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Sensible Solutions to the Urban Drug Problem

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The empires strike back

The events of 1998 are making me wonder if writing an editorial for the *Vancouver Sun* (Puder 1998: A19) precipitated an ancient Chinese curse, because I have certainly lived in interesting times. Being a relative neophyte to the debate over drug policy reform, I have been astounded by the number of special interest groups desperate to maintain criminal prohibition. Their commentary is regularly characterized by sound-bite logic designed to frighten away overdue scrutiny from our long-running failure in social engineering. Considering the many carefully researched reasons for badly needed reforms, I think it is important to examine critically the counter-arguments of the drug-enforcement clique. I have previously stated that the clarion call for decriminalization is the ludicrous nature of the arguments against it (Puder 1998) and I hope you will agree that, during 1998, the prohibitionists validated the point for me.

Reefer madness returns

In British Columbia, the Royal Canadian Mounted Police (RCMP) admitted it was broke (O'Neill 1998: A1) and Vancouver City Hall considered cuts to the city's police budget (Ward 1998: B1). New Westminster's mayor announced that her police department's drug enforcement blitz was an expensive failure (Sarti 1998: A1). Mr Ujjal Dosanjh, our provincial Attorney General, whom some journalists call the "top cop," denounced reduced RCMP service (BCTV 1998; Beatty 1998: A3) and revealed that the special provincial unit fighting organized crime has instead wasted time and money fighting itself. You might think that police agencies would want to off-load part of their empires to maintain the quality of public safety. You might also think that British Columbians would be demanding that Mr. Dosanjh do something to save wasted millions, put more cops on the street, cripple organized crime, and restore credibility to policing. How about doing something immediately available, that a large majority of British Columbia's electorate already supports (Savas 1998: 12): a Dutch- or Australian-style enforcement policy of *de facto* decriminalization of marijuana (Boyd, Conroy and Puder 1998).

Failure is apparently a good thing, however, because British Columbians are going to get a lot more of it. Ignoring drug policy, the Attorney-General instead conjured up the pipe-dream of a provincial police force. Given the financial situation of British Columbia, I wonder what was in that pipe. The Mayor of New Westminster threw good money after bad, handing out even more cash for a "zero-tolerance policy" on drugs.

I walked on foot patrol in Vancouver's Downtown Eastside in 1989, when poor immigrants began to take advantage of the lucrative prohibition black market and we tried

“blitzes” and “zero tolerance” then. This style of policing worked so well that Vancouver is now world famous for its HIV infection rate, the number of overdose deaths, and the wave of property crime. Despite their budget crisis, the RCMP sports an expanded “Drug Awareness” section and has detachments giving top priority to marijuana enforcement (MacQueen 1998: A10). And, in Vancouver we have raided a hemp store again, seizing not pot but pipes and bong. The same police officials who deny that there is a drug war get caught using the American Navy to chase pot-smokers on Canadian soil (Keating 1998: A4).

Rather than divesting itself of its expensive, counter-productive and embarrassing policy on marijuana, policing makes excuses that seem drawn from a 1930s cult movie: the RCMP’s spokesperson, Sgt. Chuck Doucette, claimed that “the new marijuana is highly addictive . . . there are acts of aggression, leading to assaults and even murders ” (Ferguson 1998: A17). Has this guy been smoking his exhibits? What addicts? What murders? I have seen hundreds of pot smokers in my career and readily confess to some youthful marijuana use—the only thing in danger of being murdered was a pizza. Desperate for credibility, drug squads are misleading the public by linking grass and guns together in staged media events (Howard 1998). Violence is simply the timeless method of regulating market-share during prohibition and is, thus, a creation of criminal black markets, not a product of pot smoking. Take a bow, Dr Joe McNamara: “It’s the money, stupid!” (McNamara 1996: 42).

I cannot entirely blame the RCMP, because municipal policing is hardly innocent of self-serving distortions. And it is pretty tough to single out the brass for criticism, when they are not getting balanced or reliable investigation from their subordinates. In one recent example, a self-proclaimed “marijuana expert” from the Victoria Police Department circulated a portfolio of misrepresentations to police leaders at an April conference (Mann 1998: 15–18), including the long-cherished yet scientifically laughable “gateway theory.” Perhaps this officer could enroll in a first-year science course and see how far he gets trying to prove causation from correlation.

