Florida State University

FLORIDA’S DRUG COURTS:
An Analysis of Funding Options for Florida’s Drug Courts

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BY
JOWITA CICHY

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Ms. Jennifer Grandal  
Senior Court Analyst II  
Supreme Court of Florida Office of the State Courts  
500 South Duval Street  
Tallahassee, Florida 32399-1900

Dear Ms. Grandal:

I am pleased to submit to you *Florida’s Drug Courts: An Analysis of Funding Options*. This research, conducted over a 5-month period in 2006, has focused on the funding dilemmas facing drug courts across the state. Currently, these courts rely on “hodgepodge” funding streams without one stable source of funding. Although a collaborative model is the key to their survival, one must highlight the importance of having at least one dedicated source of financial assistance.

The analysis of this paper focuses on three policy options: appropriated annual state funding, cost reallocation, and expansion of county funding. All these options are weighed against three evaluative criteria: political desirability, administrative desirability, and funding potential. The option with the highest score is the expansion county funding either through fee assessments on criminal charges or financial assistance from the local board of county commissioners.

It is the hope of the researcher that this analysis will spark the debate on gathering proper statistics on the statewide level as well as highlighting the role that state government will play in the future funding of drug courts.

Sincerely,

Jowita Cichy
### TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>LETTER OF TRANSMITTAL</td>
<td>II</td>
</tr>
<tr>
<td>LIST OF TABLES</td>
<td>III</td>
</tr>
<tr>
<td>EXECUTIVE SUMMARY</td>
<td>IV</td>
</tr>
<tr>
<td>Chapter</td>
<td></td>
</tr>
<tr>
<td>I. PROBLEM STATEMENT</td>
<td>1</td>
</tr>
<tr>
<td>II. BACKGROUND AND LITERATURE REVIEW</td>
<td></td>
</tr>
<tr>
<td>Background</td>
<td>3</td>
</tr>
<tr>
<td>Literature Review</td>
<td>5</td>
</tr>
<tr>
<td>III. METHODOLOGY AND EVALUATION CRITERIA</td>
<td></td>
</tr>
<tr>
<td>Methodology</td>
<td>9</td>
</tr>
<tr>
<td>Evaluation Criteria</td>
<td>10</td>
</tr>
<tr>
<td>IV. MANAGEMENT POLICY OPTIONS</td>
<td></td>
</tr>
<tr>
<td>Appropriated Annual State Funding</td>
<td>12</td>
</tr>
<tr>
<td>Reallocation of Resources</td>
<td>16</td>
</tr>
<tr>
<td>Expansion of County Funding</td>
<td>21</td>
</tr>
<tr>
<td>V. CONCLUSIONS</td>
<td>25</td>
</tr>
<tr>
<td>REFERENCES</td>
<td>28</td>
</tr>
<tr>
<td>ABOUT THE AUTHOR</td>
<td>31</td>
</tr>
</tbody>
</table>
LIST OF TABLES

Table

1. Summary of Alternatives and Evaluative Criteria
EXECUTIVE SUMMARY

The first drug court program was created in 1989 in Miami-Dade County as a response to the crack-cocaine epidemic in the county. Judge Herbert Kline, along with Dade County’s then-State Attorney Janet Reno, created this experimental diversionary program as a solution to the problem of dealing with drug-addicted defendants. Since then, this model has been rapidly adopted due to its successful methods of dealing with defendants who struggle with substance abuse. Currently, it has been adopted throughout Florida and the United States. However, with rapid growth came the problem of securing stable funding sources. Although the federal government provides local drug courts with “seed money”, it is not meant to be permanent financial support. Thus, while some programs continue to thrive, others have problems with navigating through the “hodgepodge” of funding, and some even cease to operate.

Over the past 17 years, Florida’s drug courts have been experiencing problems with securing a sustained funding source. Although there is political support for this program, funding remains one of the major issues facing this program. The purpose of this report is to evaluate some of the existing options as well as introduce two new possible sources of future funding.

The background section explains the evolution of the drug court from its inception in Miami-Dade County to its current state. Additionally, this part also focuses on funding of this program from the early years of federal grants to the current collaborative nature of receiving resources. The current funding structure in Florida is a mixture of funds flowing from different sources. Although the literature is still somewhat limited in this area, there are some insightful articles – especially on the program’s potential cost-saving benefits. In this report, the literature
is divided into three sections: different funding models, the current funding issues facing drug courts, and cost savings/reallocations.

Information was collected using several methods: 1) the review of all pertinent statutes applying to drug courts; 2) a thorough literature review of any related articles; 3) an analysis of resources obtained through American University’s Justice Programs Clearinghouse; 4) an internet database search; and 5) unstructured interviews conducted with drug court coordinators, a probation officer, and staff from Florida’s Supreme Court Task Force on Treatment-Based Drug Courts.

This report presents three distinct policy options for securing sustained funding for drug courts: appropriated annual state funding, cost reallocation, and expansion of county funding. Each option is evaluated against three criteria: political desirability, administrative desirability, and funding potential.

Based on the carefully analyzed three options, and weighing them against three evaluative criteria, the best possible source of stable funding comes from local counties. This option is already available in Florida and the statutes are in place to allow for fee collection on certain criminal court costs. Since these programs are an integral part of the community, this option is also favored among administrators and drug court coordinators and should be supported by local resources.
I. PROBLEM STATEMENT

Drug courts are a part of the new breed of justice programs also known as problem-solving courts. These institutions focus on modifying a defendant’s behavior towards drugs and/or alcohol, while remaining under strict supervision of the court. Additionally, this program has also been shown to be a cost-effective alternative to the standard practice of imprisonment. By diverting non-violent drug offenses elsewhere, they are able to alleviate caseloads from the regular courts and, in turn, vacate cell space in jails (“Report on Florida’s Drug Courts,” 2004). Although drug courts may be a more economically feasible alternative to jailing non-violent drug offenders, they still struggle with building strong and stable funding bases. While the federal government provides “seed” money, funds for continued operation are sadly lacking (“Report on Florida’s Drug Courts,” 2004). Without secured funding, Florida’s drug courts may not be able to reach and/or provide necessary services to their target populations or may even cease to operate in some jurisdictions (Dorrie Tyng, personal communication, August 10, 2006).

