

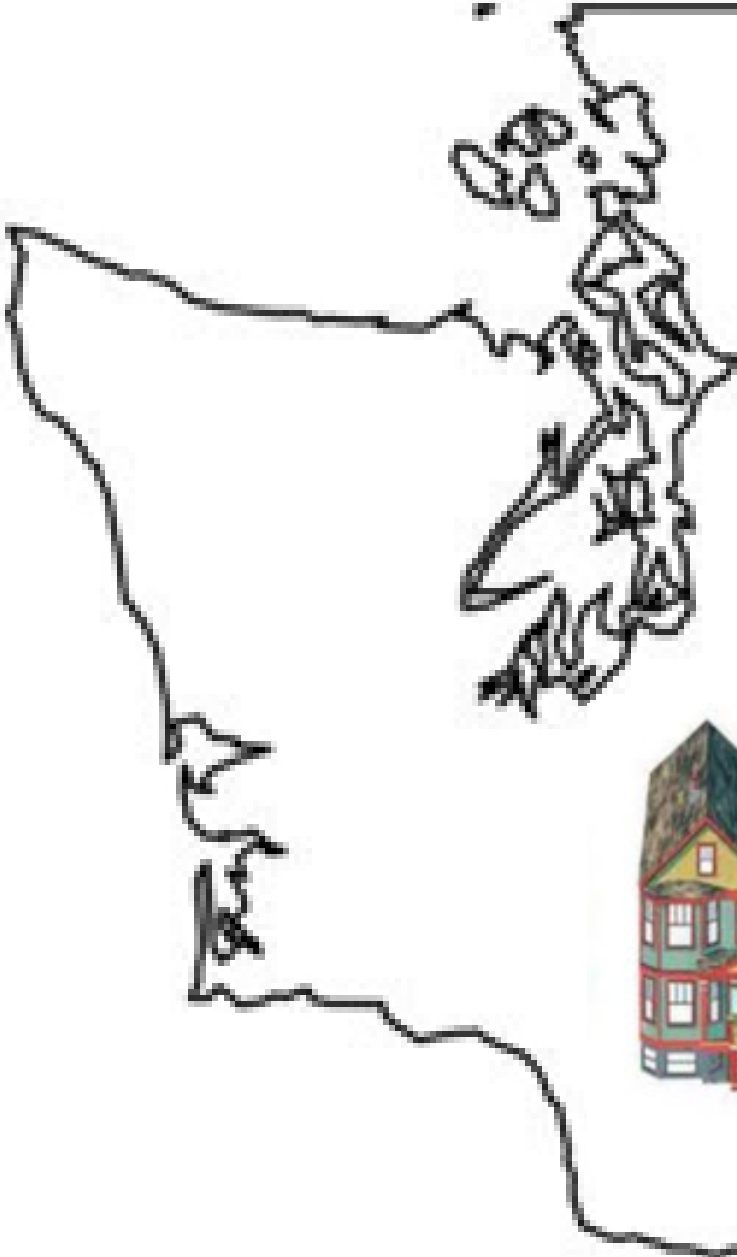


Washington State
**Office of
Public
Defense**

***State v. Blake* Update**
Interbranch Advisory Committee
September 26, 2022

Grace O'Connor, Managing Attorney – Blake Defense Program, WA State Office of Public Defense

Public defense in WA is a patchwork that generally falls into 4 broad structure categories.