When I joined policing nearly 17 years ago, I used to think that scare stories about marijuana were generational mythology. Although I had hoped that, when ranking bureaucrats retired, we would finally make some rational progress, it now seems that old drug warriors never die. A senior ex-Mountie carries the torch in a national police journal, claiming that marijuana use results in THC accumulating in the fat of people’s brain cells and gonads (Farrell 1998: 16–17). This story claims legalization would somehow result in unpredictable flashbacks among pilots and truck drivers. I would love to have checked former Deputy Commissioner Farrell’s research citations for you but, unfortunately, he subscribes to that curious police variation of intellectual honesty, modeled on the film classic *Treasure of the Sierra Madre*: “References? We don’t need no stinking

references!” Before Canadians start worrying about lawful marijuana use producing a hailstorm of airline crashes, I think it is reasonably likely that there are already at least a few pilots who are both fatheads and pot smokers and we do not seem to be dodging the 747s. I am not going to touch those gonads though . . . Mr. Farrell seems to be doing quite nicely without me.

The propaganda campaign continues on all fronts, featuring highly selective and misrepresented research. One example states: “The involvement of drugs in driving is possibly a significant factor adversely affecting highway safety” (Jeffrey, Hindmarsh and Mullen 1998). Canadian law requires proof beyond a reasonable doubt to obtain a criminal conviction, yet the RCMP hereby supports criminalizing everyone who smokes pot simply because a few individuals might possibly abuse it during an unrelated activity. This is nonsensical, even more so considering that drug-impaired driving is a crime that we already have laws to control. I have stopped thousands of motorists in my career and this new stoned-driving scare tactic is absolutely dopey.

Manipulating information is one of the oldest and most effective propaganda methods and hardly unique to policing. An abstinence and prohibition advocacy group named the “Addictive Drug Information Council” recently published the revelation that marijuana is “an addictive drug with harmful effects” (Doucette, Moore, and Morton 1998). Well, no kidding, but I don’t think that’s the point. The relevant issue is how addictive and how harmful and whether criminal enforcement is the appropriate method of regulation. Fortunately, we have courts in this country through which our justice system weighs evidence and makes findings of fact.

In the matter of *R. v. Caine*, the Provincial Court of British Columbia received testimony from internationally renowned experts—called by both the prosecution and the defence—in medicine, psychology, clinical addiction treatment, pharmacology, research science, law, and public health. The court subsequently granted an absolute discharge to a recreational pot user, concluding: “The current widespread use of marijuana does not appear to have had any significant impact on the health care system of this province and, more importantly, it has not been perceived by our health care officials as a significant concern, either provincially or nationally.” Clearly and unequivocally, the health consequences of marijuana for a few people in no way justify the enormous social costs of criminalizing everyone who chooses to use it.

Lifestyle police

Abstinence may be a laudable concept and I respect everyone, particularly physicians, who discourage the ingestion of substances that may have adverse health consequences. Yet, concepts like narcotic maintenance and marijuana decriminalization do not mean

that recreational drug use is a good thing. Further, to believe that adults have a right to lawful choices is not to advocate abuse. Debating prohibition on the basis of individual health merits can only be described as silly. I think we must recognize that Canadians will never respect neo-Puritanical healthy-life-style police. One of my reasons for advocating a reform of drug policy is to encourage my colleagues to step back and realize how we are destroying our credibility by trying to fulfil this grossly unrealistic mandate. Intervention by criminal justice in personal health choices is a repugnant concept and only excusable when someone is incompetent or harming another person.

The hypocrisy of life-style policing becomes laughable when drug prohibition is applied to other public-health issues. Health Canada reports that tobacco is the number-one cause of preventable death in our country. Although some extremists believe we should prohibit that, too (Doucette, Moore and Morton 1998), what would we do with thousands of suddenly criminal addicts? Turn Newfoundland into Devil's Island? Send over gunships when second-hand smoke wafts into Labrador? Obesity kills thousands annually. Should we prohibit fatty foods and put roadblocks at the "drive-thru" window? Standing there with a skin-fold caliper instead of a Breathalyzer, I think I might catch more than a few drug squad members. When we then give the fat ones that "jail or treatment" option touted by so many in the prohibition crowd, can I be in charge of the fitness routines? Last week, I watched members of our Emergency Response Team rush into a room where people were trafficking an addictive stimulant; happily they sat down and joined me for a coffee. Would we really like to prohibit caffeine too, simply because it has addictive properties, and have the ERT teams come in shooting instead of spending?

