

Review of the Glasgow & Fife Drug Courts REPORT

Community Justice Services
Scottish Government



Introduction

1. Pilot Drug Courts were introduced in October 2001 in Glasgow and in August 2002 in Fife. Following broadly positive evaluations of the pilot schemes in 2006 Scottish Ministers agreed to continue funding the Drug Courts for a further 3 years until Spring 2009. The purpose of this review is to assess the impact and effectiveness of the two Drug Courts, including cost effectiveness, in light of the impact of the summary justice reforms. This will inform future policy and funding regarding Drug Courts.

Background

2. Drug Courts aim to reduce drug misuse and associated offending by offering treatment based options outwith the traditional court setting. The specific objectives of the pilot Drug Courts were to:-

- reduce the level of drug related offending behaviour;
- reduce or eliminate offenders' dependence on or propensity to use drugs; and
- examine the viability and usefulness of a Drug Court in Scotland using existing legislation and to demonstrate where legislative and practical improvements might be important.

3. Both pilot Drug Courts were evaluated following the first six months of operation. These evaluations were largely aimed at assessing the operational aspects of the courts and found:-

'In Glasgow the main strengths of the Drug Court were perceived to be the 'fast-tracking' of offenders, the existence of a trained and dedicated multidisciplinary team in regular contact with each other and the system of pre-court review meetings and reviews. Factors that were perceived to enhance the effectiveness of the Drug Court in Fife included the monitoring of behaviour and drug use, the regular reviewing of offenders by a dedicated bench, and the nature and intensity of the treatments and services provided' (Establishing Drug Courts in Scotland: Early Experiences of the Pilot Drug Courts in Glasgow & Fife – Mclvor et al SG Research Findings 71/2003)

4. A further evaluation of the 'Operation & Effectiveness of the Scottish Drug Courts Pilots' (Mclvor et al) was published in 2006. This evaluation was a more in-depth look at the operation of the Courts including tracking offenders and looking at the costs associated with Drug Court Orders. The evaluation concluded that 'there is evidence that a sizeable proportion of clients made subject to Drug Court Orders were able to achieve and sustain reductions in drug use and associated offending behaviour'.

5. At the time of the publication of the 2006 evaluation the then Scottish Ministers announced that the Drug Courts in Glasgow and Fife would continue for a

further 3 years. A commitment to review the impact and effectiveness of Drug Courts by Spring 2009 was made in the Scottish Government Drugs Strategy published in May 2008.

Scope of the Review

6. In light of the full 2006 evaluation of the Drug Courts by the University of Stirling it was decided that the current review would restrict its scope to an update of key statistics relating to Drug Court throughput and outcomes and a series of meetings with key stakeholders in order to gather views and opinions.

Aim and objectives of the Review

7. The overall aim of the review was to evaluate the impact and effectiveness, including cost effectiveness, of the Glasgow and Fife Drug Courts. More specifically the review included:-

- Gathering views of key personnel involved in the operation of the two Drug Courts, together with a small sample of non Drug Court Sheriffs;
- An update of the key statistics collated in the 2006 evaluation, with the exception of rates of continued drug misuse, namely:-
 - Referrals to the Drug Courts;
 - Completion rates of Drug Court Orders;
 - Outcome of breach applications;
 - Average costs of Drug Court Orders; and
 - Collation of statistics in relation to non Drug Court Drug Treatment and Testing Orders (DTTOs);
- Assessing the added value, if any, that the Drug Courts provide to dealing with drug related offending through comparing the completion rates of DTTOs and Probation Orders with an additional condition of drug treatment when ordered by the Drug Court, against when they are ordered by the Sheriff Court; and
- The consideration of reconviction data. When the original process and outcome evaluation of the pilot Drug Courts in Glasgow and Fife was undertaken (McIvor et al., 2006), the courts had not been operational for a sufficiently long period of time to enable a reasonably robust analysis of reconviction. Professor Gill McIvor of the Scottish Centre for Crime and Justice Research (SCCJR) was commissioned to update her earlier work.

Methodology

8. The initial tasks involved observations of the pre-court reviews in Fife & Glasgow and the court reviews in Glasgow, and a review of the published research & evaluation reports relating to the Scottish Drug Courts.

9. The key stakeholders in the two courts were then identified and approached regarding their willingness to participate in a meeting to discuss the Drug Court. **Annex A** provides a list of the stakeholders contacted who took part in meetings.

10. Each of the Criminal Justice Social Work (CJSW) departments were asked to provide data relating to the throughput, the Orders made, and their outcomes from 2004 to 2008. As a separate exercise the SCCJR was commissioned to analyse the most recent data available on reconviction rates.

