



EVIDENCE HANDLING AND LABORATORY CAPABILITIES GUIDE CONTROLLED SUBSTANCES

CONTACT INFORMATION

If you have any questions concerning the Controlled Substances laboratory examination capabilities or evidence handling procedures, please call the Forensic Training Section or the Controlled Substances Section at the Forensic Laboratory that services your area.

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OVERVIEW

Examiners in the Controlled Substances Section test materials for the presence of controlled substances or marijuana. Illegal drugs may be presented in powders, solid material, liquids or LSD blotter paper, as well as in edibles, plants and mushrooms. The Section also examines pharmaceutical preparations (e.g., tablets, capsules and injectables). Additional information and Section Procedures and Training Manuals can be found on the DFS [website](#).

DRUG SCHEDULING

Drugs are classified both legally and pharmacologically. Legally, drugs are listed in the Code of Virginia in [Schedules](#) based on their medical use and potential for abuse and dependency. The “highest” schedule is Schedule I (drugs with no accepted medical use and a high potential for abuse and dependency) and the “lowest” schedule is Schedule VI (drugs that require a prescription but have a very low potential for abuse). The following table lists common drugs along with their pharmacological category and schedule. Schedule VI controlled substances require a prescription to legally possess but are not listed by name in the Code of Virginia.

Drug	Pharmacological Category	Schedule
Alprazolam (Xanax)	Depressants	IV
Amphetamine	Stimulants	II
Buprenorphine (Suboxone)	Narcotics	III
Caffeine (look-alike)	Stimulants	Over-The-Counter
Cocaine [forms include salt (powder) and base (crack)]	Stimulants	II
Codeine	Narcotics	II, III, V
Diazepam (Valium)	Depressants	IV
Etizolam (benzodiazepine analog)	Depressants	I
N,N-dimethylpentylone (synthetic cathinone)	Hallucinogens	I
Fentanyl	Narcotics	II
GHB (gamma-butyrolactone)	Depressants	I
Heroin	Narcotics	I

Hydrocodone	Narcotics	II
Hydromorphone (Dilaudid)	Narcotics	II
LSD (Lysergic Acid Diethylamide)	Hallucinogens	I
MDMA (Ecstasy)	Hallucinogens	I
Mescaline (usually found in peyote cactus)	Hallucinogens	I
Methadone	Narcotics	II
Methamphetamine	Stimulants	II
Methylphenidate (Ritalin)	Stimulants	II
Morphine	Narcotics	II
Nandrolone	Anabolic Steroids	III
Opium	Narcotics	II
Oxycodone	Narcotics	II
PCP (Phencyclidine)	Hallucinogens	II
Psilocybin or Psilocyn (usually found in mushrooms)	Hallucinogens	I
Salvinorin A (usually found in <i>Salvia Divinorum</i>)	Hallucinogens	I
Secobarbital	Depressants	II
Testosterone	Anabolic Steroids	III
Tramadol	Narcotics	IV

NOTE: In the Commonwealth of Virginia, marijuana is not listed as a controlled substance or scheduled in the Code of Virginia.

Marijuana is defined in [§ 54.1-3401](#) as "any part of a plant of the genus Cannabis whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the

genus Cannabis; (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.”

Industrial hemp is defined in [§ 3.2-4112](#) as "any part of the plant Cannabis sativa, including seeds thereof, whether growing or not, with a concentration of tetrahydrocannabinol that is no greater than that allowed by federal law. "Industrial hemp" includes an industrial hemp extract that has not completed all stages of processing needed to convert the extract into a hemp product." More on the federal definition can be found in the [Code of Federal Regulations](#).

Tetrahydrocannabinol (THC) is defined in [§ 3.2-4112](#) as “any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and geometric isomers.”

Total tetrahydrocannabinol is defined in [§ 3.2-4112](#) as “the sum, after the application of any necessary conversion factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of tetrahydrocannabinolic acid.”

