



Ministry of  
**JUSTICE**

# **Dedicated Drug Court Pilots**

## **A Process Report**

**Matrix Knowledge Group**

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# **Dedicated Drug Court Pilots**

## **A Process Report**

**Matrix Knowledge Group**

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## Highlights

The Dedicated Drug Court (DDC) framework for England and Wales provides for specialist courts which exclusively handle cases relating to drug-misusing offenders from conviction through sentence to completion (or breach) of a community order with a Drug Rehabilitation Requirement (DRR). Two magistrates' courts have been piloting the DDC in England and Wales: Leeds Magistrates' Court; and West London Magistrates' Court.

Both courts have implemented the DDC in line with the Ministry of Justice (MOJ) framework. The critical factors for implementation success are an understanding of local context and scale of need, the enthusiasm of the local judiciary and partner agencies, good partnership working, the availability of resources to deliver the DDC and its associated treatment services, the depth of understanding by all staff of offender motivation and, in particular, recognition of the points at which an offender is most likely to make progress in reducing or stopping drug use.<sup>1</sup>

Continuity of judiciary is key to successful implementation of a DDC. It provides the focus for communication between the court and the offender and across magistrate panels. Continuity of judiciary was a strong planned feature of both courts. Based on analysis undertaken with data from the Leeds DDC, there is strong evidence that continuity of magistrates has a statistically significant impact on several key drug court outcomes. Greater continuity of magistrates experienced by offenders is associated with being less likely to miss a court hearing, more likely to complete their sentence and less likely to be reconvicted.

Break-even analysis showed that 8% of offenders seen by the courts would need to stop taking drugs for five years or more following completion of the sentence to provide a net economic benefit to the wider society, and 14% in order to provide a net economic benefit to the criminal justice system. A robust quantification of impact was not possible because of the difficulties in collecting sufficient data on a 'control' population of offenders.

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<sup>1</sup> See reference 'The discussion of desistance' in McNeill, F., Batchelor, S., Burnett, R. and Knox, J. (2005) *21<sup>st</sup> Century Social Work: Reducing Re-Offending Key Practice Skills* Scottish Executive.

The Ministry of Justice commissioned Matrix Knowledge Group to undertake an independent process evaluation of these pilot courts between January 2006 and May 2007.



## Summary

In response to the growing costs of drug misuse and the link between Class A drug use and acquisitive crime,<sup>2</sup> the Government has launched a variety of initiatives designed to reduce drug-related crime. As part of this agenda, the then Department for Constitutional Affairs (DCA) (now part of MOJ and subsequently referred to as MOJ in this report) launched a five-year strategy (2004-2009) which set out the Secretary of State's commitment to effectively tackle drug-related offending. Research from other countries suggests that a dedicated holistic approach can increase engagement with treatment, improve chances of successful completion of treatment and so reduce drug use and related offending. For these reasons, MOJ announced its commitment to piloting a DDC model in England and Wales by 2005 and establishing courts where appropriate by 2008. Two magistrates' courts were identified as pilots by MOJ, Leeds (which had an existing model dating back to 2001) and West London (piloted from December 2005).

MOJ commissioned Matrix Knowledge Group, in partnership with Urban Institute and supported by leading academics from the Universities of Stirling, Sheffield, Cambridge and Kent, to undertake an independent process evaluation of these courts.<sup>3</sup> The process evaluation was undertaken over a 17 month period at the two DDC pilot sites and was completed by the end of May 2007. The findings of the process evaluation are reported here.

The purpose of a DDC in England and Wales is to reduce offending by ensuring that the needs and motivations of offenders are better understood, resulting in more effective sentences, improved participation in treatment and higher levels of sentence compliance.

The framework for DDCs for England and Wales establishes the following five distinguishing core characteristics for a DDC.

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<sup>2</sup> Home Office (2002). *The economic and social costs of Class A drug use in England and Wales*. Home Office Research Study 249.

<sup>3</sup> A list of members of the evaluation team is provided in appendix E.

- **Specialism:** the DDC exclusively handles cases relating to drug-misusing offenders from conviction through sentence, to completion or breach of their orders.
- **Continuity:** the DDC will try to ensure sustained continuity of magistrates' bench or district judge throughout the period an offender comes before the DDC.
- **Training:** sentencers and other court staff receive additional training on working with drug-misusing offenders and the DDC model.
- **Processes:** processes are designed to ensure all necessary information is before the court when required.
- **Partnership:** the DDCs are designed to ensure effective multidisciplinary working with other criminal justice system agencies and professionals.

The DDC has been implemented in courts that have the full range of legislative provisions and treatment services. These include the Restriction on Bail provisions introduced by the Criminal Justice Act 2003, the testing on arrest and assessment provisions introduced by the Drugs Act 2005 and full sentencing powers. Post-sentencing, all offenders subject to a DRR as part of their community orders appear before the DDC on an on-going basis.

The DDC pilots shared a common set of aims and objectives and also shared the core DDC characteristics of exclusivity, continuity, training, processes and partnerships. However, in practice, the pilots differed in their day-to-day working. Moreover, they both evolved and changed during the course of the evaluation as they learned what worked and addressed the challenges they faced. These detailed operational differences and the lessons learned provide useful information for the establishment of other DDCs. They also reflect the diversity of practice which might be expected were the model to be replicated in other courts. Local differences in the number of offenders going through the courts, in partner relationships and in court structures and practices will all necessarily influence how the DDC model is implemented in practice.

Notwithstanding these differences in working practices between the two pilot sites, the evaluation team identified a number of findings that should be considered by MOJ when establishing a wider network of DDCs. These are discussed below.

### **Continuity of judiciary**

Continuity is a key requirement of the DDC framework. Continuity provides the focus for communication between the court and the offender and across magistrate panels, and is the mechanism through which the courts can take an approach to the case based on more

specialist insight and understanding. This insight and understanding includes both drug use in general and the circumstances of individual offenders. Continuity of judiciary was a strong planned feature of both courts and in practice two different planned models emerged from the pilots.

- **West London:** the same magistrates' panel or district judge sees the same offender each time.
- **Leeds:** magistrates are organised into panels and offenders are seen by the same panel each time they appear in the DDC. At least one member of the panel is the same each time the offender appears in the DDC.

The evaluation team found qualitative evidence that continuity was in place in both pilot sites (albeit via different models), but that challenges exist in achieving continuity, in particular across review and breach hearings. The requirement to meet national targets for the timing of breach hearings often conflicted with the intention of the court to schedule the breach hearing to allow for continuity of the offender appearing before the magistrates or district judge who had sat at his or her previous review hearings.

The need for the judiciary involved in the DDC to understand offender motivation and, in particular, the points at which an offender is most likely to make progress in reducing or stopping drug use is critical to the DDC's success.<sup>4</sup> One of the core aims of the DDC is to increase offender motivation to participate in treatment. The process evaluation identified a need to ensure appropriate and high-quality training for the judiciary in both understanding addiction and understanding appropriate communication styles for the DDC framework, as this is important to help the judiciary maximise offender motivation. When assessing offenders for their suitability for a DRR, a deep understanding of offender motivation is important to ensure that those most likely to benefit are targeted effectively. There is some evidence from offender interviews that offender confidence that the DDC could impact on their lives improves over time, and that motivation shown by those involved in the DDC is a significant contributing factor in building offender confidence.

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<sup>4</sup> See reference to 'cycles of desistance' in McNeill, F., Batchelor, S., Burnett, R. and Knox, J. (2005) *21<sup>st</sup> Century Social Work: Reducing Re-Offending Key Practice Skills* Scottish Executive.

For Leeds DDC, the team also undertook a quantitative analysis of continuity of magistrates (although sample sizes were too small to repeat this at West London). The sample used to conduct the analysis of continuity for Leeds DDC was 201 of the offenders who had been participating in the Leeds DDC between January 2004 and 1 July 2006. This sample had a total of 1,978 court hearings, an average of 9.5 hearings per offender. For more detail on the

sampling for the continuity analysis please see section 4.11 and appendix D. The analysis found strong evidence that continuity of bench has a statistically significant impact on several key drug court outcomes. A ten percentage point increase in continuity (e.g. moving from five out of ten hearings having continuity to six out of ten hearings having continuity) results in:

- a lowering of the likelihood of offenders missing a court appearance of 8-23% (on average participants in Leeds DDC missed 27% of court hearings)<sup>5</sup>;
- a lowering of the likelihood of offenders failing a heroin test of approximately 9-20% (on average participants in Leeds DDC failed 61% of heroin tests);
- an increase in the likelihood of offenders successfully completing their sentence by 11-29% (on average 26% of participants in Leeds DDC completed their sentences successfully);
- a lowering of the likelihood of reconvictions by between 0.1 and 0.5 (on average participants in Leeds DDC had 1.94 new convictions so this equates to an overall reduction of 5-26% in the number of new convictions).

These effects suggest that fidelity to a design whereby participants are seen by magistrates with whom they are familiar is important to achieving successful outcomes. Moreover, the strength of the results increases as the definition of continuity becomes more stringent, providing a strong impetus for ensuring that drug court participants have a good relationship with not just one magistrate but, if possible, two or three magistrates.

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<sup>5</sup> Likelihood here is used to describe the odds ratio (namely the likelihood of failing a test with higher continuity compared with the likelihood of failing a test with lower continuity).

**Partner agencies** have a vital role to play both in setting the system up and in providing support. Successful implementation and operation depend on the ability of the probation service and treatment providers to support the DDC with timely and appropriate assessments and reports, on the availability, appropriateness and quality of drug treatment provision and on the provision of timely information across agencies. The importance of effective interagency working to the successful running of DDCs has been established in previous research.<sup>6</sup> This evaluation has found that good structures and processes for interagency working are important both for the implementation of DDCs and throughout their operation. Co-operation between agencies is necessary to manage the competing pressure of other criminal justice agendas through interagency negotiation and to maintain a shared agenda between agencies that allows for collaborative working towards common goals.

Partnership working is a particular strength of the DDC model. The criminal justice and drug treatment systems have a set of goals (rehabilitation, punishment, protection of the public and so on) that can, at worst, be in direct conflict with each other. The DDC model provides a framework for agencies to find a common path through these agendas, even if it is a complicated one requiring constant negotiation.

**Break-even analysis** was undertaken to explore the costs of the DDC and the costs to society of drug-misuse offending. The analysis was based on data for the Leeds DDC. The cost per offender ranged from £4,770 to £6,929 depending on the length of the DRR (12 months to 24 months). The analysis considered costs associated with running the DDC processes (including steering group, training and judiciary rota administration) and the cost of changes in DRR practices which are associated with implementing a DRR within a DDC setting compared to national minimum requirements (for number of drug tests and court reviews). Reduced drug misuse has economic benefit. Savings can be made within the criminal justice sector, within the wider public sector (for example, health services), and within society as a whole. There is value to society in the reduced financial and psychological impact on victims of offending. Taking all of these potential savings into account, between 8% and 14% of offenders seen by the courts would need to stop taking drugs for five years or more following completion of the sentence to provide a net economic benefit to society.

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<sup>6</sup> Mclvor, G., Barnsdale, L., Eley, S., Malloch, M., Yates, R. and Brown, A. (2006) *The Operation and Effectiveness of the Scottish Drug Court pilots*. Edinburgh: Scottish Executive Social Research

The figures presented here are subject to caveats which are described in section 3.

This evaluation has identified some learning points that should inform a programme to establish DDCs across England and Wales. The decision-making process will need to take account of local prevalence of drug-related crime, variations in the size and style of the court accommodation, existing processes and practices already adopted in line with a DDC, the number of judiciary willing to be involved and whether a sufficient number of offenders would be seen by the court.

**Methods Note:** The evaluation originally sought to examine theory, practice, impact and value for money. It involved an extensive programme of data collection from the two DDC sites (via offender and stakeholder interviews, observations, stakeholder update workshops, public confidence focus groups and analysis of case files and court records). These provided insight into implementation and enabled an assessment of what had gone well, where there were challenges and the economic considerations. In the event, a robust quantification of impact was not possible because of the difficulties in collecting sufficient data on a control population of offenders. Even if the data had been collected, the relatively low number of offenders seen by the courts over the pilot period, compared to that expected, would have reduced the strength of the statistical basis for assessing the impact of the DDC on drug misuse and offending.

# 1. Background

## 1.1 Policy context

Drug misuse is estimated to give rise to social and economic costs of between £10 and £18 billion per year.<sup>7</sup> A Home Office research study found a strong link between class A drug use and acquisitive crime.<sup>8</sup> High-rate offenders<sup>9</sup> were estimated to be responsible for one-third of all illegal income and over half of all reported criminal offences. Over two-thirds of these offenders reported using crack cocaine or heroin.

In response to this, the Government has set up the Drug Interventions Programme (DIP), (formerly the Criminal Justice Interventions Programme (CJIP)), has legislated via the Tough Choices agenda and the Drugs Act of 2005 and has increased focus on the commissioning of treatment services through the Models of Care framework for the treatment of drug misusers. Within the criminal justice system, the Government has made provision for community sentences and suspended sentence orders to include (where appropriate) a requirement for drug treatment and testing, a DRR. Some offenders on DRRs are also subject to regular court reviews during their order.<sup>10,11</sup> The Department's five-year strategy (2004-2009) set out the Secretary of State's commitment to tackle drug-related offending more effectively.

Research from other countries suggests that where offenders misuse drugs, a dedicated holistic approach by the courts can increase engagement with treatment, improve chances of successful completion of treatment and thus reduce drug use and related offending. MOJ identified that a successful drug court model for England could contribute to addressing this problem and to the wider government agenda to tackle drug use and related crime, and so build public confidence in the criminal justice system.

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<sup>7</sup> Home Office (2002). *The economic and social costs of Class A drug use in England and Wales*. London: Home Office Research Study 249.

<sup>8</sup> Home Office (2002). *The economic and social costs of Class A drug use in England and Wales*. London: Home Office Research Study 249.

<sup>9</sup> Nine % of all offenders, who committed 20 offences a month or more.

<sup>10</sup> Either as part of a Drug Treatment and Testing Order (DTTO) or a community order with Drug Rehabilitation Requirement, introduced under the Criminal Justice Act 2003.

<sup>11</sup> DCA (2005) *Drug Court, the Viability Document, v1.00*. Internal Document.

## 1.2 Emergence of drug courts internationally

The drug court concept emerged in the US in the late 1980s with the aim of reducing recidivism by getting offenders to reduce drug use and concurrent criminal offending. Initially drug courts in the USA were designed to deal with less serious offenders but over time moved on to deal with offenders with more serious criminal histories and long-term drug use. The number of drug courts has grown rapidly in the US and the growth has been fuelled by both a perception among practitioners that drug courts are successful and, since 1995, by an infusion of US government funding.

The first drug courts to emerge in England and Wales were a number of models established in West Yorkshire, set up in 1997, before the introduction of Drug Treatment and Testing Orders (DTTOs). Since 1998, several countries, including Canada, Australia, Ireland and Scotland, have developed some form of DDC and, by 2005, drug courts were in operation or were planned in the Americas and the Caribbean (Barbados, Bermuda, Brazil, Cayman Islands, Chile, Jamaica, Trinidad and Tobago) and in Europe (Ireland, Norway).<sup>12</sup> Generally, drug courts aim to reduce drug misuse and associated offending behaviour through a combination of suitable treatment and supervision, regular review within a court setting by a consistent member of the judiciary and consistent praise and sanctions where necessary.

## 1.3 Findings from existing research

Evidence compiled from the international experience of drug courts supports the introduction of drug courts and finds that they are broadly successful in producing significant economic, social and individual benefits, with some studies indicating that drug courts produced savings seven times greater than the cost of treatment.<sup>13</sup> In Ireland, an evaluation of a pilot drug court found evidence of declining offending behaviour and increased compliance.<sup>14</sup> Similar successes were recorded in West Yorkshire.<sup>15</sup>

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<sup>12</sup> United Nations Office on Drugs and Crime (2005) *Drug Treatment Courts Work!* Austria: UN Office on Drugs and Crime.

<sup>13</sup> Walker, J. (2001) *International Experience of Drug Courts*. Edinburgh: Scottish Executive.

<sup>14</sup> Farrell, M. (2002) *Final Evaluation of Pilot Drug Court*. Dublin: Farrell Grant Sparks Consulting.

<sup>15</sup> Walsh, C. (2001) 'The trend towards specialisation: West Yorkshire innovations in drugs and domestic violence courts'. *The Howard Journal of Criminal Justice*, 40, 26-38.



In Scotland, an evaluation found:<sup>16</sup>

- a steady decrease in offenders testing positive for opiates and benzodiazepines across the sentence;
- ninety-five out of 190 drug court clients (50%) had not been reconvicted within one year and 36 out of 124 (29%) remained free from convictions for at least two years.

Participants who completed their orders had fewer convictions in the two years after the orders than in the two years previous to the orders.

Adult drug courts in the US have been the subject of numerous evaluations and three syntheses or meta-analyses of drug court impacts have been published. Overall, there is robust evidence that US drug courts significantly reduce offending during the period of programme participation, but mixed evidence that drug use is reduced during this period or that either effect persists after the offender leaves the drug court programme.<sup>17,18,19</sup>

The United Nations expert group on drug misuse highlighted the following success factors underpinning the international experience of drug courts:<sup>20</sup>

- effective judicial leadership (with particular emphasis on review hearings);
- strong interdisciplinary collaboration;
- good team knowledge of addiction, treatment and recovery;
- clear eligibility criteria and screening;
- speedy referral to treatment;
- swift, certain and consistent sanctions and rewards;
- clear, documented consent of the offender.

There are variations in the models of drug courts found internationally depending on the settings in which they were introduced. For example, in the US drug courts place greater emphasis on abstinence models of rehabilitation, whereas in Scotland methadone-based and

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<sup>16</sup> McIvor, G., Barnsdale, L., Eley, S., Malloch, M., Yates, R. and Brown, A. (2006) *The Operation and Effectiveness of the Scottish Drug Court pilots*. Edinburgh: Scottish Executive Social Research.

<sup>17</sup> Wilson, D., Mitchell, O. and MacKenzie, D. (2002) *A Systematic Review of Drug Court Effects on Recidivism*.

<sup>18</sup> Aos, S., Phipps, P., Barnoski, R. and Lieb, R. (2001) *The Comparative Costs & Benefits of Programs to Reduce Crime: version 4*. Washington: Washington State.

<sup>19</sup> Wilson, D., Mitchell, O. and MacKenzie, D. (2006) 'A Systematic Review of Drug Court Effects on Recidivism'. *Journal of Experimental Criminology*.

<sup>20</sup> Cited in Walker, J. (2001) *International Experience of Drug Courts*. Edinburgh: Scottish Executive.

harm-reduction programmes are more common. Clearly, therefore, whilst lessons from other research can be useful, it is important to develop a model appropriate to the context in England and Wales and to assess its effectiveness independently of these international findings.

## 1.4 Dedicated Drug Court pilot

The Lord Chancellor and Lord Chief Justice agreed in February 2005 to pilot the DDC model in two adult magistrates' courts in order to evaluate the benefits, identify costs and to inform any wider roll-out.

The two pilot sites for the DDC model needed to fit the following criteria:

- be located in high crime areas where there were high levels of acquisitive and potentially drug-related crime;
- be located in areas that already have drug testing on charge and access to treatment in place;
- have any other related provisions such as Restriction on Bail in place.

Prior to the start of the evaluation, MOJ carried out a survey of such areas to find out in more detail what the courts were currently doing and what attitudes there were to specialism of this kind. In the course of this survey the following were learned.

- **Leeds Magistrates' Court** had already developed a model almost identical to the one planned to be piloted and they were keen to act as a pilot site and for an evaluation to be carried out there.
- **West London Magistrates' Court's** judiciary and court legal advisors were enthusiastic about the proposal and had already been working towards creating a drug court. They agreed to be a second pilot site.

Therefore, Leeds Magistrates' Court and West London Magistrates' Court were selected as pilot sites for the DDC.

## 1.5 Dedicated Drug Court framework

The DDC framework that underpins the DDC pilots has the aim of reducing drug-related offending by offenders who misuse drugs. It builds on the international evidence but applies this evidence in an English context.

The framework includes the following elements.

- **Specialist sessions:** DDCs exclusively handle drug-misusing offenders from conviction through sentencing to completion or breach of any order at specialist sessions within the existing magistrates' courts structure.
- **Continuity:** DDCs ensure the continuous presence of judicial personnel (magistrates or district judges).
- **Training:** sentencers and other court staff receive additional training on working with drug-misusing offenders.
- **Improved processes:** processes are designed to ensure all necessary information is before the court when required.
- **Partnership:** the drug courts are designed to ensure effective multidisciplinary working with other criminal justice system agencies and professionals.

DDCs, like other courts, have the full range of legislative provisions available to them: these include Restriction on Bail provisions introduced by the Criminal Justice Act 2003, the testing on arrest and assessment provisions introduced by the Drugs Act 2005 and full sentencing powers. A key feature of the DDC is that it provides a focus for courts to manage offenders who have been given a DRR as part of their community orders or suspended sentences. Under a DRR, offenders are required to attend treatment, are tested regularly for drug use and are required to attend court reviews. Although offenders with DRRs can be managed through normal courts, under the DDC model all offenders eligible for DRRs who reside within the jurisdiction of the court would have their cases managed by the DDC.<sup>21</sup>

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<sup>21</sup> Offenders who are still subject to DTTOs, the predecessor to the DRR, are also supervised within the DDC pilots at Leeds and West London Magistrates' Courts. Offenders with a DRR attached to a suspended sentence are also included.

## 1.6 Process evaluation

The success criteria of the drug court pilot project are to have developed a DDC model that:

- reduces the number of offenders who re-offend following time spent on a drug treatment order;
- shows a reduction in the drug use of offenders;
- provides an improved process that supports interagency working and a holistic approach to offenders who use drugs;
- is either cost-neutral to the criminal justice system or whose cost is commensurate with realisable benefits;
- is capable of being replicated where required.<sup>22</sup>

This process evaluation reports findings in relation to two aspects of the DDC pilot that is to:

- **understand the implementation** of the model and the impact on the procedures and attitudes of the judiciary, court staff and agencies;
- conduct an **economic evaluation** of new business processes to assess whether such an approach is **cost-effective** and can be delivered without a disproportionate impact on any section of the community or the criminal justice system.

