
Minnesota Drug Court Funding

Findings and Recommendations

PROJECT DIRECTOR

Tara L. Kunkel, MSW

PROJECT STAFF

Elizabeth Barnhart

Nikki Harris

Tracey Johnson, Jr.

Shelby King

Nicole L. Waters, PhD

NATIONAL CENTER FOR STATE COURTS

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Executive Summary

The growth in both the number and type of drug courts operating in Minnesota over the last decade has been significant. This growth is a testament to the sustained popularity of drug courts nationally and the positive outcomes achieved in drug courts that adhere to best-practice principles. The current funding mechanism is a complex system primarily supported by the Minnesota Judicial Branch, the Department of Human Services, the Department of Public Safety/Office of Traffic Safety and counties. The instability of this funding is viewed as a significant problem by the drug courts statewide. With fifty-two operational drug courts in Minnesota, there is a need to adopt a long-term funding strategy that encourages the expansion of drug courts, where feasible, while also addressing the long-term funding needs of existing courts.

The following report provides an overview of the current drug court funding and staffing models for drug court coordinators and probation officers in Minnesota and provides recommendations that promote the long-term financial sustainability of drug courts. In addressing the funding needs of the Minnesota Drug Courts, the National Center for State Courts (NCSC) was guided by the following set of principles:

- The drug court funding model should be transparent and equitable.
- The drug court funding model should be predictable and allow the Minnesota Judicial Branch, state agencies and counties to plan and budget in advance of the biennium.
- The drug court funding model should establish a reasonable “per participant” cost that varies by drug court model.
- Counties should contribute to the funding of drug courts through either a cash and/or in-kind match of at least 30%.
- Funding should not be overly restrictive and local/district-level flexibility should be maintained where possible.
- Sufficient funding should be set aside to support the growth of new drug courts and the ongoing training and support of established drug courts.

Based on a thorough examination of the current funding and staffing models, the NCSC staff offer the following recommendations for consideration:

Recommendation 1: Implement a formula approach to fund drug court programs statewide that is based on the number of participants served annually.

Recommendation 2: Encourage drug courts in the planning phase to pursue federal implementation grants.

Recommendation 3: Encourage established drug courts to pursue federal enhancement grants.

Recommendation 4: Expand state-level training and technical assistance to drug courts.

Recommendation 5: Prioritize funding for drug court coordinators.

Recommendation 6: Develop performance measures and implement a statewide drug court management information system to support performance management.

Recommendation 7: Implement a standardized risk-needs assessment tool.

Recommendation 8: Support local determination of staffing needs.

The cost to fully implement the above recommendations statewide and expand funding to include four drug court programs currently in the planning phase is an additional \$3.6 million above the current appropriation over the biennium.

Introduction

History of Drug Courts in Minnesota

The first adult drug court (ADC) in Minnesota began in Hennepin County in 1996. Over the next fifteen years, a number of new models of drug courts began to operate in Minnesota including juvenile drug courts, mental health courts, DWI courts, family dependency treatment courts, Veterans treatment courts, and hybrids of these models. In March 2005, former Chief Justice Kathleen Blatz ordered the creation of The Chemical Dependency Task Force to examine the impact of alcohol and other drugs (AOD) on the Judicial Branch and make recommendations to improve the way in which judges and other court partners dispose of these cases. The Task Force met for nineteen months and published two reports: the first focusing on adult and juvenile issues and the second report focusing on all other case types as well as general issues of importance. The Judicial Council also formed another body – an Ad Hoc Committee – comprised of members of the Task Force and the Judicial Council to begin the process of formulating drug court standards and operationalizing the Council’s strategic plan for the implementation of problem solving approaches. This group was convened only to provide guidance to the Judicial Council as it finalized its legislative budget request to submit to the Governor in October of 2006.

In December 2006, the Judicial Council approved the creation of the Drug Court Initiative (DCI) Advisory Committee. The DCI Advisory Committee is charged with providing guidance to the Judicial Council that ensures the viability, quality, accountability and sustainability of drug courts. The DCI Advisory Committee also oversees the distribution of funding for drug courts across the state and advises the Minnesota Judicial Council in the following areas:

- Drug court standards
- Multidisciplinary and statewide training
- Key performance measures for drug courts
- Drug court evaluation
- Management information system
- Other duties as the Judicial Council specifies

The current membership of the DCI is found in *Table 1*.

Table 1: Membership of the DCI as of December 2015

Membership	Representative
Judicial Council/District Court Judge	Hon. Shaun Floerke (Co-Chair)
County Attorneys Association (MCAA)	Jim Backstrom (Co-Chair)
Judicial Council/District Court Judge	Hon. Jeff Thompson
District Court Judge	Hon. Kerry Meyer
District Court Judge	Hon. Allison Krehbiel
District Court Judge	Vacant
District Court Judge	Hon. Kathryn Messerich
District Court Judge	Hon. Fred Grunke
District Court Judge	Hon. Mark Ireland
State Court Administrator	Jeff Shorba

Judicial District Administrator	Michael Kelley
Judicial District Administrator	Angie Armon
Court Administrator	George Lock
Drug Court Coordinator	Kevin Mettler
Tribal Court Judge	Hon. Robert Blaeser
Association of Community Corrections Act Counties	Jon Ramlo
Association of County Probation Officers (MACPO)	Rich Molitor
Public Defenders	Daniel Lew
Department of Corrections	Allan Godfrey
Department of Human Services-ADAD	Brian Zirbes
Department of Public Safety	Tricia Hummel
Association of Minnesota Counties	Keith Winger
Metropolitan Inter-County Association	Joan Granger-Kopesky
Community Member	Monique Bourgeois-MN Recovery Connection

Based upon the two comprehensive reports, the DCI developed Minnesota’s Drug Court Standards. The Minnesota Drug Court Standards were released initially in the summer of 2007 and updated in 2009 and 2014.¹ The current Minnesota Drug Court Standards apply to the juvenile, hybrid,² DWI and adult drug courts but have not been updated to address mental health courts or Veterans treatment courts. The Standards, based on the Ten Key Components of Adult Drug Court published by the U.S. Department of Justice’s Office of Justice Programs, and written by the National Association of Drug Court Professionals (NADCP), allow flexibility at the local level, while keeping basic and foundational aspects of drug courts uniform across all locations. The 2014 update to the Minnesota Drug Court Standards incorporated Volume 1 of the National Adult Drug Court Standards.³

In late 2011, the State of Minnesota’s Department of Public Safety, Office of Traffic Safety (OTS) contracted with an independent evaluator to conduct an assessment of Minnesota’s DWI courts and to evaluate the feasibility of performing process, outcome, and cost evaluations of these programs. In June 2012, the evaluation plan was approved, including a detailed process evaluation and outcome evaluation in nine of Minnesota’s DWI court programs⁴ and a cost-benefit evaluation of seven of these programs (due to small sample sizes in two of the nine programs). In 2014 an independent evaluator, NPC Research, released individual evaluation reports for each site and a summary document related to all the programs.⁵ The evaluators found that recidivism (re-arrest) rates for all participants (regardless of completion status) were lower for six of the nine programs two years after program entry compared to similar offenders who were eligible for DWI court but did not participate.

¹See http://www.mncourts.gov/Documents/0/Public/Problem_Solving_Courts/Offender_Drug_Court_Standards_-_031109.pdf

² Hybrid drug courts combine one or more of the models taking multiple case types. E.g., many adult drug courts that focus on controlled substance and other felony-level crimes also include DWI cases in the court

³ See <http://www.nadcp.org/sites/default/files/nadcp/AdultDrugCourtBestPracticeStandards.pdf>

⁴ The nine DWI Courts evaluated in the study include programs in the following counties: Beltrami, Cass, Crow Wing, Hennepin, Lake of the Woods, Otter Tail, Ramsey, Roseau, and St. Louis.

⁵ See http://www.mncourts.gov/mncourtsgov/media/assets/documents/reports/MN_DWI_All_Site_Summary_August_2014_FINAL_FOR_OTS.pdf

In 2012, an initial evaluation of Minnesota’s adult drug courts was conducted by the Minnesota State Court Administrator’s Office Court Services Division, Research and Evaluation. The study observed a statewide cohort of participants who entered drug court between July 1, 2007 and December 31, 2008 and evaluated the participants’ outcomes (e.g., recidivism, incarceration costs) relative to a comparison group. The 2012 study concluded that Minnesota’s adult drug courts significantly reduced recidivism, improved community outcomes, and limited incarceration and related incarceration costs for drug court participants over the research period. Furthermore, the 2012 study recommended a follow-up analysis be conducted to examine whether the positive effects of drug court continued into the long-run. A follow-up recidivism and incarceration analysis was conducted in 2014 and released in 2015 (Hoheisel, 2015). The study found that drug court participants (both completers and non-completers) had significantly lower recidivism rates over the four-year follow-up period compared to the control group. Further, the cost savings associated with reduced incarceration amounted to a savings of \$4,288 per drug court participant.

Development of the Judicial Council Advisory Workgroup on Drug Court Funding

In August 2015, a Judicial Council Advisory Workgroup on Drug Court Funding was established. The Funding Workgroup was tasked with advising the project team from the National Center for State Courts (NCSC) on a drug court funding model, staffing model, and sustainability strategy for consideration by the Judicial Council and partner agencies. Specifically, the NCSC and the Drug Court Funding Workgroup were tasked with identifying and developing:

- Strengths and weaknesses of the current drug court funding model including staffing models for drug court coordinators and probation officers;
- The full-time equivalent need for drug court coordinators and probation officers based on drug court capacity, geographic location and drug court model; and
- Recommendations for the distribution of the Minnesota Judicial Branch Drug Court allocation as well as overall recommendation(s) for the long-term financial sustainability of drug courts including the following as considerations:
 - Priorities for the allocation of Minnesota Judicial Branch funding;
 - The influence of funding from other sources upon distribution of the Minnesota Judicial Branch allocation; and
 - Funding needs for statewide expansion.

The Funding Workgroup met face-to-face four times throughout the fall of 2015 to review data collected and draft recommendations. Additional feedback was solicited from a larger stakeholder group that met face-to-face on November 12, 2015 and January 5, 2016. The Funding Workgroup also had the opportunity to review drafts of the recommendations and the full-report and provide feedback to the NCSC staff.

The membership of the Judicial Council Advisory Workgroup on Drug Court Funding can be found in *Table 2*.

Table 2: Judicial Council Advisory Workgroup on Drug Court Funding Membership

Member	Representative
Hon. Kathryn Messerich	First Judicial District
Hon. John Guthmann	Second Judicial District
Hon. Jodi Williamson	Third Judicial District
Kate Fogarty	Fourth Judicial District Administrator
Hon. Allison Krehbiel	Fifth Judicial District
Hon. Shaun Floerke	Sixth Judicial District - Chair
Tim Ostby	Seventh and Eighth Judicial District Administrator
Hon. Shari Schluchter	Ninth Judicial District
Mike Moriarity	Tenth Judicial District Administrator
Dan Ostdiek	SCAO Finance Director
Kay Pedretti	SCAO Court Services Director
Jeff Shorba	State Court Administrator
Michelle Cern	Statewide Drug Court Coordinator

Project Approach and Data Sources

In October 2015, the NCSC distributed an online survey and a companion Excel spreadsheet to each operational drug court program in Minnesota. The survey and spreadsheet were used to collect information about current and past funding and staffing information for FY13 through FY16. In addition to the data provided by the programs, appropriation information was gathered from the Minnesota Judicial Branch, the Department of Human Services and the Department of Public Safety. In-kind personnel costs were calculated by applying average salary and benefit costs to the positions assigned to each of the programs.

Minnesota uses the general term “drug court” to refer to a variety of operational models of problem solving courts. This report uses that general language throughout the report. Based on the information gathered for this project, the various drug court models in Minnesota were clustered into five categories based on their common elements:

- Thirty-four adult drug courts/DWI courts/Hybrid adult/DWI courts
- Three mental health courts
- Five Veterans treatment courts
- One juvenile drug court
- Four family dependency treatment courts/Hybrid family dependency treatment courts

These five categories were used to examine key issues including caseload sizes, funding sources, and staffing models. It is important to note that variation would be expected across these models. For example, Veterans treatment courts and mental health courts traditionally operate with smaller caseloads than an adult drug court or a DWI court because of the intensive treatment needs of the participants. Likewise, family dependency treatment courts and juvenile drug courts work extensively with the entire family system so the staffing patterns and caseloads are substantially smaller than those of an adult drug court or DWI court.

Revenue Supporting Drug Courts in Minnesota

Funding for the Minnesota drug courts comes from a variety of sources including the state legislative appropriation to the Judicial Branch, funding from other state agencies in the form of federal pass through dollars, federal grants and funding from other non-state and federal sources such as local government and the private sector. In addition to cash funding, drug courts receive a substantial amount of in-kind support in the form of donated staff time and resources from a variety of agencies. An overview of funding sources follows.

Judicial Branch Drug Court Appropriation

The first Minnesota state legislative appropriation to the Judicial Branch was made in 2007 for the FY08/09 biennium. *Table 3* shows the history of legislative appropriations to the Judicial Branch for Minnesota's drug courts since FY12/13.

Table 3: History of Legislative Appropriation to the Judicial Branch for Drug Courts

Biennium	Judicial Branch Drug Court Appropriation	Notes
FY12/13	\$3.1 million	
FY14/15	\$4.85 million	Includes a base appropriation and an additional \$1.75 million that was allocated to new and at-risk courts.
FY16/17	\$5.6 million	Includes a base appropriation and a new appropriation of \$700,000 from the Minnesota legislature which has not been allocated to date, pending the outcome of this study.

Legislative support, as demonstrated by levels of appropriation, for drug courts appears to be strong. However, the expansion of new drug court models in the last few years, along with the role of numerous sources of funding has spurred a review of how best to sustain and distribute funding across the drug courts in Minnesota. *Table 4* shows the growth in the total number of programs since 2011. It should be noted that while *Table 4* references 52 operational drug courts, the bulk of this report relies on budgetary data provided by 48 courts (1 adult drug court and 2 tribal courts did provide data and a fourth court reported their budget in combination with another court).

Table 4: Growth in Drug Courts from FY08 to Present

Year	# of Operational Drug Courts
2011	33
2012	37
2013	39
2014	48
2015	52

The level of state legislative funding available through the Judicial Branch relative to the number of operational drug court programs has impacted the individual funding of drug court programs. The funding formula for distributing state funds in FY10/11 and FY12/13 used the following criteria:

- All family dependency treatment courts were removed from funding consideration due to receiving full funding from the Minnesota Office of Justice Programs (OJP);
- Eight DWI Courts were removed from funding consideration due to receiving full funding from the Minnesota Office of Traffic Safety (OTS);
- Mental health courts were removed from funding consideration due to funding from other sources;
- The remaining courts' current enrollment was used to determine the overall drug court enrollment rate in the state;
- A cost-per-participant was determined by dividing the base funding amount by the rate of overall enrollment; and,
- A cost-per-court was determined by multiplying the cost-per-participant by the court's enrollment rate.
- Finally, the cost-per-court for each court in a particular district was consolidated to provide a lump sum to the district.

In FY10/11 and FY12/13 a total of 20 courts were funded with the legislative appropriation. In FY14/15 the Minnesota Legislature appropriated base funding plus an additional \$1.75 million for new and at-risk courts. As a result, a total of six new courts received a state appropriation for the first time in FY14/15. In FY16/17, the legislature provided base funding plus an additional appropriation of \$700,000 which has not been allocated to date, pending the outcome of this study. As of FY16, the legislative appropriation administered by the Minnesota Judicial Branch provides funding support to 24 (46%) of Minnesota's 52 drug courts to varying degrees.

