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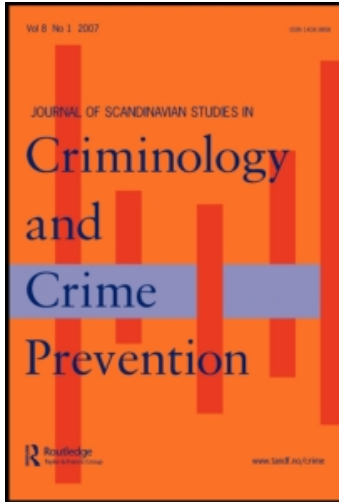
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Policy Displacement and Disparate Sanctioning from Policing Cannabis in Denmark

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Abstract

In 2004 Danish cannabis policy moved away from a tradition of harm reduction and towards a focus on deterring buyers and sellers in street-level retail markets. This article examines two research questions regarding the unintended consequences from policing the new policy. The data consist of police drug seizures by district, and criminal statistics on the national origin of people who have been sanctioned with a fine for a drug law misdemeanour.

The first unintended consequence is analysed as a policy displacement following the increased focus on the lower levels of distribution. This is tested in a fixed effects regression model using the association between number of

drug seizures and seized amount. For cannabis, there is a significant negative relationship between within-police district number of seizures and within-police district amounts ($\beta = -.34$, $p = .001$). For all other drugs, there is no significant association.

Secondly, from 2000 to 2008 police have dispensed almost 30,000 fines for drug law misdemeanours in Copenhagen alone, mostly for cannabis possession offences. Persons of non-Western origin are disproportionately represented compared to their share of population. A research question is posed that asks if the proactive policing of consensual illicit behaviour is associated with an increased ethnic disparity when

number of sanctions increase. The correlation was found to be significant at $.90$ ($n = 6$, $p < 0.01$).

This study highlights two areas of unintended consequences that have been associated with the increased police focus on cannabis possession offences in Denmark. Firstly the increase in number of cannabis seizures has been followed by a decreased amount of cannabis seized. Secondly as the number of fines for misdemeanour drug offences increased, the proportion of persons of non-Western origin among the sanctioned also increased.

KEY WORDS: Cannabis policy, Copenhagen, Ethnic disparity, Policing, Policy displacement

Introduction

Prior to 2004, Danish cannabis policy was lenient on users and street-level markets. Possession offences and retail sales were not policed actively. The relatively low levels of control were part of traditional Danish drug policy that rested on the assertion that police resources were best spent on hard drugs and wholesalers (Brydensholt 1972; Storgaard 2000). This leniency came under political and inter-

national pressure when cannabis use increased among youth throughout the 1990s. At the onset of the 2000s cannabis was widely and visibly for sale in Denmark, especially in the capital Copenhagen. More than 100 storefront locations, known as 'hash-clubs', were spread around the city, and an area known as 'Pusher Street' in Christiania contained the largest street-level retail market in Europe (Moeller 2009). Denmark currently has the highest

lifetime prevalence of cannabis use in Europe (Focal Point 2008; EMCDDA 2009; MULD 2009).

Political action was taken in 2003 with the presentation of the government action plan, *The Fight against Drugs*. The action plan was the first of its kind since 1994 and had three central elements as concerns cannabis: to curtail cannabis access for inexperienced users, to reduce the profitability of street-level retail sales, and ultimately break with a burgeoning 'normalization' of cannabis (Parker et al. 2002; Parker 2005; Järvinen and Demant forthcoming). The principles of this new policy can be said to rest on deterrence theory with the ambition of reducing use. By sanctioning and stigmatizing cannabis users, societal norms against cannabis are reinforced (Christie and Bruun 1985/1996; Caulkins and Reuter 2006; Acevedo 2007; Caulkins and Menefee 2009; Caulkins and Reuter 2009).

The intentions put forth in the action plan were formalized with new legislation in 2004 (*Skærpet indsats mod narkotika* [Stricter Effort against Drugs] 2004). Notably the penalization level for cannabis possession offences was increased. Prior to 2004, possession of up to 10g of cannabis was considered personal use and was sanctioned with a warning. Although a warning is technically a criminal sanction (Greve 2004), it was not perceived as having sufficient deterrent effects. Also the low levels of penalization infringed the common sense of justice. With the law from 2004 the starting-point sanction was increased to a fine, and in 2007 the fine level was quadrupled to its present level of 250 euros (Rigsadvokaten [State Attorney] 2006, with corrections 2007).

Shortly after the law was passed, the intentions were implemented in crack-downs on known street-level markets, first Christiania's cannabis market and two years later on a market known as Lithuania's Square. Since 2004 police have maintained enforcement pressure on cannabis users and sellers by issuing fines for possession offences. It is important to note that it was expressly stated in the preparatory legislative work that the crack-downs and enforcement of the user sanctions were expected to be within regular police budgetary allocations.

Research on drug law enforcement indicates that intensive enforcement of a deterrence-based policy will potentially have five types of unintended consequences: (1) it stimulates the criminal black market, (2) it can lead to geographic adaptability, (3) it risks displacing policy, (4) there are social costs to users, and (5) potential for substance displacement (Commission on Narcotic Drugs 2009). This study examines two of these categories of unintended consequences following the change of policy in 2004: policy displacement and the social costs to users.