Although the success of the DDC pilots was to be judged in terms of its impact on re-offending and drug use,<sup>23</sup> a robust quantification of impact was not possible because of the difficulties in collecting sufficient data on a control population of offenders (to enable comparison between those offenders who participated in the DDC and those who did not). Even if the data had been collected, the relatively low number of offenders seen by the courts over the pilot period, compared to that expected, would have reduced the strength of the statistical basis for assessing the impact of the DDC on drug misuse and offending.

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<sup>22</sup> DCA (2005) *Drug Court, the Viability Document, v1.00*. Internal document.

<sup>23</sup> DCA (2005) *Invitation to Tender, Specification for evaluation of the Dedicated Drug Court pilot, para. 23*. Internal document.

## 2. Process and structures of the Dedicated Drug Court pilots

### 2.1 Introduction

The process evaluation explored the implementation issues and working practices of the DDC at each of the pilot sites. In particular, the evaluation team considered the aims and objectives of the DDC as applied locally and how these were reflected in core processes. The team also looked at communication issues and in particular at the potential effects of the DDC pilot on public perceptions of, and confidence in, the criminal justice system.

### 2.2 Process evaluation method

The process evaluation was undertaken over a 17-month period at the two DDC pilot sites and was completed by the end of May 2007. During this time, the team conducted a review of operational structures and processes at the pilot sites using data acquired via a programme of the following.

- **Two phases of semi-structured interviews were conducted with practitioners** (district judges and magistrates, practitioners directly connected to the courts, probation staff and treatment providers directly connected to the delivery of sentence). Interviews covered planning and set-up, expectations of intervention, offender allocation, assessment, sentencing, case management, support and treatment, compliance and non-compliance, support and treatment, and partnership working. Phase 1 of the interviews took place between March 2006 and April 2006. Phase 2 took place between November 2006 and December 2006.
- **Semi-structured interviews were conducted with offenders** at each of the pilot sites (30 in Leeds and 11 in West London). These interviews included some structured questions on drug use and offending. The aim of the interviews was to track how offenders' thoughts had changed during the period of their sentences, specifically in relation to their motivations, and the process, structure and impact of the drug court. Interviews were conducted between November 2006 and February 2007.
- **Stakeholder update workshops were conducted with practitioners** at each site to review the findings following the field research and provide any important updates on process and structure. Workshops were conducted in February 2007.

- **Data analysis was conducted** at Leeds, drawn from court and probation records, as well as data from the police national computer (PNC). From a sample of 201 offenders at Leeds DDC the team undertook a quantitative analysis of continuity of magistrates. The analysis tested the hypothesis that continuity of magistrates impacts on key DDC outcomes. Multivariate models were used to isolate the impact of continuity of magistrates on drug court outcomes. (Sample sizes were too small to repeat this at West London.) The sample was taken from between January 2004 and July 2006.
- **Media analysis and focus groups were conducted** to identify key considerations for any future communications strategies to support public confidence in relation to DDCs. A review of press coverage was undertaken and opinions relating to communications were collected via focus groups with gatekeepers to public opinion in Leeds and West London.

### 2.3 Aims and objectives of the Dedicated Drug Court

Amongst practitioners at both sites and during all phases of field research there was strong consensus that the aims of the DDC were as follows:

- to rehabilitate offenders to achieve a reduction in their offending and drug use, as well as to punish;
- to increase judiciary and practitioner understanding of patterns in drug use and offending, with the aim of more effectively targeting the interventions and support available through the DDC to achieve reductions in drug use and offending;
- to gain greater understanding of all offenders and their circumstances as they progressed through their sentences this was to be achieved through consistency of judiciary;
- to increase offenders' motivation to comply with their order and thereby increase the likelihood of reducing drug use and offending;
- to facilitate partnership working and to encourage a greater shared understanding of what other agencies were trying to do.

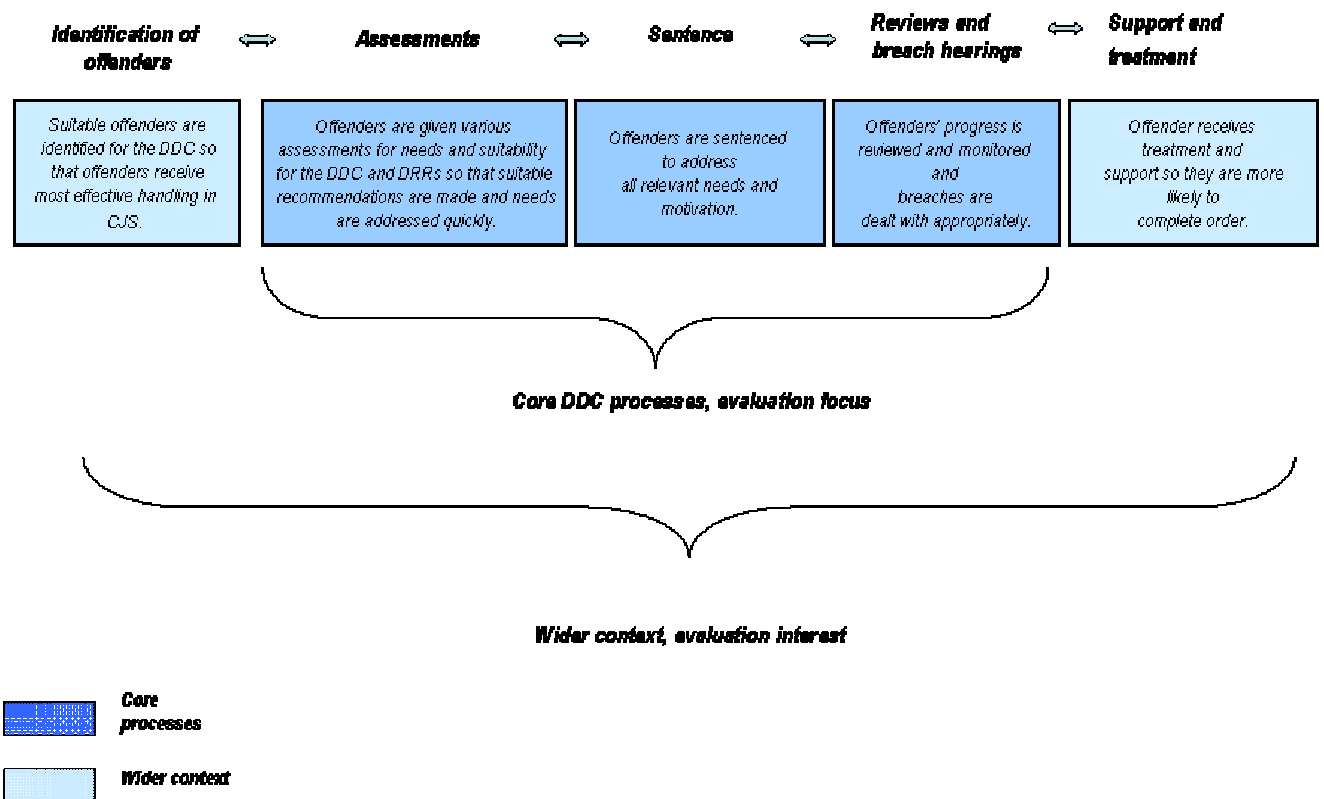
*“I think it’s an understanding that drug users need special attention, motivational time to assist them through ... it was my understanding that it was good practice, experience, from other countries that it was working and that they got more dedicated to their needs.” (Practitioner, Leeds)*

*“The purpose of a drug court is to get out of the everyday system those who have drug addiction and to get them into a specialist jurisdiction where everybody understands drugs, everybody sees drugs as more of an illness than a crime and to get them into the hands of specialist magistrates and judges who will put rehabilitation before punishment.” (Practitioner, West London)*

## 2.4 Core processes

Figure 2.1 provides a high-level overview of key elements of the DDC and the context within which it operates.

Figure 2.1: Overview of DDC core processes



There were differences in the processes adopted at each pilot site. Detailed process maps were produced by MOJ with the local steering groups to illustrate the implementation of the DDC in each site, and these are reproduced in appendix B. The following subsections highlight some of these differences.

## 2.5 Implementation

Since the introduction of DTTOs<sup>24</sup> in England and Wales, Leeds Magistrates' Court has operated a form of DDC where offenders have been reviewed throughout their sentences. The model has been adapted over the last six years, including incorporating the DDC framework. Unlike Leeds, the West London DDC was established in December 2005.

Steering groups operated on both sites. In Leeds, the steering group met quarterly and included representatives from all the aspects of the drug court process, including magistrates, court staff, solicitors, probation staff and treatment providers. Practitioners saw this as an essential part of the effective operation and quality partnership working.

*“Yes, again, I can only reiterate. The steering group meetings are crucial to running the Drugs Courts here...Because it enables us to catch problems before they actually happen. ... It gives us a chance to discuss it. It enables us to solve problems, really, before they happen, hopefully.” (Practitioner, Leeds)*

In West London, the steering group comprised representatives from all stakeholders involved in the DDC including district judges, magistrates, probation staff, treatment staff, Crown Prosecution Service (CPS) solicitors, defence solicitors and representatives from Her Majesty's Court Service. The West London steering group met every other month to review progress, which was more frequent than the Leeds DDC steering group. Early meetings focused on implementation issues such as criteria for allocation to the DDC and partnership working. At later stages, it remained a formal arena for discussing process issues. A major issue for the West London DDC was that it covered two London boroughs: Hammersmith and Fulham, and Kensington and Chelsea. This increased the number and duplication of meetings that had to occur in order to disseminate information; there were also different commissioning arrangements in both boroughs for treatment provision.

The Leeds DDC had a much larger throughput. Based on data collected during the period of the evaluation, from January 2004 to December 2006, the number of new offenders per annum in Leeds was 276 compared to 60 in West London.

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<sup>24</sup> Drug Treatment and Testing Orders were introduced as a new community sentence under the Crime and Disorder Act 1998. They were replaced by the Drug Rehabilitation Requirement, as part of a community order, under the Criminal Justice Act 2003.



In Leeds, 32 magistrates volunteered to sit in the DDC, and this number increased to 40 during the course of the evaluation. These magistrates were organised into panels, with each panel initially composed of four magistrates. When the total number of magistrates increased to 40 each panel increased to include five magistrates. A rota was established with the same panel of magistrates sitting every four weeks, so that from his or her first appearance an offender always appeared in front of the same panel. When a panel was on the rota to cover the DDC, any combination of three magistrates from the panel would sit. Each time an offender appeared in the DDC a minimum of one member of the panel who sat on the previous occasion would be present.

*“So, we are in a position, structurally, now with 40 magistrates, that is with 8 panels of 5, to work flexibly twice a week ... there is continuity and the way the rotas are set up means that, typically, you will miss [a month]... and then do two and then maybe miss another month. But, nevertheless, amongst the five people there is continuity. One or two more likely panellists sat the previous month and, if not then, the month before that.”* (Practitioner, Leeds)

The Leeds model provided continuity according to the DDC framework, with offenders appearing before at least one magistrate who had sat on the previous occasions they appeared. Continuity was also supported through information sharing between members of the panel. For example, the magistrate who had been sitting on the previous occasion that an offender appeared before the DDC might update the members of panel who had not been sitting on that occasion.

During the update workshops it was noted that the increase in panel membership from four to five magistrates per panel had led to a dilution in the level of continuity achieved. Leeds DDC has subsequently taken the decision not to replace magistrates who leave the panels, allowing a return to four magistrates per panel. This will increase the frequency with which an offender appears before more than one member of his or her panel, thus strengthening the level of continuity achieved.

During the course of the evaluation, the time allocated to the DDC was increased from two afternoons a week to two full days a week with reviews and breaches being heard in the morning sessions and sentencing taking place in the afternoon sessions. This change enabled more time to be spent on reviews. A panel of three magistrates, a legal advisor and a probation officer were in court for the whole day and for the sentencing and breach sessions relevant defence solicitors and prosecutors attended.

In the West London DDC, three district judges and three benches of three magistrates each (nine magistrates in total) volunteered for involvement in the DDC. The West London DDC sat every Tuesday for the whole day. The court alternated between a district judge and a magistrates' bench of three magistrates. The morning of the DDC was designated for sentencing and the afternoon for review hearings. Breach proceedings were intended to be heard in the DDC in between the sentencing and review hearings.

Continuity of judiciary was, therefore, a strong planned feature of both courts as the following summarise.

- **West London:** the same magistrates' panel or district judge sees the same offender each time. This model aims to achieve consistency of contact between sentencers and offenders and to establish a stronger personal relationship and understanding of each case.
- **Leeds:** magistrates are organised into panels, and offenders are seen by the same panels each time they appear in the DDC. There is at least one member of the panel who is the same each time the offender appears in the DDC. This model aims to achieve continuity as above and also through a greater sharing of information across the panel to ensure an understanding of offenders' personal circumstances whichever members are present.

The issue of whether continuity is achieved is reviewed later in this section.

In Leeds, training was well established and conducted by the legal team manager for adult crime whenever a new magistrate joined the panel. In addition to this, magistrates on the drug court panel met twice a year to discuss any problems and update their training. In West London, some initial funding was provided for extra training for judicial and other court staff. Throughout the evaluation, training in both sites was generally reported as being effective, particularly where it included judiciary, probation staff and courts' staff together. Magistrates suggested improvements to training, including the depth of training on the nature and patterns of drug addiction. Magistrates also felt they would benefit from communications training including how to engage effectively with offenders in the DDC setting and techniques for asking questions in a non-confrontational manner.

## 2.6 Allocation of offenders to the DDC and assessment for a DRR

At both sites, offenders appeared in a normal magistrates' court sitting prior to being allocated to the DDC. Leeds and West London DDCs both used eligibility of an offender for a DRR (as part of a community order or suspended sentence) as the determining factor for allocation to the DDC. However, the two sites have different processes for identifying offenders eligible for a DRR and making the decision to allocate offenders to the DDC at different times in the process.

### Leeds

In Leeds where an offender had been found guilty in a normal magistrates' court sitting, the court would adjourn for sentence to take place in a DDC. All magistrates who worked in Leeds normal adult magistrates' court sitting had been offered training in identifying suitable candidates for the drug court, based on:

- the nature of the offence (for example, linked to drug use but not so serious as to make a community sentence unlikely);
- offender drug use being identified as an issue (for example, through previous test results or the defence solicitor highlighting the issue to the court);
- the offender stating in court that he or she is motivated to comply with a DRR.

The offender would next appear before the DDC for sentence, for which a pre-sentence report assessing the suitability for a DRR would be prepared. During Phase 1 of the field research there was general agreement that the system worked well, and no interviewees raised any problems with the identification of offenders. During Phase 2 of the research it was reported that the number of offenders being referred to the drug court had gone down, and two possible explanations were given as to why this had happened.

It was the belief of the interviewee that one reason for this was that the CJIT workers were informing relevant parties (defence solicitors, probation report writers) that the individual under assessment was already well engaged with treatment and therefore did not need a DRR.

*"... there's a tendency for the defence solicitor to come into Court and say, 'It's okay. He's already started on the programme. Everything's fine. Let's put him on [I don't know] a community rehabilitation order or something else. Do some unpaid work because he's got his drug problem sorted.'" (Practitioner, Leeds)*

However, CJIT workers were not present at the workshop to provide their perspective on this issue.

The second reason given was that during the first phase of fieldwork, assessments for a DRR were reported as being conducted by a single DRR team. By Phase 2 assessments were being conducted at local probation offices. Interviewees suggested that in their view this might have had an impact on referral rates.

*“Now that they’ve been told that they’ve got to do the assessment themselves.... I don’t know whether it’s a confidence issue or a training issue or what, but it’s certainly coincided with a lack in stats of these... types of orders now.” (Practitioner, Leeds)*

These issues were discussed at the stakeholder update workshop, which took place after the field research had been completed. Here, stakeholders stated that efforts had been made to help increase the allocation of offenders to DRRs. Training and information days were being run by treatment providers for probation staff preparing pre-sentence reports to describe and promote DRRs. Stakeholders also felt that treatment accessed through CJITs as an alternative to a DRR should be challenged because it cannot be enforced through the courts and was not reviewable in the drug court. National Guidance makes it clear that treatment accessed through CJITs is not an alternative to a DRR but should be a referral route into a DRR for appropriate offenders.

No serious problems or blockages with the assessment process were mentioned by those interviewed. However, there was concern about whether the assessment process really captured those motivated to comply with the terms of the DRR. It was felt that some of the offenders attending the treatment did not appear to have the requisite levels of motivation and hence dropped out early.

*“I am a little bit disturbed by a process which recommends the vast majority of people as suitable. And you might say that possibly explains why there’s a significant drop out rate.” (Practitioner, Leeds)*

*“I think maybe in the initial stages of actually assessing whether somebody is right for the DRR, sometimes there maybe could be better assessments made because we do sometimes get people who just come in and sit around moping and saying, ‘I’m not doing group work’ and I just think, ‘Why are you doing a DRR then?’ But there’s bound to be fallout.” (Practitioner, Leeds)*

## West London

In West London the allocation process to the DDC had more stages than in Leeds. Once an offender had been found guilty in a normal magistrates' court sitting, the district judge or magistrate would assess the likelihood that a sentence to address drug use would be required. This assessment would be based on:

- any other information from required assessments under the Drugs Act 2005 or treatment being undergone by the offender as a condition of bail under the Restriction on Bail provisions;<sup>25</sup>
- the offence;
- previous convictions.

Where a sentence to address drug use was assessed as likely, the court would adjourn for a fast-track pre-sentence report and initial drug assessment to be prepared. This information would be considered at the normal magistrates' court sitting. Where a full DRR assessment was considered necessary by the court a further adjournment would be made for this to take place. If the full DRR assessment identified this to be a suitable sentence the case would be adjourned to the DDC for sentencing.

This process was intended to avoid a situation in which potentially unmanageable numbers entered the DDC. Initially, this filtering was reported as causing unnecessary delays and reducing the numbers allocated to the drug court. However, as the process became more embedded it became accepted as necessary.

All offenders in treatment under Restriction on Bail provisions were to be automatically assessed for suitability for a DRR, as these offenders were in theory more likely to be eligible for a community order with DRR. The offender also had to be a resident in the boroughs of Hammersmith and Fulham or Kensington and Chelsea to be allocated to the DDC.

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<sup>25</sup> Restriction on Bail was introduced under the Criminal Justice Act 2003. It provides for a restriction on bail in the case of adult defendants (charged with an imprisonable offence) who have tested positive for a specified Class A drug when tested in connection with the offence (on arrest or charge) in police detention (under section 63B PACE Act 1984) and where the offence is a drug offence or the court is satisfied it was caused by or motivated by his or her use of a specified Class A drug. Those who do not agree to undergo an assessment of their dependency on specified Class A drugs or agree to participate in any follow-up treatment and/or support proposed, may be denied bail unless the court is satisfied that there is no significant risk of him or her committing an offence on bail. Where the defendant does agree, and bail is granted, the court must make this a condition of bail.

Initial concerns described in the interviews included shortages of probation staff leading to delays in receiving reports and also delays with treatment assessments. As the pilot progressed, changes were made to the process so that part of the treatment assessment was rescheduled to take place before the second remand hearing, thus reducing the time taken to allocate an offender to the drug court.

*“...now with a three-week period between the initial first appearance in the remand court, we continue the assessment process and are able have a draft treatment proposal for the remand court with the pre-sentence report or SDR... to inform whether that should be then referred in to the DDC. We then have a week to firm up the arrangements with them, the plan, so that works okay.”*  
(Practitioner, West London)

Treatment providers assessing suitability for treatment as part of the DRR assessment for the court said that their appraisal included an offender’s motivation to participate in a DRR, which should be taken into account to maximise completion rates. However, probation service staff considered treatment providers to be exceeding their brief by commenting on the viability of a DRR.

## 2.7 Sentencing

In both Leeds and West London, offenders appearing in the DDC could receive any sentence that was available in a standard adult magistrates’ court. However, interviewees reported that offenders were most likely to be sentenced to a DRR as the allocation process had already identified this as a likely option.

The most common sentence reported at both sites was a community order with between nine and 12 months probation supervision and a six-month DRR. In both sites a sentence passed took account of recommendations from the probation service in the pre-sentence report and DRR assessment but the magistrates’ or district judge’s decision was final. In practice, interviewees from the first phase of fieldwork, including probation staff, treatment staff and sentencers in both Leeds and West London, described how the district judge or bench rarely went against a pre-sentence report recommendation for a community order with DRR. It was reported that the length and intensity of sentence given (low, medium or high) depended on the seriousness of the offence. Drug use was also taken into account to determine which level of intensity of DRR was most appropriate.

On some occasions, an offender was sentenced to a community order with a DRR before the case was adjourned to the DDC. There are a number of circumstances in which this may have occurred.

- If an offender was convicted after a trial it was best practice for the convicting court to sentence. An individual might have been sentenced to a community order with DRR by the convicting court rather than the drug court.
- An individual might have been assessed as suitable for a DRR during the pre-sentence report stage but had not been adjourned for sentence in the drug court. He or she might, therefore, have been sentenced in a standard adult court to a community order with DRR and then be adjourned to the drug court for reviews.
- If a defendant should have appeared on a previous occasion but had failed to attend and then was subsequently arrested on a warrant and remanded in custody he or she would have been sentenced by the court which was sitting to deal with those in custody.
- If a case needed to be heard in a secure court there would not be a referral to the drug court for sentence.
- The standard adult court might have been thinking very seriously about custody and were persuaded at the last minute, for example because of the pre-sentence report, that a community order with DRR was more appropriate than custody. This case would not have been allocated to the drug court for sentence.

Part of the DRR process is the review of progress by the magistrate's bench or the district judge throughout the sentence. Regardless of where an offender was sentenced, in both Leeds and West London the first review would have been held before the DDC.

