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The Dedicated Drug Courts Pilot Evaluation Process Study

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and Matt Barnard**

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The National Centre for Social Research**

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Contents

Policy briefing	i
Research summary	ii
1. Context	1
2. Implications	6
3. Approach	7
3.1 Methods	7
3.2 Ethics	8
3.3 Generalisability	8
4. Results	9
4.1 DDC practices and procedures	9
4.2 Implementing the DDC framework	13
4.3 Resource implications for setting up and running a DDC	19
4.4 Factors influencing the potential of DDCs to reduce drug use and offending	23
References	30
Appendix 1	32
Appendix 2	40

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 of the pilot Dedicated Drug Courts used both qualitative and quantitative methods to map the implementation of the DDC model and the factors underpinning the DDCs' 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 DDC model should be both theoretically and practically implemented.
- Having a co-ordinator (a legal advisor) with time dedicated to the drug court rather than 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 DDC. However, where a co-ordinator's DDC work had been ring-fenced, this entailed an increase in court work for other legal advisors as the co-ordinator'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 DDC 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 DDC 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 DDC 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 DDC processes and awareness material.
- Improved partnership working between the court, judiciary and key partner agencies in the area.
- Exclusivity in that the DDC 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 DDC 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 DDC 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. DDCs 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 co-ordinator (a legal advisor) with ring-fenced time dedicated to the DDC was considered important by staff to get the necessary systems and processes in place and to ensure ongoing DDC framework compliance. However, where a co-ordinator's DDC work had been ring-fenced, this entailed an increase in court work for other legal advisors as the co-ordinator's court time was reduced.

Approach

A case study design was used to obtain an in-depth picture of each DDC site. At each of the six DDC sites a qualitative approach was used to explore the perceptions and experiences of key court staff, practitioners (i.e. 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 DDC 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, the 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 DDC 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 1,501 individual offenders, 2,569 court cases and 2,849 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 DDC 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 DDC involved setting up systems and processes to facilitate delivery of the four dimensions of the DDC framework. In addition, sites set up working groups such as steering groups which brought together key strategic and operational staff and produced DDC supporting documentation such as Service Level Agreements (SLAs) for partner agencies.

Continuity of judiciary was seen as the key element of the DDC. All sites had dedicated panels of magistrates organised into teams. At some sites district judges also sat in the DDC. 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 DDC 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 DDC 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 co-ordinator with ring-fenced time was considered key for putting the systems and processes in place to implement the DDC framework and ensure it was adhered to for ongoing delivery.

The ultimate aim of the DDC 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 the actual impact of the DDC. Understanding the perceived impact of the DDC was difficult as other factors were reported as having influenced outcomes such as the quality of treatment and the offenders' or individuals' 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 DDC, the continuity of bench and having an exclusive DDC panel that specialised in working with drug-misusing offenders were all perceived by staff and offenders to be central to how the DDC 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 DDC 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 DDC 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 DDC and helped to contribute to improving interventions with better outcomes for offenders.

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

1. Context

The report sets out the findings of this process evaluation of the pilot Dedicated Drug Courts, which was commissioned by the Ministry of Justice. The first section sets out the background to the evaluation.

The drug court model was first developed in the USA in the late 1980s (McIvor *et al.*, 2006). Underlying the model is the belief that problems associated with drug-related offending behaviour may require social or therapeutic rather than legal solutions (Freiberg, 2001, cited in Bartels, 2009). The drug court model has now become more widespread and since 1998 several countries including Canada, Australia and Ireland have developed some form of drug court. By 2005, drug courts were either in operation or in planned operation in the Americas and the Caribbean and in Europe (United Nations Office on Drugs and Crime, 2005, cited in Matrix Knowledge Group, 2008). Additional information on the existing drug court literature can be found in the report by Matrix Knowledge Group (2008). Specialist drug courts were introduced in two Scottish sites (Glasgow and Fife) during 2001/02. A review was recently carried out on these two Scottish sites to evaluate their impact and effectiveness (Scottish Government, 2009). The USA's National Association of Drug Court Professionals (NADCP) describes the American drug court model as having the following four features (Bureau of Justice Assistance, 2005, cited on the NADCP website).

- Increasing the offender's likelihood of successful rehabilitation through early, continuous, and intense judicially supervised treatment.
- Mandatory periodic drug testing.
- Community supervision.
- The use of appropriate sanctions and other rehabilitation services.

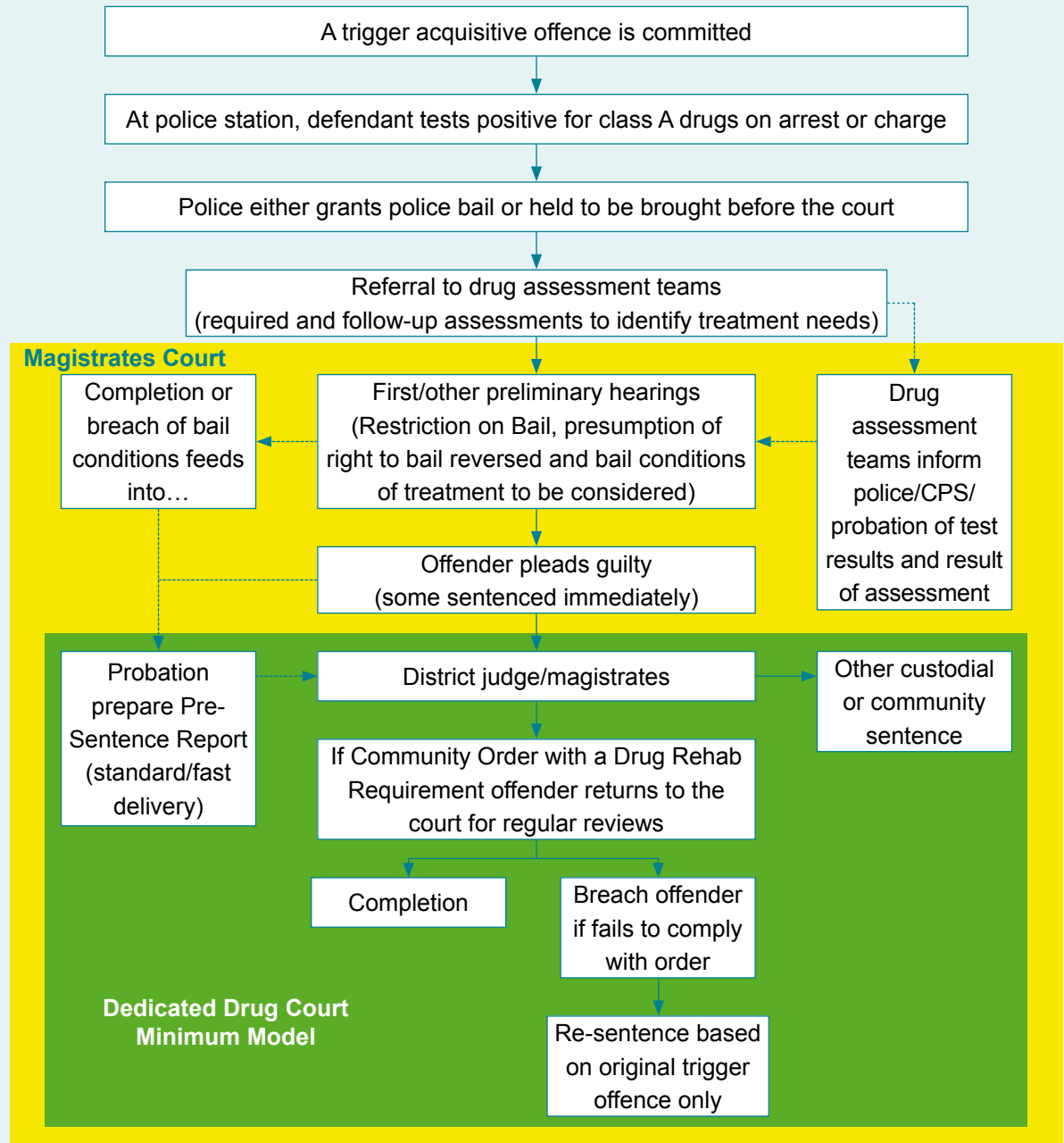
These features are part of the UK's Drug Rehabilitation Requirement, one of 12 requirements available to all courts in England and Wales that could be included in community sentences. Building on existing arrangements available through the drug treatment and testing order and DRRs, a pilot model for England was launched in 2005 in Leeds and London. A further four pilots (in Barnsley, Bristol, Cardiff and Salford) started operations in 2009.

The DDC pilots in England and Wales aimed to reduce illicit drug use and reoffending amongst drug-misusing offenders who commit low-level crime to fund their addiction. The DDC model introduced a new framework¹ in magistrates' courts for dealing with such offenders. Sessions were set aside in existing magistrates' courts for dedicated panels of magistrates or particular district judges to sit for sentencing. A drug-misusing offender who was convicted of a low-level 'acquisitive' offence, for example shop lifting, could be referred to the DDC for sentencing. The framework guidelines allow a degree of flexibility in how the

¹ The new framework was set out in a paper document to support the DDC co-ordinator in the delivery and management of the pilot.

DDC model can be applied in terms of the selection and referral processes. This means that across the sites offenders can enter the DDC at varying stages in their court process, either because of the specific processes in place at the site, or because of some other conflicting processes and systems operating irrespective of the DDC. Figure 1.1 sets out the path an offender may follow when they come under the DDC model. It should be noted that while the steps are set out individually some may not always happen in the order shown and some steps may take place at the same time. The minimum model which the pilot sites are asked to follow is highlighted in green (MoJ: unpublished). As illustrated in Figure 1.1 a community order with a DRR was one of the options available to the DDC judiciary when sentencing.

Figure 1.1 Overview of process from arrest to completion of a Drug Rehabilitation Requirement within a pilot DDC (MoJ: unpublished)



When an individual was sentenced to a DRR, the same district judge or panel of magistrates who sentenced the offender provided continuity in reviewing the offender's progress. This meant the sentencer and offender had continuity of contact and dialogue where progress was rewarded and non-compliance sanctioned. The rationale was that continuity of judiciary could help improve offenders' motivation to stay in treatment and complete their sentence, leading to reduced drug use and related offending. At one site, in addition to DRR reviews, the DDC also reviewed offenders with substance misuse issues but who were given other community orders under Section 178 of the Criminal Justice Act 2003.

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

- Continuity of judiciary between sentencing, review and breach, so that an offender's court hearings took place before the same panel of magistrates or the same district judge throughout their DRR order.
- Training of judicial and court staff, probation, and other stakeholders such as treatment providers working within the DDC 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 DDC processes and awareness material.
- Improved partnership working between the court, judiciary and key partner agencies in the area.
- Exclusivity in that the DDC should exclusively handle drug-misusing offenders from sentencing to completion or breach of any order.

The framework was intended to support the sites in the delivery and management of the model and ensure the operation between the sites was sufficiently similar to enable evaluation to take place. However, the framework also allowed a degree of flexibility so that DDCs could meet local site needs. The DDCs were supported in each court by a co-ordinator, whose time spent on DDC court work was funded centrally by HMCS. The co-ordinators' role included organising the magistrates' panel and rota, referrals to the DDC, local steering group meetings and magistrate panel meetings, liaising with partner agencies, completing monitoring data and being the main point of contact for the DDC for queries and visits.

Although DRRs formed a major part of DDCs' work, DDCs had a wider remit. Apart from conducting trials they had the same powers as other magistrates' courts, including being able to give offenders any of the 12 requirements that could be included in community sentences. The current study focused specifically on the DDC model operating in England and Wales, rather than the processes which were associated with a DRR. However, participants had

some difficulty theoretically and practically separating DDCs and DRRs during interviews because the drug courts were seen as a process for supporting the orders and so were seen as part of a single approach rather than two separate elements. Thus, participants found it difficult to separate the impact of the reviews themselves from the fact that the reviews were being conducted by the drug court rather than another court.

Study objectives

The process study had two aims. Firstly, to map the implementation, operation and core elements of the DDC 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 DDC model by exploring the influences that underpinned its potential to reduce drug use and associated offending.

The study was further guided by a number of detailed research objectives, which are listed below.

