

# Washington State Judicial Branch 2025-27 Biennial Budget Continue Funding Blake Implementation

**Agency:** Administrative Office of the Courts

**Decision Package Code/Title:** BA – Continue Blake Implementation

## Agency Recommendation Summary Text:

The Administrative Office of the Courts requests 9.0 FTEs and \$3.478 million ongoing to continue the implementation efforts surrounding the State v. Blake Supreme Court decision, including the continued operations of the Blake Refund Bureau. (General Fund-State)

## Fiscal Summary:

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
<b>Staffing</b>						
FTEs	9.00	9.00	<b>9.00</b>	9.00	9.00	<b>9.00</b>
<b>Operating Expenditures</b>						
Fund 001-1	\$1,739,000	\$1,739,000	<b>\$3,478,000</b>	\$1,739,000	\$1,739,000	<b>\$3,478,000</b>
<b>Total Expenditures</b>						
	<b>\$1,739,000</b>	<b>\$1,739,000</b>	<b>\$3,478,000</b>	<b>\$1,739,000</b>	<b>\$1,739,000</b>	<b>\$3,478,000</b>

## 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 was disjointed as each court and county had their own processes. The Legislature acted to support and streamline the process by:

- Appropriating money to the Administrative Office of the Courts (AOC) to reimburse counties for expenses related to vacating, resentencing, and refunding LFOs and third-party costs.
- Directing the AOC to develop a centralized refund process and to develop comprehensive case lists impacted by the Supreme Court’s ruling.

AOC established and operates the Blake Refund Bureau to accomplish this work. Unfortunately, the funding has only been appropriated year-to-year. Based on consultation 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 9.0 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*

1.0 FTEs are being used to maintain and troubleshoot any refund system portal issues.

1.0 FTE is 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. This individual 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.

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

2.0 FTEs are essential in verifying the audit trail and processing the payments to the Blake impacted individuals after they have applied for their refund.

*General Administration*

1.0 FTE is dedicated solely to making our efforts a success. They are responsible for ensuring that the refund bureau 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. These contracts reimburse local governments and courts for the work necessary to vacate and resentence Blake impacted individuals.

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

The effort to continue processing payments and assisting Blake impacted individuals is ongoing. Without continuation of this funding, we risk the effort grinding to a halt on July 1, 2025.

**Fully describe and quantify expected impacts on state residents.**

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.

As of September 2024, the Blake Refund Bureau has just over 57,500 open cases and has processed just over 3,200 applications.

**Explain what alternatives were explored by the agency and why this was the best option chosen.**

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.

It may also result in the delay of Blake impacted individuals remaining in custody longer than required because of the need for resentencing based on the reduction of criminal history.

**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, 2025 and ongoing, AOC requires salary, benefits, and associated standard costs for 9.0 FTE for developing comprehensive case lists, operating and advertising the Blake Refund Bureau, and supporting general administration of the ongoing program.

**Non-Standard Costs**

\$80,000 per year is included for ongoing outreach expenses to educate and inform Blake impacted individuals about the Supreme Court ruling and vacate, resentencing, and refund processes.

<b>Expenditures by Object</b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
A Salaries and Wages	958,000	958,000	958,000	958,000	958,000	958,000
B Employee Benefits	298,000	298,000	298,000	298,000	298,000	298,000
E Goods and Services	134,000	134,000	134,000	134,000	134,000	134,000
G Travel	18,000	18,000	18,000	18,000	18,000	18,000
J Capital Outlays	18,000	18,000	18,000	18,000	18,000	18,000
T Intra-Agency Reimbursements	313,000	313,000	313,000	313,000	313,000	313,000
<b>Total Objects</b>	<b>1,739,000</b>	<b>1,739,000</b>	<b>1,739,000</b>	<b>1,739,000</b>	<b>1,739,000</b>	<b>1,739,000</b>

