

SUBMISSION

To

**HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON
FAMILY AND COMMUNITY AFFAIRS**

INQUIRY INTO SUBSTANCE ABUSE

‘THE SAD CASE OF BONNY AND CLYDE’

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Introduction.

In May this year, my stepdaughter (Bonny, 19) was sentenced to 4 years jail with a non-parole period of 1 year, for property offenses committed to feed a heroin addiction. This is not an unusual case – a high proportion of young females in jail are there in similar circumstances.³ The waste of young lives is a sad thing, as is the traumatic effects on families, and the broader economic costs of the ‘drug crime problem’ should figure more ‘rationally’ in social and economic policy decision making. Certain aspects of this particular case may be of interest to the Committee, since the case illustrates certain ways in which the justice system, and the broader social system, is profoundly failing young people and their families.

This submission addresses the first and second of the terms of reference

- Family relationships
- Crime, violence (including domestic violence) and law enforcement.

Brief Chronology

It is necessary to briefly canvass the bare facts of the case. Like many young people, Bonny experimented with drugs, but it was only on meeting Clyde that she took the step to heroin use. In October 1998, Bonny’s mother discovered she was using heroin, and immediately entered a prolonged and deep depression. Bonny’s relationship with Clyde ‘blossomed’, and they were permitted to live in our house together, on condition they refrained from drug use (heroin in particular) and made progress at school. Soon our property started going missing, they burgled the next door neighbour’s house, Clyde was required to leave, and Bonny followed. Both moved in with Clyde’s mother, from whom they also stole. Stolen property was located in pawn shops, and the police were informed. Our hope was police intervention would deflect them from drug use. However, police intervention was tardy and unsatisfactory, and Bonny and Clyde seemed to be able to continue their pattern of theft and drug use with impunity. The crimes progressed to car theft. Bonny and Clyde were on several occasions temporarily incarcerated, but bailed to drug rehabilitation units, from which they either left or were thrown out. It was not until December 1999 that the crimes they committed were deemed to be of such a serious nature (bag snatches, bordering on serious assaults) that they were refused bail. They were both finally sentenced, as mentioned above, in May, 2000.

² ‘Bonny’, and ‘Clyde’ are pseudonyms. Bonny is my stepdaughter (19 years of age), Clyde (also 19) is her (hopefully soon-to-be-ex) boyfriend and co-offender.

³ Figures quoted in newspapers suggest as many as 75-80% of crimes committed by incarcerated young female offenders are ‘drug related’. The Committee will of course have access to the correct figures.

The case reveals a number of disturbing ways in which our legal, economic and social system has failed many like Bonny and Clyde, and is also failing to protect ordinary citizens from those like them. The following are some specific points that the case of Bonny and Clyde illustrates.

1) Pawn Shops are Key Ingredients of the ‘Drug Problem’

Pawn shops provide the means by which stolen goods can be converted to cash to purchase drugs. To be in possession of stolen goods, and to sell them, is an offence for the ordinary citizen, but not, it seems, for pawn shops. Pawn shops (sometimes? often?) purchase goods which a reasonable person would suspect are stolen, from known junkies and thieves, and sell them to others (at high prices, it may be added) with apparent impunity. When it is pointed out that they are purchasing stolen goods from junkies, ‘appropriate concern’ is expressed, and the offenders blacklisted on computer. Or, so one is told. But within a brief period of time, the transactions recommence. Information (for instance, from whom the pawn shops purchased goods identified as stolen) is withheld, ‘to protect privacy’. Nor can one view goods kept under the name of a known thief. Yet, pawn shops seem to be less concerned to protect the personal information about people who identify goods as stolen. At least one has passed information to a known junkie thief about a victim ‘making trouble’. Pawn shops trade on and perpetuate drug addiction, by providing a ready market for the proceeds of countless petty crimes. They are therefore a foundation of ‘the drug/crime problem’.

2) The ‘Justice System’ – Law Enforcement and the Courts – is Failing

(i) Pawn shops

The above situation could clearly not exist without major failures of law enforcement. The mechanisms which perpetuate the police’s lack of success in preventing pawnshops dealing in stolen goods are matters on which I would not like to conjecture, but they may provide fruitful lines of inquiry for the Committee.

(ii) ‘Justice Delayed is Justice Denied’

(a) The Police

In the case of Bonny and Clyde, there were many instances in which prompt action by police was not forthcoming, while the actions of the judiciary sometimes bordered on the incomprehensible. There was a cycle of arrests, bail, further offenses, further arrests and bail. These had the effect of leading the offenders to think there were no consequences of their actions. Prompt action at an early stage may have short-circuited the descent into criminality, before the hardening of attitudes to the police and the law. As mentioned above, Bonny and Clyde’s families encouraged police intervention, on the assumption that jail was preferable to death by overdose. However, these efforts were marred by lack of promptness of response – with one or two stellar exceptions. Lack of promptness may be due to under resourcing of the police – too few officers in relation to the number of

cases – but there also seemed to be failures of procedure. As to the former, one could get a case ‘prioritised’ by complaining, but while this may help one’s own situation, it does not help the situation in general. As to the latter, it seems to be police procedure that one officer have carriage of a particular case. If that officer is off duty (or on leave) progression of that case ceases. This is not satisfactory in life threatening instances of heroin addiction, where families are seeking to cooperate with police, and where prompt action is crucial. In our experience, the time lags between informing the police and any action being taken were far from acceptable.

