



Research paper

Legal issues for German-speaking cannabis growers. Results from an online survey



Bernd Werse*

Goethe-Universität FB 04, WE V, Centre for Drug Research Theodor-W.-Adorno-Platz 6, 60629 Frankfurt, Germany

ARTICLE INFO

Article history:

Received 21 July 2015

Received in revised form 9 October 2015

Accepted 23 October 2015

Keywords:

Cannabis cultivation

Deterrence

Criminology

Cannabis use

ABSTRACT

Background: Cannabis prohibition can generally be regarded as the main driver for home growing of marijuana. In this paper, I discuss the impact of drug prohibition on cannabis cultivators from the three German-speaking countries: Germany, Austria and Switzerland. In particular, this refers to the questions; how illicitness influences motivations for growing; which precautionary measures are taken against the risk of discovery; how penal consequences differ in the three countries and how these aspects are linked to each other.

Methods: The results come from a sample of 1578 respondents from the German-language online survey conducted following the International Cannabis Cultivation Questionnaire (ICCCQ). The survey was carried out in late 2012 and early 2013.

Results: While most of the reasons for growing cannabis relate to avoiding negative consequences of prohibition, the illicitness of cannabis also plays a major role for concern about the cultivation activities as well as measures to avoid negative consequences. Swiss growers are less worried about their activity compared to respondents from Germany or Austria.

Conclusion: The results confirm the notion that the illicitness of cannabis is the main drive for the private cultivation of the plant. At the same time, prohibition is the principal reason for concern regarding the growing activity. The severity of possible sentences seems to be linked to the degree of concern and precautionary measures.

© 2015 Elsevier B.V. All rights reserved.

Introduction

It is becoming increasingly apparent that domestic growing of cannabis for recreational purposes is a key source of the drug in Western countries (Decorte and Potter, 2015; Hakkarainen, Frank, Perälä, & Dahl, 2011; Plecas, Malm, & Kinney, 2005; Potter, Bouchard, & Decorte, 2011; UNODC, 2008; Weisheit, 1992). Moreover, it can be assumed that small-scale home growers produce a significant proportion of cannabis. In order to shed more light on this group, as well as to provide cross-national comparative data, the Global Cannabis Cultivation Research Consortium (GCCRC) designed a (semi-) standardised research instrument—The International Cannabis Cultivation Questionnaire (ICCCQ) — (Decorte et al., 2012), which was distributed online in a number of countries (Potter et al., 2015). The author of this paper was responsible for the survey in German-speaking countries (Werse, 2015).

This article deals with legal aspects and other ‘criminal’ problems associated with cannabis growing. Due to its illegality, cannabis cultivators are at risk of apprehension by law enforcement agencies (Bouchard, 2007), and sometimes also at threat of burglary or other criminal activity. This applies particularly to countries where small-scale cannabis growing is not criminalised, such as in Germany, Austria and Switzerland. Here, we examine the extent to which precautionary measures (whether against discovery in general or against particular risks of illegality) are taken and how these relate to perceived risk versus actual experiences of law enforcement. In addition, we examine motivations for cannabis growing and the extent to which home growing might be a secondary consequence of prohibition. Another relevant issue in terms of (il-) legality and law enforcement are the penalties that small-scale cannabis cultivators might face, and their deterrent effects. To this end, we examine the amount of cannabis grown by respondents during their last harvest, and relate this to the penalty they would receive for possession of such an amount. This is to explore the issue of deterrence (Beccaria, 1995; Gibbs, 1975; Pratt, Cullen, Blevins, Daigle, & Madensen, 2006) and the limitations that are placed on

* Tel.: +49 6979836386.

E-mail address: werse@em.uni-frankfurt.de

illegal activity in order to minimise conspicuousness and possible sanction. Sanctions can comprise formal, ‘political’ (Bentham, 1988), but also moral, and to a lesser degree sympathetic, and physical sanction, as found amongst a sample of drug selling respondents (Jacques and Allen, 2014). Overall, this paper deals with the questions: To what extent are cannabis growers motivated by drug prohibition? Which consequences of prohibition are most important? What are the most common precautionary measures taken by cannabis growers and of these, which are considered the most successful? What are the penal consequences for small-scale cannabis growing and how does this relate to concern and precautions taken?

Methods and sample description

The methodology of the GCCRC online survey has been described in detail elsewhere (Barratt et al., 2015). Data came from surveys, which were either country specific, or, in this example, covered several countries using the same language (French- and Italian-speaking Swiss residents were not addressed). The target population consisted of adults with experience in the cultivation of cannabis. For this hidden population, “Internet-mediated research methods are worthy of serious consideration (...), so long as (...) limitations and concerns are suitably acknowledged and accounted for in both the analysis of data and the interpretation and application of findings, particularly the extent to which they may or may not be generalizable beyond the sample population” (ibid.: 4). One main limitation of the ICCQ surveys was that it was impossible to reach representativeness, because the population is unknown. Promising capture–recapture models, using data on seizures and arrests, have been used elsewhere to provide estimates of domestic cannabis growers (Bouchard, 2007), however, law enforcement data on cannabis cultivation in German-speaking countries is not detailed enough to use this method (while numbers for detected cultivation sites exist, there is no official information on cultivation offenders; BKA, 2014). Other limitations included problems with merging data from different countries using different languages (which does not apply to the single language survey discussed here), and minor differences regarding key characteristics of respondents recruited by different methods. Generally, in line with the survey method, most respondents were recruited online.

