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# An Examination of the Practitioners' Role in Promoting Compliance with Participants in the Irish Drug Treatment Court

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**An Examination of the Practitioners' Role  
in Promoting Compliance with Participants in the  
Irish Drug Treatment Court**

A thesis submitted to the Dublin Institute of Technology  
in partial fulfilment of the requirements for award of  
Masters (M.A.) in Criminology

by

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2012

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## DECLARATION

I hereby declare that the material which is submitted in this thesis towards the award of Masters (M.A.) in Criminology is entirely my own work and has not been submitted for any academic assessment other than part fulfilment of the award named above.

Signature of Candidate: \_\_\_\_\_

Date: 26<sup>th</sup> September, 2012

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## **ABSTRACT**

The study examines the Irish Drug Treatment Court (IDTC) programme and specifically its practitioners' role in promoting offender compliance, which is essential to the success of community supervision and community punishment programmes. Existing literature and research was studied extensively, paying particular attention to compliance and legitimacy theory as well as the challenges of addiction and offending in the overall equation of compliance. Qualitative research methods were utilised with non-participatory observation of IDTC team meetings and court sittings, and semi-structured interviews with practitioners. Five IDTC professionals were interviewed and their experience, skills, education and opinion contributed extensively to the study's aims and objectives. The data found that practitioners promote compliance when they establish a respectful relationship, display consistent fairness, encourage and motivate offenders, provide opportunities for change and recognise all successes while appreciating the fluid nature of compliance. This study will contribute to assist victims, offenders, the exchequer, and society at large by providing analysis and conclusions, which can be applied to further research and as a reference to community supervision programme policy makers.

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In memory of my uncle Michael.

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## **CHAPTER ONE**

### **1.0 INTRODUCTION**

#### **1.1 Context**

It is widely recognised that much crime driven by monetary gain is committed by drug addicts who need to feed their habits, as opposed to selfish materialistic gain reasons (McIvor, 2009); they offend because of need rather than greed. Consequently, since the late 1980's in the USA, and the 1990's in the UK and elsewhere, policy concentration has shifted from supply to demand reduction. The focus has moved from the criminal toward the medical, by attempting to treat individuals' addictions, which fuel their offending (Fulton Hora, Schma and Rosenthal, 1999; McIvor, 2009).

The first drug court was established in 1989 in Miami-Dade County, Florida by then State Attorney Janet Reno (who later became the first female US Attorney General) and others, in response to the county's steadily growing epidemic of drug-users. Reno advocated the ambitious experimental programme as a social welfare approach to intervene with individuals' paths toward addiction and resultant criminal offending (Anderson, 1994). The UK and other western jurisdictions have in more recent years followed suit and created drug court programmes as part of a greater attempt to deal more effectively with drug related crime.

The Irish Drug Treatment Court was established in 2001. Fundamentally, the effectiveness and success of any community punishment policy is offender compliance (Bottoms, Gelsthorpe and Rex, 2001) and this study will examine the IDTC programme in an attempt to identify the contribution of practitioners towards reducing participants' addictions and offending behaviour by promoting compliance.

#### **1.2 Rationale**

The Irish Drug Treatment Court programme is an interesting and important area of study, which lacks critical investigation. The rationale for the study was to

contribute toward research into compliance in terms of community supervision programmes. The study endeavours to shine an investigative light on the role practitioners play in promoting practitioner compliance, thus attempting to improve the potential for achieving offender compliance. Compliance is worthy of study because non-compliance results in individuals being removed from the programmes in which they are enrolled and therefore restricting their potential for rehabilitation.

The study is also intended to contribute to the knowledge in the area, which may assist policy makers when examining and enhancing policy reform, potentially resulting in lowering crime, the prison population and thereby the cost to the exchequer. Consequently, the study endeavours to improve the lives of victims through less crime, and the lives of individuals through enhanced offender treatment and rehabilitation, and in doing so also removing negative effects on society.

Finally, this study resulted in immense personal gratification for the researcher, as motivation and individual skills were incorporated to the forefront, which culminated in pride and passion, as well as an improvement in academic proficiency (Punch, 2006).

### **1.3 Research Question**

What is the role of the Irish Drugs Treatment Court (IDTC) practitioners in promoting offender compliance?

#### *1.3.1 Sub-Questions*

- What is the relevance of the relationship between the practitioner and the participant in terms of promoting compliance? What role does the practitioner play in building relationships with their clients?
- What are the practitioners' perspectives on the role of procedural justice in promoting compliance? What efforts do practitioners take to ensure and improve procedural justice?

- What are the practitioners' viewpoints of participants' motivation and willingness to change in terms of promoting compliance? What contribution does the practitioner make toward encouraging motivation?
- What measure should practitioners use to gauge progress toward achieving compliance? What standpoint should practitioners take in light of the fluid and fragile nature of addiction and offending?

#### **1.4 Aim of the Study**

The aim of the research study is to identify the various aspects of policy and practice in the Irish Drug Treatment Court (IDTC) that encourages, facilitates and promotes participants' compliance with programme conditions.

#### **1.5 Objectives**

The objectives of the study are as follows:

- To gain insight into the relevance of interaction between practitioners and clients.
- To examine how practitioners promote procedural justice and legitimacy in the IDTC programme.
- To analyse the practitioners' view as to the nature of motivation required by participants and the role practitioners have in providing opportunities for change.
- To explore the process professionals use in calculating individuals' progress within the IDTC notwithstanding the fragile nature of reform.

## **1.6 Organisation of chapters**

The study is divided into six chapters. Chapter one has introduced the context of the subject and outlined the rationale, the research question, and the aim and objectives of the study. Chapter two discusses the Irish Drug Treatment Court programme and explains its structure and operation. Chapter three analyses the existing literature on compliance, legitimacy, measuring successful compliance, the fragile nature of compliance, the role of the practitioner and discusses the Irish context. Chapter four describes the chosen methodology for the study, outlines access and consent as well as considering ethical factors. Chapter five presents the findings thematically, analyses them and offers discussion while paying cognisance to the literature review. Finally the conclusions answer the research question, offer recommendations and consider the limitations of the study and self-reflections.

## **CHAPTER TWO**

### **2.0 The Irish Drug Treatment Court**

#### **2.1 Introduction to the Irish Drug Treatment Court**

The Irish Drug Treatment Court (IDTC) came into operation on a pilot basis in 2001 in Dublin's North Inner City. In 2006, it was placed on a permanent footing while at the same time expanding the catchment area for potential participants to the entire city of Dublin (The Courts Service of Ireland, 2006; Department of Justice, Equality and Law Reform, 2010). Reviews were conducted into the operation of the court in 2001, 2005 and 2010, with a further review currently underway, aimed at increasing the volume of referrals and participant throughput (Department of Justice, Equality and Law Reform, 2010). The Irish Drug Treatment Court is designed to treat rather than punish non-violent drug addicts who have been convicted of offences committed to meet the financial burden of their addictions as opposed to gain financial profit for themselves. The aim and principle is to provide court supervised treatment on a long term basis to individuals addicted to drugs in order to remove their dependence and subsequently the necessity to commit crime (The Courts Service of Ireland, 2006). This is attained through a multi-faceted, holistic approach for each individual participant depending on their particular needs by utilising the various elements of the programme (Department of Justice, Equality and Law Reform, 2010). The IDTC team itself is made up of the Judge, the education coordinator, the Probation Service liaison, the liaison nurse, the drug court liaison police officer (Garda) and the Courts Service of Ireland drug court coordinator. As part of the drug court programme participants are required to attend regular Drug Treatment Court sittings and to stop reoffending; abstain from drug use while undertaking regular drug tests (drug screens); attend an adult learning centre, regular probation meetings, addiction counselling and treatment; as well as proactively improving and maintaining physical well-being (Department of Justice, Equality and Law Reform, 2010). Internationally, judicial oversight and supervision as well as drug testing are common elements of drug courts (McIvor, 2009).

## **2.2 IDTC Points System**

The Irish programme operates on a system where points are gained through compliance with agreed and set conditions, or conversely are lost when participants fail to meet their requirements (Department of Justice, Equality and Law Reform, 2010). The awarding and removal of points is clearly explained to participants from the outset. The purpose of the points system, as displayed on the Personal Progression Credits Chart, or 'Matrix', is to measure participants' progress, or otherwise, during their time in the programme<sup>1</sup>. A specific Personal Progression Plan (PPP) is drawn up for each participant during the assessment phase of the programme by IDTC team members, namely the probation officer, the education coordinator and the drug court liaison nurse. It also involves the input and agreement of the participant. Furthermore, the PPP is associated with all aspects of participants' rehabilitation and to their Drug Court bail bond, which they are required to sign on entry to the programme (Farrell, 2002). Key Personal Progression Plan (PPP) meetings are held throughout the programme at specific times and stages decided between the participant and the three named practitioners on the IDTC team. Progression from phase to phase is determined on the outcome of these meetings in consultation with the Judge of the IDTC.

## **2.3 IDTC Phase System**

Points awarded to participants lead to progression through the three distinct phases of the programme: Phase I Stabilisation and Orientation, is where the participant is expected to reduce drug use, cease crime, engage in counselling, improve health, initiate a career plan and attend team appointments; Phase II Consolidation and Habituation, involves ceasing drug use (cannabis excluded), ceasing the use of non-prescription drugs, maintaining good health, stabilising a home environment, exhibiting a pro-social and anti-criminal attitude and behaviour, addressing life and addiction issues and working on a career plan. At Phase III Integration and Self-Management, the individual is to be drug free, to manage relapse

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<sup>1</sup> The outline for awarding points is displayed in the Personal Progression Credits Chart for the IDTC (Appendix A) and the chart exhibiting the point values of the various sanctions is attached at (Appendix B).

situations, to cease criminal activity, to be pro-social and anticrime, to assert a commitment to work, to manage home life and their relationships, and to strive toward a future plan following graduation from the programme (Department of Justice, Equality and Law Reform, 2010). Completion of Phases I and II is rewarded by a Bronze or Silver certificate respectively and successful Phase III participants graduate the programme at Gold standard<sup>2</sup>. If a participant successfully graduates at Gold standard, any charges they had in the IDTC are struck out completely with liberty to re-enter them within twelve months. Furthermore, they report back to the IDTC monthly for a year after graduation as part of an aftercare programme (O'Regan, 2007). As outlined in the Matrix, participants who realise a Silver achievement, but not Gold, are recognised for their progress and a two year suspended sentence will be recommended to the sentencing court. They will receive every encouragement to progress to Gold prior to taking this step (The Courts Service of Ireland, 2011a, 2011b and 2011c).

## **2.4 IDTC Supervision Requirements**

Progress is measured throughout the programme by monitoring all aspects of the requirements laid out for participants. The nature of IDTC supervision includes all participants attending education classes daily, Monday to Friday. Offenders in Phase I attend court weekly, Phase II bi-weekly and Phase III monthly. Participants are required to attend regular appointments (frequency is unspecified) with their probation officer. Similarly, they are expected to have regular meetings with the IDTC nurse and attend weekly and random drug screens (The Courts Service of Ireland, 2011a, 2011b and 2011c). Honesty, pride in achievement for themselves and from their families, encouragement and their own wellbeing are continuous themes emphasised to participants throughout the programme (The Courts Service of Ireland, 2011a, 2011b and 2011c).

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<sup>2</sup> Further details regarding the Phase system is available in information booklets for Bronze (Appendix C), Silver (Appendix D) and Gold (Appendix E) (The Courts Service of Ireland, 2011a, 2011b and 2011c; Department of Justice, Equality and Law Reform, 2010; Farrell, 2002).



## **2.5 IDTC Team Meetings**

Drug Treatment Court sittings occur once a week on Wednesday afternoon and are preceded by IDTC team meetings in the morning. During the team meetings each participant's case is heard and discussed with contributions from the liaison nurse, the education coordinator, the police officer and the probation officer all made before the Judge in an informal, comfortable setting. The Judge and team members sit around the same conference table, the participants' situations are examined and the awarding or deduction of points is considered. Comments relevant to each participant to be made in the subsequent court sitting are decided by the Judge, aided by suggestions from the other team members.

## **2.6 IDTC Court Sittings**

The IDTC, as intended in the design of its layout, at first glance appears just like a typical Dublin District Court setting. The Judge presides from a bench facing the court, with the Drug Court Coordinator sitting in front facing the same direction, in the usual place of a customary court clerk. At the front of the court facing the Judge are the IDTC team members and behind them is a gallery where the participants are seated. The dock is to the right of the Judge at a distance of approximately three meters across a low partition, similar in position to the traditional witness box. While the Judge's bench is at an elevated level compared to the surrounding seating it is less so than is typical in such courtrooms, resulting in the Judge's location being far less imposing relative to the dock, than is the case in the majority of Dublin District Courts.

Another distinction between the IDTC and other Dublin District Courts generally is the noticeable absence of legal counsel. A small number of solicitors are normally present for some IDTC cases that are still at the assessment stage and some ordinary cases<sup>3</sup>. These are usually called at the early stages of the court sitting meaning that legal counsel are not in attendance for the most part. During the court sitting, the Drug Court Coordinator calls each IDTC participant, who then approaches

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<sup>3</sup> Non-IDTC cases heard in front of the presiding Judge that are required to be heard by her in her capacity as a District Court Judge

the bench and enters the dock, where they converse directly with the Judge until the matters of the court are completed.

## **CHAPTER THREE**

### **3.0 Literature Review**

#### **3.1 Compliance**

As mentioned previously, the success and effectiveness of community punishment programmes is based on the extent to which offenders comply (Bottoms, Gelsthorpe and Rex, 2001). Robinson and McNeill (2008) echo Bottoms' identification that compliance on one hand and the success of those programmes on the other are inextricably linked. Compliance is also important so that individuals stay involved in community programmes rather than failing and being returned to an overly punitive prison system. To this end it could be argued that compliance is related to reducing the fiscal costs of managing an increasing prison population (Ugwudike, 2011). A core purpose of legal authorities is to ensure members of the public comply with norms, rules and laws in order to achieve social control, itself a central aspect of human societies (Sunshine and Tyler, 2003). Furthermore, it is recognised that compliance with community punishments, particularly those including treatment, can improve individuals' lives, their relationships, health, living circumstances and interaction with society (Department of Justice, Equality and Law Reform, 2010; Farrall, 2002; Fulton Hora *et al*, 1999).

Failure to attend scheduled appointments and failing mandated drug tests are the most common breaches of the conditions of community punishment policies and/or treatment programmes (Alm, 2010; Ellis, Hedderman and Mortimer, 1996). Bottoms (2001) makes a distinction between short term and long term compliance. Short term compliance is achieved when the offender complies with the conditions and terms of the community punishment order. Long term compliance, also known as desistance, is accomplished when the individual ceases reoffending and is less likely to reoffend as a result of the community punishment programme. They may comply for different reasons, and it may result from a combination of fear of legal ramifications and their desire to achieve their treatment target regarding drug use.

