

# New South Wales Drug Court: Monitoring Report

Suzanne Briscoe and Christine Coumarelos

*The New South Wales Drug Court began operation on a trial basis on 8 February 1999. It provides an intensively supervised treatment program for drug-dependent offenders, aiming to assist such offenders to overcome their drug dependence and criminal offending. This bulletin summarises the first 17 months of the Court's operation. To date, 313 persons have commenced the Drug Court Program, with 10 of these persons graduating and 133 being terminated from the Program.*

## INTRODUCTION

Drug Courts are specialist courts that deal with offenders who are dependent on drugs. They emerged as a result of growing disenchantment with the ability of traditional criminal justice approaches to provide long-term solutions to the cycle of drug use and crime. Drug Courts aim to assist drug-dependent offenders to overcome both their drug dependence and their criminal offending. The first of the modern Drug Courts began operation in the United States (US) in 1989.<sup>1</sup> More recently, Drug Courts have also been trialed in the United Kingdom, Canada and several Australian jurisdictions. The Drug Court of New South Wales (NSW), which commenced operation on 8 February 1999, is the first Drug Court to be trialed in Australia.

The present bulletin provides an outline of the first 17 months of operation of the NSW Drug Court, covering the period from 8 February 1999 to 30 June 2000.

## NSW DRUG COURT

Only a brief description of the NSW Drug Court is provided here given that a more

in-depth description is provided in an earlier bulletin.<sup>2</sup>

Although the NSW Drug Court began operation as a two-year trial in February 1999, it has since been extended approximately six months. It is located in the Parramatta Court complex and has both Local and District Court jurisdiction. The *Drug Court Act 1998 (NSW)* outlines the sentencing rules and procedures to be followed by the Drug Court.

The aim of the NSW Drug Court is to divert drug-dependent offenders into supervised treatment programs designed to reduce or eliminate their drug dependence. It is postulated that reducing a person's drug dependence should also reduce the person's need to commit crime to support that dependence.

In order to achieve its aim, the NSW Drug Court incorporates a combination of close supervision and therapeutic treatment. Each participant's Drug Court program is individually tailored to address his or her specific needs.<sup>3</sup> As a result, the treatment program and supervision conditions vary across participants. The treatment options offered include abstinence, methadone and naltrexone programs, and each treatment option is available in

either community or residential settings. Nonetheless, there are four fundamental aspects common to each Drug Court program:

- treatment;
- social support and the development of living skills;
- regular reports to the Court; and
- regular urine testing.<sup>4</sup>

## PROGRAM ELIGIBILITY

As outlined in the Drug Court Act 1998, to be eligible for the Drug Court Program a person must:

- be highly likely to be sentenced to full-time imprisonment if convicted;
- have indicated that he or she will plead guilty to the offence;
- be dependent on the use of prohibited drugs;
- reside within the catchment area (specified areas of Western Sydney);
- be referred from a court in the catchment area;
- be 18 years of age or over; and
- be willing to participate.

A person is not eligible if he or she:

- is charged with an offence involving violent conduct;
- is charged with a sexual offence or an offence punishable under Division 2 Part 2 of the *Drug Misuse and Trafficking Act (1985)*; or
- is suffering from a mental condition that could prevent or restrict participation in the Program.

## PROGRAM PROGRESSION

When appearing in a Local or District Court in the catchment area, offenders who seem to meet the Drug Court eligibility criteria are referred to the Drug Court by telephone. Before the offender is brought to the Drug Court, the Drug Court Registry staff conduct an initial eligibility screening based on the person's age, location of residence and referring court.

Each offender successfully referred to the Drug Court is given a preliminary health assessment by Corrections Health staff and further investigations regarding the offender's eligibility are made. Offenders still considered eligible after the preliminary health assessment must complete a detoxification assessment stage before they are accepted onto the Program. Whenever there are more eligible applicants for this stage than there are available places in the detoxification units, a random selection process occurs openly in Court to determine which applicant is assigned to each available place.<sup>5</sup> During the detoxification stage, an assessment of the individual's treatment needs is conducted and, where possible, a 'highly suitable' treatment plan is formulated.

After detoxification, the offender appears before the Drug Court where he or she enters a guilty plea, receives a sentence that is suspended, and signs an undertaking to abide by his or her program conditions. This process marks the commencement of the offender's Drug Court program.

At the outset of the Drug Court Trial, each participant's program was designed to take approximately 12 months to complete. In practice, programs are sometimes taking more than 12 months to complete. Each participant's program comprises three phases. The first two

phases were originally designed to last approximately three months each while the third phase was originally designed to last approximately six months. Each phase has distinct goals which must be achieved before the participant graduates to the next phase of their program. Phase 1 is the 'stabilisation' phase where participants are expected to cease drug use, to stabilise their physical health and to cease criminal activity. In this phase, participants are required to undergo urine testing at least twice a week and to 'report back' to the Drug Court once a week. Phase 2 is the 'consolidation' phase where participants are expected to remain drug-free and crime-free, and to develop life and job skills. In this phase, urine is tested weekly and report-back court appearances occur fortnightly. Phase 3 is the 'reintegration' phase where participants are expected to gain or be ready to gain employment, and to be fiscally responsible. In Phase 3, urine testing is conducted fortnightly and report-back court appearances are conducted monthly.<sup>6</sup>

Modelled on the US Drug Courts, the NSW Drug Court has adopted a team approach to the management of offenders. Before each report-back court appearance, the Drug Court team members meet to discuss the participant's progress. At the report-back appearance, the Judge discusses with the participant the issues raised in the team meeting, and may impose a reward for steady progress or a sanction for a program breach. If a participant fails to attend a report-back appearance without a suitable explanation, a bench warrant is issued for the participant's arrest.

While on the Drug Court Program, a participant may change treatment streams on the recommendation of their treatment provider and with the Drug Court's approval. However, participants who fail to make adequate progress may be terminated from the Drug Court Program, either because the Court finds there is 'no useful purpose' in their remaining on the Program or because no alternative program is considered 'highly suitable'. Furthermore, Drug Court participants can voluntarily choose to terminate their participation at any time. On termination, the initial sentence is reviewed and a final sentence is imposed by the Drug Court. Similarly, after successful graduation from the Program, the initial sentence is reviewed and a

final sentence is imposed. The final sentence cannot be greater than the initial sentence imposed on the offender and must take into account the offender's progress on the Program.<sup>7</sup>

## EVALUATION OF NSW DRUG COURT

The NSW Bureau of Crime Statistics and Research is conducting three evaluation studies of the NSW Drug Court. The first study examines the cost-effectiveness of the Drug Court compared with that of the conventional criminal justice system in reducing criminal offending. This study compares the Drug Court Program participants with a comparison group. The comparison group comprises the eligible Drug Court applicants who were unable to enter the Program due to a shortage of places in the detoxification units. The second study assesses the health and social functioning of the Drug Court participants throughout their participation in the Program. The third study provides ongoing monitoring of key aspects of the Drug Court's operation.

The present bulletin is part of the monitoring study. It examines the first 17 months of the Drug Court's operation from 8 February 1999 to 30 June 2000. The date 30 June 2000 marks the end of the recruitment period for the Drug Court participants included in the cost-effectiveness evaluation of the Drug Court.

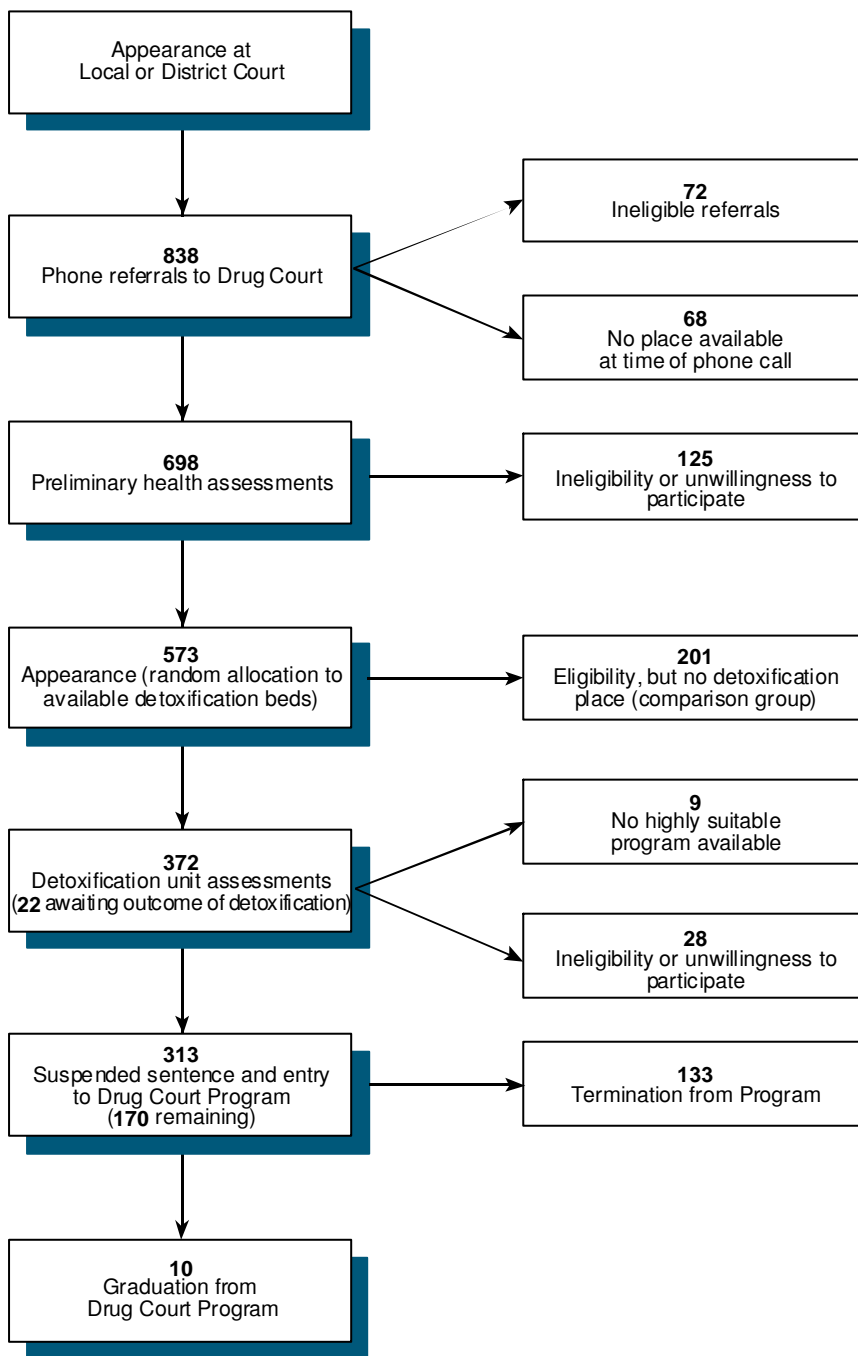
## THE FIRST 17 MONTHS OF OPERATION

### REFERRALS TO DRUG COURT

Persons are referred to the Drug Court of NSW by one of the 15 courts participating in the Drug Court Trial. Figure 1 shows the number of offenders who have been referred to the Drug Court and progressed through the various stages of Drug Court assessment over the first 17 months of the Court's operation.

