Magistrates Early Referral Into Treatment Program

2019 Annual Report

Contents

1 Introduction

1.1 MERIT Annual Report

This report provides information about the performance of the Magistrates Early Referral Into Treatment (MERIT) Program between 1 January 2019 and 31 December 2019.

The Office of Community Safety and Cohesion, Strategy and Programs Branch, Department of Communities and Justice (DCJ) has prepared this report.

1.2 Objectives

This report provides information about the MERIT program that is reported annually, including:

- participant drug use frequency and intensity (measured pre and post MERIT program intervention)
- participant psychological status (measured pre and post MERIT program intervention)
- recidivism of MERIT program completers and non-completers.

1.3 Methodology

Several data sets have been analysed to prepare this report including:

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

1.4 What is MERIT?

MERIT is a voluntary, pre-plea program for adults in the Local Court who have issues related to their alcohol and other drug use. MERIT provides access to a wide range of alcohol and other drug treatment services for 12 weeks while court matters are adjourned.

This program has operated since 2000 and is currently available in 62 of the 137 NSW Local Courts:

- Drug MERIT is available in 55 courts.
- Drug and Alcohol MERIT (D&A MERIT) is available in seven courts, where alcohol can be the Principal Drug of Concern (PDC) for participants.

1.5 MERIT Program partners

MERIT is an multi-agency initiative of the Department of Communities and Justice (DCJ), the Chief Magistrate's Office, NSW Health and the NSW Police Force. MERIT also receives strategic and operational support from Legal Aid NSW and the Aboriginal Legal Service NSW/ACT.

1.6 Aims of the MERIT program

MERIT aims to intervene in the cycle of drug use and crime by addressing health and social welfare issues that may bring defendants into contact with the criminal justice system.

MERIT has shown to have positive outcomes for participants. Some of the benefits may include:

- decreased alcohol and other drug use
- decreased offending behaviour
- improved health and well-being
- the possibility of a better sentence result.

The long-term outcomes of MERIT aim to ensure that participants have:

- improved health and well-being outcomes
- prevented and minimised harms from alcohol and other drug use.

MERIT participants who complete the program are also likely to:

- understand the changes they need to make to prevent offending behaviour
- have reduced contact with the criminal justice system.

1.7 Eligibility and Suitability

Eligibility and suitability requirements determine whether a defendant referred to MERIT will be accepted into the program.

Generally, a magistrate, solicitor or the police will refer a defendant to MERIT. Defendants may also refer themselves to the program.

To be eligible for MERIT the participant must:

- be an adult
- be on bail or does not require bail
- not be charged with sexual assault offences, or any offence that will be heard in the District Court.

A participant must also:

- be suspected of drug use or have a known history of issues with alcohol and/or drug use
- have a treatable alcohol and/or other drug problem
- live in or have a connection to an area (e.g. full-time work) that provides MERIT
- consent to participate.

The MERIT process is described in Figure 1 below.

Figure 1. MERIT process
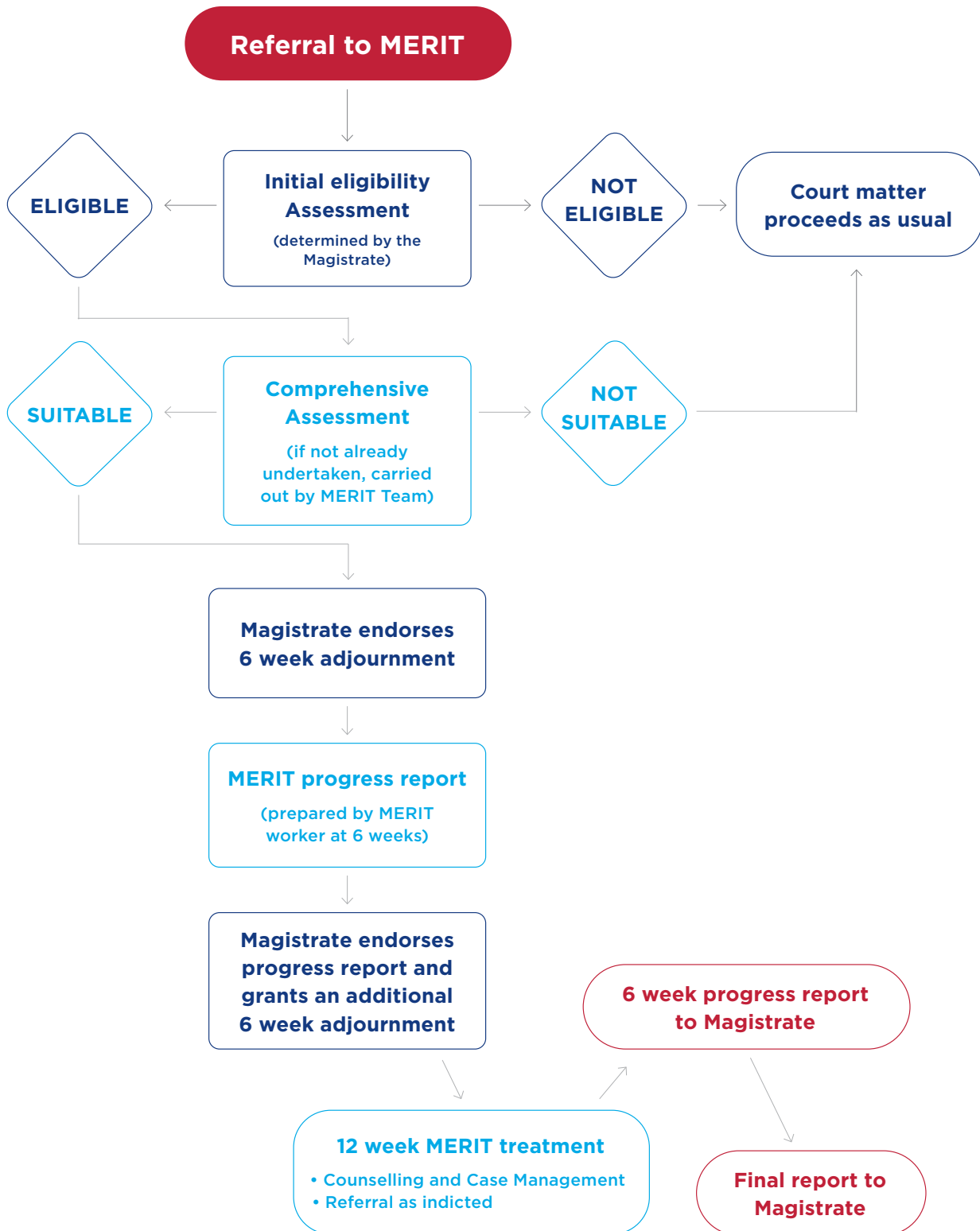
2 Year in focus

2.1 Program snapshot in 2019

59% of defendants referred were accepted onto the program.

4062
REFERRED

2410
ACCEPTED

63% of participants completed the program.

2404
EXITED

1522
COMPLETED
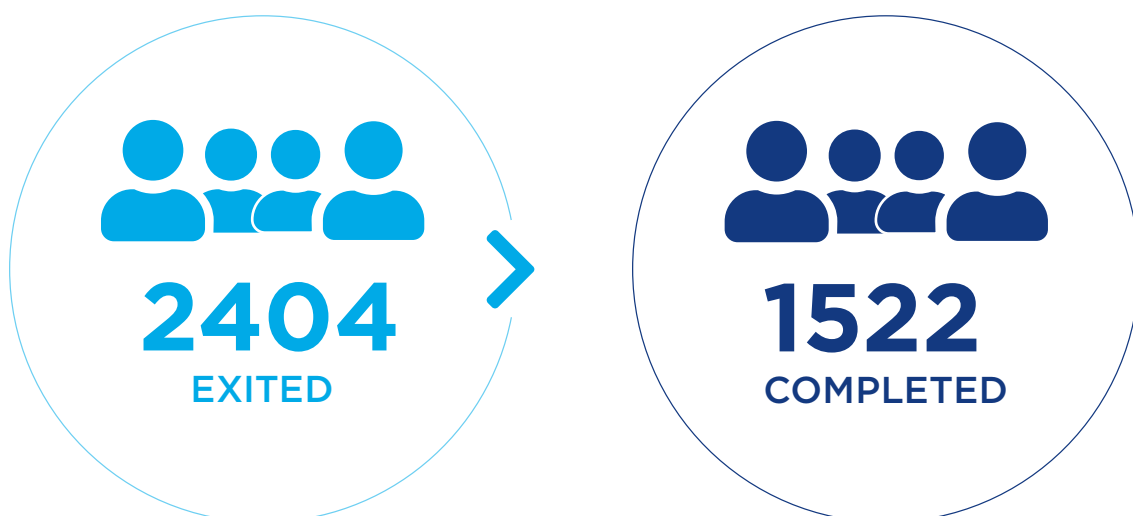
2.2 Participant profile snapshot

69% were in the **age ranges** of **25-29** and **40-49 years**.

