



MICHIGAN DRUG COURT PROGRAM

By: Bill Bowerman, Chief Analyst and Karen Firestone, Fiscal Analyst
February 28, 2001

Introduction

The following is an update of the March/April 2000 Notes on the Budget and Economy article that provided an overview of the Michigan Drug Court Program. Public Act 137 of 1999, a fiscal year (FY) 1998-99 supplemental appropriation bill, included \$1,000,000 for drug courts and these funds were distributed in FY 1999-2000. The FY 2000-01 Judiciary appropriation bill (Public Act 264 of 2000) included \$1,200,000 for drug court grants in the current fiscal year. The Governor's budget recommendation for FY 2001-02 continues funding at \$1,200,000. This update describes the distribution of drug court grants to date and how the grant levels have been adjusted based on available funding.

Background

Drug courts are part of an evolving movement in jurisprudence called therapeutic justice. Therapeutic justice holds that a judge, through his or her actions in the court proceeding, can effect a change in offender behavior resulting in a reduction in the offender's criminal activity. Drug courts, as defined for purposes of funding from the (Federal) Drug Court Program Office in Washington, D.C., provide a treatment component, and are not merely expedited dockets of drug cases. A drug court program is designed to provide a comprehensive program of treatment and intervention to rehabilitate the substance abuse offender with the court providing direct supervision of the offender throughout the program. As offenders are rehabilitated, it is expected that they will commit fewer crimes and return to the justice system less often. The key components of drug courts are as follows:

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.

Source: Defining Drug Courts: The Key Components, Drug Court Standards Committee, Department of Justice, January 1997.

Michigan's Drug Court Grant Program

The attention given to drug courts as a growing trend in jurisprudence encouraged several local jurisdictions in Michigan to initiate drug courts with either local funds or a combination of Federal funds and local match.¹ Federal grant funding for drug courts is limited in duration to approximately three to four years. The rationale for the limited duration of Federal funding is that successful programs will be continued by the state and/or local units of government. Because of the limited duration of Federal funding for drug courts, local courts in Michigan requested State assistance in 1999. In particular, the Kalamazoo Men's Drug Court was nearing the end of its Federal grant in September 1999. Kalamazoo County provided local funding for its Women's Drug Court Program and a juvenile drug court program, but was unable to provide for the Men's program and turned to the State for assistance. In response to Kalamazoo and other requests for funding to implement and continue other drug court programs, the Legislature appropriated \$1,000,000 in Public Act 137 of 1999 for drug courts. Section 575 of Public Act 137 provided the following guidelines for the program:

"Sec. 575. (1) The funds appropriated in part 1 for drug courts shall be administered by the state court administrative office to implement new drug court programs or for existing drug court programs if federal funds are no longer available. A drug court shall be responsible for handling cases involving substance abusing offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives. A drug court shall use all available county and state personnel involved in the disposition of cases including, but not limited to, parole and probation agents, prosecuting attorney, defense attorney, and community corrections providers.

(2) The funds may be used in connection with federal funds and local units of government are encouraged to match state funding.

(3) Local units of government are encouraged to refer to federal drug court guidelines to prepare proposals. However, federal agency approval is not required for funding under this section."

The Michigan Drug Court Grant Program developed by the State Court Administrative Office provides funding to single or multiple jurisdiction drug court programs for juveniles or adults. The criteria for the grant program are modeled after the Federal program with one significant difference. The Federal Drug Court Program Grant does not require that the defendant plead guilty in order to participate in the drug court treatment program, while the Michigan program is a postadjudication program requiring defendants to plead guilty in order to participate in the program. Often, upon completion of the program, the prosecutor will allow the defendant to withdraw the guilty plea and move to dismiss the charges. If the defendant does not successfully complete the program, he or she is sentenced under the original plea.

Table 1 details the allocations by the State Court Administrative Office from the State funds appropriated in FY 1999-2000 and Table 2 details the allocations from the funds appropriated in FY 2000-01. The State Court Administrative Office determined a structure for allocating grants that limits the dollar amounts granted for each phase of the program. A planning grant provides funds to attend national drug court programs or other educational programs to allow each court to determine whether a drug court program is appropriate for the jurisdiction. An implementation grant allows a court to begin building a program, while an enhancement grant allows an existing program to increase services. Continuation grants are awarded to programs that had originally operated with Federal funds or programs that have been successfully

¹Some drug court programs received Department of Corrections' State community corrections grant funds for drug testing drug court participants.

developed.