Historically, drug courts must meet the following criteria to be eligible for funding from the Judicial Branch:

- Be an eligible model defined in Judicial Council Policy 511. Eligible models include: adult drug, DWI, family dependency treatment, juvenile drug, mental health, Veterans treatment or hybrid (two or more models combined) court.
- Demonstrate ability to comply with the Minnesota Offender Drug Court Standards, Family Dependency Treatment Court Standards or national guidelines (e.g., Essential Elements of Mental Health Courts) for models not included in Minnesota Statewide Standards.
- Document compliance with Judicial Council Policy 511.3 Drug Court Development and Approval Process.
- Demonstrate ability to use existing resources/partner collaborations not requested in the budget.
- Provide a local match equal to 1/3 of the total funds requested. The local match can include cash dedicated by the county board, funding of a probation officer position(s) and/or other staff, additional drug testing, and travel and training expenses. Non-court partners on the drug court team can be included as match.
- Funding preference has historically been given to multi-county drug courts. A multi-county drug court focuses on combining efforts based on multi-county collaboration and participation, and is planned and implemented as a unified and consistent judicial drug treatment program across county lines. A multi-county drug court can be any one of the following primary models: adult, DWI, juvenile, family dependency treatment, mental health or Veterans treatment court.

A total of four drug courts that previously received Judicial Branch funding have closed in the last five years including the Chisago Juvenile Drug Court (closed in 2010), the Ramsey County Juvenile Drug Court (closed in 2013), the Stearns Family Dependency Court (closed in 2014) and the Brown Juvenile Drug Court (closed in 2015).

Additional State Funding for Drug Courts

In addition to the Minnesota Judicial Branch funding, there are other sources of state funding for drug courts in Minnesota. The funding from state agencies is primarily federal pass through dollars administered by a state agency. *Table 5* below shows the FY16 drug court appropriation by state agency and the number of courts funded through the appropriation. Seven courts do not receive state funding from the Judicial Branch or any state agency but have, instead, secured funding from various other sources, including county funds, federal grant funds, and/or Department of Veterans Affairs.

Table 5: FY16 Drug Court Appropriation by State Agency

Source of State Funding	FY16 Funding Provided to Drug Courts	Number of Courts Funded by Source
MN-Judicial Branch	\$2,554,000 ⁶	24
MN-Office of Traffic Safety	\$1,844,180	11
MN-Department of Human Services	\$880,200	5
MN-Office of Justice Programs	\$247,136	2
Total	\$5,525,516	42⁷

Federal Funding

Federal grant funding offers significant support to drug courts in Minnesota. There are three federal agencies that provide grants to support different models of problem solving courts: the Bureau of Justice Assistance (BJA), the Substance Abuse and Mental Health Services Administration (SAMHSA), and the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The two types of federal grants are *implementation grants* which are designed to support the development of new drug courts and *enhancement grants* which are designed to improve drug court participant outcomes and/or increase the number of participants served in a drug court. Enhancement grants are primarily designed for programs that have been operational for at least one year. For details about the various grant programs and eligibility criteria, please see *Appendix B*. The majority of federal funding received by drug courts in Minnesota has been through the Bureau of Justice Assistance (81%), but

⁶ Includes \$350,000 in state appropriations that has not been allocated to specific courts pending the outcome of this study. This figure also includes \$34,216 appropriated to the Third District for operations (but not assigned to a specific court) and \$7,585 appropriated to the Fifth District (but not assigned to a specific court). This figure does not include the \$155,000 set aside for the central administration of drug courts (e.g. support for the Statewide Drug Court Coordinator).

⁷ Some courts may receive funding from more than one state agency so this is not a unique court count.

courts have also received grants from Substance Abuse and Mental Health Services Administration (SAMHSA), and from the Office of Juvenile Justice and Delinquency Prevention (OJJDP).⁸

In FY16, federal funds accounted for as little as 2% of the total cash funding for family dependency treatment courts to 44% of the cash funding for Veterans treatment courts. The majority of federal funding in FY16 came from BJA through federal implementation or enhancement grants (\$924,500) or Byrne JAG funds (\$232,779). SAMHSA grants accounted for \$13,476 in FY16.

Table 6: FY16 Federal Grant Amounts by Model

Model	Total FY16 Cash Contribution	Percent of Funding by Model in FY16
Veterans Treatment Courts	\$169,530	43.9%
Mental Health Courts	\$211,264	26.4%
Adult Drug Court/DWI Court	\$781,709	13.4%
Family Dependency Treatment Courts	\$8,252	2.0%
Juvenile Drug Courts	\$0	0.0%
Total	\$1,170,755	--

As noted in *Table 7*, half (50%) of the implementation grants were awarded to adult drug courts (10 of 20) in Minnesota, which is to be expected, since the federal implementation grants were highly focused on adult drug courts until recent years when they were expanded to other models like mental health courts and Veterans treatment courts.

Table 7: Current and Past Federal Implementation Grants by Model

Programs that Received Federal Implementation Grants (n=20)	Year of Award	Model
Dodge County Hybrid Adult/DWI/FDTC	Prior to 2005	Drug/DWI/Family
Ramsey County Adult Substance Abuse Court	Prior to 2005	Adult Drug Court
St. Louis County - South Drug Court	Prior to 2005	Adult Drug Court
Stearns County Drug Court	Prior to 2005	Adult Drug Court
White Earth Juvenile Drug Court	Prior to 2005	Juvenile Drug Court
Brown-Nicollet-Watonwan Adult Drug Court	2007	Adult Drug Court
Ramsey County DWI Court	2007	Designated DWI
Faribault, Martin, & Jackson Multi-County Adult Substance Abuse Court	2007	Drug/Family Dependency Hybrid
Blue Earth County Family Dependency Treatment Court	2007	Family Dependency
Blue Earth County Adult Hybrid Drug Court	2007	Hybrid DWI/Drug

⁸ The National Highway Traffic Safety Administration (NHTSA) provides pass through federal funding to the Minnesota Department of Public Safety's Office of Traffic Safety (MDPS/OTS). Although some courts reported this as federal grant funding, it is not included in this section as it would effectively duplicate the state grant funds from MDPS/OTS reported in the program budgets.

Southwest Community Drug Court: Lincoln, Lyon, & Redwood	2009	Adult Drug Court
Dakota County Drug Court	2009	Adult Drug Court
Itasca County Wellness Court	2009	Designated DWI
Cornerstone Drug Court: Cottonwood, Rock, Nobles, Murray, &	2011	Adult Drug Court
Hennepin County Veterans Treatment Court	2011	Veterans Treatment
Winona County Adult Drug Court	2012	Adult Drug Court
Ramsey County Veterans Treatment Court	2013	Veterans Treatment
Steele Waseca Adult Drug Court	2014*	Adult Drug Court
Le Sueur County Drug Court	2015*	Adult Drug Court
Clay-Becker Veterans Treatment Court	2015*	Veterans Treatment

* Indicates the program currently receives federal funding.

Overall, 24% of the drug court programs secured enhancement grants from federal agencies.

Table 8: Current and Past Federal Enhancement Grants by Model

Programs that Received Federal Enhancement Grants (n=11)	Year of Award	Model
Ramsey County Adult Substance Abuse Court	2009 & 2015*	Adult Drug Court
Otter Tail County DWI Court	2010	Designated DWI Court
Blue Earth County Adult Hybrid Drug Court	2011*	Hybrid DWI/Drug Court
Blue Earth County Family Dependency Treatment Court	2011*	Family Dependency
Brown-Nicollet-Watonwan Adult Drug Court	2011*	Adult Drug Court
Crow Wing County Adult Drug Court	2011	Adult Drug Court
Faribault, Martin, & Jackson Multi-County Adult Substance	2011*	Drug/Family
St. Louis County - South DWI Court	2011	Designated DWI Court
Ramsey County Mental Health Court	2014*	Mental Health
Hennepin County Adult Drug Court	2015*	Adult Drug Court
Ramsey County DWI Court	2015*	Designated DWI Court

*Indicates the program currently receives federal funding.

A majority of the Minnesota drug courts were able to sustain funding levels once the federal grant was complete. This was accomplished through securing new funding from a variety of sources, including state funding, program fees, local government funding, and new grants. Of the 20 federal *implementation* (to start up new programs) grants received, 17 of the courts report that at least one of their grants is currently closed. Eleven of the 17 courts were able to sustain full funding levels after their implementation grant closed. Predominantly the courts sustained funding post-grant through a state appropriation (7 courts), program fees (5 courts), and new federal grants (3 courts).⁹

Seven (7) of the 11 programs that reported receiving a federal *enhancement* grant had closed or completed at least one of their federal enhancement grants at the time of the survey. Of those 7 courts, 5 reported being able to sustain full funding when their grant ended and 1 court reported sustaining partial funding. The post-

⁹ Programs could select more than one post-grant source, so the total number of sources exceeds the number of courts.

grant funding sources were varied and included state appropriation funding (2 courts), program fees (2 courts), new federal grants (2 courts), new state grants (2 courts), and private grants (1 court).

Non-Federal/Non-State Funding

In addition to state funding and federal grants, drug courts receive cash funding from a variety of other sources including local government, program fees, the Department of Veterans Affairs and private foundations. Additional funding not accounted for in the chart below includes funding from insurance payments and consolidated fund – Rule 25 funding. In FY16, these additional funds accounted for \$1.32 million of the total program budgets as reflected in *Table 9*.

Table 9: Source of Non-Federal and Non-State Funding in the FY16 Program Budgets

Source of Additional Cash Funding	Cash Funding
Local Government	\$1,066,833
Program Fees	\$214,750
Department of Veterans Affairs	\$33,600
Private Foundation	\$5,000
Total	\$1,320,183

In-Kind Funding

In-kind funding includes the cost of personnel not directly paid for by the drug court (such as the cost of judicial time, prosecutors, defense attorneys and other personnel) and services provided without cost to the drug court (e.g. drug testing, treatment services). NCSC calculated the estimated in-kind contributions for each court by requesting a list of personnel assigned to each drug court and the estimated number of hours contributed per week by each staff member. An average salary and benefit cost was then used to calculate an estimated in-kind cost for each court. For non-salary items, the drug courts provided an estimate of their in-kind contributions. In-kind support for drug courts accounts for approximately 44% of the total funding for all drug courts and amounts to \$5.9 million in FY16. However, the relative portion of in-kind funding to cash funding varies substantially by model, as shown in *Table 10*.

Table 10: FY16 In-Kind Funding

Model	Cash Funding	In-Kind Funding
ADC/DWI/Hybrid ADC & DWI Courts	\$5,945,515 (63%)	\$3,509,742 (37%)
Mental Health Courts	\$799,214 (48%)	\$875,828 (52%)
Juvenile Drug Courts	\$101,426 (64%)	\$56,715 (36%)
Family Dependency Treatment Court/Hybrid	\$260,162 (33%)	\$535,314 (67%)
Veterans Treatment Courts	\$386,642 (29%)	\$935,724 (71%)
Total	\$7,492,959 (56%)	\$5,913,323 (44%)

Key Findings: Revenue to Support Drug Courts

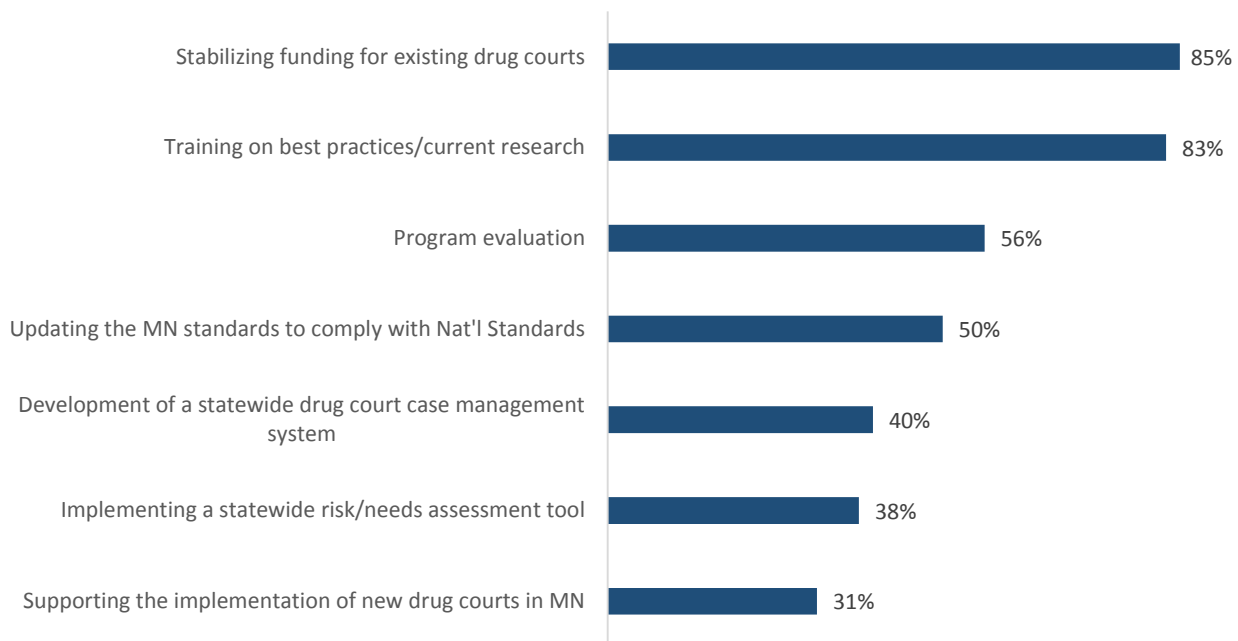
- The Minnesota Judicial Branch (MJB), the Minnesota Department of Public Safety, Office of Traffic Safety (DPS/OTS), the Minnesota Department of Public Safety, Office of Justice Programs (DPS/OJP), and the Minnesota Department of Human Services (DHS), each play a substantial role in supporting one or more models of drug courts in Minnesota. In FY16, the MJB appropriation to drug courts was \$2,554,000 (46% of state funding), the DPS/OTS allocation was \$1,844,180 (33% of state funding), the DHS allocation was \$880,200 (16% of state funding), and the DPS/OJP allocation was \$247,136 (4% of state funding) for a total of \$5.52 million of state funding on an annual basis.
- The fact that no single agency or entity has primary responsibility for funding all 52 Minnesota drug courts is a testament to the widespread statewide commitment to these programs and is, therefore, a major strength.
- The state agencies have developed their funding approaches for drug courts, largely in isolation of one another, leading to inconsistency in funding across models. Funding allocations to programs have not followed a consistent formula that can be used to predict future funding needs. This is a significant weakness of the current funding system.
- Seven drug courts in Minnesota do not receive state funding from any source.
- The growth of new drug court programs in Minnesota has been substantially assisted by the federal drug court implementation grant program administered by the Bureau of Justice Assistance. Federal grant funding has also provided critical enhancement dollars to already operational programs. Applying for, and successfully managing, federal grant funds is a time consuming endeavor that can favor metro areas where there are more resources available to assist with these activities. An additional challenge with federal funding is that it is time-limited to two to three years and is not renewable.
- In-kind funding is a critical component of drug court funding in Minnesota making up \$5.9 million in funding annually. This level of in-kind support is a strength of the current funding system as it shows significant buy-in and support from stakeholders.
- Three Minnesota juvenile drug courts have closed in the last five years and only one remains operational. This trend reflects a broader trend nationally as past program evaluations of juvenile drug courts have produced mixed results.
- Unique challenges exist for drug court programs that operate in rural counties and in counties with a high volume of potentially eligible defendants. These differences impact the availability of resources, the number of potentially eligible defendants, and the time commitment required to operate the program. These unique challenges need to be taken into account in determining a long-term sustainability plan.

