$55,000 grant that may be used to pay for salary, benefits, equipment, and expenses for a school Prevention Resource Officer. To qualify for these funds, local agencies will be required to supply match funds for a second year's salary and benefits for the PROs.¹¹

Estimated Cost: \$ 3,025,000, for one new PRO in each county

Additional grants will be considered for counties requesting a second PRO. An additional **\$1,540,000** is currently reserved for additional PRO grant requests from local counties. This amount would support an additional request from half of West Virginia's counties. Should more counties express an interest in a second PRO grant, the Governor's Office will work to accommodate all qualified requests.

Prevention: Addiction Training for Medical Professionals

Background: Health care professionals are a key resource in preventing prescription drug abuse, and in helping those who have become addicted to prescription and other illegal drugs. Medical professionals need specialized training in order to identify the symptoms of addiction and the addictive qualities of certain prescription drugs.

Description: The Division on Alcoholism and Drug Abuse (DADA) in the Department of Health and Human Services has requested funding to develop curriculum and plan addiction training for health care professionals around the state in conjunction with a committee of health professionals. The review committee will include representatives from: the Appalachian Pain Foundation, West Virginia University's Department of Behavioral Medicine, West Virginia Association of Alcoholism and Drug Abuse Counselors, Marshall University Medical School, West Virginia Nurses Association, West Virginia Board of Pharmacy, West Virginia Hospital Association, West Virginia State Medical Association, West Virginia Medical/Psychiatric Association, West Virginia Psychological Association and the West Virginia chapter of the National Association of Social Workers. DADA will work with State licensure boards to provide continuing education credits to medical professionals for the addiction course.

Estimated Cost: **\$175,000**, for the development of curriculum and training session costs for three years

Prevention: Tamper-Resistant Prescription Pads

Background: While a growing number of physicians are implementing electronic health information systems that include e-prescribing capabilities, the majority of physicians continue to manually write prescriptions using traditional prescription pads. Fraudulent or altered prescriptions are a common tool for drug diversion activities. In other states, tamper resistant prescription pads have been used to implement an effective prescription fraud prevention program.

Description: The West Virginia State Medical Association (WVSMA) has requested that *Purdue* funds be used to implement a pilot program that will provide over 500 West Virginia health care providers with a six-month supply of tamper-resistant prescription pads. This pilot program is designed to "jump start" physicians' conversion to tamper-resistant pads and help decrease diversion of prescription drugs.

Estimated Cost: **\$300,000**

Treatment and Judicial Support: Expansion of West Virginia Drug Courts

Background: Drug Courts provide an alternative to incarceration for non-violent drug offenders with intensive treatment and drug monitoring, and regular appearances before a judge. A substantial body of research has documented that drug courts reduce re-arrests and result in significant cost savings, ranging from \$1.74 to \$10 per dollar spent on drug courts.¹² While relatively new, West Virginia's Drug Court program has shown promising results. For example, the Southern Region Drug Court conducted its first graduation in June 2007, and no graduates have been re-arrested to date.

The West Virginia Supreme Court of Appeals currently operates three drug courts with funds provided by grants from the U.S. Department of Justice and the West Virginia Department of Health and Human Resources. Current grant funding will expire in 2008. The Courts need bridge funding until they can secure additional grant funds. In addition, the Court is currently training six new Drug Court teams which need start-up implementation funding.

Description: The West Virginia Supreme Court of Appeals has requested continuation (“bridge”) funding for its three existing drug courts in the Northern Panhandle (Brooke, Hancock, Ohio, Marshall and Wetzel counties); the Southern Region (Mercer & Raleigh counties) and the West Central Region (Wood and Wirt counties). Funding has also been requested for start-up and implementation of the six new drug courts in Kanawha, Monongalia, Preston, Greenbrier, Cabel, and Boone/Logan counties.