The first area of unintended consequences to be examined is the potential for a policy displacement. Rasmussen et al. presented the 'criminal justice commons' argument in a series of studies on the consequences of increased drug law enforcement. Their argument is that in an environment of scarce police resources the opportunity costs of increasing a specific type of drug law enforcement reduces efforts to combat other crimes (Rasmussen et al. 1993; Rasmussen and Benson 1994; Benson et al. 1995; Benson et al. 1998; Benson et al. 2001). Specifically they found that when cocaine arrests increased there

was also an increase in various forms of property crimes. Because law enforcement resources are allocated from a common pool environment, an increase in one area will, other things being equal, imply a decrease in enforcement of other crimes. Recently Shepard and Blackley (2005, 2007) and Harcourt and Ludwig (2007) have studied this policy displacement effect in the case of increased cannabis enforcement in the US. They found similar results in that increased cannabis control efforts were associated with increased rates of property crimes and hard drug arrests.

For the present study it will be examined if the implementation of the new cannabis policy focused on deterring users and retail sellers has affected other areas of drug law enforcement. The crack-downs on street-level markets lead to a geographic dispersal of the market. When cannabis transactions were suppressed in the known markets, new selling locations appeared in other areas of Copenhagen (Københavns Kommune 2005; Asmussen and Jepsen 2007; Rikskriminalpolisen 2007) because drug markets quickly—and routinely (Eck 1995; Wood et al. 2004)—adapted to the increase in enforcement. Geographic dispersal is commonly referred to as the drug market ‘balloon effect’ (Commission on Narcotic Drugs 2009:10) that reflects the constant ‘war of attrition’ (Curtis and Wendel 2007:874) between enforcement and market participants. With the new deterrence-based cannabis policy it was a challenge for law enforcement to maintain a credible threat of criminal sanctioning in the dispersed market. Meeting this challenge runs the risk of drawing police resources from other areas of drug control, i.e. displacing policy.

The first research question is posed as follows: Has the increased focus on cannabis retail-level distribution after 2004 negatively affected the aggregate amount of cannabis seized, indicating a decrease in control of wholesale and trafficking offences?

The second potential unintended consequence follows from the focus on policing cannabis misdemeanours at the street level. The purpose of a deterrence-based cannabis policy is a ‘net-widening’ (Cohen 1979; Caulkins and Reuter 1997), i.e. to bring more people into contact with the criminal justice system, in order to make the threat of punishment credible; this is considered an intended consequence. For some people, being sanctioned for a cannabis-related offence has more far-reaching repercussions than the fine itself. Erickson and Fischer in Canada found that most individuals experienced a decline in economic position a year after sanctioning, unrelated to the severity of the sanction (Erickson 1980). Since the decline was unrelated to the severity of the sanction, some people must experience more severe consequences than others. Studies from the UK and US have found that immigrants are disproportionately over-represented among people sanctioned for cannabis-related offences (Reuter et al. 2001; Beckett et al. 2005; Golub et al. 2006; King and Mauer 2006; Harcourt and Ludwig 2007; May et al. 2007; Pearson 2007). This over-representation is not unusual for street-level policing, but nonetheless it is worth examining specifically for a relatively minor offence like cannabis possession. This subpopulation is assumed to experience more serious adverse consequences due to already being marginalized: firstly for their labour-market

attachment (Western 2003) and secondly the strain caused by a perceived racial bias (MacCoun 1993; Caulkins and Reuter 1997; Loo et al. 2003; MacCoun et al. 2003). Both consequences make it harder to reintegrate these offenders, which means that in the long run it can potentially have societal consequences as well.

The second research question is posed as follows: Does the proportion of immigrants increase with an increase in the absolute number of sanctions?

The study contributes to what is known about the unintended consequences of implementing a deterrence-based cannabis policy focused on street-level law enforcement. Several studies have examined the effects and efficacy of deterrence on cannabis use rates (Williams 2004; Ziegenberg and Colburn 2005; Pacula et al. 2007) and cannabis markets (Kleiman 1989; Caulkins and Pacula 2006; Wilkins and Sweetsur 2006), but only relatively little research has examined the costs and effects of street-level policing of cannabis. The exceptions are a series of recent anthropological studies (May et al. 2002, 2007; Golub et al. 2005, 2006; Johnson et al. 2006; Sandberg and Pedersen 2006; Harcourt and Ludwig 2007; Sandberg 2008). The results from these studies show that cannabis use rates are affected indirectly through the price mechanism, where sellers add a risk premium when enforcement intensity and sanctioning levels increase. Unfortunately this also raises profits for sellers, albeit with more risk associated. The perceived risks primarily depend on the intensity of enforcement rather than the severity of punishments, consistent with Becker's (1968) deterrence theory. The effects on use will vary depending on the user's age

and experience. Younger users tend to discount the future more, as do heavier users, so increased risks do not deter these groups. This also implies that the aggregate size of the market does not decline with increased enforcement and associated penalties. As with alcohol and other drugs, heavy users account for the majority of total consumption (Reuter 1993; Caulkins and MacCoun 2003; UNODC 2006).

Compared to the other illicit drugs, cannabis is under-studied—for valid reasons: internationally cannabis transactions take place indoors among peers, many of them gratuitous, and therefore do not cause the public order disturbances that usually attract law enforcement and research interest. Also, the use of cannabis is not associated with the levels of violence, deaths, acquisitive crime, and deviance as is the use of 'harder' and more expensive drugs (MacCoun and Reuter 2001; Williams 2004; Bennett and Holloway 2009; Pedersen and Skardhamar 2009). Nonetheless increased policing of cannabis is currently a common feature for many countries (Kilmer 2002; Loo et al. 2003; King and Mauer 2006; EMCDDA 2008), and the issue of how best to regulate cannabis at the international policy level is again being discussed in the United Nations (Commission on Narcotic Drugs 2009). In a Scandinavian context the traditional Danish cannabis policy has been an exception to the stringently repressive policies of Norway and especially Sweden (Jepsen 1995; Hakkarainen et al. 1996; Laursen 1996; Träskman 2004). The recent changes point towards a budding Scandinavian convergence on policing cannabis, and hopefully there will be interest in following the results as well as the unintended

consequences of moving away from leniency.

