

Countering Drug Sale Street Advertising

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Abstract: The article focuses on finding a solution to the problem of increasing the effectiveness of countering outdoor advertising of drug marketing resources on DeepWeb sites, placed on the facades of buildings and structures. The research sets and solves the following objectives: to obtain an unfavourable forecast of an increase in street advertising of DeepWeb drug sales resources and to identify the factors contributing to the spread of drug street advertising, the main ones being excessive bureaucracy and inconsistencies in the existing regulations. The main research methods were the analysis of data from official statistical reports and the study of court and other procedural instruments in cases of drug advertisement and drug sales locations. Based on the results obtained, a systematic approach has been developed to address the problem of increasing the effectiveness of countering drug street advertising, including specific measures of organizational and legal nature. The research materials expand the abstract concept of the system of prevention of drug crime, and are of value for improving criminal and administrative legislation.

1 INTRODUCTION


The transfer of the marketing of drugs and other potentially dangerous psychoactive substances into the Deep Web, a collection of web pages on the World Wide Web that are indexed by search engines, has led to the development of a criminal marketing system with distribution of roles for those involved in the drug business.


The development of a system of sales of illicit substances in a non-intrusive way that makes it possible to avoid direct contact between the seller and the buyer has made it necessary for traffickers to find ways to inform potential drug users about how to purchase drugs. Thus, the drug trafficking has expanded to include the advertising of both the banned substances themselves and their places of sale on websites indexed by software that allows to establish an anonymous network connection in DeepWeb (Tor, VPN and other circumvention tools). Moreover, drug advertisements have been seen on

platforms supported by smartphones, with limited content, which attracted research interest (M.G. Breuner, M.A. Pumper, M.A. Moreno 2014; J.E. Lange, J. Daniel, K. Homer, M.B. Reed, J.D. Clapp 2010; M.J. Barratt, M. Allen, S. Lenton 2014; T. Nguyen, M.E. Larsen, B. O'Dea, D. Phung, S. Venkatesh, H. Christensen 2017).

In addition to the drug distributor ("kladman", "treasureman" or "dropper"), an independent figure of the advertiser ("stenciler") has emerged, who in addition to promoting drug use on the Internet and messengers, also provides outdoor advertising on the facades of buildings and structures for drug marketing outlets operating in the Deep Web.

In recent years, researchers have increasingly addressed the problem of illegal advertising of controlled substances. The research subjects were the international marketing of illicit drugs (Felipe Thomaz, 2020), managing illicit online pharmacies (Hui zhao, Sowmyasri Muthupandi, Soundar Kumara, 2020) and violations in the promotion of controlled (including narcotic)

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medicines (Katherine A P Zagrodney, Natasha Y Sheikhan, Ashlyn Pinto, Tania Sheikhan, Theodore J Witek Jr, 2021), punishment for the propaganda and illegal advertising of drugs and their analogues (O.Yu. Stepanova, 2020), machine training to identify illegal drug traffickers on social networks (Jiawei Li, Qing Xu, Neal Shah, Tim K Mackey 2019;) the purposes and consequences for young people of using illicit drug content on the Internet (Keir Irwin-Rogers 2019). However, the problem of drug street advertising, while relevant, has received little research attention.

The prevalence of street drug advertisements is constantly being discussed in the media and on Internet websites. The lack of official data on the volume of destruction of signs and images advertising the sale of drugs can be partly compensated for by official statistics from the Judicial Department of the Supreme Court of the Russian Federation, which maintains statistics under Article 6.13 of the Code of Administrative Offences ("RF AC") "Promoting, or psychotropic substances, or precursors thereof, plants containing narcotics, or psychotropic substances, or precursors thereof and their parts containing narcotics, or psychotropic substances, or precursors thereof, containing new potentially dangerous psychoactive substances" (see Table 1).

Table 1: Judgements in administrative offence cases under Article 6.13 of the RF AC in 2016-2019

Year	Total cases considered by the number of individuals	Total persons punished	Individuals punished
2020 (1st half)	234	161	142
2019	457	328	287
2018	263	187	146
2017	173	115	91
2016	136	88	58

The data in Table 1 indicate the dynamics of administrative prosecution for the promotion of drugs and places of their sale:

a) steady increase in the number of cases heard under Article 6.13 of the Code of Administrative Offences of the Russian Federation every year – 3.4 times in the last four years;

b) Improvement in the quality of prepared procedural materials, as evidenced by the increase in the proportion of persons punished among all those against whom such cases were heard (164.7% n 2016 vs 71.8% in 2019). This indicator shows a reduction

in the number of cases returned for the correction of deficiencies in the reports, as well as in the number of rulings and decisions, decisions on the exemption from criminal responsibility (including verbal reprimands), and relief from punishment;

c) Increase in the proportion of individuals in the structure of all those brought to administrative liability from 65.9% in 2016 to 87.5% in 2019. In 2020, the figure was 88.2%, indicating a continued negative trend.

