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# Cannabis, young people and the law

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**Australian Institute of Criminology**



# Overview of workshop presentation

- **young people in Australia**
- **youth justice in Australia**
- **cannabis and other drug use in the general juvenile population**
- **drug use and offending among juveniles in**
  - police custody
  - detention
- **responses to juvenile drug use and offending**
  - Australia's National Drug Strategy (and National Cannabis Strategy)
  - drug diversion



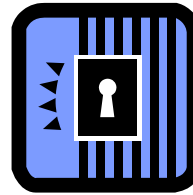
# Description of Australian juveniles

- **2,724,849 people aged 10-19 years in Australia**
  - represents about 11% of the total population
- **1,476,395 males aged 10-19 years of age**
- **1,397,068 females aged 10-19 years of age**
- **2,159,477 non-Indigenous juveniles aged 10-17 years**
- **106,056 Indigenous juveniles aged 10-17 years**
  - represents about 5% of the total juvenile population





# Overview of youth justice in Australia





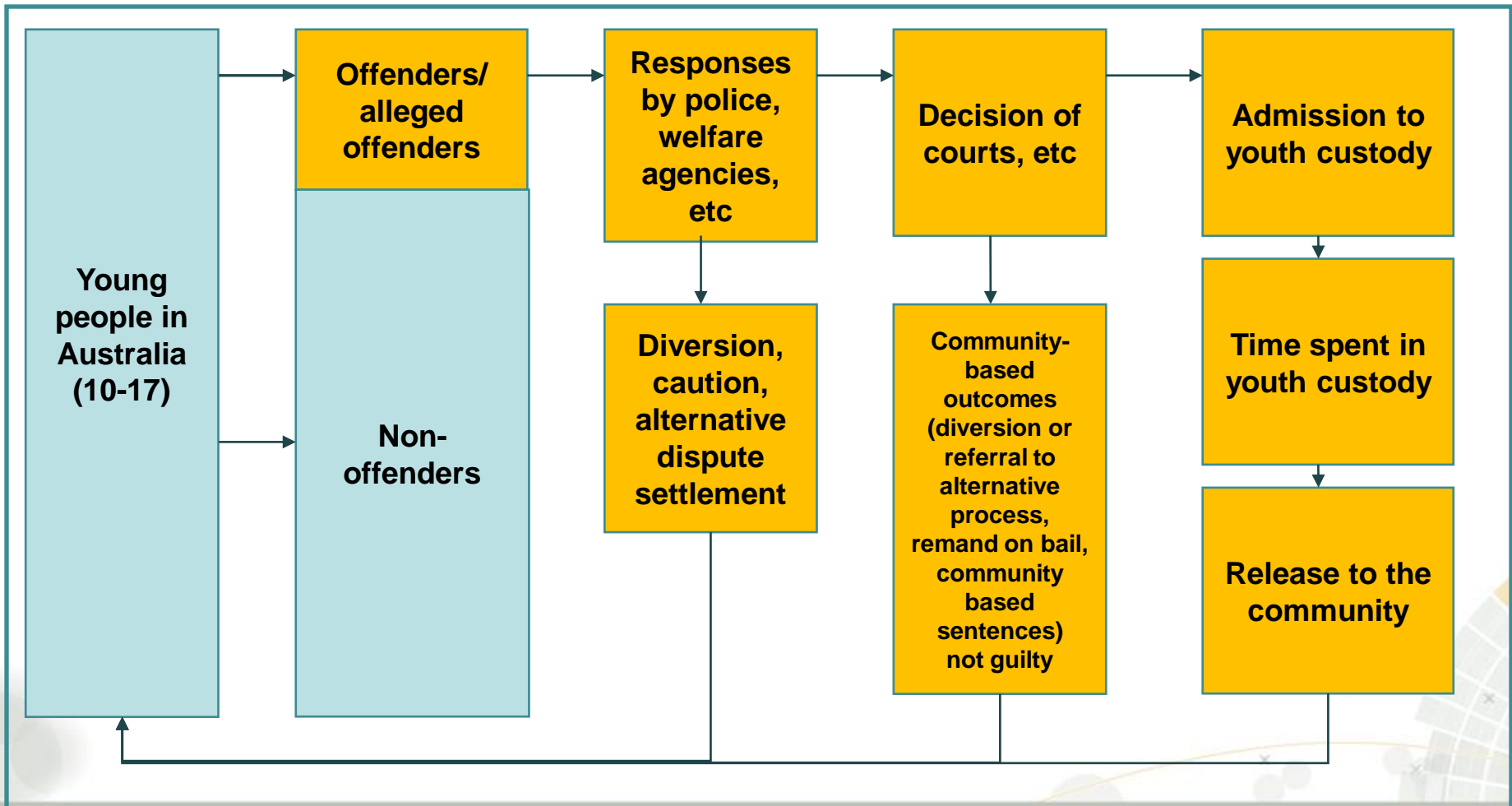
# The youth justice system in Australia



- each state/territory has its own legislation
- however, all identify the age of 10 as the minimum age a child has criminal responsibility
- the youth justice system involves the police, courts, juvenile justice departments, legal advocates, NGO's and young people and their families



# Schematic overview of youth justice





# Factors which may influence detention and/or supervision numbers

- **changes in youth population**
- **changes in definition of a juvenile**
- **changes in rates and types of offending**
- **changes in policy**
- **changes in how police deal with juvenile offenders**
  - cautioning
  - conferencing/diversion
  - court
- **changes in how courts sentence juvenile offenders**
  - type of sentence
  - length of sentence



