

QUEENSLAND TREASURY

Adult illicit drug offending and criminal justice outcomes in Queensland

Queensland Government Statistician's Office

Queensland Treasury

www.qgso.qld.gov.au

© The State of Queensland (Queensland Treasury) 2023

The Queensland Government supports and encourages the dissemination and exchange of information. However, copyright protects this publication. The State of Queensland has no objection to this material being reproduced, made available online or electronically but only if it is recognised as the owner of the copyright and this material remains unaltered.

Licence

This document is licensed under a Creative Commons Attribution (CC BY 4.0) International licence.



To view a copy of this licence, visit <https://creativecommons.org/licenses/by/4.0>

Attribution

Content from this report should be attributed to:

Queensland Government Statistician's Office, Queensland Treasury, *Adult illicit drug offending and criminal justice outcomes in Queensland*.

Disclaimer

While great care has been taken in collecting, processing, analysing, and extracting information, Queensland Government Statistician's Office, Queensland Treasury makes no warranty regarding errors or omissions and assumes no legal liability or responsibility for loss or damage resulting from the use of the information.

Contents

Abbreviations.....	viii
Symbols.....	viii
Report summary	ix
1.0 Introduction	1
2.0 Background	2
2.1. Impact of illicit drug use	2
2.2. Criminal justice responses to illicit drugs.....	2
2.2.1. Supply reduction.....	3
2.2.2. Demand and harm reduction	4
2.3. Illicit drug trends	5
2.3.1. Increases in illicit drug offences	6
2.3.2. Changes in illicit drug use and the illicit drug market	6
2.3.3. Impact of COVID-19 on illicit drug offending and the criminal justice system	7
2.4. Drugs-crime nexus	7
2.5. Illicit drug use and gender	7
2.6. Research objective	8
3.0 Research approach.....	9
3.1. Analyses	9
3.2. Datasets and counting rules	9
3.2.1. Police	9
3.2.2. Courts	10
3.2.3. Corrections	10
3.2.4. Estimated resident population	11
3.3. Classification of data	11
3.3.1. Demographic information	11
3.3.2. Offence types	12
3.3.3. Criminal justice system outcomes	12
3.4. Conceptualising prior contact	13
3.5. Limitations.....	13

4.0	Research findings: Contact with police	15
4.1.1.	Police proceedings where an illicit drug offence was the MSO and illicit drug offenders	15
4.1.2.	Drivers of change in police actions in response to minor illicit drug offences	20
5.0	Research findings: Contact with courts	28
5.1.1.	Finalised court appearances where an illicit drug offence was the MSO	28
5.1.2.	Drivers of change in court outcomes for minor illicit drug offences	35
6.0	Research findings: Contact with corrections	45
6.1.1.	Remand	45
6.1.2.	Sentenced custody	49
6.1.3.	Community-based corrections orders	54
7.0	Discussion	63
7.1.	System flows and demand	63
7.2.	Implications	64
7.3.	Future research	65
7.4.	Conclusion	66
8.0	References	67
	Appendices	71
Appendix A:	Classification of offences and outcomes	A1
Appendix B:	Volume of contact with police, courts and corrections for illicit drug offences	A4

Tables

Table 1	Average number of charges per finalised court appearance where a minor illicit drug offence was the MSO, by gender and court outcome	37
Table A1	Classification of illicit drug offences	A1
Table A2	Classification of police action types	A2
Table A3	Classification of court outcomes	A3
Table A4	Police proceedings where an illicit drug offence was the MSO, 2020–21 compared with 2012–13.....	A4
Table A5	Finalised court appearances where an illicit drug offence was the MSO, 2020–21 compared with 2012–13	A5
Table A6	Admissions to corrections where an illicit drug offence was the MSO, 2020–21 compared with 2012–13A6	

Figures

Figure 1	Impacts of illicit drug use	2
Figure 2	Number and rate of police proceedings where an illicit drug offence was the MSO	15
Figure 3	Number and rate of police proceedings where an illicit drug offence was the MSO, by gender	17
Figure 4	Average number of illicit drug offences per illicit drug offender each year, by gender	17
Figure 5	Number of police proceedings where an illicit drug offence was the MSO, by offence type	18
Figure 6	Proportion of police proceedings where a serious illicit drug offence versus minor illicit drug offence was the MSO, by action type	19
Figure 7	Number of police proceedings where a minor illicit drug offence was the MSO, by action type and gender	20
Figure 8	Proportion of minor illicit drug offenders who were previously proceeded against by police, by prior offence type	21
Figure 9	Frequency of prior contact for minor illicit drug offenders who were previously proceeded against by police, by prior offence type	21
Figure 10	Proportion of female and male minor illicit drug offenders who were previously proceeded against by police, by prior offence type	22
Figure 11	Proportion of court actioned versus diverted minor illicit drug offenders who were previously proceeded against by police, by prior offence type.....	23
Figure 12	Frequency of prior contact for court actioned versus diverted minor illicit drug offenders who were previously proceeded against by police, by prior offence type	24
Figure 13	Number and rate of finalised court appearances where an illicit drug offence was the MSO	28
Figure 14	Number and rate of finalised court appearances where an illicit drug offence was the MSO, by gender ..	29
Figure 15	Number of finalised court appearances where an illicit drug offence was the MSO, by offence type	30
Figure 16	Proportion of finalised court appearances where an illicit drug offence was the MSO, by court outcome .	31
Figure 17	Proportion of finalised court appearances where a serious illicit drug offence was the MSO, by court outcome.....	32
Figure 18	Proportion of finalised court appearances where a minor illicit drug offence was the MSO, by court outcome.....	33
Figure 19	Prison-based sentence lengths for finalised court appearances where a serious illicit drug offence was the MSO	34



Figure 20	Prison-based sentence lengths for finalised court appearances where a minor illicit drug offence was the MSO	35
Figure 21	Average number of charges per finalised court appearance where a minor illicit drug offence was the MSO, by gender	36
Figure 22	Proportion of minor illicit drug offenders who had previous finalised court appearances, by prior offence type	38
Figure 23	Frequency of prior contact for minor illicit drug offenders who had previous finalised court appearances, by prior offence type	39
Figure 24	Proportion of female and male minor illicit drug offenders who had previous finalised court appearances, by prior offence type	39
Figure 25	Proportion of minor illicit drug offenders who received a prison-based sentence versus a diversion who had previous finalised court appearances, by prior offence type	40
Figure 26	Frequency of prior contact for minor illicit drug offenders who received a prison-based sentence versus a diversion, who had previous finalised court appearances, by prior offence type	41
Figure 27	Number and rate of admissions to remand where an illicit drug offence was the MSO	46
Figure 28	Number and rate of admissions to remand where an illicit drug offence was the MSO, by gender	46
Figure 29	Number and offence composition of admissions to remand where an illicit drug offence was the MSO, by offence type	47
Figure 30	Number of admissions to remand where an illicit drug offence was the MSO, by gender and offence type	48
Figure 31	Proportion of admissions to remand where an illicit drug offence was the MSO, by gender and offence type	48
Figure 32	Lengths of stay on remand where a serious illicit drug offence was the MSO	49
Figure 33	Number and rate of admissions to sentenced custody where an illicit drug offence was the MSO	50
Figure 34	Number and rate of admissions to sentenced custody where an illicit drug offence was the MSO, by gender	50
Figure 35	Number and offence composition of admissions to sentenced custody where an illicit drug offence was the MSO, by offence type	51
Figure 36	Number of admissions to sentenced custody where an illicit drug offence was the MSO, by gender and offence type	52
Figure 37	Proportion of admissions to sentenced custody where an illicit drug offence was the MSO, by gender and offence type	52
Figure 38	Lengths of stay in sentenced custody where a serious illicit drug offence was the MSO	53
Figure 39	Lengths of stay in sentenced custody where a minor illicit drug offence was the MSO	54
Figure 40	Number and rate of community-based corrections order commencements where an illicit drug offence was the MSO	55
Figure 41	Number and rate of community-based corrections order commencements where an illicit drug offence was the MSO, by gender	55
Figure 42	Number and offence composition of community-based corrections order commencements where an illicit drug offence was the MSO, by offence type	56
Figure 43	Number of community-based corrections order commencements where an illicit drug offence was the MSO, by gender and offence type	57
Figure 44	Proportion of community-based corrections order commencements where an illicit drug offence was the MSO, by gender and offence type	57
Figure 45	Duration of community-based corrections orders where a serious illicit drug offence was the MSO	58



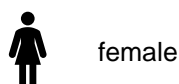
Figure 46 Duration of community-based corrections orders where a minor illicit drug offence was the MSO58

Abbreviations

ABS	Australian Bureau of Statistics
ACC	Australian Crime Commission
ACIC	Australian Criminal Intelligence Commission
AIC	Australian Institute of Criminology
AIHW	Australian Institute of Health and Welfare
ANZSOC	Australian and New Zealand Standard Offence Classification
Court drug diversion	Illicit Drug Court Diversion Program
DAAR	Drug and Alcohol and Assessment Referrals
DJAG	Department of Justice and Attorney-General
DUMA	Drug Use Monitoring Australia
ERP	estimated resident population
MSO	most serious offence
NDARC	National Drug and Alcohol Research Centre
NIAS	National Ice Action Strategy
NOI	National Offence Index
Police drug diversion	Police drug diversion program
QASOC	Australian Standard Offence Classification (Queensland Extension)
QCD	Queensland Courts Database
QCS	Queensland Corrective Services
QDAC	Queensland Drug and Alcohol Court
QGSO	Queensland Government Statistician's Office
QH	Queensland Health
QPC	Queensland Productivity Commission
QPS	Queensland Police Service
UNODC	United Nations Office on Drugs and Crime
WSJT	Women's Safety and Justice Taskforce

Symbols

In some figures throughout this report, the following symbols have been used to simplistically represent the gender of individuals:



Report summary

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.

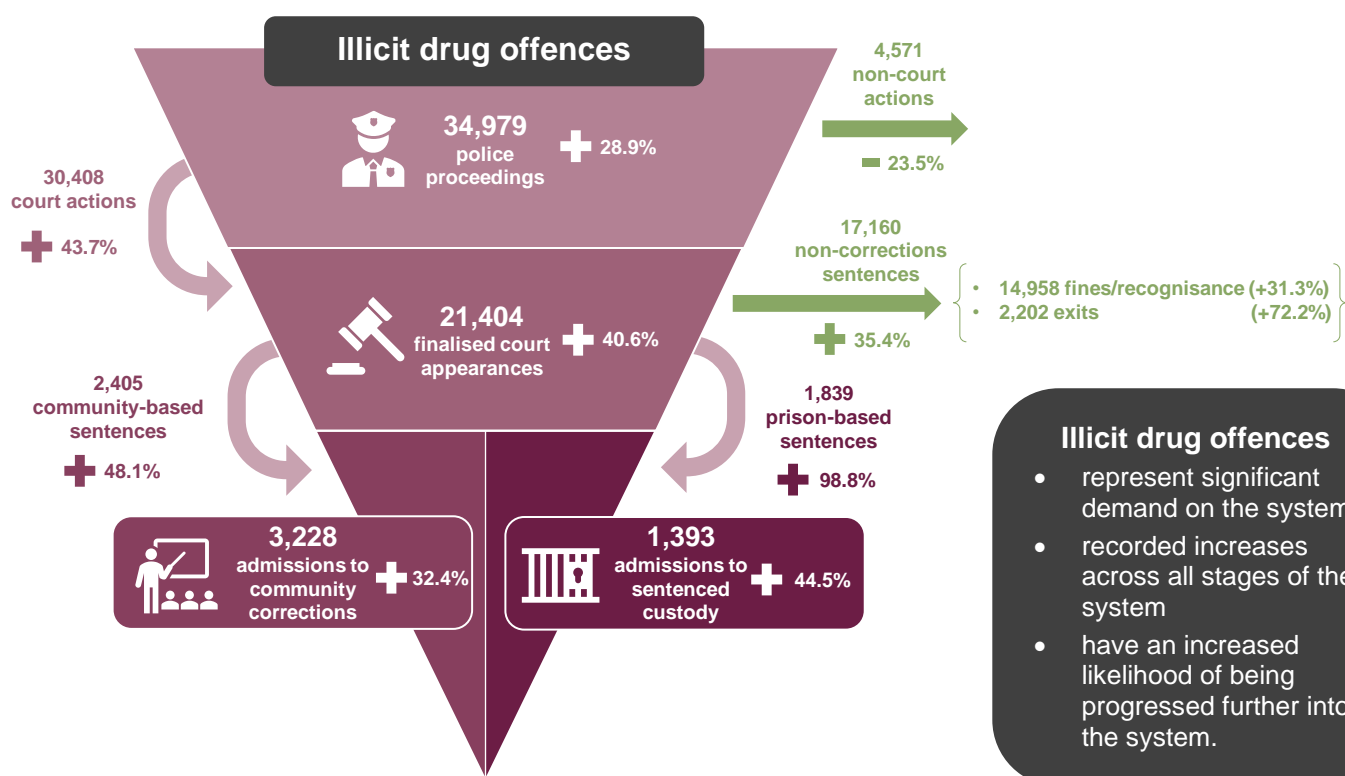
While most illicit drug offences were committed by male offenders, gender differences in illicit drug offence trends were apparent, with higher growth recorded for female than for male illicit drug offenders. For example, when comparing 2020–21 with 2012–13 in terms of illicit drug offenders, the number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

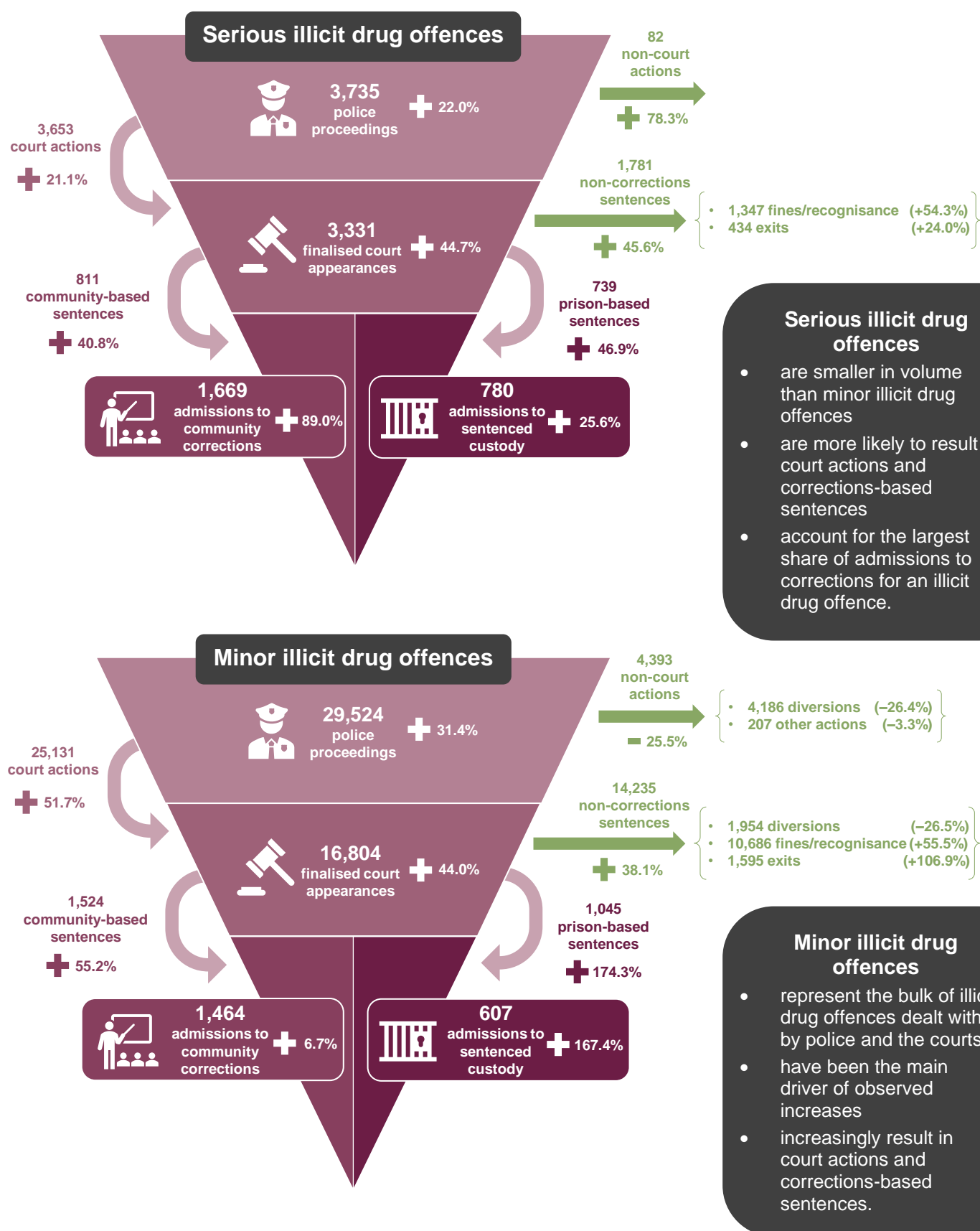
Criminal justice system flow of illicit drug offences

When comparing 2020–21 with 2012–13:



Criminal justice system flow of serious versus minor illicit drug offences

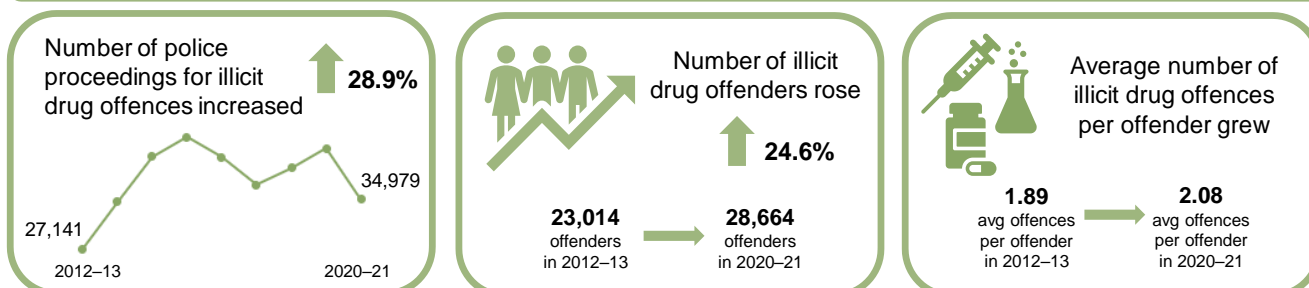
When comparing 2020–21 with 2012–13:



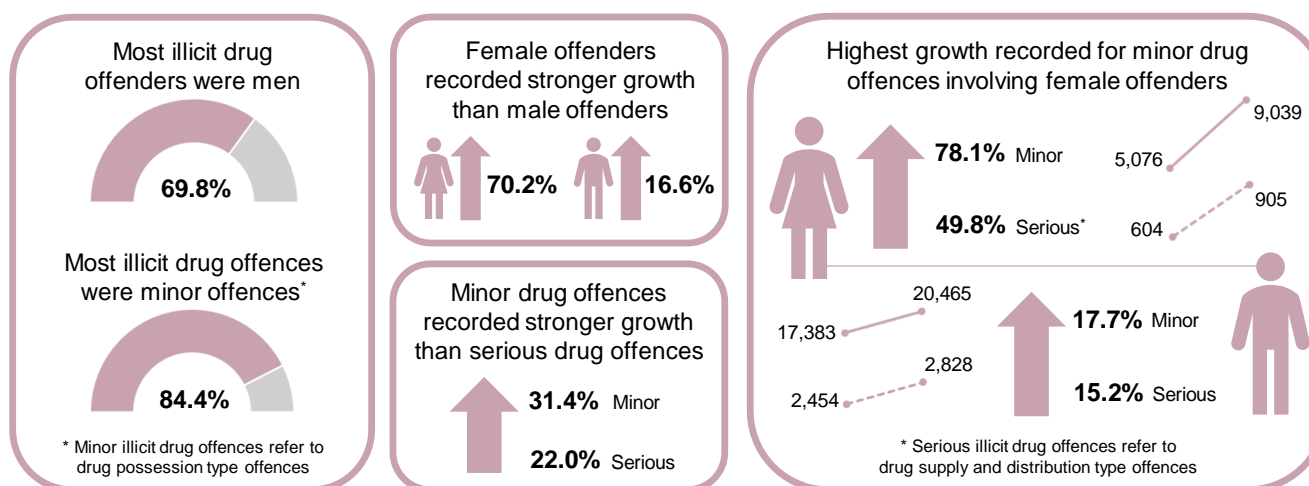
Contact with police for illicit drug offences

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

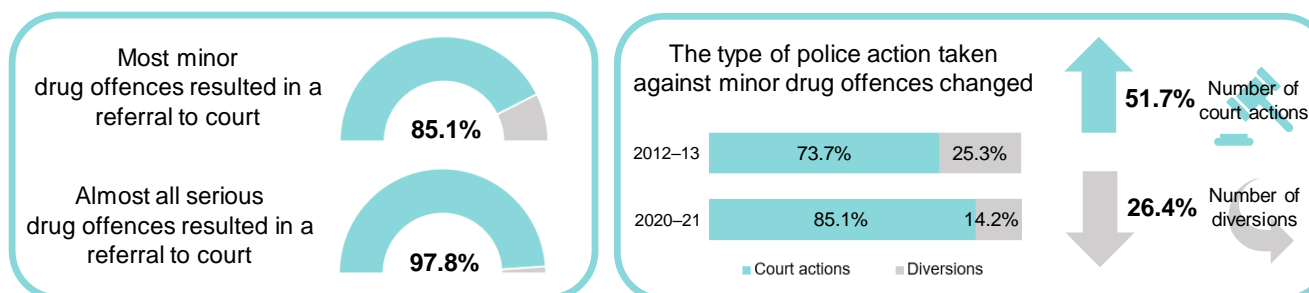
Increases in illicit drug proceedings, offenders and offences were observed



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:

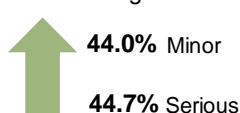
Increases in finalised court appearances for illicit drug offences were apparent

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

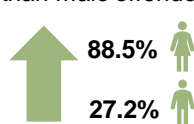


Increases in court appearances for illicit drug offences are related to growth in the number of illicit drug police proceedings and reduced use of police drug diversion

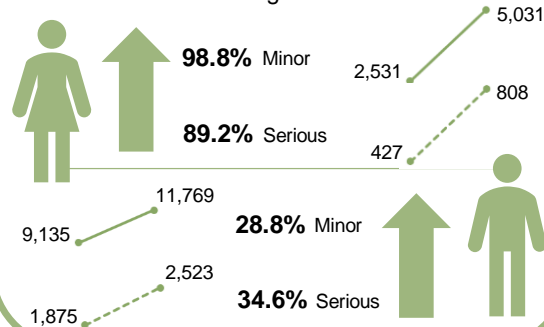
Similar increases evident for minor and serious drug offences



Female offenders recorded higher growth than male offenders

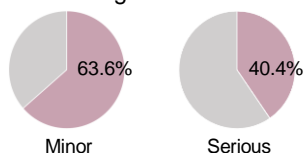


Highest growth recorded for minor drug offences involving female offenders, and high growth also observed for serious drug offences involving female offenders

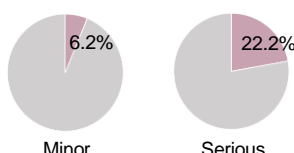


Fine/recognition type orders remained the most common court outcome, however there was a decline in the use of court drug diversion

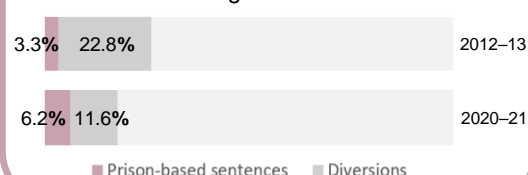
Fine/recognition type orders more common among minor drug offences than serious drug offences



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

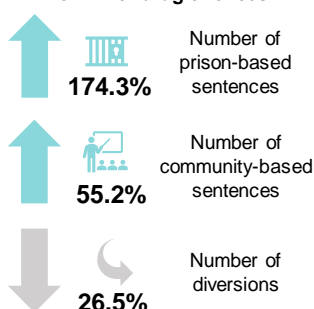


Reduced use of court drug diversion and growth in prison-based sentences for minor drug offences

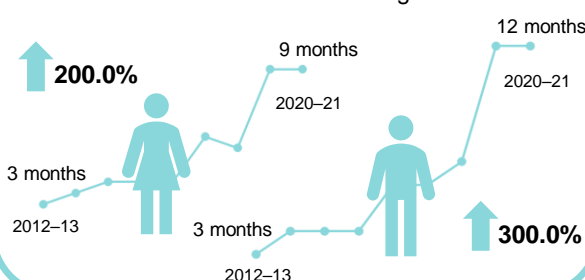


For minor drug offences, use of prison-based sentences doubled and sentence lengths quadrupled*

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 not 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.**

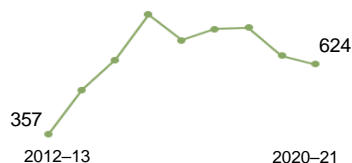
** Minor illicit drug offenders are not eligible for court drug diversion if they do not admit guilt, have been offered drug diversion on two previous occasions, or have pending charges or convictions for a serious drug offence or a violent offence against another person.

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

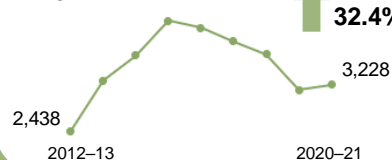
Number of remand admissions for illicit drug offences increased **74.8%**



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

Remand
115.9% (Women) 66.0% (Men)

Sentenced custody

53.1% (Women) 42.8% (Men)

Community-based orders

91.7% (Women) 18.2% (Men)

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

Remand

54.2% Minor
133.5% Serious

Sentenced custody

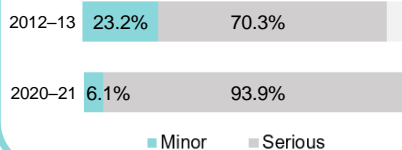
167.4% Minor
25.6% Serious

Community-based orders

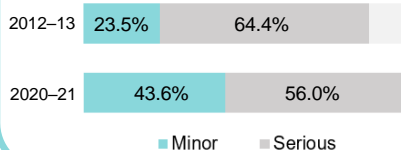
6.7% Minor
89.0% Serious

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

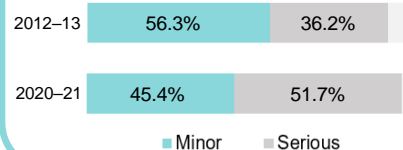
Remand admissions became almost entirely related to serious drug offences



Sentenced custody admissions increasingly related to minor drug offences



Community-based orders increasingly related to serious drug offences

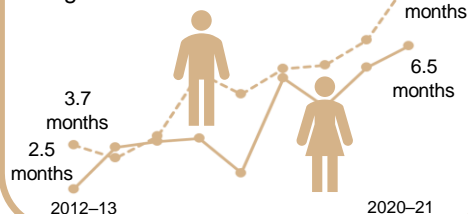


Durations of correctional supervision increased, particularly for minor illicit drug offences

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



1.0 Introduction

The current project explored the prevalence of, and response to, illicit drug offending throughout the Queensland criminal justice system over time, and the impact this has had on the volume of offenders being moved through the criminal justice system. Gender differences were examined to determine if observed changes over time varied for men and women.

Following this introduction, the report provides background information to position the research within existing literature and policy contexts and outlines the research methods used to examine illicit drug offending within Queensland over time. The key findings from analyses are then presented, followed by a summary and discussion of the research findings.

The information presented in this report may vary from data published elsewhere by the Queensland Government Statistician's Office (QGSO) and others, due to differing counting rules and the dynamic nature of the data. Readers are therefore urged to exercise caution when making comparison between publications.

2.0 Background

The chapter provides context and justification to the research presented in this report. It briefly discusses the impact of, and criminal responses to, illicit drug use, before presenting information on illicit drug offence trends in Queensland. Illicit drug offence trends are then considered in relation to illicit drug use trends, the drugs-crime nexus and gender differences in illicit drug use.

2.1. Impact of illicit drug use

Illicit drug use includes the use of illegal drugs, the misuse of prescription drugs and the inappropriate use of other substances (such as chroming). It is associated with substantial tangible and intangible health, social and economic harms (sometimes referred to as costs) to individuals, families and the broader community.³ Health harms include those related to the health and wellbeing of illicit drug users, while social harms can occur as a result of illicit drug use (for example, crime committed to finance illicit drug purchases or violent crime attributed to illicit drug use / operation of illicit drug markets) (Smith 2018). Economic harms include the costs related to health and treatment services, loss of productivity and the administration of criminal justice (Mayhew 2003). The harms associated with illicit drug use are listed in more detail in Figure 1.

Figure 1 Impacts of illicit drug use



Source: Adapted from *National Drug Strategy 2017–2026* (Department of Health 2017)

The Queensland Productivity Commission (QPC) estimated the economic costs of illicit drugs to be valued at over \$2 billion for Queensland in 2017–18 (QPC 2019). This was comprised of costs associated with illicit drug driving (\$77 million), illicit drug-related crime (\$682 million), health (\$914 million)⁴ and the administration of criminal justice (\$500 million). It was also observed that Queensland Government expenditure on law enforcement for illicit drug offences increased between 2011–12 and 2017–18, growing faster than expenditure on other offences, and faster than other expenditure in general (QPC 2019).⁵

2.2. Criminal justice responses to illicit drugs

Health and criminal justice responses to illicit drug use form part of broader national and state strategies aimed at minimising the harms associated with illicit drug use. This section refers to these strategies, before describing responses more specifically related to criminal justice.

The *National Drug Strategy 2017–2026* (National Drug Strategy) aims to ‘...build safe, healthy and resilient Australian communities through preventing and minimising alcohol, tobacco and other drug-related health, social, cultural and economic harms among individuals, families and communities’ (Department of Health 2017, p. 1) through activities that reduce the **supply, demand and harms** associated with drugs.

³ Intangible costs are more difficult to measure than tangible costs, and include the costs associated with the pain, suffering and lost quality of life associated with illicit drug use and offending (Mayhew 2003).

⁴ The costs associated with illicit drug driving, illicit drug-related crime, and health are based on the estimated costs associated with cannabinoids, cocaine, heroin, methamphetamine, and MDMA.

⁵ The costs associated with illicit drugs are estimated to be less than the harms and costs associated with legal drugs, such as alcohol and tobacco, due to their greater prevalence (Bonomo et al. 2019; Collins and Lapsley 2008).

The National Drug Strategy recognises that:

- 'drug use occurs across a continuum, from occasional use to dependent use
- a range of harms are associated with different types and patterns of drug use
- the response to these harms requires a multifaceted response' (Department of Health 2017, p. 6).

Specific strategies and activities targeting harms associated with the use of methamphetamines have also been developed at the national level. This includes the establishment of the *National Ice Taskforce* in 2015, which informed the development of the *National Ice Action Strategy* (NIAS) released in the same year. The NIAS also refers to state-based initiatives.⁶

Queensland has state-wide and agency-specific strategies that reflect the National Drug Strategy's three pillars of harm minimisation (supply, demand and harm reduction). This includes the *Queensland Alcohol and Other Drugs Action Plan 2015–17: Thriving communities; Shifting minds: Queensland Mental Health, Alcohol and Other Drugs Strategic Plan 2018–2023*; and the *Queensland Corrective Services Drug and Alcohol Strategy 2020–2025*. Queensland's *Action on Ice Plan* was developed in 2018, following the release of the NIAS and growing concerns regarding methamphetamine's increasing availability and use. This plan replaced the *Ice Breaker Strategy* released in 2006 (Department of the Premier and Cabinet 2015).

Criminal justice responses to illicit drug use most prominently align with strategies aimed at reducing the supply of illicit drugs, however they can also support demand and harm reduction strategies by intersecting with activities delivered by the health sector and illicit drug awareness campaigns.^{7,8}

2.2.1. Supply reduction

The criminal justice system plays an integral role in the disruption of illicit drug supply. In Queensland, relevant legislation and regulation include the *Police Powers and Responsibilities Act 2000* (Qld), *Drugs Misuse Act 1986* (Qld), *Drugs Misuse Regulation 1987* (Qld) (Regulation), *Penalties and Sentences Act 1992* (Qld), *Youth Justice Act 1992* (Qld) and the *Corrective Services Act 2006* (Qld). Federal laws, including the *Narcotic Drugs Act 1967* (Aust) and the *Criminal Code 1995* (Aust) may also apply in the Queensland context. Queensland's legislation and regulation use the term 'dangerous drugs' when referring to illicit substances.

In Queensland, it is an offence to possess, supply, manufacture, traffic and/or import dangerous drugs and/or possess items used to consume, produce or distribute dangerous drugs listed in Schedule 1 and Schedule 2 of the *Drugs Misuse Regulation 1987* (Qld) (Regulation) for unlawful purposes (Caxton Legal Centre Inc. 2016). Schedule 1 includes heroin, cocaine, methamphetamine, LSD and ecstasy, while Schedule 2 includes cannabis, methadone, opium and benzodiazepines.⁹ It is also illegal to drive while under the influence of cannabis, amphetamine and ecstasy, obtain property (either directly or indirectly) from the commission of illicit drug offences, publish instructions for producing dangerous drugs and/or enable the use of premises for the conduct of illicit drug offences (Caxton Legal Centre Inc. 2016).

The *Drugs Misuse Act* sets out the penalties for illicit drug offences which vary depending on the associated harms/type and amount of dangerous drug involved in the offence. Dangerous drugs listed in Schedule 1 attract more serious penalties than those listed in Schedule 2, while larger quantities of dangerous drugs (especially those associated with supply, trafficking and importation) attract more serious penalties than smaller quantities (such as those associated with personal use) (Caxton Legal Centre Inc. 2016).¹⁰

⁶ The evaluation of the NIAS conducted in 2021 found evidence of the ongoing need for activities outlined in the NIAS (Cash et al. 2021).

⁷ Queensland Health is primarily responsible for the delivery of alcohol and drug treatment services in Queensland. Further information about health approaches to illicit drug use is available in the *Shifting minds: Queensland Mental Health, Alcohol and Other Drugs Strategic Plan, 2018–2023*.

⁸ National and state level education and awareness campaigns also form part of illicit drug strategies. For example, the national *Ice Destroys Lives* (Douglass et al. 2017) and Queensland's *Ice Help* campaigns. Educating and encouraging the community to identify and report illicit drug dealing has been supported by the national *Dob in a Dealer* and the Queensland-based *Report a Drug Dealer* campaigns. These campaigns have been linked to increased illicit drug-related calls to Crime Stoppers and thus an increase in arrests, charges and drug seizures in Queensland (Crime Stoppers 2020; Crime Stoppers Queensland 2021).

⁹ The precursor chemicals and equipment used in the manufacture of dangerous drugs are listed in Schedule 8A and 8B of the *Drugs Misuse Regulation 1987* (Qld) (Regulation).

¹⁰ For example, the maximum penalty for trafficking a Schedule 1 dangerous drug is 25 years, while the maximum penalty for trafficking a Schedule 2 dangerous drug is 20 years. The maximum penalty for possessing things (other than syringes) connected with the use of a dangerous drug is two years imprisonment (Caxton Legal Centre Inc. 2016).

Penalties are also more serious if offences relate to an adult supplying a prohibited substance to a person:

- aged under 16 years
- who is intellectually impaired
- in an education institution or school
- in a correctional facility (Caxton Legal Centre Inc. 2016).

Police supply reduction efforts tend to focus on disrupting illicit drug markets by targeting criminal networks involved in the production and supply of illicit drugs (Queensland Government 2019), and police may progress a court or non-court action when proceeding against illicit drug offenders. A court action generally involves charging a person with an offence that requires adjudication in a court, while non-court actions for adults can include diversion to adult restorative justice conferencing or the Police Drug Diversion Program (police drug diversion) (Queensland Police Service [QPS] 2021a).¹¹ Non-court police actions for children subject to the Youth Justice Act include no formal action, cautioning, referral to a restorative justice process and referral to police drug diversion (QPS 2021a). In addition to undertaking standard police proceedings, police may also refer adults and children to support services (QPS 2021a). More information about police drug diversion is available at section 2.2.2.

Illicit drug offences are heard in either the Magistrates, Murri, Queensland Drug and Alcohol (QDAC), District or Supreme Courts depending on their seriousness and other factors.¹² Sentencing options for illicit drug offences proven in court include imprisonment, drug and alcohol treatment order, probation, community service, fine, good behaviour bond/recognition or no formal punishment. Participation in the Illicit Drug Court Diversion Program (court drug diversion) may be added as a condition of good behaviour bond/recognition orders.

2.2.2. Demand and harm reduction

Queensland's criminal justice system is also involved in the delivery of activities aligned with illicit drug demand and harm reduction. The criminalisation of prohibited drugs acts as a general deterrence to their use, and those with contact with the criminal justice system for illicit drug offences may be diverted to assessment and education programs or referred to rehabilitation programs (police and court drug diversion).¹³ In addition to reducing the harms associated with illicit drug use (through demand reduction), diversionary options aim to reduce the harms associated with contact with the criminal justice system.¹⁴ They are available at different stages of the criminal justice system and their implementation tends to correlate with offence seriousness.

