



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.23-160*

For business meeting on September 19, 2023

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**Title**

Collaborative Justice: Revised Allocation  
Methodology for Fiscal Year 2023–24  
Substance Abuse Focus Grants

**Agenda Item Type**

Action Required

**Effective Date**

September 19, 2023

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

August 24, 2023

**Recommended by**

Collaborative Justice Courts Advisory  
Committee  
Hon. Lawrence G. Brown, Chair

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### Executive Summary

As part of the Budget Act of 2023, the Legislature allocated \$1.16 million for the Substance Abuse Focus Grant Program to the superior courts to maintain, expand, or enhance collaborative courts, and \$75,000 in federal Court Improvement Program funds have been made available for fiscal year 2023–24 to fund the Dependency Drug Court Augmentation. Beginning with this fiscal year and for all subsequent fiscal years, the Collaborative Justice Courts Advisory Committee recommends revising the caseload-based methodology for allocation of the grant to a population-based methodology. The recommended methodology is consistent with the methodology used in pretrial release allocations and based on the 18- to 24-year-old population by county, which will align the distribution of the funding to the population in greatest need of services.

### Recommendation

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council, effective September 19, 2023, approve the revised population-based methodology for the Substance Abuse Focus Grant Program allocations.

## **Relevant Previous Council Action**

The Judicial Council has approved the annual funding allocation for the Substance Abuse Focus Grant Program since fiscal year (FY) 1998–99. In November 2005, at the recommendation of the Collaborative Justice Courts Advisory Committee, the council approved the caseload-based funding-level formula for distributing the funds.<sup>1</sup> Beginning in July 2014, grant funds from the Court Improvement Program of the U.S. Department of Health and Human Services, Administration for Children and Families, were distributed as an augmentation to the grants of the Substance Abuse Focus Grant Program using the same formula.

## **Analysis/Rationale**

### **Substance Abuse Focus Grant**

This year’s funding authorization for the annual grant comes from a legislative mandate under California Collaborative and Drug Court Projects in the Budget Act of 2023 (Stats. 2023, ch. 12), as referenced in item 0250-101-0001.

A Judicial Council staff analysis of the existing funding methodology concluded that an allocation to courts based on a distribution of the population most in need of collaborative justice services will enhance the program’s ability to serve the public and enhance access to justice.

The committee reviewed numerous alternatives to the existing caseload-based funding methodology and discussed which alternatives best met its goals for the Substance Abuse Focus Grant (SAFG) program, which include:

- Promoting collaborative justice courts statewide;
- Providing courts with funding they can use to start or expand collaborative courts;
- Providing a stable source of funding within the year;
- Expending all the funding to the extent possible; and
- Collecting statistics to support the collaborative justice model.

The committee concluded that to meet these program goals, the SAFG program funding methodology should be aligned with other Judicial Council funding allocations that provide support for court operations, including self-help centers and the Pretrial Release Program. Any court that can demonstrate an existing or planned collaborative justice program will be considered eligible for funding. The funding allocation for all eligible courts that apply to receive funding will be based on each court’s share of the statewide population of 18- to 24-year-olds. This is the demographic the committee considers in greatest need of collaborative justice courts. Small courts will receive base funding of \$20,000 per court.

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<sup>1</sup> Judicial Council of Cal., mins. (Nov. 4, 2005), item B, pp. 27–28, [www.courts.ca.gov/documents/min1105.pdf](http://www.courts.ca.gov/documents/min1105.pdf).

To ensure that courts with existing collaborative justice programs funded by the SAFG program have adequate time to adjust their operations to the new allocation methodology, the committee recommends an annual decrease maximum of 5 percent if the new allocation methodology results in a court receiving less funding than it has historically received. This adjustment is consistent with similar annual decrease maximums approved by the Trial Court Budget Advisory Committee when revising the AB 1058 Child Support Commissioner and Family Law Facilitator Program allocation methodology and the court-appointed dependency counsel allocation methodology. When a court's allocation increases over the prior year, the increase is also prorated to available funding after the 5 percent decrease maximum is applied to the courts that will receive less funding than historically received. These adjustments will continue until an affected court arrives at the new methodology baseline.