Startup capital for Florida’s drug courts is provided by federal grants through the Drug Court Program Office, part of the Bureau of Justice Assistance. However, these funds are often limited and require both state and local governments to provide a financial match. In Florida, drug courts are sustained by grants from various federal sources such as the Edward Byrne Grants, Local Law Enforcement Block Grants (LLEBG), or Community Capacity Development Office grants (CCDO) (Fox & Huddleston, 2003; Jennifer Grandal, personal communication, October 11, 2006). However, funding and support for these grants have been steadily declining
over the past few years, forcing many Florida jurisdictions to compete with other criminal justice programs for a small piece of an increasingly shrinking fund. Drug court professionals argue that, in order to achieve its fullest potential, Florida cannot sustain its drug court program on federal monies alone (Dorrie Tyng, personal communication, August 10, 2006).

At the state and local level, drug courts are encouraged to forge partnerships with various state agencies for further funding (“Defining Drug Courts: Key Components,” 1997). One of the biggest obstacles facing them is that there is no funding through an executive appropriation process. Instead, they must work with the Florida Department of Children and Families (DCF), the Department of Juvenile Justice (DJJ), and the Department of Corrections (DOC) to receive supplemental money. However, building these coalitions is not a solution to continuously sustaining drug courts. It only creates a highly competitive environment where these courts must compete with other programs for treatment and administrative funds (Jennifer Grandal, personal communication, August 10, 2006).

Funding drug courts has become an important issue for many court administrators. In order to evolve and serve more clients, these courts must decrease their dependence on federal financial assistance and increase their focus on developing new and innovative ways of finding resources. The purpose of this Action Report is to examine the best funding options available to Florida’s drug courts. Since literature in the area of funding is very limited, this research will contribute and add to the existing studies by evaluating three different policy options.
II. BACKGROUND & LITERATURE REVIEW

The following two components have to be explored in order to understand the need for stable funding of Florida’s drug courts: history and funding trends.

Courts in the United States have always dealt with defendants who struggled with substance abuse. However, it was not until the early 1980s when the drug epidemic reached a new high, especially with the advent of “crack” cocaine. As a result of stricter drug policies and the “War on Drugs,” court dockets around the country were inundated with felony drug cases. This led to an increased number of individuals who were incarcerated for long periods of time. One of the major unintended consequences of stricter drug policies was the enormous financial strain on the judicial system. For example, Florida’s Dade County faced losing federal funding if it failed to reduce the inmate population. As a result, Janet Reno, then Dade County’s State Attorney, and Judge Herbert Klein from the 11th Circuit Court, developed the first drug court model in 1989. This new program presented an innovative approach to dealing with drug offenders by sentencing them to court-supervised treatment in lieu of jail (Colker, 2004).

Although the first drug court was instituted in 1989, it was not until 1994 that the Florida Legislature enacted section 948.08(6), which allowed non-violent offenders with no prior felonies to dismiss charges on possession and/or purchase of controlled substances. This statute recognized drug courts as part of the regular judiciary system. In 2001, the Supreme Court Task Force on Treatment-Based Drug Courts proposed legislation (397.334 Florida Statutes) that required each judicial circuit to create a treatment-based drug court program. It also required these courts to follow and fulfill the 10 key components. However, in 2004, the House of Representatives passed a law removing the requirements of the 397.334 Florida Statutes. “In

Funding continues to play a key role in the development of drug court programs. Even though these courts are often seen as local “grass-root” movements, without a strong federal grant program, they would not have been able to fully develop on a national scale. Currently, there are three different funding sources available to them: federal, state, and local (McCoy, 2003).

The key legislative moment for the federal funding of drug courts began with The 1994 Crime Act, which authorized the Drug Courts Grant Program to award grants to plan, implement, or expand existing state and local drug courts ("Office of Justice," 1997). Candice McCoy (2003) states that these courts would not have grown at such an exponential rate if it were not for the initial federal funding assistance. Additionally, the Clinton administration strongly supported the development of drug courts by increasing the amount of federal grants. Between fiscal years 1996 to 1998, the amount grew by almost $25 million (McCoy, 2003).

The Drug Courts Grant Program is not the only funding source available. Numerous courts receive technical assistance and grants from various departments, such as the Department of Health and Human Services’, Center for Substance Abuse Treatment (CSAT) and Department of Justice’s Bureau of Justice Assistance ("Drug Courts," 1995). Other federal grants are available to the drug courts, such as the Local Law Enforcement Block Grant program (LLEBG) and the Edward Byrne Memorial grants (EBM). These courts can also seek funding from the Center for Substance Abuse Treatment and The Center for Substance Abuse Prevention (Fox & Huddleston, 2003). Nevertheless, these are not exclusive grants and drug courts must compete with other criminal justice and substance abuse programs for these resources. Furthermore, the
LLEBG and EBM grants have been substantially cut in recent years, drastically reducing the amount of available funding (Jennifer Grandal, personal communication, August 10, 2006).

