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Oxford  
Policing  
Policy  
Forum

Policing drugs  
and alcohol:  
is harm  
reduction the  
way forward?

**ATTENDEES**

Professor Jonathan Caulkins	Professor of Operations Research and Public Policy	Carnegie Mellon University USA
Mr Ben Cave	Director	Ben Cave Associates
Mr Kenneth Chan	Policing Adviser	London Assembly
Mr Malcolm Dean	Freelance Journalist	
The Lord Dear QPM DL	Trustee	The Police Foundation
Mr David Faulkner CB	Senior Research Associate	University of Oxford
Mr Roger Graef OBE	Chief Executive	Films of Record
Mr John Graham	Director	The Police Foundation
Mr Bernard Hogan-Howe	HM Inspector of Constabulary	HM Inspectorate of Constabulary
Mr Roger Howard	Chief Executive	UK Drug Policy Commission
Professor Les Iversen	Chair	Advisory Council on Misuse of Drugs
Mr Paul Jobbins	Director Public Sector Business Unit	SunGard Public Sector Ltd
Mr Martin Kettle	Journalist	The Guardian
Mr Charlie Lloyd	Senior Lecturer	University of York
Professor Ian Loader	Director, Centre for Criminology	University of Oxford
Ms Abie Longstaff	Policy Officer	The Police Foundation
Professor Susanne MacGregor	Professor and Leverhulme Emeritus Fellow	University of London
Mr Kit Malthouse	Deputy Mayor for Policing	London Assembly
Professor Rod Morgan		University of Cardiff
Dr Caroline Paskell	Policy and Research Officer	Barnardo's
Detective Chief Inspector Ian Pollard	Crime Manager Brighton & Hove Division	Sussex Police
Dr Toby Seddon	Senior Research Fellow	University of Manchester
Ms Brigid Simmonds OBE	Chief Executive	British Beer & Pub Association
Ms Sara Thornton QPM	Chief Constable	Thames Valley Police
Ms Robin Wilkinson	Director	Arium Risk Architecture
Dr Ruth Shakespeare	Public Health Consultant	NHS South West

## The Oxford Policing Policy Forum

The Oxford Policing Policy Forum is a joint initiative of the Police Foundation and the Centre for Criminology at the University of Oxford. The Forum provides an opportunity for a wide range of stakeholders interested in policing to discuss fundamental issues under Chatham House rules. The main purpose is to encourage informal debate rather than inviting an audience to listen to formal presentations. Participation is by invitation only (see guest list).

### Background

The considerable increase in drugs and alcohol related crime has prompted the UK Drugs Policy Commission (UKDPC) to develop a harm-reduction approach to the enforcement of the law on drug and alcohol misuse.<sup>1</sup> The UKDPC's strategy, which was published in the summer of 2009, focuses on reducing the overall harm that is caused to society from drug and alcohol consumption.

The eighth Oxford Policing Policy Forum met on the 8<sup>th</sup> February 2010 to discuss the problem of drugs and alcohol, analysing the UKDPC's harm reduction strategy and in particular its implications for policing. The Forum was chaired by Roger Graef and a presentation setting out the key issues was given by Jonathan Caulkins, a leading authority on drugs policy and Professor of Operations Research and Public Policy at Carnegie Mellon University.

### Presentation

Alcohol

Professor Caulkins began by identifying the types of harm resulting from alcohol misuse.

Substance	Source of Harm	Nature of harm
Alcohol	Drunken louts	Visible presence Affects a large proportion of the population, but most not severely Criminal isn't very different from the victim
	Drunken spouses	Hidden away Affects a small proportion of the population, but Effects on each can be severe Difficult to solve
	Drunken drivers	Visible Affects small proportion of the population Effects can be severe

<sup>1</sup> See: [http://www.ukdpc.org.uk/resources/HR\\_Enforce\\_Policy\\_Briefing.pdf](http://www.ukdpc.org.uk/resources/HR_Enforce_Policy_Briefing.pdf).

The first two categories of drunken louts and drunken spouses are both difficult problems to address and are linked to a number of external social factors. However, some approaches have been successful with regard to drunk drivers. Professor Caulkins explained that attitudes towards drunk drivers have changed through high profile media campaigns such as 'Friends don't let friends drive drunk' and policies improving public transport or encouraging free soft drinks for designated drivers. As a result, there has been a real shift in the norms associated with drinking and driving, which is now generally viewed as unacceptable behaviour.

