

Sociological approach to drug trafficking

Career paths and penal process

Trends no. 14

Although the forms and organisation of drug trafficking in France obviously have their own logic, they are also the consequence of a public policy and the ways in which the institutions responsible have implemented this policy. The territorial dimensions of the trafficking, particularly in links between cities and central areas, have already been reported elsewhere (Duprez, Kokoreff, 2000). Our objective here is to examine the extremely professional trade which led to the new penal code for "organised crime" which came into force in 1994 (Duprez, Kokoreff, Weinberger, 2001). The starting point for the survey was to use court files, highlighting cases which were like to become criminal offences and to come under the jurisdiction of an Assize Court composed only of professional judges. We will see later that the practices of public prosecutor's offices in processing this type of case are by no means standardised.

1. Contributions and limits of the analysis of case files

One of the decisions we took regarding methodology was to analyse both the police and penal construction of cases and the methods of organising drug traffic. Although, in terms of quality, reading the files provides large amounts of information and there is no substitute for it, in terms of sociological analysis there is some doubt about the limitations of the case file. Without going into the restrictions imposed by court chronology, which complicated data collection, it was felt that it would be difficult to use this type of support exclusively. However its heuristic interest should not be under-estimated. The combination of police observations, evidence, telephone tapping and the whole work of enquiry which goes with it, told us as much about social practices as the legal logic which gives rise to them. The idea of "legal biography" encapsulates this meeting between a story, which is without doubt reconstructed by the actors in the penal process, and the social and environmental conditions which direct them. However, we are wary of a purely internal reading of these materials since the sociologist must plot the effects of construction and find the meaning of the actors' reconstruction of their own acts or perceptions which they may have of those of others. The problem is not much different, where epistemology is concerned, with biographical accounts: the *biographical illusion* would consist of taking the version given by the interviewee literally, under-estimating the fact that a story involves omissions and reinterpretations in the telling.

A recent survey on criminal investigation procedures showed that although in some cases the procedure enabled the whole "story of the case" to be reconstructed, in other cases "there was a fragment of the story without a beginning or end, or both." (Barré, Godefroy, Chapot, 2000). Here, the field tackled is certainly wider since it extends to the whole of the case file including the preliminary investigation and the hearing. But the investigation is naturally limited by the referral *in rem* to the examining judges of actions which occurred at a given moment and in a given context. When even the judges are aware of the reality of trafficking either from other cases or from the police, we have "elements of ambience" which they can not cite either in writing or orally. Our own analyses of how the cases studied were started, particularly those opened following a definition of a crime as one by an organised band, but also those arising from notice by a special department or customs procedure, confirm the diversity of the hypothetical cases and the need to make use of additional data.

This is why we felt it was essential to include a certain number of contributions external to the legal investigation and the examination in order better to understand the ins and outs of a case, the procedures in play, the evolution of offences. Interviews and informal conversations with judges, and also with police, interviews with barristers, directors of remand centres and social workers involved in the legal or prison environment are an essential contribution to untangling complex cases, following up new developments, getting to know the role and personality of the accused or the prisoner etc. In the same way, this material gives us information about the effective practices of these involved in their own right.

Criminal process in regard to drug traffic

The provisions aimed at repressing drug traffic, previously defined in the code of public health, were introduced into the new penal code in 1994. In the public health code there only remain the offences of use of drugs and incitement to use. The offences covered by the new penal code are justified as follows:

"The modification of the scale of penalties implemented by the new penal code, together with the need to repress the more serious forms of drug traffic more severely, has led to some of these violations becoming criminal offences and to the creation of new violations of a criminal nature. However, aware of the procedural difficulties which may follow from excessive criminalisation, the legislative body has been careful to preserve classification of penalties as far as possible."

With these provisions the legislative body therefore lays down the most severe penalties for trafficking "perpetrated as part of organised crime". Three crimes are also covered by articles 222.34 to 222.36: the act of directing or organising a group for the purpose of trafficking in drugs; the production or illegal manufacture of drugs; the illegal import or export of drugs carried out by an organised gang.

This procedure had been instituted on fourteen occasions.

