WEST VIRGINIA STATE POLICE FORENSIC LABORATORY

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SEIZED DRUG SECTION CASE SUBMISSION POLICY EFFECTIVE 07.01.26

It continues to be the mission of the West Virginia State Police Forensic Laboratory to provide both quality and timely forensic analysis services to the state's law enforcement agencies. Therefore, with the current number of controlled substance submissions received by our laboratory each year, it is necessary to implement the following case acceptance policy for the Seized Drug Section. *Failure to follow the Seized Drug Case Submission Policy listed below may result in termination of analysis.*

General Information

The seized drug section will only accept the five most probative items to be tested. For Federal cases, the seized drug section will only accept the eight most probative items to be tested. An item is defined as anything that can be easily separated from additional items without exposing the handler to bare drug evidence. (ie. One bag of powder, one bag containing pills, etc.). The remaining items should be stored with the investigating officer and can be submitted at a later date, if necessary. Additional submissions must be accompanied by a letter from the prosecutor stating that the additional testing is necessary for prosecution of the case.

Cases without a known suspect will not routinely be accepted for analysis.

Clothing shall not be submitted for analysis. Remove suspected material from the clothing and place it into separate, marked containers.

The laboratory will not accept or analyze requests for quantitative analysis (drug purity) for compounds other than Methamphetamine. (See instructions below)

Items consisting of marked tablets or capsules in a prescription bottle for that drug with the bottle marked with the defendant's name will not be accepted for analysis. (Exceptions would include suspected tampering cases)

Used syringes, with or without needles, are potential sources for the transmission of infectious disease such as AIDS and hepatitis. Further, the presence of bodily fluids in drug samples may cause rapid decomposition of the drug(s) present in the sample and may be unsuitable for analysis. In all situations, syringes with or without needles will not be accepted for analysis. Liquid removed from syringes will not be accepted for analysis. Suspected syringe tampering case items are the only exception.

Electronic cigarettes utilize an oil that is vaporized using a heat source. The presence of the heat source can create a fire hazard in the laboratory. Prior to submission, the oil should be removed and submitted without the electronic cigarette. If the oil cannot be removed, then the heat source of the electronic cigarette (i.e. battery) shall be removed. If neither can be removed, the electronic cigarette will not be accepted for analysis.

No items will be tested for residues when measurable quantities are also submitted.

Drug paraphernalia will not be accepted. The forensic laboratory will only receive and analyze this evidence when the prosecutor needs a laboratory report to prosecute the case. This request must be made in writing from the prosecuting attorney.

Factory sealed, tamper proof, or sealed blister-pack items will not routinely be accepted. Information is already provided on the packaging, so as long as the packaging is uncompromised, analysis is not needed. The information can easily be looked up by the agency.

Items that are deemed questionable, non-essential, or contrary to these policies will not be examined.

Quantitation Methamphetamine

The officer will need to specify if purity/quantitation is needed at the time of submission, on the case submission form.

The case submission form requesting methamphetamine quantitation must be accompanied with a letter from the United States Attorney handling the case. The letter should be on official letterhead, indicating the laboratory case number and/or case number of submitting agency, the suspects name, the items (up to eight) for which quantitative analysis is requested.

Quantitation of Methamphetamine will be performed, once the sample has been confirmed to contain Methamphetamine.

A minimum sample size of 0.500 gram will be required for Quantitative Analysis.

Multiple buys on the same suspect

All controlled buys of similar suspected controlled substances should be submitted together in the same outer package for the same suspect. The case submission form should indicate how many buys are contained within the outer package. Items should be listed out with the buy/crime date beside each item. The investigating officer and/or prosecuting attorney will be required to identify the probable cause item(s) and submit a maximum of five items to be tested for all controlled buys.

Search Warrant (more complex cases)

In all cases containing multiple items the investigating officer and/or the prosecuting attorney will be required to identify the probable cause item(s) and submit a maximum of five items to be tested.

Search warrant evidence will be treated separately from controlled buys and should be submitted as a separate case with a separate case submission form.

Vegetation Cases

For controlled substance evidence likely to be categorized as a misdemeanor offense, i.e. possession of marijuana under 15 grams the forensic laboratory will only receive and analyze this evidence when the prosecutor needs a laboratory report to prosecute the case. Law enforcement agencies are required to hold these misdemeanor cases and submit them to the laboratory only when a request is made by the prosecutor in writing.

The analysis of suspected marijuana weighing a total of greater than 15 grams, will be performed until a total weight of greater than 18 grams is reached. Once the total weight of confirmed Marijuana is greater than 18 grams, analysis on additional samples will not be performed.

In the cases of suspected marijuana, preliminary testing will be performed on the sample, followed by a semi-quantitative test to determine if the sample can be confirmed as marijuana.

A minimum sample size of 0.200 gram will be required for semi-quantitative analysis.

The analysis of seeds will not be performed.

Expedite analysis requests

It is the responsibility of the investigating officer and/or the prosecuting attorney to determine whether or not a lab report has been received for a submitted case with an upcoming court date. Request to expedite testing of drug evidence should be submitted at least 90 days prior to the scheduled court date. These requests must be made by the prosecuting attorney in writing. It is recommended the Prosecuting Attorney verify with the investigator whether or not the evidence has been submitted to the laboratory prior to requesting expedited testing.