Cannabimimetic agents such as JWH-018, MMB 2201, and MDMB-4en-PINACA are Schedule I controlled substances as defined in the Code of Virginia, [§ 54.1-3446 \(6\)](#). In addition, cannabimimetic agents that are not listed specifically, but fit into defined structural classes, are Schedule I controlled substances.

REPORTING CONTROL STATUS

In addition to being controlled in the Drug Control Act, the [Board of Pharmacy](#) may schedule drugs, especially novel drugs, using an expedited, [regulatory process](#) or to [conform with federal law or rule](#). The Department of Forensic Science (DFS) examiners will include the control status of identified drugs on the Certificate of Analysis (CoA) as a courtesy, when known. Drugs scheduled via regulation will be noted as such. Also, DFS examiners will report whether cannabis material meets the definition of “marijuana” or report it as cannabis on the Certificate of Analysis, if the concentration of total tetrahydrocannabinol has not been demonstrated to be above the threshold with the method(s) used.

CAPABILITIES AND SERVICES

ANALYSIS

The Controlled Substances Section analyzes evidence submitted by law enforcement agencies for the presence or absence of controlled substances and/or marijuana.

In the laboratory, evidence is routinely screened using color tests and thin layer chromatography (TLC) with identification by gas chromatography/mass spectrometry (GC/MS). Additional instrumental techniques such as infrared spectrophotometry (FTIR), gas chromatography with flame ionization detector (GC/FID), and direct analysis in real time/time of flight mass spectrometry (DART/TOF) may also be used.

For marijuana determination, a semi-quantitative Gas Chromatography-Flame Ionization-Mass Spectrometry (GC-FID-MS) method is used to establish whether the total THC concentration is greater than or less than an administrative threshold to assist in the differentiation of hemp from marijuana. For plant material samples below the administrative threshold, a quantitative method can be used, if requested, to determine the concentration of THC.

Quantitative analyses, or purity determinations, are not necessary in most situations and are only performed at the request of the Commonwealth's Attorney. Quantitative methods are validated for amphetamine, methamphetamine, cocaine, heroin, PCP, and MDMA.

The original CoA is prepared and sent directly to the Office of the Commonwealth's Attorney with a copy sent to the investigating officer.

DRUG ITEM REDUCTION PROGRAM (DIRP)

In 1988, the Controlled Substances Section implemented the Drug Item Reduction Policy (DIRP)¹. The aim of this program was to increase the number of cases worked by having the examiners analyze only the most important items in a case in terms of quantity and schedule. Typically, residue items are not analyzed when accompanied by items containing a weighable quantity of drugs. Exceptions to this are cases where an item with residue is the only item connected to a particular suspect, the residue is likely a higher schedule than the weighable material, or the item with residue is the probable cause for a search. For these exceptions to be granted, information should be specifically noted for the item in question on the Request for Laboratory Examination form (RFLE).

If, during the pretrial process, it becomes apparent that items not analyzed will require analysis for prosecution, then upon resubmission, those items will receive top priority at the laboratory.

¹ Found in the [Controlled Substances Procedures Manual](#), pages 17 – 18, last accessed December 23, 2024.

REVERSALS

The DFS will assist law enforcement agencies with preparation of materials to be used in drug reversals, buy/bust operations and “show and tell” drugs. In all instances, the requesting agency must assume full responsibility for distribution of these materials. Contact a Controlled Substances Section Supervisor for further information.

TRAINING

The Controlled Substances Section also provides training for user agencies. This includes training police officers about current drug abuse practices and trends to teach them how to recognize, collect, properly preserve, and submit various drug evidence and paraphernalia to DFS for analysis. The Section also has the unique opportunity to assist attorneys, legislators and law enforcement officers in understanding the scientific meaning of analytical results as they pertain to the Virginia Drug Control Act and the Controlled Substances Act.

