



Lexington Police Department

Lexington, Kentucky

GENERAL ORDER

BY THE AUTHORITY OF THE CHIEF OF POLICE

G.O. 2015-09 Needle Exchange Program

Rescinds: NA

References: CALEA Chapter(s)

Effective Date: 10/01/15

Distribution Code: B | All Department Employees

Originally Issued: 2015

I. PURPOSE

The purpose of this policy is to establish guidelines for policing functions related to the Lexington-Fayette County Health Department's Needle Exchange Program.

II. POLICY

It is the policy of the Lexington Police Department to share the Lexington-Fayette Urban County Council's concern about the drug and heroin epidemic and the risks connected with intravenous drug use in our community. The department will ensure that participants in the Needle Exchange Program are able to participate freely in this program as designed and within the context of the law.

III. PROCEDURES

The below guidelines are not intended to deter officers from performing narcotics investigations and other enforcement activities. They are intended to distinguish lawful conduct from that which was traditionally unlawful, and to permit the Needle Exchange Program to function in accordance with law and regulation, without fear of unnecessary interference or surveillance by law enforcement.

Officers need to be considerate of the balance of protecting and patrolling areas within their beat/assignment against excessive patrols of the Needle Exchange Program location(s).

A. Objectives of the Lexington-Fayette County Health Department Needle Exchange Program:

1. Prevent the spread of hepatitis B, hepatitis C and HIV among IV drug users and to the general population as sexually transmitted diseases
2. Accept referrals for needle exchange and disease counseling from police, emergency medical services and others and
3. Assist in referring patients for treatment of their addiction, hepatitis or HIV

B. Each participant will be assigned a unique identification number and card by the health department in order to collect data important to monitoring the program and conducting disease surveillance.

C. Participants are not required by state or local law to carry any identification card that indicates they participate in the program. Officers will not ask for consent or demand to see any card or other indicator of program participation.

D. Officer Responsibilities

1. Officers who encounter participants of the Needle Exchange Program at a designated needle exchange location should adhere to the following guidelines:

- a. Do not investigate, arrest, or detain participants or seize property solely pursuant to a violation of state drug paraphernalia laws when such violations are an immediate result of participation in the health department's Needle Exchange Program.
- b. Do not target or conduct observation activity at Needle Exchange Program locations for the sole purpose of identifying, detaining or arresting persons for narcotic-related offenses.
- c. Any planned law enforcement operation impacting a Needle Exchange Program location requires a bureau Assistant Chief's review and approval prior to the operation.
- d. Officers who receive a call for service related to the distribution activities at a health department-sponsored Needle Exchange Program location should immediately request a supervisor to respond to the scene. In addition, officers should attempt to mediate the situation consistent with the intent of the Urban County Council's Resolution #405-2015 (see Appendix) to the satisfaction of all involved parties.

2. Officers should refer to KRS 218A.500 "Definitions for KRS 218A.500 and 218A.510--Unlawful practices--Substance abuse treatment outreach program--Informing peace officer about presence of needles or other sharp objects before search--Penalties" for additional information.

3. A person will not, at any time, be charged with or prosecuted for possession of a controlled substance for residual or trace drug amounts present in syringe(s) or on needle(s).

4. A person will not be charged with or prosecuted for possession of drug paraphernalia for possession of one or more clean hypodermic syringes/needles, unless extenuating circumstances exist.

E. Officer Safety

1. All needles should be considered contaminated.
2. Officers should never recap, bend, break or remove a needle from a disposable syringe or otherwise manipulate the needle by hand.

F. Supervisor Responsibilities

1. Supervisors should monitor calls for service related to the Needle Exchange Program location(s) and assist officers in mediating incidents that arise from

complaints involving program location(s).

Note: The Appendix begins below.

APPENDIX

Lexington-Fayette Urban County Council Resolution No. 405-2015

A RESOLUTION AUTHORIZING AND GRANTING CONSENT FOR THE CREATION OF A HYPODERMIC NEEDLE AND SYRINGE EXCHANGE PROGRAM BY THE LEXINGTON-FAYETTE COUNTY HEALTH DEPARTMENT.

WHEREAS, the Lexington-Fayette Urban County Council is greatly concerned about the drug and heroin epidemic and the risks connected with intravenous drug use in our community; and

WHEREAS, studies indicate that the lack of sterile needles available on the streets and the existence of laws restricting needle availability promote needle sharing, and consequently the spread of HIV and hepatitis C among injection drug users. The sharing of contaminated needles is the primary means of HIV and hepatitis C transmission within the injection drug user population; and

WHEREAS, on March 24, 2015, the Kentucky General assembly enacted legislation that included giving municipalities the authority to operate a substance abuse treatment outreach program that includes a needles and syringes exchange component, through the local health department; and

WHEREAS, the amendment of KRS 218.500(5)(b) requires that the Lexington-Fayette Urban County Council give consent for the operation and/or management of a hypodermic needle and syringe exchange program; and

WHEREAS, the Lexington-Fayette Urban County Council believes that a hypodermic needle and syringe exchange program would greatly decrease the risk of spreading infectious diseases through the availability of clean hypodermic needles and syringes.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1- That the Lexington-Fayette Urban County Council hereby authorizes and grants consent to the Lexington-Fayette County Health Department to create and operate a substance abuse treatment outreach program that allows participants to exchange hypodermic needles and syringes.

Section 2- That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 2, 2015