



## Reconviction Following Drug Treatment and Testing Orders

# **RECONVICTION FOLLOWING DRUG TREATMENT AND TESTING ORDERS**

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## **EXECUTIVE SUMMARY**

### **MAIN FINDINGS**

- The reconviction rate and frequency of reconviction were lower among those who completed their orders than among those whose orders were revoked. Despite having extensive prior criminal histories, almost half of those who completed their orders (48%) had no further convictions within two years.
- The percentage of offenders convicted in the two-year period after being placed on a DTTO was lower than the percentage convicted in the two years before. The decrease in the conviction rate was particularly marked among those who completed their orders.
- The frequency of reconviction was lower in the two-year period after being placed on a DTTO than in the two years before. The decrease in the frequency of reconviction was particularly pronounced among those who completed their DTTOs.
- Forty-one per cent of offenders given DTTOs were reconvicted within 12 months and 66 per cent within 24 months of the order being made.
- The average amount of time to elapse until the first conviction after being made subject to a DTTO was approximately 43 weeks.
- The majority of new convictions were for relatively minor offences. They most commonly related to offences of dishonesty, public order offences and offences against justice (such as breaches of bail).
- Offenders in Fife were less likely to complete their DTTOs. They more likely to be reconvicted, were reconvicted sooner and were reconvicted of more offences than offenders in Glasgow. Given that offenders in both sites had similar criminal histories, it is likely that aspects of the DTTO regime were responsible for these differences.

## **INTRODUCTION**

Drug Treatment and Testing Orders were introduced in the UK through provisions in the Crime and Disorder Act 1998. They aim to provide courts with a community-based option to deal more effectively with drug users who commit crimes to fund their habits. Offenders who consent to an order being made are required by the court to undergo treatment for their drug misuse. DTTOs, which can be imposed alongside a probation order or as a ‘stand-alone’ option, differed from existing provisions in a number of important respects:

- the role of the supervising officer (probation officer or social worker) is limited
- mandatory drug testing is an integral part of the order
- the courts have the power to review orders on a regular (but not more than monthly) basis.

The first Scottish pilot scheme was established in Glasgow in October 1999 when DTTOs became available to the Glasgow Sheriff, Stipendiary Magistrate and (subsequently) High Courts. A second pilot scheme was introduced in July 2000 in Fife when DTTOs were made available to Cupar, Dunfermline and Kirkcaldy Sheriff Courts. DTTOs have subsequently been rolled out to other Scottish courts and are now available across the country.

An initial evaluation of the Scottish pilots focused upon their first 12 months of operation and was only able to examine the process and initial outcomes achieved by the schemes (Eley et. al, 2002). It suggested that the schemes had been successful in reducing drug use and associated offending in the short term. However, it was conducted within a relatively short timescale, which did not enable the longer-term impact of DTTOs on recidivism to be assessed.

The present study was commissioned to assess whether DTTOs in the Scottish pilots were successful in reducing recidivism. It focused upon those offenders made subject to DTTOs in Glasgow and Fife in the first two years’ operation of these schemes.

## **METHODS**

The reconviction analysis concentrated upon the rate, frequency and nature of convictions among those given DTTOs prior to and following their orders. The relevant data were provided by the Justice Statistics Unit of the Scottish Executive for a total of 214 offenders (102 in Glasgow and 112 in Fife). Twelve-month reconviction data were available for all cases and two-year follow-up data were available for 188 cases. By examining the charge dates it was possible to exclude from the analysis ‘pseudo-reconviction’ – ‘new’ convictions that actually related to charges that pre-dated the index sentence. While this approach is not perfect – the charge date will not necessarily equate with the date of the offence – it ensures that most pseudo-reconvictions are excluded.

## **FINDINGS**

### **Criminal histories of those given a DTTO**

Offenders given DTTOs had an average of 18 previous convictions and 4.5 previous custodial sentences, indicating that the order was being targeted upon high tariff offenders.

The criminal histories of offenders from Fife and Glasgow were very similar. Offenders whose orders were revoked (for a breach of conditions or other reasons) had more previous convictions and had served, on average, more sentences of imprisonment than those who successfully completed their orders.

### **Rate of reconviction**

With the data adjusted to exclude pseudo-reconvictions the reconviction rates after 12 and 24 months were 41 per cent and 66 per cent respectively and the imprisonment rates over the same periods were 21 and 39 per cent.

Reconviction rates were lower among those who completed their DTTOs than among those whose orders were revoked. For example, 52 per cent of completers had been reconvicted within two years compared with 79 per cent of non-completers. Similarly, 21 per cent of completers had been imprisoned for a new offence within two years compared with 57 per cent of non-completers.

Reconviction rates were slightly lower in Glasgow than in Fife, especially the rate of reconviction in the first 12 months following the making of a DTTO, where 34 per cent of offenders in Glasgow and 47 per cent of those in Fife were reconvicted. After two years, the reconviction rates for the two schemes were 62 and 71 per cent respectively.

The percentage of offenders convicted in the 24 months after being made subject to a DTTO was lower than the percentage convicted in the two year period immediately preceding the DTTO. Whilst this was also true for non-completers (and may reflect the fact that many would not have been at liberty for substantial parts of the follow-up period) it was particularly marked for those who completed their DTTOs. Whilst 88 per cent of this group had been convicted of an offence in the two years prior to their DTTO, only 52 per cent were reconvicted in the two years after.

### **Time to reconviction**

Those who were convicted of further offences remained free of further convictions on average for just over 43 weeks. The mean number of days to first conviction (adjusted for pseudo-reconvictions) was 312 for those who completed their orders and 299 for those who did not.

Offenders in Fife were convicted more quickly than were those in Glasgow. Fife offenders were likely to remain free of convictions, on average, for just under 37 weeks while those in Glasgow were free of new convictions for, on average, just over 50 weeks. This suggests that the DTTO regime in Fife may have been less effective in engaging offenders in treatment and reducing their need to re-offend.

### **Offences and disposals**

Whilst a very small proportion of offenders were convicted of relatively serious violent offences (including robbery and culpable homicide) the majority of new convictions were for relatively minor offences. By far the most common group of offences committed by the sample involved dishonesty (for example shoplifting and theft from vehicles). Public order offences were also relatively common (including breaches of the peace, petty assaults and



possession of offensive weapons) as were offences against justice (such as breaches of bail and obstructing a police officer). While 60 per cent of those who were reconvicted were imprisoned within two years, the most severe sentence imposed in 28 per cent of cases was an admonition or a fine.