FIELD TESTS

Law enforcement may use field tests, whether chemical or instrumental, for field detection of drugs to aid in their investigations. Field testing powders that potentially contain dangerous opioids (such as carfentanil, which is reportedly 100 times more potent than fentanyl) with chemical tests (pouches or tubes) is [discouraged](#). Instrumental field testing can reduce the potential for an accidental exposure depending on the sampling mechanism.

The Controlled Substances Section is primarily responsible for the regulation and approval of field tests used under two specific purposes in Virginia Code [§ 19.2-188.1](#):

1. § 19.2-188.1 (A) allows officers using an approved field test to offer testimony as to the results they obtained in any preliminary hearing on many drug-related offenses.
2. § 19.2-188.1 (B) allows law enforcement to testify at trial as to whether or not any plant material is marijuana based on the results of approved marijuana field tests of simple possession of marijuana offenses for those under the age of 21. [Effective April 25, 2022](#), DFS rescinded the approval of all Duquenois-Levine field tests and law enforcement agencies [were notified](#) that the previously-approved Duquenois-Levine field tests should no longer be utilized for this purpose.

NOTE: Duquenois-Levine field tests approved under the Regulations for the Approval of Field Tests for the Detection of Drugs (6VAC40-30), which provides the process for the approval of field tests for use by law enforcement officers under Virginia Code § 19.2-188.1 (A) were not affected.

The two separate but related statutes each have associated regulations which describe the approval process. Once tests have been approved, DFS publishes separate lists of these approved tests in the

Virginia Register of Regulations. If using field tests for one of the two specific purposes above, care must be taken to ensure that tests used in the field are for the appropriate purpose.

Links to both the regulations and the current list of approved field test kits are available on our website:

Document	Website
Regulations for Field Test Approvals	http://www.dfs.virginia.gov/field-test-kits/field-test-kit-evaluation/ §19.2-188.1 (A) – for preliminary hearings only §19.2-188.1 (B) – for violations of § 4.1-1105.1
Approved Drug Field Tests	http://www.dfs.virginia.gov/field-test-kits/field-test-kit-evaluation/preliminary-hearing-drug-field-test-kits/ §19.2-188.1 (A) – for preliminary hearings only
Approved Marijuana Field Tests	http://www.dfs.virginia.gov/field-test-kits/field-test-kit-evaluation/marijuana-field-test-kits/ §19.2-188.1 (B) – for simple possession of marijuana plant material

CLANDESTINE LABORATORIES

The *Best Practices Protocol for use by law enforcement and emergency response agencies regarding the clean-up of abandoned and deactivated methamphetamine production sites and the retention and handling of the byproducts of methamphetamine production* addresses the entire process of collecting and packaging clandestine laboratory evidence for submission to DFS and is located at the following web address:

<http://www.dfs.virginia.gov/laboratory-forensic-services/controlled-substances/meth-labs/>

Key points in this document include:

Local Law Enforcement (LLE) entities without Certified Clandestine Lab Response teams and adopted Safety and Health Programs will notify Certified Clandestine Lab Response Personnel from the Virginia State Police (VSP) or Drug Enforcement Agency (DEA). To contact VSP personnel, please utilize the appropriate Division telephone number below:

- Appomattox: (800) 552-0962
- Chesapeake: (757) 956-3968
- Culpeper: (800) 572-2260
- Fairfax: (800) 572-4510

- Richmond: (800) 552-9965
- Salem: (800) 542-5959
- Wytheville: (800) 542-8716

No individual or agency will intentionally enter or authorize entry into a suspected clandestine laboratory without adoption of an entity-specific Standard Operating Procedure (SOP) that provides for a Safety and Health Program as required by the Virginia Occupational Safety and Health (VOSH) Program and in compliance with 16 VAC 25-90-1910.120 (HAZWOPER) Standards and/or Safety and Health Program as required by OSHA and Federal Regulation 29 CFR 1910.120 (HAZWOPER) Standards.

