

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

Third International Conference on Law Enforcement and Public Health  
Amsterdam, Netherlands

October 2, 2016

Leo Beletsky, JD, MPH

Northeastern University School of Law & Bouvé  
College of Health Sciences

Division of Global Public Health  
UC San Diego School of Medicine



Mario Morales, MA

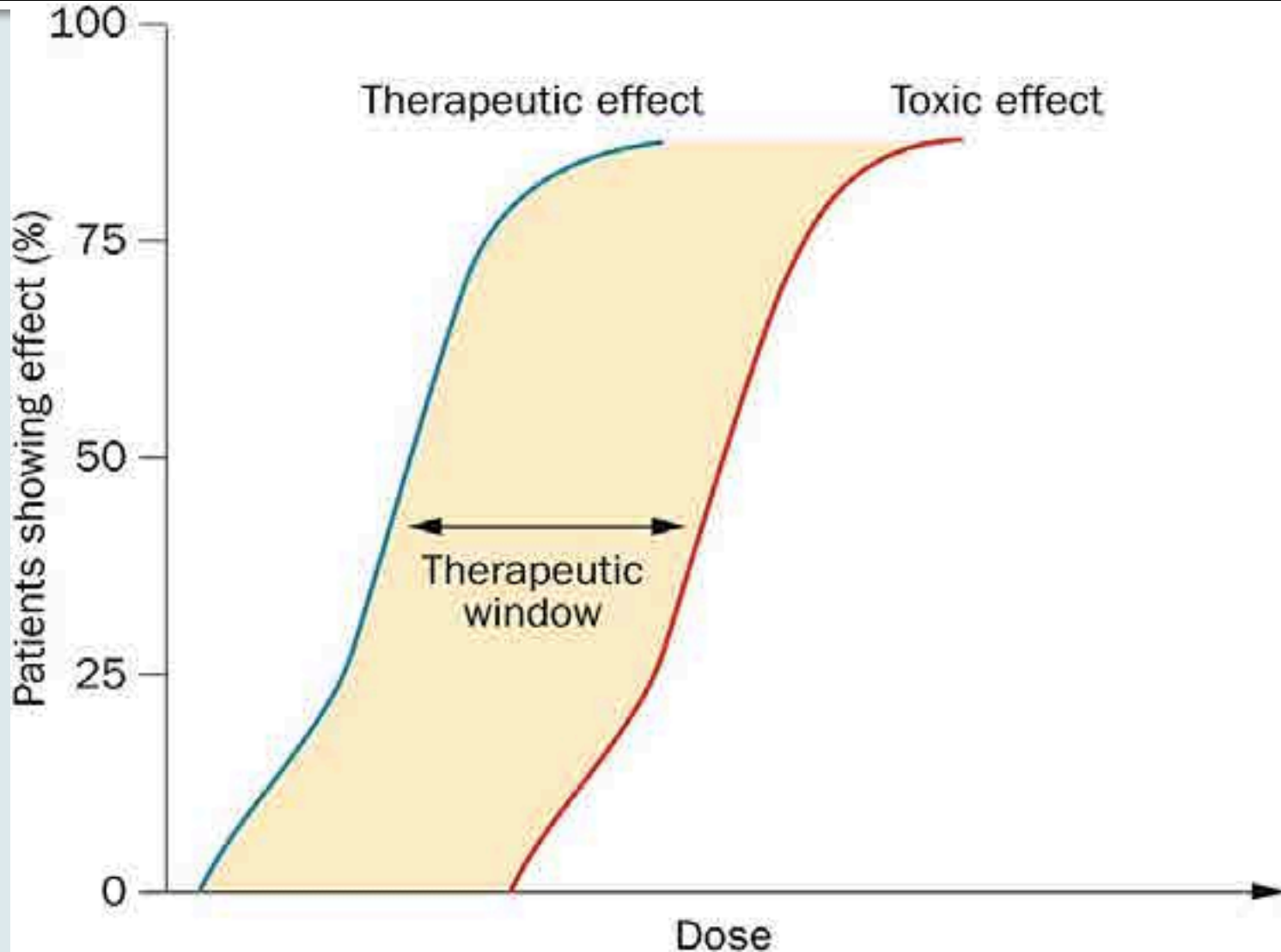
Division of Global Public Health  
UC San Diego School of Medicine



