



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, September 26

at St Ninians Uniting Church,
Cnr Brigalow and Mouat Streets,
Lyneham
7.30pm

Remembrance Ceremony

Make a note in your diary today!

The 2002 Remembrance Ceremony for those who lose their lives to illicit drugs will be held at the memorial rock, Weston Park, Yarralumla on Monday 4th November at 12:30pm. This year we will be particularly thinking of those with a mental illness who also used illicit drugs.

Speakers will be:

Anne Deveson, parent, writer and broadcaster with a long involvement in social justice issues. She was the writer of the best selling book about the impact of schizophrenia on family life – *Tell Me I'm Here*.

Brendan Smyth, Shadow Minister for Health and Community Affairs; and

Rev'd Gray Birch, Parish Minister, Chaplain to the ACT Ambulance Services and former National Director of the Uniting Church Frontier Services.

Editorial

Two issues attracted my attention this month. The first was an article in The Canberra Times which caused me to recall the long hard battle that Peta, one of our members, had in trying to get effective drug treatment for her brother while he was in jail. While the newspaper article was local the issues are Australia-wide.

The article was headed "Released addict returned to crime" and told of a man who, on release from jail, returned to his old crime of committing burglary to support his "\$300 - \$500-a-day habit". The judge gave him 5 years (with parole possible after 2 years) and on release he will be required to attend a live-in rehabilitation program.

The issue here is that prison sentences in part are (or should be) to rehabilitate prisoners back into society. Prisoners should not simply be put in a holding pattern while in prison. Rehabilitation should start from their first day in jail.

A close examination of the prison system and the sentencing regime needs to be undertaken. Here are some of the questions such an examination should answer:

- Are there better options than simply locking people up for being addicted to or for the consequences of being addicted to drugs?
- Should jails aim to rehabilitate prisoners and aim to prevent recidivism?
- Should prisoners be given the same access to health care services as for the general community?
- Would the treatment of addiction in prison give added protection to society from the consequences of addiction?

A further article included in this newsletter by Paola Toterò should provoke further thought.

The second matter was brought to my attention by our vice president Bill Bush, who in preparation of the submission to the inquiry into crime in the community (see summary later in this newsletter) discovered a paper presented by Dr Grant Wardlaw, Director, Office of Strategic Crime Assessments, entitled "*The Future and Crime: Challenges for Law Enforcement*". The paper was presented at the 3rd National Outlook Symposium on Crime in Australia, Mapping the Boundaries of Australia's Criminal Justice System convened by the Australian Institute of Criminology and held in Canberra 22-23 March 1999.

Note the date because I will return to that.

The paper analysed opium and heroin production and marketing in Asia. In particular the effect of the increasing demand for heroin from China was analysed. Here is an extract:

The analysis of the impact of trends in the Chinese heroin market on Australia indicates that the future of the heroin market in Australia may be influenced by changes in the Chinese heroin market. There is potential for the supply of heroin to Australia to be temporarily affected by significant increases in demand elsewhere, particularly in potentially large markets such as China. Such a temporary shortage could alter the dynamics of the local market by increasing the price of heroin, lowering its purity, leading to users substituting heroin with other types of drugs and increasing drug related crime....

As has been the case with heroin, for synthetic drugs such as amphetamines, Ice, and Ecstasy, there has been an increasing demand in Asian markets. Partly to service this demand, production of synthetic drugs has increased in the Golden Triangle. Given that this region also supplies Australia with most of its heroin, the infrastructure and networks to supply synthetic drugs to

the Australian market from this source are already in place.

.... The purity levels of Asian produced synthetic drugs are likely to be higher than for those produced in Australia, where the introduction of strong precursor legislation has increased the difficulty of obtaining precursors, resulting in reduced product quality.

On the basis of these observations, we are looking for indications that domestic illicit production of synthetic drugs in Australia, which currently services the bulk of local demand for amphetamines is being challenged by accessible and higher-quality synthetic drugs imported from Asia. Such challenges are likely to lead to increased availability of amphetamine-like substances and the possibility of increased violence in the marketplace as rival domestic and overseas suppliers vie for dominance. Such competition is likely to be accompanied by increased violence and aggressive marketing as suppliers try to hold on to or expand into markets.

So, in March 1999 (or perhaps even earlier) the possibility of a heroin drought in Australia was predicted and also the possible flood of methamphetamines. Yet while this information was in the public arena it was not generally known.

This was some 18 months before the heroin drought was noticed in Australia and the predictions have proven to be accurate.

