Harm Reduction, Policy Reform and Policing Practice: The Case of Narcomenudeo Implementation in Tijuana, Mexico

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Overview

1. Drug Laws, Harm Reduction, and Health
2. Police Response to Harm Reduction Policy Reform
   1. Drug user experience: quantitative and qualitative findings
   2. High-level officials: qualitative findings
   3. Street-level police: qualitative and quantitative findings
3. Improving Reform Impact: Police-Side Intervention
Laws as “Remedies”

![Graph showing therapeutic effect and toxic effect in relation to dose and percentage of patients showing effect. The therapeutic window is highlighted between the two curves.](image-url)
Toxic Effect: Environmental Impact
Toxic Effect: Mass Incarceration

Figure 3. Estimated number of adults incarcerated for drug law violations in the United States, 1972–2002

Source: Data were extracted from Beck (1997), Beck & Glaze (2002), Cahalan (1986), Harrison & Karberg (2003), and Pastore & Maguire (2003) as described in Caulkins et al. (2006)
Toxic Effect: Disparate Impact

Figure 2: Drug Possession/Use Arrest Rates by Race, 1980-2009

Drug law enforcement provides pressure for cheaper, more potent drugs.

“Balloon effect” drives drug production and trafficking to new areas.

Illicit drugs may in fact be safer alternatives to alcohol, tobacco and prescription medications.

Cicero and Jones, NEJM, 2015
Toxic Effect: Enforcement

- Increased violence = public health crisis
- New York, 1988: 39% of all homicides are drug-related and the results of prohibition/enforcement
- US 1995: Increased enforcement on crack markets associated with 5 fold increase in homicides
- Mexico: over 120,000 dead
Syndemic: confluence of mutually-reinforcing epidemics
  - e.g. Substance use disorder (SUD) <-> infectious disease
Spread of blood-borne disease among people who inject drugs (PWID) linked to drug and drug paraphernalia prohibition
Public health measures can address syndemics
  - access to sterile syringes
  - access to condoms
  - SUD treatment and counseling (e.g. OST)
  - treatment-as-prevention
  - social services and case management, etc.
laws and their enforcement push risk behavior underground

human rights abuses perpetrated by police against vulnerable groups are pervasive, typically go unaddressed (e.g. sexual violence, extortion) (6)

encounters with police (arrest, syringe or condom confiscation) robustly associated with risk behavior and increased levels of infectious disease(1, 3, 4)

crime reduction programs reduces their impact, fueling syndemics (2, 6-8)
Drug Law Reform: Harm Reduction Focus

- **Decriminalization**
  - Drug & paraphernalia possession
  - Trafficking
  - Conspiracy crimes
  - May be accomplished through enforcement discretion

- **Harm Reduction Authorization/Scale-up**
  - Drug treatment
  - Syringe exchange
  - Drug consumption facilities (SIF, etc.)
  - Diversion from criminal justice to public health/social service

- **Broader reforms**
  - Criminal justice process, sentencing
  - Anti-discrimination laws
  - Due process protections, etc.
Policy Implementation Gap

- Gap between “law on the books” and “law on the streets” is universal
- Especially dramatic in countries with weak rule of law, police management, institutional governance (1, 2)
- Policy reforms often insufficient to shift police practices (2, 4):
  - Gaps in knowledge/understanding of law and recent shifts
  - Gaps in skills/tools to operationalize
  - Little incentive to change practice
Tijuana situated along major drug-trafficking route
- "Spill-over" effect elevates levels of SUD in transit communities
- HIV/STI prevalence dramatically higher among vulnerable groups
- Sex tourism, drug tourism, migration/deportation fuel spread

Mexico: Public Health Setting
Mexico: Policy Setting

- Fluctuating levels of drug-related violence
- Legal environment: favorable to public health
  - syringe possession *not* criminalized
  - selling of sex *not* criminalized
  - OST authorized
  - small amounts of drugs *decriminalized in 2009*
Mexico: Harm Reduction Policy Reform

- Narcomenudeo (2009)
  - Decriminalized small amounts of drugs
  - Three-strike framework (referral to treatment)
  - Referral of drug cases to state courts
  - Laws on drug trafficking remain the same
- Adopted by BC legislature in 2010
- Context: wider sweeping judicial reforms and focus on narcotrafficking
Triangulating Policy Implementation Data

DRUG USERS
OFFICIAL CRIME REPORTS

NARCOMENÚDEO IMPLEMENTATION

STREET-LEVEL POLICE
GOVERNMENT INTERACTORS
NIH-funded cohort of PWID in Tijuana, Mexico

Goal: to evaluate the impact of narcomenudeo on HIV-associated risk factors and protective behaviors

Concurrent triangulation design
Methods: Sampling

- Eligibility and Recruitment (1)
  - 18 or older
  - Recent (last month) drug injection
  - Targeted, snowball and sampling

- 10 year longitudinal cohort
  - Target N=750
Methods: Quantitative Component

- 6mo waves
- Computer-assisted data collection
- Use of GoogleEarth to georeference locations

Survey domains
- Demographics
- Drug use and treatment
- Police experiences
- Sexual behavior
- Mobility and migration
Methods: Qualitative Component

- 1 year waves
- Subset of quantitative respondents using purposeful sampling
  - Stopped and/or arrested
  - Deportation
- Goal: contextualize and triangulate quantitative findings; drive hypotheses-generation and questionnaire revisions