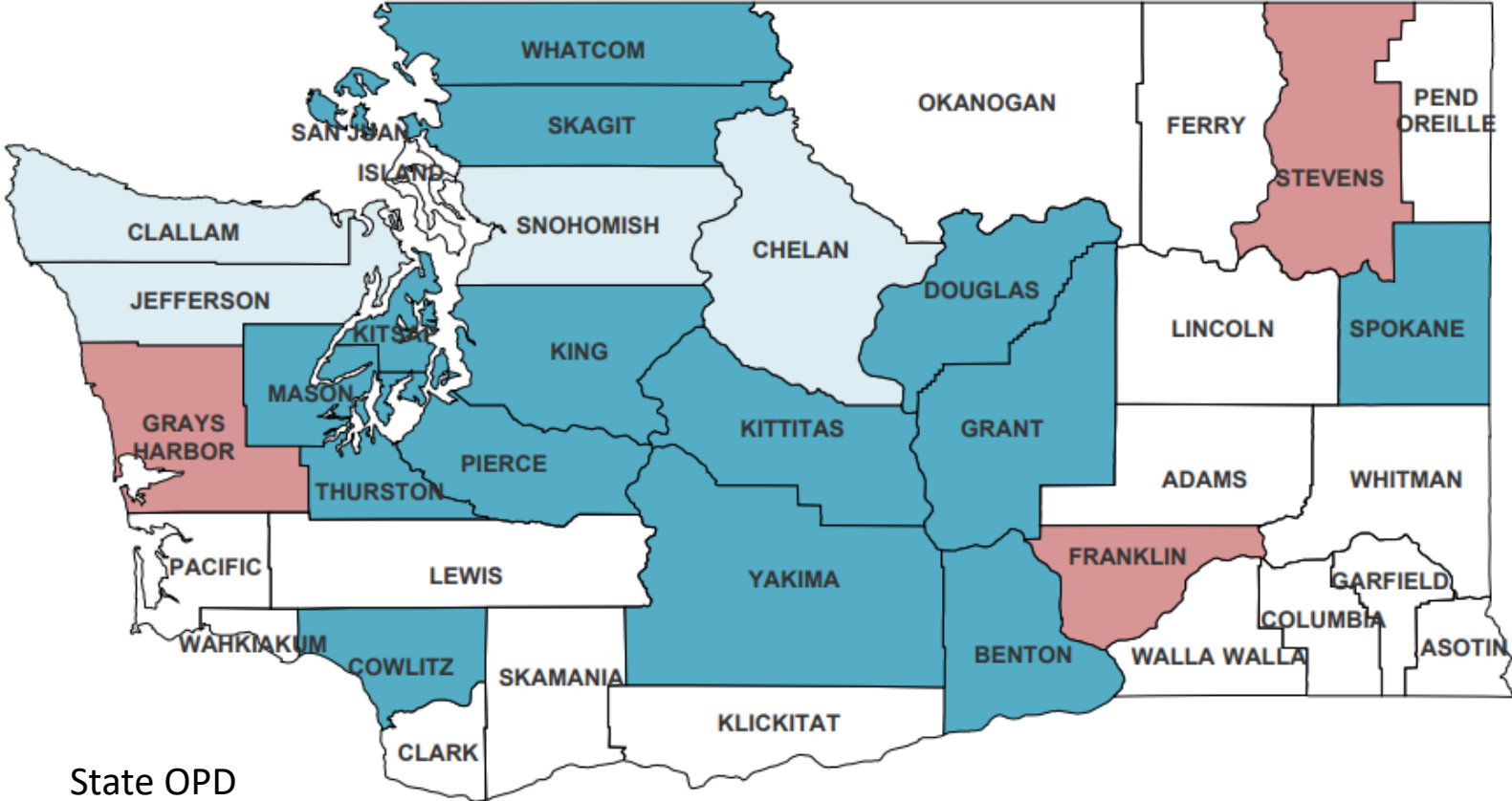


County Public Defense Agencies: 15

Non-Profit Public Defense Agencies: 4

Public Defense Contract Managers (Defense Attorneys Manage Services): 3

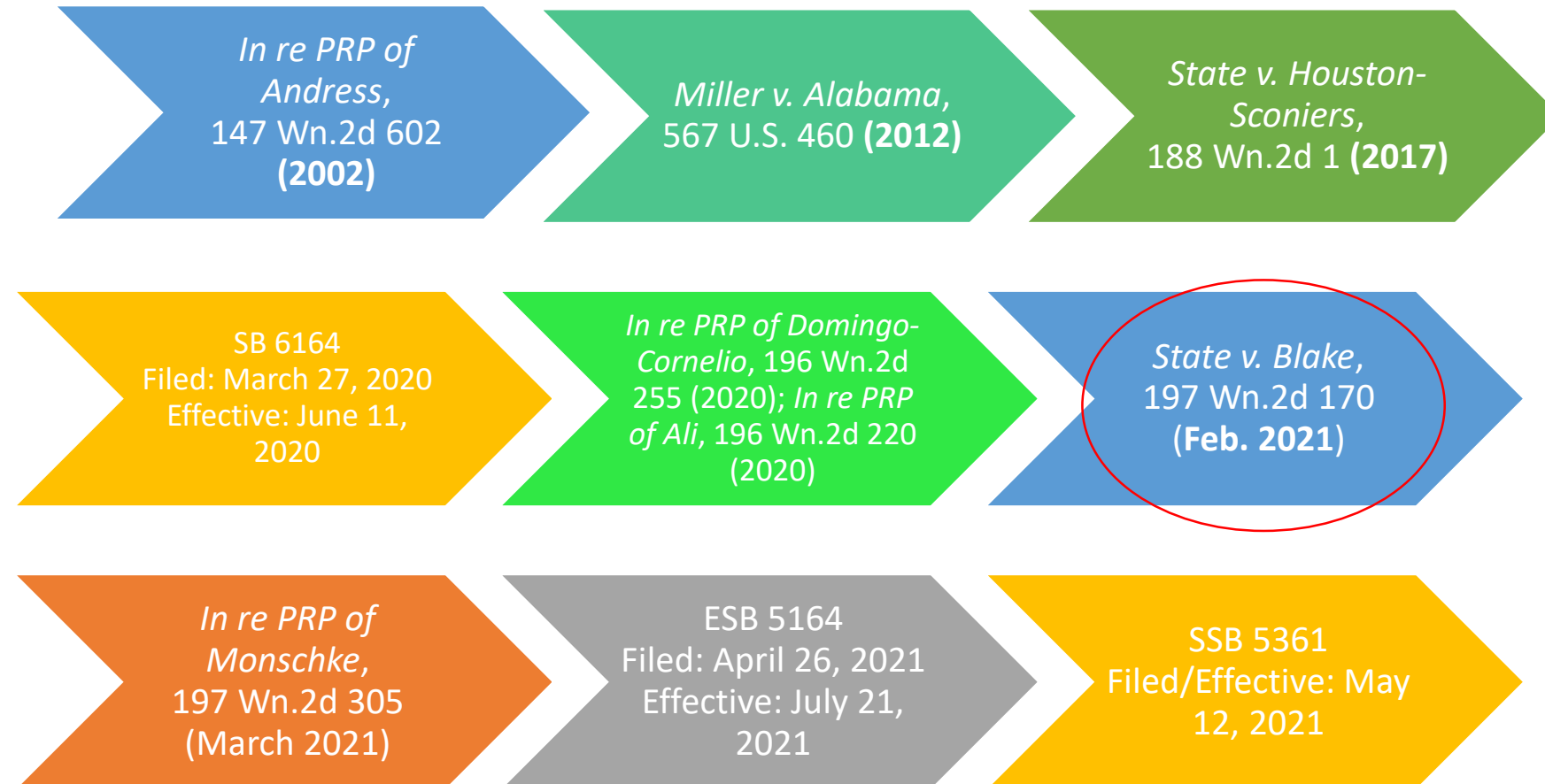
Contract Public Defense (Other County Employees Oversee Services): 17



- State OPD
- provides pass-through funding to counties and cities for public defense improvement;
 - administers defense attorney contracts for criminal appeals, representation for parents in dependency/terminations, and RCW 71.09 proceedings; and
 - is home to the Disproportionality Advocacy, Blake, and Youth Access to Counsel programs.

Not counting Blake funds, State OPD provides a small fraction of county public-defense funding.

Recent case law and legislative acts have created new avenues for resentencing.





