

Chapter 6: Law Enforcement

Australia is a signatory to three United Nations major international drug control treaties, their crime conventions and related resolutions, which are mutually supportive and complementary. As stated in the World Drug Report (United Nations Office on Drugs and Crime, 2007), an important purpose of the first two treaties is to codify internationally applicable control measures in order to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes, and to prevent their diversion into illicit channels. They also include general provisions on illicit trafficking and drug abuse.

The Single Convention on Narcotic Drugs, 1954 aims to combat drug abuse by coordinated international action. There are two forms of intervention and control that work together. First, it seeks to limit the possession, use, trade, distribution, import, export, manufacture and production of drugs exclusively to medical and scientific purposes. Second, it combats drug trafficking through international cooperation to deter and discourage drug traffickers.

The Convention on Psychotropic Substances 1971 establishes an international control system for psychotropic substances. It responded to the diversification and expansion of the spectrum of drugs of abuse and introduced controls over a number of synthetic drugs according to their abuse potential on the one hand and their therapeutic value on the other.

The Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 provides comprehensive measures against drug trafficking, including provisions against money laundering and the diversion of precursor chemicals. It provides for international cooperation through, for example, extradition of drug traffickers, controlled deliveries and transfer of proceedings.

6.1 International markets

The UNODC reported that after years of substantial increases in the 1990s, the markets for amphetamine-type stimulants (ATS) seem to be stabilising, reflecting improved international law enforcement cooperation and precursor control. The quantities of precursors and the number of illicit laboratories seized increased in accordance with intensification of enforcement efforts. However, end-product seizures declined and the number of ATS users remained roughly stable.

In discussing trends in world drug markets, the World Drug Report (United Nations Office on Drugs and Crime, 2007) noted that methamphetamine manufacture and trafficking has spread beyond the traditional markets of Asia and North America (e.g., to South Africa), though remains limited in Europe. An even stronger geographical spread has been observed with regard to MDMA production and trafficking. While there seem to have been some declines in the 'traditional' manufacturing locations of Western Europe (notably the Netherlands), MDMA production is spreading to other parts of the world, including North America, Oceania and South-East Asia.

Crystal methamphetamine is the most likely form of methamphetamine to be imported into Australia, with large shipments of crystal methamphetamine first detected at the Australian

border in 2000 (McKetin et al., 2005). Most shipments originate from China or, to a lesser extent, other countries in the Asia Pacific region and are usually concealed in cargo bound for the East Coast (McKetin et al., 2005). Recent increases in imports of methamphetamine produced in South-East Asia, notably in China and the Philippines, into Australia have offset some of the decline in domestic production (Australian Crime Commission, 2006).

During consultations, the influence of countries in South-East Asia, particularly India, on trafficking was noted. Some participants highlighted the continued importation of methamphetamine and their precursors from Asia, which needs to be addressed. Similarly, a 10% increase in the importation of licit pharmaceuticals in recent times was noted and the diversion of some for illicit means. The ease with which methamphetamine can be manufactured is a measure of its availability and low cost, as noted in the written submission from the National Drug and Alcohol Research Centre (NDARC):

The supply of methamphetamine and its precursor chemicals is economically lucrative, and inconsistencies in precursor control legislation across the Asia Pacific region hamper efforts to prevent the diversion of precursor chemicals to illicit drug manufacture. There are also few limitations on where the drug can be manufactured, which has led to methamphetamine supply being more dynamic and less predictable than the supply of crop-based illicit drugs, such as heroin and cocaine.

In discussing trends in amphetamine markets, the World Drug Report noted a decline:

In 2005, the number of Asian countries reporting an increase in amphetamines use declined to 15, while the number of countries reporting stable or declining amphetamines use increased to 16. A year earlier, 20 Asian countries had reported an increase and only 12 countries saw a stable or declining trend. Once the reported trends are weighted by the amphetamines using population, the net result shows a (marginal) decline. This stabilisation followed years of uninterrupted growth over the last decade in the Asia region. Increases in amphetamines use are mainly reported by countries of western and southern Asia. In contrast, countries of East and South-East Asia, which account for the bulk of all amphetamines use in Asia, report a stabilisation or even a marginal decline. Following strong increases in the 1970s, early 1980s and late 1990s, all data for Japan, Asia's most lucrative methamphetamine market, suggest that methamphetamine abuse stabilised or even declined slightly in recent years. The life-time prevalence rate of methamphetamine was reported to have amounted to 0.4% of the population aged 15 and above in 2003, but fell to 0.3% by 2005 (United Nations Office on Drugs and Crime, 2007, p.157).

6.2 Domestic methamphetamine production

It is estimated that 90% of ATS in the Australian illicit drug market is produced in Australia in clandestine laboratories, while the other 10% is imported (Schloenhardt, 2007). Predominantly, domestic production is focused on ATS of lower purity forms, such as base, and reports suggest that high purity crystal methamphetamine production takes place in Asia or elsewhere, and is subsequently imported into Australia (Schloenhardt, 2007). A significant proportion of ATS production occurs in small clandestine laboratories (clan-labs) located in private homes, car-boots and hotel rooms, which make detection

in manufacturing and trade difficult for law enforcement agencies, particularly in rural areas (Schloenhardt, 2007). Domestic seizures reflect that production is smaller in scale, unlike, for example, in the United States, where supply is met by larger 'super-labs' (Schloenhardt, 2007).

Modes of production detected in Australia include:

- hypophosphorous method – use of hypophosphorous acid and iodine;
- red phosphorous method – use of hydriodic acid and red phosphorous;
- 'nazi' method – using lithium or sodium with anhydrous ammonia; and
- P2P or Leuckart method – using phenylacetone or benzyl methyl ketone with formic acid or aluminium amalgam.

According to the 2005-06 Illicit Drug Data Report (IDDR), the number of ATS laboratories detected in Australia has steadily increased from 10 in 1990 to 390 in 2005-06 (Australian Crime Commission, 2007) (see Table 6.1). However, since 2004 the number of dismantled laboratories appears to be stabilising. As the majority of clandestine laboratories had been producing meth/amphetamine using the hypo-phosphorous acid method (which requires pseudoephedrine as a precursor), this stabilisation may be partly due to the restrictions placed on the purchase of pseudoephedrine-based pharmaceutical products in early 2006 through Project STOP and other initiatives, such as restrictions on scheduling.

Methamphetamine production in Australia takes place in practically all states with further evidence of the impact of Project STOP evident from detections in Queensland. Queensland had the highest clandestine laboratory figures since 1997–98, however a significant decrease in the number of laboratories detected in 2005–06 was reported in this state, which may be attributed to the introduction of Project STOP in early 2006 (Australian Crime Commission, 2006). The IDDR reported a 42% decrease in clandestine laboratory detections in the Northern Territory in 2005–06, while there were significant increases in the number of detections in WA and Victoria (Australian Crime Commission, 2007). The submission from NDARC noted that there have been reports by consumers of domestic production of crystal methamphetamine. While evidence of domestic production of crystal methamphetamine is not documented in Australian Crime Commission (ACC) reports, there is considerable police concern at both federal level and state level that several sophisticated laboratories already discovered, were capable of making crystal methamphetamine. Therefore, concurrent sustained efforts to control domestic diversion of precursor chemicals and manufacture is needed to disrupt high levels of domestic production that occur within Australia.

Table 6.1: Number of clandestine laboratory detections by state and territory, 96/97-05/06

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	Total
1996-97 ^a	–	–	–	–	–	–	–	–	58
1997-98	19	9	55	7	3	2	0	0	95
1998-99	20	4	83	12	8	0	2	2	131
1999-2000	20	18	79	14	17	0	1	1	150
2000-01	42	32	77	24	22	1	3	0	201
2001-02	32	24	138	32	22	3	1	0	252
2002-03	47	19	171	34	36	2	3	2	314
2003-04	61	20	189	48	33	1	6	0	358
2004-05	45	31	209	25 ^b	44	3	21	3	381
2005-06	55	47	161	50	58	5	12	2	390

a. Jurisdictional breakdown unavailable for 1996-97.

Source: ACC, Illicit Drug Data Report 2005-06, Canberra: ACC

6.3 Precursor regulation

National initiatives

The nature of the synthetic illicit drug trade is such that law enforcement and policing strategies are becoming increasingly focused on precursor substances and equipment; not just the end products of the drugs themselves. In many countries, this has taken the form of increasingly strict precursor regulations including:

- Criminalising the supply of precursor chemicals for the use of ATS production;
- Limiting the amount of licit drugs allowed to be purchased in pharmacies and over-the-counter;
- Restricting the international and intra-national movement of large quantities of precursor chemicals; and
- Attempting to monitor the movement and supply of drugs that can be utilised in the production of ATS (Cherney et al., 2006).

The National Strategy to Prevent the Diversion of Precursor Chemicals into Illicit Drug Manufacture (the “National Precursor Strategy”) provides the strategic framework for the initiatives undertaken by the National Working Group on the Prevention of the Diversion of Precursor Chemicals into Illicit Drug Manufacture (the “National Precursor Working Group”). Comprised of representatives of state and territory, health agencies, forensic services and the private sector this forum is a key mechanism for formulating effective cross-sector, nationally coordinated and consistent responses to precursor diversion (see Table 6.2).

Key projects include:

- The rescheduling of pseudoephedrine;
- National Clandestine Laboratory Database;
- Community pharmacy sector awareness raising about ‘pseudo-running’;
- The national roll-out of Project STOP;
- National framework for the control of precursor chemicals;
- National framework for the remediation of clandestine laboratory sites; and
- Training for Customs officers and forensic specialists.

The National Chemical Diversion Congress provides a national forum for representatives from key sectors—police health, forensics, industry and policy—to discuss all matters relevant to controlling the diversion of precursor chemicals and responding to domestic illicit drug manufacture.

Many of the consultations made reference to the importance of precursor control and the various strategies required. For example, it was stated that intelligence was improved by more dedicated forensic analysis of drugs and a wider application of the Drug Use Monitoring in Australia (DUMA) program. Further, the National Clandestine Laboratory Database was viewed as a good first step, provided the information obtained was timely and useful. The written submission from NDARC noted that:

Concurrent sustained efforts to control domestic diversion of precursor chemicals and manufacture is also needed, because of the high levels of domestic production that occur within Australia.

