

Committee Secretary
Parliamentary Joint Committee on Law Enforcement
PO Box 6100
Parliament House
Canberra ACT 2600

Mr Jarryd Bartle
RMIT University
GPO Box 2476
Melbourne VIC 3001

28 November 2022

Submission to the Inquiry into Australia's illicit drug problem: challenges and opportunities for law enforcement

Thank you for the opportunity to make a submission to the *Inquiry into Australia's illicit drug problem: challenges and opportunities for law enforcement*.

I'm an Associate Lecturer in Criminology and Justice Studies at RMIT University, where I teach in the areas of drug-related crime, policing and forensic studies.

My background is that of a criminal lawyer and drug policy consultant. I was admitted into legal practice in 2015, subsequently working as a solicitor with a wealth of experience in drug crime. I went on to establish a private consultancy in illicit drug policy, where I contributed to research papers and government projects on harm reduction, AOD treatment in prisons and drug decriminalisation. I'm also a former board member of Harm Reduction Victoria.

The following short submission outlines three crucial issues which must be addressed to improve law enforcement approaches to illicit drugs in Australia:

1. An acknowledgement that national supply reduction efforts have failed;
2. A greater focus on community collaboration when it comes to local drug related crime; and
3. The need to resolve the conflicting agendas of law enforcement agencies and public health organisations when it comes to drug use.

Acknowledging The Failure to Disrupt National Supply

For decades, the vast majority of government spending on illicit drugs has gone to law enforcement,¹ for which there is little to no evidence of effectiveness in disrupting national supply.

The global illicit drug trade is a dynamic and resilient form of organised crime.

¹ Moore, T.J. (2005). Monograph No. 01: What is Australia's "drug budget"? The policy mix of illicit drug-related government spending in Australia. DPMP Monograph Series. Fitzroy: Turning Point Alcohol and Drug Centre.

Despite efforts by Federal, State and Territory policing agencies in Australia, there is little evidence that seizures or arrests have effectively disrupted national supply. Most regular illicit drug users in Australia describe the ability to obtain drugs as “very easy” or “easy” – and this has remained relatively unchanged for several years, dipping only slightly as a result of the global COVID-19 pandemic.^{2 3}

Much of the resilience of the illicit drug market is related to the high profitability of drug sales, with many entrepreneurial actors willing to fill gaps in the market caused by arrests or seizures.

A recent analysis by the Australian Strategic Policy Institute of profits across the supply chain for methamphetamine and heroin entering Australia, estimated profit margins between 80-90%.⁴ The authors go on to note that there's no evidence that high profile seizures have had any impact:

Despite seizures of drugs, arrests of offenders and their successful prosecution, the drug supply isn't being reduced. Arguably, because of the resilience of the illicit drug supply chain and business model, law enforcers' efforts aren't even placing upward pressure on street prices.

The current evidence should give us pause when making claims that law enforcement are furthering the supply reduction goals of Australia's National Drug Strategy.⁵

At most, we can say that law enforcement efforts temporarily disrupt individual supply chains, whilst failing to reduce the overall availability of illicit drugs in Australia.

Working Collaboratively On Local Drug Related Crime

Whilst national supply reduction efforts have had little impact, there is evidence to suggest street level police can have some temporary, localised impacts on drug related crime.

Street-level policing is a key law enforcement tool for reducing public drug dealing and associated drug related crime in particular areas. Local police commonly implement a “hot spot” approach, where areas of known drug activity receive regular patrols.

² Sutherland, R., Karlsson, A., King, C., Jones, F., Uporova, J., Price, O., Gibbs, D., Bruno, R., Dietze, P., Lenton, S., Salom, C., Grigg, J., Wilson, Y., Wilson, J., Daly, C., Thomas, N., Juckel, J., Degenhardt, L., Farrell, M. & Peacock, A. (2022). Australian Drug Trends 2022: Key Findings from the National Ecstasy and Related Drugs Reporting System (EDRS) Interviews. Sydney: National Drug and Alcohol Research Centre, UNSW Sydney. DOI: 10.26190/hbqt-9d09

³ Sutherland, R., Uporova, J., King, C., Jones, F., Karlsson, A., Gibbs, D., Price, O., Bruno, R., Dietze, P., Lenton, S., Salom, C., Daly, C., Thomas, N., Juckel, J., Agramunt, S., Wilson, Y., Que Noy, W., Wilson, J., Degenhardt, L., Farrell, M. & Peacock, A. (2022). Australian Drug Trends 2022: Key Findings from the National Illicit Drug Reporting System (IDRS) Interviews. Sydney: National Drug and Alcohol Research Centre, UNSW Sydney. DOI: 10.26190/5czp-af24

⁴ Coyne, J and Westerdorf, T. High rollers: A study of criminal profits along Australia's heroin and methamphetamine supply chains. 2021 March, Australian Strategic Policy Institute
<https://www.aspi.org.au/report/high-rollers>

⁵ National Drug Strategy Committee. (2020, May). National drug strategy 2017-2026. Department of Health.
<https://www.health.gov.au/resources/publications/national-drug-strategy-2018-annual-report>

A recent systematic review by Mazerolle, Eggin and Higginson (2020),⁶ found that whilst hot spot policing may result in greater arrests in an area, it does not reduce drug related calls for service – meaning local communities do not necessarily see a benefit.

