CENTRE FOR JUSTICE INNOVATION

Problem-solving courts:
An evidence review

Executive Summary

The context of this review

In December 2015, the then Lord Chancellor Michael Gove MP announced the creation of a working group on problem-solving courts. This working group was to 'examine models of problem-solving courts and advise on the feasibility of possible pilot models to be taken forward in England and Wales in 2016/17'. This commitment to problem-solving courts was reiterated by Prime Minster David Cameron in his February 2016 speech on penal reform.

This review of the evidence on problem-solving courts is designed to inform the development of government policy and, more importantly, to help shape the practice developed within pilots in England and Wales.

What are problem-solving courts?

Problem-solving courts put judges at the centre of rehabilitation. Generally operating out of existing courts, problem-solving courts yoke together the authority of the court and the services necessary to reduce reoffending and improve outcomes. They embrace a wide family of distinct models, all of which seek to improve public safety and the legitimacy of the justice system in the eyes of the public.

The key features of problem-solving courts are:

- Specialisation of the court model around a target group.
- Collaborative intervention and supervision.
- Accountability through judicial monitoring.
- A procedurally fair environment.
- A focus on outcomes.

Do problem-solving courts work?

Our review suggests:

- There is strong evidence that **adult drug courts** reduce substance misuse and reoffending. They are particularly effective with offenders who present a higher risk of reoffending.
- The evidence on **juvenile drug courts** is negative. It suggests they have either minimal or harmful impacts on young offenders.
- The evidence on **family treatment courts** and **family drug and alcohol courts** is good. It suggests that they are effective in reducing parental substance misuse and can reduce the number of children permanently removed from their families.
- The evidence on **mental health courts** is good. High-quality international evidence suggests that mental health courts are likely to reduce reoffending, although they may not directly impact offenders' mental health.
- The evidence on the impact of **problem-solving domestic violence courts** on outcomes for victims, such as victim safety and satisfaction, is good. The evidence on their ability to reduce the frequency and seriousness of a perpetrator reoffending is promising. This is encouraging when set against the lack of other effective options for reducing reoffending by perpetrators of domestic violence.
- The international evidence that **community courts** reduce reoffending and improve compliance with court orders is promising. However, the evidence of their impact in England and Wales is mixed (though drawing conclusions from a single pilot site is difficult).
- There is promising evidence to support the application of the key features of **problem-solving courts** to two specific groups of offenders where they have identified multiple and complex needs: female offenders at risk of custody and young adults.

- The evidence suggests that key features of problem-solving courts may be especially relevant for young offenders with complex needs at risk of custody in **youth court.** However, any enhancement of problem-solving features in youth court needs to take into consideration clear evidence that, where possible, youth offenders should be kept away from the formal system through triage and diversion, as prosecution and court appearances themselves can be criminogenic, i.e., producing or tending to produce crime.

Why do problem-solving courts work?

Our review suggests:

- Procedural fairness – the evidence that perception of fair treatment leads to better compliance with court orders — is not simply a nice-to-have, but rather it may be the most important factor in driving better outcomes. Perceptions of the courts are as important, if not more important, than both the decisions the court reaches and the treatment a problem-solving court can deliver.
- Effective judicial monitoring rests on certainty and clear communication. These factors are more important than the severity of the sanctions which the court can bring to bear. This may be especially relevant for mental health courts, where a more therapeutic and procedurally fair environment may be more important than a set of drug-court-like incentives and sanctions.
- The evidence on the importance of the responsivity principle in the risk-need-responsivity model supports the tendency for problem-solving courts to specialise in working with specific groups of offenders such as women with complex needs, problematic drug users, or those suffering from mental illness.

What are the problems with problem-solving courts?

Our review suggests:

- There is a perceived risk that problem-solving courts can lead to net-widening, i.e., drawing greater numbers of people into the justice system, especially if they are treated as additions to existing community sentences rather than as alternatives to higher-level sanctions.
- Without the appropriate support from experts in managing offenders, problem-solving court judges can cause harm by benignly 'overdosing' low-risk offenders with multiple requirements or can unwittingly use inappropriate, non-evidence-based interventions.
- Like many new and innovative interventions, advocates for problem-solving courts can run the risk of over promising. Problem-solving courts are not silver bullets. The impact they can have on reoffending is positive but it is also modest, like any other evidence-based intervention. There is scant evidence that they can, on their own, significantly impact the overall numbers of people in prison, especially if they are set against increases in sentencing tariffs.

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About this paper

Scope of the review

This paper seeks to answer four questions:

a. What are problem-solving courts?
b. Do problem-solving courts work?
c. If they do, why do problem-solving courts work?
d. What are the problems with problem-solving courts?

This review seeks to provide a resource for policymakers and practitioners charged with making problem-solving courts a reality in this country.

About us

The Centre for Justice Innovation works with policymakers and practitioners to build a justice system which reduces crime and commands the trust of the communities it serves.

Since our inception, the Centre for Justice Innovation has consistently argued that problem-solving courts can make an important contribution to the UK justice system. Our support for problem-solving courts is firmly rooted in the evidence which suggests that they can cut crime, improve public safety, and ensure that justice is seen to be done.

1. What are problem-solving courts?

1.1 Defining problem-solving courts

Over the past 25 years, problem-solving courts have emerged as a response to entrenched needs, such as drug addiction and mental illness, which drive reoffending. Problem-solving courts emerged out of efforts across the justice system to make a difference to outcomes, notably problem-oriented policing, therapeutic jurisprudence,[1] and the resurgence of the rehabilitative model. Primarily based in adult criminal courts, but also applied in family and juvenile jurisdictions, problem-solving courts emerged in the USA and have since spread across the world, to countries such as Belgium, Brazil, Canada, Australia, New Zealand, and others.

What distinguishes problem-solving courts is how they bring together community treatment and services, with the court, and more specifically the judge, as a principal mechanism for delivering behaviour change. Putting judges at the centre of rehabilitation, problem-solving courts deliver specialised community sentences, tailored to change offenders' behaviour and hold them accountable through regular monitoring by the judge.

Generally operating out of existing courts, problem-solving courts represent a wide family of distinct practice models (Table 1) — they can be found in criminal, civil, and family courts and can work with different populations, from substance-misusing adult offenders to young people at risk of custody.

Table 1: Most prominent types of problem-solving courts

Type	Jurisdiction	Countries
Adult drug courts	Criminal	Australia, Canada, New Zealand, Norway, Scotland, USA
Juvenile drug courts	Criminal (youth)	USA
Family treatment courts	Family	England and Wales, USA
Mental health courts	Criminal	Australia, USA
Domestic violence courts	Criminal or multi-jurisdictional	Australia, New Zealand, USA
Community courts	Varies – primarily criminal or multi-jurisdictional	Australia, Canada, USA

This review explores the evidence for the most prominent types of court. However, there are also courts that focus on prostitution, re-entry from prison, military veterans, sexual offending, and many other issues.

1.2 Contextualising the evidence of problem-solving within the literature on 'what works'

Although they represent distinct models of working with offenders, the development of problem-solving courts has been informed by the broader evidence base regarding how to effectively work with offenders. In particular, problem-solving courts can be linked to three bodies of evidence: risk-need-responsivity, procedural fairness, and evidence-based deterrence.

Risk-need-responsivity

First formalised by researchers in Canada in 1990, today risk-need-responsivity (RNR) is the dominant paradigm for working with offenders.[2] RNR is primarily focused on what works to reduce reoffending, and has been a major influence in the resurgence of the rehabilitative model.[3] RNR provides an empirical foundation on who should be treated, what should be treated (criminogenic need, rather than secondary needs not linked to offending), and how treatment should be administered.

RNR promotes the use of actuarial risk assessment tools to consider individual items (e.g. history of substance abuse) that have been demonstrated to increase the risk of reoffending and assign these items with quantitative scores. There is now very strong evidence that empirically validated assessment tools consistently outperform subjective clinical (and judicial) judgement in predicting reoffending and other needs.[4] High-quality risk assessments consider two kinds of risk factors: static risk factors, such as age and offending history which cannot be influenced; and dynamic risk factors, such as substance misuse, which can be impacted by interventions. In the UK, actuarial risk assessments have been used for some time, through the use of OASys assessment[5], which informs probation court reports and ongoing offender assessment.

RNR uses these assessments to target interventions at evidence-backed risk factors such as substance misuse or 'criminal thinking' – attitudes which research has demonstrated are associated with intervention. The evidence base suggests that packages of interventions which target multiple needs — for example, a programme that cognitive behavioural therapy (CBT), which seeks to change patterns of thinking, with drug treatment– is more effective than interventions targeting single needs.[6] It is important to stress that RNR has sought to highlight a number of interventions which do not directly target risk factors and do not contribute to reducing reoffending. In particular, evidence suggests that educational groups looking at issues like the science of drug addiction, and unstructured self-help groups do not consistently reduce reoffending and may actually increase it.[7]

In delivering the interventions, RNR practice stresses the importance of adapting the intervention to the specific risk-level and learning styles of offenders. This is particularly important for interventions like CBT, one of the most strongly evidence-backed interventions. In applying CBT approaches, different curricula may be necessary for different populations, such as adolescents, young adults, women with children, or trauma victims. In other words, while CBT has been shown to be effective, it should not be applied in a one-size-fits-all fashion.[8]

Since the advent of RNR, there has been considerable refinement of the theory and practice. Of perhaps most relevance to this review, the critique from advocates of the Good Lives Model[9] has been the most important. This critique focuses primarily on the practice of RNR.[10] It suggests that RNR's emphasis on risk and harm focuses practitioners on the public interest, rather on asking critical questions around offender motivation.[11] This can lead to a neglect of the individual as a whole and their self-identity, despite the growing evidence around this being the key to desistance.[12] Recently, advocates of both the RNR and the Good Lives model have stressed the need for more individualised assessments, case formulations, and interventions and the need 'to promote an individual's goods as well as to manage or reduce risk; rehabilitative work should aim to enable an individual to develop a life plan that involves ways of effectively securing primary human goods without harming others'.[13]

Procedural fairness

A layperson's *perceptions* of the fairness by which they have been treated can be influenced by many factors other than whether due process has been followed. The study and understanding of these perceptions is the central concern of procedural fairness theory and practice.

The evidence on procedural fairness shows that if people feel they have been treated fairly, they are more likely to believe that the courts have a moral right to make decisions on disputed matters, and consequently, they are more likely to obey those decisions. First-hand experience of procedural justice has been shown to increase people's belief in the legitimacy of the judicial system and make them more likely to obey the law in the future.[14]

While work in this area has focused on policing,[15] researchers have identified many straightforward actions that judges and others can take to enhance perceptions of fairness including greeting defendants by name at the beginning of a hearing, explaining the court process, and avoiding legal jargon.[16] A range of studies has supported the idea that these types of procedurally fair actions materially impact parties' willingness to accept the decision of legal authorities and their willingness to comply with court orders.[17]

From this work, researchers[18-22] have identified four key components of procedural fairness:

- Neutrality: Do individuals perceive that decisions are made in an unbiased and trustworthy manner?
- Respect: Do individuals feel that they were treated with dignity and respect?
- Understanding: Do citizens understand how decisions are made and what is expected of them?
- Voice: Have individuals had an opportunity to be heard?

Though not relevant to this review, it is also important to recognise that the research on procedural fairness suggests that *public* perceptions of the *fairness* of the justice system are more significant in establishing its legitimacy than perceptions of its *effectiveness*. As a recent Ministry of Justice research puts it: 'Fair and respectful handling of people, treating them with dignity, and listening to what they have to say, all emerge as significant predictors of legitimacy, and thus preparedness to cooperate with legal authorities and comply with the law. In other words, procedural fairness may not only be valued in its own right, but it may actually be a precondition for an effective justice system.'[23] Though not the focus of this report, improving public perceptions of the fairness of the justice system to create a more legitimate justice system is not an insignificant end in itself.

Evidence-based deterrence

Evidence-based deterrence suggests that it is possible to deter future offending behaviour with legal sanctions, if they have the following features, used in combination:

- Certainty: It is predictable what the sanction will be for non-compliance.
- Celerity: The sanction is imposed swiftly following the infraction.
- Severity: The interim and ultimate sanctions within a programme of offender supervision are sufficiently undesirable to deter non-compliance.

Concerning certainty, there is evidence that a clearly defined behavioural contract enhances perceptions of the certainty of punishment, which deters future non-compliance.[24-27] Furthermore, the consistent application of the behavioural contract improves compliance.[28] Moving to celerity, a swift response to infractions improves the perception that the sanction is fair.[29] The immediacy, or celerity, of a sanction is also vital for shaping behaviour.[30]

Finally, on severity, there is evidence that parsimonious use of interim sanctions can enhance the legitimacy of the sanction package and reduce the potential negative impacts of tougher sentences, such as long prison stays.[31] More importantly, there is consistent evidence that perception of the severe consequences of failure to comply (a concept sometimes known as legal leverage) can be an important motivating factor in compliance.[32]

1.3 Key features of problem-solving courts

Problem-solving courts bring together the distinct bodies of evidence set out above. While specific types of problem-solving courts can vary in whom they focus on, who is involved in delivering them, and the details of how they operate, they share a number of key features.

Specialisation of the court model around a target group

Problem-solving courts specialise by focusing on (i) particular needs that drive people to crime, such as drug addiction; (ii) specific forms of crime, such as domestic abuse; (iii) specific and distinct groups of defendants, such as women or veterans, that require a specialised approach; or (iv) particular neighbourhoods. Problem-solving courts tend to take place in specialised settings (often housed within mainstream court buildings), are staffed by specially trained court professionals; and have adapted procedures, including specialised assessment tools for defendants.

Collaborative intervention and supervision

All problem-solving courts involve the use of treatment or social services to affect offender behaviour and often combine different doses of treatment and social service to respond to complex and multiple needs and risks. Problem-solving courts co-ordinate supervision and interventions from multiple agencies to motivate the offender through their sentence plan and ensure that the information available to the court on compliance represents a complete view of the offender's progress.

Accountability through judicial monitoring

Perhaps the most distinctive feature of problem-solving courts is that they employ judicial monitoring for offenders who are on bail or serving sentences in the community, bringing them back to court for regular reviews with a designated judge at which their progress is discussed. Judges can use a range of tools to respond to progress, including incentives such as early termination of orders or expungement of records and sanctions such as additional community service hours, imposition of curfews, or even short custodial stays. In this way, rather than mandating offenders to a sentence, and then hearing little of the case except perhaps on breach, problem-solving courts use intensive and ongoing judicial oversight throughout the community sentence.

A procedurally fair environment

Problem-solving courts aim to change offenders' behaviour by emphasising the courts' role in making justice feel fairer and more transparent. By setting clear rules, incentives, and sanctions; by engaging with people with neutrality and respect; and by giving them a voice, problem-solving courts places a strong emphasis on making a material impact on defendants' perceptions of fair treatment. In particular, procedural fairness is delivered through judicial monitoring. Therefore, judicial monitoring within problem-solving courts is not simply a compliance check-in, but rather an opportunity to engage, motivate, praise and admonish.

Focus on outcomes

The purpose of problem-solving courts is to deliver realistic behaviour change. Therefore, problem-solving courts collect monitoring data in order to measure the outcomes they generate for their client groups. They reflect on these as part of a continuous improvement ethos. Monitoring data informs a process of self-reflection, including user insight, and an understanding of evidence and outcomes. Problem-solving courts seek to improve themselves by providing a better service to the offenders they work with, to their communities, and to other stakeholders.

