



Research paper

Drug policing assemblages: Repressive drug policies and the zonal banning of drug users in Denmark's club land



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ABSTRACT

Background: Zonal banning of disorderly and intoxicated young people has moved to centre stage in debates about nightlife governance. Whereas existing research has primarily focused on the use of zonal banning orders to address problems of alcohol-related harm and disorder, this article highlights how zonal banning is also used to target drug-using clubbers in Denmark.

Methods: Based on ethnographic observations and interviews with nightlife control agents in two Danish cities, the article aims to provide new insights into how the enforcement of national drug policies on drug-using clubbers, is shaped by plural nightlife policing complexes.

Results: The paper demonstrates how the policing of drug-using clubbers is a growing priority for both police and private security agents. The article also demonstrates how the enforcement of zonal bans on drug-using clubbers involves complex collaborative relations between police, venue owners and private security agents.

Conclusion: The paper argues that a third-party policing perspective combined with assemblage theory is useful for highlighting how the enforcement of national drug policies and nightlife banning systems is shaped by their embeddedness in local 'drug policing assemblages' characterized by inter-agency relation-building, the creative combination of public and private (legal) resources and internal power struggles. It also provides evidence of how drug policing assemblages give rise to many different, and often surprising, forms of jurisdiction involving divergent performances of spaces-, objects- and authorities of governance.

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Introduction

In post-industrial cities, nightlife districts have gained governmental prominence, as they are often associated with public drunkenness, disorder and young adults' use of 'club drugs' such as ecstasy, amphetamine and cocaine (Hunt, Moloney, & Evans, 2010; Measham, Aldrige, & Parker, 2001). While existing research has suggested that the cultural normalization of clubbers' drug use (Duff, 2005) has been coupled with a relative relaxation in the regulation of drug activities inside venues (Sanders, 2005; Ward, 2011), this article challenges such assumptions by arguing for the need for more nuanced understandings of drug policing in nightlife spaces. The article points to a growing governmental intolerance of drugs in Danish nightlife spaces, and analyses how drug-using clubbers are targets of inter-related police and club security

banning measures aimed at excluding them from entire nightlife districts.

Similar to developments in other western countries (Duke, 2006), discourses of zero tolerance have gained a growing influence on Danish drug policy. As an indication of this, in 2003 the Danish government presented a whitepaper called *The Fight against Drugs* (Government, 2003). The whitepaper articulated a shift towards law-and-order politics and, couched in the rhetoric of 'zero tolerance', 'tough on drugs' and 'deterrence', it aimed to re-penalize possession of drugs for personal consumption (which had been de-penalized since 1969) (Frank, 2008). In 2004 this change of policy resulted in an amendment of the drug legislation that introduced a zero-tolerance policy on all possession of illicit drugs (Houborg, 2010).

In this article we explore how the development of a more repressive national policy towards recreational drug users has been implemented in Danish nightlife districts through the use of zonal bans and the formation of collaborative ties between police, venue owners and security staff (bouncers). Though the police continue to play a central role in the enforcement of drug laws, we

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demonstrate how Danish authorities' ambition to ban drug users have included attempts to get venue owners and bouncers to use their resources and legal powers to detect and exclude drug offenders from entire nightlife districts. Others have pointed to the growing importance of public–private collaboration and administrative and civil law in the regulation of nightlife spaces (Hadfield, Lister, & Traynor, 2009; Palmer & Warren, 2014). However, little is known about how the internal dynamics of partnership policing affect the establishment of nightlife order and the enforcement of nightlife zonal bans (van Liempt, 2015). In this article we use the concept of 'third-party policing' (Mazerolle & Ransley, 2006) to highlight how the police attempts to encourage or coerce private actors to assume responsibility for controlling drugs in nightlife districts. We furthermore draw on assemblage theory (DeLanda, 2006; Deleuze & Guattari, 1987) to suggest that public–private policing collaborations can best be understood as dynamic assemblages of heterogeneous components that change over time and vary from place to place. The assemblage perspective also helps us to show how public–private drug policing involves ongoing 'games of jurisdiction' (Valverde, 2014).

Analytical framework

The policing of nightlife districts is undergoing significant changes in many western countries. Among the most important is the emergence of local coalitions between public authorities, venue owners and bouncers. Within these networks public and private actors are expected to collaborate and take responsibility for nightlife safety (Hadfield et al., 2009; Hadfield & Measham, 2015; Sogaard, Houborg, & Tutenges, 2016; van Liempt, 2015). Recent studies have also argued that spatial bans, such as private club bans (Hobbs, Hadfield, Lister, & Winlow, 2003; Room, 2012) and police-issued (zonal) banning orders, have gained prominence in the regulation of unruly drinkers (Hadfield et al., 2009; Palmer & Warren, 2014). In this article, we argue that such spatial measures aimed at controlling people by controlling territory (Sack, 1986) are also increasingly used to regulate and deter clubbers' use of drugs.

