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► [The Dedicated Drug Courts Pilot Evaluation Process Study.](#)

Kerr J., Tompkins C., Tomaszewski W. et al.
[UK] Ministry of Justice Research, 2011.

Staff and offender views and observations of the implementation and working of pilot courts in England and Wales dedicated to the sentencing of problem drug users, and in particular to their rehabilitation through court-supervised treatment.

Original abstract

Policy briefing

Six pilot Dedicated Drug Courts (DDCs) that specialised in dealing with offenders who misused drugs were introduced in magistrates' courts in England and Wales from 2004. This process evaluation used both qualitative and quantitative methods to map the implementation of this drug court model and the factors underpinning the courts' potential to reduce drug use and associated offending. The main implications of the research are as follows.

- The findings indicated that the Dedicated Drug Court model was viewed by staff and offenders as a useful addition to the range of initiatives aimed at reducing drug use and offending.
- Continuity of bench (magistrates or district judges) when dealing with drug-misusing offenders was a key element of the model. The qualitative analysis found that both staff and offenders felt that continuity helped the relationship between offenders and the judiciary develop. This relationship played a key role in providing concrete goals, raising self-esteem and engagement and providing a degree of accountability for offenders about their actions.
- The drug court model including multiple agency presence in court and at working group meetings. In some cases the model was reported by staff to have helped improve partnership working between the court, probation and drug treatment services.
- Although the courts were seen as helpful, staff and offenders nevertheless felt that the ability of the courts alone to reduce reoffending through reducing drug use was limited because of the significant role played by the quality of treatment received and other

issues going on in offenders' lives. However, the costs of setting up and running the courts were seen as small, and included, for example, the provision of some additional training. In some cases the courts were seen as a way of reducing costs through gains in efficiency. For example, drug-misusing offenders were seen on the same day and therefore treatment provider presence was only required at the one set court.

- If the pilot was rolled out more widely, it would be important to provide some national standardised training guidelines. Also new sites need clear guidance and support on how the model should be both theoretically and practically implemented.
- Having a coordinator (a legal advisor) with time dedicated to the drug court rather than this just being an addition to their other responsibilities was considered important by staff to get the necessary systems and processes in place and to ensure the ongoing operation of the court. However, where a coordinator's drug court work had been ringfenced, this entailed an increase in court work for other legal advisors as the coordinator's court time was reduced.

Research summary

Context

This summary sets out the findings of this process evaluation of the pilot Dedicated Drug Courts. The pilot aimed to improve the processes and effectiveness of the magistrates' courts in dealing with drug-misusing offenders, aiming to reduce drug use and reoffending and improve sentence completion and compliance. It provided a new framework in magistrates' courts for dealing with drug-misusing offenders who committed low-level 'acquisitive' crime to fund their addiction.

The framework operating within the pilot sites, as described by Her Majesty's Court Service (HMCS), included four key dimensions.

- Continuity of judiciary between sentencing, review and breach of community orders with a drug rehabilitation requirement, so that an offender's court hearings took place before the same panel of magistrates or the same district judge throughout their order.
- Training of judicial and court staff, probation, and other stakeholders, such as treatment providers working within the drug court model, alongside awareness raising for all criminal justice system partners in the area. The framework stated that such training was likely to include visits and events and the production of guidance on the drug court processes and awareness material.
- Improved partnership working between the court, judiciary and key partner agencies in the area.
- Exclusivity in that the drug court should exclusively handle drug-misusing offenders from sentencing to completion or breach of any order.

The process study had two aims. Firstly, to map the implementation, operation and core elements of the drug court model. This included identifying and exploring any variations between the model operating at the six different DDC sites in England and Wales. The second aim was to identify the factors affecting the perceived impact of the model by exploring the influences that underpin its potential to reduce drug use and associated offending. However, this study was not aiming to measure impact in any way.

Implications

The findings indicated that the Dedicated Drug Court model was perceived to be a useful

addition to the range of initiatives aimed at reducing drug use and offending. It was reported by staff and offenders to help to provide concrete goals, raise self-esteem, and provide a degree of accountability for offenders about their actions. The drug courts were also seen as facilitating partnership working between agencies.

If the pilot was rolled out, it would be important to provide some national standardised training guidelines. New sites need clear guidance and support on how the model should be both theoretically and practically implemented.

Having a coordinator (a legal advisor) with ringfenced time dedicated to the drug court was considered important by staff to get the necessary systems and processes in place and to ensure ongoing drug court framework compliance. However, where a coordinator's drug court work had been ring-fenced, this entailed an increase in court work for other legal advisors as the coordinator's court time was reduced.