A fuller set of common components of problem-solving courts is available in Appendix 1.

2. Do problem-solving courts work?

2.1 Selecting and assessing the evidence on problem-solving courts

In setting out the evidence on problem-solving courts, we are aware that there are a number of methodological issues we have had to address in compiling this review.

There is now considerable evidence regarding the impact of problem-solving courts on a variety of outcomes. As the report makes clear, the weight of the evidence base is international. We have restricted our report to English-speaking common-law countries (where the majority of studies exist). Interpreting results from other jurisdictions is complex. Different jurisdictions have different constitutions, agency arrangements, and practices. The context in which studies have been commissioned and conducted is an important influence on their outcomes. In addition, comparing outcomes across international boundaries is complex: different jurisdictions use different outcome measures, which themselves use data drawn from different collection systems. As best as we can, we have tried to draw lessons from these international studies and analyse how these international findings could be applied in England and Wales.

In conducting our search for evidence on problem-solving courts for this report, we did not conduct a systematic literature review. Instead, we have drawn on previous literature reviews gathered from our own reports and those of the Center for Court Innovation, our sister organisation. Where possible, we have sought to include only the highest quality evidence available. The report prioritises meta-analyses (pooling existing high-quality evaluations to sum up the best available research on a specific question); followed by multisite evaluations which use randomised control trials or quasi-experimental methods, such as matched comparisons; and, finally, high-quality single-site evaluations which use randomised control trials or quasi-experimental methods. Where evaluations of problem-solving courts in the UK exist, we have included them with a discussion of their methodological approach and limitations.

The extent and quality of evidence on the impact of problem-solving courts varies widely. There are a number of reasons for this. Most notably, the availability of evidence tends to reflect the frequency with which a particular problem-solving model has been tried. This means that some problem-solving court models have been much more heavily evaluated than others. In addition, many problem-solving courts seek to impact different outcomes; providing judgements across these impacts is complex. Lastly, it is worth noting that there are problem-solving court models where there is little current evaluation completed but the absence of evaluation does not necessarily mean that those not yet robustly evaluated are less effective.

In order to assist the reader, each section provides an assessment of the strength of the existing evidence. These assessments are based primarily on the robustness of evaluation designs, which determine the confidence we can have in the findings (Table 2).

Table 2: Evidence assessment criteria

Term	Description
Strong evidence	Where several high-quality studies exist that, over time and geography, consistently show a direct relationship between the problem-solving court models and improvements in intended outcomes.
Good evidence	Where one or more high-quality studies exist that show a direct relationship between the problem-solving court models and improvements in intended outcomes.
Promising evidence	Where there is a strong theory of change underpinning the problem-solving court model, and (good quality) process evaluation has identified positive findings supporting this theory. Where there is strong evidence of success in tackling intermediate outcomes, and these outcomes have been shown to be linked to improvements in intended outcomes. Where there are multiple studies of lower quality that point in the same positive direction of travel.
Mixed evidence	Where either the quality of studies or their findings vary so that it is difficult to find consensus regarding effectiveness.
Insufficient evidence	Where some attempt has been made to evaluate the problem-solving court model but this is of unknown or low quality, such that it is difficult to identify impacts. Where no evaluation has been found on the problem-solving court model.
Negative evidence	Where there is substantial evidence that the problem-solving court model has negative impacts on the intended outcomes.

2.2 The evidence on adult criminal drug courts

The links between substance misuse and offending

There are well-established links between drug misuse and offending, with a particularly strong link between the use of opiates and crack and acquisitive offending. Drug misuse is also associated with reoffending and the links between drug use and reoffending have been found to be particularly pronounced for poly-drug use and Class A drug use (which includes use of opiates, crack, and cocaine).[33]

There is now strong evidence that drug treatment (including substitute prescribing and therapeutic/ psychosocial approaches) works to reduce substance misuse and reoffending amongst offenders with substance misuse needs.[34] There is also strong evidence that addicted individuals succeed just as well in mandated treatment as they do in voluntary treatment.[35] Research indicates that most addicted individuals need at least three months in treatment to significantly reduce or stop their drug use and that the best outcomes occur with longer durations of treatment. Recovery from drug addiction is a long-term process and frequently requires multiple episodes of treatment. As with other chronic illnesses, relapses to drug abuse can occur and should signal a need for treatment to be re-instated or adjusted.

As well as misuse of controlled substances, problematic alcohol consumption is also associated with crime, particularly heavy or binge drinking with violent crime.[36,37] There is mixed evidence on the impact of alcohol interventions among offender populations.[38-41] There is, however, good evidence supporting the effectiveness of various treatments in tackling alcohol misuse among the wider population, particularly cognitive behavioural and psycho-social interventions, but also self-help and mutual-help approaches.[42] There is mixed evidence on the impact of drink-driver programmes and their impact on subsequent drink-

driving offences. A meta-analysis found that drink-driver programmes entailing multiple elements, particularly those involving education and psychotherapy or counselling, together with follow-up supervision contact, had a greater impact on subsequent drink-driving offences than programmes entailing single elements.[43]

What are criminal drug courts?

The US National Institute of Justice defines drug courts as 'specially designed court calendars or dockets, the purposes of which are to achieve a reduction in re-offending and substance abuse among nonviolent substance abusing offenders and to increase the offender's likelihood of successful rehabilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, community supervision, and use of appropriate sanctions and other rehabilitation services'.[44]

Since the creation of the first drug court in 1989 in the USA, many drug courts have included those with alcohol misuse issues as well. The USA has more than 3,000 drug courts and the model has been replicated in at least 14 jurisdictions including Scotland, Canada, New Zealand, and Norway.

International evidence on criminal drug courts

Over the last 15 years, a robust and extensive evidence base has developed which indicates that, when properly implemented, adult drug courts are effective at reducing reoffending and drug use. There have been several meta-analyses on the efficacy of adult drug courts in the United States. These meta-analyses demonstrate that drug courts consistently show better re-arrest or reoffending rates compared to randomized or matched comparison samples of drug offenders who were on other forms of probation or who had had their cases heard in traditional courts. These studies also show a marked decrease in drug use, as well as improvements in other outcomes, such as levels of alcohol mis-use.

There have now been several robust multisite evaluations, the latest of which identifies which components of the drug court drive these better outcomes. The Multisite Adult Drug Court Evaluation (MADCE)[45], sponsored by the US National Institute of Justice, compared outcomes for participants in 23 adult drug courts in seven geographical clusters around the USA to those of a matched comparison sample of drug offenders. The study found that participants in drug courts had statistically significant differences in their treatment experience — drug court participants benefitted from earlier, more intensive, and more stable treatment experiences than those in the comparison group.

MADCE also looked at for whom drug courts worked. It found that nearly all categories of offenders benefitted comparably from the drug court intervention, suggesting that 'widespread drug court policies to restrict eligibility to narrow sub-populations may be counter-productive.' Specifically, relative to similar offenders in the comparison group, those reporting more frequent drug use at baseline showed a particularly large reduction in drug use at the 18-month follow-up. Surprisingly, given that many drug courts in the USA screen out violent offenders, offenders with violent histories showed a greater reduction in crime than others at follow-up. The study also found that those showing symptoms of mental health problems (narcissism and depression, but not an antisocial personality disorder) evidenced smaller reductions in drug use and crime than those without these problems, as did participants whose primary drug of choice was marijuana.

There has now been a number of evaluations of the cost effectiveness of drug courts compared to traditional court processing. These have shown that the higher costs of drug courts, compared to traditional court processing, are paid back through reductions in crime and in prison time.[46,47] A recent Australian study of the drug court in Victoria showed that 'the number of days' imprisonment for the DCV Cohort reoffenders totalled 6,125 over the two year period of

the reoffending study, compared to 10,617 days for the Control Cohort. This represents a reduction over a two year period of 4,492 days, which at A$270 per day equates to approximately A$1.2 million in reduced costs of imprisonment.'[48] The MADCE estimated a wide range of savings and, specifically, "reduced costs of jails and prisons from $5,441 to $2,768, for total savings in corrections in the 18 months following program entry of $2,673 per drug court participant." However, this study also found that most of the savings were attributable to avoiding the costs attributable to a small number of very serious offences, suggesting that the costs of drug courts should be focused on higher-tariff offenders.

Evidence on criminal drug courts in the UK

Some of the principles of the adult drug court model have been incorporated into sentencing options available to English and Welsh Courts. Drug Treatment and Testing Orders (DTTOs) were enabled by the Criminal Justice Act 1998 and rolled out across the jurisdiction in 2000. The new order was designed to provide the courts with powers to make an order requiring the offender to undergo treatment as part of or in association with an existing community sentence. The DTTO was distinguished from previous similar orders: the requirement that courts regularly review the offender's progress and the requirement that the offender must undergo regular drug testing. Initial evaluations of the DTTO showed positive impacts for court-mandated and monitored drug treatment.[49]

The 2003 Criminal Justice Act introduced the Drug Rehabilitation Requirement (DRR) as a replacement for the DTTO. The DRR, which came into use in 2005, enabled mandatory drug testing and treatment to be included within the newly introduced Community Order. Like its predecessor, it included the option of court reviews as part of a drug treatment programme. In 2012, the use of the DRR was extended to offenders on Suspended Sentence Orders. No outcome evaluation of the DRR and combinations of community order requirements with the DRR, has been undertaken to date.

In addition, the Home Office piloted an enhanced offer around the DRR, including additional drug court features like dedicated drug court (DDC) sittings presided over by specialist judges or magistrates. Though the Ministry of Justice published a feasibility study in 2010 into whether an impact evaluation could be conducted, and process evaluations in 2008 and 2011 suggested that both courts delivered some positive practices, no evaluation of impact has been possible.[50] It is also worth noting that, according to the Ministry of Justice feasibility study in 2010, 'the drug courts evaluated elsewhere differed substantially from the DDC model in England and Wales.'[51] In further work by the Centre for Justice Innovation in 2013, we noted that additional elements of the drug court model — namely, the use of 'legal leverage' over defendants, smoother access to treatment, clear graduated sanctions, and incentives — were not used.

Scotland has also piloted drug courts at two sites: Glasgow Sheriff's Court, which opened in 2001; and Fife Sheriff's Court, which opened in 2002. These drug courts used the existing Scottish DTTO and were aimed at offenders with established patterns of drug-related substance misuse. The courts were supported by a dedicated multi-disciplinary team which included nurses, substance misuse workers, and criminal justice social workers (equivalent to English and Welsh probation officers). Offenders were offered treatment based around substitute prescribing and were subject to regular drug tests. The courts were staffed by groups of specially trained sheriffs who handled both sentencing and reviews, with review schedules synchronised with sitting schedules to ensure consistency of reviewer.

A 2006 evaluation noted that the main strengths of the pilots were 'the "fast-tracking" of offenders (in Glasgow [only]), the existence of a trained and dedicated team with regular contact with participants, and the system of pre-court review meetings and reviews.'[52] A 2009 evaluation compared outcomes for offenders given DTTOs in Glasgow and Fife to offenders given the same sentence in

other Scottish courts. It found that 47% of drug court DTTOs were completed successfully, compared to 35% in other courts.[53] However, it found no meaningful difference in the likelihood or frequency of reoffending after one or two years. Some caution around this study is required – while the comparison group was composed of offenders on the same sentence, it is not clear whether they were successfully matched by other relevant characteristics. Fife Drug Court closed in 2013, but Glasgow Drug Court is still in operation.

Conclusions

Based on this, we conclude that the evidence on criminal drug courts for adults is strong, with high-quality international evidence consistently suggesting that they reduce crime and drug use, particularly with higher-risk offenders.

2.3 The evidence on juvenile drug courts

What are juvenile drug courts?

The USA also has around 400 juvenile drug courts which seek to apply the adult criminal drug court model to juvenile populations.

International evidence on juvenile drug courts

The evidence base for juvenile drug courts is more limited than that of adult drug courts and does not clearly indicate a positive impact, with some studies actually showing a harmful effect. There is limited single-site evidence that juvenile criminal drug courts can contribute to reductions in criminal activity and substance misuse.[54,55] However, meta-analyses show the effect size is small and within the margin for error.[56-58] There is some evidence of improved outcomes in juvenile drug courts when school engagement is part of the treatment plan, where family members attend court hearings and are involved in the treatment process, and where substance abuse treatment is a less exclusive focus as compared to other key criminogenic needs (especially antisocial peer influences).[59]

The most recent multisite evaluation of US juvenile criminal drug courts concluded that 'the juvenile drug courts studied did not have a significant impact on outcomes, given their objectives; instead, youth in juvenile drug courts generally had a significantly greater likelihood of re-offending than youth on probation… It is possible that the drug court model, as currently implemented, may not be an optimal fit for some youth. These juveniles may naturally age out of substance-using behaviour with few negative consequences, suggesting that they may not benefit from drug court practices that were designed for serious addicts in the adult justice system.'[60]

Conclusions

Based on this, we conclude that the evidence on juvenile drug courts is negative and suggests they have either minimal or harmful impacts on young offenders.

2.4 The evidence on family drug treatment courts

What are family drug treatment courts?

Although problem-solving originated in criminal courts, it has also been extended to other courts which deal with entrenched social problems. In particular, both the USA and the UK have explored the potential for problem-solving to improve the way in which courts hear applications for the state to remove children from their parents owing to abuse or neglect.

Family drug treatment courts (FDTCs) were developed in the US family justice system. They seek to address parental substance misuse in families at threat of the removal of children. They do this by offering an intensive package of support

during the already-long duration of a removal case. Parents are typically provided with a personalised package of interventions including drug treatment and testing, social work supervision, and parenting skills support. They also attend regular review hearings with a specialist judge, who remains consistent across the duration of the case. Parents are not subject to intermediate sanctions or incentives in the way that they would be in a criminal drug court, but they are aware that their continued relationship with their children is dependent on their success in the treatment programme.

The international evidence on family drug treatment courts

Evidence from a number of studies conducted in the USA suggests that FDTCs produce better outcomes than traditional court models in terms of access to drug treatment, parental substance misuse, and family reunification. For parents, evidence suggests that FDTCs are associated with significantly improved engagement with substance misuse treatment compared to traditional case processing systems. FDTC parents experience quicker entry into treatment, remain in treatment longer, and are more likely to successfully complete treatment. Children whose cases were heard in FDTCs reachd their final permanent placement more quickly and are more likely to return to their parents.[61-63] Beyond individual studies, a 2011 review of the literature around a range of innovations in the child welfare system concluded that FDTC is amongst the most effective at improving substance abuse treatment initiation and completion in child welfare populations.[64]

Practice and evidence on family drug treatment courts in the UK

A British adaptation of the FDTC, the Family Drug and Alcohol Court (FDAC), launched in London in 2006 and is now operating in 12 courts in England. London's FDAC was established in 2006. FDACs are normally supported by specialist multi-disciplinary teams which are responsible for overseeing the intervention package and report directly to the judge on the parent's progress.

