

Britain's first syringe vending machine now available

The Lifeline Project in Manchester is making the country's first syringe vending machine available to other agencies as an alternative or supplement to syringe exchange services. This first machine is likely to be sited on health authority premises in Manchester, but Lifeline hopes other local or health authorities will take up their offer to lease or buy the equipment.

Produced for Lifeline by Vending Technical Services, the machine is operated by a special token and incorporates a safe disposal chute for used injecting equipment. Cost has not yet been finalised but will be in the region of £5-600 to buy or £60 a

quarter to lease.

Each dispensed packet will contain needles, syringes, condoms and swabs plus a new token. Lifeline settled on tokens because of the potential 'leakage' problem from coin-operated machines. Machines operated by inserting used syringes were rejected mainly because of the expense. These machines would also have been effectively closed to injectors who had already disposed of their used equipment.

Lifeline director Rowdy Yates recognises that a crucial issue is how users get their first token – effectively a free ticket to unsupervised and repeated supplies

of injecting equipment. He reasons that most districts already have mechanisms in place for deciding whether someone is genuinely an injector as part of their existing syringe supply or exchange schemes or treatment services.

Initial screening could be done by these services or by detached workers. There is also the possibility of changing the token shape after a given period to force users to return for a fresh assessment.

One potentially controversial issue is whether health authorities and voluntary agencies will look upon the machines as a way to cut the costs of operating a

staffed syringe exchange.

Syringe exchanges have developed into multi-purpose services offering health care, social welfare advice, and a route into treatment as well as injecting equipment. A trend to their replacement by machines could be a net loss in services.

The machines could come into their own by supplementing exchange services with 24-hour availability of equipment or in areas with an injecting problem which does not warrant the expense of a staffed exchange. The first machine may augment the services of an understaffed syringe exchange unable to operate its intended hours.

Law reform group rejects decriminalisation

A report heralded as likely to lead to a "parking fine" approach to cannabis possession offences (*Guardian*, 14 November 1990) is expected instead to propose no reduction in maximum jail terms for most offenders and that police retain the power of arrest. A debatable interpretation of Britain's international obligations apparently led the group to believe that legalising cannabis possession was out of the question.

The prestigious Justice committee – British section of the International Commission of Jurists – will be considering its working party's report in the next few weeks. Justice's initiative comes when diversion of offenders from custody is a priority in Britain, and when internationally the drug legalisation lobby has gained high-powered supporters.

What the report has to say on these issues could make an

important contribution to both debates, with this year's Criminal Justice Bill offering an opportunity to implement any changes.

The Justice working party aimed to investigate whether criminal law was the way to control drug use. A central issue was the possession of cannabis – the most controversial use-related drug offence and one that involves nearly 80 per cent of all drug offenders.

They decided that to legalise cannabis possession Britain would have to withdraw from the UN Convention on Narcotic Drugs – a politically unthinkable step which would make the UK a pariah in international drug enforcement circles.

But this interpretation of the international legal framework was questioned by the UN itself in the mid-70s. Their lawyers concluded that the convention did not require

penalisation of personal use – though states could do so if they wished (see below).

Convinced that international agreements did require a cannabis possession offence, the Justice working party will probably recommend cannabis be demoted to class C of the Misuse of Drugs Act.

This would not cut maximum prison terms for the vast majority of offenders who are tried at magistrates' courts, but would reduce maximum fines, by far the more common punishment. If tried before a judge, the maximum penalty would be cut from five years to two.

For some working party members, the crunch implication of this was that cannabis possession would then cease to be an arrestable offence under the Police and Criminal Evidence Act (PACE). Swayed by arguments

that this would render the law unenforceable – and rob police of the chance to search for more incriminating evidence – the working party is likely to call for a special provision to retain the power of arrest.

While police may find it useful to be able to arrest what in 1989 totalled over 30,000 people (see this issue of *Druglink*, p.15), this is where the main drugs field representatives on the working group may part company with the majority. SCODA policy and Release's civil liberties concerns are almost certain to force their directors David Turner and Jane Goodsir to dissent.

Release believes that if implemented the Justice recommendations would not represent a net advance in the legal position of drug users, and may pull out altogether.

On the offence of supplying drugs, the group may call for what many feel is a long overdue distinction between supply for gain and 'social supply' between friends, as when a cannabis joint is passed round. This is likely to be widely supported in the drugs field as meaning users who share drugs will no longer face a theoretical maximum of life imprisonment and the stigma of being a 'trafficker'.

On diversion of drug offenders out of the criminal justice system, the liberally-minded working group is certain to encourage existing developments, but new proposals are unlikely.

Do UN agreements ban cannabis decriminalisation?

In an article in the *UN Bulletin on Narcotics* (Oct/Dec 1977), UN lawyer Alfons Nolls attempted once and for all to clear up the "confusion and misunderstanding" on the possession issue.

Nolls emphasised that "possession" of drugs for personal consumption is not to be considered a 'punishable offence' by a Party to the [Narcotics] Convention... The whole international drug control system envisages in its penal provisions the illicit traffic in drugs".

As the UN Secretary General admitted in the official commentary, confusion over possession arose because a late redraft of the convention omitted chapter headings.

The heading left out in the section on penalising possession read "Measures against Illicit Traffickers", implying that only possession of drugs in the course of trafficking had to be an offence. (UN, *Commentary on the Single Convention on Narcotic Drugs 1961*, 1973.)

The respected Canadian Le Dain Commission explained in 1972 that while the "prevailing view" is that personal use must be penalised, a closer reading of the convention allows the interpretation that "one may take measures which will have the effect of restricting use to medical and scientific purposes without necessarily making use or simple possession for other purposes a penal offence". (Commission of Inquiry into the Non-Medical Use of Drugs, *Cannabis*, 1972, p.210.)