

Safer Communities

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Special issue guest edited by the UK Drug Policy Commission (UKDPC)

Law enforcement to reduce drug harms



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BEN LYNAM

Guest Editor

BEN LYNAM is Head of Communications at the UK Drug Policy Commission.

Welcome to a special edition of *Safer Communities*, guest edited by the UK Drug Policy Commission (UKDPC), an independent charitable organisation that seeks to improve political, media and public understanding of drug policy issues (see www.ukdpc.org.uk).

In this issue we consider the role of enforcement in reducing the harms caused by drugs.

Depending on your perspective, this might seem like a strange concept. Some will argue that the role of enforcement is to enforce drug laws, end of story. Others will say that enforcement is the cause of a great deal of harm and so to consider its role in reducing harm is perverse. However, the widely accepted and established view is that the ultimate aim of tackling drug markets and enforcing drug laws should be to reduce drug harms. For instance, the Serious Organised Crime Agency (SOCA) explicitly aims to reduce the harm from the illegal drugs trade within the UK and the government's 2008 drug strategy has a similar emphasis in the chapter on law enforcement.

The UKDPC recently published a review of the research literature called *Tackling Drug Markets and Distribution Networks in the UK* by the Institute for Criminal Policy Research, King's College London. It found, in short, that UK drug markets are well established and extremely resilient to enforcement efforts. As a result, even the most significant drug seizures and dealer/trafficker convictions usually fail to have a sustainable impact on street-level supply and demand. The drug market simply adapts to changing circumstances. For instance, the void created by imprisoning traffickers and dealers is usually filled quickly (if indeed being behind bars prevents them from continuing their activity) and a local 'crackdown' may result in displacing a drug market to another neighbourhood.

However, the fact that enforcement agencies can cause drug markets to adapt in this way gives them a

unique opportunity to reduce drug-related harms. For instance, they might:

- ♦ tackle markets that cause the most 'collateral damage' (for instance, those linked with sex markets, human trafficking, gang violence, corruption, drug-related crime and other forms of anti-social behaviour)
- ♦ 'close' open street-level markets which affect community confidence, damage neighbourhood reputations and undermine regeneration efforts
- ♦ form local partnerships to channel users into treatment and related support
- ♦ work closely with local communities to help them become more resilient to drugs (for example, addressing the extent of violence and intimidation in some neighbourhoods)

Of course, many agencies are already doing this to a greater or lesser extent. Police partnerships with 'traditional' harm-reduction agencies, such as drug treatment providers and social services, are now common practice, as is targeting the most harmful markets (usually in terms of prioritising class A drugs). However, there is no shared understanding of what a 'harm-reduction' approach looks like or, crucially, how it should be measured. Traditional measures of success have endured, partly because they are relatively easy to measure, but they are insufficient and risk 'underselling' approaches that seek to reduce harm. Increasing the amount of drugs seized and dealers arrested does not necessarily reduce harms and could even end up increasing them. Similarly, harms might decrease without affecting the amount of drugs on the street or traffickers/dealers in prison. However, it remains a significant challenge to demonstrate that

harms have been reduced following a successful enforcement operation.

Following on from the King's College London review, the UKDPC is now considering the role of enforcement in reducing drug harms in partnership with organisations such as SOCA and the Association of Chief Police Officers (ACPO). The ultimate aim of the work is to identify how the full range of enforcement activity can affect (increase, decrease, cause and prevent) the damage caused by drug use and drug markets and consider ways to measure this.

We hope to encourage an explicit way of thinking about reducing harm, which allows enforcement agencies to develop new approaches and focus their activity on making a positive difference to our communities. This thinking may lead to some uncomfortable places, but this already happens, implicitly, within enforcement agencies across the UK who are seeking to prioritise their activity with limited resources. For instance, an explicit harm-reduction approach will encourage agencies to ask the following questions.

- ◆ How should we weight a small harm that affects a large group of people against a large harm that affects only a small group?
- ◆ Is it ever justifiable to intervene in a way that increases harms for one group in order to decrease harms for another?
- ◆ Is it ever justifiable not to act on information of criminal activity?
- ◆ Should enforcement agencies focus on those harms that they can most influence or those that are most serious?
- ◆ How can potential unintended consequences of interventions be identified and minimised?

As part of our project we have commissioned a series of papers to discuss the potential for taking a harm-reduction approach to enforcement and these appear in this issue of *Safer Communities*.

The first paper (page 9) sets up the debate and is written by two internationally respected US academics, Jonathan P Caulkins and Peter Reuter. They provide us with a detailed and thought-provoking account of the opportunities available for enforcement, which focuses on reducing market-related harms, drawing on some

fascinating international examples such as the Boston Gun Project. After highlighting that '*not all dealers are equally destructive*', they suggest one aim for enforcement could be to shape the drug market by making the most noxious forms of selling uncompetitive relative to less harmful practices.

In the pages that follow, four authors respond to the Caulkins and Reuter paper from their different perspectives.

On page 24, David Bolt, Director of Intelligence at SOCA, accepts that arresting and imprisoning criminals is '*no longer seen as the end-game*' and is broadly in support of a harm-reduction approach. However, he raises many practical issues in adopting a harm-reduction approach and is concerned that, while '*manipulating a drugs market*' might be pragmatic, it '*smacks of defeatism*'.

On page 29, Leo Boland, Chief Executive of the London Borough of Barnet and Steve Kavanagh, Borough Commander, consider the implications at a neighbourhood level. They question the assumption that crime is predominantly a police problem and do not accept that the police play the lead role in helping to contain the harmful side effects of drug abuse/addiction, emphasising a partnership approach. However, they see harm-reduction as fitting in well with a local authority approach that understands the needs of residents.

On page 32, John Grieve uses his considerable experience in the police force and his academic background to apply Caulkins' and Reuter's contribution to some aspects of the UK experience. He particularly draws on the work of Goldstein, which places drug-related crime into three categories: psychopharmacological, economic-compulsive and systemic.

Finally, Tristram Hicks from the Metropolitan Police Proceeds of Crime Implementation Team considers the harms caused by the economics of the drugs market and how these can be tackled, altering the fundamental nature of the trade, using the Proceeds of Crime Act.

We hope that you find this special edition interesting and challenging. If you would like to know more about the UKDPC project please get in touch.

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Safer Society

Community justice

Shrinking budgets, growing demands

The criminal justice system faces major pressures in the coming years, with contradictory government policy placing staff under enormous strain, suggests a report released by the Centre for Crime and Justice Studies on 8 December. *Criminal Justice Resources, Staffing and Workloads* argues that workload and staffing pressures in the criminal justice system have grown alongside the increase in criminal justice budgets. It says that as the government seeks to cut costs in the years to come, the key criminal justice agencies face a grim future of staffing cuts, wage freezes and increased work for those that remain.

The report is at www.crimeandjustice.org.uk/opus978/Criminal_justice_resources_staffing_and_workloads.pdf.

Crime maps

The Home Office has announced that interactive online crime maps are now available from every police force in England and Wales. The maps show what crimes have been committed in any given street or neighbourhood and include offences such as burglary, robbery, violence, car crime and antisocial behaviour. They also show crime trends, so it is clear if crime is rising or falling, as well as how areas compare with the average.

Inadequate evaluation of community sentences

The confidence of the public and the courts in the use of community sentences is being undermined by a lack of information about their effectiveness, according to a Commons committee report released on 4 November. The MPs' report claims the Ministry of Justice does not have basic information on the 120,000 community orders issued each year, including whether offenders actually complete them or the reasons why they fail to finish them.

Judges and magistrates can impose 12 possible requirements on offenders, including anger management courses, drug and alcohol treatment,

and unpaid work in the community. But the report says that while the Ministry of Justice collects national data on the total number of requirements completed by each offender, there is no information on the completion rates for the individual requirements or for community sentences as a whole.

The report is at www.publications.parliament.uk/pa/cm200708/cmselect/cmpublic/508/508.pdf.

DNA database

Jacqui Smith announced in January that the government will consult on the future of the DNA database, following the ruling from the European Court of Human Rights that storing the DNA of innocent citizens indefinitely is unlawful. Proposals will include changing the law to allow the taking of DNA samples from serious offenders who are in prison but were convicted before the national database was created, as well as limiting the time period during which the details of the 850,000 people without a conviction who are on the database can be stored. DNA samples of children under 10 will be removed immediately.

Smoke and mirrors

According to figures released by the Department for Children, Schools and Families in December, there has been a 'huge drop' in the number of first-time entrants to the criminal justice system in England: down 10.2% in 2007/8 from the position in 2005/6 – more than twice the target of 5%. However, Rod Morgan, ex-chairman of the Youth Justice Board, argues the validity of the claim hinges on the definition of first-time entrants, pointing out that children and young people issued with penalty notices for disorder (PNDs) are specifically excluded from the calculation. He argues that it is reasonable to assume that a high proportion of these young people were first-time entrants to the system because these are precisely the circumstances in which PNDs are said to be appropriate. If the 20,000 or more young people who received them in 2007/8 were to be included, it seems likely that the 10% reduction in the number of first-time entrants would be wholly or largely wiped out. Morgan has accused the government of a 'smoke and mirrors' exercise.

Factors linked to reoffending

The Ministry of Justice has published research on factors linked to reoffending. The study took results from three resettlement surveys of prisoners, including young offenders, to look at the association between resettlement factors – such as having



changing lives
reducing crime

This *Safer Society* supplement provides a digest of key developments in relation to young people and crime, drugs, safer communities and policing. The supplement has been compiled by Nacro, the crime reduction charity (www.nacro.org.uk).

For back issues of Nacro's *Safer Society* magazine, go to www.safersociety.org.uk.

Nacro is a charity, no. 226171.

accommodation and obtaining education, training and employment – and one-year reconviction rates.

To view the research, go to www.justice.gov.uk/docs/research-factors-reoffending.pdf.

More intensive penalties

As of 5 January, courts are now able to hand out more intensive penalties to knife crime offenders who are ordered by the courts to carry out community payback work (such as picking up litter or renovating community centres). They will now have to complete their sentence in intensive blocks, doing at least 18 hours of work a week, whereas previously this had only applied to those sentenced to the maximum 300 hours of community payback.

Banking on a fresh start

According to a report published on 4 December, access to a bank account for discharged prisoners reduces their likelihood of reoffending by 50%.

In 2006, the Co-operative Bank launched a scheme in Forest Bank prison in Manchester to provide 500 prisoners with bank accounts and a cash card on release. An 18-month study into the effectiveness of the scheme found that of the 193 prisoners tracked after release, only 37% had returned to prison compared with the national rate of 67%.

Work by resettlement staff at the prison revealed that without proof of identity or address, ex-offenders were repeatedly turned away from banks. This jeopardised job opportunities, access to accommodation and education, and generally exacerbated their social and financial exclusion. More than 1,300 inmates in 28 other jails have now opened accounts with the Co-op which has called for other banks to start offering a similar service so that more inmates across the country can benefit.

Read the report at: www.ljmu.ac.uk/HEA/HEA_Docs/RUFI_Banking_on_a_fresh_start_December_2008.pdf.

■ ■ ■ Drugs

Drug treatment reduces crime

Research published on 17 November shows that heroin and crack cocaine addicts receiving drug treatment commit fewer crimes to feed their habit. The Manchester University study for the National Treatment Agency for Substance Misuse was based on data from the police national computer and shows that the number of offences committed by addicts – such as theft – fell by almost half once they had entered drug treatment programmes.

Reductions in crime were consistent across the board. Violence more than halved, as did offences of

fraud, drug possession and prostitution. While in treatment, the highest proportion of crimes committed were for breaching a previous sentence. The research results were based on 1,500 heroin and crack cocaine users who had recently been convicted and sentenced to undergo rehabilitation treatment in the community rather than being jailed.

The study can be read at www.nta.nhs.uk/.

27% increase in drink and drug cases on mental health wards

Research conducted by Newcastle University and published in the *British Medical Journal*, showed that more than 47,000 patients were admitted to mental health wards in 2006 due to the effects of alcohol or drugs – 10,000 more than in 2003. The rise comes despite a drop in the overall number of patients in psychiatric units – from a high of 214,000 in 1998 to just over 180,000 in 2006. The report warns that the change in reasons why patients are referred to mental health units has changed the environment on wards, as an increasing number of people with mental ill health present with a dual diagnosis of mental illness and alcohol or drug addictions.

Top of the league table

The annual report of the European Monitoring Centre for Drugs and Drug Addiction shows that the UK remains at the top of the European league table for cocaine abuse for the fifth consecutive year, with 12.7% of young adults aged 15 to 34 having used the drug. Britain is also now fourth for cannabis use amongst 15 to 24 year olds, with 39.5% saying they have tried it and 12% saying they have used it in the last month. However, the report also claims that there are positive signs of the declining popularity of cannabis across Europe. Published alongside the annual report is a review of drugs and vulnerable groups of young people.

The report is at www.emcdda.europa.eu/publications/annual-report/2008. The review, *Vulnerable Young People*, is at www.emcdda.europa.eu/publications/selected-issues/vulnerable-young.

Prohibition on cannabis ‘not working’

A report prepared for the 2009 UN Strategic Drug Policy Review suggests there is evidence that a regulated market for cannabis would cause less harm than the current international prohibition which, it says, ‘is not working’. *The Global Cannabis Commission Report*, compiled by a group of scientists, academics and drug policy experts, calls for ‘a serious rethink’ and suggests that much of the harm associated with cannabis use is ‘the result of prohibition itself, particularly the social harms arising from arrest and imprisonment’.

It suggests 'an alternative system of regulated availability' and advocates that controls such as taxation, minimum age requirements and labelling be explored. The report was welcomed by drug law reform organisations.

Read the report at www.beckleyfoundation.org/pdf/BF_Cannabis_Commission_Report.pdf.