262,767

conviction records related to RCW 69.50.4013(1) and precursor statutes

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5092

Chapter 334, Laws of 2021
(partial veto)

67th Legislature
2021 Regular Session

OPERATING BUDGET

EFFECTIVE DATE: May 18, 2021

25 (5) \$5,500,000 of the general fund—state appropriation for fiscal
26 year 2022 and \$5,500,000 of the general fund—state appropriation for
27 fiscal year 2023 are provided solely to assist counties with public
28 defense costs related to vacating the sentences of defendants whose
29 convictions or sentences are affected by the *State v. Blake* decision.
30 Of the amounts provided in this subsection:

31 (a) \$400,000 of the general fund—state appropriation for fiscal
32 year 2022 and \$400,000 of the general fund—state appropriation for
33 fiscal year 2023 are provided solely for the office of public defense
34 to provide statewide attorney training, technical assistance, data
35 analysis and reporting, and quality oversight and for administering
36 financial assistance for public defense costs related to *State v.*
37 *Blake* impacts; and



38 (b) \$5,100,000 of the general fund—state appropriation for fiscal
39 year 2022 and \$5,100,000 of the general fund—state appropriation for

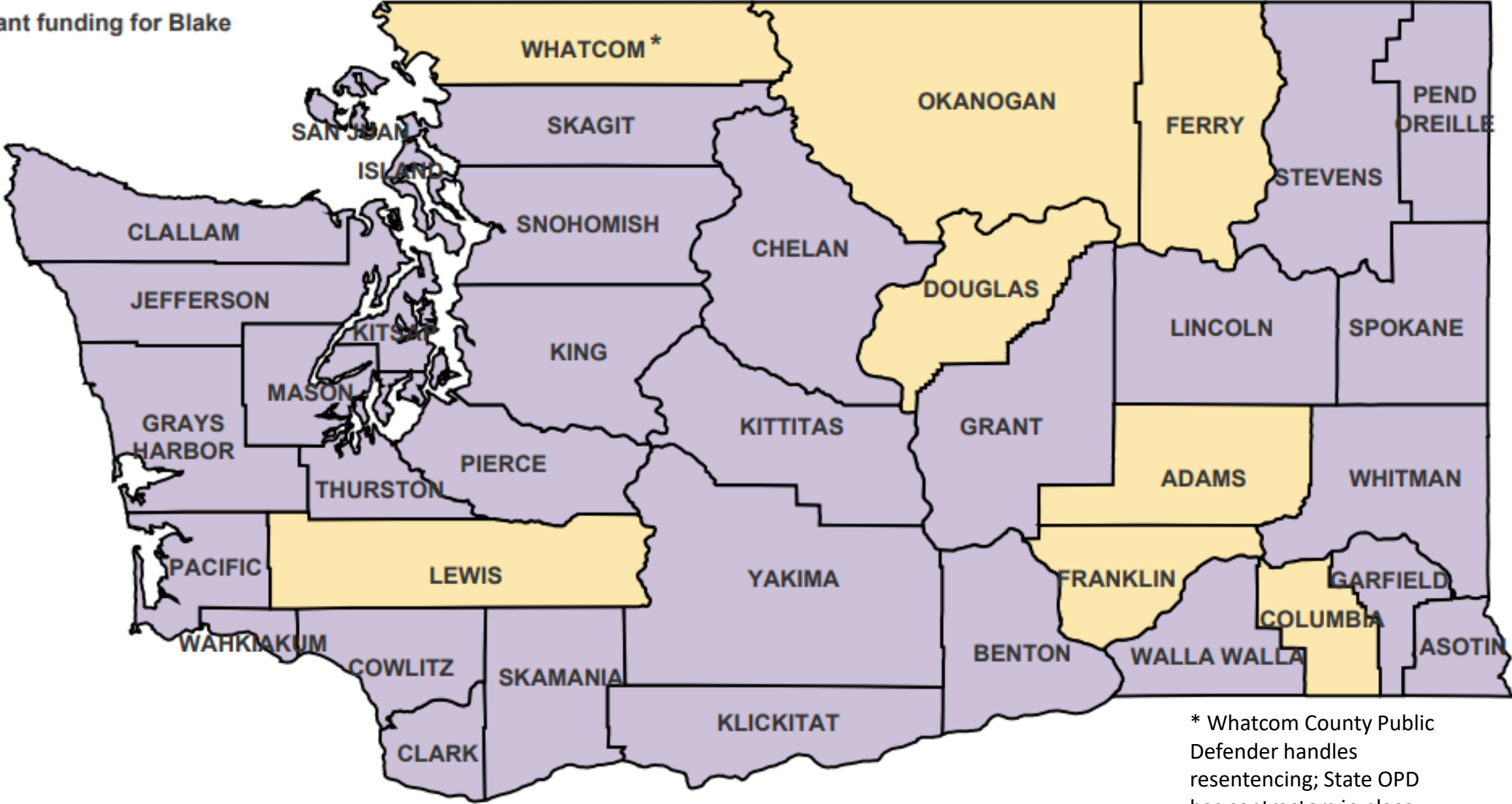
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ESSB 5092.SL

