

Washington State Judicial Branch

2023-25 Biennial Budget

Continue Blake Implementation

Agency: Administrative Office of the Courts

Decision Package Code/Title: S1 – Continue Blake Implementation

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests 10 FTEs and \$3.3 million in ongoing General Fund-State funding to continue the implementation efforts surrounding the State v. Blake Supreme Court decision of February 2021.

The enacted 2022 Supplemental Budget provided \$2.3 million in funding to accomplish two major tasks: 1) In collaboration with local court staff, prepare comprehensive lists of all cases impacted by the State v. Blake decision going back to 1971; and 2) Establish a centralized process for refunding legal financial obligations. Unfortunately, this funding was only provided for one year while the work required is a multi-year project. AOC is requesting ongoing funding to complete the work in an efficient and effective manner. (General Fund-State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	10.00	10.00	10.00	10.00	10.00	10.00
Operating Expenditures						
Fund 001-1	\$1,627,200	\$1,627,200	\$3,254,400	\$1,627,200	\$1,627,200	\$3,254,400
Total Expenditures						
	\$1,627,200	\$1,627,200	\$3,254,400	\$1,627,200	\$1,627,200	\$3,254,400

Package Description:

In February 2021, the Washington Supreme Court ruled in the case State of Washington v. Blake that the felony drug possession statute was unconstitutional because an individual could have been convicted regardless of criminal intent. In Ms. Blake's case, she was charged with felony drug possession even though she alleged she was not aware the drugs were in her possession. The ruling was retroactive and has required vacating of criminal convictions and reimbursement of legal financial obligations (LFO) going back to the statute's original date of passage in 1971.

Between the date of the Supreme Court's ruling and July 1, 2022, the work of vacating, resentencing, and refunding has been a bit disjointed as each court and county has been using their own processes. In the 2021-23 enacted biennial budget, the legislature appropriated \$68M to AOC to reimburse counties for expenses related to vacating, resentencing, and refunding legal financial obligations. The work of refunding legal financial obligations has put a substantial workload on county clerks, and in the 2022 enacted supplemental budget, the legislature directed AOC to develop a centralized refund process and to develop comprehensive lists of cases impacted by the Supreme Court's ruling.

In order to accomplish this work, the legislature provided \$2.3 million and 10.0 FTEs to AOC, but unfortunately, the funding was only for one year. Based on consultations with a broad cross-section of the judicial branch and its

partners, there is a general consensus that this project will take several years to complete.

The AOC requests ongoing funding to continue the 10 positions that we consider “necessary to implement Blake”. These positions serve specific functions and are vital to the success of our implementation strategy.

Development of Comprehensive Case Lists

2.0 FTEs are being used to coordinate the comprehensive lists – 1.0 FTE assigned to assist superior courts and 1.0 FTE assigned to assist district and municipal courts.

2.0 FTEs are dedicated solely to dealing with data quality issues in the systems and associated data sets. For 30 years, court staff have been entering data into various systems in various ways with a varying degree of accuracy. This has led to substantial data issues in case information and these individuals will be dedicated solely to Blake data sets.

Blake Refund Bureau

1.0 FTE is dedicated solely to making Blake-related payments, reimbursing both local governments and individuals. This employee is currently working with a team of people to develop the refund bureau and will be its primary operating FTE.

1.0 FTE is dedicated to getting the word out to people about the opportunity to vacate old charges and obtain reimbursements.

General Administration

1.0 FTE is dedicated solely to making our efforts a success. They are responsible for ensuring that the refund bureau is established and operates successfully and that the lists that are generated are accurate and timely.

1.0 FTE is dedicated solely to the execution and monitoring of the 100+ Blake-related contracts with local governments. Even after the LFO refund component is centralized at AOC, these contracts will remain in place to reimburse local governments and courts for the work necessary to vacate and resentence individuals that are impacted by the Blake ruling.

1.0 FTE is dedicated to coordinating the scheduling of hearings in cases where multiple jurisdiction have overlapping charges that need to be vacated.

1.0 FTE is dedicated to administrative support.

The effort to make implementation a success is currently underway, and without a continuation of this funding, we risk the entire effort grinding to a halt on July 1, 2023.