Brunel University has published two evaluations of the London FDAC, one in 2011 and a second in 2014.[65,66] The most recent evaluation, which compared 90 FDAC cases with a comparison group of 106 cases from mainstream care proceedings, found evidence that the FDAC was producing a range of positive outcomes. The study found that parents going through the FDAC were more likely to be abstinent from drugs and alcohol and be reunited with their children at the end of proceedings. They were also less likely to return to court as a result of further abuse and neglect, or to experience substance misuse relapse. The study also found that the FDAC was cost effective on a range of measures, including direct cost savings. It is now being replicated across the country.

A report from the Centre for Justice Innovation on the value for money of the FDAC shows that in 2014/2-15, London FDAC cost £560,000 and produced a net savings of £1.25 million to public sector bodies over five years. Principal sources of savings included a reduction in the cost of processing cases, a reduction in the number of children in the care system, and long-term reductions in costs associated with drug misuse. We estimate that the savings generated by processing a case through the FDAC exceed the upfront costs within two years of a case entering the programme.

Conclusions

Based on this, we conclude that the evidence on family treatment courts and FDACs is good. It suggests that they are effective in reducing parental substance misuse and can reduce the number of children permanently removed from their families.

2.5 The evidence on mental health courts

The links between mental health illnesses and offending

Unlike drug and alcohol misuse, the link between mental health illness and crime is complex. It is well established that offenders are more likely to have mental health needs than the general population.[67] This has led many to assume that there is a causal link between mental health illness and offending. However, research indicates that, outside of a few specific conditions – for example, there is a specific link between psychopathy and violent reoffending — mental health illness itself is not a direct driver of offending.[68,69] Rather, individuals with mental health illness are at increased risk of both developing substance abuse disorders during their lifetimes and experiencing homelessness - each of which increases their likelihood of contact with the criminal justice system, when compared to the general population.[70]

According to the Ministry of Justice's 2012 research summary, there is limited evidence on interventions targeted specifically at offenders with mental health needs. The research is often inconclusive regarding criminal justice outcomes.[71,72] This summary also suggests that there is currently insufficient evidence to determine the impact on reoffending of diversion-based approaches for offenders with mental health problems.[73] This insight seems to point to the need for rehabilitative interventions for offenders with mental health illnesses to target other criminogenic needs such as addiction, alongside mental health treatment.

What are mental health courts?

A variety of mental health court models exist. They have tended to adopt a similar modality to drug courts, combining intensive judicial monitoring and treatment in order to ensure that offenders with mental health illness access treatment while being subject to proceedings and supervision. Some are specifically targeted at mentally ill offenders with co-occurring substance misuse issues, and seek to stabilise offender's mental health while targeting addiction in a drug-court-style treatment and testing regime. In some mental health courts, this approach includes being a specific alternative to custody. In some courts, offenders with co-occurring mental health illness and substance abuse issues are placed with more general purpose treatment court. Those offenders for whom their mental health illness is assessed as being of primary importance are placed on specific court lists where the tone of the reviews and the expectations placed on offenders are significantly different from those present at the parallel drug court.

The international evidence on mental health courts

Evidence shows that mental health court participants are more likely to engage in treatment than comparison groups.[74,75] However, evidence of reduction in mental health symptoms is more ambiguous, with a wide variation in observed impacts on substance abuse and 'functioning' levels.[76,77] A 2011 meta-analysis showed that mental health court participants had better criminal justice outcomes such as reoffending and further imprisonment than similar comparison groups. The meta-analysis notes that a shortage of rigorously designed studies prevents strong conclusions, though; studies with better methodological design found smaller impacts, revealing a possible influence of selection bias.[78]

Since that meta-analysis, a number of published studies of mental health courts with comparison groups has shown some encouraging results. One study examined the criminal justice outcomes of mental health court participants in four jurisdictions compared with propensity score-matched controls. Compared with matched offenders with mental illness undergoing traditional processing, this showed that mental health court participants across the four jurisdictions were less likely to be arrested, had a larger reduction in arrest rate, and spent fewer

days incarcerated during the 18 months after programme entry.[79] A further study conducted in New York City across two mental health courts indicates that 'mental health court participants are significantly less likely to re-offend, as compared to similar offenders with mental illness who experience business-as-usual court processing.'[80]

Practice and evidence on mental health courts in the UK

There has been limited experimentation with problem-solving around mental health in the UK. Two dedicated mental health courts were set up in England, in Brighton and Stratford, for one year only. Both Brighton and Stratford operated within regular magistrate court provisions. The pilots were subject to a process evaluation, which suggests that extensive multi-agency collaboration and data-sharing arrangements were achieved on both sites but that the caseload was low. Out of 180 offenders identified as having mental health issues, 55 offenders were given Community Orders with mental health requirements. Of these, nine breached their orders.[81]

We are aware of other courts experimenting with different approaches to mental health through problem-solving techniques, notably the complex cases court in Sefton Magistrates Court and the work to enhance mental health services in Milton Keynes Magistrates Court. We are unaware of any evaluations on these to date.

Conclusions

Based on this, we conclude that the evidence on mental health courts is good, with high-quality international evidence suggesting that mental health courts are likely to reduce reoffending, although they may not directly impact offenders' mental health.

2.6 The evidence on domestic violence courts

Contextualising domestic violence courts

Domestic abuse represents a growing issue for the UK justice system. Although overall crime rates have fallen, reporting of domestic abuse has risen. In the UK, the number of reported domestic abuse incidents has risen by a third since 2008,[82] while Scotland has seen a 10% rise over the same period.[83] But these cases can be particularly challenging, often involving victims and survivors who are traumatised, have suffered serial abuse prior to reporting, are reluctant to testify, and find aspects of the adversarial system aggressive.

Given the high harm suffered by victims of domestic violence, it is important to recognise that, for domestic violence problem-solving courts, a focus on the outcomes for perpetrators alone is inadequate. Unlike the drug and mental health court models we have already discussed, whose primary purpose is behaviour change for offenders, domestic violence courts have a dual purpose: to change the behaviour of offenders and to keep victims safe. The courts use their authority and legal powers to support both of these aims. Assessments of their effectiveness must, therefore, be made on both aims.

What are domestic violence courts?

Domestic violence courts can adopt a problem-solving court model: a single presiding judge; dedicated on-site staff (including a court resource coordinator, a victim advocate, and representatives from defence and prosecution); and intensive judicial supervision of cases which enables the court to hold offenders accountable by promoting compliance with protection orders and other court mandates, such as programme attendance, and to swiftly respond to non-compliance.

There are also specialist domestic violence courts (SDVCs), which exist in the UK and which have not adopted a full problem-solving model. There is no post-sentence monitoring, but the SDVC model holds that domestic violence cases are to be heard in fast-tracked, specially convened hearings with specialist court professionals. Victims are to be provided support through Independent Domestic Violence Advocates (IDVAs).

There are also integrated domestic violence courts. These courts extend the domestic violence court model by having a single presiding judge cross-trained to handle all matters — criminal and civil — relating to a family. The aim is to improve defendant monitoring, operate with greater efficiency, and provide better services for victims.

We discuss all three.

The international evidence on domestic violence courts

The evidence on domestic violence courts is wide-ranging.

Common to all domestic violence courts (problem-solving, specialist, and integrated) is a focus on increasing convictions of perpetrators, especially through encouraging earlier guilty pleas, and on procedural fairness. There is evidence that domestic violence courts generally reduce the number of cases that are dismissed and increase the number of convictions.[84-87] When compared to perceptions of the fairness of case processing in general criminal courts, a range of studies has found that victims were more satisfied with the process in a domestic violence court than in a non-specialised court.[88-91]

Many problem-solving domestic violence courts prioritise delivering greater offender accountability'. This concept of offender accountability has been measured in a variety of different ways: (i) whether they significantly change sentencing compared to similar cases going through the traditional courts; (ii) whether they lead to the greater use of programmes, bail conditions, and other court-accountability mechanisms, such as judicial monitoring, compared to similar cases going through the traditional courts; (iii) whether sanctions for non–compliance are carried out more effectively compared to similar cases going through the traditional courts. There is mixed evidence on whether problem-solving domestic violence courts change sentencing patterns, with different studies showing that they have been associated with both a greater and a lesser use of custodial sentences than traditional court processing.[92-94] There is good evidence that problem-solving domestic violence courts lead to an increased use of batterer programmes, substance abuse treatment, and other programmes, as well as increased special bail conditions, drug testing, intensive probation, and judicial status hearings.[95,96] There is promising evidence that judicial monitoring in problem-solving domestic violence courts significantly increases the likelihood and severity of penalties for noncompliance with sentencing conditions.[97,98]

Problem-solving domestic violence courts also aim to reduce reoffending. Studies from the early 2000s suggested that domestic violence courts showed no overall impact on reoffending.[99-103] However, more recent evaluations have given cause for renewed interest in the ability of problem-solving to reduce reoffending. A recent multisite evaluation of domestic violence courts in the USA used quasi-experimental evaluation techniques to look at reoffending rates. While sites reported mixed results in the overall re-arrest rates, victim reports of re-abuse reported significantly less repeat violence by the offender than comparison victims (using multiple measures of re-victimisation).[104] These results were similar to an earlier quasi-experimental study in Canada that showed similar positive impacts on the seriousness and frequency of reoffending.[105] This is consistent with evidence that suggests that where offenders are convicted in a domestic violence court and subject to a range of supervision and monitoring, domestic violence courts can impact the seriousness and frequency of reoffending.[106-109]

This encouraging evidence should be set against the wider evidence-base on reducing perpetrator reoffending, where there has been a paucity of effective options for reducing reoffending by perpetrators of domestic violence.[110-120] In a meta-analytic review of what works to tackle reoffending by perpetrators in 2013, perpetrator programmes that adopted the most common methodology (a psycho-educational model, known as the Duluth model, after the town in Minnesota in which it was first piloted) were shown to have 'had no effect on reoffending'.[121]

Finally, there is promising evidence of the additional processing impacts that the bringing together of family, civil, and criminal cases can deliver within an integrated domestic violence court. There is a small number of site specific evaluations that show that (i) family cases that go through integrated domestic violence cases are significantly more likely to be settled or withdrawn than comparison cases and were significantly less likely to be dismissed; (ii) cases going through integrated domestic violence involved significantly more court appearances than comparison cases but that the same-day scheduling of family, criminal, and matrimonial matters consistently led Integrated Domestic Violence Court (IDVC) litigants to fewer trips to the courthouse.[122] Lastly, IDV court defendants were significantly more likely than comparison defendants to be re-arrested in cases that included criminal contempt charges, implying a violation of a previous protection order. These findings suggest that IDVCs may be particularly effective in detecting ongoing (and forbidden) contact with the victim.[123-126]

Evidence on domestic violence courts in the UK

SDVCs were introduced in England and Wales in 2006 with the intention of increasing the rate of successful prosecutions for domestic violence, improving the safety and satisfaction of victims, and increasing public confidence in the criminal justice system. They took the form of designated specialist sittings held in existing magistrates courts and supported by police, probation, prosecutors, and the courts service staff. While serious cases of domestic abuse go to the Crown Court, the SDVC model currently only operates at magistrates court level.

SDVCs represent a partial implementation of the US specialist domestic violence court models. They fast track prosecution overseen by specialist prosecutors, access to support via IDVAs, and dedicated courts sessions overseen by specially trained magistrates and courts staff. However, the model does not include any form of post-sentence provision, such as ongoing court supervision or additional provision of behaviour change programmes.

Evaluations of pilots SDVCs in the UK in 2004.2005 and later in 2007/2008 suggest that SDVCs may have increased the number of convictions and contributed to an increase in the confidence of victims in the justice system.[127,128] However, it is unclear how recent changes in resources may have impacted on the operation of SDVC models. Similar models have been set up in Londonderry/Derry in Northern Ireland and in Scotland.

The UK's first IDVC was launched in Croydon in 2006. The court was a pilot which sought to bring together cases with a criminal element and concurrent Children Act or civil injunction proceedings at magistrates court and Family Proceedings Court level. Development of the pilot was supported by Her Majesty's Court Service, and included the training and 'ticketing' of one county court district judge to enable them to hear criminal cases in the magistrates courts. The pilot was intended to be a 'one-family-one-judge' model as far as possible. In order to avoid prejudicing criminal proceedings, criminal cases were to be completed, at least to the point of conviction or acquittal, before the family case was heard by the same judge. An evaluation of the Croydon pilot was published in 2008. It highlighted that although projections were for one case to enter the court each week, in fact

only five cases were heard in the first year. Researchers concluded that there may not be as many cases with overlapping criminal and civil proceedings as had been assumed. However, they also suggested that the criteria for the court were too restrictive, or that there may have been problems in identification of cases.[129]

Conclusions

Based on this, we conclude:

- The evidence on the impact of both specialist and problem-solving domestic violence courts on outcomes for victims is good, with high-quality evidence suggesting that they are likely to provide a better experience of justice for victims and are more likely to keep victims safe.
- The evidence shows that problem-solving domestic violence courts are more likely to impose requirements to hold offenders accountable than traditional court processing.
- There is promising evidence that problem-solving domestic violence courts can reduce the frequency and seriousness of perpetrator reoffending. This is encouraging when set against the paucity of effective options for reducing reoffending by perpetrators of domestic violence.
- The evidence on IDVCs is promising and indicates there are advantages to bringing together family, civil, and criminal cases.

2.7 The evidence on community courts

What are community courts?

Community courts are distinct from other forms of problem-solving courts in that rather than specialising in working with a particular crime type or offender group, they instead focus on a geographic area. For example, the Red Hook Community Justice Centre in Brooklyn, New York, deals with all defendants charged with misdemeanours and minor felonies in the three precincts it serves (apart from those defendants remanded in custody at weekends when the centre is close). Community courts seek to provide meaningful alternatives to standard low-level sentencing options such as discharges, fines, and very short custodial sentences. They offer a range of alternative disposals including community service and social service interventions, such as substance misuse treatment, counselling, and job readiness training. Community courts make extensive use of post-sentence supervision to motivate offenders to comply with orders, and can offer incentives such as withdrawn prosecutions and the expungement of criminal records in exchange for compliance.

The community court model has been replicated less frequently than the other models mentioned in this report so far — the Center for Court Innovation[130] identifies 40 community courts in operation in the USA as well as sites in Melbourne, Australia, and Vancouver, Canada.

International evidence on community courts

As community courts are less widespread, there is less research and what there is entirely site-specific evaluation. While there has been a number of outcome studies, some with high-quality design using quasi-experimental methods, as yet there has been no formal meta-analysis of the impact of community courts. The available evidence consistently suggests that community courts increase compliance with court orders. However, evidence on reoffending and cost savings is mixed. Only one evaluation of community courts has looked at procedural fairness – in this case a positive impact was identified.