2. Social organisation of the trafficking networks

2.1 From the "city trade" to the import networks: the diversity of drug traffic

This research is intended to give a clearer picture of the diversity of drug traffic. Although the so-called "organised gang" import networks are its the main subject, we have also been able to describe the reorganisation of local markets which took place during the eighties and thus to compare the different social forms taken by these illegal activities using three survey areas: the north, Hauts-de-Seine and Seine Saint-Denis.

First of all a strong tendency was noted for some markets to become established in a particular area, but movements of trafficking between several municipal areas was also noted. These phenomena may be understood as an effect of the interaction between the strategies of the dealers and those of the repressive agencies. In the various sites studied, many municipal areas were affected by drug traffic; some more than others, but none escaped the spread of the cannabis and heroin networks at regional level, hence the interest in a territorial approach which is on a larger scale than the cities' micro-area framework.

Moreover, although specialisation of trafficking is a constant, a non-specialised trade (cannabis, cocaine, heroin, crack, ecstasy etc.) is booming, which shows adaptation to increasing competition. Does the apparent crisis in the heroin market have a role to play in the emergency of new local markets? The boom in the cocaine market is a good illustration of this. We note, in Seine-Saint-Denis in particular, that some cannabis networks have changed over to the cocaine market, and on a wider scale, the supply networks for this product have been reorganised.

The trafficking networks run by organised gangs

The corpus of cases which are now criminal offences brings to light a type of traffic with two characteristic dimensions: the degree of organisation of the networks on the one hand and the skills available to those involved on the other hand.

In the first place, there are organisations structured around either the import of cannabis from Morocco via Spain or the import of cocaine from Colombia via the Antilles into France. If these networks are dismantled from the top, that is starting with those behind the organisation of the traffic, we can see the networks, the division of work and the degree of technical specialisation engendered by it. We also have access to a whole set of data which enables us better to understand the circulation of the goods (logistics, distribution by middlemen, repatriation of money etc.) and "peripheral" functions (disguising cars, sheltering, counting money, laundering network etc.) which makes wealth production possible. At the same time, the research shows the different types of trafficking, whether by territory, family or municipal district, and in particular the predominance of family networks.

In the second place, the movement of hundreds of kilos of cannabis or cocaine pre-supposes a variety of skills. Some cases show the predominance of professional skills connected to the men's trades as carriers or

transport specialists. The proper functioning of this type of activity requires recruitment of people with the physical, technical and mental experience for long journeys. An awful lot of know-how is required: how to move around, cross frontiers, avoid checks, disguise vehicles etc. The analysis of some cases also confirms the predominant role of women in organising trafficking; they negotiate with suppliers, define each person's role, deal with money laundering etc. In a wider sense, acting professionally means not talking, never touching the goods, using nicknames, using dummy companies for laundering operations; it also means having a modest life style.

The major fact arising from our survey is the transformation of members of large-scale violent crime into drug dealers (first with cannabis in the eighties, then cocaine in the decade following). Is this transformation part of the emergence of a new criminal geography? The fact remains that the social paths of robbers, pimps and other crooks, the professional violence revealed by these files, the connections extended to other markets and sectors of organised crime, are indicators of this process.

There are two remarks which may be made about this point. First, those involved in this trafficking are not part of a homogeneous "environment"; in fact they belong to different worlds: that of the "louts" of the old generation, connected with violent crime and prostitution, and that of the "riff-raff" who seem to be delinquents who came into the drug world at an early age as users. The organisation of these "gangs" therefore rests on this coalition of heterogeneous worlds, with its hard core and occasional partners, its temporary teams. Secondly, one of the effects of the institutional structure of the cases is to validate a pyramid model of the networks corresponding to a type of extremely hierarchical criminal organisations. Using this model to formulate laws is a considerable achievement since the scale of penalties is based on it. Now this view of things is not always borne out. The links are not only hierarchical. They are also supported by networks of acquaintances, often long-standing and connected to prison. The positions occupied can change once the law beings to make itself felt.

We may ask whether this "disorganising heterogeneity" is an additional source of tensions, as may be indicated by a series of irregularities in some cases : thefts, unpaid bills, violence and murder, setting up of parallel networks etc.

