Summary and conclusions

The private club and the residence criterion for Dutch coffeeshops
Evaluation of the implementation and outcomes in the period May-November 2012
An interim report

The Dutch coffeeshop policy became more restrictive on 1 January 2012. Two new criteria that coffeeshops must adhere to in order for them to be tolerated were added to the Opium Act Guidelines for the Public Prosecution Service: the private club [B] criterion and the residence [I] criterion. The B-criterion stipulated that coffeeshops could only permit access to, and sell to, registered coffeeshop members. Coffeeshops could furthermore only have a maximum of 2000 registered members per calendar year. The members had to be documented in a verifiable membership list. The I-criterion stipulated that only residents of the Netherlands would be allowed to become coffeeshop members and hence to enter the Dutch coffeeshops.

The implementation and consequences of the new criteria are being evaluated at the request of the Minister of Security and Justice. The current interim report covers the implementation process and outcomes of the two new criteria between May 2012 and November 2012. The criteria were enforced during this period only in the southern provinces of Limburg, Noord-Brabant and Zeeland.

This study examined whether the implementation processes were carried out as intended, whether the new policy achieved its goals, and to what extent an illegal market for cannabis (an anticipated adverse side-effect) emerged between 1 May and November 2012. The 'intervention logic' behind the B- and I- criteria was used as a framework for this evaluation. This 'logic' was reconstructed by the researchers from the available policy documentation and verified in interviews with the parties involved in the implementation of the two additional criteria.

For this evaluation, a sample was drawn consisting of seven southern municipalities where the criteria have been enforced since 1 May 2012 (the experimental group), and seven municipalities in the other provinces where the criteria were not enforced during the measurement period (the comparison group). Coffeeshop areas were selected within these municipalities where interviews and surveys were conducted with coffeeshop customers and local residents. Developments in the southern municipalities were compared with developments in the other provinces.

Two rounds of interviews have been conducted to assess the implementation process (with 40 and 36 key informants respectively). The interviews were conducted in the sample in the southern provinces with representatives of the national government (more specifically the Ministry of Security and Justice), the Board of Procurators General, the regional supporting body for the municipalities, the municipalities, the police, the district Public Prosecution Offices and the coffeeshop owners. The interviews took place during the initial period of the enforcement of the new criteria (May-August 2012) and after approximately six months (end of 2012).

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66 Plus an additional eighth municipality which was only included in the process evaluation.
In order to investigate the desired outcomes – reduced nuisance and drug tourism, smaller coffeeshops (as indicated by a reduced number of coffeeshop visits) accessible only to residents of the Netherlands – two measurements were performed: a baseline measurement and a first follow-up measurement. Survey respondents included coffeeshop visitors (n=1,051 at baseline and n=739 at the first follow-up) and local residents near coffeeshops in the selected coffeeshop areas (n=712 at baseline and n=714 at the first follow-up).

This evaluation did not measure potential effects on (organised) drug-related crime or whether the coffeeshops became more manageable. A separate evaluation would have to be conducted consulting different categories of participants and other sources in order to draw valid conclusions concerning these anticipated effects.

The consequences for the illegal cannabis consumer market were investigated using a street survey with cannabis users outside the designated coffeeshop areas (n=942 at baseline and n=812 at the first follow-up). This survey took place in the southern municipalities as well as in the rest of the country. In addition, 340 non-current and current users of cannabis – who all used cannabis during 2012 but had not used or bought cannabis in the month prior to the first follow-up – were surveyed during the first follow-up. The baseline measurements were completed prior to 1 May 2012, and the first follow-up measurement half a year later, in October-November 2012.

**Summary**

*What was the background to the B- and I-criteria?*

The private club and residence criteria for coffeeshops, as they were first presented in the Coalition agreement of 2010 and outlined in the White Paper on drug policy (the ‘Drugsletter’ or Drugsbrief) of May 2011, were part of a wider initiative to make the Dutch coffeeshop policy more restrictive. The B-criterion stipulated that coffeeshops would become private clubs with a limited number of members and a database of registered members. The I-criterion stipulated that only residents of the Netherlands would be allowed to become members and enter the Dutch coffeeshops. These criteria were an addition to the existing AHOJG-drug tolerance criteria for coffeeshops ([A] no advertising, [H] no hard drugs, [O] no nuisance, [J] no minors and [G] sale and stock of only limited quantities of cannabis in the coffeeshop), which were already part of the Opium Act Guidelines.

