



Research paper

Tightening the Dutch coffee shop policy: Evaluation of the private club and the residence criterion

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ABSTRACT

Background: The Dutch coffee shop policy was tightened in 2012. Two additional criteria that coffee shops must adhere to in order for them to be tolerated came into force: the private club and the residence criterion. Coffee shops were only permitted to give access to members and only residents of the Netherlands were permitted to become a member. This tightened policy sought to make coffee shops smaller and more controllable, to reduce the nuisance associated with coffee shops and to reduce the number of foreign visitors attracted by the coffee shops. Enforcement began in the southern provinces. The private club criterion was abolished at the end of 2012.

Methods: A sample of fourteen municipalities with coffee shops was drawn. Seven in the south were treated as an 'experimental group' and the others as 'comparison group'. A baseline assessment and follow-ups at six and 18 months were performed. A combination of methods was applied: interviews with local experts, surveys with neighbourhood residents, coffee shop visitors and cannabis users, and ethnographic field work.

Results: Drugs tourism to coffee shops swiftly declined in 2012. The coffee shops also lost a large portion of their local customers, since users did not want to register as a member. The illegal market expanded. Neighbourhood residents experienced a greater amount of nuisance caused by dealer activities. After abolishment of the private club criterion, residents of the Netherlands largely returned to the coffee shops. Drug tourists still remained largely absent. Neighbourhood residents experienced more nuisance from coffee shops again. Illegal cannabis sale was tempered. No effect on cannabis use was found.

Conclusion: The quick and robust shifts in the users' market in reaction to the policy changes illustrate the power of policy, but also the limitations caused by the dynamic and resilient nature of the Dutch cannabis supply market.

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Introduction

The Netherlands' authorities have been tolerating the retail sale of cannabis in coffee shops for more than 25 years (Leuw, 1991). Coffee shop owners are not investigated or prosecuted for selling cannabis, which is a criminal act according to the Opium Act, provided that they comply with certain criteria. The first formalization of these criteria in the Opium Act Directive for the Public Prosecution Service dates from 1991: coffee shops are not allowed to advertise, sell hard drugs, cause nuisance in their vicinity, give entry to youth or sell drugs to them, and sell more than 30 grams per person per day. Compliance is checked

periodically by municipalities, local police and tax authorities. Coffee shops need a license from the mayor and the decision to tolerate coffee shops is taken at the municipal level, by the mayor in consultation with the public prosecutor and the police, while the city council has to approve. Coffee shops are commercial enterprises.

The coffee shop system can be classified as a regulatory regime for adults (MacCoun, Reuter, & Schelling, 1996; Spapens, Müller, & Van de Bunt, 2015). The sale of cannabis in coffee shops is tolerated in order to prevent consumers from entering the more criminal and dangerous illegal drugs markets and to reduce exposure to hard drugs. Coffee shops also offer a safe environment to buy and consume cannabis. The tolerance expresses the primary focus on public health which characterizes the Dutch drug policy (Monshouwer, Van Laar, & Vollebergh, 2011; Van Ooyen-Houben & Kleemans, 2015).

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The system, however, struggled with problems of nuisance – parking and traffic problems and to a lesser extent noise and loitering of customers hanging around the coffee shops – and high numbers of coffee shop visitors from abroad, especially in border regions. Some coffee shops became large-scale enterprises. A sharpening of the criteria followed. In 1995, the 30 grams-limit was reduced to five grams, the age for entrance in a coffee shop was specified at 18 years or older, and a 500 grams limit was set for coffee shop stocks of cannabis (Monshouwer et al., 2011). The problems, however, persisted. Local policy measures, like relocation of coffee shops away from the city centre and closure of coffee shops by the local authorities, followed in 2004, 2008 and 2009 (Bieleman, Nijkamp, & Buit-Minnema, 2009; Snippe, Nijkamp, & Bieleman, 2013; Van der Torre, Beke et al., 2013).

In 2010, the cabinet announced a more restrictive national coffee shop policy. The cabinet decided so after the Council of State pronounced a judgement that local regulation via a ‘residence criterion’, which was piloted in one of the municipalities, was legally incompatible with the Opium Act (ECLI:NL:RVS:2011:BQ9684, 29-06-2011). In January 2012, two further criteria that coffee shops must adhere to in order for them to be tolerated were added to the Opium Act Directive: the private club criterion and the residence criterion. These new criteria implied a drastic change for the Dutch coffee shops because they made an end to the open access which existed until then.

