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Dear Council,

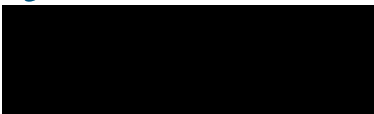
RE: Intermediate sentencing options and parole

Thank you for the opportunity to express my view on the draft report to the Queensland Sentencing Advisory Council review of Community Based Sentencing Orders, Imprisonment and Parole Options.

If you would like to discuss this further, please do not hesitate to contact me.

Kind Regards,

Jannean Dean



Judiciary

In brief, our Judicial System needs a complete overhaul - based on common sense. This system should be a deterrent to anyone thinking of breaking the law. Our jails are overcrowded at 85% over capacity with drug, alcohol and misdemeanour related offenders. These would be better treated in a boot style camp with counselling and rehabilitation facilities. These people should serve a minimum of six months where re-education can begin. This is also where community standards can be raised where it becomes safe and these offenders and repeat offenders can be better equipped to make positive choices in their future. As it is now, they get drugs inside with all the security - how is this even possible? Where there is a will there is a way and drug addicts can be very creative when they need to be.

This will free up the jails for serious and serial offenders including drug dealers.

Paedophiles and sex offenders should never be released in my opinion. Why should they be protected when they violated the rights of our young, elderly and most vulnerable? Corrupt police should not be protected. These types of offenders should not be in protective prisons and would be better placed in main stream prisons. Serious and long-term offenders; surely their idleness can be put to be better use. They could grow their own food for example.

The problem needs to be addressed and we need to stop putting band aids on everything. Let's get it sorted once and for all. A discussion needs to be had on these matters from one idea a solution can come with the right input.

The police know who are selling drugs in their local areas, but when they go to the trouble of arresting them, the court system is too lenient and I believe having our jails full is one of the factors at play.

Legal frameworks must balance sentencing for offences against the risk of inadvertently increasing harm and / or contributing to reoffending by way of involving people in the justice system.

In its consideration of the Penalties and Sentences Act 1992 (the Act), there is an opportunity for the Queensland Sentencing Advisory Council to extend the scope of its review to consider the impact of the Act on the ability of all courts to respond to community needs appropriately, flexibility, efficiently.

Prison population has risen 16% in four years. Women in particular indigenous are being incarcerated because of lack of resources. Northern Territory has less than 10% convicted felons returning to jail once released under new initiatives.

The Queensland Bail Act 1980 is inadequate and fails to even have proper processes and protocols in place before releasing offenders on bond.

No Bail, No Suspended Sentences. Do the crime, do the time. Life is life, not 25 and out in 7.

Boot Camps

Correctional boot camps (also called shock or intensive incarceration programs) are short-term residential programs that resemble military basic training and target convicted offenders. The first adult boot camps began operation in the United States adult correctional systems of Georgia and Oklahoma in 1983.

In Queensland Hard Yakka commenced its Army Style Youth Diversion Training Course in for troubled youth in 2013 on the Fraser Coast with a 97% success rate.

The aim of the Australian Military Style Youth Diversion Training Program Operation "Hard Yakka" is to instil the key concepts in young men that allows them to deal with the everyday issues, enabling them to learn strategies that will assist them to gain access to the Australian Military, Police, Fire Brigade, Ambulance Services, back to education or any other employment they may wish to enter. By undertaking this program, they learn the real requirements of teachers, parents and employers; such as time management, team building, trust, self-discipline, self-control, respect for self and others, listening and communication skills, attitudes, courage, goal setting, problem solving, initiative, anti-bullying, confidence, PLUS.

The Army Style Youth Diversion Training Course (Operation "Hard Yakka") is physically challenging and mentally demanding. Trainees will be required to work hard for up to 7 days a week with little time available for recreation. Trainees will learn and develop many new skills during their training. Some trainees will find the change to an army lifestyle difficult, but most satisfactorily make the transition and go on to complete in their chosen field of education or employment.

Boot camps are designed as alternative sanctions to reduce recidivism rates, as well as prison populations and operating costs. The aim is to reduce recidivism by modifying participants' problem behaviours that likely contribute to their odds of reoffending. Behaviour modification occurs through reinforcement of positive behaviour and immediate punishment of negative behaviour. In addition, prison populations could be reduced because inmates are diverted from traditional incarceration facilities and receive shorter sentences as participants in a boot camp program. Correctional operating costs can therefore be reduced by decreases in both the prison population and recidivism rates.