For years, federal funding has greatly assisted in the cultivating and expanding of drug courts in Florida. However, one must not ignore the role that both state and local governments play in supporting them. Currently, there are three pieces of legislation that pertain to the funding of drug courts. First, the local county ordinance pursuant to section 893.165, Florida Statutes, allows for funding of treatment programs by creating a drug abuse trust fund at the county level. Second, Section 939.185 F.S. authorizes counties to adopt a $65 court fee that will fund the case management part of the drug courts. Lastly, section 796.07(6) F.S. allows the collection of a $500 fee that can only be applied to fund administrative costs and drug court programs.

Additionally, local drug courts are also encouraged to forge partnerships with the DCF, DJJ, and DOC to fund their treatment component (“Florida Drug Courts,” 2004). However, even with all these resources, there is still a lack of a stable funding base on which the drug courts can depend on for continued monetary support (Dorrie Tyng, personal communication, August 10, 2006).

The development of a secured funding stream continues to be an important aspect to the survival of Florida’s drug courts. In the past, they have relied heavily on federal assistance, drawing from various grant programs. However, the key to success is to become less dependent on federal money and to strengthen and secure funding on both the state and local levels.

**Literature Review**

Although the research on drug court funding is very limited, this section will focus on three pressing issues found in the literature: (1) different funding models, (2) current funding issues facing drug courts, and (3) cost savings/reallocations.
The first theme explored in this literature points to three different funding models used by drug courts: Judicial, Executive, and collaborative. This is an important concept to review since drug courts greatly vary in their funding of programs. Although these models are a generalization, they do provide an easy understanding of the dynamics between federal, state, and local levels and their involvement in funding. The first model is identified as the Judicial Branch Model, which focuses only on the judiciary as a sole funding source for drug courts. Here, a state’s Judicial Branch can create a resource center for these courts (Fox & Wolf, 2004).

The Executive Branch Model is another funding possibility for states. In this model, money flows directly through appropriations from the Executive Branch to a specific program that is funding drug court activities. However, the problem with this model is that the amount of money that courts would receive greatly depends on the priorities of the executive. As long as this branch believes in the drug court model as an effective tool to dealing with drug-addicted defendants, the more funding these courts will get.

Thirdly, the Collaborative Model is a mixture of Judicial and Executive Models. Instead of filtering money through one agency, both the Judiciary and Executive branches form an alliance. This appears to be the best model of funding, since an “umbrella effect” of one program decreases the time drug court officials must spend trying to gather sources from both branches (Fox & Wolf, 2004). Many practitioners are favoring this approach because all levels of local government should be included in determining how revenues will be raised and distributed (Hollis, 1995).

However, this model can become difficult to implement, since agencies may not be eager to share resources with each other (Fox & Wolf, 2004). Currently, Florida is using a similar collaborative system of funding. The only difference is that money is not designated to one
particular fund. Rather, courts have to compete for resources from different Florida agencies ("Report on Florida’s Drug Courts," 2004). However, despite the type of model, the most important issue that still prevails is the fiscal instability of federal, state, and local governments. Even the smallest budgetary cuts can have an adverse effect on the funding of justice programs – especially those dealing with problem-solving courts such as drug courts (COSCA: Position Paper," 2003). Thus, it is imperative to seek stable sources of funding.

The second theme explored in this literature review focuses on the various funding problems surrounding these programs. There are instances where there is a clear lack of support for drug courts among local elected officials and law practitioners. This can become a major obstacle to obtaining funding from the legislature. Support from people, organizations, and treatment providers is an essential tool for the further development of these courts. Furthermore, there is still a prevailing thought that drug courts are an easy way out for offenders. Many judges and prosecutors still question whether coerced treatment is sufficient punishment. They also express a great deal of resistance, since drug courts pose a threat to resources that would otherwise be used for other priorities ("Institutionalizing Drug Courts," 2002).

Additionally, there is still lack of information about alternative funding streams among practitioners. For example, local drug courts can create 501(c)(3) – a non-profit organization that will fund administrative and case management components (Hollis, 1995). However, due to a lack of communication and knowledge of using non-profit organizations as a funding source, many courts are not exploring this option (Jennifer Grandal, personal communication, October 11, 2006). This is the reason why coordinators must be vigilant in their quest to not only educate themselves, but also the public and elected officials on the long-term benefits associated with this program and available funding options.
The last theme in the literature deals with the cost-savings associated with drug courts. There is an agreement that a dedicated funding stream may come from another alternative source, such as reallocation of monies saved by drug courts. Finigan (1999) states that this issue has been key to estimating whether these courts are worth continued support and funding (p. 61). However, Steven Belenko et al. (1998) argues that there is a significant difference of opinion regarding the cost saving nature of these courts. A majority of these cost-benefit studies focus on the savings associated with drug court treatments as opposed to the traditional court modes. However, in order to fully appreciate the cost effectiveness, one must understand the breakdown of expenses associated with each. One major problem with obtaining and conducting a cost-benefit analysis is the lack of any worthwhile data. Belenko further writes that this poor quality of research is due to a lack of resources by many local drug courts; long-term cost studies are expensive and undertaking one is often time consuming (1998, p. 11).

Shannon Carey et al. (2004) also raise issue with the definition of “cost” when conducting a cost-benefit analysis. According to the authors, criminal justice programs might be harder to assess since some of the outcomes may not necessarily have a monetary value attached. Welsh and Farrington (2001) write that it is important for researchers to focus on both the value of program resources (costs) and effects produced (benefits). The authors further state, “estimating the monetary value of program benefits requires a great deal of ingenuity on the part of the evaluator…”(Carey et al. 2004, p. 3; Welsh & Farrington, 2001, pp. 7-8).

