Alcohol and Other Drug Treatment Court cost-benefit analysis

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Executive summary

The Alcohol and Other Drug Treatment Court (AODT Court) is a specialist court that has operated since 2012 within the District Court under general legislation and judicial discretion. Its intended outcomes are to:

- · reduce reoffending
- reduce alcohol and other drug (AOD) consumption and dependency
- reduce the use of imprisonment
- · positively impact on health and wellbeing
- be cost-effective.

In 2018/19 an outcomes evaluation was completed to measure the AODT Court's success in achieving its goals. The evaluation was carried out by the Ministry of Justice and the Ministry of Health, with support from New Zealand Police National Headquarters, the judiciary, the Department of Corrections, and the Ministry of Social Development. It includes three components:

- a quantitative outcomes evaluation
- a qualitative outcomes evaluation (led by the Ministry of Health)
- a cost-benefit analysis.

This cost-benefit report makes up the third part of the 2019 evaluation of the AODT Court. It assesses how successful the court has been in achieving its fifth objective: to be cost-effective.

The cost–benefit analysis draws on data from the Quantitative Outcomes Evaluation. The quantitative analysis used a matched comparison group method to measure the outcomes of the AODT Court. A randomised control study would have provided the best possible data for this cost–benefit analysis; however, this study design was not possible with the implementation of the Court.

This document should be read alongside the other evaluation documents: the Quantitative Outcomes Evaluation, the Qualitative Outcomes Evaluation (by Litmus), and the Summative Outcomes Evaluation. A comprehensive description of the AODT Court is included in the Summative Outcomes Evaluation.

The cost–benefit analysis is made up of two components: a cost model and a cost–benefit analysis completed using a variant of the Treasury's CBAx tool.

Cost model

The cost model detailed the actual costs of the AODT Court for all agencies involved. It also compared them with detailed counterfactual costs, which estimated the costs for the same people if they had gone through the standard court process rather than attending the AODT Court. The cost model provided the basic cost data for the cost—benefit analysis.

The cost for each AODT Court participant was \$98,228, while the cost per person for the standard court process was \$67,921. Across the whole group the difference between the total AODT Court cost and standard court cost was \$14,456,133.

Cost-benefit analysis

The cost–benefit analysis was completed using cost data from the cost model, as well as a variant of Treasury's CBAx tool. Benefits (savings) to public sector agencies were calculated using estimates provided directly by agencies. Private benefits (to victims) were calculated using estimates sourced directly from Treasury's CBAx tool.

A summary of the cost-benefit analysis is provided in Table 1.

Table 1: Cost-benefit analysis summary

	Final AODT Court Cost–Benefit Model			
	Average	Lower bound	Upper bound	
Public benefits	3.32	2.66	3.98	
Private benefits	15.87	10.49	21.26	
Total benefits	19.19	13.14	25.25	
Costs (\$M)	14.46	14.46	14.46	
Net benefit (\$M)	4.74	-1.31	10.79	
Cost-benefit ratio	1.33	0.91	1.75	

The cost of the pilot was \$14.46m with benefits estimated at \$19.19m, giving a cost–benefit ratio of 1.33 (range of 0.91–1.75).

Method

The cost–benefit analysis is made up of two components: a cost model and a cost–benefit analysis completed using a variant of the Treasury's CBAx tool.

The cost–benefit analysis was guided by three questions, which are outlined in Table 2. The cost model informed the answers to the first question, while the cost–benefit analysis informed the answers to the latter two questions.

Table 2: Cost-benefit analysis questions

Component	Questions
Cost Model	What are the current operating costs of the pilot per annum compared with the costs per annum that would have arisen if the same cases were processed in the usual way?
Cost-Benefit Analysis	Does the pilot operate at a net gain or loss after factoring in sentence-related savings?
	What is the total ratio of savings (attributable to the benefits measured under the objectives above) to costs of the model?

Method: Cost model

The cost model details the actual measured operating costs of the AODT Court for all agencies involved. This data from the Ministry of Health, Ministry of Justice, Department of Corrections, and Police used figures from actual participants from the AODT Courts and from matched offenders in the standard court process (as detailed in the Quantitative Outcomes Evaluation methodology).

