



Report summary: Adult illicit drug offending and criminal justice outcomes in Queensland

The *Understanding changes in adult illicit drug offending and criminal justice outcomes in Queensland* research project showed that Queensland's criminal justice system has been characterised by an increasing volume of illicit drug offences and offenders being proceeded against by the police, which has impacted the number of illicit drug matters heard by the court and the number of illicit drug offenders under correctional supervision. For example, when comparing 2020–21 with 2012–13 in relation to illicit drug offending, the number of:

- police proceedings increased by 28.9%
- finalised court appearances grew by 40.6%
- community-based corrections order commencements increased by 32.4%
- admissions to sentenced custody rose by 44.5%.¹

Most illicit drug offences involved minor illicit drug offences, and although increases were evident for both minor and serious illicit drug offences, the level of growth varied between these offence types. When comparing 2020–21 with 2012–13:

- police proceedings increased for minor (31.4%) and serious (22.0%) illicit drug offences²
- finalised court appearances grew for minor (44.0%) and serious (44.7%) illicit drug offences
- community-based corrections order commencements rose for minor (6.7%) and serious (89.0%) illicit drug offences
- admissions to sentenced custody increased for minor (167.4%) and serious (25.6%) illicit drug offences.

The nature of illicit drug offending and prior offending history played a key role in criminal justice outcomes relating to illicit drug offences. For example:

- Police proceedings for serious illicit drug offences more commonly involved referral of matters to court for adjudication than those for minor illicit drug offences, and the proportion of minor illicit drug police proceedings involving referral to court increased over time due to a reduced use of police drug diversion. This reduced use of police diversion coincided with increases in the proportion of minor illicit drug police proceedings involving an offender with a prior minor illicit drug offence which possibly impacted eligibility for police drug diversion among minor illicit drug offenders.
- Fine/recognition type orders were the most common type of court outcome for all illicit drug offences, and courts more commonly imposed imprisonment for serious than minor illicit drug offences. However, sentences involving imprisonment for minor illicit drug offences became more common over time (representing 3.3% of court appearances for minor illicit drug offences in 2012–13 compared with 6.2% in 2020–21). There was also a reduction in the use of court drug diversion (with 22.8% of total court appearances for a minor illicit drug offence being finalised through a court drug diversion in 2012–13 compared with 11.6% in 2020–21). Changes in the use of court drug diversion coincided with observed increases in the number of charges per finalised appearance for minor illicit drug offenders and growth in the proportion of minor illicit drug offenders observed as having prior court contact involving minor illicit drug offences.

The reduced use of police and court drug diversion may also relate to the types of illicit substances being used, with other illicit drug market monitoring mechanisms showing a greater prevalence of more dangerous substances (such as methamphetamines) among substances seized from Queensland illicit drug consumers in recent years (Australian Crime Commission [ACC] 2014; Australian Criminal Intelligence Commission [ACIC] 2021).

Rises in the number of illicit drug offenders having contact with the criminal justice system is also likely to reflect and impact the administration of justice. For example, growth in the number of community-based corrections order commencements related to serious drug offences is likely to relate to growth in the number of serious illicit drug offenders sentenced to imprisonment who then serve some of their sentence on parole in the community. The length of prison-based sentences for serious and minor illicit drug offences were observed to have increased over time, which is likely to have influenced the number of offenders in custody for illicit drug offences on any particular day.

¹ The approach and counting rules used to analyse police, courts and corrections data differ due to the nature of administrative information. Caution should therefore be exercised when comparing findings for different arms of the criminal justice system.

² Minor illicit drug offences include possession and use of illicit substances / drug utensils, while serious illicit drug offences include the importation, manufacture and distribution of illicit drugs.

The growing volume of illicit drug offenders and indications that eligibility for illicit drug diversion has decreased among minor illicit drug offenders over time can be considered in light of the former Queensland Productivity Commission's recommendation to expand diversionary options for drug possession in their *Inquiry into Imprisonment and Recidivism* report. The research findings are also relevant to recommendations made in the *Queensland Drug and Specialist Courts Review* report to rationalise Queensland's existing low-level alcohol and other drug intervention programs supported by the criminal justice agencies and expand the availability of a consistent, brief intervention by way of police and court referral. Other research has shown that the successful implementation of early intervention strategies can reduce the individual, social and economic costs of crime (Welsh and Farrington 2011), and exploratory calculations progressed by this project indicate that the small, but rising volume of minor illicit drug offenders being admitted to sentenced custody possibly resulted in considerable imprisonment costs for Queensland.

