

SB 5710: Reducing contamination in the state toxicology laboratory.

WACDL and WDA Support This Bill

SB 5710 is an important step towards addressing the methamphetamine contamination at the Washington State Patrol Toxicology Laboratory (WSPTL). The contamination has risked the introduction of contaminated blood tests into criminal trials across Washington, Alaska, and Oregon, and it has severely reduced the reliability of WSPTL's work and the credibility of WSPTL employees who testify in court. Because the problems related to the contamination are immense, we ask that the legislature go beyond the current bill and create a task force to evaluate and suggest larger solutions.

In 2018, under pressure to expand so it could keep up with its increasing workload, WSPTL moved into a space previously occupied by the Washington State Patrol Crime Laboratory (WSPCL). In their haste to expand capacity to address a crushing backlog, WSPTL employees moved into the space without proper testing for contamination. Unbeknownst to anyone at WSPTL, WSPCL had used the space to manufacture methamphetamine for training purposes. As WSPTL tested blood samples in the new space, it exposed vials of blood, its testing equipment and its own employees to methamphetamine contamination.

The contamination and the WSPTL's response have both exposed old problems at WSPTL and created new ones:

Delayed Notification: WSPTL first discovered methamphetamine contaminated blood test results in 2019. However, it did not reveal the contamination until an employee of WSPTL casually mentioned it to a prosecutor during a phone call fourteen months later.

Convictions Based on Compromised Evidence: Without research and coordination, it is impossible to know who has been convicted of methamphetamine DUI based on tainted evidence, making it unfeasible to notify people their convictions are subject to challenge.

Burden on Washington's Criminal Legal System: Prosecutors and defense lawyers have spent uncountable hours litigating the methamphetamine contamination in courts that are already backed up due to COVID-19.

WSPTL Monopoly on Blood Testing: WSPTL performs all blood tests in Washington criminal cases, as well as some in Alaska and Oregon cases. As a result, WSPTL is backlogged and overburdened, and blood test results often go unchecked because testing happens at only one lab.

Inadequate Investigation and Attempts at Decontamination: WSPTL failed to ask for help of any kind after discovering the contamination. WSPTL employees did not attempt decontamination until six months later. Even then, WSPTL focused narrowly on a portion of its space, remaining blind to contamination in its main lab. Cleaning efforts so far have failed to meet even WSPTL's original goals.

Because study and legislation are necessary to address the massive impacts of the methamphetamine contamination at WSPTL, we request the legislature convene a task force to start the process.

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WDA is a non-profit organization created in 1983 to promote, assist, and encourage public defense systems which ensure that all accused persons in every court receive effective assistance of counsel

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