Reviewer’s report

Title: Offending, custody and opioid substitution therapy treatment utilisation among opioid-dependent people in contact with the criminal justice system: Comparison of Indigenous and non-Indigenous Australians

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Reviewer: Kanna Hayashi

Reviewer’s report:

This study sought to compare types of offences, time in custody and opioid substitution therapy (OST) utilization between Indigenous and non-Indigenous Australians who had a history of accessing OST and a contact with the criminal justice system. This manuscript has important strengths, including the large datasets and the significance of the study objectives given the high rates of heroin use and incarceration among Indigenous people in this setting. The paper is also overall well written. However, there is a methodological concern that affects the robustness of the findings and the interpretation of key findings, as well as some minor errors/suggestions. These are listed below.

Major compulsory revisions

1. In the Methods section (line 184–185), the study inclusion criteria included individuals who had “a recorded history of opioid dependence and at least one charge during the study period.” This is not entirely wrong but seems misleading. It should be “individuals who had a history of OST utilization (according to the PHDAS dataset) and at least one charge during the study period.” The distinction between a history of opioid dependence and OST utilization is important because not all opioid-dependent people are recorded in the dataset, and the authors did not assess the time of initiating opioid use.

2. In relation to #1, it is concerning that the authors discuss their findings as if their study participants had been opioid-dependent throughout the study period. For example, in line 339–346, the authors state, “Acquisitive crime is known to be higher among people who use drugs as it has the potential to generate income to support their drug use, a key factor likely to be responsible for the higher rate of theft and related offences observed in our cohort.” They also attribute the observed increase in the rate of acquisitive crime in 2001 to the heroin shortage that occurred in that year. Such interpretations seem to go beyond the results, as one cannot know whether study participants were using opioids at the time of the offence. In fact, the authors found that the age of first offence is much earlier than the age of first OST entry, suggesting that some offences could have been laid before participants started to use opioids. Moreover, in line 355–357, the authors introduce a previous study reporting that Indigenous offenders were less likely than non-Indigenous offenders to self-report heroin use in the 30 days prior to being detained by police, and also in the 6 months prior to imprisonment.
Similar characterization of their study cohort as being opioid-dependent from the beginning of the study period is found throughout the Discussion section, which should be corrected. Also, an inability to assess a temporal relationship between the time of offence and initiation of opioid use should be noted as a limitation.

Minor essential revisions
3. In the Methods section (line 214–216), the authors state, “The proportion of total follow-up time each individual spent in custody was compared using…the total length of follow up (start of treatment to 18 May 2012 or death).” The phrase in the parenthesis refers to the proportion of total follow-up time in OST, not in custody. This should be corrected.

4. In the Results section (line 297), the authors state, “The number of people in treatment at three, six, nine and 12 months was lower…” To be consistent with the statistical test the authors used, “the number” should be replaced with “proportions.”

5. Table 3: Note for superscript #2 is missing.

Discretionary revisions
6. Ethical approval of the study (line 234–239): While the authors state that they obtained ethical approvals from several research ethics committees, including the NSW Aboriginal Health and Medical Research Council, the authors are encouraged to briefly explain what kind of measures they took for ethical consideration given the very sensitive nature of the study findings.

Level of interest: An article of importance in its field

Quality of written English: Acceptable

Statistical review: No, the manuscript does not need to be seen by a statistician.

Declaration of competing interests:
I declare that I have no competing interests.