Finally, the committee directs staff to collect court SAFG program budgets each year and monitor expenditures through the judicial branch's Phoenix accounting system to ensure that all SAFG program funding is expended on court collaborative justice program operations.

The recommendation replaces the previously approved caseload-based funding methodology with a population-based funding methodology to align the funding and the services of the program to the population in greatest need.

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

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

The proposed formula will determine the amount of funding a court is eligible for based on the population of 18- to 24-year-olds in their county.<sup>2</sup> The formula starts with the presumption that all projects that meet the grant criteria start with a base funding amount of \$20,000 per county. This base figure may be adjusted upward or downward to reflect the actual amount of total funding approved by the Legislature for the year and the number of court projects eligible for grants from those funds. Each project's adjusted base figure is then augmented based on the court's 18- to 24-year-old population size.<sup>3</sup>

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<sup>2</sup> The population data is extracted from U.S. Census Bureau, *American Community Survey*, Age and Sex, Table S0101, <https://data.census.gov/table?q=S0101:+AGE+AND+SEX&tid=ACST1Y2021.S0101>.

<sup>3</sup> Population size is calculated by summing up the 18- to 24-year-old population for courts that applied for SAFG funding. Then each court's 18- to 24-year-old population is divided by the total number of 18- to 24-year-olds across all SAFG-funded courts to calculate the percent of total SAFG population of 18- to 24-year-olds.

Courts that do not wish to receive their full amount of funding may elect to receive less funding than their initial allocation. Any funds waived during the application process will be reallocated pro rata to the remaining courts that wish to receive additional funding if available.

For the 2022–23 fiscal year, the \$1.16 million allocation supported 255 court projects in 44 superior courts. The types of projects funded were adult domestic violence courts (5), adult drug courts (60), adult mental health/dual-diagnosis courts (33), community courts (3), dependency drug courts (25), DUI courts (13), DUI Court in Schools Programs (2), elder courts (1), girls' courts (3), homeless courts (6), juvenile delinquency drug courts (12), juvenile mental health/dual-diagnosis courts (7), peer/youth courts (8), Proposition 36 (3), reentry courts (11), truancy courts (6), veterans' courts (23), and other collaborative justice court programs (34).

### **Dependency Drug Court Augmentation Grant**

Federal Court Improvement Program funds of \$75,000 are available to support dependency drug courts funded by the SAFG Program. In past years, the Judicial Council has made these grants available through a formulaic distribution available to all eligible dependency drug courts requesting funding through the SAFG program for the purpose of implementing, maintaining, enhancing, or expanding their dependency drug courts.

Because these augmentation funds are federal funds, this grant augmentation must be administered in compliance with conditions stated in part B of title IV of the Social Security Act (specifically, section 438(b) of the act: the approved state application and plan, including all assurances, approved amendments, and revisions) and with applicable federal regulations, program policies, and instructions. These funds augment the SAFG awards and are awarded pro rata based on the SAFG allocations.

### **Policy implications**

The current recommendation will place the SAFG/dependency drug court grants in compliance with staff recommendations to improve the accountability of SAFG program allocations and contracting.

### **Comments**

The recommended actions were approved by the committee on July 26, 2023, at a public meeting where an opportunity for public comment was made available. No public comments were received.

### **Alternatives considered**

The committee considered numerous proposals including allocating funding based on statewide population and court size by cluster. The committee chose the alternative which will align the distribution of the funding to the population in greatest need of services.

### **Fiscal and Operational Impacts**

The caseload-based methodology allowed courts to estimate their maximum funding based on the number of participants being served. In 2017, this estimation was automated when the grant

application transitioned from paper to online. This made the application easier for local courts to complete and improved their grant application accuracy. In turn, this reduced the amount of Judicial Council staff time needed to review grant request calculations.

This year, continuous process improvements include simplifying and transitioning the grant allocation to a set amount of predetermined funding utilizing the population-based methodology, continuation of a paperless online process for applications in which courts submit application information and a budget with details on how they will spend the funding, and monitoring budgets by staff through the Phoenix system.

## **Attachments and Links**

- 1. Attachment A: Guiding Principles of Collaborative Justice Courts*

## **Guiding Principles of Collaborative Justice Courts**

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

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