### **Frequency of reconviction**

The mean number of reconvictions was higher among offenders whose orders were revoked than among those who completed their orders. The former had three times as many convictions per offender within 12 months of the DTTO (1.5 compared to 0.5) and more than 2.5 times as many convictions within 24 months (3.4 compared with 1.3). Offenders in Fife who were reconvicted had more new convictions per offender in the 12 months after being given a DTTO than did those in Glasgow who were reconvicted (2.0 compared with 0.7)

Offenders had fewer convictions in the period after being placed on a DTTO than in comparable time periods before. While this was true of both completers and non-completers, the decrease in the frequency of conviction was particularly pronounced among the former. For example, the mean number of convictions among non-completers was 4.9 in the 24 months before the order and 3.4 in the same period after, while among those who completed their DTTOs the mean frequency of conviction fell from 3.7 to 1.3.

## **CONCLUSIONS**

Rates and frequencies of reconviction were lower following a DTTO than in the period prior to the imposition of an order. Furthermore, those who completed their orders had lower rates and frequencies of reconviction than those whose orders were revoked. There are reasons for supposing that these important reductions in recidivism are not entirely spurious. First, they accord with self-report and drug test data from offenders given DTTOs (Eley et al., 2002). Second, they mirror the findings of Hough et al. (2003) in England and Wales. Third, the magnitude of the apparent improvements is impressive given the criminal histories and long-standing drug problems of those made subject to DTTOs: when account was taken of pseudo-reconvictions, almost half of those who completed an order had *not* been reconvicted within two years.

These encouraging findings emphasise the importance of retaining offenders on orders to maximise the potential impact of the DTTO. They also highlight the potential for wide variations in retention and in subsequent recidivism to occur across DTTO schemes and the importance of identifying which elements of the DTTO may enhance or undermine offenders' willingness to comply with and complete their orders.

## CHAPTER ONE INTRODUCTION

1.1 Drug Treatment and Testing Orders were introduced in the UK through provisions in the Crime and Disorder Act 1998. They aim to provide courts with a community-based option to deal more effectively with drug users who commit crimes to fund their habits. Offenders who consent to an order being made are required by the court to undergo treatment for their drug misuse. DTTOs, which can be imposed alongside a probation order or as a 'stand-alone' option, differed from existing provisions in a number of important respects:

- the role of the supervising officer (probation officer or social worker) is limited
- mandatory drug testing is an integral part of the order
- the courts have the power to review orders on a regular (but not more than monthly) basis.

1.2 DTTOs were first introduced in the UK in three pilot schemes in Croydon, Liverpool and Gloucestershire and their early operation was evaluated for the Home Office by the Criminal Policy Research Unit at South Bank University (Turnbull et al., 2000). The first Scottish pilot scheme was established in Glasgow in October 1999 when DTTOs became available to the Glasgow Sheriff, Stipendiary Magistrate and (subsequently) High Courts. A second pilot scheme was introduced in July 2000 in Fife when DTTOs were made available to Cupar, Dunfermline and Kirkcaldy Sheriff Courts. DTTOs have subsequently been rolled out to other Scottish courts and are now available across the country.

1.3 An initial evaluation of the Scottish pilots focused upon their first 12 months of operation and focused on the process and initial outcomes achieved by the schemes (Eley et al, 2002). It suggested that the schemes had been successful in reducing drug use and associated offending in the short term. For example, self-reported expenditure on drugs fell from an average of £490 per week immediately prior to an order to £57 per week after six months<sup>1</sup>. However this research was conducted within a relatively short timescale, which did not enable the longer-term impact of DTTOs on recidivism to be assessed.

1.4 The initial study of the English pilot DTTO schemes found that breach rates during an order varied widely across the sites but were generally high (Turnbull et al, 2000). A subsequent analysis of recidivism rates found that two-year reconviction rates were high, with 80 per cent reconvicted and the reconviction rate varying significantly across scheme. The reconviction rate among those who completed their orders was 53 per cent compared with 91 per cent among those whose orders were revoked, suggesting that retention of offenders on orders is critical and that greater attention needs to be paid to how this can be achieved (Hough et al., 2003). Completers had significantly lower conviction rates in the two years after being given a DTTO than in any of the five years before.

1.5 The present study was commissioned to assess whether DTTOs in the Scottish pilots were successful in reducing recidivism. It therefore focused upon those offenders made subject to DTTOs in Glasgow and Fife in the first two years'

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<sup>1</sup> These self-reported reductions in drug use were also supported by the analysis of test results.

operation of these schemes. An assessment of the effectiveness should ideally involve a comparison of reconviction among similar offenders given alternative sentences (i.e. the sentences they would have received if the DTTO was not available). However, identifying a comparison sample retrospectively for this purpose is extremely difficult, not least because it would need to consist of drug-misusing offenders and this cannot readily be determined on the basis of offence history alone. Instead, therefore, the reconviction analysis concentrates upon the rate, frequency and nature of convictions among those given DTTOs prior to and following their Orders.

## **METHODS**

1.6 The majority of offenders given DTTOs in the period covered by the initial evaluation of the pilot schemes consented to information about their convictions being accessed to examine the impact of DTTOs upon recidivism. However to maximise the sample for the present analysis it was decided to focus on the full two-year period of the pilot and not all of those given DTTOs during this time were part of the original evaluation sample. A technique therefore had to be devised to enable details of convictions to be accessed anonymously. This was achieved as follows. First, the team leaders in Glasgow and Fife provided the research manager in the Scottish Executive with details of individuals made subject to DTTOs in the first two years. Where the Scottish Criminal Records Office (SCRO) Unique Reference Number (URN) was not available, the research manager obtained these from SCRO by providing names and dates of birth. The research manager then forwarded the completed list of URNs to the Scottish Executive Justice Statistics Unit (JSU) who provided the researcher with a list of anonymised records (previous convictions and convictions from the date of the index DTTO).

1.7 Data from the records were coded and analysed using SPSS. It was also possible to undertake an additional analysis excluding 'pseudo-reconvictions' (convictions recorded after the DTTO but actually committed before the sentence). However, the numbering system employed by Fife and Strathclyde police made it possible to identify the month and year in which the individual was charged with a particular offence and therefore to work out whether the charge pre- or post-dated the index sentence. This approach is not, of course, perfect since the charge date will not necessarily equate with the date of the offence. However, discounting relevant convictions in this way is likely to result in fewer 'pseudo-reconvictions' being included in the follow-up data.

