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# THE SOUTH AUSTRALIAN DRUG COURT: A RECIDIVISM STUDY

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## Executive Summary

One of the primary aims of the South Australian Drug Court is to cease or reduce criminal activity amongst individuals whose offending is related to drug abuse. The Court seeks to achieve this through a comprehensive program of intensive supervision, regular drug testing, sanctions, and therapy and support services. This evaluation examines and compares the offending behaviour of persons who participated in the Drug Court between 2004 and 2008 with a sample of prisoners who did not take part in the Drug Court program, with the aim of determining the impact of the Drug Court on re-offending.

### Methodology

The study examined the re-offending behaviour of individuals who participated in the Drug Court between 1 January 2004 and 31 December 2008, using *criminal events* derived from police apprehension data as the unit of offending. Under this measure, all offences against an individual that occurred on the same day and involved an apprehension report are counted as one criminal event. It should be noted that apprehension data may slightly overestimate offending as some charges may be withdrawn or dismissed, and not all charges proceeded with will necessarily result in a finding of guilt.

The criminal event data were examined in several ways: the incidence of apprehension for a criminal event during the program; the incidence of apprehension following the program (the percentage of offenders with at least one criminal event 6, 12 and 24 months post program) the time taken to first criminal event post program, changes in the frequency of apprehension and changes in the seriousness of offences recorded. The severity of the criminal event was determined by the ranking of the major charge on the ABS National Offence Index.

To test the impact of Drug Court participation on recidivism, the study compared the re-apprehensions of two groups of participants (those who had successfully completed the Drug Court program - *completers*, and those who withdrew or were terminated from the program - *terminates*) with a group of offenders who had received the more conventional criminal justice response of imprisonment. A sample of 204 prisoners was generated from the Department of Correctional Services' records. To maximise the comparability of the Drug Court and prisoner groups, the prisoner group consisted of offenders who had served a period of incarceration of at least 12 months and no more than five years, recorded at least one positive urine test for illicit drugs during incarceration, and were not sentenced for an offence that would have otherwise disqualified them from participation in the Drug Court program.

A profile of the prisoner group found that they were very similar to the Drug Court groups with regard to age, gender and Indigenous status but that there were some differences in offending history. In particular, the Drug Court groups had a higher number of events prior to Drug Court and were more likely than the prisoner group to have property events. To control for this, only offenders with prior property events were included in analyses relating to re-apprehension for property offences.

### Results

#### ***Profile of Drug Court participants***

In the five years of the study between January 2004 and December 2008:

- 501 offenders were referred to the Drug Court program;
- 363 offenders were accepted on to the program;
- Over one-third (131) successfully completed the program, while the remainder either withdrew or were terminated from the program (232);
- The vast majority of participants were male (89.1%);
- A small proportion (9.4%) were identified as Aboriginal or Torres Strait Islander (ATSI);

- Amphetamines was the most frequent primary drug of dependence (55.6%) followed by opiates (42.1%) and just over half of the sample were poly-drug users (52.6%); and
- The majority of participants had been imprisoned at some point in the two years prior to acceptance on to the program (89.0%).

The completion rate of around one-third (36.1%) noted in this study is comparable with other Drug Court evaluations including; the North Queensland Drug Court, which recorded a completion rate of 34.8% (Payne, 2005); and the New South Wales Drug Court re-evaluation study (BOCSAR, 2008) in which 40.2% were recorded as having completed the program (of those with a case finalised). These results reflect the entrenched nature of drug abuse and addiction.

### ***Incidence of apprehension and time to apprehension during the program***

- Offenders who completed the program were less likely to be apprehended for a criminal event during the program compared with those who withdrew or were terminated, and they were also less likely to record a serious criminal event. In particular:
  - Just under half (45.6%) completers were not apprehended for a new event during their participation in the program compared with around one-fifth of terminates (22.2%).
  - One-quarter of completers recorded a serious criminal event during participation, compared to 32.1% of terminates.
- As well as being less likely to be apprehended during the program compared with terminates, completers who were apprehended took longer:
  - The median time to the first apprehension for a criminal event (any type) was 311 days for completers and 91 days for those terminated from the program.
  - The median time to the first apprehension for a *property* event during the program was 420 days for completers and 285 days for terminates.

These results are to be expected, given that re-apprehension may be a factor in program termination.

### ***Incidence of apprehension after intervention***

- Drug Court completers had a lower incidence of apprehension than terminates or the prisoner comparison group at 6 months, 12 months or 2 years following intervention. Specifically, 52% of completers were apprehended at least once within 12 months of completion, compared with 59% for both terminates and the prisoner comparison group (68%, 78% and 79% respectively at 2 years post intervention).
- Drug Court completers were also less likely to be apprehended for one or more drug events compared with terminates (5% compared with 13% respectively at 2 years post Drug Court). There was no significant difference between completers and prisoners in the incidence of drug events post intervention.
- No significant differences were found between the three groups in the incidence of property events or serious events post intervention.
- The incidence of re-apprehension amongst those who completed the Drug Court program was comparable with results from other Australian drug courts. While caution must be applied when making comparisons with other studies due to the different methods used to measure recidivism (e.g. conviction rather than apprehension data), other studies have recorded similar findings. For example, 61% of those who completed the NSW Drug Court program (BOCSAR, 2008) and 62% of QLD Drug Court graduates (Payne, 2008) were re-convicted of a further offence in their respective follow up periods.

### ***Time to first criminal event following intervention***

- As well as recording a lower incidence of re-apprehension for any event compared to Drug Court terminates and the prisoner group, Drug Court completers also had a longer time period before re-apprehension. The median number of days to first criminal event post intervention was 348 days for completers, compared with 271 for terminates and 285 for prisoners.

### ***Changes in the frequency of apprehension post intervention***

- All groups recorded significant reductions in the frequency of apprehension post intervention.
  - Drug Court completers had a mean of 7.6 apprehension events in the 12 months prior to Drug court, reducing to a mean of 1.4 events in the 12 months after Drug Court. A similar reduction was recorded by Drug Court terminates (8.9 to 1.5 events), and a slightly lower reduction was recorded by the prisoner group (from 6.4 to 1.6 events). Approximately 91% of completers and terminates recorded fewer events post program, compared with 85% of prisoners, which may be suggestive of a small Drug Court effect. However, the difference between the groups was not statistically significant.
  - Drug Court completers had a mean of 8.6 property apprehension events in the 12 months prior to Drug court, reducing to a mean of 1.1 property events in the 12 months after Drug Court. A similar reduction was recorded by Drug Court terminates (8.3 to 1.6 events), but a slightly lower reduction was recorded by the prisoner group (from 7.8 to 2.4 events). Approximately 90% of completers and terminates recorded fewer property events post program, compared with 78% of prisoners, which is also suggestive of a small Drug Court effect. Again, however, the difference between the groups was not statistically significant.
- Overall, while the *frequency* of apprehension reduced significantly for Drug Court completers, it did not reduce to a greater extent than Drug Court terminates, or to a statistically significant greater extent than the prisoner comparison group.
- This result may appear to contradict the previous finding that Drug Court completers had a lower *incidence* of re-apprehension compared with terminates or prisoners. However, the incidence of re-apprehension only considers whether or not a person was re-apprehended (i.e. zero apprehensions vs one or more) - it does not take into account any differences in the total number of apprehensions for those that were re-apprehended. The difference between completers and the other two groups in the percentage that had no incidence of apprehension in the 12 months post intervention (48% compared with 41% for both terminates and prisoners) was not large enough to produce a significant difference in the overall number of apprehension events between the groups over the same period.

### ***Changes in the severity of apprehension events post intervention***

- Amongst the individuals who were re-apprehended, all groups recorded a reduction in the seriousness of offending post intervention. However, the greatest reductions in severity were recorded by terminates and prisoners. The percentage of completers who recorded a serious event dropped from 71.4% pre program to 51.4% post program compared with a reduction from 71.8% to 36.3% for terminates and 80.8% to 34.9% for prisoners.

## **Summary**

Overall, the study of Drug Court participants between 2004 and 2008 showed a small treatment effect, with the incidence of re-apprehension (i.e. the percentage of persons who had at least one apprehension event) lowest amongst participants who successfully completed the Drug Court program, compared with those who withdrew or were terminated, or offenders who were imprisoned. Completers were also significantly longer in the time to their first event than either terminates or the prisoner comparison group. This effect was noted up to two years post intervention, suggesting a relatively sustained impact.

The lower incidence of re-apprehension for completers was not sufficient, however, to give completers a significantly greater reduction in the overall frequency of re-apprehension compared with terminates and prisoners. In addition, despite a notable decrease in severity, completers recorded the lowest reduction in the severity of apprehension events post program of the three groups. The reason for this is unclear. It is possible that there may be differences in the level of supervision between the groups following intervention, or other factors at play, which may have impacted upon the nature of their re-apprehension event.

It is also important to note that the results reflect the impact of Drug Court operations between 2004 and 2008 and that significant practice changes have been implemented since that time.

## Introduction

The South Australian Drug Court initially commenced as a two-year pilot in the Adelaide Magistrates Court in May 2000 and since then it has continued to receive funding on an on-going basis. It has adapted a number of components of other drug court models in operation around Australia and continued to evolve in order to provide the best possible response to offenders with a drug dependency.

This report provides a profile of all offenders who completed the Drug Court program between 2004 and 2008 either by way of successful completion, termination or withdrawal from the program. In addition, it examines the offending profile of program completers, compared to a sample of non-completers (terminated/withdrawn) and a sample of prisoners who did not take part in the Drug Court program.

The report is presented in several parts, as follows:

- Background - An overview of the South Australian Drug Court and a discussion of previous evaluations of this and other Drug Courts in Australia;
- Methodology - The aims of the research, measures used to calculate re-offending and a description of the comparison groups used in the study;
- Findings - The demographic characteristics of the comparison groups and their offence profiles prior to, during and following their intervention period. This includes an examination of the frequency and seriousness of recorded offending and the time taken to re-offend.
- Summary - A discussion of the outcomes of the data and the implications of the findings for Drug Court processes and procedures.

