



Transcript provided by the Kaiser Family Foundation¹
(Tip: Click on the binocular icon to search this document)

**Law Enforcement Leaders for Public Health and Rights
Kaiser Family Foundation
July 19, 2010**

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

[START RECORDING]

TOM LLOYD: Active law enforcement leaders for public health and human rights. I think I caught the camera man on the hop there.

My name is Tom Lloyd. I was a policeman for more than 30 years in the United Kingdom and retired as a chief constable, a chief of police about five years ago. Since then, I've been involved in drug policy reform work and in particular more recently engaging with the police and what they can do to bring about drug policy reform and reduce harms and ensure that human rights are protected.

Now, let me introduce the panelists. On my far left, Datuk Zaman, a very distinguished man who served in the Malaysian police force for 35 years and during his years of service he held several key positions.

He was commissioner of police, director of criminal investigation and the director general of the prisons department. In May of this year having served as vice president, he was elected as the president of the Malaysian AIDS council for the term 2010, 2012 and as I haven't seen you since then congratulations.

DATUK ZAMAN: Thank you.

TOM LLOYD: He also graduated from the World College of Defense studies in the United Kingdom and it's a very distinguished item on his crook and Vitae. He also holds a

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

graduate certificate in management from the Monash Mount Eliza Business School.

To my left is Geoffrey Monaghan. He's the regional drug and HIV/AIDS expert with the United Nations Office of Drugs and Crime office for Russia. He's lived and worked in Moscow since 2005.

Prior to that he served as a detective sergeant in the metropolitan police service near Scotland Yard in London and he was a specialist in drug policy and drug enforcement strategy. I think you probably still are, even though not a serving police officer.

He was a member of the justice committee of experts on drugs and law in 1991 and justice is the British section of the International Commissions of Jurists. He was a staff officer to the association of chief police officer's drug subcommittee, so he's got a really in-depth knowledge of UK drug policy and policing. He's now a member of the editorial board of substance use and misuse and an associate researcher with Simian [misspelled?] Research Center, Rome.

To my right, delighted to welcome Alexander Zelitchenko who was born in 1957, in Kyrgyzstan. He's a police colonel, an academic researcher as well as a member of the Journalist Association of Kyrgyzstan and of the National Writers Associate of Kyrgyzstan and he's just given me a book that's he's

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

written, so I'm not just describing somebody in the abstract. He's actually written something, so thank you.

He was among the founders and first leaders of the special drug control service under the Ministry of Foreign Affairs and the state commission on drug control under the government of the Kyrgyzstan Republic.

He was also chair of the Kyrgyzstan organization of the international association on combating against drug abusing and Narco business. He's been a member of the United Nations and OSC Emissions to the Vulcan countries. He was a team leader for the international police instructors for the post conflict area in south Serbia and he's trained more than 700 police officers in crime prevention, anti-drug police activity and community policing issues.

He's the director of the Central Asian Center on drug policy and the head of department on analysis, strategic planning and International Corporation, senior department on drug control, minister of interior Kyrgyzstan. He published numerous articles and essays, etcetera. I think just on the basis of what you've actually, you've kind of beat us all, I think.

ALEXANDER ZELITCHENKO: Yes.

TOM LLOYD: [Laughs]. Those are our three panelists. I'm delighted that we've got such a good audience to listen to what we hope to interest you with. The background clearly in

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

law enforcement. You may wonder why we're here at an international AIDS conference. To me, the link is extremely clear and compelling that whether it's intentional or not law enforcement sadly contributes extensive to the spread of HIV/AIDS throughout the world.

There are some examples where countries have adopted, for example, needle exchange programs where the incident of AIDS has not increased as it was once predicted in the 1980s, but other countries where that hasn't happened and we are tragically seeing a huge increase in HIV/AIDS. There are harms in my view that outweigh the benefits with our current approach to law enforcement.

In my 30 years of policing in the United Kingdom, which in some ways is an enlightened country in terms of its approach to harm reduction, my experience is that our approach has been a failure. It's been very expensive and it's been counterproductive. Not just in terms of driving risky behavior by intravenous drug users because the use of drugs is illegal, but also in convicting many people who in my view shouldn't have been convicted and I'm responsible for some of those convictions as I'm sure some of my colleagues will share with me. That's when you look back on that and think maybe that wasn't the best thing we could've done.

Actually, at the core of this that I believe if human rights, if harm reduction is going to gain more purchase,

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

deliver greater benefits as we all want, we must engage with law enforcement. I know that there's a big gap between the understanding of many law enforcement officials about what is right to do compared to the understanding from people who work in support of drug users, who work in support of human rights, who work in support of harm reduction.

I'm currently leading a project for the International Drug Policy Consortium recording [misspelled?] law enforcement project and the core of that project is the desire to bring law enforcement and other people working for human rights enhancement and harm reduction together to engage in a dialogue so that understanding increases and ultimately the behavior of law enforcement changes. The job of law enforcement is to serve and protect. It's not to oppress and abuse, but the system can drive that.

