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Position statement      **Drug Rehabilitation Requirement Testing**

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The Magistrates Association (MA) believes it is vitally important that Drug Rehabilitation Requirements (DRRs), along with other Treatment Requirements, are available as an option for all sentencers across England and Wales. DRRs allow sentencers to offer offenders support to address underlying problems that are linked to offending behaviour, and can therefore reduce reoffending. We would also take this opportunity to welcome the Community Sentence Treatment Requirements project which is successfully piloting Treatment Requirements (TRs) that offer sentencers flexibility in terms of ordering a combination of TRs that can be run either in parallel or consecutively, depending on the needs of the offender. As a significant proportion of offenders seen by magistrates have multiple, complex needs, ensuring they are able to order (for example) a DRR alongside a Mental Health Treatment Requirement is very welcome. We would also note that the fact an individual has been on previous TRs which have not been successful should not automatically exclude them from being ordered again. It can take numerous TRs before a change in offending behaviour occurs, and any change in circumstances or attitude should be taken into account when deciding whether a TR might be successful this time.

As with any court order, sentencer confidence comes from an understanding that attendance at the DRR is robustly supervised, and there is real opportunity for rehabilitation. It is, though, important to remember that any sentence should be responding to the specific circumstances of the individual offender, and therefore a tailored approach to monitoring the DRR is necessary. While testing offers one way of monitoring the success of the DRR, it is not the only way, and it should be noted that a reduction in substance abuse that does not involve complete abstinence could still be viewed as a successful outcome; especially if it results in a reduction in offending behaviour.

It is right that the frontline providers of the DRR take a therapeutic approach to resolving substance abuse problems, but court reviews are also important in ensuring not just compliance but also in sentencer confidence that the order is effective in reducing reoffending. Instead of only focusing on drugs tests as a way of reviewing a DRR, the MA would prefer information to be provided about compliance with the order, as well as any changes in behaviour which might indicate a positive outcome. It would be for the specialist working with the offender as part of the DRR to suggest whether regular testing would be an effective way of supporting the individual, and if so what frequency of testing would be best; as well as providing sufficient information to the court in relation to review mechanisms. The court would then retain discretion over the final decision about what approach should be taken, and stipulate any other details required for the next review, together with the date.