■ ■ ■ Young people and crime

Criticism of custody for children

A recent briefing from Barnardo's, *Locking Up or Giving Up?* criticises custody for children as being expensive and ineffective. It shows that the use of custody for 10-14 year olds has increased 550% since 1996, despite there being no significant change in the nature of offending by children.

See www.barnardos.org.uk/what_we_do/campaigns/children_in_trouble_with_the_law.htm.

Support for young victims

The Home Office has awarded funding to five areas across the country (Derby, Lambeth, Norfolk, Lewisham and Oxfordshire) to create a network of support services for young victims of crime. Part of the Youth Crime Action Plan, the new pilot scheme will offer workshops (in and out of school) to educate young people on how to keep safe; drop-in sessions in schools where young people can go for support; peer support networks; and training for police from young people on how to work better with their age group.

Restorative justice

A restorative justice scheme being trialled in 20 schools and a number of academies in Bristol and Sefton has already cut exclusion levels in some of the country's toughest schools by 45%, as well as improving general behaviour. The scheme has also been successful in dealing with bullying, seeing a 27% reduction in incidents. Researchers at King's College, London are carrying out an assessment of the pilot project which will be presented to ministers, with a view to extending the scheme nationwide.

'Feral' children

The results of a poll released on 17 November show the public overestimate the amount of crime committed by young people and that 49% of people think that children are increasingly a danger to each other and to adults. In addition, 54% of adults say young people are 'beginning to behave like animals' while 43% agreed with the statement 'something must be done to protect us from children'. Barnardo's commissioned a YouGov poll of 2,000 adults after

the UN Committee on the Rights of the Child said Britain should take urgent action to stop the demonisation of children. Martin Narey, Barnardo's chief executive said: 'It is appalling that words like "animal", "feral" and "vermin" are used daily in reference to children.'

A report launched alongside this survey, *Breaking the Cycle*, found that the children most at risk of criminality and antisocial behaviour are the most disadvantaged, with the poorest educational experiences and a higher probability of suffering from poor health.

The report and more information about the poll can be accessed at www.barnardos.org.uk.

■ ■ ■ Police

Four in ten crimes not investigated

It has been revealed that police are failing to investigate almost four in every ten crimes. Instead, the cases are simply filed away by officers who do not consider they can be solved. Many of the most common offences are routinely filed as 'not for action' by telephone operators after the initial call reporting the crime.

The Metropolitan Police said that in the financial year 2007/8 it screened out a total of 437,888 offences. These included 26,709 violent offences, 338 sex attacks, 5,562 robberies and more than 60,000 burglaries. Across the country, of the 16 forces who replied to a request under the *Freedom of Information Act 2000*, 39% of all crimes were screened out – the equivalent of 1.9 million out of the five million crimes reported. Police forces have adopted the tactic of screening out crimes in response to government targets insisting they must bring a fixed number of offenders to justice each year. There is increasing concern this had led to police forces targeting resources on cases with the best chance of success.

Police reform dropped

Plans for direct elections to police authorities which oversee the 43 forces in England and Wales were dropped by the government in December as the Home Office published its Policing and Crime Bill. It is thought that the decision was due to the realisation that there was little chance of getting the measure through Parliament, and to avoid getting into a public argument with senior police officers who have become increasingly alarmed about political attempts to try and control the police. Instead, David Blunkett is to carry out a review into how to increase police accountability to the public.

Police misrecord violent crime

A new row over the integrity of police crime figures was sparked when the Home Office disclosed that a significant number of police forces have been under-recording some types of the most serious violent crime. Apparently, the bulk of an apparent 22% rise in the most serious violence category was due to a 'misinterpretation' of the counting rules by some police forces, rather than being due to a surge in actual attacks. The Association of Chief Police Officers said the problem probably extended to all 43 forces in England and Wales.

Mobile fingerprint scanners

Every police force in the UK is to be equipped with mobile fingerprint scanners: handheld devices that allow police to carry out identity checks on people in the street. Fingerprints taken will then be compared against those on the national police database.

Supporters say it will save time as officers will no longer have to take suspects to custody suites to check fingerprints, and it should significantly reduce the number of errors and arrests. The scheme could be in widespread use within 18 months. Liberty, the civil rights group, has warned that fingerprints taken in such a way would need to be deleted straight afterwards. The police insist fingerprints taken by the scanners will not be stored or added to databases.

Improving communities

Child poverty

A report by the Campaign to End Child Poverty has claimed that millions of children in the UK are living in, or on the brink of, poverty. The report says 5.5 million children are in families that are classed as 'struggling', which amounts to 98% of children in some areas. The organisation has also released a child poverty map for each region in Britain. The figures show that 174 constituencies in Britain have 50% or more children living in poverty.

The report is available at endchildpoverty.org.uk.

Postcode prison

An exploratory study by the Joseph Rowntree Foundation that examines the manifestations and impacts of territorial behaviour among young people in disadvantaged areas of British cities has found that young people are increasingly confining themselves to their immediate neighbourhoods where territoriality rules their lives. It found that many live in areas where postcodes mark out borders that can't be crossed and where gang patrol zones as small as

200 square metres. In Tower Hamlets, east London, which borders the Thames, one youth worker taking a group of local teenagers on a boat ride discovered that they had never seen the river.

The report concludes that, as well as increasing young people's risk of getting involved in violence, territorial thinking prevents young people from accessing decent colleges, jobs and healthcare in different areas, limits social mobility and is reinforcing poverty in some of the UK's most deprived urban areas.

To view the report, go to www.jrf.org.uk/bookshop/details.asp?pubID=978.

Britain lagging behind

A new report from the Confederation of British Industry has warned that Britain's failure to get young people off the streets and into work leaves them vulnerable to ill health, involvement in crime and a life on the margins of society. The CBI says it is unacceptable that Britain ranks 23rd out of 28 in the Organisation for Economic Co-operation and Development's league table of young people not in education, employment or training, and that £250 million a year could be saved if the number of young people claiming benefits was halved.

See www.cbi.org.uk/pdf/CBI-NEET-Oct08.pdf.

Intergenerational understanding

As part of its broader work on antisocial behaviour and tolerance, the Joseph Rowntree Foundation has published a report on promoting intergenerational understanding. The study summarises an independent evaluation of the Thinking Village project, which was designed to develop intergenerational understanding in a neighbourhood, using the principles of 'community philosophy' – based on a US approach that convenes discussion groups through which participants learn new ways to speak and listen to one another.

To read the report, go to www.jrf.org.uk/knowledge/findings/socialpolicy/2256.asp.

New resource for community cohesion

A new interactive website has been launched which gives expert help and guidance on creating strong, cohesive communities. Developed by the Institute of Community Cohesion, the free ICoCo portal brings together in one place a range of practical advice and support on how to promote cohesion and integration, drawing on good practice case studies from across the country. Aimed at practitioners, policy-makers and all organisations with an interest in community cohesion, it offers toolkits, good practice, research and guidance.

See www.cohesioninstitute.org.uk.



Towards a harm-reduction approach to enforcement

Abstract

This article provides an overview of the opportunities enforcement has to undertake activities to reduce harms caused by drug markets. Four pathways are open to the police in relation to drug harm-reduction: reducing the amount of drug use; reducing the harm that drug users experience; reducing the harms that drug users impose on others; and reducing the harms caused by drug markets. It is the latter pathway that is the main focus of this article, which draws on a range of international examples. After highlighting that 'not all dealers are equally destructive' it is argued that one aim for enforcement could be to shape the drug market by making the most noxious forms of selling uncompetitive relative to less harmful practices.

Key words

Drug markets; enforcement; harm reduction.

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Executive summary

Harm-reduction as a policy goal implies targeting directly drug-related harms rather than drug use itself. So far it has been largely a public health sector movement, focused on harms to users, most notably from heroin overdose, injection drug use and club drugs. Harm-reduction has offered fewer solutions to the problems of drug-related crime, violence, corruption or market externalities. However, harm-reduction has potentially much broader application when applied to the entire suite of harms generated by the production, distribution, consumption and control of drugs, not just drug use.

The traditional view of harm-reduction relegates policing to a passive or peripheral role, but law enforcement is uniquely empowered to address market-related harms. This paper explores ways in which the police, broadly defined, can use their powers to reduce drug-related harms.

Police can and do undertake activities that reduce harm related to use, perhaps more than is usually recognised. For example, in some jurisdictions they actively warn users about dangerous batches of drugs; in others they attempt to manage those who are under the influence of drugs so that intoxicated users do not endanger themselves or other people; in others they work hard to get users into treatment.

The paper focuses, however, on market-related harms because they have been less examined. The push-down/pop-up character of drug markets that is the bane of efforts to eradicate drug markets can actually become an asset for these efforts to mould or shape the market. For enforcement to suppress a particularly noxious part of the market, it is not necessary to make that sub-market or that selling practice uneconomical; it is only necessary to make it uncompetitive relative to other, less noxious forms of selling.

There are at least three broad policing strategies that may be employed for achieving this form of market regulation.

Towards a harm-reduction approach to enforcement

1. Specific deterrence, in which police target particular individuals, as in the Boston Gun Project.
2. Place-based enforcement, eg. targeting markets in areas that are particularly accessible for youths.
3. Targeting behaviours such as use of juveniles in selling or use of violence in disputes.

Harm-reduction also represents a different way of thinking about strategic decisions. It forces articulation of all the positive and negative consequences of policing decisions. Identifying trade-offs should help management.

Introduction

Harm-reduction began, and is usually envisaged as, focusing on controlling the consequences of drug use, particularly injection drug use (eg. Des Jarlais *et al*, 1993). It is seen as working primarily through interventions that target the proximate cause of the harm and has been a public health sector movement.

However, much drug-related harm is suffered by people other than the drug users and much drug-related harm is caused by drug markets and/or drug-related crime and violence, as opposed to drug use directly. In both the UK and Australia there has been an active interest among police professionals in extending harm-reduction, both as an approach and a set of programmes, to their own activities. Harm-reduction as an approach weighs the potential costs of an intervention, including the predictable undesirable side effects, against the benefits from a reduction in use. Harm-reduction as a class of programmes targets the proximate cause of specific harms.

This paper presumes a desire to take a more inclusive approach to reducing all drug-related harms and asks what role law enforcement, primarily police, can play in such an effort. We make relatively brief reference to other parts of the criminal justice system, such as prosecutors and judges, though they also can adopt policies that reduce the adverse consequences of drug use and distribution. The same comment applies with respect to the broader class of agents who help to enforce norms and constrain behaviour, including teachers and social workers. For coherence, the discussion here is best grounded in some

specificity, but the overall philosophy may be applicable quite broadly.

Policing, using the term broadly to cover any law enforcement activity aimed at interrupting or otherwise controlling the behaviour of market participants, can ameliorate drug-related problems in many ways. Past reviews have often stressed police supporting other agencies, for example by advocating harm-reduction (cf, Spooner *et al*, 2004). Our focus, however, is on primary activities for which police are the lead agency, not just a supporting player. For this purpose it is useful to distinguish four broad pathways.

1. Reducing the amount of drug use.
2. Reducing the harm that drug users experience per unit of drugs used.
3. Reducing the harms that drug users impose on others.
4. Reducing the harms caused by production, trafficking and distribution of drugs.

The four pathways are listed roughly in order from the most familiar at the top to the most novel at the bottom. However, the fourth pathway is arguably the most important. That is, the greatest contribution that policing and other law enforcement activity makes may be via controlling market-related harm, and the greatest potential for drug control to do better lies in enforcement recognising and embracing this vital role.

This paper will proceed through the four pathways in order, but will intentionally deal with the first two briefly, since they have been discussed in other documents (Boyum and Reuter, 2005; Spooner *et al*, 2004; Ritter and Cameron, 2005). The central part of this essay will focus on making the case for potential contributions of policing to further reducing drug crime and market-related harms. This is akin to problem-oriented policing (Goldstein, 1990), but what constitutes a problem is driven by objective understanding of the nature of drug-related societal harms. Responding to problems as they are perceived by the stakeholders who traditionally influence police priority setting might under-prioritise harms that are hidden, systemic or are suffered by relatively disenfranchised groups. At any rate, the literature

suggests that, as in problem-oriented policing, taking a proactive rather than a reactive approach to drug law enforcement can be helpful (Mazerolle *et al*, 2005).

One final preparatory comment deserves mention. One can distinguish between 'cautious' and 'aggressive' forms of harm-reduction. The former will only consider interventions that reduce harmfulness without risking any increase in use. The latter is even open to policies that could increase use slightly if they reduce harmfulness substantially. For instance, if use increased by only 10% while cutting harm per unit of use by 50%, then total harm would still be reduced by 45% since $(1 + 10\%) * (1 - 50\%) = 55\%$.

Advocates of traditional harm-reduction often claim that their interventions meet even the cautious test (ie. they have no adverse effect on use), and reviews tend to reach this conclusion with respect to needle and syringe exchange programmes (Ritter and Cameron, 2005). However, one does not need to be a reactionary to wonder whether reducing harmfulness generally might not lead to greater use, as it apparently has in other domains as diverse as driving, smoking and skydiving (Wilde, 1994; MacCoun, 1998).

Some jurisdictions or policy-makers might be interested only in interventions that meet the cautious test; others might be willing to consider any strategy that promises to reduce the total burden that drugs place on society. We take no position here as to whether law enforcement efforts to reduce drug-related harm should be restricted to 'cautious' interventions, but to serve both audiences, we choose not to restrict discussion below to interventions known to have no adverse impact on use.

Reducing drug use

Policing, and law enforcement generally, can reduce drug use in three ways.

1. Lowering demand.
2. Constraining supply.
3. Driving a wedge between demand and supply.

A fourth mechanism is also discussed.

