

# Families and Friends for Drug Law Reform (ACT) Inc.

*committed to preventing tragedy that arises from illicit drug use*

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**NEWSLETTER**

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**NEXT Meeting**  
**Thursday 22 March 2007**  
at 7.30pm

**Venue:** St Ninian's Uniting Church, cnr  
Mouat and Brigalow Sts, Lyneham.  
**Refreshments will follow**

## Editorial

Four Corners (*The Road to Return* 5/3/07) followed three ex-prisoners and looked at their prospects of remaining in the community or returning to jail. The program showed the stark reality for people who end up in prison and indicated some of the causes for them being there.

Here is the introduction to the program:

*Who's tough on crime? It's an election season ritual: the law and order auction to see which party will put more cops on the streets or increase sentences or build more jails.*

*As the stakes are raised in the law and order debate, billions of dollars are fed each year into a nationwide prison boom that's seen the captive population nearly double in a decade. But could there be a relatively cheap and cost-effective way to stop prisoners re-offending?*

*Most of the nation's 25,000 inmates are illiterate or have drug and alcohol addictions; close to a third have a mental illness or a physical or intellectual disability. Some carry a cocktail of these problems.*

*Typically, they leave jail with a few hundred dollars and far fewer living skills. For many, release is more like a revolving door, freedom tantalising but short-lived.*

*Crucially, they lack an assurance of consistent help in finding accommodation, work and stability. In NSW, for example, nearly half will be back in prison or under community supervision orders within two years.*

*In most states only about one per cent - or even less - of the corrections budget is spent on post release programs to integrate prisoners back into the community. It's the back end of the corrections production line, a forgotten corner of the law and order debate.*

In Australia, says 4 Corners, a new prison is built every year. By and large to satisfy the demand created by the law and order election campaigns. The ACT is in the process of building one of those prisons – the first for the ACT.

It has admirable goals according to the ACT government and to the Bill introduced to the ACT parliament last December:

1. *The inherent dignity of all human beings, whatever their personal or social status, is one of the fundamental values of a just and democratic society.*
2. *The criminal justice system should respect and protect all human rights in accordance with the Human Rights Act 2004 and international law.*
3. *Sentences are imposed on offenders as punishment, not for punishment.*

There are of course flaws in the Bill, some of which FFDLR has pointed out to the government. Some others are yet to be pointed out, like the provision that could stop mail and telephone access of a prisoner that has "the purpose of causing community distress". This is a very loose provision that could be used politically by corrections management or even a future government to, for example, silence a whistle blower.

One of the most concerning is the issue raised by 4Corners: that of integration of the ex-prisoner back into the community. This is one area that needs the full attention of governments if the cycle is to be broken, the cycle, not only of recidivism for the prisoner, but of the addiction by politicians to the short term band-aid law and order demands.

There is of course another area that needs close attention by governments - prevention. That is, preventing those events and circumstances that might predispose some people to becoming prisoners.

4Corners touched on it when it said "*Most of the nation's 25,000 inmates are illiterate*". That illiteracy is likely to have come from neglect by society in the early years of a child's life.

Professor Fiona Stanley, 2003 Australian of the Year and CEO, Australian Research Alliance for Children and Youth, put these matters succinctly in an address to the National Press Club on 6 August 2003:

*Family environments then are crucial to the issues we are discussing. Most parents want to be good parents and want the best for their children but they need to be equipped and capable to do so. We also need to look beyond the family to neighbourhoods, workplaces, the social and economic policies and environments and to ask what is it about modern Australian communities which are what we might call "family-disabling"?*

*And here we come to the crux of all this – there are new and powerful drivers of these poor outcomes and social disparities in our society, ones which are increasing risks for individuals, families and neighbourhoods and decreasing the nurturing and hence the protective factors which enhance resilience.*

...

*Many services for schools, health, mental health, child protection and justice are in crisis in Australia with people demanding more and more spending on band-aid*

solutions. At the same time there has been a reduction in those services which are most likely to prevent problems and enhance developmental successes such as early childhood, child health nurses, preschool and primary school teachers, public health programs, tobacco control and so on.

....

While expensive 'band-aids' seem to be what the community are clamouring for, they will never deliver the long-term effective solutions to these problems, some of which may be coming entrenched in some groups in our community and crossing generations of families.

## Invitation to Community Forum

The ACT Standing Committee on Health and Disability is conducting an inquiry into the use of crystal methamphetamine, also known as "Ice", in the ACT.

To raise awareness about the inquiry the Committee is holding a *Community Forum* to bring together professionals/experts in the field and community members to learn more about the drug "ice" and to address the concerns and issues of the ACT community.

