

Magistrates Early Referral Into Treatment Program

2021 Annual Report

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Introduction

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1.1 MERIT Annual Report

This report provides information about the performance of the Magistrates Early Referral Into Treatment (MERIT) Program between 1 January 2021 and 31 December 2021.

The Women, Family and Community Safety Directorate, Department of Communities and Justice (DCJ) has prepared this report.

1.2 Objectives of the Report

MERIT aims to reduce reoffending and improve health outcomes. In this report, the measures used to report on these objectives include:

- participant drug use frequency (measured pre and post MERIT program intervention)
- participant psychological distress levels (measured pre and post MERIT program intervention)
- recidivism of MERIT program completers and non-completers

1.3 Methodology

Several databases have been analysed to prepare this report, including:

- MERIT Information Management System (MIMS)
- Local Court Database (Justice Link)
- Re-offending database (ROD)

1.4 What is MERIT?

MERIT is a voluntary, pre-plea program for adults in the Local Court who have issues related to Alcohol and Other Drug (AOD) use. MERIT provides access to a wide range of AOD treatment services for 12 weeks while court matters are adjourned.

This program has operated since 2000 and is 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 7 courts, where alcohol can be the principal drug of concern (PDC) for participants

1.5 MERIT program partners

MERIT is a multi-agency initiative of the Department of Communities and Justice (DCJ), NSW Health, the Chief Magistrate's Office, 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 AOD use
- prevent and minimise harms from AOD use
- decreased offending behaviour
- improved health and well-being
- the possibility of a better sentence result
- reduced contact with the criminal justice system

1.7 Eligibility and Suitability

A defendant referred to MERIT will be accepted into the program based on whether they meet the eligibility and suitability requirements.

Generally, a magistrate, solicitor or the police will refer a defendant to MERIT. Defendants or their family / friends may also refer to the program.

To be eligible for MERIT the participant must:

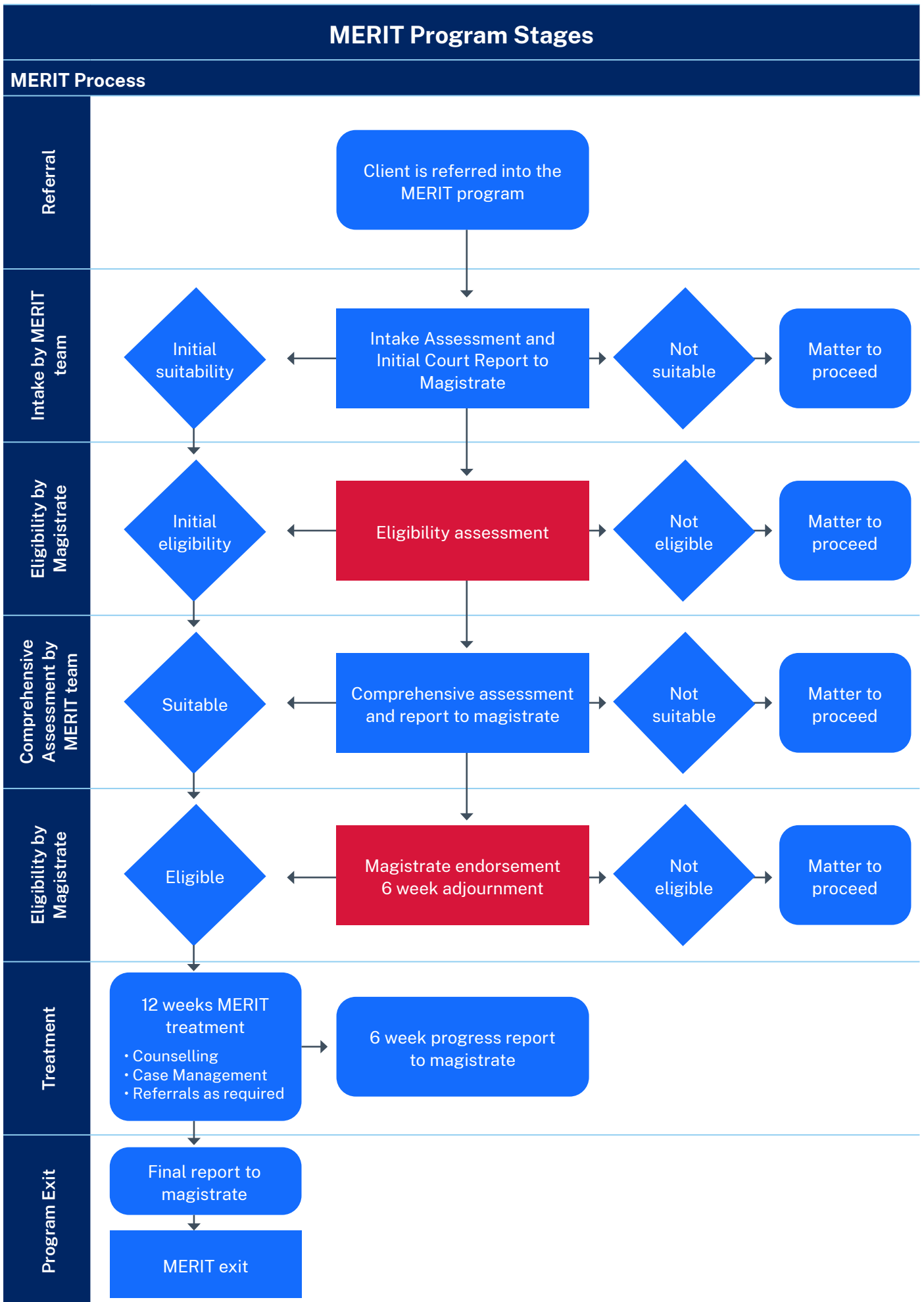
- be an adult
- be on bail or not require bail
- not be charged with sexual assault offences, or any offence that will be heard in the District Court

A participant must also:

- be suspected of drug use or have a known history of AOD use issues
- have a treatable AOD 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.

Figure 1. MERIT process

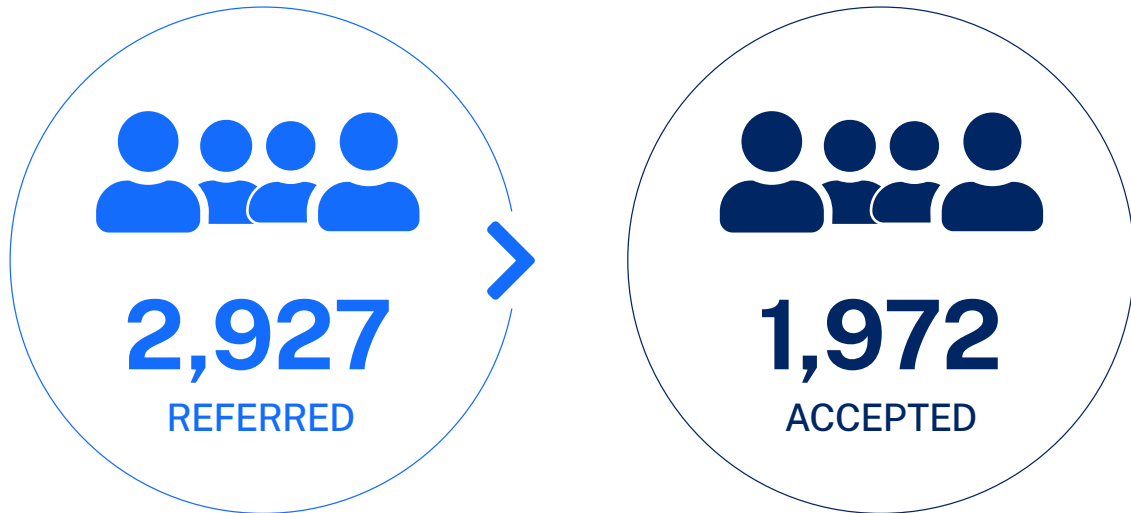


Year in focus

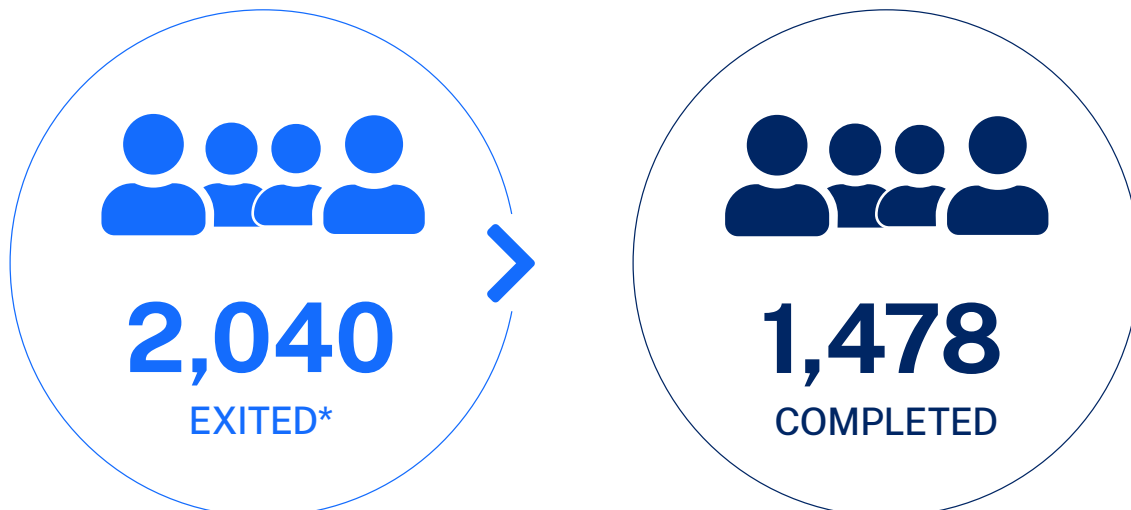
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2.1 Program snapshot

