



CHATHAM HOUSE

MODERNISING DRUG LAW ENFORCEMENT SEMINAR #1 REPORT

Context

On 21 March 2013 [The International Institute for Strategic Studies](#) (IISS) hosted a day-long seminar in London as part of “Modernising Drug Law Enforcement” (MDLE), a project by the [International Drug Policy Consortium](#) (IDPC), with the participation of the International Security Research Department at [Chatham House](#) and the IISS.

The project aims to examine new strategies for drug law enforcement, that focus on reducing the consequential harms that arise from drug markets and drug use, rather than just on seizing drugs or arresting users. A series of commissioned reports, analysis, and meetings will attempt to provide useful guidance to law enforcement managers on how to develop strategies and tactics that are relevant to the challenges posed by 21st century drug markets.

The event, aimed primarily at law enforcement practitioners, was designed to discuss and promote new approaches to law enforcement and policing with a view to improve drug law enforcement strategies.

All proceedings were held under the Chatham House rule.

1- Applying harm reduction principles to local drug markets

The premise of the opening presentation was that reducing levels of harm should take precedence over decreasing the size of drug markets. Police forces can both create and reduce harm. Specifically, by adopting the principles of harm reduction (broadly defined) – such as reliance on pragmatic evidence rather than on unrealistic aspirations, and respect for human rights, particularly the rights to life and property – they can limit those drug related harms directly influenced by policing practices, i.e. accruing criminal experience, elevated price of substances, fear and sense of disorder, property/acquisitive crime victimisation, psychopharmacological violence, economically motivated violence, reduced property values near markets, corruption and demoralisation of legal authorities, devaluation of arrest as a moral sanction, and infringement on liberty and privacy.

In addition, the strategies implemented to police drug markets have an impact on police legitimacy and can harm police reputation if procedural fairness, lawfulness and effectiveness of police actions come into question. In this context it was highlighted that public confidence in the police is already low in areas affected by drugs.

Emphasis was given to the harm resulting from prohibition and the criminalisation of drug use. These approaches have encouraged users to inject drugs to maximise the effect of drugs now in limited supply, and to do so in unsafe environments that increase health risks. Criminalisation of possession, which translates into those found in possession of controlled substances being given criminal records, also impacts negatively on users’ future life prospects by making them ineligible for

some types of employment. Furthermore, processing users through the criminal justice system is a very costly practice.

In targeting dealers, the main proposition put forward was one of 'targeted' or 'focused' deterrence, as opposed to 'zero-tolerance', and particularly the approach often referred to as 'pulling levers'. The latter relies on collection of intelligence to be shown to dealers and presented as evidence likely to lead to their incarceration. The experience from High Point, North Carolina, has shown that the threat of incarceration had led to the closure of targeted open-air markets and resulted in a reduction in violence. This has paved the way for the spread of indoor sales by delivery which are less harmful per unit of use than open-air drug markets, do not require dealers to protect their physical territory, and therefore where levels of violence are very low. Operation Reduction in Brighton (UK) was cited as another successful example of the pulling levers approach. As it was the practice of the British Serious Organised Crime Agency (SOCA) to control sales of cutting agents and send warnings to those individuals who had purchased those substances for ambiguous reasons.

It was stressed that the purpose of SOCA was not to pursue victims but to go upstream and target those involved in trafficking. There was however some apprehension about the new National Crime Agency (NCA, soon to replace SOCA) which is expected to consist of 'crime-fighters' and unlikely to focus on harm reduction. This likely tendency is, however, the by-product of a deeper problem: politicians prefer measurable, easily comprehensible metrics, such as incarcerations and seizures, which are used as success indicators to win votes. Most of those present agreed on the need for better evaluation tools, but, with limited resources, funding for such studies is unlikely to materialise.

There was some disagreement over levels of violence with some participants maintaining that drug markets remain inherently violent, especially at the regional level.

It was pointed out by British law enforcement representatives that covert operations had been very successful in reducing harm and removing criminals from the streets.