The cost model then compared AODT Court costs with detailed counterfactual costs, which estimated the costs for the same people if they had gone through the standard court process rather than attending the AODT Court. The cost model provided the basic cost data for the cost—benefit analysis.

Assumptions

The assumptions made when developing the cost model are outlined here.

Some AODT Court costs were excluded from the analysis either because they are not readily available or are so insignificant (that is, it is inefficient to collect or measure them) that their exclusion is unlikely to materially affect the analysis. These include:

- incidental costs associated with:
 - non-compliance with bail conditions where no AODT Court lawyer is available
 - police involvement where treatment providers contact police directly to discuss the behaviour of a participant

- externally funded services provided to AODT Court participants (such as Alcoholics Anonymous and Narcotics Anonymous), as the cost to these organisations is not recorded
- day-to-day living costs such as food, housing, and electricity for those AODT Court
 participants in the community, where such costs would have been avoided if they were
 held in custody
- income earned for AODT Court participants in the community able to maintain employment for at least some period, where such income would not have been available if they were held in custody.

Method: Cost-benefit analysis

The benefits of the AODT Court were collated and a cost–benefit analysis completed. Where possible, costs and benefits were monetised and modelled in a variant of Treasury's CBAx tool. Where benefits could not be monetised, they were included in the narrative portion of the cost–benefit analysis.

The CBAx tool is a spreadsheet model that contains a database of values to help agencies monetise impacts and do cost–benefit analysis. The CBAx tool is a spreadsheet model that helps agencies to:

- take a consistent approach across government to cost–benefit analysis, including common values and assumptions
- take a long-term and broad view of societal impacts, costs and benefits
- rigorously assess these by monetising and discounting impacts, where possible
- be transparent about the assumptions and evidence base.¹

It was not possible to use the CBAx tool directly for a number of reasons. Justice-related benefits (savings) to public sector agencies (for example, reduced reoffending and imprisonment) were calculated using estimates provided directly by agencies rather than values in the CBAx tool itself. As agreed by all agencies involved in the evaluation, these estimates were the same as those used in the model to evaluate the cost of the AODT Court.² Private benefits (to victims) were calculated using estimates sourced directly from Treasury's CBAx tool.

Secondly, differences in justice-related outcomes between AODT Court participants and matched offenders varied over each follow-up year of the evaluation. Benefits to participants were largest in the first year but reduce markedly over longer follow-up periods. Further, the size of the differences in each year varied between measures. Differential benefit rates in each year cannot be used in the CBAx tool.

¹ The Treasury. 2018. *The Treasury's CBAx Tool*. <u>treasury.govt.nz/information-and-services/state-sector-leadership/investment-management/plan-investment-choices/cost-benefit-analysis-including-public-sector-discount-rates/treasurys-cbax-tool</u>

² For example, the cost of a prison bed per annum was \$60,000 compared with a cost of \$12,847 in the CBAx tool.

Differences in re-offending volumes between AODT Court participants and matched offenders have been used to calculate public and private benefits over follow-up periods of one to four years. As a randomised trial was not feasible, AODT Court graduates and early exiters were matched separately with other similar offenders released from prison using propensity score matching. Graduates were matched by year of entry into the AODT Court/release from prison, and the predicted probability of being an AODT Court graduate. Early exiters were matched by year of entry into the AODT Court/release from prison, and the predicted probability of exiting early from the AODT Court.

Predicted probabilities for propensity score matching were calculated from a logistic regression model of factors most related to offenders graduating/exiting the AODT Court. More detail about the matching process can be found in the AODT Court Qualitative Outcomes Evaluation report.

A total of 290 out of 315 (92%) AODT Court participants were matched to 553 offenders released from prison.

Final model benefits assume reoffending volumes were the same as those observed over time periods of one to four years for AODT Court participants and matched offenders.

The CBAx tool was also not able to be used for health-related benefits for the AODT Court. Data quality and statistical limitations restricted the ability to identify statistical differences between AODT Court participants and matched offenders for reduced AOD dependence and use, and other health-related outcomes.