Offenders referred to the Drug Court may be excluded from participation in the Drug Court Program due to a number of reasons: ineligibility; unwillingness to participate; no available treatment place; or no highly suitable treatment plan. Offenders who are referred to the Drug

**Figure 1: Drug Court referrals, assessments and graduations**



eligible at the preliminary health assessment stage, 372 continued on to detoxification assessment, and 201 joined the comparison group (for the cost-effectiveness evaluation) because there was no available detoxification place. Of those who underwent detoxification assessment, 313 started the Drug Court Program by 30 June 2000. Thirty-seven people did not commence the Program after detoxification, either because they were ineligible or unwilling to participate (28 persons) or because no highly suitable treatment plan was available for them (9 persons). Another 22 people had not yet completed detoxification assessment by 30 June 2000. Of the 313 who started the Program, 42.5 per cent (or 133 participants) had been terminated from the Drug Court Program by 30 June 2000 and 10 participants had completed their program.<sup>8</sup>

Figure 2 shows the number of successful and unsuccessful telephone referrals to the Drug Court each month for the first 17 months of the Drug Court Trial. Of the 838 referrals received by the Court, 83.3 per cent (698 referrals) were successful and the remaining 16.7 per cent (140 referrals) were unsuccessful. On average, there were 49 referrals to the Drug Court each month. The highest number of referrals in one month was recorded in May 1999 (74) and the lowest in December 1999 (23).<sup>9</sup> It can also be seen that while there was a high proportion (35.5%) of unsuccessful referrals to the Drug Court in the first three months, the referral process improved with time. On average, there were 8 unsuccessful referrals to the Drug Court Registry each month.

Table 1 shows the number of unsuccessful telephone referrals to the Drug Court Registry over the first 17 months of the Court's operation broken down by gender and eligibility. Of the 140 unsuccessful telephone referrals to the Court over the first 17 months, about half were unsuccessful because the offenders were ineligible (e.g. the offender resided outside the catchment area). For the remaining half, there was no place available in preliminary health assessment on the day the call was made to the Drug Court Registry. In these cases, the offender was either sent back to the referring court or was referred again to the Drug Court at a later time.

Court but do not enter the Drug Court Program are usually sent back to the referring court for finalisation of their matter.

During the first 17 months of the Drug Court's operation there were 838 referrals to the Drug Court. Once successfully referred, offenders receive a preliminary health assessment. Of the 838 referrals, 140 were unsuccessful,

either because they did not meet the initial eligibility screening criteria (72 persons) or because there was no place available in preliminary health assessment on the day of referral (68 persons). Of the 698 who were successfully referred and underwent preliminary health assessment, 125 were found ineligible or were unwilling to participate. Of the 573 people found

Figure 2: Successful and unsuccessful referrals, monthly

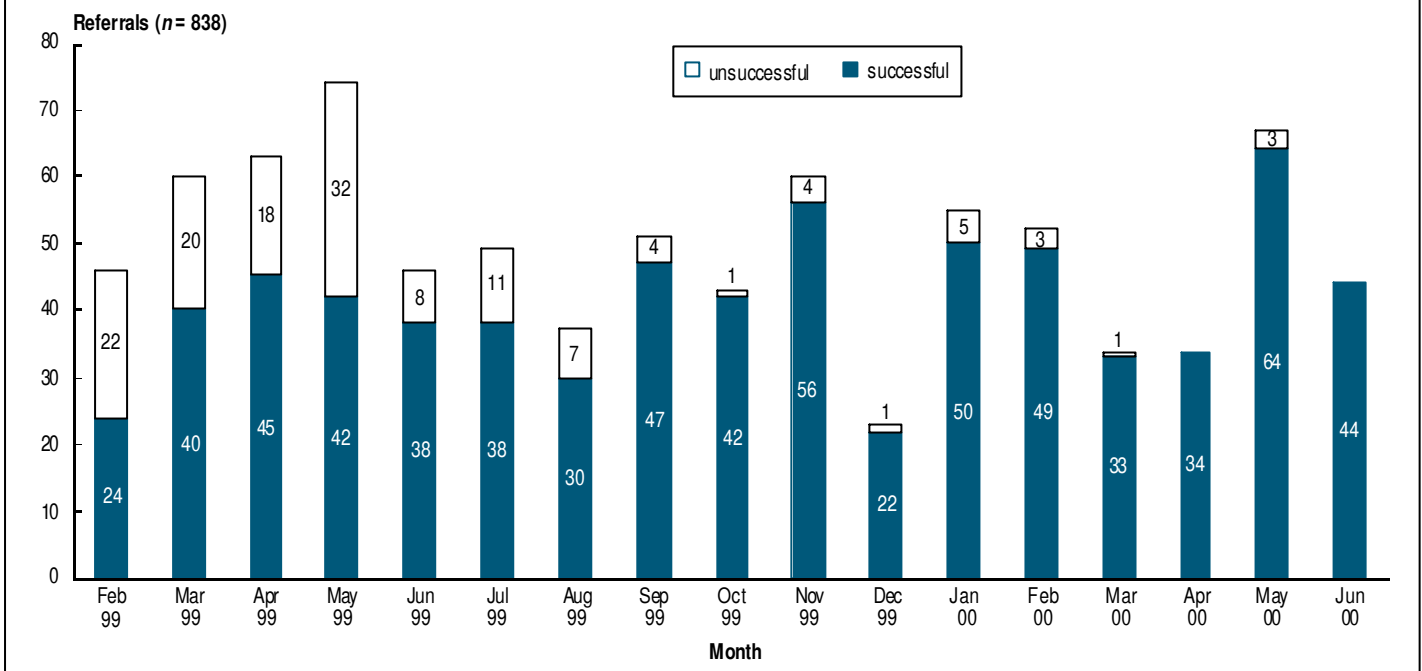


Table 1: Unsuccessful referrals, by gender and eligibility, monthly

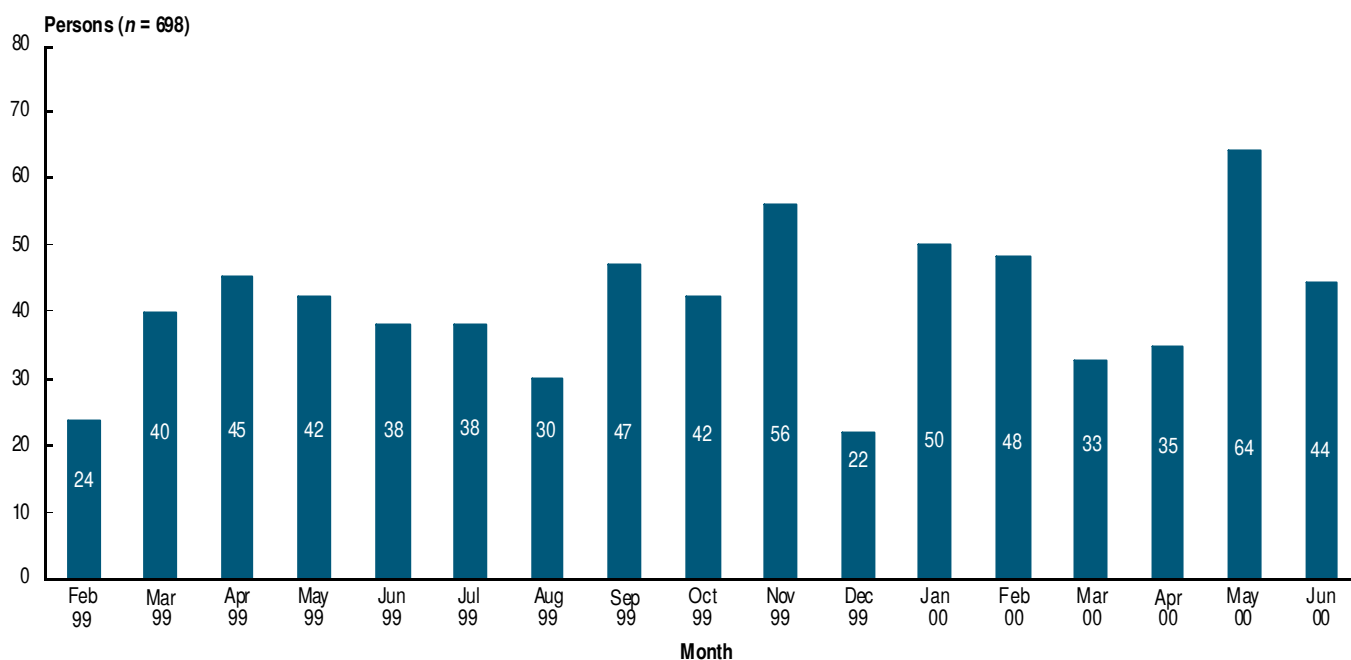
Month	Ineligible			Eligible: No place available in preliminary health assessment		
	No. males	No. females	Total	No. males	No. females	Total
Feb	6	1	7	13	2	15
Mar	11	2	13	6	1	7
Apr	4	3	7	7	4	11
May	10	0	10	20	2	22
Jun	4	1	5	3	0	3
Jul	3	4	7	4	0	4
Aug	3	1	4	2	1	3
Sep	3	0	3	1	0	1
Oct	1	0	1	0	0	0
Nov	2	0	2	0	2	2
Dec	1	0	1	0	0	0
Jan	4	1	5	0	0	0
Feb	3	0	3	0	0	0
Mar	1	0	1	0	0	0
Apr	0	0	0	0	0	0
May	2	1	3	0	0	0
Jun	0	0	0	0	0	0
<b>Total</b>	<b>58</b>	<b>14</b>	<b>72</b>	<b>56</b>	<b>12</b>	<b>68</b>

Table 1 shows that after November 1999, no referrals were recorded as unsuccessful due to unavailable places in preliminary health assessment. This shift reflects a change in Drug Court policy, intended to ensure that no offender who is eligible for the Program is turned away at this stage of the referral process. Currently, if there is no place available for an offender in preliminary health assessment at the time of the referral, a preliminary health assessment is scheduled for the next available day.

All offenders successfully referred to the Drug Court underwent a preliminary health assessment conducted by the Corrections Health Service. Preliminary assessments are conducted on persons on bail as well as those in custody. These assessments involve a preliminary judgment as to whether the person appears to be dependent on drugs, and whether the person is suffering from any mental illness that could prevent or restrict the person's active participation in the Program. Figure 3 shows the number of preliminary health assessments conducted monthly.

Figure 3 shows that the number of preliminary health assessments fluctuated from month to month, ranging from 22 in December to 64 in May 2000. On average, 41 preliminary health assessments were conducted each month.

Figure 3: Preliminary health assessments, monthly



The catchment area for the Drug Court Trial includes 11 Local and 4 District Courts in Western Sydney. Table 2 shows the persons successfully referred from each of these courts (i.e. the persons referred from each court who received a preliminary health assessment). It can be seen that the vast majority of referrals (93.4% or 651 referrals) came from Local Courts, with 23.1 per cent coming from Parramatta Local Court, 16.2 per cent coming from Fairfield Local Court and 16.1 per cent coming from Penrith Local Court. A total of 46 referrals came from District Courts. It is possible that some of the referrals from Local Courts to the Drug Court would otherwise have been committed to the District Court.