Findings

11. To a large extent there was a good deal of support for the work of the Drug Courts from both the Glasgow and Fife stakeholders. The following outlines the key themes arising from the stakeholder meetings.

The Therapeutic Court

12. Offenders referred to the Drug Court are often in a chaotic state with a long history of drug use and related offending. The assessment process carried out by the Drug Court teams aims to assess an individual's potential receptiveness and suitability for a Drug Court Order. The Drug Court is often viewed as the final attempt to break the habitual pattern of re-offending, which would otherwise lead inevitably to a custodial sentence. The accountability to the court throughout an Order and the sanctions available to the Sheriffs are considered effective tools in the motivation of offenders to comply with the drug treatment & testing programme.

13. All of the Drug Court Sheriffs felt that what they referred to as the 'weight watchers' effect was a powerful influence within the court. Having a separate court was particularly useful in this regard, as court scheduling could be used in such a way that would allow offenders to see others who were either succeeding on their Order or not doing so well. Starting the court with the review of a particularly successful individual allowed others to see that it is possible to change for the better. Commencing the review of an offender who had breached his / her Order, on the other hand, gave the Sheriffs the opportunity to send out a message about the seriousness of non-compliance. All the Sheriffs pointed out that such an effect could not be achieved with standard DTTOs as court scheduling would not permit this.

The Pre-Review

14. The Drug Court Sheriffs and CJSW and Addiction workers all considered the pre-review meeting to be the main strength of the Drug Court. The pre-review allows discussion between the professionals and gives the Sheriff an opportunity to discuss in detail progress or otherwise made by all those subject to Drug Court Orders. All those consulted felt that a standard DTTO report without an opportunity for multi-agency discussions was unlikely to be as effective. The Sheriffs in particular considered the pre-review discussion to be very useful, as it helped to guide their approach to the actual review hearing. The pre-review discussion allowed for a more frank and open exchange than could be achieved through the submission of a paper report as occurs with a standard DTTO.

The Dedicated Sheriff

15. The continuity of Sheriff and the specialist knowledge gained by these Sheriffs was considered a strength in the operation of the Drug Court. The Sheriffs stressed the importance of consistency in dealing with those on an Order which could only be achieved by use of dedicated Sheriffs. Inconsistencies in sentencing and in the use of sanctions would harm the credibility of the Drug Court Orders.

16. Continuity of Sheriff throughout an Order could be achieved with standard DTTOs outwith the Drug Court, although in practice in a busy court schedule this was considered to be more difficult to achieve. It was felt that the grouping of DTTOs and Probation Orders in the one court was a more efficient approach.

Treatment & Testing

17. A large part of the Scottish Government funding for the Glasgow and Fife Drug Courts is used to resource the dedicated treatment and testing team in each court. The agencies involved all agreed that the funding of these teams was a major factor in the effectiveness of the courts. The funding meant that caseloads were manageable, and that a range of treatments could be offered.

18. Stakeholders in Fife were of the view that the resourcing of the multi-disciplinary treatment team was one of the main advantages of the funding of the Drug Court in Fife. However, the multi-agency nature of the treatment team had given rise to issues in Fife, with earlier reported differences of approach between Fife Council Criminal Justice Social Work and NHS Fife about treatment philosophies.

These issues were subsequently resolved to the satisfaction of all parties.

19. It was reported that the Drug Court funding allowed the treatment team to have greater contact time with offenders, including home visits and groupwork. However, the benefits of this increased contact time were merely anecdotal and little evidence was available to demonstrate that it was necessarily having a positive impact.

20. Some concern was expressed in Fife about, what was perceived as, limited funding available for drug treatment more generally in the area. It was suggested that it is necessary for drug users to escalate their level of offending behaviour in order to access drug treatment, as the Drug Court treatment services are better resourced than any other. Some of those consulted were keen to see similar funding made available for other users in the Fife area, as well as for those on DTTOs in the wider Community Justice Authority area. Others were of the view that although limited funding is available for drug treatment in Fife, the use of easy access /drop- in clinics Fife wide enabled service users to access treatment as required.

21. In Glasgow, on the other hand, the fact that there is already a considerable network of well-resourced drug treatment services across the city meant that funding of the Drug Court treatment services did not feature so highly in the discussions. It was reported that around 90% of those coming to the attention of the Drug Court were already known to the drug treatment services in the Glasgow area. The

stakeholders involved, however, considered that the existence of the dedicated Drug Court treatment and testing team meant that those on Orders were given an intensive intervention programme, which along with the accountability to the court, meant a more effective approach. It was felt that the voluntary nature of other drug treatment initiatives such as Arrest Referral risked high drop out rates.