I believe there are many police officers who don't want to do that and it seems to me there's a real opportunity and a need for those engaged in the harm reduction and human rights business to look at police in certainly fresh eyes and say you may be doing things with which we disagree, but we want to work alongside you so that we can start changing the way law enforcement operates. That's the core of what drives me and my work at the moment.

Now, what I'd like to do is to ask the panelists just to speak briefly on a couple of topics and they'll be talking

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

from their own experience, but at the same time I'm hoping that there are some cards, questions cards that will be passed around to you because I am interested after they've given their initial introduction in hearing questions from you.

If you put them on cards, they'll come to me and then we can have a session so that some of your concerns and interests get reflected in the discussion and so that way I think we'll get a much richer opportunity to hear what the panelists have to say.

There are two key issues I want the panelists to address in the first instance which is why law enforcement and, if you like, public health workers have this different understanding, this different prospective that prevents good, collaborative working and what can be done about that in a practical way so that law enforcement can actually be engaged in public health issues as part of the core business of policing, which is as I said I believe is to serve and protect and protect people from coming to harm.

I invite Datuk Zaman in the first instance just to give us some thoughts from your prospective in Malaysia about why we've got this problem and some of the practical issues that can be addressed.

DATUK ZAMAN: Yes. As a policeman, I've dealt very hard [inaudible] on the criminal, particularly the drug users. I used too -

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

TOM LLOYD: Datuk, we need to make sure his microphone is turned up.

DATUK ZAMAN: Can you hear okay? Thank you.

TOM LLOYD: Okay.

DATUK ZAMAN: Well, as a policeman, I used to be very hard on the people that use drugs. The reason is I think they contributed quite a figure [inaudible]. The public wants you to take action. Of course, the public is not aware about the harm that we're going to cause by doing what we call [inaudible].

[Inaudible] is [inaudible] tow you take everything on the ocean floor, but when I went to the prisons not that I was convicted [inaudible] general I begin to realize that what we had done in the past is not right. It's not right actually.

These people need the attention. They need [inaudible]. More than that, I think they need treatment and care, which is a human right. When I went to the prison, one of the first thing I tell my prison officers was a prisoner only loses his freedom [inaudible].

He loses the right to freedom. He [inaudible] perimeter. After that, he's entitled to proper treatment, proper food, proper rest and proper respect. I think when I saw the HIV people in prison, I began to realize that we need to help them and I think [inaudible] the police law enforcement agencies actually [inaudible]

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

The proper thing to do actually. I come from a country where there is zero tolerance for drugs. They said by 2015 Russia should be drug free. I think I put in my note [inaudible].

[Inaudible] is I think for the law enforcement agencies to appreciate that these people — that the police can play a role, a very important role, in getting treatment and care to the people who are living with HIV. But sad to say even now, although we have introduced [inaudible] exchange for the past two years and we have [inaudible] for the past five years or so, we still continue to have harassment from the law enforcement. There are two major agencies actually the anti-drug agency and the police force.

[Inaudible] I've been told that the general [inaudible] anti-drug agency has put the enforcement group [inaudible] begin to take more on the treatment and care. Well, I think [inaudible]. Thank you.

TOM LLOYD: Thank you very much indeed, Datuk. It's interesting there that what Datuk said in the beginning and this is an issue for police that must be responsive to the community they serve, the whole community, is that the public demand harsh action against drug users, but they're also not aware of the harms that rise out of that.

The media are very happy to carry a story about a drug raid or something like that, but they tend not to link that

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

raid and that enforcement with some of the harmful consequences.

I'll turn now to Geoff please for, again, your thoughts on the same issue, where we got this program and some of the practical issues from your perspective that could be done about it.

GEOFFREY MONAGHAN: I think a lot of the difficulties really are linked to performance indicated, police performance indicators, public expectations as you've already alluded too, the political rhetoric, crack down on drugs, various [misspelled?] enforcement policies which sometimes obviously lose their way if they're ill-defined not sufficiently articulated enough to be translated into more effective operational responses.

Having said that, I think that there's a growing number of police officers, police services, throughout the world who are ready to embrace a harm reduction approach. I think the trick is from there is how you actually embed harm reduction principles in policing practices and do you for example stop arresting people in possession of small amounts of drugs?

TOM LLOYD: Yes.

GEOFFREY MONAGHAN: But if you do that do you then miss out on opportunities to uncover, detect other more serious offenses. We know from the research. We know from our own experiences that that is sometimes the case and then how do you

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

make that particular transition palatable to the public because if the public are left with the impression that police no longer care about minor drug offenses that they won't respond to groups of people using heroin in public places or smoking crack cocaine in public places. This could also have an adverse effect on public police relations, so there is a difficult there.

