

### 13. Public nuisances: definition, political trends, legal problems and intervention strategies

#### Definition

In relation to drug use, the concept of "public nuisances linked to drug use" is not currently used in France although it is used in other European countries (Netherlands, Belgium). So the idea is not a matter for public discussion, except on occasions and this article will examine this further. Some behaviours or actions listed in the definition adopted in the Netherlands<sup>56</sup> have in fact been studied or covered in the media but without a clear link being made to the idea of nuisances: lack of safety, socially-unacceptable behaviour, groups gathering in public places, damage, squats, abandoned objects linked to use ... some of these are listed by Renn and Lange (1995) as being the main "nuisances relating to drug users"<sup>57</sup>.

#### Measures taken

Unlike other European countries such as the Netherlands and Belgium, France has no legislation specifically aimed at controlling "public nuisances linked to drug use".

Some regulations applying to public events thus control behaviour or acts linked to drug use which may occur at these events.

After action 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 was tabled to the law on everyday security with the aim of regulating these gatherings. Members of Parliament rejected it in June 2001 but the bill was taken up again by the government in the autumn of 2001 and passed. Article 53 of the law on everyday security (LSQ<sup>58</sup>) therefore gives a legal framework for the gatherings currently known as "rave parties". The organisers of these events must now declare their plans to the prefects of the departments in which the rave parties are planned. Decree no. 2002-887 of 3 May 2002 states the procedures for this declaration (OFDT, 2003, p.57).

Since 2002, numerous observers (Bello *et al.*, 2003) have highlighted the effects of this new regulation in the urban and party contexts on: the general organisation and type of event organised; the use of psychoactive substances and trafficking, particularly its visibility.

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<sup>56</sup> Initially, nuisances linked to drugs were limited to petty offences committed by drug users. The idea was then extended to refer to behaviour of users which non-users perceive as disturbances of public order and which lead to a feeling of lack of safety. They therefore refer to a very wide range of deviant behaviours linked either to codified rules such as those of the criminal code, or to more or less explicit social rules. Martineau, H. and Gomart, E. (2001) Les nuisances liées aux drogues : la politique néerlandaise, *Questions pénales*, **14**, (1).

<sup>57</sup> The following are the nuisances generally related to drugs: used syringes abandoned in public places; drugs being used in public places in full view of passers-by; drug dealing (trafficking) in public areas; groups of users "hanging around" in public areas, particularly the entrances to apartment blocks; users begging; users offering substances to passers-by. Renn, H. and Lange, K.-J. (1995) Quartiers urbains et le milieu des drogues, une enquête comparative des nuisances dues aux scènes ouvertes de la drogue dans les grandes villes européennes, Commission Européenne.

<sup>58</sup> Law no. 2001-1062 of 15 November 2001/NOR: INTX0100032L

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<sup>59</sup>). But it is still too soon to know the impact of this measure on the gatherings at which it is aimed.

Within the more specific context of the fight against drugs and prevention of dependencies, the 1999-2001 three-year plan (extended to 2002) acknowledges that treatment centres and drop-ins in areas where there are marginalised drug users *"are often not welcomed by local residents who are often poorly-informed and will not put up with very marginalised addicts gathering in one place"* (MILDT, 1999) and recommends the creation of mobile neighbourhood teams in the districts where there are most problems.

Five teams have been created so far. Their objectives are firstly to improve treatment of active, marginalised users and secondly to make the risk and damage reduction policies more acceptable to residents through information and dialogue. The first mobile neighbourhood team ("Coordination 18"), created in 1999, was evaluated in 2000-2001 (detailed results below).

## Results/evaluation

The various types of nuisance are not generally covered by descriptions of criminal acts and are rarely the subject of formal complaint to the authorities; police statistics are not therefore the best option for the study of this phenomenon. Moreover, nuisances generally occur within a very localised geographical area and it is not therefore possible to generalise from results observed locally. Finally, as with the feeling of lack of safety, it is likely that some categories of the population are more sensitive to this (Peretti-Watel, 2000; Lagrange, 2001; Robert and Pottier, 2001; Pottier *et al.*, 2002). It is also known that perceptions of drug users by the general population are based on *"the way in which individuals judge deviance in all its forms, and therefore the value which they attribute to the established social order which this particular deviance transgresses"* (F. Beck and Peretti-Watel, 2000).

