

NEWSLETTER

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Join us.

NEXT MEETING

Thursday 24 May, 7.30pm
St Ninian's Uniting Church hall,
cnr Mouat and Brigalow Sts, LYNEHAM
Meetings are followed by refreshments and time for
a chat.

Editorial

Parents need to be involved

Australia 21 on 3rd April called for a debate of our prohibition drug laws, saying that the current system had failed and was not protecting our children as the UN Conventions, the basis for those prohibition laws, had proclaimed it would.

A reporter at the launch of the report wanted to know, before the discussion was held, what any changed system would look like: "would drugs be sold on supermarket shelves?" "would everyone be able to get access to them?" he asked. The Prime Minister tried to shut the discussion down before it had taken hold. In response to a recent petition calling for a Legislative Assembly debate on the prohibition drug policies, the ACT Government, according to Hansard (20 March), simply ignored the call for a debate, and provided a history lesson about its law and order practices, implying that there was no need to do anything different.

Some media opinion pieces and letters presumed that drugs would be freely available which meant more people would use them. Others said: to talk about such things was tantamount to surrender, that we must try harder and apply more police resources, even to the extent of ignoring the Mr Bigs, ignoring citizens' human rights, and arresting more users. This, they collectively said would solve the problem. However evidence and experience does not support these views: former AFP Commissioner Mick Palmer says "policing of supply makes little if any difference", and when over 80 percent of drug arrests are of users it is hard to see any progress being made on that front. The black letter thinking of winning or losing or surrender is not helpful and the whole issue needs to be reframed.

However there were more supportive reports, opinions and letters than there were adverse. Many recognised the failure of the current prohibition laws and agreed that it was time to have a sensible discussion about them. If social media and newspaper polls are any indication, the overwhelming majority believe that some change should occur.

The elephant is already in the room and has been noticed. So we must talk about it. But it seems that a debate is perhaps not the best way because it sets up two opposing camps when a dialog would be more inclusive and has a better chance to lead to better outcomes.

For many parents any change to the drug laws will provoke fear that a changed system will make drugs easier to obtain. The aim of course would not be to make the drugs any easier to obtain than they already are. If a parent had an honest discussion with their child, he or she would likely say that they know where to obtain drugs and how many of their friends (and perhaps even themselves) used them. The simple fact is that drugs are currently easy to very easy to obtain and most young people know where to get them. And there is now a catalogue of new drugs that were not there 10 years ago.

If this does not frighten parents they should also be aware that there is no lower age limit to whom drugs can currently be sold and there is no quality control on the strength or purity of the drugs. While Alan Jones, who supports a change to drug laws, may be going a little far in saying drugs could contain rat poison, it is highly likely that they do contain some contaminating substance.

Parents should really be afraid that there is no change to the present system, that we continue to do what we have done for more than 40 years of arresting users, or trying to catch the drug dealers and the Mr Bigs. But as soon as one dealer is caught another takes his place, lured by the huge profits that can be made. Or in the case of the small time addiction-driven dealer who must sell to new recruits (perhaps your son or daughter) in order to support his own addiction.

Parents can and should involve themselves in the discussion. Some may have to find the courage to overcome the shame that often comes with a realisation of a drug using son or daughter. But it is important that they do involve themselves. If the discussion involves those with most to lose by the current system: the parents who stand to lose something most precious - their child - then there is a good chance that drugs will be taken out of the hands of the criminals and will become less available.

Prevention the only hope for young offenders, because cure is failing

Gino Vumbaca, SMH Opinion, May 2, 2012

In the aftermath of the Kings Cross police shooting of Aboriginal teenagers driving a stolen vehicle, the Herald has published an investigation into juvenile justice and how we deal with children that get into serious trouble.

It's sometimes too easy to look for someone to blame for youth crime - be it parents, government departments or others. What is harder to find are effective solutions, especially when they challenge the prevailing political and media orthodoxy.