I think there's a lot of good practices now, in a number of countries and I would say the UK, Australia, some Canadian cities, some cities in America as well, where really it is possible to achieve this balance of, as I say, responding to the public needs, public expectations and actually at the same time making sure that police activities, law enforcement activities support rather than thwart public health ambitions. As I was saying, there's growing literature that shows that it is possible. It's the ripple.

TOM LLOYD: You started off there talking about performance indicators and I think that, certainly, the perspective of UK, not just in policing, but actually in the health service and education is that performance indicators haven't helped make progress because often the indicators chosen, the ones that are relatively easy and, certainly, in the drug world, the drug enforcement world, police behavior in arresting, seizing users, arresting dealers and in seizing drugs is reinforced by the fact that those are highly regarded

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

performance indicators by political masters as well as by the public.

That drives the police down the root of enforcement without having concern for things like the number of deaths arising out of unnecessary overdoses, the number of deaths arising out of unnecessary contracting blood borne diseases. The rate of starting to take drugs and trying to make it so that the initial entry to drugs starts to rise, so that young people are better protected. All of these are potential performance indicators.

We're talking in a context of a law that is not really changing much at the moment and I know that I think all three panelists would agree that there does need to be some quite radical law reform.

But I just want to kind of remind us that this is more about trying to work with what we've got at the moment, whereas an ideal might be some quite substantial changes in both international and national legislation to give the police more room to maneuver. Bearing that in mind, we've got to work with what we've got and where we are, so I'd be very interested in your views on this topic, Alex.

ALEXANDER ZELITCHENKO: Okay. Well, first of all, I would like to mention police and public health are totally — they're all created from different material and for different, absolutely different tasks, so that's why for example we are

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

still using a war indicated in Former Soviet Union public school, but in my part of the world they are still using the old system of policy education.

That's why we are still talking to our [inaudible] the drug users are your enemies, enemies of the state, enemies of themselves, they are enemies of the family as much as you can send them behind the bar is better for all of us, better for society.

We have to use this approach more than 70 years. Former Soviet Union and [inaudible] independent time, so finally we recognize that about 48-percent of imprisonments they've all sat behind the bar just for the drug connection crimes, 48-percent. In 2005, I did a rough assessment in our prison.

The prison population of that particular time was 16,000 imprisonments, so 40-percent, and 4,000 more. 4,000 more were in this place because they have to [inaudible] connected with drug issues, so they decided something's wrong.

If such a big amount of people have broken the rules, broken the law, it means the law are not good, not the people. The second thing is [inaudible] interesting I was just thinking now about that the HIV issues became a base to corporate us and to be a point which turn us to understand. We need to cooperate. We need to cooperate with public health, first of all, and we need to cooperate with social society.

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

First of all, I guess, and the proven practice, we need to educate police. We need to tell them to change their behavior. This is not your enemy. For example, when I'm talking now with my colleagues, with my police colleagues, I try to explain to them the reality.

I started, for example, from the rules of [inaudible] and trying to explain to them your enemy are not just those poor drug users. He's a target of social workers or the public health, but, for you, you need to fight with the sharks with those who are doing business that's why you are investigator.

It's really easy to go to the street and catch dozens of drug users and you're hailed as the best police officer. They are sick people, so don't do it and police started to understand. When you explain to them the connection between drugs and terrorism, drugs and organized crime, drugs and [inaudible] they started to understand something.

The police education here in Kyrgyzstan we have 15 years already. We started this police educational process since 1998 and we still continue. Thank you.

TOM LLOYD: Thanks very much indeed. It's interesting how you emphasize the point that if the police are educated in a particular way, and we're talking here about predominantly young men and women who are learning about life and learning about society and I remember training school.

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

Your police instructor is a form of God. You have to do what they say and they will tell you that this is the way things work and you want to conform within that organization and so it's not surprising that that happens. It's very encouraging to hear that you're actually taking steps to educate people differently.

I have got loads of questions and I know I am the moderator, but I'm glad that we've got a couple of questions from the audience and I hope others are perhaps filling in the cards. Yes, they are. Good. I've got one question here, which is from, I think, excuse me if I can't read it, but Nana Ore [misspelled?] from Ghana.

I hope that's nearly right and really the point of your question is the police service is structured, organized and conservative and has to operate within laws, rules and regulations. So, how can we actually ask the police or get the police to change without a change in the law?

Perhaps, I could ask Geoff just to address that first. You've got to follow the law. It's interesting that Bill Clinton this morning when he was president didn't say, as he said this morning, that we know what the answer is, it's harm reduction and similarly when I was chief constable in office I was very carefully about what I said publically.

I think people recognize that you have responsibilities to the law that's passed by a democratic government. It's

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

really a question what room for maneuver is there for police within the constraints that exist?

GEOFFREY MONAGHAN: I think there is a good deal of room. I mean even in countries like Russia, which don't, perhaps, readily spring to mind in terms of flexible law enforcement policies or a good deal of imagination when it comes to harm reduction policies.

I think there are plenty of examples where police officers use their discretion choose not to arrest, prosecutors choose not to prosecute and this is something which we can actually exploit.

