

Magistrates Early Referral Into Treatment (MERIT) Program

Annual Report 2015

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Executive Summary

This Annual Summary has been prepared by Community Corrections, NSW Department of Justice to report on the Magistrates Early Referral into Treatment (MERIT) program in 2015.

MERIT was established in 2000, and in 2015 operated in 62 Local Courts in NSW. MERIT Alcohol (a derivative of the MERIT program) operates in seven Local Courts in NSW. MERIT is a voluntary pre-plea program that targets adult defendants with a demonstrable drug problem (or alcohol problem in the case of MERIT Alcohol). The defendant will only be accepted into the program if they are charged with a non-indictable offence and are eligible for bail. The program is designed to allow defendants to focus on treating their drug issues, with court matters adjourned while treatment and case management services are provided over a 12 week period.

The main objectives of the MERIT program are to achieve the points below during and following program completion for its participants:

- Decrease drug related crime
- Increased community protection
- Decrease illicit drug use
- Improved health and social functioning
- Facilitate sentences that reflect better rehabilitation prospects

1.0 Introduction

1.1 Background

MERIT is a voluntary pre-plea program for defendants that fit the following criteria:

- are over the age of 18 years
- are suitable for release on bail
- live within the program catchment area
- have a demonstrable illicit drug problem (alcohol included as primary substance at select courts only)
- have no current or pending matters for significant violence, sexual or indictable offences
- are deemed by a MERIT team health professional to be suitable for drug treatment
- are approved to participate in the program by the Magistrate
- consent to participate

The program aims to intervene in the cycle of drug use and crime by addressing the health and social welfare issues considered to be instrumental in bringing defendants into contact with the criminal justice system. Progress in the MERIT program is taken into consideration upon sentencing.

Dedicated health teams are assigned to participating NSW Local Courts (comprising staff from Local Health Districts) to undertake assessment following a referral to MERIT. These comprehensive assessments cover a broad range of areas, including: substance use history, physical and mental health concerns, housing, education, training and employment issues.

Once assessed as suitable and accepted into the program, an individually tailored treatment plan is designed for each defendant. This plan seeks to match participants to a range of appropriate and available drug treatments (e.g. detoxification, counselling, pharmacotherapy, residential rehabilitation, community outpatient services and case management) and related health and social welfare services (e.g. mental health, employment, housing and legal advice), as appropriate.

In order to inform sentencing decisions, MERIT teams provide Magistrates with a progress report commonly within four to eight weeks of commencement on MERIT. This includes information on the nature and extent of the defendant's participation, compliance and progress in the program, and details any final recommendations with regards to ongoing treatment needs. The frequency of court appearances is determined by the Magistrate, but there is usually at least one scheduled appearance to report on progress.

The Department of Justice is the lead agency for the MERIT program, while the NSW Ministry of Health provides service delivery. Local Health Districts are the primary provider of MERIT services.

1.2 Report Objectives

The main objective of this report is to provide an overview of efficacy and success indicators of the MERIT program in 2015, in respect of the following:

- Drug usage frequency and intensity (measured pre and post MERIT program intervention)
- Psychological status (measured pre and post MERIT program intervention)
- Recidivism of MERIT program completers and non-completers

1.3 Methodology

Administrative data have been collated from a number of sources:

- MERIT Information Management System (MIMS)
- Local Court Database (Justice Link)
- NSW Bureau of Crime Statistics and Research (BOCSAR)
- Re-offending data (ROD)

2.0 Key Findings

This report is an Annual Summary and does not go into the same depth as previous Annual Reports.

- MERIT referrals in 2015 exceeded the volume of referrals from the previous year by 24.1% (784 referrals). Between 1 January and 31 December 2015 there were 4,035 referrals to the MERIT program, the greatest number since the program began in 2000.
- Solicitors and Magistrates accounted for just over three-quarters of referrals (77.1%). Several referral sources recorded increased rates, including NSW Police (5.1%), which although a minor contributor to referrals, more than doubled compared to 2014. Magistrate referrals increased slightly (by 1.4%) compared to 2014.
- Of the 4,035 defendants referred to MERIT in 2015, 60.5% (2,442 defendants) were accepted into the program, a slight decline (by 2.0%) compared to 2014. However, 2015 saw a considerable decrease in *program entry not being endorsed by Magistrate* (11.5% in 2015 and 19.9% in 2014), a decline of 8.4%. The other common reasons for non-acceptance included defendant having no demonstrable drug problem (26.5%, similar to 2014) and defendant being unwilling to participate (35.6%, an increase of 8.6% on 2014). Around one in four (27.5%) MERIT participants in 2015 had previously been referred to MERIT.
- The largest proportion of referred defendants came from the 25-29 year age group (17.8%), a slight decline from 2014 (18.6%). In line with 2014, around one in five referrals (20.7%) and acceptances (21.1%) to the MERIT program during 2015 were female. There were no major differences between male and female acceptance rates. There was a slight decline in Aboriginal and/or Torres Strait Islander referrals. One in five (20.9%) defendants referred to MERIT during 2015 identified as Aboriginal and/or Torres Strait Islander, compared to 21.8% in 2014.
- A considerable decrease (8.4%) in *Program entry due to not being endorsed by Magistrate* was also seen in 2015, compared to 2014 (11.5% and 19.9%, respectively), and *Program being full* reduced as a reason for non-acceptance into the program compared to 2014 (2.3% and 0.5%, respectively).
- The MERIT program determines each participant's principal drug of concern (PDC). The increasing trend of MERIT participants being principal stimulant users (primarily amphetamines/methamphetamines) continued in 2015. Just under half (49.3%) of all accepted defendants' PDC was stimulants. This is an increase of 11.2% on the previous year (38.1%). When assessing PDC by region, principal stimulant users in Sydney reached 54.0% and 55.3% in Non-Sydney Metro (NSM) areas, with regional areas showing the lowest principal stimulant usage of 38.9%.
- As principal opiate/heroin users continue to decline (from 74.5% in 2000 to 8.8% in 2015), it appears that its' place has been taken by stimulants (1.8% in 2000 to 49.3% in 2015). While principal cannabis users reached its peak in 2009 (48.6% of accepted defendants), and has been on the decline ever since to 35.1% in 2015.

- Illicit drug offences, theft and related offences, and dangerous or negligent acts were the most common charges faced by MERIT defendants in 2015 - for both those referred to and accepted into the program. Principal stimulant users (59.2%) and principal opiate users (17.0%) were most likely to be charged with a theft related offences than any other offence. While principal cannabis users were most likely to be charged with dangerous or negligent acts endangering a person (44.0%).
- Sixty three point one per cent of the 2,270 MERIT participants who exited the program during 2015 had met all program requirements. This represents a slight decline in completion rate compared to 2014 (65.1%). The decrease was primarily driven by the increase in rate at which participants were breached by the MERIT team for non-compliance with program requirements (23.0% compared with 20.5% in 2014).
- In 2015, almost three quarters of principal opiate/heroin users completed the program, followed by around half of principal stimulant and cannabis users. Around one in three principal stimulant users and around a quarter of principal opiate/heroin users were removed from the program for non-compliance with program conditions. Opiates/heroin users were most likely to withdraw voluntarily from program (11.0%), closely followed by cannabis users (10.6%) and then stimulant users (6.9%).
- There were considerable reductions in both the frequency and intensity of all forms of self-reported substance use at program exit compared to program entry amongst accepted MERIT participants in 2015. The largest reductions were recorded for the reported use of cannabis and amphetamines.
- Defendants entering the MERIT program during 2015 had poor self-reported mental health (measured using the Kessler scale of psychological distress) upon exit from the program. MERIT participants showed a reduction in the level of self-reported psychological distress - ratings of no psychological distress almost doubled among participants.
- There were considerable differences between the principal penalty outcome for program completers and non-completers, with completers faring much better than non-completers. The rate of imprisonment for non-completers was 20.7% compared to 5.7% for program completers. A sentence of bond without supervision was considerably higher for completers than non-completers (17.2% vs. 9.9%).
- When assessing recidivism for MERIT program completers and non-completers at three different points in time, program completers were considerably more likely to have not committed another offence than program non-completers. Completers were reconvicted at a lower rate than program non-completers at the 12 week period (13% vs. 41%). At the 6 month period following the program, 39% of non-completers had been convicted of an offence, compared to 23% of program completers, and at the 12 month mark, program completers were again reconvicted at a lower rate than program non-completers (35% vs. 52%).