1.8 It should also be noted that 'pseudo-reconvictions' were not re-allocated as previous convictions for the purpose of analysis. This means that the number of previous convictions in the two years prior to the DTTO being imposed would have been higher than in the data presented here (though some convictions in that period would also relate to offences that pre-dated it). It has been assumed that, if anything, the approach to the comparison of convictions before and after a DTTO was relatively conservative and that the resulting findings can, on that basis, be considered more robust.

## CHAPTER TWO FINDINGS

2.1 Reconviction data were initially sought in respect of 271 offenders who had been given DTTOs during the first two years of the schemes: 127 in Glasgow and 144 in Fife.

### CHARACTERISTICS OF THE SAMPLE

2.2 Information about the sex of the offender had not been sought from the schemes (since it was assumed that the number of women in the sample would be too low to enable any meaningful separate analysis of their data). The ages of offenders given DTTOs varied from 17 to 51 years, with a mean age of 26.9 years. As Eley et al. (2002) had previously observed, Glasgow DTTO clients were older, on average, than those in Fife (28.9 years compared with 25.2 years)<sup>2</sup>. In terms of age, the reconviction sample matches the sample used in the original study.

2.3 Across the sample as a whole, 118 DTTOs (44%) had been completed successfully (including 3% that were discharged early) and 130 (48%) had been revoked for a breach of conditions or because it was impractical for the order to continue<sup>3</sup>. In 15 cases in Glasgow (6% of the total sample) breach proceedings had been initiated but the order expired before the breach was heard in court. Three orders were still ongoing, one was transferred to another area and two clients had died. Information about the outcome of the order was not provided in two cases.

2.4 The subsequent analysis focused upon the completions and revocations (that is, the six orders that were ongoing or that ended for other reasons were excluded). The 15 outstanding Glasgow breaches that completed were defined as 'revocations' (bringing the total in this category to 145) since it is likely that they would have been revoked if they had been brought to court before the expiry of the order. With the data re-categorised in this way, 45 per cent of orders were successfully completed and 55 per cent were revoked. However there was a marked difference in outcomes across the two DTTO schemes, with a significantly higher percentage of completions in Glasgow (59%) than in Fife (32%)<sup>4</sup>.

2.5 Those who completed their orders successfully were older, on average, than those whose orders were revoked (28.3 years compared with 25.9 years)<sup>5</sup>. It is therefore possible that the lower completion rate in Fife is attributable to that scheme supervising younger offenders. The data were therefore re-analysed excluding individuals under 21 years of age, resulting in completion rates of 59 per cent and 37 per cent respectively in Glasgow and Fife<sup>6</sup>. It appears, therefore, that factors other than age are responsible for the differential 'success' rates across the two schemes.

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<sup>2</sup>  $t=5.94$ ,  $p<.001$ .

<sup>3</sup> For example, the offender received a lengthy custodial sentence for a different offence.

<sup>4</sup>  $\chi^2=18.6$ , 1 d.f.,  $p<.001$ .

<sup>5</sup>  $t=3.63$ ,  $p<.001$ .

<sup>6</sup>  $\chi^2=10.8$ , 1 d.f.,  $p<.01$ .

2.6 Offenders who completed a DTTO were on their orders for, on average, 70.6 weeks. This compares with an average of 48.4 weeks prior to a DTTO being revoked<sup>7</sup>. There was no significant difference in the mean time on an order in Glasgow and Fife (59.5 and 57.2 weeks respectively).

2.7 The 271 cases in this sample included 15 individuals who were given a second DTTO during the relevant period (usually shortly after their initial order was made). These duplicate cases were excluded from subsequent analysis. In addition, the information provided by the schemes proved insufficient to locate the SCRO records of 42 individuals (possibly as a result of inaccurate recording of URNs by the schemes or by social workers who gave this information to them). JSU were able to locate the conviction records of 214 individuals. There was no evidence of differential attrition of data across schemes<sup>8</sup> nor according to whether the order had been completed or revoked<sup>9</sup>, giving no reason to suspect that this smaller sample was any less representative than the larger sample from which it was obtained. The subsequent analysis therefore focused upon these cases: 102 from Glasgow and 112 from Fife. Twelve month reconviction data were available for each of these cases. Full 24 month data were available in respect of 188 offenders. In the other 26 cases, the DTTO had been imposed during 2002 and, because there is a delay in JSU receiving updated conviction data from SCRO, it was assumed that by July 2004 JSU would not necessarily have complete 24-month data for these cases.

## CRIMINAL HISTORY PRIOR TO A DTTO

2.8 The previous criminal histories of the Fife and Glasgow cases are summarised in Table 1. The findings support the conclusion by Eley et al. 2002 (based on a smaller number of cases) that DTTOs were being targeted in general upon apparently high tariff offenders. For example, the number of previous convictions among the sample varied from one to 71, with a mean of just under 18 convictions per person. The number of offences involved will be even larger, given that a single conviction often includes several charges. It is also apparent from Table 1 that the criminal histories of offenders from Fife and Glasgow were very similar. None of the small differences found between them with respect to previous convictions or custodial sentences were statistically significant.

**Table 2.1: Convictions and custodial sentences prior to a DTTO**

Mean number	Fife (n=122)	Glasgow (n=102)	Total (n=214)
All previous convictions	17.9	17.8	17.9
All previous custodial sentences	7.0	8.4	7.7
Convictions in previous 24 months	4.8	4.1	4.5
Custodial sentences in previous 24 months	1.8	2.1	2.0

<sup>7</sup>  $t=7.24$ ,  $p<.001$ .

<sup>8</sup> 48% of missing cases were from Glasgow and 52% from Fife.

<sup>9</sup> 47% of missing cases were completed and 53% breached/revoked.

2.9 Some differences were found in the criminal histories of those who completed their DTTOs and those whose orders were revoked or breached. The latter had significantly more convictions in the two year period prior to their DTTO being imposed (5.2 compared with 3.7<sup>10</sup>) and had served, on average, more custodial sentences before being made subject to an order (8.7 compared with 6.3<sup>11</sup>). Age was found to be negatively correlated with criminal history. In other words, younger offenders tended to have more convictions in the 24 months before their DTTO than did older offenders<sup>12</sup>.

