

The Informal Regulation of an Illegal Trade

The Hidden Politics of Drug Detective Work

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Abstract

Despite the apparent failure of policy initiatives and policing interventions to adequately regulate the illegal drug trade, remarkably few social scientists have endeavoured to examine the drug control activities of the police. Scholars have, in particular, neglected to study the specialist detective units mandated to police drug markets by detecting, investigating and ultimately prosecuting drug dealers. Drawing on the findings of a novel ethnographic study, this article explores the dynamic interaction between the formal and informal aspects of police organisations and offers an insight into the world of police detectives and the policing of drugs.

1. Introduction

As is typical for the time of year, the early morning was as dark, cold and wet as the night before. Most days I like to rise with the sun and will do almost anything to avoid going outside in such horrid weather conditions, but today was different; today I was up, ready and waiting outside a police station in the centre of town for an unmarked police car to take me 'into the field'. The now familiar station wagon entered the parking lot and skidded to a grinding halt with a honk of the horn, only slightly later than scheduled. I broke cover, ran across the puddled asphalt, opened the passenger door and jumped into the seat. 'Saddle up partner!' shouted DC Moreland – Bunk, to those who know him well enough.²

I knew Bunk had taken up smoking again before he opened the window and sparked up a cigarette, the lingering smell of tobacco on his clothes was a dead giveaway. 'I know! I know! I said I'd quit. I'm going to stop for the new year or else my wife will kill me before the fags do.' We chatted about his weekend away to the countryside as The Smiths gently sang over the airwaves, he asked me about my recent activities and wondered if I'd watched the football last night. The topic of conversation soon turned to business: the current surveillance operation against a 'well-connected' heroin dealer from a neighbouring district who had the audacity to 'set up shop on our turf'. Bunk also informed me about a meeting that had taken place between the drug squad sergeant and a senior police officer, which revealed a lot about the inner workings of the police organisation and the hidden politics of drug law enforcement.

The detectives were based in a small room of a moderately sized police station, located outside a village on the outskirts of the town. Newspaper clippings of their best busts covered the walls, prison terms were chalked up on their operations board and family photos occupied every desk. It was usually quite cramped when 'the magnificent seven' assembled in the office for briefings and debriefings, but their

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² The pseudonyms used in this article have been taken from the HBO drama series *The Wire*.

noticeable attempts at feng shui had created a newfound sense of space and harmony. 'Today's the day boys.' After three months of intelligence development and evidence gathering, the detectives were satisfied with the case they had constructed for the prosecution and convinced their target would be 'holding' when they executed the warrant. Today was 'strike day', the culmination of all their efforts, the quintessence of 'real' police work and the substance of glorified war stories. Let's hope it was worth it.

Fieldnotes

A cosmic array of drugs are produced, sold and used by the people of the world for profit and their pharmacological effects. Although their contributions to cultural practices and social life should not be overlooked or undervalued (Klein 2008), certain drugs are widely acknowledged to be the direct and indirect cause and consequence of a great many problems and are without doubt a seriously harmful threat to society (Caulkins and Reuter 2009; UKDPC 2009). Owing to a complex combination of liberal governance, moral entrepreneurship, paternalistic concern and fear, over the past century drugs such as heroin, cocaine and cannabis have been labelled as 'dangerous' and thereby set within the criminal law framework of almost every country (Seddon 2010; Young 1971). Ever since the onset of prohibition, however, the illegal drug trade has proven to be resistant to formal controls, has become one of the largest and most profitable sectors of the informal economy, and is now deeply embedded within the socio-economic context of many towns and cities. Yet despite the apparent failure of policy initiatives and policing interventions to adequately regulate the market, remarkably few social scientists have endeavoured to examine the drug control activities of the police and so the subject area is under-researched and therefore under-theorised (Babor et al. 2010; McSweeney et al. 2008). Scholars have, in particular, neglected to study the specialist detective units licensed to police drug markets by detecting, investigating and ultimately prosecuting drug dealers. Drawing on the findings of a novel ethnographic study conducted by the author (Bacon 2012), this article makes an original contribution to knowledge by offering an insight into the world of police detectives and the policing of drugs.

Drug control policies define the confines of illegality and describe the course of action adopted or proposed by the government of any given nation. It is important to recognise, however, that these boundaries are artificial and changeable, as they are set by the decisions and enforcement activities of political and administrative bodies and are therefore subject to both short-term changes and long-term transformations (Paoli 2003). Whilst such policies inarguably have a profound effect on the structure, composition and operations of the drug trade (Shapland and Ponsaers 2009), in this article I will demonstrate that they actually tell us very little about how and why laws and programmes designed to deal with drugs are rolled out and put into practice on the frontline. More specifically, I will argue that police enforcement strategies and tactics are central to the moulding of policy as it moves from its written form to action in the everyday work of officers involved in the policing of drugs and the investigatory process. This article does not deal with the topic of 'informality' *sensu stricto* by examining those forms of economic activity that are outside the formal economy and thus not part of the Gross Domestic Product (GDP) or recognised by the authorities for tax, social security or labour law purposes. It explores, on the one hand, the idea that officers do not always follow organisational rules and guidelines defined in policies by examining the role of informal norms, values and beliefs in shaping

their decisions and behaviours. On the other hand, it seeks to make clear how the informal practices of the police affect the informal economy.

Detective work is ultimately about interpreting social events, piecing together available information to construct criminality and secure the conviction of suspects. In the words of Maguire (2008:436), the investigation of criminal offences is a process of ‘translating “social reality” into a “legal reality” that can be dealt with by prosecutors and courts’. Far from being an objective search for ‘the truth’, researchers have tended to portray detective work as a creative and entrepreneurial activity that is heavily influenced by their occupational culture and the agency of each police officer. Indeed, the handful of existing studies on the area emphasise the substantial autonomy enjoyed by detectives and their relative freedom from institutional constraints (Ericson 1981; Hobbs 1988; Innes 2003; Maguire and Norris 1992; McConville et al. 1991). Drug detective work is portrayed as a particularly autonomous and discretionary form of policing. Collison’s (1995:40) study of a drug squad at work in a non-metropolitan area of middle England, for example, indicates that there were few clear organisational mandates and so the detectives were able ‘to use more idiosyncratic criteria in setting up ideal targets’. Similarly, Manning (2004:89) argues that drug law enforcers in the United States act without explicit written policies, priorities or objectives and can therefore ‘create and maintain latitude in defining, choosing, working, closing, and following up on cases’. To better understand the everyday realities and effects of drug detective work it is therefore necessary to explore the police world and make sense of how officers perceive and do their job.