## Children's Courts in Australia

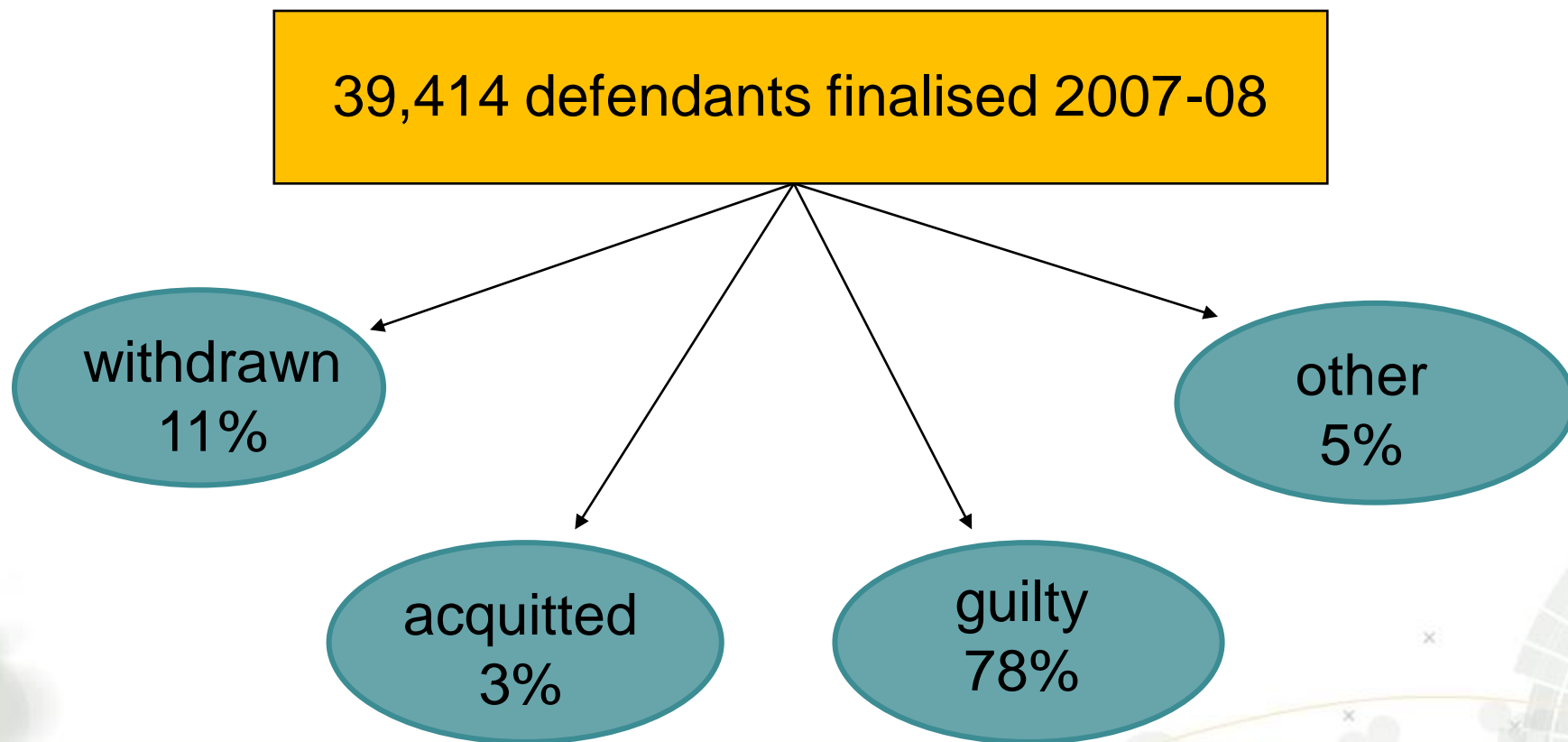


Children's Court of New South Wales



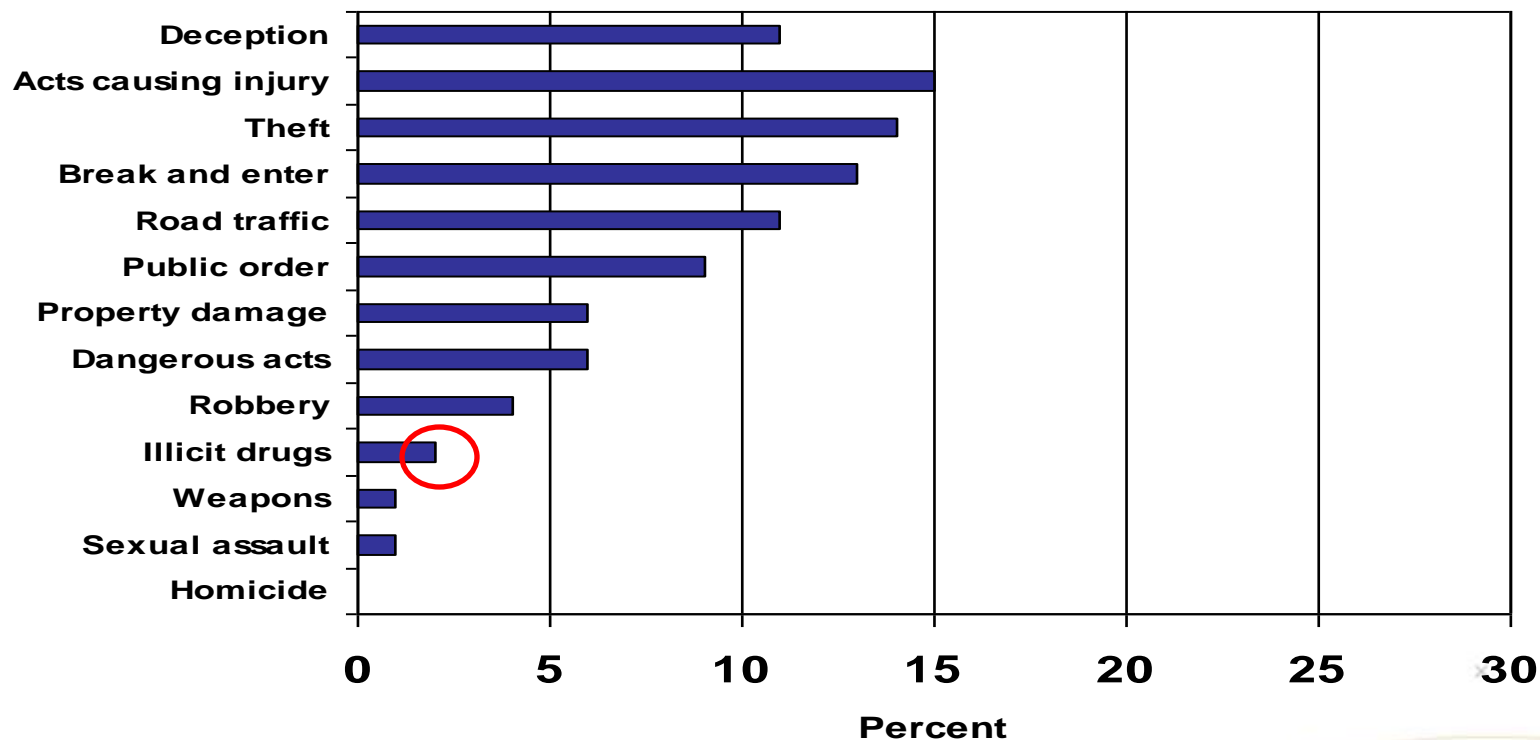


# Defendants finalised in Children's Courts, 2007-08



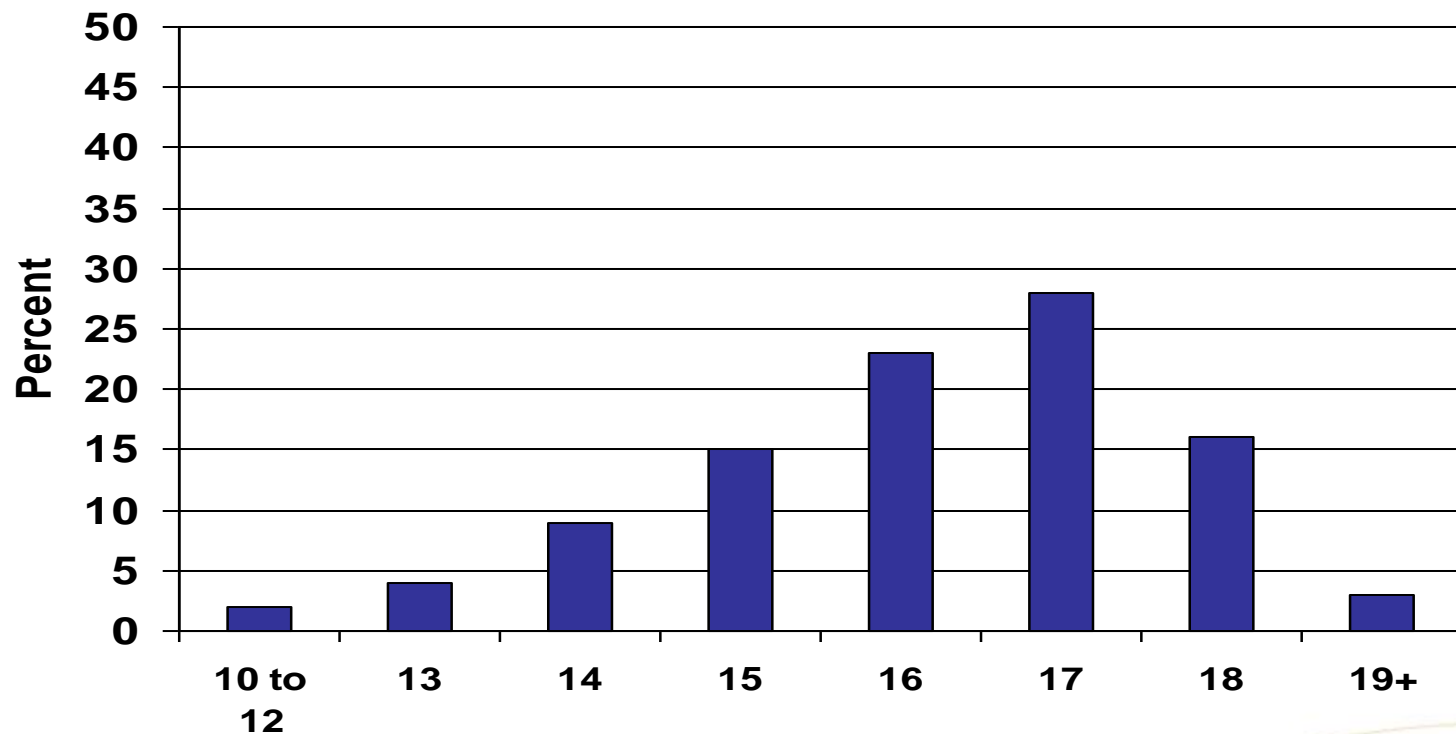


# Principal offence for defendants proven guilty, 2007-08



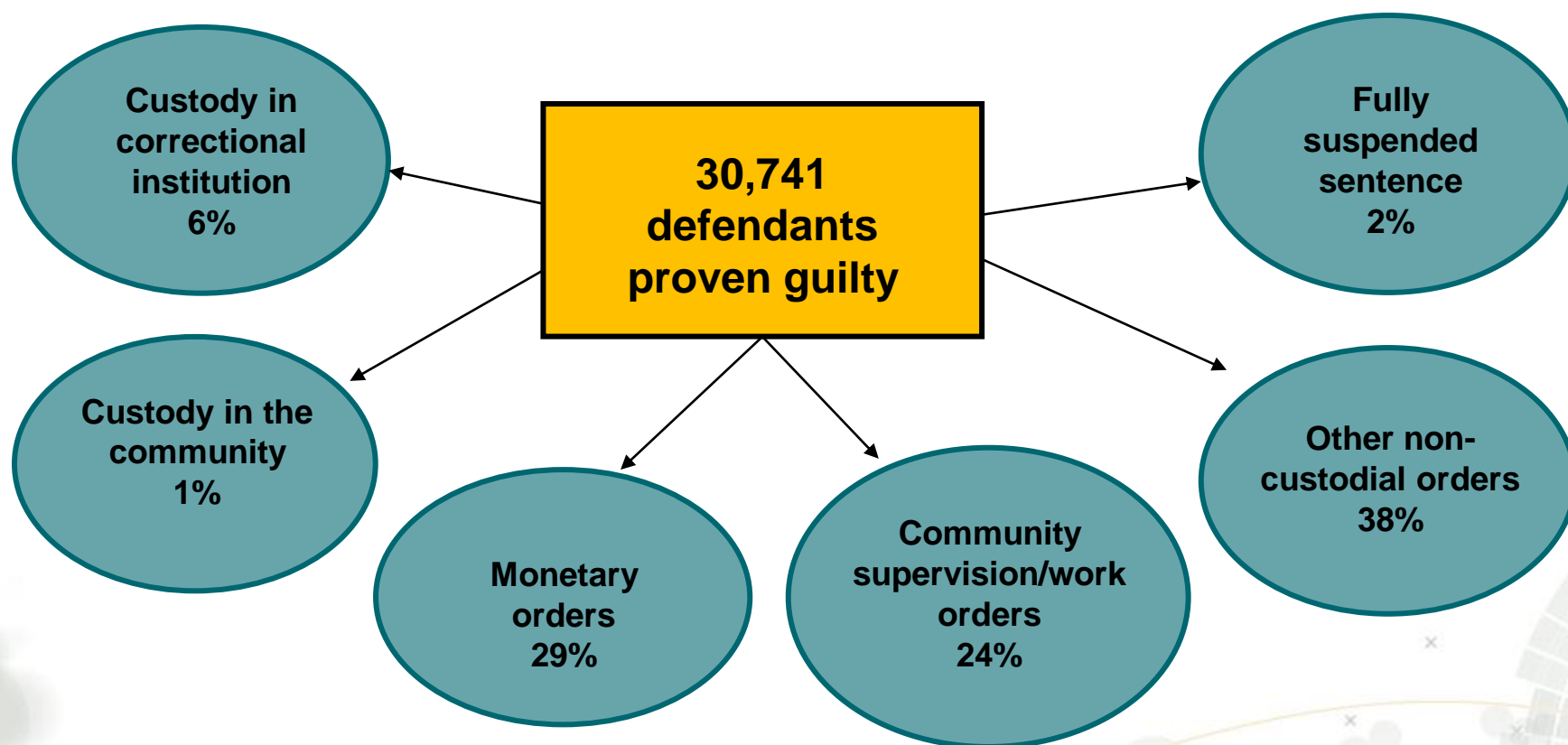


# Age breakdown of defendants proven guilty, 2007-08



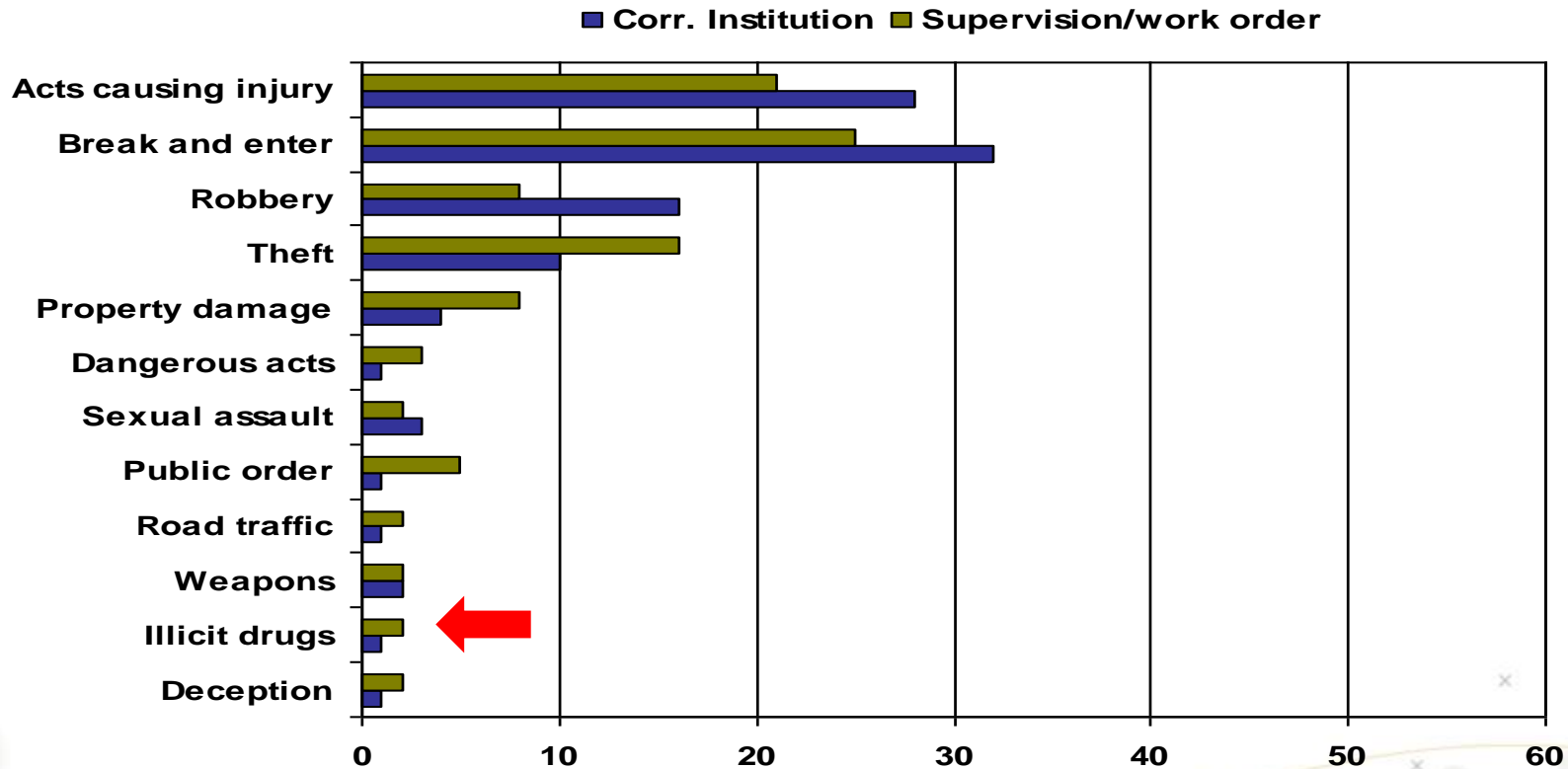


# Defendants proven guilty in Children's Courts 2007-08, by principal sentence



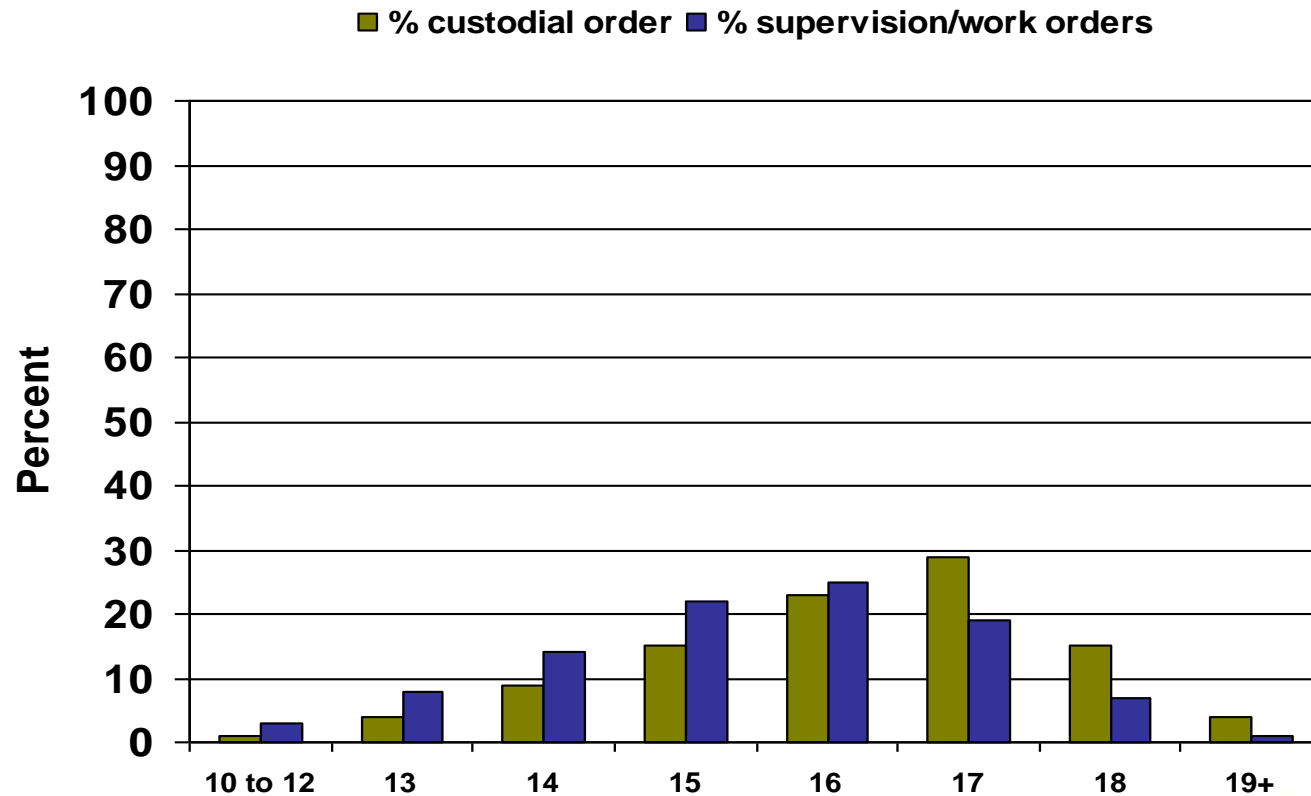


# Principal offence of those sentenced to correctional institution and community supervision / work orders, 2007-08 (%)



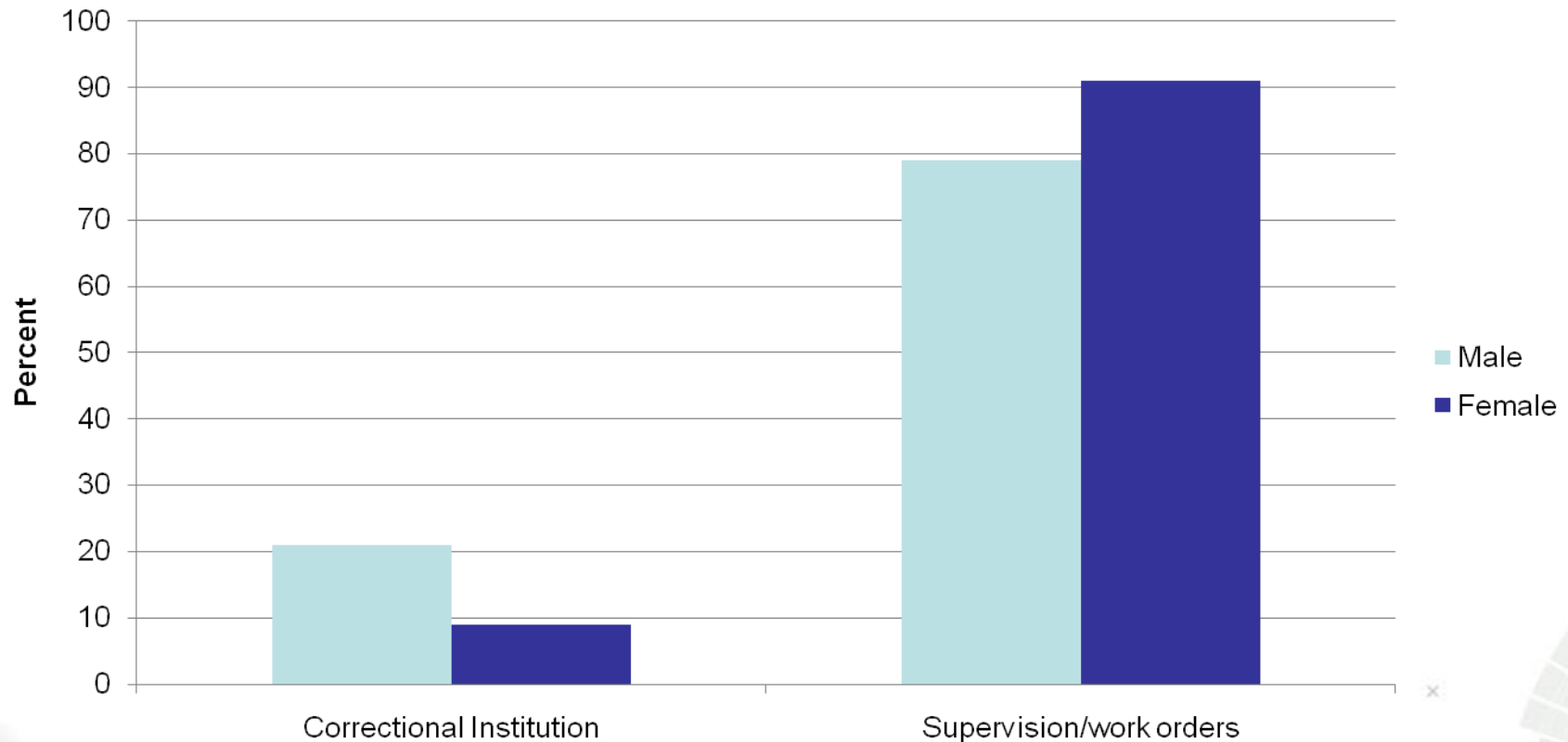


# Sentence type by age, 2007-08



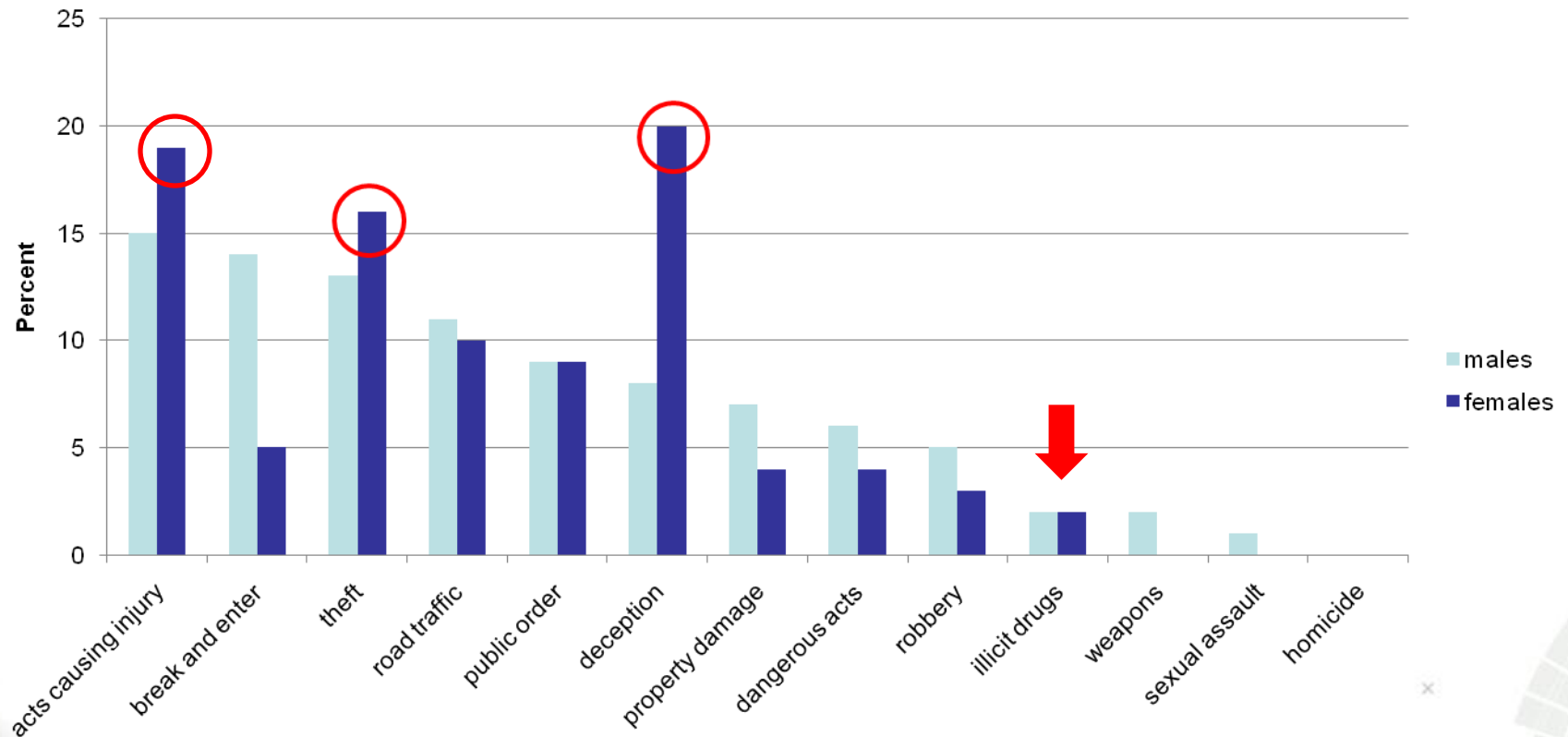


# Sentence type by gender, 2007-08





# Offence type by gender, 2007-08







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## Young people under juvenile justice supervision





