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► [Refocusing drug-related law enforcement to address harms.](#)

UK Drug Policy Commission.

London: UK Drug Policy Commission, 2009



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'Target enforcement to reduce individual and community harm' is the premise of this report from a UK drug policy think tank, one which seems widely understood, though in some quarters, deeply contested.

**Abstract** This report describes the findings of a project intended to identify and promote the contribution that drug-related enforcement activity can make to reducing drug harms, and to develop a framework for considering enforcement from a harm reduction perspective. It was informed by the observation that while [increased](#) enforcement generally does not significantly curtail overall supply, nor necessarily reduce (can even aggravate) drug problems, it *can* change the nature of drug markets. Since some markets cause more harm than others, this provides a largely untapped opportunity for enforcement agencies to target the most harmful drug markets, and shape the more resilient into less 'noxious' forms, with potential benefits even if the amount of drugs sold and used remains the same.

Methods to explore this proposition included commissioned essays to introduce the concept of a harm-reduction approach to enforcement personnel and to stimulate debate, literature reviews, assessment of the degree to which current guidance is compatible with the proposed harm reduction framework, and consultations on this framework with enforcement agencies and local partnerships responsible for planning drug services. Summary findings below.

The concept of using enforcement to reduce harms is already embedded to some extent within policy and practice internationally and in the UK, and there are good examples of the harm-generating features of drug markets being considered and guiding responses. A problem-oriented approach to policing lends itself well to such a strategy, as does the focus on neighbourhood policing, and the shift to performance measures based on community confidence in policing and public perceptions of the extent of drug problems in an area.

A complex picture emerges from the **limited** limited research evidence on the impact of enforcement on drug-related harms. Some harms have been increased by some activities and decreased by others, while many studies found no impact one way or the other. The very limited evidence relating to enforcement further back along the chain of production and supply **fails** to support seizures or crop eradication strategies. Open street drug markets (often a priority for communities) are temporarily disrupted by high intensity enforcement ('crackdowns'), but later tend to return or are displaced elsewhere. In contrast, partnership approaches using civil penalties such as nuisance abatement orders have restricted drug dealing and often crime and disorder more generally. There is also considerable potential for public health and social harms to be generated by drug market enforcement activities, particularly at street level, for example, by causing hurried injecting or increased violence following market disruption.

Research (mostly not from the UK) highlights the need for clarity about the harms or problems being targeted; different approaches are more or less effective against different types of harms. One approach is to target specific individuals or groups, such as the Boston project which directly warned rival gang members that further violence would bring a swift and heavy response, resulting in a dramatic reduction in violence. Other targeted interventions include arrest referral and schemes to divert arrestees or offenders out of the criminal justice system, for which the evidence on crime and health outcomes is generally fairly positive. In contrast, the two identified evaluations of undercover operations conducted in isolation from other initiatives showed no impact on drug use, drug offences, supply or demand for drugs, or on violent or property crimes.

Beyond the formal research, the report included case studies of enforcement activities in Britain and their impact on harms. Initiatives included those targeting individuals or groups identified as being particularly harmful, more effective use of the law to recover criminally gained assets, targeting areas where drug problems are particularly damaging, and use of civil powers against nuisance-generating or anti-social behaviours. The case studies documented the development of partnership approaches between enforcement agencies at different levels, and between enforcement agencies and local partners, especially treatment agencies. These have considerable (if patchily realised) potential to reduce harms associated with the production and supply of drugs. Increasingly, reducing harms is being made an explicit target of enforcement operations, but often the objective is limited to curbing acquisitive crime by diverting offenders in to treatment. As a result, operations may not maximise benefits and may have unintended consequences. Even when harms are the target, often this is not carried through systematically into the planning, conduct and evaluation of the operations.


Building on current trends in enforcement practice, the report proposed a new framework for harm-focused drug law enforcement in the UK. The issues covered included:

- defining the problem in terms of the harms caused and the features of drug markets which lead to those harms;
- prioritising areas for action through consultations with the community to understand their concerns and perceptions of how drug markets affect their lives;
- considering possible responses and their likely impact to ensure that, even if there are potentially harmful unintended consequences or displacement, there is likely to be a clear net reduction in harm;
- identifying measures of success and impact which go beyond arrests, seizures or drug

prices and purities, to explicitly demonstrate gains in reducing drug problems;

- implementing enforcement operations in ways which mitigate any likely increases in harms, while maximising the potential for reductions;
- evaluating to understand the impact of operations on harms and whether there are sustainable improvements for the relevant communities.

The authors argue that the report highlighted the clear potential for a more harm-focused approach to drug law enforcement. As well as reducing harm, this promises to further integrate enforcement with community priorities and institutions and offers a way to evaluate success in ways which matter to the public. Given the level of investment in enforcement activity, yet the lack of evidence on its impact on drug harms, it is essential that new harm-focused measures are developed and used to evaluate this activity.