2. Ethnography and the Police: Formal and Informal Aspects of an Organisation

The formal, structural aspects of any organisation can be viewed as governmental tools that are designed by those at ‘the top’ to put in place operational frameworks and mechanisms of accountability. With regard to police organisations, a multitude of laws, policies and directives play key roles in structuring, regulating and governing the decisions and behaviours of police officers. Notwithstanding, the informal, cultural aspects on the other side of the coin are widely recognised to be just as important. This idea echoes back to the early work of Skolnick (1966), who was the first police researcher to describe the importance of the so-called ‘informal organisation’. Most occupational groups ‘develop understandings about how to interpret conduct, retain loyalties, express opinions, use or abuse authority’ (Skolnick 2008:35). These ‘understandings’ are rooted in the routine experiences, problems and tensions of the job and learnt through the processes of social interaction. Research and reflection about the police rank-and-file shows that their ‘occupational culture’ provides officers with frames of reference, coping strategies, practical knowledge and ‘common sense’ understandings about how to view their external environment and how and why policing should and can be done in any situation (Chan 1997; Holdaway 1983; Loftus 2009; Reiner 2010; Skolnick 1966).

An understanding of the occupational culture is of particular importance when one considers the considerable amount of discretion police officers are able to exercise in the performance of their duties. They can, for example, choose to ‘turn a blind eye’ to crime and disorder, give advice to those involved in an incident or informally caution them. They can choose to stop and search suspected criminals, make an arrest or undertake an investigation. They can choose to include or exclude

certain facts in their written accounts, the evidence they present to the prosecution and the stories they tell to their colleagues. The literature demonstrates that discretion provides the context in which police culture can influence the use, manipulation and circumvention of the laws and policies that are flexible, indeterminate or deemed situationally inappropriate for the exigencies of police work (Dixon 1997; Holdaway 1989; McBarnet 1981).

Goffman's (1959) dramaturgical analysis of social interaction as a theatrical performance offers an insightful conceptual and metaphorical toolkit for analysing the interactions between the formal and informal aspects of organisations (Manning 2008). In particular, the distinction he makes between 'front stage' and 'backstage' behaviour is a simple but effective way of explaining how social actors act in a variety of settings, perform discrepant roles and routinely engage in various forms of 'impression management'. This approach to conceptualising policing and the police was quite popular in the early days of police research – see Holdaway (1980) and Manning (1977) for two great examples – but has been all but forgotten in recent years.

Basically, the front stage is where the actor formally performs and adheres to conventions that have meaning and legitimacy to an 'audience'. When performing on the front stage, the choices and actions of the rank-and-file, for example, are framed by what the organisation requires in formal bureaucratic terms and delivered in a way that meets the expectations of their supervisors and chief officers. The decision-making procedures of chief officers, however, are likely to be framed more by the constitutional position of the police in a democratic society and the expectations of the government, policymakers and the public. That said, there is always scope for improvisation and so the script can be adapted, deviated from or even cast aside. The backstage, on the other hand, refers to low visibility or off-duty situations in which police officers are able to step out of character, express themselves in an informal manner and act in accordance with their cultural 'ways and means' and personal preferences.

When interpreting the informal, cultural expressions of the police, however, it is important to bear in mind that what an officer thinks they should do or says they have done or will do is not always what they actually do. Police scholars have developed the important conceptual distinction between 'cop culture' and 'canteen culture' as a means of understanding police practices and the discordance between their talk and action (Fielding 1994; Hoyle 1998; Waddington 1999a). The term cop culture is used when referring to the orientations implied and expressed by officers in the course of their work, whereas canteen culture refers to the way in which officers use cultural themes to communicate with their peers and establish a shared identity. For Hoyle (1998:75), canteen culture 'allows officers to articulate their fears, and vent their frustrations and anger' about the role of the police and the demands of operational policing. She stresses that, whilst attitudes certainly have some impact on behaviour, they do not cause police officers to behave in a particular way or necessarily correspond to their practices. The crucial matter is the relevance of cultural values and beliefs to actual behaviour.

With the purpose of exploring the cultures of social groups, ethnographers observe, enter and interpret the lives of others as they naturally occur, the frameworks of understanding through which realities are viewed, constructed and reconstructed, and the symbolic meanings ascribed to actions, interactions and experiences (Atkinson et al. 2001; Hammersley and Atkinson 2007; Wolcott 1990). Ethnography is without doubt the main approach adopted by researchers when studying the

occupational culture of the police and the realities of day-to-day policing (Loftus 2009; Marks 2004; Noaks and Wincup 2004). Following this tradition of research, my own study of drug detectives strongly verifies the need for researchers to observe front and backstage arenas of police work and drugs policing in particular.

All other approaches are to varying degrees unsuitable for achieving this end, as the methods invariably rely on some sort of ‘official’ account offered by the police themselves (Reiner and Newburn 2007). The empirical evidence on the area clearly demonstrates that such accounts are selective presentations that do not necessarily depict actuality accurately or entirely, attempts to persuade audiences of a particular image or truth that should not be taken as a matter of fact. Official mission statements, policy documents and internal policing guidelines are best understood as indications of aspiration or strategic intent rather than precise descriptions of the ways in which police officers truly operate. They are expressions made by police managers and policymakers that set out the formal norms, values and beliefs of the organisation, techniques of establishing and maintaining control over the symbolic meanings of policing and the police (Manning 1977). When put into practice, however, researchers have repeatedly found that what ‘arrives on the street as policing may be sometimes far removed from the intention of the ... “intellectuals” at the top’ (Collison 1995:206). Official paper and electronic records of intentions, what transpired and why it transpired as it did are filtered versions of police work, artificial renderings that are used primarily to either prospectively or retrospectively construct an administratively accountable reality (Hobbs 1988). Remarking on the cynicism surrounding paperwork in his study of drug law enforcement, Manning (2004:232) suggests that both of the drug units he observed ‘dismissed their own records as accurate portrayals of their work’. Official crime statistics and clearance rates are not generated by way of a neutral data collection process, but are instead the product of decisions made first and foremost to meet organisational aims and objectives (Loveday 2000; Maguire 2007). At best, the ‘numbers’ are a weak indication of what the police decided to do and how they decided to document the performance and outcomes of their actions. If researchers wish to study the *true* nature of police work they must look beyond the official public front to document policing ‘behind the scenes’.

