

Police drug diversion

For minor drug offences

What is the Police Drug Diversion Program?

The police have the following options to deal with a minor drugs offence instead of bringing you to court:

- **Drug Diversion Warning** if you are eligible and have not had a Drug Diversion Warning before
- **Drug Diversion Assessment Program** if you are eligible, have already had a Drug Diversion Warning, and have not had more than one Drug Diversion Assessment Program appointment before.

Am I eligible?

The police have to offer you an opportunity to participate in the Police Drug Diversion Program if **all** of the following apply:

- you're arrested for, or questioned about a minor drugs offence
- you haven't broken the law in another serious way in circumstances relating to the minor drugs offence (e.g. robbed someone to get the drugs)
- you haven't previously been sentenced to serve a term of imprisonment for supplying, trafficking or producing drugs
- the officer reasonably believes the minor drugs matter was for your personal use.

If you meet the eligibility criteria, police must give you a Drug Diversion Warning. However, if you have already had a warning, you may get two chances to attend a Drug Diversion Assessment Program appointment. If you don't agree, or you don't attend at the scheduled date and time, you won't get a third chance (however you may still be eligible for a court diversion program).

What happens next?

If you agree to receive a **Drug Diversion Warning**:

- the police officer must give you a written notice confirming the details of the warning, including when the warning was issued and the police officer's details
- the police will take and destroy the drug and anything that might have been used for in connection with the drug (e.g. a bong).



If you agree to participate in the **Drug Diversion Assessment Program**:

- the police officer must explain the consequences of agreeing to attend the Drug Diversion Assessment Program appointment
- you must sign a form accepting the offer and agreeing to participate in and complete the program (there will be a specific date, time and place)
- the police officer must give you a written requirement to participate in and complete the Drug Diversion Assessment Program appointment, and tell you you're breaking the law by not attending and completing the appointment



- the police will take and destroy the drug, and anything that might have been used in connection with the drug (e.g. a bong).

If you meet the eligibility criteria, you may get two chances to attend a Drug Diversion Assessment Program appointment. If you don't agree, or you don't attend at the scheduled date and time, you won't get a third chance (however you may still be eligible for a court diversion program).

Attending the drug diversion program

If you participate in and complete the Drug Diversion Assessment Program appointment at the scheduled date and time, you won't be charged with a criminal offence and you won't have a criminal record for a minor drugs offence. If you don't participate in and complete the program, you are breaking the law and you can be charged with contravening a direction or requirement of a police officer. Get legal advice.

At your diversion appointment you will talk to a drug and alcohol counsellor about your drug use and receive information and strategies to help you meet your needs and goals.

The appointment may take up to two hours and you can attend an appointment in person, or by telephone or videoconference. A family member or friend can join your appointment.

The information you give will be confidential unless the counsellor is concerned you might seriously harm yourself or someone else. Otherwise, police are only told about whether your appointment has been completed.

If you want more treatment and support after your appointment, talk to the counsellor about other services that can help you. Any extra treatment and support is voluntary and is not part of the Police Drug Diversion Program.

Do I need legal advice?

You may need legal advice if you:

- have been arrested for, or charged with a drug offence
- have been offered police diversion and are not sure what to do
- meet the requirements but the police didn't offer you the Drug Diversion Assessment Program
- agreed to the Drug Diversion Assessment Program but didn't attend the appointment.

How to get legal advice

Contact the Drug Diversion Legal Advice Line on 1300 004 924 to speak with a lawyer.



Your local Legal Aid Queensland office:

BRISBANE

44 Herschel St, 4000

BUNDABERG

3rd Floor, WIN Tower,
Cnr Quay & Barolin Sts, 4670

CABOOLTURE

Ground Floor, Kingsgate
42 King St, 4510

CAIRNS

Level 2, Cairns Square Complex,
42-52 Abbott St, 4870

INALA

Level 1, Inala Commonwealth
Offices, 20 Wirraway Pde, 4077

IPSWICH

Level 7, 117 Brisbane St, 4305

MACKAY

Ground Floor,
17 Brisbane St, 4740

MAROOCHYDORE

Ground Floor, M1 Building
1 Duporth Ave, 4558

MOUNT ISA

6 Miles St, 4825

ROCKHAMPTON

Ground Floor, 35 Fitzroy St, 4700

SOUTHPORT

Level 2, 7 Bay St, 4215

TOOWOOMBA

1st Floor, 154 Hume St, 4350

TOWNSVILLE

Level 4, Northern Securities
Building, 22 Walker St, 4810

WOODRIDGE

1st Floor, Woodridge Place,
Cnr Ewing Rd & Carmody St, 4114

For more information
about our services visit
legalaid.qld.gov.au

or phone 1300 65 11 88 or 1300 650 143
(Aboriginal and Torres Strait Islander Information Line)