# Background

## The South Australian Drug Court

The Drug Court combines intensive judicial supervision, mandatory drug testing, escalating sanctions, and treatment and support services to help drug-dependent offenders break the cycle of drug abuse and crime. Participation in the Drug Court is voluntary and referrals<sup>1</sup> to the program can be made from a number of sources including the police, legal representatives, prosecution counsel, Magistrates or the defendants themselves.

The key aims of the Drug Court are to:

- Minimise or stop the use of illicit drugs by offenders, and to
- Prevent or decrease any further drug-related offending.

In order to be eligible for participation a person must meet all of the following criteria:

- Have committed an offence whilst an adult (18 years of age or above at the date of commission of the offences);
- Live in the boundaries of the Adelaide Metropolitan Area at a residence that is suitable for electronically monitored home detention bail;
- Be charged with an offence that is related to their drug use for which they are likely to be imprisoned;
- Have either;
  - a current dependency on illicit drugs, or
  - a previous dependency, which is not current due to an involuntary or forced abstinence; and have a high probability of returning to drug use;
- Indicate a willingness to participate in the Drug Court Program and comply with the case management plan developed for them; and
- Plead guilty to both the most serious offence and the majority of offences with which they have been charged.

Offenders are not eligible if they are charged with a major indictable offence, or they are charged with an offence of violence or have a history of violent offences.

The Drug Court requires mandatory participation in treatment and uses regular urinalysis testing and strict home detention conditions to promote compliance. Breaches of bail conditions, further use of drugs or re-offending may lead to sanctions and ultimately termination from the program and sentencing. A points system is used as a guide in measuring compliance and if a participant reaches 20 sanction points they may be terminated from the program by the Magistrate. Alternatively, participants may choose to withdraw at any stage and in both instances, their cases are referred back to the general court for sentencing. Participants who successfully complete the 12 month program are sentenced in the Drug Court and the Magistrate will take into consideration their progress and compliance when determining the appropriate sentence.

### ***Changes to the program***

Having been in operation for a decade now, the Drug Court has not surprisingly undergone some significant changes in this time. The most noteworthy changes have occurred in relation to the type and intensity of the treatment offered. Up until 2006 the number of counselling sessions was around 1 to 2 per month and from then it was gradually increased to 1 to 2 per week. The treatment model changed substantially in March 2008 with the introduction of two group therapy programs: Moral Reconciliation Therapy (MRT) and Staying Quit.

MRT is a cognitive-behavioural approach designed for the drug offending population. It aims to reduce recidivism by increasing offenders' moral reasoning and decision making skills. This is

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<sup>1</sup> For further information on the referral and assessment process see Skrzypiec (2005) Drug Court. An evaluation of the first three years of operation.

done through the use of structured group exercises and homework assignments. The therapy involves the completion of a number of steps which relate to the following seven basic treatment issues: confrontation of beliefs, attitudes, and behaviours; assessment of current relationships; reinforcement of positive behaviour and habits; positive identity formation; enhancement of self-concept; decrease in hedonism and development of frustration tolerance; and development of higher stages of moral reasoning.

Once participants have completed step three in their MRT, they begin the second group therapy program, Staying Quit. This is a relapse prevention program also based on cognitive-behavioural principles. The program consists of eight modules that focus on risky situations, scripting changes, coping with urges and cravings, being around users, understanding support issues, and taking charge. During the treatment transition, participants who had completed six months or less of the program as at March 2008 were transferred to the new treatment program while those who had completed more than six months were continued on under the old treatment regime.

Along with changes to the treatment model, the Drug Court also enhanced its assessment process with the addition of the WHO Alcohol, Smoking and Substance Involvement Screening Test (ASSIST) in 2009. The ASSIST is a tool designed to screen for all levels of problem or risky substance use across a range of drug types. A risk score is calculated for each substance to determine the level of intervention required and this score forms part of an assessment about an offender's level of drug dependence and ultimately their suitability for the treatment program.

### **Previous evaluations of the South Australian Drug Court**

The Drug Court has been evaluated by the Office of Crime Statistics and Research a number of times since its inception. In its early stages these studies focused on its processes and operations and provided more of a statistical monitoring function. Later studies examined the profile of drug court participants and issues such as retention rates and the factors that contribute to successful completion.

One previous study that considered the effectiveness of the drug court was conducted by Corlett, Skrzypiec and Hunter (2005). The evaluation examined the offending behaviour of participants in order to assess whether the Drug Court was achieving its aims of preventing or reducing further offending. In the absence of a suitable control group, the study focused on the 43 participants who had completed the program at the time and compared their offending records prior to and after their involvement in the program. The study used criminal events<sup>2</sup> to measure the frequency and severity of offending and found that overall there was a reduction in the number of completers who were charged with a criminal event after their completion of the program and also a reduction in the actual number of criminal events charged against them. Amongst the group as a whole, just under one-quarter (23%, n=10) were not charged with any offence in the time available following program completion. Furthermore, the total number of events charged against the completers fell significantly from 420 pre-program to 183 post-program. Property offences made up a substantial part of this reduction decreasing from 318 pre-program to 67 post-program.

With regard to seriousness of offending, the study used the Australian Bureau of Statistics' National Offence Index to divide seriousness into three categories: minor, moderately serious and serious. The results indicated that as a group, the overwhelming majority (91%, n=39) were classified as serious offenders pre-program but that post-program, over half had either not been charged with any offence post-program (n = 10) or been charged with a minor offence only (n=15). Only one-third (n=15) were charged with a serious offence post program. The authors concluded that despite the need for caution in relation to the small sample size, the study found support for the positive effect of the Drug Court program on offending behaviour.

### **Evaluations of other Australian Drug Courts**

A number of evaluations have been conducted on the various drug courts in operation in other jurisdictions. These have focused on a range of outcomes including drug use, health and wellbeing, cost effectiveness and offending behaviour. Despite the variation that exists between the Drug Courts, the findings have on the whole been fairly consistent. With regard to re-offending however, the results are more mixed primarily due to the different methodologies and counting

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<sup>2</sup> A criminal event refers to all offences charged against an individual that occurred on the same day and involved an apprehension report.

rules applied and also the impact of unsuccessful participants on the outcomes of the group overall (Wundersitz, 2007).

The study of the New South Wales Drug Court (Lind et al. 2002) is considered to be the most methodologically sound evaluation to date due to the unique ability of the study to utilise a randomised experimental design. Its findings revealed little difference in re-offending between drug court participants and a control group who were dealt with through the mainstream court system. However, when the status of the participants on the program was taken into consideration (i.e. actively participating/ graduated or terminated), the study found that those who completed (or remained active on) the drug court program committed significantly fewer offences and took longer to commit their first offence than those whose participation was terminated or were dealt with via the mainstream court process.

This was also the case for the South East Queensland Drug Court evaluation (Makkai and Veraar, 2003) in which no significant difference was found in the time to first offence between drug court participants and two comparison groups: offenders who refused to participate and were dealt with through the usual court process; and a sample of prisoners flagged as having been under the influence of drugs at the time of offending and who received a sentence of less than three years. However, when program graduates were separated out from the treatment group, significant reductions were found in the time taken to re-offend both post-entry and post-program and in the frequency of offending.

The evaluation of the North East Queensland Drug Court (Payne, 2005) also used a comparison group made up of offenders who refused to participate in the drug court. The study found that while there was no significant difference in re-offending between participants and the comparison group, all participants recorded a reduction in their frequency of offending upon admission to the program, with graduates showing the greatest reductions. Furthermore, amongst graduates who did re-offend, the time taken to re-offend was significantly longer than for participants who were terminated from the program.

The only study to not show an effect based on successful completion of a program was an early study of the Perth Drug Court Regime (Crime Research Centre, 2003). The study compared program completers with two other groups: those terminated and offenders who were referred but not accepted on to the program. While the results indicated that program completers had lower re-arrest rates and took longer to re-offend than the other two groups, the differences were not statistically significant.

As some of the above studies demonstrate, the impact of a drug court program on re-offending can be strongly influenced by the success rate of its participants. Due to the relatively low rate of successful completions in most drug courts across Australia, the benefit for these participants can sometimes be masked by the higher proportion of terminations. This is known as the 'termination effect' (Lind et al 2002; Makkai & Veraar 2003; Payne 2005a). This refers to the common finding that those who fail on a treatment program generally show little improvement in their offending behaviour and may therefore cancel out the reductions noted amongst successful completers.

Only two studies in Victoria and Western Australia have shown an effect amongst all drug court participants regardless of their success or otherwise on the program. The evaluation of Victoria's Drug Court (King and Hales, 2004) found that offending rates among participants were significantly lower than that of a comparison group of offenders dealt with via the mainstream court process who were sentenced to imprisonment for equivalent charges. Similarly, the findings of the Western Australian Drug Court study (WA Attorney General's Department, 2006) revealed that participants had lower rates of reoffending (measured based on re-contact with correctional services) after program completion than either of two comparison groups: released prisoners and persons who had completed a community-based order. It should be noted that the completion rate for participants in the WA Drug Court study (66%) was around double the rate recorded in many of the other studies and may explain why the treatment group performed better overall than those in other evaluations.

This report follows on from the most recent OCSAR study on offending<sup>3</sup> with the benefit of a larger sample of participants to observe over a greater period of time.

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<sup>3</sup> See report by Corlett, Skrzypiec and Hunter (2005). Offending profiles of SA Drug Court Pilot Program 'completers', OCSAR.

## Methodology

The aim of the study was to determine whether completion of the Drug Court program had any impact in relation to the reduction in re-offending. The study used Drug Court data and police apprehension data to:

- Prepare a profile of all offenders who participated in the Drug Court program between 1 January 2004 and 31 December 2008; and
- Compare the re-offending profile of those who completed the program with those who withdrew or were terminated, and a sample of offenders who did not take part in the program.