4. Reinforcing norms against drug use.

Lowering demand

Law enforcement deters demand when it threatens users with sanctions for use or possession of drugs. Though the majority of arrests in the UK, as in most countries, are for simple possession offences rather than trafficking or production, this is deceptive as a description of the primary role of police in drug enforcement. Many possession arrests are probably incidental to traffic stops, stop and search or other patrol activities, rather than the consequence of targeted activities. Most involve only cannabis. Thus, on the one hand they are relatively simple arrests for the police and, on the other, have relatively modest consequences for the arrestees and for drug use generally, since the penalties following a cannabis possession arrest rarely include prison sentences, even in the US. The probability of arrest for drug possession for any specific drug is clearly very slight. For cannabis, MacCoun and Reuter (2001) estimate that in the late 1990s in the US it might be less than one in 4,000 for any given cannabis use episode. It is unlikely that feasible variations in that probability can have a large effect on decisions to begin or to continue use.

We conjecture that most police inputs to drug enforcement are associated with the more complex activity of making arrests for drug selling, importing, production (synthetics) or growing (cannabis). That is no more than a conjecture given how little the allocation of drug enforcement resources has been studied, but it suggests that policing is more supply-side than demand-side oriented.

That is not to say that policing has no consequence for deterring use by experienced users of expensive and dependency-creating drugs. As much as the literature condemns use of incarceration to deter drug use, it tends to applaud enforcement-treatment partnerships where law enforcement provides a 'stick' to complement the treatment 'carrot'. The criminal justice system is seen here as trying, through the threat of coercion, to increase the likelihood that a dependent drug user seeks treatment (eg. Weatherburn and Lind, 2001) or remains in treatment (a goal of the UK's Tough Choices Programme described by Skodbo *et al*, 2007). Drug courts are the best known model (Belenko, 2001; Shanahan *et al*, 2004). However, although much touted in the US,

they account for a minuscule fraction of drug-involved offenders who go through the criminal justice system; this is a consequence of very restrictive eligibility rules (Bhati *et al*, 2008).

Kleiman (1997) argues that the key is not so much having a judge in the room as having a well-specified series of graduated sanctions that when applied immediately and with high certainty can 'coerce abstinence' (Harrell *et al*, 2003; Mitchell and Harrell, 2006). Kleiman's model stands in contrast to older forms of 'intensive supervision' that were not, in fact, very intensive and under which the consequences for failed drug tests were inconsistent; for an ambivalent assessment of these older approaches, see Holloway *et al* (2005).

In the US, police have also played a role in school prevention programmes. DARE, the most popular prevention programme in US schools, is delivered by police officers. Evaluations of its effectiveness as implemented in the 1980s and 1990s have been so consistently negative (US General Accounting Office, 2003) that the programme is in the process of complete redesign. Whether the police can be effective at delivering prevention messages to children remains an open question.

Constraining supply

The traditional focus of drug law enforcement has been on reducing supply. Indeed, prohibition plus a modest investment in drug enforcement is apparently spectacularly successful at constraining supply. Drugs such as cocaine and heroin are semi-refined agricultural products. If they were legal there is no reason they wouldn't sell for prices similar to those for sugar, flour or, at most, coffee. However, they actually sell in retail markets for much more per unit weight than gold. Economists have established that drug consumption responds to price changes more or less to a degree similar to consumption of other goods (Grossman, 2004).

That is the good news. Drug law enforcement makes drugs far more expensive than they would be if drugs were legal, and those high prices contribute substantially to holding down drug use. We note in passing that high prices are also responsible for some of the violence in the markets (since it provides an

incentive for theft of drugs) and also for the attractiveness of the trade to youth with a proclivity to violence.

The bad news is that expanding from prohibition and a modest amount of enforcement to prohibition, plus very aggressive drug enforcement appears to raise prices only slightly or, at most, moderately beyond what they would have been with just the modest level of enforcement (Caulkins and Reuter, 2006). Pursuing just enough enforcement that drug sellers fear arrest and seizure of drugs may be sufficient to generate most of the supply-side gains of enforcement, without mass incarceration.

There is simply no research specifically on how police activity, as opposed to sentencing, affects the price and availability of drugs. It is plausible that the effects are substantial for emerging drugs. When a large market is established it is hard for policing to interrupt it. But the process of transformation from distribution through social networks to creation of actual markets may be one that can be interrupted by aggressive, targeted police activity.

There are, however, two caveats to this proposition. First, precisely because the focus is on a new drug, there is little information to guide police about which drugs they should be targeting in this way. Data from emergency rooms may provide early warning as to which new drugs are being used but not all drugs announce themselves that way. Second, some drugs are distributed through social networks even when they are established. That is true for cannabis in many nations; college students probably buy from another student who is a dealer in their dormitory or get it from friends. It is also true for 'club drugs'. Though the club events themselves make a clear target for policing, much of the distribution may be distant from those events.

Driving a wedge between demand and supply

Policing can also reduce drug use by creating a wedge between the demand and supply curves. This involves imposing non-financial costs on users, for example by making it hard to find a dealer. Raising non-financial costs is appealing because it can discourage use without increasing revenues per unit sold by dealers. The 'search time' argument was originally advanced by Moore

(1973), and has been refined and applied by Kleiman (Kleiman, 1988; Kleiman and Smith, 1990). It recognises that users expend time and effort to locate a dealer and complete a transaction. For many years the concept was largely unevaluated, in no small part because there were no data on search times. Rocheleau and Boyum (1994) achieved a substantial breakthrough by showing that data could be collected on retail purchasing patterns generally and search times in particular. Furthermore, they showed that even experienced heroin users expend substantial effort obtaining their supplies (an average of 35 minutes per purchase), raising hopes that search time costs were large and, hence, driving them up might be a practical way of suppressing use.

However, Caulkins (1998) argued that since the average purchase was about \$25, unless these addicts placed a high value on their time¹, the search time costs were still small compared to the financial costs. Furthermore, since heavy users may know 10–20 alternative suppliers and new dealers can be located relatively easily (Riley, 1997), it is doubtful that arresting one, or even several, would greatly increase search time. Quantifying these observations is highly speculative, but Caulkins (1998) estimates that arresting retail dealers of established, mass-market drugs reduces consumption by experienced users through increased search times by less than one-tenth of the amount it could reduce consumption through other more direct mechanisms described below. The ratio may be even lower for enforcement directed at targets further up the distribution chain.

This does not mean that increasing search times is never effective. It is more likely to be effective in smaller towns, 'thinner' markets², and/or with newer users who have not established alternative sources of supply. Such individuals are presently responsible for only a small portion of consumption, but if increased search times can suppress initiation, in the long run it might have a greater effect.

Reinforcing norms against drug use

Traditionally, one role of law enforcement has been to embody and reinforce norms against criminal behaviour and MacCoun (1993) observes that this is one (of seven) mechanisms through which a drug prohibition can affect drug use. In this view, crime is controlled in no

small measure by informal mechanisms that enforce social norms, but official action plays an important role in determining what behaviour is or is not within the norms of acceptable behaviour. According to this theory, law enforcement might not want to arrest drug law violators indiscriminately; doing so could become prohibitively expensive. However, law enforcement could focus attention on violators whose actions are corroding or subverting community norms against drug use. One version of this would be targeting people who sell drugs flagrantly on street corners. Even if the police do not have sufficient resources to drive them underground, constantly pursuing those sellers and forcing them to run or discard their drugs when the police patrols come by helps reinforce the norm that what they are doing is not accepted.

When it comes to drug users, particular attention could be given to people who use drugs in public as opposed to in the privacy of their own homes. The New York City police department appears to have done this in a significant way in the 1990s and 2000s as part of their overall quality-of-life policing effort. In particular, the number of arrests for marijuana possession in the fifth degree (also referred to as marijuana in public view) expanded very substantially, from fewer than 1,000 per year between 1990 and 1992 to 51,000 in 2000 (Johnson *et al*, 2006). Critics argue that the burden of this enforcement fell disproportionately on the poor and minorities, but even if those charges are fair with respect to this specific effort, there is nothing inherently discriminatory about differentially targeting drug use and/or drug selling that is flagrant and visible.

Reducing the harm that users experience per unit of drugs use

When the literature discusses law enforcement's role in reducing the harms that drug users experience, the focus is often on what enforcement should *not* do. At one level this is just a general recommendation to do less enforcement because there is a belief that the greater the law enforcement effort, the greater the harm. For example, Friedman *et al* (2006) find in a lagged cross-sectional analysis of 89 large metropolitan areas in the US, that three measures of legal repressiveness were positively associated with HIV

prevalence among injection drug users (IDU) but had no effect on the number of IDU per capita.

At a more specific level, the recommendations take forms, such as that police should not arrest or hassle people for possessing syringes, on the grounds that if IDUs are afraid to carry syringes with them, they may be more likely to share syringes when they do use, thereby spreading blood-borne diseases such as HIV/Aids. A parallel argument is sometimes advanced *vis-à-vis* supervised injection facilities (SIFs); police, it is argued, should leave drug users alone when they are in or near a SIF because drug use in a SIF is safer than unsupervised drug use. Similarly, there is concern that fear of prosecution can deter people present at an overdose from calling an ambulance.

Although such recommendations may be well intentioned and sound, they suggest an intrinsically passive role for police. There are, in addition, at least six types of positive actions law enforcement can take.

1. Referring drug users to treatment and/or social service agencies.
2. Being trained in overdose resuscitation and carrying related treatment equipment, such as Narcan.³
3. Warning users when there is a tainted or unusually dangerous batch of drugs on the street. Police in New York City and surrounding areas did this quite actively when Fentanyl was new and leading to a large number of overdose deaths (*New York Times*, 3 February 1991).
4. Participating in early warning systems designed to detect drug trends – including those causing overdoses – even if the police are not the ones who, as in the New York City example, themselves were carrying the word to the drug users; Fielden and Marsh (2007), for example, suggest such a role.
5. Cracking down on dealers who are particularly violent when punishing users who are unable to pay off drug loans.
6. Helping to enforce health, safety, and building civil codes whose violations can endanger drug users (eg. making sure that dance clubs provide free water to reduce the risk of hyperthermia associated with club drugs).

Reducing harms that drug users impose on others

When thinking about harms that drug users impose on others, attention frequently and reasonably focuses on property crimes committed to finance drug purchases. Indeed, a subset of offenders commit crimes at a prodigious rate (Chaiken and Chaiken, 1982; Blumstein *et al*, 1993), and the social cost of such crime can be enormous (Cohen, 2005). Much has been written about the drugs–crime link. It is overly simplistic to imagine that drug use causes all the crime that drug users commit, for example, because many start committing crimes before beginning to use drugs or at least before becoming dependent (Stevens, 2008). Nevertheless, in a criminal careers modelling paradigm (Blumstein *et al*, 1993), for some users the rate of offending may double or triple or more while using drugs daily (Anglin and Speckart, 1986; Chaiken and Chaiken, 1990). In that sense, their drug use can cause a majority of their offending. It is very hard to determine what proportion of all offending is not just drug-related but actually is drug-caused in this sense, but in the US it could easily be one-quarter of all crime (Caulkins *et al*, 1997).

Older efforts to quantify social costs of crime often under-appreciated the damage done by property crime. However, more modern estimates based, for instance, on 'willingness to pay' to avoid being a victim of property crime assign more reasonable costs (Miller *et al*, 1996; Brand and Price, 2000; Cohen, 2005).

The progressive or harm-reduction response to these facts focuses on the need to expand treatment (Anglin *et al*, 1999). It is well-established that treatment that reduces drug use can also reduce offending. Indeed, the social benefits of such reduced offending turn out to be the principal explanation for why treatment can be a good economic investment (Rajkumar and French, 1997).

Drug users impose costs on others in many ways besides property offending. Another important category is domestic violence, child abuse and neglect. To the extent that these are predictable consequences of substance abuse and dependent users are concentrated in neighbourhoods that support drug markets, one strategy for controlling

drug-related harms is simply to allocate greater policing resources to neighbourhoods with emerging drug markets, and to offer additional training to those officers in domestic violence resolution and how to work effectively with child protective services. That is, inasmuch as police are first responders to family crises, the police play a lead role in helping to contain these harmful side effects of drug abuse and addiction.

It may also be possible to develop more specific tactics for responding to drug-related domestic problems, but that has not traditionally been an interest of the harm-reduction movement, which has focused on reducing harms that drug users suffer, not harms that drug users impose on family members. For instance, when police come across crack users who appear to have been out on a multi-day binge, perhaps they should routinely ask whether the individual is the primary caregiver for any children who might have been neglected during that binge. The literature is not a good source of such ideas, but if police sat down with child welfare and domestic violence advocates, those individuals who focus on the welfare of victims of domestic violence might be able to suggest innovative tactics, just as harm-reduction advocates have proved to be a good source of innovations that protect the interests of drug users.

Another harm-reducing role that police already play *vis-à-vis* controlling the harms that drug users impose on others is simply managing the behaviour of intoxicated individuals who become a public nuisance or threat. The stereotypical intervention for someone whose alcohol intoxication leads to disorderly conduct is to arrest and hold them in jail overnight until it is safe (for the individual and the community) to have that person back out on the streets. Police already do more than the literature gives them credit for in this regard, ranging from rousing heroin users 'nodding' in winter time to make sure they don't die of exposure, to providing physical security in homeless shelters to volunteers trying to deal with physically aggressive drug-intoxicated patrons, to arresting people whose erratic behaviour appears to threaten public order and safety. And, of course, some interventions designed to reduce drunk driving (eg. checkpoints and traffic stops) also pay dividends in terms of reducing drugged driving.

Inasmuch as these interventions are already part of day-to-day policing, one could argue that little needs to be said about them. However, that misses at least three opportunities.

The first is simply to properly recognise the important harm-reduction services that the police are already providing. Recognising these contributions may help police morale and police–community relations generally and with other professionals involved in drug-control efforts.