Additionally, there are still criticisms of this cost-effective theory among practitioners and researchers who argue that the need to prove fiscal effectiveness forces researchers to not fully disclose true costs. James Nolan (2004) argues that some of the cost-benefit analysis evaluations lack a unified identification of key points that contribute to the reduction of costs. He
also notes that the definition of “failure” or “success” varies greatly amongst participating drug courts. Furthermore, the author questions the logic of substantial savings to taxpayers (p. 195).

While literature concerning drug courts is still somewhat limited, this review provides a comprehensive outline of pertinent themes such as different types of funding models, current funding problems, and cost saving/reallocation. However, most of the literature does not include the state of Florida or present detailed research on the best alternatives for funding. The present study not only builds upon the available resources, but also adds a detailed analysis of alternative funding options for Florida’s drug courts.

III. METHODOLOGY & EVALUATION CRITERIA

Methodology

The information and data collected for this project was drawn from various sources:

- Thorough literature review and analysis including the Government Accountability Office (GAO) reports,
- Review of Florida’s laws, regulations, and other pertinent state documents;
- Resources obtained through American University’s Justice Programs Clearinghouse;
- Internet database research including various newspaper articles concerning funding in other jurisdictions; and
- Personal, unstructured interviews (n=seven) with staff from Supreme Court Task Force on Treatment-Based Drug Courts, Palm Beach County Drug Court, Center for Court Innovation, Leon County Drug Court Probation Officer, and Leon County’s Public Defender’s Office.

The literature review examines current trends in funding of drug courts. Furthermore, it also provides an insight in how different courts are using innovative approaches to funding. All literature is drawn from various organizations such as National Institute on Drug Abuse (NIDA),
National Drug Court Institute (NDCI), Center for Court Innovation (CCI), American University Justice Programs Clearinghouse, and publications from Florida Office of the State Courts.

Furthermore, this report includes research from various Internet databases: JSTOR (1990-2004), ABI/INFORM Global (1990-2006), and ISI Web of Science (1980-2006). All of these databases can be readily accessed from the Florida State University website. Additionally, all newspaper articles obtained through Lexis Nexis (2000-2006) will provide an insight into the actual cases of success and failures of drug courts across the nation.

Personal interviews consist of in-depth conversations that enable both the researcher and the audience to gain firsthand accounts from drug court officials. The report contains interviews with a drug court coordinator in Palm Beach County, administrators from the Office of the State Courts Administrator in Leon County, the Public Defender’s representative from Leon County, and a representative from the Center for Court Innovation. These were unstructured interviews about 40 minutes in length either conducted in person, by phone, or by electronic mail. This technique allows the researcher to gain in-depth personal insight from these practitioners. Additionally, the researcher was able to view all funding alternatives from a practical standpoint and assess the feasibility of proposed policy alternatives.

**Evaluation Criteria**

Three criteria were used to evaluate the proposed policy options: political desirability, administrative desirability, and funding potential. Each criterion was measured on the decision matrix on a scale of 1 through 5, where 1 is very negative and 5 is very positive. Once all the information was gathered, a total score for each policy option was obtained.

- Political desirability will estimate the degree of acceptance of the proposed policy alternative in the political arena. This criterion includes analyzing policy option from both state and county level to assess whether lawmakers would accept each
policy option. Additionally, this option will analyze the statutory adaptability (where applicable). The data will be collected from newspaper releases, personal interviews, and literature.

- Administrative desirability will estimate the degree of acceptance in the administrative setting. This will specifically gauge the adaptability of each alternative. The data will be collected from newspaper releases, available literature, and interviews with the drug court administrative staff.

- Funding potential will measure if the new funding option will accommodate growth overtime as drug courts are growing at an exponential rate. Therefore, a good policy alternative should be adaptable so that it can meet the growing needs. The data will be collected from personal interviews, newspaper articles, and available literature.

These criteria reflect the best evaluative tools for policy options. Another criterion considered was cost forecasting to gauge if an alternative could support these courts for a sustained period of time. However, it was difficult to obtain in-depth financial data from different drug courts.

Another limitation to the study is the lack of surveys among drug court practitioners on best funding practices. However, a recent survey was conducted last year by the Florida Supreme Court Task Force on Treatment-Based Drug Courts (results are not yet published) (Jennifer Grandal, personal communication, October 11, 2006). Furthermore, even though the literature on the cost-effectiveness of drug courts is beginning to emerge, most findings are still relatively inconclusive (Nolan, 2002, p. 195). Despite these issues, the most important evaluative criteria are used in this report to calculate the best possible funding alternatives for Florida’s drug courts.
IV. MANAGEMENT POLICY OPTIONS

This section provides an analysis of policy options for funding drug courts in Florida. These alternatives include three choices: appropriated annual state funding, reallocation of resources, and expansion of county funding. They are discussed and weighed against three criteria in order to determine the best possible outcome. Other policy options not discussed in this report include the possibility of enacting a tax that would provide money to drug courts and creation of non-profit organization as a new funding source. The reason for their exclusion is due to the lack of sufficient data to conduct an accurate analysis in the state of Florida.

Option One: Appropriated Annual State Funding

The main problem with the funding of drug courts lays in the uncertainty and the “hodgepodge” of resources. Although these courts can obtain funding from various sources, most begin each fiscal year with a great deal of financial uncertainty. Therefore, to ensure secured funding, the first option involves securing annual funding for drug courts in the Florida Governor’s Budget. This is an excellent opportunity to earmark monies and allow these courts to begin each fiscal year with a base funding. The most important component of this option is not to provide full funding, but rather to assist Florida drug courts by having at least one stable source of funding according to Jennifer Grandal, a Senior Court Analyst with the Florida Supreme Court Task Force on Treatment-Based Drug Courts (personal communication August 10, 2006).

