

State Court Administrative Office
Trial Court Services
Problem-Solving Courts



Problem-Solving Courts Partnering with Nonprofit Organizations

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As the number of problem-solving courts in Michigan continues to increase, the need to address sustainability of these programs has also increased. One approach to achieve sustainability is partnering with tax-exempt nonprofit organizations to assist in supporting the financial needs of a problem-solving court program. But this should be done with care given the potential impropriety involved or the appearance of impropriety.

The Code of Judicial Conduct, Canon 2, subpart A, states that “[a] judge must avoid all impropriety and appearance of impropriety.” The Code of Judicial Conduct, Canon 4, subpart D, states that “[a] judge should not individually solicit funds for any educational, religious, charitable, fraternal, or civic organization or any organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice or use or permit the use of the prestige of the office for that purpose.”

To avoid all impropriety, and appearance of impropriety, several practices are recommended regarding problem-solving courts partnering with nonprofit organizations:

- A problem-solving court should not develop its own, and should not partner with, nonprofit organizations that exist solely to support a problem-solving court program or programs.¹ A problem-solving court program may partner with nonprofit organizations that serve the interests of community and civic groups and have a competitive process for awarding funds.
- Any court employee on a problem-solving court team (including, but not limited to, a judge,² coordinator, case manager, and contractual employee) should not conduct fundraising for a nonprofit organization that partners with the problem-solving court. A “court employee” is typically someone on the county or city payroll. Treatment providers and defense attorneys are not typically court employees because, while they may receive payment for services provided to the problem-solving court program, they are typically self-employed or employed by an agency or firm.
- Any court employee on a problem-solving court should not participate as a board member of a nonprofit organization that partners with the problem-solving court.³
- The court’s funding unit should annually budget spending authority for nonprofit organization funds. Requests for financial support should be submitted to the nonprofit organization in writing by an individual whose salary is not paid for by the court, such as the drug court team’s prosecutor, defense attorney, or treatment provider. If the nonprofit

¹ See JI-139, Opinion, State Bar of Michigan (Oct. 21, 2013), available at http://www.michbar.org/opinions/ethics/numbered_opinions/ji-139; see also J-8, Opinion, State Bar of Michigan (Jan. 31, 2014), available at http://www.michbar.org/opinions/ethics/numbered_opinions/j-008.

² See J-8, Opinion.

³ See generally JI-139 and J-8.

organization's board of directors approves the request, the court should request reimbursement from the organization after the court has purchased the item. The nonprofit organization should then send payment to the funding unit. Funds should not flow from the nonprofit organization to the problem-solving court program directly, just as direct donations should not be accepted by a problem-solving court program.

- To avoid any appearance of a court employee engaging in fundraising, the nonprofit organization's mailing address should not be the court's mailing address. A PO Box may be appropriate.

For additional information about sustainability of a problem-solving court, please see the attached document. For assistance with using research and your individual program's data to inform your funding unit about the benefits of your problem-solving court program, and for questions about the above recommendations, please e-mail trialcourtservices@courts.mi.gov.

Sustaining Your Problem-Solving Court

Sustainability is an important part of any problem-solving court program. Grant funds may not always be available, as grants are competitive programs, not entitlements. Whether you have an established program, or are thinking about starting one, your team should think about how it can be sustained long term in case state grant funding is no longer an option. The team should look beyond traditional sources of criminal justice funding. Successfully finding the resources to help sustain your program can be supported by (1) solid research of potential funding sources, (2) a compelling program, and (3) networking.¹ The below information can be used to help sustain your problem-solving court program.

Putting Together a Compelling Funding Proposal

- Link your project with specific issues that have urgency in your community.
- Clearly demonstrate how your project is consistent with priorities of potential funders.
- Make a case for your project on more than criminal justice terms—show how it supports economic development, public health, etc.
- Communicate to funders how their funding will leverage other resources for the project.
- On applications, make sure to follow all directions precisely and to answer every question asked.
- Outline your answers in advance and make sure they speak directly to the question you are answering.
- Use clear and concise language throughout, remembering that most of the time, less is more.