Since it was not possible to rely on current administrative statistics (police, courts) to qualify the extent of the nuisances caused by drug use, a review of the national literature was carried out. The information gathered on the subject was patchy. The rare field surveys that exist are very localised and little reliance can be placed on a few statements and some evaluations of perceptions.

### *"Open drug scenes" in urban areas*

#### **Evaluation of nuisances in the Goutte d'Or district**

A survey carried out in 1994 in 6 European cities (Amsterdam, Hamburg, Rotterdam, Paris, Barcelona, London) was intended to determine to what extent the population of a certain district (Goutte d'Or in the case of Paris) was exposed to "open drug scenes"<sup>60</sup> and to what extent this is considered to be a nuisance (Renn and Lange, 1995). Residents, traders, police and drug addicts, prostitutes and homeless people were questioned in each district.

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<sup>59</sup> "Art. L. 126-2. – The owners or managers of residential buildings or their representatives who fulfil the obligation stated in article L. 127-1 may also, where the common areas of the building are occupied by persons who hinder access and free movement of the tenants or prevent the proper functioning of safety and security systems or prejudice the peace of the premises, call the police or gendarmerie to restore peaceful enjoyment of these premises"

<sup>60</sup> An "open drug scene" or "drug scene" is a place where users and dealers meet and settle in large or small groups, an area which is generally accessible and where other people can easily see them.

In this district of the 18th arrondissement of Paris, 87% of residents had noticed drug users and 73% cited these users as a general nuisance. Incidents which were 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 lobbies of apartment blocks (93.3%). It was found that nuisances perceived by the residents were closely linked to the visibility of the "open scene". In the case of the Goutte d'or, the level of nuisance<sup>61</sup> resulting from the presence of the open scene was, however, considered relatively low (just as in Barcelona and London), which was not the case in some districts in Dutch cities.

The main limitation of this type of survey is that its results reflect a local situation at one particular time, which cannot in any way be generalised to refer to all districts with problems.

#### **Investigations carried out at TREND sites**

By means of ethnographic investigations, several TREND (recent trends and new drugs) sites were able to show the existence of "open drug scenes" although problems with local residents were not emphasised (except in only one or two districts of Paris). The visibility of cannabis (use and trafficking) was reported at numerous sites (Rennes, Toulouse, Paris, Bordeaux, Lyon, Guyana and Martinique). There is little record of open scenes for heroin, although open scenes for Subutex® are more common (Lyon, Paris, Toulouse, Bordeaux and Rennes).

#### **The reappropriation of public space: the anti-crack community group**

In 2001 an "open scene" for crack was set up in a street in the 19th arrondissement of Paris. *"In order to reconquer the public space and have the open scene broken up by the police"* (Collectif anti-crack, 2002), traders and residents united to form the anti-crack community group. After 4 demonstrations, the group achieved closure of the "scene" and since 2002 have organised street patrols by family men living in the district. Their objectives are:

- to ensure that the residents reclaim the public space in the district;
- to organise young people in the district against drugs;
- to extend the preliminary exchanges undertaken with the drug addicts;
- to close 3 crack "dens" into which trafficking has withdrawn and to rehouse the families living there.

Following these measures *"the public space is largely reclaimed .... there is still trafficking in the streets but it moves around, sometimes on one corner, sometimes on another ... there is still trafficking but it is on the defensive and relies on backstreet bases (crack houses) which must be destroyed"* (Collectif anti-crack, 2002). The community group was dissolved in September 2002, after the crack dens had been closed and families rehoused.

#### **Socially-unacceptable behaviour**

A survey carried out for the Paris police headquarters in 1998 questioned Parisians about the most "tolerable" socially-unacceptable behaviour<sup>62</sup>.

Although the quality of the wording leaves much to be desired, it appears, fairly logically, that attacks on individuals are the least tolerable, followed by material damage. Abandonment of used syringes, the only nuisance directly linked to drug use about which the Parisians were questioned, was considered to be intolerable by the Parisians (10% stated it was tolerable) but there is no indication of to what extent the respondents were exposed to it.