77% of participants **identified as male**.

23% of participants identified as **Aboriginal.**

The **two most common principal drugs of concern** (PDC) were **cannabinoids** (plant extract) (24%) and **methamphetamine** (41%). Below are the top three principal drugs of concern by geographic area:
• **Sydney:** Stimulants (58%), Cannabis (22%), Opiates (14%)
• **Non-metro Sydney:** Stimulants (62%), Cannabis (31%), Opiates (6%)
• **Regional NSW:** Stimulants (46%), Cannabis (33%), Alcohol (17%)

The **most common offences** committed by program completers were:
• illicit drug offences (40%)
• dangerous or negligent acts endangering persons (26%)
• road traffic and motor vehicle regulatory offences (21%).

2.3 Program Outcomes

2.3.1 Frequency of alcohol and drug use

From MERIT entry to exit, reductions in the average frequency of PDC use was reported for all alcohol and drugs:

- Amphetamine use reduced by nearly 80% (from 14.8 to 4.5 days per 30 days)
- Alcohol use reduced by almost 75% (from 16.5 days to 3.6 days per 30 days)
- Heroin use reduced by more than 75% (from 16.5 days to 3.6 days per 30 days)
- Cannabis use reduced by more than 50% (from 22.1 to 9.4 days per 30 days).

2.3.2 Change in psychological status

Analysis of participants who have exited the program during 2019 shows a decrease of over 50% in self-assessed psychological distress:

- At program entry 55% of MERIT participants self-reported high to very high psychological distress.
- At program exit, this reduced to 24% of participants who self-reported high to very high psychological distress.

2.3.3 Criminal Justice Outcomes

The most common sentencing outcomes for MERIT program completers were:

- *bond with supervision* (14% of completers received this penalty, whereas, 12% of non-completers received this penalty)
- *bond without supervision* (11% of completers received this penalty, whereas, 6% of program non-completers received this penalty).

MERIT program participants were less likely to reoffend following completion of the MERIT program when compared with non-completers:

- 14% of program completers were convicted of a new offence in the 12 weeks following commencement of MERIT compared to 41% of program non-completers
- 31% of program completers were convicted of a new offence six months after exiting the program compared to 41% program non-completers
- 37% of program completers were convicted of a new offence 12 months after exiting the program compared to 56% program non-completers.

3 NSW state-wide data

3.1 State-wide coverage

In 2019, Drug MERIT operated in 55 Local Courts and Drug and Alcohol MERIT operated in seven Local Courts (Wilcannia, Broken Hill, Coffs Harbour, Orange, Dubbo, Bathurst, and Wellington). Figure 2 provides a map of NSW Local Court locations offering MERIT.

There were 4062 referrals to the MERIT program in 2019, representing a -0.3% (n=4073) decrease in referrals compared to 2018. The program acceptance rate also decreased slightly from 60% in 2018 to 59% in 2019.

Figure 2. MERIT program available across NSW Local Courts
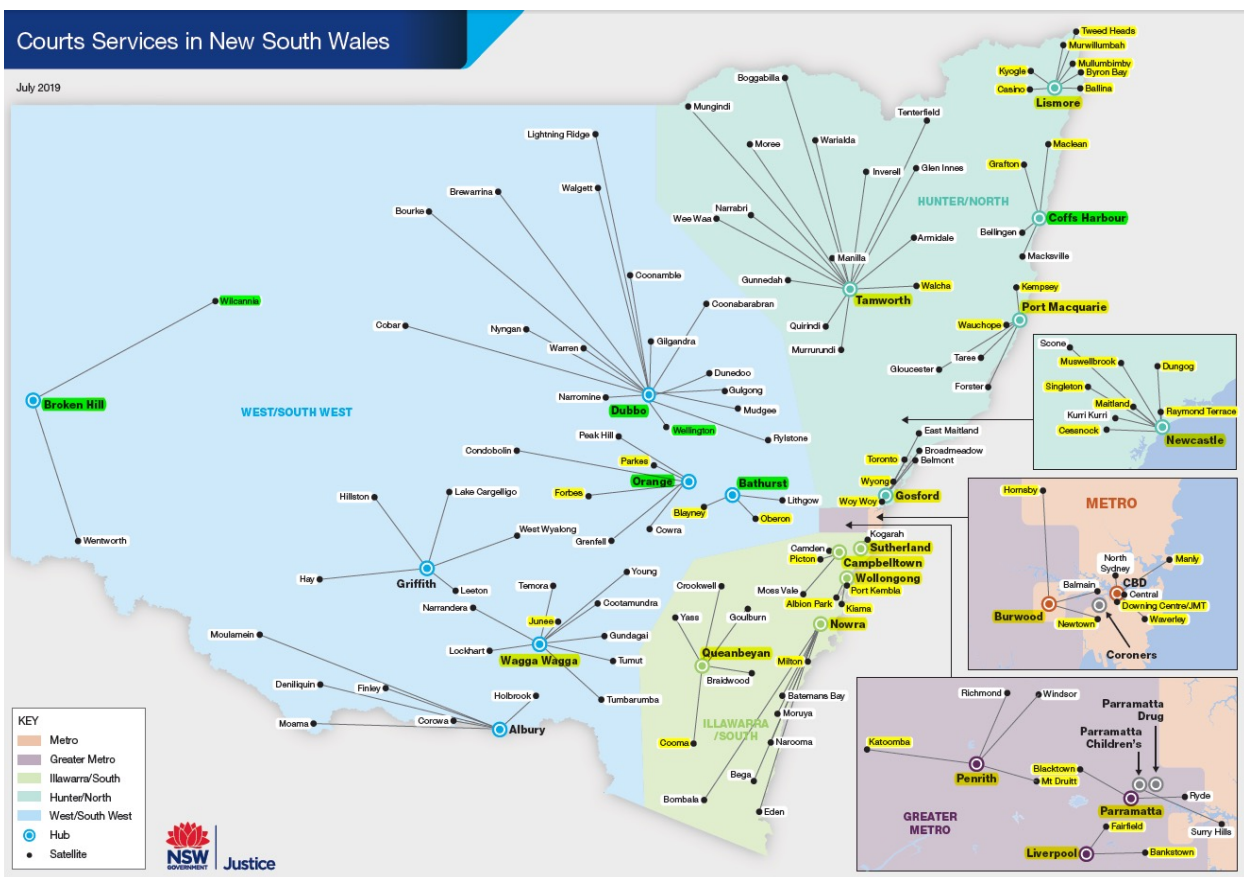
Key:
- Drug and Alcohol MERIT
- Drug MERIT

3.2 NSW Data in 2019

In 2019, there were 4062 referrals made to the MERIT program. 2410 defendants were accepted on to the program and 1522 defendants successfully completed the program.

Please note that some participants referred to MERIT after September 2019 did not complete the program before 31 December 2019. These participants are not included in this data analysis and will be captured in the data for 2020.

Figure 3. MERIT Program Referrals and Completion from 2000 to 2019

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Referred	79	462	1274	2581	2392	2624	2811	2951	2733	3020	3035	3327	3318	3371	3251	4035	4596	4081	4073	4062
Accepted	55	304	806	1547	1367	1622	1727	1870	1810	1930	1941	2042	1992	2072	2032	2442	2593	2246	2455	2410
Completed	15	115	306	905	883	996	1064	1222	1279	1317	1382	1364	1247	1295	1305	1433	1635	1420	1504	1522

In the first year of MERIT operating in 2000 there were 79 defendants referred to the program, 55 defendants were accepted onto the program and 15 defendants completed the program. Over the 20 years of operation, referral, acceptance and completion numbers have increased steadily and then stabilised from 2015 onwards.

4 Referral and acceptance

4.1 Source of referrals

In 2019, solicitors and magistrates accounted for 76% of the 4,062 referrals made to the program, a slight decrease of 4% compared to 2018. Police referrals have remained stable at 2%. Self-referrals saw a slight increase to 13% compared to 11% in 2018. Referrals from Community Corrections and family member/friend remained low.

The highest rate of accepted referrals was from a defendant's solicitor, self-referring defendants, and from magistrates i.e. 64%, 61%, and 57% respectively. See Table 1 for more details.

Table 1. MERIT program referral and acceptance by referral source, 2019

Referral Source	No. Referred	Referred %	No. Accepted	% Accepted (within each source category)
Solicitor	1623	40%	1033	64%
Magistrate	1474	36%	834	57%
Self	507	13%	309	61%
Other	280	7%	159	57%
Police	81	2%	30	37%
Probation & Parole	58	1%	28	48%
Family member/friend	26	1%	12	46%
Not recorded	13	0%	5	39%
Total	**4062**	**100%**	**2410**	**59%**

4.2 Reasons for non-acceptance into MERIT

In 2019, 59% (n=2,410) of defendants were accepted into the program (this is a 1% decrease in the acceptance rate of 60% (n=2455/4073) when compared to 2018).

