

THE TRUTH HAS SOMETIMES TO BE SUSPENDED

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I was asked to speak on the subject of what should be expected of the enforcement agencies in the next years of the EU drug strategy:

- Can they stop the flow of heroin and cocaine into the EU? Answer: No.
- Can they gain control of the markets within the EU so as to avoid the worst effects on the quality of life in communities? Answer: No.
- Can they help drug users to get treatment? Answer: Yes.
- What resources and institutional arrangements are needed to achieve these aims? Well, a lot.
- Finally, and most importantly, how should progress against these aims be evaluated?

Some difficult questions, so I decided to comment only on what being a part of a global and EU drug strategy means for the police and the damage it can cause the police.

The more I hear about evaluation, the more I have my doubts whether politicians really love transparency. Maybe, we are better off putting these issues in the context of managing public confidence and the credibility of government, rather than asking all those nasty quantitative questions, which are only likely to result in evidence that we failed to reach any of the set targets, so damaging public confidence and undermining the credibility of government. We cannot eradicate drugs out of society. We can only mitigate community problems, human problems, and the damage to the credibility of governments caused by drugs. Gradually, the situation of the drugs phenomenon in society may be getting better. Asking for very precise kinds of evaluation may make things more complicated, and scare politicians, chasing them into safe houses of tough political statements.

EVALUATION

Barleus, a director of the Latin school of Amsterdam in the beginning of the 16th century said, "the truth has to be suspended." Sometimes we cannot live by the truth, because it will cause us great difficulty, so we have to suspend it. In this context, that statement could be replaced by "we cannot live with total transparency".

I focus on a simple set of recommendations on the evaluation aspects of the EU drugs strategy from a cop's point of view, and I assume that that point of view is to a certain extent relevant for all field workers. Reducing availability and reducing harm are two tasks that the police are engaged in that are rather different in scope. When making a drug strategy for the EU, the authorities should consider the impact that drug policy has on policing, police systems and police officers, as well as prison workers and other field workers.

Present policy faces legitimacy considerations in terms of ambiguity for police officers in the field, leading to personal dilemmas and risking corruption and loss of integrity. The role of the police contains two dimensions: one is to serve and protect (the horizontal perspective); the other is to act as a power system of state (the vertical perspective). Police as a system and police as human beings have to unify, continuously and incidentally, to balance out these two within themselves and within the structure. They are almost always out of balance. Either too much serve-and-protect and too little power-of-state, or vice versa. My British colleagues always try to deny the power-of-state, and teach me that it is always serve-and-protect. However, it is only semantics when you consider bringing 10,000 officers together to serve and protect in a strike or demonstration. There is always tension between the two dimensions. When officers encounter problems, organisational tensions arise and the system will be affected by it. The coping mechanisms that exist when this tension arises are as follows:

1. Resign: hardly anybody does.
2. Raise your voice: hardly anybody does.
3. Deny the problem ('Suspend the truth'): this is mainly the response of management cops.
4. Do it your own way: this is mainly the response of street cops.

The last two mechanisms involve a kind of code of silence. Given these situations, you cannot enter into real debate about the problem. The truth is suspended, hoping for better times.

Police authorities are inclined to give more directives and to provide more regulation in order to keep control of the police, thus reducing the room for discretion that officers in the field need. Officers tend to escape after their required years in street duty, finding their way to investigation where they can catch really bad guys, or as beat officers where they have more freedom to engage in social problems within communities. Therefore the real problems caused by drugs (where there are no solutions) are left to their younger colleagues.

The former EU drug strategy was unsuccessful, as the laws did not permit adequate intervention within the framework of law. Administrators, governors and politicians do not like the legitimacy concept because it allows some discretion to the workers in the field. If the worker in the field makes choices which management then criticises, the gap between the leadership and the workers is broadened. Political and management cops on the one hand and street cops on the other hand protect themselves by adopting a code of silence. Only strong leaders have good understanding, communication and relations based on mutual respect.

The ambiguity of official policies, rules and regulation, and the ties of the code of silence seen from the perspective of the street cops, increase the gap between those on the top and those doing the work. They hear the official statements 'we will eradicate all drugs' or 'we will make a drug free society', and compare it with the reality of the marginal people on the street. These police find themselves with no solutions for a lot of problems, going over the line of what is legitimate and having to keep it secret. Hearing about policing incidents elsewhere, and not really seeing any reduction in drug-related problems in society, must cause dilemmas and sometimes stress. The street cops turn their backs on the official systems (authorities, leaders,

press and society) and close ranks, doing work as they think it has to be done according to the unwritten code of the group.

