CRIME PREVENTION ISSUES

Referals to MERIT

Aboriginal participation in MERIT

The study population was made up of 6,219 persons who were referred to MERIT between 2 July 2000, (date of program commencement) and 31 October 2004. Of these, 852 (13.7%) persons identified as Aboriginal and 4,242 (68.5%) as non-Aboriginal. The Indigenous status of a large number of referred persons was unknown, 1,283 (20.8%). This proportion of persons of unknown Indigenous status is high, and needs to be acknowledged as having the potential to temper the results presented below.

Aboriginal appearances in the Local Court

The full report compared the proportion of Aboriginal persons referred to MERIT with the proportion of Aboriginal persons charged before the Local Courts. Aboriginals were reported as consistently making up a higher proportion of referrals to MERIT than non-Aboriginals. This information was based on Local Court statistics provided by the Bureau of Crime Statistics and Research (BOCSR).

However, since the time the Court statistics were provided for the full report, BOCSR has revised the way the Indigenous status of persons charged is recorded. A revision resulted in a significant increase in the number of Indigenous persons appearing in the Local Courts. Using revised 2000-2004 BOCSR information, Figure 1 compares the proportion of Aboriginal persons referred to MERIT with the proportion of Aboriginal persons appearing before the NSW Local Court.

While Figure 1 shows there to be slight variation across the years, the number of Aboriginal persons referred to MERIT is proportionately very similar to the number of Aboriginal persons represented in the Local Court.

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No.1

Notes

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4. There is evidence that demonstrates that once an individual has come into contact with
5. The term 'Aboriginal' is used in this bulletin to describe persons who identified as Aboriginal
6. An Aboriginal or Torres Strait Islander is a person of Aboriginal or Torres Strait Islander
7. The Macquarie AHS demonstrated the highest participation of Aboriginal referrals by Area Health Service (AHS)
8. BOCSAR changed the ATSI status counting rules in 2004. The BOCSAR reports produced
9. The term 'Aboriginal' is used in this bulletin to describe persons who identified as Aboriginal
10. Information provided by the Statistical Services Unit of the NSW Bureau of Crime Statistics

Participation of Aboriginal people in the MERIT program: Main findings

This bulletin reports the main findings of the Participation of Aboriginal people in the MERIT program report, released by the Crime Prevention Branch. The full report provides information relating to Aboriginal participation from program commencement in July 2000 to 31 October 2004. As such, it provides an account of Aboriginal participation during the first four years of the MERIT program. At the time this study was undertaken, MERIT was operational in 53 Local Courts across New South Wales, and covered all Area Health Services.

Background

The Aboriginal population is significantly over-represented in the NSW Criminal Justice System. While Aboriginal people make up 1.9% of the total population of the NSW population,1 they make up 16.8% of the NSW prison population.2 Evidence also suggests that once a part of the criminal justice system Aboriginal defendants are much more likely to be found guilty (Baker, 2001) and to receive harsher penalties (Baker, 2004). Given these statistics, it is clear that刑事 justice intervention programs implemented to interrupt the criminal “cycle” are reaching the Aboriginal population.

The MERIT program3 is a court-based diversion initiative that is aimed at addressing both the health and criminal justice issues of adults who present at a participating Local Court and who have a demonstrated drug problem. MERIT is often described as the pre-plea stage of the court process. Participants must meet specific eligibility criteria, be suitable for release on bail and be motivated to engage in treatment and rehabilitation. The program is designed to deal with offenders facing less serious drug or drug-related charge than those appearing before the NSW Drug Court.

The report Participation of Aboriginal people in the MERIT program: Main findings provides an overview of the factors that impact on access to MERIT on the basis of Aboriginality.
The acceptance process is dependent on a three-stage process. The first stage is an assessment regarding the suitability of the defendant for the MERIT program. Suitability is determined following a clinical assessment of the defendant for the MERIT program. The second stage is an assessment regarding the suitability of the defendant for the MERIT program. Suitability is determined following a clinical assessment of the defendant for the MERIT program. The third stage of acceptance is the endorsement by a Magistrate. A defendant may be declared both eligible and suitable; however, they may not ultimately be accepted into the MERIT program.

MERIT acceptance rates during the study period

The reasons for non-acceptance provided in the full report are broken down into three categories: suitability, eligibility and suitability, and other reasons. The reasons for non-acceptance provided in the full report are broken down into three categories: suitability, eligibility and suitability, and other reasons. The most common reason for non-completion was the defendant being breached by the MERIT team for non-compliance. This was the most common reason for non-completion for Aboriginals than it was for non-Aboriginals (65.7% compared with 61%). Aboriginals were, however, more likely to be accepted into the Court, and less likely to withdraw voluntarily from the program. Defendants were being breached by the Court as a result of being charged with another offence while on the program or otherwise breaking bail conditions.

Principal drug and treatments provided

Principal drug of concern

The MERIT Program Guidelines define the “principal drug” of concern as the drug for which the defendant has been charged. The MERIT Program excludes persons who have committed significant voluntary offenses. On this basis, it is likely that offenses committed by Aboriginal defendants have a bearing on their subsequent acceptance into the MERIT program.

