

## PART 1010 CONTRABAND DRUGS

Amend Section 1010.2 as follows:

This regulation outlines the procedures to be followed by each facility in the testing of suspected contraband drugs. The department currently utilizes two testing systems, the Safariland NIK® poly testing system, and the Sirchie NARK® II drug testing system.

Amend Section 1010.4 (b) as follows:

(b) Initiate a request for test of suspected contraband drugs (see section 1010.8[a] of this Part) to include details of circumstances leading to request. Each person handling the suspected substance shall make an appropriate notation on the form to document the action taken as well as the chain of custody of the substance until it is identified or, if applicable, placed in control of the [Inspector General]Office of Special Investigations'[s] narcotics staff or a police agency or the State Police laboratory.

Amend Section 1010.4 (c) as follows:

(c) If the substance is not to be identified immediately, it shall be stored[/secured] in secure evidence drop box or the secure evidence locker in accordance with Directive #4910A, "Contraband/Evidence – Handling, Storage, and Disposition."

Amend Section 1010.4 (d) as follows:

(d) [If t]The substance[ is in tablet or capsule form, it] shall be inspected at the facility pharmacy for possible identification, or if appropriate pharmacy staff are not available, with the assistance of nursing staff.

Amend Section 1010.4 (e) as follows:

(e) If the substance has not been conclusively identified at the facility pharmacy, it shall be tested by [the ]use of the narcotics identification kit (NIK®) manufactured by Public Safety, Inc. Always begin NIK®[Poly]\_testing with Test A and continue from test to test until a positive or negative result is obtained. Tests E, L, M, N, P, Q and R, and Bath Salts Test are exceptions to this rule and are designed as stand alone tests (see section 1010.8[c][i]) of this Part, NIK® Tests list), or the narcotics identification kit (NARK® II) manufactured by Sirchie Fingerprint Laboratories. Always begin testing with manufacturers recommended test kit (see Section 1010.8 (d) Nark® II Tests list).

Amend Section 1010.5 (d) as follows:

(d) a statement of the scientific principals and validity of the testing materials and procedures used (for the Public Safety, Inc. NIK® System, see section 1010.8[c] of this Part' for the NARK® II system, see section 1010.89 (d); and

Amend Section 1010.7 as follows:

A positive test for suspected contraband drugs must be reported as an Unusual Incident in accordance with Directive #4004, "Unusual Incident Report," when any one of the following conditions apply:- A positive test result for cocaine, heroin, or marijuana, even if no perpetrator is identified.- Any positive test result in which an inmate has been identified as a perpetrator of the incident.- Any positive test result which results in the arrest of any individual, *i.e.*, visitor, volunteer, contractor, employee, etc., by the department's [Inspector General's] [o]Office of Special Investigations or any outside police agency. Note: If the substance is tested by an outside agency, the Unusual Incident Report will be updated with the test results from an outside agency when the report is received by the facility.

Amend Section 1010.8 (b) by replacing with new Form #2081 as follows:

(b) From 2081, Contraband Test Procedure.

FORM 2081 (10/15)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

**CONTRABAND TEST PROCEDURE**

Inmate Name	Number	Cell
Substance Suspected	Approximate Amount	

**System of Narcotics Identification used:**  The NIK® System  The NARK® II System

**TESTING SEQUENCE**

Initial Test	Resulting Colors/Color Changes
	Indication

Subsequent Test	Resulting Colors/Color Changes
	Indication

Subsequent Test	Resulting Colors/Color Changes
	Indication

Subsequent Test	Resulting Colors/Color Changes
	Indication

Subsequent Test	Resulting Colors/Color Changes
	Indication

FINAL TESTING RESULTS \_\_\_\_\_

WAS PROPER AMOUNT OF SUBSTANCE USED?  YES  NO

WERE MANUFACTURER'S PROCEDURES FOLLOWED?  YES  NO

OPERATOR NAME \_\_\_\_\_ DATE OF TEST \_\_\_\_\_ TIME \_\_\_\_\_

OPERATOR TRAINING: CERTIFIED BY \_\_\_\_\_ DATE OF CERTIFICATION \_\_\_\_\_

I CERTIFY THAT THE ABOVE IS TRUE AND CORRECT.