I can't say for sure that the situation pertains in every country in the world, but my experience, my travel experience and the fact that I've got a significant network of former law enforcement officers and currently serving law enforcement officers in many different countries suggests that most countries do indeed have that basis of policing, whether it's in the form of constitutional articles, some degree of discretion.

In other words, there is really no piece of legislation which says that in every case a person must be arrested, in every case a person must be prosecuted. Often, as I say, these decisions are made on the back of political concerns, on the back of public outrages, so you don't necessarily have to go down the roads of changing the law.

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

In fact, I would suggest that that's probably a waste of time in many countries rather the focus should be to try and encourage law enforcement officers to think about changing their performance indicators to work more closely with NGOs to form real viable partnerships with NGOs and to actually encourage officers to take onboard the fact that they do have a role to play in supporting public health policies and practices, indeed a very important role.

Again, you can actually use the history. The history is with us on this point because whilst HIV prevention is a relatively new consideration in policing terms, there's plenty of historical antidotes to show that the police force, as I say, in many countries for many, many years, decades, have been involved in supporting public health policies.

If you take the example of test purchase operations, which in many countries form the backbone of operational practices designed to arrest and prosecute street dealers, people selling relatively small amounts of drugs on the street.

That particular tactic has its origins in the Victorian police in England and indeed in other countries, which really develop tactics around the concerns of public health considerations because of grocers, of store keepers, shop keepers selling adulterated milk, selling adulterated medicines, counterfeit medicines, so there's a real strong public health component there in the history of many police

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

forces. Again, those historical facts can actually be exploited when you're talking to counterparts.

TOM LLOYD: I think what's interesting is when you think about even the origins of the current war on drugs going back some 40, 50 years that was actually driven by a need to preserve and enhance public health, but actually somehow got distorted in the process and we now see most of the money going into enforcement and very little going into prevention and treatment and the like.

I want to put in a little bit of a plug for the new United States drug strategy because even though I think it's politically impossible to tackle what might be termed the enforcement side of the strategy the rule strong pointers towards a coherent approach to prevention and treatment is something that I think really needs to be encouraged.

I know the US is often seen as being the big bad people who are driving the war on drugs and, of course, to a large extent that's the case, but I think I see some opportunities for change there. Actually, it kind of helps with one of the questions that we just got on the panel from David Patterson who's from the International Development New [misspelled?] and talks about capacity building.

I think we're getting quite a few questions now, which is excellent. Thank you. I hope we have time to cover them all. My apologies if we don't.

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

What capacity building is needed at a senior level and what opportunities exist? What's being done? Well, I'm going to come to Datuk Zaman in a moment because we did some work together in Malaysia and I'd like you to comment on that, but I'm also —I visited Peru in April and together with a man called Ricardo Sobron who runs —some people nodding and know know him. We burst into the chief's of the Peruvian police's office.

We didn't burst in, but you know, I like to dramatize these things. And we said, we got to have a course for your senior police officers. On the 6th of September, this September, we got four days with about 180 delegates with some International speakers talking about drug policy reform. That's capacity building at that sort of level.

It's introducing people to new ideas and concepts but it also tells me is that people are receptive. I think many senior police officers have the view, we know what we're doing isn't working but we don't know what to do differently.

So, a little bit Datuk Zaman, perhaps on the seminar in December and some things you might want to add to that.

DATUK ZAMAN: Yes, the big ground of Geoffrey, what laws around that. I think we could advocate the police on HIV and the need to, for treatment. Years ago, about five years ago, when I first joined the Malaysia AIDS Council, I was about enter the Police Chief, they called it the Commander's

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

Conference. There were about 30 to 40 of them. When we see [inaudible], one of those two that served were in [inaudible], they're wrong, he says, how can you give in?

I'm not giving in, I'm telling you, we're about to do, what is called a, sort of [inaudible]. We have to educate the police, I had been going along talking to police officers and November last year, organize the seminar, Tom was there and we're very fortunate to have Alexander [inaudible] and the Chair there, [inaudible] I think he would talk.

And, I'm happy to say, the decision, the Wing Commanders who attend the meeting. They are the one who, sort of, give [inaudible] what to do and not to do on the ground. And, I'm happy to say, that the number of [inaudible] decreased. Be that as it may, I think we need to do more.

Happily, of course, I still have my, sort of, influence with the police. They open the doors and we getting talk to the police, we're address the police college, we have also give a talk, I have to give a talk on the number of police districts on the need to be more with [inaudible]. Now, I think it will [inaudible] for me to say.

Although, the [inaudible] we have to come [inaudible]. And it's better that you know that the police see that. We have initial task force on reduction. Again, the Chief of Police sees that. [Inaudible] Malaysia the beautiful, maybe an exchange [inaudible].

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

I'm just saying we count on the Malaysian government. Yet, in spite of that, we still have [inaudible] it's very rare, the amount of support and yet the police are not supporting it. But, this view today is a lack of education, I think. We have to continue engaging the police and other law enforcement agencies so that they will appreciate the need to do this sort of, to be engaging on that level.