Police drug diversion

Police drug diversion enables participation in a brief assessment and education intervention to assist children and adult offenders with addressing their illicit drug use and associated offending behaviour. Police must offer people the opportunity to participate in police drug diversion if they meet certain eligibility criteria. According to the Police Powers and Responsibilities Act, to be eligible for police drug diversion a person must:

- be arrested for, or questioned about, a minor drugs offence (possession of 50g or less of cannabis, or possession of a thing that is used, or has been used for smoking cannabis)
- not have committed another indictable offence in circumstances related to the minor drugs offence
- not have been previously sentenced to serve a term of imprisonment for supply, trafficking or production of a dangerous drug or precursors
- not have been previously convicted of an offence involving violence against another person or if they have, the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* (Qld) must have expired
- admit to having committed the minor drugs offence during an electronically recorded interview
- not have previously been offered the opportunity to attend police drug diversion.

¹¹ Adult cautioning is not available for drug driving offences or offences committed against the Drugs Misuse Act (QPS 2021a).

¹² Trafficking offences can only be heard in the higher courts (Caxton Legal Centre Inc. 2016).

¹³ General deterrence aims to discourage behaviour among the general population.

¹⁴ Research has shown that exposure to the criminal justice system may increase a person's likelihood of further contact with the system. This is because contact with the system may diminish access to mechanisms that support pro-social identity (such as employment and family support) and/or bring people into contact with other criminals (Paternoster and Bushway 2009; Weaver 2019).

If the police drug diversion is completed, the participant is not charged with the relevant illicit drug offence, will not have to attend court, and will not have the relevant offence recorded on their criminal history (QPS 2021b). Police drug diversion was introduced in 2001 (Hughes and Ritter 2008), and its utilisation reduces the number of people progressed to courts for minor illicit drug offences and increases the number of people accessing support for illicit drug use.

Court drug diversion

Queensland courts are also able to divert minor illicit drug offenders from the criminal justice system. Child and adult offenders pleading guilty to certain offences prescribed under the Drugs Misuse Act in the Magistrates Court and Children's Court can be diverted to the program as a condition of a recognisance order (*Penalties and Sentences Act 1992*).¹⁵ According to the Penalties and Sentences Act, to be eligible for court drug diversion an offender must:

- plead guilty to the offence
- not have been given diversion alternatives on two previous occasions
- have no pending charges or convictions for offences of a sexual nature or certain illicit drug offences dealt with on indictment, such as trafficking; or indictable offences involving violence against another person, other than certain offences specified in s.15E of the Penalties and Sentences Act.

Unlike police drug diversion, which is only available in relation to minor offences relating to cannabis use, court drug diversion encompasses minor offences relating to small quantities of cannabis, ecstasy, amphetamine, cocaine, heroin and lysergic acid (*Penalties and Sentences Act 1992*). Court drug diversion is also a discretionary sentencing option, while police drug diversion is offered to all eligible offenders. Both forms of diversion require the cooperation of the offender, who must admit guilt and agree to attend the program. Non-attendance can result in charges being laid or being returned to court for further sentencing (Queensland Courts 2021b; QPS 2021b).

Both police and court drug diversion involve participation in the same assessment and education program delivered by Queensland Health (QH) and represent early intervention strategies.¹⁶

Other pathways to treatment

The criminal justice system offers other referral pathways to illicit drug treatment to those described above. For example, defendants may be referred to illicit drug treatment while on bail via participation in Murri Court (Queensland Courts 2017) or Court Link (Queensland Courts 2021a); and QDAC provides an intensive intervention for adults with severe drug and alcohol use contributing to their serious offending.¹⁷ Queensland Corrective Services (QCS) supports access to an opioid substitution treatment delivered by QH (among other initiatives), is involved in the Queensland Drug and Alcohol Court and delivers substance misuse interventions to offenders serving court orders (QCS 2020).¹⁸

2.3. Illicit drug trends

Illicit drug offences are common among those recorded by police, and examination of offence trends shows that growth of illicit drug offences has exceeded that of total offences recorded in Queensland in recent years. This difference in growth could signify higher rates of illicit drug use in the community, changes in the way police respond to illicit drug offences, and/or changes in the types of illicit substances being consumed. Changes in patterns of illicit drug consumption can be due to variation in illicit drug availability or cultural change.

¹⁵ Prescribed drug offences include possess dangerous drug, possess things, possess utensils, possession of a minor amount of drugs, possession of anything used in connection with a drug offence if the thing was for personal use, possession of items used for the administration, consumption or smoking of dangerous drugs, failure to take reasonable care or dispose of a syringe (Queensland Courts 2021b).

¹⁶ An assessment and education intervention is also available via the Drug and Alcohol and Assessment Referrals (DAAR) program. This program was introduced in 2014, as part of reforms aimed at reducing alcohol-fuelled violence. While available in relation to illicit drug use, alcohol is the most common principal drug of concern for most DAAR referrals (Freiberg et al. 2016).

¹⁷ The QDAC provides a judicially supervised, therapeutic response to serious offenders assessed as having a severe substance use disorder contributing to their offending behaviour. Participation in the intervention involves being sentenced to a two-year drug and alcohol treatment order, and successful completion of the order involves regular court appearances, participation in drug and alcohol treatment and being subject to regular and random drug and alcohol use testing (Queensland Courts 2021c). Participants are case managed and may be referred to other support interventions as determined by assessment processes. The utilisation of QDAC is underrepresented in the research presented in this report due to the use of MSO to identify illicit drug offences. That is, people referred to the QDAC usually have a more serious offence than an illicit drug offence.

¹⁸ See Queensland Corrective Services' *Drug and Alcohol Strategy 2020–2025* for further information on activities that occur in Queensland's correctional context to reduce the supply and demand of illicit drugs in correctional facilities.

2.3.1. Increases in illicit drug offences

Police-recorded illicit drug offences have tended to increase over time. They accounted for almost one in five (16.9%, or 91,074 offences) of Queensland's total offences (537,396) in 2019–20 (QGSO 2021c). These offences were largely comprised of illicit drug possession-type offences, but also involved trafficking, production and supply of illicit drugs. The prevalence of illicit drug offences almost doubled (+82.8%) from 970 offences per 100,000 persons in 2010–11, to 1,773 offences per 100,000 persons in 2019–20 (QGSO 2021c). This contrasts with the growth in total offence rates which increased by 15.4% (7.4% when excluding illicit drug offences).¹⁹

Growth in illicit drug offences recorded by the police translated into increases in finalised court appearances and correctional supervision of offenders sentenced for illicit drug offences. For example, the proportion of finalised appearances of defendants with an illicit drug offence as their most serious offence (MSO) in Queensland criminal courts rose from 8.2% in 2010–11 to 14.6% in 2019–20 (Australian Bureau of Statistics [ABS] 2021a), while the share of sentenced prisoners in Queensland custody on 30 June with an MSO relating to an illicit drug offence grew from 9.2% in 2011 to 16.4% in 2020 (ABS 2011, 2020).

The data described above suggest that illicit drug offences are contributing to the increasing pressures being placed on Queensland's criminal justice system (QPC 2019). The following section explores how changes in illicit drug use and markets may be contributing to changes in illicit drug offences.

2.3.2. Changes in illicit drug use and the illicit drug market

Growth in illicit drug offences in Queensland has coincided with rising rates of self-reported illicit drug use (Australian Institute of Health and Welfare [AIHW] 2020b), illicit drug-related hospitalisations (National Drug and Alcohol Research Centre [NDARC] 2021b) and unintentional illicit drug-induced deaths (NDARC 2021a), particularly from 2013 onwards. However, estimated increases in the number of recent illicit drug users (+17.5%)²⁰ was much smaller than increases observed in illicit drug-induced deaths (ranging from 84.6% to 165.0%)²¹ and illicit drug-related hospitalisations (ranging from 45.9% to 160.7%)²². Considered together, these growth trends could suggest changes in the types (or purity) of illicit substances being consumed, as certain types of illicit drugs are more likely to be associated with adverse health outcomes than others (Queensland Health 2017; United Nations Office on Drugs and Crime [UNODC] 2015). The increase in illicit drug users was also much smaller than the increase in illicit drug offence rates (+82.8%).

Analysis of the types of illicit drugs seized during the arrest of illicit drug consumers between 2012–13 to 2019–20 provides some evidence to suggest changes in the type of illicit substances being used by Queensland illicit drug offenders. There were larger increases in arrests relating to more dangerous drugs, such as amphetamine-type stimulants (227.3%) and cocaine (428.2%), than cannabis (31.2%) (ACC 2014; ACIC 2021). While consumer arrests in Queensland continued to be dominated by cannabis possession, the proportion of consumer arrests for cannabis decreased from 65.8% to 48.0% of total arrests, while those for amphetamine-type stimulants increased from 17.3% to 31.4% of all arrests (ACC 2014; ACIC 2021).

The growth in the amphetamine drug market, particularly crystal methamphetamine (otherwise known as 'crystal meth' or 'ice'), was identified as an area of concern both nationally and internationally in the 2000s, with increases apparent in the supply, purity and demand for ice in Australia (Crime and Corruption Commission 2016; Department of the Prime Minister and Cabinet 2015a). A corresponding increase in harms was also observed, with heavier usage, higher likelihood of dependence, and poorer health outcomes, resulting in more people seeking treatment, being hospitalised, or dying from use of the drug (Department of the Prime Minister and Cabinet 2015a; NDARC 2021a; NDARC 2021b; Queensland Health 2017).

¹⁹ Over the same time period, increases in offence rates were recorded for assault, robbery, theft, fraud, breach of domestic violence orders, and weapons offences, while decreases were apparent for unlawful entry, property damage, good order offences, and traffic offences (QGSO 2021c).

²⁰ Recent illicit drug use is estimated by the AIHW via a general population survey. For people aged 14 years and over in Queensland, self-reported recent illicit drug use increased from 12.6% of the population in 2013, to 14.8% of the population in 2019, representing a proportional increase of 17.5% (AIHW 2020b). 'Recent use' is use in the previous 12 months and data reported here exclude the use of pharmaceuticals.

²¹ When comparing unintentional illicit drug-induced deaths in Queensland in 2013 versus 2019, deaths involving amphetamines increased from a rate of 0.60 to 1.59 per 100,000 persons, deaths involving cannabinoids increased from a rate of 0.28 to 0.59 per 100,000 persons, and deaths involving heroin increased from a rate of 0.52 to 0.96 per 100,000 persons (NDARC 2021a). These represent rate increases of 165.0%, 110.7%, and 84.6% respectively.

²² When comparing illicit drug-related hospitalisations in Queensland in 2012–13 versus 2018–19, hospitalisations related to amphetamines increased from a rate of 25.06 to 65.33 per 100,000 persons, hospitalisations related to cannabinoids increased from a rate of 15.02 to 22.42 per 100,000 persons, and hospitalisations related to heroin increased from a rate of 1.98 to 2.89 per 100,000 persons (NDARC 2021b). These represent rate increases of 160.7%, 49.2%, and 45.9% respectively.

2.3.3. Impact of COVID-19 on illicit drug offending and the criminal justice system

Other research conducted by QGSO found that Queensland's recorded illicit drug offences were impacted by the measures used to contain the coronavirus disease (COVID-19) pandemic. There was an initial increase in the illicit drug offence rate in the first few months of the COVID-19 pandemic (from April to June 2020), rising significantly above expectations. This was followed by a return to expected levels from July to September 2020, and then a sustained drop below previous levels throughout the rest of the 2020–21 financial year (QGSO 2021b, 2022a). It was suggested that illicit drug offenders may have become more visible to police and residents during the early stages of the pandemic due to reduced community mobility (thereby increasing their likelihood of detection), and then became less visible with the easing of social containment measures (Payne and Langfield 2022; QGSO 2021b). The reprioritisation of police resources to the enforcement and monitoring of COVID-19 border rules and home quarantine orders could have also impacted the likelihood of police detection of illicit drug offenders during the latter part of 2020–21.

The Queensland courts system was also impacted by the COVID-19 containment measures, particularly in the last quarter of 2019–20. The Magistrates Court adopted virtual running of court proceedings, and new jury trials in the higher courts ceased. These operational changes, coupled with lower levels of recorded crime during this period, resulted in lower than usual numbers and rates of offenders appearing before the courts during this time (QGSO 2022b). Normal court operations resumed in 2020–21 however, with the number of finalised court appearances rebounding to close to pre-COVID levels (QGSO 2022b).²³

2.4. Drugs-crime nexus

While not all illicit drug users engage in other types of crime (Morgan 2014), research consistently shows a strong association between illicit drug use and crime – a complex relationship often described as the drugs-crime nexus (Lurigio and Swartz 1999). The drugs-crime nexus is apparent in research showing higher rates of involvement in crime among illicit drug users compared with the general population, and the relatively high rates of illicit drug use (particularly for more serious drug types such as heroin and amphetamine) reported by offenders (AIHW 2019; Sutherland et al. 2021; Thomas et al. 2021).

The drugs-crime nexus is evident in Queensland-based research. For example, results from the 2020 Illicit Drug Reporting Survey showed that over one-quarter (29%) of injecting illicit drug users surveyed in Queensland had been arrested in the 12 months preceding the interview and over half (53%) had a history of imprisonment (Thomas et al. 2021). The same study found that the most common offences committed by participants in the one month prior to interview were illicit drug dealing (30%) and property offences (26%). Depending on the nature of offences committed, it was not uncommon for Queensland police watchhouse detainees surveyed as part of the 2020 Drug Use Monitoring in Australia (DUMA) survey to attribute their offending to substance use (either alcohol or illicit drugs) if they had consumed substances in the month preceding the survey. This attribution was highest among those with an MSO involving breach (75%), violent (68%), or property (64%) offences (Australian Institute of Criminology [AIC] 2021).²⁴ These results compare with general population statistics which indicate that most people do not engage in crime, with 2.4% of Queenslanders (or 2,408 per 100,000 persons) recorded as an alleged offender (one or more times) by the police in 2019–20 (QGSO 2021c).

Despite a large amount of research into the subject, no research has demonstrated causality between illicit drug use and crime and vice versa. It is likely that some crime is related to illicit drug use, some illicit drug use is related to crime, that illicit drug use and crime can be mutually sustaining, and that both share a similar set of underlying factors such as unemployment, adverse childhood experiences and mental health issues (Brochu, Brunelle and Plourde 2018; Crime and Misconduct Commission 2008; Gottfredson and Hirschi 1990; Menard, Mihalic and Huizinga 2001; Walters 2016).

2.5. Illicit drug use and gender

Research has found gender differences in illicit drug use patterns and the drugs-crime nexus. While males are more likely to use illicit drugs and develop drug-use disorders and dependence than females, females tend to increase their rate of illicit drug consumption faster than males, and progress more quickly to illicit drug-use disorders and dependence (Becker and Hu 2008; Compton et al. 2007; Grella 2008; Tuchman 2010; UNODC 2014). Females have also been found to be more vulnerable to HIV infection from injecting drugs, are less likely to seek treatment for their illicit drug use, and

²³ Finalised appearances for 2020–21 include the finalisation of many cases that had been delayed from the previous year.

²⁴ The 2020 DUMA study involved Brisbane watchhouse detainees. A total of 161 participants reported using either alcohol or illicit drugs within the month preceding the survey. The total sample size was 173 participants (AIC 2021).

face more barriers in seeking treatment than males (International Narcotics Control Board 2017; UNODC 2021). Victimization, family conflicts, relationship and parenting problems, childhood and adult trauma and psychiatric co-morbidities tend to be more common among females with illicit drug-use disorders and dependence than their male counterparts (Hecksher and Hesse 2009; Najavits, Weiss and Shaw 1997; UNODC 2015).

Gender differences were observed when examining the indicators of illicit drug use referred to earlier. For example, whilst self-reported illicit drug use is higher in men than women, unintentional illicit drug-induced deaths and illicit drug-related hospitalisations in Queensland have increased more so for women than men in Queensland (AIHW 2020a; NDARC 2021a; NDARC 2021b).²⁵

Research also suggests that the pathways into illicit drug use and crime differ for males and females, with illicit drug use playing a greater role in female criminal trajectories than is the case for males (Day et al. 2018; Forsythe and Adams 2009). This is somewhat evidenced by studies showing a higher prevalence of more serious illicit drug use among female offenders. For example, self-reported use of illicit drugs in the previous 12 months was higher among female prisoner entrants (74.4%) participating in the National Prisoner Health Survey than male prisoners (63.6%) (AIHW 2019). Urinalysis of police watchhouse detainees participating in DUMA showed that testing positive for illicit drugs other than cannabis was higher among female participants (76.6%) than male participants (67.2%). Traces of any type of illicit drug use was reasonably similar among female (85.9%) and male (81.2%) participants (AIC 2021).

The gendered patterns of illicit drug use and the illicit drug use profile of offenders can be considered in relation to recognised increases in the imprisonment of women in Queensland (QPC 2019). Data show that Queensland imprisonment rates in general have increased substantially over the past 10 years (+32.7%)²⁶, with the growth in female sentencing and imprisonment outstripping the growth in males. For example:

- the number of convicted adult appearances resulting in a prison sentence has doubled (+101.8%) for female offenders and increased by 46.0% for male offenders (QGSO 2021d)
- the adult imprisonment rate has increased by 54.6% for female offenders and 32.4% for male offenders (ABS 2020).²⁷

While most illicit drug offences do not result in a term of imprisonment (Queensland Sentencing Advisory Council 2017), the high volume nature of illicit drug offences may mean that these types of offences are contributing to the increasing demands being placed on Queensland's prisons. The interrelationship between illicit drug use and crime, and the gendered nature of this relationship, highlights the value of exploring illicit drug offence trends through a gender lens.

2.6. Research objective

The primary objective of the research described in this report was to understand the extent to which illicit drug offences were impacting criminal justice system demand to inform the development of initiatives aimed at addressing this issue.

The key research questions were:

- Has the number of illicit drug offences/offenders changed over time?
- Have the police actions taken against illicit drug offenders changed over time?
- Has the number of illicit drug defendants changed over time?
- Have the court outcomes of illicit drug defendants changed over time?
- Has the number of illicit drug offenders admitted to correctional supervision changed over time?

These questions were explored in relation to different types of illicit drug offences (since the criminal justice system responds differently to different types of illicit drug offences) and gender (given the role illicit drug use can play in criminal trajectories and observed gender disparity in prisoner number growth). The whole-of-criminal-justice-system approach underpinning the research questions outlined above reflects the operational interconnectedness between police, courts and corrections.

²⁵ Recent illicit drug use, excluding pharmaceuticals, for people aged 18 and over in Australia, was reported by 18.0% of men and 10.8% of women in 2019 (AIHW 2020a). Increases over time did not differ greatly between men (+18.4%) and women (+21.3%) however, when comparing 2013 and 2019.

²⁶ When comparing 30 June 2011 and 30 June 2020, the adult imprisonment rate increased by 32.7%, from 162 per 100,000 persons to 215 per 100,000 persons (ABS 2021d).

²⁷ When comparing 30 June 2011 and 30 June 2020, the female adult imprisonment rate increased by 54.6% from 24 per 100,000 persons to 37 per 100,000 persons, and the male adult imprisonment rate increased by 32.4% from 302 per 100,000 persons to 400 per 100,000 persons (ABS 2020).

3.0 Research approach

This chapter describes the concepts and data used to address the project's key research questions, with information on research limitations also provided. While a whole-of-system approach has been used to understand Queensland's illicit drug trends, it is important to note that the use of different counting rules for police, courts and corrections data means that direct system flows of individuals (from police to courts to corrections) are not expressed in the research findings. Also, the findings presented in this report may vary from data published elsewhere by QGSO and others due to the use of different counting rules and data extraction dates.

For the purpose of this report, the term 'offender' has been used to describe people in contact with the criminal justice system. It is understood that people in contact with police and courts are elsewhere respectively known as alleged offenders and defendants, and charged offences may not be proven in a court of law. People under correctional supervision can sometimes be distinguished between people on remand in custody, sentenced offenders (prisoners), and those being supervised in the community (offenders).

3.1. Analyses

Descriptive statistics were used to observe changes in illicit drug offence trends over time in relation to offence seriousness, gender and criminal justice system outcomes. Counts and rates were developed to describe the volume of adult offenders in contact with the criminal justice system, and further descriptive statistics were developed to explore factors possibly contributing to any observed change.²⁸ Information from 2012–13 to 2020–21 is presented in this report, with the main point of comparison being 2012–13 versus 2020–21 when discussing overall trends. Readers are reminded that 2020–21 data reflect the impact of COVID-19 on crime trends and criminal justice system operation (see section 2.3.3 for further information).

3.2. Datasets and counting rules

The project used police, courts and corrections administrative data respectively sourced from QPS, the Department of Justice and Attorney-General (DJAG) and QCS. Population data from the ABS were used to calculate rates. The characteristics and use of these data are described in more detail below.²⁹

3.2.1. Police

Administrative data obtained from QPS were used to explore illicit drug offenders, offences and police proceedings. These data were derived from offence-based data recorded in the Queensland Police Records and Information Management Exchange system, and related to offences where an offender was proceeded against by police by way of an action (e.g. arrest, summons, warrant, caution, restorative justice conference or other action) and where the action occurred between 2008–09 and 2020–21. Offences that had been actioned (rather than offences that had been recorded) were used because they provide demographic information about the offender and the type of action that was taken against them.

²⁸ Rates were calculated to enable direct comparisons across time and demographic groups. This is because rates take into account population differences between groups, and increases in the population over time. Counts are divided by the estimated resident population for the group of interest at a given point in time, and multiplied by 100,000 to represent a rate per 100,000 persons.

²⁹ All data were confidentialised to ensure the anonymity of individuals is protected where numbers are small and there is a reasonable likelihood that a person may be identified from the data published. This was done through perturbation of the data, such that counts between one and three were perturbed by assigning them a value of two, regardless of the true value of the count. Zero counts remained unaltered. Confidentialisation was applied to the most disaggregated version of the counts used for analysis (e.g. counts by year, gender, Indigenous status, offence type, and outcome). All calculations were then performed using these confidentialised values. This includes aggregation of counts into larger groupings, conversion of counts into rates, and calculations of central tendency (i.e. mean, standard deviation, and median). Measures of central tendency based on counts between one and three have been suppressed.

Counts of offenders, offences and police proceedings were used for analyses:

- **Overall offender counts** represent the number of unique offenders proceeded against by police each year, such that an offender is only counted once during a financial year irrespective of how many times they were proceeded against in a year. The overall count of offenders provides a measure of the total volume of unique offenders.
- **Offender counts by offence type** represent the number of unique offenders proceeded against by police each year for different offence types. For example, if an offender was proceeded against for two illicit drug offences and one theft offence in a year, they would be counted once as an illicit drug offender and once as a theft offender. This provides a measure of the volume of offenders for each offence type.
- **Offence counts** represent the number of criminal acts for which offenders are proceeded against by police each year for each offence type. For example, if an offender was proceeded against for two illicit drug offences and one theft offence in a year, two illicit drug offences and one theft offence would be counted. This provides a measure of the volume of offending being actioned by police.
- **Police proceedings** represent the number of police contact events for offenders each year, where offences actioned on the same day, for the same offender, from the same incident are considered to be a single police proceeding. The count of police proceedings provides a measure of the volume of contact that offenders have with the police. Where more than one offence is actioned as part of a police proceeding, the MSO was selected. This was based on the offence with the highest severity ranking according to the National Offence Index (NOI) (ABS 2018).

All counts are based on the date an offender had action taken against them, rather than when the offence occurred or was recorded by police. Police proceedings were further analysed by the type of police action to determine the outcomes of offenders after their contact with police.

3.2.2. Courts

Administrative data from DJAG were used to explore illicit drug offender contact with courts. These data were extracted from the Queensland Courts Database (QCD), which is a database of finalised court appearances maintained by QGSO on behalf of DJAG. The QCD is based on charge-based information recorded in DJAG's Queensland Wide Interlinked Courts administrative system. Data extracted for the project relate to court cases where a defendant had a finalised court appearance between 2008–09 and 2020–21.

Counts of charges and finalised court appearances were used for analyses:

- **Charge counts** represent the number of finalised charges for which offenders appeared before the courts each year, and thus provide a measure of the volume of offending being finalised in the courts.
- **Finalised court appearances** provide a measure of the volume of contact offenders have with the courts each year, where charges disposed on the same day and in the same location are considered a single finalised court appearance for an offender, including matters withdrawn or dismissed prior to adjudication. Where more than one offence was finalised in a court appearance, the MSO was selected. This selection was based on the offence with the most serious outcome. Where more than one offence had the same outcome, the offence with the highest severity ranking according to the NOI was selected.

All counts were based on the date an offender had their court appearance finalised. Finalised appearances were further analysed by court outcome to determine the outcomes of offenders after their contact with courts. Where finalised appearances resulted in a prison-based or community-based sentencing outcome, the average and median sentence lengths were calculated to assess changes in sentence length (and thus sentence severity) over time.³⁰

3.2.3. Corrections

Administrative data from QCS' Integrated Offender Management System were used to explore the volume of illicit drug offender contact with corrections. This included admissions to custody (either to remand (unsentenced) or sentenced custody) or the commencement of a community-based corrections order between 2012–13 and 2020–21. Counts were based on the date an offender was admitted into custody or commenced a community-based corrections order and represent a measure of offender contact with corrections for illicit drug offences. They reflect the following considerations:

- An offender may be admitted and discharged from custody multiple times in a single year, with each admission being counted as a separate and distinct admission. Where an offender is in custody and their status changes from remand

³⁰ Both the mean (i.e. average) and median sentence lengths were calculated to create more robust measurement of central tendencies, due to the skewed distributions involved.

to sentenced, or sentenced to remand, a new 'admission' is counted. A single admission may be related to multiple offences and court events. Rather than only representing 'new' offences being committed, admissions include returns to custody due to breached parole order conditions and admissions related to other community-based orders being breached (for example, suspended sentences).

- Where more than one offence is associated with a stay in custody, the MSO was selected. For admissions to remand, this was based on the offence with the highest severity ranking according to the NOI across the period spent on remand. For admissions to sentenced custody, this was based on the offence with the longest sentence length across the period spent in sentenced custody.
- An offender can be on more than one community-based corrections order at any given time, and an offender may spend some time in custody during the period when their order was active. Commencement of each separate order for an offender, irrespective of whether the orders are of the same or different type, are counted as separate commencements.
- Where more than one offence is associated with an order, the MSO was selected. This was based on the offence with the highest severity ranking according to the NOI at the commencement of the order.

Average and median length of stays in custody and order durations were calculated based on the number of days between admission and discharge, and were used to assess changes in duration of QCS supervision over time. Length of stay and order duration are assigned to the financial year that the offender was discharged from custody or completed a corrections order (or had their order cancelled/terminated).

3.2.4. Estimated resident population

Estimated resident population (ERP) data from the ABS were used to convert counts into rates. ERP figures were obtained by single-year-of-age, overall and by gender and Indigenous status, for this purpose. Single-year-of-age population estimates for Queensland were sourced from ABS *National, state and territory population*. Single-year-of-age population estimates for Aboriginal and Torres Strait Islander Queenslanders were obtained from unpublished data from ABS *Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2006 to 2032*.

3.3. Classification of data

The project involved classifying data to assist with analyses and presentation of results. The way in which data were classified is described below.

3.3.1. Demographic information

Analyses for this project relate to adult offenders, who were defined as those aged 18 years of age or older at their point of contact with the criminal justice system. The different points of contact were defined in relation to the age of offenders based on their date of contact in each dataset, which was:

- the date that action was taken against them by police, for the QPS data
- the date that a court appearance was finalised, for the DJAG data
- the date of admission into custody, or the date a community-based order commenced, for the QCS data (when analysing admissions)
- the date of discharge from custody, or the date a community-based order was completed, for the QCS data (when analysing length of stay / order duration upon discharge).

Offenders were further classified by their gender and Indigenous status. The gender and Indigenous status recorded for offenders can change across criminal incidents in the QPS data and across court cases in the DJAG data. To ensure consistency in demographic information within a financial year, the gender and Indigenous status recorded for an offender in their final contact event in a financial year was used to represent their gender and Indigenous status across the entire year.

Gender was collapsed into female offenders, male offenders, and offenders whose gender was unknown / not stated. Indigenous status was collapsed into Aboriginal and Torres Strait Islander offenders, non-Indigenous offenders, and offenders whose Indigenous status was unknown / not stated. In the QCS data, however, the non-Indigenous group included offenders whose Indigenous status was unknown / not stated. This group was labelled as non-Indigenous, rather than 'non-Indigenous/unknown' for comparison purposes.

3.3.2. Offence types

Offences were categorised according to the Australian and New Zealand Standard Offence Classification (ANZSOC) using the 16 ANZSOC offence divisions. These offence divisions provide a broad grouping of offence types that allow understanding of the nature of the offending (e.g. illicit drug offences versus theft offences versus sexual offences), without going into detail about the specifics of the offence (e.g. import illicit drugs, theft from retail premises, aggravated sexual assault).

For more detailed analysis of illicit drug offences (ANZSOC Division 10), the Australian Standard Offence Classification (Queensland Extension) (QASOC) was used to group specific drug offences into serious illicit drug offences, minor illicit drug offences, and 'other' illicit drug offences. The aim was to delineate between more serious offences involving the supply and distribution of illicit drugs (such as dealing, trafficking, or manufacturing illicit drugs) and less serious offences involving the possession of illicit drugs or drug utensils. This delineation was considered important given the tiered approach used by the criminal justice system to respond to illicit drug offending (see section 2.2 for further information). Information on how each QASOC drug offence was grouped is available at Table A1 in Appendix A.

The 'other' category of illicit drug offences exhibited quite low rates in comparison to minor and serious illicit drug offences. The majority of offences in this category were described in the data as 'not elsewhere classified' and were thus best suited to remaining separate from the serious and minor categories.

As previously noted, police proceedings, finalised court appearances, and periods under correctional supervision can involve more than one offence type for an offender. Where multiple offence types were recorded against an offender for a single contact event, the MSO was used for reporting purposes, as it represents the primary or principal offence for which an offender had contact and was dealt with by the criminal justice system.

3.3.3. Criminal justice system outcomes

The criminal justice system outcomes of illicit drug offending were defined in relation to the operation of the system, and an understanding that the outcomes of one sector can impact another and that offenders can move between sectors or out of the system. Police response to illicit drug offences influences whether they are heard by the court; and courts may impose different types of sentences and parole release or eligibility date considerations depending on the presence of a guilty verdict and the nature of offending / characteristics of the offender. The use of these sentencing options can impact the number of people under correctional supervision.

Police outcomes relating to police proceedings were classified as either a referral to court (court action) or non-court actions (see Table A2 in Appendix A for how each action type was classified). Court actions include instances where an offender has been charged with an offence and is required to appear in court. Non-court actions include the use of fines, police drug diversion, caution or some other form of clearance action (e.g. where the offender has died or is currently imprisoned). For minor illicit drug police proceedings, non-court actions were further categorised into 'police diversion' and 'other non-court actions' to explore possible changes in the use of police drug diversion.³¹

Court outcomes were classified into prison-based sentences, community-based sentences, fine/recognition type orders, and exits (see Table A3 in Appendix A for how each court outcome was classified). Prison-based sentences entail sentences where the offender was directed at the time of the court finalisation to serve time in custody and include partially suspended sentences.³² Community-based sentences refer to orders served in the community, including wholly suspended sentences.³³ Exits represent an exit from the criminal justice system and include no conviction, a conviction with no punishment, prison sentences that only involved a rising of the court, or charges that were withdrawn or dismissed prior to adjudication. In other words, the concept of corrections contact (either custodial or community) underpinned the categorisation of court outcomes.

³¹ Exploratory analyses showed that almost all diversionary actions (approximately 99%) taken against adult minor illicit drug offenders were police drug diversions.

³² Partially suspended sentences require an offender to serve some of their sentence in custody. Sentence lengths for partially suspended sentences were calculated based on the amount of time offenders were required to serve in custody before they could be released on a suspended sentence. The portion of their sentence to be served in the community was not included in their calculated sentence length, as partially suspended sentences are intended to represent a prison-based sentence.

³³ While legally defined as a prison sentence, wholly suspended sentences were categorised as a community-based sentence as this better reflects the location of the offender. Although no direct contact with corrections is involved, the offender serves their sentence in the community and the custodial order could be enacted if they reoffend. Wholly suspended sentences were not included in sentence length calculations. As wholly suspended sentences were considered a community-based sentence, not a prison-based sentence, the operational period for community-based sentences would be needed in order to calculate the community-based sentence length. The operational period is the period for which an offender is subject to the suspended sentence order. However, the operational period for suspended sentences were not consistently captured in the data across the entire time series.

For minor illicit drug court finalisations, fine/recognition type orders were further categorised into 'court diversion' and other 'fine/recognition type orders'. Court diversion was identified in the data when a minor illicit drug offence charge was associated with a 'good behaviour, recognition' court outcome and the conditions of the order included a referral to court drug diversion.³⁴

3.4. Conceptualising prior contact

The concept of prior contact with the criminal justice system was developed to investigate if changes in the offending history of offenders could explain any observed changes in police and court outcomes relating to illicit drug offences. This was particularly relevant for minor illicit drug offenders who are only eligible for police and court diversion if they meet certain eligibility criteria relating to their offending profile. See section 2.2.2 for further information on police and court diversion.

Prior contact was conceptualised as the presence of a prior police proceeding or finalised court appearance (depending on the dataset being analysed) occurring in the four years prior to an offender's reference contact.³⁵ The reference contact was defined as the last contact occurring within the reference year. The four-year monitoring period used to measure prior contact reflects data availability. The datasets used for analyses were not linked, which means measurement of prior contact was agency specific. Frequency of prior contact was measured by calculating the average number of prior contacts for those with prior contact.³⁶

Prior contact was only explored for minor illicit drug offenders and described in relation to different offence types:

- prior contact for any offence
- prior contact including minor illicit drug offences
- prior contact including serious illicit drug offences
- prior contact including personal offences
- prior contact for only minor illicit drug offences (i.e. where a minor illicit drug offender's prior contact *only* involved minor illicit drug offences).

3.5. Limitations

The following research limitations should be considered in the interpretation of findings:

- Analyses relating to prior contact were constrained by data availability. The QPS and DJAG data span the period from 2008–09 to 2020–21, which means information on contact with the police and courts prior to 2008–09 is not captured. However, given other exploratory analyses undertaken by QGSO showing that most offenders reoffend within two years (if they reoffend), the four-year monitoring period available for analyses was deemed to adequately capture prior contact for the purposes of the project.
- The type and volume of illicit drugs involved in illicit drug offences impacts criminal justice responses to illicit drug crime, however this information was not available in the data used for the project. This limited the types of analyses that could be undertaken to examine factors possibly driving observed changes in criminal justice responses to illicit drug offending.
- The counting rules used to analyse corrections data relate to admissions to custody or commencement of community-based corrections orders, rather than individuals. This means a person being remanded to custody for an alleged illicit drug offence and then sentenced to custody for the same illicit drug offence is counted twice. Offenders can also be serving more than one correctional order at any one time.

³⁴ Although offenders can be sentenced to a two-year drug and alcohol treatment order, this court outcome was rarely attached to the MSO in a finalised court appearance. From 2017–18 onwards, which is the period that the Queensland Drug and Alcohol Court was operational across the time series, only 25 finalised court appearances for adults had a treatment program as the most serious penalty. The treatment program targets offenders whose offending is related to their substance use, rather than offenders presenting with an illicit drug offence. Treatment programs were therefore categorised as community-based sentences with a sentence length of two years, rather than a diversion.

³⁵ Although analysis for this project was conducted on adult offenders, analyses of prior contact with police and the courts in the four years preceding a reference offence could include contact where an offender was younger than 18 years of age (e.g. where the offender was aged between 18 and 21 at their reference contact event).

³⁶ Number of prior contacts was based on the number of separate days where contact occurred. For example, if an offender was proceeded against for multiple incidents on the same day, they would be counted as having one prior contact. If an offender was proceeded against on two separate days, they would be counted as having two prior contacts.



- A direct 1:1 relationship in flow of individuals from police, to courts, to corrections does not exist in the presented findings since analyses are based on data derived from different operational and administrative contexts and involved the use of different counting rules. For example, 100 police actions to court does not result in 100 finalised court appearances, and 100 prison-based sentences imposed by the courts does not result in 100 admissions to sentenced custody. Thus, a 50% increase in court actions for illicit drug offenders will not result in a 50% increase in court finalisations, nor will a 50% increase in court-imposed imprisonment orders result in a 50% increase in sentenced admissions to custody. General trends and changes over time can be examined however, which can demonstrate the flow-on effects of contact at different points in the system, and how changes earlier in the system can affect other parts of the system downstream.
- Analyses for this project focus on examination of adult offenders coming into contact with the criminal justice system for illicit drug offences. Youth offenders have not been included due to their much lower volumes of contact with the criminal justice system for illicit drug offences (particularly with the Youth Justice system). The response to illicit drug offending also differs between adult and youth, with more diversion options available for youth offenders.
- The MSO was used to identify illicit drug offences as the principal offence for most analyses. The MSO is often used to progress analyses of criminal justice data. This is because contact with the criminal justice system can relate to multiple offences being actioned by police, being heard by the courts and/or being associated with admissions to supervision. Using the MSO provides a way to simplify this complexity, but removes some of the context of criminal behaviour and criminal justice system outcomes. For example, sentencing decisions are based on multiple factors including all charges brought before the court, rather than just the MSO being heard. This report shows criminal justice outcomes against the MSO only.³⁷

³⁷ There was some variation in the incidence of 'unknown' MSO in remand and community corrections data. For example, while usually below 1% of all admissions for community corrections, it was around 10% in 2017–18 and 2018–19. For remand, 'unknown' MSO represented 9% of admissions in 2012–13, and then decreased very quickly to around 2% in 2015–16 and was 0.1% in 2020–21. For sentenced admissions, 'unknown' MSO accounted for less than 0.2% admissions across the reporting period.