# 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"

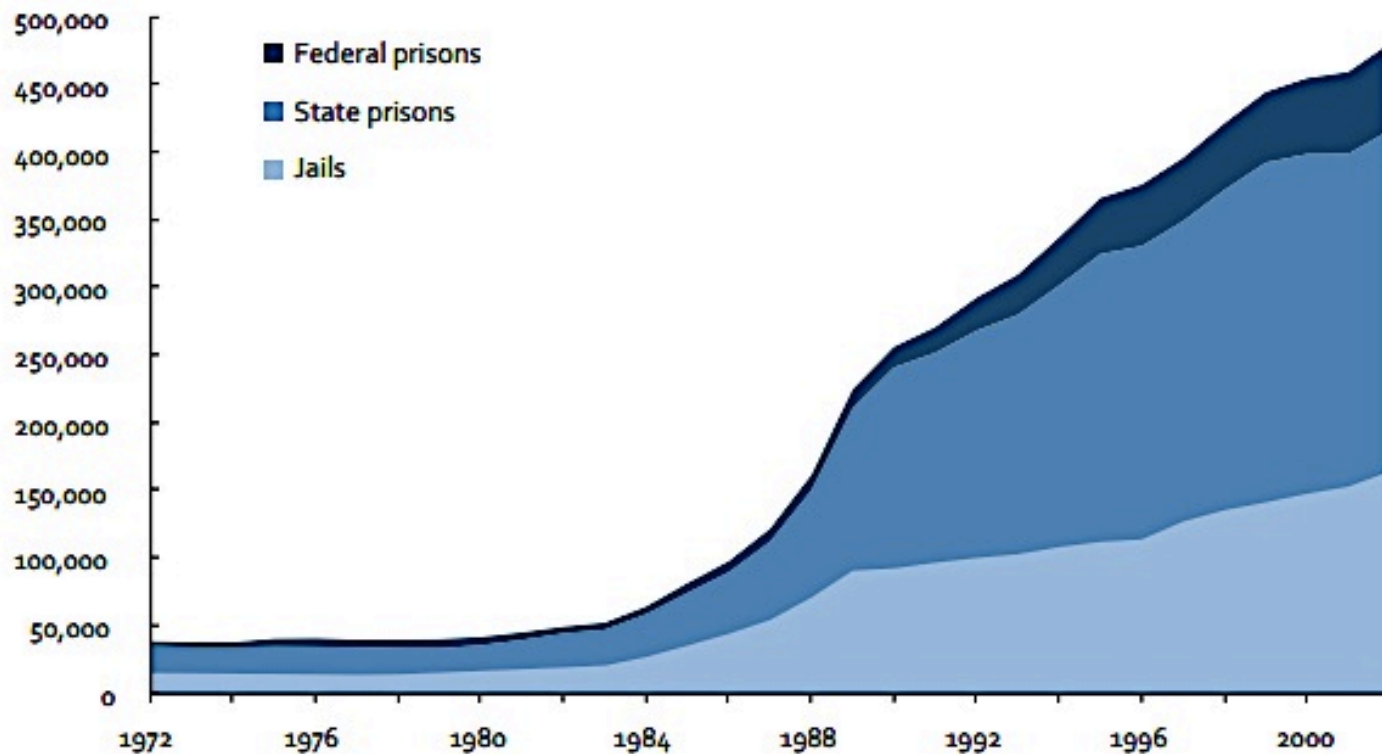


# Toxic Effect: Environmental Impact



# Toxic Effect: Mass Incarceration

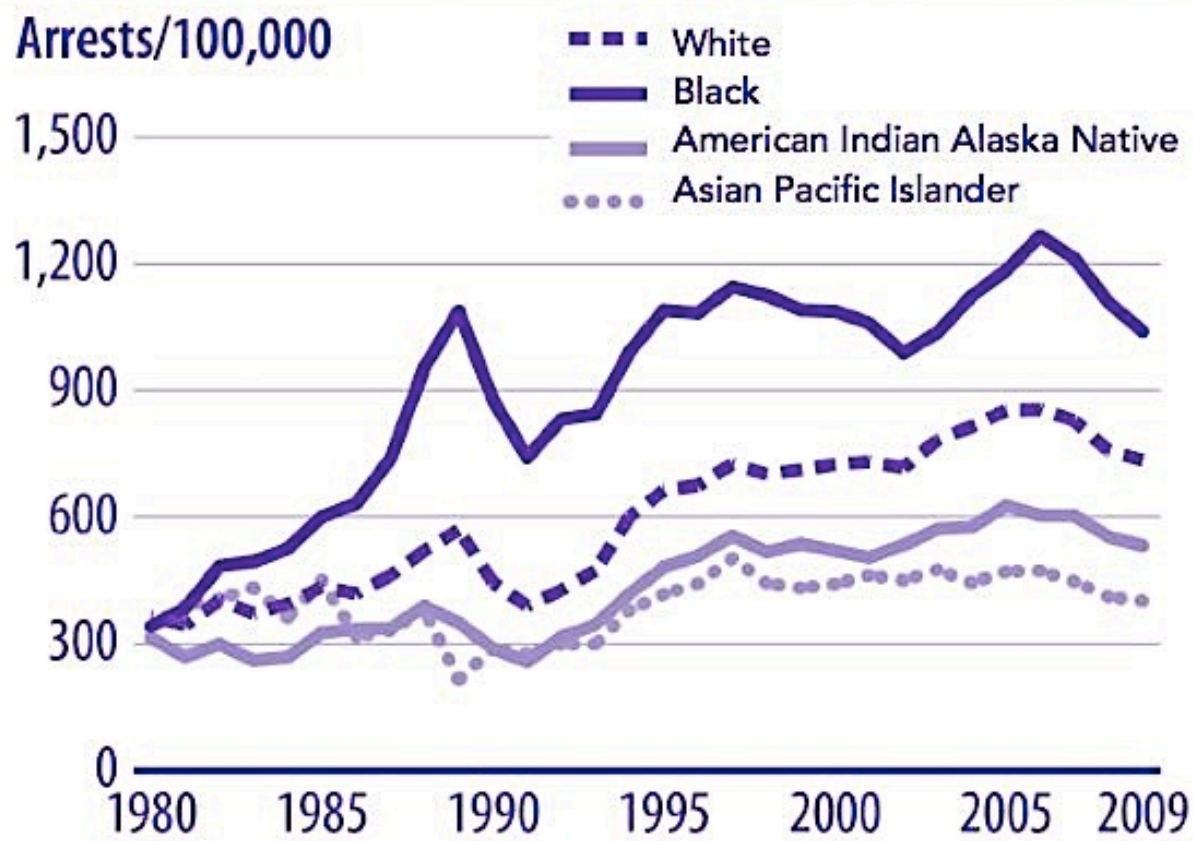
**Figure 3. Estimated number of adults incarcerated for drug law violations in the United States, 1972–2002**