Legislative responses

Typically, the chemicals sought after to produce ATS are pseudoephedrine and ephedrine (Schloenhardt, 2007), which have a number of legitimate uses, and are commonly available from pharmacies and supermarkets. In Australia, such precursor chemicals are regulated by drug laws in both state and federal jurisdictions (Schloenhardt, 2007). The submission from NDARC commented that:

Improved capacity to regulate precursor chemicals and control ATS supply in the Asia Pacific region is needed to reduce the supply of high purity methamphetamine in Australia.

In 1998, the Model Criminal Code Committee of the Standing Committee of Attorney-Generals published its report on model serious drug offences. The report arose from concerns that within a mobile society like Australia, organised crime involving illicit drugs transcends state and national boundaries and people may be treated differently in different jurisdictions. Therefore:

there is a persuasive case for uniformity in the definition of serious offences such as drug trafficking (p.ii).

Table 6.2: Examples of domestic law enforcement initiatives to address the supply of precursors to the illegal market

Formal arrangements
National network of Chemical Diversion Desks, working in close partnership with industry
A chemical industry Code of Practice for Supply Diversion into Illicit Drug Manufacture
The use of ACC coercive powers to gather information on trends and threats
Workforce development
Training of specialist investigators to enable effective responses to suspicious precursor chemical-related activity and clandestine laboratories
Awareness raising for pharmacies about diversion methods and preventative measures
Awareness raising for prosecutors and judiciary on the serious nature of precursor diversion and ATS production
Enhanced forensic capabilities and training
Development of a national remediation framework for clandestine laboratories
Intelligence sharing and targeted interventions
The continuation and cultivation of local and national partnerships in joint police operations, including sharing intelligence and resources
Project STOP
Enhanced intelligence collections through the ACC National Clandestine Laboratory Database
Enhancements in the collection and dissemination of information on industrial chemical importation and usage
Analysis of industry controls for chemicals and equipment to respond to the increased risk of thefts and fraud
Legislative responses
The development of model legislation as a step towards national consistency for drug types and amounts
Rescheduling of pseudoephedrine based cold and flu medications to restrict availability to 'pseudo runners'
Strengthening of State and Territory laws surrounding precursor chemicals and equipment
The introduction of laws in some jurisdictions prohibiting the possession of a tablet press without lawful excuse
Community activity
Awareness raising within the community of the signs of clandestine laboratory activities

Source: Ministerial Council on Drug Strategy Joint Communiqué 16th May 2007 'NATIONAL LEADERSHIP FORUM ON ICE – COMPENDIUM OF JURISDICTIONAL ACHIEVEMENTS' <http://www.nationaldrugstrategy.gov.au/internet/drugstrategy/publishing.nsf/Content/mcnds-16may07-communiqu>

Several jurisdictions have since enacted legislation to implement the model offences: Tasmania (2001), Victoria (2001), ACT (2004), South Australia (2005), and the Commonwealth (2005) (see Table 6.3 for examples). There are differences between jurisdictions in implementing legislation. NSW made some legislative changes based on the model laws, but has not fully enacted the model offences. In Queensland, unlike some other states, law enforcement personnel are unable to carry out telephone intercepts and other forms of detection due to the legislative inadequacy for precursor chemicals under the

Drug Misuse Act 1986 (Crime and Misconduct Commission, 2006). Similarly, offences such as the intention to manufacture amphetamine have been enacted in Queensland, NSW and Victoria, and are yet to be introduced in other states.

Although the content of the legislation differs in each jurisdiction, the central themes are the same. Penalties are higher for those found to be dealing in drugs than those possessing them for their own use, and people convicted of trafficking large amounts of drugs are liable for a greater penalty than lower level dealers. Drug trafficking is a serious offence and conviction may result in life imprisonment. Most jurisdictions have enacted legislation allowing the seizure and forfeiture of assets derived from drug dealing.

Table 6.3: Examples of legislative changes in different jurisdictions

NSW

In 2006, enacted a number of amendments to drug misuse and trafficking laws including listing chemicals that are precursors to the drug GHB as prohibited drugs and creating a number of new offences including:

- sale, commercial supply or display of crystal methamphetamine pipes in a shop for a commercial purpose;
- exposing a child to the manufacturing or production of a prohibited drug or to chemicals stored for that purpose; and.
- procuring a child to supply or take part in the supply of a prohibited drug.

In 2006, introduced separate legislation to create a new offence of indoor, hydroponic cultivation of cannabis plants for a commercial purpose. These new laws also contain supplementary offences of cultivation in the presence of children.

QLD

In 2006, enacted laws to create a new offence of possession of prescribed substances or items for the production of a dangerous drug, which has a maximum penalty of 15 years imprisonment. This offence is aimed at “the developing market for persons who supply illicit methamphetamine manufacturers with chemicals and apparatus but who do not personally engage in the manufacture of the final dangerous drug. The laws also create a new offence of possessing a prescribed combination of items for the production of a dangerous drug, which has a maximum penalty of 25 years imprisonment.

This means that when a clan lab is located and the prescribed combination of items is identified, the remainder of items seized will not need to be forensically tested as the prosecution will not be seeking to prove that production has occurred. The laws also introduced evidentiary provisions to remove the requirement for forensic testing of sealed pharmaceuticals and alleged clan equipment unless challenged by the defence. Other laws enacted in 2006 allow police to enter pharmacies for the purpose of monitoring excessive sales of chemicals that are used to make amphetamines such as base.

WA

In 2003, introduced laws that place controls on suppliers of chemicals and apparatus that can be used in the manufacture of illicit drugs.¹³⁷

In 2003, also enacted laws to allow police to issue an infringement notice to a person who is reasonably believed to be cultivating, possessing or using cannabis within the specified limits. Outside these limits, offenders are subject to criminal prosecution. Persons issued with an infringement notice have the option of paying the penalty, attending a cannabis education session or having the matter heard in court. This reform in Western Australia was advocated by the Community Drug Summit held in August 2001. South Australia introduced a similar scheme in 1986. NSW does not have an infringement notice scheme but in 2000 it introduced the Cannabis Cautioning Scheme to allow police to issue cautions in relation to minor cannabis offences.¹³⁹

In 2004, enacted laws to make it an offence for a declared drug trafficker to consort with another person whom the police have warned them is also a declared drug trafficker. The maximum penalty is 2 years imprisonment. In 2005, laws were amended to prohibit the diversion of precursor chemicals and equipment for use in the illegal manufacture of methamphetamine. The use, sale and supply of drug use paraphernalia such as ‘ice pipes’ were banned.

Tasmania

In 2004, strengthened the presumption that possession of a trafficable quantity of a controlled substance is evidence of an intention to sell or traffic the substance. Under the new laws, the presumption of an intent to sell or traffic can only be displaced if the accused proves that he or she had no intention to sell or traffic. The Model Criminal Code Officer Committee had recommended the model serious drug offence provisions be changed in this way and the Standing Committee of Attorneys-General adopted this proposal.

In 2005, enacted further reforms including allowing a trafficable quantity of drugs to be made up of a combination of different types of drugs.¹⁴³

Source: Ministerial Council on Drug Strategy Joint Communiqué 16th May 2007 'NATIONAL LEADERSHIP FORUM ON ICE – COMPENDIUM OF JURISDICTIONAL ACHIEVEMENTS' <http://www.nationaldrugstrategy.gov.au/internet/drugstrategy/publishing.nsf/Content/mcdfs-16may07-communication>

A number of consultations highlighted the need for continued legislative reform.

Comments included:

- Ensuring national legislation is implemented in respect to remediation of clandestine drug laboratory sites;
- Ensuring offence and penalty provisions remain appropriate in light of emerging ATS trends and threats, including appropriate coverage of possession and use of precursor chemicals and equipment for the purpose of manufacturing ATS; exposure of children to clandestine laboratories; use of children for trafficking ATS; and sale of ATS to children;
- Reviewing the regulations surrounding the sale of devices used for ATS consumption;
- Supporting the work of the National Scheduling Committee; and
- Ensuring law enforcement has appropriate powers to respond to the ongoing and evolving ATS threat.

Considerable concern was expressed at the consultations about the disjunction in legislation across the country and the need to establish consistent, coherent and timely legislation which anticipates emerging issues such as pill presses (used in illicit production) and roadside drug testing. It was noted that different legislative regimes in different states have resulted in uneven response to the principles of the Model Criminal Code and there was a need for all states to adopt the ATS schedules regarding precursors.

Many of the consultations highlighted the unintended consequences of legislation. For example, it was suggested that the banning of 'ice' pipes may have the effect of diverting users to injecting as the route of administration. This has significant ramification for health outcomes given the prevalence of smoking and the potential number who may divert to injecting.

In addition, recommendations from the consultations suggested a need to recognise that creating an enabling environment can be confounded by the law. For example, in the case of injecting users, the application of the law in different jurisdictions is mirrored in the behaviour of police in dealing with drug users and dealers. In some jurisdictions police might not actively pursue users whose behaviour was under control. In other jurisdictions these people could expect to be pursued. Similarly, experience with the criminal justice system can mean loss of employment and other self defining elements in people's lives, which are critical to rehabilitation and non-offending. One submission noted that:

Law enforcement agencies need to work closely with harm reduction agencies and service providers to ensure that law enforcement practices do not have unintended, harmful effects.

6.4 Australian law enforcement

Australian law enforcement responses to drugs, including ATS, are guided by the National Drug Strategy (NDS), which emphasises reductions in supply, demand and harm. The 2005-06 IDDR reported that seizures of illicit drugs at the Australian border were lower than in previous years (Australian Crime Commission, 2007).

Domestic seizures of illicit drugs by the AFP also decreased during 2005-06. During this period, AFP and Customs operations directly prevented over one tonne of illicit drugs reaching Australian streets.

