

Crime and Criminal Justice Research Programme

The Fife Drug Court in Action: The First Six Months

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Main findings

- The Drug Court was aimed at offenders aged 21 years and over with an established relationship between serious drug misuse and offending. Sheriffs and defence agents usually identified potential referrals for the Drug Court.
- 73 existing Drug Treatment and Testing Orders (DTTOs) were transferred into the Drug Court in September 2002 and the first Drug Court Order was made on 9 September. From September to December 2002, 178 additional referrals for a drug assessment had been made and 48 Drug Court Orders had been imposed. Around two-thirds of Drug Court Orders were DTTOs.
- A wide range of treatments and services were available, mostly provided in-house. Methadone substitution was the most common treatment provided.
- The procedures for regular shrieval review of Orders were considered effective but the relative formality of court-based reviews may have impacted adversely upon the quality of sheriff-client dialogue.
- The Supervision and Treatment Team took active steps to enforce Orders and respond to instances of non-compliance, but the range of options available to the Drug Court in the event of non-compliance was considered insufficient.
- Professionals and clients were confident that the Drug Court would bring about reductions in drug use, offending and associated problems. There was general agreement that a dedicated Drug Court was to be welcomed and represented an improvement over previous arrangements for dealing with drug-misusing offenders in Fife.

Introduction

Drug Courts were initially established in the USA in the late 1980s by sentencers who were frustrated at the limited range and effectiveness of existing measures for dealing with those whose offending was related to the misuse of drugs. They aim to reduce drug misuse and associated offending by offering treatment based options outwith the traditional court setting and are operational in a range of jurisdictions, including Australia, Canada and Ireland.

Scotland's first Drug Court was established in Glasgow Sheriff Court in October 2001 and a second pilot Drug Court was established in Fife in August 2002, making its first Order on 9th September 2002. The Fife Drug Court sits in Dunfermline and Kirkcaldy Sheriff Courts. It aims to reduce the level of drug-related offending behaviour, to reduce or eliminate offenders' dependence on or propensity to use drugs and to examine the viability and usefulness of a Drug Court in Scotland, especially in a non-urban centre.

The Fife Drug Court is aimed at offenders aged 21 years or older of both sexes, in respect of whom there is an established relationship between a pattern of serious drug misuse and offending. All Orders made by the Drug Court are subject to drug testing (urinalysis) and regular (at least monthly) review.

The Drug Court Sheriff has responsibility for reviewing the Order and responding to non-compliance and a Drug Court Supervision and Treatment Team has been established to support the Drug Court in all aspects of assessment, supervision, treatment, testing and reports to the court.

This paper summarises the findings from a formative and process evaluation of the Fife Drug Court's operation in the first six months. The aim was to document the operation of the Drug Court during this initial period with a view to identifying any changes that might be required to enhance its operational effectiveness.

Methods

A variety of qualitative and quantitative research methods were employed. They included: interviews with professionals associated with the Drug Court; interviews with Drug Court clients; collection of information from Drug Court records; observation of the Drug Court in action; and the completion of individual client questionnaires by members of the Supervision and Treatment team.

In addition to these more formal methods, the researchers spent time informally familiarising themselves with the Drug Court and becoming acquainted with the role of the various professionals involved in its operation.

Referral and Sentencing

Potential candidates for the Drug Court were usually identified by sheriffs sitting summarily in Dunfermline or Kirkcaldy Sheriff Courts or were brought to the attention of the bench by defence agents. Professionals involved in the operation of the Drug Court were generally content with the referral criteria, though some suggested that younger offenders should be given the opportunity to participate in Drug Court Orders.

Seventy-three existing DTTOs were transferred into the Drug Court in September 2002 and 178 additional referrals for a drug assessment had been made between September and December 2002. Just over four-fifths of offenders referred were male and the majority of referrals emanated from Kirkcaldy Sheriff Court.

A drug assessment involved the client keeping a minimum of five separate appointments with the Supervision and Treatment Team and submitting to a drug test. Sheriffs were content to continue the case on bail since this provided a more realistic test of the offender's motivation and willingness to comply. Prior to consenting to an Order clients were well informed about the purposes of a Drug Court Order and the expectations that would be attached to participation in the Drug Court.

While some offenders apparently agreed to a Drug Court Order primarily to avoid a custodial sentence, most were also considered to be motivated by the possibility of getting off drugs. Views were divided over whether the possibility of participating in the Drug Court encouraged offenders to enter earlier guilty pleas. There was no evidence, however, that it encouraged them to plead guilty to offences that they were not, in fact, guilty of committing.