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

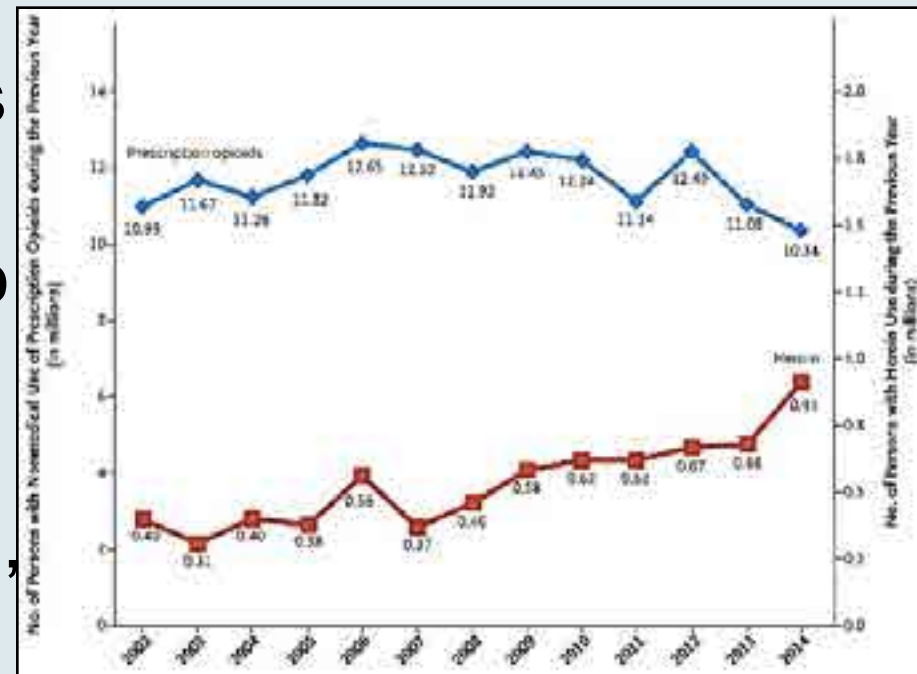
Figure 2: Drug Possession/Use Arrest Rates by Race, 1980-2009



Source: Snyder, Howard N. *Arrest in the United States, 1980-2009*. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2011

