

# City of Costa Mesa Police Department Memorandum



DATE: May 1, 2018

TO: California Department of Public Health

FROM: Captain Bryan Glass, Acting Chief of Police

**SUBJECT: Orange County Needle Exchange Program (OCNEP)**

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The Costa Mesa Police Department (CMPD) submits its initial response to OC Needle Exchange Program's (OCNEP) request to California Department of Public Health to operate a needle exchange program in the City of Costa Mesa in accordance with Health and Safety Code Section 121349 *et. seq.*

Since California's Proposition 47 was passed on November 4, 2014, the Police Department has seen an increase in calls for service from residents, school officials, library employees and business owners regarding hypodermic needles being found in public parks, sidewalks, local neighborhoods, private businesses, and public bathrooms. This has caused concerns with residents and visitors within our Costa Mesa community.

Recently, Police Department staff attempted to contact representatives from OCNEP to better understand the services they would provide our community. The provided OCNEP voicemail message indicated that as of January 2018, the City of Santa Ana has prevented OCNEP from operating in their city and they encourage people to petition their local city councils. It was not until several days later that a representative from OCNEP returned our phone call and left a voicemail. Staff was able to finally reach a representative of OCNEP this morning just prior to the submission of this memorandum.

Since OCNEP had not responded to CMPD's call in a timely manner, we were required to investigate other cities' experiences with OCNEP. Interestingly, the City of Santa Ana attempted a partnership with OCNEP and determined it did *not* reduce hypodermic needle waste or the transmission of blood borne diseases associated with hypodermic needle drug use, but actually appeared to *increase* the problem. For this reason the City of Santa Ana decided to discontinue the program. According to a February 1, 2018 article in the Orange County Register, Santa Ana Deputy City Manager, Robert Cortez, stated, "Syringe litter became a rampant problem since the needle exchange's inception. A lot of unintended consequences came with the program." Further, "There was needle debris everywhere in the (civic) center, to the point where some of the books at the Santa Ana library had needles inside of them."

CMPD researched the services OCNEP provides and determined the following potential pros and cons:

Potential pros:

- Decrease spread of illness like HIV. Santa Ana reported it has the highest rate of HIV infection in the county. Statistics from the Orange County Health Care Agency indicated there was a 201.2% increase in Hepatitis C rates in Orange County from 2011 to 2015 since the last analysis from the California Department of Public Health.
- Reduces the risk of law enforcement officers becoming infected by accidental needle sticks. OCNEP claims the needles are less likely to be contaminated with the use of their program.
  - CMPD has not seen any statistical data to support OCNEP's above claim. Further, there is no way to determine if a needle has been contaminated. Exposed officers will still be required to fulfill a six-month medical treatment process to address the potential health concern.
- Reduces the risk of contaminated needles being shared.
  - Many drug addicts continue to share needles regardless of a needle exchange program. Needle sharing is a common habit based on recent conversations with drug users contacted in Costa Mesa.

Potential cons:

- This program could be a "magnet" for drug users in other cities where a needle exchange program does not exist, thus drawing more drug users to Costa Mesa.
- A needle exchange program will completely undermine the successful recovery of the large number of former addicts living in Costa Mesa's sober living community. Costa Mesa currently has the largest concentration of residential sober living treatment facilities providing nonmedical treatment for individuals recovering from addiction than anywhere else in Orange County, and the highest number of any city in the State. With a total of 91 state licensed residential drug and alcohol treatment facilities, the City has 27% of all such facilities in the county. In addition, there are an estimated 83 sober living homes, both permitted and unpermitted, operating in Costa Mesa. The purpose of these programs is straightforward – to provide an environment where individuals that are working to beat their addiction can live with similarly situated individuals in a group setting while also living and working within the greater community. Bringing a needle exchange program to Costa Mesa completely undermines the efforts of both the sober living community and the City. As indicated above, with so few needle exchange programs operating in Orange County, there would be an inevitable migration of individuals suffering from addiction coming to Costa Mesa seeking free needles. An unintended consequence of this is that this increase in consumers exposed to a needle exchange program could very likely undermine the successful recovery of those living within the sober living community.

- Increased number of needles disposed within Costa Mesa parks, streets, schools etc. creates a health risk to residents and visitors. According to Santa Ana's experience with OCNEP, the needle exchange program successfully distributed needles, however, failed to ensure that needles distributed were properly disposed. As a result, used needles were endemic in Santa Ana's Civic Center and other public spaces posing a risk to the community. OCNEP has not provided Costa Mesa with any information as to how it would ensure that the needles it distributes would be properly accounted for and disposed. Based upon Santa Ana's experience with OCNEP, the needle exchange program poses a threat to the health of the Costa Mesa community with an increased number of needles improperly disposed.
- The program is run by volunteers only. An evident shortcoming of this may be a lack of timely communication between the City and representatives of OCNEP, making for a potentially challenging working relationship. Further, operation times for OCNEP would be four days a week, 10am to 5pm, with no determined times for needle disposal services.
- The location selected for distribution is the area bounded by W. 18th St., W 16th St, Monrovia Ave., and the outer border of the Armstrong Petroleum Building. This area is less than 0.4 miles from Whittier Elementary and corresponding neighborhoods. This concern for local schools and students was articulated in a recent correspondence from Vicki Snell, President of the Newport-Mesa Unified School District Board of Education, dated April 25, 2018, to City Manager Tom Hatch in opposition of a needle exchange program in Costa Mesa.
- Due to the potential increase in needles being provided within the community, Costa Mesa Police and Fire Departments will likely see an increase in call for service responses to found needles, inadvertent needle accidents and potential exposure to bystanders. This also includes potential increases in responses to drug overdoses and persons under the influence of drugs.

After reviewing the above information and discussing the public safety concerns with the City's Homeless Coordinator, Muriel Ullman, and our City's Homeless Outreach Team, as well as Deputy City Attorney Adrienne Mendoza, there is a unanimous agreement regarding the potential public safety concerns posed by the OCNEP. Therefore, CMPD is opposed to implementation of the OCNEP in Costa Mesa at this time.

The information provided in this memorandum is based upon CMPD's preliminary investigation and may be supplemented with further information prior to the deadline set to submit comments.