It is possible that the focus of the AFP and Customs on pre-emptive offshore interdictions resulted in fewer seizures within Australia. Against this, critics of supply reduction argue that crystal methamphetamine and availability of illicit drugs do not appear to have been affected by law enforcement activity. There are however no authoritative or systematic data collections available to support this one way or the other. The 2005-06 IDDR proposed that:

- Seizures of MDMA in 2005-06 suggest that criminal groups are attempting to introduce high-quality and high-volume laboratory production of MDMA in Australia. This has been evidenced by the importation of MDMA precursors and the importation of the relevant manufacturing expertise; and
- The ability of criminal groups to react flexibly and shift their areas of operation provides ongoing challenges for law enforcement agencies. For example, following record MDMA and precursor seizures in Australia in early 2005, criminal syndicates appear to have diverted their attention away from Australia and towards Indonesia, which was highlighted by the detection of an ATS and MDMA laboratory operating in Indonesia in November 2005 (Australian Crime Commission, 2007).

Crystal methamphetamine represents more than 60% of the total weight of ATS detected at the border in the past five years (Australian Crime Commission, 2007). The majority of recent crystal methamphetamine detections have been scatter importations, that is, multiple small importations organised by a single individual/group, generally undertaken with the expectation that individual detections will not attract law enforcement attention (Australian Crime Commission, 2007). Customs is aware of organised syndicates using this methodology, but the extent of links to major organised syndicates has not been determined.

The AFP, Customs and the ACC continue to collaborate closely in targeting and responding to instances of illicit ATS and precursor importation. For example, the AFP, Customs and the ACC have recently launched a collaborative project to trial a concept for the development of targets for operational attention, known as the Joint Target Generation Team. The early taskings for the project related to the threat posed by illicit importations of precursor chemicals from China.

Recommendations from the consultations and submissions included a need to strengthen strategic intelligence and to improve national controls so authorities can gain knowledge about who is involved in the illicit trade. It was also suggested that there needs to be improved intelligence regarding the manufacturing and distribution believed by consumers to be locally produced, but not confirmed by law enforcement agencies.

6.5 Local drug markets

Because drug markets are where 'supply and demand converge', intervention strategies need to target both as reducing the supply of a drug to local markets can have a dramatic effect on both criminal justice and health outcomes (Weatherburn et al., 2003). Infiltrating these markets requires knowledge of how the market operates. The 2006 DUMA report suggested that, in clandestine illicit drug markets, it can be quite difficult for buyers and sellers to become connected and effort is required even for experienced buyers to assess the options available in the market (Mouzos et al., 2007). In most markets, the buyer and seller make a significant time investment in the exchange relationship (Wilkins et al., 2004). Nevertheless, a significant proportion of police detainees and injecting drug users (IDU) are active in the methamphetamine market. Furthermore, as indicated by the 2004 National Drug Strategy Household Survey (NDSHS), this market is also available to the general population as approximately 110,000 persons aged 14 years and older reported accessing the methamphetamine market within the last week (Australian Institute of Health and Welfare, 2005a).

There are differences in the ways consumers access illegal drug markets for different drug types (see Table 6.4). The 2004 NDSHS reported that both meth/amphetamine and ecstasy were more commonly obtained from a friend (70%) than a dealer (23%) (Australian Institute of Health and Welfare, 2005a). In contrast, the most common method among police detainees was contacting a dealer for methamphetamine by calling on a mobile phone (31%), or visiting the dealer's residence (26%) (Mouzos et al., 2007). The 2006 DUMA report found that, irrespective of the drug purchased, detainees were more likely to have purchased their drugs from a regular source, although a higher proportion of detainees purchased ecstasy from a new source compared to other drugs (Mouzos et al., 2007). When methamphetamine is bought within the detainee's own suburb, the supplier is likely to be a regular supplier. They are also more likely to report sourcing from a house or flat for the drug in contrast to heroin which is more likely to be sourced on the street (Mouzos et al., 2007). However, detainees who had used a new source at their last time of purchasing methamphetamine were more likely to have purchased the drug from the street (Mouzos et al., 2007). A major study of the market in Sydney also found that purchasing from street dealers was uncommon among a sample of regular methamphetamine users (McKetin et al., 2005).

Among the national sample for the 2006 Illicit Drug Reporting System (IDRS), all forms of methamphetamine were most commonly purchased from 'friends' and 'known dealers', and the most common locations of purchase were 'agreed public location', 'friend's home' and 'dealer's home' (O'Brien et al., 2007). This was replicated in the 2006 Ecstasy and Related Drugs Reporting System (EDRS), with the exception of 'agreed public location' as a common location of purchase (Dunn et al., 2007).

Table 6.4: Key drug market characteristics for those who paid cash for drugs in the past 30 days, adult police detainees (%)

	Cannabis	Heroin	Methamphetamine	Cocaine	Ecstasy
Method of contacting dealer					
Mobile phone	20	42	31	36	33
Phone	12	24	20	22	14
Visit a house or flat	37	11	26	12	14
Approach them in public	14	14	10	11	19
Location of last buy					
In own suburb	48	33	34	32	32
Place of purchase					
House or flat	60	26	53	41	42
Street	22	55	29	26	28
Home delivery	11	11	10	22	14
Source					
Regular source	57	65	57	55	44
Occasional source	26	18	25	30	27
New source	17	17	18	15	29

a: For those detainees who provided urine only

Note: Excludes some categories, and therefore does not sum to 100

Source: AIC, DUMA collection 2006 [computer file]

Given the usual method of purchase from known sources in private or agreed locations, tackling street level markets will have limited impact. However, if users seeking out new sources do so in street markets, then strategies to reduce availability are important. Furthermore, research has shown that the perceived risk of law enforcement is a major factor affecting which markets users will access, how they use and entry into treatment (Weatherburn & Lind, 1999). In addition, research shows delaying the onset of initiation (and by implication access to markets for first time users) reduces the risks of long term health and criminal justice harms. Concern over the level of policing local markets was raised in the consultations:

Despite recent developments and concerns about illicit drug trafficking States and Territories have scaled down specialist units to assist with the detection and dismantling of illegal drug sources. While these may be costly and labour intensive for small States and Territories they are crucial to supply reduction.

An important consideration in tackling markets is to minimise displacement of the drug market to another location. There has been controversy over street level policing of heroin markets in terms of claims of displacement (Maher et al., 1998). However, by comparing property crime data for ACT and surrounding areas of NSW, Ratcliffe & Makkai (2004) provide evidence suggesting that intelligence-led targeted policing can have significant effects in reducing crime. When displacement does occur, the criminal activity is often of a lesser degree both in terms of volume and seriousness (Weisburd et al., 2006; Braga, 2005). Thus, Ratcliffe and Makkai (2004) concluded that:

Although there are a number of ways in which crime reduction and prevention activity can have unintended, negative consequences...the empirical evidence suggests that a general risk of total displacement is insignificant...when compared to the gains that can be accrued from a well-planned and theoretically-sound police operation. Police managers should actively consider the possibility of a diffusion of crime prevention benefits as a potential 'free policing' benefit of an operation, spreading crime prevention profit to different crime types and other geographical areas. Actively seeking out evidence of this benefit will assist law enforcement in justifying operational expense, and planning future crime-reduction strategies. However the evidence to date indicates that benefits will eventually decay over the longer term so targeted police operations should be part of a wider crime prevention policy agenda (p.6).

Thus, there can be a diffusion of benefits, where diffusion refers to benefits created from an initiative which targets a specific location also spreading into nearby locations not targeted by the initiative (Bowers & Johnson, 2003; Ratcliffe & Makkai, 2004). However, in respect to drug crimes, mixed results are shown, with evidence of both displacement and diffusion (Lawton et al., 2005; Small et al., 2006; Green, 1996). According to Weatherburn and colleagues (1999), there is some correlational and ethnographic evidence suggesting that higher drug enforcement in one area can increase the level of drug-related activity in an adjoining jurisdiction but this may not have an entirely negative effect. The authors emphasise the need to consider the context of the environments in which the crackdowns take place and the target of the crackdowns. The authors cite Lee's economic model of illicit drug markets which describe the consequences of a crackdown on dealers which had the effect of changing the way the dealers managed their dealing rather than interfering with the volume or type of drugs sold.

6.6 ATS and crime

Previous research into the drugs–crime nexus has demonstrated a complex relationship between drugs and crime, and especially violent crime (Wilcznski & Pigott, 2004). Criminal career research indicates that drug dependent offenders are not a homogenous group (Nurco et al., 1995; Makkai & Payne, 2003). There are essentially three models or ideal types that are used to explain the causal links between drugs and crime (see Pernanen et al., 2002):

1. Psychopharmacological – the person was intoxicated and the intoxication resulted in antisocial and criminal behaviour;
2. Economic compulsive – the person has a drug dependency problem that 'compelled' the person to commit crimes to support their drug habit; and
3. Systemic – crime results from engagement in 'drug market' activity, such as establishing and maintaining an illicit drug market or drug-defined crimes.

Model 1 is usually applied to violent and disorderly behaviour most notably in the case of alcohol and stimulants, including amphetamine and cocaine (Makkai & McGregor, 2002). Model 2 is usually applied to property crime, most notably in the case of heroin and other

illicit drugs, but not usually alcohol or cannabis. Model 3 involves two components – offending behaviour associated with an illegal drug market and drug-defined crimes such as drug trafficking.

Determining the extent to which crime is drug related is complex and requires data at such a level of specificity that it may never be possible to collect on every individual. Until data collection and measurement are advanced in the criminal justice sector, it remains necessary to rely on samples and to a large extent on self-report data by offenders of their behaviour. Relying on administrative data, or aggregated counts, can be affected by various factors including counting rules (Carcach & Makkai, 2001), under-reporting (Chaiken & Chaiken, 1990), the funnel effect of the criminal justice system (Makkai, 2001), the effect of policing activity on detection (Lough, 1997), and clearance rates (Doak, 2001).

In reviewing the evidence in the United States, Chaiken and Chaiken (1990) concluded that there were people with severe dependence who did not commit crimes and there were criminals who did not consume illicit drugs and there was no evidence to support the view that despite patterns of interrelatedness, heavy drug users were necessarily inclined towards criminal activity. Inciardi and McElrath (1995) highlight the complexity even further:

- There are many different kinds of drugs and drug users;
- The nature and patterns of drug use are constantly shifting and changing;
- The purity, potency and availability of drugs is dynamic rather than static; and
- Drug related crime and the drug using criminal are undergoing continuous change.

