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SELECTED ISSUES

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## Selected issue 1

# Drug-related public nuisance — trends in policy and preventive measures

This selected issue is not intended to present a systematic and exhaustive review either of all possible definitions of drug-related public nuisance or of all measures, provisions and policies aimed at reducing the problem in the European Union, nor does it aim to reflect precisely the situation regarding public nuisance in each of the countries concerned. Rather, it seeks to contribute to our understanding of the issues and problems related to a new — and somewhat still limited — area for intervention in Member States, candidate countries and Norway. This document aims to present the first EMCDDA qualitative insight into an emerging concern within drug policy debate, at both national and European levels. The individual behaviours and activities usually covered by the term ‘drug-related public nuisance’ have long existed in most of the countries reporting to the EMCDDA, and therefore we are not talking about a response to new phenomena. What is new is the tendency among policy-makers, apparent in some countries, to categorise these phenomena under the same umbrella and to make the reduction in their occurrence a key objective of their national drug strategy (‘) — and/or to develop specific interventions to tackle those issues.

To what extent is this tendency shared among European countries? Is there a consensual definition of this concept? How are the nature and extent of the phenomena to be assessed? What are the policies aiming to achieve and what are the types of interventions implemented, whether or not they are explicitly designed to reduce drug-related public nuisance? Are there any results from evaluations already available and have quality standards for intervention been established? All these are among the core questions that this selected issue aims to address.

## Definition, genesis and extent of the phenomenon

### Definition

#### A concept covering elements of different nature and extent

Drug-related public nuisance is a catch-all concept, an eclectic mix of elements differing in nature, substance and

extent: in this respect, it can include situations, behaviours or activities. To add to this complexity, certain behaviours generally included in the definition of drug-related public nuisance are crimes. However, drug-related public nuisance cannot simply be reduced to drug-related crime. Drug-related public nuisance actually refers to a very wide range of ‘deviant behaviours linked either to very codified and highly institutionalised rules, such as those of the criminal code, or to less explicit social norms and values’ (quoted in the French national report). Some activities are deemed to be relatively minor in their effect; others, in contrast, are considered ‘as causing extreme distress and misery to people’ (Irish national report). Moreover, depending on the viewpoint taken, certain situations (a harm reduction facility, for instance) may be seen either as a cause of public nuisance or as a response to it.

Perception is a crucial element in the issue of public nuisance that makes it even more complicated for two reasons. First, as Garretsen et al. (1996) put it, ‘nuisance is defined in terms of a wide range of human behaviours that are either inadmissible according to objective norms or subjectively inconveniencing. Yet the subjective inconvenience of behaviours is partly influenced by the varying levels of tolerance in society as a whole’ (Dutch national report). This is also true within an individual country, ‘where it is not easy to categorise nationally what all citizens consider to be nuisance behaviour’ (United Kingdom national report). None of this helps to set a common definition that covers domestic and international differences.

Second, although a given area may be said to experience a lot of public nuisance problems, this statement may be based on public perception, which is not necessarily a function of the objective existence, nature and extent of behaviours and activities in the area. In other words, the fear and feelings of insecurity in a given area are not strictly proportional to the objective levels of criminality, delinquency, occupation of public space, vandalism, etc. that actually exist in that area. For example, a study in Estonia found that parents perceived their children to be at greater risk of harm from drug addicts close to their school than in the vicinity of their home, although the risk was the

(‘) The term ‘national drug strategy’ is defined, by convention, as any official document adopted, agreed or endorsed by the government or part of it (such as a ministry), planning future activities in the field of drugs. It could equally be called a drug strategy, drug plan or policy programme, or it could take the form of a letter or note to parliament or some similar format. To fit within this definition any document will have to fulfil three main conditions: (1) it must be a written document; (2) it must be agreed by public authorities; and (3) it must describe and plan future activities in the field of drugs, or at least in a related area.

same in both locations. In Finland, it is reported that the public perception of danger from drug users is far in excess of the actual levels of risk, and in Norway, the predominance of alcohol-related public nuisance problems is eclipsed by the public's perception of drug problems.

### A first definition from national reports

It is not an easy task to find well established and operational criteria which can be used to distinguish what clearly is or is not a public nuisance. However, a non-exhaustive review of the impressive range of literature on this issue allows us to put forward a tentative definition. Professor Helge Waal of the University of Oslo, in the context of the expert forum on criminal justice of the Pompidou Group, emphasises that the public nuisance concept includes a set of drug-related behaviours and situations that are a source of real concern for communities; these are undesirable and, in some cases, unacceptable to the general population, the civic authorities and local businesses (Waal, 2004). He also points out that such behaviour is also harmful to individual drug users themselves. Finally, he observes that public nuisance exhibits hybrid characteristics of both private torts and public laws — as we have seen above.

Responses provided by Member States to the EMCDDA's request for information on this issue mirror the equivocal nature of the concept but at the same time reveal quite a commonsense understanding of what is and what is not public nuisance. According to these responses, public nuisance encompasses crimes, disturbances and antisocial behaviours that disrupt the safety, security, health and tidiness of a community or neighbourhood and which jeopardise the quality and enjoyment of life of the inhabitants of a street, a neighbourhood or a community. Public nuisance refers, therefore, to behaviours, activities and situations that 'are perceived as undesirable, unpleasant, annoying, threatening or harmful by a person or a community, which consider [themselves] not to be involved in its generation process' (Luxembourg national report).

Public nuisance, as variously defined in the national reports, covers numerous actions, of which the most often quoted examples (Table 1) range from crime and delinquency to various types of perceived threats. Any engagement in these activities or behaviours resulting from or linked to drug consumption, possession or dealing can be considered as a drug-related public nuisance.

As argued in the United Kingdom's national report, all drug-related activities (ranging from use to trafficking) may

**Table 1: Acts and situations commonly included in definitions of public nuisance**

Annexation of public space
Urinating in public
Noise
Verbal aggression
Hindrance
Bothering other people
Damage to property
Decay of moral principles and corruption
Violence or intimidation of citizens
Threat to the individual or to social institutions
Threat to public health
Intrusive verbal contact
Aggressive begging
Causing citizens to take the law into their own hands
Prostitution
Riding/cycling on footpaths
Vandalism and damaging/destruction of public or private property
Graffiti
General harassment (including racist and homophobic incidents)
Rubbish dumping and misuse of communal areas
Uncontrolled pets and animals
Delinquency and criminality
Intimidating gatherings of young people in public places
Nuisance from vehicles (including parking and abandonment)
Rowdy behaviour

also be included. According to the Reitox national reports, the most commonly reported drug-related activities/behaviours/situations having a negative impact on people's feeling of personal safety and on community stability and integrity include public drug-taking, and in particular public injecting; obvious drug-related intoxication; street dealing and crime committed under the influence of drugs; discarding used injecting equipment; annexation of space for dealing and/or consumption (open drug scenes)<sup>(2)</sup>; vulnerability of children in relation to addicts and drug dealers; and intrusive verbal exchanges with drug users and dealers.

