

Health Diversion Programme

Irish Government decision

The Government has decided to implement a Health Diversion Programme, for those found in possession of drugs for personal use.

Previously, those found in possession of drugs could be prosecuted under the criminal justice system and acquire criminal convictions, making it difficult for these people to find work, travel abroad and access services such as housing and education. Additionally, the stigma associated with criminal conviction made it difficult to access addiction support services.

Under this new approach, when a person is found in possession of drugs for personal use the Government has agreed to implement a health diversion approach whereby:

- On the first occasion, An Garda Síochána will refer them, on a mandatory basis, to the Health Service Executive for a health screening and brief intervention;
- On the second occasion, An Garda Síochána would have discretion to issue an Adult Caution.

Under the programme, a person found in possession of drugs for personal use is diverted to the HSE for a health screening and brief intervention, known as SAOR (Support, Ask and Assess, Offer Assistance and Referral).

The steps in the Health Diversion Programme:

Step 1 Gardaí identify a person in possession of drugs for personal use.

Step 2 Gardaí refer the person to attend a SAOR screening and brief intervention provided by the HSE. This could be done online so appointments can be confirmed on the spot and happen in a timely fashion (a few days).

Step 3 The person attends the SAOR intervention with a dedicated healthcare worker.

Step 4 If a person is identified as having or at risk of problematic use, they are offered appropriate treatment or support. Their attendance at treatment/support is voluntary.

Step 5 Other referrals may be identified and facilitated, such as social services or harm reduction programmes.

Step 6 The person's attendance at the brief intervention is confirmed to the Gardaí (with the person's consent).

On the second occasion that a person is found in possession of drugs for personal use, An Garda Síochána would have the discretion to issue an Adult Caution.

Benefits of the Health Diversion Programme

The Health Diversion Programme will offer three benefits for people found with drugs for personal use:

1. The opportunity to avoid a criminal conviction;
2. The support to avoid, reduce and recover from drug-related harm;
3. Referral to appropriate treatment or other support.

Criminal sanctions can stigmatise the person concerned and can have far-reaching consequences, such as difficulties gaining employment and access to services, for example, housing, travel visas etc.

Instead of being arrested, charged and brought through the courts system to ultimately receive a conviction, substance misuse will instead be treated as a health issue and people found in possession of drugs for personal use would be diverted to the Health Service Executive for a SAOR screening and brief intervention with a health professional.

This approach will not decriminalise drug use; it is a mechanism to defer people to health and social services for help and support. Specifically, trained health care professionals will deliver the SAOR health screening and brief intervention. Further to that, treatment services will be available to those who require it, this will include, but not be limited to; community services, counselling, residential care, detox beds and social care.

Background to the Government decision

The Ministers for Health and for Justice and Equality are committed to a health-led approach to the possession of drugs, as set out in the Programme for Government and the National Drugs Strategy *Reducing Harm, Supporting Recovery*.

They are also mindful of the recommendations of the Commission on the Future of Policing for a whole-of-government approach to community safety and harm reduction.

The report of the Working Group on Alternative Approaches to the Possession of Drugs for Personal Use recommended three policy options that would be appropriate in the Irish context. These were:

- An adult caution
- Multiple adult cautions
- Diversion to health services

The Government has agreed to progress a Health Diversion Programme, which is an amalgamation of the diversion to health services option along with an adult caution.

How experience of other countries informed the Health Diversion Approach

The Working Group commissioned research into how other jurisdictions deal with personal possession of drugs. This research was conducted by Professor Alex Stevens and Dr Rebecca Cassidy from the

University of Kent, UK; and Dr Caitlin Hughes and Shann Hulme from the University of New South Wales, Australia. The report synthesised and mapped the evidence and undertook a rapid realist review of the legislative approach taken in nine other jurisdictions.

There are similar programmes in place in the UK, Australia, USA, Germany and the Netherlands whereby people are directed toward treatment and education services instead of being prosecuted. Evidence shows a clear reduction in recidivism (up to 58%) and more offenders accessing treatment and/or other services.

Thames Valley Police in the UK introduced a pilot drug diversion scheme in December 2018. In the pilot, offenders found in possession of small quantities of illegal drugs have been offered the opportunity to take part in a tailored diversion route to address their use of drugs instead of facing prosecution. Instead of being arrested and taken to police custody, those who qualify have been referred to an appointment with the local drugs service provider.

They have evaluated the first three months of the scheme and found that between 67% and 84% of those diverted for treatment would have otherwise received a sanction that would not have enabled reasons for drug use to be addressed. It has also led to non-cash savings to Thames Valley Police. Those who underwent treatment have been generally favourable about the scheme.