With regards to drug use among criminal samples, there is considerable international and Australian evidence that most male drug using offenders are involved in criminal behaviour before the onset of their use of illicit drugs (see Chaiken & Chaiken 1990; Makkai & Payne, 2003; Johnson, 2001; Dobinson & Ward, 1985; Mayer et al., 1998). The evidence also applies for females, however, more females report drug use prior to criminal offending (Johnson, 2004).

Research investigating the association between criminal activity and ATS use can either survey community drug users about their criminal involvement, or survey those in the criminal justice system about their drug use. Research into the Sydney methamphetamine market provides information on the former. It was found that 45% of regular methamphetamine users had committed an offence in the past month, 26% had been arrested in the past year, and one third had a previous prison sentence (McKetin, McLaren & Kelly, 2005). The most common types of crimes committed by the sample were drug dealing and property crime (McKetin, McLaren & Kelly, 2005).

Research on the latter includes surveying police detainees, with levels of offending found to vary according to the type and level of drug dependency. The 2006 DUMA report (see Mouzos et al., 2007) found that detainees who are drug dependent report an average of 4.4 charges in the past 12 months and those who test positive to methamphetamine report an average of 4.2 charges. This compares to 3.8 charges for heroin users, 3.5 charges for cannabis users and 1.4 charges for those detainees who have never used

illegal drugs. When incarcerated male offenders were asked about what effect alcohol or drugs had on lifetime offending career, 37% of regular amphetamine users nominated the psychopharmacological effects compared to 12% of regular heroin users, who were more likely to nominate the economic compulsive effects (see Table 6.5).

Table 6.5: Attributions for offending career for regular amphetamine and regular heroin users, adult male offenders (%)

	Regular amphetamine user	Regular heroin user
Lifetime causation attribution		
Psychopharmacological	37	12
Economic/ compulsive	25	49
Drugs and alcohol led to crime	26	26
Other	12	13
(Total)	(100)	(100)

Source: Australian Institute of Criminology, DUCO Male Survey, 2001

The 2006 DUMA also reported that among police detainees, the majority of users do not personally ascribe their illicit drug use as a causal factor in their offending behaviour, with approximately one third making this attribution. It found that 14% of police detainees had purposely used methamphetamine to commit a crime. The three most common reasons they gave for using the drug were:

- Be more confident or have more courage (76%);
- Be more effective or more capable (72%); and
- Get a rush of excitement or adrenalin (65%).

With regard to links to organised crime, few users (either police detainees or regular methamphetamine users) have knowledge about the upper levels of the distribution market, particularly the manufacturing and wholesale distribution. Individuals involved in the high level supply ensure there is distance between themselves and the street market (see McKetin et al., 2005). DUMA data provide a profile of the drug user and dealer operating in a highly personalised and contained manner. Mouzos and colleagues (2007) report that the most common method of contacting a dealer for methamphetamine was calling on a mobile phone (31%), followed by visiting the dealer's house or flat (26%). The authors observed that the nature of the relationship of buyer and seller is one of investment, time and effort to gain trust and ensure reliability in terms of supply, quality and price. This relationship is further described by Ritter who noted that (2005):

... the structure of the drug trade (a diversified series of networks with variety in operations and structure); and the importance of friendships and alliances (in the freelance way in which the market(s) operate). The participants in the Miceski (2001) study describe strong loyalty to their suppliers (because of the difficulties of assessing

quality). Purity and potency were crucial issues for these dealers – their reputation and income depended upon good product (p.5).

One of the developments in the amphetamine market noted particularly during the consultations was the absence of a hierarchy of dealers. The ease with which amphetamine can be manufactured in small laboratories, including car boots and motel rooms negate the need for a distribution chain of the kind deriving from the ‘Mr Bigs’ of the heroin and cocaine markets. While outlaw motorcycle gangs have previously been identified as playing an important role in the production and distribution of domestic methamphetamine (Australian Institute of Criminology, 2007b), their influence may well be reducing given the method of amphetamine production, although importation pathways involving criminal networks in other illegal activities such as heroin trafficking remain (McKetin et al (2005). However, this conclusion is not without contention, and some law enforcement services believe that new methods of production may actually increase the influence of outlaw motorcycle gangs. McKetin and colleagues (2005) also identify some of the cultural and ethnic underpinnings that characterise some of the criminal networks involved in the trade.

Concern about the impact of criminal activities on the community was raised during the consultation process. It was noted that ATS use can exacerbate behaviours that may lead to criminal acts, including property damage and violent behaviour. Such actions may then further interfere with probation and court orders. In contrast, some discussion was directed toward the routine, operational activities of police which were seen as having the potential to be counter productive. Some participants believed that police had access to medical records that were used to determine how to manage an ATS intoxicated offender. Others were concerned that ‘hotspots’ such as needle exchange clinics could be under surveillance as a means of detecting dealers. Furthermore, police surveillance of support services such as syringe and needle exchanges has a negative impact on users and can force them into unsafe needle injecting practices.

It was also suggested that key events, such as Mardi Gras, induce police to engage in unnecessarily harsh tactics using dogs and undertaking illegal searches. Police activities at these events can result in people taking drug overdoses to avoid detection. Research undertaken for the Bureau of Crime Statistics and Research (BOCSAR) in NSW concluded that there was evidence that some drug law enforcement practices, such as aggressive street policing of drugs, may be ‘inimical to public health’ (Weatherburn et al., 1999). On the other hand, as noted earlier in a study by Ratcliffe and Makkai (2004), intelligence-led targeted policing can have significant effects in reducing crime and that when displacement occurs, the criminal activity is often of a lesser degree both in terms of volume and seriousness. However, as discussed in Chapter 6, the issue of sustainability of effects or ‘slow decay of the benefits’ is a significant issue for law enforcement (Ratcliffe & Makkai, 2004).

6.7 Responses to drugs and crime

The criminal justice system is constantly evolving in response to changing social, economic and political pressures. One such pressure that gathered momentum during the 1980s and 1990s was community concern about increasing crime rates (particularly property and violent crime) and the perceived link with illicit drug use and drug dependence (notably

heroin) (Payne et al., 2007). In response, Australia has experienced a significant growth in criminal justice initiatives aimed specifically at addressing the drugs/crime nexus. These initiatives encompass a broad range of interventions that are commonly referred to as diversion initiatives because they aim to divert offenders from the criminal justice system.

In broad terms, diversion involves the re-direction of offenders away from conventional criminal justice processes, with the aim of minimising their level of contact with the formal system (Payne et al., 2007). In its purest form, 'diversion' applies to those processes that occur at the pre-apprehension stage prior to any formal charges being laid and are focused on diverting individuals from the criminal justice system rather than referring to an alternative form of processing (Payne et al., 2007). One example is informal police cautioning whereby individuals, instead of being apprehended and charged, are given a verbal warning with no further obligations placed on the offender and no official record kept of the contact. Over the decades, the term has acquired broader application and is now commonly used to refer to any processing option that offers what is perceived to be a different and less punitive response than what would otherwise have applied (Payne et al., 2007). In addition, there is now a much greater emphasis on diverting individuals to an alternative program rather than simply diverting them from the system (Payne et al., 2007).

Over the past decade, diversion programs have been implemented in every State and Territory, and there are currently five main types of drug-crime diversionary programs in use across Australia (Australian Institute of Criminology, 2004). Within these broad categories, there are a large number of possible interventions and each initiative can be implemented in different ways and in different combinations. The following provides a summary of the key stages and main intervention types:

- Pre-arrest: when an offence is first detected, prior to a charge being laid. Diversionary measures here can include police discretion (e.g., offence detected but no action taken); an infringement notice (e.g., fine but no record); informal warning (no record); formal caution (verbal warning with record kept, but no further action); and caution plus intervention (i.e., warning and record, plus information or referral to an intervention program);
- Pre-trial: when a charge is made but before the matter is heard at court. Measures can include treatment as a bail condition (e.g., no conviction if recorded if treatment program completed successfully); conferencing; and prosecutor discretion (e.g., treatment offered as alternative to proceeding with prosecution);
- Pre-sentence: after conviction but before sentencing. Includes measures such as delay of sentence where the offender may be assessed or treated. The process can include sanctions for non-compliance and incentives such as no conviction recorded;
- Post-conviction/sentence: as a part of sentencing. Diversionary measures here include suspended sentences of imprisonment requiring compliance with specific conditions (e.g., participation in treatment, abstinence from drugs, avoidance of specific associates, etc.); drug courts (i.e., judicially supervised or enforced treatment programs); and non-custodial sentences involving a supervised order, probation or bond requiring participation in treatment as part of a sentence; and

- Pre-release: prior to release on parole from detention or jail. Options include transfer to drug treatment (e.g., while still in custody, being transferred to a secure residential treatment program which is supervised 24 hours a day) and early release to treatment such that an inmate may be released early from detention into a structured, supervised treatment program.

Diversion initiatives can be police-based, as with police drug diversion, or court-based, as with drug courts and intermediate court programs. Initiatives under the drug-crime diversionary programs can be divided into four groups, depending on their location along the criminal justice continuum, as follows:

- Police drug diversion. At the front end sit the various police-based drug diversion programs. These offer drug education and assessment for those individuals with minor 'possession' offences pertaining to either cannabis and/or other illicit drugs. Police drug diversion programs are among the most common types of diversion. Police drug diversion is an alternative to the court system available to persons caught with illegal drugs. Instead of an offender being charged with a drug offence, they are cautioned by a police officer. Sometimes this caution also involves the offender having to attend an education or treatment session. Police diversion programs vary widely between jurisdictions. In some states and territories police can caution only first time offenders or juveniles. In other jurisdictions diversion is available for any offender caught with drugs, irrespective of age or criminal history;
- Bail-based programs. As an intermediate response at the court level are the predominantly bail-based programs designed to provide assessment and short term treatment for less serious offenders whose criminal behaviour is related to their illicit drug use;
- Drug courts. At the higher end of the court system are the intensive pre- and post-sentencing Drug Court programs. These offer long term, intensive treatment for entrenched offenders whose drug dependence is a key contributor to their offending; and
- Drug Treatment Correctional Centres. Drug Treatment Correctional Centres operate at the custodial level. To date, NSW is the only jurisdiction to have implemented this initiative. The NSW Compulsory Drug Treatment Correctional Centre specialises in abstinence-based treatment and rehabilitation for offenders with 'long term illicit drug dependency and an associated life of crime and constant imprisonment' (New South Wales Department of Corrective Services).