\_\_\_\_\_  
OPERATOR SIGNATURE

\_\_\_\_\_  
DATE

Add a new Section 1010.8 (d) as follows:

(d) "Sirchie NARK® II Statement of Scientific Principles"

SIRCHIE NARK® II SYSTEM OF NARCOTICS IDENTIFICATION

Sirchie's NARK® II Progressive System for Drug Identification has the capability of presumptively identifying several families of substances suspected of being abused drugs. Designed to function as a transportable narcotics laboratory, it is available for use wherever the need for its capability might arise. Each of the tests is comprised of one or more chemical reagents based on National Institute of Justice Standard 0604.01 and/or UN Standard ST/NR/13RE V1. When a predictable color or series of colors occur within a specific testing sequence, a positive identification may be presumed.

COLORIMETRIC CHEMICAL TESTING

The NARK® II System employs chemical colorimetric comparison as the means by which narcotics and other controlled substances are screened and presumptively identified. Each test pack contains one or more chemical reagents which will predictably develop a color or a series of colors in the presence of the most commonly known narcotics and dangerous drugs. When the predicted color reaction occurs while following the recommended test sequence, a positive identification is presumed. A positive identification is considered a component of probable cause and generally recognized within our legal system as being presumptive in nature.

Interpretation of Generated Colors

For purposes of colorimetric confirmation, it is not required that you obtain an exact color match. Your colors, however, must fall within a general area of the targeted family of color(s) referenced for that particular substance. Continue to keep in mind three important factors when reviewing your generated colors:

(1) The basic color or lack of color.

(2) Any color shift or change: e.g., orange to brown.

(3) The location of colors within the test pouch.

### NARK® II POLYTESTING SYSTEM

The NARK® II System of Narcotics Identification is based upon a poly testing procedure whereby a suspect material is subjected to a series of progressively discriminating screening tests. The results of a single test may or may not yield a valid result. However, the sequential results of several tests, if they all indicate a positive reaction for a particular substance, provides a high degree of certainty that the suspect material is in fact what the NARK® II testing indicates it to be.

Experiments have been and continue to be conducted with hundreds of licit and illicit chemical compounds in a continuing effort to eliminate false positive results.

No chemical reagent system, adaptable to field use exists, that will completely eliminate the occurrence of an occasional invalid test result. A complete forensic laboratory would be required to qualitatively identify an unknown suspect substance. In absence of such a laboratory facility, the NARK® II testing, utilizing the recommended procedure, is your best assurance that the presumptive results of a positive identification are what they appear to be.

## NARK® II TESTING CAPABILITY

NARK® II provides for presumptive identification of the following groups of drugs:

- A. Cannabis Sativa L.      B. Hallucinogens      C. Stimulants  
D. Depressants              E. Narcotics

### Material or Substance Classification

<u>Hard Materials or Tablets</u>	<u>If unidentifiable, crush into powder form and begin testing with NARK2001 Marquis Reagent</u>
<u>Capsules</u>	<u>If unidentifiable, carefully remove a portion of powder from the capsule and begin testing with NARK2001 Marquis Reagent</u>
<u>Powders</u>	<u>Begin with NARK2001 Marquis Reagent</u>
<u>Plant Material</u>	<u>Use several at least ¼" long particles and place into NARK2005 Duquenois-Levine or NARK20023 Synthetic Cannabinoid Reagent</u>
<u>Brown or Black Tar Heroin</u>	<u>Place into NARK20011 Mecke's Modified Reagent a size similar to the top of a pinhead</u>
<u>Buprenorphine</u>	<u>Place a size similar to the top of a pinhead, into NARK20010 Special Opiates Reagent,</u>

confirm with NARK20011 Mecke's Modified  
Reagent.

