2-21  HARM REDUCTION ACT/NEEDLE EXCHANGE PROGRAM

POLICY:

It is the policy of the Albuquerque Police Department to comply with all aspects of the Harm Reduction Act, which authorizes the New Mexico Department of Health to establish a needle exchange program for intravenous drug users.

RULES AND PROCEDURES:

2-21-1  HARM REDUCTION ACT

A. The provisions of New Mexico State Statue Section 30-31-25.1, which deals with the possession of drug paraphernalia, specifically hypodermic syringes and needles, specifically exempts a person who is in possession of hypodermic syringes and needles at the time he/she is directly and immediately engaged in a harm reduction program as provided in the Harm Reduction Act.

B. Section 24-2 C-6 of the Harm Reduction Act states, "Immunity From Criminal Liability," that the exchange or possession of hypodermic syringes and needles in compliance with the procedures of a harm reduction program for the purpose of sterile hypodermic syringe and needle exchange shall not constitute a violation of the Controlled Substances Act for persons enrolled in the program.

2-21-2  NEEDLE EXCHANGE PROGRAM PARTICIPANTS

A. Officers must use sound judgment and discretion when dealing with persons enrolled in this program. Most of the participants in this program will:

1. hold both dirty and clean needles
2. be exempt from arrest for mere possession of paraphernalia
3. be provided with identification cards, which identifies them as participants in the Needle Exchange Program
4. be provided with clean syringes

B. Officers will not arrest or cite a person who is in the possession of drug paraphernalia, if the person is enrolled in the Needle Exchange Program and has the appropriate identification card

*C. If a person does not have the appropriate identification card and claims to be enrolled in the program, the officer will call the New Mexico Department of Health at (505) 476-3634, or (505) 841-5891 from 0800-1700 hours, Monday through Friday to verify.
NEEDLES AND SYRINGES

A. Officers shall avoid direct contact with syringes or needles such as:
   1. touching a used syringe, even with gloved hands
   2. grinding or bending the needles in an attempt to break them

B. Officers shall use tongs or pliers to handle used syringes. Officers will not attempt to re-cap a syringe and never hold a used syringe over lap or feet.

C. Officers shall be aware of the risks of a needle stick when conducting pat-downs and searches.