Discussion

The major finding from this study is that Aboriginal people in the MERIT program frequently have a different level of community contact with the criminal justice system than non-Aboriginals. The findings relate to the criminal justice system’s criminal court and prison environments. The most common reason for non-completion was the defendant being breached by the MERIT team for non-compliance. This was the most common reason for non-completion for Aboriginals than it was for non-Aboriginals (65.7% compared with 61%). Aboriginals were, however, more likely to be accepted into the Court, and less likely to withdraw voluntarily from the program. Defendants were being breached by the Court as a result of being charged with another offence while on the program or otherwise breaking bail conditions.

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CRIME PREVENTION ISSUES

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1. This bulletin was prepared by Tania Matruglio. The information in the bulletin is based on
   the male prison population, and females, 24.0% of the female prison population.

2. NSW Department of Corrective Services, August 2005. Reported in this bulletin is that Aboriginal males make up 16.3% of
   the MERIT program, No.1

3. Participation of Aboriginal people in the MERIT program is a court based diversion initiative that aims to address both the health
   and criminal justice issues of adults who present to a participating Local Court and who have a demonstrated drug problem.
   MERIT, therefore, is designed to deal with offenders facing less serious drug or drug related charges than those appearing before the NSW Drug Court.


CRIME PREVENTION ISSUES

Participation of Aboriginal people in the MERIT program: Main findings

This bulletin reports the main findings of the Participation of Aboriginal people in the MERIT program report, released by the Crime Prevention Clever. The full report provides information relating to Aboriginal participation from program commencement in July 2000 to 31 October 2004. As such, it provides an account of Aboriginal participation during the first four years of the MERIT program. All the statistical data for this study period

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CRIME PREVENTION ISSUES

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non-Aboriginal persons to be accepted into MERIT

persons referred to MERIT were accepted into the

During the study period, 3,454 (55.5%) of the 6,219

MERIT acceptances during the study period

be considered both eligible and suitable, they may

Operational issues are also important, such as the

Suitability is determined following a clinical assessment

participate in the MERIT program.

The defendant must also give informed consent to

sexual assault, or have committed an indictable offence.

Following referral to MERIT, acceptance into the program

The acceptance process

eligibility criteria. Eligibility is based on satisfying the

The reasons for non-acceptance provided in the full report are broken down into three categories: suitability, eligibility and other.

The second stage is an assessment regarding the suitability of the defendant for the MERIT program. Suitability is determined following a clinical assessment by the relevant MERIT team. The team may take into account such issues as the defendant’s motivation and previous experiences with drug treatment services. Operational issues are also important, such as the availability of rehabilitation services, and the case load of professionals relative to the local population.

The third stage of acceptance is the endorsement of participation by a Magistrate. While a defendant may be considered both eligible and suitable they may not ultimately be accepted into the MERIT program.

MERIT acceptances during the study period

During the study period, 3,654 (55.5%) of the 6,219 persons referred to MERIT were accepted into the program. Aboriginal persons were less likely than non-Aboriginal persons to be accepted into MERIT following an eligibility and suitability assessment (60% compared with 75%). See Figure 2.

Principal drug and treatments provided

Principal drug of concern

The Program Guidelines define the “principal drug” as the drug of most concern to the defendant, for persons involved program. Aside from a slightly higher proportion of Aboriginal defendants presenting with a cannabis problem and a slightly lower proportion with a heroin problem, there was little difference between Aboriginal and non-Aboriginal defendants with regard to the principal drug of concern.

When considering this issue, it is worth noting that the MERIT Annual Reports (2003 and 2004) report that the principal drug of concern is related to the region in which an individual lives - with cannabis being more of a drug of concern in regional areas.

Treatments programs

Aboriginal participants were much more likely to be referred to residential treatment programs (45% compared with 16%). It is important to consider that differences in treatments provided may be a reflection of the differing philosophies of the health care professionals in any given area rather than being due to a person’s Aboriginality or presenting drug problem.

Demographic characteristics

There were demographic differences between the Aboriginal and non-Aboriginal populations with regard to age, gender, living arrangements, employment status and education level. The results demonstrated that Aboriginal persons referred to MERIT were more likely than non-Aboriginal persons. Aboriginal females made up a higher proportion of Aboriginal offenders compared to non-Aboriginal females. This finding is likely to reflect the general criminal population figures, as Aboriginal women make up almost one quarter of the females in the NSW Local Court Charge (2002) and prison (2004) populations.42

A comparison of Aboriginal and non-Aboriginal defendants showed that a higher proportion of Aboriginal defendants were married and/or living with family (26% compared with 17%). However, had a lower level of education and had served time in prison. When considering these results alongside those of the program and subsequently completing the program, knowledge of the reasons behind these findings is the key to increasing the acceptance and completion rates of Aboriginal defendants.

Discussion

The over-representation of Aboriginal people in the MERIT program considered the level of participation of Aboriginal compared against that of non-Aboriginals.

