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Recommended Citation

Harper, Sonya L. () "Ensuring Sustainability: Funding Strategies for Drug Courts," *Ohio Northern University Law Review*. Vol. 41: Iss. 3, Article 8.

Available at: https://digitalcommons.onu.edu/onu_law_review/vol41/iss3/8

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Ensuring Sustainability: Funding Strategies for Drug Courts

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The long term viability of drug court programs can be a challenge for problem solving court practitioners. Once implementation funds are exhausted, devising a plan to ensure program stability must be accomplished in an effort to maintain much needed client treatment services, court services, and supervision protocols. Although this article focuses primarily on the monetary aspects of sustainability—and to a lesser extent addresses the need for capacity building, educational efforts, and leadership development—it cannot be emphasized enough that sustainability means more than money.¹

The ultimate key to sustainability for any drug court is planning to become an integral and proven approach to the drug and alcohol problem.² Careful consideration to ensuring fidelity to the drug court model should be given during the early planning phase. By doing so, drug court practitioners are able to maximize program outcomes, impacts on recidivism and cost effectiveness. Fidelity to the model also weighs greatly when competing for grant dollars; particularly those awards specific to drug court funding. Long before accepting the first drug court participant, drug court teams should lay the foundation for sustainability through careful and strategic planning,³ abiding by the 10 Key Components of Drug Courts and the Adult Drug Court Best Practice Standards.

Once the planning process is complete and drug court teams have defined their target populations, developed program goals and objectives,

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1. Dennis A. Reilly & Atoundra Pierre-Lawson, NAT'L DRUG COURT. INST. MONOGRAPH SERIES 8, *Ensuring Sustainability for Drug Courts: An Overview of Funding Strategies*, at 1 (Apr. 2008), available at <http://www.ndci.org/sites/default/files/ndci/Mono8.Sustainability.pdf>.

2. *Id.*

3. *Id.*

and identified treatment and supervision requirements, the invariable question of “How are we going to pay for this?” must be addressed. Building resources for drug court programs may include accessing money and resources from sources as varied as federal and state grants, state legislatures, client fees, foundations, local businesses, civic groups, and the reallocation of existing resources.

Early sustainability efforts should begin with identifying the needs of the target population and the community. Consideration should be given to the types of services and facilities required to meet client needs. Program components such as supervision, treatment, and drug testing should also be regarded. Those within the population of focus who meet high risk/high need criteria will require all traditional drug court components whereas those who are low risk/low need may only need prevention services and minimal court intervention. Once client needs and services are identified, work can begin on developing an agenda and funding plan on what will be needed to maintain them. Furthermore, doing so will allow drug court teams to determine what resources they need versus those they already have.

One potential source of monetary support for drug courts is grants. Grants are temporary funding sources provided by various entities to include federal, state, and local units of government along with foundations, businesses, civic groups, and community based organizations. Grant funding may be offered as initial seed money for newly developed drug courts or in the form of enhancement dollars for existing programs. When pursuing grant funding, drug court teams should remain cognizant of the fact that grants are not guaranteed; grants are competitive; and grants are temporary. As soon as a court applies for a grant, thought must also be given to sustaining the drug court program beyond the life of the grant funding.⁴

There are several federal agencies that provide grant funding to drug court programs. One of the primary sources of federal funding is the Bureau of Justice Assistance (BJA) within the United States Department of Justice (USDOJ). BJA releases its Drug Court Discretionary Grant Program solicitation annually and provides support for implementation, enhancement and statewide drug court initiatives.⁵ Funding under this solicitation is open to jurisdictions whose drug courts serve adult, driving while impaired, veterans, tribal, and co-occurring offenders. Courts seeking funding under this solicitation may request up to \$350,000 for 36 month-long

4. *Id.*

5. See BUREAU OF JUSTICE ASSISTANCE, <https://www.bja.gov/> (last visited June 10, 2015) [hereinafter BJA].

implementation efforts; \$200,000 for 24-month enhancement projects; and up to \$1.5 million for 36 month-long statewide initiatives. Drug courts may also be eligible for BJA funding in the form of Justice Assistance Grants (JAG). The JAG program provides states, tribes, and local jurisdictions with funding necessary to support a number of criminal justice initiatives including law enforcement, prosecution, indigent defense, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvements, and crime victim and witness initiatives.⁶ The National Highway Traffic Safety Administration (NHTSA) provides some funding for Driving While Impaired courts.⁷ NHTSA funding is often provided in the form of pass through dollars through state Governor's Highway Safety Offices and can be used for training and direct program support. The United States Department of Housing and Urban Development offers funding for housing; an often much needed drug court resource.⁸ The United States Department of Labor offers grant funding to support job-training initiatives, which may be a needed service amongst the drug court population of focus.⁹ A variety of drug court opportunities are available through the Substance Abuse and Mental Health Services Administration (SAMHSA) at the United States Department of Health and Human Services (USDHHS).¹⁰ SAMHSA's annual solicitation to expand drug court treatment capacity provides up to \$325,000 per year for up to three years to expand and/or enhance substance abuse treatment services in existing programs. SAMHSA's joint solicitation with BJA provides a one-time \$200,000 award from BJA and up to \$325,000 per year for three year enhancement projects. Mental health courts can seek funding through SAMHSA's Adult Treatment Court Collaborative solicitation whereas those seeking to develop peer support and peer-recovery services may seek funding through the Recovery Community Service Program.¹¹ Federal funding for juvenile and family drug courts is most often made available through the Office of Juvenile Justice and Delinquency Prevention (OJJDP).¹² Re-entry court funding is

6. See *Justice Assistance Grant (JAG) Program*, BUREAU OF JUSTICE ASSISTANCE, https://www.bja.gov/ProgramDetails.aspx?Program_ID=59 (last visited June 10, 2015).

