DRUG-USERS, OFFENDERS AND POLICE SUSPECTS

Marie Danièle BARRÉ, a researcher at the CESDIP, is pursuing her work on the measurement of links between "drug abuse" and "offending". This paper discusses the results of a survey conducted at the court of Bobigny, in the near suburbs of Paris.

The use of criminal data to study any possible correlation between "drug abuse" and "offending" represents an analysis of the way the criminal justice institutions appropriate and deal with the question. It is not an etiological approach. This differentiates such work from the only potentially explanatory approaches available, which are of a biographical nature, since they are based on in-depth interviews aimed at establishing links, for the individuals encountered, between their various actions' repertoires, thus shedding some light on the complexity of deviant behavior. The relevance of our own – purely quantitative – approach, derives from its standing on the domain of those two pre-constructed categories, "drug abusers" and "offenders" : it shows that the interpretation of the numerical data pertaining to them is inaccurate, not to speak of the fact that it is improper in its very principle.

I - Are *offenders* rarely *users* ?

In 1991 we conducted a survey in Paris to determine the extent to which assertions such as "drugs are behind more than half of offenses" are quantitatively grounded[1]. We chose to use police categories pertaining to suspects in judicial police case files. Once again, the idea was not to provide a phenomenological description of "drug abuse" or of "offending", but rather, to operationalize the categories of discourse of police agencies, on the basis of the documents produced by those agencies. It should be recalled that a person, the presumed author of one or several offenses, becomes a suspect when he or she is mentioned as such in a case file transmitted to the Public Prosecutor's office following booking by the police. A *user*, then, was a person recorded in a case file as suspected of using illegal substances. For the sake of simplicity, we made a distinction between use of "hard" and "soft" drugs[2]. Secondly, the offending involved was not so much trafficking, tied to the illegality of the substances involved, and which may be done by users of those same substances. The target was in fact that conglomerate of petty and moderately serious offenses that touch the population at large, and are ascribed to the need to rapidly find money or goods susceptible of being exchanged in the context of a barter economy.

In the above mentioned Paris survey, as well as in the more recent one conducted in the Seine-Saint-Denis *département*, (see box above), we looked at all of the offenses included in criminal investigation case files for the individuals in the samples, in order to answer three questions :
- was the person suspected of "use", and in particular of use of "hard drugs" ? If so, according to our convention, that person is a *user*, or even, more specifically, a *hard drug user* ;
- was the person suspected of a drug offense other than use, habitually an offense involving resale or trafficking ? To simplify, we designate these people as *dealers* ;
- was the person suspected of an offense other than dealing and use ? Here again, for simplicity's sake, we call that person an *offender*.

It is important to emphasize that this vocabulary is used out of convenience, in the framework of an analysis limited to the processing of data on criminal investigation activity. Lastly, any bias introduced by the broad criteria defining a *user* can only reinforce our demonstration, in that it would lead to an overestimation of the number of *users*.

Any one individual may of course belong to one, two or three of the categories defined above ; these combinations form a typology of *users* and *offenders* (see box 2).

[1] Assertions usually heard in police circles : BARRÉ, *et al.*, 1994.
[2] We put everything other than cannabis in the "hard drug" category, considering that the majority of cases involve use of heroin. This classification obviously can only be based on the substance seized upon arrest.

2. Typology of individuals based on recordings as suspect

We have constructed a typology of individuals based on whether they enter into one or another of the three categories of suspects : *use, dealing* or *offending*. Combinations of these categories represent what we call dual involvement types. To simplify, we have used the following terminology :

- *simple users* (1) are people suspected of *use* only ;
- *user-dealers* (2) are people suspected of *use* on the one hand and of *dealing* on the other, to the exclusion of any other kind of offending ;
- *user-offenders* (3) are people suspected of *use* on the one hand and of *offending* on the other, to the exclusion of any *dealing* ;
- *user-dealer-offenders* (4) are people suspected of *use, dealing* and *offending* ;
- next we have *dealers* (5), people suspected of *dealing* only ;
- *dealer-offenders* (6), people suspected of *dealing* and *offending* ;
- *simple offenders* (7) are people suspected for offenses other than drug offenses of any kind.