### National genesis of the concept

#### The link with individual countries' cultural traditions and socioeconomic status

There is not enough information to describe systematically how public nuisance has become established as a key or even core objective of certain national drug policies, but it is instructive to consider the way in which this issue has

<sup>(2)</sup> The term 'open drug scene' is defined as a 'meeting point where drugs are sold and places where users gather and meet each other'. It is also used to describe the problems of nuisance and public reactions to the scenes and the development of subcultures that might be experienced as offensive by the general public (Waal, 2004).

emerged within the public sphere and drug policy debate in certain countries. It is apparent that the establishment of public nuisance as a key policy category depends on the state and the nature of the political debate concerning drug policy and public order issues at a given time in an individual country. It is also obvious that the categorisation of certain acts and situations as public nuisance varies according to an individual country's cultural traditions and socioeconomic status. The following examples may illustrate these two very general assumptions.

In Ireland, the development of a public nuisance policy appears to be the result of the conjunction of different factors, both structural and contingent. Indeed, in the mid-1990s, communities began to respond on their own initiative. Despite the fears generated by drug dealers, one consequence of the development of local drug markets and related antisocial behaviour has been that, on many occasions throughout the history of Dublin's drug problem, community-based groups and individuals have reacted by engaging in various types of action against drugs including community self-policing, informal justice and vigilante-type activities. Such anti-drug activity has highlighted the nature of the problems being confronted in these communities, thereby raising general public consciousness, which, in turn, has brought pressure to bear on those in authority to respond. These developments at a local level have coincided with major policy developments at a national level, which led to the establishment of local drug task forces. A major catalyst in bringing the issue to a larger public, and thus in exhorting policy-makers to tackle the issue effectively, was the murder of journalist Veronica Guerin in July 1996 by members of a drug gang. The media outcry led to an immediate government reaction and put the drug issue to the forefront of national policy. The issue of nuisance was one of those to be tackled on the wave of this action.

In the Netherlands, the public nuisance policy is reportedly the consequence of developments arising from a focus on harm reduction in the mid-1970s (Dutch national report). At that time, increasing numbers of heroin users of Dutch and foreign origin, including heroin-addicted prostitutes, began to cause inconvenience in the cities of Amsterdam and Rotterdam. The local-level drug policy of the day focused on the health and well-being of users, for example by setting up programmes for needle exchange and methadone supply and arranging streetwalking zones. Many municipalities started to develop projects against public nuisance and some kind of public nuisance policy. The publication of the White Paper on the subject of policy aiming at reducing nuisance caused by addicts in 1993 was the start of national policy-making against drug

nuisance. In 1995, drugs policy received a new impetus as a result of the document *Drugs policy: continuity and change* by the Ministry of Public Health. In fact, a major reason for national government involvement was that drug-related nuisance was undermining public support for drug policies. And, since the 1990s, repressive measures have taken increasing priority on the political agenda. But in both documents, citizens' reactions and local community-based commitment are reported to have been central in raising awareness among authorities on this issue.

In countries where the drug-related public nuisance concept has not been established as a key issue in the drug policy debate and/or as an overarching objective of the national drug strategy, it is nevertheless interesting to study the situations that have attracted attention and policy change over the years. In general, they have been a function of what people have perceived as threatening or problematic behaviour, partly determined by descriptions in the mass media.

Norway is a good example of this phenomenon as the type of drug user in the public focus has varied greatly over time, as has the type of behaviour specifically targeted by control measures. In the 1960s and the first half of the 1970s, the use of drugs, especially cannabis, among young people was perceived to be the most serious problem. In the second half of the 1970s and the early 1980s, attention shifted to the somewhat older intravenous drug users and to problems relating to crimes against property and other forms of antisocial behaviour in this group. In the second half of the 1980s — after the human immunodeficiency virus (HIV) became widespread among needle users — the fight against infection became central, resulting in a redefinition of this group as care clients rather than antisocial and criminal cases. In the 1990s, with the eruption of the acid house scene, attention turned to the teenagers who were part of this scene. Today, now that the house scene has more or less died out, the focus of attention is once again on public order problems among those in an advanced phase of drug abuse, in the form of both violence and drug pushing within the drug milieu and the nuisance caused thereby to the public, who are exposed to begging and congregations of addicts in the city centres.

### **Role of the media**

Several countries support the idea that media attention to the problem appears to play a key role (in addition to other important factors that have been touched on above) in the way that the problems linked to drug-related public nuisance have emerged and been constructed and thus are perceived by the public, and sometimes even by policy-makers. In Sweden, for instance, despite the fact that ordinary people, professionals and others are irritated by

public nuisance caused by alcohol and drug abusers, public nuisance problems have not received a lot of political attention, though they remain a topic in letters to the press. In Luxembourg, too, as the phenomenon of problematic drug use has become the subject of more research and has been given more prominence in media reports since the beginning of the 1990s, public awareness and concern have increased. Reports from officially recognised authorities declaring that the prevalence of problem drug use and drug-related petty crime has increased have contributed to this. Research, information and the media have played a major role in the appearance of public nuisance within the drug policy debate.

Nevertheless, the role of the media, its capacity to construct the issue at stake, and its ability to influence citizens' opinions, should not be overestimated. In every country, public nuisance issues and problems that have triggered policy involvement and commitment have also had a lot to do with the epidemiological patterns that actually exist<sup>(3)</sup>. For example, in the Nordic countries, public nuisance problems have been identified as being mainly alcohol related. In Finland, public disturbances have traditionally been linked to alcohol use, whereas drug-related disturbances have been fairly rare. Custodies, violence and robberies are mainly related to alcohol use and not so much to drugs. The most significant drug-related public disturbances are experienced in blocks of flats where one flat is used for dealing drugs. On the other hand, alcohol use in public places leads to an annual toll of 100 000 arrests (custodies) for drunkenness. Drug use resulting in custodies has not been studied, but it is presumed to be rare. For example in 2002 only 56 cases in which public order and safety had been disturbed by a drug user were reported to the Helsinki police. These cases usually involved intravenous use on the street, sleeping on the street, going through rubbish bins or behaving in a threatening way. In Norway, too, until the mid-1960s most public nuisance in connection with drugs and alcohol abuse had been related to alcohol, resulting in the enactment of several laws empowering the police to intervene to uphold public order. Sweden presents the same noticeable characteristics: public nuisance is much more associated with alcohol than with drug abuse. Public nuisance caused by the drinking of alcohol in public has also recently become an issue in Spain.

As in any other policy analysis, the factors that might explain the emergence of drug-related public nuisance as an issue in the public agenda are varied and include the state of the debate concerning public order and drug policy issues, the role of community-based groups and

local initiatives, the involvement of the media, contingent events that act as catalysts, epidemiological patterns, and issues of national politics and political windows of opportunity. Nevertheless, there is not enough information available to establish one of these factors as being more important than the others.

### Gauging the extent of the phenomenon

Gauging the nature and extent of drug-related public nuisance is a very difficult, not to say complicated, task. How do you assess the extent of public nuisance? Through opinion polls, victim surveys or ethnographic studies, for instance, which may bring information concerning feelings and representations, or through statistics, if any, on situations covered by the definition above, but knowing, conversely, that the objective existence of problems does not necessarily result in proportional feelings of insecurity? Both types of data should be combined to get a better picture of the subject.