Table 1

FY 1999-2000 State Drug Court Program					
	Grant Type	Amount Requested	Grant Awarded (a)	Expenditures To Date	Balance
Detroit (36th District Court)	Enhancement	\$10,724.10	\$10,724.10	\$10,724.10	\$0.00
Berrien County (2nd Circuit Court)	Implementation	149,588.00	149,588.00	41,287.00	108,301.00
Eaton County (56A District Court)	Enhancement	15,000.00	15,000.00	9,937.50	5,062.50
Eaton County (56th Circuit Court)	Implementation	73,935.00	73,935.00	59,987.82	13,947.18
Genesee County (7th Circuit Court)	Planning	6,375.00	6,375.00	6,375.00	0.00
Grand Rapids (61st District Court)	Enhancement	15,000.00	15,000.00	11,250.00	3,750.00
Kalamazoo County (9th Circuit Court)	Continuation	400,000.00	400,000.00	355,489.00	44,511.00
Macomb County (16th Circuit Court)	Enhancement	15,000.00	15,000.00	9,948.00	5,052.00
Macomb County (42-2 District Court Macomb-New Baltimore)	Planning	10,000.00	10,000.00	5,437.74	4,562.26
Monroe County (38th Circuit Court) Family Division	Planning	8,663.00	8,663.00	8,663.00	0.00
Novi (52-1 District Court)	Planning	9,841.00	9,841.00	9,821.00	20.00
Oakland County (6th Circuit Court) Adult Division	Planning	8,679.00	8,679.00	7,261.00	1,418.00
Oakland County (6th Circuit Court) Family Division	Planning	10,000.00	10,000.00	10,000.00	0.00
Troy (52-4 District Court)	Planning	8,679.00	8,679.00	6,854.00	1,825.00
Warren (37th District Court)	Enhancement	15,000.00	15,000.00	15,000.00	0.00
Waterford (51st District Court)	Planning	7,500.00	7,500.00	4,825.06	2,674.94
Wayne County (3rd Circuit Court) Family Division	Planning	10,000.00	10,000.00	10,000.00	0.00
Michigan Association of Drug Court Professionals	Conference		8,080.00	8,080.00	0.00
State Court Administrative Office (SCAO)	Administrative Costs		5,503.43	5,503.43	0.00
TOTAL:		\$773,984.10	\$787,567.53	\$596,443.65	\$191,123.88
(a) Requests did not total the \$1,000,000 appropriated; excess funds were carried forward as a work project for allocation in FY 2000-01.					

Table 2

FY 2000-01 State Drug Court Program			
	Grant Type	Amount Requested	Grant Awarded (a)
Detroit (36th District Court)	Continuation	\$162,009	\$100,000
Berrien County (2nd Circuit Court)	Continuation	186,975	120,000
Eaton County (56th Circuit Court)	Continuation	83,980	65,000
Genesee County (7th Circuit Court)	Implementation	150,000	120,000
Grand Rapids (61st District Court)	Continuation	137,478	115,000
Kalamazoo County (9th Circuit Court)	Continuation	250,000	245,000
Livingston County (44th Circuit Court)	Planning	6,000	6,000
Macomb County (16th Circuit Court) Juvenile Court	Enhancement	24,837	24,000
Novi (52-1 District Court)	Implementation	142,437	95,000
Oakland County (6th Circuit Court) Adult Division	Implementation	147,944	95,000
Oakland County (6th Circuit Court) Family Division	Implementation	150,000	105,000
Troy (52-4 District Court)	Implementation	87,899	65,000
Warren (37th District Court)	Enhancement	25,000	25,000
Waterford (51st District Court)	Implementation	111,000	85,000
Wayne County (3rd Circuit Court) Juvenile Division	Implementation	150,000	105,000
Michigan Association of Drug Court Professionals	Conference	2,000	2,000
State Court Administrative Office (SCAO)	Administrative Costs		
TOTAL:		\$1,817,559.00	\$1,372,000.00
(a) Current awards do not total the \$1,603,556 available from the carry forward funds and the FY 2000-01 appropriation. A balance of approximately \$231,556 still remains.			

Table 3 shows the maximum level for each type of grant for each grant year and shows that as a court moves from the planning stage to the other grant levels, the total funding needed will also increase. For example, out of the FY 1999-2000 appropriation, there were 17 grants including nine planning grants. If the nine planning grants had received the maximum grant, the cost to the State would have been \$90,000 in FY 1999-2000. If those programs had received the maximum grant at the next level, an implementation grant, the total grants in FY 2000-01 would have been \$1,350,000.

Table 3

	Prior Maximum	FY 2000-01 Maximum
Planning Grants	\$10,000	\$6,000
Multijurisdictional Planning Grants	15,000	6,000
Enhancement Grants	20,000	25,000
Implementation Grants	200,000	150,000
Continuation Grants	400,000	250,000

In addition to the increase in grant size, the number of courts requesting drug court funds has increased. As shown in [Table 2](#), the Judiciary has a remaining balance of approximately \$231,500 to allocate for drug court programs. Applications for FY 2000-01 Drug Court Planning Grants were recently reopened, as a result. Even though the deadline for the new requests is March 30, 2001, the Judiciary has already received 13 additional applications for planning grants. To address the growing pressure on the total funds, the State Court Administrative Office decreased the maximum amount for each type of grant in FY 2000-01, as seen in [Table 3](#). Also, the Legislature enacted language in Public Act 264 of 2000 (Section 322(4)) that proposes limiting the duration of the funding to three years and requiring an increasing local match over the three-year period beginning in FY 2001-02. Even with these adjustments, for FY 2001-02, the Michigan Supreme Court is requesting \$2,200,000 for drug courts, an increase in funding of \$1,300,000 over FY 2000-01.