4.0 Research findings: Contact with police

This chapter provides information on illicit drug police proceedings and illicit drug offenders. Changes in the volume and rate of illicit drug proceedings and offenders are discussed, before exploring trends in relation to gender and types of illicit offences allegedly committed. Findings showing changes in the way police have actioned illicit drug offences are then presented, before the chapter concludes with an examination of the possible reasons why this may have occurred.

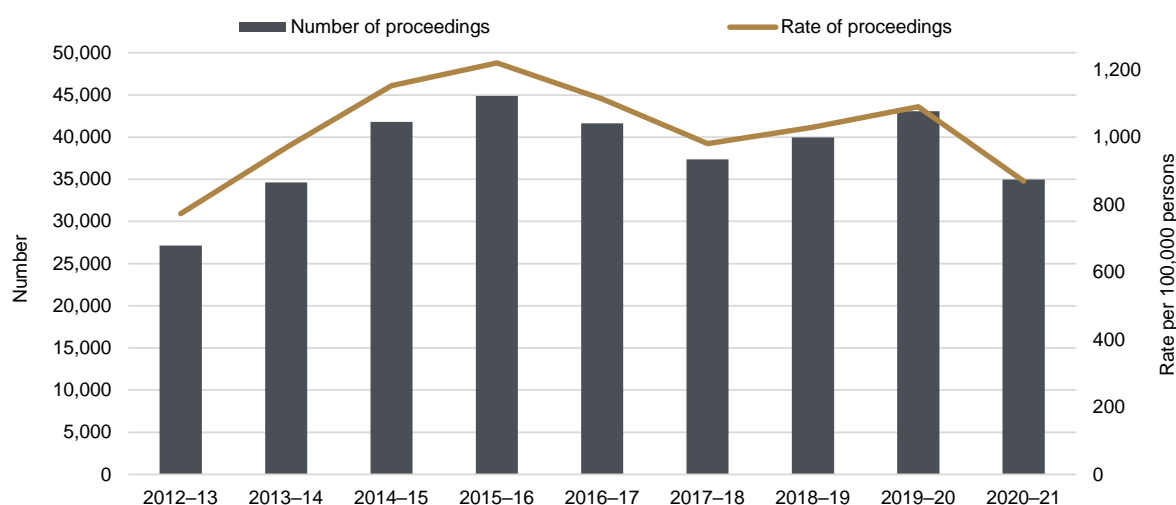
The findings described in this chapter are based on police administrative data, and readers are reminded that the approach used with these data is different to that used to analyse courts and corrections data (see section 3.2 for further information). Caution should therefore be exercised when comparing counts and percentage change occurring for the different stages of the criminal justice system.

See Table A4 in Appendix B for a summary of the volume of police proceedings for illicit drug offences in 2012–13 versus 2020–21, based on the gender of the offender, the type of illicit drug offence committed, and the type of police action taken.

4.1.1. Police proceedings where an illicit drug offence was the MSO and illicit drug offenders

Figure 2 shows that the number and rate of police proceedings where an illicit drug offence was the MSO varied between 2012–13 and 2020–21, increasing overall across the time series. When comparing 2020–21 with 2012–13, the number of police proceedings attributable to illicit drug offences increased from 27,141 to 34,979 (a 28.9% increase, representing a rate increase of 12.5%). This compares with the growth in total police proceedings (data not shown), which increased by 6.9% over the same time period (representing a rate decrease of 6.6% when accounting for population growth). Changes in the composition of offences over time has meant that the proportion of police proceedings in each year attributable to illicit drug offences has increased, from 15.1% of all proceedings in 2012–13 to 18.2% of all proceedings in 2020–21 (data not shown).³⁸

Figure 2 Number and rate of police proceedings where an illicit drug offence was the MSO



Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QPS data; ABS *National, state and territory population*

Variation in the number of police proceedings for illicit drug offences over time is likely to reflect a complex interplay between drug market dynamics, police operations and legislative/policy contexts. For example, the growth in police proceedings for illicit drugs observed between 2012–13 and 2015–16 coincided with the greater availability of crystal methamphetamine and increased policing of criminal networks involved in the supply and distribution of illicit drugs (Department of the Prime Minister and Cabinet 2015a; Queensland Government 2019). Decreases in illicit drug police proceedings occurring between 2015–16 and 2017–18 followed the release of the *Queensland Alcohol and Other Drugs Action Plan 2015–17: Thriving communities*, and the decrease observed between 2019–20 and 2020–21 coincided with

³⁸ The rise in illicit drug proceedings as a proportion of total police proceedings is partially due to decreases occurring for some other commonly occurring offence types (e.g. public order offences and traffic and vehicle regulatory offences).

the implementation of COVID-19 containment measures. See section 2.3.3 for further information on illicit drug offence trends in the context of COVID-19.

Substantial growth in the number of illicit drug offenders was also observed (data not shown), increasing from 23,014 in 2012–13 to 28,664 in 2020–21 (+24.6%).³⁹ The average number of illicit drug offences for which these offenders were proceeded against each year grew from 1.89 offences per offender in 2012–13 to 2.08 offences per offender in 2020–21. This means there were more illicit drug offenders than in earlier years, and these illicit drug offenders were being proceeded against for a greater number of illicit drug offences each year.

There has been an increase in the number and rate of police proceedings for illicit drug offences.

These increases reflect growth in both the number of offenders in contact with police for illicit drug offences, and the average number of illicit drug offences being recorded against them.

4.1.1.1. Gender differences

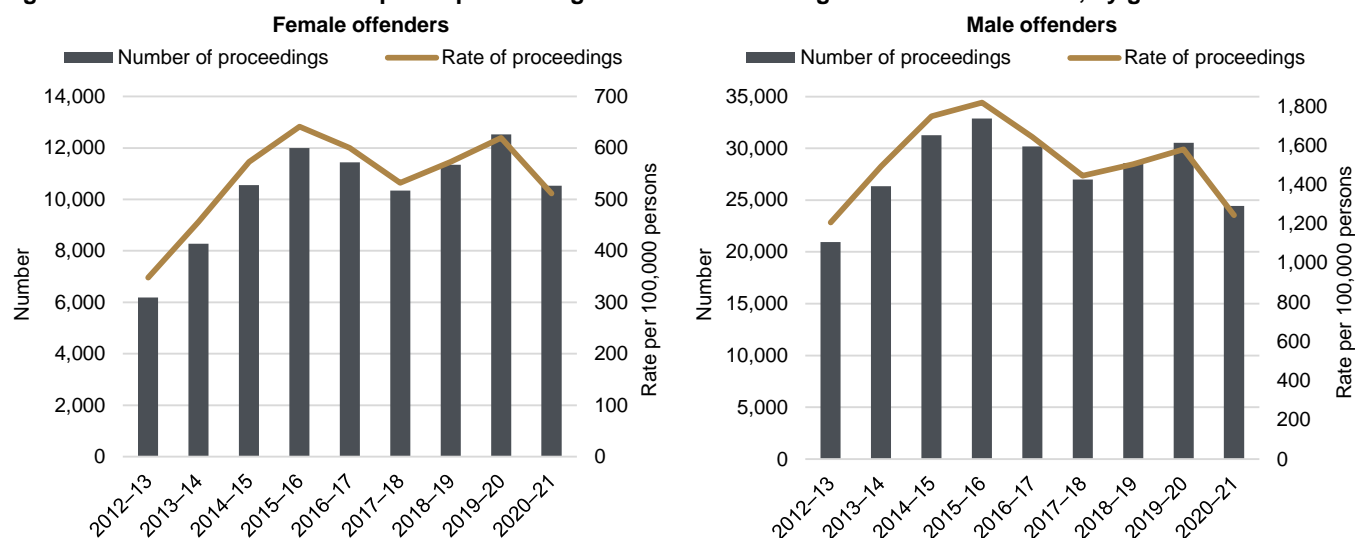
The gender profile of illicit drug offenders also changed over time. While men represent the majority of illicit drug offenders, they comprised 77.2% of all illicit drug offence proceedings in 2012–13 compared with 69.8% in 2020–21. Inversely, women comprised 22.8% of illicit drug offence proceedings in 2012–13 and 30.1% in 2020–21. Information in Figure 3 shows that the proportional increase for women can be explained by greater increases in police proceeding rates for women compared with men.

Figure 3 shows that the general trends in police proceedings for illicit drug offences occurred similarly for male and female offenders, however steeper increases were observed for female offenders. The number of police proceedings for female illicit drug offenders rose from 6,184 in 2012–13, to 10,528 in 2020–21 (+70.2%, representing a rate increase of 46.9%). The number of police proceedings for male illicit drug offenders rose from 20,945 in 2012–13, to 24,427 in 2020–21 (+16.6%, representing a rate increase of 3.1%). The 2020–21 rate of police proceedings for male illicit drug offenders has returned to similar levels to those recorded in 2012–13, while the rate for female illicit drug offenders was substantially higher than in 2012–13.

Observed increases in the frequency of illicit drug offending were slightly more pronounced for female offenders than male offenders (see Figure 4). When comparing 2020–21 with 2012–13, the average number of illicit drug offences for which offenders were proceeded against each year increased from an average of 1.90 to 2.14 for female offenders and an average of 1.89 to 2.06 for male offenders. While male offenders were more than twice as likely as female offenders to be proceeded against for an illicit drug offence (see Figure 3), there was negligible difference between the average numbers of illicit drug offences attributed to male and female offenders.

³⁹ Police proceedings represent a count of each separate police proceeding where an illicit drug offence is the MSO, while illicit drug offenders represent a count of individuals allegedly involved in an illicit drug offence. Offenders are counted once only during a reference year, irrespective of how many times they were proceeded against for an illicit drug offence.

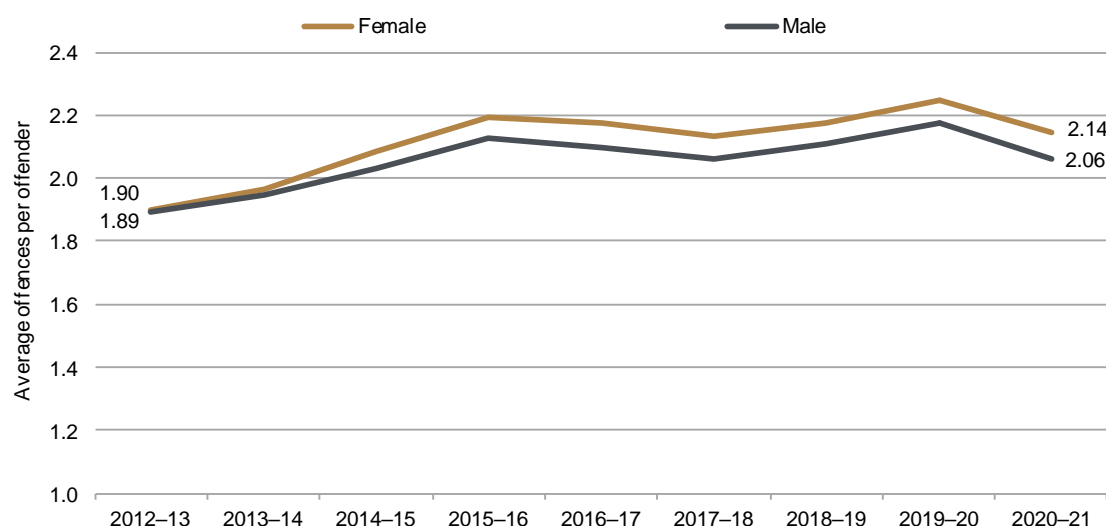
Figure 3 Number and rate of police proceedings where an illicit drug offence was the MSO, by gender



Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QPS data; ABS *National, state and territory population*

Figure 4 Average number of illicit drug offences per illicit drug offender each year, by gender

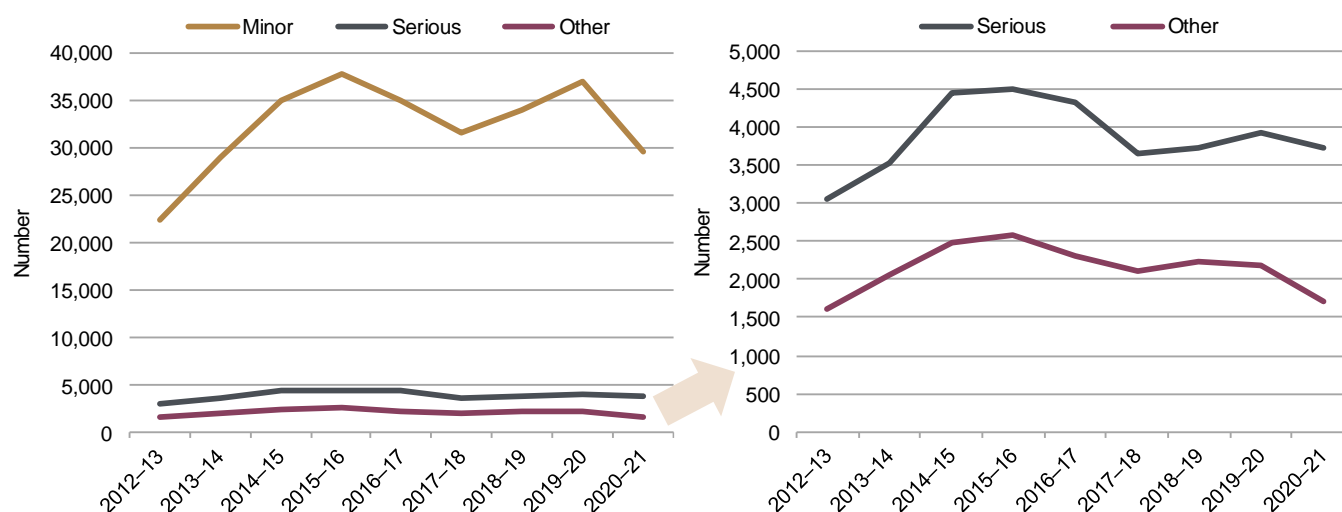


Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QPS data

4.1.1.2. Illicit drug offence types

Figure 5 shows that increases in police proceedings were evident for all three types of illicit drug offending, and changes over time followed fairly similar patterns across the different offence types. However, when comparing 2020–21 with 2012–13, larger increases were evident for minor illicit drug offences (+31.4%), than those evident for serious illicit drug offences (+22.0%) and 'other' illicit drug offences (+6.7%). The offence composition of illicit drug offending did not change substantially over time, with the majority of police proceedings for illicit drug offences being attributable to minor illicit drug offences (approximately 85%), followed by serious illicit drug offences (approximately 10%) and 'other' illicit drug offences (approximately 5%).

Figure 5 Number of police proceedings where an illicit drug offence was the MSO, by offence type

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QPS data

As previously mentioned, the majority of illicit drug offenders are men, while female offenders accounted for an increasing share of police proceedings over time. This holds true across all three types of illicit drug offending (data not shown). When comparing 2020–21 with 2012–13, the proportion of police proceedings against female offenders for minor, serious and 'other' illicit drug offences increased from 22.6% to 30.6%, 19.7% to 24.2%, and 31.3% to 34.0% respectively. This is due to far greater increases in police proceedings being recorded for female offenders than male offenders across each offence type. For example, the number of police proceedings for minor illicit drug offences increased by 78.1% for female offenders and 17.7% for male offenders, and by 49.8% for female offenders and 15.2% for male offenders for serious illicit drug offences.

The majority of police proceedings for illicit drug offences involve male offenders and relate to minor illicit drug offences.

Stronger growth was recorded for minor illicit drug offences compared to serious illicit drug offences, and for female illicit drug offenders compared with male illicit drug offenders.

4.1.1.3. Police actions in response

Legislation prescribes different criminal justice responses for illicit drug offending depending on their seriousness (see section 2.2 for further information). This is evident when examining police actions in response to illicit drug offences which shows that almost all serious and 'other' illicit drug offences are proceeded against by police by way of referral to court for adjudication (court action), while approximately three-quarters of minor illicit drug offences are dealt with in this way. The remaining quarter of minor illicit drug offences are largely diverted from court (non-court action), generally by way of police drug diversion, with the use of non-court actions decreasing over time.⁴⁰

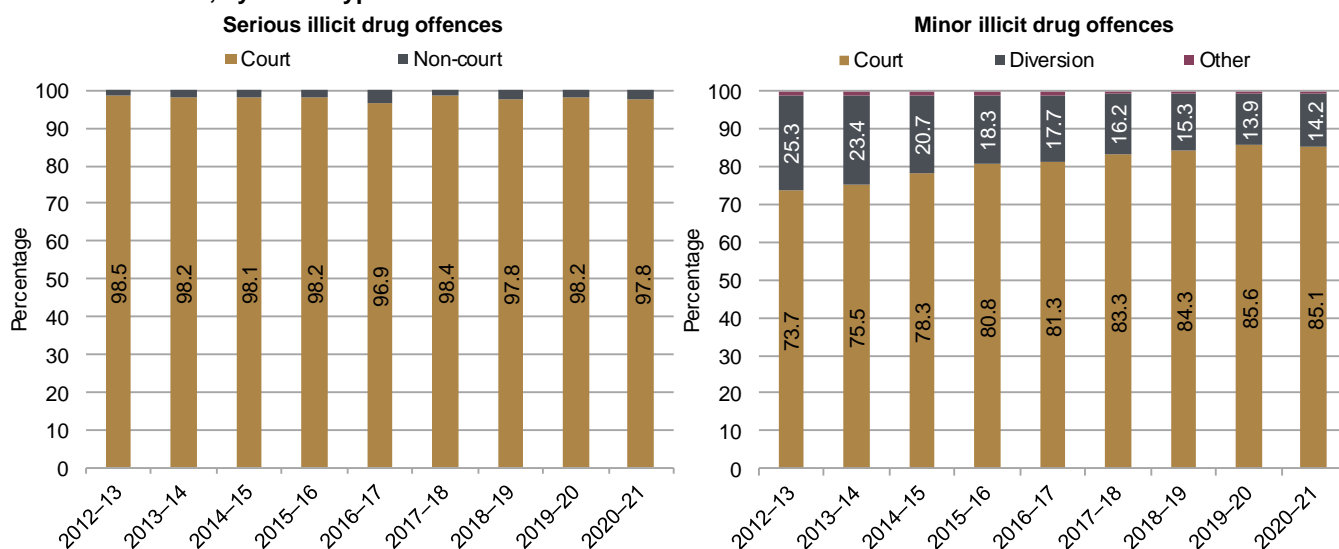
Overall, the number of court actions in response to illicit drug offences increased from 21,164 in 2012–13 to 30,408 in 2020–21 (+43.7%), while the number of non-court actions declined (–23.5%) from 5,977 in 2012–13 to 4,571 in 2020–21.

There has been little to no change in the use of court action in response to serious illicit drug offences, remaining at a very high and consistent rate (approximately 98%) across the time series (see Figure 6). However, a greater volume of these offence types is being proceeded against by police, particularly for female offenders, and serious illicit drug offending has resulted in 637 more court actions in 2020–21 compared with 2012–13 (+290 court actions for women, +349 for men) (data not shown). The use of court actions in response to 'other' illicit drug offences has also remained high, fluctuating between approximately 94% and 98% of police actions over time. Ultimately, these 'other' offence types contributed a negligible amount (+43) of the increase in court actions in 2020–21 compared with 2012–13 (data not shown).

⁴⁰ Court actions generally involve charging a person with an offence that requires adjudication by a court. Non-court actions can include, for example, a caution or referral to police drug diversion. Exploratory analyses showed that approximately 96% of non-court actions taken against adult minor illicit drug offenders were referrals to police drug diversion.

For minor illicit drug offences, there has been a gradual increase in the use of court actions over time (see Figure 6). In 2012–13, 73.7% of minor illicit drug offences were proceeded against through a court action, compared with 85.1% in 2020–21. The increased use of court actions, and thus decreased use of non-court actions (generally involving police drug diversion), was experienced similarly across both female and male minor illicit drug offenders (increasing from 70.2% to 83.7% of proceedings for minor illicit drug offences for women, and 74.8% to 85.8% for men) (data not shown). Police response to minor illicit drug offences therefore does not appear to differ based on the gender of the offender, with male offenders only marginally more likely to be sent to court than female offenders.

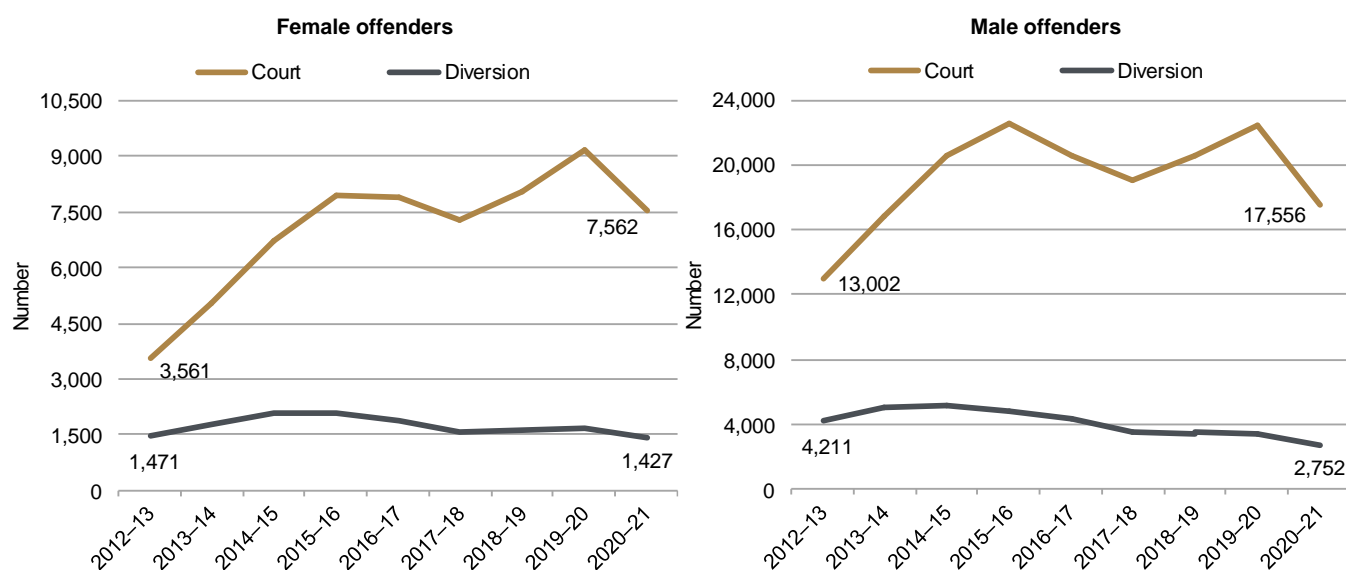
Figure 6 Proportion of police proceedings where a serious illicit drug offence versus minor illicit drug offence was the MSO, by action type



Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.
Source: QGSO analysis of QPS data

With the increase in minor illicit drug offending over time, and the increased likelihood of police responding through use of court actioning for this offence type, minor illicit drug offences were by far the biggest contributor to the increase in court actions for illicit drug offending in 2020–21 compared with 2012–13 (+8,564). This increase comprised 4,001 court actions against female and 4,554 against male minor illicit drug offenders. Thus, despite the majority of police proceedings for minor illicit drug offending being taken against male offenders, the large increases observed in female illicit drug offending have resulted in female offenders contributing almost equally to the increased number of court actions taken against minor illicit drug offenders in 2020–21. It is also worth noting that, while growth in minor illicit drug offending has exceeded that of serious illicit drug offending, the criminal justice system costs associated with serious illicit drug offending is substantially higher than those associated with minor illicit drug offences.

The increased use of court actions in response to minor illicit drug offences referred to above meant that diversion from court (primarily via the use of police drug diversion) reduced from 25.3% of police proceedings against minor illicit drug offences in 2012–13 to 14.2% in 2020–21 (Figure 6). The decrease in use of diversion was so pronounced that, despite the substantial increases in the total number of police proceedings against minor illicit drug offences, the number of diversions in response to these offences was lower in 2020–21 than in 2012–13, for both women and men (see Figure 7). Potential reasons for the decreased use of police drug diversion will be explored in the following section.

Figure 7 Number of police proceedings where a minor illicit drug offence was the MSO, by action type and gender

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.
Source: QGSO analysis of QPS data

The use of police drug diversion in response to minor illicit drug offences has declined.

The reduced use of police drug diversion further impacts the number of illicit drug offenders progressed to court in the context of increased police proceedings against illicit drug offences.

Police response to illicit drug offences does not appear to differ on the basis of gender.

4.1.2. Drivers of change in police actions in response to minor illicit drug offences

Given that offenders meeting certain eligibility criteria must be offered the opportunity to attend police drug diversion, police data were explored to determine if reduced eligibility for this intervention could possibly explain the declining use of non-court actions by police when proceeding against minor illicit drug offenders. This involved examining the prior offence history of minor illicit drug offenders given that they would not be eligible for police drug diversion if they had been:

- previously offered drug diversion by police
- sentenced to a term of imprisonment for a serious illicit drug offence
- convicted of a violent offence against another person.

Other criteria are also used to determine police drug diversion eligibility (such as admission of guilt, type and amount of illicit substance seized). However, these factors could not be explored by this project due to data constraints. See section 2.2 for further information about police drug diversion.

The analyses presented in this section are person-based and relate to minor illicit drug offenders in each financial year.

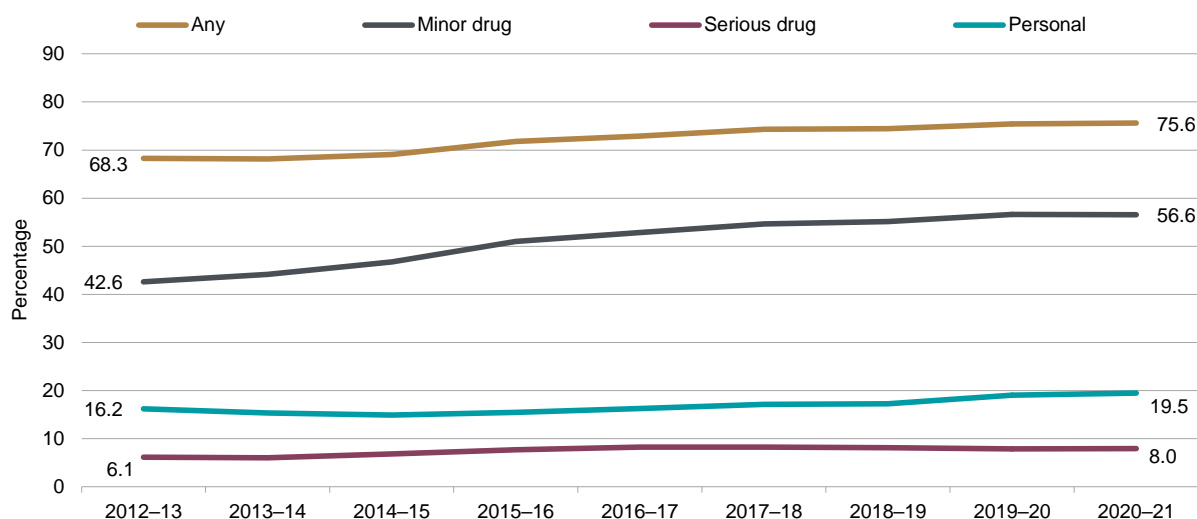
4.1.2.1. Prevalence and frequency of prior contact with police for offenders with a minor illicit drug offence

Analysis of minor illicit drug offenders' prior contact with police shows that the prevalence and frequency of prior contact has tended to increase over time, particularly for prior minor illicit drug offending, and that these increases possibly contribute to the increased use of court actions.

Figure 8 displays the proportion of minor illicit drug offenders in each year who were previously proceeded against by police in the four years prior to their minor illicit drug offence, for different types of prior offences. As illustrated, the proportion of minor illicit drug offenders with any type of prior offence increased consistently over the period from 2012–13 to 2020–21, rising from 68.3% to 75.6% of offenders. By 2020–21, over half (56.6%) of minor illicit drug offenders had a prior minor illicit drug offence, less than one in ten (8.0%) had a prior serious illicit drug offence, and almost one-fifth (19.5%) had a prior personal offence (i.e. an offence against the person, which are typically considered

'violent' offences).⁴¹ The increased likelihood of prior offending was most apparent for prior minor illicit drug offences, with some small increases in prior personal offences and prior serious illicit drug offences. These data suggest reduced eligibility for police drug diversion among minor illicit drug offenders, primarily driven by the increased prevalence of preceding minor illicit drug offences.

Figure 8 Proportion of minor illicit drug offenders who were previously proceeded against by police, by prior offence type

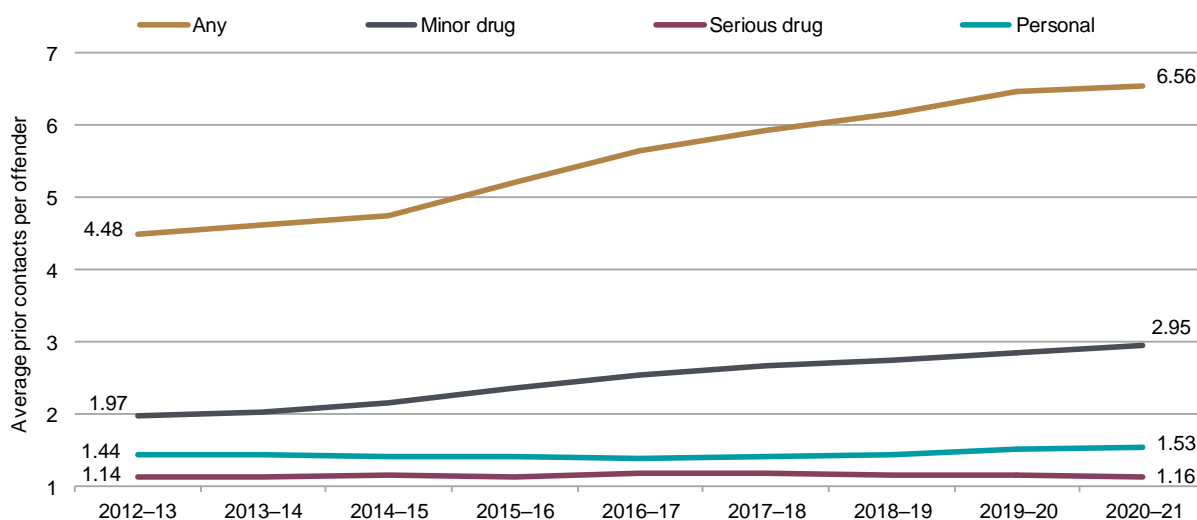


Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020-21.

Source: QGSO analysis of QPS data

The frequency of prior contact for minor illicit drug offenders has also increased over time. As shown in Figure 9, of those with prior contact with police, the average number of prior contacts has risen from 4.48 to 6.56 contacts per offender over the time series. Increases in the number of prior contacts were only apparent for prior minor illicit drug offences, with the other prior offence types exhibiting fairly stable trends. In 2012-13, minor illicit drug offenders had on average two prior contacts with police for minor illicit drug offences. By 2020-21, this had risen to three prior contacts.

Figure 9 Frequency of prior contact for minor illicit drug offenders who were previously proceeded against by police, by prior offence type



Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020-21.

Source: QGSO analysis of QPS data

⁴¹ There was a small subset of minor illicit drug offenders whose prior contact with police was for minor illicit drug offences only (data not shown). The prevalence of this group was fairly stable over the time series, accounting for approximately 6-8% of all minor illicit drug offenders.

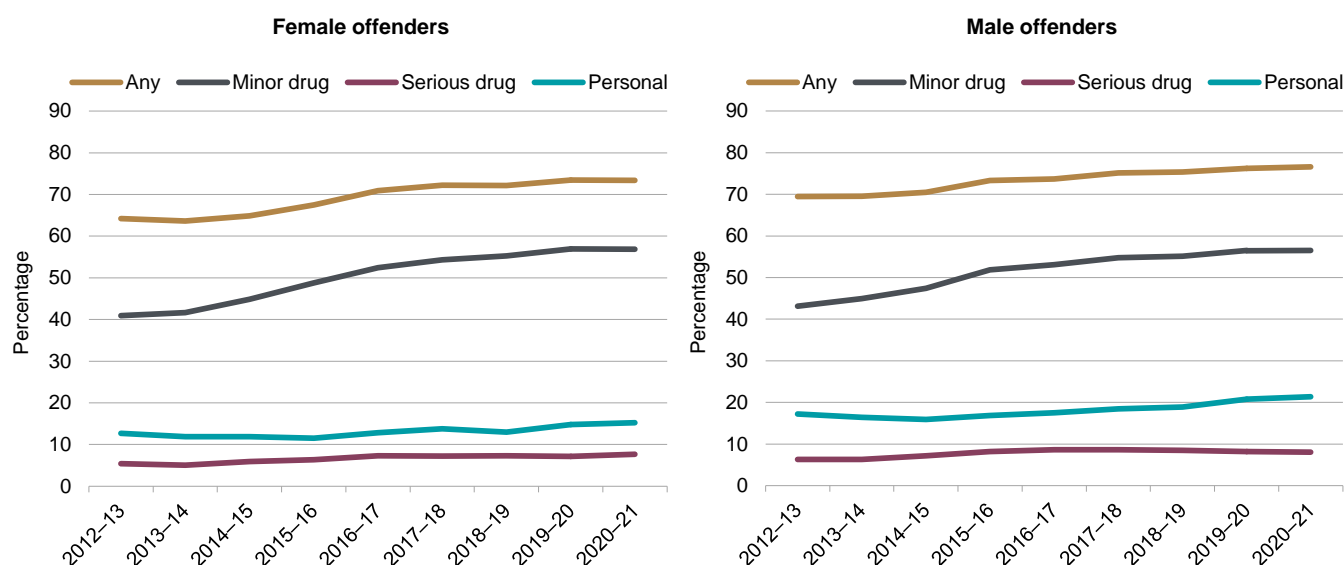
Overall, male illicit drug offenders were slightly more likely than female illicit drug offenders to have been previously proceeded against by police in the four years prior to their minor illicit drug offence. This differed by prior offence type, with male and female offenders equally likely to have had prior minor illicit drug offences and prior serious illicit drug offences, and male offenders more likely than female offenders to have had a prior personal offence. This is in keeping with the offending profiles of men and women, with men more likely to commit violent crimes than women (QGSO 2021c).

Increases in prior contact were experienced similarly for female and male offenders (see Figure 10). When comparing minor illicit drug offenders in 2012–13 and 2020–21, the proportion of offenders who had been previously proceeded against by police was as follows:

- For prior offences of any type, the proportion increased from 64.2% to 73.4% of female, and from 69.5% to 76.6% of male minor illicit drug offenders.
- For prior offences that were a minor illicit drug offence, the proportion increased from 40.9% to 56.9% of female, and from 43.2% to 56.5% of male minor illicit drug offenders.
- For prior offences that were a serious illicit drug offence, the proportion increased from 5.4% to 7.7% of female, and from 6.3% to 8.1% of male minor illicit drug offenders.
- For prior offences that were a personal offence, the proportion increased from 12.7% to 15.2% of female, and from 17.2% to 21.3% of male minor illicit drug offenders.

There were negligible gender differences in the frequency of prior contact (data not shown).

Figure 10 Proportion of female and male minor illicit drug offenders who were previously proceeded against by police, by prior offence type



Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QPS data

For minor illicit drug offenders, the prevalence and frequency of prior contact with police has increased over time, particularly for prior minor illicit drug offences. This potentially explains the declining use of police drug diversion, as minor illicit drug offenders are not eligible for police drug diversion if they have previously been offered the opportunity by a police officer to attend a drug diversion program for a minor illicit drug offence.

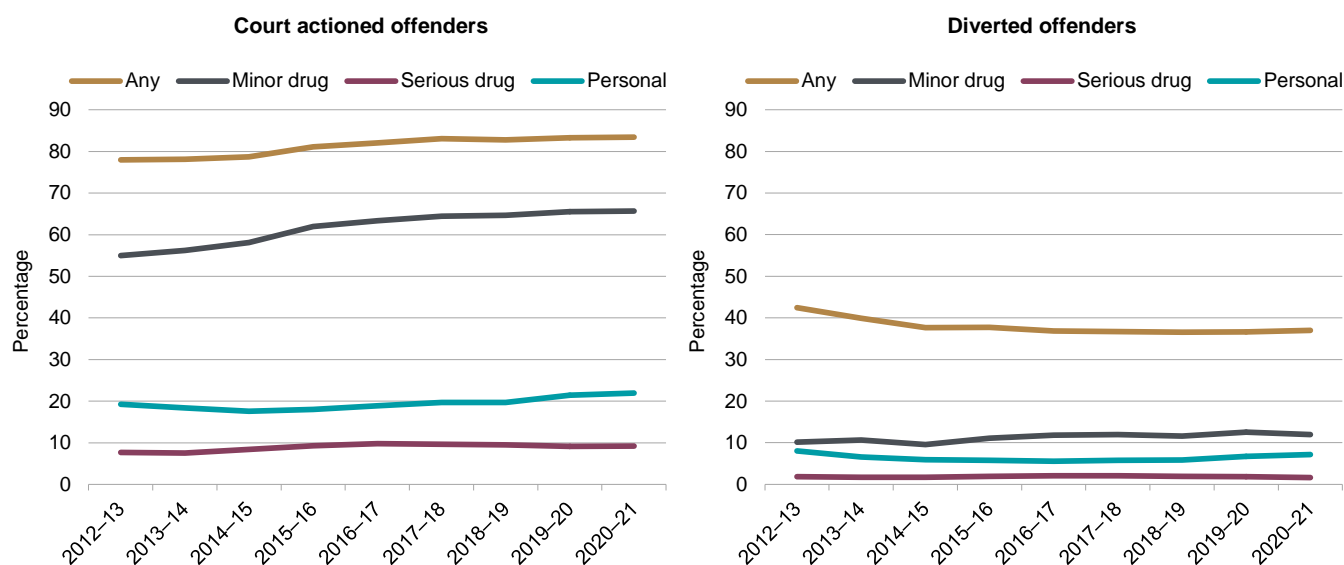
The prevalence and frequency of prior contact differed markedly between illicit drug offenders who were actioned to court and those who were diverted from a requirement to attend court. Offenders actioned to court were more than twice as likely to have prior contact for any offence, over five times as likely to have prior contact for a minor illicit drug offence, and three times as likely to have prior contact for a serious illicit drug offence or personal offence (see Figure 11). The prevalence of prior offending among minor illicit drug offenders actioned to court also tended to increase over time, with growth in the prevalence of prior minor illicit drug offending particularly apparent (increasing from 55.0% in 2012–13 to 65.7% in 2020–21).