Liquid Samples should not be placed directly into the test pouch. Instead, wet a piece of sterile paper approximately ½" x ½" or sterile swab, with two or three drops of the suspect liquid, permit the paper or swab to briefly air dry and then insert the paper or swab into the pouch. A sterile swab is ideal for this transfer.

### Storage

Ideally field tests should be stored at room temperature (70°F +/- 10° or 21°C +/- 3°). NEVER allow these tests to be exposed to direct ultraviolet rays (either direct sunlight or fluorescent lighting). Examples of incorrect storage: desk tops, window sills, vehicle seats and the front and back decks of vehicles. If tests are frozen, DO NOT USE, dispose and replace. *Note: If tests are cold, the color reactions will appear slower. If tests are hot, the color reactions will appear faster than listed.*

## NARK® II NARCOTICS IDENTIFICATION SYSTEM - NARK® II TESTS

NARK2001: Marquis Reagent – general screening test designed as the start of the Progressive Testing System

NARK2002: Nitric Acid Reagent – designed to differentiate between Heroin and Morphine

NARK2003: Dille-Koppanyi Reagent – designed to presumptively identify the presence of Barbiturates

NARK2004: Ehrlich's Reagent – designed to presumptively identify the presence of LSD

NARK2005: Duquenois-Levine Reagent – designed to presumptively identify the presence of THC in substances like Marijuana, Hashish, Hash Oil and other THC concentrates (DAB, Wax, BHO)

NARK2006: Acid Neutralizer – designed to neutralize chemistry prior to disposal of the field test

NARK2007: Scott Reagent Modified – designed to presumptively identify the presence of Cocaine HCl (powder) and Cocaine Base (crack/freebase)

NARK2008: Methadone Reagent – designed to presumptively identify the presence of Methadone

NARK2009: PCP/Methaqualone Reagent – designed to presumptively identify the presence of PCP/Methaqualone

NARK2010: Special Opiates Reagent – designed to presumptively identify the presence of fully synthetic opiates (Oxycodone, Hydrocodone, Fentanyl, Buprenorphine, Desomorphine and Zohydro) as well as semi-synthetic opiates (Heroin and Morphine)

NARK2011: Mecke's Reagent Modified – designed to presumptively identify the presence of Heroin and Morphine

NARK2012: Talwin Reagent – designed to presumptively identify the presence of Talwin (Pentazocine)

NARK2013: Ephedrine Reagent – designed to presumptively identify the presence of Ephedrine and Pseudoephedrine

NARK20014: Valium Reagent – designed to presumptively identify the presence of Valium and Ketamine

NARK20015: Sodium Nitroprusside Reagent – designed to presumptively identify the secondary amines present in MDMA (Ecstasy) and Methamphetamine

NARK20019: Mayers – general screening test only

NARK20020: KN (Fast Blue Salts) Reagent – designed to presumptively identify the presence of trace THC found on seeds or green plant material

NARK20021: GHB Reagent – designed to presumptively identify the presence of GHB

#### NARK® II NARCOTICS IDENTIFICATION SYSTEM - NARK® II TESTS

NARK20022: Mandelin Reagent – designed to presumptively identify the presence of Methadone and as a general screening reagent

NARK20023: Synthetic Cannabinoid Reagent – designed to presumptively identify the presence of indole formulations of Synthetic Cannabinoids

NARK20024: MDPV Reagent – designed to presumptively identify the presence of MDPV (synthetic cathinone)

NARK20025: Mephedrone Reagent – designed to presumptively identify the presence of Mephedrone (synthetic cathinone)

NARK20026: A-PVP Reagent – designed to presumptively identify the presence of A-PVP (synthetic cathinone)

NARK20029: 2C Reagent – designed to presumptively identify the presence of 2C substances and the analog N-BOMe substances derived from 2C substances

NARK20030: Psilocybin Reagent – designed to presumptively identify the presence of Psilocybin

NARK20031: Liebermann Reagent – general screening test only

NARK20032: Mollies Reagent – designed to direct identification of substances suspected of being a “mollie” to the specific field for final identification