Estimated Cost: \$1,500,000-\$2,500,000 ***The Department of Justice is currently reviewing this proposal to determine which components are allowed under asset forfeiture guidelines.***

Treatment: Expansion of State Drug Treatment Facilities with a New Addictions/Co-Occurring Unit at Welch Community Hospital

Background: West Virginia is sorely lacking in substance abuse treatment facilities, particularly in the southern part of the state. Successful expansion of the state’s drug courts will hinge on the availability of adequate treatment resources for offenders.

Description: The West Virginia Department of Health and Human Resources (DHHR) has requested funding for the construction of a residential treatment program that builds on the administrative and services capacity of Welch Community Hospital. DHHR proposes a 16-bed structure with treatment and examination rooms to be constructed on the property immediately in front of the hospital. The DHHR Bureau for Behavioral Health and Health Facilities is exploring options for on-going operational costs of the Unit. It is believed that the unit, if operated under the hospital’s license, will be able to bill Medicaid and Medicare, as well as third party insurers, for initial days of acute treatment.¹³

Estimated Cost: \$ 3,220,000, including property acquisition, furnishings, site preparation, and architectural fees. ***Use of Purdue funds pending approval by the U.S. Department of Justice.***

Treatment & Community Support: Additional Day Reporting Center Facilities

Background: Currently, due to limited Day Reporting Center facilities, West Virginia youth are transferred to reporting centers for services away from their homes. DJS currently has 47 staffing positions that have gone unfilled in recent budget years. The Department of Military Affairs and Public Safety has indicated that the Division of Juvenile Service (DJS) could staff additional Day Reporting Centers with currently unfilled positions that have pre-existing budget funds.

Description: The Division of Juvenile Services has requested *Purdue* funds to start three additional Day Reporting Centers in Mercer, Hancock, and either Kanawha or Wood Counties to provide community-based, cost-effective programming for the youth of West Virginia and enhance the State’s efforts to keep youth in their homes.

Estimated Cost: \$750,000, \$250,000 each for three buildings

Treatment & Corrections: Charleston Work & Study Release Center

Background: The current Charleston Work & Study Release Center facility is being leased. When the present lease expires, the owner will likely sell the property to a third party. At that time, a new Work Release location will need to be acquired. The Division of Corrections currently pays \$75,000 each year for rent and notes that an outright purchase of a facility would save money over long-term lease costs.

Description: The Division of Corrections has requested *Purdue* funds to support the building or acquisition of a new Charleston Work Release facility.

Estimated Cost: \$1,500,000

Enforcement: Enhancements to the West Virginia Controlled Substances Monitoring Program and Additional Drug Diversion Investigators

Background: The West Virginia Board of Pharmacy currently assists law enforcement in the fight against prescription drug diversion through the Board's Controlled Substances Monitoring Program (CSMP). The CSMP is used by prescribers and dispensers to prevent and detect prescription drug diversion, and by law enforcement as a tool to investigate and prosecute those involved in drug diversion. Development and operational costs of the CSMP have been supported to date with federal grant funds. Technology upgrades are needed to increase CSMP system functionality, enhance reporting structures, and augment system security.

The CSMP currently funds one Drug Diversion Investigator in the West Virginia State Police to execute drug diversion investigations in conjunction with the Board of Pharmacy. With additional investigatory personnel, the CSMP and State Police could conduct more diversion sting operations and more investigations of illegal channeling of pharmaceutical drugs. Additional investigators would develop more cases for the prosecution of: individuals selling, transporting, distributing, or obtaining prescriptions/pharmaceutical drugs by fraud. The investigators would also monitor new pharmaceutical drug trends affecting West Virginia.

Description: The Board of Pharmacy has requested *Purdue* asset forfeiture funds to purchase needed technology, hardware, and software upgrades that will add 5-10 years of life to the existing CSMP database. Funds will also be used to support two additional State Police Drug Diversion Investigators to work with the Board of Pharmacy.¹⁴

Estimated Cost: \$760,000, including **\$575,000**, for technology and system upgrades, software and hardware for the Controlled Substances Monitoring Program and **\$185,000** for one year of salary, benefits, and equipment for two (2) additional Drug Diversion Investigators¹⁵

Enforcement: Address West Virginia's Backlog in Basic Law Enforcement Training and Provide Additional Advanced Law Enforcement Training Courses

Background: The West Virginia Law Enforcement Training (LET) Fund is used to pay for Basic (entry-level) training courses for law enforcement officers throughout the state. There is currently a backlog of applicants for the Basic class, but \$150,000 is needed to fund the course. The State Police has offered to provide \$110,000 from unspent state appropriated Drug

Taskforce funds for this purpose, leaving a \$40,000 funding need. The Division of Criminal Justice Services (DCJS) recommends replenishing the LET Fund so that the state does not again fall into a backlog situation.

