



Department of the Attorney General  
Government of Western Australia

# A review of the Perth Drug Court



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## List of Abbreviations

Abbreviation	Meaning
ANCO	Australian National Classification of Offences
BIR	Brief Intervention Regime
CATS	Court Assessment and Treatment Service
CBC	Community Based Corrections System
CBO	Community Based Order
CDS	Court Diversion Service
CHIPS	Court Higher Information Processing System
CRC	Crime Research Centre
CTO	Compulsory Treatment Order
DCR	Drug Court Regime
DCS	Department of Corrective Services
DOJ	Western Australia Department of Justice
INOIS	Integrated Numerical Offender Identification System
ISO	Intensive Supervision Order
NIDS	National Illicit Drug Strategy
OPI	Offender Profile Index
PDC	Perth Drug Court
POP	Pre sentence Opportunity Program
PSO	Pre Sentence Order – an order of up to 24 months to allow the judicial management of offenders
RTCQ	Readiness to Change Questionnaire
STIR	Supervised Treatment Intervention Regime
TCUDS	Texas Christian University Drug Dependence Screen.
TOMS	Total Offender Management System

## Executive Summary

As part of its approach to addressing issues associated with drugs and crime, Western Australia justice services have developed a comprehensive strategy to treat substance dependent offenders that uses diversion as a means of encouraging offenders to enter treatment. One diversionary measure is the Perth Drug Court, which has been in operation in Western Australia since December 2000.

The specific interventions offered by the Perth Drug Court have evolved since 2000 in response to court and offender needs. Over the period of this review – December 2000 and December 2003 – three broad intervention types were offered by the Drug Court:

1. brief intervention regime (BIR), which operated as a pre-sentence option for offenders who pleaded guilty to a second or subsequent cannabis possession charge;
2. supervised treatment intervention regime (STIR), which was also a pre-sentence option for offenders who acknowledged substance abuse problems and been charged with a minor offence; and
3. Drug Court regime (DCR), which is a more intensive treatment intervention for those whose offending and/or substance use behaviours were more serious and required a more intensive level of intervention and supervision.

The Perth Drug Court was comprehensively evaluated by the Crime Research Centre in 2003. This review is less complex and focuses on measures of recidivism (in the two years following completion of the program) and compares Drug Court outcomes with the results of dealing with offenders by traditional correctional responses. The review also updates information about the cost of the Drug Court and other correctional responses to these offenders.

This review found strong evidence that involvement in a Drug Court program had a positive effect in reducing the level of re-offending among individuals charged with a drug-related offence. The Drug Court was found to be associated with a net reduction in recidivism of 17.0% over prison and 10.4% over community corrections.

	Drug Court	Prison	Community
Did not return to corrections due to new offending	46.4%	29.4%	36.0%
Benefit from Drug Court involvement		17.0%	10.4%

Analysis of the types of offending in these three cohorts – Drug Court, prison and community based offenders – also indicated different patterns of offending. Those sent to prison were more likely to have a history of break and enter offences and motor vehicle theft (the majority of their “other thefts”), while the Drug Court cohort were more likely to have committed fraud and theft prior to commencing the Drug Court program.

The Drug Court was established to provide a diversionary strategy for “a range of drug abusing offenders, from minor to serious” (Crime Research Centre, 2003). The range of pre-program offences committed by those in the Drug Court cohort did have a wide distribution of offence severity. While this study is focused on the recidivism of offenders completing their sentences in 2003, it is important to note that, as part of the evolution of the Court in Western Australia, there has been a move toward more individuals with more medium to major offending being dealt with by the court, with many participants now having a Pre-Sentence Order (PSO). More minor matters are increasingly referred to the Pre-sentence Opportunity Program (POP), which was first piloted in March 2003<sup>1</sup>.

Perth Drug Court Magistrate Dr King (2006) stated that “drug courts usually involve more serious offenders and a more intense program over a longer period than court diversion programs, with ongoing judicial case management, residential and/or community based treatment, urinalysis, the use of penalties (including incarceration), behavioural contracts and graduation ceremonies.” The Western Australian model is consistent with this focus and allows more serious offenders to be dealt with through an intensive structured program.

People who had been through the Perth Drug Court also exhibited a reduced frequency of burglary offences and had substantially fewer drug-related offences in subsequent offending. While half the Drug Court sample did not reoffend, the rate of burglary declined to one quarter the pre-program rate – suggesting a change in the pattern of offending in those recidivist offenders.

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<sup>1</sup> Dr MS King, Magistrate Perth Drug Court – personal communication.

	Community Justice Services		Prison		Drug Court	
	Pre (%)	Post (%)	Pre (%)	Post (%)	Pre (%)	Post (%)
Against Person	13.3	10.0	0.0	7.9	3.6	3.6
Break & Enter	28.0	13.3	57.9	25.7	14.4	3.6
Robbery	10.7	8.0	3.7	5.1	1.0	0.5
Fraud	6.0	1.3	1.4	2.3	19.6	5.7
Other theft	16.0	0.7	20.6	10.7	21.1	8.8
Drug related	14.0	5.4	1.4	7.5	18.5	0.3

Recent work conducted by the Crime Research Centre at the University of Western Australia (CRC)<sup>2</sup> has reinforced the link between drug use and burglary, to the extent that drugs and cash were identified as the “dual currency” received in exchange of stolen goods. The CRC data demonstrated that the most important initial avenues for disposal of stolen goods were drug dealers, fences and family and friends of burglars. It was clear from their study that the demand for, and prevalence of, drugs in the selling or trading of stolen goods was very high. In light of this link, it is not surprising that dealing with drug dependency reduced the occurrence of burglary.

When considered in summary, the offender management costs associated with the Drug Court were higher than a community order (estimated to be \$16,210 verses \$7,310 per offender), but lower than a prison sentence (estimated at \$93,075). However, when the different rates of recidivism were also considered, and the cost of just one of these recidivist episodes taken into account, the Drug Court became more cost effective in a global sense – while costing more per individual in direct correctional and court costs perspective the ongoing cost of crime showed that the Drug Court had a much better social outcome.

In drawing conclusions from this review, the amount of reliable data and reporting systems for the Drug Court reduced the findings that could be made. It is clear that the evaluation of the effectiveness and efficiency of the Court was never allowed for in the development of the Court’s systems and was not embedded in the processes around the operation of the Court. While there are legitimate systems and operational reasons why

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<sup>2</sup> Clare, J. and Ferrante, A. (2006), “Known” Burglars and the Stolen Goods Market in Western Australia: Program Report. Perth: Crime Research Centre

this is the case, nonetheless it should remain the long term objective of managers of these programs to build greater accountability through enhanced data systems.

## Recommendations

The primary aim of this review was to consider the recidivism of drug users who have had different justice interactions – namely community corrections, prison and the Drug Court, based on a review of existing administrative data.

The analysis showed the Drug Court was an adaptive regime that had actively evolved since 2003 in response to changed legislation and programmatic opportunities. The Drug Court makes a significant contribution by the justice system to the management of a broad community, social and health issue. This resource use and the continued adaptation of the court should be evaluated on an ongoing basis.

In summary:

- 1. The Department of the Attorney General and Department of Corrective Services should review the management of the waiting list to more accurately assess the unmet demand for the court and consider options to meet this demand.**

The reviewed evidence showed that Drug Court involvement had a beneficial effect on recidivism – with participants being 17.0% less likely to return to correction than prisoners and 10.4% less likely than those on community orders. Despite this apparent success, it appears that the court needed more resources and CATS staff to meet demand (as indicated by the need to set up a waiting list for the Court).

- 2. Additional work should be undertaken to assess the cultural relevance of this model and develop services and strategies to attract more Aboriginal offenders.**

The inability of the court to attract Aboriginal offenders is of concern. While information on ethnicity is not universally collected, it is clear that the court does not have the proportional representation of Aboriginal offenders.

