

Drugs and Crime:  
Speech to Brown University Forum  
March 9, 1987

I. Introduction

- It's a pleasure to be here
- My topic tonight is really two topics:
  - The nature of the link between drug abuse and crime  
(This is largely a question of social science)
  - How to break the link  
(This is largely a question of policy)
- I propose to talk for about 20 minutes on each of these subjects for a total of 40 minutes, and then invite questions from the audience.
- The dialogue is important because my thesis is simple, but somewhat startling. Therefore, it is important for you - the audience - to have a chance to work it over in your own terms: to understand the assumptions, probe the logic, explore the implications, face up to the painful questions of value that lie behind the argument.
- The subject I am addressing reminds me of a story:
  - 4 Brown Graduate Students in a Bar waiting for a delayed train to Poughkeepsie
  - Having such fun, fail to hear the announcement
  - Train begins to pull out / They see it / Begin running
  - One leaps aboard / Second grabs ladder and pulls himself up / Third grasps hand of first and manages to clamber aboard / 4th reaches outstretched hand, but trips over luggage.
  - He cries / then begins to laugh
  - Bystander asks why is he crying
  - Oh yes, I said I missed the train, but I'm laughing because those guys on the train just came down to see me off!!

- The link between this story and tonight's subject is this:
  - It is very easy to forget one's purposes: Indeed, one of the most common forms of human stupidity
  - Having forgotten our purposes, when it comes time to take action, we make mistakes
  - We end up with the wrong people in Poughkeepsie
  - Or, in the case of policy towards drug abuse and crime, we end up with more of both than we have to tolerate.
  
- My thesis tonight is simple:
  - Much of the current link between drug use and crime results from the fact that drug use is illegal: that is, it seems that we could make much of the crime associated with drug use go away if we legalized the drugs.
  - Despite this fact, in my view, it is good public policy to keep drugs - particularly heroin and cocaine - illegal.
  - The reason is that these laws, and the efforts made to enforce them keep drug use of substantially lower levels than they otherwise would be.
  - Indeed, it is ironic that the criminal laws directed against drug use increased crime. [achieve an important public health and social welfare objective, and do so at the price of]
  - To get the maximum benefits of these laws in terms of minimizing drug use; and to avoid paying large prices in terms of crime; one must design enforcement policies carefully, and combine enforcement efforts with treatment programs, and community based prevention efforts.
  - In Drug Policy, Enforcement is a complement not a substitute for prevention and treatment.
  - In Drug Policy, much of the useful work is going to be done by partnerships formed at local levels under the structure of laws and broader enforcement efforts rather than primarily at these structured levels.
  
- I will now develop these points

## Part I: The Link Between Drug Use and Crime

### I. Crimes Associated with Drug Use

- In the society's mind, drug use is associated with 3 (perhaps 4) different kinds of crime problems
  - First, there is concern about predatory crimes committed by drug users: Robberies, Muggings, Burglaries and Assaults committed by those who are using drugs.
  - Second, there is concern about the organized crime aspects of large scale trafficking in drugs: the fact that traditional organized crime groups might be able to use illegal drug markets to consolidate their financial and political position; the fact that new drug traffickers might become wealthy, taunt the society with their wealth and invulnerability; the fact that both traditional and new organized criminal groups might produce high levels of violence and corruption.
  - Third, there is concern about the impact of low-level dealers and drug users on the quality of life and sense of control in the nation's communities: the idea that open drug dealing on city streets make residents despair for their communities, and weakens the capacity of parents to control the environments of their children.

- These distinctions among the different kinds of crimes linked to drug use are useful because they pick up different kinds of social values that are engaged when making drug policy. Indeed, each kind of "crime" is linked to an important social value.
  
- Predatory crime is linked to the value of guaranteeing life and property from violent attacks
  
- Organized crime is linked to the value of insuring that no one should escape the obligations of the criminal law - particularly not those who purposefully flaunt the laws and become rich by so doing.
  
- Quality of Life Crimes is linked to the desire to protect communities, and particularly the children who live in the communities, from conditions that lead them to make short run choices whose long run consequences are disastrous.
  
- Indeed, it is the depth of concern about these problems that causes the society to make them the focus of the criminal law.
  
- Not everyone agrees that all of these sorts of activities should be the focus of criminal laws; indeed some say that the problems are made worse by making these the focus of criminal laws.
  
- To understand whether this is true, it is necessary to explore the relationship between drugs and these different kinds of crime.

## II. Not All Drugs Are Associated Strongly With All These Crime Problems

- It is important to note at the outset that different drugs figure quite different in these crime problems.
  - Heroin is implicated in all three kinds of crime problems
  - Cocaine is now clearly implicated in at least two (organized crime, quality of life), and might soon be closely tied to predatory crime
  - Marijuana is most clearly implicated in organized crime, quality of life. No link to predatory crimes.
  