Additional funds are also needed to offer Advanced Training to current officers, particularly investigative and undercover officers who can help tackle the state's drug problem.

Description: The Governor's Committee on Crime Delinquency and Corrections has requested funds to replenish the Law Enforcement Training (LET) Fund. Specifically, funds are requested immediately to support a Basic (entry-level) law enforcement training class. Funds are also requested to support specialized Advanced Training courses for incumbent officers.

Estimated Cost: \$1,000,000, over three years, including \$40,000 to support a Basic Training course; \$250,000 for each of the next two years to replenish the Law Enforcement Training (LET) Fund; and approximately \$150,000 for each of the next three years to offer Advanced Training courses for incumbent officers.¹⁶

Enforcement: Support the Equipment Needs of State Law Enforcement

Background: Asset forfeiture funds distributed by the U.S. Department of Justice through Equitable Sharing Agreements (like the one West Virginia executed in the *Purdue* case) are primarily intended to be used for one-time costs such as equipment purchases. The West Virginia State Police have several equipment and infrastructure needs that could be met with the *Purdue* funds.¹⁷

Update State Patrol Vehicle Fleet

Description: The State Police currently has over 200 vehicles that have in excess of 100,000 miles on their odometers. Following the current replacement schedule this number is slated to be over 300 vehicles by spring of 2008. Many of the State Troopers' vehicles are unfit for high speed or pursuit driving. The State Police also note that the older cars cost more for frequent repairs. The State Police have requested the use of *Purdue* funds to purchase 200 new vehicles at the cost of \$22,000 each.

Estimated Cost: \$4,400,000

State Police Academy Improvements

Description: The primary drug enforcement training facilities at the State Police Academy is in need of substantial remodeling including the construction of an Emergency Vehicle Driver Training Course on-site at the Academy. The current facility used for Driver Training is on an airstrip 60 miles from the academy and lacks classroom and mechanical repair facilities.

Estimated Cost: \$1,900,000

Control Switch for Statewide Interoperable Radio Communications Project

Description: The State is currently building a statewide interoperable radio system for all police and emergency responders. The current system is controlled by a single, master control

switch located in Harrison County. The State Police is working on a project to install a second switch, to be located at a remote location elsewhere in the state that will provide a redundant communications capability in the event of a natural disaster or other catastrophic failure. The interoperable system will, when complete, provide the primary source of communications for all law enforcement personnel and first responders throughout the state.

Estimated Cost: \$2,250,000 for the addition of the redundant control switch

Mobile Data Terminal Connectivity for the Patrol Fleet

Description: Currently, trooper vehicles are outfitted with laptop computers, but the devices do not function as mobile data terminals due to a lack of connectivity. While the State works to complete the above communications interoperability project, the State Police needs funding to provide the necessary connectivity through current cellular infrastructure. Funding would be used to support cellular connection charges and would provide a “connectivity bridge” until the interoperable radio project is completed.

Estimated Cost: \$1,400,000

Software Enhancements for Patrol Fleet Virtual Office

Description: Once troopers are outfitted with laptop computers that include the necessary connectivity to function as Mobile Data Terminals, the State Police will need to acquire software for the remote completion and submission of traffic crash reports. The software will also provide automate criminal investigation and other administrative paperwork which will enhance the efficiency and productivity of troopers.

Estimated Cost: \$200,000

Acquisition of Shawnee Hills Parcel and Conversion to BCI Headquarters

Description: The State Police currently needs funding to purchase the one property parcel at their Academy that is owned by a private party. Obtaining this property would allow the State Police to better secure the Academy property. The property will be converted into a secure location for BCI Headquarters staff, covert operations, and personnel that now share a facility with the Special Response Team.