**3. Subsequent evaluations of the outcomes of the Drug Court should include a detailed qualitative analysis of substance using offenders from Drug Court, CJS and prison cohorts.**

This would enable a better understanding of the factors influencing drug use and associated offending behaviours. It would also provide an opportunity to determine the characteristics of offenders who succeed or fail in their involvement with the Drug Court. Increased cost savings and improved court outcomes may be achieved by referring those offenders to Drug Court who have the best possible chance of benefiting from the experience.

**4. Future evaluations should make an assessment of “what works” in terms of the services being delivered.**

It would be advantageous to have more detail on what programs had been completed and more detailed information on the services received by each offender. It can be assumed that “what works” involved a mix of interventions provided in the right way at the right time. The rate of change in the Drug Court delivery processes would suggest that greater analysis of the impact of these changes should be carried out.

**5. Improve the collection and storage of effectiveness and management data.**

The CRC highlighted issues concerning the collection of adequate data to enable a thorough assessment of the operation of the court. This review experienced problems with the collection, recording and retrieval of information, which impacts on the ability to effectively monitor and assess operations and impact of the Perth Drug Court. Some of these issues are currently being addressed in an attempt to improve the rigor of subsequent evaluations. The number of clients involved, as well as the resources involved, not only for the Departments but for WA Police, Legal Aid and the Office of the Director of Public Prosecutions mean that the Perth Drug Court would significantly benefit from regular and rigorous analysis in terms of its objectives and the ongoing cost of achieving these. Additional data items that could be collected are discussed at Appendix 2.

## 1 Introduction

As part of its approach to addressing issues associated with drugs and crime, Western Australia has developed a comprehensive strategy to treat substance dependent offenders that uses diversion as a key means of encouraging offenders to enter treatment.

Offenders who are arrested on a first-time cannabis possession charge can be diverted from the criminal justice system into education and treatment programs at the point of arrest, or at their first court appearance. Offenders who have more entrenched substance using or criminal histories have access to a range of diversion initiatives at the pre-sentence and sentencing stages of the criminal justice process. Those who serve a term of imprisonment can be offered appropriate forms of intervention to address their drug habit while in the prison system. It is hoped that this range of strategies, available both in the community and in a custodial setting, provides a means to match the treatment needs of offenders. The aim of all diversion strategies is to reduce offending behaviour and generate an increase in community safety.

Western Australia has used diversion as a strategy for substance dependent offenders since the mid to late 1980s. In 1986 a committee comprised of treatment agencies, academics, offender management officers and the judiciary was formed to examine the feasibility of establishing a diversion service for offenders in Western Australia with substance use problems. This led to the establishment of the Western Australian Court Diversion Service (CDS) in 1988, which had a role to service the Drug Court. The functions of the CDS were largely incorporated into the Court Assessment and Treatment Service (CATS) in 2000.

One of the advantages of CDS being a non-legislated, pre-conviction and/or pre-sentence diversion was the ability to adapt to the different requirements of the judiciary, legal professionals, treatment agencies and offenders regarding the efficacy of treatment and the role of diversion within the criminal justice system. However, it was also this adaptability and the lack of legislative support available to the courts for diversionary options that generated concern. In response to these concerns the then Ministry of

Justice and the West Australian Drug Abuse Strategy Office (WADASO) commissioned a feasibility study to examine the establishment of a Drug Court within Western Australia. This study (Edith Cowan University, 1999) was completed in February 1999 and suggested that there was scope to establish a Drug Court in the Western Australian criminal justice system, in part, to complement and expand upon the services provided by the CDS.

This review used administrative data to consider the impact of the current Drug Court programs on the longer term offending of participants. A common measure of recidivism used by corrective services departments and by the Australian Productivity Commission is return to corrections within a two year period – recorded as recidivism – this measure has been adopted here.

This review considered all offenders who participated in the Drug Court between December 2000 and December 2003 and then tracked their involvement with correctional services over a two year period (from the end of their involvement with the Drug Court). As a comparison, the recidivism rate of two other groups of offenders was also tracked – prisoners post-release and offenders at the end of their community based correctional orders. This involved offenders who had either drug-related convictions or drugs were noted as a significant issue in their life. They were further matched to the Drug Court group by applying similar selection criteria used by the programs (for instance only Perth based offenders were used).

Previous studies have noted the insufficient data systems established around this court and the subsequent impact that this has on attempts to manage and evaluate it. Within the constraints imposed by the availability of data, this evaluation could only examine the impact of the Drug Court and its associated diversion strategies in relation to re-offending, and the costs associated with operating a specialist Drug Court program.

## 2 Drug Court diversion

The path adopted by Western Australia has been to develop a diversion model which tailors the response of the criminal justice system to both the level of substance use by an offender and to that individual's level of offending. This approach is multifaceted as it involves a number of sentencing options, different treatment interventions and varied levels of supervision.

Initially three levels of intervention were proposed. These varied in treatment intensity and in the level of supervision required for the offender. During the period of this review, three types of intervention operated in the Drug Court. These were:

- 1) brief intervention regime (BIR), an intervention designed to operate as a pre sentence option for offenders who had pleaded guilty to a second or subsequent cannabis possession charge. This intervention was confined to the offender attending three group sessions of a drug education program;
- 2) supervised treatment intervention regime (STIR), a pre sentence option for offenders who had acknowledged substance abuse problems and had been charged with a minor offence. This intervention offered treatment for drug dependency and supervision of the offender; and
- 3) Drug Court regime (DCR), a more intensive program offering treatment intervention for those offenders whose offending and/or substance use behaviours were more serious and required a more intensive level of intervention and supervision. DCRs utilise judicial authority to supervise and support the offender's participation in treatment and rehabilitation.

As is the way with many specialist courts, the interventions offered by the Perth Drug Court have evolved since 2003. Such evolution is a response to many issues including perceived need and the difficulties inevitably encountered in the implementation and management of new and complex programs. While the changes since 2003 are somewhat out of the scope of this study, which assesses offenders managed in the Drug Court from 2000-2003, an update on the current configuration of the court has value to understanding the data collected.

A significant change was the BIR becoming obsolete due to changes in legislation relating to cannabis use. In addition, it was expected that STIR, designed as a mid-range intervention for individuals with a moderate level of offending and some degree of community based supports, would account for the majority of cases managed within the Drug Court. While the third regime, DCR, was anticipated to be used for offenders with more severe offending and drug use issues, and fewer readily available supports.

In practice, STIR has been utilised far less often than originally anticipated and DCR has become the norm for Drug Court intervention. Pre-existing legislation meant the time available for an offender to work with a Drug Court regime was approximately four months, which led to the DCR, with its intensive intervention requirements, being the only appropriate program for the majority of offenders.

The introduction of pre-sentence orders (PSOs), which relate to matters subject to summary sentencing, had a further significant impact on the Drug Court, which currently operates with two regimes – the DCR and the PSO. DCR became used in a manner similar to the STIR for participants whose sentencing was not considered to warrant imprisonment and therefore precludes the imposition of a PSO. The DCR was also used for the judicial case management of defendants required to appear before a superior court who have perhaps not previously been considered for Drug Court participation. It may also include those who had previously been involved in the Drug Court, recognising that the process of recovery from addiction may take several attempts. The participant must go through the usual assessment processes and be accepted into a probationary Drug Court program pending disposition by the District Court. Commonly, the District Court will use a PSO with a condition that the offender is supervised by the Drug Court.

Once engaged in the Drug Court process and subject to the imposition of a PSO, the only alternative for an offender who fails to comply with the program imposed by the Drug Court is imprisonment (whether served immediately or suspended). PSOs are now the norm and DCRs are not as frequent as PSOs, showing how the court has been dealing with more medium to serious offenders<sup>3</sup>.

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<sup>3</sup> Dr MS King, Magistrate Perth Drug Court – personal communication.

