



**Australian Government**  
**Australian Institute of Criminology**

# Police drug diversion in Australia: Equal outcomes for Indigenous young people?

**August 31 – September 1, 2009**

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## Overview

- Diversion: aims and objectives
- Police drug diversion evaluation
- Indigenous young offender access to police drug diversion
- Recidivism outcomes of police drug diversion participants



# What do we know about drugs and crime?

- 1. The majority of drug users are ‘soft’ users. They:**
  - Lead relatively normal lives
  - Use relatively infrequently
  - Rarely come to the attention of the police
  - Commit few non-drug related offences
  - May escalate to more frequent and serious drug use
- 2. The minority of drug users are serious users. They:**
  - Lead relatively disrupted lives
  - Use a wide range of drug types, frequently
  - Commit a significant amount of crime
  - Have significant background risk factors
- 3. Some drug users do not seek treatment by themselves, and of those who do it is usually late in the cycle of abuse.**




## What is diversion and why have it?

1. Traditional criminal justice responses (imprisonment) have been relatively ineffective in dealing with the drugs-crime link
2. The criminal justice system provides a gateway to drug user groups who might not otherwise seek treatment
3. Problematic drug use is just as much a health issue as it is a criminal justice issue – health agencies play an important role in broader crime prevention agenda.



# Three levels of diversion in Australia

## The continuum of drug diversion services

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1. Police-based drug diversion programs
  2. Intermediate court-based diversion (also referred to court mandated 'referral into treatment' programs)
  3. Specialist drug courts



## Primary aims of drug diversion programs

- A reduction or cessation in drug use
- A reduction or cessation in drug or drug-related offending
- An improvement in the general health and well being of drug users
- A reduction in workloads at particular points of the criminal justice system
- Cost effectiveness



## Secondary aims of drug diversion

- Changing attitudes of the police and the courts
- Increasing knowledge about the harms and risks of drug use
- Providing early drug treatment for alleged offenders engaged in drug use
- Increase in the numbers of drug users accessing assessment, education, and treatment
- Increased retention in treatment



## Features of police drug diversion

- Police are the referral source
- Possession of minor amounts of drugs and/or drug implements
- All involve an educational component, although the degree varies
- The majority of those targeting illicit drugs other than cannabis include assessment and, where appropriate, treatment