Data and methods

Denmark has a population of approximately 5.4 million people and was divided into 54 police districts during the period when the data were collected. Around 1.9 million people live in the greater Copenhagen area.

Data used in the analyses are police statistics on drug seizures (politi.dk) and criminal statistics on fines for drug misdemeanours (dst.dk). Unfortunately it is not possible to distinguish accurately cannabis possession offences from other drug offences in the Danish criminal statistics, as drug law offences are registered neither by drug nor by type of offence (EMCDDA 2009). Two different proxies are used to examine the research questions. Seizure data are used as a proxy for drug law enforcement (Miron 2001), and the criminal statistics category of drug law misdemeanours sanctioned with a fine is used as proxy for cannabis possession sanctions. Both data sets are only available from 2000.

The first research question is examined in a fixed effects regression model. Specifically, the dependent variable in each model is the amount of drugs seized per inhabitant in the police district (in kg for cannabis, cocaine, heroin, and amphetamine, and in number of pills for MDMA, i.e. ecstasy). Predictor variables are time in years and the number of seizures. A positive coefficient indicates that with an increasing number of seizures, the amount seized increases, whereas a negative coefficient would indicate that with increasing number of seizures, the amount seized decreases. This

is interpreted as a policy displacement as it is assumed to reflect an allocation of scarce police resources from one area of drug control to another (i.e. from the wholesale level to the retail level). In an environment of unlimited resources, the decision to increase control of the user level would not affect the level of control with the wholesale level and trafficking offences.

Since a fixed effects model is applied, the results must be interpreted as within-cluster results (in this case, within police districts). That is, the coefficients should be interpreted as the relationship between changes within districts, rather than differences between districts. This is the correct method for testing the research question raised in this study, because it reflects how changing strategy affects outcomes, rather than how patterns of seizures differ between districts. A similar fixed effects model has also previously been used in studies of how changes in drug policing have affected outcome at police district levels and county levels in the USA (Shepard and Blackley 2005, 2007).

The second research question is examined by calculating a simple Pearson correlation between the number of drug law misdemeanour offences that have been sanctioned with a fine and the proportion of the sanctioned individuals that are of non-Western origin. 'Origin' refers to country of birth. The number of observations is small because the practice of recording the ethnic origin in criminal cases is new. Data exist at the national level from 2000, but at police district level only for 2005 to 2008.

The association between number of seizures and seized amount

From 2000 to 2008 police made more than 68,000 cannabis seizures in Denmark,

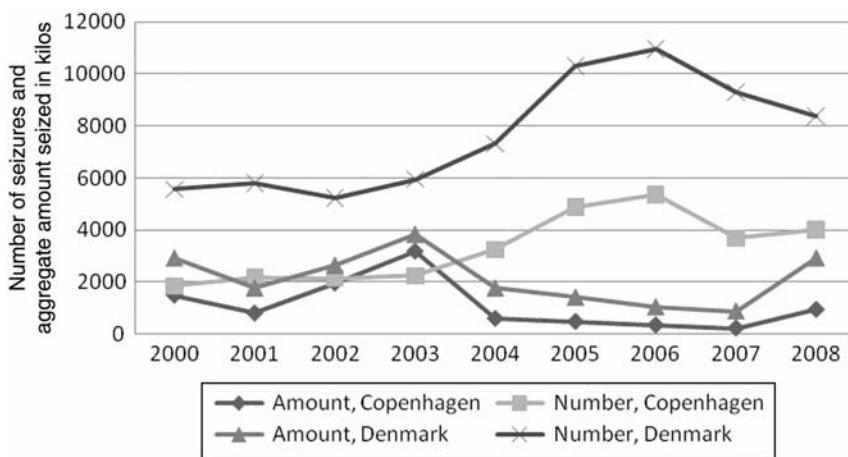


Figure 1. Cannabis seizures in Copenhagen and Denmark, amount and number, 2000–2008. Source: www.politi.dk: http://www.politi.dk/NR/rdonlyres/1A6D552B-A5F1-4959-9C86-77C8C68CE279/0/Beslagsstatistik_2008_antall.pdf; http://www.politi.dk/NR/rdonlyres/OA0AEA03-007A-4646-A45B-9BB0799391B9/0/Beslagsstatistik_2008_mængde.pdf (accessed 8 December 2009).

which is approximately 40% more than if enforcement intensity had stayed at the level from 2000–2003. Figure 1 illustrates the trend in number of cannabis seizures and seized amount. The figure shows how the increase in the number of cannabis seizures from 2004 appears to be associated with a decline in aggregate amount, both for Copenhagen and at the national level. The data for all drugs are presented below in Table 1.

The question regarding a negative correlation between number of seizures and seized amount was tested in a fixed regression model that included all 54 police districts in Denmark, and the five drugs that have been consistently registered since 2000, i.e. amphetamine, cocaine, heroin, MDMA, and cannabis. The results of the regression models are displayed in Table 2.

For cannabis, there is a significant negative relationship between within-district number of seizures and within-district amounts ($\beta = -.34$, $p = .001$). For all

other drugs, there is no significant association between number and amounts seized, but the number of seizures increases as well.

The research question regarding a negative relationship between number of seizures and seized amounts is therefore found to be supported for cannabis.

