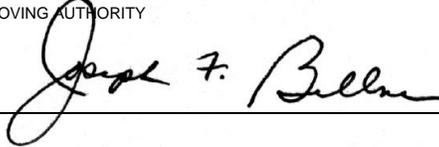


 <p><b>NEW YORK STATE</b> <b>Corrections and Community Supervision</b></p> <p><b>DIRECTIVE</b></p>	TITLE <p><b>Contraband Drug Testing</b></p>		NO. 4938
			DATE 2/11/2016
SUPERSEDES DIR #4938 Dtd. 9/23/2009	DISTRIBUTION A B	PAGES PAGE 1 OF 10	DATE LAST REVISED
REFERENCES (Include but are not limited to) 7NYCRR Part 1010 Directive #4004, Directive #4910A	APPROVING AUTHORITY 		

§ **1010.1 POLICY:** An attempt shall be made to identify any substances which are found and suspected of being contraband drugs.

§ **1010.2 DESCRIPTION:** This directive 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.

§ **1010.3 BACKGROUND:** The possession by anyone of contraband drugs presents a serious threat to the safety and security of a correctional facility. The importation of and trafficking in contraband drugs provides an opportunity for the demoralization of inmates and the corruption of correctional staff. The accurate identification of suspected contraband drugs and the use of appropriate disciplinary sanctions for the possession of contraband drugs can assist facility administrators in detecting and suppressing this threat.

§ **1010.4 PROCEDURE:** When a substance is found which is suspected of being a contraband drug the following steps shall be taken:

- (a) Place the substance in a sealed container and label it with the following information:
  - (1) Date and time found;
  - (2) Place where found; and
  - (3) Name and badge number of the Officer, Security Supervisor, or Executive Team member with Peace Officer status or name and title of the employee (if civilian) finding the substance.
- (b) Initiate a “Request for Test of Suspected Contraband Drugs” (see Section 1010.8(a), Attachment A, [Form #2080](#)) 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 Office of Special Investigations’ Narcotics staff or a police agency or State Police Laboratory.
- (c) If the substance is not to be identified immediately, it shall be stored in a secure evidence drop box or the secure evidence locker in accordance with Directive #4910A, “Contraband/Evidence – Handling, Storage, and Disposition.”
- (d) The substance shall be inspected at the facility pharmacy for possible identification, or if appropriate pharmacy staff are not available, with the assistance of nursing staff.

- (e) If the substance has not been conclusively identified at the facility pharmacy, it shall be tested by use of the narcotics identification kit (NIK®) manufactured by Public Safety, Inc. Always begin NIK® 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, R, and Bath Salts Tests are exceptions to this rule and are designed as standalone tests (see Section 1010.8 (c), Attachment C, 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), Attachment D, NARK® II Tests list).
- (f) The individual performing the test shall have been appropriately trained in the use of the testing materials and shall follow the procedures recommended by the manufacturer. The testing sequence followed and the results obtained shall be noted on the "Contraband Test Procedure" form (see Section 1010.8(b), Attachment B, [Form #2081](#)).
- (g) Any substance remaining after testing at the facility may, but need not, be forwarded to a State Police laboratory for further testing. (See Section 1010.6 of this directive.)

**§ 1010.5 USE OF RESULTS:** In a subsequent disciplinary hearing, the positive result of a test of suspected contraband drugs may be used as evidence that the suspected substance is what the test result indicates. In addition to the misbehavior report, the inmate shall be served with the following documents and the record of the hearing must include:

- (a) The "Request for Test of Suspected Contraband Drugs," [Form #2080](#) (Attachment A);
- (b) The "Contraband Test Procedure," [Form #2081](#)(Attachment B);
- (c) The test report prepared by an outside agency subsequent to testing of the substance, if any;
- (d) A statement of the scientific principals and validity of the testing materials and procedures used (for the NIK® system, see Section 1010.8(c), Attachment C, for the NARK® II system, see Section 1010.8(d), Attachment D); and
- (e) A photocopy of the individual test instructions for each test used.