- Map the operational procedures of DDCs. This included variations in the processes for diversion, sentencing, reviews, breaches and completion.
- Describe the implementation of the DDC model, including the profile of offenders sentenced and/or reviewed within it, the level and variation of continuity of court achieved, and variations in training received and information sharing procedures.
- Identify factors affecting successful implementation of the DDC model, including understanding the nature of local context and need and resources to support implementation and operation.
- Describe the impact of the courts on court staff, practitioners, judiciary, offenders and on court operating procedures.
- Provide a map of the resource implications of running a DDC.
- Identify the mechanisms through which the courts have impacted on drug use and offending through perceptions of impact, self-reported impact, and any barriers to impact.

Although both qualitative and quantitative methods were used to meet these objectives, the results presented in this report draw largely on the qualitative component of the research, while in key places referring to the quantitative findings. This is because, while the quantitative component has produced useful descriptive statistics and explored the relationship between continuity of judiciary and breaches, concern over the quality of data collected means that caution should be exercised with this set of findings. In addition, the quantitative data were in part gathered to meet internal Ministry of Justice requirements

to inform further work in this area, which means that some of the quantitative data are not relevant to the study's core aims. As such, the tables have been included in Appendix 2. While the research team used the qualitative data to look for a typology of sites, this type of analytical description was not appropriate because of the degree of commonality between the sites and the need to preserve participants' confidentiality.

This is the second DDC process evaluation to be commissioned by the MoJ. The first process evaluation was published in April 2008 (Matrix Knowledge Group). It was carried out on the two DDCs operating at the time of the research at Leeds and West London Magistrates' Courts. This process evaluation has covered all six DDC pilot sites in England and Wales as one of the reasons for commissioning the study was to capture the practice and processes across the six sites. In this way it was hoped that the study would build on the findings of the previous process study conducted, which only involved the two sites running at the time. Alongside this process evaluation, the MoJ also commissioned an impact analysis feasibility study. This study was conducted by the National Institute of Economic and Social Research and the Institute for Criminal Policy Research, Kings College London (McSweeney *et al.*, 2010), and investigated the feasibility of conducting a robust impact evaluation of the DDC pilot. This concluded that a full impact assessment would be possible but would not offer value for money, as it would take several years and would run the risk of not finding any impact.

2. Implications

The process evaluation of the pilot DDCs used both qualitative and quantitative methods to map the implementation, operation and core elements of the DDC model. The study also explored staff and offenders' perspectives on the factors underpinning the DDCs 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 was a key element of the model. The qualitative analysis found 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 structure could also contribute to improved 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. However, the costs of setting up and running the courts were also 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.
- If the pilot was rolled out more widely it would be important to provide some national standardised training guidelines and give new sites clear guidance and support, which could include templates and written information from HMCS, along with support being provided by the more established pilot sites.
- Having a co-ordinator (a legal advisor) with ring-fenced time was considered important by staff in getting the necessary systems and processes in place. Issues around conflicting targets for the court and probation, and the impact on offender engagement of attempting to maintain continuity at breach hearings, should also be examined. However, where a co-ordinator's DDC work had been ring-fenced, this entailed an increase in court work for other legal advisors as the co-ordinator's court time was reduced.

3. Approach

This chapter describes the methods used to undertake the process evaluation and also discusses the degree to which the research findings can be generalised.

3.1 Methods

Qualitative component

A qualitative approach was used to explore the perceptions and experiences of staff, practitioners, judiciary and offenders involved in the DDCs. This was set within a case study design, meaning that the perspectives of some of the court staff, judiciary, probation staff, treatment services and offenders were collected at each DDC site. This meant a better picture of each site could be drawn than if only one type of participant was interviewed. All six DDC pilot sites were visited between August 2009 and March 2010. The study was carried out in two phases. The first phase involved scoping two DDCs to provide an initial overview of the core elements of the model. The second phase focused on the four remaining DDC sites. In total, 36 DDC staff, practitioner and judiciary interviews were carried out and the views of 25 offenders were gathered using a mixture of in-depth interviews and focus groups. In addition, the sentencing, review and breach processes were observed by the research team across all sites and handwritten notes were taken using a pre-designed pro forma. The observation work carried out was invaluable in assisting the research team develop a detailed understanding of each DDC and prompting specific areas of questioning during the subsequent research interviews, as well as providing some primary data. The qualitative data were analysed with the help of Framework (Ritchie and Lewis, 2003), a systematic approach to data management that was developed by the National Centre for Social Research. More detail about the methodology and the achieved staff and offender sample can be found in Appendix 1.

Quantitative component

In addition to the qualitative component, the research team analysed the quantitative data being collected by the pilot sites in order to produce a set of descriptive statistics, for example socio-demographic profiles of offenders including information such as gender and age. The DDC pilot sites had been completing an administrative data tracker of cases prior to this research. As a part of this process evaluation, a data assessment exercise of the administrative data tracker was carried out, to determine the quality of the data being collected and to inform the analytical options to be pursued for the study. As a result of the data assessment exercise, a revised format of data tracker was rolled out across the sites and some of the data collected using the old tracker version were transferred into the new format. The final analysis was carried out using data collection covering hearings recorded between 18 May 2008 and 21 April 2010, which contained information on 1,501 individual offenders, 2,569 court cases and 2,849 offences. More details about the methodology for the quantitative component of the study can be found in Appendix 2.

3.2 Ethics

This study underwent a full review by NatCen's Research Ethics Committee (REC), which includes members from senior NatCen staff and external professional experts. This ethics governance procedure is in line with the requirements of the Economic and Social Research Council (ESRC, 2005) and the Government Social Research Unit (GSRU, 2005), Research Ethics Frameworks. A number of ethical considerations were taken into account for this study, especially given the vulnerable nature of some participants. For example some of the issues regarding gaining participant consent to be interviewed included ensuring interviews did not commence until informed and written consent had been obtained from the participant. The research team also ensured that before the interview all participants were aware of the subject matter of research, the issues likely to be raised, what participation would require of them and any other material facts which might have affected their willingness to participate. These issues were communicated to potential participants both in writing and verbally.

3.3 Generalisability

This study used in-depth interviews and focus groups to explore the views and experiences of court staff, magistrates, district judges, probation staff, drug treatment service providers and drug treatment seekers. The qualitative findings give a good understanding of the variety of experiences and views that were present in the wider populations of offenders and practitioners within the DDC pilot sites. However, the numbers of participants expressing particular views or exhibiting particular behaviours is not reported as this has no statistical significance and no conclusions about the wider population can be drawn. Quantitative analysis of datasets containing limited data was also conducted. The results from the quantitative analyses cannot be generalised beyond the pilot sites. This is because the representativeness of the pilot sample was not formally assessed, a large portion of information was missing, and sample sizes were often too low for the observed differences to be statistically significant.

4. Results

This chapter sets out the results of the evaluation. Section 4.1 describes the key issues in setting up the courts, profiles characteristics of the offenders seen by the courts and sets out the operational practices used by the pilots. Section 4.2 discusses how the courts implemented the key elements of the DDC framework, while Section 4.3 explores the resource implications of running the courts. Finally, Section 4.4 discusses the potential of the courts to reduce drug use and offending and describes a working model of the courts' impact.

4.1 DDC practices and procedures

The DDC pilots were generally felt by staff to be a natural progression from the approach they had in place already. However, implementation of the DDC still involved setting up systems and processes to facilitate delivery of the key DDC elements. In order to do this, support for the DDC was required at both a strategic and operational level. Court staff described the importance of consulting partner agencies about how the DDC should be set up both prior to and during implementation. At one site the initial set-up stages were carried out by the Deputy Justice Clerk. However, additional funding had been provided by HMCS for a dedicated co-ordinator role when the pilot was extended to the four additional sites. Staff described the DDC co-ordinator as playing a key role in ensuring systems and processes were in place to facilitate delivery of the DDC framework.

If [we] didn't have a co-ordinators role we wouldn't have got off the ground with it... you need somebody (a) to have that role assigned to them and (b) that's prepared to pick it up and do their best with it.

(Court staff)

As discussed above, the DDC model was introduced in a largely supportive environment. However, getting everything in place was described by some staff as taking some time. For example, at one site, staff reported that the DDC was not fully operational until just over a year after the appointment of the co-ordinator. Section 4.2 discusses the systems and processes which each site had put in place to ensure its DDC followed the framework. Alongside installing such systems, each site also set up DDC working groups and produced DDC supporting documentation to ensure the model adhered to the framework. This is discussed below.

Steering Group: all key partner agencies were invited to sit on a DDC local steering group and this helped to ensure that all agencies were signed up to the model prior to its delivery. The steering group was described by staff as a good forum for bringing the judiciary and partner agencies together to discuss the DDC. Smaller groups that included a number of operational staff were also set up to focus on the day-to-day workings of the court.

DDC documentation: producing documentation, such as Service Level Agreements for the DDC was identified by court staff as a key part of their role during the implementation stage.

While one site described using the model adopted by the existing pilot sites as facilitating the set-up process, others would have liked more guidance during the implementation phase. Tasks which staff may have not carried out before, such as writing SLAs and organising awareness events, were highlighted as areas where additional guidance and direction would have been welcomed. In addition, one site reported that they had found the funding and financing arrangements for the DDC complicated. However, it should be noted that additional funding from HMCS was being provided for a limited time only to support implementation and evaluation activities.

Profile of offenders and offences

The quantitative data showed that, in general, there was a reasonable degree of homogeneity in terms of the offenders that were recorded by the pilot sites. Over four-fifths (82%) of offenders were male and just under half (45%) were between 26 and 35 years old. Only one in ten (9%) were from a non-white ethnic group, and seven out of ten (71%) did not have any qualifications. Overall, theft was the most common offence reported, accounting for 40% of all offences recorded across sites (Table A2.3, Appendix 2). Possession of all drugs (A, B and C) plus cultivating cannabis together accounted for 24% of all offences (Tables A2.2 and A2.3, Appendix 2). This analysis is based on data covering hearings recorded between 18 May 2008 and 21 April 2010, which contained information on 1,501 individual offenders, 2,569 court cases and 2,849 offences. However, it should be noted that due to the quality of data collected this may not be a true reflection of all cases going through the DDC.

Referral to the drug court and sentencing

Within the DDC guidelines, individuals are due to enter the DDC at sentencing; however, in practice, the point at which an individual entered the DDC varied. Some individuals entered the DDC court at their first court appearance, while others did not enter it until their first review as they were seen in a non-DDC before that. This was largely dependent on the referral process or filter mechanisms in place at each site. Having a case appear in the DDC prior to their first review was facilitated by having a system in place where cases were directly listed into the DDC from the police station, having a relatively manageable workload, skilled and conscientious court staff, and having a treatment provider based at the court. Some court staff felt that it did not matter whether offenders were sentenced in the DDC as they believed the decision-making process in DDC and non-DDC courts was the same for sentencing. However, other court staff felt that sentencing decisions in the DDC were more consistent and that the DDC was less likely to impose a custodial sentence than non-DDC courts. In making their sentencing decisions, the judiciary in the DDC reported using information from both probation and treatment providers, and that this was necessary because of the experience and expertise of these organisations.

Sometimes we [the magistrates] are the only amateurs in the whole system... our legal advisers are professional, the solicitors are professional, probation are professional...so I think there is a feeling at some point we have to be guided by the professionals.

(Judiciary)

However, there were instances when partner agencies' recommendations were not followed, for example when the judiciary felt they had additional information.

You're not bound to impose exactly what probation say. They provide a very helpful background. But if you know something about the individual that hasn't been conveyed in the report, for example a history of repeat offending, and it's quite obvious that this person has had all the various options and has failed to take any notice of them. Even though probation would probably recommend another try, you could decide enough is enough and say, no, he's...had an order there, he's failed. He's had another order there which was revoked. He's had a DRR, he didn't comply with it. He's still shoplifting, custody.

(Judiciary)

At sites where the referral processes in place meant individual defendants came under the DDC before their sentencing hearing, the judiciary could also have additional information on an individual from their previous engagement with the individual.

One area in which the judiciary had sentencing flexibility was DRR length. Some preference was expressed at judiciary level for issuing DRRs longer than probation sometimes recommended as they were felt to provide more structure for an offender to address his/her drug use.

As a panel we feel quite strongly that the people we achieve most with are the people who have the 12-months orders. That's not to say people on nine-month orders don't achieve things but I think you have to be wary when probationers say for somebody who is a long-term user, Oh, a nine-month order is appropriate because of the offence. The answer is probably 'no'. If he/she is an entrenched user, nine months isn't going to work for him/her because you know the whole cycle, and also if you're on a nine-month order you can't access the things that you can access on a 12-month order.