Recent developments in programs offered, such as the introduction of the Pre-Sentence Opportunity Program (POP) and the Indigenous Diversion Program (IDP) will be reviewed in subsequent reports as these newer interventions have not been in place for sufficient time to allow for an adequate follow up period. It is generally accepted in research fields that two years follow up post-programmatic intervention is necessary to assess the impact of any new program, or new program initiatives on offending behaviour.

The post-sentencing option for substance abusing offenders involves the use of either Community Based Orders (CBO) or suspended terms of imprisonment with conditions. (Note: legislative amendments to enable the imposition of a suspended sentence with treatment conditions are currently being considered, but not being used by the Drug Court at present). In this option, offenders will be sentenced and their sentence will incorporate treatment for drug use, supervision and other conditions, which could include a residential requirement, as appropriate.

### **3 Review of the Drug Court project**

The Perth Drug Court has been in operation in Western Australia since the commencement of the Perth Drug Court Pilot Project (PDCPP) in December 2000. Between its inception and December 2003, an average of 96 referrals per month had been made from the Court of Petty Sessions, the District Court and the Children's Court (Crime Research Centre, 2003) with the overwhelming majority of referrals (85.7%) originating from the Court of Petty Sessions. This potentially puts the annual participants in the Perth Drug Court at over 1000 and therefore implies a significant investment in resources over this period.

In May 2003, the Drug Court Pilot Evaluation Report was completed by the Crime Research Centre (CRC) at the University of Western Australia. The general findings of this report were:

- those who had completed a Drug Court program had lower rates of re-offending;
- there was no significant difference between rates of recidivism based on the type of program completed; and
- probabilities of re-arrest were slightly lower for program completers in comparison to other offenders with an acknowledged drug problem and there was a longer median time to fail.

The CRC evaluation noted a longer period of time for recidivism analysis was important to determine the effectiveness of the operation of the Drug Court.

This review was based on analysis conducted on data relating to referrals to the Drug Court from December 2000 to December 2003. To enable an adequate follow up period for the assessment of re-offending, December 2005 was used as the cut off date for re-offending follow up.

Information relating to ethnicity, the type of Drug Court intervention received, the date Drug Court intervention was completed and any subsequent offending was not recorded or accessible for all individuals who had a referral to the Drug Court. For individuals who had had contact with Community Justice Services (CJS), information relating to

the end date of the CJS involvement was also not always accessible. The size of the Drug Court and community justice cohorts available for this review was reduced accordingly.

It should be noted that interpretation of results around the effectiveness of the court should be interpreted with some caution for the following reasons:

- data collection and retrieval across court and criminal justice databases varies and is dependent on the manual coding of large quantities of information on each offender – such coding tasks are inevitably open to error;
- this study focused on administrative data only and did not engage directly with offenders. Therefore, the numerous non-quantifiable factors impacting on individuals involved with the criminal justice system and the influence their offending patterns are not considered; and
- at the level of the individual offender there are changes associated with their social maturity, employment opportunities, peer group affiliations and health and family which will impact on patterns of offending behaviour. These impacts are independent to their involvement with any correctional or court service.

The efficiency of the Drug Court was narrowly considered in this review – simply in terms of recidivism and simple cost comparisons to other ways of dealing with offenders. Evaluations from Drug Courts in other jurisdictions (North American) have shown positive cost-effectiveness when compared to mainstream justice procedures as well as reductions in re-offending post treatment (Carey and Finigan 2003), however, these results are not transferable to a Western Australian context. Within the West Australian context the Drug Court occupies a unique position in regards to its inter-government, inter-agency and internal inter-divisional components which the review has attempted to capture. Australia does not have a detailed cost of offence analysis, so a cursory analysis of the societal cost saving from reduced reoffending has been presented.

## **4 Methodology of this review**

### **4.1 Scope of this report**

This review provides:

1. rates of recidivism among the Drug Court sample in comparison to those offenders who were dealt with by mainstream justice procedures; and
2. insight into the possible cost savings resulting from the Drug Court's operation.

While not designed to consider each outcome of the Drug Court and its associated diversion strategies the evaluation acknowledges these stated goals of the court:

- reduced recidivism and re-arrest rates;
- reduced substance use and addictions;
- reduced number of offenders with substance use problems and addictions being imprisoned;
- reduced post-treatment supervision requirements of offenders, who have participated in a treatment program; and
- cost savings to the community and government.

The review had intended to analyse quantitative data to provide an overview of referrals, BIR, STIR and DCR participation, as well as program compliance indicators, program non-compliance indicators and details regarding completion and termination rates. However, the lack of available data did not support this level of analysis.

The overall aim of the review was restricted to establishing the effectiveness of the Perth Drug Court in relation to cost efficiency and reoffending behaviour. A number of objectives were identified to achieve this aim. These included:

- greater definition and understanding of the role and purpose of the Drug Court, as well as that of its various components and processes;
- understanding of rates of recidivism in the Drug Court as compared to those recorded through mainstream criminal justice procedures; and

- provision of an up to date cost analysis, including the costs of recidivist crime, as compared to mainstream criminal justice procedures to contribute to gauging the effectiveness of the Drug Court and the calculation of subsequent costs/benefits.

## **4.2 Data used in the evaluation**

Data for these analyses were obtained from the Department of Justice from the Community Based Corrections System (CBC), CHIPS (Courts Higher Information Processing System) and TOMS (Total Offender Management System) database.

The dataset obtained covers offenders referred to the Drug Court from the inception of the Drug Court on 4 December 2000 to the 31 December 2003. CHIPS data for 2004 and 2005 was used to follow offenders for a minimum of two years post initial court presentation to measure recidivism.

Data was analysed using the statistical analysis package SPSS 11.5.

In order to determine if the Drug Court is more effective in reducing recidivism for a certain population of offenders, in comparison to similar populations who have not been through a Drug Court program, it was necessary to select comparison groups.

Currently, in Western Australia, referral to the Drug Court occurs according to a referral process based on eligibility criteria. As random allocation at the referral stage does not occur there is no control group for use in an “experimental” style of research. To overcome this, it was decided to compare the offending pathways of those completing the Drug Court program to two other groups who had received services from the Department of Corrective Services. These services were not necessarily focussed on addressing substance use issues, but may have provided some resources for this purpose. It should be noted, however, that there is no way of ascertaining if members of the comparison cohorts had received any assistance with drug or alcohol issues.

The comparison groups consisted of two cohorts:

1. individuals who had received services in the community from a metropolitan Community Justice Services (CJS) office; and
2. offenders who had been released into the community after serving a sentence in a metropolitan prison.

In order to have comparison groups similar to the Drug Court cohort, selection of the CJS and prison cohorts was also predicated on each individual possessing a recognised problem with substance use.

The CJS sample consisted of offenders with a level of offending that would make them eligible for the Drug Court and who had been placed on, and completed, a Community Based Order between 2000 and 2003. This sample was identified as having a substance use problem through obtaining a case needs score of 3 on the Department of Corrective Services' ACAMM<sup>4</sup> substance use questions (3 being the highest score indicating it was a significant problem).

The prison cohort was based on prisoners who had exited a metropolitan custodial facility between 2000 and 2003 (first exit for that period only) and who had been identified as having a substance use problem based on a "high need" classification score on the Department of Corrective Services' AIPR substance abuse checklist<sup>5</sup>. The level of drug use in both cohorts would also have made them eligible for a Drug Court intervention.

The selection of these other two cohorts also considered the selection criteria for entry into the Drug Court program, taking into account factors such as regional location.

Table 1 considers the value of the comparison groups used in this study. While it is clear that the pre-offences of the three cohorts differ (with the Drug Court cohort being

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<sup>4</sup> The ACAMM is the risk assessment and management tool used by Community Corrections Officers to assess the supervision and support needs of offenders.

<sup>5</sup> The AIPR is a general assessment check list used on all prisoners, it covers a range of social and criminogenic issues.

generally lower seriousness offenders), they are sufficient to allow analysis of the different outcomes of different correctional responses.

