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Law enforcement strategies to disrupt illicit markets

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SUMMARY

Attempts by law enforcement to disrupt illicit drug markets take many forms. This background paper reviews four main types of illicit drug market disruption strategies used by law enforcement agencies in Eastern and Southern Africa (ESA), and other parts of the world:

- Drug supply disruption
- Space-based disruption of drug markets
- Disruptions focused on criminal networks engaged in illicit drug markets and key individuals who participate in them
- Disruptions of the flow of illicit funds and the laundering of illicit drug profits

The impact of these disruptive activities on drug markets is difficult to measure but, given the persistent growth and diversification of these illicit markets in the region, it is difficult to conclude that any of these initiatives has had a significant impact or is sustainable.

The continued proliferation of illicit drugs, organized crime's penetration of every sector of social and economic activity, and the related public corruption and criminal governance, as well as the never-ending cycle of gang violence are proof of the relative failure of existing law enforcement strategies to disrupt and counter illicit drug markets.

Very few of the drug market disruption strategies reviewed in this paper are fruitful, while indeed most have had a detrimental impact – whether from a public-health, quality of life, violence prevention or police–community relations perspective. The question is whether the negative outcomes of these market disruption strategies outweigh their marginal positive impacts, which are rarely lasting and usually achieved at significant public expense.

It is also important to consider the impact that disruption strategies have on people who use drugs (PWUD) and those providing services to them. Despite the claims of supporters of drug prohibition, there seems to be little deterrent effect associated with the policy of criminalizing the possession of small amounts of drugs. National drug policies should consider decriminalizing possession of small amounts of drugs.

Despite the corrosive financial and economic impacts of the laundering of vast drug profits through the financial system, investigations into financial crimes, including money laundering, remain very weak across the ESA region. The profits derived from drug markets are quite easily dissimulated and protected against law enforcement.

The most promising disruption strategies are those targeting criminal networks, the key individuals within them and the flows of illicit funds. Unfortunately, these strategies are also the most difficult to execute. Moreover, the factors that enable criminal networks also deserve attention. Continental drug control responses could be refocused on targeting national and regional structural vulnerabilities that enable criminal networks to proliferate.

INTRODUCTION

Eastern and Southern African countries are significant illicit drug transit hubs and consumer markets. Drug markets are now a major component of the region's illicit economies. These markets are 'diverse, expanding and internationally networked' and no longer confined to the coastal periphery or major urban centres.¹ Larger urban nodes in the region with long-standing drug markets have spawned street-based retail markets, which have generated armed, violent battles for control over territory. Despite a robust prohibition regime and ongoing law enforcement efforts, these measures have not succeeded in neutralizing illicit drug markets in the region. The drug markets have continued to adapt and grow.

Law enforcement strategies to disrupt illicit drug markets, and the repressive drug policies that underpin them, are responsible for their modest success and simultaneously their harmful social and public-health impact. Funding these disruption initiatives also competes with money that could be used to invest in development and harm reduction approaches.

After defining illicit drug markets and disruption efforts, this paper discusses how the impact of law enforcement disruption strategies is typically measured. That is followed by a summary of research findings about the impact, consequences and costs of the four broad law enforcement strategies reviewed. The paper concludes with the potential implications of these findings for law enforcement countering illicit drug markets and the criminal networks that operate them.

Illicit drug markets

The term 'illicit drug market' is shorthand for multiple markets, specializing or not in different kinds of drugs or customers. It is the market, however, that is designated as 'illicit', and not – necessarily – the drugs that are traded in it. Some of the drugs found in an illicit drug market can be produced and traded in the legal, regulated drug retail economy, but have been diverted to the illicit market.² Some of the drugs involved may be illegal in some jurisdictions, but not in others, and some of the new synthetic drugs traded on illicit markets are neither licit nor illicit.³ Illicit drug markets are wholesale, retail or mixed. They rely on a supply chain from production to distribution (trafficking) to use.

Continual change in the flow of products and profits or in other aspects of drug market activities is a standard feature of most illicit drug markets, which are dynamic, complex structures that operate at various levels of sophistication and involve many different types of actors. Many markets span across borders and, in recent years, have also moved online.