22. Nevertheless, it was suggested that operational improvements could be made, and in particular that there needed to be better co-ordination of the various schemes targeting the drug-using population in Glasgow.

23. More generally, concern was expressed about the length of Drug Court Orders which, it was suggested, are not long enough to establish real, long-term change in the drug user. It was also reported that alcohol misuse is increasingly a problem for those on Drug Court Orders. It was noted that both Drug Courts were offering programmed interventions to ensure that appropriate individuals also received clinical treatment for alcohol misuse/dependence.

Operational efficiency of the Drug Courts

24. The professionals involved with both Drug Courts felt that efficiencies could be made in the assessment process. On the one hand, it was recognised that this is a vital part of the process since it is important to identify those offenders who may be receptive to a Drug Court Order. However, on the other hand, it was felt by all involved that the assessment was unduly lengthy and staff intensive and this resulted in a delay in offenders accessing the court and its related treatment. Glasgow had already begun to explore ways of reducing staff time involved in the assessment and hoped to make efficiency savings in future. It should be noted that Glasgow Drug Court has recently implemented a new assessment process, which is aimed at streamlining the assessment process, reduce the time for preparation and reduce the barriers for offenders in accessing the Drug Court.

25. The Glasgow Drug Court professionals were keen to stress the efficiencies achieved of frequently dealing with prolific offenders in one court. In both Drug Courts, cases are 'rolled up' so that individuals appearing in court often have numerous outstanding charges dealt with simultaneously. Also, once subject to a Drug Court Order any outstanding warrants or complaints against an individual are dealt with by the Drug Court Sheriff and are not required to be heard in other courts. One difference between the two Drug Courts, however, is that those deemed unsuitable for a Drug Court Order in Glasgow are sentenced by the Drug Court Sheriff, whereas in Fife the offender is referred back to the original Sheriff for sentencing. This may result in more efficient operation in Glasgow than in Fife.

DTTOs

26. All stakeholders were asked their views on whether they thought a standard DTTO could achieve similar results to the Drug Court. The majority felt that the existence of the pre-review in the Drug Court made a significant impact on the responsiveness of the Order. In particular to the progress or otherwise being made by the offender. Both Drug Courts dealt from time to time with DTTOs from outwith their areas and the Sheriffs considered that the reports submitted by the non-Drug

Court treatment teams lacked the quality and depth of the reports prepared for the Drug Court Orders. It was felt that the close working relationship established between the dedicated Sheriffs and the dedicated treatment teams led to more effective working practices and greater understanding between all parties. The close working relationship between the dedicated Sheriffs and the dedicated supervision and treatment team in Glasgow is enhanced by the four weekly multi-disciplinary Drug Court meetings chaired by the Drug Court Sheriffs. This provided the opportunity to discuss and review procedures and practice and identify and implement service development.

27. In practical terms with respect to court programming, the Drug Court was seen as advantageous in that all the reviews would be dealt with by dedicated Sheriffs in one court hearing. This was especially true for the Glasgow court where it was felt that the timetabling for individual Sheriffs to carry out DTTO reviews on the Orders they had made would otherwise prove problematic.

28. The use of Structured Deferred Sentences in Glasgow Drug Court has been a significant development as it has made it possible to include offenders who may not have previously met the criteria for the Drug Court, including women offenders. It also provides an opportunity to include offenders who would benefit from the Drug Court but whose motivation and/or ability to comply with the robust conditions of a DTTO is in question. In these circumstances, Structured Deferred Sentences can be used to monitor motivation and the offender's ability to comply with this rigorous court Order.

Key Statistics

Throughput

Glasgow Drug Court Throughput

Table 1

	Assessments	DTTOs	EPOs	POs	SDS	Total Orders	% resulting in Orders
2004	153	66	5	26	1	98	63%
2005	171	61	0	17	1	79	46%
2006	175	59	0	20	8	87	48%
2007	139	36	0	22	8	66	47%
2008	164	54	0	22	9	85	52%

(key: EPO – Enhanced Probation Order, PO – Probation Order, SDS – Structured Deferred Sentence)

29. Table 1 provides details of the throughput of Glasgow Drug Court from 2004 - 2008. In the 2006 evaluation period of 3 years from November 2001 to November 2004 the Glasgow Drug Court made a total of 191 Orders in respect of 150 offenders. It can therefore be concluded that the business of the Drug Court has remained broadly constant apart from a dip in 2007.