67% of defendants referred were accepted into the program



72% of participants completed the program



**Exited' are participants who have been accepted into the program and exited the program in 2021. This includes people who completed the program ('completers') and 'non-completers.' 'Exited' exceeds 'Accepted' because it includes participants who were accepted in 2020 but exited in 2021.*

2.2 Profile snapshot of accepted participants



39% were in the age ranges of 25–29 and 40–49 years



77% of participants identified as male



19% of participants identified as Aboriginal



41% the proportion of participants whose principal drug of concern (PDC) was **methamphetamine**

29% the proportion of participants whose PDC was **cannabis**

The top three principal drugs of concern by geographic area were:

- Sydney: Stimulants (56%), Cannabis (29%), Opiates (10%)
- Non-metro Sydney: Stimulants (56%), Cannabis (38%), Opiates (5%)
- Regional NSW: Stimulants (43%), Cannabis (31%), *Alcohol (22%)

**In 2021, Drug and Alcohol MERIT was only available in 7 Local Courts: Wilcannia, Broken Hill, Coffs Harbour, Orange, Dubbo, Bathurst and Wellington.*

2.3 Program Outcomes

2.3.1 Frequency of alcohol and drug use

From MERIT entry to exit, average frequency of use for all PDC reduced, in particular:

- amphetamine use reduced by 46% (from 14 to 7 days per month)
- heroin use reduced by 44% (from 12 to 7 days per month)
- cannabis use reduced by 24% (from 20 to 15 days per month)
- alcohol* use reduced by 35% (from 10 to 7 days per month)

**In 2021 MERIT Alcohol was only available in 7 regional NSW Local Courts*

2.3.2 Change in psychological distress levels

In 2021, at program exit the proportion of participants reporting high to very high psychological distress reduced by 33%.

- At program entry, 55% of MERIT participants self-reported high to very high psychological distress
- At program exit, this reduced to 22% of participants who self-reported high to very high psychological distress

2.3.3 Criminal justice outcomes

MERIT program completers were less likely to receive a custodial sentence (3% of completers, compared to 14% of non-completers).

The most common sentencing outcomes for MERIT program completers were a:

- Community Corrections Order with supervision (27% of program completers received this penalty, compared to 24% of program non-completers)
- Intensive Corrections Order (19% of program completers received this penalty, compared to 13% of program non-completers)

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

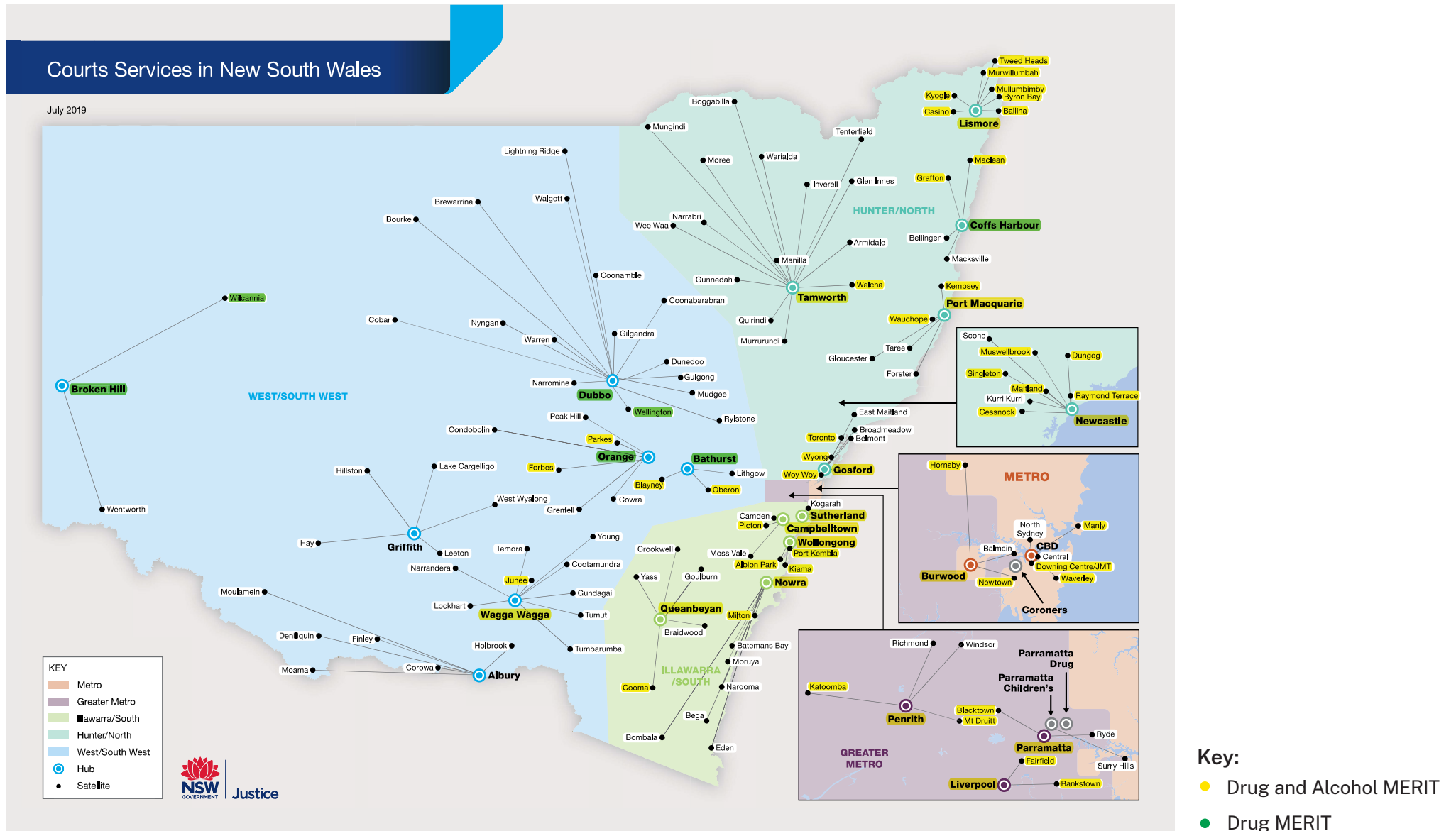
- 16% of program completers were convicted of a new offence in the 12 weeks following commencement of MERIT compared to 39% of program non-completers
- 27% of program completers were convicted of a new offence six months after exiting the program compared to 39% of program non-completers
- 40% of program completers were convicted of a new offence 12 months after exiting the program compared to 60% of program non-completers

MERIT state-wide coverage

3

In 2021, Drug MERIT operated in 55 Local Courts, and Drug and Alcohol MERIT operated in 7 Local Courts (Wilcannia, Broken Hill, Coffs Harbour, Orange, Dubbo, Bathurst, and Wellington). Figure 2 provides a map of NSW Local Court locations offering MERIT.

Figure 2. MERIT program available across NSW Local Courts



Program referral and acceptance

4

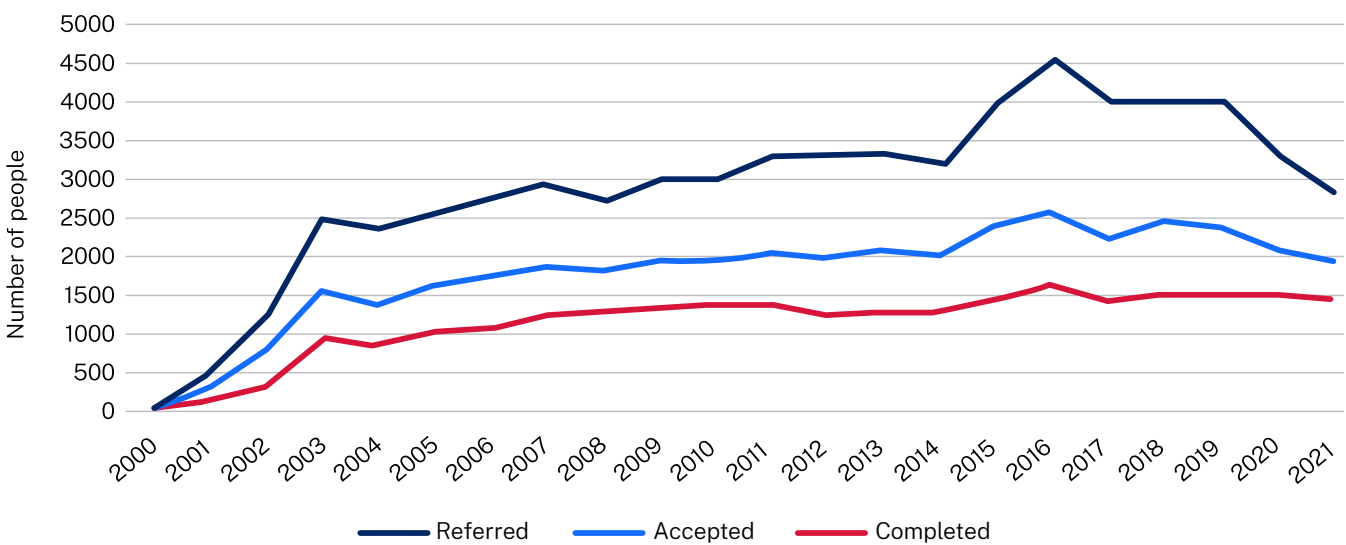
4.1 Program referral, acceptances and completion trends

There were 2,927 referrals to the MERIT program in 2021, compared to 3,318 referrals in 2020. This represents a significant decrease of 13%, most likely attributable to the impacts of COVID-19 on service delivery and access in 2021. The program acceptance rate increased slightly in 2021 to 67% from 64% in 2020.

