

Police crackdown on Christiania in Copenhagen

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Abstract A recent change in Danish cannabis control policy has had significant implications for the structure of the retail-level cannabis market in Copenhagen. A process of restructuring following an crackdown on ‘Pusher Street’ has involved at least four people getting shot and killed in what police describe as struggles for market shares. Combating the retail cannabis market was a top three priority for the Copenhagen police. The shift in policy started in 2004 when possession for personal use was up-penalized, from a discriminatory warning to an obligatory fine of 70 euros which was quadrupled in 2007. The law was immediately followed by an extensive police crackdown on Christiania’s open retail-market. Christiania has had a cannabis market for 32 years. As cannabis use rates rose throughout the ‘90’s the market flourished. On a given day it’s estimated turnover was around 20 k, about two-thirds of the total market in Copenhagen. On the 16th of May 2004 police raided ‘Pusher Street’ and arrested 60 dealers and their helpers along with 20 people accused of forming an organized lookout corps. After the initial raid police implemented a zero-tolerance zone in the area and targeted users in a deterrent effort issuing a total of 4834 fines in a year. Maintaining the zero tolerance zone has so far involved 12 big confrontations with the inhabitants of Christiania. 114 police officers have been injured and 29 formal complaints of police conduct have been lodged with the State Attorney. Following the crackdown the cannabis market adapted by dispersing and applying new methods for retail dealing.

Police crackdown on Christiania in Copenhagen

Since the first drug laws addressing cannabis were passed in 1965, Denmark has followed a policy best described as passive criminalisation. Although possession and sale of cannabis is illegal, the police have been authoritatively¹ instructed to focus on kingpins and hard drugs. This drug control strategy has allowed a cannabis market to

¹The State Attorney issued ‘circular letters’ that authoritatively point out how certain laws are to be upheld in daily practice: nr. 144 of 15.7.1969, 15.9.1969 and 16.8.1971 and 16.8.1971 and 30.11.1972.

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operate openly for 32 years within Christiania, a neighbourhood in Copenhagen. In 2004, a police crackdown was implemented due to a change in cannabis policy.

What is Christiania?

Christiania is a 34 ha area of Copenhagen that was squatted in 1971. At the time, it consisted of abandoned army barracks, which houses 888 inhabitants today. A Supreme Court ruling of 1976 called for the immediate eviction of these squatters; but, the ruling was never enforced as the Danish parliament passed a special law that allowed the area to exist as a “social experiment”.²

Later on, the Law of Christiania³ from 1989 addressed the recurring problem of flagrant cannabis dealing on Pusher Street in Christiania. Around this time, Pusher Street’s turnover was estimated⁴ at 40 million euros annually.⁵ This made Christiania: “The constant cause of anxiety in Nordic cannabis policy”.⁶ It served as a distribution point between continental Europe and the Scandinavian markets, provoking outspoken resentment from our Nordic neighbours.⁷

Within the local community, the cannabis market in Christiania has functioned as an accepted and integral part. During police interventions, it has even been physically defended by locals and sympathisers. Since the market has been operating for such a long time, a set of explicit “conduct norms”⁸ have evolved. These norms prohibit the selling of other drugs than cannabis and selling cannabis to minors.

Moreover, Christiania has gained notoriety and is currently Denmark’s second biggest tourist attraction. This popularity made the market very visible, quite organised and decidedly profitable. Its prosperity flourished from the amount of “intangible criminal capital”⁹ that such a unique setting supported, allowing for smooth business operations and low externalities.

In 2003, police estimated that about two-thirds of the total retail-sale of cannabis in Copenhagen took place in Christiania, at a value of about 85 million euros annually. On any given day it is estimated that no less than 20 k¹⁰ were sold. This sale was primarily retail, although it is widely acknowledged that the area served as a

² Krarup ([9], p. 3)

³ Law no. 399 of June 7. 1989. The law primarily addressed issues concerning building codes but also included provisions on illegal bars, tax evasion and payment for electricity and water.

⁴ This and other estimates of market value are highly uncertain. They are police estimates and are never published with any kind of explanation as to how they were calculated. First, it is extremely difficult to pinpoint this value [22] and secondly the police have an inherent interest in exaggerating the figures [1]. They are used in the article because they are the only available figures and they can be compared in order to describe a trend.