Tonight, however, in what may be the start of some long overdue reform in NSW, the Governor, Marie Bashir, will launch a campaign to reduce the staggeringly high rate of young

indigenous people in detention centres. It is led by the Aboriginal Legal Service and includes Michael Kirby, Mick Dodson, Bob Debus, Adam Goodes, Mick Gooda, Marcia Ella Duncan, Naomi Mayers, Nick Cowdery and other prominent Australians who want to make “justice reinvestment” the new norm.

If the current trajectory continues we are in real danger of losing a generation of young indigenous people. In NSW, they make up more than half of the detention population yet just 2.2 per cent of the general population. An Aboriginal youth facing the court system is 28 times more likely to be placed in juvenile detention than their non-indigenous counterparts. This is a shameful indictment of our current approach, which routinely consigns young Aboriginal people to detention. It cries out for a new approach that includes early intervention, prevention and diversion with incarceration as a last resort only - in short, what is becoming known around the world as “justice reinvestment”.

Justice reinvestment is not about spending more of our taxes; it is about redirecting the current ineffective investments we are making in the justice system into areas and programs that can provide better, safer and healthier communities. It also reduces the extraordinary costs each time we put a juvenile in a detention centre or an adult in prison.

In NSW, the Auditor-General has revealed that the average annual cost of supervising and caring for juvenile offenders last year was \$237,980 a person - a quarter of a million dollars a year for each young person locked up, and what do we get in return? The Australian Institute of Criminology has estimated that more than 30 per cent of adult prisoners were actually first incarcerated within the juvenile detention system. Given there are about 30,000 adult prisoners in the country and fewer than 1,000 juveniles in detention in any given year, that is a lot of juveniles going from detention to adult prison. It is also a system in which just under 60 per cent of NSW prisoners have previously served a sentence. In effect, our juvenile detention centres have become the learning centres for a cycle of offending and imprisonment.

The choices facing NSW today as the jurisdiction with the largest prison and juvenile detainee population are quite stark. We can continue on what is called the tough-on-crime path and replicate what is now known as the American disease. The US is home to 5 per cent of the world’s people and 25 per cent of the world’s prisoners. The prominent New York-based public health physician Ernie Drucker’s recent book describes in epidemiological terms how this prisons “plague” has led to more than 2 million people being incarcerated, 800,000 on parole, and more than 4 million on probation. The ancillary effect of this type of justice means millions of children and family members of those incarcerated also come into regular and potentially damaging contact with the justice system.

The US, Russia and China lead the world in imprisonment. They show us the inevitable outcome of such tough policies. Enormous resources are being sucked out of other budget priorities, such as education and health, and they have high re-offending rates as people are churned through a brutal penal system and returned to the community.

NSW has not reached this point but finds itself on a similar path. I am not sure when developing policy based on evidence became synonymous with being soft rather than smart, but I think we should ask the next journalist, commentator or politician who portrays options other than prison as being “soft” what their view would be if their family member were facing incarceration. I would bet London to the proverbial brick they would stop at

nothing to have them spared. This is because deep down they know, as does anyone who works or has been in prison, that it is an intimidating and violent system, and the last place where we can expect rehabilitation.

In contrast, justice reinvestment is about prevention rather than cure - about creating alternative pathways for young people who may otherwise be destined to lifelong offending, drug and alcohol misuse and suicide. When young people offend, there are likely to be other issues at play that are contributing. Justice reinvestment is our best option to target these causes and factors.

A think tank called Australia 21 recently called for a rethink on drug policy based on a review of the evidence and current approaches. One can only wonder how we can keep ignoring the evidence of our law and order policies. Just as a war on drugs can descend into a war against its citizens, a tough on crime approach can degenerate into a war against its most disadvantaged.