The aims of the forum are:

- To engage with the community about the use of the drug "ice" in the ACT
- To have key expert speakers inform the discussion
- To inform the Committee about community concerns and raise the profile of the current inquiry

Speakers include:

- Dr Alex Wodak - Director of Drug and Alcohol Services from St Vincent's Hospital
- Chief Police Officer, ACT Police - Ms Audrey Fagan
- Ms Christine Waller - ACT Mental Health
- Ms Tina Vaan Ray - Board of Management Directions ACT

The Community Forum will be held in the Reception Room at the Legislative Assembly on 21 March from 9.30am – 12.30pm, followed by a light lunch.

**RSVP to Grace Concannon; ph 6205 0129 or email [grace.concannon@parliament.act.gov.au](mailto:grace.concannon@parliament.act.gov.au).**

## This lock-'em-up policy isn't just cruel. It isn't working

Jenni Russell Monday February 26, 2007 The Guardian

Reid may be proud of his prison-building programme, but it will do nothing to reduce the causes of crime.

Very few Blairite ministers will have been relieved by the succession of crises that have swept this government in the past few weeks, but John Reid might just be. In late January, the home secretary was being castigated for the chaos of his prisons policy. Jails had reached capacity, and he had been reduced, in effect, to begging judges not to send any but the most serious offenders into custody. Reid was on the rack just as Charles Clarke, with the foreign prisoners debacle, had been before him.

But now? Well, penal policy is so, you know, last month. The prison population is still bubbling away at just beneath its limits - last week it was 79,500, just below the 80,000 capacity - but we have stopped paying attention. So Blair can respond to the south London deaths by calling for mandatory five-year sentences for gun possession, starting at age 17, and most of us can just think, "Yes! Lock 'em up!" In doing so we forget that the policy of lock-'em-up-for-longer is not actually working.

You will remember Labour's promise to be tough on crime. In one sense it has been. It has created some 700 new offences, from failing to send children to school to protesting in front of parliament without permission. The prison population has grown by a third, from 60,000 to nearly 80,000. But the growth is not due to more offenders appearing before the courts, or a higher conviction rate. It has been achieved by giving tougher sentences to those who are found guilty. In serious cases - rapists, murderers, armed robbers, paedophiles - that may seem sensible. Yet three-quarters of those given immediate custodial sentences by the courts have not been convicted of either a serious or a sexual offence. About half are inside because they are mentally ill, addicted to drink or drugs, homeless or hopeless. Jailing them addresses the symptoms of their desperate lives, not the cause.

Higher sentences have been politically driven, by fear of both the media and the electorate. Labour, like the governments before it, has wanted to prove its effectiveness at dealing with crime: by insisting on harsher penalties, less flexibility by judges, and more mandatory sentencing. Yet the courts were far more responsive than the Home Office seemed to have predicted, and this has caused capacity problems for what will be years to come.

These tough policies might seem worthwhile if it was clear that they reduced crime. It isn't. We imprison twice as many people as the European average, and yet we are still among the top five countries in Europe for reported crime. Around the world, researchers have found that criminal justice policies have barely any direct effect on crime. The prime minister's own strategy unit has concluded that 80% of the reduction in the official crime rate in England and Wales since 1997 can be attributed to economic factors. It has warned: "There is no convincing evidence that further increases in the use of custody could significantly reduce crime." Meanwhile, as jails have grown more overcrowded and the time and resources available for rehabilitation have shrunk, so the reconviction rate has shot up, from 51% in 1991, to 67% last year.

Even the drop in official overall crime figures is less impressive than it seems. Labour's preferred measure is the British Crime Survey, and yet, as the Centre for Crime and Justice Studies has pointed out, the survey has major omissions. It doesn't question children under 15, although other studies show that, for instance, 40% of mugging victims are children. It doesn't ask about child abuse or adult sexual assaults, underestimates domestic violence and has no way of measuring corporate, financial or other white-collar crime. Most important, it does not record homicide, which many

criminologists regard as an important indicator of the level of violence in a society. In Labour's first seven years, the murder rate rose by more than a third, from 608 to 820. Violent crime recorded by the police doubled between 1998 and 2005.

There is nothing natural about the size of a prison population: It is entirely the result of a social and political decision about how deviant members of a society should be treated. From the 1950s, Finland decided to reduce its rates of imprisonment by two-thirds, to bring them down to a Nordic average. It did so by offering non-violent offenders alternatives to custody. During that period the crime rate rose in Finland, but only gradually, and only in line with the increases seen in other Nordic nations. It now has one of the five lowest crime rates in Europe.