Funding Priorities and Perceived Threats to Sustainability

The NCSC team asked drug court programs, through a survey completed by the Drug Court Coordinator, about their funding priorities and perceived threats to sustainability. The highest funding priority identified by the courts was to have stabilized funding for the existing drug courts (see *Figure 1*). This was “an important priority” for 85% of the 48 courts surveyed. The second top priority (83%) was to receive training on the best practices in the field and stay updated on current research developments. This pattern identifying the top two priorities

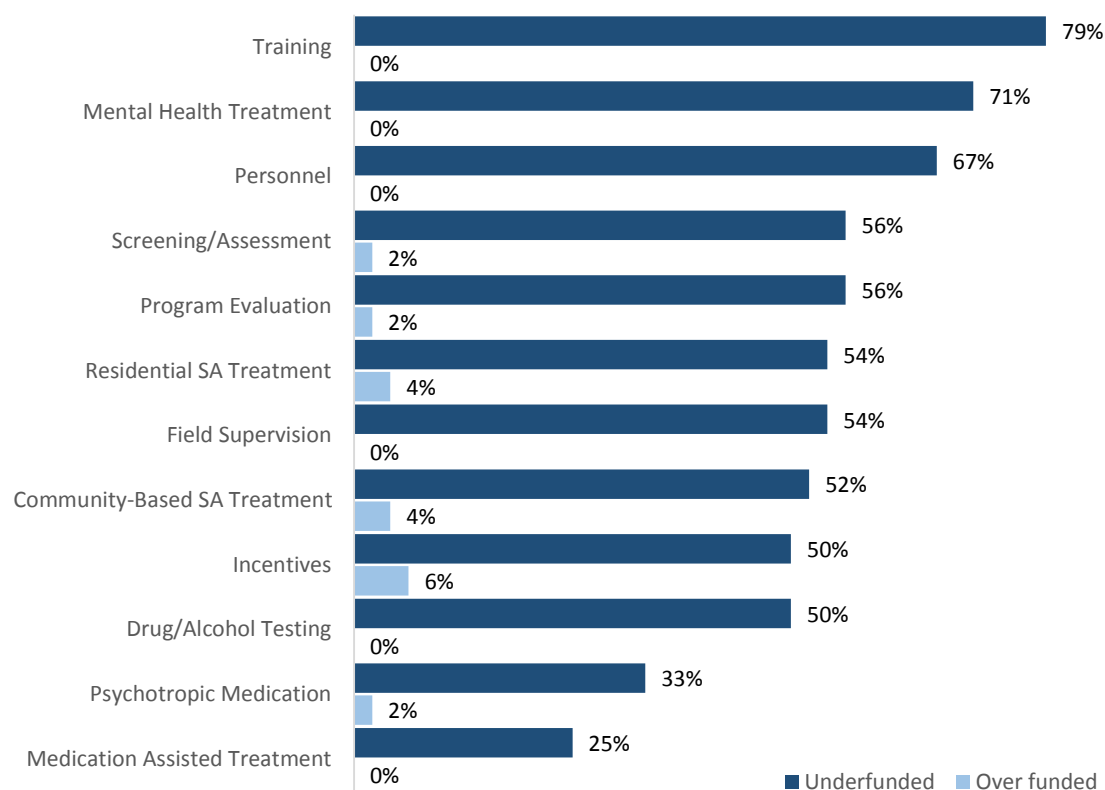
held true for all of the drug court models. Approximately one half of the courts identified program evaluation (56%) and updating the Minnesota statewide standards to comply with the National Drug Court Standards (50%) as important priorities. Veterans treatment courts listed evaluation as their third priority area; whereas DWI/adult drug courts identified updating statewide standards to comply with the national standards as a third priority. These priority areas differentiated by court model are not surprising as research on Veterans treatment courts is still in its infancy. DWI courts identified a third priority to implement a statewide risk/needs assessment tool.

Figure 1: Important Funding Priority Areas Identified (n=48 courts)



When asked what program items have been traditionally underfunded or over funded, 79% of the courts responded that training was traditionally underfunded (see *Figure 2*). Specific drug court models identified slightly different areas traditionally underfunded for their courts. All but one (93%) of the designated DWI courts identified mental health treatment as an underfunded area. Veterans treatment courts identified personnel and field supervision (80% for both) as areas traditionally underfunded. For adult drug courts and hybrid DWI/drug courts, personnel and training were identified as areas most often underfunded.

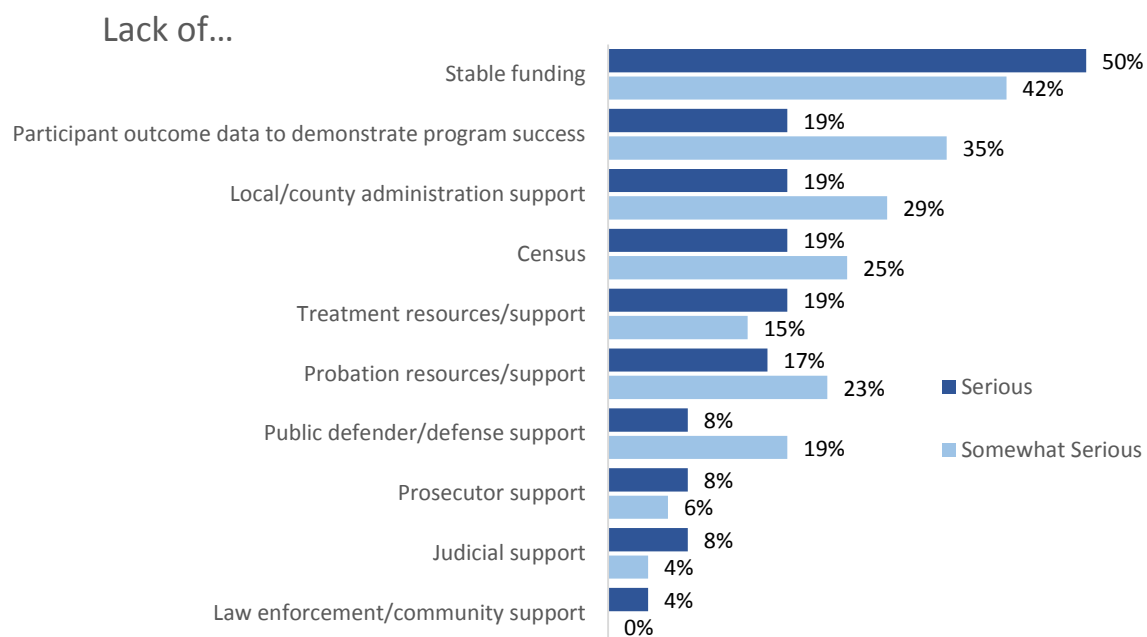
Figure 2: Ratings of Adequacy of Funding (n=48)



The courts identified that the greatest threat to the sustainability of their drug court was the lack of stable funding (92% of the 48 courts). Half of the courts (50%) indicated this was a “serious threat” and an additional 42% indicated this was “somewhat serious of a threat.” Just over half (54%) of the courts identified that lack of participant outcome data to demonstrate program success was a potential threat to stability (see *Figure 3*).

Overall, the courts indicated that community partners and stakeholders were generally supportive of the program, with very few indicating lack of support as a major threat to sustainability. The only exception was the lack of support by the local/county administration identified by just under half of the court (48% total; 19% identified a “serious” threat and 29% indicated “somewhat serious”). Additionally, 44% of the courts stated that the lack of participants (i.e., census) was a threat to sustainability (19% “serious” and 25% “somewhat serious”).

Figure 3: Greatest Threats to Sustainability (n=48 courts)



Key Findings: Funding Priorities of Programs

The Minnesota drug court programs perceive funding issues as a critical issue. Eighty-five percent (85%) of the drug court programs in Minnesota indicated that stabilizing funding for drug courts was their top priority. Training is also a top priority with 83% of programs reporting that this is a significant priority. Seventy-nine percent (79%) of the drug courts responded that training has traditionally been underfunded.

Drug Court Expenditures and Caseload Information

In this section, funding and caseloads are examined in greater detail by model. In the previous section, state appropriation figures provided by the state agencies were used. The following section is based on FY16 budgets and caseload information from FY13 through FY15. There may be slight differences between the appropriations and the estimated budgets as funding may be moved between programs at the district level. In addition, information in this section is limited to those programs who participated in the data collection process in the fall of 2015. A total of 46 programs reported budget information.

Drug Court Funding Overview

The source of cash contributions for each program varies by model (see *Table 11*). The Department of Public Safety/Office of Traffic Safety and the Minnesota Judicial Branch, for example, are the primary funding source for the Adult Drug Court (ADC)/DWI/Hybrid court model, whereas the Department of Human Services provides the majority (70.4%) of funding for the Mental Health Courts (MHCs) in Minnesota. Veterans Treatment Courts (VTCs) currently receive a large percentage (43.9%) of their cash budget from federal grants. The Juvenile Drug Court (JDC) and Family Dependency Treatment Courts (FDTCs)/hybrids are largely funded by the Minnesota Judicial Branch and local sources. Greater detail, including actual dollar figures, can be found in *Appendix A*.

Table 11: Percent of Cash Funding by Source and by Drug Court Program Model

FY16 Budget Contributions (Cash)	ADC/DWI/Hybrid	VTC	MHC	JDC	FDTCHybrid
Branch/State Agency Funding					
Department of Public Safety/ Office of Traffic Safety	33.5%	-	-	-	-
Minnesota Judicial Branch	32.2%	19.5%	2.1%	24.6%	45.5%
Department of Human Services	1.7%	25.4%	70.4%		
Department of Public Safety/ MN Office of Justice Programs	1.7%	-	-	-	-
Local Funding					
Local Government	14.3%	2.6%	0.8%	75.4%	47.0%
Federal Funding					
Federal Grants	13.1%	43.8%	26.4%	-	3.2%
Department of Veterans Affairs	-	8.7%	-	-	-
Other Funding					
Program Fees	3.4%	-	0.2%	-	4.3%
Private Foundation	0.1%	-	-	-	-
Total	100.0%	100.0%	100.0%	100.0%	100.0%

As noted in the previous section, in-kind support constitutes a sizable portion of most drug court program budgets. The Minnesota Judicial Branch, State Board of Public Defense, and local government provide significant in-kind support, most often in the form of personnel, to operate the drug courts (see *Table 12*). Judicial time and judicial clerk time dedicated to the drug court program are both captured as in-kind support within the Minnesota Judicial Branch line item. Prosecutor time, in addition to support from other county positions, is captured in the local government line item.

Table 12: Percent of In-Kind Funding by Source and Drug Court Model

FY16 Budget Contributions (In-Kind)	ADC/DWI/Hybrid	VTC	MHC	JDC	FDTC/Hybrid
Branch/State Agency Funding					
Minnesota Judicial Branch	37.2%	19.9%	24.6%	59.9%	23.0%
State Government	15.4%	12.5%	2.7%	24.9%	12.4%
Local Funding					
Local Government	42.1%	41.1%	52.9%	15.2%	54.2%
Tribal Government	1.5%	-	-	-	-
Federal Funding					
Veterans Affairs	-	17.4%	-	-	-
Other Funding					
Volunteer	-	-	-	-	1.2%
Private Agency	1.2%	-	9.6%	-	-
Unknown ¹	2.6%	9.1%	10.2%	-	9.2%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

¹“Unknown” indicates that the source of the in-kind contribution was not reported by the program.

Drug Court Caseloads

Census and caseload information was collected from the Minnesota Judicial Branch, where available, and from the programs themselves. Accurately capturing caseload information statewide is challenging without a statewide drug court management information system. In *Table 13* the average daily census represents the total number of active participants on October 1 averaged across FY14 and FY15 (for established programs). The average caseload per year was calculated by adding together the average daily population on October 1 plus the total number of exits for the year (successful and unsuccessful) and the total number of new admissions for the year.

The census for Hennepin County (including the adult drug court, DWI, mental health, and Veterans treatment court) was substantially higher than the average across the state. Therefore, Hennepin County data was removed from *Table 13* calculations and captured in the footnotes.

Table 13: Census and Caseload Information

	ADC/DWI/Hybrid ¹	VTC ²	MHC ³	JDC	FDTC/Hybrid
Average Daily Census					
New Courts – FY15	21	15	n/a	n/a	n/a
Established Courts					
FY14	27	71	25	11	20
FY15	29	57	26	4	19
FY14/15 Average	28	64	25	6	19
Average Caseload/Year					
New Courts – FY15	45	28	n/a	n/a	n/a
Established Courts					
FY14	59	170	44	21	48
FY15	63	154	51	17	39
FY14/15 Average	61	162	47	19	44
Range of Caseloads/Year					
New Courts – FY15	16-106	16-60	n/a	n/a	n/a
Established Courts					
FY14	23-122	n/a	26-61	n/a	32-74
FY15	21-106	n/a	41-60	n/a	23-59
FY14/15 Average	26-114	n/a	34-61	n/a	29-67

¹The census of the Hennepin County Adult Drug Court and the Hennepin County DWI Court have been removed from the calculations. With Hennepin County's numbers left in the model, the average daily census is FY14 is 33, FY15 is 36 and FY14/15 average is 34. The average caseload per year with Hennepin County's numbers left in the model in FY14 is 75, FY15 is 79 and the FY14/FY15 average is 77.

²The established Veterans treatment court is the Hennepin Veterans treatment court.

³The census of the Hennepin County Mental Health Court has been removed from the calculations for this chart. With Hennepin County's numbers left in the model, the average daily census is FY14 is 80, FY15 is 85 and FY14/15 average is 82. With Hennepin County's numbers left in the model, the total number of participants served is FY14 is 188, FY15 is 191 and FY14/15 average is 190.

Funding to Support State-Level Initiatives

The Minnesota Judicial Branch employs a full-time Statewide Drug Court Coordinator to support and coordinate services across the drug courts statewide. A small portion of the legislative appropriation (\$155,000 in FY16) is set aside to fund the Statewide Coordinator position and training and technical assistance for the drug court programs. A recent policy paper on problem solving courts released by the Conference of State Court Administrators (Slayton, 2015) notes that in order for state courts to manage problem-solving courts effectively and ensure that the courts deliver services in a strategic way across the state, there must be coordination of the problem-solving courts at the state level within the judicial branch. The majority of states (92%) employ a statewide drug court coordinator and other support staff who provide critical support functions to the drug courts throughout the state. There is no single model for how these state-level functions are carried out, but typically these state coordinating/oversight tasks include the following tasks:

- ***Provide Training that Supports the Development of New Drug Court Programs and Technical Assistance to Operational Programs:*** Adequate discipline-specific and model-specific training is essential during the planning phase in order to support successful and sustainable program implementation. Before starting a drug court, team members attend a formal training to learn from expert faculty about best practices in drug courts and develop fair and effective policies and procedures for the program. Subsequently, team members attend continuing education workshops to obtain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in drug courts. Operational drug courts may need technical assistance to remain in alignment with best practices. Historically, statewide training has occurred every other year in Minnesota which is insufficient to meet the demands of the field. The National Drug Court Standards (2015) recommend that drug court practitioners attend training at least annually. Currently, there is a high demand for training and technical assistance from the Statewide Drug Court Coordinator. Programs report waiting up to two months after requesting training or technical assistance.
- ***Ensure Fidelity to the Drug Court Model and Incorporate Research-Based Principles into Program Operations:*** The *Defining Drug Courts: Ten Key Components* document was authored in 1997 by the National Association of Drug Court Professionals with support from the Bureau of Justice Assistance. This seminal document outlined the components of adult drug courts which serves as a guide for developing and implementing adult drug court programs throughout the country. Since then, other models of problem solving courts (e.g. Veterans treatment courts, mental health courts, etc.) have established components or principles that define their model (see *Appendix D* for more detail).

A key state function is to ensure programs operate with fidelity to their model while allowing adaptations that address the unique political, operational, and resource landscapes of each jurisdiction. Since first established in 2007, Minnesota's Drug Court Initiative (DCI) has been proactive in ensuring each drug court maintains fidelity to its chosen model by implementing policy in the form of Minnesota Statewide Drug Court Standards and continuously reshaping operations according to research. The initial Minnesota Statewide Standards went into effect in July 2007. These standards were later revised in January 2009 and 2014. Since the last revision, Volume II of the National Drug Court Standards (2015) was released. Volume II of the National Drug Court Standards (2015) recommends that a process be established to monitor adherence to best practice standards on at least an annual basis and that outcome evaluations describe the effectiveness of the drug court in the context of its adherence to best practices.