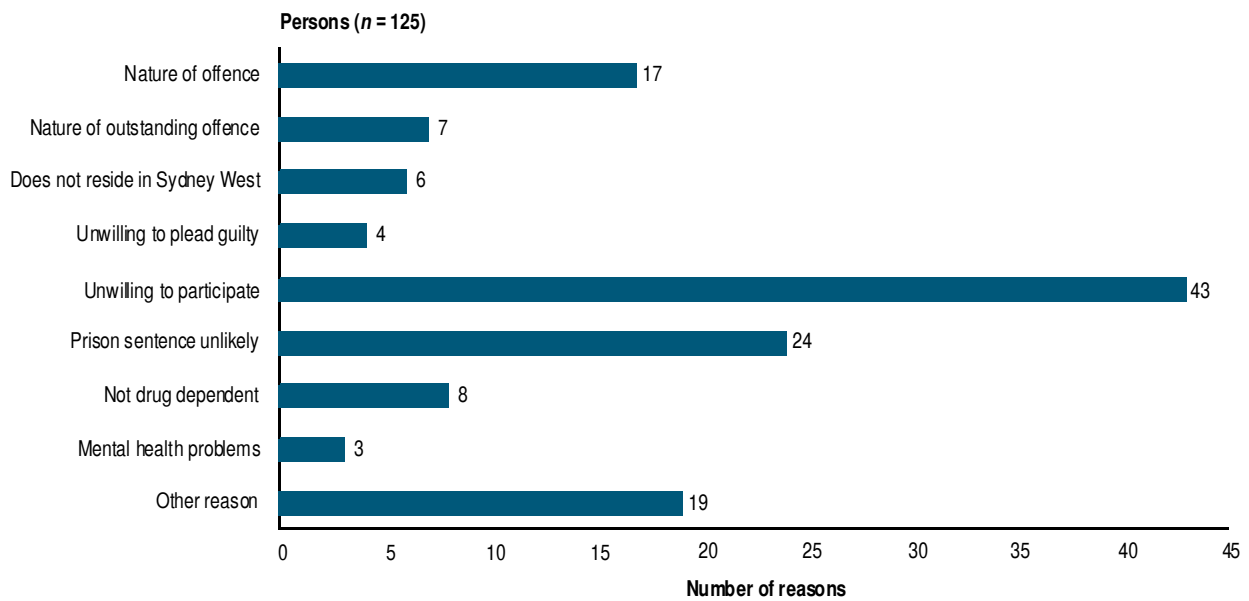
In the period ending 30 June 2000, there were 125 people who did not enter the Drug Court Program after the preliminary health assessment. Figure 4 shows the reasons these 125 people did not enter the Program after undergoing a preliminary health assessment. (Note that six people had two different reasons for ineligibility.) The most prevalent reason for not entering the Drug Court Program after the preliminary health assessment was unwillingness to participate (34.4% of persons). Other reasons for not participating were related to eligibility as determined by the Drug Court, with the most common reason

Table 2: Preliminary health assessments, by referring court

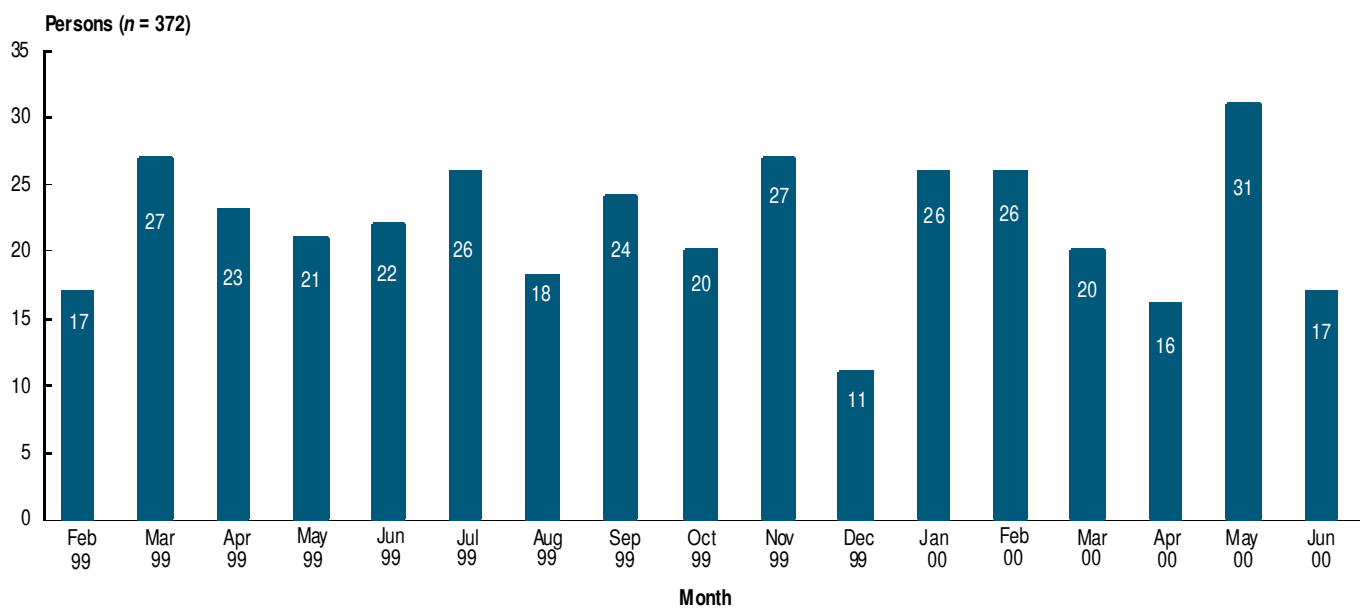
Referring Court	No.	%
Bankstown Local Court	36	5.2
Blacktown Local Court	58	8.3
Burwood Local Court	32	4.6
Campbelltown District Court	5	0.7
Campbelltown Local Court	46	6.6
Fairfield Local Court	113	16.2
Liverpool District Court	14	2.0
Liverpool Local Court	83	11.9
Parramatta District Court	16	2.3
Parramatta Local Court	161	23.1
Penrith District Court	11	1.6
Penrith Local Court	112	16.1
Ryde Local Court	2	0.3
Windsor Local Court	8	1.1
Richmond Local Court	0	0.0
<b>Total</b>	<b>697</b>	<b>100.0</b>

Note: Data missing for one referral.

**Figure 4: Reasons for not entering Drug Court Program after preliminary health assessment**



**Figure 5: Persons entering detoxification assessments, monthly**



being that a prison sentence was unlikely (19.2% of persons).

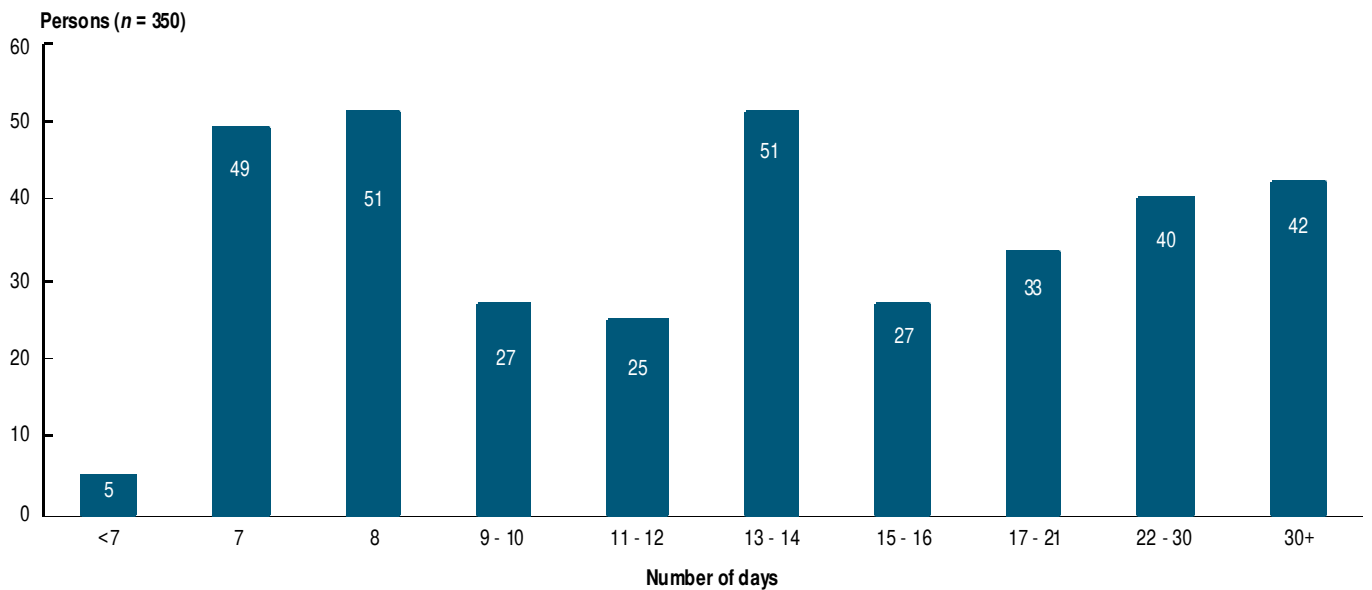
After the preliminary health assessment stage, the next stage for a Drug Court applicant is the detoxification assessment stage. Figure 5 shows the number of persons entering the detoxification units monthly. Three hundred and seventy-two people entered the detoxification units at the Metropolitan Reception and Remand Centre (MRRC) and at Mulawa during the 17-month period, with an average of 22

people entering each month. The low number of detoxification assessments during December 1999 and April 2000 were due to the Court's decision to suspend accepting referrals during a part of each of these months. By 30 June 2000, although 372 persons had been sent to the detoxification units, 22 people had not yet completed their detoxification assessment, and hence, had not yet started on the Drug Court Program.

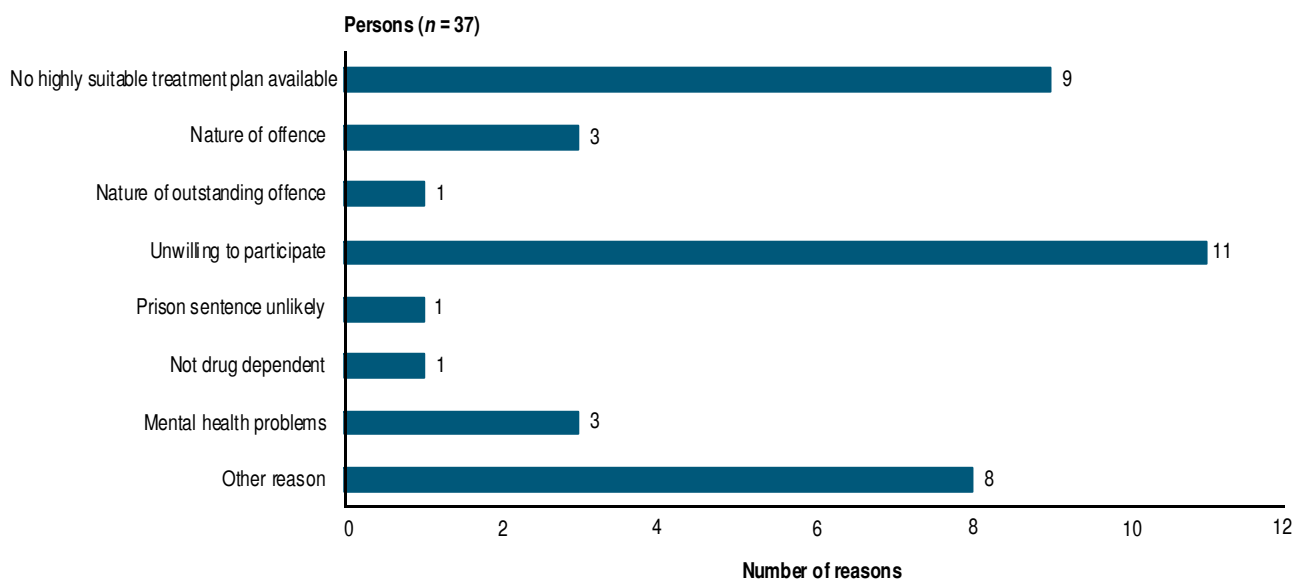
Figure 6 shows the frequency distribution

of the number of days between an offender being sent to a detoxification unit and either commencing the Drug Court Program or being sent back to the referring court (because of ineligibility or unwillingness to participate). Of the 350 offenders who completed detoxification assessment by 30 June 2000, the average time between entering a detoxification unit and either commencing the Program or being sent back to the referring court was 17.4 days (median = 14.0 days; standard deviation