Unfortunately, professing concern for other people's health is a useful image-making tool, cloaking agendas in the rhetoric of moral righteousness. I recommend reading the RCMP Commissioner's 1998 Directional statement (Murray 1998), which makes it quite clear that this public-relations strategy will continue. One wonders, however, why such high-minded principles need to be forced on people with criminal prosecution. To the detriment of good service, policing's preoccupation with morality makes blaming and fear-mongering more attractive than trying something constructive. Heroin maintenance has been recommended by British Columbia's last two Chief Coroners, yet British Columbia's Attorney-General Ujjal Dosanjh blamed Ottawa and said he would not do anything unless everyone else does too (McLintock 1998)—now there's leadership! Justifying inaction was his spectre of a floodtide of the nation's junkies on a pilgrimage to British Columbia (*The Province* 1998)—if you listened hard enough, you could almost hear the footsteps of legions of addicts scaling the Rockies! Not to be outdone, the RCMP resurrected the domino theory, claiming that heroin maintenance "sends us down a path" towards cocaine giveaways and free booze for alcoholics (*Associated Press* 1998). I hope people remember that the domino theory was a scare tactic used to justify greater intervention in Viet Nam. By rejecting the advice of the government's own phy-

sicians on the Health Officers Council, law enforcement puts the lie to its posturing about public health. With community battlefields sacrificed to another useless war, tax dollars disappear, crime marches on, and the body count continues.

The happy face

One time-honoured method of avoiding accountability is to smile and pretend that defeat is actually victory. An example of this method applied to the drug war occurred in Vancouver when police officials announced that “property crime has declined.” This self-congratulation was conveniently timed to make the news just prior to the mayor’s conference on drug treatment and crime prevention, helping to forestall serious consideration of alternatives to the prohibition that generates the crime in the first place. Why renounce the drug war when it is doing a great job after all? That noise you hear from the frontline officers, however, is an awful lot of them falling down laughing while citizens shake their heads in disgust. Statistics can only be gathered from crimes that are reported, and what I see on the streets is most certainly not a reduction in criminality.

The impact of crime in our communities is so widespread and deeply ingrained that many people have simply accepted reduced public safety because they have never known anything better. In a depressed economy, the security industry is booming. Walk through any parking garage in Vancouver and you will find cars with the glovebox and change tray open, the owners hoping to avoid a smashed window by showing the omnipresent thieves that there is no quick cash inside. Talk to retailers about “inventory shrinkage,” the accountant’s term for missing product, most often a result of unknown thefts. Spend some time with a department store’s loss-prevention officer and find out how many thieves are caught, then simply released because the police are too busy to attend. While you are in the store detective’s office, check out the sharps-disposal container to find the stacks of needles removed from the addicts that they do catch. Come with me to the coffee shops where I write investigation reports and ask the server how many times the tip jar is snatched by junkies who run out the door. Often the staff do not even bother to tell us when we come in for a latté because they see firsthand how badly we are already snowed under.

Every shift, citizens would ask me about minor offences. “Should I call you? I know there’s not much you can do about it.” When I arrived at an assigned complaint, they would say: “I’m sorry, I know you’re busy.” Why should people have to wonder or apologize about calling the police? With case loads so heavy and little time to investigate thoroughly, it is often just too tempting to PR the victim and move on to something more serious. Community officers with the time to contemplate investigations and prevent crime through high-visibility foot patrols are a relic of more peaceful times. The reality is that policing’s make-work project called drug prohibition has been so successful that society can no longer afford to pay for the crime wave it has created. Our 1986

Vancouver Police Centennial album was titled *A Century of Service*. What kind of service do people get now, in an era of telephone report-taking and “alternate responses” instead of real investigations? Reduced crime statistics no doubt indicate merely that there are a lot of people who have given up calling for help.

No matter how it is “spin-doctored,” drug enforcement has clearly lost the intellectual debate and in its unwillingness to reform now cowers behind children. What better way to put a happy face on the drug-war disaster than to co-opt everyone’s concern for the welfare of young people? How many times must we listen to the warmed-over prohibition rhetoric of “mixed messages to kids” (Lavoie 1998; Richter 1998; Rutherford 1998)? I am a parent who is thoroughly disgusted by people claiming moral authority for their agendas by playing the child-welfare card.

