

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

FILED
COURT OF APPEALS
DIVISION II
6 AUG 31 PM 1:16
STATE OF WASHINGTON
Deputy

In the Matter of the Personal Restraint
Petition of

No. 48791-8-II

JOHN WARREN RENFRO,

ORDER DISMISSING PETITION

Petitioner.

John Renfro seeks relief from the sanctions imposed¹ following the Department of Corrections' determinations that he had violated WAC 137-25-030(603) (introducing or transferring any unauthorized drug or drug paraphernalia) and WAC 137-25-030(752) (receiving a positive test for an unauthorized drug) by receiving a positive urinalysis test for methamphetamine. After Renfro was seen ingesting an unknown item from a visitor's cup, he was placed under dry cell watch. During that watch, he behaved erratically. A suspicion urinalysis was conducted, which tested positive for methamphetamine.

We review prison disciplinary proceedings to determine whether the Department's action was so arbitrary and capricious as to deny the petitioner a fundamentally fair proceeding. *In re Reismiller*, 101 Wn.2d 291, 294, 678 P.2d 323 (1984). In doing so, we look to whether petitioner received the due process protections afforded him under *Wolf v. McDonnell*, 418 U.S. 539, 563-65, 41 L. Ed. 2d 935, 94 S. Ct. 2963 (1974). These protections include: (1) advance written notice of the charged violations, (2) the

¹ Thirty days of segregation, 45 days loss of good conduct time, 30 days of confinement to quarters, and 90 days loss of visitation.

Served State
16/11
8-31-16
da

opportunity to present documentary evidence and call witnesses when not unduly hazardous to institutional safety and correctional goals, and (3) a written statement of the evidence relied on and the reasons for the disciplinary action.

Renfro received all of these protections. He argues that the use of the urinalysis results violated his constitutional right to privacy in his medical records. But he does not show that his urinalysis was conducted for medical reasons. Renfro's behavior gave the Department sufficient cause to conduct the urinalysis.

When there is "some evidence" in the record, we will affirm the Department's disciplinary decision. *Superintendent v. Hill*, 472 U.S. 445, 86 L. Ed. 2d 356, 105 S. Ct. 2768 (1985); *In re Johnston*, 109 Wn.2d 493, 497, 745 P.2d 864 (1987). The record contains "some evidence" in the form of the dry suit watch report, the laboratory report and the video of Renfro's visit. While Renfro disputes the chain of custody of the urinalysis, that goes to the weight it is to be afforded, not to its admissibility. This court does not reweigh the evidence or make credibility determinations. And while Renfro contends that the Department violated its policy on urinalysis testing, he misconstrues the policy.

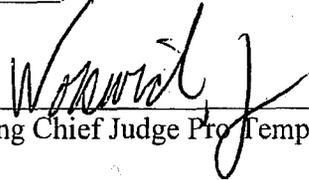
Finally, Renfro argues that his infraction was retaliation for his filing of a "Prison Rape Elimination Act" complaint against prison staff. But he presents no evidence of such retaliation, and such claims are properly brought in a 42 U.S.C. § 1983 (1996) action.

We affirm the Department's disciplinary decision. Accordingly, it is hereby

48791-8-II/3

ORDERED that Renfro's petition is dismissed under RAP 16.11(b).

DATED this 31st day of August, 2016.



Acting Chief Judge Pro Tempore

cc: John W. Renfro
Candie M. Dibble
Department of Corrections