(Judiciary)

However, some treatment providers felt that longer DRRs could hold people back as they could become too reliant on help. Staff felt that, where possible, sentencing on the same day as conviction was a good use of resource. However, adjournments were also seen as potentially beneficial as they enabled a full written report to be put together, 'tested' offenders' commitment, and enabled court time to then be used for engaging with the offender.

Courts focusing on drug-using offenders had already moved towards becoming less formal at some sites (prior to implementation of the DDC). This was seen as an important element of the DDC model. However, sentencing of offenders within the DDC was seen by some

staff as having a level of formality resembling a traditional court. The purpose of the hearing and the fact that the outcome was unknown meant that this level of formality was deemed appropriate. The observations highlighted how formality was reflected in the layout of the room and the nature of interaction between all parties present. Nevertheless, a number of differences to a traditional court were highlighted by staff, including the focus on rehabilitation and the nature of the interaction between the judiciary and offender.

I like the way that clients are being spoken to... for somebody to just go out of their way and just ask...how are you today, what's going on you know...I think [it's] less formal...it's not known for magistrates to be asking a lot of questions, you know it's usually the defence solicitor speaks up and represents the client and its changed, it's nice that they'll ask questions before they sentence [such as] tell me what's [been] going [on] ...since I saw you and adjourned it [your case].

(Treatment provider)

Reviews

The DDC review court was described as being relatively informal compared to a non-DDC court and DDC sentencing court by both staff and offenders. However, the observations highlighted how the level of informality varied both within and across sites. For example, at one site the bench stood up and shook hands with the offender, while at others they remained seated. While in part staff felt that the degree of informality was dependent on the individual judge or magistrates present, other factors were observed also to play a role such as the room and its layout. Some sites used more informal rooms for the review while others held them in more traditional court-rooms, though in these sites some staff and offenders felt there could be benefits of a more informal layout. However, some uncertainty was expressed at a judicial level about how informal it was appropriate for reviews to be.

From a magistrate's point of view, it can be quite difficult because we have to learn how informal to be...it's all unwritten rules...because we are breaking new ground with this.

(Judiciary)

Some members of the judiciary felt that it was necessary to maintain a degree of formality to retain the dignity and respect of the court setting. Observation of the review process indicated that there remained implicit elements of formality in the process across the pilot sites. For example, the judiciary being seated in front of a crest, their formal attire and the language staff used.

Probation officers attended reviews in all sites, but this was not the case for treatment providers. Similarly, representatives from Alcoholics Anonymous, Narcotics Anonymous and, where appropriate, an addiction psychologist were felt by staff to be helpful in providing additional advice and support to the court, though they were not present across all of the sites.

Breaches

While the breach process in a DDC followed the same legislation guidelines as a normal court, the process was seen by court and probation staff as potentially being more lenient in some cases and more punitive in others in terms of the requirements placed on offenders. On the one hand, a DDC judicial panel's greater awareness and understanding of offenders' circumstances at the time, and of the intensive nature of DRR, was seen as having the potential to make them more lenient than a non-DDC judicial panel.

The magistrates that are in the drugs court are more sympathetic but they're not pushovers...if it's somebody who on the whole is making an effort...I think...the drugs bench [will] cut them a lot more slack than a normal breach court probably would.

(Court staff)

On the other hand, it was also suggested that it was possible that a DDC judicial panel sometimes took a more punitive approach than that recommended by probation as they felt their experience meant they 'knew better'. However the different remit of the judiciary's and probation's role was also acknowledged with judiciary being ultimately responsible for the sentencing decision made.

In the Dedicated Drugs Court, it may be that the magistrates are more likely to take their own view about how a breach should be dealt with, and I've got no sort of evidence to back that up... I can just think of a few occasions where... breaches have been dealt with by the magistrates in a dedicated court, going against our [probation's] recommendations... I think that that would be less likely to happen in a non-specialist court.

(Probation staff)

4.2 Implementing the DDC framework

This section discusses how each of the four dimensions of the DDC model were being applied in the six pilot sites.

Continuity

Continuity of judiciary was seen as the key element of the DDC. There was evidence of efforts to introduce continuity in some sites before the pilot, though these had not always been successful. One site had set up a system of judicial continuity for the review process, while at another site there were efforts to ensure continuity but issues with the systems used by the court had meant it had been difficult to achieve. Where attempts had been made to establish it, continuity was felt by staff to offer logistical and resource benefits for the courts, and a more positive court experience for the offender. However, despite these efforts, establishing systems for continuity of judiciary was a key change for all but one site, where this was already in place for the review process.

To achieve continuity, a panel was required and all sites had dedicated panels of magistrates organised into teams. Sites did not report any difficulties in recruiting or maintaining a panel of committed magistrates. The panel was then organised into smaller teams and each given a rota for when they would sit. Reviews were conducted on either a four or six-week rotation. A four-week cycle was seen as easier to manage, while a six-week cycle was felt to limit the number of times magistrates had to sit per year. This was seen as an important factor in facilitating the involvement of employed magistrates in the DDC.

If you do it four-weekly, remember it's got to be the same people every four weeks, you only need 12 people but they're sitting 35 times a year. They would do literally nothing else and you couldn't even pretend that the panel was open to everybody, it would only be open to the retired or the semi-retired cos they're sitting every four weeks. So, if you push it out to six, it brings the numbers down a bit and ... [widens the number of] people who work [that] can do it.

(Court staff)

The sites had also set up contingency measures to limit the impact of unavoidable absences due to sickness and holidays, which included having one or two 'floating' magistrates assigned. In some sites district judges were also listed to sit in the DDC.

Overall, five of the sites achieved at least partial continuity for 90% of reviewed cases (Table A2.9, Appendix 2). Partial continuity was defined as at least one person on the bench participating in two consecutive reviews of a given case. (The degree of continuity could not be established for West London as the data were not available.) As would be expected, the quantitative data showed that achieving continuity was easier to maintain with one district judge than with three magistrates sitting on the DDC bench. Judiciary commitment, advanced planning of the judiciary rota, and the contingency systems in place were described by court staff and the judiciary as facilitating the level of continuity achieved. However, as indicated in Table A2.10 (Appendix 2), continuity was harder to achieve as the number of reviews increased. The data did not allow a quantitative assessment of the level of continuity between sentencing and reviews; however, the qualitative accounts indicate that there was variation in the degree to which this was achieved. As discussed, sites had different listing systems in place, which could impact on when a case entered the DDC. Competing targets and priorities of the court, such as probation service targets around Fast Delivery Reports² also meant that there was pressure to get cases sentenced on the day irrespective of whether they could have been diverted to the DDC at a later date.

Not all breach hearings for DDC offenders were seen in the DDC court due to both logistical challenges, such as identifying a case as a DDC offender, and conflicting targets, for example, joint agency targets which stated that breach hearings had to be dealt with within a particular timeframe. Holding a DRR breach hearing in the DDC was quickly supported

² A Fast Delivery Report (FDR) could be carried out on the day a defendant pleaded guilty, and was a verbal report delivered by probation.

by staff as it was seen as helping to prevent reoffending and to re-engage offenders in treatment. However, there was evidence of strategies in place to ensure a degree of continuity was retained for breach hearings, for example listing a case before one member of the review panel who was sitting in a normal court, or accessing an offender's review notes.

Staff identified a further five factors which could impact on the level of continuity achieved across the court process: magistrates availability, conflicting priorities of other courts, bank holidays, the chaotic nature of offender lives, or an offender being in custody for another offence at the time of their review.

I mean we've had a few where every single panel has seen one defendant because they're [the defendants] so chaotic they never stick to their appointments.

(Court staff)

Exclusivity

An exclusive judicial panel to deal with DRRs had been set up at some sites to deal with the reviews before the introduction of the DDC pilots. There was also evidence of a shift towards making the reviews more informal and private by having them in a dedicated closed court. This approach was felt by staff to be beneficial for both probation and members of the judiciary. Introducing specialised courts to deal with DRRs meant all DRR reviews were listed on the same day.

Once the DDC pilots had been set up, reviews were exclusively dealt with within the DDC at all of the sites. However, sentencing and breach hearings were not always heard in the DDCs. One view expressed at a court legal advisor level was that this situation was supported by some non-DDC judiciary and some members of the Magistrates' Association, based on the rationale that all magistrates should be able to work with all types of offenders and limiting sentencing to the DDC could deskill the rest of the bench. Adjournment was also thought costly, as discussed in Section 4.3 on 'resources' below.

There shouldn't be an adjournment unless there's going to be something gained from it, and adjournments are costly... to the system so there's no real reason for them to adjourn if they've got all the sentencing information they require.

(Court staff)

In addition, the different diversion systems operating across the sites also impacted on the point at which an individual would enter the DDC. One site reported how listing cases directly from the police station greatly facilitated getting cases into the DDC from their first hearing onwards.

At a court legal advisor level it was felt that the DDC should exclusively work with drug-using offenders. Listing non-drug-using offenders in the DDC was seen as detracting from the specialist nature of the court and potentially resulting in drug cases getting sidelined. In addition it was not felt to be an efficient use of resources as a dedicated judicial panel and specialist partner agencies were present. However, there were instances when non-drug related cases were heard in a DDC to ensure enough work for the court or if the alternative courts were short-staffed. Across the sites there appeared to be high variation in the use of DRRs (between 8% and 87% of sentences were recorded as DRRs). However, it is unclear how much of this is reality, or whether this is due to inconsistencies in how data were recorded.

Across all sites, sentencing and reviews were heard in different sittings, and this was felt by staff to help the bench focus on particular parts of the court process.

We want the magistrates who are dealing with say the review court, in the afternoon, to particularly concentrate on the reviews and it is a mindset to get into a review situation.

(Court staff)

Finally the court also had to allocate a room in which to carry out the DDC sessions. Making sufficient space was not found to be problematic.

Partnership working

The third dimension of the DDC model was improved partnership working, primarily between the court, probation, designated area treatment providers and the police. A system of partnership working was already in place in all of the sites before they became DDCs, and was perceived by staff interviewed to be generally working well. The good level of partnership working in place, coupled with shared understanding and support for the DDC across the key stakeholders and partner agencies, facilitated both the set up and ongoing delivery of the DDC.

When it comes to partner agencies, you know, we were pushing at an open door... the partner agencies...were always very supportive.

(Treatment provider)

One site also worked with a mental health team, the value of which is highlighted by the fact that the quantitative findings show that typically 30-40% of offenders had a mental health condition (Table A2.2, Appendix 2). Having such a partner in place at the court was described by staff as having a beneficial impact in focusing psychiatric resources and reducing delays. While probation were closely involved in the court process, treatment providers had limited resources and demanding client caseloads which meant that they were not always able to attend.

Although systems and processes for partnership working had been established in the pilot sites before the DDC was introduced, the model was found to further facilitate partnership working in a number of ways. One way it did this was through more regular meetings between partner agencies as part of forums such as the local steering and operational groups and drug panel meetings, which provided a mechanism to feed back about each other, share information and discuss DDC progress. Secondly, the DDC model was described by probation as improving overall case management as it provided all partners with a clear timeframe to work within. Finally, the DDC also improved information sharing as it brought all the agencies together in the same courtroom at one time. This was felt to be especially beneficial when information on the offender was missing.

Sometimes CPS don't have all their documents so if the bench want to establish what that person tested positive for [the] drugs worker will have that information even if it's not ... in the CPS file.... for instance if its been a couple of weeks since a person was arrested and the judge wants to know how that person has been engaging with drug treatment in that interim they've got that information from the drugs worker whereas outside the DDC they may not have that.

(Probation staff)

Where specific DDC challenges were identified they were associated with difficulties in the communication between the partners, which undermined the extent to which they worked effectively together. For example, probation described instances when they were expecting a breached case to appear in court but the legal advisor did not have the case listed, or instances when they did not have all the information they needed from treatment providers because of staff shortages. A further challenge identified was around the judiciary and partner agencies approaching a case from different perspectives in terms of issues such as the appropriate length of sentence.

Training

The DDC framework provided sites with flexibility in the way training could be delivered, but there was limited evidence of any formalised set training in place for DDC magistrates. Magistrates were reported to have received some basic training in drugs awareness as part of their generic magistrates' training. However, as this training was delivered to magistrates from both DDC and non-DDC sites at the same time, references to the specific workings of the DDC were limited. In addition to the generic training, some DDC magistrates had received more specialised training as a result of being members of the former drug review specialist panels or in relation to particular initiatives such as Restriction on Bail (ROB). The limited specific training for DDC magistrates was felt by staff to be, in part, because of a lack of additional resource to provide it and no formal requirement to do so, as the DDC was not a statutory panel. However, there were also questions around what additional training should cover and the remit of a DDC magistrate's role more generally irrespective of whether he/she was sitting in a DDC or a non-DDC court.