# Toxic Effect: Public Health Impact

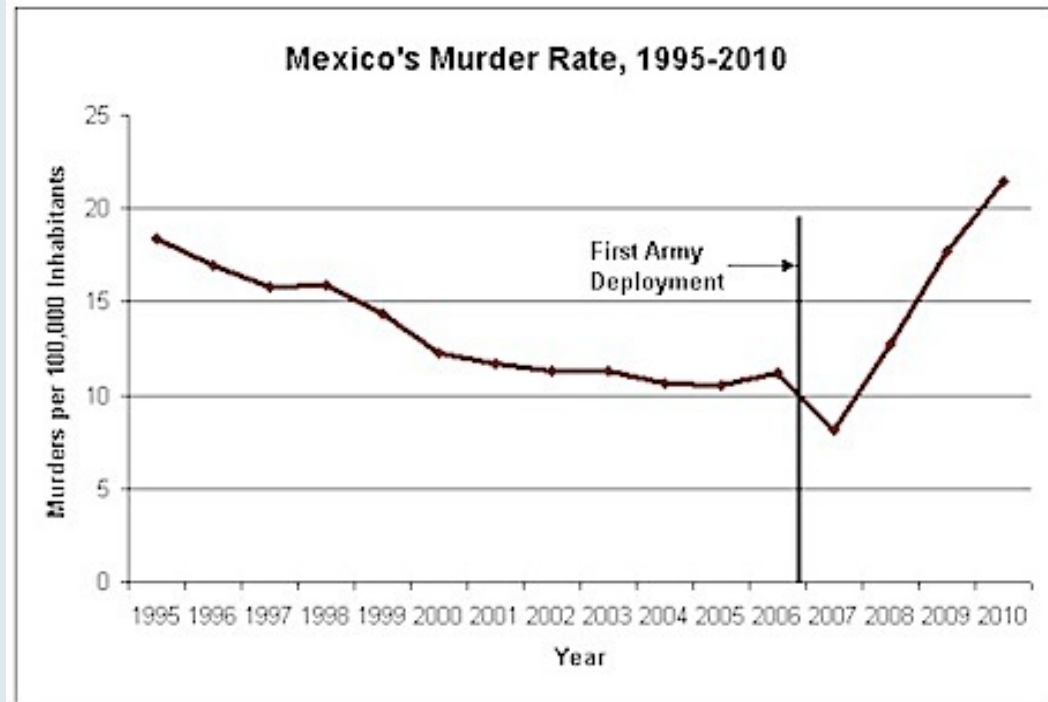
- Drug law enforcement provides pressure for cheaper, more potent drugs
- “Balloon effect” drives drug production and trafficking to new areas
- Illicit drugs may in fact be safer alternatives to alcohol, tobacco and prescription medications



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





# Toxic Law: Syndemics

- 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.

# Law, Policing, and Harm Reduction



Photo by A. Cabrera

- 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)
- police interference with harm 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

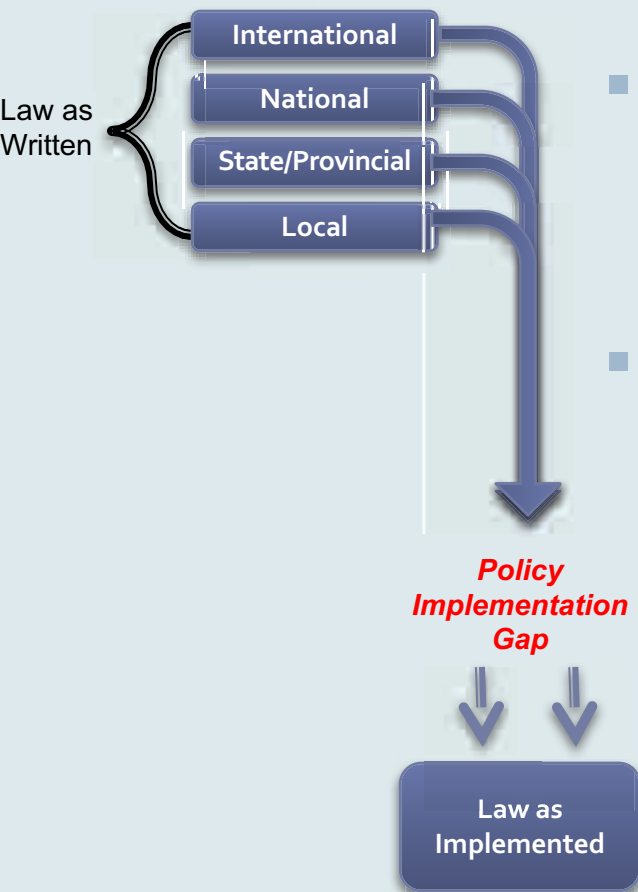
## ■ Broader reforms

- Criminal justice process, sentencing
- Anti-discrimination laws
- Due process protections, etc.

LEAD



# 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

# Mexico: Public Health Setting



Photo by A. Cabrera

- 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: 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*