**§ 1010.6 LEFTOVER DRUG SUBSTANCES:** Substances remaining after testing and/or disciplinary proceedings should be disposed of in accordance with Directive #4910A, "Contraband/Evidence – Handling, Storage, and Disposition."

**§ 1010.7 POSITIVE TEST REPORTING:** 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 applies:

- 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., inmate, visitor, volunteer, contractor, employee, etc., by the Department's 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.

§ 1010.8 **FORMS**  
 (a) [Form #2080](#), "Request for Test of Suspected Contraband Drugs"

FORM 2080 (5/13)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

**REQUEST FOR TEST OF SUSPECTED CONTRABAND DRUGS**

Inmate Name		Number		Cell	
Request made by			Date		
Substance suspected			Approximate amount		
Circumstances leading to request					
(continue on back if additional space is needed)					
Supervisor receiving request			Date		
If a capsule, was it inspected at pharmacy?		Inspected by		Date	Time
Yes <input type="checkbox"/>					
No <input type="checkbox"/>					
Substance tested by			Date	Time	
Results					
Method of testing					
Was any of the substance left after testing?		Was remaining substance forwarded to State Police lab?		Date	Time
Yes <input type="checkbox"/>		Yes <input type="checkbox"/>			
No <input type="checkbox"/>		No <input type="checkbox"/>			
Manner		Results		Date	

**CHAIN OF CUSTODY (Starting with the Officer who found the substance)**

From _____	To _____	Date _____	Time _____
From _____	To _____	Date _____	Time _____
From _____	To _____	Date _____	Time _____
From _____	To _____	Date _____	Time _____
From _____	To _____	Date _____	Time _____
From _____	To _____	Date _____	Time _____
From _____	To _____	Date _____	Time _____
From _____	To _____	Date _____	Time _____
From _____	To _____	Date _____	Time _____
From _____	To _____	Date _____	Time _____

This form is to be filled out completely. It is to accompany the suspected substance until the substance is tested. After the substance is tested, this form is to be delivered to the office responsible for inmate discipline regardless of the results. If the substance proves to be a contraband drug, a misbehavior report shall be written.

(b) [Form #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

## (c) "NIK Public Safety Statement of Scientific Principles"

**NIK® PUBLIC SAFETY  
SYSTEM OF NARCOTICS IDENTIFICATION**

NIK® Public Safety developed the NIK® System of Narcotics Identification as a means of rapidly screening and presumptively identifying substances suspected of being abused drugs, narcotics and hallucinogens. Designed to be a completely self-contained system, the kit in its several configurations, provides all necessary elements to perform chemical color tests for the commonly known and most frequently abused narcotics and dangerous drugs.

Each test pack contains the chemical required to perform the desired test in pre-filled, hermetically sealed glass ampoules. This eliminates the need for measuring, mixing and dispensing of reagents while affording a maximum of protection to the investigator. Reagent shelf life is also substantially prolonged by this method of packaging. Chemicals used are ACS grade or better, providing the highest rate of accuracy.

The NIK® System is designed to function as a transportable-mininarcotics identification laboratory. It may be carried with you and is, therefore, available for use wherever and whenever the need may arise.

**COLORIMETRIC CHEMICAL TESTING**

The NIK® 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.

**NIK® POLYTESTING SYSTEM**

The NIK® 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 NIK® Poly testing System 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 NIK® System, utilizing the recommended Poly testing procedure, is your best assurance that the presumptive results of a positive identification are what they appear to be.

