

State of New York
Offices of the Inspector General



Investigation of the New York State Department of
Corrections and Community Supervision
Contraband Drug Testing Program

November 2023

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EXECUTIVE SUMMARY

The ongoing, nationwide epidemic of illicit drug use, drug overdoses, and drug related deaths continues to destroy American lives as it has for decades.¹ There has been a dramatic increase in opioid overdose deaths in the last several years both in New York and nationally,² with opioid overdose deaths in New York increasing by 68 percent between 2019 and 2021.³ In 2021, 30 New Yorkers per 100,000 died from drug overdoses, of which 83 percent involved opioids.⁴ Those incarcerated in New York's state prisons are immune from neither the scourge of opioid abuse nor the dramatic rise of deaths related to their misuse.

For the duration of their state prison sentences, incarcerated individuals are entrusted to the New York State Department of Corrections and Community Supervision (DOCCS) for their custody, care, and control. DOCCS prohibits incarcerated individuals from using and possessing illegal drugs and enforces this through its Incarcerated Individual Drug Testing Program, which tests urine for the potential presence of consumed drugs, and its Contraband Testing Program, which tests suspicious substances found within prisons for the presence of illegal drugs. In addition, DOCCS employs a range of interdiction tactics, including routine screening of prison staff and visitors, a limitation on homemade packages sent to incarcerated individuals, and the use of drug identification canine units. Nonetheless, drugs continue to infiltrate state correctional facilities on a broad scale, posing a threat to the health and safety of all incarcerated persons, and civilian and security staff. DOCCS complements its detection and enforcement efforts by offering a wide and growing range of addiction programs for incarcerated individuals, including the Intensive and Comprehensive Alcohol and Substance Abuse Treatment Program (CASAT), Medication Addiction Treatment Program (MAT), and Relapse Treatment Program (RTP), among others.

Oversight of DOCCS falls under the purview of the New York State Inspector General, who bears responsibility for investigating complaints that allege corruption, fraud, criminal activity, conflicts of interest, or abuse in its covered agencies, and the staff of such agencies are obligated by New York State Executive Law Article 4-A to report any such misconduct. The Inspector General is also charged with reviewing the policies and procedures of covered agencies, such as DOCCS, and recommending remedial action to prevent or eliminate misconduct. In line with its obligations,

¹ <https://www.cdc.gov/nchs/data/databriefs/db394-H.pdf>

² *Id.*

³ *Id.*

⁴ <https://www.osc.state.ny.us/reports/continuing-crisis-drug-overdose-deaths-new-york#:~:text=The%20share%20of%20drug%20overdose,compared%20to%205%20in%202010.>

on August 21, 2020, DOCCS reported to the Inspector General that the field test it had been using to administer its Contraband Testing Program, the Sirchie NARK II drug screening test,⁵ included inconsistent instructions, potentially leading to false-positive test results.

At that time, the Inspector General was already conducting an investigation into DOCCS' Incarcerated Individual Drug Testing Program and the test used to administer it, the Microgenics CEDIA Buprenorphine Assay.⁶ That investigation, known as the "Microgenics Investigation," ultimately found that DOCCS had improperly disciplined incarcerated individuals for drug consumption based solely on the results of *preliminary* urine screening tests,⁷ without first obtaining confirmation through the use of more specific laboratory testing, as required by the test's manufacturer, the Microgenics Corporation. Using these results as the basis for the imposition of discipline, which included sanctions as severe as solitary confinement, was particularly problematic given the significant number of false positives associated with the test.

Upon receipt of the August 21, 2020, allegation, the Inspector General commenced an investigation into DOCCS' Contraband Testing Program and its use of the NARK II test, and quickly identified three significant issues:

- Much like the Microgenics CEDIA Buprenorphine Assay, the Sirchie NARK II tests were merely *presumptive* tests, yet DOCCS was taking internal disciplinary action against incarcerated individuals based upon positive tests without first confirming that result with an outside "approved analytical laboratory," as was required by the manufacturer's instructions.⁸
- The instructions provided by the manufacturer for the NARK II tests, which were relied upon by DOCCS testing officers to determine the presumptive presence of drugs, were, in multiple cases, inconsistent, contradictory and/or wrong, which likely led to false-positive test results. In fact, the Inspector General's examination of a sample of DOCCS disciplinary records reflecting guilty dispositions for contraband and drug possession found numerous conflicting drug tests records, including some files with conflicting reports of the sequence of drug tests utilized by a testing officer and the color changes observed.

⁵ The NARK II tests are manufactured by the Sirchie Acquisition Company, LLC d.b.a Sirchie Finger Print Laboratories (Sirchie). DOCCS acquired the tests from a contract with Premier Biotech, a New York State preferred source vendor.

⁶ See, Investigation of New York State Department of Corrections and Community Supervision Incarcerated Individual Drug Testing Program Report (January 2022), [doccs-microgenics_2764.316.2019_alb_report_20220103.pdf \(ny.gov\)](https://www.doccs.ny.gov/doccc/microgenics_2764.316.2019_alb_report_20220103.pdf)

⁷ The concept of preliminary, or presumptive tests, rose to public consciousness during the 2020 COVID-19 coronavirus pandemic, in the form of "Rapid Tests." These tests, which were frequently administered at home and returned results within a short period of time, were designed as a first step in a COVID-19 diagnosis, and explicitly, under their FDA Emergency Use Authorization, required further confirmatory testing in the form of a PCR test.

⁸ Outside laboratories can precisely identify and quantify drugs in submitted samples, thereby eliminating any false-positive preliminary drug screening test results, which may be caused by faulty testing instructions, cross-reacting substances, or other factors.

- Despite undergoing training prior to being authorized to utilize the NARK II test, certain correction officers demonstrated a lack of understanding or awareness of the proper testing procedures. More specifically, concerns were brought forth by members of the DOCCS Office of Special Investigations (OSI) that certain testing officers were: (a) using pen caps or pocketknives to place suspected contraband into the NARK II test kit rather than the provided loading device, which is expressly prohibited because of the risk of sample contamination; and/or (b) failing to consistently abide by the proscribed agitation and wait times.

Based upon these initial findings, on August 26, 2020, five days after opening its investigation, the Inspector General advised DOCCS that it should stop taking any disciplinary action against incarcerated individuals for positive contraband drug test results until confirmatory testing by an independent outside laboratory could be obtained. Additionally, at the Inspector General's recommendation, DOCCS immediately began taking remedial action, including reversing and/or expunging the disciplinary records of incarcerated individuals who were sanctioned based on NARK II positive test results.

The consequences stemming from the deficiencies in DOCCS' Contraband Testing Program may be far-reaching. Since DOCCS began utilizing the Sirchie NARK II contraband screening tests, which had been first procured in February 2016 and implemented statewide by November 2019, incarcerated individuals were subjected to a range of disciplinary sanctions based upon unconfirmed positive results, including: solitary confinement in a Special Housing Unit (SHU);⁹ cell confinement (keeplock); delays in parole eligibility; loss of privileges including commissary, telephone, and receipt of packages; loss of access to prison rehabilitation programs, loss of "good time" parole credit and family visitation rights, missed parole interviews, and other adverse effects on Board of Parole decisions. And the number of incarcerated individuals subjected to one or more of these sanctions was significant—in total, DOCCS determined that for the relevant period, 3,112 disciplinary records of 2,227 incarcerated individuals contained a guilty charge for drug possession.

Ultimately, the Inspector General's investigation substantiated the initial concerns raised by DOCCS and identified additional issues with the Contraband Testing Program, including:

- DOCCS failed to follow the express mandate of the NARK II manufacturer that it be used to provide preliminary/presumptive results only, and took disciplinary action against incarcerated individuals without obtaining proper confirmation from an outside laboratory, potentially resulting in unjust sanctions.¹⁰

⁹ New York Code of Rules and Regulations, Title 7, Part 1, § 1.5(v) defines such confinement as "segregated confinement."

¹⁰ In some instances, DOCCS also referred matters for criminal charges. When this was done, the presumptive tests were confirmed by a more specific method used by the New York State Police Forensic Laboratory.

- The test manufacturer, Sirchie, provided inconsistent, contradictory and/or incorrect instructions for use of its tests, and failed to identify this issue or advise DOCCS as to the existence of revised or updated instructional documentation.
- DOCCS staff responsible for testing contraband failed to abide by proper protocols to prevent misidentifying contraband or cross-contamination of samples.
- DOCCS' internal controls failed to ensure that testers administering the NARK II test used the appropriate instructions and charts to determine results.
- NARK II drug tests may cross-react with a commonly used over-the-counter medication, as well as tea and protein powder sold by commissaries within some DOCCS facilities, thereby potentially producing false-positive results.

On a more positive note, DOCCS has taken numerous proactive steps to address these issues since making its complaint to the Inspector General. These steps included:

- In October 2020, less than two months after receiving notification of the Inspector General's preliminary findings, DOCCS issued a public procurement request for proposals to provide confirmatory testing of positive presumptive contraband screening tests.
- In October 2021, DOCCS contracted with an outside laboratory, NMS Labs, to provide this confirmatory testing. Thereafter, all presumptive positive results provided by NARK II tests have been confirmed by this laboratory prior to the issuance of internal discipline.
- Of the 3,112 disciplinary records that contained a drug charge during the time in which the NARK II test was used without proper confirmation, DOCCS reversed and expunged 704 disciplinary charges, 232 of which pertained to individuals no longer in DOCCS custody, and modified guilty charges in 2,068 disciplinary records.¹¹
- The DOCCS Board of Parole conducted new reviews for 271 incarcerated individuals using updated records that omitted drug violations associated with use of the Sirchie NARK II test.
- As of April 2021, DOCCS has centralized all drug testing operations within its Office of Special Investigations.
- As of April 2021, DOCCS has also established a senior officer as its liaison with Sirchie who is responsible for ensuring the appropriate instructions and tests are being used by DOCCS drug testers.