### Recidivism measures

This study used police apprehension data to measure recidivism or re-offending. For consistency, the data was grouped into criminal events. A criminal event includes all offences charged against an individual that occurred on the same day and involved an apprehension report. Apprehension data is essentially a measure of re-contact with the justice system. Therefore it may slightly overestimate offending as some charges may be withdrawn, dismissed or lead to a finding of not guilty. Its main advantage is that it is a more immediate measure of offending and useful when measuring offending over a shorter follow up period. It should be acknowledged that even apprehension data does not represent all criminal activity as an offence may not come to the attention of police.

The use of apprehension data in this study differs to some of the other Drug Court studies mentioned previously, which used conviction data to measure recidivism. Conviction data generally involves fewer records than apprehension data for the reasons mentioned above (i.e., not all offences with which an individual is charged will necessarily result in a conviction). It is important that the methodological differences between these studies be kept in mind when considering their individual re-offending outcomes.

The following four measures of recidivism were used in the study:

- The incidence of re-offending;
- Time taken to re-offend;
- Changes in the frequency of re-offending (total number and rate); and
- Changes in the seriousness of re-offending.

To determine seriousness of offending, the Australian Bureau of Statistics' National Offence Index was used. This index ranks all offence types contained in the Australian Standard Offence Classification (ASOC) system in order of seriousness. The index starts with the most serious offence of murder, which is given an index of one, and then continues through 157 ranked offences. The NOI was divided into 3 categories of seriousness for analysis. These were:

- Serious - offences with a rank score of 1 to 64. Examples of offences classified as serious include serious criminal trespass, threatening behaviour, weapons/ explosives offences, aggravated assault, aggravated sexual assault and aggravated robbery.
- Moderate - offences with a rank score of between 65 and 96. Examples of offences classified as moderately serious include *property damage, dangerous driving, receiving, thefts* and *fraud*.
- Minor - offences with a rank score of more than 96. Examples of offences classified as minor include *disorderly conduct, retail theft, resist police* and *driving license offences*.

### Comparison groups

In order to determine the outcome of the Drug Court program on recidivism, it is necessary to compare participants' offending behaviour with another group. As it is not possible to randomly select individuals for participation in the Drug Court (and compare them with those not selected) the following two groups were chosen for comparison with those who were recorded as having successfully completed the Drug Court program:

- Offenders who were terminated or withdrew from the program (combined into a 'terminates' group); and
- A sample of prisoners who did not take part in the Drug Court program.

The Drug Court performs regular checks on its participants to monitor their progress and compliance with the program's requirements. These checks include the following:

- urinalysis testing, to ensure participants remain abstinent from drug use;
- monitoring of home detention requirements (e.g. adherence to curfews)
- monitoring criminal behaviour, to ensure that no new offences have been committed; and
- attendance and participation in group therapy programs.

The terminates group consisted of participants who have failed to comply with one or more of these requirements and have therefore been terminated from the program by the Magistrate.

To select the prisoner comparison group that would best match the two Drug Court groups in relation to seriousness of offending and drug use, the Department of Corrective Services supplied a list of unique Personal Identification Numbers (PINS) of sentenced prisoners who met each of the following criteria:

- They were discharged between January 2005 and December 2008;
- Had served a period of incarceration of at least 12 consecutive months and no more than five years; and
- Recorded at least one positive urine test for illicit drugs during their period of incarceration.

The list of PINS was then checked against the Drug Court participants to remove any prisoners who had been involved in the program. In addition, the criminal history of the prisoner sample was generated to filter out any prisoners who had been sentenced for an offence that would have disqualified them from participation in the Drug Court program (i.e. a major indictable offence).

A total of 204 individuals met the above criteria and made up the prisoner comparison group.

## **Observation period**

A number of observation periods were chosen in order to examine the impact of the Drug Court program on offending behaviour. For Drug Court completers and terminates, the length of time spent on the program was classed as the intervention period. For the prisoner comparison group the intervention period was their time spent in custody.

The study included the following three observation periods:

- Pre-intervention period – This included an offender's criminal history in the two years prior to the intervention (either Drug Court program or imprisonment).
- Intervention period – This included all criminal events recorded between admission to and completion of the Drug Court program (either by way of completion or termination). The prisoner comparison group were not observed during this period due to their intervention being their period of incarceration.
- Post-intervention period – This included all criminal events recorded from the completion of the intervention to 31 December 2009 (minimum 12 months data). For terminates and the prisoner comparison group, this was from the date of termination from the program or release from prison.

Given that each offender entered and exited the Drug Court at different times, the actual number of days each offender was observed varied. Likewise, depending on an individual's age and their offending behaviour, there was also variation in the length of each offender's criminal history. For some analyses, the time in the pre and post-intervention periods were matched so that offenders were observed for equal time periods, allowing suitable comparison of any change in offending behaviour.

It was also necessary to consider time available to offend. During the pre and post-intervention periods, an offender may be placed into custody for a period and this amount of time was deducted from the total number of days in each observation period.

### **Drug Court sample**

In light of the changes to the South Australian Drug Court, particularly in relation to the treatment model, the sample was initially separated out into the following two treatment groups to determine whether there were significant differences between the groups in relation to program success:

- Treatment Group 1 - Participants who had either completed all or over 6 months of the Drug Court program by 1 March 2008 or who completed less than 6 months but were terminated within two months of being transferred to the new treatment model; and
- Treatment Group 2 - Participants who had completed 6 months or less of the Drug Court program as at 1 March 2008 or commenced the program after this date.

The analysis revealed a slightly higher completion rate amongst those in Treatment Group 2 (38.7% compared with 35.8% for Treatment Group 1) however this difference was not statistically significant. This is most likely due to the low numbers in Treatment Group 2 (n= 31) which is a result of the small time period between the introduction of MRT and the cut off point of the current study (approximately 10 months). As a result of the lack of significant difference between the two treatment groups, they have been combined into one group for the present analysis.

# Findings

## Profile of Participants

The Magistrates Drug Court received a total of 501 referrals to the program between 1 January 2004 and 31 December 2008. Of these referrals, 72.4% were accepted on to the program (363 individuals). This section provides an overview of these accepted participants. All of the information provided reflects participants finalised between 1 January 2004 and 31 December 2008. This represents approximately 5 years worth of data.

### **Participation**

As at 31 December 2008, 363 individuals had been accepted on to the Drug Court program. Of these, over one-third (36.1%, n=131) successfully completed the program, just over half (56.2%, n=204) had their involvement terminated, and a further 7.7% (28) voluntarily withdrew from the program.

For 86.5% of the participants (314), this was their first experience of the Drug Court, while the remaining 13.5% (49) had previously been accepted on to the program<sup>4</sup>. This latter figure includes a number of participants whose previous involvement occurred prior to the parameters of the current study. Within the five years of the current study, 13 individuals (3.6%) had participated twice. Of these repeat participants, all either withdrew or were terminated on the first occasion and only one of the 13 participants was classified as having completed the program on the second occasion (although the individual was imprisoned on completion suggesting some form of non-compliance with the program). On average, these participants were active on the program for approximately six months the first time and around five months on the second occasion.

**Table 1. Status of Drug Court participants as at December 2008**

	<b>Number</b>	<b>Per cent</b>
Completed	131	36.1
Terminated	204	56.2
Withdrawn	28	7.7
<b>Total</b>	<b>363</b>	<b>100.0</b>

For ease of comparison, participants who were either terminated or voluntarily withdrew from the program are combined into one category of 'terminated' for the remainder of the report.

As Table 2 highlights, the retention rate shows some variation over the five years of the study. Amongst participants with a case finalised in 2004, the completion rate was 42.3% and this rate dropped to just over one-quarter (27.0%) by 2007. In 2008 however, the rate improved considerably with half (50.8%) of participants recorded as having completed the program. The treatment model changed from March 2008 so it is possible that the improvement is a reflection of the more comprehensive treatment program.

<sup>4</sup> Repeat participants include those who have been accepted on to the Drug Court program more than once. It does not include those referred but not accepted on to the program.

**Table 2. Status of Drug Court participants by year (based on finalisation date)**

Year completed	Completed		Terminated		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
2004	33	42.3	45	57.7	78	100.0
2005	19	33.9	37	66.1	56	100.0
2006	28	29.8	66	70.2	94	100.0
2007	20	27.0	54	73.0	74	100.0
2008	31	50.8	30	49.2	61	100.0
<b>Total</b>	<b>131</b>	<b>36.1</b>	<b>232</b>	<b>63.9</b>	<b>363</b>	<b>100.0</b>

### Demographics

The following tables reveal the demographic characteristics of the 350 unique participants in the study.

The vast majority of participants were male (89.1%, n = 312), with females more likely to complete the program than males (42.1% compared with 36.5%).

**Table 3. Gender of Drug Court participants by status on the program**

	Completed		Terminated		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Male	114	36.5	198	63.5	312	100.0
Female	16	42.1	22	57.9	38	100.0
<b>Total</b>	<b>130</b>	<b>37.1</b>	<b>220</b>	<b>62.9</b>	<b>350</b>	<b>100.0</b>

Amongst all participants, the most common age range was 30-34 years (28.3%) followed by 25-29 years (23.7%). There was a greater proportion of completers aged 40-44 than terminates (10.8% compared with 6.8%) and conversely, a smaller proportion of completers aged 18-24 years than terminates (14.6% compared with 19.1%). The average age at commencement of the Drug Court program was around 31 years, with males only slightly younger than their female counterparts (x=31.3 and 32.8 respectively, *not shown*).