**Table 1. Rating of comparison groups suitability for a “fair test”**

Checklist	Meets requirements	Comments
Meaningful outcome measure	Yes	Re-arrest measured at least two years following completion of the intervention
Meaningful comparison group	Partial	Comparison group matched on metropolitan area residence and legal variables in relation to the Drug Court sample. Not matched on drug use history. Not matched on choice of drug. Not matched on readiness or motivation to change.
Fair comparison	Yes	Matched offender for every Drug Court offender in the recidivism analysis.
Components of intervention documented	Partial	Components of Drug Court treatment are documented. Unknown if members of comparison groups received treatment for substance use.

The level of demographic data provided for the prison and community justice cohorts was generally more detailed than the Drug Court sample. The Drug Court sample relied largely in the Courts database (CHIPS). As it is not the current practice for demographic and related data to be entered on this database, or completion information about the Drug Court program, the information was not always available for analysis.

## 5 Descriptive analysis

The descriptive analysis of the Perth Drug Court review was designed to provide quantitative information on offender characteristics and the flow of offenders through the Drug Court, including referrals, placements on programs, activity on programs and outcomes.

Between inception on 4 December 2000 and 30 September 2005, 920 offenders had been referred to the Perth Drug Court. This represented an average of 16 offenders referred per month. In all, some 1,178 referrals were made for this period, as some offenders were referred more than once.

For the purpose of assessing recidivism any referrals relating to juveniles were removed. Juveniles involved with the criminal justice system present with a range of issues and adaptive behaviours that are not always amenable to change via the operation of interventions designed to address the needs of adults.

The removal of Children's Court referrals left 775 individual adults who had been referred to the Drug Court. Of these referrals, it would appear, from this data, that 311 individuals were accepted into Drug Court programs. Most referrals were accepted within one week of being made. The reason that the 464 referrals were not accepted is known.

Magistrate King commented that "the Perth Drug Court has a greater demand for places than it can meet and has instituted a waiting list to deal with the situation".<sup>6</sup>

### 5.1 Drug Court cohort

For the review period for this study (4 December 2000 to 31 December 2003) a total of 250 people were identified as accepted into the program, of which 166 were recorded as having completed (66.4%), 35 did not complete (14%) and the outcome for 49 (19.6%) was unknown.

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<sup>6</sup> Dr Michael S King, *Challenges Facing Australian Court Drug Diversion Initiatives*, Keynote address, Court Drug Diversion initiatives Conference, Brisbane, May 2006.

The known demographics on these 250 were:

- Gender – 71% male, 27% female, 2% unknown
- Aboriginal – 3% Aboriginal, 34% non-Aboriginal, 63% unknown
- Age – 3% juveniles, 96% adults, 1% unknown.

Most of the 250 had been referred only once (77.2%), but a sizable group had two referrals (18.4%), with a small number gaining 3 to 4 referrals (4.4%). Most had also been accepted only once (84%), but 14% had been accepted twice and 2% three times.

The total level of offending for this group (pre and post Drug Court) was varied, but for most there were a significant history of involvement with courts.

**Table 2 Court appearances - Drug Court cohort (December 2000 - December 2005)**

Prior Offences	Individuals	Percent
1	33	13.2
2 to 5	83	33.2
6 to 9	67	26.8
10 or more	67	26.8
Total	250	100.0

The actual Drug Court cohort used for the recidivism comparisons consisted of 194 individuals for whom sufficient data was available to track their recidivism. There were 51 females and 143 males in this sample, ranging in age from 23 to 53 years. The majority of these individuals, around 75%, were aged between 24 and 35 as at December 2005.

Unfortunately, data on ethnicity was incomplete. However, the available data suggested few Aboriginal people accessed the Drug Court during the years under examination. The reasons that may be underlying the lack of Aboriginal representation among Drug Court cliental lie outside the scope of this review.

The type of Drug Court regime completed is not available for 61 individuals in the cohort – of the remainder, 116 completed the more intensive DCR program and 17 finished the STIR program.

It should be noted that the types of interventions offered by the Drug Court have changed since its inception. This may account for missing information relating to the type of intervention completed for some individuals, as well as the general issues around data entry and data gathering discussed elsewhere in this report.

**Table 3 Type of Drug Court regime completed by gender**

Regime Completed	Count	Percent	Male – count	Female - count
DCR - Completed	116	59.8	85	31
STIR - Complete	17	8.8	14	3
Unknown	61	31.4	44	17
Total	194	100.0	143	51

The Drug Court cohort had 816 pre-program warrants in total that had resulted in contact with the court. This reduced to 295 following completion of Drug Court interventions. A further 32 people were imprisoned within two years of completing their contact with the Drug Court. The most recent, most serious pre and post program offences are presented in Table 4.

**Table 4 Pre and post offending – most recent most serious offence (Drug Court)**

	Pre Drug Court		Post Drug Court	
	Individuals	Percent	Individuals	Percent
No reoffending recorded			81	41.8
Imprisonment – no new offending <sup>7</sup>			9	4.6
Against person	7	3.6	7	3.6
Robbery and Extortion	2	1.0	1	.5
Break and Enter	28	14.4	7	3.6
Fraud	38	19.6	11	5.7
Receiving	9	4.6	5	2.6
Other Theft	41	21.1	17	8.8
Property Damage	8	4.1	1	.5
Off against Govt Security	1	.5	1	.5
Off against Justice Procedures	7	3.6	19	9.8
Weapons offences	4	2.1	3	1.5
Other offences Against Good Order	9	4.6	10	5.2
Possession/use Drugs	18	9.3	14	7.2
Deal / Traffic Drugs	15	7.7	4	2.1
Manufacture / Grow Drugs	3	1.5	2	1.0
Driving offences	4	2.1	2	1.0
Total	194	100.0	194	100.0

<sup>7</sup> Under a strict consideration of the definition of recidivism used in this report (return to corrections) these offenders are recidivists, despite not having commissioned any new offence. However in terms of reduced re-offending it should be noted that they have not reoffended.

Overall, four of ten offenders did not come back into contact with the correctional services in their two years post program as a result of committing a new offence. Justice good order offences (such as breach of an order) had increased in the post-program cohort, but this likely reflected the fact the individuals were subject to orders and therefore had the opportunity to be breached. Some offenders (9) also returned to prison because of a pre-program offence – but were not necessarily involved with the commissioning of new offences.

The number of offenders from the Drug Court cohort who were imprisoned post the court's involvement was 17%.

The data indicate the completion of a Drug Court program had a positive effect by significantly reducing the incidence of burglary, drug-related and fraud offences committed by the cohort. This was particularly significant in two respects:

1. The reduction in drug possession offences indicate Drug Court interventions were effective in encouraging individuals to re-assess their use of controlled substances, which meets one of the key goals of the Drug Court.
2. The reduction in burglary offences had the potential to have a significant positive impact in relation on community safety.

The following table shows the 'time to re-offend' – the time between program completion and the occurrence of the first re-offence.

**Table 5 Weeks between completion of drug program and offence up to Dec 05**

Weeks to reoffending*	Individuals	Percent
No new offending	90	46.4
4 weeks or less	13	6.7
5 to 8 weeks	11	5.7
9 to 12 weeks	6	3.1
13 to 25 weeks	21	10.8
26 to 52 weeks	21	10.8
52 – 104 weeks	32	16.5

\* This applies to the two year period from December 2003 to December 2005.

Relative to international data, a recidivism rate of 53.6% is relatively low for this type of offender. From this table it can also be seen that if a one year follow-up was used

instead of two years, a further 16.5% had not re-offended. These findings are not inconsistent with international studies<sup>8</sup>.

## 5.2 Prison cohort

A cohort of metropolitan offenders who had been imprisoned and released (first exit) between 2000 and 2003 was selected as a comparison group. This cohort was matched to the Drug Court cohort in relation to the type of offences committed; i.e. only those offenders who had committed offences that would not render them ineligible to attend the Drug Court. This cohort also matched drug addiction, as demonstrated through a ‘high need’ classification score on the Department of Corrective Services’ AIPR substance abuse checklist. A final sample of 214 individuals was used as the prison cohort.

