



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on November 12-13, 2020

Title

Collaborative Justice: Recommended
Allocations of Fiscal Year 2020-21
Substance Abuse Focus Grants

Agenda Item Type

Action Required

Effective Date

November 13, 2020

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

November 12, 2020

Recommended by

Collaborative Justice Courts Advisory
Committee
Hon. Richard Vlavianos, Chair

Contact

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Executive Summary

As part of the Budget Act of 2020 (Stats. 2020, ch. 23), the Legislature allocated a total of \$1.16 million for California collaborative and drug court projects to maintain, expand, or enhance collaborative courts. In November 2005 the Judicial Council established a caseload-based methodology for allocation of these funds (the Substance Abuse Focus Grants) to the courts [ref]. The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council allocate the Fiscal Year 2020-2021 funds to courts using the council's methodology. Additionally, \$75,000 in federal Court Improvement Program funds have been made available for fiscal year (FY) 2020–21 to fund the noncompetitive Dependency Drug Court Augmentation to the focus grant program. The committee recommends funding programs in 48 courts for FY 2020–21 with these annual grants and providing augmentation grants to dependency drug courts in 18 counties.

Recommendation

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council, effective November 13, 2020, approve the distribution of grants from the Collaborative Justice

Courts Substance Abuse Focus Grant Program and the Dependency Drug Court Augmentation for FY 2020–21.

The proposed distribution is listed in the last column of Attachment A, *Allocation Summary: Fiscal Years (FY) 2019–20 and 2020–21*.

Previous Council Action

The Judicial Council has approved the annual funding allocation for the Substance Abuse Focus Grant Program since FY 1998–99. In November 2005, at the recommendation of the Collaborative Justice Courts Advisory Committee, the council approved the Caseload-Based Funding-Level Formula for distributing the funds, as shown on the grant calculation worksheet in Attachment B. Beginning in July 2014, grant funds from the Court Improvement Program of the U.S. Department of Health and Human Services, Administration for Children and Families, were distributed as an augmentation to the grants of the Substance Abuse Focus Grant Program using the same formula.

Analysis/Rationale

Substance Abuse Focus Grant

This year’s funding authorization for the annual grant comes from a legislative mandate under California Collaborative and Drug Court Projects in the Budget Act of 2020 (Stats. 2020, ch. 23), as referenced in item 0250-101-0001.

This recommendation distributes the funding for FY 2020–21 in allocation amounts calculated using the formula previously approved by the Judicial Council and used in previous years (see Attachment B). The 2020–21 State Budget allocates \$1.16 million for these projects—the same level of funding that was allocated for the Collaborative Justice Courts Substance Abuse Focus Grant Program in FY 2019–20.

As in previous years, grants are awarded to all proposed projects that meet the following criteria:

- Consistency with both the California Standards of Judicial Administration and the *Guiding Principles of Collaborative Justice Courts* (see Attachment C);
- Involvement of a local steering committee; and
- Fulfillment of statistical and financial reporting requirements for previous grant funding periods (if applicable).

As in previous years, courts were permitted to apply for grants for more than one project and at more than one site. The funding formula worksheet—which weighs total adjusted funding allocation, type of program, and number of individuals served by each program—is provided in Attachment B of this report.

The formula starts with the presumption that all projects that meet the grant criteria start with a base funding amount of \$12,000 per county. This base figure may be adjusted upward or

downward to reflect the actual amount of total funding approved by the Legislature for the year and the number of court projects eligible for grants from those funds. Each project's adjusted base figure may then be augmented depending on the program's focus and the number of participants who may potentially benefit from the program. Programs that focus on treatment receive higher allocations than those that do not, in recognition of the intensive case management required in treatment court programs. Courts can also request grants for program planning, which may include an augmentation for the estimated number of participants if the project will become operational before the end of the fiscal year. These adjustments combine to arrive at the algorithm applied against the year's total allocation to determine each program's grant award.

For the 2019–20 fiscal year, the \$1.16 million allocation supported 292 court projects in 49 superior courts. The types of projects funded were adult domestic violence courts (7), adult drug courts (54), adult mental health/dual-diagnosis courts (36), community courts (3), dependency drug courts (29), DUI courts (19), elder courts (1), girls' courts (3), homeless courts (5), juvenile delinquency drug courts (15), juvenile mental health/dual-diagnosis courts (7), peer/youth courts (53), reentry courts (8), truancy courts (8), veterans courts (20), and other collaborative justice court programs (24).

