



MYRTLE BEACH POLICE DEPARTMENT

ADMINISTRATIVE REGULATIONS AND OPERATING PROCEDURES

Subject: *Marijuana Testing Request Procedure*

Number: 237

Effective Date: *June 24, 2003*

Revised Date:

Rescinds:

Dated:

Approved By:
Warren S. Gall

PURPOSE

To establish the process by which Marijuana Evidence is tested.

DEFINITIONS

1. Marijuana Analysis Request Form - A specific form designed by the SLED Certified Marijuana Analyst (see attached). This form will be submitted when an officer is requesting that seized marijuana evidence is formally tested in a laboratory environment, and the results of that test are submitted for evidence in court.
2. SLED - State Law Enforcement Division
3. SLED Certified Marijuana Analyst - Any member of the Myrtle Beach Police Department who has received the proper training, and has been certified by the SLED Chemistry Section in the proper and approved methods of Chemical and Microscopic testing with regard to examining marijuana.
4. General Sessions Court Case - Any criminal or civil case being heard in the General Sessions Court or Court of Common Pleas for this Judicial Circuit, which includes Horry and Georgetown Counties.
5. City Court Bench Trial - Any criminal case that falls in the jurisdiction of the City of Myrtle Beach where the case is to be heard before a City Court Judge only.

6. City Court Jury Trial - Any criminal case that falls in the jurisdiction of the City of Myrtle Beach and the case is heard before a jury panel with the proceedings being overseen by a City Court Judge.

7. Family Court Case - Any criminal case having a defendant who is sixteen years old or younger. This defendant will be considered a juvenile, and the case will be adjudicated in the Family Court of this Judicial Circuit.

8. Field Test - A preliminary chemical test performed by an officer in "the field" (or daily work environment) which will give a strong indication as to whether or not a suspected material contains an illegal or controlled substance.

PROCEDURE

1. GENERAL SESSIONS COURT CASES

- A. It shall be required that **All** General Sessions marijuana court cases are tested by a SLED certified Marijuana Analyst. A General Sessions Case File will be completed and signed off by a supervisor. A "Request For Marijuana Analysis" form will be included in the case file paperwork. Once the case file is assigned to a Narcotics Officer or Investigative personnel, the "Request for Marijuana Analysis" form will then be submitted to the proper SLED Certified Marijuana Analyst requesting that the evidence is tested and a report is submitted to the requesting officer.

2. CITY COURT (MUNICIPAL COURT) CASES

A. Simple Possession of Marijuana Cases

- 1) Bench Trials - Due to the vast number of cases being made for the offense of Simple Possession of Marijuana, a SLED Certified Marijuana Analysis is not presently being conducted in these instances. However, the city court judges require that before the case is heard at a bench trial, the marijuana will be field-tested by the seizing officer or arresting officer. The results of the field test are to be presented as evidence during the bench trial.
- 2) Jury Trials: To have a case tested for a Jury Trial, the officer responsible for the arrest and/or seizure of the marijuana will complete a "Request For Marijuana Analysis" form and submit the form to the designated SLED Certified Marijuana Analyst. This request should be made at the time of the posting of the jury trial roster, or at the time that the case officer(s) is/are otherwise notified of the impending trial. This will give the analyst sufficient time to arrange for the testing of the marijuana, and the time to complete the written report prior to the trial date. An analysis will not be conducted without the submission of the proper form.

3. FAMILY COURT CASES (JUVENILES)

A. Simple Possession of Marijuana Cases

- 1) The guidelines established for City Court Bench Trials are the same guidelines to be followed here. After the arresting officer, or seizing officer conducts the field test, the results of the field test will be indicated on the Department of Juvenile Justice (DJJ) Form that the officer normally completes with related case paperwork.
- 2) Should the arresting officer receive a request from the Family Court Solicitor, or his/her designee, asking to have the seized evidence formally tested in a laboratory environment, the officer will then make immediate contact with a SLED Certified Marijuana Analyst to have the evidence tested and a report submitted.
- 3) In the event a juvenile is charged as an adult, or he/she is initially charged as a juvenile, but the Family Court Solicitor waives the case to General Sessions Court, the officer responsible for the initial arrest and/or seizure of the marijuana will immediately request a test be conducted by the SLED certified analyst by filling out the proper form and submitting it to that testing officer.



City of Myrtle Beach
Police Department

S O U T H C A R O L I N A

REQUEST FOR MARIJUANA TESTING

Defendants Name _____

Date of Arrest _____ Date of Request: _____

Charge / Offense (s) _____

Case File Number _____ U C R Number _____

Court: General Sessions [☐] Family Court (Juvenile) [☐] Municipal Court [☐]

Court Date _____

Requesting Officer (s) _____

Requesting Officer's **Supervisors Signature** _____