Despite this, a number of trends can be identified from the research literature. Community courts are associated with improved compliance with community sentences. Compared to their nearest mainstream courts, Midtown Community Court and Hennepin County Community Court in Minnesota, USA, produced

significant increases in compliance – 75% against 50% in Midtown and 54% against 29% in Hennepin. Evidence of the impact on reoffending is less clear-cut. A study on the Yarra Community Justice Centre in Melbourne, Australia, found a significant reduction in 18-month re-arrest rates – 34%, compared to 41% at nearby comparison courts.[131] At Red Hook, evaluators also found a significant impact: 36% reoffending after two years, compared to 40% in comparison courts, a difference that was sustained as far out as four years.[132] However, a study in Seattle, Washington, USA, found no reductions in a binary measure of reoffending and a reduction in the frequency of reoffending which did not reach statistical significance.[133,134]

Cost benefit analyses have been conducted of the Red Hook, Midtown, Yarra, and Hennepin courts. At Red Hook, evaluators found net savings of $6.8 million – equivalent to almost $2 for each $1 spent, primarily resulting from reduced reoffending.[135] In Midtown, analysis suggested $1.3 million of annual savings, mainly in the form of reduced use of remand, reduced use of immediate custodial sentences, and decreased prostitution arrests in the surrounding area.[136] In Yarra, the analysis found net savings to the state from similar sources.[137] However, in Hennepin, evaluators were unable to demonstrate benefits which directly translated into savings for the state.[138]

The evaluation of Red Hook Community Justice Center also explored defendants' perceptions of the court. They concluded offenders perceive a high level of procedural justice in the Justice Center's decision-making processes. Offenders they interviewed characterised the center as respectful, helpful, and compassionate. Researchers' own observations noted that compared to the main Brooklyn courthouse, the justice centre was characterised by greater interactions between offenders and courts staff, more opportunities for offenders to speak, and a stronger relationship between offenders under review and the judge.[139]

Practice and evidence on community courts in the UK

There has been one attempt to implement the community court in full in the UK: the North Liverpool Community Justice Centre (NLCJC). A number of partial community court implementations were also introduced but lacked many of the defining features of community courts.

The NLCJC, established in 2005, explicitly sought to apply the model developed in Red Hook. Offenders resident in the catchment area who were accused of an eligible offense[140] had their cases heard at the court. The court was presided over by a single judge, Judge David Fletcher, who was able to sit as both a district judge and Crown Court judge. Offenders were brought back before the judge in a regular review session at which they would discuss their progress towards desistance and their engagement with their sentence. The NLCJC also housed a community resource team who were able to help defendants and other members of the community access services such as legal and financial advice, substance misuse treatment and housing support. The NLCJC ceased operation in 2013.

The NLCJC was widely perceived as a more expensive model than other similar courts. An analysis conducted by the New Economics Foundation identifies that the cost per case in the NLCJC was roughly double that of local comparator courts. However, the analysis also noted that the case mix at the NLCJC was significantly different with a greater proportion of drugs offences and a smaller proportion of summary offenses, which described a higher caseload. The report also noted that roughly half of the NLCJC's budget was devoted to seconded staff not normally funded out of courts service budgets and also included estates costs (which are incurred by all courts but usually not recorded against their budget). Comparing case processing costs alone, the report noted the NLCJC costs were only £147 per case, compared to £165 at Manchester Magistrates Court, £232 at Stockport, and £240 at Oldham. The report concluded that the NLCJC demonstrated that problem-solving court hearings could be delivered within existing court budgets.[141]

A process evaluation by the Centre for Crime and Justice Studies in 2011 noted that the NLCJC sought to meet a broad range of objectives for community justice of which reduced reoffending was only part.[142] The study conducted a range of interviews and noted that staff were positive about the innovations which had taken place. They also noted that offenders perceived that they had been fairly treated at the centre and that community members were broadly positive about its impact – though they perceived a tension between its role as a criminal justice centre and as a community service hub.

The Ministry of Justice Analytical Services conducted a review of reoffending rates at the NLCJC in 2012.[143] It concluded that one-year reoffending rates showed no statistically significant difference to those at comparable courts across any offender group, in terms of either likelihood or frequency. Offenders receiving a community order at the NLCJC were more likely than average to breach that order but researchers noted that this could be because it might have been due to the close involvement of the police in the work of the court which may have meant that offenders in the NLCJC area who breached their orders were more likely to be apprehended than offenders elsewhere.

The same evaluation also looked at process efficiencies within the centre and concluded that the centre was able to reduce the number of hearings per case from a national average of 2.7 down to 2.2. They also noted that the time from offence to conviction was quicker – 61 days compared to a national average of 73 – but that this difference was not statistically significant.

Conclusions

The international evidence that community courts reduce reoffending and improve compliance with court orders is promising. However, the evidence of their impact in England and Wales is mixed (though drawing conclusions from a single pilot site is difficult).

3. Emerging problem-solving court models

In addition to the models described so far, there is also work being undertaken in the UK to explore the potential for problem-solving approaches for specific offender populations, where there is clear evidence that these groups may benefit from a specialist problem-solving approach that is responsive to the specific attributes of the individuals with whom they work.[144]

In discussing these emerging models, it is important to note two qualifiers. First, unlike the models discussed in Section 3, these are all emerging models of which site-specific evaluation has not been conducted but where there is a strong theory of change underpinning the problem-solving court model. Therefore, we have made no attempt to assess the quality of the evidence, rather simply present the evidence that informs the theory of change behind the approach.

Second, as these emerging models all target specific populations of offenders (rather than a specific need, like substance abuse, or a specific crime type, like domestic violence), it is important to stress that these three approaches do not propose that, for example, all female offenders should be treated differently, but that there are specific reasons to believe that targeted cohorts within the female offender population have distinct needs and that the interventions that are most likely to work are distinct, too.

3.1 Problem-solving courts for female offenders

Contextualising female offending

Women are a small minority of offenders, accounting for 15% of the probation caseload and 5% of the prison population.[145] However, their needs profile differs from that of male offenders in a number of ways. They are more likely to have experienced trauma: 53% of women in prison report having experienced emotional, physical, or sexual abuse as a child, compared to 27% of men and a similar proportion report having been victims of domestic violence.[146] They are more likely to be primary carers of children: a 2013 study found that six in ten women in prison had dependent children and one-fifth were lone parents before imprisonment.[147] Their offending is more likely to be driven by their relationships: the same study found that nearly half of women prisoners (48%) reported having committed offences to support someone else's drug use, compared to 22% of male prisoners.

The evidence on what works with female offenders

The distinctive challenges faced by specific cohorts of female offenders' highlights the potential of specialised court approaches to improve outcomes. In considering the potential of the model, it is useful to consider two related innovations in work with female offenders: trauma-informed practice and women's community services.

Trauma-informed practice, which draws on techniques developed in the social care field, has been integrated into problem-solving court practice in the USA and Canada. While relevant to many offenders of both genders, the high incidence of childhood trauma in the background of female offenders makes it particularly relevant for them. The emerging evidence base suggests that early childhood trauma impacts on brain development, deregulating stress responses, causing them to trigger more often and more intensely later in life.[148] For those who

have experienced trauma, criminal justice system experiences can 're-traumatise' leading to heightened stress responses which may trigger violent outbursts and withdrawal from treatment.[149]

For courts, trauma-informed practice suggests a range of adaptations to courtroom communications, procedures, and environments that can reduce the risk of re-traumatising vulnerable individuals. These include increased awareness of the defendant's personal space and clear scheduling of information so anxious defendants know how long they need to wait.[150]

The women's community service model (sometimes also referred to as the 'women's centre' model) has its origins in a series of grassroots innovations, and was codified in the National Offender Management Service (NOMS) Together Women pilots which launched in 2006 at five centres in the North West and Yorkshire & Humberside. Baroness Corston's 2007 review of vulnerable women in the justice system highlighted a number of services as examples of good practice which should be rolled out nationally.[151] Whilst there was no national rollout, a partnership between a coalition of independent funders and the Ministry of Justice supported the development of further centres. Currently, attendance at Women's Community Services are used in a number of areas as a rehabilitative activity requirement under community orders and suspended sentence orders, but they are also used by other vulnerable women on a voluntary basis.

Women's Community Services offer a one-stop shop where women offenders and women at risk of offending can access a range of services in a supportive, gender-specific environment. The service offer is tailored to the local context but can include training on issues such as parenting, managing mental health, life skills, thinking skills, and addressing offending behaviour. An initial analysis of outcomes from Together Women was published in 2011 and was not able to demonstrate an impact of reoffending.[152] However, the researchers suggested that results should be treated with caution due to poor data quality and a small sample size.

Practice and evidence on problem-solving courts for female offenders in the UK

The UK currently has three women's problem-solving courts: Aberdeen Sherriff's Court, Stockport Magistrate's Court (which also sees some male offenders, but specialises in women), and Manchester and Salford Magistrates Court.

The project at Manchester and Salford Magistrates Court, which is arguably the most established of the three courts, is focused on women at risk of custody or a high-level community order, and who have four or more criminogenic needs. Offenders are placed on community orders, with sentence plans drawn up at multi-agency meetings. Offenders are brought back before the court for regular reviews to discuss progress and set goals for addressing criminogenic needs which might include actions like beginning job readiness training or engaging with drug treatment. Most have attendance at a women's community service as a requirement of their order.

All three women's problem-solving courts are at an early stage and no data on reoffending or other outcomes are available.

Conclusions for practice in the UK

Based on the evidence, women's distinctive needs, and the impact of gender-specific approaches, we conclude that a problem-solving court for female offenders who have complex needs or are at risk of custody has the potential to reduce reoffending and address criminogenic needs. We see a strong theory of change for a specialised approach informed by evidence-led trauma-informed and gender-responsive practice which responds to the distinctive needs of women offenders. We recognise, however, that, at present, it is not possible to conclude that the current practice is consistent with this theory of change.

3.2 Problem-solving courts for young adults

Contextualising young adult offending

A research consensus has been built up which strongly suggests that young adults aged 18–25 are a distinct population who, in many cases have not yet reached full maturity, and that criminal justice system responses should reflect their variable developmental maturity and make allowance for their specific age-related needs.[153-155]

Some elements of practice in the UK justice system are already shifting in response to this emerging evidence base. For example, adult sentencing decisions have, since 2011, included maturity as a mitigating factor and since 2013, the Crown Prosecution Service (CPS) has included maturity as part of its public interest test for prosecution.[156]

However, court practice in England and Wales does not currently differentiate between young adults and older offenders. Yet there are grounds for thinking that enhancing key problem-solving features in relation to young adults could improve outcomes. We know that young adults face a number of barriers to understanding the current process within an adult court. It can be difficult to follow, with complex and technical language; intimidating, with an uncomfortably formal setting; and lacking in opportunity for direct engagement. Yet we know that understanding and feeling fairly treated by the courts is an important determinant of compliance. Recent research suggests that procedural fairness may be significantly more important to young people than to adults.[157] This may be because young people are especially attuned to perceptions of unfairness and signs of respect.[158] Empirical research has identified that young peoples' perception of their sentencer has the largest influence on their views of the overall legitimacy of the justice system, even when controlling for the outcome of their case.[159]

International court practice with young adults

A number of countries across Europe now have distinct sentencing arrangements for young adults which either provide for the application of educational measures which are part of the juvenile system, or include specific sanctions for young adults. A 2012 survey which looked at practice across 35 European jurisdictions identified 20 where this practice was in use, including Scotland, Germany, France, Belgium, Austria, and Portugal.[160]

Germany is often seen as an international leader in distinct approaches to young adults. All cases involving defendants aged 18–21 are heard within the youth courts rather than the adult court system. At the point of sentencing, around two-thirds of young adults receive a sentence within the juvenile system, which might be educational measures, community punishment (such as a fine or unpaid work), a suspended sentence, or immediate custody. This enables the juvenile judge to respond to the individual needs of the offender with education or restorative practices or to place them in the youth custodial estate which offers a wider range of education and vocational training than the adult system. Decisions on which range of sentences to use are based on the offender's level of emotional development and whether the offence is a 'typical juvenile crime'. Given the blanket use of this system, it is difficult to draw conclusions on its impact on reoffending and other outcomes.[161]

Conclusions for practice in the UK

Based on this, we conclude that the evidence on the distinctive needs of young adults suggests that there is potential for a specialised problem-solving approach to improve outcomes. However, at this time, there is not an evidence-backed model that we can point to demonstrate the impact of working in this way.

3.3 Problem-solving in youth courts

Contextualising youth offending

There has been significant discussion of whether the principles of problem-solving could be applied within a youth court. This discussion has been generated by the 'paradox of success' in the youth justice system — the decline in the size of the youth justice system in the UK has meant that that those young people remaining in the system are, according to the Ministry of Justice, 'on balance, more challenging to work with'.[162] Practitioners report a greater concentration of children with complex needs in the justice system.[163,164]

One proposed response to the challenge is the enhancement of problem-solving within youth court. Enhancing problem-solving in youth court has already found broad policy support. Lord Carlile's 2014 independent parliamentary report on the operation of the youth courts in the UK states: 'The decrease in critical mass offers an opportunity to better focus resources on improving the system for child defendants, victims and their families.'[165] Charlie Taylor's review of youth justice, on behalf of the Lord Chancellor Michael Gove, recommends changes to youth courts and sentencing and the 'greater use of problem-solving approaches in our courts' is an explicit part of the expected response.

The evidence on problem-solving with young offenders

In work already completed by the Centre for Justice Innovation, we have noted that, in contrast with adult problem-solving courts, there is limited research evidence regarding the comparative effectiveness of specific problem-solving youth court models.[166] However, wider research suggests that particular key features of the problem-solving approach may help courts better address youth offending.[167]

First, we know that accountability matters when working with young people.[168] Therefore, given the research already noted on the role of the sentencer in problem-solving courts in holding offenders accountable, this could have a particularly strong impact on compliance and reduced reoffending for young offenders.[169] Second, the enhanced specialisation that problem-solving courts deliver is likely to work with young offenders. It is well established in the research literature that individualised assessment and treatment targeted at young people's specific risk factors works to promote rehabilitation and reintegration.[170] Third, recent research suggests that procedural fairness may be particularly important to young people.[171] This suggests that it is important for youth courts to develop a better understanding of the court experience from the perspective of court users towards increasing their understanding of and engagement with the court process.

However, we must also caveat this evidence with other and potentially contradictory evidence on what works with young offenders. It is quite clear from international and UK evidence that processing young people involved in crime (either through formal out-of-court disposals or prosecution) makes them more likely to commit crime again. An international meta-analysis, based on a major systematic review of 29 outcomes studies conducted over 35 years and involving more than 7,300 young people represents the most comprehensive analysis to date of the impact of formal justice system processing on young lives and future offending. This study concluded that formal processing 'appears to not have a crime control effect, and across all measures, appears to increase delinquency. This was true across measures of prevalence, incidence, severity, and self-report.'[172] Turning to the British evidence base, *The Edinburgh Study of Youth Transitions and Crime*, an ongoing research programme involving more than 4,000 young people in Scotland, found that young people brought to a court hearing are nearly twice as likely to admit engaging in serious offending in the following year as young people (with matched backgrounds and comparable prior self-reported

offending behaviour) who did not face a court hearing.[173] This is complemented by a research study of youth offenders in Northamptonshire which found that prosecution increased the likelihood of reoffending, even when controlling for personal and offence characteristics.[174]

This strongly suggests that any enhancement of problem-solving in youth court should (i) not be a substitution for greater use of pre-court measures for young people; and (ii) carefully examine at whom it is targeted so practitioners can guard against up-tariffing, i.e., cases that previously would have avoided court being actively pushed towards it.