*What were the assumptions behind the B- and I-criteria? In other words, what was the ‘intervention logic?’*

The Minister of Security and Justice outlined the intent behind the new criteria in the ‘Drugsletter’ of May 2011: “In order to counter nuisance and crime related to coffeeshops and the trade in narcotics, an end will be made to the current ‘open-door-policy’ of the coffeeshops. Coffeeshops must be made smaller and more manageable. (...) The attraction of the Dutch drug policy on users from abroad must be reduced. Coffeeshops should become small and private and will have to gear their business to the local market. The trade in drugs has become larger, more professional, and more commercial. The strategy against organised (drug-related) crime must therefore be intensified.”

Several parties were expected to perform activities to achieve these goals. The national government was expected to establish the conditions for the local implementation and a framework within which local parties would have to operate; the
Board of Procurators General was expected to update the Opium Act Guidelines; the local municipalities were expected to implement the criteria within the framework established by the national government (through tripartite consultations between the mayor, chief of police and district officer of the Public Prosecution Service) and to orchestrate the enforcement (supported by the national government). The municipality, police and Public Prosecution Service were furthermore expected to respond immediately to any emerging illegal drug markets; coffeeshop owners were expected to comply with the (new) criteria; and only residents of the Netherlands were expected to continue to visit coffeeshops, whereas non-residents were expected to no longer travel to the Netherlands for cannabis.

To what extent were the problems that motivated the B- and I-criteria, as identified by the intervention logic, regarded as problematic by those involved?

The problems that the B- and I-criteria were meant to solve were: nuisance related to drug tourism; large, unwieldy coffeeshops; (organised) crime surrounding coffeeshops; and criticism of the Dutch coffeeshop system. The different parties involved observed the problems from national, international and local perspectives. According to the local parties the problems of drug tourism and its concomitant nuisance and large, unwieldy coffeeshops were only applicable to a limited number of locations, in particular to one of the border municipalities. The new criteria provided the legal instruments to counter the problems experienced in that location. The interviewed parties did not perceive these problems as applicable to their local situation in most of the investigated locations; drug tourism was limited, there was little nuisance and the coffeeshops were considered to be manageable. The B- and I-criteria were therefore not perceived as an effective answer to local problems in most places. There were however other local reasons for the parties to cooperate and implement the new measures. One of the reasons to cooperate was a desire to prevent any potential displacement-effects: if municipalities that experienced the presumed problems implemented the interventions, the problems might migrate to their own municipality. Municipalities wanted to avoid the problems they witnessed in neighbouring municipalities. Another reason was that the parties were already in a coalition with other municipalities, Public Prosecutor Service districts and the government to counter cannabis-related crime, particularly cannabis cultivation, a coalition in which the criteria were subsequently embedded. Other parties – particularly the Board of Procurators General and the Ministry of Security and Justice – acted not (only) to address local problems, but also to counter (organised) drug-crime, an effort that served national and international interests. The national parties acknowledged this aspect of the problems. Most local parties did not have a clear picture of the existence of organised crime related to coffeeshops. National and local parties, except for coffeeshop owners, acknowledged the existence of criticism of the Dutch coffeeshop system.

How did the implementation of the B- and I-criteria proceed, did it turn out as expected?

The interviews with the representatives of the national government, municipalities, police, offices of the Public Prosecution, courts and coffeeshop owners generally illustrated that every party fulfilled its intended role over the course of the implementation. However, some parties were more active than others. Some municipalities acted swiftly and decisively, and undertook a wide range of activities; others took more of a wait-and-see attitude, changing little. Some district offices of the Public Prosecution Service also showed more involvement than others.
Local parties had many questions about the national policy framework in the preparation and early implementation stages, as the framework and its limitations were perceived to be unclear. The parties felt that the national framework contained ambiguities, which complicated the concrete implementation locally, being the responsibility of the local municipalities. Local parties jointly sought to resolve issues in the ‘general official working group’ (‘brede ambtelijke werkgroep’), consisting of the southern municipalities, coffeeshop owners, the Ministry of Security and Justice, and (occasionally) the Public Prosecution Service and local police. The national government clarified ambiguities (for example about the proof the residency with an extract from the municipal registry, and which party has jurisdiction for which aspects of enforcement) at these working group meetings and through letters from the Minister of Security and Justice. Nevertheless, local parties perceived the national government’s response to questions during the preparation and early implementation stages (May 2012) as cautious and slow. Implementation and enforcement processes improved over the course of the project, and ambiguities were resolved. Parties became more accustomed to each other and to the new policy over the course of the implementation. Municipalities perceived the general official working group, in which they collaborated and discussed their difficulties and efforts, as very helpful.