Most adult boot camp programs limit participation to young, first-time, nonviolent offenders. However, the eligibility criteria and selection process can vary substantially by program.

Typically, boot camp participants are required to follow a rigorous daily schedule of activities. Strict rules regulate all aspects of inmates' conduct and appearance. Correctional officers act as drill instructors and may be given military titles that participants are required to address them by. They use intense verbal tactics to discourage opposition and instigate behaviour change in inmates. Punishment for misbehaviour is usually swift and may involve some type of physical activity such as push-ups.

A NEW APPROACH IS NECESSARY AND CRUCIAL

Although most boot camps contain similar basic characteristics, there is no standard boot camp model and therefore individual programs can differ greatly. For instance, the amount of time and focus placed on physical training and hard labour compared to the therapeutic components of the program (such as academic education, drug treatment, or life skills training) may vary. Some boot camps may also offer an aftercare or re-entry program designed to help program participants adjust to the community following their release, while others offer no such service.

In addition, the programs may differ on whether they are designed to be an alternative to probation or to prison. For example, in some jurisdictions a judge may sentence an offender to serve time in a boot camp instead of probation. In other jurisdictions, inmates already serving time in prison may be identified by correctional staff to be transferred into a boot camp program.

Drugs and Addiction

Like many other places, there is a serious methamphetamine problem across Queensland and with that comes undesired behaviours and crimes. As we know, not only is the problem with the dealers, addicts, families and friends it effects the whole community. Our 'legal' justice system falls dramatically short and needs a major overhaul.

It is significant the way we socially regard the condition of addiction. From my personal experience and lifelong learning, I consider it an illness and therefore more a health issue rather than a criminal or judicial matter.

We need to regard people's suffering from a condition with compassion and there is a more pragmatic approach rather than the existing one. The legislative status of addiction and the criminalisation of addicts is kind of symbolic and not really functional. I don't see how it especially helps.

Emotional difficulties, psychological difficulties and perhaps a spiritual disconnection are the reasons people take drugs in self-medicating to make themselves feel better. Taking drugs and excessive drinking is a result of psychological, mental, spiritual condition, systematic of being sad, lonely, unhappy, and detached – drugs and alcohol seems like a solution to that problem. Once the psychological, mental spiritual impetus is dealt with there would be no need to take drugs or alcohol.

If anyone suffers from alcohol or drug addiction, the best way to tackle this is abstinence-based recovery and not take drugs of any nature; whether its Government funded opiates like methadone or illegal street drugs or alcohol. These are all viewed in the same light and the support structures are put in place to maintain recovery. More research and funding into abstinence-based recovery and be able to filter people towards this new life style. People with access to the proper help and treatment can become active and helpful members of society. A need to neutralise the mindset 'toxic social threat'; that deems them as criminals and offer them treatment. Activate and incorporate them back into society.

Maintenance of drug addiction through government sponsored substances like methadone should only be deployed as part of a reduction towards the aim of abstinence-based recovery. Most people on methadone are using other drugs to supplement their habit and they're not addressing the root problems. We need to approach the victims with respect, where there has been criminal behaviour needs to be dealt with correctly but perhaps within the penal system itself, we can offer treatment to addicts. This deals with the problem and prevent further problems being committed.

Role is something people play; model is something people make – both are fake. People brave enough both celebrities and recovering addicts have a profound effect on a number of people who seek treatment and send out a very positive message that recovery is possible encouraging addicts to get help. But as we know being in the celebrity lime light can be a vapid vacuous toxic concept used to distract people from what is actually important. Some in the spotlight can make it look glamorous, interesting which doesn't help.

At June 2017 'possess illicit drugs' was the most commonly sentenced offence in Queensland Magistrates Courts. Source: Sentencing Spotlight on Offence and Sentencing Trends: Magistrates Court of Queensland," (Brisbane: Author, 2018)

A NEW APPROACH IS NECESSARY AND CRUCIAL

In the criminal justice system, there is confusion and ignorance around addiction and its quite understandable as a lot of drug addicts are anti-social and a strain on society, they're not necessarily engaged in criminal activity; they are a public nuisance.