Instead, the approach taken was to use the best available data from recent New Zealand evidence. That data was from a cost–benefit analysis on the longer-term impact of youth receiving AOD treatment and follow-up services.³ The public and societal benefits per youth from this evaluation were used as upper bounds⁴ on the non-justice-related benefits that could accrue to the public sector and individuals themselves through reduced AOD addiction.

Assumptions (justice-related benefits)

The assumptions made when developing the cost-benefit analysis are outlined here.

The final model benefits were calculated based on differences in actual reoffending volumes over time periods of one to four years between AODT Court participants and matched offenders.

All benefits were discounted at the rate of 6% per annum.

The lower bound for private benefits was based on a multiplier of 1.25 on charge numbers (that is, for every four charges in court, an offender is assumed to have committed one offence that was either not reported, or reported but not resolved).

³ Table 14 from: Superu. 2016. *Youth Mental Health Project: Cost–Benefit Analysis*. <u>superu.govt.nz/sites/default/files/YMHP%20Cost%20Benefit%20report%202016.pdf</u>

⁴ These were used as upper bounds given that the benefits for youth would be much higher than those for AODT Court participants.

The upper bound for private benefits assumes that every offender included commits 1.1 offence that does not result in a prosecution (either recorded but unresolved or not recorded at all) for every offence that does. Then the proportions of recorded offences that were unresolved, by Australian and New Zealand Society of Criminology (ANZSOC) division, were used to apportion out the estimated numbers of unresolved offences between ANZSOC divisions.

Cost model

The cost model details the actual measured operating costs of the AODT Court for all agencies involved. This data from the Ministry of Health, Ministry of Justice, Department of Corrections, and Police used figures from actual participants from the AODT Courts and from matched offenders in the standard court process (as detailed in the Quantitative Outcomes Evaluation methodology).

The total cost for an AODT Court participant was \$98,228, while the cost per person for the standard court process was \$67,921. Across the whole group the difference between the total AODT Court cost and standard cost was \$14.46m. Full costings are provided in Table 3.

Table 3: AODT Court agency costing model

Comparative Costing			
From November 2012 to June 2018			
	AODTC Costs	Standard Costs	Difference
Agency cost			
Ministry of Health (MoH)			
Assessment	2,826,907	2,826,907	
Treatment	13,157,181		
Monitoring and Testing	7,384,293		
Subtotal	23,368,381	2,826,907	
Ministry of Justice (MoJ)	6,768,693		
Department of Corrections (DoC)	297,061		
NZ Police	1,573,452		
Total Agency cost	32,007,587	2,826,907	
Total Agency cost	32,007,307	2,020,707	
Remand cost	2,144,934	2,144,934	
Incarceration	10,503,650	25,436,025	
Sentence Management cost	2,198,418	1,990,590	
Other cost:			
Judges opportunity cost	-		
Community Advisory Group donation	<u>-</u>		
Community Advisory Group time cost	-	-	
Total other cost	-	-	
Total cost	46,854,589	32,398,456	14,456,133
Number of participants	477	477	
Cost per participant	98,228	67,921	30,306

Cost-benefit analysis

The cost–benefit analysis was completed using cost data from the cost model, as well as a variant of Treasury's CBAx tool.⁵ Benefits (savings) to public sector agencies were calculated using estimates provided directly by agencies. Private benefits (to victims) were calculated using estimates sourced directly from Treasury's CBAx tool.

A summary of the cost-benefit analysis is provided in Table 4.

Table 4: AODT cost-benefit model

	Final AODT Court Cost–Benefit Model			
	Average	Lower bound	Upper bound	
Public benefits	3.32	2.66	3.98	
Private benefits	15.87	10.49	21.26	
Total benefits	19.19	13.14	25.25	
Costs (\$M)	14.46	14.46	14.46	
Net benefit (\$M)	4.74	-1.31	10.79	
Cost-benefit ratio	1.33	0.91	1.75	

Benefits included in the model

Benefits to health are included in the cost–benefit analysis, and these are detailed in Table 5.

⁵ Impacts across Treasury's wellbeing domains (for benefits, both included and not) are included in Appendix A.

