

NSW DRUG SUMMIT PLAN OF ACTION FIRST PROGRESS REPORT

Section 6 - Breaking The Drugs And Crime Cycle

Overview

A significant proportion of criminal offending and of the custodial population is linked to drug misuse and dependency. The drug and crime relationship is complex and differs according to factors such as the drug involved, social group and location. To break down this connection there is a need for a range of responses in terms of intensity and setting.

The NSW Drug Summit recognised the importance of identifying opportunities for managing offenders out of the drugs-crime cycle through various strategies such as diversion from the criminal justice system, a legislative regime which promotes prevention, whole-of-government coordination of responses, and increasing the opportunity for treatment and prevention.

Whole-of-Government Coordination

The Government is promoting whole of government co-ordination of drug services by giving the Special Minister of State primary responsibility for ensuring a co-ordinated government response.

The Government has established a Cabinet Committee on Drugs to assist the Minister in this role, and the Office of Drug Policy has been set up within The Cabinet Office to provide leadership, coordinate drug policy across government and monitor progress in implementation.

An Expert Advisory Group on Drugs has been established, chaired by Professor Ian Webster AO, and is providing independent advice on a number of significant issues, most notably on the evaluation of the Government's Plan of Action.

Drug Offenders Diversion Schemes

A range of schemes to break the cycle of drug misuse and crime are to be trialled, the first of which began in April 2000. Under these schemes police and courts refer offenders with drug problems to treatment and rehabilitation in appropriate cases.

There will be a detailed evaluation of each of these new schemes. The Bureau of Crime Statistics and Research will also include research on best points of intervention for drug users in its review of drug related research.

Cannabis Cautioning Scheme

A trial Cannabis Cautioning Scheme, based on the approach taken in Victoria, commenced on 3 April 2000 and will run statewide for twelve months. The scheme targets first and second time offenders caught using or in possession of up to 15 grams of cannabis leaf (or cannabis implements), and allows police to caution offenders and issue them with a cannabis cautioning notice that warns of the health and legal consequences of cannabis use.

The cautioning notice provides a contact number for a confidential telephone information and advice service. Counselling and assistance will be available to callers, with a network of government and non-government service providers being funded right across the State to ensure services are available to meet need.

Drug Offenders Compulsory Treatment Pilot

A Compulsory Treatment Pilot will commence as planned in the Illawarra and Far North Coast areas for twelve months from July 2000. The NSW scheme will apply to adults apprehended by police using or in possession of not more than half of the statutory small quantity of a prohibited drug *other than* cannabis leaf (or in possession of implements for drug use).

The scheme gives police the option of cautioning the offender conditional upon the offender agreeing to undergo assessment and undertake treatment. If the offender fails to attend assessment and commence treatment, the matter will be taken to court.

To underpin the pilot scheme, Drug Dependency Assessment Teams (DDATs) will be established in the Illawarra and Far North Coast regions, tailored to local needs. The pilot will adopt a case management service delivery model, with the DDATs providing assessment and counselling, as well as purchasing treatment services from local service providers.

Commonwealth funding has been obtained under the National Illicit Drug Strategy to fund the DDATs and also to provide capital enhancements and recurrent funding to the Lismore Detoxification Centre (under construction) and the Buttery, a non-government residential rehabilitation provider. In the Illawarra, both the Wollongong Crisis Centre and Kedesh House will receive recurrent funding from the same source.

Young Offenders Act

The *Young Offenders Act 1997*, which has been operating successfully since its introduction in April 1998, has been expanded to include minor drug offences in the formal system of warnings, cautions and conferences for which it provides. The amendments, which took effect on 3 April 2000, will assist in early intervention for young people with drug problems, providing a greater chance of their long term rehabilitation.

Under the Act a caution is a formal procedure that usually takes place at a police station on a date subsequent to the arrest, in the presence of a parent or person responsible for the child. The child is required to sign a formal Caution Notice, and the child and person responsible for the child are given a drug information leaflet which contains information about the legal and health ramifications of drug use, including contact details for drug treatment and counselling services.

If the circumstances are more serious, a youth justice conference may be held. Conferences are run by convenors, who are respected local people with a particular ability to communicate with young people, and an aptitude for mediation and facilitation. They receive ongoing special training from the Youth Justice Conferencing unit. Together, the conference agrees on a suitable outcome plan, which may include an agreement that the child will attend an alcohol and drug treatment service.

Enhancements to youth treatment and related services statewide will help cater for extra demand created by the new laws. These include:

- 10 additional Juvenile Justice alcohol and other drug counsellors in various regional localities such as Lismore, Gosford, Bateman's Bay and Dubbo
- 2 additional drug rehabilitation programs in regional NSW – in the Central West and on the mid-North Coast
- Increased home detoxification capacity across the State
- Access to cannabis counselling for young offenders through the NIDS diversion initiative.

Early Court Intervention Pilot

To complement the Drug Court approach, an Early Court Intervention Pilot will be conducted at the Lismore Local Court for twelve months from July 2000. The scheme will target less serious offenders who are motivated to seek treatment and their progress will be closely supervised by the Court.

Police, at the time of arrest, or the magistrate will identify offenders who appear to be eligible and arrange to have them assessed by a clinician attached to Lismore Local Court. If the clinician confirms for the magistrate that the offender is suitable for the program, the offender will immediately enter treatment under appropriate bail conditions. The enhanced Far North Coast services, described under the Compulsory Treatment section above, will also be used for this court-based pilot scheme.

Amendments to the *Bail Act 1978*, which were necessary for the operation of the scheme, were passed by the NSW Parliament as part of the ***Drug Summit Legislative Response Act 1999*** and commenced on 10 March 2000. The amendments provide for the setting of bail conditions requiring assessment, treatment and rehabilitation.

Youth Drug Court Pilot Program

A Youth Drug Court Pilot Program will be conducted in Western Sydney over two years commencing in July 2000. The legal and treatment models for the pilot are now close to being settled following extensive development and consultation.

The Court will be built into the fabric of the existing Children's Court and will be able to impose assessment and treatment conditions during bail and sentencing. Unlike the adult Drug Court, the Youth Drug Court will target both licit and illicit drugs, and be directed at problematic drug and alcohol related behaviour as well as dependency.

The Court will sit at two locations and have several specially trained magistrates. Young people entering the program will sign an undertaking to abide by the Program's requirements as well as an individual Program Plan.

The Government has developed an innovative service model that will access a range of services to stop young people 'slipping through the gaps'. Key features of this progressive model include:

- a Joint Assessment Team providing full educational, social, psychological and behavioral assessments
- detoxification managed in detention or at home as circumstances require
- a short-term residential unit in Western Sydney to provide an opportunity to stabilise young offenders and develop an ongoing case management plan

- 5 community-based outpatient counselling and living skill programs combining group interventions, such as relapse prevention and stress management, with social skill development such as anger management and budget planning and management.

Legislation

As recommended by the Drug Summit, although the Government is trialling new approaches to warn people of the health, legal and social risks of cannabis use, legislation to strongly discourage the use and sale of cannabis has been retained.

The Police Minister is preparing a review and consolidation of **police drug law enforcement policies** to provide a context for future policy making, ensure that policies target solutions to specific problems, reflect a commitment to evaluation and full cost accounting, and provide an appropriate mix of effective strategies.

Adult Conferencing

A discussion paper has been drafted, and is expected to be available shortly for comment, regarding a proposal to establish an adult offenders conferencing program on a pilot basis, to promote restorative justice for victims and the community in respect of offenders who commit drug-related and non-violent offences.