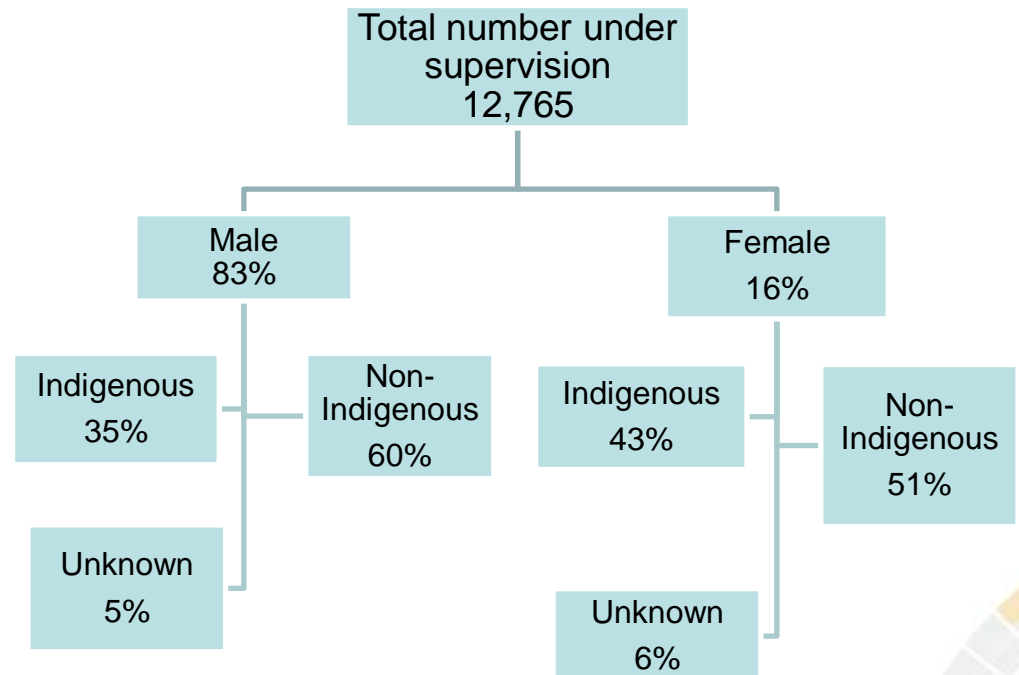
# Young people under supervision, 2006-07

## •12,765 young people under juvenile justice supervision at some time during 2006-07

- 6,000 under supervision on an average day

## •community-based supervision more common than detention

- 11,000 in community-based supervision in 2006–07 (around 5,000 in community-based supervision on an average day)
- 5,500 were detained at some time during 2006–07 (around 950 young people in detention on an average day)





# Young people under supervision, 2006-07

- **Most young people under juvenile justice supervision are male**
  - on an average day, 84% of those in community-based supervision were male and 92% those in detention were male
  - of those aged 10–17 years, males were five times more likely to have supervision at some time during 2006–07 than females
- **Aboriginal and Torres Strait Islander young people are over-represented**
  - 36% of young people who had supervision were ATSI<sup>x</sup>