Sanctioning and origin

Table 3 contains the available data on distribution of fines for drug misdemeanour offences, grouped between persons of Danish origin and non-Westerners. The data are for Denmark as a whole.

Firstly, it is clear that a net-widening has occurred. The number of fines for drug law misdemeanours was approximately three times as high in 2006 and 2007 as they were in 2000 and 2002.

During the years from 2000 to 2006, the proportion of non-Westerners aged 15–44 who were given a fine for possession of

Table 1. Drug seizures by the absolute number of seizures and the aggregate amount seized in kilos in Denmark from 2000–2008.

Number/ amount	2000	2001	2002	2003	2004	2005	2006	2007	2008
Amphetamine	1,152/57	954/161	1,134/35	1,264/66	1,388/63	1,576/195	2,022/79	2,215/70	1,543/120
MDMA	444/21,608	331/150,080	340/25,738	322/62,475	505/38,094	462/44,195	540/22,712	452/82,390	251/17,631
Cannabis	5,561/2,914	5,788/1,762	5,234/2,635	5,942/3,829	7,313/1,758	10,292/1,406	10,962/1,035	9,301/877	8,365/2,914
Heroin	1,499/32	1,304/25	966/63	894/16	1,041/38	1,064/27	927/29	1,016/48	906/44
Cocaine	780/36	815/26	881/14	1,095/104	1,207/32	1,617/57	1,901/76	2,098/92	1,858/56

Source: http://www.politi.dk/NR/rdonlyres/1A6D552B-A5F1-4959-9C86-77C8C68CE279/0/Beslagsstatistik_2008_antal.pdf; http://www.politi.dk/NR/rdonlyres/0A0AEA03-007A-4646-A45B-9BB0799391B9/0/Beslagsstatistik_2008_maengde.pdf (accessed 8 December 2009)

cannabis increased from 2.6 of 1,000 to 6.8 of 1,000, with a peak in 2004 of 7.8 fines per 1,000 non-Western citizens. During the same period, the proportion of Danish citizens and people of Western origin who were fined increased from 1.6 to 2.4 out of 1,000.

During the same period, the ratio of non-Westerners to Westerners increased from 1.6 to 2.4 (correlation with time: .90, $p < .01$; correlation with observed number of fines per 1,000 non-Westerners: .77, $p < .05$) (dst.dk table BEF3), confirming the proposition of the second research question.

Policy displacement from increased focus on possession offences

The results presented in Table 2 show that the unprecedented high numbers of seizures from 2004 to 2007 have been negatively associated with the aggregate amount of cannabis seized annually. When seen in the context of scarce police resources, this can be interpreted as a result of policy displacement, i.e. fewer resources appear to have been devoted to investigating wholesale and trafficking cases. There are qualifications to this interpretation.

Firstly it is important to underline that even though there is a significant negative correlation, it is not unusual for aggregate seizure amounts to display large annual fluctuations because the major cases take several years to investigate. From 1990 to 2000 the seized amounts in Denmark had a normal level between 1.23 and 2.5 tonnes, but twice in the decade several tonnes were seized at once, resulting in high points of 10.7 tonnes in 1994 and 14 tonnes in 1999. Unfortunately the seizure statistics from 1990 to 2000 do not include numbers of

Table 2. *Relationships between number of seizures and amounts seized using fixed effects models for each drug.*

	Coefficient	<i>t</i>	<i>p</i> > <i>t</i>	95% CI –	95% CI +
Cannabis					
Year	.00	.77	.444	–.00	.00
Number of seizures per citizen	–.34	–3.36	.001	–.54	–.14
Constant	–.07	–.76	.448	–.24	.11
Rho	.63		.000		
Heroin					
Year	–.00	–.32	.752	–.00	.00
Number of seizures per citizen	.04	1.98	.050	.00	.07
Constant	.00	.32	.752	–.00	.00
Rho	.29		.024		
Amphetamine					
Year	–.00	–.48	.632	–.00	.00
Number of seizures per citizen	.12	1.33	.187	–.06	.30
Constant	.01	.48	.632	–.02	.04
Rho	.26		.086		
Cocaine					
Year	–.00	–.95	.345	–.00	.00
Number of seizures per citizen	.02	.74	.459	–.03	.07
Constant	.00	.95	.344	–.00	.00
Rho	.30		.068		

Sources: Police seizure data: http://www.politi.dk/NR/rdonlyres/1A6D552B-A5F1-4959-9C86-77C8C68CE279/0/Beslagsstatistik_2008_antal.pdf; Census data: Dst.dk table BEF3: <http://www.statistikbanken.dk/statbank5a/default.asp?w=1280> (accessed 4 January 2010); Dst.dk table BEF5: <http://www.statistikbanken.dk/statbank5a/default.asp?w=1280> (accessed 4 January 2010).

seizures. Also, Denmark is a small country, and the numbers are small. In 2006, 2007, and 2008 there were five, four, and nine cannabis seizures of amounts over 50 kilos, respectively (Focal Point 2009). Intuitively it seems that a single seizure of several tonnes would have distorted the results. This possibility is considered in the design of the regression model. The model includes all types of illicit drugs and all the police districts in Denmark so that in the eventuality of a few large seizures the distorting effect on the results is minimized.

The significant negative relationship between within-district numbers of

seizures and within-district amounts is unique for cannabis, compared to seizures of other drugs. For the other drugs tested in the model there has been no systematic displacement between amounts seized and numbers of seizures. The reason for the steep increase in cannabis misdemeanours from 2004 to 2006 is interpreted as being a result of the relatively sudden change in formal cannabis policy from 2003 to 2004. The policy change was formulated as a clear break with the leniency of the traditional policy and was immediately implemented with the crack-down on Christiania. None of the other illicit drug

Table 3. Proportion of fines for drug misdemeanours in Denmark by origin, 2000–2008.