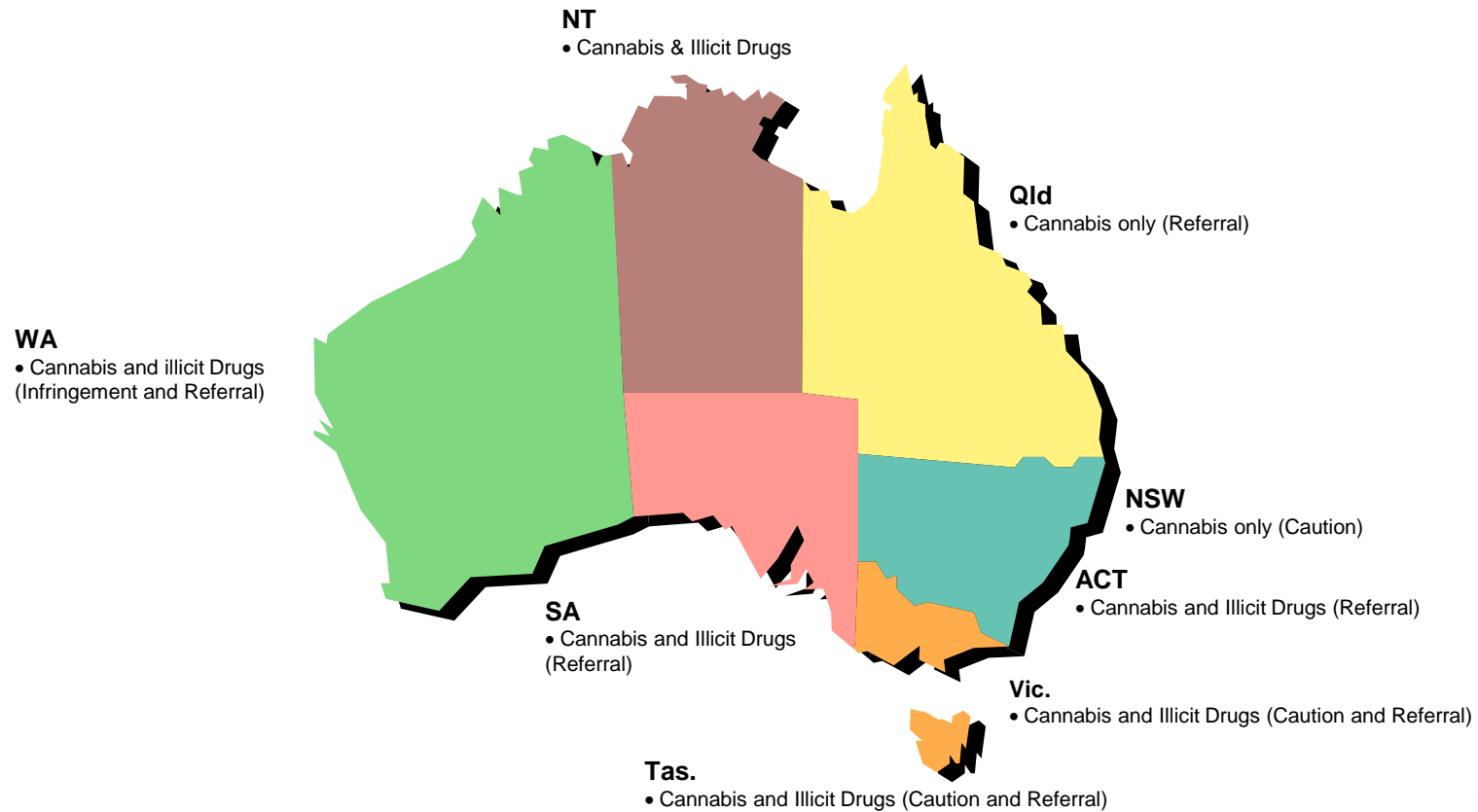


## Features of police drug diversion (cont.)

- Most have clearly defined eligibility/exclusionary criteria which determine who can or can't be referred
- There are usually restrictions on the number of diversions that a person may receive
- In most cases, the individual must plead guilty and in all cases consent to being diverted
- Most are targeted at adult offenders
- Most are state-wide programs