- ***Oversee Statewide Data Collection and Coordinate Program Evaluation:*** Drug court research has consistently shown that collecting and recording data electronically, conducting outcome and cost-benefit evaluations, *and* making modifications to drug court programming based upon this information, increases successful outcomes and is cost effective (Carey et al., 2008; Carey et al., 2012). The National Adult Drug Court Standards (NADCP, 2013; NADCP, 2015) outline a number of key principles related to data collection and program evaluation including:
 - ✓ *A skilled and independent evaluator examines the drug court's adherence to best practices and participant outcomes no less frequently than every five years. The drug court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.*

- ✓ *Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the drug court's adherence to best practices and in-program outcomes.*

As noted previously, a comprehensive evaluation of Minnesota's adult drug courts was conducted by the Minnesota Court Services Division, Research and Evaluation in 2012 and 2014, while NPC Research conducted an independent evaluation of the DWI Courts in 2014. The other models of drug courts in Minnesota have not been evaluated, to date.

Currently, drug court programs in Minnesota track basic programmatic data in an Excel spreadsheet that is submitted to the MJB quarterly. As of October 2015, approximately 30 drug courts routinely provide programmatic data to MJB. The existing Excel spreadsheets provide invaluable data to MJB but they do not support the basic case management needs of the individual drug courts and they do not contain the level of detail needed to support decision-making in drug courts or to conduct a rigorous cost-benefit analysis. Many states have developed a management information system (MIS) to collect drug court data. Some states have a developed stand-alone MIS to track this information while others have integrated a drug court module into their existing court MIS. One consideration is the need for non-judicial drug court practitioners, such as treatment staff and probation officers, to enter data and access information contained in the MIS. The Conference of State Court Administrators (2015) recommends that states dedicate sufficient resources to collect statewide data and to conduct proper on-going evaluation of problem-solving courts in the state.

Additional tasks performed by the Statewide Drug Court Coordinator include overseeing grant applications, the distribution of funding, facilitating program Coordinator meetings, providing staff support to various advisory committees, responding to inquiries about the drug court programs, and providing quality assurance to the programs.

Key Findings: Drug Court Costs

- The mechanism by which the various models of drug courts in Minnesota are funded is diverse. For some of the program models, the state appropriation from the legislature is the primary funding source while other models are being funded mostly by existing state agency funds (DPS and DHS), federal grant funds, or local funding. This diversity, as previously noted, is a strength.
- The newly released National Drug Court Standards (NADCP, 2013; NADCP, 2015) reflect much of the current research on best practices as it relates to adult drug courts. Fully adopting the majority of what is captured in the National Drug Court Standards statewide requires a substantial commitment to provide ongoing training, technical assistance, data collection resources and support for program evaluation. Presently, these areas are underfunded in Minnesota.

Drug Court Staffing Models

Drug court staffing patterns are diverse across models and within models. *Table 14* shows the percentage of programs that have each position as a core team member, meaning that they have a representative who attends drug court staffing or court status review hearings.

Table 14: Staffing by Program Model

Drug Court Role	ADC/DWI/Hybrid	VTC	MHC	JDC	FDTC/Hybrid
Judge	100%	100%	100%	100%	100%
Prosecutor	100%	100%	100%	100%	100%
Probation Officer	100%	80%	100%	100%	50%
Coordinator	98%	100%	100%	100%	100%
Substance Abuse Treatment Professional	94%	40%	33%	0%	75%
Law Enforcement Representative	93%	60%	33%	100%	50%
Defense Attorney/Public Defender	85%	100%	100%	100%	100%
Chemical Health Assessor/Social Worker	76%	20%	33%	0%	58%
Mental Health Treatment Professional	47%	40%	33%	0%	58%
Judicial Clerk	39%	80%	13%	100%	83%
Surveillance Tech/Field Officer	22%	0%	33%	0%	17%
Victim Advocate	15%	0%	0%	0%	33%
Case Manager (coordination)	11%	60%	100%	100%	42%
Pretrial Officer/Screenener	7%	20%	0%	0%	0%
Recovery Specialist	7%	0%	0%	0%	42%
Mentor	6%	60%	0%	0%	17%
Child Protective Services Worker	2%	0%	0%	0%	100%
Veterans Justice Outreach Specialist	0%	100%	0%	0%	0%
Guardian Ad Litem	0%	0%	0%	0%	83%

In addition to the positions noted above, several drug court programs have positions that are unique to their specific programs. These positions include financial workers, domestic violence advocates, educational/employment specialists, re-entry specialists, research analysts, peer support specialists, a professor of pharmacy, a County Commissioner and a psychiatric nurse. The next section examines the coordinator and probation officer role in more detail.

Coordinators

Drug court coordinators are responsible for the oversight and coordination of the program's activities. The coordinators play a central role in collaborating with agencies and team members on operational efficiency, effectiveness, and quality assurance. This work is generally performed under the direction of the court, but local courts have sustained creative solutions that account for local variations in community support and participation of stakeholders. Administratively, coordinators maintain program statistics and oversee the program budget. If

the court received a federal grant award, the coordinator typically manages the grant and reporting requirements. Coordinators also largely manage daily operations, including the entry and eligibility process; they gather information from team members for staffing; and develop the court dockets for regular status reviews. A majority (65%) of the current coordinators conduct community outreach to explore the availability of community resources and services to support drug court participants; solicit funds; and inform citizens, legislators, community partners, and potential collaborators about the program. A list of examples provided by the coordinators illustrates the extent and variety of outreach sources (see *Appendix C*). This list can be used as a resource for coordinators across the state. Just over one-third (35%) of the coordinators in Minnesota have duties outside of the drug court.

Table 15: Coordinator Duties

Coordinator Activities (n = 48)	%
Maintain program statistics	100%
Oversee program budget (fees, incentives)	96%
Gather information from team members for staffing	88%
Manage program entry process	81%
Develop drug court dockets	73%
Conduct community outreach	65%
Conduct screening to determine program eligibility	65%
Manage federal grant	60%
Supervise program staff/interns	44%
Manage referrals to treatment or ancillary services	38%
Assist with drug and alcohol testing*	33%
Conduct home visits*	17%

*These activities are not reflected in the MJB developed Drug Court Coordinator job description.

Rural jurisdiction drug courts have lower numbers of participants; to effectively utilize available resources, rural coordinators are typically assigned to oversee more than one court. This is true for 58% of the coordinators, who are, on average, assigned to 3 courts and travel an average of 155 miles on a weekly basis. Several coordinators report that they traveled an average of 400 miles on a weekly basis. Sharing resources is one way the rural jurisdiction drug courts can improve access for defendants.

Table 16: Coordinator Staffing Levels by Program Model

Model	% of Programs with a Coordinator	% of Programs with a Full-time Coordinator	Range of Hours per Week for Coordinator
ADC/DWI/Hybrid ADC/DWI	97%	39%	10 to 40
MHC	100%	33%	20 to 40
VTC	100%	20%	1 to 40
JDC	100%	0%	7 to 10
FDC/Hybrid FDC	100%	20%	20 to 40

Ninety-six percent (96%) of all coordinators are funded through cash support (see *Table 17*). Only Veterans treatment courts and family dependency treatment courts relied upon in-kind funding to support a percentage of their coordinators.

Table 17: Funding for Coordinator by Program Model

Model	Total In-Kind Funding to Support Coordinators	Total Cash Funding to Support Coordinators	Total Funding for Coordinators
ADC/DWI/Hybrid ADC/DWI	\$0	\$1,194,730	\$1,194,730
MHC	\$0	\$136,204	\$136,204
VTC	\$51,077	\$70,656	\$121,733
JDC	\$0	\$8,513	\$8,513
FDTC/Hybrid FDTC	\$17,026	\$147,696	\$164,722
Total	\$68,103	\$1,557,799	\$1,625,902

The majority of the cash funding for coordinators came from the Minnesota Judicial Branch (53.7%) although the Department of Public Safety/Office of Traffic Safety does fund the majority of coordinators for the DWI Courts (see *Table 18*).

Table 18: Source of Cash Funding for by Branch/Agency

Source of Support for Coordinators	Amount of Cash Funding	% of Total Cash Funding
Minnesota Judicial Branch	\$835,831	53.7%
Bureau of Justice Assistance	\$193,410	12.4%
DPS/Office of Traffic Safety	\$189,409	12.2%
Local Government	\$179,024	11.5%
Department of Human Services	\$126,074	8.1%
DPS/Office of Justice Programs	\$34,051	2.2%
Total	\$1,557,799	100.0%

Probation Officers

Generally, probation officers provide supervision for drug court participants. Individuals in this role conduct home visits, field visits, perform drug and alcohol testing, gather information to be used in staffing, and manage the referral, eligibility, and entry process. Many programs use ignition interlock devices and typically the probation officers are responsible for monitoring this system.

Table 19: Probation Officer Duties

Probation officer duties (n=48)	
Conduct home visits/field visits	100%
Perform drug and alcohol testing	88%
Gather information from team members for staffing	69%
Manage referrals to treatment or ancillary services	67%
Conduct screening to determine program eligibility	63%
Monitor ignition interlock	52%
Manage program entry process	25%
Maintain program statistics	23%
Develop drug court dockets	19%
Supervise program staff/interns	2%

A total of 40% of the probation officers carry a caseload outside of drug court. The average daily caseload across the drug courts is 26 for full-time probation officers and 20 for part-time probation officers. A minority (10%) of drug courts reported that probation officers are assigned to supervise participants in more than one drug court.

Supervision is provided to drug court participants through three probation delivery models, *see Tables 20-22*. Eight drug courts have supervision representatives on the team from more than one probation model. The three models include County Probation Officers (CPO), the Minnesota Department of Corrections (DOC), and Community Corrections Act (CCA).¹⁰ County probation officers supervise adult misdemeanants in 27 counties, including approximately 20 full-time equivalent (FTE) officers in 16 drug courts. The DOC reimburses up to 50% of salaries and fringe benefits with funds appropriated by the state legislature [Minn. Stat § 244.19]. The Community Corrections Act (CCA) allows counties with a population of 30,000 or higher to elect to enter the CCA. Funding is provided by a block grant combining a state subsidy and county tax dollars and 32 counties participate in the CCA [Minn. Stat § 401]. CCA provides supervision to 15 drug courts for 27 FTE officers. The Department of Corrections (DOC) provides felony probation supervision to 55 of the 87 counties and provides juvenile and misdemeanor services to the court in 28 counties. The DOC provides supervision to 15 drug courts with approximately 17 FTE officers. The full cost of the felony probation is borne by the state. Counties with juvenile and misdemeanor probation provided by DOC are reimbursed for a portion of the costs by the state legislature [Minn. Stat § 241 and Minn. Stat § 244.19]. While most FDTCS do not operate with a probation officer, hybrid models often included an officer on the team.

¹⁰ See www.mapco.net/ProbationandParoleinMinnesota; <http://www.robinainstitute.org/wp-content/uploads/Minnesota.pdf>; and Minnesota Department of Corrections Fact Sheet: Correctional Delivery Systems, <http://www.doc.state.mn.us/pages/files/7113/8694/8310/DeliverySystemsBackgrounderFactSheet.pdf>.

Table 20: Drug Court Programs Served by County Probation Officers (CPO)

*Borderland Substance Abuse Court: Koochiching County-Drug/DWI/Family & Lake of the Woods County – Drug/DWI
*Brown-Nicollet-Watonwan Adult Drug Court
*Carver County Veterans Treatment Court
*Cass County/Leech Lake Wellness Court
Dodge County Hybrid Adult/DWI/FDC
*Itasca County Wellness Court
*Otter Tail County DWI Court
Ramsey County Adult Substance Abuse Court
Ramsey County DWI Court
Ramsey County Mental Health Court
Ramsey County Veterans Treatment Court
Rice County Adult Drug Court
St. Louis County - Duluth Mental Health Court
St. Louis County - North Drug/DWI Hybrid Court
St. Louis County - South Drug Court
St. Louis County - South DWI Court
Carlton County Adult Drug Court
*Steele Waseca Adult Drug Court

* Indicates the drug court team includes probation members from more than one probation delivery model.

Table 21: Drug Court Programs Served by Department of Corrections (DOC)

Becker County & The White Earth Nation & Mahnommen County DWI Court
Beltrami County DWI Court
*Borderland Substance Abuse Court: Koochiching County-Drug/DWI/Family & Lake of the Woods County – Drug/DWI
*Brown-Nicollet-Watonwan Adult Drug Court
*Carver County Veterans Treatment Court
*Cass County/Leech Lake Wellness Court
Clay-Becker Drug Court
Clay-Becker Veterans Treatment Court
Faribault, Martin, & Jackson Multi-County Adult Substance Abuse Court
*Itasca County Wellness Court
Le Sueur County Drug Court
*Otter Tail County DWI Court
Pennington-Marshall DWI Court
Roseau-Kittson DWI Court
*Steele Waseca Adult Drug Court
Winona County Adult Drug Court
*8th Judicial District Adult Drug Court

* Indicates the drug court team includes probation members from more than one probation delivery model.

Table 22: Drug Court Programs Served by Community Corrections Act (CCA)

Aitkin County Sobriety Court
Blue Earth County Adult Hybrid Drug Court
Cornerstone Drug Court: Cottonwood, Rock, Nobles, Murray, & Pipestone Multi-County Adult Drug Court
Crow Wing County Adult Drug Court
Crow Wing County DWI Court
Dakota County Adult Drug Court
Dakota County Juvenile Drug Court
Hennepin County Adult Drug Court
Hennepin County DWI Court
Hennepin County Mental Health Court
Hennepin County Veterans Treatment Court
Morrison County Adult Drug Court
Stearns County Drug Court
Tri-County (Red Lake/Polk/Norman) DWI Court
*8th Judicial District Adult Drug Court

* Indicates the drug court team includes probation members from more than one probation delivery model.

Each of the three supervision agencies provide supervision to the various drug court models. As a result of drug court implementation occurring at the local level as well as due to the varying probation delivery models across the state, there is no consistent pattern of delivery method by drug court model (see Table 23).

Table 23: Probation Delivery Method by Program Model

Model	% of Programs with Officers from...		
	DOC	County	CCA
ADC/DWI/Hybrid ADC/DWI	45%	36%	36%
MHC	0%	67%	33%
VTC	40%	40%	20%
JDC (n=1)	0%	0%	100%
FDC/Hybrid FDC	40%	40%	40%

As evident from the list of activities performed by coordinators and probation officers, these two positions, along with prosecutors, are primarily responsible for overseeing the admission process into the drug courts. Statewide risk and need assessment tools to monitor whether the appropriate population is served by the drug courts can provide consistency across courts within each drug court model.

Table 24: Probation Officer Staffing Levels by Program Model

Model	% of Programs with a Probation Officer	% of Programs with a Full-time Probation Officers	Range of Hours per Week for Probation Officers
ADC/DWI/Hybrid ADC/DWI	100.0%	56.3%	3 to 40
MHC	100.0%	33.3%	20 to 40
VTC	80.0%	0.0%	3 to 20
JDC	100.0%	100.0%	35
FDTC/Hybrid FDC	60.0%	20.0%	30 to 40

Fifty-eight percent (58.5%) of the funding for supervision staff is provided in-kind while the remaining supervision staff are paid for directly out of the drug court budget. There is widespread use of all three models of supervision as shown in *Table 25*.

