DPMP
Drug Policy Modelling Program

How is the Early Drug Diversion Initiative going?

The Early Drug Diversion Initiative (EDDI) is a police-based diversion initiative brought in by the NSW Government, which came into effect on 29 February 2024.

Under the EDDI, police are able to issue a penalty notice to an individual for possession of a small quantity of a prohibited drug, possession of items used for drug administration, and/or for self-administration (use). People receive a $400 'on-the-spot' fine, which can be paid, or resolved by speaking to a nominated health professional. Only people in possession of an illicit drug for personal use under specified 'threshold quantities' (specific amounts) are able to receive a fine instead of charge (for other eligibility details, see (O'Reilly & Ritter, 2024). Cannabis is excluded from the scheme because diversion pathways (caution and referral to speak to a qualified alcohol and other drug professional) already exist under the Cannabis Cautioning Scheme (see (O'Reilly & Ritter, 2024). In addition to the eligibility criteria for these police diversion schemes, police retain discretion to issue a charge and notice to attend court in all cases.

The aims of the EDDI scheme are "to provide people with low-level drug offences the opportunity to understand the risks associated with their illicit drug use and receive support. It also aims to increase court efficiencies by diverting people with low-level drug offences away from the court system" (NSW Government, 2024). Any evaluation of whether these aims are being met should take into account the number and rates of people diverted under the EDDI.

Publicly available data on the first months of operation of the EDDI (to August 2024) is available on the NSW Parliament website in response to Questions on Notice (QoN) asked by Cate Faehrmann MLC to the Minister for Police the Hon. Yasmin Catley MP, and to the Minister for Finance, the Hon. Courtney Houssos MLC. See QoN 2187, 2188, 2649, 2650, 2651.

Data provided does not include breakdowns by eligibility. This is a key limitation of these data, as charges and Court Attendance Notices may be issued due to officers exercising their discretion or because the individual was ineligible for the scheme (e.g., the person was possessing an amount above 'small quantities'; or had already received two fines under the EDDI).

The charges included are reported for 'low-level drug possession'.[1]

The count of charges was based on Court Attendance Notices issued.

[1]There are some inconsistencies with the data reporting. The data is reported as 'low-level drug possession', however the Minister notes that where the data are drawn from in the Drug Misuse and Trafficking Act 1985 includes the sections for possession of prohibited drugs, possession of equipment used for drug administration, and/or for self-administration (Sections 10(1), 11 (1), 12(1)). We are unable to determine whether the reference to 'low-level drug possession' relates to only those charges which were below the 'small quantities' set out in Schedule 1 of the Act. See QoN 2649.

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The data provided shows that, from 29 February to 11 August 2024:

- There were 6332 charges issued in total;
- There were 436 diversions in total (6.4% diversion rate);
- Where the individual identified as non-Indigenous, 7% of offences resulted in a diversion;
- Where the individual identified as Indigenous, 2.7% of offences resulted in a diversion;
- Offences where the person was caught with:
  - » Cocaine had a 22.7% diversion rate;
  - » GHB had a 0.5% diversion rate;
  - » Heroin had a 2.3% diversion rate;
  - » LSD had a 21.4% diversion rate;
  - » Ecstasy had a 27.8% diversion rate;
  - » Methamphetamine ('ice') had a 3.8% diversion rate;
- In Police Area Commands (PACs) with more than 300 total diversions and charges (n=2):
  - » Liverpool City PAC had the lowest diversion rate at 3.9%
  - » Sydney City PAC had the highest diversion rate at 28.2%
- In Police Area Commands (PACs) with between 200-300 total diversions and charges (n=6):
  - » Mt Druitt PAC had the lowest diversion rate at 1.4%;
  - » Parramatta PAC had the highest diversion rate at 4.3%;
- In Police Area Commands with between 100-200 total diversions and charges (n=27):
  - » Port Stephens-Hunter Police District (PD) had the lowest diversion rate at 0%, followed by Campbelltown PAC and Blacktown PAC both at 0.7%;
  - » Auburn PAC had the highest diversion rate at 32.3%
- In Police Area Commands with between 50-100 total diversions and charges (n=13):
  - » Manning-Great, and New England PD had the lowest diversion rates both at 0%;
  - » Barrier PD had the highest diversion rate at 14.7%
- In Police Area Commands with between 3-50 total diversions and charges (n=11):
  - » Riverstone, Ryde, and The Hills PACs all had diversion rates of 0%
  - » Marine Area Command had 2 diversions and 2 charges (50% diversion rate), followed by the Northern Beaches PAC which had a 10.4% diversion rate
- To date, 10.6% of diversion instances elected to complete a health intervention; 36.1% of people diverted paid the $400 fine.

Suggested citation: DPMP Team. (2024) How is the Early Drug Diversion Initiative going?. *DPMP Evidence hub for the NSW Drug Summit 2024*. Social Policy Research Centre, UNSW.

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Table 1: By Indigenous status – diversions, charges, and diversion rate

	29 Feb – 24 May 2024 (QoN 2188)			25 May – 11 Aug 2024 (QoN 2649)			Total 29 Feb – 11 Aug 2024 (QoN 2649)			Total 29 Feb – 11 Aug 2024*		
	Diversions	Charges	Diversion rate	Diversions	Charges	Diversion rate	Diversions	Charges	Diversion rate	Diversions	Charges	Diversion rate
Indigenous^	20	626	3.1%	13	573	2.2%	^^	1186	^^	33	1199	2.7%
Non-Indigenous	255	2778	8.4%	147	2585	5.4%	^^	5146	^^	402	5363	7.0%
Total people	275	3404	7.5%	160	3158	4.8%	436	6332	6.4%	435	6562	6.2%

* Sum of figures Feb – May, and May – August.

