

## Modernising Drug Law Enforcement

### Report 3

# Applying harm reduction principles to the policing of retail drug markets

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#### Key Points:

- The level of harm is more important than the size of the market.
- Visible, open air drug markets tend to be more harmful per unit of use than hidden, closed drug markets
- Policing tactics that are not experienced by the community as being fair, lawful and effective will harm police legitimacy and community relations.
- Some enforcement-led approaches, including short-term crackdowns and large scale stop and search, are unlikely to produce sustainable reductions in drug sales. They may increase levels of violence and health harms and reduce police legitimacy.
- It is rarely possible to eliminate retail drug markets, but well designed and implemented policing tactics can force the drug market to take less harmful forms.
- Applying harm reduction principles to drug policing may boost police legitimacy as well as community safety.
- Focused deterrence and 'pulling levers' may reduce both harm and crime, but this depends on the context and on careful implementation and evaluation.

## Introduction

The policing of drug markets is usually conceptualised primarily as a matter of law enforcement – drug dealers and people who use drugs (PWUDs) are breaking the law, and the role of the police is to reduce such law breaking. However, the wider purpose of policing is to ensure the safety of the

community by reducing harms to its members. This report examines the interaction between law enforcement and harm reduction in the policing of retail level drug markets.

Harm reduction is a principle that has been widely accepted as an important pillar of the health policy response to drug use.<sup>1</sup> It has less frequently been applied to policing, although

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this is not the first report to do so.<sup>2</sup> Harm reduction can be justified on both pragmatic and ethical grounds. Pragmatically, it emphasises a concern for what actually works in reducing harms, rather than for what might be hoped to work in eliminating drug use. Ethically, it reflects the emphasis of both international human rights treaties and rationalist morality<sup>3</sup> on the legal and moral imperative for states to act in ways that support human rights.

The first step in applying harm reduction principles is to define the harms that are to be targeted; in this case the harms associated with retail drug markets. Here, we can lean on the work that has already been done in this area by Caulkins and Reuter.<sup>4</sup> They themselves borrow the list of drug-related harms created by MacCoun and Reuter<sup>5</sup> and highlight those that are most directly relevant to policing (See Box 1).

**Box 1. Drug related harms** (Bold typeface indicates those most directly related to policing)

1. Suffering due to physical/mental illnesses
2. Addiction
3. Healthcare costs (treatment)
4. Healthcare costs (illness)
5. Disease transmission
6. Loss of incentives to seek treatment
7. Restriction on medicinal uses of drug
8. Reduced performance, school
9. Reduced performance, workplace
10. Poor parenting, child abuse
11. Harmful effects of stigma due to use
12. **Accruing criminal experience**
13. **Elevated price of substance**
14. Accident victimisation
15. **Fear, sense of disorder**
16. **Property/acquisitive crime victimisation**
17. **Violence, psychopharmacological**
18. **Violence, economically motivated**
19. **Reduced property values near markets**
20. Criminal justice costs (including opportunity costs)
21. Punishment and its consequences for user and family
22. **Corruption, demoralisation of legal authorities**
23. Interference in source countries
24. Violation of the law as intrinsic harm
25. **Devaluation of arrest as moral sanction**
26. **Infringement on liberty and privacy**
27. Prevention/restriction of benefits of use

It should be noted that these harms can be influenced in both directions by policing practices. For example, decisions on police tactics will most probably affect the costs that the criminal justice system imposes on the taxpayer. This is not only because of the upfront costs of targeting police resources on drug markets, but also on the 'downstream' costs that arrest and prosecution may impose on courts, prisons and probation services. Less directly, certain forms of policing may increase rather than reduce opportunities and incentives for violence, corruption, unsafe drug use practices (e.g. injecting heroin with used needles). While frequent, visible search and arrest of PWUDs might have some effects in deterring drug use and related harms, it may also infringe on the rights to health, liberty and privacy and devalue arrest as a moral sanction for other offences which may be seen as more serious by some members of the community.