- So, when we are talking about predatory crime, talking principally about heroin and perhaps cocaine; when we are talking about organized crime aspects, talking principally about heroin, cocaine, and perhaps marijuana; when we are talking about "quality of life" aspects may be talking about all three.

### III. The Relationship Between Drugs and Predatory Crime

- Begin our analysis with an exploration of the relationship between drug use (principally heroin and cocaine) and predatory crime.
- This analysis starts with powerful evidence indicating a close relationship between drug use and predatory criminal activity:
  - Large fractions of the population arrested for property and violent crimes report drug use: during the offense, in the immediate past; as part of their history
  - The offenders who are most active, most persistent, and, in some sense, the most dangerous are distinguished from other offenders by high levels and early onset of drug use.
  - For individual offenders, periods of drug use are associated with higher levels of predatory criminal activity.
- These are all well established facts. The crucial question is what do they tell us about the nature of the causal relationship between drug use and crime?
- 5 different models link drug use to crime
  - Dr. Jekyll and Mr. Hyde Model / (Might be true for cocaine)
  - Intoxication/Anesthetise Super Ego Model (prominent in our minds for alcohol)
  - Junkie Stereotype: (Image appropriate only for addiction and expensive drugs)
  - Criminals Use Drugs: Consumption Good  
Instrument Good  
As Part of Life-Style
  - Recruitment into criminal life:
- Evidence is leading us away from strictly physiological accents of the causal link: intention and environment both play a major role as well as drug.
- But evidence is also indicating that drug use affects patterns of criminality: intensifies it, sustains it, worsens it.
- My belief is that these efforts come from the addictive character of the drugs, and their legal and social status:
  - Physiology of addiction is important
  - Legal status of drug is important
  - Social status of user is important

- When we have poor people consuming expensive illegal and addictive drugs; we get a strong relationship between drug abuse and crime.
- Moreover, because addictive use of expensive drugs tends to make people poor, we eventually get criminal behavior from the users that seems to be and is in fact linked to their drug use.
- We see this pattern now with heroin. It may emerge with respect to cocaine (I would bet on this). It probably will not arise with marijuana.
- In sum, there is a causal link. But its shape is influenced by legal status of drug and social status and personality of user as well.

#### IV. The Relationship Between Drugs and Organized Crime

- Second, crime we are concerned about is organized crime aspects of international, large scale drug trafficking.
- Two slightly different issues focus attention in this domain.
  - First, to what extent are traditional organized crime groups involved in illegal trafficking, and how does the illegal drug trafficking affect the traditional organized crime groups.
  - Second, even if the traditional organized crime groups are not involved, what are the characteristics of the drug traffickers?
- The evidence in this domain is much sketchier than the predatory crime area:
  - We are not sure who is dealing drugs
  - We're not sure how they are organized
  - We're not sure about their other activities
  - So, we're left to rely more on theory

- Note that our concerns are focused on the character of the on-going enterprises that lie behind drug distribution. When we look at those organizations, we tend to evaluate them in several different dimensions
  - The capacity to import drugs: the greater the capacity the greater the problem for drug abuse police
  - Simple, scale, and longevity of the enterprise: the larger and the more durable, the worse the problem evaluated in organized crime terms
  - The other activities carried out by the enterprise:
    - Violence
    - Corruption
    - Other forms of vice
    - Other political crimes (gun running, terrorism, etc.)
- What links drugs to organized criminal activities is the fact that it is illegal. Because it is illegal, enterprises with organized crime-like characteristics have a competitive advantage in supplying drugs. The tougher the enforcement, the more organized crime like the remaining elements of the distribution system will be. Let me explain this logic.
- When we make the production, importation and distribution of certain drugs illegal, three important results occur.
  - First, all those who are in the business face the prospect of arrest.
  - Second, those who deal are denied access to courts and enforcement and must assume that they are dealing with dangerous people.
  - Third, those who remain in the business will demand higher prices to cover the increased costs associated with warding off arrest and rip-offs, and with the remaining risk that this cannot wholly eliminate.



- The effect of all this is to profoundly change the organization of the industry:
  - The total size of the market shrinks as dealers drop out of business, and as consumers drop out due to high prices.
  - Money revenues may or may not increase / money profits may or may not increase
  - The firms that remain in the industry tend to be those who are effective in warding off the various threats - that usually means those that are relatively disciplined, those that are violent, those that are corrupting, or some combination of these.
- These effects mean that because drugs are illegal, they either create conditions under which existing organized crime groups can play an important role; or will tend to produce organized crime like activities among dealers who enter the business on their own.
- So, the link between drug use and organized crime type crime is established almost entirely by the fact that the activity is illegal.

V. The Relationship Between Drugs and Quality of Life Crimes:

- The third kind of crime is the "quality of life crimes"
  - Open dealing impact on community values
  - Open dealing impact on parental control
  - Open dealing impact on spread of drug use
- Might be less worrisome if these issues were not affecting the sector of the community least able to handle: the poor, the disadvantaged; the minority.
- The problems, and the fact that they show up in poor communities that are least able to defend themselves and may not be able to make effective demands for public assistance, are both the result of making drug use illegal:
  - It is the fact that we regard these activities as threatening that makes them a crime
  - The fact that they are crimes gives them a specially obnoxious character: located in poor areas; exploited by criminals for their purposes.

