

## **IDPC Project**

### **Effective Drug Law Enforcement**

The International Drug Policy Consortium (IDPC) is a global network of NGOs and professional networks that specialise in issues related to illegal drug production and use. The Consortium aims to promote objective and open debate on the effectiveness, direction and content of drug policies at national and international level, and supports evidence-based policies that are effective in reducing drug-related harm. It produces occasional briefing papers, disseminates the reports of its member organisations about particular drug-related matters, and offers expert consultancy services to policymakers and officials around the world.

Our analysis of current dilemmas in national and international policy on controlled drugs arises from our assessment that attempts to eliminate the production, distribution and use of illegal drugs will never be entirely successful. Experience of a century of drug control has shown that the best we can hope for is to contain the scale of the market, while at the same time minimise the harmful social and health consequences. However, in many parts of the world, law enforcement strategies and tactics remain entirely or primarily focused on arresting and punishing users and dealers, and seizing drugs. These traditional approaches can achieve short term or localised impacts on the supply of illegal drugs, but law enforcement agencies cannot be expected to 'solve' the drug problem through these efforts alone.

What is needed is a more balanced and multi-disciplinary approach, in which law enforcement agencies combine the fight against the criminals involved in drug trafficking, with a range of activities that support the social and health programmes targeted at drug users. Such a change of focus requires policy makers and law enforcement managers to articulate a wider set of objectives, work in partnership with health and social agencies, and redirect resources towards the forms of drug related criminal activity that cause the most harm to individuals and communities.

This paper sets out the reasons why we think that drug law enforcement strategies and tactics need to change and highlights the areas where we consider that more effective use of resources can be developed. In the coming months and years, we will bring together senior law enforcement professionals to discuss and develop these concepts and take these ideas out to policy makers and practitioners around the world through conference and seminar presentations and consultancy arrangements.

### **Why we need to consider a new approach**

The United Nations drug control conventions, and national legislation all around the world, is based on the idea that the strong enforcement of laws that prohibit the production, distribution and use of drugs such as heroin, cannabis and cocaine, will eventually lead to the elimination of supply and demand, and therefore the eradication of the illegal market. The strategies and tactics used to achieve these objectives have ranged from crop eradication and alternative development programmes in source countries, to intelligence-led investigation and physical interdiction to tackle distribution, and the arrest and punishment of those found in possession of controlled drugs. More recently, strategies have been developed that focus on the precursor chemicals used in drug production, on tackling the corruption associated with drug markets, and on money laundering and asset seizure. Despite this extensive range of activities, policy makers and law enforcement managers have found that, while successful

operations can temporarily change the location and nature of drug production and distribution, the overall scale of the drug market is remarkably resistant to our efforts to reduce it. The UN recently reviewed the last 10 years of the drug control system, and reluctantly had to admit that no reduction in the scale of global demand or supply had been achieved. At a national level, no government over this period has managed to achieve a significant and sustained reduction in the level of drug use or distribution in its territory. The best that we can claim for current strategies is that we are helping to contain the problem – the scale of the market, and the crime health and social consequences, would possibly be much greater if we did not continue our efforts.

In addition to this reality, we must face up to the fact that many of our strategies and tactics themselves have negative consequences, and can sometimes be counter-productive. The UN Office on Drugs and Crime (UNODC – the Vienna based agency that oversees the global drug control system) articulates these dilemmas as ‘unintended consequences’, that include:

- The creation of a massive and lucrative black market that is exploited by organised crime, significantly increasing their power and reach. Law enforcement actions against these markets can create the conditions that favour the most violent and ruthless criminals.
- The ‘balloon effect’. Successful action against a particular aspect of the market (an area of cultivation, or a local dealing spot, for example) just pushes the activity to another area, where the consequences are more harmful. Analysts have also noted that a successful operation against a particular dealing network leads to an upsurge in violence as new dealing groups fight over the ‘turf’ left vacant.
- Policy displacement. This is the opportunity cost of using finite resources on ineffective strategies and tactics – the result, of course, is that there are fewer resources available for more effective actions, such as the ones we describe below.
- Marginalisation of drug users. Law enforcement action against users, and the surrounding social disapproval of their behaviour, is often counterproductive to our objective of reintegrating them into mainstream society. Criminalising, arresting and imprisoning drug users has not been shown to deter drug use, but does have the effect of breaking up their positive family and community ties, and undermining their access to health services, jobs and education.

These strategic dilemmas do not mean that law enforcement agencies should give up their attempts to control drug markets, but it does mean that we have to think and plan carefully, with a greater focus on the health and social impacts of the market, and of our own activities.