Fife Drug Court Throughput

Table 2

	Assessments	DTTOs	EPOs	Total Orders	% resulting in Orders
2005	121	62	18	90	74%
2006	117	72	17	89	76%
2007	91	70	8	78	86%
2008	90	46	14	60	67%

30. Table 2 provides details of the throughput for the Fife Drug Court from 2005 – 2008. The 2006 evaluation used 2 years worth of data for the Fife court (Sept 2002 to Sept 2004). In that time 184 individuals (205 orders) were made subject to a Drug Court Order equating to over 100 Orders per annum. The figures in table 2 show that the business of the Fife Drug Court has fallen gradually since that time with a 33% decrease in the annual number of Orders made between 2005 and 2008.

Outputs

Glasgow Drug Court Completed Orders

Table 3

	No. of Completed Orders	Successful	Revoked/Breached	% Successful
2004	94	61	33	65%
2005	71	42	29	59%
2006	122	62	60	51%
2007	126	56	70	44%
2008	76	36	40	47%
TOTAL	489	257	232	53%

Note: breakdown by type of Order not provided.

31. Table 3 provides information on completed Orders in Glasgow Drug Court. Completion rates are between 44% and 65% between 2004 and 2008. In addition to this the 2006 evaluation showed that the Glasgow Drug Court achieved a 47% successful completion rate.

Fife Drug Court Completed Orders

Table 4

	No. of Completed Orders	Successful	Revoked/Breached	% Successful
2005	89	24	65	27%
2006	84	41	43	49%
2007	76	27	49	36%
2008	41	17	24	41%
TOTAL	290	109	181	38%

32. Table 4 provides information on completed Orders in Fife Drug Court. Completion rates are between 27% and 49% between 2005 and 2008. The low successful completion rate in 2005 was under a previous prescribing regime in NHS Fife at the time. That prescribing policy changed towards the end of 2005 and may account for the improvement over subsequent years. In addition to this the 2006 Evaluation showed that Fife Drug Court achieved a 30% successful completion.

Scotland wide DTTOs

Table 5

	Assessments	DTTOs	Breaches Revocations	Successful completions	% successful
2005/06	1036	521	233	186	36%
2006/07	1153	613	318	210	34%
2007/08	1133	543	209	183	34%
Total	3322	1677	760	579	35%

Note: These figures include data from Fife & Glasgow Drug Courts.

33. Table 5 provides information on completed Orders across Scotland. This includes Fife and Glasgow Drug Courts figures. While the successful completion rate for Scotland wide DTTOs from 2005 -2008 is not directly comparable with the successful completion rate for the Drug Courts (see tables 3 and 4) it suggests that there is not much of a percentage difference. Scotland wide DTTO data has been published by financial years. Thus, completed DTTOs in 2007/2008, for example, may have been assessed in 2005/06 or 2006/07. Drug Court data, obtained from the Drug Courts themselves, looks at completion or otherwise of DTTOs within any one year.

Outcomes

Reconviction among Drug Court Participants

34. Professor Gill McIvor of the SCCJR was commissioned to do a separate study of reconviction rates, which updated her earlier work. At the time of the original evaluation the courts had not been operational for a sufficiently long period of time to enable a reasonably robust analysis of reconviction. The present analysis was able to focus on a larger sample of cases and more complete reconviction data were available for these offenders. However, the sample size is still less than what is required for a robust reconviction analysis and therefore the results should be treated with caution.

35. Across the two Drug Courts, 70% of offenders had been reconvicted within one year and 82% within two years. Reconviction rates were almost identical in Fife and Glasgow. However, the reconviction order did vary according to the outcome of the Drug Court Order – reconviction rates were significantly lower for those who completed their Orders or whose Orders were discharged early, compared with those who had breached or been revoked.

36. The analysis also showed that reconviction rates among Drug Court cases were very similar to those among offenders given DTTOs before the Drug Courts were introduced (82% after two years for the former and 80% for the latter). Reconviction rates at 12 months and 24 months following DTTOs imposed under Sheriff summary and Solemn proceedings (71% and 82% respectively) were almost identical to those for offenders given DTTOs in Drug Courts at 12 months and 24 months (70% and 82%).

37. The same pattern is also seen in relation to frequency of reconviction – there is no significant difference between Drug Courts and DTTOs. However, throughout the analysis it is possible that the more efficient rolling up of cases in the Drug Courts may have served to distort comparisons.

38. Information was also gathered on the previous crime types and reconviction crime types for Drug Court offenders. Prior to appearing in court, 73.1% of previous crimes were crimes of dishonesty and subsequent to appearing in court, it decreases to 66.5%, although there is also a proportionate increase in drug offences (2.7% to 5.2%) and breaches of the peace.

