



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1110

September 6, 2023

TO: All DOC Prisons Staff

FROM: Don Holbrook, Assistant Secretary Men's Prison Division [Signature on file]
Jeannie Darneille, Assistant Secretary Women's Prison Division [Signature on file]

SUBJECT: Presumptive Drug Testing

Effectively immediately, the use of Presumptive Drug Testing as described in [DOC Policy 420.385](#) will **NOT** be the sole determining factor of guilt in WAC violations (infractions) for drug possession.

[DOC Policy 420.380](#), Drug/Alcohol Testing, currently permits incarcerated individuals to request confirmation testing from a contracted laboratory of urinalysis, breathalyzer, and oral swab tests. That practice has not traditionally been applied to presumptive drug tests under [DOC Policy 420.385](#). The Department has determined that incarcerated individuals should have an option to request a confirmation test in circumstances similar to confirmation testing for urinalysis, breathalyzer, and oral swab tests.

As a result of this change in policy, the Department will review drug possession infractions issued over the last two years to determine whether any infractions should be expunged along with restoration of any resulting loss of good conduct/ earned time. Infractions supported by other corroborating evidence should be sustained.

This policy change and review of past infractions applies only to infractions for which the sole evidence is the presumptive positive drug test. It does not apply to infractions that are supported by other corroborating evidence. Other evidence, in combination with presumptive drug testing, includes, but is not limited to phone records, confidential informants, witness statements, K9 response, urinalysis, laboratory confirmation testing, etc.

[DOC Policy 420.385](#), Presumptive Drug Testing, will be revised through the urgent revision process to include the above requirements as well as allow an incarcerated individual the opportunity to request laboratory confirmation, if possible, for presumptive positive tests prior to an infraction hearing for drug possession.

Incarcerated individuals impacted by this decision will be informed of any changes to their infraction(s) and associated good conduct/earned time and release date calculations through normal classification/records communication channels. Individuals will be prioritized by release date.

Thank you.

TF:cr

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cc: Cheryl Strange, Secretary
Sean Murphy, Deputy Secretary
Danielle Armbruster, Assistant Secretary, Reentry Division
Scott Edwards, Assistant Secretary, Budget/Strategy/Technology
Dianne Ashlock, Senior Director, Records/Hearings/Resentencing
Tomas Fithian, Senior Director, Correctional Operations
John Campbell, Senior Director, Comprehensive Case Management
Jeff Uttecht, Deputy Assistant Secretary
Eric Jackson, Deputy Assistant Secretary
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Deborah “Jo” Wofford, Deputy Assistant Secretary