Dr Wardlaw's paper further increases scepticism about the Howard government's claims that law enforcement caused the heroin drought.

Submission to the Legal and Constitutional Affairs Committees of the House of Representatives

The following is the summary of a lengthy submission that Families and Friends for Drug Law Reform has submitted to the inquiry into crime of the Legal and Constitutional Affairs Committees of the House of Representatives. In due course the complete submission will be among those posted on the Committee website. It will also be posted on FFDLR's website. FFDLR is indebted to Bill Bush for this comprehensive and well researched submission.

Summary

This submission addresses the relationship between illicit drugs and those crimes that closely affect the community.

Effective measures for the Commonwealth in countering crime

The greatest contribution that the Commonwealth could make to the reduction of crime that affects the community is to undertake a root and branch revision of its illicit drug policy. The establishment of a drug policy that is consistently based on evidence rather than fear and prejudice will lead to large reductions in property crime and crimes of violence.

Transnational and other organised crime that is profiting from the trafficking of illicit drugs must continue to be pursued with the utmost vigour. Moreover, it is essential that Parliament and the people receive accurate information about the general dimensions of the threat of organised crime to Australia. The changes that the Government wishes to make to the National Crime Authority in the form of a new Australian Crime Commission have destroyed the Royal Commission qualities of independence and efficient

governance. These qualities were and remain essential if the NCA or its successor is to uncover the truth about sophisticated criminal activity which has been shown to extend its influence into police forces and into the highest levels of government.

Extent of crime within the Australian community and the types of crimes committed against Australians

It is a myth that Australia has a low level of crime that affects the community. By international standards Australia has one of the highest levels of property crime. Australia is also experiencing rising trends in crimes of violence particularly associated with a flood of amphetamine-type stimulants and cocaine.

Perpetrators of crime and motives

Dependency upon illicit drugs is closely associated with a high proportion of those who perpetrate crimes at the community level. The links go well beyond the question of whether illicit drug use preceded the first crime. Among other things, illicit drugs are closely associated with an intergenerational cycle of deprivation and crime. In addition, the ready money associated with petty drug dealing attracts children who are used by adults.

Fear of crime in the community

The fear of drug related crime is pervasive. It is eating away at the social fabric of this country and distorting our economy.

The impact of being a victim of crime and fear of crime

Current drug policies ensure that not only do the users themselves suffer from addiction, mental illness or other conditions directly related to the illicit drug they consume but the community is a victim in terms of property crime and crimes of violence. So too are families who are in the front line. Only occasionally do they report the damage, thefts and assaults that take place in many (but far from all) homes where there is illicit drug abuse. What is more, the miseries of the users themselves are aggravated by law enforcement: they are themselves mugged, ripped off and deterred from accessing services they may need. Some of the greatest successes of law enforcement at the consumer level arise from desisting from policing or otherwise modifying law enforcement procedures. For example, there are fewer overdose deaths if police do not attend overdoses. This sort of thing should make us question whether law enforcement at the consumer level is part of the problem rather than the solution.

Strategies to support victims and reduce crime

The most needed strategies to support the users, families and other victims of illicit drug policies is to treat drug dependency and other associated conditions arising from use of illicit drugs as a health issue and providing much more funding for treatment. Treatment is the most cost effective way of reducing drug related crime. It is known that the "costs of crime and lost productivity are reduced by \$7.46 for every dollar spent on treatment".

Apprehension rates

At best, increasing apprehension rates of drug dependent people who engage in property and other crime provides only a short term relief in reducing crime. Detention generally does little or nothing to remove the addiction and other factors that motivated the person detained to commit the crime in the first place. Indeed imprisonment generally

compounds those problems. There are far more effective ways to spend the community's money than paying out something like the \$60,000 a year that it costs to imprison someone.

Effectiveness of sentencing

Because of shortage of treatment facilities, courts are often at their wits end in their search for appropriate sentencing options for people who have a drug addiction or related mental disorder. The support for drug courts and diversion schemes is helpful but these only tinker at the edges of the problem. In the main, legislatures have passed the buck to courts to fix a problem that is insoluble by either the courts, police or corrections authorities.

Community safety and policing

The evidence is there that community safety would be enhanced and crimes commonly associated with illicit drug use would rapidly decline by 40% or more if drug policies were introduced that treated addiction for what it is, a health issue. Our present drug policies work against community safety: they are fomenting more crime now and, by compounding crime risk factors affecting children, are investing in more crime in future years.

Recommendations

Families and Friends for Drug Law Reform puts forward the following recommendations.