39. More detail regarding the work commissioned by the SCCJR is set out in **Annex B**.

Costs of Drug Court Orders

40. The Scottish Government's funding allocations for 2008-09 and 2009-10 financial years to the relevant Community Justice Authorities in respect of the operation of the Drug Courts amounted to

Glasgow	£1,555,083*
Fife	£1,236,118

*An additional sum of £11k was paid in 2007-08 which represented residual costs in respect of the Drug Court co-ordinator post.

In addition, an annual sum of £42,000 was paid to Fife Constabulary for policing the Fife Drug Court.

41. Based on the most recent year for which figures are available i.e. the 2008-09 financial year, the unit cost of a Drug Court Order (including expenditure on assessments) is:

Glasgow Drug Court	£18,295
Fife Drug Court	£21,302

However in 2007-08, the comparable figures were:

Glasgow Drug Court	£23,742
Fife Drug Court	£16,386

In comparison, the average cost of a non-Drug Court DTTO in 2007-08 (the latest year for which data is available) was £12,205.

42. In terms of successfully completed Orders, the following unit cost comparisons can be made for 2008-09:

Glasgow Drug Court	£38,925
Fife Drug Court	£51,956

And the comparable figures for 2007-08 are:

Glasgow Drug Court	£53,959
Fife Drug Court	£45,517

Taking an average of the unit cost of completed Drug Court Orders over the two years, 2007/8 – 2008/09, the costs are as follows:

Glasgow Drug Court	£46,442
Fife Drug Court	£48,737

In comparison, the average cost for a successfully-completed non Drug Court DTTO in 2007-08 (the latest year for which data is available) was £35,897.

Conclusions

43. It is important to remember that the target group for the work of the Drug Court is an extremely challenging group to work with who lead chaotic lives and have a long history of drug misuse and offending. The work of the Drug Court therefore needs to be judged in the light of these challenges. The Drug Court Order is often only the start of a very long process towards rehabilitation and it is unsurprising that a significant number fall by the wayside. Success therefore needs to be judged accordingly.

44. The review involved gathering views of key stakeholders in Glasgow and Fife and updating key statistics relating to the Drug Courts throughput and meetings. The review found that there is overwhelming support for the Drug Courts amongst these stakeholders, with this support being unanimous in Glasgow. In particular, the pre-review is considered a vital element of the Drug Court process with all stakeholders stressing its importance in ensuring the effective running of the court.

45. The throughput of the two courts has changed since the 2006 evaluation, with the throughput in Glasgow remaining broadly constant apart from a dip in 2007, while the business of the Fife Drug Court has fallen gradually, with a 33% decrease in the annual number of Orders made since 2005 and 2008. Separate evidence¹ shows that the estimated prevalence of problem drug misuse among those aged 15-64 in 2006 in Fife and Forth Valley CJA is significantly lower at 1.20% than Glasgow at 3.27%, and second bottom only to Northern CJA at 0.98%. This suggests a reduced level of offender need in Fife in relation to this type of specialist court.

46. The rate of successful completion of Orders has largely remained similar in both courts with just minor changes since the 2006 evaluation. However, there is a clear differential between the average cost of successfully completed Drug Court Orders in Glasgow and Fife in 2007/08 and 2008/09 and the average cost of a successfully completed non-Drug Court DTTO, the latter which was significantly lower.

¹ Hay, G., Gannon, M., Casey, J. & McKeganey, N. (2009) *Estimating the National and Local Prevalence of Problem Drug Use in Scotland*. Edinburgh: Scottish Government

47. At this stage, evidence on the outcomes of Drug Court Orders is inconclusive. Analysis suggests that the reconviction rates and frequency of reconviction among Drug Court cases was very similar to those among offenders given DTTOs under Summary proceedings, although these figures should be treated with caution as the sample sizes are small.

48. There are efficiencies to be made in both Drug Courts in relation to their operation. In particular, all stakeholders agreed that the assessment process is in need of review to streamline it and make it less resource intensive. There is opportunity to achieve resource savings without having a detrimental impact on the operation of the Drug Courts, for example looking to align funding with throughput and reducing the unit cost per Order so that it is closer to the average cost of non-Drug Court DTTOs.