Policing of drug markets also plays an important part in boosting or harming the legitimacy of the police. The concept of legitimacy echoes the 'Peelian idea' that the police should be embedded in networks of cooperation with the communities they serve. The police need information from the community in order to detect crime. Perhaps more importantly (and certainly according to Sir Robert Peel's legendary policing principles) they seek to achieve compliance with the law without the need for detection and punishment, by securing the absence of crime. But in order to do this, they need to be viewed as legitimate by the community.<sup>6</sup> According to Bottoms and Tankebe, this legitimacy rests on three elements: procedural fairness, lawfulness, and effectiveness. Procedural fairness arises when people are confident in the impartiality of the police and when they are treated with dignity and respect. Lawfulness requires that the police themselves act legally. And effectiveness refers to the outcomes of police actions; do people feel that they are being protected from crime? This report shares the assumption of Felbab-Brown

that state interventions in drug markets must be seen to be legitimate if they are to be effective.<sup>7</sup> Interventions that are not seen as legitimate are likely to increase tensions between police and citizens, reduce the flow of intelligence that the police can use and increase resistance to police actions. This leads to lower levels of community safety and an increased risk of crime. Bottoms and Tankebe also refer to the potential for police action to generate legitimacy. The police can boost their reputation with the community by carrying out operations that are perceived as fair, lawful and effective.<sup>8</sup>

This report discusses some forms of policing that produce harms, including harms to police legitimacy. It goes on to look at policing tactics that have been designed explicitly to reduce harm, and the evidence for their effects and sustainability. It examines some issues in the implementation and evaluation of such practices in the UK and Brazilian contexts. It concludes with a set of recommendations for consideration by policy makers and senior police officers when they are designing policing methods in order to reduce harms related to retail drug markets.

## Harmful drug law enforcement

There are three main forms of harm that may render policing tactics counter-productive. Police activities may increase violence associated with drug markets, increase health harms related to drug use and reduce police legitimacy (which may in turn increase criminality).

### Policing and violence

We should first address the issue of whether retail drug markets are inherently violent. If all drug markets are equally violent then their reduction or elimination would properly be the target of policing. But if some market forms are more violent than others, then the police

can enhance community safety by encouraging markets to take less violent forms. In the most frequently cited article on drugs and crime, Goldstein<sup>9</sup> assumed that illicit drug markets are indeed inherently violent. Goldstein's concept of 'systemic' violence assumes that the presence of drug dealers who are predisposed to violence, combined with an absence of legitimate mechanisms for conflict resolution, produces high levels of violence. While it is true that some drug markets in some places are exceedingly violent, this is the exception rather than the rule. Goldstein's testing of his framework occurred near the peak of violence related to the New York crack market.<sup>10</sup> Research from some other markets – including markets for both heroin and cannabis – suggests a much lower prevalence of violence.<sup>11</sup> Not all drug dealers are predisposed to violence. Many of them actively avoid it. Instead, they use relations of trust and the norms of reciprocity that develop in markets for both licit and illicit products.<sup>12</sup>

As Felbab Brown notes in Report two of this series, *Focused deterrence, selective targeting, drug trafficking and organized crime: Concepts and practicalities*, a stable wholesale or trafficking operation can be non-violent. But perturbation of this stability can lead to violence.<sup>13</sup> Bowling bases his claim that drug law enforcement is criminogenic on evidence from the Caribbean where arrests in mid-level drug markets, through the arrest of key market players, has led to violence as subordinates and competitors fight over who will fill the gap that has been left in the market.<sup>14</sup> Recent evidence from Denmark has found a significant association between increased arrests of cannabis dealers and subsequent increases in violence.<sup>15</sup> This supports earlier US research in suggesting that law enforcement in retail level cannabis markets can also increase violence. The most thorough review that has so far been carried out on this topic is that by Werb et al.<sup>16</sup> Of the 15 studies that they reviewed, 14 found an association between drug law enforcement and increased levels of violence. It should, however, be noted

that the method of comparison adopted did not allow for thorough consideration of the types of drug law enforcement that were being tested. It is no doubt possible, as seen below, to design policing interventions that reduce both drug transactions and violence.

