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Sustaining Community Courts: What Makes a Program Attractive to Potential Funders?

Burke Fitzpatrick administers the [Office of Justice Programs in South Carolina's Department of Public Safety](#), which distributes federal justice dollars to programs in the state. In this interview, he explains why he thinks problem-solving courts have been a good investment and what he looks for in a funding application.

ROBERT V. WOLF: For anyone trying to start a new program, funding is crucial. The big question is, how do you attract dollars to your initiative? I'm Rob Wolf, director of communications at the Center for Court Innovation, and I turned to Burke Fitzpatrick for an answer to that question. Mr. Fitzpatrick is the Administrator for the Office of Justice Programs in the South Carolina Department of Public Safety, and his team oversees the distribution of federal justice dollars in his state. Mr. Fitzpatrick participated in a panel on funding at [Community Justice 2012: the International Conference of Community Courts](#). I caught up with him afterward to talk about why he thinks South Carolina's problem-solving courts have been a good investment and to get a sense of what he looks for in a funding application.

Thank you very much, Burke, for taking the time to talk to me.

BURKE FITZPATRICK: Pleasure to be here.

WOLF: Why are you interested in community courts, given your capacity as overseer of federal justice dollars distributed in South Carolina?

FITZPATRICK: Let me first give you a little context. My office does distribute and manage much of the federal law enforcement funds that come from the Department of Justice, as well as victim of crimes money and juvenile justice grant funds, and we've been doing that for a very long time.

And in South Carolina we don't have a very distinguished record as far as our rankings in violent crime and property crime in general. In the last decade, we've been ranked number one per capita in violent crime in the country. And we're not in that ranking right now, we've slipped to number two, thankfully, and maybe we're down to five; we're heading in the right direction. But for all those years and before, my office put a lot of

money into law enforcement to fight violent crime, with a number of initiatives, multi-jurisdictional narcotics task forces, all kinds of things. But what we didn't address—and I think this was an oversight, which we are now trying to correct—what we didn't address is the piece on the courts. Because you can arrest a lot of people, either for minor crimes or major crimes—and major crimes are probably going to do prison time, but the minor crimes, which affect the quality of life and lead, I think, to violent crime numbers in the state—actually if you ignore those folks then you're not solving the problem.

So we now think that putting some resources into the specialized court, such as community courts, such as domestic violence courts, such as mental health courts and other types of specialized courts is a wise investment because we're going to break that revolving door that—we're going to break that chain where the offenders who start out as low-level offenders—although it's very, very serious, the people they impact—these low-level offenders, we can reintegrate them into the community, get them sober, and stable, and employed, and have sufficient supervision, perhaps, for a period of time where they're a contributing member of the community and not, maybe, someone who's going to graduate to a more and more serious crime.

So in a nutshell, we've been putting a lot of money into the law enforcement side and neglecting, to a great extent, the community corrections or community court side. And now I think it's time to balance that out. And interestingly, it comes at a time when federal grant funds are diminishing, so it's going to be even more difficult to do that. I think law enforcement in our state and many states have sort of been used to taking advantage, rightfully so, of the justice system's grants and the Byrne Funds, and other funds. What they need to see—and I think many, many of our law enforcement officers do—but they don't want to be locking up the same people again and again either. And they don't want their communities to suffer the same problems over and over again that these courts might be able to solve. So we've got good track records with some of our domestic violence courts. We've got a good track record for our mental health courts—don't have enough of them, they don't impact enough people, and they're not a perfect solution, but they're headed in the right direction.

WOLF: So you have had experience with these kinds of problem-solving courts, and you're saying that your experience has been positive?

FITZPATRICK: They have been positive. We have funded, out of my office, domestic violence courts and mental health courts. They've all been successful, they've got very, very talented people, judiciary and staff support, and all kinds of community resources behind them, but I question whether we're going to ever get to a point where we can have enough of them to make sort of a tidal change in the kind of the crime rates we're

talking about. But certainly it's the right thing to do for the judiciary and it's the right thing to do for the criminal justice system.

