

Crime prevention policy	
EU- priority	Drug related crime
Country	The Netherlands
Year	2019

1. Overview of the field

Definition of drug related crime

The Dutch government differentiates between ‘hard drugs’ and ‘soft drugs’ in its approach of drug related crime.

Hard drugs (for example: cocaine, heroine and XTC) are understood to have more damaging effects on the health of an individual than soft drugs. The law that regulates these drugs is the ‘Opiumwet’. In article 2 of the Opiumwet it is stated that it is forbidden to import and export ‘hard drugs’ (which can be found on list 1 of the law), to cultivate it, to make it, to process it, to sell it, to deliver it, to transport it and to have it in possession. In article 3 of the ‘Opiumwet’ the same regulation is applied on ‘soft drugs’ (for example: hash and weed). These drugs can be found on list 2 of the law. Because of the stated differentiation the government is able to regulate hard drugs and soft drugs separately. The trade and production of drugs that is found on list 1 has a higher penalty according Dutch criminal law. An exception is made in case the government approves the use of the drug by law for health reasons or scientific research. Although it is forbidden to engage in aforementioned actions related to drugs, the use of drugs is not prohibited. It is considered a drug related crime if an action related to drugs falls outside the scope of the regulation in the Opiumwet.

Assessment of trends and developments

At the moment the combating of drugs related crime is prioritized by the Dutch government. The focus is on ‘ondermijning’, which entails combatting crime which undermines the authority of the government. In practice, the term mostly encompasses drugs related crime. The focus is on working together with the local government to effectively combat drugs related crime. To do this the government has invested millions of euros, which will mostly contribute to the level of information the government has at its disposal and to a lesser extent it will contribute to the operational capacity. The government allocated the funds on basis of plans of the local government and their partners in the region (together with social work organizations for example). Some local governments have for example chosen to allocate some funds to social work organizations that will deal with young people that tend to move to drug dealing. Some local governments have for example chosen to allocate some funds to social work organizations that will deal with young people that tend to move to drugs dealing. Next to the investments, there is also a plan to change some laws to remove legal barriers that disable the government in prosecuting

suspects.

In October 2017 the current (political) coalition agreement included a pledge to conduct experiments with a controlled cannabis supply chain in six to ten large and medium-sized municipalities, the aim being to ascertain whether it is possible to achieve a quality-controlled, decriminalized supply of cannabis to coffee shops and what the effects of this would be.

By means of an experiment with a so called controlled cannabis supply chain with a regulated back door, the government wants to measure what the effects will be on crime, public safety, public nuisance, and public health. In this way within the distinction between the market for hard drugs and the market for soft drugs such as cannabis could be continued.

Within the experiment the participants who will be growing, supplying and selling cannabis within the closed cannabis supply chain are not liable to criminal prosecution. This is necessary to create the experiment. Outside the experiment these acts remain prohibited as laid down in the Opiumlaw.

Part of the coalition agreement is that there should be monitoring of the effects of the experiment resulting in an independent scientific evaluation afterwards. The results of this evaluation will be the basis for the government to decide on the follow up of the experiment.

Recent overview of statistics and research

In the National Drugs Monitor report the most recent trends on drugs in the Netherlands are shown. In 2017 13 different kind of drugs were confiscated, more druglabs were shut down than in 2016, there were 31 murders in drugs related crime (no increase of the average murders since 2000), drugs related cases at the public prosecutor have decreased (first time in years), a part of the people that has been prosecuted in the past gets in trouble with the police again within two years (10%) and synthetic drugs are getting higher dosed each year.

Most recent report by the National Drugs Monitor:

<https://www.trimbos.nl/aanbod/webwinkel/product/af1643-jaarbericht-nationale-drug-monitor-2018>

See also:

http://www.emcdda.europa.eu/countries/drug-reports/2018/netherlands_en

For more research and statistics on the subject see appendix:

1. Book: The Netherlands and Synthetic Drugs (An inconvenient truth)
2. The Dutch Opium Act (English Translation)
3. Article: Culture(s) of control: Political dynamic in cannabis policy in England & Wales and the Netherlands
4. Statistics: The Netherlands Drugs Report by EMCDDA
5. Article: The Dutch Coffee Shop System, Tensions and Benefits
6. Report: Drug Trafficking Penalties across the European Union

2. Crime strategy and coordination

Objectives of the crime strategy

- For the objectives of the government concerning the undermining of government see *assessment of trends and developments*.
- For the objectives of the government concerning the controlled cannabis supply see *assessment of trends and developments*.

