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From Amsterdam: Lessons on controlling drugs

By Peter Moskos

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When an indoor public smoking ban took effect in the Netherlands in the summer of 2008, the worry wasn't so much for the one-third of Dutch adults who smoke cigarettes. Bars and restaurants went smoke free without much problem.

A more intriguing concern was for the effect of a tobacco ban on the uniquely Dutch institution of marijuana-selling "coffee shops." A place calling itself a "coffee shop" means three things: one, there is marijuana and hash for sale; two, for the price of a coffee, you may sit and smoke your own; and three, you will not be arrested.

The smoking ban does not apply to marijuana, but Dutch who smoke marijuana almost always mix tobacco in their joints. So while the marijuana remains okay, the tobacco in the joint is *verboden*. Larger coffee shops have built walls and separate smoking rooms. Smaller coffee shops make people smoke outside or hope the authorities will simply tolerate a little illegal tobacco along with marijuana.

The Dutch classify marijuana as a "soft drug" with mean that like alcohol and tobacco, it is best regulated through controlled distribution. "Hard drugs," such as cocaine and heroin, remain illegal. But even then, personal drug use is more a health matter than an arrestable offense.

Even Amsterdam police want to keep coffee shops open. Christian Koers, the police chief responsible for Amsterdam's Red Light District, exemplified this attitude: "Why push drug use underground? Then you cannot control it and it becomes more popular and more dangerous. Without coffee shops, soft-drug users would have more access to hard drugs and guns from criminals."

This idea—that drugs are both enjoyable and dangerous and thus better regulated by doctors and patients than prohibited by government and sold by criminals—seems common sense enough, even in America. Thirteen U.S. states have legalized medicinal marijuana. And just this week Wisconsin jumped on the band wagon when Governor Jim Doyle expressed his

support, "It's pretty hard to say that a doctor actually thinks marijuana would be helpful and the doctor can't prescribe it whereas they could prescribe morphine. We prescribe much more dangerous drugs."

Until now, the main opposition to popular referenda and states' rights has been the federal government. Obama's new Drug Czar doesn't like the war on drugs metaphor but has expressed in no uncertain terms opposition to any debate on drug legalization and regulation.

Last week, however, the U.S. Deputy Attorney General instructed his troops not to focus on "individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana." While the Department of Justice memo goes out of its way to say it is not ending the drug war, compared with past administrations this is a major policy shift. It's the first time the Feds have paused and taken a small step back. And thought the benefits will affect few, at least in some states doctors and terminal cancer patients should no longer fear federal arrest.

Certainly the "medicinal" nature of marijuana is often little more than a cover for getting high, but it's refreshing to see states and cities debating drug policy and regulation. There's no sign that overall drug usage has gone up, and millions of tokers can buy their drug of choice without handing their money to a criminal and risking arrest.

Though the sky hasn't fallen, medicinal marijuana has not been a complete success. Legal marijuana dispensaries don't always make the best neighbors and Los Angeles is trying to reduce their numbers. As that happens, we should all notice how much easier it is to close a licensed store than an illegal drug corner.

Three years before I became a Baltimore City police officer in 1999, I started my research with the Amsterdam police. The Dutch approach toward drugs, by and large, works. Without declaring a war, they've managed to lower drug addiction rates, limit drug use and save lives. The United States leads the world in incarceration and, despite spending \$50 billion a year

on the drug war, leads the world in illegal drug use as well. Millions of American regularly use marijuana, cocaine and ecstasy. Clearly, what we're doing doesn't work.

There is little violence around the private drug trade between friends, coworkers and family. The real drug problem, along with addictive heroin and crystal meth, is illegal public dealing. In public drug markets, signs of violence are everywhere: Intimidating groups of youths stand on corners under RIP graffiti to slain friends, addicts roam the streets and squat vacant buildings, "decent" people stay inside when gunshots ring out in the night.

Urban drug violence - characterized in part by part racial stereotyping and in part by demographic reality - is mostly a prohibition problem. Victim and killers alike are usually young poorly educated black males with access to guns. Young men in the Baltimore neighborhoods I policed have a greater chance of being killed than do our soldiers in Iraq. And though Washington, D.C. has seen huge and impressive homicide reductions over the past 15 years, there's still a killing every third day. America's homicide rate would shame most other countries; it certainly should shame us.

As a police officer, I responded when citizens called 911 to report drug dealing. Those calls didn't tell me much because I already knew the drug corners. And what could I do? When a police car pulls up to a drug corner, the corner pulls back. Dealers, friends, addicts, lookouts (and any "innocents" who happen to be walking by) walk slowly away.

I didn't chase them. If I did they'd ditch the drugs. Then what would I do if I caught them? Charge them with felony running? A smart dealer doesn't hold drugs and money and guns. He's got workers for that. Besides, an anonymous call to police doesn't give the legal "probable cause" needed to search. So I'd walk up, perhaps frisk for weapons, and stand there until "my" corner was clear.

But soon enough I'd have to answer another 911 call for drugs. And when I left, the drug crew would reconvene. One of my partners put it succinctly: "We can't do anything. Drugs were here before I was born and they're going to be here after I die. All they pay us to do is herd junkies."

When I did arrest a kid with drugs, and I frequently did - my squad averaged two arrests per shift - I could usually look forward to spending the rest of my night babysitting a smelly teenager and shepherding

him through a lengthy and inefficient juvenile booking process. While I filled out redundant paperwork and waited for computers to reboot, my post went unpatrolled. When I took delinquent kids to their parent or guardian, I would see and smell homes with trash and mice, electricity and phones cut and abusive or neglectful parents too addicted to care. Faced with that or the corner, I'd be out there slinging, too.