Continuation Funding

While the Michigan Drug Court Grant Program is still going through its formative stage, the question remains whether the State can be a permanent source of funding for drug courts. For example, to date there have been 31 requests for planning grants. It cannot be determined at this time how many of these will develop into ongoing programs, or the level of funding that each program will require. If one assumed that the 15 courts currently granted funds and the 13 new planning grant requests would require State funds to continue operations at some point in time, and that each court would receive a continuation grant of \$250,000, the total cost to the State would be \$7,000,000.

In addition, some drug court costs are included in the Michigan Department of Corrections (DOC) budget. Kalamazoo County has received Community Corrections grants to test drug court participants. Also, Kalamazoo County has begun accepting parolees into its programs and the costs for these offenders are paid from the DOC appropriations. At a meeting of the House Appropriation Subcommittee on Corrections, it was suggested that additional funding for the testing and treatment of drug court participants be appropriated in the DOC's budget. Assuming that these testing and treatment costs total \$20,000 a year and that 28 courts request this additional support, then costs to the State will total \$560,000.

Moreover, there are Michigan courts that have received Federal funds for their drug court programs as seen in [Table 4](#). Some of the courts, such as Berrien and Kalamazoo Men's court, have operated beyond the time period of the Federal grant and turned to the State for continuation funding when local funds could not be found or could not fund the entire drug court program. Comparing [Tables 1, 2 and 4](#) shows that there are five courts receiving Federal funds that are not receiving State funds, and three programs receiving State funds that are not receiving Federal funds. The continuation of programs begun with Federal funds raises several questions including whether there is sufficient benefit to the State in terms of reduced prison admissions, reduced crime, or increased productivity to provide continued funding of drug courts started with Federal dollars, if the local unit of government is unable to continue funding the drug court. If the five courts currently receiving Federal funds received the maximum continuation grants when their Federal funds expired, the cost to the State would be \$1,250,000, or a total cost to continue funding all drug courts through the State of \$8,250,000².

²The \$8,250,000 does not recognize cost savings resulting from reduced criminal activity among the drug court participants or other costs avoided by this method of jurisprudence.

Table 4

Federal Funding of Michigan Drug Court Programs		
	Type of Grant	Year Granted
<i>Operating over 2 years</i>		
Berrien County*		
Eaton County (DWI)	Implementation	1997
Kalamazoo County - Female	Enhancement Continuation	1995/1996 1999
Kalamazoo County - Male*		
Kalamazoo County - Juvenile	Planning	1997
Oakland County - Adult	Planning	2000
Oakland County - Juvenile	Planning	2000
Wayne County - District Court	Planning Implementation	1997 1998
Wayne County - Recorders Court*		
<i>Recently Implemented</i>		
Kent County	Implementation	1999
Macomb County - Juvenile*		
Macomb County - Adult	Planning Implementation	1997 1999
Wayne County - Juvenile*		
<i>Being Planned</i>		
Ingham County - Juvenile	Planning	2000
Kent County - Family	Planning Implementation	1999 1995/1996
Livingston County*		
Monroe County - Juvenile	Planning	2000
Oakland County - Novi	Planning	2000
Oakland County - Troy	Planning	2000
Oakland County - Waterford	Planning	2000
Wayne County - Juvenile	Planning	2000
* There is no grant listed for these courts and no explanation of the drug court's status. Some courts, such as Berrien or Macomb - Juvenile, may have received funds from Federal sources other than the Office of Justice Policy Drug Court program, while others, such as Kalamazoo - Men's, may have exceeded the time limits of Federal funding.		
Source: Office of Justice Policy Drug Court Clearinghouse and Technical Assistance Project, <i>Summary of Drug Court Activity by State and County</i> , October 23, 2000.		

Conclusion

The drug court concept is being considered by many courts and may result in a new direction for jurisprudence in Michigan. The Legislature has provided funds through the Judiciary budget for Michigan courts to explore the drug court concept and develop drug courts that will serve their communities. In addition to the State efforts to fund drug courts, the Federal government started the drug court movement with grants to local units of government. Based on the legislation currently before Congress, the Federal government will continue providing grants for drug courts in the near future. However, the Federal program offers only three years of funding and the State costs for drug court programs, based on current award amounts, could reach \$8,250,000. As Federal funding for the programs expires, the sustainability of drug courts, ultimately, will rest with the ability of local units of government and the State to provide funding for ongoing programs.