It won't be until access abstinence-based recovery is undertaken to be able to change behaviour and significantly reduce criminal behaviour.

It is insignificant the substance they are using whether its legal drugs, street drugs, alcohol – the legal status to drugs is irrelevant to a drug addict. If they want drugs, they will get drugs. We need to regard addiction in all its forms as a health issue.

We do not do enough to intervene. Treatment and education are the future with less money being spent on policing and possession. Instead of arresting people for possession spend on education and treatment. We need to change how we deliver programmes. We need to be honest about the good and the bad of drug use. Too much negativity and not enough honesty.

Prevention and diversion programmes. To a drug addict the law is seen as irrelevant at bests it's an inconvenience. If you need to get drugs because you're a drug addict, wilful ignorance, we need to treat compassionately and pragmatically. We need to recognise the distinction that certain people will have an addiction to drugs, alcohol and ruin their lives. We need to identify these people and offer the correct treatment. There is a real argument for decriminalising so it gets treated like a health issue rather than a legal issue. There is a massive difference between decriminalising and legalising drugs. Cannabis would be the only drug you could make an argument for as there is no way you could justify to legalise use crack cocaine, heroin, ice, methamphetamines. There is no medical or legal reason why people could use these drugs. To park methadone on people for four to seven years in the state of addiction is criminal.

Honesty and authenticity and compassion around this issue so people in parliament don't look like they're out of touch.

Being arrested isn't a lesson it's just an administrative blimp. Need to demonstrate an awareness of the situation. In many ways the disease or condition of addiction does exacerbate and if you start taking drugs, you'll take more drugs, then get more drugs and then you'll end up committing crime.

The message is for people of addiction "if you have the condition of addiction there is help available and I recommend abstinence-based recovery. When people go into recovery, they have damaged a lot of people in the community, they are harming at least four or five other people in their families who are significantly distressed by that behaviour – best way of preventing on a long-term basis is abstinence treatment is when harming of families and communities stops.

It is difficult for the individual; it's difficult for the families and detrimental to the community. There are many that will die from addiction if nothing is done about it and it is completely unnecessary because there is a solution.

Consequences are astronomical it is a greedy disease, will take your money, your friends, your family, your car, your house, your body; will take absolutely everything.

Addicts are extremely annoying people to be around, they are selfish, impatient, egotistical, self-destructive, demanding and total pains.

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Professor David Nutt Centre for Neuropsychopharmacology, Imperial College, London says “unquestionably addiction has got to do with the brain”. Most people take drugs of some sort during their life, alcohol, cigarettes, but only 10% get addicted. That 10% is different because their brain is different. His experience shows addiction occurs usually through one of three things:

1. Stress – when you are stressed, you activate the amygdala and in some it reacts excessively to stress, so people think taking alcohol can dampen that down – many people become dependent on alcohol because it reduces their stress
2. Pleasure – they start to do something which is enjoyable and then they start to take the drug to reinforce that. This comes from the area of the brain that has transmitter called dopamine. If your dopamine is not working you are stiff and flat
3. Impulsivity – this is actually a very straight forward behaviour which we have modelled in animals for example and it turns out if you have a very impulsive rat it has alterations in the dopamine system in the brain. Deficiency of dopamine which the drug regresses.

There are not enough treatment centres. The current response is methadone for treatment and the Government would hope they would stop doing criminal activities to getting money for drugs and stop sharing needles. This is a nice idea and also cheaper. It is harder to get off, more addictive and rots the addict away. This approach does not deal with the problem. People on methadone have no chance of an outcome from this poor lifestyle as the addiction is still there. Methadone at best only puts a band aid on this illness and governments swapping illegal street drugs for legal drugs are not helping.

Addicts need to address the internal incentives that are driving them towards drugs and alcohol.

The costs of a program would be an offset by the reduction in crime. This is evolved thinking. Most theft is committed by addicts to get drugs. An introduction of a Crime Reduction Initiative Program through the legal system as the alternative to sending them to prison; would be necessary. The savings from this approach could be enormous. My initial research says with \$1 spent on funding programmes \$3 is saved from crimes.