### Drug-related crime statistics

Even within the wider definition of public nuisance, reliable information and data in the form of statistics and indicators do not seem to exist (national reports). The first and most obvious reason for this is the lack of a generally accepted definition of public nuisance in most countries. When data are available, and this is not the case for every country, they are generally statistics on drug-related crimes, which grasp only part of the phenomenon. The various types of nuisance are not generally included in descriptions of criminal acts and are rarely the subject of formal complaints to the authorities (French national report). For example, the police can record that an offender is intoxicated, but drug intoxication is more difficult to detect than alcohol intoxication. Furthermore, experience of public nuisance is often a regional or local one, with some areas and suburbs, generally poor and deprived, massively exposed to the phenomenon and others much more protected from it. This experience is also reflected in the willingness of local residents of such areas to cooperate with law enforcement responses. A local survey conducted in an area of Dublin with a severe drug problem found that the most common reason why people would not report drug-related crimes to the police was the fear of reprisal from those locally involved in drug-related crime (Connolly, 2003, cited in the Irish national report). Similar fears were not expressed in national crime surveys in response to the same question.

<sup>(3)</sup> This is not because the feeling of insecurity, for instance, is not strictly proportional to the objective reality of crime. They are, so to speak, loosely coupled.

### Opinion polls, victim surveys and other quantitative instruments

Member States also report using opinion polls, victim surveys and other quantitative instruments, including short and focused questionnaires as well as qualitative methodologies, originating from social science disciplines such as sociology and ethnography, as tools for assessing the existence, nature and diffusion of such feelings among the community. Some countries have a strong tradition of gauging the extent and nature of the phenomenon, generally linked to a well-established policy and being the result of endeavours to define precisely what the concept should cover. For instance, since 1996 repeated surveys have been carried out to assess trends in drug-related nuisance in Dutch cities (Dutch national report). This is also the case in Ireland, where, since the onset of Ireland's serious drug problem in the late 1970s, a number of local studies have sought to highlight the impact of drug markets and associated drug-related crime.

In that context, it is worth quoting the study by Fahey (1999) which used a variety of research techniques to assess the living conditions in seven local authority housing estates in Ireland. Data were gathered primarily using ethnographic methods such as interaction in the everyday life of residents of the estates, participant observation and in-depth interviewing. Problems of social disorder were found to be central factors affecting the quality of life of the residents of all the housing estates studied. The authors concluded: 'Social disorder has the greatest impact on residents' quality of life, through direct experience of antisocial behaviour, a general loss of communal space and a sense of personal safety, and negative labelling of estates in the wider community' (Fahey, 1999). In Finland, according to a 2003 population survey, some 40 % of the population reported being scared of assault by someone involved with drug use. According to population studies, the proportion of those who deemed drugs an important problem in their own neighbourhood grew strongly between 1998 and 2002. The share of those who have actually experienced problems was approximately 11 % in the 2002 study. The percentage is typically much higher in cities than it is in rural areas.

In Verona, Italy, a non-governmental organisation (Il Corallo) has developed a project called 'Itineraries of social safety' (Itinerari di Sicurezza Sociale), which has been specifically concerned with identifying security and public nuisance problems associated with drug dependence and seeking resolution of the identified problems. As one phase of the project, a survey has been

undertaken involving interviews with traders and the general population and travelling with outreach workers and interviews with privileged observers. In total some 1 000 interviews were conducted, around 75 % with traders and 25 % with the general population. In terms of the problems seen as being associated with drug misuse, discarded syringes and drug dealing are direct consequences. A French study in the 18th *arrondissement* of Paris came to similar conclusions: in this district, 87 % of residents had noticed drug users and 73 % cited these users as a general nuisance. Incidents considered to be the main nuisances were, first, drug use in public (94.5 %), then abandonment of syringes (94 %), and finally the presence of drug users in the entrances of apartment blocks (93.3 %).

### Eurobarometer opinion surveys

The feelings of insecurity experienced by EU citizens and their perception of drug-related problems (and perceived availability of drugs) at the neighbourhood level have been measured in the Eurobarometer opinion surveys since 1996. The report *Public safety, exposure to drug-related problems and crime* (EORG, 2003) highlighted the fact that, across the EU-15, the proportion of those feeling 'very unsafe' in the streets rose to 12 % in 2002, compared with 10 % in 2000 and 8 % in 1996. Overall, in the EU-15, when combining the results from respondents choosing the 'often' and the 'from time to time' options for exposure to drug-related problems, we can see a steady growth in exposure from 14 % in 1996 to 17 % in 2000 and to 19 % in 2002. It also appears that the majority of young people tend to agree that it is easy to get drugs. Indeed, according to the special standard Eurobarometer <sup>(4)</sup>, the perceived availability of drugs among young people appears to have increased slightly between 2002 and 2004. An analysis of the survey results shows that 62 % (2002) and 63 % (2004) of respondents tend to agree that it is easy to procure drugs near where they live. Similarly, 55 % (2002) and 57 % (2004) of respondents consider that it is easy to get drugs in or near school or college. While bearing in mind that these Eurobarometer surveys reflect only opinions (perceptions) and not the real situation, they indirectly reveal the pressure of the drug scene on this target group.

### Drug-related public nuisance in the context of street crime, delinquency, and fear of crime

In all these studies and surveys it is clear that street crime and delinquency and fear of crime and delinquent behaviours are major concerns, even if the fear of crime is disproportionate to the actual risk <sup>(5)</sup>. However, it is not

<sup>(4)</sup> Flash EB 158, *Young people and drugs* (19.4.2004–13.5.2004).

<sup>(5)</sup> Review of scientifically evaluated good practices for reducing feeling of insecurity in Member States, Building Research Establishment Ltd, 2005, for the European Commission.

always easy to separate clearly in representations and feelings of insecurity those that are linked primarily with crime and delinquency in general from those that are linked directly to drugs and drug-related activities. This is confirmed by a study carried out in Belgium by Decorte et al. (2004), who studied the impact of a quite exhaustive list of phenomena identified as public nuisance over a period of 12 months<sup>(6)</sup>. This research showed that drug-related nuisance does not appear to be a separate phenomenon but exists in a context of general nuisance such as urban degeneration and vandalism. Information on crime or perceived risk of crime and delinquency often do not isolate the role of drug use in the perceived threats. For example, in Finland victim surveys are used to garner information about the prevalence of violence and the fears of violence among the population but with no reference to the role of drug use in the violence experienced or feared. All these should be considered as constraints that further complicate a precise assessment of the drug public nuisance situation.

### Main reported causes of drug-related public nuisance

According to research on these issues and the information found in national reports from Member States, three types of populations, which often overlap each other, are often identified as the main producers of public nuisance: (a) polydrug users, regularly consuming alcoholic beverages; (b) problematic users, in particular public injectors; (c) users with comorbidities (reported by Sweden).

Similarly, two different settings are reported as the main generators of drug-related public nuisance. First, open drug scenes, such as occur in France, where it was found that nuisances perceived by residents were closely linked to the visibility of 'open scenes'. In Germany, too, problems related to public nuisance are to be found in the surroundings of open drug scenes. There are only a few German cities with a large open drug scene causing problems for residents living nearby. In Berlin, it is assumed that there are several small meeting points scattered over the city and frequented by a maximum of 40 drug users each. The total number of drug users frequenting these locations is estimated to be below 800 persons. Drug trafficking, too, is limited to a few 'hot zones', so that general nuisance for the population is assumed to be quite low and locally restricted. There are relatively large open drug scenes in Hamburg and Frankfurt. In Luxembourg, too, drug-related nuisance is most felt in surroundings where drug use and trafficking occur simultaneously, such as the central railway station or

isolated lots near the dealers' scenes. In Sweden, drug-related public nuisance is mostly restricted to Stockholm and its downtown drug scene.