1. Political Desirability: This option can undoubtedly find support from politicians, since all three branches of government have expressed past interest in strengthening funding for drug courts. Florida’s lawmakers understand that these courts do provide a viable alternative to incarceration. Additionally, The Supreme Court Task Force on Treatment-Based Drug Courts
found that “the three branches of government each recognize the need for, and have exhibited the
willingness to, dedicate resources for the continued growth of drug courts.” (p. 16) (“Report on
Florida’s Drug Courts,” 2004). Furthermore, these courts also operate in all 20 judicial circuits;
this is not just a region-exclusive program.

Additionally, with the passage of Article V Revision 7, which requires that the state
assume greater funding responsibilities of trial courts, the government is already bearing a larger
financial responsibility for the courts (Anonymous, personal communication, November 2,
2006). However, the Conference of State Court Administrators (2003) finds that only 2% of the
budget is dedicated to funding the judiciary (COSCA: Position Paper, 2003, p. 15). In short,
adding earmarked funds for drug courts should pose little or no burden on the state’s annual
budget.

There are some problems, however, in creating a dedicated funding within the budget,
especially since Article V Revision 7 also “eliminated a mandate for each judicial circuit to
establish a treatment-based drug court program” (“Report on Florida’s Drug Courts,” p. 9). Thus,
asking for funding of any kind from the state can be difficult since counties are no longer
obligated to create this program. One of the respondents from the House of Representatives
argues that the state already bears a larger burden of financial responsibility for trial courts and
that the counties themselves should play a more active role in funding drug courts. Furthermore,
he has also expressed concern over the possible costs associated with earmarked funds,
especially if treatment was one of the provisions of the budget. He pointed out that the funding of
treatment for participants could prove to be very costly to the state reducing support from the
legislators. Furthermore, he stated that the funds for treatment should continue to flow from the
DCF, DJJ, and DOC (Anonymous, personal communication, November 2, 2006).
Jennifer Grandal from the Supreme Court Task Force on Treatment-Based Drug Courts stated that one of the major obstacles of this option is that as a “line-item” in the budget, drug courts can be easily targeted for a veto. Thus, the future funding of the program would largely depend on an administration’s current priorities (personal communication, October 11, 2006).

Another obstacle with seeking stable funding from the Legislature is the lack of current mandatory data and cost-benefit analysis of these programs. OPPAGA 2001 *Justification Review 01-64* and one House of Representative respondent, stated that it will be difficult to request funding for a program that does not yet have in-depth financial analysis or available program data. In order to seek appropriated funding from the state, drug courts will have to identify program costs, cost-saving methods, and present overall program results (OPPAGA, 2001; Anonymous, personal communication, November 3, 2006).

2. **Administrative Desirability:** Nancy Daniels, public defender’s attorney, has supported this option because it will provide drug courts with financial support in the beginning of each fiscal year (Nancy Daniels, personal communication, October 25, 2006). This is an important issue for many drug courts throughout Florida, including Leon County, where, in 1996, the court actually ceased to operate due to a lack of funding. Nancy Daniels said they begin each year with uncertainty as to the funding of certain components, mainly case management, often leading drug court coordinators and attorneys to seek funds from other alternative sources (personal communication, October 25, 2006).

However, a respondent from the House of Representatives is somewhat reluctant to embrace the idea of state-funded drug courts. He stated that the main problem lays in the adversarial nature of these courts. This is a purist view of the judicial system, one where the judge should not play the role of “social worker.” Additionally, since the state is already bearing
most of the costs, counties should be able to fund their own drug courts (Anonymous, personal communication, November 2, 2006). Currently, the state is paying for costs associated with judges, the State Attorney’s Office, and the Office of Public Defenders. Treatment for drug court participants is provided through various sources, mainly from the DCF and DOC (Nancy Daniels, personal communication, October 25, 2006).

3. **Funding Potential:** Providing drug courts with funding through the Governor’s budget is probably one of the best ways of insuring stability. It insures that as drug courts grow in Florida, they will always have one central source of financial assistance in the future. While this option has a high degree of flexibility, it is imperative that growth is taken in consideration so that earmarked funds can grow as the number of courts increase. For example, California’s Legislature provides funding for drug courts through the Comprehensive Drug Court Implementation Act (CDCI). One interesting component of CDCI is that it requires courts to provide a 10-20% match. Hence, the drug courts are not wholly dependent on the state. Supplying such a match will enable these courts to expand their financial resources and also work with the community for additional funds (“California’s Alcohol and Drug Programs,” 2000). In Florida, the current budget includes monies designated for substance abuse treatment. While these funds are not specially earmarked for drug courts, California’s “match funding” program ideas should be seriously considered.

In summary, this option scores in the high-mid range based on evaluative criteria. It calls for drug courts to have an exclusive “line-item” in the Governor’s budget each year, thus securing funding for each fiscal year. Additionally, political support is already evident among Florida lawmakers who believe in the program’s future. However, there are also drawbacks to
this option, mainly the dependency on changing political climates and the uncertainty of state’s budget (i.e. “line-item” veto).

**Option Two: The Reallocation of Resources**

This option stresses the importance of cost-savings associated with drug courts. The idea is to calculate the total savings when diverting individuals to drug courts, rather than through traditional judicial means. The amount of money saved on jail space or infants delivered to drug-addicted mothers should be placed in a fund that will take the money and distributed it to drug courts across Florida. This money will be given to support the administrative staff, training, and some parts of the treatment itself. The most important component of this option is for each jurisdiction to not only to monitor and document the amount of money saved on an annual basis, but also to document all costs associated with their courts (“Report on Florida’s Drug Courts,” 2004).