Some examples of diversion programs currently being conducted include:

- Magistrates Early Referral Into Treatment (MERIT) program in NSW is a local court based, pre-plea diversion program that targets adult offenders with illicit drug use problems who may be bailed to undertake treatment and rehabilitation;
- Compulsory Drug Treatment Correctional Centre in NSW provides a new judicial supervision and treatment option allowing courts to send entrenched drug offenders to a correctional facility focused on drug treatment and rehabilitation;
- Queensland Illicit Drug Diversion Initiative provides brief (2 hour) through to intensive (6 months) treatment interventions;
- Northern Territory Illicit Drug Pre Court Diversion Program is administered through the NT Police and allows police to divert first time drug offenders in possession of a non-trafficable quantity of drugs to education and treatment;
- Court Referral Evaluation and Drug Intervention Treatment program in NT is administered through the NT Department of Justice and diverts drug users arrested for drug-related offences into treatment programs; and
- Bail Support Program in Victoria aims to enhance the likelihood of a defendant being granted bail and successfully completing their bail period by providing early intervention and access to drug treatment, accommodation, material aid and support and supervision.

Most of the police and intermediate court-based programs had their origin in and/or are consistent with the National Framework for the Illicit Drug Diversion Initiative (IDDI) that was developed by the MCDS in 1999 at the request of the Council of Australian Governments (COAG). The aim of this Framework, consisting of 19 Principles, was to 'underpin the joint Commonwealth/State/Territory development of an approach to divert illicit drug users from the criminal justice system to education or assessment, with a view to treatment' while at the same time, providing states with the flexibility to respond to local requirements (Department of Health and Ageing, 1999). This Framework, with its associated Commonwealth funding has enabled jurisdictions to either establish or expand upon pre-existing police and court-based diversion programs. Consequently, by the end of 2006, Tasmania was the only state that did not offer both types of diversion for drug and drug related offending. In contrast to this nationally coordinated approach to the initiation and/or enhancement of programs at the front end of the criminal justice system, Drug Courts generally developed independently within each jurisdiction and still rely predominantly on state-based funding.

During the consultations, there was considerable support for the principles of diversion at all levels, but there was also a view that they were applied differently both across and within jurisdictions, and rigorous evaluations needed to be undertaken. Where rural and remote communities were represented, participants commented that the opportunities for diversion weren't available. Some commented that due to the behavioural issues associated with ATS, police were less likely to give the offender the option of accessing a diversion program. It was largely agreed that rehabilitation was crucial to the good management of ATS harms and prevention, but there needs to be a holistic approach across police, health professionals

and hospital workers, with consumers referred to accredited agencies. A number of consultations highlighted that custodial settings can be a first step towards intervention, prevention and rehabilitation, while some felt the police needed more power to arrest people. The submission from Drug Free Australia (DFA) suggested the need to:

Establish mandatory drug rehabilitation for problem drug users of amphetamines, particularly 'ice', as an alternative to jail sentences...divert Corrective Services funding to organisations which can provide either residential rehabilitation or intensive psychosocial counselling and support.

During the consultations some held the view that a national drug strategy did not need to differentiate between drugs (given the commonalities), while others argued that ATS have characteristic effects different from those of other drugs that require specific responses. This debate is complicated further by the fact that many ATS consumers are polydrug users.

One of the themes of the consultations was the divergence in opinion about the efficacy of drug courts and the capacity of the courts to effect change in offenders' behaviour. The MERIT program received considerable support during discussions, although it is not widely available. During consultations, the need to strengthen opportunities for the support and training of police and to make provision of alternative placements for offenders (other than watch-houses and hospitals) who need respite was also highlighted. Other recommendations focused on treatment and other supports for offenders, particularly within the criminal justice system. The emphasis of the discussions and comments focused on prevention and rehabilitation. Many statements referred to the need to assess the amount of funding provided to law enforcement and that provided for treatments. The general view was that more money was used to fund law enforcement initiatives than health, social intervention and treatment, and that funding should be based on a return on investment model.

A number of consultations referred to the need for post release support for prisoners as a critical issue. Provisions of parole, the stigma of prison, loss of goods and identity, and lack of financial support are significant in people's reintegration or re-offending. Reference was made to New Zealand initiatives for assisting prisoners to re-enter the community. There are high rates of ATS users in prisons going 'cold turkey' (i.e., having no management of their withdrawal symptoms) who are then released into the community with no support. Often their friends and acquaintances are still using and it is therefore easy to return to the previous lifestyle of drug use and crime. A need was expressed for halfway houses for ex-prisoners to go to when released. Also, there was concern over the lack of forensic mental health specialists in the drug and alcohol field.

The issue of co-morbid mental health problems and drug use among the prison population has been subjected to some research. Heffernan and colleagues (2003) investigated the prevalence of substance-use disorders and psychological morbidity among 288 police arrestees at the Brisbane City Police Watch House. The study found that 86% of arrestees had at least one substance-use disorder, over 80% were substance dependent and amphetamine was among the most predominant drugs used. The vast majority of the sample exhibited significant psychological distress, reported by 82% of males and 94% of females.

Other research has compared psychological disorders among prisoners in comparison to community samples. Butler and colleagues (2006) compared data obtained from 916 prisoners admitted into the NSW correctional system with an Australian National Survey of Mental Health and Wellbeing. After controlling for demographic differences between the samples, the 12-month prevalence of any psychiatric illness within the previous year was 80% in prisoners and 31% in the community. The most common disorders among the prisoner sample were symptoms of psychosis, substance use disorders and personality disorders. White and colleagues (2006) specifically investigated psychosis in a sample of 621 remandees at a Queensland centre and 61 screened positive for a psychotic disorder (9.8%). Of this sample, 80% were dependent on alcohol, cannabis or amphetamine, and 81% were receiving no treatment at the time of their offence.

Some examples of current initiatives that address health issues for prison populations include:

- Custodial Health and Alcohol & Drug Nurses Project (CHAD) is an alcohol and drug treatment support service for prisoners in police cells across Victoria. CHAD nurses undertake health assessments of detainees within one working day of incarceration and can offer drug treatment or substitute pharmacotherapy for those experiencing substance withdrawal while in detention;
- Adelaide City Watch House Community Nursing Service places nurses within the Adelaide City Watch House to provide a number of interventions to detainees and to support police;
- SMART Recovery, Drug and Alcohol Addictions Program and associated Relapse Prevention Program, and the Criminal Conduct and Substance Abuse Treatment Program are CBT based programs provided through the NSW Department of Corrective Services; and
- 'Sisters Inside' is an organisation providing programs and support for incarcerated women.

Juvenile justice services

The overall incarceration rate for juveniles has declined 58% from 65 to 27 per 100,000 from 1981 to 2005 (Australian Institute of Criminology, 2006). The Drug Use Careers of Offenders (DUCO) survey was conducted with a sample of 371 young offenders aged between 11 and 17 years who were remanded in or sentenced to detention in 2004 (Prichard & Payne, 2005). In terms of drug use, almost all juvenile detainees reported lifetime use of alcohol or cannabis, and half reported amphetamine use. In the six months prior to detention, 63% reported using cannabis on a regular basis and 20% reported regular amphetamine use. The links between drugs and crime were measured in a number of ways in this study and the results suggested that the majority of juveniles did not commence drug use until after their first offence; however two thirds reported being intoxicated (either drunk on alcohol or high on drugs) at the time of committing the offence/s for which they were now in detention; and the majority of juveniles reported that drug use had a definite impact on their lifetime criminal offending behaviour.

Diversion initiatives with juvenile offenders can be traced back to the establishment in the late 19th century of the first children's court, which was designed to redirect offending

children away from punitive adult courts into a more informal and more benign system which could better meet their need for specialist guidance and treatment (Seymour, 1988). Currently, most states and territories include 'victim-offender conferencing' as part of juvenile justice, which typically involve the victim, the young offender and representatives from the criminal justice system. The aim is to develop a negotiated response to the crime with the young person taking responsibility for the offence, and for the needs of both the victim and the young person to be heard and met (Australian Institute of Health and Welfare, 2007). Conferences may be held at a number of stages of the juvenile justice process and are administered variously by the police, courts or juvenile justice department. The range of juvenile justice services is outlined in Table 6.6.

Discussions about juvenile justice issues during consultations focused on support and treatment in the case of ATS, with an emphasis on the need to determine whether offences committed had an underlying drug element. Again, as with the case of many issues around juvenile offending, access to diversion and treatment options depend on geographic location. Those in rural areas commented that offending juveniles had to be transferred away and removed from their families as there are no holding facilities available locally.

Table 6.6: Range of juvenile justice outcomes and services available by state and territory, June 2006

Juvenile justice outcomes and services	NSW	VIC	QLD	WA	SA	TAS	NT	ACT
Pre-court pre-sentence diversionary outcomes								
Informal caution/warning	✓	✓	✓	✓	✓	✓	✓	✓
Formal caution	✓	✓	✓	✓	✓	✓	✓	✓
Conferencing	✓	✓	✓	✓	✓	✓	✓	✓
Does not involve juvenile justice department								
Discharge	✓	✓	✓	✓	✓	✓	✓	✓
Fine	✓	✓	✓	✓	✓	✓	✓	✓
Obligation without supervision	✓	✓	✓	✓	✓	✓	✓	✓
May involve juvenile justice department								
Good behaviour bond	✓	✓	✓	✓	-	-	✓	✓
Bail/pre-sentence support and supervision	✓	✓	✓	✓	✓	-	✓	✓
Conferencing	✓	-	✓	✓		✓	✓	✓
Community-based supervision (probation)	✓	✓	✓	✓	✓	✓	✓	✓
Community service	✓	✓	✓	✓	✓	✓	✓	✓
Suspended detention	✓	-	✓	✓	✓	✓	✓	-
Home detention	-	-	-	-	✓*	-	✓	-
Custodial remand	✓	✓	✓	✓	✓	✓	✓	✓
Detention	✓	✓	✓	✓	✓	✓	✓	✓
Supervised release from detention	✓	✓	✓	✓	✓	✓	✓	-

Note: Shaded cells indicate items that are within NMDS scope and for which data are collected in the NMDS. Other ticked cells indicate juvenile justice outcomes and services that the states and territories offer, but which are outside the scope of the NMDS. * Indicates items which are within NMDS scope but for which data are unavailable for the NMDS.