Hot-spot policing for street level drug related crime also has the real risk of leading to perceptions of over-policing in particular neighbourhoods, causing community distrust of law enforcement and the exacerbation of pre-existing social problems.

Problem oriented and community policing approaches to local drug crime are less likely to lead to negative perceptions of police and have been shown to reduce both local crime and drug-related calls for service.⁷ Key to this approach are partnerships with local organisations including local drug treatment centres, city councils, local health and welfare clinics or community organisations.

Partnerships with local organisations can greatly assist policing efforts by providing a local analysis of what is needed to change underlying causes of drug-related crime and allow for cooperation with local businesses, government associations and housing association to bring about a solution.⁸

Evidence suggests that this pro-active, rather than reactive, approach to drug-related crime in neighbourhoods produces the greatest benefits in terms of reductions in drug-related crime and community wellbeing.

Uniting The Goals of Police and Public Health Bodies

As part of Australia's National Drug Strategy, harm reduction is seen as a key pillar alongside demand reduction and supply reduction. However, policing efforts in the pursuit of supply reduction often directly conflict with efforts to reduce harm.

Reducing supply is not the same as reducing harm. In an analysis of supply-side reduction policy in NSW and drug-related harm, Wan et al (2014) notes:⁹

The associations between supply reduction variables and use and harm measures for cocaine and ATS were all either not significant or positive. These findings suggest that increases in cocaine or ATS seizures or ATS supplier arrests are signals of increased (rather than reduced) supply.

Many harm reduction interventions, including needle and syringe programs and supervised injecting facilities began their life as criminalised activities, due to resistance from law enforcement.

⁶ Mazerolle L, Eggin E & Higginson A 2020. Street-level drug law enforcement: An updated systematic review. Trends & issues in crime and criminal justice no. 599. Canberra: Australian Institute of Criminology. <https://doi.org/10.52922/ti04640>

⁷ Ibid.

⁸ Mazerolle L, Soole DW & Rombouts S 2007. Street-level drug law enforcement: A meta-analytic review. Campbell Systematic Reviews 3(1): 1–47. <https://doi.org/10.4073/csr.2007.2>

⁹ Wan W et al. 2014. Supply-side reduction policy and drug-related harm. Trends & issues in crime and criminal justice no. 486. Canberra: Australian Institute of Criminology. <https://www.aic.gov.au/publications/tandi/tandi486>

It's an unfortunate feature of Australian drug policy debates that law enforcement and public health organisations are often cross-purposes in the pursuit of either supply reduction or harm reduction as a goal.

The persistence of criminal offences for possession and use of illicit drugs demonstrates this conflict most explicitly.

Most public health organisations in Australia and abroad are of the view that the criminalisation of personal use and possession of illicit drugs merely exacerbates underlying issues of dependency and problematic drug use.

Criminalisation has been shown to increase the self-stigmatising beliefs by people who use drugs leading to poorer mental and physical health outcomes, social isolation from friends and family, increased problematic patterns of drug use and a decreased likelihood of seeking treatment.¹⁰

Criminalisation also acts as a key barrier to the implementation of proven harm reduction interventions such as supervised injecting facilities and drug checking facilities.

Despite this, law enforcement agencies and police unions have been very vocal in their opposition to drug decriminalisation, viewing it as an obstacle to disrupting Australia's drug supply.

We cannot continue to have a situation where law enforcement and public health organisations have conflicting agendas on the problems associated with illicit drugs.

It is recommended that Australia learn from the success of Portugal's approach on this issue, in order to unite the goals of law enforcement and public health bodies.

Often oversimplified to merely "drug decriminalisation" the Portugal model is a comprehensive national drug strategy combining the use of dissuasion bodies over traditional criminal justice processes, the expansions of harm reduction and treatment services and the use of targeted sanctions for highly problematic, anti-social drug users.

The Portugal model is unique in that it unites the goals of health organisations and local police in the pursuit of drug dissuasion, harm reduction and treatment for dependency.

This model is not a "hands off" approach, and allows police to play a proactive role in anti-social and problematic drug use, whilst allowing harm reduction interventions to provide a comprehensive suite of services to the community.

Whilst the Portugal model is not a "panacea" and drug-related issues still persist in the country, it has resulted in lower drug related harms, rises in treatment seeking amongst problematic users and the reallocation of funds from law enforcement and courts, to harm reduction and treatment.¹¹

¹⁰ Lancaster, K., Seear, K. & Ritter, A. (2018). Reducing stigma and discrimination for people experiencing problematic alcohol and other drug use. DPMP Monograph No. 26. NDARC: UNSW.

¹¹ Caitlin Elizabeth Hughes, Alex Stevens, What Can We Learn From The Portuguese Decriminalization of Illicit Drugs?, *The British Journal of Criminology*, Volume 50, Issue 6, November 2010, Pages 999–1022, <https://doi.org/10.1093/bjc/azq038>

Most importantly it has allowed for greater collaboration between public health agencies and law enforcement, as there is no longer an inherent conflict between the pursuit of public health and social order.

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Thank you for the opportunity to provide feedback on this Inquiry. Please let us know if I can assist further in this important policy space.

Yours sincerely,

Jarryd Bartle