These statistics cover all types of advertising, including, in addition to street advertising, advertising on clothing, personal items, as well as advertising on the Internet and messengers. At the same time, the overall trend of illicit advertising activity in the drug trafficking is clear – it is increasing annually, as evidenced by the examination of the digital footprints left by perpetrators (Oskar Enghoff, Judith Aldridge 2019; D. Décary-Hétu, J. Aldridge 2015).

In recent years, Russia has recorded a decline in drug use and drug users. The number of drug addicts registered in Russian drug dependence clinics has decreased from 495,982 in 2016 to 401,233 in 2019, i.e. by 19.1%. The number of occasional and regular drug users has also decreased, from 2.3 million in 2016 to 1.9 million in 2019, a reduction of 17.4%. However, other data indicate that up to 20.3% of minors aged 16 have tried drugs (James White1, Steven Bell, G David Batty 2020). Sometimes this is due to the fact that drug use is politically and socially motivated (Dung Tuan Truong, Bang Duc Nguyen, Oanh Van Nguyen, Du Cong Pham & Hai Thanh Luong 2020).

Clearly, the reduction in demand for the purchase of drugs does not give rise to an optimistic prognosis for a reduction in drug advertising, but rather signals an expected increase in its intensity and volume in the future. Criminal groups involved in the drug industry will seek to rebuild and expand their lost market through new, unconventional approaches to drug promotion. Of course, standard propaganda – videos, graffiti, signs and banners, web blogs and media control - should not be forgotten (Howard Campbell 2012), as well as research on the advertising content and the content of standard images (Patrícia C MastroianniI, II; Amanda Cristina R VazIII; Ana Regina NotoIV; José Carlos F GaldurózIV 2008).

2 MATERIALS AND METHODS

The methodological basis of the study was the dialectical method of understanding, which allowed

for a comprehensive examination of the problem of counteracting street advertising of drug sales. The statistical method was used in developing a prediction of the involvement of new entrants in drug marketing. In identifying the conditions conducive to the spread of drug street advertising, the method used was the examination of court and other procedural instruments in administrative and criminal cases of drug advertising. Aristotelian and logical-legal methods were used to formulate proposals for improving the organization of counteracting drug street advertising as well as for supplementing and amending the existing legal acts in this field. The system-structural method allowed for a systematic approach to improve the effectiveness of counteracting street advertising of drug dealing in the Deep Web.

3 RESULTS AND DISCUSSION

The conditions conducive to the proliferation of street advertising of drug sale can be divided into four groups:

1. *Accessibility and variety of locations for the advertising inscriptions.* Graffiti with links to Internet resources created for the purpose of sale of narcotic drugs are displayed on the facades of houses, buildings, temporary construction sites, fences, outbuildings, various elements of landscaping, bridges, heating mains, elevated and underground crossings, bus stops and other facilities. All of these objects that make up the infrastructure are in walking distance, are not always guarded, and are represented by a large number of possible choices, so it is not always possible to predict which objects will have new inscriptions on them.

2. *Minimum costs for the production of advertising content.* Creation of graffiti does not require special, including artistic, skills, time or material resources – painting products are not expensive and are readily available.

3. *A relatively long period of performance of the advertising function by the image.* The longevity of a drug advertisement depends on a number of circumstances, the most important of which are:

– lack of appeals to the authorities due to citizens' ignorance, underestimation or misinterpretation of the significance of an information message or image. Most graffiti drug-related advertisements disguise themselves as innocuous, looking like a random assortment of numbers and English letters, thus misleading the lay public as to their criminal nature;

– the reluctance to take an active civil position in the fight against drug advertising, caused by indifference to what is happening, perception of drug addiction and drug trafficking not as a social problem, but as a permissible part of daily life;

– bureaucratic nature of taking measures to destroy the discovered inscription or image. The problem with removing the graffiti is resolved more quickly if such advertising causes significant damage to the owners of buildings, structures, vehicles and spoils the expensive coating of the facilities. Such actions carry signs of vandalism, which is punishable under Article 214 of the Criminal Code of Russian Federation. A decision on a crime report under Article 144 of the Code of Criminal Procedure is taken within three days of its receipt. The fate of the image as well as the compensation procedure for the damage caused is then also determined on based on this decision.