¹¹ DOCCS determined that 340 of the 3,112 disciplinary files were related to contraband charges not involving Sirchie NARK II tests and therefore were excluded from DOCCS' review.

Apart from the Inspector General’s initial recommendations that DOCCS has already implemented, as well as those reforms initiated by DOCCS, which all represent positive steps towards ensuring the reliability of its drug testing programs, the Inspector General also recommends that DOCCS:

- Review all drug testing kit instructions and test color indicators quarterly to properly identify any discrepancies;
- Continue to update and provide comprehensive training and periodic refresher training to its drug testing and hearing officers on the contraband testing policy and tests used in the program;
- Require that testing and hearing officers notify their respective supervisors when potential discrepancies arise in testing instructions or results;
- Maintain a central inventory of tests to ensure their usage rates and monitor any anticipated trends that may indicate a testing discrepancy;
- Conduct periodic quality assurance reviews of drug testing records completed by testing officers to ensure these records conform to proper protocols and retrain testing officers where necessary;
- Track the confirmation rates of each presumptive test to determine the efficacy of each test in combating contraband within state prisons, and;
- Utilize uniform drug analysis forms in all DOCCS facilities.

INTRODUCTION AND COMPLAINT

DOCCS is responsible for the custody, care, and safety of incarcerated individuals in New York State prisons. Its mission is “[t]o improve public safety by providing a continuity of appropriate treatment services in safe and secure facilities where the needs of the incarcerated population are addressed and where individuals under its custody are successfully prepared for release and parolees under community supervision receive supportive services that facilitate the successful completion of their sentence.”¹² Accordingly, DOCCS prohibits contraband drugs in State prisons as their presence “presents a serious threat to the safety and security” of DOCCS’ incarcerated population, staff, and visitors.¹³ Unfortunately, DOCCS is not immune to the ongoing opioid epidemic in New York State.¹⁴ In fact, by some metrics, incarcerated individuals are even more likely to be drug abusive or dependent than those not incarcerated.¹⁵

¹² <https://doccs.ny.gov/about-us>

¹³ DOCCS Directive 4938, Contraband Drug Testing (December 10, 2021).

¹⁴ <https://www.hhs.gov/about/news/2017/10/26/hhs-acting-secretary-declares-public-health-emergency-address-national-opioid-crisis.html>.

¹⁵ <https://www.bjs.gov/content/pub/pdf/dudaspi0709.pdf>.

On August 21, 2020, DOCCS informed the Inspector General that the field tests it used to analyze suspected drugs found in correctional facilities as part of its Contraband Testing Program, the Sirchie NARK II contraband screening tests, contained inconsistent instructions and could potentially yield false-positive results. The NARK II tests were initially procured by DOCCS in February 2016 and fully phased into DOCCS operations statewide by November 2019.

Given the possible implications of unreliable contraband drug testing on incarcerated individuals, including unjustly prolonged prison sentences, extended confinement in cells, and loss of access to rehabilitation programs and privileges, the Inspector General immediately commenced a comprehensive investigation and instructed DOCCS to suspend all disciplinary action based upon a positive NARK II test result without independent laboratory confirmation and to begin a review of prior disciplinary actions based upon the same.¹⁶

FINDINGS OF FACT

The DOCCS Contraband Drug Testing Program

When prescribed and ingested in dosages approved by medical professionals, opioids relax the body and relieve pain.¹⁷ When misused, opioids can directly restrict breathing and cloud mental function.¹⁸ Long-term opioid abuse can cause mental disorders such as depression and antisocial personality disorder, and may lead to death.¹⁹ Examples of highly dangerous and increasingly abused opioids and synthetic opioids include heroin, buprenorphine, and fentanyl. As illicit drug abuse may negatively impact an incarcerated person's mental state, inhibit their ability to care for themselves, and pose a risk of injury to themselves and others, DOCCS tests for these opioids and other illicit substances to ensure a safe environment within prison walls. DOCCS maintains two primary drug testing programs for this purpose: The Incarcerated Individual Drug Testing Program, which tests the urine of incarcerated individuals to detect consumption, and the Contraband Testing Program, which tests suspicious substances found in or entering a facility for the presence of drugs.

Prior to 2016, DOCCS relied solely on the NIK presumptive screening test, manufactured by Arrowhead Forensics, to administer its Contraband Testing Program. In 2015, after conducting a trial using the NARK II test, manufactured by Sirchie Finger Print Laboratories, DOCCS decided to discontinue its use of the NIK test in favor of the NARK II test. This decision was largely based

¹⁶ See [Appendix 2](#), letter from the Inspector General to then DOCCS acting Commissioner Anthony Annucci dated August 26, 2020.

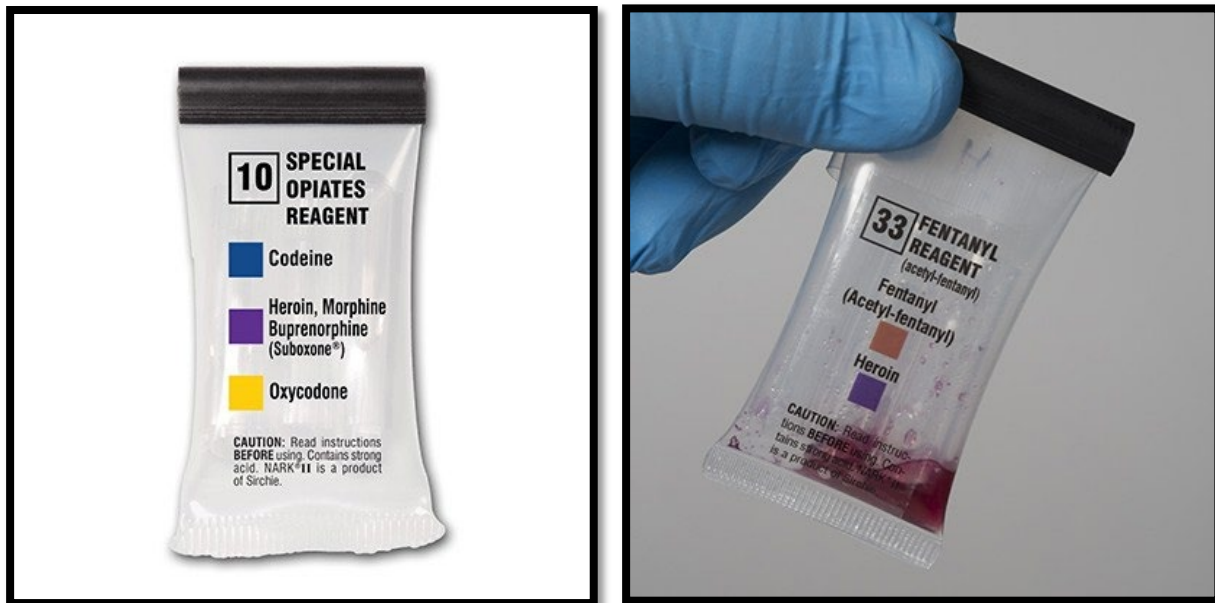
¹⁷ <https://www.hopkinsmedicine.org/health/treatment-tests-and-therapies/opioids>

¹⁸ <https://nida.nih.gov/publications/drugfacts/heroin>

¹⁹ *Id.*

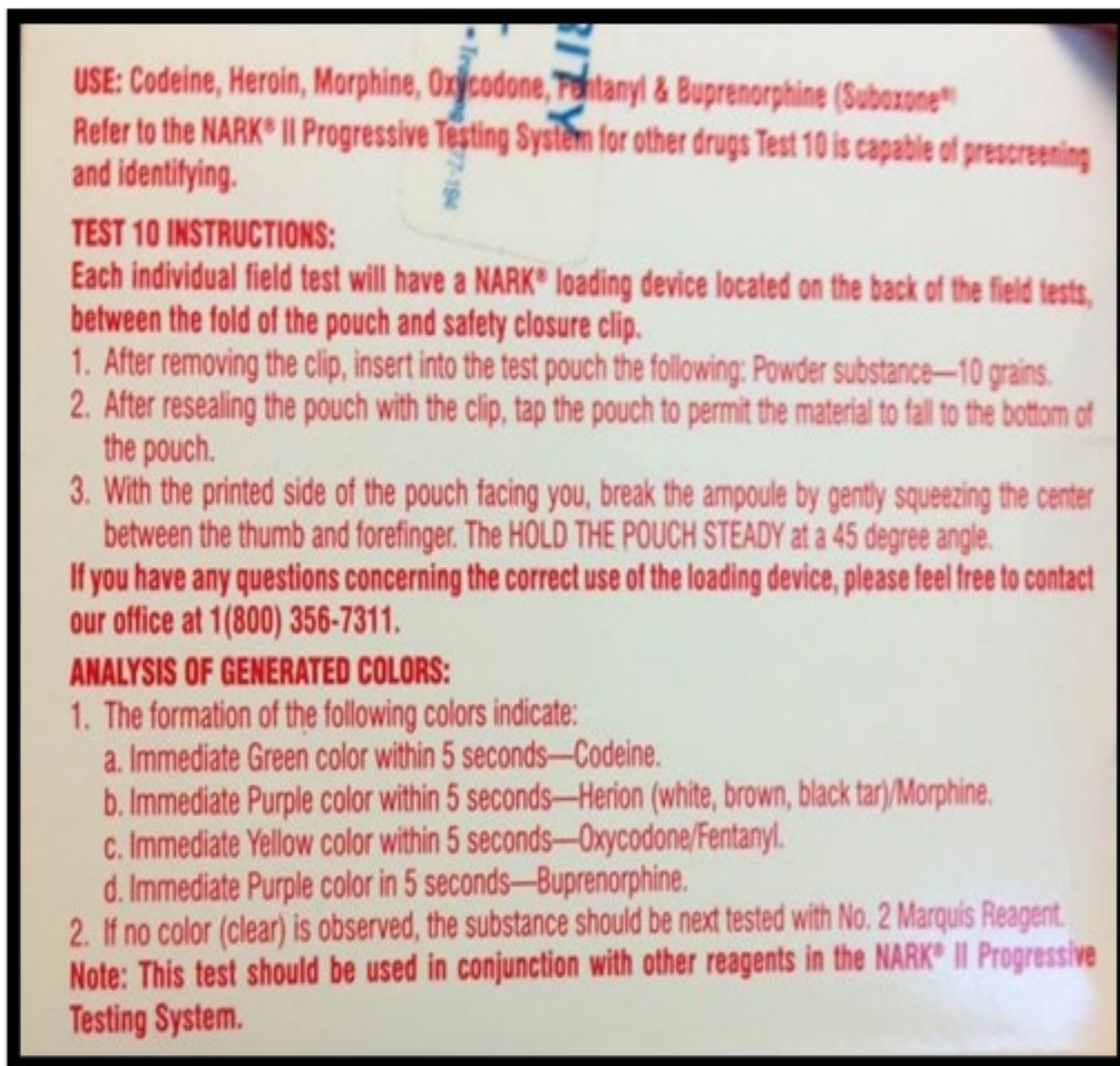
upon the fact that NARK II tests could be used to detect synthetic cannabinoids and buprenorphine, a narcotic drug, which the NIK tests could not detect. DOCCS purchased 13 different types of NARK II tests, which could be used to detect a broad array of prohibited substances. Due to its large inventory of already-acquired NIK tests, DOCCS also continued to use NIK tests through November 2019, when they were phased out statewide.²⁰