In addition to the law of supply and demand, illicit drug markets are subject to the influence of numerous factors that can affect the supply chain, the demand for a product or the market's ability to connect the supply to the demand. These factors include the pressure exerted by law enforcement and other interdiction efforts, as well as the violence resulting from the unregulated competition between rival participants in the market. The United Nations Office on Drugs and Crime (UNODC)'s World Drug Report 2020 refers, for example, to the disruption of drug markets by the COVID-19 pandemic.⁴ Illicit drug markets are also affected by technological developments such as the internet,⁵ e-commerce and the e-transfer of currencies, cryptomarkets and cryptocurrencies, mobile phones⁶ and even vaporizers.⁷

Drug markets are also remarkably adaptive and find ways to circumvent regulation, fake compliance, avoid law enforcement or counter law enforcement market disruption efforts.⁸ Although the capacity of illicit drug markets to adapt should not be exaggerated,⁹ adaptability is what ultimately determines their resilience.

A number of actors are involved in the operations of illicit drug markets, including growers, manufacturers, brokers, traffickers, retailers, payment processors and enforcers. Some are connected to each other through loosely affiliated networks while others are part of well-structured and relatively permanent criminal organizations and cartels. Their respective role varies and only a few assume more important positions within the organization.¹⁰ Some of these groups limit their activities to the illicit drug markets but others are more versatile. The involvement of a criminal organization in different illicit markets seems to be a function of the nature of the markets and the level of profits to be derived from them.¹¹ Street gangs may serve as an entry point for deeper involvement in drug markets,¹² but a minimum level of sophistication and organization is required for any group to effectively exploit an illicit drug market.

Illicit markets are not necessarily violent; illegality itself is insufficient to generate high levels of violence in a market.¹³ Variance between the level of violence in different drug markets can be explained by a number of factors, including the market form (open, semi-open or closed), the culture of the dealers or PWUD, and the informal controls exercised by dealers.¹⁴

In criminal markets, violence does not happen by accident and it is seldom the first resort.¹⁵ Specific factors must be present, for example, instability in the economic value of drugs, such as cocaine, which influences the level of violence within cocaine-trafficking countries.¹⁶ There are multiple self-regulation practices and alternatives to violence among drug market participants,¹⁷ who have good reasons to find peaceful solutions when conflicts arise.¹⁸ The selective and instrumental use of violence often lies in disputes between crime groups over control of lucrative distribution networks and market share.¹⁹ Closed markets are seemingly less violent than open markets because of the nature of the relationships between participants and the presence of non-violent control mechanisms (for example, avoidance, negotiation, shaming or rewards).²⁰

Illicit market disruption

A 'market disruption' is a significant change in the production and trading patterns that forces a transformation of that market. Attempts by law enforcement to disrupt illicit drug markets take many forms, including controlling or reducing the illicit supply or distribution of drugs; interfering with the activities of drug market participants and disrupting criminal networks; arresting and convicting some of these participants, and disrupting money laundering and the flow of profits.

Every type of illicit drug market disruption is triggered differently, requires different types of resources and strategies, and involves different levels of law enforcement intervention. In addition, many disruption initiatives and their goals are not precisely defined. Some of these interventions differ in name only, as they consist of a similar mix of complementary enforcement tactics and interventions, and do not occur instead of regular law enforcement activities but in addition to them.

The impact of these disruptive activities on drug markets is difficult to measure but, given the persistent growth and diversification of these illicit markets in the ESA region and beyond, it is difficult to conclude that any of these initiatives has had a significant one. Although a comprehensive drug control strategy must include some strategic disruption interventions by law enforcement, it is important to understand what can be achieved through such interventions, considering their human, social and financial costs, and their unintended consequences.

MEASURING THE IMPACT OF DRUG MARKET DISRUPTION ACTIVITIES

Disruptions in commodity markets are usually measured in terms of product availability, price, quality, volume of trade and estimated profit margins. The same measures can be applied to disruptions of illicit drug markets, with the added difficulties of measuring product availability and volume of trade in a clandestine market.

The volume of trade in an illicit market is nearly impossible to assess, so estimates rely on the frequency of drug seizures – an unsatisfactory proxy to measure changes in the volume of trade within a specific illicit drug market. However, most countries also use drug-related data such as price and purity, as well as the prevalence of drug offences (or arrests) to monitor policy and assess the drug problem.²¹

Monitoring the drug prices available on illicit markets can reveal the fundamental characteristics and structure of these markets. Drug pricing data can provide some insight into the patterns of variability and the stability (or instability) of a particular drug market. Examining drug markets through the lens of pricing and distribution systems may shed some light on how responsive these markets are to domestic measures designed to disrupt or eliminate them.²² Therefore, it makes sense to measure the impact that disruptive strategies have on drug prices. However, since a product's price is influenced by its quality and availability, it also makes sense to measure the impact disruption strategies have on the quality of the drugs traded within the targeted market.

