



Research Paper

The law on the streets: Evaluating the impact of Mexico's drug decriminalization reform on drug possession arrests in Tijuana, Mexico



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ABSTRACT

Background: In 2009, Mexican Federal Government enacted “narcomenudeo” reforms decriminalizing possession of small amounts of drugs, delegating prosecution of retail drug sales to the state courts, and mandating treatment diversion for habitual drug users. There has been insufficient effort to formally assess the decriminalization policy's population-level impact, despite mounting interest in analogous reforms across the globe.

Methods: Using a dataset of municipal police incident reports, we examined patterns of drug possession, and violent and non-violent crime arrests between January 2009 and December 2014. A hierarchical panel data analysis with random effects was conducted to assess the impact of narcomenudeo's drug decriminalization provision.

Results: The reforms had no significant impact on the number of drug possession or violent crime arrests, after controlling for other variables (e.g. time trends, electoral cycles, and precinct-level socioeconomic factors). Time periods directly preceding local elections were observed to be statistically associated with elevated arrest volume.

Conclusions: Analysis of police statistics parallel prior findings that Mexico's reform decriminalizing small amounts of drugs does not appear to have significantly shifted drug law enforcement in Tijuana. More research is required to fully understand the policy transformation process for drug decriminalization and other structural interventions in Mexico and similar regional and international efforts. Observed relationship between policing and political cycles echo associations in other settings whereby law-and-order activities increase during mayoral electoral campaigns.

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Introduction

Over the recent decades, countries in Latin America have reacted to changes in drug trafficking and consumption patterns by adapting new policy and enforcement responses (Csete et al., 2016). Some countries have mounted heavily-militarized campaigns focused on suppressing drug production (Smith, 1992;

Labate, 2015). Others have embarked on a transition from a punitive, prohibitionist approach toward a legal framework that promotes harm reduction and decriminalization (Bastos, Caiaffa, Rossi, Vila, & Malta, 2007; Metaal, 2014). There is, however, little research evaluating early adopters of such decriminalization reforms and their population-level impact (Beletsky et al., 2016).

In 2009, the federal Mexican congress promulgated a set of changes, known as the “narcomenudeo” reforms, shifting the legal prosecution of small-scale drug possession to the state (rather than the federal) level (Hernandez & Zamudio, 2009). The overarching goal of the reforms was to reserve federal resources for high level drug traffickers, while state and local governments would focus on small-scale dealers or “narcomenudistas.” Additionally, these reforms promoted treatment and harm reduction rather than

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incarceration by decriminalizing the possession of drugs in amounts below certain volume thresholds. Individuals found in possession of amounts above these thresholds were to be processed and referred to substance use treatment through the justice system (Russoniello, 2012). These modifications specifically set allowable amounts of drug possession (e.g. 50 mg for heroin, 5 g for marijuana) for immediate personal consumption without being considered a felony (De La Federación D.O., 2009), and mandated states to create free substance use rehabilitation systems to which habitual users would be diverted (Werb et al., 2014). On the state level, the state of Baja California set a deadline of August 2012 for full implementation and funding of the reforms (Del Estado de Baja California P.O., 2010).

At the time of passage, there was ample speculation about the impact of these new policy shifts on policing practice. One might expect the “narcomenudeo” reforms to decrease arrests for drug possession, because the reforms aimed to strengthen coordination between police and health officials, with the goal of minimizing the negative effects of illegal drug use. This could possibly benefit both the users and the broader community (De La Federación D.O., 2009). In addition, as has occurred in other decriminalization contexts, police managers or street-level officers could respond to decriminalization by discretionarily shifting their enforcement attention away from small-scale drug crimes (Woods, 2014). However, there are also several reasons to speculate that the reforms may increase drug possession arrests (Boiteux, Corda, & Edwards, 2010). Under the new law, state and municipal, rather than federal officers would now be expected to conduct the bulk of drug law enforcement activities, including presenting all individuals detained with drugs to the “Ministerio Público” (Public Prosecutor) to assess whether the possession of drugs fell below the established legal threshold. These encounters could also become more frequent because police might increase their presence in street-based drug markets in order to target dealers, increasing the possibility of corruption. In addition, by giving the state police new authority over drug possession crimes, the reforms could divert policing efforts from other high-impact crimes, such as homicides or armed robbery (Hernandez & Zamudio, 2009; Russoniello, 2012).