Figure 12 shows that the average number of prior contacts for minor illicit drug offenders actioned to court also tended to increase. For example, the average number of prior contacts among minor illicit drug offenders actioned to court grew from 4.84 in 2012–13 to 6.87 in 2020–21 and the respective growth for prior minor illicit drug offences was 2.01 to 2.99. This contrasts with the prevalence and frequency of prior contact found among those diverted which remained relatively stable across the monitoring period.

The patterns of prior contact were similar across female and male offenders (data not shown).

Apart from demonstrating that offence history impacts police responses to minor illicit drug offenders, the data described above suggest that the profile of offenders diverted from court has remained reasonably stable over the observation period, and provide further evidence to substantiate the idea that the reduced use of police drug diversion is somewhat explained by the changing offence profile of illicit drug offenders. Other research has shown changes in the types of illicit drugs seized in relation to illicit drug offences, with cannabis becoming less common and amphetamines becoming more prevalent (ACC 2014; ACIC 2021). This observed change in the illicit drug market could also be contributing to the reduced use of diversion among minor illicit drug offenders, given that police drug diversion is only available to offences involving small quantities of cannabis.

Figure 11 Proportion of court actioned versus diverted minor illicit drug offenders who were previously proceeded against by police, by prior offence type

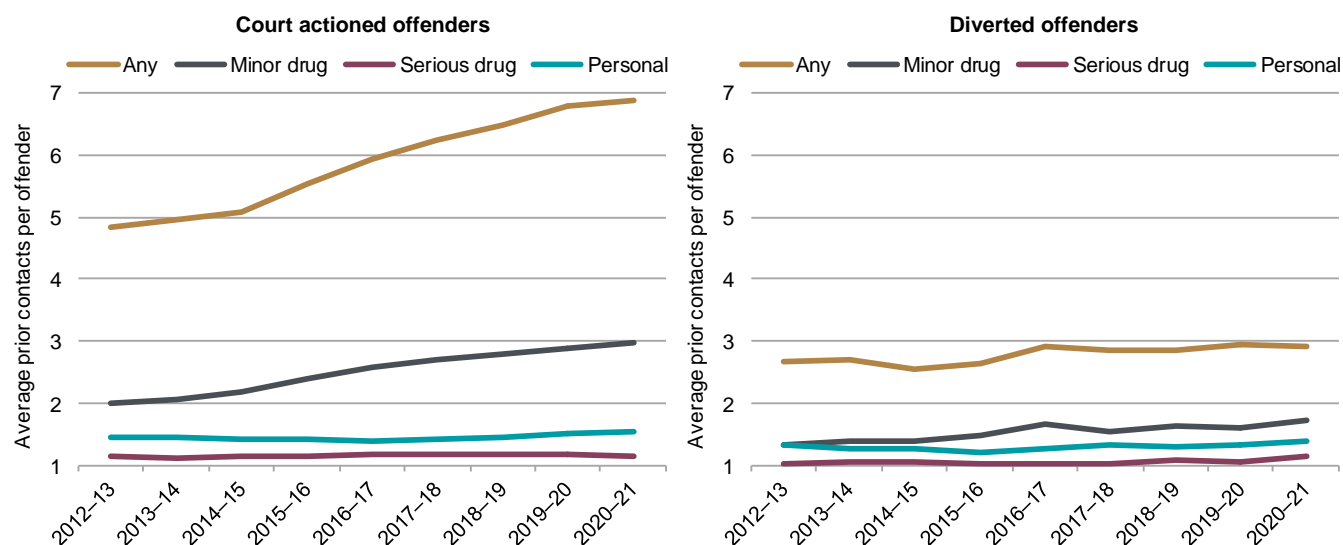


Notes

1. The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.
2. A proportion of minor illicit drug offenders were actioned to court despite having no prior contact with police in the four years preceding their minor illicit drug offence. This group of offenders may have had prior contact with police over a longer time period than was captured in the data, or may have been ineligible for police drug diversion for other reasons, such as not admitting guilt, refusing to participate in the drug diversion program and/or the volume or type of drug they were in possession of was not 50g of cannabis.
3. A proportion of minor illicit drug offenders were diverted from court despite having prior contact with police for offences that should render them ineligible for police drug diversion. This group of offenders may have been eligible for diversion because: the prior minor illicit drug offence/s did not result in an offer to attend drug diversion (which could occur if the offender did not admit guilt to the previous offence, or if the previous offence related to an illicit drug other than cannabis (or more than 50g of cannabis); the prior serious illicit drug offence/s did not result (or had not yet resulted) in the offender serving a term of imprisonment and/or the prior personal offence/s did not result (or had not yet resulted) in a conviction.

Source: QGSO analysis of QPS data

Figure 12 Frequency of prior contact for court actioned versus diverted minor illicit drug offenders who were previously proceeded against by police, by prior offence type



Notes

1. The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.
2. A proportion of minor illicit drug offenders were actioned to court despite having no prior contact with police in the four years preceding their minor illicit drug offence. This group of offenders may have had prior contact with police over a longer time period than was captured in the data, or may have been ineligible for diversion for other reasons, such as not admitting guilt, refusing to participate in the drug diversion program and/or the volume or type of drug they were in possession of was not 50g of cannabis.
3. A proportion of minor illicit drug offenders were diverted despite having prior contact with police for offences that should render them ineligible for drug diversion. This group of offenders may have been eligible for drug diversion because: the prior minor illicit drug offence/s did not result in an offer to attend drug diversion (which could occur if the offender did not admit guilt to the previous offence, or if the previous offence related to an illicit drug other than cannabis (or more than 50g of cannabis); the prior serious illicit drug offence/s did not result (or had not yet resulted) in the offender serving a term of imprisonment and/or the prior personal offence/s did not result (or had not yet resulted) in a conviction.

Source: QGSO analysis of QPS data

The type of police action taken in response to minor illicit drug offenders is strongly related to the presence and volume of prior police proceedings against an offender. While the use of police drug diversion appears to have declined over the monitoring period, the offending profile of those diverted from court has remained relatively stable.

Results in this chapter showed that when comparing 2020–21 with 2012–13:

- There was an increase in the number of illicit drug police proceedings and illicit drug offenders. The average number of illicit drug offences being recorded per offender each year also grew.
- Minor illicit drug offending accounted for the majority of illicit drug offences (approximately 80% of police proceedings for illicit drug offences).
- All types of illicit drug proceedings increased, with the strongest growth evident in police proceedings for minor illicit drug offences.
- Male offenders accounted for the majority of illicit drug offending (approximately 70%), however much larger increases in illicit drug offending were recorded for female offenders.
- Referral to court for adjudication (court action) is the most common type of police action taken in response to illicit drug offenders.
 - Almost all (approximately 98%) serious and 'other' illicit drug police proceedings involved a court action.
 - Most minor illicit drug offences resulted in a court action (approximately 85% of illicit drug police proceedings in 2020–21).
- The diversion of minor illicit drug offenders from court has reduced overtime (from 25% of police proceedings in 2012–13 to 14% in 2020–21), with almost all of these diversions relating to police drug diversion. Available evidence indicates that this decline reflected the changing offence profile of minor illicit drug offenders.
 - The prevalence and frequency of minor illicit drug offenders' prior contact with the police increased over time.
 - The prevalence and frequency of prior contact with the police among minor illicit drug offenders diverted from court and referred to drug diversion remained relatively stable over time.

System implications:

- The increasing number of illicit drug offences recorded by police, and declining use of police drug diversion in response to minor illicit drug offences, means the volume of illicit drug offences being progressed to court by police has grown substantially when comparing 2020–21 with 2012–13.
- While increases in the number of illicit drug offences were driven by minor illicit drug offences, growth in the number of serious illicit drug offences was also apparent. Criminal justice system demand is therefore being impacted by minor and serious drug offending.
- The relatively high growth of female illicit drug offenders (when compared with male illicit drug offenders) is likely to impact the gender profile of defendants and people held in custody.
- The growing prevalence of repeat offending among minor illicit drug offenders impacting the use of diversion is also likely to impact court outcomes.

Summary of police contact trends

2012–13

2020–21

27,141

Number of police proceedings for illicit drug offences

+ 28.9%

34,979

Number of police proceedings for illicit drug offences

23,014

Number of illicit drug offenders

+ 24.6%

28,664

Number of illicit drug offenders

1.89

Average number of illicit drug offences per offender

2.08

Average number of illicit drug offences per offender

6,184

Number of police proceedings for illicit drug offences (females)

+ 70.2%

10,528

Number of police proceedings for illicit drug offences (females)

20,945

Number of police proceedings for illicit drug offences (males)

+ 16.6%

24,427

Number of police proceedings for illicit drug offences (males)

3,062

Number of police proceedings for serious illicit drug offences

+ 22.0%

3,735

Number of police proceedings for serious illicit drug offences

22,467

Number of police proceedings for minor illicit drug offences

+ 31.4%

29,524

Number of police proceedings for minor illicit drug offences

Summary of police contact trends cont.

2012–13**2020–21****21,164**

Number of court actions for illicit drug offences

+ 43.7%**30,408**

Number of court actions for illicit drug offences

5,977

Number of non-court actions for illicit drug offences (diversion)

– 23.5%**4,571**

Number of non-court actions for illicit drug offences (diversion)

42.6%

Minor illicit drug offenders with a prior minor illicit drug offence

56.6%

Minor illicit drug offenders with a prior minor illicit drug offence

5.0 Research findings: Contact with courts

The previous chapter showed how increases have occurred in the volume of illicit drug offences being proceeded against by police, particularly minor illicit drug offences. Over time, these offences became more likely to be actioned to court, rather than diverted out of the criminal justice system via police drug diversion. Available evidence suggests that this is most likely due to an increase in the prevalence of repeat offenders who would no longer be eligible for diversion.

Information on finalised court appearances with an illicit drug offence as the MSO is explored in this chapter, to examine the impact of an increasing volume of illicit drug offenders being sent through to the courts system by police. Changes in the volume and rate of finalised illicit drug appearances are discussed, before the presentation of trends in relation to gender and types of illicit offences allegedly committed. Findings showing changes in court outcomes for illicit drug offences are then shown, before the chapter concludes with an examination of the possible reasons why this may have occurred.

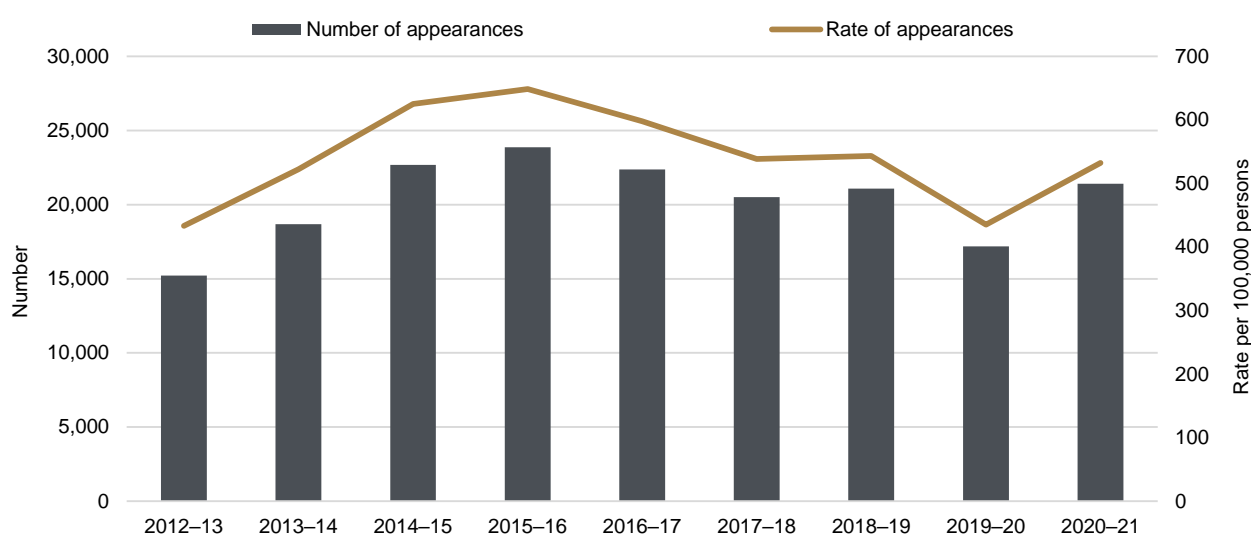
The findings presented in this chapter are based on courts administrative data, and readers are reminded that the approach used with these data is different to that used to analyse police and corrections data (see section 3.2 for further information). Finalised court appearances can include multiple court matters bundled together and finalised on the same day in the courts. As such, the volume of finalised court appearances will typically be lower than the volume of police actions to court each year, and direct comparisons between police and courts-based analyses should be made with caution.

5.1.1. Finalised court appearances where an illicit drug offence was the MSO

Figure 13 shows that the number and rate of finalised court appearances where an illicit drug offence was the MSO increased overall across the time series, from 15,218 appearances in 2012–13 to 21,404 appearances in 2020–21 (+40.6%, representing a rate increase of 22.8%). This is in contrast to the total number and rate of finalised court appearances, which declined from 158,330 appearances in 2012–13 to 142,800 appearances in 2020–21 (–9.8%, representing a rate decrease of 21.2%). As a result, the proportion of finalised court appearances in each year attributable to illicit drug offences has increased, from 9.6% of all appearances in 2012–13 to 15.0% in 2020–21 (data not shown).

The trends in illicit drug offenders in contact with the police differs to those in contact with the courts in 2019–20 and 2020–21. There was an increase in police proceedings for illicit drug offences in 2019–20, followed by a decline in 2020–21. For courts, the opposite occurred, with a decrease in court appearances for illicit drug offences in 2019–20, followed by an increase in 2020–21. These differences are likely to be explained by the differing effects of the COVID-19 containment measures on the police versus courts system, as discussed in section 2.3.3.

Figure 13 Number and rate of finalised court appearances where an illicit drug offence was the MSO



Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

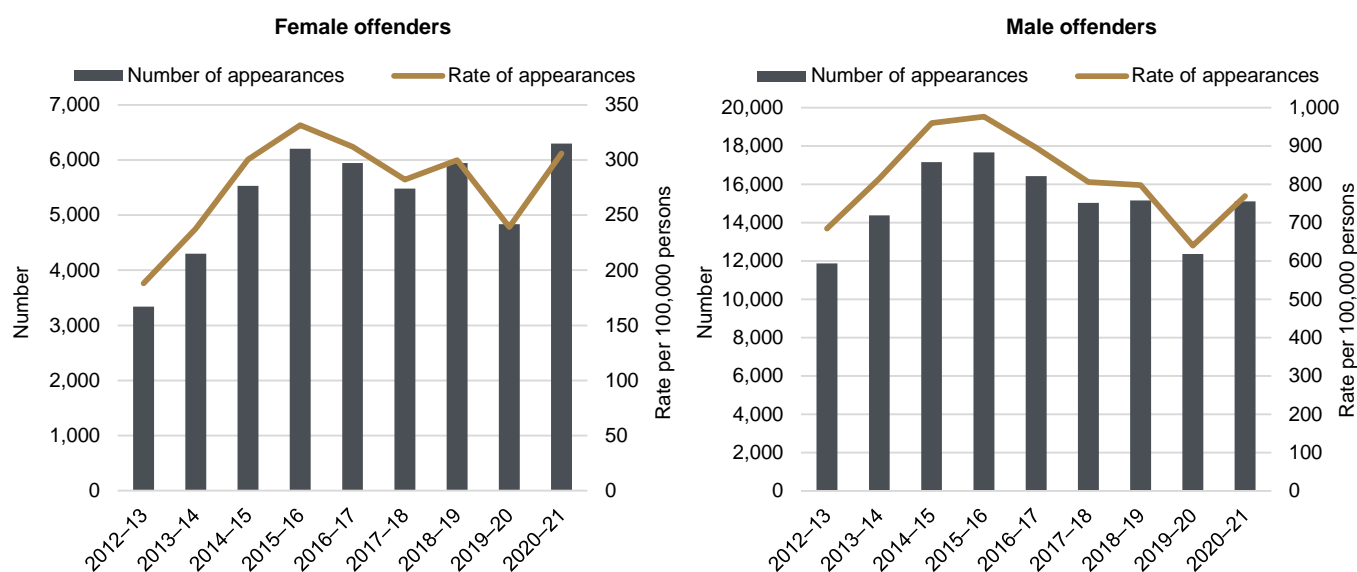
Source: QGSO analysis of DJAG data; ABS *National, state and territory population*

5.1.1.1. Gender differences

The majority of offenders appearing before the courts for illicit drug offences were men. However, the proportion of finalised court appearances for female offenders where an illicit drug offence was the MSO increased disproportionately over time, with women comprising 22.0% of finalised court appearances for illicit drug offences in 2012–13 and 29.4% in 2020–21. Conversely, men comprised 78.0% in 2012–13 and 70.6% in 2020–21. The proportional increase in female offenders was largely due to greater increases in appearance rates for female offenders compared with male offenders, and reflects trends observed in police proceedings for illicit drug offences.

The general trends in finalised court appearances where an illicit drug offence was the MSO occurred similarly for male and female offenders, with steeper increases in numbers and rates apparent for female offenders (see Figure 14). The number of appearances for female illicit drug offenders rose from 3,341 in 2012–13 to 6,298 in 2020–21 (+88.5%, representing a rate increase of 62.7%). For male illicit drug offenders, the number of appearances rose from 11,875 in 2012–13 to 15,102 in 2020–21 (+27.2%, representing a rate increase of 12.4%).

Figure 14 Number and rate of finalised court appearances where an illicit drug offence was the MSO, by gender

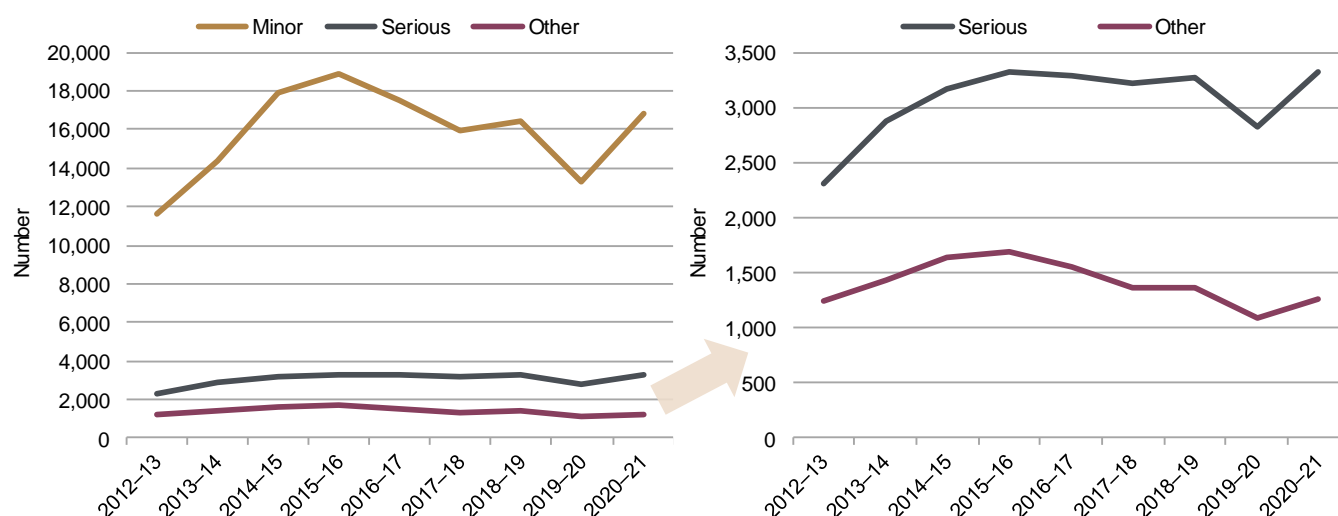


Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of DJAG data; ABS *National, state and territory population*

5.1.1.2. Illicit drug offence types

Figure 15 shows that increases in finalised court appearances for illicit drug offences were only evident for minor and serious illicit drug offences. When comparing 2020–21 with 2012–13, minor illicit drug offences (+44.0%) and serious illicit drug offences (+44.7%) recorded similar levels of increase, while 'other' illicit drug offences remained largely unchanged (+1.7%). The offence composition of illicit drug offences coming into contact with the courts did not change substantially over time, with the majority of finalised appearances being for minor illicit drug offences (approximately 75%), followed by serious illicit drug offences (approximately 15%) and 'other' illicit drug offences (approximately 10%). Serious illicit drug offences accounted for a slightly greater proportion of finalised court appearances compared with police proceedings (where they account for approximately 10%). The relatively equal growth for finalised court appearances for minor and serious illicit drug offences differs to trends observed for police proceedings for illicit drug offences, which were characterised by higher levels of growth for minor illicit offences (see section 4.1.1.2). This variance will partly reflect the greater likelihood of police referring serious illicit drug offences to the court for adjudication (see section 4.1.1.3).

Figure 15 Number of finalised court appearances where an illicit drug offence was the MSO, by offence type

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of DJAG data

Similar to police proceedings, female offenders accounted for an increasing share of finalised court appearances for all three types of illicit drug offending (data not shown). When comparing 2020–21 with 2012–13, the proportion of finalised appearances for minor, serious and 'other' illicit drug offences involving female offenders increased from 21.7% to 29.9%, from 18.5% to 24.3%, and from 30.7% to 36.2% of all illicit drug appearances, respectively. This is because increases across the three illicit drug offence types were far greater for women than for men. While substantial increases were apparent for female offenders for minor (+98.8%), serious (+89.2%), and 'other' illicit drug offences (+19.8%), growth was more modest for male offenders, with minor and serious illicit drug offences increasing by 28.8% and 34.6%, and other illicit drug offences decreasing (–6.4%).

There has been an increase in the number and rate of finalised court appearances for illicit drug offences. This follows increased police proceedings involving illicit drug offences, and the increased proportion of these proceedings involving the referral of matters to the court for adjudication.

The majority of court appearances for illicit drug offences related to minor illicit drug offences, and the majority of offenders were men.

Similar growth was recorded for minor and serious illicit drug offences. Women recorded stronger growth compared with men.

5.1.1.3. Court outcomes

Figure 16 displays the court outcomes for finalised court appearances where an illicit drug offence was the MSO by different penalty categories. It shows that illicit drug offences generally receive a sentence involving a fine/recognition type order, and although the number of fine/recognition type orders increased overall between 2012–13 (n=11,390) and 2020–21 (n=14,958), they accounted for a smaller proportion of illicit drug sentencing outcomes over time.⁴² Conversely, growth in the use of prison-based sentences and system exits was observed.⁴³ Fine/recognition type orders represented 74.8% of court outcomes for illicit drug court appearances in 2012–13 and 69.9% in 2020–21, while prison-based sentences accounted for 6.1% of court outcomes in 2012–13 and 8.6% in 2020–21.

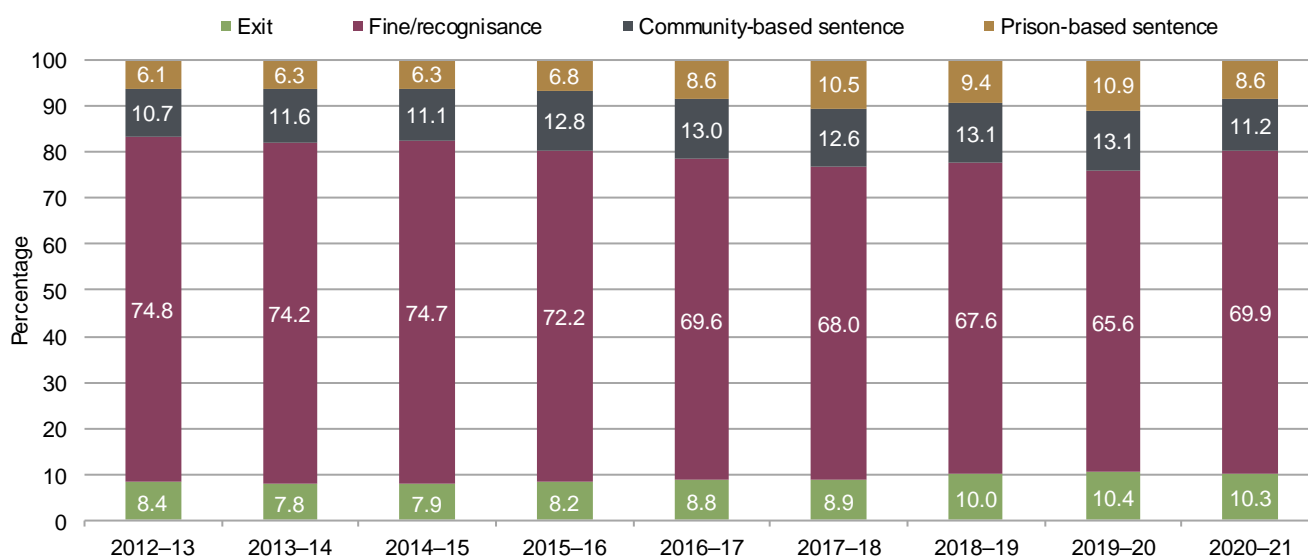
The uncommon use of prison-based sentences for illicit drug offences reflects the profile of illicit drug offences which are mostly made up of minor illicit drug offences (see section 2.2.1 and 5.1.1.2 for further information). However, changes in the volume of finalised illicit drug court appearances and the increased likelihood of being sentenced to imprisonment

⁴² Most orders in the fine/recognition type order category related to fines/restitution/compensation, comprising 71.7% of fine/recognition type orders in 2012–13 and 78.3% in 2020–21. The remainder were good behaviour / recognition orders (which includes court drug diversion), which represented 28.3% of fine/recognition type orders in 2012–13 and 21.7% in 2020–21.

⁴³ System exits include not being convicted and being convicted without further punishment.

meant that the number of prison-based sentences effectively doubled from 925 in 2012–13 to 1,839 in 2020–21 (representing an increase of 914 prison-based sentences).

Figure 16 Proportion of finalised court appearances where an illicit drug offence was the MSO, by court outcome



Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

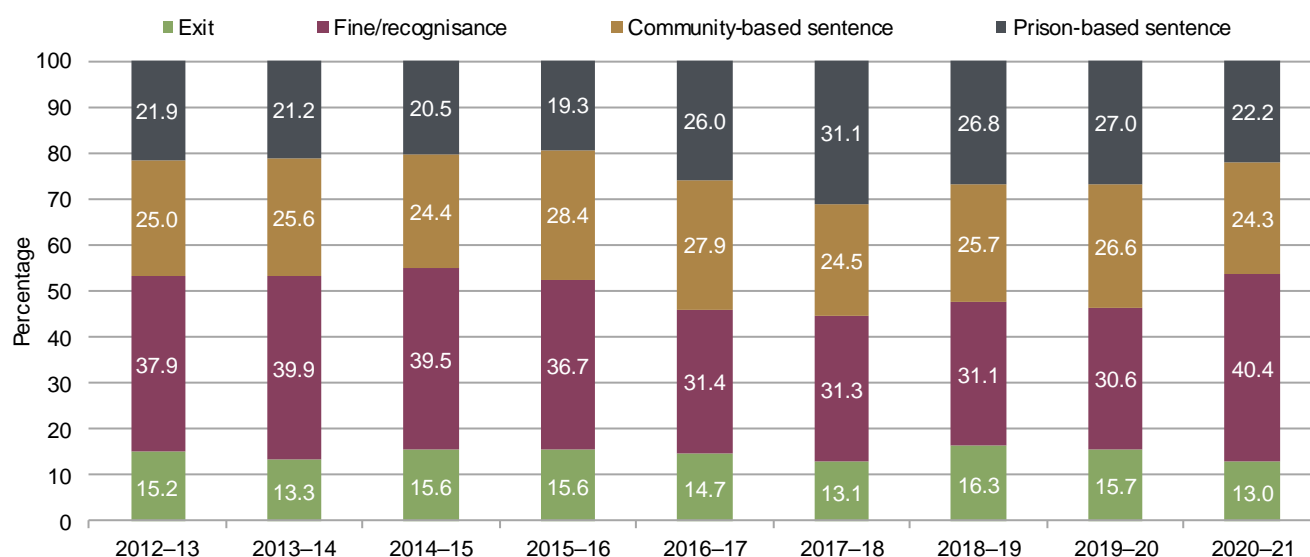
Source: QGSO analysis of DJAG data

The relationship between illicit drug offending and sentencing outcome is described below through an examination of court outcomes for serious drug offences (Figure 17) and minor drug offences (Figure 18).⁴⁴ While a fine/recognition type order was the most common court outcome for all types of illicit drug offences, serious illicit drug offences were much more likely than minor illicit drug offences to result in a prison-based or community-based sentence. For example, in 2020–21, a prison-based order was imposed for 22.2% of finalised court appearances for serious illicit drug offences, in contrast to 6.2% of minor illicit drug court appearances. Court outcomes for serious illicit drug offences fluctuated over time, but generally speaking, no substantial change was evident when comparing 2020–21 with 2012–13 (see Figure 17).

Exits from the system decreased slightly to 13.0% of most serious outcomes of finalised appearances in 2020–21, the use of fine/recognition type orders increased slightly to 40.4%, and prison-based (22.2%) and community-based sentences (24.3%) were at similar levels. The likelihood of receiving a prison-based sentence increased during 2016–17 to 2019–20, peaking at 31.1% of finalised appearances in 2017–18, before dropping back down to previous levels in 2020–21, at 22.2%.

The court outcomes for serious illicit drug offences were similar for male and female offenders over time. However, finalised court appearances involving male offenders (41.5%) were more likely to receive a fine/recognition type order as most serious outcome than female offenders (37.0%), and female offenders (28.2%) were more likely to receive a community-based sentence than male offenders (23.1%) (based on 2020–21, data not shown). While men were more likely to commit serious illicit drug offences, the likelihood of serious illicit drug offenders receiving a prison-based sentence did not differ in terms of gender.

⁴⁴ Court outcomes for 'other' illicit drug offences are not presented due to low counts and generally resembled the court outcomes for minor illicit drug offences.

Figure 17 Proportion of finalised court appearances where a serious illicit drug offence was the MSO, by court outcome

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of DJAG data

The court has the option to order minor illicit drug offenders to participate in court drug diversion, which is operationalised through the imposition of a good behaviour / recognisance order with a drug education/treatment condition attached. Information in Figure 18 separates these orders from fine/recognition type orders that did not include a referral to court drug diversion. It shows that the likelihood of minor illicit drug offences resulting in court drug diversion decreased substantially over time, 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.

While the use of court drug diversion decreased, the use of other types of orders increased. Minor illicit drug offences were almost twice as likely to result in a prison-based sentence in 2020–21 (6.2%) compared with 2012–13 (3.3%). The use of community-based sentences increased slightly (from 8.4% to 9.1%, peaking at 11.1% in 2018–19), as did the use of fine/recognition type orders (from 58.9% to 63.6%).⁴⁵ System exits also gradually increased, from 6.6% of all court outcomes for minor illicit drug offences in 2012–13, to 9.5% in 2020–21.⁴⁶

The outcomes of finalised court appearances for minor illicit drug offences were similar for men and women. However, male offenders (7.0%) were more likely to receive a prison-based sentence than female offenders (4.3%) (data not shown).

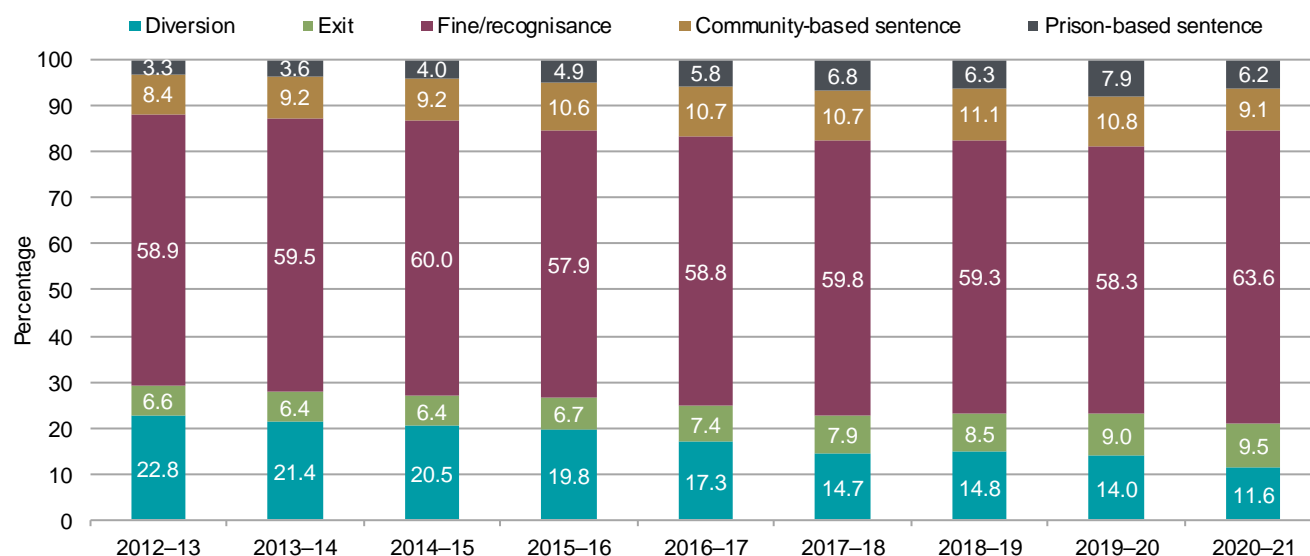
As noted previously, most illicit drug offences are committed by men, so the number of female illicit drug offenders coming into contact with the courts is much less than the number of male offenders. Female offenders however, recorded larger increases in finalised court appearances for all types of illicit drug offending than male offenders, and resulted in the number of women being sentenced to prison for a minor illicit drug offence more than tripling over time (from 61 in 2012–13 to 217 in 2020–21), and doubling for serious illicit drug offences (from 92 to 181). Community-based sentencing also increased substantially for female offenders, more than doubling for both minor and serious illicit drug offences (from 241 to 510, and 108 to 228, respectively).⁴⁷ These results suggest that illicit drug offending is likely to be contributing to the disproportionate growth of female offenders being supervised in the community and in custody.⁴⁸

⁴⁵ The increase in fine/recognition type orders for minor illicit drug offences was driven by increases in the use of good behaviour / recognisance orders that did not include a referral to court drug diversion, increasing from 2.9% to 6.2% of court outcomes for minor illicit drug offences.

⁴⁶ The increase in system exits for minor illicit drug offences was largely driven by offenders not being convicted (as opposed to being convicted and facing no further punishment) or charges being withdrawn or dismissed prior to adjudication, increasing from 4.7% to 7.1% of court outcomes for minor illicit drug offences.

⁴⁷ Observed increases were more modest for male offenders. The number of male offenders sentenced to prison for a minor illicit drug offence more than doubled over time (from 320 to 828) and increased by one-third for serious illicit drug offences (from 411 to 558). For male offenders, community-based sentencing increased by two-fifths for minor illicit drug offences (from 741 to 1,014) and by one-quarter for serious illicit drug offences (from 468 to 583).

⁴⁸ When comparing 30 June 2020 with 30 June 2011, the female adult imprisonment rate increased (+54.6%) from 24 to 37 per 100,000 persons, and the male adult imprisonment rate increased (+32.4%) from 302 to 400 per 100,000 persons (ABS 2020).

Figure 18 Proportion of finalised court appearances where a minor illicit drug offence was the MSO, by court outcome

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020-21.

Source: QGSO analysis of DJAG data

The increased use of corrections-based court outcomes for illicit drug offenders shown in Figure 16 were largely driven by changes in response to minor illicit drug offenders. The high volume of finalised court appearances for minor illicit drug offences, coupled with increased use of corrections-based sentences, means this offence type is the biggest contributor to additional prison-based (+664) and community-based (+542) sentences for illicit drug offenders in 2020-21 compared with 2012-13. Serious illicit drug offences still contributed non-trivial amounts to the increase in corrections-based sentences, accounting for an additional 236 prison-based sentences and an additional 235 community-based sentences in 2020-21 compared with 2012-13. Nevertheless, where serious illicit drug offences were once responsible for the largest proportion (54.4% in 2012-13) of prison-based sentences that illicit drug offenders received, steep increases in offending led to minor illicit drug offences accounting for the largest proportion (56.8%) in 2020-21.

Most finalised court appearances relating to illicit drug offences result in a fine/recognition type order, however the use of these orders was less common for serious illicit drug offences than for minor illicit drug offences.

Substantial reductions in the use of court drug diversion over time were evident; this decline followed decreases in the use of police drug diversion.

The growing prevalence of minor illicit drug offences, coinciding with the declining use of police and court diversionary options means that minor illicit drug offences have increasingly resulted in community-based and prison-based sentences being handed down by the courts.

Court outcomes for illicit drug offences did not differ substantially in terms of gender, however the relatively high growth of female illicit drug offenders, in combination with the reduced likelihood of police and courts using diversionary options for illicit drug offenders is potentially contributing to the disproportionate growth of female offenders under correctional supervision.