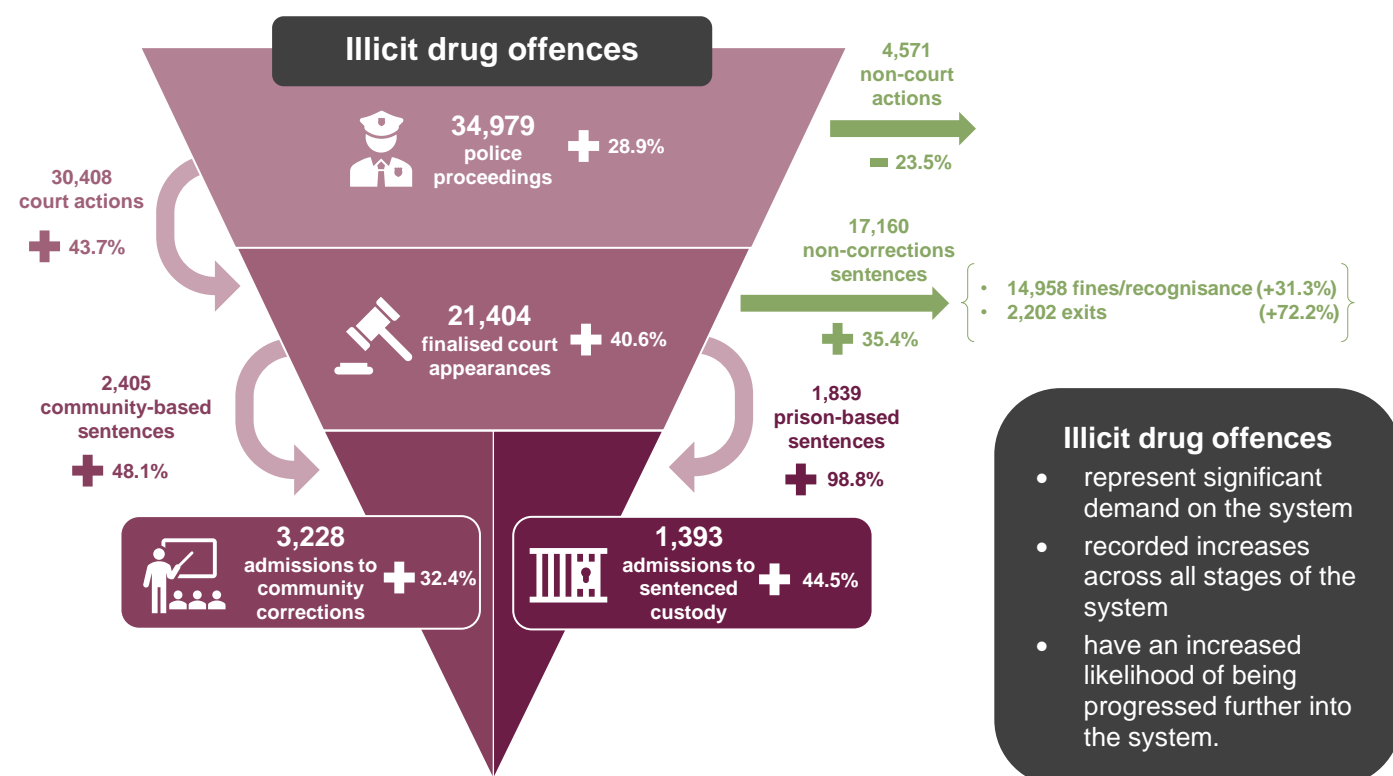
While most illicit drug offences were committed by male offenders, gender differences in illicit drug offence trends were apparent, with higher growth recorded for female than for male illicit drug offenders. For example, when comparing 2020–21 with 2012–13 in terms of illicit drug offenders, the number of:

- police proceedings increased by 70.2% for female and 16.6% for male offenders
- finalised court appearances grew by 88.5% for female and 27.2% for male offenders
- community corrections order commencements rose by 91.7% for female and 18.2% for male offenders
- admissions to sentenced custody increased by 53.1% for female and 42.8% for male offenders.

