



Re: Open Letter to All Political, Government, Policy and Community Leaders – Legalization, Decriminalization or Depenalization of Drug Use is Not a Care-full Agenda

Dear Caring Community well-being leader,

What, or more importantly who, is driving the push to permit even more drug use in our communities? What mantras, narratives and other consensus manufacturing mechanisms are being utilised to direct, not inform, the overwhelming majority of the non-drug using public?

Normalisation of drug use is imperative if one is to enable free passage of legislative change to not only enshrine rights of the drug user, but then with commercialization, weaponize psychotropic toxins in an addiction for profit industry.

The most liberal drug use states in the [USA](#),¹ ran very similar playbook to the one being adopted by the pro-drug liberalizers in our nation. The first step is to get the 'thin edge of the wedge' in place and using all manner of sanitizing vehicles to cloak the fact that is a 'wedge' about to be hammered into the cultural narrative.

Once they got Cannabis into the current of trade – Colorado first, and now Oregon. The agenda in these settings is not best public health practice or even lessening 'criminality', but rather a one-dimensional promotion of substance use, for, among other concerning motivations – '[get more tourists](#)'² in the *addiction for profit* setting.

However, as the multiple attending harms from drug use erupt, then public health invariably must 'foot the ever-escalating bill', a cost we have seen blow out with the other long standing legal drugs of alcohol and tobacco. Of course, we have not even considered other social, productivity and welfare costs of capacity and agency diminishing substance use. As many nations are trying to rein in the devastating cost of tobacco, we see in some sectors a simultaneous inclination to unleash more – being the multiple harms of illicit drug use?

The Australian National Drug Strategy (NDS) for the first time in its 35-year tenure has placed Demand Reduction as the *priority pillar* in the important three pillar [Harm Minimisation](#)³ platform. All evidence, particularly in the health sector, points to prevention being far better than cure in all metrics, and the interpretation and implementation of the NDS should task all three pillars to the delay (very least) or denial of uptake: the reduction on all supply and supply *enhancing mechanisms* and the best health outcome of exiting from drug use.

The first questions we must ask of this legislative move to decriminalize drug use is,

- Will this action reduce, remediate, or facilitate recovery from drug use?
- Or will it further enable, endorse, or enhance ongoing drug use in the Australian Capital Territory's communities?
- Will this measure therefore signal further permission options for both current and potential drug users, thus undermining both priority pillars of the NDS, being Demand and Supply Reduction?

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What of the current or existing illicit drug user?

Unless all faculties and agency of the drug user have been surrendered to the tyranny of addiction, the choice to take an illegal psychotropic toxin is not a health issue first, it is a [behavioural one](#). Dependency and/or addiction can only occur when illicit substances are engaged. No drug use means no potential for dependency.

Again, the community concern is that any further legislative move that enables or endorses that capacity reducing and health harming choice to use illicit drugs is both bad policy and practice, on several fronts.

The *non-addicted* drug using individual in question does not need to see a doctor *first*, rather a behavioural specialist who can better compel a more complete conduct change that both benefits them and the community. This compelling vehicle will, of course, engage health and well-being specialists in the facilitated exit from drug use. However, this commences best (but does not end) with a magistrate in a **drug court**, who can better oversee the exit from the issue that is causing the harm – drug use. The simple, “I’ll pay the fine and be on my drug using way – and try and not get caught again”, option does not lend itself to proactive and protective change.

Every removal of coercive measures only weakens agency and capacity in the prevention of or exit from harm causing substance use.

Re-tasking the Judicial Educator to Rehabilitate Not Incarcerate – Not Enable another Permission Model.

“It’s not that difficult to overcome these seemingly ghastly problems [drug addiction]... what’s hard is to decide to do it.”⁴ [Robert Downey Jnr](#)

(Downy Jnr, an individual who was unable to exit the career and health destroying drug use, until compelled by the Judicial Educator – every other option only enabled ongoing drug use!)

This is where assisted decision-making is imperative.

No matter how functional the regular drug user may appear, the drug addled brain has corrupted processes due to the presence and interference of psychotropic toxins. The **Judicial Educator** effectively used, is best placed to be engaged through **problem-solving courts** as a key circuit breaker needed to help facilitate the exit from this capacity and agency diminishing haze. *Punitive action is not necessary*, if coercive mechanisms are able to recalibrate the dysfunctional posture, through drug use exiting recovery processes. This is just one reason why 'legalizing' drugs or actively changing status of drug use to 'decriminalized' is a step backwards in best-practice. Certainly, legalizing drug use eliminates this vital, individual and community benefiting intervention and it is also a care-less action for a society with increasing drug use induced harms. But decriminalizing instead of re-tasking the current laws also is that step away from better options.

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Why Calls for Decriminalizing Drug Use, is Really Not a Care-full Agenda!⁵

Anti-drug laws were always meant to be a vehicle to protect Community, family and our most important asset – our children* – from the harms caused by permission models that ‘grown ups’ believe they have the right to exercise around the use of psychotropic toxins.

