



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-97

Effective: 09/30/19 Review: 09/30/20 Replaces: 01/17/16

2-97 HARM REDUCTION ACT/METHADONE DISTRIBUTION CENTERS

Related SOP(s): None

2-97-1 Purpose

The purpose of this policy is to outline state laws on the Harm Reduction Act and Methadone Distribution Centers. In addition, guidelines for officers in dealing with individuals participating in a needle exchange program and surveillance of methadone distribution centers are outlined in this policy.

2-97-2 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.

2-97-3 Definitions

A. Drug Paraphernalia

Items used to ingest drugs into the human body.

B. Hypodermic Syringes

A hollow needle attached to a syringe used to inject drugs into the body.

C. Harm Reduction

Strategies and ideas aimed at reducing the negative consequences associated with drug use.

D. Needle Exchange

A social service that allows injecting drug users to obtain hypodermic syringes and associated drug paraphernalia at little or no cost.

E. Methadone Distribution Center

A clinic where a person addicted to opioid-based drugs can receive medication-based therapy.

2-97-4 Rules and Procedures

A. Harm Reduction Act



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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 an individual 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," meaning 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 individuals enrolled in the program.

B. Needle Exchange Program Participants

1. Officers will not arrest or cite an individual who is in possession of hypodermic syringes and needles if the individual is enrolled in the Needle Exchange Program and has the appropriate identification card.
2. To verify the person has the appropriate identification card, officers can check the "Participant I.D. Number" on the card. This I.D. number consists of a six-digit/letter combination including the following digits/letters respectively: first two letters in I.D. are the first two letters of the individual's first name, followed by the first two letters of the individual's - mother's first name, and lastly, the two-digit birth year of the individual.

C. Methadone Distribution Centers

1. New Mexico state law, Section 26-2-13D, prohibits police officers from conducting surveillance of drug abuse rehabilitation (or Methadone) centers with 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 suspect of a crime, other exigent circumstances exist, or on a call for service.