Traditionally, law enforcement strategies have focused on stopping drinkers from driving by, for example, impounding their car or revoking their driving licence. However, a project in South Dakota<sup>2</sup> has taken a different approach, focusing instead on keeping the driver from drinking in the first place. Under the scheme, judges can order repeat offenders (i.e. those who repeatedly drink whilst under the influence of alcohol) to undergo twice daily breath tests for a specified period of time (such as a period of parole or as ordered by a judge). Each time the person tests positive s/he is given an immediate 24 hour prison term. The project has shown remarkable results – 99.6% of the 1.5 million tests were clean and alcohol related fatalities dropped by 33%. The numbers held in custody have dropped as assaults and domestic violence have declined. The initiative has since been extended to include illegal drugs and is now operating across the state and with anyone who is on community supervision.

### Drugs & Drug Markets

The issue of drugs poses a different set of problems. A large amount of harm to society is caused by drug dependent criminals and a range of strategies have been developed to control drug related crime. Professor Caulkins outlined some of the main issues and their proposed solutions:

<b>Strategy</b>	<b>Result</b>
Standard jail terms	Ineffective as a deterrent
Treatment strategies	Effective but costly and different treatment styles are required for those addicted to an opiate based substance and those using stimulants
"Small fast stick" approach – short sentences for drug criminals who fail regular drug tests.	Angela Hawken's 'Behavioural Triage' <sup>3</sup> suggests the "small fast stick" works on approximately 80% of dependent offenders

<sup>2</sup> South Dakota 24/7 Sobriety Project <http://www.state.sd.us/attorney/DUI247/index.htm>

<sup>3</sup> Hawken, A Behavioural Triage: A New Model for Identifying and Treating Substance-Abusing Offenders  
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“Stick and carrot” approach – drug courts provide deterrents in the form of sanctions and incentives	Successful but difficult to scale up to very large numbers
Contingency management (rewarding treatment clients who test positive with vouchers or coupons)	Effective but can be unpopular with the general public

### Harm Reduction

A harm reduction strategy focuses on the resultant harm to communities caused by drug and alcohol use, rather than on traditional issues such as the weight/quantity of drugs or their classification. The philosophy aims to prioritise the policing of those drug markets that are causing the most serious problems, interrupting their business to prevent current and future harms.

Professor Caulkins explained the harm reduction strategy by means of an equation:

$$\textit{Total Harm} = \textit{Total Use} \times \textit{Harm per unit use}$$

‘Harm’ is a difficult concept to measure but it encompasses harm to users, harm to users’ families, harm to users’ neighbours or harm to the general public. The equation makes explicit that total harm can be reduced by shrinking either total use or harm per unit. Conflict between those who favour “use reduction” and those who favour “harm reduction” stems from differing concerns about unintended consequences. Harm reduction advocates are concerned that efforts to reduce use can inadvertently increase harm per unit of use. Conversely, use reduction advocates are concerned that efforts to reduce harmfulness may inadvertently lead to greater use.

The equation can be extended further, so:

$$\textit{Total harm} = \textit{Total Use} \times \textit{Harm per unit use}$$

$$+ \textit{Production} \times \textit{Harm per unit produced}$$

$$+ \textit{Distribution} \times \textit{Harm per unit distributed}$$

$$+ \textit{Drug control} \times \textit{Harm per unit of control}$$

A key point is that the right hand term in each row is not a constant. The harm per unit of activity can vary dramatically across offenders, so shifting the activity from those who generate very large externalities to those who generate small harms per unit of activity can reduce the amount of harm even if there is no change in the quantity of drugs produced, distributed, and consumed.

The criminal justice system needs to concentrate on reducing the harm caused by individuals, markets and distribution as well as reducing the total drug use. Four strategies were discussed which might assist with this:

- 1) Using alternative approaches to targeting flagrant dealers and markets. Traditional crackdowns can succeed in moving drug market activity from places, times, and modes of operation that generate great harm to more discreet and less harmful forms. However, this may require considerable expenditure to achieve real benefits. An alternative approach to the targeting of flagrant dealers might include, for example, parking a marked police car outside a crack house to discourage customers, which effectively puts that dealing location out of business without resorting to the expense of arrest, prosecution, conviction and ultimately incarceration. The Boston Gun Project, 'Operation Ceasefire',<sup>4</sup> achieved similar results; rival gangs were warned that if gang violence continued, the police would initiate a full crackdown but if it stopped, the gangs would be subject to normal levels of policing.
- 2) Targeting the individuals who do the worst damage and prioritising policing to put them out of business. This strategy advocates putting only very limited pressure on those covert sellers who are doing little or no harm beyond the harm intrinsic to the provision of drugs. This allows policing to focus their resources on those perpetrating the most harm or involved in the most serious violence.
- 3) Setting low standard sentence tariffs for drugs (such as for example 6 months), then identifying aggravating factors which add additional sentence time. This approach focuses on the most harmful elements of drug markets and aggravating features may include
  - Corrupting an official
  - Selling through a minor
  - Belonging to a drug selling organisation
  - Employing someone who carries a gun
- 4) Focusing on 'replaceability'. Removing something from the market that cannot easily be reinstated, so rather than targeting the dealer low down the chain, prioritising the identification of the leaders and stopping their activity.