The second is that directing attention to these activities increases the chance that innovative new practices will be developed and of raising all officers' actions to the level of best practice. There is only limited time for training, management and mentoring. If these order-maintenance functions are viewed as less important or less glamorous than other policing responsibilities, then they may be given short shrift and the nature and quality of police response to these issues may stagnate.

Finally, in the accounting of what police are doing to respond to the problem of drugs, it is tempting to list only actions taken against the drugs (quantities seized, dealers arrested, etc). However, an important part of the problem of drugs is the problem of intoxication, and any scoreboard of contributions made to controlling the drug problem ought to tally intoxication-control interventions, not just drug-control interventions. New metrics are hard to develop but have an important role in motivating management attention to this function.

Reducing harms caused by the production, trafficking and distribution of drugs

Traditional approaches to harm-reduction focus on harms suffered by users and, hence, focus on harms associated with drug use. However, a very substantial share, perhaps even the majority, of social harms associated with illegal drugs are generated by the production, trafficking and distribution of those drugs, not their consumption. This is clearest when it comes to crime and violence. Goldstein (1985) proposed a simple but powerful tripartite framework for differentiating among three types of drug-related crime.

Towards a harm-reduction approach to enforcement

1. Psychopharmacological crime that was caused by drug use itself.
2. Economic-compulsive crime that users commit to finance their drug use.
3. Systemic crime and violence associated with the drug markets.

Caulkins *et al* (1997) estimated that in the US, half of cocaine-related crime and violence was systemic.⁴

The fundamental realisation underpinning harm-reduction approaches to controlling market-related harms is that there is no necessary relationship between the quantity of drugs delivered and the amount of market-related harm generated. Just as injecting 0.025 grams of heroin with a clean syringe in a supervised injection facility can be expected to generate fewer harms than would injecting the exact same amount of heroin with a shared syringe in a back street, so the distribution and sale of a kilogram of cocaine or heroin can generate less or more harm depending on any number of particulars. The extent of heterogeneity with respect to noxiousness is dramatic. Most drug dealers are not violent; some are notoriously so. Much, if not most, drug dealing is covert, often embedded within social networks; some is place based, with a gang quite literally controlling a parcel of land and the lives and safety of innocent residents who live there. Drug dealing in aggregate can be highly toxic to civil society, but if one divides counts of the number of noxious events by plausible estimates of the number of people who have sold illegal drugs in the last year, it becomes clear that not all dealers are equally destructive.

A harm-reduction approach to controlling market-related harms seeks to push or mould the market into less harmful distribution practices. The push-down/pop-up character of drug markets that is the bane of efforts to eradicate drug markets actually becomes an asset for these efforts to mould or shape the market. For enforcement to suppress a particularly noxious part of the market, it is not necessary to make that submarket or that selling practice uneconomical; it is only necessary to make it uncompetitive relative to other, less noxious forms of selling.

There are at least three broad policing strategies that may be employed for achieving this form of market regulation.

1. Specific deterrence.
2. Place-based enforcement.
3. Targeting behaviours.

Specific deterrence

The basic idea behind specific deterrence is that drug dealers who are known by the police to be particularly violent or otherwise noxious are subjected to a period of quiet investigation. Once sufficient evidence has been gathered to guarantee a conviction and long sentence (usually for drug distribution), the police confront the individuals and offer a deal. In exchange for future good behaviour in some form, the individuals will not be prosecuted.

In the first and best-known example, the Boston Gun Project, the individuals confronted were gang members and the co-operation demanded in return for non-prosecution was to refrain from lethal violence (Braga *et al*, 2001; Braga and Pierce, 2005). In particular, police took the time to understand which gangs were warring with which other gangs. Then they told one group: if any members of your enemy's group get killed in a gang-style attack, we will take you down for drug dealing. The results were immediate and spectacular. A seemingly intractable long-standing pattern of youth homicide was abruptly stopped.

The leaders of that effort have argued for the general applicability of their model and successfully applied it elsewhere (Kennedy, 1997). In particular, there has been a flurry of attention to an innovation in drug-market policing, demonstrated in the city of High Point, North Carolina.⁵ In that city of 90,000 residents, long plagued by an open-air drug market, the police implemented this model. They spent a long time gathering data on who was active in these markets, contacted the parents of the young sellers and others who might influence their decisions and then presented the information to the sellers, so they could realise that they were at great risk of imprisonment if they continued the open activity. The result was fewer arrests but a decline of 25% in violent and property crime two years after the

programme was implemented. The open-air market no longer operates.

Place-based enforcement

'Drug-free' school zones is an instance of 'place-based' enforcement that offers another illustration of enforcement targeting a specific harm, in this case the exposure of school age children to offers of drugs. In the US this has been broadly implemented, but often in a way that limits the effectiveness. In many cities the schools are dense enough and the zone around each school so large that much of the city lies inside the zones (eg. Brownsberger, 2001). It may be that specifying time limits for the zone (such as covering school hours plus two hours before and after) would make it a more effective tool.

When law enforcement seeks to suppress drug use, its greatest curse is the amazing adaptability of drug markets. Push down in one place, and they pop up somewhere else, whether the displacement is physical (one location to another), temporal or in terms of tactics (shut down street markets and dealers switch to mobile phone-based delivery methods).

When law enforcement seeks to suppress drug-related harm, its greatest ally is the amazing adaptability of drug markets. That is, law enforcement can turn markets' resilience to great advantage (Dorn and South, 1990).

The difference is that markets have an intrinsic desire to meet demand, that is, to provide whatever quantity of drugs is desired at the going price. Trying to block that desire is like trying to sweep back a flood. But markets have no similar innate need to create externalities (harms suffered by others). By definition, market participants are indifferent to the level of externalities. In principle, all that sellers care about is delivering the product and making profits. So if they can make a little more money by changing their tactics in a way that harms others, they will. But conversely, if they can make a little more money by changing tactics in way that reduces harm to others, they will. Pragmatically, sellers may care about the welfare of others, including their customers, but the central point remains. Sellers are primarily motivated by something other than thwarting harm-reduction.

To borrow the terminology of competitive games, when law enforcement tries to reduce use, law enforcement and drug suppliers are in what amounts to almost a zero-sum game, and the market will resist every effort by law enforcement to achieve its goal of reducing use.⁶ But when law enforcement tries to reduce harm, the game is no longer zero sum. There are ways of manipulating the market into achieving more of what law enforcement wants (less harm) without inducing push-back by the market.

The concept is best made clear with a simple example. Suppose there is a flagrant street market at a street corner near a school, a treatment centre, a playground and a residential neighbourhood. The very existence of such a market generates many harms. Suppose that a crackdown shut down this market, but it reappeared in an abandoned industrial area not far away. Conceivably, there would be no noticeable change in drug use. The same dealers and the same users could ply their trade in the same way in the new location, but expose fewer children, recovering addicts and members of the public generally to the disorder, stray bullets and other externalities that drug markets generate. Pushing the market to a different location might do nothing to reduce use, but still make a real contribution to harm-reduction, and a contribution that no agency or intervention other than law enforcement could plausibly make.⁷

Note that when the goal is merely to displace rather than to eradicate distribution and use, law enforcement can employ methods that are less expensive than arrest, prosecution and sentencing to long terms. For example, Reuben Greenberg, Police Chief of Charleston South Carolina, has shut down a particularly problematic crack house simply by parking a marked police car in front of the house for a few days. Customers were unwilling to walk past the car to buy drugs, so the crack house was soon abandoned. The sellers presumably shifted operations elsewhere, but the pressing problem was addressed quickly and with minimal resources.

Targeting behaviours

The classic example advanced by Caulkins (2002) pertains to violent sellers in the US. At any given

time, approximately 1 million people have sold cocaine⁸ in the US within the last 12 months, but they collectively are responsible for 'only' at most 5,000 homicides. So fewer than one per cent of drug dealers – even of cocaine – commit a drug-related murder in any given year. If law enforcement were able to identify a small proportion at high risk of committing homicides,⁹ it might be able to reduce an important harm. Furthermore, it is reasonable to hypothesise that if drug dealers knew that using lethal violence would lead inevitably to a very long prison sentence, whereas selling quietly would lead at most to a one- or two-year sentence, some would respond to the powerful incentive to adopt the practices of the typical seller and to avoid standing out as being among the most violent. That is, policy could create incentives that overwhelm any intrinsic rewards that might otherwise accompany a demonstrated capacity for violence (Caulkins *et al*, 2006), and create a competitive pressure that would tend to drive the market towards a lower equilibrium level of violence.

Violence is not the only noxious behaviour with respect to which dealers display considerable heterogeneity. Some, but not all, sellers employ juveniles; some, but not all, sell near schools or treatment centres; some, but not all, sell brazenly to strangers on street corners (others sell only within social networks or to established contacts through pre-arranged pager or mobile phone sales); and so on. Canty *et al* (2000) refer to this as a market regulation model of enforcement. In a way, this can be seen as a natural extension of Goldstein's (1990) notion of problem-oriented policing, where one recognises that there are many important drug-related problems above and beyond drug use *per se*.

Just as not all sellers routinely employ violence, not all employ children as lookouts, not all evade enforcement by corrupting officials and not all occupy and dominate physical spaces in ways that are disruptive to everyday life. Those that do may merit special attention in an effort to place them at a competitive disadvantage relative to less caustic forms of selling. To draw a parallel with prostitution enforcement, if street walkers are perceived to be more harmful to civic life than call girls, one can focus

enforcement on the street walkers. Indeed, many cities do just that, and MacCoun and Reuter (2001) describe prostitution control as an example of law enforcement following a harm-reduction philosophy.

The special role of higher-level enforcement agencies

The discussion above focused on potential harm-reduction roles for local police forces, but there may be parallel opportunities for national agencies that target high levels of the drug distribution chain. The evidence base is thin concerning not only harm-reduction oriented, but also traditional interventions aimed at higher market levels, so this section will necessarily be brief and more deductive than empirical.

Corruption is one drug-related harm that may be a particular priority for national policing. At an abstract level, the issues concerning corruption are clear. All other things being equal (eg. the quantity of drugs delivered at a given price), a nation should be more concerned about drug dealers for whom corruption is part of their *modus operandi*, and an agency might contribute more to the public good by dismantling one dealing organisation that operated by corruption instead of two that operated by stealth. At a more practical level, there are at least three options. First, just as there can be sentencing enhancements for using a firearm while committing another crime, there could be sentencing enhancements for using corruption to aid in the distribution of drugs. Second, enforcement agencies could reallocate agents' time and/or promotion criteria to focus greater attention on cases known or suspected to involve corruption. Third, there is a theory that when multiple agencies have overlapping jurisdiction, corruption is less common because it is difficult for a black-marketeer to simultaneously corrupt staff from several agencies, and an officer from one agency would be reluctant to accept a bribe if he or she is unsure as to whether colleagues from the other agencies with overlapping jurisdiction are honest or corrupt. National agencies maintaining overlapping jurisdictions with local agencies could create

inefficiencies that might reduce the number of drug dealers arrested, but if it reduced opportunities for corruption, that might be an acceptable trade-off.

The drugs–terror connection is sometimes exaggerated, but as shown by the recent Drug Enforcement Administration (DEA) case against Monzer Al-Kassar (a prominent arms smuggler who aided Iraqi insurgents and had connections to the Achille Lauro hijacking), drug enforcement can sometimes play a counter-terror role (*New York Times*, 15 May, 2008). Also, any organisation skilled at smuggling one kind of contraband across international borders may be able to employ those skills for other purposes. The connections between drug distribution and terror are often strongest in source countries; both drug production and insurgencies thrive in areas where governmental authority is weak. There may be a risk of parallel synergies within the final market country. Domestic governance can fail where violent drug dealers deter neighbours from co-operating with police and/or when policing tactics are so heavy handed that the community comes to view the police, not the dealers, as the bigger threat. In principle, international terrorists may be able to exploit the same lack of government control. To the extent that this fear is valid, it suggests targeting dealing organisations that seek to control some physical space ('turf'), but striving always to use tactics that are not so intrusive as to alienate the general citizenry.

Higher-level agencies might also sensibly pay particular attention to very large dealing organisations. In part, this is practical. Large organisations may span multiple jurisdictions, and be able to quickly replace the sub-organisations of the size that local police can be expected to attack. However, this focus can also serve a harm-reduction agenda. Drug dealing organisations have grown large enough to threaten democratic institutions in good sized countries (eg. Colombia and Mexico). Those who think that this could not happen in more prosperous and stable democracies should remember that organised crime exerted considerable political power during alcohol prohibition (Kobler, 1973).

Analytic issues

Facing trade-offs

In theory, a commitment to reducing drug-related harm allows that there may be trade-offs between drug use and total drug-related harm. It turns out that there is no evidence that syringe exchange (the iconic harm-reduction programme) increases drug use (Ritter and Cameron, 2005). However, even if it did, implementing syringe exchange might still be reasonable to some if the net consequence was a reduction in total harm. A harm-reduction approach to policing could allow for similar trade-offs. We illustrate this with an example from the US but may have applicability elsewhere.

A relatively new source of harm from drugs is the environmental and health consequences of methamphetamine *production*. This activity can be carried out in small, dispersed facilities, best thought of as temporary kitchen labs, producing a kilo or so at a time.¹⁰ The producers are often technically incompetent and frequently careless; there are many accidents causing harm both to the actual workers and to others in the same house. Even more alarming is the toxic waste that is generated by these facilities. In 2005, DEA reported over 12,000 detected methamphetamine production or disposal sites. A site can cost \$100,000 to clean up, though many are much cheaper than that.

There is a quite distinct type of facility, usually called a 'superlab', which can produce thousands of kilograms per month (Scott and Dedel, 2006). A single superlab might generate greater environmental damage than a single small lab, but it will generate much less than will result from all the small labs that would be needed to produce as much of the drug, in part because the operators are more technically competent.