NARK II test kits come in boxes containing multiple individual tests—pouches with ampoules of liquid chemical reagents—that react when mixed with a “target drug” to produce a color change within the mixture. Depending on the color produced, if any, the test may indicate the presumptive presence of a suspected drug. As guidance, Sirchie provides testing officers with instructions on how to conduct each test and what each color change indicates. These instructions are found, to varying levels of specificity, on the ampoule pouches and the test kit boxes (see examples below).



Sample Pouches Containing Ampoules with Liquid Chemical Reagents (Sirchie)

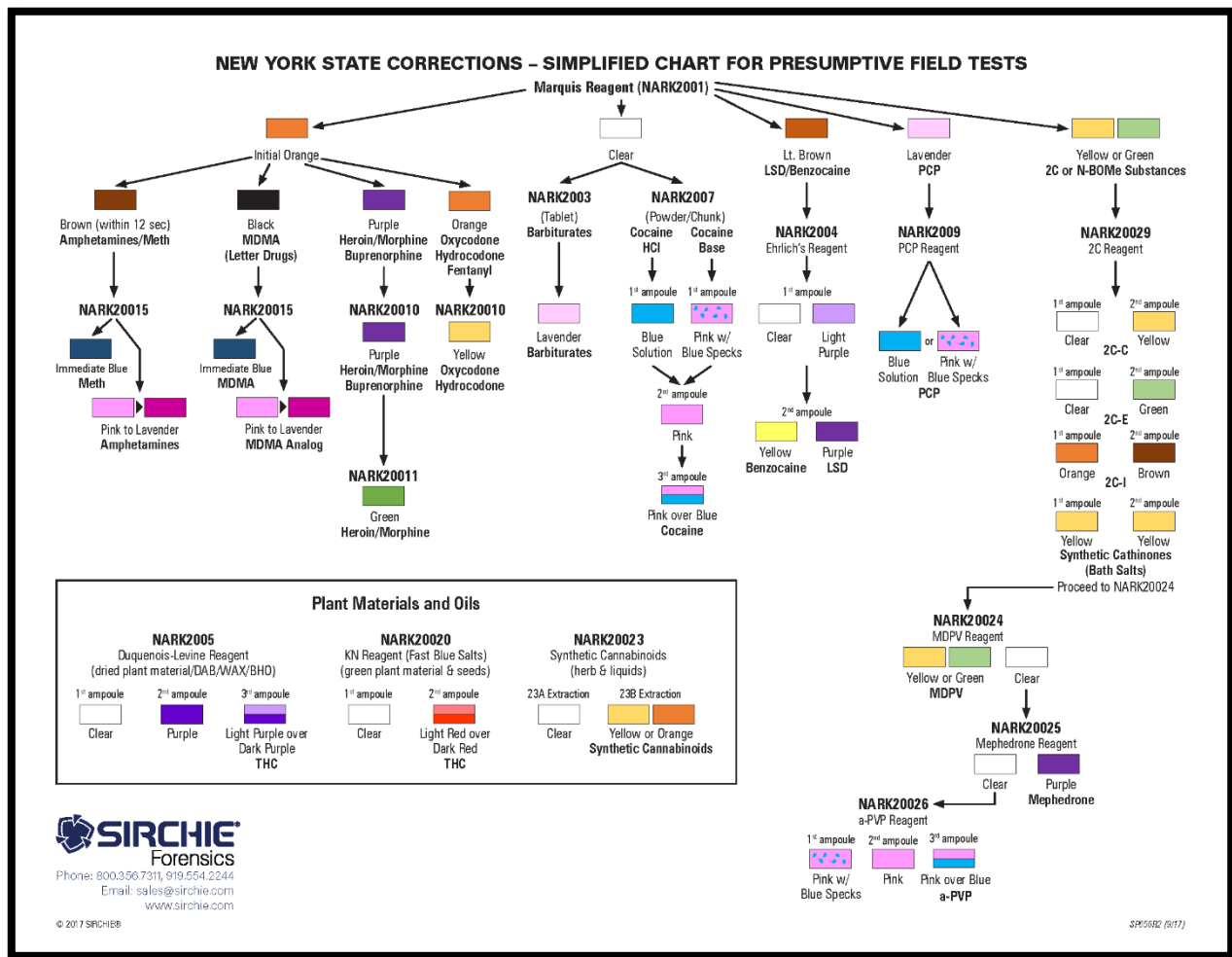
²⁰ In 2016, DOCCS was also considering acquiring a new vendor for its Incarcerated Individual Drug Testing Program to test for buprenorphine and synthetic cannabinoids in the urine of incarcerated individuals. Due to procurement complications, a new vendor, Microgenics, was not acquired until October 2018 and new urine screening tests were not implemented statewide until April 2019. Like the NARK II tests, the Microgenics urine screening tests were also merely presumptive in nature and DOCCS similarly failed to confirm results of these tests prior to exacting discipline. The Inspector General’s Report on the issues surrounding DOCCS’ use of these Microgenics tests is available at: https://ig.ny.gov/system/files/documents/2022/01/doccs-microgenics_2764.316.2019_alb_report_20220103.pdf



Sample Field Kit Box Instructions

For substances that are not visually identifiable as a presumed known drug (e.g., an indistinct powdery substance), multiple sequential tests must be conducted to identify the type of drug present, if any. Sirchie provides DOCCS with a “Sequential Testing Chart” for these substances, which guides a tester on the sequence of tests to use, what is indicated by any color produced, and if subsequent tests are required. The sequential chart also provides a roadmap of what tests to perform when the substance cannot be visually identified using its visual characteristics and the testing officers’ training and experience.²¹

²¹ For example, certain NARK II contraband screening tests, such as the NARK2001 Marquis Reagent, are used to generally screen an unidentified substance sample to determine if subsequent screening tests for presumptive identification are necessary.



Example Sequential Testing Chart (Sirchie)

Sirchie created and DOCCS revised checklists for use by testing officers, which were designed to plainly articulate the proper order of tests to be used in various scenarios, and the meaning of any observed changes in color of the reagents. The checklists vary in form and lay out the proper steps for testing a substance that the tester suspects is a prohibited drug and/or for using an initial broad-spectrum screening test (such as Marquis #2001) when the tester cannot identify the substance. Below is one such example, which lays out the proper steps for testing a substance that the tester suspects may contain an opiate substance (heroin, morphine, buprenorphine, oxycodone, or hydrocodone).

**NARK II #20010 Test for Special Opiates
Checklist Protocol and Results**

INMATE: _____ DIN #: _____ DATE: _____

EXAMINER: _____ DATE CERTIFIED: _____

EXAMINER SHALL READ, PERFORM AND CHECK EACH STEP.

1. Weight _____ (grams) Net Gross (*Check One*)
2. In the Officer's opinion, based upon circumstances of seizure and appearance of substance, indicates an opiate substance (heroin, morphine, buprenorphine, oxycodone and hydrocodone).
3. Hold the test with the printed side facing the operator.
4. Check that the single (1) ampoule within the test are intact and is Clear.
5. Wearing disposable gloves, remove the plastic clip, open the test and insert a small amount of the suspect material along with the plastic loading device into the bottom of the test pouch.
6. Tap the pouch on a firm surface to move the suspect material and loading device into the bottom of the pouch and replace the plastic closure clip.
7. Break the left ampoule (Clear) and agitate for thirty (30) seconds.
8. The development of the following colors indicate:
 PURPLE: Heroin, Morphine or Buprenorphine (Suboxone)
 YELLOW: Oxycodone or Hydrocodone
9. If **PURPLE** Proceed to step 12.
10. Result **POSITIVE** for an opiate substance.
11. Result **INCONCLUSIVE** for an opiate substance.
12. Test NARK II 20011 Mecke's Reagent - Test for Heroin (White, Brown, Black Tar).
13. Check that both (2) ampoules within the test are intact. Both ampoules will be Clear.
14. Tap the pouch on a firm surface to move the suspect material and loading device into the bottom of the pouch and replace the safety closure cap.
15. Break the left ampoule (Clear) and agitate for thirty (30) seconds.
16. No distinct color is required following the agitation of this test for the thirty (30) seconds.

