

Drug-related encounters with police that do not result in arrest among national samples of people who regularly use drugs, 2023-2024

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Introduction

- Use and possession of illicit drugs is a criminal offence in all Australian jurisdictions, with the potential to attract a wide range of criminal (e.g., arrest) or non-criminal (e.g., fines, stop and search) sanctions (1).
- Studies from around the world, including Australia, have identified that criminal justice responses have typically targeted people who use drugs rather than people who traffic drugs (2), which has encouraged drug use practices that carry high risk, such as unsafe injecting (3), limited access to harm reduction and healthcare services and an increase in overdose (4).
- Compared to criminalisation of drug use and possession, decriminalisation can lead to significant social, health and criminal justice benefits such as reducing imprisonment, increasing uptake into drug treatment and protecting people from the wide-ranging and debilitating consequence of a criminal conviction (5).
- In Australia, not all drug-related encounters with police result in an arrest or charge. Police officers have the discretion to stop people for a drug-related matter, with outcomes including searching belongings, questioning, referral to drug diversion programs and issuing a caution/warning or infringement notice (6).

Aim

Given the growing support for decriminalisation in Australia, as well as the recent decriminalisation of drugs in Canberra and Queensland, which allows police to issue a range of non-criminal sanctions for the possession of small quantities of illicit drugs, the aim of this research was to:

- examine drug-related encounters with police that do not result in charge or arrest among two samples of people who regularly use drugs in Australia, between 2023 and 2024.

Methods

- Data were obtained from the Ecstasy and Related Drugs Reporting System (EDRS) and the Illicit Drug Reporting System (IDRS).
- The EDRS is an annual survey of people who regularly consume illicit stimulants (primarily ecstasy), recruited from all capital cities of Australia, whilst the IDRS consists of an annual survey of people who regularly inject drugs.
- Between 2023 and 2024, participants were asked if they had experienced any drug-related encounters with police in the prior 12 months, with several follow-up questions, mostly pertaining to infringement notices and the impact these had on participants' health, social and financial situation.
- Descriptive statistics were employed to identify the various drug-related encounters participants endured.

References

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Results

- In 2024, national findings identified that 14% of EDRS participants and 30% of IDRS participants reported any drug-related encounter with police that did not result in arrest in the past 12 months (Figure 1).
- The most common drug-related encounters for both samples in the past 12 months comprised 'stopping for questioning' and 'stopping and searching belongings' (Table 1 and Table 2), though it was evident that the IDRS sample were more likely to experience these encounters than the EDRS sample.
- Whilst being issued with an infringement notice was uncommon in both samples, the median amount of the last infringement notice received by participants in the IDRS sample in 2024 amounted to \$400 (EDRS data not presented due to few participants reporting).
- Amongst those who received an infringement notice in the 12 months preceding interview and commented (EDRS: n=15; IDRS: n=36), the most common drugs in possession were methamphetamine (60%), followed by cannabis (47%) for the EDRS sample, and methamphetamine (44%), followed by cannabis (39%) and heroin (33%) for the IDRS sample.
- Amongst those who were arrested in the past 12 months, 26% of EDRS participants and 29% of IDRS participants were arrested for drug use/possession in 2024.

The Difference is Research

Figure 1: Any drug related encounters with police that did not result in arrest, EDRS and IDRS, nationally, 2023-2024