The German-speaking survey was modified to add country-specific answer categories as well as some additional questions. It was posted online from November 2012 to May 2013 using the online survey application LimeSurvey (LimeSurvey Project Team, 2015). The survey was promoted in online forums for cannabis cultivators and drug users, on drug prevention websites and cannabis user media, to some drug reform activists, and on social media (Facebook, Twitter), with the hope that the information might go viral. No paid advertising was used. By May, 3403 people had started filling in the survey and of those, 1578 were German-speakers. They were included in analyses for this paper if they were German, Swiss or Austrian residents, at least 18 years old, experienced in growing cannabis, had filled out more than 50% of the questions and had grown cannabis in the prior 5 years. The most successful sources of recruitment were online forums for cannabis cultivation (24%), followed by Facebook (19%) and the website of the German Hemp Association (*Deutscher Hanfverband*), the largest lobby group for cannabis smokers in Germany (17%). Other sources included cannabis and/or grower magazines (10%), Internet forums on drug use and online news articles (7%, respectively). We analysed the data using SPSS Statistics 22 (IBM Corp., 2013) and common statistical procedures.

Roughly equivalent to the total population of the three countries in question (Switzerland: roughly equivalent to the

German-speaking population; Statistik Schweiz, 2015, Statistische Ämter, 2015, Statistik Austria, 2015), the vast majority of respondents were German residents (1348 persons or 85% of the sample), 129 respondents (8%) came from Austria and 101 (6%) lived in Switzerland. The survey covered only the German-speaking part of Switzerland—in fact; only one Swiss respondent claimed that he lived in the French- or Italian-speaking part of the country.

Findings

Demographics, drug use and cannabis cultivation

Detailed information about demographics, drug use and other characteristics for all ICCQ subsamples are included in Potter et al. (2015). Similar to the other participating countries, the proportion of male respondents in German-speaking countries was over 90% (Germany/DE: 95%, Austria/AT: 91%, Switzerland/CH: 93%). With a median age of 26 years (DE) and 25 years (AT, CH), the respondents were slightly younger than the ICCQ average (27). Many of the German-speaking respondents were students (DE, CH: 33%, AT: 35%), which is likely a reflection of the educational system, where many attend universities in their mid-to-late twenties. Additionally, significant proportions of the respondents were apprentices at the time of interview (DE: 8%, AT: 2% and CH: 10%). Apprenticeship (vocational school plus job experience) is also a feature of the German-speaking education system.

The vast majority of respondents had used cannabis on the day of interview (DE: 39%, AT: 50% and CH: 42%) or in the week prior (DE: 38%, AT: 32% and CH: 41%). Thus, the sample mainly consisted of regular or heavy cannabis users. All users had cultivated cannabis within the preceding 5 years. While overall, almost half of respondents only grew cannabis indoors, Swiss respondents were most likely to grow only outdoors (DE: 24%, AT: 20% and CH: 37%; only indoors: DE: 48%, AT: 46% and CH: 33%; both indoors and outdoors: DE: 27%, AT: 34% and CH: 30%; $\chi^2 = 22.4$; $P < 0.01$). When looking at the yield harvested at last crop, Swiss respondents reported the highest average amount in grams (median, DE: 200 g, AT: 250 g and CH: 300 g; ANOVA/F: 5.4; $P < 0.01$). This difference was not linked to the greater proportion of Swiss respondents growing outdoors (the average yield of outdoor growers is higher than the indoor growers’): when comparing only outdoor-or indoor-growers, the same country-specific differences occurred.

Reasons for growing

The German ICCQ questionnaire contained 20 possible reasons (plus ‘other’) for growing cannabis (see also Potter et al., 2015). Most common motives, receiving high rates of agreement (Table 1) referred to the illegality of the drug and the need ‘to avoid contact with the illegal circuit’. This reason is the only one, which shows a highly significant country-related difference ($P < 0.001$): Swiss respondents were less likely to agree with this motive, although it played some role for more than three in five of Swiss respondents (Table 1).

Most of the other highly rated reasons for growing referred to ‘secondary’ problems associated with the black market: the high price (‘cheaper than buying’) or uncertainty about the quality (‘healthier’, ‘more consistent product’), including possible residues or adulterants (‘so I can flush the cannabis’, ‘will never contain adulterants’). Adulterants were a particular issue for German respondents; this was the highest-ranking motive for growing in the German-speaking countries (Table 1). For several years, the problem of adulterants has been a concern in the German cannabis users’ community, after some cases of lead poisoning occurred in the Leipzig region (Busse et al., 2008). While, internationally, it is unclear

Download English Version:

<https://daneshyari.com/en/article/1075000>

Download Persian Version:

<https://daneshyari.com/article/1075000>

[Daneshyari.com](https://daneshyari.com)