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Possibilities of detection of the extent and structure of secondary drug-related crime in the Czech Republic

Summary

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The book was produced as a result of the project "Possibilities of detection of the extent and structure of secondary drug-related crime in the Czech Republic", funded by the Security Research Program of the Czech Republic in 2015–2020 with the identification code "VI20172019053". The project responds to the absence of data on drug supply indicators. The main aim of the project was to propose a new procedure for determining the rate and structure of secondary drug crime (SDC) in the Czech Republic in order to obtain a realistic and evidence-based estimate of this phenomenon.

Many scientific studies point to the relationship between addictive substances use and committing crime. In Czech Republic, drug-related crime (understood as criminal activity related to use of narcotic and psychotropic substances i.e. illicit drugs) division into primary and secondary drug crime became established.

Primary drug crime (PDC) includes offenses that directly punish the unauthorized handling of illicit drugs or spread of their use (Section 283 – Section 287 of the Criminal Code).

Secondary drug crime (SDC) is represented by offenses related to the use of illicit drugs in another way. These are e.g. property crimes committed by drug users for the purpose of obtaining funds for drug purchase, violent or moral crime committed under the influence of drugs, etc.

In contrast to the scale and structure of registered primary drug crime, which can be easily identified from common crime statistics (these are separately recorded offenses), the **scale and structure of SDC** (i.e. how many registered offenses are committed in a different context related to drug use and specification of these offenses) **are not systematically monitored in any registration system**. However, it is estimated that this type of crime represents a significant proportion of the total volume of registered crime in the Czech Republic.

Research to date has shown that the groups of perpetrators of primary and secondary drug crime overlap to a large extent. In order to address this issue more effectively, it is therefore necessary to pay attention to drug crime as a whole, not only to the primary drug crime, but to the secondary drug crime as well.

The research included a detailed analysis of information systems of relevant components of the criminal justice system used for the collection and reporting of statistical data on crime and their perpetrators, with regard to the possibilities of their use for the monitoring of secondary drug crime.

Information gathered during the research on criminal justice information systems (police, prosecution, courts, probation and mediation service) recording data on registered offenses and their perpetrators suggests, that in its current form they are not applicable for the purposes of the systematic collection and processing of reliable secondary drug crime data. Some of them record partial data on a certain part of secondary drug crime or its perpetrators, but it is not possible to obtain a complex overview of them. Given the different primary

purposes of particular information systems and the related differences in the methodology for collecting and reporting data, this shortcoming cannot be overcome even by eventual combination of data from multiple sources (systems).

In the Czech Republic, several studies using meta-analysis of foreign studies or a combination of available crime statistics and expert estimates have focused to SDC quantification already.

Although the term "secondary drug crime" is generally accepted and used in the Czech Republic, the review of vocational literature and other relevant sources has shown its ambiguous definition. In this context we can mention, for example, the problem of high latency of drug crime in general, or the fact that not every case can be classified within specific category, etc. The theoretical delimitation in this respect will always represent the necessary simplification. Secondary drug crime is primarily a theoretical concept and it will never be possible to categorize and quantify it precisely. Despite these uncertainties, the term is used on general basis.

There are various definitions of secondary drug crime. From the one understanding SDC only as acquisitive crimes (crimes that were motivated by the effort to obtain funds for the acquisition of drugs for the perpetrator's own use), to the wide definition describing SDC as any crime committed with any regard to drug use . Definitions are mainly based on EMCDDA classification (i.e. psychopharmacological crimes, economic-compulsive crimes, and systemic crimes). However, the mere adoption of the EMCDDA concept proved insufficient for the purpose of developing a methodology for recording SDC data. Problematic from the point of view of usage for statistical purposes is especially unclear definition of individual categories and incompatibility with the Czech environment.

Given the above-mentioned non-uniform significance, one of the objectives of the implemented project was, among other things, to **define the concept of secondary drug crime** for the needs of practice in the Czech Republic in the context of both foreign and domestic context with regard to specifics of this type of crime.