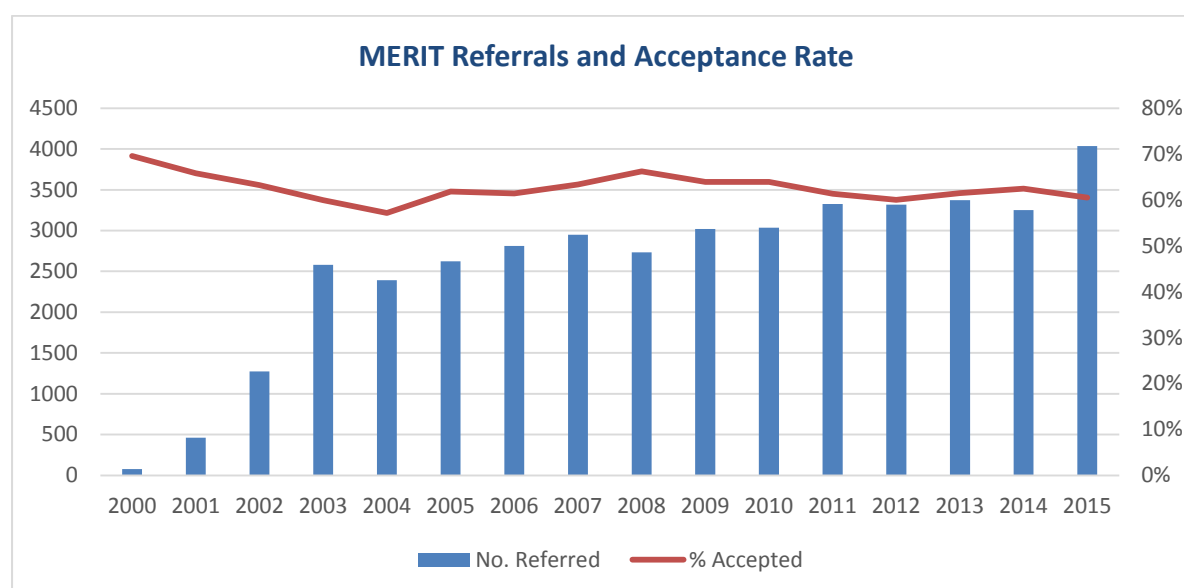
3.0 MERIT Program Activity

3.1 Referral and Acceptances

In 2015, MERIT operated in 62 Local Courts, and MERIT Alcohol operated in seven Local Courts (Wilcania, Broken Hill, Coffs Harbour, Orange, Dubbo, Bathurst, Wellington).

There were 4,035 referrals to the MERIT program in 2015, the greatest number of referrals since the program began in 2000 (as can be seen in Chart 1). Compared to 2014, there was a 24.1% (n=784) increase in referrals.

Chart 1



3.2 Program Status

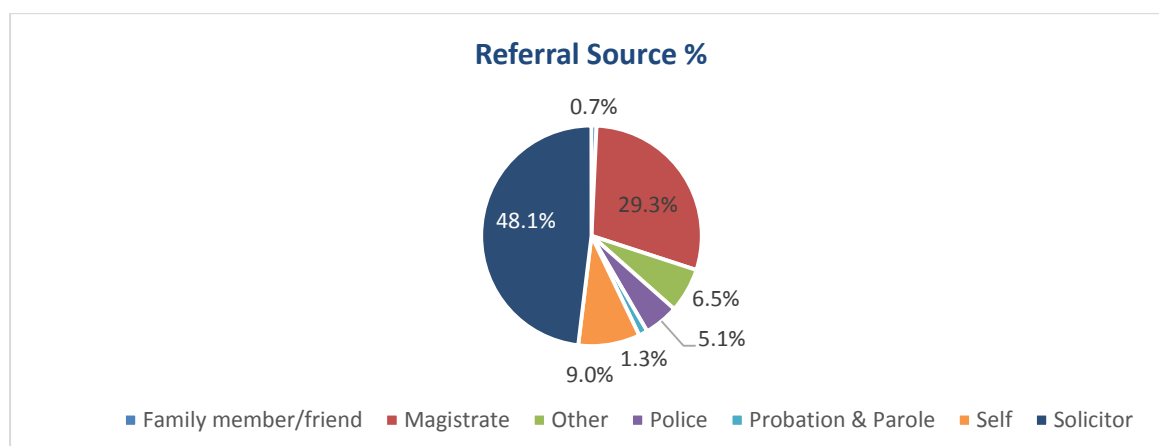
There were 4035 defendants referred to MERIT in 2015. There was a slight decline in program acceptances compared to 2014 (60.5% and 62.5% respectively). Conversely, just over a quarter of defendants (27.5%) referred were *not accepted* into the program in 2015. This result is slightly higher than 2014 (26.4%). 4.7% of defendants were found to decline the program.

3.3 Referral Sources¹

In Chart 2, in 2015, solicitors (48.1%) accounted for close to half of all referrals to MERIT in 2015, followed by Magistrates (almost a third of all referrals, 29.3%). Referrals from Magistrates increased slightly compared to 2014 (29.3% and 27.9% respectively), while referrals from solicitors remained stable. Interestingly, Police referrals more than doubled in 2015 (5.1%) compared to 2014 (1.9%). Referrals from Community Corrections along with referrals from Family member/Friend remained low (1.3% and 0.7% respectively), which was similar to 2014 results. Around one in ten referrals were self-referred (9.0%), a slight decline compared to 2014 (10.3%).

¹ In 2015 Referral data by source were missing for n=27 cases

Chart 2



3.4 Program Status by Referral Source

Table 1 shows the acceptance rate by referral source. It can be seen that referrals from *Community Corrections* and *Police* (44.2% and 33.5% respectively), were the least likely to be accepted into the MERIT program. *Solicitor*, *Self-report* and *Magistrate* were the most likely referrals to be accepted into the program (63.5%, 62.5% and 63.5% respectively).