Source: Australian Institute of Health and Welfare (2007) Juvenile justice in Australia 2005-06, Canberra: Australian Institute of Health and Welfare

Rehabilitation in Corrections

The adult prison population in Australia is increasing. Data from the Australian Bureau of Statistics – 2006 Prisoners in Australia (Trewin, 2006b), show an increase of 42% from 18,193 in 1996 to 25,790 in 2006. According to the Australian Institute of Criminology (2007a), 60% of prisoners in 2006 were known to be in prison previously. The median age of prisoners is 33, with most prisoners (70%) aged between 20-39 years.

According to the 2006 Prisoners in Australia (Trewin, 2006b), of those sentenced for illicit drug offences in 2006, 5% were sentenced to fewer than 12 months, 12% to between two and five years and 14% between five and ten years. The New South Wales Justice Health Service (2005) reports that about 80% of people in custody have committed drug related crimes. By comparison with the other purposes of prison such as acting as a deterrent to further offending or as punishment, the capacity of corrections to effect rehabilitation is very dependent on the lengths of prison sentences and the rehabilitation programs available to them.

Black, Dolan and Wodak (2004) undertook a study of supply, demand and reduction strategies in Australian prisons. The authors commented on the absence of information about the effectiveness of some strategies, the long term consequences of these strategies in terms of benefits and adverse consequences, and their costs. The study found, for example, that supply reduction strategies which include drug detection dogs and urinalysis are yet to be evaluated in terms of overall benefits, value and cost. The study identified favourable outcomes for some demand reduction strategies including detoxification, methadone treatment, inmate programs and counselling, and drug-free units but found that the availability of these services was insufficient. There was also evidence of insufficient implementation of relatively inexpensive harm reduction strategies such as education, peer education, blood-borne viral infection (BBVI) testing, hepatitis B vaccination, condom provision, bleach/detergent provision, naloxone provision and needle and syringe programs despite favourable evaluations and their relatively low cost of implementation.

In 2006, a draft National Corrections Drug Strategy 2006-2009 was developed to complement the National Drug Strategy. It identified six principles for consideration by jurisdictions. These include:

- Achieve an appropriate balance between the priority areas of supply reduction, demand reduction and harm reduction;
- Provide services to a level equal to those provided in the wider community;
- Support the specific needs of Indigenous people;
- Use evidence based good practice examples;
- Establish partnerships across relevant agencies and support organisations; and
- Provide a continuity of care throughout the period of sentencing and beyond.

6.8 Multilateral approaches

In recent years, a focus on policing the supply of precursor chemicals has shifted towards a pluralised approach, whereby the responsibility for chemical diversion is dispersed among many different agencies and community groups (McKetin et al., 2005). Support for partnerships was expressed in the consultations, with a view that states and territories are developing good linkages, and effective strategic and operational initiatives. The National Precursor Working Group was seen as an important body for legislation and strategic planning involving precursors, pill presses and other apparatus, and the application of the model criminal code. Project Stop was recognised as a good example of how coordinating policy across the country and in consultation with the pharmaceutical industry can effect change.

In most discussions at consultations on best practice for ATS precursor diversion, it was noted that there are limitations to intervening on ATS proliferation via precursor strategies alone. Given the resourcefulness of organised crime groups, some research has argued that the effects of interrupting the supply of precursors (such as an escalation of street price, a reduction in violent crime and drug arrests) were only temporary and lacked any lasting deterrence (Cunningham & Liu, 2005).

A key focus of reducing supply is that of the cross-section between criminalising illicit precursors, and regulating the legitimate market of drugs and equipment in which precursors are found (Cherney et al., 2005). This double supply side presents a unique challenge to law enforcement. Increasingly, criminal markets have turned to other outlets, whereby legal drugs and equipment are obtained through pharmacies and other outlets (such as 'pseudo runs') (McKetin et al., 2005). There has been a focus on enhancing industry partnership approaches to respond to the threat of precursor chemicals. Such partnerships yield several benefits and advantages in the pursuit of the control of licit and illicit ATS precursor chemicals, including:

- The ongoing monitoring and supervision of licit chemical sales, frees police and law enforcement to undertake investigations into larger illicit operations and known 'pseudo-runners';
- Police resources can be better targeted to known problem areas, with less time taken to having a street-level presence;
- A more streamlined approach across the private sector (from supermarkets, to pharmacies, to production plants) can be maintained with set industry standards which has legislative backing; and
- Partnerships with local companies and those in the industry are better fostered and involved in the process of regulating precursor chemicals and can also assist in the investigation and prosecution of illicit precursor trade (Ministerial Council on Drug Strategy Joint Communiqué 2007).

National activities have been enhanced with new funding for a range of law enforcement responses to ATS (see Table 6.7). Key initiatives include:

- The ACC's Response to the Production and Distribution of Amphetamines and Other

Synthetic Drugs measure will improve illicit drugs information and intelligence, and investigate organised crime drug distribution networks and methodologies to assist in mitigating the risk of emerging illicit drug trends;

- The ACC's National Illicit Drug Strategy: Enhanced Technical Capability (Additional Funding) measure will enhance capacity for telecommunication and data interception capacity, which will assist the targeting and disruption of serious and organised criminal groups and individuals involved in the manufacture, importation and distribution of illicit drugs;
- The AFP's Amphetamine-Type Stimulants Enhanced Investigative Capacity measure will enhance the Australian Federal Police's capacity to pursue amphetamine-type stimulants investigation work by establishing a team with the skills, training, capacity and equipment to be rapidly deployed anywhere in Australia or the Asia Pacific region at short notice to investigate significant amphetamine-type stimulant-related offences;
- The AFP's Expansion of the International Liaison Officer Network measure will increase the flow of criminal intelligence and the number of joint operations with foreign police agencies concerning the production and trafficking of amphetamine-type stimulants;
- Customs' Expansion of Reference Spectral Libraries, Upgrade of Spectroscopic Detection Fleet, and Installation of Portable Fumehoods at Container Examination Facilities measure will enhance detection of methamphetamine, other synthetic drugs and their precursors at the Australian border; and
- The Australian Institute of Criminology's DUMA Expansion measure will add two new sites to collect data from police detainees in Melbourne and Darwin to further improve the Government's evidence base and understanding of ATS markets, offenders' use and treatment needs.

State and Territories have also implemented a range of initiatives; some examples are shown in Table 6.7.

Many of the initiatives identified above address some of the concerns raised during the consultations about the capacity of law enforcement agencies to deal with issues of supply and distribution effectively using proactive and reactive law enforcement strategies. The consultations also emphasised the need for State and Territory law enforcement agencies to know which strategies (or combination of strategies), are likely to be most effective in reducing supply and distribution.

The \$18.8 million anti-drug strategy announced by the Premier of New South Wales (NSW) in March 2001 is one of a number of examples of Australian State and Territory jurisdictions tackling drugs and drug related crime that go beyond interdiction and precursor controls at a national level. The strategy was a whole-of- government response incorporating proactive and reactive interventions through legislative change, targeted street and frontline policing and other initiatives around prevention, intervention, enforcement and treatment. Although other areas of the state received funding from the strategy, Cabramatta, within the NSW police statistical division of Fairfield-Liverpool, was the focus for the main thrusts of the strategy.

Table 6.7: Examples of State and Territory law enforcement initiatives

NSW
<p>The NSW Government's dedicated Drug Budget for 2003/04-2006/07 includes specific funding for the Bureau of Crime Statistics and Research to conduct special research into drug crime trends including those emerging such as crystal methamphetamine and methamphetamines.</p> <p>Illicit Drug Monitoring Group – an expert group established to monitor and advise the NSW Government on emerging drug trends.</p>
South Australia
<p>Designer Drug Early Warning System (D2EWS) - The system monitors the incidence and clinical effects of intoxicating substances at Royal Adelaide Hospital Emergency Departments. The primary objective of the D2EWS is to determine the range of drug use patterns that result in admission to Emergency Departments. The initiative is used to inform operational police of local illicit drug trends and will enable the development and implementation of timely prevention and intervention strategies in line with the changing picture of substance misuse that have potentially fatal consequences. This is a collaborative project between the Royal Adelaide Hospital Emergency Department, the Drug and Alcohol Service of South Australia and Forensic Science South Australia.</p> <p>In 2005, DUMA's Amphetamine Bulletin was disseminated across Adelaide POL and government. The Bulletin highlighted the prevalence of methamphetamine use amongst detainees in the two South Australian DUMA sites. DUMA information is also used for policy development.</p>
QLD
<p>The joint Crime and Misconduct Commission and Queensland Health Amphetamines in Queensland Research Project is being replicated. The first research study was undertaken in 2002. The study details findings about amphetamine users and their health problems and will guide the development and delivery of Queensland Health programs.</p>
NT
<p>The Northern Territory Police facilitated the Drug Use Monitoring Australia (DUMA) data collection conducted by the Australian Institute of Criminology during 2006. The Data will be used to assist in policy development and a possible change in legislation to reschedule amphetamines.</p>
Tasmania
<p>Tasmania Police has established partnerships with transport operators to raise awareness, detect and disrupt the importation of precursors and controlled drugs into Tasmania.</p>

Source: Ministerial Council on Drug Strategy Joint Communiqué 16th May 2007 'NATIONAL LEADERSHIP FORUM ON ICE – COMPENDIUM OF JURISDICTIONAL ACHIEVEMENTS' <http://www.nationaldrugstrategy.gov.au/internet/drugstrategy/publishing.nsf/Content/mcdis-16may07-communicue>

Frontline reactive strategies concurrent with the development of inter-agency partnerships and legislative change included the establishment of strike forces to tackle gang crime; boosting police numbers to increase detection and the visible presence of police on the streets; coordinating frontline intelligence; improving recruitment strategies and training opportunities; strengthening information technology, including data base capacity and activities; and implementing initiatives to strengthen relationships with community groups and young people. Early reports were encouraging. According to the NSW Bureau of Crime Statistics and Research (Chilvers et al., 2002), there was a reduction in the following crimes thought to be drug related in Cabramatta between January 2000 and December 2001:

- Motor vehicle theft decreased by 37%;

- Stealing from motor vehicle decreased by 24.8%;
- Robbery with a weapon other than a firearm decreased by 7.1%;
- Robbery without a weapon decreased by 4.9%; and,
- Weapons offences in general decreased by 19.2%.