^'Identified as Indigenous' and 'identified as Aboriginal' are used in the different Answers to the QoNs. See QoNs 2188 and 2649 above.

^^ no total data provided in Answer to the QoN. Where data were not provided, we used the summed figures in column 5.

Diversion rate is calculated: # diverted / (# diverted + # charged)

Table 2: By selected drug type – diversions, charges, and diversion rate

	Total 29 Feb – 11 Aug 2024*		
	Diversions	Charges	Diversion rate
Cannabis	35	3,069	1.1%
Cocaine	143	486	22.7%
Gamma Hydroxybutyrate (Ghb)	2	364	0.5%
Heroin	9	375	2.3%
LSD	6	22	21.4%
MDMA (Ecstasy)	106	275	27.8%
Methyl/Amphetamine	98	2474	3.8%
Pharmaceutical Drug	7	473	1.5%

Table provides data on selected drug types.

Diversion rate is calculated: # diverted / (# diverted + # charged)

* Sum of figures Feb – May, and May – August. No 'total' data on diversions provided in Answer 2649, so summed figures only.

Table 3: By Police Area Command (PAC)/Police District (PD) – diversions, charges, and diversion rate

	Total 29 Feb - 11 Aug 2024 (QoN 2649)		
	Diversions	Charges	Diversion rate
Auburn PAC	53	111	32.3%
Bankstown PAC	3	200	1.5%
Barrier PD	11	64	14.7%
Blacktown PAC	1	139	0.7%
Blue Mountains	1	25	3.8%
Brisbane Water PD	4	94	4.1%
Burwood PAC	1	62	1.6%
Camden PAC	1	48	2.0%
Campbelltown City	1	152	0.7%
Campsie PAC	1	62	1.6%
Central North PD	1	35	2.8%
Central West PD	8	92	8.0%
Chifley PD	2	118	1.7%
Coffs/Clarence PD	4	183	2.1%
Cumberland PAC	4	247	1.6%
Eastern Beaches PAC	24	93	20.5%
Eastern Suburbs PAC	7	74	8.6%
Fairfield City PAC	6	264	2.2%
Hawkesbury PAC	3	47	6.0%
Hunter Valley PD	2	105	1.9%
Inner West PAC	9	118	7.1%
Kings Cross PAC	5	95	5.0%
Ku-Ring-Gai PAC	2	38	5.0%
Lake Illawarra PD	7	133	5.0%
Lake Macquarie PD	1	92	1.1%
Leichhardt PAC	7	56	11.1%
Liverpool City PAC	12	297	3.9%
Manning-Great		93	0.0%
Mid North Coast PD	4	118	3.3%
Monaro PD	6	66	8.3%
Mt Druitt PAC	3	218	1.4%
Murray River PD	5	152	3.2%
Murrumbidgee PD	2	55	3.5%
Nepean PAC	5	187	2.6%
New England PD		89	0.0%
Newcastle City PD	4	215	1.8%
North Shore PAC	5	67	6.9%
Northern Beaches	5	43	10.4%
Orana-Mid Western	3	145	2.0%
Oxley PD	2	102	1.9%
Parramatta PAC	9	198	4.3%
Port Stephens-Hunter PD		125	0.0%
Marine Area Command	2	2	50.0%
Richmond PD	3	110	2.7%
Riverina PD	7	156	4.3%
Riverstone PAC		34	0.0%
Ryde PAC		33	0.0%
South Coast PD	7	160	4.2%
South Sydney PAC	17	125	12.0%
St George PAC	4	143	2.7%
Surry Hills PAC	20	99	16.8%
Sutherland Shire PAC	14	104	11.9%
Sydney City PAC	87	221	28.2%
The Hills PAC		24	0.0%
The Hume PD	11	88	11.1%
Tuggerah Lakes PD	1	127	0.8%
Tweed-Byron PD	14	156	8.2%
Wollongong PD	18	160	10.1%
Unknown		3	0.0%

Diversion rate is calculated: # diverted / (# diverted + # charged)

Table 4: Health interventions completed and fines paid, by proportion of total diversions

	Total 29 Feb - 11 Aug 2024	
		% of total diversions
Elected to complete health intervention	46*	10.6%
Paid $400 fine	157**	36.1%^

* QoN 2187 and 2651

**QoN 2650. This data was provided to 21 August. All other data to 11 August.

^indicative. See above.

References

NSW Government. (2024). Early Drug Diversion Initiative. NSW Government. www.nsw.gov.au/money-and-taxes/fines-and-fees/support-and-community-services/early-drug-diversion-initiative#:~:text=The%20Early%20Drug%20Diversion%20Initiative%20(EDDI)%20is%20a%20diversion

O'Reilly, K., & Ritter, A. (2024). Non-criminal responses to drug use and personal possession in Australia (DPMP Bulletin Issue. UNSW Social Policy Research Centre. https://doi.org/10.26190/unsworks/30215