Robinson and McNeill (2008) considered short term compliance more complex than outlined in Bottoms' (2001) definition and therefore proposed subdividing it into formal and substantive compliance. They explain that formal compliance is attained when the offender completes his sentence or when they technically adhere to the minimum legal requirements detailed in the court decision such as attending appointments; essentially just ticking the boxes. However, substantive compliance suggests the active and willing co-operation by the offender with the programme conditions. This is achieved for instance when individuals display a genuine desire to address their problems and/or when they are motivated and work hard to desist from drug use and crime. Therefore, substantive compliance can lead to long term results if offenders desist from reoffending as a direct consequence of the community punishment, and when they are afforded opportunities and avail of rehabilitation and treatment based programmes (Bottoms *et al*, 2001; Robinson and McNeill, 2008). Generally speaking, authorities and policy makers aim to achieve short term, formal levels of compliance in community penalty programmes. Complying with conditions by 'turning up' and 'signing in' for meetings with probation officers and other criminal justice professionals may tick the boxes in terms of minimum attendance requirements, but without a willingness on the part of the offender to engage, results in a lack of quality interaction with practitioners (Robinson and McNeill, 2008: 442). The benefits of focusing policy on short term formal compliance are that the offender is clearly aware of their requirement; potential punishment exists; formal compliance could lead to substantive compliance; and non-compliance concerning attendance is easily measured. Problematically, when individuals are technically complying with the conditions of the programme, practitioners can often mistake this for a meaningful motivation to change as the two can be hard to differentiate (Robinson and McNeill, 2008). Additionally, compliance policy that primarily emphasises attendance requirements may be unfair to participants who are motivated to improve their lives but are simply bad at keeping appointments. Furthermore, certain individuals may purposely disguise their intentions and motivations while complying without actually ever striving toward long term change (Robinson and McNeill, 2008).

To promote better understanding of compliant behaviour, Bottoms *et al* (2001) outlined a framework with four elements, namely instrumental or prudential compliance; normative compliance; constraint based compliance; and compliance based on habit or routine. Instrumental compliance can be subdivided into incentives such as early release and disincentives like penal servitude, so individuals may comply not because they want to but because they want to avoid punishment such as a fine, probation or prison. Normative compliance is value based and is realised when the individual accepts internally that the norm is desirable, for instance when the norm is based on a desire to rejoin society, as in Braithwaite's (1989) reintegrative shaming theory, or based on improving close personal relationships such as romantically or with one or more family members. Bottoms (2001) adds that normative compliance is strengthened if the offender believes the legal authority is acting fairly in its decisions and processes. Consequently this may lead to the individual perceiving the system as being legitimate and thus improving the likelihood of not just compliance, but long term compliance. Compliance can also be enforced or constraint based, which may include physical constraints such as imposed conditions in the form of prison, electronic monitoring and crime prevention measures; or natural constraints where the individual is sleeping or otherwise occupied. It also includes restricted access or structural constraints. Finally, habitual compliance is accomplished when the individual engages in a routine which, when repeated on an ongoing basis over a long period of time, eventually becomes a habit of the mind (Bottoms *et al*, 2001; Robinson and McNeill, 2008). Significantly, these habits or dispositions can change over a lifetime and are not necessarily stagnant (Wollheim, 1984), thus creating the opportunity for positive and long term change through compliance. Normative compliance and habit or routine based compliance are both said to emanate from internal motivation as the desire to comply comes from within the individual as opposed to being imposed by external frameworks (Bottoms *et al*, 2001; Seymour, 2012). Ultimately, long term compliance, or desistance, results in the individual's successful reintegration into society (Maruna, 2001; Ward and Maruna, 2007). Bottoms *et al* (2001) further posited that individual cases may be better served by combining elements from all four compliance subcategories, which is particularly significant when one considers that while one approach may achieve success for some individuals, it may not work for all offenders. Therefore, it is worth examining which elements offer optimal opportunities for positive outcomes.

### **3.2 Procedural Justice and Legitimacy**

Ian Sinclair (1971) showed, through empirical research on cases between 1954 and 1963, that the greatest results in compliance among young males on probation were achieved when they were treated with kindness and consistent strictness by those in charge of their care. Significantly, a great deal of disparity found in the levels of delinquency in the various probation hostels during the course of the study was attributed not to the backgrounds of the offenders but to the characteristics of the practitioners running them (Sinclair, 1971). Traditional sanction based policies, which are commonplace today, are very expensive and sometimes work but never quite adequately. Furthermore, studies have shown that many American criminal justice practitioners exhibit a lack of lateral and progressive thinking when confronted with suggestions to shift away from this traditional model, by asserting resistance and making defeatist arguments along the lines that it is the only system available (MacCoun and Reuter, 2001; Tyler, 2007). Conversely, Tyler (2006) argues that through fairness and perceived fairness, change is possible and could theoretically result in a much improved structure. Research suggests that authorities treating individuals with respect and incorporating procedural justice or fairness is a viable alternative to punitive punishment (Tyler 2006; Tyler, 1990; Tyler & Huo, 2002). When the legal authority demonstrates fairness through decisions and treatment of individuals, legitimacy is established, thus motivating people to self-regulate and take personal responsibility to obey social principles (Tyler, 2006). Tyler (2006) suggests systems should operate more efficiently if individuals were motivated to comply because they thought the law was for the greater good, rather than if they were acting under the threat of sanction.

Valerie Braithwaite (2003) applied Bottoms' concept of legitimacy, which comes under his heading of normative compliance, to the motivational characteristics that influence tax payer's opinions of regulations, and subcategorises these opinions into deference and defiance. Deference is subdivided again between being committed to comply, and compliance because there is no other choice but to comply (capitulation). Defiance can be broken into three parts, namely resistance, disengagement and game-playing. Resistance indicates suspicion on the part of the individual of the intention of the authority to act co-operatively or kindly, which in

turn causes resistance toward and caution of the authority's execution of its functions. This type of suspicion causes disengagement when disillusionment and disappointment with authority increases, as well as an associated feeling that challenging that authority is pointless. Game-playing is when individuals use the law in a self-serving manner to one's own purpose as opposed to a set of rules which should be respected as setting acceptable behaviour (Braithwaite, 2003; Robinson and McNeill, 2008). Essentially, if the participant does not view the process or relationship as fair, they do not view it as legitimate and may rebel more against those tasked with imposing the law (Braithwaite, 2003). Braithwaite's (2003) model is likely to be reflected or to resonate in the community punishment realm and thus highlights the importance of the probation officers' and social workers' influence on participants' concept of fairness in the process and thus its legitimacy or otherwise (Robinson and McNeill, 2008). Additional empirical research has shown prisoners are more likely to comply with the rules and regulations which are viewed as being consistent and fair as opposed to being arbitrary and unwarranted (Bottoms *et al*, 2001). Furthermore, Freeman and Seymour (2010) found that the ambiguity in decisions significantly affected the perception of legitimacy for young people on remand in Ireland. While the practitioners' role is central, it is naturally not the only reason why individuals comply or do not comply, especially when one considers that compliance is fluid and changes over time, as stressed by McNeill (2012) who highlighted that the fluidity and fragile nature of legitimacy must be recognised. However, prior to considering the issue of fluidity in compliance, and ultimately in desistance, the manner in how compliance is measured is examined.

### **3.3 Measuring Compliance**

Miller (1989) attempted to measure when compliance was judged to have been achieved, and if a reduction in recidivism as opposed to complete desistance was to be perceived as achieving success. Miller (1989) further asks if an offender who commits one crime following significant improvements, should be considered a failure resulting in revocation of probation and a prison term, or if a notable decrease in offending should be recognised allowing them to continue in the community based programme. Additionally, desistance can also be measured with a reduction in the variety and seriousness of offences and not only in a decrease in frequency of

offending (Farrington, 2007). Maruna (2001) emphasises behaviour maintenance as opposed to absolute termination of offending in regards to the definition of desistance. Ultimately, the measure of compliance is illusive and various studies have found numerous definitions, but a consensus is considered desirable as vagueness confounds desistance recognition (Kazemian, 2007). If an individual has achieved desistance and taken positive and significant strides to prove themselves as good citizens, society and the legal process also have roles such as exonerating, removing the negative label and providing opportunities to recognise this progress and to acknowledge that the debt has been paid (McNeill, 2011).

Studies show that participants' progress needs to be recognised and reinforced while encouraging and motivating them to build on achievements already attained in efforts to stop offending (McIvor, 2009). Avoiding the absolute calculation of complete compliance is essential to the success of particular community punishments and treatment programmes, such as Drug Treatment Courts. This is because addicts and persistent offenders are highly likely to relapse from their initial entry to treatment programmes (McIvor, 2009).

### **3.4 The Fluid Nature of Recovery and Compliance**

Exploring compliance among the offender population is complex given individuals' addictions and the propensity for relapse. McIvor (2009) highlights how, while the Scottish Drug Courts do not condone relapses in drug addiction treatment, they do have sympathy for individuals and recognise it as a common feature of rehabilitation. Furthermore, the fickle nature of drug addiction is appreciated by those courts and when slips in treatment occur, an understanding approach and retaining participants in the programme is seen as preferable to their court order being revoked (McIvor, 2009). Significantly, Fr Peter McVerry (2012) posited that a drug addict is likely to lapse between five and nine times over their lifetime prior to becoming drug free and interestingly such slips are actually considered a necessary element in the recovery process. During a detailed study into therapeutic jurisprudence and drug treatment courts Fulton Hora *et al*, (1999) cited the American Society of Addiction Medicine's (ASAM) definition of drug addiction



as including relapse as one of its three major behaviour characteristics, adding that pervasive to relapse is the phenomenon of loss of control.

Furthermore, aside from the difficulties presented by drug addiction and its fickle nature, compliance and desistance from reoffending are similarly met with unstable and uncertain levels of motivation and dedication (Healy, 2010). Healy (2010) posits that offenders who have refrained from committing crime, even for long periods, are always vulnerable to relapse and she echoes McVerry's (2012) opinion regarding addiction when she states that relapse should be considered part of the desistance process. The study of adult desisters by Healy (2010) categorised relapse as highly probable for individuals attempting to change their behaviour, who gave reasons such as poor coping skills and low motivation for their failures. Further evidence of relapse recognition in community punishments is the inclusion of provisions for managing and preventing relapse in the Probation Board for Northern Ireland's Best Practice Framework (2011). In terms of relapse, McIvor (2009) found that constant support and reminders needed to be given by practitioners as the participants could let their guard down during vulnerable periods and allow themselves to be led off track. Consequently, the role of the practitioner is paramount in promoting offender compliance.

### **3.5 Role Of The Practitioner**

Therapeutic jurisprudence, which is the impact the law has on an individual's emotional life or psychological well-being, and procedural justice, which is the concept of fairness in the legal process, are evident in the foundation and operation of drug courts internationally, insofar as their practitioners aim to support and encourage participants in their attempts and efforts to reform (Fulton Hora *et al*, 1999; McIvor, 2009; Wexler and Winick, 1992). Research suggests that the relationship created between the practitioner and the participant is of paramount importance and the interactions in drug courts between the Judge and the offender are described as meaningful exchanges intended to support and encourage the process of change through trust and a desire to help (Winick and Wexler, 2003). In fact Winick and Wexler (2003) submit that those relationships and the processes followed are of greater importance than potential sanctions or indeed, the structure of the treatment

plan itself. Returning to Tyler's (1990) argument that participants are more likely to comply if they perceive the system as being fair, the practitioners' influence on that perception is vital. Significantly, situations where practitioners allow offenders the opportunity to voice their own case, and listens to them, is held to be more important to participants than the actual decision made by the Judge (McIvor, 2009). McIvor (2009) further posits that showing respect and giving participants value in this way, builds their own self-esteem and in turn motivates them to comply with programme conditions far more successfully than would be achieved through the threat of sanctions.

McNeill (2011) argues that an essential factor on the individual's road to desistance is their own motivation to change for the better; maintaining their faith and hope; and the practitioners' support. Those who begin a community programme with a positive attitude and with good expectations of success are more likely to achieve compliance (McNeill, 2011). Research suggests that practitioners should create situations which build relationships with participants in order to recognise and promote motivation and thus encourage the ability of the participant to use opportunities provided to progress toward desistance (Healy, 2010; McNeill, 2006). McNeill (2006) highlights the importance of some level of motivation being present in the individual prior to success being possible. Therefore, emphasising the significance of the onus on the practitioner to strive toward creating and maintaining a strong positive relationship, in which a motivated participant can take advantage of opportunities to change. Furthermore, when practitioners encourage and praise participants, in a polite and respectful manner, the process enhances self-respect and improves overall well-being (McIvor, 2009; Tyler, 1990). Previously, Giordano, Cernkovich and Rudolph, (2002) posited that an offender who is initially open to change and positively motivated and then exposed to a 'hook for change' or opportunity, with which they actively engage, may potentially be on the road to desistance. Significantly, even if offenders are strongly motivated to improve their lives and encounter opportunities or hooks for change, desistance is still not automatic; encouragement, further motivation and support is required to assist them to work hard and take advantage of the opportunity facing them (Healy, 2010). Farrall (2002) emphasises the importance of providing the opportunities to participants in order to facilitate their motivation to change.

Research indicates that an important element in the relationship between the practitioner and the participant is the mechanism to allow the participant to acknowledge failings, apologise and move on, thus avoiding stigmatisation, and encouraging society, or the community punishment programme, to reaccept them (Braithwaite, 2011). This process allows the practitioner to exert feelings of forgiveness, understanding and respect as a caring parent exerts feelings toward a misbehaving child, and incorporates the hypothesis of ‘hating the sin but loving the sinner’ (Thio, 2005: 159). Ultimately, the practitioners’ aim is to create a relationship with the participant based on fairness and respect, thus promoting legitimacy, as well as encouraging and praising an already motivated individual. Additional to this, when practitioners provide opportunities for improvement and recognise achievements, the chances of compliance and eventually desistance are greatly increased (McIvor, 2009).