Dependency Drug Court Augmentation Grant

Federal Court Improvement Program funds of \$75,000 are available to support dependency drug courts funded by the Collaborative Justice Courts Substance Abuse Focus Grant Program. In past years, the Judicial Council has made these grants available through a formulaic distribution available to all eligible dependency drug courts requesting funding through the Substance Abuse Focus Grant Program for the purpose of implementing, maintaining, enhancing, or expanding their dependency drug courts. Because these augmentation funds are federal funds, this grant augmentation must be administered in compliance with conditions stated in part B of title IV of the Social Security Act (specifically, section 438(b) of the act: the approved state application and plan, including all assurances, approved amendments, and revisions) and with applicable federal regulations, program policies, and instructions. These funds augment the Substance Abuse Focus Grant awards following the Judicial Council–approved Caseload-Based Funding-Level Formula for distributing the funds, as shown on the funding calculation table in Attachment B.

Application process

The presiding judges and court executive officers of the superior courts were informed of this year's grant opportunity on September 15, 2020. Courts submitted project action plans that staff of the Judicial Council's Center for Families, Children & the Courts reviewed for conformance with the requirements of addressing substance abuse issues and adhering to the Collaborative Justice Courts principles (see Attachment C, *Guiding Principles of Collaborative Justice Courts*).

Policy implications

The recommended action is consistent with the current Judicial Council policy regarding allocating these funds to local courts.

Comments

The recommended action was approved by the Collaborative Justice Courts Advisory Committee during an action by email between meetings. The recommended action was publicly posted on the advisory body's website and available for public comment. No external comments were received. Committee members were unanimous in their agreement on the recommended action.

Alternatives considered

All program proposals that meet grant guidelines, including those for planning grants, are considered eligible for funding. The committee considered introducing a competitive process for determining which programs deserve awards. The idea was rejected because distributing funds to all qualified applicants by straight formula has proven to be an effective and efficient process and feedback from local courts has indicated their preference for a noncompetitive grant process.

Fiscal and Operational Impacts

In FY 2010–11, grants from the Substance Abuse Focus Grant Program changed from reimbursable to deliverable. Under the reimbursement model, courts were required to submit monthly invoices to receive reimbursement for their program costs. Under the deliverable model, courts now submit program information that documents the program model, use and participation levels, and outcomes via two progress reports accompanied by two invoices. This change has streamlined the process for distributing funding to the courts, resulting in significant time savings for the courts and for the Judicial Council's grant-processing staff. In 2017 the grant application cover sheet was enhanced to automatically calculate the maximum eligible grant amount. This made the application easier to complete for local courts and improved their grant application accuracy. In turn, this reduced the amount of Judicial Council staff time needed to review grant request calculations.

Attachments

1. Attachment A: *Allocation Summary: Fiscal Years (FY) 2019–20 and 2020–21*
2. Attachment B: *Caseload-Based Funding-Level Formula: 2020–21 Judicial Council Collaborative Justice Courts Substance Abuse Focus Grant Program*
3. Attachment C: *Guiding Principles of Collaborative Justice Courts*

Allocation Summary: Fiscal Years (FY) 2019–20 and FY 2020–21**Collaborative Justice Courts Project—Substance Abuse Focus Grant (SAFG) and
Dependency Drug Court (DDC) Augmentation Awards (by Court)**