Origin	Per cent (number)							
	2000	2002	2004	2005	2006	2007	2008	
Denmark	88 (2583)	85 (2638)	84 (4010)	82 (6605)	81 (7439)	81 (5840)	80 (6394)	
Western	3 (82)	2 (72)	2 (110)	3 (237)	3 (251)	2 (167)	2 (163)	
Non-Western	10 (285)	13 (394)	14 (669)	15 (1199)	16 (1445)	16 (1182)	18 (1393)	
Total	100 (2950)	100 (3104)	100 (4789)	100 (8041)	100 (9135)	100 (7189)	100 (7950)	

Source: www.dst.dk table STRAFNA1: <http://www.statistikbanken.dk/statbank3a/default.asp?w=1280> (accessed 10 April 2010).

markets were subject to crack-downs and specific police attention during this period. For drugs other than cannabis there was also an increase in the number of seizures in the same period. This can be interpreted as an overall increased police focus on drug possession offences. In this sense the period from 2004 to 2007 can be seen as an extension of the crack-downs where the enforcement pressure on users was maintained in the vicinity of known markets. Perhaps when searching for cannabis, police came upon possession of other illicit drugs? This remains speculative.

Crack-downs are notoriously expensive (Sherman 1990), and as such the political assumption of resource neutrality appears to have had the unintended consequence of negatively affecting the control with wholesalers and traffickers of cannabis. Street-level sales were arguably the most pressing social problem associated with cannabis distribution in Denmark around 2000 to 2004, but in hindsight it turned out to be an under-estimation of the adaptability and resilience of the black market not to ear-mark extra police resources for a more proactive street-level policing effort.

Disparate sanctioning of non-Westerners

The analysis of the second research question confirmed that there was a systematic pattern of disparity in the origin of the sanctioned persons. A similar type of disparity was found in international studies on cannabis enforcement, but none of the studies tested if the association was systematic in the sense that disparity increases when enforcement levels increase, and vice versa. The data used to examine the second research question are

not as robust as we would like, but international empirical results and theoretical explanations support the interpretation of the test as showing a systematic association.

First, several authors have noted how an over-representation of non-Westerners is a general phenomenon of street-level policing, especially where discretion and proactivity are required. Drug misdemeanours are therefore a particularly good example because the consensual nature of the criminal act necessitates proactivity (Finstad 2000; Holmberg 2000; Holmberg and Kyvsgaard 2003; Pettersson 2006). In explaining the over-representation Holmberg and Kyvsgaard (2003:137) found the 'displayed social characteristics' to promote a practice that included a 'bias' (Beckett et al. 2006), which Holmberg (2000:179) refers to as 'typological guilt'. Finstad (2000) and Holmberg (2000) both see this tendency towards a bias as an unavoidable, rational, and even necessary aspect of street-level policing, because, as Holmberg (2000:184) writes, 'discrimination also means discernment'.

These circumstances are further exacerbated by three aspects of non-Western culture and demography in Denmark. Firstly there is a cultural practice of using public space (Gemert and Decker 2008), secondly the comparably young age of the subpopulation of non-Western origin (21% aged 20 to 29 years compared to 10% for persons of Danish origin in 2008 (dst.dk table BEF5)), and thirdly, socio-economic status. Police have a natural tendency of intensively policing geographic areas with poorer populations due to higher crime prevalence rates (Blumstein 1993; Holmberg and Kyvsgaard 2003). In combination these circumstances make

young non-Westerners a very visible subpopulation and therefore more at risk from street-level police control.

The combination of using typological suspicion in everyday policing with the cultural and demographic characteristics of the non-Western subpopulation offers a plausible explanation for the systematic over-representation in the sanctioning statistics. The inherent mechanism of using typological guilt in street-level policing explains the over-representation of immigrants as being directly related to the change in drug policy priorities, rather than any discriminatory practices. This interpretation also explains why the degree of over-representation intensifies with the increase in enforcement and suggests that this will be a common pattern when increasing the street-level policing of consensual crimes such as cannabis retail distribution.

In this light the disparity is a starting-point for further analysis more than a conclusion in itself. The discussion above highlights two areas we should know more about. Firstly we know very little about the drug selling and use practices of this population. Recent research suggests that, at a European level, ethnic minorities are over-represented in open cannabis markets (Paoli and Reuter 2008) and have higher cannabis prevalence (Rodham et al. 2005), but we do not know if this applies in Denmark as well. Relative indiscretion of use in public locations could also be a contributing explanation (Johnson et al. 2006; Feilding et al. 2008). Secondly we do not know how cannabis possession offences fit into street-level policing practices. To what extent are they by-products of investigating other crimes (May et al. 2007), selective enforcement (Kaplan 1975; Rasmussen and Benson 1994), or

actually part of a targeted drug control policy?

Limitations

As this study was based on police districts as the unit of observation (and years in the case of the correlation between composition of origin and number of drug offences), it was not possible to track individual characteristics of offenders or drug users that could be associated with arrests or convictions, such as gender, employment status, or criminal history. Although such variables could potentially influence the seizures-to-amounts ratio in unknown ways, there is no direct way in which they would be likely to influence the development of the seizures-to-amounts ratio at the police district level.

