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November 14, 2016

To: All Law Enforcement Agencies submitting Drug Evidence to the WVSP Forensic Laboratory

From: Sheri Lemons
Acting Laboratory/Quality Assurance Manager

A handwritten signature in blue ink, appearing to be "SL", is written over the name "Sheri Lemons".

RE: Drug Identification Case Acceptance Policy- **EFFECTIVE DEC 1, 2016**

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 volume of controlled substance submissions received by our laboratory each year, it is necessary to implement the following case acceptance policy for the Drug Identification Section.

General Information

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 Drug identification section does not currently have validated methods to perform quantitative analysis (drug purity) therefore these requests will not be accepted.

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 diseases 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. 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 large quantities are also submitted.

Drug paraphernalia will not be accepted. The crime 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.

EQUAL OPPORTUNITY EMPLOYER

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.

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. There should only be one agency case number listed on the case submission form for these submissions. Items should be listed out with the buy/crime date beside each item.

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. The drug identification section will only accept the top five items to be tested. The remaining items should be stored with the investigating officer and can be submitted at a later date, if necessary, for prosecution of the case. Items that are deemed questionable, non-essential, or contrary to these policies will not be examined.

If you have an additional item to be worked for a case already submitted to the laboratory, you must submit the additional item 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 crime 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.

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.