The studies referred to above looked at the effect of increasing law enforcement interventions in drug markets. Studies which look at the effect of reducing levels of drug law enforcement are less common. At the national level, the experience of Portugal suggests no consistent link between drug decriminalisation and violence (murders did increase in the years immediately following decriminalisation, but then reduced to their pre-2001 level. Any increase may have been more to do with increased drug seizures at the level of importation than to the relaxing of punishment of drug consumers).<sup>17</sup>

At the local level, we do have the experience of the Lambeth Cannabis Warning Scheme. This saw police officers being told not to arrest people for possession of small amounts of cannabis in an area of South London for 12 months from July 2001. The justification given for this was that it would allow the police to focus their resources on crimes which the local community were more concerned about, such as robbery, burglary, sexual offences and class A drug offences (e.g. heroin and cocaine). An econometric study has found that, when compared to other London boroughs, the Lambeth cannabis experiment was associated with medium term reductions in non-drug crimes and with increases in their clear-up rates.<sup>18</sup> This is despite the findings that recorded cannabis offences increased (this may have been because officers increased their recorded detection of these offences when it meant giving a warning rather than a more time-consuming arrest). There was little, if any, apparent effect on class A drug crimes. The Lambeth scheme has been replicated in various forms across England and Wales since 2004 with the national use of the cannabis warning. Unfortunately, this replication was not designed

with evaluation in mind and the effects on non-drug crimes are unknown. The available data do suggest that the prevalence of both cannabis use and violence has fallen since 2004.<sup>19</sup>

### **Policing and health**

Evidence on the health effects of drug policing strategies is less frequently taken into account, despite proposals to include the effects of law enforcement in public health strategies on HIV and AIDS.<sup>20</sup> Generally, prohibition of drugs increases their price, which can encourage users to inject (rather than smoke or snort) in order to maximise their intake from a limited supply. The transition to injection is itself associated with major health risks internationally.<sup>21</sup> At least one country – the Netherlands – which has reduced the punitiveness of its response to PWUDs has seen important successes in reducing the rate of injecting drug use.<sup>22</sup> Some studies have found that local policing tactics can contribute to increased health risks for PWUDs. For example, the criminalisation of drug possession encourages people who inject drugs (PWIDs) to inject hurriedly in unsafe environments, thereby increasing risks of transmitting blood-borne viruses.<sup>23</sup> Any short-term reductions in drug sales brought about by police crackdowns may be outweighed by consequent public health harms.<sup>24</sup> The criminalisation of the distribution of injecting paraphernalia leads to lower coverage for harm reduction measures such as needle exchange.<sup>25</sup> And lower coverage by needle exchange is associated with higher rates of HIV among PWIDs.<sup>26</sup> Another health risk associated with drug use is overdose. This is usually not fatal when there is a suitable emergency response, but fear of arrest makes many people who witness an overdose less likely to seek medical assistance.<sup>27</sup> Overall, the policing response to PWUDs must be considered as part of the ‘risk environment’ of drug use.<sup>28</sup> Issues relating specifically to PWIDs are discussed in Report 1 of this series.<sup>29</sup>

### **Police legitimacy**

Beyond harms of violence, virus transmission and untimely death, policing tactics will also affect levels of police legitimacy. One widespread approach in drug policing which threatens legitimacy is stop and search (known as ‘stop and frisk’ in the USA). This is supposed to enable police officers to detect offenders, producing evidence for arrest and prosecution and deterring would-be offenders from carrying both drugs and weapons. It is also open to widespread abuse. One of the main problems has been the disproportionate use of stop and search on young people of black and minority ethnic origin. The overuse of stop and search was notoriously linked to the eruption of the Brixton riots in 1981.<sup>30</sup> It has also been blamed by some – though not all – commentators for the more recent outbreak of rioting in some English cities in the summer of 2011.<sup>31</sup> In New York, despite the fact that possession of marijuana was officially decriminalised in the late 1970s, it is still used as a pretext for a very large proportion of stops, which are overwhelmingly targeted at people who are not of white European descent.<sup>32</sup> There have been discussions as to whether the over-representation of black people in such figures (both in the UK and USA) can be explained by the over-representation of black people on the streets where police activities are targeted, rather than by any racist purpose.<sup>33</sup> These statistical disputes are likely to be of little import to the people who accurately perceive that it is they and people who share their skin tone who are most frequently stopped and searched.