Table 1- Acceptance rate by source of referral

Referral Source	No. Referred	Referred %	No. Accepted	% Accepted (within each source category)
Solicitor	1,927	48.1	1,224	63.5
Magistrate	1,174	29.3	734	62.5
Self	362	9.0	230	63.5
Police	203	5.1	68	33.5
Community Corrections	52	1.3	23	44.2
Family member/friend	29	0.7	15	51.7
Other	261	6.5	142	54.4
Total	4,008 ²	100.0	2,436 ³	

² In 2015 Referral data by source were missing for n=27 cases

³ In 2015 Accepted data by source were missing for n=6 cases

3.5 Reason for non-acceptance into MERIT

Table 2 shows the reason for non-acceptance of referred defendants into the MERIT program in 2015 and 2014 for comparison purposes. In 2015 just over a third of referrals (35.8%) were determined to be *Not Eligible* for the program (an increase of 4.5% compared to 2014). The *Not Eligible* category was primarily made up of defendants with no demonstrable drug problem, (26.5%), an increase of 2.4% compared to 2014.

More than a third of referrals (37.4%) in 2015 were determined to be *Not Suitable* for the program (an increase of 7.2% compared to 2014). The *Not Suitable* category was primarily made up of defendants who were unwilling to participate in the program, (35.6%), which has increased by 8.6% compared to 2014 (27.0%)

Program entry not endorsed by Magistrate declined considerably in 2015 to 11.5% compared to 19.9% in 2014, a decline of 8.4%. *Program full* declined from 2.3% in 2014 to 0.5% in 2015.

Table 2

Reason for non-acceptance		2014 %	2015%
Not Eligible	No demonstrable drug problem ⁴	24.1	26.5
	Not eligible for bail	4.6	6.4
	Strictly indictable offence(s)	2.5	2.8
	Not an adult	0.1	0.1
	Sub total	31.3	35.8
Not Suitable	Unwilling to participate	27.0	35.6
	Mental health concern	2.6	1.2
	Already in court ordered treatment	0.6	0.6
	Sub total	30.2	37.4
Program logistics	Resides outside treatment area	1.1	1.3
	Program full	2.3	0.5
	Sub total	3.3	1.8
Program entry not endorsed by Magistrate⁵		19.9	11.5
Other⁶		15.2	13.6
Total		100.0	100.0

⁴ Includes the categories: *No suspicion or history of drug use* and *No treatable drug problem*

⁵ Includes the category: *Current offences deemed ineligible by magistrate*

⁶ Includes the category: *Court matters finalised/dismissed prior to program entry*

3.6 Previous Referrals

Given the chronic, relapsing nature of drug dependency, a previous referral to MERIT does not render a defendant ineligible for a subsequent referral at a later date. It is also possible that a defendant might not have been accepted into or completed the program following an earlier referral.

In 2015 just over a quarter (26.0%) of defendants had previously been referred to the MERIT program, similar to the 2014 results (26.1%).

3.7 Gender

In line with 2014 results, around one in five referrals (20.7%) and acceptances (21.1%) to the MERIT program in 2015 were females⁷. There were no major differences in male and female MERIT acceptance rates. Referred males in 2015 had an acceptance rate of 61.9%, and referred females an acceptance rate of 61.6%.

3.8 Age

3.8.1 Referred

The largest proportion of referred defendants in 2015 were aged between 25-29 years, (17.8%), a slight decline from 18.6% in 2014, as shown in Table 3. The second largest age group referred were the 40-49 year olds (17.4%), and the 30-34 year olds (17.2%). The age group with the lowest proportion of referred defendants was the over 50 year olds (4.8%). Overall, referred defendants 25 years and over accounted for almost three quarters of those referred (71.5%). The median age for accepted MERIT participants was 30 years.

3.8.2 Accepted

Table 3 also shows the rate of acceptance into the MERIT program within each age group. In 2015, the age group with the highest rate of acceptance was the 30-34 year age group (63.4%) and the 40-49 year age group (also 63.4%), an increase compared to 2014 (59.8% and 61.1% respectively). The age group with the lowest rate of acceptance into the MERIT program was the 18-20 year olds (54.2%), a considerable decline from 64.7% in 2014. The median age for accepted MERIT participants was 31 years.

⁷ In 2015 data on gender were missing or inadequately described in n=34 cases.

Table 3

Age	2014 Referred		2014 Accepted (within age group)		2015 Referred		2015 Accepted (within age group)	
	n	%	n	%	n	%	n	%
17 or under	0	0.0	0	0.0	1	0.0	0	0.0
18-20	414	12.8	268	64.7	496	12.3	269	54.2
21-24	501	15.5	299	59.7	649	16.1	388	59.8
25-29	602	18.6	375	62.3	714	17.8	433	60.6
30-34	572	17.7	342	59.8	692	17.2	439	63.4
35-39	435	13.5	285	65.5	575	14.3	347	60.3
40-49	553	17.1	338	61.1	700	17.4	444	63.4
Over 50	151	4.7	89	58.9	194	4.8	122	62.9
Total	3,228 ⁸	100.0	1,996		4,021	100.0%	2,442 ⁹	

3.9 Indigenous Status

3.9.1 Indigenous Status (Referred and Accepted)

As illustrated in the Table 4, 20.9% of defendants referred to MERIT in 2015 identified as Aboriginal or Torres Strait Islander (Indigenous). This is slightly lower than the 2014 rate of 21.8%, and slightly higher than the 2013 rate of 19.1%. In 2015, 19.8% accepted into the program were Indigenous. Indigenous referrals were slightly less likely (by 4.5 percentage points) to be accepted into the MERIT program than Non-Indigenous referrals (61.8% and 66.3% respectively).

Table 4

Indigenous Status	Referred n	Referred %	Accepted n	Accepted %
Indigenous	768	20.9	475	19.8
Non-Indigenous	2901	79.1	1923	80.2
Total	3669 ¹⁰	100.0	2398 ¹¹	100.0

⁸ In 2014 data on referral by age were missing for n=23 cases.

⁹ In 2015 data on referral by age were missing for n=14 cases.

¹⁰ In 2015 referral data for Indigenous status was missing in n=366 cases

¹¹ In 2015 accepted data for Indigenous status was missing for n=44 cases

3.9.2 Indigenous Status by reason not accepted

Table 5 shows that Indigenous defendants were more likely than Non-Indigenous defendants to decline the MERIT program (40.5% and 34.4% respectively). *Magistrate's non-endorsement of the program* was slightly more likely to occur in the case of an Indigenous defendant than a Non-Indigenous defendant (14.4% and 11.1% respectively). Non-Indigenous defendants were more likely to have *No demonstrable drug problem* than Indigenous defendants (28.8% and 13.9% respectively).