Fully describe and quantify expected impacts on state residents and specific populations served:

General estimates are there could be as many as 260,000 felony level cases that are impacted, representing tens of thousands of Washingtonians. The impact of this effort is to make whole – or as whole as feasible under the law – all of the individuals covered by their cases. In certain instances where individuals are recently deceased, their families may be able to bring a motion to vacate and seek reimbursement on behalf of the estate. This effort is correcting a 50-year long travesty of justice, committed largely against the BIPOC community in our state, and the vacating and refunding exercises are just as much about social justice as they are about actual justice.

Explain what alternatives were explored by the agency and why they were rejected as solutions:

This alternative was chosen because it is the most consistent and affordable alternative. If work were to stop due to funding while alternative fund sources were sought, we would lose knowledgeable staff and face retraining a whole team in order to regain the momentum the agency had behind the effort.

What are the consequences of not funding this request?

If this request is not funded, all activity around building comprehensive lists of cases as well as the operations of the refund bureau would cease. These staff are critical to the efficient and effective operation of our implementation efforts and when the agency made the original request, it requested precisely what it needed to be successful. Ongoing funding of the existing team is vital to keep the project going.

Is this an expansion or alteration of a current program or service?

No

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Beginning July 1, 2023 and ongoing, AOC requires salary, benefits, and associated standard costs for 10.0 FTE for developing comprehensive case lists, operating the Blake Refund Bureau, and supporting general administration of the new program.

Expenditures by Object	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A Salaries and Wages	941,300	941,300	941,300	941,300	941,300	941,300
B Employee Benefits	300,000	300,000	300,000	300,000	300,000	300,000
E Goods and Services	38,000	38,000	38,000	38,000	38,000	38,000
G Travel	25,000	25,000	25,000	25,000	25,000	25,000
J Capital Outlays	16,000	16,000	16,000	16,000	16,000	16,000
T Intra-Agency Reimbursements	306,900	306,900	306,900	306,900	306,900	306,900
Total Objects	1,627,200	1,627,200	1,627,200	1,627,200	1,627,200	1,627,200

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
MANAGER	135,900	1.00	1.00	1.00	1.00	1.00	1.00
SENIOR FINANCIAL SERVICES ANALYST	81,000	1.00	1.00	1.00	1.00	1.00	1.00
SYSTEM INTEGRATOR	101,100	1.00	1.00	1.00	1.00	1.00	1.00
BUSINESS ANALYST	101,100	1.00	1.00	1.00	1.00	1.00	1.00
COMMUNICATIONS OFFICER	71,500	1.00	1.00	1.00	1.00	1.00	1.00
CONTRACTS SPECIALIST	91,500	1.00	1.00	1.00	1.00	1.00	1.00
SENIOR COURT PROGRAM ANALYST	101,100	3.00	3.00	3.00	3.00	3.00	3.00
ADMINISTRATIVE SECRETARY	55,900	1.00	1.00	1.00	1.00	1.00	1.00
Total FTEs		10.00	10.00	10.00	10.00	10.00	10.00

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 31.89% of salaries.

Goods and Services are the agency average of \$3,800 per direct program FTE.

Travel is the agency average of \$2,500 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE. Ongoing Equipment is the agency average of \$1,600 per direct program FTE.

Agency Indirect is calculated at a rate of 24.73% of direct program salaries and benefits.

How does the package relate to the Judicial Branch principal policy objectives?

This package directly relates to the Fair and Effective Administration of Justice and the Sufficient Staffing and Support policy objectives. In this instance, the AOC needs sufficient staffing and support in order to fairly and effectively administer a judicial program.

Are there impacts to other governmental entities?

Other impacted entities include county clerks, who are anticipated to support this request.

Stakeholder response:

There are myriad non-profits and other groups representing Blake-affected individuals, and many of them have been active participants in our efforts to-date. We anticipate that groups such as the Civil Survival Project, the Way to Justice, the Freedom Project, the Northwest Justice Project, not to mention the numerous public defenders across the state are in full support of this request.

Are there legal or administrative mandates that require this package to be funded?

No

Does current law need to be changed to successfully implement this package?

No

Are there impacts to state facilities?

No

Are there other supporting materials that strengthen the case for this request?

None

Are there information technology impacts?

None

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