3. Investigating the Investigators: Research Methodology

The data that informs this article derive from extensive ethnographic fieldwork undertaken in two English police service areas during which I was primarily concerned with rank-and-file officers who engaged in the operational policing of illegal drug markets (Bacon 2012). So as to preserve the anonymity of the police services and those officers who participated in the study, the research settings have been given the pseudonyms ‘Metropolis’ and ‘Smallville’. Both locations were coterminous with the geographical boundaries of a district of the associated constabulary and selected to provide variation in local context.³ The overarching

³ Metropolis is a borough of a city in the south of England. Being one of the largest inner-city boroughs, it is home to a multitude of businesses, transport gateways and cultural attractions. Yet despite this apparent prosperity, Metropolis is a deprived area with high crime and unemployment rates. Parts of the borough are trendy, affluent and bear the signs of many years of gentrification, whereas others are dominated by rundown public housing estates that were built during the era of post-war redevelopment. Throughout the research project, Metropolis had a dense population of over a

focus of the study was on the culture and daily activities of plain clothes detectives employed in local 'drug squads' – that is, specialist detectives units licensed to police drug markets by detecting, investigating and ultimately prosecuting drug dealers. In order to comprehensively explore drug investigations it was also necessary to consider the parts played by other key actors in the investigatory process and the policing of drugs. These other actors included police managers and the officers of the uniform branch.

When I first decided to carry out the research I had no 'foot-in-the-door' access; I was what Brown (1996) termed an 'outsider outsider', in that I was not part of the world I intended to study, had no personal connection to any potential participants, and no official status that mandated police co-operation. For me, the identification of potential 'gatekeepers' and the negotiation of formal access was greatly facilitated by existing relationships between academic colleagues and senior police officers in Metropolis and Smallville. However, even though police management agreed to sponsor my research and brokered a deal with the drug detectives, this did not give me a backstage pass or guarantee their assistance. For the first month or so of fieldwork I felt like an unwelcome stranger, marginalised by my status as a non-member and potential 'challenger' of their legitimacy and authority (Holdaway 1983:71-7). Under such circumstances, I found it difficult to get anything other than stage-managed and two-dimensional data and came to realise that the researched have the power of life and death over the research. The ethnographer must become accepted – to the best of his or her ability – and this requires patience, perseverance ... and providence. 'Trust is unlikely ever to be complete' (Reiner and Newburn 2007:354), but spending long periods in the field and enduring whatever trials, tribulations and initiation rituals arose helped me develop rapport and maintain relationships. Furthermore, the longer the research went on the more difficult and perhaps the less important it became for the observed to uphold pretences or conceal aspects of their world, especially when the act they were engaged in was more important than the fact that an outsider was observing them. Evidence of my acceptance included being referred to as a 'colleague' or 'mate' and asked to join social activities. Some participants disclosed details about their personal life and experiences with drugs, others gave me entry codes so that I could let myself through locked doors, and others allowed me to browse on the police intranet without supervision or restriction. This breaking down of barriers is when the researcher is able to move from the front to the backstage.

In total, I spent ninety-six days in the field between April 2008 and May 2010. This translated into over five hundred hours of direct observation of ordinary police work both on and off the streets, everything from meetings, briefings and administrative duties in the station to covert surveillance operations and the execution of drug warrants. Observing officers dealing practically with real situations and

quarter of a million. Around half were aged between twenty and thirty-nine; a similar proportion of the residents were from a diverse range of minority ethnic communities, a third of them having been born outside the United Kingdom. By contrast, Smallville is a town in the north of England. In the industrial heyday of Britain it was an area characterised by coal mining, manufacturing and the production of iron and steel. However, with processes of deindustrialisation the town decayed and subsequent recessions have resulted in further closures and redundancies in many of the few remaining industries. Long-term unemployment rates have always been higher than the national average and as I write it remains one of the lowest paid regions in the country. Smallville had a disproportionately white population of just over 250,000 during fieldwork, spread over a geographically expansive aggregation of villages and vast tracts of rural England.

people revealed a great deal about the norms and craft of routine policing. Still, to study policing and the police is to study not only what officers do but also how they rationalise or explain the whys and wherefores of their work. Not wanting to have much impact upon the behaviour and expressions of those being observed, I generally favoured the unsolicited accounts, explanations and opinions about aspects of the occupation that officers regularly gave to one another because of their spontaneity and naturalism. Such talk was particularly revealing of their cultural values, belief systems and the informal decision-making procedures that underpinned their actions. In addition to the many informal conversations that I was privy to during fieldwork, I also conducted fifty formal interviews with officers from a range of ranks, units and shifts. The interviews were useful for testing findings from observations and asking questions with the aim of sequestering and securing cultural perspectives towards the occupation, the organisation and the policing of drugs. Furthermore, the interview setting allowed participants to reflect upon personal experiences and express themselves without the presence of their colleagues. Finally, in order to comprehend the legal and policy context of policing drugs and examine how laws, policies and directives affected the work of officers on the ground, I also analysed the official discourse contained within various internal and external police documents. These documentary sources included drug strategies, internal policing guidelines and case files.

4. Dealing with Drugs on the ‘Front Stage’

When performing on the ‘front stage’, the drug detectives ordinarily acted in accordance with the law and what the organisation required of them in formal bureaucratic terms. The particular front stage performances I will explore in this section are the ways in which the detectives framed their operations within their structural parameters. What the discussion illustrates is that drug control policy is sufficiently indeterminate and permissive to allow for the exercise of discretion and the justification of seemingly contradictory decisions. It also illustrates how the formal and informal aspects of the police are intricately linked, how various techniques of ‘impression management’ are deployed to manipulate or mask the *truth*, and how behind the scenes access is the most effective way of unmasking the official front of the police organisation.