In **Leeds**, shorter DRRs were not used by the DDC. This was described in the interviews as due to there being no requirement to review DRRs under six months in length. In fact DRRs of 12 months or under do not require a mandatory review under Probation National Standards. However, courts are at liberty to review orders under 12 months should they wish to do so. There was evidence that some felt the level of treatment an offender received was based upon the offence rather than the extent of his or her drug use and hence treatment needs.

*“So, I mean there's the whole issue about proportionality. . . . And if the issue-- if this is about punishment that's fine, but it's disproportionate. If it's about rehabilitation, which is equally fine, then it needs to be more explicitly about rehabilitation because the... difference between you being a low, medium or a high DRR is not based on your drug use, but is based on your offending behaviour.”* (Practitioner, Leeds)

*“There are people who are heavily addicted to drugs who have very little record [few recorded criminal offences] and those [people]... aren't necessarily being made towards the Drug Court... because there's very little record.”*  
(Practitioner, Leeds)

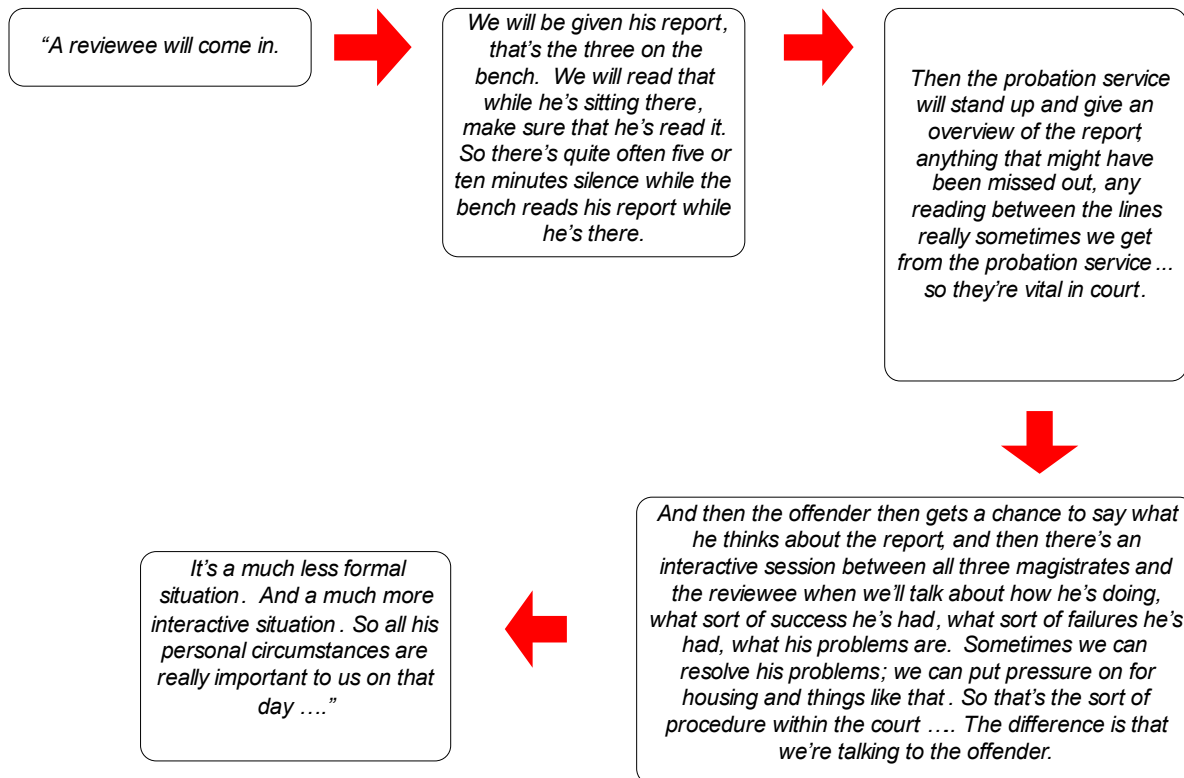
In **West London**, there was some confusion about the three levels of intensity of DRR. There were also reports of staff recommending DRRs for six months but not giving details of intensity of intervention, with subsequent problems in knowing what treatment provision would meet the requirements of the DRR.

## **2.8 Dedicated Drug Court review hearings**

Court reviews of an offender's progress were undertaken in Leeds every four weeks, by the same panel of magistrates. A probation officer was also present in court for the review hearing. Probation service review reports were prepared for the court by the supervising probation officer, detailing the offender's progress. These reports contained information from all aspects of the sentence including supervision, testing results, treatment and any other agencies involved. They also contained any personal information that was affecting the offender's progress with the sentence. Each professional involved with the offender would provide feedback to the supervising probation officer to enable him or her to collate the information necessary for the report. Figure 2.2 is a description by one interviewee of the review process in the Leeds DDC.



**Figure 2.2: Interviewee description of the review process in Leeds**



At the end of each review the magistrates would set targets for the next review period such as an increased number of negative drugs test results.

Reviews in West London happened every six weeks and were considered by all interviewees to be a vital part of the DDC process.

In West London there were initial problems in accessing timely information, mainly as a result of drug testing and other supervision appointments not taking place as they should, with a resulting lack of suitable information available to feed back to the court. However, later in the evaluation, this problem was largely rectified, partly because the CJIT team were assisting in the provision of the review reports. Technically, the CJIT team should not have been working with offenders completing DRRs and should only have continued working with them after the DRRs were over. However, it was reported that this unusual involvement by the CJIT team had been agreed as a temporary measure to help manage probation service resource issues.

Motivation features again at the review stage as being an important aspect of the DDC and the role of the judiciary.

*“It's not necessarily about magistrates sort of telling off the offenders if they're not going well, it's about giving them support when they are going well as*

*well. But if things aren't going too well, then the magistrates can also encourage them through any difficult periods. And I think because they're reviewed so intensely every four weeks the magistrates do get sort of a good relationship because it's always the same bench of magistrates that sees the same cycle of people.”* (Practitioner, Leeds)

During both phases of the field research the relationship that magistrates developed with the offender was reported as having a positive impact.

*“One of the things that the clients like is the fact they see the same judge every time and that the judge knows what's happening with them and that they build up a relationship.”* (Practitioner, Leeds)

*“It's more motivating and encouraging for offenders to be praised for any minute change that they've managed to make in their drug use or other lifestyle. I think it's extremely motivating, I think. Well, I've got some offenders who test negative and one of the reasons they test negative is because they've promised the magistrates.”* (Practitioner, Leeds)

Review hearings were not used to implement sanctions if the order was not going well. The only sanction was breach proceedings. However, the review was used to set targets and to encourage the offender to comply.

*“We build up their self-respect and their dignity. They come into the first review not knowing what to expect. They come in and they're expecting a hell of a ticking off for positive testing but instead of that they get a judge who says, 'Well, it's early days. Let's see. How long is it since you've been drug-free?' 'Three years.' 'How long do you think it will be before you can give me your first negative?' It's all done very low key, very one-to-one. Build them up, do it slowly.”* (Practitioner, West London)

*“The key elements are supporting the offender when they are doing well, through consistent presence of court personnel from bench, down to probation and DIP staff in there, so supporting those who are doing well on their order. Encouraging those who are struggling, but also looking at some kind of approach to those who are continually failing.”<sup>26</sup>* (Practitioner, West London)

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<sup>26</sup> Interviewees referred to DIP, which is accurately described as CJIT throughout this report.

In West London, there appeared to be a considerable variety of styles of review from very informal to fairly formal. There is little evidence to distinguish either in terms of effectiveness. Concern was also expressed about the frequency of reviews:

*“When things are going wrong, six weeks is a long, long time, so I wasn't happy with that structural element of it. I think I'd like to see a way of actually getting people back in front of the court quicker.”* (Practitioner, West London)

## 2.9 Support and treatment

Although not directly related to the running of the DDC, the support and treatment elements of a sentence could have a significant impact upon how successfully the court operates. Partnership working was constantly highlighted as essential to co-ordinate the treatment and supervision process in both Leeds and West London.

The most important issue for both the sites was communication. While, generally, partnership working was considered effective, in Leeds, both probation and treatment staff did not think they were receiving enough information from the other team.

*“This has been a bone of contention for quite a long time. Information has been erratic, really, in coming through, to the point that we don't even get risk information about some people ... if we were to put our foot down, we wouldn't work, you know? We don't need to work with people who we don't have risk information for.”* (Practitioner, Leeds)

*“Offenders are basically very untruthful and drug using offenders are very, extremely untruthful. If I say, ‘Have you been to testing?’ they will say, ‘Yes’. If I say, ‘Are you on a script?’ they will say, ‘Yes’... So we're reliant on outside agencies giving us good, timely information. If they don't do that we're unable to supervise appropriately. But I'm not sure that the outside agencies realise what information to give us and when. Again, that's a training issue, I think.”* (Practitioner, Leeds)

It was suggested by one interviewee that written contracts outlining roles and responsibilities of all the parties would be very helpful and should have been put in place when the model was introduced:

*“...the foundation of any partnership working is that there are contracts, agreements and, you know, written understandings about what role everybody plays, because ... And, that, to me, has informed the misunderstanding and the breakdown in communication that has, you know, run throughout, really. It has*

*led to an individual worker basis, led to some of our workers having little spats and fallouts with probation staff and it's because there is no clear sense of agreement or anything like that, you know.” (Practitioner, Leeds)*

In West London there were initially communication and information sharing difficulties between the probation service and CJIT, possibly as a result of probation understaffing. For example, when an offender was noted by CJIT workers to have missed treatment appointments and they felt that breach proceedings were necessary, it was reported that probation had not always taken this forward. Moreover, interviewees reported that there were problems occurring around missed appointments between probation and offenders due to probation understaffing.

## **2.10 Breach**

When sentences were breached, breach proceedings were initiated by probation staff. Breach proceedings were generally initiated because appointments had been missed. Through the breach process the court could amend any of the existing requirements to make them more onerous, or substitute any of the existing requirements with another of a different type and length which was more onerous, or add one or more further requirements. In amending the sentence the court could not extend the original length of the order by which all the requirements must be completed. The court could, however, revoke the order and re-sentence.

Generally the probation service relied on treatment providers to report non-attendance for treatment. However, there was evidence of some variability in decisions to report based on the view of the treatment provider about acceptability.

*“I have some reservations about the attendance at [treatment provider] for group work where, I’m led to believe, and this is not public inquiry but my personal inquiry, approximately one-third of people don’t attend at group work sessions. [Treatment provider] believed that this was due to the fact that they sent the information to probation who then didn’t react to it and probation made it clear that they were the ones who were to make the judgment on whether an absence was acceptable or unacceptable.” (Practitioner, Leeds)*

Treatment providers also stated that offenders were unsure if attendance at treatment appointments was enforceable as part of the sentence. This was leading to a lack of attendance at treatment appointments:

*“Clients were coming up and saying in the feedback that the breaching system was unfair because they would come in, they would come in every week, somebody would come in for a couple of weeks, then they'd come back in the next week and they'd see them, and it's just like, how come you're not getting breached there? We didn't understand it, the clients didn't understand it, but it meant there was a general air of, well, you don't have to go.” (Practitioner, Leeds)*

Treatment providers could benefit from clearer guidelines or from an improved awareness of existing guidelines about what they should and should not report to probation staff and within what time frame.

In West London there was evidence of cases where probation staff wanted to declare a breach situation but the bench did not feel it was appropriate. When some offenders had breached their orders and been brought back to court the same restrictions were imposed with nothing added to their orders.

*“I think generally you might say that actually maybe there is a bit more leniency because I think there might be a tendency to sort of say, ‘Well, this is quite tough and they have been compliant to a certain extent and doing the best that they could’ and I think there might be this attitude that, ‘Well, we can give them a second chance’.” (Practitioner, West London)*

## **2.11 Continuity of magistrates or district judge**

Different models of continuity operated in West London and Leeds DDCs.

- In West London, the same magistrates' panel or district judge sees the same offender each time.
- In Leeds, magistrates are organised into panels, and offenders are seen by the same panel each time they appear in the DDC. The intention is for at least one member of the panel be the same each time the offender appears in the DDC.

Maintaining continuity of the magistrates' bench or district judge in practice has presented challenges to both DDCs. A particular issue relates to the ability of the DDCs to maintain continuity across review and breach. The Probation National Standards require completion of a breach of community penalty within an average of 35 working days from the second unacceptable failure of the offender to comply with the requirements of the penalty to the completion of the breach.

In Leeds, as the review bench sat once every four weeks, it was not always possible to co-ordinate a breach hearing in front of the original panel of magistrates. If the probation service could co-ordinate the breach hearing with the review bench and be in line with the National Standard requirements then they did this. If this was not possible then the offender would not be breached in front of their reviewing panel. Magistrates did not feel this was ideal but accepted that public protection issues took precedence over consistency of the bench. In West London breaches were allocated randomly so were not always seen by the reviewing bench or district judge.

An analysis of data collected at Leeds enabled the evaluation team to assess whether continuity of magistrates is associated with key DDC outcomes. The sample used to conduct the analysis of continuity for Leeds DDC was 201 of the offenders who had been participating in the Leeds DDC between January 2004 and 1 July 2006. This sample had a total of 1,978 court hearings, an average of 9.5 hearings per offender. For more detail on the sampling for the continuity analysis please see appendix D.

The operational definitions of continuity used in the analysis are described in figure 2.3 below. Please note that these operational definitions are different to the operational model applied in Leeds. In Leeds, each panel initially comprised four or five nominated magistrates. Each offender was nominated to a panel. At each hearing, two or three magistrates from the panel covered the DDC. Each time an offender appeared in the DDC it was intended that a minimum of one member of the panel who sat on the previous occasion would be present.

Data on the full nominated panel of four or five magistrates were not available. Therefore, the starting point for the continuity operational definition (item 1 in figure 2.3) is how often the offender saw the two or three magistrates from the panel who sat at the first hearing. Recognising that the panel is actually larger than just the three members sitting on the first occasion, operational definition (item 2 in figure 2.3) focuses on the magistrate that the offender saw most frequently.

**Figure 2.3: Operational definitions of continuity used in the analysis**

Two different operational definitions of magistrates’ panels were identified.

1) **Magistrates’ panel at first DDC hearing:** the panel of three magistrates to whom each offender was assigned at his or her first drug court hearing (either at an offender’s first sentence or at his or her first review hearing if the original sentencing did not occur in the DDC).

2) **Three most frequent magistrates:** the panel of three magistrates to which the participant was assigned most frequently during his or her time appearing before the DDC.

Continuity of magistrates for each definition was then specified by different strengths.

**Strength 1:** having at least one magistrate from the assigned panel present at a subsequent hearing.

**Strength 2:** having at least two of the magistrates from the assigned panel present at a subsequent hearing.

**Strength 3:** having each of the three magistrates from the assigned panel present at a subsequent hearing.

Table 2.1 shows an analysis of the continuity as experienced by an offender using the definitions of continuity described in figure 2.3. Overall, the average offender had at least one magistrate from his or her original panel present 28% of the time, two magistrates from that panel present 10% of the time and all three magistrates from that panel present just 1% of the time. Defining continuity as the three magistrates that saw the offender most frequently, the average offender had at least one magistrate from his or her panel present 58% of the time, two magistrates present 39% of the time and three magistrates present 10% of the time.

**Table 2.1: Continuity of magistrates for the average DDC participant**

	Magistrates’ panel drawn from first hearing	Magistrates’ panel drawn from most frequent
At least one magistrate present	28%	58%
At least two magistrates present	10%	39%
At least three magistrates present	1%	10%

The analysis found strong evidence that continuity of bench, regardless of how it is defined, has a statistically significant impact on several key drug court outcomes. A ten percentage point increase in continuity (e.g. moving from five out of ten hearings having continuity to six out of ten hearings having continuity) results in:

- a lowering of the likelihood of offenders missing a court appearance of 8-23% (on average participants missed 27% of court hearings);<sup>27</sup>
- a lowering of the likelihood of offenders failing a heroin test of approximately 9-20% (on average participants failed 61% of heroin tests);
- an increase in the likelihood of offenders successfully completing their sentence by 11-29% (on average 26% of participants completed their sentences successfully);
- a lowering of the likelihood of reconvictions by between 0.1 and 0.5 (on average participants had 1.94 new convictions so this equates to an overall reduction of 5-26% in the number of new convictions).

Continuity of magistrates was not found to impact the likelihood of failing a cocaine test or the number of breaches.

All of these findings were tested according to the different levels of strength by which continuity of magistrates could operate in practice. Results indicate that the findings were generally stronger as the level of continuity of magistrates in operation increased, providing a strong impetus for ensuring that drug court participants have a good relationship with not just one magistrate but, if possible, two or three magistrates.

A more detailed breakdown of these results can be found in appendix D.

## 2.12 Offender characteristics and experiences

The offender data used for the continuity analysis provide some information about the profile of offenders and their characteristics. From these data it is estimated that the average offender was approximately 30 years old, with offenders' ages ranging from 17 to 49. Seventy-four per cent of offenders were male and 87% white. Approximately half reported having no educational qualification and over three-quarters were unemployed or receiving benefits. The average Leeds DDC offender had over 14 prior convictions, of which, on average, one was for a drug offence and 12 were for property offences, indicating a population that, while primarily non-violent, has had frequent contact with the criminal justice system over the course of

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<sup>27</sup> Likelihood here is used to describe the odds ratio (namely the likelihood of failing a test with higher continuity compared with the likelihood of failing a test with lower continuity).



adulthood. Consistent with the profile of prior offending, over half of Leeds DDC offenders began their orders based on having committed property offences. Though the majority of offenders had co-occurring addictions, by the far the most common primary drug of choice was heroin, with 85% reporting heroin as their drug of choice as opposed to just 4% who reported cocaine.

Forty-one interviews with offenders were undertaken (30 in Leeds and 11 in West London) between November 2006 and February 2007. These interviews were intended to provide insight into the DDC from the perspective of offenders. They were not intended to be representative of offender experience at either site. The small sample size and selection limitations mean that quantitative analysis is not useful. Offenders often spoke about their experiences generally of the DRR sentences, despite being asked questions which focused on the experience of the DDC. This may reflect that offenders do not automatically separate their experiences into probation supervision, treatment provision and appearing before the DDC, but may link the different elements of the sentence together into a general experience. These interviews provided useful insight into offender perspectives.

### **Appropriateness**

Many of the offenders had expected to go to prison and saw the DRR as preferable to prison. Interestingly, the main reason given for preferring the DRR to prison was that drugs would have been too easily available in prison and so the DRR kept them away from drugs. One offender felt that the sentence was not appropriate because the only thing that had changed to try and address his drug use was being put on a prescription for a heroin substitute (methadone or subutex).

### **Expectations**

Most offenders reported the sentence to be what they expected it to be. Some of the offenders who gave this response said this was because they had been told about the sentence, either by other offenders who had previously been sentenced to a DRR, or by the probation service. Of those who said the sentence was not as they had expected, all said the sentence was better than expected. One offender said this was because he had more leeway, and two said there was more support than expected. Some offenders said they had not expected the sentence to get them to address their drug use but because of the frequency of the testing, it had.

## Continuity

Offenders all thought the purpose of the reviews was to check their progress. Some offenders also said that the magistrates asked them what they wanted to achieve and set goals accordingly. In general, the offenders felt that it was a good thing that they saw the same magistrate or district judge every time.

Feedback on one district judge in West London in particular, was extremely positive. All but one offender said they saw the same district judge every time and commented that this was important. The judge was stated as a big motivating factor in the offenders' compliance with their sentence. One offender said:

*"I want to do well for him."* (Offender, West London)

The main reason was that the judge was aware of their circumstances.

One offender said he felt the judge was genuine, positive and had faith in him:

*"He makes me feel like someone."* (Offender, West London)

Another interviewee commented that the judge sometimes wore trainers and this made him feel *"comfortable"* (Offender, West London).

At both sites, offenders reported that probation officers were very helpful or motivating (or both).

## Compliance

In **Leeds** the majority of offenders thought they were more likely to attend the reviews than to attend treatment. The main reason given for attending was to stay out of prison or to stay out of trouble with the police. A minority said they attended because they wanted to get off drugs. Overall, it seemed that the longer an offender's sentence, the more likely he or she was to attend the treatment and the reviews. In **West London** the majority of offenders said they had good attendance records for both treatment and court reviews. Of this majority, half said that at the beginning they had not expected to attend all of their treatment appointments, and some said they had not expected to attend all of their court reviews. Accommodation and housing were reported as the areas in which most additional help was needed.

## Effectiveness

Most offenders thought that the sentence they had received was appropriate and had helped them to address their drug use. Many reported that the sentence did have a positive impact on their willingness to co-operate with drug treatment. Reasons why the sentence had an impact varied. Three offenders said that they had been seeking help to 'get clean' before they had been arrested for the crime that led to their DRR, and one had been on a waiting list for the CJIT. Two offenders said that the frequency of the drug tests meant that they had no opportunity to take drugs. In Leeds, only a small number said that the sentence had no impact and that it was down to themselves to stop using drugs. One offender said that the sentence had not helped because the measures were inappropriate. He said that drug therapy needed to be more intense.

## Growing Confidence

Overall, the further through the sentence offenders were, the more confident they felt that they would co-operate. Some offenders said that at the beginning of the sentences they did not have much hope that the DRR would have any impact on the drug use, but by the time of their interviews they were more confident. Two offenders mentioned that once they had had a clean test or got a good attendance record, they were much more motivated to comply. A minority of offenders also commented that they were worried about coming off drugs because they had been on them for so long. Some offenders said they had hoped from the beginning that they would come off drugs but they had not expected the DRR to work. All those who made this comment said they had grown in confidence that the DRR could help them address their drug use.

## 2.13 Communication for public confidence

The potential effects of the DDCs on public perceptions of and confidence in the criminal justice have been considered as part of the process evaluation. The evaluation team used a review of media coverage as well as focus groups to explore issues relating to the communication of the DDC to the general public. The methodology was selected on the basis that very few members of the public would have any knowledge of the DDC. The media analysis was undertaken because the media is a common method for communicating with the public. By analysing existing media coverage it was possible to show how the DDC was being presented. Focus groups were held with 'gatekeepers to public opinion' in Leeds and West London, they provided views on how the public might perceive the DDC.