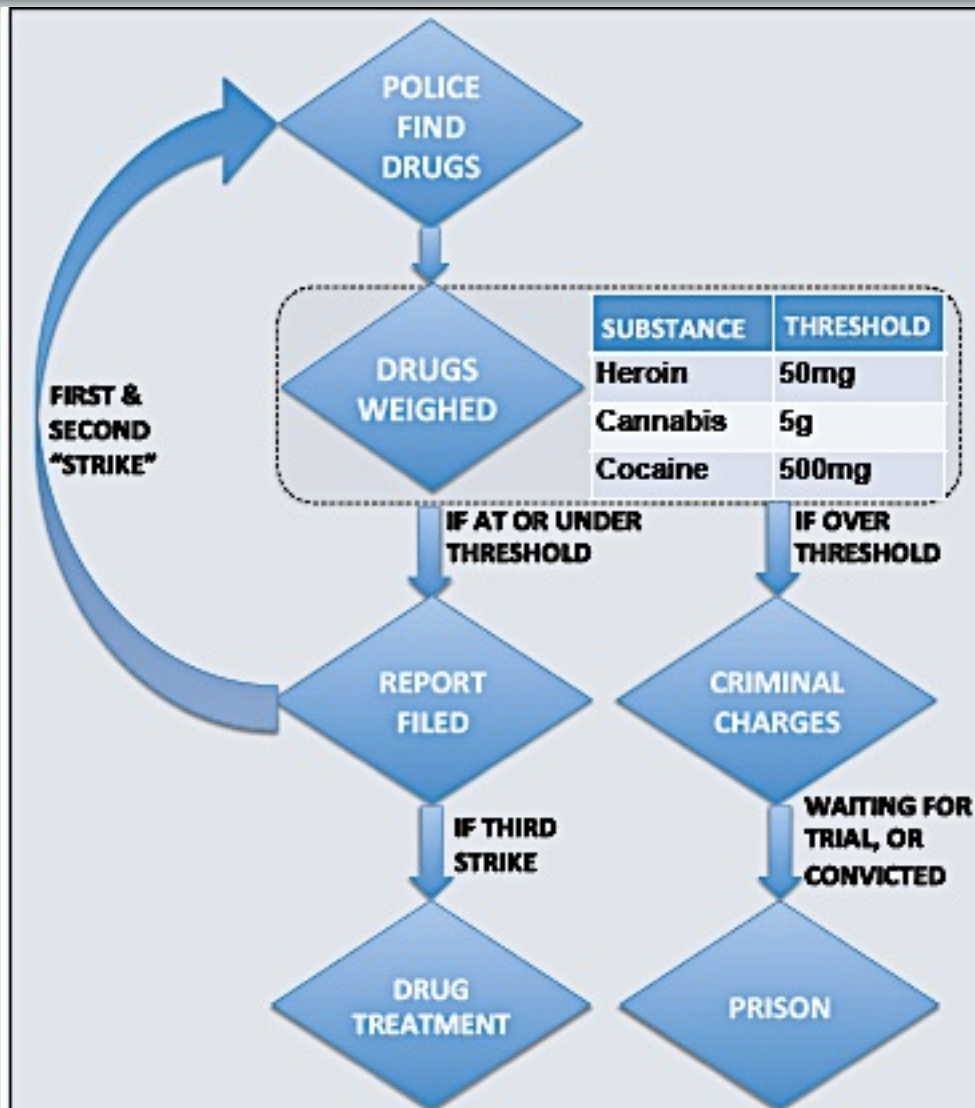
# Mexico: Harm Reduction Policy Reform

## 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 narco-trafficking



# Triangulating Policy Implementation Data

DRUG USERS

OFFICIAL CRIME  
REPORTS

**NARCOMENUDEO  
IMPLEMENTATION**

STREET-LEVEL  
POLICE

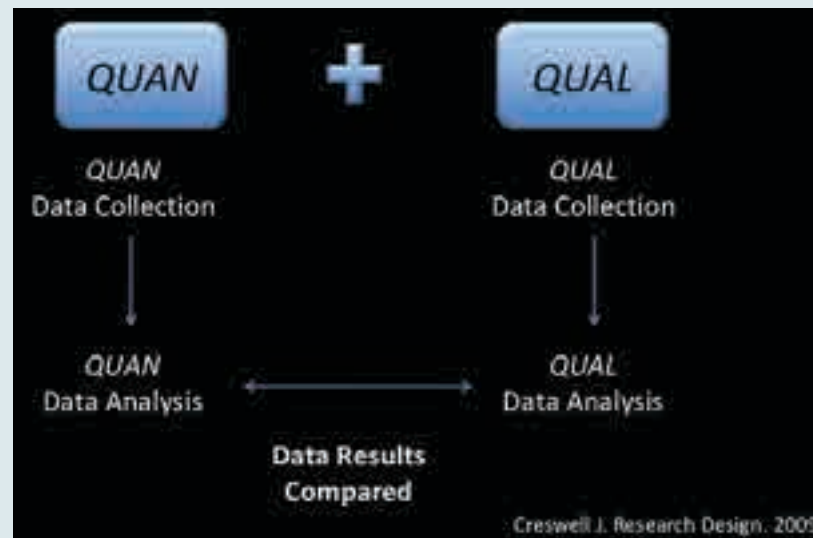
GOVERNMENT  
INTERACTORS



# PWID Study: Mixed-Methods

- 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 GoolgeEarth 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 6mo
- 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*