### **3.6 Drugs Courts: Treatment And Education**

Drug related offences accounted for the majority of Irish prison sentences of ten years or more in 2010, and a substantial amount of lesser terms (Courts Service, 2011). McIvor (2009) posits that traditionally, policy makers concentrated on tackling the drug supply and imposing severe sentences on those convicted of drug crime but by the late 1990s UK policy concentration shifted from supply to demand and focused on drug treatment programmes to reduce the individual’s reliance on drugs, thus decreasing the number of crimes committed to feed addiction. Treatment, as well as judicial oversight, drug testing and supervision are common characteristics of Drug Court programmes internationally. However, often the facilities and resources available are not adequate to meet the needs of the volume and varied levels of individuals who require treatment (McIvor, 2009). While acknowledging the low number of graduates from the Irish Drug Treatment Court (IDTC) programme, statistics show that significantly fewer crimes were committed by participants during and after their time in the programme<sup>4</sup> (Department of Justice,

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<sup>4</sup> Between 2001 and 2009 (more recent figures are not yet available), a total of 374 offenders were referred to the IDTC. Forty-seven per cent were deemed to be unsuitable (ninety per cent of that figure were unsuitable as they had addresses outside the catchment area of the court’s jurisdiction). Of the 200 remaining participants, only 29 attained Gold standard graduation. The matter of throughput is

Equality and Law Reform, 2010), results which were supported by previous research on drug courts in Scotland (McIvor, 2009).

Notably, an element of the IDTC is the requirement on participants to attend adult education courses. Education is significant considering the low levels of literacy and numeracy commonplace in the Dublin District Courts (Bacik, Kelly, O'Connell, and Sinclair, 1998) and Mountjoy Prison where just four per cent of prisoners had completed their leaving certificate as opposed to eighty per cent of the general population (O'Mahony, 1997). Any attempts toward improved education are positive as shown with art based projects for prisoners in Scotland which had significant benefits when participants eagerly joined in programmes they perceived to be entertaining and exciting, and which incorporated literary, interpersonal and team participation skills (McNeill, 2011).

The interpersonal and fair nature of the drugs court process augments the perception of therapeutic jurisprudence, procedural justice and legitimacy and in turn improves the opportunity for compliance while encouraging individuals in their efforts to curtail their drug use and address reoffending (McIvor, 2009). Specifically, factors within the Scottish drug court structure such as decision quality, the ability for practitioners to correct internal inaccuracies, honesty, fairness and individual representation all combine to build a sense of procedural justice (McIvor, 2009; Tyler, 1990). Regular and repeated dealings with the same judge and consistency in drug court personnel in the Scottish system improve relationships between the participants and practitioners. Additionally, the treatment provided and the appropriate use of sanctions combines to strengthen legitimacy and result in improved possibilities of success (Goldcamp, 2000). The perception of fairness is amplified by the drug court's appreciation of the unpredictable nature of drug addiction and a certain level of tolerance is often allowed in the case of a lapse or a relapse as continued supervision and treatment within the programme is considered preferable to the alternative, echoing the attitude displayed in the Scottish model (McIvor, 2009).

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a main focus of the current review into the IDTC and anecdotal evidence from observations during this study strongly indicated a significant rise in new referrals.

### **3.7 The Practice In Ireland**

Research has shown that when initially formulating supervision plans, a significant amount of practitioners in the Irish Probation Service focus mainly on social problems experienced by offenders by addressing such issues as addiction, employment and education (Healy, 2010). The practitioner-participant relationship is paramount in this endeavour as the former primarily uses face-to-face conversations, as well as referring participants to external agencies, providing direct practical assistance and role play, to achieve success. Therefore, adequate time to achieve this progress and efficient use of that time further emphasises the importance of quality interaction between the probation officer and client (Healy, 2010). Healy (2010) also reported findings which showed that a majority of offenders held favourable attitudes toward probation supervision. The majority of offenders in the Irish system perceive the Irish Probation Service as welfare oriented and predominantly rehabilitative; this along with the fact that all probation officers are trained as social workers, support the principle that the welfare model remains ingrained in the Irish system (Healy, 2010). The Irish probation system values efficient and effective practitioner-participant relationships which offer practical assistance and opportunities to the latter (Healy, 2010). In fact The Probation of Offenders Act 1907 states that officers are required to ‘advise, assist and befriend’ participants in order to ensure compliance. However, there are signs which indicate Ireland is following the international trend of the Western World, albeit at a slower pace, toward a control rather than care model, most notably with the renaming of the service in 2008 which symbolically dropped the word welfare from its title. Positively, the Irish system still retains faith in rehabilitation (Fitzgibbon, Hamilton and Richardson, 2010). Furthermore, Irish supervision standards are more flexible than those in England and Wales while Irish practitioners in the probation service have retained greater discretion to deal with cases (Fitzgibbon *et al*, 2010). The practice in Irish probation remains to be one where practitioners encourage and motivate participants while providing them with assistance and opportunities for change (Healy, 2010; Fitzgibbon *et al*, 2010). Overall, the underlying social work ethos of the Irish Probation Service which provides practical assistance to offenders is viewed as an extremely positive element (Healy and O’Donnell, 2008).

### **3.8 Conclusion**

In conclusion, the success of community punishments relies greatly on offender compliance, and research strongly suggests that long term compliance, or desistance, is best attained through substantive and normative compliance, where a willing and motivated individual is encouraged and supported in a fair system. Studies show, the practitioners' role incorporating procedural justice through honesty, fairness and a positive relationship, increases the likelihood of compliance. Furthermore, the process of measuring compliance is vital and all progress should be recognised and praised, especially with individuals highly susceptible to relapse. In fact, relapse in drug treatment and compliance or desistance may be considered part of the long term rehabilitation (Healy, 2010; McVerry, 2012). While success through procedural justice and legitimacy relies largely on the fairness exhibited on the part of the practitioner, further elements of their role include recognising and encouraging motivation and providing opportunities for change, including during periods following relapse.

McIvor (2009) highlights that the Drug Treatment Court process displays positive examples of therapeutic jurisprudence, procedural justice and legitimacy, which are promoted particularly by the efforts of its practitioners. Collectively, research seems to lean heavily toward the school of thought that compliance may be achieved through a social welfare model rather than a more supervisory or control approach (Healy, 2010).

## **CHAPTER FOUR**

### **4.0 Methodology**

#### **4.1 Research Method**

This study adopts a case study design with a qualitative research model. The case study approach was considered particularly suited to the IDTC by explaining its members' role in promoting offender compliance and ascertaining factors which helped and hindered their progress (Yin, 2009). While the case study method does not in itself create data, it is a framework in which detailed and intensive analysis may be carried out to a considerable depth (Bryman, 1989; Hammersley and Gomm, 2000). Within this design careful consideration was given to the research question and subtopics therein leading to the identification and selection of semi-structured interviews combined with non-participant observations as the optimal and most applicable method of studying those questions (Rudestam and Newton, 2001). This method provided a captivating, holistic and accurate picture of the workings of the IDTC, to a degree unattainable through any other method or combination of methods considered, such as focus groups, quantitative research and documentary examination (Biggam, 2008; Rudestam and Newton, 2001). Recognition of the individual and specific nature of the information sought, led to the selection of interviews with practitioners as an ideal means of collecting that information (Bell, 1999). Considering that a core element of the research question focused on the relationship between the practitioner and the participant, courtroom observation was considered an effective method to capture the essence of the court in operation as well as the interaction between the parties involved, namely the practitioners/professionals and participants/offenders involved in the IDTC. The methodology maximised the quantity of raw data and information gathered (Cook and Campbell, 1979), which in turn produced an exciting and complete piece of research (Bell, 1999).

##### *4.1.1 Observation*

Observations were seen as essential to the success of the study. Observations can give a different perspective to interviews as research has found that individuals

do not always act and behave as they claim they do when questioned (Bell, 1999, Nisbet and Watt, 1980). Furthermore, observing the IDTC team meetings provided an excellent and interesting overview of the team members discussing the methods they use to deal with participants. As mentioned earlier, the day of court for the IDTC is divided into two parts, namely the practitioner team meeting in the morning (IDTC team members only) and the court sitting in the afternoon (where each participant is present and their cases are called in open court in front of the Judge). Both elements were observed as part of the research project.

Six full days of observation were undertaken between March and July 2012. The observation phase began with two days of informal observation which enabled the researcher to familiarise himself with specific aspects of behaviour and procedure. This further acted to inform the design of the observation instrument to efficiently gather and maximise the usability of data recorded. Four days of more formal observation using the observational instrument followed. A considerable amount of notes were recorded in writing during the morning team meeting and the afternoon court sittings. The data gathered through observations provided a detailed account of the physical description of the meeting room and the court; the case details and discussion regarding each participant; the atmosphere and ambience present at meetings and in the court; the interactions between team members in the meetings; and the conversation, behaviour and interaction between the participants and the Judge, and to a lesser degree the other team members, in the court setting (Bell, 1999; Flick, 2011). A one page template document was dedicated to each participant on each court day of observation and all notes relating to that particular participant during the team meeting and the court sitting were recorded thereon<sup>5</sup>; these documents will be referred to hereafter as ‘observation plans’.

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<sup>5</sup> Considering the volume of in-depth discussion each day and the understandable repetitive nature of much of this information, groups of identifiable behaviour were developed and incorporated into the observation plans, thus making the recording of data more manageable (Bell, 1999; Flick, 2011). Specifically, tick boxes representing such trends as reoffending and attendance were integrated into the observation plan documents minimising the amount of information recorded by long hand.



#### 4.1.2 Interviews

Five professionals working in the IDTC currently or previously were selected as interviewees for this study. They can be described as key informants due to their above average knowledge of the issues, the fact that they can be termed experts in the field, and have increased reliability and validity, thus generating more valuable data by fewer informants (Pauwels and Hardyns, 2009). In the language of the social sciences they were considered to be optimal selections as social science tools (Campbell, 1955). The professional participants included the IDTC Judge, the IDTC Education Coordinator as well as one current and two former Probation Service of Ireland Liaisons to the IDTC. Three interviewees are female. All three interviewees from the Probation Service have achieved Bachelors Degrees in Social Studies and are qualified social workers. Two of them have Masters Degrees in Social Work and one also has a Master's Degree in Social Science. The Judge had a Degree in Science, Biochemistry and Microbiology, prior to qualifying as a barrister. She has served as a Judge for eight years. The education coordinator has a Bachelor's Degree in Education, a Higher Diploma in Career Guidance and a Master's Degree in Leadership, Management and Education. They average over eighteen years experience in their respective fields and more than four and a half years of direct involvement with the IDTC. Probation interviewees who are no longer directly attached to the IDTC still maintain an ancillary role with the programme.

Extensive preparation was undertaken prior to each interview including testing the recording equipment, reviewing the literature, the research question, the sub-topics, and the notes from IDTC observations, and developing a detailed strategy regarding the nature and order of interview questions (Biggam, 2008). Follow up questions were asked during the process in order to carefully probe, and collect as much information as possible, while keeping the interviewee comfortable and informed as to the nature of the process to ensure fairness (Corbin and Strauss, 2008). The interview design incorporated encouraged meaningful responses, thus maximising the opportunity for successful data collection (Biggam, 2008). The researcher was cognisant of engaging in the process with an open mind and the purpose was to establish the truth as opposed to confirm, or refute, a pre-held position; in other words 'not trying to control variables, but to discover them' (Corbin

and Strauss, 2008: 318). A vital part of the interview process was being fair and open with the interviewees and ensuring that they understood the importance and purpose of the entire process (Schlosser, 2008). This was also an excellent opportunity to establish and continue building a good rapport, which is essential to the success of any interview (Campbell, 2003; Ezekiel, 1995, 2002). Furthermore, this opportunity was used to inform the interviewee that the findings of the study would be relayed to them for their own information as well as for interpretation and clarification (Wiles, Crow, Heath and Charles, 2008).

## **4.2 Logistics**

The interviews lasted from 30 to 80 minutes (average 57 minutes). The interview location was dependant on convenience for the participants. Cognisance was paid to elements such as dress code and body language to ensure a comfortable yet professional atmosphere. Personal experiences and observations were also recorded in a reflective journal throughout the interview and observation research process. The reaction and effects of the interaction between the interviewer and the interviewees was also noted for reflection and clarity purposes.

## **4.3 Identity Coding**

In order to maintain the anonymity of the participants, a coding process was utilised when referring to individual cases observed. The formula used to differentiate the participants without disclosing their identities, was PPXYZ, where 'PP' refers to their role as programme participants; 'X' indicates which phase of the programme they are in with the assessment phase being 0 and those actually on the programme showing a value of 1, 2 or 3. 'Y' refers to gender and 'Z' is the next consecutive number in the sequence of participants<sup>6 7</sup>. Comments made by the Judge in observation findings are simply referenced by 'Judge', while remarks from other team members in observation plans are marked with 'TM'. When participants' cases

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<sup>6</sup> Therefore, PP2F82 for example, indicates that the individual referred to is a female programme participant on Phase II and was the eighty second participant encountered during the observation process.

<sup>7</sup> Additionally, a further letter, from "A" to "F", will be added to signify which of the six court observation days are being referred to, with "A" indicating the first observation day and "F" the last.

are referred to within the body of this study individuals are assigned pseudonyms to assist the reader.

Similarly to the coding of cases from the observation data, the interviewees' identities were also coded. However considering the low number of interviewees, a much simpler system may be incorporated. Therefore, quotes will be attributed to practitioners by the following references: 'Interviewee: Judge', 'Interviewee: Education' and 'Interviewee: Probation X', with 'X' showing a value of 1, 2 or 3 to distinguish between those professionals.

#### **4.4 Data Management, Analysis and Coding**

A total of 119 observation plans were transcribed from the four formal days of IDTC observations (see three examples in Appendix F). All interviews were audio recorded on an electronic device and transcribed (average 8,700 words) ensuring accurate collection of data. Transcribed data were then read, examined, proof read and reviewed. Data collected at the observation stage assisted in identifying subtopics from the research question and establishing core themes which were further developed during the semi-structured interviews and throughout the course of the study. Data were divided into identified themes according to the sub-topics regarding the IDTC practitioners' role in promoting compliance. These themes were then examined and their relevance to the research questions, and to the various sub-topics, was analysed (Corbin and Strauss, 2008), which ensured the greatest possibility of attaining an effective and informed outcome.

Data was constantly analysed, reanalysed and compared with other data collected so that the researcher was completely familiar with its content, and in a position to formulate further questions, arrange data into topics and sub-topics, and make informed decisions (Biggam, 2008). Importantly, notes were taken and reviewed throughout, particularly considering the sheer quantity of information gathered in the study. Integrated coding, which combined inductive data emerging from the observations and deductive data emanating from pre-existing theory and literature, was used to provide understanding and awareness of the various themes (Flick, 2011; Rudestam and Newton, 2001). Themes, such as practitioners' efforts to

ensure and improve procedural justice and practitioners' contributions toward encouraging motivation, were tagged for identification purposes and categorised into similar codes (Flick, 2011; Rudestam and Newton, 2001). The groups of data with similar codes are discussed collectively, which adds structure to the writing. Cognisance was constantly paid to the possibility of new information and codes emerging. Additionally, the data were then extrapolated and grouped with the assistance of DTSearch search engine software. The process was followed meticulously and systematically so that all data was retrieved and utilised to its greatest worth (Rubin & Rubin, 2005).