1. The Government adjust its drug policies to make them consistent with its policies that address other serious social problems in the community like mental illness and suicide which have a close association with substance abuse.
2. The Government commission continuing monitoring with at least annual reports of trends in availability and usage of amphetamine-type stimulants and all other illicit drugs that are ingested otherwise than by injection.
3. The Government estimate annually the amount of illicit drugs consumed in Australia.
4. That the Government establish a judicial inquiry into the most likely causes of the heroin drought.
5. The Government retain the National Crime Authority, secure its independence and enhance its capacity to investigate organised crime.
6. The Government work to ensure that the total of resources allocated by governments to drug treatment should at least equal the resources allocated to drug law enforcement.
7. As a crime prevention measure, more resources should be directed to interventions that treat addicted drug users before they become heavily involved in crime.
8. That the criminal law should cease to have any direct role in the treatment or rehabilitation of anyone suffering from an addiction.
9. The Government should permit and encourage the Australian Capital Territory and other jurisdictions willing to do so to carry out large scale trials of the medical prescription of heroin to develop protocols appropriate for its application to Australian conditions as a standard intervention.
10. The Government should support research into and establishment of effective medical and related interventions into disorders associated with amphetamine-type and other stimulants.
11. The Australian Government should adopt drug policies that, consistent with minimising the harm to drug users,

secure a demonstrable reduction in availability of dangerous drugs on the black market.

It's time to consider drug treatment for those in custody

With three quarters of New South Wales prisoners serving time for drug related offences, why not use our prisons to provide drug treatment?

By Paola Totaro, Sydney Morning Herald, 3 June, 2002.

[This article is a little out of date but thought it worth re-producing here.]

NSW MPs are again gearing up to debate the controversial heroin injecting room - this time, to extend its life by 12 months to allow more thorough study of its health and economic effectiveness. Already, the National Party has banned its MPs from a conscience vote while the fledgling Opposition Leader, John Brogden, will be subjected to unusual public scrutiny, thanks to his courageous support for an experiment the hard right of his party deplors.

Last week, an interim, independent report deemed the facility a qualified success, revealing that while 250 overdoses occurred, not one was fatal. Drug and alcohol specialists estimate that had the overdoses occurred in a darkened alleyway, in a public toilet, at home, or alone, a third would likely have resulted in death. About 80 lives saved.

The Drug Court, another trial, has also received a tentative, early clean bill of health. Despite modest success in continuing rehabilitation, the first analyses of its cost-effectiveness have proved enlightening. For every heroin possession offence averted by conventional means, about \$19,000 was saved in follow-on costs. And none of these trials - injecting room or drug court - has been measured for the indirect benefits offered by dealing with the drug scourge in different, revolutionary ways, ie, for their long-term potential to lower insurance premiums, reduce demand for the criminal justice system and reduce pressure on a beleaguered public health system.

Clearly, despite its populist law-and-order rhetoric, there are thinkers inside the State Government (and the Opposition) who are now convinced that it's time to explore and test new approaches to the drug problem. So, it seems logical that if the state accepts the need to experiment with smarter ways of dealing with drug addiction in the general community, it should also take a long, hard look at those in custody, undergoing punishment for their drug problem.

Why not bite the bullet then and decide that a sensible proportion of the three new multi-million-dollar prisons in the pipeline in NSW be built from scratch as state-of-the-art drug treatment facilities?

And why not redesign the prisoner classification system so that along with maximum and minimum security, drug offence prisoners undergo a custodial sentence designed to provide rehabilitation suited to their crime. It's a notion under embryonic discussion in Britain.

Here, and in every other state bar South Australia, the number of Her Majesty's guests is spiralling, with jails bursting at the seams. In 1994-95, the end of Coalition government in NSW, there were about 6000 prisoners, costing about \$381m each year. Now there are almost 8000; they cost \$480m in 2001. This trend is expected to continue. An extra 300 inmates will enter the system each year for the next four years as Bob Carr's call for longer

sentences begins to have an effect. Add to that about 800 more by 2004 as the Bail Act amendments come into force.

The system is showing signs of dangerous tension, with at least three riots in NSW jails this year. Paradoxically, the rise in prison numbers has occurred while crime rates remained relatively stable. Indeed statistics tell us that while drug-related crime and street crime are on the rise, violent crimes such as murder and sexual assault are not.

In NSW, work has started on a 350-bed prison in Kempsey and a 200-bed women's jail in Windsor. A shortlist of sites around Dubbo, Forbes, Gilgandra and Wellington is being studied by cabinet for the third prison, planned at 350 beds but now blown out to 500 beds.