The importance of the open drug scene as a major generator of public nuisance can also be inferred from the cases of countries where drug-related public nuisance concerns have been limited because of the very secretive nature of the drug market. In Finland, the situation is reported to be not as severe as it can be in other countries, and this is thought to be a direct consequence of the characteristics of the Finnish drug market, which is said to be of a secretive nature. In comparison with other countries, a particular feature of the Finnish drug market is that there are no open drug parks or market places and selling drugs on the street is fairly uncommon. The drug market is hidden in private residences.

Drug treatment centres and low-threshold interventions have also been presented in national reports as being — or at least perceived as being — sources of drug-related public nuisance, which threaten the quality and peaceful enjoyment of life in a district and which have thereby triggered off public demonstrations, hostile attitudes by citizens, and, in certain cases, reaction from ad hoc community-based groups (in English, the NIMBY syndrome: 'not in my back yard'). Some examples of this syndrome are reported in France, while in Cyprus many centres report such an initial reaction. In Germany, there are low-threshold facilities where occupants of adjacent buildings, shopkeepers and passers-by feel that their security and quality of life is threatened. Similar difficulties arise particularly when low-threshold services for drug users are being newly set up. The German national report also refers to this as an unsolved problem in the case of drug consumption rooms, especially if the facilities are located in residential areas. The situation has been particularly complicated in Greece, where since 2002 organised public reaction (including sit-ins and demonstrations) against the launching of a Kethea treatment unit in Evros in northern Greece has had such an effect that, at the time of writing, the unit has not been able to open. Reaction against hosting substitution programmes in hospitals is also a problem throughout Greece.

This tendency to identify drug treatment centres and low-threshold interventions as drug public nuisance generators also exists in Norway, where in view of the then rapidly increasing number of HIV-positive drug addicts, the executive committee of Oslo city council decided in 1989

<sup>(6)</sup> Traffic noise, animal droppings, theft of or from or vandalism of vehicles, refuse on the street, illegal dumping, aggressive conduct in traffic, traffic accidents, exhaust fumes from street traffic, vandalism of and graffiti on public property and private residences, dilapidation of buildings, odour from street litter and rubbish bins, urinating in public, noise at night caused by people on the streets, noise caused by pets or domestic animals, noise caused by children playing outside, noise caused by television or music from the neighbours, noise caused by neighbours quarrelling, noise caused by bars and discotheques, burglary, robbery and aggressive theft, brawls on the street, bag snatchers and pickpockets, street prostitution.



to establish a needle bus, which would distribute clean needles and provide information about how to prevent the transmission of HIV. However, drug addicts soon began to congregate in large numbers around the needle bus, many of them injecting their drugs in the surrounding area. This led to protests from local residents and the bus had to be moved regularly. The bus was eventually closed down in 2003 and needles are now distributed from a fixed location in Oslo city centre in connection with a low-threshold health station.

Finally, as stressed in the Luxembourg national report, the implementation of new infrastructures such as drop-in centres, consumption rooms or night shelters for drug addicts is often perceived as contributing to the causes of public nuisance, as they are said to attract problematic drug users and thus degrade the quality of life in the local area. However, as we will see below, it is ironic that these facilities may be established specifically, in certain countries, to counter issues of public nuisance — and with some success.

Thus, though the definition of drug-related public nuisance remains elusive, a greater understanding of the issue shows that it has slowly but surely been building up over the last 30 years at different rates in different countries. Nevertheless, improved identification of the problem may well be a factor in the growing number of reports of such nuisance as it grows in the public consciousness. However, with such a variety of methods of measurement, it is difficult to say objectively how much the phenomenon has actually increased — and this will influence the issue of how to define the effectiveness of the responses to it, which we shall now go on to examine.

## Policy and measures

### From public order to public nuisance

We have already seen that countries do not share a common definition of drug-related public nuisance, which makes the task of comparison between countries and attempts to group them somewhat challenging. Nevertheless, to help us understand the phenomenon, we have identified a rudimentary/preliminary typology, which divides the countries into two main groups: countries with an integrated and coordinated policy dedicated to drug-related public nuisance and countries without drug-related public nuisance as a central objective.

### Countries with a policy dedicated to drug-related public nuisance

The first group of countries set reduction in drug-related public nuisance as a key objective of their drug policy as a whole and thus implement a more or less integrated and coordinated policy dedicated to drug-related public nuisance (<sup>7</sup>). They report a clear reference to the concept in official documents (laws, national drug strategy), in some cases accompanied by a precise definition. In this first cluster, we see Belgium, Ireland, Luxembourg, the Netherlands and the United Kingdom (<sup>8</sup>).

In Belgium, drug-related public nuisance first appeared in 2000 in the federal security and detention plan — as a result of its attracting a lot of attention in local police security plans — and, more specifically, in the federal drug policy note in 2001, where an important objective is the ‘reduction in the negative consequences of the drug issue on society (including public nuisance)’. The new drug law passed in 2003 also contained references to public nuisance, whereby it is considered to be a matter of aggravating circumstances: existence of nuisance influences the reaction of the public prosecutor on all drug-related infractions and always aggravates the punishments. As such, public nuisance has become a key concept of Belgium’s drug policy.

As part of a wide-ranging legislative response to the drug crisis in Ireland, specific measures were included in the Housing (Miscellaneous Provisions) Act 1997 to, *inter alia*, facilitate the exchange of information between Dublin Corporation and the police in relation to antisocial behaviour. This act provides for a range of measures giving local authorities the powers to deal with problems arising on housing estates, from antisocial behaviour, namely drug dealing, to violence and intimidation.

The Netherlands also implements an integrated policy against public nuisance, whereby health-related interventions, public order enforcement and supply reduction measures are addressed together, associating all actors involved at a local level in drug policy-making. In 1995, the national government launched a policy for making the cities vital, safe and habitable: the large cities policy (*grotestedenbeleid*). Large city problems called for a joint effort from public and private partners. By mid-2004, the national government had entered into covenants with 30 medium-sized and large cities. Participating cities are urged to adopt an approach that is result oriented (agreeing on concrete targets in advance and collecting data to realise these) and integrated (gearing activities of local municipalities and sector-oriented

(<sup>7</sup>) In the rest of the text, we will distinguish between a drug-specific public nuisance policy and a broader public order policy, not specific to drugs.

(<sup>8</sup>) Subgroups may be identified within this first cluster. Some argue, for instance, that the philosophy and the principles behind the drug-related public nuisance policies of the UK and the Netherlands are quite different. However, there was not enough information of that kind in national reports for us to be able to elucidate such clusters.

institutions towards one another). The national government has responsibility for formulating and monitoring policy lines and providing additional funds. During the first phase of the large cities policy (1994–98), the nuisance reduction steering committee (SVO) worked with municipalities in pushing back drug-related public nuisance. To improve coherence in the policy against (drug) nuisance and related problems, priority is given to an integrated or chain approach, in which prevention, repression and assistance are geared to supplement one another. This means that, in practice, the various actors, such as outpatient addiction care, social relief services, community health services (GGD) and the police and judiciary, have to work together.

