

12.9 Flexible DTTOs do most to cut crime

Findings A higher proportion of drug treatment and testing orders (DTTOs) are completed in Scotland than in the rest of the UK, helping avoid imprisonment and reduce recidivism. The results support moves to extend aspects of the more flexible Scottish approach to England and Wales.

Researchers tracked reconvictions among the 271 offenders sentenced to pilot DTTO schemes in Glasgow and Fife during the first two years. Of those whose records could be identified, 69% were reconvicted within a year of starting their orders and 82% within two years. However, many of these convictions related to charges made (and therefore offences committed) before the DTTO started. Without these, the proportions fell to 41% and 66%, just over 20% lower than the proportions convicted in the corresponding periods before their DTTOs started. After a similar adjustment, the average number of post-DTTO convictions was just over half that recorded in the corresponding periods before the DTTO.

As in England, completing the order was strongly associated with reduced recidivism. In the two Scottish schemes, 44% of orders were prematurely ended by being revoked, usually a response to the offender's failure to comply. Offenders are then resentenced for the original offence, often resulting in imprisonment. These offenders were far more likely to be reconvicted for new charges within two years (79% v. 52% of offenders who completed their orders) and on average recorded 3.4 convictions each compared to 1.3 for completers. People whose orders were revoked tended to have the most extensive criminal records.

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In context Methodological issues such as the delay between offence and conviction complicate attempts to assess the impact of DTTOs on the crime rate. However, figures for the year 12–24 months before a DTTO started and the corresponding period after it started are less contaminated by these problems. In Scotland, the average number of convictions fell from 2.4 to 1.3, confirming a near halving in the conviction rate for new charges. This drop of 46% compares with one of about 30% at the English pilot schemes, from roughly 4.4 to 3.1.

If the reconviction record is better in Scotland, it would be largely due to fewer orders being revoked – 44% versus two-thirds in England and Wales. In turn this seems partly due to differences between schemes there and in the rest of the UK. In Scotland the overriding aim is to retain the offender in treatment and guidance on the regime they are required to follow is less prescriptive and less demanding than in England and Wales. At the Scottish pilots, methadone maintenance was the most common treatment, in England, just a quarter received this. In both countries, schemes which used methadone maintenance and (in Scotland) moved quickly to adequate doses had the best records in terms of retention and reconvictions. At the time of the pilot studies, only Scotland set completion targets for DTTOs.

Practice implications From April 2005 the requirements imposed by DTTOs will be instead be available under a new community order. This enables courts to 'mix and match' drug testing and drug, alcohol or psychiatric treatments with other community punishments, extending flexibility to match sentences to the offender. Guidelines on these orders (▶ [Additional reading](#)) balance punishment against the risk of setting offenders up to fail by making unrealistic demands, and stress that in the event of problems, the primary objective is to get the offender back on track and complying with the order. If the guidance is followed, as in Scotland, courts would primarily deal with non-compliance in ways which enable the order to continue. Research to date argues for this flexibility to be exploited to improve completion rates and reduce recidivism, but much will also depend on the quality of treatment and in particular the willingness of the criminal justice system to refer opiate dependent clients to methadone maintenance and the rapid availability of adequate services.

Featured studies McIvor G. [Reconviction following drug treatment and testing orders](#). Scottish Executive Social Research, 2004. Copies: www.dass.stir.ac.uk.

Additional reading Sentencing Guidelines Council. [New sentences: Criminal Justice Act 2003. Guideline](#). Sentencing Guidelines Secretariat, 2004. Copies: www.sentencing-guidelines.gov.uk.

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