5.1.1.4. Sentence lengths

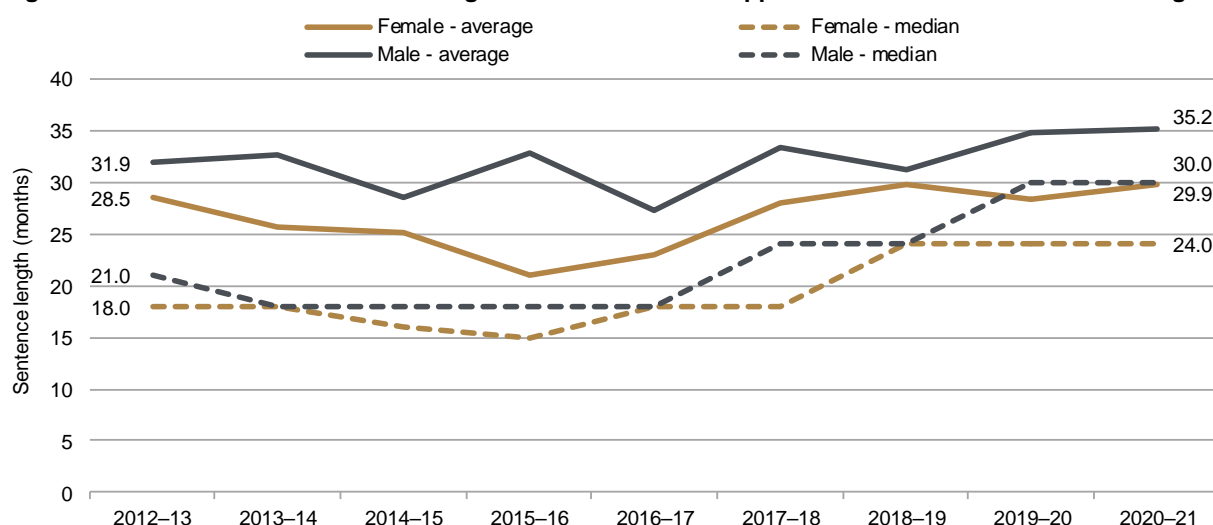
Other research has shown that Queensland illicit drug offenders are more commonly being arrested for possession of more dangerous substances (ACC 2014; ACIC 2021), and findings from the current project have shown a higher prevalence of prior offending among illicit drug offenders proceeded against by police (see section 4.1.2.1). It is therefore likely that illicit drug offenders would face increasingly longer sentence lengths. This idea was explored further by examining the average and median sentence lengths for prison-based and community-based sentences, for serious and minor illicit drug offences by gender.⁴⁹

⁴⁹ Changes in sentence lengths for 'other' illicit drug offences are not presented in this report due to the small number of finalised court appearances for this offence type that resulted in a prison-based or community-based sentence.

As apparent when comparing the results shown in Figure 19 and Figure 20, serious illicit drug offences result in much longer prison-based sentences than minor illicit drug offences, and male illicit drug offenders generally received longer sentences than female offenders. Gender-based differences in sentence length are likely to reflect gender-based variations in offending profiles, and it was previously observed that male minor illicit drug offenders were more likely to have prior contact for a personal (i.e. violent) offence than female offenders (see section 4.1.2.1).

Sentence lengths for serious illicit drug offences increased over the time series, with greater increases recorded for male offenders compared with female offenders (see Figure 19). When comparing 2020–21 with 2012–13, the median prison-based sentence length increased from 21 to 30 months for male offenders (+9 months, or +42.9%) and from 18 to 24 months for female offenders (+6 months, or +33.3%). Increases to the average sentence length were also evident, but were smaller in magnitude (+10.4% for male offenders and +4.9% for female offenders).

Figure 19 Prison-based sentence lengths for finalised court appearances where a serious illicit drug offence was the MSO

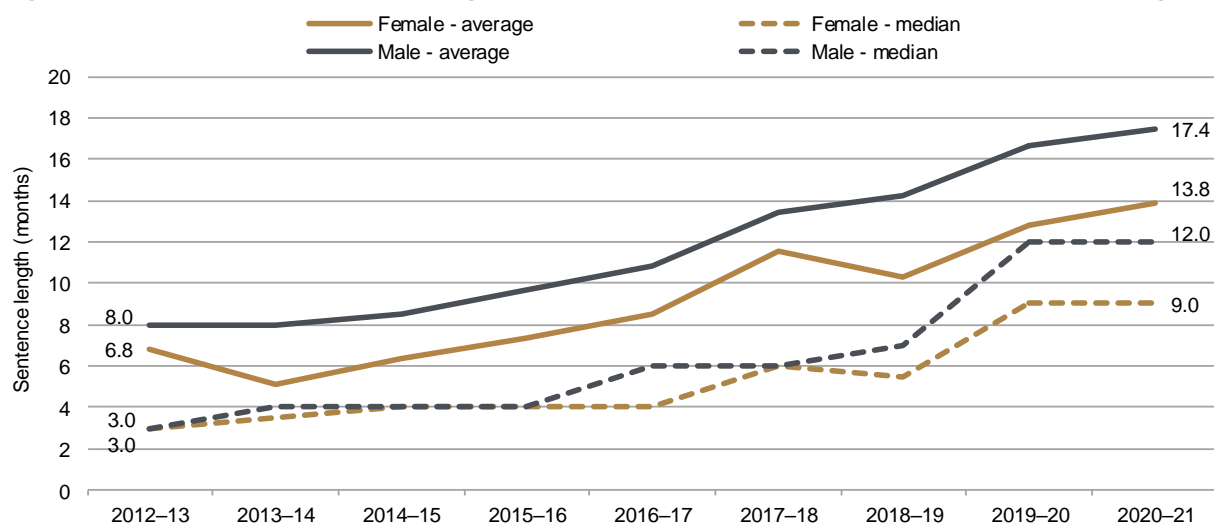


Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of DJAG data

Sentence lengths for minor illicit drug offences recorded particularly steep increases over time, from a median of three months in 2012–13 to nine months in 2020–21 for female offenders (+6 months, or +200.0%), and from three to 12 months for male offenders (+9 months, or +300.0%) (see Figure 20). Thus, sentence lengths for minor illicit drug offences have tripled for female offenders and quadrupled for male offenders (average sentence lengths more than doubled).

The increasing prison terms for both serious and minor illicit drug offences have important implications for custodial demand in light of the increasing volume of illicit drug offenders discussed previously (see sections 4.1.1 and 5.1.1).

Figure 20 Prison-based sentence lengths for finalised court appearances where a minor illicit drug offence was the MSO

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020-21.

Source: QGSO analysis of DJAG data

Community-based sentence lengths for serious and minor illicit drug offences remained fairly stable (data not shown). Some increases in average sentence length were recorded, however little to no change was observed in the median sentence length. When comparing 2020-21 with 2012-13, the average community-based sentence length for serious illicit drug offences increased from 10.9 months to 12.9 months, while the average sentence length for minor illicit drug offences increased from 9.7 months to 10.5 months. The median community-based sentence length was one year for both illicit drug offence types in both 2012-13 and 2020-21.

The length of prison-based sentences for illicit drug offences has increased, with the median prison-based sentence for minor illicit drug offences quadrupling over time.

The imposition of a prison-based sentence was more common among male illicit drug offenders than female offenders, and the length of these sentences tended to be longer.

Illicit drug offenders can be described as being more common, more likely to receive a prison-based sentence and receive a longer sentence than what was previously the case – this was particularly evident for minor illicit drug offenders.

5.1.2. Drivers of change in court outcomes for minor illicit drug offences

Analyses were undertaken to explore the offence profile of minor illicit drug offenders in contact with the courts to determine if changes in their offence profile could be impacting their court drug diversion eligibility and contributing to the observed increases in the imposition of prison-based sentences and related sentence lengths. This included trended analyses relating to average number of charges for finalised court appearances where a minor illicit drug offence was the MSO and the prior contact profile of minor illicit drug offenders in contact with the courts.⁵⁰

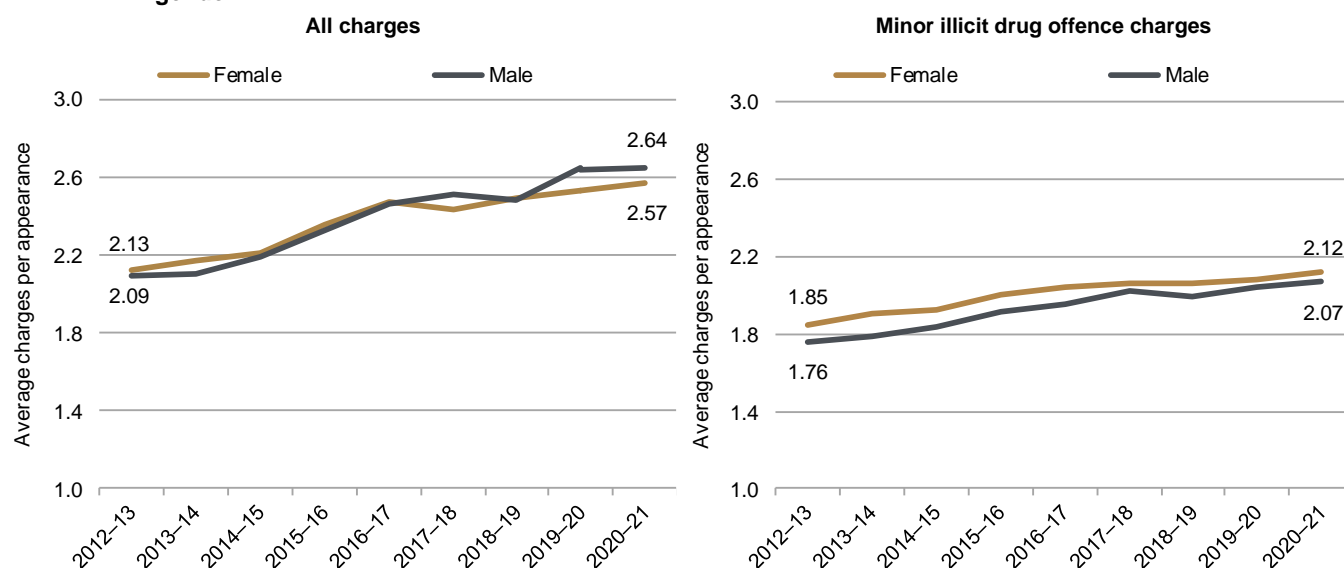
5.1.2.1. Number of charges per finalised court appearance where a minor illicit drug offence was the MSO

Figure 21 shows that the average number of charges that minor illicit drug offenders were sentenced for in a finalised court appearance gradually increased over the time series. When comparing 2020-21 with 2012-13, the average number of total charges per court appearance increased from 2.10 to 2.62, and the average number of minor illicit drug offence charges increased from 1.78 to 2.08 (data not shown). Increases occurred for male and female minor illicit drug offenders, with female offenders consistently being sentenced for a higher average number of concurrent minor illicit drug

⁵⁰ Analyses shown in Chapter 4 suggested reduced eligibility for police drug diversion among minor illicit drug offenders proceeded against by the police due to a growing prevalence of prior offending. This finding is expected to be reflected in court outcomes for minor illicit drug offenders.

offence charges than male offenders. These findings are consistent with the growing use and longer terms of imprisonment for minor illicit drug offending described above.⁵¹

Figure 21 Average number of charges per finalised court appearance where a minor illicit drug offence was the MSO, by gender



Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of DJAG data

Exploring the average number of charges associated with different court outcomes for minor illicit drug offenders shows that more serious penalties are associated with a higher number of offences and that growth in the average number of offences was particularly evident for prison-based sentences (see Table 1). In 2020–21 the average number of charges was 1.68 for those who exited the system, 1.85 for those who received a court drug diversion, 2.05 for those sentenced to a fine/recognition type order, 4.26 for those receiving a community-based sentence, and 8.98 for those with a prison-based sentence. When comparing 2020–21 with 2012–13, the average number of charges for those exited from the system, diverted or sentenced to a fine/recognition type order remained relatively similar, while the average number of charges for minor illicit drug offenders receiving a community-based or prison-based sentence increased (from 3.17 to 4.26, and 5.87 to 8.98, respectively).

Trends over time were similar for male and female offenders. For example, the average number of charges for female minor illicit drug offenders receiving a prison-based sentence grew from 5.49 in 2012–13 to 9.40 in 2020–21, while increasing from 5.94 to 8.87 for male offenders.

⁵¹ The increase in average number of charges at sentencing may also partially reflect an increase in the 'bundling' of multiple court matters into a single final appearance for sentencing purposes.

Table 1 Average number of charges per finalised court appearance where a minor illicit drug offence was the MSO, by gender and court outcome

	Financial year								
	2012–13	2013–14	2014–15	2015–16	2016–17	2017–18	2018–19	2019–20	2020–21
	– mean –								
Female offenders	2.13	2.17	2.21	2.36	2.47	2.43	2.49	2.53	2.57
Exit	1.70	1.64	1.73	1.73	1.72	1.58	1.71	1.72	1.70
Diversion	1.83	1.82	1.92	1.91	1.84	1.86	1.81	1.82	1.93
Fine/recognisance	1.99	2.04	1.97	2.09	2.09	2.04	2.04	2.04	2.10
Community-based sentence	3.16	3.42	3.43	3.61	3.64	3.63	3.77	3.89	4.28
Prison-based sentence	5.49	5.17	6.07	7.15	8.99	7.43	8.10	8.38	9.40
Male offenders	2.09	2.10	2.19	2.33	2.46	2.51	2.48	2.64	2.64
Exit	1.64	1.60	1.61	1.67	1.64	1.75	1.71	1.73	1.67
Diversion	1.65	1.71	1.70	1.69	1.67	1.71	1.64	1.63	1.82
Fine/recognisance	1.93	1.91	1.97	2.03	2.01	1.99	1.99	1.93	2.03
Community-based sentence	3.17	3.16	3.16	3.16	3.54	3.38	3.60	3.92	4.24
Prison-based sentence	5.94	5.42	6.34	6.93	7.78	7.73	7.88	8.24	8.87
All offenders	2.10	2.12	2.19	2.33	2.46	2.49	2.49	2.61	2.62
Exits	1.65	1.61	1.64	1.69	1.66	1.69	1.71	1.73	1.68
Diversion	1.69	1.74	1.75	1.76	1.72	1.75	1.69	1.69	1.85
Fine/recognisance	1.95	1.94	1.97	2.04	2.03	2.01	2.00	1.96	2.05
Community-based sentence	3.17	3.22	3.23	3.28	3.57	3.45	3.65	3.91	4.26
Prison-based sentence	5.87	5.38	6.29	6.97	8.00	7.67	7.93	8.27	8.98

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of DJAG data

There is a strong relationship between the number of charges a minor illicit drug offender is being sentenced for and their court outcome. Increases in the number of charges against minor illicit drug offenders appearing before the courts is therefore likely to have directly contributed to the use of more serious penalties over time.

5.1.2.2. Prevalence and frequency of prior contact with courts for offenders with a minor illicit drug offence

Analyses of minor illicit drug offenders' prior contact with the courts shows that the prevalence and frequency of prior contact has tended to increase over time, mainly for prior minor illicit drug offending, and that these increases are linked to the court outcome.

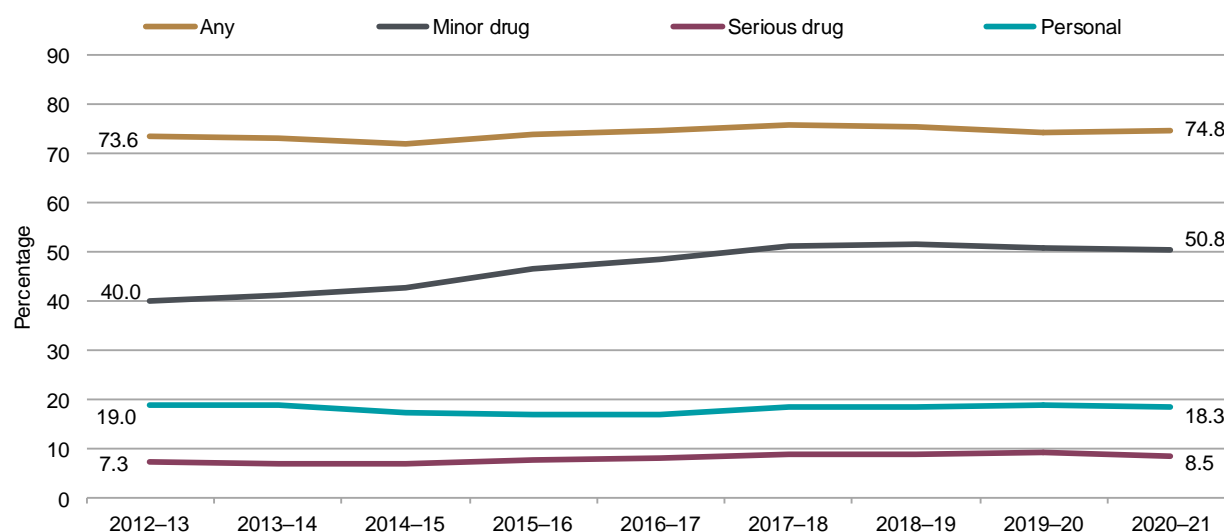
Figure 22 displays the proportion of minor illicit drug offenders who had previous finalised court appearances in the four years prior to their minor illicit drug offence, for different types of prior offences.⁵² Similar to findings from the police data, in 2020–21 three-quarters (74.8%) of minor illicit drug offenders had a prior offence of any type, half (50.8%) had a prior minor illicit drug offence, less than one in ten (8.5%) had a prior serious illicit drug offence, and almost one-fifth (18.3%) had a prior personal offence.⁵³ The proportion of offenders with prior contact for any offence type, or for serious illicit drug offences or personal offences, was fairly stable across the time series. However, the proportion of offenders with a prior minor illicit drug offence increased consistently over time, rising from 40.0% of offenders in 2012–13 to 50.8% in

⁵² The analyses presented in this figure are person-based and relate to minor illicit drug offenders in each financial year.

⁵³ Similar to findings from the police data, there was a small subset of minor illicit drug offenders whose prior contact with courts was only for minor illicit drug offences. The prevalence of this group was fairly stable over the time series, accounting for approximately 4–5% of all minor illicit drug offenders.

2020–21. Thus, the observed decline in court drug diversion is possibly linked to changes in the offence profile of minor illicit drug offenders which potentially impacted their eligibility for diversion.⁵⁴

Figure 22 Proportion of minor illicit drug offenders who had previous finalised court appearances, by prior offence type



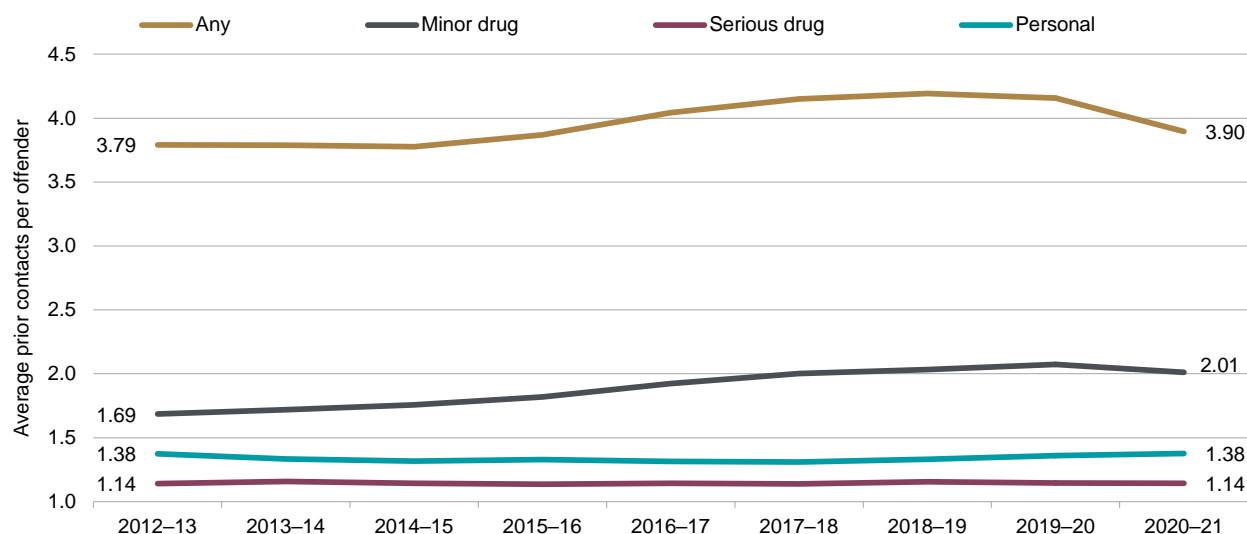
Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of DJAG data

Unlike prior contact with police, the frequency of prior contact with the courts for minor illicit drug offenders has been relatively stable.⁵⁵ As shown in Figure 23, of those with prior contact with the courts, the average number of prior contacts rose slightly from 3.79 contacts in 2012–13 to 4.19 contacts in 2018–19, before dropping back to 3.90 in 2020–21. Trends over time for prior contacts for serious illicit drug offences and personal offences were flat, with a slight increase observed in the number of prior contacts for minor illicit drug offences (from 1.69 to 2.01 prior contacts on average).

⁵⁴ To be eligible for court drug diversion, the offence being sentenced must be a minor illicit drug possession offence and the offender cannot have been offered drug diversion more than once previously (by either police or courts). Also, the offender must plead guilty to the offence, cannot have been previously convicted or have pending charges related to a serious illicit drug offence or an offence involving violence against another person. If an offender is eligible under these criteria, the courts may choose to offer the opportunity to attend drug diversion as a condition of being placed on a good behaviour bond.

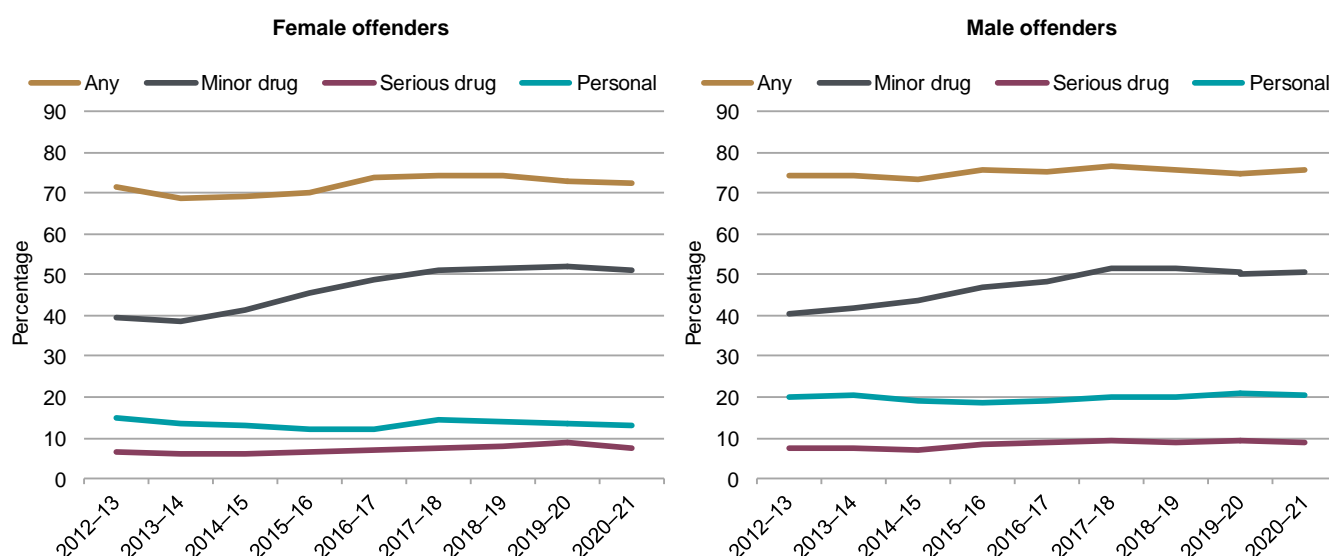
⁵⁵ The relative stability of frequency of prior contact with the courts could be due in part to the 'bundling' of multiple court matters into a single final appearance for sentencing purposes. Over the time series there were increases in the number of charges that minor illicit drug offenders were being sentenced for at the same time, which may be reflective of a greater number of court matters being finalised and sentenced on the same day, thereby reducing the number of separate finalised appearances for individual offenders.

Figure 23 Frequency of prior contact for minor illicit drug offenders who had previous finalised court appearances, by prior offence type

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020-21.
Source: QGSO analysis of DJAG data

Overall, male offenders were slightly more likely than female offenders to have previous finalised court appearances in the four years prior to their minor illicit drug offence (see Figure 24). This differed by prior offence type, with male and female offenders equally likely to have prior minor illicit drug offences and prior serious illicit drug offences, and male offenders more likely to have a prior personal offence. Trends over time for female versus male offenders were similar to the overall trends, with increases in the prevalence of prior minor illicit drug offences, and stability in other prior offence types.

The higher prevalence of prior personal offences among male offenders may explain why the imposition of prison-based sentences and longer prison-based sentences are more common among male offenders than female offenders being sentenced for minor illicit drug offences, despite similarities in terms of their average number of charges per finalised court appearance. There were negligible gender differences in the frequency of prior contact (data not shown).

Figure 24 Proportion of female and male minor illicit drug offenders who had previous finalised court appearances, by prior offence type

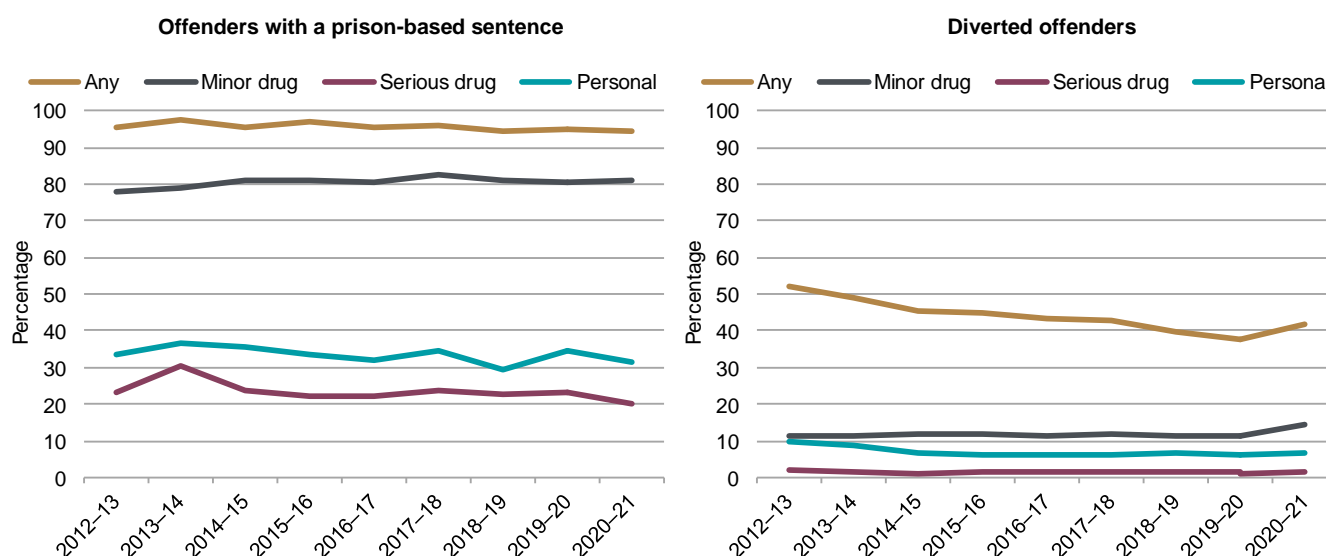
Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020-21.
Source: QGSO analysis of DJAG data

For minor illicit drug offenders, the prevalence and frequency of prior contact with the courts for minor illicit drug offences has increased over time.

This potentially explains the declining use of court drug diversion, as minor illicit drug offenders would not be eligible for diversion if they were previously offered the opportunity to attend a drug diversion program for a minor illicit drug offence on two occasions, including court and/or police drug diversion.

Further analyses showed that the prevalence and frequency of prior contact differed markedly depending on the court outcome. The largest differences were observed between those with a prison-based sentence and those who were sentenced to court drug diversion. Almost all (approximately 95%) minor illicit drug offenders who were sentenced to prison had prior contact with the courts in the previous four years. Those sentenced to prison were twice as likely as those diverted to have prior contact for any offence, over five times as likely to have prior contact for a minor illicit drug offence, over ten times as likely to have prior contact for a serious illicit drug offence, and five times as likely to have prior contact for a personal offence (see Figure 25). The total number of prior contacts, and number of prior contacts for minor illicit drug offences, were also substantially higher for those with a prison-based sentence (see Figure 26). These patterns were similar across female and male offenders (data not shown).

Figure 25 Proportion of minor illicit drug offenders who received a prison-based sentence versus a diversion who had previous finalised court appearances, by prior offence type

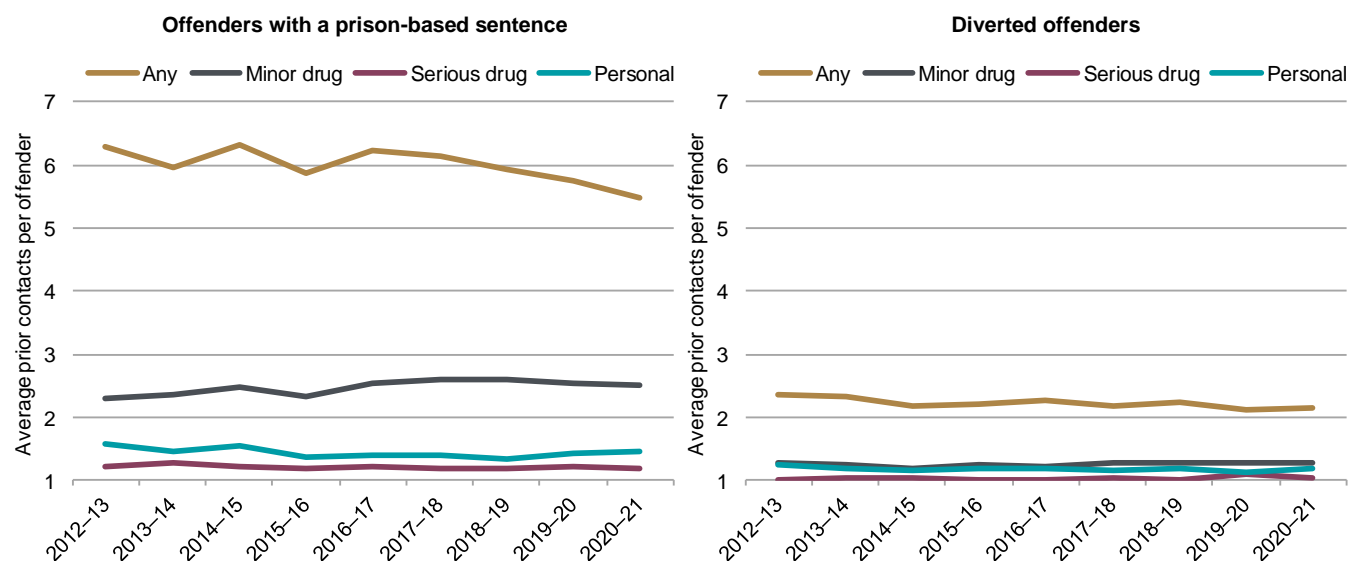


Notes

1. The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.
2. A very small proportion of minor illicit drug offenders received a prison-based sentence despite having no prior contact with courts in the four years preceding their minor illicit drug offence. This group of offenders may have had prior contact with the courts over a longer time period than was captured in the data.
3. A proportion of minor illicit drug offenders were diverted despite having prior contact with courts for offences that could render them ineligible for drug diversion. This group of offenders may have been eligible for drug diversion because: this is only the second time they have been offered drug diversion, the prior minor illicit drug offence/s did not result in an offer to attend drug diversion (which could occur if the offender did not admit guilt to the previous offence, or the court chose not to offer drug diversion); the prior serious illicit drug offence/s or personal offence/s did not result in a conviction.

Source: QGSO analysis of DJAG data

Figure 26 Frequency of prior contact for minor illicit drug offenders who received a prison-based sentence versus a diversion, who had previous finalised court appearances, by prior offence type



Notes

1. The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020-21.
2. A very small proportion of minor illicit drug offenders received a prison-based sentence despite having no prior contact with courts in the four years preceding their minor illicit drug offence. This group of offenders may have had prior contact with the courts over a longer time period than was captured in the data.
3. A proportion of minor illicit drug offenders were diverted despite having prior contact with courts for offences that could render them ineligible for drug diversion. This group of offenders may have been eligible for drug diversion because: this is only the second time they have been offered drug diversion, the prior minor illicit drug offence/s did not result in an offer to attend drug diversion (which could occur if the offender did not admit guilt to the previous offence, or the court chose not to offer drug diversion); the prior serious illicit drug offence/s or personal offence/s did not result in a conviction.

Source: QGSO analysis of DJAG data

These findings indicate that the court outcome in response to minor illicit drug offenders is strongly related to the presence and volume of prior finalised appearances for an offender. Prison-based sentences are the most serious form of sentencing and are generally considered a 'last resort', while the use of court drug diversion is guided by strict eligibility criteria, particularly around prior offending. Therefore, one would expect the highest levels of prior contact for those sentenced to prison, and the lowest levels for those who were diverted.

Court outcomes for minor illicit drug offenders are strongly related to the presence and volume of prior finalised court appearances for an offender, with those receiving prison-based sentences recording the highest levels of prior contact and those being diverted recording the lowest levels of prior contact.

Results in this chapter showed that when comparing 2020–21 with 2012–13:

- There was an increase in the number and rate of finalised court appearances for illicit drug offences.
 - This reflects increased police proceedings involving illicit drug offences, and the increased likelihood of police referring minor illicit drug offences to court for adjudication.
- Minor illicit drug offending accounted for the majority of finalised court appearances for illicit drug offences (approximately 75%).
 - Similar growth was recorded for minor and serious illicit drug offences, while 'other' illicit drug offences decreased.
- Men accounted for the majority (approximately 70%) of finalised court appearances relating to illicit drug offences, while female offenders recorded much stronger growth.
- A fine/recognition type order (approximately 70%) was the most common court outcome for illicit drug offences.
 - Fine/recognition type orders were more common for minor illicit drug offences than serious illicit drug offences.
 - Prison or community-based sentences were more common for serious illicit drug offences than minor illicit drug offences.
- The use of court drug diversion in response to minor illicit drug offences declined, while the use of prison-based sentences increased. The median prison-based sentence length for minor illicit drug offences quadrupled over time.
 - Male offenders were more likely to receive a prison-based sentence than female offenders, and the length of these sentences tended to be longer.
 - Female offenders recorded stronger growth in the volume of prison-based sentences, while male offenders recorded stronger growth in the length of prison-based sentences.
- Change in the court outcomes and sentence lengths for minor illicit drug offences appeared to be related to the changing offence profile of offenders.
 - The average number of charges against minor illicit drug offenders appearing before the courts increased over time, particularly for those receiving a prison-based sentence.
 - The prevalence and frequency of prior contact with the courts among minor illicit drug offenders increased over time, mainly for prior minor illicit drug offending.

System implications:

- Increasing volumes of prison-based sentences and longer prison-based sentences for illicit drug offences will impact the number of prisoners in custody for an illicit drug offence on any given day.
- While increases in the number of finalised court appearances for illicit drug offences have been driven by minor illicit drug offences due to their large volume, growth in serious illicit drug offences was also apparent. Serious illicit drug offences are associated with relatively high criminal justice system costs since the imposition of prison-based sentences for these offences is not uncommon.
- The relatively high growth of female illicit drug offenders coming into contact with police has impacted the gender profile of defendants. This could impact the gender profile of people being admitted into the correctional system.

Summary of court contact trends

2012–13

2020–21

15,218

Number of finalised appearances
with illicit drug offences as MSO

+ 40.6%

21,404

Number of finalised appearances
with illicit drug offences as MSO

3,341

Number of finalised appearances
with illicit drug offences as MSO
(females)

+ 88.5%

6,298

Number of finalised appearances
with illicit drug offences as MSO
(females)

11,875

Number of finalised appearances
with illicit drug offences as MSO
(males)

+ 27.2%

15,102

Number of finalised appearances
with illicit drug offences as MSO
(males)

2,302

Number of finalised appearances
with serious illicit drug offences as
MSO

+ 44.7%

3,331

Number of finalised appearances
with serious illicit drug offences as
MSO

11,668

Number of finalised appearances
with minor illicit drug offences as
MSO

+ 44.0%

16,804

Number of finalised appearances
with minor illicit drug offences as
MSO

2.10

Average number of offences per
finalised appearance for minor illicit
drug offenders

2.62

Average number of offences per
finalised appearance for minor illicit
drug offenders

40.0%

Minor illicit drug offenders with a
prior minor illicit drug offence

50.8%

Minor illicit drug offenders with a
prior minor illicit drug offence

Summary of court contact trends cont.

