

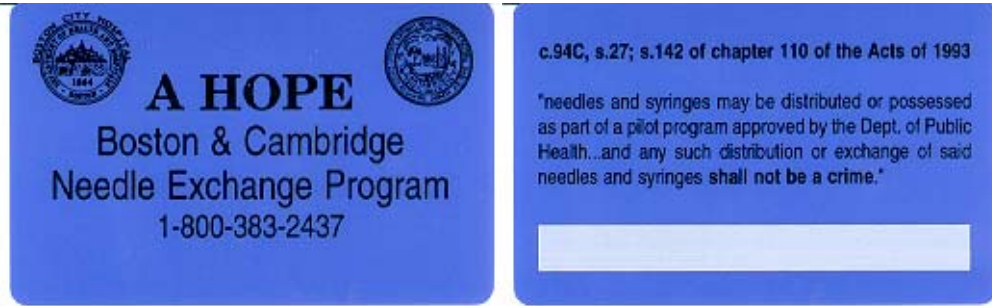


Effective Date: August 20, 1999

Policy & Procedures
Procedure 99-1

Rescinds Memorandum Dated April 13, 1994

PILOT NEEDLE EXCHANGE PROGRAM



The Blue identification card. Front and Rear.

I. PURPOSE

- A. The purpose of this policy and procedure is to inform all Department personnel of the Pilot Needle Exchange Program operating within the City of Cambridge and to provide procedures for the investigation of possession of hypodermic instruments.

II. GENERAL INFORMATION

- A. On July 1, 1993, several amendments were made to the Massachusetts General Law effecting the legality of hypodermic syringe and needle distribution and possession.
- B. Massachusetts General Laws c. 111, § 215 was added and states:

The Department of Health is hereby authorized to promulgate rules and regulations for the implementation of a pilot program for the exchange of needles in the cities and towns within the Commonwealth upon nomination by the Department. Local approval shall be obtained prior to implementation of the pilot program in any city or town.

- C. Massachusetts General Laws c. 94C, § 27 was amended by adding the following subsection:
 - (f) **Notwithstanding any general or special laws to the contrary, needles and syringes may be distributed or possessed as a part of a pilot program approved by the Department of Public Health in accordance with section two hundred and fifteen of chapter one hundred and eleven (c. 111, § 215) and any such distribution or exchange of said needles or syringes shall not be a crime.**
- D. The City of Cambridge received approval from the Department of Public Health to run a Pilot Needle Exchange Program. Intravenous Drug Users participating in this program *or any other program approved by the Commonwealth of Massachusetts* Department of Public Health may not

be charged with illegally possessing a hypodermic needle or syringe in violation of M.G.L. c. 94C, §27.

E. Program Distribution Methods

1. The Pilot Needle Exchange Program will exchange needles at fixed sites within Cambridge. They include:
 - a. 240 Albany Street from 2-4 PM on Mondays
 - b. 11 Garden Street from 6:30-8:30 PM on Wednesdays
 - c. 11 Garden Street from 6-7 PM on Thursdays.
2. The program exchanges syringes on a one to one basis; one clean syringe for one used syringe. The program does not increase the number of syringes in the community. Each enrollee will be issued an identification card with an identifying number.
3. Contaminated syringes will be disposed of by a licensed hazardous waste company which will reduce the number of dirty syringes thereby decreasing the risk of accidental needle sticks.

III. Arrest Procedures

- A. It remains the policy of the Cambridge Police Department to enforce drug control laws within its jurisdiction.
- B. M.G.L. c. 111, § 215 and M.G.L. c. 94C, § 27 repealed the restrictions on hypodermic needle possession only for participants in a Pilot Needle Exchange Program. Non-participants apprehended with needles or syringes are still in violation of M.G.L. c. 94C, §27 and may be charged with that offense.
- C. **Police Officers will not charge any person with possession of hypodermic instruments who is enrolled in the Pilot Needle Exchange Program or in any other Needle Exchange Program approved by the Massachusetts Department of Public Health.**
- D. Pilot Needle Exchange Program participants and employees can be identified by their Identification Card (See Sample). Any person who fails to have a program identification card on their person is presumed not to be a program participant and should be arrested, consistent with the provisions of M.G.L. c. 94C, §27.
- E. Participation in the Pilot Needle Exchange Program does not prevent a person from being charged with any other violations of Massachusetts General Laws that they have committed.

Police Commissioner