Some participants referred to MERIT after September 2021 will not complete the program before 31 December 2021. These participants are not included in this data analysis and will be captured in the data for 2022.

In the first year of MERIT (2000), 79 defendants were referred to the program, 55 defendants were accepted, and 15 defendants completed the program. Since the program's inception, referrals, acceptance and completions have increased, peaking in 2016. Since 2016, referrals and acceptances have been on a declining trend, while completions remained stable.

Figure 3. MERIT referral, accepted, completed, 2000–2021



Please see Appendix A for referral, acceptance and completion figures (2000 to 2021).

4.2 Source of referrals

In 2021, solicitors and magistrates accounted for 72% of the 2,927 referrals made to the program, a minimal difference compared to 2020. Self-referrals increased by 2%. Police, Community Corrections and family member/friend referrals remained low at 1%.

Acceptance rates were the highest for referrals made by solicitors (73%), family member/friend (68%), and magistrates (67%).

Table 1. MERIT referral and acceptance by referral source

Referral Source	No. Referred	Referred %	No. Accepted	% Accepted (from each referral source)
Solicitor	1,010	35%	734	73%
Magistrate	1,077	37%	722	67%
Self	547	19%	336	61%
Police	37	1%	23	62%
Community Corrections	35	1%	21	60%
Family member/friend	31	1%	21	68%
Not recorded	13	0%	6	46%
Other	177	6%	107	60%
Total	2,927	100%	1,970	67%

4.3 Reasons for non-acceptance into MERIT

In 2021, 67% of defendants were accepted into the program, an increase of 3% compared to 2020.

The most common reasons for non-acceptance were because a defendant was not suitable (49%), not eligible (29%), or program entry was not endorsed by the magistrate (14%).

Appropriate referrals facilitate access for participants and allow MERIT teams to focus on clinical treatment. MERIT teams monitor referrals by reviewing the number of inappropriate referrals 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 B for the list of MERIT Monitoring Indicators*.

Table 2. Reason for non-acceptance onto the program (2020 and 2021)

Non-Acceptance category	Reason for Non-Acceptance	N 2020	% 2020	N 2021	% 2021
Not Eligible	No demonstrable AOD problem	184	21%	153	22%
	Not eligible for bail or release	90	10%	39	5%
	Strictly Indictable offence(s)	13	1%	14	2%
	Not an adult	0	0%	0	0%
Total Not Eligible		287	34%	206	29%
Not Suitable	Unwilling to participate	413	47%	308	44%
	Mental health problem	20	2%	30	4%
	Already in court ordered treatment	7	1%	5	1%
Total Not Suitable		440	50%	343	49%
Program entry not endorsed by Magistrate	Magistrate Decision	99	11	100	14
Program logistics	Resides outside of effective treatment area	12	1	12	2
	Program full	6	1	1	0
Total Program Logistics		18	2%	13	2%
Other	Other	29	3%	39	6%
Total		873	100%	701	100%

4.4 Referrals and acceptances by gender

More males than females are referred and accepted into the MERIT program.

In 2021, 76% of defendants referred were male, 24% were female and 3 defendants preferred not to respond. Of those who were accepted into the program, 77% were male and 23% were female.

The ratio of male to female defendants accepted into the program was 3:1. This ratio is comparable to women's rate of appearance in the NSW Local Courts¹. Males were slightly more likely than females to be accepted into the program (68% and 65% respectively).

Referral and acceptance rates are monitored on a quarterly basis and these indicators are used to inform local and state-wide strategies to improve access for women into MERIT.

See Appendix B for the list of MERIT Monitoring Indicators.

4.5 Referrals and acceptances by age

Two age categories were more likely to be referred and accepted into the MERIT program. Defendants aged 40-49 years accounted for 20% of referrals, with an acceptance rate of 68%. Defendants aged 25-29 years accounted for 18% of referrals, with an acceptance rate of 70%.

Table 3. MERIT acceptance rates by age (2020 and 2021)

Age	2020			2021		
	Referred	Accepted		Referred	Accepted	
	N	N	%	N	N	%
17*	1*	1*	100%	0	0	0%
18-20	299	182	61%	231	149	65%
21-24	470	292	62%	410	283	69%
25-29	647	430	66%	526	369	70%
30-34	529	332	63%	493	333	68%
35-39	484	309	64%	437	281	64%
40-49	655	434	66%	590	401	68%
Over 50	210	137	65%	235	156	66%
Total	3,295	2,117	64%	2,922	1,972	67%

*In 2020 one person was referred and accepted into MERIT who was turning 18 in the year of their participation in MERIT.

¹ NSW Criminal Court Statistics, BOCSAR: https://www.bocsar.nsw.gov.au/Pages/bocsar_publication/Pub_Summary/CCS-Annual/Criminal-Court-Statistics-Dec-2022.aspx

4.6 Referrals and acceptances by Aboriginal status

Of the 548 defendants referred to MERIT who identified as Aboriginal, 68%, or 372 defendants, were accepted into MERIT.

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 into MERIT.

See *Appendix B* for the list of MERIT Monitoring Indicators.

Table 4. MERIT acceptance rates by Aboriginal status (2020 and 2021)

Aboriginal Status	2020			2021		
	Referred N	Accepted N	Accepted %	Referred N	Accepted N	Accepted %
Aboriginal	606	378	63%	548	372	68%
Non-Aboriginal	2,503	1,698	68%	2,255	1,544	68%
Total	3,109	2,076	67%	2,803	1,916	68%

4.7 Principal Drug of Concern (PDC)

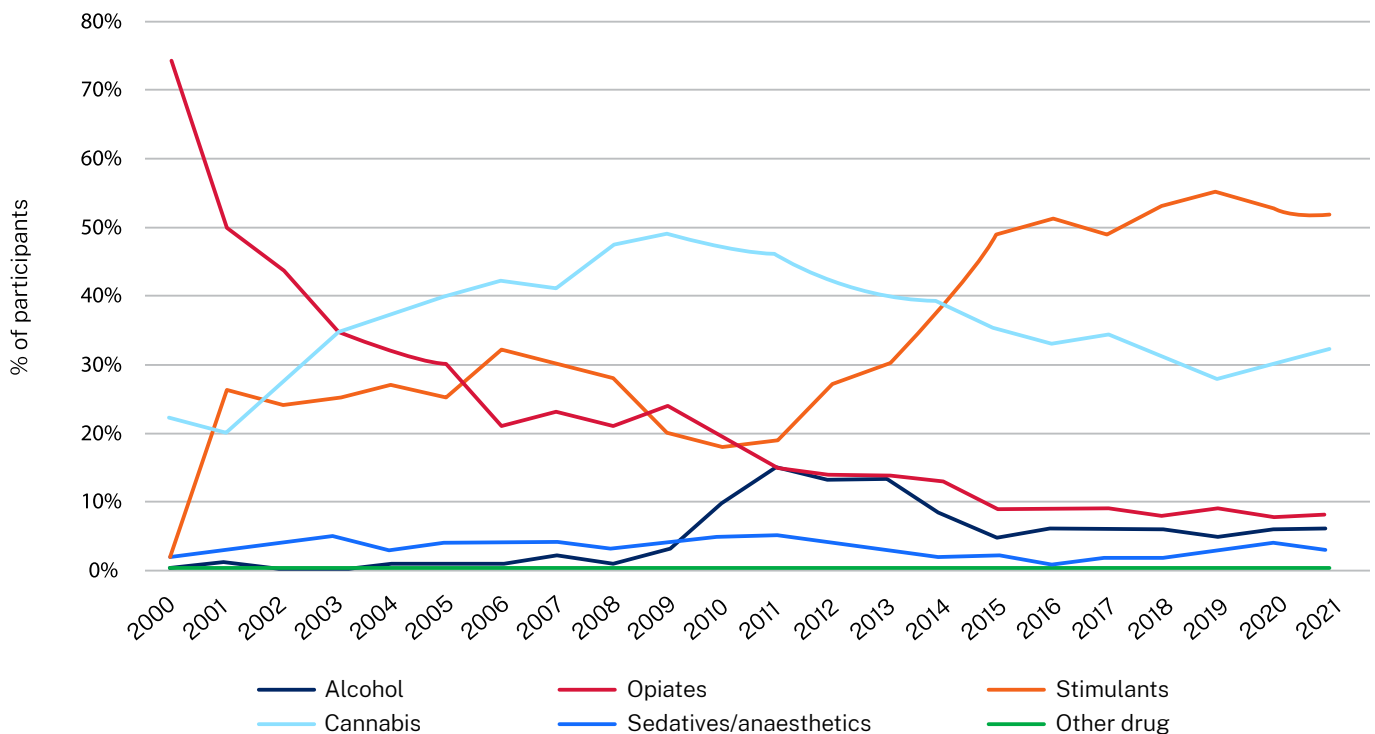
4.7.1 PDC for accepted participants

In 2000 (when MERIT commenced), opiates were the PDC for most participants (74%). Opiates have progressively decreased to 6% in 2021. Conversely, stimulants have been on the rise since 2011, now the PDC for over half of participants (52%). Cannabis as a PDC has steadily decreased since 2009 (from 49% to 32% in 2021). Sedatives/anaesthetics as a PDC have remained low since 2000.