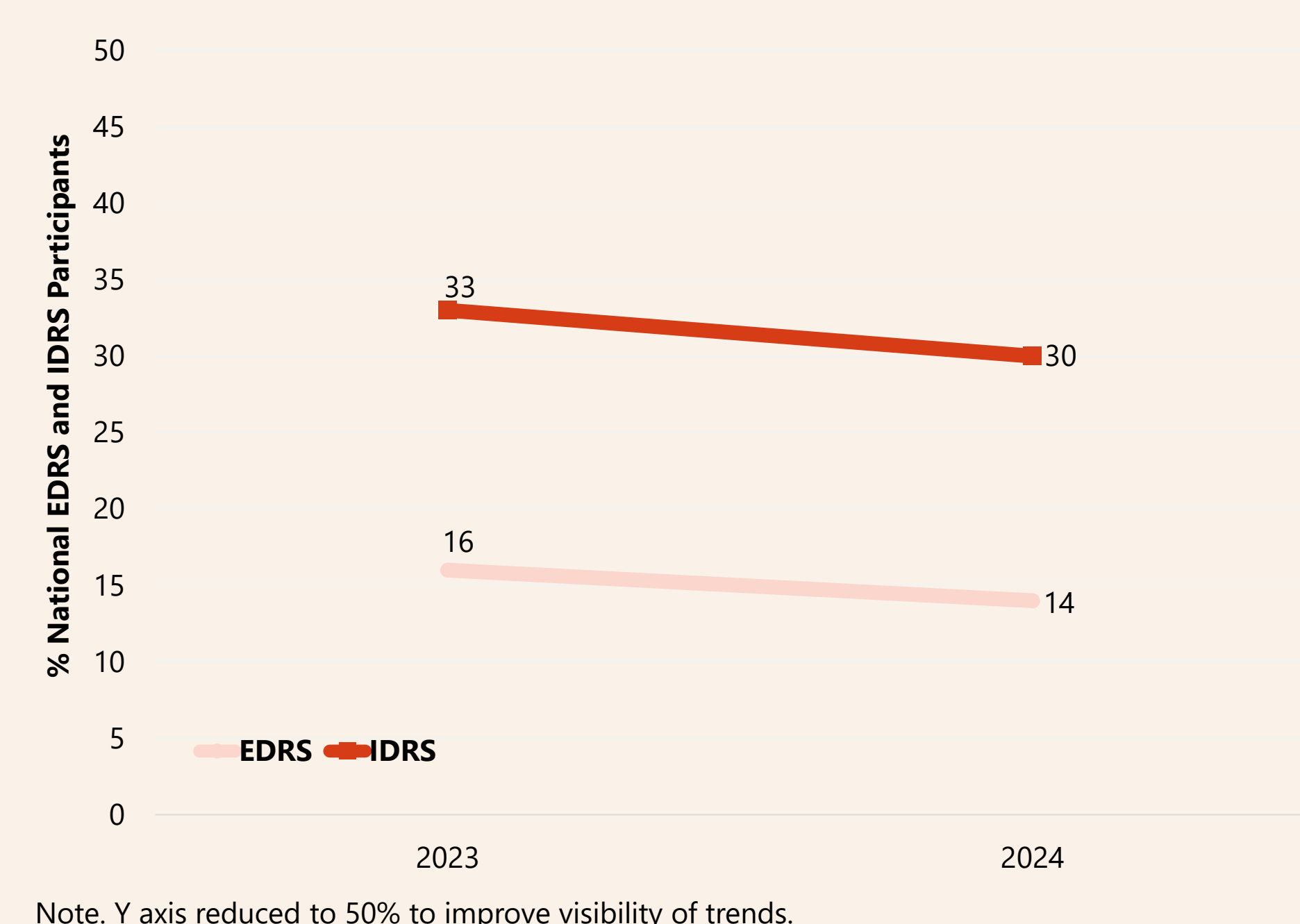


Table 1: Types of drug-related encounters with police that did not result in arrest, EDRS, nationally, 2023-2024

	2024 (n=104)	2023 (n=113)
% The police requested or suggested to move along	24	/
% The police stopped me for questioning	36**	54
% The police stopped me and searched me/my belongings	48	60
% The police stopped me and I was issued a caution/warning	18	20
% The police stopped me and I was issued a drug diversion	11	9
% The police stopped me and I was issued with a fine/infringement notice	15	12