⁵ Jæger et al ([5], p. 84)

⁶ Jepsen ([4], p. 4)

⁷ Storgaard [21]

⁸ Similar to the “BluntGen” subcultural norms described in MacCoun, Kilmer and Reuter ([15], p.77)

⁹ Kleiman ([7], p. 127)

¹⁰ Københavns Politi Virksomhedsberetning ([10], p. 81)

transit distribution central with ties to the rest of Scandinavia. Denmark's geographic location as a southern border to the rest of Europe was instrumental.¹¹

Window of opportunity

In 2001, a new government with a tough on crime agenda was elected. Two years later, they announced their intent to close down the market in Christiania as part of an action plan dubbed, "The Fight against Drugs, 2003". This crackdown was concurrently connected to an ongoing effort to close down a series of hash-clubs selling cannabis around Copenhagen and a so-called "normalisation"¹² of the Christiania area.

In 2004, a law¹³ was passed to specifically address the problem of retail cannabis dealing. It introduced two significant changes in regard to daily law enforcement practices. First, it increased the penalty for the possession of cannabis for personal use,¹⁴ from a discriminatory warning to an obligatory fine of 70 euros, which was quadrupled in 2007.¹⁵ Secondly, it installed harsher punishments for the sale of cannabis. It is explicitly stated in the law that the expected cost of enforcing these changes would be equivalent to occupying five prison cells annually.

Moreover, the crackdown's demand for increased penalty action for possession violations lead to the infusion of police measures not previously permitted, such as body searches and restrictions in movement in specific geographical areas. Also, it adheres to the Administration of Justice Act, in that more severe penalties for dealing cannabis allow the police to confiscate money suspected of coming from drug sales. This supplements law nr. 436 against organised crime¹⁶ of 2003, which introduces reversed burden of proof regarding asset forfeiture in cases of serious drug crimes. In other words, these measures resulted in a dramatic increase in the severity of punishment for selling cannabis, as well as, a landslide in the severity of the means employed by the state to punish perpetrators.

Police intervention

The crackdown on the retail cannabis market is officially ranked as a top three priority of the Copenhagen police force, alongside anti-terrorist security measures and problems with disenfranchised youth. The main objective is to disrupt the

¹¹ Laursen ([14], p.40).

¹² Refers to instatement of regular police patrolling, privatisation of the housing market, building inspections and an end to flagrant drug dealing. Kampen mod narko—handlingsplan mod narkotikamisbrug, Regeringen [19].

¹³ Law nr. 445 of February 26, 2004: Lov om ændring af lov om euforiserende stoffer og straffuldbyrdselsloven, Skærpet indsats mod narko mv. (Stricter Effort Against Drugs).

¹⁴ Defined as amounts of 10 grams of hashish or less. State Attorney Announcement nr. 6, 2006.

¹⁵ Law nr. 201 of March 28, 2007: Lov om ændring af lov om euforiserende stoffer, straffeloven, lov om fuldbyrdelse af straf m.v. og retsplejeloven. (Increased fines for offenses against the law on euphoria inducing substances).

¹⁶ Law nr. 436 of June 10, 2003: Bekæmpelse af rockerkriminalitet og anden organiseret kriminalitet. (Fighting biker gangs and other organized crime).

market through the incapacitation of dealers, followed by targeting users in an attempt to increase the “full price”¹⁷ of buying cannabis. Hereby, inexperienced users would be deterred altogether.

The initial crackdown was named Phase-1, and carried out by specially trained police officers in full riot gear on April 16, 2004. On the first day of Phase-1, approximately 37 makeshift dealing-booths were torn down¹⁸ and 60 dealers and their helpers were arrested along with 20 people accused of forming an organised lookout corps.¹⁹

Prior to the crackdown, police had used surveillance techniques of the booths and specific dealers for three quarters of a year. Coincidentally, this formed the basis to estimate the total amount of cannabis sold daily, hence the 20 k. All in all, 33 people wound up with prison sentences averaging 15 months. The longest sentence for a dealer was two and a half years and the lookouts received sentences of a year and a half to two and a half years incarceration, 34 years in total. The relative severity of the sentences for the lookout corps was due to the organised nature of their work. The lookouts received a weekly payment somewhere between 350 and 900 euros, depending on their organisational responsibilities, but independent of the actual amount being sold. In total, 75 years of prison was metered out and “several millions”²⁰ “kroner”²¹ in cash was confiscated. The following year, police targeted buyers in the area by issuing 4834 fines for possession of a total of 471 k.²²

Currently, the strategy is to have a police presence in the area to enforce a zero tolerance zone and maintain public order and peace. Even though the police are reluctant to estimate the amount of man-hours required for this effort, they reported having 20–30 officers on duty daily in 2005.