In terms of legitimacy, stop and search challenges standards of procedural fairness. If people feel that they are being picked on for no adequate reason and are not treated respectfully in the process, then their perception will be that there is no justice for them. Some elements of stop and search can also be illegal. For example, a Federal District Court recently ruled that a policy in New York of routinely stopping and frisking people at residential properties (known as the ‘Clean



Halls' programme) was unconstitutional.<sup>34</sup> The flexibility of the term 'reasonable suspicion' – which is used in several jurisdictions (including in section 23 of the British Misuse of Drugs Act) as a pre-condition of stop and search – means that police officers often bend the term beyond reason to continue stopping those whom they consider to pose a risk to the community. This can also be illegal, and therefore undermine the legitimacy of police action. The question of effectiveness of stop and search is vexed. High quality research designs are rare in this area, but a British Home Office review found that stop and search played a negligible role in crime reduction, reducing the number of 'disruptable' crimes by just 0.2 per cent.<sup>35</sup>

Another important threat to the legitimacy of the police is the presence of corruption. The huge profits that are made in the illicit drugs trade present incentives for corruption at every part of the supply chain from farmer to consumer. In retail drug markets, corruption may take the form of police officers being paid to provide intelligence to drug dealers (e.g. tip offs about forthcoming police operations), planting drugs on members of the public in order to justify arrest, diverting cash found on drug dealers to their own pockets and even direct involvement by police officers in the sale of confiscated drugs. Given that these forms of corruption are most visible to people who are already involved in drug offences, they are highly likely to damage the legitimacy of the police in their eyes and therefore to encourage them to maintain and develop their offending. When this corruption is made open to public view by court cases and press reports, it severely damages police legitimacy in the eyes of the whole community. The reduction of opportunities for police corruption can therefore also contribute to crime and harm minimisation.

## Opportunities for harm reduction in policing retail drug markets

This section will look at approaches for dealing with two potential target groups for police action – PWUDs and drug sellers.

### People who use drugs

The most direct way in which the police can reduce harm is to stop imposing criminal records and other punishments which harm people. In the vast majority of minor drug offences that are committed (i.e. simple possession of small amounts of cannabis) the criminal record is likely to cause more harm to the person than their drug use, even when accounting for an increased risk of psychosis among some of these people.<sup>36</sup> The internationally available evidence suggests that the harms of criminalising PWUDs are not counterbalanced by reductions in drug use. There is no correlation internationally between levels of punishment and levels of drug use.<sup>37</sup> Among European countries which changed their penalties for cannabis in the first decade of this century, there was no consistent association between reductions in penalties and increases in use (or between increases in penalties and reductions in use).<sup>38</sup>

There are diverse ways in which the police can avoid criminalising people who are found in illicit possession of drugs.<sup>39</sup> One is the English cannabis warning scheme that is discussed above. Other countries, including Portugal and various Australian states, have introduced mechanisms of diversion to non-criminal penalties.<sup>40</sup> In some countries – including Colombia, Spain and Germany – the courts have ruled that it is unconstitutional to punish people for possessing small amounts of some drugs. All these methods reduce the extent of harm that is imposed by criminalisation, although they can result in so-called 'net-widening' (See Box 2) and do not guarantee that these reductions are applied equally across

## **Box 2. Diversion, net-widening and boundary blurring**

While decriminalisation and diversion can play a valuable role in reducing the harms of criminalisation, there is also the possibility of 'net-widening' and 'boundary blurring'.<sup>42</sup> Net-widening occurs when an alternative measure is created – usually with the intention of reducing the use of expensive, punitive penal responses – which results in practice in sucking in new people, rather than replacing the original measure. Boundary blurring occurs when the new measure makes it more difficult to tell where the penal system ends and the treatment or educative response begins.

