

ALBUQUERQUE POLICE DEPARTMENT  
\* PROCEDURAL ORDERS\*

Effective: 04/03/98; Addition to the Manual  
98-POC14

**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  
[N/A]

- A.     The provisions of New Mexico State Statute 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.**

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2-21-3

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.