In Britain, the contrast could hardly be sharper. Reid has promised that there will be 8,000 new prison places by 2012, and has cited that as the greatest achievement of his time as home secretary. Yet, if current sentencing trends continue, we will have a prison population of 100,000 by that time. The cost implications will be phenomenal. The Home Office estimates that it costs £100m to build places for 1,000 prisoners. Keeping a prisoner in custody for a year costs about £44,000. If we decide that the harsher and harsher sentencing of more and more people is the appropriate response to law-breaking, we could end up with American levels of imprisonment. That would imply that we will need 400,000 custodial places - five times the level that we have now.

Nothing about our penal policy inspires confidence. Tougher sentencing is not proving an effective deterrent, not least because only a tiny minority of crimes ever come to court in the first place. Most people who commit crime are breaking the rules either because they are too desperate to care - they are mentally ill, or drug-addicted, or homeless, or so brutalised by their upbringing that they don't understand what the rules are - or because they've calculated that following society's rules won't bring them the rewards that they want.

The dilemma we prefer to ignore is that, eventually, the vast majority of prisoners will be released. Sending them out as angry, unskilled misfits, without the desire or the ability to keep society's rules, makes it highly likely that they will offend again. Reid might be proud of a prison-building programme that will fail to keep pace with an inhumane system, but such a policy will do nothing to reduce the causes of crime. Where he may be right, however, is that the public would rather pay for more jails than do anything substantial about the inequality and insecurity that drive crime and which describe the way we live now.

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## **Southwest Asia: 2007 Afghan Opium Crop Could Be Record-Breaker, UN Predicts**

[from Drug War Chronicle, Issue #476, 3/9/07](#)

Already by far the world's leader in opium production, Afghanistan could set a new global record this year, the United Nations Office on Drugs and Crime warned

Monday. According to its [assessment of winter planting trends](#), increases are expected in 15 provinces, mainly in the volatile south and east, decreases in seven provinces, no change in six provinces, and six provinces will produce no opium.

"The real increase is taking place in the provinces characterized by insurgency, and the problem there is not only a narcotic problem but an insurgency problem," Antonio Maria Costa, the director of the drugs and crime office, based in Vienna, said in Kabul Monday. "The southern provinces are a textbook case of lawlessness prevailing, and therefore everybody from farmers and labs, traffickers and warlords are trying to profit from the bonanza of the product."

Last year was already a record crop, with Afghanistan harvesting more than 6,000 metric tons of opium, enough to produce more than 600 metric tons of heroin. Increased cultivation area, along with ample rain and snowfall this winter, should result in a bountiful harvest this year, the UN reported.

The report comes as US and NATO troops prepare for the spring fighting season against the Taliban in the south and east. According to all accounts, the Taliban is among those profiting nicely from the opium trade. But efforts to repress the trade to cut funding for the Taliban threaten to drive peasant farmers right into the guerrilla group's waiting arms.

Still, the US and NATO follow a policy of eradicating the opium crop and substituting alternative development, a program that has not worked so far. They continue to reject an increasing clamor to try a different approach, including various proposals to license and market the crop through legitimate channels.

Costa also warned that more than \$1 billion of opium from last year's bumper crop had not yet made it to market, with traders holding onto it in a bid for higher prices. "Is it in the insurgents' hands?" he asked. "It is not under the bed of the farmers," he said, adding, "It could become a serious problem down the road."

## **Latin America: Brazilian Governor Says Legalize Drugs to Fight Crime**

[from Drug War Chronicle, Issue #476, 3/9/07](#)

The governor of the Brazilian state of Rio de Janeiro told reporters last Friday that [legalizing drugs could help stem the violent crime that is making the city of Rio one of the most dangerous in Latin America](#). In doing so, he took a swipe at United States-style prohibitionist policies.

"A lot of crime in my state and city comes from [drug] prohibition, many young people die in wars over drug selling spots," said Gov. Sérgio Cabral. He called for a discussion of drug legalization in Brazil and internationally. "Is the United States correct in its conservative policy on drugs? In my view, absolutely incorrect," he said.

In the favelas of Rio, drug dealers organized into "commands" control entire neighborhoods and have engaged in uprising and gun battles with police on numerous occasions in the past few years. More

recently, paramilitary vigilante groups known as "milicias" have joined the fray, waging war against the commands. This all contributes to a murder rate of about 40 per 100,000, making violent crime a serious social and political problem.

Gov. Cabral campaigned on a pledge to reduce violent crime and moved early in his administration to send federal special police into the city to confront the commands. But so far, it hasn't worked.