There was agreement that synthetic drugs present one of the greatest challenges going forward. Substances such as DMT can be bought on the Internet and law enforcement agencies need to be prepared for the emergence of new substances and new ways of selling them.

One aspect that is often neglected in discussions about narcotics but was raised on the day was the abuse of prescription drugs, a growing and concerning trend especially in the United States, which requires greater control over prescriptions issued by doctors for financial gain.

A whole-of-government approach seemed to be the one preferred by seminar participants but there were concerns over the recent creation of 41 Police and Crime Commissioners (PCC) in England and Wales and the fact that drug treatment was to be delegated to local authorities which in itself undermines the likelihood of a more holistic approach. The example of Scotland was used to illustrate a successful multi-agency partnership in which law enforcement, criminal justice, education and health departments, among others, work together effectively.

2- Targeted deterrence, drug trafficking and organized crime: concepts and practicalities

The second session explored in more detail the concept of targeted deterrence using the experience of Latin American drug markets as examples.

This relatively new concept departs from the one of zero tolerance which uses war-like language and

rests on the notion that law enforcement should be able to police everywhere all the time - a very expensive strategy.

The election of President Felipe Calderon in 2006 coincided with the enforcement of a zero-tolerance approach to the fight against drug cartels in Mexico. The implementation of this heavy-handed approach gave priority to killing as many traffickers as possible and disregarded the effects on the population, which felt increasingly alienated and unsafe. Calderon's 'war' resulted in over 60,000 deaths and 27,000 disappearances. In Ciudad Juarez, until recently the world's homicide capital, incarcerations went from 9,000 to 90,500 during his presidency.

Unlike zero-tolerance, focused deterrence targets the most violent criminal networks in order to single them out and is rooted in a sounder understanding of networks at the transnational, national and neighbourhood level, which allows for more geographically focused targeting. It acknowledges that networks do not always have a pyramidal structure. Indeed many have a more horizontal and fragmented structure which makes it necessary to target mid-layer members. The latter is also a reflection of the fact that decapitation, i.e. the strategy of removing leaders, is not as effective in the context of organised criminal groups as it is for terrorist organisations.

Most participants agreed that the US was yet to integrate the concepts of focused deterrence and selective targeting in its policy abroad and that Washington had the tendency to believe that the strategy adopted in Colombia (which had dismantled the key cartels and reduced levels of violence to the point where the state no longer faced an existential threat) could be easily transferrable to other drug markets, particularly in Mexico. However, there never were only two major cartels in Mexico, unlike Colombia's Medellin and Cali, and instead the drug market had long been dominated by several networks that have become even more fragmented as a result of Calderon's strategy.

Selective targeting comes with some issues. Some believed that by dismissing cannabis, in order to focus on more harmful and violence-linked substances, police run the risk of failing to detect other crimes (cannabis as 'gateway crime' and a component within a wider criminal enterprise). Others pointed to the risk of discrimination as statistics show that most individuals stopped by the police belonged to certain ethnic or social backgrounds. A further and very practical criticism suggested that selective targeting could not be the only strategy. Police forces must retain some resources for the targeting of 'low-hanging fruits' otherwise they would lose public support. This highlighted the tension between the need to act promptly, for instance in response to a call by a member of the public, possibly leading to the arrest of a small player, and the decision not to take immediate action as part of broader intelligence-led operation which may lead to mid- and top-tier traffickers being brought to justice. An additional complication is that while High Value Targets make headlines, arrests of mid-tier criminals rarely do and visibility of police operations is important for its deterrence factor but also to increase public confidence.

Internationally a type of targeted deterrence comes in the form of red notices that are issued by Interpol on medium and high level targets. In 2012, over 8,000 red notices were issued while there were 9,000 arrests resulting from the red notices of 2012 and the years preceding it.

3- How police forces can support health oriented harm reduction strategies

The final session started by recognising that police services around the world were now supporting various health oriented harm reduction strategies while in some countries the police remained antagonistic towards harm reduction. Key enablers and obstacles to police support of harm reductions were: the United Nations Office on Drugs and Crime (UNODC), the International Narcotics Control Board (INCB), donors' position on harm reduction, legal uncertainty, police performance

indicators and targets, and police political and professional obligations to communities.