It's not a statutory panel, I don't think there's formal requirements as such [to provide training]... that's my understanding.

(Court staff)

At the end of the day, to sit in a drugs court to sentence a drugs case and to do review court, I mean what training do they need? It's just a question of communicating with the defendant, understanding what the problems are and I think too much training can be counter-productive to them, and, and actually put them in conflict with the legal advisor, as sometimes happens, I'm afraid.

(Judiciary)

The informal training that had been offered had focused on the aims of the DDC, drug and DRR awareness, the partner agencies involved, and magistrates' skill and style. Five methods of delivery were used across the sites: visits to partner agencies; talks from agencies and the DDC co-ordinator; one-to-one sessions with the lead district judge; watching videos; and at one site providing magistrates with an information pack. Visits to key partner agencies in the area, such as treatment providers, probation and the police, were intended to not only develop magistrates' drug awareness and knowledge but also to develop an understanding of how the agencies work with offenders on a DRR. In addition to this, ongoing largely informal training was reported to take place through workshops and meetings attended by DDC magistrates, such as the drugs panel meeting and steering group. This could include talks from partner agencies, watching a DVD on how to conduct a review or sharing best practice. There were also magistrates who reported having visited a DDC operating at another site.

District judges sitting in the DDC were reported to have been less involved than magistrates in the training discussed above. One reason given was that they had been working with drug users for a longer time and had solicitor training. When district judges had received DDC training it had included speaking with the DDC co-ordinator and observing a fellow judge carry out reviews, and in one site discussions with the judge who had taken the lead for the drug courts in that area.

Probation officers and legal advisors working in the DDC had received some training in working with the DDC model, but again this appeared to have been received in an ad hoc way rather than being formalised. For probation staff this had either involved being told about the DDC by their colleagues or shadowing other probation officers at DDC reviews. Legal advisor training had involved talks from the DDC co-ordinator, visiting or speaking with other sites which already had a DDC in place or attending the training sessions run for the judiciary. Finally there were events targeted at non-DDC staff to increase awareness of the court more generally.

Some staff felt the current level of training was sufficient, but there were also those who felt that magistrates' training should become more formalised to ensure consistency of understanding.

There should be some national training programme to follow, we get training programmes all the time from the JSB... If you want consistency, if this is to be rolled out across the country from the pilot sites, it's always obviously beneficial to have some sort of consistency as to the level of training the bench nationwide would get...If you're going to have public confidence...you need to know that the approach that's followed in different areas is the same.

(Court staff)

Training was felt by some staff to be particularly important for DDC magistrates as the offender group required a different approach to other offenders and there was a lack of written guidance on the review stage. However, staff felt that it was important to retain a degree of flexibility to allow each court to personalise any national training pack to their own needs, and to take into account the voluntary nature of the magistrate role and their other training commitments.

Staff identified unmet training needs across three areas: knowledge of partner agencies; drug awareness; and knowledge and best practice sharing among magistrates. The need for more targeted training was identified either to increase knowledge in specific areas, such as methadone maintenance, or to focus on particular areas of magistrates' skill and style, such as achieving the appropriate formality level in a review.

In addition to providing training for DDC magistrates, there were also concerns about the awareness and understanding of the court among non-DDC magistrates. As discussed, probation officers and legal advisors working in the DDC had received some specific DDC training. Some staff felt this to be sufficient. However, others felt that legal advisors should receive some form of standardised training about the processes and DDC rationale, especially as they sat in the DDC and could assist the judiciary in working within realistic expectations. At one site there was some uncertainty about how training would continue due to a lack of consensus among stakeholders over who should provide training and how resources should be used.

4.3 Resource implications for setting up and running a DDC

One stated aim of the DDC pilots was that they should not require additional resources to set up and run other than the employment of the DDC co-ordinator. This section describes how the DDC facilitated more efficient use of resources as well as where the new approach put pressure on existing resources.

Resource implications for courts in setting up and running a DDC

The six pilot sites had been provided with additional funding to become a DDC pilot site and support the evaluation activities, including performance monitoring. However, it was not envisaged that additional funding would be provided on an indefinite basis. In order to set up and run a DDC, sites needed to ensure there was sufficient space and scheduled time to operate them. In relation to space, the usual impression was of sites employing existing

space in different ways rather than needing to find additional space, because the offenders would have to be seen by the court anyway, irrespective of whether the court was a DDC. However, one site reported that DRR order cases were increasing so markedly they had had to take over another court to hold an additional DDC review court and there was some general concern that it would be difficult to find space if many extra DDC sessions were required in the future. In contrast, not all the DDCs were always running at full capacity and staff felt it was important to ensure there was enough work to justify a DDC. However, general observations of the courts and staff accounts indicated this was not always the case. Some efforts had been made to ensure a sufficient caseload, for example at one site they were attempting to get cases listed straight into the DDC rather than having their first appearance in the non-DDC adult court.

There was a need to ensure that sufficient time was scheduled for the DDCs, and that the scheduling made the best use of time available. Overall the DDCs had been a welcome prompt for sites to reschedule the high volume of DRR orders in more efficient ways. Key to this was the introduction of the exclusive review, breach and sentencing hearings on set days at set times. This allowed efficiencies in Crown Prosecution Service (CPS) staffing because a consistent bench could sit for these hearings, rather than having to swap over from sentencing to review. A further positive was that probation could provide a single representative for a known amount of time, rather than having to wait for the relevant sessions.

Insufficient time being set aside for reviews was a problem in one site, with one of the judges reportedly feeling they needed more time than was allocated, which encroached on the time of another court. There was also evidence that the exclusivity element of the DDC pilot was being compromised because of resourcing issues. One way this occurred was where sites reported having insufficient sentencing time to accommodate the volume coming through; this was somewhat alleviated where co-ordinators were adept at moving cases to other courts where orders were not going to be made or where there was no DRR recommendation.

Probation may say that [the defendant is] not yet ready to deal with a [DRR], so then they would recommend something else and we would move it out [of the DDC].

(Court staff)

The second was where sites felt adjourning sentencing to the DDCs was not an efficient use of court time and space if it could happen elsewhere, particularly given the extra costs that would be needed to retain offenders in custody. Generally, it was thought that more court time might be needed for the DDC if DRR numbers increased or continued to increase. Some sites thought they would struggle to provide this.

A further resourcing requirement was for sites to ensure they had sufficient DDC magistrates in place to provide continuity for the offender. There was no sense that this had yet proved challenging, with sufficient magistrates keen to be involved even where this meant sitting more often. Concern was expressed however that if the work of the DDC increased significantly there would be a need to recruit and train additional magistrates, rather than increase the burden on the current ones. Implications of this were additional co-ordinator and treatment agency time and increased magistrate expenses for the court.

In terms of additional resources, having a legal advisor as DDC co-ordinator was felt to be critical. At the set-up stage, co-ordinators were used to bring courts and external agencies together for training and steering group meetings, write SLAs, set up panels to recruit magistrates, organise magistrate training and ensure compliance with the framework document. In the ongoing operation of the DDCs across the sites they were used to ensure the relevant cases were channelled into and out of the DDC, ensure smooth partnership working, oversee the magistrate panel rota, write progress reports, show visitors around, oversee the collection of evaluation data and continue to ensure framework compliance.

At the set-up stage there were no reported problems with staffing the co-ordinator role, with the funding sufficient to cover the requisite number of days. The extent to which the earmarked time was felt sufficient for the ongoing running of the DDCs varied. Where it was regarded as adequate, the key explanation was the ring-fencing of the co-ordinator's non-court tasks. Where time was not clearly ring-fenced, non-court work was reportedly encroached upon by court responsibilities, leading to co-ordinators feeling overstretched.

Where a co-ordinator's non-court work had been ring-fenced, this entailed an increase in court work for other legal advisors as the co-ordinator's court time was reduced. While one site reported having used pilot funding to increase another legal advisor's working hours, others said they had been unable to replace the lost capacity because of recruitment freezes or because HMCS funding prohibited the employment of freelance legal advisors.

Having administrative support to monitor DDC data for the evaluation was also regarded as a necessary resource, and the available funding was felt adequate to cover this. However, as noted in Section 3, the limited nature of the data collected to date suggests that sites would require further guidance and support in collecting such data. There were concerns that without this funding the post would no longer be sustainable, and the monitoring requirements would have to be simplified by focusing on a few key variables. Finally, the small training budget provided was welcomed to help cover training expenses.

Resource implications for external agencies involved in the DDCs

Positively, treatment agency staff spoke of ways in which the DDC acted as an enabler for more efficient working practices. The work they had put into training magistrates in the set-up stage was thought to reap longer-term benefits, with better-informed magistrates needing less guidance from treatment agencies. There was also a sense that early work in improving links between services and agreeing shared expectations and requirements of the pilot had resulted in smoother and more efficient working relationships as the pilot progressed. Probation staff also described positive resource implications of the DDCs. Set review days and times meant that rather than having to wait around in court, they were able to send one person for specific sessions. They also felt their time management was aided by having a set day by which they needed to have completed their review reports.

There was general concern amongst external agencies that their resources could be overstretched if DRR order numbers continued to increase. However, there was some uncertainty whether this increase could be specifically attributed to the DDC. Treatment agency staff said that increased caseloads meant reduced contact time with offenders, which ran the risk of more relapses. In some sites they also spoke of how their current resources were not sufficient to enable them to attend DDC sessions, or to attend without offenders losing out on contact time. Attendance was thought preferable if possible as it allowed staff to check offenders' statements for accuracy and provide advice.

Probation workers were also concerned about being able to manage increased caseloads. They felt that their reporting requirements were already onerous and that they would struggle to fit in more time still for writing reports and attending court. One suggestion for reducing probation's workload was to extend the time between reviews from four to six weeks where cases were working well. There was some evidence of the judiciary using this flexibility in one site by granting prior permission for offenders not to attend their review, when they were making good progress on their order.

Resource implications for the future

This section has described how DDCs were largely regarded as having been a good use of existing resources. It has also described the feeling that if DRR order numbers continued to increase, current resources could become overstretched. The following developments were anticipated as necessary if numbers continued to rise: more court space and time for DDCs; a larger pool of magistrates; and potential staffing increases at treatment agencies and probation to cope with increased offender caseloads and extra time spent preparing reports and attending court. Alongside staff concerns over increasing numbers, the consequences of running DDCs under capacity were also discussed. General CPS pressure to reduce the number of courts running could have a potential impact on the DDC if there were limited cases available for sentencing. However, staff felt this could potentially pose less risk for a DDC because the representative can be an Associate Prosecutor rather than a lawyer, who were reported to be more available.

Whilst it was felt that the co-ordinator role could be scaled down at the end of the pilots, there was general agreement that it would need to continue in some form because of the importance of organising agencies to work together, diverting the relevant cases into the DDC, organising additional magistrate training if needed and, more generally, having someone in place with the time and space to consider and implement improvements and innovations.

4.4 Factors influencing the potential of DDCs to reduce drug use and offending

The ultimate aim of the DDC was to reduce reoffending through reduced drug use. However, HMCS has acknowledged that drug use is a complex issue and the DDC would be only one contributory factor. Bearing this in mind, this section aims to describe the range of ways in which the court tried to influence offenders' drug use without underplaying the significance of the other key factors in the process. It starts by setting out a conceptual model that gives an overview of the mechanisms through which the court affected offender outcomes, before going on to explore each element of the model in more detail. The section does not attempt to quantify the degree of impact the court had, as the methodology used for this study does not allow this to be done robustly.