In 2021, MERIT Alcohol was only available in 7 Regional NSW Local Courts.

MERIT teams monitor the referral, acceptance and completion rates for stimulant users in MERIT. These indicators inform local and state-wide strategies to improve access for stimulant users into MERIT. See Appendix B for the list of MERIT Monitoring Indicators.

Figure 4. PDC of MERIT participants – 20-year trend



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

4.7.2 PDC of participants – 2020 and 2021 comparison

In 2021, stimulants were the PDC for 52% of participants, followed by cannabis (32%), and opiates and alcohol (both 6%).

When comparing PDC for participants accepted into MERIT in 2020 and 2021:

- cannabis increased by 2%
- opiates, stimulants and sedatives/ anaesthetics decreased by 1%
- alcohol remained stable

Table 5. PDC of participants accepted into MERIT (2020 and 2021)

Principal Drug of Concern	Substance description	N 2020	% 2020	N 2021	% 2021
Cannabis	Cannabinoids (plant extract)	600	28%	567	28%
	Cannabinoids nfd	30	1%	59	3%
	Cannabinoids (synthetic)	2	0%	2	0%
	Total	632	30%	628	32%
Stimulants	Methamphetamine (incl. Speed, Ice)	862	41%	792	40%
	Amphetamine	117	5%	107	5%
	Cocaine	128	6%	125	6%
	M.D.M.A. (Ecstasy)	19	1%	6	1%
	Lysergic acid diethylamide (LSD)	1	0%	1	0%
	Psilocybin (Magic Mushrooms)	1	0%	1	0%
	Caffeine	1	0%	0	0%
	Total	1,129	53%	1,032	52%
Opiates	Heroin	129	6%	104	5%
	Opioid analgesics nfd	14	1%	11	1%
	Morphine (incl. MS Contin, Opium)	1	0%	0	0%
	Buprenorphine	2	0%	2	0%
	Codeine (incl. Codral Forte, Disprin Forte, Panadeine)	0	0%	0	0%
	Oxycodone (incl. Endone)	4	0%	3	0%
	Fentanyl	1	0%	2	0%
	Methadone	3	0%	6	1%
	Psychostimulants nfd	1	0%	0	0%
	Total	155	7%	128	6%
Sedatives/ anaesthetics	Benzodiazepines nfd	40	2%	25	1%
	Gamma-hydroxybutyrate (incl. Liquid Ecstasy)	27	1%	24	1%
	Ketamine	7	0%	3	0%
	Other Sedatives and Hypnotics	1	0%	5	1%
	Clonazepam	1	0%	1	0%
	Total	76	4%	58	3%
Alcohol	Ethanol (Alcohol)	125	6%	126	6%
Other drug	Anabolic Androgenic Steroids	0	0%	0	0%
Total		2,117	100%	1,972	100%

4.7.3 PDC by Region: Sydney, Non-Sydney Metropolitan (NSM) and Regional²

Stimulants were the PDC for the majority of participants in all geographic locations. Over half of MERIT participants in both Sydney and non-Sydney metro areas (both 56%) and 43% in regional NSW reported stimulants as their PDC.

Cannabis as a PDC was the highest among non-Sydney metro (38%). Cannabis was the PDC for 31% of regional NSW participants and 29% of Sydney participants.

A greater proportion of MERIT participants who report opiates as their PDC resided in Sydney (10%), followed by NMS (5%) and regional NSW (3%).

In 2021, MERIT Alcohol was only available in 7 Regional NSW Local Courts.

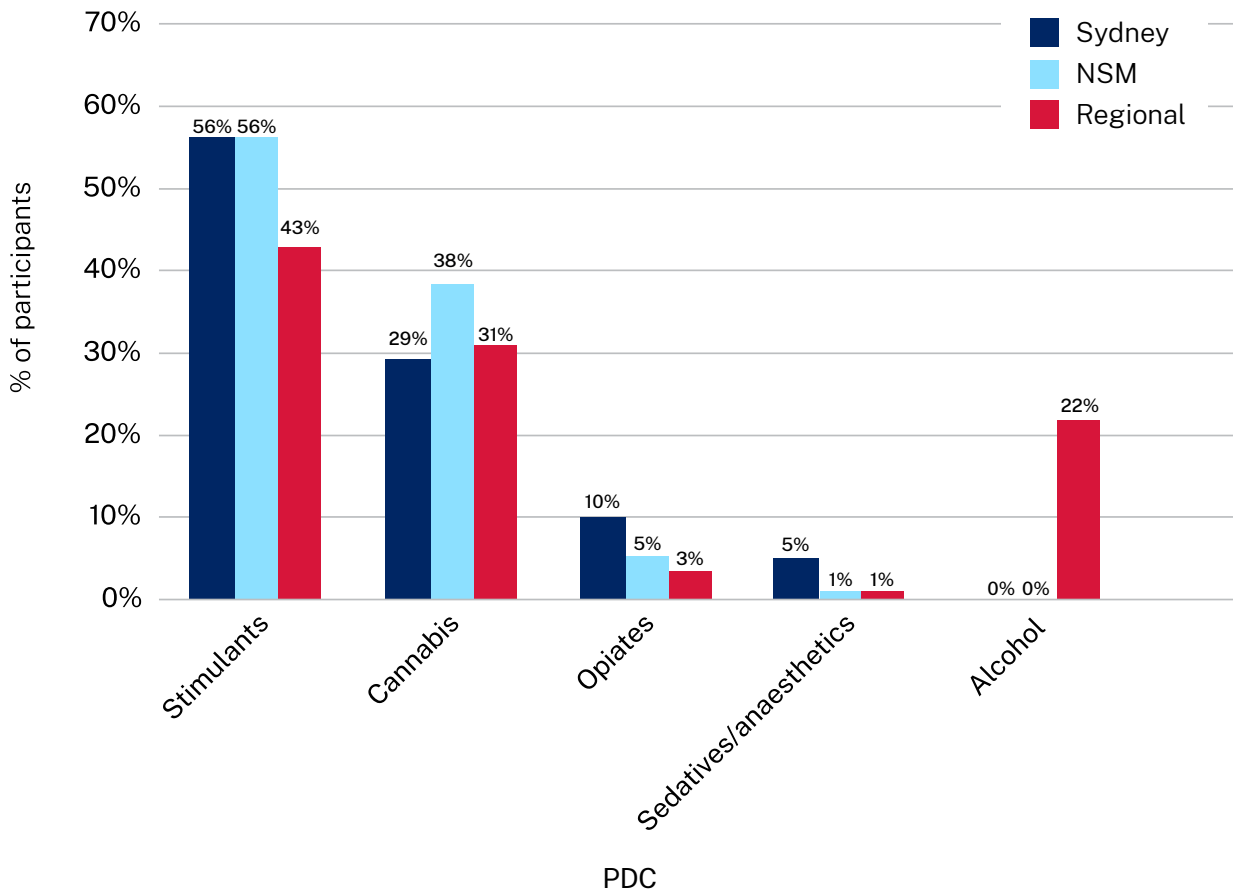
Table 6. PDC of MERIT participants by region

PDC	Sydney N	Sydney %	NSM N	NSM %	Regional N	Regional %
Stimulants	488	56%	299	56%	247	43%
Cannabis	251	29%	201	38%	176	31%
Opiates	85	10%	26	5%	17	3%
Sedatives/anaesthetics	41	5%	8	1%	5	1%
Alcohol*	0	0%	0	0%	126	22%
Total	865	100%	536	100%	571	100%

*In 2021, Drug and Alcohol MERIT was only available in 7 Regional NSW Local Courts.

² 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 Hunter New England, Western (Mid-West) NSW, Western (Macquarie) 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 5. PDC of MERIT participants by region



4.7.4 Demographic make-up by PDC

4.7.4.1 Gender by PDC

A larger proportion of female than male MERIT participants identified stimulants (57% vs. 51%), and opiates (8% vs. 6%) as their PDC. More males than females reported cannabis (33% vs. 29%) and alcohol (7% vs 4%) as their PDC. There were no gender differences for sedatives (both 3%).

4.7.4.2 Aboriginal status by PDC

A larger proportion of participants who identified as Aboriginal reported alcohol as their PDC than those who identified as non-Aboriginal (12% and 4% respectively). Fewer Aboriginal than non-Aboriginal participants reported stimulants as their PDC (46% and 54% respectively).

There were no major differences between Aboriginal and non-Aboriginal participants for opiates, cannabis or sedatives as a PDC.

Program completion

5

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

- i. Program entry and assessment
- ii. Treatment (which includes counselling and case management by MERIT teams)
- iii. 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 against the total number of participants who exited the program in the time period.

5.1 Completion status

In 2021, a total of 2,040 participants exited MERIT. Of these, 1,478 participants (72%) completed the program, an increase of 3% compared to 2020. A total of 562 (28%) did not complete the program. Non-compliance with program conditions was the most common reason for not completing the program, however declined in 2021 to 17% (compared to 21% in 2020). All other reasons for program exit remained stable. All other categories related to program exit remained stable as outlined below in Table 7.

Studies show participants that completed AOD court diversion programs demonstrate reduced recidivism^{3,4,5} and increased health and wellbeing outcomes^{6,7} in comparison to non-completers. Women, Aboriginal people and participants with stimulants as a PDC consistently demonstrate lower MERIT 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 B for the list of all the MERIT Monitoring Indicators*.

3 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.

4 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).