Revised 11/06/15

Example Checklist Protocol Sheet

Sirchie's Statement of Scientific Principles as provided to DOCCS and cited in a DOCCS directive clearly advises that NARK II tests are "designed to **confirm probable cause only**" and

merely “presumptively identify” families of commonly abused substances. (Emphasis original.)

The Statement of Scientific Principles further reads:

There is no drug identification system presently in use which completely eliminates the occurrence of false positives or false negatives. A forensic laboratory is required to qualitatively identify unknown substances.

Moreover, to avoid the risk of any uncertainty on the part of potential users of the NARK II tests as to the conclusiveness of any positive test results, Sirchie includes the following statement in the instructions accompanying each kit:

NOTE: ALL TEST RESULTS MUST BE CONFIRMED BY AN APPROVED ANALYTICAL LABORATORY! The results of this test are merely presumptive. NARK[®] only tests for the possible presence of certain chemical compounds. Reactions may occur with, and such compounds can be found in, both legal and illegal products. This test must be administered following its specific instructions and may be used in conjunction with other reagents in the NARK[®] II Sequential Testing System.

Despite this explicit warning, since DOCCS began using NARK II tests in 2016 and until the Inspector General’s letter of August 2020²², a positive result on an unconfirmed NARK II drug test could be the basis for a disciplinary hearing resulting in a guilty finding for drug possession. In fact, DOCCS Directive 4938²³ stated:

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.

Significantly, if found guilty at a subsequent disciplinary hearing, incarcerated individuals were subject to sanctions including solitary confinement in a Special Housing Unit (SHU)²⁴ or an individual’s cell (keeplock)²⁵; delays in parole eligibility; loss of privileges including receipt of packages, commissary, and telephone; loss of access to prison rehabilitation programs; loss of “good time” parole credit and family visitation rights; missed parole interviews; and other adverse effects on Board of Parole decisions.

²² See, [Appendix 2](#).

²³ DOCCS Directive 4938 section 1010.5, Use of Results. This policy has since been updated to reflect changes made by DOCCS based on the Inspector General’s investigations into both the Sirchie and Microgenics screening tests.

²⁴ New York Code of Rules and Regulations, Title 7, Part 1, § 1.5(v) defines such confinement as “segregated confinement.”

²⁵ The Humane Alternatives to Long-Term Solitary Confinement Act (HALT) amended Correction Law to, among other things, restrict criteria resulting in SHU confinement. After the Act’s March 31, 2022, effective date, keeplock was discontinued and SHU confinement was no longer available as a sanction for drug offenses.

Prior to commencing the statewide distribution of the NARK II tests in February 2016, a number of DOCCS employees completed a course offered by Sirchie to become “Master Trainers.” That group, which included 17 DOCCS officials, 51 correction officers representing 47 correctional facilities, 11 investigators from DOCCS’ Office of Special Investigations (OSI), two special operations officers, and two special housing officers, were then certified to train other DOCCS employees on proper protocols for conducting NARK II contraband testing. In November 2019, DOCCS established a recertification course for correction officers that had previously been trained as either master trainers or testers on the NARK II tests. This two-hour recertification course is given by OSI, is required every two years, and reiterates and reemphasizes Sirchie’s instructions to:

- Follow Sirchie’s Sequential Testing Chart when identifying substances and,
- Use only the devices provided with the NARK II test kits to place suspect substances into the ampule pouches rather than personal items (*e.g.*, pen cap, knife, etc.) to avoid the risk of contamination.

DOCCS policy²⁶ also requires its testing officers to complete three forms with every drug test: (1) Request for Test of Suspected Contraband Drugs,²⁷ (2) Contraband Test Procedure,²⁸ and (3) the aforementioned Checklist Protocol instructions.

Initial Indications of Problems with NARK II Instructions and Possible False-Positive Results

After DOCCS began using NARK II tests in its Contraband Testing Program, records maintained by DOCCS reveal that it twice identified discrepancies in certain test instructions.

In the first instance, in September 2017, a correction lieutenant who then oversaw DOCCS’ drug testing programs notified NARK II test kit vendor Premier Biotech of a significant discrepancy between instructions on a test kit box and color sample indicators on testing pouches for a test that screens for codeine and other opiates.²⁹ Specifically, instructions on the test kit box indicated that a positive result for codeine would produce a green color while the actual pouch inside that same box indicated that a positive result would yield a blue color. Premier Biotech investigated and informed DOCCS via email that the instructions on the test kit box were incorrect, that Premier Biotech

²⁶ See, [Appendix 4](#), DOCCS Directive 4938, Contraband Drug Testing (January 10, 2020). In December 2021, DOCCS revised this directive.

²⁷ See, [Appendix 4](#), DOCCS Directive 4938, page 3, DOCCS Form 2080, Request for Test of Suspected Contraband Drugs. In November 2021, DOCCS revised this form.

²⁸ See, [Appendix 4](#), DOCCS Directive 4938, page 4, DOCCS Form 2081, Contraband Test Procedure. In November 2021, DOCCS revised this form.

²⁹ This test is known as the NARK20010 test.

would replace all incorrect test kits at no charge to DOCCS, and that corrected instructions would also be provided. DOCCS updated its test instructions with the corrected information in the interim.

In the second instance, in January 2020, a testing officer at Attica Correctional Facility conducted a series of tests on an unknown substance found in an incarcerated individual's cell, which incorrectly yielded positive results for MDMA/Ecstasy. In that case, after an initial test on the unknown substance yielded a "clear" result, the trained testing officer consulted the Checklist Protocol instructions, which incorrectly indicated that the substance should next be tested using a test designed to detect a different family of drugs. This other test then yielded a color indicating the presumptive presence of methamphetamines.

A DOCCS captain³⁰ at Attica who believed this result to be in error found differences between test instructions for MDMA/Ecstasy on a NARK II Checklist Protocol sheet and those on a Sequential Testing Chart. When the captain performed the test following the proper series of steps as outlined on the Sequential Testing Chart, the results were inconclusive.

After the Captain escalated his concerns, DOCCS was subsequently able to confirm with Sirchie that the testing officer should have followed the steps outlined on the Sequential Testing Chart rather than the Checklist Protocol Sheet, and the results, which indicated that the substance contained methamphetamines, should be treated as a false positive. That DOCCS followed this advice from Sirchie and ultimately did not substantiate drug charges for possession of methamphetamines was likely of little comfort to the incarcerated individual who had been confined in his cell under keeplock for the duration of the investigation into the initial positive result.

Despite these warning signs regarding the reliability of the NARK II tests, DOCCS did not, at this time, undertake a broader review of the NARK II instructions found on test kit boxes, Checklist Protocol sheets, ampoule pouches, and Sequential Testing Charts to determine if other discrepancies existed or if false positives had occurred in prior similar situations.

The Inspector General Investigates the Incarcerated Individual Drug Testing Program and Makes Preliminary Recommendations

In November 2019, just prior to the above referenced discrepancies found at Attica in DOCCS' Contraband Testing Program, the Inspector General made recommendations to DOCCS flowing from a separate investigation into DOCCS' other primary drug testing program, the

³⁰ This same captain also identified discrepancies with the urine screening test results in the Inspector General's investigation into the Incarcerated Individual Drug Testing Program and contributed to the detection of the respective systemic problems.

Incarcerated Individual Drug Testing Program, which tests the urine of incarcerated individuals for evidence of the use of drugs. In its investigation of that program, the Inspector General found that DOCCS failed to confirm the results of the urine screening tests, as is explicitly directed by the test's manufacturer, Microgenics, prior to taking disciplinary action against incarcerated individuals.

Pursuant to that earlier investigation, on November 5, 2019, the Inspector General formally advised DOCCS that it should immediately cease taking adverse action against incarcerated individuals based on any positive drug test results from its then-utilized urine screening test, without first confirming those results by a more specific alternative method conducted by a laboratory independent from Microgenics.³¹ DOCCS complied with this instruction and as of December 2019, ceased taking disciplinary action against any incarcerated individual based on positive urine drug screening tests without confirmatory testing by an outside laboratory. Notably, despite implementing this confirmatory requirement for urine tests in December 2019, DOCCS imposed no such requirement on the equally preliminary results produced by the Sirchie NARK II test before using it as the basis for imposing discipline.

DOCCS Reviews Contraband Test Instructions and Testing Officer Procedures, Identifies Discrepancies and Concerns, and Informs the Inspector General

In August 2020, several Attica correction officers reported to DOCCS OSI that they had observed an unusually high number of positive amphetamine tests at the facility over the prior several weeks. Given these reports, and in light of the ongoing investigation by the Inspector General of DOCCS' Incarcerated Individual Drug Testing Program and the prior discrepancies found by the Attica captain in the Contraband Testing Program, OSI met with testing officers at Attica on August 17, 2020, to conduct a review of the NARK II test kits and search for other potential issues. This review identified multiple discrepancies between testing instructions printed on several NARK II test kit boxes and instructions on Checklist Protocol sheets. OSI believed these discrepancies could possibly have resulted in false-positive test results.

While meeting with Attica testing officers, it became apparent to OSI from questions posed by the officers that some were either unaware or ignorant of proper contraband testing procedures. Such areas of concerns identified by OSI included:

³¹ See [Appendix 1](#), letter from the Inspector General to then DOCCS acting Commissioner Annucci dated November 5, 2019.