Other research indicates that illicit drug use plays a greater role in female criminal trajectories than is the case for males (Day et al. 2018; Forsythe and Adams 2009), and the relatively high growth of female illicit drug offending is likely to be contributing to the higher growth of Queensland's female prisoner population when compared with the male prisoner population. This finding is reflected in the Women's Safety and Justice Taskforce (WSJT) recent recommendation to change legislation to provide for greater use of adult cautions, police drug diversion, and adult restorative justice conferencing by police when responding to offences (other than indictable offences that cannot be dealt with summarily), to reduce the number of female offenders having contact with the criminal justice system (WSJT 2022).

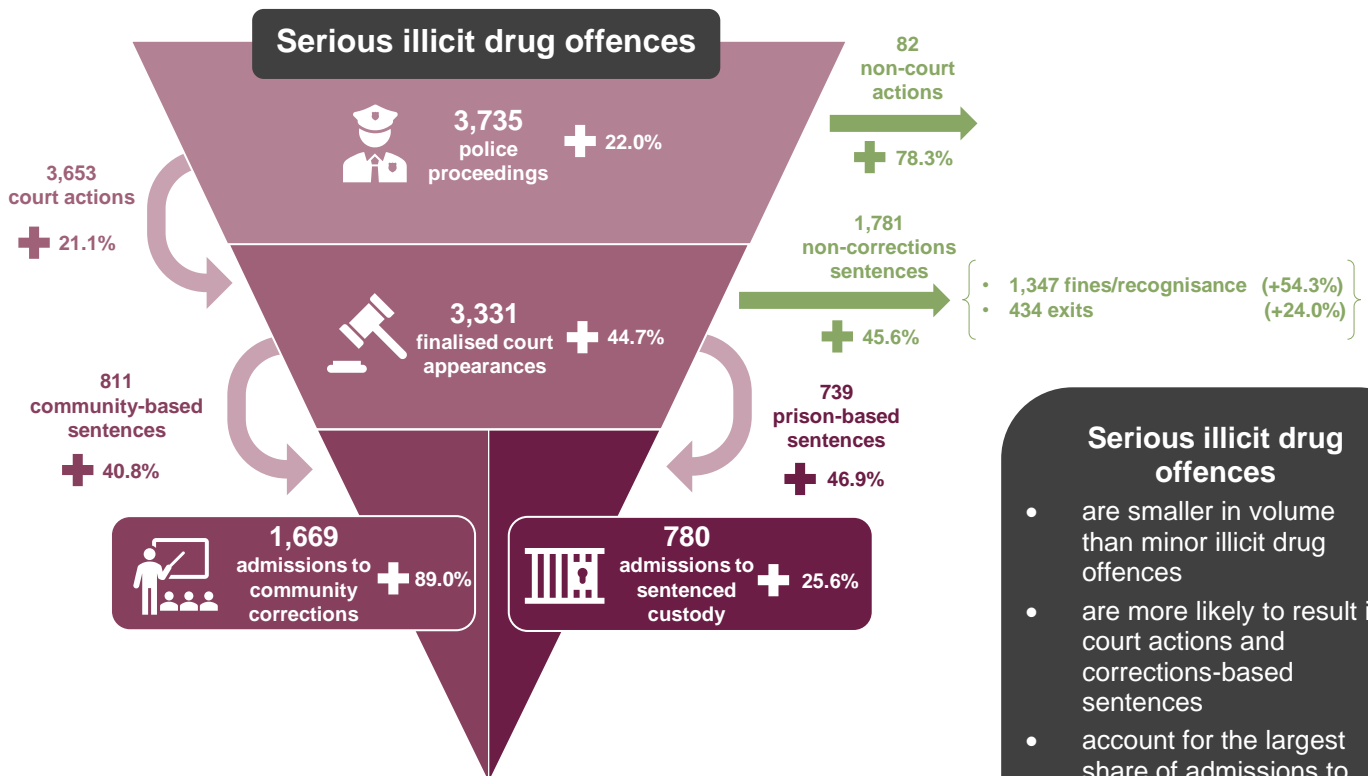
Criminal justice system flow of illicit drug offences