**Table 4. Age range of Drug Court participants at entry by status on the program**

Age in years	Completed		Terminated		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
18 - 24	19	14.6	42	19.1	61	17.4
25 - 29	31	23.8	52	23.6	83	23.7
30 - 34	38	29.2	61	27.7	99	28.3
35 - 39	22	16.9	39	17.7	61	17.4
40 - 44	14	10.8	15	6.8	29	8.3
45+	6	4.6	11	5.0	17	4.9
<b>Total</b>	<b>130</b>	<b>100.0</b>	<b>220</b>	<b>100.0</b>	<b>350</b>	<b>100.0</b>
<b>Average</b>	<b>31.9</b>	<b>-</b>	<b>31.2</b>	<b>-</b>	<b>31.4</b>	

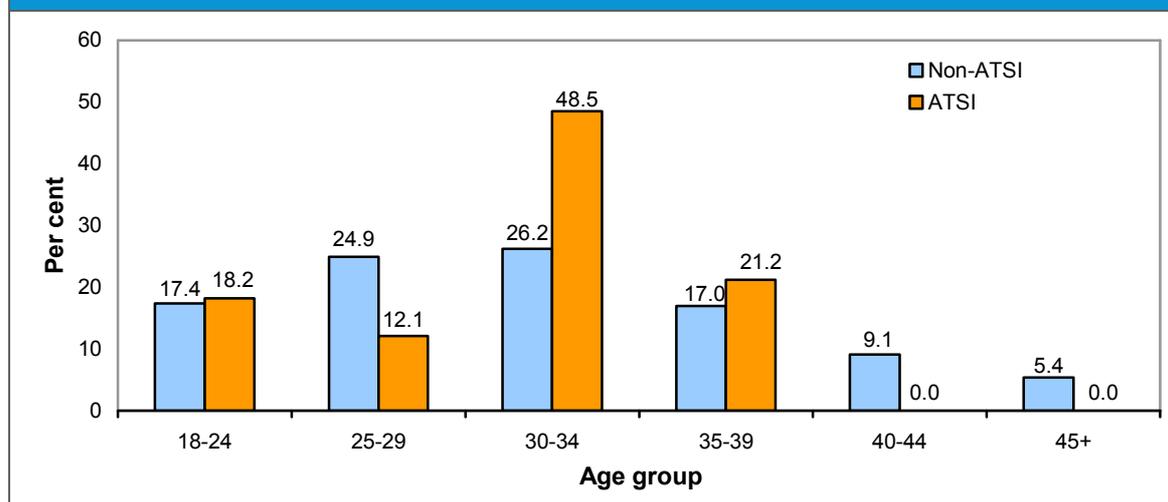
Of the 350 unique participants on the program, 33 (9.4%) identified themselves as being Aboriginal or Torres Strait Islander (ATSI). There was almost no difference in the completion rate amongst ATSI and non-ATSI offenders (36.4% completion rate compared with 37.2%). A total of 12 of the 33 ATSI participants completed the program and all except one were male.

**Table 5. ATSI status of Drug Court participants by status on the program**

	Completed		Terminated		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
ATSI	12	36.4	21	63.6	33	100.0
Non-ATSI	118	37.2	199	62.8	317	100.0
<b>Total</b>	<b>130</b>	<b>37.1</b>	<b>220</b>	<b>62.9</b>	<b>350</b>	<b>100.0</b>

Nearly half of ATSI participants (48.5%) were aged 30-34 years compared with around one-quarter (26.2%) of non- ATSI participants. Non- ATSI participants were more likely to be aged 25-29 years (24.9% compared with 12.1%) or 40 years or more (14.5% compared with 0% of ATSI participants).

**Figure 1. Age at entry to Drug Court program by ATSI status**



Where education was known, the majority of Drug Court participants were educated to Year 10 or above (58.1%) with completers and terminates recording similar levels of achievement.

**Table 6. Highest education level reached by status on the program**

	Completed		Terminated		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Year 6	2	1.6	1	0.5	3	0.9
Year 7	7	5.4	5	2.3	12	3.5
Year 8	15	11.6	25	11.5	40	11.6
Year 9	30	23.3	60	27.6	90	26.0
Year 10	39	30.2	73	33.6	112	32.4
Year 11	24	18.6	35	16.1	59	17.1
Year 12	12	9.3	16	7.4	28	8.1
Higher education	0	0.0	2	0.9	2	0.6
<b>Total*</b>	<b>129</b>	<b>100.0</b>	<b>217</b>	<b>100.0</b>	<b>346</b>	<b>100.0</b>

\* Total excludes 4 cases in which education information was not recorded.

## Drug use

Due to the finding that repeat participants can record changes in their primary drug of use, the following table presents drug use based on all participants rather than unique individuals.

Just over half (55.6%) of participants recorded amphetamines as their primary drug of dependence, with opiates making up a further two-fifths (42.1%) of the sample. Amphetamine use was higher amongst males than females (56.5% compared with 48.7%) while the opposite was true for opiate use (41.4% for males and 48.7% for females). There was no difference between completers and terminates in their primary drug of dependence.

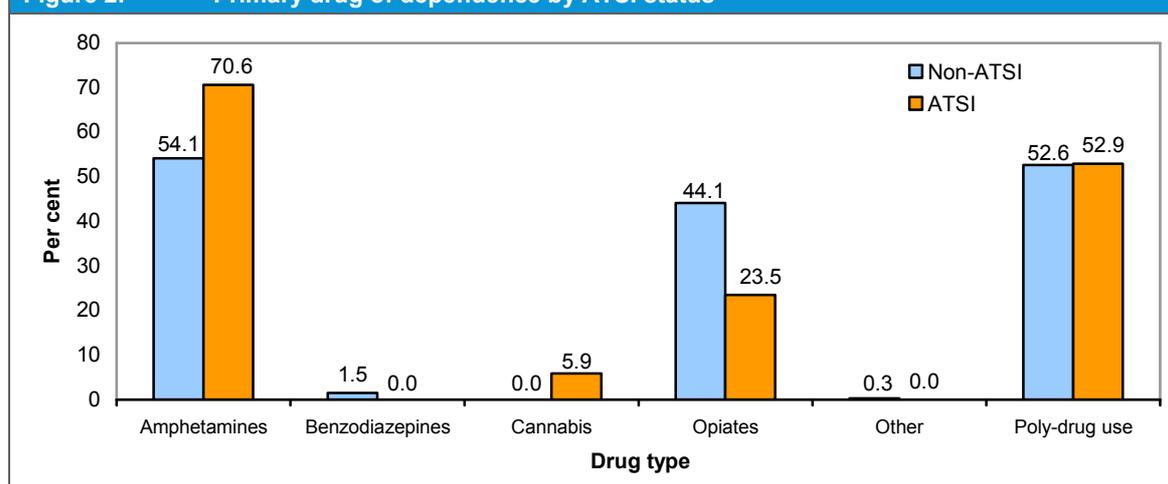
Poly-drug use was common amongst participants, with 56.5% of completers and 50.4% of terminates recording the use of more than one drug. The proportion of participants who recorded poly-drug use did not differ by sex.

**Table 7. Primary drug of dependence by status on the program**

Primary drug	Completed		Terminated		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Amphetamines	71	54.2	131	56.5	202	55.6
Benzodiazepines	2	1.5	3	1.3	5	1.4
Cannabis	1	0.8	1	0.4	2	0.6
Opiates	57	43.5	96	41.4	153	42.1
Other	0	0.0	1	0.4	1	0.3
<b>Primary - Total</b>	<b>131</b>	<b>100.0</b>	<b>232</b>	<b>100.0</b>	<b>363</b>	<b>100.0</b>
Poly-drug use	74	56.5	117	50.4	191	52.6

Analysis of drug use by ATSI status revealed a number of differences. Amphetamine use was higher amongst ATSI participants than non- ATSI (70.6% compared with 54.1%) while opiate use was lower (23.5% for ATSI compared with 44.1% for non- ATSI). Cannabis use was also higher among ATSI participants (5.9% compared with 0%).

**Figure 2. Primary drug of dependence by ATSI status**



Police apprehension data and Correctional Services custody records were matched with 337 unique Drug Court participants. The custody data revealed that in the two years prior to their acceptance on to the Drug Court program the majority of participants (89.0%) had spent some time in custody. The proportion varied slightly by status on the program with a smaller proportion of completers having been imprisoned in the prior two years compared with those terminated from the program (85.6% and 91.0% respectively). The median number of days participants were in custody in the two years prior to their involvement in the Drug Court was 122 days for completers and 147 days for terminates.

## Profile of Prisoner Comparison Group

This section describes the characteristics of the 204 offenders who made up the prisoner comparison group.

As with Drug Court participants, the prisoner group were mostly males (91.2%), with the proportion showing small fluctuations over the years. In 2008, 34 of the prisoner group completed their sentence compared to over 50 each in the three preceding years.

**Table 8. Year released from prison by sex**

Year completed	Males		Females		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
2005	45	86.5	7	13.5	52	100.0
2006	57	90.5	6	9.5	63	100.0
2007	52	94.5	3	5.5	55	100.0
2008	32	94.1	2	5.9	34	100.0
<b>Total</b>	<b>186</b>	<b>91.2</b>	<b>18</b>	<b>8.8</b>	<b>204</b>	<b>100.0</b>

The prisoner group was similarly matched to the Drug Court participants on age. Over one-quarter (27.5%) were aged between 30 to 34 years upon entry to prison with a further 25.0% aged 25 to 29. Few of the prisoners were aged 45 and over (5.9%).

With regard to ethnicity, the proportion of ATSI offenders in the prisoner group was 12.7% which was slightly higher than that recorded for Drug Court participants (9.4%). However, ATSI offenders in the two groups showed somewhat different age profiles, with a greater proportion of the ATSI prisoners aged 18 to 24 years (30.8% compared with 18.2% for ATSI Drug Court participants) and a smaller proportion aged 30 to 34 years (30.8% compared with 48.5%).