<http://www.courtinnovation.org/sites/default/files/documents/funding.pdf>

STRATEGIES TO SUSTAIN PROBLEM-SOLVING COURTS

1. Explore funding from local governments and organizations

It is important to seek support for your program from county, city, and other local funding sources. Establish and develop strong relationships with local organizations such as businesses, banks, government agencies, service organizations, and local coalitions.² Reach out to local legislators, county commissions, and city council members.³ Preparing presentations to “sell” your program will be important in getting these organizations to invest in the future of the program. Be sure to highlight the benefits that your program has on public safety, as well as the economic benefits of sustaining the program. Many national funders look for the presence of local funding, which illustrates local commitment to the program.

2. Partner with nonprofit organizations

An innovative way to raise funds for a problem-solving court is forming a 501 (c)(3) by persons or entities outside of the court. This is a portion of the U.S. Internal Revenue Code specific to public charities and foundations. These entities are tax exempt, and donations toward them are tax deductible. Be cautious that the judge, court employees, or contractual employees of the problem-solving court do not participate as board members of the nonprofit organization or conduct fundraising on its behalf.

3. Pursue federal funding opportunities

Federal funding is regularly available to support problem-solving courts. Grant funding has been available through federal agencies such as the Bureau of Justice Assistance, the Substance Abuse and Mental Health Services Administration, and the Community Capacity Development office. It is important to check these agencies’ websites frequently to stay up to date on new initiatives, program plans, and grant opportunities. Failure to regularly review these websites could lead to missing important grant application deadlines. The Federal Register, which is updated daily, provides a collection of federal documents giving insight and opportunities on policies, procedures, and future directions of agencies.⁴ Remember, federal grant funding may not always be available and should not be the program’s answer to long-term sustainability.

¹Center for Court Innovation, *Finding the Resources to Help Your Program Thrive* <<http://www.courtinnovation.org/sites/default/files/documents/funding.pdf>> (last accessed 8/12/2016)

²*Id.*

³*Id.*

⁴*Id.*

TRACKING THE NUMBERS

Keeping track of program success, cost-benefit analyses, and other research will be crucial when persuading these funding sources to dedicate funds to your program. Facts and numbers are helpful to demonstrate why your program is worthy of financial support. The Drug Court Case Management Information System (DCCMIS) and Drug Court Analysis System (DCAS) can be used to track accurate data and develop thorough statistical reports on your program.

4. Use existing resources in innovative ways⁵

“Many funders look for a program’s ability to leverage resources to get the biggest bang for the buck. Often ‘in-kind’ contributions can be just as valuable as cash.”

5. Cultivate partnerships

Collaborate with different players within the justice system such as sheriff’s departments, local police departments, and community correction offices to establish partnerships. Explore filing joint funding applications with other programs and agencies.⁶ Regionalizing with neighboring jurisdictions and counties can be an effective way to maximize resources while reaching more participants. Regionalization can also lead to additional funding opportunities.

6. Volunteers and interns

Another cost-effective way to help sustain a problem-solving court program is using volunteers and interns. Volunteers can free the time of court staff by assisting in duties like answering phones, preparing reports, and assisting in transportation.⁷ Providing volunteer and internship opportunities can add additional manpower and support for the program.

7. Collecting fees

Problem-solving courts can be sustained with help from fees collected from program participants. These fees may be imposed on a sliding scale. District court drug court programs can also be supported in part by filing fees. Five dollars of the local share of filing fees can be earmarked for local drug treatment court funding under MCL 600.8371.

8. Get noticed⁹

Maintaining a high-quality program is one of the best fundraising approaches. Funding is driven by successful results, whether it is at a local, state, or national level. To highlight program success, it is important to get the word out about your program. Seize opportunities to communicate with the public by distributing publications, developing a website, and keeping local media informed of program events and graduations. Be sure to share success stories and supportive data that focus on your program’s achievements.

Funding Resources

- Some federal funding opportunities (these vary by fiscal year and grant type) collected by the National Criminal Justice Reference Service can be found by visiting https://www.ncjrs.gov/spotligh/drug_courts/grants.html.
- The Substance Abuse and Mental Health Services Administration also distributes grant funds. Visit <http://www.samhsa.gov/grants/> for more information.
- www.grants.gov is an online gateway to more than \$400 billion in federal grants and the single access point for over 1,000 grant programs.¹⁰
- The National Drug Court Institute’s *Ensuring Sustainability for Drug Courts: An Overview of Funding Strategies* provides numerous examples of ways programs all over the country have sustained their problem-solving courts.

⁵ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*