**NIK® TESTING CAPABILITY**

The NIK® System will presumptively identify most substances which fall within the following general groups of abused drugs:

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

**NIK<sup>®</sup> NARCOTICS IDENTIFICATION SYSTEM - NIK<sup>®</sup> TESTS**

- Test A Marquis Reagent - for the presumptive identification of Opiates (Morphine, Codeine or Heroin), Demerol, Black Tar, Amphetamine-type compound, including Methamphetamine & Methylenedioxyamphetamine (MDMA or Ecstasy), Amphetamines and as a general screening agent for other drugs
- Test B Nitric Acid Reagent - always used with test A for the confirmation of Opiates (Morphine, Codeine or Heroin) and Amphetamine-type compound as well as well as a general screening test for other drugs
- Test C Modified Dille-Koppanyl Reagent - for the presumptive identification of Barbiturates
- Test D Modified Ehrlich's Reagent - for the presumptive identification of LSD (Lysergic Acid Diethylamide)
- Test E Duquenois-Levine Reagent - for the presumptive identification of Marijuana, Hashish and "Hash Oil"
- Test G Modified Scott Reagent - for the presumptive identification of Cocaine, Crack or Free Base
- Test H Proprietary Formula - for the presumptive identification of Methadone
- Test I Proprietary Formula - for the general screening to presumptively identify PMA, Ketamine, Barbiturates and Methadone
- Test J Proprietary Formula - for the presumptive identification of PCP (Phencyclidine)
- Test K Proprietary Formula - for the presumptive identification of Heroin, Black Tar, Codeine and Morphine, (easier to distinguish between the four Opiates, than using test B) -test screens out Methapyrilene and Propoxyphene
- Test L Modified Mecke's Reagent - for the presumptive identification of all forms of Heroin, including White, Brown and Black Tar, and Ecstasy (MDMA), as well as detecting the presence of certain dye combinations designed to give false positives with the Marquis Test (Test A)
- Test M Proprietary Formula - for the presumptive identification of Methaqualone (Quaaludes, Sopor, Somnafac, Opitimll and Parest are the trade names)
- Test N Proprietary Formula - for the presumptive identification of Pentazocine, commonly known under the trade name Talwin Nx or Talacen
- Test O Proprietary Formula - for the presumptive identification of GHB (gammahydroxybytyrate)
- Test P Proprietary Formula - for the presumptive identification of Propoxyphene
- Test Q Proprietary Formula - for the presumptive identification of Ephedrine and Pseudoephedrine
- Test R Proprietary Formula - for the presumptive identification of Valium (Daizepam), Rohpnl (Flunitrazepam) and Methcathinone
- Test T Proprietary Formula - for the presumptive identification of Ketamine
- Test U Proprietary Formula - for the presumptive identification of secondary amines, such as Methamphetamine and MDMA (Ecstasy)
- Test W Proprietary Formula - for the presumptive identification of amphetamines and Methadone, as well as screening for PMA and Ketamine with Test I
- Bath Salts Proprietary formula – for presumptive identification of synthetic cathinones/MDPV  
Test (Methylenedioxypryrovalerone)

(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**

- **Hard Materials or Tablets**— if unidentifiable, crush into powder form and begin testing with NARK2001 Marquis Reagent.
- **Capsules**— if unidentifiable, carefully remove a portion of powder from the capsule and begin testing with NARK2001 Marquis Reagent.
- **Powders**—begin with NARK2001 Marquis Reagent.
- **Plant Material**—use several at least ¼" long particles and place into NARK2005 Duquenois-Levine or NARK 20023 Synthetic Cannabinoid Reagent.
- **Brown or Black Tar Heroin**—place into NARK2011 Mecke's Modified Reagent a size similar to the top of a pinhead.
- **Buprenorphine**—place a size similar to the top of a pinhead, into NARK2010 Special Opiates Reagent, confirm with NARK2011 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 is substances like Marijuana, Hashish, Hash Oil and other THC concentrates (DAB, Wax, BHO)

**NARK2006: Acid Neutralizer** – designed to neutralizer 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

**NARK20010: 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)

**NARK20011: Mecke's Reagent Modified** – designed to presumptively identify the presence of Heroin and Morphine

**NARK20012: Talwin Reagent** – designed to presumptively identify the presence of Talwin (Pentazocine)

**NARK20013: 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