Effects and market reactions

Generally speaking, the retail-market for cannabis in Copenhagen essentially consists of two sets of actors representing two types of markets. First, is the market in Christiania with ties to outlaw biker gangs. Second, is the remaining various street-level markets and hash-clubs around Copenhagen, generally thought to be managed by ethnic minority gangs.

The following analysis of effects and market reactions is based on assumptions about the “economic logic of drug markets”²³ and their “temporal dynamics”.²⁴

¹⁷ Full price: “includes the dollar price, time spent shopping for drugs. Risks of being robbed or otherwise victimized in this illegal markets, threats of toxic adulterants, and the possibility of being arrested and punished for drug possession.” Rasmussen and Benson ([17], p.71–2).

¹⁸ On January 4, 2004 the pushers actually tore down the booths themselves in an effort to avoid the police crackdown. In the following months the booths were slowly rebuild. The end result from temporarily tearing down the booths was that the police surveillance cameras were able to film a larger part of Pusher Street than before. Københavns Politi Generelrapport Christiania [11].

¹⁹ Cour and Hansen [12].

²⁰ Københavns Politi Virksomhedsberetning ([10], p.79–81).

²¹ Danish monetary standard, approximately one-seventh of an euro.

²² Compared to 173 seizures, totalling 626 kilos, the year before.

²³ Kleiman ([8], p.8).

²⁴ MacCoun, Kilmer and Reuter ([15], p.76) with reference to Goldstein [2].

Replacement, dispersion and adaptation

The most significant immediate effect of the Phase-1 crackdown was the successful reduction of the daily sales and the replacement of dealers. Police estimate the current level of transactions at 10 to 20% of that prior to the crackdown and riot gear is no longer necessary for police patrolling in the area of Christiania.

Police report a 25% percent price increase²⁵ in Christiania, while social workers in the greater Copenhagen area report of prices equivalent to those prior to the crackdown. Consequently, social workers and police report of new marketing methods involving the sale of drugs now taking place from taxis and in the vicinity of schools, sometimes with assistance from minors.²⁶

The current profit rates, per dealer, can be assumed to be lower, but wider circles of actors are involved yielding higher visibility in many parts of Copenhagen. These new actors are widely recruited among disenfranchised²⁷ young second generation immigrants.

While prior conditions on Pusher Street provoked police and politicians, the current situation is one of uncertainty. Nobody knows the consequences of young cannabis buyers having to search out new dealers. A series of events following the crackdown on Pusher Street suggest that these new dealers are not going to be restricted by the conduct norms established in Christiania in regards to keeping cannabis separate from other drugs.²⁸

Systemic violence

The cannabis market in Copenhagen has not been known for its associated systemic violence.²⁹ While there is no reason to doubt that some extent of internal systemic violence occurred during the establishment and maintenance of the hierarchy involved in allocating the rights to sell from the most profitably placed dealing booths, it is hitherto unheard of for it to spill over and endanger the general public.

As early as 2003, police warned politicians and the public that a struggle between two groups of actors over the cannabis market in Copenhagen was impending.³⁰ Tragically, this struggle broke out in the aftermath of the crackdown. Since then, there have been several examples of turf wars and other violent altercations associated with access to the lucrative retail market.

In 2005, there were two registered episodes of shootings with automatic weapons within two days in Christiania, with one person killed and another five bystanders

²⁵ Københavns Politi Virksomhedsberetning ([10], p.65).

²⁶ Larsen ([13], p.12).

²⁷ In 2005 76% of arrestees under 18 presented before a judge were descendents of immigrants. Københavns Politi Virksomhedsberetning ([10], p.104).

²⁸ Larsen ([13], p.12).

²⁹ Systemic Violence as defined by Goldstein [2]: "Violence associated with the marketing of illicit drugs, such as turf battles, contracting disputes and so on." Quoted from MacCoun, Kilmer and Reuter ([15], p.66).

³⁰ Københavns Politi Virksomhedsberetning ([10], p.65).

injured from machine gunfire. Shortly thereafter, there was an episode of a brutal beating and subsequent death of a teenager trying to sell cannabis in the area.

Outside of Christiania, there have been at least six episodes in the first year and a half following the crackdown, which involved automatic weapons. The police have stated that these were struggles for market shares in the cannabis market. At least two more people were killed in these altercations.³¹

This development is consistent with the theory that enforcement in one geographical area will lead to violence in another area.³²

Currently, these violent episodes seem to have stopped, indicating that a new balance of market shares and turf has been established.

Indirect costs

Returning to the initial claim put forth in the law from 2004, that the implementation can be handled within the regular police budgets. With this in mind it is beneficial to look at recent local crime statistics from a “criminal justice commons”³³ perspective, which considers restrictions on police resources and prioritisation between various forms of crime.