Table 5

Reason for non-acceptance		Indigenous n	Indigenous % ¹²	Non-Indigenous n	Non-Indigenous % ¹³
Not Eligible	No demonstrable drug problem ¹⁴	30	13.9	212	28.8
	Not eligible for bail or release	13	6.0	50	6.8
	Strictly Indictable offence(s)	7	3.3	17	2.3
	Sub total	50	23.3	279	37.9
Not Suitable	Unwilling to participate	87	40.5	253	34.4
	Mental Health Concern	4	1.9	9	1.2
	Already in court ordered treatment	1	0.5	6	0.8
	Sub total	92	42.8	268	36.4
Program Logistics	Resides outside of effective	5	2.3	6	0.8
	Program full	2	0.9	1	0.1
	Sub total	7	3.3	7	1.0
Program not endorsed by Magistrate¹⁵		31	14.4	82	11.1
Other¹⁶		35	16.3	100	13.6
Total		215	100	736	100

¹² Percentage of non-accepted Indigenous referrals, n=215

¹³ Percentage of non-accepted Non-Indigenous referrals, n= 736

¹⁴ Includes the categories: *No suspicion or history of drug use* and *'No treatable drug problem*

¹⁵ Includes the category: *Current offences deemed ineligible by magistrate*

¹⁶ Includes the category: *Court matters finalised/dismissed prior to program entry*

4.0 Principal Drug of Concern

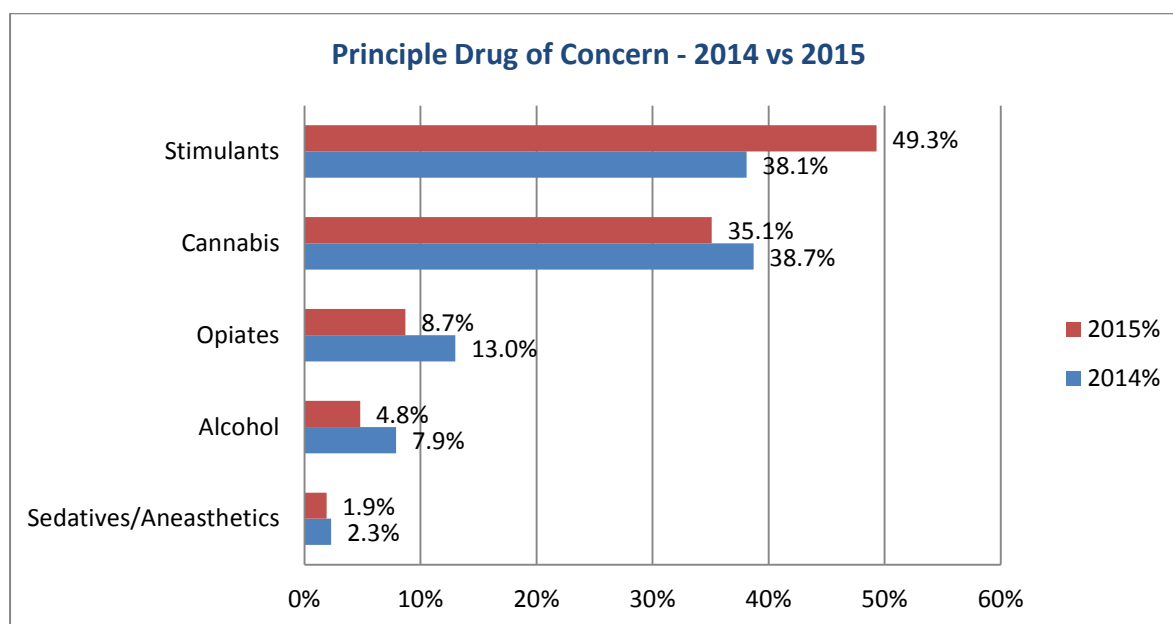
4.1 Principal Drug of Concern (PDC) – 2015 compared to 2014

Chart 3 displays information relating to the principal drug of concern (PDC), which is to be addressed by the MERIT program. In 2014, cannabis was the principal drug of concern for over one third (38.7%) of MERIT participants, very closely followed by stimulants (38.1%). In 2015, major changes were seen – with stimulants increasing to be the PDC for around half (49.3%) of all of MERIT participants. This result was led primarily by the increase in amphetamines/methamphetamines. Principal stimulant users among MERIT participants has been steadily increasing since 2010, where 17.9% of participants used stimulants compared to almost half in 2015.

Table 6 - PDC with subcategories

Principal Drug of Concern		2014 %	2015 %
Stimulants	Amphetamines/Methamphetamines (incl. 'Speed', 'Ice')	35.1	46.8
	Cocaine	1.7	1.3
	MDMA (ecstasy)	1.3	1.1
	Lysergic acid diethylamide (LSD)	0	0.1
	Other	0	0.1
Sub total		38.1	49.3
Cannabis		38.7	35.1
Opiates	Heroin	11.1	7.4
	Methadone	0.4	0.4
	Morphine (incl. MS Contin, Opium)	0.8	0.6
	Buprenorphine	0.1	0.1
	Other	0.7	0.2
Sub total		13.0	8.7
Sedatives/ anaesthetics	Benzodiazepines	2.1	1.8
	Gamma-hydroxybutyrate (GHB)	0.0	0.1
	Other	0.2	0.0
Sub total		2.3	1.9
Alcohol		7.9	4.8
Other		-	0.2
Total	Sub total	100.0	100.0

Chart 3 – PDC Comparison to previous year

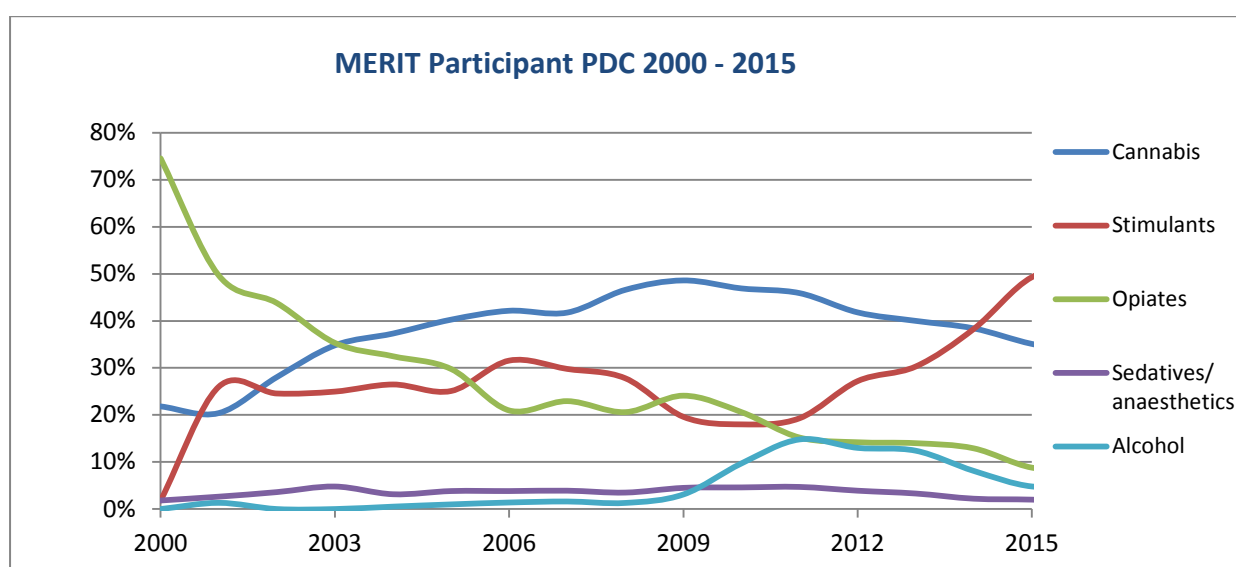


Note: MERIT Alcohol was only available in 7 out of the 62 MERIT Drug courts

4.2 Principal Drug of Concern – 15 Year Trend

Chart 4 illustrates the PDC trend from the program start in 2000 to 2015. A decline in opiates from 74.5% in 2000 to 8.8% in 2015 can be seen, while stimulants have increased from 1.8% in 2000 to 49.3% in 2015. Cannabis reached its peak in 2009 (48.6%), and has been on the decline ever since to 35.1% in 2015.