TOM LLOYD: I think that what one of the things that you resonate with is what I'm about to say is that there's never enough money to do, to do some of this work and I never met a police chief who said thank you, I have sufficient resources to do my job. [Laughter]

And one of the concerns we've got, there's a question here from Lucy of the UK which is about how you can ensure the police are equipped with necessary skills and sensitivity to engage in this kind of harm reduction work.

And the simple answer is well, if you've engaged the police chiefs, and they want to do it, then you can further down and start looking at the training that Alex was talking about and those other issues.

And to answer that, the difficulty is imbedding that in existing training programs. And that it's the first time he [inaudible] but, I mean, I just wonder whether you want to comment on that. This is about getting [inaudible] at the

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

street level. We watched, it is important to get it to higher strategic levels. [Interposing] Alex?

ALEXANDER ZELITCHENKO: Thank you. So, we started to [inaudible] in 1998 and we started from [inaudible], they came to the [inaudible] just came to the police station and to deliver a [inaudible] police officer. First of all, patrol police officer, traffic police, those who are working on the street basically.

[Inaudible] integration where the [inaudible]. The captain came to us and started to [inaudible]. So, as we speak, we have to use a police inspector for that. There are a couple of policeman papers in the country, our initial language and Russian language, so police officer now, is very difficult to use central [inaudible] to use an internet in daily remote area but they need to read a policeman's paper.

That's why we started to put in the kitchen the policeman's paper. And it was really, really [inaudible]. By the way, so let's spend a lot of effort to [inaudible] and finally, we are creating a special training course in police academy in our country.

And all the candidates need about 48 hours on the reduction course and plus the [inaudible]. They need to. So, and if for the process to create this special course we invited, not only officers and high rank police officers but also the [inaudible] people, people who are living with HIV,

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

sex workers and if there's first experience when we work cooperate together.

And later on in we started to pull out [inaudible] for police. First time, he came to police officer [inaudible], hospital, not as prisoners but as a trainers and it was very interesting to see the police reaction from viewing very beginning.

But now, after three years, we are being considered regular and now, it is absolutely normal. And, if it is possible words about legislation.

TOM LLOYD: Yes, sure.

ALEXANDER ZELITCHENKO: If you have change legislation, this stuff is [inaudible] also ten years ago. First of all, to dependalize [misspelled?] drug using and later on it is full go on decriminalization. But, later on, a little bit later on we recognize that this wasn't enough so that's why again, up to the police initiative.

Police decided to take some time to do it, we started to change and now, since 2007 we are using the very promoted legislation. For example, we are not sending people behind the bar for the less [inaudible], marijuana and 5 grams [inaudible].

TOM LLOYD: And is this something that is driven by the police?

ALEXANDER ZELITCHENKO: Yes.

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

TOM LLOYD: That's an important point, isn't it? That is comes about, that point about opportunities within current legislation.

For instance, there was a question about the amount of drugs in possession which might or might not qualify for dealing. I just [inaudible] to that by saying in Portugal where they have one of the very successful [inaudible] experiment now, I think it's reality for, since 2001, I think.

They decriminalize possession of all drugs with a limit, which I think gives a good flexibility of something like a quantity which amounts to personal use for 10 days. I think this gives us flexibility without having a definite amount. In the UK, we try to set an amount and couldn't get there. You know, and I think actually the way Portugal has done it, is very good because that gives flexibility.

There's also question about human rights. And I wanted, I don't want to dismiss that question but it's interesting, should there be courses on human rights.

I believe that if you want to engage police officers in human rights, don't lecture them about human rights, but give them the tools to be effective and professional and if they are a professional investigator you won't feel the need to make up evidence, you will actually be able to convict the right person with the proper evidence for the crime they committed. Not the innocent person just to make up the numbers.

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

So, it's actually about teaching professionalism as opposed to simply teaching human rights. I know we could expand on that but time is limited. I actually want to know, who would do that, and Geoff I'd like to ask you this. I'm trying to put together some questions.

There's a good one here from I think, Paris, from Norway. I will also combine this with, if I can, well, let me just, too many cards here. I think I'll just, I'll read to you this one. Did you have such enlightened views when you were acting serving police officers? And if not, why not? Okay, I noticed the implied criticism there, I think I mentioned it a moment ago.

But no, there is a question also from Megan Harris from the U.S.A. Are you in support of harm reduction activities on the panel, and do we think our views mirror the majority? Do they reflect the majority of other police officer views?

So, it's something to think about, you know really a personal question, but also something about, do we think that there really are a substantial number of police officers who want to change or is there still huge, sort of, rump who are resistant? Geoff first.

GEOFFREY MONAGHAN: I think in terms of practicing what I now preach. I think my track record is fairly well documented. The short answer is 'yes' I was committed to the notion of harm reduction many, many years ago.