#### **4.5 Role of the Researcher in Qualitative Research**

The primary instrument for data collection in this process was me, the researcher, and the expertise I have gathered throughout two decades in An Garda Síochána, the Irish National Police Service, including over ten years involved in serious criminal investigations (O'Leary, 2004). I am highly trained and extremely skilled in interviewing victims, witnesses and suspects, data analysis and report writing. Furthermore, observation is not a natural gift but instead can be described as a highly skilled activity (Nisbet, 1977); one which I have developed and utilised during the research process. Naturally, I recognise clear and distinctive differences in purpose and style between academic research and criminal investigation. Nevertheless, the sum of my knowledge, professionalism and motivation, as well as my skills and experience regarding communication with and respect for others, and collection and presentation of data, contributed significantly to the study as a whole (Punch, 2006). The nature of the rapport I build up with various participants in the study is outlined in the chapter on ethical issues. During the course of the study, no issues arose to suggest that my role as a police officer impeded the research process or findings.

#### **4.6 Ethics, Access and Consent**

Gaining significant access to the IDTC and the IDTC team was fundamental to the success of the study, thus attaining consent from relevant organisations and individuals at the earliest opportunity was paramount (Bell, 1999). Therefore,

gatekeepers were identified and contacted for the Irish Drug Treatment Court, The Irish Probation Service and An Garda Síochána. An efficient and respectful open line of communication, verbally and via email, was maintained throughout the process with gatekeepers creating a strong professional rapport. Written applications with attached copies of the Research Proposal were submitted to The Probation Service of Ireland and An Garda Síochána. The applications included the study's outline, aims, objectives and timelines. The implications for the various parties involved and their rights in the process were also explained. Potential benefits to the different organisations and individuals, their right to withdraw consent and details regarding data security were communicated. Consent was granted and participants were nominated.

Informal meetings were held with participants prior to the research commencing where the researcher was introduced to each practitioner and a detailed outline of the study was communicated. The Judge and each IDTC practitioner gave written consent to allow the observations to progress. The consent form (Appendix G) confirmed that the practitioners were aware of the researcher's purpose, aims, objectives as well as details concerning secrecy and security of data and identities. They were informed that they were entitled to a copy of the final dissertation on completion. Furthermore, as the offenders were subject to observation during the IDTC court sittings, I consulted with the education coordinator and drafted an information sheet explaining my study to all IDTC participants. The education coordinator alerted IDTC participants to the context of the study and displayed the information sheet (Appendix H) on the notice board at the learning centre. The information sheet included details of the researcher as well as the study's purpose, aims and objectives. The undertaking to protect court participants' identities was highlighted in the information. This was achieved through identity coding and incorporating data security measures. Permission from the Courts Service of Ireland was referred to as was the potential of benefits to the programme as a result of the study. They were also informed that access to the final dissertation was available and how to attain same.

The request to interview the Judge was submitted with respect via the Courts Service of Ireland IDTC coordinator and the remaining prospective interviewees were contacted in person (Bell, 1999). Each individual granted permission to be interviewed. Prior to the interviews the interviewees were informed of the proposed structure, timeframe and a general outline of proposed topics via telephone and email contact. At the outset of each interview, participants consented in writing to allow the process continue (Appendix I). The consent included acknowledgement of the details of the study and the fact that the researcher sought to audio record the interviews. They expressed awareness of data security and usage arrangements, as well as their optional access to the final dissertation. The issue of consent was discussed and while they acknowledged that significant steps were to be taken to protect their identities, due to the open nature and structure of the IDTC complete anonymity could not be guaranteed, particularly for the IDTC Judge and Education coordinator (O'Leary, 2004). This issue was understood and appreciated by all concerned.

In order to ensure data and sources were protected, the recordings, notes and transcripts were filed securely using encryption and password protected technology. Originals and copies were stored securely. Access to electronic and hard copy material was restricted to the researcher. All data and material will be retained for a period no longer than required for academic reasons. Extreme care was taken throughout the process to ensure no individuals or organisations were harmed by the study. The codes of ethics of the Dublin Institute of Technology and the British Society of Criminology were observed throughout the process regarding any ethical issues and guidelines.

## **CHAPTER FIVE**

### **5.0 Findings And Discussion**

#### **5.1 Introduction**

A number of key findings emerged from the data collected and analysed during this study. These relate to the relevance and importance of:

1. The relationship between the practitioners and the participants of the IDTC.
2. The participants' perception of fairness and legitimacy in the system.
3. The role of the practitioner to recognise and encourage participants' motivation, while providing opportunities for change.
4. Recognising all levels of success in terms of measuring compliance, notwithstanding lapses and relapses in addiction and desistance.

Hereunder findings from the research carried out through observations and interviews are discussed in detail and supported by the literature where appropriate for analysis and comparison. The findings will be discussed under the headings: Relationships, Legitimacy, Motivation and Opportunities, and Measuring Compliance.

#### **5.2 Relationships**

Previous research has demonstrated that the practitioner-participant relationship is central to building a solid basis from which to effect change in offenders (Braithwaite, 2011; McIvor, 2009; McNeill, 2006; Winick and Wexler, 2003). Key characteristics of a good relationship include respect, fairness and politeness (Braithwaite, 2011; McIvor, 2009; Tyler, 1990), while using a practical approach (Healy, 2010). Interviewees opined strongly that a solid, positive and

consistent relationship was crucial to participants' advancement on the programme. Conversely, practitioners expressed the view that failing to establish a strong working relationship could have negative consequences and seriously diminish potential for success. The characteristics they identified as being central to a successful professional working relationship were that the relationship should be genuine, with respect, integrity, honesty and trust critical to achieving progress.

### 5.2.1 *Respect in Relationships*

Tyler (1990; 2006) and McIvor (2009) amongst others have highlighted the significance of building relationships based on respect. Interviewees explained that a genuine display of respect toward their clients from the outset and throughout the IDTC process was paramount in encouraging their clients to trust them and to be honest about what was happening in their lives. From the interviews, it was clear that the practitioners had a strong and genuine appreciation of the difficulties and complicated circumstances of those with whom they worked. It is not uncommon for practitioners to report that their clients experienced a range of problems including personal illness, bereavement, separation issues as well as a battle with addiction. The interviewees concurred that being respectful to the client group with whom they work is very important, especially given that these individuals have often not felt respected for a considerable period:

*For a lot of people on drugs they haven't felt respected in a very long time, so it means a lot to them, and they do respond to it, just as anybody does. (Interviewee 1: probation)*

During the course of the IDTC observations, respect by the Judge toward participants was evident from the beginning of each interaction when she asked participants 'how are you?' This was not simply a casual greeting but a genuine enquiry as to the well being of the individual. In explaining this practice the Judge (interviewee 5: Judge) stated:

*...that's very important because I feel they're coming up to tell me how they are, so I will always ask them how they are, ... I think first of all, respect for the individual is hugely important, I mean we're all human beings regardless of whether we're criminals or not. It's just; you need*



*to start on a proper footing. I shouldn't be up here, and they shouldn't be down there, we should be able to converse on a one to one, especially in the drug court. (Interviewee 5: Judge)*

The respectful manner in which the IDTC Judge treated participants appeared to be reciprocated. Observation data of individuals appearing before the drug court identified that they were frequently likely to be honest about their shortfalls and to take responsibility for their behaviour as the following demonstrates:

*Judge: You missed a PPP (Personal Progression Plan meeting)*  
*Participant: That's my fault and I'm sorry, I was there in the school that day but I just totally forgot about it, it's the first time I missed anything in two years.*  
*(Padraig; PP3M49D)*

*Judge: How are you?*  
*Participant: Not too good, I missed school and didn't ring in. I moved from the hostel to family. I'm going to try harder and I'll be back to school tomorrow.*  
*(Maura; PP1F39E)*

*Judge: Why were there no attendances?*  
*Participant: No excuse, no certs, I had to move home.*  
*(Michael; PP1M43E)*

### 5.2.2 Trust through Consistency over Time

A common theme to emerge was the view of practitioners that adopting a fair and consistent approach over time, while maintaining a clear explanation of the rules and regulations, was central to the process of building trust in their clients. The importance of the individual trusting the legal authority before progress can occur is emphasised by Tyler (2006). Further research demonstrates that trust between practitioners and participants in drug treatment court programmes is central to the process of change (McIvor, 2009; Winick and Wexler, 2003). Interviewees explained that building trust can take a considerable amount of time especially considering the participants' already vulnerable state. The following comment by an interviewee further highlights the point:

*From years of experience when you develop a strong and good relationship with the type of client that we work with, or that I work with in the prison, which is the same type of client I found, that it takes time to build up trust because they have no trust, they're already marginalised, they're angry and they're full of fear and they will put up whatever defence mechanisms that they need or that they have learned to protect themselves. (Interviewee 2: education)*

Practitioners portrayed trust as something that they had to earn from the participants by being fair and consistent with them as the IDTC Judge described:

*...over a period of time you develop a rapport with one another... Some people will be very open, want to talk to you about everything, others are very shy and reticent and it'll take a lot of work with them over a period of time to be able to get them to trust you and to realise that you are going to treat them fairly. (Interviewee 5: Judge)*

While important, the development of trust and building relationships are not an end in themselves, rather they provide a strong platform from which the process of addressing offending behaviour and the issues associated with it can begin (Healy, 2010; McIvor, 2009; Winick and Wexler, 2003). Interviewees shared a perception that a trusting relationship played a large role in encouraging participants to share real and substantial issues which in turn facilitated improvements with addiction and reoffending.

### *5.2.3 Relationships Summary*

In summary, a solid relationship is the corner stone from which the practitioner establishes and builds toward a meaningful, desired conclusion with the participant. An essential element of the relationship is displaying a genuine respect toward the individual while appreciating the real difficulties they are experiencing. This respect is often reciprocated and exhibited with sincere honesty on the part of the individual. Trust is built in the relationship by demonstrating patience over lengthy periods while delivering clear and comprehensible information. While the relationship alone cannot deliver life improvements, they are unlikely to occur if one is not established.

## 5.3 Legitimacy

### 5.3.1 The Importance of Legitimacy

Extensive research strongly supports the argument that participants are much more likely to engage in the compliance process if they perceive systems as being fair (Braithwaite, 2003; Sinclair, 1971; Tyler, 2006). Interviewees held the view that participants' perceptions of fair treatment were central to them engaging in the process and achieving success. Practitioners explained this as follows:

*They have to feel that this is fair, or I think they wouldn't come. (Interviewee 3: probation)*

*It's something that we all feel we need, to be treated fairly, and if they don't feel they're being treated fairly, you will know. (Interviewee 1: probation)*

Previous research has noted that decisions and practices are more likely to be accepted when practitioners act and judge fairly (Bottoms *et al*, 2001; Tyler, 2006). Interviewees described how the decision making process utilised in the IDTC contributes to the participants' legitimacy as fairness was demonstrated when the outcomes from those decisions were given in court and points were awarded or deducted. Practitioners expressed that the practice of rewarding participants for their efforts contributed to their perception of legitimacy in the system. Additionally, this trend was exhibited repeatedly during court observations. One example was John (PP1M42E) who had attended an appointment on time despite extremely bad weather conditions, while wearing completely unsuitable clothing for the weather, and arrived 'soaked to the skin'. During the court sitting the Judge awarded John five bonus points for his diligence and announced to the body of the court that exceptional efforts would be recognised. She emphasised that efforts had to be serious and genuine, and added light-heartedly that individuals pouring water over their heads prior to appointments would not be receiving extra points.

### 5.3.2 Consistent and Clear Information

Interviewees described that an important aspect of legitimacy is the manner in which expectations are communicated to participants from the beginning. Consequently, participants are aware from the outset that breached conditions result in sanctions being imposed, and alternatively, consistently doing well results in rewards being granted. Significantly, practitioners reported that departures from the normal process, by sympathetically showing unwarranted leniency to certain clients for example, created confusion and in turn undermined the perception of fairness. During the assessment stage of the procedure, a clear description of what the programme entails is given to participants and individuals are asked if they wish to participate. It is also made clear that real effort will be required. Existing research supports the importance of communicating clear guidelines so that participants understand the process and what is expected of them (Robinson and McNeill, 2008). Furthermore, international research into drug courts reiterates the significance of participants' understanding their legal rights, the programme requirements, and potential consequences of failure (Fulton Hora et al, 1999). Clarity of message by the IDTC practitioners was illustrated during court observations where it was made clear by the Judge that indiscretions such as missed appointments and reoffending would not be accepted. Fairness was also exhibited by practitioners who were of the view that positives should be recognised despite setbacks, for example, if an individual is struggling with treatment but doing well with education. Promoting legitimacy through a clear, consistent and fair message was explained by one interviewee as follows:

*Well, we try to make sure that they're very familiar with all the sanctions and all the incentives and to make sure that they understand how they're going to be treated if they do well and how they're going to be treated if they do badly so there's no surprises, and we try to make sure that everyone is treated in the same way, and that they see that that everyone is treated in the same way and we try to ensure that whatever sanctions or incentives that are applied are appropriate to whatever they have done so that they don't feel they've been unfairly treated. (Interviewee 3: probation)*

Furthermore, it emerged from the interviews that practitioners shared an appreciation that the close team structure of the IDTC had an advantage over other community punishment programmes as it delivers information to participants in a clear and consistent manner. Practitioners explained that their regular interaction and efficient sharing of information resulted in consistent agreed messages being expressed to individuals, who could otherwise attempt to take advantage of a disjointed chain of communication and play the agencies off one another. Interviewees were of the view that this structure further promoted fairness with the participants.

### 5.3.3 *Participants Recognising Fair Treatment of Others*

During observations for this study, it was consistently noted that participants in the body of the court were paying close attention to other IDTC cases and to the plus and minus points being given to and deducted from their co-participants. Furthermore, practitioners described how they found that the participants' perception of legitimacy within the IDTC was also influenced by how other offenders were treated, as one interviewee explained:

*To hear the judge actually congratulating others can lift them as well, so they're there, they're hearing what the judge is saying to other people too, good, bad or indifferent, and usually no matter what they do, once it's positive the judge will light on it. (Interviewee 1: probation)*

Practitioners explained that it was important to be consistent to avoid creating situations where favouritism or overly punitive methods could be perceived (interviewee 5: Judge). Interviewees described that participants who are making an effort and doing well want to see other participants who are failing to comply being sanctioned, as one practitioner explained:

*Ok they might laugh when the person is conning the judge for a while or conning us or getting away with it but underneath it all they're really annoyed that they're getting away with it because they're doing what they're supposed to be doing. (Interviewee 2: education)*

Also observed was the practitioners' practice of providing participants with a sense of legitimacy through praise and encouragement. The issue of supporting and encouraging offenders in the drug court environment has previously received prominence in research studies (McIvor, 2009; Winick and Wexler, 2003). The most visible example of this in the current study was the practice of encouraging applause when participants received their certification of completion, signifying their progression to the next phase of the programme. Such applause was engaged in not only by fellow participants, but also by the IDTC team members and the Judge. On these occasions and during further courtroom observations, participants exhibited what appeared to be genuine concern and support for others on the programme.