# Strategies to Avoid Police Contact

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.*

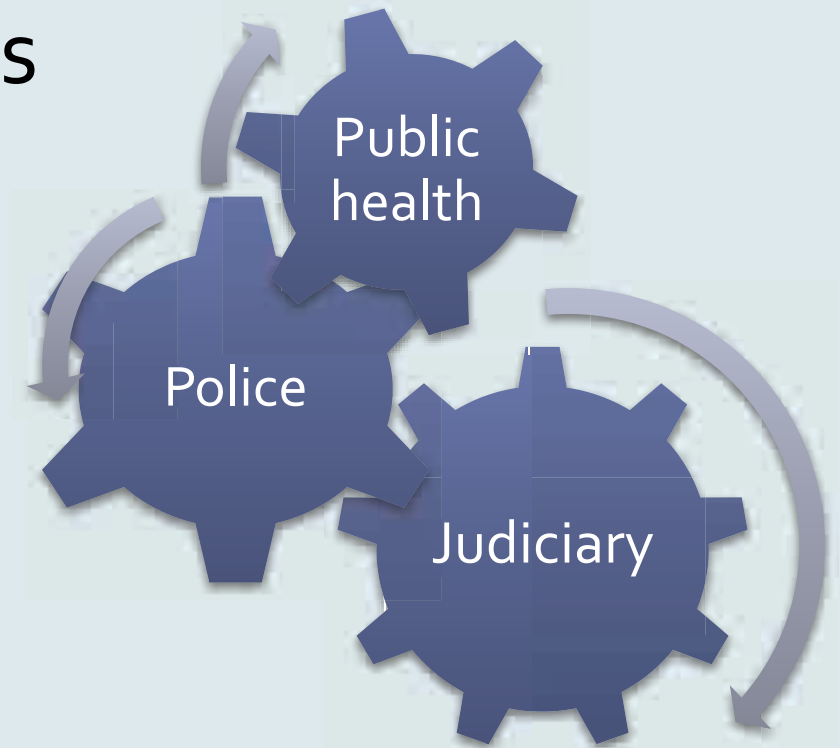
# Strategies to Avoid Police Contact

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)



# Triangulating Implementation: Interactors

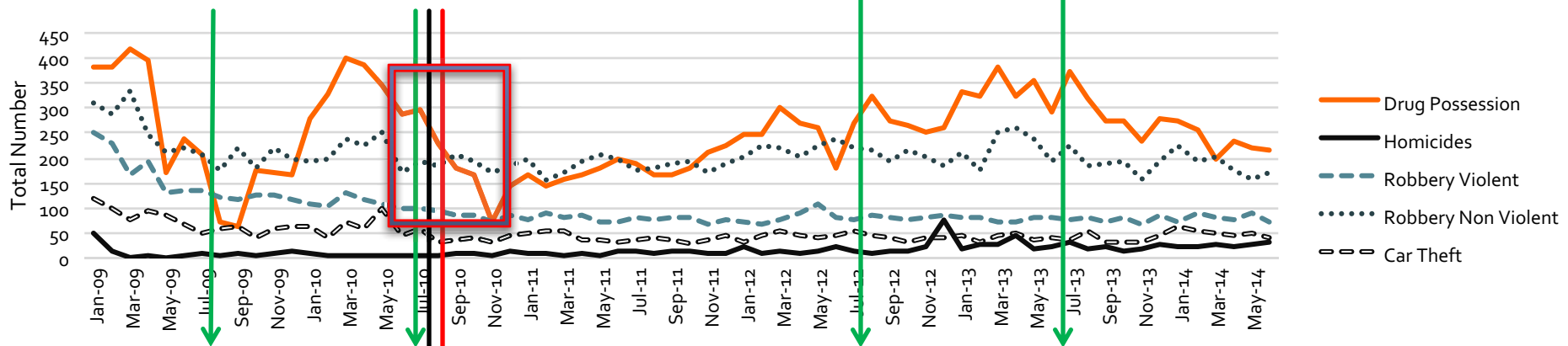
- Confusion about the implications of the reform for procedures and practices
- Lack of support for the reform
- Lack of implementation coordination and planning
- Lack of resources to implement