SUBMISSION OF CLANDESTINE METHAMPHETAMINE LABORATORY EVIDENCE

Evidence from clandestine laboratories requires special handling and packaging in order to be submitted to the laboratory. Evidence from clandestine laboratories not packaged accordingly will not be accepted at the laboratory. The instructions below are based on sections 5 – 7 of the [“Best Practices protocol”](#) noted above that have been updated to reflect current testing capability.

Safe packaging of evidentiary samples:

1. Only Certified Clandestine Lab Response Personnel shall collect samples from clandestine laboratories.
2. Sampling:
 - A representative sample shall be removed from those precursor items, chemicals, and reaction vessels requiring analysis.
 - Bulk items should not be submitted for analysis.
 - Appropriate size samples of items shall be collected in a bottle assembly consisting of a glass vial with a Teflon-lined (PTFE) cap which is secured in an appropriately sized wide-mouth, high-density polyethylene plastic bottle (i.e., acids/bases samples should be approximately 25 mL).
 - The glass vials should be filled no more than 75% to prevent breakage.
 - Each bottle assembly shall be placed in a separate evidence container/bag and sealed.
 - Under no circumstances should any metal containers be used due to the reactivity of many of the materials encountered.
3. DFS will not accept liquefied ammonia gas, lithium metal, and sodium metal.
4. Dry items of suspected final product (e.g., plastic bag corners of powder product) shall be secured in an inner container/bag or jar and placed in sealed plastic evidence bags.



5. A copy of the evidence log/list and photographs documenting the items recovered at the scene **must** be submitted to the laboratory with the evidentiary samples. The photos should illustrate to the DFS analyst the association between the parent container and the submitted sample. This is vital to facilitate substance identification and recognition of hazards. The RFLE should associate the submitted evidentiary samples to the bulk items on the evidence log/list.
6. Transportation of evidentiary samples:
 - All samples shall be promptly hand-delivered to the nearest DFS laboratory.
 - Sample(s) contained within sealed evidence container(s)/bag(s) shall be placed in five-gallon plastic bucket(s) packed with vermiculite for transportation purposes.
 - For samples, more than one sealed evidence container/bag may be placed in each five-gallon plastic bucket provided an ample amount of vermiculite is present for spill absorption.
 - The buckets will serve as the evidence container upon submission to the laboratory. Upon arrival to the lab, the evidence will be screened by appropriate DFS personnel prior to acceptance.
7. Retention of evidentiary samples by law enforcement agencies after DFS analysis:
 - Upon completion of analysis by DFS, collected samples will be returned to the appropriate law enforcement entity.



COLLECTION GUIDELINES

SAFETY ALERTS

Sharps - Always use caution when searching a vehicle or a suspect. Use gloves and wash hands when completed. Use dental mirrors or mirrors when searching a vehicle to prevent sticks and cuts.

Accidental Exposures - Due to the Department's recent submissions of fentanyl, carfentanil, and other powerful synthetic opioids, special precautions should be taken to minimize exposure when handling, sampling, and field-testing powders. Visit the [Opioid Handling Resources](#) webpage for more information.

LSD in liquid form can be absorbed through the skin.

PACKAGING

Limit multiple layers of packaging to only those required or absolutely necessary. Also, ensure that evidence bags are of appropriate size to allow evidence to be placed back into packaging and resealed.

Make sure the packaging size is suitable for your evidence. Small objects (such as a "rock" of cocaine) may become lost or crushed in a large bag. Please make sure that the outer most bag or package is at least 5" x 7". Small items should be packaged in a suitable envelope and THEN placed in a 5" x 7"

container. This ensures security of the evidence and allows the examiner room to re-package and secure the evidence without breaking your seal. Ensure that sufficient space remains on the outside surface of the outer container for DFS barcodes and labeling.

If requesting a Latent Prints examination, package the evidence in a manner that reduces friction against the outer surface.