# Police drug diversion across Australia



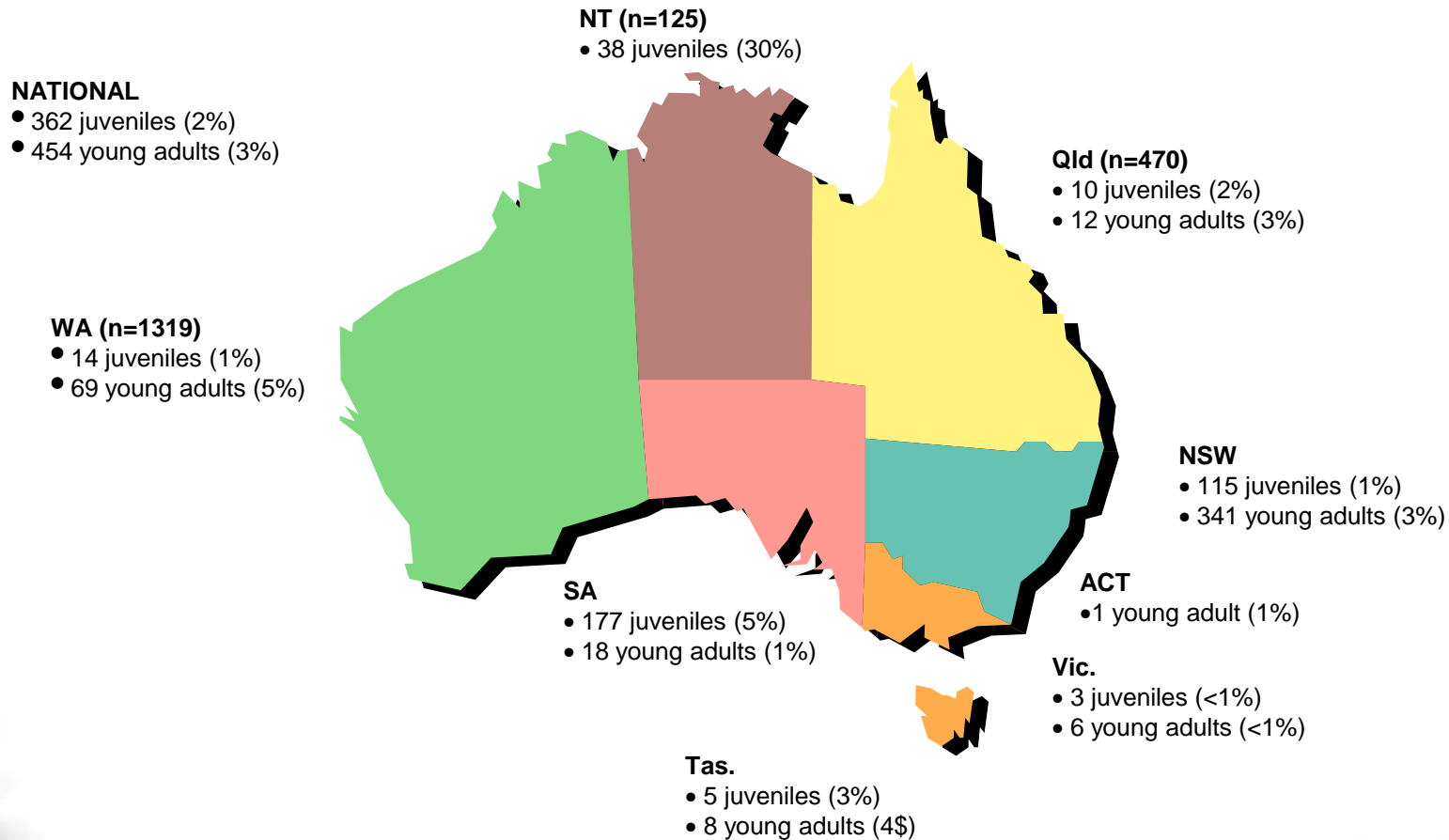


## Evaluation of criminal offending outcomes

- Conducted by the AIC in 2007/08
- Examined the extent of prior diversion contact with the police
- One of three evaluations: (1) criminal offending; (2) improvements in treatment; (3) cost-effectiveness
- Key findings:
  - Most participants didn't return to the police within 18 months
  - Prior contact with the police and non-compliance predicted re-apprehension
  - Outcomes varied between programs/ jurisdictions



# What about young Indigenous Australians?





## Participation and access to diversion

- Joudo (2008) examines Indigenous issues relevant to national programs.
- Indigenous people were found to be less likely to be referred and accepted to the programs.
- Research has identified numerous issues influencing Indigenous access to diversion, including:
  - less likely to make an admission of guilt to police;
  - more likely to have multiple charges;
  - more likely to have previous criminal convictions;
  - more likely to have drug misuse problems that are not covered by the drug diversion programs; and
  - more likely to have a co-existing mental illness.



## Indigenous access to diversion (cont.)

Other potential barriers:

- absence of a parent, guardian or responsible adult;
- mobile population;
- co-existing mental illness; and
- remoteness of location.