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

And even though I didn't particularly think of it, in terms of harm reduction, I've always tried to take humanistic approach to policing. I mean, I instigated and was one of the co-authors of the Act-Pro policy document on case disposal options for drug offenders and that document is still available and if anyone wanted to read it, they could see that we promoted the idea of portioning, not just for possession offenses but also drug trafficking offenses, in appropriate circumstances.

I was part of a body which looked at how we could support the introduction and implementation of needle syringe programs in the 1980s and one of the things we did was, at that time, was heavy reliance, inappropriate reliance we would say now.

But, a willing reliance commitment to the idea with an exchange one for one and, of course, arrestees would often be detained in police stations and the police quite widely would seize used syringes, sterile syringes and more likely than not, not return them to the person when released from police custody.

So, this meant that they would then have to try and negotiate replacement syringes with the local program and justify why it was that they weren't able to return twelve syringes and collect, you know, a replacement syringes. And we

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

came up with the notion that we just simply issued them, if you remember, Form 613-PBV, a property receipt.

TOM LLOYD: Democracy in action. [Laughter]

GEOFFREY MONAGHAN: That they could actually just go along and present the police form, which was signed with a contact number and say, you know, Vern Smith was a, you know, had ten syringes taken from him yesterday, and that's it. So, it was just simple responses like this which was, you know, really helped, as I say the implementation.

TOM LLOYD: I think it's fair to say, there were people like Geoff and others who were driving change. Because Geoff was in a position where he was advising the Active as a Chief Police Officer Organization in the UK.

So, in position, I'm sure you got yourself in that position deliberately to influence things. I just wanted Datuk, from the Malaysian perspective. Whether you think there are really quite a number of seeing police officers who actually think there really should be change and feel constrained because they're in office?

DATUK ZAMAN: Well during my time, I didn't smell that. But, I think that lately there are number officers who are quite supportive in what we do. For example, Civil Right State command, wanted to use an [inaudible] area. I [inaudible] to get his [inaudible]. But he offered a lot of advice, here is

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

my view, [inaudible]. You know from the old guys and I think, that to me, is an indication of this support.

TOM LLOYD: Alex, I was waiting for you, was it a blinding flash when you suddenly realized that everything you'd been doing as a police officer was wrong, or did it come around gradually? In my case, it was sort of a gradual realization that what I was doing wasn't helping. In fact, it was harming, what about your case?

ALEXANDER ZELITCHENKO: In my case, in reviewing my [inaudible] a thousand of people, especially for marijuana, marijuana cases. So now, since something like beginning 1980s I started enter, I think I doing wrong. It was impossible with such a huge amount of people behind the bar, just for the grass, it was just absolutely impossible so that we continue to do because of the situation and such impractical at time.

But, we started to understand more or less that it is not the right way. So, later on, when, after the independent time, when the intervention initialization came to, we were seeing, we started to educate us and I was the first, the very first [inaudible]. It became police officer with this issue and human, human rights first to fall and secondly, in harm reduction.

TOM LLOYD: How many of your colleagues do you think, kind of listened to the message and changed their views as you've done?

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

ALEXANDER ZELITCHENKO: You know it's interesting that the new generation of police officers already recognize it. And then the students. We are speaking in the same language.

TOM LLOYD: Alright.

ALEXANDER ZELITCHENKO: In the old generation of police, it is a little bit difficult, but for them, we special created with special instruction up to the all the way to administer, how it's necessary to cooperate with the vulnerable group of people. And, this instruction you must follow. So, it is a secondary of police education.

DATUK ZAMAN: I think Tom, with the extra exposure, the young people a number of sources who are in support. Have the number of to do conference like in Bangkok in [inaudible]. Now, this people, I think, [inaudible] to bring them to conference like this is a window to look.

TOM LLOYD: Okay, if there's a conference organizer in the room, I know there are some. Now, that's a clear message when we hold an AIDS Conference, make sure that you invite some police officers from around the world.

DATUK ZAMAN: [Inaudible]. More effective.

TOM LLOYD: And then, give them opportunity to engage and sometimes you get away from the, if you're sitting in your office, you know, with your uniform on, it's a difficult environment in which to explore and experiment. Now, thank

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

you, thank you by the way, very much for all the questions coming up.

The answer to that question was we had been doing a few things while we were in office but police are constrained and, so, there is a message there about helping the police to operate.

And, I think there is something about helping the police to do what they do, which is to fight crime, but do it in such a way, that in fronting crime you might actually be helping somebody who is committing crimes to defend their drug habit. We might be offering more alternatives to persons in offering treatment as opposed to punishment. Has a means to both lowering the crime that their committing but also helping them to get their life back in order.

There's an interesting question here and it's about, if somebody who knows they have HIV does not disclose it, so, you infect someone with HIV, is this a crime?

I think we have a case of someone being convicted of that in the UK fairly recently. So, in the UK certainly a crime.

DATUK ZAMAN: Is the time to do heavy?