#### *5.3.4 Legitimacy Summary*

The strength of the correlation between individuals' perception of fairness in the system and their efforts toward participation, and thus potential success, was articulated strongly throughout the findings. The nature of the process and the decisions handed down contributed significantly toward the legitimacy of the programme. The findings show that an early and consistent explanation of conditions and expectations was vital to ensure the participants understood exactly what was involved during the process. The close construct of the IDTC team ensured delivery of an agreed message as if it were one voice. Participants' perception of legitimacy depended not only on how they were dealt with, but also on how their co-participants were treated.

### **5.4 Motivation and Opportunities**

#### *5.4.1 Importance of Motivation*

Numerous research studies have highlighted motivation as a key factor for individuals' attempts toward change (Healy, 2011; Healy and O'Donnell, 2008; Maruna, 2001; McNeill, 2011), as the journey is often accompanied by uncertainty, conflict and even fear (Probation Board for Northern Ireland, 2011; Prochaska and DiClemente, 1986). Furthermore, in order for the process of change to begin, the participant requires recognition that a problem exists and that change is needed

(Clementie and Prochaska, 1999). In addition to motivation, the individual requires the capacity to change as well as opportunities to facilitate the possibility for change (McNeill and Weaver, 2010). Interviewees repeatedly stated how they appreciated the importance of motivation, and recognised the difficulties experienced by participants attempting to change. One practitioner demonstrated this view as follows:

*They are trying and they will struggle, and they struggle very hard and sometimes they get some unmerciful knock backs. (Interviewee 1: probation)*

McNeill (2011) highlighted the significance of motivating individuals through encouragement and support in order to achieve compliance and desistance. All interviewees in the current study recognised the importance of their role in supporting participants' motivation and were of the view that contributing encouragement, fairness, trust and respect through a solid relationship over time was the best means of demonstrating this support.

#### *5.4.2 External and Internal Motivation*

Bottoms *et al* (2001) describe normative compliance as value based occurring when the participant possesses an internal desire to change. Seymour (2012) posited that to reduce offending, the objective should be normative compliance which was best achieved from internal motivation as opposed to externally imposed frameworks. Tyler (2006) draws attention to the significance of internal values which are more likely to motivate individuals to engage in self-regulatory behaviour and thus adhere to legislation. Interviewees recognised the benefits of internally driven motivation, which improves participants' self-esteem and their desire to desist. Interviewees explained that, in addition to internal motivation, participants were usually motivated by external factors such as the threat of prison, in particular at the outset of the programme. However, by utilising a strong relationship as a platform and encouraging the participant, building their self-esteem and informing them of their potential, interviewees were of the view that this external motivation frequently transformed into an internal desire to succeed. This point was demonstrated by one practitioner as follows:

*The importance of the consistency of the relationship... because it moves from the extrinsic motivation factor “I have to do it”, to the intrinsic motivation factor because there’s a relationship there, they feel good, they get the recognition and a little bit of self-esteem. (Interviewee 2: education)*

A unique aspect of the IDTC process is that participants are not forced to take part in the process; they must apply through their solicitor and give significant undertakings prior to being accepted. Once accepted to the IDTC, they are part of the decision making process and contribute to designing a treatment plan. Interviewees were strongly of the view that the participants’ own desire to join the IDTC generally indicates a measurable level of internal motivation, and explained this as follows:

*They’ve given the commitment; they’re saying I want to do this. It’s different to being ordered to do it. They requested to do it. (Interviewee 1: probation)*

*They genuinely want to try it, they really are willing to give it a go. (Interviewee 1: probation)*

#### 5.4.3 Level of Motivation

Practitioners reported that participants demonstrated different levels of motivation and they considered one of their key tasks as supporting offenders to maintain and build motivation. Interviewees were of the view that participants did not always have a high level of motivation at the beginning of the programme but they identified the need for some level of willingness if advancement was to be possible, stated by one interviewee as follows:

*Once we have some level of interest or level of willingness to work with us, even if their motivation is low at the start we can struggle through the first few months with them. (Interviewee 3: probation)*

However, practitioners explained that sometimes despite their best efforts, the motivation of their clients was extremely low or non-existent to the point where there was no attempt to comply and in these cases it was deemed that termination from the programme was the most suitable option.



#### 5.4.4 Practitioners own Motivation

A common theme which emerged throughout the interviews was the necessity for the practitioners' to be motivated and to perceive the system with which they worked as legitimate and effective. Interviewees explained that their value in the system was heightened by elements such as increased access to participants' information; the fact that participants had a voice in court, which was heard thus improving their self-esteem; the presence of equity in the process; as well as the various options open to the IDTC through judicial discretion beyond that usually found in the ordinary courts. The interviewees expressed excitement and passion for the IDTC programme and their belief in the value of the process was strongly conveyed, as stated by one interviewee:

*I'd be very enthusiastic so that would come across - I suppose that probably does help sell it. (Interviewee 1: probation)*

The importance of the practitioner's motivation and legitimacy cannot be overstated as it, like that of the participant, has a direct effect on the effort put into the process by the practitioner. Additionally, practitioners' opined that their motivation often inspired increased levels of motivation in their clients.

#### 5.4.5 The Multi-Faceted Approach of the IDTC

Research has demonstrated that programmes which include elements capable of adapting to varying demands possess an increased potential for success over wholly rigid models (Farrall, 2002; Robinson and McNeill, 2008). Practitioners in this study expressed the view that the added options available, due to the multi-faceted nature of the IDTC, served to increase motivation levels and legitimise the process for clients. The potential for participants to gain achievements within the education programme of the court was highlighted as being a strong motivation factor for offenders. Interviewees identified such aspects as the regular court sittings and appointments as contributing toward providing speedy reactions to achievements and infractions alike:

*If they miss an appointment that week they get the minus points that week, or if they've done something positive that week, they get the plus points that week. (Interviewee 3: probation)*

*In the classroom they come in and they don't know what to do... they might type their name and their address and something very simple, and the next thing it gets printed out and at the end of the class they have a sheet of paper, and its immediate feedback, and they say I did that, that is me. (Interviewee 2: education)*

#### 5.4.6 Providing Opportunities

The importance of providing opportunities or 'hooks for change' to individuals who have exhibited motivation in order to help facilitate compliance and desistance has been highlighted repeatedly through empirical research (Giordano *et al*, 2002; Healy, 2010; McNeill, 2006). During the course of this study, interviewees emphasised the importance of providing opportunities to assist participants in achieving change, adding the caveat that targets should be realistic and manageable. Significant and repeated efforts made by practitioners to support participants in dealing with their drug addictions were demonstrated during the interview and observation sections of this study. Interviewees reported that they offered participants assistance in areas such as seeking accommodation, childcare and social welfare as these issues tended to detract from their ability to focus on their addiction:

*We'd (probation officers) work with the clients as well in relation to their family relationships and accommodation issues because the other areas, their training / employment, and their health treatment area, are being looked after by the other agencies in the drug court. (Interviewee 3: probation)*

While reiterating the necessity of setting realistic goals, although they may seem minor, interviewees explained that the education element of the programme incorporated a holistic approach including improvements in a variety of life skills, and stated by one practitioner as follows:

*It's all interwoven in relation to education. There is the subject that they're learning, the skill that they're learning, like literacy, numeracy, computers but there's a huge amount of education goes on, kind of social education, emotional education, like arriving in on time, being punctual,*

*signing their name in a book, being in a room with other people.  
(Interviewee 2: education)*

Interviewees highlighted the central role of education in the IDTC as being largely unique to Ireland and of particular significance in creating and providing opportunities for change for participants who may be getting such a chance for the first time. The Judge of the IDTC remarked:

*It's the education part that I think brings it all together, because most of these people, whether they've literacy difficulties or they didn't but they've never had any opportunity to develop any potential and they suddenly realise that they have something within themselves that is positive. (Interviewee 5: Judge)*

Participants explained that notably, these achievements are nationally recognised as they are Further Education and Training Awards Council (FETAC) based, which acts to further motivate and encourage the participants, creates more opportunities and builds self-esteem.

One interviewee (interviewee 2: education) gave an example of progress as a direct result of the education programme. She described a participant producing an appointment diary in court one day to check if they were free to attend a meeting being set by the Judge. The practitioner opined that using and keeping a diary is a basic skill which required attention to detail and introduces order and structure to one's life. She added that this was a skill the vast majority of participants lacked because of the spontaneous nature of their lives. She highlighted this example because it demonstrated the offender displaying stability in his life, the ability to arrange and plan meetings as well as showing a commitment to attend appointments. Numerous occasions were noted during observations where participants were offered and availed of opportunities in education classes and courses, as demonstrated in the case of Niall during team meeting discussions:

*He deserves +10 points for getting a place in college as an electrician, it is a FETEC Level V course, there is also a mathematics class as part of it. He is very motivated as a result of getting his place in college.  
(PP2M13)*

#### 5.4.7 Requirements on the part of Participants

While the significance of providing those opportunities should not be understated, previous research has demonstrated that the provision of opportunities alone will not lead to desistance (Farrall, 2002; Healy, 2010; McIvor, 2009). Interviewees shared the outlook that the provision of opportunities was not solely sufficient to improve the individuals' life. They added that they placed responsibility on the participant to contribute to the process by outlining their own goals and working hard at the process.

*I think that the focus is on the language that's used, putting the responsibility on them, say why didn't you, say well what do you need to do different, how can we help, what's your goal, how do you set that goal, what do you need to do get there and what's stopping you from getting there. (Interviewee 2: education)*

Interviewees described how participants often gained a sense of autonomy and personal responsibility when the onus was placed on them through this process. Furthermore, practitioners reported that offenders' motivation strengthened when they reaped the benefits of their efforts with improvements in, for example, living arrangements, relationships with family members, or personal health through depleted drug use.

#### 5.4.8 Motivation and Opportunities Summary

The study's findings emphasised the practitioners' significant appreciation for motivation, and for encouraging motivation, particularly in light of difficulties facing participants. Internal motivation or a desire to change was found to be far more preferable than forced change. However, external motivation can be nurtured through encouragement thus transforming into an internal aspiration to change. The study found that motivation did not need to be immense in individuals, particularly at the outset, but some level was required in order that it may be built upon. The practitioners own motivation levels influenced their level of dedication and also reflected onto the participants.

The multi-faceted structure of the IDTC itself contributed to promoting the legitimacy of the programme as well as individuals' motivation, considering the range of potential achievements available and its efforts toward accommodating the changing circumstances of many individual situations. The study found that once motivation is present, realistic and attainable opportunities must be offered to participants to facilitate the possibility for change. The education aspect of the IDTC was highlighted as being particularly significant. Motivation and opportunities alone are not sufficient to achieve success; there is also an onus on the participant to make considerable efforts toward compliance. The study findings demonstrated that when individuals do succeed and that achievement is recognised and encouraged, they take pride in what they have done. This pride and achievement motivates them further to accomplish more goals in the programme and to more improvements in their lives.

## **5.5 Measuring Compliance**

### *5.5.1 Recognising Progress*

Empirical research suggests that utilising a fluid model for measuring compliance is preferable when gauging the quantity and quality of achievement, as opposed to taking a rigid, all or nothing, view when measuring success or failure (Farrington, 2007; Maruna 2001; Miller, 1989; McIvor, 2009). Observations during this study revealed that the overwhelming majority of participants were not reoffending. Furthermore, while the majority of individuals were not drug free, they were using fewer and less serious drugs. Additionally, while some offenders missed appointments and meetings, progress was being made in other areas such as education. Significantly, one of the strongest themes to emerge during court observations and interviews was the view by practitioners that all levels of progress should be recognised and acknowledged. Interviewees were of the view that this model built self-esteem and motivation, and facilitated further improvement. Interviewees explained that the rules of the IDTC themselves reinforced this point as participants only need to complete seventy per cent of the requirements in Phase I and II to progress.

Interviewees emphasised the importance of recognising progress because participants faced extreme difficulties in complying with programme requirements while simultaneously battling addiction and a propensity to reoffend. Furthermore, practitioners acknowledged the probability that participants had additional problems such as family, accommodation and employment issues. Therefore, interviewees agreed that typically simple tasks, such as attending school, became significant accomplishments, as explained by the following:

*So with the type of client we have, the success is in the very small stuff. It's in the simple stuff that if somebody wasn't in this system that it was taken for granted in normal society, the simple skill of just coming in on time, an appropriate social skill of greeting somebody appropriately and all of that goes with that, all those social skills. (Interviewee 2: education)*

*For somebody who has an addictive personality, you have to deal with them in little ways, they can't take the addiction and cure it today, they have to go back... and build up their confidence very slowly. (Interviewee 5: Judge)*

Practitioners explained that as a result of the tough challenges faced by participants, the process of appreciating progress and encouraging participants needed to be constant and ongoing. Interviewees described how, even clients that did not graduate fully to the Gold standard, nevertheless made real and significant advancement in terms of drug use, offending and education. One practitioner illustrated it as follows:

*Yes, it doesn't have to be the gold standard of being off all drugs. For the person who does everything but can't, she can't get off cannabis, they've still achieved an awful lot - they've stopped committing crime, they've stopped tablets, they've stopped heroin, they've more stable family relationships, they've better accommodation, they've made a huge change in their lives, and to tell them, sorry you haven't succeeded is pretty awful and they've done so much. (Interviewee 3: probation)*

#### 5.5.2 Practitioners' Measure of Progress

Robinson and McNeill (2008) distinguished between formal compliance, as a ticking the boxes exercise, and substantive compliance as participants willingly complying with the programme conditions. He outlined how the former was a more

immediate response while the latter had potential to be more long term, thus being the preferred of the two (Bottoms *et al*, 2001; Robinson and McNeill, 2008). From this study's interviews, it was clear that the practitioners had a strong and genuine appreciation for the efforts made and progress achieved by the participants. Additionally, all interviewees clearly expressed their ultimate goal for participants, not to formally complete the IDTC programme, but instead to improve their lives. Interviewees held the view that the progress made and skills developed in the programme by individuals was of enormous benefit to them in the long term regardless of whether they formally graduated. Practitioners developed this point as follows:

*The little minor things that can change somebody's whole life, maybe they'll get accommodation somewhere and the knock on affect then of that, to their families, and all of the people that they come into contact with. You saw the one today, 69 previous convictions, and nothing since they came on the drug court, that's phenomenal, it really is. (Interviewee 5: Judge)*

*I suppose we trying to look at it from a continuum of from where they are to where they end up and the object of the exercise is they become drug free and they lead pro-social lifestyles and they get involved in training and for some that's the goal, they achieve it and that's an outcome. (interviewee 4: probation)*

### 5.5.3 *The Fluid and Fragile Nature of Compliance*

The fluidity of motivation regarding addiction and offending has been well established through empirical research (Healy, 2010; McIvor, 2009; Seymour, 2012). The battle with addiction is recognised as being extremely difficult and often involves lapses and relapses (McIvor, 2009), which have actually been described as an integral part of the recovery process (Healy, 2010; McVerry, 2012). Interviewees in the current study appreciated the fluid and delicate nature of addiction and offending and the real potential of lapses and relapses, as was explained:

*There's no point in even trying this job, one way or the other DTC or probation if you're not going to recognise the fluidity of the nature of addiction because it just won't work. (Interviewee 1: probation)*

Furthermore, practitioners agreed that providing encouragement and understanding was of particular importance when participants were experiencing slumps in self-esteem, motivation and when relapses occurred. Interviewees further explained that highlighting achievements already realised was a productive motivational tool during these periods, a point supported by McIvor's (2009) research findings. Interviewees were of the view that if their relationship was strong enough, for the participant to be honest enough to admit to the lapse at an early stage, then the practitioner was in a better position to limit the damage and help address the issue. This level of honesty was repeatedly noted during IDTC observations; and demonstrated in interviews as follows:

*The best case scenario is where a client is... has a good enough relationship with us that as soon as it happens, they let us know and then we can kind of limit the damage if you like, to just the slip and support them and encourage them to put it behind them. (Interviewee 3: probation)*

*So if the person speaks to us quickly about it, we will make sure to congratulate them on seeking help quickly and on wanting to address it and acknowledge that it is part of trying to overcome addiction that it's a very hard thing to do and that, on the drug court we expect it, we don't want to see it but we're not shocked by it. (Interviewee 3: probation)*

#### 5.5.4 Measuring Compliance Summary

Analysis of the findings demonstrated that although offending and drug use were considerably depleted amongst participants, infractions and relapses nevertheless occurred. Practitioners were strongly of the view that it was crucial to identify, recognise and acknowledge all levels of success achieved, consistently and over time. Significantly, the findings emphasised the value of life improvements gained through the programme over formal graduation from the IDTC, stressing the long term advantage of increased social and academic skills along with greater confidence and ability to face challenges. There was particular appreciation for the difficulties associated with addiction and desistance and the necessity to reinforce and encourage individuals while citing past accomplishments. The circle was completed as practitioners referred back to the solid relationship as being the



mechanism which stimulated participants' honesty demonstrated by an early admission of relapse, thus increasing the chances of improving the situation.

## **5.6 Findings and Discussion Conclusion**

In conclusion, the research method of incorporating interviews and observations proved to be an invaluable and effective means of gathering data relevant to the research topic. The central finding that establishing a solid relationship based on consistent demonstrations of respect and trust over time is highly significant and clearly exhibits the relevance of the practitioner-participant relationships in promoting compliance. This also indicates a framework for practitioners to follow when establishing such relationships. Furthermore, the significance of the relationship as revealed by the study is strongly supportive of existing literature in the field, considering the emphasis placed on practitioner-participant relationship as a means of encouraging change, by academics such as Braithwaite, (2011); Healy, (2010); McIvor, (2009); McNeill, (2006); Winick and Wexler, (2003) amongst others.

The findings demonstrate the considerable weight placed by IDTC practitioners on the relevance of procedural justice and legitimacy. They agreed that this was best achieved by delivering fair and consistent actions by practitioners, structure in the programme and unified information to all participants. This point of view contributes considerably to previous research by those who emphasised the importance of procedural justice so that participants perceive the process as legitimate and engage in the compliance and desistance processes (Bottoms et al, 2001; Braithwaite, 2003; McIvor, 2009; Tyler, 2006).

An important finding of this study was that a solid relationship and legitimate system together, alone do not create a reformed offender. The presence of some level of motivation within Irish participants on the IDTC programme is another essential ingredient toward desistance. While the study suggests a link between the practitioner-participant relationship, procedural justice and participants' motivation, it also implies a reliance of these factors on each other. The manner in which motivation for change is identified and encouraged as revealed by the data collected

echoes much of the lessons from recognised empirical research on the topic from such academics as Bottoms *et al* (2001); Healy and O'Donnell, (2008); Maruna, (2001); McNeill, (2011); Prochaska and DiClemente, (1986); Seymour (2012) amongst others.

The influence of the practitioners' own level of motivation and perception of legitimacy in promoting participant compliance was another significant finding of the research. The analysis of data collected through interviews and observations revealed that in order for compliance to be achieved, the practitioners' role needed to include offering and providing achievable opportunities for change to motivated individuals. This finding correlates with knowledge on the subject offered in past studies (Farrall, 2002; Giordano *et al*, 2002; Healy, 2010; McIvor, 2009; McNeill, 2006). The exposure of a specific emphasis on education in terms of opportunities provided by the IDTC was of particular interest considering the findings regarding the education levels of Irish offenders and Irish prisoners (Bacik *et al*, 1998; O'Mahony, 1997).

Measuring compliance was a significant topic in the eyes of practitioners as they highlighted the absolute importance of recognising success and encouraging all achievement even in the face of relapse and breaches of regulations. This finding mutually supported and echoed existing research on the issue (Maruna 2001; Miller, 1989; McIvor, 2009). Significantly, an issue which could be considered as a surprising revelation from the study was the practitioners' common view that life improvements for participants outweighed formal completion of the programme as defined by IDTC guidelines. This revelation contributes significantly to the existing research regarding the role of practitioners working in Irish community punishment programmes where the emphasis is placed on supporting individuals to address offending-related issues while building social capacity towards life away from reoffending (Healy, 2010).

## **CHAPTER SIX**

### **6.0 Conclusion And Recommendations**

#### **6.1 Conclusions**

The findings from this research clearly demonstrate that the role of the Irish Drugs Treatment Court (IDTC) practitioners in promoting offender compliance involves a multi-track approach. Fundamentally, practitioners need to build a platform in a solid respectful relationship to establish mutual trust with the participant and to provide the basis from which the participant feels comfortable and confident to reciprocate honesty. The findings also point to the importance of practitioners exhibiting procedural justice by displaying consistent fairness in their actions and decisions in relation to IDTC participants. The research revealed that the practitioners' role also includes identifying, nurturing and encouraging motivation within the individual so that they take advantage of opportunities for change. There is also a responsibility on practitioners to provide and offer reasonable and achievable opportunities to support offenders in the process of change. Finally, it emerged from the research that the practitioners' role in promoting compliance involves them recognising and acknowledging all levels of success achieved by participants during the programme, as well as appreciating and understanding the likelihood of relapse so that they can encourage the individual to continue on the road to recovery.

The study revealed a strong link between the various aspects of the role of the practitioner considering that, for example, the strength of the relationship and the participants' perception of legitimacy in the system significantly influenced their level of trust in the practitioner. This in turn appeared to increase the likelihood that the IDTC participant would make an early admission when relapse occurred, which was critical in the practitioners' ability to help them get back on the compliance track. Another connection between aspects of the practitioners' role displayed throughout the data indicated their underlying necessity to have a deep appreciation of the ongoing difficulties experienced by individuals on the programme and of the challenges related to compliance arising from addiction and reoffending.

The practitioners' own motivation and legitimacy in the system emerged from the research as being significant in terms of the effort professionals put into the process and into working with individuals. While it is acknowledged that community supervision programmes are subject to many external factors, such as budgets and government policy, the practitioners' contribution toward achieving procedural justice cannot be understated. Additionally, while affecting certain aspects of offender motivation is obviously outside practitioners' capability, the research suggests that their influence on this vital element of individual recovery is paramount.

While supporting Healy's (2010) findings that Irish probation officers favour a social welfare approach, this study goes a step further by suggesting that practitioners' genuine-preferable final outcome for participants in the community supervision programme, namely the IDTC, is that they improve their lives through increasing their skills and improving their self-worth, rather than a mathematical increase in graduates from the programme. That is not to say that they do not value full graduation, as it was found that they strive tirelessly toward that endeavour, but the ongoing and long term improvements evident in their clients provided great satisfaction. In this researcher's opinion it would be greatly beneficial if policy makers judged the success of the IDTC on this measure rather than a statistical examination of programme completion.

## **6.2 Recommendations**

- Provide extra support and resources to the Irish Drug Court Treatment programme
- Expand the catchment area for the IDTC in order to facilitate more individuals participating
- On the basis of further research consider increasing the number of drug courts in the Irish system in Dublin and throughout the country

### **6.3 Further Research Recommendations**

- Engage in ongoing analytical research of the programmes' progress and achievements.
- Examine the potential of applying the findings of this study to other community supervision and punishment programmes.
- Carry out follow-up studies over time to test current practices, as well as participants' recidivism rates, treatment outcomes and achievements made in various aspects of programme

### **6.4 Research Limitations and Anomalies**

Considering the depth and breadth of the subject matter, the small number of interviewees was flagged as a possible limitation, however when one realises the excellent quality and the sheer quantity of the data gathered through the interviews, this concern is dismissed. In fact, the extent of their academic achievement, the vast amount of their experience and their analytical awareness is believed to have contributed significantly to the reliability and validity of the study (Pauwels and Hardyns, 2009). The validity and reliability of the study was further strengthened by the commonalities which emerged between the research findings and the existing literature.

One may consider the fact that the researcher has been a member of An Garda Síochána for almost twenty years and has been involved in a plethora of cases where individuals have been convicted of crimes, including drug related offences, as being cause for concern regarding any preconceptions he may have and thus the validity of the research. However, his professionalism and his dedication to the ethical aspects of the research process did not permit this to occur. Significantly, and in strong support of this argument is the reality that the preconceptions of the researcher were not just set aside throughout the process; they were actually refuted and changed as a result of the research process, its findings and its conclusions. Furthermore, as has been mentioned, the experience and skills developed by the researcher throughout his

professional career have actually assisted in the data collection and access aspects of the study.

Detailed empirical research into the success and progress or otherwise of the Irish Drug Treatment Court has not been carried out to date. The absence of these data imposed obvious drawbacks on this research as it does on further research.

## **6.5 Self-reflection**

Although the researcher has previously experienced numerous challenges both personally and professionally, when considering the time and diligence invested, this study was undoubtedly the greatest academic challenge of his life, while also being the most rewarding and fulfilling. Advice repeatedly handed from student to student when undertaking such a study is to carefully choose a topic for which the researcher feels passion and has great interest. This sentiment cannot be endorsed enough. The entire subject matter has been found to be enormously interesting throughout the course of the study and continues to remain so. Consequently, great pride is taken in the findings and conclusions of the study.

Ironically, a core theme in this study was motivation, and the motivation of the researcher, while extremely strong, was sternly tested during the long and arduous process. In fact, much can be taken from the findings of the study when offering advice to students undertaking a dissertation in the future. For example, when encountering difficulties with motivation, they should be encouraged with the immense effort already invested in the process, recognise past accomplishments while taking encouragement from them and the road to success should be attained and measured in small steps.

Given the researcher's role in An Garda Síochána, the findings also articulated the argument for, and reinforced the importance of, being perceived as being procedurally fair, consistent and honest when dealing with victims, the public and offenders.

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## **Appendix A**

### **Personal Progression Credits Chart for the IDTC**

Personal Progression Credits Chart for the IDTC

	Induction	Bronze	Silver	Gold
Participation	Attend a Drug Court orientation session - 5 Discuss participation in Drug Court with Team Representative. Holistic approach of programme explained including importance of accommodation arrangements and support structure - 5	Attend all required Drug Court and PALC sessions - 20	Attend and engage in all required Drug Court and PALC sessions - 20	Attend and engage in all required Drug Court and PALC sessions -20
Credits	10	20	20	20
Medical	Continue in or begin treatment and attend all required sessions - 10 Complete a health assessment -10	Continue to attend all required treatment sessions, in a sober state-5 Apply for medical card and visit GP for physical examination -5 Attend appointments with DTC nurse and attend all recommended medical appointments such as with psychiatrist, midwife, or hospital.-10	Continue to attend all required treatment sessions, in a sober state -5 Attend health information sessions in PALC-5 Continue to attend appointments with DTC Nurse and attend all recommended medical appointments -10	Continue to attend all required treatment sessions, in a sober state -5 Attend health information sessions in PALC-5 Continue to attend appointments with DTC Nurse and attend all recommended medical appointments-10
Credits	20	20	20	20
Social	Report to Community Welfare Officer - 5	Apply for (and ideally secure) safe	Maintain accommodation for self (and where	Maintain accommodation for self (and where

		accommodation for self (and where appropriate, family) - 10 Apply for state allowances with assistance of Community Welfare Officer -20	appropriate, family) -15 Secure state allowances for which participant is eligible -15	appropriate, family) -10 Secure state allowances for which participant is eligible -10 Present to DTC experience of participation in DTC programme -20
Credits	5	30	30	40
Drug use and stability	Agree to weekly drug screenings and other random screenings - 20	Agree to weekly drug screenings and other random screenings. -10 Remain abstinent from main drug of choice-10 Start counselling process - 5 Begin to address alcohol use, if this has been deemed a problem-5 Attend fellowship meetings as directed and provide proof of attendance.-10	Agree to weekly drug screenings and other random screenings.-10 Remain abstinent, from all illicit tablet use-15 Attend Stanhope alcohol awareness sessions as directed-5 Continue to address life and addiction issues in counselling-5 Attend fellowship meetings and provide proof of attendance -5 Apply for Employment including CE, voluntary and charitable schemes-10	Agree to weekly, more extensive drug screenings and other random screenings-10 Remain abstinent, from all non prescribed medications and cannabis-15 Continue to engage meaningfully in counselling and demonstrate ability to respond to and manage relapse-10 Attend fellowship meetings and provide proof of attendance -5 Apply for Employment including CE, voluntary and charitable schemes -10
Credits	20	40	50	50

Educational	Complete an educational assessment and career review – 10 Complete a literacy assessment – 10 Commit to education or job skills training programme (acquire a timetable) – 10	Full time attendance at agreed educational or job skills training programme and complete skills programme – 10 Actively pursue FETAC accreditation – 5 Develop career plan – 5	Demonstrate completion of components of FETAC – 10 Develop life plan including health, financial, employment and where appropriate, parenting skills – 5 Complete FÁS assessment – 5	Prepare and complete post-graduation life plan including health, employment and where appropriate -10 Complete where suitable FETAC Level 3 certificate -10 Submit application to college or work training or achieve placement where appropriate -10
Credits	30	20	20	30
Behavioural	Be of good behaviour and not come to the unfavourable notice of the Gardai - 75 Report to probation officer for preparation of court report and completion of initial LSI-R - 15	Be of good behaviour and not come to the unfavourable notice of the Gardai - 75 Report to probation officer for completion of follow-up LSI-R at end of Phase 1 -15	Be of good behaviour and not come to the unfavourable notice of the Gardai - 60 Participate in sessions with Probation Service to understand thinking patterns and offending behaviour and impact of crimes on victims - 15 Report to probation officer for completion of follow-up LSI-R at end of Phase 2 - 15	Be of good behaviour and not come to the unfavourable notice of the Gardai -50 Work with Probation Service to develop pro-social lifestyle skills -30
Credits	90	90	90	80



Achievement – activities going beyond participation in DTC		Develop personal progression plan and set goals with Drug Court Team Representative -20 Attend and Participate in Drug Court Support Group meetings -10	Refine personal progression plan and set goals with Drug Court Team Representative -10 Participate in projects and local initiatives not covered by DTC programme -10 Attend and Participate in Drug Court Support Group meetings -10	Refine personal progression plan and set goals with Drug Court Team Representative -10 Lead projects and local initiatives not covered by DTC programme - 10 Agree to participate in Drug Treatment Court Alumni group -10 Apply for / Participate in employment schemes including CE, voluntary and charitable schemes -10 Attend and Participate in Drug Court Support Group meetings -10
Credits		30	30	50
TOTAL AVAILABLE CREDITS	200	250	250	300

**Purpose:**

- The purpose of the matrix is to measure the progress of participants as they pass through the Drugs Treatment Programme. The matrix covers 7 key criteria for determining whether a participant can move towards a drug-free lifestyle. The awarding of credits at each stage gives the participant a sense of how they are progressing through the programme and the areas to be worked upon. The matrix will also assist in reporting to outside agencies the progress of participants in a more comprehensive way than the current system.

