

NEWSLETTER

March 2013

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Join us.

NEXT MEETING

Thursday 28 March, 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

The reality: you probably won't get caught

For the year 2010 (the latest data available) some 2,704,230 persons used illicit drugs but only 2.5 percent of those were arrested for the victimless crime of their drug use.

Of course it is possible that some of those arrested were arrested for other crimes and in the pat-down search some drugs were found. And the offence of drug use/possession adds weight to other charges that the police may have laid to ensure that a conviction of some sort is successful. For police it can also be a coercive tool.

Nevertheless the extremely small arrest rate of users does demonstrate the ineffectiveness of the crimes of possession for personal use as a deterrent for drug use. For some (and probably those in their pre-teen years) the threat of arrest may be deterrent enough but at some age young people become more independent and they get feedback from friends or siblings who have tried drugs and have come through unscathed and unarrested.

If they had not previously been given objective and factual information and even if some of the message was correct, it is likely the whole message will be discarded. Clearly the old adage of "honesty is the best policy" should apply. Young people should be told the whole truth and not just the part intended to deter by fear.

The utility of arresting users for personal possession or use must be questioned.

In the game of life if the referees (the police) only detect 2.5 percent of the rule infringements, they would be sacked. If the coaches (the educators) continued to say "if you break the rules you will be caught" and the reality was somewhat different with the opposing team ignoring the rule, rarely being caught, and won most games, the coach would be sacked. And if the board (Parliaments) that made the rules refused to listen to the complaints and did not change the rules, they too would be sacked.

If in this game of life the referees, coaches, and the boards are

more interested in advancement of their own self interest, and there were no sackings, then the bookmakers (drug cartels and criminal gangs) will continue to enjoy the fruits of their labour.

Drug laws not protecting our children

Brian McConnell, published in The Brisbane Times, 16 March 2013, <http://bit.ly/Z4sGDG>

Drug prohibition aims to protect society and our children from drugs. However it has done the opposite. It has magnified the dangers and not protected our children. Since prohibition tons of drugs of unknown quality and strength are sold to anyone from pre-teens to adults.

For politicians, drugs are about law and order but never about prohibition laws that continue to give us the drug problems we have today. But experts in the field and influential people in Australia and around the world have passed judgement: prohibition has failed, it is an ineffective system, and alternatives must be found.

It has created a highly profitable, criminally run black market, fostered corruption in police, customs and other law enforcement agencies and diverted public funds into an ineffective criminal justice response. We are furiously bailing out this leaky boat without attending to the cause of the leak.

Media reports of the latest, biggest drug busts are testaments to PR departments rather than effectiveness. Quantities seized are on average about 10 percent of that consumed. Bigger seizures mean more drugs. The recent 'biggest seizure' of ice of 585kg represents only about one month's usage and unlikely to have a major, if any, impact on use.

Arrests of users is not a deterrent - of the 2.7 million Australians who used an illicit drug in the last 12 months only 2.5 percent were arrested.

Nevertheless the pursuit of users continues, often with devastating effects.

This was the case for my family: The police pursuit of the ambulance called to my son's overdose caused him to take himself away from family and other support where he subsequently overdosed again and died. Because of such consequences, police throughout Australia, I am advised, now do not follow ambulances in overdose cases. An enlightened police policy to be praised and one which saves lives.

The use of sniffer dogs on city streets and train stations or at large party events needs to be changed. Recall the recent case of a young woman who, on the way to the Perth Big Day Out, bought three ecstasy tablets, one for herself which she took

straight away, and carried the other two for friends at the event. The police with sniffer dogs near the entrance panicked her and she swallowed the other two. A fatal action. But for the police and the sniffer dogs she would still be alive. The Coroner unfortunately failed to note this connection.

Problematic drug use is a health and social issue and there is a good case on humane, scientific and economic grounds for removing personal use from the criminal justice system to the health system. A good case has also been made by Australia21 in its 2012 report "The prohibition of illicit drugs is killing and criminalising our children and we are all letting it happen", in which it calls for an examination of the prohibition laws and a discussion of the alternatives.

Essential to any examination is the question of effectiveness and of unintended consequences of those laws. Any examination of alternatives must not be restricted by current mind-sets nor powerful lobby groups.

Too many parents who have been affected by drug use remain silent. It is understandable because society as a consequence of the prohibition laws sees drugs as bad, that drug users are bad and therefore parents of drug users must be bad parents. This shame and stigmatisation prevents them speaking out. One mother whose son had died from an overdose, had, for ten years, until contacting FFDLR, let it be known that he died in a car accident. Such is the power of the shame about drugs. It is one reason why we hold an annual remembrance ceremony for families and friends.