The operationalization of the concept is a basic prerequisite for the creation of a proposal for a procedure for its measurement. For these reasons, a proposal for a new concept of secondary drug crime and its classification reflecting the Czech environment was formulated. The aim was therefore to create a definition that would not have to be changed according to the needs of individual studies, would also be applicable to social cost studies (possibly adaptable to alcohol) and at the same time compatible with the definition of the EMCDDA.

In the first phase, in addition to the standard analysis of relevant documents (legislation, literature review, strategic and conceptual materials, etc.), an **expert survey was conducted in the form of a focus group** with experts dealing with problematics of crime related to addictive substance abuse issues (representatives of National Drug Headquarters, Ministry of the Interior, academia, NGO, prosecutor's office). Following experts' recommendations, monitoring was limited to offenses related to actual drug use only. From this discussion, a new definition and categorization of SDC reflecting the practice and conditions of the Czech Republic environment came out.

The definition is based on the dichotomy of drug crime (i.e. drug-related crime) and its division into primary and secondary drug crime, which do not overlap. The SDC is divided into 6 hierarchically arranged, mutually permeable categories. The categorization was designed to cover all illegal acts related to the use and handling of illicit drugs, including also those cases that may occur rarely or not at all in the Czech Republic. The individual categories are ranked according to the degree of association with illicit drugs.

1. **"Offenses where the influence of drugs is a part of their definition"**
   The first category includes crimes in which the influence of an addictive substance is a feature of deed and which were committed by the perpetrator under the influence of the illicit drug.

2. **"Acquisitive offenses"**
   The second category consists of offenses in which the main motive of the perpetrators, leading to their perpetration, was to obtain funds for the purchase of drugs for their own use or to acquire drugs for their own use from another person. It is essentially a category that the EMCDDA designates as economically motivated crime.

3. **"Offenses committed in consequence of drug use"**
   The third group includes offenses committed as a result of the perpetrator's drug intoxication, his withdrawal syndrome or changes in his organism related to the actual drug use. This category is also known as psychopharmacological crime.

4. **"Offenses committed in connection of other person's drug use"**
   This newly created category includes crimes whose main cause was the use of drugs by a person different from the offender and the victim. This group differs from the previous one, as the association with illicit drugs is not directly related to the use of the offender but to another person. The intention was to capture other possible contexts that could be considered in relation to the drug use and crime.

5. **"Offenses committed in order to support functioning of drug market"**
   Classically, the secondary drug crime also includes crimes committed within the framework of ensuring the functioning of the drug market (the so-called systemic crime). It is a category in which, in a sense, establishing a link is more complex than in other SDC groups, because it is not linked to the use of a particular person. Moreover, the situation is complicated by the fact that it is often difficult to distinguish sufficiently between which offenses are due to drugs and which are committed in connection with the functioning of the black market in general.

6. **"Offenses against drug users"**
   The last group includes crimes committed against users due to their higher vulnerability caused by the drug use. According to the EMCDDA, these crimes are part of the so-called psychopharmacological crime, but given the different nature of the context, dedicating a separate category to them seems more appropriate.

Secondary drug crime is often referred to as a situation where the perpetrator commits primary drug crime, especially drug sales, to finance his own use. Within the framework of the presented concept, however, these crimes are not considered SDCs as they are PDCs and therefore the possibilities of their measurement are beyond the scope of the project. However, it is undoubtedly an interesting and important indicator that could significantly complement the idea of the extent of crime associated with drug use , which was also emphasized by experts within the focus group. It would therefore be appropriate to monitor this

crime, but outside the scope of the proposed SDC data collection procedure. Respondents agreed that the methodology for recording SDCs should be clear and understandable. Everything should be explained in detail, but it should not be a multi-page document that will discourage its readers because of its size.

Possibilities of data collection on SDC for statistical purposes were also discussed within the focus group. According to the respondents, data collection through the Criminal Records Information System (ETŘ) operated by the police seems to be the most suitable for identifying the connection of crime with illicit drugs within the criminal justice system. It is best to note the link with drug use at the end of the criminal investigation, when all facts about the case and the offender are known.