## Gatekeepers to public opinion

The findings reported in this section reflect the views of local gatekeepers to public opinion. These include local politicians, local tenant representatives, leaders of community safety or drugs partnerships, people from business representative organisations such as chambers of commerce, managers of retail districts, community police officers, student police liaison persons, and representatives from anti-social behaviour units. Whilst these findings are not based on a thorough survey of public opinion, they do provide useful insights into aspects of communication management within the pilot sites.

In both pilot areas, **local awareness of the DDCs was low**.

*“The degree of knowledge is small due to a number of factors. One is due to various reporting restrictions in relation to drugs. In addition, unless something goes really wrong then you don’t hear about courts.”* (West London)

*“Unless you have a direct involvement you wouldn’t know about it.”* (Leeds)

*“A court is a court is a court and it doesn’t matter what you call it. The fact that there’s a drug court, the Domestic Violence Court, it’s the part that goes straight over their (the general public) head and they just see the word ‘court.’”* (West London)

**Word of mouth was seen as the main form of communication** locally, more so than other media channels.

*“Word of mouth is actually very effective on many estates.”* (West London)

*“Right. I mean, many of them, they talk to their neighbours and friends and things like that, through word of mouth or perhaps even personal experience.”* (Leeds)

*“The rest of that stuff comes from the newspaper, but it’s fair to say they pick up more on word of mouth and any personal stuff, and believe it more than they do the newspapers.”* (West London)

It was not possible to determine whether different groups (defined either by ethnicity, social group or by gender) received different types or sources of information; however, as people

have access to information very openly and freely in an age of high-speed internet access and 24-hour television, **information sources tend not to be locally based.**

*“I know that from the research last year, only 2% of our Council tenants have access to the internet.’ (West ‘This borough, after the City of London, has the second-highest broadband penetration of any London borough, therefore, that tells us that more people are going to be looking at things on the internet, that the growth of 24-hour news networks, particularly people who work shift patterns, might be watching more daytime rolling news than the people who are working what used to be a conventional 9.00am to 5.00pm, or whatever it might be.” (West London)*

Any communications strategy needs to be seen in the **context of a general awareness of crime and justice within an area.** Locally, public fear of crime far outstripped actual reality. Attempts to address this imbalance would be difficult to achieve, if not impossible.

*“You look at the TV, you hear on the radio, you look at the newspapers. You are quite right, perception versus reality, we’ve got a big issue, particularly in the city centre, about what the real levels of crime are and what the perception of crime is. The perception is quite high, but the reality is actually a lot lower.” (Leeds)*

*“People are just affected by what they see in front of them. They see someone they know is on an ASBO<sup>28</sup> outside their front door smoking marijuana and that sticks.” (West London)*

*“It doesn’t matter if you hear that the police are doing a good job, if your house gets burgled then that’s what you remember. ” (Leeds)*

**Prevailing media coverage is not being well targeted** and does not provide for effective communication. For example, announcements that the DDC were for ‘relatively trivial’ offences were seen as a potentially negative message about DDCs.

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<sup>28</sup>Anti-social behaviour orders (ASBOs) are court orders which prohibit the perpetrator from specific anti-social behaviours. The aim of an ASBO is to protect the public from the behaviour, rather than to punish the perpetrator. An ASBO is a civil order, not a criminal penalty. A breach of an ASBO is a criminal offence punishable by a fine or up to five years in prison.

*“Interestingly, what would really get most people (now, this is particularly from a retail sector) is using words like ‘comparatively trivial offence’ and it is not. You know, it is staff being threatened, and they are potentially not going back to work.” (Leeds)*

*“Insurance is going up all the time for business. It is not a comparatively trivial offence. It is costly, and at the end of the day, who pays for that? It is you and I who shop in the shops.” (Leeds)*

Another example is media coverage of the process of DDCs which was seen as irrelevant.

*“I can’t believe that anybody would bother to read article 1 [details some of the processes about the court]. You know, they actually want to know how many people are going through; how many people stay on treatment; how many people don’t stay on treatment; how much it’s costing, things like that.” (West London)*

*“People aren’t interested in processes they are interested in outcomes... how many crimes this has prevented and how much this would save us.” (West London)*

## 2.14 Media analysis

A search of newspaper and journal articles using specialist media databases as well as broader internet searches was carried out using key terms connected with the DDC. The database search covered all British printed news and features from both national and regional press, including trade and specialist publications. Articles that discussed drug court models in other jurisdictions were also included in the analysis of how this intervention is reported in national, regional and trade press.

Twenty-seven separate articles were identified with specific references to the DDC. These were then analysed using text coding software. Main publication types are shown in table 2.2.

**Table 2.2: DDC articles by publication type**

Number	Publication Type
2	National tabloids
6	Regional publications
9	National broadsheets
10	Trade press

Articles were analysed by stance.

- Positive: 12 out of 27 articles presented generally positive stances on the drug court. Seven of the twelve positive articles were in trade publications, followed by two in the regional press, two in the tabloid press and one in the broadsheet press.
- Negative: 5 out of 27 articles presented negative stances and two presented negative/neutral stances. Negative stances tended to be more common in national broadsheets, particularly 'right of centre' broadsheets.
- Neutral: 7 out of 27 articles presented neutral stances. Neutral stances were scattered across the publication types.

Generally, information presented was very reflective of MOJ spokespersons and quoted extensively Lord Falconer and District Judge Philips.

News article types were based around the launch of the drugs court or interim process evaluation findings. Feature-type articles went into more depth about the processes, thresholds and purpose of the DDC, particularly in the trade press.

The articles were also analysed for the understanding presented of the DDC mechanisms. These included:

- continuity of magistrate (most frequently mentioned);
- approach of the judges in court;
- 'tough sentencing' (mentioned by one);
- 'community sentencing' (mentioned by one);
- 'early intervention' (mentioned by one);
- reduction in crime (mentioned by two).

The presentation of the mechanisms or overall purpose of the DDC differed considerably although the point about 'continuity of magistrate or judge', which is one of the key processes of the model and which is mentioned in an MOJ press release, was mentioned frequently. In many cases, the point about continuity of magistrate or judge was directly quoted from the press release.

Suggestions for informing future communication plans can be found in section 4, Implementation considerations.

## 3. Balancing costs and benefits

### 3.1 Introduction

The evaluation team undertook a break-even analysis of the DDC pilots. The purpose of the break-even analysis was to provide insight into the potential costs of organising the DDC, as well as an assessment of the impact required for the DDC model to be of net economic benefit. The analysis explored:

- **direct costs** associated with implementing and running the DDC pilots, as compared with a non-DDC court (for example, the steering group, training and judiciary rota administration);
- additional **indirect costs** associated with changes in DRR practices at the pilot sites which are associated with implementing a DRR within a DDC setting as compared with National Standards' minimum requirements (for example, the number of drug tests and court reviews);
- **'break-even' point**, which is defined as the amount of impact the DDC would need to have on drug use and re-offending to balance out the direct and indirect costs of the DDC itself.

The direct and indirect cost estimates measure the economic cost of the DDC. It is possible that this will differ from the financial cost of the DDC and that further funding would not be required to meet these costs if the DDC were rolled out. For instance, should the local criminal justice system be operating below capacity, the DDC costs could be absorbed within existing budgets. Equally, not all the resources required to set up and run the DDC will be paid. For instance, magistrates may not be paid to attend meetings.

### 3.2 Methodology

This analysis was undertaken in accordance with the guidelines set out in HM Treasury's *Green Book*.<sup>29</sup> Cost information was provided by the pilot sites via interviews with practitioners and key stakeholders. These were combined with a range of cost and volume assumptions

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<sup>29</sup> The Green Book. *Appraisal and Evaluation in Central Government*. HM Treasury.



derived from National Standards, Home Office research and other relevant sources. The analysis of costs was focused on the extra resources and effect when compared with what would have happened in the absence of the DDC (the 'counterfactual'). This counterfactual was defined as a community order with a DDR administered in courts that comply with the minimum National Standards relating to a DRR court but do not operate the DDC model. In accordance with *Green Book* guidance, a societal perspective was adopted, meaning that costs and benefits were defined as those to society, though results are also assessed from a public sector and a criminal justice system perspective. All costs are reported at 2006 prices and discounted at 3.5%.

### 3.3 Direct costs

The direct costs of the DDC pilots are those associated with implementing and running the DDC, as compared with running a non-DDC court. These include the steering group, training and judiciary rota administration.<sup>30</sup>

There are **set-up costs** involved with designing local systems such as the need to put in place a local steering group, ensuring local business processes are in place to allow the functioning of the drug court and communicating change to local stakeholders, as well as the costs associated with training organisations and individuals who will be operating the DDC.

There are also on-going costs associated with running the DDC. These include the following.

- **Steering group:** both the Leeds and West London DDCs had steering groups which met quarterly and bi-monthly respectively. These were composed of magistrates and district judges, probation officers and representatives from the court and from treatment agencies.
- **Magistrates' drug panel meetings:** the Leeds DDC organises twice-yearly meetings for all magistrates involved in the DDC.
- **Improved communication and understanding:** the Leeds DDC organises regular meetings between treatment providers and the probation service to ensure joint understanding and smooth running of processes and for training updates.
- **Rota administration:** the Leeds DDC reported that it took longer to draw up the magistrate rota when ensuring the continuity of magistrates.

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<sup>30</sup> For a more detailed description of how the direct costs were calculated please refer to appendix C.

Further details on the process which underpins these costs are provided in section 2. These costs are summarised in table 3.1 for the first year of the DDC.

**Table 3.1: First year direct costs of the DDC in Leeds and West London<sup>31</sup>**

		<b>Leeds</b>	<b>West London</b>
Set-up Costs	Systems design	£22,013	£22,013
	Training	£3,744	£971
	<b>Total first year set-up cost</b>	<b>£25,757</b>	<b>£22,984</b>
Running Costs	Steering group	£3,233	£2,567
	Magistrates meetings	£3,518	-
	Communication	£4,564	-
	Rota administration	£852	-
	<b>Total first year running cost</b>	<b>£12,167</b>	<b>£2,567</b>
<b>Total Cost</b>		<b>£37,924</b>	<b>£25,551</b>
Number of New Offenders Per Annum		276	60
<b>Cost Per New Offender</b>		<b>£137</b>	<b>£426</b>

The largest costs of the implementation of the DDC are the set-up costs to the HMCS (including setting up the steering group and supporting local business processes). The calculations presented in table 3.1 spread the DDC set-up costs over three years. Should the DDC operate for longer than this time, HMCS's set-up cost will have less of an impact on the cost per offender per annum of the DDC.

The total per annum cost is estimated at £37,924 at Leeds and at £25,551 at West London. The differences between the direct costs associated with Leeds and West London DDCs are in line with the findings of the process and structure evaluation that the two sites represent different drug court models at different points in their development.

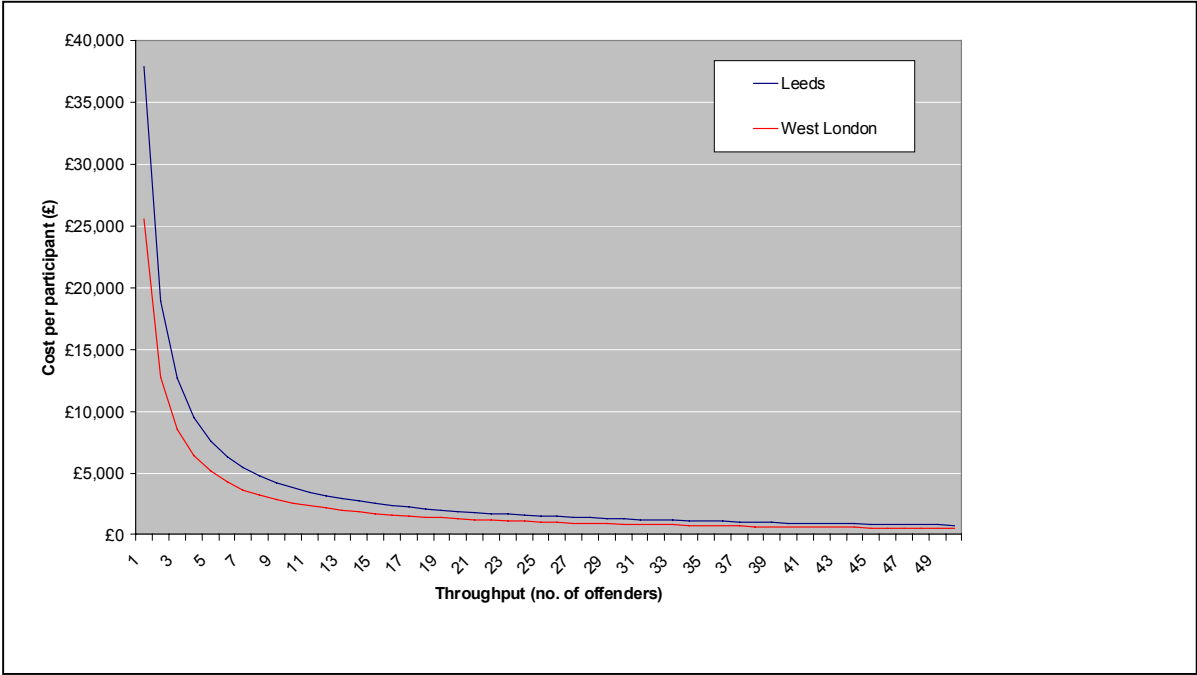
The cost per offender per annum is estimated as £137 for Leeds and £426 for West London. Looking at these unit costs, Leeds is estimated to cost less than one-third of West London

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<sup>31</sup> The calculation of the direct costs focuses on only the first year of the DDC, as this is the period for which cost and throughput data were available. The approach assumes that set-up costs are included with the DDC's first year's running costs and are thus not discounted. It is also assumed that the pilot will run for three years. Thus, set-up costs are spread over a three-year period. Because Table 3.1 reports the costs for just the first year of the DDC, the figures reported are thus one-third of total set-up costs.

during the evaluation period. This difference in costs is largely accounted for by caseload. This is particularly pertinent to the West London site, which had a relatively low caseload during the evaluation period when compared to Leeds. Figure 3.1, however, shows that if the number of offenders were the same in the two sites, they would have similar costs. The graph also shows how the costs at each site fall as the number of offenders per annum increases.

**Figure 3.1: Cost per offender by throughput**



### 3.4 Indirect costs

In addition to the direct costs, there are additional costs associated with changes in DRR practices at the pilot sites. These are associated with a DRR being made within a DDC, as compared with National Standards minimum requirements (for example, differences in the number of drug tests and court reviews that take place).

To estimate these indirect costs a comparison has been undertaken between the DRR processes within the Leeds DDC pilot site area (including number of court reviews, number of drug tests and breach rate) and the process prescribed by the National Standards minimum requirements for DRRs and the national average breach rate for 2005-06. Estimates of the DRR process prescribed by National Standard minimum requirements were provided by MOJ. Indirect costs include for drug tests, court reviews and the costs associated with breach, see table 3.2. These costs are incremental costs, meaning they are the cost of a DRR in the DDC over and above the cost of a DRR in a standard magistrates’ court.

The observation period for the Leeds DDC data used in this comparison was 192 days, where the observation period for each individual is defined as the period being under review by the DDC post-sentence. This is on average shorter than the average length of the actual sentence they received because it includes those that breach. The average length of sentence (within the evaluation period) is ten months. The average period of participation (after allowing for breach) is just over six months.

During this period, the number of court reviews and drug tests while on a DRR in the DDC, were measured using court records. In order to scale these up to a per annum equivalent, it was assumed that the distribution of reviews and tests varied over time in correspondence with National Standards' minimum requirement for DRRs. For instance, it was assumed that there were four times as many court reviews in the first 16 weeks as in the remainder of the first year, and that there were twice as many drug tests in the first 16 weeks as there were in the remainder of the first year of the DRR.

This comparison is subject to a number of caveats.

- National Standards specified contacts in terms of contact hours. As no estimate of the average length of contact is available, no comparison has been made between the probation cost of a DRR in a DDC and the cost of a DRR as dictated by National Standards. (It is difficult to say what the implication of this exclusion is likely to be, as it is difficult to say what impact the DDC will have had on contact hours.)
- It is assumed that National Standards are complied with in the absence of the DDC. In reality, only 69% of cases achieved the frequency of drug tests prescribed by National Standards (based on National Standards monitoring data for April-September 2007). However, no information is available on the resource-use impact of non-compliance. (If anything, this assumption is likely to cause the analysis to overestimate the cost of a DRR in a normal court, thus underestimating the incremental cost of the DDC.)
- No data were available on the nature or amount of drug treatment received by offenders on a DRR. Any variations in the cost of the treatment regime with the introduction of the DDC are therefore not included in the analysis. (Again it is difficult to say what the impact of this exclusion is likely to be, as it is difficult to say what impact the DDC will have had on drug treatment.)

A further important caveat to the analysis of indirect costs is that the analysis is based on the differences between the Leeds data and Probation Service National Standards as representing an estimate of the impact of the DDC on magistrates' court processes. However, it is generally acknowledged that court processes vary between magistrates' courts across

England and Wales. This evaluation cannot determine to what extent minimum National Standards were being met across the country or whether any apparent differences in these indirect costs are actually attributable to the DDC model in Leeds.

Indirect cost estimation was undertaken only for the Leeds Magistrates’ Court, as it relied on analysis of court records which were obtained only for the Leeds pilot site.

No evidence of changes in pre-sentence processes was identified. Interviews with stakeholders and the analysis of case file data suggested that the time between charge and sentence, and the number of pre-sentence court hearings was the same for offenders receiving the DRR in a standard magistrates’ court and in the DDC. Interviews with stakeholders also suggested that the DDC had not impacted the structure of these processes. The time required preparing for and undertaking these processes and the number of people involved in them were the same for offenders receiving the DRR in a standard magistrates’ court and in the DDC.

However, there were costs associated with managing the DRR within the DDC as compared with a standard court operating at National Standards’ minimum requirements. Table 3.2 shows the costs per offender associated with reviews, drug tests and breaches.

**Table 3.2: Indirect cost of the DDC for Leeds Magistrates’ Court**

Indirect cost type		DDC cost (£ per offender)		
		12-month DRR	18-month DRR	24-month DRR
Cost of reviews		£2,718	£3,152	£3,358
Cost of drug tests		£1,976	£2,735	£3,495
Breaches	Court cost	£-19	£-19	£-19
	Probation cost	£-18	£-18	£-18
	Prison cost	£-24	£-24	£-24
<b>Total</b>		<b>£4,633</b>	<b>£5,826</b>	<b>£6,792</b>

Based on these estimates, a 12 month DRR implemented in a DDC costs £4,633 per offender more than a 12 month DRR implemented in line with National Standards’ requirements in a standard adult court. This comprises an additional £2,718 and £1,976 per offender for reviews and drug tests respectively; the DRR implemented in the DDC involved more court reviews and a greater number of drug tests than prescribed by National Standards’ requirements for DRRs. On the other hand, the breach rate reduced slightly in the DDC with resultant savings in the costs of breaches per offender of £19, £18 and £24 for courts, probation and prisons respectively. The extra cost of a DDC for 18 month and 24 month DRRs are about £5,826 and £6,792 respectively.

### 3.5 Break-even analysis

Reduced drug misuse has economic benefit. Savings can be made within the criminal justice sector, within the public sector more widely (for example in health services) and to society as a whole. There is a value to society in the reduced financial and psychological impact of offending on victims. A break-even analysis was conducted to determine the scale of impact required to generate economic benefit from any investment in DDCs.

There are considerable economic costs associated with drug use. The evaluation team constructed a model of the cost of problematic drug use.<sup>32</sup> Details of the model are presented in appendix C. The model predicts the difference in lifetime costs of drug use between continued problem drug use and avoiding problem drug use for a period of five years. The cost of problem drug use is calculated from the following perspectives:

- cost to the **criminal justice system**, including the cost of responding to the crime associated with problem drug use;
- cost to the **public sector** as a whole, including the cost to the criminal justice system plus the additional cost of responding to the unemployment, health and crime impacts of problem drug use;
- cost to **society** as a whole, including the costs to the public sector plus the additional costs to wider society in terms of quality of life impacts of the crime and health effects of problem drug use, as well as public sector costs.

On the basis of these cost estimates, it is possible to compare the costs of the DDC with the potential savings in costs (from each of these perspectives) and hence to estimate the impact the DDC would need to make on drug use to deliver a net economic benefit.

Break-even analysis was undertaken only for the Leeds Magistrates' Court, as it relied on analysis of both indirect and direct costs which were only obtained for the Leeds pilot site.