The English cannabis warning system has created a clear example of net-widening. Immediately after the introduction of the cannabis warning in 2004, there was a significant reduction in the number of people who were arrested and given cautions or convictions for cannabis possession. But a much greater increase in the number of cannabis warnings were given. This led to a significant increase in the number of drug offences and seizures that were recorded. Since the late 2000s, there has been a re-growth in the number of people given criminal records through cautions and convictions for cannabis possession (following the common pattern of maintenance or re-growth of penal responses following the creation of alternatives). The net result has been a significant expansion in the number of people getting some sort of criminal justice intervention for cannabis use, despite a reduction in the number of people using cannabis.

There have also been some significant examples of net-widening in Australia. For example, the South Australian Cannabis Notice Expiation Scheme saw a 280 per cent increase in the number of notices given between 1987/8 and 1996/7.<sup>43</sup> Such expansion can have the effect of increasing demand on the educational and treatment services to which PWUDs may be diverted. It can also blur the boundary between criminal justice and other services. Health services may find it wasteful of their resources to spend time dealing with low level cannabis offenders when they would prefer to focus their resources on people with more harmful patterns of drug use.

groups within society that are using drugs. It has been reported, for example, that people who use drugs from economically vulnerable communities in Colombia are still exposed to criminalisation and incarceration more often than their wealthier peers.<sup>41</sup>

The most famous example of the reduction of penalties for drug possession comes from the Netherlands, where – since 1976 – prosecutors and the police have agreed not to pursue PWUDs (and dealers) for possession of small quantities of cannabis. This appears to have succeeded in

separating the markets for cannabis and those for heroin and cocaine, thereby reducing the 'supply gateway' from cannabis to more harmful substances.<sup>44</sup> Recently, the Dutch government attempted, in the face of opposition from several municipal authorities, to impose controls on who would be allowed to buy cannabis in coffee shops. The fall of this government in 2012 ended the attempt to force all potential purchasers to register to receive a 'wietpas'. Some municipalities (holding a minority of the coffee shops) are going ahead with the banning of foreigners from using the coffee shops, with

early reports that this has led to rekindling unregulated open air street drug markets in these cities.

### Drug sellers

The coffee shop system has been credited with improving the regulation of retail drug sales in the Netherlands, especially since tighter controls and enforcement (e.g. banning advertising and limiting amounts of drugs to be stored and sold) were introduced in the mid-1990s.<sup>45</sup> Violence in the retail side of the Dutch cannabis market is relatively rare, especially when compared to some American drug markets.

Levels of violence that have been associated with drug sales in some cities of both hemispheres of the American continent have fluctuated wildly over the years. The best known example is again provided by New York. Ric Curtis and Travis Wendel<sup>46</sup> have been following these developments for many years. They have shown how specific types of markets are associated with different types and levels of violence, and that police activities can influence what form the market takes. In the 1980s, drug-selling operations that had corporate characteristics took control of drug sales. They had hierarchical structures, internal divisions of labour (including the hiring of violent enforcers) and tended to control discrete drug selling territories. Intelligence-led policing took down many of these organisations, and their territories were displaced by a gentrifying housing market. The drugs market shifted to a looser collection of freelance retailers, all of them competing for territory and customers. Not only did the dealers fight for these profitable assets, they were prey to robbery and violence from some of the enforcers who had previously been on the more stable payroll of hierarchical gangs. Police targeting of these street corner entrepreneurs (and the development of mobile phone technology) then incentivised and enabled the development of a third kind of market; indoor sales by delivery. These sellers had no physical

territory to protect. For them, violence served only to draw the attention of the police. So they avoided it. This model also had the benefit of reducing the presence of visible, open air drug markets. Such markets host a multitude of 'signal crimes'<sup>47</sup> which may also delegitimise the police and encourage other offending. In terms of harm reduction, hidden indoor sales by delivery are much less likely to be harmful, per unit sold, than visible, open air drug sales.