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<sup>4</sup>US Department of Justice (Sept 2001) Reducing Gun Violence The Boston Gun Project's Operation Ceasefire

## Discussion

Professor Caulkins presentation prompted a detailed discussion around specific aspects of harm reduction and whether such an approach would work in UK drug policing. Forum participants raised a number of issues that might need consideration.

### Decriminalisation / De-stigmatisation

Participants questioned whether the decriminalisation of lower level drugs such as cannabis might assist with drug policing. It was emphasised that a strategy based on harm reduction requires policing to concentrate on the most harmful drug markets. Marijuana markets do not generate a great amount of harm and the issue of decriminalisation relates more to questions of morality than harm-assessment. Further, cannabis could be considered an entry-level drug that could cause harm later down the line, so there are arguments in favour of retaining criminalisation of the drug, using sentencing tariffs to reflect its low level of harm.

Concerns were raised that by reducing the harm caused by drug dealers this could potentially increase drug taking as, with much of the stigma surrounding the drug trade reduced, the client group might extend to a wider range of classes and people. This was accepted as a risk, but drugs policy cannot of course be based on a strategy of ignoring the violence to sustain the associated stigma.

### The Challenge of Changing Attitudes

As in previous Forums, the issue of the over-politicisation of crime was raised. There is a perceived need for government, law enforcement and the criminal justice system to appear tough on crime and tough on drugs. Politicians and the media have created a public impression that policing strategies ought to be based on the number of offenders arrested and convicted, and former targets such as 'Offences Brought to Justice' are still part of the culture of policing. Policies and targets to increase diversion from prosecution are at odds with this and can be unpopular with the public. In the run up to the election, populism is likely to increase, making drug strategies based on harm reduction difficult to sell. Initiatives involving, for example, vouchers or incentives may give the impression to the public that drug dealers would be 'getting away with it' or are even being encouraged to continue taking drugs (see for example the tabloid backlash against single mothers being assisted with tax credits and housing benefits).<sup>5</sup>

Participants identified a lack of self-regulation in society, with drinkers failing to monitor their own consumption and communities looking to the police to deal with the associated anti-social behaviour. For some communities in the UK drugs are the single biggest problem and many social and regeneration initiatives in these areas cannot get off the starting blocks simply because of a failure to address

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<sup>5</sup> The Sun 16 Feb 2010 'How taxpayer funds single mother-of-three Pam's luxury life'

entrenched drug problems. Wider community involvement is needed to identify problems and to assist in the prevention of drug and alcohol related crime. The example was given of a community in North East Portland that organised a nightly march to establish a drug free zone, forcing dealers out of business. Local agencies need to work better together and see drug and alcohol issues as part of a wider malaise and not simply reduce them to a local crime or health problem. The mass production and distribution of drugs has strong links, for example, to organised crime and connects with other issues such as human trafficking, weapons exchange and even homicide.

As the amount of drug and alcohol related crime has grown, so too have the prison numbers increased, but the prison sector is often seen as separate from the rest of the criminal justice system. While the concept of incarceration itself may act as a general deterrent, it is not particularly effective at the individual level. Nevertheless, the threat of prison may help to keep a convicted drug offender clean, particularly when combined with specific health and other interventions.

### **The Role of the Criminal Justice System**

The Forum debated the role and purpose of policing and the criminal justice system. Is it the regulation of human activity? Is it to censure public wrongs? A harm reduction strategy aims to manage collateral damage, rather than arresting or shutting down all criminal activity. But should this be the aim of the justice system? To some extent policing has always been involved in social engineering. Neighbourhood policing was given as an example of a policing policy that is essentially based on changing the attitude and conduct of a community.