TOM LLOYD: This is somebody deliberately infecting somebody with HIV. Perhaps -

DATUK ZAMAN: You know the law?

TOM LLOYD: It is as well.

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

DATUK ZAMAN: You know a law that is being trying for that.

TOM LLOYD: I don't know who asked that question but, if you have done that, then you are guilty of an offense. I'm sorry. Some people get used to my sense of humor eventually.
[Laughter]

Now, some year from UNODC in Thailand and your question is, if the war on Drug policy is so harmful, how does that, what brand, what's the justification for that fueling the detention of drug users denial of universal rights, etc?

Well, I think the answer to that is really why we're here. I mean that is the big question that increasingly, I think the grounds for that aren't there and that's sort of the cause of the issue that we're dealing with. There's a question here that you might be able to help with and I'm not sure, the [inaudible] Datuk Zaman, it's about HIV programs in for prisoners. HIV programs for prisoners -

DATUK ZAMAN: Yes.

TOM LLOYD: What sort of opportunities are there to support people in prison? I know that it is very contentious subject and you may have some comments on the UK perspective, perhaps you can go first.

DATUK ZAMAN: Okay, when I first went to the prison, I would was quite new to Malaysia. It first appeared in 1986.

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

By the time that we do [inaudible] that we have, I got up [inaudible].

Because of the stigma, we [inaudible] HIV in special block, all by themselves. [Inaudible] that was wrong. But, we did that also for them. So the infection cause, you know, things happen today in the prison cell. But now, we have proper treatment for them. The ART is we give them free by the government and we also experience counseling and all that.

And, if you happen to be, if you are still HIV you are still on [inaudible]. Not good to Methadone because we don't let Methadone in the prison and then you go out and you continue to get that treatment, you give it a try to get to where you want to go and see [inaudible] of the health clinic to get that treatment.

So, in fact, there is only, I must admit, when I was there, there was not much attention given to these people on the isolation and all that. But, it is, we call it [inaudible]. I believe we can get that.

One day I passed by [inaudible] and I heard Polish. About thirty to forty of them were different religion and there were Buddhist, Hindus, Muslims and all that. Each of them were praying, I don't know what they pray for, then I knew that I had to help them.

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

TOM LLOYD: Geoff just could you, is there some good practice about, you know, dealing with people who are suffering with HIV/AIDS in prisons?

GEOFFREY MONAGHAN: Yes, there very much are, I'm babble at the thought that UNODC has been highly instrumental in driving that good practice and identifying the good practice. For most of them a good practice but more importantly, funding the good practice. And, there are a number of documents which, I'm sure most of you know, published by UNODC often in collaboration with UN and our co-sponsors.

Perhaps, I should mention, at least they should that, in fact, we have one of our consultants in the audience, Professor Diane Wiley [misspelled?] from Canada. Diane was one of the founders of the International [inaudible] Association.

And we've been very busy working on producing a training manual for law enforcement agencies. With a focus on prison services and police services and we are hoping that will also enable and [inaudible] partners to engage with the police more readily and a safe, promoting HIV prevention policies. Those policies which really do make an impact on HIV, Hepatitis B.

TOM LLOYD: We're running out of time, I wanted Alex to come and tell us the same thing about, from your experiences and good practice in relation to treating, people with HIV in prison? Yes.

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

ALEXANDER ZELITCHENKO: Okay. Taking into consideration the limited of time. Just a couple of practical advice. So, in Kyrgyzstan they make, just a filling in Methadone treatment in this prison. And, something like eight years [inaudible]. We are using [inaudible] needle exchange in the prison.

And, together with our international partners and local engineers we are doing a couple of [inaudible] programs like Atlantis and, last year, the clean zone were opened in Kyrgyzstan. So, hundreds of prisoners from over the prison system went to this prison who already passed the Atlantis and they are being now just to psychologist. Some psychologist testing, like we have an addiction center. We have to use the zone, the clean zone as a rehabilitation center. So, it is very big in Kyrgyzstan, these programs.

TOM LLOYD: Well, that's encouraging. Any UK like in the last two years ago, some p

risoners successfully took the prison authorities to court. Because they were Methadone users and when they went to prison, they weren't supplied with any Methadone and there was public outcry, as you might imagine, in a place like the UK which is really kind of the punitive society. So these people could get their Methadone in prison. But, at least a little was standing up on their side until their treatment could continue.

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

Now, we're closing in on time, I think it's much more important that I spend less time summing up and more time answering what is actually a very good, actually all the questions are good but this one just struck chord.

It's in countries where the police practice torture, that's with impunity, how do NGOs and others United Nations, International organizations, local people, how do you engage and discuss with the police? A way of doing things differently?

It's perhaps much easier in certain countries to engage with the police than in others. And, I think that's a really good question because in some cases it is very, very tough. And, you just don't. I'm not suggesting that the gap isn't real and that the lack of trust between the police and other people isn't real, but I am saying that we need to bridge it and this question gets to the heart of it in those difficult places.