4.1 The Law

In terms of upholding the law, the drug detectives had the tremendously broad mandate of policing the illegal drug trade by investigating anyone suspected of producing, supplying or being in possession of any drug controlled under the Misuse of Drugs Act 1971.⁴ The Act provides the police with various powers and a list of

⁴ The Misuse of Drugs Act 1971 provides the primary legal framework for controlling the availability and use of psychoactive substances in the United Kingdom. There are now over six hundred substances controlled under the Act, with new substances emerging on an increasingly frequent basis (Home Office 2010). For all intents and purposes, a psychoactive substance becomes an illegal drug when it is formally classified as such. Controlled drugs are listed in Schedule 2 of the Act and divided into three classes: A, B and C. The basis of this classification system is intended to be the perceived harmfulness associated with each type of drug, the most harmful being placed in Class A (e.g. heroin, cocaine

prohibited drugs, drug offences and penalties linked to offending. It does not, however, dictate what they actually do in practice. During fieldwork, it became apparent that the law was a discretionary power that could be enforced as a means to an end rather than an obligation that must be enforced no matter what (Dixon 1997; Hoyle 1998). This point is particularly salient in the following comments:

‘Without the law we wouldn’t be able to police drugs. It gives us the power to arrest drug dealers and seize their drugs. It gives us the power to stop and search people who we suspect are in possession of drugs. It gives us the power to enter and search premises for drugs and evidence of drug dealing activity.’

Detective, Metropolis

‘It’s not our job to go after everyone who does drugs.’

Detective, Smallville

‘The Misuse of Drugs Act empowers us to do what we do without dictating what we do.’

Detective, Metropolis

Observations revealed that the law required interpretation and could be manipulated or ignored when choosing between different courses of action or inaction. The detectives of Metropolis, for example, once decided to issue a formal warning to a person in possession of a bagged-up ounce of cannabis (which would sell for around £160), instead of arresting for possession or possession with the intent to supply as I had witnessed them do for lesser quantities.⁵ They were looking for a handgun, which was thought to be in the possession of a fifteen-year-old suspected gang member who resided at the premises. No firearm was found, only the cannabis in a cupboard in the bedroom he shared with his older brother. The suspect’s brother said it was his, for personal use. The detective who made the decision to caution told me that ‘he was obviously taking the rap for his younger brother’. Having spoken with them both, he felt the older brother was a positive influence on the younger and that arresting him would have done nothing more than ‘push him further into the gang way of life’. On the basis of his practical knowledge and understandings of how and why policing should and could be done in the given situation, the detective decided that enforcing the law would cause more harm than good. This indicates that morality and the unintended consequences of law enforcement are important for an understanding of the use of discretion.

In contrast, the Smallville detectives once arrested a man for possession with the intent to supply on the grounds of a £10 bag of cannabis, some empty bags and a set of scales. The man was a suspected heroin dealer with a string of previous convictions and their recent intelligence suggested he was supplying local street dealers. As the suspect’s house was being searched he kept taunting the police: ‘You’ve got nowt [nothing] on me! You’re not going to find nowt [nothing] here!’ True to his word no heroin was found, but the disgruntled officers remained convinced that the community would be a better place without him – if only for a short while – so they gathered all the evidence they could and took him back to the station in handcuffs. What were the criteria here? Was it a moral judgement, a display of authority or some other factor?

(powder and crack), ecstasy and LSD) and the least harmful in Class C (e.g. ketamine, gamma hydroxybutyrate (GHB) and benzodiazepines).

⁵ With effect from 1 April 2004, the Home Office issued guidance to all police forces in relation to the recording of formal warnings for cannabis possession. This gave an additional disposal option of a cannabis warning. Whereas a simple caution involves processing an individual at a police station, a cannabis warning can be completed on the street.

Flexible interpretations of the law and the purposeful selectiveness of drug law enforcement were perhaps most apparent when the detectives were undertaking covert surveillance operations against ‘the biggest dealers in town’. Surveillance tactics were typically used to monitor the movements and activities of suspected drug suppliers and their associates in the hope of identifying patterns of drug dealing activity, gathering evidence for the prosecution, and assisting the detectives in determining when, where and how to execute a search warrant or make an arrest. Preventing drug offences from happening was not a primary concern during surveillance operations; in fact, the detectives often allowed drug supply and possession offences to take place without intervention for evidentiary purposes. On the following occasion the justification for selectively enforcing the law was ‘operational necessity’:

The drug squad were nearly two weeks into an operation against members of a notorious Grandville gang who had started dealing in their territory. Having already filmed three suspected transactions using their specialist surveillance van, it was decided in the morning briefing that when the opportunity arose a ‘punter’ would be pulled after making a buy. At around 11am Carver noticed a familiar figure approaching the potential crime scene – let’s call her Dee-Dee. ‘Looks like we’re on lads,’ he informed the others over the radio. She entered the alleyway where it was believed the drugs were being hidden, exited a minute or so later and continued walking down the street. A young black male emerged from a nearby house, walked to the entrance of the alley, smoked a cigarette, entered the alley, exited a minute or so later and returned to the house. ‘Just like clockwork,’ said Herc with a knowing smile, ‘now let’s go get our girl!’

As the car slowly pulled up alongside Dee-Dee the detectives unfastened their seatbelts, they wanted to be ready for the imminent action. ‘Stop! Police!’ Dee-Dee froze like a deer in the headlights. Without any further words of warning Carver grabbed her by the throat to make sure she couldn’t swallow then thrust his fingers into her mouth. No drugs. The detectives then falsely explained why they had stopped and searched her so as not to jeopardise the operation and told her they would have to take her back to the station for an intimate body search. Upon entering the station Dee-Dee became noticeably more agitated and cagey; clearly the custody suite did not bring back fond memories, or maybe she had something to hide. The search yielded two £10 bags of heroin. The detectives seized the drugs and left her with the custody officers. They had what they wanted: the evidence.

