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Treatment on bail makes little discernible difference

Imposing treatment earlier in the judicial process than prosecution and conviction may be one way to improve outcomes. In 2004 and 2005 three areas in England piloted a court order which made attending an assessment and if indicated participating in treatment a condition of non-custodial bail. For defendants suspected of an offence motivated by drug use (identified by a positive test after arrest), it offered rapid access to help if they needed it and the chance (they could turn it down) to avoid a spell in a remand prison.

The [evaluation](#) found that implementation had been remarkably smooth.¹ Over 18 months 2229 defendants were deemed eligible for the order and for 59% it was actually imposed. Over on average the next eight weeks on bail, generally they were rapidly assessed and started treatment which most were not receiving before the order was imposed. About a third breached the conditions of their order, unexpectedly low and mainly due to disorganised lives which obstructed appointment-keeping.

Among defendants already in treatment, at 87% the 12-week retention rate was high. But when the order prompted treatment entry, barely more than half made it through to 12 weeks. Comparison bail samples indicated that making treatment a condition of bail had not improved retention. A small and possibly unrepresentative sample of defendants were enthusiastic about the rapid treatment access the bail condition had offered them.

The order did not mean fewer defendants were jailed while on remand. Instead an extra condition was imposed on defendants who would otherwise have been granted unconditional bail. Neither did rapid pre-trial treatment entry mean the sentence when it came was less likely to be custodial. No impact was apparent on offending while on bail but none was expected.

The conclusion was that a relatively small but possibly worthwhile number of defendants had entered treatment due to the bail order who would not otherwise have done so, but that impacts on retention, offending and imprisonment could not be demonstrated.

1 **FEATURED STUDY** Hucklesby A. et al. [The evaluation of the restriction on bail pilot final report](#). Home Office, 2007.

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