1. **Political Desirability:** This option should appeal to lawmakers since these courts will have to present the savings associated with drug courts as opposed to standard adjudication. These courts no longer lobby for more resources from state or local governments, placing more emphasis on the financial reallocation of saved monies. Furthermore, if these courts conduct such analysis and provide proof of their cost-savings for the judicial system, politicians may be more inclined to provide additional funding in the future. One of the interviewees at the House of Representatives stated that in order for politicians to fully back a program, they must see tangible results (Anonymous, personal communication, November 2, 2006). Thus, conducting a cost-benefit analysis or showing general savings should provide adequate proof of success.
This alternative stresses the collection and analysis of data from a short-term perspective. However, it should be noted that the possibility of long-term studies could show added financial benefits of drug courts to the overall judicial system. Most recently, a study published by Bureau Justice Assistance Drug Court Clearing House finds substantial long- and short-term financial savings to counties and states that have drug courts. The same study concludes that the average estimated yearly savings per program is $667,694. Aside from showing cost-effectiveness, these studies can also present drug courts as a viable alternative to the standard adjudication (“Cost Benefits/Costs Avoided,” 2004). The OPPAGA (2001) Justification Review Report No. 01-64, states that, in order to assess the worth of the diversionary and pre-trial programs, the Legislature should be able to identify the program costs, cost-savings, and results. Thus, by courts providing a statistical disclosure of the costs associated with case processing, it will strengthen the case for future support in drug court expansion and funding (OPPAGA).

2. Administrative desirability: The Supreme Court Task Force on Treatment-Based Drug Courts argues that documenting resources saved by drug courts should be analyzed in order to present how these courts are impacting the overall financial burden on the judicial system (“Report on Florida’s Drug Courts,” 2004). Additionally, this option provides an oversight and accountability of each drug court. Since the program coordinators will have to file reports, it will ensure that benchmarks and standard practices are being met and followed.

Another benefit to reallocating resources and showing the court’s effectiveness can also encourage greater political and community support. One example is the Tennessee Shelby County Drug Court. This court has been successful since its inception with reducing the number of re-arrests and for effectively dealing with drug addicted defendants. The Governor of Tennessee, Phil Bredesen, recognized the court’s work and successes with additional funding in
the state’s budget. This demonstrates that capturing data is not only effective for fund reallocation, but also for garnering political support (“Local Leaders Praise Governor’s Funding,” 2006).

However, from an administrative perspective, this could prove to be a difficult task. First, personal interviews with drug court professionals have revealed that there are no in-depth, cost-benefit analysis studies on drug courts in Florida. Conducting larger cost-benefit studies may be time consuming and financially constraining, as drug courts often operate with a small staff and limited budget (Jennifer Grandal, personal communication, October 11, 2006; Dorrie Tyng, personal communication, October 24, 2006). For example, the OPPAGA Justification Review Report No. 01-64 found that neither the Public Defender’s Office, nor the State Attorney’s Office maintains cost data for various programs in which their offices participate (OPPAGA, 2001). Additionally, in a recent interview with the Public Defender’s Office, one respondent stated that their office did not collect any cost data on drug courts (Nancy Daniels, personal communication, October 25, 2006). However, the Supreme Court Task Force Report states that the average cost for incarceration of drug offenders ranges between $20,000-$50,000, while participation in drug court is significantly less, between $2,500-$4,000. Furthermore, the report also finds that an example of the state of Washington’s average benefits from avoided criminal justice costs are $3,759 and $3,020 in avoided costs to victims (“Report on Florida’s Drug Courts,” 2004, pp. 11-12).

Another issue with conducting a cost-benefit analysis to determine cost reallocation is the problem of the definition of “cost.” As Welsh and Farrington (2001) mention, assigning a monetary value to social and criminal justice programs may be a difficult task. The authors state that it is important for an evaluator to “identify what program resources and effects produced
should have dollar figures attached”. They go on to write “estimating monetary value of program benefits requires a great deal of ingenuity on the part of the evaluator” (Welsh & Farrington, 2001, pp. 7-8; Finigan, 2004, pp. 7-8). Yates (2001) also finds that the complexity of cost offsets increases once the treatment component is involved. Yates goes on to argue that drug court evaluators should delve deeper into analysis than just simple totals allocated for a program (Yates, 2001, p.33; Finigan, 2004, p. 3); this could be a problem for local drug court evaluators who may not have the time or the resources to conduct an in-depth professional analysis.

However, this problem is not insurmountable. Michael W. Finigan (1999) conducted a cost offset study using existing data for the Multnomah County STOP Drug Court Diversion Program. The idea behind this research was to show that cost assessment could be performed even with limited funds and staffing. Finigan stated that administrators should consider some key data sources to conduct cost estimates such as: adjudication, jail and supervision, victim costs, and prosecution/defense costs. The costs for drug courts should be calculated and then compared to the standard adjudication costs. The best way to conduct this analysis is to create a comparison and intervention group. In the first group, one must take a sample of drug court participants who successfully completed the program and compare it to the sample of defendants who qualified for drug court, but declined participation. The intervention group should be comprised of participants who participated and successfully completed the program and those who participated but failed (Finigan, 1999, pp. 66-68). This would be a rough estimate, but it would provide a glimpse of the initial cost-savings of these courts.

Currently, there are problems with data collection in Florida as evident in the quality of the statewide statistics collected by the Supreme Court Task Force on Treatment-Based Drug
Courts. However, as drug court models mature, administrators will have to begin to collect and analyze data in order to justify their existence and future funding.