The United Kingdom has also adopted this kind of integrated approach to the problem, based on the principle that, as the problem of nuisance includes so many different types of behaviours, the range of responses should be equally broad. UK policy therefore seeks to help persons who cause street problems and community disorder through their drug use by directing them into treatment and to safer methods of using while they regain control. Tackling public nuisance involves an integrated approach involving drug specialists and police working in partnership. Building ‘bottom-up’ community responses to drugs is a major strand in drug policy. As such, local drug and alcohol action teams (DAATs), working with crime reduction partnerships, seek to provide a balance between treatment and enforcement. As part of this, ‘Communities against drugs’ (CAD; 2001–03) enabled many community groups and organisations to engage in developing innovative responses to their local problems. The Home Office has published a number of guidance manuals for local partnerships that manage such problems<sup>(\*)</sup>, all recommending an approach comprising a mixture of enforcement, treatment and support.

Finally, we can include Luxembourg in this first cluster, since the new Luxembourg drug strategy (2005–09) introduces interesting elements in connection with the concept of public nuisance. The reduction of drug-related public nuisance, together with the reduction of risks and harm, is considered to be complementary, addressing, as in the other countries mentioned above, activities not only in the field of demand reduction (as in the previous drug strategy, 2000–04) but also in that of supply reduction.

The fact that drug-related public nuisance is often considered to be a local community problem seems to be recognised by the above strategies, all of which provide responses that are steered to a large extent by local community groups.

### Countries without drug-related public nuisance as a central policy objective

The majority of countries do not report public nuisance (labelled as such) as being a central, or even a key objective of their national drug strategy. Rather, these countries address most of the acts and situations that have been described here as public nuisance within a broader safety and public order policy, even though they may also have developed ad hoc targeted interventions to cope with some of the drug-related public nuisance problems.

It is true that in many countries, for instance Cyprus, the national drug strategy may be seen to implicitly recognise the potential for public nuisance due to drug use and drug-related activities and to underline the need for action and interventions to cope with it. Yet, in most of those countries, the debate on the problems listed above has rarely been focused on any *systematic* way of resolving those issues; most of the time, a case-by-case approach is preferred. In other words, in this group of countries, there does not seem to be a single, consistent attitude within a country towards the problem of public nuisance.

In countries such as Hungary, there is no specific policy or legislation against drug-related public nuisance, and no separate legal category has been created for the classification of drug-related offences against public order, outside the scope of drug-related crime (excluding the offence of misuse of narcotic drugs). Legal responses are to be sporadically found among the criminal and administrative rules of law, penal rules of misdemeanour and internal regulations of the authorities.

The problems and issues that are labelled as drug-related public nuisance include variously: problems falling within the remit of the safety policy and the drug policy as a whole (Czech Republic); problems being close to ‘disturbance of the public order’ (Germany); problems being linked to a broad concept of public safety and security, which covers a range of community issues (Italy); or within ‘public order disturbance’ or ‘juvenile criminality’ categories (Slovenia) — to give just a few examples.

This group includes rather heterogeneous forms of policy reactions to drug-related public nuisance, and it may be worth dividing it into two subgroups. The first one would include countries such as Germany, France and Greece that have developed ad hoc interventions (as opposed to a full policy) with explicit reference to targeting a reduction in drug-related public nuisance. The second subgroup would comprise countries, including the majority of new Member States, which address most types of public nuisance with existing non-specific interventions and laws, with no reference to the concept at all (for some countries

(\*) The crime reduction toolkit is available online (<http://www.crimereduction.gov.uk/toolkits/as03.htm>).

the concept of drug-related public nuisance does not even seem to exist).

## Responses and interventions

Surveying the most commonly reported responses and interventions implemented against public nuisance problems, it will be seen that some of them are targeted primarily at tackling the issue and some others have many objectives, among which the reduction in public nuisance could be just one, and not necessarily an explicit one. They may include different types of legislation, security policy and supply reduction activities, and harm reduction interventions.

### Legislation

Three main types of legislation may be distinguished: (a) general legislation concerning public order and public nuisance that does not target drug-specific public nuisance; (b) legislation that focuses on drug-specific public nuisance; (c) drug laws regulating use, possession, transportation, selling, etc. that are considered in certain countries to be a key instrument in combating drug-related public nuisance.

#### **General legislation concerning public order and public nuisance**

General public order legislation, which covers, more or less systematically, some of the behaviours that have been identified as public nuisance, is the key approach to drug-related public nuisance taken by many countries. In Cyprus, behaviours usually identified as causes of public nuisance are addressed by various laws and regulations, such as the one considering the use of violence and intimidation. The general 1994 Law Concerning Violence in the Family and Protection of Victims 47(1) covers the abuse and neglect of children of drug users. There is no particular law addressing drug-related recruitment into crime, but Article 20 of the Penal Code stipulates that persons are held responsible for any assistance offered to any criminal activity. There is no legal provision regarding the annexation of public space by drug users, but the formation of illegal meetings, rioting, public disturbance and disturbance of the peace constitute offences. Intrusive verbal contact is considered an offence in the case of defamatory use of insults, irrespective of whether or not the perpetrator is a drug user, according to the penal code, provided the committing of a criminal offence is intentional. Thus non-drug-specific regulations can cover public nuisance problems, or at least some of them, empowering public authorities to act and respond. Other countries taking a public order approach to combating public nuisance include Denmark and Hungary.

Regulations adopted by authorities at the level of municipalities or regions should also be considered, in addition to the national legislation, as being of key importance in the fight against drug-related public nuisance, but they are outside the scope of this short overview. They should not, however, be omitted by those who want to get a more comprehensive and precise picture of the legal responses to the phenomenon. Indeed, with nuisance often being felt on a local level, it may well be addressed by local legislation.

#### **Legislation that focuses on drug-specific public nuisance**

Some countries have passed legislation against drug-specific public nuisance or, at least, against some categories of drug-related public nuisance. In the United Kingdom, the Anti-Social Behaviour Act 2003 tackles a problem that has emerged over the past few years: properties used for the sale and use of crack cocaine and other Class A drugs, which are associated with serious nuisance. The act is part of both (a) the national strategy on antisocial behaviour, which extends more widely than drug-related behaviour, and (b) the national crack cocaine strategy, a subset of the national drugs strategy. The act makes an explicit link, for the first time, between penalties and powers to control drug-related behaviour resulting in nuisance. Previously, the only punishable act was that of possessing or supplying (or producing or trafficking) the drug itself. The new act criminalises the subsequent nuisance arising from such offences. Its powers are targeted against properties as well as people, as the act enables the closure of premises used in connection with the production, supply or use of Class A drugs and which are associated with disorder or serious nuisance. The act also contains other powers against nuisance, none of which are defined as drug-related, even though they may be caused by drug use.

Spain's Constitutional Act 1/1992 of 21 February on the Protection of Public Safety does not mention the term 'drug-related public nuisance' as such but may be said to target some of the behaviours and situations identified as public nuisance. It provides for: (1) the prohibition of the illegal use and traffic of narcotics and psychotropic substances in public premises or establishments, or of failure to apply due diligence in preventing such use and traffic, referring to the owners or managers of such establishments; and (2) the classification of the following behaviour as serious infringements of public safety: (a) use of narcotics and psychotropic substances in public places, thoroughfares, establishments or transportation; (b) the illegal possession of such substances, provided that they are not intended for traffic (in which case, this behaviour would be a criminal offence); and (c) littering such places with paraphernalia or instruments used to administer drugs.