From the outset of the implementation, a strong emphasis was placed on communicating the new policy, particularly to drug tourists. In May 2012 there were also additional coffeeshop inspections in the southern municipalities. The municipalities did differ greatly regarding the frequency and manner of their coffeeshop inspections. Furthermore, locally the priority shifted quickly from coffeeshop inspections to countering the illegal drug market and concomitant public nuisance. The municipalities, police, and Public Prosecution Service responded with the administrative and criminal law measures at their disposal. The police (law) enforcement effort was very labour intensive, and the available criminal sanctions through the courts proved rather limited relative to the time-consuming police enforcement effort. The police mainly sought to deter dealers and runners, rather than pursuing in-depth investigations of possible underlying organised structures. New administrative sanctions and new criminal law sanctions such as the ‘as soon as possible’ (ZSM) approach were deployed.

**Did the B- and I-criteria achieve the intended results?**

The first possible outcome considered during the measurement period was whether the new criteria led to a decrease in the nuisance experienced by people living near coffeeshops. There was no change in the degree or frequency of nuisance experienced by people living in the direct vicinity of coffeeshops, not in the municipalities in Limburg, Noord-Brabant and Zeeland nor in the other provinces. However, inhabitants of the three southern provinces did report significantly more nuisance than inhabitants of the other provinces to begin with. The nature of the nuisance did change considerably in the southern provinces. Before the enforcement of the new criteria (prior to May 2012), local residents attributed the nuisance they experienced mostly to the coffeeshops and the coffeeshop visitors from abroad. Six months later, the local residents attributed the nuisance they experienced mainly to drug dealing in the streets, which residents believed to concern the illegal trade in soft drugs, at least in part. Local residents moreover continued to attribute some of the nuisance to drug tourists, but no longer to drug tourists visiting coffeeshops.
The second question investigated pertained to the consequences of the new criteria for the number of coffeeshop customers and to whether or not the new criteria caused the non-residents of the Netherlands to stay away from Dutch coffeeshops. The number of visits to coffeeshops in the south of the Netherlands decreased by 76%. Compared to before 1 May 2012, cannabis was purchased far less often in coffeeshops and more often from mobile phone dealers, dealers selling from the street or from buildings other than coffeeshops and from or through friends, in October-November 2012. These changes did not occur in municipalities where the new criteria were not implemented. These substantial changes in the southern municipalities matched the perceptions of local experts and local parties, all of whom noted the emergence of an illegal market.

Observations by the researchers confirmed that it became considerably more quiet in and around coffeeshops in the south of the Netherlands. This change was mainly due to the fact that foreigners no longer visited the Dutch coffeeshops. Not a single non-resident was observed purchasing cannabis products in a coffeeshop in the south of the Netherlands in October-November 2012. Also outside in the neighbourhood of coffeeshops, far fewer non-residents were observed, particularly of Belgian or German nationality. The researchers did however observe, in all of the southern municipalities and on several occasions in October-November 2012, that foreign visitors turned away at coffeeshops were approached by nearby dealers; something which was not observed in the northern provinces.

The number of visits to coffeeshops in the south of the Netherlands also decreased because part of the Dutch customers began to avoid the coffeeshops. Particularly the youngest group (18 through 23 years of age) declined to register with a coffeeshop. Accordingly, the average age of coffeeshop visitors in the south of the Netherlands increased between 1 May 2012 and October-November 2012.

Did the new criteria lead to a change in the illegal cannabis users’ market?