Practice and evidence on problem-solving courts for young offenders in the UK

The principal aim of the youth court in England and Wales is to prevent offending while having regard for the welfare of the child.[175] Rather than simply imposing a sentence proportionate to an offence, youth courts should seek 'intervention that tackles particular factors that lead youths to offend'.[176] The goals of problem-solving courts – including individualised behaviour correction, harm reduction, and community wellbeing – are historically bound up with the movement that created the first youth courts in England and the USA at the turn of the twentieth century.[177] It is therefore unsurprising that some of the key features of problem-solving are already embedded, at least in aspiration, in youth courts today.

Recent work by the Centre for Justice Innovation has examined the extent to which 'mainstream' youth court practice was consonant with the key features of problem-solving. Looking at specialisation, while youth court is, by its nature, specialised, our field work suggested that practitioners are concerned that this specialism is declining. This includes professionals in the court – for example, there are currently no requirements that defence practitioners undergo youth-specific training, and specialist prosecutors are not widely used.[178,179] This also extends to assessments in use, which may not adequately cover youth-specific welfare, communication, and mental health needs, and to the availability of appropriate treatment. Individualised assessment and treatment targeted at specific risk factors have been repeatedly shown to promote rehabilitation and reintegration.[180]

When we examined the extent to which current youth court practice delivered collaborative intervention and supervision, we found that sentencers were concerned that information on compliance with orders, and, in the case of referral order, the content of contracts, is not regularly communicated back to the bench. Turning to accountability, standard youth court practice does not directly involve the court itself in monitoring of sentenced children. There is likewise no formal use of incentives or sanctions (referral orders and rehabilitation orders can be ended early in recognition of good behaviour; this requires court approval following an application from the Youth Offending Team (YOT)). A number of YOTs host 'compliance panels' intended to address barriers to engagement for youth on orders and to prevent breaches — a small handful of these include magistrates, but not acting with judicial authority.

Conclusion

We conclude that, due to there being a greater concentration of children with complex needs coming to court, key features of the problem-solving approach may be especially relevant for young offenders with complex needs. However, any enhancement of problem-solving features in youth court needs to take into consideration lessons from other parts of the evidence base on working with young offenders. For example, there is clear evidence that, where possible, youth offenders should be kept away from the formal system through triage and diversion, as prosecution and court appearances themselves can be criminogenic.

4. Why do problem-solving courts work?

In this section, we move from the question of whether problem-solving courts work to the question of, where they do, why they do.

We summarise the emerging evidence about which of the mechanisms on which problem-solving courts are based seem to be driving better outcomes.

4.1 Procedural fairness

The research on the importance of procedural fairness within problem-solving courts has grown considerably over recent years and has a number of implications for practice.

First, the strength of the relationship between a judge and an offender has been identified as a key driver of better outcomes within the literature on problem-solving courts.[181] The MADCE study on drug courts found it was the 'perceptions of procedural justice - and especially attitudes towards the drug court judge [that] were the strongest predictor of reduced drug use and crime'. It appears that a drug court participant's positive attitude towards the judge, their perception that the outcome of their case was fair, and, particularly, their fear of failing drug court and thereby incurring a lengthy custodial sentence, are all important predictors of supervision violations, criminal acts, and drug use.[182] This is consistent with other studies that show that drug courts are particularly effective with higher risk offenders who face more severe consequences for non-compliance.[183-187] The Ministry of Justice's review of six drug court pilots in England and Wales highlighted that continuity between the offender and the judiciary helped develop a relationship which 'played a key role in providing concrete goals, raising self-esteem and engagement and providing a degree of accountability for offenders about their actions'.[188]

Similar findings have been made in the context of other problem-solving courts. The evaluation of FDAC found that one of the court's strengths was the role of the judge (having the same FDAC judge throughout a case, and having non-lawyer reviews, both of which promote a problem-solving approach to the resolution of care proceedings. Parents reported that the FDAC was a 'service they would recommend to other parents. Those with previous experience of care proceedings found FDAC to be a more helpful court process, one that gave them a fair chance to change their lifestyle and parent their child well.' The Red Hook Community Court evaluation also found that Red Hook's 'commitment to procedural justice in all aspects of court operations appears to be essential in order for a community court to achieve a reduction in recidivism among misdemeanor offenders'.[189]

Research in drug courts has indicated that there are standardised practices which drive these perceptions within the judge to offender relationship: (i) continuity of the judge (where practicable, the same judge supervising the offender for the whole period of the court order); (ii) the frequency of the relationship (regular reviews that are predictably scheduled); (iii) the individualisation of that relationship (e.g. the judge remembers the specific needs and situations of each participant from hearing to hearing); (iv) voice (the opportunity for offenders to voice their side of the story);[190] and (v) the importance of clear communication (both oral and written, avoiding legal jargon).

Conclusion

Based on this, we conclude:

- How the court is perceived by offenders is as important, if not more important, than the decisions the court reaches and even more important than the treatment a problem-solving court can deliver.
- The evidence confirms strongly that the relationship between the judge and the offender is an important driver of success, and therefore continuity and individualisation are crucial to making that relationship work.

4.2 Evidence-based deterrence

As we have seen, many problem-solving courts use legal leverage (the threat of the threat of an alternative, a more punitive sentence if there is consistent non-compliance) as well as interim sanctions and reward regimes within judicial monitoring, to hold offenders accountable. Recent research is beginning to show the extent to which this evidence-based deterrence is driving better outcomes.

The MADCE study on drug courts found that participants who perceived themselves to face more severe consequences if they failed completely were more likely to comply than others when in the programme, and less likely to use drugs or commit further crime.[191] This research is consistent with previous literature on drug courts which finds that greater legal leverage produces better outcomes.[192,193]

This use of legal leverage needs to be qualified in two important ways: (i) the threat posed by legal leverage needs to feel proportionate in order to feel fair, and (ii) it is the perceived threat that is important — the fact of a prison sentence or other sanction is only one part of the efficacy of the mechanism. Research has shown that *perceptions* of the consequences of the same threat can be modified by how the consequences are made clear to the offender. Research consistently demonstrates, moreover, that establishing a pre-determined, standard and non-negotiable consequence for total non-compliance results in better retention and lower rates of reoffending.[194]

Moving to interim sanctions and rewards, in a recent study of 86 drug courts, those courts that imposed more certain sanctions based on a formal and clearly communicated schedule of incentives and sanctions, were more effective at reducing reoffending than those that did not.[195] This study suggests that the certainty of the interim sanction is as important, if not more important than the severity of the interim sanction.

Conclusion

Based on this, we conclude:

- The evidence suggests that where problem-solving courts use legal leverage and judicial monitoring, the more effective courts are those that emphasise effective and repeated communication and high levels of certainty, and that these factors are more important than the severity of the interim sanctions on offer.

4.3 Risk-Need-Responsivity

Many of the problem-solving courts discussed in this paper apply principles and practices developed in research on RNR. There have been a number of clear implications that RNR has had for the development of problem-solving courts. Most importantly, it has strongly suggested that effective problem-solving courts ought to apply all three principles in tandem. While this may seem obvious, in the USA a concerted effort has been undertaken to ensure that this is the case

in all problem-solving courts.[196] Interventions without assessment, assessment without interventions, and both without responsivity to individualised needs and risks is not enough (and can be, in places, actively harmful). The tightly defined, intensive supervision models used in US felony drug courts, for example, should be restricted to high-risk offenders, with long offending histories and multiple criminogenic needs.

At a more prosaic level, RNR has stressed the need for high-quality assessments to inform the design of personalised sentence plans which respond to the individual circumstances of the offender. In particular, there have been recent efforts in the USA and in New Zealand to ensure that assessment tools adequately capture the impact of prior abuse when assessing female offenders.

However, there are some more perplexing findings, especially in relation to mental health courts. At present, there is considerable discussion in the literature about why mental health courts are delivering better criminal justice outcomes, when the improvements in mental health outcomes are mixed. This paradox seems to question the original premise of mental health courts: that access to treatment will improve mental health outcomes which will have a knock-on effect on criminal justice outcomes. RNR theory may help explain this — given that the link between mental health illnesses and offending is complex and unclear, maybe the treatment itself is not the relevant factor in driving better criminal justice outcomes. There are a variety of alternative hypotheses being explored, including whether procedural fairness is the driving mechanism of improved criminal justice outcomes.

Conclusion

Based on this, we conclude:

- RNR suggests that problem-solving courts should ensure that their interventions model is calibrated based on risk and need.
- The responsivity principle supports the tendency for problem-solving courts to specialise in working with specific groups of offenders such as women with complex needs, problematic drug users, or those suffering from mental illness. They are likely to respond more to different intervention modalities and potentially also to different approaches within the courtroom.

5. The problems with problem-solving courts

While there is sufficient evidence to regard various models of problem-solving courts as promising, we must also be transparent about the problems identified in the literature on problem-solving courts. We therefore outline some of the practical problems that problem-solving courts have been shown to cause in other jurisdictions in order to help practitioners in the country consider how they can be mitigated.

5.1 The risk of net-widening

There is significant discussion in the literature that problem-solving courts may lead to net-widening. Net-widening is the concept that criminal justice interventions which offer services may inadvertently lead to more people being drawn into the court system and made subject to its supervision. Net-widening occurs when new justice system initiatives are treated as supplements to existing practice rather than as alternatives to higher-level sanctions. It is frequently compounded when new initiatives grow to encompass larger or different groups of people than they were initially intended to deal with.

This phenomenon is not limited to problem-solving courts *per se* – increasing the attractiveness of any facet of the criminal justice system may unintentionally lead to increased traffic. However, some observers have levelled this concern especially at problem-solving courts for two overlapping reasons. First, problem-solving courts may offer a route to support services such that courts become 'the only place to secure help' for justice-involved people.[197] Second, a court process perceived as a possible route to help for defendants by justice system actors may erode efforts at diversion, such that cases that previously would have avoided court are now actively pushed towards it (i.e., up-tariffing).[198]

Drug courts in the USA have attracted particular ire from some quarters.[199] But these concerns are specific neither to drug courts nor to the USA. The experience of the Scottish Youth Court pilots in Hamilton and Airdrie provides an instructive example. These courts, set up in 2003 and 2004, respectively, and specifically meant to do youth-focused problem-solving, appeared to produce textbook net-widening. An evaluation found that their introduction 'may have encouraged prosecution in cases that might previously have attracted an alternative'.[200] This led to increased cost (for court proceedings that would otherwise have been avoided) and more importantly to the prospect of an 'adverse impact on offending [through] drawing additional young people into the judicial system'.[201] The pilots were subsequently ended.

5.2 Benign over-dosing and inappropriate interventions

Akin to net-widening, there is a risk that by placing the judge at the centre of rehabilitation, problem-solving courts could lead to 'benign over-dosing'. The adapted court processes that most problem-solving courts include may lead to longer periods of supervision and/or increased 'social control' as compared to the standard court process.[202] In the hope of securing behaviour change, the judge mandates participants to various interventions to address a whole range of problems. This results in the participant receiving a significantly higher dose of support than they need, some or all of it subject to enforcement action if there is no compliance.

It is clear from studies that where over-dosing occurs, especially with low-risk offenders, we can actually worsen their outcomes. As might be expected, high-risk offenders given low doses of intervention are more likely to reoffend. However, overdosing low-level offenders with interventions can also increase the chances of reoffending by creating counter-productive obstacles to their participation in pro-social work or school activities, exposing them to negative influences from high-risk peers in group intervention settings, and unnecessarily labelling them as 'criminal'.[203,204] This highlights the importance of ensuring that intensive supervision of the kind that is used by drug courts and other treatment courts is directed towards offenders at a high risk of reoffending, rather than widening the net to take in a wider group.

There is an additional risk that by placing the judge at the centre of rehabilitation, problem-solving courts could lead to the delivery of inappropriate interventions. When judges are not properly supported by professionals with the expertise to assess offenders' risk levels and needs and identify the right package of interventions to support, there are risks that they may use non-evidence-based programming. The evidence base on the effectiveness of interventions can be complex and difficult to access – particularly when some models can draw on less methodologically rigorous studies to seek to make a case for their use.

There is a real risk that without expert support, problem-solving judges may struggle to identify those programmes which research has shown are likely to work. Non-evidence-based programming has the potential to waste resources on ineffective interventions and increase reoffending. Programmes such as drug education and unstructured group therapy have been shown to have no consistent impact on reoffending,[205] while other models such as 'scared straight' style programmes where younger offenders warned against offending by older people with extensive criminal backgrounds have been shown to actually increase reoffending.[206]

5.3 Over-promising

Problem-solving courts are not silver bullets. The impact they can make on reoffending is positive but it is also modest, like any other evidence-based intervention. The overriding maxims of criminology — that most offenders age out of offending, regardless of interventions and that any evidence-based intervention only works with those offenders who are already starting the journey towards desistance from crime — hold true.

Just as problem-solving courts will not, on their own, solve the problem of reoffending, they will also not solve the perceived problem of the prison population. There is evidence that problem-solving courts can reduce the use of prison in the courts in which they function, compared to traditional courts. But there is limited evidence that they can, on their own, significantly impact the overall numbers of people in prison, especially in where there are continued increases in sentencing tariffs that mean, overall, more offenders go to prison and, more crucially, those who do spend longer in prison.

6. Conclusions

This review has drawn together a range of evidence on problem-solving courts, looking at whether and how they work.

The review's content reflects the aim of providing a brief overview of key evidence relevant to emerging policy developments in a field that is broad and evolving. This report has focused on presenting evidence on the efficacy of problem-solving courts, looking at their impact on a range of outcomes. Across a range of outcomes, problem-solving courts have demonstrated their ability to make a difference, with the strongest evidence being on drug courts but encouraging evidence elsewhere, notably on mental health and domestic violence.

We have also examined the plausibility of new and emerging models of problem-solving courts and looked at the strength of their theories of change. Until these ideas are tested, it is not possible to know if they will have an impact on outcomes.

We have also set out the evidence on what we know about the mechanisms within problem-solving courts that drive better outcomes. In particular, the evidence shows the importance of procedural fairness and especially the relationship between the offender and the judge.

Evidence on problem-solving courts has evolved over recent decades and continues to be strengthened through the use of large-scale quantitative surveys and evaluations, as well as through qualitative research. If there are new pilots of problem-solving courts, it will provide a rich source of data and evidence on whether and how problem-solving courts work within England and Wales.

Appendix 1. The common components of problem-solving courts

Problem-solving courts encompass a wide range of court models, seeking to address and resolve a variety of issues such as drug-related offending, alcohol misuse, and domestic violence, amongst others. Each of these specific models, and the courts that operate those models, use some or all of their components, tailored to the needs of their caseloads. It is, therefore, worth emphasising that few problem-solving courts have all of these components in place. This reflects not just the adaptation that is needed to ensure problem-solving fits in with local circumstances but also because these core components attempt to encompass the vast range of problem-solving court responses to different and particular problems.

Common components of problem-solving courts

The way that problem-solving courts implement the principles of problem-solving differs significantly from court to court and model to model, but all of them include a number of the following elements:

Specialisation of the court model around a target group

Targeting: Most problem-solving courts (with the exception of community courts) focus on a specific issue. That issue can be defined as an underlying problem (such as drug addiction), a form of crime (such as domestic abuse), or a type of defendant (such as homeless or ex-armed-forces defendants). In order to focus on a specific issue, most problem-solving courts have a set of simple targeting criteria, often brokered with and shared across a multi-agency team that allows them to quickly identify relevant cases within the wider court caseload.