When compared to 2018, the proportion of defendants who were referred to MERIT and were:

- not accepted into the program decreased by 1%
- declined to participate in the program remained consistent at 4%
- referral only remained consistent at 6%.

The most common reasons for non-acceptance were because a defendant was not eligible (34%), not suitable (49%), program logistics (4%), program entry not endorsed by magistrate (10%) and other (4%). See Table 2 below for more details.

Appropriate referrals facilitate access for participants and allow MERIT teams to focus on clinical treatment. MERIT teams monitor referrals by reviewing the proportion of referrals that result in non-acceptance and reasons associated on a quarterly basis. MERIT teams work with program partners to ensure effective referral pathways are in place and identify and address issues as they arise. See Appendix A for the list of MERIT Monitoring Indicators.

Table 2. Reason for non-acceptance onto the program for 2018-2019

Non-Acceptance category	Reason for non-acceptance	N 2018	% 2018	N 2019	% 2019
Not Eligible	No demonstrable drug problem	297	24%	267	21%
	Not eligible for bail or release	84	7%	137	11%
	Strictly Indictable offence(s)	27	2%	19	2%
	Not an adult	3	0%	1	0%
Not Suitable	Unwilling to participate	548	45%	558	45%
	Mental health problem	28	2%	38	3%
	Already in court ordered treatment	8	1%	8	1%
Program logistics	Resides outside of effective treatment area	17	1%	19	2%
	Program full	10	1%	21	2%
Program entry not endorsed by Magistrate	Magistrate Decision	118	10%	124	10%
Other	Other	79	6%	54	4%
Total		1219	100%	1246	100%

4.3 Gender

Seventy five percent of all defendants referred onto the program in 2019 were male (n=3053), 22% were female (n=909) and 3% defendants (n=100) did not state their gender. Seventy seven percent of the total participants accepted on to the program were male (n=1846) and 23% of the total accepted participants were female (n=564).

In 2019 the ratio of male to female defendants accepted onto the program was 3.5:1. This ratio reflects women's rate of appearance in the NSW Local Courts. Referral and acceptance rates are monitored on a quarterly basis and these indicators were used to inform local and state-wide strategies to improve access for women into the MERIT program. See Appendix A for the list of MERIT Monitoring Indicators.

Figure 4. Gender proportions of accepted participants in 2019
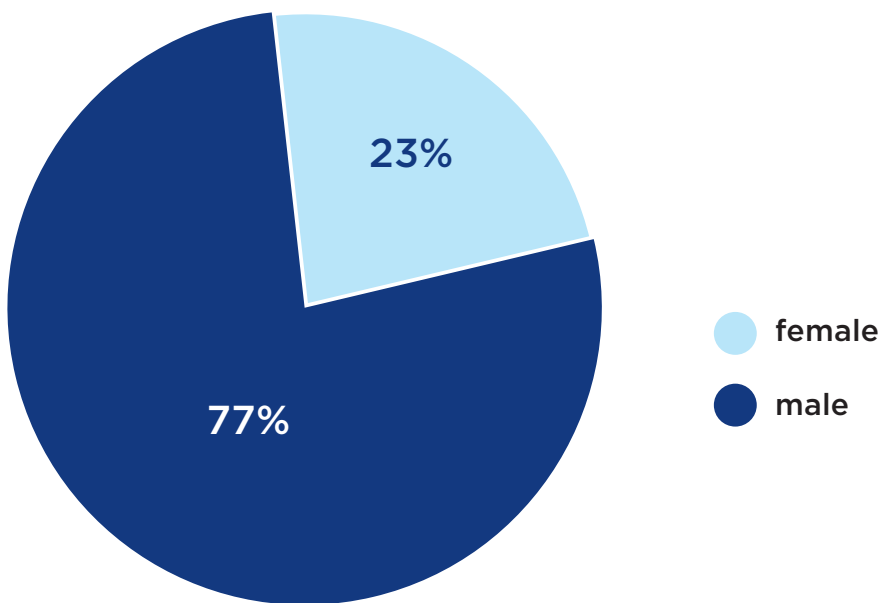
4.4 Age

In 2019, 19% of referrals were for people aged 40-49 years (n=765) and 18% of referrals were for people aged 25-29 years (n=722), the number of MERIT referrals in both groups increased slightly from 2018. In the 2019 the age group with the highest acceptance rates were participants aged 40 to 49 years and over 50 years (increase of 2% from 2018). See Table 3 for more information.

Table 3. Number and proportion of accepted MERIT participants by age for 2018 and 2019

Age	2018			2019		
	Referred	Accepted		Referred	Accepted	
	(within the specific age group)			(within the specific age group)		
	N	N	%	N	N	%
17 or under	4	0	0%	2	1	50%
18-20	460	255	55%	393	222	57%
21-24	638	368	58%	622	371	60%
25-29	699	437	63%	722	437	63%
30-34	672	405	60%	645	383	59%
35-39	590	381	65%	653	383	59%
40-49	758	454	60%	765	477	62%
Over 50	243	155	64%	247	153	62%
Total	4064	2455	60%	4049*	2410	59%

Note: In 2018 nine records had no date of birth and in 2019, 13 records had no date of birth recorded, none of these were accepted*. In addition, one accepted client was 17 at the time of referral but 18 when accepted by the Magistrate.

4.5 Aboriginal Status

In 2019, of the 863 defendants referred to MERIT who identified as Aboriginal, 61% were accepted onto MERIT. An additional 374 defendants who were referred to MERIT did not have their Aboriginal status recorded.

As MERIT participants who identify as Aboriginal have historically had lower acceptance rates, MERIT teams monitor the proportion of Aboriginal people referred and accepted on a quarterly basis. These indicators inform local and state-wide strategies to improve access for Aboriginal people onto MERIT. See Appendix A for the list of MERIT Monitoring Indicators.

Table 4. Aboriginal status by acceptance rate for 2018 and 2019

Aboriginal Status	2018			2019		
	Referred N	Accepted N	Accepted %	Referred N	Accepted N	Accepted %
Aboriginal	836	513	61%	863	528	61%
Non-Aboriginal	2,927	1,887	64%	2,825	1,815	64%
Total	**3,763**	**2,400**	**64%**	**3,688**	**2,343**	**64%**

4.6 Principal Drug of Concern

Since the commencement of the program, opiates as PDC for MERIT participants has progressively decreased. However, the use of stimulants as PDC for MERIT participants has continued to increase.

Over the 20 years of the program's operation, cannabis, alcohol and sedatives/anaesthetics as PDC for MERIT participants has remained stable. MERIT teams monitor these proportions on a quarterly basis and these indicators inform local and state-wide strategies to improve access for stimulant users onto MERIT. See Appendix A for the list of MERIT Monitoring Indicators.

Table 5. PDC for accepted clients onto MERIT – 20 year trend

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Alcohol	0%	1%	0%	0%	1%	1%	1%	2%	1%	3%	10%	15%	13%	12%	8%	5%	5%	6%	6%	5%
Cannabis	22%	20%	28%	35%	37%	40%	42%	42%	47%	49%	47%	46%	42%	40%	38%	35%	33%	34%	31%	28%
Opiates	75%	50%	44%	35%	33%	30%	21%	23%	21%	24%	21%	15%	14%	14%	13%	9%	9%	9%	8%	9%
Other drug	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Sedatives/ anaesthetics	2%	3%	4%	5%	3%	4%	4%	4%	4%	5%	5%	5%	4%	3%	2%	2%	1%	2%	2%	3%
Stimulants	2%	26%	25%	25%	27%	25%	32%	30%	28%	20%	18%	19%	27%	30%	38%	49%	51%	49%	53%	55%

Note: PDC is identified once a defendant is assessed as suitable and accepted onto the program, not at time of referral.

When comparing principal drug of concern for participants accepted onto MERIT in 2018 and 2019:

- use of stimulants such as cocaine and methamphetamine increased by 1% and 4%
- cannabis use declined by 6%
- principal alcohol, opiate and sedative/anaesthetics use remained stable.