The cannabis users in the northern municipalities mostly continued to purchase cannabis the way they used to before the new criteria came into effect. The vast majority of users purchased hashish or marihuana in a coffeeshop for both the baseline measurement and the measurement six months later. Those who purchased cannabis illegally mostly did so from mobile phone dealers, dealers selling from the street or buildings other than coffeeshops. Save for a few small differences, this situation did not change significantly between the baseline measurement and the measurement six months later. When these users purchased cannabis in the past three months, they did so in a coffeeshop nine out of ten times (approximately 75% of these coffeeshops were located near where they lived). These figures did not change between the baseline and the first follow-up measurement. The illegal drug user market did change considerably in the southern municipalities, however. The users there purchased cannabis in a coffeeshop as often as users in the northern municipalities during the baseline measurement, when the criteria were not yet enforced. This changed drastically after enforcement, with barely half of the purchases made in a coffeeshop during the first follow-up measurement six months later. Furthermore, users in the southern municipalities purchased cannabis far more often from mobile phone dealers, dealers selling from the street and buildings other than coffeeshops, or through friends, during the first follow-up measurement.

The first follow-up measurement of the additional street survey among users and non-current users who had not bought cannabis recently in any southern coffeeshop
revealed that for the majority of the respondents, cannabis use did not change in 2012. Users who did change their cannabis use mostly stopped using cannabis entirely (non-current users) or reduced their usage (both groups). The implementation of the B- and I- criteria was not the most frequently cited reason to quit or reduce the use of cannabis. A total of 6.8% of respondents stated that they quit or reduced their use due to the new policy. Approximately one in twenty respondents increased their use of other drugs instead of continuing their use of cannabis, though this change cannot be attributed to the change in coffeeshop policy. Insofar as purchasing behaviour changed in 2012, this usually occurred after 1 May 2012 and often due to the implementation of the B- and I- criteria. Non-current users mostly reduced their purchases of cannabis or stopped using cannabis entirely; current cannabis users mostly purchased more cannabis from dealers or from people who cultivate cannabis. Of the cannabis users who did not purchase cannabis in any southern coffeeshop after 1 May (but did do so prior to the implementation), approximately half had not purchased or received cannabis at all since 1 May. The other half mostly purchased cannabis in the northern provinces (where the criteria had not been implemented), or from illegal dealers and growers in the southern municipalities. Those who did continue to purchase cannabis in coffeeshops in the southern municipalities after 1 May also in part shifted their purchases to these illegal channels. The respondents still considered it to be very easy to acquire cannabis in the Netherlands in October-November 2012. Some considered it more difficult after 1 May, some easier. The overall perceived ease has not changed. A vast majority felt that the odds of getting caught by the police when purchasing cannabis outside a coffeeshop was (very) small. Though most respondents stated that the odds of getting caught had not changed between 1 May and October-November 2012, a quarter of the respondents felt that the odds of getting caught had increased.

These substantial changes in the experimental municipalities were reflected in the interviews with the local experts. The interviews also illustrated that the sale of cannabis on the consumer market did not change significantly in the northern municipalities. According to the experts, approximately 75% of cannabis was transferred directly from the coffeeshop to the user in the northern municipalities for both the baseline and the first follow-up measurement. In the experimental municipalities this percentage dropped by about half, to about one third of cannabis transferred directly to the user from a coffeeshop. Simultaneously, the proportion of mobile phone dealers and dealers selling from the street increased. Some experimental municipalities also noted an increase in drug runners and dealers selling from buildings other than coffeeshops.

**Conclusions**

Considerable changes have taken place on the cannabis consumer market in the south of the Netherlands between 1 May (the start of the enforcement of the B- and I-criteria) and October-November 2012. The drug tourists mostly disappeared, the number of visits to coffeeshops decreased drastically and users were purchasing their cannabis on the illegal market significantly more often. The degree and frequency of the nuisance experienced by people living in the direct vicinity of coffeeshops changed little, but there was a shift in the nature of the nuisance. Prior to 1 May 2012, local residents attributed the nuisance they experienced mostly to the coffeeshops. After six months, the nature had shifted to nuisance due to drug dealing on the streets. These changes became apparent quickly in the southern
provinces after the implementation of the new criteria, but were not observed in the comparison group.

