

ILLICIT DRUGS AND DELINQUENCY: AN EXAMINATION OF THE NORTH AMERICAN WORK

The use of illicit drugs and criminality enjoy powerful media visibility and give the curious bystanders something to talk about; they fascinate and at the same time arouse fear and incomprehension. Their popularity, which they use to their advantage, makes them research subjects which are prolifically exploited in North America. An indication of the reputation acquired by these phenomena in the scientific community can be measured by the impressive quantity of documentation published on the matter. Despite the abundance of information, the links between use and criminality are not clearly elucidated. In fact, although a considerable number of scientific articles have shown that there is a certain relationship between the behaviours, there is nothing less certain than the nature of this relationship. The same prevalence studies sometimes lead to the development of completely different conceptual schemes. And although several prevalence studies do have a solid methodology, questions may be raised over the scientific rigour of some of the models proposed. Now, some of these models are at the root of the interventions aimed at drug addicts. It therefore becomes relevant to question the validity of the theoretical models, the interventions they suggest, the efficacy of the approaches proposed and the customers they target¹.

Prevalence studies

In this first part, two major types of studies are listed in order to analyse the links between use and crime: firstly, the use of illicit drugs among offenders (and more specifically those individuals who go through the courts²); next, the offences committed by the users (and more specifically the drug addicts³); finally, the research on the general population which poses questions about the two types of behaviour before carrying out statistical cross-referencing.

Thus, a significant proportion of individuals who go through the courts in North America are regular users of illicit drugs at the time of their arrest. Cannabis followed by cocaine were generally the drugs of choice for a large number of the adults who go through the courts. Flowers

¹ The text which follows is a summary of a document produced under the same title for the *Psychotropic drugs, policy and society* research group of the CNRS (Ecole normale supérieure de Cachan) (Normal upper school of Cachan).

² Which creates a bias since it is highly possible that those offenders who use drugs run more risks of being arrested and convicted than other people, given their intoxication.

³ Which introduces another bias since the drug addicts have established a particular relationship with the drugs which can certainly not be generalised to all users.

(1999) gives a good summary of the situation of these individuals, indicating that: 80% of the prisoners used illicit drugs before their imprisonment; 60% used them regularly; the female prisoners presented more risks of regularly using illicit drugs than men; nearly a third of the prisoners committed their offence while under the influence of illicit drugs; nearly 20% of the prisoners confirm that they committed their offence in order to obtain drugs; there are a proportionally higher number of drug-using prisoners who commit lucrative offences or drug-related⁴ offences than violent crimes.

In general, the North American studies indicate that between a quarter and a third of the prisoners present signs of dependence on one or more illicit drugs. Dependence is not however a very clear concept in these studies, with some of them using it to deal with recent use and others using it for a repetitive behaviour. It sometimes constitutes a professional diagnosis whereas, in certain cases, its character falls more within a value judgement.

Several studies are concerned with the offences committed by the users of illicit drugs. For example Hall, Bell and Careless (1993) report that 72 % of the individuals following a methadone substitution programme admit that one of their principal sources of revenue consists of selling drugs or committing crimes against property. Robberies by breaking and entering, robberies with violence and prostitution are other solutions considered by the drug addicts in order to meet their financial needs. The revenues generated by the criminal involvement of a heroin addict were estimated at nearly 18 000 \$ US (approximately 20276 Euros, namely 133 000 FF) per year at the beginning of the 1990s (Deschenes, Anglin and Speckart, 1991). However, the studies listed generally deal with cocaine and heroin users. Now, clearly this does not involve the most frequently consumed substances in North America.

Some authors have put forward the possibility that drug use may be associated with violence, basing their argument on the results of research carried out among populations of young people which reveal that the drug users presented higher risks of possessing a weapon or of getting into a fight. However, on a scientific level, the foundations of this relationship are not very solid. The research by Roth (1994) together with that by Parker and Auerhahn (1998) clearly indicate that alcohol is indeed the only psychoactive substance for which the relationship between violence and use is scientifically recognised.

Conceptual models

Although it is clear that the use of illicit drugs and criminality can often be observed in the same individual, the dynamics between these two types of behaviour still remain poorly understood.

⁴ Naturally, this involves a largely tautological relationship since the offence of possession is present during any use.

Several hypotheses have however been developed on the subject. The *psychopharmacological model* infers that the psychopharmacological properties of the drugs, through their action on certain specific centres of the central nervous system, may lead to the adoption of violent behaviours. However, the relationship between intoxication and violence has only been the subject of a few serious studies to date (Harrison and Gfroerer, 1992). Naturally, some violent offences are perpetrated when the individual is under the influence of a psychoactive substance; in the majority of cases, this involves alcohol (Brochu and coll., 1999). The psychopharmacological aspects of psychoactive substances however only constitute one facet of the drugs-crime relationship. It is necessary to examine the relative costs of these substances, the way in which they are obtained and the social context of the users in order to understand this relationship fully.