It is also useful to understand the extent to which the demand for drugs traded in a market disrupted by law enforcement is sensitive to changes in the drugs' prices or quality. This is sometimes referred to as the demand's 'price elasticity'.²³ Finally, the demand for drugs available in a given illicit market is hard to quantify. Most studies measuring the impact of illicit drug market disruption strategies on the demand for a particular drug have relied on surveys of individuals likely to participate in the targeted market as purchasers or low-level dealers.²⁴

Two proxies are frequently used to measure product availability: the ease with which an individual can procure a particular drug in a specific market, and the perception of the availability of a particular drug among frequent PWUD or low-level dealers who participate in that market.

Since most forms of participation in the illicit drug market are criminalized, changes in the number of reported arrests for drug offences is sometimes used as an indicator of change in an illicit drug market. However, this is misleading, since what is being measured is the level of proactive police activity as opposed to actual changes in the market. The number of arrests is a measure of output and it should not be confused with measures of outcomes or impacts.

Many studies use changes in the level of reported drug-related crimes as measures of outcomes, based on the assumption that illicit drug markets are associated with higher levels of crime. In most instances, however, the association between the type of crime measured and the drug market in question is not clearly specified and, as some observers have argued, is sometimes exaggerated.²⁵ Nevertheless, illicit drug markets can often be violent and attempts to disrupt them can increase, decrease or even displace violent crimes.

As illicit drug markets are highly adaptable, studies have also relied on other indicators of market adaptation to assess disruption initiatives. In particular, various forms of market displacement are scrutinized, including displacement of market activities, of PWUD and of crime associated with the drug market. Other indicators of market adaptation can sometimes be systematically observed, including changes in the supply source; changes in mode of transportation or trafficking routes; drugs stockpiling; partial transformation of an open market into a closed one; the arrival of new participants in the market, and the exclusion of prior participants. Several of these changes in the market can occur with

or without law enforcement disruption and it is sometimes difficult to attribute them to any one factor, specifically to law enforcement interventions.

As mentioned above, the disruption of illicit drug markets by law enforcement may also have unintended consequences on PWUD, communities and public health systems. Several indicators have been used to measure these negative impacts, such as the frequency of drug use, spatial displacement of use, substance displacement, riskiness of drug use practices, the frequency of drug overdoses, and the frequency of enrolment in treatment programmes. There are also many unanswered questions about the impact of law enforcement disruptions of local drug markets on the surrounding community. To answer these questions, researchers have relied on indicators such as changes in the residents' perception of personal or public safety; residents' confidence in or support for the police, and residents' satisfaction with the police's interventions.

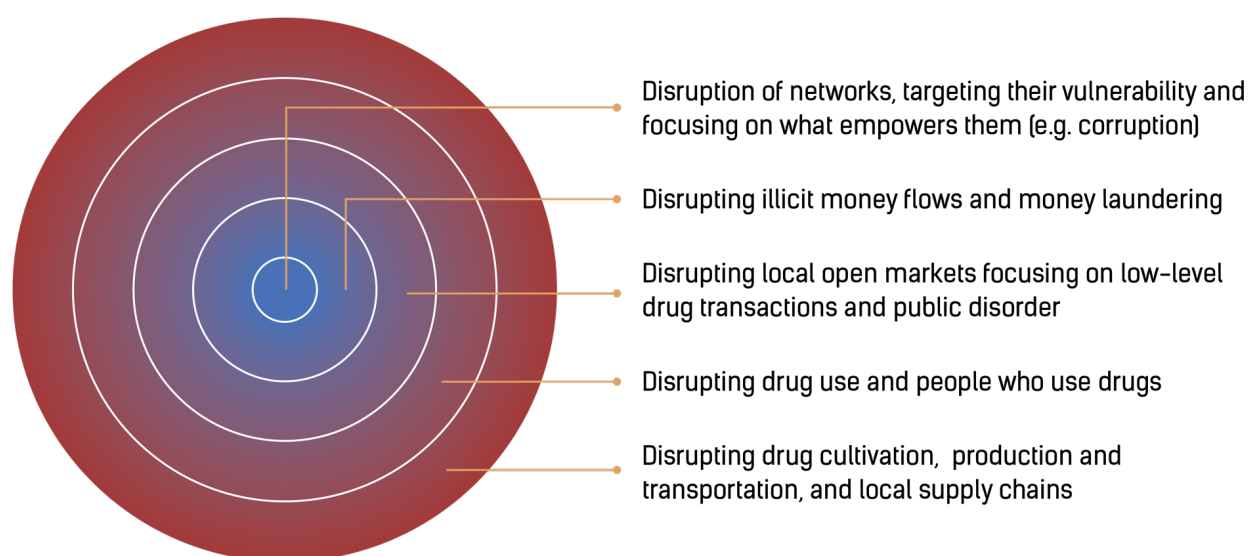


FIGURE 1: Impact of law enforcement disruption strategies on communities.