- If legalized, the machinery of distribution and use would be no more (nor no less) destructive to community life than the existence of drug stores and liquor stores.
- So this kind of crime, too, exists partly because of the nature of the drugs, and partly because of the legal status of the drugs.

## Part II: Breaking the Link

### I. Why We Shouldn't Legalize Drugs:

- Anyone who is listening carefully - or, indeed, even casually - should by now have an important question in mind:

If the principal reason to be concerned about drugs is that they cause the three kinds of crime discussed here, then the society might be able to improve matters by deciding to legalize the drugs

That would reduce predatory crime by making it less necessary to raise money, and less likely that one gets drawn into a criminal sub-culture

That would reduce organized crime by eliminating a business within which organized crime like groups had a competitive advantage

That would reduce "quality of life crimes" by integrating these activities into the mainstream rather than outside of community life.

- Why, then, don't we solve the drug/crime problem by legalizing drugs?
- My answer to this question is a simple one: while such a shift might improve the crime dimensions of the drug problem, it would make the other dimensions of the drug problem - the concerns about the health, dignity and welfare of those who might become drug users - much worse. Since these dimensions are, in the end, more important than the crime dimensions of the problem, it is important to keep drugs illegal. Let me develop this argument further.
- I believe that, in some circumstances, criminal laws against drug use are successful in reducing (or keeping at current levels) the chronic, intensive use of drugs. I believe that they produce this effect through several different mechanisms.
  - First, by buttressing a social norm against drug use. Gives community and parents a right to object (in this, the laws are like educational efforts)
  - Second, by shrinking and making nastier and more difficult the supply system so that the "effective price" as well as the money price of drugs remains high

I believe that these effects are particularly important in discouraging new drug use; but they also have an impact on encouraging older users to abandon their use.

- These effects are greatest when there is no large countervailing informant culture: Work well within heroin - not so well with alcohol, tobacco, or marijuana; though even here regulation of supply and use has an important effect on the problem.
- We might be wrong about these effects; but the society seems unwilling to risk the bad consequences of legalization.
- Particularly since shift would harm poorest most socially vulnerable

(Consider whether you would be willing to accept a proposal to addict all criminal offenders to a drug that kept them happy)

- Particularly since shift would not eliminate relationship with crime, would simply change it:

Predatory crime would look more like crimes caused by intoxication/Link would be what it is now with alcohol

Organized Crime would shift to White Collar Crimes of Non-Compliance With Regulatory Regime

Quality of Life would put drug use where we now are with respect to alcohol and tobacco.

- For some drugs, (perhaps marijuana) such changes might be helpful. But for drugs like heroin and cocaine - where there is still a reasonable chance of containing the problem - these changes would probably be harmful.
- We see then that our criminal laws are not designed to reduce the drug crime problem: ironically, they exacerbate these problems.
- Instead, they are designed to help us achieve a social wealth and welfare objective: discouraging people from ending up in chronic intensive use patterns.
- The problem with these is not that their objective is wrong, nor that they are ineffective. The problem is that they are imperfectly effective.
- The challenge, then, is to consider how they ought to be enforced, and what activities in addition to enforcement the society must use to deal with the drug problem. That is the last issue for tonight.

## II. Breaking the Link Without Legalizing Drugs

- Having expressed skepticism about the value of breaking the link between drug use and crime through legalization (not because it wouldn't work, but because other more important objectives would be sacrificed), I must also hasten to express skepticism about the potential for solving the drug problem (or the drug-crime problem) through nothing more than laws.
  
- I am also skeptical of the potential for solving the problem through improved international enforcement efforts:
  - I think the complexity or powerlessness of foreign governments prevents international eradication and enforcement efforts from being successful.
  - I believe interdiction is far too frail an instrument to have much impact on the problem: it is easily evaded and overwhelmed; it is focused on the wrong drugs.
  
- What I do believe is that the laws and the high level enforcement efforts establish a structure with which other activities might be successful (and without which, they might fail).
  
- Just as macro-economic policies make business strategies more or less successful, but, in the end, the economy depends on the actions of many individual corporations; the action of the federal government can create a climate with which local efforts can be successful.
  
- What then, must local communities do?
  
- My answer is essentially three things:
  - Form partnerships between schools, parents, local police, treatment operations
  - Engage in well designed street level enforcement operations directed at open heroin markets and emerging cocaine markets
  - Invest in treatment programs so that current users can seek it out directly, and be referred there if arrested - not only because it is more humane and hopeful, but because it is cheaper and more effective than jail.
  
- There is reason to hope that these measures can not only discourage new drug use, but keep the toll of predatory crime associated with drug use quite low.
  
- Thanks for your attention.