Superlabs are presumably also more efficient and the result is lower wholesale prices for the product. If policing focuses only on drug use, then clearly it should attempt to drive out superlabs and make the drug more expensive. However, in so doing it creates a niche for the small labs and increases the environmental consequences of the production of a given quantity.

What, then, is the policy producing the least drug-related harm? We make no claim to be able to answer that question and suspect that even if given all the available information, there would be controversy. The consumption consequences of higher production

costs may be very slight, since production accounts for a small share of the retail price. Since higher production costs only affect consumption through price, this may mean that forcing production into the more expensive small labs does little to reduce meth consumption. But the important point is that decisions of this kind could, in a harm-reduction frame, be made explicitly and should, in any event, reflect a full understanding of the consequences of drug enforcement.

Other examples where such trade-offs might be confronted are not hard to find. A case could be made that a ton of heroin smuggled in by personal couriers is less harmful than the same amount smuggled into the country in large shipments. Large shipments are worth enough to create incentives for employing violence, either to steal the shipments or to defend against such theft. Also, any organisation that moves such large quantities must be powerful, whereas a smaller dealer who arranges for delivery by couriers may have fewer resources. Ten small organisations each importing by courier may have less capacity to corrupt or threaten state institutions than one large organisation that imports as much as the 10 small organisations do collectively.

What harms can be targeted?

The adverse consequences of drug use and distribution are varied; MacCoun and Reuter (2001: 106–107) list over 50. **Table 1** shows an abbreviated list from MacCoun and Reuter (2001: 320), showing in bold those that seem most relevant for policing. Those in italics seem relevant but less central for policing.

We note that there are many harms in which the potential police role seems minor. That simply flows from the fact that policing is only one of the government functions that affects drug use and markets.

Reasonable people can differ on the relative importance of the highlighted harms. Indeed, there is no present or expected set of measurements that would allow one to objectively decide which are the most important. However, this may provide management, political authority and the public with a list of considerations that ought to be made explicit at some level of policy-making.

Conclusions

Harm-reduction is still a relatively new framework for thinking about drug policy. It has been applied narrowly but has the potential to do much more. In particular, it

Table 1 Abbreviated list of drug-related harms

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

Source: MacCoun and Reuter (2001: 320)

has helped public health organisations develop new tactics and prioritise efforts to control the harms suffered by drug users, and it could do the same for police striving to control drug-related harms more generally. Police interventions in the market place have the potential to greatly reduce drug problems even when they can make little headway against drug use, for example, because the markets supplying that use are sufficiently well-established so as to be resilient to traditional suppression tactics.

Harm-reduction offers a framework for explicitly taking into account both the benefits and the potential adverse consequences of policing. Like many evaluation frameworks, it may be the process of assembling the relevant data that provides most of the value of the exercise. The final figure summarising the net effect that a programme has on social welfare may be too uncertain to carry much weight and/or be so favourable as to not enter into a resource allocation calculus. For example, specific deterrence tactics (eg. the Boston Gun Project) may not only yield greater benefits, they may also actually cost less than traditional approaches that focus on capturing and incarcerating large numbers of offenders.

Distinct from this role in helping to prioritise among alternative existing tactics, a harm-reduction framework may spur innovation in the creation and dissemination of new tactics. If the objective of policing is framed as 'How can this nuisance crack house be closed at minimum cost?' instead of 'How do we maximise the number of arrests?', tactics such as Reuben Greenburg's idea of parking a marked patrol car in front of the crack house suddenly become appealing.

Identifying the theoretical potential is only the beginning. The greater challenges are operational – trying to figure out in practical terms how to get organisations that are used to thinking and acting in one way to adjust their practices.

At a broad level, harm-reduction law enforcement requires a culture shift in thinking. Traditional harm-reduction has not customarily seen law enforcement as an ally. Conversely, some in the law enforcement community view harm-reduction as stealth legalisation.

Likewise, harm-reduction has also traditionally focused on harms, particularly health-harms, borne by users, whereas law enforcement and this paper have focused at least as much on public safety. Some public safety enhancing interventions have no particular effect on users'

health, but for others, these two objectives might conflict. Just as we spoke earlier of 'cautious' versus 'aggressive' harm-reduction in terms of willingness to trade-off reductions in harmfulness against possible increases in use, there might be differences of opinion as to whether drug control interventions should be willing to trade-off the welfare of users against public safety benefits.

In addition to bridging these differences in culture, a practical challenge will be developing good performance measures. Arrests and seizures are easy to count; drug market externalities that do not happen are not, and as the old saying has it, '*You can't manage what you can't measure.*' However, the management literature also teaches the dangers of driving towards proxy rather than fundamental goals (Keeney, 1992), for example, high stakes testing in education leading to 'teaching to the test'. So managing with weak measures of correct objectives may be no more perilous than managing to objective measures of the wrong goals.

Where measures are weak and problem drivers varied, a top-down or legislative approach risks committing the fundamental error made by US mandatory minimum drug sentences. Most are keyed to quantity possessed at the time of arrest, but that turns out to be a very poor proxy for the importance or dangerousness of the suspect (Caulkins *et al*, 1997). So bottom-up approaches that allow priority-setting by those closest to the problem may be preferred.

There may not be one best approach to identifying harm-reduction priorities, but three observations are worth bearing in mind.

1. Premature deaths often make up a substantial share of estimates of drug-related social costs, so it may make sense to focus on mortality risks.
2. Likewise, drug-related crime and violence make up a large share of drug-related costs – even though those estimates usually count only crime by users, not the often larger problem of crime and violence by dealers and distributors.
3. What bothers the public may not be what one expects; Zimmer (1987) reports that citizens around New York City's flagrant markets were as bothered by the disorder as by the crime risk. In other neighbourhoods, adverse effects on legitimate business and the local employment

base can be an important, and sometimes overlooked, concern.

This paper ducked these operational challenges since only a group working collaboratively and interactively with leaders and rank and file in those enforcement organisations can actually solve those operational problems. To put it in a more positive light, likewise only a group working collaboratively with leaders and the rank and file in those enforcement organisations and with other stakeholders concerned about drug-related harms (eg. child welfare agencies) can invent the new tactics that can translate a general framework into successes on the ground.

Endnotes

¹ Heroin addicts have low earnings, suggesting search time will have low cost. On the other hand, their needs at the time may be urgent, which may make search time particularly painful.

² A 'thin' market is one in which there are so few buyers and sellers that they have trouble finding each other, thus increasing the costs of selling and buying.

³ Spooner *et al* (2004: 15) say police found that impractical.

⁴ Note that these estimates are all specific to the time, place and drug. For heroin in the UK in 2007 the share of related violence and crime arising from systemic factors may be much smaller.

⁵ As of this time, there are no peer-reviewed academic publications on this study. For a detailed discussion of the results see Schoofs (2006) and Kidd (2006).

⁶ This is not literally a zero-sum game because enforcement tries to reduce total use, whereas sellers try to maximise individual profits. Practically speaking, however, striving to reduce use by suppressing supply typically is highly contrary to suppliers' interests, so they have every reason to resist.

⁷ The location of a market can make a difference to use as well; in the more convenient setting it is easier for new users to access sellers.

⁸ Most sellers are also users and selling may occupy a small share of their time. Reuter *et al* (1990) provide some supporting data.

⁹ Note that this is a condition that may not be true. That is, all dealers may be at moderate risk of committing a homicide. This seems implausible but how concentrated and how easily the risk factors can be identified is purely a matter of speculation.

¹⁰ The best sources on these harms are grey literature documents. See, for example, *The Methamphetamine Problem: Question and answer guide* available online at: www.iir.com/centf/guide.htm (accessed 09/12/08).

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Tackling serious organised crime drug harms

Abstract

In a response to Caulkins' and Reuter's paper in this edition, David Bolt accepts that arresting and imprisoning criminals is 'no longer seen as the end-game'. He is supportive of a harm-reduction approach, but raises practical issues about its implementation. In particular, he highlights the difficulties of defining and measuring harm.

Key words

Drug markets; enforcement; SOCA; harm reduction.

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In their paper, Towards a harm-reduction approach to enforcement, Caulkins and Reuter explore the benefits to law enforcement of adopting a harm-reduction approach to tackling drugs markets and drug-related crime. In response, this paper looks at recent developments in the way the UK is seeking to deal with serious organised crime, which largely support Caulkins' and Reuter's proposition, though with a number of caveats around the practical difficulties of making it work.

Over the years, UK law enforcement agencies have achieved some outstanding operational successes against serious organised criminals, making many arrests and seizing tons of drugs but, despite this, the problem of drug trafficking, along with some other forms of serious and organised crime, has been getting worse in terms of damage done to individuals and illicit profits made.

Concern that the UK was failing to tackle serious and organised crime effectively led, in 2004, to a government white paper *One Step Ahead: A 21st century strategy to defeat organised crime*. The white paper was the result of widespread consultation with UK law enforcement and others, and it concluded that a new approach was needed. This new approach included: the creation of a new agency, the Serious Organised Crime Agency (SOCA); new legislation, the Serious Organised Crime and Police Act (SOCPA); and a new focus on building knowledge and understanding of the problem, on targeting criminal finances and assets, on raising the risk to the criminals of detection and capture, and on a collaborative, multi-agency response, based on effective sharing of information. It also argued for a new overarching aim: that of harm-reduction.

The concept of harm-reduction now sits at the heart of the UK's strategy for tackling serious organised crime (the UK Control Strategy). However, this is not without its difficulties.

The most immediate problem in adopting harm-reduction as a strategic aim is one of definition. What do we mean by harm? And, if government is seeking to reduce it, how will this be measured? For a variety of reasons, there has been quite an appetite for a simple definition of harm and an equally simple measurement for it. It is argued that this would make it easier to decide on

priorities and objectives, those involved would understand better what is expected of them, and government could better demonstrate the value it adds. All true, but this fails to take account both of the complexity of the problems we are dealing with and our incomplete understanding of the current picture.

Looking first at the *complexity*, how does harm caused by the drugs trade manifest itself? There is:

- ◆ harm to the health, well-being and functioning of the drug users
- ◆ immediate and longer-term social harm suffered by families
- ◆ harm to communities caused by drug-related crime and the fear of crime
- ◆ economic harm to the country from the high costs of treatment, social security payments and law enforcement.

These are all fairly familiar, and each can be further broken down and elaborated. Looking more widely, however, there are other harms that need to be considered, for example the effect on regional and global stability of 'narco-states', and the consequential risks and costs of military and other interventions to support the elected leaders, as, for example, in Afghanistan, where of course there is the added complication of the links between the drugs trade and aspects of the world-wide terrorist threat.

Already, it is beginning to look very difficult to come up with a simple definition of harm that captures all of this effectively, and the UK Control Strategy covers not just drugs, but all the other organised criminal trades and activities that affect the UK, such as immigration crime, fraud, firearms etc.

Finding a meaningful *measurement* of harm poses similar problems. Law enforcement in the UK and overseas is familiar with the use of scoring systems, as are many others. On the face of it, these provide an objective and reliable means of deciding on the relative significance of a range of complex and possibly diverse factors. But, of course, the values that underpin any scoring system are highly subjective, and reflect the interests, priorities and purpose of whoever created it. Therefore, while a scoring system may work well for one agency, it becomes considerably more

problematic to find something that meets the needs of the UK Control Strategy, which sets out to encourage multi-agency, multifaceted responses to serious organised crime problems.

Sticking simply with the drugs strands of the Strategy, in terms of harm, how should we 'score', for example, the harm caused by an established organised crime group that controls the supply of class A drugs to a particular UK city, where, as a result, drug-related violence and deaths are relatively rare? How does this compare to a group importing 'little and often' amounts by targeting vulnerable women to act as 'mules', with no regard for the women's physical safety or risk of arrest and imprisonment? Do the answers change according to the type of drug, or where it is in the supply chain? Should we be more concerned, say, about someone trafficking cocaine powder into the UK, which we understand will be sold as powder to 'recreational' users, or someone producing and supplying 'crack' to a local market, with greater health impacts? It may be possible to reach a broad consensus about the rough shape of some of the answers, but this will be a matter of judgement rather than measurement, and it is likely that what informs those judgements will differ depending on the remit and accountabilities of particular agencies. For example, as a national agency, SOCA's perspective will be different from that of a territorial police force, and we may both see things very differently from those agencies concerned primarily with treatment or education rather than with law enforcement.

Knowledge and understanding of serious organised crime is improving all the time. However, the gaps in what we currently know are significant. At the operational level, we are frequently working with only a partial picture of a criminal group, for example, who all the players are and their next planned move. Even more significantly, at the strategic level, we may have no clear view of the links in the supply chain, or how the market is working; or where, when and who decided that there was scope for a two-tier cocaine market in the UK (one targeting those who can afford and are willing to pay for higher purity cocaine, and one selling lower purity cocaine at a lower price to those on a budget). These knowledge gaps will clearly affect the reliability of any scoring system, particularly

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one that tries to rank the criminals and focuses on supply-side factors.

A priority for any meaningful harm-measurement, therefore, must be a better understanding of basic market features such as price, purity, availability, usage etc. Work is ongoing on this, but the picture is far from complete. Moreover, a significant knowledge gap surrounds the ability to predict the consequences of any intervention. For example, will the interdiction of the supply of heroin to a particular UK market result in higher prices (and therefore a possible increase locally in acquisitive crime), lower purity (and maybe more self-referrals for treatment), a less reliable supply (resulting in more drug-related deaths), and a 'turf' war (with increased violence, use of firearms, and perhaps murder)? And, how long will any effects last? If we cannot answer these questions with a reasonable degree of confidence, how can we know whether our actions will reduce harm? Perhaps we might unwittingly increase it. You can tie yourself in knots with such arguments and, as a result, become risk-averse to the point of inaction. The bottom line is that law enforcement would need to be pretty certain of the negative consequences of interrupting a supply of drugs of any size not to act when there is an opportunity to do so, though hopefully not without first putting in place contingency plans to deal with the likely fall out.