But if parents wish to really protect their children they must speak out about these unjust laws. They must insist that politicians at least start a debate about them.

Until that happens no child or family will be safe from the drug trade.

Theresa May orders study into which drug laws work in other countries

Alan Travis, home affairs editor, The Guardian, UK, 7 March 2013

An international "what works" study of drug laws, including Portugal's policy of scrapping criminal penalties for personal possession, has been ordered by the home secretary, Theresa May.

But she has rejected a call from the Commons home affairs select committee for a rapid royal commission to report by 2015 on how to reform Britain's 40-year-old drug laws.

The international review, to be led by the Liberal Democrat Home Office minister, Jeremy Browne, will include a visit to Portugal where the policy of "depenalisation" with its strong emphasis on getting users into treatment rather than jail clearly impressed MPs. The Portuguese policy stops short of decriminalisation as trafficking and dealing in drugs remain illegal and subject to strong police enforcement action.

The study will also look at the effects of the recent decisions in the American states of Washington and Colorado to legalise marijuana for recreational as well as medicinal use. It will also look at the international response to the rapid emergence of new psychoactive drugs or "legal highs" which have been appearing on the market at the rate of more than one a week.

The move represents a significant official acknowledgement of the recent shift in the Westminster consensus towards drug policy reform, as well as the more radical approach of the Lib Dem ministers in the coalition.

"The government does not believe there is a case for fundamentally re-thinking the UK's approach to drugs – a royal commission is simply not necessary," says May's official response to the MPs.

"Nonetheless, we must continue to listen and learn from emerging trends, new evidence and international comparators. In particular we will build on the commitment in the drug strategy to 'review new evidence of what works in other countries and what we can learn from it' and conduct a study on international comparators to learn more from the approach in other countries," says May.

The home secretary's official response says the government has no intention of decriminalising drugs but adds that any debate of alternative approaches should be focused on clear evidence and analysis.

She adds that the review will look at a number of countries that cover "a spectrum of approaches" to drug policy and assess their effectiveness in cutting drug use and reducing harm to individuals and communities. Its terms of reference will include looking at best practice as well as the different legal responses to the emergence of "legal highs". Britain has a system of temporary banning orders for the new psychoactive drugs which remain legal to possess but not sell or import while a full evaluation is carried out.

Browne, [Minister for Crime Prevention] said drugs were illegal because they were dangerous and destroyed lives and blighted communities.

"Drug usage remains at its lowest level since records began with National Treatment Agency statistics published yesterday showing that the number of heroin and crack cocaine users in England has fallen below 300,000 for the first time," said the minister responsible for crime prevention.

"We have listened carefully to the recommendations made by the home affairs select committee and will shortly undertake an international study to gather evidence on successful approaches that other countries are taking."

Drug reform policy groups, including Release and Transform, both responded to the announcement on Twitter by questioning how open-minded the home secretary could remain while ruling out decriminalisation before the study got under way.

A PUBLIC FORUM Drugs Without Borders - Rethinking Responses

A public forum with keynote speaker Emeritus Prof David Penington AC, Melbourne University and former chairman of several government inquiries into illicit drugs.

The forum is organised by B'nai B'rith Victoria with the Brotherhood of St Lawrence, Hatzolah Melbourne and Odessey House Victoria.

Where: Monash University Caulfield Campus, Building H, ground floor, room H116, 900 Dandenong Rd Caulfield East.

When: Sunday 21 April 2013 at 2 - 5 pm.

Cost: \$10 - booking essential

Booking and contact: www.trybooking.com/CMCN or contact B'nai B'rith 03 9576 1116 (mon- Thur) or email council@bbvic.org.

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Kiwis on drugs: A blueprint for the future?

Mark Easton, Home Editor, BBC News, 28 Feb 2013

Want to know what the future for global drug control looks like?

This week New Zealand publishes its Psychoactive Substances Bill, legislation which some believe will transform the international debate on drugs policy when it comes into force in August.

The new law is a response to the problem of “legal highs”, but is being seized upon by reformers because it crosses a Rubicon - designing a legislative framework built upon regulation rather than prohibition.

As in Britain, the New Zealand government had attempted to control the influx of new psychoactive substances by imposing emergency restrictions under existing misuse of drugs legislation.