In the prison sample of 214 individuals, 5 were female. This represented 2% of the sample, however underrepresented the female prisoner population, which is around 7%.

**Table 6 Pre and post prison offending – most recent most serious offences**

	PRE		POST	
	Individuals	Percent	Individuals	Percent
No reoffending recorded			63	29.4
Against person			17	7.9
Robbery and Extortion	8	3.7	11	5.1
Break and Enter	124	57.9	55	25.7
Fraud	3	1.4	5	2.3
Receiving	4	1.9		
Other Theft	44	20.6	23	10.7
Property Damage	5	2.3	1	.5
Off against Justice Procedures	6	2.8	3	1.4
Weapons offences	1	.5	2	.9
Other offences Against Good Order	3	1.4		
Possession/use Drugs	3	1.4	10	4.7
Deal / Traffic Drugs			3	1.4
Manufacture / Grow Drugs			3	1.4
Driving offences	13	6.1	16	7.5
Other – offence unknown			2	.9
Total	214	100	214	100

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<sup>8</sup> A recent meta analysis of drug treatment courts (Latimer, et al 2006) found that recidivism over various periods was 43%.

There were 67 Aboriginal people in the prison cohort (31%). While this under represented numbers compared to the number of Aboriginal people in WA’s prison population (currently 39.5%), the restriction to metropolitan offenders only accounted for this disparity, as the greatest concentrations of Aboriginal offenders are in regional prisons. Therefore, the number of Aboriginal prisoners in this cohort was greater than the proportion of Aboriginal offenders in the Drug Court cohort.

Post-release offending information was collected on the basis of the “most serious” offence for which an individual appeared in court. In the two years following first exit from prison, the data revealed a drop in the most common pre-prison offences (burglary and motor vehicle theft), however burglary continued to be represented as the most common offence following prison exit.

**Table 7 Time between release and return to corrections – Prisoner cohort**

Weeks to return	Individuals	Percent
No return to corrections	63	29.4
4 weeks or less	5	2.3
5 to 8 weeks	10	4.7
9 to 12 weeks	16	7.5
13 to 25 weeks	33	15.4
26 to 52 weeks	45	21.0
52 - 104 weeks	42	19.6
Total	214	100.0

The time between prison exit and apprehension for offending was less than three months for 15% of this cohort. However, as was the case with the Drug Court cohort, a significant percentage of re-offenders had no offences on their record for over 12 months following release.

### **5.3 Community Justice Services cohort**

There were some difficulties in collecting data for a follow up of the community justice cohort, resulting in this cohort being smaller than would have been preferred.

The majority of offenders in this group were male (82%), while 22.7% were identified as Aboriginal people. There was a higher than expected level of previous contact with the courts, with the table showing that 42% of the CJS comparison cohort were listed as having over 10 offences that resulted in a court appearance.

**Table 8 Number of prior court appearances for CJS cohort**

Prior Offences	Individuals	Percent
1 to 5	40	26.7
6 to 10	42	28.0
Over 10	63	42.0
Unknown	5	3.3
Total	150	100.0

Approximately one third of this cohort who re-offended were given a term of imprisonment. This reflected the nature of the Community Justice Services cohort, which frequently involves the offender being on some form of community based order, where a term of imprisonment is the consequence of breaching such an order.

**Table 9 Imprisoned post CJS involvement - before December 05**

	Individuals	Percent
No	94	62.7
Yes	53	35.3
Unknown	3	2.0
Total	150	100.0

The most serious offence, in terms of the associated penalty, for each member of the CJS cohort prior to their involvement with CJS, is illustrated in the following table.

**Table 10 Pre and post CJS intervention offences - most recent most serious penalty**

	PRE		POST	
	Individuals	Percent	Individuals	Percent
No return to corrections			54	36.0
Against person	20	13.3	15	10.0
Robbery and Extortion	16	10.7	12	8.0
Break and Enter	42	28.0	20	13.3
Fraud	9	6.0	2	1.3
Receiving	1	.7	20	13.3
Other Theft	24	16.0	1	.7
Property Damage			6	4.0
Off against Justice Procedures	3	2.0		
Weapons offences			3	2.0
Other offences Against Good Order	2	1.3	1	.7
Possession/use Drugs			1	.7
Deal / Traffic Drugs	19	12.7	7	4.7
Manufacture / Grow Drugs	2	1.3		
Driving offences	7	4.7	6	4.0
Unknown	5	3.3	2	1.3
Total	150	100.0	150	100.0

Burglary was the most frequently committed serious offence, followed by assaults, possession of drugs (in non-commercial quantities) and theft/armed robbery.

The offending records of individuals following either a breach or the completion of CJS contact showed burglary-related offences remained the most common serious offence committed, despite a significant decline in the incidence of this crime. There was also a drop in the number of charges for drug possession in the two year period following CJS intervention.

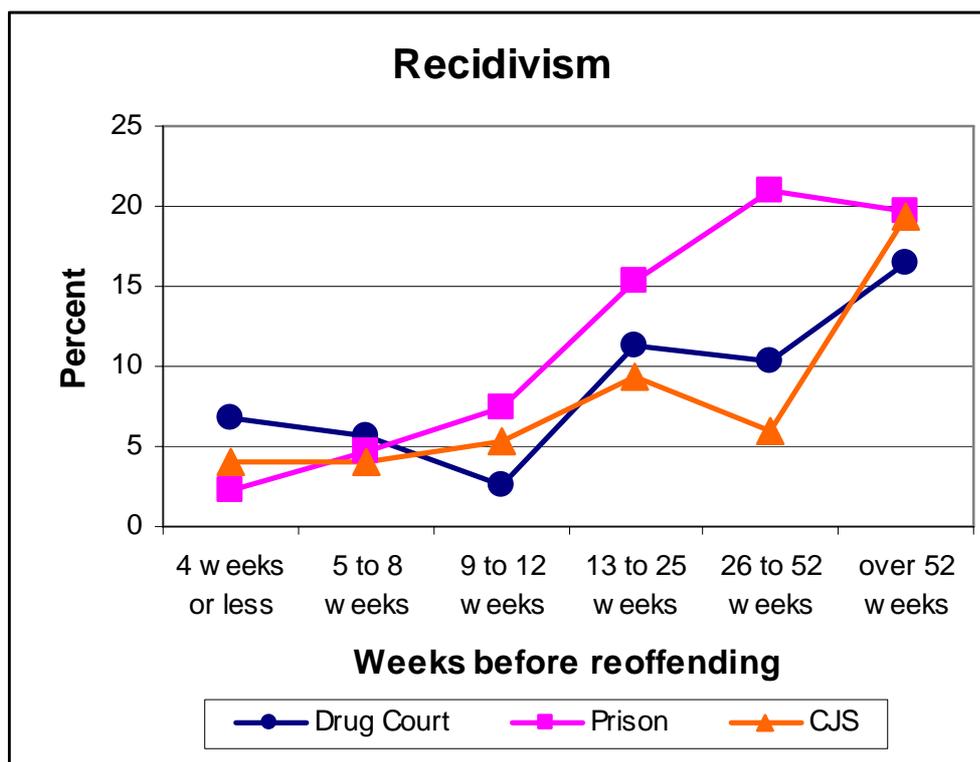
**Table 11 Time between end of order and return to corrections - CJS cohort**

Weeks to reoffending	Individuals	Percent
No return to corrections	54	36.0
4 weeks or less	6	4.0
5 to 8 weeks	6	4.0
9 to 12 weeks	8	5.3
13 to 25 weeks	14	9.3
26 to 52 weeks	9	6.0
52 - 104 weeks	29	19.3
Breached order	24	16.0
Total	150	100.0

Of the 64% of CJS clients who went on to re-offend within the two year recidivism period in this review, 24% either breached their order or re-offended within eight weeks of finishing their order.