When comparing 2020–21 with 2012–13:



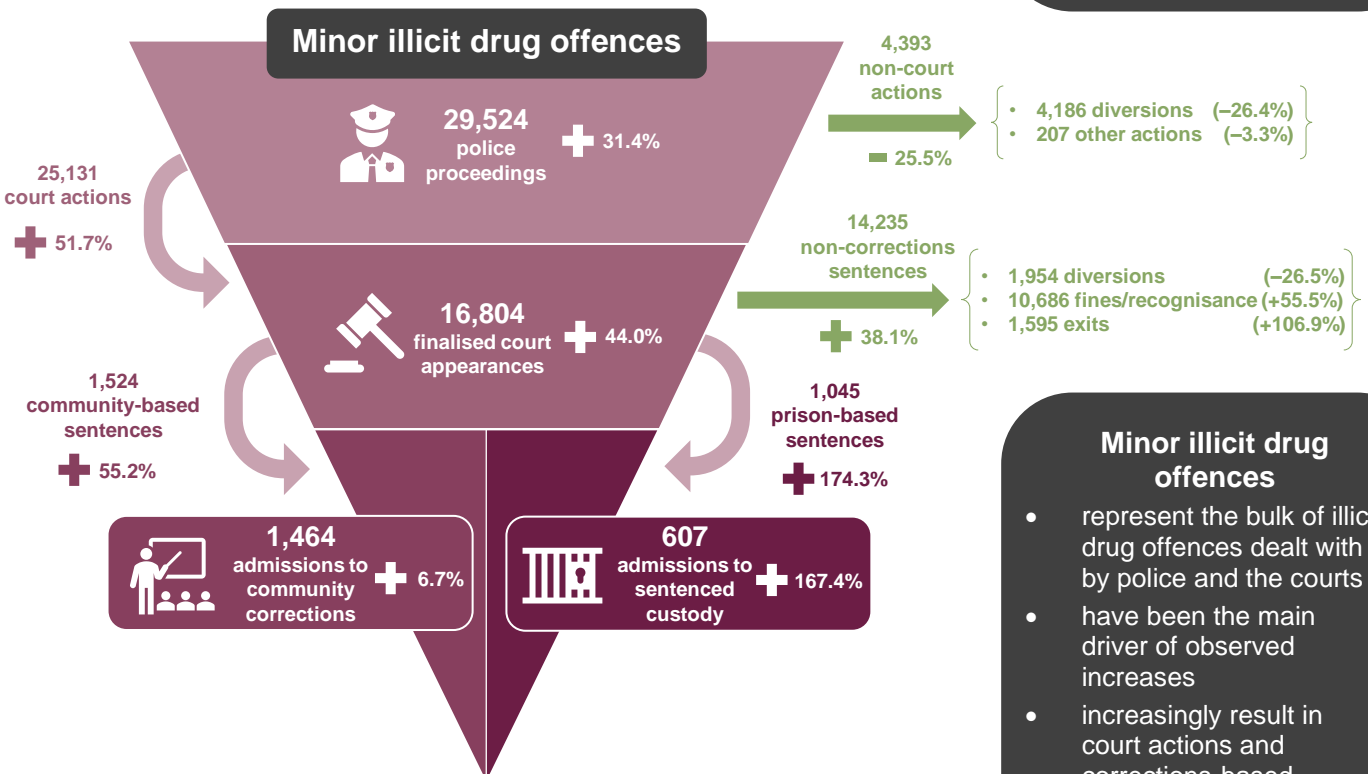
Criminal justice system flow of serious versus minor illicit drug offences

When comparing 2020–21 with 2012–13:



Serious illicit drug offences

- are smaller in volume than minor illicit drug offences
- are more likely to result in court actions and corrections-based sentences
- account for the largest share of admissions to corrections for an illicit drug offence.