**Requirements to move through phases of programme**

- The weightings of credits are assigned in accordance with the importance of each success criterion.
- The DTC team will make recommendations to the Court on the achievement of credits at the different stages.
- To advance to the next phase, participants must be assessed by the DTC team and be judged to have attained an average of over 70% of available credits at each phase, (each aspect of the matrix has different levels of expected attainment of credits) with not less than 60% of the credits on any one criterion. Additional credits are available to participants where they take on extra tasks described in the achievement criterion.
- Credits will be decided by the DTC team and participants will be entitled to feedback for reasons for same.
- Participants should take no more than 12 months and no less than 3 months to move between each of the various stages of the programme
- Participants who attain the silver level of achievement, but who self terminate or are terminated from the programme at that point, will be recognised for same by having a recommendation that their sentence be suspended for a period of two years from the date of their termination from the programme. Before termination, such participants will be given every encouragement to continue with the programme and attain the gold level of achievement.

**Reporting to participants and external stakeholders**

- The awarding of credits will be decided by the Judge and the Drug Court Team at weekly meetings. The Drug Court Co-ordinator's role will be to capture the credits and any reasons for same at the meetings and generate the reports for participants and the team.
- Participants will have their own guide on the operation of the programme which will break down for them how they advance through the programme, in the simplest of terms.
- Participants will be presented with their feedback in a colour, graphical fashion. The reporting emphasis will be on showing participants the progress that they are making over time and to derive encouragement from this.
- The Court and the team will have access to collated figures which will show the progress of individuals and the group as a whole. The sharing of information and the monitoring of progress among the team is essential in ensuring a holistic approach to working with participants.

### **Awarding of credits**

- Credits will only be awarded for objective achievements that are clearly defined and measurable. The grounds for removal of credits will also be clearly defined.
- For the credibility of the programme, the standards must be applied rigorously, even though it may result in the early termination of participants.
- For participants who submit dirty urines, credits must be removed from those participants who fail to disclose drug use in the previous period. A distinction must be drawn between those participants who slip and those whose slip is part of a pattern of slips. Participants who voluntarily disclose drug use prior to testing should not be deducted all of their credits. However, a noticeable pattern of drug use will prevent a participant from advancing to the next phase of the programme. For Participants to be deemed abstinent, they must have submitted clean urines for a minimum of 6 weeks.
- Participants should not be penalised where it can be determined that their failure to achieve credits is due to circumstances outside of their control such as an inability to secure housing.

## **Appendix B**

Chart exhibiting the point values of the various sanctions

<b>Phase 1</b>		<b>Phase 2</b>		<b>Phase 3</b>	
<b>Sanctions</b>	<b>Rewards</b>	<b>Sanctions</b>	<b>Rewards</b>	<b>Sanctions</b>	<b>Rewards</b>
Bench warrant <b>-10 points</b>		Bench warrant <b>-10 points</b>		Bench warrant <b>-10 points</b>	
Stoned in Court <b>-5 points</b>		Stoned in Court <b>-10 points</b>		Stoned in Court <b>-10 points</b>	
Bogey urine <b>-70 points</b>	Consistent punctuality <b>+8 points</b>	Bogey urine <b>-70 points</b>	Consistent punctuality <b>+8 points</b>	Bogey urine <b>-70 points</b>	Consistent punctuality <b>+8 points</b>
Not keeping appointment with PWS, liaison nurse or education co-ordinator <b>-2 points</b>	Consistent progress  <b>+4 points</b>	Not keeping appointment with PWS, liaison nurse or education co-ordinator <b>-4 points</b>	Consistent progress  <b>+8 points</b>	Not keeping appointment with PWS, liaison nurse or education co-ordinator <b>-8 points</b>	Consistent progress  <b>+12 points</b>
Not going to work or to your education course <b>-2 points</b>	Consistent attendance at Counsellor's sessions <b>+4 points</b>	Not going to work or to your education course <b>-4 points</b>	Consistent attendance at Counsellor's sessions <b>+8 points</b>	Not going to work or to your education course <b>-8 points</b>	Consistent attendance at Counsellor's sessions <b>+12 points</b>
Not going to treatment providers <b>-2 points</b>	Reaching the goals set in PPP <b>+8 points</b>	Not going to treatment providers <b>-4 points</b>	Reaching the goals set in PPP <b>+8 points</b>	Not going to treatment providers <b>-8 points</b>	Reaching the goals set in PPP <b>+8 points</b>
Not going to group <b>-4 points</b>	Giving consistent clean urine samples <b>+6 points</b>	Not going to group <b>-8 points</b>	Giving consistent clean urine samples <b>+6 points</b>	Not going to group <b>-12 points</b>	Giving consistent clean urine samples <b>+6 points</b>
Not going to a PPP meeting <b>-5 points</b>	Complete group <b>+6 points</b>	Not going to a PPP meeting <b>-10 points</b>	Complete group <b>+6 points</b>	Not going to a PPP meeting <b>-10 points</b>	Complete group <b>+6 points</b>
New charge at least <b>-10 points</b>	Finish exam <b>+4 points</b>	New charge at least <b>-10 points</b>	Finish exam <b>+4 points</b>	New charge at least <b>-35 points</b>	Finish exam <b>+4 points</b>
Disputing urines (culpable) <b>-2 points</b>	1 <sup>st</sup> 2 consecutive clean urines <b>+6 points</b>	Disputing urines (culpable) <b>-4 points</b>	1 <sup>st</sup> 2 consecutive clean urines <b>+6 points</b>	Disputing urines (culpable) <b>-10 points</b>	1 <sup>st</sup> 2 consecutive clean urines <b>+6 points</b>

Dirty urine sample <b>-2 points</b>	Consistent attendance <b>+6 points</b>	Dirty urine sample <b>-4/8 points</b>	Consistent attendance <b>+6 points</b>	Dirty urine sample <b>-10/12 points</b>	Consistent attendance <b>+6 points</b>
Dishonesty <b>-10 points</b>		Dishonesty <b>-10 points</b>		Dishonesty <b>-10 points</b>	
Not keeping to sanctions or orders of the Court <b>-5 points</b>		Not keeping to sanctions or orders of the Court <b>-8 points</b>		Not keeping to sanctions or orders of the Court <b>-12 points</b>	
Not going to Court <b>-4 points</b>		Not going to Court <b>-8 points</b>		Not going to Court <b>-12 points</b>	
Refusing to give a urine sample <b>-4 points</b>		Refusing to give a urine sample <b>-8/12 points</b>		Refusing to give a urine sample <b>-18/20 points</b>	

- The Judge will decide whether to give these rewards or sanctions.
- -10 points means one day in custody. -70 points means one week in custody.
- Refusing to give a urine sample equals a dirty urine sample plus dishonesty.

## **Appendix C**

### **Bronze Phase Information Booklet**

As you work through the programme, the team will tell you how you are doing and the areas to watch. We will give you extra credit if you take part in positive events not covered by the Drug Treatment Court Programme. These include meetings of the Drug Court Support Group every Tuesday afternoon in the Parnell Adult Learning Centre and meetings of other groups, such as Narcotics Anonymous. At every meeting we will tell you about the credits given or take away over the weeks and give you a written report explaining why.

### **How do I go on to the next stage?**

You have twelve months from the date you start on the bronze phase to move on to the next phase of the programme, which is called the silver phase. If you get through the silver phase, you could find that your sentence is suspended. Most people who take the programme seriously have no difficulty in moving on to the next phase in one year. However, if there are strong reasons why you shouldn't move on, you will not be allowed continue with the programme and will be returned to court to be sentenced.

### **Something to keep in mind**

You have to take responsibility for yourself and your behaviour. You will be treated like an adult but you must behave like an adult. If you take part with the idea that you can buck the system, you will be expelled from the programme. It's up to you.

### **Further information**

Contact the Drug Treatment Court Co-ordinator at 01 8886294 or by e-mail at [drugtreatmentcourt@courts.ie](mailto:drugtreatmentcourt@courts.ie)



An tSeirbhís Chúirteanna  
Courts Service

August 2011

# **The Drug Treatment Court Programme**

*a guide to the induction and bronze phases*

*for participants*

## **Welcome**

This leaflet explains the Dublin Drug Treatment Court Programme and outlines what is involved for those who take part. For people struggling with drug addiction, the Programme is an opportunity to get their lives back on track with the help of an expert team and the courts.



## **Why should you take part?**

If you have been struggling with your addiction for a while, have been arrested after committing a crime to feed your habit and are facing a spell in prison, the programme offers you a chance to find a new direction in your life. It will help you to manage your addiction and give you a chance to gain valuable qualifications to improve yourself. It will help you find treatment and a better place to live and let you know what you are entitled to claim from the State.

## **How do I take part?**

You must plead guilty to the charges put to you in the District Court and then be referred to the Drug Treatment Court by a District Court Judge. You will not be referred if you are pleading guilty to serious offences.

You must persuade the judge that your crime was as a result of or linked to your drug addiction. Your solicitor can propose that you be allowed onto the programme and you can explain to the judge why you want to take part. To give yourself the best chance, you must cooperate fully with the Gardaí, the Court and the Probation Service. You have to persuade everyone involved that referring you to the Drug Treatment Court Programme will not be a waste of time.



## Induction Phase

### What is involved?

If you are referred to the Drug Treatment Court Programme, you will firstly take part in an assessment or induction to find out if you are suitable. This process can take up to two months to complete. As part of the process you must:

- \* Sign a form to confirm that you are happy for your information to be shared within the Drug Treatment Court Team
- \* Attend a meeting in the Chancery Street Courthouse with the Drug Treatment Court team
- \* Start treatment or continue any treatment you are in and attend all sessions
- \* Complete a health assessment with the Drug Treatment Court nurse
- \* Meet a Community Welfare Officer to work out whether you are receiving all of your State entitlements
- \* Meet the Education Coordinator from Parnell Adult Learning Centre to discuss your education to date and work out an education and skills programme
- \* Meet a Probation Officer who will prepare a report for the Court on your suitability for the programme.

You must also agree to be tested for drugs once a week. The results will determine whether you can remain with the programme. You will be tested as part of your treatment but you may be tested at least once more in a week, if the team considers it necessary.

We have over 10 years of experience of people taking part in this programme and do not expect miracles overnight. We understand that people can slip but if they slip regularly we have to give their place to someone else. We expect you to be honest with us if you have a slip. If you attempt to hide your drug taking, the consequences will be worse than if you own up. We do not have the time to waste on people who do not do their best.

You must behave yourself and not get into trouble with the Gardaí. This will mean keeping away from those friends who you got into trouble with before. It may mean staying in at night time, instead of going out with your old friends. You may find it boring and get fed up but this is all about you taking the opportunity for a new start.

## Bronze Phase

### What happens after the assessment is done?

If you pass the induction phase, you will be admitted to bronze phase, which is the first of three phases of the programme (the other two phases are silver and gold). During the bronze phase, you must attend the Drug Treatment Court every Wednesday afternoon in the Chancery Street Courthouse, where a report from every member of the Drug Treatment Court Team will be given to the judge. You and your solicitor will be asked to explain why you want to go on the programme.

If you are accepted on to the programme, the criminal charges remain against you until you graduate. If you drop out, there is a good chance that you will be sent to prison. On the programme you have to:

- \* Attend the Drug Treatment Court in the Chancery Street Courthouse most Wednesday afternoons and tell the judge how you are getting on
- \* Attend appointments with the Drug Treatment Court nurse and other medical experts
- \* Take part in weekly and random drug screenings and stay off your main drug of choice
- \* Start the counselling process, as part of your treatment, to manage your addiction
- \* If you abuse alcohol you must start to deal with this
- \* Continue with your treatment and attend all sessions
- \* Attend classes in Parnell Adult Learning Centre
- \* Develop a career plan with the staff from Parnell Adult Learning Centre
- \* Apply for a medical card and visit a doctor for a physical examination
- \* Apply for State allowances with the help of a Community Welfare Officer
- \* Meet with a Probation Officer to look at changes you need to make in your behaviour to ensure that you do not commit any further offences.
- \* Apply for safe and secure accommodation for you and (where appropriate) your family.

## **Appendix D**

### **Silver Phase Information Booklet**

### How do I go on to the next stage?

You have twelve months from the date you start on the silver phase to move on to the gold phase. Most people who take the programme seriously will have no difficulty in moving on in that period. However, if there are strong reasons why you shouldn't move on you will not be allowed stay on the programme and your participation on the programme will be terminated. You will then be sent back to court to have your sentence imposed and perhaps go to prison.

