The European Union and Illicit Drug Market Indicators

Introduction

Earlier this year, the European Commission (EC) made public its intention to develop a new set of indicators with which to monitor the supply of illicit drugs in Europe. In October 2010, a conference[1] on this issue was held by the EC, Europol and the European Monitoring Centre for Drugs and Drug Addiction (EMMDDA), and views on potential indicators have subsequently been invited from "a wide community of experts".[2] The call for input proposes a division into three sections: drug markets; drug-related crime, and drug supply-reduction. This submission represents a summary of IDPC's view that setting and measuring the right set of indicators for drug law enforcement activity is crucial to ensure the future relevance and effectiveness of those activities. We argue that market indicators should assess law enforcement efforts in terms of their contribution to the fundamental **objectives** of the EU Drugs Strategy and Action Plan, not the operational **processes** utilised.

The EU Drugs Strategy

The need to develop new drug supply indicators is mentioned in the EU Action Plan 2009-2012, which identifies a lack of knowledge in this area.[3] The importance assigned to such indicators derives from the Plan's proposal to "achieve a high level of protection, well-being and social cohesion by preventing and reducing drug use".[4] This objective articulates the high level outcome that all activities should be directed at achieving, and is itself subsumed under the fundamental principles enshrined in the EU Drugs Strategy 2005-2012, which is "based first and foremost on the fundamental principles of EU law and, in every regard, upholds the founding values of the Union: respect for human dignity, liberty, democracy, equality, solidarity, the rule of law and human rights. It aims to protect and improve the well-being of society and of the individual, to protect public

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[1] ECMDDA (2010), *First European Conference on Drug Supply Indicators: Key Conclusions*
http://www.emcdda.europa.eu/publications/supply-indicator-conference-2010/conclusions [Accessed 10.06.11]
[2] ECMDDA (2011), *Indicators on drug markets, crime and supply reduction*
http://www.emcdda.europa.eu/html.cfm/index127481EN.html [Accessed 10.06.11]
[3] European Commission, *EU drugs action plan for Europe 2009-1012* (2008/C 326/09), p.2
http://www.emcdda.europa.eu/attachements.cfm/att_66226_EN_EU%20drugs%20action%20plan%20for%202009-2012-EN.pdf [Accessed 10.06.11]
[4] European Commission, *EU drugs action plan for Europe 2009-1012* (2008/C 326/09), p.1
http://www.emcdda.europa.eu/attachements.cfm/att_66226_EN_EU%20drugs%20action%20plan%20for%202009-2012-EN.pdf [Accessed 10.06.11]

health, to offer a high level of security for the general public and to take a balanced, integrated approach to the drugs problem."[5]

Indicators: Process versus Outcome

When devising indicators to assess all aspects of the illicit drugs situation, it is important to retain a focus on the overarching principles of the EU Drugs Strategy and Action Plan. Unfortunately, the framing of the proposed indicators is, as currently envisaged in the call for consultation, a function of the current methods and actions of law enforcement agencies. Given the focus on supply reduction, and the fact that most of the current data on drug markets are derived from enforcement practice (prosecutions, seizures, etc.), this is perhaps unavoidable. However, it should not distract from the need to evaluate the work of drug law enforcement in terms of its contribution to the basic objectives elaborated in the Strategy and Action Plan, quoted in the preceding paragraph. Measures of enforcement process (such as numbers of arrests, prosecutions, seizures, disrupted trafficking groups) do not automatically contribute to the achievement of these objectives - public health, human dignity, democracy, solidarity or the fulfilment of human rights. These latter represent the fundamental goals of EU drug control, and must be examined by measures of *outcome*, whereas the former represent measures of *process*. Confusion between these two categories renders the work of indicators ineffective at best; at worst, they are disingenuous and misleading.

Potential indicators across three areas

There are three areas into which the project of developing drug supply indicators were categorised at the October 2010 conference. We consider that a meaningful suite of indicators can be developed under these three headings, but that significant thought needs to be given to the definition and measurement methodologies before a credible outcome framework is produced.

1. *Drugs markets*

The recommendations emerging from the 2010 conference focus chiefly on price and purity data and the use of forensic science (e.g. molecular mapping of seized drug consignments to identify point of origin, analysis of waste-water, etc.). While these types of indicators are an important aid to understanding the nature of the drug market, and help to provide a map of the operation, sources, range and quality of substances available, they tell us little about the harms to individuals and communities that arise from those markets. We consider that the objective of reducing availability and access to illicit drugs (particularly to young people) is a valid proxy for some market related harms, but (with the possible exception of price data) the proposed indicators do not reflect this objective. Availability and accessibility can be better assessed through interviews and surveys of actual or potential users, as well as ethnographic studies and other qualitative research modalities. In addition, we need to understand the impact of different types of drug market on the security of individuals, communities and institutions. It is therefore necessary to measure the extent to which a particular market involves violence and intimidation, the loss of community amenities, or the corruption of individuals and public institutions (see below).