Specialised assessment: Problem-solving courts tend to have developed their own assessment capabilities or evolved existing tools to more specifically diagnose the risks, needs, and assets of their target groups.

Specialised court proceedings: Problem-solving courts tend to ensure that the cases are heard in specialised settings. Specialised settings can include specially trained court professionals who have an understanding of the needs, risks, and assets of the target group and who hear the cases in dedicated sittings. Most problem-solving courts (with the exception of community courts) do this within existing court buildings.

Collaborative intervention and supervision

Evidence-led programming: Many problem-solving courts utilise a menu of programmes and interventions to tackle the root causes of the problems underpinning offenders, with a focus on addressing criminogenic needs and while recognising the offender's agency in moving towards desistance. A significant deal of attention is devoted to developing/using programming that is evidence-based and to focus on problems that are treatable and solvable within the sentences time frame.

Coordinated case management: Problem-solving courts tend to have coordinators that manage the contributions of multiple agencies. They ensure information is available to the court on compliance. In some courts, this is done through dedicated teams and coordination is led through the judge, at

pre-hearing collaborative meetings. Co-ordinators can also play an offender management role, monitoring and motivating the offender through their sentence plan.

Accountability through judicial monitoring

Judicial monitoring: Problem-solving courts utilise the authority of the court to monitor progress and compliance. They bring the offender back to court regularly and in front of the same sentencer. Sentencers use sanctions and rewards to motivate compliance and, if necessary, can hear breach proceedings offender. Judicial monitoring can take place prior to a plea or finding of guilt (e.g. monitoring a domestic violence protection order), and before sentence (pre-sentence models) or after sentence (post-sentence models).

Using recognition, incentives, and sanctions: Problem-solving courts tend to have a structured regime of recognition, incentives, and sanctions that they use in monitoring and can be applied swiftly. Recognition can include simple things such as congratulating progress publicly in court to more formal recognition, such as graduation ceremonies. Incentives can range from shortening community orders and sealing criminal convictions to suspending a prison sentence in return for compliance with a community sentence. These types of incentives are sometimes also called 'legal leverage'. Sanctions can cover minor punishments such as a day of community service up to the imposition of short custodial spells, prior to return to the programme.

Communicating recognition, incentives, and sanctions: Problem-solving courts clearly communicate the regime of recognition, incentives, and sanctions to offenders at the start of their orders and throughout their supervision and monitoring. This clear communication emphasises the rules of the court and the expectations of the court and places the onus on the agency of the defendant to comply with them.

A procedurally fair environment

Clear understanding: Problem-solving courts tend to make efforts to clearly explain the court and non-court processes, the options available, and the consequences of actions and decisions at the start of and during the case.

Respectful treatment: Problem-solving courts attempt to emphasise that all those engaged in the process treat each other with respect, upholding the worth, autonomy, and dignity of each individual.

Neutrality: Problem-solving courts tend to emphasise that decisions are made and seen to be made with impartiality, transparency, and neutrality.

Voice: Problem-solving courts tend to involve offenders in the process and make sure they feel that they have a voice that is listened to, one which can make a difference to the decisions made.

A focus on outcomes

Monitoring outcomes: Problem-solving courts use systematic data collection and analysis to measuring the impact that they have on the people and communities they work with. In particular they may seek to monitor both reoffending and changes in offenders' underlying levels of criminogenic need. Data is used to help improve day-to-day practice-informing elements such as assessments, sentencing decisions, and courtroom communications.

Using evidence to inform innovation: Monitoring data is used alongside other sources of evidence including the perspectives of offenders and other stakeholders to inform a process of reflection and innovation. Evidence is used to improve existing services, to identify where new services might be useful, and in some cases to inform decisions to bring a project to an end.

Endnotes

1. Problem-solving courts have often been described in terms of 'therapeutic jurisprudence'. This term, which originated with noted legal scholar Professor David Wexler. Wexler describes the study of the potential for legal institutions to have beneficial or harmful effects on members of the public who interact with them. It suggests that society should use our understanding of therapeutic process to 'help shape the development of the law'. This is intended to complement, rather than replace, other long-standing legal principles such as precedent and due process. However it implies a focus on the study of measurable outcomes for individuals which is relatively novel for the legal profession. Legal scholars have used this framework to make the case for problem-solving courts as a new legal practice which focuses on measurable reductions in criminogenic needs.
2. For an overview of the RNR model, see Bonta, J. & Andrews, D.A. (2007). *Risk-Need Responsivity Model for Offender Assessment and Rehabilitation*. Ottawa: Public Safety Canada and Carleton University. Retrieved from http://www.courtinnovation.org/sites/default/files/RNRModelForOffenderAssessmentAndRehabilitation.pdf
3. Ministry of Justice. (2013). *Transforming rehabilitation: A summary of evidence on reducing reoffending.* London: Ministry of Justice.
4. Rempel, M. (2014). *Evidence-based strategies for working with offenders*. New York: Center for Court Innovation/Bureau of Justice Assistance.
5. For more on Oasys see Moore, R (ed) (2015) *A compendium of research and analysis on the Offender Assessment System (OASys) 2009–2013*. London: Ministry of Justice.
6. Bonta, J. & Andrews, D.A. (2007). *Risk-Need Responsivity Model for Offender Assessment and Rehabilitation*. Ottawa: Public Safety Canada and Carleton University. p.10.
7. Rempel, M. (2014). *Evidence-based strategies for working with offenders*. New York: Center for Court Innovation/Bureau of Justice Assistance.
8. Lipsey, M.W., Landenberger, N.A. & Wilson, S.J. (2007). *Effects of cognitive-behavioral programs for criminal offenders*. Oslo, Norway: The Campbell Collaboration.
9. Ward, T., & Stewart, C. (2003). Criminogenic needs and human needs: a theoretical model. *Psychology, Crime and Law,* 9, 125–143.
10. Maruna, S. (2001) *Making good: How ex-convicts reform and rebuild their lives*. Washington DC: American Psychological Association.
11. Ward, T. and Brown, M. (2003) "The Risk-need Model of offender rehabilitation: A critical analysis" in Ward, T., Laws, D.R., and Hudson S.M., (eds.) *Sexual Deviance: Issues and Controversies.* (Thousand Oaks, CA: Sage)
12. Green, R. (1995). Psycho-Educational Modules. in Schwartz, B.K. & Celini, H.R. (eds.). *The Sex Offender: Corrections, Treatment and Legal Practice,* Vol. 1. Kingston, NJ: Civic Research Institute.
13. McNeil, F. (2009). *Towards effective practice in offender supervision.* Edinburgh: Scottish Centre for Crime & Justice Research.
14. Tyler, T. (2008). Procedural Justice and the Courts. *Court Review,* 44, 26–31.
15. A recent study by the National Policing Improvement Agency and the London School of Economics found that 'the most important factor motivating people to cooperate and not break the law was the legitimacy of the police… Crucially, police legitimacy had a stronger effect on these outcomes than the perceived likelihood of people being caught and punished for breaking the law.' Other international studies have suggested that a poor police interaction is likely to significantly decrease that individual's willingness to engage with the police if they are a victim of crime, especially amongst individuals with already low levels of public trust in the police. Myhill, A. & Quinton,P. (2011).*It's a fair cop? Police legitimacy, public cooperation, and crime reduction: An interpretative evidence commentary.* London: National Police Improvement Agency. Retrieved from http://www.college.police.uk/en/docs/Fair_cop_Full_Report.pdf
16. Gold LaGratta, E. (2015). *Procedural justice: Practical tips for courts.* New York: Center for Court Innovation/Bureau of Justice Assistance. Retrieved from http://www.courtinnovation.org/sites/default/files/documents/P_J_Practical_Tips.pdf
17. Myhill, A. & Quinton,P. (2011). *It's a fair cop? Police legitimacy, public cooperation, and crime reduction: An interpretative evidence commentary.* London: National Police Improvement Agency. Retrieved from http://www.college.police.uk/ en/docs/Fair_cop_Full_Report.pdf
18. Tyler, T. (1990). *Why people obey the law.* New Haven, CT: Yale University Press.
19. Lind, E.A., Kulik, C.T., Ambrose, M. & de Vera Park, M.V. (1993). Individual and corporate dispute resolution: Using procedural justice as a decision heuristic. *Administrative Science Quarterly, 38, 224–251*.
20. Korsgaard, A. & Roberson, L. (1995). Procedural justice in performance evaluation: The role of instrumental and non-instrumental voice in performance appraisal discussions. *Journal of Management, 21, 657–669*.

21. Bies, R.J. & Shapiro, D.L. (1988). Voice and justification: Their influence on procedural fairness judgments, *Academy of Management Journal, 31,676–685*.

22. Price, K. et al. (2004). The effects of voice-based participation across multiple and interrelated stages of decision-making, *Academy of Management Proceedings, 64, 1–6,*

23. Hough, M. *et al.* (2013). *Attitudes to sentencing and trust in justice: Exploring trends from the crime survey for UK.* London: Institute for Crime Policy Research. Retrieved from http://www.icpr.org.uk/media/34605/Attitudes%20to%20Sentencing%20and%20Trust%20in%20Justice%20%28web%29.pdf

24. Grasmick, H. and Bryjack, J.(1980). The Deterrent Effect of Perceived Severity of Punishment. *Social Forces,* 59 ;)

25. Paternoster R. (1989), Decisions to Participate In and Desist From Four Types of Common Delinquency: Deterrence and the Rational Choice Perspective, *Law and Society Review.* Vol. 7

26. Nichols J.L. and Ross H.L. (1990). The effectiveness of legal sanctions in dealing with drinking Drivers, *Alcohol, Drugs and Driving,* Vol. 6, No. 2, 33-60.

27. Taxman, F.S. (1999). Unraveling "what works" for offenders in substance abuse treatment services. *National Drug Court Institute Review,* II(2): 93-134.

28. Paternoster, R., Brame, R., Bachman, R. & Sherman, L.W. (1997). Do fair procedures matter? The effect of procedural justice on spouse assault. *Law and Society Review,* 31, 163–204.

29. Rhine, E. E. (1993). *Reclaiming offender accountability: Intermediate sanctions for probation and parole violators.* Laurel, MD: American Correctional Association

30. Farabee, D. (2005). *Rethinking tehabilitation: Why can't we reform our criminals?* Washington, DC: American Enterprise Institute.

31. Tonry, M. (1996). *Sentencing matters.* New York: Oxford University Press.

32. Young, D. & Belenko, S. (2002). Program retention and perceived coercion in three models of manadatory drug treatment drug Issues. *Journal of Drug Issues, 32, 297–328.*

33. Evidence from the Surveying Prisoner Crime Reduction Survey is available in background tables: Ministry of Justice. (2010). *Compendium of reoffending statistics and analysis.* London: Ministry of Justice. Retrieved from http://www.justice.gov.uk/downloads/statistics/mojstats/spcr-full-tables-paper-5-2-prisoners-backgrounds-reconviction-a.xls. Poly-drug use was defined as the use of a Class A drug plus use of another category drug.

34. Ministry of Justice. (2013). *Transforming rehabilitation: A summary of evidence on reducing reoffending.* London: Ministry of Justice.

35. Douglas Anglin, M., Prendergast, M. & Farabee, D. (1998). *The effectiveness of coerced treatment for drug abusing offenders.* UCLA Drug Abuse Research Center, Paper presented at the Office of National Drug Control Policy's Conference of Scholars and Policy Makers, Washington, DC. 23–25 March.

36. McMurran, M. (ed.). (2013). *Alcohol-related violence: Prevention and treatment.* Chichester, West Sussex: John Wiley & Sons Ltd.

37. McSweeney, T. et al. (2009). *Evidence-based practice? The National Probation Service's work with alcohol-misusing offenders,* London: Ministry of Justice.

38. McMurran, M. (ed.). (2013). *Alcohol-related violence: Prevention and treatment.* Chichester, West SussexL John Wiley & Sons Ltd.

39. Sapouna, M., Bisset, C. & Conlong, A. (2011). *What works to reduce reoffending: A summary of the evidence.* Edinburgh: Justice Analytical Services, Scottish Government.

40. McSweeney, T. et al. (2009). *Evidence-based practice? The National Probation Service's work with alcohol-misusing offenders.* Ministry of Justice Research Series 13/09. London: Ministry of Justice.

41. Roberts, A.J. et al. (2007). *Review of drug and alcohol treatments in prison and community settings.* Manchester: University of Manchester. Retrieved from http://www.ohrn.nhs.uk/resource/Research/SMreview.pdf

42. Raistrick, D., Heather, N. & Godfrey, C. (2006). *Review of the effectiveness of treatment for alcohol problems.* London: National Treatment Agency for Substance Misuse.

43. Wells-Parker, E., Bangert-Drowns, R., McMillen, R. & Williams, M. (1995). Final results from a meta-analysis of remedial interventions with drink/drive offenders, *Addiction, 9, 907–926.*

44. National Institute of Justice. (n.d.). NIJ Website. Retrieved from https://www.crimesolutions.gov/TopicDetails.aspx?ID=49 [accessed 30 June 2016].

45. Rossman S.B., J. Roman, J.M. Zweig, M. Rempel, C. Lindquist. 2011 *The Multi-site Adult Drug Court Evaluation.* Volumes 1-4 Washington D: Urban Institute.

46. Barnoski, R. & Aos, S. (2003). Washington State's Drug Courts for adult defendants: Outcome evaluation and cost benefit analysis. Olympia, WA: Washington State Government. B

47. Bhati, A.S., Roman, J.K. & Chalfin, A. (2008). *To treat or not to treat: Evidence on the prospects of expanding treatment to drug-involved offenders.* Washington, DC: The Urban Institute.

48. KPMG. (2014). Evaluation of the Drug Court of Victoria. FINAL REPORT. Victoria: Magistrates' Court of Victoria.

49. Turnbull, P.J., McSweeney, T., Webster, R., Edmunds, M. & Hough, M. (2000). *Drug Treatment and Testing Orders: Final evaluation report. Home Office Research Study 212* London: Criminal Policy Research Unit, South Bank University Home Office Research, Development and Statistics Directorate.

50. Kerr, J., Tompkins, C., Tomaszewski, W., Dickens, S., Grimshaw, R., Wright, N. & Barnard, B. (2011). *The Dedicated Drug Courts Pilot Evaluation Process Study.* Ministry of Justice Research Series 1/11. London: Ministry of Justice.

51. McSweeney, T., Meadows, P., Metcalf, H., Turnbull P. & Stanley, C. (2009). The feasibility of conducting an impact evaluation of the Dedicated Drug Court pilot: Summary based on research undertaken for the MoJ National Institute of Economic and Social Research, and the Institute for Criminal Policy Research, Kings College, London. London: Ministry of Justice

52. McIvor, G., Barnsdale, L., Eley, S., Malloch, M., Yates, R. & Brown, A. (2006). *The operation and effectiveness of the Scottish drug court pilots.* Edinburgh: Scottish Government.

53. Community Justice Services. (2009). *Review of the drug courts in Glasgow and Fife Sheriff Courts.* Edinburgh: Scottish Government.

54. Latessa, E.J., Shaffer, D.K. & Lowenkamp, C. (2002). *Outcome evaluation of Ohio's Drug Court Efforts*. Technical Report. Cincinnati, OH: University of Cincinnati, Center for Criminal Justice Research.