2012–13

2020–21

2,660

Number of court drug diversions

– 26.5%

1,954

Number of court drug diversions

1,624

Number of community-based sentences for illicit drug offences

+ 48.1%

2,405

Number of community-based sentences for illicit drug offences

165

Number of prison-based sentences for illicit drug offences (females)

+ 149.1%

411

Number of prison-based sentences for illicit drug offences (females)

760

Number of prison-based sentences for illicit drug offences (males)

+ 87.9%

1,428

Number of prison-based sentences for illicit drug offences (males)

3 months

Median length of prison-based sentence for minor illicit drug offence/s (females)

+ 200.0%

9 months

Median length of prison-based sentence for minor illicit drug offence/s (females)

3 months

Median length of prison-based sentence for minor illicit drug offence/s (males)

+ 300.0%

12 months

Median length of prison-based sentence for minor illicit drug offence/s (males)

6.0 Research findings: Contact with corrections

Information in chapters 4 and 5 showed that a greater number of illicit drug offenders are moving through the police and courts systems than previously observed, particularly minor illicit drug offenders who were increasingly likely to be referred to court by the police and be given a more serious penalty by the courts if convicted. These latter changes are likely to reflect changing offence profiles, with minor illicit drug offenders now more likely to have had prior contact with police and courts for minor illicit drug offences, and be sentenced for a larger number of charges when their court appearances are finalised. This is potentially contributing to an ineligibility for drug diversion programs, more use of prison-based sentences and longer sentence lengths.

This chapter examines illicit drug offenders coming into contact with corrections to explore the flow-on effects of more illicit drug offenders being sent through to the correctional system. This is done by analysing admissions to remand and sentenced custody, and the commencement of community-based corrections orders, by type of illicit drug offence and gender. Actual lengths of stay in custody and the duration of community-based orders are also explored as this impacts the number of offenders under correctional supervision at any one time.

The findings described in this chapter are based on corrections administrative data, and readers are reminded that the approach used with these data is different to that used to analyse police and courts data (see section 3.2 for further information). Caution should therefore be exercised when comparing counts and percentage change occurring for the different stages of the criminal justice system. Of particular note is that not all imprisonment orders imposed by the courts result in an admission to sentenced custody, as offenders can be released to freedom at sentencing after serving the equivalent of the imprisonment term on remand; offenders returned to sentenced custody for breaching the condition of their parole order are counted as new admissions to sentenced custody; and the MSO for an admission to corrections is not based on the MSO at time of admission, it is associated with the MSO over the course of a 'stay' with corrections, which may involve multiple over-lapping 'stays'.

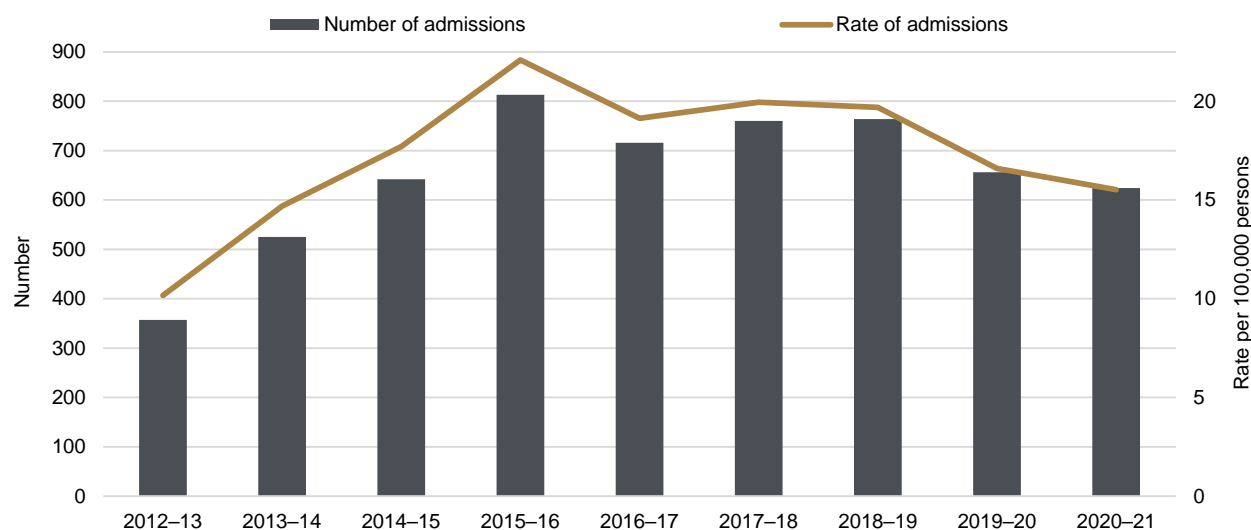
6.1.1. Remand

This section examines the number and rate of remand admissions for illicit drug offences over time, and the average and median length of stay on remand for serious illicit drug offences.⁵⁶

6.1.1.1. Admissions to remand where an illicit drug offence was the MSO

Figure 27 shows that the number of admissions to remand where an illicit drug offence was the MSO increased by 74.8% when comparing 2020–21 with 2012–13. This growth was similar to that recorded for all admissions to remand (+80.0%) or admissions to remand excluding illicit drug offences (+80.4%). The number of admissions for illicit drug offences increased from 357 admissions in 2012–13 to 624 admissions in 2020–21, representing a rate increase of 52.6%. The contribution of illicit drug offences to remand admissions did not change substantially over time, representing 8.2% of all admissions in 2012–13 and 8.0% in 2020–21.

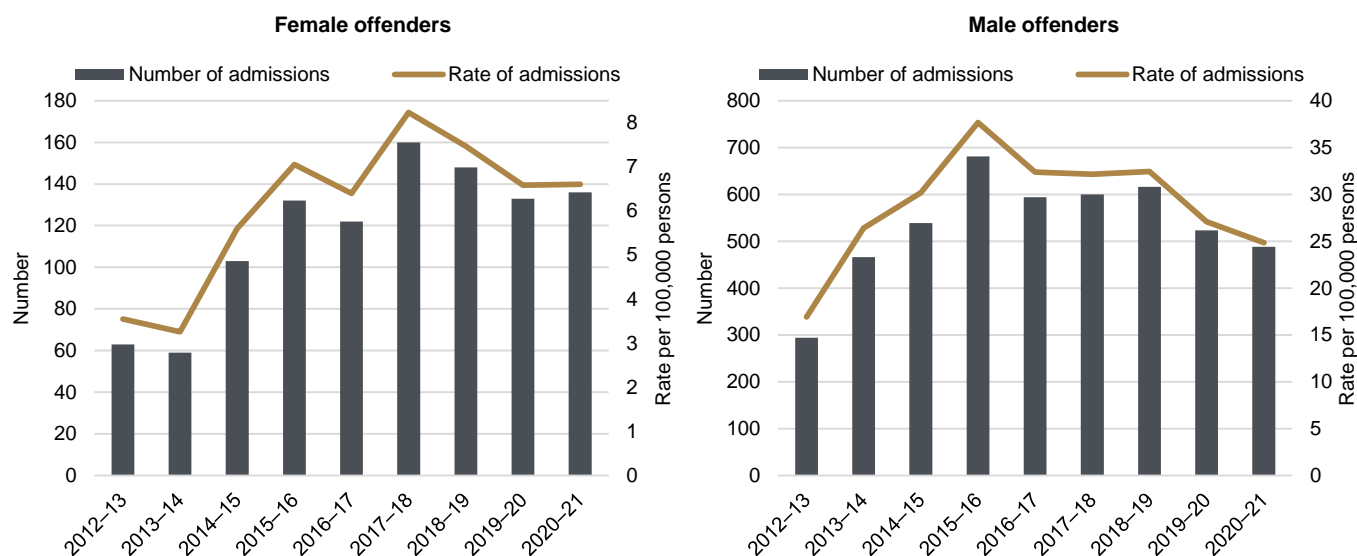
⁵⁶ A person admitted to custodial remand is someone being held in prison until their alleged offence/s can be heard by a court or bail can be obtained. The court may find this person not guilty of the alleged offence/s. The term 'offender' used in this section is used for the purpose of consistency and brevity across the report.

Figure 27 Number and rate of admissions to remand where an illicit drug offence was the MSO

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QCS data; ABS *National, state and territory population*

The majority of offenders (approximately 80%) being admitted to remand for illicit drug offences were men. However, similar to gendered growth patterns evident in police proceedings and court finalisations, female offenders recorded higher increases in admissions than male offenders (see Figure 28). When comparing 2020–21 with 2012–13, the number of illicit drug remand admissions more than doubled (+115.9%) for female offenders (from 63 to 136 admissions, representing a rate increase of +86.3%), and increased by 66.0% for male offenders (from 294 to 488 admissions, representing a rate increase of +46.7%). This resulted in female offenders accounting for 21.8% of illicit drug admissions to remand in 2020–21, compared with 17.6% in 2012–13. Conversely, male offenders comprised 78.2% of illicit drug offence admissions to remand in 2020–21 and 82.4% in 2012–13.

Figure 28 Number and rate of admissions to remand where an illicit drug offence was the MSO, by gender

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

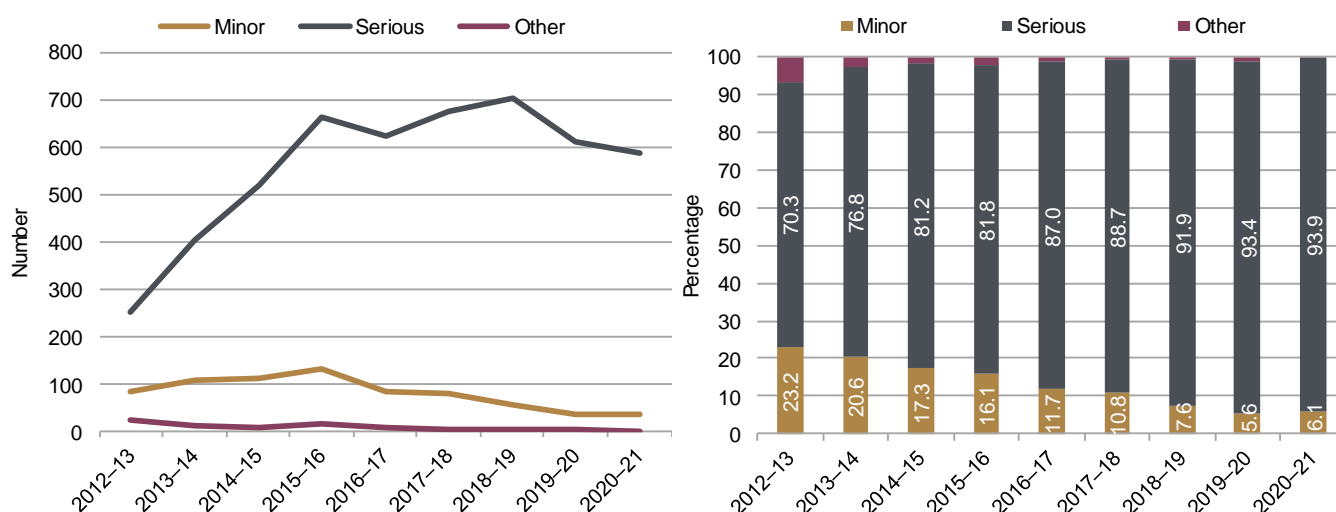
Source: QGSO analysis of QCS data; ABS *National, state and territory population*

Illicit drug offence types

Figure 29 shows that the growth in illicit drug remand admissions was entirely attributable to serious illicit drug offences. The number of admissions into remand for serious illicit drug offences more than doubled (+133.5%) when comparing 2020–21 with 2012–13, increasing from 251 to 586 admissions. In contrast, admissions for minor and 'other' illicit drug offences decreased over time. As a result, the proportion of admissions to remand by illicit drug offence type changed dramatically, with almost all illicit drug remand admissions in 2020–21 related to serious illicit drug offences (increasing from 70.3% of admissions in 2012–13 to 93.9% in 2020–21).

In the context of the higher growth observed for minor illicit drug offences than for serious illicit drug offences (see sections 4.1.1.2 and 5.1.1.2), the proportional growth of serious illicit drug offenders admitted to remand suggests that serious illicit drug offenders have increasingly been remanded in custody over time and that minor illicit drug offenders tend not to be remanded in custody. The increases in serious illicit drug offenders remanded in custody has occurred in the context of Queensland state-wide and agency-specific strategies targeting the disruption of illicit drug supply and distribution. Serious illicit drug offenders may also be presenting with more serious offending profiles, such as being charged with the distribution of larger quantities or more dangerous forms of illicit drugs and having more extensive criminal histories.

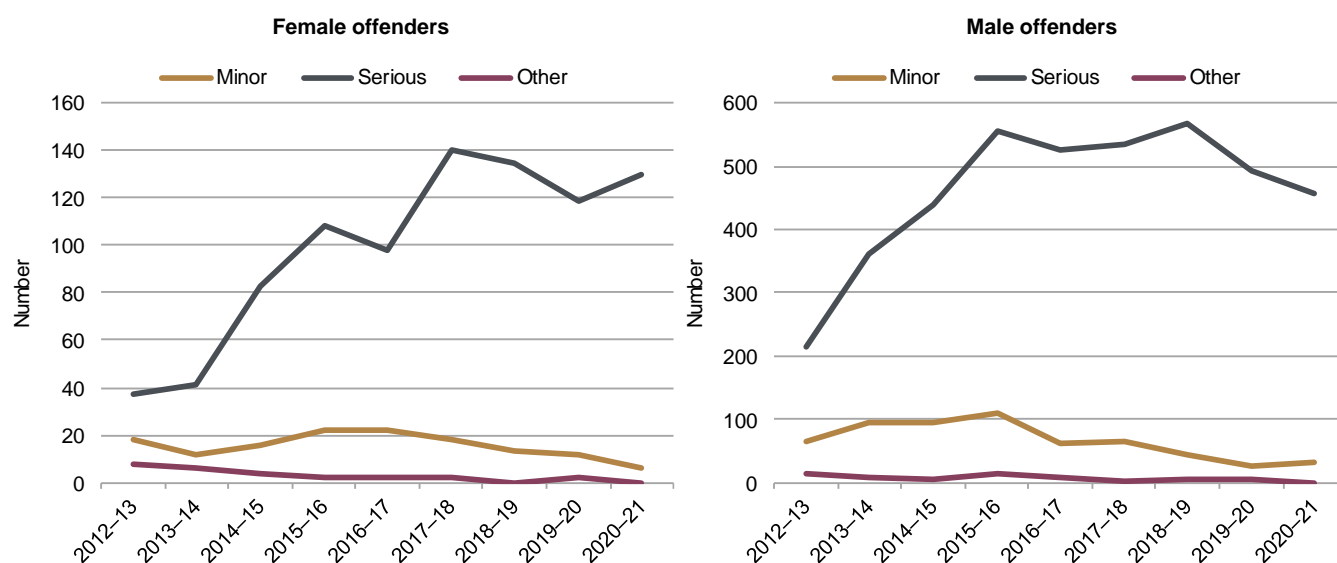
Figure 29 Number and offence composition of admissions to remand where an illicit drug offence was the MSO, by offence type



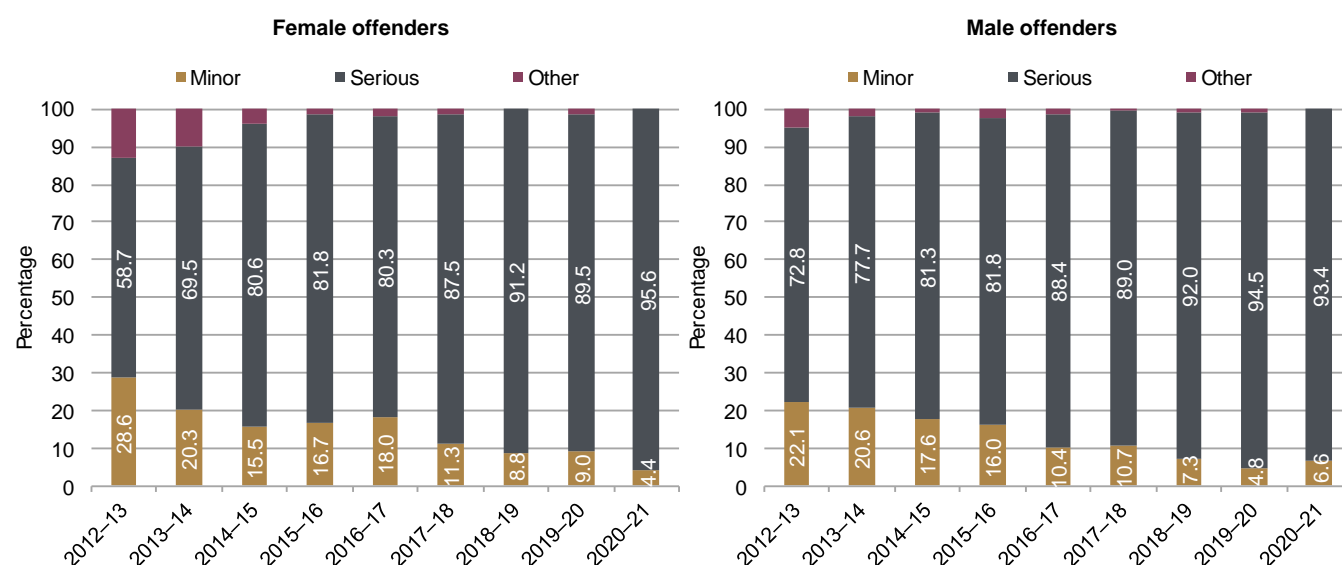
Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QCS data

Admissions to remand by illicit drug offence type trends were similar for male and female offenders (see Figure 30). However, the number of female offenders being admitted into remand for serious illicit drug offences more than tripled (+251.4%) between 2012–13 and 2020–21, compared to male offenders where they more than doubled (+113.1%). Almost all illicit drug remand admissions in 2020–21 were due to serious illicit drug offences, increasing from 58.7% to 95.6% of admissions for female offenders and from 72.8% to 93.4% for male offenders (see Figure 31).

Figure 30 Number of admissions to remand where an illicit drug offence was the MSO, by gender and offence type

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.
Source: QGSO analysis of QCS data

Figure 31 Proportion of admissions to remand where an illicit drug offence was the MSO, by gender and offence type

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.
Source: QGSO analysis of QCS data.

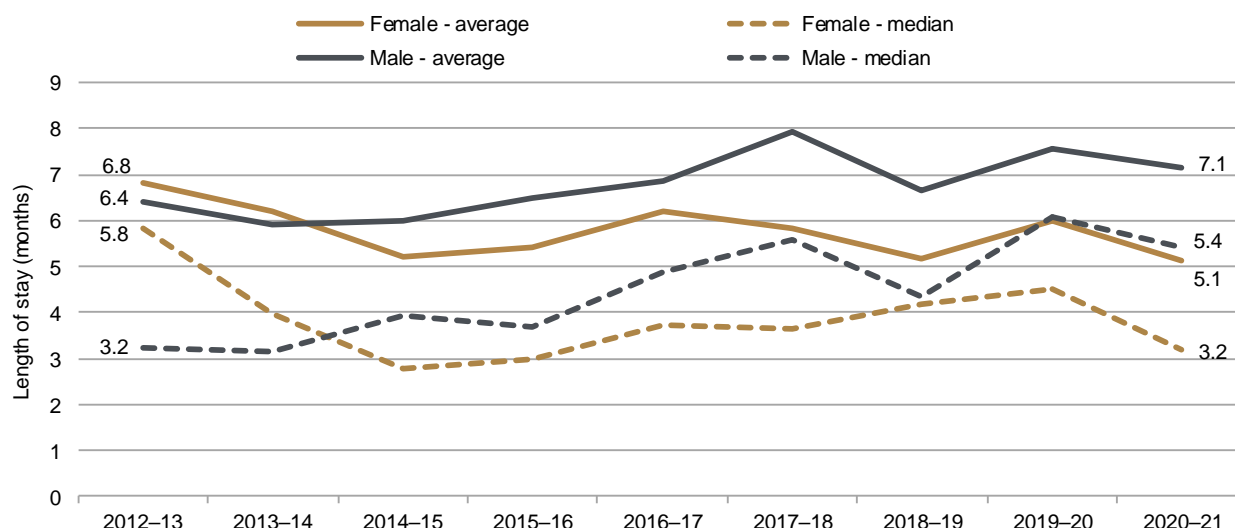
6.1.1.2. Lengths of stay on remand where a serious illicit drug offence was the MSO

As the number of offenders admitted to remand each year for minor illicit drug offences was quite low, only lengths of stay in remand for serious illicit drug offences is discussed below.

Figure 32 displays the average and median lengths of stay in remand for female and male serious illicit drug offenders. As illustrated, when comparing 2020–21 with 2012–13, lengths of stay decreased for women but increased for men. Median lengths of stay in remand for serious illicit drug offences decreased from 5.8 months to 3.2 months for female offenders (–45.5%, which equates to 81 fewer days on remand), and increased from 3.2 months to 5.4 months for male offenders (+68.9%, or 68 more days on remand).

Time spent on remand directly relates to the time taken for charges to be finalised and sentenced in court. Thus, any changes in length of stay in remand for serious illicit drug offenders could be attributable to factors such as fluctuations in court workload, availability of legal representation, forensic testing capacity and the complexity of court cases.

Figure 32 Lengths of stay on remand where a serious illicit drug offence was the MSO



Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QCS data

There has been an increase in the number and rate of admissions to remand for illicit drug offences.

The majority of remand admissions for illicit drug offences related to serious illicit drug offences, and most of these admissions involved men. Admissions to remand increased for serious illicit drug offences and decreased for minor and 'other' illicit drug offences. Admissions to remand involving female offenders recorded stronger growth than those involving men.

The offence composition of remand admissions for illicit drug offences changed over time, with almost all remand admissions relating to serious illicit drug offences by 2020–21.

Time spent on remand for serious illicit drug offences increased for male offenders and decreased for female offenders. Overall, these changes are not likely to have had a substantial impact on prisoner population numbers.

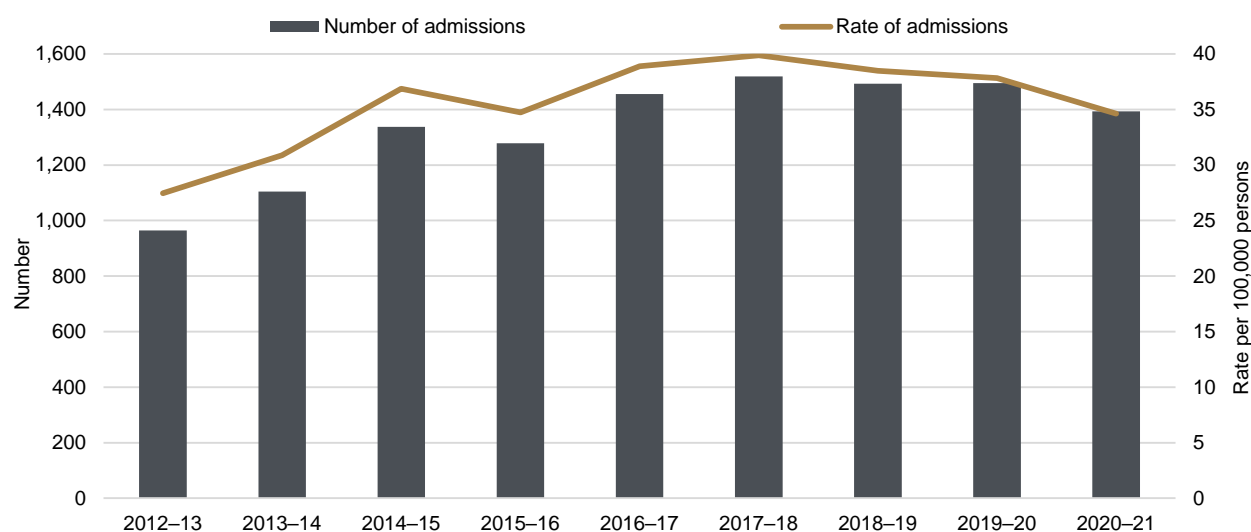
6.1.2. Sentenced custody

This section examines the number and rate of sentenced custody admissions for illicit drug offences over time, and the average and median lengths of stay in sentenced custody for these offences.

6.1.2.1. Admissions to sentenced custody where an illicit drug offence was the MSO

In line with the growth in prison-based sentences for illicit drug offenders who appear before the courts, admissions to sentenced custody for illicit drug offences increased overall across the time series. Figure 33 shows that admissions to sentenced custody increased from 964 to 1,393 admissions (+44.5%) when comparing 2020–21 with 2012–13, and growth was higher than the overall growth in total sentenced admissions (+20.3%, or 17.7% when excluding illicit drug offences). In fact, illicit drug offences recorded the second-highest growth in admissions to sentenced custody, after offences against justice procedures (+110.4%).⁵⁷ This has resulted in the proportion of sentenced admissions attributable to illicit drug offences increasing from 9.6% in 2012–13 to 11.6% in 2020–21.

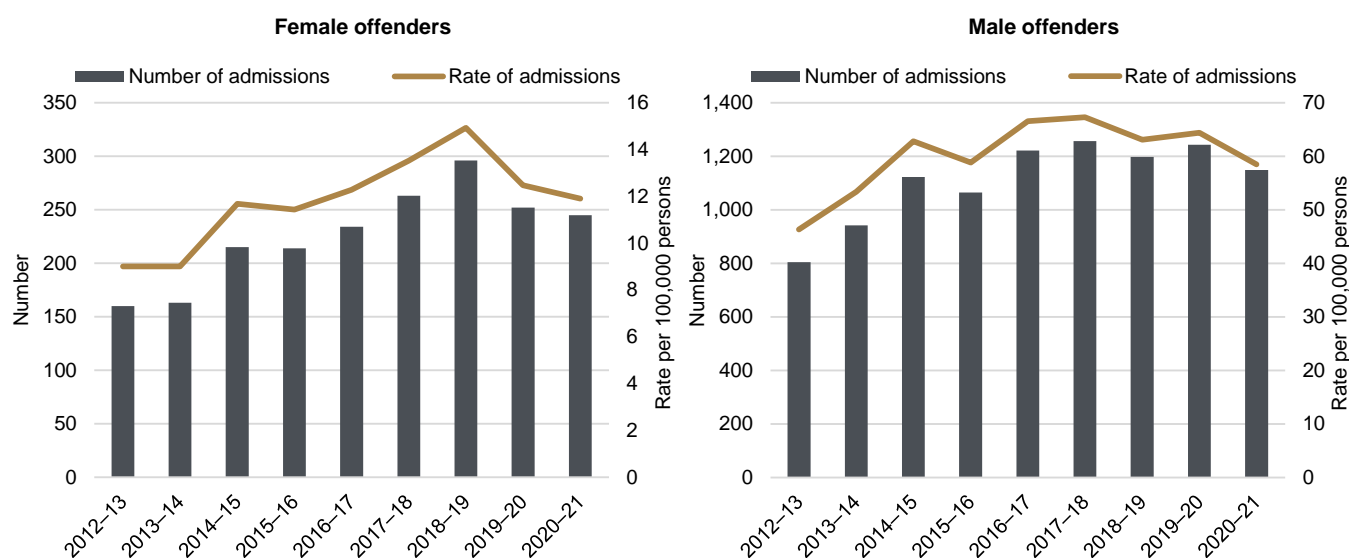
⁵⁷ Abduction, harassment and other offences against the person technically had the highest growth; however, the very low offence counts for this group of offences means that their percentage change over time is not comparable to information presented here.

Figure 33 Number and rate of admissions to sentenced custody where an illicit drug offence was the MSO

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QCS data; ABS *National, state and territory population*

The gender composition of sentenced admissions to custody for illicit drug offences has not changed substantially over time, with men accounting for approximately 80% of admissions across the time series (83.4% in 2012–13 and 82.4% in 2020–21). This is because growth in sentenced admissions was somewhat similar between female (+53.1%) and male offenders (+42.8%), with female offenders recording slightly higher growth. This was despite much higher growth being recorded for women compared with men in relation to police proceedings and finalised court appearances for illicit drug offences. When comparing 2020–21 with 2012–13, admissions to sentenced custody increased from 160 to 245 admissions for female offenders, and from 804 to 1,148 admissions for male offenders, representing rate increases of 32.2% and 26.2% respectively (see Figure 34).

Figure 34 Number and rate of admissions to sentenced custody where an illicit drug offence was the MSO, by gender

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

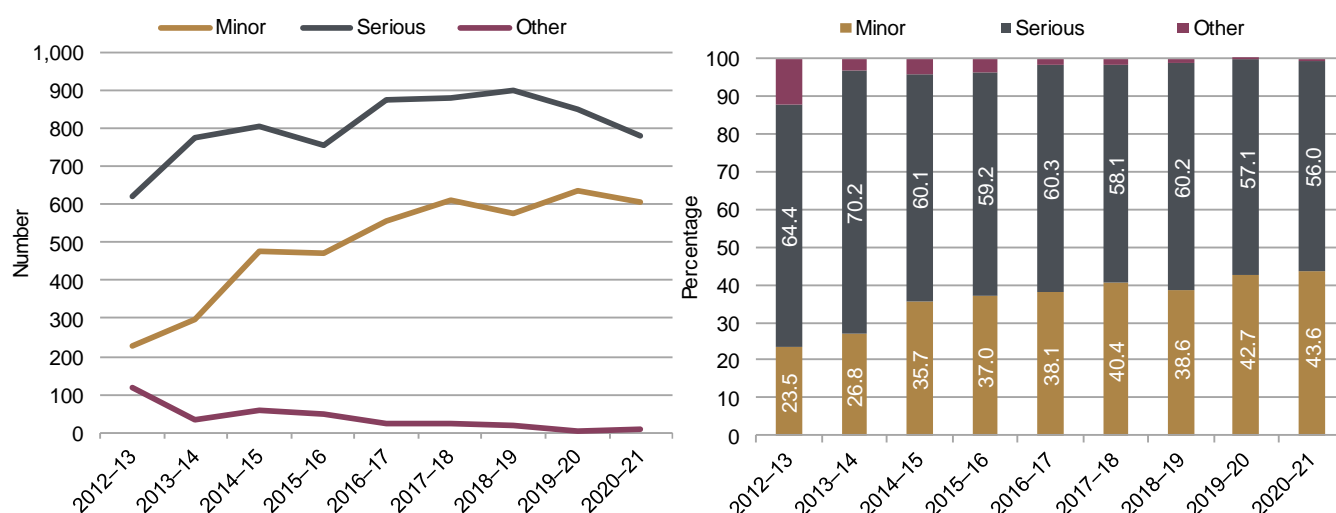
Source: QGSO analysis of QCS data; ABS *National, state and territory population*

Illicit drug offence types

As shown in Figure 35, the largest contributor to the increase in admissions to sentenced custody for illicit drug offences was minor illicit drug offences (increasing from 227 to 607 admissions, or +167.4%), contributing an additional 380 sentenced admissions in 2020–21 compared with 2012–13. This is in line with earlier findings that the increased number of prison-based sentences handed down by the courts in response to illicit drug offences was largely driven by minor illicit drug offences (see section 5.1.1.2). Serious illicit drug offences recorded much smaller growth in admissions (from 621 to 780 admissions, or +25.6%), contributing an additional 159 sentenced admissions in 2020–21 compared with 2012–13. 'Other' illicit drug admissions decreased over time.

Due to the greater growth in admissions for minor versus serious illicit drug offences, the offence composition of sentenced illicit drug admissions changed over time. Serious illicit drug offences continued to be the most prevalent illicit drug offence for those entering sentenced custody, however the proportion of admissions accounted for by minor illicit drug offences increased substantially when comparing 2020–21 with 2012–13, increasing from 23.5% to 43.6% of all illicit drug admissions.

Figure 35 Number and offence composition of admissions to sentenced custody where an illicit drug offence was the MSO, by offence type

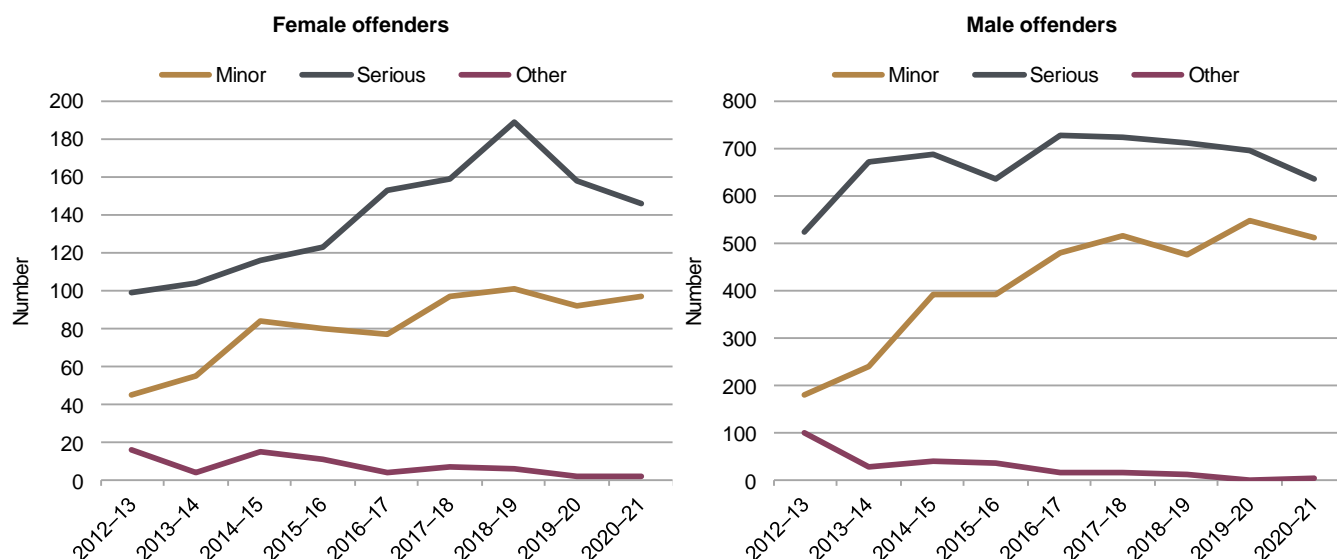


Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QCS data

Figure 36 shows increases in sentenced admissions to custody for both male and female illicit drug offenders, however growth was more apparent for minor illicit drug offences than serious illicit drug offences. Increases in sentenced admissions to custody for minor illicit drug offences was higher for male offenders (+180.2%) than female offenders (+115.6%), while increases for sentenced admissions for serious illicit drug offences was higher for female offenders (+47.5%) than male offenders (+21.5%). For female offenders, increases in both minor and serious illicit drug offences contributed approximately equally to the additional numbers of sentenced admissions in 2020–21 compared with 2012–13 (+52 and +47 admissions respectively). In contrast, for male offenders, minor illicit drug offences contributed almost three times as many additional admissions than serious illicit drug offences (+328 and +112 admissions respectively). It is worth noting that admissions to custody includes returns to custody due to contravention of parole conditions, and while not investigated by this project, male offenders may be more likely to contravene parole orders than female offenders.

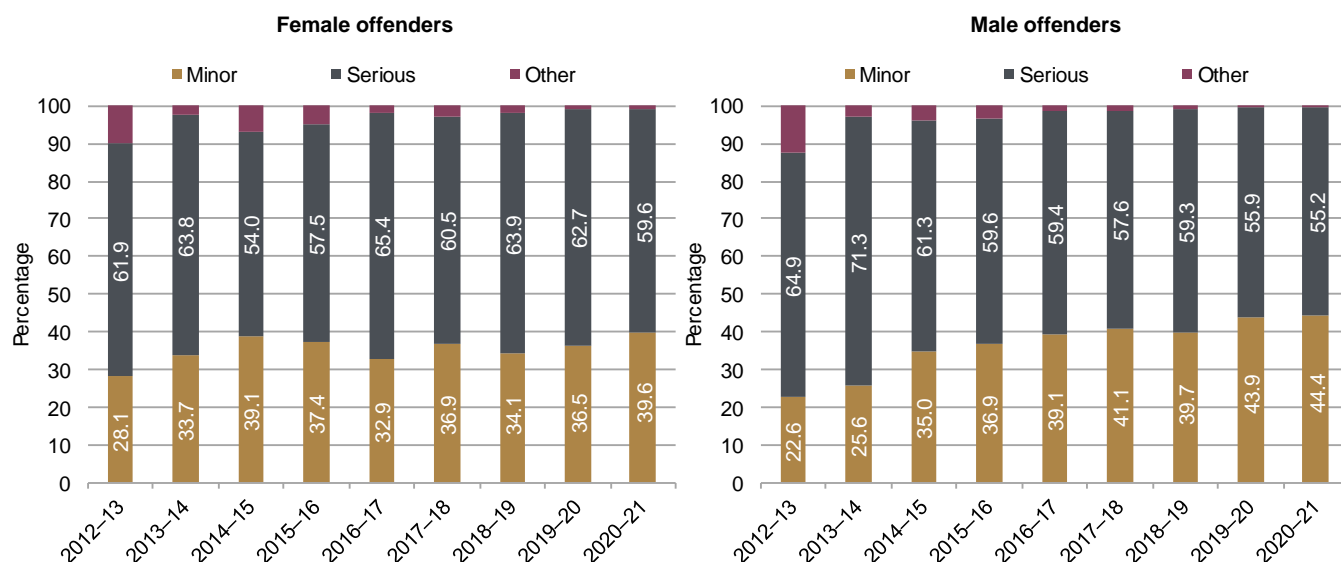
Figure 36 Number of admissions to sentenced custody where an illicit drug offence was the MSO, by gender and offence type



Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.
Source: QGSO analysis of QCS data

The stronger growth in admissions for minor illicit drug offences observed above resulted in the offence composition of sentenced admissions relating to illicit drug offences changing over time for both male and female offenders. As shown in Figure 37, the proportion of female admissions to sentenced custody for minor illicit drug offences grew from 28.1% in 2012–13 to 39.6% in 2020–21 (a percentage point increase of 11.5), while the proportion of male admissions for minor illicit drug offences grew from 22.6% to 44.4% (a percentage point increase of 21.8 percentage points).