## RECONVICTION FOLLOWING A DTTO

2.10 The analysis of recidivism was able to take account of both the rate of reconviction and the frequency of convictions before and after the date of imposition of the DTTO.

2.11 Overall, 69 per cent of offenders were found to have been reconvicted within 12 months and 82 per cent within 24 months. Twenty-nine per cent of the sample had been imprisoned within 12 months and 44 per cent within 24 months. However, when the data were adjusted to exclude convictions that were known to relate to charges pre-dating the DTTO the reconviction rates after 12 and 24 months were 41 per cent and 66 per cent respectively and the imprisonment rates over the same periods were 21 and 39 per cent. These data are summarised in Table 2 by scheme.

**Table 2.2: Overall and adjusted reconviction and imprisonment rate by scheme**

	Fife (n=112)		Glasgow (n=102)		Total (n=214)	
Percentage	Overall	Adjusted	Overall	Adjusted	Overall	Adjusted
Reconvicted within 12 months	73	47	64	34	69	41
Reconvicted within 24 months	84	71	80	62	82	66
Imprisoned within 12 months	30	24	28	19	29	21
Imprisoned within 24 months	44	42	44	37	44	39

2.12 For both the overall reconviction data and the adjusted reconviction data the rates of reconviction and imprisonment were slightly lower in Glasgow than in Fife. The 12 month adjusted reconviction rate was significantly lower in Glasgow than in Fife<sup>13</sup>, while the 24 month rate was also lower but not significantly so.

<sup>10</sup>  $t=-2.57$ ,  $p<.05$

<sup>11</sup>  $t=-2.21$ ,  $p<.05$

<sup>12</sup> Pearson  $R = -.282$ ,  $p<.01$

<sup>13</sup>  $\chi^2 = 3.25$ , 1 d.f.,  $p<.05$

**Table 2.3: Overall and adjusted reconviction and imprisonment rate by how order was terminated**

Percentage	Completions (n=97)		Revocations (n=110)		Total (n=207) <sup>14,15</sup>	
	Overall	Adjusted	Overall	Adjusted	Overall	Adjusted
Reconvicted within 12 months	59	31	76	49	69	41
Reconvicted within 24 months	74	52	88	79	82	66
Imprisoned within 12 months	14	10	44	32	29	21
Imprisoned within 24 months	25	21	64	57	44	39

2.13 The rates of reconviction and imprisonment varied widely between offenders on DTTOs who completed their orders and those whose orders were breached or otherwise revoked. These differences were statistically significant for all comparisons, with completers having a lower likelihood of reconviction and imprisonment at both follow-up periods and with and without adjustments of the data to take account of pseudo-reconvictions<sup>16</sup>. In this respect the findings echo those of Hough et al. (2003), though their 24-month reconviction rate for non-completers (91%) was higher than the adjusted rate for the present sample (79%)<sup>17</sup>.

2.14 Although it is possible to compare these findings with the reconviction data following custodial and non-custodial sentences published by the Scottish Executive (2003) such a comparison is problematic. It suggests that 2 year unadjusted reconviction and imprisonment rates for DTTO completers and non-completers were higher than those following custodial and non-custodial disposals. However, given the high tariff nature of the DTTO, it is likely that those given such orders have more serious criminal histories than those given disposals such as community service or probation and previous criminal history is a strong predictor of reconviction<sup>18</sup> (e.g. Lloyd, et al., 1994; May, 1999). The Scottish Executive statistical data includes an analysis of reconviction by number of previous convictions. The reconviction rates for those with 10 or more previous convictions<sup>19</sup> were 67 per cent and 80 per cent after 12 and 24 months respectively, which is similar to the unadjusted data for the total DTTO sample (69% and 82% respectively). This suggests that reconviction following a DTTO is at least no worse than following other disposals when account is taken of criminal history. Recidivism following a completed DTTO appears a little lower than that among those with similar criminal histories given other disposals.

2.15 In the absence of a comparison group of offenders matched on a number of key variables, it is possible to examine the proportions convicted before and after the

<sup>14</sup> Excludes three cases in which the order was ongoing, one deceased, one transfer to another area and two cases in which the final status of the order was not recorded.

<sup>15</sup> This excludes seven cases which were ongoing, which ended for other reasons or in which information about the final outcome was not provided.

<sup>16</sup> In the case of unadjusted 24 month reconviction rates,  $p < .05$ . In all other comparisons,  $p < .01$ .

<sup>17</sup> The adjusted rate is used here for comparison since Hough et al.'s analysis similarly excluded pseudo-reconvictions.

<sup>18</sup> For example, those who were reconvicted in the present study within two years had more previous convictions than those who were not (18.4 compared with 13.4,  $t = -2.36$ ,  $p < .05$ ).

<sup>19</sup> 74% of the DTTO sample had 10 or more previous convictions and 91% had five or more.

imposition of a DTTO (that is, excluding the conviction for which they received this order). The relevant data are presented in Figures 1-3 for the sample as a whole and separately for completers and non-completers. These data are also summarised in Table 4 along with significance levels derived from the McNemar test (in each case the comparison is with the ‘before’ figure in the same row).