Note: The further the disruption strategy moves away from the centre, the greater its detrimental impact on communities, public health, public safety and people who use drugs.

DRUG SUPPLY DISRUPTION APPROACHES

Supply reduction, a key aspect of prohibition-oriented drug control policies, encompasses a number of initiatives to reduce the availability of illicit drugs. These range from customs and border control initiatives to local-level policing strategies, with the objective of reducing street-level supply by dismantling local production capabilities and disrupting international and national distribution networks.

Despite these efforts, the UN Commission on Narcotic Drugs continues to report an overall increase in drug availability, with some variance depending on the type of drugs. In 2021, the Commission reported a substantial increase in the production and availability of cannabis, and all-time highs in the amounts of amphetamine, methamphetamine and Ecstasy-type substances available, indicating a growing global problem.²⁶ In the ESA region, interdiction efforts have not prevented a recent flood of heroin and the development of local drug markets.²⁷ Crystal meth is available for retail purchase and use in every country in the region. It is increasingly being manufactured for domestic consumption and for integration into international supply chains.²⁸

Supply reduction activities are also assumed to have some impact on aggregate and individual-level demand for drugs by, among other things, an increase in the price of drugs. However, drug use and the demand for drugs around the world has been on the rise, in terms of overall numbers and the proportion of the world's population that uses drugs.²⁹ The same is true in the ESA region, where drug consumption continues to grow.³⁰

The criteria against which the success of supply disruption initiatives is measured include drug availability; drug price; the quality and toxicity of drugs (based on the assumption that the quality is often adulterated as a result of reduced availability); and the length of time it takes for the supply to be replenished. There are also attempts to measure the extent to which changes in drug prices affect the demand for these drugs. However, a temporary disruption in a drug market's supply, even if it results in higher prices, may not necessarily reduce the demand for that drug.³¹

Most studies report an insignificant or temporary impact of law enforcement initiatives to disrupt the availability of these drugs on local markets.³² Of even greater concern is that these interventions were revealed to have unintended yet socially harmful effects, including an increased level of violence due to competition among drug dealers in response to temporary fluctuations in drug availability, quality and costs; displacement of drug production activities, occasionally to more vulnerable areas or areas that are more difficult to police; opportunities created for new actors to enter a particular drug market; PWUD's graduation to different, sometimes more dangerous drugs; and changes in the rates of drug overdoses.

Disrupting drug production and supply chains

Strategies commonly used to disrupt drug production include: locating and destroying illegal or unauthorized crops, labs and storage facilities; prosecuting growers and others involved in the drug production process; controlling access to drug precursors, and encouraging farmers to switch their production to alternative crops. Yet, the production of plant-based substances such as heroin, cocaine and cannabis remain at some of the highest levels recorded in modern times and drug markets include hundreds of synthetic drugs, many of them not under international control.³³

The regulation and control of drug precursors is also seen as a key tool to reduce drug production. However, reducing access to drug precursors or making access more difficult may provoke changes in the drug production or supply chain trading patterns without seriously disrupting the supply. In the process, more sophisticated, better organized and internationally connected criminal groups may benefit from the change and increase their dominance over part of the market.³⁴ Many of the chemicals used as precursors to synthesize drugs are already under international control, but drug traffickers have been creative in circumventing it.³⁵ There is a robust illicit trade in precursor chemicals in the ESA region. The substances originate from India and China or are diverted from other licit or illicit markets.

Disrupting the drug supply chain by targeting importation, exportation and transportation, especially by border interdiction measures, is also considered a crucial aspect of supply disruption. This is done through increased border and port security; searches on various modes of transportation (boats, cargo ships, planes, trains, containers, cars and trucks); use of informants, and infiltration of criminal organizations. In recent years, border control inspection technology has evolved considerably, leading to greater effectiveness matched only by the equally creative use of technology by traffickers further facilitated by digital communication. Major heroin, cocaine and methamphetamine traffickers, for instance, have varied routes and continue to develop new trading patterns.