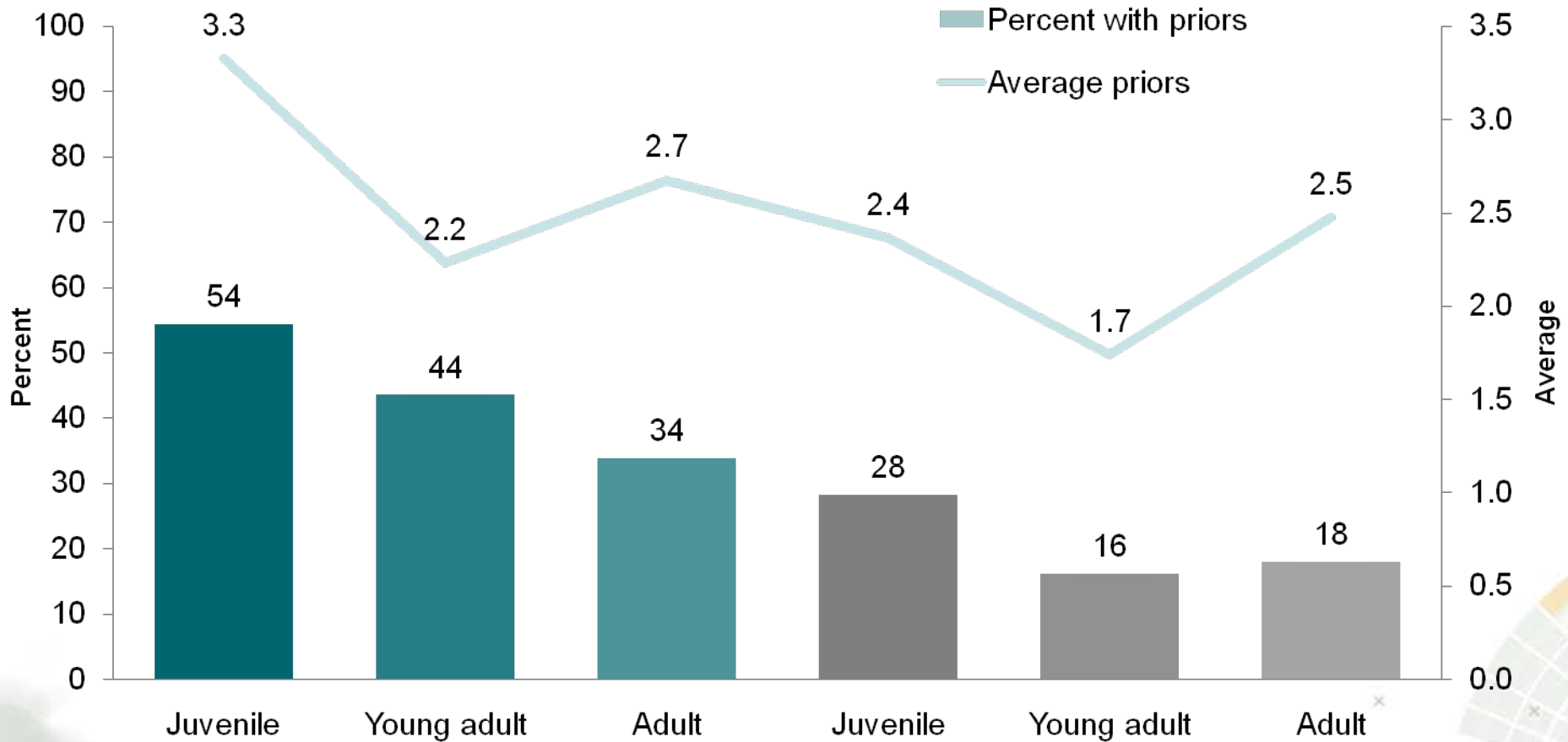


## Indigenous offenders and diversion - barriers

- Little or no consultation with Indigenous community during development
- Absence of Indigenous specific programs or programs with Indigenous workers
- Lack of any treatment programs in remote areas
- Limitations imposed by the requirement of an admission of guilt
- Eligibility criteria relating to previous convictions, violent offences, multiple charges and concurrent offences impact differentially on Indigenous offenders



### Figure 1: Prior contact with the police (18 months)



Source: Victorian Police (2008)