These proactive and protective laws have *not been used* in any real punitive context for decades now and our families and communities are paying the price for this so called ‘progressive’ agenda.

It’s time we tasked these protective laws again in their most proactive framework – As the ‘Judicial Educator’.⁶

The law used (not in a punitive context) but as with Problem Solving Courts,⁷ to facilitate not only exit from drug use, but entrance into productive, safe, health and community benefiting narratives, that are drug free.

You don’t have to change or remove laws, but you can task that legislation to facilitate rehabilitation and recovery, as is being done more and more to great success.⁸ The existing *criminal codes do not need to be weakened*, or worse erased, through legalization or even decriminalisation. They can be used, as mentioned for diversion, but still have the coercive potential of criminal sanctions if the drug user chooses to carelessly re-offend, often with harms (deliberate or inadvertent) to those around them.

No criminal records need to be recorded if the diversion path is embraced to its effective end.

The pro-drug lobby’s completely fallacious meme of ‘*war on drugs has failed*’ only has traction for the uniformed. There has been no ‘war on drugs’ in this nation since 1985. However, the ever growing ‘war FOR drugs’⁹ continues to look to remove genuine tools that can bring best-practice drug use exiting outcomes, by mislabelling and propagandizing.

The *Judicial educator* is the perfect bookend for the other bookend of *health and education*. Together these will see, not further ‘permission’ for drug use and the ensuing uptake that always precipitates, but rather, as with Tobacco, a community with *One Voice, Once Message and One Focus* – the cessation of humanity, dignity, agency, and all too often, family devastating drug use. That should be the agenda of all drug use reduction vehicles.

The excising of any vehicle that can assist with that proactive and productive end, is not only *non-sense*, but also only lends itself to the harms that drug use does to our communities and their families.

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Once psychotropic toxins are an entrenched part of the behavioural mechanisms of an individual, whether it be short-term intoxication, or long-term dependency, the risk to health, safety and well-being of that individual and more concerningly, those around them requires more than a 'doctor' for change.¹⁰ Secure welfare engaged for rehabilitation continues to prove the safest and healthiest vehicle to assist that change.¹¹

We seem to care more for Tobacco users, than illicit drug users – Don't the latter deserve the same passionate enabling to exit drug use, with no voice of permission or approval in the marketplace?

There must be a thorough enabling, equipping, and empowering of drug users to exit drug use, even more importantly before the inevitable dependency takes hold. Any permission model – decriminalisation, legalisation or depenalization – that does not add to that capacity of drug users to move out of drug use is a counterproductive measure.¹²

Consequently, the drug using individual will more readily continue use if the only proactively coercive vehicle – The Law – is removed, further normalizing drug use and the inevitable entrenched harms this will bring.

The Judicial Educator at its Best: Law for Recovery + Drug Courts + Secure Welfare = Rehabilitation!¹³



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Endnotes

- 1 <https://www.washingtonpost.com/nation/2020/11/04/election-drugs-oregon-new-jersey/>
- 2 <https://www.marijuanamoment.net/colorado-governor-tells-texas-not-to-legalize-marijuana-so-his-own-state-can-get-more-tourists/>
- 3 <https://www.dalgarnoinstitute.org.au/images/resources/pdf/aod/NDS2017-26Final.pdf>
- 4 <https://clearskyibogaine.com/robert-downey-jr-and-drug-addiction/>
- 5 <https://www.abc.net.au/news/2020-08-25/calls-for-drug-rehabilitation-to-replace-criminal-punishment-qld/12588392>
- 6 <https://www.bbc.com/news/uk-northern-ireland-43423007>
- 7 https://www.dalgarnoinstitute.org.au/images/resources/pdf/aod/aod-policy-documents/141218_evaluation_of_the_drug_court_of_victoria.pdf
- 8 <https://www.miragenews.com/records-broken-at-australian-first-drug-treatment-prison/>
- 9 <https://www.dalgarnoinstitute.org.au/advocacy/dalgarno-aod-policy/757-peoples-voice-drug-policy-futures-2019.html>
- 10 <https://www.nobrainier.org.au/index.php/teacher-tools/get-a-clue-ice/479-the-real-and-innocent-victims-of-i-wanna-get-high-ice-culture>
- 11 <https://www.nobrainier.org.au/index.php/resources/i-need-to-stop-this-help/532-we-do-recover>
- 12 <https://www.nobrainier.org.au/index.php/teacher-tools/get-a-clue-ice/62-ice-wasn-t-andy-s-first-drug>
- 13 <https://www.miragenews.com/records-broken-at-australian-first-drug-treatment-prison/>
- 14 Alternatives to Incarceration Video <https://youtu.be/IGr6FNewRgc>
- * <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5473055/>