

## Appendix 8

# Community Based Criminal Justice Interventions with Drug Offenders

There has been an increasing interest in Arrest referral Schemes across Scotland within the last year or so. There are a number of schemes already in operation in D.A.T. areas and other schemes are being planned. Most of the schemes are still at an early stage of development and it has not yet been possible to fully evaluate these schemes.

### Arrest Referral Schemes

- Arrest referral schemes attempt to identify accused, either in custody suites within police stations or court cells, who appear to have a drug related problem and encourage/direct them to some form of treatment programme
- The purpose of an arrest referral service is to offer an opportunity to drug users who have been arrested to engage with drug treatment and/or other appropriate services with a view to reducing their offending behaviour. It has no formal link with the due process of law
- Engagement with treatment programmes does not imply that the case will not be dealt with through the criminal justice processes although successful participation could suggest the possibility of an alternative sentence (or diversion from prosecution) where a conviction is secured
- Arrest referral schemes tend to fall in to 3 distinct models viz.; - information leaflet; proactive (addiction workers employed in custody suites) ; and incentive model
- Schemes currently operate in a number of areas of Scotland including Tayside, Aberdeenshire and Glasgow (for women offenders) and others are at the planning stage

### Diversion from Prosecution

- Diversion from prosecution is the referral by a procurator fiscal of an accused to the supervision of a social worker, psychiatrist, psychologist or mediator in cases where the public interest does not require formal criminal proceedings
- Allows individuals accused of relatively minor offences (and where there is no overriding public interest for a prosecution) to be dealt with outwith the court system
- Following successful piloting across 18 local authority areas, the Executive announced in September 2000 the national roll-out of more focussed diversion from prosecution schemes. Drug misusing accused were one of 4 priority groups identified for targeting under the revamped schemes, which will adopt the deferred model approach
- It is intended that procurators fiscal across Scotland will have access to local diversion schemes.

### Probation (with treatment)

- A probation order provides community based supervision for a period of 6 months to 3 years, which offers a range of programmes providing constructive support for the offender focused on assisting him/her to change his behaviour
- Courts have powers to apply specific additional conditions to a Probation Order, one of the most commonly used being that an offender must undertake treatment for his/her drug misuse

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- Specialist programmes have been provided to address the specific needs of drug misusing offenders who have been subject to a probation order with a condition of treatment.

### Drug Treatment and Testing Orders (DTTOs)

- The Drug Treatment and Testing Order is a disposal targeted on high tariff offenders with a dependency on drugs who consent to imposition of an order. Frequency of offending is a greater determinant of appropriate targeting than single possibly "one-off" serious offences
- The objectives of the Order are twofold: - 1) to reduce the amount of acquisitive crime committed to fund drug misuse; 2) to reduce the level of drug misuse
- Offenders are placed on specialist treatment programmes lasting between 6 months and 3 years; failure to comply with the terms of the order can result in revocation – an alternative sentence may then be imposed
- Treatment is a mixture of programmes ranging from detoxification, methadone substitution through to intensive day programmes offering lifeskills
- Courts are required to carry out reviews at not less than monthly intervals; first review at least must be at a court hearing with the offender present; thereafter if progress is satisfactory, reviews may be carried out in chambers
- Random but regular drug testing is carried out throughout the duration of the order to provide a means of monitoring progress; a failed test does not necessarily preclude continuation of treatment and of the order
- Drug Treatment and Testing Orders are currently available to courts in the Glasgow, Fife, and Aberdeen/Aberdeenshire local authority areas.

### Drug Court

- Designed to deal with offenders aged 21 years or older where there is an established pattern between the pattern of serious drugs misuse and the pattern of offending
- The objective is to reduce or eliminate an offender's dependence on or propensity to misuse drugs and in so doing to reduce the level of associated offending behaviour
- The Drug Court is intended to provide rapid access to treatment programmes combined with regular court reviews and regular but random testing
- The principal community disposals used by the drug court are drug treatment and testing orders and enhanced probation i.e. probation orders with conditions of drug treatment, testing and court reviews
- The drug court model is being piloted in Glasgow with a second pilot due to start in Fife in summer 2002.