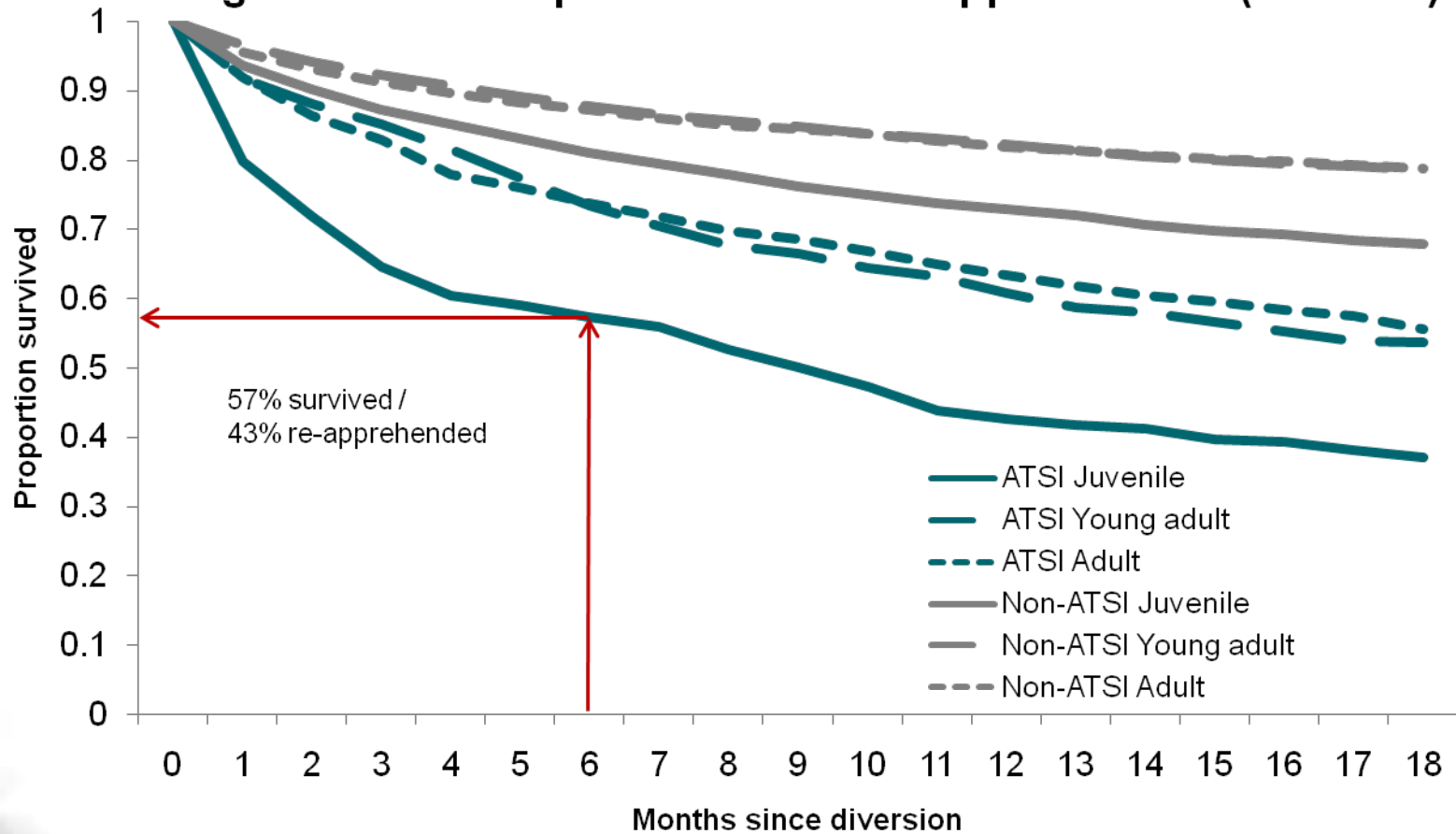
**Table 1: Odds of prior police contact**

	Non-ATSI Juveniles	Non-ATSI Young adults	Non-ATSI Adults
<b>Indigenous juveniles vs.</b>			
Property	3.6	4.3	4.5
Drug	0.8	0.6	0.5
Violent	3.3	3.5	2.7
<b>Indigenous young adults vs.</b>			
Property	3.7	4.4	4.6
Drug	1.8	1.5	1.3
Violent	3.7	4.1	3.1

Green = Statistically less likely ( $p < 0.05$ ) Red = Statistically more likely ( $p < 0.05$ ). Model controls for jurisdiction.  
Source: AIC Police Drug Diversion [Computer File]