Gino Vumbaca is the executive director of the Australian

The Human Cost of ‘Zero Tolerance’

Brent Staples, The New York Times Sunday Review, April 28, 2012

There is no proof that the zero-tolerance policing adopted by New York and other cities in the 1990’s had anything to do with the decline in violent crime across the nation. Crime also dropped in jurisdictions that did not use the approach.

Millions of people have been arrested under the policy for minor violations, like possession of small amounts of marijuana. And one thing is beyond dispute: this arrest-first policy has filled the courts to bursting with first-time, minor offenders who do not belong there and wreaked havoc with people’s lives. Even when cases are dismissed, people can be shadowed for years by error-ridden criminal records.

The human toll is evident in New York City, where last year 50,000 people — one every 10 minutes — were arrested for possession of small amounts of marijuana. The city downplays the significance, saying these cases are typically dismissed and the record sealed if the person stays out of trouble for a year. But getting tangled in the court system is harrowing. And the record-keeping can be unreliable and far more porous than the city suggests.

An analysis by the Legal Action Center, which assists 2,500 people with criminal records each year, has found that nearly half of its clients’ rap sheets have errors. Defense lawyers say that too often the courts and police fail to report to the state about dismissals and other outcomes favorable to defendants.

As for “sealed” records, background-screening companies working for private employers can harvest data at the time of an arrest and there is no guarantee that they will update to reflect dismissals — or expunge the information when records are sealed by the courts. While it is illegal to exclude people from jobs based solely on arrest or convictions, unless there is a compelling business reason for doing so, many employers quickly write off applicants who are flagged in these databases.

New York City drove up its marijuana arrests — from just under 1,500 in 1980 to more than 50,000 a year today — despite the fact that the State Legislature in 1977 decriminalized possession of 25 grams or less of marijuana, making it a violation, roughly akin to a traffic ticket. The problem is that the Legislature made public display of any amount of marijuana a misdemeanor, which can lead to arrest, jail and a record that follows the person

for years. And New York's police have been repeatedly accused of arresting people for possession after forcing them to show "in public" the small amounts they had. Police Commissioner Raymond Kelly tacitly admitted this practice last year, directing officers to make an arrest only when the drug really was in view.

Critics say the fact that 87 percent of those arrested are black or Hispanic suggests that the police are deliberately singling out minority citizens for arrests that push some of them permanently to the very margins of society.

An arrest, even without a conviction, can swiftly unleash disastrous personal consequences. Consider the 2011 case of a 26-year-old single mother from Brooklyn whose lawyers say she was arrested after the police forced her to reveal a small packet of marijuana hidden in her purse. The judge said the charges would be dismissed if she stayed out of trouble for a year. A week later, the woman had been fired from her job as a janitor with the New York City Housing Authority. She has not been rehired.

The city's Housing Authority convenes a termination hearing when a tenant is arrested. The authority says no one is evicted for low-level marijuana arrests "in and of themselves." But Steven Banks, attorney-in-chief of the Legal Aid Society, which represents 30,000 people in minor marijuana arrests a year, says these cases often end with the leaseholder ejecting the person arrested — perhaps a son or grandson — to avoid eviction. People convicted of some misdemeanors cannot apply for public housing for three years; those convicted of violations are ineligible for two years.

Young parents have faced neglect accusations in family court after marijuana arrests, even if they are not ultimately charged with any crime. In a case described in The Times, a woman's son and niece were removed from her home by child welfare workers after police found about a third of an ounce of marijuana — below the threshold for a misdemeanor — in a boyfriend's backpack in her Bronx apartment. The district attorney declined to prosecute, but the children spent time in foster care, and her niece was not returned for over a year.

New York City's overly zealous marijuana arrests, coupled with the unreliability and porousness of record-keeping, damage the lives of tens of thousands of people a year. The Legislature needs to fix this. It must drop the public-display distinction for marijuana, which invites far too many abuses. It should also press law enforcement officials and the court system to make sure that criminal records are more accurate to start with and that people who are victimized by errors have a plausible way of getting them corrected.

