



Drug-related encounters which did not result in arrest, among two national samples of people who regularly use drugs in Australia, 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) sanctions (1). There is growing recognition that non-criminal sanctions 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 (2). Various Australian jurisdictions (e.g., ACT, NSW, QLD) now provide on the spot fines or police diversion for low level drug offences. In addition, police have the power to 'stop, search and detain' anyone who they 'reasonably suspect' might be in possession of drugs, however such encounters which do not result in arrest or other formal sanctions are not routinely documented. This bulletin therefore aims to examine the experiences of drug-related encounters which do not result in arrest, with a particular focus on infringement notices, among two national samples of people who regularly use drugs (the [Ecstasy and Related Drugs Reporting System](#) (EDRS) and the [Illicit Drug Reporting System](#) (IDRS)), recruited from all capital cities of Australia in 2023 and 2024.

Results



In 2024, national findings identified that 15% of EDRS participants (16% in 2023) and 30% of IDRS participants (33% in 2023) reported any drug-related encounter with police that did not result in arrest in the 12 months preceding interview. Among those who reported such encounters, this most commonly involved belongings being searched (EDRS: 48%; IDRS: 71%), and stopped for questioning (EDRS: 36%; IDRS 55%), similar to reports in 2023. Smaller percentages reported being issued a fine/infringement notice, remaining low in both 2023 and 2024 (Figure 1 and Figure 2).

In 2024, among those who reported being issued a fine/infringement notice, the median fine was reported to be \$800 (n=14) among EDRS participants (\$300 in 2023; n=12), and \$400 among IDRS participants (\$458.50 in 2023; n=50). Considerable proportions of both samples reported incurring additional fees for not paying the fine on time, asking for financial assistance, or requesting deferred payment (Figure 3 and Figure 4).

Figure 1. Drug-related encounters with police (which did not result in arrest), among those who reported a drug-related encounter in past 12 months, EDRS, nationally, 2023-2024

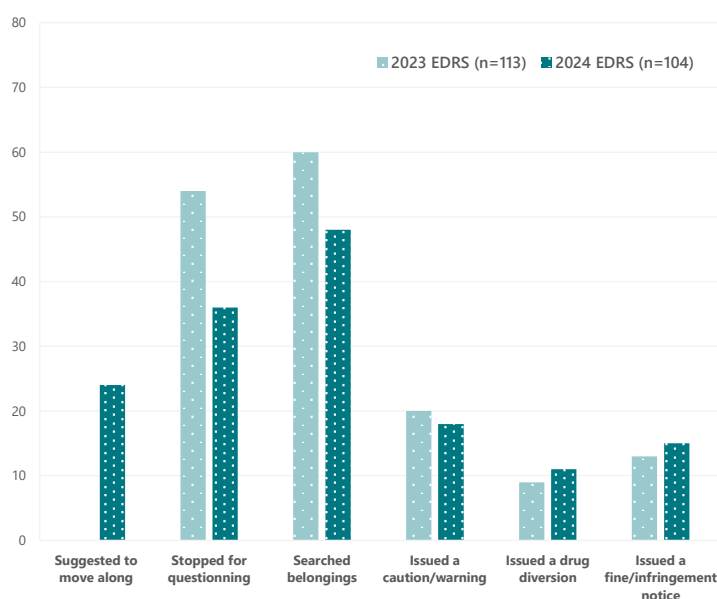
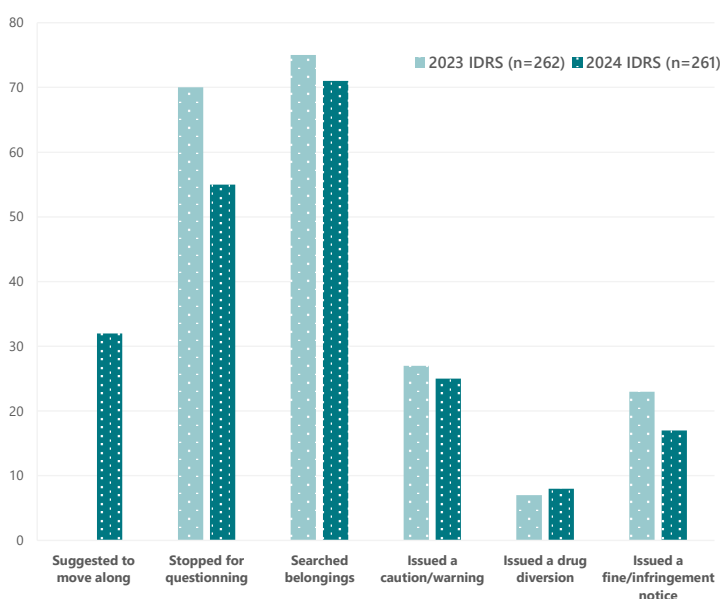


Figure 2. Drug-related encounters with police (which did not result in arrest), among those who reported a drug-related encounter in past 12 months, IDRS, nationally, 2023-2024



Note. 'Suggested to move along' was not a response option in 2023 for EDRS and IDRS. Y axis reduced to 80% to improve visibility of trends. The response options 'Don't know' and 'Skip question' were excluded from analysis.