## 6 Analysis of recidivism findings

While comparisons between the cohorts must be tempered by the inability to track the full experiences of the offenders in the three cohorts (for instance in terms of the interventions they received), it would appear that for the period under review (2000 to 2003) involvement with the Drug Court had a positive effect on reducing re-offending over a two year follow up period. Almost 47% of participants graduating from the Drug Court had not returned to corrections within this follow up period, compared to 36% of the Community Justice Services cohort and only 29% of the cohort who had served a sentence of imprisonment. However, these results must be considered in the context of the possible differences in severity of offending, employment options, community and family supports and other factors for each cohort. A detailed qualitative analysis is required to assess the impact of such variables.



Of note, a number of Drug Court participants returned to corrections within the first two months (12.4%), however, by three months post-intervention, all three cohorts compared in the study were relatively similar (15%, 14.5% and 13.3% respectively). The following table indicates the timeframes involved with re-offending for each of the cohorts.

**Table 12 Weeks until return to corrections two years post program/release**

	Drug Court	Prison	CJS
No return to corrections (for new offences)	46.4	29.4	36.0
4 weeks or less	6.7	2.3	4.0
5 to 8 weeks	5.7	4.7	4.0
9 to 12 weeks	3.1	7.5	5.3
13 to 25 weeks	10.8	15.4	9.3
26 to 52 weeks	10.8	21.0	6.0
52 – 104 weeks	16.5	19.6	19.3
Breached order	n.a.	n.a.	16.0

\* This applies to the two year period from December 2003 to December 2005. The differences in this table were statistically significant (Chi2=10., df=14, p<0.001)

For those offenders who returned to correctional services, the number of offences for the Drug Court cohort appeared to be substantially reduced. While the offenders were not compared pre and post their involvement with corrections<sup>9</sup>, the Drug Court cohort appeared to not only be less likely to re-offend, but re-offended less frequently.

**Table 13 Quantity of new court appearances for new offences post justice involvement**

	Number of reappearances				Total re-offenders
	1 to 5 offences		6 or more offences		
Drug Court	92	87.6%	13	12.4%	105
Prison	69	46.3%	80	53.7%	149
CJS	38	41.3%	54	58.7%	92
Total	199	57.5%	147	42.5%	346

This difference was statistically significant (Chi2 = 56, df=2, p>0.001)

In addition, the pattern of offending for those who had completed a Drug Court regime had altered, with fewer burglary and drug possession offences recorded.

Overall, the statistics showed all major offence groups declined from pre-offending levels, especially in the Community and Drug Court cohorts. Property offences (especially theft related) declined substantially as did drug related offences in the Community and Drug Court cohorts. By contrast, post-release prisoners were more likely to return to court for some offence categories – especially in relation to drugs and assaults.

<sup>9</sup> Due to the varying periods of criminal activity and the reliability of data from previous administrative systems counting the “pre” offences is unreliable.

**Table 14 Pre intervention offending – most common offences**

	CJS		Prison		Drug Court	
	Pre (%)	Post (%)	Pre (%)	Post (%)	Pre (%)	Post (%)
Against Person	13.3	10.0	0.0	7.9	3.6	3.6
Break & Enter	28.0	13.3	57.9	25.7	14.4	3.6
Robbery	10.7	8.0	3.7	5.1	1.0	0.5
Fraud	6.0	1.3	1.4	2.3	19.6	5.7
Other theft	16.0	0.7	20.6	10.7	21.1	8.8
Drug related	14.0	5.4	1.4	7.5	18.5	0.3

## 7 Costs of service

One of the stated aims of the Perth Drug Court is to achieve cost savings to the community and government. An analysis was undertaken to explore the cost-effectiveness of the Drug Court intervention relative to community or prison based sanctions.

The cost analysis drew on financial statements and budgets, supplied by the Perth Drug Court, to provide an estimation of the total cost of the Drug Court from its inception to December 2004. It compared these costs against the costs to manage offenders in other parts of the criminal justice system.

The model used is simplistic and makes a number of assumptions about the likely costs of managing offenders by these other methods. It did not consider wider societal costs and benefits, for example the rehabilitation of an offender, their employment and consumption of goods and services had flow on effects to the community. Instead, this review considered the cost of crime to the community in general. That is, the effective rehabilitation of an offender so that they no longer use crime to support their drug needs, often a considerable saving to the community.

Justice area where costs can be incurred	Outcomes where savings might occur
Court	Differences in recidivism, violent vs non-violent, drug vs non-drug
Magistrate	Decreased cost of incarceration
Treatment	Decreased cost of community supervision
Testing	Increases in employability and education levels
Supervision	Conformity to programs therefore more cost effective
Evaluation	More adequate AOD treatment than in community
Legal Aid	Decreased drug use
DPP	Adult vs juvenile
Police	

The “justice” cost of the Drug Court considered here has two main components – the court itself and the assessment and treatment services (CATS). As part of the management and treatment of these offenders, they participate in a range of programs – which are an additional cost.

## 7.1 Treatment costs

Treatment costs across the three cohorts were difficult to assess. Individuals are not case funded so it is not possible to make an actual cost per offender comparison between the cohorts. However, programs are funded and the overall source and level of this funding can be attributed for each cohort, as follows:

- Community based offenders – there is no specific funding for offenders on community corrections orders. These offenders access State and Federally funded services delivered by the State Government and funded providers, however no cost figures are available for the period covered by this review.
- Prisoners – the Department of Corrective Services administers the “Justice Drug Strategy” for prisons which is a State-funded program. This includes programs delivered by Departmental staff and programs delivered by funded external providers who work with prisoners.
- Diversion – treatment programs for people being diverted through Courts have generally been Federally funded through the National Illicit Drug Strategy (NIDS) which was part of a 1999 COAG agreement. Program costs from 2000-2003 are not available; however more recent figures are.

Drug Court clients – receive outpatient and inpatient treatment administered through the State Government’s Drug and Alcohol Office. Preliminary estimates suggest that each episode of outpatient treatment costs around \$1,800<sup>10</sup>. Clients presented, on average, 12 occasions for each non-residential treatment episode. Assuming an approximate loading of 20% (to allow for booking, administration, report writing, etc) then this equates to an average cost of \$180 per occasion of service (visit).

Costs specific to any individual program, or sub-program are not kept, however costs do include all treatment and management costs associated with all diversionary programs, including the Cannabis Control Act, All Drug Diversion, POP, IDP, STIR, Children's Court Drug Court and the Perth Drug Court.

The cost of residential services are also difficult to assess, but estimates suggest a per episode cost of around \$7,500 to \$10,000. The Drug Court has reported that the number

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<sup>10</sup> Personal communication, Andrew Salter, WA Diversion Program, Drug and Alcohol Office

of residential episodes for 2004/05 was 73 and in 2003/04 it was 74. Earlier data is not available.

A comparative cost of treatment analysis was not undertaken in this report across the three cohorts due to the lack of case specific information.

## 7.2 Justice costs

In this review, justice costs were narrowly defined as courts and corrections costs. They did not include the cost of apprehension and prosecution as these were considered to be relatively stable across all three cohorts.

In this context, table 15 presents the “extra costs” which are attributed directly to the Drug Court. Other costs, such as policing, prosecution and administration services for individuals, were considered to be largely the same across all cohorts.

In calculating the individual costs, the process was also complicated by the inability to separate the Drug Court costs between juveniles and adults and between the different levels of programmatic intervention. For this reason these tables include the costs for juvenile offenders as well.

**Table 15 Estimated total cost for the Drug Court operation**

	2000/01*	2001/2	2002/3	2003/4
Drug Court	\$424,352	\$373,102	\$373,102	\$373,102
CATS	\$186,551	\$985,393	\$104,5082	\$957,469
Total expenditure	\$610,903	\$1,358,495	\$1,418,184	\$1,330,571

\* includes half the year from the Courts commencement in December 2000.

Based on a total estimated cost of \$4,052,867 for the three year study period, the approximate cost per accepted Drug Court participant was \$16,211.