Tijuana is an international metropolitan area situated in the northern border region in the State of Baja California, Mexico. The city is a major route for drug trafficking of heroin, cocaine, marijuana and methamphetamines with local drug consumption patterns influenced by the dynamics of these supply chains and its geographic proximity to the US (Brouwer et al., 2006; Bucardo et al., 2005; Villatoro-Velázquez et al., 2012). As such, Tijuana has a high concentration of drug users, particularly people who inject drugs (PWID), a large number of whom inhabit an area that physically divides the US and Mexico (locally referred to as ‘El Bordo’). Many of these users are migrants and deportees who lack access to formal health, housing and other government services (Velasco & Albicker, 2013). The nearby Tijuana’s downtown precinct “Centro” exhibits higher rates of drug possession arrests, as it includes several open air drug markets and is the nexus for other drug-related activity (Gaines et al., 2017). In total, this locale has been subject to police raids to “clean up” public space, increasing the number of detentions for loitering or vagrancy among PWID (Semanao Zeta Tijuana, 2015). The experience of Tijuana as a locale with elevated levels of black market drug activity and drug-related harms (Pollini et al., 2008) presents a unique opportunity to analyze the application of the “narcomenudeo” reforms in a case study setting where its benefits are especially consequential.

Local dynamics of law enforcement deployment provide a unique setting for such an assessment. During 2008, Tijuana experienced a rapid increase in violence, from 14 homicides per

100,000 in 2007 to 49 per 100,000 in 2008, (Secretaría de Salud, 2016) that led the federal government to implement a series of police capacity-building reforms. Through a federal subsidy to local public safety (SUBSEMUN), the Tijuana Police Department standardized its protocols (i.e. frisking, patrolling) and police identity (i.e. uniforms), in addition to instituting higher salaries and acquiring a range of new equipment (i.e. surveillance cameras, computers) (Arredondo, 2012; Sabet, 2012). These efforts also included improvements in police data collection systems. As a result, the Tijuana Police Department, which is among the largest municipal agencies in the country, also emerged as one of Mexico’s better-equipped, well-compensated, and professionalized law enforcement institutions. Currently, it employs approximately 2100 officers, who work on shifts of eight hours per day and rotate among the 11 policing sectors (precincts) of the city.

In March 2013, a Memorandum of understanding (MoU) was signed between the University of California San Diego (UCSD) and the Tijuana Ministry of Public Safety (Secretaría de Seguridad Pública Municipal de Tijuana – SSPM Tijuana) facilitating access to police databases for academic research purposes. Building on this unique data agreement, this study seeks to assess the impact of the “narcomenudeo” reforms on police enforcement patterns by analyzing SSPM Tijuana’s monthly crime incident reports. We measured changes in drug possession arrests in comparison to arrests for other violent and non-violent crimes before and after the mandated implementation of the “narcomenudeo” reforms. Although the reform could be expected to directly modify drug-related arrests, our study also examined its potential impact on a wider range of criminal offenses (Freeman et al., 2005; Rosenfeld & Fornango, 2014). We hypothesized that the reforms increased monthly drug possession arrests after they were fully implemented in August 2012, in response to the contemplated shift of drug law enforcement to local police.

Methods

Data sources

The current study used an institutional panel dataset summarizing monthly arrests for drug possession and other violent (e.g. robbery, homicides, injuries) and non-violent (e.g. car theft, theft) crimes. This information draws on mandated officer daily incident reports, collected across all 11 police precincts of the city and is utilized to inform police management and deployment decisions. This secondary data analysis was approved by the Institutional Review Board of UCSD School of Medicine, USA.

Measures

The primary outcome under investigation is the monthly number of drug possession arrests recorded at the precinct level over a 72-month period (January 2009–December 2014). Secondary outcomes include a subset of violent (injuries, robbery, homicides) and non-violent (theft, possession of stolen car) arrests during the same time period. The primary independent variable is implementation of the “narcomenudeo” reforms defined as a binary indicator (yes/no), with the value of 1 from the time it was slated to be fully implemented (August 2012–December 2014), and 0 otherwise (January 2009–July 2012).

To account for changes in arrests patterns over time that are unrelated to the implementation of “narcomenudeo” reforms (Woolridge, 2012), we adjusted for both seasonal and annual time trends (Greenberg, 2014). Ignoring these underlying time trends might lead us to falsely conclude that the drug reform change is modifying the patterns over time, or that changes in the outcome variables are caused by any other of the independent variables.

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