The Aboriginal and non-Aboriginal populations with regard to arrest rate and the ratio of offenders to the general population.

Principal drug of concern: cannabis

The Aboriginal Health and Medical Research Council has received funding to develop a best practice model to engage and retain Aboriginal defendants in MERIT. This project will be conducted over the next two years, in association with NSW Attorney General’s Department and NSW Health.

New South Wales’ Health has commenced funding of 13 residential rehabilitation beds in five Aboriginal agencies across NSW to ensure Aboriginal MERIT participants receive culturally appropriate and respectful residential rehabilitation services. Additionally, MERIT teams employ community workers to engage Aboriginal participants in the program.

The NSW Attorney General’s Department has established Aboriginal MERIT Program Support Specialist positions, located in Local Courts that have high Aboriginal participation and have successfully engaged and encouraged eligible defendants to access the MERIT program.

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The purpose of these positions is to increase the level of Aboriginal participation in and to establish a number of Aboriginal
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When developing the MERIT program evaluation strategy, it is important to note that a number of these
issues are important, such as the availability of rehabilitation services, and the caseload of MERIT staff relative to
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violent offences. On this basis, more than 100 offenders were excluded from the program.

An analysis of the characteristics of defendants referred to MERIT reveals that a number of Aboriginal

Non-Aboriginal participants revealed demonstrable differences in program completions. Over time, there was a downward trend in the number
of Aboriginal defendants accepted into MERIT. In contrast, the admission rate for non-Aboriginals has remained constant. This general decline coincides
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Aboriginal health professionals who are able to assist
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Background

The Aboriginal population is significantly over-represented in the NSW Criminal Justice System. While Aboriginal people make up 12% of the NSW population, they make up 16.8% of the NSW prison population. Evidence also suggests that once a part of the criminal justice system Aboriginal defendants are more likely to be found guilty (Baker, 2001) and to receive harsher penalties (Baker, 2004). Once a part of the criminal justice system Aboriginal defendants are more likely to be found guilty and to receive harsher penalties. The successful completion (or otherwise) of the MERIT program by the defendant may be associated with their risk of recidivism in the criminal justice system the likelihood that they will continue to do so increases. This relationship is particularly pertinent for the Indigenous population for whom the likelihood of reoffending is twice as high, with half as likely to self-refer (4.7% compared to 9.0%).

The MERIT program5 is a court-based diversion initiative that is aimed at addressing both the health and criminal justice issues of adults who present at a participating Local Court and who have a demonstrated drug problem. MERIT was developed in response to the recommendation of the NSW Drug Summit and diverts adult defendants with primary drug problems who are on bail and be motivated to engage in treatment and change their drug use patterns. The program is a self-identified item.6 Aboriginal status recorded in the MIMS database and verified at the time the study was undertaken. Aboriginal status recorded in the MIMS database is a self-identified item.7

Notes

1. This bulletin was prepared by Tara Matruglio. The information in this bulletin is based on the work conducted by Michael Cain and reported in Participation of Aboriginal people in the MERIT program: Main findings, Attorney General’s Department of New South Wales, 2006. Thanks is also due to the MIMS Information Management System (MIMS) database. MIMS is a purpose-designed database used to record treatments provided can be found in the full report as well as in the MERIT Annual Reports.


4. There is evidence that demonstrates that once a part of the criminal justice system the likelihood that they will continue to do so increases. This relationship is particularly pertinent for the Indigenous population for whom the likelihood of reoffending is twice as high, with half as likely to self-refer (4.7% compared to 9.0%).

5. The MERIT program is a court-based diversion initiative that is aimed at addressing both the health and criminal justice issues of adults who present at a participating Local Court and who have a demonstrated drug problem.

6. Aboriginal or Torres Strait Islander is a person of Aboriginal or Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander and is accepted as such by the community in which he or she lives.’ (MIMS Data Dictionary, 2004, Appendix, p.33).

7. The term ‘Aboriginal’ is used in this bulletin to describe persons who identified as Aboriginal or Torres Strait Islander on the occasion of the interview. The term ‘Aboriginal’ is used in this bulletin to describe persons who identified as Aboriginal or Torres Strait Islander on the occasion of the interview. It is a self-identified item.6

Data used in this study

Data used in this study was taken from the MIMS Information Management System (MIMS) database. MIMS is a purpose-designed database used to record treatments provided and information on participation in the MERIT Program. It was designed to be both an operational management system and a means of collecting quantitative data for the ongoing monitoring and evaluation of the MERIT Program.

Participation of Aboriginal people in the MERIT program: Main findings

The MERIT program is a court-based diversion initiative that is aimed at addressing both the health and criminal justice issues of adults who present at a participating Local Court and who have a demonstrated drug problem. The MERIT program is a court-based diversion initiative that is aimed at addressing both the health and criminal justice issues of adults who present at a participating Local Court and who have a demonstrated drug problem. The MERIT program is a court-based diversion initiative that is aimed at addressing both the health and criminal justice issues of adults who present at a participating Local Court and who have a demonstrated drug problem.


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