Table 6. PDC of participants accepted onto MERIT in 2018 and 2019

Principal Drug of Concern	Substance	Accepted N 2018	Accepted % 2018	Accepted N 2019	Accepted % 2019
Cannabis	Cannabinoids (plant extract)	734	30%	587	24%
	Cannabinoids nfd	18	1%	76	3%
	Cannabinoids (synthetic)	9	0%	1	0%
Stimulants	Methamphetamine (incl. Speed, Ice)	900	37%	975	41%
	Amphetamines nfd	261	11%	210	9%
	Amphetamine	20	1%	6	0%
	Cocaine	90	4%	119	5%
	M.D.M.A. (Ecstasy)	29	1%	24	1%
	Lysergic acid diethylamide (LSD)	1	0%	1	0%
Opiates	Heroin	175	7%	189	8%
	Opioid analgesics nfd	8	0%	14	1%
	Morphine (incl. MS Contin, Opium)	6	0%	5	0%
	Buprenorphine	4	0%	2	0%
	Codeine (incl. Codral Forte, Disprin Forte, Panadeine)	3	0%	2	0%
	Oxycodone (incl. Endone)	3	0%	1	0%
	Fentanyl	3	0%	1	0%
	Methadone	3	0%	0	0%
	Psychostimulants nfd	1	0%	0	0%
Sedatives/ anaesthetics	Benzodiazepines nfd	33	1%	53	2%
	Gamma-hydroxybutyrate (incl. Liquid Ecstasy)	4	0%	11	1%
	Ketamine	1	0%	1	0%
	Sub total	2306	94%	131	5%
Alcohol	Ethanol (Alcohol)	149	6%	0	0%
Other drug	Anabolic Androgenic Steroids	0	0%	0	0%
	Ketamine	0	0%	0	0%
Total		2455	100%	2410	100%

Figure 5 shows that the most common PDC for MERIT participants in 2019 was stimulants at 55%, which has increased by 17% from 2014. Cannabis remains the second highest PDC, despite a 10% decrease in prevalence from 2014. The use of opiates, alcohol and sedatives have remained stable since 2014.

Figure 5. Comparison of PDC accepted onto MERIT in 2014 and 2019
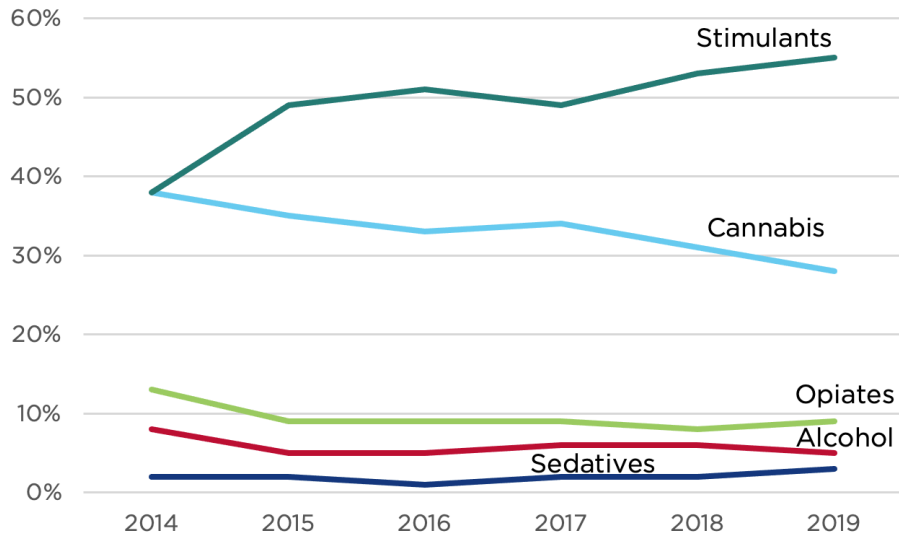
Note: MERIT Alcohol was only available in 7 of the 62 courts.

5 Program completion

MERIT is generally a 12-week program which cycles through three stages:

- Program entry and assessment
- Treatment (which includes counselling and case management by MERIT teams)
- Program completion and exit at 12 weeks.

Reasons for program exit are recorded as:

- completion of program
- non-compliance with program conditions
- voluntary withdrawal
- removed by the Court
- court matters finalised/dismissed prior to completion
- death.

Annual MERIT completion rates are calculated by comparing the proportion of program completers with the total number of participants who exited the program. This is also the case while calculating completion rates for most of the subsections under Section 4 Referral and Acceptance. Program participants who were referred after September 2019 are not included in this data analysis.

5.1 Completion status

In 2019, a total of 2404 participants exited MERIT, including 1522 participants (63%) who completed the program.

Studies show participants that completed AOD court diversion programs demonstrate reduced recidivism[1,2,3] and increased health and wellbeing outcomes[4,5] in comparison to non-completers. In MERIT, women, Aboriginal people and participants with stimulants as a PDC have consistently demonstrated lower completion rates. As a result, the completion rate for these populations are monitored to allow for early intervention to address any issues at the local and state-wide level. See Appendix A for the list of all the MERIT Monitoring Indicators.

Non-compliance with program conditions was the exit status for one-quarter (25%) of MERIT participants who did not complete the program (i.e. an increase of 5.5% compared to 2014).

1 Passey, M. et al. (2007). The Magistrates Early Referral Into Treatment (MERIT) Pilot Program: Court Outcomes and Recidivism. Australian & New Zealand Journal of Criminology. 40(2): 199-217.

2 Lulham, R. (2009). The Magistrates Early Referral Into Treatment Program: Impact of program participation on re-offending by defendants with a drug use problem. (Crime and Justice Bulletin NSW. No 131).

3 Weatherburn, D et al. (2008). The NSW Drug Court: A re-evaluation of its effectiveness. (Crime and Justice Bulletin NSW. No 121).

4 NSW Health. (2007). The Magistrates Early Referral Into Treatment (MERIT) program: Health Outcomes. NSW Health: North Sydney.

5 Jessimer, M. et al. (2014). Magistrates Early Referral Into Treatment Program Follow-up Pilot Study. SAGE Open. 8 April 2014.

All other categories related to program exit remained stable as outlined below in Table 7.

Table 7. Exit status of MERIT participants for 2018 and 2019

Exit Status	N 2018	% 2018	N 2019	% 2019
Completed program	1504	63%	1522	63%
Non-compliance with program conditions	574	24%	593	25%
Withdrew voluntarily	172	7%	172	7%
Removed by Court	91	4%	93	4%
Court matters finalised/dismissed prior to completion	29	1%	17	1%
Other	9	0%	5	0%
Died	0	0%	2	0%
Total Exited	**2379**	**100%**	**2404**	**100%**

In both 2018 and 2019 the average number of days that a MERIT program completer was on MERIT was 91 days. This corresponds with the expected length of the program i.e. 84 days or 12 weeks. The average length of time that program non-completers were on MERIT was 56 days, in both 2018 and 2019.

Table 8. Average number of days that participants were on MERIT in 2018 and 2019

Days On Program	2018	2019
	Average days	Average days
Completers	91	91
Non-Completers	56	56

5.2 Demographic overview of program completers vs. non-completers

5.2.1 Gender

Of the total number of participants who completed MERIT in 2019, 79% were male (n=1197) and 21% were female (n=325). This aligns with referral and acceptance rates 3.5:1.

Table 9. Exited and Completed proportions by Gender

Gender	2019		
	Exited N	Completed N	% Total Completed
Female	536	325	21%
Male	1868	1197	79%
Total	**2404**	**1522**	**100%**

Table 10 below shows the completion rate for males (64%) was 3% higher than for females (61%).

Table 10. Completion Rate by Gender in 2019

Gender	2019		
	Exited N	Completed N	Completion Rate %
Female	536	325	61%
Male	1868	1197	64%
Total	**2404**	**1522**	**63%**

5.2.2 Age

In 2019, 77% of MERIT program participants were aged between 20-44 years.

Table 11. Exited and Completed proportions by Age in 2019

Age	Exited N	Completed N	Total Completed %
Under 20	173	107	7%
20-24	425	263	17%
25-29	431	264	17%
30-34	405	240	16%
35-39	361	208	14%
40-44	276	191	13%
45-49	196	134	9%
50-64	130	108	7%
Over 64	7	7	0%
Total	2404	1522	100%

Table 12. Completion Rate by Age in 2019

Age	Exited N	Completed N	Completion Rate %
Under 20	173	107	62%
20-24	425	263	62%
25-29	431	264	61%
30-34	405	240	59%
35-39	361	208	58%
40-44	276	191	69%
45-49	196	134	68%
50-64	130	108	83%
Over 64	7	7	100%
Total	2404	1522	63%

Table 12 shows the age ranges that had the highest completion rate. These included:

- Over 64 years (100%)
- 50-64 years (83%)
- 45-49 years (68%)
- 40-44 years (69%).

5.2.3 Aboriginal Status

Table 13 shows that in 2019, of the 1522 participants who completed MERIT, 19% identified as Aboriginal (n=289), 78% identified as non-Aboriginal (n=1181) and 3% did not provide a status.

Aboriginal participants remain less likely to complete MERIT than non-Aboriginal participants. As a result, the completion rate is monitored to inform local and state-wide strategies. At the local level this has led to strategies such as one MERIT team partnering with Aboriginal Liaison Officers for all Aboriginal MERIT participants to enhance program retention.