**Figure 6: Days in detoxification assessments**



**Figure 7: Reasons for not entering Drug Court Program after detoxification assessment**



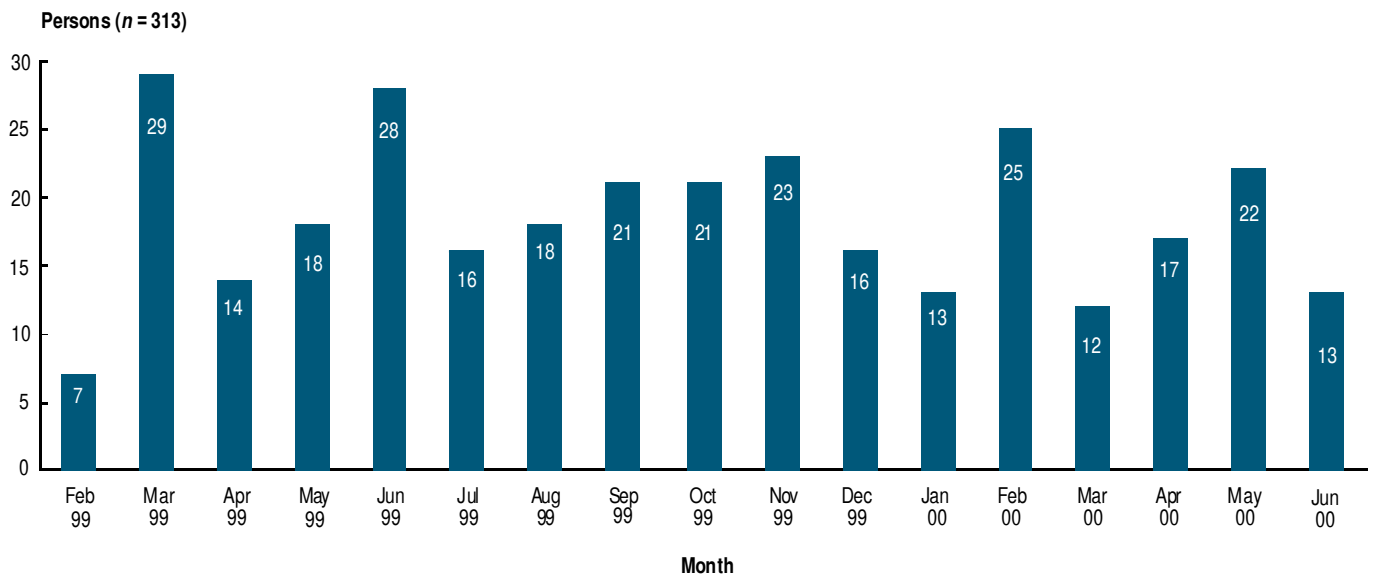
= 14.4 days). It can be seen that the time taken to complete the detoxification assessment stage is considerably longer than the seven-day period that was expected when the Program was designed. This stage was longer than seven days for the vast majority (84.6%) of persons and longer than 14 days for 40.6 per cent of persons. Lengthy stays in the detoxification units have resulted from unstable benzodiazapene withdrawal, serious illness, unavailability of places in residential programs and

legal complications such as outstanding issues with parole. Moreover, the time needed by the Drug Court staff to comply with more recently introduced requirements may also have contributed to the number of days participants spent in the detoxification assessment stage. Such requirements include ensuring that appropriate urinalysis procedures are in operation and that appropriate accommodation is available before commencement on the Program.

It should be noted that not all participants who are considered to be in the detoxification assessment stage are necessarily held in the detoxification units at MRRC or Mulawa. Those who are awaiting finalisation of legal issues or are waiting for a suitable treatment program to become available may be returned to the wings of Mulawa or Parramatta jails reserved for Drug Court participants.

Figure 7 presents the reasons for persons not entering the Drug Court Program after

**Figure 8: Persons entering Drug Court Program, monthly**



completing the detoxification assessment stage. Of the 350 people who had completed assessment in a detoxification unit, 37 people (10.6%) did not enter the Program, either because they were ineligible or unwilling to participate, or because no highly suitable treatment plan was available for them after the detoxification assessment. Of these 37 people, 11 were unwilling to participate in the Program, nine did not enter the Program because a highly suitable treatment plan was not available, and three were assessed as having mental health problems which would restrict their participation on the Program.

**DRUG COURT PARTICIPATION**

Figure 8 shows the number of offenders entering the Drug Court Program each month. In the first 17 months of operation, 313 offenders entered the Drug Court Program. Although numbers varied markedly throughout the 17-month period, on average, 18 offenders entered the Program each month.

Table 3 shows the number of offences referred to the Drug Court committed by Drug Court participants prior to their commencement on the Program. There were a total of 1,994 referring offences for the participants who entered the Drug Court Program in the 17-month period. The average number of offences was 6.4 per participant.<sup>10</sup> While several

**Table 3: Number of referring offences for Drug Court participants**

Total number of offences referred	1994
Average number of offences referred	6.4
Minimum number of offences referred	1
Maximum number of offences referred	32

Note: Data were missing for one participant. This table is based on offences referred to the Drug Court which occurred before the participant's program start date, and includes offences which occurred before the start date but which were sentenced after the start date. (Offences committed after participants commenced the Program are not included.)

**Table 4: Type of referring offences for Drug Court participants**

Offence type	Persons		Offences	
	No.	%	No.	%
Theft	293	93.9	1313	65.8
Driving	99	31.7	241	12.1
Against good order	94	30.1	123	6.2
Drug	76	24.4	144	7.2
Against justice procedures	59	18.9	74	3.7
Property damage	15	4.8	15	0.8
Against the person	5	1.6	5	0.3
Robbery and extortion	5	1.6	5	0.3
Other offences	47	15.1	74	3.7
<b>Total</b>	<b>312</b>	<b>100.0</b>	<b>1994</b>	<b>100.0</b>

Note: Data were missing for one participant. The percentages based on persons do not add to 100% because many Drug Court participants were charged with more than one type of referring offence.



participants only had one referring offence, the maximum number of referring offences committed by a participant was 32.

Table 4 shows the type of referring offences for Drug Court participants. Many participants had more than one type of referring offence. Table 4 shows that theft was the most common type of referring offence. Theft offences accounted for approximately two-thirds of the referring offences, with the vast majority of Drug Court participants (93.9%) being charged with theft offences. The next most common categories of offences were driving offences (accounting for 12.1% of the referring offences and committed by 31.7% of participants), offences against good order (accounting for 6.2% of offences and committed by 30.1% of participants) and drug offences

(accounting for 7.2% of offences and committed by 24.4% of participants).

All Drug Court participants are given a prison sentence that is suspended before they commence their Drug Court program. The main features of these prison sentences for Drug Court participants are shown in Table 5. At 30 June 2000, the average prison sentence for persons who had commenced the Drug Court Program was 11.2 months. The maximum sentence was just over four years while the minimum sentence for one participant was 0.9 months.

**COMPARISON GROUP**

The comparison group for the cost-effectiveness evaluation consists of persons who were both eligible for the Drug Court Program and willing to

participate in the Program but for whom a detoxification bed was unavailable.

Figure 9 shows the number of persons entering the comparison group and the Drug Court Program quarterly (every three months). Note that the sixth 'quarter' is not strictly speaking a quarter because it is a two- rather than three-month period.<sup>11</sup> The total number recruited to the comparison group steadily increased from the first to the fourth quarter. Only 13 persons joined the comparison group in the first quarter compared with 26 in the second quarter, 37 in the third quarter and 45 in the fourth quarter. Thirty-seven persons joined the comparison group in the fifth quarter and 43 persons joined in the final two months of the 17-month period.

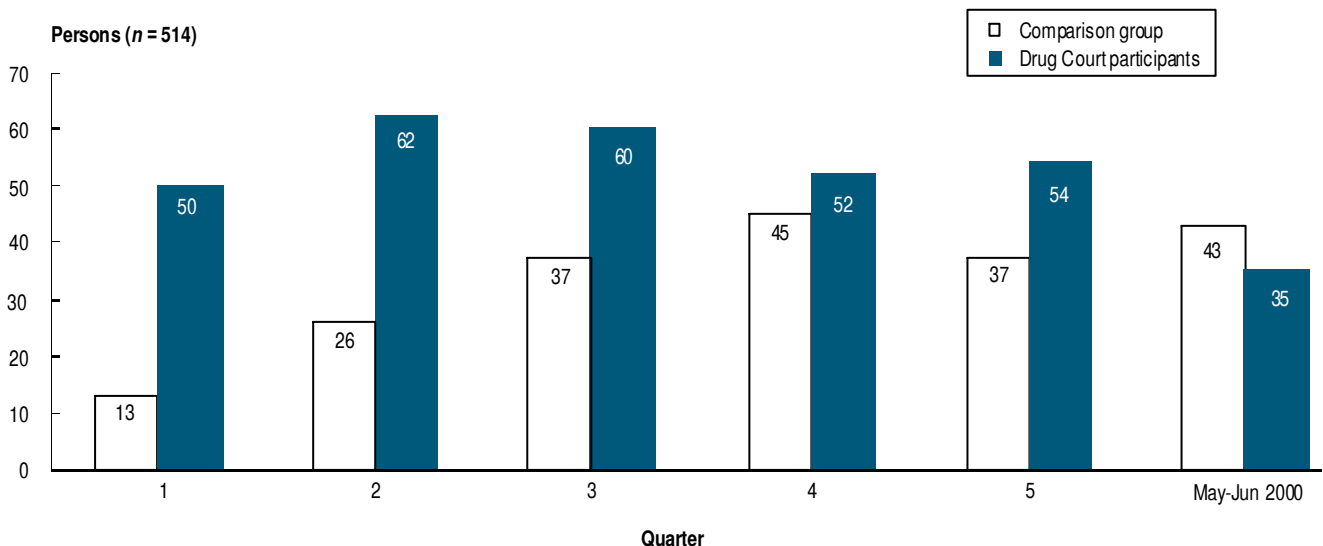
Figure 10 shows the total numbers of people who had entered the comparison group and the Drug Court Program since the beginning of the Court's operation. Actual weekly numbers in these groups are compared with the weekly numbers required for the cost-effectiveness evaluation. The rate of recruitment for both the Drug Court group and the comparison group was slower than was projected at the commencement of the Drug Court Trial. It was originally expected that, by the end of the first 12 months of the Drug Court's operation, 300 offenders would have entered the Program and 200 offenders would have been recruited to the comparison group. Because recruitment to both groups was

**Table 5: Number and length of prison sentences for Drug Court participants**

Number of persons sentenced	313
Minimum sentence imposed (months)	0.9
Maximum sentence imposed (months)	48.4
Average duration of sentence (months)	11.2

Note: This table is based on the longest sentence imposed upon each participant. Where sentences were to be served cumulatively, the sum of cumulative sentences was included. Sentence durations are for non-parole periods only and include time already served.