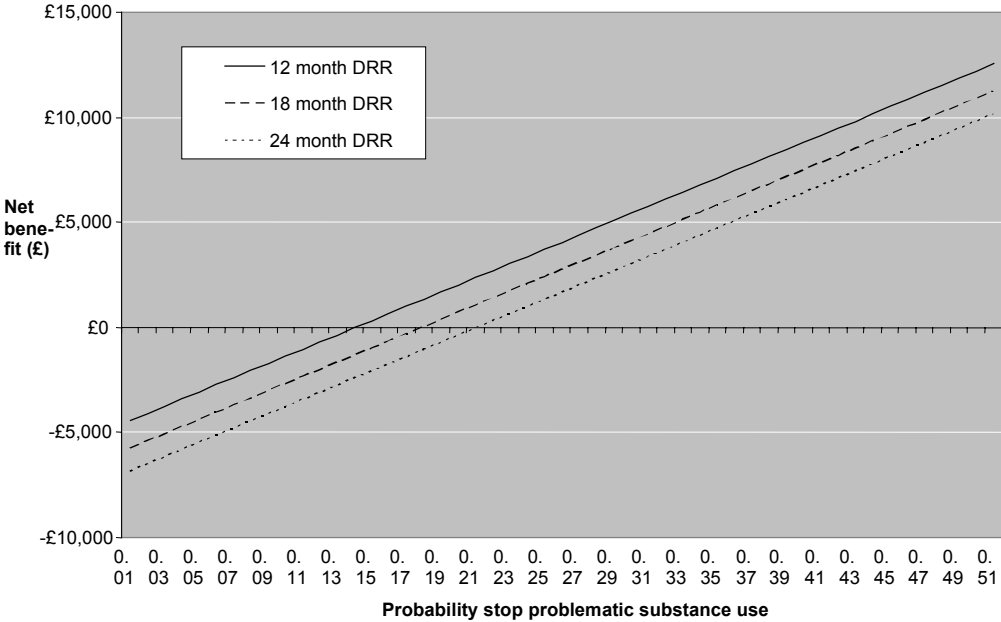
Figures 3.2, 3.3 and 3.4 show the output of the break-even analysis for each of the three cost perspectives for a 12, 18 and 24 month DRR. It shows the estimate of the net economic

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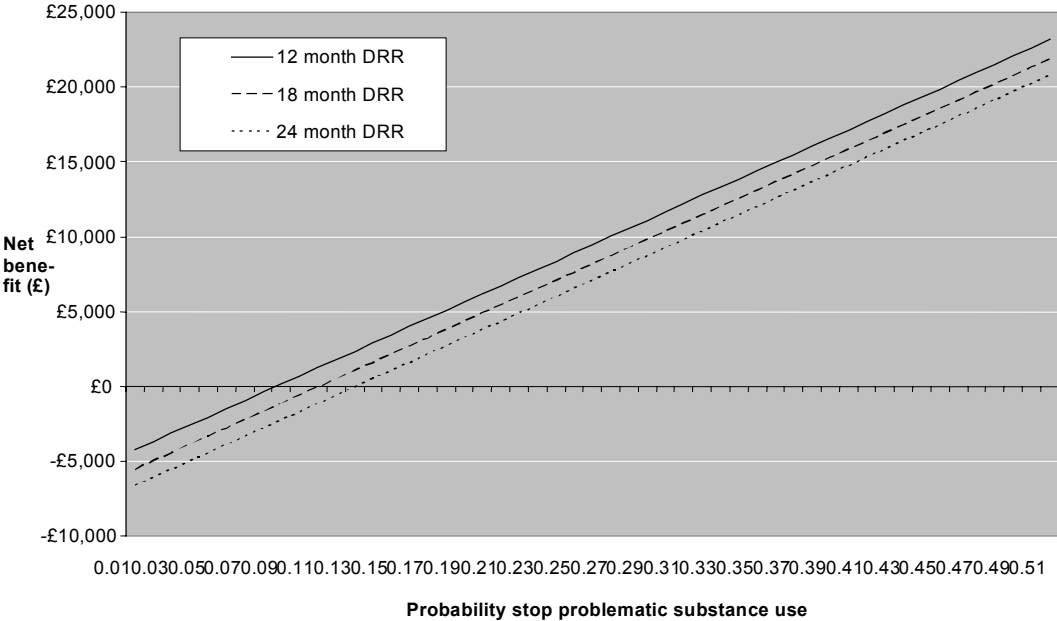
<sup>32</sup> Following Godfrey, C. *et al.* (2002), *The economic and social cost of Class A drug use in England and Wales, 2000*. London: Home Office Research Study 249, from where much of the data to build the model was derived; problematic drug use is defined as use of heroin or crack cocaine, or heavy use of cocaine.

benefit for different levels of impact by the DDC on problem drug use. The levels of impact used are not measures of the impact on reducing drug use actually achieved by the DDC as these measures are not available. The point at which the net benefit is positive (when the benefit is greater than £0) is effectively the proportion of offenders who stop taking drugs for five years or more post-sentence for the DDC to deliver a net economic benefit.

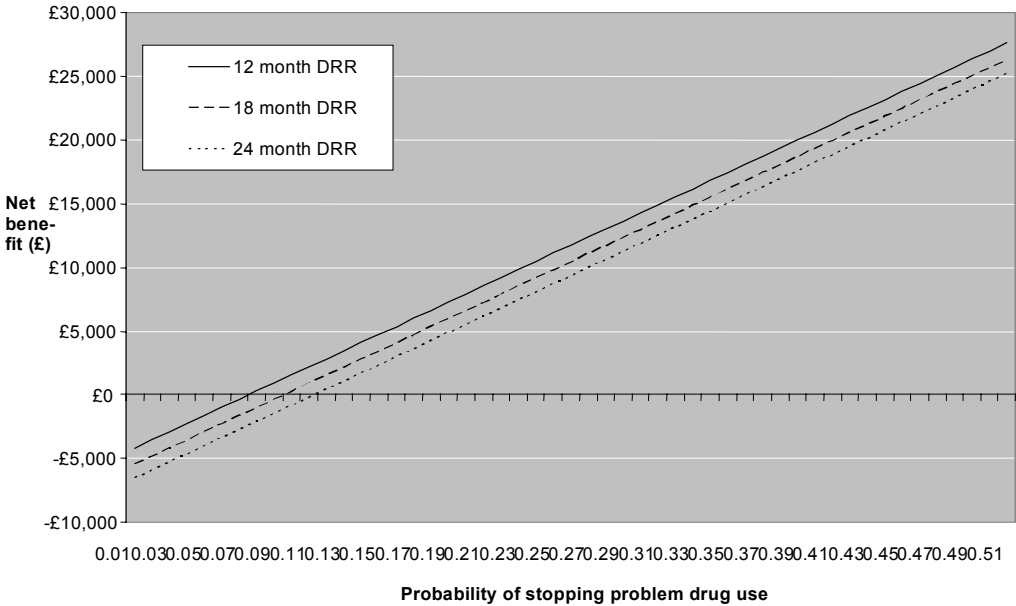
**Figure 3.2: DDC break-even analysis for Leeds Magistrates' Court: criminal justice perspective**



**Figure 3.3: DDC break-even analysis for Leeds Magistrates' Court: public sector perspective**



**Figure 3.4: DDC break-even analysis for Leeds Magistrates' Court: societal perspective**



As can be seen from these graphs, the required impact in terms of reductions in drug misuse by offenders differs according to which perspective is used to measure economic benefit. Table 3.3 shows that to achieve a net economic benefit in terms of criminal justice costs, a 24 month DRR will need to deliver a reduction in drug misuse of 20% over a five year post-sentence period. Taking a wider societal perspective the required reduction in drug use is halved (only 11%).<sup>33</sup> The assumptions of table 3.3 are set out in appendix C.

**Table 3.3: Percentage reduction in problematic drug use required to achieve net economic benefit**

	<b>12 month DRR</b>	<b>24 month DRR</b>
Criminal justice costs	14%	20%
Public sector costs	9%	13%
Wider society costs	8%	11%

<sup>34</sup>Cost comprise the discounted sum of the direct and indirect costs over the assessment horizon divided by the discounted cost savings.



## 4. Implementation considerations

### 4.1 Introduction

The then-DCA's (now MOJ's) five-year strategy (2004-2009) included a plan to establish DDCs in England and Wales in 2008. This process evaluation has identified a number of important implementation and operational issues which could improve the chances for successful implementation. The team has also undertaken a media analysis which has highlighted important communication considerations for MOJ as it rolls out the DDC programme. This section provides an overview of these issues.

### 4.2 Reviewing the scope for a local DDC

When considering whether to implement the DDC more widely, MOJ recognises that it will be important to prepare a business case for the future of DDCs. To assess whether a particular court is a suitable candidate for a DDC, MOJ will also consider where the DDC is likely to be most effective. The evaluation team has identified some particular issues which must be a core part of this assessment if implementation is to be successful.

The prevalence of drug-related offending in the area of the proposed DDC needs to be fully researched, quantified and understood. A sufficiently high throughput of potential cases must be identified to achieve efficient use of resources. Managing specialist court services in areas with low throughputs will present real challenges to the efficiency and implementation efficacy of the model, with conflicting priorities for meeting targets for breach hearings or for using court resources efficiently putting a strain on the ability of the DDC to maintain the continuity of magistrates and district judges.

There needs to be sufficient **capacity** in place for the supporting services and agencies to respond to the additional demand on services which may be generated from a focused and holistic approach to the management of drug-misusing offenders by the courts. Without this capacity, the work of the court will be undermined and the credibility of the DDC to all stakeholders (including offenders) will be placed at risk.

**Partner** organisations need to be able to demonstrate their ability to work effectively with each other. This includes courts, the probation service and the treatment providers. Partnership working is not straightforward and requires resources and commitment at all levels of the

organisations. For DDCs to have an impact on drug misuse, there is a real need for accurate testing, assessments and appropriate treatment to be in place at the right time.

There are particular issues that relate to the court itself which need to be taken into account in decisions to establish a DDC. These include:

- the need to ensure that there is an adequate number of magistrates and district judges to cover review court sittings;
- the potential for efficient rota systems to ensure continuity of magistrates and district judges at reviews, with a nominated person to maintain it, particularly for larger courts;
- the size of the court and the number of courtrooms, and whether it is feasible to have a DDC given competing priorities.

These issues can all be addressed as part of a local business case for establishing a DDC in a local court.

### 4.3 Preparing for a Dedicated Drug Court

Once a decision was made to establish a DDC, this process evaluation highlighted the need for key procedures and processes to be designed and established as part of the implementation plan. In particular, local courts will need to ensure that the following occur.

- A **steering group** must be established with senior representation from all stakeholders with decision-making capabilities. This group is needed to ensure that partnership working is effective and that there is a shared ownership of the aims and objectives, and a shared commitment to address challenges.
- **Induction** processes must be established such that all partners and stakeholders understand the aims and objectives of the DDC and the perspectives of others involved. A shared understanding at the start of the process is vital to the smooth implementation of the DDC and for the early realisation of benefits.
- There must be **clarity** of roles and responsibilities for all practitioners involved in the DDC process. Absence of clarity can lead to duplication or gaps in processes which will undermine the ability of the DDC to operate as intended, hence compromising potential effectiveness.
- **Protocols** must be established and monitored which ensure the effective flow of information between supporting services and agencies. Accurate information at the right time and in the right place is essential to the smooth running of the DDC.

- Protocols must be established for the efficient and effective **allocation of offenders** to the DDC and provision must be made to keep these under review. Poor targeting of the DDC will result in offenders who could benefit from its provisions being missed and efficiency and effectiveness being compromised.
- **Training** of magistrates and district judges should, as a minimum, include topics on the nature of addiction and topics on communication skills and styles of interaction, which emphasise the differences in approach involved in a DDC when compared to a standard magistrates' court.
- Offender **assessments** must be designed and implemented to ascertain the motivation of offenders and their likely responsiveness to the programme. This requires strong relationships and clear understanding of the roles and responsibilities between teams involved in assessments.

A *modus operandi* for **reviews** should also be established to provide the following.

- Continuity of magistrates and district judges: given the effects continuity shown by the analysis in relation to outcomes at Leeds DDC continuity is important to achieving successful outcomes. The fact that the strength of the results increases as the strength of continuity increases is likewise important, providing an impetus for DDC models to pursue high levels of continuity.
- A properly trained, specialist magistrates' bench, with panels having regular meetings and shared training.
- Adequate time in court to conduct a meaningful review.
- Systems and resources in place for the feedback of necessary information for each review.
- The possible co-location of services to make the provision of information for reviews more efficient.
- Well-briefed and preferably specialist and consistent probation staff in courts during review sittings.
- Consistency of approach by magistrates and district judges with a suitable balance between formal and informal styles.
- Preparation of all stakeholders, including offenders, for the different style of the DDC.

A plan should also be agreed to support **communications** to the general public to:

- promote public confidence in the DDC as an effective tool for reducing offending;
- focus on outcomes rather than processes and only discuss the latter if they are proved to achieve outcomes;
- ensure that different agencies are promoting the same message;
- promote effective partnership working between local criminal justice agencies and the courts in terms of managing public information campaigns;
- use local representative bodies to disseminate information about the DDC;
- build on examples of good practice in the implementation of local information campaigns;
- ensure that outcomes are publicised once they are achieved and not before.

## Appendix A: Glossary of terms

Term	Definition
Criminal Justice Integrated Teams (CJIT)	The CJIT is the key local delivery mechanism of the Drug Interventions Programme in the community. They are established by the drug Action Teams (DATs), comprising workers from a range of disciplines with a range of competencies and skills. A typical team might include: drug workers based in police custody suites or courts (arrest referral workers); case managers; those with specialist knowledge of housing issues; mental health; education; training and employment; family support; outreach workers working in the community and dedicated PPO case managers and so on. CJITs provide interventions in line within National Treatment Agency Models of Care for Treatment of Adult Drug Misusers Update (2006), and deliver ongoing support through case management arrangements in order to facilitate engagement in structured drug treatment and where appropriate provide ongoing support when treatment has been completed.
Drug Rehabilitation Requirement (DRR)	A DRR is one of twelve requirements which can form part of a community order. It can also be a requirement of a suspended sentence. Under a DRR an offender is required to attend treatment, be tested regularly for drug use and attend court reviews (this is required for DRRs of 12 months or longer, in accordance with the Probation Service National Standards). The drug rehabilitation programme can include, for example, structured day care, substitute prescribing or residential rehabilitation. Offenders are drug-tested at specified intervals throughout the period of the order (never less than once per week). The level of intensity of contact depends on the type of DRR: high (minimum 15 hours per week), medium (minimum eight hours per week) or low (minimum one contact per week). The DRR could be made from six months to three years in length. The DRR is intended to be flexible enough to meet the individual circumstances of each drug-using offender.
Drug Treatment and Testing Order (DTTO)	A DTTO is a community sentence for offenders who misuse drugs and was introduced under the Crime and Disorder Act 1998. The order requires offenders to submit to regular drug testing, to attend an intensive treatment and rehabilitation programme, which is expected initially to be for 20 hours a week, and to have their progress reviewed regularly by the courts. The DTTO was replaced by the DRR under the Criminal Justice Act 2003.
Drug Interventions Programme (DIP)	The Drug Interventions Programme was introduced in April 2003, with the aim of developing and integrating measures for directing adult drug-misusing offenders out of crime and into drug treatment. The programme brings together a number of agencies including the police, the courts, the Prison and Probation Services, treatment providers, aftercare support services, government departments and DATs. The purpose is to provide tailored solutions for drug misusers who commit crime to fund their drug use (particularly Class A drug users) from arrest, court, sentencing and prison through to post-prison and post-treatment situations. Its principal focus is to reduce drug-related crime by engaging with drug users and moving them into appropriate treatment and support.
Drug Testing	<p>Section 63B of the Police and Criminal Evidence Act 1984 (PACE) (as amended by section 7 of the drugs Act 2005) provides for a sample of urine or a non-intimate sample to be requested by a police officer from persons in police detention for the purpose of ascertaining whether they have a specified Class A drug (heroin, cocaine, crack cocaine) in their body.</p> <p>Testing applies to detainees who have been arrested or charged with a trigger offence – largely acquisitive crime-related offences, or if a police</p>

	<p>officer of inspector rank or above has reasonable grounds to suspect that the misuse of a specified Class A drug caused or contributed to the offence, has authorised the taking of a sample.</p> <p>If they test positive, they are normally required to attend an Initial Assessment (and a Follow Up assessment, at the discretion of the drugs worker) of their drug use. An initial assessment provides opportunities for those testing positive to engage with treatment and other support, even if they do not go on to be charged with any offence.</p> <p>(Oral fluid (saliva) is used for testing under these provisions as part of the Drug Interventions Programme.)</p>
Judiciary	Where possible this term is used to refer collectively to magistrates, magistrates bench and district judges. However, it is also necessary to distinguish between these groups at many points throughout this report.
Pre-Sentence Report (PSR)	This report is completed by probation. Pre-sentence reports are undertaken with a view to assisting the court in determining the most suitable method of dealing with an offender. A PSR is often referred to as a standard delivery report.
Restrictions on Bail (RoB)	Restriction on Bail was introduced under the Criminal Justice Act 2003. It provides for a restriction on bail in the case of adult defendants (charged with an imprisonable offence) who have tested positive for a specified Class A drug when tested in connection with the offence (on arrest or charge) in police detention (under section 63B PACE Act 1984) and where the offence is a drug offence or the court is satisfied it was caused by or motivated by their use of a specified Class A drug. Those who do not agree to undergo an assessment of their dependency on specified Class A drugs or agree to participate in any follow-up treatment and/or support proposed, may be denied bail unless the court is satisfied that there is no significant risk of them committing an offence on bail. Where the defendant does agree, and bail is granted, the court must make this a condition of bail.
<b>Glossary of impact &amp; economics analysis terms</b>	
<b>Term</b>	<b>Definition</b>
Mean	The average value of the data. The sum of all the numbers on the list divided by the number of items on the list. For example, the mean of 12, 5 and 10 is equal to the sum of the data, 12+5+10 (27), divided by the number of items (3) which gives a mean of 9.
Significant	<p>If a statistic or finding is significant it means it is very reliable. Significance is a measure of how certain you are that a relationship or difference exists, and the level of significance indicates the strength of the relationship. In statistics a result is considered to be 'significant' if it is unlikely that the result has occurred by chance.</p> <p>The probability value (also called 'p-value') is a measure of statistical significance and represents the probability of seeing the observed difference or something more extreme by chance alone. A small p-value indicates that there is strong evidence to suggest the observed difference is unlikely to be due to chance. Most authors refer to statistically significant as <math>P &lt; 0.05</math> and statistically highly significant as <math>P &lt; 0.001</math> (less than 1-in-a-thousand probability that the observed difference occurred by chance)</p>
Bivariate analysis	A kind of analysis that explores the association between two variables as opposed to a single variable (univariate analysis). The assessment of association is based on how the two variables simultaneously change together.
Multivariate analysis	Multivariate statistics in statistics describes a collection of procedures which involve observation and analysis of more than one statistical variable at a time.
N or n	Actual number.

# Appendix B: Process maps

Figure B1: Leeds DDC process

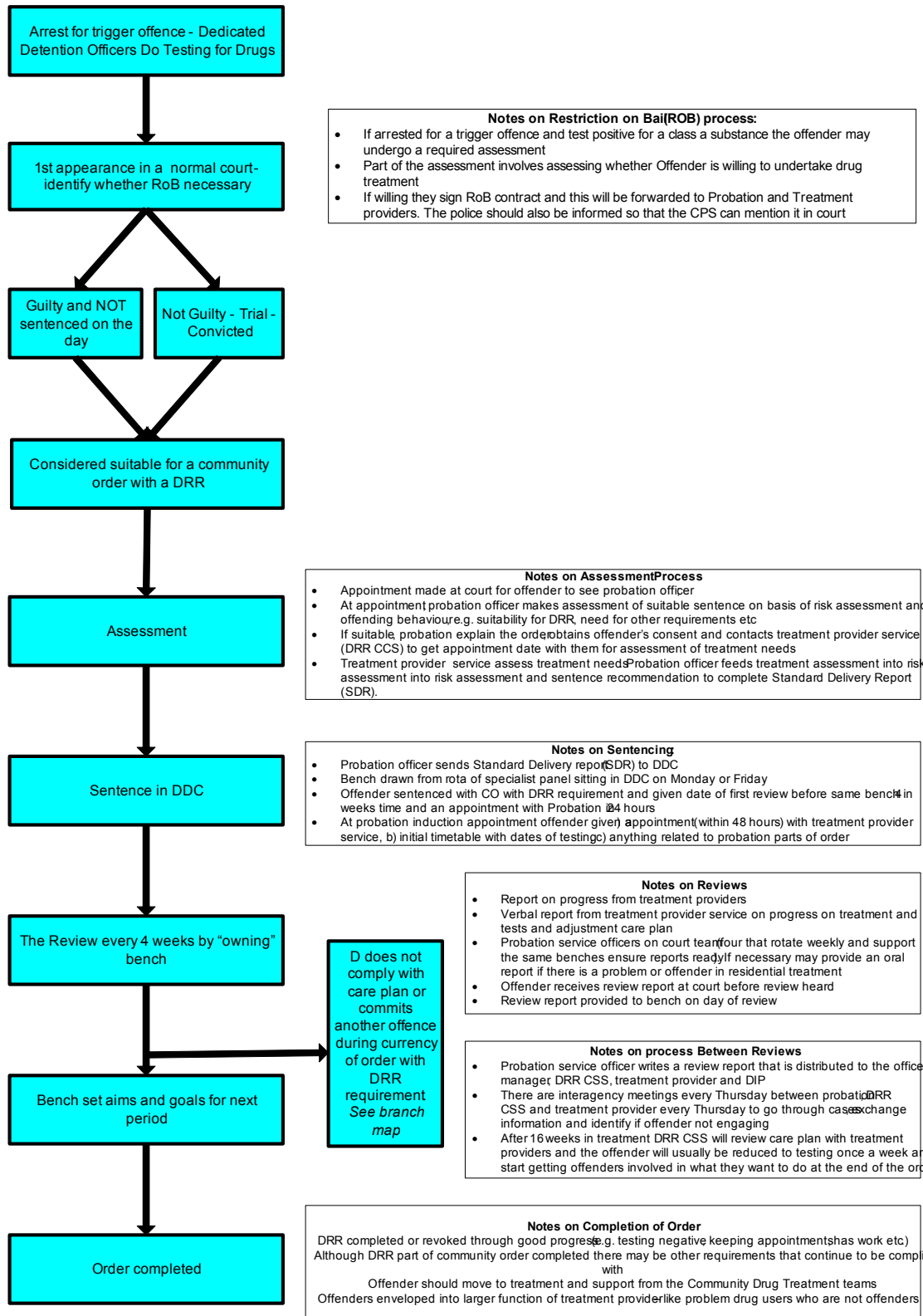
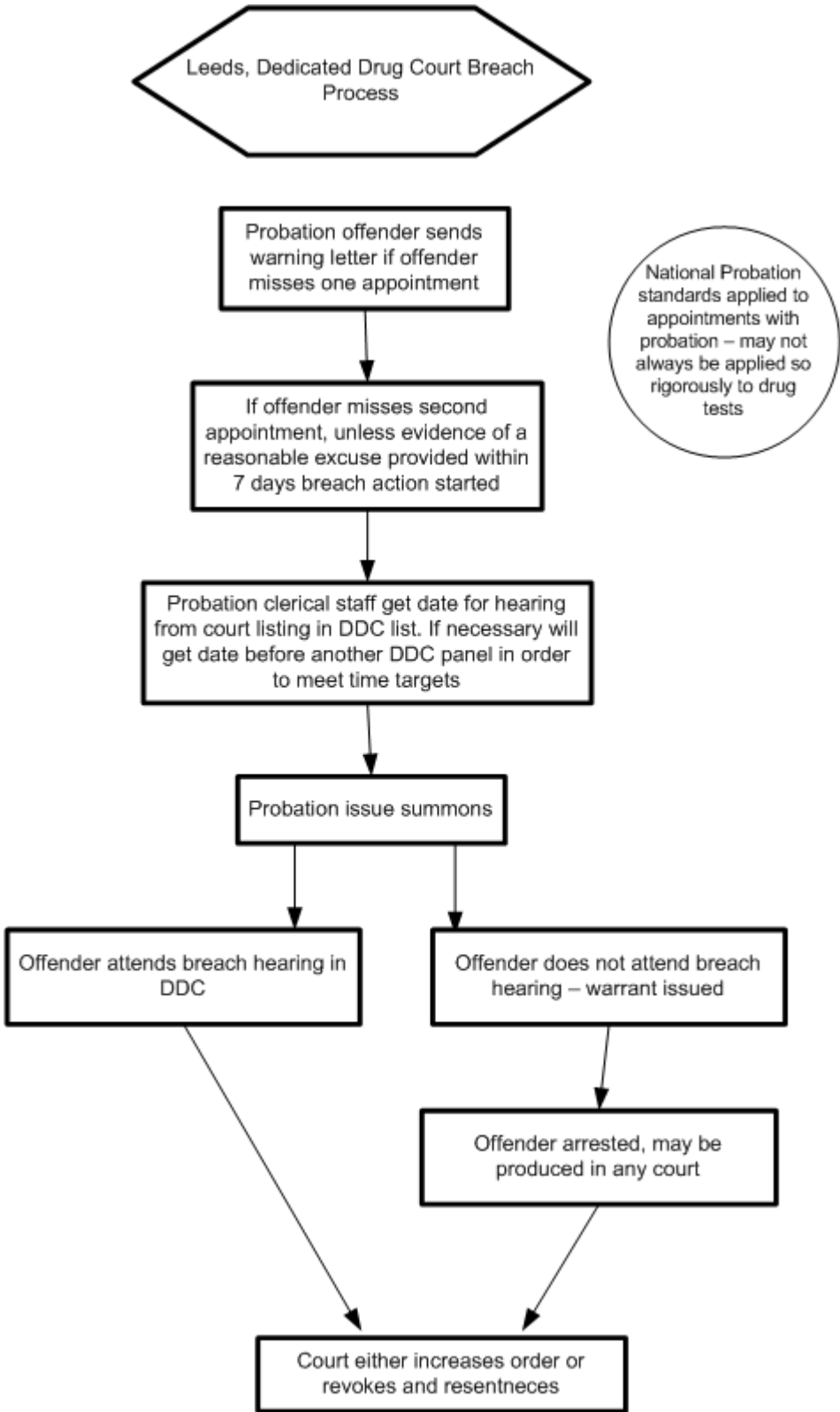