DDC working model

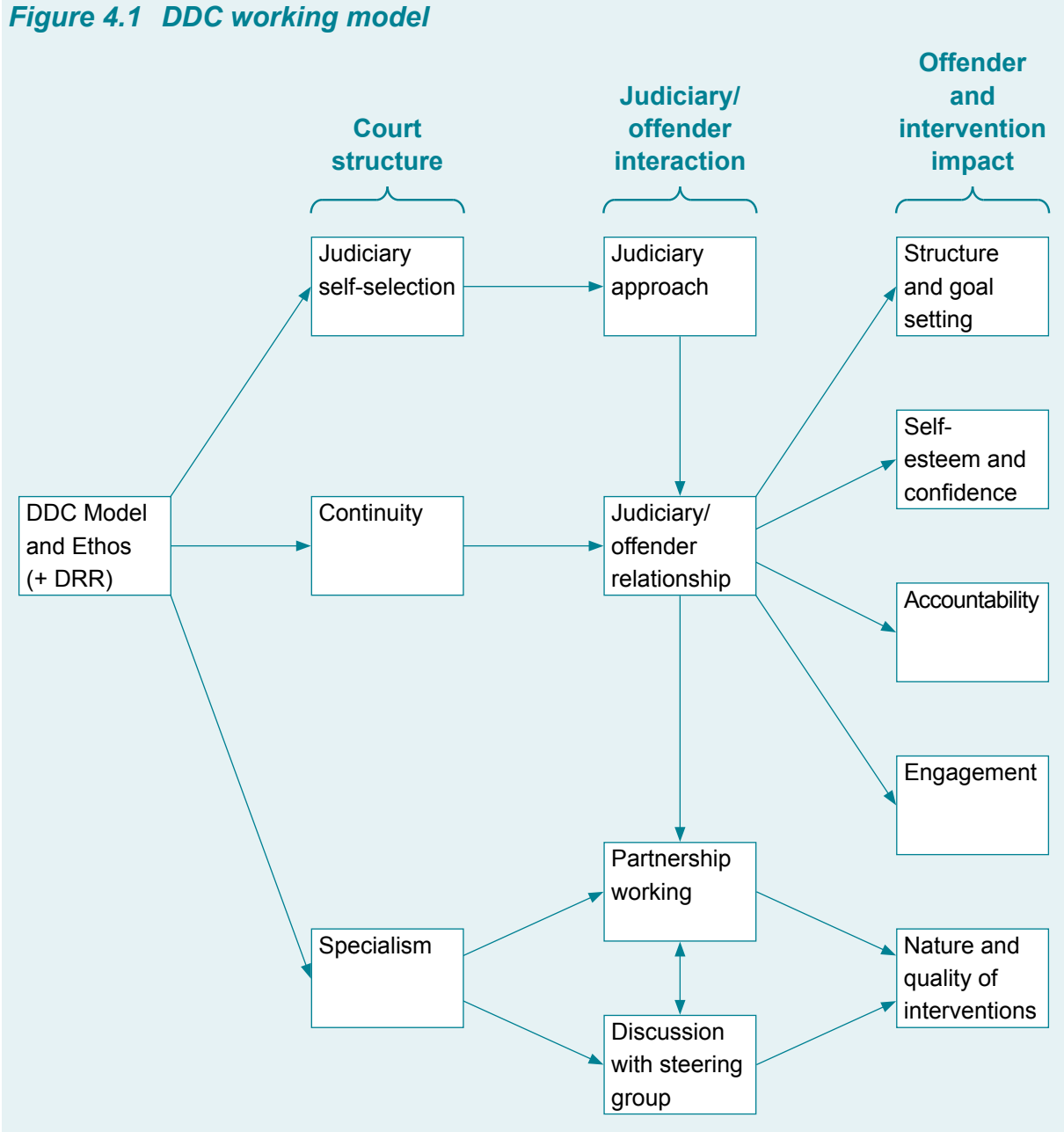
Isolating the perceived impacts of the DDC was difficult for offenders and staff. This was because other aspects of the process that were closely linked to the DDC model (such as the DRR or the involvement of services working with offenders) also contributed to achieving positive outcomes. A range of influences external to the operation of the DDC were also very significant. These included: individual offender motivation; the level of family support offenders received; the stability of their housing; and the quality and nature of the interventions they received. The part these external influences played on achieving offender outcomes, particularly motivation, cannot be underrated. Members of the judiciary, service staff and offenders alike concurred that DDC involvement itself was unlikely to result in positive outcomes without a degree of offender motivation, and this is where there was criticism of the drug court model for focusing resources on the courts rather than wider services.

I mean if the Government is serious about this... they would look at what is needed when these people are on rehabilitation. You see, I had a number of people who'd gone to rehab centres, and they've actually kept it up, they've kept off drugs for three or four weeks. As soon as they come home, they're back at it again, because they're back into the same environment, the dealers know where they are.

(Judiciary)

Nevertheless, a number of DDC specific mechanisms that could contribute to a reduction in drug use and offending were identified. These mechanisms are set out in Figure 4.1 and then the key elements are described in the remainder of the section.

Figure 4.1 DDC working model



Judiciary self-selection: the process of judiciary self-selection had begun before the DDC pilots were introduced, as the sites had set up specialist courts for dealing with DRRS which required magistrates to volunteer for. The perception among staff was that, generally, members of the judiciary who were supportive of a shift from a more punitive approach to a more holistic court culture had volunteered to work in these courts, and this process had continued with the DDCs. The holistic culture included a move away from an emphasis on punishment towards a more therapeutic approach where the range of issues facing drug-using offenders such as accommodation problems and family relationships, were also considered important to address.

Drug rehabilitation isn't just about getting somebody clean, it's a much broader thing, it's about getting them back to work, it's about getting them back with their families, it's about getting them out of the area they were and if they're not clean at the end of it then we would expect people to be on a stable methadone program... and magistrates had to think carefully about how they felt about that. I think we had two members of the drugs panel who felt the whole thing had just got too soft.

(Judiciary)

The fact that judiciary volunteered to sit on the DDC panel was seen as having implications for the skill level of the pool of magistrates and district judges. It was also felt that it resulted in the judiciary having a high level of commitment both to working with drug-misusing offenders and to the ethos of the DDC and DRR approach. Part of having awareness and knowledge in drug issues included having realistic expectations of offender outcomes and the timeframe in which these could be achieved.

Specialism: specialism gave the judiciary the knowledge and opportunity to discuss interventions with offenders and the steering group. It also meant that while they did not get a substantial amount of formal training, they did get informal training and increased opportunity to learn about the drug treatment process. Specialism helped offender outcomes by developing judicial understanding of drug use and drug-related offending and, subsequently, their expectations of offenders. Being knowledgeable in the relevant issues was also perceived in assisting the bench in being seen as authoritative.

If offenders realise that someone has a sort of basic understanding of their situation then they're more likely to pay attention to what the magistrates are saying to them. If [the] magistrate[s] say something completely off the wall which demonstrates they don't really know what they're talking about... you wouldn't have much authority, would you? Yeah, it's like a teacher: if you had a teacher who's... Talking rubbish to you, you're not going to listen to them...if they are talking and showing that they have got a degree of expertise, then the offenders are more likely to respect what they've got to say.

(Probation staff)

However, the fact that the courts only saw drug users perhaps made it more likely for offenders engaged in treatment to come into contact with drug-using offenders who were not engaged while waiting for reviews.

It just does my head in coming down here and seeing everyone and then they're just talking about heroin ...I don't wanna hear it.

(Offender)

Judiciary approach: observation of the DDC and staff accounts highlighted how staff used a variety of styles of engagement during any one encounter. Five judiciary styles of engagement were identified: motivational; personalised; interactive; authoritarian; and challenging. Two examples of the type of language used by the judiciary from the observations are given below.

Example of motivational style:

'If you want it to work, it will work, we see an awful lot of successes.'

(Review DDC)

Example of challenging style:

'You've been here before. What are you going to do this time that will be different?'

(Review DDC)

It was felt by staff that the style of engagement needed to reflect the particular circumstances of the review and the progress the offender had made; however, a more personalised and informal style was seen by staff and offenders as particularly crucial in engaging offenders. This was characterised by the way in which magistrates and district judges talked directly to offenders, did not use complicated language and listened to them. The judiciary also made offenders feel at ease in the DDC by smiling, maintaining eye contact and having a generally relaxed, rather than 'uptight' style.

They talk to you like proper people. It's not like a court where you can't talk and that, or you have to wait while they talk and vice versa. Yeah, they are, they are alright. They are good people. They are good. They understand, they seem to anyway.

(Offender)

Members of the judiciary also recognised the importance of their interaction styles in making offenders feel at ease. It was important not to deter offenders from attending the DDC, as they noted that reduced engagement could impact on achievable outcomes.

Linked to the judiciary style of engagement was the significance of their overall demeanour and approach. Offenders reported finding it easier to relate to magistrates and district judges who were interested and engaged and who showed a non-judgemental understanding of drug use and offending. Encouraging offenders and praising their success during reviews was a fundamental part of the judicial role.

The courts do generally tend to encourage you...It's just, 'Right, come on, you can do a bit better, you've got like a positive result here, you shouldn't have a positive... we know you can get rid of that positive result, try and get on with it next time.'

(Offender)

Some offenders were not used to being congratulated and valued the praise which the judiciary gave, as well as the way they made suggestions rather than telling them what to do. For motivated offenders who were keen to use the DDC to help promote change in their behaviour, the role of the judiciary was one of offering support and encouragement. For less motivated offenders, the judiciary played a role in developing their motivation through the review process before helping them work towards changing their behaviour. However,

magistrates, district judges and court staff recognised the limitations of what could be achieved with offenders who were completely unwilling to engage with the bench or the DRR more generally.

Yes, in the review we get a paper report from probation which we've read before we see the defendant. If there are aspects there which we're not happy with we would talk to him about them.... We throw the book at them if their explanation is not satisfactory and they're simply trying to cop out of what they should be doing.

(Judiciary)

However, the value of being understanding with offenders was questioned by some judges because they felt that it made little actual difference to offender outcomes.

There were some noticeable differences in the judiciary's approach at sentencing and breach in comparison to their approach at review. The approach at sentencing was more formal than in the reviews; however, offenders understood why this was necessary, and the process was described by some as 'firm but fair'. A further difference to sentencing in other magistrates' courts was that in the DDC the judiciary spoke directly to offenders rather than through their solicitor. One impact of this was that offenders felt that they had been listened to and given a chance in the DDC.

In the drug court they are actually talking to you. They're not interested in your solicitor. They are as in they'll get their information often, but they want to talk to you.

(Offender)

Continuity of bench: getting to know offenders and their personal histories through reviewing the same offenders in the DDC was central to the development of meaningful bench-offender relationships. Where this worked well, relationships developed as judiciary knowledge and understanding of individual offenders and how to work with them improved.

The combination of continuity and the approach of the judiciary together contributed to the development of a **judiciary staff/offender relationship**, which had a wide range of implications. Developing relationships made the threat of prison more powerful as the judiciary believed that offenders took this more seriously from someone with whom they had an established relationship. This meant that offenders who feared being sent to prison worked harder to comply with their orders and tried to change to show improvements in their drug using and offending behaviour. As the review process continued, offenders saw benefits in seeing the same magistrates or district judge and presenting consistently, such as not having to explain everything in detail each time they attended. However, offenders were more sceptical about the review process if they did not seem to be developing a relationship or the reviews felt overly procedure-orientated, for example if they were asked the same things each time.

Well, I don't see the point of it [the review] to be honest...they are not bad things but you... are just told the same thing every time.

(Offender)

Offenders reported that a positive relationship between them and the judiciary helped them address their drug use by providing a structure and goals, improving self-esteem and confidence.

Well if they tell you you're doing well and that it makes you feel good, you know, to be told, 'We're proud of you doing that and that'. ...I like that...It gives you confidence

(Offender).

In addition, continuity provided a context where offenders felt they had to be accountable for their actions, which helped improve their engagement with the system.

If you're seeing the same people then you can't really hide as much, than you could, if they were different people... I mean you could influence them, or deceive them or trick them in whichever way you wanted and they wouldn't be able to realise as much...But if they're the same people each time they're going to know you, so you know, there's no way of tricking them or throwing them off.

(Offender)

The importance of continuity was underlined by the quantitative findings which showed a statistically significant association between the continuity of the bench and the risk of a breach hearing, suggesting that greater bench continuity was linked to having a lower chance of a breach hearing. However, in all pilot sites, except for Salford, there was also a statistically significant association between the continuity of the bench and the number of reviews, indicating that continuity was harder to achieve for cases with more reviews (Table A2.10, Appendix 2). For example, in Bristol at the second to third review stage, 59% of cases had had a continuous bench; however, this fell to 3% when the number of reviews had reached six to nine. As discussed in the methodology section, caution should be exercised over the weight attributed to these statistics due to the nature of the data. (For further discussion see Appendix 2.)

Partnership working and discussions with the steering group: The DDC model encouraged partnership working between services by presenting opportunities for services to liaise with one another about individual offenders, initially at sentencing and then as the order progressed, and also by helping to build relationships between the judiciary and partners. The DDC model also gave the judiciary a degree of influence over how practitioners were addressing offenders' needs. This was apparent in the judiciary's questioning of offenders during the reviews about their contact with the practitioners involved, and meant that judiciary staff could express an opinion about additional elements required or improvements to existing practices.