Look a little deeper than the headline or the sound bite. Mark Tonner, my colleague in the Vancouver Police, titles his recent newspaper column “Kids and Dope a Losing Proposition” (Tonner 1998), yet the column is simply another diatribe about Vancouver’s Cannabis Café, offering no evidence of substance abuse by children. Another newspaper columnist ridiculed the “official story” that child welfare motivated the most recent raid (Clough 1998) and I can tell you that nobody laughed harder than the street cops reading the paper over their morning coffee—because the author was right. I have been in the hemp store a dozen times and sometimes I have noticed a few kids playing alongside parents who work or shop there. I have never noticed any sign of neglect or abuse; if I had, I would have acted immediately. The child-welfare excuse becomes even more dubious when you consider that the police department has a team of officers and social workers with that specific mandate but who, by some strange omission, were not invited to these drug-squad events.

If health and welfare of children is drug enforcement’s *raison d’être*, why do we never see splashy news releases of corner-store owners busted for selling smokes to children or bootleggers arrested for peddling booze at a high-school dance? Tobacco and alcohol have been repeatedly found by researchers to be more harmful than pot. Could it be that enforcing cigarettes and liquor would not suit the self-styled macho image of narcs, who like to swagger about with “war stories” of the latest bust? If workplace conversation is any guide, kicking ass in alleys is much more attractive than kicking soccer balls in schoolyards.

In one of the most wasteful examples of using kids for political ends, Canadian policing has imported the American DARE program. Independent studies give the details about DARE’s failures (Wysong and Aniskiewicz 1994; Cauchon 1993, 1994) and the United States General Accounting Office conspicuously declined to include DARE in a recent evaluation of drug education (USGAO 1997). Now why would the biggest drug

education program not receive scrutiny, unless someone did not want the public to know? DARE does not meet important educational standards (Tinelli 1997) and American cities have abandoned it as a costly waste of time, money and police resources (Elliot 1995). The United States Department of Justice's own experts conclude that DARE does not prevent crime (Sherman et al. 1998). In spite of such damning evidence, the West Vancouver Police Department and RCMP now spend hundreds of thousands of dollars promoting DARE to British Columbia's schoolchildren.

An officer of the West Vancouver Police Department recently told a DARE class: "In Canada we don't have ghettos. We have street people here but street people choose to be street people" (Becker 1998). What colour is the sky in this man's universe? Does he never cross the bridge to Vancouver? The joke is that a police officer would actually make a statement like that; the tragedy is that officials are actually allowing him to spread such ignorance in a public school, recruiting children to the labeling and prejudice against society's underclass. Ask yourself why taxpayers cannot get something better and then ask if policing cares that the most recent DARE study shows significantly higher rates of drug use for suburban DARE graduates (Rosenbaum and Hanson 1998: 24).

The answer is pretty clear. Whether or not DARE does something for kids is a secondary consideration. By putting police together with children's smiling, happy faces, however, DARE does something for us. And, because a happy face on the drug war is good public relations, DARE and programs like it will continue. Since the RCMP has sold its image to the Disney Corporation, why do we not sell the drug war to Disney as well? The kids will really smile then and, by admitting that it is a fantasy, at least we will not sacrifice our credibility any further.

"Them" and "Us"

I have previously lamented the personal attacks against people who question drug enforcement and have since discovered that being part of policing does not make me immune from similar attacks. When I spoke on national television about my support for heroin maintenance trials (Rutherford 1998), the publisher of a Canadian police journal promptly libeled me as "almost at the burnout level" and recommended a forced transfer or quitting police work for "any cop who thinks he has the answer" (Lumburner 1998). Strangely enough, that same publisher has often printed articles written by the same "burnout" he was attacking (Puder 1996a, 1996b, 1996c). I did not need to look far for an explanation since the magazine featured a cover and numerous advertisements for weapons and related equipment. The violence of prohibition is simply good for business.

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“almost at the burnout level” and recommended a forced transfer or quitting police work for “any cop who thinks he has the answer” (Lumburner 1998). This was no mere knee-jerk reaction from the policing sector because plenty of groups get nasty over drug policy reform. A doctor suggested that I should stick to law enforcement (Coleman 1998), since I did not have the medical expertise to claim that Swiss heroin maintenance is successful. But, why would the doctor argue that a 60-percent reduction in criminal offences (Uchtenhagen 1997: 7) is not good for both the person and the community (Killias and Rabasa 1997: 428). The German chiefs of police are hardly social engineers yet they looked across the Alps and liked what they saw (Kriener and Saller 1998a, 1998b). Nearly three-quarters of the Swiss people voted to continue their “medical failure”; I wonder if any Canadian politicians would be happy with 71 percent of the popular vote?

