

Washington State Judicial Branch

2023-25 Biennial Budget

Continue Therapeutic Court Funding

Agency: Administrative Office of the Courts

Decision Package Code/Title: T2 – Continue Therapeutic Court Funding

Agency Recommendation Summary Text:

The Administrative Office of the Courts, on behalf of district and municipal courts, requests 2.5 FTEs and \$20.6 million per biennium in ongoing funding to equitably distribute and cover costs in the more than 50 new and existing therapeutic courts in Washington State courts of limited jurisdiction (CLJs). Following the Supreme Court decision in [State v. Blake](#), the Legislature reclassified drug possession in Washington State from a felony to a misdemeanor, resulting in increased possession cases in CLJs. Therapeutic courts directly address the needs of individuals struggling with substance use disorder, mental health issues, and poverty. Although therapeutic courts have existed in CLJs for many years and consistently demonstrate positive impacts on participants' lives, there is recent increased interest from the Legislature, courts, and citizens in establishing and maintaining therapeutic courts. There is a need for both startup costs associated with new programs and maintaining existing programs, and therapeutic courts will be best served by a source of ongoing funds. (General Fund-State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	2.50	2.50	2.50	2.50	2.50	2.50
Operating Expenditures						
Fund 001-1	\$10,321,500	\$10,309,500	\$20,631,000	\$10,309,500	\$10,309,500	\$20,619,000
Total Expenditures						
	\$10,321,500	\$10,309,500	\$20,631,000	\$10,309,500	\$10,309,500	\$20,619,000

Package Description:

Therapeutic courts, as defined under Chapter 2.30 of the Revised Code of Washington, provide individuals the opportunity to obtain treatment services under a closely monitored diversion program in lieu of the traditional trial track of the criminal justice system. The Washington State Legislature has recognized that therapeutic courts decrease re-offense, increase community safety, and improve the life of the participant.¹ Nearly 60 therapeutic courts exist or are in the process of being established in Washington CLJs. These include 22 new programs established through grant funding provided by the legislature in 2021. The need for a continuing supportive funding stream will increase with time as these therapeutic courts grow and expand.

In the Board of Judicial Administration Adequate Funding Survey (2022), more than 66% of responding CLJs reported that therapeutic courts funding was the top funding priority in order to better serve court users in their communities. The Administrative Office of the Courts has pursued and received pass-through grant funding from the Legislature in 2021 and 2022 to assist CLJs in starting or expanding therapeutic programs (totaling \$9,400,000). However, funding to maintain these new programs does not currently exist for most courts. Unless ongoing funding becomes available, many of the new programs will be unable to continue offering these important programs in their communities. In addition,

¹ <https://www.hca.wa.gov/assets/program/fact-sheet-cjta-2022.pdf>

some courts are hesitant to start or expand their therapeutic court until there is a source of ongoing funding available as they do not want to dedicate the time and resources to a new program that will dissolve due to lack of funding. A stable pool of funding available only to CLJs for therapeutic court program costs will allow the many programs now established to continue their missions to reduce recidivism and provide resources to many more individuals in their communities.

Fully describe and quantify expected impacts on state residents and specific populations served:

A 2018 report from the Department of Social and Health Services (DSHS) Research and Data Analysis (RDA) division surveyed 27 drug courts in Washington State and saw a 61% decrease in the rate of re-offending for individuals who participated in Drug Court.² In addition, a multi-site drug court evaluation conducted by the Justice Policy Institute indicated that drug courts produce benefits of over \$6,000 for every individual they serve and return as much as \$27 for every \$1 invested.³ The success of the “Drug Court Model” has led to the creation of several different types of therapeutic courts in Washington State, including Mental Health Courts, Veterans’ Treatment Courts, and Community Courts. CLJs have an early and unique opportunity to address a defendant’s underlying issues before they establish an extensive felony conviction record.

Although no statewide report yet exists to quantify the full return on investment in Washington State CLJ therapeutic courts, there is ample evidence of the benefits to specific jurisdictions that have maintained these programs long term. For example, Pierce County District Court reports a 3% recidivism rate from those who have graduated from their Drug Addiction Reduction Team program.⁴ While it will take years for the full and long-lasting positive impacts of the recent investment in new therapeutic courts to be realized, based on the available research and reporting from grant recipients, continued funding for these programs will increase community safety, reduce recidivism, and improve participant lives.

Explain what alternatives were explored by the agency and why they were rejected as solutions:

There are no alternatives that provide ongoing, easily-accessible funding to therapeutic court programs in Washington State district and municipal courts.

What are the consequences of not funding this request?

Many of the new therapeutic courts in Washington State will be forced to reduce their programming and access to services once the limited grant funding provided through AOC ends on July 1, 2023. Some therapeutic courts may shut down completely, resulting in more defendants in the standard “trial track” for offenses that could have been addressed in a therapeutic program. Program participants and communities will no longer have access to resource centers.

Is this an expansion or alteration of a current program or service?

AOC received one-time funding in 2021 (\$4.5M) and 2022 (\$4.9M plus \$2.469M specific to Community Justice Counselor positions) to distribute grants to new and existing therapeutic courts.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Beginning July 1, 2023 and ongoing, AOC requires salary, benefits, and associated standard costs for:

Senior Court Program Analyst (1.0 FTE) and Court Program Analyst (1.0 FTE). Administer the program, analyze trends and manage participation from diverse stakeholders in the development and implementation of this program.