Chart 4– PDC 15 Year Trend



Note: MERIT Alcohol was only available in 7 out of the 62 MERIT Drug courts.

4.3 Principal Drug of Concern by Region (Sydney, NSM, Regional)

The distribution of MERIT participants by region (Sydney, Non-Metro Sydney and Regional) in 2015 compared to 2014 is set out in Chart 5, demonstrating a minimal change in geographic distribution of MERIT participants.

Chart 5

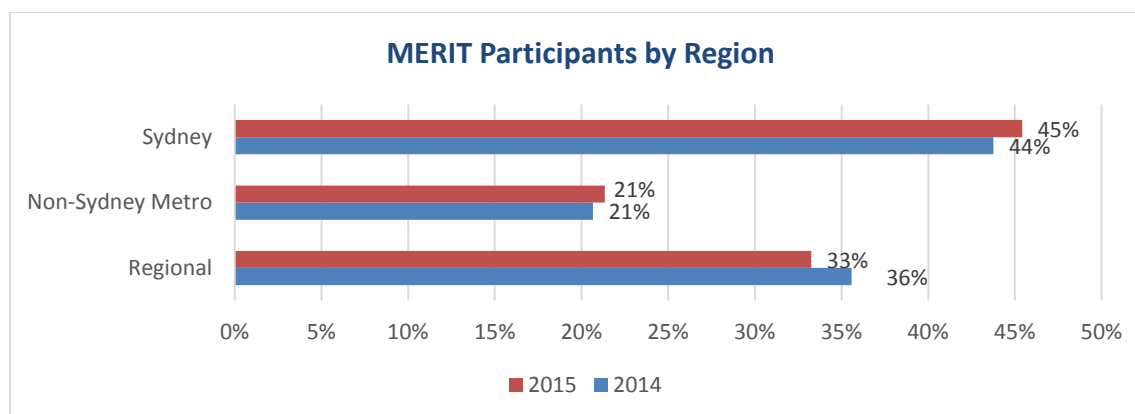
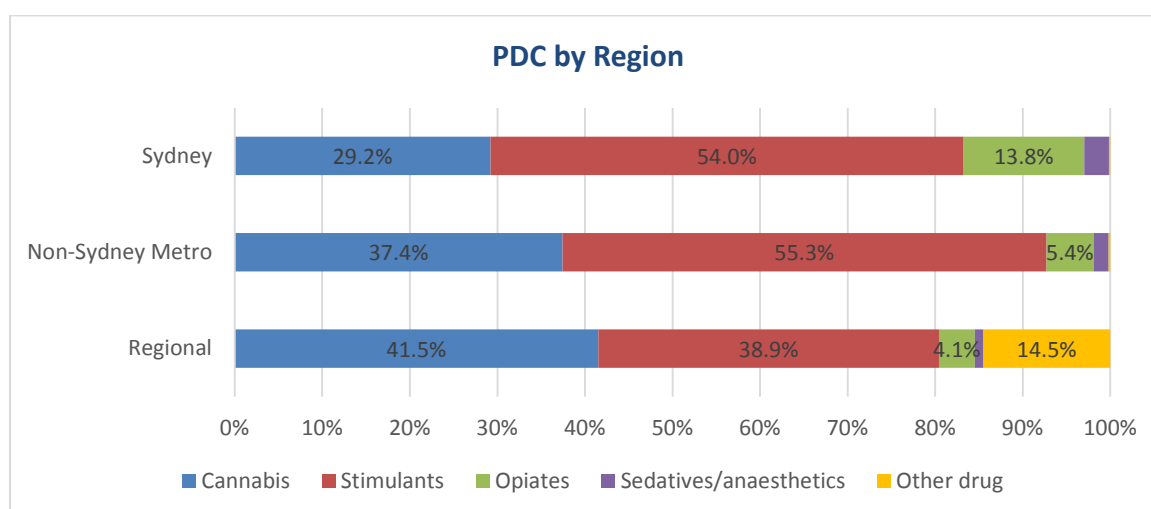


Chart 6 shows that over half (54.0%) of Sydney MERIT participant's PDC were stimulants, this was very closely followed by Non Sydney Metro (NSM) (55.3%). Stimulants were the PDC for over a third of participants in Regional NSW (38.9%). Cannabis use remains high in Regional NSW (41.5%), followed by NSM (37.4%) and Sydney (29.2%). Again in 2015 there was a decrease in defendants who's PDC was Cannabis in Regional NSW and NSM, which corresponds with a dramatic increase in stimulant users in these areas.¹⁷

Chart 6



¹⁷ Note: In keeping with the approach adopted in previous MERIT Annual Reports (Martire & Larney, 2010), the 'Urban region' comprises the Northern Sydney, Western Sydney, South Eastern Sydney, South Western Sydney, Central Sydney and Wentworth MERIT teams. For this report, this grouping has been renamed 'Sydney'. The 'Non-Sydney Metropolitan' region consists of the Hunter, Illawarra and Central Coast MERIT teams. The 'Regional' area is made up of the New England, Mid West, Far West, Macquarie, Mid North Coast, Northern Rivers, Southern and Greater Murray MERIT teams. It should be noted that participants in the Regional group may live in rural or remote areas.

5.0 Type of offence by referred and accepted MERIT Participants

5.1 Number of charges and previous custodial experience

There were a total of 8,416 charges against 3,688 defendants¹⁸ referred to MERIT during 2015, while 44 defendants had 10 or more charges (less than one per cent). The range of remaining charges was one to thirty eight.

The average (median) number of charges for referred defendants was two¹⁹, compared to one in 2014. The number of charges against a defendant was associated with the likelihood of being accepted into the program in 2015; those with one charge had an acceptance rate of 64.2%, whereas those with two charges had an acceptance rate of 69.9%, and those with more than two charges had an acceptance rate of 67.8%.

5.2 Type of offence

Table 7 sets out the nature and extent of the offences of defendants referred and accepted into the MERIT program during 2015²⁰. Illicit drug offences, dangerous and negligent acts endangering persons, and theft and related offences were the most common charges faced by MERIT defendants - for both those referred and accepted into the MERIT program in 2015.

Among those accepted into the MERIT program in 2015, the main charge was illicit drug offences (43.5% of participants). This was followed by dangerous and negligent acts endangering persons (20.5%) and theft and related offences (19.8%).

¹⁸ In 2015 data on charges were missing for n=347 referrals.

¹⁹ Analysis of averages uses a median score when the data is not normally distributed. The median provides a more accurate estimate of the average compared to the mean in these cases.

²⁰ The offences considered have been structured according to the Australian Bureau of Statistics' Australian Standard Offence Classification (ASOC) system.

Table 7

Offence type	Referred		Accepted	
	n	%	n	%
Illicit Drug Offences	1637	44.4	1062	43.5
Dangerous or negligent acts endangering persons	722	19.6	500	20.5
Theft and related offences	755	20.5	483	19.8
Road traffic and motor vehicle regulatory offences	543	14.7	395	16.2
Acts intended to cause injury	561	15.2	349	14.3
Against justice procedures, government security/operations	472	12.8	291	11.9
Property damage and environmental pollution	294	8.0	183	7.5
Weapons and explosives offences	254	6.9	172	7.0
Unlawful entry with intent/burglary, break and entry	220	6.0	125	5.1
Deception and related offences	86	2.3	68	2.8
Public order offences	89	2.4	63	2.6
Robbery, extortion and related offences	32	0.9	16	0.7
Sexual assault and related offences	2	0.1	0	0.0
Miscellaneous offences	249	6.8	186	7.6
Homicide and related offences	2	0.1	0	0.0

5.3 Type of offence by PDC

Illicit drug offences, theft and related offences, and dangerous or negligent acts endangering persons, were the most common charges faced by MERIT defendants in 2015 - for both those referred to and accepted into the program.