About three-quarters of all inmates are inside for drug-related crime, if burglary, assaults and theft for drugs are taken into account. An equal proportion have a drug- or alcohol-related problem and the death rate, mainly due to drugs but including suicide and accidents, among young offenders coming out of detention is 40 per cent higher than within the general community.

But in 1999-2000, just \$6.28 million was spent on drug and alcohol rehab in NSW prisons, despite increasing research - much of it from the United States - which proves that offenders who receive treatment in jail are much less likely to reoffend.

You would be hard-pressed to find a soul in Sydney - or NSW - who wouldn't agree with the notion that addiction to drugs is a wide-ranging, expensive and ever-growing community problem. State-of-the-art prisons-cum-drug-treatment facilities may be the start of a whole new way.

Criminalization is ineffective, costly and does the public more harm than good

The Ottawa Citizen Thursday, September 5, 2002

The following are excerpts from the report of the Senate special committee on illegal drugs.

Every year, more than 20,000 Canadians are arrested for cannabis possession. This figure might be as high as 50,000 depending on how the statistics are interpreted. No matter what the numbers, they are too high for this type of conduct. However, even those numbers are laughable when compared to the three million people who have used cannabis over the past 12 months. We should not think that the number of arrests could be significantly increased even if billions more dollars were allocated to police enforcement. Indeed, such a move should not even be considered.

A look at the availability and price of drugs forces us to admit that supply-reduction policies are ineffective. To what extent do we want to go further down this road? Clearly, current approaches are ineffective and inefficient. Ultimately, their effect amounts to throwing taxpayers' money down the drain in a crusade that is not warranted by the danger posed by the substance.

It has been maintained that drugs, including cannabis, are not dangerous because they are illegal, but rather are illegal because they are dangerous. This is perhaps true of other types of drugs, but not of cannabis. We should state this clearly once and for all, for public good: It is time to stop this crusade.

However much we might wish good health and happiness for everyone, we all know how fragile they are. Above all, we realize that health and happiness cannot be forced on a

person, especially not by criminal law based on a specific concept of what is morally "right." No matter how attractive calls for a drug-free society might be, and even if some people might want others to stop smoking, drinking alcohol or smoking joints, we all realize that these activities are part of our social reality.

.... As far as cannabis is concerned, only behaviour causing demonstrable harm to others should be prohibited: illegal trafficking, selling to minors and impaired driving. Used in moderation, cannabis in itself poses very little danger to users and to society as a whole, but specific types of use represent risks for users.

In addition to being ineffective and costly, criminalization leads to a series of harmful consequences: users are marginalized and exposed to discrimination by the police and the criminal justice system; society sees the power and wealth of organized crime enhanced as criminals benefit from prohibition; and governments see their ability to prevent at-risk use diminished.

We would add that, even if cannabis were to have serious harmful effects, one would have to question the relevance of using the criminal law to limit these effects.

All of this does not in any way mean, however, that cannabis use should be encouraged or left unregulated. Clearly, it is a psychoactive substance with some effects on cognitive and motor functions. When smoked, cannabis can have harmful effects on the respiratory airways and is potentially cancerous. Some vulnerable people should be prevented, as much as possible, from using cannabis. This is the case for young people under 16 years of age and those people with particular conditions that might make them vulnerable, for example those with psychotic predispositions.

As with alcohol, adult users should be encouraged to use cannabis in moderation. Given that, as for any substance, at-risk use does exist, preventive measures and detection tools should be established and treatment initiatives must be developed for those who use the drug excessively.

Lastly, it goes without saying that education initiatives and severe criminal penalties must be used to deter people from operating vehicles under the influence of cannabis.

The prohibition of cannabis does not bring about the desired reduction in cannabis consumption or problematic use. However, this approach does have a whole series of harmful consequences. Users are marginalized, and more than 20,000 Canadians are arrested each year for cannabis possession. Young people in schools no longer enjoy the same constitutional and civil protection of their rights as others. Organized crime benefits from prohibition and the criminalization of cannabis enhances their power and wealth.

Society will never be able to stamp out drug use -- particularly cannabis use. We believe that the continued prohibition of cannabis jeopardizes the health and well-being of Canadians much more than does the substance itself or the regulated marketing of the substance. In addition, we believe that the continued criminalization of cannabis undermines the fundamental values set out in the Canadian Charter of Rights and Freedoms and confirmed in the history of a country based on diversity and tolerance.