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

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

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

Table 7. Exit status of MERIT participants in 2020 and 2021

Exit Status	N 2020	% 2020	N 2021	% 2021
Completed program	1,511	69%	1,478	72%
Non-compliance with program conditions	454	21%	348	17%
Withdrew voluntarily	121	6%	116	6%
Removed by Court	69	3%	63	3%
Court matters finalised/dismissed prior to completion	28	1%	22	1%
Died	2	0%	0	0%
N/A (never entered program)	0	0%	1	0%
Other	12	0%	12	1%
Total	2,197	100%	2,040	100%

In 2021, the average number of days in MERIT for program completers was 92 days, similar to the average number of days in 2020. This corresponds with the expected length of the program (84 days or 12 weeks). The average length of time that program non-completers were on MERIT in 2021 was also similar to 2020 results, as can be seen in Table 8 below.

Table 8. Average number of days that participants were on MERIT in 2020 and 2021

Days on Program	2020 Average days	2021 Average days
Completers	91	92
Non-Completers	57	58

5.2 Demographic overview of program completers vs non-completers

This section shows the MERIT program completion proportions and completion rates by demographics.

5.2.1 Gender

Of the participants who completed MERIT in 2021, 78% were male and 22% were female.

Table 9. Completion proportions by gender

Gender	Exited (TOTAL) N	Completers N	Completers %	Non-Completers N	Non-Completers %
Female	475	325	22%	150	27%
Male	1,565	1,153	78%	412	73%
Total	2,040	1,478	100%	562	100%

The completion rate for males was 6% higher than for females (74% and 68% respectively).

Table 10. Completion rates by gender

Gender	Exited (TOTAL) N	Completers N	Completers %	Non-Completers N	Non-Completers %
Female	475	325	68%	150	32%
Male	1,565	1,153	74%	412	26%
Total	2,040	1,478	72%	562	28%

5.2.2 Age

In 2021, 78% of MERIT program completers were aged between 20–44 years.

Table 11. Completion proportions by age

Age	Exited (TOTAL) N	Completers N	Completers %	Non-Completers N	Non-Completers %
Under 20	106	75	5%	31	6%
20–24	370	275	19%	95	17%
25–29	386	262	18%	124	22%
30–34	343	245	17%	98	17%
35–39	289	201	14%	88	16%
40–44	232	167	11%	65	12%
45–49	165	135	9%	30	5%
50–64	145	115	8%	30	5%
Over 64	4	3	0%	1	0%
Total	2,040	1,478	100%	562	100%

Table 12 below shows program completion rates by age group. The age groups with the highest completion rates were:

- 45–49 years (82%)
- 50–64 years (79%)
- 20–24 years (74%)

The completion rate for the 45–49 year age group increased by 10% in 2021 compared to 2020 (72% and 82% respectively). The completion rates remained similar across the other age groups.

Table 12. Completion rates by age

Age	Exited (TOTAL) N	Completers N	Completers %	Non-Completers N	Non-Completers %
Under 20	106	75	71%	31	29%
20–24	370	275	74%	95	26%
25–29	386	262	68%	124	32%
30–34	343	245	71%	98	29%
35–39	289	201	70%	88	30%
40–44	232	167	72%	65	28%
45–49	165	135	82%	30	18%
50–64	145	115	79%	30	21%
Over 64	4	3	*	1	*
Total	2,040	1,478	72%	562	28%

*Sample size too small to report as %.

5.2.3 Aboriginal Status

The Table below shows that in 2021, of the 1,478 participants who completed MERIT, 16% identified as Aboriginal (n=230), 82% identified as non-Aboriginal (n=1,214) and 2% did not provide a status.

Table 13. Completion proportions by Aboriginal status

Aboriginal Status	Exited (TOTAL) N	Completers N	Completers %	Non-Completers N	Non-Completers %
Aboriginal	367	230	16%	137	24%
Non-Aboriginal	1,626	1,214	82%	412	73%
Unknown/Not Stated	47	34	2%	13	2%
Total	2,040	1,478	100%	562	100%

The Table below shows the completion rate for Aboriginal participants was 63%. This rate is 12% lower than non-Aboriginal participants (75%).

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 14. Completion rates by Aboriginal status

Aboriginal Status	Exited (TOTAL) N	Completers N	Completers %	Non-Completers N	Non-Completers %
Aboriginal	367	230	63%	137	37%
Non-Aboriginal	1,626	1,214	75%	412	25%
Unknown/Not Stated	47	34	72%	13	28%
Total	2,040	1,478	72%	562	28%

5.2.4 Principal source of income

The Table below shows the principal source of income for program completers and non-completers. In 2021, 64% of program completers were on a government benefit (i.e.: employment benefit, pension, student allowance).

Table 15. Completion proportions by principal source of income

Principal source of income	Exited (TOTAL) N	Completers N	Completers %	Non-Completers N	Non-Completers %
Temporary benefit (e.g. unemployment)	1,112	744	50%	368	65%
Full-time employment	316	269	18%	47	8%
Pension (e.g. aged, disability)	268	196	13%	72	13%
Part-time employment	173	141	10%	32	6%
No income	60	43	3%	17	3%
Student allowance	9	6	0%	3	0%
Dependent on others	7	3	0%	4	0%
Retirement fund	1	1	0%	0	0%
Not stated/not known/inadequately described	56	44	3%	12	2%
Other	38	31	2%	7	1%
Total	2,040	1,478	100%	562	100%

The Table below demonstrates the rates of completion by principal source of income. Participants most likely to complete the program were employed full-time (85%) or part-time (82%). Participants least likely to complete the program were on government benefits or had no income.

Table 16. Completion rate by principal source of income

Principal source of income	Exited (TOTAL) N	Completers N	Completers %	Non-Completers N	Non-Completers %
Temporary benefit e.g. unemployment)	1,112	744	67%	368	33%
Pension (e.g. aged, disability)	268	196	73%	72	27%
Full-time employment	316	269	85%	47	15%
Part-time employment	173	141	82%	32	18%
No income	60	43	72%	17	28%
Student allowance	9	6	*	3	*
Dependent on others	7	3	*	4	*
Retirement fund	1	1	*	0	*
Not stated/not known/inadequately described	56	44	79%	12	21%
Other	38	31	82%	7	18%
Total	2,040	1,478	72%	562	28%

*Sample size too small to report as %.

5.2.5 Accommodation type

The Table below show the accommodation type of program completers and non-completers. The majority of program completers lived in a rented house/flat (65%) or a privately owned house/flat (25%).

Table 17. Completion proportion by accommodation type

Accommodation type	Exited (TOTAL) N	Completers N	Completers %	Non-Completers N	Non-Completers %
Rented house or flat (public or private)	1,337	960	65%	377	67%
Privately owned house or flat	479	370	25%	109	19%
No usual residence/homeless	63	33	2%	30	5%
Boarding house	26	22	1%	4	1%
Caravan on a serviced site	14	9	1%	5	1%
Hostel/supported accommodation services	29	22	1%	7	1%
Shelter/refuge	7	3	*	4	*
Prison/detention centre	1	1	*	0	*
Alcohol/other drug treatment residence	1	0	*	1	*
Not known	42	30	2%	12	2%
Other	41	28	2%	13	2%
Total	2,040	1,478	100%	562	100%

The Table below demonstrates the completion rate by accommodation type. Those with higher rates of completion lived in boarding houses (85%, up from 67% in 2020), privately owned house/flat (77%, stable compared to 2020) and hostel/supported accommodation services (76%, up from 50% in 2020). Those who were homeless had the lowest completion rate (52%, down from 57% in 2020).

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 18. Completion rates by accommodation type

Accommodation type	Exited (TOTAL) N	Completers N	Completers %	Non-Completers N	Non-Completers %
Boarding house	26	22	85%	4	15%
Privately owned house or flat	479	370	77%	109	23%
Hostel/supported accommodation services	29	22	76%	7	24%
Rented house or flat (public or private)	1,337	960	72%	377	28%
Caravan on a serviced site	14	9	64%	5	36%
No usual residence/homeless	63	33	52%	30	48%
Shelter/refuge	7	3	*	4	*
Prison/detention centre	1	1	*	0	*
Alcohol/other drug treatment residence	1	0	*	1	*
Not known	42	30	71%	12	29%
Other	41	28	68%	13	32%
Total	2,040	1,478	72%	562	28%

*Sample size too small to report as %.

5.3 Principal Drug of Concern (PDC)

The Table below provides the principal drug of concern (PDC) for completers and non-completers of the program. Half (50%) of program completers reported stimulants as their PDC.

In 2021, MERIT Alcohol was only available in 7 Regional NSW Local Courts.

Table 19. Completion proportion by Principal Drug of Concern (PDC)

PDC	Exited (TOTAL) N	Completers N	Completers %	Non-Completers N	Non-Completers %
Stimulants	1,056	738	50%	318	57%
Cannabis	648	492	33%	156	28%
Alcohol	134	114	8%	20	4%
Opiates	136	90	6%	46	8%
Sedatives/ anaesthetics	64	44	3%	20	4%
Other drug	2	0	0%	2	0%
Total	2,040	1,478	100%	562	100%

Participants with opiates as their PDC had the highest completion rate, 85%, increasing by 20% since 2020 (65%). Those with cannabis as their PDC had the second highest completion rate of 76% (no change since 2020). The completion rate for stimulants as the PDC increase to 70% (from 65% in 2020), however, alcohol as the PDC declined to 69% (from 73% in 2020).