**Figure 9: Persons entering comparison group and Drug Court Program, by quarter**



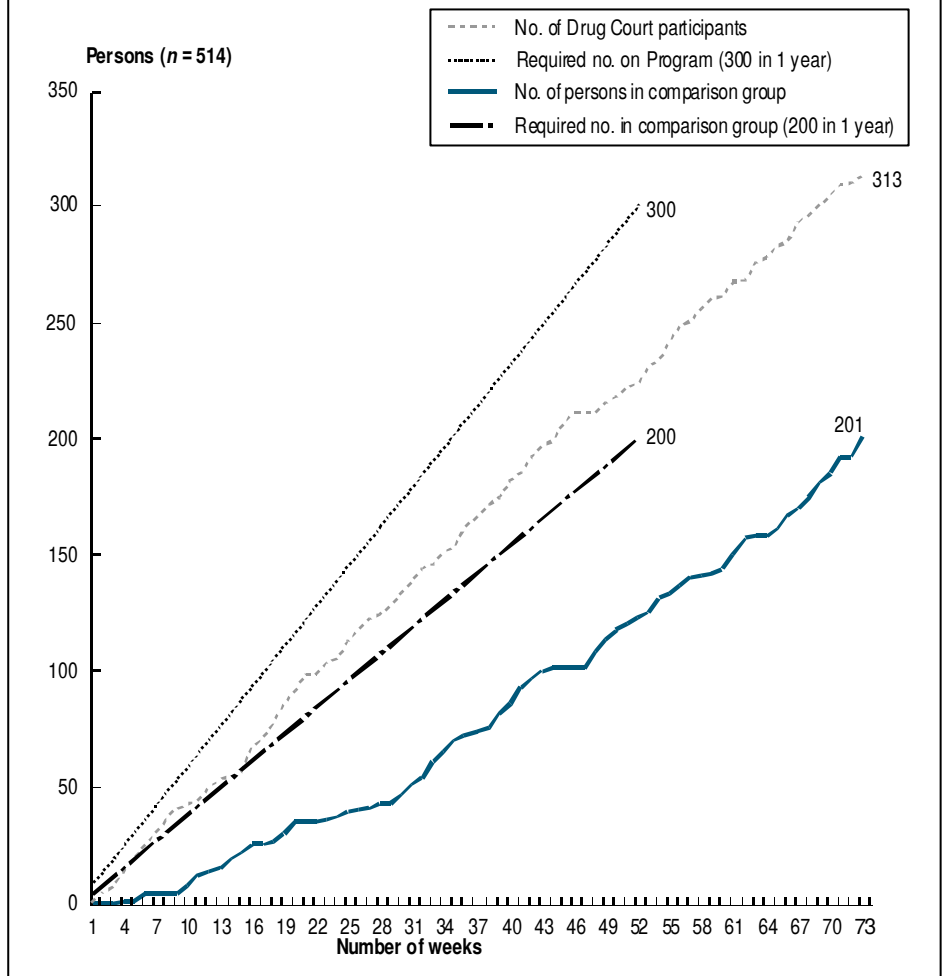
slower than anticipated, the Drug Court Trial was extended to 30 June 2000. By this date, the numbers in both groups were adequate for the evaluation, with 313 offenders having commenced the Program and 201 offenders having entered the comparison group.

Table 6 shows the type of referring offences for the 182 persons in the comparison group for whom the referring offences were known.<sup>12</sup> There were a total of 876 referring offences for these 182 offenders, with many offenders having more than one type of referring offence. As with the referring offences for the Drug Court participants (see Table 4), the most common type of referring offence for the comparison group was theft. Theft offences accounted for 56.1 per cent of the referring offences for the comparison group, with 86.3 per cent of the comparison group being charged with theft offences. The next three most common types of referring offences for the comparison group were also the same as those for the Drug Court participants, namely, driving offences (26.4% of the comparison group), offences against good order (37.9% of the comparison group) and drug offences (25.8% of the comparison group).

**PROGRAM PROGRESSION**

As outlined earlier, each Drug Court participant is given a Drug Court program with which they must comply. Drug Court participants must complete all three phases of their Drug Court program before graduating. The first and second phases were designed to last approximately three months while the third phase was designed to last approximately six months. Compliance with their program results in progression to the next phase, while non-compliance results in a delay in progression to the next phase, demotion to a previous phase or termination from the Drug Court Program. The Drug Court can terminate an offender’s Drug Court program if the Court decides ‘that there is no useful purpose to be served in the drug offender’s further participation in the program’.<sup>13</sup> It is important to note that Drug Court participants can also choose to terminate their Drug Court program at any time, and may have been performing satisfactorily at the time they chose to end their involvement with the Drug Court.

**Figure 10: Cumulative numbers of Drug Court participants and persons in comparison group: required and actual weekly numbers**



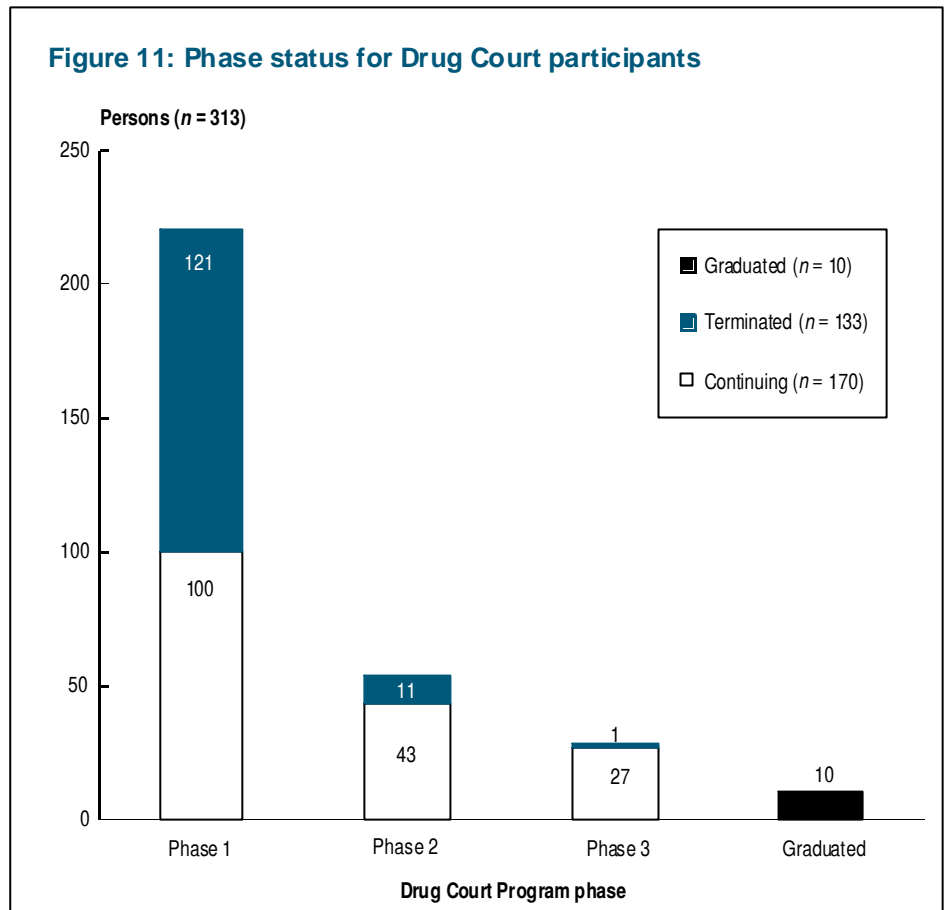
**Table 6: Type of referring offences for comparison group**

Offence type	Persons		Offences	
	No.	%	No.	%
Theft	157	86.3	491	56.1
Driving	48	26.4	118	13.5
Against good order	69	37.9	82	9.4
Drug	47	25.8	79	9.0
Against justice procedures	26	14.3	39	4.5
Property damage	6	3.3	7	0.8
Against the person	3	1.6	4	0.5
Robbery and extortion	5	2.7	5	0.6
Other offences	40	22.0	51	5.8
<b>Total</b>	<b>182</b>	<b>100.0</b>	<b>876</b>	<b>100.0</b>

Note: Data were missing for 19 persons. The percentages based on persons do not add to 100% because many offenders were charged with more than one type of referring offence.

Figure 11 shows the most advanced phase reached on the Program by the 313 Drug Court participants who commenced the Program in the first 17 months of the Court's operation.<sup>14</sup> By the end of the 17-month period, 10 participants had graduated from the Program, 133 participants had been terminated from the Program and 170 were continuing on the Program. Of those continuing on the Program, 28 had been promoted to Phase 3 and a further 54 had been promoted to Phase 2. It can also be seen that most of the 133 terminations from the Drug Court Program occurred in Phase 1. Only one participant who had reached Phase 3 and only 11 who had reached Phase 2 were terminated, while 121 participants who were terminated had not progressed beyond Phase 1.<sup>15</sup>

Analysis of the time taken to complete the Drug Court Program shows that the participants who graduated in the first 17 months had spent, on average, 365 days on the Program. For these participants, the minimum length of time spent on the Program was 275 days while the maximum was 500 days.



**PROGRAM COMPLIANCE**

Program compliance is assessed through urine testing, program breaches (indexed by the number of custodial sanctions given by the Drug Court) and monitoring of criminal activity while on the Drug Court Program. It is recognised by the Drug Court that recovery from drug dependency is a difficult process and that breaches of a participant's Drug Court program are to be expected, especially in the earlier phases of the Program.

Table 7 shows Drug Court participants' compliance on the key indicators. Urine tests for Drug Court participants are conducted by numerous service providers, including a nurse currently employed at the Drug Court. Table 7 shows the urine test results that were available at the last Drug Court appearance before 30 June 2000 for the 313 Drug Court participants, regardless of their status on the Program at 30 June 2000. Only 259 of the 313 participants had a urine test result at their last Drug Court appearance. Note that some participants who admit drug use to the Court prior to a urine test being

**Table 7: Program compliance on key indicators by Drug Court participants**

Key indicator	Yes		No		Total	
	No.	%	No.	%	No.	%
Last urine test result contained drugs prohibited by Drug Court	118	45.6	141	54.4	259	100.0
Custodial sanction imposed	258	82.4	55	17.6	313	100.0
Sentence for offence committed after commencing Program	56	17.9	257	82.1	313	100.0

conducted may not be required to provide the court with a urine sample. Of the 259 participants with a urine test result at their last Court appearance, 118 (or 45.6%) tested positive to at least one drug prohibited by the Drug Court.<sup>16</sup> Fifty-one (or 43.2%) of the 118 participants who tested positive to a drug prohibited by the Drug Court at their last Court appearance have since been terminated from the Program.

Participants can receive a custodial sanction if they do not comply with their

Drug Court program. These sanctions range between one and 14 days in length, depending on the nature of the breach. Previously, participants who received a custodial sanction would immediately serve their time in custody regardless of the length of that sanction. However, more recently, it has become Drug Court policy to suspend custodial sanctions until the participant has accumulated about seven days in sanctions, at which time the participant is directed to serve their time in custody.

Table 7 shows that 55 (or 17.6%) of the 313 Drug Court participants had not received a custodial sanction whilst participating on the Drug Court Program. For the 258 participants for whom the Court had imposed at least one custodial penalty for Program non-compliance, the average length of each sanction was five days.

Table 7 shows that, of the 313 participants who commenced the Drug Court Program by 30 June 2000, 17.9 per cent (or 56 participants) had been sentenced for an offence committed while on Drug Court Program. This percentage does not include any participants who were arrested while on the Program but had not been re-sentenced by 30 June 2000. The

56 people who had been sentenced for an offence committed while on the Program were sentenced for a total of 109 charges. The maximum number of charges for offences sentenced while on the Program for any one person was 12. Thirty-six (or 64.3%) of the 56 participants who had been sentenced for an offence committed while on the Drug Court Program were terminated from the Program.