- Use of pen caps or pocketknives instead of the provided loading device to place suspected contraband into the ampule pouches provided in NARK II test kits. This practice is expressly prohibited in Sirchie’s instructions and trainings as it may contaminate the sample and lead to unreliable results.
- Reports that testing officers were not abiding by proscribed agitation and wait times on certain NARK II test kits despite clear instructions regarding said processes.³²
- Lack of clarity on the part of supervisors as to when to utilize the various testing protocols provided by the manufacturer. One such example included a January 2020 incident where a testing officer at Attica conducted the first in a possible sequence of tests for a substance that appeared to be buprenorphine. When that test failed to produce an expected color change, the instructions indicated that the testing officer should proceed no further, and the results should be considered negative. However, the testing officer consulted his supervisor, who advised that the testing officer should disregard the sequential chart and skip ahead to another test for identifying buprenorphine. This test then yielded a positive result. When DOCCS asked Sirchie whether the positive test could be relied upon, Sirchie responded that it could not as protocol was not followed.

On August 21, 2020, DOCCS informed the Inspector General of the multiple discrepancies OSI had found in NARK II test instructions and the Inspector General opened an investigation of DOCCS’ Contraband Testing Program. Upon learning that, much like the issue the Inspector General had identified in its investigation of the Microgenics drug screening tests, DOCCS was using the preliminary results provided by the NARK II test as the sole basis for disciplinary action, the Inspector General quickly directed DOCCS, in an August 26, 2020 letter, “to verify any positive presumptive test results with an outside laboratory independent from Sirchie before any disciplinary or other adverse action is taken against an [incarcerated individual] for drug possession.”³³

Consequently, in October 2020, DOCCS issued a public invitation for bids to search for a vendor laboratory that could conduct confirmation testing of its presumptive tests for contraband. In October 2021, following a review of all bids received, NMS Labs was contracted by DOCCS to provide confirmatory testing services. DOCCS also began reviewing the disciplinary files of those incarcerated individuals against whom discipline had been levied based upon a positive NARK II test result and taking appropriate remedial actions.

³² Though documentation provided by Sirchie indicates that a color change will not necessarily be void if these steps are not followed, such failure could serve to impact the strength of the reaction.

³³ See [Appendix 2](#), letter from the Inspector General to then DOCCS acting Commissioner Annucci dated August 26, 2020.

Following the Inspector General’s preliminary letter, DOCCS also polled correctional personnel from other states to determine how these other correctional agencies tested for suspected contraband. Among the noteworthy results from the 23 states that replied were:

- 40 percent of the responding state agencies utilized the Sirchie NARK II screening tests, and;
- All but one (96 percent) of the responding state agencies, including all those using the NARK II screening tests, reported that they used an independent outside laboratory to confirm positive test results on suspected contraband found within their respective facilities.

DOCCS Identifies Additional Discrepancies in NARK II Instructions & Result Accuracy Issues

In September 2020, DOCCS OSI compared the instructions printed on its inventory of 13 types of NARK II test kit boxes against the Checklist Protocol sheets and found additional discrepancies between the two sources. For example, OSI compared the instructions found on the test kit box and Checklist Protocol sheet for one NARK II test and found that while the Checklist Protocol sheet for this test stated that the presence of amphetamines was indicated (a positive test) when a contraband sample reacted with the test reagent to produce a pink color developing into a reddish-brown color, the instructions on the test kit box did not mention anything about a reddish-brown color. In a second example, the test instructions for the reaction that would constitute a positive test result for the presence of THC, marijuana, or hash oil differed between the NARK II test kit box and the Checklist Protocol sheet. OSI also suspected that older and newer test kits for certain tests—each having different protocols and/or observed color changes—may have been comingled, thereby resulting in inaccurate test kit instructions being used by testers.

In October 2020, OSI informed Sirchie of discrepancies it had identified in 11 of 13 NARK II test instructions and requested a response. OSI also requested that Sirchie determine whether the discrepancies could potentially cause false-positive test results.

Also at this time, DOCCS OSI conducted a test using the NARK II Kit 20033, which detects the presence of heroin or fentanyl. Astonishingly, DOCCS reported receiving a positive result when testing ibuprofen, a commonly used fever reducer and pain/inflammation treatment, despite no heroin or fentanyl being present. DOCCS employees also expressed concerns about a protein powder sold at some facility commissaries that produced a false-positive test result for amphetamines, and a tea available at some facility commissaries that yielded a false-positive test result for THC (the main active ingredient of cannabis) using the NARK II tests.

Sirchie's Responses to DOCCS

Later in October 2020, Sirchie responded to DOCCS' inquiries, conceding that the test instructions identified by DOCCS for five³⁴ of the 11 submitted NARK II tests were sometimes "in error," could potentially cause false results, and required amending. Additionally, while Sirchie did not dispute the existence of inconsistencies in the test instruction discrepancies for the remaining six NARK II tests identified by DOCCS,³⁵ it asserted that these instruction discrepancies would not affect the accuracy of the results.

More specifically, Sirchie acknowledged to DOCCS that:

- **NARK20015 (test for methamphetamines, MDMA/"ecstasy"):** While the Checklist Protocol sheet stated that amphetamines were indicated (a positive test) when the test produced a pink color developing into a reddish-brown color, "The negative result for the test is a maroon or brownish-red. This DOES NOT indicate amphetamines; it only indicates there is no presence of methamphetamines." (Emphasis original.) Sirchie further noted that another NARK II test should be used to screen for amphetamines. Thus, this test may have produced false-positive test results.
- **NARK20020 (test for THC, marijuana, hash, hash oil):** "The color interpretation instructions on the 2016 NARK20020 box are incorrect." The test kit box instructions stated that a red color indicates the presence of THC, but Sirchie explained that a positive test result "is only clear or light red over dark red, or simply a red reaction. The test should never yield a dark red over light red result."
- **NARK20025 (test for "bath salts"/mephedrone):** The Checklist Protocol sheet should reflect the appropriate agitation time and that not following these instructions could possibly cause inaccurate results.
- **NARK20026 (test for "bath salts"/mephedrone):** "The box art is in error. . . The blue burst is only seen with crack or cocaine, and therefore should be omitted for the a-PVP test. Not seeing the blue burst does not invalidate the test . . . it is only to identify those derivative -caines (i.e. lidocaine). It could lead to false-negative if the tester did not see the blue burst then claimed a negative result even if the final color matched."
- **NARK20033 (heroin, fentanyl):** The agitation and observation instructions on the test kit box were imprecise and could result in a false-negative test result.

³⁴ The five tests identified by Sirchie as having incorrect instructions that could potentially cause false test results included NARK20015 (methamphetamines, MDMA/"ecstasy"), NARK20020 (THC, marijuana, hash, hash oil), NARK20033 (heroin, fentanyl), and two that test for "bath salts"/mephedrone, NARK20025 and NARK20026.

³⁵ The six tests identified by Sirchie as being unaffected included three that test for THC, marijuana, hash, and hash oil (NARK2005 – 2016, NARK2005 – 2018, and NARK 20020 – 2017; NARK20010 (codeine, heroin, morphine, buprenorphine, oxycodone, fentanyl), NARK20029 (psychedelics based on a combination of MDMA and LSD), and NARK 20032 (screening test for synthetic stimulants).

Additionally, regarding OSI's finding that this NARK20033 test yielded a positive result for heroin or fentanyl when testing ibuprofen, the Inspector General asked Sirchie about its protocols for testing cross-reactions with over-the-counter medications. Sirchie advised that it does not conduct cross-reactivity tests for common over-the-counter medications unless advised of a possible discrepancy. The Inspector General has not received any information that Sirchie has subsequently investigated this particular potential cross-reactivity despite being so advised.

DOCCS Contraband Testing Records Are Inconsistent and Conflicting in Some Instances

In its review of disciplinary records of a sample of incarcerated individuals with guilty dispositions for drug possession, the Inspector General found frequent inconsistencies and factual contradictions in the supporting documentation.

As explained above, Sirchie provides testing officers utilizing its NARK II tests with instructions on how to conduct each test and what each possible color change indicates. These instructions are found, in varying forms and levels of detail, on test kit boxes, Sequential Testing Charts, and the ampoule pouches themselves. Moreover, while conducting drug tests of substances, testing officers are required to complete several DOCCS forms, including the appropriate Checklist Protocol sheet and a Contraband Test Procedure form. Both forms require the testing officer to indicate the sequence of tests performed and color changes observed. In many instances, the Inspector General's review discovered conflicts between these two records, including, in some instances, the sequence of drug tests utilized by a testing officer and the color changes observed.

One such example, from March 2020, in which an incarcerated individual was found guilty of possessing amphetamines, is illustrative of the myriad issues that plagued the Contraband Testing Program at that time. In this instance, correction officers found an unknown green leafy substance in an incarcerated individual's cell, and confiscated it for testing by a testing officer utilizing a NARK II test. According to the documents in the testing files, the testing officer conducted two successive drug tests, observed two separate color changes, and concluded that amphetamines were presumptively present—a finding sufficient for DOCCS discipline to be imposed. Yet a closer examination of the manner in which the testing officer arrived at that conclusion, and the documentation supporting it, is rife with contradictions:

Inaccurate Testing Order On Checklist Protocol Sheet: The testing officer utilized the below Checklist Protocol sheet, a document, as described above, created by Sirchie and revised by DOCCS to be used as a step-by-step primer for the administration of various NARK II tests. This document indicates that a testing agent should first use the NARK II test known as “Methamphetamine Reagent #20015,” and then, depending on the reaction, move on to a different test. However, the steps reflected on this Checklist Protocol sheet are out of order. According to Sirchie’s instructions and sequential chart (see Infra at Pg. 9), the testing officer should first use Marquis Reagent #2001 to identify which, if any, subsequent test could be used.