Participants charged with illicit drug offences were primarily made up of principal stimulant users (51.0%), followed by cannabis, (39.2%), and opiates (7.3%).

Among those charged with dangerous or negligent acts endangering persons, principal stimulant users accounted for just over half (51.0%) of those charged, followed by principal cannabis (39.2%), and principal opiate/heroin users (7.3%).

Principal stimulant users (59.2%) and principal opiate/heroin users (20.5%) were most likely to be charged with theft related offences than any other offence; in fact principal opiate/heroin users were almost five times more likely to be charged with a theft-related offence than dangerous or negligent acts. Principal cannabis users were most likely to be charged with dangerous or negligent acts endangering a person (44.0%); in fact two and half times more likely than being charged with a theft-related offence.

Table 8

	Illicit Drug Offence		Dangerous or negligent Acts		Theft-related Offences	
PDC	n	%	n	%	n	%
Stimulants	542	51.0	220	44.0	286	59.2
Cannabis	416	39.2	220	44.0	82	17.0
Opiates/Heroin	78	7.3	22	4.4	99	20.5
Sedatives/anesthetics	14	1.3	15	3.0	14	2.9
Other drug (incl. Alcohol)	12	1.0	1	4.6	2	0.4
Total	1062	100	478	100	483	100.0

6.0 MERIT Program Exit

6.1 Exit Status of defendants accepted into MERIT

In 2015, 63.1% of those who entered the MERIT program completed it, a slight decline compared to 2014, (65.1%), mainly driven by the increase in removal of participants for non-compliance with program conditions (increasing to 23.0% compared to 20.5% in 2014). In 2014, almost 1 in 10 participants withdrew voluntarily from the program (9.2%), this declined slightly to 8.7% in 2015. The remaining participants who exited MERIT during 2015 did not complete the program for a range of reasons indicated in Table 9 below.

Table 9

Exit Status	2014		2015	
	n	%	n	%
Completed program	1304	65.1	1433	63.1
Non-compliance	411	20.5	522	23.0
Withdrew voluntarily	184	9.2	197	8.7
Removed by Court	76	3.8	86	3.8
Court matters finalised/dismissed prior to completion	14	0.7	19	0.8
Died	0	0.0	4	0.2
Other	15	0.7	9	0.4
	2,004	100.0	2,270	100.0

6.2 Exit Status of defendants by PDC

In 2015, principal stimulant users (56.9%) were the least likely to complete the program, very closely followed by principal opiate users (55.3%). Principal cannabis users were by far the most likely to complete the program (70.4%).

Principal stimulant users were the most likely to be breached for non-compliance by the MERIT team (29.9%), followed by principal opiate/heroin users (27.2%). Principal opiate users (11.0%) were the most likely to withdraw voluntarily from the program, followed by principal cannabis users (10.6%) and the rate for stimulant users was 6.9%.

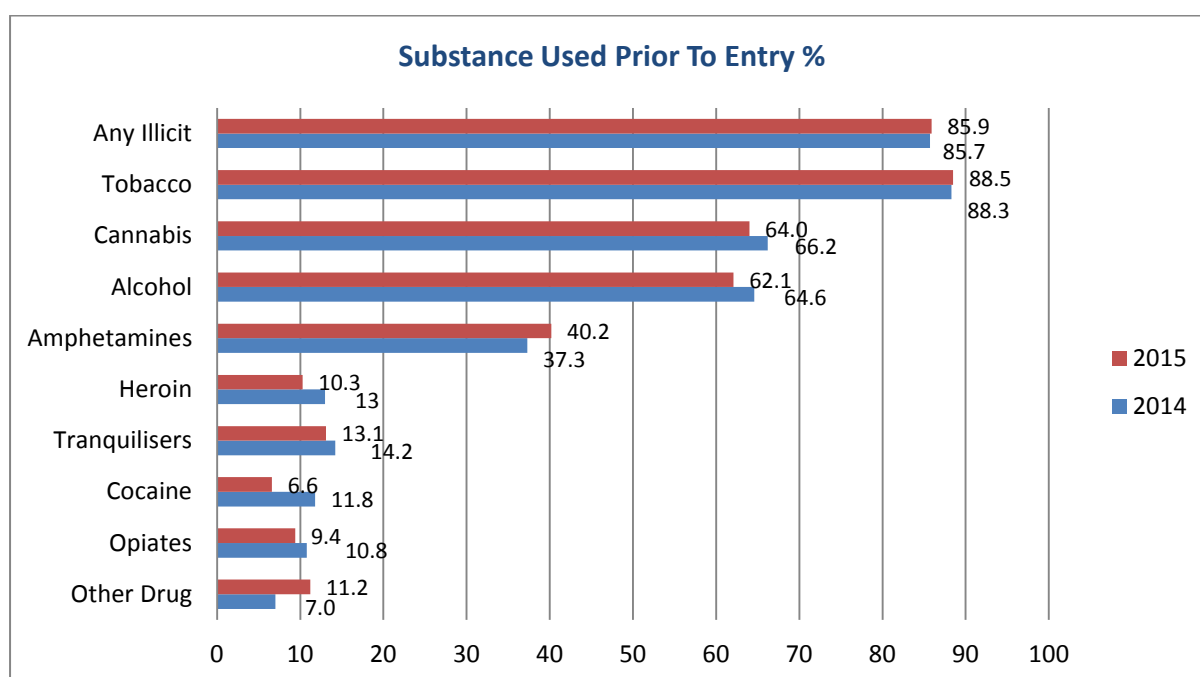
7.0 Substance use and Health Outcomes

This section provides information on the 2,442 defendants accepted by MERIT in 2015 and compares this data to 2014. Self-reported substance use and physical and psychological health information was collected upon entry to and exit from the MERIT program, where possible²¹.

7.1 Substance use

Chart 7 illustrates the nature of substance use among MERIT participants upon entry to the program during 2015 and 2014. Slightly more than eight out of ten (85.9%) defendants accepted by MERIT (and for whom data were available) had reportedly used an illicit²² drug in the 30 days prior to program entry²³, a minimal change compared to 2014. There was no change in tobacco use prior to entry, however cannabis use declined compared to 2014 (66.2% to 64.0% respectively). Two in five MERIT participants (40.2%) consumed amphetamines prior to entry, an increase of 2.9 percentage points compared to 2014. There was a considerable decline in heroin usage compared to 2014 (declining from 13.0% to 10.3% in 2015). There was also a considerable decrease in cocaine use in 2015, almost halving to 6.6% compared to 11.8% in 2014.

Chart 7 - Substance use as a percentage of the individual drug group of MERIT participants prior to program entry (2014 and 2015)



Note: Each analysis of drug items involved differing total group size and number of missing cases. Group sizes: any illicit (1931), tobacco (1933), cannabis (1930), alcohol (1930), amphetamine (1929), heroin (1929), tranquilisers (1922), other (1824), opiates (1930), cocaine (1926). Percentages are calculated using these base numbers for each substance.