Figure 37 Proportion of admissions to sentenced custody where an illicit drug offence was the MSO, by gender and offence type



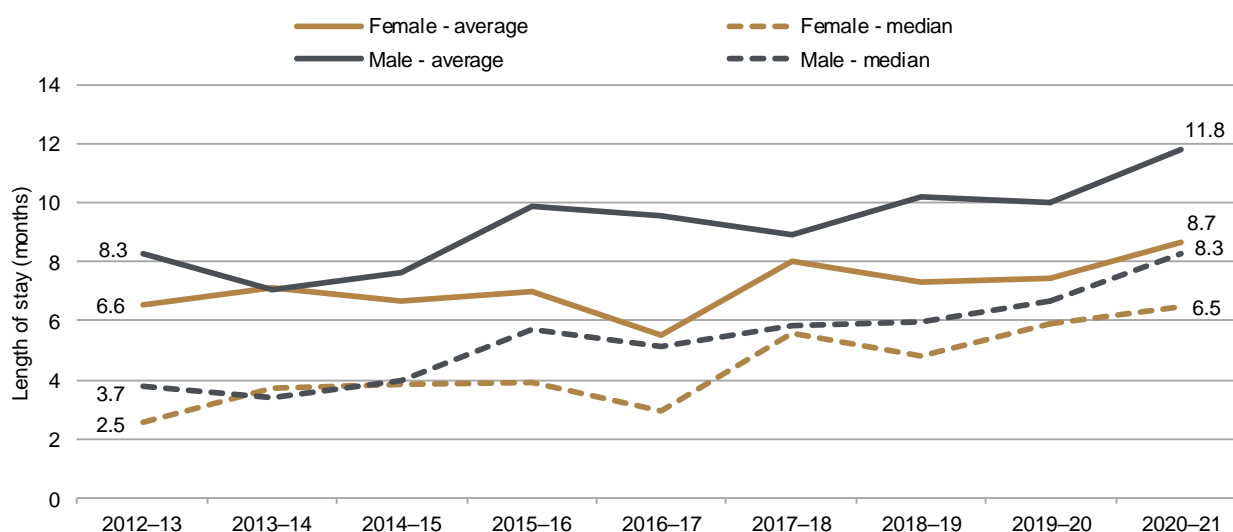
Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.
Source: QGSO analysis of QCS data

6.1.2.2. Lengths of stay in sentenced custody where an illicit drug offence was the MSO

Consistent with observed increases in prison-based sentence lengths handed down by the courts for illicit drug offences, large and sustained increases in lengths of stay in sentenced custody were evident across the time series.⁵⁸ As expected, serious illicit drug offences were associated with longer lengths of stay in sentenced custody than minor illicit drug offences, and male illicit drug offenders generally remained in sentenced custody longer than female illicit drug offenders.

Figure 38 displays the average and median lengths of stay in sentenced custody for serious illicit drug offences by gender. When comparing 2020–21 with 2012–13, median lengths of stay increased from 2.5 months to 6.5 months for female offenders (+155.8%, or 120 more days in custody), and from 3.7 to 8.3 months for male offenders (+120.6%, or 138 more days). Increases to the average length of stay for serious illicit drug offences were smaller in magnitude (+32.3% for female offenders and +42.4% for male offenders).

Figure 38 Lengths of stay in sentenced custody where a serious illicit drug offence was the MSO

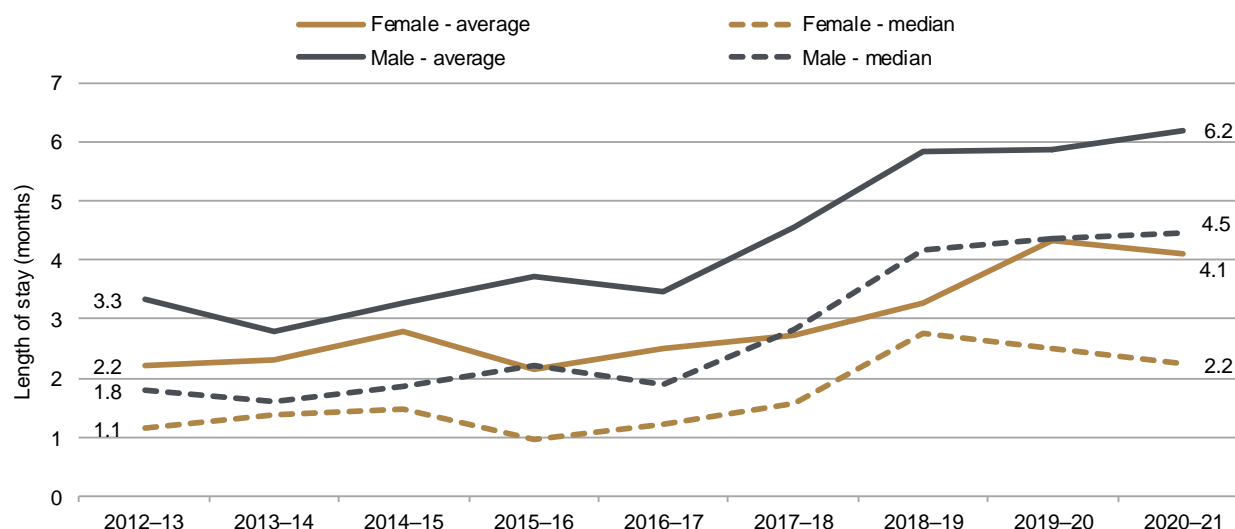


Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QCS data

The median length of stay in sentenced custody for minor illicit drug offences more than doubled when comparing 2020–21 with 2012–13. As shown in Figure 39, lengths of stay for minor illicit drug offences increased from a median of 1.1 months to 2.2 months for female offenders (+94.3%, or 33 more days in custody), and from 1.8 months to 4.5 months for male offenders (+149.5%, or 82 more days), with the average length exhibiting smaller increases (+85.5% and +86.5% respectively).

⁵⁸ Lengths of stay in sentenced custody are based on any stay in sentenced custody where an illicit drug offence was the MSO. This includes stays in custody which end with the offender transferring to a stay in remand, transferring to community corrections (including parole), and being released to freedom. In other words, length of stay in custody does not necessarily equate with sentence length.

Figure 39 Lengths of stay in sentenced custody where a minor illicit drug offence was the MSO

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QCS data

There has been an increase in the number and rate of admissions to sentenced custody for illicit drug offences.

Over half of sentenced admissions for illicit drug offences related to serious illicit drug offences, and the majority of these involved male offenders. Stronger growth was recorded for minor illicit drug offences than for serious illicit drug offences, and for female illicit drug offenders than for male illicit drug offenders.

Due to the relatively strong growth in minor illicit drug offences, the offence composition of sentenced admissions for illicit drug offences has changed, with minor illicit drug offences increasing their share of illicit drug admissions from one-fifth in 2012–13 to two-fifths in 2020–21.

Time spent in sentenced custody for illicit drug offences has increased. These changes are likely to impact prisoner population numbers.

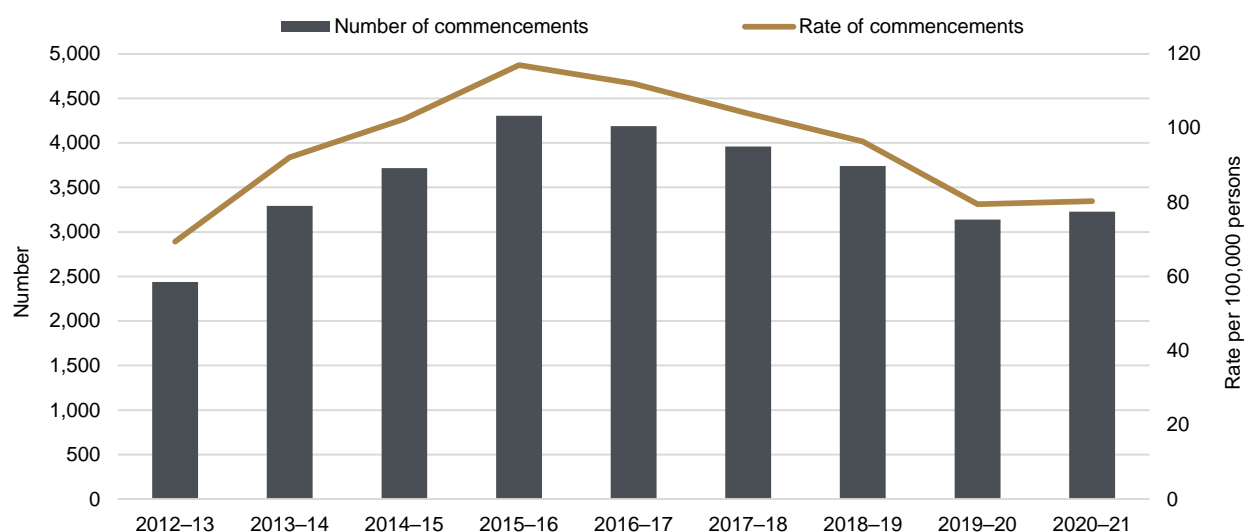
Sentenced admissions to custody for illicit drug offences trends were quite different to those observed for admissions to remand, with admissions to remand mostly related to serious illicit drug offences.

6.1.3. Community-based corrections orders

This section examines the number and rate of community-based corrections order commencements for illicit drug offences over time, and the average and median durations of these orders.

6.1.3.1. Community-based corrections order commencements where an illicit drug offence was the MSO

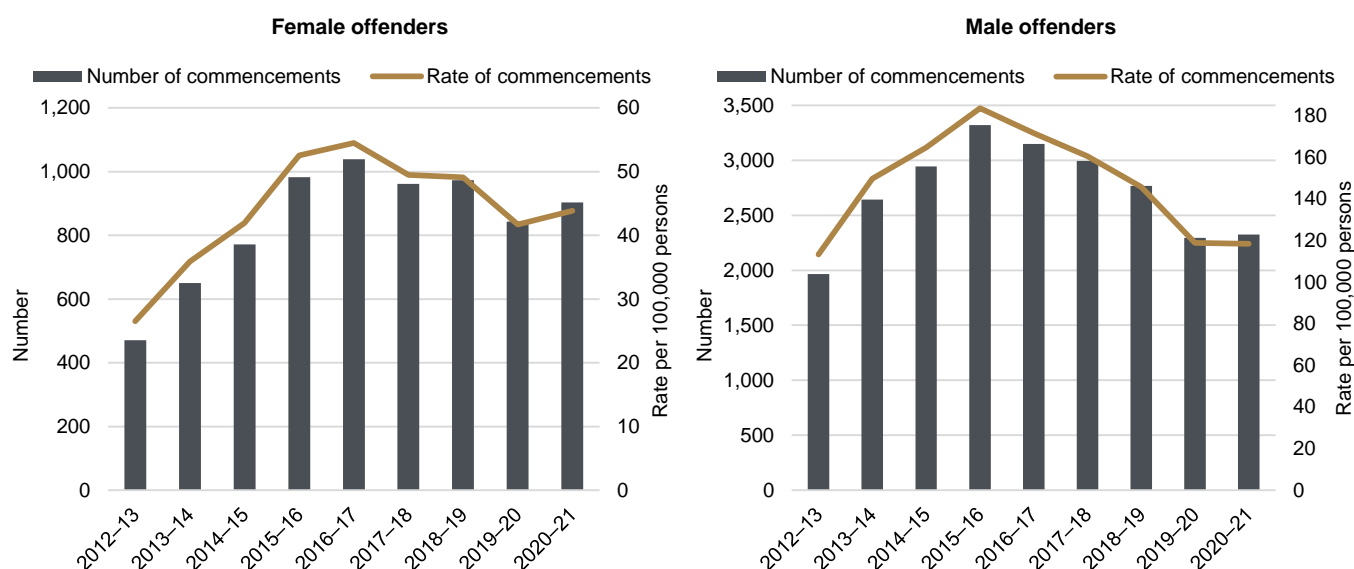
The number of community-based corrections order commencements where an illicit drug offence was the MSO increased overall from 2,438 in 2012–13 to 3,228 in 2020–21 (+32.4%), although substantial declines were observed between 2015–16 and 2019–20 (see Figure 40). This contrasts with total community-based order commencement trends (data not shown), which declined overall from 28,948 in 2012–13 to 24,779 in 2020–21 (–14.4%, or –18.7% when excluding illicit drug offences). Changes in community-based corrections order commencements resulted in illicit drug offences accounting for 13.0% of all community-based corrections order commencements in 2020–21, up from 8.4% in 2012–13.

Figure 40 Number and rate of community-based corrections order commencements where an illicit drug offence was the MSO

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QCS data; ABS *National, state and territory population*

Figure 41 displays the number and rate of community-based corrections order commencements by gender for illicit drug offences. When comparing 2020–21 with 2012–13, female offenders recorded greater increases in commencements (from 471 to 903, or +91.7%) than male offenders (from 1,967 to 2,325, or +18.2%), thus increasing their share of commencements for illicit drug offences from 19.3% in 2012–13 to 28.0% in 2020–21. Conversely, men decreased their share of commencements from 80.7% in 2012–13 to 72.0% in 2020–21.

Figure 41 Number and rate of community-based corrections order commencements where an illicit drug offence was the MSO, by gender

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QCS data; ABS *National, state and territory population*

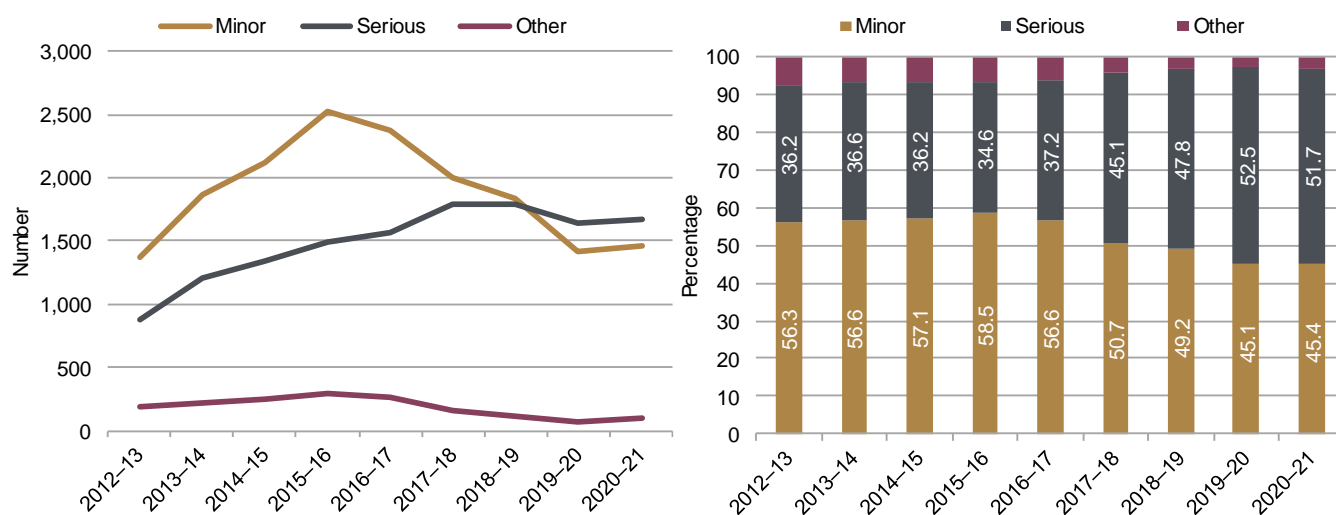
Illicit drug offence types

As shown in Figure 42, the growth in community-based corrections order commencements for illicit drug offences was largely attributable to serious illicit drug offences. When comparing 2020–21 with 2012–13, order commencements for serious illicit drug offences almost doubled, from 883 to 1,669 (+89.0%, representing a rate increase of 65.1%). While commencements for minor illicit drug offences increased sharply between 2012–13 and 2015–16, they have been on the

decline since. When comparing 2020–21 with 2012–13, order commencements for minor illicit drug offences increased only slightly, from 1,372 to 1,464 commencements (+6.7%), which actually represented a rate decrease (–6.8%).

In terms of the composition of community-based corrections order commencements, between 2012–13 and 2017–18 minor illicit drug offences accounted for the largest proportion of illicit drug order commencements (56.3% in 2012–13). However, by 2020–21, order commencements for serious illicit drug offences (51.7%) had overtaken commencements for minor illicit drug offences (45.4%). This was due to increasing numbers of serious illicit drug offence commencements over time, and declines in minor illicit drug commencements from 2016–17 onwards. These changes could reflect two issues: a) the increases in the number of people being sentenced to prison for serious illicit drug offences (see section 5.1.1.3) and their subsequent transition to parole orders for community-based supervision; and b) the 'churn' of offenders serving parole orders moving between custodial and community supervision for breaching the conditions of their parole order. Further analysis shows that for serious illicit drug offences across the observation period, over half (58.3%) of community-based corrections order commencements were for parole orders, compared with one in five (18.1%) for minor illicit drug offences (data not shown). In other words, it appears that increases in prison-based sentences for serious illicit drug offenders have had a greater impact on community corrections than increases in prison-based sentences for minor illicit drug offenders.⁵⁹

Figure 42 Number and offence composition of community-based corrections order commencements where an illicit drug offence was the MSO, by offence type



Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

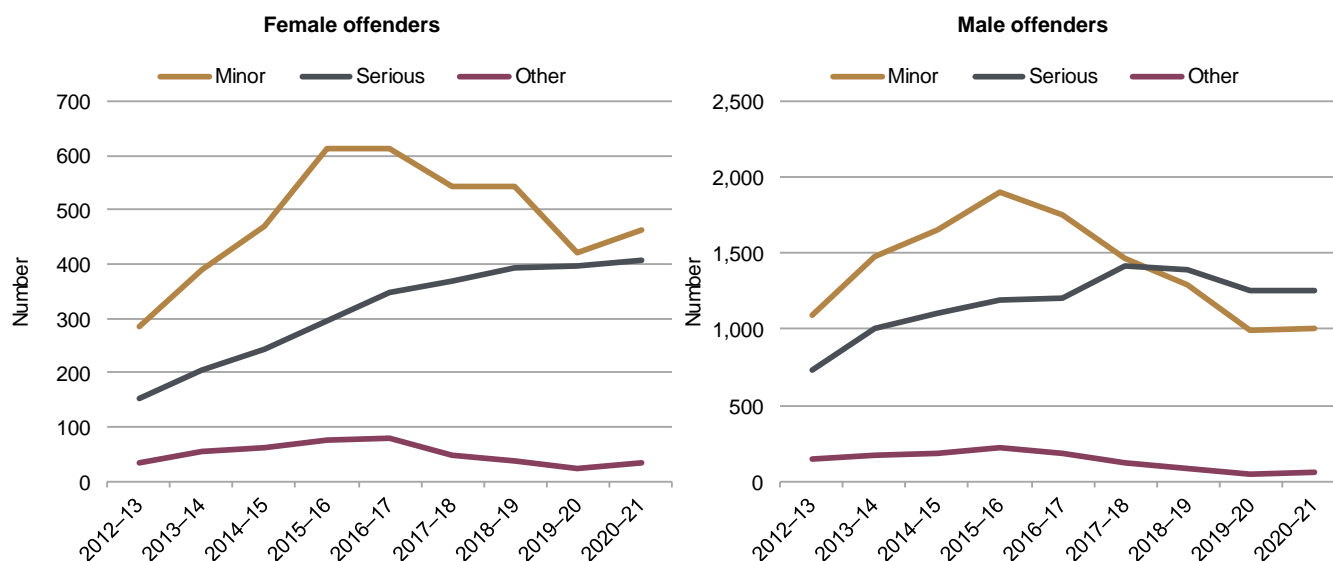
Source: QGSO analysis of QCS data

Figure 43 displays the number of community-based corrections order commencements for female and male offenders by type of illicit drug offence. As illustrated, female offenders (+170.2%) experienced higher growth in commencements for serious illicit drug offences than male offenders (+72.3%) when comparing 2020–21 with 2012–13, and less of a decline in commencements for 'other' illicit drug offences (–5.7% versus –58.1%). Female and male offenders diverged in relation to commencement trends related to minor illicit drug offences, with increases observed for female offenders (+62.1%) and decreases apparent for male offenders (–7.8%).

Commencements for female serious illicit drug offenders rose from 151 in 2012–13 to 408 in 2020–21, and commencements for female minor illicit drug offenders increased from 285 to 462. Thus, for female offenders, serious illicit drug offences contributed an additional 257 order commencements in 2020–21 compared with 2012–13, while minor illicit drug offences contributed 177 additional commencements. For male offenders, only serious illicit drug offences contributed additional order commencements (+529), rising from 732 to 1,261 over the same period.

⁵⁹ Analysis of courts data showed somewhat similar levels of growth in community-based sentences for minor and serious illicit drug offences (see section 5.1.1.3).

Figure 43 Number of community-based corrections order commencements where an illicit drug offence was the MSO, by gender and offence type



Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020-21.
Source: QGSO analysis of QCS data

Figure 44 shows that the offence composition of community-based corrections order commencements for illicit drug offences is somewhat different for female and male illicit drug offenders. Despite serious illicit drug offences accounting for an increasing share of female offender commencements over time (increasing from 32.1% in 2012-13 to 45.2% in 2020-21), they are yet to overtake minor illicit drug offences as the most common offence. In contrast, the increase in commencements for serious illicit drug offences and decline in commencements for minor illicit drug offences for male offenders has resulted in serious illicit drug offences accounting for more than half (54.2%) of all commencements for illicit drug offences in 2020-21 compared with 37.2% in 2012-13.

Figure 44 Proportion of community-based corrections order commencements where an illicit drug offence was the MSO, by gender and offence type

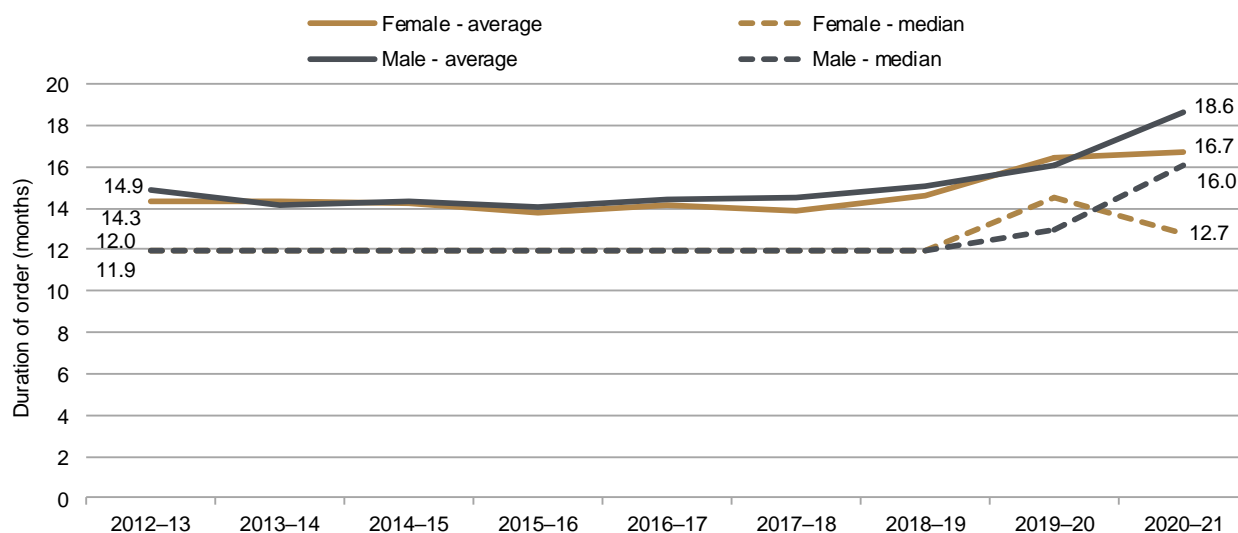


Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020-21.
Source: QGSO analysis of QCS data

6.1.3.2. Duration of community-based corrections orders where an illicit drug offence was the MSO

The average and median durations for community-based corrections orders for illicit drug offences were stable for much of the time series, and only in the last few years were increases evident. As shown in Figure 45, when comparing 2020–21 with 2012–13, the duration of orders for serious illicit drug offences increased from a median of 11.9 months to 12.7 months for female offenders (+6.7%, or 25 more days), and from 12.0 months to 16.0 months for male offenders (+33.9%, or 124 more days). Similarly, the duration of orders for minor illicit drug offences increased, from a median of 9.0 months to 11.9 months for female offenders (+33.0%, or +90 days), and from 8.9 months to 12.0 months for male offenders (+34.3%, or +93 days) (see Figure 46).

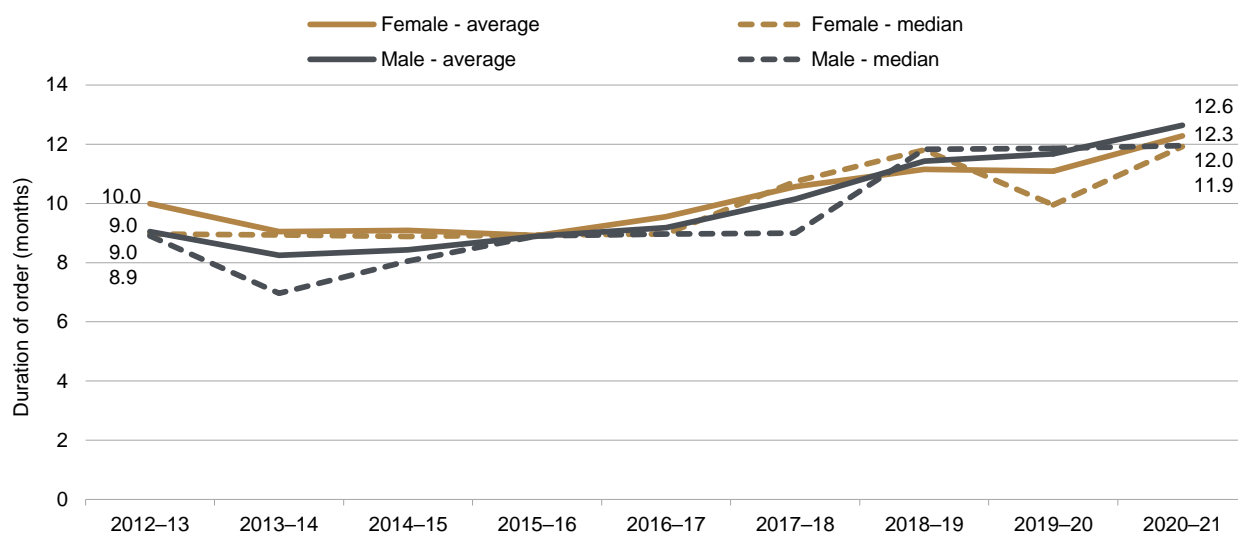
Figure 45 Duration of community-based corrections orders where a serious illicit drug offence was the MSO



Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QCS data

Figure 46 Duration of community-based corrections orders where a minor illicit drug offence was the MSO



Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QCS data



There has been an overall increase in the number and rate of community-based corrections order commencements for illicit drug offences. This growth occurred in a context of overall decline for community-based corrections orders in total.

In more recent years, over half of community-based corrections order commencements for illicit drug offences related to serious illicit drug offences, and the majority of these offenders were men. Stronger growth was recorded for serious illicit drug offences compared with minor illicit drug offences, and for women compared with men.

Due to the much stronger growth patterns in serious versus minor illicit drug offences, the offence composition of order commencements for illicit drug offences has changed over time, with serious illicit drug offences increasing their share of commencements from one-third in 2012–13 to over half in 2020–21. This is likely to reflect the growing number of serious illicit drug offenders sentenced to prison-based orders, who may serve part of their order in the community on a parole order.

The duration of community-based corrections orders for illicit drug offences has increased, particularly for minor illicit drug offences. Community-based corrections orders are longer on average than prison-based sentences.

Results in this chapter showed that when comparing 2020–21 with 2012–13:

- There has been an increase in the number and rate of admissions into remand, sentenced custody and community-based corrections for illicit drug offences.
 - Minor illicit drug offenders were not often remanded in custody and by 2020–21, almost all remand admissions for illicit drug offences related to serious illicit drug offending.
 - The majority (approximately 60%) of sentenced admissions to custody for illicit drug offences related to serious illicit drug offending. Stronger growth was recorded for minor illicit drug offences compared with serious illicit drug offences, with minor illicit drug offences doubling their share of total admissions to custody for illicit drug offences from one-fifth to two-fifths.
 - Stronger growth patterns were observed for serious illicit drug offences than minor illicit drug offences when examining community-based corrections commencements, and by 2020–21, over half of community corrections admissions for illicit drug offences related to serious illicit drug offending. This is likely to reflect the increasing number of offenders commencing parole orders after being sentenced to imprisonment for these types of offences.
- Men accounted for the majority of correctional admissions for illicit drug offences. Female offenders generally had stronger growth in admissions for illicit drug offences than male offenders, except for admissions to sentenced custody for minor illicit drug offences, where male offenders had higher growth.
- Time spent in custody or on a community-based correctional order for an illicit drug offence has increased.
 - Median durations were longer for serious illicit drug offences compared with minor illicit drug offences, however median durations tended to increase more for minor illicit drug offences.
 - Median durations were longer for male compared with female illicit drug offenders, and male offenders generally recorded greater increases in their median duration.
 - Median durations were longer for community-based corrections orders than stays in sentenced custody.

System implications:

- The increasing number of illicit drug offences being finalised by the courts, and the increased use of prison-based sentences in response to minor illicit drug offences, means the volume of illicit drug offences resulting in an admission to corrections (either in custody or under community supervision) has grown substantially when comparing 2020–21 with 2012–13.
- Unlike at earlier points in the system, where the majority of police and court contact for illicit drug offending was for minor illicit drug offences, serious illicit drug offences accounted for the largest share of illicit drug-related corrections admissions. However, admissions into sentenced custody are increasingly involving minor illicit drug offences and thus are increasingly being associated with higher criminal justice system costs.
- The relatively high growth of female illicit drug offenders coming into contact with police and the courts has impacted the gender profile of people being admitted into the correctional system for illicit drug offences. When comparing 2020–21 with 2012–13, women accounted for an increasing share of admissions to remand and community-based corrections orders for illicit drug offences. However, the gender composition of admissions to sentenced custody for illicit drug offences did not change substantially (despite substantial growth recorded for female offenders being sentenced to prison for illicit drug offences).

Summary of corrections contact trends

2012–13

2020–21

357

Number of remand admissions for illicit drug offences

+ 74.8%

624

Number of remand admissions for illicit drug offences

251

Number of remand admissions for serious illicit drug offences

+ 133.5%

586

Number of remand admissions for serious illicit drug offences

83

Number of remand admissions for minor illicit drug offences

– 54.2%

38

Number of remand admissions for minor illicit drug offences

964

Number of sentenced admissions for illicit drug offences

+ 44.5%

1,393

Number of sentenced admissions for illicit drug offences

621

Number of sentenced admissions for serious illicit drug offences

+ 25.6%

780

Number of sentenced admissions for serious illicit drug offences

227

Number of sentenced admissions for minor illicit drug offences

+ 167.4%

607

Number of sentenced admissions for minor illicit drug offences

45

Number of sentenced admissions for minor illicit drug offences (females)

+ 115.6%

97

Number of sentenced admissions for minor illicit drug offences (females)

182

Number of sentenced admissions for minor illicit drug offences (males)

+ 180.2%

510

Number of sentenced admissions for minor illicit drug offences (males)

Summary of corrections contact trends cont.

2012–13

2020–21

99

Number of sentenced admissions
for serious illicit drug offences
(females)

+ 47.5%

146

Number of sentenced admissions
for serious illicit drug offences
(females)

522

Number of sentenced admissions
for serious illicit drug offences
(males)

+ 21.5%

634

Number of sentenced admissions
for serious illicit drug offences
(males)

1.1 months

Median length of stay in sentenced
custody for minor illicit drug
offences (females)

+ 94.3%

2.2 months

Median length of stay in sentenced
custody for minor illicit drug
offences (females)

1.8 months

Median length of stay in sentenced
custody for minor illicit drug
offences (males)

+ 149.5%

4.5 months

Median length of stay in sentenced
custody for minor illicit drug
offences (males)

2,438

Number of community-based order
admissions for illicit drug offences

+ 32.4%

3,228

Number of community-based order
admissions for illicit drug offences

883

Number of community-based order
admissions for serious illicit drug
offences

+ 89.0%

1,669

Number of community-based order
admissions for serious illicit drug
offences

1,372

Number of community-based order
admissions for minor illicit drug
offences

+ 6.7%

1,464

Number of community-based order
admissions for minor illicit drug
offences

7.0 Discussion

The research presented in this report sought to examine the impact of illicit drug offences on criminal justice system demand in Queensland and how this may have changed over time. Of particular interest was whether the nature of illicit drug offending had changed, and whether criminal justice system outcomes had changed in response. Trends in police, courts, and corrections administrative data between 2012–13 and 2020–21 were analysed, with the main point of comparison being 2020–21 versus 2012–13. Gender differences in trends were examined given research demonstrating that the relationship between illicit drug use and offending is different for men and women, and greater increases in drug-related harms being recorded for women compared with men.

7.1. System flows and demand

The research project found that, when comparing 2020–21 with 2012–13, there were more illicit drug offenders, committing more illicit drug offences on average than in the past. These increases, which were particularly apparent for female offenders and minor illicit drug offences, resulted in substantial growth in the volume of police proceedings related to illicit drug offences. Police became increasingly likely to refer minor illicit drug offences (which accounted for the majority of illicit drug offences) to court for adjudication rather than police drug diversion which, coupled with the growth in illicit drug offending, translated into considerable flow-on effects for the rest of the criminal justice system. The reduced use of police drug diversion was likely related to matters of program eligibility. Minor illicit drug offenders can only be offered police drug diversion if they have not been offered drug diversion previously, and if they meet certain eligibility criteria such as only being in possession of cannabis and having no serious offending history. Over time, the proportion of minor illicit drug offenders with prior contact for minor illicit drug offences grew, and other research has shown that minor illicit drug offenders were increasingly being found in possession of illicit drugs other than cannabis (ACC 2014; ACIC 2021). The declining use of police drug diversion was so substantial that, despite large increases in the number of police proceedings for minor illicit drug offences, the number of police drug diversions decreased over time.

Flowing on from the increased number of offenders being sent to court for illicit drug offences, there was a greater number of finalised court appearances for illicit drug offences when comparing 2020–21 with 2012–13. The majority of illicit drug offences being dealt with by the courts were for minor illicit drug offences, and observed changes in court outcomes generally related to these types of offences, rather than serious illicit drug offences. There was a decrease in the use of court drug diversion, and although imposition of a prison-based sentence for minor illicit drug offences was relatively uncommon, the use and length of imprisonment for such offences approximately doubled. While imprisonment is more commonly imposed for serious than minor illicit drug offences, the large volume of minor illicit drug offences coming through the courts and changes in court outcomes for such offences means that both minor and serious drug offence trends have impacted Queensland's custodial numbers.

The increase in prison-based sentencing and decrease in court drug diversion for minor illicit drug offences coincided with changes in the offending profile of minor illicit drug offenders. Court drug diversion has strict eligibility criteria, though currently less strict than police drug diversion, with minor illicit drug offenders only able to be offered diversion if they have not been offered it twice or more previously, and they have no serious offending history. This likely explains the decrease in use of court drug diversion, with fewer offenders being eligible due to an increasing prevalence of prior minor illicit drug offending. Minor illicit drug offenders sentenced to prison represent a more 'serious' group of offenders however, with high levels of prior offending and a high number of charges that they are being sentenced for. Increases in prior offending and number of charges, as evidenced in the data, suggest that an increasing number of minor illicit drug offenders are moving into this more serious group of offenders, and thus are increasingly facing terms of imprisonment.

Changes in the quantum and profile of illicit drug offenders in contact with police and courts were indeed reflected in the correctional system. Admissions to sentenced custody for illicit drug offences were observed to have increased over time, as did admissions to remand and admissions to community-based corrections orders. In contrast to earlier parts of the criminal justice system, the majority of admissions to corrections for illicit drug offences were for serious illicit drug offences. Nevertheless, the growth in sentenced admissions was much higher for minor compared with serious illicit drug offences, with minor illicit drug offences doubling from one-fifth to two-fifths of all sentenced admissions for illicit drug offences when comparing 2020–21 with 2012–13. Stronger growth in serious illicit drug offences was evident in admissions to remand and community-based corrections orders, with these types of offences accounting for almost all illicit drug-related remand admissions and over half of illicit drug-related community corrections admissions at the end of the monitoring period. Thus serious illicit drug offences, despite their smaller volume and smaller increases in recorded offending compared with minor illicit drug offences, represent the majority of the burden of illicit drug offences on the correctional system, and this burden has been increasing alongside the increasing burden associated with minor illicit drug offending.

Similar to other types of offences, the number of male illicit drug offenders in contact with police, courts and corrections was substantially higher than that observed for female illicit drug offenders. For example, for illicit drug offences in 2020–21, male illicit drug offenders accounted for 69.8% of police proceedings, 70.6% of finalised court appearances and 82.4% of sentenced admissions to custody. Male illicit drug offenders therefore accounted for the majority of criminal justice system demand relating to illicit drug offences. However, the growth in female illicit drug offenders exceeded that observed for male illicit drug offenders, and when comparing 2020–21 with 2012–13 in terms of illicit drug offences, 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.

7.2. Implications

The research project has shown an increasing volume of illicit drug offenders (minor illicit drug offenders especially) in contact with Queensland's criminal justice system, with minor illicit drug offenders less likely to be diverted from the system, and slightly more likely to receive a custodial sentence for longer periods on average. While the ratio of police proceedings for minor illicit drug offences to admissions to sentenced custody for minor illicit drug offences remained low, changes in the system meant that the ratio doubled over time from approximately 100:1 in 2012–13 to 50:1 in 2021–22. This type of change has cost implications, including those relating to individuals, families and the broader community, and those related to the administration of justice.