Another reported example of success in reducing the violence related to drug markets has come from High Point, North Carolina. The 'drug market intervention' here involved 'creating swift and certain consequences by "banking" existing drug cases; addressing racial conflict between communities and law enforcement, setting strong community and family standards against dealing; involving dealers' family members, and offering education, job training, job placement, and other social services'.<sup>48</sup> The 'banking' of drug cases involved collecting sufficient evidence to prosecute dealers, and then showing them the evidence in order to convince them that any continuation of their activities would certainly lead to incarceration. The evaluators reported that this led to the closure of the targeted open air drug markets, and to a reduction of violence in these areas. This approach of 'pulling levers' is an example of 'targeted' or 'focused' deterrence, as discussed in Report 2 of this series.<sup>49</sup> Kleiman argues that appropriately targeted and credible threats of swift punishment can lead to reductions in crime that reduce the need for actual punishment to be inflicted. So they can reduce the harms and costs of arrest and incarceration, as well as the prevalence of crime. This is surely the holy grail of drug policing, but some caution is warranted on claims that this grail has been found.

A more recent article on High Point has noted that evidence is available to support both proponents and critics of this approach.<sup>50</sup> There was a significant reduction in violence in the targeted areas, but there was also an increase in violence



across the city after the intervention. In addition, the reductions were only seen in the areas that had the highest levels of chronic violence. They were not achieved in drug markets with lower levels of violence. This echoes the pattern of reception of the 'Boston miracle'; Operation Ceasefire. This was an earlier 'pulling levers' intervention that brought together a partnership of the police and local community organisations. They presented local violent youths with a clear choice – avoid violence and accept help with education and employment, or go to prison

immediately. Initial reductions in violence were dramatic and well-publicised. Less well known is the fact that violence bounced back when the partnership broke down due to the departure of its police coordinator and conflict between members.<sup>51</sup> Nevertheless, aspects of Operation Ceasefire influenced the development of targeted deterrence schemes in other parts of the world, notably Brazil; although there as well, the approach has not been without its downsides (see Box 3).

### **Box 3: Rio de Janeiro's 'Pacifying Police Units' (UPP)\***

Rio de Janeiro has a long history of violence associated with drugs, organised crime and police repression. In Rio, the drug trade remains concentrated within economically and socially vulnerable communities living in the city's *favelas* (slums). In the 1970s, Rio became an important transit point for cocaine exports to North America, Europe and South Africa. Newly established drug factions quickly settled in the *favelas*, where they became important figures in the socio-political life of the community, providing them with health and social services and opportunities for employment in the drugs trade – services that were not offered by the government itself. In the 1980s and 1990s, divisions within and between drug factions, the increasing availability of high-calibre weapons, and violent police interventions in the *favelas* led to increasing levels of violence. High numbers of deaths (in 2010, the murder rate in Rio reached 46 per 100,000 inhabitants), an overcrowding of Brazilian prisons with drug offenders, high levels of corruption, and an ever-expanding drug market led the local government in Rio to review its drug policy.

Launched in 2008 in the *favela* of Santa Marta, UPPs ('*Unidades de Polícia Pacificadora*', Pacifying Police Units) reflect a new public security policy that combines law enforcement with actions seeking to tackle the social, economic and cultural aspects of the drug market. A key element of this policy is that it should focus on those areas where the market is most harmful, while acknowledging that some level of trafficking will be tolerated elsewhere. The pacification process consists of four steps:

- **invasion:** this step aims to retake control of the territories under the influence of a drug 'cartel'; it involves the intervention of the military
- **stabilisation:** while in the past the military has been used to invade problematic *favelas* only to withdraw a few hours later, this new strategy entails that the military remain in the pacified territory until the UPPs take over
- **occupation:** the UPPs start to operate in the *favelas* and seek to restore the rule of law through a system of community policing

- **post-occupation:** the UPPs develop a strong relationship of trust with the community and establish socio-economic programmes to boost education and employment opportunities.