Local dealing and its ramifications

There is no common measurement for the trafficking networks run by organised gangs and local traffic from the point of view of their degree of organisation, the skills and professionalism of their protagonists, not to mention the quantities of goods and the sums of money involved.

We should nevertheless emphasise that local traffic is not a homogeneous category; it is related to sizes of territory and varied forms of organisation, including those in poor quarters, it is part of specific local histories and involves groups and relationships which differ from one product to another. In some cases, the traffic is part of a way of life where resourcefulness and informal systems are a feature, as we see particularly in the Lille urban area; in others, it is part of a *culture of unlawfulness* which spreads and brings financial and symbolic benefits.

Moreover, we find features in local traffic which are not found in the larger picture: increased division of work, professionalism among the "masterminds", a climate of fear and violence surrounding dealing places and the "little men", laundering operations using family and acquaintance networks, strong local involvement by the dealers. For example, in the field of organisation, we note that the trafficking sometimes operates as a concession. Far from entering into competitive relationships which would be detrimental to the interests of all, several teams divide up a territory among themselves. In one of the cases studied, three teams each of three or four persons took turns to operate, following a tacit agreement with the others, rotating every month according to some, every week according to others. The adoption of standard secrecy techniques consisting of using individuals who are above suspicion for some operations, whether they are aware of it or not, can also be an indicator of how local trafficking is becoming more professional.

Finally, there is the question of the porosity of the networks. In the same way that trafficking by organised bands can appear in criminal logic to be "parts of a network" side by side, local traffic exhibits not so much structured networks as micro-networks cohabiting in the same geographical area.

2.2. Career paths in trafficking

Analysis of trafficking can be linked to that of career paths in the underworld. The idea of *career path* here denotes, in the view of Becker, "factors on which mobility from one position to another depend, that is the objective facts originating from the social structure rather than changes in perspectives, motivations and individual desires" (Becker 1985). However, we should not stick with a narrowly interactionist view of this but should take into consideration the social experiences and a series of characteristics which the individual carries. Although *judicial biographies* enable us to be informed about the organisation of the dealing networks, it seems essential to us to record the *subjective dimension* of career paths as much for methodological reasons as for ethical reasons.

Methodological in so far as the interviews carried out, for the most part in prison and mostly recorded on tape, enable us to record the "words of the actors". These are not only encouraged to talk about part of their life path starting from elements often poorly understood by the courts, but also to act as informers, in the ethnographical sense of the term, about the conditions in which trafficking and illegal markets develop. Ethical in that judicial buildings, in spite of our vigilance, tend to encourage the "from above" point of view, the establishment view, to the detriment of the "from below" point of view, that of the individuals who are caught up in a chain of events which is often beyond them.

A feature of a large number of the situations reported is therefore that they lead to breaking away. This is particularly apparent in the case of certain young people from the Maghreb who leave school very early without any qualifications, at the same time breaking away from their own culture (where their history is not identified with a migratory process which has profoundly affected several generations). This generational dimension is therefore felt to be important in understanding how a certain number of people, the great majority from working-class environments have come, via small-time jobs and black market wheeling and dealing, to be involved in the drugs traffic network. In short, a record showing a career path through frequently difficult surroundings should encourage an understanding approach.

Two elements arose from this interview survey. Firstly, there are underlying entrepreneurial logics to some of these career paths. Doing *business* tends to become, particularly in the context of areas which tend to be cut off from society, work in its own right making use of resources (relational) and skills (professional). The spirit of enterprise and the wish for social success which is gained today through money leads – at least for the people encountered and the cases dealt with – to a logic in which use of psychotropic drugs can be self-financing. On the other hand, we can also see how a *transfer of skills* operates in regard to a certain number of people involved in trafficking controlled by organised gangs. Whereas they used to be removal men, long-distance lorry drivers, carriers in international tourism, travelling salesman or scrap dealers, they are recruited to carry drugs, escort convoys and control deliveries.

Secondly, what constitutes the originality of this research is linked to the description of strategies for transformation of local violent crime into drug trafficking. Hold-ups, murders, a series of offences, escapes, punctuate the path into crime even before there is involvement in drugs. We feel that the precarious nature of situations, the stigma of prison and its special regimes, together with the strength of links with friends and family enable a better understanding of the starting point, establishment and breakaway points of the career path.