Unlike Britain, they have concluded that a “long-term and more effective solution” is to license the importation, manufacture and sale of all new psychoactive products.

In the same way as pharmaceutical companies must apply for a licence to sell a drug after extensive testing, so suppliers of legal highs will be able to market products in New Zealand if they can demonstrate they present a low risk of harm.

Rather than trying to ban every new drug that turns up, the legislation shifts responsibility to the manufacturer and the retailer.

Just as a bottle of aspirin can only be sold in certain outlets with all the warnings of the risks on the label, so recreational drugs will be available over the counter in New Zealand later this year.

There will be restrictions on sales to vulnerable consumers, particularly young people, and breaches of the rules could see manufacturers fined up to \$500,000 (£275,000) or jailed for two years.

The legal highs dilemma reminds me of the panic that preceded the introduction of the Misuse of Drugs Act in the UK in 1971.

The home secretary at the time, Jim Callaghan, told Parliament how Britain faced a “pharmaceutical revolution” which presented such dangers that if the country was “supine in the face of them” it would quickly lead to “grave dangers to the whole structure of our society”.

In 1969 Jim Callaghan argued drug abuse should be tackled through state prohibition

“Stimulants, depressants, tranquillisers, hallucinogens have all been developed during the last 10 years, and our society has not yet come to terms with the circumstances in which they should properly be used or in which they are regarded as being socially an evil,” he explained.

Callaghan concluded that the answer was state prohibition - the criminal justice system would be the main tool to fight drug abuse. Those who argued that Britain should retain its traditional harm-reduction model were drowned out.

The New Zealand legislation comes at a key moment in the

debate about global drugs policy, returning us to that moment in the late 60s when Britain and others took the fork in the road marked “prohibition”.

This year has been designated by the United Nations as the start of an “intense preparatory process”, before the General Assembly holds a special session in 2016 to “review the current policies and strategies to confront the global drug problem”.

There is very little intensity or preparation in the UK, where the prime minister recently reiterated his opposition to even questioning the prohibition model.

When the Home Affairs select committee recommended a royal commission to consider alternatives in December, David Cameron instantly dismissed the idea arguing “we have a policy which is working in Britain”.

You may recall, however, that in an interview with me, the Deputy Prime Minister Nick Clegg broke coalition ranks to demand a fundamental review of Britain’s drug laws as part of Britain’s preparations for the UN General Assembly meeting in three years time.

His aides told me Mr Clegg believes the UK needs to have at least considered the issues and how they might shape the EU’s negotiating stance ahead of a UN session that has the capacity to rewrite the international drugs conventions.

What principles should guide Britain, Europe and the UN in considering a possible new approach to the problem of dangerous drugs?

The former head of the UK government’s Advisory Council on the Misuse of Drugs (ACMD), Professor David Nutt has sent me his thoughts.

Prof Nutt, of course, was sacked by the last Labour government

after publicly questioning the wisdom of the prohibition-based policy, but has subsequently been involved in helping the New Zealand government design their Psychoactive Substances Bill.

He has a wish list of principles for laws on drugs:

- They should cover all drugs including alcohol and tobacco, and any new/future synthetics
- Health should be the defining principle
- Interventions should be proportionate to harm (and be as evidence-based as possible)
- Human rights should be respected
- They should minimise unexpected consequences
- They should be globally balanced (ie take account of effects in all countries)
- Local/national autonomy should be allowed as far as possible.

This is an interesting starting point for a debate ahead of the global drugs summit (UNGASS 2016 in the jargon) and I would be interested in readers’ reaction to it.

How Britain and the European Union line up at the special session will probably be less important than the stance of the US, who were the architects of the current key international drug conventions.

Emergence of a political party to put drug law reform on the political agenda

Readers are asked to thoughtfully consider joining Drug Law Reform Australia. 550 members are needed for it to become a political party. **Website:** www.druglawreform.com.au

Just before Christmas, President Obama was asked for his response to the decision of two US states, Washington and Colorado, to legalise the recreational use of marijuana. “It would not make sense for us to see a top priority as going after recreational users in states that have determined that it’s legal,” he said. “We’ve got bigger fish to fry.”

While President Obama has re-stated his personal opposition to the legalisation of marijuana and maintains the official US government position, some have noted that he said he does not “at this point” support a change in direction.

With Uruguay announcing its intention to breach UN conventions and legalise marijuana under state control, Obama’s stance on Colorado and Washington makes it very hard for the US to justify sanctions against such countries and provides ammunition for those who argue global drugs policy is no longer sustainable.