Table 8 presents a breakdown of the offence types for which these 56 people were sentenced while on the Program. Theft was the most common offence type sentenced. Theft offences accounted for 66.1 per cent of the offences sentenced, with 76.8 per cent of the 56 participants being sentenced for theft. Only six of the 56 participants (10.7%) were sentenced for a drug offence.

Figure 12 shows the Program status of the Drug Court participants at 30 June 2000 by the quarter in which they commenced the Drug Court Program. Figure 12 shows that, at 30 June 2000, a significant proportion of participants, namely 133 participants (or 42.5%), had been terminated prior to completing their Drug Court program; warrants were currently on issue for the arrest of a further 14 participants (or 4.5%) who had absconded from the Program;<sup>17</sup> and 10 participants (or 3.2%) had graduated from the Program. The Figure also shows that, by 30 June 2000, of the 50 people who commenced the Drug Court Program in its first quarter of operation, two had graduated from the Program, 10 (or 20.0%) were actively participating and a further 38 (or 76.0%) had been terminated. By 30 June 2000, of the 62 participants who commenced in the second quarter of operation, six (or 9.7%) had graduated, 20 (or 32.3%) were actively participating, three (or 4.8%) had absconded and a further 33 (or 53.2%) had been terminated.

**TREATMENT**

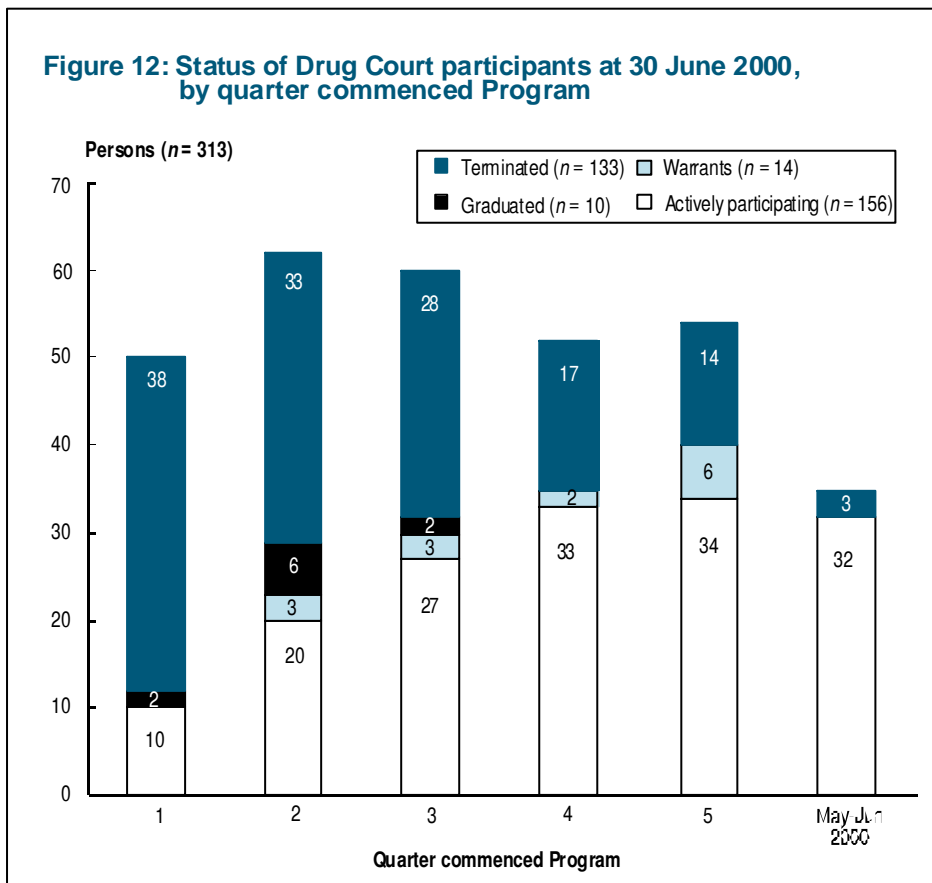
Drug Court participants can be assigned to a range of treatment types including abstinence, methadone and naltrexone-based treatments. Each of these treatment types can be delivered in either a residential setting or community-based setting. Drug Court participants may, with the Court's approval, change treatment types while on the Drug Court

**Table 8: Offences committed by Drug Court participants while on Program**

Offence type	Persons		Offences	
	No.	%	No.	%
Theft	43	76.8	72	66.1
Driving	9	16.1	18	16.5
Against good order	8	14.3	8	7.3
Drug	6	10.7	6	5.5
Against justice procedures	1	1.8	1	0.9
Other offences	4	7.1	4	3.7
<b>Total</b>	<b>56</b>	<b>100.0</b>	<b>109</b>	<b>100.0</b>

Note: The percentages based on persons do not add to 100% because some participants were charged with more than one offence type.

**Figure 12: Status of Drug Court participants at 30 June 2000, by quarter commenced Program**



**Table 9: Current treatment type for Drug Court participants at 30 June 2000**

<i>Treatment type</i>	<i>No. of persons</i>	<i>% of persons</i>
Community-abstinence	43	25.3
Community-methadone	60	35.3
Community-naltrexone	17	10.0
Residential-abstinence	32	18.8
Residential-methadone	18	10.6
Residential-naltrexone	0	0.0
<b>Total</b>	<b>170</b>	<b>100.0</b>

Program. Table 9 shows the current treatment type for the 170 persons remaining on the Drug Court Program at 30 June 2000. Note that Table 9 includes treatment type for both the 156 participants actively participating on the Drug Court Program and the 14 participants with current warrants. It can be seen that, as of 30 June 2000, community-methadone was the most common treatment type to which Drug Court participants were assigned. At this time, 45.9 per cent of participants were on a methadone program, 44.1 per cent were on an abstinence-based program and 10.0 per cent were on a naltrexone program. The vast majority of participants (70.6%) were receiving treatment in a community-based setting.

**PARTICIPANT CHARACTERISTICS**

Table 10 presents information on some key characteristics of the 313 persons who commenced the Drug Court Program in its first 17 months of operation. These characteristics are gender, age at Program entry, place of birth, prior imprisonment, number of prior conviction episodes, number of prior treatment episodes for substance abuse and highest school grade reached. Each characteristic is shown by participants' status on the Drug Court Program at 30 June 2000. In each case, the 14 participants for whom warrants were currently on issue are included, along with the 156 participants who were actively participating on the Program, as 'continuing' on the Program.

Table 10 shows that 81.8 per cent of Drug Court participants are male. At 30 June 2000, the termination rate for females (38.6%) appeared to be lower than that for males (43.4%). After 17 months of the Drug Court's operation, nine male participants had graduated from the Drug Court Program and one female had graduated.

Table 10 shows that 68.4 per cent of Drug Court participants were under the age of 30 at Program entry, and that participants aged 34 years or over had the lowest rate of Program termination (36.0%). Nine of the 10 participants who had graduated from the Drug Court Program were aged 30 or over.

The vast majority (86.2%) of the Drug Court participants whose country of birth was known were born in Australia. Seven per cent of Drug Court participants (21 persons) were Aboriginal or Torres Strait Islanders.

Of the 303 participants with information on prior imprisonment, 228 (75.2%) had previously served a custodial sentence. The termination rate for participants who had been previously imprisoned (43.9%) appeared to be slightly higher than that for participants without prior imprisonment (41.3%). However, all 10 participants who had graduated from the Program had previously served a custodial sentence.

Of the 301 participants for whom the number of prior conviction episodes was known, only one had no prior convictions, while the maximum number of prior conviction episodes was 95. Participants with between 6 and 10 prior conviction

episodes had the highest rate of termination from the Program (50.6%). The lowest rates of termination were for participants with between 16 and 20 prior conviction episodes (39.0%) and for participants with fewer than six prior conviction episodes (39.3%).

For the 288 participants whose prior treatment history was known, 40.6 per cent had not had any prior treatment for substance abuse. Compared with participants who had two or fewer prior treatment episodes for substance abuse, those with three or more such episodes appeared to have a higher rate of termination from the Drug Court Program (50.0%).

Finally, Table 10 shows the highest level of schooling reached by Drug Court participants. While over half of the participants did not reach Year 10, seven of the 10 participants who had graduated from the Program by 30 June 2000 had reached Year 10 or a higher grade.

**DRUG COURT WORK LOAD**

'Pre-Program' Drug Court appearances are appearances which occur before the participant joins the Drug Court Program, including appearances after the preliminary health assessment and during the detoxification assessment.

The remaining appearances before the Drug Court are referred to as 'sentencing/on Program' appearances. These appearances include the appearance which occurs immediately before commencing the Drug Court Program, where the participant is sentenced and signs an undertaking to comply with the Program. 'Sentencing/on Program' appearances also include the regular report-back appearances before the Court once the participant is on the Program. Participants in Phase 1 of the Program are usually required to report back to the Court on a weekly basis. Participants in Phase 2 are usually required to report back to the Court fortnightly and participants in Phase 3 are usually required to report back monthly. Finally, 'sentencing/on Program' appearances include appearances for final sentencing once participants have either completed the Drug Court Program or have been terminated from the Program.

Table 10: Characteristics of Drug Court participants by status on Program at 30 June 2000

	Status							
	Continuing		Terminated		Graduated		Total	
	No.	%	No.	%	No.	%	No.	%
<b>Gender</b>								
Male	136	53.1	111	43.4	9	3.5	256	81.8
Female	34	59.6	22	38.6	1	1.8	57	18.2
<b>Total</b>	<b>170</b>	<b>54.3</b>	<b>133</b>	<b>42.5</b>	<b>10</b>	<b>3.2</b>	<b>313</b>	<b>100.0</b>
<b>Age at Program entry (years)</b>								
18-21	38	61.3	24	38.7	0	0.0	62	19.8
22-25	47	57.3	35	42.7	0	0.0	82	26.2
26-29	39	55.7	30	42.9	1	1.4	70	22.4
30-33	19	38.8	26	53.1	4	8.2	49	15.7
34+	27	54.0	18	36.0	5	10.0	50	16.0
<b>Total</b>	<b>170</b>	<b>54.3</b>	<b>133</b>	<b>42.5</b>	<b>10</b>	<b>3.2</b>	<b>313</b>	<b>100.0</b>
<b>Place of birth</b>								
Australia	138	53.7	113	44.0	6	2.3	257	86.2
Southern Asia	10	62.5	6	37.5	0	0.0	16	5.4
New Zealand	5	71.4	2	28.6	0	0.0	7	2.3
United Kingdom	4	50.0	2	25.0	2	25.0	8	2.7
Other	4	40.0	4	40.0	2	20.0	10	3.4
<b>Total<sup>a</sup></b>	<b>161</b>	<b>54.0</b>	<b>127</b>	<b>42.6</b>	<b>10</b>	<b>3.4</b>	<b>298</b>	<b>100.0</b>
<b>Prior imprisonment</b>								
Yes	118	51.8	100	43.9	10	4.4	228	75.2
No	44	58.7	31	41.3	0	0.0	75	24.8
<b>Total<sup>b</sup></b>	<b>162</b>	<b>53.5</b>	<b>131</b>	<b>43.2</b>	<b>10</b>	<b>3.3</b>	<b>303</b>	<b>100.0</b>
<b>No. of prior conviction episodes</b>								
0-5	34	60.7	22	39.3	0	0.0	56	18.6
6-10	36	46.8	39	50.6	2	2.6	77	25.6
11-15	31	54.4	25	43.9	1	1.8	57	18.9
16-20	22	53.7	16	39.0	3	7.3	41	13.6
21+	37	52.9	29	41.4	4	5.7	70	23.3
<b>Total<sup>c</sup></b>	<b>160</b>	<b>53.2</b>	<b>131</b>	<b>43.5</b>	<b>10</b>	<b>3.3</b>	<b>301</b>	<b>100.0</b>
<b>No. of prior treatment episodes for substance abuse</b>								
none	70	59.8	45	38.5	2	1.7	117	40.6
1-2	66	51.2	59	45.7	4	3.1	129	44.8
3+	17	40.5	21	50.0	4	9.5	42	14.6
<b>Total<sup>d</sup></b>	<b>153</b>	<b>53.1</b>	<b>125</b>	<b>43.4</b>	<b>10</b>	<b>3.5</b>	<b>288</b>	<b>100.0</b>
<b>Highest school grade reached</b>								
6	2	33.3	4	66.7	0	0.0	6	2.0
7	14	53.8	12	46.2	0	0.0	26	8.8
8	20	43.5	25	54.3	1	2.2	46	15.5
9	45	55.6	34	42.0	2	2.5	81	27.3
10	62	63.3	32	32.7	4	4.1	98	33.0
11	11	61.1	7	38.9	0	0.0	18	6.1
12	7	31.8	12	54.5	3	13.6	22	7.4
<b>Total<sup>e</sup></b>	<b>161</b>	<b>54.2</b>	<b>126</b>	<b>42.4</b>	<b>10</b>	<b>3.4</b>	<b>297</b>	<b>100.0</b>

<sup>a</sup> Data were missing for 15 participants.

