



# Blake Briefing to the Washington Association of County Officials

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# State v. Blake (197 Wash.2d 170)



- RCW 69.50.4013 (1) – drug possession statute is unconstitutional.
  - Violated due process clause
  - Law criminalized “unknowing” drug possession
  - Some version of statute in effect since 1971
  - Estimate is 260,000 (low end) cases require vacating and LFO’s need to be refunded

# ESSB 5187



- Section 114, (10): \$51,428,000
  - Courts must certify and send to AOC the amount of any refund ordered by the court. The court order must either contain the amount of the refund **or** provide language for the clerk or court admin to certify the amount.
  - Refund bureau to refund LFOs, collection costs, and document-verified costs paid to third parties previously paid by defendants whose convictions have been vacated by court order due to *Blake*.

# ESSB 5187

- Section 114, (12) \$38,000,000
  - Counties to vacate prior convictions for simple drug possession.
- Section 114, (13) \$11,500,000
  - Cities to vacate simple drug possession, to include cannabis and possession of paraphernalia.

Judicial, clerk, defense, and prosecution expenses are eligible for reimbursement to both counties and cities.

# Current Blake Reimbursement Process



**\*Until June 30, 2023**

- AOC issued Interagency Reimbursement Agreements with **39** counties and approximately **167** municipalities.
- Agreements provide for reimbursements for costs associated with the processing to **Vacate** convictions and **LFO** reimbursements.
  - Extraordinary costs to process vacates
    - Clerks, Prosecutors, Judicial, Defense related costs
- Each jurisdiction submits an A-19 and supporting documentation as “backup” to illustrate the costs associated with Blake work.
  - AOC processes and issues refunds for related costs.

# New Blake Reimbursement Process



**\* Starting July 1, 2023**

- Reimbursement agreements for FY 2024 to be issued this month.
  - Agreements will provide for reimbursement to courts for costs associated with vacating Blake related criminal convictions.

## **What's Different?**

- No LFO reimbursements to local governments (replaced by centralized process at AOC)

# Blake Reimbursement Bureau



- Effective July 1, 2023
- Three Portals:
  - **Clerk / Court Admin:** upload CSV files, automated
  - **AOC:** process, document payments to individuals
  - **Public:** searchable database built on information provided by courts re: vacates already processed with LFO refund due to individual.

# Blake Team



- **Scheduling Referee:**
- Help prioritize the resentencing of incarcerated individuals. Three groups of people who require resentencing:
  - 1) Possession **only** charge in active sentence;
  - 2) Possession + additional charges in active sentence;
  - 3) Possession in criminal history.
- Assist in coordinating possession vacations across counties for individuals who need resentencing;
- Monitor caseload and coordinate with Courts, DOC, defense attorneys, clerks & WAPA.



# Blake Team - Continued



- Implementation Manager
- Courts Coordinator
- Financial analyst(s)
- Communications
- Contracts specialist

# Blake Reimbursements to date:



- **Superior Courts:**
  - Costs associated with resentencing: \$ **5,653,342.87**
  - Costs to reimburse LFO payments: \$ **7,713,926.49**
  
- **Municipal Courts:**
  - Costs associated with resentencing: \$ **33,401.75**
  - Costs associated with LFO payments: \$ **14,740.29**

# Questions?



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