Again, everything depends on leadership, but the situation is sometimes too complicated even for leadership. These situations act as breeding grounds for a lack of integrity and corruption, which is why a drug strategy must pay attention to its effect on the system meant to enforce it.

The European Chiefs of Police have come together and decided on joint planning operations regarding serious and organised crime, based on their common interests. This differs from the former approach, which promoted a national point of view and negotiation with other countries, a 'you help me; I help you' approach. Although difficult to bring into practice, this change will be a very big step forward. One of the target fields chosen was synthetic drugs, including ecstasy. The French suggested this target area and a group of four other countries are developing the project, on behalf of all 25 Member States, in close cooperation with EUROPOL and EUROGERT. In due course, other fields of drugs, like cocaine from South America or cannabis from Turkey, will be added to it. This is interesting for politicians, not because it is about drugs, but because of the massive profits gained from drug trafficking that can be used to fund organised crime and cause societal problems. The crucial point in the evaluation of such a project is a balanced approach between prevention and harm reduction.

QUESTIONS & ANSWERS

Mark Kleiman

If I understood you correctly, you were quite discouraging that it is possible for the police to shrink the community impacts of drug dealing, and change policing tactics to minimise the damage to communities and reduce the side effects of drug dealing. I am curious about the source of that discouragement because there is a lot of evidence in the US that this can be done and is being done.

Jan Wiarda

To the contrary, the police are in a good position to interact with the community and deal with problem situations in cities and suburbs, and thereby reduce the problems and bring drug misusers in the direction of treatment. The police also have more to do sometimes because they have the possibility to stimulate people and get them to agree on some kind of change of attitude or treatment.

Michael Portillo

I understood you to say that you could not prevent the flow of drugs, but that you could mitigate the problems. That is what the police are doing.

Jan Wiarda

As police, we cannot control the market, but we are still in favour of mitigating the effects of that situation so as to avoid the worst consequences on quality of life in communities.

Mark Kleiman

We are trying to distinguish between controlling the market and controlling the volume or conduct of the market. We are talking about inducing users into treatment; that is certainly something the police can do. Also, the police can and

should learn to induce dealers to avoid those dealing practices that are most devastating to local communities.

Jan Wiarda

I agree to an extent, but controlling the market is controlling the total market, and if you suppress it in one area, it may be difficult to prevent it from coming up elsewhere. The police can influence the situation, but the problem will always come up in another place. The smaller you make your target and the location of that target, the more easily you can have an effect but it is not what I would call control.

Peter Reuter

It sounds like you have a bottom-up rather than top-down approach. In other words, going after small dealers not top dealers.

Jan Wiarda

That is not the idea, although I can imagine it sounds like it. The European project is going for the top producers and dealers, those people that are getting the most profit from crime, and often reinvesting it in alternative markets. Targeting the smaller dealers is a national, regional and local law enforcement issue, rather than an EU concern.

Andrej Kastelic

Chairman Cherkosov and Jan Wiarda presented two very different views on law enforcement. It is very important to realise the big differences we have between, not only Central and Western Europe, but also between Central Asia and the rest of the world. It is important to say something to the United Nations, not just the EU. This should be set out in very achievable recommendations, as only very pragmatic suggestions are effective. It is important to reach collaboration between different practices around the world, and not just to focus on Western Europe and the US.

Jan Wiarda

At EU level, there are two different projects on Eastern and Western European organised crime, both of which involve drugs. Synthetic drugs have had to be added because it is a European-originated crime field. With cooperation from the US and South America on the one side, and from Asia and Eastern Europe on the other, the problem is bringing information together. The question is always: Is the information we get from far away as reliable as more local information? Is it gained in an acceptable way from our point of view? The main concern is that no intimidation, torture, or transgression of police duties has been used to gain that information. The illusion about a drug policy that is meant to eradicate all drugs causes problems for police officers in their work, and for the credibility of the system. This is exactly the same in Russia, the US or Columbia. It is no different in any country. It is only denied. The truth is suspended. If you deny it, you only create breeding grounds for corruption.