In the description of the career paths taken from interviews, those of the people who are the link between the production sites and the dealers are missing. For instance, small Algerian towns very often figure in heroin traffic in France just as if a commercial skill had been collectively developed from experiences of individual success. The model for success by *business* in the cities probably has its equivalent in the villages of the third world; it seems that although a few unlucky ones are convicted there are more who have successful careers, have successfully reinvested in their country of origin and no longer occupy exposed positions.

3. Police practices and penal policies

The survey shows how the police practices and the strategies which they embody vary according to which department is responsible for the enquiries and the nature of the case. So the OCRIS operational groups or SRPJ work toward objectives: they are in general major dealers who have been sought for a long time or the networks in which they are involved. They not only have authority on a national and international scale but the human, technical and legal resources to carry out a preliminary enquiry and work for its duration. For example, for one case, there is a group of six police officers which has worked almost full-time for a year and a half on

phone tapping and movements of suspect persons. Hence there is a need for results, which have been forthcoming. However, the Regional Criminal Investigation Department and the Local Criminal Investigation Squads have less and less time to do information-gathering work before the court investigation. These departments act under instructions from a judge, which limits the range of their investigations. Although cooperation with the examining judges has increased, the results do not always meet expectations, although there are exceptional cases. As to the promotion ladder, the margin for manoeuvre for police officers seems to be becoming narrower and narrower. Events are governed by priorities.

Should we deduce from this that the same case may be handled very differently depending on which service is involved? That would probably be excessive, since in fact these services are very often involved at very different levels of trafficking. Although dismantling a network from the bottom, starting with two or three users, seems more and more like a dream these days, some cases bear witness to the possibility of dismantling a network from the top, even though sometimes, some years later, it is found that certain ramifications were not dismantled and formed a new network. But what we should question is the gap between these two levels, between international and local trafficking, the repression of the latter constituting the main thrust of public action, going against policies for social prevention and health set up in the last few years in the regions and municipalities (Joubert, 1999).

Can we analyse this diversity of practices as the product of a failure of the penal policy? The practices of public prosecutor's offices in regard to the possibility of classifying drug trafficking by organised gangs as criminal, the systems and provisions set up to adapt action by the legal system to the emergence of the mafia system on the fringes of urban areas or confront laundering operations for "dirty money", the differentiation within the same file of a criminal section and a correctional section, are in this regard good indicators of the diversity, but also of the vagueness, of penal policies. Indeed, although some public prosecutor's offices have opted to make some cases criminal offences, in spite of the time and effort involved in the procedures and the human costs which these entail, others choose procedures which enable trafficking cases to be dealt with more immediately and are essentially aimed at referring these back to local level. It is evident from this that, from one court to another, depending on the classifications chosen, conviction practices vary. So, judges emphasise the perverse effects of the scale of penalties entailed by new provisions in the penal code in so far as the convictions at assize courts may be less than they would be at a regional Criminal Court. For certain cases which could be classed as criminal, the penalties given are quite weak but the customs penalty payments are high. Here also, we might talk of perverse effects in so far as these penalty payments either plunge the convicted persons definitively into poverty, or encourage them to recidivism. More generally, what if these people reason it out and decided to favour illegal activities (black market, fiddles etc.) which are not taxable, rather than taking a salaried position in which they would be largely dispossessed of their earnings? This may explain why in our survey the successful cases of "social reintegration" are those of women who are mothers with young children who can achieve economic equilibrium via social assistance.

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Methodological references

This comparative study on three sites, Hauts-de-Seine, the North and Seine-Saint-Denis, is based on diversified sources; socio-demographic data, data from police questioning (from 1993 to 1999), court data and biographical data.

In addition to territorial data processed over several years, the qualitative analysis of the court files is based on a corpus of around fifty cases and observation of hearings. At the same time, a whole series of interviews was carried out with persons involved in the penal system (police officers, judges, barristers, governors of remand centres) and the social sector (social and education service, integration-probation).

The second direction for research involved the production of around forty *career accounts* by people involved in the drug dealing cases, mostly in prison, introducing a time dimension in some cases by using interviews carried out at different times with the same individuals.

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