Table 25: Funding for Probation Officers by Source

Model	Total In-Kind Funding to Support Probation Officers	Total Cash Funding to Support Probation Officers	Total Funding for Probation Officers
DOC Probation Officer	\$542,490	\$392,925	\$935,415
County Probation Officer	\$613,470	\$423,345	\$1,036,815
CCA Probation Officer	\$786,105	\$580,515	\$1,348,620
Total	\$1,942,065	\$1,396,785	\$3,320,850

Key Findings: Staffing

- Staffing patterns vary across the five models and within the models themselves. This variation is a reflection of the differences in resources within communities and the relative strengths or weaknesses of cross-agency relationships within a county or region. This diversity is neither a strength nor a weakness, but reflects normal variation.
- The current funding for coordinators reflects significant diversity. The majority are funded through cash resources versus in-kind funding but only 52% of the total cash funding presently comes from the Minnesota Judicial Branch.
- The majority of coordinators are employees of the Minnesota Judicial Branch, even when they are not directly funded by the Minnesota Judicial Branch.
- Some larger communities have multiple drug courts programs with coordinators serving each of the programs. This approach may not be the most cost-effective approach and may limit the benefits of cross-program coordination.
- There is widespread use of all three models of probation supervision in Minnesota. The majority of probation officers are provided in-kind although \$1.39 million in cash funding is being used to support supervision staff in Minnesota.

Recommendations

In order to stabilize funding for drug courts and create a predictable, equitable funding system to support drug courts throughout the state, the NCSC offers the following recommendations for consideration. The recommendations are divided into two categories: budget recommendations and programmatic recommendations. Within the budget recommendations are both short-term and long-term recommendations.

Short-Term Budget Recommendations

1. **IMPLEMENT A FORMULA APPROACH TO FUND DRUG COURT PROGRAMS STATEWIDE BASED ON THE NUMBER OF PARTICIPANTS SERVED:** Future funding should be distributed to programs according to a funding formula. Effectively implementing the funding formula across all drug court programs will require collaboration between the Minnesota Judicial Branch, the Department of Public Safety, Office of Traffic Safety and the Department of Human Services. In order to implement the funding formula across all drug court models, the Branch and state agencies will need to arrive at consensus on the funding formula and an approach to solicit applications and collect performance data. The benefit of a pooled funding formula approach is enhanced state-level coordination and planning and consistency in funding across all drug court programs. The funding formula has been designed to recognize the unique aspects of each program model.

NCSC recommends that an implementation team be formed in March 2016 to advise a phased implementation approach. The proposed implementation team would be responsible for assisting with the development of the application process, reviewing implementation details and providing recommendations on the roll-out schedule for the approved funding formula.

In FY17, NCSC recommends that the new funding from the legislature be prioritized to first fund any court that does not currently receive state funding and has a federal grant that will expire in FY17. NCSC projects this applies to one court. Next, NCSC recommends allowing courts in the planning phase to apply for funding in the implementation category of the proposed funding formula. NCSC projects that four courts may be prepared to apply in the spring of 2016, subject to their ability to prepare a federal grant application. Third, NCSC recommends funding training for courts in the planning phase and established courts in FY17. Finally, NCSC recommends placing any remaining balance in the supplemental category of the proposed funding formula and allowing programs to compete for one year, one-time grants. NCSC recommends that the implementation team assess the feasibility of distributing funding to the programs that currently receive state funding according to the funding formula in FY17. The timeline in which the funding formula is approved and the willingness of the state agencies to move forward in FY17 will determine whether the funding formula can be implemented in FY17 or FY18.

The details of the proposed funding formula are in the section that follows.

2. **REQUIRE DRUG COURTS IN THE PLANNING PHASE TO PURSUE FEDERAL IMPLEMENTATION GRANTS:** Drug court programs in the planning phase should be encouraged to pursue federal grants. Training and technical assistance should be provided to local programs and districts interested in applying for federal grant funds. New programs should apply for federal implementation grants prior to, or in conjunction with, applying for state funding for program implementation. If a new program is awarded a federal

implementation grant, they will NOT be awarded state implementation funding. Instead, new programs with federal implementation grants will be put on the priority list to receive state funding at the time the federal implementation grant ends.

3. **ENCOURAGE ESTABLISHED DRUG COURTS TO PURSUE FEDERAL ENHANCEMENT GRANTS:** Established drug court programs should be encouraged to seek federal grants to enhance their existing programs. Programs that receive state funding SHOULD NOT have their state appropriation reduced as a result of obtaining a federal enhancement grant. However, drug courts should understand that the state will not be able to sustain enhancements funded by a federal grant once the grant ends unless the enhancement directly increases the program's census.

Long-Term Budget Recommendations:

4. **EXPAND THE FUNDING FORMULA IN FY18 BASED ON FUNDING AVAILABILITY:** In FY18, the funding formula should be expanded to include operational drug court programs that do not presently receive state funding (who wish to apply for state funding) and/or courts currently in the planning phase (contingent on the availability of funding).
5. **EXPAND STATE-LEVEL TRAINING AND TECHNICAL ASSISTANCE:** Volume I and II of the National Drug Court standards call for expanded training and technical assistance to drug courts. If Minnesota incorporates the majority of items contained in Volume II of the National Drug Court Standards into the existing Minnesota standards, an additional staff member will be needed to work with the current full-time Statewide Drug Court Coordinator. Additional funding to support annual training and technical assistance will also be needed.

Programmatic Recommendations

6. **PRIORITIZE FUNDING FOR DRUG COURT COORDINATORS:** Funding to support coordinators in each of the drug court programs should be a priority. Ideally the coordinators should be employees of the Minnesota Judicial Branch, but flexibility should be maintained as to how each court funds the Coordinator position. In communities where there are multiple drug courts operating in a single jurisdiction, state funding should be used to support a full-time coordinator for every two drug courts. Where there are more than two drug courts operating in the same locality, a full-time coordinator for every two courts and an Administrative Coordinator that spans all the drug courts in the locality should be supported. This Administrative Coordinator plays a critical role in unifying the drug courts in the locality, providing for system-wide training, budgetary oversight, coordination of screening and assessment across programs and unifying policies, where appropriate. Typically, this role is held by a professional with a strong working knowledge of problem solving courts and is often a former Coordinator from one of the programs. In more rural sites where multi-jurisdictional courts may be the norm, a full-time coordinator is likely needed for any multi-jurisdictional program operating with a program census in the second band of the funding formula or higher (see below for details of the proposed funding formula).
7. **DEVELOP PERFORMANCE MEASURES AND IMPLEMENT A STATEWIDE DRUG COURT MANAGEMENT INFORMATION SYSTEM TO SUPPORT PERFORMANCE MANAGEMENT:** NCSC encourages Minnesota to proceed with the implementation of a statewide drug court management information system (MIS) to

support performance management, program evaluation and case management. States recognized for their leadership in the drug court field have statewide drug court databases in place or have systems in the development phase. The development of performance measures and performance benchmarks for each of the drug court models should be a priority. Once these performance measures are established, benchmark targets for each performance measure should be established. Future funding plans should take into consideration a program's performance relative to the benchmark performance measures. This would include supplemental performance funding for programs that exceed performance benchmarks and funding to provide technical assistance and training to those unable to meet the benchmarks.

8. **IMPLEMENT A STANDARDIZED RISK-NEEDS ASSESSMENT TOOL:** Implementation of a statewide standardized risk-needs assessment tool will ensure that state funds are directed to support programs that are serving high-risk, high-need participants. It is important to note that mental health courts and family dependency treatment courts may have different target populations than the other models. Factors specific to each drug court model need to be taken into consideration when selecting screening and assessment instruments.
9. **SUPPORT LOCAL DETERMINATION OF STAFFING NEEDS:** The NCSC team recommends allowing the drug court programs to determine their specific staffing needs related to probation officers. There are too many factors to take into account that are unique to a specific program and the community in which it operates to set a statewide model. The factors that need to be considered include program census, the risk level of participants, the size of the jurisdiction, probation/supervision model, travel time between sites (if the court is multi-jurisdictional), and outside duties. The level of variation across programs in Minnesota makes it impossible to articulate a consistent statewide rule of thumb although the National Drug Court Standards have recommended caseloads for adult drug courts (NADCP, 2015). The proposed funding formula is not premised on funding only specific positions, in part, to maximize local decision-making related to staffing where appropriate.

PROPOSED FUNDING FORMULA

Three categories of grant funding are recommended – an implementation category, a sustainability category and a supplemental funding category (which may not be available every year). Details related to the funding categories can be found below:

Category 1: Implementation Funding – New and Pilot Programs

The implementation category is designed to fund new programs and/or small pilot programs that currently do not receive state funding.

In order to qualify for implementation funding a program must:

1. Be an eligible model defined in Judicial Council Policy 511 Drug Courts. Eligible models include: adult drug, DWI, family dependency treatment, juvenile drug, mental health, Veterans treatment or hybrid (two or more models combined) court.

2. Demonstrate the ability to comply with the Minnesota Offender Drug Court Standards, Family Dependency Treatment Court Standards or national guidelines (e.g., Essential Elements of Mental Health Courts) for models not included in Minnesota Statewide Standards.
3. Document compliance with Judicial Council Policy 511.3 Drug Court Development and Approval Process.
4. Demonstrate ability to use existing resources/partner collaborations not requested in the state supported budget.
5. Document that the program has applied for an implementation grant through the Bureau of Justice Assistance (BJA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), or other federal source. A program may submit applications for a federal grant and state funds in the same year to meet this requirement.
6. Document a 30% cash or in-kind match from non-judicial sources.

As shown in *Table 26*, grants may be awarded for \$52,000 to \$52,800 (depending on model) per year or a maximum grant award of \$104,000 to \$105,600 for the two-year cycle. Programs may only receive funds once in the implementation category for a two-year period. After the initial two years of funding, programs seeking state funds should apply in the sustainability category for support.

Table 26: Recommended Implementation Funding Formula

Program Model	Average # of Participants/Year	Annual Funding	Biennial Funding	Cost Per Participant
Adult Drug Court/DWI Court/Hybrid ADC & DWI	20-25	\$52,000	\$104,000	\$2,080 - \$2,600
Mental Health Court	15-20	\$52,500	\$105,000	\$2,625 - \$3,500
Veteran Treatment Court	15-20	\$52,500	\$105,000	\$2,626 - \$3,500
Juvenile Drug Court	10-15	\$52,800	\$105,600	\$3,520 - \$5,280
Family Dependency Treatment Court/Hybrid FDTC	15-20	\$52,500	\$105,000	\$2,626 - \$3,500

Implementation Issues

- Programs must demonstrate the capacity to serve the average number of active participants per year outlined in the funding formula to receive implementation funding. Programs are encouraged to form multi-county programs, where appropriate, to meet the census requirements and maximize resources.
- If the federal grant is awarded, the state appropriation set aside for the program would revert to the pool of funding available under the supplemental funding category.
- State funds awarded under this category may not cover more than 70% of the total costs of the project being funded. NCSC recommends adopting the Bureau of Justice Assistance's approach to calculating match to create consistency between the federal and state funding approaches. The applicant must identify the source(s) of the 30% portion of the total project costs and how match funds will be used. Applicants may satisfy this match requirement with any portion of cash and the remainder can be in-kind funds.

The following is an illustrative example of how the match is calculated by the Bureau of Justice Assistance based on a state award cash amount of \$100,000:

$\$100,000/70\% = \$142,587$
 $30\% \times \$142,587 = \$42,587$
 $\$42,587$ would be the required cash or in-kind match

Category 2: Sustainability Funding – Operational Courts

The sustainability category of funding is intended to be the primary state funding mechanism for operational drug courts. *Table 27* outlines the proposed funding formula. The cost per participant ranges are based upon studies that have used a cost-benefit analysis approach, nationally recognized cost-per-participant figures and existing cost ranges in Minnesota.

Table 27: Recommended Sustainability Funding Formula

Program Model	Range of Participants	Annual Funding	Biennial Funding	Cost Per Participant
Adult Drug Court (ADC)/DWI Court/Hybrid ADC & DWI Court				
	25-50	\$100,000	\$200,000	The increase of \$30,000 above the base for every 25 participants in the ADC/DWI/Hybrid ADC & DWI model is based on a cost of \$1,200 x 25 people.
	51-75	\$130,000	\$260,000	
	76-100	\$160,000	\$320,000	
	101-125	\$190,000	\$380,000	
	126-150	\$220,000	\$440,000	
	151-175	\$250,000	\$500,000	
	176-200	\$280,000	\$560,000	
	201+	\$310,000	\$620,000	
Mental Health Court				
	20-35	\$110,000	\$220,000	The increase of \$48,000 above the base for every 15 participants in the MHC model is based on a cost of \$3,200 x 15 participants.
	36-50	\$158,000	\$316,000	
	51-65	\$206,000	\$412,000	
	66-80	\$254,000	\$508,000	
	81+	\$302,000	\$604,000	
Veterans Treatment Court				
	20-35	\$100,000	\$200,000	The increase of \$37,500 above the base for every 15 participants in the VTC model is based on a cost of \$2,500 x 15 participants.
	36-50	\$137,500	\$275,000	
	51-65	\$175,000	\$350,000	
	66-80	\$212,500	\$425,000	
	81+	\$250,000	\$500,000	
Juvenile Drug Court				
	15-20	\$110,000	\$220,000	The increase of \$17,500 above the base for every 5 participants in the JDC model is based on a cost of \$3,500 x 5 participants.
	21-25	\$127,500	\$255,000	
	26+	\$145,000	\$290,000	
Family Dependency Treatment Court/Hybrid FDTC				
	20-35	\$110,000	\$220,000	The increase of \$37,500 above the base for every 15 participants in the FDTC model is based on a cost of \$2,500 x 15 participants.
	36-50	\$147,500	\$295,000	
	51+	\$185,000	\$370,000	

Requirements for funding under the sustainability category:

1. Programs may apply biannually for a grant period of two years. Operational courts that meet the minimum number of participants required for their model are eligible to apply. Programs originally funded under an implementation grant are eligible to apply for funding under this category after the initial two years of implementation funding.
2. A match (cash or in-kind) of 30% is required. The match must come from non-judicial sources.
3. Grants will be awarded based on the average number of active participants enrolled over the three previous years for established courts or the prior two years for courts that have been operating for less than three years.¹¹ Averages over a three period are used so that normal fluctuations in caseload in any single year will not be detrimental to a program's continued operation. Funding levels are based on the program model.
4. Any unspent funds from the first year of each biennium roll over to the second year of each biennium to maximize flexibility.
5. The current practice of pooling and distributing funds at the district level should be modified to primarily focus on programs being funded according to the funding formula. To allow for some flexibility to address unique issues, districts shall be allowed to redistribute up to 25% of the total district's award as deemed appropriate at the district level. This may only apply to the Judicial Branch funding. Remaining unspent funds would be returned in order to maintain the integrity of the funding formula process.
6. In order to receive sustainability funding, any program that began after 2015 must have completed Minnesota's Drug Court Planning Initiative, comply with the current Minnesota Drug Standards for their specific model, and agree to comply with all data submission requirements outlined by the Minnesota Judicial Branch.

Category 3: Supplemental Funding

Supplemental funds may be available for programs that either a) substantially exceed the target rates or b) are multi-jurisdictional programs or rural programs that have demonstrated need. These supplemental funds are in addition to the baseline formula and would be awarded based on a competitive process with a separate grant application. Supplemental funding is considered a one-time grant and may not be renewable. The Minnesota Judicial Branch, or the other partner agencies, may elect to reserve funds specifically for the supplemental funding category. Otherwise, the primary source of funding for this category would be funds set aside in the implementation category that are not needed as a result of a federal grant being awarded. Supplemental funding may not be available every year.

Requirements for funding under the supplemental category

1. Programs may apply annually for a grant period of one year, based on funding availability.
2. A match (cash or in-kind) of 30% is required.
3. In order to receive supplemental funding, any program that began after 2015 must have completed Minnesota's Drug Court Planning Initiative, comply with the current Minnesota Drug Standards for their specific model, and agree to comply with all data submission requirements outlined by the Minnesota Judicial Branch.