### Something to think about

Achieving the silver standard is a very good thing and may be good enough for you. It may be more than you thought you could ever achieve. But don't stop now. The gold phase has lots more to offer. You could achieve a full FETAC qualification that might lead to a place in college or improve your chances of getting a job. And more importantly if you reach the gold standard the charges against you will be struck out letting you get on with the rest of your life. It's up to you.

### Further information

Contact the Drug Treatment Court Co-ordinator at 01 8886294 or by e-mail at [drugtreatmentcourt@courts.ie](mailto:drugtreatmentcourt@courts.ie)



An tSeirbhís Chúirteanna  
Courts Service

August 2011

# The Drug Treatment Court Programme

*a guide to the silver phase*

*for participants*



### Welcome

This leaflet explains the silver phase of the Dublin Drug Treatment Court Programme and what is involved if you take part. It is a chance to build on the positive work you have done up to now. You have been making a good effort to get off drugs, you are attending classes in Parnell Adult Learning Centre, you are staying out of trouble with the Gardaí and you are looking to the future. You have probably found the programme hard and no doubt have had your ups and downs with the team, the judge and your addiction but you are still here.

At this stage you are hopefully realising that the Drug Treatment Court Programme is a fantastic opportunity to get your life back on track. There is still the chance that you might go to prison.

### How do I take part?

You must have completed the bronze phase of the programme and ask to be referred to the silver phase.

## Silver Phase

### What is involved?

Many of the targets you must achieve are like those in the bronze phase but you will have to work a little bit harder this time. To give you a good start any credits over and above the 70% pass mark that you got in the bronze phase will count as silver phase credits. You have to:

- \* Continue to attend the Drug Treatment Court in the Chancery Street Courthouse usually every second Wednesday to talk to the judge about how you are getting on
- \* Continue with your drug treatment and attend all sessions
- \* Attend all appointments with the Drug Treatment Court nurse and all other medical experts, in a sober state
- \* Participate fully in weekly and random drug screenings and stay off drugs, particularly any unprescribed tablets you may have been taking
- \* If alcohol use is a problem for you, you must continue to address this and ensure that it does not affect your ability to participate in your programme. Alcohol levels will be measured in your urine and you may have to undergo breathalysers in your clinic or pharmacy
- \* Attend Stanhope alcohol awareness sessions if you have been requested to do so
- \* Continue to address life and addiction issues in counselling
- \* Ensure you keep your medical card up to date, and look after your health by attending all appointments
- \* Continue to attend all classes in Parnell Adult Learning Centre, in a sober state and develop a life and career plan with the education coordinator there
- \* Show that you have finished some of the Further Education Training Awards Certificates (FETAC) – these are certificates awarded in Parnell Adult Learning Centre in all the subjects you do there
- \* Complete a FÁS assessment
- \* Begin the process of applying for a job or community employment scheme, further education or training which ever is deemed suitable for you. You might also apply to voluntary and charitable schemes

## Silver Phase

- \* Continue to see your probation officer who will help you to work out ways to overcome difficulties or problems in such a way that you do not commit any further crimes
- \* Continue to be of good behaviour and don't get into trouble with the Gardai
- \* With the help of a Community Welfare Officer, secure all State allowances for which you qualify
- \* Maintain safe and secure accommodation for you and (where appropriate) your family.

You will get extra credits if you take part in projects and local initiatives not covered by the Drug Treatment Court programme. You should keep going to meetings of the Drug Court Support Group every Tuesday afternoon in the Parnell Adult Learning Centre and meetings of other groups, such as Narcotics Anonymous.

At every meeting with the Drug Treatment Team we will tell you about the credits given or taken away over the weeks and give you a written report explaining why.

You must continue to be tested for drugs every week. The results will determine whether you can stay on the programme. You will be tested as part of your treatment but you may be tested at least once more in the week, if the team feels it is required.

We expect you to be honest with us if you have a slip. If you are caught attempting to hide drug taking, or provide a bogus sample the consequences will be more severe than if you own up.

The good news is that if you complete the silver phase, the Drug Court judge will recommend that your sentence will at least be suspended. This may well mean that you will not go to prison.

## **Appendix E**

### Gold Phase Information Booklet

### Further information

Contact the Drug Treatment Court Co-ordinator at 01 8886294 or by e-mail at [drugtreatmentcourt@courts.ie](mailto:drugtreatmentcourt@courts.ie)



An tSeirbhís Chúirteanna  
Courts Service

August 2011

# The Drug Treatment Court Programme

*a guide to the gold phase*

*for participants*



### Welcome

This leaflet explains the Dublin Drug Treatment Court Programme and outlines what is involved for those who take part in the gold phase of the programme.

### Why should you take part?

You have come a long way in your recovery and you may feel that you have done enough for now. However, by sticking with the final part of the programme, you will be given the opportunity to have all of the charges hanging over you struck out completely. You will also have the chance to continue to work on staying clean and getting the skills to get a job. Ultimately, it is about pride – pride in your achievements and making your family and friends proud.

### How do I take part?

You must successfully complete the silver phase of the Drug Treatment Court Programme and be recommended by the team to be admitted.

## Gold Phase

### What is involved?

You must attend the Drug Treatment Court as required in the Chancery Street Courthouse, usually once a month. Before court, a report from every member of the Drug Treatment Court Team will be given to the judge. At this stage of the programme you have to:

- \* Attend the Drug Treatment Court in the Chancery Street Courthouse usually once a month on Wednesday afternoons and tell the judge how you are getting on
- \* Continue with your treatment and attend all sessions
- \* Take part in weekly and random drug screenings and stay off your main drug of choice. You must stop using cannabis if you are to achieve a gold award.
- \* Agree to cooperate with extra testing, if the team feels it necessary
- \* Continue to attend appointments with the Drug Treatment Court nurse and other medical experts
- \* Continue the counselling process, as part of your treatment
- \* Attend meetings of the Drug Treatment Court Support Group and Narcotics Anonymous meetings to help your recovery
- \* Continue to attend classes in Parnell Adult Learning Centre and to complete course work
- \* Prepare a plan with the Education Coordinator from Parnell Adult Learning Centre for your life after the Drug Treatment Court
- \* Continue to meet with your Probation Officer as required on a regular basis. Work with the Probation Officer to make your new ways of behaving and coping into good habits, which will help you to ensure that you do not commit any further offences.

## Gold Phase

- \* Stay out of trouble with the Garda Síochána
- \* Maintain your accommodation and continue to claim your State allowances
- \* When you graduate, give a short speech on your experience of the Drug Treatment Court Programme.

As you work through the programme, the team will tell you how you are doing and the areas to watch. At every meeting we will tell you about the credits given or take away over the weeks and give you a written report explaining why.

### How do I graduate?

You have twelve months from the date you start on the gold phase to graduate. Most people who take the programme seriously have no difficulty in moving on in that period. However, if there are strong reasons why you shouldn't move on, your participation on the Drug Treatment Court Programme will be terminated and you will be returned to the original court for sentencing. While you may receive a suspended sentence, your charges will not be struck out.

### Something to keep in mind

People who complete the silver phase have come a long way. It would be a shame to leave at that point and not take advantage of all of the supports available by staying with the Drug Treatment Court Programme to the end. Think of the great story you can tell your family and friends if you get a gold award.

## **Appendix F**

Three observation plans



Participant: XXXXXX XXXXXX Code: PP2F4 Date: 11<sup>th</sup> July 2012

		Progress				Points + / -	Comments
HSE		Positive tests				-4 is	She did say the last day in court that she had a slip and put it down to painful memories. She is having family problmes, which were related to her drug use. She’s struggling J: she needs to talk to someone about that
		Ben √	Can √	Ops √	Meth √		
Education		Attendance					She wants help. She’s not blaming anyone else, she is honest, she did contact me which is good, we had the best conversation so far. I talked her about counselling and she is organising some. Going to organise another joint meeting She is attending treatment programme. She is struggling, she had new offences when she began the programme but has managed to remain crime free.
		Full Y / N compliance		Days missed			
Gardai		Reoffending					The odd slip in drug use is worring. J: maybe encouragment is needed.
		Nil √	Arst	Crg	Ct		
Probation		Attendance					TM: should we consider bringing her before the court more regularly. TM: yeah, because we are worried J: ok, we will bring her back next week so.
		Full compliance Y		Appoint’s missed			
Judge						Total	
Judge to participant	Encouragement Advice Praise					How are you? P: I did mention that I had a slip J: you will be having another joint meeting to get things back on track because you need support. You have had difficulties but you will get this as another start and another chance Note: Judge listening intently and being supportive and understanding. J: don’t get yourself down hearted about it, everyone has slips. Once you get back on track you will feel better about yourself. Just right now you need that extra support	
Participant to Judge	Admission of lapse Thanks Promise						

Participant: John Code: PP1M42 Date: 4<sup>th</sup> July 2012

		Progress				Points + / -	Comments
HSE		Positive tests				-2	Unstable yet, but he said that he was at the start  Very good, in class every day and doing his best
		Ben √	Can √	Ops √	Meth √		
Education		Attendance					Attended probation meeting yesterday soaked to the skin and was still on time That was his second appointment and we are very happy with him He is motivated
		Full Y <del>/N</del> compliance		Days missed			
Gardai		Reoffending					J: excellent, I feel like giving him points for coming in in such rain, will we give him plus 5? Team agreed
		Nil X	Arst	Crg	Ct		
Probation		Attendance					J: (said jokingly) as long as they all don't all try to fake the same thing. We have to be appreciative.
		Full compliance Y <del>/N</del>		Appoint's missed			
Judge						Total	
						+5	
Judge to participant	Encouragement Advice Praise					How are you, P: alright, getting there. J: you're doing really well in school and because of making appointment in such rain you are getting 5 points	
Participant to Judge	Thanks Promise					J: (to courtroom and P) no water on your heads for everyone else but because you (P) showed motivation and dedication you are getting points (great interest from the others and he was happy and seemed proud but a little embarrassed)	

Participant: XXXXXX XXXXXXXXXXXX Code: PP2M9 Date: 11<sup>th</sup> July 2012

		Progress				Points + / -	Comments
HSE		Positive tests				+9	Positive in two screens, ready to go to phase 3, encouraging signs that he is trying to control cannabis use. +9 for achieving short term goals, PPP to be signed today.
		Ben √√	Can √√	Ops	Meth √√		
Education		Attendance					Phase 3 today. He is doing really well Hopefully he will give up cannabis and graduate. He gets a certificate today
		Full Y compliance		Days missed			
Gardai		Reoffending					He missed two days of school but had hospital attendance proof and he had holidays approved.
		Nil X	Arst	Crg	Ct		
Probation		Attendance					Probation very happy with him, he is doing very good
		Full compliance Y		Appoint's missed			
Judge						Total	
Judge to participant	Encouragement Praise					J: How are you, you have an excellent report, the only thing is the cannabis. Everyone is delighted with you. Phase 3 award announced and he was presented with the phase 3 certificate. (he received a round of applause) others participants in the court were saying well done and offering other encouragement as he stepped down out of the dock, one participant shouted encouragement “go on Xxxxxx” before he stepped out of the dock.	
Participant to Judge	Thanks						

## **Appendix G**

### Observation consent

## CONSENT FORM

I hereby acknowledge that I am aware that Mr. James N. O'Sullivan is currently conducting a Dissertation Research Study in part compliance of a Masters Degree Course in Criminology at the Dublin Institute of Technology. I am also aware that one element of his research study is the observation of the Irish Drug Treatment Court Judge and team members during Pre-Court Meetings and Court Sitzings between March and August 2012.

Mr. O'Sullivan has informed me that the research question is as follows: "What is the role of the Irish Drugs Treatment Court (IDTC) Practitioners in promoting offender compliance?" He also stated clearly that he will treat as confidential and shall not divulge in any way or form any information which would serve to disclose details including the identity of any participant or person employed in connection with the court.

He has further undertaken to make available his final dissertation on its completion to the Drug Treatment Court team.

I hereby give my informed consent to permit Mr. James N. O'Sullivan to carry out observation under the stated terms as part of his research study.

Signed: \_\_\_\_\_

Witnessed: \_\_\_\_\_

Date: \_\_\_\_\_

## **Appendix H**

Observation letter

Dear Participant,  
Irish Drug Treatment Court,

My name is Jim O'Sullivan and I am currently studying for a Masters Degree in Criminology in Dublin Institute of Technology. Part of my course requires that I complete a dissertation from a research study.

My research question is "What is the role of the Irish Drugs Treatment Court (IDTC) Practitioners in promoting offender compliance?" and one piece of the method I am using includes me carrying out observation of the Judge and the Drugs Court Team in the Drugs Court sittings between March and August 2012.

As a matter of courtesy and openness I wanted to inform you of my observation in the courtroom. It is important to note however that I will not be using any personal details of participants whatsoever in the writing and processing of information during my research study. Under no circumstances will any of your personal or identifying details be made known outside the court as a result of my study.

I have received authorisation from the Courts Service to carry out my research study and I envisage that my study will result in helpful and positive findings for the Drugs Treatment Court.

I will make my final dissertation available to the Education Coordinator upon completion and you will all be more than welcome to read it in full.

Please don't hesitate to contact me with any queries whatsoever touching on this matter at [jamesnosullivan@hotmail.com](mailto:jamesnosullivan@hotmail.com)

Kindest regards,

James N. O'Sullivan.

## **Appendix I**

Interview consent form



## INTERVIEW CONSENT FORM

I hereby acknowledge that I am aware that Mr. James N. O'Sullivan is currently conducting a Dissertation Research Study in part compliance of a Masters Degree Course in Criminology at the Dublin Institute of Technology. I am also aware that one element of his research study is carrying out interviews with Criminal Justice System practitioners with particular focus on individuals with experience in the workings of the Irish Drug Treatment Court.

Mr. O'Sullivan has informed me that the research question is as follows: "What is the role of the Irish Drugs Treatment Court (IDTC) Practitioners in promoting offender compliance?" He also stated clearly that he will treat as confidential and shall not divulge in any way or form any information which would serve to disclose details including the identity of any programme participant or person employed in connection with the court.

He has outlined his proposed method of conducting the interview which will be audio recorded and he has given an undertaking that the recordings and any transcripts emanating from same will be stored securely by him and that their sole purpose is to assist him in his research study.

Mr. O'Sullivan ensures that any of the said transcripts which may be appendices in his final dissertations will not bear details which may disclose my identity insofar as is possible.

He has further undertaken to make available his final dissertation on its completion to interviewees participating in his study.

I hereby give my informed consent to permit Mr. James N. O'Sullivan to carry out recorded interviews with me under the stated terms as part of his research study.

Signed: \_\_\_\_\_

Witnessed: \_\_\_\_\_

Date: \_\_\_\_\_