7. See NAT'L HIGHWAY TRAFFIC ASS'N, <http://www.nhtsa.gov/> (last visited June 10, 2015).

8. See *Grants*, U.S. DEP'T OF HOUS. AND URBAN DEV., <http://portal.hud.gov/hudportal/HUD?src=/topic/s/grants> (last visited June 10, 2015).

9. See *Grants Information*, U.S. DEP'T OF LABOR, <http://www.dol.gov/dol/grants2.htm> (last visited June 10, 2015).

10. See *Grants*, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMIN., <http://www.samhsa.gov/grants> (last visited June 10, 2015).

11. See *id.*

12. See *Funding*, OFFICE OF JUVENILE JUSTICE & DELINQUENCY PREVENTION, <http://www.ojjdp.gov/funding/funding.html> (last visited June 10, 2015).

available through BJA's Second Chance Act.¹³ Jurisdictions looking to support problem solving courts and programs for domestic violence should explore funding opportunities available through the Office on Violence Against Women at USDOJ or the Administration for Children and Families at the USDHHS.¹⁴

Drug court funding may be available at the state level through a variety of sources. Currently, approximately twenty-one states have passed drug court legislation; many with state appropriations included. In addition, many state agencies have discretionary funding available for treatment or criminal justice populations. Drug court teams should explore potential funding avenues available in their state through their states' Administrative Office of the Courts, drug court associations, alcohol and drug abuse agencies, traffic safety departments, corrections agencies, legislatures, tobacco settlement money, Medicaid, and managed care outlets.

Many states have adopted statewide strategies and structures to help sustain drug court operations. Funding bills enacted by the California legislature established a statewide structure for drug courts; including a drug court partnership steering committee that serves to supplement funding for established drug courts, provide a mechanism for planning new drug courts, and establish funding for drug court evaluations. A State of Washington House Bill revised sentencing guidelines for non-violent offenders in state prisons; resulting in significant incarceration savings. The resulting incarceration savings are reallocated and applied towards treatment and drug courts. The Idaho Drug Court and Mental Health Court Act imposes a two percent surcharge on the gross sale of alcoholic beverages. The surcharge is appropriated by the legislature to support drug court and family court services and produces approximately \$1.5 million per year. Operation UNITE is a non-profit organization that receives federal grants and corporate donations to help fund drug courts in Kentucky. The State of Indiana requires drug courts to apply for certification. Those that are approved are permitted to collect up to \$500 in client fees and request grant and educational assistance through the Indiana criminal justice system. The states of Nevada and Tennessee allow for assessment fees to be applied with a portion being used to support drug court programming.

Many individual jurisdictions have developed local funding strategies to support their problem solving courts. For example, Alachua County, Florida county commissioners provide support for their drug courts. Charleston County, South Carolina appropriates a portion of all marriage

13. See BJA, *supra* note 5.

14. See *Office on Violence Against Women*, U.S. DEP'T OF JUSTICE, <http://www.justice.gov/ovw/grant-programs> (last visited June 10, 2015); ADMIN. FOR CHILDREN & FAMILIES, <http://www.acf.hhs.gov/grants> (last visited June 10, 2015).

license and filing fees towards drug court programming. A percentage of all criminal court fines and fees are applied towards drug courts in Jacksonville, Florida. In many jurisdictions, monetary resources are secured through local police departments, sheriff's departments, bar associations, and civic groups such as the Rotary, Kiwanis or Lions Club. Nominal client fees serve as a manner to support drug court services and program components in some jurisdictions. Participants of the St. Charles, Missouri drug court are required to pay fees combined with community service work whereas the Ogden, Utah drug court imposes entry and participation fees.

Drug courts that establish 501©3 corporations often find that doing so leads to donations from individuals and corporate and private foundations. The Foundation Center serves as a great resource for information on foundation and endowment funding opportunities. Oftentimes the drug court 501©3 or other partner agencies look to organize fundraising events as a way to secure monetary support for drug court operations.

There are many non-monetary sources of support that drug courts should consider. Organizations such as the YMCA and Boys and Girls Club offer recreational therapy services that may be accessed by drug court participants. Local churches oftentimes provide support groups for families, teens, and young adults. Local literacy programs and retired teachers groups may be willing to provide tutoring services for drug court participants. Drug court teams and their community-based partners should explore the possibility of soliciting incentive donations from local movie theaters, sports leagues, restaurants, and businesses.

When pursuing drug court funding, programs should keep in mind that grants will not provide long term funding and it is sometimes best to consider funding for specific program enhancements. When applying for large grants, consider how the grant will be managed and formulate a plan for grant management. Consider who will be responsible for the day-to-day management and if memorandum of understanding are in place with service providers. Also, make sure safeguards are in place to protect against the misuse of funds.

Methods of sustaining drug courts are diverse and vary amongst jurisdictions. Since the establishment of the first drug court more than two decades ago, thousands of drug courts have grown beyond initial seed-money grants to developing long-term sustainability plans that meet the needs of the clients and communities they serve. Opportunities for drug court sustainability are available in every jurisdiction and are possible through creativity and collaborative efforts. Drug courts are encouraged to explore available program supports in their areas as they work towards institutionalizing drug courts in their communities.