¹¹ NCSC recommends calculating the number of active participants for each fiscal year by adding together the number of new participants enrolled during the year plus the number of participants who exited the program during the year plus the number of participants active on October 1st of the year.

Table 28 below shows the estimated impact of the funding formula when applied based on FY16 appropriations and the number of participants served in FY15 (or the average of FY14/FY15 for courts that have operated for more than three years). Some adjustments may be needed to these figures during implementation if the census numbers increase or decrease significantly. Additional funding in the amount of \$3.49 million is needed over the biennium (above the FY16/17 base), to fully fund all of the existing drug court programs and four new drug courts currently in the planning phase.

Table 28: Impact of Proposed Funding Formula on Funding Needs

	Annual Funding Amounts	Difference ¹²	Additional Funding Needed Over the Biennium
FY16 state funding available ¹³	\$5,864,137		
Annual cost of applying the funding formula to existing state-funded programs	\$5,516,500	\$384,359 shortfall for MJB	\$768,719
Annual cost of applying the funding formula to all existing programs and four newly planned programs and providing technical assistance	\$6,521,500	\$1.8 million shortfall for MJB ¹⁴	\$3.6 million

Implementation Issues:

- As previously noted, NCSC recommends that an implementation team be developed to advise implementation of the funding formula. This implementation team would ideally include representatives from the state funding agencies as well as program representation. The implementation team should be tasked with developing a final roll-out schedule and advising on implementation issues.
- If full funding cannot be secured, it is recommended that the funding formula be phased in over time. NCSC recommends that the funding formula be applied first to programs that presently receive state funding and then to programs that do not currently receive state funding (based on date of program implementation). Once all of the existing operational courts are funded, new courts should be incorporated into the funding formula.
- Some courts will have their existing state funding cut based on the formula as it presently stands. In the first year of implementation, funds may be set aside specifically for these courts to compete for supplemental funding to aide in the transition.

¹² The difference needed to implement the funding formula have been calculated at a state agency level with the assumption that DPS/OTS will be the primary funding source for DUI courts, MJB will be the primary funding source for adult drug courts, juvenile drug courts, veterans treatment courts and family dependency treatment courts and the Department of Human Services (DHS) will be the primary funding source for mental health courts. As a result of these calculations, DPS/OTS and DHS will have a surplus in state funding while MJB will need additional revenue to implement the funding formula.

¹³ Includes the balance of the FY16 state legislative appropriation for new drug courts (\$289,000) and the FY17 state legislative appropriation for new courts (\$350,000).

¹⁴ Included in the annual figure is approximately \$201,640.67 (\$403,281.34 over the biennium) to be used for training, technical assistance and/or adjustments that are needed based on an increase in census within programs.

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Appendix A: Detailed Funding and Caseload Information

Adult Drug Courts/DWI Courts/Hybrid Drug & DWI Courts

An adult drug court is a specially designed court calendar designed to reduce recidivism and alcohol and other drug (AOD) use among non-violent, addicted offenders and to increase the offenders' likelihood of successful habilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, community supervision and the use of appropriate sanctions and incentives. The drug court judge maintains close oversight of each case through regular status hearings with the parties involved.

A DWI court is a distinct court program dedicated to changing the behavior of the alcohol and other drug dependent offenders arrested for a DWI. The goal of a DWI Court is to protect public safety by using the drug court model to address the root cause of impaired driving, alcohol and other drug problems. With the repeat offender as its primary target population, DWI courts follow the *Ten Guiding Principles of DWI Courts*, as established by the National Drug Court Institute. Finally, a hybrid court is a court combining two or more of the above models. Hybrid courts adhere to the components and/or standards for each model.

Table 29: Adult Drug Court/DWI Court/Hybrid ADC & DWI Courts in Minnesota by Year Initiated

ADC/DWI/Hybrid ADC & DWI Courts	Year Initiated
Hennepin County Adult Drug Court	1996
Ramsey County Adult Substance Abuse Court	2002
St. Louis County - South Drug Court	2002
Stearns County Drug Court	2002
Blue Earth County Adult Hybrid Drug Court	2004
Crow Wing County Adult Drug Court	2005
Ramsey County DWI Court	2005
Borderland Substance Abuse Court: Koochiching County - Drug/DWI & Lake of the Woods County - Drug/DWI Court	2005
Wabasha County Substance Abuse Court	2005
Brown-Nicollet-Watonwan Adult Drug Court	2006
Cass County/Leech Lake Wellness Court	2006
St. Louis County - North Drug/DWI Hybrid Court	2006
Aitkin County Sobriety Court	2006
Hennepin County DWI Court	2007
Beltrami County DWI Court	2007
Itasca County Wellness Court	2007
Dakota County Adult Drug Court	2008
Clay-Becker Drug Court	2008

St. Louis County - South DWI Court	2008
Otter Tail County DWI Court	2008
Crow Wing County DWI Court	2008
Roseau-Kittson DWI Court	2008
Southwest Community Drug Court: Lincoln, Lyon, & Redwood Counties and the Lower Sioux Indian Community	2009
Winona County Adult Drug Court	2012
Cornerstone Drug Court: Cottonwood, Rock, Nobles, Murray, & Pipestone Multi-County Adult Drug Court	2012
Pennington-Marshall DWI Court	2012
Becker County & The White Earth Nation & Mahnommen County DWI Court	2013
Steele Waseca Adult Drug Court	2014
Carlton County Adult Drug Court	2014
Morrison County Adult Drug Court	2014
8th Judicial District Adult Drug Court	2014
Rice County Adult Drug Court	2014
Le Sueur County Drug Court	2015
Tri-County (Red Lake/Polk/Norman) DWI Court	2015

A total of seven new adult drug courts, DWI courts, and hybrid adult drug/DWI courts have become operational in the last four years (between FY13 and FY16). The total cash budget from all sources dropped slightly in FY14, but increased in FY15 and FY16. The MJB state legislative appropriation portion of the cash budget saw a relatively similar pattern, with the exception of a slight decrease between FY15 and FY16.

Table 30: ADC/DWI/Hybrid ADC/DWI Cash Funding by Fiscal Year

	# of Operational Courts	Total Cash Budget from All Sources	Total MJB Cash Budget
FY13	25	\$4,116,250	\$1,454,852
FY14	27	\$4,034,457	\$1,359,641
FY15	32	\$5,557,817	\$2,155,784
FY16	34	\$5,945,515	\$1,915,530

A majority of all drug court cash budgets are used to pay for personnel costs. For adult drug courts, DWI courts, and hybrid adult drug/DWI courts 80.4% of the FY16 budget was spent on personnel and 8.6% was spent on drug and alcohol testing. The remaining categories comprised less than 5.0% of the total cash budget.

Table 31: ADC/DWI/Hybrid ADC/DWI FY16 Cash Funding Amounts by Budget Category

FY16 Budget Categories	Total Cash Budget	% of FY16 Budget
Personnel (Includes salary and benefits)	\$4,777,752	80.4%
Drug and Alcohol Testing	\$510,857	8.6%
Travel	\$185,503	3.1%
Training	\$132,078	2.2%
Treatment Services	\$113,089	1.9%
Supervision Equipment	\$74,818	1.3%
Transportation	\$73,030	1.2%
Program Evaluation	\$40,788	0.7%
Office Rental	\$35,400	0.6%
Other*	\$2,200	0.04%
Total	\$5,945,515	100.0%

*Other expenses include expenses such as incentives, printing, and marketing materials.

Drug courts benefit from cash contributions from various sources. In adult drug courts, DWI courts, and hybrid drug/DWI, the Department of Public Safety, Office of Traffic Safety contributed just over one third (33.5%) and the MJB contributed 32.2% of the cash budget. Additional significant contributions to the cash budget came from local government funding (14.3%) and federal grant funding (13.1%). The remaining sources contributed to less than 5% of the total cash contributions.

Table 32: ADC/DWI/Hybrid ADC/DWI FY16 Cash Funding Amounts by Source

FY16 Budget Contributions (Cash)	Total Cash Contribution	% of Funding
Department of Public Safety/Office of Traffic Safety	\$1,990,336	33.5%
Minnesota Judicial Branch	\$1,915,530	32.2%
Local Government	\$850,657	14.3%
Federal Grants	\$781,709	13.1%
Program Fees	\$202,300	3.4%
Department of Human Services	\$100,000	1.7%
Department of Public Safety/MN Office of Justice Programs	\$99,983	1.7%
Private Foundation	\$5,000	0.1%
Total	\$5,945,515	100.0%

In-kind contributions make up 37% of all funding for adult drug courts, DWI, and hybrid drug/DWI courts in Minnesota. This primarily (85.6%) comes through donation of time (and salary/benefits) for program team members and personnel, with drug and alcohol testing a distant second at 9.4%. The rest of the in-kind contributions come in the form of program evaluation, travel and transportation, and training.

Table 33: ADC/DWI/Hybrid ADC/DWI FY16 In-Kind Funding Amounts by Budget Category

FY16 Budget Categories	Total In-Kind Budget	% of FY16 Budget
Personnel (Includes salary and benefits)	\$3,004,385	85.6%
Drug and Alcohol Testing	\$329,272	9.4%
Program Evaluation	\$78,000	2.2%
Travel	\$69,436	2.0%
Transportation	\$22,050	0.6%
Training	\$6,600	0.2%
Total	\$3,509,742	100.0%

In-kind contributions come from a variety of sources, with nearly three quarters coming from a combination of local government (42.1%) and the Minnesota Judicial Branch (37.2%). Prosecutor time devoted to drug courts is captured under the “Local Government.” The in-kind costs from the Minnesota Judicial Branch represent both the Judge’s time as well as Judicial Clerk’s time in numerous programs. Public Defender and DOC Probation Officer time is captured under “State Government.”

Table 34: ADC/DWI/Hybrid ADC/DWI FY16 In-Kind Funding Amounts by Source

Agency/Entity	Total In-Kind Contribution	% of Funding
Local Government	\$1,476,400	42.1%
Minnesota Judicial Branch	\$1,304,191	37.2%
State Government	\$542,247	15.4%
Unknown	\$92,829	2.6%
Tribes	\$53,645	1.5%
Private Donations	\$40,430	1.2%
Total	\$3,509,742	100.0%

Typically, courts that were established in the last three years (referred to as “new courts” in the census tables throughout this document) have a lower average census (or number of participants) compared to the more established courts. The average daily census was 21 for new courts and 29 for established courts in FY15. The two-year average daily census (FY14/FY15) was 28 for established courts. The average caseload per year represents the average daily population on October 1 along with the total number of exits for the year (successful and unsuccessful) and the total number of new admissions for the year. The caseloads across adult drug courts, DWI courts, and hybrid adult drug/DWI courts varied between a low of 16 in a new court and 122 in an established court. The two-year average for established courts ranged from 26 to 114 participants.

Table 35: ADC/DWI/Hybrid ADC/DWI Census and Caseload Information

	Average Daily Census	Average Caseload/Year*	Range of Caseloads/Year
New Courts n=8			
FY15	21	45	16-106
Established Courts n=26¹⁵			
FY14	27	59	23-122
FY15	29	63	21-106
FY14/FY15 average	28	61	26-114

*Average caseload per year is calculated by adding together the average daily population on October 1 plus the total number of exits for the year (successful and unsuccessful) and the total number of new admissions for the year.

Veterans Treatment Courts

Veterans treatment courts use a hybrid integration of drug court and mental health court principles to serve military veterans, and sometimes active-duty personnel. They promote sobriety, recovery, and stability through a coordinated response that involves collaboration with the traditional partners found in drug courts and mental health courts, as well as the Department of Veterans Affairs healthcare networks, Veterans Benefits Administration, State Departments of Veterans Affairs, volunteer veteran mentors, and organizations that support veterans and veterans' families.

Table 36: VTCs in Minnesota by Year Initiated

Veterans Treatment Courts	Year Initiated
Hennepin County Veterans Treatment Court	2010
5th Judicial District Multi-County Veterans Treatment Court	2013
Ramsey County Veterans Treatment Court	2014
Clay-Becker Veterans Treatment Court	2014
Carver County Veterans Treatment Court	2014

A total of four new Veterans treatment courts have become operational in the last four years (between FY13 and FY16). The total cash budget from all sources peaked in FY15 at \$433,104 and realized a decrease in FY16. State legislative appropriations were not used to provide funding to any Veterans treatment courts until FY15.

¹⁵ The census of the Hennepin County Adult Drug Court and the Hennepin County DWI Court have been removed from the calculations for this chart because the census for these two courts is much higher than the other courts in the model. With Hennepin County's numbers left in the model, the average daily census is FY14 is 33, FY15 is 36 and FY14/15 average is 34. The average caseload per year with Hennepin County's numbers left in the model in FY14 is 75, FY15 is 79 and the FY14/FY15 average is 77.

Table 37: VTC Cash Funding by Fiscal Year

# of Operational Courts		Total Cash Budget from All Sources	Total MJB Cash Budget
FY13	1	\$ 97,749	\$0
FY14	2	\$215,101	\$0
FY15	4	\$433,104	\$99,795
FY16	5	\$386,642	\$75,300

The majority of cash funding (84.1%) for Veterans treatment courts goes to support personnel. The cost of drug and alcohol testing comprised 8.1% of the budget. Program evaluation (3.2%), community outreach efforts (2.6%), and training (1.5%) activities were small portions of the budget, but represent the types of activities that are expected for Veterans treatment courts, as they are a relatively new model of drug court in Minnesota.

Table 38: VTC FY16 Cash Funding Amounts by Budget Category

FY16 Budget Categories	Total Cash Budget	Percent of Budget
Personnel (Includes salary and benefits)	\$325,077	84.1%
Drug and Alcohol Testing	\$31,130	8.1%
Program Evaluation	\$12,500	3.2%
Other*	\$10,600	2.6%
Training	\$5,610	1.5%
Travel	\$1,725	0.5%
Transportation	\$0	0.0%
Supervision Equipment	\$0	0.0%
Treatment Services	\$0	0.0%
Office Rental	\$0	0.0%
Total	\$386,642	100.0%

*Other expenses include expenses such as incentives, printing, and marketing materials.

The largest source of cash funding for the Veterans treatment courts was federal grants, representing 43.8% of the cash contributions. The Department of Human Services contributed just over one-quarter (25.4%) and the MJB legislative appropriations provided nearly one-fifth (19.5%) of the cash contributions. The Department of Veterans Affairs contributed 8.7% of the cash budget and the remaining 2.6% came from local government.

Table 39: VTC FY16 Cash Funding Amounts by Source

Agency	Total Cash Contribution	Percent of Funding
Federal Funding	\$169,530	43.8%
Department of Human Services	\$98,212	25.4%
Minnesota Judicial Branch	\$75,300	19.5%
Department of Veterans Affairs	\$33,600	8.7%
Local Government	\$10,000	2.6%
Total	\$386,642	100.0%

In-kind donations have been absolutely essential for Minnesota’s Veterans treatment courts, making up 70.8% of their total budgets in FY16. As expected, the majority (91.7%) of this is through donation of time for team members and personnel. Program evaluation and drug and alcohol testing make up another 4.2%, while training, travel and transportation make up 4.1% of the in-kind total.

Table 40: VTC FY16 In-kind Funding Amounts by Budget Category

FY16 Budget Categories	Total In-Kind Budget	% of FY16 Budget
Personnel (Includes salary and benefits)	\$858,024	91.7%
Program Evaluation	\$39,000	4.2%
Drug and Alcohol Testing	\$32,000	3.4%
Training	\$3,000	0.3%
Travel	\$2,500	0.3%
Transportation	\$1,200	0.1%
Total	\$935,724	100.0%

Local government made the largest in-kind contribution for the state’s Veterans treatment courts at 41.1%, followed closely by the Minnesota Judicial Branch (19.9%), the Department of Veteran Affairs (17.4%) and state government (12.5%). A small portion (9.0%) of contributions did not have their source specified by the courts and are therefore unknown.

