

PHAA Report on Implementation of a Needle and Syringe Program at the Alexander Maconochie Centre: Public Consultation

Comments on the proposed needle and syringe program

Having read Michael Moore's Report, I strongly support implementation of the proposed program. In particular, I support the recommended model 3(b) i.e. a contained NSP operated by contracted NGO staff.

Model 3(b) would appear to best meet the concerns of AMC staff expressed through the CPSU, and should assist the prospects of prisoners accessing professional help to address their drug use.

Based on (a) the evidence of similar NSPs that are already in operation overseas, and (b) common logic, I do not believe that AMC staff are threatened by the use of needles as weapons. It seems to me that this concern may be masking another concern: that the program would condone something that is illegal, i.e. possession of illicit substances. I want to comment on both of these.

Needles/syringes as weapons

The Moore Report (5.1.1) discusses the likely reasons that there have been no such recorded attacks in prisons with NSP programs. These seem to focus on prisoners accepting the need to manage their behaviour in order to be part of the program. But additional reasons could be:

- The prison authorities' physical control over issuing and disposal of the needles and syringes;
- The range of other weapons options for prisoners who really do want to be violent
 - No one is suggesting that the threat of violence is not an issue in prisons – we are talking here only about needles/syringes as weapons;

I recall one case in Australia many years ago where a prisoner officer tragically died from AIDS as a result of an attack with a blood-filled syringe. But I do not see how this can be used as an argument against a controlled NSP, as the attack was with a contraband device. At worst, the attack could have occurred whether or not an official NSP had existed, if the prisoner was so determined. An NSP would not have contributed to the attack. But it is possible a NSP might have removed the incentives for smuggling in the needle/syringe that became a weapon – something we will never know for sure.

On this question, I believe the evidence is clear: that the proposed NSP will create a safer environment for prison officer and for prisoners. There is no evidence to support the CPSU's objections.

Is it condoning illegality?

Harm minimisation has long been government policy in Australia for limiting the harm from illicit drug use, and has been very successful in limiting the spread of blood borne diseases. This approach has been generally accepted in the wider community, recognising that (a) illicit substances are being injected (whatever we think of this), but that (b) the harm from injecting

drugs can at least be minimised. This concept should be no different inside prisons: all the health and medical services available to the wider community should be available also to prisoners. This is the Government's stated requirement for a human rights-compliant prison. Do the prison staff - who seem determined to thwart the NSP – believe convicted criminals have no such rights? Prisoners are in the AMC as punishment, not for punishment.

Other points

Wider health benefits of a NSP

Most prisoners are incarcerated for a limited time, and then released into the wider community. Preventing prisoners contracting blood borne diseases while in the AMC will have obvious health benefits for the wider community.

It is also reasonable to expect flow-on benefits in the form of longer term cost saving in health expenditure.

Health benefits for prisoners

Providing a safe, non-judgemental environment for prisoners to inject should also lead to contact with health professionals and enhanced opportunities for addressing their drug habit. Realistically, the average stay of a few months is unlikely to see prisoners released as “drug free”, but should at least enhance their ability to address their health issues on the “outside”.

The “alternative”: preventing the entry of drugs and drug paraphernalia to the AMC

Much has been written and discussed about the possibility of successfully preventing drugs and needles/syringes from entering the AMC. Numerous letters in the *Canberra Times* canvass methods for achieving this, and many people find it hard to accept that contraband cannot be blocked. I am not an expert on exactly what measures are in place now at the AMC, nor all the ways that people can get contraband through, but security methods that come to mind include:

- Thorough security checking of visitors and their belongings
- Strip searches of prisoners and their contact visitors
- Body cavity searches of prisoners and contact visitors
- Monitoring all communication between prisoners and their visitors

But contraband still gets through. While not wishing to impugn the integrity of AMC staff, security would need to be far more demanding. For example:

- Full strip and cavity searches for everyone – including all staff (at all levels-no exceptions) – on entering and leaving the prison and each part of the prison;
- Complete, detailed search and dissection of every item, material, supplies, food, etc entering and leaving the prison and each part of the prison
- Removal and careful examination of female and infant hygiene items
- All of the above methods would need to be applied in turn to those carrying out the above searches (who would do this?)

But all the above procedures would almost certainly still not be enough, even if they were considered acceptable. I am only making the point that a prison free of contraband is not an option.

Threats by the AMC staff

I believe the Government should persevere with the proposed NSP, notwithstanding the threat by AMC staff to block its implementation at every step. This is not industrial action like a teachers' strike that stops work for a day or so. This is a threat to permanently block the implementation of a legislated government program. The Government must put the onus on the CPSU and AMC staff to meet the consequences of refusing to do their jobs. If the Government decides to simply abandon this proposed program after all the work put into it, then it will represent an appalling lack of resolve.

Conclusion

The proposed NSP represents a unique opportunity for the ACT to break the mould of prisons in Australia and to establish a fully human rights compliant prison. It would be a first for Australia but would be doing what has been successfully implemented in several other countries. We would not be far ahead of the world. It would provide a great opportunity to improve the short and long term health outcomes for the prisoners and the wider community. It is simply a "no brainer" as the Chief Minister (as the then Health Minister) once said.

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