People are not their disease; we need to remove the stigmatism and shame from addicts so they are no longer defined by their addiction. Resilience of the human spirit intersects with social contextual factors to set the stage for those struggling with addiction to choose a pathway to health. Addicts could be the person sitting next to you, your mother, your father, your sister, your brother, your cousin, your best friend, even presidents are not immune.

Let’s keep moving towards a shame-free way of looking at addiction but let’s not pretend that wishing the struggles away will make it so.

An earnest hug is great, but it is not a panacea. We have a lot of hard work to do.

Alcohol

Raise the drinking age back to 21.

It is more about education; teenagers and young adults who are caught drunk and disorderly or drink driving should be given the hard lesson of seeing the effects - car accidents, morgues, victims of crime associated with alcohol. Enough of the soft approach and show people the realities of their actions.

Take it a step forward and educate them in school before they even think about having a drink. Parents have a responsibility also. I know of many parties held where parents sent their underage (12-16 years in particular) teenagers off with six packs of spirits and beer. Straight away that tells them to disrespect and ignore the law. These parties have required attendance by police for vandalism, assaults and other crimes as a result. Parents should also be held responsible when purchasing alcohol and permitting their children to consume alcohol.

It would be great if a healthy approach to 'schoolies' was adopted and provide the school leavers with an alternative that will reflect community standards. Not only does the law turn a blind eye to drugs and alcohol during this period it teaches our future adults that it is ok to break the law and excuse poor behaviour.

It is well scientifically proven that until a person is fully developed alcohol has a profound effect not only the body but on the brain. Why do we not want children to reach their full potential? By allowing underage drinking and giving them alcohol is detrimental to the individual and community. On turning eighteen there are several decisions to consider on driving, alcohol consumption, attending nightclubs and licensed premises.

Professor Ian Hickie, Executive Director of the Brain and Mind Research Institute at the University of Sydney, identified that alcohol can disrupt teen's brain development. His opinion piece, published in 2009, identified that starting to drink from 12-13 years of age until your early twenties can disrupt this critical phase of brain growth. His advice was that teenagers should avoid being introduced to alcohol for as long as possible.

My questions are: Why don't we have this in place already? What is the point of loving your child only to limit them from reaching their full potential? Why teach your child to justify breaking the law? Why knowingly put your child in harm's way?

According to one recent report, almost two-thirds (63%) of drinkers aged 18 to 24 years say they drink alcohol to get drunk and one third (35%) report not being able to stop drinking once they'd started. Worryingly, more than a third (39%) are unable to remember what happened the night of a big drinking session.

We know that regulating access to alcohol significantly influences the risk of harm – recognition of this has underpinned Australia's liquor licensing laws that prevent under 18s from purchasing or consuming alcohol on licensed premises.

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But while there is strong evidence to support an increase in the legal drinking age, this is yet to translate to community support for such a change.

Young people are particularly vulnerable to the effects of heavy drinking. The harms include an increased risk of traffic accidents, injuries from violence and, some studies suggest, suicide. In Australia we have seen increasing rates of alcohol use cause hospitalisations among young Australians.

The evidence about the benefits of increasing the minimum legal purchase age is strong – it does reduce access to alcohol and reduces harm.

Raising the drinking age to 21 should be based on a person's lack of physical maturity, brain and nervous system continued development, and the impact drugs and alcohol has on the body prior to that age.

Methamphetamines and Mental Health

Stimulants — including methamphetamines, cocaine and speed were the most readily available class of drugs, with 56 sellers offering 2060 listings. This is only online! Imagine how many dealers there are on our streets on our streets. Now, guess the amount of people addicted. Government needs to act now!

Policing should be spent on the methamphetamine drug trade and not on cannabis.

Mental Health issues don't distinguish between class, education, knowledge or manners. The DSM5 (The Diagnostic and Statistical Manual of Mental Disorders) lists Substance use and abuse as a Mental Health issue. Nationally around 60% of people with a drug issue also have a mental health issue. It's probably higher locally. BUT what came first? Did the drugs cause the issue or are people self-medicating? By the time someone has a dependency does it even matter? Maybe if we spent more money on our mental health services it would have some impact. For example, on the Fraser Coast there are 14 beds for the entire 100,000 plus population who may need inpatient care for mental health issues and this is inclusive of beds made available to MCC. Whilst there are only 2 beds for inpatient detox, and they're only available for alcohol or prescription Benzodiazepine withdrawal.