Between 2008 and 2012, 17 *favelas* were retaken by the UPPs. Several concerns have been raised about the policy, however. First, some have criticised a feeling of militarisation of the communities, with the military remaining in the *favelas* for an extended period of time, leading to tight police control, arbitrary search and seizures and harassment. Others have raised concerns about the capacity of the UPPs to tackle drug-related violence extensively. Indeed, out of the 1,000 *favelas* in the city, only 17 have been pacified so far. This may lead organised criminal groups to migrate to those neighbouring *favelas* that have not yet been pacified and resume their violent activities. Nevertheless, the UPPs have been well received by *favela* residents. A study in eight pacified *favelas* found that 83 per cent of the residents considered that their security situation had improved as a result of the programme.<sup>52</sup>

\* Text box drafted by Marie Nougier, Research and Communications Officer, International Drug Policy Consortium

A recent review of experimental evaluations of focused deterrence approaches has found that they do tend to produce reductions in crime, but that more research is necessary into the dynamics, transferability and sustainability of these reductions.<sup>53</sup>

## Implementation, evaluation and austerity

In their review of the effectiveness of drug law enforcement interventions, Mazerolle et al<sup>54</sup> suggested a hierarchy of effectiveness of different policing approaches. At the bottom of this hierarchy, they placed generic, unfocused police patrols, which have not been shown to have a substantial effect in reducing drug markets or their harms. Then came community wide approaches involving a range of partners, which have some evidence of effect, but not as much as more specifically targeted approaches, such as place-based 'hotspot' policing. This has some evidence of producing reductions in drug and other crimes, but these tend not to be sustained when the targeted policing resources are withdrawn (and they may produce some of the harms discussed above). At the highest level of their hierarchy, Mazerolle et al placed

interventions that combine a problem-oriented, geographical targeting with efforts to create and sustain partnerships of agencies and actors (including local landlords) which can help to sustain reductions in drug markets and related harms.

In 2009, the UK Drug Policy Commission (UKDPC) found some evidence that police services in the UK have been learning the lessons of the research which Mazerolle et al reviewed. The UKDPC's report<sup>55</sup> includes a number of case studies which show the adoption of problem-oriented, place-focused, partnership-led operations. One example is Operation Reduction in Brighton. This runs in eight week phases, with intelligence being gathered in local drug markets through test purchasing to identify drug dealers who are causing the highest levels of harm through dealing and other crimes. This is followed by an arrest phase in which arrestees are encouraged to enter the drug treatment programmes that are made available to them. This has been evaluated as successful in reducing acquisitive crime in the area, and particularly among the individuals who were arrested. Similar claims have been published about Operation Iceberg in Kent and Operation Brava in Leeds. It is highly plausible, given the known successes of the

'pulling levers' approach – and of drug treatment in reducing offending – that these programmes reduced some forms of offending. However, it is regrettable that their evaluations have not included adequate control groups or systematic analysis of potential unintended consequences on violence and public health. The UKDPC report, for example, notes that there were initial problems in Operation Reduction with a group of dealers who replaced arrestees. These new dealers offered higher purity heroin which produced a short-term spike in overdose deaths (until these dealers were themselves arrested).

A report by the evaluators of Operation Reduction suggested that the evaluation of such initiatives can be costed at about £20,000.<sup>56</sup> Unfortunately, it costs much more than this to produce robust and comprehensive analysis of the effects of police operations on the full range of drug market harms. However, the failure to invest in such rigorous evaluation means that we are probably wasting much larger sums on programmes that are not effective, or that are actively counter-productive.<sup>57</sup>