*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



Jul 2009, 2012 Federal Elections

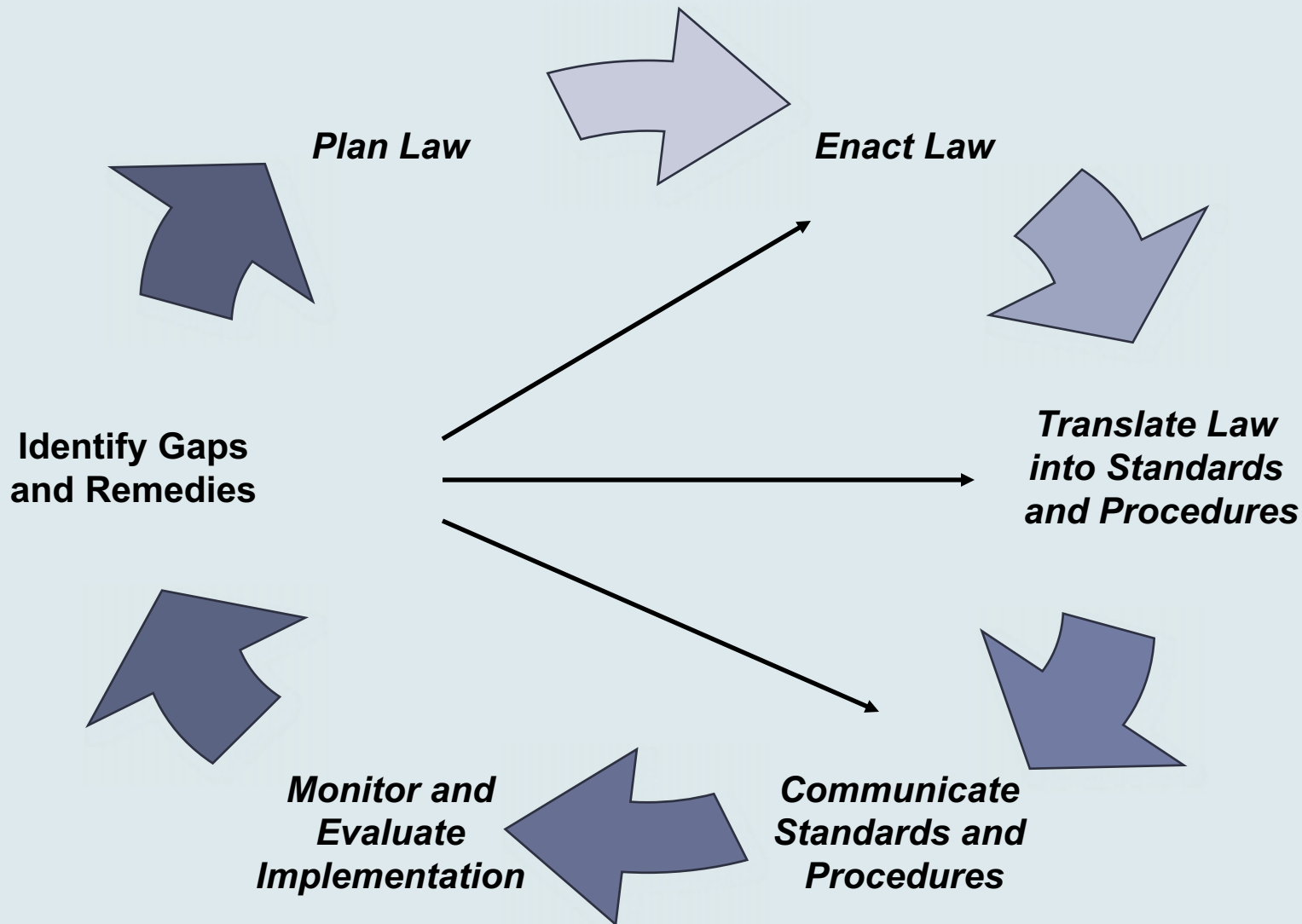
Jul 2010, 2013 Local Elections

**August 2010: Narcomenudeo**  
enacted in Baja California State

**Drug User Cohort  
Launched**



# Cycle of Policy Implementation



# 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)

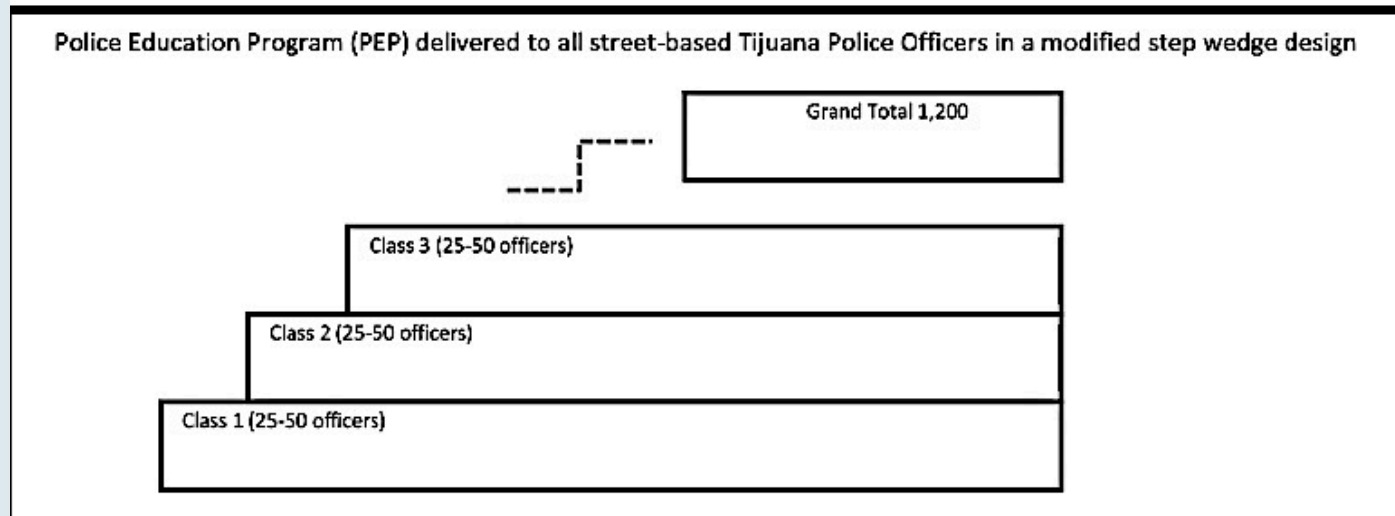
- Annual in-service
  - Instructors: police & public health
  - Three modules:
    1. Occupational Safety
    2. Drug Policy
    3. Public Health Rationale and Programming
1. Role-play
  2. Video component



