

Why are the police against drug policy liberalisation?

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It is well known that police officers strongly oppose drug decriminalisation. A survey by Petrocelli et al. (2014) of over 1000 police officers from across the United States found that the “vast majority of officers either disagreed or strongly disagreed with a decriminalization policy for most drugs” (p. 36), although there were signs of fracture in the consensus with regard to cannabis. Jorgensen (2018) surveyed attitudes towards drugs in a sample of police officers from a metropolitan area in the southern United States, finding that officers tended to favour punitive approaches to drug use. Curiously, only 11% of these officers endorsed the proposition that the war on drugs is reducing drug use, although we might perhaps understand this as an indication that these officers believed drug criminalisation must be stricter and more punitive in order to be effective. Furthermore, a survey of officers in police districts bordering Colorado found that respondents

“overwhelmingly disapprove of Colorado legalizing recreational marijuana” (Ward et al., 2019, p. 235).

I am not aware of extant surveys of attitudes towards drug policy liberalisation among Nordic police officers but it seems clear that the overall trend conforms to the findings from the USA. In their responses to the recently proposed drug reform in Norway (Norges offentlige utredninger, 2019), police departments around the country roundly rejected any decriminalisation of drug possession and use on the basis that such a policy of liberalisation would lead to higher use and abuse especially among adolescents (Politidirektoratet, 2020). The response from Utrykningspolitiet (2020), for instance, emphasised that the reform proposal ignored the fact that drug criminalisation has entailed low drug prevalence among Norwegian adolescents.

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However, most of the research on post-liberalisation drug use agrees that adolescents are the demographic whose use most clearly tends to remain stable after the policy change. In the United States and Canada, studies have found evidence of moderate increases in adult but not adolescent use after cannabis decriminalisation (Haines-Saah & Fischer, 2021; Hall & Lynskey, 2020; Hasin & Walsh, 2021; Health Canada, 2022; Leung et al., 2018; Montgomery et al., 2022; O'Grady et al., 2022; Rubin-Kahana et al., 2022; Sarvet et al., 2018), while studies on the international level have often tended to find no overall association between policy regime and cannabis use (Gabri et al., 2022; Hughes et al., 2018; Kotlaja & Carson, 2019; Laqueur et al., 2020). Furthermore, most studies have not found evidence of increasing post-liberalisation abuse or dependence (Cabral, 2017; Fischer et al., 2021; Martins et al., 2021; Mauro et al., 2019; Myran et al., 2023; Williams et al., 2017). To sum up, there is some evidence of moderate increases in overall prevalence for adults, but generally not for adolescents, and without a corresponding increase in drug abuse.

Furthermore, the responses from Norwegian police departments to the proposed drug reform implicitly assume that cannabis use is very harmful, but comparative harms assessments universally agree that this illicit drug is less harmful than alcohol and tobacco. To take a few obvious parameters for a comparison with alcohol use, cannabis use less commonly results in dependence formation (Anthony et al., 1994; Lopez-Quintero et al., 2011; Schlag, 2020), is less risky in terms of acute lethal toxicity (Gable, 2004; Lachenmeier & Rehm, 2015) and entails less violent behaviour (Boles & Miotto, 2003; Hoaken & Stewart, 2003). Alcohol intoxication also incurs a substantially stronger risk for traffic accidents than cannabis intoxication (Brubacher et al., 2019; Drummer et al., 2020; Li et al., 2017; Martin et al., 2017). While much has been said about the association between cannabis use and psychosis, comparative analyses indicate that the association is equally strong for tobacco use (Johnstad, 2022, 2023a). Overall

harms comparisons indicate lower harms from cannabis than from alcohol and tobacco use (Bonomo et al., 2019; Nutt et al., 2010; Sellman, 2020; van Amsterdam et al., 2015).

It thus seems pertinent to ask if there may be other unstated reasons behind the strong police opposition to drug policy liberalisation. This debate article will discuss four possible reasons for such adamant opposition, with the first perspective pertaining to the relative visibility of various types of drug users. Using statistics from the United Nations Office on Drug Control, Johann Hari maintained that only about 10% of all drug users develop a drug addiction, but these 10% are by far the most visible user segment:

All we see in the public sphere are the casualties. The unharmed 90 percent use in private, and we rarely hear about it or see it. The damaged 10 percent, by contrast, are the only people we ever see using drugs out on the streets. The result is that the harmed 10 percent make up 100 percent of the official picture (Hari, 2015, p. 147).