Fieldnotes, Smallville

In both police service areas, the detectives tended to work with prosecutors from the outset of operations and throughout, or at least consult with them regularly to make sure the legal and evidentiary requirements were and would be satisfied for whichever charge they decided to proceed with by the time the case reached the courtroom. Given that the primary objective of most cases was to prosecute drug dealers, the detectives would regularly spend more time preparing paperwork in the station than gathering intelligence or performing operational police work on the streets. Surveillance logs, intelligence reports and case files were written, discussed and rewritten in the squad room so that there were no ‘holes’ for the suspects and their defence to exploit. This is what Dixon (1997) describes as the production of ‘legalised’ accounts that satisfy the requirements of a secure conviction. Although not a popular activity, it was recognised that the ability to do paperwork was a core detective skill and a key part of a successful case construction (Collison 1995; Hobbs 1988; McConville et al. 1991). The detectives knew there was always the risk of evidence being excluded from court if procedure was not followed, or that the case

would be thrown out if the paperwork was faulty or they were found to have acted without authorisation.

Prosecutors varied in their understandings of the detective function and their evidentiary requirements. For a supply charge, some prosecutors required proof of only two transactions whereas others would only take on the job if the detectives had evidence of three transactions and accompanying witness statements. When the evidence was judged to be lacking or contestable, prosecutors would often try and convince the detectives to go for a lesser charge: possession with the intent to supply rather than supply, or possession rather than possession with the intent to supply. The detectives found this frustrating and did not take kindly to such suggestions, which were viewed as depriving them of the results they had worked for and 'letting [the dealers] off lightly'. Given that success was often measured in terms of sentence outcomes they were inclined to push for the charge that would lead to the most years in prison, whereas the prosecutors were likely to opt for the charge that was most likely to win them the case. 'When the court fails to convict,' Waddington (1999b:134) argues, 'or hand down an inappropriately lenient sentence, officers feel that their authority is undermined'. Needless to say, when the detectives found a prosecutor that did not constrain their culture they tried to maintain a good working relationship.

4.2 The Policy

Governments and constabularies attempt to bridge the gap between the law and practice by developing and implementing policies and directives (Dixon 1997). Generally speaking, such instruments are designed to remind officers of their powers and to provide non-binding rules to apply in specific operational situations. The official priorities and objectives of the police in relation to drug control were set out in drug strategy documents, which were produced on the part of management and intended for internal and external dissemination. For the most part, the respective strategies of Metropolis and Smallville were virtually identical and contained the same terminology and rhetoric because they incorporated the relevant elements of the then current national drug strategy (HM Government 2008). The government has been much more active in setting the strategic direction of drug control policy since the mid-1990s, by developing national drug strategies that are aimed at shaping the actions of the organisations assigned to the task of dealing with drug problems. This method of imposing performance expectations can obscure the fact that it is politicians and policymakers who govern the police agenda:

'We don't get much of a say about what our aims are anymore, drug policies are designed by central government and then we just roll them out locally and try and make them work.'

Senior Officer, Metropolis

Most of the detectives knew there was a drug strategy, though few had taken the time to read it. Those who had were of the opinion that it was largely irrelevant to their work and where it was it simply documented what they were already doing and would continue to do regardless. It was commonly believed that policy documents were 'full of politics', lacking in practical relevance and out of touch with crime and disorder problems on the streets. Even senior officers said drug strategies did not 'carry much weight' and barely influenced or constrained what the detectives actually

did, a finding which suggests the accepted limitations of centralised control over drug law enforcement. The only times I observed the detectives making references to strategies, codes of practice and guidelines was when they wanted to copy or paraphrase prescribed justifications for policing drugs and operational police work. ‘They’re a pain, but all you need to do is write down what [police managers and magistrates] want to hear and you’re golden.’ Experienced detectives usually had an almost completed copy of a warrant application or operational order form saved on their computers so that all they had to do was change the details specific to each case. These documents were often passed on to novice detectives during their ‘apprenticeship’, along with helpful advice about how to successfully apply for resources, warrants and surveillance authorisations.

At the organisational level, police managers have to decide how to prioritise the deployment of limited resources to enforce the law and perform other policing tasks. Within this constraint – common in many policy realms – further decisions about the appropriate use of the law and the suspects against whom it should be used were made. Although dealing with drugs was an explicit priority in the official mission statements of Metropolis and Smallville, during fieldwork I found that drug law enforcement had been unofficially deprioritised and was regularly downplayed when there were believed to be more serious and pressing issues to deal with. Police managers regularly asserted that they struggled to justify using their very limited resources to enforce drug laws when there were victims of crime in need of police services.⁶ In addition, since the *Updated Drug Strategy* (Home Office 2002) had removed drug offences from the national performance indicators, managers seemed to have lost their incentive and had little reason to micromanage the policing of drugs. As a result, the structural conditions that shaped drug detective work allowed for considerable autonomy when setting operational targets and carrying out drug investigations (Bacon 2012, 2013).

5. Dealing with Drugs on the ‘Backstage’

When operating in low visibility situations or off-duty the detectives were able to step out of character, express themselves in an informal manner and act in accordance with their cultural ‘ways and means’ and personal preferences.

A popular sentiment was that ‘you can’t be a bobby [police officer] all the time’. Indeed, a significant minority of the police officers I interacted with during fieldwork said they personally knew people who took drugs recreationally or had taken drugs in the not so distant past. Of these officers, most expressed their disapproval of such behaviour and said they had expressed it to those concerned. None of them had ever taken formal action against a relative or friend for taking drugs, however, nor did they say that they would. If anything, it was thought that ‘a

⁶ For most crimes, the police learn about and respond to violations of the criminal law when a victim or other complainant reports a potential offence. This is rarely the case for drug offences, as there are usually no direct victims on account of the consensual and transactional nature of the offence. Of course in a broader sense many people are victims of drugs, in that they are directly affected by the adverse consequences of drug use and distribution, but in the eyes of the law one cannot be the victim of a drug offence. A person can, generally speaking, only be the direct victim of a drug-related crime and thereby an indirect victim of the production, supply and use of controlled drugs. Consequently, there is less likelihood of drug offences being reported to the police and less demand for a reactive police response.

quiet word' was all that was needed if they got 'out of line'. The police had a strong sense of solidarity and camaraderie; they believed there was a need to support and protect colleagues, family and friends, even if that meant condoning their mistakes and misbehaviours. In their private lives officers tried to suspend judgement and would usually overlook what they considered to be 'tolerable' or 'ignorable' drug use. The following fieldnote illustrate this point:

When I arrived this morning the squad were chatting about what they had been up to over the weekend, so I grabbed myself a cup of tea and joined them. Like most weekends, Bunk had spent Saturday night in the pub. 'You'll never believe it,' he exclaimed, before proceeding to tell us about how he'd 'clocked' a group of young men he didn't recognise 'obviously doing coke'. He surreptitiously watched them for a while longer: the far from discreet 'hand-overs', excessive number of trips to the toilet and severe case of the sniffles confirmed his suspicions. 'What did you do?' the detectives asked. 'Well, I didn't want to get involved myself like – I'd had a few [drinks] and we were having a good night. But I don't want that kind of thing going on in my local, so I called it in [notified the local police service].'