Anti-rave party legislation can also be considered as legislation against drug-specific public nuisance. In France, after action was taken by some prefects and mayors against events that were part of the techno movement, especially large 'teknivals' involving more than 20 000 people, an amendment to the law on security to regulate these gatherings was adopted in autumn 2001. Article 53 of the Law on Everyday Security (LSQ) <sup>(10)</sup> therefore gives a legal framework for the gatherings currently known as 'rave parties'. The same law on everyday security prohibits occupation of common areas in residential buildings (Article 52 amending Article 126-1 and 126-2 of the Building and Housing Code).

### **Drug laws**

Finally, there are countries where the primary drug control laws that regulate use, possession, dealing, transportation, etc. are considered to be key resources in the fight against drug-related public nuisance. For Norway, the most important provision is the one making any association with substances classified by international conventions as narcotic or psychotropic a criminal offence — including use and possession for personal use. Although this provision permits arrest and criminal prosecution of drug users, in practice it is implemented with some restraint. This criminalising of drug use is reported to facilitate surveillance and undercover work by the police in areas and public premises where they suspect that drugs are being used. In Sweden, too, it is considered that as use of drugs is criminalised, an investigation regarding violation of the penal law on narcotics can take place when a drug abuser is seized, even if he or she fulfils the necessary conditions for public nuisance defined in LOB, the law normally used to counter public nuisance.

### **Security policy and supply reduction activities**

Security policy and supply reduction activities are considered to be key elements of the reduction in public nuisance in many countries that report no legislation or measures specifically addressing the phenomenon of public nuisance linked to drug use and drug-related activities.

### **A decisive role for police forces at local level**

Police forces, with both national and local remits, and law enforcement agencies are key actors. In Cyprus, the overall management of and responsibility for combating drugs and drug-related issues such as public nuisance rests with the courts and police, and specifically the drugs law enforcement unit (DLEU). In Finland, according to the police anti-drug strategy (2002), local police must organise sufficient and efficient street supervision in order to prevent the sale and use of drugs, to obstruct the

propagation of the drug culture and to reduce the recruitment of new users. It has been deemed important that local drug distribution channels must be disrupted and that encounters between dealers and users are made more difficult. In Germany, mayors, authorities and city councils are all involved. In Ireland, the Dublin North Inner City Community Policing Forum is a good example, as it shows that the forum had an encouraging effect on the willingness of the local communities to cooperate with public authorities in order to reduce drug-related incidents.

However, in practice, the police mainly assume the role of an executive organ. In Greece, the anti-drug subdivision of Attica (Attica Police Directorate) aims at reducing criminality, drug trafficking and drug use in public places. This service, which is part of the legal framework for the establishment of the anti-drug subdivision of the Hellenic police, has been further strengthened since September 2003 by means of a greater number of police officers and resources (cars, radios, computers and a telephone hotline number (109) for public reporting of drug-related crimes), in response to an increase in the number of users gathering in the open drug scenes in the centre of Athens. The work of the service, based on the zero tolerance concept, involves the following: (a) road checks on the open drug scenes in the centre of Athens, outside the premises of OKANA low-threshold services and the emergency pharmacies in the area, as well as road checks across the wider area of Attica; (b) arresting drug users and dealers; (c) taking dealers into custody; and (d) keeping suspects under surveillance following public complaints against them through the telephone hotline. The target group of this particular action was said to be traffickers of small drug quantities.

Many countries draw attention to local innovations and initiatives in their national reports. In both Greece and Cyprus, the concept of the neighbourhood police officer has been adopted as an important measure in the abatement of public nuisance.

In the United Kingdom, where a specific policy has been established to combat drug-related nuisance, a new police plan defines the way in which police forces should take account of this issue. Police forces are required to meet certain key objectives: to reduce crime, but also to tackle criminality, and to reduce antisocial behaviour and the fear of crime. In response to antisocial behaviour and disorder, chief constables and police authorities are expected to include in their local plans a strategy for tackling youth nuisance and antisocial behaviour. To implement this, forces should work closely with crime and disorder reduction partnerships and make the best use of all the tools available to them, including antisocial behaviour orders (ASBOs), antisocial behaviour contracts,

<sup>(10)</sup> Law No 2001-1062 of 15 November 2001/NOR: INTX0100032L.

fixed-penalty notices, the power to seize vehicles being used in a manner causing alarm, and the power to take action against badly run pubs and clubs.

In Italy, the approach to the issue is not drug-specific and is deemed to be broader, as can be illustrated by its focusing more on public safety than on local security. The concept of public safety began in relation to criminal behaviour and both actual crime and fear of crime. As such, the starting point was the rule of law and ensuring that the rule of law was more effectively enforced. The concept of urban security was extended to include a much wider range of activities than traditional law enforcement tasks and included programmes and projects aimed at reducing, and where possible preventing, criminality and behaviours causing social alarm. The genesis of the present approach to public safety, including security issues, has thus come from the need to ensure the proper upkeep of public facilities and improvement of the physical and social environment and the safety and security of the general public, as well as crime prevention and detection. The measures taken in Italy are extensive, although relatively few are specifically focused on drug-related issues. Instead they are focused on ways of improving local situations as a means of preventing future harm, rather than on a specific issue that might represent one part of a larger problem. In Italy, in every region and in most communes there are specific projects concerned with public security and safety.

### ***Elimination of open drug scenes: a key target***

The elimination of open drug scenes appears to receive a lot of attention from Member States. This should be understood to be a consequence of open drug scenes being seen to be major contributors to public nuisance in general (see the first part of this special issue, 'Definition, genesis and extent of the phenomenon'). In Germany, open drug scenes are not tolerated and are prevented as far as possible by increased police presence and regular controls as well as through offering shelter and alternative meeting places as part of harm reduction interventions (see next section). This is notable in the state of Bavaria but also in the cities of Hamburg and Frankfurt, where relatively large drug scenes have shrunk significantly in recent years as a result of various measures, including a high control density. In Denmark, the normalisation of the area in Copenhagen known as Christiania (an autonomous community), where overt cannabis trading has been going on for a number of years, has been considered a key target by the government. Among the implications of normalising the area would be the stopping of overt cannabis trafficking. Denmark has also recently adopted legislation against 'cannabis clubs' (defined as a room from which cannabis is sold and/or in which cannabis is

smoked), which allows the police, after advance warning, to issue a three-month injunction against the owner of such premises, prohibiting visitors from arriving or staying there.

### **Harm reduction interventions**

In addition to the various legislations and security and supply reduction policies, another reported response to public nuisance is in the form of harm reduction interventions. Harm reduction centres and low-impact interventions often receive considerable resistance from local communities, as they are perceived to be attracting problematic drug users. However, many countries report that this initial resistance to the establishment of such centres is often followed by a normalisation in the relationships between the community and the professionals involved. The reason for this change in attitude may be linked to the fact that such interventions contribute to the reduction of public nuisance in the area in which they are located. Treatment, harm reduction interventions and outreach work are often presented as effective responses to drug public nuisance and considered as a necessary accompaniment to law enforcement and supply reduction policies in many countries. This conclusion was underlined clearly by the forum on criminal justice of the Pompidou Group, which argued that the proactive offer of treatment and harm reduction measures is essential to complement actions against street level supply of illicit drugs.