Table 20. Completion rate by principal drug of concern (PDC)

Principal Drug of Concern	Exited (TOTAL) N	Completers N	Completers %	Non-Completers N	Non-Completers %
Stimulants	1,056	738	70%	318	30%
Cannabis	648	492	76%	156	24%
Opiates	134	114	85%	20	15%
Alcohol*	64	44	69%	20	31%
Sedatives/ anaesthetics	136	90	66%	46	34%
Sedatives/ anaesthetics	2	0	*	2	*
Total	2,040	1,478	72%	562	28%

*Sample size too small to report as %.

Alcohol and other drug (AOD) use and health outcomes

6

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

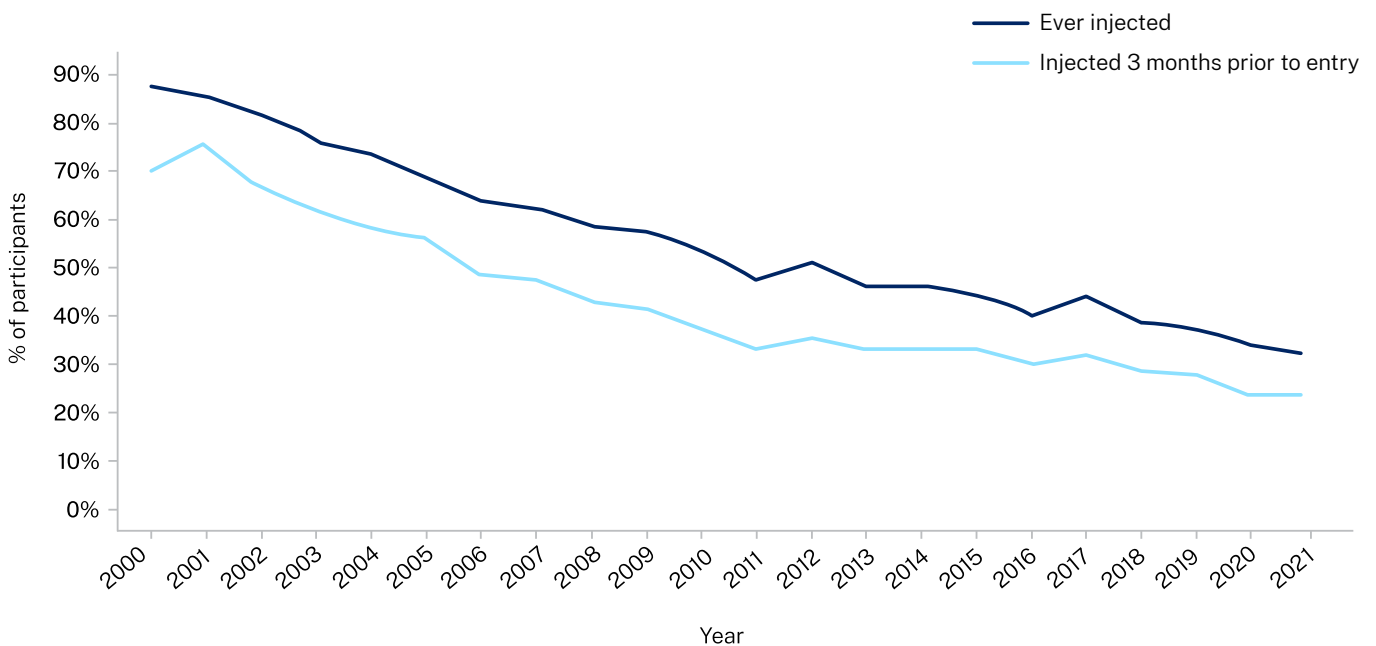
6.1 Injecting drug behaviour (entry)

In MERIT, self-reported injecting behaviour is recorded at program entry. The proportion and frequency of participants injecting drugs has consistently declined since 2000. In 2021, information about injecting drug behaviour was available for 1,972 participants. It was found that:

- Around one quarter (24%) had injected drugs in the **past 3 months**, compared to 70% in 2000
- Around one third (32%) had **ever injected drugs**, compared to 87% in 2000.

See Appendix C for the data table.

Figure 6. Trends in injecting drug use at program entry 2000–2021



6.2 Frequency of alcohol and other drug use (entry and exit)

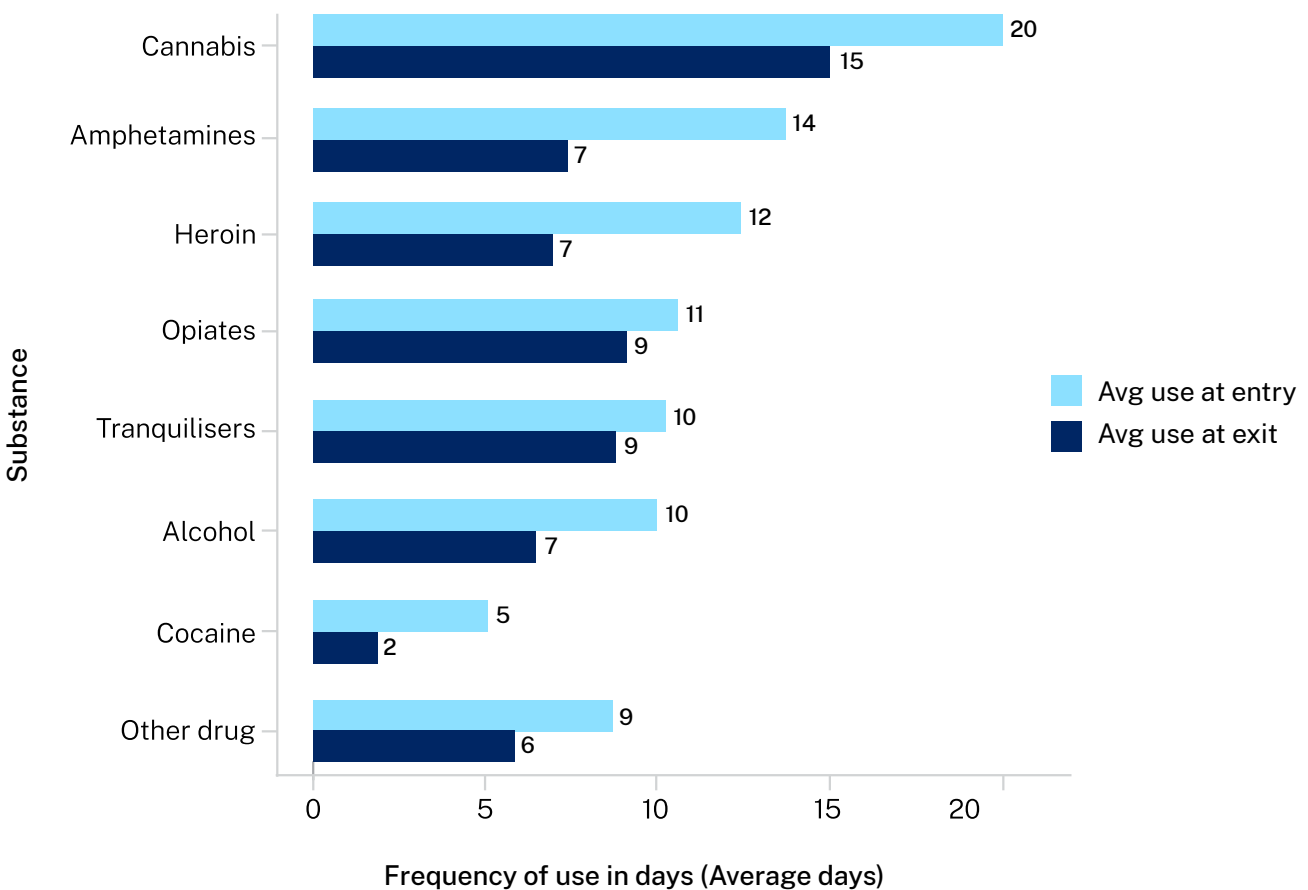
PDC frequency of use is the self-reported number of days where substance use occurred in the previous 30 days. In 2021, 1,011 MERIT participants had PDC frequency of use information collected at entry and exit. Upon entry, 35% reported cannabis, 40% reported amphetamines, 8% reported alcohol, and 4% reported heroin as their PDC.

Frequency of AOD use is the self-reported number of days a participant used their PDC in the previous 30 days. From MERIT entry to exit, reductions in the average frequency of PDC use was reported for all alcohol and drugs. The greatest reductions were reported for amphetamine and heroin use. The following reductions in average frequency were reported:

- amphetamine use reduced by 46% (from 14 to 7 days per month)
- heroin use reduced by 44% (from 12 days to 7 days per month).
- alcohol* use reduced by 35% (from 10 days to 7 days per month)
- cannabis use reduced by 24% (from 20 to 15 days per month)

*MERIT Alcohol was only available in 7 Regional NSW Local Courts.