The private club and the residence criterion in 2012 and 2013

The private club criterion stipulated that coffee shops were only permitted to give access and to sell cannabis products to members and needed to maintain a verifiable members’ list. The residence criterion stipulated that only residents of the Netherlands would be allowed to become a coffee shop member and hence to enter the coffee shops. The main aims of the criteria were to reduce long standing problems of nuisance related to the high number of foreign visitors attracted by the coffee shops (‘drug tourism’), to make coffee shops smaller and more controllable, and to combat crime associated to coffee shops (Tweede Kamer, 2011).

The enforcement of both criteria began in May 2012 in the three southern provinces of the Netherlands. The other (nine) provinces were assumed to follow in 2013. The enforcement started under a cabinet under resignation: the cabinet that introduced the criteria fell on 23 April 2012. The minister of Security and Justice, however, announced full of conviction that he stuck to the criteria. In November 2012, a new cabinet was installed. Although the same minister of Security and Justice remained in office, the new cabinet abolished the private club criterion. The minister stated that it did not have an additional contribution to the intended effects of reducing drugs tourism and the scale of coffee shops and that it caused unintended side effects. The residence criterion was continued, but with a change of rules: since January 2013 actual enforcement can be implemented ‘stepwise if necessary, based on a locally tailored approach’ (Tweede Kamer, 2012). Since January 2013, this amended residence criterion applies throughout the country.

In this article, we report the results of the evaluation study of the new criteria. The study was conducted by the Research and Documentation Centre of the Ministry of Security and Justice, Bureau Intraval and the Bongor Institute of Criminology of the University of Amsterdam.

Research questions

The study was designed as a realist evaluation based on the ‘intervention logic’ (Astbury & Leeuw, 2010; Pawson & Tilley, 1997). In the logic, the assumptions of policy makers with regard to

the problems that had to be solved, the activities that had to be carried out by stakeholders, the intended outcomes and possible side effects were reconstructed using the ‘policy-scientific approach’: policy documents were analyzed and interviews were conducted with 40 stakeholders (Leeuw, 2003). The logic was then used as a framework for evaluation. Research questions were accordingly:

1. Did the local implementation of the new national criteria progress as planned?
2. Were the intended outcomes realized:
 - Was there a reduction of nuisance around coffee shops?
 - Did coffee shops become smaller and more controllable?
 - Was there a reduction of drug tourism?
3. Did the cannabis consumer market outside the coffee shops increase? This was a side effect that was anticipated and for which extra police enforcement capacity was available.

As to outcomes, the study’s focus was on public nuisance around coffee shops, drug tourism and size and controllability of coffee shops. Crime in relation to coffee shops (more specifically: cannabis cultivation) was not included in the study because this would need different research methods which were not feasible here.¹

Methods

The study covers the period from early 2012 to the end of 2013. In 2012, the new criteria were only enforced in the three southern provinces. No action was taken as yet in the rest of the country. Therefore, in 2012, there was an opportunity to treat municipalities in the three southern provinces as an ‘experimental group’ and municipalities in the rest of the country as a ‘comparison group’ and to research the actual effects of the tightened policy. In early 2012, there were 103 municipalities with one or more coffee shops (Bieleman, Mennes, & Sijstra, 2015). A sample of fourteen municipalities was drawn, seven in the three southern provinces and another seven in the rest of the country. A fifteenth municipality was included only in the implementation study. The municipalities were selected with a view to obtaining a country-wide sample which is as representative as possible. Municipalities in the rest of the country which could become ‘catchment areas’ for displacement of drug tourism were excluded from the sample. Although the design of the research was not entirely quasi-experimental in 2012, nonetheless we can compare what occurred in areas *with* the new policy and areas *without*. Because the implementation was also investigated, this permits a cautious interpretation of the results in terms of effectiveness.

The situation was different in 2013, when the residence criterion applied throughout the country. This interfered with the previous differentiation between the ‘experimental’ and ‘comparison’ group. This differentiation was set aside and the study continued as a monitor of developments in the countrywide sample. The local differences in enforcement that occurred in 2013 have been incorporated in a number of analyses.

The baseline measurement (T0) of outcome variables was taken in March–April 2012, before the enforcement of the new criteria. The first assessment of the implementation was in May–August 2012. The first follow-up measurement (T1) was taken in October–November 2012, right before the change of the policy. Changes between T0 and T1 thus give insight in the effects of the private club and the residence criteria in the southern provinces.

¹ The size of the cannabis cultivation in the Netherlands was researched in another study (Van der Giessen, Moolenaar, & Van Ooyen-Houben, 2014).

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