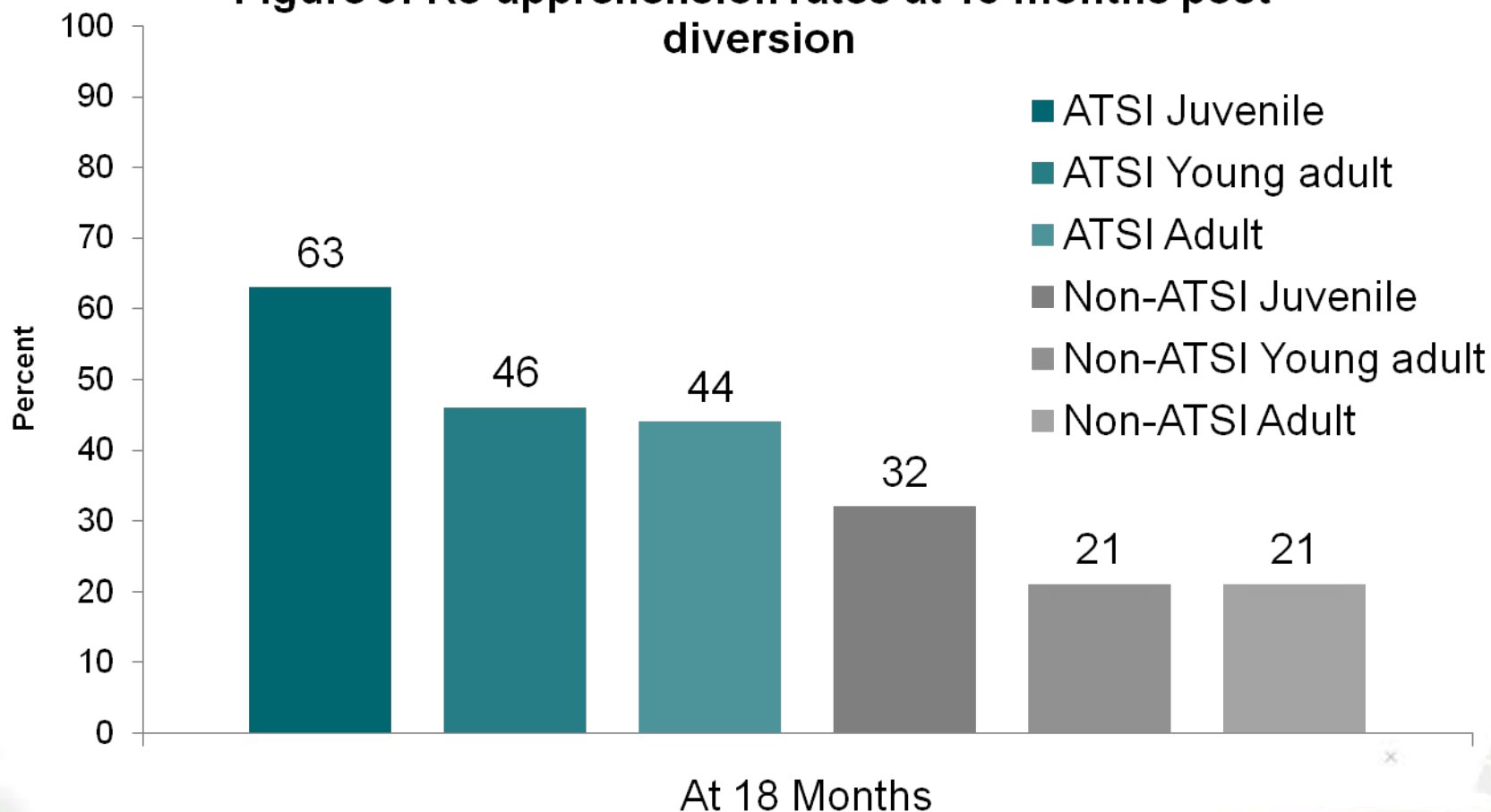


Figure 2: Time to post-diversion re-apprehension (survival)





**Figure 3: Re-apprehension rates at 18 months post-diversion**





**Table 2: Odds of post-diversion re-apprehension**

	Non-ATSI Juveniles	Non-ATSI Young adults	Non-ATSI Adults
<b>Indigenous juveniles vs.</b>			
Any offence	2.6	2.8	3.2
Property	3.3	3.3	4.1
Drug	1.6	1.5	1.7
Violent	3.6	4.0	3.7
<b>Indigenous young adults vs.</b>			
Any offence	2.5	2.6	2.9
Property	3.2	3.2	4.0
Drug	1.7	1.6	1.9
Violent	3.5	4.0	3.7

Green = Statistically less likely ( $p < 0.05$ ) Red = Statistically more likely ( $p < 0.05$ ). Model controls for jurisdiction.  
Source: AIC Police Drug Diversion [Computer File]