**Table 9. Age range of offenders at entry to prison by ATSI status**

Age in years	ATSI		Non- ATSI		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
18 - 24	8	30.8	29	16.3	37	18.1
25 - 29	5	19.2	46	25.8	51	25.0
30 - 34	8	30.8	48	27.0	56	27.5
35 - 39	1	3.8	33	18.5	34	16.7
40 - 44	2	7.7	12	6.7	14	6.9
45+	2	7.7	10	5.6	12	5.9
<b>Total</b>	<b>26</b>	<b>100.0</b>	<b>178</b>	<b>100.0</b>	<b>204</b>	<b>100.0</b>
<b>Average</b>	<b>30.4</b>	<b>-</b>	<b>31.6</b>	<b>-</b>	<b>31.5</b>	

On average, the prisoner comparison group served 26 months in custody with a median of 23. The minimum time served was 12 months with a maximum of 58 months (4.8 years). Nearly seven-in-ten prisoners (66.2%) had served a sentence of imprisonment previously (in the two years prior to the parameters of the current study) with the proportion higher for females (77.8% compared with 65.1% of males) and ATSI offenders (84.6% compared with 63.5% of Non- ATSI offenders).

## Prior Criminal History

This section provides an overview of the offending history of the Drug Court participants and the prisoner comparison group in the two years prior to their individual interventions. Police apprehension records were matched with 96.3% of Drug Court participants and the following analyses are based on those individuals (n=337). For those offenders who participated in the Drug Court program more than once, the following analyses relate to their first experience.

On average, Drug Court participants recorded more criminal events than the prisoner group in the two years prior to their intervention with a mean of 10 and 8 events respectively. Around one-third (34.1%) of Drug Court participants were apprehended for six to ten criminal events compared with 23.0% for the prisoner group. The latter were more likely to record between one and five events (40.7%) than Drug Court participants (27.6%) and less likely to record more than 15 events in the prior two years (12.7% compared with 18.7%).

**Table 10. Number of events recorded in the two years prior to intervention**

Number of events	Drug Court participants		Prisoner group	
	Number	Per cent	Number	Per cent
None	2	0.3	8	3.9
1 to 5	93	27.6	83	40.7
6 to 10	115	34.1	47	23.0
11 to 15	64	19.0	40	19.6
16 to 20	38	11.3	17	8.3
21 or more	25	7.4	9	4.4
<b>Total</b>	<b>337</b>	<b>100.0</b>	<b>204</b>	<b>100.0</b>
<b>Mean number of events</b>	<b>10</b>		<b>8</b>	

In the vast majority of cases Drug Court participants recorded prior property offences such as *serious criminal trespass, fraud and larceny* (93.8%) which was significantly higher than the proportion recorded amongst the prisoner group (61.3%). Prior apprehensions for *offences against good order* and *driving and traffic related offences* were also common with similar proportions noted for both groups. Interestingly the prisoner group were more likely to record a *drug offence* than participants in the prior two years (27.5% compared with 18.1%) and much more likely to record an *offence against the person* (35.3% compared with 13.6%).

**Table 11. Type of major charge per criminal event in prior two year period**

Type of major charge	Drug Court participants		Prisoner group	
	Number	Per cent	Number	Per cent
Offences Against the Person	46	13.6	72	35.3
Robbery and Extortion	5	1.5	12	5.9
Serious Criminal Trespass, Fraud, Larceny etc.	316	93.8	125	61.3
Damage Property and Environmental Offences	57	16.9	41	20.1
Offences Against Good Order	230	68.2	129	63.2
Drug Offences	61	18.1	56	27.5
Driving, Motor Vehicle, Traffic & Related Offences	218	64.7	126	61.8
Other Offences	23	6.8	10	4.9
Non-Offence Matters	36	10.7	19	9.3
No offence recorded	2	0.6	8	3.9

N.B - Percentages in column do not total to 100 as prisoners may have recorded more than one offence type prior to their intervention.

With regard to seriousness of offending, the major charge listed against participants was assigned to a seriousness category of minor, moderate or serious. In the pre-intervention period, over three-quarters of participants (76.6%) and the prisoner group (78.9%) recorded a major charge involving a serious event. A further 20.2% of participants and 11.3% of the prisoner group recorded a moderate event as their most serious charge.

**Table 12. Most serious event (based on major charge) incurred in the two years prior to intervention**

Most serious event recorded	Drug Court participants		Prisoner group	
	Number	Per cent	Number	Per cent
Minor	8	2.4	12	5.9
Moderate	68	20.2	23	11.3
Serious	258	76.6	161	78.9
No offence recorded	3	0.9	8	3.9
<b>Total</b>	<b>337</b>	<b>100.0</b>	<b>204</b>	<b>100.0</b>

### Recent criminal history of Drug Court participants

The offence which led to their referral to the Drug Court program was calculated based on the most recent event prior to their date of acceptance. Nearly two-fifths of the participants (39.5%) recorded a *property offence* as their major charge at referral to the Drug Court followed by 31.5% with *offences against good order*. A further one-fifth (20.5%) recorded a major charge involving *driving and traffic offences*. Consistent with the previous OCSAR study, only a small proportion (3.0%) of cases recorded a major charge involving *drug offences*.

**Table 13. Offence type and average number of referring events**

Type of major charge	Number	Per cent
Offences Against the Person	8	2.4
Robbery and Extortion	0	0.0
Serious Criminal Trespass, Fraud, False Pretences & Larceny	133	39.5
Damage Property and Environmental Offences	1	0.3
Offences Against Good Order	106	31.5
Drug Offences	10	3.0
Driving, Motor Vehicle, Traffic and Related Offences	69	20.5
Other Offences	1	0.3
Non-Offence Matters	9	2.7
<b>Total</b>	<b>337</b>	<b>100.0</b>
<b>Mean number of referring charges</b>	<b>2.8</b>	<b>-</b>

With regard to seriousness of offending, excluding unknowns (n=9), over two-fifths of Drug Court participants (43.0%) had recorded a minor offence at referral with the remainder recording an even split of moderate and serious offences (28.7% and 28.3% respectively).

## Recidivism During the Drug Court Program

This section provides an overview of offending behaviour during participation in the Drug Court program by method of finalisation. Table 14 and 15 show the percentage of completers and terminates who recorded at least one criminal event while on the program, and the seriousness of the major charge for that event. Not surprisingly, those terminated from the program recorded much higher rates of offending precisely because fresh criminal activity is one of the main grounds for removal from the program. The second set of analyses show the time to first event while on the program.

### Offence type

Over three-quarters (77.8%) of terminates were apprehended for a new event during their participation in the program, compared with just over half (54.4%) of completers. The most common event recorded against terminates involved *offences against good order* (54.7%) followed by *property offences* (35.8%). These two categories of offences were also the most common amongst completers although the proportions were smaller (26.4% for *property offences* and 27.2% for *good order offences*).

**Table 14. Per cent of re-offending during participation in the Drug Court program by offence type**

<b>Type of major charge</b>	<b>Completed (n=125)</b>	<b>Terminated (n=212)</b>
Offences Against the Person	4.0	4.7
Robbery and Extortion	0.0	0.5
Serious Criminal Trespass, Fraud, Forgery, False Pretences & Larceny	26.4	35.8
Damage Property and Environmental Offences	1.6	4.2
Offences Against Good Order	27.2	54.7
Drug Offences	3.2	2.8
Driving, Motor Vehicle, Traffic and Related Offences	18.4	17.9
Other Offences	0.8	0.5
Non-Offence Matters	0.8	1.9
<b>Any offence</b>	<b>54.4</b>	<b>77.8</b>
<b>Median number of days to first offence during the program</b>	<b>117</b>	<b>65</b>

N.B - Percentages in each column do not total to 100 as participants may have been apprehended for more than one offence type during their participation in the program.

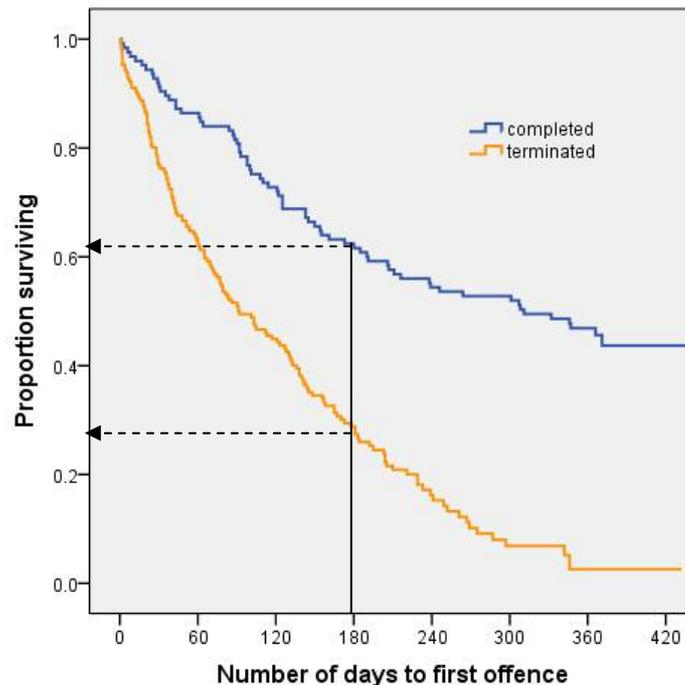
### Time to first offence

Survival analysis was used to examine the incidence of re-apprehension over the course of participation in the Drug Court program. The Kaplan-Meier procedure shows the proportion of completers and terminates who 'survived' (were not apprehended) over the length of their participation in the program<sup>5</sup>.

<sup>5</sup> Two tests of significance are used in this procedure: the Log-rank test of equality and the Wilcoxin statistic. In essence, the former test weights the survival data to the end of the survival curve while the Wilcoxin statistic weights the data closer to the beginning. Therefore a Log-rank test, with a probability of <0.05 will indicate that the differences in the end survival rate between two groups are significant. On the other hand, the Wilcoxin statistic will indicate whether the initial survival experience between groups is significant even if the final survival rate may not be (Payne 2005).