 The featured report has been criticised [on the one hand](#) for simply proposing "smarter weapons" in a failed and unethical war on drugs, and [on the other](#) for surrendering ground to less harmful dealers and markets. Within the context of current and probable future law and policy, and the reality of limited resources, it is perhaps best seen as a pragmatic response aiming to promote the transformation of enforcement from an unquestioned good in its own right, to an ally in the securing of national and community objectives shared with treatment and prevention initiatives. [UKDPC believes](#) that rather than surrendering ground, following the report's principles is more likely to mean enforcing laws differently with much more community involvement and partnership working.

As the report says, it [swims with](#) rather than against the tide of modern thinking on policing in Britain. In an [article](#) for the featured report, the Director of Intelligence at the Serious Organised Crime Agency wrote that, "The concept of harm-reduction now sits at the heart of the UK's strategy for tackling serious organised crime". Most English and Welsh police force areas now routinely use a standard methodology to assess the threats and harms posed by organised crime groups, target their resources/activities accordingly, and assess impact (though the latter is universally recognised as the weak link in the chain). Among other strands, this standard 'threat matrix' incorporates risk of injury, economic damage, and community harm. Initiatives like the [Street Level Up Approach](#) (being developed by the government's interagency group responsible for combating [class A](#) drug use) aim to coordinate enforcement agencies to address the harm that problematic drug markets cause at street level, where communities notice the difference. For all these initiatives, a [key challenge](#) will be to develop tangible and meaningful performance indicators to measure impact against what are likely to be amorphous and fluid 'organised' crime structures, and to incorporate data on impacts on (for example) health and treatment entry. Selecting and weighting these different types of impact depends partly on practicality, but mainly on values – on what matters most to elements in society in a position to set this agenda.

In a broader sense too, values rather than evidence is the fundamental issue addressed by this report and the responses to it. The report argues that harm reduction, broadly defined to include crime and community harms as well as those directly affecting the user, should be the overarching objective to which all policy strands direct their investment and against which success is measured. If this is accepted, then in the current legal framework, the report's approach is simply a logical extension to

enforcement. Since reducing harms is an important overriding national objective and one broadly accepted, this seems to have been the mainstream reaction to the report.

Reconciling a harm reduction approach with one focused on reducing drug use may not just be difficult but impossible, because rather than being complementary, these [stem from profoundly different](#) moral positions and ways of thinking which cannot be wished away in pursuit of a comforting consensus or at least co-existence. Even within a harm reduction context, there [remains the issue](#) of which/whose harms matter most and should be targeted. Beyond harm reduction are contesting strategic and moral positions, such as freedom of the individual (even if that allows self-harm), zero tolerance of crime and illegal drug use, and recovery/abstinence agendas, from which some degree of harmful side effects might be seen as worth enduring in the service a greater good, and perhaps even as an instrument in achieving that good. For example, the common presumption that dependent substance users must hit 'rock bottom' (ie, experience extreme harm) before they really see the need to stop using, legitimises strategies which at the least do not try to stop this happening (in this perspective, such efforts are denigrated as 'enabling'), and even promote it through imprisonment and the withdrawal of housing, employment and family relationships. 'Hassle' from the uncomfortable and risky life forced on illegal drug users by conventional enforcement is [commonly cited](#) as a reason for 'early retirement' and treatment entry, driving dependent users towards a possible route to abstinence and/or recovery. Evidence that such strategies risk harm could be met by the answer that risking harm is exactly the intention in order to promote recovery and abstinence. From this perspective, making (especially illegal) drug use safer/less harmful is questionable because it is seen as making it easier to start and stay using drugs. As an [essay](#) written for the featured report points out, an opposing view, from which harm reduction is primary, would be willing to accept increased drug use if on balance harm was reduced.

As a [reaction](#) to the report showed, from some moral positions, all drug use is harmful and distinctions in levels of harm are a misguided and invidious collusion, a position which extends to any degree of selectivity in attempts to punish dealers and eliminate illegal drug markets. Counter arguments that enforcement pressures marginalise dependent users into an addict identity, and rob them of the social, physical and psychological resources needed to recover, or that with limited resources, some degree of selectivity is inevitable, may not address the values base on which such criticisms are founded. Vice versa too, the values which promote harm reduction above competing objectives will remain unmoved by criticisms made from an alien values base.

Other than in circles within which harm reduction or resource limitations are not overriding considerations, the project and its final report seem to have generally been received ([1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#)) as realistically addressing mainstream concerns.

*Thanks for their comments on this entry in draft to Nicola Singleton of the UK Drug Policy Commission and Tim McSweeney of the Institute for Criminal Policy Research of King's College London. Commentators bear no responsibility for the text including the interpretations and any remaining errors.*

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