The Drug Court costs can be additionally broken down into salaries and other expenses, which have been provided for the court and corrections costs in the following tables.

**Table 16 Estimated for the Drug Court**

	<b>Annual Cost</b>
Magistrate	\$248,300
Judicial Support Officer 1 X level 2	\$49,201
Listings officer 1 X .2 at level 3	\$11,377
Drug Court Coordinator 1 X level 4	\$62,332
Manager Metropolitan Courts 1 X .01 at level 7	\$1,892
	<b>\$373,102</b>

**Assumptions**

A 30% oncost has been applied to FTE to include - IT, building services, leave, superannuation etc

No specific accommodation allowance has been included for the courtroom as it is incorporated into the CLC facility.

Salary rates have been set at mid level 2004 rates.

**Table 17 Expenditure – Court Assessment and Treatment Services (CATS)**

	2000/1	2001/2	2002/3	2003/4
Total expenditure (a)	\$424,352(b)	\$985,393	\$104,5082	\$957,469
Salaries	\$271,306	\$491631	\$576240	\$542337
Staff compliment	1 x L7 Manager 5 x L5 SCCOs 1 x L2 1 x L1	1 x L7 Manager 5 x L5 SCCOs 1 x L2 1 x L1	1 x L6 Team Leader 5 x L5 SCCOs 1 x L2 1 x L1	1 x L6 Team Leader 5 x L5 SCCOs 1 x L2 1 x L1
Rental	\$0 (c)	\$101236	\$105056	\$101236
Urinalysis	\$54861 (d)	\$142162	\$128857	\$167114
Welfare Rights and Advocacy Service	Funded by WA Drug and Alcohol Strategy Office from Commonwealth Diversion funding	Funded by Drug and Alcohol Office from Commonwealth Diversion funding	Funded by Drug and Alcohol Office from Commonwealth Diversion funding	Funded by DAO till DoJ contract for \$40k commenced 17/8/04

(a) The break down of expenditure does not sum to this Total row. At the time of publication this discrepancy had not been clarified.

(b) CATS commenced as a service to Drug Court as of 4 Dec. 2004, i.e. not the full financial year.

(c) No rental costs appearing in expenditure tables.

(d) No specific urinalysis expenditure recorded. However, an item of 'health services' was noted.

### 7.3 Drug Court savings

Savings that can be generated from the Drug Court include:

1. reduced cost of incarceration or supervision by offenders being diverted from corrections for their current offence
2. reduced justice procedures resulting from future offending
3. reduced cost of incarceration or supervision from future offences
4. reduced costs to the community and victims from reduced offending (recidivism)
5. increased economic contribution from individuals being able to participate in the workforce.

This report focused on the reduced cost of incarceration and supervision (1 and 3) and the cost of crime from reduced recidivism. The cost of justice procedures (2) is incorporated in the cost of crime analysis and the longer term increased economic contribution (5) was beyond the scope of this report.

### 7.4 Incarceration and supervision costs saved through diversion

Individuals managed by the Drug Court are often on a PSO, which has an indicated sentence – that is, if requirements of the court, such as treatment, are not completed the indicated sentence is imposed. These indicated sentences are not readily accessible for the purpose of this evaluation, however, the 2003 Crime Research Centre reported an estimated 70% of the Drug Court offenders would have received a term of imprisonment of 12 months and 30% a 15-month CBO.

Based on this 70/30 ratio and the 2002/2003 cost of corrections, this suggested the Drug Court “saved” straight correctional costs of on average \$67,345 per Drug Court client (\$7,310 for community corrections and \$93,075 for prisons).

**Table 18 Cost of corrections**

	02/03	03/04	04/05	05/06
Cost per day of:				
keeping an offender in custody	\$255.00	\$254.08	\$237.97	\$258.35
managing an offender in the community	\$16.02	\$18.35	\$21.63	\$23.22
Average annual cost of:				
keeping an offender in custody	\$93,075	\$92,993	\$86,859	\$94,297
managing an offender in the community	\$5,847	\$6,716	\$7,894	\$8,475

Source: Department of Justice Annual Reports

## **7.5 Incarceration and supervision costs reduced through recidivism**

The correctional costs as a result of recidivism can be largely determined by three factors - the overall rate of recidivism, the type of sentence i.e. prison or community and the length of sentence. Unfortunately, data on the latter variables are not easily accessible, therefore it was necessary to use an estimate of likely sentences to measure costs through reduced recidivism. This estimate was based on the Crime Research Centre's 2003 report, which estimated that 70% of the Drug Court offenders would have received a term of imprisonment of 12 months and for the remaining 30%, a 15-month CBO was used.

It is acknowledged that this could be an underestimate, as sentence lengths might logically escalate for recidivist offenders because of their offending history (depending on the nature of their new offence). It was also noted in Table 13 that people who participated in the Drug Court were not only less likely to reoffend, but also reoffended fewer times (mostly between 1-5 times), while the prison and community cohort were just as likely to reoffend six or more times. Therefore, this behaviour increased the chance of the community and prison cohort receiving a more severe sentence.

Unfortunately, the actual data on what sentence was imposed and served post intervention is not available, however it is known that the Drug Court cohort is less likely to be imprisoned than the community corrections cohort in the two years post intervention (17% verses 35%).

## **7.6 Cost of crime**

There has been little work conducted on the cost of crime in Australia, and legal systems vary to such an extent internationally that it is unwise to make international cost comparisons. The key Australian paper in this area was prepared by Pat Mayhew in 2003 for the Australian Institute of Criminology.

Mayhew rightly identifies the complexity of costing individual acts of crime and takes into account a range of costs, including victims, productivity, policing and justice costs. She also points out that, for every prosecuted crime, many more are committed and she attempts to estimate the impact of these additional acts.

Referring to Mayhew’s work it is possible to consider the rate and type of recidivism in each cohort and estimate a cost of the first recidivist act that occurred. Based on the occurrence of these acts across the cohort it is possible to calculate the “average” cost of the cohort’s recidivist act.

As discussed earlier, the recidivist offenders in each cohort often commit more than one offence, therefore the figures underestimate the ongoing cost of repeat reoffending. It does however illustrate how the financial cost to the community can be varied by the type of reoffending that occurs.

**Table 19 “Averaged” cost of first recidivist act for each cohort**

	Cost per episode*	Drug Court	Community	Prison
Homicide	\$1,600,000	0	0	8000.00
Assaults	\$1,800	55.80	156.60	43.20
Sexual Assault	\$2,500	0	32.50	72.50
Burglary	\$2,400	86.40	319.20	604.80
Robbery	\$3,600	18.00	288.00	187.20
Vehicle theft	\$6,000	60.00	282.00	198.00
Other theft/handling	\$360	40.68	31.32	26.64
Damage	\$700	3.50	4.90	3.50
“Average” cost of first recidivist act		\$264.38	\$1,115.52	\$9,136.84

\*From Mayhew, 2003.

This table shows that the effect of both the nature and frequency of the recidivist offences in the three cohorts produced a significantly different “average” cost of recidivism. While the prison sample is skewed by one homicide, even after removing this outlier there was still a significant advantage from participation in the Drug Court.

It should be noted that Mayhew deliberately did not calculate the individual cost of drug use and fraud but identified that Australia wide these are both considerable. While the Drug Court cohort was more prone to fraud offences (5.7% as opposed to less than 2%

in the other cohorts), the level of drug use in the other cohorts would contribute to balancing out this effect.

When considered in summary, the offender management costs associated with the Drug Court were higher than a community order, but lower than a prison sentence. However, when the different rates of recidivism were also considered, and the cost of just one of these recidivist episodes taken into account, the Drug Court became more cost effective than a community order and prison. When considering the sources of funding for programs across the three cohorts, the cost effectiveness of the Drug Court for the State is improved.

When the community and victim costs of re-offending are considered, there appears to be a significant advantage of managing offenders through the Drug Court.