Table 41: VTC FY16 In-Kind Funding Amounts by Source

Agency	Total In-Kind Contribution	% of Funding
Local Government	\$384,799	41.1%
Minnesota Judicial Branch	\$186,369	19.9%
Department of Veterans Affairs	\$163,000	17.4%
State Government	\$117,284	12.5%
Unknown	\$ 84,272	9.0%
Total	\$935,724	100.0%

Nearly all (4 of 5) of the Veterans treatment courts are, by definition, new courts and had an average daily census of 15 and an average caseload of 28 participants per year. The range of caseloads was 16 to 60 per year.

Table 42: VTC Census and Caseload Information

	Average Daily Census	Average Caseload/Year*	Range of Caseloads/Year
New Courts n=4			
FY15	15	28	16-60
Established Courts n=1¹⁶			
FY14	71	170	n/a
FY15	57	154	n/a
FY14/FY15 average	64	162	n/a

*Average caseload per year is calculated by adding together the average daily population on October 1 plus the total number of exits for the year (successful and unsuccessful) and the total number of new admissions for the year.

Mental Health Courts

Mental Health Courts are a type of problem solving court that combine judicial supervision with community mental health treatment and other support services in order to reduce criminal activity and improve the quality of life of participants. Mental health courts make effective use of limited criminal justice and mental health resources to connect individuals to treatment and other social services in the community, to improve outcomes for offenders with mental illness in the criminal justice system, to respond to public safety concerns, and to address jail overcrowding and the disproportionate number of people with mental illness in the criminal justice system.

Table 43: MHCs in Minnesota by Year Initiated

Mental Health Courts	Year Initiated
St. Louis County - Duluth Mental Health Court	1996
Hennepin County Mental Health Court	2003
Ramsey County Mental Health Court	2005

The number of mental health courts has remained stable at three courts over the last four years. The total cash budget has increased each year and is \$799,214 in FY16. The MJB state legislative appropriation funding has been inconsistent across the four years with a high in FY13 at \$25,000 and a low of \$0 in FY14.

¹⁶ The established Veterans treatment court is the Hennepin Veterans treatment court. It is important to note that Hennepin County drug courts typically operate with caseloads substantially higher than the average.

Table 44: MHC Cash Funding by Fiscal Year

# of Operational Courts		Total Cash Budget from All Sources	Total MJB Cash Budget
FY13	3	\$460,044	\$25,000
FY14	3	\$474,517	\$0
FY15	3	\$646,172	\$4,150
FY16	3	\$799,214	\$17,000

As with the other drug court models, most (83.4%) of the budget goes to personnel costs. Treatment services in mental health courts comprise the next largest percentage at 12.1%. The remaining categories represent less than 3% of the budget.

Table 45: MHC FY16 Cash Funding Amounts by Budget Category

FY16 Budget Categories	Total Cash Budget	Percent of Budget
Personnel (Includes salary and benefits)	\$666,799	83.4%
Treatment Services	\$97,000	12.1%
Training	\$17,940	2.2%
Drug and Alcohol Testing	\$11,065	1.4%
Program Evaluation	\$3,600	0.5%
Supervision Equipment	\$2,450	0.3%
Travel	\$360	0.1%
Transportation	\$0	0.0%
Office Rental	\$0	0.0%
Total	\$799,214	100.0%

Reflecting the large role the Department of Human Services plays in funding mental health courts, they provide 70.4% of the total cash budget. Another quarter (26.4%) of the budget comes from federal grant funding. The remaining budget, which makes up less than 5% of the total cash contributions, comes from the MJB state legislative appropriation and other local sources.

Table 46: MHC FY16 Cash Funding Amounts by Source

Agency	Total Cash Contribution	Percent of Funding
Department of Human Services	\$562,300	70.4%
Federal Funding	\$211,264	26.4%
Minnesota Judicial Branch	\$17,000	2.1%
Local Government	\$7,450	0.8%
Program Fees	\$1,200	0.2%
Total	\$799,214	100.0%

In-kind contributions make up 52.3% of Minnesota’s mental health courts’ FY16 budgets. Most of that comes in the form of personnel (93.5%) and program evaluation (4.4%). Drug and alcohol testing and training make up the remaining 2.1%.

Table 47: MHC FY16 In-Kind Funding Amounts by Budget Category

FY16 Budget Categories	Total In-Kind Budget	% of FY16 Budget
Personnel (Includes salary and benefits)	\$818,828	93.5%
Program Evaluation	\$39,000	4.4%
Drug and Alcohol Testing	\$15,500	1.8%
Training	\$2,500	0.3%
Transportation	\$0	0.0%
Travel	\$0	0.0%
Total	\$875,828	100.0%

Local government provides 52.9% of the in-kind funding for the state’s mental health courts. The Minnesota Judicial Branch contributes 24.6% of the in-kind funding for the state’s mental health courts. The state (public defenders and the Department of Corrections) provides 2.7% of the funding. A large percentage (10.2%) of in-kind funding was not specified by the courts, and therefore the sources are unknown.

Table 48: MHC FY16 In-Kind Funding Amounts by Source

Agency	Total In-Kind Contribution	% of Funding
Local Government	\$463,493	52.9%
Minnesota Judicial Branch	\$215,095	24.6%
Unknown	\$89,600	10.2%
Private Sector	\$84,240	9.6%
State Government	\$23,400	2.7%
Total	\$875,828	100.0%

The census of the Hennepin County Mental Health Court has been removed from the calculations for the following chart because the census for this court is much higher than the two other mental health courts. The two-year average daily census was 25 and the two-year average caseload in a year was 47. With Hennepin County’s numbers left in the model, the average daily census is FY14 is 80, FY15 is 85 and FY14/15 average is 82. With Hennepin County’s numbers left in the model, the total number of participants served (the average caseload) is FY14 is 188, FY15 is 191 and FY14/15 average is 190.

Table 49: MHC Census and Caseload Information

	Average Daily Census	Average Caseload/Year*	Range of Caseloads/Year
Established Courts n=3¹⁷			
FY14	25	44	26-61
FY15	26	51	41-60
FY14/FY15 average	25	47	34-61

*Average caseload per year is calculated by adding together the average daily population on October 1 plus the total number of exits for the year (successful and unsuccessful) and the total number of new admissions for the year.

Juvenile Drug Courts

A juvenile drug court is a docket within a juvenile court to which select delinquency cases, and in some instances status offenders, are referred for handling by a designated judge. The youth referred to this docket are identified as having problems with alcohol and/or other drugs. Over the course of a year or more, the team meets frequently (often weekly), determining how best to address the substance abuse and related problems of the youth and his or her family that have brought the youth into contact with the justice system. Due to closures that have occurred over time, only one juvenile drug court remains operational in Minnesota as of FY16.

Table 50: JDCs in Minnesota by Year Initiated

Juvenile Drug Court	Year Initiated
Dakota County Juvenile Drug Court	2004

Table 51: JDC Cash Funding by Fiscal Year

	# of Operational Courts	Total Cash Budget from All Sources	Total MJB Cash Budget
FY13	3	\$262,299	\$40,000
FY14	2	\$257,308	\$30,000
FY15	2	\$260,241	\$30,000
FY16	1	\$101,426	\$25,000

Consistent with other drug court models, the majority of funding (67.6%) is expended on personnel in this juvenile drug court. Treatment services make up another quarter (24.7%) of the funds, followed by travel (6.1%) and training (1.6%).

¹⁷ The census of the Hennepin County Mental Health Court has been removed from the calculations for this chart because the census for this court is much higher than the two other courts in the model. With Hennepin County's numbers left in the model, the average daily census is FY14 is 80, FY15 is 85 and FY14/15 average is 82. With Hennepin County's numbers left in the model, the total number of participants served is FY14 is 188, FY15 is 191 and FY14/15 average is 190.

Table 52: JDC FY16 Cash Funding Amounts by Budget Category

FY16 Budget Categories	Total Cash Budget	Percent of Budget
Personnel (Includes salary and benefits)	\$68,576	67.6%
Treatment Services	\$25,000	24.7%
Travel	\$6,214	6.1%
Training	\$1,636	1.6%
Drug and Alcohol Testing	\$0	0.0%
Program Evaluation	\$0	0.0%
Transportation	\$0	0.0%
Supervision Equipment	\$0	0.0%
Office Rental	\$0	0.0%
Total	\$101,426	100.0%

Cash funding for the juvenile drug court was primarily from local government (75.4%) with the other quarter (24.6%) coming from the Minnesota Judicial Branch legislative appropriation.

Table 53: JDC FY16 Cash Funding Amounts by Source

Agency	Total Cash Contribution	Percent of Funding
Local Government	\$76,426	75.4%
Minnesota Judicial Branch	\$25,000	24.6%
Total	\$101,426	100.0%

In-kind funding makes up approximately 35.9% of the total FY16 budget for this juvenile drug court. All of that is in personnel.

Table 54: JDC FY16 In-Kind Funding Amounts by Budget Category

FY16 Budget Categories	Total In-Kind Budget	% of FY16 Budget
Personnel (Includes salary and benefits)	\$56,715	100.0%
Program Evaluation	\$0	0.0%
Drug and Alcohol Testing	\$0	0.0%
Training	\$0	0.0%
Transportation	\$0	0.0%
Travel	\$0	0.0%
Total	\$56,715	100.0%

The Minnesota Judicial Branch provides the majority of the in-kind contributions (59.9%), followed by the State Board of Public Defense (24.9%) and local government (15.1%).

Table 55: JDC FY16 In-Kind Funding Amounts by Source

Agency	Total In-Kind Contribution	% of Funding
Minnesota Judicial Branch	\$33,989	59.9%
State Board of Public Defense	\$14,138	24.9%
Local Government	\$8,588	15.1%
Total	\$56,715	100.0%

The average daily census for the juvenile drug court varied widely between FY14 (11) and FY15 (4), with an average of 6 participants served daily over the two-year span. The average annual caseload was more consistent, averaging 19 participants served per year.

Table 56: JDC Census and Caseload Information

	Average Daily Census	Average Caseload/Year*	Range of Caseloads/Year
Established Courts n=1			
FY14	11	21	n/a
FY15	4	17	n/a
FY14/FY15 average	6	19	n/a

*Average caseload per year is calculated by adding together the average daily population on October 1 plus the total number of exits for the year (successful and unsuccessful) and the total number of new admissions for the year.

Family Dependency Treatment Court/Hybrid Drug/DWI/Family Dependency Treatment Court

A family dependency treatment court is a juvenile or family court docket of which select abuse, neglect, and dependency cases are identified where parental substance abuse is a primary factor. Judges, attorneys, child protection services, and treatment personnel unite with the goal of providing safe, nurturing, and permanent homes for children while simultaneously providing parents the necessary support and services to become drug and alcohol abstinent. Family dependency treatment courts aid parents in regaining control of their lives and promote long-term stabilized recovery to enhance the possibility of family reunification within mandatory legal timeframes.

The number of family dependency treatment courts has remained steady at four over the last four years with one court closing in FY15 and one hybrid court ceasing to serve family dependency cases.

Table 57: FDTCS/Hybrid FDTCS in Minnesota by Year Initiated

Family Dependency Treatment Courts/Hybrid FDTCS	Year Initiated
Dodge County Hybrid Adult/DWI/FDTC	2003
Faribault, Martin, & Jackson Multi-County Adult Substance Abuse	2006
Dakota County Family Dependency Treatment Court	2006
Blue Earth County Family Dependency Treatment Court	2008

Overall funding for family dependency treatment courts has declined between FY13 and FY16.

Table 58: FDTC/Hybrid FDTC Cash Funding by Fiscal Year

	# of Operational Courts	Total Cash Budget from All Sources	Total MJB Cash Budget
FY13	6	\$515,362	\$64,520
FY14	6	\$426,220	\$78,882
FY15	4	\$344,643	\$130,966
FY16	4	\$260,162	\$118,360

Consistent with other problem-solving court models, the vast majority of funding (89.3%) is expended on personnel. The remaining categories each make up significantly smaller portions of the remaining budget.

Table 59: FDTC/Hybrid FDTC FY16 Cash Funding Amounts by Budget Category

FY16 Budget Categories	Total Cash Budget	Percent of Budget
Personnel (Includes salary and benefits)	\$232,360	89.3%
Other*	\$13,750	5.3%
Drug and Alcohol Testing	\$11,308	4.3%
Training	\$2,244	0.9%
Travel	\$500	0.2%
Transportation	\$0	0.0%
Program Evaluation	\$0	0.0%
Supervision Equipment	\$0	0.0%
Treatment Services	\$0	0.0%
Office Rental	\$0	0.0%
Total	\$260,162	100.0%

*"Other" includes staff and services such as peer mentors, employment specialists, and volunteers from the faith based community.

For the four established family dependency treatment courts, the majority of funding (47.0%) comes from local government. Minnesota Judicial Branch funding makes up another 45.5%, and program fees and federal funding make up the remaining 6.9%.

Table 60: FDC/Hybrid FDTC FY16 Cash Funding Amounts by Source

Agency	Total Cash Contribution	Percent of Funding
Local Government	\$122,300	47.0%
Minnesota Judicial Branch	\$118,360	45.5%
Program Fees	\$11,250	4.3%
Federal Funding	\$8,252	3.2%
Total	\$260,162	100.0%

Minnesota’s family dependency treatment courts’ FY16 budgets include more in-kind funding (67.3%) than cash. The greatest percentage of in-kind contributions are used to support personnel (85.5%). Drug and alcohol testing makes up another 10.6% of the budget, and transportation and program evaluation make up the remaining 3.9%.

Table 61: FDTC/Hybrid FDTC FY16 In-Kind Funding Amounts by Budget Category

FY16 Budget Categories	Total In-Kind Budget	% of FY16 Budget
Personnel (Includes salary and benefits)	\$457,614	85.5%
Drug and Alcohol Testing	\$56,700	10.6%
Transportation	\$13,000	2.4%
Program Evaluation	\$8,000	1.5%
Training	\$0	0.0%
Travel	\$0	0.0%
Total	\$535,314	100.0%

Local government provides the majority of the in-kind contributions (54.2%), followed by the Minnesota Judicial Branch (23.0%), state government funding (12.4%), unknown sources (9.2%) and volunteers (1.2%).

Table 62: FDTC/Hybrid FDTC FY16 In-Kind Funding Amounts by Source

Agency	Total In-Kind Contribution	% of Funding
Local Government	\$290,041	54.2%
Minnesota Judicial Branch	\$122,979	23.0%
State Government	\$66,495	12.4%
Unknown	\$49,461	9.2%
Volunteer	\$6,338	1.2%
Total	\$449,846	100.0%

Average daily census has been stable for the four courts over the last two years, averaging 2 participants. The average caseload decreased by 19% in year two, averaging 45 participants annually. The range of caseloads per year for the four courts varied widely, from 23-74. The average range was 29-67 participants per court per year.

Table 63: FDTC/Hybrid FDTC Census and Caseload Information

	Average Daily Census	Average Caseload/Year*	Range of Caseloads/Year
Established Courts n=4			
FY14	20	49	32-74
FY15	20	41	23-59
FY14/FY15 average	20	45	29-67

*Average caseload per year is calculated by adding together the average daily population on October 1 plus the total number of exits for the year (successful and unsuccessful) and the total number of new admissions for the year.