Fieldnotes, Smallville

Clearly Bunk felt reluctant to exercise his powers in front of his friends and neighbours. Maybe he did not want the reputation for being the authoritarian cop of the village, or maybe he just wanted to have some time off. Whatever his motives, he had the autonomy to assess the situation and decide how to act. Would he have acted differently if he had known the group of men? Would he have passed the information on to his colleagues if it was not his local pub? A little light was shed on the latter question some time later, during a night out to celebrate a promotion:

After a few too many hours drinking we found ourselves in a city centre nightclub. Bunk and I were shouting towards each other over the music when a man emerged from the crowd and tapped him on the shoulder. I leant in to try and hear what was said. 'Alright pal, have you got anything?' said the wide-eyed man. Bunk looked surprised and amused by what was happening, he asked the man to repeat his question and then told him that he should ask someone else. The man persisted, so Bunk took out his wallet and flashed his badge. 'I said you're asking the wrong guy mate.' Needless to say the wide-eyed man left with great haste. 'Can you believe that?!' laughed Bunk, 'I'll bet that scared the shit out of him!'

Fieldnotes, Smallville

I only came across three police officers who had personal experience of what they deemed 'problematic' drug use. Each of them believed it had had a profound impact upon their attitude towards drugs and drug control. During interview a senior officer disclosed that his son had become addicted to heroin some years ago, was caught shop-lifting and ended up in treatment – 'it destroyed the family,' he said.

'From then on I've taken a hard-line approach to drugs, I want to try and stop it happening to other families. Lock up the dealers, arrest the users and divert them into treatment – it's the only way.'

Naturally, traumatic ordeals such as this are likely to influence or bias an officer's outlook and actions. In this case, the senior officer was very much in favour of an authoritarian and paternalistic style of policing drugs, hence his support for strict law enforcement and treatment initiatives that use the leverage of the criminal justice

process (Seddon et al. 2012). Alternatively, personal affliction might lead to a jaundiced or acrimonious attitude. Having let slip that she used to date a ‘coke-head’, this detective went on to say:

‘I couldn’t believe it, I didn’t even notice for months! He’d work all week then blow it all on drugs at the weekend. I couldn’t put up with that. He knew what my job was! He must have tried hiding it from me. It’s so disrespectful don’t you think?! At least now I can say that I’ve seen the damage drugs can do to people firsthand.’

Unsurprisingly, she felt little but determined antipathy for anyone involved in drugs, which she expressed by saying things like ‘they’re all the same’ and ‘once a druggie always a druggie’. From what I observed, however, her feelings and views on the matter did not have a negative impact on how she conducted herself when interacting with suspected drug offenders. In contrast, a chance encounter with an old friend was partly responsible for Jimmy’s very different standpoint and approach to dealing with drugs:

This afternoon I was partnered up with Jimmy, a home-grown streetwise detective in his early thirties. He had a few tasks to finish in what remained of the day – check CCTV footage, get a warrant application signed, talk to a member of the source unit about an ongoing operation – but said he was happy to take me along for the ride. After a bit of small talk he asked if I had any questions. Among other things, I asked him what his views on drugs were and whether he had any experiences he was happy to share. He told me about one particular incident: ‘I was out getting lunch when I saw an old friend of mine shooting up in a phone box. I hadn’t seen him in a year or two so at first I didn’t think it was him, but when I realised it was I couldn’t believe it; he looked like a junkie, like a completely different person! See, the last time I’d seen him he was working in a gym, had a girlfriend, a flat . . . It actually made me angry, you know. He tried to explain, kept saying he’d lost everything and had nothing to live for. So what did I do, I walked away, I had to, I was shaking, you know, when you’re so angry and upset at the same time. I wanted to smack some sense into him . . . I haven’t seen him since.’ Jimmy opened up, he said he felt guilty for how he acted on that day and wished he had been more supportive – not by taking his old friend into custody, but by helping him into treatment. Nowadays he says he is much more likely to lend a sympathetic ear and offer sound advice to those who need it most.

Fieldnotes, Metropolis

As well as being influenced by structural, cultural and personal factors, decisions and behaviours are also reactive to the dictates of the situation at hand (Fielding 1989; Skogan and Frydl 2004). In fact, in understanding what officers actually do the principal explanatory variables are often contextual. This point is illustrated in the following extract, which documents an incident that took place when I was partnered up with Jimmy once again:

Today turned out to be another fascinating ‘tour of the underbelly of society’, during which I witnessed Jimmy exercise his discretion in quite a controversial manner. ‘You’ll usually find a few crack users in here,’ he assured me before entering a multi-story parking lot. True to his word, on the second floor we heard the clicking of a lighter as we turned a corner and stumbled upon a middle-aged black man with a makeshift pipe fastened firmly to his lips. The man quickly pocketed the potentially incriminating evidence and looked sheepishly at the floor. For whatever reason Jimmy decided not to act, we just walked past and continued our ascent. As we left the car park he told me that the man was well-known to the police; he’d been in and out of prison and treatment many times over the years, but ‘doesn’t cause us much trouble anymore’. ‘I know a lot of people wouldn’t approve of how I handled it,’ Jimmy explained, ‘but in situations like

that arrest and seize is not always the best policy.’ In order to make sense of and justify his decision, he then proceeded to tell me about some of the futilities and harmful consequences of drug law enforcement. ‘The way I see it is a night in the cells wouldn’t solve anything, and a week or two in prison would solve even less. If I’d confiscated his drugs he’d only need more . . . Last I heard he was in treatment. I know it didn’t look like it was going too well, but these things take time and I’m willing to give him a chance.’