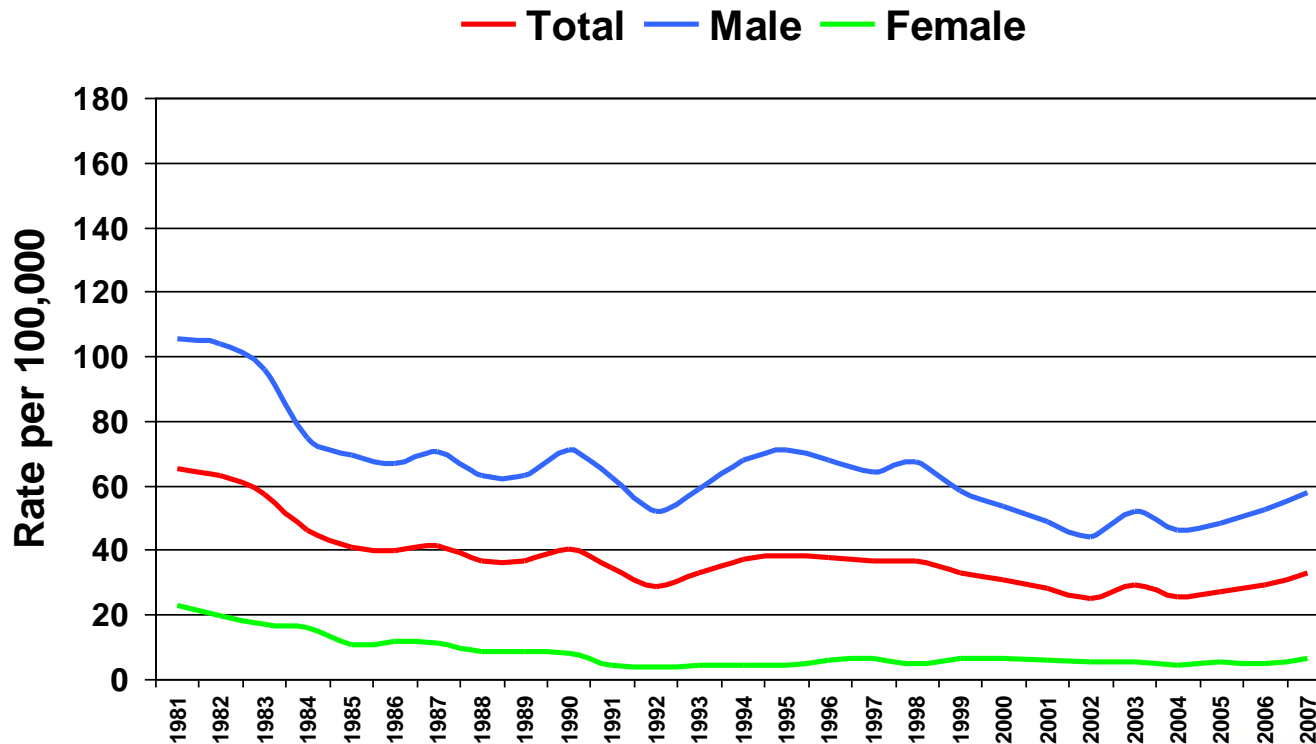


# Trends in young people in juvenile detention



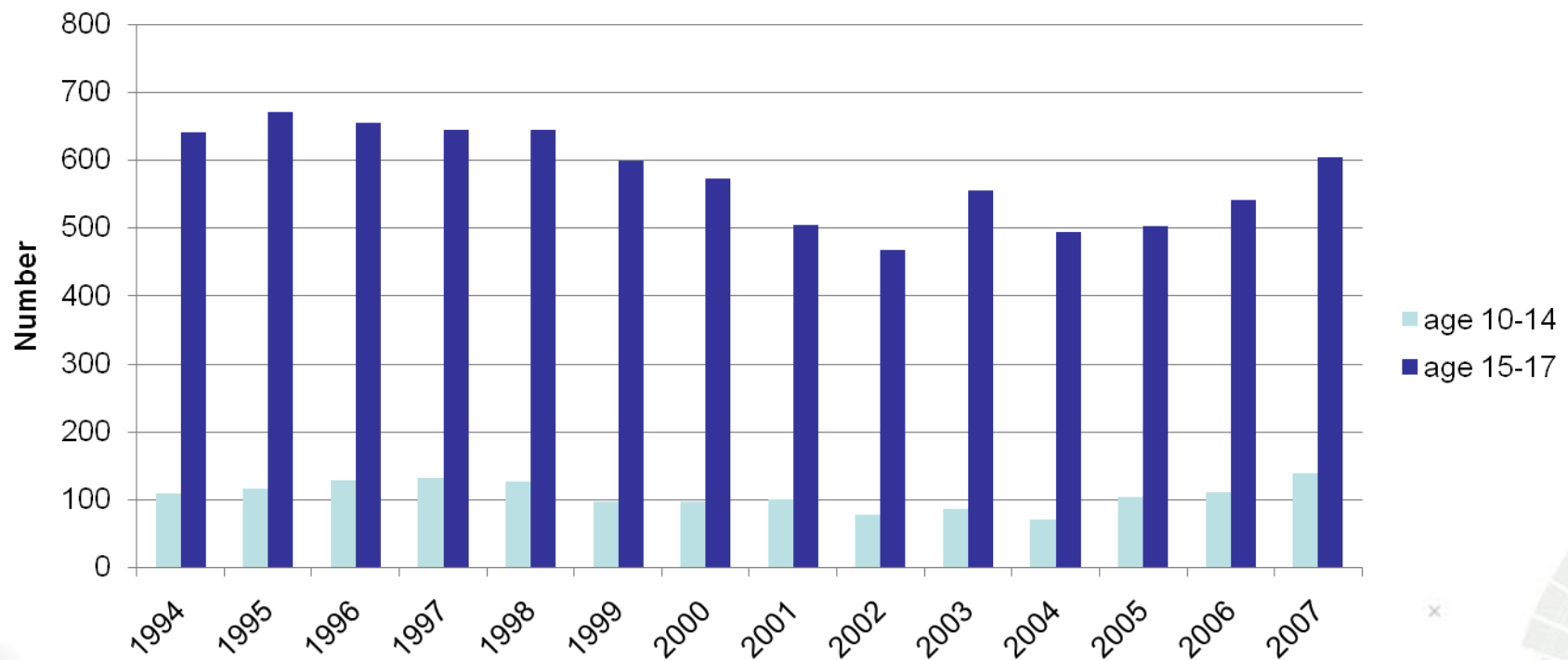


# Rate of juveniles (10-17 years) in Australian detention, 1981-2007 at 30 June



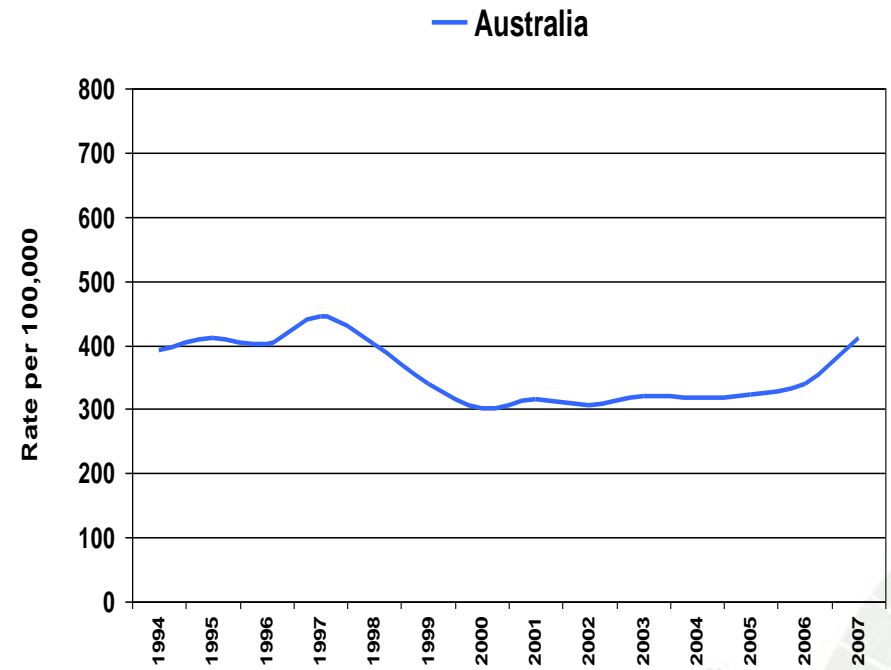
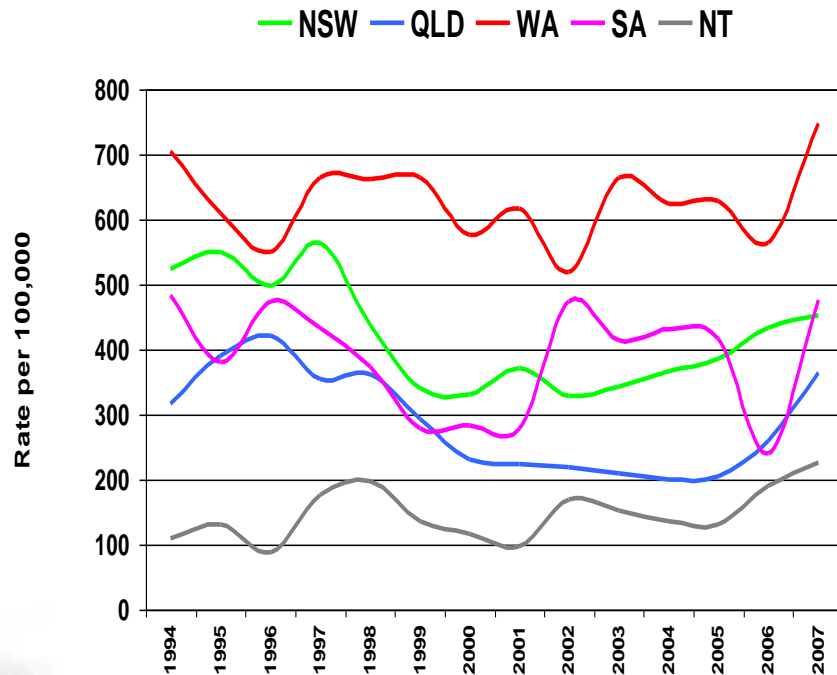


# Number of juveniles in detention 1994-2007, by age (10-14 years & 15-17 years)





# Rate of Indigenous juveniles in detention 1994-2007





# Cannabis and other drugs use in the general juvenile population







# Profile of juvenile cannabis use in the general population



- **1<sup>st</sup> choice illicit drug an adolescent will try**
- **most likely to be used on a regular basis**
- **most commonly used drug among 15-24 year olds (18%)**
- **30% of 16-17 year olds tried cannabis in their lifetime, and 25% indicated they had used cannabis in the past year**
- **juveniles from CALD backgrounds *less* likely to use cannabis**
- **Indigenous juveniles *more* likely to use cannabis on a daily basis**



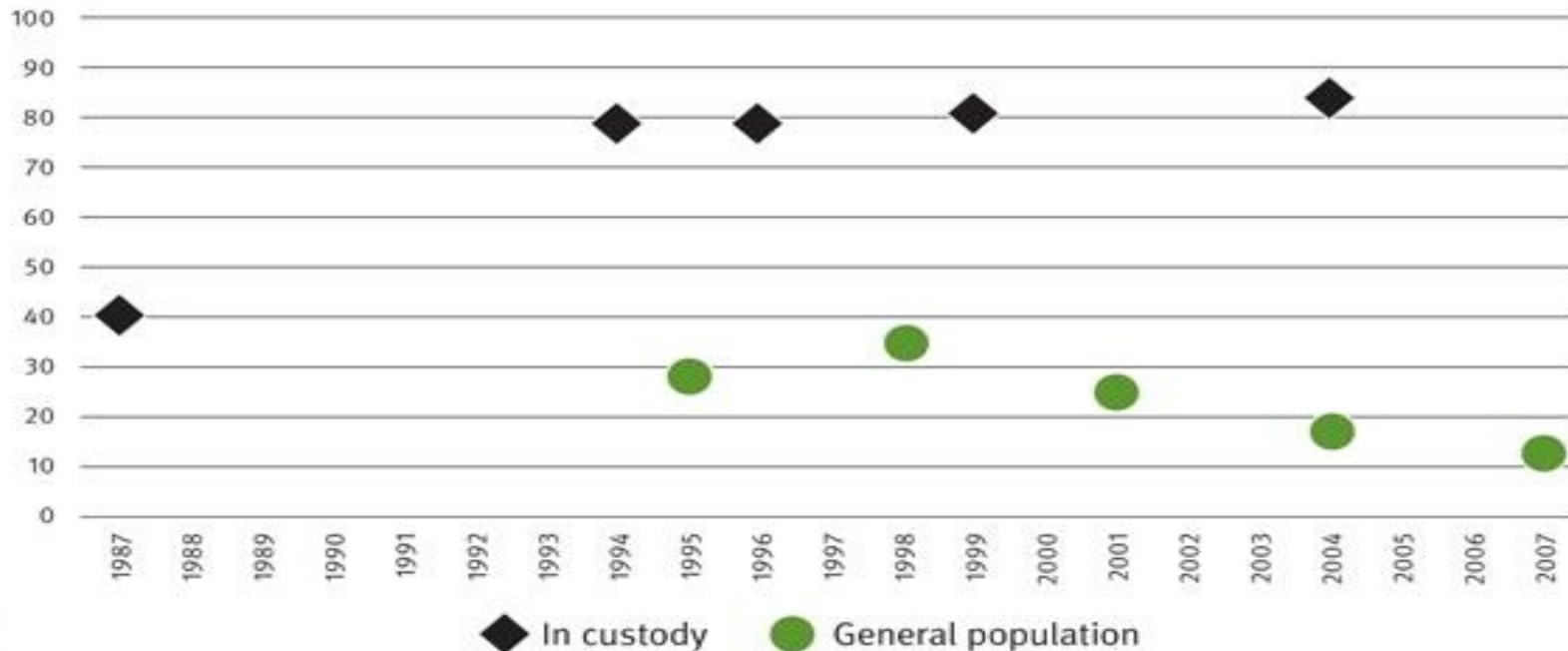
# Cannabis use trends in the general population

- **over the period 1995-2007 there has been a significant decrease in the *lifetime* use of cannabis among juveniles**
  - this is true for both males and females
  - among 14-19 year old males use decreased from 45% to 18%, among females use declined from 24% to 22%
- **there has been a significant decrease in the *recent* use of cannabis among juveniles in the same period**
  - both males and females
  - among 14-19 year old males use decreased from 36% to 13%, among females use declined from 20% to 13%



Although cannabis use is decreasing in the general juvenile population, use among juveniles in custody is still high, and well above general population figures...

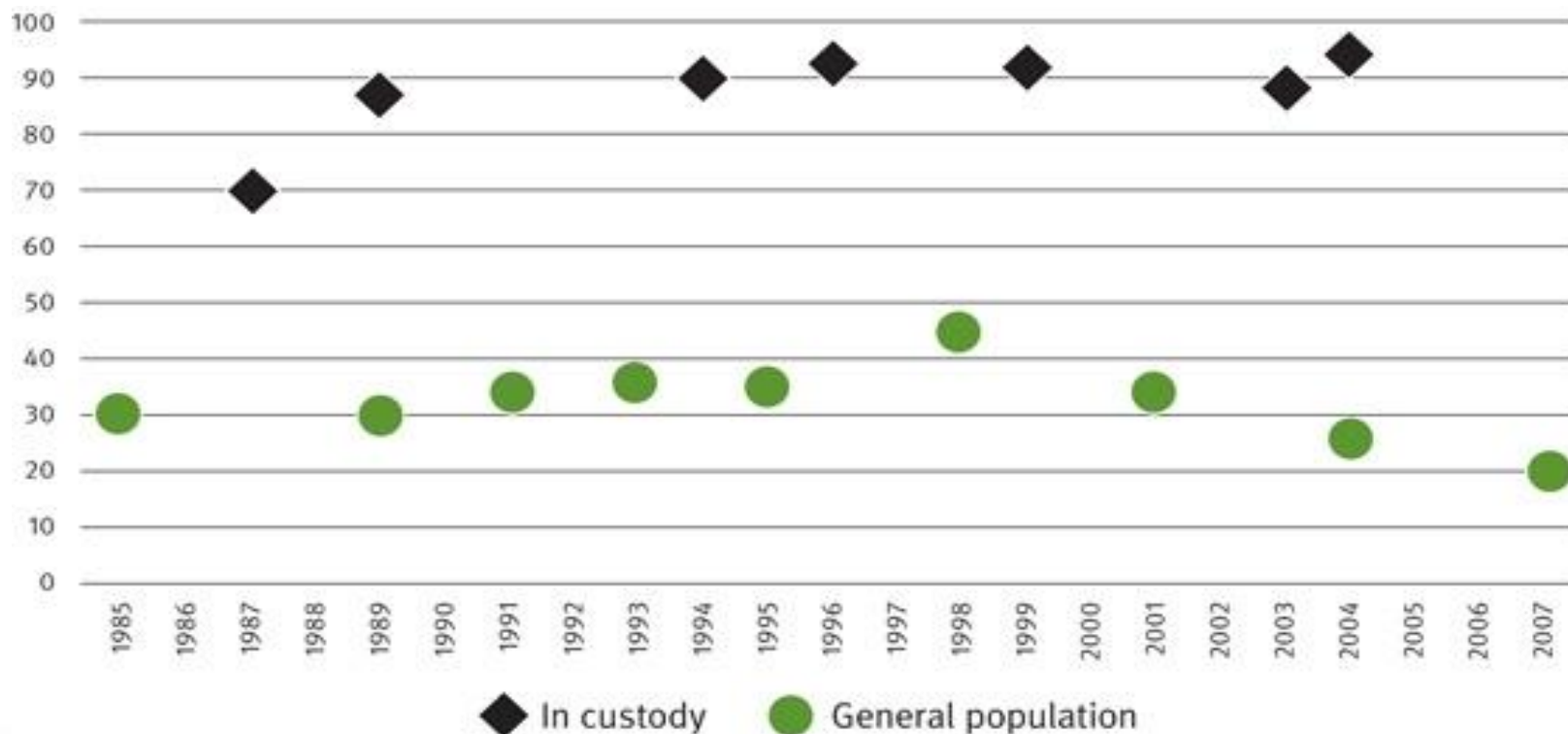
Recent cannabis use among adolescents (%)



NB) Please interpret with caution. Please note, data of young people in custody does not represent Australian wide figures (1987 = Vic; 1994, 1999 = NSW; 1996 = QLD; and 2004 is Australia).



## Lifetime cannabis use among adolescents (%)



NB) Please interpret with caution. Please note, data of young people in custody does not represent Australian wide figures (1987 = Vic; 1989, 1994, 1999, 2003 = NSW; 1996 = QLD; and 2004 is Australia).