(b) The Courts.

One must question the decisions of individual magistrates to bail offenders who have repeatedly offended, and show no signs of recovery from that which is causing them to reoffend. There should also be a means for families to put to the magistrate a case as to why their children should not be re-released into the cycle of heroin addiction and crime. This could be through the police prosecutor but, in the case of Bonny and Clyde, it proved impossible to contact the police prosecutor at crucial times.

The ‘attitude’ of the Courts to their tasks is sometimes arbitrary, high-handed, lacking compassion, and compounds the grief of families seeking to progress ‘their’ cases. Once the offenders are brought before the Courts, their matters may be adjourned, for what seems like no good reason. Administration of paperwork is bureaucratic, in the worst sense of the word. [In our case, sentencing was adjourned three times, the last time because a police officer could not be found to bring the accused up from the cells. This next to a police station!] This is all lost time for families attending court – costly in terms of their personal incomes – and imposes a further waiting period on families and accused. In our case, the interval between the first offense and the final sentence for that offense (and others) was about 17 months.

3) Rehabilitation?

The case of Bonny and Clyde reveals failures of the drug ‘rehabilitation’ system. On at least two occasions, they were bailed to a drug rehabilitation unit, from which they quickly absconded or were ejected. It proved impossible for them to abstain from drugs, even when subject to formidable sanctions, like the threat of jail terms. The lure of heroin to an addict, and its corrosive effects on personality are, with notable exceptions, too strong for ‘voluntary’ rehabilitation to be successful. [Indeed, the very concept of volition becomes problematic, as heroin captures the individual’s will.] The figures on ‘success’ of rehabilitation are woeful.⁴ This is not an argument for giving up on rehabilitation, but for dedicating far greater resources to it, and for questioning its nature and methods. Among these lines of questioning and inquiry should be the following considerations.

⁴ Which the Committee no doubt has access to. My (admittedly lay, and anecdotal) understanding is that less than 5% of heroin addicts leaving rehabilitation will not relapse within 6 months.

- *Rehabilitation is too easy to leave.* Rehabilitation is an area which falls between the stools of law enforcement and social work. What is needed is *compulsory* rehabilitation, from which addicts cannot leave ‘voluntarily’. There are no such institutions in Australia, which approximate jails as much as conventional ‘rehab’, of which I am aware. I understand there are some exemplars in countries like the Netherlands.
- *Rehabilitation places are at once too unavailable, and too easy to access when found.* Numbers of places are highly restricted, due to underresourcing, yet many drug rehabs seem to accept people that are clearly not going to succeed, and some that are at different stages of detoxification. So, an addict who has gone through the first stages of withdrawal, needing to muster as much willpower as possible, may be placed alongside someone who is whining for a hit. That is, the mixed nature of rehabilitation populations exposes those who have some chance of succeeding to unnecessary and unproductive temptation.
- *Rehabilitation institutions should be staffed by professionals, paid at appropriate rates.* Many drug rehabilitation units are run by people without proper training, and on very low rates of pay. This is a consequence of government decisions to cut back funding, and, as suggested below, is highly counterproductive.

The argument for ‘compulsory’ rehabilitation is supported by Bonny’s experience. Once incarcerated, and denied access to drugs, she reasonably quickly retained mental equilibrium, and has set clear goals for herself. This should not be seen as an argument for jail as an alternative to rehabilitation, because jails are universities for crime, and in any case are often not drug free. But Bonny’s experience illustrates that the element of compulsion inherent in incarceration could be turned to the ends of rehabilitation.

This calls for careful institutional design. Such institutions would be mixes of conventional jail and rehabilitation. They would be resourced at a far higher level than currently, so that the best professionals could be employed there without opportunity cost. They would compel inmates to stay there until detoxed and for a period of time till some individual autonomy returns. The precise nature of the compulsion could exercise the minds of civil libertarians and legal experts. Perhaps such compulsory rehabs could be an alternative to jail, which the addict might ‘freely’ choose, but be bound by a ‘contract’ to stay. These institutions would provide an alternative to rehab (ineffective) or jail (training for further crime).

4) Failures of the Economic System: Exercising the ‘Political Imagination’.