### **A new set of objectives and priorities**

At the heart of this issue is a reconsideration of the appropriate objectives and priorities for law enforcement action against drug markets and drug use. At a fundamental level, it is the duty of police and other law enforcement agencies to serve and protect the health and welfare of citizens. As we have explained above, the assumption amongst policy makers and law enforcement managers has been that the best way to protect citizens from drug related harm is to focus on the battle to eradicate illegal markets, thereby also eradicating the related crime, social and health problems. The operational objectives have therefore focused on measuring success in terms of steps towards the goal of such eradication such as:

- The area of crops destroyed.
- The number of production facilities destroyed.
- The amounts of drugs or precursors seized.
- The number of trafficking operations disrupted.

- The number of users or small-scale dealers arrested.

Unfortunately, none of these indicators have been shown to be an accurate guide to whether the overall scale of the problem is being reduced. For example, successful operations to disrupt trafficking groups have not led to sustained reductions in drug availability, and widespread crop eradication has not led to a reduction in overall drug production. This does not mean that law enforcement agencies should cease all the activities designed to achieve these objectives, but that we need to be more sophisticated in setting an appropriate range of strategic objectives, and improve our understanding of the interaction between operational successes and achievement of these objectives.

In practice, this means focusing our objectives more on the outcomes in terms of the drug market, but also in terms of the consequences. Therefore:

- Objectives related to the market should focus more on outcome indicators:
  - o Have law enforcement operations raised the price of a particular drug in a particular market?
  - o Have law enforcement operations reduced the availability of a particular drug to young people (measured by level of use, or ease of access indicators)?
  - o Have law enforcement operations helped to raise the average age of initiation into drug use?
- Objectives should be more focused on measuring drug related crime:
  - o Have the profits, power and reach of organised crime groups been reduced?
  - o Has the violence associated with drug markets been reduced? Is the level of corruption related to drug markets down?
  - o Has the level of petty crime committed by dependent drug users to fund their habit been reduced?
- Objectives should include a law enforcement contribution to health and social programmes:
  - o How many dependent drug users have law enforcement agencies referred to treatment services?
  - o Has the level of overdose deaths been reduced?
  - o Is the level of HIV infection amongst drug users down?

Of course, such a diverse and complex set of objectives would need careful consideration and development, but they would represent a much more balanced and meaningful measurement of law enforcement agencies' contribution to the health and welfare of their populations. They would also require a clear partnership approach, within which different agencies work together to achieve shared objectives. We would argue that this is appropriate, as we know beyond doubt that the drug problem cannot be tackled effectively by one branch of government. It is also politically appropriate, as we need to move on from the separation of approaches (in which health and law enforcement strategies often contradict each other), and from the situation where those responsible for drug policy are repeatedly criticised for not meeting targets for reducing the scale of the market. This happens at national and international level, and the media and general public are increasingly sceptical of claims that success is just around the corner. We need to find a better dialogue.

### **A different focus for law enforcement activity**

The good news is that there are plenty of examples of law enforcement practice around the world which have demonstrated that, with a new outlook and creative planning and

implementation, this broader approach can deliver real results. Below we give four areas where law enforcement agencies can take this wider approach:

#### *Refocusing the fight against organised crime*

If it is accepted that law enforcement can never eradicate the illegal drug market (i.e. that long and costly operations to disrupt one group only leads to their replacement by another), then the focus of strategies and operations should be on curtailing the operations of those groups and individuals whose actions are causing the most harm to society – whether it be through the corruption of officials and institutions, violence and intimidation against law abiding citizens, or the distortion or undermining of legitimate economic activity. Actions against organised crime groups will need therefore to be based on quality intelligence on how their operations impact on society. This may lead to some difficult decisions on priorities, focusing on the most harmful aspects of their operations, rather than just seizures and arrests; or encouraging markets to be conducted away from public places, or to be dominated by non-violent friendship networks. This will be a much more effective use of resources in reducing the harm caused by organised crime.

#### *Reducing market-related violence*

A key aspect of this broader strategy is a specific focus on the reduction of violence and intimidation associated with drug markets. In source and transit countries and in local drug markets, this is the consequence of the illegal drug market that most directly affects law-abiding citizens. The key objective should therefore be to minimise the level of violence. This may be best achieved by the dismantling of particular groups, or the arrest and imprisonment of key individuals, but can also be achieved more effectively by creatively managing the market – arranging truces between rival groups, or targeting enforcement on those using violence as part of their operations. A much heralded example of this pragmatic approach was taken in Boston, USA, in the 1990's, following an inexorable rise in gang and drug related murders, the city police, together with a coalition of faith groups, called together gang leaders to find ways to reduce the violence. As part of this approach, the police made it clear that their enforcement attention would be intensively focused on the locations, groups and individuals where violent crime (particularly the use of automatic weapons) was witnessed. This created the conditions where the gang leaders themselves had an incentive to ensure the absence of violent incidents, and in the next few years, Boston experienced a 63% decrease in the homicide rate. Other US cities have had positive experiences with this 'pulling levers' approach, not necessarily reducing the scale of the market, but slashing the murder and injury rates that go with it.