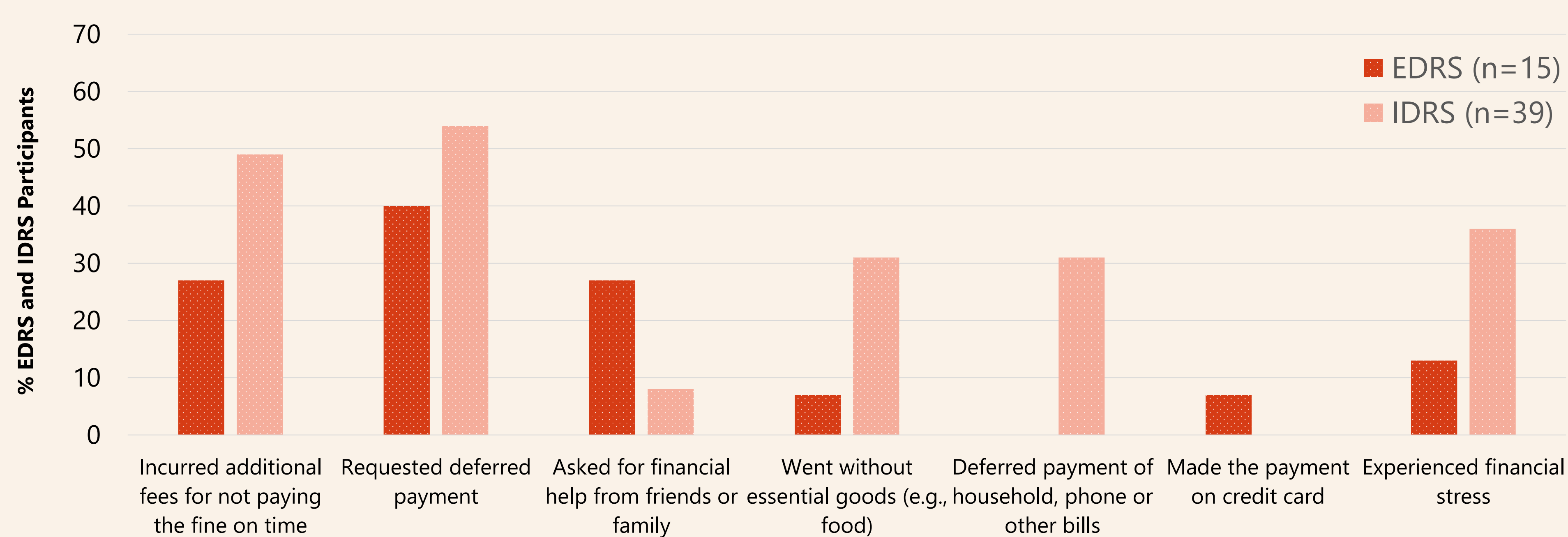
Note. Computed of those who reported a past 12 month drug-related encounter. Statistical significance for 2023 versus 2024 presented in table; *p<0.050; **p<0.010; ***p<0.001.

Table 2: Types of drug-related encounters with police that did not result in arrest, IDRS, nationally, 2023-2024

	2024 (n=261)	2023 (n=262)
% The police requested or suggested to move along	32	/
% The police stopped me for questioning	55***	70
% The police stopped me and searched me/my belongings	71	75
% The police stopped me and I was issued a caution/warning	25	27
% The police stopped me and I was issued a drug diversion	8	7
% The police stopped me and I was issued with a fine/infringement notice	17	23

Note. Computed of those who reported a past 12 month drug-related encounter. Statistical significance for 2023 versus 2024 presented in table; *p<0.050; **p<0.010; ***p<0.001.

Figure 2. Participant experiences following receiving an infringement notice, EDRS and IDRS, nationally, 2024



Note. Computed of those who reported receiving an infringement notice in the past 12 months and commented. Y axis reduced to 70% to improve visibility of trends.

Implications

- Our findings show that IDRS participants were more likely to experience a drug-related encounter with police that did not result in arrest in the past 12 months, most commonly being 'stopped and searched' or 'stopped for questioning' in both 2023 and 2024.
- This is consistent with previous research, which has shown that people who inject drugs are often subject to frequent police harassment.
- Although few participants reported receiving a drug-related fine in the past year in 2024, the median amount of the fine was high, and many incurred additional fees and/or reported financial distress. This is a potential unintended consequence of decriminalisation/diversion models that should be taken into consideration when formulating legislation.

Acknowledgements and more Information

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