Bonny’s inability to get an apprenticeship, or indeed anything else comparable, was a crucial factor driving her into crime and drugs. As she approached the end of her schooling, she started to seek employment, ideally an apprenticeship in the motor trade. During work experience, she revealed she possessed essential employment competencies: the ability to get to work on time, and to work under the direction of an employer, with enthusiasm, and without insubordination. Yet no suitable employment or training could be found for her. This is typical, and is in large measure a consequence of structural change and the general loss of employment of the past, say, 25 years, which has largely

obliterated the demand for unskilled workers. It is compounded by recent cuts to training and labour market programs. It can be taken as *desiderata* that loss of employment opportunities is associated with crime, drug use and suicide. Admittedly, drug use and associated crime are consequences of other causes than the failure of the employment system. But some proportion – certainly a large proportion – of crime and drug use could certainly be traced back to it, and it is that proportion with which we are here concerned. To fix this situation requires a major exercise of the political imagination, and the political will.

Economic ‘rationality’ might, one hopes, lead to some reshaping of the employment relation for young people. Australia is having difficulty providing meaningful and properly remunerated work for young people (and older ones, besides). Successive moves by Government have put in place ‘youth wages’, ‘training wages’, and so on, which have dramatically reduced the returns to employment for young people. They have also restricted young peoples’ access to unemployment benefit. For the sake of argument here one gives the thinking behind this the benefit of the doubt as to motivation. [Although this thinking has a certain taint of the self-serving about it.] Such thinking is that young people ‘price themselves out of jobs’ if employers are forced to pay ‘adult’ wages. Therefore, if young people are paid less, then employers will employ more of them, and that’s better for young people. The cost, of course, is that the returns to employment for young people are reduced, and employment is often perceived as profoundly inequitable, stretching endlessly into the future, and one has no alternative to it (save unemployment).

However, the employment relation is not only a means to generate profit for an employer, but the means by which young people are socialised into the world of work and into the mores of the broader society. Yet to give the employment relation for young people its true status, as gateway to adulthood and citizenship, requires some creative thinking and institutional design. The key is public sector job creation for young people. The strategy of forcing young people into employment by reducing their cost to employers, and by reducing the attractiveness of a life of unemployment, has had its day. The private sector has shown its inability to generate sufficient jobs of a high enough quality to employ enough young people, even when subsidised through training schemes that border on the fraudulent.⁵ The cost to the public sector of creating jobs for young people can be set against the cost of dealing with the consequences, properly assessed, of not doing so. Such an exercise would consider: the costs of building prisons and running them; law enforcement and police time; the costs to the health system of caring for the casualties of drug use – those that do not die, that is – and the costs in terms of foregone ‘productiveness’ of those that do. In here somewhere would have to be computed the costs of family distress when a family member goes down the path of heroin.

⁵ As the recent Schofield report uncovered in the case of Queensland’s trainee system, and as Senator Carr’s inquiry will no doubt uncover in the Federal system.

5) Dynamics of Heroin Addiction in Families

Heroin addiction of a family member unleashes profoundly disintegrating forces upon the family unit. These can be portrayed in general terms, and they demand considerable community support, to counteract their destructive effects. The addict puts the need for heroin above all else, including pre-existing familial relationships. However, the addict will use whichever of those relationships are susceptible to providing money and, therefore, heroin. These susceptible relationships are then placed in tension with the other, less susceptible ones. To illustrate, Bonny used the close relationship to her mother to gain money and other forms of support. Bonny's stepfather was less inclined to be supportive in the sense of providing money and resources to support heroin addiction(s), and this caused conflict between Bonny's parents. These became troubled waters, in which Bonny – and Clyde – could fish, opening powerful tensions between Clyde and the stepfather. Bonny's mother was racked with indecision and a number of emotions that led quickly to severe depression. The key point is that these dynamics are often quite predictable, given the nature of heroin addiction. A network of counsellors should be readily available, and known to be available, to counsel the families of drug addicts to warn of the pitfalls, and offer guidance and support.

Conclusion and Recommendations.

Many of the observations mentioned above will be well known to the Committee. However, it is to be hoped that the exercise of writing them down and submitting them to the Committee is worthwhile. The observations generate the following recommendations

1. Police and other resources be dedicated as a matter of urgency to tighten up the operations of pawn shops, if necessary by prosecutions for receiving stolen goods.
2. Police operational procedures and culture be reviewed with a view to improving liaison between police and concerned family members in cases of drug addiction, for instance by establishment of a special Community Liaison unit.
3. The Community Liaison unit could facilitate direct access to police prosecutors for families of drug addicts (and possibly for other offences).
4. Court procedures should be reviewed as to whether they are effectively meeting the needs of the community. The review should focus on reducing length of time between arrest, prosecution, and sentencing.
5. The operational procedures of drug rehabilitation units be reviewed as a matter of urgency, to investigate the level of resourcing and professionalism of decision making processes, and the feasibility of compelling addicts to complete rehabilitation programs.
6. An inquiry be undertaken to compute, utilising reasonable economic criteria, the true costs of youth unemployment with a view to justifying (against economic 'rationalism') costs of public sector job creation for young people. Employment to be justified on grounds of social and economic 'usefulness', but broadly defined.
7. A network of counsellors be established to specialise in drug-related counselling, especially for families of drug addicts. The network be contactable by telephone, widely advertised, and financially supported by Governments.