In Amsterdam, *de Walletjes* is the oldest and most notorious neighborhood.

Two picturesque canals frame countless small pedestrian alleyways filled with legal prostitutes, bars, porn stores and coffee shops. Last summer I visited the local police station and asked police about the neighborhood's problems. I laughed when I heard that fake-drug dealers were the biggest police problem - but it's true. If fake-drug dealers are the biggest problem in Amsterdam's Red Light District, clearly somebody is doing something right.

I went on patrol with plain-clothes officers looking for an arrest. But this pair had been at it for months and were known by all the fake-drug sellers. When it started to rain, I offered to walk in front as a lure. Soon an addict approached me. "Cocaine?" he offered, "You want to buy cocaine, heroin, ecstasy?"

"How much?"

"Follow me."

"No thanks."

The officers arrested him for the very minor crime of offering to sell fake drugs. Punishment is a 150-euro fine (which he couldn't and wouldn't pay) and a temporary banishment order from the area. He was offered, not for the first time, help toward housing and drug treatment. I asked the officers if such social work was real police work. "Yes," one officer responded emphatically, "because it helps solve the problem. . . . Isn't it better to prevent a crime than make an arrest?" All too rarely do American police officers utter such words.

Since the America's great crime reduction began in New York in the 1990s, American police chiefs know it's possible to prevent crime (ironically, chiefs in the Netherlands are less sure of that). But for patrol officers, the world still revolves around "stats" like arrests and citations. The more the better.

In Baltimore, when I faced an addict with heroin, I was supposed to arrest him and begin a cumbersome drug submission. But I could also, in direct violation of departmental regulations, throw the drugs down a sewer

and give a stern warning. To be honest, neither choice seemed right. Addicts needed something, but it was something as a police officer I couldn't provide.

In another neighborhood in Amsterdam, a man caught breaking into cars was released pending trial. The arresting officer gave him, along with his shoelaces and personal property, his heroin and drug tools. I was amazed. The officer admitted he wasn't supposed to do that; even in Amsterdam, heroin is illegal. But the officer had thought it through: "As soon as he runs out of his heroin he'll break into another car to get money for his next hit."

For the addict, the problem was drugs. But for the police officer, the problem was crime. It made no sense, the officer told me, to take the drugs and hasten the addict's next crime. The addict was not a criminal when he had drugs; he was a criminal when he didn't have drugs.

I asked the officer if giving drugs to addicts sends the wrong message. He said his message was simple: "Stop breaking into cars!" With a subtle smirk in my direction he added, "it is very strange that a country as violent as America is so obsessed with jailing drug addicts." Indeed, while American police have been fighting our futile war on drugs, the Netherlands has been quietly following a less-chosen path. Dutch policy makers plan, regulate, fix and pragmatically debate harms and benefits. Police in the Netherlands are not involved in a drug war; they're too busy doing real police work.

The results are telling. In America, 37 percent of adults have tried marijuana; in the Netherlands the figure is 17 percent. American heroin usage rates are three times higher than in the Netherlands. Crystal meth, so destructive here, there is almost non-existent. By any standard - drug usage rates, drug addiction, homicides, massive incarceration, and dollars spent - America has lost the war on drugs.

Escalating the drug war over the past three decades hasn't reduce supply or demand. There's no good reason to believe that regulated drug use would increase use. If it did, why are drug usage rates in the Netherlands lower than America? Apparently, people start and stop taking drugs for many different reasons, but the law seems to be pretty low on the list. Ask yourself: would you shoot up tomorrow if heroin were legal?

Nobody wants a drug free-for-all. What we need is regulation. Let's first recognize that a drug free-for-all is what we already have in many communities. Distribution without regulation equals criminals and

chaos. That's what police see every day on some of our streets. People will buy drugs, because they want to get high. The question is not if, but how.

History provides some lessons. After the failure of alcohol prohibition, in 1933 the Feds simply got out of the game. The 21st Amendment ending alcohol prohibition did not force anybody to drink or any city to license saloons. Lives were saved.

Drug prohibition fails just like alcohol prohibition. And just like "drys" in the 1920s, prohibitionists use their failure to push for stronger prohibition. Better would be better call the whole thing off and, like the 21st Amendment, get the Feds out of the drug game. Last week the Justice Department finally took a step, a very small step, in the right direction.

For some, marijuana is a good drug. Unfortunately we won't see reduction in prohibition violence until we regulate and control "bad" drugs, too. If the Feds pulled out of the drug game all together, we could see real changes for the better. States, cities, and counties would be free to prohibit or regulate drugs as they see fit. Just as with alcohol and tobacco regulation, one size does not fit all. We would see benefits similar to the end of alcohol prohibition: local solutions to local problems.

Even without federal pressure the majority of states and cities would undoubtedly start by maintaining the status quo against drugs. That's fine. In these cases, police with or without federal assistance should focus on reducing violence by pushing the drug trade off the streets. An effort to shift the nature of the illegal drug trade is different than declaring a war on drugs.

Regulated and controlled distribution is far more effective at clearing the streets of drug dealers than any SWAT team crackdown. One can easily imagine that in some cities in some states - San Francisco, Portland, and Seattle come to mind - alternatives to arrest and incarceration could be tried. They could learn from the experience of the Dutch, and we could all learn from a variety of successes and failures. Regulation is hard work, but it's not a war. And it sure beats herding junkies.

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