3. **Funding Potential**: Funds created by monies saved by drug courts to the judicial and criminal system is a viable alternative for sustained funding since there will always be defendants who choose to participate in drug courts. However, since it is challenging to document the monies saved, this may pose difficulty in garnering support for the creation of such a fund. It is hard to predict the total monetary savings that drug courts provide in Florida. Public Defender, Nancy Daniels, shared a similar concern with Welsh and Farrington (2001) over the definition of “costs” in the cost-benefit analysis stating that it would be a hard economic study to conduct. For example, what must be taken into account when conducting such a study? Since first-time offenders do not usually go to jail (they are placed on probation), a sound analysis should include the comparison between people who are on probation and those who are drug court participants. Then, one can analyze the number of re-offenses between these two groups and ascertain the overall cost on the judicial system. Nancy Daniels also mentioned that it would be interesting to conduct a study on the long-term economic impact of drug courts (i.e., number of people who re-enter society and remain productive) (personal communication, October 25, 2006).

In summary, this option scores in the low range. Although current drug courts do not conduct comprehensive studies of cost-effectiveness and the administrative time and resources are scarce, it is difficult for local drug courts to properly track all their expenses. However, they must understand that it is imperative for their own future development and funding, for drug court coordinators to collect and analyze all cost-saving aspects of Florida’s programs.
Option Three: Expansion of County Funding

In this option, a drug court can secure funding through various fees imposed by the county’s courts. Each county can take a certain percentage of costs associated with adjudication on criminal cases and add it to the drug court fund. This money can then be utilized for a multitude of purposes, from administrative to treatment. The local boards of county commissioners can also provide funding. The key to this option is to keep a majority of the monies at a local level, rather than relying on state or federal resources.

1. Political Desirability: This option aligns with the Section 397.334, F.S., which states “counties that create drug courts must secure funding from other sources than the state” (2006, s. 397.334, ch. 2006-397). Florida State officials can favor this option since it will not burden the state and it agrees with the above-mentioned statute. On the county level, there are measures in place for counties to choose to assess fees on criminal cases. County funding through imposing charges on criminal cases is not a novel idea either, as awareness for this type of fee assessment already exists. Other states have also utilized this type of funding. The local board of county commissioners can also be used as a source of funding. For example, the Palm Beach County Drug Court has enjoyed continuous funding through their local county commission (Dorrie Tyng, personal communication, August 10, 2006).

There are also some negative aspects to this funding, mainly enticing the interest of local officials to get involved in the funding local drug courts. Dorrie Tyng stated that funding which comes from local sources – such as the Board of County Commissioners – is of great financial assistance. Yet, little comfort is taken because there is always uncertainty about whether or not commissioners will have a continued interest in the program (personal communication, August 10, 2006). For example, the Leon County Drug Court was supported by the County Commission
in 2005. However, that has since stopped and the main funding now comes from DJJ, DOC, and DCF (Nancy Daniels, personal communication, October 25, 2006).

2. **Administrative Desirability:** This option is highly desirable among drug court practitioners. Among the three options presented, a majority of the respondents chose this method of funding as the most attractive. As one official stated, local funding is the best source of support for drug court courts since federal and state funding is largely shaped through budgetary limitations. Furthermore, she also stated that since these courts are local programs, they should receive funds from local sources, thus reinforcing the community’s involvement. Dorrie Tyng stated that the County Commission is one of the main supporters of the court’s activities (personal communication, October 24, 2006).

However, this option has some limitations. One of the greatest obstacles is that local funding may not always be sufficient – or even locally supported. In Virginia’s Loudoun County, the Board of County Commissioners approved monies for drug courts staff. However, this funding was frozen due to concerns over whether the program was a wise use of local resources (Brulliard, 2005). In Florida, Dorrie Tyng stated that, although their respective county’s funding had not been eliminated, there was always that sense of uncertainty when new board members were elected. The bottom line for successful funding is to build support in the community and among elected officials (personal communication, October 18, 2006).

Additionally, although Jennifer Grandal stated that this option does not appear to have many negative aspects, she did conclude that funding from fee assessments might fluctuate depending on the amount of money streaming in from the criminal cases in the county (personal communication, October 11, 2006). Yet, this should not be a catastrophic issue since there will always be criminal violations.
3. **Funding Potential:** Respondents were as equally positive about the funding potential of this option. Jennifer Grandal and Aaron Gerson agreed that the option would allow counties to have a stable funding stream and be less dependent on funding from state or federal sources. Additionally, they also stated that ultimately the future of funding lays in the local support for drug courts (Jennifer Grandal & Aaron Gerson, personal communication, October 11, 2006). However, one of the main downsides to this alternative is that it is not clear how much money will be saved or given to drug courts from the assessment of these fees. Operating under the assumption that all defendants pay their court costs is misleading, since fee collections may become a problem. Charles Hollis (1995) writes that, although there is a constant factor in that there will always be individuals who incur these fees, there is also the possibility that excessive, added fines to court costs can lead individuals to default on their payments (p. 4). Nancy Daniels expressed similar concern over additional court cost fees, stating that the current fees are already high and that some defendants may not be able to meet these financial obligations (personal communication, October 25, 2006).

Currently, the Drug Court Program Administration Fund under F.S. 796.07(6) in Hillsborough County generated $70,532 in fiscal year 2006 and the planned amount for fiscal year 2007 is $105,415 (“Hillsborough County Management Budget,” 2006). Thus, there is an apparent – albeit minute – growth in this fund. The monies generated come from the assessment of the $500 fee on criminal cases. The funds that are generated from these fees are completely directed to the drug court program. Additionally, the 939.185, Florida Statutes also authorizes counties to adopt a $65 court cost to help fund drug courts. However, the later statute is not exclusive to drug courts – this fee may also be used to fund juvenile alternative programs (“Drug Court Funding Opportunities,” 2006).
In summary, this option scores in the high range. Since drug courts are local programs, counties should be able to bear the burden of providing financial assistance. Additionally, the drug court is a wise use of counties’ resources (“Report on Florida’s Drug Courts, 2004, p. 14; Dorrie Tyng, personal communication, August 10, 2006). There are already two statutes that counties can utilize to fund their drug courts. However, one of the drawbacks to this option is that the current fee assessments on criminal cases may not be enough to sustain the program on a long-term basis. Still, one must not ignore the future cost potential of this option.
V. CONCLUSIONS

This report analyzed three different funding options that can become sustainable sources of annual financial support. Each option was assessed using three distinct criteria: political desirability, administrative desirability, and funding potential. The following table summarizes these results.

