



2-97 **HARM REDUCTION ACT/METHADONE DISTRIBUTION
CENTERS/NEEDLE EXCHANGE PROGRAM**

2-97-1 Policy

It is the policy of the Department to comply with all aspects of the Harm Reduction Act and state laws regarding Methadone Distribution Centers, which authorizes the New Mexico Department of Health to establish a needle exchange program for intravenous drug users.

2-97-2 Rules and Procedures

A. Harm Reduction Act

1. 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 engaged in a harm reduction program as provided in the Harm Reduction Act.
2. Section 24-2C-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.

B. Needle Exchange Program Participants

1. 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.
2. 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 to verify.

C. Methadone Distribution Centers

1. Officers shall not conduct surveillance of drug abuse rehabilitation (or Methadone) centers for the purpose of identifying the center's clients.
2. Officers may enter the center after obtaining an arrest warrant and/or search warrant. The only exception to entering the center without an arrest warrant and a search warrant is if the officer is in "fresh pursuit" of a suspected felon suspect of a crime or on a call for service.



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-97

Effective: 01/17/16 Review Due: 01/17/17 Replaces: 07/02/15

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Policy Development Form
Office of Policy Analysis



Name and Title: Sgt. Gerard Bartlett & Ofc. J. Maycumber

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SOP: 2-97 Harm Reduction Act/ Needle Exchange Program

Date Completed: 7/25/18

In order to gain a clear understanding of the reason for the policy change, please answer the questions below with as much detail as possible as this information will be shared with internal and external stakeholders interested in participating in APD's policy development process.

Explain the rationale or purpose for the new policy or amended policy? Example: Best practices, case law, liability, conflicts with other policies or regulations, CASA related.

Recommend to combine 2-98 with 2-97 due to both programs being similar in method and mentality. No real need to have them separated.

What is the policy intended to accomplish? Explain the general intent with respect to the specific topic of the policy.

Provide officers with guidelines for responding to narcotics related facilities and persons that are participating in the programs.

How will the policy be measured to determine its effectiveness? (Example: Will data be collected, if so, in what format and who will maintain the information?)

n/a

Please list any references used to draft the policy such as policies from other agencies, case law, directives from the CASA, research papers, etc.

n/a

Please submit this form to OPA@cabq.gov

If you need assistance completing this form, and for any questions or concerns please contact your SOP liaison @ adgarcia@cabq.gov.

Updated 06/20/2018