Photo: Jaime Arredondo, 2014

# 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



# 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

# Acknowledgments

- El Cuete and ESCUDO Teams
- Participants
- Research team, especially Alicia Vera, Emilio Meza, Nicolette Kalic and Natasha Ludwig-Barron and the interviewers
- Transcriptionists and translators
- Funding: opinions expressed are solely my own and do not reflect the views of the funders.
  - NIDA R37DA019829 (Strathdee (PI))
  - NIDA R01DA039073 (Beletsky/Strathdee (MPIs))
  - Open Society Foundations, Latin America Program (Strathdee/Rangel (Pis))
  - UCSD CFAR P30 A1036214 (Beletsky and Magis (MPIs))



# References

1. Blankenship K, Koester S. Criminal law, policing policy, and HIV risk in female street sex workers and injection drug users. *J Law Med Ethics* 2002;30:548 - 59.
2. Beletsky L, Grau LE, White E, Bowman S, Heimer R. (2011). The Roles of Law, Client Race, and Program Visibility in Shaping Police Interference with the Operation of US Syringe Exchange Programs *Addiction* 106(2):357–65.
3. Burris S, Blankenship KM, Donoghoe M, Sherman S, Vernick JS, Case P, Lazzarini Z, Koester S. Addressing the "risk environment" for injection drug users: the mysterious case of the missing cop. *Millbank Q* 2004;82(1):125-56.
4. Beletsky L, Macalino GE, and Burris S. (2005). Attitudes of Police Officers towards Syringe Access, Occupational Needle-Sticks, and Drug Use: A Qualitative Study of One City Police Department in the United States. *International Journal of Drug Policy*, 16(4), 267-274
5. Davis C, Burris S, Metzger D, Becher J, Lynch K. Effects of an Intensive Street-Level Police Intervention on Syringe Exchange Program Utilization: Philadelphia, Pennsylvania. *Am J Public Health* 2005;95(2)233-36.
6. Friedman SR, Perlis T, Des Jarlais DC. Laws prohibiting over-the-counter syringe sales to injection drug users: relations to population density, HIV prevalence, and HIV incidence. *Am J Public Health* 2001;91(5): 791-3;
7. Kerr T, Small W, Wood E. The public health and social impacts of drug market enforcement: A review of the evidence. *Int J Drug Policy*. 2005;16:210–220
8. Pollini RA et al, Syringe possession arrests are associated with receptive syringe sharing in two Mexico-US border cities. *Addiction* 2008;103(1):101-8.
9. Rhodes T, Singer M, Bourgois P, Friedman SR, Strathdee SA. The social structural production of HIV risk among injecting drug users. *Soc Sci Med*. 2005;61:1026–1044
10. Strathdee, SA et al, HIV and the Risk Environment among People Who Inject Drugs: Past, Present, and Projections for the Future, *Lancet* In press

# Contact/Questions?

E: [L.beletsky@neu.edu](mailto:L.beletsky@neu.edu)

T: +1-617-373-5540



Downloaded from <http://bmjopen.bmj.com/> on August 11, 2015 - Published by group.bmj.com

Open Access

Protocol

**BMJ Open** A police education programme to integrate occupational safety and HIV prevention: protocol for a modified stepped-wedge study design with parallel prospective cohorts to assess behavioural outcomes

Steffanie A Strathdee,<sup>1</sup> Jaime Arredondo,<sup>1</sup> Teresita Rocha,<sup>1</sup> Daniela Abramovitz,<sup>1</sup> Maria Luisa Rolon,<sup>1,2</sup> Efraim Patiño Mandujano,<sup>2</sup> Maria Gudelia Rangel,<sup>3</sup> Horcasitas Omar Olivaria,<sup>4</sup> Tommi Gaines,<sup>1</sup> Thomas L Patterson,<sup>1</sup> Leo Beletsky<sup>1,5</sup>