Figure B2: Leeds DDC breach process





**Figure B3: West London DDC process**

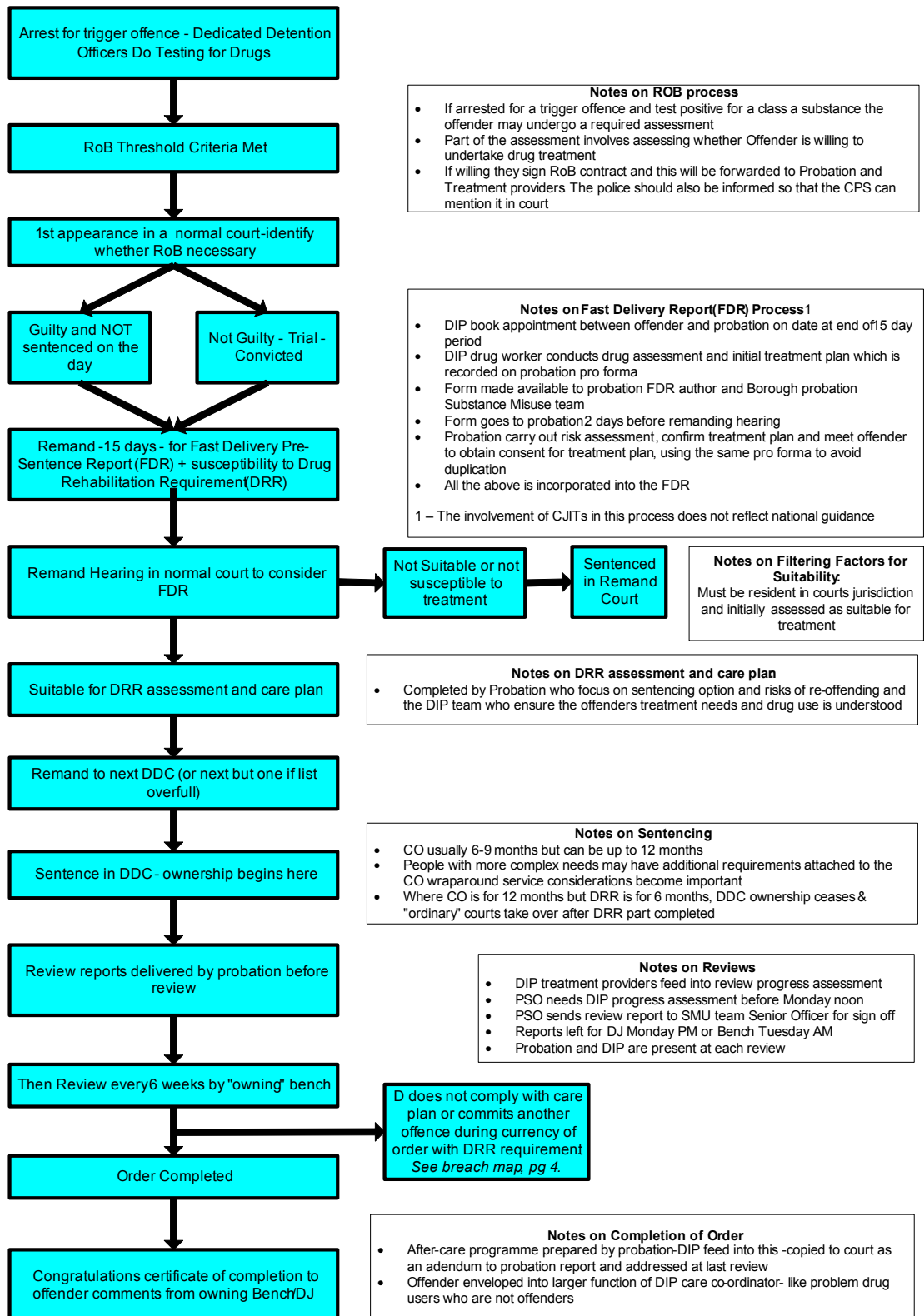
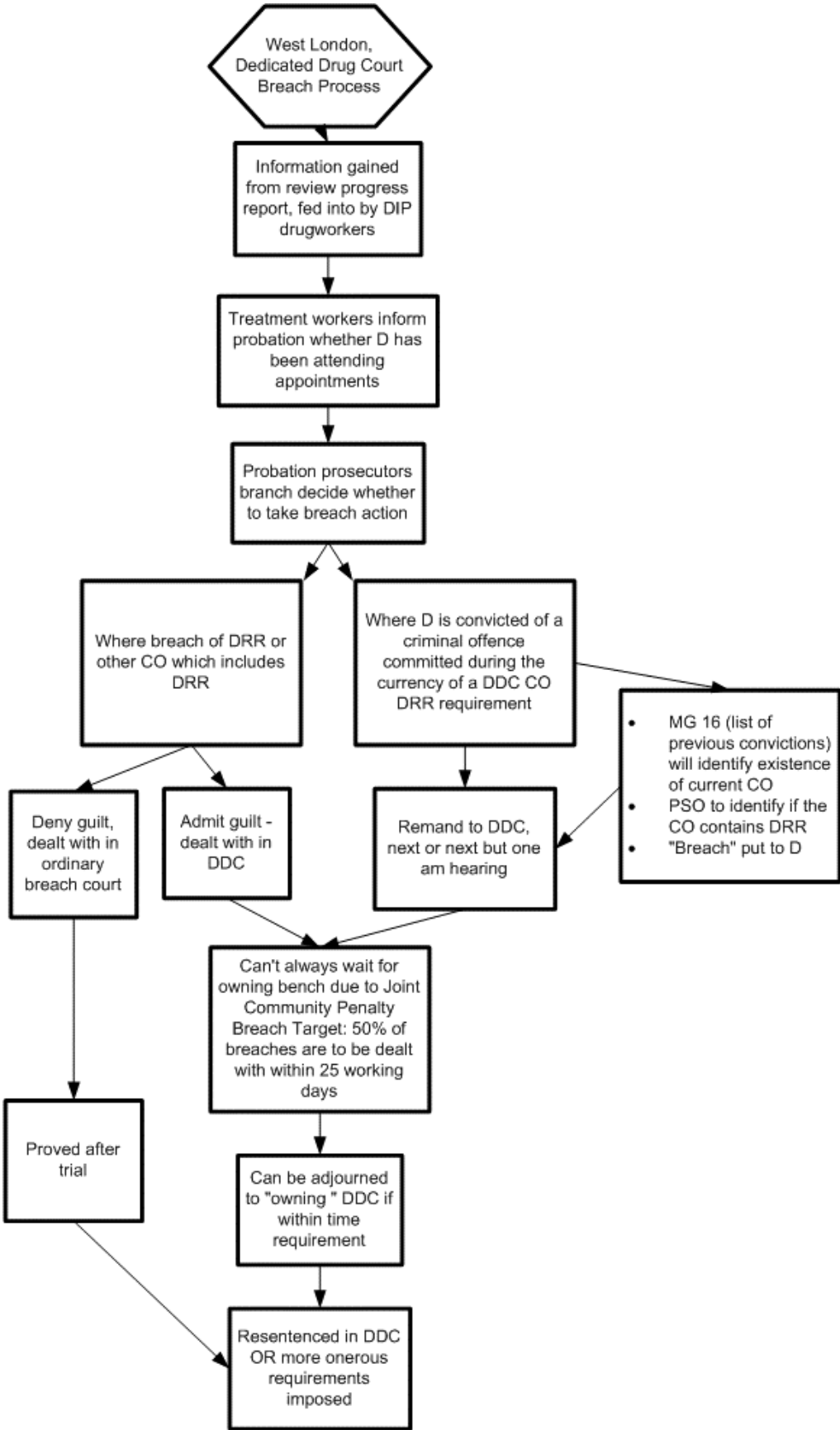


Figure B4: West London DDC breach process



## Appendix C: Economic model of the cost of problematic drug use

This appendix provides further information relating to the construction of the model of the cost of problematic drug use used in the break-even analysis that was part of the findings of the economic appraisal. This appendix also includes further detail on calculating the direct and indirect costs of the DDC.

### Direct costs of the DDC

The direct costs of the DDC pilots are those associated with implementing and running the DDC, as compared with running a standard magistrates' court. These include the steering group, training and judiciary rota administration.

There are set-up costs involved with designing local systems such as the need to put in place a local steering group, ensuring local business processes are in place to allow the functioning of the DDC and communicating change to local stakeholders, as well as the costs associated with training organisations and individuals who will be operating the DDC.

There are a number of tasks required to set up a DDC,<sup>34</sup> including:

- setting up a local steering group and getting local agreement to introduce a DDC, including identifying and inviting suitable people to sit on the group, and drafting and gaining agreement to terms of reference;
- ensuring identification, documentation, agreement and implementation of local business process change and responsibilities;
- monitoring change and workload to ensure best use made of resources, including carrying out analyses, identifying and monitoring risks and issues, ensuring mitigating or remedial action taken, and reporting back to local steering group;
- monthly reporting on progress through project governance structure;
- organising, supporting and attending local and national events, e.g. training events, awareness events, conferences;

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<sup>34</sup> As the Leeds DDC was established five years ago this was based on communication with the team in West London.

- communication, being responsible for ensuring all stakeholders are aware of changes and the impact on their role.

MOJ estimated the project team costs to undertake the above tasks for each DDC at £66,040.<sup>35</sup>

The above activities are likely to involve representatives of the local court, probation and treatment agencies. However, as no estimate of the time required from these groups was available, this cost is excluded from the analysis. The above cost, therefore, represents an underestimate.

Set-up costs for training were based on communication with DDC staff.

- West London: one day of training (4-5 hrs) was undertaken for the judiciary, magistrates, probation, police, CPS and some defence solicitors. The cost of the training session was about £1, 950.<sup>36</sup> The cost of the time for attendees was estimated at around £963.<sup>37</sup>
- Leeds: 135 magistrates attended training to ensure they understood when to refer offenders to the DDC. It was estimated that this took approximately half a day and cost £11,232.<sup>38</sup>

There are also the following on-going costs associated with running a DDC.

**Steering group:** both the Leeds and West London DDCs had steering groups which met quarterly and bi-monthly, respectively. These were composed of magistrates and district judges, probation officers and representatives from the court and from treatment agencies.

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<sup>35</sup> This is based on half the time of a Span 8 over 12 months (gross cost per annum £60,000\*1/2 = £30,000) and the whole time of a Span 4 (gross cost per annum £22,000), both uplifted by 27% to account for pensions and national insurance (*The Green Book. Appraisal and Evaluation in Central Government*: HM Treasury).

<sup>36</sup> Communication with MOJ.

<sup>38</sup> Basis for training cost calculation: nine attendees, for 4.5 hours, using the average gross salary for a professional occupation (*Annual Survey of Hours and Earnings 2006*, Office for National Statistics) of £655.10 a week and uplifting by 27 % to account for pensions and national insurance (*The Green Book. Appraisal and Evaluation in Central Government*: H.M. Treasury).

<sup>39</sup> Estimating using the average gross salary for a professional occupation (*Annual Survey of Hours and Earnings 2006*, Office for National Statistics) of £655.10 a week as a proxy for the cost of a magistrate and uplifting by 27% to account for pensions and national insurance (*The Green Book. Appraisal and Evaluation in Central Government*: HM Treasury).

In Leeds, the steering group sat four times a year for approximately two hours. The minutes taken from the steering group meeting on the 25 January 2006 indicated that seventeen people attended the meeting.

In West London, the steering group sat every two months for approximately one and a half hours. The minutes taken from the meeting on 27 July 2005 indicated that 12 people attended the meeting.

Assuming that the number of people identified in the minutes was representative of that at other meetings, and allowing half an hour preparation time per attendee, the annual cost of the steering group was around £3,233 in Leeds and about £2,567 in West London.<sup>39</sup>

**Magistrates' drug panel meetings:** the Leeds DDC organises twice-yearly meetings for all magistrates involved in the DDC. Interviews with key stakeholders suggest that the meetings last for approximately two hours and are attended by the 32 magistrates who worked for the drug court, the legal team manager and sometimes representatives from probation or the treatment agencies. The annual costs of the meetings were estimated at around £3,518.

These meetings were not identified in West London.

**Improved communication and understanding:** the Leeds DDC organises regular meetings between treatment providers and the probation service to ensure joint understanding and smooth running of processes and for training updates. It was estimated that these meetings took up two hours of each person's time once a month and the amount of people involved were four magistrates, two probation staff and two treatment staff. The annual cost of such improved communication was estimated at about £4,564.

Extra meetings between magistrates, probation and treatment were not identified in West London.

**Rota administration:** the Leeds DDC reported that it took longer to draw up the magistrate rota when ensuring the continuity of magistrates. It was estimated that the continuity of magistrates meant that the rota took an extra one to two hours per week. The annual costs of

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<sup>39</sup> Estimating using the average gross salary for a professional occupation (*Annual Survey of Hours and Earnings 2006*, Office for National Statistics) of £655.10 a week as a proxy for the cost of a steering groups member and uplifting by 27% to account for pensions and national insurance (*The Green Book. Appraisal and Evaluation in Central Government*: HM Treasury).

the extra time spent on the rota was estimated at around £857.<sup>40</sup>

Extra costs for rota administration were not identified in West London.

### The impact of drug use on offending, unemployment and health

The first stage in constructing the model was to estimate the longer-term reductions in offending, unemployment and health impacts as a result of reducing drug use. Culyer *et al.* (2002)<sup>41</sup> reviewed the literature on the consequences of problem drug use. Figure C1 summarises the impacts of drug use and the strength of the causal relationships they identified. The meaning of the scores given to the strength of the causal relationship by Culyer *et al.* are as follows:

- 0 no evidence of any association;
- 1 some evidence of association but insufficient data to allow estimation;
- 2 some mixed evidence of causality and potential for some estimates but within a wide range;
- 3 good evidence of causality and potential to estimate.

The economic model includes only the impacts of problematic drug use that Culyer *et al.* categorised as having a strong causal relationship (a score of two or three). To the extent to which drug use has a causal relationship with the other outcomes listed in figure C1, the economic model underestimates the impact of the DDC.

Godfrey *et al.* (2002) is the most comprehensive effort to date to measure the magnitude and cost of the relationship between drug use and offending, unemployment and health.<sup>42</sup> Table C1 summarises these data, and the expected value for these health and offending states for the general, non-substance-misusing population.<sup>43</sup>

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<sup>40</sup> Estimating using the average gross salary for administrative and secretarial occupations (*Annual Survey of Hours and Earnings 2006*, Office for National Statistics) of £302.70 a week as a proxy for the cost of a magistrate and uplifting by 27% to account for pensions and national insurance (*The Green Book. Appraisal and Evaluation in Central Government*: HM Treasury).

<sup>41</sup> Culyer *et al.* (2002) *Economic and social cost of substance misuse in the UK*. University of York.

<sup>42</sup> Godfrey, C. *et al.* (2002), *The economic and social cost of Class A drug use in England and Wales, 2000*.

London: Home Office Research Study 249. Most of the estimates of the impact of drug use are derived from Gossop, M., Marsden, J. and Steward, D. (2001) *NTORS After Five Years: Changes in substance use, health and criminal behaviour during the five years after intake*. London: National Addiction Centre.

<sup>43</sup> Where no figure is stated for the general population, the model assumes that the incidence of this event would be zero.

**Table C1: Impact of drug use**

Impact of drug use		Strength of causal relationship
Health	HIV infection	3
	Hepatitis B infection	3
	Hepatitis C infection	3
	Overdose	3
	Acute hospital episodes	3
	Mortality	3
	Mental health	2
	Inpatient mental health	2
	Community mental health	2
	Physical health	1
Unemployment		3
Crime	Drug possession (arrests for drug offences)	3
	Dealing offences (arrests for drug offences)	3
	Homicide	1
	Wounding	1
	Serious wounding	1
	Other wounding	1
	Common assault	1
	Criminal damage	1
	Violence against person	1
	Robbery	2
	Burglary (in a dwelling)	2
	Theft	2
	Theft (not vehicle)	2
	Theft of vehicle	2
	Theft from vehicle	2
	Attempted vehicle theft	2
	Shoplifting	2
	Theft of a commercial vehicle	2
	Theft from commercial vehicle	2
	Robbery or till snatch	2
	Burglary (not in a dwelling)	2
	Benefit fraud (all fraud and forgery)	2
	Prostitution	1

**Table C2: Impact of drug use, per problematic user**

<b>Impact</b>	<b>Impact of problematic substance use</b>
HIV/AIDS	1.6% of problematic substance users have HIV (Godfrey <i>et al</i> , 2002) compared to 0.2% of the general population. <sup>44</sup>
Hepatitis B	16.8% of problematic substance users have Hepatitis B (Godfrey <i>et al</i> , 2002) compared to 0% of the general population. <sup>45</sup>
Hepatitis C	30.4% of problematic substance users have Hepatitis C (Godfrey <i>et al</i> , 2002) compared to 0.5% of the general population. <sup>46</sup>
Unemployment	80% of problematic substance users are unemployed (Godfrey <i>et al</i> , 2002), compared with 5.4% of the general population. <sup>47</sup>
Drug treatment	33.3% of problematic substance users receive treatment for their substance use (Godfrey <i>et al</i> , 2002).
GP visits	On average, problematic substance users visit 4.47 times per annum (Godfrey <i>et al</i> , 2002).
Arrests	On average, problematic substance users are arrested 1.23 times per annum (Godfrey <i>et al</i> , 2002).
Custody	On average, a problematic substance user spend 1.67 nights in police custody per annum (Godfrey <i>et al</i> , 2002).
Court appearances	On average, a problematic substance user appear in court 1.9 times per annum (Godfrey <i>et al</i> , 2002).
Prison	On average, a problematic substance user spend 36.17 days in prison per annum (Godfrey <i>et al</i> , 2002).
A&E visits	On average, problematic substance users visit A&E 0.73 times per annum (Godfrey <i>et al</i> , 2002).
Inpatient hospital stay	On average, problematic substance users spend 2.0 days per annum in hospital (Godfrey <i>et al</i> , 2002).
Mental health visits	On average, problematic substance users make 1.27 mental health visits per annum (Godfrey <i>et al</i> , 2002).
Inpatient mental health visits	On average, problematic substance users spend 1.7 days per annum in mental health units (Godfrey <i>et al</i> , 2002).
Mortality	On average, 0.17% of problematic substance users died per annum. <sup>48</sup>

A number of assumptions were required to employ these data in the economic model. First, it was assumed that the costs associated with problematic drug use are maintained regardless of the age of the drug user, with the exception of criminal justice costs. These are predicted

<sup>44</sup> Only 1,850 new transmissions of HIV were reported in England and Wales in 2002, representing a very small fraction of the population (<http://www.aidsmap.com/en/news/E9008EAF-591B-474C-9898-4DE68C60396D.asp>). Assuming that this rate is maintained and can be applied as a person's chance of contracting HIV between the ages of 16 and 50, and that the population of this group is 28 million, then the chance of contracting HIV during this period is 0.126 % ([http://www.statistics.gov.uk/England\\_and\\_Wales/statbase/Expodata/Spreadsheets/D9081.xls](http://www.statistics.gov.uk/England_and_Wales/statbase/Expodata/Spreadsheets/D9081.xls))