<input type="checkbox"/> 1. Weight <u>.0001G</u> (grams)	<input type="checkbox"/> Net	<input checked="" type="checkbox"/> Gross (Check One)
<p>Methamphetamine Reagent #20015 (Sodium Nitroprusside Reagent)</p> <p><input checked="" type="checkbox"/> 1. In the Officer's opinion, based upon circumstances of seizure and appearance of substance, indicates Amphetamines or Methamphetamine.</p> <p><input checked="" type="checkbox"/> 2. Wearing disposable gloves, hold the pouch such that the printed side faces the operator.</p> <p><input checked="" type="checkbox"/> 3. Examine the ampoules. All three (3) ampoules are intact and the liquids left to right are: Clear, Tan and Clear.</p> <p><input checked="" type="checkbox"/> 4. Remove the closure clip, using the plastic loading device, insert a small amount of the suspect material into the test pouch.</p> <p><input checked="" type="checkbox"/> 5. Replace the closure clip and tap the pouch on the hard surface to move the suspect material and loading device to the bottom of the test pouch.</p> <p><input checked="" type="checkbox"/> 6. Break the ampoules in a left to right sequence, agitating after the breakage of each ampoule for three (3) seconds each.</p> <p><input checked="" type="checkbox"/> 7. The colors that appear after the breakage of the 1st and 2nd ampoules are not important. Observe the color change after breakage of the 3rd ampoule. If an immediate Dark Blue color develops, this indicates a positive reaction for Methamphetamine and proceed to Step #8. If a Pink color slowly developing into a Reddish Brown develops, this indicates the possible presence of Amphetamines and proceed to Step #10.</p> <p><input type="checkbox"/> 8. Result POSITIVE for Methamphetamine.</p> <p><input type="checkbox"/> 9. Dispose of the test pouch following the proper Department disposal protocol.</p>		
<p>Marquis Reagent #2001</p> <p><input checked="" type="checkbox"/> 10. Results from the Methamphetamine Reagent #20015 indicates the sample may contain Amphetamines.</p> <p><input checked="" type="checkbox"/> 11. Wearing disposable gloves, hold the pouch such that the printed side faces the operator.</p> <p><input checked="" type="checkbox"/> 12. Examine the ampoule. It is intact and the liquid Clear and located in the center position of the plastic harness.</p> <p><input checked="" type="checkbox"/> 13. Remove the clip and using the plastic disposable loading device, insert a small amount of suspect material into the test pouch.</p> <p><input checked="" type="checkbox"/> 14. Replace the closure clip and tap the pouch on a hard surface to move the suspect material and loading device to the bottom of the test.</p> <p><input checked="" type="checkbox"/> 15. Break the ampoule in the center of the harness and agitate the test, observing the color change.</p> <p><input checked="" type="checkbox"/> 16. Immediate development of an Orange color changing to Brown within twelve (12) seconds indicates the presence of either Amphetamines or Methamphetamine. Since the substance did not make an immediate Dark Blue color change within the #20015 Meth test, we know substance did not contain a secondary amine, and is therefore, Amphetamine.</p> <p><input checked="" type="checkbox"/> 17. Result POSITIVE for Amphetamines.</p> <p><input type="checkbox"/> 18. Result INCONCLUSIVE for both Methamphetamine and Amphetamines.</p> <p><input checked="" type="checkbox"/> 19. Dispose of the test pouch following the proper Department disposal protocol.</p>		

The correct sequence of tests utilizing these two reagents is accurately reflected on the Checklist Protocol sheet below,³⁶ obtained from a different DOCCS testing file:

**NAK II #2001/#20015 Tests for Amphetamines/MDMA
Checklist Protocol and Results**

INMATE: _____ DIN #: _____ DATE: _____

EXAMINER: _____ DATE CERTIFIED: _____

EXAMINER SHALL READ, PERFORM AND CHECK EACH STEP.

1. Weight _____ (grams) Net Gross *(Check One)*

<p>Marquis Reagent #2001</p> <p><input type="checkbox"/> 1. In the Officer's opinion, based upon circumstances of seizure and appearance of substance, indicates MDMA or MDMA analogs.</p> <p><input type="checkbox"/> 2. Wearing disposable gloves, hold the pouch such that the printed side faces the operator.</p> <p><input type="checkbox"/> 3. Examine the ampoule. It is intact and the liquid Clear and located in the center position of the plastic harness.</p> <p><input type="checkbox"/> 4. Remove the closure clip, using the plastic loading device, insert a small amount of the suspect material into the test pouch.</p> <p><input type="checkbox"/> 5. Replace the closure clip and tap the pouch on the hard surface to move the suspect material and loading device to the bottom of the test pouch.</p> <p><input type="checkbox"/> 6. Break the ampoule in the center of the harness and agitate the test, observing the color change.</p> <p><input type="checkbox"/> 7. Immediate development of an Orange color changing to Black indicates the presence of either MDMA or MDMA analog. Proceed to Step #8.</p> <p><input type="checkbox"/> 8. Result POSITIVE for MDMA or MDMA analog.</p> <p><input type="checkbox"/> 9. Proceed to Step #10.</p>	<p>MDMA Reagent #20015 (Sodium Nitroprusside Reagent)</p> <p><input type="checkbox"/> 10. Results from the Marquis Reagent #2001 indicates the sample may contain MDMA or MDMA analogs.</p> <p><input type="checkbox"/> 11. Wearing disposable gloves, hold the pouch such that the printed side faces the operator.</p> <p><input type="checkbox"/> 12. Examine the ampoules. All three (3) ampoules are intact and the liquids left to right are: Clear, Tan and Clear.</p> <p><input type="checkbox"/> 13. Remove the clip and using the plastic disposable loading device, insert a small amount of suspect material into the test pouch.</p> <p><input type="checkbox"/> 14. Replace the closure clip and tap the pouch on a hard surface to move the suspect material and loading device to the bottom of the test.</p> <p><input type="checkbox"/> 15. Break the ampoules in a left to right sequence agitating after the breakage of each ampoule for three (3) seconds each.</p> <p><input type="checkbox"/> 16. The colors that appear after the breakage of the 1st and 2nd ampoules are not important. Observe the color change after breakage of the 3rd ampoule. If an immediate Dark Blue color develops, this indicates a positive reaction for MDMA and proceed to Step #17. If a Pink color slowly developing into a Reddish Brown develops, this indicates the presence of MDMA analog and proceed to Step #18. Any other color proceed to Step #19.</p> <p><input type="checkbox"/> 17. Result POSITIVE for MDMA.</p> <p><input type="checkbox"/> 18. Result POSITIVE for MDMA analog.</p> <p><input type="checkbox"/> 19. Result INCONCLUSIVE for both MDMA and MDMA analogs.</p> <p><input type="checkbox"/> 20. Dispose of the test pouch following the proper Department disposal protocol.</p>
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Examiner's Signature

Revised 11/06/15

³⁶ Of note, as discussed later in this report, this Checklist Protocol sheet is also inaccurate in that it incorrectly refers to an observed "Reddish Brown" color change as being indicative of the presence of contraband, which it is not.

It is unclear why there existed two different Checklist Protocol sheets for these two reagents, when they were created, edited, or how widespread their use.

Inaccurate Reaction Scenarios On Checklist Protocol Sheet: Utilizing this inaccurate Checklist Protocol sheet, the testing officer indicated that when they first used the NARK II “Methamphetamine Reagent #20015” test, it produced a pink color developing into a reddish-brown color, indicating the presence of amphetamines. As noted earlier in this report, Sirchie advised in its response to DOCCS inquiries that a color change from pink to reddish brown “DOES NOT” presumptively indicate the presence of amphetamines. Moreover, this color change is not even found on the Sequential Chart for any NARK II drug test. Instead, were amphetamines or methamphetamines present in the sample, the reagent would either turn an immediate blue (methamphetamines) or pink into lavender (amphetamines). Neither option is even listed as an option on the Checklist Protocol Sheet used by the testing officer.

Conflicting Contraband Testing Procedure Form: The testing officer also completed a Contraband Testing Procedure form, which indicates an entirely different sequence of tests—this one correct. As seen below, the testing officer indicated that the “Initial Test” had been, as directed by the Sirchie Sequential Testing Chart, the “NARK II 2001” and the “Subsequent Test” was the “NARK II 20015.”

TESTING SEQUENCE	
Initial Test	Resulting Colors/Color Changes
NARK II	CLEAR LIQUID CHANGES TO BROWN
2001	Indication
	POSITIVE FOR AMPHETAMINES
Subsequent Test	Resulting Colors/Color Changes
NARK II	CLEAR LIQUID CHANGES TO PURPLE/LAVENDER
20015	Indication
	POSITIVE FOR AMPHETAMINES

Yet, per this same form, the testing officer indicated that the color change observed for the initial test (#2001) was “clear liquid changes to brown” and the color change observed for the subsequent test (#20015) was a “clear liquid changes to purple/lavender,” and that both reactions constituted presumptive positives for amphetamines. According to the Sequential Testing Chart, however, neither reaction indicates such a finding. Instead, in order for the NARK II Marquis Reagent #2001 to be presumptively positive for amphetamines, one would see an initial orange color changing to brown, and for the NARK II Methamphetamine Reagent #20015 test, one would see a change from a clear liquid to pink and then to lavender.

Despite the fact that neither the actual sequence of tests nor observed color changes can be reliably determined from these conflicting records, and the gross inaccuracy of the Checklist Protocol sheet used by the testing officer, this incarcerated individual was sanctioned to SHU for three days, keeplock for 27 days, and lost his privileges to commissary, telephone access, and packages for the same period using on an entirely unconfirmed result.