All of this complexity and uncertainty puts a premium on *evaluating the impact* of particular interventions carefully, since we need to learn what does and does not work, and quickly since the criminals constantly evolve and adapt in response to what law enforcement does. For those involved in delivering the UK Control Strategy, this plays out in the operational planning process, where we first look to assess, as comprehensively as possible, the current nature and scale of the problem we are looking to address. We then set specific, measurable objectives for the operation, which allow us to judge as we go through how well we are progressing. Bearing in mind the earlier point about knowledge gaps, the objectives will always include a knowledge-building element. Finally, we describe the end state we are seeking to achieve, both in terms of each objective and overall, so that we know when we have succeeded (or in some

cases where what we have tried has not worked and we need to rethink). The latter focuses on the 'real world' impact of the operation.

As to measuring this impact, we are developing a range of indicators (tailored to the different forms of serious organised crime tackled within the UK Control Strategy). In the context of drugs, these include familiar availability indicators, such as price and purity, captured both locally on a 'before and after' basis, and used comparatively with other areas of the UK. In time, they are also likely to include:

- ◆ levels of acquisitive crime
- ◆ the numbers of those taken into custody who test positive for drugs abuse
- ◆ the numbers of new users presenting for treatment
- ◆ community perceptions of whether or not the problem of drugs and its damaging effects is reducing.

Since we have to be concerned with achieving long-term impact on the UK's drugs markets, we are interested not only in any immediate changes, but also in how long these last and how far they reach. Of course, capturing and assessing information about the extent to which the effects of an intervention have been sustained, along with wider trend data, requires resources. Given the size of the drugs problem and the fact that there is always another operation waiting, it can be hard to find the resources needed to review, monitor and evaluate impact, but this is essential if drugs harms are to be addressed effectively.

So, if there are such difficulties with harm-reduction as a concept, is it right to have this as the goal? In my view it is, and it brings particular benefits for law enforcement agencies, since it necessitates looking at problems in the wider context and encourages consideration of a broader range of solutions and openness to a broader range of contributors. Few, if any, people believe that law enforcement alone can solve the problem of drugs. Supply-side activity is important, not least in demonstrating to the criminals that they cannot operate with impunity, but it can only truly be successful alongside effective work to reduce demand, through education, treatment and prevention.

The danger of the typically 'can do' attitude of law enforcement agencies when faced with a problem is that the problem quickly becomes defined as 'enforcement-soluble', and other interventions and approaches are either ignored or go on quite separately. In contrast, by working together in a broad partnership that goes well beyond the law enforcement 'family', and includes, for example, local government and non-government organisations dealing with the consequences of drug abuse, the different parties can identify from their particular experience and competency different types of harm and can create and deliver multi-layered responses. And, just as this is not restricted to law enforcement agencies nor is it restricted to those with a 'hands on' role, but extends to policy-makers, legislators and regulators. The greater our knowledge of a problem and the way it responds to interventions, the more we should be able to identify ways of preventing or constraining it through changes in policy, legislation or regulation rather than relying on law enforcement and others to pick up the pieces.

As Caulkins and Reuter suggest, a harm-reduction approach also allows law enforcement to think creatively about problems. Under the UK Control Strategy this includes using the best traditional enforcement measures alongside new and innovative ones to maximise the impact of a criminal justice intervention. So, while arresting, convicting and imprisoning criminals are key objectives of all strands of the UK Control Strategy, this is no longer seen as the end-game. We know that many organised criminals continue to run their criminal businesses from prison, and that some claim to see imprisonment as merely an occupational hazard, picking up where they left off on release. Imprisonment has an important part to play, not least in terms of providing a level of public reassurance, but unless we are to see changes to sentencing and to prison regimes along US lines, then the threat of imprisonment will not have a deterrent effect for serious organised criminals. So, if someone has been imprisoned for an 'organised crime' offence there is merit in sustaining an ongoing interest in their affairs, for example through the use of legislative tools such as financial reporting orders (which oblige convicted criminals to disclose the details of their financial affairs for up to 15 years).

The 'Messrs Big' of organised crime are notoriously difficult to catch 'in the act', since they are adept at laying risks off to subordinates. So, while those involved with the UK Control Strategy look to take steps that have direct impact on the most significant criminals wherever it is possible and appropriate to do so, we also target the people who act as facilitators for their criminal businesses. Those involved, for example, in laundering their criminal proceeds, or in the supply and transportation of illicit goods. These are often the points where a criminal business is most susceptible to disruption. By removing these criminal facilitators, as well as making life more difficult for those pulling the strings, perhaps forcing them to expose their hand, we are looking to interrupt the flows of drugs, to frustrate criminal deals, to hit the criminals in their pockets, to undermine their confidence in one another, and generally to interfere with the trade, thereby reducing some immediate harms for short periods in the first instance, and over time hoping to have a wider and more sustained impact on the criminal markets.

Caulkins and Reuter suggest that it is possible to view harms in relative terms, arguing that a harm-reduction approach to controlling market-related harms should seek *'to push or mould the market into less harmful distribution practices'*. I have tried, above, to explain why it is difficult in practice to agree on what those relativities might be, except perhaps at a very local level and when dealing with something that is reasonably well understood, and I have questioned the extent to which we can manipulate a drugs market in a precise direction, again except very locally. However, there is a further problem with this proposition, which is that of selling it to government and to the public. While it may be pragmatic, it smacks of defeatism or at best a policy of 'damage limitation'. Of course, it is important to be realistic and to manage expectations, but it is appropriate for government to be more ambitious and look, over the long term, to achieve an overall reduction in drugs problems.

On measuring harm-reduction, Caulkins and Reuter conclude that *'managing with weak measures of correct objectives may be no more perilous than managing to objective measures of the wrong goals'*. I would go further, and say that it is infinitely preferable. We cannot hope to deliver a sustained

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impact on drug markets unless we accept that the problems are deeply rooted, complex and dynamic. As such, they are not susceptible to simple or quick solutions, or best managed via targets that focus only on one aspect of the problem, such as reduced availability, as indicated by price/purity or on one approach such as the imprisonment of UK dealers. This is not an argument against measurement *per se*. As public bodies, public sector agencies need to be held accountable for the money invested in them and to show what has been produced for it. But, in doing so, we need to be able to be intellectually and professionally honest about what has and has not worked, and this is not easily done against a background of numerically based 'hard' targets.

In the end, the only way we will reduce the harms caused by serious organised crime, including those from the drugs trade, is by accepting that we have to work in a joined-up and concerted manner across law enforcement, the wider public sector and private

sector, and with the support of the public, much in the way that the UK now does to counter terrorism. To do this, we first have to recognise the nature of the threat we are facing, which is substantial, corrosive and touches everyone in the UK – some directly as victims of crime, and others more subtly through fear of crime and the costs and burdens that come from the need for ever greater security measures. In the case of drugs, I am not sure we can say what the '*correct objectives*' are at this stage, beyond reducing the overall size of the markets and, in particular, the numbers of '*problematic*' users. As to measures, '*weak*' or otherwise, they have to have the effect that as individuals, families, businesses-owners, communities, and as a country as a whole, we begin to see and feel things changing for the better and to believe that it is possible to make a real and lasting difference. These will be key factors if the harm-reduction approach is to be given the time it needs to succeed.



A local authority perspective

Abstract

This article considers how recommendations from the Caulkins and Reuter paper in this edition could be implemented at a neighbourhood level. The authors, the Chief Executive and Police Borough Commander for the London Borough of Barnet draw on their experience in Barnet. They argue that crime is not just a police issue and that a harm-reduction approach to enforcement fits in well with a multi-agency response where the role of the local authority is critical and the approach is responsive to the needs of residents.

Key words

Drugs; harm reduction; multi-agency working.

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STEVE KAVANAGH

Barnet Borough Commander

In responding to Caulkins and Reuter, some general observations may be useful at the outset. Drug abuse is a difficult and emotive issue to debate in the public domain. While drug use is probably prevalent at some level in most extended family or friendship networks, it is difficult for elected politicians, often working in a hostile media environment, to avoid taking the punitive end of the spectrum.

Chaotic and uncontrolled drug use is a very toxic phenomenon: for the individual, for their environment and for the politicians who believe that if drug abuse could only be solved then many of their greatest pressures would diminish in terms of crime, acute hospital costs, child protection and terminal care.

But, of course, most drug use is as controlled as the use of alcohol, and harm-reduction approaches make sense in helping people out of chaotic use or in stopping them declining into it (whether some aspects of harm-reduction, especially the use of methadone, are actually stopping people from adopting abstinence is another debate, if currently very lively).

How then do you draw the sting out of the charge that harm-reduction is 'being soft on junkies'? The approach we have taken in Barnet is to say: drug abuse on its own is not the only issue, nor is it only a police or health issue. In taking this approach we have relied heavily on the work of Wolff and de-Shalit (2007). They outline a number of '*corrosive disadvantages*' (those disadvantages which lead to a further spiral of decline) and '*fertile functionings*' (those elements that, if focused on, can lead to improvements in other areas of life). Harm-reduction fits with this approach by accepting that drug use is corrosive (and chronic drug use certainly so) but by focusing on more fertile functioning, such as encouraging better understanding and safe practices by current drug users, this may yield a more positive societal impact. We accept that this approach only takes into account harm that is focused on the user. Death, destruction and physical damage caused to the wider group outside users (drugs mules, dealers, growers, organised crime groups that develop to facilitate distribution) is also worth considering.

The challenge of adopting harm-reduction policies is clear from those working directly in the sector. The Harm-reduction Coalition (a national harm-reduction advocacy group in the US: www.harmreduction.org) outlines the

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following conditions for successful implementation of harm-reduction policies, which may be a difficult pill for politicians to swallow (no pun intended!).

- ◆ Accepts, for better and for worse, that licit and illicit drug use is part of our world and chooses to work to minimise its harmful effects rather than simply ignore or condemn them.
- ◆ Understands drug use as a complex, multifaceted phenomenon that encompasses a continuum of behaviours from severe abuse to total abstinence, and acknowledges that some ways of using drugs are clearly safer than others.
- ◆ Establishes quality of individual and community life and well-being, not necessarily cessation of all drug use, as the criteria for successful interventions and policies.
- ◆ Calls for the non-judgmental, non-coercive provision of services and resources to people who use drugs and the communities in which they live in order to assist them in reducing attendant harm.
- ◆ Affirms drugs users themselves as the primary agents of reducing the harms of their drug use, and seeks to empower users to share information and support each other in strategies that meet their actual conditions of use.
- ◆ Recognises that the realities of poverty, class, racism, social isolation, past trauma, sex-based discrimination and other social inequalities affect both people's vulnerability to and capacity for effectively dealing with drug-related harm.
- ◆ Does not attempt to minimise or ignore the real and tragic harm and danger associated with licit and illicit drug use.

Acceptance of these conditions asks that we, as policy-makers and enforcers, move from the moral (war on drugs) and/or the disease/addiction-based model. In this sense harm-reduction can be viewed as offering a '*pragmatic yet compassionate*' alternative (Marlatt, 1999).

Responding to the paper from the perspective of a local authority poses some difficulties since the authors fall into the traditional position that crime is predominantly a police problem. There is a mere nod in the direction of '*the broader class of agents who help*

enforce norms and constrain behaviour, including teachers and social workers'.

Other knowledge gaps are revealed as the authors make some suggestions in relation to tackling domestic violence, for example, the suggestion that police should routinely ask if the individual is the primary carer (given the impact this will have on the broader family). In fact, this does happen, as does the process where police sit down with child welfare and domestic violence advocates. This is done as part of the Domestic Violence Risk Assessment Model (DVRAM), which was developed by Barnardo's, Northern Ireland and originated in Ontario, Canada. Barnet Council were the first London authority to adopt this model and early evaluation is extremely positive.

DVRAM includes a system of threshold scales of risk factors, protective factors and potential vulnerabilities to enable the analysis of risks to children from domestic violence. The model is used to assess the severity of the risk posed by domestic violence within families and it aims to help practitioners make decisions about the management of risk and interventions required to support children in these families.

The model is designed for use primarily by social care professionals to assess the severity of domestic abuse experienced by children and young people living within families exposed to domestic violence. It is gender specific, assessing male to female domestic violence, and it provides safety-planning interventions for children, young people and non-abusing parents.

In Barnet, we would not accept that the police play the lead role in helping to contain the harmful side effects of drug abuse/addiction. We believe that the problems must be jointly approached with the PCT, social services, housing, health visitors and the police working together, mapping out interventions and understanding where different skills can make the greatest difference.

The paper does not attempt to explore the impact that neighbourhoods play in exerting long-term or developmental effects that ultimately translate into crime. Local authorities are well placed to understand and manage these mechanisms. Baby birth weight, child maltreatment, infant mortality and school exclusions represent multiple forms of disadvantage, which, when 'hot spotted', often match crime 'hot spots'. As local

authorities working in partnership with the police and health sector, we need to explore what can or should be done in such areas.

We also need new ways of looking at problems which include proactive community interventions that promote self-change. Several Canadian studies have shown that even those with long-term alcohol addiction problems can be encouraged to stop drinking without any direct treatment. This has been achieved by actively encouraging those affected to engage in a 'cognitive appraisal process' (Toneatto *et al*, 1999), which encourages them to simply weigh up the costs and benefits of continuing to drink against those of reducing or stopping. Similar processes have also been reported for cocaine and heroin addicts who have recovered on their own (Biemacki, 1986; Waldorf *et al*, 1991).