Data from the NSW Recorded Crime Statistics for the years 2000-2006 in narcotics and cocaine possession/use and dealing/trafficking, and over the period 2002-2006 for amphetamine and MDMA possession/use and dealing/trafficking within fourteen Sydney NSW police statistical divisions, identify considerable variations across these divisions in terms of history of drug use and prevalence. However, trends and patterns emerging for the Fairfield-Liverpool statistical divisions in which Cabramatta is located, suggest in the absence of other evidence, that the interventions of the anti-drug strategy influenced patterns and trends in supply, distribution and use with regard to narcotics, cocaine and MDMA. The success of the interventions over time is less evident with regard to criminal incidents recorded for amphetamine.

International collaborations

The AFP has an extensive network of out-posted AFP Liaison Officers in 28 countries and collaborates with international partners through a range of mechanisms. This includes the activities of the Law Enforcement Co-operation Program (LECP), which focuses on building partnerships with overseas law enforcement agencies and the provision of precursor and clandestine laboratory investigative assistance to international police agencies. The AFP has also signed Memoranda of Understanding (MoUs) on Combating Transnational Crime and Enhancing Cooperation with various international law enforcement agencies.

Australian Customs uses its network of international representatives to progress policy and operational initiatives in relation to ATS and their precursors. Australia has bilateral agreements with a number of overseas Customs administrations to enhance the exchange of information related to Customs activities including ATS-related matters. Customs provided illicit drug and explosive precursor detection and handling training to Indonesia Customs in 2005 and other law enforcement agencies in Malaysia and Philippines during 2006.

Project PRISM is an international project aimed at preventing the diversion of chemical precursors used in the manufacture of ATS. The International Narcotics Control Board of the United Nations coordinates the project and Customs is the central national authority for Australia's participation. Customs is also a member of the Project PRISM Task Force, the governing body of the Project. In this capacity, Customs acts as the regional focal point for Oceania.

The South Pacific Precursor Control Forum (SPPCF) was initiated by Australia in 2007. It aims to contribute to preventing the manufacture of ATS and the diversion of precursor chemicals into illicit drug manufacture in the Pacific region. An agreement was reached between members to examine their existing precursor regulations as well as investigate their capacity for information sharing, forensic capability, technical assistance, public awareness and education. In the long term, it was agreed that the SPPCF should develop

a Regional Strategic Plan to respond to ATS and precursor control. The Asian Collaborative Group on Local Precursor Control (ACoG) was established in 2006. It aims to complement existing law enforcement initiatives in the region by focusing on best practice regulatory, administrative and legislative policies to prevent precursor diversion within national borders.

6.9 Priorities in law enforcement

The issues of law enforcement form a substantive part of this background paper as they are fundamental to the principal aspects of ATS management in reducing supply, reducing demand, and minimising and ameliorating harmful effects. Major themes emerging from the consultations and submissions concerned legislation (Commonwealth, State and Territories), policy and policy implementation, and operational procedures as they apply to the day-to-day routine activities of law enforcement officers. The evidence of the information gathering process suggested a need for an inter-jurisdictional and coordinated response in these matters. There is also a need to ensure community understanding about the type of responses adopted by law enforcement in targeting ATS.

The role of law enforcement has traditionally been viewed as reducing the supply of illicit drugs. Though supply reduction remains the principal focus for law enforcement, these agencies also play an important role in the development and delivery of demand and harm reduction strategies. As confirmed during the consultations, police have increasingly become involved in early intervention programs through the referral of illicit drug users to health and welfare agencies under the Illicit Drug Diversion Initiative. They have also moved towards the implementation of non-criminal justice related outcomes for minor drug offenders.

In 2007, Australian law enforcement agencies developed a national policy framework to assist in promoting a coordinated and integrated response to the harms and challenges presented by ATS. The resulting strategy represents a holistic law enforcement approach to ATS, emphasising, for example, the important role played by law enforcement officers in supporting the development and delivery of education programs, dealing with drug affected individuals, and facilitating the entry of drug users into treatment plans and diversion schemes. The aim of the strategy is to improve social, economic and health outcomes by preventing the production, consumption and trafficking of ATS, and reducing the harmful effects of ATS on the Australian community. The strategy aims to realise three outcomes:

- Reduced availability of ATS in Australia;
- Reduced demand for ATS in Australia; and
- Reduced impact of ATS on individuals, families, and communities.

Throughout the consultations with law enforcement agencies, strong support was given to the framework. As a result, the framework was wholly adopted in this background paper which is consistent with the Ministerial Council on Drug Strategy (MCDS) decision in 2006. The priority areas identified in the Law Enforcement Component of the National ATS Strategy 2006-2009 as approved by the MCDS are as follows.

Priority Area 1: Community Understanding of ATS manner of manufacture and

criminal offences

There continue to be community misconceptions about the use of ATS. The use of terms such as ‘party drugs,’ ‘recreational drugs’ and ecstasy provides an implicit message of fun, pleasure and, in the case of ‘ice,’ purity of methamphetamine. There is a lack of awareness of the true manner in which ATS is manufactured and the significant harms that may arise from the manufacturing process and use of ATS.

The community’s perception of the criminality of possession, use and trafficking in ATS needs to be enhanced. There is also a need to ensure the community understands the type of responses being adopted by law enforcement in response to the threat of ATS – including the use of diversion from the criminal justice system to treatment and education, controls on precursor chemicals and equipment, successes in seizing drugs and proceeds of crime.

The objective of this priority area is to increase awareness among the Australian public about ATS, its manner of production, its harms and the enforcement of its illegal status. Recommended activities are:

- i. In partnership with other sectors of Federal, State, Territory and local Government, the non-government sector, the media and the community, support the development and delivery of public awareness campaigns. The content of campaigns should include:
 - the physical, psychological and social harms of ATS use;
 - the nature of ATS manufacture, including clandestine drug laboratories;
 - the types of substances often found in illicit drugs and the conditions under which they are produced;
 - the criminal penalties for ATS possession, use and trafficking; the availability and success of treatment options, and;
 - law enforcement approaches to ATS, including how the community can assist in the achievement of law enforcement successes, such as through involvement in community cooperation programs; and
- ii. Consider the appropriateness of a nationally consistent policy among Australian police about how to report on ATS seizures and other law enforcement successes.

In addition, recommendations from the consultations suggest a need to ensure that media reports reflect the realities of supply, demand and harmful effects of ATS. They also suggest the importance of law enforcement agencies publicising their achievements.

Priority Area 2: Preventing the supply and use of ATS

The Strategy seeks to promote innovative and targeted responses to prevent the supply and use of ATS in the community. It focuses on promoting informed and intelligence-led law enforcement strategies and exploiting inter-jurisdictional and inter sectoral partnerships and synergies. Furthermore, the Strategy recognises that the breadth of supply reduction activities has a greater cumulative effect than simply reducing the availability of ATS in the community—there are a number of flow-on benefits, such as:

- reinforcing the message that illicit drug use is not condoned by the community;
- raising awareness amongst the community that use and manufacture of illicit drugs is illegal and carries significant penalties;
- increasing the likelihood of people seeking treatment;
- reducing the funds available for illicit drug purchase by prosecuting associated crime; and
- the deterrent effect of successful law enforcement operations involving commitment, cooperation and sophisticated capabilities, on those involved in illicit drug supply.

This Priority Area includes measures that seek to prevent or delay the onset of ATS use. Drug use is but one of a number of health outcomes that may share common determinants which can cluster in vulnerable individuals and population groups. Wide-ranging and broad-based interventions need to be considered to address drug problems in an integrated way across the whole community.

Prevention reflects the need to build community resilience and cohesion through broad based programs and activities. Such programs should focus on addressing identified social and structural determinants of community health and drug use, including risk and protective factors that affect individual probabilities of drug use. There is a need to consider a wider range of interventions that acknowledge and address the social origins of poor health and health risk behaviours at all levels – individual, family, community and across the population. As well as influencing drug use in the community, such interventions would positively influence education, employment, health and crime outcomes.

