

ANZSOG CASE PROGRAM – TEACHING NOTE

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Measuring success in the ACT's Drug and Alcohol Sentencing List

An ANZSOG Teaching Case by Dr Sophie Yates, Professor Lorana Bartels & Professor Meredith Rossner

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Summary

This case illustrates the dilemmas of measuring and evaluating success, through discussion of the ACT's first adult drug court, the Drug and Alcohol Sentencing List (DASL). Prisons are ineffective in addressing many of the drivers of crime, so governments are increasingly seeking alternatives to incarceration. One option is problem-solving or solution-focused courts, which provide case management and wrap-around services in the community. But the problems they seek to address are often deep-seated and 'wicked', crossing many different policy areas (e.g., health, housing, employment) and involving intergenerational disadvantage and trauma. Any single intervention (however intensive) is unlikely to be able to solve an individual's problems completely or over the long term. Offending driven by substance use is one such example, as recovery from drug addiction and desistance from crime are increasingly

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understood to be complex, interlinked, non-linear processes. Furthermore, evaluations of whether drug courts ‘work’ often focus on recidivism – i.e., whether the intervention significantly reduces reoffending. Another key metric is ‘completion’ – whether a client progresses through all the stages of the program. The evidence presented in this case suggests that, if decision-makers focus on recidivism and a binary measure of completion or non-completion, they miss the many other contributions that drug courts can make to improving health, social and criminal justice outcomes.

The key decision-makers in this case were those in the justice portfolio (both politicians and public servants), who had to decide using limited data whether to extend or even expand the DASL trial – on the basis of whether it had constituted a ‘success’. The relevant data included criminal justice statistics; drug use, health and wellbeing surveys; financial data; and interviews with professional stakeholders and court clients.

Readers will be encouraged to think about what success means in a normative sense, and what kinds of data can be drawn on to evaluate whether to continue funding an intervention – especially in the context of a small jurisdiction where program numbers may be quite low. This precludes gold-standard evaluation techniques, such as randomised controlled trials, and is especially compounded by patchy data collection. There is also potential to think about the differences between process and outcome evaluations and the contribution each might make to understanding what influences positive outcomes.

Intended audience and how the case can be used

This case can be used in courses relating to public service delivery and implementation, public sector decision-making, and criminal justice systems (i.e. courts). The intended audience is postgraduate students in public policy, government, public management, public health, or criminology.

The case could form the basis of a discussion over a 1-hour session, with participants taking on various roles, e.g. policy-makers, court administrators, media liaison.

Learning Objectives

This case will enable students to:

- critically discuss what kinds of data and indicators should be built into program trials, to allow for robust evaluations of process and outcomes, and consider additional resourcing needs for evaluation
- think about notions of policy and program success, from the perspectives of different stakeholders
- consider the different contributions that qualitative, quantitative, externally-validated and self-report data can make to building a holistic picture of program success and failure
- recognise the implications of limited data collection, in a real-world context
- think about the ‘boundaries’ of a policy area and how even a collaborative multi-agency initiative can be affected by complex needs that extend into other policy areas (e.g. housing); consider the budgeting and resourcing implications of addressing wicked problems.

Suggested Teaching approach

Suggested discussion questions:

Evaluation and success

- What are the different types of data considered in this case? What are their respective strengths and limitations? What different contributions might they make to understanding program success and failure?
- Why are both process and outcome evaluations important for policy-making? What are their strengths and limitations?
- How important is it to hear from ‘end users’ of a program like DASL? What are some of the practical and ethical issues around ensuring their voices are heard?

- What would you consider the minimum threshold for success or program continuation, if you were a decision-maker in the ACT Government? What would you need to know, to make a decision on whether the program had 'worked'?
- What additional data sources might governments use to triangulate some of the qualitative findings on wellbeing and social integration and what are the resourcing implications of collecting these data?
- How might ACT's Justice and Community Safety Directorate approach the evaluation of DASL in the longer term?
- What are the implications of this case for smaller jurisdictions, when it comes to program evaluation?