Border interdiction strategies are an essential aspect of law enforcement efforts to disrupt the supply of drugs to and through illicit markets, but they have not had a lasting effect on drug supply.³⁶ They may produce temporary changes in drug trafficking patterns and displace trafficking activities (temporally, spatially, and methodologically), but trafficking activities continue.³⁷ A study of organized crime and corruption in five major seaports around the world showed that law enforcement disruptions created obstacles and forced importers to modify their practices, and may have displaced

some trafficking activities, but new business opportunities were also created.³⁸ Criminal networks shape trafficking flows to enable them to exploit attractive entry and exit points.³⁹

The heroin trade of Eastern and Southern Africa relies on international ports and other infrastructure.⁴⁰ Over the last decade, drug trafficking to and through the western Indian Ocean islands has not only increased but also diversified.⁴¹ Porous borders are pivotal to the functioning of drug markets in the region, and related corruption is compromising international borders, airports and seaports, damaging the territorial integrity of states and posing a threat to national security.⁴² As a result, drug interdiction efforts at that level have had very little impact on drug supply.

The transportation sector is especially vulnerable to criminal infiltration because of the opportunities it offers, as well as the fact that it is often poorly regulated and affected by corruption and criminal governance.⁴³ Transport companies are often part of the logistics of organized crime, willingly or unwillingly playing the role of facilitators. Organized crime groups find ways to use, infiltrate, exploit, and control these companies to protect their drug supply chain.

The disruption of drug supply chains rests on effective transnational law enforcement cooperation and mutual legal assistance in criminal matters, something in short supply in the ESA region. The illicit drug markets in Eastern and Southern Africa are now more international than ever. Dismantling these drug supply chains is only possible through multi-state efforts, something acknowledged by the African Union through its call for greater international and regional cooperation.⁴⁴ However, countries' limited international cooperation capacity and their struggle with corruption makes short-term improvements improbable. Effective international cooperation in drug interdiction and supply reduction is made more difficult by technological developments and constant shifts in criminal patterns.

Disrupting the supply of counterfeit or contraband pharmaceuticals

The global market in counterfeit and illegally traded medicines has expanded rapidly, evolves constantly, and offers lucrative and low-risk opportunities for criminal networks.⁴⁵ There has also been a rise in the non-medical use of pharmaceutical drugs⁴⁶ and the diversion of pharmaceutical products from licit to illicit markets. The supply of pharmaceuticals, particularly opioids, is an emerging concern in the ESA region. Stricter enforcement measures to tackle potential stock leakages to the illicit market may be required to disrupt that supply source, but there is a risk that such measures may affect access to these stocks by medical bodies.⁴⁷ Accessibility to drugs for pain relief is a major challenge in Africa. One of the pillars of the African Union's plan of action on drug control and crime prevention is to ensure the availability and access to controlled substances for medical and scientific purposes while preventing their diversion.⁴⁸

Given the complexity of the supply chain of most pharmaceuticals, attempts to disrupt that source of supply for the illicit drug market have tended to focus on increasing the traceability of products and on various levels of market inspection to protect the supply chain integrity. New regulations have been introduced in several countries that require producers and distributors to track and trace packages of their products throughout the supply chain, and pharmaceutical companies are investing in traceability technologies.⁴⁹

Disrupting online drug markets

Illicit drug markets are active on both the surface and dark webs. Darknet markets provide the digital infrastructure for the trade of illicit drugs using anonymizing software and cryptocurrencies. Illegal drugs are also marketed and sold on social media platforms, where sellers advertise illicit substances and consumers can contact them directly to purchase them.⁵⁰ The internet allows market participants to communicate, and distribute and obtain supplies in anonymity.⁵¹ Drug dealers perceive less risk of violence and police intervention, and a potential for greater profits when selling drugs online.⁵² Online sales through the dark web are experiencing exponential growth in most retail-level sales, except for heroin and crack cocaine, where face-to-face transactions remain predominant.⁵³

From a law enforcement perspective, cryptomarkets are more difficult to disrupt and resource intensive to investigate.⁵⁴ Disruptions resulting from law enforcement activities only have a short-term impact on the drug market, sometimes limited to a displacement of vendors to different cryptomarkets.⁵⁵ In the current online environment, police crackdowns on cyber drug markets are likely to remain ineffective. Online drug markets adapt rapidly and new markets are created as participants reorganize through communication technologies.⁵⁶

SPACE-BASED DISRUPTION STRATEGIES

Local space-based disruption strategies focus on the bottom end of drug markets – the street level. Open drug market disruptions aim to achieve several goals, including disturbing established markets – thereby reducing public disorder – and interrupting supply, driving up drug prices. Two main types of strategies are normally identified. The first consists of a strict order-maintenance approach, coupled with high police visibility and presence, focusing on disorder and minor infractions. The second includes police interventions to disrupt open-air drug markets through different types of police crackdowns.