There was a general consensus among stakeholders that steering group meetings presented a good opportunity to feed back and discuss any issues that needed to be resolved and share knowledge. Examples of this included probation staff feeding back on the judiciary's style and decision making, and the judiciary feeding back on a treatment provider. This was facilitated by the fact that the judiciary had a degree of specialism, which meant they had more knowledge of the treatment process and because of the discussions they had with offenders about specific treatment experiences. This also helped develop partnership working, and was itself facilitated by good partner relationships.

Both partnership working and discussions with the steering group were seen as a way in which the model had a perceived impact on the nature and quality of treatment provisions. However, it was noted that this process was undermined where members of the judiciary had no involvement in the commissioning of providers, so were unable to pass on the knowledge they had gained about how they worked, whether positive or negative.

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Appendix 1

This appendix gives further information about the qualitative methodology and the achieved staff and offender sample. A glossary of terms used throughout the report is also included.

Research design

Qualitative research was conducted to explore the perceptions and experiences of staff, practitioners, judiciary and offenders involved in the DDCs. This was set within a case study design, meaning that the perspectives of some of the court staff, treatment services and offenders were collected at each DDC site. This meant a better picture of each site could be drawn than if only one type of participant was interviewed. All six DDC pilot sites were included in the scope of the study as one of the reasons for commissioning the study was to capture the practice and processes across the six sites. In this way it was hoped that the study would build on the findings of the previous process study conducted when there were two pilot DDCs operating in England (Matrix Knowledge Group, 2008). The sites were visited between August 2009 and March 2010.

Thirty-six practitioners, judiciary and court staff who played key roles in implementing and working within the DDC model were interviewed across all six sites. This included the DDC co-ordinators and workers from treatment services and the Probation Service. The initial selection of staff participants were chosen in collaboration with the MoJ so that the findings would build on the previous DDC process study (Matrix Knowledge Group, 2008). During the first phase of fieldwork the research team found that it would be important to capture a wider range of views within the judiciary than previously planned for in the original research design. The number of judiciary staff to be interviewed at each site was therefore increased from one to two. The research team also monitored the judiciary sample against some key characteristics such as gender and whether they were a magistrate or district judge, in order to capture a diverse range of views within this group. Table A1.1 presents the distribution of operational staff across the case study sites.

Table A1.1 Sample of operational staff across the six case study sites

Pilot site	DDC co-ordinator	Other members of court staff	Probation	Treatment provider	Judiciary magistrate/district judge	Total
1	1	1	2	1	2	7
2	1	1	1	-	2	5
3	1	1	1	1	2	6
4	1	1	1	1	2	6
5	1	1	1	1	2	6
6	1	1	1	1	2	6
Total	6	6	7	5	12	36

The DDC co-ordinator was responsible for liaising with the research team at each site, and helping to arrange the interviews with staff participants. Prior to taking part in an interview, all staff participants were contacted by a member of the NatCen research team to provide them with additional information about the study and the interview process. All staff participants were required to sign a written interview consent form immediately prior to their interview taking place.

As discussed in the main report, other partners such as the police did have a bearing on the DDC process, for example, when they were involved in diverting cases directly from the police station. However, such roles were not perceived as key in developing an understanding of the court process compared to, for example, a probation officer who attended the DDC on a regular basis.

Sixteen offenders from four different sites who had been involved in the DDC participated in in-depth interviews. Offenders from four sites were included within the scope of this study, because it was important to develop an in-depth understanding of the whole DDC process from an offender viewpoint rather than spread the interviews more thinly across all of the sites. Due to initial challenges with recruiting offenders, such as offenders failing to attend pre-arranged research interview appointments and not having an incentive in place, two focus groups were also conducted in one of the selected four sites resulting in a further nine offenders sharing their views. The focus group enabled the research team to further map the range and diversity of views within this participant group, and perhaps facilitated the inclusion of some offenders who otherwise would not have taken part in the study. As planned, a total of 25 offenders were consulted; nineteen men and six women. Good diversity was achieved against the other key sample monitoring criteria including age, whether the participant had experience of breaching a DRR and length of DRR as shown in Table A1.2. In addition, the offenders reported illicit drug-using histories ranging from two years to over 20 years. However, it is possible that the offenders who took part would have been more engaged with the DDC than those who did not. Table A1.2 presents the distribution of offenders and their key characteristics across the case study sites, and Table A1.3 presents the number of offenders who participated in in-depth interviews and focus groups across the four case study sites.

Offenders were recruited in a variety of ways with the help of DDC co-ordinators and workers from treatment and Probation Services. Written consent was obtained from all offenders prior to their taking part. All interviews were digitally recorded.

Table A1.2 Sample of offenders across the four case study sites

Offender characteristics		Number of participants
Sex	Female	6
	Male	19
Age	31 and under	8
	32-43	14
	44 and over	3
Length of DRR	4-6 months	2
	7-9 months	7
	10 months or longer	16
Experience of breaching DRR	Yes	10
	No	13
	Unknown	2

Table A1.3 Number of offenders who participated in in-depth interviews and focus groups

Pilot area	Number of offenders – in-depth interview	Number of offenders – focus group
Leeds	6	0
Cardiff	4	9 (interviewed in 1 group of 3 and 1 group of 6)
Salford	1	0
West London	5	0
Total	16	9

DDC observation

Observation of the DDCs in session were conducted in all areas. This included observations of the review court in six sites and the sentencing court in five sites. Handwritten notes were taken onto a pre-designed pro forma. The pro forma included space to note the cases appearing, an overview of the process, the environment and setting, evidence of continuity, the nature of the interaction between offenders and members of the judicial panel, alongside space to draw the court layout. The observation work carried out was invaluable in assisting the research team develop a detailed understanding of each DDC and prompting specific areas of questioning during the research interviews.

Qualitative analysis

All interviews were transcribed verbatim. The interview data were managed and analysed using the Framework approach developed by NatCen (Ritchie and Lewis, 2003). Key topics which emerged from the interviews were identified through familiarisation with the transcripts. Two analytical frameworks were then drawn up (one for staff and one for offenders) and a series of thematic charts or matrices were set up, each relating to a different thematic issue. The columns in each matrix represented the key sub-themes or topics and the rows

represented individual participants. Data from each transcript were then summarised into the appropriate cells. Bespoke Framework software enabled the summarised data to be hyperlinked to the verbatim transcript text. This approach meant that each part of every transcript that was relevant to a particular theme was noted, ordered and accessible. The final analytic stage involved working through the charted data, drawing out the range of experiences and views, identifying similarities and differences and interrogating the data to seek to explain emergent patterns and findings. Verbatim interview quotations are provided in this report to highlight themes and findings where appropriate.

Topic guides

Tailored topic guides were used in all interviews to help ensure a consistent approach across interviews and between interviewers. However, the guides were used flexibly to allow interviewers to respond to the nature and content of the discussion, so the topics covered and the order in which they were discussed varied between interviews. Interviewers used open, non-leading questions and answers were fully probed. Outlines of the main headings used in topic guides used for interviews with the DDC co-ordinator and offenders are provided below. Slightly different versions of the DDC co-ordinators guide were used for interviews with the judiciary, probation and treatment provider staff interviewed.

Co-ordinator Topic Guide – main headings

1 Introduction

- Introduce self and NatCen
- Reiterate study aims
- Interview practicalities
- Questions

2 Background and context

- Professional role
- Previous experience of working with drug misusers
- Route into DDC / involvement with DDC
- Nature of local area
- Previous/ alternative process for dealing with offenders committing drug-related offences
- Historical effectiveness of pre-DDC system

3 Operation

Setting up the DDC

- Rationale for taking part in the pilot/setting up a DDC
- Stages and procedures involved in becoming DDC
- Support needs/received in set up
- Role of the local Steering Group in set up
- Resource implications of implementing the DDC

Running the DDC

- Diversion to DDC
- Assessment process
- Sentencing practices
- Review process
- DDC approach to treat lapses / level of compliance required
- Breach process
- Order completion process
- Resource implications of running the DDC
- Awareness of differences in the way they run their DDC compared with other pilot sites

4 Continuity of court delivery and exclusivity

- Systems in place to introduce and maintain continuity of judiciary
- Factors impacting on the continuity of court process achieved
- Extent information and knowledge about an offender follows them through the system
- Extent to which this is a change from previous system used in area
- Impact of continuity of judiciary on
- Impact of exclusivity of court

5 Training

- Overall picture of training received by judiciary and staff to implement DDC (individual training experiences will be covered in depth in other interviews)
- Overall picture of training received by judiciary and staff to run DDC (individual training experiences will be covered in depth in other interviews)
- Training yet to be received (see prompts above)
- Nature and extent of any unmet training needs
- Impact of training on outcomes

6 Information sharing procedures and partnership working

- Nature of information required at each stage of process
- Information sharing procedures
- For each key relationship (probation/ treatment services/police/other)
- Facilitators/ barriers to effective partnership working / information sharing

7 Outcomes

Court processes and operation

- Time between verdict and sentencing
- Throughput/caseload
- Frequency/consistency of review
- Rates of court attendance
- Resources

Court staff

- Expertise/knowledge
- Job satisfaction/retention
- Engagement/collaborative relationship with offenders

Offenders

- What should happen as a result of DDC/picture of success
- Overall impact of DDC on offenders
- Barriers to impact

8 Reflections and lessons learned

- General reflections about DDC
- Recommendations for wider roll-out
- Any other areas of importance to cover

9 Next steps

- Any questions now for research team
- Reassure confidentiality
- Thank them for their time. Tell them that they are welcome to contact member of the research team (contact info on leaflet) to ask questions at a later date if they wish.
- Permission to archive transcript for future research purposes

Offender Topic Guide – main headings

1 Introduction

- Introduce self and NatCen
- Reiterate independence of NatCen from HMCS and particular DDC
- Introduce research and aims of study and interview
- Explain practicalities
- Any questions

2 Background and history

- General background
- Drug-using history
- Treatment history
- Offending and court history

3 DDC experience

- Perceptions of aim / purpose of the DDC
- Referral to DDC

4 DDC court process

- Stages of process
- Sentence
- DDC breaches
- DDC reviews (if applicable)
- Degree of continuity experienced in DDC in sentencing, reviews and breach
- DDC drug treatment received
- DDC and inter agency working
- Discharge

5 Outcomes

- Positive and negative aspects of the DDC
- What should happen as a result of DDC/picture of success
- DDC impact/difference in approach to drug use
- DDC impact/difference in approach to criminal behaviour
- DDC impact on approach to wider self-management
- External influences on impacts listed above
- Future

6 Next steps

Glossary and abbreviations

Dedicated Drug Court	DDC
Drug Rehabilitation Requirement	DRR
Drug Treatment and Testing Order	DTTO
Her Majesty's Court Service	HMCS
Qualitative research	The aims of qualitative research are generally directed at providing an in-depth understanding of the social world by learning about people's social and material circumstances, their experiences, perspectives and histories (Ritchie and Lewis, 2007: 22). A broad range of methods are used including in-depth individual interviews, focus groups, observation and analysis of documents and texts.
Quantitative research	The aims of quantitative research are generally aimed at measuring quantities or amounts and explaining causal relationships between two or more variables. A broad range of methods are used, for example carrying out a survey on a large group of people using a structured questionnaire.
Restriction on Bail	ROB
Service Level Agreements	SLAs
Statistical significance	Statistical significance is a concept used in statistics, which describes the degree of confidence that researchers can have that observed results reflect genuine associations rather than were obtained purely by chance. In this report, the authors use a conventional threshold of 5% to define statistical significance, meaning that the chances that a relationship classified as 'statistically significant' occurred by coincidence are below 5%.
Crown Prosecution Service	CPS

Appendix 2

This appendix gives more detail about the methodology used for the quantitative component of the study and also detailed tables of the descriptive statistics produced.

Data collection

The DDC pilot sites had been completing an administrative data tracker of cases prior to this research. As a part of this process evaluation, a data assessment exercise of the administrative data tracker was carried out, to determine the quality of the data being collected and to inform the analytical options to be pursued for the study. Members of the NatCen research team accompanied members of the MoJ team on a data audit visit in Leeds. They also participated in a data collection workshop in London, aimed at site administrators. At this workshop, a revised format of data tracker was agreed and implemented from January 2010. The sites used the revised tracker to record all new information and some of the data collected using the old tracker version were transferred into the new format. The final analysis was carried out using data collection covering hearings recorded between 18 May 2008 and 21 April 2010, which contained information on 1,501 individual offenders, 2,569 court cases and 2,849 offences.