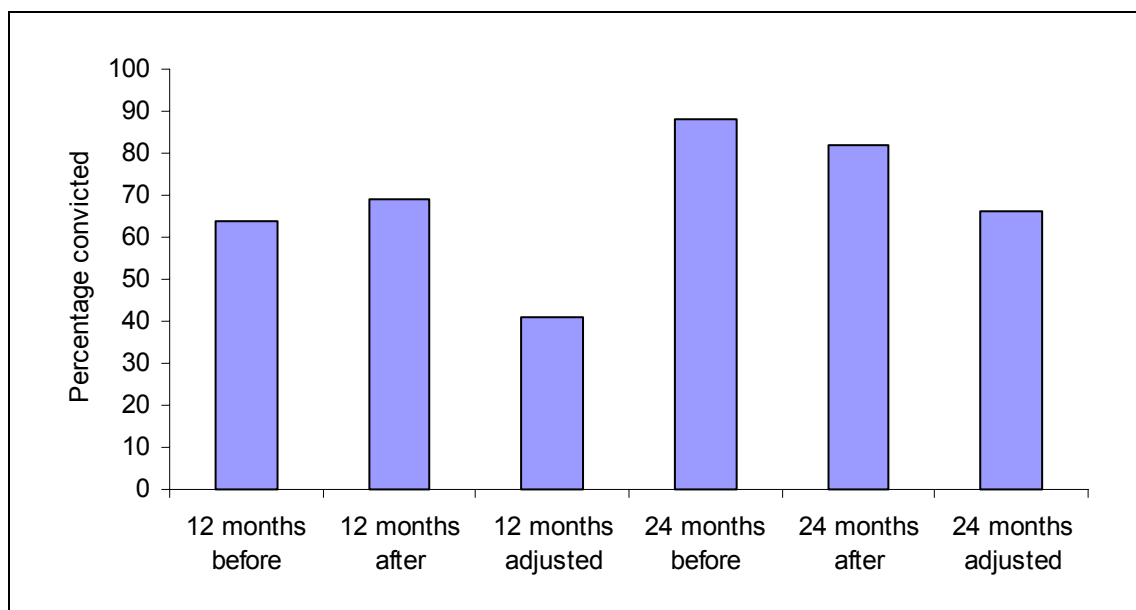
**Table 2.4: Percentage convicted before and after imposition of a DTTO**

Period		Before DTTO	After DTTO	After DTTO – adjusted
<b>12 month</b>	All cases	64	69 <sup>ns</sup>	41***
	Completers	60	59 <sup>ns</sup>	31***
	Non-completers	69	76 <sup>ns</sup>	49**
<b>24 month</b>	All cases	88	82 <sup>ns</sup>	66***
	Completers	88	74 <sup>ns</sup>	52***
	Non-completers	91	88 <sup>ns</sup>	79*

\*\*\*p<.001 \*\*p<.01 \*p<.05

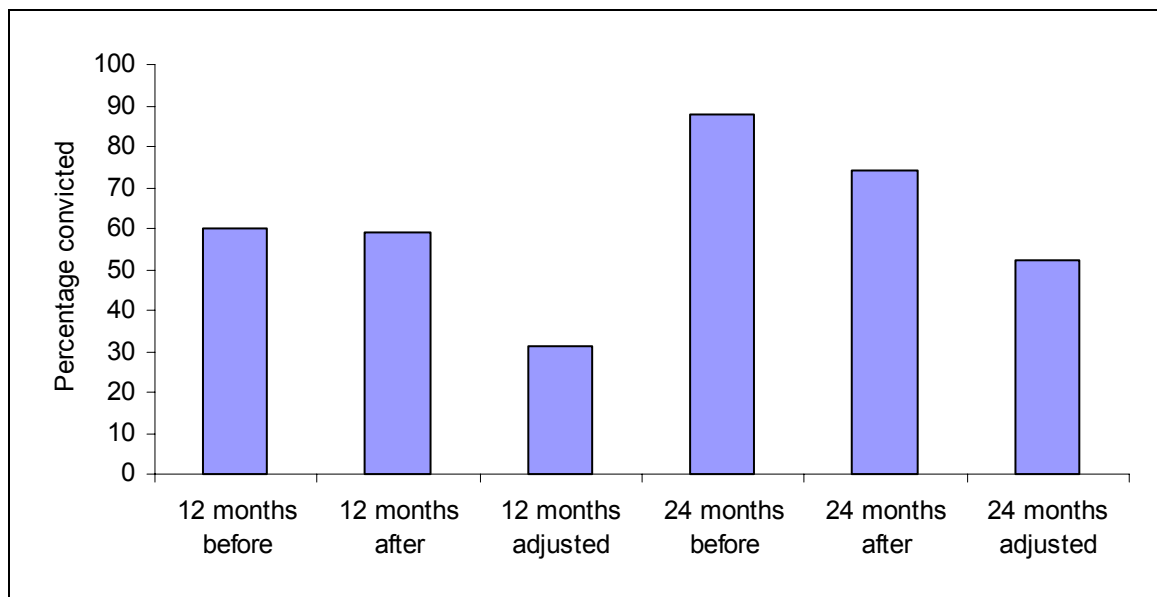
2.16 For the sample as a whole, the percentage reconvicted after 12 months was not significantly different from the percentage convicted in the 12 months prior to being made subject to an order. However, the effect of pseudo-reconvictions is particularly marked with shorter follow-up periods, and with the convictions for ‘old’ offences removed the conviction rate in the 12 months following release (12 months adjusted) was significantly lower than in the 12 months before (Figure 1). In the case of the 24 month data, unadjusted reconviction rates were slightly lower than the rates of conviction in the 24 month period before the DTTO while adjusted rates were significantly lower (Figure 1). The differences were most marked among those offenders who completed their DTTOs (Figures 2 and 3).