Figure 3. Participant experiences following receiving an infringement notice, EDRS, nationally, 2023-2024

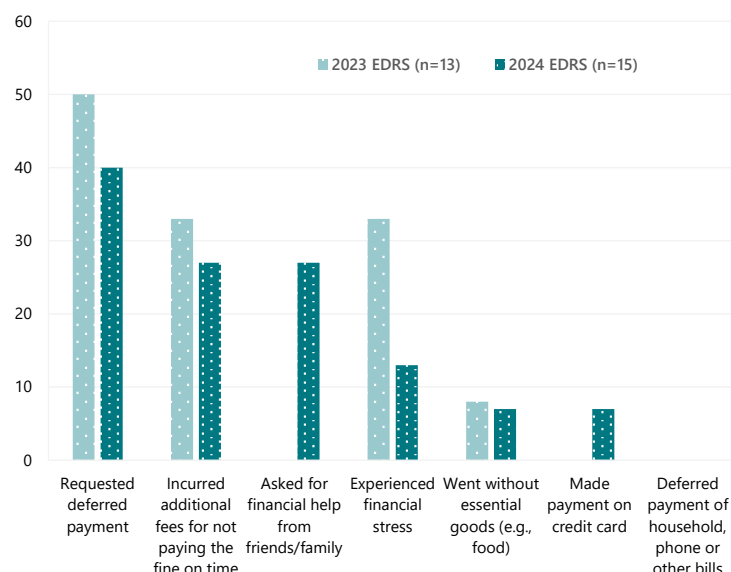
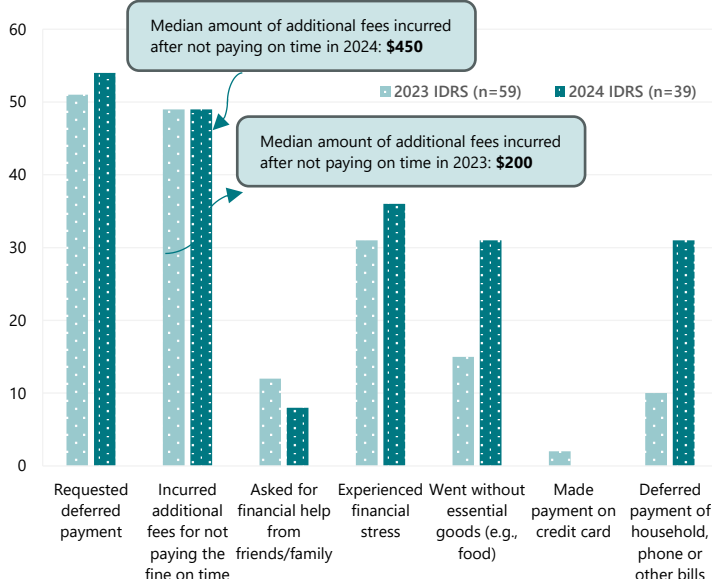


Figure 4. Participant experiences following receiving an infringement notice, IDRS, nationally, 2023-2024



Note. Figure 3 and Figure 4 computed of those who reported receiving an infringement notice in the past 12 months and commented. Y axis reduced to 60% to improve visibility of trends. Few participants ($n \leq 5$) in the EDRS sample were able to comment on additional fees incurred for not paying the infringement notice on time, across 2023 and 2024. The response options 'Don't know' and 'Skip question' were excluded from analysis.

In 2024, participants who reported receiving an infringement notice in the past year were asked whether they were offered the option of completing a drug and alcohol intervention in lieu of paying the infringement notice. The majority of both the EDRS and IDRS samples reported that they were *not* offered this option (81% and 83%, respectively).

Amongst IDRS participants who received an infringement notice in the 12 months preceding interview in 2024 and commented, the most common drugs that they reported being in possession of were methamphetamine (44%; 42% in 2023), followed by cannabis (39%; 33% in 2023) and heroin (33%; 23% in 2023). Cannabis was the most common drug that EDRS participants reported being in possession of in both 2024 (47%) and 2023 (67%).

Discussion

Approximately one third of IDRS participants experienced a drug-related encounter with police that did not result in arrest in the 12 months preceding interview in 2023 and 2024, double that of EDRS participants. This is consistent with previous research, which has shown that people who inject drugs are often subject to frequent police harassment, possibly due to higher visibility in public places (3).

Few participants reported receiving a drug-related infringement notice in the past year, however, the median amount of the last infringement notice was high amongst both samples across both years, which carries the potential to exacerbate existing social and financial disadvantage (4).

Further, almost half of IDRS participants who reported receiving an infringement notice reported incurring additional fees in 2023 and 2024 (median: \$200 and \$450, respectively) as a result of not paying the infringement notice on time. Indeed, although significance testing was not undertaken, it appears that there may be differential impacts of infringement notices on different subpopulations of people who use drugs. Specifically, in 2024, a higher proportion of IDRS participants reported going without essential goods or deferring payments of other bills as a result of receiving an infringement notice, whilst higher proportions of EDRS participants reported asking for financial help from friends/family.

The majority of both samples who had received an infringement notice in 2024 reported that they were not offered the option of completing a drug and alcohol intervention in lieu of paying the infringement notice. We would argue that this option, combined with police discretion to issue cautions/warnings, should be made available Australia-wide for all small quantity use/possession drug offences.

References

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