Estimated Cost: \$800,000

Troop 5 Headquarters and Logan Detachment Consolidation

Description: The State Police has requested funding to build a new Troop 5 Headquarters and then consolidate the current Logan detachment to provide a modern response facility and house the local drug task force support staff.

Estimated Cost: \$2,500,000

Bureau of Criminal Investigations Confidential Expenditure Account Supplement

Description: The State Police currently needs funding to replenish the Bureau of Criminal Investigations (BCI) Confidential Expenditure Account. This fund, historically supported with asset forfeiture proceeds, has diminished greatly because of fewer forfeited assets in recent years. The State Police uses the fund to support the Plain Clothes and Undercover Unit's payments to informants and other investigative expenses. It will be necessary to supplement the Confidential Expenditure Account in order to continue undercover operations and payments to informants.

Estimated Cost: \$1,500,000

Electronic Fingerprint Capture Stations for Each Detachment

Description: The State Police is currently in the process of replacing its Automated Fingerprint Identification System (AFIS). Funding is needed to acquire remote fingerprint "capture stations" for each detachment. The remote fingerprint capture stations will allow registrations of sex offenders, background checks, and other professional checks to be expedited.

Estimated Cost: \$1,800,000

Emergency Lighting for Patrol Vehicles

Description: The emergency light bars currently used by the State Police patrol fleet are antiquated, prone to mechanical failure, and are less visible than LED systems currently available. New lighting units throughout the patrol fleet will provide a greater degree of officer safety as they engage in traffic enforcement, drug interdiction, and criminal patrols throughout the state.

Estimated Cost: \$500,000 for 350 units

Digital Video Recorders for Patrol Car Fleet

Description: Currently, the State Police patrol fleet is equipped with VHS format video recorders that are out-of-date and prone to mechanical failure. In many cases, these recorders are no longer serviceable. WVSP has requested funding for new digital video recorders to ensure that Troopers capture reliable evidence from the patrol fleet during drug interdiction and other traffic stops along the roadway. Reliable video evidence is often crucial in criminal prosecutions.

Estimated Cost: \$1,400,000

Voice-Over Internet Protocol Telephone Systems for Primary Communications Stations

Description: The twelve State Police primary communications systems are equipped with telephone and radio voice recording equipment which is outdated and in need of replacement. Currently, the State Police spends considerable general revenue funds to pay for long distance telephone service from these locations to other detachments and facilities throughout the state.

The State Police requests funds to acquire Voice-Over Internet Protocol (VOIP) telephone systems for the twelve primary communications locations both to enhance the collection of evidence captured during radio and telephone transmissions and to reduce the significant long distance telephone charges associated with the operation of these communications centers.

Estimated Cost: \$ 800,000

Traffic Radar Units for Patrol Troopers

Description: The traffic radar units currently in used by the State Police's field operations force are, in most cases fifteen to twenty-five years old, and are no longer serviceable. Traffic enforcement is a critical element of highway drug interdiction as an underlying traffic violation often provides the probable cause to initiate a traffic stop on a suspect vehicle. New traffic radar units would also increase the operational effectiveness of patrol troopers.

Estimated Cost: \$350,000 for approximately 450 units

Forensic Laboratory Equipment

Description: The State Police Forensic Laboratory conducts forensic analysis for all of the criminal prosecutions involving physical evidence in the state. The Lab's annual budget does not allow for the regular and timely replacement of critical equipment. Outdated equipment creates backlogs in many critical areas such as drug and DNA analysis. The acquisition of state-of-the-art equipment for critical sections within the laboratory will help to eliminate many of the backlog problems.

Estimated Cost: \$2,080,350

Protective Vests for Special Response Team Members

Description: The State Special Response Teams (SRTs) often serve high risk drug search warrants and work in hostage situations and other high-risk activities. Currently, several members of the SRTs are not outfitted with state-of-the-art ballistic vests to protect them during high-risk activities. The State Police has requested funds to purchase protective vests to provide the highest degree of personal protection available for these officers who regularly engage in the most dangerous arrest situations.