Types (1) + (2) + (3) + (4) represent the *user* category. Types (3) + (4) + (6) +(7) represent all *offenders* in the narrow sense employed here ; that is, whether or not involved in drug offenses. These two groups intersect, with types (3) and (4) representing what we have termed users with dual involvement.
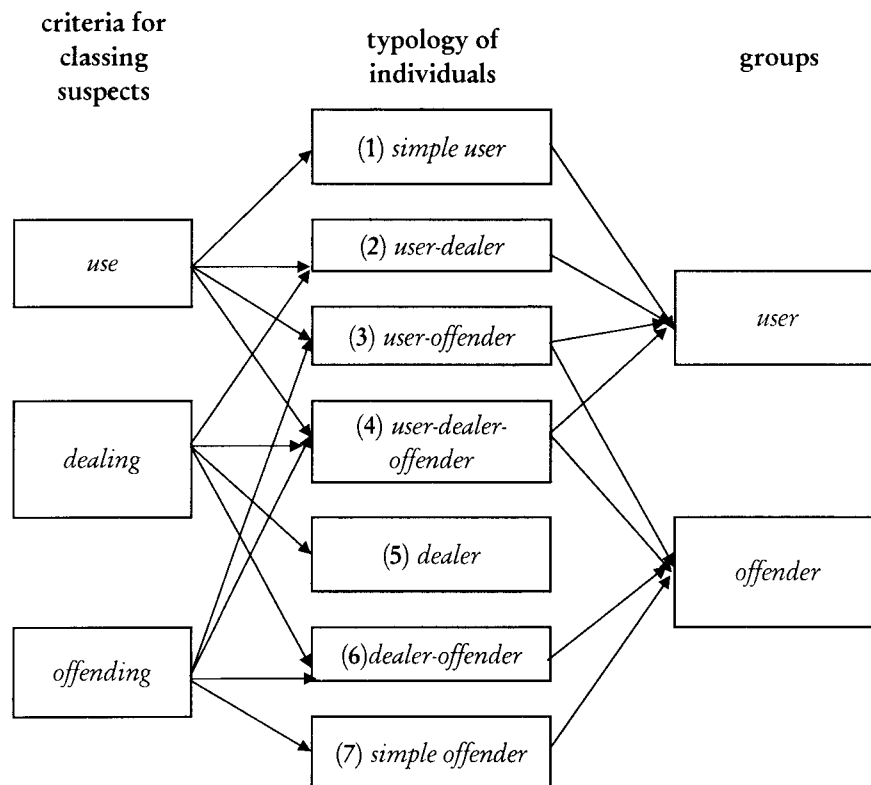
The outcome of the first survey was as follows : comparison of the number of dually involved *hard drug users*, with the number of individuals suspected of offending showed that 13 % of *offenders* are also *users* of hard drugs[3]. Five years later, in Seine-Saint-Denis rather than in Paris, for the same comparison, the proportion was 4 %[4]. The specific local features as well as differences in the survey method probably account for this discrepancy. More specifically, it is clear that Paris was chosen because of the large numbers of drug users taken in, according to police statistics. This possible bias would actually reinforce the conclusion, which is that *offenders* are rarely also *users of hard drugs*, and certainly not at all in the proportion of one out of two.

However, while *offenders* are not often *users* of hard drugs, we cannot exclude the hypothesis that those who are in that category commit more offenses than non-*user offenders*. Here again, the quantitative accuracy of this type of assertion can only be tested on cleared cases, which is to say, on those cases for which a suspect has been designated. It is possible to construct some indicators on the basis of such cases, and to determine whether the frequency of past recordings as suspect differs with the person's status with respect to illegal substance use. The data available for the first survey could not be exploited for this purpose. However, we have been able to advance in our analysis thanks to the latest survey : the idea was to determine, firstly, whether *users*, on the average, were more frequently recorded as suspect than non-*users*, and secondly, the proportion of recordings as suspect of use as compared to the overall number of recordings as suspect.

Do users commit more offenses than simple offenders ?

Instances of suspect status collected for each person in the survey were used to class individuals according to their place in the typology. The average number of recordings as suspect was calculated for each type (table 1).

[3] BARRÉ, 1995.
[4] BARRÉ *et al.*, 2001.

Table 1 : Average number of recordings as suspect, by type of dual involvement

types of dual involvement	Average number of recordings as suspect		
	Overall	Offending	Drug offenses
(1) simple user	1.3	0.0	1.3
(2) user-dealer	(1.4)[7]	(0.0)	(1.4)
(3) user-offender	4.8	3.4	1.4
(4) user-dealer-offender	5.5	3.4	2.1
(5) dealer	(1.0)	(0.0)	(1.0)
(6) dealer-offender	4.4	3.8	0.6
(7) simple offender	2.1	2.1	0.0
Overall	2.5	2.3	0.2

For the group as a whole, the average number of police recordings as suspect was about 2.5, most (2.3) being due to acts of offending[x].

Among users – that is, the sum of types (1) to (4), it is the *user-dealer-offenders* who have the highest average number of recordings as suspect (5.5), including 3.4 for non-drug-related offenses (and 2.1 for drug offenses). Next come the *user-offenders*, with the same average number of recordings as suspect of offending (3.4) as group (4), but slightly fewer drug offenses (and exclusively for use, by definition).

Among the offenders [(3) + (4) + (6) + (7)], those with the lowest average number of recordings as suspect for offending are those who were never suspected of involvement in a drug offense, be it as *user* or as *dealer*. *Simple offenders* had an average of 2.1 recordings as suspect of offending.

In conclusion, we may say that a *user* who is also an *offender* [(3) + (4)] is more frequently designated as a suspect than the *simple offender*. This average number of recordings as suspect is due to those for theft, in particular : *user-offenders*, irrespective of whether or not they are *dealers*, are more often suspected of theft than are *simple offenders*.

It remains for us to determine whether *offending* among *users* represents a significant proportion of recordings as suspect as a whole. This is shown below.

Do users commit more offenses than simple offenders ?