55. Rodriguez, N. & Webb, V.J. (2004). Multiple measures of juvenile drug court effectiveness: Results of a quasi-experimental design. *Crime and Delinquency,* 50, 292–314.

56. Latimer, J., Morton-Bourgon, K. & Chretien, J. (2006). *A meta-analytic examination of drug treatment courts: Do they reduce recidivism?* Ottawa, ON: Department of Justice Canada, Research and Statistics Division. Drake, E. *Chemical dependency: A review of the evidence and benefit-cost findings. Treatment for offenders.* Olympia, WA: Washington State Institute for Public Policy.

57. Mitchell, O., Wilson, D.B., Eggers, A. & MacKenzie, D.L. (2012). Assessing the effectiveness of drug courts on recidivism: A meta-analytic review of traditional and non-traditional drug courts. *Journal of Criminal Justice,* 40, 60–71.

58. Drake, E. (2012). *Chemical dependency: A review of the evidence and benefit-cost findings. Treatment for offenders.* Olympia, WA: Washington State Institute for Public Policy.

59. Marlowe, D.B. (2010). *Research Update on Juvenile Drug Treatment Courts.* Alexandria, VA: NADCP.

60. Blair, L., Sullivan, C., Latessa, E. & Sullivan, C.J. (2015). J*uvenile Drug Courts: A process, outcome, and impact evaluation*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

61. Green, B. et al. (2007). How effective are Family Treatment Drug Courts? Outcomes from a four-site national study. *Child Maltreatment,* 12, 1.

62. Worcel, S. et al. (2007). *Family Treatment Drug Court Evaluation Final Report*. Submitted to Center for Substance Misuse Treatment, Substance Abuse and Mental Health Services Administration. Washington DC: US Department of Health and Human Sciences.

63. Worcel, S. et al. (2008). Effects of Family Treatment Drug Courts on substance abuse and child welfare outcomes. *Child Abuse Review,* 17, 427–443.

64. Oliveros, A. & Kaufman, J. (2011). Addressing substance abuse treatment needs of parents involved with the child welfare system. *Child Welfare,* 90, 25–41.

65. Harwin, J., Ryan, M. & Tunnard, J., with Pokhrel, S., Alrouh, B., Matias C. & Momenian Schneider, S. (2011). *The Family Drug & Alcohol Court (FDAC) Evaluation Project Final Report*. London: Brunel University. Retrieved from http://www.brunel.ac.uk/__data/assets/ pdf_file/0017/91340/fdac_final_report.pdf 11.

66. Harwin, J., Alrouh, B., Ryan, M. & Tunnard, J. (2014). *Changing lifestyles, keeping children safe: An evaluation of the first Family Drug and Alcohol Court (FDAC) in care proceedings.* London: Brunel University.

67. Most comprehensively established in Office of National Statistics. (1998). *Psychiatric morbidity among prisoners: Summary report.* London: ONS, but confirmed more recently by many more recent studies.

68. Junginger, J., Claypoole K., Laygo, R. & Cristiani, A. (2006). Effects of serious mental illness and substance abuse on criminal offenses. *Psychiatric Services, 57, 879–882.*

69. Peterson, J.K., Skeem, J.L., Hart, E., Vidal, S. & Keith, F. (2010). Comparing the offense patterns of offenders with and without mental disorder: Exploring the criminalization hypothesis. *Psychiatric Services, 61, 1217–1222.*

70. Skeem, J.L. & Peterson, J.K. (2012). Identifying, treating, and reducing risk for offenders with mental illness, in Petersilia, J. & Reitz, K.R. (eds). (2012). *The Oxford Handbook of Sentencing and Corrections.* Oxford: Oxford University Press.

71. Morgan, R.D. et al. (2012). Treating offenders with mental illness: A research synthesis. *Law and Human Behavior*,36, 37–50.

72. Skeem et al. 2011. Correctional Policy for Offenders with Mental Illness: Creating a New Paradigm for Recidivism Reduction in *Law and Human Behavior*, 35:110-126.

73. Offender Health Research Network. (2011). *Liaison and Diversion Services: Current practices and future directions.* Retrieved from http://www.ohrn.nhs.uk

74. Trupin, E. & Richards, H. (2003). Seattle's Mental Health Courts: Early Indicators of Effectiveness. *International Journal of Law and Psychiatry,* 26, 33–53.

75. Boothroyd, R., Poythress, N., McGaha, A. & Petrila, J. (2005). The Broward Mental Health Court: Process, outcomes and service utilization. *International Journal of Law and Psychiatry, 26, 55–71.*

76. Cosden M., Ellens, J., Schnell J., Yamini-Diouf, Y. & Wolfe, M. (2003). Evaluation of a Mental Health Treatment Court with Assertive Community Treatment. *Behavioral Sciences and the Law. 21, 415–442.*

77. O'Keefe, K. (2006). T*he Brooklyn Mental Health Court Evaluation: Planning, Implementation, Courtroom Dynamics, and Participant Outcomes.* New York: Center for Court Innovation.

78. Sarteschi, C.M., Vaughn, M.G. & Kim, K. (2011). Assessing the effectiveness of Mental Health Courts: A quantitative analysis. *Journal of Criminal Justice, 39,12–20.*

79. Steadman, H.J., Redlich, A., Callahan, L., Robbins, P.C. & Vesselinov, R. (2011). Effect of mental health courts on arrest and jail days. *Archives of General Psychiatry, 68, 167–172.*

80. Rossman, S.B., Buck Willison, J., Mallik–Kane, K., KiDeuk, K.,Debus–Sherrill, S. &Mitchell Downey, P. (2012). *Criminal justice interventions for offenders with mental illness: Evaluation of mental health courts in Bronx and Brooklyn,* New York final report. Washington DC: Urban Institute.

81. Winstone, J. & Pakes, F. (2010). *Process evaluation of the Mental Health Court Pilot.* London: Ministry of Justice.

82. Ministry of Justice. (2015). *Criminal justice system statistics quarterly: September 2014.* London: Ministry of Justice.

83. Scottish Government. (2016). *High-level summary of statistical trends – chart data (crime and justice).* Retrieved from http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/TrendData

84. Davis, R.C., Smith, B.E. & Rabbitt, C. (2001). Increasing convictions in domestic violence cases: A field test in Milwaukee. *The Justice System Journal,* 22, 62–72.

85. Eckberg, D. & Podkopacz, M. (2002). Domestic Violence Court in Minneapolis: Three levels of analysis. Chicago, IL: Presentation, American Society of Criminology Annual Conference. Chicago, IL. 15 November.

86. Harrell, A., Newmark, L. & Visher, C. (2007). *Final Report on the Evaluation of the Judicial Oversight Demonstration, Volume 2: Findings and Lessons on Implementation. W*ashington, DC: National Institute of Justice.

87. Newmark, L., Rempel, M., Diffily, K. & Kane, K.M. (2001). *Specialized Felony Domestic Violence Courts: Lessons on implementation and impact from the Kings County Experience.* Washington, DC: Urban Institute.

88. Davis, R.C., Smith, B.E. & Rabbitt, C. (2001). Increasing convictions in domestic violence cases: A field test in Milwaukee. *The Justice System Journal,* 22, 62–72.

89. Eckberg, D. & Podkopacz, M. (2002). Domestic Violence Court in Minneapolis: Three levels of analysis. Chicago, IL: Presentation, American Society of Criminology Annual Conference. Chicago, IL. 15 November.

90. Gondolf, E.W. (2005). *Culturally focused batterer counseling for African American Men. Final Report for the National Institute of Justice.* Washington, DC: National Institute of Justice.

91. Gover, A.A., MacDonald, J.M. & Alpert, G.P. (2003). *Combating domestic violence: Findings from an evaluation of a local domestic violence court*. Criminology and Public Policy, 3, 109–132.

92. Davis, R.C., Smith, B.E. & Rabbitt, C. (2001). Increasing convictions in domestic violence cases: A field test in Milwaukee. *The Justice System Journal*, 22, 62–72.

93. Quann, N. (2007). *Offender profile and recidivism among domestic violence offenders in Ontario, Canada.* Ottawa, Canada: Department of Justice, Research and Statistics Division.

94. Peterson, R.R. (2004). *The impact of Manhattan's specialized domestic violence court.* New York, NY: New York City Criminal Justice Agency, Inc.

95. Angene, L. (2000). *Evaluation report for the San Diego County Domestic Violence Courts.* San Diego, CA: San Diego Superior Court.

96. Gondolf, E.W. (1998). The impact of mandatory supervision on batterer program compliance. *Court Review.* Retrieved from http://pacrimestats.info/PCCDReports/EvaluationResearch/Completed%20Research/Corrections%20and%20Alternative%20Sanctions/Batterer%20Intervaention/PMC-DACC%20Eval%20Report%20May97.pdf

97. Newmark, L., Rempel, M., Diffily, K. & Kane, K.M. (2001). *Specialized Felony Domestic Violence Courts: Lessons on implementation and impact from the Kings County Experience.* Washington, DC: Urban Institute.

98. Harrell, A., Newmark, L. & Visher, C. (2007). *Final Report on the Evaluation of the Judicial Oversight Demonstration, Volume 2: Findings and Lessons on Implementation.* Washington, DC: National Institute of Justice.

99. Davis, R.C., & Smith, B.E. & Rabbitt, C. (2001). Increasing convictions in domestic violence cases: A field test in Milwaukee. *The Justice System Journal,* 22, 62–72.

100. Eckberg, D. & Podkopacz, M. (2002). Domestic Violence Court in Minneapolis: Three levels of analysis. Chicago, IL: Presentation, American Society of Criminology Annual Conference. Chicago, IL. 15 November.

101. Harrell, A., Schaffer, M., DeStefano, C. & Castro, J. (2006). *Evaluation of Milwaukee's judicial oversight demonstration.* Washington, DC: Urban Institute.

102. Newmark, L., Rempel, M., Diffily, K. & Kane, K.M. (2001). *Specialized Felony Domestic Violence Courts: Lessons on implementation and impact from the Kings County Experience.* Washington, DC: Urban Institute.

103. Peterson, R.R. (2004). *The impact of Manhattan's specialized domestic violence court.* New York, NY: New York City Criminal Justice Agency, Inc.

104. Cissner, A., Labriola, M. & Rempel, M. (2013). *Testing the Effects of New York's Domestic Violence Courts.* New York: Centre for Court Innovation.

105. Quann, N. (2007). *Offender profile and recidivism among domestic violence offenders in Ontario, Canada.* Ottawa, Canada: Department of Justice, Research and Statistics Division.

106. Gondolf, E.W. (1998). The impact of mandatory supervision on batterer program compliance. *Court Review*. Retrieved from http://pacrimestats.info/PCCDReports/EvaluationResearch/Completed%20Research/Corrections%20and%20Alternative%20Sanctions/Batterer%20Intervaention/PMC-DACC%20Eval%20Report%20May97.pdf

107. Mazur, R. & Aldrich, L. (2003). *What makes a domestic violence court work? Lessons From New York*. New York: Center for Court Innovation.

108. Ventura, L.A. & Davis, G. (2005). Domestic violence: Court case conviction and recidivism. *Violence Against Women,11, 255–277*.

109. Cissner, A., Labriola, M. & Rempel, M. (2013). *Testing the Effects of New York's Domestic Violence Courts*. New York: Centre for Court Innovation.

110. Dunford, F. (2000). The San Diego Navy experiment: An assessment of interventions for men who assault their wives. *Journal of Consulting and Clinical Psychology, 68,468*.

111. Feder, L.R. & Dugan, L. (2002). A test of the efficacy of court-mandated counseling for domestic violence offenders: The Broward County experiment. *Justice Quarterly, 19, 343–375*.

112. Bennett, L. & Williams, O. (2002). *Controversies and recent studies of batterer intervention program effectiveness*. Minneapolis, MN: University of Minnesota, Applied Research Forum.

113. Babcock, J. et al. (2004). Does batterers' treatment work? A meta-analytic review of domestic violence treatment. *Clinical Psychology Review, 23, 1023–1053*.

114. Feder, L. & Wilson, D.B. (2005). A meta-analytic review of court-mandated batterer intervention programs: Can courts affect abusers' behavior? *Journal of Experimental Criminology, 1, 239–262*.

115. Bowen, E., Gilchrist, E.A. & Beech, A.R. (2005). An examination of the impact of community-based rehabilitation on the offending behaviour of male domestic violence offenders and the characteristics associated with recidivism. *Legal and Criminological Psychology, 10, 189–209*.

116. Labriola, M., Davis, R. & Rempel, M. (2005). Testing the effectiveness of batterer programs and judicial monitoring: Results from a randomized trial at the Bronx Misdemeanor Domestic Violence Court. (New York: Center for Court Innovation).

117. Washington State Institute for Public Policy. (2006). *Evidence-based adult corrections programs: What works and what does not*. Olympia, WA: Washington State Institute for Public Policy.

118. Peterson, R.R. (2008). *Reducing intimate partner violence: Moving beyond criminal justice interventions*. Criminology and Public Policy, 7, 537-545.

119. Stover, C.S., Meadows, A.L. & Kaufman, J. (2009). I*nterventions for intimate partner violence: Review and implications for evidence-based practice*. Professional Psychology: Research and Practice, 40, 223-233.

120. Bullock, K., Sarre, S., Tarling, R. & Wilkinson, M. (2010). *The delivery of domestic abuse programmes. An implementation study of the delivery of domestic abuse programmes in probation areas and Her Majesty's Prison Service*. London: Ministry of Justice.

121. Miller, M., Drake, E. & Nafziger, M. (2013). *What works to reduce recidivism by domestic violence offenders? (Document No. 13-01-1201)*. Olympia: Washington State Institute for Public Policy.

122. Cissner, A., Picard-Fritsche, S. & Puffett, N. (2011). *The Suffolk County Integrated Domestic Violence Court: Policies, Practices, and Impacts, October 2002-December 2005*. New York, NY: Center for Court Innovation.

123. Koshan, J. (2014). Investigating Integrated Domestic Violence Courts: Lessons from New York. *Osgoode Hall Law Journal, 51,* .

124. Osgoode Legal Studies Research, Katz, S. & Rempel, M. (2011). *The impact of integrated domestic violence courts on case outcomes*. New York: Center for Court Innovation.

125. Picard-Fritsche, S., Cissner, A.B. & Puffett, N.K. (2011). *The Erie County Integrated Domestic Violence Court: Policies, practices, and impacts*. New York: Center for Court Innovation.

126. Cissner, A.B., Picard-Fritsche, S. & Puffett, N.K. (2011). *The Suffolk County Integrated Domestic Violence Court: Policies, Practices, and Impacts*. New York: Center for Court Innovation.

127. Justice with Safety. (2008). *Specialist Domestic Violence Courts Review 2007-2008*. London: HMCS. Retrieved from http://webarchive.nationalarchives.gov.uk/+/http:/www.crimereduction.homeoffice.gov.uk/dv/dv018a.pdf

128. Cook, D. et al. (2005). *Evaluation of Domestic Violence pilot sites at Caerphilly (Gwent) and Croydon 2004-2005*. Retrieved from https://www.cps.gov.uk/publications/docs/dvpilotsites0405.pdf

129. Hester, M, Pearce, J. & Westmarland, N. (2008). *Early evaluation of the Integrated Domestic Violence Court, Croydon*. London: Ministry of Justice.