Table 13. Exited and Completed proportions by Aboriginal Status in 2019

	2019		
	Exited N	Completed N	Total Completed %
Aboriginal	520	289	19%
Non-Aboriginal	1814	1181	78%
Not Stated	70	52	3%
Total	**2404**	**1522**	**100%**

Table 14. Completion Rate by Aboriginal Status in 2019

	2019		
	Exited N	Completed N	Completion Rate %
Aboriginal	520	289	56%
Non-Aboriginal	1814	1181	65%
Not Stated	70	52	74%
Total	**2404**	**1522**	**63%**

Table 14 shows the completion rate for Aboriginal participants (56%) was 9% lower than for non-Aboriginal participants (65%). The completion rate for Aboriginal and non-Aboriginal participants has remained stable since 2018.

5.3 Offence type associated with program completers

Table 15 sets out the proportion of each key offence type for program completers in 2019, to do so the numerator used is the total number of offences in a particular offence type and the denominator as the total number of completers (n=1522).

> While a total of 2404 participants exited MERIT in 2019, these participants may have been charged under several offence types. Thus, the numbers of charges do not correspond with the number of exited participants. Similarly, a total of 1522 participants completed MERIT in 2019, however, the charges against participants will not correspond with the number of program completers.

Table 15. Type of offence associated with program completers in 2019

Offence type	2019		
	Exited N	Completed N	Completed %
Acts intended to cause injury	311	200	60%
Against justice procedures, government security/operations	264	153	58%
Dangerous or negligent acts endangering persons	642	390	61%
Deception and related offences	38	24	63%
Illicit drug offences	1102	611	55%
Miscellaneous offences	144	70	49%
Property damage and environmental pollution	195	100	51%
Public order offences	40	28	70%
Road traffic and motor vehicle regulatory offences	432	312	72%
Robbery, extortion and related offences	21	15	71%
Theft and related offences	382	218	57%
Unlawful entry with intent/burglary, break and enter	136	62	46%
Weapons and explosives offences	168	90	54%

Note: The numbers indicate the number of charges under each offence category.

5.4 Employment status associated with program completers

Table 16 sets out the employment status of participants who completed the program in 2019.

The largest number of program participants are receiving temporary benefits (e.g. employment benefits) (1154 participants).

Participants engaged in part-time and full-time employment were most likely to complete the program (74% and 79%, respectively). Participants least likely to complete the program were participants on student allowance and participants who had no income (57% for both groups).

Table 16. Employment status of program participants in 2019

Principal source of income	2019		
	Exited N	Completed N	Completed %
Dependent on others	17	11	65%
Full-time employment	373	294	79%
No income	196	112	57%
Not stated/not known/inadequately described	81	48	59%
Other	51	32	63%
Part-time employment	192	142	74%
Pension (e.g. aged, disability)	325	200	62%
Retirement fund	1	1	100%
Student allowance	14	8	57%
Temporary benefit (e.g. unemployment)	1154	674	58%
Total	**2404**	**1522**	**63%**

5.5 Type of accommodation associated with program completion

Table 17 lists the accommodation type for program participants. Most participants live in a rented house or flat (public or private), followed by privately owned house.

A number of participants were housed in temporary accommodation such as a boarding house or a caravan on a service site.

One of the largest barriers to participation in drug and alcohol treatment services is stable accommodation. As part of the program, the MERIT team works with the participant to provide treatment and support which may include assistance in securing stable accommodation.

Table 17. Accommodation type of program participants

Accommodation type	2019		
	Exited N	Completed N	Completed %
Alcohol/other drug treatment residence	1	0	0%
Boarding house	40	27	68%
Caravan on a serviced site	20	13	65%
Hostel/supported accommodation services	30	16	53%
No usual residence/homeless	84	49	58%
Not known	61	29	48%
Other	55	32	58%
Prison/detention centre	0	0	0%
Privately owned house or flat	574	399	70%
Psychiatric hospital	0	0	0%
Rented house or flat (public or private)	1528	953	62%
Shelter/refuge	11	4	36%
Total	2404	1522	63%

5.6 Principal Drug of Concern

Table 18 provides the principal drug of concern (PDC) for participants who exited and completed the program.

Table 18. Principal Drug of Concern (PDC) for participants who exited and completed the program in 2019

PDC	Exited N	Completed N	Completed %
Alcohol	133	98	6%
Cannabis	688	497	33%
Opiates	194	107	7%
Sedatives/anaesthetics	59	41	3%
Stimulants	1330	779	51%
Total	2404	1522	100%

Just over half of participants (51%) who completed the program in 2019 had stimulants as their PDC, followed by cannabis at 33%, opiates at 7%, alcohol at 6% and sedatives/anaesthetics at 3%.

The completion rate for participants who had stimulants as their PDC was 59% (779/1330), this is 10% lower than the completion rate for participants with non-stimulant PDC at 69% (734/1074).

Participants with alcohol (74%) and cannabis (72%) as their PDC had the highest completion rates.

Figure 6. PDC trend from the program start in 2000 to 2019

Since 2000 stimulants and cannabis have remained the highest PDC for MERIT participants. Although, since 2010 cannabis as a PDC has steadily decreased, while stimulants as a PDC has gradually increased.

Use of all other PDC including sedatives/anaesthetics, alcohol and opiates have decreased since 2000.
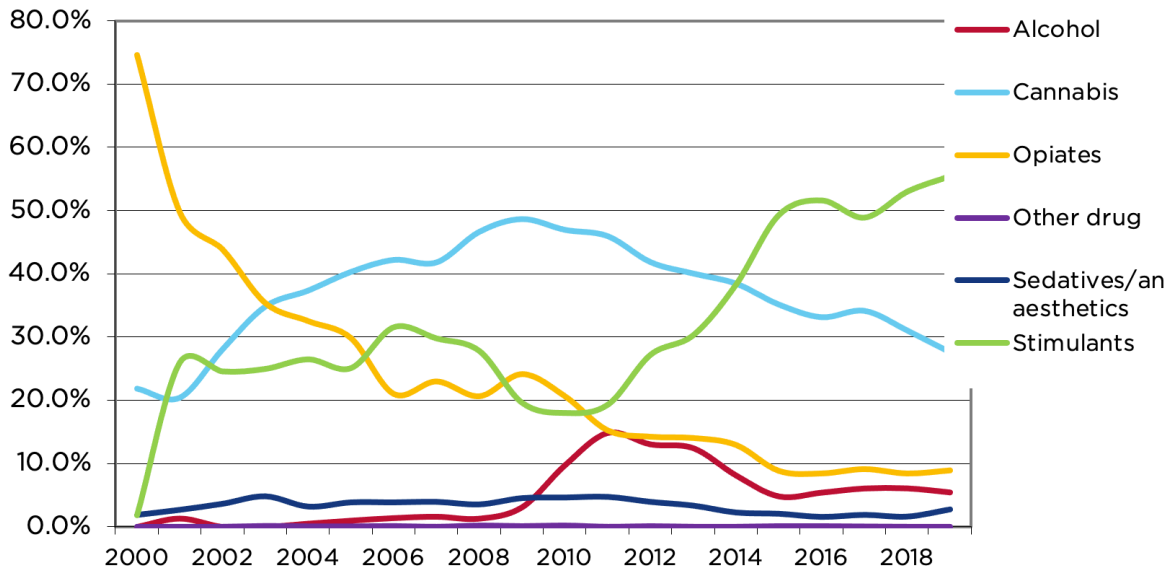
Note: MERIT Alcohol was only available in 7 out of 62 MERIT Drug Courts.

5.6.1 PDC by Region: Sydney, Non-Sydney Metropolitan (NSM) and Regional[6]

Table 19. PDC of MERIT participants accepted by Region

PDC	Sydney N	Sydney %	NSM N	NSM %	Regional N	Regional %
Stimulants	614	58%	374	62%	348	46%
Cannabis	233	22%	184	31%	247	33%
Opiates	152	14%	33	6%	29	4%
Sedatives/anaesthetics	53	5%	8	1%	4	1%
Other drugs	0	0%	0	0%	0	0%
Alcohol	0	0%	0	0%	131	17%
Total	1052				759	

6 The 'Sydney' group comprises the Northern Sydney, Western Sydney, South Eastern Sydney, South Western Sydney, Sydney and Nepean/Blue Mountain MERIT teams. 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, Western NSW, Far West, Mid North Coast, Northern NSW, Southern NSW and Murrumbidgee MERIT teams. It should be noted that participants in the Regional group may live in rural or remote areas.