Subsequently, another expert survey was carried out to identify the possibilities and limits for recording and reporting secondary drug offenses within the Czech police information systems. The survey was performed using the form of the **Delphi method**. In view of the objectives of this phase of the survey, the intention was to engage representatives of so called case processors, i.e. police officers, who handle individual newly detected criminal cases and introduce basic data on them into the information system, as well as statisticians who subsequently record data from accessible documents from criminal proceedings into the information system. Both profession groups' representatives from various regions of the Czech Republic were to participate in an expert panel survey.

The expert panel was set up by a deliberate sampling method through institutions. Headquarters of relevant national offices (the Police Presidium, the National Drug Headquarters of the Criminal Police and Investigation Service of the Police of the Czech Republic) as well as Regional Police Directorates were approached with a request for cooperation and nomination of suitable experts from the departments within their competence. Based on the results of this investigation, the first draft of the procedure for collecting data on SDC (methodology guideline proposal) was formulated, suggesting recording into the police statistical system (ESSK) via their information system (ETŘ).

The draft methodology guideline was also continuously consulted with the Department of Statistics and the National Drug Headquarters of the Criminal Police and Investigation Service of the Police of the Czech Republic.

The proposed procedure for collecting data on secondary drug crime was subsequently piloted on regional basis, in the Olomouc and South Bohemia regions. The aim of the **pilot verification** was to obtain suggestions and feedback from practice regarding the formulation of individual categories of secondary drug crime as well as the procedure of its recording in the Czech Police registration system and to verify the applicability of the methodology in terms of its comprehensibility and difficulty in use. The selection of specific regions took place through self-nomination, through representatives of territorial units who participated in the expert survey in the form of the Delphi method.

The primary objective of the project was to propose a new procedure for determining the extent and structure of secondary drug crime in the Czech Republic. The planned main result was a certified methodology guideline for collecting data on secondary drug crime. One of

the basic principles of the preparation of the methodology was the emphasis on minimizing interference with existing information systems and minimizing the additional burden on persons who should implement data collection on SDC through it.

The methodology is based on findings from individual phases of research and should serve as a standardized tool for regular monitoring, evaluation and further investigation of drug crime, taking into account the specific environment of the Czech Republic. The aim of this methodology is to describe in detail the new SDC recording procedure.

The methodology guideline was designed solely for statistical purposes, which means, among other things, that data on SDC (on the link between the criminal act and drug use) collected under this procedure would have no effect on the course of proceedings in the individual criminal cases from which it will originate.

The methodology consists of two parts:

(A.) "**Procedure for recording data on secondary drug crime in the information system of the Police of the Czech Republic**" describes the objective and basic features of data collection on SDC

(B.) The "**Guidelines for Filling Individual Items for Recording Secondary Drug Crime**" includes the description of each step in collecting SDC data with instructions for categorizing detected offenses into relevant categories and contains the definition of individual SDC categories including examples

The aim of the procedure is to record data on the connection of registered crimes with illicit drugs in the information system of the Police of the Czech Republic in a form that will enable their subsequent use for statistical purposes. The methodology represents a procedure for collecting data on SDC within the operation and updating of the police statistical information system and is intended for police officers at basic units who update the information system.

The resulting solution represents a variant that seems to be the most suitable from the given point of view, allows easy incorporation into the existing system as well as eventual adjustments to relevant practical needs of the Police of the Czech Republic. Without disturbing the logic of the methodology, it is possible to limit the range of monitored categories of SDCs (if some of them appear superfluous for various reasons) as well as the range of data recorded on individual secondary drug offenses (down to the mere record of unspecified SDC, without further specification of the SDC category or relevant drug). On the other hand, if necessary, its extension to other addictive substances is also possible in the future, as the current project focused only on the measurement of crime related to narcotic and psychotropic substances i.e. illicit drugs.

It should be appealed that the data obtained by the proposed procedure should not remain the only source of information about the SDC, but should be supplemented, if possible, from other sources as well. A more accurate picture of the extent and structure of SDC in the Czech Republic can be obtained only by combining mapping of data on drug issues from various aspects, which can in some way offset the weaknesses of particular approaches.

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