Conclusion

A significant association was found between high numbers of cannabis seizures and a low aggregate amount seized. This is interpreted as an unintended consequence of having focused police resources at the lower levels of distribution. According to the ‘criminal justice commons’ argument (Rasmussen and Benson 1994) these resources will be allocated from somewhere else in the scarce police budgets. The need to allocate resources otherwise devoted to investigating wholesalers and trafficking offences is interpreted as a result of the black market’s adaptability and resilience. The geographic dispersal of street-level sales necessitated an extended police effort both in time and scope that appears to have been unexpected to policy-makers. Maintaining a credible deterrent threat of

criminal sanctioning for participants in cannabis markets requires an economic commitment as well.

The indirect social costs of implementing a more stringently repressive stance on cannabis possession offences also require some afterthought. While neither prevalence nor actual drug crime rates are known for the subpopulation of Westerners, they appear to be disproportionately represented among persons sanctioned with fines for drug law misdemeanours. This disparity is explained by policing practices and various social characteristics of non-Westerners and is therefore not interpreted as an example of discriminatory policing. Nonetheless the ascertainment of disparity warrants discussion of the costs and benefits associated with a policy focused on policing cannabis at the street level.

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References

- Acevedo B (2007). Creating the Cannabis User—A Post-Structuralist Analysis of the Re-Classification of Cannabis in the United Kingdom (2004–2005). *International Journal of Drug Policy* 18:177–186.
- Asmussen V, Jepsen J (2007). Dansk narkotikakontrolpolitik—aktuelt og historisk [Danish Drug Control Policy—Currently and in Historical Perspective]. In: Pedersen JS (ed.). *Ret og samfund* [Law and Society]. København: Frydenlund.

- Becker GS** (1968). Crime and Punishment: An Economic Approach. *The Journal of Political Economy* 76(2):169–217.
- Beckett K, Nyrop K, Pfingst L, Bowen M** (2005). Drug Use, Drug Possession Arrest, and the Question of Race: Lessons from Seattle. *Social Problems* 52:419–441.
- Bennett T, Holloway K** (2009). The Causal Connection between Drug Misuse and Crime. *The British Journal of Criminology* 49:513–531.
- Benson BL, Leburn S, Rasmussen DW** (2001). The Impact of Drug Enforcement on Crime: An Investigation of the Opportunity Cost of Police Resources. *Journal of Drug Issues* 31(4):989–1006.
- Benson B, Rasmussen DW, Kim I** (1998). Deterrence and Public Policy: Trade-Offs in the Allocation of Police Resources. *International Review of Law and Economics* 18:77–100.
- Benson BL, Rasmussen DW, Sollars DL** (1995). Police Bureaucracies, Their Incentives, and the War on Drugs. *Public Choice* 83:21–45.
- Blumstein A** (1993). Racial disproportionality of U.S. prison populations revisited. *University of Colorado Law Review* 64:743–760.
- Brydensholt HH** (1972). *Narkotika og straf* [Drugs and Punishment]. København: Juristforbundets forlag.
- Caulkins JP, MacCoun R** (2003). Limited Rationality and the Limits of Supply Reduction. *Journal of Drug Issues* 33(2):434–457.
- Caulkins JP, Meneff R** (2009). Is Objective Risk All That Matters When It Comes to Drugs? *Journal of Drug Policy Analysis* 2:1–14.
- Caulkins JP, Pacula R** (2006). *Marijuana Markets: Inferences from Reports by the Household Population*. Report No. 7. Santa Monica: RAND Drug Policy Research Centre.
- Caulkins JP, Reuter P** (1997). Setting Goals for Drug Policy—Harm Reduction or Use Reduction? *Addiction* 92:1143–1150.
- Caulkins JP, Reuter P** (2006). Illicit Drug Markets and Economic Irregularities. *Socio-Economic Planning Sciences* 40:1–14.
- Caulkins JP, Reuter P** (2009). Towards a Harm Reduction Approach to Enforcement. *Safer Communities* 9(1):9–24.
- Christie N, Bruun K** (1985/1996). *Den gode fiende* [A Suitable Enemy]. Oslo: Universitetsforlaget.
- Cohen S** (1979). The Punitive City: Notes on the Dispersal of Social Control. *Contemporary Crises* 3(4):341–363.
- Commission on Narcotic Drugs** (2009). *Making Drug Control ‘Fit for Purpose’: Building on the UNGASS Decade*. Vienna: UNODC.
- Curtis R, Wendel T** (2007). You’re Always Training the Dog: Strategic Interventions to Reconfigure Drug Markets. *Journal of Drug Issues* 37:867–892.
- dst.dk; table BEF3**, Available at: <http://www.statistikbanken.dk/statbank5a/default.asp?w=1280> (accessed 4 April 2010).
- dst.dk; table BEF5**, Available at: <http://www.statistikbanken.dk/statbank5a/default.asp?w=1280> (accessed 4 April 2010).
- dst.dk; table STRAFNA1**. Available at: <http://www.statistikbanken.dk/statbank5a/default.asp?w=1280> (accessed 4 April 2010).
- Eck J** (1995). A General Model of the Geography of Illicit Retail Markets. In: Eck J, Weisburd D (eds). *Crime and Place*. Crime Prevention Studies Vol. 4. Monsey, NY: Criminal Justice Press.
- EMCDDA—European Monitoring Centre for Drugs and Drug Addictions** (2008). *Annual Report 2007*. Lisbon: EMCDDA.