Appendix B: Description of Federal Funding Sources

Funding Source	SAMHSA Grants to Expand Substance Abuse Treatment Capacity in Adult and Family Drug Courts	SAMHSA Grants to Develop and Expand Behavioral Health Treatment Court Collaboratives
Description	<p>The purpose of this program is to expand and/or enhance substance abuse treatment services in existing adult and family “problem solving” courts, which use the treatment drug court model in order to provide alcohol and drug treatment (including recovery support services supporting substance abuse treatment, screening, assessment, case management, and program coordination as well as family-focused services in the case of Family Treatment Drug Courts) to defendants/offenders. Grantees will be expected to provide a coordinated, multi-system approach designed to combine the sanctioning power of treatment drug courts with effective treatment services to break the cycle of criminal behavior, child abuse and neglect, alcohol and/or drug use, and incarceration or other penalties. Grants funds must be used to serve people diagnosed with a substance use disorder as their primary condition, particularly high risk/high need populations diagnosed with substance dependence or addiction to alcohol/other drugs and identified as needing immediate treatment. Grant funds must be used to address gaps in the continuum of treatment for those individuals in these drug courts who have substance abuse and/or co-occurring disorders treatment needs. Grant funds may be used to provide services for co-morbid conditions, such as mental health problems, as long as expenditures remain consistent with the drug court model which is designed to serve individuals needing treatment for substance dependence or addiction to alcohol/other drugs.</p>	<p>The purpose of this program is to allow local courts more flexibility to collaborate with multiple criminal justice system components and local community treatment and recovery providers to address the behavioral health needs of adults who are involved with the criminal justice system and provide the opportunity to divert them from the criminal justice system. The collaborative will allow eligible individuals to receive treatment and recovery support services as part of a court collaborative. This program will focus on connecting with individuals early in their involvement with the criminal justice system and prioritize the participation of municipal and misdemeanor courts in the collaborative.</p> <p>This grant is the first of its kind, offering funding from both the Center for Substance Abuse Treatment (CSAT) and the Center for Mental Health Services (CMHS). Grantees must provide services that address the needs of persons with SMI, substance use disorders, and co-occurring mental and substance use disorders and may not discriminate against or deny services to persons presenting with solely a substance use condition or mental health condition. Funds cannot be used for start of new courts or the operation and maintenance of existing courts.</p>
Categories of Funding	Expansion and/or Enhancement of Services	None
Eligible Problem Solving Court Models	Tribal Healing to Wellness Courts, Driving While Intoxicated (DWI)/Driving Under the Influence (DUI) Courts, Co-Occurring Drug and Mental Health Treatment Courts, Veterans Treatment Courts, and Municipal Drug Courts that adhere to the drug court 10 key components. Eligible Family Drug Court Programs provide services to parents with substance use disorders	Any problem solving court model is eligible, as long as they are already operational and meet the requirements to serve both mental health and substance abuse participants.

or substance use and co-occurring mental health disorders involved with the family dependency court as a result of child abuse and neglect issues.

Match Required	None	None
Typical Award Amounts	Up to \$325,000 annually for up to 3 years (for a total of \$975,000)	Up to \$350,000 annually for up to 4 years (1.4 million total)
Typical RFP Release/Due Dates	While there are no set dates, in FY15 the RFP came out in January and was due in April.	This grant has only come out twice so far, with a 3-year gap in-between. The FY14 solicitation came out in February and was due in April.
Typical Number of Annual Awards	Number of FY15 Awards: 49 Number of FY14 Awards: 20 (for Tribal Healing to Wellness and Juvenile Drug Courts Only)	Number of FY14 Awards: 14 Number of FY 11 Awards: 11

Funding Source	BJA Drug Court Discretionary Grant Program: Implementation	BJA Drug Court Discretionary Grant Program: Enhancement	BJA Drug Court Discretionary Grant Program: Statewide
Description	The Bureau of Justice Assistance (BJA), within the Office of Justice Programs (OJP), offers the Drug Court Discretionary Grant Program. The program provides financial and technical assistance to states, state courts, local courts, units of local government, and American Indian tribal governments to develop and implement treatment drug courts that effectively integrate substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over nonviolent, substance-abusing offenders.		
Categories of Funding	Implementation of Drug Courts: Available to jurisdictions that have completed a substantial amount of planning and are ready to implement an evidence-based adult drug court. Applicants may propose to use funding for court operations and services; offender supervision, management, and services; and provision and coordination of recovery support services including education, job training and placement, housing placement assistance, primary and mental health care, and childcare and other supportive services	Enhancement of Drug Courts: Available to jurisdictions with a fully operational adult drug court. To be eligible, you must have been operating for at least 1 year as of September 30 of the current year. Applicants may propose to use funding to incorporate the evidence-based program principles above to address one or more of the following: 1) expand the number of participants served that meet the existing target population description; 2) expand the target population description and serve additional participants who meet the expanded description; 3) enhance court operations; 4) enhance court and/or supervision services; and 5) enhance recovery support services.	Statewide Coordination of Drug Courts: Subcategory A: Applicants may propose to use funding to improve, enhance, or expand drug court services statewide by encouraging adherence to the evidence-based program principles and through activities such as: training and/or technical assistance; tracking, compiling, coordinating, and disseminating information and resources; increasing communication and information sharing; conducting a statewide drug court evaluation; or establishing a statewide automated data collection and/or performance management system. AND/OR Subcategory B: Applicants may propose to financially support drug courts in local or regional jurisdictions which do not currently operate with BJA Adult Drug Court Discretionary Grant Program funding.

Eligible Problem Solving Court Models	Adult Drug Courts; Driving While Intoxicated (DWI)/Driving Under the Influence (DUI) Courts; Co-Occurring Courts where those participants possess a substance abuse related charge and diagnosis; Veterans Treatment Courts; and Tribal Healing to Wellness Courts. Court programs that combine or propose to combine the above-referenced drug court models (meeting the requirements of such) with other court programs or dockets are also eligible for funding, although the funding under this program must be used to address only those clients eligible for drug court services.		
Match Required	Federal funds awarded under this program may not cover more than 75 percent of the total costs of the project being funded. The applicant must identify the source of the 25 percent non-federal portion of the total project costs and how match funds will be used. Match is restricted to the same uses of funds as allowed for the federal funds. Applicants may satisfy this match requirement with any portion of cash and the remainder can be in-kind funds.		
Typical Award Amounts	Up to \$350,000 over 36 months	Up to \$200,000 over 24 months	Subcategory A: Up to \$200,000 over 36 months Subcategory B: Up to \$1.3 million over 36 months
Typical RFP Release/Due Dates	While there are no set dates, the FY15 RFP came out in February, and was due in April.		
Typical Number of Annual Awards	Number of FY15 Awards: 15 Number of FY14 Awards: 17	Number of FY15 Awards: 37 Number of FY14 Awards: 21	Number of FY15 Awards: 5 Subcategory A, 1 Subcategory B Number of FY14 Awards: 4 Subcategory A, 3 Subcategory B

Funding Source	BJA Edward Byrne Memorial Justice Assistance Grant (JAG) Program	BJA and SAMHSA Joint Adult Drug Court Solicitation to Enhance Services, Coordination and Treatment
Description	The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions. The JAG Program provides states and units of local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution and court programs, prevention and education programs, corrections and community corrections, drug treatment and enforcement, crime victim and witness initiatives, and planning, evaluation, and technology improvement programs. JAG funds may be used for state and local initiatives, technical assistance, strategic planning, research and evaluation (including forensics), data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems that will improve or enhance criminal justice programs.	The application is comparable to the BJA Adult Drug Court Grant. However, applications are competing for two different grants (one from SAMHSA and one from BJA), for both criminal justice and substance abuse treatment funds, with one application.

Categories of Funding	Units of State Government; Units of Local Government appearing on the JAG allocations list.	BJA includes expansion and enhancement under one category termed enhancement. SAMHSA offers service expansion and/or enhancement categories.
Eligible Problem Solving Court Models	Any problem solving court may be eligible.	Tribal Healing to Wellness Courts, Driving While Intoxicated (DWI)/Driving Under the Influence (DUI) Courts, Co-Occurring Drug and Mental Health Treatment Courts, Veterans Treatment Courts, and Municipal Drug Courts that adhere to the drug court 10 key components.
Match Required	None	25% match (cash or in-kind) requirement for the BJA portion (as outlined on page 1). None for the SAMHSA portion.
Typical Award Amounts	Award amounts vary. 2015 awards ranged from \$10,000 to \$4.4M, and are based on your locality's proportion of the state's 3-year violent crime average. You can find them around grant time here: https://www.bja.gov/ProgramDetails.aspx?Program_ID=59	Up to \$300,000 over a period of 3 years from BJA and up to \$325,000 per year for 3 years from SAMHSA
Typical RFP Release/Due Dates	While there are no set dates, in FY15 the RFP came out in May and was due in June. Number of FY15 Awards: 999 Number of FY14 Awards: 1090	While there are no set dates, in FY15 the RFP came out in March and was due in June. Number of FY15 Awards: 10 Number of FY14 Awards: 15

Funding Source	OJJDP Enhancements to Juvenile Drug Courts	Healing to Wellness Court Funding (Tribal Courts)
Description	The Office of Juvenile Justice and Delinquency Prevention (OJJDP) envisions a nation where our children are healthy, educated, and free from violence. If they come into contact with the juvenile justice system, the contact should be rare, fair, and beneficial to them. To fulfill this vision, OJJDP will make awards to currently operating juvenile drug courts to enhance their capacity and the services they provide. A juvenile drug court provides comprehensive, developmentally appropriate, community-based services for youth who come in contact with the juvenile justice system due to alcohol or other drug use. Note that Indian tribal governments are eligible to apply for this grant, as well as states, state courts, local courts, and units of local government.	The Coordinated Tribal Assistance Solicitation (CTAS), launched in Fiscal Year 2010, is administered by DOJ's Office of Justice Programs (OJP), the Office of Community Oriented Policing Services (COPS) and the Office on Violence Against Women (OVW). The funding can be used to conduct comprehensive planning, enhance law enforcement, bolster justice systems, support and enhance efforts to prevent and control delinquency and strengthen the juvenile justice system, prevent youth substance abuse, serve sexual assault and elder victims, and support other efforts to combat crimes. Typically, tribes receiving funding for their Healing to Wellness Courts did so under Purpose Area 3: Justice Systems and Alcohol and Substance Abuse (BJA). Tribes have also received Juvenile Healing to Wellness Court funding under Purpose Area 8: Juvenile Justice. Under the

CTAS, a tribe or tribal consortium may submit a single application and select from 9 competitive grant programs referred to as purpose areas. This approach allows the Department's grant-making components to consider the totality of a tribal community's overall public safety needs.

Adult and Juvenile Tribal Healing to Wellness Courts

Eligible Problem Solving Court Models	Juvenile Drug Courts	
Categories of Funding	None	<p>The 9 purpose areas are:</p> <p>Purpose Area 1: Public Safety and Community Policing (COPS); Purpose Area 2: Comprehensive Tribal Justice System Strategic Planning (BJA); Purpose Area 3: Justice Systems and Alcohol and Substance Abuse (BJA); Purpose Area 4: Corrections and Correctional Alternatives (BJA); Purpose Area 5: Violence Against Indian Women-Tribal Governments Program (OVW); Purpose Area 6: Children's Justice Act Partnerships for Indian Communities (OVC); Purpose Area 7: Comprehensive Tribal Victim Assistance Program (OVC); Purpose Area 8: Juvenile Healing to Wellness Courts (OJJDP); Purpose Area 9: Tribal Youth Program (OJJDP)</p>
Match Required	25% match is required	None
Typical Award Amounts	Up to \$360,000 over 24 months	\$250,000 - \$750,000 over 36 months
Typical RFP Release/Due Dates	While there are no set dates, in FY15 the RFP came out in April and was due in June.	While there are no set dates, the FY 2015 RFP came out in November and was due in February.
	<p>Number of FY15 Awards: 10</p> <p>Number of FY14 Awards: 8</p>	<p>Number of FY15 Awards: 35</p> <p>Number of FY14 Awards: 40</p>

Appendix C: Coordinator Outreach Efforts

Table 64: Coordinator Outreach Efforts

Examples of Individuals and Agencies Accessed through Coordinator Outreach Efforts
County commissioners
City boards
Community organizations, rotatories
Ministerial boards
Local businesses/Chamber of Commerce
Schools/Universities
Local transportation agencies
Non-profits
Workforce centers, volunteer agencies
Law enforcement
Housing agencies
Policy makers/Legislators/Elected officials
National advisory boards (e.g., NAMI, BJA)
Annual events (e.g., booth at state fair, Annual Sober Fest)
Host visitors (e.g., elected officials to join staffings, review hearings, graduations)

Appendix D: Model-Specific Guiding Documents

Adult Drug Courts

In 1996, a committee of practitioners and others involved with drug court program operations was established under the leadership of the National Association of Drug Court Professionals (NADCP). The committee was authorized to identify the critical elements of drug court programs to serve as the foundation for later drug court program development. As a result of the committee's efforts—*Defining Drug Courts: The Key Components*— was published by the Drug Courts Program Office (now part of the Bureau of Justice Assistance [BJA]) in 1997 and has served as the framework for drug court development and operational activities in state courts. This document focused primarily on the development of adult drug court programs.

<https://www.ncjrs.gov/pdffiles1/bja/205621.pdf>

Juvenile Drug Courts

In 2002, *Juvenile Drug Courts: Strategies in Practice* was created by a diverse group of juvenile drug court practitioners, researchers, and educators from across the country who were brought together by the National Drug Court Institute (a division of the National Association of Drug Court Professionals) and the National Council of Juvenile and Family Court Judges. The group included representatives from courts, prosecution, public defense, treatment, probation, court administration, academia, education, and training. As the culmination of their work, this publication became a guide to planning, operating, and implementing juvenile drug courts. There are 16 strategies, each accompanied by recommendations for implementation.

<https://www.ncjrs.gov/pdffiles1/bja/197866.pdf>

DWI Courts

The *Ten Guiding Principles of DWI Courts* were established under the leadership of the National Center for DWI Courts (NCDC). The DWI Court principles serve as the framework for DWI Courts development and operations.

http://www.dwicourts.org/sites/default/files/ncdc/Guiding_Principles_of_DWI_Court_0.pdf

Mental Health Courts

This publication identifies 10 essential elements of mental health court design and implementation. 1 Each element contains a short statement describing criteria mental health courts should meet, followed by several paragraphs explaining why the element is important and how courts can adhere to it. Although there are significant differences between drug courts and mental health courts, the *Key Components* document provided the foundation in format and content for Essential Elements. The essential elements are culled from a variety of

sources, including interviews with former BJA Mental Health Courts Program (MHCP) grantees, on-site visits to grantee and non-grantee mental health courts, and a review of the scholarly literature.

https://www.bja.gov/Publications/mhc_essential_elements.pdf

Tribal Healing to Wellness Courts

As tribal drug courts (known generally as “Tribal Healing to Wellness Courts” or simply “wellness courts”) developed, it became clear that there was a need to adapt the Adult Drug Court Key Components for state courts to more specifically address the critical issues and challenges faced by Tribal Healing to Wellness Courts. Consequently, *Tribal Healing to Wellness Courts: The Key Components* was designed to provide suggested “key components” and recommended practices needed for Indian Nations and tribal justice systems to consider as they design, develop, and implement adult drug courts that meet the needs of their individual communities.

<https://www.ncjrs.gov/pdffiles1/bja/188154.pdf>

Veterans Treatment Courts

In 2008, The Buffalo Veterans Treatment Court adopted with slight modifications the essential tenements of the *Adult Drug Court Key Components*. There are key differences between Drug Courts, Mental Health Courts, and Veterans Treatment Courts. The *Veterans Treatment Court Key Components* provide the foundation for the successful operation of a Veterans Treatment Court.

<http://www.justiceforvets.org/sites/default/files/files/Ten%20Key%20Components%20of%20Veterans%20Treatment%20Courts%20.pdf>

Family Dependency Treatment Courts

In 2013, Children and Family Futures produced *Guidance to States: Recommendations for Developing Family Drug Court Guidelines* with the National Drug Court Institute and other stakeholders to offer guidelines to help states and programs create systems changes that will have a lasting impact on family drug courts. The document provides guidance for implementing a family drug court, including the development of partnerships and a common vocabulary for describing family drug court components, with a focus on improving services to families who are involved with the child welfare system and are affected by substance use disorders.

<http://www.cffutures.org/files/publications/FDC-Guidelines.pdf>