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Improving knowledge on law enforcement in drug policy

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[This is a pre-proof, preliminary version of an editorial published in the International Journal of Drug Policy's March 2017 issue: DOI: <http://dx.doi.org/10.1016/j.drugpo.2017.02.001>]

As part of the ongoing collaboration between the *International Journal of Drug Policy* (IJDP) and the *International Society for the Study of Drug Policy* (ISSDP), it is becoming a tradition that the IJDP publishes special issues based on papers presented at conferences of the ISSDP. This year, there will be two such special issues. This current issue focuses on papers that from the ISSDP annual conference in Sydney in May 2016. The next will include papers, presented at the ISSDP's regional meeting in New York City in April 2016, on cannabis policy in the Americas.

Of the many fascinating papers presented in Sydney, from all inhabited continents of the globe, we chose to focus this special issue on drug law enforcement. This is because this area of drug policy takes up the largest share of government spending, but is also the policy area with the least well-developed evidence base. Compared to knowledge in the fields of drug education, prevention, treatment and harm reduction, there is relatively little research published on the process and impacts of efforts to enforce the laws that cover illicit drugs. The United Nations Office on Drugs and Crime, as well as other agencies, publishes useful reports on drug production, prevalence and seizures. But rigorous evaluation of if and how law enforcement works in reducing supply, demand and drug-related harms are largely absent.

Eight original papers and four commentaries make up this special issue. They represent a diverse array of research, including empirical papers, analysis of law as policy, the role of marketing by drug sellers, policing of people who inject drugs, laws regarding outlaw motorcycle gangs, and third party policing in a nightlife district. Just the topics themselves demonstrate that drug law enforcement and related research is diverse: both in content and in methods.

Four of the articles present comparative research. Belackova (3 jurisdictions on laws vs practice of policing), Wood (two districts re policing of injecting drug use: Tijuana and San Diego), and Sogaard (compare two different districts and how they deploy third party policing strategies: could say something about CPA from these three: These three empirical papers use geography as the defining feature of the comparison. The paper by Scott Burris offers a critical overview, highlights the challenges of conducting comparative policy analysis of laws and legal practices. He notes that with growing diversity of legal regimes increasing around the globe, we are facing a potentially ideal environment to conduct comparative policy analyses. Yet there remain some fundamental issues. Burris also makes an important distinction between legal analysis ("legal scholarship") and empirical research. If we are interested in drug laws and law enforcement, then both legal and empirical analyses have roles to play in advancing our knowledge.

There are also papers which concentrate on people who use drugs – and their experiences of police intervention. Shanahan's cost effectiveness of police cautioning for cannabis, and Wood's analysis of the ways in which people who inject drugs experience policing are two such papers.

There are three strong empirical papers: Shanahan et al's analysis of the cost-effectiveness of police cautioning for cannabis offences; Belackova et al's comparative analysis of drug laws versus policing practices across three jurisdictions; and Hughes et al analysis of the deterrent effects of policing drug

offending at outdoor music festivals. Each of these three papers deploys different methods to wrestle with empirical research that can inform policing practice and policy makers.

In his plenary talk at the ISSDP's Sydney conference, Scott Burris [*this issue*] emphasised the need to clarify the relationship between the written and implemented forms of drug policy; a point he repeats in the commentary published in this issue. The law on the books may not provide an accurate reflection of what actually happens to drug law offenders in a given jurisdiction. In this issue, the article by Belackova et al. [*this issue*] demonstrates the validity of Burris' point. By comparing law and practice in three jurisdictions (Florida, Czech Republic and New South Wales), Belackova and her co-authors show that there can be striking discrepancies between the picture that would be given by studying the laws alone, compared to studies of the implementation of law enforcement. This has significant implications for studies (e.g. Shi, Lenzi, & An, 2015) which use the written policy as a sole indicator of the nature of national drug policy.

A common assumption made in the enforcement of drug laws is that increasing the risk of detection will reduce drug law offending and consequent harms. As Reuter's [*this issue*] commentary notes, we need to test such assumptions as they relate to specific interventions, not to the indeterminately broad scope of law enforcement in general. The study by Hughes et al. [*this issue*] takes a novel approach to understanding the effects of particular law enforcement tactics - including the use of drug detection dogs - to deter drug offences at festivals. Using a survey to ask questions on 'experimental vignettes' (Aviram, 2012), they find that these tactics may reduce the overall level of drug offending by festival goers. But these tactics may, as other law enforcement tactics do (Stevens, 2013), increase other potential harms. Specifically, survey participants reported an increased likelihood of purchasing drugs within the festival site, especially if drug detection dogs are deployed.

As the commentaries by Reuter, Mazerolle, Greenfield and Paoli [*this issues*] make clear, one challenge apparent in developing a stronger, more robust drug law enforcement research foundation is clarity regarding terminology. Some terms are associated with certain ways of thinking about drug policy. For this and other reasons, they may be limiting rather than enlightening. For example, 'supply-control' is sometimes treated as if it were synonymous with drug law enforcement. Yet supply side interventions may be much broader than the exercise of legal and police powers. Those countries that have successfully reduced opium, for example, did not just rely solely on law enforcement, but saw a broad range of social developments (Windle, 2016). As one of the anonymous peer reviewers who contributed to the preparation of this issue noted, law enforcement is just one of many approaches that have been used over the years to control both supply and demand. We need to develop a broader but better specific understanding of how law enforcement interventions have impacts on the supply, demand, harms and benefits of illicit drugs.

This special issue demonstrates the value of the relationship between IJDP and ISSDP to both parties and – we hope – to the broader field of drug policy scholarship. ISSDP creates an international network of researchers who approach drug policy from a wide range of disciplines. It organises events where these scholars can meet to discuss and develop their work. IJDP finds in the ISSDP a rich source of material for publication and a natural community of editors, authors and reviewers. IJDP's publication of these studies and commentaries makes new knowledge available to a wider audience. We plan to continue this fruitful alliance. We hope that readers will contribute to it by joining ISSDP, attending ISSDP events and submitting their own research for publication in IJDP. We will particularly welcome studies that enhance our understanding of drug law enforcement.

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