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Bureau of Criminal Apprehension

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Court Date Requirement Removed for Trace Amount, Paraphernalia, and Syringe Content Cases

The removal of this requirement will allow us to better prioritize controlled substance cases based on case circumstances and the needs of our customers.

Effective October 3, 2016, trace amount, paraphernalia, and syringe content cases will now be accepted without a court date. All of the following criteria will need to be met unless prior approval from laboratory management has been obtained:

- The evidence must have a visible amount of substance on/in it.
- No more than one item per suspect per case may be submitted.
- Syringes (with or without needles) will not be accepted for controlled substance analysis. The liquid contents of the syringe should be expressed into a clean vial for submission. Swabs of the interior of syringes will not be accepted.

Upon submission, you will be given an estimated completion date range. Trace amount, paraphernalia, and syringe content cases may be prioritized below other felony level controlled substance cases. Please be advised that these cases may not be completed in time for trial if court dates are within six months of submission.

The following evidence submission policies are still in effect for controlled substance analysis requests:

1. Controlled substance evidence must be submitted in a clear plastic bag, where the substance is visible through the packaging. Exceptions to the packaging requirement will be made for plant material, mushrooms and other evidence where the growth of mold is a concern.
2. Marked pharmaceutical tablets and/or capsules that meet all of the following criteria will be accepted:
 - i. The markings indicate a controlled substance.
 - ii. The case information includes a written statement from the prosecuting attorney indicating that the suspect has pled not guilty or rejected a plea agreement and a trial has been scheduled. The date of the trial must be included.
 - iii. Evidence must be received by the laboratory at least 10 business days prior to the trial date.
3. Marijuana cases will be accepted when the case information includes a written statement from the prosecuting attorney indicating that the suspect has pled not guilty or rejected a plea agreement and a trial has been scheduled. The date of the trial must be included. Evidence must be received by the laboratory at least 10 business days prior to the trial date.
4. Evidence that has had the potential to come in contact with body fluids must be clearly marked with a biohazard sticker on the outer package.
 - i. Syringes (with or without needles) will not be accepted for controlled substance analysis. The liquid contents of the syringe should be expressed into a clean vial for submission. Swabs of the interior of syringes will not be accepted.
 - ii. Suspected controlled substances that have been recovered from a body cavity must be removed from the original packaging prior to submission. The original packaging containing the biohazard material should not be submitted. However, the evidence must still be labeled as a biohazard.
5. Evidence suspected to contain a potential health threat like fentanyl (or a fentanyl analog) must be marked in a manner that alerts laboratory personnel.
6. Analysis will be performed only on the number of items necessary to reach the maximum charging level.
7. Evidence in clandestine laboratory cases will be analyzed only to the level of identifying the precursor or final product.

The criteria outlined in this policy will assist the BCA Forensic Science Services in meeting the needs of our criminal justice partners and will facilitate quality and timely analysis of all controlled substance cases submitted to the Laboratory.