The remaining 90% of drug users have their use largely under control, but as far as such drug use is criminalised, these users are naturally concerned with staying out of sight. The dynamic is reminiscent of what Tversky and Kahneman (1973) called availability bias, whereby “a person evaluates the frequency of classes or the probability of events by availability, i.e., by the ease with which relevant instances come to mind” (p. 207). The damaged and addicted drug users that Hari referred to are unlikely to remain in legitimate employment, and probably often need to raise money via criminal activities. Police officers on patrol duty are therefore likely to have many interactions with this segment of drug users, while the unharmed majority who use drugs in private are as invisible to the police as they are to other observers. Thus, the discrepancy in visibility between dysfunctional and well-functioning drug users is probably

even stronger for law enforcement officers, whose workdays are marked by repeated interactions with the former.

A second explanation might be found in psychological research on the relationship between attitude and behaviour. While we normally expect an influence from attitudes on behaviour – we act out our attitudes – psychologists have found that the influence is at least as strong in the opposite direction, meaning that behaviour influences attitudes (Olson & Stone, 2005). This research is often grounded in Festinger's (1957) cognitive dissonance theory, which posits that people strive for internal psychological consistency in order to avoid psychological discomfort. From this perspective, the fact that governments around the world initiated a large-scale war on drugs has necessarily affected officers' attitudes towards drugs: in order to avoid cognitive dissonance, the police officers employed as front-line fighters in the drug war will have tended to form the opinion that drug use is as immoral and dangerous as the authorities claimed it was. If you work as a police officer who is asked daily to clamp down on drug use with strict punitive measures, you will not enjoy your job very much if you actually believe that drug use is fairly harmless and should be an individual choice. Such police officers would tend to either quit their jobs or change their opinions to align more closely with the official view that they have to implement in their daily work.

In today's world, there are police officers in narcotics departments who may have spent their whole working life fighting the drug war. If these officers were to acknowledge that decriminalisation is better for our societies than the criminalisation regime, they would also have to accept that their work lives have been devoted to enforcing a societally destructive regime. If decriminalisation is the better policy, it might seem preferable that the job these officers carried out over the past several decades was left undone. By accepting the merits of decriminalisation, therefore, these officers would also have to accept that the

societal contribution from their work effort – as far as they worked to enforce the drug war – was negative. Hopefully, most police officers have had other duties besides arresting drug criminals, but if drug criminalisation has overall negative consequences for our societies, then the work carried out by officers administering this criminalisation regime has also been of negative value. I do not believe that we can expect from most people, police officers or otherwise, that they should be able to embrace a view that paints their lifetime's work contribution in such a negative light. From this psychological perspective, therefore, it is not difficult to understand why experienced police officers tend to be strongly opposed to decriminalisation.

The third possible reason is controversial, but unfortunately cannot be ignored. It has long been recognised that drug criminalisation has a problematic racial bias both in terms of its origins and of its present-day implementation (Alexander, 2010; Earp et al., 2021; Johnstad, 2023b). Although best documented in the United States (Brunson, 2007; Csete et al., 2016; Koch et al., 2016; Omori, 2019; Roberts, 2022; White, 2015), racial disproportionality in drug crime policing has also been identified in England and Wales (Shiner et al., 2018; United Nations High Commissioner on Human Rights Working Group on Arbitrary Detention, 2021) and the Nordic countries (Solhjell et al., 2019; Sollund, 2006), among other places. In this context, it is interesting to note that surveys of police officers in the United States found that the proportion of white respondents were 85.8% (Petrocelli et al., 2014), 85.5% (Ward et al., 2019) and 72.9% (Jorgensen, 2018). Police forces in other countries have been less intensively studied than those in the United States, but some years ago Telle (2010) found that a majority of Norwegian police districts did not employ anyone with immigrant backgrounds. In Oslo, where 20% of the population had immigrant backgrounds in 2010, about 1% of police officers had immigrant backgrounds.