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# **Drug use and offending among juveniles in police custody and detention: some case studies**



# Drug Use Monitoring in Australia (DUMA)

- **running since 1999, established by the AIC**
- **data collections are conducted quarterly**
- **two main parts – an interviewer administered questionnaire and a urine sample**
- **both are strictly voluntary and confidential**



# DUMA





## DUMA - policy aims

- **collect illicit drug prevalence data on ALL offenders**
- **improve the quality of data available on illicit drug use in the offender population**
- **provide an early warning system for changes in patterns of illicit drug use**
- **provide aggregate data in a timely fashion**





# DUMA participants

- **all adult men and women**
- **juveniles are included in 2 of the NSW sites only**
- **held in custody for less than 48 hours**
- **not violent, unwell or intoxicated**
- **deemed by police officer as safe to approach**



## DUMA – data collected

### **SURVEY**

- socio-demographic indicators
- arrest/offending indicators
- drug use indicators
- drug market indicators
- treatment indicators
- time of interview/interviewer characteristics
- comments from interviewers

### **URINALYSIS**

- screen: cannabis, opiates, methadone, amphetamines, benzodiazepines, cocaine, buprenorphine (ng/ml values)
- confirmatory: opiates, amphetamines, benzodiazepines, buprenorphine (concentrations in ug/L)



# DUMA - factors attributable to juveniles committing crime, and patterns of illicit drug use

- **Unstable living arrangements**

- 9,737 children aged 10-14 years of age are living in out of homecare. DUMA data indicate that over 76% of juvenile detainees lived in someone else's house during the 30 days prior to detention

- **Low levels of education**

- DUMA data indicate 49% of Bankstown and 43% of Parramatta juvenile detainees had not completed study beyond Year 10



# DUMA juvenile sample

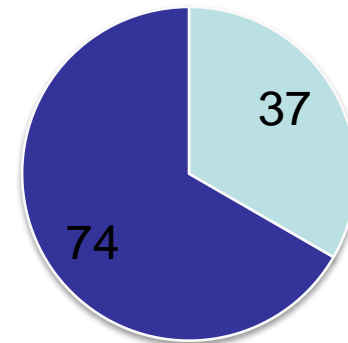
- **83%=male and 17%= female**

- **cannabis and alcohol first drugs most commonly used**

- **most serious offences juveniles were detained for were violent offences (47%)**

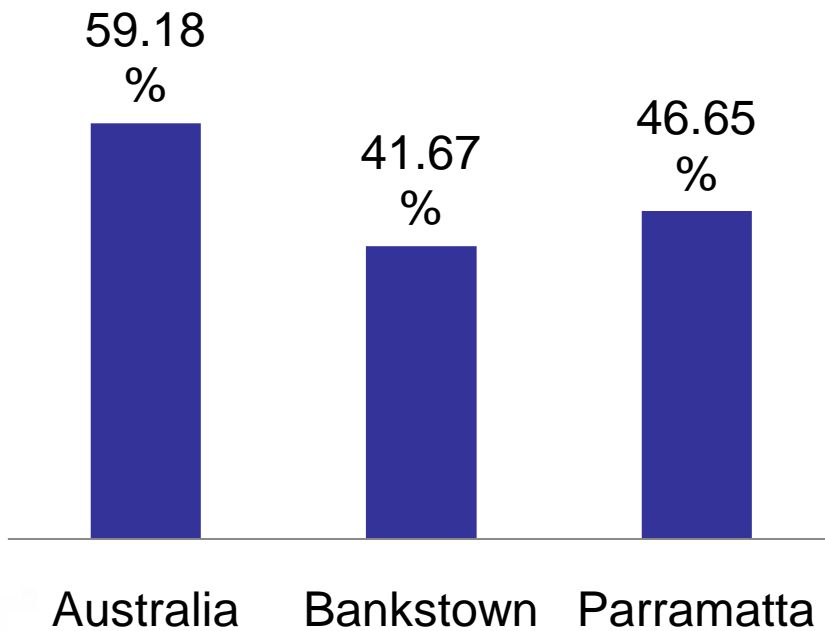
## No. of juvenile participants

■ Bankstown ■ Parramatta

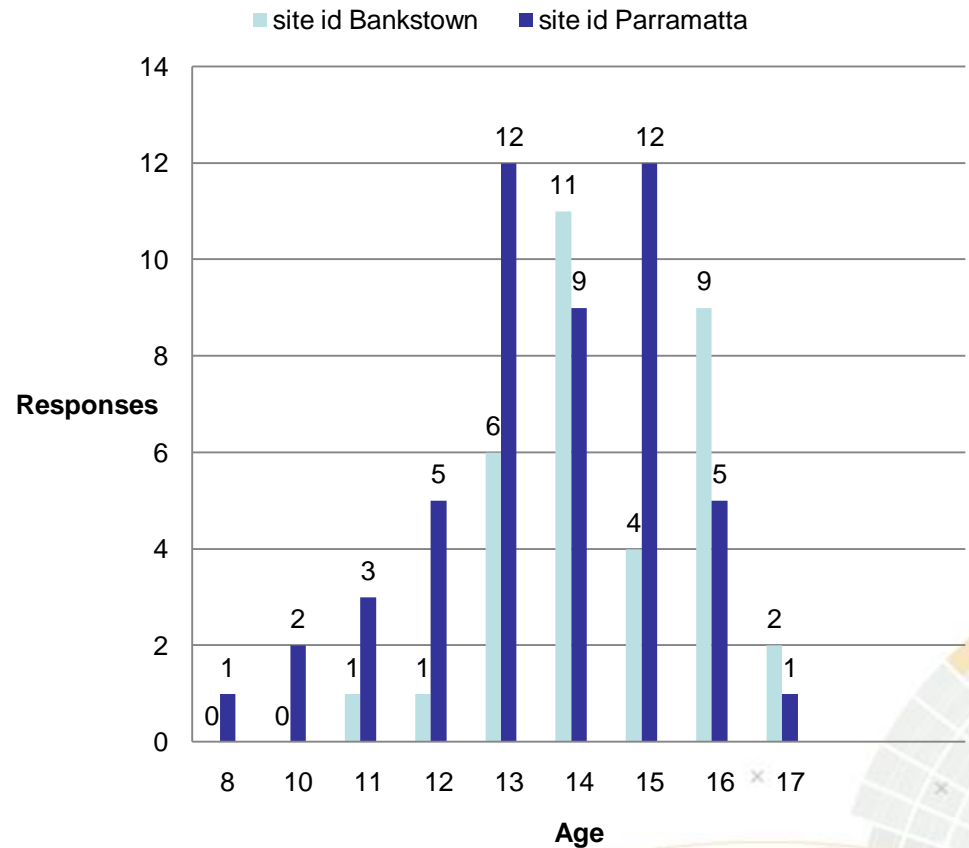




## Positive test to cannabis: 10-19 year olds in custody



## Age first tried cannabis





# DUMA juvenile sample

## Parramatta

80% males (n=59)

20% females (n=15)

### Criminal History:

- 47% (n=66) of detainees charged in the past 12 months
- 22% (n=16) in prison during the past 12 months
- 37% (n=26) have ever sold drugs

### Drug Use:

- 54% report using cannabis in the past 30 days
- Other drugs including ecstasy (19%), methylamphetamine (11%); cocaine (5%); heroin (3%); benzodiazepines (3%); and inhalants (1%) were also reported as being used in the past 30 days



# DUMA juvenile sample

## Bankstown

89% males (n=33)

11% females (n=4)

### Criminal History:

- 61% (n=22) of detainees had been charged in the past 12 months
- 22% (n=8) have been in prison in the past 12 months
- 22% (n=8) have ever sold drugs

### Drug Use:

- 32% of detainees reported using cannabis in the past 30 days
- Other drugs including methylamphetamine (16%), ecstasy (8%), cocaine (5%), heroin (3%), benzodiazepines (3%) were also reported as being used in the past 30 days



# Drug Use Careers of Offenders (DUCO)

- **funded by the Australian Government Attorney General's Department under the National Illicit Drug Strategy (NIDS)**
- **aim - to investigate the link between drugs and crime of incarcerated persons**
- **three components of the DUCO study:**
  - males 2001
  - females 2003
  - juveniles 2004
- **data collection - interviewer administered self-report questionnaire**





# Context of juvenile DUCO

- **substance abuse considered a major contributing factor to crime**
- **knowledge of the relationship between young offenders' use of drugs and crime in Australia is more limited than for adults**
- **research shows that drug use higher among juvenile offenders than general juvenile population**



# The juvenile DUCO study

- **census of detained juveniles (interviews took place between December 2003 and December 2004)**
- **534 detained young people were approached for interview**
- **467 agreed to participate (87% response rate)**
  - 95 excluded from analysis aged 18 and over
- **sample: 371 juvenile detainees aged 11-17 across all Australian States and Territories**
- **200 sentenced and 171 remanded**



# Summary characteristics

- **93% male, 7% female**
- **59% identified as Indigenous**
- **76% had left school before entering detention**
- **3 females and 31 males were parents (9% of the sample)**



# Previous detention

- **half the sample had been in detention before:**
  - almost one third had been sentenced to detention once or twice before
  - 17% had previously served 3 to 6 detention sentences
  - 4% had been sentenced 7 or more times to detention

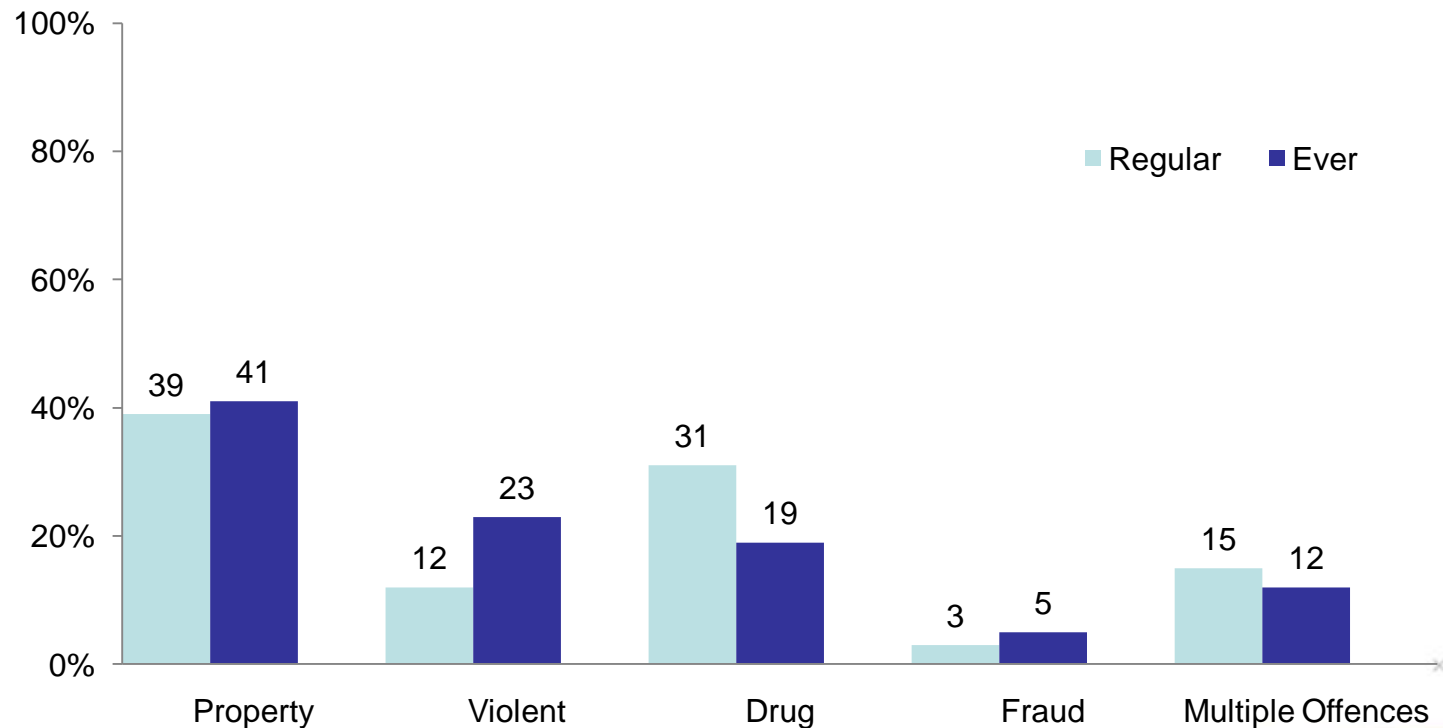


# The analysis

- **juveniles were asked to nominate up to 4 offences which led to the current period of detention – remand or sentence**
- **these offences were used to classify offenders on the basis of aggregate offence categories**
- **the following presentation is based on an analysis of three categorised juvenile offender groups:**
  - violent-only offenders
  - property-only offenders
  - violent and property offenders.



# Prevalence of Offending (%)



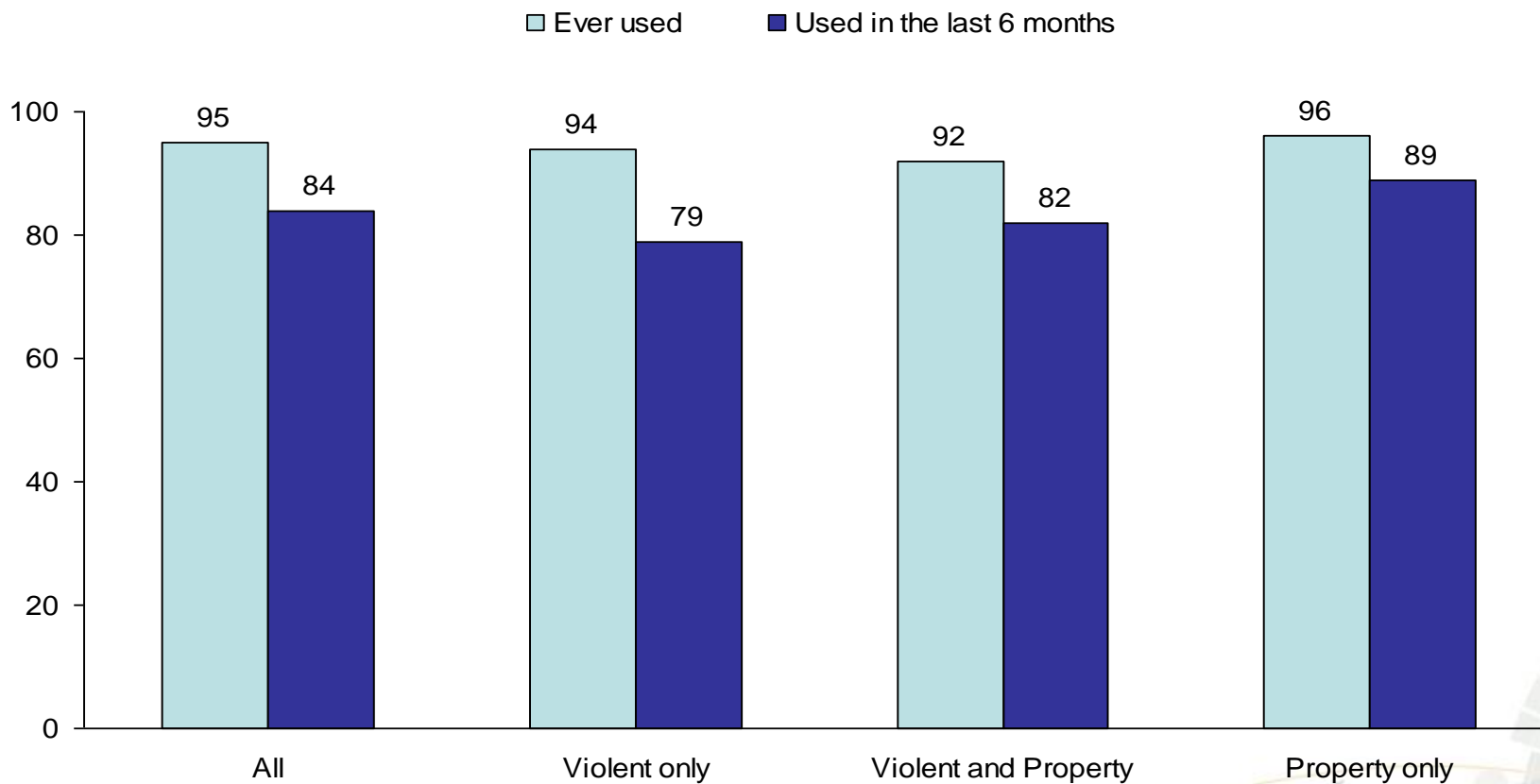


# Characteristics of offender groups

	All	Violent	Violent and Property	Property
% Male	93	89	94	96
Mean Age	15.8	16.1	15.8	15.6
% Indigenous	59	46	55	71
% Still in school	24	27	17	26