	County	FY 19–20 Allocation Based on Formula	FY 19–20 Final SAFG Funding Allocation ¹	FY 19–20 DDC Augmen- tation Allocation ²	FY 19–20 Total Allocation (SAFG + DDC)	FY 20–21 Allocation Based on Formula	FY 20–21 Final SAFG Funding Allocation	FY 20–21 DDC Augmentation Allocation	FY 20–21 Total Allocation (SAFG + DDC)
1	Alameda	\$42,000	\$34,142	\$5,162	\$39,304	\$42,000	\$34,724	\$6,133	\$40,857
2	Amador	31,000	26,024		26,024	18,000	16,546		16,546
3	Butte	24,000	20,857		20,857	24,000	21,089		21,089
4	Contra Costa	22,000	19,381		19,381	16,000	15,030		15,030
5	Del Norte	18,000	16,428		16,428	18,000	16,545		16,545
6	El Dorado	24,000	20,857		20,857	35,000	29,422		29,422
7	Fresno	45,000	36,355	2,028	38,384	45,000	36,995	1,314	38,309
8	Glenn	39,000	31,928		31,928	32,000	27,149		27,149
9	Humboldt	31,000	26,023	1,032	27,055	18,000	16,545	876	17,421
10	Inyo	16,000	14,952		14,952	16,000	15,030		15,030
11	Kern	16,000	14,952		14,952	16,000	15,030		15,030
12	Kings	20,000	17,905		17,905	20,000	18,060		18,060
13	Lake	12,000	12,000		12,000	12,000	12,000		12,000
14	Lassen	16,000	14,952		14,952	16,000	15,030		15,030
15	Los Angeles	29,000	24,548	5,900	30,448	27,000	23,363		23,363
16	Madera	18,000	16,428		16,428	18,000	16,545		16,545
17	Marin	16,000	14,952		14,952	16,000	15,030		16,030
18	Mendocino	20,000	17,905	922	18,827	20,000	18,060	1,314	19,374
19	Merced	12,000	12,000		12,000	12,000	12,000		12,000
20	Modoc	16,000	14,952	111	15,063	20,000	18,060	132	18,192
21	Monterey	45,000	36,355		36,356	44,000	36,238		36,238
22	Nevada	24,000	20,857		20,857	24,000	21,089		21,089
23	Orange	42,000	34,142		34,142	42,000	34,724		34,724
24	Plumas	16,000	14,952		14,952	16,000	15,030		15,030
25	Sacramento	42,000	34,142	14,749	48,891	42,000	34,724	16,866	51,590
26	San Bernardino	45,000	36,355		36,356	45,000	36,995		36,995
27	San Diego	42,000	34,142	5,015	39,157	45,000	36,995	5,257	42,252
28	San Francisco	44,000	35,618	6,932	42,550	44,000	36,238	6,571	42,809
29	San Joaquin	45,000	36,355	16,592	52,948	45,000	36,238	17,524	53,762
30	San Luis Obispo	32,000	26,761	3,872	30,633	32,000	27,149	2,629	29,778

	County	FY 19–20 Allocation Based on Formula	FY 19–20 Final SAFG Funding Allocation ¹	FY 19–20 DDC Augmentation Allocation ²	FY 19–20 Total Allocation (SAFG + DDC)	FY 20–21 Allocation Based on Formula	FY 20–21 Final SAFG Funding Allocation	FY 20–21 DDC Augmentation Allocation	FY 20–21 Total Allocation (SAFG + DDC)
31	San Mateo	32,000	26,761		26,761	32,000	27,149		27,149
32	Santa Barbara	44,000	35,618		35,618	42,000	34,724		34,724
33	Santa Clara	45,000	36,356	5,531	41,887	45,000	36,995	6,571	43,566
34	Santa Cruz	39,000	31,928		31,928	45,000	36,995	1,095	38,090
35	Shasta	26,000	22,334		22,334	34,000	28,655		28,665
36	Sierra	16,000	14,952		14,952	16,000	15,030		15,030
37	Siskiyou	20,000	17,905	922	18,827	20,000	18,060	1,095	19,155
38	Solano	41,000	33,404	1,475	34,879	45,000	36,995	1,753	38,748
39	Sonoma	36,000	29,714		29,714	36,000	30,179		30,179
40	Stanislaus	20,000	17,905	553	18,458	12,000	12,000	657	12,657
41	Sutter	22,000	19,381		19,381	22,000	19,575		19,575
42	Tehama	20,000	17,905	553	18,458	20,000	18,060	876	18,936
43	Trinity	22,000	19,381		19,381	22,000	19,575		19,575
44	Tulare	30,000	25,285		25,285	30,000	25,634		18,936
45	Tuolumne	20,000	17,905	1,475	19,380	20,000	18,060	1,752	19,812
46	Ventura	32,000	26,761	2,176	28,937	42,000	34,724	2,585	37,309
47	Yolo	16,000	14,952		14,952	23,000	20,332		20,332
48	Yuba	22,000	19,381		19,381	22,000	19,575		19,575
	Total	\$1,363,000	\$1,160,000	\$75,000	\$1,235,004		\$1,160,000	\$75,000	\$1,235,000