"The governor is merely saying out loud what so many more think but fear to say," said Ethan Nadelmann, executive director of the [Drug Policy Alliance](#). "Rio today is like Chicago under Al Capone -- times ten. Reforming drug prohibition won't be as quick and easy as repealing alcohol Prohibition was, but there's no hope for breaking the drug-crime nexus unless many more elected officials heed Governor Cabral's call."

Cabral's comments were greeted cautiously but enthusiastically by Brazil's leading anti-prohibitionist drug reform organization, Rio-based [Psicotropicus](#). In an [open letter](#), the group lauded Cabral for having "the guts to say what the vast majority of people who understand the workings of the drug economy don't have the courage to say." For Psicotropicus, congratulations are in order for a governor "who begins his term with a step in the right direction as he dares to propose paths not yet traveled toward the solution of the grave problems resulting from the criminalization of some psychoactive substances and the barbarian violence produced by such criminalization."

Psicotropicus worries that Cabral will not move forward, but retreat in the face of criticism from drug warriors and moralists. It urges the governor to stand firm and put together a commission to move toward an end to the drug prohibition regime. The life of the city is at stake: "A transition has to be made, one that among other things should reduce the war arsenal in the hands of the several criminalized groups who control the illegal trade of drugs," the group argued. "There is a civil war going on in Rio de Janeiro and we don't realize that one of its main reasons is that we don't control those illicit drugs but instead put them in the hands of outlawed groups to produce and distribute them. And then we mobilize the police to fight these groups who heavily arm themselves, violence explodes. It couldn't be more stupid."

## **Marijuana: Wisconsin's Dane County (Madison) Will No Longer Prosecute Simple Possession**

[from Drug War Chronicle, Issue #476, 3/9/07](#)

The Dane County, Wisconsin, District Attorney's Office will no longer prosecute simple marijuana possession cases involving less than 25 grams (nearly an ounce) of pot. Prosecutors said it wasn't an effort to decriminalize marijuana, merely recognition of limited resources and setting priorities for the office.

"There's been some adjustment in our policies," Dane County District Attorney [Brian Blanchard told reporters March 1](#). While Blanchard acknowledged that state law defines marijuana possession as a crime, he said his office had different priorities. "We're simply going more

wholesale to saying 25 grams or less of possession of marijuana -- not a crime."

With Dane County having the same number of prosecutors it had 20 years ago, prosecuting marijuana possession offenses cannot take priority over other crimes, Blanchard said. "We're about to have the same number of prosecutors in this office that we had in 1988," he noted. "We struggle to staff child abuse cases, so when it comes to something like marijuana possession we are not going to be handling it as aggressively as we could."

While state law mandates up to six months in jail and a \$1,000 fine for simple marijuana possession, Dane County residents will now be looking at only a citation. In Madison, a ticket for pot possession could cost up to \$109, but in some smaller Dane County communities, the fines could be much steeper, as in Fitchburg, where users could be hit with a \$1,300 ticket. County communities without a local marijuana ordinance can submit cases to the District Attorney's Office, which will issue citations for violating the county anti-marijuana ordinance. That carries a fine of up to \$310.

"Marijuana possession is one of the least significant cases we get in our office," Blanchard said. Cases with victims -- such as sexual and physical assaults and thefts -- take priority, he said. The county faces much more serious drug problems than marijuana, Blanchard said. "I don't think we have a marijuana problem in Dane County. I think we have a heroin problem. I think we have a crack problem... I think we have a much larger alcohol problem than we have a marijuana problem."

## **UK told to scrap drug laws based on 'panic'**

The Canberra Times 10/3/2007  
London

Britain's drugs laws are driven by "moral panic" and should be replaced by a more flexible approach that recognised most drug users harm neither themselves nor those around them, a two-year study concluded this week.

Drug use should be treated as a health issue and not just as a matter for police and courts, a commission formed by the Royal Society of Arts said.

It said the current Misuse of Drugs Act was "not fit for purpose" and should be scrapped.

"Current policy at best gives mixed messages and at worst is dishonest.

"It is driven more by 'moral panic' than by a practical desire to reduce harm," the commission said in a report.

The chairman of the RSA commission, Professor Anthony King, of Essex University, told BBC radio that the current legal split of drugs into just three classes of increasing harm should be replaced.

"At the moment you have this ridiculous ABC classification, which is very crude, very inflexible," he said.

"Drug users pay no attention to it. We want something that is more elaborate, more subtle, more flexible."

But Professor King said the commission did not want to decriminalise drug use.

"You should take all of the substances that can cause harm, draw up an index of harms that they do cause.