

THE CONVERSATION

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War on drugs is unwinnable, but locking up Mr Bigs is still worth it

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(Left to right, top to bottom) Martyn Fitzsimmons, David Sell, Gerard Docherty, Steven McArdle, Francis Mulligan and Barry O'Neill.

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Nine serious criminals were sentenced at the High Court in Glasgow, Scotland on January 22 for offences relating to the wholesale supply of cocaine. David Sell and the rest of the gang were reportedly handling up to a ton of the drug every year, with a final street value in the region of £150m to £160m. They received a total of 87 years in prison for their trouble.

Yet years of academic evidence suggest that convicting such serious offenders will make no difference to the drugs market in the medium or long term. Those living in the most affected communities don't need experts to tell them that: after 40 years of the "war on drugs", the impact of such enforcement on supply has been negligible.

Whether you want skunk, pills, coke or benzos, there'll be a psychoactive sweetie shop only a block or two away. The quality of cocaine and many other drugs has also reached record levels. The street price has never been lower, but average purity rose from around 42% in 2004 to 64% nowadays. Purity at the top end of the cocaine market has reached a stratospheric 70% to 80% plus.

Perhaps as a consequence, drug deaths involving cocaine in Scotland rose more than tenfold between 1996 and 2016 – while reaching record levels across the UK as a whole. As austerity continues to gnaw at the most vulnerable, illicit drugs are the crutch that is more and more attractive.

It leads many to wonder why we bother chasing these kinds of criminals. If all the police time and effort makes no difference, maybe we should spend money pursuing different kinds of justice. I take a different view. I see several reasons why convicting high-level drug dealers is still emphatically worthwhile.

Whack-a-mole?

Many other jurisdictions take an equally tough line on big-time drug dealers as Scotland, of course. A gang of six cocaine dealers operating in Northamptonshire in the English Midlands was jailed for an average of over eight years each last autumn, for example, having been caught with drugs with a street value of £145,000.

In Texas, the Mendelez gang of drug traffickers, who dealt in cocaine, crack and marijuana, were given heavy sentences last year after being broken up by an extensive narco operation. Stories like these make headlines year after year.



What's goin' on. Andriil Zastrozhnov

But none of it seems to make any difference. It's less than three years, for example, since a 2015 enforcement operation targeting Turkish drug smugglers led to a record seizure of nearly three tons of cocaine off the coast of Aberdeen in the north-east of Scotland. If this was meant to disrupt the booming trade in the drug, no one seems to have told dealers or users.



She don't lie, she don't lie, she don't lie ... vchal

The resilience of drug markets should come as no surprise to those with any knowledge of the economic incentives and the criminal infrastructures that underpin them. To again take cocaine as an example, the drug might typically trade at about £400 for a pure kilo in Colombia. By the time it hits the streets of the UK, that £400 investment can gross £100,000 or more.

That's the sort of profit that attracts an awful lot of motivated offenders for whom jail time represents a minor occupational hazard. And the trade is populated, not by a monolithic hierarchical mafia network, but a fluid and competing constellation of criminal actors, chancers, networks and alliances. This is partly why if you remove one set of perpetrators, it is quickly filled by new criminal outfits and different lines of supply.

Why bother?

Putting to one aside the question of legalisation, which is a difficult and slightly different debate, I see three reasons why we should still pursue the criminals behind these activities.

First, justice needs no instrumental rationale beyond the importance of it being done – and being seen to be done. Arrests may not disrupt drugs markets, but in many cases there are victims of associated crimes. David Sell and his eight accomplices in the Glasgow conviction relished torturing, abducting and shooting victims – all reasons enough in themselves to bring the gang to justice.

Second, this group was outstandingly capable – wielding technical expertise, having access to a considerable armoury of firearms and possessing substantial financial assets. At liberty, such groups represent an ongoing threat to public safety and community well-being. They can use these capabilities to expand or diversify their criminal operations.

They can also launder the proceeds into legitimate businesses, corrupting and compromising professionals and customers who deal with them along the way – not to mention undermining legitimate business through unfair competition.

Finally and perhaps most critical is the influence these groups can have. Organised criminals can seem deceptively glamorous. Take the entrepreneurial Anglo-Dutch offenders who, in 2016, were caught after a long stint of drug smuggling. They had theatrically used a fleet of fake ambulances, patients and paramedics to smuggle cocaine, heroin and ecstasy into the UK.



Anglo-Dutch ringleader James Gibson being arrested. NCA

Such “Lavender Hill Mob” exploits mask the violence and misery that underpins dealing on the street, while providing outstanding inspiration to wannabe young criminals everywhere. For good citizens, on the other hand, such stories can be corrosive and dispiriting: if you’re one of many who live in a community where “everybody knows” how a certain prominent local business leader made their money, it’s hardly an advertisement for the rewards of hard work.

None of this is a clarion call for a return to a model of law enforcement that persecutes the poor and drug-addled masses. Nor is it to suggest that prosecuting Mr Big isn’t difficult and fraught with risks – the story of English heroin dealers John Haase and Paul Bennett who conned their way out of long sentences by posing as supergrasses is a good cautionary tale, for example.

But none of that should distract from the reasons for still pursuing organised crime gangs in the drugs business. Targeting the most capable and gratuitously violent offenders and their assets must surely remain a worthwhile pursuit.

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