Crime rates

The local police station with jurisdictional responsibility for the area of Christiania has registered a 316% increase in solved crimes between 2004 and 2005 and a 28-fold increase from the level in 2003. This is a direct result of the focus on enforcing possession violations in Christiania. This focus is not cost neutral, seeing as how the remaining nine areas sorting under that police station have seen significant reductions in the amount of solved crimes across the board.³⁴

Specifically, cases against minors in the area have been marked by an increase in petty drug crimes, as well as more charges of violence and weapons infractions. In the category of less serious crimes, the increase has been 116% between 2004 and 2005, with a simultaneous reduction of 18% in the number of charges for serious crimes (such as robberies, burglaries and car theft).³⁵

It will be interesting to follow if this decreased deterrence regarding property crimes will result in an increase in property crime rates in the longer run; and, if so, develop a “virtuous cycle”³⁶ where police will need further funding to combat these other crimes.

³¹ Møller ([16], p.18).

³² Rasmussen and Benson ([17], p.104).

³³ Rasmussen and Benson ([17], p.191).

³⁴ Københavns Politi Virksomhedsberetning ([10], p.98).

³⁵ Københavns Politi Virksomhedsberetning ([10], p.101).

³⁶ Rasmussen and Benson ([18], p.708).

Social costs

With the police's focus on enforcing possession violations as a means of deterrence from getting a criminal record, it is important to evaluate the total level of penalisation.³⁷ In Denmark, issues about criminal records have received a lot of attention in recent years. While there has been no formal scientific analysis of these issues conducted, the number of requests to police for copies of personal criminal records has increased steeply in the last 10 years.³⁸ This reflects the widespread focus from employers on hiring people without criminal records. In this light, the social cost of enforcing possession violations will be a marginalisation of cannabis users.

The ability of policing to reduce drug crime

The long-term ability of policing to reduce drug crime was not explicitly addressed in the law making process. The only policy goal that has been achieved is the reduced visibility and profitability of the existing market. Whether this is beneficial from a drug policy perspective is highly debateable, but apparently not a prerequisite for political action.

An important issue that was not addressed when starting the crackdown was the timeframe in which the police effort in Christiania had to be sustained to establish and uphold a zero tolerance zone. This lack of long-term planning bears unpleasant semblance for police to a former attempt at disrupting the cannabis market in Christiania. During 1989–1993, a crackdown on the retail-market was implemented and enforced as a police based initiative. Back then, the politicians abruptly stopped their support and called for an end to the crackdown. Subsequently, the police retreated and the market immediately regained its former capacity.³⁹

The present absence of political initiatives or even debate regarding the future of policing practices in Christiania has resulted in mistrust towards the governing bodies among key senior police officers.

During the course of the first 2 years, there have been 12 “major confrontations” resulting in 114 injured officers⁴⁰ and 29 people have issued formal complaints against the police with the State Attorney alleging unjustified arrests and unnecessary use of force. Duty in Christiania is reportedly the most unpopular of all tasks among police, seeing as their presence is contested daily and the future of the crackdown is so uncertain. At first there was some internal criticism in the police,⁴¹ which was quieted down, but recently the leader of the Police Union went public⁴² with the frustrations stemming from the futility of the crackdown.

³⁷ Kilmer ([6], p.112).

³⁸ Unpublished figures from Rigspolitiet (National police).

³⁹ Scharling [20].

⁴⁰ Scharling [20].

⁴¹ Hube [3].

⁴² Jyllands Posten August 24 2007.

So far, the political constituency has not addressed these problems in a context of constrained enforcement capacity. Politicians are divided along usual lines; the most ardent supporters of the crackdown continue to insist on its success, while more sceptical voices support the Police Union in demanding a plan for the long term.

Conclusion

After the crackdown on Christiania's Pusher Street, the retail-market for cannabis in Copenhagen has undergone drastic changes. So far, no coherent political plan for confronting the new problems has been put forth. The remaining problems concerning replacement, adaptation, dispersion and systemic violence ought to be addressed directly; and, a discussion focusing on a reasonable assessment of the necessary resources to uphold a sustained police presence ought to be a matter receiving public scrutiny.

If this is not done, it remains problematic to identify positive outcomes accomplished by the crackdown. It is quite plausible that elements of the retail-cannabis problem will have worsened seeing as how a new set of actors, more willing to use violence, have gained a foothold geographically, as well as, financially. In the sense that "criminal violence feeds on itself",⁴³ it can be expected that the situation will get worse before it gets any better.

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⁴³ Kleiman ([7], p.113).

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