Issues of public confidence and legitimacy are connected with how the public views the application of justice and equity. Scaling back policing to focus on the most harmful effect might lead citizens to believe not enough is being done to combat crime and disorder, and a strategy of giving less than maximum sanctions to non-violent drug dealers might lead to a loss in public confidence. Another factor influencing the perceived legitimacy of the criminal justice system is due process. Conviction and sentencing needs to be fair and consistent so that an offender understands the punishment s/he is likely to receive. The danger with a harm based strategy, which relies on a large range of aggravating factors or a “stick and carrot” approach, is that the same crime is not dealt with in the same way. A harm reduction approach leads to different offenders requiring different sanctions: some respond well to “small fast sticks”, others need treatment, sometimes over an extended period of time. Angela Hawken’s ‘Behavioural Triage’<sup>6</sup> approach uses “small fast sticks” on the 80% of offenders who respond

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<sup>6</sup> Hawken, A Behavioural Triage: A New Model for Identifying and Treating Substance-Abusing Offenders Journal of Drug Policy Analysis Vol 3 2010 issue 1 article 1



well to this kind of deterrent, using drug treatment for the remainder. Treatment is expensive and in many cases, is not needed; a large percentage will stop using drugs through coercive methods such as daily testing, which means that treatment slots can be reserved for those who really need them. But how might this approach affect the public's idea of justice and punishment?

One of the aims of harm reduction is to reduce the threat of future harm. Politicians and the media often take a short-term view when it comes to solving the problems of crime and anti-social behaviour and long-term strategies can be unpopular with the general public. Some government policy does however adopt a longer-term approach, such as the policing of sex offenders, which is based on preventing future as well as addressing past harms. The Serious Organised Crime Agency (SOCA) has also adopted a harm reduction approach to tackling organised crime. A long-term drugs strategy based on harm reduction would rely on public faith that it will eventually bring about change and to achieve this it would need to provide clear information and explanation to secure public understanding and support.

### **Extending Harm Reduction**

The Forum debated whether a harm reduction policy could be applied across the whole criminal justice system. In the current economic climate harm reduction has the advantage of being more cost effective as only the most harmful crimes are targeted. This may in addition lead to a reduction in the prison population and associated cost savings. It was considered, however, that while harm reduction might work very well for drugs and alcohol, rolling out the scheme across the justice system would be difficult. The point was raised that it is easier to measure the harm caused by drugs and alcohol than the harm caused by crime in general, and attempts to measure it might take the involvement of the police in social engineering a step too far. Drugs are a very particular case and their illegality and high value separate them from other types of crime, making a harm reduction policy more appropriate. The Forum agreed that as drug and alcohol issues are such a special problem area, they merited a more distinctive approach.

### **Extending the South Dakota Scheme**

The Forum considered whether the South Dakota alcohol project could be extended to assist with solving a wider range of alcohol-related crime. The idea was mooted of using the twice-daily alcohol-testing plan for domestic violence cases where alcohol plays an important role. If convicted abusers were tested, with the threat of a 24-hour jail term for any alcohol consumption, this could help to reduce violence. Participants considered that the project would be difficult to extend to drug crime as testing would require sample analysis for more than one drug type, making the process more expensive and resource intensive. In the South Dakota project, offenders paid for their own tests and it could be that this

approach could also be used for drug offenders who would pay for testing as part of a fine or penalty.

The concern was raised that our current system and resource allocation might not be able to cope with the South Dakota project. Apart from the differences between the US and the UK in politics and the structure of policing, South Dakota is considerably more rural and less populous than the UK and it might be more difficult to test the number of offenders who enter the UK system every day or to track down offenders who miss tests.

The use of civil sanctions such as incorporating testing as part of employment contracts was rejected as being too intrusive. Other tests were mentioned, for example, blowing into a machine at a bar before being allowed to purchase further alcohol or random drug and alcohol tests in bars and nightclubs. These could merit further exploration.

## **Conclusion**

The damage done by drugs and alcohol pervades the whole of society, covering the whole spectrum from anti-social behaviour to serious violent crime. Debate continues as to the best way to police this complex and politically sensitive area in order to achieve a fair outcome for drug users, victims and the public and the debate is further complicated by issues of morality. The strategy of harm reduction concentrates on policing the drug markets that are causing the most harm in communities but such a long term policy may be at odds with the political and public desire for immediate, tough drug enforcement and would probably require a shift in the attitudes of the police, the media and politicians. To ensure public support, the strategy needs to be clearly explained and carefully implemented, with consideration given to maintaining public confidence in the legitimacy and authority of the criminal justice system.

**Abie Longstaff**