



AFP Practical Guide on alcohol diversions (ACT Policing)

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1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on disclosure of information](#).

Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

2. Acronyms

AC	Australian Capital Territory
AFP	Australian Federal Police

3. Definitions

Case officer - means the arresting member, the member in charge of an incident, the informant or the member responsible for compiling a brief of evidence.

Caution - for the purposes of this guideline means a caution issued by a member to a young offender for any offence with due regard to s. 94 of the [Children & Young People Act 2008](#) (ACT).

Child - for the purpose of this guide means a person who:

- was under the age of 12 years old when the offence was committed.

Child offender - for the purpose of this guide means a person who:

- has been convicted or found guilty of an offence by a court or has sufficient evidence against them to initiate a prosecution and was younger than 12 years old when the offence was committed.

Member - for the purposes of this guideline, means a sworn appointee of the Australian Federal Police.

Parent of a child/young person - means a person with parental responsibilities for the child/young person within the meaning of the *Children and Young People Act 2008* (ACT).

Under restraint - means a child or young person who is in the company/restraint, including protective custody, of a police officer in connection with the investigation of an offence or possible offence.

Young person - for the purpose of this guide means a person who:

- was between 12 and 17 years old when the offence was committed.

Young offender - for the purpose of this guide means a person who:

- has been convicted or found guilty of an offence by a court or has sufficient evidence against them to initiate a prosecution and

was between 12 and 17 years old when the offence was committed.

4. Guideline authority

This Practical Guide was issued by the Chief Police Officer under section 37(1) of the [Australian Federal Police Act 1979](#) (Cth), as delegated by the Commissioner under s. 69C of the Act.

5. Introduction

This guideline outlines the obligations and procedures for referring children/young people to the Alcohol Diversion Program for Young People.

6. Policy

The AFP supports the Alcohol Diversion Program for Young People which is a Federal Government initiative under the [National Binge Drinking Strategy](#).

7. Eligibility for diversion program

The alcohol diversion program must be considered when:

- a child/young person is identified as being 'intoxicated' in a public place
- a child/young person has been detected or restrained for committing an offence under the [Liquor Act 2010](#) (Cth) (i.e. purchasing, possessing or consuming liquor in a public place)
- police see a diversion being in the best interest of the child/young person, and their immediate family.

8. Referral procedures

When a child/young person is detected or is under restraint for purchasing, possessing or consuming alcohol in a public place, or has been restrained as a result of their level of intoxication from alcohol, the case officer must take the following steps:

- take appropriate action in accordance with the [Intoxicated People \(Care and Protection\) Act 1994](#) (ACT) to ensure the welfare and prevent harm to self and others
- inform the parent or person with parental responsibility as per [Crimes Act 1900](#) (ACT) .

Determine from ACT Operations the number of occasions the child or young person has been subject to the Alcohol Diversion Program for Young People.

If the child or young person has been subject to 2 prior alcohol diversion referrals, members should, if sufficient evidence exists:

- initiate a prosecution for any relevant offence (i.e. purchasing, possessing or consuming liquor in a public place).

If the child or young person has been subject to 1 or less prior alcohol diversion referrals, members should:

- offer the child or young person, in the presence of a person with parental responsibility, the opportunity to participate in the Alcohol Diversion Program for Young People.

If the offer is declined the member should, if sufficient evidence exists, initiate a prosecution for any relevant offence (possess, consume, purchase/supply). In the event of disagreement between parent and child/young person in regard to attending the alcohol diversion; the member will act on the parents wishes.

In any event the member must appropriately record the following details:

- offender:
 - name
 - date of birth
 - gender
 - if the child/young offender is an Aboriginal or Torres Strait Islander
 - home address
 - contact numbers
- parent(s)
 - name
 - postal address
 - contact numbers
- if the alcohol was seized/disposed of
- PROMIS case number
- a description of the incident
- a description of the evidence available for prosecution
- what actions and steps were taken to inform the parents of the incident and referral
- seize/dispose of the alcohol under s. 27 or 29 of the [Liquor Act 2010](#) (ACT)
- as soon as possible, preferably before the end of the shift in which the incident occurs, members must inform the ACT Policing Drug and Alcohol Diversion Team of the child/young person involvement by way of the on-line SupportLink Referral Process.

9. Notifying the parents

When offering the child or young person the opportunity to participate in the Alcohol Diversion Program for Young People, Members will inform the child/young person and their parent/s that:

- they will receive correspondence from the Drug and Alcohol Diversion Team as soon as practicable explaining the circumstances of the incident and the option of attending an alcohol diversion session
- the child/young person will be required to attend one alcohol diversion program session, which will incorporate assessment, education and treatment to comply with the conditions of the program
- a prosecution may be initiated for an alcohol related offence if the child/young person does not attend and comply with the requirements of the program.

Once notified, the Drug and Alcohol Diversion Team will then prepare and send correspondence to the child/young person's parents or guardians, which will encompass:

- the details involving the child/young person's alcohol offence or incident
- various educational material and treatment options associated with underage drinking and alcohol abuse

- the fact that the ACT Health Drug and Alcohol program clinician will contact the child/young person and parents or guardians to organise an assessment and education session
- advise them of the other police options for dealing with an alcohol related offence that could involve the initiation of criminal prosecution against the young person.

Note: Criminal Infringement Notices should not be issued to any person under the age of 18 for liquor offences unless permission has been given in writing from the Drug and Alcohol Diversion Officer.

10. SupportLink online referrals

Members must then enter all relevant details of the child/young offender, parent and the incident into the 'Alcohol diversion' module of the [SupportLink](#) Online referral system.

(Note: This must be done as soon as possible, preferably by the end of the shift in which the incident occurred owing to a '4 day' timeframe for the Drug and Alcohol Drug Team to provide parents with relevant documentation relating to the requirements of alcohol diversion).

11. Recording diversion decisions in PROMIS

12. Compliance with the program

The Police Early Diversion Clinician, ACT Health, will notify the case officer of the child/young person's compliance or non-compliance with the Alcohol Diversion program.

Non-compliance with the program for the persons referred for intoxication (but not having committed an offence) does not result in any further police action being required but referrals should be made nonetheless.

The ACT Policing Alcohol Diversion team will also be notified and monitor the consequent actions.

If the child/young person complies with the diversion obligations:

- the case officer will be notified that the matter is finalised and no further action is required.

If the child or young person does not comply with the diversion obligations:

- the case officer will be notified and the parents will be informed that a prosecution may be initiated (pending sufficient evidence) unless they comply with the program.

If a young person still does not comply with the obligations of the program, the case officer will initiate a prosecution pending the availability of sufficient evidence.

13. References

Legislation

- [Australian Federal Police Act 1979](#) (Cth)
- [Children and Young People Act 2008](#) (ACT)
- [Crimes Act 1900](#) (ACT)
- [Intoxicated People \(Care and Protection\) Act 1994](#) (ACT)
- [Liquor Act 1975](#) (ACT)
- [Liquor Act 2010](#) (ACT)

Other sources

- [National Binge Drinking Strategy](#)