Table 1-Summary of Alternatives and Evaluative Criteria

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<th>OPTIONS</th>
<th>EVALUATIVE CRITERIA</th>
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<tr>
<td></td>
<td>Political Desirability</td>
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<tr>
<td>Appropriated Annual State Funding</td>
<td>3</td>
</tr>
<tr>
<td>Reallocation of Resources</td>
<td>4</td>
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<tr>
<td>Expansion of County Funding</td>
<td>3</td>
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*Ranking Scale: 1 to 5 where 1 is very negative and 5 is very positive.*

Although all three options represent ways of dedicated funding drug courts, one particular option – expansion of county funding – has the highest score. This alternative stresses the importance of county funding as the most promising source. Additionally, it highlights the county’s role on financial support of this program and should be expanded in the future.

Appropriated annual state funding, option one, scores as the second most desirable alternative. Political desirability scores toward the lower end of the scale since it will directly impact the annual budget, which may meet with opposition. Additionally, there is concern that as a “line-item,” it may be targeted on an annual basis and subjected to cuts. Others also expressed concern over political desirability for the state to provide stable funding since the Article V Revision 7 places larger financial responsibility of funding courts from counties to the state.
Some argue that the resulting savings should be dedicated solely to drug courts. However, from an administrative standpoint, this alternative is an attractive solution to the fiscal uncertainty that many drug courts face each year. Funding potential scores in the middle range since there is a good possibility of fluctuating or even decreasing funding over time.

Cost reallocation, option two, is not currently used in Florida, but is worth considering in the future. Overall, this alternative has the lowest score since it will require each local drug court to submit their cost analysis for the year. Since these courts already face staff and resource shortages, it will be difficult to track all the monies saved on an annual basis. Additionally, funding potential also scores low since it is difficult to ascertain how much money can actually be saved. However, this research does point to some low-cost analysis that can be done at the local level.

The expansion of county funding, option three, is the most favorable source of continued sustained funding, which can flow from two sources: fee assessments on criminal charges and the local county board. Politically, this option scored in the middle range due to the fact that this option depends on the political stakeholder. State officials heavily favor county-optioned funding, while county lawmakers may feel it would burden the county’s resources. However, fees generated through fee assessment on criminal court costs should not be too taxing on the county. Administratively, this policy scores high since most drug courts coordinators believe that these courts are so entrenched in the community and that local officials and program coordinators will better understand the needs of each court. Funding potential scores in the middle range, although there are statutes that empower counties to collect fees on certain criminal charges, they are still relatively low compared to the overall financial needs of these
courts. Therefore, the involvement of the local board of county commissioners is a key component of this option.

In summary, the expansion of county involvement in funding drug courts should be further explored. Since numerous drug courts in Florida already utilize this option, it will not be difficult to add more fees on court assessments or involve the local board of county commissioners. Additionally, this option is also favorable since drug courts are community programs and, thus, should be supported by the local resources.
REFERENCES


About the Author

Ms. Jowita Cichy received her B.A. Political Science and Sociology (Cum Laude) from Florida Atlantic University and is a MPA candidate at Florida State University. Ms. Cichy’s area of interest focuses on criminal justice issues affecting local communities. After graduation, Ms. Cichy will begin her career with Big Bend Regional Prevention Center at DISC Village, Inc. as an Adult Prevention Specialist.
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CONTACT: JOWITA CICHY
FLORIDA STATE UNIVERSITY – TALLAHASSEE, FLORIDA
Jc04n@garnet.acns.fsu.edu
(850) 894-0758

New Report Explores Funding Options for Florida’s Drug Courts

TALLAHASSEE, FL – December 16, 2006 – Florida’s drug courts are struggling to secure a stable funding source. This lack of constant financial assistance often leads many courts to operate below their capacity, consequently not reaching their target population. Some programs even cease to operate, as was the case with the Leon County drug court in 1996. Thus, with the recent elections and new Governor assuming leadership, these courts are facing an even greater fiscal insecurity.

A new study conducted by graduate student Jowita Cichy was released this week focusing on the various funding sources available to Florida’s drug courts. FLORIDA’S DRUG COURTS: An Analysis of Funding Options for Florida’s Drug Courts, highlights two new options as well as exploring an existing one and weighs each alternative on their future adaptability and potential. Ms. Cichy states that the current system of “hodgepodge” funding does not allow for greater flexibility in funding. The author writes that, although these resources provide invaluable assistance, there must be one stable financial source on which these programs can depend on.
In this report, Ms. Cichy finds that the expansion of existing county resources remains the best source of future funding. Each drug court and its needs is unique to its jurisdiction and, thus, the local governments are best equipped in assessing the necessary resources. Additionally, there are already two statutes in place that allow local counties to impose fees on court costs and place them in drug court funds. There is also political support for this option on both state and local levels. Numerous boards of county commissioners have been an excellent source of financial support for drug courts all over the state. The report recommends that counties continue to expand their existing resources and provide stable annual funding for their local drug courts.

The complete report and its findings can be accessed through the Askew School of Public Administration and Policy website http://askew.fsu.edu/current/masters/actionreport/index.html.

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39