**Figure 2.1: Percentage convicted before and after a DTTO**

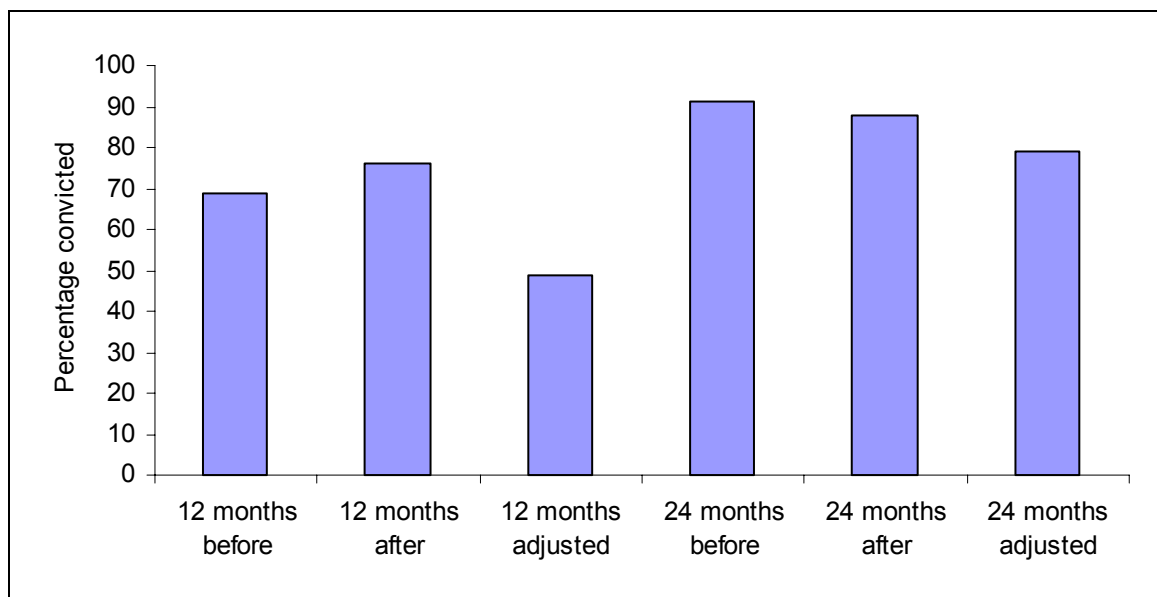




**Figure 2.2: Percentage convicted before and after a DTTO – those completing an order**



**Figure 2.3: Percentage convicted before and after a DTTO – those not completing an order**



## TIME TO FIRST RECONVICTION

2.17 The mean time to first conviction for the sample as a whole was 167 days, rising to 302 days when pseudo-reconvictions were excluded. In other words, those who were convicted of further offences remained free of further convictions on average for just over 43 weeks. The mean number of days to first conviction (adjusted for pseudo-reconvictions) was 312 for those who completed their orders and 299 for those who did not. It perhaps appears surprising that those who did not complete their orders were able to remain free of convictions for a similar period of time to the completers, however there are a number of possible explanations. First, further convictions per se will not necessarily result in the breach of an order so that it would be possible to commit further offences yet go on to complete a DTTO. Second, revocations for reasons other than breach are likely to have been prompted by the imposition of a custodial sentence of such as length as to render continuation of the order impractical. These offenders would not, therefore, have been at liberty to commit further offences for a significant period of time. Likewise, breach of an order for non-compliance is likely to have resulted in the imposition of a custodial sentence, reducing the time during which offenders were at liberty to re-offend.

2.18 The time to first new conviction did, however, vary significantly across the two DTTO schemes. Offenders in Fife were convicted more quickly than were those in Glasgow. The numbers of days to first conviction (unadjusted and adjusted for pseudo-reconvictions) were 224 and 353 respectively in Glasgow and 116 and 258 respectively in Fife<sup>20</sup>. In other words, Fife offenders were likely to remain free of convictions, on average, for just under 37 weeks while those in Glasgow were free of new convictions for, on average, just over 50 weeks. This would suggest that DTTOs imposed in Glasgow were effective in suppressing further re-offending for longer periods of time though it is also possible that these findings could reflect differences in the speed of processing cases in Glasgow and Fife. However, it has already been noted that completion rates were lower in Fife. Taken together these findings suggest that the DTTO regime in Fife may have been less effective in engaging offenders in treatment and reducing their need to re-offend.

2.19 It must be noted, however, that time to first conviction does not equate to time to first offence since a period of several months will often elapse between a charge being made and the case being disposed of in court. This would suggest that on average first offences were probably committed in Glasgow around 4-5 months into an order and in Fife within the first few weeks of an order being made. These data would certainly be consistent with the self report data from Glasgow DTTO participants, who suggested that they had ceased offending after being given an order but in some cases had had a relapse four or five months into their DTTO (Eley et al., 2002)<sup>21</sup>. The small number of offender interviews that were conducted in Fife for that evaluation<sup>22</sup> prevents us similarly linking the two sets of data in this way. However, it is possible that prescribing practices across the two schemes may account for the differences. The DTTO evaluation indicated that offenders in Glasgow progressively

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<sup>20</sup> In both cases,  $p < .01$  (unadjusted,  $t = 4.30$ ; adjusted,  $t = 2.89$ ).

<sup>21</sup> Some offenders admitted that they had become complacent and 'dropped their guard' after having managed to provide a series of clean tests.

<sup>22</sup> Because the scheme and research started later and there was a much shorter period available for fieldwork.

registered fewer positive tests for heroin over time but that a similar steady reduction was not achieved in Fife, though again this may have partly been a result of the short timescales involved. However, subsequent evaluation of the Drug Courts - which developed from the pilot DTTO schemes - suggested that the prescribing regime in Fife resulted in offenders being slower to access the levels of medication they required to prevent the need to 'top up' with additional street heroin (Eley, Malloch et al., 2002; Malloch et al., 2003).

## OFFENCES COMMITTED FOLLOWING A DTTO

2.20 Although JSU can not provide details of each of the offences subsumed under a conviction, the nature of the main offence was recorded. These data are summarised in Table 5. By far the most common group of offences committed by the sample involved dishonesty (for example shoplifting, housebreaking, theft from vehicles and fraud), with half of the sample being convicted of offences of this kind within two years (adjusted figures). Public order offences were also relatively common (including breaches of the peace, petty assaults and possession of offensive weapons) as were offences against justice (such as breaches of bail and obstruction of a police officer). Whilst a small proportion of offenders were convicted of relatively serious violent offences (including robbery and culpable homicide) the majority of new convictions were for 'offences' rather than 'crimes'. This is further underscored by the disposals received by those convicted of further offences committed after being given a DTTO. While 52 per cent of this group were imprisoned within 12 months and 60 per cent within two years, 38 per cent were at worst admonished or received a fine in the first 12 months while these options constituted the most severe disposals imposed upon 28 per cent of the sample over a period of two years.

**Table 2.5: Nature of new offences for which reconvicted (main offence only)<sup>23</sup>**

Type of offence	Percentage of sample reconvicted in 24 months	Percentage of sample reconvicted in 24 months (adjusted)
Dishonesty	69	50
Public order	26	20
Justice	16	11
Drugs	14	8
Violence	5	3

## FREQUENCY OF RECONVICTION

2.21 Another means of assessing whether DTTOs had any impact on recidivism is to compare the frequency of offending before and after the making of an order. If the DTTO has had little or no effect, it would be expected that the frequency of reconviction would be broadly similar in the two time periods. If, on the other hand, it has impacted positively upon recidivism, the frequency of reconviction would be expected to be lower following the making of an order. The relevant data are summarised in Figures 4 to 6 for the sample as a whole then separately for completers

<sup>23</sup> One conviction for prostitution has not been included in this table.

and non-completers. They are also presented in Table 6. The relevant comparisons for which significance levels are provided are between the ‘before’ data and adjusted ‘after’ data.