²¹ For a range of different reasons exit data on substance use and health outcomes are almost exclusively restricted to program completers and should not be considered representative of all program participants. Reasons include: non-completers fail to re-engage with MERIT after breaching, being removed or withdrawing from the program; they may be detained in custody for further offences; or they might leave the program shortly after entering it.

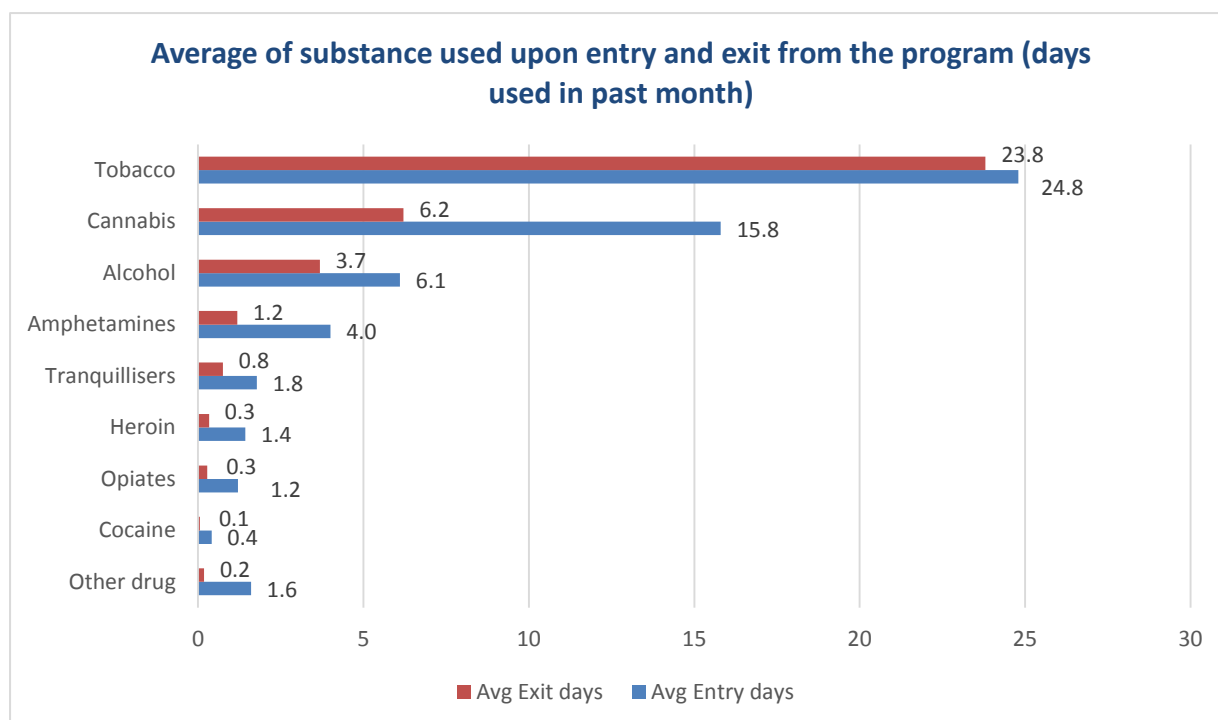
²² With the exception of alcohol and tobacco, an assumption has been made that other substances (e.g. tranquilisers and opiates) were being used for non-medical purposes and were not prescribed.

²³ Data on drug use at entry to MERIT were missing for n=331 cases.

7.2 Average (mean) frequency of substance use upon entry to and exit from the program

Chart 8, uses data for those accepted defendants for whom substance use information was available upon entry to and exit from the program in 2015. Reductions in the self-reported frequency of use (past 30 days) across all eight drug types were recorded.

Chart 8 - Average frequency of substances used upon entry to and exit from program



7.3 Average Frequency and Intensity of substance use upon entry to and exit from the program

As per Table 10, reductions in both the frequency and intensity²⁴ of self-reported substance use were observed across all drug types for this sub-sample of accepted MERIT participants in 2015. In particular, reductions for both cannabis and amphetamine use is noted.

²⁴ An intensity score (Average of Entry/Exit Score) was calculated by multiplying the number of days in the month a substance was used by the units consumed per day.

Table 10

Frequency and Intensity of Substance Use (Entry and Exit)

Substances	Group size/Base size	Avg Of Entry days in month	Avg Of Exit days in month	Avg Of Entry Score	Avg of Exit Score
Alcohol	904	6.1	3.7	61.8	21.3
Tobacco	905	24.8	23.8	369.9	332.7
Cannabis	901	15.8	6.2	250.2	53.0
Opiates	902	1.2	0.3	4.9	1.6
Heroin	902	1.4	0.3	4.1	0.5
Cocaine	903	0.4	0.1	7.5	0.3
Amphetamines	902	4.0	1.2	18.3	4.0
Tranquillisers	903	1.8	0.8	7.7	1.7
Other drug	841	1.6	0.2	5.7	1.6
Any illicit drug	855	20.3	7.6	262.5	50.5

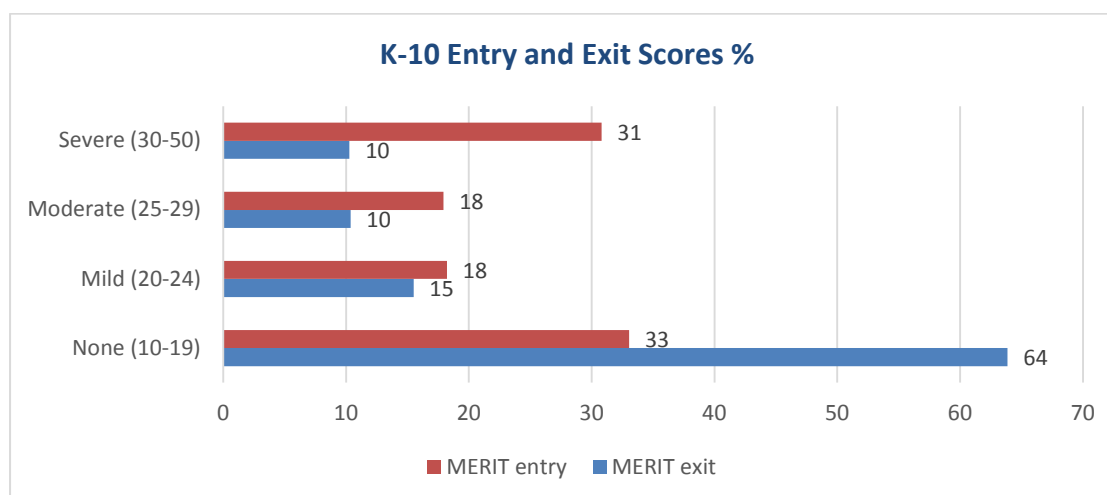
7.4 Psychological Health: Kessler Scale

Levels of psychological distress amongst accepted MERIT defendants during 2015 were measured using the Kessler-10 (K-10) Psychological Distress Scale (Kessler et al., 2002). With possible scores ranging from 10 to 50, lower K-10 scores are indicative of lower levels of psychological distress. Amongst those defendants with K-10 data on entry to, and exit from the program during 2015, the average (median) score for accepted MERIT defendants was 24²⁵, (the highest threshold for mild psychological distress), a slight decline compared to 2014 (median score of 25). Scores in the region of 20 - 24 indicate mild levels of psychological distress.

