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*Cannabis Policy,
Implementation and Outcomes*

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Executive summary

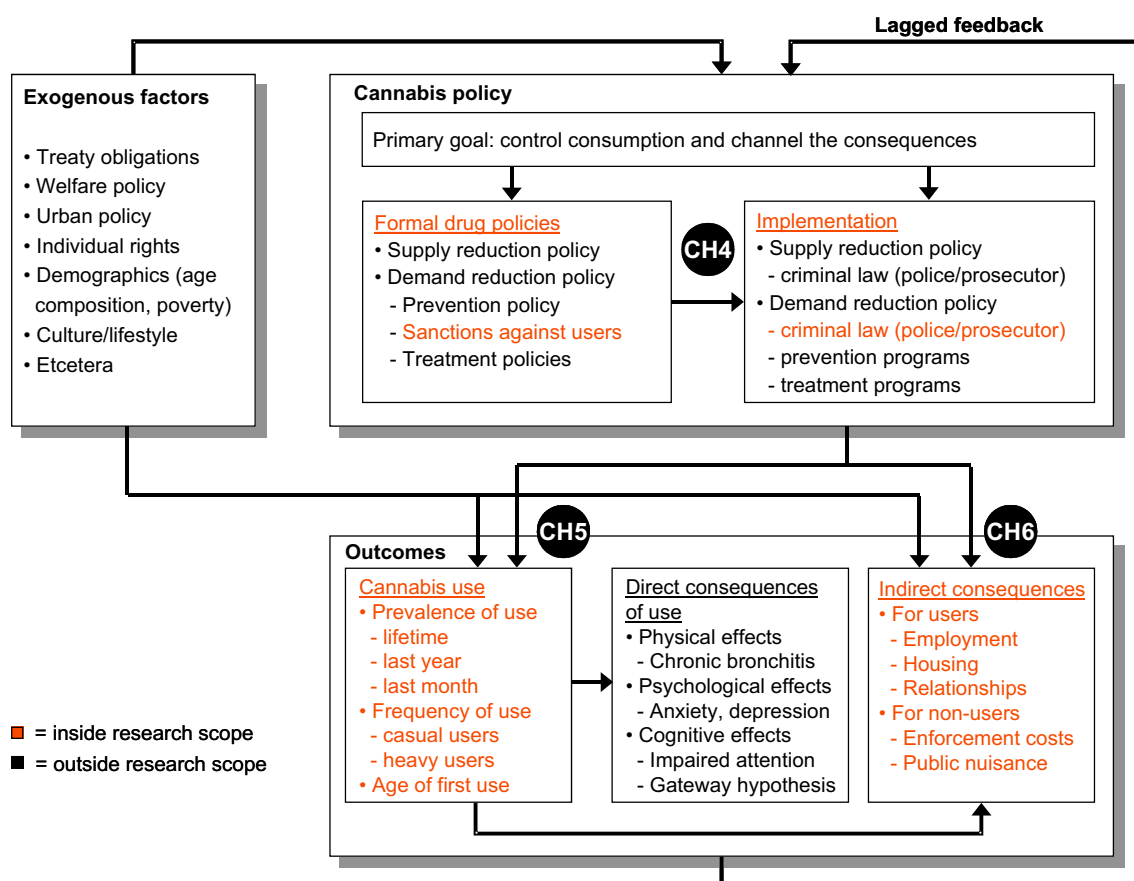
Introduction. Cannabis policy is a long-standing topic of intense debate in most if not all European countries. Different nations have made a wide range of different policy decisions regarding possession and use of this drug, varying from explicit toleration to strict prohibition. Some countries have had a relatively stable policy over the past decades, whilst others have shifted ground (sometimes several times). Attractive as the idea of testing the effects of competing prohibitionist and decriminalist philosophies is, this is a formidable task. The success of a policy greatly depends upon the degree of its implementation. Thus, the outcomes of (a change in) formal cannabis policy cannot be analysed without taking implementation issues into account.

The debate would be served by more insight into cannabis policies - both in theoretical foundations and implementation in actual practice - and their outcomes, such as cannabis use and other consequences; e.g. fates of people convicted of cannabis use or possession, or the public nuisance created by users, or the costs of policy enforcement. Interest in a study on the relationship between cannabis policy and its outcomes has come from a joint initiative of the Health Ministers of Belgium, France, Germany, the Netherlands and Switzerland. This study was made possible by a research grant from the Dutch Ministry of Health, Welfare and Sports as a contribution to the joint initiative. We reviewed the existing literature to provide a summary of the evidence on this topic. Because, as was known from the beginning, the availability of high quality evidence is limited, this review is not extensive.

Analytical framework. An analytical framework, developed by MacCoun and Reuter¹ was extended and adjusted to the focus of this study (see Figure S.1). This framework presents the outcomes of cannabis policy as dependent on a wide range of factors both exogenous and endogenous to policy. The present study examined three questions i.e., (a) to what extent does implemented policy differ from formal policy; (b) to what extent does policy have an impact on prevalence of cannabis use; and (c) which consequences does cannabis policy have for individual users and for society as a whole? The evidence provided by literature assessing these interactions was analysed and conclusions with regard to the outcomes of policy were drawn. The findings help to set the agenda for future research that can lead to more realistic and effective cannabis policy.