- EMCDDA—European Monitoring Centre for Drugs and Drug Addictions (2009). Annual Report 2008. Lisbon: EMCDDA.
- Erickson PG (1980). Cannabis Criminals—The Social Effects of Punishment on Drug Users. Toronto: Addiction Research Foundation.
- Feilding A, Room R, Hall W, Lenton S, Reuter P (2008). Cannabis Policy: Moving Beyond Stalemate. The Global Cannabis Commission Report. Oxford: The Beckley Foundation.
- Finstad L (2000). Politiblikket [Eye of the Police]. Oslo: Pax Forlag A/S.
- Focal Point (2008). Narkotikasituationen i Danmark 2008 [The Drug Situation in Denmark]. Kobenhavn: National Board of Health.
- Focal Point (2009). Narkotikasituationen i Danmark 2009 [The Drug Situation in Denmark]. Kobenhavn: National Board of Health.
- Gemert F van, Decker S (2008). Migrant Groups and Gang Activity: A Contrast between Europe and the USA. In: Gemert F van, Peterson D, Lien I (eds). Street Gangs, Migration and Ethnicity. pp. 15–30. Portland USA: Willan Publishing.
- Golub A, Johnson B, Dunlap E (2005). Subcultural Evolution and Illicit Drug Use. *Addiction Research and Theory* 13:217–229.
- Golub A, Johnson B, Dunlap E (2006). Smoking Marijuana in Public: The Spatial and Policy Shift in New York City Arrests, 1992–2003. *Harm Reduction Journal* 3(22):1–24.
- Greve V (2004). Advarsel som strafferetlig sanktion? [Warnings as a Criminal Sanction?]. In: Andersen J, Busse J, Fliflet A, Garde P, Larsen K, Møller J, Olsen J, Rønsholdt S (eds). Festskrift til Hans Gammeltoft-Hansen. Kobenhavn: Jurist- og Økonomforbundets Forlag.
- Hakkarainen P, Laursen L, Tigerstedt C (1996). Introduction: Sisters Are Never Alike. NAD Publication 31. pp. 9–20. Helsinki: Nordic Council for Alcohol and Drug Research.
- Harcourt BE, Ludwig J (2007). Reefer Madness: Broken Windows Policing and Misdemeanor Marijuana Arrests in New York City, 1989–2000. *Reaction Essay* 6:165–182.
- Holmberg L (2000). Discretionary Leniency and Typological Guilt: Results from a Danish Study of Police Discretion. *Journal of Scandinavian Studies in Criminology and Crime Prevention* 1:179–194.
- Holmberg L, Kyvsgaard B (2003). Are Immigrants and Their Descendants Discriminated against in the Danish Criminal Justice System? *Journal of Scandinavian Studies in Criminology and Crime Prevention* 4:125–142.
- Järvinen M, Demant J (forthcoming). The Normalization of Cannabis Use among Young People—Symbolic Boundary Work in Focus Groups. *Drugs, Education, Prevention and Policy*.
- Jepsen J (1995). Dansk narkopolitik og dansk narkoforskning i europæisk belysning [Danish Drug Policy and Drug Research in a European Context]. Report No. 37. Stockholm: Nordisk Samarbejdsråd for Kriminologi [Nordic Council on Criminology].
- Johnson B, Golub A, Dunlap E, Sifanick SJ, McCabe JE (2006). Policing and Social Control of Public Marijuana Use and Selling in Public. *Law Enforcement Executive Forum* 6(5):59–90.
- Kaplan J (1975). Marijuana—The New Prohibition. New York: Thomas Y. Crowell.
- Kilmer B (2002). Do Cannabis Possession Laws Influence Cannabis Use? pp. 101–125. Brussels: Ministry of Health.

- King RS, Mauer M** (2006). The War on Marijuana: The Transformation of the War on Drugs in the 1990s. *Harm Reduction Journal* 3:1–17.
- Kleiman MAR** (1989). *Marijuana—Costs of Abuse, Costs of Control*. New York: Greenwood Press.
- Københavns Kommune** [Copenhagen City Council] (2005). *Spredning af hash i København* [The Dispersion of Cannabis in Copenhagen]. København: Københavns Kommune, Familie- og arbejdsmarkedsforvaltningen.
- Laursen L** (1996). Scandinavia's Tug of War on Drugs. In: Hakkarainen P, Laursen L, Tigerstedt C (eds). *Discussing Drugs and Control Policy—Comparative Studies on Four Nordic Countries*. NAD Publication 31. pp. 33–83. Helsinki: Nordic Council for Alcohol and Drug Research.
- Loo M van het, Hoorens S, Hof C van't, Kahan JP** (2003). *Cannabis Policy, Implementation and Outcomes*. Santa Monica: RAND Europe.
- MacCoun R** (1993). Drugs and the Law: A Psychological Analysis of Drug Prohibition. *Psychological Bulletin* 113(3):497–512.
- MacCoun R, Kilmer B, Reuter P** (2003). *Research on Drugs-Crime Linkages: The Next Generation*. Washington: National Institute of Justice Special Report.
- MacCoun R, Reuter P** (2001). *Evaluating Alternative Cannabis Regimes*. *British Journal of Psychiatry* 178:123–128.
- May T, Warburton H, Hough M** (2007). *Policing Cannabis as a Class C Drug—An Arresting Change?* York: Joseph Rowntree Foundation.
- May T, Warburton H, Turnbull PJ, Hough M** (2002). *Times They Are A-Changing—Policing of Cannabis*. York: Joseph Rowntree Foundation.
- Miron JA** (2001). Violence, Guns, and Drugs: A Cross-Country Analysis. *Journal of Law and Economics* 64:615–633.
- Moeller K** (2009). Police Crackdown on Christiania in Copenhagen. *Crime, Law and Social Change* 52:337–345.
- MULD** [Monitoring the Lifestyle and Everyday Lives of Young People] (2009). *Unges Livsstil og dagligdag*. København: Kræftens Bekæmpelse og Sundhedsstyrelsen.
- Pacula R, Kilmer B, Grossman M, Chaloupka F** (2007). *Risks and Prices—The Role of User Sanctions in Marijuana Markets*. National Bureau of Economic Research Working Paper. Cambridge, MA.
- Paoli L, Reuter P** (2008). Drug Trafficking and Ethnic Minorities in Western Europe. *European Journal of Criminology* 5(13):13–37.
- Parker H** (2005). Normalization as a Barometer: Recreational Drug Use and the Consumption of Leisure by Younger Britons. *Addiction Research and Theory* 13:205–215.
- Parker H, Williams L, Aldridge J** (2002). The Normalization of 'Sensible' Recreational Drug Use: Further Evidence from the North West England Longitudinal Study. *Sociology* 36:941–964.
- Pearson G** (2007). Editorial: The Policing of Cannabis in the United Kingdom. *Addiction* 102:1175–1177.
- Pedersen W, Skardhamar T** (2009). Cannabis and crime: findings from a longitudinal study. *Addiction* 105(1):109–118.
- Petterson T** (2006). Särbehandles gärningsspersoner med utländsk bakgrund vid anmälningar om våldtäkter, grov misshandel och eget bruk av narkotika? [Are Perpetrators of Foreign Origin Discriminated Against in Reports of Rape, Serious Maltreatment and Use of Illicit Drugs?]. In: Sarnecki J (ed.). *Är rättvisan rättvis? Tio*