Approach

A case study design was used to obtain an in-depth picture of each drug court site. At each of the six sites a qualitative approach was used to explore the perceptions and experiences of key court staff, practitioners (ie, probation staff and treatment service staff), judiciary and offenders. This meant a better picture of each site could be drawn than if only one type of participant was interviewed. Between August 2009 and March 2010, 36 staff, practitioner and judiciary in-depth interviews were carried out and the views of 25 offenders were gathered using a mixture of in-depth interviews and focus groups. In addition, sentencing, review and breach processes were observed by the research team across all sites. The observation work assisted the research team in developing a detailed understanding of each drug court and prompting specific areas of questioning during the subsequent research interviews.

The evaluators also analysed the quantitative or numerical data collected by the pilot sites in order to produce a set of primarily descriptive statistics such as social-demographic profiles of offenders. The final analysis was carried out using data collection covering hearings recorded between 18 May 2008 and 21 April 2010, which contained information on 1501 individual offenders, 2569 court cases and 2849 offences.

The results presented in this report draw largely on the qualitative component of the evaluation, referring to the quantitative findings in key places. While the quantitative component produced useful descriptive statistics and data on the relationship between continuity of judiciary and breaches, concerns over the quality of data collected means that caution should be exercised with this set of findings.

Results

Implementing a drug court was felt by staff to be a natural progression for the courts from the way they worked with drug-misusing offenders before becoming a pilot site. It resulted in the courts becoming more aligned with the wider picture of agency continuity and the Drug Rehabilitation Requirement (DRR) more generally. A DRR could form part of a sentence and was a court order requirement. It required offenders with drug misuse issues to engage in drug testing and treatment and return to the court at regular intervals for their progress to be reviewed by the judiciary. Implementation of the drug court involved setting up systems and processes to facilitate delivery of the four

dimensions of the drug court framework. In addition, sites set up working groups such as steering groups which brought together key strategic and operational staff and produced drug court supporting documentation such as Service Level Agreements (SLAs) for partner agencies.

Continuity of judiciary was seen as the key element of the drug courts. All sites had dedicated panels of magistrates organised into teams. At some sites district judges also sat in the drug court. The quantitative findings found that overall, five of the six sites achieved at least partial continuity for 90% of reviewed cases. Partial continuity was defined as at least one person on the bench participating in two consecutive reviews of a given case. However, the qualitative accounts indicate that there was variation in the degree of continuity achieved for sentencing and breach hearings. Ensuring continuity for sentencing and breach hearings could be challenging for logistical reasons, such as identifying a case as a drug court offender. Also, achieving this could conflict with other priorities of the court and partner agencies such as the specified timeframe for dealing with a breach.

The drug court was perceived by staff to facilitate more efficient use of court and partner agency resources. However, staff also identified areas where the new approach had, or could potentially, put pressure on existing resources. Having a coordinator with ringfenced time was considered key for putting the systems and processes in place to implement the drug court framework and to ensure it was adhered to for ongoing delivery.

The ultimate aim of the drug court was recognised as reducing reoffending through reduced drug use. The aim of the process study was to understand the factors which affected this impact, rather than attempting to measure actual impact. Understanding the perceived impact of the drug court was difficult as other factors were reported as having influenced outcomes such as the quality of treatment and the offender's or individual's circumstances. However, a number of key mechanisms were identified through which staff and offenders perceived the courts could affect offender outcomes. These mechanisms are described below.

Self-selection by the judiciary through volunteering to sit in the drug court, the continuity of bench and having an exclusive drug court panel that specialised in working with drug-misusing offenders, were all perceived by staff and offenders to be central to how the drug court model contributed to positive outcomes. This was manifested through the judiciary's commitment to the aims of the pilot, increased knowledge about drug use, authority and ability to develop relationships with offenders through reviewing them.

The nature of judiciary-offender interaction in the drug court was seen as playing an important role in encouraging offenders to engage with the court and potentially reduce subsequent offending and drug use. Staff and offenders felt that magistrates and district judges who took an interested approach, who listened to offenders and engaged with them genuinely and non-judgementally, encouraged offenders to want to do well by changing their offending and drug-using behaviours. Offenders valued being praised by the judiciary when they had done well as they were typically unaccustomed to this.

At a strategic level, the increased partnership working and steering group discussions that were encouraged through the drug court model helped to build relationships between the judiciary and partners. These relationships facilitated discussions regarding

the nature and quality of treatment provision offered through the drug court and helped to contribute to improving interventions with better outcomes for offenders.

Offenders reported that the structure provided through the drug court and setting goals related to reducing drug use were helpful. Offenders felt accountable to the court through seeing the same judicial panel and through formal monitoring of drug use, that helped to reduce drug use and offending. Engaging with the drug court and seeing gradual improvements in their lives helped offender confidence and self-esteem.

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