

The Police Diversion Program is part of the Queensland Illicit Drug Diversion Initiative.

This joint Commonwealth-State initiative is part of a national campaign against drug misuse.

It is funded by the Tough on Drugs in the Community component of the National Illicit Drug Strategy endorsed by the Council of Australian Governments in April 1999.

What are diversion programs?

Diversion is not about the decriminalisation or legalisation of the possession or use of illicit drugs.

Most drug offences in Queensland involve possession of small amounts of cannabis. A court appearance without appropriate health interventions has not been successful in reducing cannabis use or drug related offences.

Under the Queensland Police Diversion Program, police will be able to offer eligible persons apprehended for a minor drugs offence an opportunity to attend and complete a Drug Diversion Assessment Program (DDAP).

Diversion programs offer people apprehended for a minor drugs offence an opportunity to receive professional help through early intervention and prevention programs rather than proceeding through the normal court process.

What are the benefits of diversion?

If a person attends and completes a DDAP they will **not**

- be charged with a criminal offence in this instance,
- have to attend court for this minor drugs offence, or
- have a criminal record for a minor drugs offence.

But, they will receive

- factual information about the consequences of illicit drug use, and
- assistance to stop using illicit drugs.

What is a minor drugs offence?

Under the *Police Powers & Responsibilities Act 2000* possession of not more than 50 grams of cannabis, or a thing that is used for, or has been used for, smoking cannabis is a minor drugs offence. It does not include offences involving production, supply or trafficking.

What are the eligibility criteria?

A person is eligible to be offered the opportunity to attend and complete a DDAP if they:

- are arrested for, or questioned about, a minor drugs offence, and
- have not committed another indictable offence in circumstances related to the minor drugs offence, and
- have not previously been sentenced to serve a term of imprisonment for supply, trafficking or production of a dangerous drug, and
- have not previously been convicted of an offence involving violence against another person, and
- admit having committed the offence during an electronically recorded interview, and
- have not, on a previous occasion, been offered police drug diversion.

For copies of this brochure or more information contact

Queensland Police
07 3364 6514

This initiative is funded by the Commonwealth Government as part of the Council of Australian Governments' National Illicit Drug Diversion Initiative

Queensland Illicit Drug Diversion Initiative

A Joint Commonwealth-State Initiative

Police Diversion Program for a Minor Drugs Offence (Cannabis)



U, drugs
& the law



U, drugs
& the law

Are diversion programs available to adults and children?

Yes. A police officer must offer all eligible adults and eligible children who have previously been cautioned for a minor drugs offence the opportunity to attend a DDAP. An offer may be made to an eligible child who has not been cautioned.

How many times can a diversion be offered?

A DDAP will be offered only once by police. If a person rejects the offer or does not attend the agreed DDAP, no further offer will be made. If the person is apprehended for another minor drugs offence they will not be offered an opportunity to attend a DDAP by police.

What happens if a person accepts the offer of a DDAP and then fails to attend?

Failure to attend and complete the DDAP at the time and place agreed is an offence of "Contravene direction of a Police Officer" under provisions of the *Police Powers and Responsibilities Act 2000*. The person may be charged with this offence and have to attend court.

What happens when a person is apprehended for a minor drugs offence?

The police officer will investigate the offence, question the person, and determine their eligibility to be offered an opportunity to attend and complete a DDAP.

If the person meets the eligibility criteria as outlined in the legislation, then the officer will make an offer for the person to take part in the DDAP. This offer will include advice as to the content of the DDAP, the benefits of attending and completing the program and the consequences of not attending and completing.

The officer will make an appointment (usually within 28 days) with the closest available DDAP provider. Programs are available only in Queensland and a person may need to travel to another town to attend. Where practicable, and if providers are available, an appointment will be made to take into account concerns about privacy or to help people who normally live or work in another town to attend at a convenient location.

People will be asked if they identify as an Aboriginal or Torres Strait Islander person. Where Indigenous DDAP providers are available, Indigenous people can, if they wish, be referred to those services.

Once an appointment has been made the person must sign a form acknowledging that they accept the offer and agree to attend and complete at the given date, time and place. The officer will give them a copy of the form and warn them of the consequences of failing to attend and complete.

If the person does not sign the form the officer will proceed as if the offer has been rejected and the person will be charged with an offence under the *Drugs Misuse Act 1986*.

As required under the *Police Powers and Responsibilities Act 2000*, young people, people with disabilities, Indigenous persons and people from non-English speaking backgrounds will be provided with access to appropriate persons for support and advice.

What does a DDAP involve?

A qualified health service worker especially trained to deliver the DDAP will conduct a combined assessment, education and counselling session with the person. This will take about two hours. The DDAP will normally be available between 9am and 5pm weekdays.

During the assessment the person will be asked how much and how often they use illicit drugs such as cannabis and the situations in which they use them. They will also be asked if they have any problems that may influence their drug use.

The education session will provide information on the health effects of illicit drug use and the legal consequences of continued use. The person may be shown a video and will be given printed information on illicit drugs. The DDAP provider and the person will work together to develop a personal plan to help him or her to stop using illicit drugs.

If appropriate, the person may be given information about, and access to, a treatment program for illicit drug dependence. Attending a treatment program is voluntary and is not part of the police requirement to attend the DDAP.

People offered diversion are encouraged to take a family member or a friend to the DDAP. This should be someone who the person feels will support and help them to make changes necessary to stop their drug use.

Is information given during the DDAP confidential?

All information given to the DDAP provider is strictly confidential but police must be advised whether or not a person attends and completes the DDAP as required.

Through the Police Diversion Program, the Queensland Illicit Drug Diversion Initiative aims to:

- provide people with an incentive to address their drug use early, and in many cases, before incurring a criminal record;
- increase the number of illicit drug users accessing assessment, education and treatment; and
- reduce the number of people appearing before the courts for possession of small quantities of cannabis.

There is increasing evidence that cannabis is not a harmless drug. The Police Diversion Program is a positive approach to dealing with drug use. Through a DDAP, people are offered access to a professional health intervention, education about the wide-ranging effects and consequences of cannabis and other illicit drug use, and assistance to stop using illicit drugs.