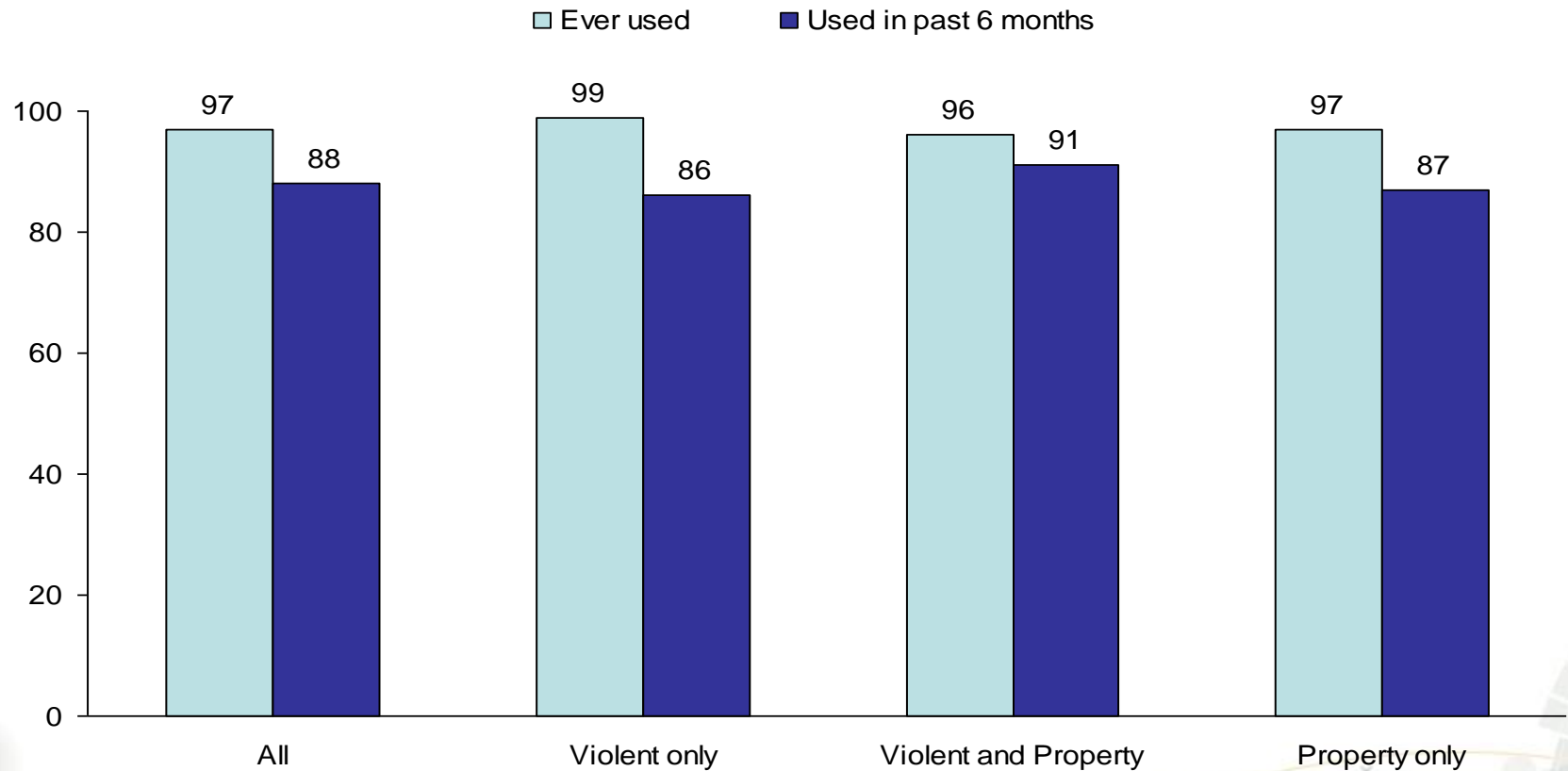
# Cannabis use (%)





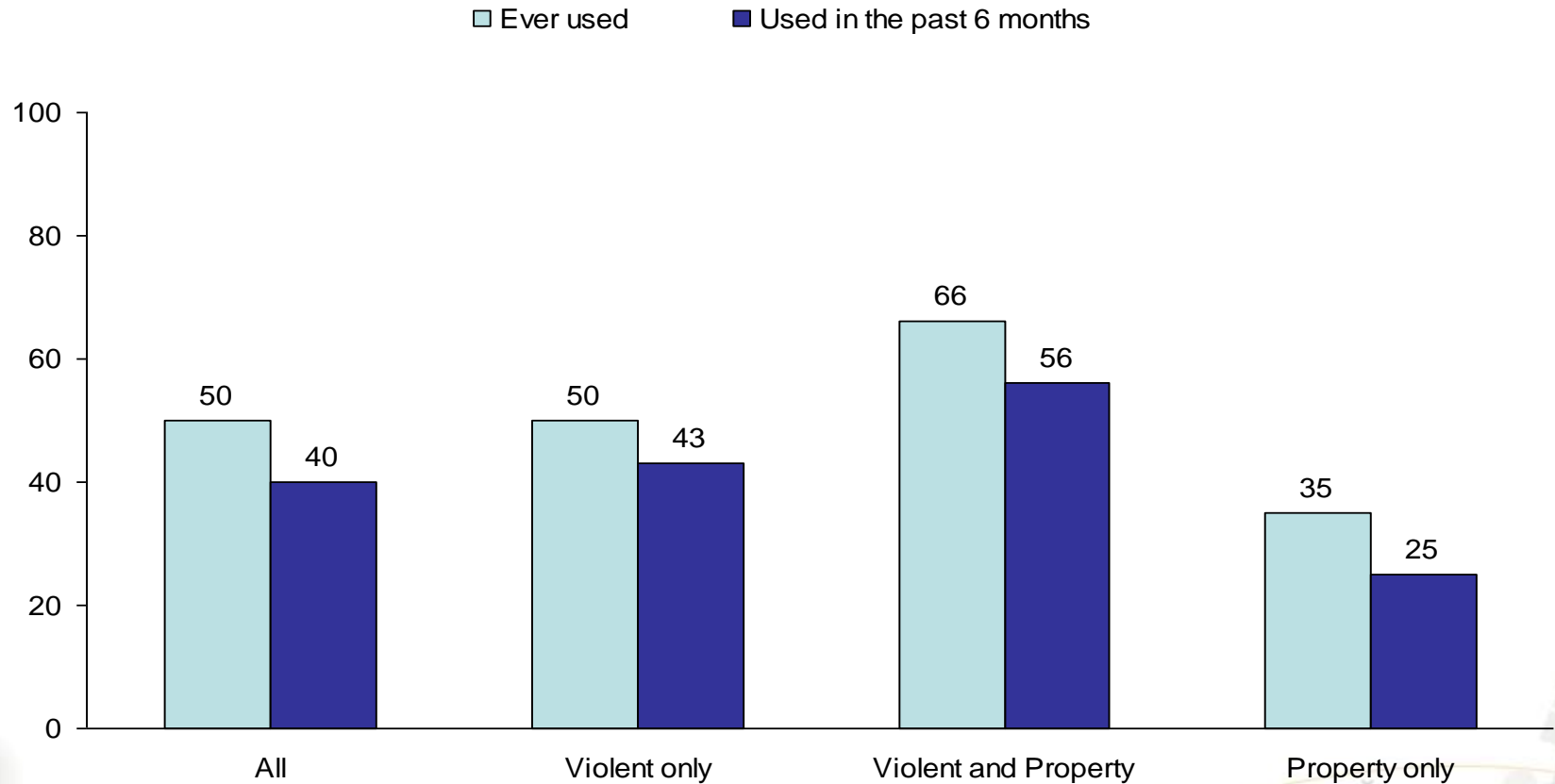


# Alcohol use (%)





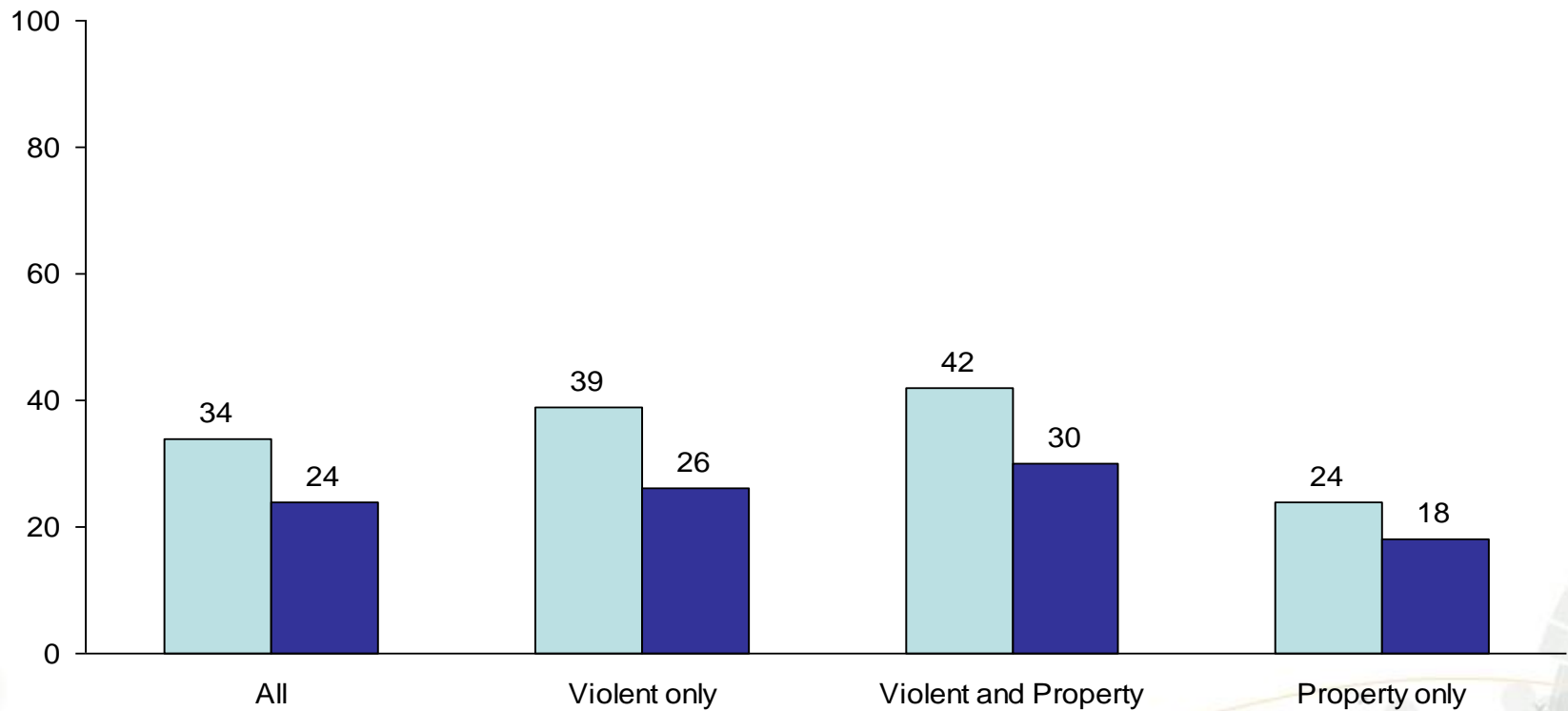
# Amphetamine use (%)





# Ecstasy use (%)

□ Ever used      ■ Used in the past 6 months





# Summary – offending and drug use

- **current offences**

- one third of juveniles in detention for violent offences only
- one third for property offences only
- one third for both property and violence

- **demographic profile**

- the only significant difference between groups was that property-only offenders were more likely to identify as Indigenous

- **around half of the juveniles had been in detention on at least one other occasion. There was no difference by current offence type**

- **offence specialisation was uncommon, most violent-only offenders self-reported regular property offending**



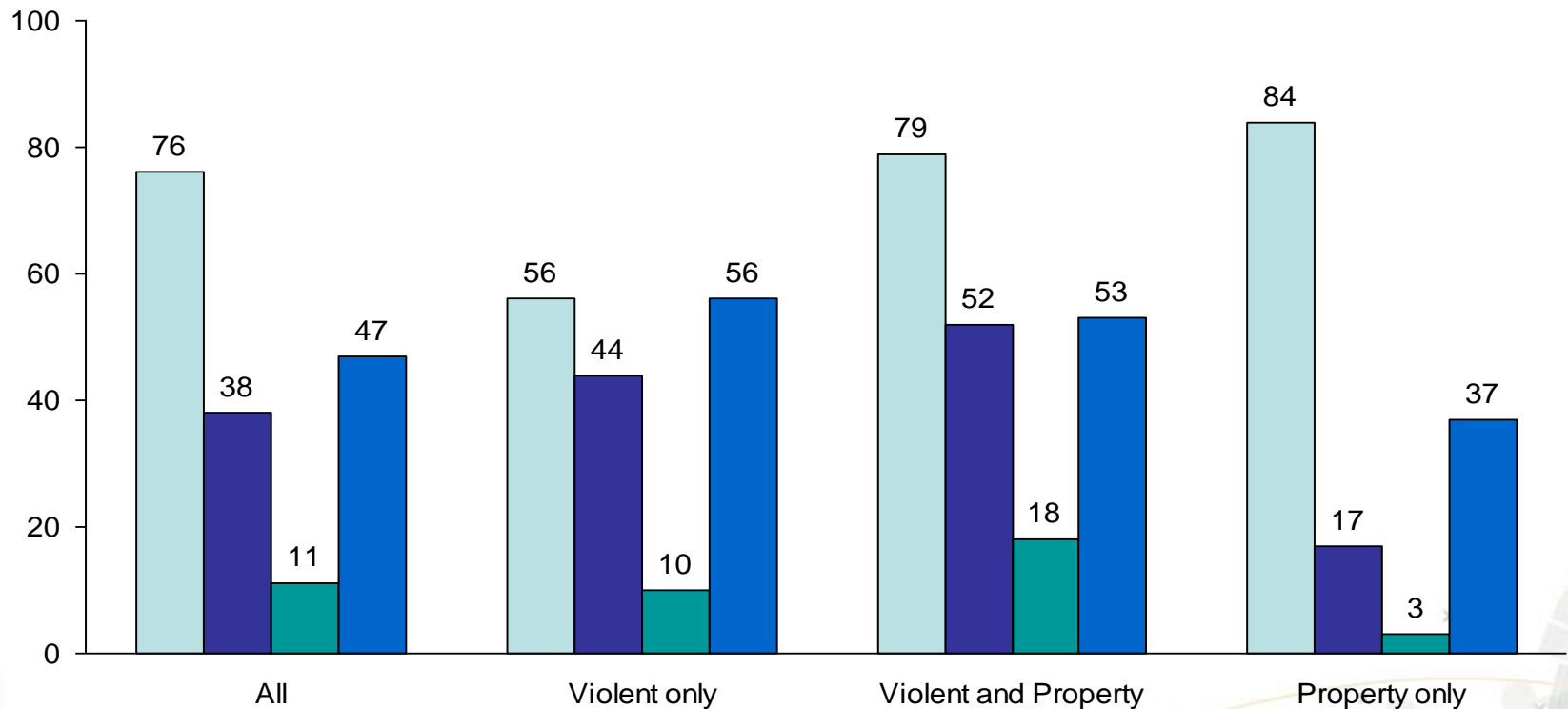
# Summary – offending and drug use

- **more than 90% of juveniles had used cannabis and more than 80% had used cannabis in the six months prior to detention**
- **almost all juveniles in detention had used alcohol and 90% had used alcohol in the six months prior to detention**
- **half of the juveniles had used amphetamines and 40% had used amphetamines in the six months prior to detention**
- **amphetamine and ecstasy use was more prevalent among juveniles who were in detention for violent offences**
- **juveniles detained for both violent and property offences most frequently reported heavy drug use**