## Adjusting the odds

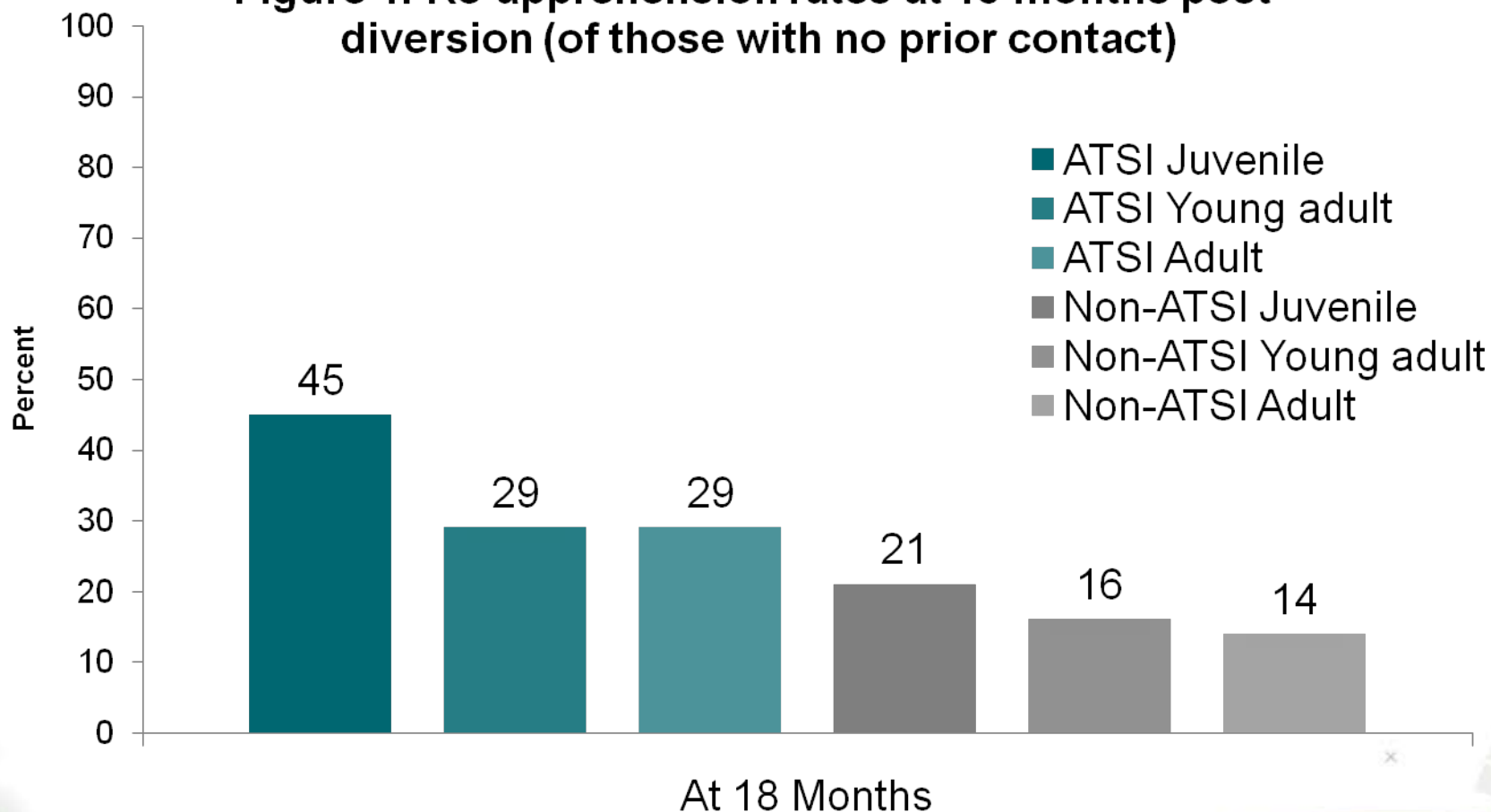
- Prior apprehension increased the odds of re-apprehension by 180%, each additional offence increased the odds by 11% .
- BUT.... Young indigenous offenders were still at greater risk.

**Table 3: Adjusted Odds of post-diversion re-apprehension**

	Non-ATSI Juveniles	Non-ATSI Young adults	Non-ATSI Adults
<b>Indigenous juveniles vs.</b>			
Any offence	1.7	1.9	2.2
<b>Indigenous young adults vs.</b>			
Any offence	1.7	1.8	2.1