**Staffing**

<b>Job Class</b>	<b>Salary</b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>	<b><u>FY 2030</u></b>	<b><u>FY 2031</u></b>
MANAGER	146,000	1.0	1.0	1.0	1.0	1.0	1.0
SENIOR FINANCIAL SERVICES ANALYST	87,000	2.0	2.0	2.0	2.0	2.0	2.0
SENIOR COURT PROGRAM ANALYST	108,000	3.0	3.0	3.0	3.0	3.0	3.0
BUSINESS ANALYST	108,000	1.0	1.0	1.0	1.0	1.0	1.0
SOFTWARE DEVELOPER	108,000	1.0	1.0	1.0	1.0	1.0	1.0
CONTRACTS SPECIALIST	98,000	1.0	1.0	1.0	1.0	1.0	1.0
<b>Total FTEs</b>		<b>9.0</b>	<b>9.0</b>	<b>9.0</b>	<b>9.0</b>	<b>9.0</b>	<b>9.0</b>

**Explanation of standard costs by object:**

A - Salary estimates are current biennium actual rates at Step L.

B - Benefits are the agency average of 31.10% of salaries.

E - Goods and Services are the agency average of \$5,800 per direct program FTE.

G - Travel is the agency average of \$2,000 per direct program FTE.

J – Ongoing Equipment is the agency average of \$1,900 per direct program FTE.

J – One-time IT Equipment is \$5,900 for the first fiscal year per direct program FTE.

Agency Indirect is calculated at a rate of 24.98% of direct program salaries and benefits.

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

**Fair and Effective Administration of Justice**

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.

**Accessibility**

The refund bureau is working toward making our application available in additional languages. Processing time for paper applications is currently the same as on-line applications. This is a huge relief to Blake impacted individuals that are incarcerated, unhoused, or lack the ability to apply on-line.

**Access to Necessary Representation**

The Blake team has worked in a strong partnership with the Washington State Office of Public Defense to ensure appropriate representation among all affected communities. This partnership has required constant communication and collaboration to ensure appropriate case processing.

**Commitment to Effective Court Management**

The Blake team constantly communicates with court staff to process refunds to Blake impacted individuals. This collaboration is essential to processing refunds. Court records housed in each county document eligible refunds. Having a contact in each court allows for expedient refund process to Blake impacted individuals.

**Sufficient Staffing and Support**

9.0 FTEs will be sufficient for continuing the work of the Blake Refund Bureau.

**How does the package impact equity in the state?**

**Address any target populations or communities that will benefit from this proposal.**

The Blake decision has affected individuals spanning generations (the retired to young people) and representing a wide range of socioeconomic standing. Daily, the Blake project staff hear from people that are appreciative of any amount of money they receive. In some cases, that amount is life-changing. Refunds have allowed people to secure housing, buy a car, get a job, seek medical attention, and care for loved ones or pets.

It has been noticed that the BIPOC populations within the incarcerated have been greatly impacted, especially within the more urban areas.

Incarcerated individuals have their case reviewed by the Blake Refund Bureau staff which may change their criminal history and reduce their sentence.

**Describe the how the agency conducted community outreach and engagement.**

Outreach has included both the community serving affected populations (i.e., treatment agencies, social service agencies, and transportation entities) and the courts with materials for the public they serve.

The Blake team has created written materials and online resources such as a website, FAQ email, Blake Hotline, a SECURUS line for incarcerated individuals to call free of charge, and on-line videos.

**Describe the disproportional impacts of this proposal.**

The Blake team works diligently to treat each individual equitably.

**Are there impacts to other governmental entities?**

Other impacted entities include judges, prosecutors, defense attorneys, county clerks and court administrators processing the thousands of cases across the state.

**Stakeholder response:**

There are myriad non-profits and other groups representing Blake impacted 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?**

The 2023-25 biennial budget (Chapter 457, Laws of 2023, Section 114 (10-13) outline the expectations and requirements for the Blake Refund Bureau and the reimbursement of LFOs, third party cost reimbursement and extraordinary costs related to resentencing.

**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

**Agency Contacts:**

Christopher Stanley, 360-357-2406, [christopher.stanley@courts.wa.gov](mailto:christopher.stanley@courts.wa.gov)

Angie Wirkkala, 360-704-5528, [angie.wirkkala@courts.wa.gov](mailto:angie.wirkkala@courts.wa.gov)