Figure 3 shows the survival curve of time to their first recorded offence since commencement of the Drug Court program for completers and terminates. Where the vertical line at 180 days on the X axis intersects with each survival curve, this point represents the corresponding survival percentage on the Y axis. The value of the survival rate indicates the proportion of each group that had survived (that is, were not re-apprehended) within 180 days of commencing on the Drug Court program. As the graph shows, the survival rates were greater for completers than terminates: 0.62 (62%) were not apprehended within six months of program participation compared with 0.27 (27%) of terminates. The median time to the first event was significantly higher for completers compared with terminates (311 days for completers and 91 days for those terminated from the program) <sup>6</sup>.

**Figure 3. Survival analysis for days to first offence during the Drug Court program**

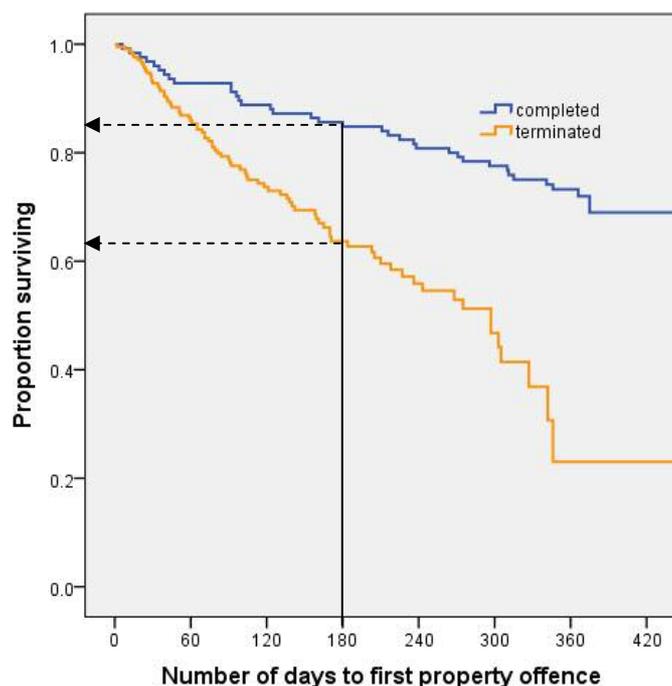


Log-rank test of equality: Total  $\chi^2 = 62.53$ ,  $df=1$ ,  $p=.000$  Wilcoxin statistic: Total  $\chi^2 = 43.68$ ,  $df=1$ ,  $p=.000$

Figure 4 presents the survival analysis for *property related events* only. This includes the following types of events: *Serious Criminal Trespass, Fraud, Forgery, False Pretences & Larceny*, and *Damage Property and Environmental Offences*. Once again there is a significant difference in the survival experience of completers and terminates with fewer completers recording a property event during their participation in the program and a longer time delay to their first property-related event. The median time to first property event was 420 days for completers compared with 285 days for terminates. As shown in Table 15, at the six-month mark, the proportion of terminates who had offended was more than double the completers: 0.38 (38%) compared with 0.15 (15%).

<sup>6</sup> Log-rank test of equality: Total  $\chi^2 = 62.53$ ,  $df=1$ ,  $p=.000$  Wilcoxin statistic: Total  $\chi^2 = 43.68$ ,  $df=1$ ,  $p=.000$

**Figure 4. Survival analysis for days to first property offence during the Drug Court program**



Log-rank test of equality: Total  $X^2 = 29.06$ ,  $df=1$ ,  $p=.000$  Wilcoxin statistic: Total  $X^2 = 20.60$ ,  $df=1$ ,  $p=.000$

The results of Figure 3 and 4 are summarised in Table 15<sup>7</sup>. Note that Table 15 provides the percentages that were re-apprehended, which is the converse of the previous discussion on the percentages that 'survived' without being re-apprehended during participation in the Drug Court.

**Table 15. Summary of survival analysis during participation in the Drug Court program**

	Completed (n=125)	Terminated (n=212)
<b>Any event</b>		
Percent re-apprehended within 60 days	14	38
Percent re-apprehended within six months	38	73
Percent re-apprehended within 12 months	53	97
<b>Property event</b>		
Percent re-apprehended within 60 days	7	14
Percent re-apprehended within six months	15	36
Percent re-apprehended within 12 months	27	77

### Severity of offending

Table 16 presents the seriousness of the major charge incurred for completers and terminates *who were re-apprehended during their participation in the program*. For those who completed the program, one-quarter were apprehended for a criminal event in the serious category, which is slightly lower than the proportion recorded for the terminates (32.1%). This finding is somewhat surprising given that it is customary for participants to be terminated from the program should they

<sup>7</sup> The re- apprehension estimates in Table 15 are higher than the simple percentage calculation estimates provided in Table 14. This is because the survival analysis calculation is an estimated rate of survival at any given point in time. However, with time, the number of observable subjects in each group declines, particularly the number in the terminated group, making the estimate less reliable.

be apprehended for a fresh offence. However, the Drug Court recognises that drug abuse is a chronic illness and participants may relapse during the course of the treatment program. Depending on the nature of the offending, this may be managed through a temporary term of imprisonment (usually two weeks) or through the allocation of demerit points.

Nearly one-quarter (23.5%, n=4) of the serious events recorded against completers took place within one month of acceptance on the program so it's possible that these participants had not been fully engaged with the program at that stage. There were also three cases where a serious event was recorded during the program (based on the offence date) but the participants were not apprehended for the offence until after their completion date. There is also a small chance that some of the results are due to data error in the records or the matching process.

**Table 16. Seriousness of major charge incurred for participants who were apprehended during the Drug Court program**

Seriousness of the major charge	Completed		Terminated	
	Number	Per cent	Number	Per cent
Minor event	25	36.8	69	41.8
Moderate event	25	36.8	43	26.1
Serious event	17	25.0	53	32.1
Unknown	1	1.5	0	0.0
<b>Total</b>	<b>68</b>	<b>100.0</b>	<b>164</b>	<b>100.0</b>

## Penalties

Upon successful completion of the Drug Court program, participants are sentenced in the specialist Drug Court. The sentencing outcomes for the 131 Drug Court completers in this study are shown in Table 17. Not surprisingly, around four-fifths (79.4%) of the completers received a suspended sentence upon completion of the program, with a further 8.4% receiving either a good behaviour bond or being discharged without penalty (6.1% and 2.3% respectively). In contrast, one-in-ten (10.7%) recorded a sentence of imprisonment despite having been recorded as completing the program. This may be due to the number or nature of their offences, or the number of 'demerit' points they had received upon completion, indicating some degree of non-compliance with the program. For example, sanction points were recorded in the data in eight of the 14 cases involving a sentence of imprisonment. For these eight cases, five had finished the program with 14 or more points while the remaining three individuals finished with nine points or less (minimum = 4 points, maximum = 33).

**Table 17. Penalties received for Drug Court Completers**

Sentence Outcome	Number	Per cent
Discharged without penalty	3	2.3
Good behaviour bond	8	6.1
Suspended sentence bond	104	79.4
Imprisonment	14	10.7
Other	2	1.5
<b>Total</b>	<b>131</b>	<b>100.0</b>

## Recidivism Post Drug Court Program

The previous section showed a 'during treatment' effect with completers recording lower rates of re-apprehension and a longer delay to their first event than terminates. However, if re-apprehension is related to the length of time spent exposed to the treatment program, it is not surprising that terminates performed more poorly. This section therefore determines whether the differences were sustained after completion of the program, and how the participants performed compared with offenders who did not take part in the program.

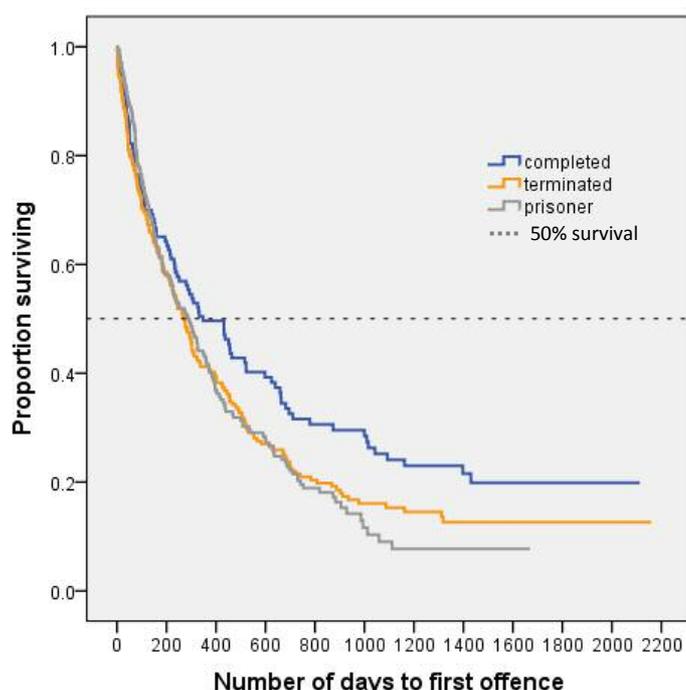
For completers and terminates, offending (based on police apprehension) was measured from the date of their completion of or removal from the program. For those participants who were imprisoned following the program, re-apprehension was calculated from the date of their release from prison. The prisoner group were used to provide a comparison with the two participant groups and represent the closest available match to what would have happened to the participants had they not been accepted on to the Drug Court program. Their re-offending was also measured based on the date they were released from prison.

### Time to first offence

Survival analysis was used to calculate the recidivism rates for the three groups. Figures 5 and 6 present survival curves for any event type and first drug event post intervention.

Figure 5 presents the survival curve for an event of any type following the intervention period. The log rank test of equality of the three survival functions was significant indicating that there is a difference in the final survival times, with the time to the first event longest for completers. After one year (of free time) following their completion of the Drug Court program, 0.48 (48%) of completers had not been re-apprehended compared with 0.41 (41%) for both terminates and the prisoner group. The median time to the first event (i.e. the time at which 50% of offenders had been re-apprehended) was 348 days for completers, 271 days for terminates and 285 days for the prisoner group.

