

State of New Jersey
Government Records Request
Receipt

Requestor Information

fratlaw

OPRA Machine

N/A

N/A, NJ 00000

opra+request-79096-

xxxxxxxx@xxxxxxxx.xxxxxxxxxxxx.xxx

Request Date: August 5, 2025

Maximum Authorized Cost: \$.00

Email

Request Number: C238677

Request Status: Denied Closed

Ready Date:

Custodian Contact Information

Division of Criminal Justice

Records Custodian

PO Box 085

25 Market Street - 5th Floor West

Trenton, NJ 08625-0085

xxx.xxxxxxx@xxxxx.xxx

609-984-6500

By _____

Status of Your Request

Your request for government records (# C238677) from the Division of Criminal Justice has been reviewed and has been Denied Closed. Detailed information as to the availability of the documents you requested appear below and on following pages as necessary.

The cost and any balance due for this request is shown to the right. Any balance due must be paid in full prior to the release / mailing of the documents.

If you have any questions related to the disposition of this request please contact the Custodian of Records for the Division of Criminal Justice. The contact information is in the column to the right. Please reference your request number in any contact or correspondence.

Cost Information

Total Cost: \$0.00

Deposit: \$0.00

Total Amount Paid: \$0.00

Balance Due: \$0.00

Document Detail

Div	Doc #	Doc Name	Redaction Req	Pages	Legal Size	Electronic Media	Other Cost
CJ	1	"[G]overnment records relating to the threshold concentration levels used to determine a positive urinalysis result for cannabis (THC) under the Attorney General's Law Enforcement Drug Testing Policy."	N		N	N	
		Denial: 39.Improper and Overbroad ---					

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This is response is on behalf of the Division of Criminal Justice (the Division), request #C238677, and the Office of the Attorney General, request #W238054, to whom you have submitted requests for records related to THC testing. Be advised your request is denied as improper and overbroad as it does not seek access to specific, identifiable records and requires research. "Under OPRA, agencies are required to disclose only 'identifiable' governmental records not otherwise exempt. Wholesale requests for general information to be analyzed, collated, and compiled by the responding government entity are not encompassed therein. In short, OPRA does not countenance open-ended searches of an agency's files." *MAG Entertainment, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534, 549 (App. Div. 2005). See also *Paff v. Galloway Twp.*, 229 N.J. 340, 355 (2017). "The request may not be a broad, generic description of documents that requires the custodian to search the agency's files and 'analyze, compile, and collate' the requested information." *Bart v. Passaic Cty. Public Housing Agency*, 406 N.J. Super. 445, 451 (App. Div. 2009) (citations omitted). OPRA does not require a public agency to "survey [its] employees," to conduct "research," to "generate new documents that provide information sought," or to review all of its files to "select the documents and data" that might be responsive to a broad request. *N.J. Builders Ass'n v. N.J. Council on Affordable Housing*, 390 N.J. Super. 166, 178 (App. Div.), cert. denied, 190 N.J. 394 (2007). An agency need not analyze and evaluate information in order to respond to an OPRA request. *Burke v. Brandes*, 429 N.J. Super. 169, 175 (App. Div. 2012). Further, nothing in OPRA requires a custodian to "conduct research among its records . . . and correlate data from various government records in the custodian's possession." . . . OPRA does not convert a custodian into a researcher." *Lagerkvist v. Office of the Governor*, 443 N.J. Super. 230, 237 (App. Div. 2015) (citations omitted). See also *Spectraserv, Inc. v. Middlesex Cty. Util. Auth.*, 416 N.J. Super. 565, 576 (App. Div. 2010). Notwithstanding that denial, a review of the Directives and the Guidelines issued by the Office of the Attorney General, which are publicly available at <https://www.njoag.gov/resources/>, did not identify records responsive to your request. Your requests are hereby closed.

Your request for government records (# C238677) is as follows:

Government Records Request

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Pursuant to the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., please accept this letter as a formal request for access to government records relating to the threshold concentration levels used to determine a positive urinalysis result for cannabis (THC) under the Attorney General's Law Enforcement Drug Testing Policy. For purposes of OPRA, a "government record" includes any document that has been made, maintained, or kept on file in the course of official business, or received in the course of official business. Accordingly, this request encompasses any responsive records in your agency's possession, custody, or control – whether they originated within the Division of Criminal Justice or were received and are maintained by your office in the course of administering the Law Enforcement Drug Testing Program.

Specifically, I seek the following records:

Documents Identifying THC Cutoff Levels for Positive Drug Tests:

Any official documentation, laboratory protocols, internal memoranda, guidance materials, or policy documents – whether generated by your agency or received and kept in your official files – that identify the cutoff concentration level(s) (expressed in nanograms per milliliter or an equivalent unit) used to determine a positive urine drug test result for cannabis (THC) with respect to:

- (a) Applicants for law enforcement positions in New Jersey; and
- (b) Sworn law enforcement officers subject to testing under the Attorney General's Law Enforcement Drug Testing Policy.

Standards for Initial Screening vs. Confirmatory THC Tests:

Any document, internal memorandum, policy, guidance, or laboratory record – including any applicable state or federal standards – that is used or relied upon by your office to determine what constitutes a "positive" result for cannabis (THC) on:

- (a) the initial immunoassay screening test (e.g. fluorescence polarization immunoassay), and
- (b) the confirmatory test (e.g. gas chromatography/mass spectrometry or equivalent).

This includes but is not limited to any record that references specific numeric cutoff concentrations (in ng/mL) for THC on the screening and confirmatory tests (for example, 50 ng/mL, 20 ng/mL, 15 ng/mL, or any other established threshold used to define a positive result at each stage).

Comprehensive Drug Test Cutoff Level Charts or Tables:

Any chart, table, appendix, schedule, or attachment – including but not limited to documents sometimes titled "Drug Laboratory Cutoff Levels" – that lists the parent drug and/or metabolite cutoff concentrations (expressed in ng/mL) for substances tested pursuant to the New Jersey Attorney General's Law Enforcement Drug Testing Policy. (This includes any document showing the cutoff level for cannabis/THC, whether alone or among a list of other substances.)

If no records responsive to any part of this request exist, please provide a certification of non-existence (or "no records" certification) pursuant to *Bent v. Stafford Police Department*, 381 N.J. Super. 30 (App. Div. 2005), describing the search conducted and affirming that no such records are maintained. This will help ensure clarity on whether the requested information is truly unavailable.