Fieldnotes, Metropolis

This episode left me with many questions swirling around inside my head: Was Jimmy a ‘normal-smith’?⁷ Would he have done the same if he had been partnered up with somebody else? What if he had been in uniform? What if there had been a public audience? What would another officer have done in the same situation? Fortunately I ran into Jimmy the very next day and over a sandwich he satisfied a few of my curiosities. He guaranteed me that he would have stopped, searched and arrested the man – let’s call him Bubbs – if members of the public had been present. Maintaining the impression that drug laws are rigidly enforced was believed to be of the utmost importance, not least because the police ‘can’t allow people to think they can get away with it’. As we chatted away it also came to light that Bubbs occasionally provided Jimmy with information and had done ever since his patrol days with the town centre team. ‘Every now and again we have a little talk about this and that. He’s more likely to keep talking if I go easy on him, you know, if he thinks he owes me a favour.’ In light of this revelation, it became even more difficult to identify what truly determined how Jimmy acted on the given occasion. A combination of factors contributed to his decision-making process, from his own values, belief systems and experiences of drugs to his understandings of the role of the police and drug control in society and the practicalities of detective work.

6. Conclusion

Far from being unique to drug detective work in England and Wales, there is plenty of evidence to suggest that informality is present, in one form or another, in many organisations throughout the world. Indeed, the complex relationship between organisations, rules, actors and actions is a very important subject matter in the field of organisational studies (Sackmann 1991, 1997; Schein 1985, 1996; Weick 2001). The conceptual, methodological and empirical contributions of this article are therefore generalisable, to varying degrees, and can provide the basis for descriptive or explanatory lessons to be drawn in new situations in similar settings.

By providing an ethnographic insight into the world of police detectives and the policing of drugs, this article has explored various ways in which the performance of drug law enforcement is more or less determined by the informal norms, values and beliefs of operational police officers. Drug laws and policies define the confines of illegality and describe the course of action adopted or proposed by the government and the police organisation, but when put into practice they are sufficiently flexible to allow for the exercise of discretion and the justification of seemingly contradictory decisions. What is apparent from the findings discussed is that when policing drugs the detectives were presented with various choices and conflicts of interest. They had to decide whether to enforce the law or take informal action, for example, or whether

⁷ The term ‘normal-smith’ was coined by Lofland (1969) to denote persons who are dedicated to restoring deviancy to normalcy.

to allow drug offences to take place without intervention. They had to decide how best to frame their operations within their structural parameters. As for what actually happened, this seemed very much to depend on the officers involved, their occupational perspectives and their situational rationality. A key implication of these findings for further study is that researchers must look beyond the official organisational front, obtain behind the scenes access and immerse themselves in everyday police work if they are to better understand the decisions and behaviours of police officers and the actual or potential effects of policing.

In many respects, therefore, I would suggest that the work of the drug detectives should be perceived as an informal activity that results in the informal regulation of the illegal drug trade. This perception can be strengthened by drawing attention to some interesting parallels between drug detective work and conceptions of the informal economy (Saitta 2013; Shapland and Ponsaers 2009). The formal and informal aspects of the police were interconnected, overlapped and were at times indistinguishable from one another. Informality was a deliberate choice for the detectives, a necessity for doing police work in ways that were seen as practical, just and flexibly responsive to the challenges and changing contexts in which they operated. It also enabled them to evade, resist and exploit the governmental structures of the state and the police organisation. Since informal decisions and behaviours were to some extent designed to circumvent the constraints and consequences of formality, they proved to be highly resilient and adaptable to regulatory mechanisms. The informal, cultural aspects of the police can equally be viewed as a sign of the incapacity, or perhaps the lack of will, of politicians, policymakers and police management to control everything officers do in the station and on the streets.

References

- Atkinson, P., A. Coffey, S. Delamont, J. Lofland and L. Lofland (eds.)
2001 *Handbook of Ethnography*, London: Sage.
- Babor, T., J. Caulkins, G. Edwards, B. Fischer, D. Foxcroft, K. Humphreys, I. Obot, J. Rehm, P. Reuter, R. Room, I. Rossow and J. Strang
2010 *Drug Policy and the Public Good*, Oxford: Oxford University Press.
- Bacon, M.
2012 *Dealing with Drugs: Drug Law Enforcement, Drug Detectives and Proactive Investigation*, unpublished PhD thesis, University of Sheffield.
- 2013 'Dancing Around Drugs: Policing the Illegal Drug Markets of the Night-Time Economy in England and Wales', in P. Saitta, J. Shapland and A. Verhage (eds.) *Getting By or Getting Rich? The Formal, Informal and Criminal Economy in a Globalised World*, The Hague: Eleven Publishing.
- Brown, J.
1996 'Police Research: Some Critical Issues', in F. Leishman, B. Loveday and S. Savage (eds.) *Core Issues in Policing*, London: Macmillan.
- Caulkins, J. and P. Reuter.
2009 'Towards a Harm-Reduction Approach to Enforcement', *Safer Communities*, 8(1): 9-23.
- Chan, J.
1997 *Changing Police Culture: Policing in a Multicultural Society*, Cambridge: Cambridge University Press.
- Collison, M.

1995 *Police, Drugs and Community*, London: Free Association Books.

Dixon, D.
1997 *Law in Policing: Legal Regulation and Police Practices*, Oxford: Oxford University Press.

Ericson, R.
1981 *Making Crime: A Study of Detective Work*, Toronto: Butterworth.

Fielding, N.
1989 'Police Culture and Police Practice', in M. Weatheritt (ed.) *Police Research: Some Future Prospects*, Aldershot: Avebury.

1994 'Cop Canteen Culture', in T. Newburn and E. Stanko (eds.), *Just Boys Doing Business: Men, Masculinity and Crime*, London: Routledge.

Goffman, E.
1959 *The Presentation of Self in Everyday Life*, Harmondsworth: Penguin.