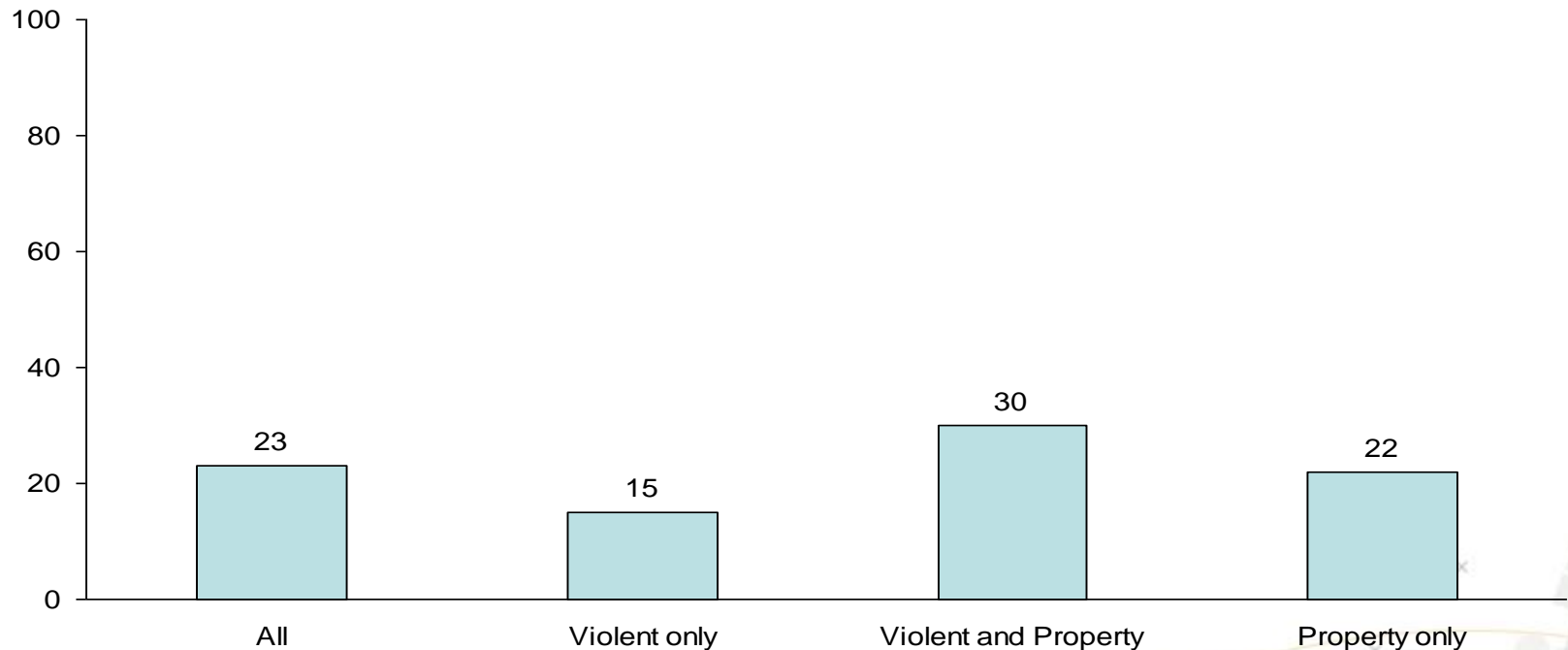
# Intoxicated at time of offending (%)

□ Cannabis   ■ Speed   ■ Ecstasy   ■ Alcohol



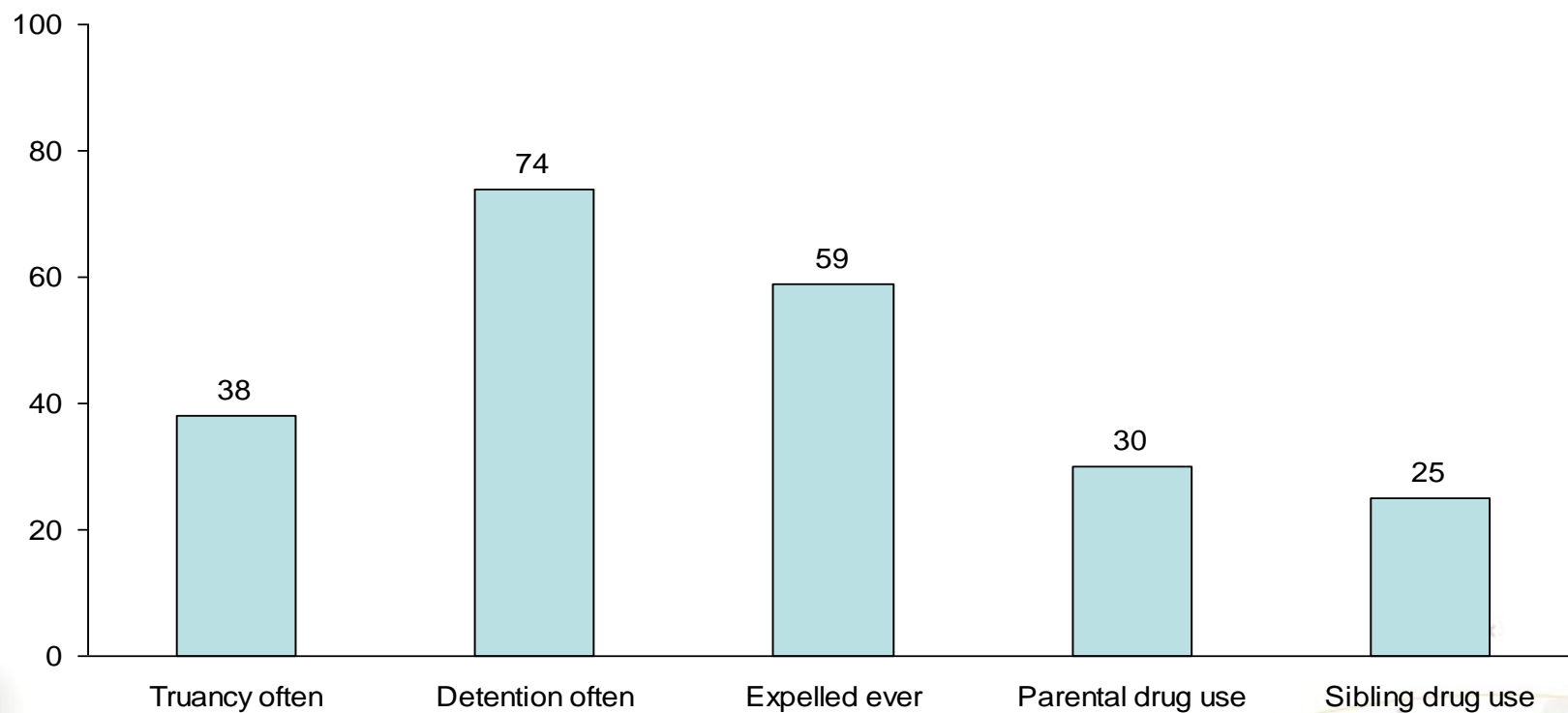


# Sick or hurting from lack of drugs at time of offending (%)





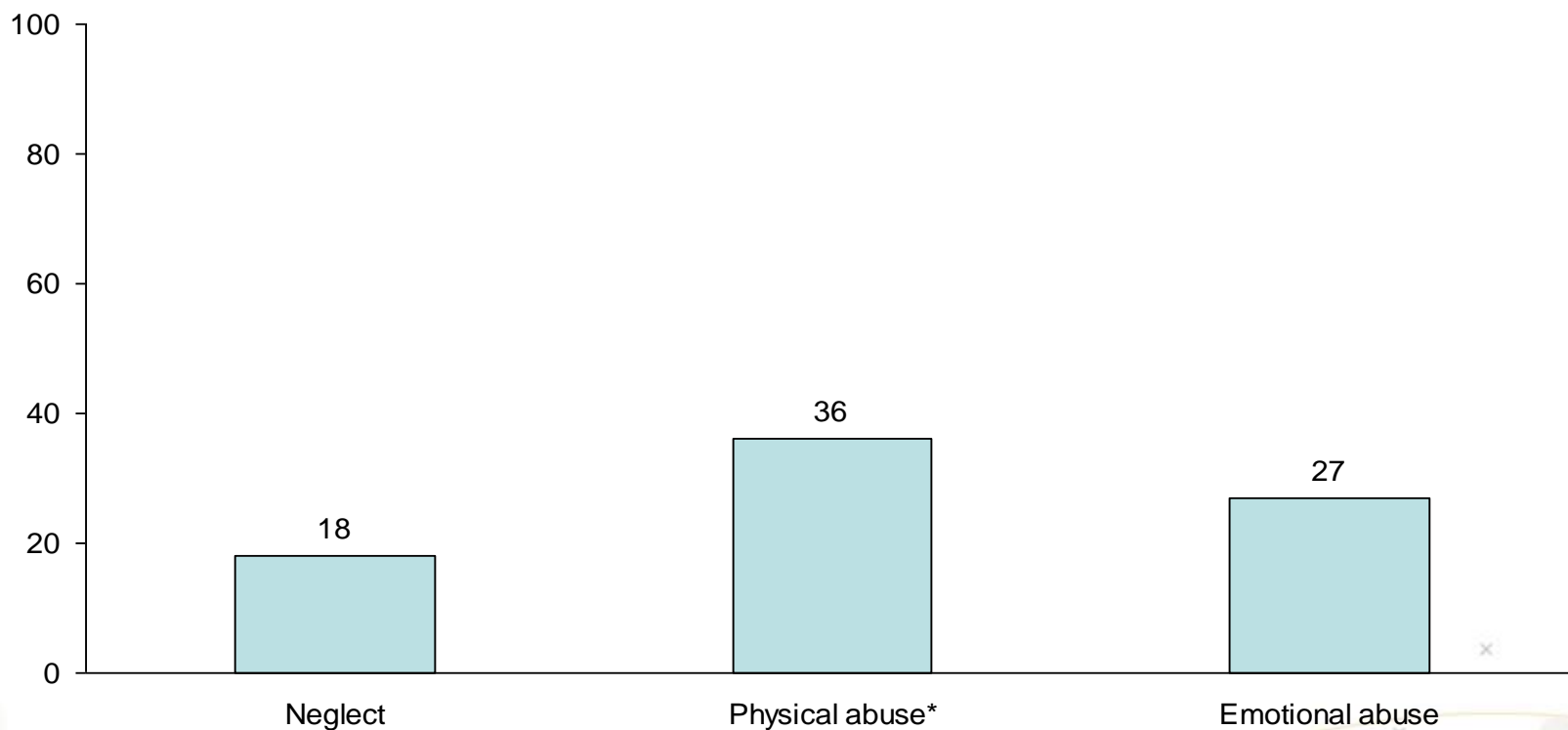
# Risk factors (%)







# Risk factors (%)





# Summary – links and risk factors

- **two in three juveniles reported being intoxicated by alcohol or drugs at the time of their most recent offences**
- **violent-only juveniles were more likely to be intoxicated by alcohol than property-only offenders**
- **one in five juveniles reported being ‘sick’ or ‘hurting’ from lack of drugs**
- **nearly one in three juveniles had parents who were using drugs**
- **more than half had been expelled from school and one in three were skipping school on a regular basis**
- **one in three juveniles reported being physically abused and one in four were emotionally abused while growing up**



# Link between drugs and crime

- **50% of sample - crime began *before* substance use**
- **25% of sample – juveniles used drugs *before* offending**
- **25% of sample – juveniles began using substances within the same year that their criminal behaviour began**



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# Responses to juvenile drug use and offending



# National Drug Strategy

- **operated since 1985**
- **a cooperative venture between the Commonwealth and state/territory governments as well as the non-government sector**
- **aimed at improving health, social and economic outcomes for Australians through development of strategies and allocation of resources for the prevention and reduction of the harmful effects of substance use on Australian society**
- **a principle of ‘harm minimisation’**
  - a balanced approach between the reduction of supply, demand and harm associated with the use of drugs across sectors and jurisdictions



# National Cannabis Strategy

## Priority areas

- community understanding of cannabis
- preventing the use of cannabis
- preventing problems associated with cannabis
- responding to problems associated with cannabis



# Drug diversion from the CJS

## Why have it?

## Different types of diversion in Australia

- police
- court-based
- specialist drug courts

## Characteristics of each type of diversion



# What is diversion and why have it?


- **traditional criminal justice responses (imprisonment) relatively ineffective in dealing with drugs-crime link**
- **criminal justice system provides gateway to drug user groups who might not otherwise seek treatment**
- **problematic drug use just as much a health issue as it is a criminal justice issue – health agencies play an important role in broader crime prevention agenda**





# Three levels of diversion in Australia

## The continuum of drug diversion services

- 
- police-based drug diversion programs
  - intermediate court-based diversion (also referred to as court mandated 'referral into treatment' programs)
  - specialist drug courts



# Primary aims of drug diversion programs

- **reduction or cessation in drug use**
- **reduction or cessation in drug or drug-related offending**
- **improvement in the general health and well being of drug users**
- **reduction in workloads at particular points of the criminal justice system**
- **cost effectiveness**