If our panelist would like to start to answer that question, not necessarily with an answer but, at least offer some thoughts.

DATUK ZAMAN: Well, I would agree to a certain degree but I deny that there is some [inaudible]. But, I think speaking for the country I think [inaudible]. I would advise my police officers don't ever do it. Because of the legal people, the legal people in my country is quite easy

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

[inaudible]. And, in fact, they have said we get very [inaudible] and because of that, I think it's not much, sort of, objectively loose now. Especially, the police too, I think, is moving forward. In some [inaudible] right now and [inaudible], not the police.

TOM LLOYD: Having to do the work having to be done in Mexico, the drug war days is trying to deliver accountability. And, Mexico is certainly a country.

DATUK ZAMAN: [Inaudible]

TOM LLOYD: Accountability is just [inaudible]. Some very quick thoughts and then Alex.

GEOFFREY MONAGHAN: Oh, and, Again, I'm pleased to say that UNODC, first of all, takes this matter very seriously indeed. And, you know, we really do have a professional; I would argue a legal implication to challenge countries and systems which obviously engage in this practice.

My colleague may have Zelitchenko from the Russian office, I know has been busy over the last two years hoping NGOs in Russia to understand the legal mechanisms at their disposal so that they can actually bring cases before the National Courts and if they don't satisfaction there to go onto the International Court.

So that's very important thing for UNODC to be involved with and I will urge all of you to really exploit the legal systems in place into really push for cases to go to court and

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

to engage such as, journalists so he would know the value of this, to try and get journalists to support you in your efforts.

ALEXANDER ZELITCHENKO: We have two different approach and this is still big problem for us, I mean the police torture. So, as a last decision, we in the frame [inaudible] very well known American we then [inaudible]. Suspicious civilian controlled unit and selected people.

I mean, the society selected, elected actually for this evening. And the special representative of valuable good became the members of this unit and now they are receiving complaints from the citizens because [inaudible]. So, they are [inaudible] police now. It's working already.

TOM LLOYD: So, there are signs that even when things can be difficult, things can actually change for the better, for this to be determined.

Now, last question is from [inaudible]. Why does law enforcement act against the harm reduction programs and how can we convince them otherwise?

Well, I think that was today was about. How can we do that? I think I have a minute and I have now the opportunity to sum up, but I'll do it as quickly as I can.

We're here because we want police and other law enforcement agencies to change the way they do things so that

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

harm is reduced and human rights are respected. How does that come about?

Well, we've heard about education, we've heard about changing objectives, so the objectives of reducing crime and disorder align with objectives to promote health and to reduce harm. And those should be joint objectives, shared, so the corporation partnership becomes the way that the police operate.

There is no way that this issue can be addressed either by health agencies on their own, or police on their own, the two have to work together and we've seen how closely police action can impact negatively on health. And, also there are examples where it can impact positively on health outcomes.

Discretion is possible, but police cannot rely on the fact that the law says we have to do this and we have to do that. Even in those states which appear to be very tightly controlled there are opportunities for discretion. And if you have all of that happening and people like me get the funding. [laughter] to work with others so that at the senior level, people are increasingly given opportunities to understand their different ways of doing things.

We really do believe that there's opportunity to change. And, just looking at the environment in the moment, when Bill Clinton is saying harm reduction is the answer, he knows it works. The UNODC is increasingly publishing documents

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

to talk about prevention and treatment; The new US drug strategy. And, I think if you look about there really are some signs, we just got to get those signs, we've really got to be pushing harder and harder.

So, my thanks to the organizers for the opportunity for us to address this topic, segment. Perhaps, surprising it was at an AIDS Conference, I think that the links are very clear. if we look about [inaudible]. My thanks to you as an audience for participating so well. I'm sorry if I didn't cover all of the questions, but I hope you know that you certainly made my job easy in terms of coming up with such good questions which have exercised the panelists.

I no we haven't solved all the problems, we've given an insight that is sort of what is going on. If you are interested in finding out more about it, I assume the program let's you know who we are, and so don't hesitate to get in touch. The other thing is that at 6:15 today we'll be holding another session for an hour with opportunities for then for interaction and largely on the same topic and this will be in the drug policy networking zone in the Gold Village.

If you go in the main entrance and you turn left, it's in the corner. That's from 6:15 for an hour. So, we'd really like to see, not sure if we'll see one of you there again. But, if you want to come back and you know somebody who might be interested, do mention it to them. We look forward to seeing

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.

you there. In the meantime, it remains for me to just thank the panelist for all three of you. Well done all three of you. Thank you very much. [Applause] And our audience, thank you very much, indeed. [Applause] Good Bye.

[END RECORDING]

¹ The Kaiser Family Foundation makes every effort to ensure the accuracy of written transcripts, but due to the nature of transcribing recorded material and the deadlines involved, they may contain errors or incomplete content. We apologize for any inaccuracies.