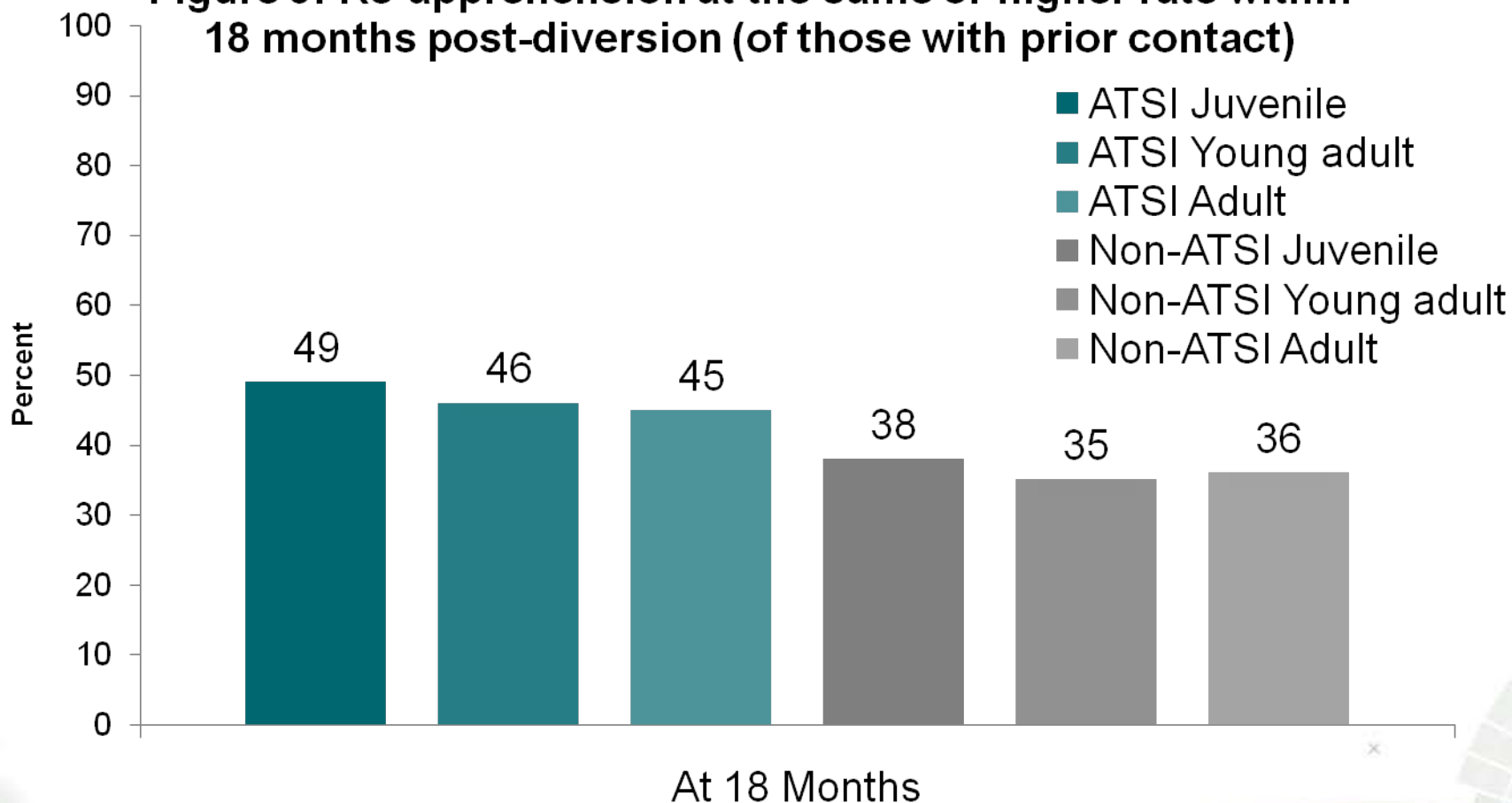


**Figure 4: Re-apprehension rates at 18 months post-diversion (of those with no prior contact)**





**Figure 5: Re-apprehension at the same or higher rate within 18 months post-diversion (of those with prior contact)**





## Conclusions

- Diversion operates nationally, but in most jurisdictions it seems that Indigenous offenders are under-represented
- The true extent of under-representation is yet to be formally quantified, yet qualitative evidence points to a number of barriers to equality of access
- Indigenous offenders who are diverted have had greater levels of contact with the police prior to diversion.
- Indigenous juveniles had the highest prevalence and rate of prior contact with the police
- Indigenous offenders had higher levels of post-diversion contact with the police
- Again, Indigenous juveniles had the highest rates of post-diversion contact
- These Indigenous/ non-indigenous differential persisted even when prior contact was taken into account.



## Implications

- Barriers to diversion need to be examined and overcome to ensure equality of access.
- The relevance of diversion to Indigenous communities needs to be considered.
- The applicability of diversion for all drug offenders needs to be examined. What about inhalants?
- Interventions (where applicable) need to be culturally relevant.
- Interventions need to be adapted to individual circumstances (family, location)
- Greater awareness of diversion is required across the broader policing organisation
- The success (or otherwise) of diversion should not be measured solely on criminal justice outcomes.



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