

CONSUMERS OF ILLICIT SUBSTANCES IN POLICE RECORDS

Marie Danièle BARRÉ and Thierry GODEFROY, researchers at the CESDIP, and Christophe CHAPOT, research assistant at the CESDIP, present the findings of an exploratory survey on the place of substance users in police work, based on case files received at the Office Central pour la Répression du Trafic Illicite de Stupéfiants¹ (the OCRTIS).

According to the OCRTIS statistics for the activities of agencies participating in the enforcement of drug laws (the police, customs and *gendarmerie*), large numbers of people are taken in for drug use (close to 75,000 out of a total of 91,000 detained in 1998). At the request of the *Mission Interministérielle de Lutte contre la Drogue et la Toxicomanie*² (the MILDT) and the *Observatoire Français*

*des Drogues et des Toxicomanies*³ (OFDT⁴), the CESDIP conducted an exploratory survey aimed at "Obtaining an accurate evaluation of the place and importance of information and intelligence obtained from users (consumers) taken in, and the repercussions of these on subsequent investigations (for example, identification of traffickers, dismantling of a network of dealers)".

Some methodological points

The material

The OCRTIS receives a copy of all of the case files relative to prosecutions for drug offences, except those originating from the *gendarmerie*, the customs and the criminal investigation police agencies of Paris and the three surrounding *départements*. All case files pertaining to a given period are generally complete within three months. For our purposes, the case files for March 1999 were analysed between the beginning of May and the end of June of the same year. Examination of these case files led us to divide them into two categories : proceedings for simple use, with no mention of sale or trafficking, and the others, which might very well involve consumers.

Users

"A suspect taken in for use" is only one possible definition of a user. We may in fact define a user by the offence of which he is suspected and for which he is counted in the statistics, or by the person's behaviour as revealed by the contents of the hearing. There are three possibilities : a person may be suspected of use in a procedure involving use only ; suspected of use in the framework of a case involving dealers, or suspected of sale or trafficking, and also be a user.

We finally grouped the case files (195 in all) in three distinct working categories :

- Subjects in case files for "use and possession" only (107 cases and 143 individuals).
- Subjects charged with use only in cases involving sale or trafficking (118 individuals).
- Subjects charged with another drug offence who claim to be users but against whom the main charge is not with that offence (154 individuals).

Limits of the material

The establishment of a formally correct case file by the criminal investigation police is based on an administrative break-down of police work corresponding to extremely precise constraints and practices. When the police hands over a suspect, with the consent of the prosecutor's office, it transmits the case file at the same time. This means that it must construct a legally coherent whole even if the elements do not necessarily account completely for what happened. While in some cases there may be an actual event that occurred at a definite time, a "story" that is coherent in itself and is probably relatively faithfully transcribed in the case file, in other cases the story narrated by the case file is truncated. We only have a piece of it, often lacking the beginning or the end – or both.

Interviews

To situate these case files in the overall context of police work, we conducted some interviews within the police department. Since time was short, we mostly covered criminal investigation police work in three fields : trans-border trafficking by small-time runners, dealing in suburban housing projects and tracking down the heads of the organized crime webs.

Three questions will be discussed here, on the basis of the case files received by the OCRTIS only :

- What type of use is mentioned in the case files ?
- Who are the users ?
- What information given by the users is mentioned in the case files ?

Types of use mentioned in case files

Most case files pertaining to drug offences involve users charged with simple use, taken in for use or possession of cannabis.

According to our reckoning based on the case files seen at the OCRTIS, 74 % of all individuals were suspected of use (this figure is slightly lower than the OCRTIS statistic – 80 % – for the same period). However, this administrative statistic does not make a distinction between suspects involved in procedures for use only and those also involved in cases where a sales charge appeared as well ; to make such a distinction requires a study of the documents themselves. When analysed, these documents show that 82 % of these simple users were charged in proceedings where charges for sale did not appear. Last, for 80 % of these simple users, the substance for which

they were taken in was cannabis, in conjunction with heroin in 4 % of cases.

In case files involving sale, users play an extremely variable role. There are cases in which no users are taken in, and others in which users are among those involved. In the latter, they seem to be a necessary part of the construction of the case, either because it began with their being taken in, or because their testimony constitutes an element of evidence or again, because their presence helps to quantify the extent of the trafficking.