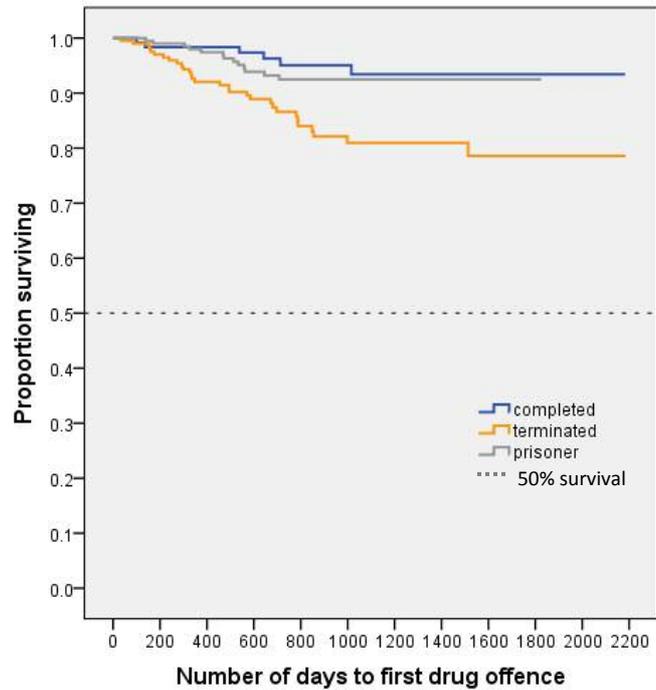
Figure 5. Survival analysis for free days to first event post intervention



Log-rank test of equality: Total  $X^2 = 6.17$ ,  $df=2$ ,  $p=.046$ ; Completers vs Prisoners  $X^2 = 6.02$ ,  $df=1$ ,  $p=.014$ ; Completers vs Terminates  $X^2 = 4.19$ ,  $df=1$ ,  $p=.041$ . Wilcoxin statistic: Total  $X^2 = 2.91$ ,  $df=2$ ,  $p=.233$

A different survival curve is evident for drug events with the re-apprehension rates post intervention much lower overall. As shown in Figure 6, completers and the prisoner group were much less likely to have a new drug event than terminates, and of those who were re-apprehended, the time taken to record a new drug event was also longer than terminates. Two years following intervention, the proportion of completers who had not been re-apprehended for a new drug event was 0.95 (95%) compared with 0.92 (92%) of prisoners and 0.87 (87%) of terminates. The median time to first drug event was 5.7 years for completers, 5.1 years for the prisoner groups and 4.7 years for terminates.

**Figure 6. Survival analysis for free days to first drug event post intervention**



Log-rank test of equality: Total  $X^2 = 13.85$ ,  $df=2$ ,  $p=.001$ ; Completers vs Prisoners  $X^2 = .316$ ,  $df=1$ ,  $p=.57$ ; Completers vs Terminates  $X^2 = 8.55$ ,  $df=1$ ,  $p=.003$ . Wilcoxin statistic: Total  $X^2 = 12.34$ ,  $df=2$ ,  $p=.002$

Survival analysis was also conducted for time to first property offence (excluding offenders with no prior property events to ensure comparability between the Drug Court and prisoner groups) and time to first serious offence, based on the groupings of the NOI index. The data revealed no significant difference in the survival functions of the groups for either analysis (Property offence:  $X^2=3.12$ ,  $df=2$ ,  $p=.210$ , Serious offence:  $X^2=2.61$ ,  $df=2$ ,  $p=.271$ ).

The results of Figures 5 and 6 are provided in Table 18. Note that these data provide the percentages within each group that were re-apprehended, which is the converse of the previous discussion on the percentages that 'survived' without being re-apprehended.

**Table 18. Summary of survival analysis post intervention (Drug Court or Prison)**

	Completed (n=124)	Terminated (n=208)	Prisoner (n=204)
<b>Any event</b>			
Percent re-apprehended within six months	35	41	40
Percent re-apprehended within 1 year	52	59	59
Percent re-apprehended within 2 years	68	78	79
<b>Drug event</b>			
Percent re-apprehended within six months	2	3	1
Percent re-apprehended within 1 year	2	8	2
Percent re-apprehended within 2 years	5	13	8

### **Comparison with other Drug Courts**

The proportion of re-apprehension amongst those who completed the Drug Court program was comparable with results from other Australian drug courts. While caution must be applied when making comparisons with other studies due to the different methods used to measure recidivism (e.g. conviction rather than apprehension data), other studies have recorded similar findings. For example, 61% of those who completed the NSW Drug Court program (BOCSAR, 2008) and 62% of QLD Drug Court graduates (Payne, 2008) were re-convicted of a further offence in their respective follow up periods.

### **Frequency of offending**

This section assesses whether completion of the Drug Court program between 2004 and 2008 reduced the frequency of re-apprehension to a greater extent than imprisonment.

To address this, the difference in the number of apprehension events in equal time before and after drug court or imprisonment was compared for the three groups. The calculations take into account any time spent in custody so the pre and post intervention periods are based on free time available to offend.

#### **All apprehension events**

Table 19 shows the mean and median number of all apprehension events recorded in the 12 months free time before and after Drug Court or imprisonment for each of the three groups. The table excludes offenders who did not have a minimum of 12 months free time available. Also excluded were offenders who did not have any apprehension events in the 12 months free time before intervention (1 completer, 3 terminates and 27 prisoners). Inclusion of these offenders may underestimate the level of apprehension before intervention, thereby potentially underestimating the impact of the intervention.

All three groups showed a statistically significant reduction in the frequency of re-apprehension in the 12 months post intervention compared with the 12 months before<sup>8</sup>. Drug Court completers had a mean of 7.6 apprehension events in the 12 months prior to Drug court, reducing to a mean of 1.4 events in the 12 months after Drug Court. A similar reduction was recorded by Drug Court terminates (8.9 to 1.5 events), but a slightly lower reduction was recorded by the prisoner group

<sup>8</sup> Wilcoxin signed ranks test: Completers, Z= -7.761, p<0.01; Terminates, Z= -9.897, p<0.01; Prisoners, Z= -9.288, p<0.01.

(from 6.4 to 1.6 events), primarily because they started from a lower base. Strong reductions were also recorded in the median number of events post intervention.

Also shown in Table 19 is the percentage of offenders who had fewer apprehension events, the same number, or more events post intervention. Just over 90% of Drug Court completers (90.6%) recorded fewer offences post program. This was very similar to Drug Court terminates (91.0%), and slightly higher than the prisoner group (85.2%).

**Table 19. Number of apprehension events in 12 months free time before and after intervention**

	Completed		Terminated		Prisoner group	
	Pre	Post	Pre	Post	Pre	Post
Mean no. of events	7.6	1.4	8.9	1.5	6.4	1.6
Median no. of events	6.5	0.0	7.0	1.0	5.0	1.0
	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>
Less events post	87	90.6	132	91.0	127	85.2
Same no. pre and post	2	2.1	4	2.8	10	6.7
More events post	7	7.3	9	6.2	12	8.1
<b>Total</b>	<b>96</b>	<b>100.0</b>	<b>145</b>	<b>100.0</b>	<b>149</b>	<b>100.0</b>

The slightly higher percentage of Drug Court terminates and completers who had less apprehension events post intervention compared with prisoners may be suggestive of a possible Drug Court effect on re-apprehension (as opposed to a Drug Court *completion* effect), especially considering that nearly half of all Drug Court terminates had at least 6 months on the program. However, the difference between the drug court groups and the prisoner group was not statistically significant, which indicates that it may have occurred simply by chance.

These results may appear to contradict the earlier survival analysis finding that Drug Court completers had a lower incidence of re-apprehension compared with terminates or prisoners. However, the incidence of re-apprehension only considers whether or not a person was re-apprehended (i.e. zero apprehensions vs one or more) - it does not take into account any differences in the total number of apprehensions for those that were re-apprehended. The difference between completers and the other two groups in the percentage that had no incidence of apprehension in the 12 months post intervention (48% compared with 41% for both terminates and prisoners) was not large enough to produce a significant difference in the overall number of apprehension events between the groups over the same period.

### **Property apprehension events**

Given the strong association between drug dependence and property offending, the same analysis was conducted for property apprehension events only, with the results shown in Table 20. Offenders with no property events in the 12 months before intervention were excluded from the analysis (48 completers, 73 terminates and 135 prisoners). This exclusion substantially reduced the number of offenders in the analysis, but also improved the comparability of the groups in relation to pre intervention offending. As shown in Table 21, Drug Court completers had a mean of 8.6 property apprehension events prior to Drug Court, compared with 8.3 for Drug Court terminates and 7.8 for prisoners.

As with total apprehension events, all three groups had statistically significant reductions in the number of property apprehension events after intervention<sup>9</sup>, reducing to a mean of 1.1, 1.6 and 2.4 events respectively for completers, terminates and prisoners. Overall, just under 90% of Drug

<sup>9</sup> Wilcoxin signed ranks test: Completers, Z= -5.785, p<0.01; Terminates, Z= -7.105, p<0.01; Prisoners, Z= -4.500, p<0.01.

Court completers and terminates had fewer event post intervention, compared with 78% of prisoners. Again, the higher percentage of Drug Court terminates and completers who had less apprehension events post intervention compared with prisoners may be suggestive of a possible Drug Court effect on re-apprehension for property events. However, the difference between the Drug Court groups and the prisoner group was not statistically significant, indicating that the result may be due to chance.

**Table 20. Number of property offence apprehension events in 12 months free time before and after intervention**

	Completed		Terminated		Prisoner group	
	Pre	Post	Pre	Post	Pre	Post
Mean no. of events	8.6	1.1	8.3	1.6	7.8	2.4
Median no. of events	7	0	7	1	8	1
	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>
Less events post	44	89.8	67	89.3	32	78.0
Same no. pre and post	1	2.0	3	4.0	1	2.4
More events post	4	8.2	5	6.7	8	19.5
<b>Total</b>	<b>49</b>	<b>100.0</b>	<b>75</b>	<b>100.0</b>	<b>41</b>	<b>100.0</b>

Overall, while the frequency of re-apprehension did reduce significantly for Drug Court completers, it did not reduce to a greater extent than Drug Court terminates, or to a statistically significant greater extent than offenders who were imprisoned, for total events or for property events only. It is therefore not possible to conclude that completion of, or participation in, the Drug Court between 2004 and 2008 reduced the frequency of re-apprehension to a greater extent than imprisonment.