Behaviour change is at the core of our work in Barnet, whether at the level of waste minimisation, changing attitudes to consumption to tackle obesity or indeed attitudes to drug and alcohol consumption. Van Swaaningen (2002) has an interesting perspective when she suggests that crime is used:

'as a label for quite general feelings of anxiety, dissatisfaction and irritation. These feelings are the most common in areas with a high level of social deprivation, and can mostly be traced back to relatively small annoyances and social rather than crime problems... crime in the strict, legal sense of the word, is undeniably a part of the problem, but because tackling the crime problem has such a high place on the political agenda, all misery is translated into a crime discourse'.

If we can provide platforms for our residents to tell us how they feel about their areas, and can do this in an open and conversational way, we might unpick some of these small annoyances and social rather than crime problems and deal with them in a different way. For example, the demonisation of many young people in the Asbo age means that even innocuous activities such as

young people gathering together at a bus stop feed into the crime discourse as described by Van Swaaningen. Shouldn't we, as an authority, be communicating the norm that the majority of young people are just as they always were and pose no more threat to society at large than their predecessors, that is, ourselves? Could a sustained and intelligent communications campaign around this issue 'nudge' an attitude change in the general population that would create more positive reinforcing images of young Britons in the UK today?

In Barnet we are working with the police to develop platforms of discussion that are open ended and area based, such as our online joint initiative www.wherelive.org, which encourages residents in two targeted wards to tell us stories, post videos or pictures about where they live. One ward has been chosen because it has low levels of crime but high fear of crime and in the other ward the trend is reversed. Using a sense-making approach we hope to unpick some of the issues that concern people and work together to make improvements where we can.

So, overall, we would be in accord with the view that harm-reduction fits well with our approach of understanding and meeting residents where they are in their lives and supporting and encouraging them to reach for healthier and safer futures.

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What do law enforcement strategies contribute to UK drug harm-reduction?

Abstract

Drawing on his personal experience as a police officer and a range of literature, the author applies Caulkins' and Reuter's paper in this edition to the UK experience. In particular he draws on the work of Goldstein, which places drug-related crime into three categories: psychopharmacological, economic-compulsive and systemic.

Key words

Drug markets; harm reduction; policing.

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*'Conspiracy... building something here, building it from scratch and **all the pieces matter.**'* HBO TV (2002) Lester Freamon, *The Wire*. Series 1: Episode 6.

*'It is easy for all of us now, more than 40 years on, to sift slowly through the relevant records, neatly arranged in chronological order, and ask ourselves, with the additional benefit of hindsight, why clues were missed, why appreciations were faulty, why incorrect decisions were taken. Those who have never experienced it should not forget the "the fog of war" factor, the atmosphere of urgency, the pressures the strain, day after day, week after week, year after year, they try to solve the problems and complete the jigsaw puzzle – or rather puzzles because in a world war, no single problem can be considered in isolation: there are dozens of them each calling for swift and most of them immediate action. The more senior the individual concerned the more likely it is that he will have to switch his attention at any time during the day – or night from one end of the world to the other, from the land to the sea or to the air, from the tactical situation to the long-term implications, from the possible reactions of the enemy to the behaviour of allies. Nothing is simple, nothing is certain, but **everything is important.**'* (Beesly, 1990: 317–318).

An intelligent response to the rise and rise of drugs trafficking

Caulkins and Reuter have made a helpful contribution to our thinking, added to our descriptive lexicon and clarified some ideas about harm-reduction, drugs and the police role. Not least, they have reinforced the view that there are

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practical outcomes possible, that this is real police work for real 'cozzers' (sic).

It is over 40 years since I made my first drugs arrest. Over 37 years, I acted in every role from undercover officer to policy chair. It is two decades since I first took part in genuine partnerships of equals against all levels of trafficking. Local solutions were to be applied to local problems. It has been challenging to attempt to use this experience to consider the implications of the Caulkins and Reuter paper for UK policing partnerships, and to add the strength of Paul Goldstein (1985/1995), Herman Goldstein (1990) and Bean (2002) as foundation footings. However, none of this is molecular science and SOCA and their predecessors have been over much of this ground before.

It is also two decades since I explored the academic literature and concluded that a war on drugs was an unhelpful analogy (though there are valuable lessons from the military as Beesley, quoted opposite, shows) and in any event, any such war was unwinnable (Grieve, 1987 cited in Dom, Murji and South 1992). In my four decades of service it could be said that nothing I did changed anything. Drugs were the most intractable of all policing problems and, year by year, decade by decade, it got worse. The question was always 'What will the dealers do next?' And yet, still in 2008 the UN said we could have a drug-free world! However, I have also failed to come to terms with the conclusion that peace would come from legalisation. There clearly are significant risks and threats to the nation, and there are issues about our values and how we should respond.

Caulkins and Reuter structure their arguments around four broad pathways for considering drug harm-reduction.

1. Reduction of drug use.
2. Reducing the harm that drug users experience themselves.
3. Reducing the harms that drug users impose on others.
4. Reducing the harms that are caused by production, trafficking and distribution.

Because considerable distribution is through users, pathways two, three and four may be seen to be

related as they can all encompass harms caused by drug markets, for example, the violence with which debts are enforced at all levels of a volatile and unstable market. What I write on supply-side enforcement, therefore, seems relevant to two, three and four and might also relate to one, a reduction in user harm generally from reduced availability, but due to space restrictions, and to reflect the core of the Caulkins and Reuter paper, I shall concentrate on pathway four: production, trafficking and distribution.

Caulkins' and Reuter's work can be applied from the US to the different environments in the UK. Philip Bean, Professor of Criminology, former President of the British Criminological Society, has written an uncompromising analysis identifying the complexities, myths, ambiguities and corruptions, big and petty, that bedevil the debate (2002). I have been an avid reader of his work for over 25 years. He compares and contrasts 16 models to help explain the drugs-crime co-existence which is the most complete I have encountered thus far. Using these different models for substance misuse from disciplines as varied as criminology, ethics, economics, medicine, psychiatry and sociology, he explores the social problems and the varied policy responses to them. He finds them all inadequate alone and pulls elements from several together.

In his consideration of the differences and similarities in the way he was describing events, rejecting any causality between drugs and criminality but acknowledging much interaction, he, like Caulkins and Reuter, eventually identifies most closely with Paul Goldstein's (1985) account of the drugs-violence nexus:

- ♦ *psychopharmacological*: violence due to the direct acute effects of a psychoactive drug on the user
- ♦ *economic-compulsive*: violent crime committed intermittently to generate money to purchase drugs
- ♦ *systemic*: violence associated with the marketing of illicit drugs, such as disputes over contracts, territory, markets etc.

Bean's (2002) work is oriented to exploring how different drug-related crimes can be explained and tackled using this framework. Bean (2002) is at his best describing the criminals operating in the various

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markets as *'they take care of business'* and avoids the informers and the police. He does not try to have the last word, however, and concludes there are no easy sound-bite solutions and that government targets and aims have to be modest and realistic. His emphasis on local knowledge combined with realism, drive and vision might yet provide the UK with an aspirational way forward for all Caulkins and Reuter categories. I have extended his work to all drug harms, not just violence/crimes, and here applied the Goldstein model to what Caulkins and Reuter identify as opportunities, as illustrated in **Table 1**. For example, I would suggest that the terrorist drug-dealing nexus results in systemic crimes/harms. Fear of crime and disorder, on the other hand, is related to all types of drug harm, as is violence. I have also considered some examples of UK enforcement operations within this framework.

The Lambeth project is an example that was bespoke to its locality and concerned the use of scarce police resources, designed by police Commander Brian Paddick (Paddick, 2008). The approach considered overall drugs harms and meant not arresting people for possession of small quantities of cannabis. The result was an increase in arrests for dealing heroin and cocaine and a massive saving in police time, which contributed to a 49% reduction in burglary (Paddick, 2008: 142) (*London Evening Standard*, 24 June 2002). Thus, it had an impact on economic-compulsive crimes/harms in that it reduced burglary, and also on systemic harms, due to a saving in police time. On the other hand, it was criticised for possibly increasing the ease of access to cannabis with the potential for increasing use by school children (psychopharmacological harm) and in this way may have heightened concerns about crime and disorder. Conversely, the focus on heroin and cocaine may have made this less available in the area, which might have a reverse effect.

So, using Goldstein and Bean as a basis for this commentary, is one point of similarity in outlook, albeit presented in a novel way; another is where Caulkins and Reuter describe the role that officers already play in knowledge transfer and in harm-reduction. Open intelligence is a tool for drugs harm-reduction as education as I argued in 1998 (Grieve, 1998: 4) and has to be even-handed, otherwise it tends towards

dogma, propaganda, censorship of the unwelcome, or indoctrination as allegations about the US DARE (Drug Abuse Resistance Education) programme suggest. Education must be not just be on a DARE-type delivery for students; but for teachers, parents, peers and governors, and for all the customers of intelligence as Shulsky and Sims (1993) argued.

It may be argued that we know too little about the market to be able to use all of Caulkins and Reuter's conclusions as a national strategy. However, discovering what you do not know can be at least as valuable as acting on what you think you are clear about (see, for example, Taleb, 2007). We know far more than we did two decades ago, and we could use it as part of the tasking and co-ordinating process for the National Intelligence Model (NIM) on a case-by-case basis, a tactical/operational part for local and immediate decisions. It would then become part of a strategic menu or lexicon.

Caulkins and Reuter describe the role that officers already play in knowledge transfer and in harm-reduction. One task of intelligence is to inform policy-makers and provide strategic information. Another is to provide tactical or operational information at a local level; thus providing the *'information base'* for partnerships, assessing the scale, supervision of licensing, prescription, research and training (Bean, 2002; Grieve, 1998, 2004, 2008). This activity was the beginning of the development of local indicators, and one in which the police showed considerable interest as the concept of local solutions to local problems emerged.

At the end of the 1970s, the UK police drug strategy was primarily enforcement by pursuing the dealers, but a national and international intelligence-led strategy was beginning to develop. By the 1980s this included legislation, changed structures, changed tactical and strategic intelligence, changes in the nature of dealers, changes to the nature of drug trafficking and major statements of changes in policy (Bean and Billingsley, 2001; Bean, 2002).

The targets in UK markets have always been different to those encountered abroad. They are neither strictly hierarchical as, for example, the Mafia are, nor constant over time. As Jon Murphy of ACPO recently reminded us (*Times*, 8 August 2008),

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Table 1 An extended Goldstein (1985/1995) with some of Caulkins' and Reuter's (2008)¹ opportunities for law enforcement – conclusions considered

Drug-related problem	Psycho-pharmacological	Economic–compulsive harms	Systemic harms	Notes
Terrorist/ drug dealing nexus ²				Role of UK paramilitaries considered in law enforcement tasking considered by Organised Crime Task Force (OCTF) and Independent Monitoring Commission (IMC) in Northern Ireland ³
Fear, sense of disorder	Reduce length of time and effort spent seeking supplier and hence costs? ⁴ Argued it increased risks to school children			Lambeth Experiment (Paddick, 2008) but see also <i>London Evening Standard</i> , 24 June 2002
Knowledge transfer from law enforcement to other partners	Worth considering in the context of the criticisms of DARE that law enforcement agencies have the most up-to-date information about supply routes to users and therefore can be made available to educators			Intelligence-led policing as education (Grieve, 1998:3)
Property acquisitive				(Paddick, 2008: 142)
Violence				Operation Trident and predecessors in London and variations elsewhere in UK (Stevens, 2005: 257–259)
Corruption				Very useful contribution in Caulkins and Reuter (2008). (See also Clarke, 2001 in Grieve 2004: 251–261; Stevens, 2005: 261–267)
Infringement on liberty and privacy				(Neyroud and Beckley, 2001)
Market regulation			'The push down/pop up' nature of markets and different kinds of deterrence, geographical and behaviour based strategies for harms reduction	Very useful contribution in Caulkins and Reuter (2008)

¹ Initial abbreviated list from MacCoun and Reuter (2001: 320) but added to from Caulkins and Reuter (2008) and throughout paper

² Caulkins and Reuter (2008)

³ Organised Crime Task Force (2006) and IMC 2004 1st Report, 2005 5th Report, 2007 7th Report

⁴ Caulkins and Reuter (2008)

⁵ Paddick (2008: 142)

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the UK model of organised criminals are much looser knit – a threadbare patchwork quilt of alliances and hatreds (Grieve, 1987 cited in Dorn *et al*, 1992). But intelligence-led co-ordination and tasking went far beyond performance targets for drugs seizures and convictions.

However, specialist police teams, local, regional and national drugs squads, can be seen as part of the response to what Mary McIntosh (1971) called '*Changes in the Organisation of Thieving (or rather criminality)*'. Police strategy changed as crimes developed from craft to more organised 'project' crimes of growing volume. A lack of randomness creates the opportunity for police intelligence gathering during the planning and preparatory efforts for such drugs trafficking project crimes. Volume project crimes include middle and lower market drug dealing.

Therefore, police intelligence-led responses are now much more complex. They operate at several levels: locally, crossing policing administrative borders, nationally and internationally. They also operate at operational (real time use), tactical (dedicated surveillance teams) and strategic levels (including the increased use of undercover officers and informants, later to be classified as covert human intelligent sources) (Metropolitan Police, 1998). Then there are multi-layered responses at policy, co-ordination and tasking and case law/legislation levels (Etienne *et al*, 2000; Bleksley, 2001).

The police response to drug trafficking illustrates multiple layers of intelligence-led policing and, as with John and Maguire's (2007: 201) definition, the intelligence-led approach of highly specialised squads rapidly permeated down to local and street level. Any of this can be applied to harm-reduction and to Caulkins' and Reuter's approach. The growth of individual, local and specialised responses to drug trafficking needed to consider the growth of highly organised crime, money laundering (Bosworth *et al*, 1994), corruption in all its manifestations (Dorn *et al*, 1992; Clutterbuck, 1995; Clarke, 2001; Gaspar, 2002; Grieve, 2004) and the intelligence role of informants who were sometimes violent traffickers themselves (Metropolitan Police, 1998; Etienne *et al*, 2000; Bleksley, 2001; Clarke, 2001) and techniques like the

first international specialist liaison officers from the US (Honeycombe, 1974) and their proliferation here from many other countries.