The *economico-compulsive model* bases its support on the numerous studies which have highlighted the strong criminal involvement of heroin and cocaine addicts. The supporters of this model postulate therefore that the user's need to obtain expensive drugs will force him to resort to criminal activities to finance his practice (Hunt, 1991).

The *systemic model*, as its name suggests, derives its particularity from an analysis of the system of drugs distribution and supply. Owing to the illegal character of this trade, the means of obtaining justice in the event of loss or of protecting a very lucrative "market" are often strong-arm solutions used as a strategy for social control in an environment left without any possibility of legal recourse on account of the police repression surrounding it. This phenomenon would be even more serious in the major urban centres in the United States.

Rather than believing that criminality is linked causally to intoxication, to the need for money or even to illicit drug transactions, we can surmise that it develops instead in sub-cultures, in a social context which supports it, or according to a way of life which provides opportunities. Thus sociology provides additional information by putting forward the idea that the behaviours of drug use and criminality may result from a process of socialisation characterised by learning marginal values and associating with deviant peers (differential association), by the lack of "conventional" means for reaching the socially established goals, by the inability of the external and internal control elements to offset the weight of the gains hoped for by the individual (social control) or even by the marginalisation which shields the individual from normative social control. This concept of the dynamics between drugs and criminality therefore calls into question the notion of individual responsibility.

Moreover, on account of the inability of the models presented to explain all the cases in which drugs and criminality seem to be linked, some authors have developed integrative models. For

example, Brochu (1995) makes use of a series of psychological, social and cultural factors in addition to the properties of the product. He also discusses deviant patterns, a concept which gives way to the reciprocity of the influences (drugs over crime and vice versa) as well as to the possibility of an alteration to the pattern at any time (withdrawal, escalation, reduction). These integrative models suggest that several factors are to be considered in the explanation of the link between drugs and criminality and that, since this relationship is dynamic (as opposed to static), the explanation given for an individual at a given moment is not necessarily valid at another time.

The public policies take as their reference one or other of these models. In North America, the dominant model consists of perceiving a causal relationship between drugs and crime; consequently, the offer of treatment is increasingly made under judicial supervision.

The treatment of drug addicts who go through the courts

Although the scientific research may lead to suppositions about the nature of the link between drugs and criminality, the political response to the problem is general coercive. The authorities have however had to bow to the evidence that imprisoning users and drug addicts does not in any way resolve the problem. Sending them under judicial constraint to treatment centres is therefore the current choice of North America for helping the young non-violent drug addicts to kick their use habit and in particular to prevent them from committing any further criminal offence. Hall (1997) gives a good summary of this constraint. It may come from the police officers who, using their discretionary power, will promise the offender that they will not institute legal proceedings if he undertakes to follow a treatment programme. The constraint may also come from the court when a judge will demand that the drug addict follows a therapeutic approach, failing which he will run the risk of new charges, the implementation of a fine or a heavier sentence. Finally, it may also come from the agencies responsible for releasing the individuals who will make the success of the treatment a condition of granting and preserving the freedom of the drug-addict offender.

The treatment programmes which are generally offered to those drug addicts who go through the courts are the therapeutic communities, the shock-incarceration programmes, the mutual support movements, the methadone substitution programmes, the psychotherapy services and the use of alternative activities such as acupuncture, sport and relaxation, to name but a few.

Created in 1983, the **shock-incarceration** programmes, better known in the United States under the term *Boot Camps*, accommodated nearly 10 000 prisoners in 1996 (National Institute of Justice, 1996). In general, these involve programmes aimed at young adults who are sent to prison for the first time and whose offence does not involve violence. These programmes are characterised by their strict discipline and a very intensive physical and psychological intervention

plan usually lasting over a period of three to six months. It is hoped that this training will enable the prisoners to acquire appropriate discipline, a radical change in their lifestyle as well as respect for the authorities and institutions. In addition to the therapeutic aspect, the *Boot Camps* offer the prisoners a substantial reduction in their prison sentence in the event of success. Numerous studies focusing on the efficacy of the *Boot Camps* have obtained results which indicate that the participants in this type of programme do not reoffend⁵ less often than the other prisoners (Burns, Anderson and Dyson, 1997).

The specialist courts ("drug courts") now play a very active role in directing young non-violent drug-addict offenders to rehabilitation centres. Naturally, this practice is not new in itself since isolated experiments took place in Chicago and New York at the beginning of the 1950s; however the "drug courts" have become widespread in the United States since the end of the 1980s, thus allowing the courts to be cleared of an increasingly significant number of people committing drugs-related offences. The principal aim of these specialist courts is to enable the justice system and the treatment agencies to work in unison in order to exert a coercive power over the offenders so as to encourage them to abstain from drugs (Belenko, 1998) and persist with their treatment, much more frequently than in normal probation periods. Each player in these legal proceedings (judges, lawyers, etc.) is aware of the phenomenon of drug addiction. The offender is periodically required to give an account of his progress. According to the improvements made, the judge, who takes the role of a reinforcing or punitive agent, will decide the measures to be taken (implementation of a prison term, continuation of the therapy, release of the individual, etc.). In October 2000, there were more than 1 050 "drug court" programmes in operation or being planned (Office of National Drug Control Policy, 2001). The statistics relating to the positive urine tests and arrest rates during supervision demonstrate a substantial reduction in drug use and criminality during the programme (Belenko, 1998).