Figure 7 shows the PDC of MERIT participants by Region
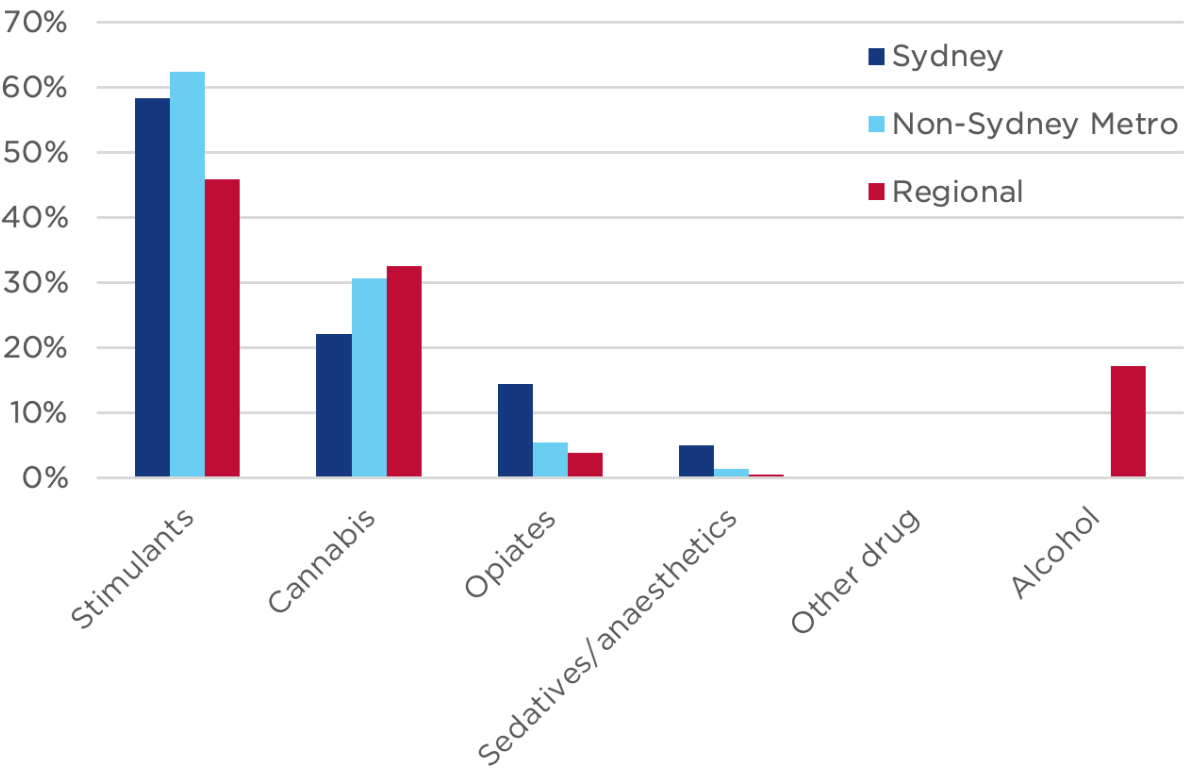
Just under a third (31%) of participants in non-Sydney metro and in regional NSW identified cannabis as their PDC, followed by just under a quarter (22%) of participants in Sydney.

Over half of MERIT participants in Sydney reported stimulants as their PDC with that figure rising to 62% in non-Sydney metro areas but falling to under half (46%) in regional NSW.

MERIT participants reporting opiates as their PDC mainly resided in Sydney (14% compared to 6% in NSM and 4% in regional NSW).

Regional NSW was the only area to have participants with alcohol as their PDC as MERIT Alcohol is only available in regional NSW Local Courts.

5.6.2 Type of offence by PDC

Just over half (62%) of principal stimulant users were charged with a theft related offence followed by illicit drug offences (59%) and dangerous or negligent acts (59%).

The most common offence for cannabis users was illicit drug offences, around two in five (31%) users were charged with this offence type, which was closely followed by dangerous or negligent acts (29%). Only 17% principal cannabis users were charged with theft related offences.

Principal opiate users (18%, a decline of 2% compared to 2018) were more likely to be charged with theft related offences than any other offence.

Table 20. Type of PDC by offence for 2018 and 2019

PDC	Illicit Drug offences				Dangerous or negligent Acts				Theft-related offences			
	2018 N	2018 %	2019 N	2019 %	2018 N	2018 %	2019 N	2019 %	2018 N	2018 %	2019 N	2019 %
Alcohol	7	1%	4	0%	32	5%	28	4%	3	1%	1	0%
Cannabis	334	34%	338	31%	211	35%	189	29%	68	17%	65	17%
Opiates	85	9%	88	8%	24	4%	36	6%	83	20%	69	18%
Sedatives/ anaesthetics	12	1%	27	3%	5	1%	9	1%	15	4%	9	2%
Stimulants	536	55%	645	59%	327	55%	380	59%	236	58%	238	62%
Total	974		1102		599		642		405		382	

5.6.3 Demographic make-up by PDC

5.6.3.1 Gender by PDC

A higher proportion of females who were accepted onto MERIT identified stimulants as their PDC compared to males (63% vs. 53% respectively). Females and males had the same proportion of opiates as their PDC (9%).

More males reported cannabis as their PDC compared to females (29.4% vs. 21.6% respectively), the case was also the same for alcohol where 6.4% of males were principal users compared to 4.9% for females.

5.6.3.2 Aboriginal status by PDC

A larger proportion of Aboriginal participants reported alcohol as their PDC compared to non-Aboriginal participants (11% and 3.7% respectively). A greater proportion of non-Aboriginal participants reported stimulants as their PDC (56.9% and 50.2% respectively).

6 Alcohol and other drug use and health outcomes

At MERIT program entry and exit, information is collected from participants about their health, well-being and alcohol and other drug use behaviour. This information is used to understand individual participants' treatment needs and trends in MERIT participants and the program over time.

6.1 Injecting drug behaviour (Entry)

In MERIT self-reported injecting behaviour is recorded at program entry. In 2019, information about injecting drug behaviour was available for 2410 participants. Of MERIT participants with information on injecting drug behaviour, 37% (n=898) injected at some point in the past, and 28% (n=667) of those with past of injecting had done so in the past three months.

Figure 8 displays trends in injecting drug behaviour at program entry from 2000-2019. In 2000, 87% (n=47/54) of MERIT participants, with information on injecting drug behaviour, reported injecting at some point in the past. This percentage has declined consistently over time.

The percentage of participants who injected in the previous three months also declined from 2000-2019. In 2000, 70% (n=38/54) of MERIT participants with information on injecting drug behaviour, reported injecting in the past three months. In 2019 the proportion that reported injecting in the past three months increased to 30% (n=667/2254). See Appendix B for the data table.

**Figure 8. Trends in injecting drug use at program entry, 2000-2019**
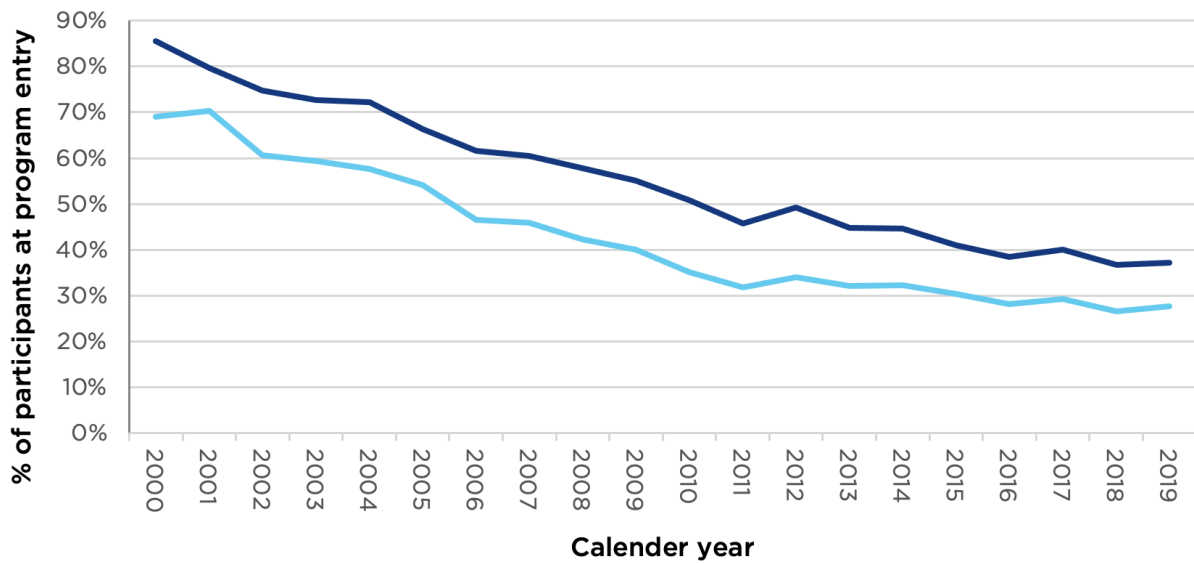
6.2 Frequency of alcohol and other drug use (Entry and Exit)

Frequency of alcohol and other drug use is the self-reported number of days where substance use occurred in the previous 30 days. In 2019, 873 MERIT participants had PDC frequency of use information collected at entry and exit. Upon entry, 38% (n=333) reported cannabis, 38% reported amphetamines (n=330), 7% reported alcohol (n=59), and 7% reported heroin (n=58) as their PDC.