# Common characteristics of police drug diversion

- **While there are differences between the various programs, they generally share the following features:**
  - police are the referral source
  - possession of minor amounts of drugs and/or drug implements
  - all involve an educational component, although the degree varies
  - the majority of those targeting illicit drugs other than cannabis include assessment and, where appropriate, treatment



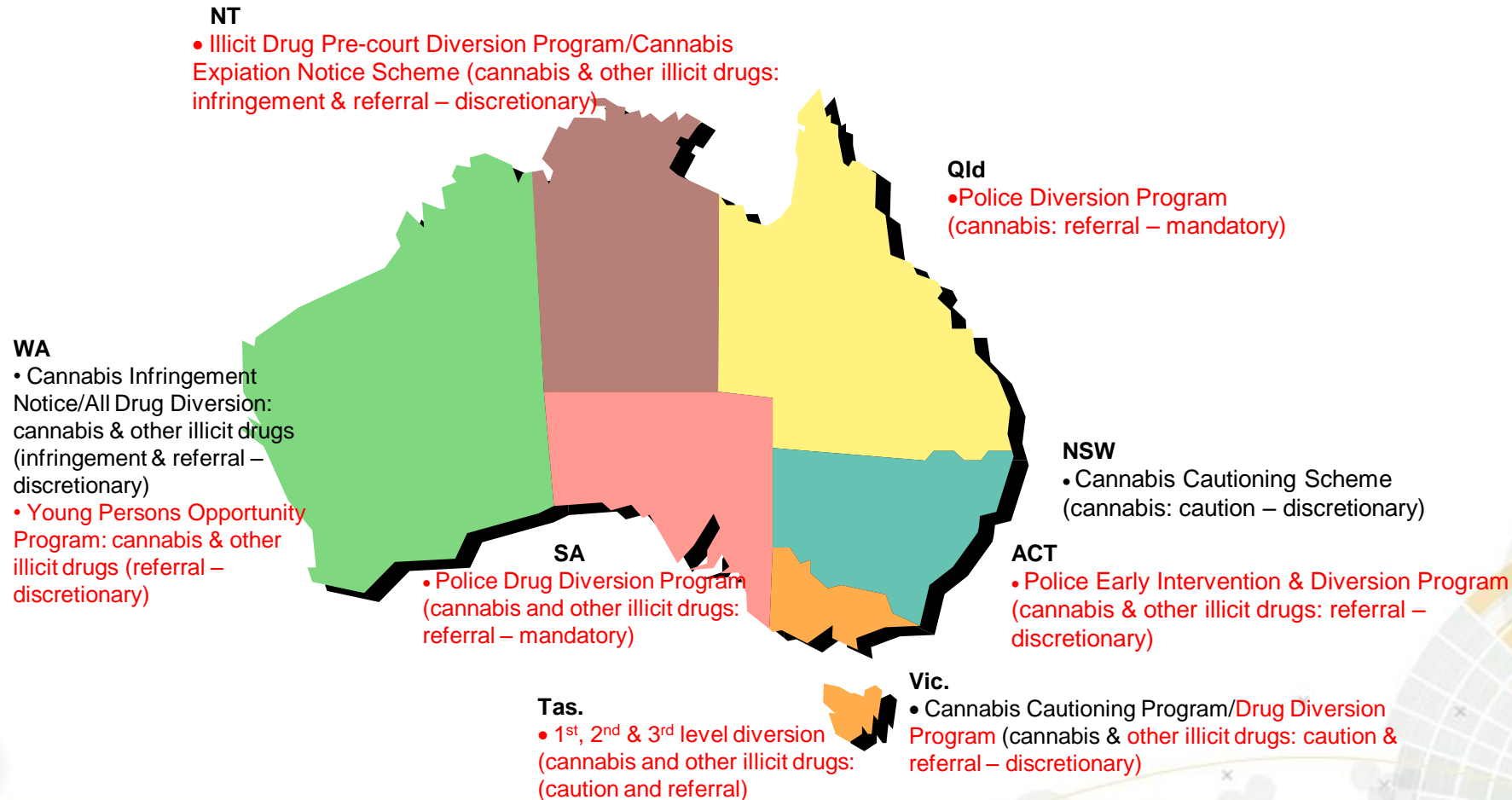
# Common characteristics of police drug diversion

## Characteristics (cont.)

- most have clearly defined eligibility/exclusionary criteria which determine who can or can't be referred
- there are usually restrictions on the number of diversions that a person may receive
- in most cases, the individual must plead guilty and in all cases, consent to being diverted
- most are targeted at adult offenders
- most are state-wide programs



# All states have police drug diversion





# Common characteristics of intermediate court-based interventions

- **While there are differences between the various programs, they generally share the following features:**
  - Located in Local or Magistrates Court
  - Target minor to moderately serious offenders whose criminal behaviour is linked to their use of illicit drugs
  - Referral can usually be made from a variety of sources
  - Defendants must consent and at least indicate their intention to plead guilty to the offence
  - Exclusionary criteria generally apply



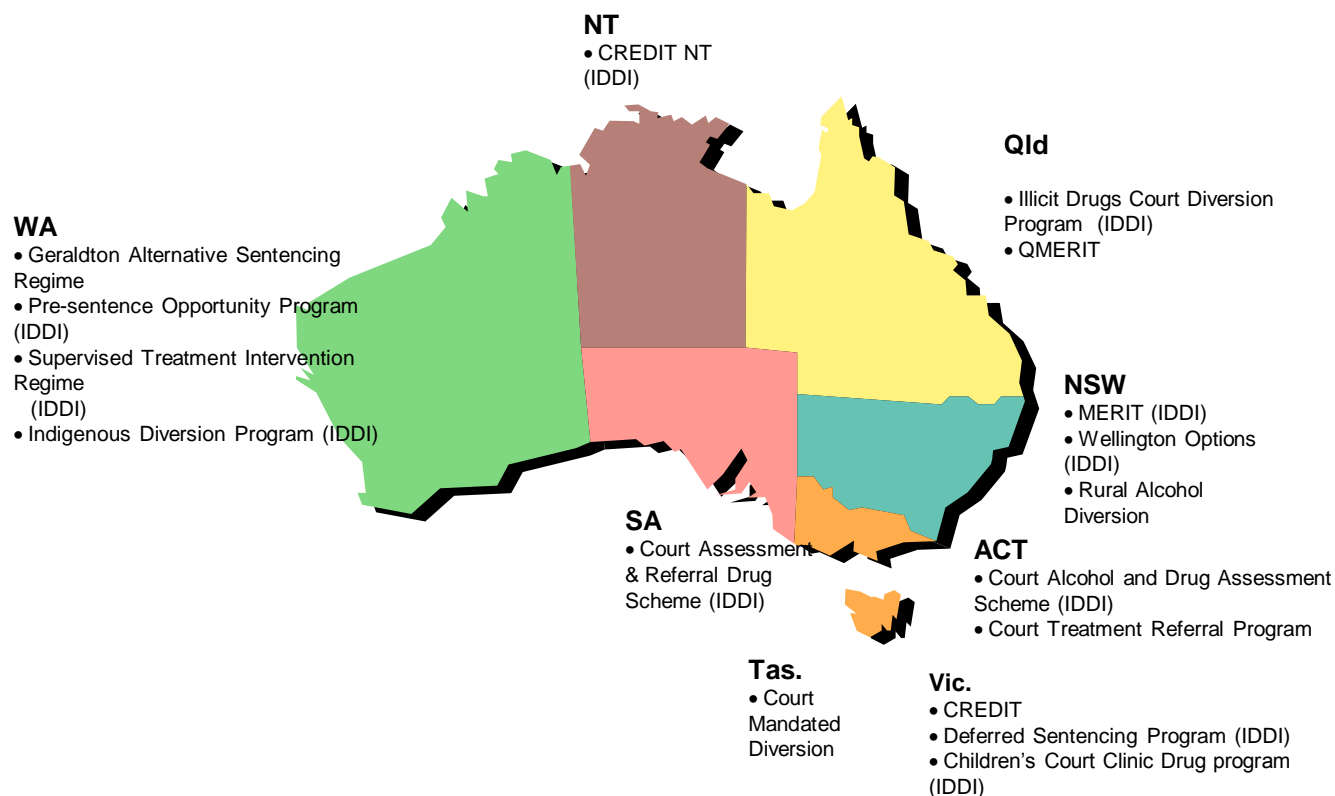
# Common characteristics of intermediate court-based interventions

## Characteristics cont.

- Usually two distinct components: an initial clinical assessment followed by engagement in a treatment program
- Most operate at the pre-sentence stage of the court process
- Most require monitoring of defendant progress and compliance
- Most require the Defendant to re-appear before the Magistrate at least once prior to sentencing in order for his/her progress to be assessed
- Successful adherence to the program will be taken into account at the point of sentencing



# Intermediate court-based interventions





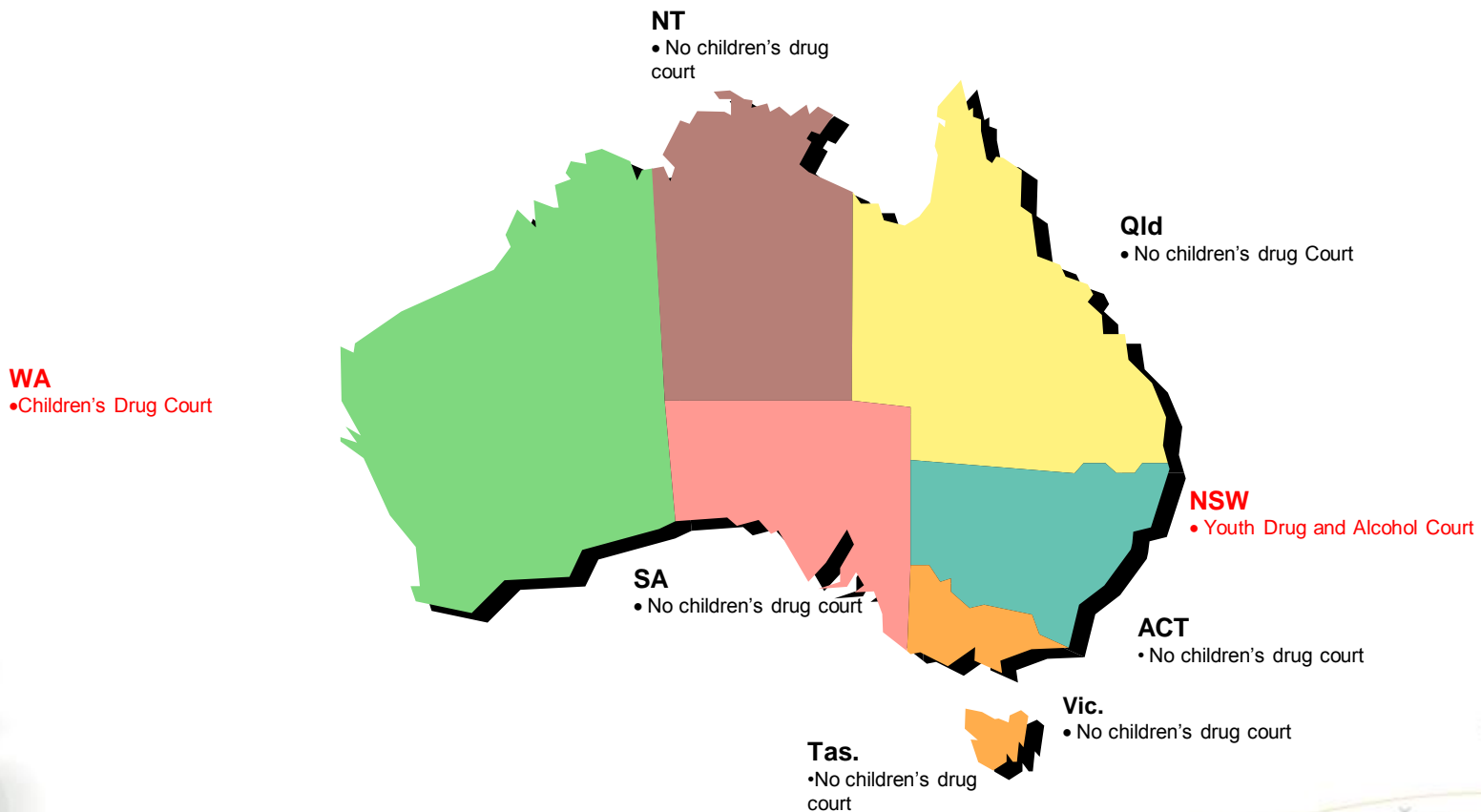


# Youth drug courts

- **While there are differences between the programs, they generally share the following features:**
  - target serious high-end offenders with significant drug dependency issues that are linked to their offending
  - respond to individuals who are facing a likely custodial sentence
  - engage the offender in intensive treatment, as well as provide access to additional support services
  - run for 6-12 months
  - involve intensive judicial supervision
  - judicially case-managed



# Youth drug courts





# Does drug diversion work?

## Police drug diversion interventions

- Key findings from an AIC evaluation (Payne et al 2008) are positive:
  - in all jurisdictions majority of diversion participants did not re-offend 12 to 18 months after being cautioned
  - most diversion participants with prior offending records not re-apprehended for any offences post-diversion; of those that did re-offend, there was a decline in the rate of offending
  - high rate of compliance observed - the majority of participants completed the required attendance of education sessions or treatment, regardless of age, gender or Indigenous status



# Does drug diversion work?

## Police drug diversion interventions cont.

- two variables were identified as significant for predicting reoffending post-program
  - prior offending record (particularly multiple priors)
  - program-non-compliance
- although program participants varied considerably in terms of offending levels prior to and post diversion, changes in overall offending levels after diversion were relatively consistent across programs



# Does drug diversion work?

## Intermediate court-based interventions

- findings sometimes ambiguous (eg. reducing re-offending and drug use in the long-term)
- some positive findings (eg. improved health and social functioning outcomes)
- savings to be made through court-based drug diversion programs
- the relative costs and benefits across all programs are yet to be rigorously tested



# Does drug diversion work?

## Youth drug courts

- graduates less likely to re-offend than those not completing the program
- most participants reported drug use had decreased compared with three months before entering program
- program graduates more motivated to reduce drug use than program non-completers
- health improvements reported in first round of interviews, but second round interviews indicated that improvements were not all sustained
- some improvement in mental health over the longer term, particularly young women and those who graduated from the program
- two-thirds of participants engaged in some kind of educational/vocational course while on the program, and more than half of these completed their courses



# Does drug diversion work?

## Overall findings

- results generally positive, although some are ambiguous (eg. small samples, contradictory results)
- difficult to compare outcomes across programs because of differences in program design/eligibility criteria and evaluation approaches
- most evaluations undertaken in early phases of program (programs evolve over time, tell little about how currently functioning)



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# Thank you

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