Table 5: Estimated health benefits for AODT Court participants

Health	Total	Public	Private
Participants ⁶	1,548		
Total benefits (\$m)	\$8.61	\$2.29	\$6.32
Effectiveness rate of treatment for participants	19.2%		
Benefits per participant who was treated	\$28,939	\$7,697	\$21,242
Total AODT Court participants	477		
Percentage with reduced AOD dependency – low ⁷	15.0%		
Percentage with reduced AOD dependency – high ⁸	19.2%		
Total benefits – low	\$2,070,563	\$550,707	\$1,519,856
Total benefits – high	\$2,653,081	\$705,640	\$1,947,442
Average	\$2,361,822	\$628,173	\$1,733,649

Total benefits to the public sector were estimated at \$2.69m and are detailed in Table 6.

Table 6: AODT Court justice-related public sector benefits

Public Benefit Values	Total Savings (\$)
Total number of new category 2 cases	98,115
Total number of new category 3 judge-alone cases	252,394
Total number of new jury trial cases	60,626
Legal aid – category 2 cases	651,734
Legal aid – category 3 cases	283,261
Legal aid – jury trial cases	4,486
Total years of custodial sentences imposed (0–2 years)	952,236
Total years of custodial sentences imposed (>2 years)	84,203
Time on remand – no custodial sentence imposed (years)	-361,478
Total number of new home detention sentences	646,795
Total number of new community detention sentences	13,837
Total number of new intensive supervision sentences	-284,834
Total number of new community work sentences	16,667
Total number of new supervision sentences	46,735
Release on conditions	104,270
Parole	7,188
Sum of total number of new Police incidents	115,659
Total public benefits	2,691,894

⁶ Values are those for the "Treatment and follow-up" component shown in Table 14 from Superu. 2016. *Youth Mental Health Project: Cost–Benefit Analysis.*

⁷ Estimated average lifestyle and wellbeing benefits for participants from AODT Court treatment. Source: AODT Court health outcomes report for the cross-agency AODT Court Evaluation Working Group.

⁸ Using the "Effectiveness rate of treatment for participants" above.

Rates for matched offenders have been risk-adjusted to account for differences in the predicted rates between AODT Court and matched offenders. For example, over a 12-month follow-up period, the predicted reoffending rate for AODT Court participants was 5 percentage points higher than that for matched offenders, with smaller percentage point differences over longer follow-up periods. This means that the rates for matched offenders were adjusted upwards.

Justice-related private sector benefits were estimated at \$14.14m (range \$8.96–\$19.31m) and are detailed in Table 7.

Table 7: AODT Court justice-related private sector benefits

Private Benefits – ANZSOC division (new offences)	Total Savings (average)	Total Savings (lower bound)	Total Savings (upper bound)
01. Homicides	0	0	0
02. Causing injury	4,967,183	3,610,091	6,324,275
03. Sexual offences	0	0	0
04. Dangerous acts	-2,631,940	-2,631,940	-2,631,940
05. Abductions	2,409,083	1,385,850	3,432,316
06. Robbery, extortion	1,131,164	854,909	1,407,419
07. Unlawful entry, burglary	5,728,511	2,918,098	8,538,924
08. Theft	-1,011,047	-572,473	-1,449,622
09. Deceptions	-981,443	-555,710	-1,407,175
10. Illicit drugs	1,852,747	1,559,207	2,146,287
11. Weapon offences	-820,461	-659,842	-981,079
12. Property damage	878,263	520,188	1,236,337
13. Public disorder	234,245	153,262	315,228
14. Road traffic	515,237	515,237	515,237
15. Against justice	1,883,231	1,883,231	1,883,231
16. Miscellaneous	-14,707	-14,707	-14,707
Total private benefits	14,140,066	8,965,401	19,314,731

Other potential benefits not included in the cost-benefit analysis

Officials, in consultation with judicial representatives involved in the evaluation, also considered a range of potential benefits of the AODT Court. The other social benefits listed below were ultimately not included in the cost–benefit analysis, but may occur in graduates of the AODT Court:

- · strong, positive relationships
- care arrangements for children
- improved parenting skills
- engagement in community

• improved whānau wellbeing.

While great care and effort was taken to include as many benefits as possible, there are practical barriers to the measurement, quantification, and comparative analysis of some factors. The above variables were not included for one or more of the following reasons:

- a lack of available data by which to measure them (either for participants and/or matched offenders);
- a lack of a comparable dataset (to make an equivalent comparison); and/or
- an inability to justifiably monetise a potential benefit for the purposes of a cost–benefit analysis.