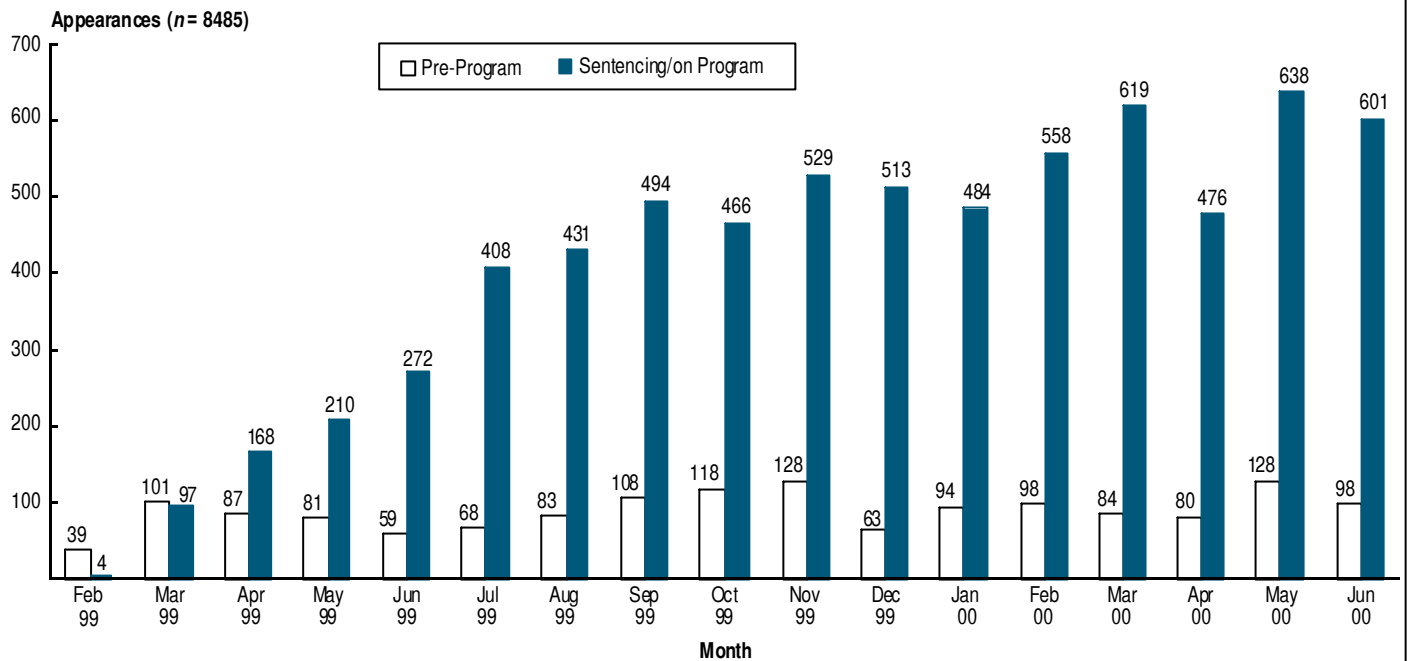
<sup>b</sup> Data were missing for 10 participants.

<sup>c</sup> Data were missing for 12 participants.

<sup>d</sup> Data were missing for 25 participants.

<sup>e</sup> Data were missing for 16 participants.

**Figure 13: Appearances before Drug Court, by appearance type, monthly**



**Figure 14: Urine tests conducted, monthly**

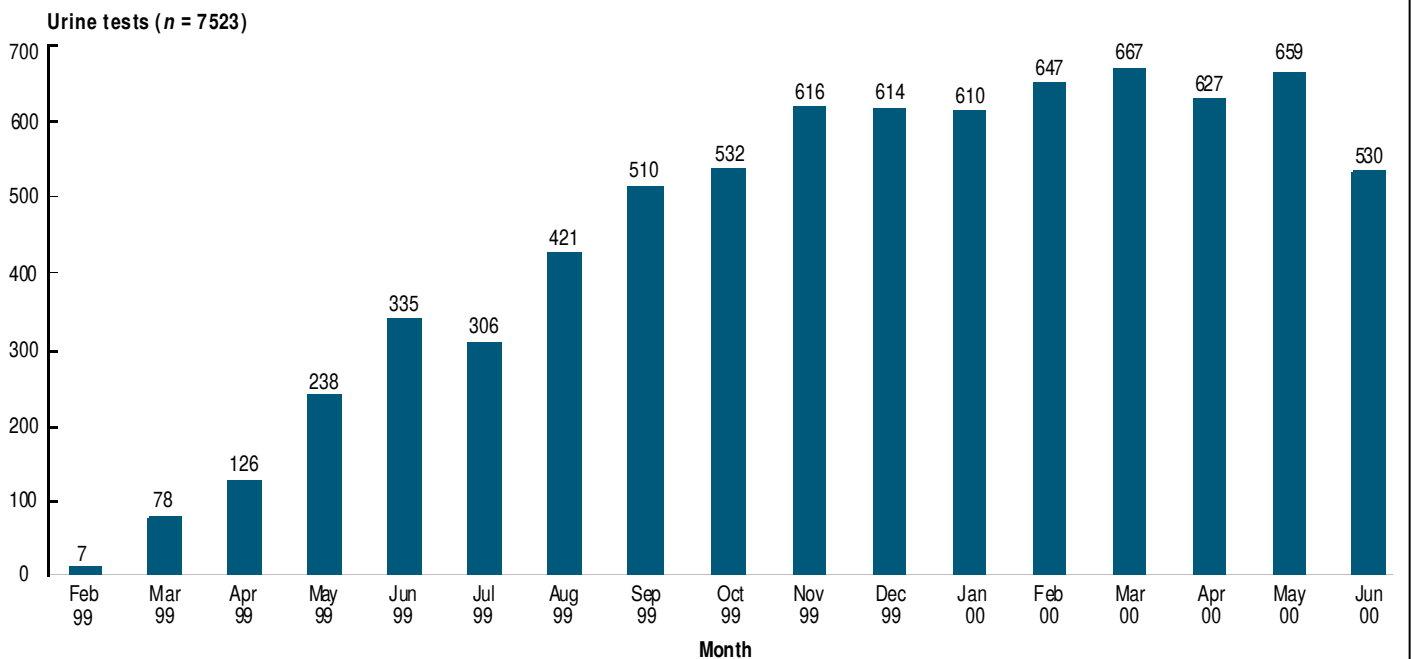


Figure 13 shows there were a total of 8,485 appearances for the first 17 months. The number of appearances for sentencing and reporting back to the Court generally grew throughout the first 12-month period as an increasing number of offenders joined the Program, but fell from November 1999 to January

2000. ‘Sentencing/on Program’ appearances increased again from January to March 2000 before dropping in April 2000 but increasing again in May 2000. May 2000 had the highest number of ‘sentencing/on Program’ appearances (638) since the Drug Court was opened. The decrease in the number of

‘sentencing/on Program’ appearances in April 2000 may be partly due to the Court recess over the Easter holiday break.

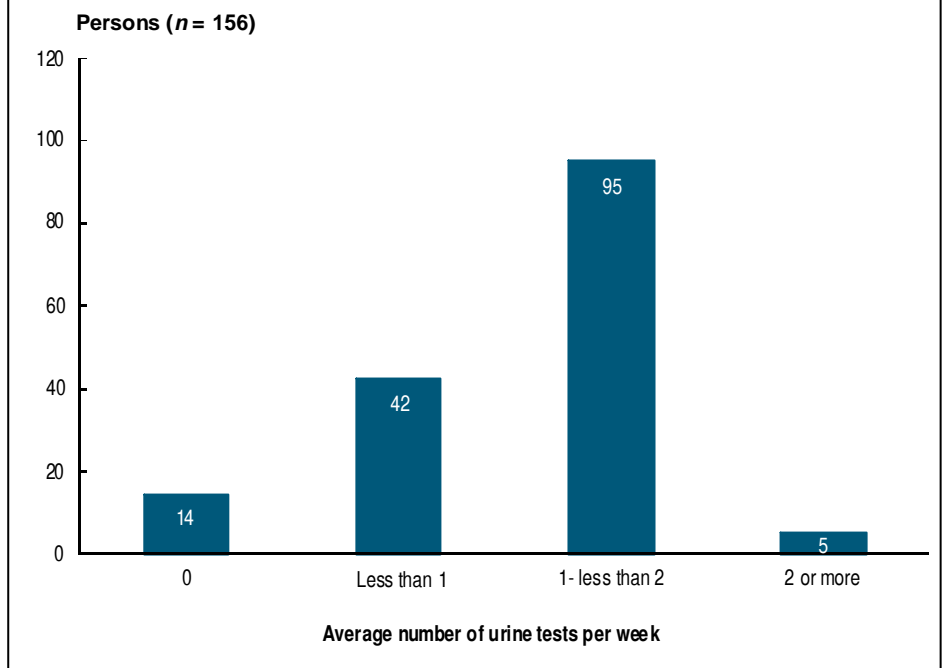
Figure 14 shows the number of urine tests conducted monthly over the Drug Court’s first 17 months of operation. In this period, there were 7,523 urine tests

reported to the Court for the 313 participants on the Drug Court Program. The urine tests were conducted by the Drug Court Team, methadone providers and private clinics.