#### *Referring dependent drug users to treatment*

The most common form of drug related crime is the petty theft and fraud committed by dependent drug users to raise money to pay for drug purchases. Many countries have found that this accounts for a significant proportion of their overall rates of some forms of petty crime. Those that have implemented initiatives that identify the most active offenders, and refer them to drug dependence treatment programmes, have found that this is a very cost effective mechanism for reducing crime rates. As law enforcement agencies come into regular contact with these offenders, they are well placed to play this identification and referral role – arrest referral schemes, court diversion schemes, and prison drug treatment programmes

have all shown that they can be effective in moving dependent drug users away from a lifestyle of petty offending and drug dependence. Law enforcement agencies can therefore put more emphasis on referring these people to treatment, rather than the more expensive process of arrest and imprisonment. Many different forms of this identification and referral process exist around the world, but the country that has probably gone furthest in incorporating this principle into its national policy is Portugal. In 2001, the Portuguese government passed a law that decreed that all individuals arrested for drug possession would not be taken to criminal court, but to a multidisciplinary panel, which would assess the individual's treatment needs (dealing offences would continue to be dealt with by the courts). Since then, the vast majority of Portuguese drug offenders have been referred to treatment and education programmes, rather than sent to court and prison. Apart from unblocking a hopelessly overcrowded court and prison system, evaluations of this approach have shown a broadly positive impact on the recidivism and social reintegration of drug users, and a significant cost saving to the government.

### *Supporting public health programmes*

Drug users generally live on the margins of society. Poverty and alienation is often a contributing factor in the development of drug dependency (harsh living conditions and emotional trauma can increase vulnerability towards drug dependency) and, in turn, the dependent use of drugs exacerbates these problems. We also have to acknowledge that many of our own policies and programmes increase this 'social exclusion' – arresting and punishing drug users, or denying them access to work or education, can make it more difficult to rehabilitate or reintegrate them into mainstream society. In these conditions of social exclusion, drug use often involves significant health risks – of overdose, or blood borne infections such as Hepatitis or HIV/AIDS. In particular, the global HIV pandemic is in many countries driven by the sharing of infected needles for drug injection, and public health authorities are engaged in a global fight to scale up preventative measures targeted at drug users. Many of these measures – such as the distribution of clean needles – work with continuing drug use to keep users alive and healthy, and encourage them to consider treatment options. Many law enforcement agencies have therefore been reluctant to support these initiatives, as they see them as condoning or perpetuating drug use. This lack of clear support and partnership work is disappointing – law enforcement agencies should be key actors in the design and delivery of strategies to improve public health, specifically efforts to reduce HIV transmission and overdose deaths. Police and court officials, in particular, come into regular contact with high-risk groups, and can play a vital role in the distribution of advice and information, making available needles and other materials for safer using, and facilitating rapid responses to overdoses. Where law enforcement and health agencies have worked together towards common objectives in this area, they have been able to demonstrate clear success in reducing HIV and overdose death rates.

Success in meeting drug policy objectives has been very difficult to claim in recent years – a succession of market eradication or reduction targets, set at global or national level, have been missed, leading to an increasing disillusion with law enforcement and supply reduction strategies. Law enforcement agencies will continue, however, to have a central role in the management of drug markets and drug use, but managers and strategists will need to work to a broader and more balanced set of objectives and activities if they are to use their resources most effectively in reducing the impact of drug markets and drug use on society.

This IDPC initiative will be bringing together senior law enforcement managers and analysts to discuss the implications of this refocused role for drug law enforcement, and what it means for strategy and programmes in their area of responsibility. We will refine the ideas contained in this paper; present them through conferences, seminars and consultancies; and encourage and facilitate debate within the law enforcement community. If you wish to hear more about this work, or want to be involved, contact Tom Lloyd, QPM MA (Oxon), Chief Constable (Retired) at [tom@lloyd.me.uk](mailto:tom@lloyd.me.uk) or Ann Fordham, Coordinator of the International Drug Policy Consortium at [afordham@idpc.net](mailto:afordham@idpc.net).