Police intimidation: no way to work with community

Kane Race, Chair, Gender and Cultural Studies, University of Sydney, published in Gay News Network,

OPINION: With police tactics and LGBT relations under the spotlight, now is also time to re-evaluate the use of sniffer dogs at gay venues and events, writes Kane Race in this open letter to the NSW Premier.

Dear Hon. Barry O’Farrell, MP, Premier of NSW,

Last Friday evening I attended the protest against police behaviour during Mardi Gras at Taylor Square. Over a thousand concerned citizens turned out to protest police practices surrounding the event. Although the full circumstances surrounding the treatment of Jamie Jackson have yet to be established, the footage has clearly hit a nerve and unleashed much more widespread community dissatisfaction and longstanding feelings of mistreatment at the hands of police among communities participating in Mardi Gras.

Community organisations are meeting with police next week to discuss ways of addressing the situation. Among the proposals that are put to them, a clear message must be sent that we demand the removal of sniffer dogs from the arsenal of police techniques used at our events and on our streets.

For over a decade now, NSW police have used drug detection dogs as a pretext to subject sexual and racial minorities, the homeless, and youth attending music festivals to harassment and intimidation. This practice must be stopped. Nowhere else in the western world is such widespread, active and high profile use of sniffer dogs accepted or tolerated except in highly circumscribed contexts such as airports and during bomb threats. It sends the wrong message about police attitudes to the public they say they want to work with and it reeks of contempt towards the communities the police are meant to serve. I firmly believe that there will be no improvement in community-police relations until the Police Powers Act is amended to bring this practice within the same sort of highly restricted parameters as civilised jurisdictions internationally. Indeed, the community response to the Jamie Jackson incident suggests that despite years of dedicated hard interagency work on the part of Gay and Lesbian Liaison Officers, community organisations, and concerned officers within government and the police force, a deep sense of hostility and resentment towards police seethes beneath the surface of our community, largely attributable to this practice and its unnecessary use in otherwise peaceful community spaces.

The suitability of drug detection dogs as a means of responding to drug use has been roundly criticized by public health specialists and criminologists and this is not the place to rehearse these points (but see the damning NSW Ombudsman’s review of the practice in its 2006 report). Suffice it to say that the practice has been evaluated as not only very costly but ineffective with respect to drug detection, and counterproductive in terms of drug harm. It is deemed by many specialists to be inconsistent with harm minimisation principles. Drug detection dogs are likely implicated, for example, in the 2009 death of Gemma Thoms at a music festival in Perth, where she panicked at the sight of police dogs and took her three ecstasy tablets at once to avoid detection. Meanwhile, the many people who do not use drugs at these events are subjected to unwarranted suspicion and surveillance, including full body strip searches in recent documented cases at Mardi Gras.

Less often discussed at a policy level is the way this policing technique positions our community: as suspects rather than worthy recipients of state protection and care. The 2011 government finding that sniffer dogs yield around 80% false positives suggests that police enthusiasm for this technique is based on nothing more than the license that the presence of a dog would seem to give them to stop and search whomever they please. Sniffer dogs serve as an opportunity and often a pretext for intimidation, harassment and invasion of personal space. They effectively constitute the policed as guilty until proven innocent. This is a major infringement of civil rights.

There are those who will fall back on the illegality of drug use in order to substantiate this policing practice and disqualify the sort of complaints made here. But this sort of dissimulation is entirely disingenuous and ignores the message that the strategy sends out to the communities on which it is inflicted. In short, it is not just the brutality depicted in the footage of the Jamie Jackson incident, but the sniffer dogs, the strip searches, the intimidation, the aggression, the humiliation and the disrespect that this police method embodies that caused people to gather en masse in Taylor Square on the evening of 8 March. This is no way to a position a community that has undertaken, with respect to HIV/AIDS, one of the most impressive public health responses in the world, largely on the basis of the strength of community bonds forged at events like Mardi Gras.

If police and the relevant decision-makers are serious about improving community relations they will reconsider and revoke this strategy.

Yours sincerely,
Associate Professor Kane Race

Poll by The Brisbane Times

Its often called “the war on drugs”. How do you think governments should tackle drug use?

- Zero tolerance for drug use, production and trafficking: 24%
- Crackdown on the producers and traffickers but only fine users: 11%
- Combination of policing and treatment: 12%
- **Decriminalisation: 52%**
- **Current approach is correct: 1%**

Total votes 1113, 17 March 2013