

Who is being diverted from court under the NSW Early Drug Diversion Initiative (EDDI)?

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SUMMARY

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BACKGROUND

The Early Drug Diversion Initiative (EDDI), introduced in NSW on 29 February 2024, allows eligible individuals found in possession of an illicit drug (other than cannabis) to pay a \$400 fine or complete a telehealth intervention instead of being charged and attending court.

To be eligible, an individual must be found in possession of a single prohibited non cannabis drug; possess an amount below the thresholds set out in Schedule 1 of the *Drug Misuse and Trafficking Act 1985 (NSW)*; not be involved in a concurrent offence for which police must lay a charge; not be suspected of drug driving or drug supply; not have received more than two prior EDDI diversions; and have no prior conviction for a serious drug offence (i.e. offences relating to the supply, manufacture or distribution of drugs).

Using linked extracts from the NSW Police Force's Computerised Operational Policing System (COPS) and BOCSAR's Reoffending Database (ROD), we identified 11,751 'events' occurring between 29 February 2024 and 31 March 2025 where NSW Police proceeded against an individual for a relevant use/ possess illicit drug offence. Using these data, we examined how many people were diverted from court under EDDI in its first 13 months of operation and the factors influencing the likelihood of being diverted.

KEYWORDS

drug diversion

pre-court diversion

illicit drugs

criminal justice

New South Wales

KEY FINDINGS

	Issued a diversion	Proceeded against to court	Total
Eligible for a CIN			
Yes	713 (6.07%)	2,528 (21.51%)	3,241 (27.58%)
No	382 (3.16%)	8,128 (69.17%)	8,510 (72.42%)
Total	1,095 (9.32%)	10,656 (90.68%)	11,751 (100.00%)

Of the 11,751 events in our sample, about 90 per cent (n=10,656) involved NSW Police proceeding against the Person Of Interest (POI) to court. The single most important explanation for the low diversion rate is the fact that about 72 per cent of POIs in these events failed to meet at least one of EDDI's eligibility conditions (n=8,510). The eligibility conditions with the lowest rate of compliance include: the presence of a concurrent offence; the POI being found to be in possession of an amount of the drug over the 'small' quantity threshold; and the presence of a serious prior drug offence.

We then restrict the estimation sample to the 28 per cent of POIs eligible for a diversion (n=3,241). Of these POIs, 713, or 22 per cent, received a diversion and 2,528, or 78 per cent, were proceeded against to court. Factors associated with the probability of a diversion among eligible people include: the absence of a criminal history; being in possession of cocaine or ecstasy (instead of opiates or methylamphetamine); being detected at a music festival; and the Police Area Command or Police District associated with the officer(s) making the diversion decision.

CONCLUSION

A relatively small share of people proceeded against by NSW Police for a relevant drug offence have been diverted under EDDI in its first 13 months of operation. This is largely the result of EDDI's restrictive eligibility criteria, although police discretion also appears to exert some influence.