This study did not measure any effects the criteria may have had on the manageability of the coffeeshops or on (organised) drug-related crime between 1 May and October-November 2012. A separate study would have to be conducted involving other data sources and interviews with other categories of participants in order to draw valid conclusions regarding the effects of the criteria on (organised) drug-related crime or the manageability of the coffeeshops.

What could have contributed to the observed changes?

The extent of the local implementation of the B- and I-criteria is a first potential factor to have contributed to the discernible changes. This was a complex intervention, requiring the cooperation and coordination of various parties – the national government (in particular the Ministry of Security and Justice), the Board of Prosecutors General, the municipalities, the police, the district offices of the Public Prosecution Service, and the coffeeshop owners. These parties have mostly performed according to the expectations formulated in the intervention logic. It should be noted, however, that the local parties perceived the framework for implementation provided by the national government as unclear during the start-up period, and because of this, found it difficult to fulfil their formal roles at the local level. Nevertheless, the local parties managed to develop practical methods during the course of the implementation, through clarifying letters issued by the Minister of Security and Justice as well as through the joint efforts of the parties involved in the general official working group (municipalities, national government, and occasionally the Public Prosecution Service and the police) in. A second observation is that the municipalities differed in their implementation of the new criteria; some municipalities responded with some reluctance and restraint, whereas others were more proactive. Municipalities took advantage of the room for local variation in the national policy framework.

Three factors seem to have contributed to the disappearance of the drug tourists. First, coffeeshops barred access to non-residents of the Netherlands, regardless of local variations between municipalities in the frequency and method of coffeeshop inspections. This limited the availability of cannabis to non-residents, as intended. Second, the parties participated in a coordinated communication campaign before and during the implementation of the new criteria. The target audience became well aware of the new rules through the joint efforts of the parties. The ministries of Security and Justice and Foreign Affairs worked together to inform the public abroad; project 'Courage' played a supporting role; and municipalities, the police and coffeeshop owners informed non-residents about the new criteria. Third, the police concentrated its efforts on law enforcement and the investigation of the illegal market (taking into account local priorities for enforcement). Because of the police effort, the opportunity to purchase cannabis (illegally) in the Netherlands was limited further, as expected from the intervention logic.

The drastic drop in the number of visits to coffeeshops is also due to the fact that, much more than anticipated, many residents of the Netherlands declined to register as coffeeshop members. This can be attributed to resistance against and distrust of the registration system. The intervention logic assumed that residents would be willing to become coffeeshop members in order to purchase cannabis; but this assump-
tion proved inaccurate. Particularly younger coffeeshop visitors aged 18 to 23 refused to become registered coffeeshop members.

In the south of the Netherlands, where the new criteria were enforced, cannabis-purchasing behaviour changed considerably between May and November 2012. The cannabis users in the sample of the street survey there purchased their cannabis less often from coffeeshops, and more often from mobile phone dealers, dealers selling from the street or buildings other than coffeeshops, and from or through friends. The parties involved had anticipated changes regarding the illegal market, based on three potential scenarios. Municipalities that requested additional police capacity from the Ministry of Security and Justice, based on the scenario they expected for their local situation, received the capacity they requested. The local parties utilized various civil and criminal law options to deter drug dealers and drug runners. Nevertheless, the shift from purchasing from coffeeshops to purchasing from illegal channels was still clearly present in October-November 2012. Cannabis was purchased considerably more often illegally and considerably less often from coffeeshops in the municipalities in the three southern provinces compared to before 1 May 2012. Because the illegal drug market poses an increased risk of merging the hard drug and soft drugs markets, according to previous research, in light of the public health goal of the coffeeshop policy – to keep separate the user markets for hard drugs and soft drugs and to provide adult consumers with a safe and non-criminal environment to purchase and use their cannabis – this amounts to a serious adverse side effect.

The Minister wrote to the Second Chamber on 19 November 2012 that the B-criterion would be abolished from that day onward and this membership requirement (B-criterion) was removed from the Opium Act Guidelines 1 January 2013. As of 1 January 2013, residents of the Netherlands can once again freely purchase cannabis in coffeeshops. The I-criterion has been continued in modified form, with room in the national framework for local variations in the implementation schedule and enforcement of the criterion.

The final report, to be published in 2014, will evaluate the further developments.