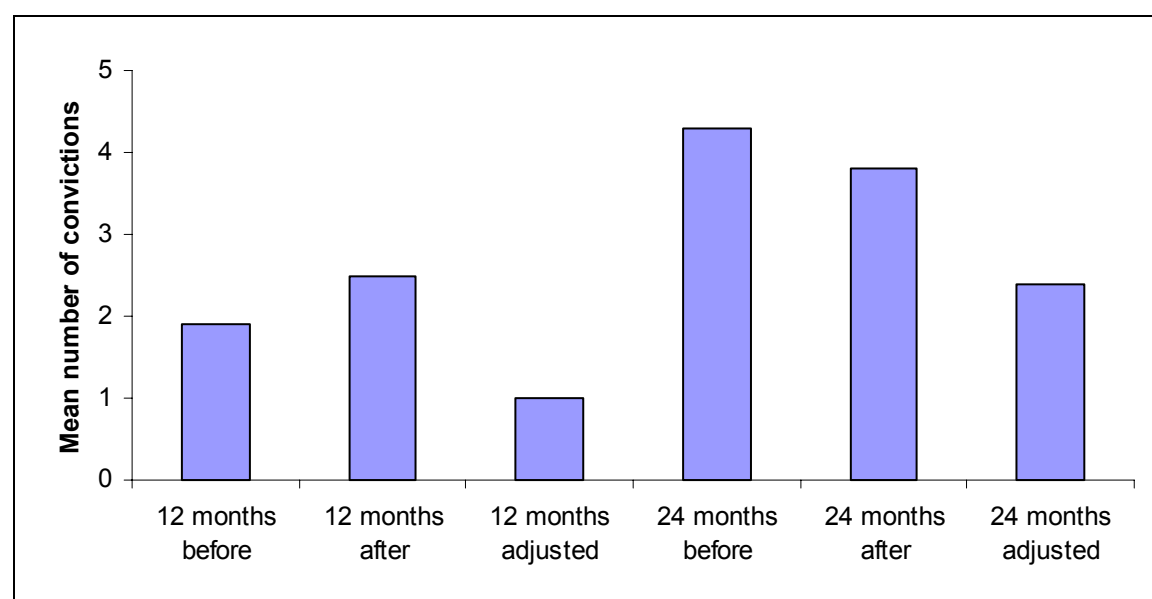
**Table 2.6: Mean number of convictions before and after imposition of a DTTO**

Period		Before DTTO	After DTTO	After DTTO - adjusted
12 month	All cases	1.9	2.5	1.0***
	Completers	1.5	1.8	0.5***
	Non-completers	2.2	3.1	1.5*
24 month	All cases	4.3	3.8	2.4***
	Completers	3.7	2.7	1.3***
	Non-completers	4.9	4.8	3.4**

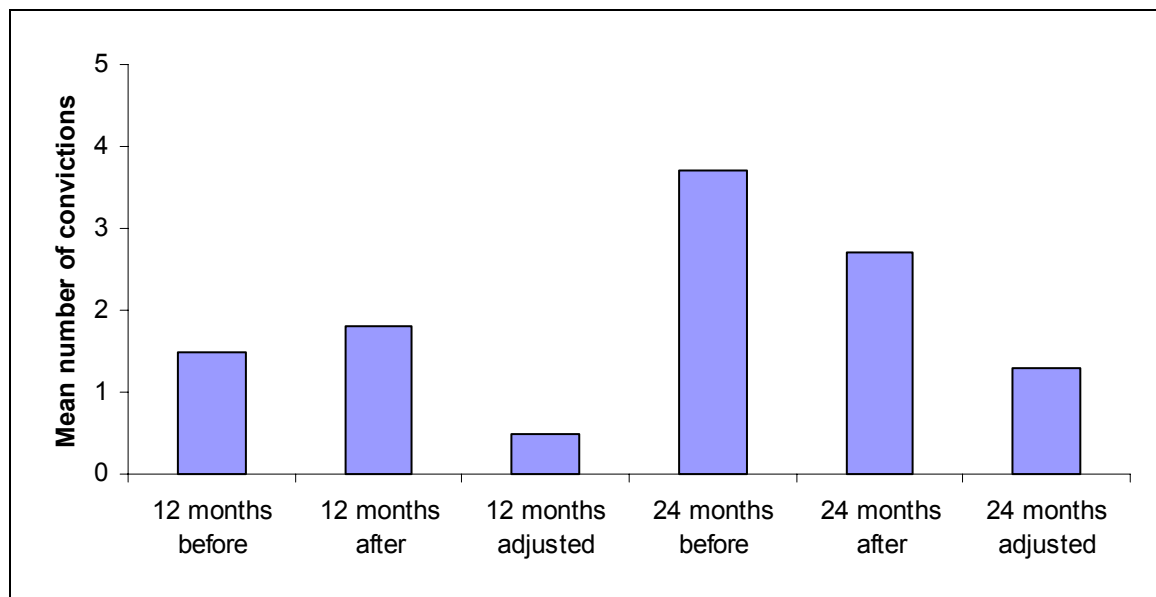
\*\*\*p<.001 \*\*p<.01 \*p<.05

2.22 Compared to the similar periods before the DTTO was imposed, the adjusted mean numbers of offences in the 12 and 24 months after the DTTO was imposed were lower for both non-completers and completers. However the decrease in the frequency of convictions was more marked for the latter group where the mean number of convictions after 12 and 24 months was around one-third of that in the corresponding periods before the DTTO was made. By comparison, the mean number of convictions among non-completers following the imposition of a DTTO was roughly two-thirds of that prior to the order being made.