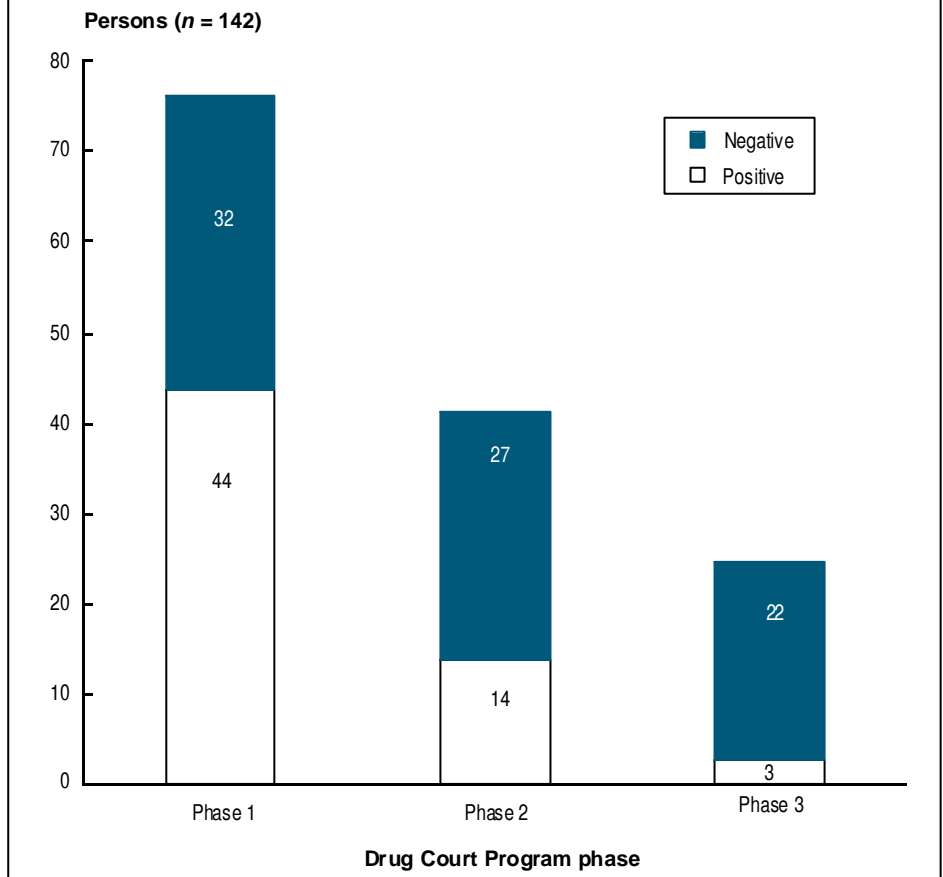
Figure 15 shows the average number of urine tests per week for the 156 Drug Court participants who were actively participating on the Program at 30 June 2000.<sup>18</sup> Given that urine tests cannot be conducted on persons who have absconded from the Program, the 14 persons for whom warrants were currently on issue are excluded from the Figure.<sup>19</sup> The Court requires that urine tests be conducted twice per week for Phase 1 of the Program, once a week in Phase 2, and once a fortnight in Phase 3. Figure 15 shows that the average number of urine tests per week was somewhat low during the 17-month period. Fourteen of the 156 Drug Court participants did not have any urine test results, although only 13 participants had started the Program less than one month prior to 30 June (see Figure 8). Only five participants (3.2%) had an average of two or more urine tests per week even though the majority of those actively participating at 30 June 2000 were in Phase 1 (see Figure 11), where the requirement is two urine tests per week. However, 100 (64.1%) of the 156 participants had an average of at least one urine test per week. When considering the somewhat low rate of urine testing for these 156 participants, it should be noted that testing was generally not conducted during periods when these participants were imprisoned (as a result of a sanction) or absconding. Furthermore, urine tests are not necessarily required when participants admit to using a prohibited drug.

Of the 142 Drug Court participants who were actively participating on the Program at 30 June 2000 and had a urine test result, 81 (57.0%) tested negative to all prohibited drugs in their last urine test, while the remaining 61 (43.0%) tested positive to at least one prohibited drug.<sup>20</sup> Figure 16 shows the results of the last urine test for these 142 Drug Court participants by the most advanced phase reached on the Program.<sup>21</sup> It can be seen that the percentage of positive urine results decreased the more advanced these 142 participants were on the Program.<sup>22</sup> While 44 (57.9%) of the 76 participants in Phase 1 tested positive to at least one

**Figure 15: Average number of urine tests per week for Drug Court participants actively participating at 30 June 2000**



**Figure 16: Result of last urine test for Drug Court participants actively participating at 30 June 2000, by phase**





**Table 11: Drug type present in last urine test for Drug Court participants actively participating at 30 June 2000**

	<i>Opiates</i>		<i>Amphetamines</i>		<i>Cocaine</i>		<i>Benzodiazapenes</i>		<i>Cannabis</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Present	35	57.4	10	16.4	8	13.1	16	26.2	21	34.4
Absent	26	42.6	51	83.6	53	86.9	45	73.8	40	65.6
<b>Total</b>	<b>61</b>	<b>100.0</b>	<b>61</b>	<b>100.0</b>	<b>61</b>	<b>100.0</b>	<b>61</b>	<b>100.0</b>	<b>61</b>	<b>100.0</b>

Note: This table is based on the 61 persons actively participating on the Program at 30 June 2000 who tested positive to a drug other than methadone in their last urine test.

prohibited drug in their last urine test, only 14 (34.1%) of the 41 participants who had progressed to Phase 2 and only 3 (12.0%) of the 25 participants who had progressed to Phase 3 tested positive.

For the 61 Drug Court participants actively participating at 30 June 2000 whose last urine test was positive, Table 11 shows the type of drug detected. Some of these participants tested positive to more than one prohibited drug. The most common drug detected was some type of opiate other than methadone, such as heroin, morphine or codeine. Thirty-five (57.4%) of the 61 participants tested positive for an opiate. It is likely that most positive tests for opiates resulted from heroin use. About one-third of the participants with a positive urine result tested positive for cannabis, while about one-quarter tested positive for benzodiazapenes.

## SUMMARY

The NSW Drug Court Trial commenced on 8 February 1999. The present report examined the first 17 months of the Drug Court's operation, for the period ending 30 June 2000. The date 30 June 2000 marks the end of the recruitment period for Drug Court participants included in the cost-effectiveness evaluation of the Drug Court Trial. The main findings for the first 17 months of the Court's operation are summarised below.

- The Drug Court received 838 referrals in its first 17 months of operation. Of the persons referred, 503 did not enter the Drug Court Program because there was no place available at the time of referral (68 persons) or at the time

of the detoxification assessment (201 persons); or they were ineligible or unwilling to participate (225); or a highly suitable treatment plan was not available (9 persons).

- Being unwilling to participate in the Program was the most common reason for a person not entering the Drug Court Program, both after the preliminary health assessment and after the detoxification assessment.
- The average length of the detoxification assessment period (17 days) was considerably longer than the seven-day detoxification period anticipated when the Program was designed.
- At 30 June 2000, 313 persons had commenced the Drug Court Program (and a further 22 were still undergoing detoxification assessment).
- Of the 313 persons who had commenced the Drug Court Program, 10 (3.2%) had graduated from the Program and 133 (42.5%) had been terminated from the Program, leaving 170 (54.3%) participants remaining on the Program. Of those still on the Program, 28 had progressed to Phase 3 of the Program, and a further 54 had progressed to Phase 2.
- By 30 June 2000, there were sufficient numbers of Drug Court participants and persons in the comparison group for the cost-effectiveness evaluation, although the recruitment of both Drug Court participants and comparison group members was slower than originally anticipated.
- Of the 133 participants terminated

from the Program in the first 17 months, 121 (91.0%) had not progressed beyond Phase 1.

- At least one custodial sanction had been imposed on 82.4 per cent of Drug Court participants during the 17-month period, with an average custodial sanction of 5 days.
- Of the 313 Drug Court participants, 259 had a urine test result at their last court appearance, with 54.4 per cent testing negative to all drugs prohibited by the Drug Court. Of the 142 participants who were still actively participating on the Program at 30 June 2000 and had been urine tested, 57.0 per cent tested negative to all prohibited drugs in their last urine test.
- As at 30 June 2000, 45.9 per cent of the 170 Drug Court participants continuing on the Program were on a methadone program, 44.1 per cent were on an abstinence-based program and 10.0 per cent were on a naltrexone program. Seventy-one per cent of participants were receiving treatment in a community-based setting.
- Of those who had commenced the Drug Court Program, 81.8 per cent were male, 68.4 per cent were under the age of 30 years, 86.2 per cent were born in Australia, 75.2 per cent had previously been imprisoned, 59.4 per cent had received prior treatment for substance abuse and 53.5 per cent had not received schooling beyond Grade 9.

The present report completes the Bureau's routine monitoring of the Drug Court. Subsequent Bureau reports will address the effect of the Drug Court on health, social functioning and recidivism, and the cost of the Drug Court.

## NOTES

- 1 Dale Country Circuit Court in Miami, Florida, was the first of the modern Drug Courts. Drug Court Clearing House and Technical Assistance Project 1988, *Looking at a Decade of Drug Courts*, American University, Washington.
- 2 Freeman, K., Lawrence Karski, R. & Doak, P. 2000, 'New South Wales Drug Court evaluation: Program and participant profiles', *Crime and Justice Bulletin*, no. 50, NSW Bureau of Crime Statistics and Research, Sydney.
- 3 The term 'program' is used in two senses throughout the present bulletin. When used with a capital, the term 'Drug Court Program' is used in a broad sense to refer to the Program run by the Drug Court consisting of ongoing treatment and supervision of offenders. When used in lower case, the term 'Drug Court program' refers to a specific program of treatment and supervision designed for an individual Drug Court participant.
- 4 NSW Drug Court 1999a, Drug Court Review Committee Report, December 1999, Drug Court of NSW, Sydney.
- 5 From July 2000, the weekly intake to the Drug Court was considerably reduced and the random selection process ceased. At present, all eligible applicants are offered a place in the detoxification units, although they may have to wait for a bed to become available before entering the detoxification stage.
- 6 NSW Drug Court 1999b, Drug Court Program Structure, Drug Court of NSW, Sydney.
- 7 Drug Court Act 1998, No. 150 (NSW), s. 12.
- 8 The 133 terminations from the Program include terminations resulting from voluntary withdrawal from the Program. It is possible that both persons in the comparison group and persons terminated from the Drug Court Program are referred back to the Drug Court if they re-offend after completing their sentence.
- 9 The Drug Court did not take referrals from 1/12/99 to 18/12/99 due to lack of staffing at treatment services over the end of year period and from 17/4/00 to 28/4/00 due to the lack of resources available for urinalysis.
- 10 Information regarding referring offences was missing for one participant.
- 11 It was decided to examine the first 17 months of operation, ending 30 June 2000, rather than the first 18 months because 30 June 2000 marks the end of the recruitment period for the Drug Court participants included in the cost-effectiveness evaluation and because the Drug Court changed its recruitment policy after this date.
- 12 Information on referring offences was missing for 19 persons in the comparison group.
- 13 Drug Court Act 1998, Part 2, Div. 2.
- 14 The figure shows the most advanced phase reached by each participant by 30 June 2000 and does not take into account any demotions to a previous phase.
- 15 It should be noted here that, at the outset of the Drug Court trial, it was expected that it would take approximately 12 months to complete the Program. Thus, not all of the 313 Drug Court participants would have been on the Program long enough to have graduated by 30 June 2000. Similarly, progression from one phase to the next is constrained by the length of time spent on the Program. Of those terminated, one participant died as a result of a drug overdose. This person overdosed after absconding from the Drug Court Program and prior to entering treatment.
- 16 It is worth noting that in some instances, the detected drug may have been prescribed. For example, a positive result for opiates may have resulted from prescribed codeine.
- 17 For the purposes of the present analyses, only participants who had warrants that were current at 30 June 2000, and had been issued at least two weeks previously, were categorised as currently absconding from the Program.
- 18 For each participant, the average was calculated by dividing the number of urine tests the person had undertaken by the number of weeks on the Program.
- 19 See note 17.
- 20 See note 16.
- 21 The figure shows the most advanced phase reached by each participant by 30 June 2000 and does not take into account any demotions to a previous phase.
- 22 It is worth noting that this result is based on the participants who were still actively participating on the Program at 30 June 2000. Of the 133 participants who had been terminated from the Program before 30 June 2000, 51 had tested positive to a drug prohibited by the Drug Court at their last appearance.

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