In Hungary, harm reduction programmes are also considered to be responses to drug-related offences. In Luxembourg, drug-related harm reduction measures, which were implemented in response to a growing concern about the alarmingly poor health of problematic drug users and the spread of infectious diseases, have indirectly targeted the prevention of petty crime and other drug-related nuisance. The fact that in 2002 (Hungary) and 2003 (Luxembourg) those measures have been given a legal framework in these countries, and that other measures such as consumption rooms and heroin distribution programmes are retained as priorities by their governments, shows that health promotion and nuisance prevention/reduction continue to be strongly linked. In Austria, demand-oriented low-threshold measures are also considered to play an active role in preventing public nuisance.

### ***Needle and syringe exchange programmes***

Exchange programmes are regularly quoted as one of the harm reduction measures that greatly contribute to the reduction of public nuisance, as discarded syringes found in parks and in children's playgrounds have attracted a lot of negative community and media attention. In that respect, many countries quote high return rates as an

indicator of effectiveness, for example in the Netherlands, or in Austria, which reached a return rate of 95 %, with the consequence that the number of syringes left lying about has decreased considerably.

### **Consumption rooms**

Consumption rooms, similarly, are presented in some countries as having reduction in public nuisance either as a key objective, for example in Germany and the Netherlands or, by experts in Austria, as a possible outcome. In Norway, although reducing public nuisance is not the principal reason for deciding to establish an injection room, which opened in February 2005, the expected reduction in drug injection and discarding of needles in public places was listed among the desired outcomes of the intervention. Similarly, Luxembourg, where a consumption room was opened in July 2005, also cited the impact on public nuisance as one of the reasons for this type of intervention.

### **Coordination, mediation, communication and information campaigns, and training**

National reports show that one of the key success factors for the smooth and effective establishment of any drug-specific interventions, and in particular harm reduction measures, in the community is consultation with and coordination between all actors involved in local drug policy, including community-based groups and individual citizens. In this respect, for the creation of new consumption rooms in Berlin, a cooperation agreement was reached, thus ensuring a regular exchange of information between the organisations running the facilities: police, judiciary and authorities. Such agreements are, in general, standard for drug consumption rooms. Collaboration between these authorities is legally mandatory under §10a BtMG. As part of this agreement, the responsible organisation must establish contact and communicate with the neighbourhood.

The same conclusions are reported in Luxembourg on the effectiveness of a night shelter opened in December 2003 in reducing public nuisance. For this shelter there had been (a) a consensual need analysis involving both service demanders and service providers; (b) early involvement of and constructive collaboration with local police and municipal authorities; and (c) early and reliable provision of information to local residents and the setting up of a nuisance reporting line. The subsequent success of the project is believed to be primarily the result of these factors among others<sup>(1)</sup>; it is reported that after eight months of functioning, there were no major problems in terms of public nuisance and that, on the contrary, the night shelter

contributed to reducing the incidence of people sleeping rough in the streets and squatting and late night disturbances caused by problem drug users.

This kind of consultation and coordination activity can also take a more institutionalised form, as for example in Greece, where the persons responsible for the street work programme contacted NGOs providing support to socially excluded groups (i.e. Kethea Multiple Intervention Centre, ACT UP, KEEL, ARSIS, Médecins Sans Frontières, Médecins du Monde) in order to create a network of services for dependent users. As such, networking and coordination activities between those at the political level and police and drug help centres are considered as a means, as in Austria, of avoiding controversy, and it means that issues are taken into the public sphere and addressed by competent institutions. This can contribute to the reduction of public nuisance to a certain extent.

Mediation is another term that describes similar processes and initiatives by which we can bridge the gaps between different institutions and the community. For instance, in Vienna, since 2003, monthly meetings of representatives of the police, Vienna's public transport system and social workers have been organised to develop a joint policy for coping with the drug scene and related problems. Since 1993, attempts have been made too by TEAM Focus to obtain a comprehensive, neutral overview of the background, causes and actors in conflict situations. In France, the 1999–2001 three-year 'Plan against drugs and for the prevention of dependencies' (MILDT, 1999, later extended to 2002) acknowledged that treatment and drop-in centres in areas where there are marginalised drug users 'are often not welcomed by local residents who are often poorly informed' and recommended the creation of mobile neighbourhood teams in the districts where there are most problems. Five teams have been created so far. Their objectives are first to improve the treatment of active, marginalised users and second to make the risk and harm reduction policies more acceptable to residents through information and dialogue.

Communication campaigns are also a key tool in improving the level of social acceptance of drug users by citizens, and thus in reducing their feelings of insecurity. In Austria, the authorities have put a lot of effort into having drug dependency defined as an illness rather than as a criminal act. This has led to a better understanding of addiction-related measures. Public relations work in Austria by drug aid institutions has raised public understanding of addiction patients and helped to create a general awareness that addiction has structural, social causes. It has thus contributed to overcoming fear, negative expectations and prejudice against drugs by

<sup>(1)</sup> Another factor is seen as having contributed to the success of this night shelter, namely the involvement of clients in the nuisance prevention process.

means of specific educational campaigns. Similarly, in Greece, the concept of the so-called OKANA Campaign was that drug addicts should be regarded as patients who need treatment and support. The information and awareness-raising campaign of Kethea not only appeased reactionary voices but also shifted attitudes in favour of the programme and fostered better acceptance of drug users.

## Indicators and evaluation

### Evaluation of a specific intervention

Comprehensive and overarching evaluations of an entire public nuisance policy or strategy, even in countries which have such a strategy, are quite rare. This is perhaps not surprising, given our opening assertion that the concept itself may be difficult to define and quantify. Instead, the culture of evaluation of a specific intervention predominates. In France, for instance, 'Coordination 18' was set up in 1999 with the objective of ensuring social mediation between the parties concerned with nuisance linked to drug addiction (drug users, local residents, traders, etc.) and the police. Between 2000 and 2001, one year after it was set up, the functioning and actions of this structure were evaluated. In Ireland, the Dublin North Inner City Community Policing Forum was evaluated positively (see last year's Irish national report). In Finland, too, a few specific studies have assessed the effectiveness of activities against drug-related disturbances. Police operations to prevent such disturbances in residential buildings have been evaluated in the Greater Helsinki area, and in Tampere cooperation between the police and social services in preventing the social exclusion of young drug users has been evaluated.

In Germany, a survey to evaluate the effects of a drug consumption room in Hamburg reported that during the opening hours of the facility, the number of drug users in the street was reduced by 47.5 % (Prinzleve and Martens, 2003 and 2004, cited in the German national report). A European study involving experts from Rotterdam, Innsbruck and Hamburg found that drug consumption rooms had positive effects on public nuisance, which were mainly attributed to a reduction in drug use taking place in public. However, in one case, police reported continual conflicts and complaints about a consumption room situated in the middle of a residential area.

### Indicators

The indicators used to assess the level of success of the interventions to reduce public nuisance are those that also serve to assess the nature and extent of the phenomenon, namely indicators on drug-related crimes, together with opinion polls, victim surveys or ethnographic studies.