¹ MacCoun and Reuter, 2001, p. 211.

Figure S.1. Analytic framework for studying cannabis policy



Formal cannabis policy and cannabis policy as implemented. There are real variations in policy amongst nations and amongst regions within nations that are structured along federal lines (e.g., the US, Australia, Germany). Moreover, any notion of coherent implementation of policy at the local level is overly optimistic; not only is there a sizable gap between formal policy and policy as implemented in a number of countries/regions, but there is no evidence that any country or region has achieved uniform implementation within its jurisdictions. This is true even though countries differ widely in the extent to which they officially permit discretion in policy interpretation and implementation at local levels.

The studies examined show that there are various factors that contribute to the sizable gap between formal cannabis policy and cannabis policy as implemented. One factor is that policy regimes allocate responsibility for policy enforcement. They can officially assign discretionary power to, for example, regional police authorities, enforcement officials, prosecutorial officials, and judicial officials. These officials may opt for a more punitive or more permissive approach, depending on their own or their organisation's agenda. Another factor is the limitations in financial or human resources, which might impede implementation of the formal policy.

The discrepancy between formal cannabis policy and cannabis policy as implemented has consequences for our ability to understand the relationship between policy, prevalence of cannabis use and consequences. Interpretation of the consequences of formal policy is impossible without knowing how that policy is implemented. Unless the implementation practices are known, analysis is tricky at best.

Cannabis policy and prevalence of cannabis use. Given the discussion immediately above, it is perhaps not surprising that there can be no definitive statement made regarding policy and the prevalence of cannabis use. Moreover, the range of policies as implemented is presumably more narrow than the continuum of formal policies from "prohibition" to "decriminalisation" would suggest, thus limiting our possibilities to assess the relative effectiveness of implemented policies. Within this restriction, our overall conclusion is that the evidence does not support the notion that policy and prevalence of cannabis use are strongly connected. However, neither does the evidence support a definitive lack of connection, but the weight of the evidence leans towards a lack of connection. Many studies attempted to investigate the impact of a formal policy change or compared cross-sectional statutory regimes, but most of the research did not use indicators for the actual implementation of the formal principles, penalties and fines, and thus did not effectively measure the actual level of enforcement.

Cannabis and social consequences. We examined what is known about the social consequences of policies regarding cannabis use, from the perspective of the users and the communities in which users live. Here, there is some conventional evidence available, for example on the number of arrestees. In other areas where evidence would be desirable, for example on the fates of arrestees, it is largely missing.

Although the literature has noted an increase in the number of cannabis users arrested for possession, the extant studies have so far been unable to measure the consequences these offenders face in their respective countries or regions. Most apprehended users receive a warning or a fine; few are incarcerated. What has been established is that experiencing the criminal justice system has negative consequences for cannabis users beyond the correction of drug taking behaviour. Many who receive a criminal record experience negative consequences for civil rights, employment, accommodation, their interpersonal relationships, and driver's licences.

The negative consequences to the community of the regulation and sanctioning of cannabis use have not been extensively examined. What evidence exists does not support an hypothesis of extensive harms to a community from cannabis use per se. The effect of regulation is another story. However, the evidence is so scant that no firm conclusions may be drawn, although it is known that monetary costs of enforcement, for

example costs of maintaining people in prison, have rise. The non-monetary costs of enforcement of cannabis policy remain to be investigated.

Recommendations. Cannabis policy should be based as much as possible on evidence regarding its effectiveness. The summary of the evidence examined does not lead to the ability to make any recommendations regarding the implementation of policy. Therefore, the recommendations below are aimed at getting to know enough about these important relationships. Perfect understanding is not possible, but fortunately, it is also not required. With some effort, enough understanding can be obtained to guide coherent policy making.

1. **Spend more money on basic information acquisition, and spend it wisely.**
2. **Start understanding the range of how policies are implemented and why different implementation choices are made.** We know that implementation varies. We do not know how it varies by jurisdiction, what the full range of variation is, and why variations occur. Annex B gives an overview of issues that need to be addressed should such research be undertaken.
3. **Where differences in policy as implemented can be established, conduct comparative studies of cannabis use, using common measures.**
4. **Where such differences in policy as implemented can be found, multidisciplinary studies of the costs of different implementation regimes to the society should be examined, again using common data measures across jurisdictions.**
5. **To gain more insight in the outcomes of cannabis policy, data should be collected on the consequences for cannabis users.** Currently not much is known about the outcomes of cannabis policy for cannabis users. Therefore, we believe it is important to collect the following data: (a) Chance of being cited for cannabis use; (b) Sanctions in practice for those cited: criminal record, caution, incarceration, fine, etc.; and (c) Other consequences: obligatory treatment, losing driver's licenses, etc.
6. **Create opportunities for policy makers with differing beliefs about what effective policy should and could constitute to come together and discuss their viewpoints in a non-threatening way.**