Amsterdam policy on soft drugs

Presented by:
Mrs. Yvette van Groenigen, Public Order & Security Department
Mr. Riccardo Osterwald, Legal

november ’15
Outline of this presentation:

1. Who is responsible for our drug policy?
2. What does the law say? And what are the effects?
3. Opium Act
4. No prosecution
5. Judicial measures
6. Coffee shop guidelines
7. Tourists in Amsterdam
8. Tolerating soft drugs
9. Coffee shops in the Netherlands
10. Coffee shops in Amsterdam
11. Reasons for decreasing numbers
12. Recent developments
13. Amsterdam soft drug policy outline
14. Goals in Amsterdam and some concerns
15. Future
Who is responsible for Dutch policy on drugs?

National level

Ministry of Security and Justice
Ministry of Welfare, Health and Sport

Local level

Mayor
Chief of Police Force
Chief Public Prosecutor
Alderman of Health/Vice Mayor
The law on drugs.

- Opium act 1976
- Are drugs legal?
- Guidelines Public Justice Department.
Opium act 1976

Distinction between soft and hard drugs

List 1: substances with an unacceptable risk (heroin, cocaine, XTC)
List 2: substances with less risk: (hash, weed)
Amsterdam drug policy

No prosecution

The opportuneness / discretionary principle is an important factor in Dutch criminal law.

*It allows the Public Prosecution Service not to prosecute when serving a public interest.*

Law enforcement policy gives a high priority to

1. large-scale trafficking in all kinds of drugs, and
2. dealing in hard drugs.

Hard drugs: Although possession of less than 0.5 grams is a serious offence, it has a low priority in law enforcement policy.

Cannabis: possession of less than 30 grams is a minor offence and is also given low priority.
<table>
<thead>
<tr>
<th>HARD DRUGS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Import/export</strong></td>
<td>12 years and/or € 45,000,-</td>
</tr>
<tr>
<td><strong>Sale, transport, production</strong></td>
<td>8 years and/or € 45,000,-</td>
</tr>
<tr>
<td><strong>Possession</strong></td>
<td>4 years and/or € 45,000,-</td>
</tr>
<tr>
<td><strong>Possession for personal use</strong></td>
<td>1 year and/or € 11,250,-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CANNABIS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Import/export</strong></td>
<td>4 years and/or € 45,000,-</td>
</tr>
<tr>
<td><strong>Cultivation, sale, transport, production</strong></td>
<td>2 years and/or € 11,250,-</td>
</tr>
<tr>
<td><strong>Possession &gt; 30 gr</strong></td>
<td>2 years and/or € 11,250,-</td>
</tr>
<tr>
<td><strong>Sale, production, possession &lt; 30 gr</strong></td>
<td>1 month and/or € 2,250,-</td>
</tr>
</tbody>
</table>
A coffee shop owner will avoid prosecution if the following criteria are met:

- no advertising;
- no hard drugs may be sold;
- no nuisance;
- no admittance under age 18;
- no more than 5 grams per person;
- no more than 500 gram for sale in the coffee shop;
- only residents of the Netherlands are permitted to visit coffee shops and purchase cannabis there. (However, municipalities have the freedom to determine whether or not to enforce this)
Tourists in Amsterdam

- Unlike in border regions, tourists come to Amsterdam not just to visit coffee shops.
- 35% of the 5,300,000 tourists (annual number of hotel guests) visit a coffee shop during their stay. According to a survey under tourists it is 14th on the list of must-do’s.
- There is little nuisance caused by tourists visiting coffee shops: they mostly smoke inside the coffee shop.
- Citizen requirement: it wouldn’t solve a problem, but create one in Amsterdam.
Tolerating softdrugs

- Decriminalising soft drugs. Holland festival Kralingse Bos Rotterdam. 1970
Coffee shops in The Netherlands

- 1999: 846
- 2000: 813
- 2001: 805
- 2002: 782
- 2003: 754
- 2004: 737
- 2005: 729
- 2006: 719
- 2007: 702
- 2008: 700
- 2009: 666
- 2010: 660
- 2011: 651
- 2012: 617

number
Coffee shops in Amsterdam
Reasons for decreasing number of coffee shops

- Violation of the rules (guidelines) for selling soft drugs
- Screening of the owner: (criminal) behavior
- Selling hard drugs
- From 2007 the combination of alcohol and soft drugs is no longer tolerated (hash cafés)
- Reducing number of coffee shops in certain areas
- No license as result of a negative “BIBOB-advice”.

However: the aim is to keep as many coffee shops as are needed to meet local demand

BIBOB = Public Administration Probity Screening Act
Recent developments

The government suggested some alterations in drugs policy
(november 2012)

- A tightened drug policy to reduce number of coffee shops and get more control
- The citizen requirement was introduced as of 1 January 2013 in order to suppress drugs tourism.
- Tackling organised cannabis cultivation is a top priority for this Cabinet.
- Focus on the impact of drugs on certain vulnerable groups (young people, heavy users).
- Cannabis cultivation can only be exempted for medicinal or scientific purposes under the Opium Act and international conventions.
Coffee shops

In december 2012: outlines Amsterdam soft drug policy

Stricter enforcement of violations.

Violating the rules: 3 strikes = OUT!

- First time – permit is withdrawn for one week
- Second time – two weeks
- Third time - end of the coffee shop

Current special intervention team for bars, restaurants and coffee shops
- Police
- Tax officials

will be complemented with municipal enforcers.
Goals Amsterdam coffee shop policy

- Separation hard drug/soft drug markets
- Screening coffee shop staff: no criminal record
- Transparant, small scale, manageable coffee shop system
- Reducing the ‘back-door problems’: personnel cannot be involved in cultivating, transporting and preparing cannabis, only selling soft drugs in the coffee shop
- Dissemination of coffee shops: more equally balanced number and concentration
- 26 coffee shops in the Red Light District will be closed to improve the quality of the city centre
• Prevention of drug use by minors:
  - Information at schools
  - Public areas where people cannot use soft drugs:
    Public playgrounds
    Schoolyards (secundary schools)
  - Distance requirement to secundary schools
Concerns in Amsterdam

- The substance of Dutch grown cannabis (Nederwiet) has changed over the years (stronger effects) and cannabis with THC > 15% will be put on hard drug list Opium Act.

- What about the ‘back door problem?’ City Council: in favour of experiment to regulate/allow marijuana nursery.

- Dutch government will only accept local measures at the ‘front door’. Local back door measures are non-negotiable.
Future

- Pilot relocating coffee shops
  Experiment different kinds of coffee shops

- 150 coffee shops to meet the demands of local users

- Equally spread over the city

- Transparant, small scale and manageable

- Well inform users

- Back door solution