Figure 7. Average frequency of substance use for PDC at entry and exit in 2021



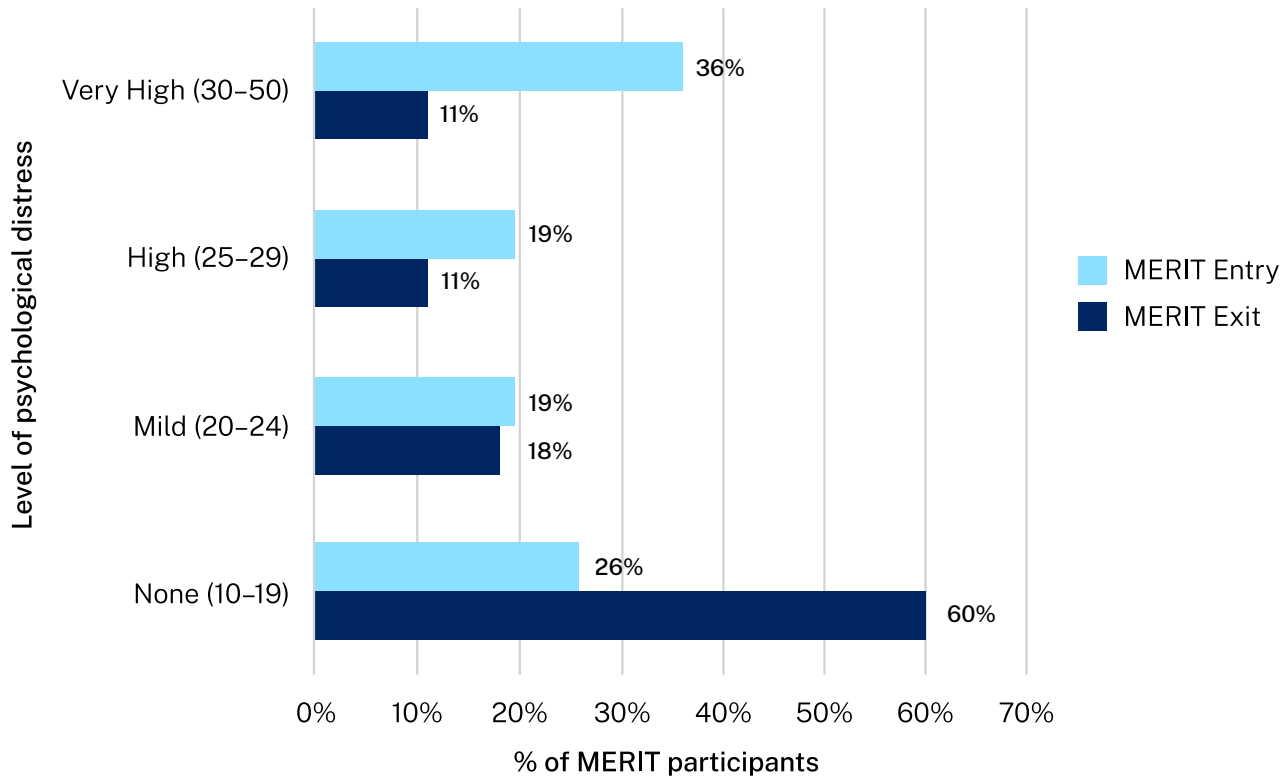
6.3 Psychological Health (entry and exit)

Levels of psychological distress among accepted MERIT participants is measured using the Kessler-10 (K10) Psychological Distress Scale⁸. 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 2021, 966 MERIT participants had K10 data available on entry and exit from the program. On entry to the program, 57% (n=530) of participants had high (25–29 K10 score) to very high (30–50 K10 score) self-reported psychological distress. On exit this proportion reduced to 22% (n=213) of participants with high to very high self-reported psychological distress. These results are similar to 2020, where 56% of participants with available data had high to very high self-reported psychological distress scores, which reduced to 22% on program exit.

The NSW Population Health Survey measures psychological distress in adults in NSW using the K10. In 2021, 17% of adults in NSW self-reported high or very high psychological distress⁹. On MERIT program entry, a larger proportion of participants reported high levels of psychological distress than the NSW population (57% vs. 17%). However, upon program exit, high psychological distress scores approach levels closer to the NSW population (22% vs. 17%)¹⁰, highlighting a potential positive mental health impact of participation in the MERIT program.

Figure 8. 2021 Psychological distress (K10) entry and exit scores



⁸ Kessler RC, Barker PR, Colpe LJ, Epstein JF, Gfroerer JC, Hiripi E, et al. Screening for serious mental illness in the general population. Arch Gen Psychiatry. 2003 Feb;60(2):184–9.

⁹ HealthStats NSW, NSW Health, 2021.

¹⁰ Note: The NSW Population Health Survey defines ‘high psychological distress’ as K10: 22–29, while MERIT defines ‘high’ as K10: 25–29. In addition, an adult in the NSW Population Health Survey is defined as persons aged 16 years and over, while adults in MERIT are defined as persons aged 18 years and over.

Criminal justice outcomes

7

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 2020.

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

MERIT data is collected and analysed by NSW Health using the bespoke MERIT Information Management System (MIMS), and by the NSW Department of Communities and Justice using the Re-offending Database (ROD). The NSW Bureau of Crime Statistics and Research (BOCSAR) match health and justice data using unique participant record numbers including the Criminal Name Index (CNI) and JusticeLink case numbers assigned by justice agencies to measure re-offending for MERIT participants.

There were 3,144 records in the data collection with 3,118 unique participant CNIs and JusticeLink number combinations. Of these, 2,145 were matched to actual unique person records. The difference between the numbers at the initial data collection (3,144) and the numbers matched to a person (2,145) can occur as a result of multiple program exit and entry points, duplicate profiles, and other system errors. Of the 2,145 unique person records that were matched, 2,012 participants were matched to a first court appearance either on or within 6 months of the program exit date or in the month before the program exit date.

7.2 Proven charges prior to entry into the program

In 2020, 27% (n=552) of MERIT exiters (with available data, n=2,012) had prior proven charges (convictions). Of these participants:

- 96% received a non-custodial sentence
- 4% received a custodial sentence

7.3 Most serious offence at program entry – Completers vs. Non-Completers

The Table below shows the most serious offence at program entry for 2020 program completers and non-completers.

Table 21. Most serious offence for program completers and non-completers

Most serious offence type	Program Exit Year 2020			
	Completers N	Completers %	Non-completers N	Non-completers %
Illicit drug offences	402	29%	151	25%
Offences against justice procedures, government security and government operations	302	22%	149	24%
Traffic and vehicle regulatory offences	238	17%	83	14%
Acts intended to cause injury	133	9%	76	12%
Theft and related offences	100	7%	57	9%
Dangerous or negligent acts endangering persons	44	3%	15	2%
Fraud, deception and related offences	43	3%	28	5%
Unlawful entry with intent/ burglary, break and enter	35	2%	14	2%
Prohibited and regulated weapons and explosives offences	38	3%	17	3%
Property damage and environmental pollution	19	1%	4	1%
Public order offences	30	2%	5	1%
Abduction, harassment and other offences against the person	5	0%	2	0%
Robbery, extortion and related offences	3	0%	0	0%
Sexual assault and related offences	1	0%	4	1%
Miscellaneous offences	10	1%	4	1%
Total	1,403	100%	609	100%

7.4 Sentencing outcomes for participants

There were considerable differences between the principal penalty outcome for program completers and non-completers in 2020.

The most common sentencing outcome for MERIT program completers:

- Community Correction Order with supervision (27% of program completers received this penalty, compared to 24% of program non-completers)
- Intensive Correction Order (19% of program completers received this penalty, compared to 13% of program non-completers)

Only 3% of program completers received imprisonment as their penalty outcome, compared to 14% 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 conditions.

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

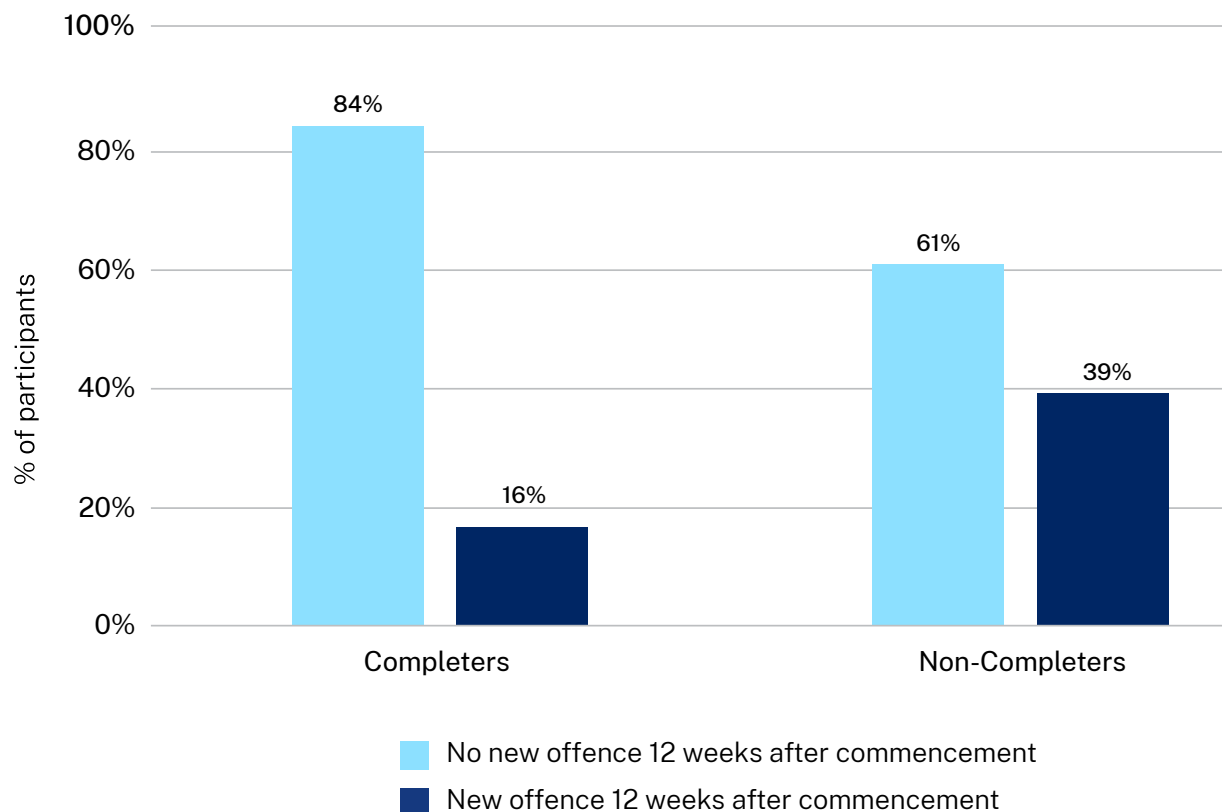
Principal Penalty	Program Exit Year 2020			
	Completers N	Completers %	Non-completers N	Non-completers %
Community Correction Order with supervision	372	27%	149	24%
Intensive Correction Order	261	19%	82	13%
Fine	227	16%	164	27%
Conditional Release Order without conviction, without supervision	149	11%	16	3%
Community Correction Order without supervision	147	10%	37	6%
Conditional Release Order with conviction, without supervision	47	3%	10	2%
Conviction only	52	4%	25	4%
Imprisonment	36	3%	85	14%
No conviction recorded	33	2%	2	0%
Conditional Release Order with conviction, with supervision	20	1%	9	1%
Conditional Release Order without conviction, with supervision	9	1%	2	0%
Bond without supervision	1	0%	1	0%
Suspended sentence with supervision	1	0%	0	0%
No action taken on a breach of bond	7	0%	9	1%
Unknown penalty / no penalty	41	3%	18	3%
Total	1,403	100%	609	100%