Police crackdowns are sudden and dramatic surges in police activity or increases in police presence, and enforcement activities either for specific offences or for all offences in specific places. Although they take many forms, many are poorly planned, and not sufficiently strong and prolonged to produce a significant effect. Generally, police-led strategies focusing on open-air drug markets are primarily concerned with suppressing particular marketplaces and the local disorder they cause rather than disrupting the overall drug market.⁵⁷ Their primary goal is typically to reduce public sales of illicit drugs in a given area, and related crime and disorder.⁵⁸ In practice, the goals and objectives of these crackdowns are not always explicitly stated.

Some high-visibility policing strategies emphasized the sentinel role of the police in addition to other law enforcement interventions or community development initiatives.⁵⁹ Research suggests that crackdowns, such as other law enforcement interventions, are most effective when used with other responses to address underlying conditions that contribute to a particular problem situation.⁶⁰

Police crackdowns are partly based on a deterrence approach that assumes that a greater impact on local drug markets can be achieved through a strategy seeking to deter transactions by increasing the level of risk of apprehension and punishment. However, most studies reveal the great versatility and adaptation capacity of street-level drug dealers.⁶¹ Simply increasing the perceived risk of apprehension and punishment has little impact among a target offender population if that group is resistant to the consequences of their involvement in the drug market.⁶²

Law enforcement disruption of a local open drug market can affect its structure and organization.⁶³ However, some level of market displacement and restructuring usually follows these disruptions and there is no consistent evidence that they actually impact drug accessibility, price or quality other than in the very short term. At the same time, significant negative outcomes are associated with the approach. The question often boils down to whether negative outcomes outweigh the perceived positive impacts, which are rarely lasting and usually achieved at significant public expense.

Impact on violence

There is always a risk that increased law enforcement and the successful disruption of an illicit drug market may bring about power struggles between dealers, and conflicts between dealers and PWUD, heightening the amount of violence around that market. Increased police presence may also lead to more frequent confrontations between police officers and participants in the drug market. Moreover, arrests and incarcerations of drug dealers alter the power balance

between criminal groups and lead to increased violence in the struggle for market shares.⁶⁴ There usually is a rise in the level of violence observed in an open drug market following a police crackdown.⁶⁵ Increasing drug law enforcement intensity in a particular local drug market tends to heighten violence within that market.

Impact on vulnerable groups and people who use drugs

The crackdown approach is also associated with a higher risk of racial or ethnic biases in drug enforcement.⁶⁶ The further marginalization of certain groups is always a risk during major space-based illicit drug market disruption initiatives.

It is important to consider the impact that drug market disruption strategies have on PWUD and those providing services to them. Open drug market disruption tactics may have a negative impact on vulnerable groups of people or contribute to systemic biases within the criminal justice system as they involve the disproportionate targeting of certain populations.⁶⁷ Low-level drug arrests may not have an impact on reoffending, but can seriously hinder the employability and social mobility of targeted individuals.⁶⁸ Organizational culture, systemic tendencies and racial biases can also be seen through the lens of disruption interventions targeting certain types of drugs, for example crack cocaine, with a concomitant impact on groups who favour these drugs.⁶⁹

Another unintended consequence of disruption initiatives that affect the short-term supply of certain drugs and creates an increased health risk for PWUD comes from the fact that suppliers, when confronted with a reduction of their regular drug supply, tend to use adulterants and decrease the purity of the drug instead of increasing its price.⁷⁰

An intensified police presence can carry detrimental health consequences for PWUD, including by rushed injecting; injecting in riskier environments; compromising the contact between PWUD and health services due to fear of police involvement; and PWUD not only less able to access, but also less willing to carry syringes with them.⁷¹

There are frequent reports in the ESA region of PWUD and young people being used as informants or extorted by the police under threat of arrest for drug possession, use or low-level dealing.⁷² Drug market disruption practices by law enforcement agencies are taking a huge toll on children and young people.⁷³