DASL design and implementation

- What are the implications of a collaborative model led by the health agency, rather than the more usual justice-led model?
- What challenges might a collaborative multi-agency model face in handling cases at the individual level?
- Ideally, how far is it realistic for a program like DASL to extend – into how many different policy and service delivery areas? Where should it stop, given the traditional role of the courts and the separation of powers?
- What effect might New Public Management-influenced models of contracting have on the implementation and development of DASL?
- What might be some strategies for managing treatment decisions and maximising treatment effectiveness, in a resource-constrained small jurisdiction?
- What steps need to be taken to ensure that programs of this nature are responsive to the diverse needs of marginalised members of the community (e.g., Aboriginal and Torres Strait Islander people, LGBTIQ+ people)?

The authorising environment

- Reflecting on stakeholders' accounts, how might resource scarcity impact the perceived fairness of DASL and similar programs in the community?
- What impact might these DASL resourcing dilemmas have on the ACT government's justice reinvestment approach to reducing recidivism?

Example group activity: Brainstorming evaluation metrics

Objective: Get students to think creatively about effective evaluation methods for rehabilitation programs.

- Divide students into groups and ask each group to design an evaluation plan for DASL (15 minutes).
- Each group should identify at least five metrics they believe would be crucial in assessing DASL's success. The metrics should be related to a range of different outcomes. Groups should consider the timeframe for each metric and potential data sources. They should further consider how to capture short vs long-term impacts.
- Each group presents their chosen metrics and rationale (10 minutes).
- Teacher facilitates a brief discussion on the advantages and limitations of different evaluation methods (5 minutes).

Example essay question

Think of a different government program/service, where a narrow focus on outputs or quantitative, easily measurable outcomes might be obscuring some of the broader impacts (either positive or negative). Describe the program, its context, current approaches to evaluation, and why they might not be sufficient. Suggest alternative/additional outcomes and measures to give a fuller picture.

FURTHER RESOURCES

The full ANU evaluation

Rossner, M., Bartels, L., Gelb, K., Wong, G., Payne, J., & Scott-Palmer, S. (2022). *ACT Drug and Alcohol Sentencing List: Process and Outcome Evaluation Final Report*. Australian National University.
https://www.courts.act.gov.au/_data/assets/pdf_file/0003/2054640/ACT-Drug-and-Alcohol-Sentencing-List_Final-Report.pdf

Recent development – new cost-benefit analysis of DASL

KPMG. (2024). *Cost-Benefit Analysis of the Drug and Alcohol Sentencing List*. Justice and Community Safety Directorate. https://www.justice.act.gov.au/_data/assets/pdf_file/0012/2568378/Cost-Benefit-Analysis-Report-of-the-Drug-and-Alcohol-Sentencing-List.pdf

Policy success and Positive Public Administration

Douglas, S., Schillemans, T., 't Hart, P., Ansell, C., Bøgh Andersen, L., Flinders, M., Head, B., Moynihan, D., Nabatchi, T., O'Flynn, J., Peters, B. G., Raadschelders, J., Sancino, A., Sørensen, E., & Torfing, J. (2021). Rising to Ostrom's challenge: An invitation to walk on the bright side of public governance and public service. *Policy Design and Practice*, 4(4), 441–451. <https://doi.org/10.1080/25741292.2021.1972517>

Flinders, M. (2024). *Chapter 3: Beyond the binary: understanding success and failure* (P. Lucas, T. Nabatchi, J. O'Flynn, & P. 't Hart, Eds.; pp. 40–57). Edward Elgar. <https://www.elgaronline.com/edcollchap-0a/book/9781803929170/book-part-9781803929170-10.xml>

Evaluation

Rogers, P. J., & Woolcock, M. (2023). *Process and Implementation Evaluations: A Primer* (Working Papers). Center for International Development at Harvard University.

Therapeutic jurisprudence and drug courts

Australasian Therapeutic Jurisprudence Clearinghouse. (nd). <https://aija.org.au/publications-introduction/australasian-therapeutic-jurisprudence-clearinghouse/>. Australasian Institute of Judicial Administration.

Feedback on Teaching Note use

To assist with continual improvement, if you've used this Teaching Note, we'd greatly appreciate your feedback and suggestions for improvement. To do so, please email caselibrary@anzsog.edu.au with the name of the case and your comments. Many thanks in advance.

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