The lifespan of an advertisement may be much longer if it does not cause obvious substantial harm, or if the owner is indifferent to the necessity of destroying it. In accordance with the Federal Law No. 59-FZ dated May 2, 2006 on the procedure for considering appeals from the citizens of the Russian Federation, appeals must be registered within three days of their receipt by the addressee (Part 3 (8)), and then dealt with within 30 days (Part 12 (1)). The same deadline is set out in par. 91 of the Order of the Russian Interior Ministry No. 707 dated September 12, 2013 "On approval of the instruction on the organization of consideration of citizens' appeals in the system of the ministry of internal affairs of the Russian Federation". Thus, the destruction of street drug advertisements as a matter of citizen complaints, rather than as an urgent response to stop an administrative offence, allows the images to survive for a very long time;

– citizens' lack of awareness of their rights and of how to deal with possible administrative offences when they witness drug-related graffiti being made by stencilers or when they observe drug advertisements already placed in their neighbourhood. Citizens are in no hurry to take the initiative in painting over the suspicious texts and images on infrastructure for the fear of being held administratively liable for destroying or damaging someone else's property (Article 7.17 of the AC RF) or disorderly conduct (Article 20.1 of the AC RF);

Such concerns may be well-founded, since painting, for example, on urban facades requires compliance with the norms established by the Ministry of Construction and Housing and Communal Services of the Russian Federation, as well as by the executive authorities of the constituent

entities of the Federation. In particular, painting must be carried out in accordance with a colour passport, and the painting work itself must not be detrimental to the technical condition and the architectural and urban character of the buildings. A citizen is not always able to take all these factors into account, which can put the results of unauthorized painting over the drug advertisements at odds with accepted standards;

– preference for the raiding nature of the destruction of street drug advertising by the internal affairs authorities. The elimination of drug advertisements is usually carried out as part of organized drug prevention activities. The signal for such activities is an increase in the intensity of reports from concerned citizens about the emergence of graffiti. It should be recalled that the repression of administrative offences is a duty of a police officer, subject to permanent performance under paragraph 11, Part 1 Article 12 of the Federal Law No. 3-Fz "Concerning the police", dated February 2011. Failure to fulfill this duty on a day-to-day basis allows drug graffiti to exist from raid to raid.

4. *Inconsistency in the scope of responsibility with the benefits of the "stenciler"*. A study of advertisements on DeepWeb for offers to promote network drug marketing through street advertising showed that the average rate of a stenciler is 17-19 thousand rubles for 100 inscriptions, confirmed by a performance guarantee in the form of a photo report. The settlement is proposed to be made through Bitcoin transactions. According to law enforcement experts, those involved in street drug advertisements earn up to 60,000 rubles a week in this way. Sometimes the equivalent of the value of the drug is used as the means of settlement.

Other, specific ways of promoting the drug shop advertising are also used, such as anonymous print runs of T-shirts with the address or "trademark" of the customer's online shop, producing stickers, and placing advertisements on information boards not related to the sale of drugs. In the latter case, advertising is used not only to raise the ranking of one's own site on an electronic platform, but also to lower the ranking of competitors by publishing discrediting advertisements. The cost of this kind of advertising averages 50,000 rubles or more.

At the same time, according to court statistics, in 2020 97.5% of the people who were punished administratively under Article 6.13 of the AC RF were fined, with the maximum amount of fine, according to the first part of the mentioned Article (covering street drug advertising), does not exceed 5 thousand rubles. In the remaining 2.5 per cent of

cases, a warning was issued. If the perpetrator is a minor, the fine is reduced and becomes insignificant.

In addition, Russia has not yet introduced criminal liability for those who disseminate information on drug distribution sites on the Internet.

It is clear that the existing legislative means are unable to create an adequate barrier to the escalation of illegal street drug advertising activities and need to be improved.

4 CONCLUSIONS

The identification of conditions conducive to the street advertisement of drug sale makes it possible to formulate proposals for their elimination. Measures to counteract the street advertising of drug sales should be:

1) in the legal area:

– increasing the administrative liability for advertising drugs and places of their sale on the Internet, making it unprofitable for both adults and minors to participate in these activities;

– introduction of criminal liability for systematic participation in the promotion of drugs and advertising of electronic drug sales sites;

2) in the organizational area:

– inclusion of the detection and destruction of street drug advertisements as an independent line of public order maintenance by the internal affairs authorities. Detection of street drug advertising should be accompanied by the police officer's duty to report on the facts to the drug control unit covering the territory concerned. Assessment of this information as significant evidence of organized drug sales using information and telecommunication technologies should be considered sufficient grounds for the full implementation of investigative measures;

– development of citizens' initiative in counteracting drug advertisement, organization of anti-drug events and flash mobs, support of social movements able to engage in the activities aimed at countering street drug advertising. Volunteers should be provided with certified and safe spray paint and harmless stencils with symbols, such as anti-drug advertisements. In order to avoid excessive damage to property owners when removing graffiti, such activities should be supervised by representatives of the Interior Ministry;

– creation and promotion of urban Internet portals designed to process citizens' appeals to eliminate illegal advertisements (and not just that). Today such an experience is being tested in major Russian cities.

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