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Mark Kleiman Comments on Drugs, Violence and Putting Cartels Out of Business

Mark Kleiman, Professor of Public Policy at UCLA, was a Visiting Fellow at NIJ.

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What is the relationship between drug enforcement and violent crime?

Mark Kleiman Will Rogers once said that "it's not what you don't know that hurts you; it's what you know that ain't so." Everybody knows that drug abuse and crime are sort of the same thing, and therefore fighting the war on drugs is a good way to reduce crime. Unfortunately, that ain't so. And we distinguish sharply between policies to reduce drug abuse and the damage that it does to individuals and the people around them, and policies to reduce predatory crime, which is roughly hurting people and taking their stuff in all its varieties. And yes, drug abuse has a connection with predatory crime, but it's not the same thing, and a lot of the stuff we do that's supposed to control drug abuse actually turns out to increase predatory crime. We can think about not doing that.

In particular, drug law enforcement has a natural tendency to increase the stakes in drug dealing—put more money on the table, put more time behind bars at risk and therefore to increase the value of violence to people engaged in illicit drug trade. So we should expect all things equal, that ramping up drug law enforcement is going to increase rather than decrease violence. That's what we've been seeing in Mexico. Now, that doesn't have to be true. You can focus drug law enforcement in a way that reduces violence by in effect saying to market participants, "your chances of being nailed for your drug dealing activity goes up if you hurt people in the process."

Drugs and Crime: The Role of Law Enforcement

The main thing we do to reduce drug abuse is make the drugs illegal. That makes them expensive and hard to get compared to any legal drug. We need to enforce those laws to keep them from being dead letters. But enforcement probably can't change drug abuse very much. The job of enforcement is to limit the side effects that are created by prohibition. Right? If we prohibit a drug that a lot of people want, then we're going to have a big illicit market and we're going to have crime, corruption, violence around that illicit market.

I think of the job of drug law enforcement primarily as reducing those side effects. So we shouldn't measure drug enforcement in terms of whether we can make the drugs more expensive or harder to get or reduce the

number of users. That's not the law enforcement job. The law enforcement job is protecting people from aggression.

[End of video clip]

On which theories do you base your research?

My work on crime control draws on two social scientific traditions. One is behavioral economics: how do you do appropriate nudge strategies that push people in the direction you want to push them, adjusting for the fact that they're not perfectly rational? And the other is game theory. Even if people were perfectly rational, in a situation where there are many people breaking the law, then the risk faced by each one of them of being punished depends on how many other people are breaking the same law, how much enforcement we have.

And that's what leads me to say: concentrate.

A level of enforcement that's completely inadequate to control everybody can be more than adequate to control somebody. And once somebody's behavior comes under control, then you can slowly expand the range of control, never violating your sanctions, capacity, constraint. You have to make sure never to utter more threats than you can deliver on, considering how many times that you'll be ignored. So once your threats are credible, you can issue a lot of checks against a small amount of cash, because the checks aren't going to be cashed. Until you're credible, you'd better have a sanction available for every threat you issue.

Race to the Bottom: Suppressing Drug Violence in Mexico

There are probably now, there used to be six, there are probably a dozen major drug trafficking organizations in Mexico, all of them making a living primarily by selling drugs to the U.S. They're not vertically integrated. They do not have people on the streets of Chicago. They sell bulk drugs to U.S. middlemen who sell them to U.S. dealing organizations.

The Drug Enforcement Administration believes that for every major drug dealing organization in the U.S. they can mark out one or more of the big Mexican organizations as the source.

Imagine we took one of those big organizations, selected based on its record of violence, and attacked every U.S. distributor who's selling their drugs and announced that. I think the U.S. distributors would find new sources pretty quickly, and you would've put your target organization out of business, basically giving them a case of commercial leprosy, where nobody wanted to touch their stuff. Imagine you've done that once, and now you announce, we're running the contest again, we're going to find the next most dangerous dealing organization. I claim that everybody will look around and try to be less violent than the guy next to him, and with any luck you can generate a race to the bottom in rates of violence. My favorite *Far Side* cartoon, you're looking through a gun sight and you see two bears. And one is right in the crosshairs, and then there's another bear standing there next to him. And the one in the crosshairs is going [gestures]. And that's what you want. You want everybody saying, "Hey, he's more violent than I am. Why don't you attack him?" And eventually you're holding everybody's U.S. drug market hostage, to their willingness not to kill people.

The High Point Approach: Using Existing Resources to Break up Drug Markets

Somebody once said that it's inherently immoral to order somebody to do something that's impossible, and I think there's been a lot of that in drug policy. The drug-free society was not a possible goal, and pursuing it led people to do foolish things, and to believe that they were failing when they could have been succeeding.

If we define the job of drug law enforcement as reducing the violence committed by drug dealers and the crime committed by drug users, that is an achievable goal. So we can limit the violence by dealers by identifying high-risk markets and shutting them down. That's the David Kennedy High Point approach:

identify all of the dealers in a market area, identify which ones are violent, send them off to prison. Identify the ones that aren't violent, make buys from them, then call them all in for a meeting and say, "Okay. All of you have to stop right now or you're going to prison."

And the difference between that and routine drug law enforcement is that routine drug law enforcement takes away one dealer at a time. It just creates a niche for a new dealer. The customers are still coming. Take away all of the dealers at once, the customers come, there's nobody to buy from. Then, the customers stop coming, and you've destroyed the market. The market is a focal point. It only exists because people think it will exist. And if you can disrupt it for long enough, which is not very long, weeks, you can kill it, and you can do that without putting a lot of people in prison. And so I think of the high-point approach as the low-arrest drug market crackdown.

Moving Forward: Turning Research Into Policy

We are learning how to control drug market violence and drug market disorder. We're learning how to control drug-involved offenders. And the main issue now is whether we can take what we already know how to do and make it national policy, do it at full scale. That's something that's going to take years, but it shouldn't take many years. There's no reason that 10 years from now, violence-minimizing drug law enforcement and offender control based on the principles of swift and certain but mild sanctions shouldn't be standard practice, and that's what I'm hoping for.

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- [What is the relationship between drug enforcement and violent crime? \(02:40\)](#)
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Mark Kleiman, NIJ Visiting Fellow and UCLA Professor of Public Policy

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