Finally, a fourth explanation for police opposition to decriminalisation pertains to issues of

funding. Police departments in many parts of the United States have the right to seize assets from drug offenders (Jorgensen, 2018), and such acquisition of funds may serve as an ulterior motive for the opposition to decriminalisation. More generally, governments across the world have invested huge resources in their police forces in order to wage the war on drugs, and the dismantling of this war effort would serve as a reason to reduce funding for law enforcement (Gerber, 2004). The end result would be fewer jobs, more constrained career opportunities, and an overall reduction in societal influence for police officers and their organisations. This dynamic means that police officers are economically incentivised to support drug criminalisation. As one anonymous U.S. counternarcotics agent put it: “If the drug war goes away, I might be unemployed” (quoted in Crandall, 2020, p. 317). We should also recognise that there are several other governmental organisations – and research institutions that live on grants from these organisations – which exist solely to combat illicit drug use. The funding of these organisations would be profoundly affected by ending the war on drugs. According to Crandall (2020), a former U.S. national security adviser on narcotics, “the drug war has given rise to a military-industrial-narcotics complex that is sustained wholly on its own logic, however flawed that logic might be” (p. 412).

To this fourth explanation it might be added that the United Nations High Commissioner on Human Rights Working Group on Arbitrary Detention (2021) concluded that the war on drugs has “generated a culture of corruption within law enforcement bodies” (p. 3). To take a few examples, the long-running Herrera network in Mexico has been reported to include members working in “politics, policing, and other official and legitimate enterprises” (Carey, 2022, p. 75), and recently the top-ranking law-enforcement officer Genaro García Luna, who served as Secretary of Public Security during President Calderón’s militarised drug war in 2006–2012, was found guilty of “taking millions of dollars in bribes from the violent

drug cartels he was meant to be pursuing” (Feuer & Schweber, 2023, para. 1; see also Sanchez & Santana, 2023). Similarly, during the 1990s turmoil in Colombia, drug cartels often “owned or rented law enforcement” (Crandall, 2020, p. 200). In some parts of the world, therefore, police officers may be incentivised to support drug criminalisation as a means of generating personal income in the form of bribes. Similar forms of corruption have probably affected the judiciary and policy makers, who would thereby also be incentivised to maintain the drug war as a source of personal income.

While the police force and the drug trade organisations are usually understood as the two opposing forces in the war on drugs, this simple analysis of economic incentives allows us to see the two combatants as having aligned interests. Drug trade organisations may be understood to have an economic interest in the continued criminalisation of drugs, because their business model depends on the fact that drugs are illegal and thus marketable at grossly inflated prices. Drug legalisation is, from this perspective, an existential threat to these organisations, as such a policy change would cause their profits to evaporate. Consequently, we might expect to see these organisations using their political leverage to undermine decriminalisation initiatives.

In conclusion, we can point to at least four possible reasons why police officers tend to support the drug war. The drug users that police officers on patrol encounter every day constitute the least well-functioning segment of the drug user population, and the experience officers have from this group of drug users is not generalisable to the rest of the user population. Because of their heavy investment in the drug war over many decades, police officers will probably find it difficult to accept that this war causes more harm than good. Even in the face of strong evidence favouring decriminalisation, many officers will remain committed to the drug war in which they have already invested much of their working lives. This effect will probably subside over time, as old-timers are gradually replaced with younger

officers who are not as invested in the criminalisation regime in terms of their personal psychology. Furthermore, police officers in the western world are predominantly white, and thus situated on one side of the ethno-racial divide that served as a historical foundation for the criminalisation regime. It is hard not to see this fact in light of the well-established research finding that drug war policing has a clear racial bias. Finally, the war on drugs has served to secure funding for police departments, and officers are incentivised to support the drug criminalisation as a means of preserving their jobs and career opportunities. In some areas, these economic incentives may include income from bribes that affect not only law enforcement but also policy makers. Other professionals, including some researchers, are similarly incentivised to support continued criminalisation, and the same probably applies to the criminals who are currently involved in the lucrative illicit drug trade.

These four possible reasons for police opposition to drug policy liberalisation are not exhaustive. Most obviously, many police officers are against drug decriminalisation because of a genuine concern for the well-being of young people in particular. However, the fact that such concern is often genuine does not preclude the possibility that it may be misplaced, at least in a relative sense, and it appears from comparative harms assessments that worries over adolescent well-being should probably focus more on alcohol than on cannabis. Furthermore, while research indicates that cannabis decriminalisation has resulted in moderate increases in adult use, there is no corresponding increase in harmful use and no increase at all in adolescent use. Given these research findings about harms and post-decriminalisation use prevalence, it seems pertinent to discuss what other motives may underlie police officers' opposition to drug policy liberalisation.

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