A secure seal is necessary for chain-of-custody. HOWEVER, it is not necessary to tape excessively, or “mummify”, because this makes evidence handling in the laboratory more difficult. See the [General Submission of Evidence Section](#) for more information and pictures.

ITEM – POWDERS

METHOD - Powders must be double bagged in plastic as an increased safety measure. First, items should be placed into a closed plastic ziplock-type bag or heat-sealed bag and then sealed into an additional plastic evidence bag or heat-sealed bag, which can serve as the outer evidence container.

DISCUSSION – The double bagging requirement is limited to powdered items. The Customer Notification (6/7/2022) can be found [HERE](#).

ITEM – TABLETS AND CAPSULES

METHOD - Package in rigid containers.

DISCUSSION - Rigid containers will ensure that evidence is not crushed or damaged, especially when shipped via mail. Tablets or capsules containing opioids that are crushed or partially crushed have similar risks for accidental exposure as powdered samples. In these instances, consider adding a plastic bag as an inner or outer container.

ITEM – PRESCRIPTION BOTTLE WITH LABEL

METHOD - Submit in original prescription bottle.

ITEM – SUSPECTED MARIJUANA

METHOD – DFS accepts suspected marijuana samples for criminal prosecutions. The [Marijuana Submission Guidelines](#) webpage has the most up-to-date information regarding plant material, extracts, waxes, vapes, and edibles.

DISCUSSION – DFS has a contract with a private laboratory to quantitate THC and CBD in edibles. After qualitative testing, the case examiner will contact the submitting agency to determine if quantitative analysis is needed.

ITEM – FRESH, WET OR MOIST PLANT MATERIAL OR MUSHROOMS

METHOD - Should be air dried and placed in a paper bag. Roots and dirt should be removed before submitting. Please do not strip leaves, buds, etc. from mature stalks.



If a plant count is needed for the charge of home cultivation of marijuana ([§ 4.1-1101](#)), five or more separately packaged plants or portions thereof should be submitted.

DISCUSSION - Wet marijuana supports the growth of a fungus that produces carcinogenic spores that can produce respiratory and other infections. Fresh plant material packaged in plastic decomposes rapidly leading to material which is unsuitable for analysis. The dirt and roots are not necessary and will not be weighed or analyzed. The mature stalk is considered to be marijuana only when mixed with other parts of the plant and should be left intact.

Wet mushrooms packaged in plastic bags will rapidly decompose to the point that they are no longer suitable for analysis.

ITEM – SUSPECTED TOBACCO

METHOD – Only submit suspected tobacco to DFS if evidence is suspected to be laced with a controlled substance. Otherwise contact Virginia Division of Consolidated Laboratory Services (DCLS) to discuss testing options.

ITEM – LARGE SMOKING DEVICES

METHOD - When large smoking devices are collected as evidence, remove and submit only that part of the device which contains the drug residue or plant material (e.g., the stem from a “bong”). If that part of the device is glass, package it in a small rigid container, plastic safety tube or bubble wrap, and add into an appropriately sized outer container (e.g., minimum 5” x 7” manila envelope). If requesting a Latent Prints examination, package the evidence in a manner that reduces friction against the outer surface. If it is necessary to submit an entire “bong,” please remove any water before packaging.



DISCUSSION - Residues should not be submitted for analysis unless drugs other than marijuana are suspected because we cannot do marijuana testing (semi-quant) on plant material residue. Only the portion of the smoking device containing the residue will be analyzed. Water from a smoking device increases time of analysis due to the need for drying the device prior to analysis. Leaking evidence may damage other items, RFLEs, etc.

ITEM – SMALL DEVICES

METHOD - Items should be packaged securely to avoid cross-contamination or loss of sample. Cover the area of the device which contains the drug residue or plant material. If the device is glass, package it in a small rigid container, plastic safety tube or bubble wrap, then add into an appropriately sized outer container (e.g., minimum 5” x 7” manila envelope). If requesting a Latent Prints examination, package the evidence in a manner that reduces friction against the outer surface.



