

Justice Inquiry Submission



12th of April 2021



LEGALISE DRUGS? - be careful what you wish for

<https://caainc.org.au/legalise-drugs-careful-what-you-wish-for/>

The Community Advocacy Alliance (CAA) is forever amazed at the naivety of the proponents for the legalisation of illegal drugs as a solution to this epidemic, arguably responsible for more deaths than all other crime.

Unfurling the white flag of surrender is not the way.

Unfortunately, many proponents of Injecting Rooms and other strategies currently in vogue get influenced by the glib repetition, the spurious platitudes and the cliches proffered as actuality. Sometimes, however, it is wise just to focus on the facts.

The first and most distressing fact is who will benefit from the strategies when most proposals do not benefit the people at the end of this despicable trade.

The vested interests of some proponents of certain arguments require scrutiny because the primary beneficiary of their argument is either themselves or the drug

trade. Thus, many advocates should declare their vested interests before their views are given oxygen.

Let us talk about a few of them.

- **Will legalisation work?** Making it legal to get a hit will not work in any shape or form, as the addicts of drugs choose a way of life and are not forced into it.
Never believe, without independent confirmation, the stories that drug addicts present as justification They are consummate liars, their life is built on a lie.
Living on the edge in the drug scene can be a drug as addictive as the rubbish they consume.
- **What of community backlash?** There would be community outrage if illicit drugs were made available to all addicts, but what of young people using party drugs. It will be interesting to see how these drugs might be distributed, Chemist shops, Bottle shops, a Specialty drug store perhaps? What will restrictions on availability be in place?

There will surely be the need for some rules, not' *open slather*'.

Immediately somebody is outside those rules by age or whatever, they will revert to the illicit trade, and the whole exercise will change back to the mess we have now.

- **Will Legalisation dismantle the Drug tsars empires?** If anybody thinks that the legalisation of drugs, even in part, will destroy the tsars and many of their ilk, you will have come from another planet.
They will not give up their '*rivers of gold*' or power, so they will switch to other lucrative endeavours, like kidnapping, extortion, blackmail, and a raft of other violent crimes.

Most significantly, all the victims of a drug crime will be the good citizens of the state and not those within the drug scene as most drug crime victims now are.

- **Kidnapping will become rampant.**
Inevitably and at substantial cost and inconvenience, Media celebrities, high profile sportspeople, Politicians, Bureaucrats and Business leaders will all require 24/7 protection.

As drug legalisation takes effect, the risk factor of extortion and kidnapping to anybody with a high profile, perceived or actual, will rise exponentially.

The drug trade has developed sophisticated marketing strategies, most based on thuggery and traditionally, Law enforcement and Governments have focused on the supply side of the equation. That activity should continue, but the demand side has not only been left unscathed but boosted by the infamous Drug shooting gallery strategy and moves to legalise illicit drugs.

The Solution

What to do with this societal contagion when everything that is done so far has failed?

We are coming out of the worst pandemic in modern history, and from that, we can learn a lot. And we have learnt that Society has accepted that to protect itself from a contagion; Quarantine is an effective and acceptable strategy.

We could not imagine our Society tolerating the Quarantine of people in case they were carriers, just a few short years ago, but today it is well accepted.

Then why should we not learn from this and use Quarantine with a slightly different bent to address the ongoing pandemic of Illicit Drugs, targeting the demand side of the Marketing equation?

Reducing demand and the consequential disruption will hurt sectors of the drug trade. Some will move into alternative lucrative criminal endeavours, but that is not likely to be dramatic, causing turf wars over the alternate wealth sources for the tsar's legalisation would indeed cause.

Attacking the demand side would create a *slow burn* which law enforcement might have a chance to keep up with, rather than a mass exodus to other crime that legalisation would cause.

Addressing the addiction of those trapped in its vice is undoubtedly the '*holy grail*' that we all must search for.

Drug quarantine

Part 1 of the solution

Once anybody is suspected of being under the influence or adjudged by Police on reasonable grounds to have ingested illicit drugs, and a drug test on-site returns a positive, these people can be by Health Order immediately placed in Quarantine.

If ambulatory, they can be transported to Quarantine by Police, otherwise an Ambulance.

A place where they can be medically accessed and held on a Health Order for fourteen days while they are evaluated and their health adjusted before being released back into Society. Or to the legal system.

Taking drug-affected people away from Hospital Emergency Rooms must be one of the great positives of this strategy.

During this period, experts can work with the person to guide them to deal with any dependency or other health issues. They can access support if required and have them return to Society in a better condition than what they were, armed with how to escape their addiction and lifestyle.

Quarantine would be far more effective in this environment than applying diversionary strategies to desperate addict arriving at an Injecting room and leaving as soon as they are safely on a high.

The focus of an addict or drug users on support alternatives in Quarantine would be absolute.