Nightlife zonal banning is often hailed for its presumed crime-preventing effects. However, relatively little is known about the actual enforcement of such bans and the role public–private partnerships play in this. The research that exists suggests that although the police hold a monopoly on the issuing of legal zonal bans, the actual enforcement of such 'police bans' often rely on collaboration with venue owners and bouncers. This can include police distribution of information to licensees, such as photos of banned individuals (Room, 2012), to encourage them to exercise their legal right to exclude those individuals from their venues (Hadfield et al., 2009; van Liempt, 2015). Furthermore, in some western cities, police-issued zonal bans are supplemented by collective 'private zonal bans', like the British Pubwatch scheme (Room, 2012). Such private zonal bans should not be seen as being opposed to public measures, but rather as part of an effort to outsource nightlife control (Hadfield & Measham, 2015). In such outsourcing, state actors often play a key role in facilitating 'voluntary' collaboration between licensees to construct collective private bans through coordinated use of civil laws against trespassing (Room, 2012). As this indicates, the enforcement of nightlife zonal bans can at times be seen as the outcome of policing networks that bring together different control agents, legal resources and governmental measures.

The existing research on nightlife zonal banning has not made much use of the notion of 'third-party policing' (Mazerolle & Ransley, 2006). However, we think this concept is valuable in highlighting how nightlife policing and zonal bans often involve police attempts to harness the legal powers of third-parties.

Third-party policing involves police efforts to persuade or coerce non-offending third parties to collaborate and take responsibility for controlling or preventing crime. A central component of third-party policing is therefore the use and combination of different legislations (civil and criminal), rules and regulations to regulate specific areas or populations (Mazerolle & Ransley, 2006, p. 3). In the case of private zonal bans this could involve venue owners' exercise of private property rights to exclude certain individuals from their premises. Since third-party policing involves attempt to 'enrol' (Callon, 1986) third parties to take action in relation to persons, situations and spaces over which they have authority, third-party policing can also be seen as involving what Valverde (2014) calls 'games of jurisdiction'. This term highlights how network-based security governance involves ongoing negotiations and struggles for the distribution of spaces, objects and not least the (legal) authority to decide who governs where and what. However, in order to explain the complexities and dynamics of such games of jurisdiction we need to move beyond the focus on formal structures and the hierarchical power relationship between police and third parties that the original idea of third-party policing implies.

The 'third-party policing perspective' tends to focus on formal structures of authority and legal governance. The police is the dominant actor, harnessing the legal powers of third parties, and thus the primary locus of power in the analysis (Mazerolle & Ransley, 2006). While this perspective is useful to understand the development of public–private nightlife policing, we also need analytical tools that enable an understanding of less formal and extra-legal instruments and practices which also play an important role in policing arrangements. Similarly, we need a conception of power that focuses on the reciprocal and mutually constitutive relations between actors, and how their practical interactions establish particular (and sometimes precarious) power relations, rather than assuming a hierarchical power relation beforehand.

Inspired by the work of van Liempt (2015), we argue that assemblage theory (DeLanda, 2006; Deleuze & Guattari, 1987) can provide analytical tools that can help incorporate the more complex power relations, dynamics and informal aspects of third-party policing arrangements and how these affect the everyday enforcement of drug policies. Assemblages are constellations of heterogeneous human and non-human components that have particular emergent properties and capacities (DeLanda, 2006). This could for example be a specific composition of policing assemblages that involves different actors, technologies, material environments and legislation that constitutes and distributes spaces-, objects- and authorities of governance, and hence makes particular ways to control possible. In assemblage theory the components that make up an assemblage are not defined by what they are (for example public or private actors) but by what they do, that is, the roles and functions they assume in the assemblage (such as enacting different public and private roles or public–private hybrids). This relates to another important feature of assemblages, which is that they should be seen as processes rather than as static entities. Components come and go and relations change, which results in changes of the assemblages' properties and capacities, making assemblages emerge and fall apart. In the language of assemblage theory this is called the ongoing 'territorializations' and 'deterritorializations' of assemblages (DeLanda, 2006). These twin concepts are particularly relevant to our investigation of third-party policing because they can help us understand the games of jurisdiction mentioned above as ongoing stabilisations and destabilisations of governance. It is by studying the interaction and relations between *human actors* (such as police officers, bouncers, venue owners, patrons and municipal authorities), *material objects and artefacts* (such as built environments and geography) and *immaterial and symbolic components*

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