Employers and government agencies also have a responsibility here. They must not rush to their own judgment about minor offenders.

Mayor Michael Bloomberg needs to recognize that zero-tolerance policing is not the panacea his Police Department seems to think it is. The police need to spend more time tracking down serious crime and less on minor offenses. There is nothing minor about a record that can follow people for the rest of their lives.

YouTube - worth watching

Counting the Cost - The cost of the 'war on drugs'

From the farmers to the traders, the cartels to the consumers, Aljazeera assess the effectiveness and the

economics of the 'war on drugs'. (Video length 41:29 minutes) <http://www.youtube.com/watch?v=-aGAhTrh-78>

Drug Action Week events 17 – 23 June

There are many events happening right across Australia during Drug Action Week. To find out about all the events go to the ADCA website www.drugactionweek.org.au.

Two launches

The National Launch will take place in Parliament House, Canberra on Wednesday 13 June. Watch the website for more information.

ACT Launch: The Chief Minister, Katy Gallagher will launch Drug Action Week in the ACT on Friday 15 June from 10.30am – 12pm in the Reception Room at the Legislative Assembly. Invited speaker is Lisa Prior. Ms Prior has a law degree and has firmly established herself as an incisive and entertaining social commentator through her popular opinion column for the Sydney Morning Herald. She is now studying medicine, inspired by a night in a hospital emergency ward researching her latest book – "A Small Book about Drugs".

Events of special interest in the ACT are listed here but please look at the ADCA website for a full list and for events in other states. www.adca.org.au

Tues 12 June, 6pm. Law Enforcement Against Prohibition (LEAP) will present a debate – Should drugs be legalised? At the CSIRO Discovery Centre. Details Paul Cubitt (0416 167 227)

Wed 13 June, all day, ATODA has organised a Comorbidity Bus Tour to a variety of services in the ACT. Details Katrina Campion 62473540

Tues 19 June, 9am – 5pm 5th Annual ACT Alcohol and Other Drug Sector Conference, National Portrait Gallery of Australia

The 5th Annual ACT ATOD Sector Conference seeks to bring together members of the parts of the ATOD sector to discuss real world current drug policy scenarios to look at how to strengthen intersection, interaction, integration and implementation across the sector. Registration details will be available on ATODA's website soon www.atoda.org.au

Thursday 21 June, 12.30pm, Reception Room, ACT Legislative Assembly, Families and Friends for Drug Law Reform presents a Public Forum – Living with drugs: fostering a safe, open and rational society. Speaker: Nicholas Cowdery. See enclosed leaflet for further information.

There will be information stalls throughout Canberra during the week.

Concerns on funding for the AOD Sector

The Department of Health and Ageing announced recently its funding arrangement for the AOD Sector that will significantly change service delivery across the country. Many former services have had their funding cut and in some cases not renewed at all. Further details of this can be found in Of Substance ebulletin at www.ofsubstance.org.au.

In South Australia we are told that cuts will close up to half of all the residential rehabilitation beds for people with major alcohol and other drug problems.

Top policeman lashes out at drug 'national disgrace' in wake of rave arrests

Paul Millar, The Age, May 7, 2012

Rising numbers of drug arrests at rave parties have prompted a top Victorian police officer to label social acceptance of illicit drug taking "a national disgrace".

"[Users] are just not taking it seriously; we have a real problem in this country," Assistant Commissioner Stephen Fontana said.

"The concern that we have is that the general attitude of taking illicit drugs is [it's] OK ... it's a national disgrace. It's not OK."

If users saw where the drugs were produced they might think twice about taking them, Mr Fontana said, referring to what can be putrid illegal labs where criminals care little about what ingredients go into their products.

Police have intensified their efforts to combat illegal drug use, pouring in resources, which has resulted in more arrests.

But they admit they are still barely scratching the surface.