Several recommendations were put forward that would constitute a comprehensive harm reduction package including: allowing needle and syringe programmes (NSP) to operate freely; the introduction of opium substitution treatment in police stations; arrestees should have ready access to free anti retroviral drugs; condoms programmes should be made available to people who inject drugs and the practice of using condoms as a pretext to arrest suspected prostitutes should be stopped; more targeted information should be disseminated to drug users such as details of drug consumption rooms; officers should be allowed to administer Naloxone to save people from overdose; and Chief Police Officers (CPO) should explore the feasibility of developing and implementing drug referral schemes (DRS).

To make this possible, officers need more sophisticated training and CPO ought to regularly review policies, strategies, tactics and performance indicators to ensure they support a public health agenda.

Accountability and willingness to change were identified as the basis for Scotland's success in implementing a multi-agency approach. The first step was to change culture internally to ensure sustainability and continuity. Senior law enforcement management, instead of politicians, took responsibility for devising key performance indicators. Also, financial austerity had brought people together and the fact that Scotland is a small country meant that public figures and the police felt more accountable strengthening the concept of policing by consent. The law enforcement message had been tied to the health and environmental ones further up the drug supply chain in Colombia (deforestation and environmental consequences of drug production in Colombia) and all schools were now aware of Shared Responsibility, an initiative by the Scottish Crime and Drug Enforcement Agency (SCDEA), UNODC and the Colombian government.

The need for cultural change was also highlighted by the Swiss case. Public health was often used by politicians to pursue political objectives, at times at the expense of users, and this was also reflected in the frequently divergent approaches adopted in different Swiss cities. Furthermore, police forces have experienced difficulties in using their discretion due to a lack of political backing.

It was suggested that breaking down the issue into: (1) recreational users, (2) medical users, (3) problematic users, and (4) low and (5) high level traffickers would simplify police work and make it easier for officers to use their discretion.

Key take-away points from the seminar

- Law enforcement practitioners need to understand drug markets and share knowledge more widely outside law enforcement, including providing facts and figures to researchers for further study.
- Law enforcement has a role to play in prevention and police forces should use their leadership role in supporting other organisations to promote treatment.
- The transnational nature of narcotics trafficking implies the need for cooperation among countries. However, there is the risk of a clash of objectives, more notably between developed countries mainly concerned with stopping the flow through their borders, and developing nations whose prime preoccupation is the impact of trafficking at the national level and on local drug consumption. Yet, they cannot ignore the priorities of Western partners as long as they remain recipients of aid.
- Detection and recovery of illicit assets are key to the fight against organised crime as one of the most detrimental harms of the drug trade is in the form of corruption and the

weakening of institutions.

- Zero-tolerance approaches have often failed to reduce violence and have led to human rights abuses by police forces. Intelligence-led focused deterrence and selective targeting have proved more cost-effective and more likely to lower levels of violence in drug markets.
- While Interpol works in partnership with member states and has to accept their practices, it can exert influence by acting as a platform for the sharing of best practices, especially in the context of targeted deterrence and selective targeting.
- The effective use of the power of discretion, which underpins policing in the UK but is still opaque in a number of countries, will help promote a change in attitude, in particular with regard to NSPs and support of harm reduction.
- Chief Police Officers should demonstrate their capacity for strategic decision-making and be bolder in putting forward strategies supporting harm reduction in their jurisdictions.
- Police forces have to operate within a given legal framework; legal uncertainty may hinder officers' willingness to take harm reduction-oriented actions.
- Clarity of purpose and integration of effort are essential to accomplishing anything within government. Modernising law enforcement is no exception.
- Key questions remain on how to drag this set of issues above the political radar and keep it there long enough to be considered by politicians; and on how to operationalise them.

Papers presented at the seminar can be accessed [here](#).