Estimated Cost: \$ 22,500 for 15 units

Multi-Purpose Training Building

Description: The State Police has requested *Purdue* asset forfeiture funds for the construction of a multi-purpose training building for the Academy. The new building would provide classroom space for firearms training, gymnasium facilities for training classes, as well as an area for Academy graduations and other ceremonial events.

Estimated Cost: **\$3,000,000 of *Purdue* funds toward a total \$9,500,000 cost** (Note: any unspent asset forfeiture funds will also be applied to this project. Additionally, any interest generated off of the *Purdue* funds can also be applied to this project.)

Enforcement & Investigation: Update State Medical Examiner's Equipment

Background: Law enforcement agencies and prosecutors throughout the state rely upon the Office of the Chief Medical Examiner (OCME) to assist in criminal investigations and prosecutions of individuals who illegally sell or distribute drugs. The Medical Examiner's Toxicology Lab needs updated technology and equipment to ensure more complete toxicological findings. With this, law enforcement agencies and prosecutors can complete more investigations and prosecutions to address the state's drug problem.

Description: The Office of the Chief Medical Examiner has requested a package of equipment that will improve the lab's performance in criminal investigations, including: a Liquid Chromatograph/Mass Spectrograph; a Time of Flight Liquid Chromatograph/Mass Spectrograph; a Spectrophotometer; a Gas Chromatograph; a High Speed Centrifuge; two single door freezers; and a Solid-Phase Extraction Concentrator. OCME has also requested funds for training on use of the new equipment.

Estimated Cost: **\$612,800**

Planning: Establishment of the West Virginia Strategic Drug Plan Commission and *Drug-Free West Virginia* Grants

Background: To successfully address West Virginia's drug abuse problems in the future, experts from the areas of prevention, treatment, and law enforcement should continue to evaluate new and emerging drug trends. Experts should also evaluate "best practices" in the war on drugs and replicate those throughout the state.

Several organizations and local agencies throughout West Virginia have been successful in combating drug abuse in their communities with innovative prevention, treatment, and enforcement strategies.

Asset forfeiture funds may be passed through to local governments, private, and non-profit organizations so long as the funds are used for allowable purposes under the U.S. Department of Justice (DOJ) guidelines. Typically, DOJ requires that the original receiving agency (here the State Police) pay for the "pass-through" agency's program expenses directly or on a reimbursement basis.

Description: A West Virginia Strategic Drug Plan Commission should be established, composed of representatives from state agencies, cities and counties, the law enforcement community, drug prevention and treatment specialists, medical and educational experts. Its mission would be to develop a long-term strategic drug plan that incorporates elements of prevention, substance abuse treatment, and enforcement. The Commission would also identify emerging trends and the state's most urgent needs in the fight against drugs and then announce their recommendations at a statewide Drug Summit.

The Commission would also oversee new *Drug-Free West Virginia* Grants, supported by asset forfeiture funds. These grants would build upon successful models of drug prevention, substance abuse treatment, and enforcement strategies that are already working in West Virginia. The first round of the grants will be awarded, on a competitive basis, to local programs that could serve as models for addressing the statewide priorities established by the Strategic Drug Plan Commission. Subsequent grants will be used to replicate successful models in communities throughout the state.

Estimated Cost: \$ 3,000,000 for *Drug-Free West Virginia* grants, \$1,000,000 for Round One competitive Best Practices Grants; \$2,000,000 for Round Two Replication Grants

An additional \$100,000 will be used to support the West Virginia Strategic Drug Plan Commission, including report production and a statewide Drug Summit

Oversight: Administration of *Purdue* Funds

Background: The Department of Justice requires that all asset forfeiture funds are allocated and expended in compliance with strict DOJ guidelines for forfeited funds. The West Virginia State Police (as the receiving agency for these funds) will be required to oversee expenditures of all *Purdue* funds and participate in all quarterly and annual reports and audits related to the funds. DOJ may also require that funds passed through from the State Police to other agencies or recipients be paid via a reimbursement process (rather than a one-time allocation). The State Police will need funds to support the financial management, audit, reporting, and reimbursement processes related to the *Purdue* funds.