Just because a benefit is unable to be measured or monetised does not mean it does not exist.

We also note that the range of benefits included is on par with the most comprehensive analyses of the AODT Court, as indicated by reviewing meta-analyses of the drug courts that operate in North America and other countries.

Discussion

The cost model and cost–benefit analysis provide clear figures relating to the costs and benefits of the operation of the two AODT Courts in Auckland. To summarise, the current operating costs of the AODT Court pilot are \$46.85m across the period of the pilot, which is \$14.46m more than the cost of the standard court process per annum.

The cost–benefit ratio average of 1.33 represents an intervention that is likely to break even, returning \$1.33 of benefit for every \$1 invested on average relative to the standard court process.

Possible differences with international studies

A result of 1.33 is towards the lower end of the spectrum of international studies, which tend towards a 2.50 average cost–benefit ratio. Several possible explanations for this difference, and what implications they may have for the AODT Courts, are discussed below.

There may be differences in the population treated by New Zealand's courts

The risk profile of participants entering the New Zealand AODT Court may be lower than the risk profile of participants overseas. Reducing reoffending by offenders with a lower risk of offending will have a smaller benefit than reducing the reoffending of higher risk offenders. Approximately one-third of the New Zealand participants committed drink-driving offences. Most overseas jurisdictions exclude offenders that have only drink-driving convictions from their eligibility criteria. Instead of a categorical exclusion, the New Zealand AODT Courts directly rely on the AOD assessment's moderate-severe substance abuse dependency.

That said, a study by the US National Institute of Justice concluded that "drug courts seem to work equally well across most subgroups of client populations." ¹⁰ In other words, even if treating a lower-risk group produces less net-benefit (due to the lower cost of their offending), it doesn't necessarily mean that the treatment is less effective in affecting that subgroup's AOD behaviour.

⁹ For example, from the international meta-analyses included in:

[•] Lee, S, Aos, S and Pennucci, A. 2015. What works and what does not? Benefit-cost findings from WSIPP. (Doc. No. 15-02-4101). Olympia: Washington State Institute for Public Policy. (Juvenile Drug Court \$2.32 benefit—cost ratio, Adult Drug Court \$3.02 benefit—cost ratio)

Rossman, S B, Roman, J K, Zweig, J M, Rempel M & Lindquist C H (eds). 2011. The Multi-Site Adult Drug Court Evaluation: The Impact of Drug Courts, Volume 4. Washington, DC: Urban Institute. www.ncjrs.gov/pdffiles1/nij/grants/237112.pdf (\$2.02 benefit–cost ratio)

United States Government Accountability Office. 2005. Adult Drug Courts: Evidence Indicates Recidivism Reductions and Mixed Results for Other Outcomes. Washington, DC: United States Government Accountability Office gao.gov/assets/250/245452.pdf (an average of \$2.93 benefit—cost ratio).

¹⁰ Rossman et al (2011), p 261.

This evaluation was conducted over a longer-than-average timeframe

The New Zealand AODT Court evaluation had a 4-year follow-up period from participant enrolment, tracking participants from the first year of establishment of the courts, and their status 4-years hence. This is significantly longer than the average follow-up period, which appears to be 2 years for most other studies.¹¹

In the Quantitative Outcomes Evaluation report there were significant effects in the short term, but these reduced over time. A cost–benefit analysis would produce different results depending on the point at which the cost–benefit analysis was carried out. It is possible that, with a similarly long follow-up period, international studies would also have observed a reduction-over-time in the effect of the overseas AODT Courts. Given that treatment itself is typically only 18 months (for a successful participant who graduates), this reduction could be due to treatment ceasing, or the effectiveness of treatment declining over time.

We modelled marginal AODT Court costs over standard courts (not comparative net-differences)

The model took the marginal AODT Court costs and benefits over the standard court process – for example, cost of extra time spent by judges with participants, cost of treatment, and measurable justice and health outcomes. An alternative method would be to separately model both the AODT Court absolute costs and benefits, and standard court costs and benefits, and compare the difference. We have assumed that the differences between the AODT Court process and standard courts do not have significant cost or benefit implications beyond those accounted for.