**Table 20 Summary of costs for each cohort**

	Drug Court	Community	Prison
Apprehension, prosecution and court costs	Considered similar across each group		
Offender management costs	\$16,210	\$7,310	\$93,075
Offender management for recidivists – per episode of reoffending <sup>11</sup>	\$36,096.92	\$43,100.80	\$47,545.57
Offender program costs	DAO and Federal funding	Largely Department of Health and DAO	Corrective Services specific grant
Cost of recidivism	\$264	\$1,115	\$9,136

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<sup>11</sup> This was calculated by using the relative recidivism rates for each cohort and then estimating the cost of each episode of recidivism (assuming 70% receive a 1 year prison sentence and 30% a 15 month CBO). While this is a relatively crude measure, given the available data it does allow for the impact of different recidivism rates to be incorporated in a basic cost benefit model.

## 8 Conclusion

Despite a number of qualifications in relation to the data availability, this review found strong evidence that involvement in a Drug Court program had a positive effect in reducing the level of re-offending among individuals charged with a drug-related offence. The Drug Court was found to have a net reduction in recidivism of 17.0% over prison and 10.4% over community corrections. This compared to the overall effect of 14% found by Latimer et al (2003). The net improvement also increased over time as Drug Court graduates were also less likely to re-offend over the longer term.

The effectiveness of the specific Drug Court interventions could not be assessed due to changes in the operation of court programs, which occurred during the timeframe covered by this review, and the lack of data about programs specifically completed by offenders.

Looking at the specific offences, there was some evidence that burglary offences reduced after Drug Court involvement. Burglary is often committed to obtain money for drug purchases and the reduction in burglary offences, in conjunction with a decrease in charges for possession, would be worth further exploration. Involvement with Community Justice Services also appeared to have a positive impact on re-offending, although this was not as marked as the decrease in re-offending following Drug Court interventions.

As has been demonstrated in a wide body of research, the impact on re-offending of imprisonment alone is limited.

Overall, the cost to the community of reoffending from Drug Court graduates is substantially less than for community and prison cohort offenders.

While requiring slightly more funding to operate on a per-head basis, the Drug Court would appear to quickly pay for itself through a combination of reduced offender management costs for recidivist offenders and greater community safety outcomes.

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## **APPENDIX 1 – DIVERSION PROGRAMS**

### **COURT DIVERSION PROGRAM SUMMARIES**

#### **Pre sentence Opportunity Program (POP)**

The Pre sentence Opportunity Program (POP) was first piloted in March 2003 and expanded to other metropolitan and regional locations. The primary target for POP is first offenders or those who do not have a long record, who have not committed serious offences and who would normally expect to receive fines or community based orders on a plea of guilty. The main objectives of POP are to:

- provide an incentive for offenders with a drug problem to identify and treat their illicit drug use;
- provide a face-to-face assessment for offenders;
- match offenders with the most appropriate treatment agency;
- monitor offender progress through the treatment program;
- inform the court on the progress of the offender through the program;
- refer the offender to continuing treatment at the conclusion of the program; and
- provide an opportunity for the offender to address their drug use.

#### **Supervised Treatment Intervention Regime (STIR)**

The Supervised Treatment Intervention Regime (STIR) is a court diversion program that targets moderate level offenders who have a clear drug use problem. STIR participants are managed by a Community Corrections Officer (CCO) to support offenders while completing the program. The main objectives of STIR are to:

- provide an incentive for offenders to attend and treat their drug use;
- engage the offender in suitable treatment to address their drug use;
- provide ongoing supervision in order to support the offender's participation in the program;
- engage family members/significant others of offenders, if appropriate;
- refer offenders to other support service(s) as required; and
- refer the offender to continuing treatment at the conclusion of the program.

#### **Indigenous Diversion Program (IDP)**

The Indigenous Diversion Program (IDP) was first implemented in two regional locations (Broome and Carnarvon) from early 2004 and attempts to overcome many of the barriers for Aboriginal persons in accessing diversion programs. IDP is based on the general principles of POP; however, in addition the program aims to:

- increase the number of Indigenous persons accessing court diversion programs;
- increase the number of Indigenous persons trained to work with mandated clients;
- increase the availability of culturally appropriate diversion options in regional areas of WA;
- implement indigenous prevention and early intervention strategies within regional areas of WA; and
- form links between Indigenous persons, local drug treatment agencies, support services and magistrates.

## **POLICE DIVERSION PROGRAM SUMMARIES**

### **Cannabis Control Act 2003**

The Cannabis Education Session (CES) is a component of the Cannabis Control Act 2003. The Act allows police the discretion to issue an adult with a CIN for persons cultivating or in possession of cannabis within defined limits. In most cases, an alleged offender will have the option of attending a CES to expiate the offence. The CES is a one and a half to two hour education session. In accordance with the legislation, a CES aims to educate those about the:

- adverse health and social consequences of cannabis use;
- treatment of cannabis related harm; and
- laws relating to the use, possession and cultivation of cannabis.

### **All Drug Diversion**

All Drug Diversion aims to provide a compulsory assessment program, including counselling and the development and implementation of a treatment plan for first time offenders apprehended for a simple drug offence other than cannabis by police.

The main objectives of All Drug Diversion are to:

- provide an incentive for offenders to attend a mandatory assessment session;
- provide counselling and develop and implement a treatment plan for offenders undergoing the program;
- refer the offender to continuing treatment at the conclusion of the program, if appropriate;
- engage family members/significant others of offenders, if appropriate; and
- refer offenders to other support service(s), if appropriate.

Those issued with a drug diversion notice by police must attend three counselling sessions. Participants may continue treatment at the conclusion of the program. The three sessions must be completed within 30 days from the date the diversion notice was issued. If completed, the person will not have a criminal conviction recorded against them. If the sessions are not completed a summons will be issued for the offence and the person will have to appear in court.

### **Young Person's Opportunity Program (YPOP)**

The Youth Pre sentence Opportunity Program (YPOP) has been operational in the metropolitan area since early 2004. The program aims to increase the number of young offenders accessing drug education and treatment services. The objectives of YPOP are to:

- divert young offenders from the justice system into drug treatment;
- provide assessments to determine an offender's suitability for drug treatment;
- match offenders with the most appropriate treatment agency;
- assist the offender to access and remain engaged with a treatment service;
- monitor offender attendance at the treatment program;
- inform the JJT of the progress of the offender through the program; and
- refer the offender to continuing treatment at the conclusion of the program.

## **APPENDIX 2 - REQUIREMENTS FOR IMPROVED EVALUATION OF SPECIALIST COURTS**

### Referral tracking

- Currently most referral data is tracked through the Courts' data bases.
- This is not clearly identified by the field.
- Disposal of the referral is not always recorded i.e. accepted, etc
- Outcomes of referrals are not collected in the same data set i.e. accepted and completed
- Detailed offending history is lacking (this is difficult because the referrals are not easily identified)
- There is no record of the indicated sentence if Drug Court is not completed

### Some demographic detail on the people referred, attending and completing in terms of

- Ethnicity and cultural background
- Education
- Employment
- Family relationships/social supports

(this data is not held on the Courts systems that are used for referral tracking).

More detail on Drug Court clients would enable some understanding of who the programs might work for – allowing for targeted interventions that are more cost effective.

### Information from Drug Court:

- Case load processes / quantities, etc?
- Ratings of the effectiveness of support / counselling by offenders.
- Type of breaches that occurred and their outcomes.
- Types of programs attended.
- Additional services received by offenders e.g. counselling, health programs, etc

Additional survey data should be collected from participants in the Drug Court – for instance their perception of the court, what they found helpful (or not). Discovering what people thought of the process or gained from the process would help to shape service delivery to be as effective as possible.

Allocation of resources to fill areas of greatest need requires some understanding of how the system operates *in real life*.

A properly established data base should be available, not only for evaluations, but also for the ongoing management of the court. This data base should be automated to collect data that is clearly labelled and stored in a properly constituted data base system.