Hammersley, M. and P. Atkinson
2007 *Ethnography: Principles in Practice* (3rd edn.), London: Routledge.

HM Government
2008 *Drugs: Protecting Families and Communities: The 2008-2018 Drug Strategy*, London: Home Office.

Hobbs, D.
1988 *Doing the Business: Entrepreneurship, The Working Class and Detectives in the East End of London*, Oxford: Oxford University Press.

Holdaway, S.
1980 'The Police Station', *Journal of Contemporary Ethnography*, 9(1): 79-100.

1983 *Inside the British Police*, Oxford: Basil Blackwell.

1989 'Discovering Structure: Studies of the British Police Occupational Culture', in M. Weatheritt (ed.) *Police Research: Some Future Prospects*, Aldershot: Avebury

Home Office
2002 *Updated Drug Strategy 2002*, London: Home Office.

2010 *Controlled Drugs List* (updated October 2010)

Hoyle, C.
1998 *Negotiating Domestic Violence: Police, Criminal Justice and Victims*, Oxford: Oxford University Press.

Innes, M.
2003 *Investigating Murder: Detective Work and the Police Response to Criminal Homicide*, Oxford: Oxford University Press.

Klein, A.
2008 *Drugs and the World*, London: Reaktion.

Lofland, J.
1969 *Deviance and Identity*, Englewood Cliffs, NJ: Prentice Hall.

Loftus, B.
2009 *Policing Culture in a Changing World*, Oxford: Oxford University Press.

Loveday, B.
2000 'Managing Crime: Police Use of Crime Data as an Indicator of Effectiveness', *International Journal of the Sociology of Law*, 28(3): 215-37.

Maguire, M.
2007 'Crime Data and Statistics', in M. Maguire, R. Morgan and R. Reiner (eds.) *The Oxford Handbook of Criminology* (4th edn.), Oxford: Oxford University Press.

2008 'Criminal Investigation and Crime Control', in T. Newburn (ed.) *Handbook of Policing* (2nd edn.), Cullompton: Willan.

Maguire, M. and C. Norris

- 1992 *The Conduct and Supervision of Criminal Investigations: The Royal Commission on Criminal Justice*, Research Report No. 5, London: HMSO.
- Manning, P.
1977 *Police Work: The Social Organization of Policing*, Cambridge, Mass.: MIT Press.
- 2004 *The Narcs' Game: Organizational and Informational Limits on Drug Law Enforcement* (2nd edn.), Illinois: Waveland Press.
- 2008 'Goffman on Organizations', *Organization Studies*, 29: 677-99.
- Marks, M.
2004 'Researching Police Transformation: The Ethnographic Imperative', *British Journal of Criminology*, 44(6): 866-888.
- McBarnet, D.
1981 *Conviction*, London: Macmillan.
- McConville, M., A. Sanders, and R. Leng
1991 *The Case for the Prosecution: Police Suspects and the Construction of Criminality*, London: Routledge.
- McSweeney, T., P. Turnbull and M. Hough
2008 *Tackling Drug Markets and Distribution Networks in the UK: A Review of the Recent Literature*, London: UKDPC.
- Noaks, L. and E. Wincup
2004 *Criminological Research: Understanding Qualitative Methods*, London: Sage.
- Paoli, L.
2003 'The Informal Economy and Organised Crime', in J. Shapland, H. Albrecht, J. Ditton and T. Godefroy (eds.) (2003), *The Informal Economy: Threat and Opportunity in the City*, Germany: Imprime en Allemagne.
- Reiner, R.
2010 *The Politics of the Police* (4th edn.), Oxford: Oxford University Press.
- Reiner, R. and T. Newburn
2007 'Police Research', in R. King and E. Wincup (eds.) *Doing Research on Crime and Justice* (2nd edn.), Oxford: Oxford University Press.
- Sackmann, S.
1991 *Cultural Knowledge in Organizations*, Newbury Park, CA: Sage.
1997 *Cultural Complexity in Organizations: Inherent Contrasts and Contradictions*, Thousand Oaks, CA: Sage
- Saitta, P.
2013 'Just a Matter of Order? An Introduction to the Topic of Informal Economy', in P. Saitta, J. Shapland and A. Verhage (eds.) *Getting By or Getting Rich? The Formal, Informal and Criminal Economy in a Globalised World*, The Hague: Eleven Publishing.
- Schein, E.
1985 *Organizational Culture and Leadership*, San Francisco: Jossey Bass.
1996 'Culture: The Missing Concept in Organizational Studies', *Administrative Science Quarterly*, 44: 229-40.
- Seddon, T.
2010 *A History of Drugs: Drugs and Freedom in the Liberal Age*, London: Routledge.
- Seddon, T., L. Williams and R. Ralphs
2012 *Tough Choices: Risk, Security and the Criminalization of Drug Policy*, Oxford: Oxford University Press.
- Shapland, J. and P. Ponsaers

- 2009 Potential Effects of National Policies on the Informal Economy, in J. Shapland and P. Ponsaers (eds.), *The Informal Economy and Connections with Organised Crime: The Impact of National Social and Economic Policies*, The Hague: BJu Legal Publishers.
- Skogan, W. and K. Frydl (eds.)
2004 *Fairness and Effectiveness in Policing: The Evidence*, Washington DC: National Research Council: National Academies Press.
- Skolnick, J.
1966 *Justice Without Trial: Law Enforcement in Democratic Society*, New York: Macmillan.
- 2008 'Enduring Issues of Police Culture and Demographics', *Policing and Society*, 18(1): 35-45.
- UK Drugs Policy Commission (UKDPC)
2009 *Refocusing Drug-Related Law Enforcement to Address Harms*, London: UKDPC.
- Young, J.
1971 *The Drugtakers: The Social Meaning of Drug Use*, London: Paladin.
- Waddington, P.
1999a 'Police (Canteen) Sub-culture: An Appreciation', *British Journal of Criminology*, 39(2): 287-309.
- 1999b *Policing Citizens*, London: UCL Press.
- Weick, K.
2001 *Making Sense of the Organization*, Malden, MA: Blackwell.
- Wolcott, H.
1990 'Making a Study "More Ethnographic"', *Journal of Contemporary Ethnography*, 19(1): 44-72.