Structure of the new data tracker

The new data tracker collected the information on characteristics of offenders (such as age, sex, employment status etc.), characteristics of court cases (dates of hearings, reviews, sentence, breaches etc.) and characteristics of individual offences (offence type and date). An individual offender could appear on the tracker more than once, if he/she had more than one court case recorded on it. Similarly, an individual court case could typically appear more than once on the tracker, as different information pertaining to the case was added (e.g. reviews, further sentences, breaches etc.). An individual court case may consist of several offences, for which an offender is tried simultaneously (but which were not necessarily committed on the same day).

Individual offenders and court cases were identified using the Police National Computer identification numbers (PNCid) and 'court file reference' numbers that had been logged onto the data collection trackers. A new PNCid number was treated as representing a new offender and a new court reference number was treated as representing a new case. However, the results appear to suggest that the rules for assigning these numbers might have been different across the pilot sites. For instance, it seems that some of the pilot sites used a new court reference file number when a case was reviewed or breached.

Data quality

Overall, the quality and consistency of the data substantially improved since the revised tracker was introduced. However, there were still some differences in the format across the pilot sites. Not all the information collected prior to January 2010 had been transferred into the revised tracker and even when using the revised tracker, the information that was recorded was, on occasion, entered manually, rather than using the drop-down options. Furthermore, some of the data had to be entered manually, such as dates or the names of members of the judicial panel, and this resulted in spelling errors and differences in formats, which had to be corrected. Consequently, processing the data turned out to be a rather difficult task, taking up a substantial amount of time and proved to be only partially successful. For example, due to large variations in format, and the scarcity of information, information concerning drug tests was not usable.

Generalisations and cross-sites comparability

The results from the quantitative analyses should be only used in a descriptive way, i.e. as background information providing a context to the study. Any attempts to generalise the findings to a wider population of offenders warrant a number of caveats. Firstly, the representativeness of the data collected in the tracker was not formally assessed and it would be very difficult to assess how typical, in a statistical sense, the analysed sample of offenders was. Secondly, a large portion of information was missing, and the authors had no information about the processes behind this data unavailability (i.e. whether data were missing at random or not), which prevented application of statistical methods that could counteract this effect. Finally, in most of the cases the sample size was too low for the observed differences to be significant according to standard criteria.

Comparisons across the pilot sites were also problematic since the information was not recorded in a fully consistent way. The sites differed with regard to the rules of inclusion/exclusion of certain cases (e.g. some sites recorded all cases going through DDC, while others excluded the cases sentenced outside DDC) and the way they recorded information, e.g. the rules of assigning a new 'court file reference' number appeared to differ across the sites. It also should be noted that it was not possible to tell whether the sites had been classifying certain information into pre-defined categories in exactly the same way, especially where the classification could be somewhat unclear; for example, in the case of employment status, accommodation and mental health of offenders. Therefore, care is needed when comparing results across the pilot sites.

Methods of analysis

Most of the analyses were based on simple descriptive statistics, which covered tabulating the characteristics of offenders or calculating average scores, as in the case of OASys (Offender Assessment System, National Probation Service 2002) and OGRS (Offender Group Reconviction Scale, Howard *et al.*, 2009) scores as well as average time gaps

between certain events, such as the date of offence and the date of first hearing. Since availability of information (i.e. the number of missing cases) varied to a great extent from one variable to another, the analyses have been based on all cases available for a given variable, rather than using only the cases for which a full set of information was available (so-called listwise deletion). As a result, the bases reported in the tables vary, depending on which variable is being presented. Since the patterns of data unavailability varied greatly across the pilot sites, the missing cases have not been presented in the tables, as doing so would obscure the picture and make cross-sites comparisons impossible.

In a limited number of cases, where the research team looked at relationships between variables, Chi square test was used to test associations. Chi square is a test used to determine whether two categorical variables are statistically related. Unless otherwise specified, the conventional level of statistical significance of 0.05% was assumed.

Overview of the sample size

The number of offenders³ and cases⁴ logged by each pilot site were as follows:

Table A2.1 Total number of offenders, cases and offences recorded by pilot sites^a

Pilot site	Offenders	Cases	Offences	Ratio (cases/ offenders)	Ratio (offences/ cases)
Barnsley	499	654	1,008	1.3	1.5
Bristol	288	667	467	2.3	0.7
Cardiff	216	384	486	1.8	1.3
Leeds	331	666	606	2.0	0.9
Salford	124	143	215	1.2	1.5
West London	43	55	67	1.3	1.2
Total	1,501	2,569	2,849	1.7	1.1

^a Concerns over the quality of data collected means that caution should be exercised with this set of findings.

The ratio of cases to offenders, i.e. the number of separate court file reference numbers logged to the number of new PNCid numbers assigned varies quite considerably across the pilot sites, which may potentially suggest different approaches to assigning these numbers.

³ This is based on the PNCid numbers. A new PNCid number is treated as representing a new offender.
⁴ This is based on the number of individual 'court file reference' numbers logged. A new reference number will be treated as a new case, although it is not clear whether the rules regarding assigning the reference numbers were consistent across the pilot sites.

Tables

For some of the offenders, information on some of the socio-demographic characteristics was missing. Table A2.2 presents all cases where particular information was available and hence bases differ for different characteristics. The differences in bases within pilot sites suggest which information was easier to obtain than other. Generally, there is best coverage in the case of sex and ethnicity, while the information on education or mental health was relatively difficult to record.

**Table A2.2 Characteristics of offenders recorded by pilot site
(column percentages, except where indicated)^a**

		Barnsley	Bristol	Cardiff	Leeds	Salford	West London	Total
Sex	Female	61 (12%)	57 (20%)	50 (23%)	59 (18%)	28 (23%)	11 (26%)	266 (18%)
	Male	438 (88%)	231 (80%)	166 (77%)	271 (82%)	95 (77%)	32 (74%)	1,233 (82%)
Total		499 (100%)	288 (100%)	216 (100%)	330 (100%)	123 (100%)	43 (100%)	1,499 (100%)
Age	16-25	157 (32%)	52 (18%)	44 (20%)	34 (10%)	19 (16%)	1 (2%)	307 (21%)
	26-35	193 (39%)	139 (48%)	97 (45%)	184 (56%)	37 (30%)	22 (51%)	672 (45%)
	36-45	119 (24%)	92 (32%)	59 (27%)	94 (28%)	54 (44%)	9 (21%)	427 (29%)
	46+	22 (4%)	5 (2%)	16 (7%)	19 (6%)	12 (10%)	11 (26%)	85 (6%)
Total		491 (100%)	288 (100%)	216 (100%)	331 (100%)	122 (100%)	43 (100%)	1,491 (100%)
Ethnicity	White	484 (98%)	256 (89%)	180 (83%)	254 (90%)	121 (98%)	15 (47%)	1,310 (91%)
	Other	12 (2%)	31 (11%)	36 (17%)	27 (10%)	2 (2%)	17 (53%)	125 (9%)
Total		496 (100%)	287 (100%)	216 (100%)	281 (100%)	123 (100%)	32 (100%)	1,435 (100%)

^a Concerns over the quality of data collected means that caution should be exercised with this set of findings.

		Barnsley	Bristol	Cardiff	Leeds	Salford	West London ^b	Total
Education	A Level	3 (1%)	2 (1%)	3 (2%)	1 (1%)	3 (3%)	N/A	12 (1%)
	Degree	2 (0%)	1 (0%)	0 (0%)	1 (1%)	0 (0%)	N/A	4 (0%)
	GCSE	18 (4%)	54 (25%)	36 (21%)	17 (13%)	17 (17%)	N/A	142 (13%)
	HND	1 (0%)	0 (0%)	0 (0%)	1 (1%)	0 (0%)	N/A	2 (0%)
	None	383 (78%)	131 (62%)	97 (57%)	92 (71%)	76 (76%)	N/A	779 (71%)
	NVQ	58 (12%)	2 (1%)	0 (0%)	0 (0%)	0 (0%)	N/A	60 (5%)
	VOC	24 (5%)	23 (11%)	35 (20%)	18 (14%)	4 (4%)	N/A	104 (9%)
Total		489 (100%)	213 (100%)	171 (100%)	130 (100%)	100 (100%)	N/A	1,103 (100%)
Accommodation	Homeless	1 (1%)	4 (2%)	8 (4%)	8 (3%)	2 (2%)	N/A	23 (3%)
	Permanent	116 (85%)	116 (53%)	161 (79%)	153 (67%)	92 (79%)	N/A	638 (70%)
	Temporary	20 (15%)	102 (46%)	34 (17%)	68 (30%)	22 (19%)	N/A	246 (27%)
Total		137 (100%)	222 (100%)	203 (100%)	229 (100%)	116 (100%)	N/A	907 (100%)
Employment	Employed	10 (3%)	2 (1%)	8 (4%)	28 (11%)	11 (9%)	N/A	59 (5%)
	Incapacity	3 (1%)	0 (0%)	4 (2%)	8 (3%)	34 (29%)	N/A	49 (4%)
	Unemployed	276 (96%)	222 (99%)	198 (94%)	213 (86%)	72 (62%)	N/A	981 (90%)
Total		289 (100%)	224 (100%)	210 (100%)	249 (100%)	117 (100%)	N/A	1,089 (100%)
Benefits	No	72 (20%)	2 (1%)	15 (7%)	40 (16%)	14 (12%)	N/A	143 (12%)
	Yes	282 (80%)	222 (99%)	195 (93%)	209 (84%)	103 (88%)	N/A	1,011 (88%)
Total		354 (100%)	224 (100%)	210 (100%)	249 (100%)	117 (100%)	N/A	1,154 (100%)
Has a mental health condition	No	65 (64%)	151 (67%)	108 (57%)	155 (64%)	101 (87%)	N/A	580 (66%)
	Yes	36 (36%)	73 (33%)	81 (43%)	89 (36%)	15 (13%)	N/A	294 (34%)
Total		101 (100%)	224 (100%)	189 (100%)	244 (100%)	116 (100%)	N/A	874 (100%)

		Barnsley	Bristol	Cardiff	Leeds	Salford	West London ^b	Total
Number of previous convictions	Average	12.0	19.3	21.4	14.5	24.4	15.5	16.3
	Min	0	0	0	0	0	1	
	Max	137	69	75	79	121	42	
OASYS score	Average	88.4	98.2	97.7	96.2	92.7	N/A	96.3
	Min	30	17	24	5	5	N/A	
	Max	161	165	187	153	158	N/A	
OGRS score	Average	62.5	80.0	72.8	73.5	71.7	N/A	73.1
	Min	8	26	8	0	11	N/A	
	Max	96	110	99	96	97	N/A	

a Concerns over the quality of data collected means that caution should be exercised with this set of findings.

b N/A indicates data not available.

Note: Some percentages do not add up to 100% due to rounding.

Table A2.3 Distribution of offence types recorded by pilot site (column percentage)^a

Offence code	Barnsley	Bristol	Cardiff	Leeds	Salford	West London	Total
Theft	201 (20%)	299 (64%)	223 (46%)	274 (45%)	102 (47%)	37 (55%)	1,136 (40%)
Possession Class B drugs	139 (14%)	7 (2%)	30 (6%)	4 (1%)	18 (8%)	1 (1%)	199 (7%)
Possession Class C drugs	110 (11%)	4 (1%)	13 (3%)	6 (1%)	15 (7%)	0 (0%)	148 (5%)
Possession Class A drugs	89 (9%)	8 (2%)	67 (14%)	38 (6%)	12 (6%)	12 (18%)	226 (8%)
Cultivating Cannabis	93 (9%)	0 (0%)	2 (0%)	5 (1%)	8 (4%)	0 (0%)	108 (4%)
Other	82 (8%)	22 (5%)	10 (2%)	87 (14%)	23 (11%)	3 (4%)	226 (8%)
Possessions any class of drug with intent to supply	41 (4%)	0 (0%)	0 (0%)	3 (1%)	0 (0%)	0 (0%)	44 (2%)
Driving Offences – any	39 (4%)	13 (3%)	27 (6%)	6 (1%)	6 (3%)	1 (1%)	92 (3%)
Possession of controlled drug with intent to supply	39 (4%)	0 (0%)	9 (2%)	3 (1%)	0 (0%)	0 (0%)	51 (2%)
Breach of Community Order	30 (3%)	0 (0%)	6 (1%)	120 (20%)	3 (1%)	2 (3%)	161 (6%)
Fraud	29 (3%)	5 (1%)	1 (0%)	5 (1%)	7 (3%)	1 (1%)	47 (2%)
Fail to Surrender	22 (2%)	47 (10%)	41 (8%)	3 (1%)	0 (0%)	5 (7%)	118 (4%)
Burglary	17 (2%)	9 (2%)	13 (3%)	21 (3%)	3 (1%)	2 (3%)	65 (2%)
Criminal Damage	14 (1%)	3 (1%)	6 (1%)	4 (1%)	7 (3%)	0 (0%)	34 (1%)

a Concerns over the quality of data collected means that caution should be exercised with this set of findings.