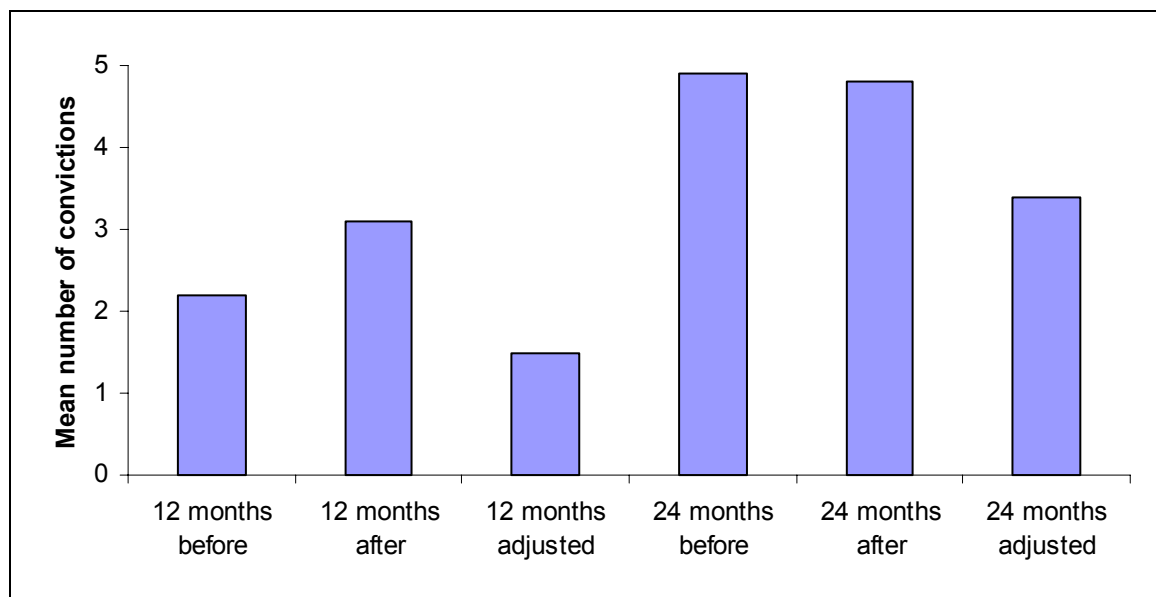
**Figure 2.4: Mean number of convictions imposed before and after a DTTO – all cases**



**Figure 2.5: Mean number of convictions for imposed before and after a DTTO – those completing an order**



**Figure 2.6: Mean number of convictions for imposed before and after a DTTO – those not completing an order**



2.23 There were also differences between the two schemes in the frequency of reconviction following a DTTO. Overall, offenders in Fife had more new convictions within both the 12 month and 24 month follow-up periods. However, this might be at least partly explained by the fact that a higher proportion of offenders in Fife failed to complete their orders and non-completion of orders was associated with a higher rate of recidivism. For this reason, the frequency of reconviction by scheme was compared controlling for the outcome of the order.

2.24 Among those who failed to complete their orders, offenders in Fife were convicted of more offences, on average, in the 12 months after being put on an order (3.8 compared with 1.8 in Glasgow<sup>24</sup>). A similar finding emerged with the data adjusted to take account of pseudo-reconvictions (with a mean of 2.0 convictions in Fife and 0.7 in Glasgow<sup>25</sup>). Despite being similar to their counterparts in Glasgow with respect to criminal history, offenders in Fife, therefore, were quicker to be reconvicted, were reconvicted of more offences and were more likely not to complete their DTTOs.

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<sup>24</sup>  $t=-2.73$ ,  $p<.01$

<sup>25</sup>  $t=-2.65$ ,  $p<.01$



3.1 A significant challenge in determining the extent to which a particular intervention has produced an anticipated outcome lies in disentangling the effect of the intervention from that produced by other factors. In the present example, the intervention would be the DTTO and the anticipated outcome the reduction in drug-related offending that it is intended to bring about. However other factors – such as offender motivation to change – are also likely to play a role and their impact cannot easily be established.

3.2 This analysis has shown that adjusted rates and frequencies of reconviction were lower following a DTTO than in the period prior to the imposition of an order. Furthermore, those who completed their orders had lower rates and frequencies of reconviction than those whose orders were revoked.

3.3 In the absence of an appropriate comparison group it is always possible that the results reflect other important differences between the completers and non-completers and improvements that would have occurred anyway, simply because recidivism is known to decrease with age. However there are reasons for supposing that the important reductions in recidivism observed here are not entirely spurious. First, they accord with self-report data from offenders given DTTOs (Eley et al., 2002). Second, they mirror the findings of Hough et al. (2003) in England and Wales. Third, the magnitude of the apparent improvements is impressive given the criminal histories and long-standing drug problems of those made subject to DTTOs: when account was taken of pseudo-reconvictions, **almost half of those who completed an order had not been reconvicted within two years.**

3.4 A matter which cannot be answered by the present study - and which therefore requires further examination - concerns which elements of the DTTO help to bring about improvements in drug use and recidivism. DTTOs involve a number of distinct but inter-related elements – for example, drug treatment, drug testing, supervision, case management, judicial review, sanctions and rewards – which singly, or more likely in combination, may contribute to the overall effectiveness of orders. Identifying and disentangling these effects will require large-scale research conducted over long periods of time, though progress is being made to this end in respect of Drug Courts in the USA (e.g. Goldkamp et al., 2001).

3.5 The importance of differences in DTTO regimes to the outcomes of orders has been highlighted by this study. Despite dealing with broadly similar groups of offenders (though Fife tended also to accept younger offenders who would not be considered suitable in Glasgow) the pattern of outcomes was markedly different across the two schemes. Offenders in Fife were more likely to be reconvicted, were reconvicted more often, were reconvicted sooner and were less likely to complete their DTTOs. Any conclusions about the overall effectiveness of DTTOs in reducing recidivism cannot therefore be absolute and need to take account of the context and operation of individual schemes. This will be particularly important given the diversity of practice that is likely to exist following the national roll-out of DTTO schemes.



3.6 In conclusion, the results presented in this brief report are generally encouraging. They suggest, at the very least, that offenders who complete their orders are less likely to be reconvicted and are reconvicted less often than in the period prior to their order being imposed. Apparent improvements were also evidenced among those who did not complete their DTTOs but this may be because these offenders were in custody and therefore not at liberty to re-offend for much of the follow-up period.

3.7 The implications of the findings are two-fold. First, they emphasise the importance of retaining offenders on orders to maximise the potential impact of the DTTO. Second, they highlight the potential for wide variations in retention and in subsequent recidivism to occur across DTTO schemes and the importance of identifying which elements of the DTTO may enhance or undermine offenders' willingness to comply with and complete their orders. It is speculated that differences in prescribing practice in Glasgow and Fife may have contributed at least in part to the cross-scheme differences in the patterns of findings obtained, though existing data were insufficient to verify whether this was the case. However, the ongoing evaluations of the pilot Drug Courts in Glasgow and Fife should help shed further light on offenders' experiences and the importance that they attach to the different elements of their orders.

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