Interview Domains
- Daily activities
- Police encounter (last time)
- Typical/unusual
- Effect on drug use
- Knowledge and attitudes about drug and syringe laws
- Recent changes in laws and police behavior
- Experience in drug Tx
Baseline Sample Characteristics

- Enrollment: 723 (at baseline)
- Female: 253 (35%)
- Born in Tijuana: 259 (36%)
- Age of respondent (median): 37
- Age at first injection (median): 19
Main Findings at Baseline

Very low levels of knowledge of reform, other formal law relevant to harm reduction

- Any amount of heroin is illegal: 90%
- Any syringe possession is illegal: 83%
- Any condom possession is illegal: 16%
- Police practices do not reflect law: 98%
Main Findings at Baseline

Virtually no Experience of Reform

- Only 2 individuals experienced *any* operational components
- treatment diversion
- having drugs weighed
- being released after a report is issued
Main Findings at Baseline

- Extensive police contact
  - most (563; 76.4%) reported at least one encounter with law enforcement in the last 6 months
- Pervasive experience of harassment, extrajudicial practices
  - Police harassment scale (last 6mo): 66.9%
  - Syringe confiscation (last 6mo): 11.4%
Main Findings at Baseline

- Instead of reform elements, police encounters associated with risk behaviors
  - Syringe sharing OR=1.26; 95%CI=1.09-1.46)
  - Poly-drug use (OR=2.11; 95%CI=1.38-3.22)
Qual Sample Characteristics

- 32 respondents
- 16 female
- 16 deported, ever
- 12 stopped or arrested with drugs, last 6 mo
- 31 arrested, ever
Corruption/Abuse

Male, 30s

…the law always finds you guilty and looks right away to find someone guilty even if the person isn’t carrying drugs, they right away fabricate something to find you guilty and if you have some [drugs] or not they put them on you either way
Female, 30s

The local people, if they see the police here and there they see some bad people, they prefer to go by the bad people rather than where the police are because it is worse with the police.
Female, 40s

.. I fear when I come by myself because I know they are going to stop me, that is why I bring my kid, to give me company, because if I came here every day, every day I will be picked up.
Triangulating Implementation: Interactors

- Qualitative interviews (2011-2012)
- 19 respondents
  - federal (5)
  - state (10)
  - local (4)
What the Law is looking to do is deal with the issue of decriminalizing drug possession for the individual consumer, which is contradictory to the mandate for combating drug dealing that was given to the local police at the same time

- Municipal Police Commander
Triangulating Drug User Response

Municipal Police Arrests (Tijuana) 2009-2014

- Drug Possession
- Homicides
- Robbery Violent
- Robbery Non Violent
- Car Theft

Jul 2009, 2012 Federal Elections
Jul 2010, 2013 Local Elections

August 2010: Narcomenudeo enacted in Baja California State

Drug User Cohort Launched
Cycle of Policy Implementation

1. **Plan Law**
2. **Enact Law**
3. **Translate Law into Standards and Procedures**
4. **Communicate Standards and Procedures**
5. **Monitor and Evaluate Implementation**
6. **Identify Gaps and Remedies**

The cycle is continuous, allowing for ongoing assessment and refinement of policy implementation.
Next Steps

- Mount structural interventions to improve policy impact
- Explore the contribution of stability and certainty in legal environment to health risk
- Assess the contribution of psychological and network mediators linking experiences with police to risk behavior and health outcomes
- Develop surveillance frameworks for experience of police abuse and corruption
Police Education Program (PEP)

- Annual in-service
- Instructors: police & public health
- Three modules:
  1. Occupational Safety
  2. Drug Policy
  3. Public Health Rationale and Programming

1. Role-play
2. Video component
Police Study: Methods

- **Eligibility and Recruitment**
  - Tijuana police (2,000) (18 or older, High school education)
  - Part of refresher in-service training for all officers

- **5 year longitudinal cohort (730)**
  - Follow-up questionnaires at 3, 6, 12, 18 and 24 months
  - stepped wedge design

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Police Education Program (PEP) delivered to all street-based Tijuana Police Officers in a modified step wedge design

- Grand Total 1,200
  - Class 1 (25-50 officers)
  - Class 2 (25-50 officers)
  - Class 3 (25-50 officers)
Police Study: Methods

Qualitative Component
- Subset of longitudinal cohort
- Domains:
  - Occupational safety
  - Enforcement decisionmaking and discretion
  - Training impressions
  - Drug treatment diversion experience and attitudes
  - Crackdown operations
Police Study: Preliminary Findings

**Occupational Safety**
- Ever stuck with syringe: 125 (12.4%)
- Broken syringe when confiscating (6mo): 593 (58.9%)

**Law Knowledge**
- Knowledge of drug decrim (heroin): 91 (9.3%)
- Correct knowledge of drug law (syringes): 532 (56.1%)

**Drug Law Enforcement Practice**
- Arrest for syringe possession (6mo): 542 (53.9%)
- Social norms supportive of Tx diversion: 290 (28.8%)
More on PEP Evaluation: Tomorrow

- Tuesday: Session C14
- 15:30-17:00, Room 10
- Jaime Arredondo, PhD(c)
- *Police Education Program to improve the implementation of drug policy reform in Mexico: initial results from a longitudinal assessment*
- PEP Film Screening
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References


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