In the 1980s '*following the money became the watchword*' (Bosworth *et al*, 1994). The strategy was now to link drugs, money and prisoners through intelligence, and new legislation identified new offences, powers, restraint orders, confiscatory fines and international dimensions. More important for the arguments in this paper, it permitted the sharing of information to first, undermine banking secrecy, then to build strategic and local partnerships in a number of new laws starting with the Confiscation of the Proceeds of Drug Trafficking Act (1986).

A European initiative in the 1990s illustrates the further development of multi-agency open source intelligence, now on an international level. The Institute for the Study of Drug Dependence (subsequently part of DrugScope) was contracted to act as the Reitox/Focal Point for the European Monitoring Centre for Drugs and Drug Addiction (the official EU co-ordinating body). Both provided Europe-wide analysis and comparative data on an open database to any customers for use, including about harm-reduction.

Clarke (2001) and Grieve (2004) identified that attacking corruption from both ends, the corruptors and the corruptees, could influence drugs markets and their social impact and thus intelligence-led strategies could inform harm-reduction. Caulkins and Reuter take this further by suggesting that, if corruption was considered a major harm caused by drug markets then the following needed to be addressed:

- ◆ sentencing might be enhanced where corruption was an element or an aid to trafficking
- ◆ tasking could take into account, and prioritise, drug markets with a corrupting element
- ◆ multiple agencies with overlapping jurisdiction could be encouraged to reduce the likelihood of corrupt officials escaping justice (Sherman would agree, 1974: 25).

Regrettably, the solution identified in the UK is to recently reduce the number of agencies by combining policing with customs.

Conclusion

Caulkins and Reuter have made a useful contribution to our understanding of harm-reduction in law enforcement strategies, tactics and intelligence-led operations. **Table 1** makes a first attempt at applying their arguments, reinforced by Herman and Paul Goldstein and Bean, to some aspects of the UK experience. Their account can sit comfortably with some other aspects of analysis not least from the police themselves. There are eight areas listed for consideration as possibly relevant to tasking and co-ordination of scarce police resources. They have implications for policy, planning and operations, intelligence, training and tactics. All the pieces matter, everything is important.

Endnote

¹ I do not propose to pursue the different environments in this paper for reasons of length. See King (2004) for a beginning if the reader wishes to pursue the comparative history.

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Asset recovery to reduce drug market harms

Abstract

This article, written by a Detective Chief Inspector with extensive experience of asset recovery, discusses how asset recovery legislation can contribute to a harm-reduction-led approach to enforcement. Drug supply chains to the UK and the drug markets they supply are described. The harms they create are discussed and four key elements of the Proceeds of Crime Act (POCA) (2002) are outlined. Early results from the use of the POCA are promising.

Key words

Drug markets; asset recovery; policing; Proceeds of Crime Act.

TRISTRAM HICKS

Detective Chief Inspector, Proceeds of Crime Implementation Team, Metropolitan Police Service. The opinions expressed are those of the author and should not be taken as service policy.

This article discusses the use of asset recovery legislation as a law enforcement approach to 'reducing the harms caused by production, trafficking and distribution of drugs'. This phrase describes the last of four broad pathways to reducing harm described in Caulkins' and Reuter's paper on harm-reduction. They suggest that this is the most important, the most novel and the one with the greatest potential for law enforcement to do better in terms of harm-reduction. The article suggests that theoretically 'a harm reduction framework may spur innovation in the creation and dissemination of new tactics'. It goes on to suggest that this innovation may develop into actual implementation, with its attendant difficulties: 'the greater challenges are operational – trying to figure out in practical terms how to get organisations that are used to thinking and acting in one way to adjust their practices'.

This response to the challenge set out above is based on the use of the Proceeds of Crime Act (POCA) (2002) by the Metropolitan Police Service in London. Over a five-year period, the Service has used powers under POCA to address a variety of harms arising from acquisitive crime. The catalyst for this is POCA, a piece of legislation that fundamentally changed the ability of the UK police to tackle acquisitive crime. It has enabled the use of entirely new tactics against criminals at all levels, from the street dealer to the international trafficker. This paper will focus on how four key aspects of POCA have been used to address harms arising only from the drug trade. This narrow focus will necessarily omit how POCA can be used against a variety of other criminal harms including corruption, fraud, sex crime and public disorder.

This paper sets out the harms arising from Caulkins' and Reuter's fourth pathway, the real economics that underpin those harms and how POCA can be used to disrupt the criminal economy and thereby reduce the harm. This paper is not concerned with the other three pathways which are, briefly – reducing the amount of drug use, reducing the harm drug users experience, and reducing the harm drug users impose on others – though the use of POCA may tangentially

impact on all of these too. In the UK, significant amounts of drugs are imported for consumption (as opposed to onward transit) and the profit margins are sufficient to attract drugs over long supply lines. These vulnerable supply lines attract intensive efforts by law enforcement agencies to intervene. To counter these much of the importation has to be organised and the product tends to arrive in shipments that are individually valuable.

The existence of valuable individual shipments creates an economic position that generates specific harms. The shipments are so valuable that they have to be provided on credit. This automatically creates debt and, even in the legitimate economy, we know that debts will sometimes need to be enforced. Without recourse to law, drug-traders must enforce debt payment by threats and violence: they have no other options. The shipments require protection from other criminals and again, because of the illegal nature of the threat, illegal protection is required. Armed personnel are a necessary evil and these staff are, by definition, armed criminals working in an unstable, dangerous environment. The valuable shipments also require protection from law enforcement and two ways to achieve this are the subornation of legitimate transportation and/or the corruption of law enforcement personnel. Thus, in the UK, at the point of arrival four distinct economic needs arise.

1. Illegal debt enforcement.
2. The provision of illegal security.
3. The corruption of transporters all along the route.
4. The corruption of law enforcement personnel at border controls.

The first two inevitably lead directly to serious violence and death to those directly involved in the drugs trade and their dependants and, by their nature, pose a serious collateral risk to the public.

Once in the UK, the shipments are broken down and the harms that arise from the economic necessities of valuable shipments gradually diminish. Small debts need milder threats, small transactions require little or no protection and bribery is neither necessary nor likely to succeed. In the UK though,

there are other harms arising from the economics of the trade. The retailing of drugs in a geographical area may, in aggregate, be worth competing for. The suborning of pub and club owners and their security staff may take place. Mergers and acquisitions in the drug trade are illegal and like debt enforcement, threats and violence will be necessary. The aggregation of the trade thus creates the potential for harm. In extreme cases the requirement for the drug trade to have armed personnel, visible security on buildings and blacked-out windows on vehicles reduces the quality of life in some inner-city areas.

Organised drug dealing in the UK requires large quantities of cash (quite literally, since drugs are generally not available by cheque or card). The cash tends to aggregate into lump sums held by gang leaders and importers and this requires illegal protection from other criminals (Matrix Knowledge Group, 2007). Laundering the cash creates a need to suborn legitimate trades and professions in order to place, layer and spend money in the UK or transmit it overseas. At the least this creates a 'moral hazard' for those professions and may involve economic damage. Drug profits are used to underwrite legitimate trade, thereby giving commercial advantage to 'front' businesses; their competitors suffer from unfair competition leading to loss of profit, viability and, ultimately, jobs and livelihoods.

It can be seen that the main problems arise not from the trade itself but its nature. If the trade could be disaggregated and made less reliant on imports of large shipments of product, the consequent harms could be reduced. The abuse of drugs in the 1960s and 1970s in the UK, for example, was not associated with the harms listed above.

The argument above suggests that economics is at the heart of the problem. The passage below suggests that the solution lies in tackling the proceeds of crime. The POCA created four key elements which are individually powerful and collectively draconian; one might even say they are the Four Horsemen of the 'A-POCA-lypse' (Khetana, 2008). They are:

- ♦ the power to seize and forfeit cash above a minimum amount of £1,000 on the balance of probabilities

Asset recovery to reduce drug harms

- ♦ the power to restrain assets at the very beginning of a criminal investigation
- ♦ the existence of an effective computerised suspicious activity report regime
- ♦ a legal definition of 'being a criminal' (as opposed to merely committing an offence).

Perhaps the most interesting of these is the last, the definition of having a 'criminal lifestyle' contained in s.75 POCA. A criminal conviction meeting s.75 criteria triggers draconian elements of POCA. It offers the possibility of criminal 'fat cats' being targeted not reactively for a particular offence, but proactively for what they are.

Caulkins and Reuter refer repeatedly to the risk of imprisonment as being law enforcement's primary weapon. This may be contrasted with the findings of a large survey of imprisoned drug dealers (Matrix Knowledge Group, 2007), which found that imprisonment was not a deterrent; the survey respondents were only really worried by the theft of cash or police asset recovery. In London, since 2002, they have every reason to be worried. In terms of cases brought, money recovered or occasions when assets were restrained, police performance has increased at least 10-fold. The respective statistics for 2002 and 2008 are: c200 to 2,278 cases; c£1 million to £18 million in receipts to the Treasury and 13 to 357 individuals served with restraint orders (Metropolitan Police Service, 2008).

The statistics are impressive but the real issue is the way POCA works to reduce harm. We have identified earlier that one of the key economic features that creates harm is the aggregation of money. At present POCA seizures follow conventional police activity, in other words the police target the most obviously harmful individuals (typically on the basis of intelligence-led information about guns and violence) and the money is seized as an adjunct to that activity. The police thus simultaneously address the harmful individual by making an arrest and remove a key cause of harms by seizing the aggregated money. Lengthy imprisonment, however, is unusual. In other words, when police arrest and disarm a drug dealer they

temporarily remove a symbol of power, but when they seize the money they remove the power itself. Persistent and thorough use of POCA powers, targeted at aggregated money, *should* reduce harm *per se*. London's police are already moving towards using POCA to alter the UK drug dealing business from one that is dominated by fat cats, foreign villas and 'bling' to a more localised, fearful and less harmful trade. POCA, however, is still a new power for UK police and implementation remains incomplete.

The adoption of POCA in London, for example, has not been straightforward. Making a very big organisation change the way it thinks is difficult. A financial incentive scheme, extensive training and a dedicated implementation team have all been necessary to adjust police practices. Even now there are many in the police who fail to see that POCA is a central tactic in addressing drug-related (and other) harms and are instead diverted towards POCA as simply a source of income. The spectre of UK agencies becoming, what Worrall (2001) called, '*addicted to the drug war*' is not currently an issue in the UK, but it remains a real risk to be recognised and managed.

Following Caulkins' and Reuter's logic, to use POCA better police would need to target wealthy drug barons *because* the aggregation of money is directly related to harm. Their argument is that police '*decisions could, in a harm-reduction frame, be made explicitly*'. Police could, for example, target criminals who have a criminal lifestyle above those who do not. The police in London are already doing the right thing by using POCA, but explicitly deciding to do so would make a good thing even better.

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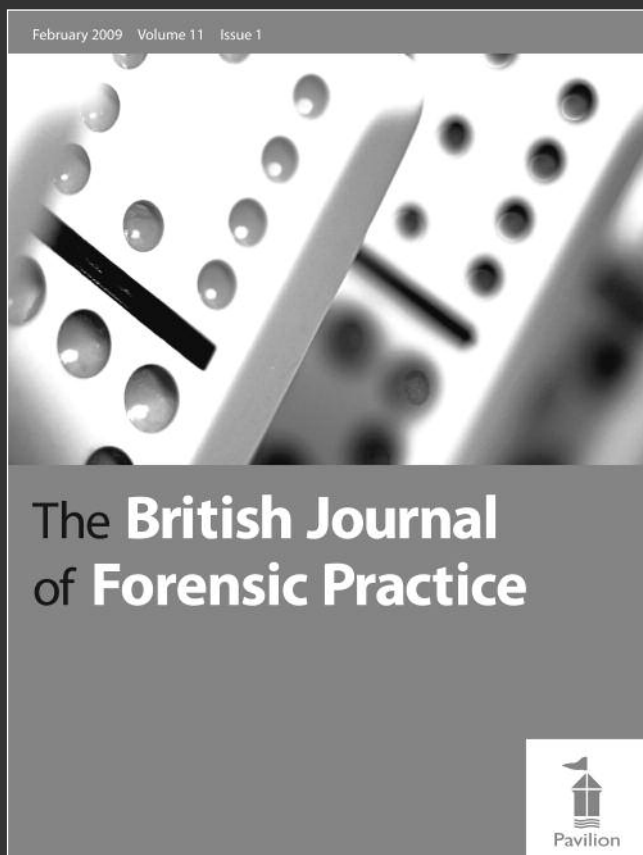
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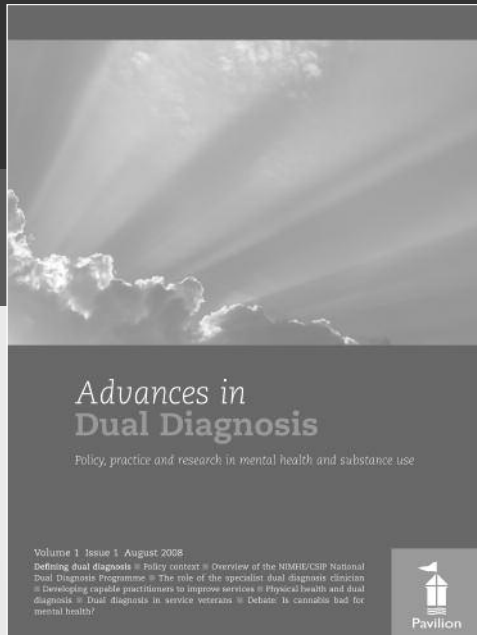
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