Aside from these two types of cases, one comes across some case files in which those individuals charged with selling or trafficking are seen to be users, although they are not necessarily charged on that count. Sometimes such choices – based on what is known about the individuals and about their background, on facts about their financial situation turned up by the investigation, and even on geographic variations – reflect the optic of the police, which actually contributes to the social construction of the crime, even if the final definition of the offence is set at the judicial level.

Who are the users ?

The profile of users involved in these three types of cases (in terms of occupation, previous contact with the police, circumstances connected with and sequels of detainment, types of use) gives us some idea of what role these users play in police work (see table 1).

¹ Central Bureau for the Repression of Illegal Drug Trafficking.

² Interministerial Mission for Combating Drugs and Drug Abuse.

³ The French Institute for the Study of Drugs and Drug Abuse.

⁴ A project conducted by the CESDIP under contract (n° 99-2) with the OFDT.

Many are young adults known to the police, whose integration in the working world is inversely proportionate to their involvement in prosecutions for trafficking (only one third mention an occupation). One out of two users charged with simple use and almost two out of three in the other categories had a previous police record. There is a connection between this fact and the circumstances under which they were taken in. For simple use, one out of three individuals were taken in as a result of what we have called *targeted surveillance*. As pointed out by an officer on a provincial crime squad: "We go to see them (the users), they know us and we know them, if they have something on them they try to run, or to get rid of it... so we make a check". There is a very definite contrast between the outcomes of these checks for simple users – independently of the type of case – and for users charged with resale/trafficking. Whereas the former are not placed in police custody (or if so, only very briefly), and are rarely handed over to the prosecutor's office, half of the latter are kept in custody for over 24 hours and one out of three cases are handed over. Six out of ten are more than occasional, and relatively longstanding, consumers (over one year). These features – frequency and length of use – corroborate the sort of mutual familiarity between police officers and users that we had begun to suspect, given the way these people were taken in and their past history. The presence of case files on users reflects interaction between certain groups, places that are conspicuous and watched by the police, and a certain type of police work.

What kind of information is supplied by users ?

Do these regular customers of police surveillance yield some exploitable (that is, sufficiently explicit) and actually exploited information, then ? Once again, our answers cannot be any more precise than the case files themselves, and we cannot pretend to know everything about the information gleaned during interrogations. There are some indications, however, that case files for simple use differ considerably from those for use/resale and trafficking (table 2).

Case files for simple use. Whereas questions pertaining to procurement (explicitly called for in the technical instructions for reports on interrogations) are practically systematically asked, the user is rarely asked questions implying possible involvement in resale. The former generally pertain more to where the substance was obtained than to who supplied it. Only in 30 % of cases does the information contained in the report (place or person) seem to be potentially exploitable – that is, precise or sufficiently precise, such as a name or a well-defined place. Taking these people in for questioning therefore seems to have been rather ineffective in terms of collecting information from users. Given that these reports are an administrative construction of police work – in this case they display a sequence of action in which no dealers were taken in – this is by no means surprising. Questioning may of course produce information that would contribute to police action in another case, as police officers regularly remind us. But in what proportion of cases does this actually occur ? Given the nature of the documents studied, we cannot answer that question.

Case files for use/resale and trafficking. The police work involved in these is situated in the long term. The information cited is definitely more exploitable, particularly since it contains names rather than places, and is relatively concise (suspected users gave information on individuals in three out of four cases, and in six out of ten cases it is precise, whereas the figures are slightly lower for users suspected of resale or trafficking). Users detained in this context are not in the same situation as those with case files for use discussed above. Often they are taken in to identify a dealer, following an investigation that leaves them little leeway, and they contribute directly to establishing proof.

It is tempting, when analysing case files established by the police, to single out two portraits of users : on the one hand there would be the indispensable auxiliaries, the link with the people who deal and traffic, on the other hand the useless victims, targets of police harassment, who are of no interest for investigations. The actual situation is probably much less clear-cut.

What, then, is the role of these consumers who do nothing but consume illicit substances, in police work ?

Those who are suspects in resale or trafficking cases may seem to be simple victims of the fact that they were picked up, but as seen, they are actually helpful for the investigation.