Actual and future cost-benefit ratios may differ

The cost–benefit analysis measured what happened over the pilot programme. However, changes in practices over time mean that the results obtained from what has occurred will not necessarily forecast future performance.

AODT Court pilot services and procedure evolved over time

While the AODT Court standards have been consistent since launch, the processes applied in practice have adjusted over time, as highlighted in the Qualitative Outcomes Evaluation report. For example, the overall profile of offenders admitted may have adjusted after the first year of implementation, as eligibility standards for referral from standard courts to the AODT Court became more well known. We expect that these effects are modest. For

¹¹ Rossman et al (2011), p 8. "The design included a baseline and two follow-up waves of offender surveys at 6- and 18-months post-enrolment, as well as official crime records at 24 months, which allowed us to examine whether drug court effects are durable or recede over time."

example, graduation rates for cohorts who entered treatment in later years are not substantially different from the first-year cohort.

Local supply and demand affects AODT Court capacity

The experience of the pilot illustrates that participants on a waiting list for admittance to treatment services would be held on remand, at cost to the justice system, without receiving potential benefits derived from treatment. The AOD assessments for offenders referred to the courts are intended to evaluate participants' health needs, not necessarily a triage progress for the local resources available. AODT Court operations are constrained by these local supply and demand issues.

Potential future modifications in expenditure

The quantitative health report found that the AODT Court incurs a higher cost of AOD testing (both in the type and frequency of such monitoring) than standard courts. Health expenditures form a majority of the AODT Court's expenses, and AOD testing is a particularly large proportion of that. So any modifications to such expenditures could improve cost-effectiveness, though the evaluation is not designed to estimate the magnitude of this or other potential reforms.

Appendix A: Impacts across the wellbeing domains, supported by cost-benefit analysis

Domains	Impact(s) description	Who are affected?	Description of impact relative to the counterfactual	How big?	Realised in	Evidence base	Evidence quality
Safety	Reduction in harm for victims	Victims of crime, public affected by offences (private)	Reduced reoffending leads to a reduction in harm to victims with associated cost savings.	Large \$14m avg (\$9m– \$19m)	<5 years ongoing	Quantitative	Medium- High
Safety	Reduced justice sector costs	Justice sector (public)	A change in the numbers and types of sentences imposed through reduced reoffending.	Medium \$2.7m	<5 years ongoing	Quantitative	Medium- High
Health 分	Health gains for programme participant offenders	Offenders that are selected, participating	Health gains are mainly through reduced AOD dependency. The effectiveness of AOD treatments is 15% to 19%.	Medium \$1.7m (\$1.5m- \$1.9m)	<5 years ongoing	Quantitative	Medium
Social connections	Stronger, positive relationships	AODT Court participants and their families and friends	Improved relationships from reduced AOD dependency and imprisonment.	Low	<5 years ongoing	Qualitative ¹²	Low
Social connections 松尬	Care arrangements for children	AODT Court participants' families	Increased contact with, and day-to-day care of, AODT Court participants' children due to reduced AOD dependency and imprisonment (dependent on nature of individual care arrangements).	Low	<5 years ongoing	Qualitative	Low

Litmus. 2019. Final Report: Qualitative components of the outcomes evaluation of the Alcohol and Other Drug Treatment Court pilot Te Whare Whakapiki Wairua.

¹² All these potential benefits arise from anecdotal evidence in the Qualitative Outcomes Evaluation:

Knowledge and skills	Improved parenting skills	AODT Court participants (particularly graduates)	Improved ability to care for children, due to reduced AOD dependency and greater ability to access parenting services.	Low	<5 years ongoing	Qualitative	Low
Cultural identity	Engagement in community	AODT Court participants (particularly graduates)	Increased participation in community activities (such as social, cultural, or sporting activities) and community service, due to lower AOD dependency and imprisonment.	Low	<5 years ongoing	Qualitative	Low
Subjective wellbeing	Improved whānau wellbeing	AODT Court participants' families	Reduced mental harm to families of offenders from participants' reduced AOD dependency.	Low	<5 years ongoing	Qualitative	Low

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