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[5] Council of the European Union (2004), *EU Drugs Strategy (2005-2012)*, para. 2
http://www.emcdda.europa.eu/html.cfm/index6790EN.html [Accessed 11.07.11]

Another valid alternative is to have independent estimation methods for the scale of particular drug markets (measured in terms of total amounts consumed, the total turnover of criminal groups, or numbers of users initiated), and tracking the impact of law enforcement operations on these estimates.

These measures are more difficult to define and measure than a simple table of arrests and seizures, but they are the only way to get a true picture of the outcome of law enforcement activity on the harm caused by drug markets.

2. Drug-related crime

This is a complex category, with many possible definitions of "drug-related crimes", including the crime of possessing a substance prohibited by law. IDPC strongly recommends, therefore, that "drug crimes" (possession, cultivation, dealing, etc.) are expressly excluded from this area of analysis (drug-related crimes) – the level of drug law arrests and convictions is an inappropriate proxy for measuring the harms to individuals and society, and are in any case more influenced by law enforcement tactics and priorities, than by any real representation of the scale of the market.

Accordingly, drug-related crime may be conceptualised as having two remaining components. First, the "fundraising" offences of people reliant on substances such as heroin, crack-cocaine and methamphetamine – i.e. crimes committed to raise money to buy drugs. These are usually petty property crimes, undertaken to obtain cash with which to support dependence. Several member states have developed measures and mechanisms to assess the level, and trends over time, of this form of drug related crime, and these approaches should increasingly become the European norm.

The second area of measuring drug-related crime is the one mentioned in section 1 above – the violence, intimidation, loss of amenities, etc. that are associated with the operation of legally prohibited drug markets.

Both of these refer to phenomena having a real impact on people's lives, and should be subject to measurement. The activities of law-enforcement agencies should be evaluated according to the extent to which they succeed or fail in reducing these problems, contributing thereby to the level of security, health and welfare in communities.

3. Supply reduction

Supply reduction effectiveness is currently measured in terms of numbers of dealers and traffickers arrested, quantities seized and levels of punishment - measures which more closely reflect police priorities and operational achievements, rather than impact on the overall scale of a drug market, or the harms it causes to society. Over time we have come to understand that the seizure of even large quantities of a particular drug, the arrest of large numbers of low level dealers or traffickers, or even the dismantling of major trafficking groups, does not necessarily lead to any significant and sustained impact on market scale. Even in the very few instances (shortages of a particular drug, or closure of a particular trafficking route) where markets are significantly affected, the impact on security, health and community welfare is at best unclear, and can often be negative – for example, violence increasing in "turf wars", or users moving to more dangerous patterns of use. A successful law enforcement operation can therefore lead to an increase in harm. This paradox needs to be challenged head on in the framing of indicators.

Supply reduction is usually linked to the broader project of reducing the overall scale of the market; IDPC has consistently argued that a more appropriate focus should be the levels of harm produced by that market. Accordingly, health, welfare and social inclusion measures would be more effective indicators of outcome. If we do wish to also measure the scale of the market, indicators should be combined with more effective measures for estimating its dimensions. The most relevant indicator here should be the ease (or otherwise) with which citizens can access illicit drugs, a metric that has been included in a number of research studies and offers a more useful method for assessing the effect of supply reduction efforts[6] in terms of outcome rather than process.

The choice confronting the agencies

As in most areas of social policy, the definition and measurement of outcome indicators for drug law enforcement is fraught with difficulty. It is therefore to some extent understandable that agencies and governments have focused on the easier to measure process indicators. However, it is now abundantly clear that there is no clear or linear relationship between measures of law enforcement process (i.e. arrests, seizures, punishments) and the improved outcomes we are seeking (greater citizen security, health and welfare). Furthermore, we can now see how this misalignment of measures of success has led to what the UNODC calls significant "policy displacement" – the investment of time and resources in activities that do not achieve the desired outcome. A new approach needs to be led by the agencies responsible for setting assessment and measurement frameworks – in this case, Europol, the European Commission, and the EMCDDA. If the proposed indicators that emerge from this consultation are once more indicators of process rather than outcome, it will be viewed as a political choice taken in order to avoid a proper analysis of the value for money that the European public obtain from drug law enforcement activities. IDPC trusts that the technical and policy experts involved will not allow themselves to fall into this trap.

Mike Trace
Chair
International Drug Policy Consortium

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[6] See: Parker, H., Williams, L. & Aldridge, J. (2002), 'The Normalisation of 'Sensible' Recreational Drug Use: Further Evidence from the North West England Longitudinal Study'. *Sociology* **36**(4): 941-964 (London: Sage) http://www.brown.uk.com/brownlibrary/parker.pdf [Accessed 01.08.11]