<sup>45</sup> The annual incidence of Hepatitis B was only 7.4 people per 100,000 between 1995 and 2000 ([http://www.patient.co.uk/England\\_and\\_Wales/showdoc/40000893](http://www.patient.co.uk/England_and_Wales/showdoc/40000893)). Assuming that this rate is maintained and can be applied as a person's chance of contracting Hepatitis B between the ages of 16 and 50, then the chance of contracting Hepatitis during this period is 0.25%

<sup>46</sup> [http://www.patient.co.uk/England\\_and\\_Wales/showdoc/40002422](http://www.patient.co.uk/England_and_Wales/showdoc/40002422)

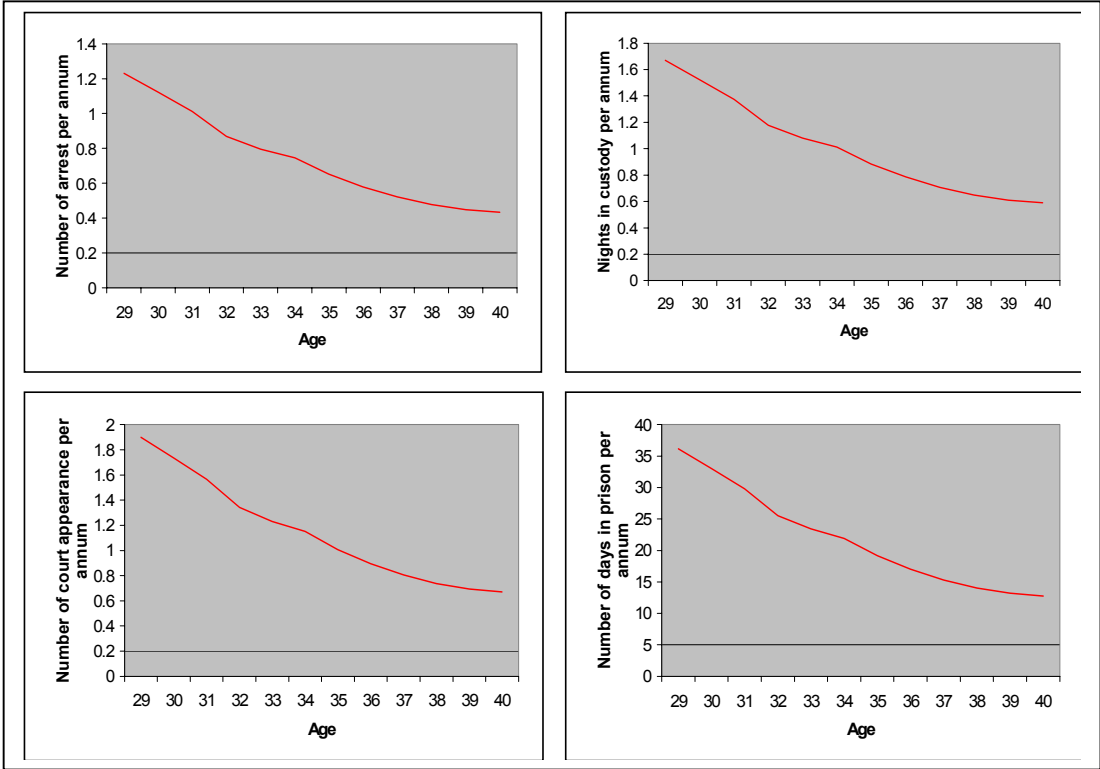
<sup>47</sup> [http://www.statistics.gov.uk/England\\_and\\_Wales/cci/nugget.asp?id=12](http://www.statistics.gov.uk/England_and_Wales/cci/nugget.asp?id=12)

<sup>48</sup> This estimate is based on Godfrey *et al*'s (2002) estimate of the number of deaths from opiate use alone, and uses their highest estimate of the total number of problematic drug users (506,025), and is therefore a conservative estimate.



to vary according to the age-crime curve. Based on the age-crime curves reported in Aos *et al* (2001).<sup>49</sup> Figure C1 shows how the criminal justice costs of drug use are likely to vary for offenders between the ages of 29 (the average age of the National Treatment Outcome Research sample) and 40.

**Figure C1: Variation in drug user criminal justice costs by age**



Second, a number of the estimates of the impact of problematic drug use are stock variables; 1.6% of problematic drug users are HIV positive. However, once problematic substance users have contracted HIV, reducing their substance use will not reduce the chance that they have HIV. This is not the case for impacts such as arrest rates or GP visits. For the purposes of the model we need cumulative probabilities of contracting HIV with each year of problematic drug use. Of the costs identified above, this applies to HIV and Hepatitis B and C. To estimate the cumulative probability of contracting HIV or Hepatitis B or C, it was assumed that a problematic drug-use ‘career’ lasts 15 years, and that the chance of

<sup>49</sup> While the age-crime curves reported by Aos, S., Phipps, P., Barnoski, R. and Lieb, R. (2001) *The Comparative Costs & Benefits of Programs to Reduce Crime: version 4* Washington: Washington State, are based on data collected in Washington State, US, it is generally acknowledged that the shape of the age-crime curve is stable over time and across cultures (Hirschi and Gottfredson, 1983).

contracting one of these diseases is the same in any one of these years.<sup>50</sup>

Third, it was assumed that those who stop taking problem substances do so for a period of five years. This assumption is reasonable given that the National Treatment Outcome Research (NTORS) data have demonstrated that the effect of treatment on abstinence from harmful substances is maintained for four to five years.<sup>51</sup>

### **The public sector cost of offending, unemployment and health outcomes**

Having identified the impact of drug use on unemployment, health and criminal justice outcomes, the next stage of the model was to calculate the public sector costs associated with those outcomes. Table C3 summarises the outcome of a review of the literature to identify estimates of the public costs of the health, unemployment and criminal justice outcomes identified above.

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<sup>50</sup> It is assumed that the probability that a problematic drug user contracts a disease in any given year is one-fifteenth of the probability that a problematic drug user contracts the disease over their whole 15-year drug use career.

<sup>51</sup> Gossop, M., Marsden, J., Steward, D. and Kidd, T. (2003), 'The National Treatment Outcome Research Study 4-5 year follow-up results'. *Addiction*, 98, 291 – 303.

**Table C3: Public sector cost of problematic substance use consequences<sup>52</sup>**

Consequence of problematic substance use		Public sector costs (£)	Source
HIV/AIDS cost p.a		16,800	Mandilia <i>et al.</i> (2006)
Hepatitis B cost p.a.		5,960	Steinke <i>et al.</i> (2002)
Hepatitis C cost p.a		5,918	Shepherd <i>et al.</i> (2005)
GP cost per visit		18	Godfrey <i>et al.</i> (2002) <sup>53</sup>
A&E cost per visit		282	
Mortality health costs		670	
Mental health	Outpatient cost per visit	50	
	Inpatient cost per day	144	
Inpatient cost per day		223	
Unemployment cost p.a.		2,714 <sup>54</sup>	
Crime	Arrests cost per arrest	3,551	
	Custody cost per night	69	
	Court cost per appearance	699	
	Prison cost per day	69	
Drug treatment costs		2,791	Gossop <i>et al.</i> (2001)

The cost of treating HIV patients is adjusted to allow for the fact that only 66% of problematic drug users who had HIV were aware of it. Therefore, not all those who contract HIV through drug use will receive treatment at the expense of the public health services.

### Societal costs of drug use

Another cost associated with drug use is that of the quality-of-life impacts of the health and crime consequences of drug use. The five quality-of-life impacts included in this analysis are: HIV, Hepatitis B, Hepatitis C, depression and acquisitive crime. The quality adjusted life year (QALY)<sup>55</sup> impact of drug-related health outcomes were modelled as per Matrix RCL 2006.<sup>56</sup>

<sup>52</sup> The value reported are those extracted directly from the sources indicated. All these estimates are subsequently adjusted to 2006 prices in the analysis.

<sup>53</sup> Godfrey *et al.* (2006) used data from NTORS to measure the economic consequences of problematic substance use. This study consists of a cohort study of 1,075 drug users entering treatment in 1995. The study used a large number of providers spread throughout England, but there was no sampling basis to ensure those attenders were representative of the total population of those attending treatment in that year. However, the findings of NTORS have been found to be similar to comparable US and UK studies. These NTORS patients were asked about a number of consequences before entering treatment and one year and two years after treatment.

<sup>54</sup> The estimate of the cost of unemployment consists of the cost of employment benefits. No estimate is made of the lost tax revenue due to reduced employment. From a public sector perspective, excluding these tax revenues tends to underestimate the cost of problematic substance use.

<sup>55</sup> The QALY is a measure of quality of life commonly used in health economics. It comprises an estimate of an individual's quality of life measured on a scale of 0 to 1, with 1 representing full health, and an estimate of the length of time the individual experiences that level of quality of life.

<sup>56</sup> Matrix RCL (2006), *Economic model of community-based substance misuse interventions for vulnerable young people*. London: NICE.

The estimation of the QALY impact of drug-related acquisitive crime focused on the only relevant crime for which QALY estimates are available: robbery. To determine the number of robberies avoided as a result of avoided substance misuse, it was assumed that if offenders do not reduce their problem drug use they will be convicted for as many robberies in the five years following the DDC as in the whole period prior to the intervention (an average of 0.14 robberies per offender). This estimate is factored up to reflect the difference between convictions and actual offending,<sup>57</sup> which is approximately 11 actual offences over a period of five years. An estimate of the QALY loss associated with robberies of 0.03 QALYs is then applied to this estimate.<sup>58</sup> To convert these QALY impact estimates into monetary units, a QALY of £30,000 was assumed, following the threshold inferred from National Institute of Health and Clinical Excellence guidance.<sup>59</sup>

### Break-even analysis

The above model estimates the discounted costs saved (2006 prices) if a problematic drug user stopped using drugs for five years. This is estimated at a saving of £33,945 to the criminal justice sector, a saving of £54,770 to the public sector as a whole (including the criminal justice sector cost saving) and a saving of £63,498 to society as a whole (including the public sector cost saving). Given the direct cost (£137) and indirect cost (£4,650 to £6,800) of the DDC in Leeds, the break-even analysis estimates the chance that a DDC offender would have to stop using drugs in order for the DDC to break even (that is, for the DDC to have a net benefit of zero). Again, this analysis is limited to Leeds, as no estimate of indirect costs was available for the West London Magistrates' Court site.

A number of assumptions are implicit within the model and cause it to underestimate the likely public sector cost benefit of reducing drug use and therefore overestimate the reduction in drug use required to cause the DDC to break even, and they are as follows.

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<sup>57</sup> Number of convictions are factored up by 77 times, following the discussion in D.G.Green *et al.* (2005), *Crime and Civil Society*. Institute for the Study of Civil Society.

<sup>58</sup> Dolan, P. *et al.* (2005), 'Estimating the Intangible Victim Costs of Violent Crime' *British Journal of Criminology*, 45.

<sup>59</sup> Raftery, J.P. (2001), 'NICE: Faster access to modern treatments? Analysis of guidelines on health technologies' *British Medical Journal*, 323: 1300-3.

- The model defines drug use as heroin use, crack use and heavy cocaine use. The benefits of avoiding other types of drug use are excluded from the model.
- Change in drug use is defined as the probability of abstinence. The benefits of reducing the extent of drug use, rather than total abstinence, are excluded from the model.
- There is some debate about the strength of the causal relationship between drug use and the outcomes attributed to it in the analysis undertaken. To counter this challenge, the model includes only the health, criminal justice and unemployment outcomes for which a strong causal relationship with drug use is identified in the literature.

There are likely to be relatively high levels of uncertainty attached to some of the parameters employed in the model. Unfortunately, measures of such uncertainty are rarely available from the sources employed, and so it has not been possible to measure the impact of such uncertainty.



## Appendix D: Continuity of magistrates analysis

This analysis describes the degree to which offenders in the Leeds DDC met with a familiar panel of magistrates throughout their participation in drug court and tests the impact of continuity of magistrate oversight ('continuity of magistrates') on offender outcomes. Six outcomes are considered:

- percentage of heroin tests failed;
- percentage of cocaine tests failed;
- percentage of unexcused absences at court appointments;
- number of new convictions;
- number of breaches of the sentence;
- successful completion of the sentence.

To isolate the specific causal mechanisms by which continuity of magistrates influences drug court outcomes, a number of different operational definitions of continuity were tested. By applying a range of operational definitions of continuity in the analysis, different elements of continuity could be tested to isolate how the model influences outcomes.

The panel of magistrates used to benchmark continuity is defined in two ways:

- as the three-magistrate panel to which each offender was assigned at his or her first drug court hearing (either at a offender's first sentence or at the first review if the original sentencing did not occur in the drug court);
- as the three magistrates to whom the offender was assigned most frequently during enrolment in drug court.

Next, continuity of magistrates was specified using three different degrees of stringency:

- as having at least one magistrate from the assigned panel present at a subsequent hearing;
- as having at least two of the magistrates present;
- as having each of the three magistrates present.

Overall, the average offender had at least one magistrate from the original panel present 28% of the time, two magistrates from that panel 10% of the time and all three magistrates

from that panel just 1% of the time. When continuity is defined as the three magistrates that saw the offender most frequently, the average offender had at least one magistrate from his or her panel present 58% of the time, two magistrates present 39% of the time and three magistrates present 10% of the time.

Using multivariate models to control for variables related both to continuity of magistrates and to drug court outcomes, it was found that, based on five of the six operational definitions of continuity, greater continuity of magistrates was associated with lower odds of missing a court appointment and with fewer new convictions. Evidence was also found that greater continuity of magistrates was associated with greater odds of successful completion of the sentence and with lower odds of failing a heroin test. Continuity of magistrates was not found to impact the odds of failing a cocaine test or the number of breaches of the sentence. The strength of the findings increased with the stringency of the definition of continuity indicating that a higher degree of continuity is associated with more positive drug court outcomes both within each stringency band and across stringency bands.

## Background

The drug court model is based on the assumption that the criminal justice system can generate improvement in psychosocial outcomes. This concept is supported by a growing research consensus that coerced treatment is as effective as voluntary treatment (Anglin *et al.* 1990; Belenko, 1999; DeLeon, 1988a; DeLeon, 1988b; Hubbard *et al.* 1989; Lawental *et al.*, 1996). A number of studies have found that drug-treatment court participation reduces recidivism rates (Goldkamp and Weiland, 1993; Finigan, 1998; Gottfredson and Exum, 2002; Harrell and Roman, 2002; Wilson *et al.*, 2006).

Prior studies have found that direct interaction with a judge is effective for serious drug users (Marlowe *et al.*, 2004). This report considers whether the degree to which a drug court offender interacts frequently with the same magistrate or group of magistrates (continuity of magistrates) impacts that offender's outcomes. Continuity of magistrates is thought to potentially improve outcomes in the following ways. First, magistrates who have greater familiarity with offenders and the challenges they face may be better equipped to manage an offender's case. Second, the relationship that an offender develops with particular magistrates may be instrumental in changing the offender's attitude toward substance abuse and criminal offending. This report tests the hypothesis that continuity of magistrates impacts the following key drug court outcomes:



- failure rates on drug tests;
- percentage of unexcused absences from court hearings;
- breaches;
- re-offending;
- successful completion of the sentence.

To isolate the specific channel by which continuity of magistrates influences outcomes, six different operational definitions of continuity will be tested for each outcome.

## Data

Data used in the analysis were collected from multiple sources, including data from the PNC database, administrative data from Leeds DDC and the probation service. Data domains used in this analysis include:

- demographic and socioeconomic status;
- survey-based measures of deficits (housing, relationships, education, etc.);
- courts and probation data in Leeds, which included sentencing and supervision data (for example, sentence type) as well as court and probation appointment compliance, date, type, whether the offender attended and reason for absence if applicable;
- criminal offending before and after order completion developed from the PNC database;
- court rota data from Leeds DDC to establish the operational definitions of continuity of magistrates and to test levels of continuity.

The demographic and socio-economic data were provided per court hearing at Leeds DDC, not per offender. Thus, the initial research database consisted of 358 records from Leeds describing 230 offenders in the Leeds DDC. For each offender, information in the earliest record was chosen (by date of sentence) and retained in the analysis.

Court and probation service records describe each appointment for DDC offenders. These data were aggregated to the offender level by counting the number of events and creating summary variables. Summary variables included the number of required court appointments by type, the number of attended and missed appointments, and reasons for absence. From these summary variables the percentages of compliance violations, such as unexcused absences from court and probation appointments, were calculated.

A similar strategy was used to develop summary measures of the PNC offending data, which were used to calculate individual-level summary data for both criminal history and for new offences that occurred after enrolment in the Leeds DDC cohort. If the date of the offence occurred before the sentence date that ultimately resulted in an offender's assignment to the Leeds DDC cohort, that offence was recorded as part of the offender's criminal history. Offences with a date after enrolment in a cohort were coded as re-offending. Summary statistics that report the counts of offences and episodes of incarceration were used in the final analysis. Specific offences were aggregated into offence types using the offence category in the PNC database. Offence categories used in this analysis included:

- violent offences (crimes against persons);
- property crimes (burglaries, thefts, stolen goods offences, fraud and forgery);
- drug offences;
- other indictable offences (excluding traffic violations).

Throughout the analysis, any arrests that were not prosecuted, including arrests that resulted in an absolute or conditional discharge, were excluded from the analysis.

### **Sample construction**

The sample was limited to individuals who met specific criteria. To ensure that each individual's outcomes could be observed for a sufficient length of time, four individuals enrolled in the programme for less than six months (with a sentence date after 1 July 2006) were excluded from the analysis.<sup>60</sup> In addition, four cases with missing sentence dates and two cases for which no court or probation appearances were recorded were also eliminated from the sample. Additionally, because continuity of magistrates can be assessed only for offenders with multiple court hearings, cases for which there was only one recorded hearing in the DDC were dropped from the analysis. Finally, those cases for which there was no magistrate data were dropped. The final sample included 201 DDC offenders, 88% of the original sample.

- For the 201 offenders retained in the analysis, certain hearing dates were excluded. Hearings with dates prior to the date of the initial order (n = 583) were excluded from the analysis.

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<sup>60</sup> Data collection ended 31 December 2006.

- Hearings that occurred on a DDC date for which all three magistrates were missing (n = 182) were excluded.
- Duplicate entries (n = 63) were dropped and entries which occurred during a weekend and were missing all magistrate information (n = 33) were excluded.

Provided that they occurred as part of a sentence before the DDC, hearings that occurred before a district judge (rather than the usual panel of magistrates) were retained in the analysis, yielding a final sample of 1,978 court hearings, an average of 9.5 hearings per offender.

### **Continuity of magistrates**

Within the model of continuity at Leeds DDC, where magistrates are organised into panels and offenders are seen by the same panel each time they appear in the DDC, with at least one member of panel being the same each time, the way in which continuity of magistrates is defined is inherently subjective. As such, continuity can be operationalised in a number of different ways depending upon which magistrates were selected as the 'assigned' panel for each offender and the number of magistrates in the panel that must be present in order for the hearing to be designated as having continuity of magistrates. To ensure that the choice of specification of continuity did not drive the analysis, continuity was specified according to a number of different operational definitions. For each operational definition, continuity of magistrates was defined as the percentage of hearings in which that operational definition of continuity of magistrates was met.

### **Selecting the assigned panel**

Two different magistrate panels for each offender were identified using two different decision rules. First, each offender was assigned to the panel of magistrates who were present at his or her first drug court hearing, which was typically a sentencing hearing. However, for those offenders who were not sentenced in the DDC, the sentencing panel was not considered an offender's official panel of assigned magistrates. Instead, for an offender not sentenced in a drug court, his or her first magistrate panel was drawn from the panel present at the first DDC review hearing. This definition allowed for assessment of the degree to which a magistrate who was present at the first DDC hearing was present at subsequent DDC hearings for an offender. However, the strictness of this definition may mask important elements of continuity. For instance, the set of three magistrates present at an offender's

first drug court hearing may not necessarily be the set that the offender appears before most frequently in the DDC. Thus, to provide a more expansive definition of continuity that is responsive to this possibility, the panel of three magistrates who were present at the greatest number of hearings was also identified for each offender.<sup>61</sup> This definition of assigned magistrates allowed for the assessment of the degree to which offenders interacted with magistrates who were present in a substantial number of hearings even though they may not have served on the first panel.

**Defining the stringency of continuity**

Within each of the two magistrate panel definitions, continuity was assessed based on three different specifications of continuity, of varying stringency. The most stringent specification defines continuity as the percentage of hearings for which all three assigned magistrates were present. A less stringent specification defines continuity as the percentage of hearings for which at least two assigned magistrates were present. Finally, the least stringent specification defines continuity as the percentage of hearings for which at least one assigned magistrate was present. Table D1 summarizes each of the six specifications of continuity used in the analysis.

**Table D1: Operational definitions of continuity**

<b>Magistrates panel definitions</b>	<b>Strength of continuity</b>
Three most frequent magistrates	At least one magistrate the same
	At least two magistrates the same
	At least three magistrates the same
Magistrates panel at first DDC hearing	At least one magistrate the same
	At least two magistrates the same
	At least three magistrates the same

Continuity is assessed based on the magistrate panel present at the first drug court hearing as well as on the three most frequently seen magistrates. Within each of these magistrate panel definitions, continuity was assessed based on whether at least one magistrate, two magistrates or three magistrates were present.

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<sup>61</sup> This group of most frequent magistrates is not always a three-magistrate group. For example, in the event that there were two magistrates who appeared more than once with the remainder of the magistrates appearing only once, only those two most frequent magistrates would be counted as an offender’s ‘assigned panel’. Additionally, if there were multiple magistrates ‘tied’ for the third most frequent magistrate, all of these magistrates would be included in an offender’s assigned panel. There were 210 hearings in which this first set of magistrates was composed of only two magistrates. In these cases, continuity scores were calculated based on only this two-magistrate panel. This method of magistrate assignment avoids any subjective selection of the most frequent drug court panel.

## Methods and results

The final analytical sample included 201 individuals who were treated in the Leeds DDC. Table D2 provides descriptive statistics of the population of DDC offenders in the sample.