In another example, in July 2020, an incarcerated individual was frisked after returning from the facility yard and discovered to have three discolored strips of paper. A testing officer completed a Checklist Protocol sheet and a Contraband Test Procedure form for the NARK II testing of this unknown substance. According to the Checklist Protocol sheet, the testing officer first used Marquis Reagent #2001 and observed a color change from orange to black. Next, the testing officer used “MDMA Reagent #20015” and observed a pink color slowly developing into a reddish-brown color. From this sequence of color changes, the Checklist Protocol indicated the substance was “an MDMA analog.” However, the testing officer also completed a Contraband Test Procedure form on which he indicated the NARK II #2001 test had yielded an “immediate orange” color and the NARK II #20015 test had yielded a “pink slowly developing to a reddish brown.” From this result, the testing officer concluded the substance was “amphetamines.”

Given these conflicting reports of the testing officer’s observations, any conclusion is unreliable. Had the testing officer in fact observed a final orange color on the initial test rather than a black color, they would have been prompted to run a different subsequent test to search for the possible presence of oxycodone, hydrocodone, or fentanyl. And as noted earlier in this report, Sirchie advised that a color change from pink to reddish brown “DOES NOT” presumptively indicate the presence of amphetamines.³⁷

Consequences of NARK II Testing Issues on Incarcerated Individuals

After being advised in the Inspector General’s August 26, 2020, letter to undertake an immediate review of the records of any incarcerated individual sanctioned on the basis of a positive Sirchie NARK II test result, DOCCS identified 3,112 disciplinary records for 2,227 incarcerated individuals with guilty dispositions for drug possession covering the period from the first use of the NARK II test in 2016 through August 2020.³⁸ Of this total, 298 incarcerated individuals were

³⁷ Of note, the disposition for this violation was subsequently expunged from this individual’s disciplinary file, pursuant to the Inspector General’s recommendations.

³⁸ This analysis was based on all guilty dispositions for DOCCS Rule 113.25, Drug Possession, during the period in question. This rule violation was subsequently modified. Prior to 2022, the New York Code of Rules and Regulations,

either currently serving disciplinary confinement sanctions or such sanctions were pending. Of those 298 individuals, DOCCS determined that 161, who had other, more significant charges associated with the underlying disciplinary incident, would not be released from disciplinary confinement, or would serve their pending disciplinary confinement. The remaining 137 incarcerated individuals were released from disciplinary confinement or had their pending disciplinary actions suspended/revoked.

Ultimately, of the 3,112 disciplinary records, DOCCS reversed and expunged 704 disciplinary charges, 232 of which pertained to individuals no longer in DOCCS custody, and modified guilty charges of 2,068 records. The DOCCS Board of Parole also conducted new reviews of 271 incarcerated individuals using updated records that omitted drug violations associated with the NARK II tests.

Pending Litigation Regarding Sirchie NARK II Tests

In October 2021, an incarcerated individual and parolee of the Commonwealth of Massachusetts filed a lawsuit against Sirchie and Premier Biotech claiming the NARK II tests are faulty and violated their constitutional rights. This matter is still pending in the United States District Court for the District of Massachusetts.³⁹

THE INSPECTOR GENERAL'S DETERMINATIONS

- **DOCCS DISCIPLINED INCARCERATED INDIVIDUALS BASED ON THE RESULTS OF PRELIMINARY AND UNCONFIRMED CONTRABAND SCREENING TESTS**

The Inspector General's investigation found that DOCCS disciplined incarcerated individuals based solely on the results of Sirchie's NARK II tests—preliminary contraband screening tests—and ignored Sirchie's guidance that test results be confirmed using an outside analytical laboratory. This decision directly led to numerous incarcerated individuals being disciplined, confined, and losing privileges based on contraband screening test results that may have been in error.

The number of incarcerated individuals potentially affected by DOCCS' poor decision to rely solely on screening tests as the basis for discipline is staggering. During the almost five-year

Title 7, Part 270.2 (B)(14)(xv) 113.25 read, "An [incarcerated individual] shall not make, possess, sell or exchange any narcotic, narcotic paraphernalia, controlled substance or marijuana. An [incarcerated individual] shall not conspire with any person to introduce such items into the facility." Currently and within the same Part, the rule has been amended and bifurcated into (B)(14)(xxiii) 113.33 which reads that "An incarcerated individual shall not make, possess, sell or exchange any narcotic, narcotic paraphernalia, controlled substance or marijuana" and (B)(14)(xxiv) 113.34, that prohibits the conspiracy to introduce such items into correctional facilities.

³⁹ 1:21-cv-11504.

period DOCCS used NARK II tests in its facilities, there were more than 9,000 guilty dispositions for drug possession. In this period, of the 3,112 disciplinary records associated with incarcerated individuals who were found guilty of drug possession using the NARK II test, 2,880 such records pertained to those in DOCCS custody as of August 2020. Punishment for these individuals included solitary confinement in SHU and keeplock, delays in parole eligibility and/or release, and/or the loss of privileges such as the receipt of packages, commissary, telephone use, and participation in the Family Reunion Program and other programs.

- **SIRCHIE PROVIDED CONTRADICTIONARY INSTRUCTIONS WITH SOME TEST KITS AND FAILED TO IDENTIFY THESE FAULTY INSTRUCTIONS AND ADVISE DOCCS OF THE SAME**

The Inspector General's investigation found that Sirchie provided several sources of instructions and test color indicators with its NARK II tests that were in some instances incorrect, contradictory, or unclear. Despite reports by DOCCS of such discrepancies with instruction/test color indicators, and confirmation of the same by Sirchie, neither Sirchie nor DOCCS took steps to determine the breadth of this issue and possible implications. Notably, the contradictory instructions provided with at least three NARK II tests could have resulted in false-positive test results and the instructions provided with two NARK II tests could have resulted in false-negative test results.

- **DOCCS TESTING OFFICERS FAILED TO ADHERE TO CONTRABAND TESTING PROTOCOLS**

The Inspector General also found that DOCCS did not implement its Contraband Testing Program in accordance with all Sirchie guidance and in a uniform manner across the State. Specifically, the Inspector General found that the DOCCS corrections staff responsible for testing contraband failed to uniformly abide by proper protocols to prevent misidentifying contraband and cross-contaminating contraband samples. This finding is based on evidence gathered by OSI after speaking with Attica staff. The Inspector General also found that DOCCS testing officers relied upon guidance from supervisors that may have been contrary to written instructions and prior training. These actions potentially resulted in false-positive test results and caused additional undue discipline on incarcerated individuals.

DOCCS informed the Inspector General that as of April 2021, it has centralized all drug testing within its Office of Special Investigations. Additionally, DOCCS has established a senior officer as its liaison with Sirchie who is responsible for ensuring the appropriate instructions and tests are being used by DOCCS drug testers.

- **DOCCS INTERNAL CONTROLS FAILED TO ENSURE THAT DRUG TESTERS USED THE APPROPRIATE TESTING INSTRUCTIONS AND CHARTS BEFORE DETERMINING RESULTS**

The investigation found that DOCCS' internal controls failed to ensure that testers used the appropriate instructions and charts for tests before determining results. Since NARK II tests and instructions were modified over the years, it was incumbent upon DOCCS to ensure that the proper instructions accompanied each test. However, when Sirchie made changes to its tests and instructions, DOCCS may have continued to rely on older instructions when conducting tests with newer test kits.

- **SOME NARK II TESTS MAY CROSS-REACT WITH A COMMONLY USED OVER-THE-COUNTER MEDICATION AND COMMISSARY-PURCHASED ITEMS AND THEREBY PRODUCE FALSE-POSITIVE TEST RESULTS**

The Inspector General's investigation corroborated OSI's complaint that one particular Sirchie NARK II test, NARK #2003, designed to detect the presence of heroin or fentanyl, may cross-react with ibuprofen, a commonly used over-the-counter medication, and thereby produce a false-positive result. When asked by the Inspector General about its protocols for testing cross-reactions with over-the-counter medications, Sirchie advised that it does not conduct cross-reactivity tests for common over-the-counter medications unless advised of a possible discrepancy. DOCCS employees also expressed concerns with a protein powder sold at some facility commissaries that produced a false positive NARK II test result for amphetamines, and a tea available at some facility commissaries that yielded a false-positive test result for THC (the main active ingredient of cannabis). Sirchie has not advised the Inspector General that it has performed additional testing to confirm these potential cross-reactions or provided additional guidance with the NARK #2003 test indicating such concerns.

CONCLUSIONS AND RECOMMENDATIONS

Both the instant investigation into DOCCS' Contraband Testing Program and the Inspector General's earlier investigation into DOCCS' Incarcerated Individual Drug Testing Program exposed DOCCS' reliance on mere screening tests as the basis for disciplinary action despite such reliance being directly contrary to the test manufacturers' guidance. DOCCS' decision to proceed with discipline based on these preliminary results was even more indefensible given DOCCS' knowledge of the existence of conflicting test instructions, potential procedural deviations by testing officers, and risk of faulty results due to unintended cross-reactions.

Significant systemic improvements have already been made in the time since DOCCS' referral of these issues to the Inspector General, including the securing of an independent outside laboratory to confirm all preliminary positive drug test results; the reversal, modification and/or expungement of the records of over 2,500 incarcerated individuals who were sanctioned based on unconfirmed and possibly unreliable NARK II screening results; new Parole reviews for 271 impacted incarcerated individuals using updated records that omitted drug violations associated with use of the Sirchie NARK II test; the centralizing of all drug testing operations within DOCCS' Office of Special Investigations; and the establishment of a senior officer as DOCCS' liaison with Sirchie, who is responsible for ensuring the appropriate instructions and tests are being used by DOCCS drug testers.