The battle lines of the drug war became clear to me through a singular event. At a Vancouver conference, I asked an RCMP Officer why people were not being hospitalized, if marijuana use was as rampant and as harmful as he claimed. Although he would not answer, the Officer’s subordinates were waiting for me as I returned to my seat; one of them snarled: “You’re no longer a cop anymore; you’re one of them now!” This comment exemplifies the major obstacle for rational consideration of drug policy reform: forced polarization into a street fight between “Them” and “Us.”

Extremism has for too long been symptomatic of a dysfunctional police subculture (Alpert, Kappeler, and Sluder 1994: 97–105). The “drug-war” mentality of criminal enforcement promotes adversarial attitudes (Cheh 1996; Locke 1996) that result in the abuses of force that I have spent so much of my career teaching others to guard against. And, it lets police do things that should be unacceptable in a peaceful society. Although property seizure is currently in vogue, consider a 61-year-old California rancher named Donald Scott, who was shot to death when a police task force invaded his home with a bogus search warrant (Blumenson and Milsen 1998; Ivins 1998). In this case, the police turned out to have no evidence of drugs to justify their warrant but they did have an itemized list of several million dollars worth of assets to seize. Before supporting a Canadian version of this greedy little drug-war cash grab, ask yourself if you want to lose your car to a bankrupt police department because your teenage son or daughter left a joint in the ashtray.

“Them”

I would like to explain what it means to be one of “them.” Disagreeing with prohibition means that I might rationally consider any form of regulation that enhances public safety. Unfortunately, being one of “them” also means that I qualify for demonization as a “legalizer.” What is a “legalizer”? All the term means is that I believe that good government and safe communities require a non-criminal regulatory framework, whereby com-

petent adults may lawfully gain access to substances of their choice. That may sound pretty reasonable to most of you but for prohibitionists, it is the ultimate heresy.

There are simply too many people who have formed their value system around an idea, an idea that has backfired to magnify social misery and run roughshod over our justice system. Critical thinkers might ask why advocates of prohibition blame others for the disaster left in the wake of the drug war. There's a simple reason for this, going far deeper than the overt examples of personal gain and empire building. The defining characteristic of the drug war is that it enables people to form a self-concept, based not on the quality of their character but through disparaging the morality of others.

We must remember that prohibition began amidst belief systems that embody intolerance, such as racism and religious fundamentalism, capitalizing on a well-documented law enforcement make-work agenda (Giffen, Endicott and Lambert 1991). I suggest to you that those qualities have changed not at all in 70 years. A New Westminster police officer recently stated that "every Honduran that I have checked down here has already been charged for drugs or they're currently charged" (Bains 1998). Can you imagine if this officer said the same thing about black people in South Central Los Angeles? Vancouver police writer Mark Tonner recently took a break from his newspaper columns criticizing drug reform to extol the virtues of his Christian police association. Do his well-publicized attitudes about drug use actually reflect rank-and-file officers or rather the religious Right?

People will undoubtedly feign umbrage when I suggest that police drug enforcement has twisted and ignored the facts. Although it is old news that taking sides distorts justice (McCoy 1996), I would like to recall some specific examples. Names like Donald Marshall, David Milgaard and Guy-Paul Morin should remind us of the horrible consequences of close-mindedly pursuing a conviction at the expense of the truth. The drug war has done this on a grand scale. Canadians deserve the opportunity to judge prohibition on the evidence, something they have traditionally been denied. I have suggested that the drug war is a fantasy and it is therefore from Hollywood that I will take some advice. In last year's movie *Copland*, an investigator tries to motivate another officer to open his eyes to a tragedy unfolding all around him: "Since we are law enforcement we share a duty, do we not? . . . We must gather evidence, because evidence makes us see the truth." I know I am not the only cop who believes that. Before carrying on with more drug war, I hope everyone agrees that Canadians deserve nothing less.

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Gil Puder was a decorated 16-year veteran of the Vancouver Police Department, who served in Patrol and Investigative assignments, the Emergency Response Team, and as an instructor at the British Columbia Police Academy. He also designed programs and taught use of force at the Justice Institute of British Columbia and Vancouver's Langara College, published regularly on related topics, performed research for the Hon. Mr. Justice W.T. Oppal's Commission of Inquiry, Policing in British Columbia. Gil Puder died of cancer in November 1999, shortly after completing this chapter.

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