² <https://www.dshs.wa.gov/ffa/rda/research-reports/drug-court-participants-recidivism-and-key-outcome-measures>

³ <https://www.ojp.gov/pdffiles1/nij/grants/237112.pdf>

⁴ <https://www.piercecountywa.gov/6038/Therapeutic-Courts>

Court Program Assistant (0.5 FTE). Mid-level professional position responsible for tracking applications and payments, and providing administrative support of the program.

Other Non-Standard Costs

Grants (Object N)

Based on a nationally-recognized best practice program in a medium-sized municipal court in Washington, the total cost for a comprehensive therapeutic court program is approximately \$483,383 per year. This figure includes several specialized staff positions, such as case managers, peer support specialists, community justice counselors and therapeutic court coordinators. It also includes staff time for a judicial officer, administrator, prosecutor, and public defender costs, as well as technology and supplies, contracts for services such as emergency housing, life skills training, mental health care, and substance use disorder treatment.

Forty-three grant applicants in 2021 and 2022 requested a total of \$16.1 million for biennial funding from AOC for their therapeutic courts, with an average request of about \$374,000 per court. In addition, because the number of therapeutic courts across the state are continuing to increase, we expect there to be at least ten new therapeutic courts requiring funding added to this program in the next biennium, for an additional cost of approximately \$3.8 million. The total need in Washington State therapeutic courts is estimated to be at least \$19.8 million.

Expenditures by Object	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A Salaries and Wages	230,200	230,200	230,200	230,200	230,200	230,200
B Employee Benefits	73,400	73,400	73,400	73,400	73,400	73,400
E Goods and Services	9,500	9,500	9,500	9,500	9,500	9,500
G Travel	6,300	6,300	6,300	6,300	6,300	6,300
J Capital Outlays	16,000	4,000	4,000	4,000	4,000	4,000
N Grants, Benefits, and Client Services	9,911,000	9,911,000	9,911,000	9,911,000	9,911,000	9,911,000
T Intra-Agency Reimbursements	75,100	75,100	75,100	75,100	75,100	75,100
Total Objects	10,321,500	10,309,500	10,309,500	10,309,500	10,309,500	10,309,500

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
SENIOR COURT PROGRAM ANALYST	101,100	1.00	1.00	1.00	1.00	1.00	1.00
COURT PROGRAM ANALYST	91,500	1.00	1.00	1.00	1.00	1.00	1.00
COURT PROGRAM ASSISTANT	75,100	0.50	0.50	0.50	0.50	0.50	0.50
Total FTEs		2.50	2.50	2.50	2.50	2.50	2.50

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 31.89% of salaries.

Goods and Services are the agency average of \$3,800 per direct program FTE.

Travel is the agency average of \$2,500 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE. Ongoing Equipment is the agency average of \$1,600 per direct program FTE.

Agency Indirect is calculated at a rate of 24.73% of direct program salaries and benefits.

How does the package relate to the Judicial Branch principal policy objectives?

This package relates to the “**Fair and Effective Administration of Justice**” objective. With the \$4.5M allocated to AOC in 2021 for distribution to new and existing therapeutic programs, 16 brand new therapeutic courts were established throughout the state, and 8 programs were given funding to enhance an existing program. The funding provided in 2022 (\$4.9M) is expected to cover start-up costs for 6 new programs and the expansion of 18 additional therapeutic courts.

This package relates to the “**Accessibility**” objective. Therapeutic courts provide access to the necessary resources including treatment that justice-involved individuals require in order to regain stability. These resources include substance use disorder treatment, social support services, vocational assistance, and mental health care. Addressing the underlying issues that caused a person to become court involved improves accessibility.

This package also relates to the “**Commitment to Effective Court Management**” objective. By diverting those with substance use and mental health disorders to appropriate therapeutic court programs, those individuals can receive the resources and monitoring they need while reducing their use of general court resources. Effective court management also involves utilizing evidence-based best practices that focus on reducing offender risk, which in turn reduces new crime and improves public safety.

Are there impacts to other governmental entities?

This proposal would have a positive impact on city and county governments as it would increase the ability for therapeutic courts to continue to provide resources in their communities, which will reduce recidivism and improve safety in the community.

Stakeholder response:

Substance use disorder advocacy groups, mental health care advocates, and treatment providers are anticipated to strongly support this request because it will allow more individuals in their communities to seek access to resources.

Are there legal or administrative mandates that require this package to be funded?

No, there are no legal or administrative mandates that require this package to be funded.

Does current law need to be changed to successfully implement this package?

Current law does not need to be changed to successfully implement this package.

Are there impacts to state facilities?

No, there are no impacts to state facilities.

Are there other supporting materials that strengthen the case for this request?

National Institute of Corrections (NIC) – Community Corrections Collaborative Network – “Myths & Facts, Why Incarceration is Not the Best Way to Keep Communities Safe”

<https://nicic.gov/myths-facts-why-incarceration-not-best-way-keep-communities-safe>

Vera Institute, Beyond Jails: Community-Based Strategies for Public Safety

<https://www.vera.org/beyond-jails-community-based-strategies-for-public-safety>

National Center for State Courts: Learn More about Problem-Solving Courts

<https://www.ncsc.org/behavioralhealth/resourcehub/intercept-3/problem-solving-courts>

Are there information technology impacts?

There are no information technology impacts for this request.

Administrative Office of the Courts
Policy Level – T2 – Continue Therapeutic Court Funding

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