DISCUSSION - When residue items are submitted with weighable quantities and/or countable dosage units of drugs, only the weighable (countable) item(s) will be analyzed, unless the investigating or submitting officer provides a written, case-specific request for analysis of the residue on the RFLE. For example, analysis of an item such as a pipe containing residue found in possession of a defendant is necessary to show possession of a weighable quantity of drugs found nearby. These requests will be considered by DFS in accordance with the procedures set forth in the DFS [Controlled Substances Procedures Manual](#) Section 3.1 et seq., (Drug Item Reduction Program, DIRP.)

ITEM – CLANDESTINE LABORATORY SAMPLES

METHOD - See “[Submission of Clandestine Methamphetamine Laboratory Evidence](#)” in preceding section.

ITEM – LIQUIDS

METHOD - Liquids must be submitted in a sealed leak-proof, screw cap container (not a sharps container) and sealed into a secondary container.

DISCUSSION – Ensuring that liquids are contained reduces the potential for leakage, which can contaminate other items or be lost from the container. In addition, screw cap containers reduce the potential for exposure to strong odors with liquid samples suspected to contain PCP.

ITEM – MULTIPLE PACKAGES OF POWDER OR PLANT MATERIAL

METHOD - Items with multiple packages (e.g., 20 plastic bag corners of powder) should be packaged together in one container.

DISCUSSION - This decreases number of containers associated with a case. Also, it allows the examiner to address the packages collectively on the CoA. DFS uses an administrative sampling plan where up to five specimens are analyzed for distribution-related charges. Items should not be separated for the purpose of increasing the number of specimens that will be analyzed. If more specimens need to be analyzed for prosecution, additional analysis utilizing the hypergeometric sampling plan will be conducted upon written request from the Commonwealth's Attorney. The administrative sampling plan has been in place since 2006 and has been applied to many cases across the Commonwealth.



ITEM – SYRINGES AND OTHER SHARP MATERIALS

METHOD - SYRINGES SHOULD NOT BE SUBMITTED UNLESS THEY ARE THE ONLY ITEM IN THE CASE. Syringes will also be accepted when they are likely to be the only item containing a Schedule I or II substance. If necessary, package the syringe in a **rigid plastic safety tube**. Please do not uncap the syringe prior to submission. Label the outer container with the following information:

- “Handle with Caution”
- “Contains a Syringe”
- “BIOHAZARD”

Other sharp or breakable materials, such as glass pipes, mirrors, and razor blades, should be packaged in a rigid container and the outer container labeled with a warning to “Handle with Caution.” The Customer Notification (4/17/2013) can be found [HERE](#).

DISCUSSION - Syringes are a health hazard to all. **In general, syringes will not be analyzed when measurable quantities of the associated drugs are also included among the submitted items, as per DIRP.** To protect anyone handling the evidence from the hazards of accidental exposure to biohazard materials, syringes should be packaged in appropriate rigid, plastic safety tubes.



ITEM – BIOHAZARD MATERIALS

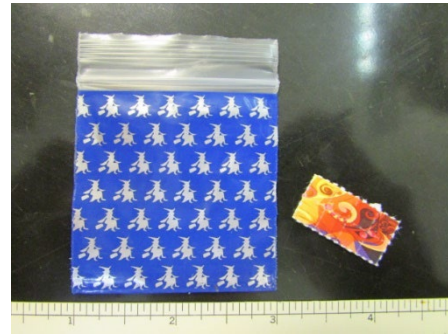
METHOD - Any potential hazards to the examiner should be addressed on the RFLE. This might include noting that an object was removed from a body cavity or that items were recovered from a toilet, etc. The evidence package should also be labeled with a “BIOHAZARD” sticker or label prominently affixed.