ANNEX A – List of Stakeholders

Stakeholder
Sheriff Principal Taylor
Sheriff Principal Dunlop
Sheriffs Wood, Ruxton, Bowman, Normand (Glasgow)
Sheriff Hendry (Fife)
Non Drug Court Sheriffs in Fife (Sheriffs Holligan & Sheriff Dunbar) & Glasgow (Sheriffs Miller & Platt)
Anne Pinkman, Chief Officer Community Justice Authority - Fife
Bill Kinnear, Head of Service, CJSW, Fife
Paul Hendry, Team Leader, CJSW, Glasgow
Martin Thom, Team Leader, CJSW, Fife
Linda Henderson, Team Leader, Addiction, Fife
Ruth McReynolds, Senior Addiction Worker, Glasgow
Grant Scott, Lead Nurse, Glasgow
Dr Cockayne, Clinical Lead & Head Nurse Angela Swift, NHS Fife
Stewart Walker, Sheriff Clerk, Kirkcaldy Court
Barbara McKenna, Depute Clerk, Glasgow Court
Police Strathclyde, Inspector Smith
Police Fife, Chief Inspector Finnie
Anne Francis Hilley, Dedicated Fiscal, Glasgow
Stephen Fox, Bar Association Rep, Glasgow

ANNEX B

RECONVICTION AMONG DRUG COURT PARTICIPANTS

When the original process and outcome evaluation of the pilot Drug Courts in Glasgow and Fife was undertaken (McIvor et al., 2006), the courts had not been operational for a sufficiently long period of time to enable a reasonably robust analysis of reconviction. The present analysis was able to focus on a larger sample of cases in respect of whom more complete reconviction data were available. In assessing overall reconviction rates, the analysis focuses first upon those given Drug Court Orders in Glasgow between November 2001 and October 2005 and those given Drug Court Order in Fife between September 2002 and August 2006.

The key question, however, is how Drug Court reconviction rates compare with reconviction rates among similar offenders who are dealt with as they would have been if the Drug Courts did not exist. The comparison of reconviction rates of Drug Court participants poses particular challenges because the very nature of the Drug Court process means that cases dealt with it are highly selected through a rigorous process of assessment of suitability for drug treatment and the Drug Court regime.

The comparative analysis of recidivism therefore focuses on those given DTTOs on the assumption that similar types of case would be likely to receive DTTOs in other Sheriff Courts. In particular, the analysis compares reconviction among Drug Court participants who received DTTOs with 1) reconviction among offenders given DTTOs in Glasgow and Fife in the 2 year period immediately before the Drug Courts were introduced and 2) offenders given DTTOs across Scotland as a whole between 1 Sep 2002 and 31 Aug 2006.

Drug Court reconviction

Across the two Drug Courts, 70% of offenders had been reconvicted within twelve months and 82% within two years. The reconviction rates were almost identical in Fife and Glasgow (Table 1) and were slightly, but not significantly, higher following a DTTO than a Probation Order (Table 2).

Table 1: Reconviction by court

Follow-up period	Fife	Glasgow	Total
12 months	71% (192/271)	69% (212/308)	70% (404/579)
24 months	82% (221/270)	82% (251/308)	82% (472/578)

Table 2: Reconviction and type of Order

Follow-up period	DTTO	Probation	Total
12 months	70% (344/491)	66% (55/83)	70% (399/574)
24 months	82% (402/490)	78% (65/83)	82% (467/573)

The reconviction rate did, however, vary according to the outcome of the Drug Court Order: 12-month and two-year reconviction rates were significantly lower² among those who completed their Orders or whose Orders were discharged early and higher among offenders whose Orders were breached or revoked (Table 3). It is encouraging that those who had an early discharge, or who had completed their Order, had a lower reconviction rate compared to those who had breached or been revoked. This appears to suggest that those with the resolve to complete their Order, also committed less subsequent crimes

Table 3: Reconviction by outcome of Order³

Follow-up period	Early discharge	Breach	Revocation	Completion
12 months	59% (41/70)	79% (112/141)	76% (103/135)	64% (128/201)
24 months	76% (53/70)	89% (126/141)	90% (120/134)	74% (148/201)

Reconviction among offenders given DTTOs in Glasgow and Fife

To determine how the reconviction rates among Drug Court cases compared with those of similar offenders dealt with in other ways, reconviction rates among offenders given DTTOs in Glasgow and Fife prior to the introduction of the Drug Courts were calculated. The relevant data are summarised in Table 4. These data suggest that Drug Court reconviction rates (82% after two years: see Table 2) were very similar to those following DTTOs imposed prior to the introduction of the Drug Courts in Glasgow and Fife (80% after 2 years: see Table 4). This small difference in reconviction is not statistically significant⁴.