**Table D2: Characteristics of offenders in the Leeds DDC**

<b>Variable</b>	<b>Mean</b>	<b>Min</b>	<b>Max</b>
<i>Basic Demographics</i>			
Age	30.40	17.74	49.73
Male	0.74	0.00	1.00
White race	0.87	0.00	1.00
No educational qualification	0.48	0.00	1.00
Unemployed	0.79	0.00	1.00
Primary source of income is state benefits	0.79	0.00	1.00
<i>Criminal History</i>			
Number of prior violent convictions	0.40	0.00	6.00
Number of prior property convictions	11.57	0.00	49.00
Number of prior drug convictions	1.13	0.00	7.00
<i>Current offence</i>			
Primary offence is theft	0.52	0.00	1.00
Primary offence is burglary	0.07	0.00	1.00
Primary offence is drug possession	0.07	0.00	1.00
Primary offence is other	0.34	0.00	1.00
<i>Drug Use</i>			
Primary drug of choice is heroin	0.85	0.00	1.00
Primary drug of choice is cocaine	0.04	0.00	1.00
Primary drug of choice is other	0.12	0.00	1.00
<i>Outcomes</i>			
Percentage of heroin tests failed (n = 182)	0.61	0.00	1.00
Percentage of cocaine tests failed (n = 182)	0.54	0.00	1.00
Percentage of court appointments missed	0.27	0.00	1.00
Number of breaches of order	0.25	0.00	5.00
Number of new convictions	1.94	0.00	18.00
Successful completion of drug court order	0.26	0.00	1.00
<i>N = 201 unless otherwise noted</i>			

The average offender was approximately 30 years old, with offenders' ages ranging from 17 to 49. Seventy-four per cent of the sample was male and 87% of the sample was White. Approximately half of the sample reported having no educational qualification and over three-quarters of the sample were unemployed or on public assistance. The average DDC offender had over 14 prior convictions, of which, on average, one was for a drug offence and 12 were for property offences, indicating a population that, while primarily non-violent, had had frequent contact with the criminal justice system over the course of adulthood.

Consistent with the profile of prior offending, over half of DDC offenders began their orders based on having committed property offences. Though the majority of offenders had co-occurring addictions, by far the most common primary drug of choice was heroin, with 85 % reporting heroin as their drug of choice as opposed to just four % who reported cocaine.

### **Descriptive analysis of continuity (offender level)**

Table D3 displays mean continuity levels, expressed as the percentage of an average offender's hearings that met each of the six operational definitions of continuity, across eleven offender demographic variables. In Table D3 each row represents one of the six continuity measures. Overall, the average offender had at least one magistrate from his or her original panel present 28% of the time, two magistrates from that panel present 10% of the time and all three magistrates from that panel present just 1% of the time. Defining continuity as the three magistrates who saw the offender most frequently, the average offender had at least one magistrate from his or her panel present 58% of the time, two magistrates present 39% of the time and three magistrates present 10% of the time.

Continuity levels are fairly similar across gender and race, with slightly higher averages for the female and non-White cohorts. The advantage for the non-White cohort can best be seen when using the lowest strength definition of continuity (requiring at least one magistrate present) though levels are not significantly different at conventional levels of significance. The greatest difference in continuity levels is seen in the number of prior convictions. While results are not significant at conventional levels, generally, a greater number of prior convictions are associated with higher continuity levels, but only until a point, as the effect levels off at ten prior convictions. One hypothesis for this difference is greater judicial oversight of offenders with longer criminal histories.

Table D3: Descriptive statistics on continuity of magistrates (offender level)

Magistrate Panel Definitors	Strength of Continuity	All Observations	Gender		Race		Age					Number of prior convictions			
			Male	Female	White	Non-White	<25	25 to 35	>35	0	1 to 3	4 to 10	>10		
Three Most Frequent Magistrates	<i>At least one magistrate present</i>	58%	58%	59%	57%	62%	50%	60%	45%	48%	59%	59%			
	<i>At least two magistrates present</i>	39%	37%	42%	38%	45%	34%	39%	27%	28%	42%	39%			
	<i>At least three magistrates present</i>	10%	9%	10%	9%	11%	8%	10%	10%	6%	11%	9%			
Magistrate Panel in 1st Dug Court Hearing	<i>At least one magistrate present</i>	28%	28%	32%	28%	38%	20%	27%	14%**	19%	34%	28%			
	<i>At least two magistrates present</i>	10%	10%	12%	10%	11%	6%	10%	4%**	8%	14%	9%			
	<i>At least three magistrates present</i>	1%	1%	2%	1%	1%	0%	1%	0%	0%	1%	1%			

N=201 unless otherwise noted

The above table lists the continuity of panel metric for the average participant in the dataset, defined as the percentage of court hearings meetings on nine different gender, race, age, and number of prior criminal convictions. Significance tests compare each column to the sample mean among all observations for each Significance Levels: \* p < 0.10, \*\* p < 0.05, \*\*\*

## Descriptive analysis of continuity (court level)

Table D4 displays hearing counts and mean continuity scores at the court level. The columns refer to the method of magistrate panel assignment; the rows refer to the number and percentage of hearings that met each of the operational definitions of continuity. The first four rows count the number of hearings for which zero, one, two or three magistrates from the assigned panel were present and the bottom three rows summarise the degree to which continuity of magistrates is observed across all hearings.

**Table D4: Continuity of magistrates panel at court level**

	Magistrate Panel Drawn From First Drug Court Hearing	Magistrate Panel Drawn From Three Most Frequent Magistrates
<i>No magistrates present</i>	1,562 79%	782 40%
<i>One magistrate present</i>	268 14%	398 20%
<i>Two magistrates present</i>	136 7%	607 31%
<i>Three magistrates present</i>	12 1%	191 10%
<i>At least one magistrate present</i>	416 21%	1,196 60%
<i>At least two magistrates present</i>	148 7%	798 40%
<i>At least three magistrates present</i>	12 1%	191 10%
	N =1978 hearings	N=1978 hearings

Overall, nearly 80% of drug court hearings were not presided over by at least one magistrate from the panel present at an offender's first drug court hearing, 14% contained one magistrate from this panel, 7% of hearings were presided over by two magistrates and just 1% of hearings were presided over by the entire original panel. However, 60% of hearings were presided over by at least one magistrate who was among the three magistrates who saw an offender most frequently and 10% of hearings were presided over by all three such magistrates.



## Multivariate analysis

The bivariate analysis revealed variation in characteristics among offenders in the DDC on antecedent (baseline) conditions that are hypothesised to differentially affect outcomes. As such, multivariate analyses were conducted to control for these baseline differences and their potentially confounding effect on the relationship between continuity of magistrates and key drug court outcomes. Six outcome variables were used in the analysis:

- failure rate for heroin tests;
- failure rate for cocaine tests;
- percentage of appearances that were unauthorised;
- number of convictions for new offences;
- number of breaches;
- successful completion of the sentence (as defined by either completing the sentence or having it revoked early for good progress).

To test the hypothesis that continuity of magistrates predicts offender outcomes the following basic model was specified:

$$Y_i = \theta_i + \psi \text{CONT}_i + \beta \text{OBS}_i + \delta M + \varepsilon_i \quad (1)$$

In (1)  $Y_i$  is the outcome of interest for individual  $i$  and  $\text{CONT}_i$  is the degree to which offender  $i$  received continuity of magistrates throughout the period of participation in drug court.  $\psi$ , the coefficient on continuity of magistrates, is the parameter of interest.  $\text{OBS}_i$  is a count of the number of days the offender  $i$  was observed (calculated as the difference between 31 December 2006 and the date of sentence) and measures the time at risk of re-offending, failure, or non-compliance for a given individual.  $M$  is a matrix of covariates theoretically associated with outcomes of interest. Variables included in  $M$  are:

- offender demographics;
- age;
- gender;
- race (White vs. non-White);
- prior offending history;
- number of prior convictions for a violent offence;
- number of prior convictions for a drug offence;
- number of prior convictions for a property offence;

- baseline socio-economic characteristics;
- educational qualification (yes/no);
- unemployed at baseline;
- state benefits as the main source of income (at baseline).

All of the dependent variables in the analysis are either binary variables, count variables or rate variables. The distribution of the error terms for each of these types of variables violate the assumptions required in the use of ordinary least squares (OLS) regression. Thus, three distinct model specifications were used in this analysis. In the extant criminological literature, count variables are generally modelled using a Poisson specification. In the presence of over-dispersion, which obtained in the data, a negative binomial regression specification is preferred.<sup>62</sup> For the rate variables, a generalised linear model (GLM) with a logit link function was specified. Since the values for rate variables (such as court appearance rates and drug test failure rates) are bounded by zero and one, the error terms are not normally distributed. The logit link function transforms the data so they conform to the binomial probability distribution. Successful completion of the sentence, a binary outcome, was modelled using logistic regression.

Table D5 reports  $\Psi$ , the parameter on continuity of magistrates (along with its associated standard error in parentheses), for 36 multivariate models of six different drug court outcomes. The impact of continuity of magistrates on each outcome was tested using six different specifications of continuity. In table D5, each cell represents the effect of continuity of magistrates on outcomes from a different multivariate analysis. In all models, continuity of magistrates is multiplied by 100 to ease interpretability of the results. Models in columns 1 through 3 use generalised least squares with a logit link function to estimate the change in the odds of failing a drug test or missing a court appearance associated with a one-percentage-point increase in continuity of magistrates. Models in columns 4 and 5 use negative binomial regression to estimate the change in the number of new convictions and breaches associated with a one-percentage-point increase in continuity of magistrates. Models in column 6 use logit regression to estimate the change in the odds of successfully completing the sentence associated with a one-percentage-point increase in continuity of magistrates. Models in columns 1 through 3 and 6 report odds ratios as opposed to standard

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<sup>62</sup> The null hypothesis that the mean of the dependent variable is equal to its variance, an assumption of the Poisson distribution, was tested. The null hypothesis is rejected, with a significance level of  $p < 0.01$ .

coefficients. An odds ratio is defined as the ratio of the odds of an event occurring in one condition to the odds of an event occurring in some base condition. An odds ratio of one indicates a null effect, an odds ratio less than one indicates a decrease in the odds of an event occurring and an odds ratio greater than one indicates an increase in the odds of an event occurring. In table D5, the odds ratio of 1.011 (in column 6, row 4) indicates that a one-percentage-point increase in continuity of magistrates is associated with 1.011 (or 1.1%) higher odds of successful drug court completion.<sup>63</sup>

**Table D5: Multivariate models of Leeds DDC outcomes**

Magistrate Panel Definitons	Strength of Continuity	(1)	(2)	(3)	(4)	(5)	(6)
		Rate of Failure (Heroin Tests)	Rate of Failure (Cocaine Tests)	Percentage of Appearances Missed	Number of New Convictions	Number of Breaches	Successful Completion of Drug Court Order
Three Most Frequent Magistrates	<i>At least one magistrate present</i>	0.991* (0.005)	0.993 (0.005)	0.987*** (0.003)	-0.009*** (0.003)	0.022*** (0.010)	1.001 (0.006)
	<i>At least two magistrates present</i>	0.990* (0.005)	0.994 (0.005)	0.986*** (0.004)	-0.008** (0.004)	0.017* (0.010)	1.005 (0.007)
	<i>At least three magistrates present</i>	0.979** (0.010)	0.989 (0.010)	0.974*** (0.008)	-0.008 (0.007)	-0.001 (0.016)	1.018 (0.014)
Magistrate Panel in 1st Drug Court Hearing	<i>At least one magistrate present</i>	0.997 (0.004)	1.000 (0.004)	0.992*** (0.003)	-0.007*** (0.003)	0.008 (0.007)	1.011* (0.006)
	<i>At least two magistrates present</i>	0.998 (0.006)	1.002 (0.006)	0.990** (0.004)	-0.014*** (0.006)	-0.008 (0.011)	1.026*** (0.009)
	<i>At least three magistrates present</i>	0.988 (0.023)	1.035 (0.027)	0.964 (0.022)	-0.055** (0.028)	-0.071 (0.088)	1.031 (0.035)
Control variables included?		YES	YES	YES	YES	YES	YES
Range of Pseudo R <sup>2</sup> Values		-	-	-	0.107-0.115	0.105-0.129	0.090-0.125
N		182	182	201	201	201	201

The above table contains the coefficient on continuity of panel along with its associated standard error in parentheses for thirty-six multivariate models of different drug court outcomes. The impact of continuity of panel on each outcome is tested using six different specifications of continuity. In all models, continuity of bench is multiplied by 100 to ease interpretability of the results. Models in columns (1)-(3) utilise generalised least squares with a logit link function to estimate the change in the odds of failing a drug test or missing a court appearance associated with a one-percentage-point increase in continuity of panel. Odds ratios are reported. Models in columns (4) and (5) utilise negative binomial regression to estimate the change in the number of new convictions and breaches associated with a one-percentage-point increase in continuity of panel. Standard coefficients are reported. Models in column (6) utilise logit regression to estimate the change in the odds of successfully completing the drug court order associated with a one percentage point increase in continuity of panel. Odds ratios are reported.

Significance Levels: \* p < 0.10, \*\* p < 0.05, \*\*\* p < 0.01

In five of six multivariate models, each percentage-point increase in continuity of magistrates was associated with a lower range of odds (0.96 < OR < 0.99) of missing a court appointment and in 0.01 to 0.05 fewer reconvictions. In two of six models, greater continuity of magistrates was associated with greater odds of successful completion of the sentence (1.01 < OR < 1.03), and in two of six models, greater continuity was associated with lower odds of failing a heroin test (0.98 < OR < 0.99). No effect was found on failing a cocaine test or on number of breaches. The empirical magnitude of the results is modest but compelling

<sup>63</sup> As odds ratios use a non-linear transformation, odds ratios cannot be multiplied by a constant to determine the odds of a larger increase in continuity of magistrates.

as a ten-percentage-point increase in continuity (e.g. moving from five out of ten hearings having continuity to six out of ten hearings having continuity) is associated with approximately 8-23% lower odds of missing a court appointment, 9-20% lower odds of failing a heroin test, 11-29% greater odds of successfully completing the sentence and, depending on the specification, between 0.1 and 0.5 fewer reconvictions.

Overall, results were robust to the specification of continuity, indicating that arbitrary decisions with regard to how continuity is defined are not driving the multivariate outcomes. However, several key differences are worth noting. In two of three specifications, the number of new convictions for an offender was more sensitive to continuity of magistrates defined by the first magistrate panel than to continuity defined by the three most frequent magistrates. Moreover, the responsiveness of the number of new convictions to continuity varied considerably based upon the stringency of the definition of continuity. Thus, though the signs of the coefficients were negative and significant in five of six specifications, the instability of the point estimates points to substantial uncertainty in the magnitude of the effect.

In addition, the strength of the findings generally increased as the definition of continuity became more stringent. That is, continuity of three magistrates tended to produce more positive outcomes than continuity of two magistrates, and continuity of two magistrates tended to produce more positive outcomes than continuity of one magistrate. The effect was especially strong with regard to the number of new convictions, as moving from continuity with one magistrate to continuity with two magistrates doubled the coefficient on continuity, indicating that two-magistrate continuity reduced the number of reconvictions by twice as much as one-magistrate continuity. The effect is also seen with regard to successful completion of the sentence, with the odds ratio on continuity increasing with each increase in the number of magistrates by which continuity was defined. That greater continuity is observed to influence offender outcomes both within stringency bands and across stringency bands provides additional validity to the findings.

## Discussion

The empirical results should be interpreted cautiously due to the potential presence of both statistical and identification problems. With respect to statistical problems, the sample size used in this analysis is relatively small, 201 offenders. This is especially important in considering multivariate results for models in which continuity is defined most stringently, as non-zero cell sizes for the continuity variable were rare, as low as 1% of the sample when the magistrate panel is defined as the first panel that saw a particular offender. In these

models, a significant effect on the continuity variable was more difficult to detect and the reported results are less dependable as a basis for policy decision-making.

Potential identification problems might provide a second limitation of the analysis. In particular, one potential threat to validity is of considerable concern: that continuity of magistrates is contemporaneously correlated with drug court outcomes such as failed drug tests, missed court appointments and successful completion of the sentence. Formally, as all of these variables are simultaneously determined, a unidirectional causal relationship running from the independent variable (continuity) to each of the outcome variables cannot be established. The endogenous relationship between continuity and each of the response variables might bias results in one of two ways. First, greater continuity of magistrates might be caused by either good or bad behaviour in the DDC as offenders who breach their sentences or fail drug tests may be either more or less likely to be adjudicated by a magistrate not assigned to their three-magistrate panel. Second, greater continuity might itself be a function of the number of hearings an offender has, with continuity of magistrates either increasing or decreasing with the number of hearings.

Bias introduced by each of these two factors was tested for in the following ways. To test for bias in the main effect caused by non-compliance during the DDC time frame, a simple correlation was run between each operational definition of continuity of magistrates and the number of breaches. In all six cases, no significant relationship between the two variables was found. Next, with the exception of the analyses on number of breaches, each multivariate analysis was rerun adding number of breaches to the right-hand side of the model. In no instance did the coefficient on continuity of magistrates change significantly. These findings suggest that offenders who performed poorly in the drug court (as proxied by number of breaches) were no more or less likely to experience continuity of magistrates, thus providing some evidence that models are unaffected by this particular source of bias. To test whether potential endogeneity between number of hearings and continuity of magistrates resulted in biased estimators, a simple correlation was performed between each specification of the continuity variable and number of total hearings. No significant relationship was found in four of six cases, the exception being in two of the three models in which continuity is defined by the three most frequent magistrates. Rerunning the multivariate analyses for these two definitions of continuity using number of hearings as a control variable in the analysis yields coefficients of the same sign but that are approximately 8-23% greater in

magnitude and odds ratios that are between 8-16% greater in magnitude than in the original models, indicating that the models in table D5 may slightly understate the true impact of continuity on outcomes (see table D6).<sup>64</sup>

**Table D6: Multivariate models of Leeds DDC Outcomes**

		(1)	(2)	(3)	(4)	(5)	(6)
Magistrate Panel Definitons	Strength of Continuity	Rate of Failure (Heroin Tests)	Rate of Failure (Cocaine Tests)	Percentage of Appearances Missed	Number of New Convictions	Number of Breaches	Successful Completion of Sentence
Three Most Frequent Magistrates	<i>At least one magistrate present</i>	0.991* (0.005)	0.991* (0.005)	0.988*** (0.003)	-0.011*** (0.003)	0.021** (0.010)	1.001 (0.007)
	<i>At least two magistrates present</i>	0.989* (0.005)	0.992 (0.005)	0.988*** (0.004)	-0.010** (0.004)	0.019* (0.010)	1.012 (0.008)
	<i>At least three magistrates present</i>	0.978** (0.010)	0.988 (0.10)	0.976*** (0.007)	-0.009 (0.007)	-0.002 (0.016)	1.020 (0.015)
Magistrate Panel in 1st Drug Court Hearing	<i>At least one magistrate present</i>	0.997 (.004)	1.000 -0.004	0.992*** (.003)	-0.007** (0.003)	0.009 (0.007)	1.013** (.006)
	<i>At least two magistrates present</i>	0.997 (0.006)	1.003 (0.006)	0.990** (0.004)	-0.014*** (0.006)	-0.007 (0.011)	1.027*** (0.010)
	<i>At least three magistrates present</i>	0.988 (0.023)	1.037 (0.027)	0.962* (0.022)	-0.054* (0.028)	-0.070 (0.089)	1.026 (0.037)
Control variables included?		YES	YES	YES	YES	YES	YES
Range of Pseudo R					0.107-0.118	0.113-0.129	0.126-0.170
N		182	182	201	201	201	201

The above table contains the coefficient on continuity of bench along with its associated standard error in parentheses for thirty-six multivariate models of different drug court outcomes. The impact of continuity of bench on each outcome is tested using six different specifications of continuity. In all models of bench is multiplied by 100 to ease interpretability of the results. Models in columns (1)-(3) utilise generalised least squares with a logit link function to change in the odds of failing a drug test or missing a court appearance associated with a one-percentage-point increase in continuity of bench. Odds ratios are reported. Models in columns (4) and (5) utilise negative binomial regression to estimate the change in the number of new convictions and breaches associated with a one-percentage-point increase in continuity of bench. Standard coefficients are reported. Models in column (6) utilise logit regression to estimate the odds of successfully completing the drug court order associated with a one-percentage-point increase in continuity of bench. Odds ratios are reported.

Significance Levels: \* p < 0.10, \*\* p < 0.05, \*\*\* p < 0.01

## Conclusions

This analysis finds strong evidence that continuity of magistrates, regardless of how it is defined, has a statistically significant impact on several key DDC outcomes. Though the empirical findings are of modest strength, a ten-percentage-point increase in continuity is associated with approximately 8-23% lower odds of missing a court appointment, 9-20% lower odds of failing a heroin test, 11-29% greater odds of successfully completing the sentence and, depending on the specification, between 0.1 and 0.5 fewer reconvictions. Given the modest effect sizes associated with drug courts in the extant literature, these effects suggest that fidelity to a design whereby offenders are seen by judges with whom they are familiar is important to achieving successful outcomes. In the Leeds DDC, where offenders had an average of 1.94 new convictions, a modest ten-percentage-point increase

<sup>64</sup>To calculate percentage changes in the odds ratios for a ten-percentage-point change in continuity of magistrates, the natural log of the odds ratio was taken and multiplied by ten.

in continuity of magistrates would predict a reduction of 5-26% in the number of new convictions. The fact that the strength of the results increases as the definition of continuity becomes more stringent is likewise important, providing a strong impetus for ensuring that DDC offenders have a good relationship with not just one magistrate but, if possible, two or three magistrates.





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**Dedicated Drug Court Pilots: A Process Report**

This report presents the results of an evaluation of two Dedicated Drug Court pilots in England and Wales. The process evaluation explored the implementation issues and working practices of the pilots. Methods used included interviews with practitioners and offenders, quantitative analysis of court and other records, and a media analysis. An economic evaluation also considered the cost-effectiveness of this approach. Factors critical to implementation success are highlighted.

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