Role of prevention in the crime strategy on state/regional/local level

- See *assessment of trends and developments*.

Implementation of the policy (which level is responsible for the implementation and how is the implementation coordinated?)

- The implementation of the controlled cannabis supply experiment is being done in 6 -10 municipalities. The law and regulation is being taken care of by the Ministry of Justice and the Ministry of Health, Wellbeing and Sports.
- The amendments in law and regulation is being coordinated by the Ministry of Justice, the same applies for the allocation of the funds. The implementation of the intended policy is being done by the local governmental organizations.

Stakeholders (working groups, specialised agencies, partners, etc)

- **SBO (Strategisch Beraad Ondermijning):** Is a coalition of high representatives of Dutch governmental organizations focusing on the combat of 'ondermijning'. The coalition is made up of representatives of local government, of the public prosecutor, the tax office and of multiple ministries. Together the focus of the coalition is committing each other to common (strategic) goals and advising each other. It also functions as a support for partners on the local, regional and national level. The coalition also tries to connect parties that have a focus on drugs related crime.
- **Vereniging Nederlandse Gemeenten (VNG):** It is a coalition of municipalities. Recently the central government and the VNG started working together on the above mentioned controlled cannabis supply chain.
- **The LIEC (Landelijk Informatie en Expertise Centrum) and the RIEC (Regionale Informatie Expertise Centrum):**
- **The Police**
- **Public Prosecutor (Het Openbaar Ministerie)**

The RIECs and the LIEC help government services and society to stop the criminal

undermining of society. This starts at the local level where the RIECs play an important role. The LIEC supports the RIECs in various areas such as knowledge development, legal support and IT.

The RIEC-LIEC network focuses on:

- Increasing awareness among the government and private parties about the problem of undermining;
- support and strengthen cooperation within the government and with public-private partners;
- sharing knowledge and expertise in the field of undermining.

The RIECs and the LIEC together form a nationwide network organization. The Netherlands is subdivided into ten RIECs:

Each RIEC works within regional boundaries, under the direction of an independent regional steering group. The RIECs form an information node for case studies for partners. The RIEC draws up integral enforcement advice and coordinates project-based administrative, criminal and tax interventions with regional partners.

Participation in European/ international networks, working groups, etc.

The Netherlands has been working together with international and European actors extensively since many years. The cooperation with European countries has been more comprehensive than the cooperation with other countries.

Europol for example does a threat assessment every four years which leads to a multiyear strategic outline by EMPACT (an EU coalition of governments that come together to make policy on the most pressing criminal threats. As a result of this an operational plan is established. The meetings are facilitated and financed by the EU. The organization is supported by Europol (which analyses information and provides the participating countries with information on basis of the analytics). Within the Europol multiple investigation agencies from all over the world work together. The Netherlands also has cooperation within Eurojust. Eurojust mostly stimulates and improves the coordination of investigations and prosecutions and the cooperation between authorities in the member states. Also, The Netherlands takes a seat in Frontex, which is a European Border and Coast Guard Agency which plays a role in coordinating the different coast guards to effectively combat the drugs related crime.

There is also a cooperation with nearby countries such as Belgium, Germany and Luxembourg to effectively combat drugs related crime. The Netherlands also has liaisons in multiple countries to effectively share information between the countries. There is also for example a coalition of seven EU countries within the MAOC (N). The mission of MAOC (N) is to enhance criminal intelligence and coordinate law enforcement action on the high seas, with a view to intercepting vessels carrying cocaine and cannabis.

On the strategic level the Minister of Justice has a meeting with other high-level representatives of other EU-states every 1,5 months. On the international level there are multiple bi-lateral partnerships and The Netherlands participates in conferences all over the world. Recently (April 2018) The Netherlands hosted an international conference called IDEC (International Drugs Enforcement Conference) in Rotterdam. At this international congress, drug fighters from 120 countries came together to network, learn from each other and make mutual agreements. The Dutch Police

organized this together with the DEA.

3. Good practices

Overview of recent good practices, prevention programs, etc.

The above mentioned line of policy has just recently been put in practice and is still in development. The success of the policy also has yet to be evaluated.