Most open drug market disruption interventions include some level of drug offence enforcement, which often entails arresting PWUD and dealers for small drug transactions or for possession of illicit drugs.⁷⁴ Targeting PWUD serves no purpose in terms of drug market disruption. It is particularly harmful in a context where public health services to respond to the needs and harms associated with drug-using communities are largely absent. As a law enforcement strategy, street-level drug policing is fundamentally flawed because it unnecessarily criminalizes whole segments of the population. It is not clear what the criminalization of PWUD is meant to achieve. Despite the claims of many supporters of drug prohibition, there seems to be little deterrent effect associated with criminalizing the possession of small amounts of drugs. National drug policies should immediately consider decriminalizing the possession of small amounts of drugs.

DISRUPTION STRATEGIES TARGETING CRIMINAL NETWORKS

A key approach to illicit drug market disruption consists of focusing on criminal networks and organizations linked to these markets, and the main individuals who participate in them. Infiltration, surveillance and the use of informants are often at the core of initiatives to disrupt the activities of criminal groups by arresting and convicting their leaders and members. The systematic use of police intelligence and sophisticated data analysis can improve law enforcement's capacity to strategically target individuals and temporarily affect the functioning of a network or illicit market. However, criminal organizations and networks take a number of measures to protect their leaders and some of these can be effective in protecting them against law enforcement.⁷⁵ When leaders are arrested or neutralized, they are quickly replaced, often after heightened violence from a succession struggle or increased competition from other networks.

Targeting street-level actors

Several popular law enforcement strategies are focused on identifying and neutralizing local illicit drug market actors as a way of disrupting or destabilizing that market. The strategies, based on what is referred to as the 'focused deterrence' approach, have been deployed to reduce various forms of crime, including the disorder generated by overt street-level drug markets. The approach aims to influence individuals' criminal behaviour through strategically applying enforcement and social service resources. Drug market interventions based on a focused deterrence strategy are used to identify street-level dealers, immediately apprehend violent drug offenders and suspend criminal prosecution for non-violent dealers. Non-violent drug dealers are brought together with law enforcement and criminal justice officials, service providers and community leaders to exert pressure on the offenders to stop their drug dealing activities, while offering them some form of assistance.

Focused deterrence strategies, when applied during drug market interventions, are associated with an overall crime and violence reduction effect.⁷⁶ However, the approach is not always successfully implemented and does not always produce the expected outcomes.⁷⁷ Some studies have shown that the approach to local drug markets could reduce crime,⁷⁸ while others found little evidence of a significant decrease in any crime measure.⁷⁹ Moreover, it is difficult to estimate the total costs of properly implementing a focused deterrence operation, but they can be substantial.⁸⁰

Focus on disrupting the criminal networks

Law enforcement activities to disrupt criminal networks tend to have a limited and temporary impact, if any. Improving the effectiveness of these activities requires a greater understanding of criminal networks' structure, organization, participants and dynamics, as well as timely information about the profits that are realized, laundered, distributed and reinvested. Unfortunately, gathering such intelligence is often beyond the capacity of law enforcement agencies.

Since drug networks vary substantially in terms of their vulnerability to police interventions, police intelligence and relational analysis techniques can help identify characteristics of a market structure and the roles of network participants in order to identify those vulnerabilities and guide strategic law enforcement interventions. The approach is predicated on securing solid intelligence data and identifying the factors contributing to the resilience of drug networks and criminal groups.

Some studies suggest that the efforts of agencies seeking to disrupt security-oriented criminal networks may boost their chances of success by targeting brokers for arrest rather than highly connected actors.⁸¹ Brokers operate at vulnerable

points of drug networks since they provide risky linkages between various parties in the network and serve a unique integrating function. Their removal can generate significantly damaging effects.⁸² However, criminal networks may respond to intense law enforcement by decentralizing and reorganizing themselves.⁸³ Targeting individuals may lead to an increase in the network density, its efficiency and resilience.⁸⁴ Criminal networks continually evolve and disruption strategies must therefore be flexible.