Officers arrested 200 partygoers at the Creamfields dance music festival in Melbourne on April 28, seizing ecstasy, cocaine, cannabis and amphetamines.

"We put a fair bit of planning into this just to see what the impact would be, and getting 200 people is quite a lot," Mr Fontana said. "We are just progressively getting more and more and we are still not scratching the surface. We are concerned at what we are seeing out there."

Police say they are finding what appears to be a "could not care less" attitude among partygoers.

In 2008, drug detection dogs, trained to sit passively at the source of a suspect odour, attended 45 jobs that produced a total of 376 arrests.

Before the 200 arrests at the Creamfields blitz, the dogs had already been involved in 160 arrests on just eight jobs in Victoria this year.

Ambulance Victoria state events co-ordinator Jo Holland said drug users at raves could experience serious breathing difficulties, "so much so that if we did not intervene they would die".

She said the use of police dogs at such events always reduced the workload of medical staff.

Adriana Bucciatti, whose 34-year-old son, Daniel, died after taking "bad acid" at the Rainbow Serpent Festival in Beaufort at the end of January, knows only too well the dangers.

The single parent received the knock on the door that all mothers dread, when police turned up at her Epping home. She had spoken to her son the previous night when he was at the festival. He had called her after a bad reaction to drugs taken at the event, saying "it was the worst thing I had ever taken".

She told him to go to hospital, but he called an hour later to say he was fine.

"I just do not know why I did not go that night," she said.

She knew her son took drugs, did not condone it, but did not think they would kill him.

"He told me that he could get them anywhere ... every second

person is a user, they get it from each other," she said.

"My son was just one of the unfortunates. People that are making so much money out of this do not give a damn ... people do not understand what goes into this stuff."

Like the police, she is still searching for answers.

"I think it needs to be a community approach, to find out what is missing in their lives. "What is happening to our young that they need to have an altered state of consciousness to enjoy an outing?" she said.

Mr Fontana said police would continue to target events with resources determined by police intelligence.

But one of the biggest problems was still the attitude towards drug use.

"It's just accepted, and that's the cycle we have to break."

Rejoinder letters sent to The Age

If the Assistant Police Commissioner admits that his police force is failing in its law enforcement against the personal use of illicit drugs when he says 'it is not scratching the surface' he should be joining with other eminent people in looking for alternative responses. (Top policeman lashes out at drug 'national disgrace' in wake of rave arrests, May 7)

When a large part of the community disregards the law a loud message is being sent that it is time to examine the failed 100 year old prohibition experiment.

A recent report by Australia21, titled "The prohibition of illicit drugs is killing and criminalising our children and we are all letting it happen" says that it is time to reopen the national debate about drug use, its regulation and control.

It is time that all law enforcement officers joined with the Former Commissioner of the Australian Federal Police, Mr Mick Palmer and many other law enforcement officers who see prohibition of certain drugs as more the problem than the solution.

Prohibition of drugs ensures an unregulated black market of unknown quality and quantity for which our kids pay hefty prices and sometimes pay with their lives.

It is critical that all sections of our society be open to explore the alternatives. - M McConnell, FFDLR

If police want to take the use of illicit drugs seriously it is time they realised drug usage is none of their business.

What police should care about is the access and who is manufacturing the drugs. If all of us including Assistant Commissioner Fontana can go to a legal premises and buy alcohol that is quality controlled and restricted in who can access it, then why can't someone who want to use an illicit drug? All drugs can be harmful, but proper regulations would go a long way to minimise their harms, and this would result in better policing.

For as long as the police and politicians treat drug usage on a moral level and deem success on how much resources they can waste when they could advocate for regulations that place the emphasis on safe use and quality control, no one will ever really be safe.

It is time for the police to act properly in the interests of the victims of unsafe drug use and stop telling someone that taking a drug is wrong, after all this is what attracts so many young people to them. - *Paul Cubitt, President, LEAP Australia*