Exploratory calculations illustrate the possible impact on prison costs of increasing admissions to custody for minor illicit drug offenders. The example shown below suggests that the cost to imprison minor illicit drug offenders in sentenced custody increased seven-fold when comparing 2020–21 and 2012–13, growing from about \$2.25 million to \$16 million. This was due to a 2.5-fold increase in the number of sentenced custody admissions for minor illicit drug offences, compounded by a 2.5-fold increase in time being served in prison. While it is understood that economies of scale mean that prison operating costs do not exactly correspond with the number of prisoners held in custody, the exploratory analyses suggest that minor illicit drug offences do not have insubstantial system costs and alternative responses to minor illicit drug offending could offer more efficient use of resources.

Example of change over time in approximate cost of imprisonment of minor illicit drug offenders*

2012–13: $227 \text{ admissions} \times 48 \text{ days imprisonment} \times \$207 \text{ per prisoner per day} = \$2,255,472$

2020–21: $607 \text{ admissions} \times 127 \text{ days imprisonment} \times \$207 \text{ per prisoner per day} = \$15,957,423$

* Cost based on median days spent in sentenced custody where a minor illicit drug offence is the MSO.

Note that the cost, when based on average days spent in sentenced custody, is larger (\$4,463,955 in 2012–13 and \$ 22,239,873 in 2020–21). However, the percentage increase in cost over time is smaller.

The project's findings can be considered in light of recent criminal justice system reviews that have recommended responses to illicit drug use that place greater emphasis on harm and demand reduction, than supply reduction. For example, the QPC's *Inquiry into Imprisonment and Recidivism* (QPC 2019) stated that the criminalisation of illicit drugs has not impacted illicit drug use patterns, but has created illegal markets (associated with high levels of violence), increased the risk of consuming prohibited substances due to issues of quality (thereby increasing associated morbidity and mortality) and impeded treatment-seeking behaviour. QPC advocated significant system reform framed by a harm reduction approach to illicit drug use, commencing with the decriminalisation of illicit drug possession and use.

The *Queensland Drug and Specialist Courts Review* (Freiberg et al. 2016) recommended broadening options available to police to respond to minor illicit drug offenders to reduce people's formal involvement with the criminal justice system (thereby lessening the negative effects of criminal records on employment opportunities) and decreasing court demand. Such expansion was viewed to benefit from consideration of brief individualised interventions that could be offered on multiple occasions, unless participant behaviour signalled an escalation of drug use.

More recently, the WSJT (2022) recommended changing legislation to provide for greater use of adult cautions, police drug diversion, and adult restorative conferencing by police when responding to offences (other than indictable offences that cannot be dealt with summarily) to assist with addressing the growing female offender population. The Taskforce also recommended increasing the use of court drug diversion by expanding the program's eligibility criteria (by increasing the number of diversions individuals may have access to and trialling access to the program by individuals found guilty without admission of guilt). These recommendations can be considered with reference to project findings showing very limited use of adult cautions and adult restorative conferencing by police when responding to minor illicit drug offences, the declining use of police and court drug diversion possibly due to reduced program eligibility and the relatively high growth of female illicit drug offenders in recent years.⁶⁰

The project has highlighted how the expansion of diversionary options for minor illicit drug offences will need to consider the changing offending profile of minor illicit drug offenders when defining program eligibility to ensure that any new initiatives have a tangible effect on the number of offenders referred to court and held in custody. This notion is reflected in recommendations made by the WSJT which called for expanding the scope of police drug diversion to include small amounts of illicit drugs other than cannabis, and increasing the number of court drug diversions a person may receive. The drugs-crime nexus means that diverting illicit drug offenders to effective illicit drug programs may not only reduce the number of offenders in contact with the criminal justice system, but could also impact the likelihood of other types of offences being committed.

Apart from the consideration of ways to reduce criminal justice activity relating to illicit drug offenders, the gendered growth in illicit drug offending highlights the need for a gendered approach when responding to illicit drug offenders. Other research has shown that female offenders are likely to present with different needs and complexities than male offenders (e.g. mental health, employment and relationship factors), with women in prison representing a particularly vulnerable group (Anti-Discrimination Commission Queensland 2019).

7.3. Future research

The findings presented in the current research report highlighted areas that may benefit from further research in the Queensland context. These include:

- *Accounting for the type and volume of illicit drugs seized when measuring changes in trends*

The current project aimed to understand the drivers behind observed changes in police and court outcomes for illicit drug offenders in Queensland. Examining trends by the type and volume of illicit drugs seized by police, for serious versus minor illicit drug offenders, would provide further information on the changing nature of offenders and their criminal justice system outcomes. The type and volume of illicit drugs seized is particularly important for understanding the use of police drug diversion, as adult offenders are currently only eligible for diversion if they are in possession of 50g or less of cannabis (or in possession of a thing that is used or has been used for smoking cannabis).

- *Examining minor illicit drug offenders whose only prior contact with the criminal justice system is for minor illicit drug offences*

This group of minor illicit drug offenders represent a low-harm group whose continued contact with the criminal justice system is potentially not beneficial. Understanding the demographic profile of these offenders, the type and amount of drugs they are being found in possession of, and their criminal justice outcomes in the longer term may inform development of approaches to be taken towards them in future.

- *Exploring the use and impact of police and court diversion*

A person, rather than system-based examination of the use of police and court diversion may assist with the development of crime reduction interventions. This could involve building an understanding of how individuals engage with diversion, the conditions of diversion and determining if participation in diversion is associated with reduced offending.

- *Exploring whether the relationship between illicit drugs and crime is changing*

The current research found that minor illicit drug offenders are increasingly involved in other forms of crime, with increases recorded in prior contact with the police for any offence type, including for serious illicit drug offences and personal offences. The increases observed in illicit drug offending may be related to the general increases in offending recorded in Queensland, and from other research that has found that individual offenders are committing more offences

⁶⁰ Almost all (99%) police proceedings for minor illicit drug offences actioned via police diversion involved referral to police drug diversion.

(QGSO 2021a). Further research that examines the volume and type of offences that co-occur with illicit drug offences, or the volume and type of other offences that illicit drug offenders commit, could assist in the development of crime reduction interventions.

- *Examining youth illicit drug offending, the criminal justice response and their offending trajectories*

Youth illicit drug offenders have more diversionary options available to them than adult illicit drug offenders in Queensland. Youth offenders are much more likely to be diverted away from the courts system for minor illicit drug offences, and when sent to court are typically not sentenced to serve time in detention or ordered to pay a fine for a minor illicit drug offence (QGSO 2021c; QGSO 2021d). As such, the criminal justice approach to youth illicit drug offenders appears to be quite different to the approach taken to adult illicit drug offenders. Understanding the criminal trajectories of youth illicit drug offenders and how the response of the criminal justice system plays a role would provide important information on whom to target, and when, for early intervention that disrupts further criminal activity.

- *Continued monitoring of the effect of the COVID-19 pandemic on illicit drug offence trends*

Recorded illicit drug offending is influenced by police operations and priorities. As evidenced throughout the COVID-19 pandemic, police resources have been diverted into the enforcement of health directives (such as border control and quarantine compliance) which may have reduced recorded illicit drug offending. With the easing of restrictions, opening of borders and reduced quarantine requirements, police priorities may start to revert to business as usual, and thus the downward trends in illicit drug offences during the pandemic may reverse and start trending upwards again in future. Monitoring of these trends will provide an indication of resource and capacity pressures to expect on the courts and correctional systems due to illicit drug offending.

7.4. Conclusion

The research presented in this report aimed to examine the extent to which illicit drug offences are impacting criminal justice system demand, particularly in terms of understanding whether the nature of offenders and offending had changed over time and how this may have contributed to criminal justice outcomes for illicit drug offenders.

The research found that illicit drug offences are a common, high volume offence that has increased its contribution to demand on the system over the last 10 years. Minor illicit drug offences represent the most demand on the police and courts systems, and have recorded stronger growth than serious and other illicit drug offences. Minor illicit drug offences were also found to increasingly result in criminal justice outcomes that move offenders further into the system. This appears to be somewhat due to offenders becoming ineligible for drug diversion due to prior minor illicit drug offending, and a general increase in prior contact with the courts and the volume of charges at sentencing. Although the correctional system is mostly impacted by serious illicit drug offences, minor illicit drug offences are increasingly contributing to admissions to sentenced custody and thus represent significant prison costs.

These findings are relevant to understanding the mechanisms contributing to Queensland's increasing criminal justice system demand for both male and female offenders. Substantially higher growth in female illicit drug offending highlights the importance of gendered responses to female offenders and is likely to be contributing to the higher growth recorded for female offenders more broadly.

8.0 References

- Anti-Discrimination Commission Queensland 2019, *Women in prison in 2019: A human rights consultation report*, Anti-Discrimination Commission Queensland, Brisbane, <https://www.qhrc.qld.gov.au/data/assets/pdf_file/0003/17139/2019.03.05-Women-In-Prison-2019-final-report-small.pdf>.
- Australian Bureau of Statistics 2011, *Prisoners in Australia, 2011*, Australian Bureau of Statistics, Canberra, <https://www.abs.gov.au/ausstats/subscriber.nsf/log?openagent&45170do004_2011.xls&4517.0&Data%20Cubes&F4F274EED31D2A91CA25795F000DBBFC&0&2011&08.12.2011&Previous>.
- 2018, *National offence index: A ranking tool for offences according to perceived seriousness of the crime*, Australian Bureau of Statistics, Canberra, <<https://www.abs.gov.au/statistics/classifications/national-offence-index/latest-release>>.
- 2020, *Prisoners in Australia, 2020*, Australian Bureau of Statistics, Canberra, <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/2020/2.%20Prisoner%20characteristics%2C%20States%20and%20territories%20%28Tables%2014%20to%2035%29.xls>>.
- 2021a, *Criminal courts, Australia, 2019–20*, Australian Bureau of Statistics, Canberra, <<https://www.abs.gov.au/statistics/people/crime-and-justice/criminal-courts-australia/2019-20/6.%20Defendants%20finalised%2C%20Queensland%20%28Tables%2026%20to%2030%29.xlsx>>.
- 2021b, *Estimates and projections, Aboriginal and Torres Strait Islander Australians, 2006 to 2032 (unpublished)*, ABS, Canberra.
- 2021c, *National, state and territory population*, ABS, Canberra, <<https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/sep-2020/3101053.xls>>.
- 2021d, *Prisoners in Australia, 2020*, Australian Bureau of Statistics, Canberra, <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/2020/4.%20Prisoner%20numbers%20and%20prisoner%20rates%20by%20Indigenous%20Status%20and%20sex%2C%20States%20and%20territories%2C%202006-2020%20%28Tables%2040%20to%2042%29.xls>>.
- Australian Crime Commission 2014, *Illicit drug data report 2012–13*, Australian Crime Commission, Canberra, <<http://content.webarchive.nla.gov.au/gov/wayback/20160615130929/https://www.crimecommission.gov.au/sites/default/files/290414-IDDR-2012-13.pdf>>.
- Australian Criminal Intelligence Commission 2021, *Illicit drug data report 2019–20*, Australian Criminal Intelligence Commission, Canberra, <https://www.acic.gov.au/sites/default/files/2021-10/IDDR%202019-20_271021_Full_0.pdf>.
- Australian Institute of Criminology 2021, *Drug use monitoring in Australia: Drug use among police detainees, 2020*, Australian Institute of Criminology, Canberra, <https://www.aic.gov.au/sites/default/files/2021-06/datatablesDUMA2020_0.xlsx>.
- Australian Institute of Health and Welfare 2019, *The health of Australia's prisoners 2018*, Illicit drug use and needle-sharing, Supplementary tables – national level, Australian Institute of Health and Welfare, Canberra, <https://www.aihw.gov.au/getmedia/0ebcc229-a703-43cc-ae63-4f4b7bcc3bed/11_Illicit-drug-use-and-needle-sharing_national.xls.aspx>.
- 2020a, *National drug strategy household survey 2019*, Illicit use of drugs chapter, Supplementary data tables, Australian Institute of Health and Welfare, Canberra, <<https://www.aihw.gov.au/getmedia/54f66117-e846-4de0-a874-e5f5eee57214/aihw-phe-270-4-Illicit-use-of-drugs-tables.xlsx.aspx>>.
- 2020b, *National drug strategy household survey 2019*, State and territory factsheets, Supplementary data tables, Australian Institute of Health and Welfare, <<https://www.aihw.gov.au/getmedia/349a03e5-0e55-4c18-8cea-e38420d50dcb/aihw-phe-270-S-State-fact-sheet-tables.xlsx.aspx>>.
- Becker, J and Hu, M 2008, 'Sex differences in drug abuse', *Frontiers in Neuroendocrinology*, vol. 29, no. 1, pp. 36-47.
- Bonomo, Y, Norman, A, Biondo, S, Bruno, R, Daglish, M, Dawe, S, Egerton-Warburton, D, Karro, J, Kim, C and Lenton, S 2019, 'The Australian drug harms ranking study', *Journal of Psychopharmacology*, vol. 33, no. 7, pp. 759-68.
- Brochu, S, Brunelle, N and Plourde, C 2018, 'Deviant lifestyles: An integrated conceptualization', in S Yaya (ed.), *Drugs and crime: A complex relationship. Third revised and expanded edition*, University of Ottawa Press, Ottawa, pp. 123-38.



Cash, R, Johnston, J, Bothwell, S, Clancy, B, Demant, L and Lee, N 2021, *Evaluation of the national ice action strategy*, 360Edge, Melbourne, <https://www.health.gov.au/sites/default/files/documents/2021/08/evaluation-of-the-national-ice-action-strategy-nias-evaluation-of-the-national-ice-action-strategy_0.pdf>.

Caxton Legal Centre Inc. 2016, *Queensland law handbook*, Drug Offences and Penalties in Queensland, Caxton Legal Centre Inc., Brisbane, <<https://queenslandlawhandbook.org.au/the-queensland-law-handbook/offenders-and-victims/drugs/drug-offences-and-penalties-in-queensland/>>.

Collins, D and Lapsley, HM 2008, *The costs of tobacco, alcohol and illicit drug abuse to Australian society in 2004/05*, Australian Government Department of Health and Ageing, Canberra, <https://nadk.flinders.edu.au/application/files/3013/8551/1279/Collins_Lapsley_Report.pdf>.

Compton, WM, Thomas, YF, Stinson, FS and Grant, BF 2007, 'Prevalence, correlates, disability, and comorbidity of DSM-IV drug abuse and dependence in the United States: Results from the national epidemiologic survey on alcohol and related conditions', *Archives of General Psychiatry*, vol. 64, no. 5, pp. 566-76.

Crime and Corruption Commission 2016, *Illicit drug markets in Queensland: 2015–16 intelligence assessment*, Crime and Corruption Commission, Brisbane, <<https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Illicit-drug-markets-in-qld-Intelligence-Assessment-2015-16.pdf>>.

Crime and Misconduct Commission 2008, *Drugs and crime: Trends among watch-house detainees - a study using drug use monitoring in Australia (DUMA) data*, Crime and Misconduct Commission, Brisbane, <<https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CMC/Drugs-and-Crime-Trends-among-watch-house-detainees-Report-2008.pdf>>.

Crime Stoppers 2020, *Crime stoppers Australia achieves 100 apprehensions every week*, viewed 20 January 2022, <<https://www.crimestoppersqld.com.au/blog/100-apprehensions-every-week/>>.

— 2022, *Dob in a dealer*, viewed 24 January 2022, <<https://www.crimestoppersqld.com.au/initiatives/dob-in-a-dealer/>>.

Crime Stoppers Queensland 2021, *Annual report of impact, 2020–2021*, Crime Stoppers Queensland, Brisbane, <<https://www.crimestoppersqld.com.au/macwp/wp-content/uploads/2021/12/CSQ-Annual-Report-2020-21.pdf>>.

Day, A, Casey, S, Gerace, A, Oster, C and O'Kane, D 2018, *The forgotten victims: Prisoner experience of victimisation and engagement with the criminal justice system*, Australia's National Research Organisation for Women's Safety, Sydney, <<https://201an81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/Day-et-al-Research-Report-The-Forgotten-Victims-1.pdf>>.

Department of Health 2017, *National drug strategy 2017–2026*, Commonwealth of Australia, Department of Health, Canberra, <<https://www.health.gov.au/sites/default/files/national-drug-strategy-2017-2026.pdf>>.

Department of the Premier and Cabinet 2015, *Ways to combat ice addiction in Queensland*, Department of the Premier and Cabinet, Brisbane.

Department of the Prime Minister and Cabinet 2015a, *Final report of the national ice taskforce 2015*, Commonwealth of Australia, Canberra, <https://www.pmc.gov.au/sites/default/files/publications/national_ice_taskforce_final_report.pdf>.

— 2015b, *National ice action strategy 2015*, Commonwealth of Australia, Canberra.

Douglass, CH, Early, EC, Wright, CJC, Palmer, A, Higgs, P, Quinn, B, Dietze, PM and Lim, MSC 2017, '“Just not all ice users do that”: Investigating perceptions and potential harms of Australia's ice destroys lives campaign in two studies', *Harm Reduction Journal*, vol. 14, no. 1.

Drug Diversion Amendment Act 2002 (Qld)

Forsythe, L and Adams, K 2009, *Mental health, abuse, drug use and crime: Does gender matter?*, Trends and Issues in Crime and Criminal Justice no. 384, Australian Institute of Criminology, Canberra, <<https://www.aic.gov.au/sites/default/files/2020-05/tandi384.pdf>>.

Freiberg, A, Payne, J, Gelb, KR, Morgan, A and Makkai, T 2016, 'Drug and specialist courts review: Final report', *Monash University Faculty of Law Legal Studies Research Paper*, no. 2991602.

Gottfredson, MR and Hirschi, T 1990, *A general theory of crime*, Stanford University Press, Stanford.

Grella, CE 2008, 'From generic to gender-responsive treatment: Changes in social policies, treatment services, and outcomes of women in substance abuse treatment', *Journal of Psychoactive Drugs*, vol. 40, no. sup5, pp. 327-43.

Hecksher, D and Hesse, M 2009, 'Women and substance use disorders', *Mens Sana Monographs*, vol. 7, no. 1, p. 50.

Hughes, C and Ritter, A 2008, *Monograph No. 16: A summary of diversion programs for drug and drug-related offenders in Australia*, Drug Policy Modelling Program Monograph Series, National Drug and Alcohol Research Centre, Sydney, <<https://ndarc.med.unsw.edu.au/sites/default/files/ndarc/resources/16%20A%20summary%20of%20diversion%20programs.pdf>>.

International Narcotics Control Board 2017, *Report of the international narcotics control board for 2016*, United Nations, Vienna, <https://www.incb.org/documents/Publications/AnnualReports/AR2016/English/AR2016_E_ebook.pdf>.

Lurigio, AJ and Swartz, JA 1999, 'The nexus between drugs and crime: Theory, research, and practice', *Federal Probation*, vol. 63, no. 1, pp. 67-72.

Mayhew, P 2003, *Counting the costs of crime in Australia*, Trends and Issues in Crime and Criminal Justice no. 247, Australian Institute of Criminology, Canberra, <<https://www.aic.gov.au/sites/default/files/2020-05/tandi247.pdf>>.

Menard, S, Mihalic, S and Huizinga, D 2001, 'Drugs and crime revisited', *Justice Quarterly*, vol. 18, no. 2, pp. 269-99.

Morgan, N 2014, *The heroin epidemic of the 1980s and 1990s and its effect on crime trends - then and now*, Home Office, London, <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/332952/horr79.pdf>.

Najavits, LM, Weiss, RD and Shaw, SR 1997, 'The link between substance abuse and posttraumatic stress disorder in women: A research review', *American Journal on Addictions*, vol. 6, no. 4, pp. 273-83.

National Drug & Alcohol Research Centre 2021a, *Trends in drug-induced deaths in Australia*, viewed 20 January 2022, <https://drugtrends.shinyapps.io/deaths_2019/>.

— 2021b, *Trends in drug-related hospitalisations in Australia*, viewed 20 January 2022, <https://drugtrends.shinyapps.io/hospital_separations/>.

Paternoster, R and Bushway, S 2009, 'Desistance and the "feared self": Toward an identity theory of criminal desistance', *The Journal of Criminal Law and Criminology*, vol. 99, no. 4, pp. 1103-56.

Payne, JL and Langfield, CT 2022, 'Drug markets and COVID-19: A spatiotemporal study of drug offence detection rates in Brisbane, Australia', *International Journal of Drug Policy*, vol. 101, pp. 103561-72.

Penalties and Sentences Act 1992 (Qld)

Queensland Corrective Services 2020, *Drug and alcohol strategy 2020–2025*, Queensland Corrective Services, Brisbane, <<https://www.publications.qld.gov.au/dataset/f18ea162-6af3-4302-b5b4-61dc5286e586/resource/8e5cf564-5adc-4938-a330-55a3ec946afb/download/qcs-drug-and-alcohol-strategy-2020.pdf>>.

Queensland Courts 2017, *Murri Court*, viewed 19 January 2022, <<https://www.courts.qld.gov.au/courts/murri-court>>.

— 2021a, *Court Link*, viewed 19 January 2022, <<https://www.courts.qld.gov.au/services/court-programs/court-link>>.

— 2021b, *Illicit Drug Court Diversion Program*, viewed 22 November 2022, <<https://www.courts.qld.gov.au/services/court-programs/drugalcohol>>.

— 2021c, *Queensland Drug and Alcohol Court*, viewed 19 January 2022, <<https://www.courts.qld.gov.au/courts/drug-court>>.

Queensland Government 2019, *Action on ice: Activity update—12 months' implementation*, Queensland Government, Brisbane, <https://www.health.qld.gov.au/_data/assets/pdf_file/0011/1008002/action-on-ice-activity-update.pdf>.

Queensland Government Statistician's Office 2021a, *Changing patterns in the age distribution of crime in Queensland*, Queensland Treasury, Brisbane, <<https://www.qgso.qld.gov.au/issues/10301/changing-patterns-age-distribution-crime-qld-april-2021-edn.pdf>>.

— 2021b, *COVID-19 impact on crime, March to October 2020*, Queensland Treasury, Brisbane, <<https://www.qgso.qld.gov.au/issues/10291/covid-19-impact-crime-march-october-2020.pdf>>.

— 2021c, *Crime report, Queensland, 2019–20*, Queensland Treasury, Brisbane, <<https://www.qgso.qld.gov.au/issues/7856/crime-report-qld-2019-20.pdf>>.

— 2021d, *Justice report, Queensland, 2019–20*, Queensland Treasury, Brisbane, <<https://www.qgso.qld.gov.au/issues/7876/justice-report-qld-2019-20.pdf>>.

— 2022a, *Crime report, Queensland, 2020–21*, Queensland Treasury, Brisbane.

— 2022b, *Justice report, Queensland, 2020–21*, Queensland Treasury, Brisbane.



Queensland Health 2017, *Queensland methamphetamine paper*, Queensland Health, Brisbane, <https://www.health.qld.gov.au/_data/assets/pdf_file/0021/641316/methpaper.pdf>.

Queensland Police Service 2021a, *Operational procedures manual*, Queensland Police Service, Brisbane, <<https://www.police.qld.gov.au/qps-corporate-documents/operational-policies/operational-procedures-manual>>.

— 2021b, *Police drug diversion program*, viewed 19 January 2022, <<https://www.police.qld.gov.au/drugs-and-alcohol/police-drug-diversion-program>>.

Queensland Productivity Commission 2019, *Inquiry into imprisonment and recidivism*, Queensland Productivity Commission, Brisbane, <https://apo.org.au/sites/default/files/resource-files/2020-01/apo-nid273991_0.pdf>.

Queensland Sentencing Advisory Council 2017, *Sentencing spotlight on possession of dangerous drugs*, Queensland Sentencing Advisory Council, Brisbane, <https://www.sentencingcouncil.qld.gov.au/_data/assets/pdf_file/0007/565954/sentencing-spotlight-on-possession-of-dangerous-drugs-poster.pdf>.

Smith, RG 2018, *Estimating the costs of serious and organised crime in Australia 2016–17*, Statistical Report no. 9, Australian Institute of Criminology, Canberra, <<https://www.aic.gov.au/sites/default/files/2020-05/sr09.pdf>>.

Sutherland, R, Uporova, J, Chandrasena, U, Price, O, Karlsson, A, Gibbs, D, Swanton, R, Bruno, R, Dietze, P, Lenton, SR, Salom, C, Daly, C, Thomas, N, Juckel, J, Agramunt, S, Wilson, Y, Woods, E, Moon, C, Degenhardt, L, Farrell, M and Peacock, A 2021, *Australian drug trends 2021: Key findings from the national illicit drug reporting system (IDRS) interviews*, National Drug and Alcohol Research Centre, Sydney, <https://ndarc.med.unsw.edu.au/sites/default/files/ndarc/resources/National%20IDRS%20Interview%20Report%202021_update%2025%20Nov.pdf>.

Thomas, N, Juckel, J, Daly, C and Salom, C 2021, *Queensland drug trends 2020: Key findings from the illicit drug reporting system (IDRS) interviews*, National Drug and Alcohol Research Centre, Sydney, <https://ndarc.med.unsw.edu.au/sites/default/files/ndarc/resources/IDRS%20QLD%20Report_FINAL_update%20Nov%202021.pdf>.

Tuchman, E 2010, 'Women and addiction: The importance of gender issues in substance abuse research', *Journal of Addictive Diseases*, vol. 29, no. 2, pp. 127-38.

United Nations Office on Drugs and Crime 2014, *World drug report 2014*, United Nations, Vienna, <https://www.unodc.org/documents/wdr2014/World_Drug_Report_2014_web.pdf>.

— 2015, *World drug report 2015*, United Nations, Vienna, <https://www.unodc.org/documents/wdr2015/World_Drug_Report_2015.pdf>.

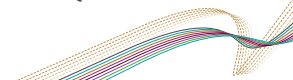
— 2021, *World drug report 2021*, United Nations, Vienna, <https://www.unodc.org/res/wdr2021/field/WDR21_Booklet_2.pdf>.

Walters, GD 2016, 'Mediating the distal crime–drug relationship with proximal reactive criminal thinking', *Psychology of Addictive Behaviors*, vol. 30, no. 1, pp. 128-37.

Weaver, B 2019, 'Understanding desistance: A critical review of theories of desistance', *Psychology, Crime and Law*, vol. 25, no. 6, pp. 641-58.

Welsh, BC and Farrington, DP 2011, 'The benefits and costs of early prevention compared with imprisonment: Toward evidence-based policy', *The Prison Journal*, vol. 91, no. 3 supplement, pp. 120S-37S.

Women's Safety and Justice Taskforce 2022, *Hear her voice: Women and girls' experiences across the criminal justice system*, Report Two Volume Two, Women's Safety and Justice Taskforce, Brisbane, <https://www.womenstaskforce.qld.gov.au/_data/assets/pdf_file/0009/723843/Hear-her-voice-Report-2-Volume-2.pdf>.



Appendices

Appendix A: Classification of offences and outcomes

Table A1 Classification of illicit drug offences

Illicit drug offence category	QASOC code	QASOC description
Serious	10100	Import or export of illicit drugs not further defined
	10111	Import illicit drugs
	10121	Export illicit drugs
	10200	Deal or traffic in illicit drugs not further defined
	10211	Deal or traffic in illicit drugs - commercial quantity
	10221	Deal or traffic in illicit drugs - non-commercial quantity
	10300	Manufacture or cultivate illicit drugs not further defined
	10311	Manufacture illicit drugs
	10321	Cultivate illicit drugs
Minor	10400	Possess and/or use illicit drugs not further defined
	10411	Possess illicit drugs
	10421	Use illicit drugs
	10992	Possession of drug utensils
Other	10000	Illicit drug offences not further defined
	10990	Other illicit drug offences, nec
	10991	Permitting use of premises for illicit drug offences
	10999	Illicit drug offences, nec (remainder)

Table A2 **Classification of police action types**

Police action group	Police action description
Court action	Arrest
	Notice to appear
	Summons issued
	Summons served
	Warrant issued
Non-court action	
Diversion	Caution
	Community conference
	Drug diversion
	Drunk diversion
	Graffiti diversion
	Restorative justice referral
Other	Infringement notice issued
	Juvenile victim offence not disclosed at interview
	Juvenile victim offences cannot be particularised
	Juvenile victim too young without corroboration
	Offender bar to prosecution
	Offender currently in imprisonment
	Offender dealt with by another agency
	Offender died
	Offender diplomatic immunity
	Offender ex officio indictment
	Offender not in public interest
	Offender psychiatric committal

Note: Although the report only analyses adult illicit drug offending and criminal justice system outcomes, the police action types listed here include those that are only relevant to youth. This is because analysis of contact with police was based on the offender's age at contact, rather than age at offence. A small number of offenders included in analyses were therefore eligible for 'youth' actioning options if they committed an offence when they were a youth, but were actioned when they were an adult.

Table A3 Classification of court outcomes

Court outcome group	Court outcome description
Prison-based sentence	Cumulative prison sentence
	Detention
	Single and concurrent prison sentence
	Partially suspended sentence
Community-based sentence	Boot camp order
	Community service
	Court ordered conference
	Intensive supervision order
	Intensive correction order
	Probation
	Wholly suspended sentence
	Treatment program
Fine/recognition	Compensation, personal injury
	Disqualification of driver's licence
	Fined
	Fined and default imprisonment
	Good behaviour, recognisance
	Real Estate Licence/Registration DISQ/Cancel/Susp
	Restitution, pay fees, etc.
Exit	Admonished and discharged
	Bail estreated
	Convicted not punished
	Dismissed or discharged
	No true bill
	Nolle prosequi
	Not guilty
	Reprimand
	Withdrawn, not proceeded with

Note: Although the report only analyses adult illicit drug offending and criminal justice system outcomes, the court outcomes listed here do still include those that are only relevant to youth. This is because analysis of contact with courts was based on the offender's age at contact, rather than age at offence. A small number of offenders included in analyses would therefore be eligible for 'youth' sentencing options if they committed an offence when they were a youth, but were sentenced when they were an adult.

Appendix B: Volume of contact with police, courts and corrections for illicit drug offences

Table A4 summarises the volume of police proceedings for illicit drug offences in 2020–21 compared with 2012–13, based on the gender of the offender, the type of illicit drug offence, and the type of police action taken.

Table A4 Police proceedings where an illicit drug offence was the MSO, 2020–21 compared with 2012–13

	All offenders			Female offenders			Male offenders			Gender composition (% female)		
	2012–13	2020–21	% change	2012–13	2020–21	% change	2012–13	2020–21	% change	2012–13	2020–21	percentage point change
Serious illicit drug offences	3,062	3,735	22.0	604	905	49.8	2,454	2,828	15.2	19.7%	24.2%	4.5
Court action	3,016	3,653	21.1	595	885	48.7	2,417	2,766	14.4	19.7%	24.2%	4.5
Non-court action	46	82	78.3	9	20	122.2	37	62	67.6	19.6%	24.4%	4.8
Minor illicit drug offences	22,467	29,524	31.4	5,076	9,039	78.1	17,383	20,465	17.7	22.6%	30.6%	8.0
Court action	16,567	25,131	51.7	3,561	7,562	112.4	13,002	17,556	35.0	21.5%	30.1%	8.6
Diversion	5,686	4,186	–26.4	1,471	1,427	–3.0	4,211	2,752	–34.6	25.9%	34.1%	8.2
Other non-court action	214	207	–3.3	44	50	13.6	170	157	–7.6	20.6%	24.2%	3.6
Other illicit drug offences	1,612	1,720	6.7	504	584	15.9	1,108	1,134	2.3	31.3%	34.0%	2.7
Court action	1,581	1,624	2.7	493	566	14.8	1,088	1,056	–2.9	31.2%	34.9%	3.7
Non-court action	31	96	209.7	11	18	63.6	20	78	290.0	35.5%	18.8%	–16.7
Total illicit drug offences	27,141	34,979	28.9	6,184	10,528	70.2	20,945	24,427	16.6	22.8%	30.1%	7.3
Court action	21,164	30,408	43.7	4,649	9,013	93.9	16,507	21,378	29.5	22.0%	29.6%	7.7
Non-court action	5,977	4,571	–23.5	1,535	1,515	–1.3	4,438	3,049	–31.3	25.7%	33.1%	7.5

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QPS data

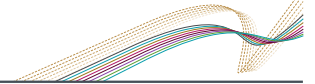


Table A5 summarises the volume of finalised court appearances for illicit drug offences in 2020–21 compared with 2012–13, based on the gender of the offender, the type of illicit drug offence, and the type of court outcome.

Table A5 Finalised court appearances where an illicit drug offence was the MSO, 2020–21 compared with 2012–13

	All offenders			Female offenders			Male offenders			Gender composition (% female)		
	2012–13	2020–21	% change	2012–13	2020–21	% change	2012–13	2020–21	% change	2012–13	2020–21	percentage point change
Serious illicit drug offences	2,302	3,331	44.7	427	808	89.2	1,875	2,523	34.6	18.5%	24.3%	5.7
Exit	350	434	24.0	74	100	35.1	276	334	21.0	21.1%	23.0%	1.9
Fine/recognisance	873	1,347	54.3	153	299	95.4	720	1,048	45.6	17.5%	22.2%	4.7
Community-based sentence	576	811	40.8	108	228	111.1	468	583	24.6	18.8%	28.1%	9.4
Prison-based sentence	503	739	46.9	92	181	96.7	411	558	35.8	18.3%	24.5%	6.2
Minor illicit drug offences	11,668	16,804	44.0	2,531	5,031	98.8	9,135	11,769	28.8	21.7%	29.9%	8.2
Exit	771	1,595	106.9	179	530	196.1	592	1,065	79.9	23.2%	33.2%	10.0
Diversion	2,660	1,954	–26.5	633	632	–0.2	2,025	1,320	–34.8	23.8%	32.3%	8.5
Fine/recognisance	6,874	10,686	55.5	1,417	3,142	121.7	5,457	7,542	38.2	20.6%	29.4%	8.8
Community-based sentence	982	1,524	55.2	241	510	111.6	741	1,014	36.8	24.5%	33.5%	8.9
Prison-based sentence	381	1,045	174.3	61	217	255.7	320	828	158.8	16.0%	20.8%	4.8
Other illicit drug offences	1,248	1,269	1.7	383	459	19.8	865	810	–6.4	30.7%	36.2%	5.5
Exit	158	173	9.5	48	66	37.5	110	107	–2.7	30.4%	38.2%	7.8
Fine/recognisance	983	971	–1.2	305	358	17.4	678	613	–9.6	31.0%	36.9%	5.8
Community-based sentence	66	70	6.1	18	22	22.2	48	48	0.0	27.3%	31.4%	4.2
Prison-based sentence	41	55	34.1	12	13	8.3	29	42	44.8	29.3%	23.6%	–5.6
Total illicit drug offences	15,218	21,404	40.6	3,341	6,298	88.5	11,875	15,102	27.2	22.0%	29.4%	7.5
Exit	1,279	2,202	72.2	301	696	131.2	978	1,506	54.0	23.5%	31.6%	8.1
Fine/recognisance	11,390	14,958	31.3	2,508	4,431	76.7	8,880	10,523	18.5	22.0%	29.6%	7.6
Community-based sentence	1,624	2,405	48.1	367	760	107.1	1,257	1,645	30.9	22.6%	31.6%	9.0
Prison-based sentence	925	1,839	98.8	165	411	149.1	760	1,428	87.9	17.8%	22.3%	4.5

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of DJAG data

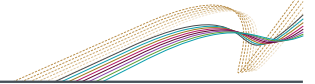


Table A6 summarises the volume of admissions to corrections for illicit drug offences in 2020–21 compared with 2012–13, based on the gender of the offender, the type of illicit drug offence, and the type of correctional supervision (i.e. remand, sentenced custody, community-based corrections orders).

Table A6 Admissions to corrections where an illicit drug offence was the MSO, 2020–21 compared with 2012–13

	All offenders			Female offenders			Male offenders			Gender composition (% female)		
	2012–13	2020–21	% change	2012–13	2020–21	% change	2012–13	2020–21	% change	2012–13	2020–21	percentage point change
Serious illicit drug offences												
Remand admissions	251	586	133.5	37	130	251.4	214	456	113.1	14.7%	22.2%	7.4
Sentenced admissions	621	780	25.6	99	146	47.5	522	634	21.5	15.9%	18.7%	2.8
Community admissions	883	1,669	89.0	151	408	170.2	732	1,261	72.3	17.1%	24.4%	7.3
Minor illicit drug offences												
Remand admissions	83	38	–54.2	18	6	–66.7	65	32	–50.8	21.7%	15.8%	–5.9
Sentenced admissions	227	607	167.4	45	97	115.6	182	510	180.2	19.8%	16.0%	–3.8
Community admissions	1,372	1,464	6.7	285	462	62.1	1,087	1,002	–7.8	20.8%	31.6%	10.8
Other illicit drug offences												
Remand admissions	23	0	–100.0	8	0	–100.0	15	0	–100.0	34.8%	0.0%	-
Sentenced admissions	116	6	–94.8	16	2	–87.5	100	4	–96.0	13.8%	33.3%	19.5
Community admissions	183	95	–48.1	35	33	–5.7	148	62	–58.1	19.1%	34.7%	15.6
Total illicit drug offences												
Remand admissions	357	624	74.8	63	136	115.9	294	488	66.0	17.6%	21.8%	4.1
Sentenced admissions	964	1,393	44.5	160	245	53.1	804	1,148	42.8	16.6%	17.6%	1.0
Community admissions	2,438	3,228	32.4	471	903	91.7	1,967	2,325	18.2	19.3%	28.0%	8.7

Note: The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2020–21.

Source: QGSO analysis of QCS data