Instances of suspect status collected for each person in the survey[5] were used to class individuals according to their place in the typology. The average number of recordings as suspect[6] was calculated for each type (table 1).

Does offending among users represent a small fraction of the whole ?

Table 2, below, shows a comparison between the structure of this population and the structure of recordings as suspect according to the type of dual involvement. This indicates the weight of a particular category of individuals in the overall group of cleared cases.

Table 2 : Structure of the population and of recordings as suspect for each type of dual involvement

types of dual involvement	Structure of the population for each type of div (a)	Structure of recordings as suspect for each type of div (b)
(1) simple user	1.5 %	0.8 %
(2) user-dealer	(0.6 %)	(0.3 %)
(3) user-offender	10.1 %	19.3 %
(4) user-dealer-offender	4.1 %	8.9 %
(5) dealer	15.7 %	28.9 %
(6) dealer-offender	(0.2 %)	(0.1 %)
(7) simple offender	2.7 %	4.7 %
Overall	80.8 %	66.0 %
ensemble	100.0 %	100.0 %

[5] We only looked at the last three years, because criminal police files are much more reliable since 1993.
[6] It should be clear that the average number of instances of recording as suspect by the police cannot be below one, irrespective of any dual involvement, since the person is a participant in the survey, meaning that he or she was suspected at least once, in a criminal investigation case file.

[7] The numbers in parentheses were calculated for populations < 20.
[x] It should be recalled that these are averages, from which deviations may be considerable.

Column (a) represents the structure of the population surveyed with respect to types of dual involvement. It shows that 16 % of the group studied would be labeled *users* according to our definition. Column (b) shows the structure of recordings as suspect with respect to types of dual involvement. It indicates that while *simple users* represent 1.5 % of the population, they are only responsible for 0.8 % of the recordings as suspect during that period. Similarly, simple offenders represent 81 % of the population and 66 % of recordings as suspect during that period. If the entire user group is considered, however, we see that they represent 16 % of the population and account for 29 % of recordings as suspect. Within this group, the *user-offenders*, both *dealers* and non-*dealers*, represent 14 % of the population and account for 28 % of recordings as suspect. The same calculation, applied to the 4 % of hard-drug-*user-offenders* shows that they count for twice their relative weight in the total number of recordings as suspect[9].

This comparison of the relative weight of each category within the survey population and of the total number of their recordings as suspect in the recent past is essential for our conclusion : *users* are designated as suspects more often than would be suggested by their relative weight within the group. However, although these *users* – and especially *hard drug users* – are suspected of *offending* to an extent that is disproportionate to their number, the figures are still far lower than those occasionally cited[10].

The link is corroborated, but its impact is reduced and its meaning is open to debate...

In the population studied, the following assertions may be made :
a) few *offenders* are drug *users* ;
b) however, drug *user-offenders* are more frequent *offenders* than non-*users* ;
c) but on the whole, the *offending* ascribable to *users*, and especially to hard drug *users*, is far inferior to what is sometimes contended.

Consequently, the analysis of data on policing activities corroborates the thesis according to which drug *users* commit more *offenses*, whereas the idea that they account for the greater part of *offending* is disproved here.

It remains for us to point out that this study aimed at determining, through the analysis of available data, whether there might be any quantitative basis on which to rest sometimes-heard arguments on this issue. This does not by any means imply that it espouses the idea that such data reflects the behavior of *users* and *offenders*. When a person is taken in on two counts there is no proof that one act led to the other, but it may mean that one arrest led to the other. It is impossible to uncover a "hard core of offending" ; at any rate, what we would put under that heading would be a "hard core of repression" as well, inasmuch as people come to be recorded as suspects in a criminal investigation case file as the outcome of a series of events starting with the committing of an offense and extending to its possible detection and the establishment of a case file. A recent anthropological study points[11] out that some individuals, well known in their neighborhood as frequent of-

fenders, are never bothered by the police, whereas the data studied here attests to the fact that others are taken in repeatedly. It is important, then, to keep in mind that data on policing activities are dependent on the way the police services operate. In this respect, two possible biases in the observation may be recalled. The first pertains to the relative fragility of drug users, which may therefore increase the probability of their being taken in. The second involves a "*clientèle*" effect, which may lead to the over-representation of some types of offenders – those who are already known.

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For further information, the reader is referred to :
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BARRÉ (M.D.), Drug Abuse and Crime : What Are We Measuring, What Is the Issue ?, *Penal Issues*, 1996, 7, pp. 10-12.
BARRÉ (M.D.), POTTIER (M.L.), DELAÎTRE (S.), *Toxicomanie, police, justice : trajectoires*, Guyancourt-Paris, CESDIP-OFDT, 2001, Études & Données Pénales n° 87-Étude OFDT.
SICOT (F.), *Délinquance juvénile et immigration. Recherche exploratoire selon une méthode ethnographique*, Université de Toulouse-le Mirail/CNRS, 2000.

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[9] BARRÉ *et al.*, 2001.
[10] Up to 50 %. See BARRÉ, FROMENT, AUBUSSON de CAVARLAY, 1994, p. 19.
[11] SICOT, 2000.