From MERIT entry to exit, reductions in the average frequency of PDC use was reported for all alcohol and drugs. As seen in Figure 9, the frequency of:

- cannabis use reduced by more than half (from 22.1 to 9.4 days per 30 days)
- amphetamine use fell nearly 80% (from 14.8 to 4.5 days per 30 days)
- alcohol use reduced by almost three quarters (from 16.5 to 3.6 days per 30 days)
- heroin use reduced by more than three quarters (from 16.9 to 3.2 days per 30 days).

Figure 9. Average Frequency of Substance use for PDC at Entry and Exit in 2019
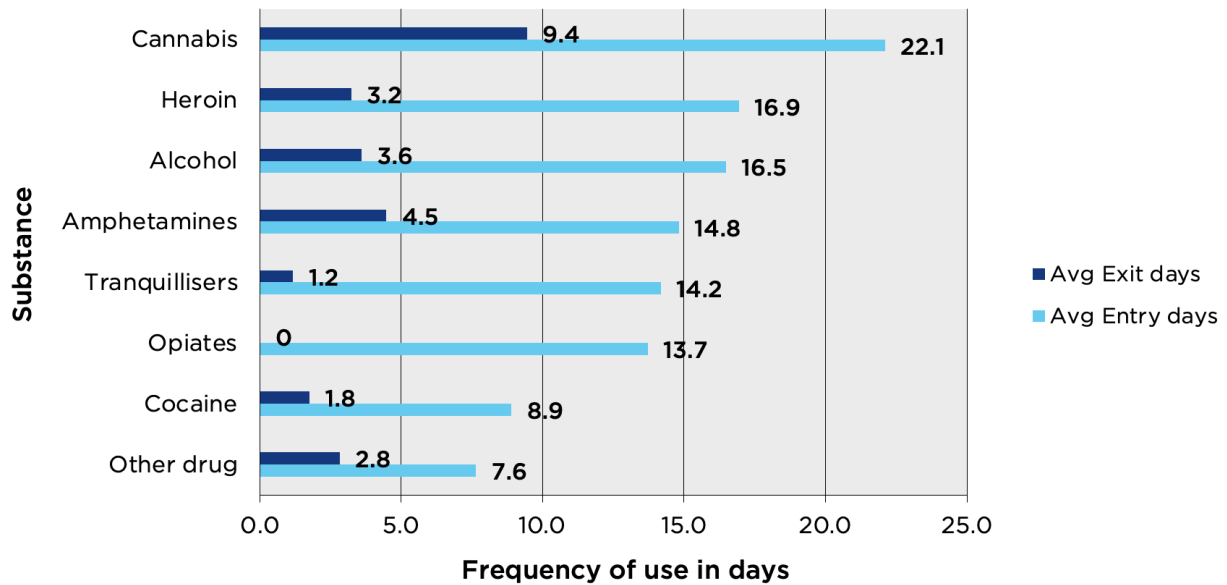
6.3 Psychological Health (Entry and Exit)

Levels of psychological distress amongst accepted MERIT participants is measured using the Kessler-10 (K10) Psychological Distress Scale (Kessler et.al., 2002). K10 is a 10-item questionnaire that measures anxiety, depression, agitation, and psychological fatigue in the most recent 4-week period. Possible scores range from 10 to 50: the higher the K10 score, the higher the levels of psychological distress.
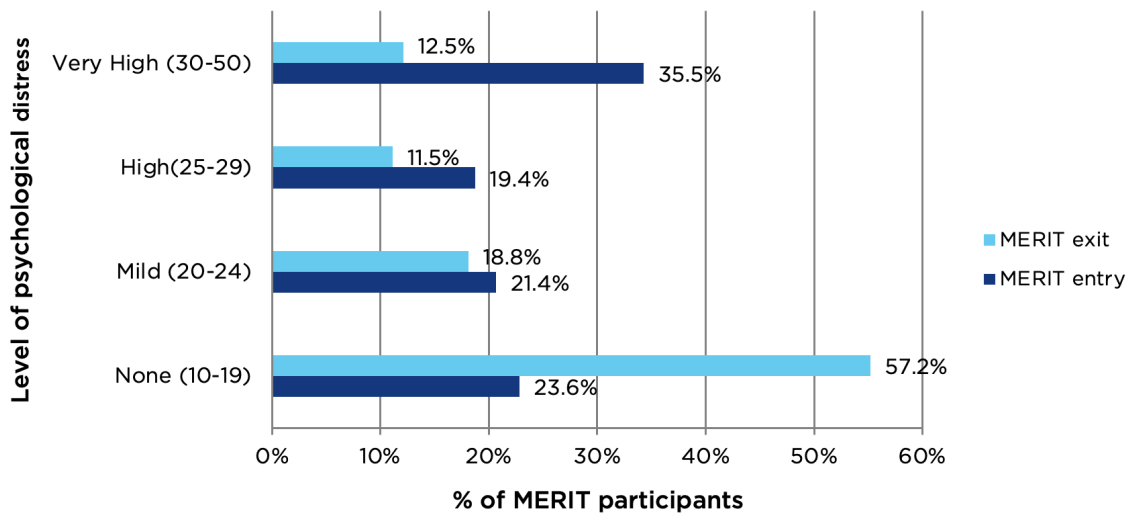
In 2019, 901 MERIT participants had K10 data available on entry and exit from the program. On entry to the program, 55% (n=175) of participants had high (25-29 K10 score) to very high (30-50 K10 score) psychological distress. On exit this proportion reduced to 24% (n=217) of participants with high to very high psychological distress. These numbers are similar to 2018, where data was available for 933 participants. On entry to the program, 18% (n=169) of participants had high to very high psychological distress, on program exit this number reduced to 9% (n=88) of participants with high to very high psychological distress. See Figure 10 for more information.

Levels of psychological distress for NSW adults is measured every second year using the K10 as part of the NSW Population Health Survey. In 2018, 18% of adults in NSW reported high (25-29 K10 score) or very high (30-50 K10 score) psychological distress[7]. This number is lower than the 24% of MERIT participants with high to very high psychological distress at program exit in 2019[8], and reinforces participants' very high level of psychological distress at MERIT program entry.

7 NSW Population Health Survey (SAPHaRI). Centre for Epidemiology and Evidence, NSW Ministry of Health.

8 Please note for comparison: the different cut off criteria for K10 high between NSW Population Health Survey (22 K10 score) and MERIT (25 K10 score). An adult in the NSW Population Health Survey is defined as persons aged 16 years and over. Adults in MERIT are defined as persons aged 18 years and over.

Figure 10. 2019 Psychological Distress (K10) Entry and Exit Scores

Chart showing % of MERIT participants by level of psychological distress:

Level of psychological distress	MERIT exit	MERIT entry
Very High (30-50)	12.5%	35.5%
High(25-29)	11.5%	19.4%
Mild (20-24)	18.8%	21.4%
None (10-19)	57.2%	23.6%

X-axis: % of MERIT participants

7 Criminal Justice Outcomes

To ensure consistency with the approach adopted in previous Annual Reports, sentencing outcomes and reconviction data are presented in this section for defendants completing MERIT in the previous calendar year, i.e. during 2018.

By matching unique attributor codes for MERIT participants to Local Court and re-offending databases (ROD), the NSW 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. This process provided information on the:

- principal penalty received by MERIT defendants
- number of defendants reconvicted within 12 weeks of commencing MERIT
- number of defendants who were reconvicted within six and 12 months of exiting the program.

7.1 Record matching

From the 2,404 defendants who exited the program in 2018, 91% were successfully matched to the relevant court and reconviction datasets, which is a 3% lower match rate than 2017. Six percent of the records that did not match were due to duplications, incorrect data entries and incorrect criminal name index (CNI) numbers.

The breakdown of these matches is set out in Table 21.

Table 21.

Record matching categories	No.	% match
Matched to ROD	2162	90.92%
Invalid CNI	66	2.78%
Not matched	150	6.31%

7.2 Proven charges prior to entry into the program

To determine the proportion of participants with prior convictions within six months before entry into the MERIT program relevant court data sets were examined.

Ninety six percent of MERIT participants had prior proven charges, 94% of these participants (n=2033) were charged with non-custodial sentences and only 2% (n=32) participants were charged with custodial sentences.

7.3 Sentencing outcomes for participants

There were considerable differences between the principal penalty outcome for program completers and non-completers as can be seen in Table 22 below.

The most common sentencing outcome for MERIT program completers was:

- bond with supervision (14% of program completers received this penalty, compared to 12% of program non-completers)

- bond without supervision (11% of program completers received this penalty, compared to 6% of program non-completers)

- imprisonment (3% of program completers received this penalty, compared to 17% of program non-completers).