Austria reports that, in Vienna, the feeling of threat in connection with the open drug scene markedly declined between 1997 and 2001. As an indicator of social acceptance, only one fifth of the population of Vienna would feel very negative if a drug counselling centre were opened in their immediate vicinity. The Pompidou Group stresses that, ideally, the success of an intervention against public nuisance, and in particular in managing open drug scenes, should be assessed through a combination of indicators such as a reduction in the occurrence of public nuisance behaviours, satisfaction of the general public, and health and social gains (Burgess, 2004).

The Netherlands is one Member State that has launched quite broad evaluation programmes to assess the effectiveness of its actions against public nuisance. In that respect, it was found that, between 1996 and 2002, drug nuisance figures in the larger cities showed evidence of a downward trend. In the years 1998–2000, subjective inconvenience decreased, particularly in residential areas with the most severe (category I) level of nuisance. After 2000, however, the reduction did not continue. In residential areas with comparatively low drug-related nuisance, rates were stabilising or slightly increasing. Over the years 2002–04, the 2004 'police monitor Dutch population' <sup>(12)</sup> reports an almost constant drug nuisance rate of well over 6 % in residential areas. In 2004, compared with drug nuisance, slightly more respondents mentioned 'drunken people' as an important cause of nuisance, while 'nuisance by groups of youngsters' was on top of the list with 13 %.

Despite the above examples, evaluation of public nuisance policy or interventions appears to be underdeveloped. Nevertheless, in countries that deem public nuisance to be a key concern, the development of appropriate and specific indicators and improvement of other data collection instruments is essential if evaluation is to be achieved.

## Conclusions

### Public nuisances, new phenomena?

Behaviours, situations and activities that are now usually categorised as drug-related public nuisance are not totally new entities. What may be new is the growing labelling of and concern over this issue in the public sphere and in the drug policy debate in certain European countries and at European or international levels. In those countries, drug-related public nuisance has become established as a key focus for national drug strategy, and the reduction in public nuisance has become one of the guiding principles for interventions.

<sup>(12)</sup> [www.politie.nl/Overige/Documentatie/politiemonitor\\_bevolking.asp](http://www.politie.nl/Overige/Documentatie/politiemonitor_bevolking.asp)

Is the relative success of this concept as a new drug policy category the consequence of a real increase in the extent of these phenomena in modern society in certain European countries? Or is this, conversely, the result of a growing feeling of intolerance towards drug users and drug-related activities in local communities, in particular in poor and deprived inner city areas? There is no evidence, or at least not enough in this chapter, for scientifically testing either of these two hypotheses, nor apparently is there in the national reports given to the EMCDDA. Far more research is needed to be able to give a more satisfactory answer.

The fact remains that, in Europe, a growing number of countries have decided to adopt the reduction in drug-related public nuisance as a central objective of their drug policy and developed overarching and multidisciplinary perspectives to address this issue, which may foster coordination and cooperation between institutions, agencies and stakeholders, including representatives of civil society. They have also designed a wide range of specific and targeted interventions to this end. In those countries, public nuisance policy should not be regarded as the sum of individual interventions of different natures, be they demand or supply reduction oriented, but as the result of a carefully thought through, coordinated and integrated approach that combines (or aims to combine) health, social, public security and environmental components.

However, most European countries have not adopted such categorisation, at least in their official drug policy documents and legislation, and have therefore not implemented any specific policy against drug-related public nuisance. Those countries appear to consider that the problems can be satisfactorily addressed within the framework of a broader safety and security policy, even though some of them have elaborated ad hoc responses to the phenomena as they arose, in particular in the field of health and social interventions.

How to explain this dichotomy? Some argue that the level of formalisation of the concept and the extent to which public nuisance has been defined as a central policy objective of a given drug policy and intervention, would be linked — though loosely — to the level of seniority of a drug policy, that is, the length of time a policy has been in place, and, in particular, to that of harm reduction. Even though this hypothesis has still to be proven by further research, we can see that the clustering of countries presented in this chapter is more or less consistent with this criterion.

We have also shown how miscellaneous and diverse are the interventions that can contribute to reducing public

nuisance in the community. This diversity could be taken to be the result of a shapeless definition that may encompass, according to how this concept is interpreted, many drug-related activities, behaviours and situations. It could also be understood as the consequence of a tendency to present *any* intervention or regulation in the drug field as aimed at reducing public nuisance, among other things, particularly in the countries that have not developed a devoted policy. Thus, to avoid the risk of diluting this idea, some conceptual work would be desirable. Furthermore, initiatives to exchange experiences on good practice in this policy field, such as those of the representatives to the Pompidou Group and those within the framework of the European Union crime prevention network (EUCPN), could be further developed.

### Ethical issues

Implementation of public nuisance policies raises ethical issues. In some national reports and in the dedicated literature, the need to find a proper balance between the rights to safety and the enjoyment of a peaceful life and respect for human rights is underlined. An example of this kind of normative debate comes from a study commissioned by the authorities in Dublin focusing on those who were evicted from Dublin Corporation housing units in 1997 and 1998 for antisocial behaviour using two particular legal provisions. The report expressed concern that the application of the legislation was an ‘overly “blunt instrument” which serves to penalise innocent parties (adult family members who are not engaged in antisocial behaviour and/or children) as well as targeting the identified culprit/offender’ (Irish national report). This justifies the importance of developing evaluation studies that can reveal both positive achievements and unexpected side-effects of those interventions.

If we sum up some of the considerations we have just reviewed above, it could be said that the design and implementation of drug-related public nuisance policies involves striking at least two different kinds of balance: (i) law enforcement must be balanced against health and social interventions; (ii) rights to security must be balanced against other human rights, perhaps seen as balancing community rights and individual rights.

### Public nuisance policy concerns in a wider context

Finally, in some respects, the growing concern over drug-related public nuisance can be seen in the context of a shift in the emphasis of drug control policies away from simply reducing the use of drugs to targeting drug-related behaviours that have a negative impact on the community as a whole. In this context, as well as an increase in



concern over problems of public nuisance, there is a growing interest in addressing the issue of drugs and driving and increasing emphasis on the issue of drugs in the workplace, including consideration of extended drug testing in some areas. Yet at the same time, in some EU countries in the last five years or so, there has been a tendency to de-emphasise criminal punishment of the individual drug user, acknowledging that severe sanctions, such as imprisonment, may be counterproductive or simply

unjustified for minor drug offences and especially for possession for personal use. In some respects, at least in the EU-15 Member States, it is almost as if criminal sanctions have been reduced (particularly imprisonment) for the individual user in a private setting but increased for the behaviours and situations that are public or that may affect community or society as a whole (EMCDDA, 2005). However, there is little evidence to establish that the two trends are related to each other.

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The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) is one of the European Union's decentralised agencies. Established in 1993 and based in Lisbon, it is the central source of comprehensive information on drugs and drug addiction in Europe.

The EMCDDA collects, analyses and disseminates objective, reliable and comparable information on drugs and drug addiction. In doing so, it provides its audiences with an evidence-based picture of the drug phenomenon at European level.

The Centre's publications are a prime source of information for a wide range of audiences including policy-makers and their advisors; professionals and researchers working in the drugs field; and, more broadly, the media and general public.

The annual report presents the EMCDDA's yearly overview of the drug phenomenon in the EU and is an essential reference book for those seeking the latest findings on drugs in Europe.



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