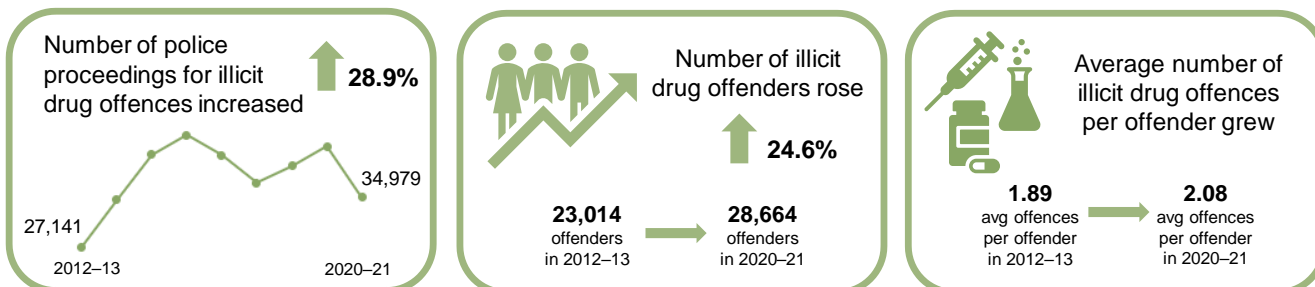
Minor illicit drug offences

- represent the bulk of illicit drug offences dealt with by police and the courts
- have been the main driver of observed increases
- increasingly result in court actions and corrections-based sentences.

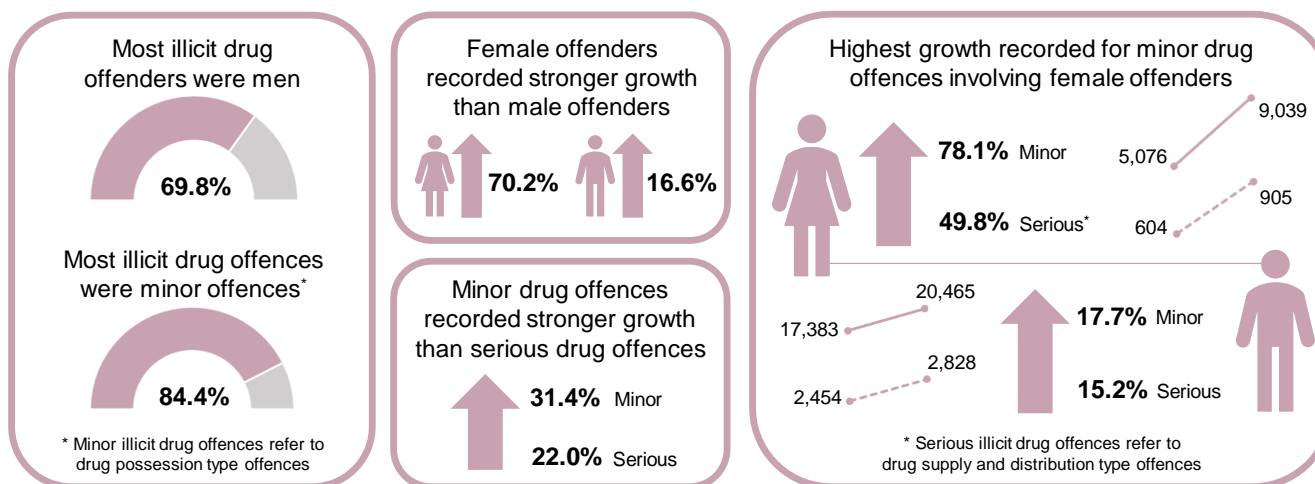
Contact with police for illicit drug offences

Between 2012–13 and 2020–21, and when comparing 2020–21 with 2012–13:

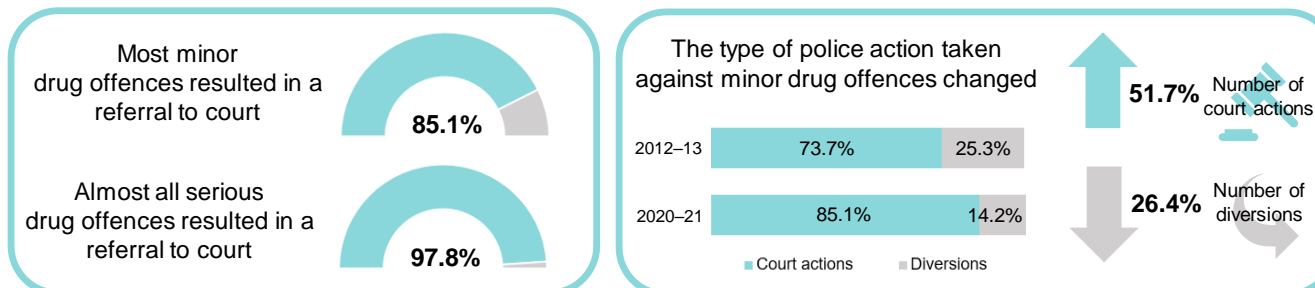
Increases in illicit drug proceedings, offenders and offences were observed



Illicit drug offence profile and trends varied by type of offence and gender



Police referred most illicit drug offences to court, and there was a decline in the use of police drug diversion



Decline in the use of diversion coincided with increases in the prevalence of prior minor illicit drug offending among minor illicit drug offenders which possibly impacted their eligibility for police drug diversion*

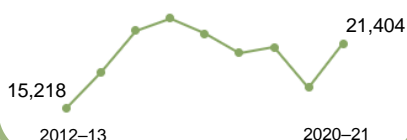
* Minor illicit drug offenders are not eligible for police drug diversion if they do not admit guilt, have been offered drug diversion previously by a police officer, have been sentenced to a term of imprisonment for a serious drug offence, or have been convicted of a violent offence against another person. Police drug diversion can only be offered for offences involving possession of 50g or less of cannabis, or possession of a thing that is used or has been used for smoking cannabis.

Contact with courts for illicit drug offences

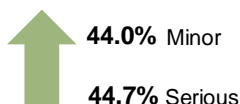
Between 2012–13 and 2020–21, and when comparing 2020–21 with 2012–13:

Increases in finalised court appearances for illicit drug offences were apparent

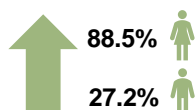
Number of finalised court appearances for illicit drug offences increased **40.6%**



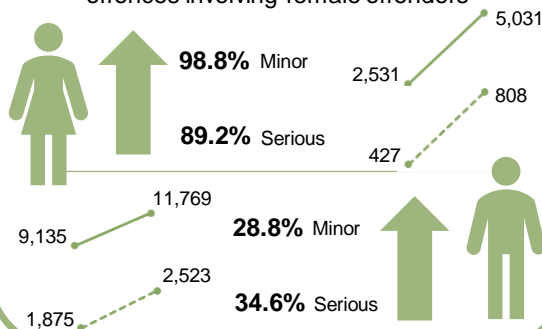
Similar increases evident for minor and serious drug offences



Female offenders recorded higher growth than male offenders



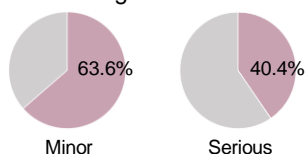
Highest growth recorded for minor drug offences involving female offenders, and high growth also observed for serious drug offences involving female offenders



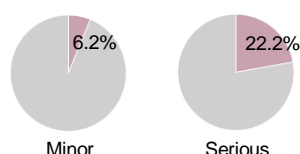
Increases in court appearances for illicit drug offences are related to growth in the number of illicit drug police proceedings and reduced use of police drug diversion

Fine/recognition type orders remained the most common court outcome, however there was a decline in the use of court drug diversion

Fine/recognition type orders more common among minor drug offences than serious drug offences



Prison-based sentences more common among serious drug offences than minor drug offences

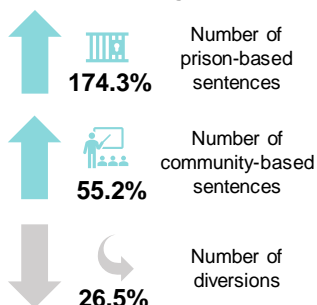


Reduced use of court drug diversion and growth in prison-based sentences for minor drug offences