Offence code	Barnsley	Bristol	Cardiff	Leeds	Salford	West London	Total
Failure to Attend a Required Assessment or a Follow On Assessment (Drugs Act)	13 (1%)	8 (2%)	8 (2%)	0 (0%)	0 (0%)	0 (0%)	29 (1%)
Possession of an Offensive Weapon	9 (1%)	2 (0%)	1 (0%)	0 (0%)	0 (0%)	0 (0%)	12 (0%)
Handling Stolen Goods	8 (1%)	1 (0%)	5 (1%)	4 (1%)	1 (0%)	0 (0%)	19 (1%)
Threatening Behaviour	8 (1%)	3 (1%)	4 (1%)	0 (0%)	0 (0%)	0 (0%)	15 (1%)
Common Assault	7 (1%)	11 (2%)	10 (2%)	17 (3%)	2 (1%)	0 (0%)	47 (2%)
Taking & driving away without consent	7 (1%)	0 (0%)	1 (0%)	0 (0%)	0 (0%)	0 (0%)	8 (0%)
Drunk and Disorderly	5 (1%)	0 (0%)	0 (0%)	1 (0%)	0 (0%)	0 (0%)	6 (0%)
Going Equipped	3 (0%)	3 (1%)	7 (1%)	2 (0%)	0 (0%)	2 (3%)	17 (1%)
Possession of a Bladed Article	2 (0%)	9 (2%)	2 (0%)	1 (0%)	3 (1%)	1 (1%)	18 (1%)
Making Off Without Payment	1 (0%)	3 (1%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	4 (0%)
Assault Occasioning Actual Bodily Harm	0 (0%)	7 (2%)	0 (0%)	2 (0%)	0 (0%)	0 (0%)	9 (0%)
Failed to attend court hearing	0 (0%)	3 (1%)	0 (0%)	0 (0%)	6 (3%)	0 (0%)	9 (0%)
Total	1008 (100%)	467 (100%)	486 (100%)	606 (100%)	215 (100%)	67 (100%)	2,848 (100%)

a Concerns over the quality of data collected means that caution should be exercised with this set of findings.
Note: Some percentages do not add up to 100% due to rounding.

Table A2.4 Number of offences per court case recorded by pilot site (column percentage)^a

	Barnsley	Bristol	Cardiff	Leeds	Salford	West London	Total
1	346 (60%)	156 (61%)	263 (75%)	425 (86%)	97 (68%)	35 (76%)	1,322 (71%)
2	121 (21%)	54 (21%)	62 (18%)	51 (10%)	30 (21%)	6 (13%)	324 (17%)
3	63 (11%)	22 (9%)	17 (5%)	5 (1%)	8 (6%)	1 (2%)	116 (6%)
4	34 (6%)	8 (3%)	5 (1%)	7 (1%)	3 (2%)	3 (7%)	60 (3%)
5+	17 (3%)	17 (7%)	5 (1%)	5 (1%)	4 (3%)	1 (0%)	49 (3%)
Total	581 (100%)	257 (100%)	352 (100%)	493 (100%)	142 (100%)	46 (100%)	1,871 (100%)

a Concerns over the quality of data collected means that caution should be exercised with this set of findings.
Note: Some percentages do not add up to 100% due to rounding.

Table A2.5 Time gaps between various stages of the court process (in days), recorded by site^a

		Barnsley	Bristol ^b	Cardiff	Leeds	Salford	West London ^b	Total
Offence – First hearing	Average	58	38	36	81	61	31	50
	Base no. of cases	554	240	345	82	138	41	1,400
First hearing – sentence	Average	13	37	38	36	6	36	24
	Base no. of cases	443	234	255	79	141	39	1,191
Sentence – First review	Average	64	N/A	25	48	47	42	45
	Base no. of cases	58	N/A	67	86	60	27	298
First review – First breach hearing (if applicable)	Average	127	N/A	57	166	143	N/A	92
	Base no. of cases	5	N/A	20	3	6	N/A	34

a Concerns over the quality of data collected means that caution should be exercised with this set of findings.
b N/A indicates data not available.

Table A2.6 Breach hearings recorded by pilot site (column percentages)^{a,b}

	Barnsley	Bristol	Cardiff	Leeds	Salford	West London	Total
Cases without a breach hearing	629 (96%)	541 (81%)	323 (84%)	480 (72%)	132 (92%)	55 (100%)	2,160 (84%)
Cases with a breach hearing	25 (4%)	126 (19%)	61 (16%)	186 (28%)	11 (8%)	0 (0%)	409 (16%)
Total number of court cases	654 (100%)	667 (100%)	384 (100%)	666 (100%)	143 (100%)	55 (100%)	2,569 (100%)

a The outcomes of breach proceedings could not be investigated (i.e. distinguish between revoked and continued breaches) because of the sample size (i.e. the number of observed breach hearings) being too low.

b Concerns over the quality of data collected means that caution should be exercised with this set of findings.
Note: Some percentages do not add up to 100% due to rounding.

Table A2.7 Sentences recorded by pilot site (column percentage)^a

	Barnsley	Bristol	Cardiff	Leeds	Salford	West London	Total
Community Order	56 (14%)	6 (4%)	0 (0%)	6 (2%)	2 (3%)	1 (4%)	71 (6%)
Community Order with DRR 24 months	0 (0%)	0 (0%)	0 (0%)	3 (1%)	0 (0%)	1 (4%)	4 (0%)
Community Order with DRR 18 months	0 (0%)	0 (0%)	0 (0%)	4 (1%)	0 (0%)	0 (0%)	4 (0%)
Community Order with DRR 12 months	3 (1%)	0 (0%)	25 (20%)	88 (23%)	1 (2%)	4 (16%)	121 (10%)
Community Order with DRR 9 months	26 (6%)	0 (0%)	7 (6%)	116 (30%)	0 (0%)	11 (44%)	160 (14%)
Community Order with DRR 6 months	22 (5%)	61 (40%)	6 (5%)	105 (27%)	3 (5%)	0 (0%)	197 (17%)
Community Order other requirements	114 (28%)	7 (5%)	36 (29%)	4 (1%)	26 (43%)	1 (4%)	188 (16%)
Conditional discharge	59 (15%)	3 (2%)	10 (8%)	3 (1%)	17 (28%)	2 (8%)	94 (8%)
Fine	67 (17%)	1 (1%)	12 (10%)	0 (0%)	3 (5%)	2 (8%)	85 (7%)
Custodial sentence	28 (7%)	15 (10%)	14 (11%)	1 (0%)	6 (10%)	2 (8%)	66 (6%)
Other	10 (2%)	8 (5%)	8 (6%)	32 (8%)	0 (0%)	0 (0%)	58 (5%)
Suspended sentence	5 (1%)	1 (1%)	1 (1%)	2 (1%)	1 (2%)	0 (0%)	10 (1%)
Susp sentence with DRR 12 months	1 (0%)	0 (0%)	6 (5%)	6 (2%)	0 (0%)	0 (0%)	13 (1%)
Susp sentence with DRR 9 months	7 (2%)	0 (0%)	1 (1%)	5 (1%)	0 (0%)	1 (4%)	14 (1%)
Susp sentence with DRR 6 months	1 (0%)	22 (14%)	0 (0%)	8 (2%)	1 (2%)	0 (0%)	32 (3%)
Warrant	7 (2%)	30 (19%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	37 (3%)
Total	406 (100%)	154 (100%)	126 (100%)	383 (100%)	60 (100%)	25 (100%)	1,154 (100%)

a Concerns over the quality of data collected means that caution should be exercised with this set of findings.
Note: Some percentages do not add up to 100% due to rounding.

Table A2.8 DRR and non-DRR sentences recorded by pilot site^a

	Barnsley	Bristol	Cardiff	Leeds	Salford	West London	Total
Sentences with DRR	60	83	45	335	5	17	545
Sentences without DRR	339	41	81	48	55	8	572
Total	399	124	126	383	60	25	1,117
% of sentences with DRR	15%	67%	36%	87%	8%	68%	49%

Totals differ from Table A2.6 above because they exclude warrants.

a Concerns over the quality of data collected means that caution should be exercised with this set of findings.

Table A2.9 Continuity of the bench and legal advice and the number of reviews recorded per site (column percentages)^a

		Barnsley	Bristol	Cardiff	Leeds	Salford	West London ^b	Total
Continuity of the bench	No	3 (4%)	13 (7%)	3 (3%)	5 (4%)	1 (2%)	N/A	25 (5%)
	Partial	67 (86%)	179 (92%)	92 (91%)	124 (96%)	28 (68%)	N/A	490 (90%)
	Full	8 (10%)	2 (1%)	6 (6%)	0 (0%)	12 (29%)	N/A	28 (5%)
Continuity of legal advice	No	64 (82%)	117 (60%)	95 (94%)	121 (94%)	41 (100%)	N/A	438 (81%)
	Yes	14 (18%)	77 (40%)	6 (6%)	8 (6%)	0 (0%)	N/A	105 (19%)
Number of reviews	2-3	20 (26%)	115 (59%)	29 (29%)	34 (26%)	14 (34%)	N/A	212 (39%)
	4-5	17 (22%)	50 (26%)	24 (24%)	27 (21%)	16 (39%)	N/A	134 (25%)
	6-7	22 (28%)	24 (12%)	14 (14%)	28 (22%)	8 (20%)	N/A	96 (18%)
	6-9	19 (24%)	5 (3%)	34 (34%)	40 (31%)	3 (7%)	N/A	101 (19%)
	Total	78 (100%)	194 (100%)	101 (100%)	129 (100%)	41 (100%)	N/A	543

a Concerns over the quality of data collected means that caution should be exercised with this set of findings.

b No information is available for West London as this site used codes such as 'Bench A' to refer to the judicial panel, rather than listing the names of the individual magistrates or district judge present.

Note: Some percentages do not add up to 100% due to rounding.

Continuity of the bench was assessed using the following classification: full continuity was defined as a case where a bench consisting of the same district judge or the same three magistrates participated in all reviews of the same case; a partial continuity was defined in the case where at least one person participated in two consecutive reviews of a given case; no continuity was defined in the case where all reviews were assessed by different benches (i.e. there was no overlap between the benches and the offender saw different people at each review).

In addition, a continuity of legal advice was assessed by checking whether the same legal advisor was available to the offender for all case reviews.

Table A2.10 Statistical associations between continuity (partial or full) of bench and the number of reviews, and the risk of breach hearing^a

		Barnsley	Bristol	Cardiff	Leeds	Salford	West London ^b
Number of reviews Bench continuity	Chi ²	17.4	11.2	18.2	14.5	4.64	N/A
	Df	6	6	6	3	3	N/A
	P	0.01	0.08	0.01	0.00	0.59	N/A
Bench continuity Risk of breach hearing	Chi ²	19.12	108.0	4.6	2.8	7.6	N/A

a Concerns over the quality of data collected means that caution should be exercised with this set of findings.
 b N/A indicates data not available.

In all pilot sites, except for Salford, there was a statistically significant association (at 5% level; in Bristol only 10% (0.1) level was achieved) between the continuity of the bench and the number of reviews, indicating that continuity is harder to achieve for cases with more reviews. In addition, in all sites there was a statistically significant association between the continuity of the bench and the risk of breach (Cardiff and Leeds at 0.1 level, the other sites at 0.05 level) suggesting that cases that were reviewed with a continuous bench were less likely to be breached.

Ministry of Justice Research Series 1/11

The Dedicated Drug Courts Pilot Evaluation Process Study

Since 2004, six pilot Dedicated Drug Courts (DDCs) specialising in dealing with drug-misusing offenders were introduced in magistrates' courts in England and Wales. This process evaluation used qualitative and quantitative research methods to map the implementation of the DDC model and explore the factors underpinning the potential for DDCs to reduce drug use and associated offending. 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. Continuity of judiciary when working with drug-misusing offenders was a key element of the model.

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