Table 4: Reconviction rates for pre-Drug Court DTTOs

Follow-up period	Fife	Glasgow	Total
12 months	67% (77/115)	64% (44/69)	66% (121/184)
24 months	84% (96/115)	75% (52/69)	80% (148/184)

Reconviction among offenders given DTTOs in Scotland

Another point of comparison is reconviction among DTTOs imposed in Scotland as a whole. The relevant data are summarised in Table 5, with separate figures presented for DTTOs imposed under Summary and Solemn proceedings⁵. The reconviction rates at 12 months and 24 months following DTTOs imposed under Summary proceedings were almost identical to those for offenders given DTTOs in the Drug Courts (i.e. 82% were reconvicted within 2 years)

² Chi-square 4 d.f = 21.7, p<.001

³ 32 cases that were terminated for other reasons have been excluded from this table.

⁴ Chi-square 1 d.f.=0.23, p=0.63

⁵ Since the Drug Court only dealt with summary cases, the appropriate comparison is with DTTOs imposed under summary proceedings. The data for solemn cases are provided for information.

Table 5: Reconviction following DTTOs in Scotland

Follow-up period	Summary	Solemn	Total Summary and Solemn
12 months	72% (992/1383)	61% (100/164)	71% (1092/1547)
24 months	82% (1138/1383)	77% (126/164)	82% (1264/1547)

Frequency of reconviction

The reconviction rate is a relatively crude measure: it simply indicates whether or not an individual has been reconvicted but fails to reflect more nuanced changes in behaviour such as changes in the frequency of conviction. As Table 6 indicates, the frequency of reconviction among Drug Court participants given DTTOs was similar to the frequency of reconviction among offenders given DTTOs under Summary proceedings in Scotland as a whole. In Glasgow, the frequency of reconviction was slightly *higher* among the Drug Court sample than the earlier DTTO sample (3.3 in the Drug Court compared to 2.6 pre Drug Court) while in Fife the reverse was true, with the frequency of reconviction *lower* among Drug Court participants than among those previously sentenced to DTTOs (3.6 in the Drug Court compared to 4.5 pre Drug Court). Neither of these differences was, however, statistically significant⁶.

Table 6: Mean number of new convictions per DTTO sample

Follow-up period	Fife Drug Court	Glasgow Drug Court	Fife pre DC DTTO	Glasgow pre DC DTTO	Scotland Summary DTTO
12 months	2.2	2.0	2.6	1.4	2.1
24 months	3.6	3.3	4.5	2.6	3.3

Despite the rate and frequency of reconviction being broadly similar among the Drug Court and comparison samples, there was a marked difference in the criminal histories of the samples (Table 7). More specifically, the Drug Court cases had, on average, fewer previous convictions than those given DTTOs in the other samples, with the differences between the samples in this respect being statistically significant⁷. Given the strong association between criminal history and reconviction, if all else were equal the Drug Court cases would have been expected to demonstrate a lower frequency and rate of reconviction than the comparison cases. The reason for the relatively low number of previous convictions among the Drug Court cases is unclear but it may have arisen through recent 'old' convictions being 'rolled up' more quickly in the Drug Court with the result that in some instances what are actually previous convictions are identified from the Scottish Offender Index as 'new'

⁶ For Glasgow, $t=1.79$, $p=.074$ and for Fife, $t=-1.81$, $p=.071$

⁷ Anova, $F=151.3$, $p<.001$

convictions⁸. This would also have the effect of inflating the rate and frequency of reconviction among Drug Court cases, making them misleadingly high.

Table 7: Mean number of previous convictions per DTTO sample

Fife Drug Court	Glasgow Drug Court	Fife pre DC DTTO	Glasgow pre DC DTTO	Scotland Summary DTTO
3.7	3.4	11.3	9.9	14.9

Profile of offenders before and after conviction in the Drug Courts.