WOLF: What factors are you weighing? What are you looking for in an applicant who is coming to you and saying, "You know, we have a great idea. We want to start this kind of court or this kind of program"?

FITZPATRICK: It's an interesting question because for a grant administrator, it's always a question as to where you put your resources, and in my office we've taken the philosophy that we will reach out to everybody, make them aware of these possibilities, and make them aware of the grant solicitation resources out there. But we're not wise enough to get on the community level and decide if that's a good place or the next county's a good place, or the next city's a good place. So we let them come to us.

We let those proposals come to our office because they've already shown the initiative and the interest, and they've talked amongst themselves and got buy-in, probably, from law enforcement and courts and probation, parole and pardon services, and the alcohol and drug abuse folks on the local level before they send us the grant application. Then we'll look at it and maybe give it some guidance on budget and structure and evaluation, and make sure they have measurable objectives and good performance indicators. And then it's our job to take that application and put it against all the others, because we get millions of more dollars worth of requests than we can fulfill, and say that's the project we need to fund at the expense of others that aren't gonna get funded.

We've been successful in that because I think the council and board that we report to see the big picture the same way we do, in that if we just concentrate on that one part of the criminal justice system, we're just not going to be successful.

WOLF: And have you found that there is some resistance in some parts within, perhaps, law enforcement or the judiciary to some of these alternative approaches, or are people welcoming these ideas with open arms at this point?

FITZPATRICK: Let me speak candidly here. When drug courts first were initiated around the country and I think also in South Carolina, the title "drug court," to the general public, meant that you had a special court set up to crack down on drug offenders. And that was okay because that's really not what the court was supposed to be about; it was supposed to break that link of continued criminality and continued recidivism. So we didn't get too much criticism from the public because they thought this was a tougher, tougher measure, and I think that as people began to understand what the drug court was about and saw its successes, they said "hey, this isn't a bad idea. This is a good idea."

Mental health courts, I think the community adopted that idea right away. I think the private sector, the communities, the retailers, they knew that these panhandlers and folks were making, you know, are minor thieves, and people who were scrawling graffiti or peeing and urinating all over the front of their businesses, they know they're crazy. I mean, that's not a politically correct word, but yeah, they are, and they need special help. And they immediately endorsed mental health courts, I think.

Domestic violence courts, that's a very specialized crime, and we need to work with those offenders so it doesn't escalate, and people seemed to adopt that pretty well, as well.

WOLF: And so given, as you referred to, the reduction in federal dollars, where does that leave states and communities in terms of strategies or the options open to them?

FITZPATRICK: Well there's ways to initiate community courts with very little initial funding input. Traditionally it's been done through grants because most communities and municipalities just don't have unprogrammed dollars just sitting around on the shelf saying, "Gosh, what a great idea. Let's start a court."

So they come to maybe a state administrative agency like mine and say, "I'd like a grant if you have grant money, but after two or three years, or four years, we'll stand on our own two feet." And that's the model we use in South Carolina.

The first year is getting it all together and getting organized and getting that client-defendant population in place. The second year is really hitting your stride and working out all the kinks and getting some good data. And the third year, the third year is critical because you're going back to your county council, back to your city council, or whomever you can find, and saying, "Listen, these grant funds are going to be withdrawn. We have demonstrated success. Here are our numbers." And if that community really understands what that community court is about, if they've been in the court and actually seen it and realize "Okay, there's real people here acting compassionately and fairly, but firmly," that community's going to say, "We understand that the community is safer, saving valuable tax dollars, we've got to continue it."

WOLF: Great, well, you know, I really appreciate your taking the time to talk to me.

FITZPATRICK: Well thank you very much. It's a pleasure to be invited to the conference. Great job.

WOLF: Thank you. I've been speaking with Burke Fitzpatrick, who's the administrator



of the Office of Justice Programs of the South Carolina Department of Public Safety. I am Rob Wolf, Director of Communications at the Center for Court Innovation. To hear more podcasts, you can visit our website at www.courtinnovation.org.