By the end of January 2003, 48 offenders had been made subject to a Drug Court Order. The mean age of offenders was 25 years and four-fifths were male. Four-fifths of offenders had been sentenced by the Drug Court sitting in Kirkcaldy. Around two-thirds of clients received a DTTO while around one-third received an enhanced probation order. Most offenders had numerous previous convictions and almost all reported using heroin and benzodiazepines. Mean daily reported expenditure on street drugs varied from £5 to £90, with an average of just under £35.

Treatment and Supervision

Multi-professional and multi-agency working were key characteristics of the Drug Court approach. Although this creates the potential for difficulties in practice, mechanisms were put in place to overcome issues as they arose and any emerging problems were addressed.

The main treatment options that were available to the Drug Court included abstinence, methadone maintenance and reduction, lofexadine detoxification, and naltrexone maintenance, and benzodiazepine detoxification.

The Supervision and Treatment Team provided the majority of services to clients on Orders, reflecting the Team's expertise and the availability of in-house resources. The development of in-house services was necessitated by the lack of provision for drug users in some areas of Fife.

Professionals and clients alike expressed general satisfaction with the operation of Drug Court Orders and were aware of the principles underlying court-mandated treatment provision. Some tensions were discerned around institutional ethos and practice in relation to prescribing and testing, but the will among the Team to surmount them was clear.

Reviews and Enforcement

The Drug Court Sheriff reviewed offenders at least monthly in the initial stages of their Orders. Pre-court review meetings attended by the sheriff, procurator fiscal, defence agents (where possible) and members of the Supervision and Treatment Team preceded court reviews. They were perceived to be a positive feature of the review process.

Defence agents, despite their caseload, were often able to attend the pre-court reviews. They perceived them as providing a valuable source of information about their clients.

Review hearings were held in open court. This represented a significant shift in practices for both professionals and clients. Under the Drug Treatment and Testing Order pilot, sheriffs conducted review hearings in chambers. The Drug Court review process was, therefore, more formalised and may have impacted upon the quality of Sheriff-client dialogues, which can be an integral part of the review process. For example, clients were often unable to respond to the sheriff's questions and reported feeling awkward about the public nature of the exchanges.

The Supervision and Treatment Team took active steps to respond to instances of non-compliance. Several applications for breach proceedings had been submitted, though no Orders had, as yet, been revoked.

The Drug Court had available to it a number of sanctions that could be invoked without recourse to formal breach proceedings. However, the range of options available to the Drug Court in the event of non-compliance was regarded as insufficient and sentencers would have welcomed the opportunity to impose short custodial sentences as a means of punishing non-compliance while enabling the Order to continue.

The Effectiveness of the Drug Court

Most professionals and clients were reasonably confident that the Drug Court would be capable of bringing about reductions in drug use, offending and associated problems, though the challenges involved in achieving and maintaining an abstinent lifestyle were not underestimated.

Factors that were perceived to enhance the effectiveness of the Drug Court included the monitoring of behaviour and drug use, the regular reviewing of offenders by a dedicated bench, and the nature and intensity of the treatments and services provided.

Factors that it was thought might detract from the Drug Court's effectiveness (even though they may not yet have done so) included conflicting professional values, insufficient team-based consultation with respect to treatment decisions, excessive workloads and an insufficiently firm approach to enforcement.

The capacity of the Drug Court was thought by professional respondents to be about right. None of the criminal justice professionals believed that the Drug Court had impacted significantly upon the workload of the Sheriff Courts in Dunfermline and Kirkcaldy, or upon their own workloads. However it was recognised that as the workload of the Drug Court continued to increase, this could have implications for its capacity to deal effectively with clients given Drug Court Orders. There was general agreement that a dedicated Drug Court was welcomed and represented an improvement over previous arrangements for dealing with drug-misusing offenders in Fife.

Conclusions

The Fife Drug Court is unique in terms of its location (a non-urban centre) and its implementation across two courts (Dunfermline and Kirkcaldy). Many positive features of the Fife Drug Court were apparent, not least of which was the commitment and enthusiasm of those involved in its operation.

The establishment and early operation of the Fife Drug Court have been successful, with the role of the Drug Court Sheriff

and the dedicated Supervision and Treatment Team having been critical in this respect.

Overall, the Fife Drug Court was perceived to be an important innovative response to drug-misusing offenders. The dedicated Drug Court Team and the treatment and other resources made available to clients on Drug Court Orders were viewed as holding much promise with respect to the reduction of drug-related offending in Fife.

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