> When interpreting this 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 the MERIT program.

## Table 22. Principal penalty for program completers and non-completers

Principal Penalty	Program Exit Year 2018			
	Completed (n)	Completed %	Not-completed (n)	Not-completed %
Imprisonment	44	3%	124	17%
Home detention	2	0%	0	0%
Intensive Correction Order	84	6%	37	5%
Pre-reform Intensive Correction Order	33	2%	3	0%
Suspended sentence with supervision	77	6%	32	4%
Suspended sentence without supervision	34	3%	16	2%
Community Correction Order with supervision	135	10%	73	10%
Pre-reform or Children's Community Service Order	43	3%	17	2%
Community Correction Order without supervision	36	3%	19	3%
Juvenile probation order	1	0%	1	0%
Bond with supervision	180	14%	87	12%
Bond without supervision	153	11%	47	6%
Conditional Release Order with conviction, with supervision	23	2%	11	2%
Conditional Release Order with conviction, without supervision	35	3%	6	1%
Fine	180	14%	171	23%
Conviction only	40	3%	21	3%
Conditional Release Order without conviction, with supervision	5	0%	2	0%
Bond without conviction with supervision	10	1%	2	0%
Conditional Release Order without conviction, without supervision	36	3%	6	1%
Bond without conviction without supervision	127	10%	20	3%
No conviction recorded	11	1%	3	0%
Other penalties	12	1%	4	1%
No penalty	31	2%	31	4%
Total	**1332**		**733**	

7.4 Conviction within 12 weeks of commencing MERIT

Of all program participants 40% of program non-completers and 14% of program completers were convicted of a new offence in the 12 weeks following commencement of MERIT. This is consistent with the findings from the previous annual report.

> It should be noted that when interpreting this data, commission of a new offence by a MERIT participant can be cause for them to be removed from the program and/or for having their bail withdrawn.
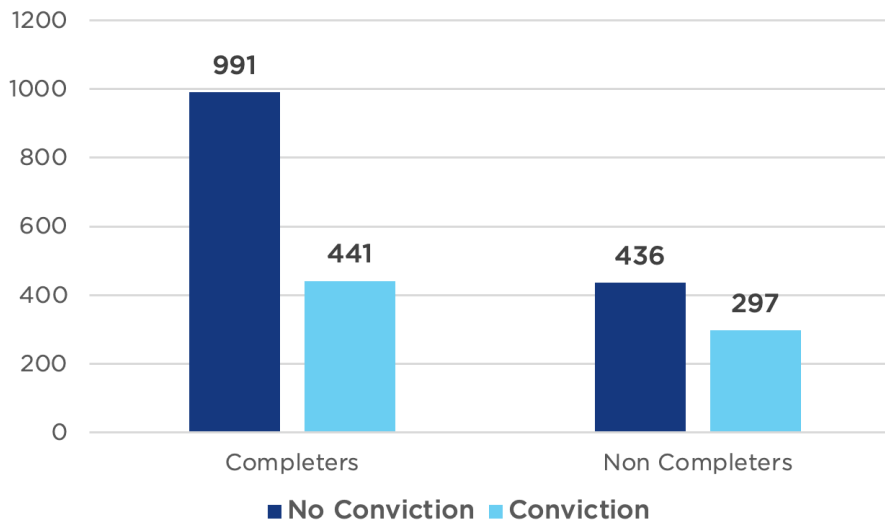
Figure 11. Comparison of those who were convicted of a new offence against those who did not commit a new offence 12 weeks after exiting MERIT
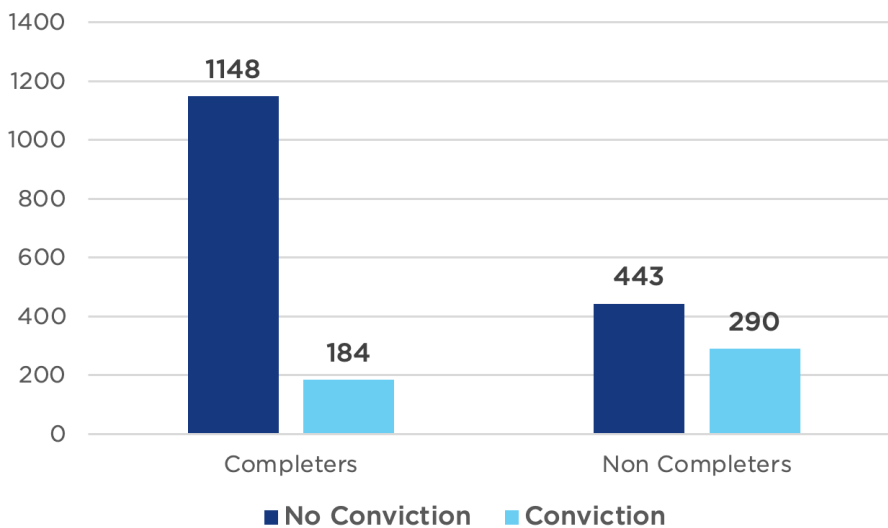
7.5 Conviction 6 months from program exit

Of all program participants, 41% of program non-completers and 31% of program completers were convicted of a new offence 6 months after exiting the program.

Figure 12. Comparison of those who were convicted of a new offence against those who did not commit a new offence six months after exiting MERIT

7.6 Conviction 12 months from program exit

Of all program participants, 56% of program non-completers and 37% of program completers were convicted of a new offence 12 months after exiting the program.
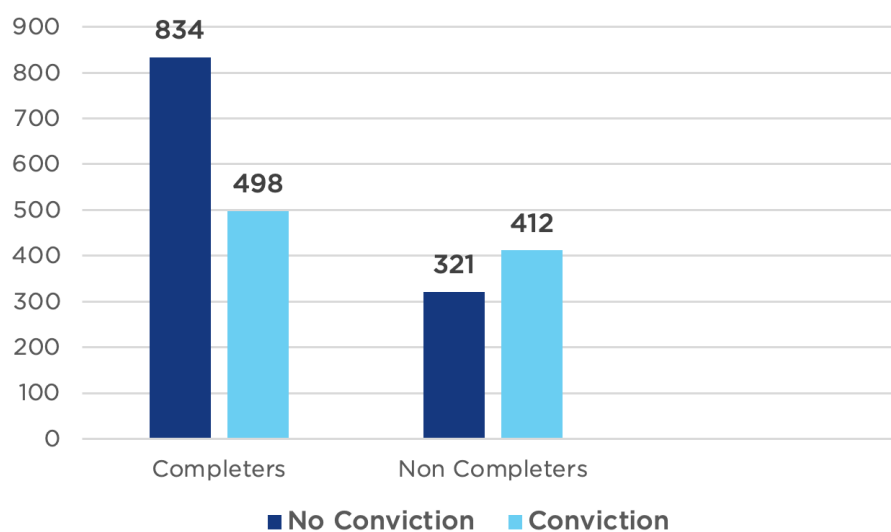
Figure 13. Comparison of those who were convicted of a new offence against those who did not commit a new offence 12 months after exiting MERIT

Appendix A

MERIT Operational and Strategic Monitoring Indicators

1. Operational Monitoring - Service Access and Patient Flow		
Focus	**Objectives**	**Performance indicators**
Completed Clients	To provide an effective MERIT program	Proportion of accepted clients who completed MERIT
Timeliness of the assessment process	Provide appropriate assessment and timely entry into the program.	Number of days between initial assessment and comprehensive assessment
Suspension of MERIT services	To provide an effective MERIT program	Number of days a service has been suspended in a quarter
Appropriateness of referral	Referrers to MERIT to provide appropriate referrals	Proportion of referrals which do not lead to entry on to MERIT and reasons for non-acceptance
2. Strategic Monitoring- Focus populations		
Focus	**Objectives**	**Performance indicators**
Women	To provide MERIT to all populations (i.e. Equitable access policy)	Proportion of women - referred, accepted and completed.
Aboriginal people	To provide MERIT to all populations (i.e. Equitable access policy)	Proportion of Aboriginal clients - referred, accepted and completed.
Clients with stimulant dependence	To monitor the growth of stimulant users	Proportion of clients with stimulant concerns - referred, accepted and completed.

Appendix B

Data Table for Figure 10

Year	2000 n	2001 n	2002 n	2003 n	2004 n	2005 n	2006 n	2007 n	2008 n	2009 n	2010 n	2011 n	2012 n	2013 n	2014 n	2015 n	2016 n	2017 n	2018 n	2019 n
Ever Injected	47	242	603	1125	988	1077	1065	1131	1046	1065	986	935	981	930	907	1001	998	901	902	898
Injected 3 Months	38	214	489	918	787	878	805	859	766	774	682	649	679	666	655	741	729	656	654	654
Number with injecting data at entry	54	283	738	1472	1350	1572	1676	1815	1782	1857	1847	1966	1926	2006	1959	2259	2474	2063	2306	742