The factors that enable criminal networks to flourish and ensure their resilience deserve attention. Continental drug control responses could be refocused on targeting national and regional structure vulnerabilities that facilitate criminal network activity.⁸⁵ In the ESA region, drug profits have penetrated the criminal justice infrastructure, creating a broader climate of impunity.⁸⁶ The way criminal actors have compromised law enforcement and other institutions is a primary structural enabler of the region's drug markets.⁸⁷ Some institutions have transformed by the profits extracted from drug traffickers and have become 'enablers rather than disablers of the drug markets'.⁸⁸ Drug profits have been used to influence elections, buy public offices and corrupt state institutions, including law enforcement.⁸⁹ The ready availability of finances from drug markets poses a threat to governance. As in every other region of the continent, state-embedded criminal actors dominate the criminal landscape in Eastern and Southern Africa.⁹⁰

DISRUPTION OF ILLICIT FINANCIAL FLOWS AND MONEY LAUNDERING ACTIVITIES

Illicit financial flows are generally viewed as a global threat and are especially damaging in the context of developing economies. Reducing illicit financial flows is one of the targets of the UN's Sustainable Development Goals (target 16.4).

Law enforcement agencies often lack the capacity to implement their own enforcement strategies. A key strategy consists of targeting proceeds of crime and 'following the money'. However, the strategy rarely produces robust results due to a lack of capacity to execute it properly, consistently and in a timely manner. Money laundering and related financial crimes rarely get the attention they deserve.

Drug trafficking and money laundering-related activities are intrinsically transnational; effective countermeasures therefore require international cooperation. However, acquiring and retaining the necessary expertise to conduct complex financial investigations is a complicated process. Cyber expertise, in particular, has a short lifespan and cyber competence is difficult to acquire.⁹¹ Even more worrisome are situations where, as is frequently the case in the ESA region, drug profits have already damaged the integrity of law enforcement and criminal justice institutions and are sure to compromise any attempt to disrupt illicit money flows.

Despite the corrosive impacts of the laundering of drug profits through the financial system,⁹² the investigations of financial crimes remain very weak in the region. The profits derived from drug markets are easily dissimulated and protected against law enforcement.⁹³ Financial crime patterns facilitated by technology, international banking practices and a lack of corporate transparency have evolved rapidly and rendered many of the current law enforcement practices obsolete. For example, there is a recurring law enforcement pattern in which financial intelligence and other forms of intelligence are amassed, but do not get acted upon. The actual use of the intelligence gathered is thus often incommensurate with the efforts and costs of collecting it. The thresholds for launching financial crime investigations – in particular, international ones – are usually very high given their cost and low success expectations. There are immense amounts of suspicious financial transactions detected but these are rarely followed up by effective investigations.

The dynamic nature of transnational organized crime requires countries and law enforcement agencies to constantly refine their cooperation strategies.⁹⁴ Effective law enforcement action against money laundering has a number of prerequisites, including an ability to identify and confirm the beneficial ownership of all banking and security accounts, corporations and legal entities; functioning, well trained and equipped financial intelligence units; cross-border cooperation among enforcement agencies; integrated database systems and effective procedures for information exchange; and a capacity to expeditiously process request for mutual legal assistance. In most countries of the region, that capacity is – at best – nascent. Illicit financial flows run undisrupted, if not facilitated by corrupt actors embedded in state and financial institutions.

CONCLUSION

It is becoming inescapably clear that drug policy and drug market enforcement strategies need a ‘reset to ensure that responses can be designed both to suppress illegal drug trafficking and the criminal groups involved, and to reduce the harms that come from the illicit trade in narcotic’.⁹⁵

In the ESA region, police interference with illicit drug markets are most likely seen by criminal groups as a business risk to be mitigated and managed. Disruptions work like a tax, imposing additional costs on suppliers, who then pass them on to PWUD when necessary. Disruptive law enforcement actions engender greater sophistication on the part of organized crime groups, including the use of technologies and other methods to anticipate and foil disruption activities. Disruptions also tend to generate violence, particularly among competing criminal groups for whom the weakening of one organization by a police intervention is an opportunity to grow their own business, or within a criminal organization where individuals and factions compete for ascendancy following the arrest or neutralization of prominent group members.

Additionally, disruption activities often contribute indirectly to police corruption, as criminal organizations attempt to bribe their way out of sporadic police interventions or direct them against their competitors. A strategic focus on interdiction enables police to extract greater profits from drug markets. The nature of illicit drug markets, together with the law enforcement response adopted by many states in the region, has entrenched corrupt practices in law enforcement bodies across Eastern and Southern Africa.⁹⁶

Law enforcement strategies to disrupt illicit drug markets are easily discredited. However, as controversial as they may be, they are likely to remain popular. This report underscores the urgent need for a more coherent policy framework for law enforcement activities regarding illicit drug markets and for measures to mitigate the serious detrimental impacts that current disruption strategies have on public health, communities, public safety and economic development.

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