### Severity of offending

This section assesses whether completion of the Drug Court program between 2004 and 2008 reduced the seriousness of apprehension events to a greater extent than imprisonment.

To address this, the percentage of most serious apprehension events classified as minor, moderate or serious before intervention were compared with the percentage post intervention for each of the three groups. Only those offenders who were re-apprehended post intervention were included in this analysis.

As shown in Table 21, all groups experienced reductions in the severity of the apprehension event post intervention, with increases in the percentage of most serious events that were classified as minor or moderate and decreases in the percentage that were classified as serious. Specifically:

- The percentage of completers whose most serious event was minor rose from 2.9% pre Drug Court to 8.6% post Drug Court. However, this was the lowest increase of the three groups, with the percentage of prisoners in the minor category increasing from 6.2% to 27.4% post intervention.
- Across all groups the proportion of repeat offenders to record a serious event in the post-intervention period was much lower. Seven-in-ten completers (71.4%) recorded a serious event prior to Drug Court compared to around half (51.4%) post-Drug Court. However, terminates and the prisoner group showed even greater reductions in the number of serious events with the proportions decreasing from 71.8% to 36.3% and from 80.8% to 34.9% respectively.

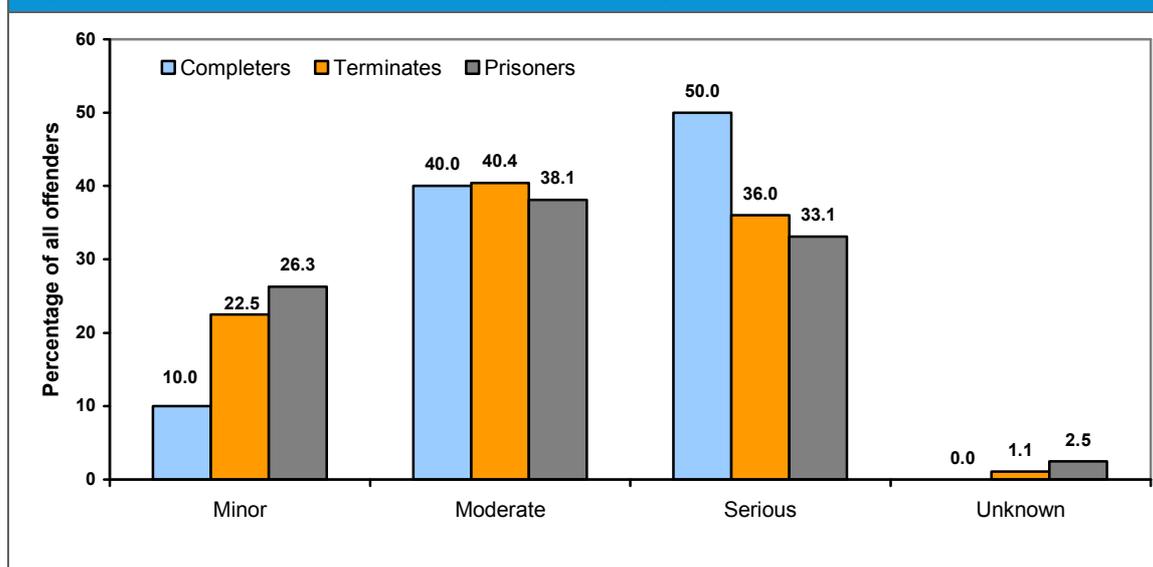
**Table 21. Most serious event incurred (based on the major charge) in equal free time before and after intervention (of those who recorded a criminal event post intervention)**

Most serious event	Completed (n=70)		Terminated (n=124)		Prisoner Group (n=146)	
	% Pre	% Post	% Pre	% Post	% Pre	% Post
No event*	1.4	0.0	4.0	0.0	3.4	0.0
Minor event	2.9	8.6	4.0	21.8	6.2	27.4
Moderate event	24.3	40.0	20.2	40.3	9.6	35.6
Serious event	71.4	51.4	71.8	36.3	80.8	34.9
Unknown	0.0	0.0	0.0	1.6	0.0	2.1

\* A small number of offenders with limited follow-up free time post intervention did not have any events in the equal free time period pre intervention.

Of particular interest is the change in seriousness amongst those categorised as serious offenders prior to intervention. This represents 71.4% of completers, 71.8% of terminates and 80.8% of prisoners who recorded a criminal event post intervention. As shown in Figure 7, 10% of completers who were serious offenders prior to Drug Court were apprehended for minor events only following intervention, compared with 22.5% of terminates and 26.3% of prisoners. At the other end of the scale, half of the completers group who were serious offenders prior to Drug court were apprehended for events at the same level of seriousness post program, compared with approximately one-third of terminates and prisoners.

**Figure 7. Post-intervention events recorded by serious pre-intervention offenders**



Overall, while the severity of re-apprehension events did reduce substantially for Drug Court completers, it did not reduce to a greater extent than Drug Court terminates or prisoners. It is therefore not possible to conclude that completion of, or participation in, the Drug Court between 2004 and 2008 reduced the severity of apprehension events to a greater extent than imprisonment.

One possible explanation for this result is that prisoners and Drug Court terminates (who are most likely to commence a prison term after termination from the Drug Court) may have a greater level of supervision post intervention compared with Drug Court completers who are more likely to receive a suspended sentence. Closer monitoring of offenders may be more likely to impact on the severity of their offending behaviour, particularly if they believe that the likelihood of apprehension has increased.

## Conclusion

This study used police apprehension data, combined into criminal events, to measure the effectiveness of the Drug Court program 2004 to 2008 on re-offending behaviour. It examined the outcomes for offenders who successfully completed the program and those who were terminated or withdrew, over a five year period. A prisoner comparison group was also chosen to represent what may have happened to the participants had they not been accepted on to the program.

### ***Incidence of re-apprehension***

Overall, the study found that offenders who managed to remain on and successfully complete the program had a slightly lower incidence of re-apprehension and took longer to be re-apprehended than either terminates or the prisoner group. Just over two-thirds (68%) of completers were re-apprehended for a new criminal event in the two years following the program, compared with 78% and 79% for terminates and prisoners respectively.

Re-apprehension rates for drug events were also lower for completers than terminates (5% were re-apprehended within two years compared with 13%). However, there was no difference between the groups in the incidence of re-apprehension for property offences.

### ***Frequency of re-apprehension***

All three groups recorded significant reductions in the frequency of re-apprehension in the 12 months free time post intervention, indicating that both Drug Court and imprisonment have positive impacts in reducing recidivism (for both total events and property events only). The higher percentage of completers and terminates who recorded fewer apprehensions post program compared with prisoners is suggestive of a possible Drug Court effect on the frequency of re-offending. However, the difference was not statistically significant, indicating that the result may be simply due to chance.

### ***Severity of re-apprehension***

*Amongst those who were re-apprehended following intervention*, all three groups recorded substantial reductions in the severity of the apprehension events. Specifically, 71.4% of completers recorded a serious event prior to Drug Court compared to around half (51.4%) after leaving the Drug Court. However, terminates and the prisoner group showed even greater reductions in the number of serious events with terminates decreasing from 71.8% to 36.3% and the prisoner group decreasing from 80.8% to 34.9%. One possible explanation for this result is that prisoners and terminates are more closely monitored post imprisonment compared with completers post Drug Court.

### ***Intake and assessment***

While these results provide support for the positive impact of the South Australian Drug Court on the incidence of re-apprehension, it also highlights the importance of the intake and assessment process. The need to better identify whether individuals will succeed or not was raised in other evaluations of Drug Courts. The evaluation of the NSW Drug Court noted that costs could be reduced by better targeting those who are likely to respond well to the program and removing non-compliant offenders sooner in the process (Lind et al, 2002). These issues were also raised by Makkai & Veraar (2003) in their evaluation of the South East Queensland Drug Court where they reflected on the importance of continuing to refine the Drug Court processes and procedures, such as intake and termination criteria, to ensure it remains effective.

### ***Data issues***

With regard to any future evaluations of the South Australian Drug Court, the following data issues are raised:

- The Drug Court database would benefit from the inclusion of the apprehension number of each individual accepted on to the program to assist with the matching of criminal history records. Currently this matching process occurs manually, which is very time consuming.
- The current database contains a field to indicate whether a participant has been issued a certificate of graduation, however, very few of those who completed the program were

recorded as having received a certificate. It is not clear whether this information is not being recorded or only a very small number of participants are actually considered to have successfully graduated. This has implications for the classification of participants as it is possible that some completers in this study are not actually 'successful' even if they completed the program in its entirety.

### **Summary**

The study showed a small program treatment effect, with the incidence of re-apprehension (i.e. the percentage of persons who had at least one apprehension event) lowest amongst participants who successfully completed the program. In addition, of those who did re-offend, completers were significantly longer in the time to their first event than either terminators or a prisoner comparison group. This effect was noted up to two years post intervention suggesting a relatively sustained impact.

The lower incidence of re-apprehension for completers was not sufficient, however, to give completers a significantly greater reduction in the overall frequency of re-apprehension compared with terminators and prisoners. In addition, despite a notable decrease in severity, completers recorded the lowest reduction in severity of apprehension events post program of the three groups. The reasons for this are unclear. It is possible that there may be differences in the level of supervision between the groups following intervention, or other factors at play, which may have impacted upon the nature of their re-apprehension.

It is noted, however, that this study predominantly reflects the outcomes of the Drug Court prior to the introduction of the more intensive treatment program in 2008. It would therefore be useful to examine whether the introduction of the more intensive program has had a greater impact on both completion rates and re-apprehension outcomes for participants.

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