Almost a third of participants (31%) had severe levels of psychological distress on admission to MERIT (the same proportion as 2014). A decline to just 10% of defendants with severe psychological distress was seen on exit from the program. While those with no psychological distress almost doubled at program exit from 33% to 64% of participants.

²⁵ K-10 scores were missing in n=260 cases on entry to MERIT

Chart 9 - Changes in levels of psychological distress on entry to and exit from MERIT



8.0 Criminal Justice Outcomes

In order to ensure consistency with the approach adopted in previous Annual Reports, sentence outcome and reconviction data are presented here for defendants completing MERIT in the previous calendar years (2014).

By matching unique attributor codes for MERIT participants to Local Court and re-offending databases (ROD), the Bureau of Crime Statistics and Research (BOCSAR), was able to provide measures of criminal justice outcomes by comparing post-program sentences and reconviction rates for program completers and non-completers during the relevant years. More specifically, this process provided information on:

- the principal penalty received by MERIT defendants
- the number of defendants reconvicted within 12 weeks of commencing MERIT
- Reconvictions within 6 and 12 months of exiting the program

From the 2,008 defendants who exited the program in 2014 for whom information was provided to BOCSAR, 1,863 (92.8%) were successfully matched to the relevant court and reconviction datasets (similar to 2014). This is set out in Table 11.

Table 11 – Data Matching

	2013	2014
Number of defendants exiting from MERIT	2,045	2,008
Number of defendants matched with ROD	1,900	1,863
% matched with ROD	92.9%	92.8%

8.1 Sentence Outcomes

There were considerable differences between the principal penalty outcome for program completers and non-completers. One of the most important differences in outcomes was that a term of imprisonment was given to 20.7% of MERIT program non-completers, compared to only 5.7% of program completers.

The most common sentence outcomes for MERIT program completers was a bond with supervision (24.5% of completers compared to 16.4% of non-completers). This was followed by a bond without supervision (17.2% for completers compared to 9.9% of non-completers).

When interpreting these sentencing data it is important to note that the penalties imposed against both *program completers* and *non-completers* will be influenced by a broad range of factors including defendant needs, circumstances, levels of risk posed (both of harm and reoffending), seriousness of the current offence(s) and compliance with MERIT.

8.2 Sentence outcomes for MERIT defendants (2014) (n=1,863)²⁶

Table 12

Principal Penalty ²⁷	2013				2014			
	Completed		Not Completed		Completed		Not Completed	
	n	%	n	%	n	%	n	%
Imprisonment (adult)	74	6.5	131	20.9	67	5.7	119	20.7
Home detention	1	0.1	1	0.2	4	0.3	1	0.2
Intensive Correction Order	35	3.1	7	1.1	18	1.5	13	2.3
Suspended sentence with supervision (adult)	144	12.6	71	11.3	155	13.2	52	9.1
Suspended sentence without supervision (adult)	51	4.5	27	4.3	52	4.4	22	3.8
Community service order (adult)	71	6.2	26	4.1	77	6.6	12	2.1
Bond with supervision (adult)	288	25.2	116	18.5	287	24.5	94	16.4
Bond without supervision (adult)	200	17.5	56	8.9	202	17.2	57	9.9
Probation without supervision (juvenile)	0	0.0	0	0.0	0	0.00	1	0.20
Fine	121	10.6	120	19.1	117	10.0	128	22.3
Nominal sentence	12	1.0	12	1.9	21	1.8	14	2.4
Bond without conviction	94	8.2	20	3.2	109	9.3	20	3.5
No conviction recorded	13	1.1	3	0.5	15	1.3	6	1.0
No action taken	9	0.8	6	1.0	8	0.7	8	1.4
No penalty	32	2.8	31	4.9	41	3.5	27	4.7
Total	1,145	100.0	627	100.0	1,173	100.0	574	100.0

²⁶ Sentencing data were not available for 50 of the cases matched to ROD for defendants exiting in 2014 (2.5%). The total cases matched included multiple counts for persons who had been previously referred to MERIT. In those instances, BOCSAR has selected the person's first relevant court appearance, and this is counted only once in the results. This reduces the number of individual sentence outcomes to 1,747 distinct persons.

²⁷ Where the first court appearance was finalised within the six months after program exit in 2014, or in the month before program exit.

8.3 Re-offending

As with previous MERIT Annual Reports, details of finalised court appearances for new charges and consequent convictions following entry to the MERIT program serve as a proxy measure of reoffending²⁸.

8.3.1 Reconviction within 12 weeks of commencing MERIT²⁹

Consistent with findings from previous Annual Reports, program non-completers in 2014 were more likely to be reconvicted for another offence in the 12 weeks following commencement of MERIT than program completers (41% vs.13%). Table 13 shows the number and proportion of MERIT participants who were convicted for a new offence during this period.

When interpreting these figures it is important to note that re-offending while on MERIT can be cause for a defendant to be removed from the program and/or for having their bail withdrawn.

8.3.2 Reconvictions post-MERIT contact³⁰

Six months after exiting the MERIT program in 2014, 23% of completers (compared to 39% of program non completers) had been convicted of a further offence. In 2014, by the time 12 months had elapsed 35% of program completers, compared to 52% of defendants who had not completed the program had been convicted of a further crime. Consistent with findings from previous research examining the impact of MERIT on rates of recidivism, program completers were less likely than non-completers to have been reconvicted 12 weeks, 6 months and 12 months after exiting the program (see Table 13)³¹.

²⁸ Although the use of convictions data is an internationally established benchmark with which to measure rates of re-offending, previous estimates in other jurisdictions have indicated that only 3 in every 100 offences committed will result in a caution or conviction (Barclay and Tavares, 1999: 29).

²⁹ This refers to any subsequent convictions where the re-offence date was within 12 weeks of commencing MERIT.

³⁰ Based on the number of subsequent convictions where the re-offence date was within 6 or 12 months of the MERIT program completion date. These data have not been adjusted to take into account 'time at reduced risk' (i.e. periods of imprisonment or inpatient treatment).

³¹ BOCSAR did not have data on whether there were reductions in the frequency (number of offences leading to conviction) or severity of offending during this follow-up period.

Rate of conviction/re-conviction within the 12-week program period and 6 and 12 months of exiting from the MERIT program

Table 13

Convictions / re-convictions		2013				2014			
		Completed (n= 1,145)		Not completed (n=627)		Completed (n=1,173)		Not Completed (n=574)	
		n	%	n	%	n	%	n	%
Within 12 weeks of program entry date	Yes	137	12	241	38	153	13	233	41
	No	1008	88	386	62	1020	87	341	59
		1145	100	627	100	1173	100	574	100
Within 6 months of program exit date		Completed (n= 1,145)		Not completed (n=627)		Completed (n=1,173)		Not Completed (n=574)	
	Yes	222	19	216	34	269	23	221	39
	No	923	81	411	66	904	77	353	61
		1145	100	627	100	1173	100	574	100
Within 12 months of program exit date		Completed (n= 848)		Not completed (n=488)		Completed (n= 1,173)		Not completed (n=574)	
	Yes	247	29	215	44	415	35	296	52
	No	601	71	273	56	758	65	278	48
		848	100	488	100	1173	100	574	100