130. Turgeon, C. (n.d.). Community courts around the world. Retrieved from http://www.courtinnovation.org/research/community-courts-around-world [accessed 30 June 2016].

131. Joliffe, D. & Farrington, D. (2009). *Initial evaluation of reconviction rates in community justice initiatives*. London: Ministry of Justice.

132. Lee, C.G., Cheesman, F., Rottman D., Swaner, R., Lambson, S., Rempel M. & Curtis, R. (2013). *A community court grows in Brooklyn: A comprehensive evaluation of the Red Hook Community Justice Center*. Williamsburg VA: National Center for State Courts.

133. Nugent-Borakove, E. (2009). *Seattle Municipal Community Court: Outcome Evaluation Final Report*. Denver, CO: Justice Management Institute.

134. Ross, S., Halsey, M., Bamford, D., Cameron, N. & King, A. (2009). *Evaluation of the Neighbourhood Justice Centre, City of Yarra*. Final Report. Melbourne, Australia: University of Melbourne,.

135. Lee, C.G., Cheesman, F., Rottman D., Swaner, R., Lambson, S., Rempel, M. & Curtis, R. (2013). *A community court grows in Brooklyn: A comprehensive evaluation of the Red Hook Community Justice Center.* Williamsburg VA: National Center for State Courts.

136. Sviridoff M. et al. 1997. *Dispensing justice locally: The implementation and effects of the Midtown Community Court*. Washington DC: National Institute of Justice

137. Ross, S., Halsey, M., Bamford, D., Cameron, N. & King, A. (2009). *Evaluation of the Neighbourhood Justice Centre, City of Yarra.* Final Report. Melbourne, Australia: University of Melbourne,.

138. Weidner, R& Davis, C. (2000). *Benefits and costs of the Hennepin County Community Court – A preliminary analysis.* Minneapolis, MN: Institute on Criminal Justice, University of Minnesota Law School.

139. Lee, C.G., Cheesman, F., Rottman D., Swaner, R., Lambson, S., Rempel, M. & Curtis, R. (2013). *A community court grows in Brooklyn: A comprehensive evaluation of the Red Hook Community Justice Center.* Williamsburg VA: National Center for State Courts. pp.. 86–87.

140. NLCJC covered the local authority areas of Anfield, Everton, County and Kirkdale, operating as a multi-jurisdictional court, able to sit as a magistrates' court, crown court or youth court. It was able to hear most cases with the exception of sexual offences and murder for juvenile offenders, and indictable only offences, summary road traffic offences, sexual offences and child abuse cases for adult offenders.

141. New Economics Foundation. (2011). *A Study of the Costs of North Liverpool Community Justice Centre Submission for the Ministry of Justice.* London: NEF (Unpublished).

142. Mair, G. & Millings, M. (2011). *Doing justice locally: The North Liverpool Community Justice Centre.* London: Centre for Crime and Justice Studies.

143. Booth, L., Altoft, A., Dubourg, R., Gonçalves, M. & Mirrlees-Black, C. (2012). *North Liverpool Community Justice Centre: Analysis of re-offending rates and efficiency of court processes*. London: Ministry of Justice.

144. Refer to the discussion of the Risk-Need-Responsivity theory in Section 2.

145. Ministry of Justice. (2013). *Transforming Rehabilitation: A strategy for reform*. London: Ministry of Justice.

146. Ministry of Justice. (2012). *Prisoners' childhood and family backgrounds,* London: Ministry of Justice.

147. Hansard HC, 16 July 2012 c548W

148. Administration for Children and Families. (2009). *Understanding the effects of maltreatment on brain development*. Washington, DC: Child Welfare Bureau.

149. National Association of State Mental Health Program Directors. (2011). *Essential components of trauma-informed judicial practice*. Washington DC: Substance Abuse and Mental Health Services Administration.

150. Ibid.

151. Corston, J. (2007). *A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system*. London: Home Office, Crown Copyright.

152. Jolliffe, D., Hedderman, C., Palmer, E. & Hollin, C. (2011). *Re-offending analysis of women offenders referred to Together Women (TW) and the scope to divert from custody*. Ministry of Justice Research Series 11/11. London: Ministry of Justice.

153. 153.Casey B.J., Jones, R. & Hare, T. (2008). The adolescent brain. *Annals New York Academy of Science, 1124, 111-126*.

154. Steinberg, L. (2014). *Age of Opportunity: Lessons from the New Science of Adolescence*. New York: Houghton Mifflin Harcourt Publishing Company.

155. Howell, J.C., Feld, B.C., Mears, D.P. Farrington, D.P., Loeber R. & Petechuk, D. (2013). *Bulletin 5: Young offenders and an effective response in the juvenile and adult justice systems: What happens, what should happen, and what we need to know.* Study Group on the Transitions between Juvenile Delinquency and Adult Crime. Final report to National Institute of Justice (Grant number 2008-IJ-CX-K402). Retrieved from https://www.ncjrs.gov/pdffiles1/nij/grants/242935.pdf

156. Sentencing Council. (2011). *Assault: Definitive Guideline.* London: Sentencing Council.

157. Murphy, K. (2015). Does procedural justice matter to youth? Comparing adults' and youths' willingness to collaborate with police. *Policing and Society, 25, 53–76*.

158. Murphy, K. & Gaylor, A. (2010). *Policing youth: Can procedural justice nurture youth cooperation with police?* Alfred Deakin Research Institute, Working Paper no. 6.

159. Sprott, J. & Greene, C. (2008). Trust and confidence in the courts: Does the quality of treatment young offenders receive affect their views of the courts? *Crime and Delinquency,* 12 March 2008. Cited in Lacey, L. (2012). *Youth Justice in the UK: Exploring young offenders' perceptions of restorative and procedural justice in the referral order process.*PhD Thesis. London: London School of Economics.

160. Dünkel, F. & Pruin, I. (2012). *Young adult offenders in juvenile and criminal justice systems in Europe,* in Lösel, F., Bottoms, A. & Farrington, D. P. (eds). Young Adult Offenders. Lost in transition? London, New York: Routledge. pp. 11–38.

161. Pruin, I. & Dünkel, F. (2015). *Better In Europe? European responses to young adult offending*. London: Barrow Cadbury Trust.

162. Lord Carlile of Berriew CBE QC (2014), *Independent Parliamentarians' Inquiry into the Operation and Effectiveness of the Youth Court*. Retrieved from http://www.ncb.org.uk/media/1148432/independent_parliamentarians__inquiry_into_the_operation_and_effectiveness_of_the_youth_court.pdf

163. Deloitte. (2015). *Youth Offending Team Stocktake.* Youth offending teams: making the difference for children and young people, victims and communities – Final Report. London: Youth Justice Board (2015).

164. Wigzell, A., Kirby, A. & Jacobson, J. (2015). *The Youth Proceedings Advocacy Review: Final Report.* London: ICPR.

165. Lord Carlile of Berriew CBE QC (2014), op cit.

166. Madell, D., Thom, K. & McKenna, B. (2013). A systematic review of literature relating to problem-solving youth courts.*Psychiatry, Psychology and Law, 20, 412–422.*

167. Butts, J., Roman, J. & Lynn-Whaley, J. (2011). Varieties of Juvenile Court: Nonspecialized Courts, Teen Courts, Drug Courts, and Mental Health Courts, in *The Oxford Handbook of Juvenile Crime and Juvenile Justice.* Feld, B.C. & Bishop, D.M. (eds). New York: Oxford University Press.

168. Sapouna, M., Bisset, C. & Conlong, A. (2011). *What works to reduce reoffending: A summary of the evidence.* Edinburgh: Justice Analytical Services, Scottish Government.

169. Much of this evidence comes from (adult) drug courtsFor example Rossman, S.B., Roman, J. K, Zweig, J. M., Rempel, M. & Lindquist, C. H. (2011). *The Multi-Site Adult Drug Court Evaluation,* National Institute of Justice. Retrieved from https://www.ncjrs.gov/pdffiles1/nij/grants/237112.pdf

170. Brogan, L., Haney-Caron, E., NeMoyer, A. & DeMatteo, D. (2015). Applying the Risk-Needs-Responsivity (RNR) Model to Juvenile Justice. *Criminal Justice Review, 40, 277–302.*

171. Murphy, K. (2015). Does procedural justice matter to youth? Comparing adults' and youths' willingness to collaborate with police. *Policing and Society, 25, 53–76.*

172. Petrosino. A., Turpin-Petrosino, C. & Guckenberg, S. (2010). *Formal System Processing of Juveniles: Effects on Delinquency.* Pennsylvania:Campbell Systematic Reviews.

173. McAra, L. & McVie, S. (2007). Youth Justice? The impact of system contact on patterns of desistance from offending. *European Journal of Criminology, 4, 315–334.*

174. Kemp, V., Sorsby, A., Liddle, M. & Merrington, S. (2002). Assessing responses to youth offending in Northamptonshire. Nacro Research Briefing 2.

175. Judicial College. (2015). *Youth Court Bench Book.* London: The Judicial College

176. Ibid.

177. Butts, J., Roman, J. & Lynn-Whaley, J. (2011). Varieties of Juvenile Court: Nonspecialized Courts, Teen Courts, Drug Courts, and Mental Health Courts, in *The Oxford Handbook of Juvenile Crime and Juvenile Justice,* Feld, B.C. & Bishop, D.M. (eds). New York: Oxford University Press.

178. Chaired by Lord Carlile CBE QC and drafted by Wigzell, A. (2014) *Parliamentarians Inquiry into the Operation and Effectiveness of the Youth Court.* London: National Children's Bureau. Wigzell, A, Kirby, A, Jacobson, J (2015). The Youth Proceedings Advocacy Review: Final Report, London: ICPR, CILEx Regulation, Bar Standards Board.

179. Wigzell, A., Kirby, A. & Jacobson, J. (2015). *The Youth Proceedings Advocacy Review: Final Report.* London: ICPR, CILEx Regulation, Bar Standards Board.

180. Brogan, L., Haney-Caron, E., NeMoyer, A. & DeMatteo, D. (2015). Applying the Risk-Needs-Responsivity (RNR) Model to Juvenile Justice. *Criminal Justice Review, 40, 277–302.*

181. Rossman, S.B., Roman, J.K., Zweig, J.M. Rempel, M. & Lindquist, C.H. (2011). *The Multi-Site Adult Drug Court Evaluation: The Impact of Drug Courts,* Washington DC: Urban Institute.

182. Ibid.

183. Lowenkamp, C.T., Holsinger, A.M. & Latessa, E.J. (2005). Are drug courts effective? A meta-analytic review. *Journal of Community Corrections, Fall, 5-28.*

184. Latimer, J., Morton-Bourgon, K. & Chretien, J. (2006). *A meta-analytic examination of drug treatment courts: Do they reduce recidivism?* Canada Department of Justice, Research & Statistics Division.

185. Shaffer, D.K. (2006). *Reconsidering Drug Court effectiveness: A meta-analytic review [Doctoral Dissertation].* Las Vegas: Dept. of Criminal Justice, University of Nevada.

186. Shaffer, D.K. (2011). Looking inside the black box of drug courts: A meta-analytic review. *Justice Quarterly, 28, 493-521.*

187. Mitchell, O. et al. (2012). Assessing the effectiveness of drug courts on recidivism: A meta-analytic review of traditional and non-traditional drug courts. *Journal of Criminal Justice, 40, 60–71.*

188. Kerr, J. (2011). *The Dedicated Drug Courts Pilot Evaluation Process Study.* London: Ministry of Justice.

189. Lee, C.G., Cheesman, F., Rottman, D., Swaner, R., Lambson, S., Rempel, M. & Curtis, R. (2013). *A community court grows in Brooklyn: A comprehensive evaluation of the Red Hook Community Justice Center.* Williamsburg VA: National Center for State Courts.

190. Tyler, T.R. (2011). Public trust and confidence in legal authorities: What do major and minority group members want from the law and legal authorities. *Behavioral Science and the Law, 19, 215–235.*

191. Rossman et al. 2011 op cit.

192. Young, D. & Belenko, S. (2002). Program retention and perceived coercion in three models of manadatory drug treatment drug Issues. *Journal of Drug Issues, 32, 297–328*

193. Rempel, M., and DeStefano, C. D. 2001. "Predictors of Engagement in Court-Mandated Treatment: Findings at the Brooklyn Treatment Court, 1996-2000." *Journal of Offender Rehabilitation 33: 87-124.*

194. Rempel, M. (2015). The role of the judge in specialised problem-solving court: balancing individualised justice and predictability, in Herzog-Evans, M. (ed). *Offender Release and Supervision: The Role of Courts and the Use of Discretion.* Oisterwijk, Netherlands: Wolf Legal Publishers.

195. Cissner, A.B. et al. (2013) *A statewide-wide evaluation of New York's adult drug courts: Identifying which policies work best*. New York: Center for Court Innovation.

196. Rempel, M. (2014). *Evidence-based strategies for working with offenders.* New York: Center for Court Innovation/Bureau of Justice Assistance.

197. Spinak, J.M. (2010). A conversation about problem-solving courts: Take 2.*University of Maryland Law Journal of Race, Religion, Gender & Class, 10, 113*. Retrieved from http://ssrn.com/abstract=1631897

198. Gross, J. (2010). The effects of net-widening on minority and indigent drug offenders: A critique of drug courts. *University of Maryland Law Journal of Race, Religion, Gender & Class,* 161. Retrieved from http://digitalcommons.law.umaryland.edu/rrgc/vol10/iss1/9

199. Hoffman, M.B. (2001). The rehabilitative ideal and the drug court reality. *Federal Sentencing Reporter, 14,* 172–178. Retrieved from http://doi.org/10.1525/fsr.2001.14.3-4.172

200. Scottish Government Community Justice Services. (2010). *Review of the Hamilton & Airdrie Youth Courts*. Edinburgh: Scottish Government.

201. Ibid.

202. Casey, T. (2004). When good intentions are not enough: Problem-solving courts and the impending crisis of legitimacy. *Southern Methodist University Law Review, 57*. Retrieved from http://ssrn.com/abstract=711983

203. Lowenkamp, C.T. & Latessa, E.J. (2004). Understanding the risk principle: How and why correctional interventions can harm low-risk offenders. *Topics in Community Corrections*. Washington, DC: National Institute of Corrections. Lowenkamp, C.T., Latessa, E.J., and Holsinger, A.M. (2006). "The Risk Principle in Action: What Have We Learned from 13,676 Offenders and 97 Correctional Programs?" *Crime & Delinquency 52: 77-92*.

204. Lowenkamp, C.T., Latessa, E.J. & Holsinger, A.M. (2006). The risk principle in action: What have we learned from 13,676 offenders and 97 correctional programs? *Crime & Delinquency, 52, 77–92*.

205. Rempel, M. (2014). *Evidence-based strategies for working with offenders.* New York: Center for Court Innovation/Bureau of Justice Assistance. Retrieved from http://www.courtinnovation.org/sites/default/files/documents/EvidenceBasedStrategiesForWorkingWithOffenders.pdf

206. Petrosino, A., Turpin-Petrosino, C., Hollis-Peel, M.E. & Lavenberg, J.G. (2013). 'Scared Straight and other juvenile awareness programs for preventing juvenile delinquency. *Cochrane Database of Systematic Reviews, 4*.

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