¹ In FY 20–21 there is \$1,160,000 available for allocation among the 48 courts who applied to the Collaborative Justice Courts Substance Abuse Focus Grant Program (SAFG). According to the funding formula, the maximum amount of funding for which courts are eligible is \$1,363,000. This amount exceeds the available funding by \$203,000. As a result, the total awards reflect a reduction in funding of approximately 13 percent. Each court was awarded a base allocation of \$12,000 and the remaining funds were distributed proportionally among those courts who were eligible for additional funds above the base amount.

² Dependency Drug Court Augmentation funds were allocated based on the number of participants.

**Caseload-Based Funding-Level Formula:
2020–21 Judicial Council Collaborative Justice Courts Substance Abuse Focus Grant Program**

FUNDING CALCULATION TABLE

Program Focus Category	Base Amount	Number of Total Program Participants						Enhancement	
		5–19	20–49	50–99	100–199	200–499	500+	10–24	25+
Treatment Court	\$12,000	\$0	\$4,000	\$8,000	\$12,000	\$20,000	\$30,000	\$2,000	\$3,000
Education / Nontreatment Program	\$12,000	\$0	\$2,000	\$4,000	\$6,000	\$10,000	\$15,000	\$1,000	\$2,000

INSTRUCTIONS

1. **Program Focus Category:** Identify whether the primary focus of the program is on treatment or education.

2. **Base Amount:** Minimum base program funding level. Only one base amount can be included in funding calculation.

3. **Number of Total Program Participants:** Number of total participants who will be directly served by the grant program for FY 20–21.
 a. Find the number range of participants for your program.
 b. Match it with the appropriate Program Focus Category. **Note:** For treatment-focused programs, include all participants enrolled in the program, not just the participants receiving a particular level or kind of treatment.
 c. Add the matching funding amount to the Base Amount—**this is your maximum funding level.**

* **Example:** \$12,000 (Base) + \$12,000 (Treatment Court Focus with 125 program participants) = \$24,000 eligible maximum funding level.

4. **Enhancement:** For court programs that increase their program capacity (i.e., the maximum number of participants they can serve) beyond their FY 19–20 program capacity.
 A minimum of 10 additional participants is required for enhancement funding.

* **Example:** \$12,000 (Base) + \$12,000 (Treatment Court Focus w/ 125 program participants) + \$2,000 (increase in program capacity from previous year by 15 additional participants) = \$26,000 eligible maximum funding level.

CALCULATION TOOL

5. Court Calculation	Base	Treatment	Nontreat	Enhance	Maximum Funding Level
Enter numbers here:	\$12,000	\$0	\$0	\$0	\$12,000

Total

Note: This tool is provided to assist courts in understanding how the maximum eligible grant allocation is calculated. Please note that actual award amounts will be based on the number of courts applying and the total allocation available in the 2020-21 California State Budget.

Guiding Principles of Collaborative Justice Courts

Using the National Drug Court Institute's 10 key components of drug courts as a model, the Collaborative Justice Courts Advisory Committee identified 11 essential components as the guiding principles of collaborative justice courts:

1. Integrate services with justice system processing;
2. Achieve the desired goals without the use of the traditional adversarial process;
3. Intervene early and promptly to place participants in the collaborative justice court program;
4. Provide access to a continuum of services, including treatment and rehabilitation services;
5. Use a coordinated strategy that governs the court's response to participant compliance, using a system of sanctions and incentives to foster compliance;
6. Use ongoing judicial interaction with each collaborative justice court participant;
7. Use monitoring and evaluation to measure the achievement of program goals and gauge effectiveness;
8. Ensure continuing interdisciplinary education;
9. Forge partnerships among collaborative justice courts, public agencies, and community-based organizations to increase the availability of services;
10. Enhance the program's effectiveness and generate local support; and
11. Emphasize team and individual commitments to cultural competency.