The efficacy of the intervention among drug addicts who go through the courts seems to be linked to four factors:

- 1) the duration and intensity of the treatment received;
- 2) the motivation of the clients;
- 3) a strategy of matching between the programme offered and the client; and
- 4) the quality of the therapeutic relationship which forms between the therapist and the drug addict (Brochu and Schneeberger, 2000).

Increasingly, in American scientific circles, the intervention is perceived as a process. In this sense, the help should be envisaged according to a continuum in which each treatment episode constitutes one step towards the rehabilitation of the individual.

⁵ Criminal reoffending known from official statistics

Moreover, we are currently witnessing the emergence of a current of thinking aimed at reducing the negative consequences associated with drug use (Brisson, 1999). In North America, these actions generally take place through the distribution of methadone and the syringe exchange programmes. However, we should not forget that this interest in reducing the risks surrounding drug use coexists with repressive policies concerning the use of narcotics, which does not make it at all easy for the initial objectives to be achieved.

Prevention – a final attempt to eliminate the use of illicit drugs

In parallel with the activities of repression and coercive rehabilitation, funds have been released to set up vast programmes of drugs education and prevention. These have tried to convince the young Americans that it is simply a question of saying no to drugs (*Just Say No!* campaign) for their problems to be alleviated. These young people have been able to benefit from many more drugs education programmes than all the previous generations.

By way of example, let us mention "DARE", the most well-known American prevention programme. This programme, by relying on personal risk factors, tends to target its interventions at the weaknesses of adolescents rather than their strengths (Schellenberger, 1996). These programmes which target the young people at risk very often have the effect of stigmatising them which is translated in concrete terms into suspension from school, expulsion and even detention in a judicial environment (Shellenberger, 1996). Rather than offering them the help they need, they are removed from the sources of social integration since the majority of the preventive and curative activities are accessible via the educational establishments. In certain cases, we might even believe that the North American prevention programmes have the perverse result of isolating those young people most at risk so as to protect the others.

Conclusion: the future challenges of the North American research

Since the objective of this report is to provide a swift portrait of the current North American scientific work on drugs and criminal issues, it seemed relevant to us to conclude with a short reflection on the future challenges which the research must meet. Bearing in mind the preceding analysis, it appears that the future research will have to dwell on a better understanding of the way in which the relative variables in the socio-political context affect the drugs-crime relationship and integrate them into the new comprehension models. It will have to try to meet women who have hardly been studied at all as well as populations of users who are well integrated socially so as to provide a more complete picture of the various possible relationships between drugs and crime (or the possible absence of any relationship). It must no longer only take into account the criminality of the drug users, but also their role as victim. Finally, this relationship will have to be studied by taking into account its possible evolution over time by making greater use of the

"pattern" or "career" concepts so as to provide a more dynamic portrait of the drugs-crime relationship among the social players in question. On this subject, the ethnographic research will be able to provide highly relevant clarification.

Over the coming years, the North American researchers will have to become more actively involved in developing and measuring the impact of alternative or innovative policies which may ease the current repression towards drug users and drug addicts. Thus, by way of example, it will be important to organise research specifications which will make it possible to obtain results on the impact of heroin (and why not cocaine?) prescription clinics in a North American context in which injected cocaine constitutes a more common practice than in the majority of the European countries which have set up such heroin prescription programmes. The researchers will have to try to grasp and understand better the multiple impacts of the interference of penal control in the process of rehabilitating drug addicts. Over the coming years, the North American research in the field of prevention will have to play a part in the development and evaluation of prevention programmes which try to prevent inappropriate use rather than promote abstinence or which endorse objectives concerned with reducing the ill effects rather than objectives of repression. It will also have to take more of an interest in the evaluation of measures aimed at improving living and environmental conditions in order to better understand the role of the many community initiatives which come into being but which often receive poor financial support from the governments.

A final remark concerns a global evaluation of the research works which are currently in favour in North America. According to our analysis, the North American research is suffering at present from a "quantitative", immoderate recourse to quantitative analyses to the detriment of all other research methodologies. This quasi-exclusive recourse to one type of methodology means that the knowledge provided by the research now seems to be approaching saturation point. We will therefore, in the years to come, have to focus more on analyses drawn from observation or from talking with the social players so as to breathe new life into the research in the field of drugs and criminal matters and in particular to better understand the situation under consideration.

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For further information

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