The Department of Justice recommends that programs set aside three to five percent (3-5%) of the total funds for administration costs.¹⁸

Description: Per recommendation of the Department of Justice, the State Police will reserve three percent (3%) of the total asset forfeiture funds for financial management, audit, reporting, and reimbursement processes related to the *Purdue* funds. The State Police will strive to administer the funds as efficiently as possible and will apply any unused administration funds to other allowable law enforcement purposes as appropriate.

Estimated Cost: \$1,325,280

CONCLUSION

The *Purdue Pharma* asset forfeiture funds offer a unique opportunity for West Virginia to upgrade its anti-drug efforts across the full range of critical state, local, and community resources. This strategic spending plan is based on a careful assessment of eligible purposes and urgent needs in the areas of prevention, treatment, law enforcement, and long-range planning, and pursues investments in the State's capacity to combat every significant form of drug abuse. If implemented, the plan will help place West Virginia on the path to a drug-free future.

¹ U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, "Changes in prevalence rates of drug use among states," 2006, pages 11-25. Available at <http://www.oas.samhsa.gov/StateTrends.htm>.

² *Id.*, at 28.

³ U.S. Department of Justice, National Drug Intelligence Center, "West Virginia Drug Threat Assessment", August 2003, page 1. Available at <http://cybersafe.gov/ndic/pubs5/5266/index.htm>

⁴ *Id.*

⁵ *Id.*

⁶ Tara Tuckwiller and Scott Finn, "Painkillers: Overdose now leading cause of death for West Virginians under 45," Charleston Sunday Gazette-Mail, November 4, 2007. Available at <http://www.wvgazette.com/section/News/200711035>

⁷ Narconon Arrowhead Drug and Alcohol Rehabilitation Center of Oklahoma, "West Virginia Alcohol and Drug Rehab Addiction Treatment Information," 2007. Available at <http://www.stopaddiction.com/index.php/West-Virginia/>

⁸ West Virginia Department of Health and Human Services, "A Healthier Future for West Virginia—Healthy People 2010," June 28, 2001. Available at <http://www.wvdhhr.org/bph/hp2010/objective/26.htm>

⁹ West Virginia Department of Military Affairs and Public Safety, Division of Criminal Justice Services, Criminal Justice Statistics Analysis Center, "West Virginia Correctional Population Forecast: 2005-2015," December 2006, at 1. Available at http://www.wvdcjs.com/statsanalysis/publications/2005-2015_Forecast_Report_Final.pdf

¹⁰ Information collected from: *A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies*, US Department of Justice, March 1994 and *Attorney General's Guidelines on Seized and Forfeited Property*, US Department of Justice, 1990.

¹¹ Note: Department of Justice guidelines prohibit using forfeiture funds to pay for law enforcement salaries for more than one year.

¹² For more information, see: http://www.ndci.org/courtfacts_benefits.html

¹³ Department of Health & Human Resources, Bureau for Behavioral Health & Health Facilities, *Proposal for Addictions/Co-Occurring Unit, Welch Community Hospital*, November 25, 2007.

¹⁴ Note: Department of Justice guidelines prohibit using forfeiture funds to pay for law enforcement salaries for more than one year.

¹⁵ \$70,000 for salary and benefits, car and equipment costs for each Investigator. Note: Department of Justice guidelines prohibit using forfeiture funds to pay for law enforcement salaries for more than one year. Corporal Mike Smith, Lead Drug Diversion Investigator, West Virginia Bureau of Criminal Investigations.

¹⁶ J. Norbert Federspiel, Executive Director, West Virginia Division of Criminal Justice Services, Department of Military Affairs and Public Safety.

¹⁷ All data supplied by the West Virginia State Police.

¹⁸ Deanna Eder, Law Enforcement Coordinating Committee, U.S. Attorney's Office, Charleston, West Virginia.