The resources available for the policing of British drug markets (as for all other areas of public service) are under severe pressure. Another UKDPC report<sup>58</sup> found that a majority of polled police services expected to reduce their spending on the policing of drug markets. Intelligence gathering operations (of the type necessary for pulling levers) were considered particularly vulnerable. Police services also knew that potential partners across the public sector also had to reconsider the resources that they devote to partnership working. The need to follow the governmental mantra of doing 'more for less' is particularly acute in the policing of drug markets. There is an opportunity to do less of the things that are expensive and potentially counter-productive (e.g. unfocused patrolling, large-scale stop and search, numerous arrests of PWUDs, short-term crackdowns on dealers) and more of the things that provide value for the police and partners in health and local authorities. This would include maintaining and developing

investment in operations that force the drug market to adopt less visible and harmful forms, working with partners (including landlords) to shape the social context of local drug markets and continuing to divert people dependent on drugs into cost-effective treatment. In an age where the police are having to scale back their numbers, it becomes increasingly important that their resources are spent effectively and that they act in ways that boost their legitimacy and thereby the non-coerced law abidance of local citizens.

## Conclusions and recommendations

The police provide a crucial service to the public in reducing the harms of crime. This report has explored how this service can be enhanced. This involves avoiding practices which tend to produce crime and other harms. It also involves adopting tactics that have the best chance of reducing the harms associated with drug markets.

The police in many countries have learnt that a blanket approach which aims to eliminate drug markets is not feasible. Not all drug markets are equal in terms of the harms they produce. And untargeted, enforcement-only approaches are unlikely to produce sustainable reductions in either the scale of the drug markets or level of harms.

Below is a list of recommendations for consideration by policy makers and senior police officers who are designing and managing the policing of retail drug markets.

1. There should be increased recognition that the level of harm is more important than the size of the market.
2. Police services and policy makers should use tactics that are experienced by the community as being fair, lawful and effective. Otherwise, they will harm police legitimacy and community relations.

3. Policies and strategies should recognise that visible, open air drug markets tend to be more harmful per unit of use than hidden, closed drug markets.
4. There should be increased appreciation that some enforcement-led approaches, including short-term crackdowns and large scale stop and search, are unlikely to produce sustainable reductions in drug sales. They may actually increase levels of violence and health harms and reduce police legitimacy.
5. That policing tactics can force the drug market to adopt less harmful forms should be embraced and foregrounded in the design and implementation of anti-drug approaches
6. Policing of drug markets should be designed in order to minimise opportunities for corruption
7. Potentially effective tactics include decriminalisation/depenalisation, 'pulling levers', focused deterrence, diversion to treatment and other problem-oriented, partnership approaches.
8. In an age of austerity, it is necessary to concentrate resources on policing tactics which have the greatest chance of delivering both community safety and value to the taxpayer.
9. More research is needed to ascertain which tactics are likely to be most effective in which local and national contexts. Failure to invest in robust evaluation is a false economy.

## **Modernising Drug Law Enforcement**

***A project by IDPC, with the participation of the International Security Research Department at Chatham House and the International Institute for Strategic Studies***

Drug law enforcement has traditionally focused on reducing the size of the illicit drug market by seeking to eradicate drug production, distribution and retail supply, or at least on the stifling of these activities to an extent that potential consumers are unable to get access to particular drugs.

These strategies have failed to reduce the supply of, or demand for, drugs in consumer markets. Given this reality, and a wider policy context where some governments are moving away from a 'war on drugs' approach, drug law enforcement strategies need to be adjusted to fit the new challenge – to manage drug markets in a way that minimises harms on communities. A recognition that law enforcement powers can be used to beneficially shape, rather than entirely eradicate, drug markets is being increasingly discussed.

The objective of this project, led by IDPC, with the participation of the International Security Research Department at Chatham House and the International Institute for Strategic Studies, is to collate and refine theoretical material and examples of new approaches to drug law enforcement, as well as to promote debate amongst law enforcement leaders on the implications for future strategies. Dave Bewley-Taylor is the editor of the Modernising Drug Law Enforcement project publication series. For more information, see: <http://idpc.net/policy-advocacy/special-projects/modernising-drug-law-enforcement>.

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