

Bell et al v. Department of Corrections FAQ

Is Columbia Legal Services Suing the Department of Corrections (“DOC”)?

Yes. Columbia Legal Services (“CLS”) is suing the Department of Corrections. The name of the lawsuit is *Bell et al v. Department of Corrections*. It was filed on September 22, 2023.

What is the lawsuit about?

The lawsuit is about DOC’s use of “presumptive” drug tests on paper, mail, and belongings. DOC has used tests from companies like Detectachem, NARK, and MMC International.

To use the test, an officer takes a sample of paper, mail, or belongings, and then places the sample into a pouch that contains certain chemicals. Officers can also rub a swab on the sample and place the swab in the pouch. The chemicals can make the sample turn different colors to show a “possible” presence of drugs.

The lawsuit says that:

- The tests can’t be trusted about whether drugs are present;
- DOC refused to check whether the tests are right or not; and
- People in custody have been punished for having drugs when they didn’t have any.

What does the lawsuit want?

- All discipline imposed because of these tests to be undone (expunged); and
- All good conduct time taken away be given back.

The lawsuit asks for people harmed by a test to get money if they:

- Lost good conduct time;
- Were put in solitary confinement;
- Were transferred to another prison;
- Lost a prison job;
- Lost visitation; or
- Were punished in some other way.

The lawsuit says that DOC should change its testing policy. The lawsuit asks the judge to say that DOC violated the law.

The lawsuit asks that DOC reimburse CLS for its costs and attorney fees. CLS is a nonprofit.

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What is a class action?

A class action is a special type of lawsuit. Class actions can be filed when a group of people (a “class”) are all harmed in a similar way. Class actions let one or more people (“class representatives”) sue someone on behalf of the class. A class can be dozens of people or even thousands.

Class actions have special rules. It’s up to the judge to decide whether the case can be a class action.

Is this case a class action?

The court has not decided whether it can be a class action yet. We will be asking the judge to say it is.

Is this case only for people at Airway Heights Corrections Center?

No. The case is against DOC and its use of these tests in all DOC prisons.

Does the case also cover urinalysis or breathalyzer testing at DOC?

No.

How can I join the case?

There is no way to “join” the case right now. If the court decides that the case should be a class action, and you are a part of the class, you will get notice and more details in the mail.

You can contact us if you:

- Would like to talk about what happened to you because of a drug test;
- Have questions;
- Would like to be a witness.

Here’s how to contact us:

LEGAL MAIL to: Columbia Legal Services,
711 Capitol Way S., Ste. #706,
Olympia, WA 98501

E-MAIL: docdrugtests@columbialegal.org

PHONE: 360-499-6068 (collect and confidential attorney line for the case)

This line is mostly for appointments. We can only take one call at a time. If you are in custody and unable to reach us after trying this phone number, write to us via legal mail to ask for an appointment.

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How long will the case take?

We don't know. Sometimes class actions can take a long time.

I heard DOC changed some things. Is DOC erasing infractions on drug testing? Will my infraction be erased?

Before filing this lawsuit, CLS sent DOC a letter. The letter said CLS would sue if DOC didn't change its policies and talk to us about paying money to people who had been hurt by those policies. DOC refused to talk to CLS. DOC did say that people in custody can now request outside lab testing on an infraction, if possible.

DOC says it will review infractions involving these tests going back two years. DOC says it will expunge/erase infractions and give back good conduct or early release time on only one condition. The test had to be the *only thing* supporting the infraction. If there is any other information supporting the infraction like K9 detection or confidential informants, DOC says it will not erase the past infraction.

DOC has said it will review infractions based on release date. People who have their release dates earliest will be reviewed first.

We heard DOC sent kiosk messages about this. You should read through that message. [CLS can't give you information about or help you with your individual infraction review.](#)

I just got an infraction or a mail rejection because of these presumptive tests. What should I do?

If you got an infraction notice based on one of these tests and think it's wrong, you can now ask for outside lab testing. DOC may have a form to ask for outside lab testing. Ask for a form. If DOC doesn't give you a form, ask for outside testing before and during an infraction hearing. You can also file a Resolution Request (Grievance) or ask your DOC counselor for more information about how to request outside testing. Put your request for outside testing in writing. If the test is confirmed by a lab to be drugs, you may be required to pay for the lab testing. We don't know if DOC will allow outside lab testing for mail rejections. You may wish to still ask for it.

This is not individualized legal advice. Everyone's infraction or mail rejection situation may be different.

You can contact us to speak about your infraction. However, CLS can't represent people at their individual infraction hearings.

Review and follow any disciplinary hearing notices and appeal deadlines that you have. You are responsible for following your deadlines.