Law enforcement plays a significant role in the prevention of ATS use. Law enforcement agencies implement programs to reduce the amount of drugs in Australia and raise public awareness through involvement in community-based ATS education programs. The following objectives and related activities are recommended:

- i. Disrupt and dismantle the production and trafficking of ATS into and within Australia through the following activities:
 - Continue intelligence-led law enforcement activities to disrupt criminal activity, including dismantling organised crime syndicates engaged in ATS related activities, with particular emphasis on facilitators, importers, manufacturers, distributors and ‘cooks’;
 - Review the effectiveness and efficiency of the current proceeds of crime arrangements nationally from a law enforcement perspective;

- Increase international collaboration with overseas agencies to identify and respond to ATS manufacture and trafficking operations, emerging products, precursors and technologies of concern;
 - Increase State and Federal cooperation and collaboration among law enforcement on joint precursor, ATS and clandestine laboratory seizure operations;
 - Increased efforts to engage with overseas agencies to enhance local enforcement capacity in the control of key chemicals and equipment and operational responses;
 - Increased effort in the monitoring of the importation of key chemicals and equipment at the border from a regulatory and intelligence perspective;
 - Continue Australia's participation in international activities such as the International Narcotics Control Board's project PRISM, and enhance the impact within Oceania of Australia's commitment to reducing the diversion of ATS precursors into illicit manufacture in the region;
 - Investigate new technologies for detecting ATS and their precursors at the border;
 - Investigate internet facilitation of ATS and their precursors, and increased investigations targeting online sites;
 - Continued support of State and Territory Chemical Diversion Desks or similar;
 - Continue close monitoring of domestic diversion of key chemicals and equipment; and
 - Continue State and Territory led investigations and activities to detect and dismantle clan labs within Australia.
- ii. Prevent the illicit supply of precursor chemicals and equipment through the following activities:
- Continued support for the activities of the National Working Group on Preventing the Diversion of Precursor Chemicals. This will include development and implementation of the National Clandestine Laboratory Database; identifying and responding to emerging trends and threats in the diversion of chemicals and equipment and ATS manufacture; assessing the continued adequacy of controls on precursor chemicals and related equipment used in the manufacture of ATS, with a view to developing more effective controls; development of a national regulatory approach to the control of essential precursor chemicals and equipment which draws on the National Code of Practice; development of awareness raising activities for the community, industry and government of the risks and signs of ATS manufacture and the diversion of chemicals and equipment; devising a national regulatory framework; supporting the development and delivery of law enforcement training initiatives, such as extending the Customs Precursor Training Program to law enforcement agencies; enhancement to information and intelligence databases for law enforcement, such as the National Industrial Chemicals Notification and Assessment Scheme;

- Support the national roll-out of Project STOP to provide pharmacists, law enforcement and health agencies with information on the purchase of pseudoephedrine based medicines; and
 - Support industry development of alternative products to pseudoephedrine which are not susceptible to diversion to ATS manufacture.
- iii. Improve intelligence and information-sharing capabilities of Australian law enforcement agencies and related sectors through the following activities:
- Continue to improve and increase intelligence-led law enforcement practices, with particular emphasis on the use of the ACC's Australian Criminal Intelligence Database and the National Clandestine Laboratory Database. This will involve ensuring the timely provision of ATS related information and intelligence between jurisdictions; ensuring timely release and widest appropriate distribution of intelligence products; continuation of national forums which bring together investigators and intelligence experts from all jurisdictions;
 - Continued support for, and networking of Chemical Diversion Desks in each jurisdiction, including the coordination and exchange of information and intelligence;
 - Enhance existing intelligence arrangements for law enforcement to access corrective services intelligence, and prisoner information on ATS production and trafficking on a national basis, including visitation programs;
 - Continued use of ACC coercive powers and dissemination of intelligence on a national basis;
 - Continued support for the operation of the National Chemical Diversion Congress;
 - Continued support for the further development and refinement of the ATS Signature Program under AIDIP and improve exchange of timely and quality information between law enforcement and forensic officers on seized chemicals and substances; and
 - Develop awareness campaigns to improve provision of information to community, industry and other government sectors, by highlighting risks and dangers associated with ATS manufacture, including increased risks to children, the environment and emergency responders; signs of illicit activity and importance of community, industry and local government assistance to police; law enforcement responses and successes in the detection and prosecution of ATS offences; and the seriousness of ATS-related offences, including their impact on the community and the range of penalties available for ATS offences.
- iv. Adequate laws are in place to respond to ATS related activities. This includes:
- Ensuring national legislation is implemented in respect to remediation of clandestine drug laboratory sites;

- Ensuring offence and penalty provisions remain appropriate in light of emerging ATS trends and threats, including appropriate coverage of possession and use of precursor chemicals and equipment for the purpose of manufacturing ATS; exposure of children to clandestine laboratories; use of children for trafficking ATS; and sale of ATS to children;
 - Review the regulations surrounding the sale of devices used for ATS consumption;
 - Support the work of the National Scheduling Committee; and
 - Ensure law enforcement has appropriate powers to respond to the ongoing and evolving ATS threat.
- v. Stronger focus on the need to strengthen community resilience and resistance to ATS manufacture, use and its harms:
- In partnership with other sectors of government and the community, support the development and, where appropriate, the delivery of community prevention/intervention measures that acknowledge and address origins of poor health and risk health behaviours at all levels (individual, family, community and across the population). This includes neighbourhood building/community regeneration strategies and projects; crime prevention through environmental design projects; school-based drug education and social influence programs; at-risk youth, early intervention and mentoring programs; and parenting skills programs;
 - Ensure, wherever possible, that law enforcement policies, programs and activities effectively link with health, education and other government policies and programs;
 - Ensure partnership with correctional and juvenile justice authorities and other sectors of government and the community, support the development and delivery of education programs for prisoners and juvenile detainees about the dangers and risks of ATS use and programs that build resilience and life skills/opportunities; and
 - Ensure police and corrective services are aware of particular prevention/early intervention programs available to local communities and individuals and that, wherever possible, appropriate linkages and protocols are in place to facilitate referral to relevant agencies.

Priority Area 3: Preventing harms associated with ATS

Law enforcement agencies are continuing to play a greater role in the implementation of harm reduction initiatives. This may take the form of providing access to drug diversion programs for minor offenders, drug driving responses, and responding to violence and property offences which arise from the use of ATS. The priority area promotes responses consistent with the role of police as first responders to the results of ATS use, trafficking and manufacture on individuals and the community. Within this there is a need to prevent adverse health impacts of clandestine laboratories both to first responders and the community. The following objectives and related activities are recommended:

- i. Support for the use of the Illicit Drug Diversion Initiative (IDDI):
 - Support a review of the effectiveness of the IDDI in terms of the criteria adopted for participation, the availability of treatment and education responses, the participation rate and outcomes for participants;
 - Ensure adequate training of police in the use and benefits of the IDDI;
 - Support a review of the level of integration of IDDI with existing drug and alcohol programs; and
 - Educate offenders and the community about the benefits of IDDI.
- ii. Reduce personal and social disruption leading to an increased quality of life, reduced loss of life, reduced loss of productivity and other economic costs associated with ATS use:
 - Train police and other emergency responders to deal with individuals exhibiting violent and erratic behaviour—who may be affected by ATS—in a way that limits harm to themselves and others;
 - As appropriate, establish effective mechanisms to enable the dissemination of information about emerging ATS issues and associated risks;
 - Continued evaluation of drug driving initiatives with a view to national adoption; and
 - Ensure training for law enforcement officers is adequate to safely identify and handle precursor chemicals and ATS.
- iii. Improve the national response to seized clandestine laboratories to prevent harms:
 - Implement as appropriate, the national guidelines to assist Jurisdictional responses to clandestine drug laboratories, and review as necessary;
 - Ensure training for law enforcement and other emergency responders is adequate to safely respond to ATS risks including entering and dismantling clandestine laboratories, identification and proper handling of precursor chemicals;
 - Provide input and leadership into the development a national framework for remediating clandestine laboratory sites; and
 - Establish effective collaborative linkages or protocols with child protection agencies for the provision of medical checks and care for children found at seized clandestine laboratories.

Priority Area 4: Responding to harms associated with ATS

Evidence continues to grow about the serious physical and mental harms associated with ATS consumption and manufacture. The availability of treatment services for users of illicit drugs is essential to meeting this challenge. While preventing the uptake of harmful drug use is vital, it is also essential to provide treatment services for people who experience drug-related problems or who are drug dependent.

Law enforcement agencies are playing an increasingly important role in the harm reduction and demand reduction strategic areas of the National Drug Strategy, including responding to drug users and drug affected individuals. Law enforcement agencies are in regular contact with at-risk individuals or individuals already suffering from drug related harms. Consequently, law enforcement is able to aid the diversion of individuals to timely and appropriate treatment plans and/or early education programs. The following objectives and related activities are recommended:

- i. Improve understanding among law enforcement personnel about interventions, treatments and support for ATS users:
 - Ensure training for law enforcement officers is adequate to assist with awareness of benefits and availability of referral to treatment, education or early intervention for individuals with ATS related problems, including mental health and drug comorbidity; police officers ability to able to deal with people exhibiting violent and erratic behaviour, which may result from ATS intoxication; and
 - Ensure effective coordination arrangements exist between law enforcement and health, mental health, and social welfare agencies.
- ii. Improve access for ATS users to high-quality treatment services:
 - Support the accelerated implementation provision of effective broad ranging treatment options for dependent users of ATS.

6.10 Summary

It has been estimated that Australia expends between \$1.3 and \$2 billion annually on drug law enforcement activity (Hemel & Willis, 2007). This chapter has provided an overview of policy and strategies which go far beyond interdicting and disrupting supply or noting the number of drug seizure and arrest as measures of successful interventions. The model of law enforcement tackling illicit drugs reflected in this chapter is multi-layered increasingly incorporating proactive and partnership interventions. Relationships between international agencies, the Commonwealth, States and Territories and between policing, the criminal justice system, human services, corrections and health are increasingly cooperative and collaborative. These interventions include international provisions and domestic legislative responses acknowledging the drug trade as a borderless activity in preventing supply, responses to crime through diversion and juvenile justice services, collaboration with the community through awareness campaigns and engaging the cooperation of the pharmaceutical and transport industries.

The developing role of drug law enforcement requires a concomitant development in evaluating these interventions and measuring outcomes. A framework for measuring the effectiveness of the work performance of drug law enforcement agencies has recently been developed (Hemel & Willis, 2007). The framework recognises that such measures must move away from those traditionally used to consider the broader impacts of law enforcement work and identifies outcomes related to the principles of the National Drug Strategy, (many of which are referred to in this and other chapters), designed to reduce drug

crime and drug-related crime (measured by drug price, purity and availability, as well as measures concerned with drug trafficking practices). Other measures are those designed to reduce organised crime (measured by elements concerned with trafficking); those designed to improve public health (measured by trends in illicit drug-related deaths and morbidity and the health services underpinning these), and those designed to improve public amenity (measured by trends in community safety and wellbeing and incorporating measures of the initiative in the management of offenders) (Homel & Willis, 2007).