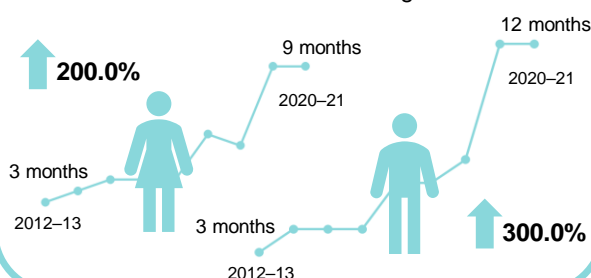


For minor drug offences, use of prison-based sentences doubled and sentence lengths quadrupled*

For minor drug offences:



Median length of prison-based sentences grew for male and female minor drug offenders



For minor drug offences:

Men more likely to receive prison-based sentences than women
Men received longer prison-based sentences than women

* Court outcomes for serious illicit drug offences fluctuated over time, but did not change substantially when comparing 2012–13 and 2020–21. Prison-based sentence lengths for serious illicit drug offences increased over time, but to a much smaller degree than the increases observed for minor illicit drug offences.

Increased use of prison-based sentences and decline in use of diversion coincided with a changing offence profile of minor illicit drug offenders appearing before the courts. Offenders were sentenced for more offences and were increasingly characterised by prior minor illicit drug offending.**

** Minor illicit drug offenders are not eligible for court drug diversion if they do not admit guilt, have been offered drug diversion on two previous occasions, or have pending charges or convictions for a serious drug offence or a violent offence against another person.

Contact with corrections for illicit drug offences

Between 2012–13 and 2020–21, and when comparing 2020–21 with 2012–13:

There were increases in the number of admissions to remand, sentenced custody and community-based corrections orders for illicit drug offences

Number of remand admissions for illicit drug offences increased **74.8%**



Number of sentenced custody admissions for illicit drug offences increased **44.5%**

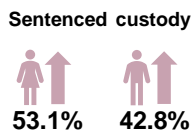
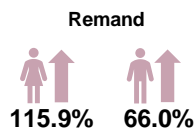


Number of community-based order commencements for illicit drug offences increased **32.4%**

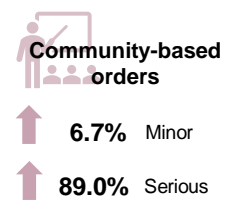
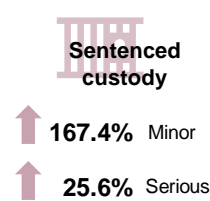
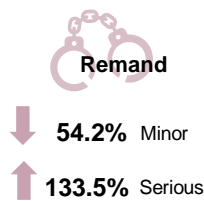


Growth in correctional admissions for illicit drug offences differed by gender and offence type

Higher growth was recorded for women than men

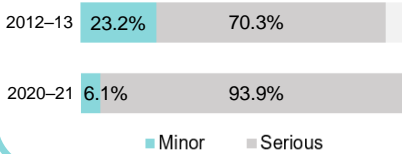


Growth in admissions to correctional supervision was highest for minor drug offences sentenced to custody

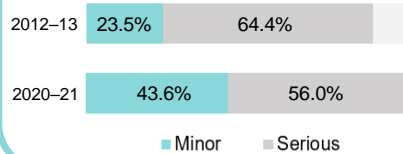


The offence composition of correctional admissions for illicit drug offences changed over time

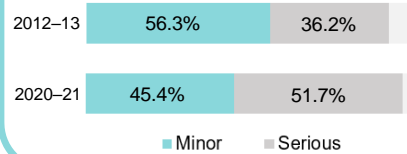
Remand admissions became almost entirely related to serious drug offences



Sentenced custody admissions increasingly related to minor drug offences



Community-based orders increasingly related to serious drug offences



Durations of correctional supervision increased, particularly for minor illicit drug offences

Median length of stay in sentenced custody for minor drug offences increased **163.5%**



Median length of stay in sentenced custody for serious drug offences increased **116.2%**



Duration of correctional supervision was longer for serious drug offences, but minor drug offences increased more

Men had longer periods of correctional supervision than women