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<sup>61</sup> Nuisance is measured using the average of subjective impressions of unpleasant incidents reported by individuals. The average value of the statistical distribution of unpleasant incidents represents the level of nuisance in the city.

<sup>62</sup> Survey carried out by IFOP, January 1998. 1,004 people representative of the population of Paris, aged from 18 years upwards and cited in Roché, S. (2000) La théorie de la "vitre cassée" en France : incivilités et désordres en public, *Revue Française de Science Politique*, **50**, (3).

For purposes of comparison, soliciting and sexual exhibitionism were also classified as intolerable (10% stated that they were tolerable) but less than insults and provocations (12% stated that they were tolerable), damage to vehicles (16% stated that this was tolerable), noise (28% stated it was tolerable) and gatherings of unemployed individuals in public places or the common areas of residential buildings (44% stated that these were tolerable).

#### Introduction of the risk reduction policy

"Coordination 18" was set up in 1999 with the objective of ensuring social mediation between the parties concerned by nuisances 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 (Fayman *et al.*, 2003). It is evident that the on-the-spot team were not sufficiently motivated in their social dialogue with local residents although it seems to be agreed that this is the best solution to bring local residents to accept the establishment of low-threshold structures in their environment.

Two years after this evaluation, Annick Lepetit (Mayor of the 18th arrondissement between 2001 and 2003, Member of Parliament for Paris since 2002) observed that the residents' attitude had changed. This was due in particular to the presence of "Coordination 18" in this district, thus confirming that dialogue and collaboration are absolutely essential elements in the risk reduction policy: *"the residents have changed: today it's the nuisances they complain about, not the presence of low-threshold structures. This hasn't happened by chance but through dialogue and information"* (Bonnin, 2002). These comments should be interpreted in the light of the events of April 2003: the residents of the district, with the support of the council of the arrondissement, opposed the establishment of a care centre for the homeless which also included a syringe exchange programme, and won their case.

The conflicts which can arise between residents and promoters of risk reduction services relate first and foremost to the right to urban space (Benech-le-roux, 2001) and are better known under the terms NIMBY<sup>63</sup>. According to Gibier (2002, p.37), the appearance of the NIMBY syndrome in the French population *"does not mean that the average Frenchman is 'against treatment' and therefore 'for repressive measures' [...] but for a simplistic view of treatment which makes the problem disappear and makes it invisible. And that's hardly realistic"*.

The various surveys carried out among the general population on the opinions and perceptions of French people about drugs indeed show solid support for the various measures of the risk reduction policy (F. Beck and Peretti-Watel, 2000; F. Beck *et al.*, 2003). In regard to *"the law provides for the creation of treatment centres for drug addicts in collaboration with city councils, hospitals, the police and residents"* only 4.7% of those surveyed answered that they were against it, but when the establishment of a reception centre was made more real and they were asked *"and would you agree to the opening of such a centre in your district?"*, 21.5% were against it.

Information about "public nuisances" linked to drug use is rare and inadequate. However, surveys on opinions and perceptions about illicit drugs, together with some cases which have been covered in the media, have shown that the NIMBY syndrome exists here and there. The next victim survey (2005) to be carried out jointly by the National Institute for Statistics and Economic Studies (INSEE) and the National Delinquency Monitoring Board (OND) should provide new information since it is planned that the questionnaire will include

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<sup>63</sup> NIMBY: "not in my back yard". The idea behind the "NIMBY" syndrome is simple: "the establishment of any community facility creates nuisances for local residents close to the facility even if they gain direct advantage from it. Their natural, selfish reaction is then to oppose the project and to demand that it is established elsewhere." Jobert, A. (1998) L'aménagement en politique ou ce que le syndrome NIMBY nous dit de l'intérêt général, *Politix*, (42), 67-92.

questions about the visibility of acts linked to illicit drug or alcohol use and the degree of inconvenience caused<sup>64</sup>.

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<sup>64</sup> The victim survey is a questionnaire (variable part) in addition to the fixed part of the continuous household survey (EPCVM) carried out by INSEE.