ITEM – SUSPECTED LSD

METHOD - Handle with caution (nitrile gloves) and wrap container with paper to block light.

DISCUSSION - LSD in liquid form can be absorbed through the skin. It is also light sensitive.



ITEM – SPECIAL HANDLING WARNINGS

METHOD - Evidence suspected of containing fentanyl, carfentanil or other powerful opioids, should be noted on the RFLE.

DISCUSSION - Fentanyl and other powerful opioids have been found in numerous submissions. Special precautions should be taken when handling powerful opioids to avoid accidental inhalation or ingestion. The normal pharmaceutical dosage is in the microgram range.

ITEM – CASES INVOLVING FOUND PROPERTY IN WHICH NO SUSPECT IS IDENTIFIED

METHOD - These cases should not be submitted and will not be accepted for drug analysis without a written request citing exigent circumstances.

ITEM – USED CHEMICAL FIELD TEST KITS

METHOD - Used field test kits should NEVER be submitted to the laboratory.

DISCUSSION - Most field test kits contain strong acids which can cause burns to the skin with contact. Also, if the acid were to leak out of the kit and come into contact with the submitted evidence, the evidence and its packaging could be destroyed. It is imperative to dispose of all field test kits properly (according to the manufacturers’ instructions supplied with the field test kit) after their use. A photograph of the test results at the time the test is performed is the best record.



SUBMISSION GUIDELINES

REQUEST FOR LABORATORY EXAMINATION

See the [General Submission of Evidence Section](#) for general information and pictures. The RFLE for drug analysis should include a brief statement of fact about the case including the specific criminal charge(s) relating to the items submitted (include both the Virginia Code section and charge description).

Briefly indicate, with respect to each item submitted, the reason the requested analysis is necessary in order to aid examiners in selecting samples for testing. For example, when multiple items and multiple suspects are involved, the RFLE should specify which suspect is charged with which item(s) so all items necessary for prosecution are tested. A [sample RFLE](#) for this scenario can be found on the DFS website.

Please complete the RFLE information for court date with the notation of "hearing" or "trial" and communicate on a regular basis pending trial dates for felony drug cases to ensure timely case completion.

If the evidence is suspected of containing fentanyl, carfentanil, or other powerful opioids, please indicate that on the RFLE.

Please do not indicate the weights of substances on the request form.

Finally, please indicate an approximate count of individual drug units (e.g., pills, bags) on the RFLE (e.g., approximately 97 tablets).

DISCUSSION

1. DFS utilizes an administrative sampling plan where the number of specimens analyzed within an item will be based on the type of criminal charge. For simple possession cases, one specimen will be analyzed. For distribution-related cases, a maximum of five specimens will be analyzed from the item.
2. DFS prioritizes cases with juvenile defendants and may consider pending trial dates for prioritization, when appropriate.
3. Weights listed on the RFLE may be a cause of confusion when a gross weight is indicated on the request, and a net weight is reported in the CoA.
4. Approximate counts are requested on the RFLE to eliminate the need to contact the investigating officer when a discrepancy arises.

Virginia Department of Forensic Science
Request for Laboratory Examination

Investigating Officer(s): Officer John C. Smith
Telephone #: (804) 555-1234
Email Address: jcsmith@metrocryd.gov
Agency and Address: Metro City Police Department
123 E. Main Street
Metro City, Virginia 22222
Agency Case Number: 20190731-XXXX

Names of Victims (Last, First, Middle):
Names of Suspects (Last, First, Middle): Brown, Michael, A.
Jones, Leonard, T.

Date/Type of Offense: 7/31/2019 Possession of Controlled Substance (§18.2-250)

Brief Statement of Fact (continue on separate page if necessary):
Item 1 was observed during a traffic stop. Search incident to arrest yielded item 2 from Michael Brown's person and item 4 from Leonard Jones' person.