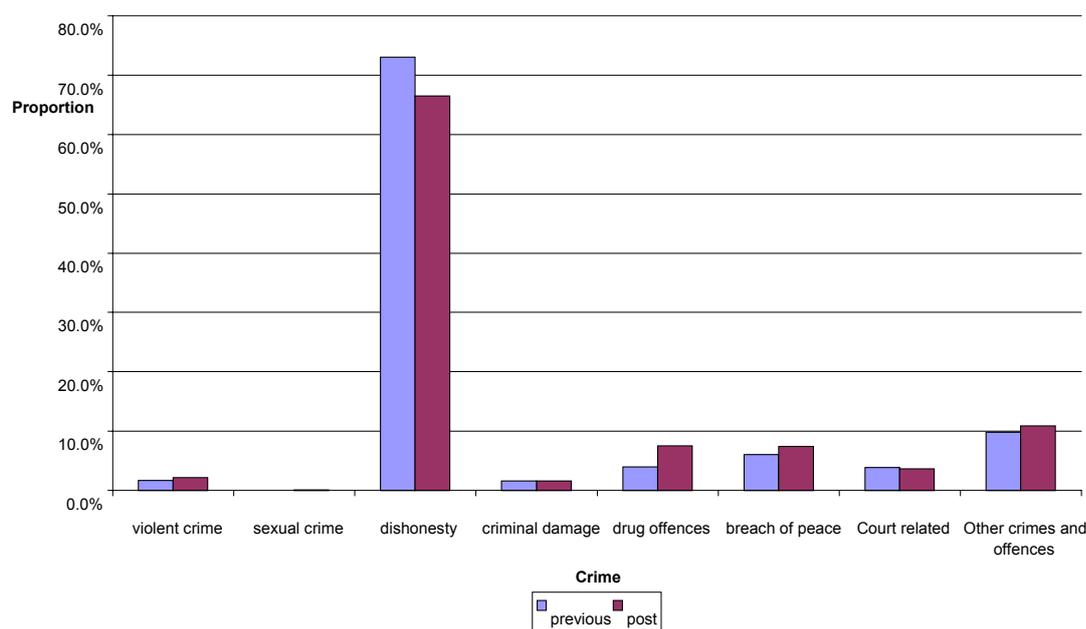
Information was also gathered on the previous crime types and reconviction crime types for the Drug Court offenders. Prior to appearing in the Drug Court, the offender profile in Figure 1 shows that 73.1% of the previous crimes were for crimes of dishonesty (which includes theft by housebreaking, theft from a motor vehicle, in a building with intent to steal, shoplifting and other theft, fraud and forgery). Only approximately 2% of crimes were violent and less than 0.1% were sexual. A further breakdown of the individual crime types, and in particular the dishonesty category, shows that 38.4% of previous crimes were for shoplifting, 10.6% for other theft, and 8.8% for housebreaking. Clearly crimes of theft predominate in funding the drug habit.

Subsequent to appearing in the Drug Court the offender profile changes slightly. Crimes of dishonesty have decreased from 73.1% to 66.5% (with shoplifting decreasing slightly to 36.7%) and there has been a proportionate increase in drug offences (from 2.7% to 5.2%) and breaches of the peace.

The decrease in shoplifting would be consistent with the Drug Court objectives to decrease the incidence of drug-related acquisitive crime. While the increase in drug offences might on face value appear to run counter to the aims of the Drug Court, it might be attributable to increased police attention over time towards known drug offenders alongside continued use by Drug Court participants of illicit drugs such as cannabis. The increase in public order offences might be linked to an increase in alcohol misuse among some Drug Court participants – a phenomenon that was alluded to in interviews by some offenders and Drug Court staff (McIvor et al., 2006).

⁸ The offence date is estimated in the Scottish Offender Index on the basis of the police case reference with the day of the offence always recorded as '15'.

Figure 1: Proportion of crimes in Glasgow and Fife Drug Court
(Glasgow cohort Nov01-Oct05, Fife cohort Sept02-Aug06)



Conclusions

The preceding analysis suggests that reconviction rates and the frequency of reconviction among Drug Court cases were very similar to those among offenders given DTTOs before the Drug Courts were introduced and among offenders nationally sentenced under Summary proceedings to DTTOs. However it must also be acknowledged that the number of Drug Court cases and pre-Drug Court DTTOs on which this analysis was based was relatively low and that other factors whose effects cannot easily be quantified – such as the more efficient rolling up of cases in the Drug Courts – may have served to distort comparisons. Research published by the Home Office suggests that where relatively small differences in reconviction are anticipated – as would be the case when comparing Drug Court cases and DTTOs which are similar in many respects – relatively large sample sizes are required to demonstrate a significant reduction in recidivism (Harper and Chitty, 2005). On the basis that a 2% difference in reconviction rates between cases within the Drug Court and cases outwith the Drug Courts was anticipated and tested, a sample size of 6,000 cases in each sample would have been required to obtain statistical proof of this difference⁹. Unfortunately, the number of cases seen in the Drug Courts was only 470 and in this respect, the Drug Court sample size falls far short of what would be required for a robust reconviction analysis and the findings must therefore be treated with appropriate caution, especially since international research has demonstrated with some consistency reduced levels of drug use and offending among offenders who participate in Drug Court programmes (McIvor, forthcoming).

⁹ As Harper and Chitty (2005) indicate, the minimum number of cases in the treatment and comparison groups would have to be over 1,200 if a 5% reduction in recidivism was anticipated and 572 if the expected reduction in recidivism was 7.5%.

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