

THE MAGISTRATES EARLY REFERRAL INTO TREATMENT PROGRAM

EVALUATION AND 'REAL WORLD' CHALLENGES

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The Magistrates Early Referral Into Treatment Program: Evaluation and 'Real World' Challenges

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Overview

- **The MERIT program**
- **The MERIT Monitoring & Evaluation Strategy**
- **Some key 'real world' challenges**
- **Positive aspects of MERIT Evaluation**

Background

- Following the NSW Drug Summit in 1999 the NSW Government committed to a range of drug-crime diversion initiatives

- MERIT is funded under the IDDI agreement between the State and Australian Government

- Other drug diversion programs in NSW include:
 - The Adult Drug Court
 - The Youth Drug and Alcohol Court
 - The Cannabis Cautioning Scheme
 - The Rural Alcohol Diversion Pilot

What is MERIT?

- MERIT is a local court based drug crime diversion program that allows **defendants** with drug use problems to undertake treatment and rehabilitation as part of their bail
- MERIT operates as a **pre-plea** program designed to divert adults into drug treatment at an early stage in the legal process
- MERIT is an **inter-agency** program between the health and criminal justice sectors. Agencies include the AGD (lead agency), NSW Health and NSW Police
- MERIT is guided by a Local Court Practice Note and operates under the *Bail Act (1978)*

What is MERIT?

- Participation in the MERIT program is **voluntary** and subject to approval by the Magistrate
- If approved, MERIT clients participate in an intensive 3 month drug treatment and case management program.
- Magistrates may take program completion into account when determining final sentence

Program Objectives

- To decrease drug related crime for the duration of the program & post program completion
- To decrease illicit drug use for the duration of the program & post program completion
- To increase community protection
- Sentences which better reflect rehabilitative prospects

MERIT Screening Criteria

Eligibility

- **Must be an adult**
- **Must be eligible for release on bail**
- **Must have a treatable illicit drug problem**
- **Must give consent to participate**

Suitability

- **Comprehensive assessment by MERIT team to assess issues associated with offending including health, housing, employment & financial issues**
- **Develop a comprehensive case plan for the defendant**

MERIT - Exclusions

- **Defendants with current or outstanding serious violent or sexual offences**
- **Defendants charged with strictly indictable matters**
- **Defendants on other court ordered treatment programs**

MERIT Treatment

- **During the bail period defendants undertake treatment as required and are intensively case managed by their MERIT caseworker**
- **Progress reports are provided to the court during the process to inform the Magistrate as to the defendant's progress in treatment**
- **The role of the Magistrate is to encourage or admonish the defendant**
- **Types of treatment may include: detoxification, residential rehabilitation, individual & group counselling, case management, welfare support and assistance**

Breaches & Non compliance

- **If a defendant commits further offences they will return to court and progress through the usual justice process**
- **If the defendant fails to attend and participate in MERIT the caseworker may notify the court. The court may then breach the defendant for non compliance with the program requirements**
- **Defendants may withdraw from MERIT at any time**

MERIT Implementation

- **MERIT commenced as a pilot program in Lismore in 2000 and is now available at 54 Local Courts across NSW covering 75% of the local court population**

MERIT Statistics

- **As at 30th September 2005:**
 - **8797 referrals**
 - **5212 acceptances**
 - **2941 completions**
 - **60% acceptance and completion rate**

- **The majority of MERIT participants are:**
 - **male aged 28 years old (average)**
 - **non-Aboriginal**
 - **not married**
 - **unemployed**
 - **were born in Australia**
 - **have spent time in gaol**
 - **have a highest education level of Year 10**

MERIT Statistics

- **The primary referral sources are solicitors & Magistrates**
- **The primary reason for non acceptance into program is the defendant's unwillingness to participate**
- **The most common principal drug of concern is cannabis followed by heroin**
- **The most common offence type is theft & related offences followed by illicit drug offences & road & traffic offences**
- **The most common sentence for program completers is a good behaviour bond & for non completers, imprisonment**
- **About 41% of completers had a recorded reappearance at court within 12 months versus 54% of non-completers**

- **Re-offending & sentencing outcomes**
- **Cost effectiveness**
- **Legal issues**
- **Social & health outcomes**
- **Participant's feedback**

MERIT - Monitoring & Evaluation Current Strategy



- **The importance of monitoring & evaluation**

- **Our commitment**
 - **The MERIT Program Monitoring & Evaluation Group**
 - **Three funded monitoring & evaluation positions**
 - **A MERIT Evaluation Strategy**
 - **A state-wide database**

MERIT EVALUATION ACTIVITIES

Monitoring

Evaluation

Process

Impact

Process

Impact

Operations and activities
Activity & Quarterly reports*

Program Outcomes
Annual Reports***

Program fidelity
Process study***

Program outcomes
Lismore evaluation**
Health outcomes study***
Criminal justice outcomes study****

Performance
Key performance indicators ***

Post Program Outcomes
Annual Reports***

Equity
Aboriginal Participation Study**
Women****
Cultural background & Mental Health****

Efficiency
Cost-Benefit Study (Lismore Evaluation)**
Cost-effectiveness Study***
Costing Study***

Target participation
Activity reports*

Unintended Outcomes

Stakeholder attitudes
Magistrates Survey**
Police Survey***
Legal Practitioner Survey****

Service utilisation
Residential rehabilitation*

Follow up care
Aftercare study***

Court coverage*

Participant satisfaction
Lismore Evaluation (participant survey)
Health Outcomes Study (questions to participants)

*Ongoing projects
**Completed projects
***Projects in progress
****To be developed

'Real world' challenges

- **Lack of randomised control trial**
- **Difficulty selling a non RCT evaluation strategy**
- **Inter-agency program- governance issues**
- **Data consistency across Area Health sites**
- **Lack of capacity for long term evaluation**

Positives

- **A strong commitment to evaluation**
- **A comprehensive state-wide database**
- **All encompassing strategy including monitoring & evaluation, process & impact assessment**
- **Formative & summative evaluation designs**
- **Internal & external evaluators**
- **Many studies, qualitative & quantitative data provided in a triangulating manner**
- **A large scale program with the capacity for powerful evaluation**

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MERIT Website:

http://goodmdq3.agd.nsw.gov.au/lawlink/cpd/merit.nsf/pages/merit_index