Currently there is no real transitional pathway for people returning to the community either. On top of our current methamphetamine problems the methadone treatment clinic recently moved here from Bundaberg. That's good for local people who use the service but has there been any increase in anything other than clinical services and the large amount of heroin now becoming increasingly available on local streets? There has certainly been an increase in heroin available locally. Bayside Transformations Rehabilitation Programme are doing a good job, even though they receive no Government funding, but they're not for everyone because of their religious stance. We need to give people options in order for them to achieve and sustain their own individual & independent recovery. People with mental health / substance use issues are just like the rest of humanity and can't think about meeting their complex needs until their basic needs, like secure and safe housing and food are met.

In an area of high unemployment and homelessness such as the Fraser Coast, we need to provide improved access to these basic needs, work harder to engage people in appropriate Community Services and support them to get on their feet, so that they are then in the position to address their more complex needs. We should be looking at how other countries are achieving success in this area and approaching it from a model of best evidence-based practice.

No amount of extra policing or locking people up is going to change anything. A new dealer will rapidly take the place of the incarcerated one. How are we going to police the sale of 1000's of possible precursors? If a cook knows what they are doing there are many ways to make methamphetamines without using pseudoephedrine.

Obviously early intervention and education are worth a go, however, when someone has a habit, scoring is the first, last and only thing on their mind. Other things like paying the rent, bills, buying food, keeping their job, looking after their children move down the priority list. It's the nature of dependency, regardless of which drug.

A NEW APPROACH IS NECESSARY AND CRUCIAL

There are high functioning people that can keep up appearing 'normal' for a length of time, these are the hidden users that we don't see. The users that we see, at Centrelink, in court, committing crimes, at DOCS, on the street, these are the ones who are low functioning. They may not have had a trade, an education, a job, a stable home, family support, and they may have had an already present mental health issue, prior to starting meth. And they have fallen quickly. These are the ones that become stigmatised and labelled scum. Because they are visible and inform the general public's opinions.

Terrorism is what we should be calling the war on drugs in Australia. The terror methamphetamine users are causing our community is becoming a common theme. It could be anyone of us that falls victim to this at any time.

Even if someone didn't have a mental health issue prior to using, if they used out of curiosity or peer pressure; they will have mental health issues after using for any length of time. Imagine if you had two good legs but began to use crutches all the time, soon the muscles in your legs would wither. It's the same with a drug, if you use it often enough your own mental coping skills will wither, self-discipline, will power, sitting with uncomfortable feeling, control of emotions, these become withered. Yet these are the very skills you require to stop using.

Once people become embroiled in the drug and the whole lifestyle culture around using methadone (and particularly if by needle) they can't see a way out. They become reactive rather than reasonable. This is because their actions come from the emotional hind brain rather than the considering frontal cortex. This happens to everyone when we are in flight fight survival mode and having a habit is just that. The brain reacts by telling the user that it's a matter of self-survival that they need this drug. Hence cravings and peoples needing to re-act on them.

If users are to get to a stable and safe environment (based on Maslow's hierarchy of needs) they need to know they have safe and secure accommodation and income. Something they have usually burnt their bridges with by this time. Engaging people with our local community organisations (and we have some great ones) extra support and understanding from housing and Centrelink, the police and court, choices regarding treatment. These are the things that can change things around for people, especially as early intervention.

We also need to spend time educating, supporting and empathising with the families of people with a dependency. It's all too easy to enable, and parents, family and friends often feel a sense of shame, as if it's their fault, they did something wrong, they feel guilty. But each adult makes their own choices and dependent people come from both happy and unhappy families. Drug use does not differentiate.

It comes down to dollars. Fine money from possession and sale and use of illegal drugs. Tax and fine money from sale and use of legal ones. Prison and policing costs for both illegal and legal drug crimes. Tax and fine money collected for health care for both. But where is the health care for the illegal drugs? The war on drugs does not work. People are dying from it. Time for a new approach.