7.5 Conviction within 12 weeks of commencing MERIT

In 2020, 39% of program non-completers and 16% 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.

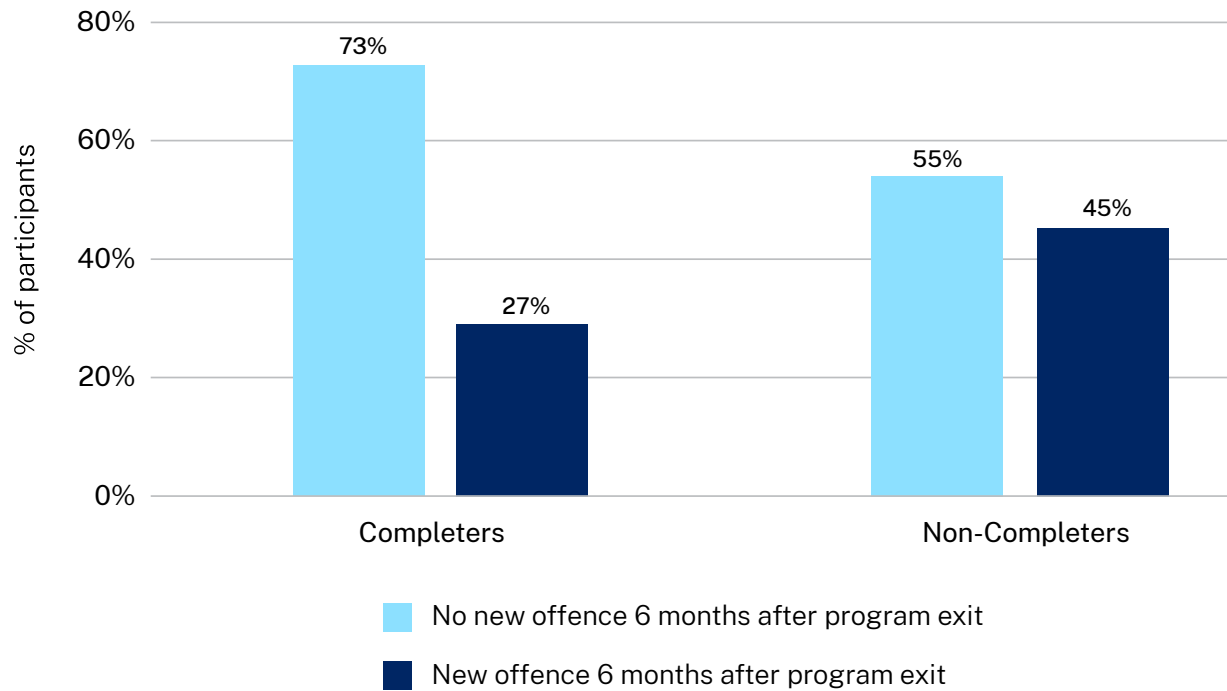
Figure 9. Conviction rates of new offences within 12 weeks of commencing MERIT



7.6 Conviction 6 months from program exit

In 2020, 45% of program non-completers and 27% of program completers were convicted of a new offence 6 months after exiting the program.

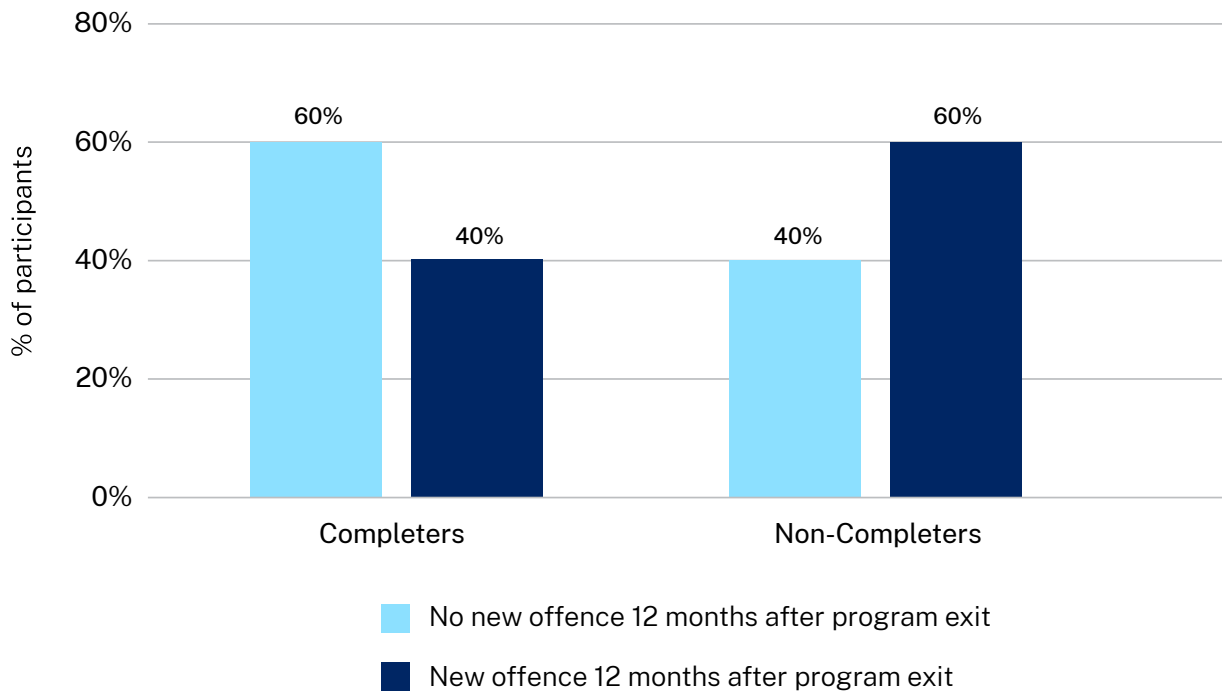
Figure 10. Conviction rates for new offences 6 months after exiting MERIT



7.7 Conviction 12 months from program exit

In 2020, 40% of program completers were convicted of a new offence 12 months after exiting MERIT, compared to 60% of program non-completers.

Figure 11. Conviction rates of new offences 12 months after exiting MERIT



Appendix A

MERIT Referral, Acceptance and Completion Figures (2000 to 2021)

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)	2020 (N)	2021 (N)
Referred	79	462	1,274	2,581	2,392	2,624	2,811	2,951	2,733	3,020	3,035	3,327	3,318	3,371	3,251	4,035	4,596	4,081	4,073	4,062	3,318	2,927
Accepted	55	304	806	1,547	1,367	1,622	1,727	1,870	1,810	1,930	1,941	2,042	1,992	2,072	2,032	2,442	2,593	2,246	2,455	2,410	2,117	1,972
Completed	15	115	306	905	883	996	1,064	1,222	1,279	1,317	1,382	1,364	1,247	1,295	1,305	1,433	1,635	1,420	1,504	1,522	1,511	1,478

Appendix B

MERIT Operational and Strategic Monitoring Indicators

1. Operational Monitoring - Service Access and Patient Flow		
Focus	Objectives	Performance indicators
Completed participants	To provide an effective MERIT program	Proportion of accepted participants 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 stimulants as their principal drug of concern (PDC)	To monitor the growth of clients with stimulants as their PDC	Proportion of clients with stimulants as their PDC – referred, accepted and completed

Appendix C

Data Table for Figure 7

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)	2020 (N)	2021 (N)
Ever injected	47	242	603	1,125	988	1,077	1,065	1,131	1,046	1,065	986	935	981	930	907	1,001	998	901	902	898	713	639
Injected 3 months	38	214	489	918	787	878	805	859	766	774	682	649	679	666	655	741	729	656	654	667	498	470
Number with injecting data at entry	54	283	738	1,472	1,350	1,572	1,676	1,815	1,782	1,857	1,847	1,966	1,926	2,006	1,959	2,259	2,474	2,063	2,306	2,410	2,117	1,972