Apart from the Inspector General's initial recommendations that DOCCS has already implemented, as well as those reforms initiated by DOCCS, which all represent positive steps towards ensuring a more reliable drug testing program, the Inspector General also recommends that DOCCS:

- Review all drug testing kit instructions and test color indicators quarterly to properly identify any discrepancies;
- Continue to update and provide comprehensive training and periodic refresher training to its drug testing and hearing officers on the contraband testing policy and tests used in the program;
- Require that testing and hearing officers notify their respective supervisors when potential discrepancies arise in testing instructions or results;
- Maintain a central inventory of tests to ensure their usage rates and monitor any anticipated trends that may indicate a testing discrepancy;
- Conduct periodic quality assurance reviews of drug testing records completed by testing officers to ensure these records conform to proper protocols and retrain testing officers where necessary;
- Track the confirmation rates of each presumptive test to determine the efficacy of each test in combating contraband within state prisons, and;
- Utilize uniform drug analysis forms in all DOCCS facilities.

DOCCS' RESPONSE TO THE INSPECTOR GENERAL'S INVESTIGATION AND REPORT

The Department has already made improvements to its contraband drug testing program, which includes implementing all but two of the recommendations in the report. The first and fourth recommendations, while addressing issues with the old process, do not pertain to the Department's new and improved process such that the issues the recommendations address no longer exist.

In sum, the Department's new procedures for testing suspected contraband drugs involves the Department's Office of Special Investigations (OSI) utilizing investigators specially trained in the handling of drug evidence and using the Nark II test for conducting a presumptive field test of contraband drugs. Moreover, they use the appropriate Sirchie Nark II test kit and follow the manufacturer's instructions on the test kit box. No separate protocol sheets or other instructions are used. Additionally, OSI investigators, prior to performing the presumptive field test, check the Nark II test box to ensure that the test is currently within its shelf life. Based on the results of the presumptive test, the investigator sends the suspected drug contraband to NMS Labs for a confirmatory test. Once the OSI investigator receives the lab results, and only if the results indicate a positive result for drugs, a misbehavior report for an incarcerated individual is issued. There are no misbehavior reports for any drug charge without a positive confirmatory lab report.

OSI tracks the submissions to the lab and the lab test results. We have yet to find any notable variations with the Nark II field tests, which raise concerns with either the Nark II test itself or the testing process. The lab results reveal that OSI's field testing of suspected drugs is between 92 and 95 percent accurate. In the rare instances when the lab does not confirm the presence of a drug, it is usually when OSI submitted an item with an inconclusive field test but there was evidence to warrant attempting to identify through the lab the presence of a drug (e.g., a suspicious spray on paper or suspected synthetic cannabinoids). The over 90 percent statistic shows that the Department's new drug testing process is working at a very highly accurate rate.

Appendix 1: November 5, 2019, Letter from the Inspector General to DOCCS



STATE OF NEW YORK
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OFFICE OF THE WELFARE INSPECTOR GENERAL
OFFICE OF THE WORKERS' COMPENSATION FRAUD INSPECTOR GENERAL

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LETIZIA TAGLIAFIERRO
INSPECTOR GENERAL

November 5, 2019

Anthony J. Annucci, Esq.
Commissioner
New York State Department of Corrections
and Community Supervision
The Harriman State Office Campus
1220 Washington Ave
Albany, New York 12226

Dear Commissioner Annucci:

As you know, the Inspector General's Office is conducting a review of DOCCS's current utilization of assay kits for inmate drug testing. While this review is ongoing, and to ensure the integrity of the drug testing process, DOCCS must verify any positive test results from immunoassays of any kind through a laboratory independent from Thermo Fisher/Microgenics before any disciplinary or other adverse action is taken.

Sincerely,

[REDACTED]
Letizia Tagliafierro
Inspector General

IG-019074

Appendix 2: August 26, 2020, Letter from the Inspector General to DOCCS



STATE OF NEW YORK
OFFICE OF THE INSPECTOR GENERAL
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LETIZIA TAGLIAFIERRO
INSPECTOR GENERAL

August 26, 2020

Anthony J. Annucci, Esq.
Acting Commissioner
New York State Department of Corrections
and Community Supervision
The Harriman State Office Campus
1220 Washington Avenue
Albany, New York 12226

Re: NYS IG 1927-316-2020

Dear Commissioner Annucci:

As you know, the Inspector General's Office is conducting a review of DOCCS's utilization of Sirchie NARK II presumptive drug tests. On August 21, 2020, my office learned of possible issues with DOCCS's utilization of this presumptive test. It is my office's understanding that DOCCS has taken interim steps to address concerns regarding the reliability of these tests. While my review is ongoing, and to ensure the integrity of these preliminary drug tests, DOCCS must verify any positive presumptive test results with an outside laboratory independent from Sirchie before any disciplinary or other adverse action is taken against an inmate for drug possession.

It is also imperative that DOCCS undertake an immediate review of the records, including any discipline or adverse action imposed, of any currently incarcerated inmate previously deemed to have possessed illegal drugs based upon a positive Sirchie NARK

II test since the inception of the use of these test kits and determine whether any remedial action is warranted.

Sincerely,



Letizia Tagliaferro
Inspector General

Cc: Cathy Sheehan, Esq.
Acting Counsel and Deputy Commissioner

Appendix 3: November 5, 2020, Letter from the Inspector General to DOCCS



STATE OF NEW YORK
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF THE WELFARE INSPECTOR GENERAL
OFFICE OF THE WORKERS' COMPENSATION FRAUD INSPECTOR GENERAL

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LETIZIA TAGLIAFIORRO
INSPECTOR GENERAL

November 5, 2020

Anthony J. Annucci, Esq.
Acting Commissioner
New York State Department of Corrections
and Community Supervision
The Harriman State Office Campus
1220 Washington Avenue
Albany, New York 12226

Re: NYS IG 1927-316-2020

Dear Acting Commissioner Annucci:

As you are aware, the Inspector General's August 26, 2020 letter advised DOCCS to confirm the results of all Sirchie Nark II presumptive drug tests prior to taking any disciplinary or other adverse action against an inmate for drug possession.

The ongoing investigation has found that Sirchie failed to identify and disclose contradictory test kit instructions to DOCCS, and admitted to providing contradictory instructions on its test kits. In addition, evidence exists of cross-reactivity with a commonly used over-the-counter medication on one Sirchie Nark II drug test.

Based upon the Inspector General's review of OSI's draft report on the Sirchie Nark II matter and reviewing Sirchie's responses to DOCCS's questions, the Inspector General recommends, as a precautionary measure, that DOCCS expunge the records of

any inmate charged and found guilty of drug possession since DOCCS began using Sirchie's NARK II drug tests in 2016.


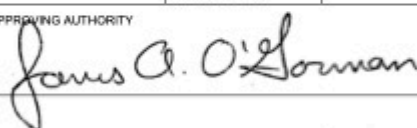
Sincerely,

A solid black rectangular box used to redact the signature of the sender.

Letizia Tagliaferro
Inspector General

Cc: Cathy Sheehan, Esq.
Acting Counsel and Deputy Commissioner

Appendix 4: DOCCS Directive 4938 Contraband Drug Testing (January 10, 2020)

 DIRECTIVE	TITLE Contraband Drug Testing		NO. 4938
			DATE 01/10/2020
SUPERSEDES DIR. #4938 Dtd. 10/29/18	DISTRIBUTION A B	PAGES PAGE 1 OF 8	DATE LAST REVISED
REFERENCES (include but are not limited to) 7 NYCRR Part 1010; ACA Expected Practice 2-CI-6C-2; Directives #4004, #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 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 Attachment A) to include details of circumstances leading to the 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 (pill, tablet, capsule, sublingual film, vial, patch) 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, NARK® II (see Attachment D), manufactured by Sirchie Fingerprint Laboratories. Always begin testing with the manufacturers recommended test kit.
- (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 [Form #2081](#), "Contraband Test Procedure" (see Attachment B).
- (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) [Form #2080](#), "Request for Test of Suspected Contraband Drugs," (Attachment A);
- (b) [Form #2081](#), "Contraband Test Procedure," (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 (see 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 the outside agency when the report is received by the facility.

§ 1010.8 FORMS

- (a) [Form #2080](#), "Request for Test of Suspected Contraband Drugs"
- (b) [Form #2081](#), "Contraband Test Procedure"

FORM 2080 (9/15)

NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
REQUEST FOR TEST OF SUSPECTED CONTRABAND DRUGS

Inmate Name		DIN	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? Yes <input type="checkbox"/> No <input type="checkbox"/>		Inspected by	Date Time Identification
Substance tested by		Date	Time
Results			
Method of testing			
Was any of the substance left after testing? Yes <input type="checkbox"/> No <input type="checkbox"/>		Was remaining substance forwarded to State Police lab? Yes <input type="checkbox"/> No <input type="checkbox"/>	Date Time
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.

FORM 2011
(12/19)

NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

CONTRABAND TEST PROCEDURE

Inmate Name	DIN	Cell
Substance Suspected	Approximate Amount	

System of Narcotics Identification used: The NARK® II System

TESTING SEQUENCE

Initial Test	Resulting Colors/Color Changes
	Indication
Initial Test	Resulting Colors/Color Changes
	Indication
Initial Test	Resulting Colors/Color Changes
	Indication
Initial Test	Resulting Colors/Color Changes
	Indication
Initial 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

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, occurs 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 the 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. The 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 the 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 polytesting 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, provide 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 the 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 a size similar to the top of a pinhead into NARK2011 Mecke's Modified Reagent.
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 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
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