As for those who the case files charge with use, as shown, the vast majority are cannabis users taken in and charged with simple use. Is there the possibility that their only utility is to fill the activity quotas set for the police ?

We cannot completely eliminate the idea that they play a role of "mark", or "stroke"⁵. Taking in a cannabis user seems to be an easy job. A close look at the circumstances involved shows that people are usually taken in well-known places. This in itself would yield an overly simplified vision of police pick-ups, however, although this practice definitely does help to inflate the number of simple users in police statistics.

A statistical analysis of simple case files shows quite clearly that the users involved here do not emerge out of nowhere. They are produced by an artefact of police work according to which action is directed at previously identified groups, known to the police, and in places that are equally well identified ; they are threads in the fabric forming a background for police work in general.

The relatively homogeneous social profiles of these users⁶ and the circumstances under which they were taken in, involving some particularly closely watched places, lead us to look at these cases in a context exceeding the simple charge of use, and to resituate them within police practices in general, aimed at intelligence and surveillance of specific population groups and specific places identified as "troublesome". Picking people up for use and detaining them for substance consumption seems, then, to be simply a legal construction covering a means of controlling a group and some places perceived as posing "problems".

Last, and in the background of our mission, the officers we spoke to during our mission often surmised that the criminalisation of use might possibly be called into question in the near future. Our interviews show that over and beyond its occasional strategic interest for criminal investigations, the necessity of such criminalisation is deeply anchored in the beliefs of these officers, since it provides a rationale, bolstered by their experience, for their action. The users they see are often users who "have problems". Turning them over to the justice system is viewed as a way to point them out to society, and they occasionally decide not to do so, on the basis of their personal experience. Thus, the degree of freedom demanded in some cases is viewed as legitimating their action. A degree of freedom with respect to users/informers, who are resource people with whom one must be "decent" ("*If they don't want to be mentioned, we don't mention them*"). In short, police relations with users constitute a pragmatic relationship within which officers claim to use their own judgement to some extent.

These preliminary conclusions are limited by our approach, based on the analysis of police case files, and may be reassessed using a combination of direct observation and interviews at various echelons in the hierarchy, which could not be done within the context of this exploratory mission.

⁵ The expression is commonly used in police stations to designate the unit of reckoning for people turned over to the investigation police agencies.

⁶ Only in suspects involved in cases within schools is a greater variety of profiles found.

Table 1. Occupation of users, existence of previous police history, frequency and length of use according to type of charge

percentage (%)	Simple use case	use/resale and trafficking case	
	Charge = use n = 143	Charge = use only n = 118	User charged with resale or trafficking n = 154
Occupation			
none	27	36	40
high school student, apprentice, college student, conscript	36	32	32
reports an occupation	37	32	28
Total	100	100	100
No information	3	45*	6
Previously known to the police			
yes	49	60	59
no	51	40	41
Total	100	100	100
No information	10	55*	14
Frequency of use			
occasional	43	42	21
several times a week	21	26	31
daily	27	21	48
no consumption, denies consumption	9	11	0
Total	100	100	100
No information	19	55*	1
Length of use			
less than one year	28	22	22
one year or more	61	67	78
no longer a consumer, denies consumption	11	11	0
Total	100	100	100
No information	35	61*	21
Police custody			
None	49	61	17
less than 24 hours	50	29	37
over 24 hours	1	10	46
Total	100	100	100
No information	0	1	3
Proceedings' outcome			
Released	70	84	48
treatment under injunction and summons to prosecutor's office	17	8	7
summons to court by police officer	12	4	10
handing over to Prosecutor	1	4	35
Total	100	100	100
No information	0	1	1

* This high percentage is essentially due to the data-collecting technique.

Table 2. Quality of the information given by users on people and places, according to type of charge

percentage (%)	Simple use case	use/resale and trafficking case	
	Charge = use n = 143	Charge = use only n = 118	User charged with resale or trafficking n = 154
Information on people			
precise	5	58	49
rather precise	12	2	12
imprecise	53	16	16
no information	31	24	23
Total	100	100	100
Information about places			
precise	3	27	29
rather precise	24	6	11
imprecise	55	26	31
no information	18	40	29
Total	100	100	100