The facility will need to be as secure as any Quarantine facility with some added safeguards to avoid communication outside the facility and control any contraband intended for internal users.

The concept is to have strong security by a suitable agency and inside managed by Health professionals.

The key will be to ensure that persons in the facility are isolated and do not interact with others in Quarantine, leading to unintended consequences. The real advantage will be the addict will be focused on any clinician treating them.

If, however, a drug-affected person is a perpetrator of a serious crime. They can be referred to the facility and, on the expiration of the fourteen days, be transferred to the remand mechanism pending bail or otherwise.

It would be reasonable to presume they will be much better able to deal with any matters being as healthy as can be achieved in fourteen days.

There would be a number of positives cascading from this initiative.

- The significant and first impact will be on reducing drivers on our roads that use drugs and saving lives; this concept must apply to drivers. A driver detected positive sent to Quarantine would have a dramatic effect on the use of drugs behind the wheel. The effect will be almost immediate.
- Drug users, particularly in their early foray into the scene, will be discouraged from further involvement.
- The drug scene will be driven underground, a real positive, to keep it away from our kids. Anything that makes drugs more difficult to obtain is a positive, as necessary as being socially derided.
- Importantly the maintenance and access to quality data for research purposes would start to achieve data that can be relied upon as the depth and demographic associated with the problem becomes evident to allow targeted approaches.

Why will Quarantine work?

Will Quarantine move all away from drugs? Many will not, but the impact on their health and giving them a hiatus in their lifestyle might just have the desired effect on many. After fourteen days, they will have lost their position in the drug empire, so they will have to start again.

Disruption can sometimes be more effective than the current options and should never be underestimated as a counter to an illegal problem.

Removing trigger points for addicts over fourteen days would act as step one to recovery, and with the trigger points identified, it can be the start of a way out.

Rehabilitation

We accept the arguments for rehabilitation and the lack of the resources available to addicts; there does need to be an increase in these resources; however, pouring buckets of money into the rehabilitation of addicts will not solve the problem *per se*. The nirvana of a rehab centre on every corner would add to the problem, not diminish it, the same impact as safe injecting rooms. They both play as a positive in the drug Marketing mix.

Our work came across allegations that a significant rehabilitation clinic in Melbourne allows patients to have communications, have visitors and roam out unescorted. We would argue that if these allegations are true and more widely spread, the rehabilitation processes of this state need urgent review as those activities only lead to poor outcomes for the addicts.

The consequences of no action

The community is only too aware that community leaders' efforts to manage the drug issue have failed abysmally. There are no forward-thinking strategies that we know of to overcome or, at the very least, a reduction in the problem.

More Safe Injecting Rooms means more addicts and growth to the drug industry.

Make no mistake, the explosion of Safe Injecting Rooms is seen as a pathway by some towards legalisation of Illicit drugs; it is merely step one.

We have to accept that while illicit drugs are a legal issue, the addiction is a health one, and the separation needs to be understood.

Incarceration within the Justice system only allows the addict to broaden their contact base. Given the innate ability of individuals to be innovative to satisfy human needs (including needs not listed in Maslow's theory), we are not particularly confident that being in jail will necessarily mean no access to drugs.

While we strongly advocate the health aspect as essential to address, the criminal aspect must also be addressed.

Drug addicts do not commit a crime in some involuntary state, they may have strong urges to satisfy their addiction, but the offence is only the method to access the drugs. They are entirely cognisant that their actions are criminal. Often the crimes require planning, and that is not the actions of an addict in some involuntary state.

As we separate the health and the drug crimes, the courts must separate the addiction from the offence.

If a person commits a crime to service an addiction, the addiction should be irrelevant to any penalty. Deriving some benefit to penalty before the Courts because of an addiction to an illegal substance, is in our view, objectionable.

Part 2 of the solution

A Quarantine program is but one part of the strategy; the other is public awareness campaigns. The Quit campaign that altered community standards is a standout, but in this case, targeting the young to make drugs socially unacceptable in that cohort would be imperative. Take the 'Cool' out of drugs.

Recent research suggests thirty lives per year, plus countless injuries involve drug-affected drivers.

The acting Police Minister Ben Carroll, referring to drugged drivers, was recently quoted as saying, "Any measure on our roads to save lives is worth taking", and he is absolutely right. However, we need a new direction because what has been done to date has been a failure.

It is common knowledge amongst particularly young drivers that consuming alcohol and driving is too risky, but party drugs are undetectable (the integrity of this statement is questionable, in fact). So, they use drugs in lieu of alcohol with all the added risks—particularly the long-lasting effect of days, not hours.

The prospect of 14 days of Quarantine if a driver is detected with drugs would dramatically reduce the Drug Driver problem overnight.

It is time for a new approach, and Quarantine provides an attractive and effective deterrent and drug minimisation strategy.

LEGALISE DRUGS? - be careful what you wish for; you could rue the day.