Previous Submission? If yes, previous FS Lab #:
DOB: Race/Sex:
DOB: 11/17/1991 Race/Sex: BM
Court Date: Pending
Jurisdiction of Offense: Metro City, VA

Specify manner of return of evidence: Mail Personal Pick-up

Container	Evidence Submitted: Itemize and Describe Evidence and Designate Requested Examinations
Item 1:	Glass smoking device - Both suspects (Probable cause item) - Controlled Substances - Test for the presence of controlled substances.
Item 2:	Plastic baggie containing approximately 20 corner baggies of off-white chunky material - Suspect 1: Controlled Substances - Test for the presence of controlled substances.
Item 4:	Plastic baggie containing light brown powder - Suspect 2: Controlled Substances - Test for the presence of controlled substances.

This evidence is being submitted in connection with a criminal investigation and has not been examined by another laboratory. Tests performed utilize methods which are available on the Department website.

Submitted by (print): Officer William E. Property Date: 8/01/2019	Relinquished by (print): Date:
Received by (print): Date:	Received by (print): Date:

Request for Laboratory Examination
Issued by: Deputy Director
Issue Date: 14-August-2008
DFS Document 160-F100
Revision Number 9
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CASES FOR FEDERAL PROSECUTION

Drug Task Force cases designated for federal prosecution should be submitted to the Drug Enforcement Administration (DEA) laboratory unless pre-approved by the Controlled Substances Section at DFS.

DFS, in consultation with the DEA, has developed the following guidelines for handling drug task force cases:

- Evidence collected by drug task forces should not be submitted to the laboratory until federal and state prosecutors have decided who will prosecute the case
- Cases slated for state prosecution will be accepted by DFS from state or local agencies
- Cases slated for federal prosecution will be accepted by DEA from any federal investigative agency with a federal case number
- Cases that are submitted to DFS that will be adjudicated in federal court will be placed at a lower priority than any Virginia cases and scheduled federal court dates will not elevate this priority
- DFS protocols will be utilized for normal case examinations and may not provide results that can support federal charges or penalties
- DFS does not currently have a method to determine the purity of fentanyl
- Written requests from federal prosecutors will be required for additional analysis on previously completed cases, such requests will be considered by DFS management.

The analytical testing required to support federal prosecutions, which often includes time consuming quantitation and base determination, exceeds the testing performed to support most state prosecutions. Additionally, testimony in federal cases is frequently required. DFS is tasked by statute ([§ 9.1-1101](#)) with providing forensic laboratory services to Virginia law enforcement agencies. This statute allows DFS to provide such services to any federal investigatory agency within available resources.

SUBMISSION REMINDERS

When a case becomes inactive, either through refusal to charge, dismissal or plea agreement, it is the responsibility of the primary officer and/or the assigned Commonwealth's Attorney to notify DFS of that status. Analysis will cease, DFS will terminate the case and submissions will be returned to the submitting agency.

In order to demonstrate exclusive possession, consider requesting/performing DNA sampling or latent fingerprint examination and handle evidence accordingly to preserve the potential DNA or latent fingerprint evidence, if the substance is located in a common area.

Items which establish probable cause should be clearly marked and noted as such on the RFLE. Please submit only the item(s) of evidence that can be most directly linked to the suspect.

Items that need to be tested separately should be packaged separately. Please do not split an item of evidence containing multiple specimens into separate items in order to obtain more testing. When in

question, please contact the Section Supervisor in your assigned laboratory to discuss your particular needs.

USE DISCRETION: **Submit only necessary items in need of analysis.** Eliminate trash and ashes from ashtray submissions. Items that do not need to be tested should not be submitted (e.g., driver's license, cigarette rolling papers, or any items of evidence that do not require analysis at the current time).

Using discretion in the submission process will help streamline analysis of evidence and decrease overall turnaround times for results.

NOTE: Inconsistencies between the evidence submitted and the evidence described on the RFLE can cause delays in case analysis. Please ensure item descriptions are complete and accurate.