- perspektiv på diskriminering av etniska och religiösa minoriteter inom rättssystemet. pp. 111–146. Stockholm: Statens Offentliga Utredningar.
- Rasmussen DW, Benson BL** (1994). *The Economic Anatomy of a Drug War: Criminal Justice in the Commons*. Maryland: Rowman & Littlefield Publishers, Inc.
- Rasmussen DW, Benson BL, Sollars DL** (1993). Spatial Competition in Illicit Drug Markets: The Consequences of Increased Drug Law Enforcement. *Review of Regional Studies* 23:219–236.
- Reuter P** (1993). Prevalence Estimation and Policy Formulation. *Journal of Drug Issues* 23(2):167–184.
- Reuter P, Hirschfield P, Davies C** (2001). Assessing the Crack-Down on Marijuana in Maryland. (Unpublished manuscript).
- Rigsadvokaten** [State Attorney] (2006). Sanktionspåstande mv. i narkotikasager [Sanction Claims in Drug Cases etc.]. Report No. 6, with corrections of June 2007. København: State Attorney.
- Rikskriminalpolisen** [Swedish National Police] (2007). Nationellt cannabisprojekt 2004–2006 [National Cannabis Project 2004–2006]. Report 2007:3. Stockholm: Rikskriminalpolisen.
- Rodham K, Hawton K, Evans E, Weatherall R** (2005). Ethnic and Gender Differences in Drinking, Smoking and Drug Taking Among Adolescents in England: A Self-Report School-Based Survey of 15 And 16 Year Olds. *Journal of Adolescence* 28:63–73.
- Sandberg S** (2008). Black Drug Dealers in a White Welfare State. *British Journal of Criminology* 48:604–619.
- Sandberg S, Pedersen W** (2006). *Gatekapital* [Street Capital]. Oslo Norway: Universitetsforlaget.
- Shepard EM, Blackley PR** (2005). Drug Enforcement and Crime: Recent Evidence from New York State. *Social Science Quarterly* 86:323–342.
- Shepard EM, Blackley PR** (2007). The Impact of Marijuhuana Law Enforcement in an Economic Model of Crime. *Journal of Drug Issues* 37:403–424.
- Sherman LW** (1990). Police Crackdowns: Initial and Residual Deterrence. *Crime and Justice* 12:1–48.
- Skærpet indsats mod narkotika** [Stricter Effort against Drugs] (2004). Lov om ændring af lov om euforiserende stoffer og straffuldbyrdelesloven [Changing Act on Euphoria Inducing Substances and Act on Sentence Execution]. Bill no. 445 of 9 June.
- Storgaard LL** (2000). Konstruktionen af dansk narkotikakontrolpolitik siden 1965 [The Construction of Danish Drug Control Policy]. København: Jurist- og Økonomforbundets Forlag.
- Träskman PO** (2004). Drug Control and Drug Offences in the Nordic Countries: A Criminal Political Failure too often Interpreted as a Success. *Journal of Scandinavian Studies in Criminology and Crime Prevention* 5:236–256.
- UNODC—United Nations Office on Drugs and Crime** (2006). Review of the World Cannabis Situation. Report No. 1 and 2. Vienna: United Nations Office on Drugs and Crime.
- Western B** (2003). *Incarceration, Employment, and Public Policy*. Newark: New Jersey Institute for Social Justice, Princeton University.
- Wilkins C, Sweetsur P** (2006). Exploring the Structure of the Illegal Market for Cannabis. *De Economist* 154:547–562.
- Williams J** (2004). The Effects of Price and Policy on Marijuana Use: What Can Be Learned from the Australian Experience? *Health Economics* 13:123–137.

Wood E, Spittal PM, Small W, Kerr T, Li K, Hogg RS, Tyndall MW, Montaner JSG, Schechter MT (2004). Displacement of Canada's largest Public Illicit Drug Market in Response to a Police Crackdown. *Canadian Medical Association Journal* 170(10):1551-1556.

Ziedenberg J, Colburn J (2005). Efficacy and Impact—The Criminal Justice Response to Marijuana Policy in the US. Washington, DC: Justice Policy Institute.

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