1 fiscal year 2023 are provided solely for grants allocated for public
2 defense assistance. The allocation of grant funding shall be
3 determined based upon a formula as established by the office of
4 public defense, and must be provided: (i) To assist counties
5 providing counsel for clients seeking to vacate a sentence or to be
6 resentenced under the *State v. Blake* decision; and (ii) to assist
7 counties that may designate the office of public defense to contract
8 directly with attorneys to represent and assist clients seeking to
9 vacate a sentence or to be resentenced under the *State v. Blake*
10 decision.

State OPD Funding for Blake Defense by County

-  OPD contracts for Blake services
-  Accepted grant funding for Blake services

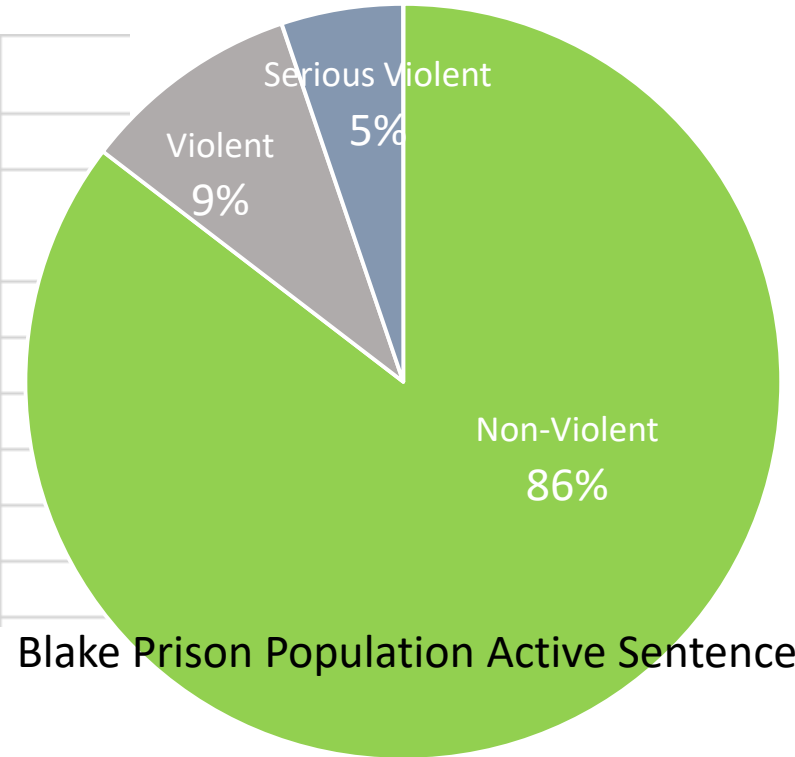


* Whatcom County Public Defender handles resentencing; State OPD has contractors in place for vacates.

First Priority: Serving Incarcerated Clients

39	Individuals with Possession Offenses					
40	Sum of People		sessionCa			
41	location	Active	Possession Only	Possession Plus	History	Grand Total
42	Field	NO	3,239	1,554	1,482	6,275
43		YES	1,725	1,819	2,830	6,374
44	Prison		14	2,008	2,729	4,751
45	Grand Total		4,978	5,381	7,041	17,400
46						
47						

Source: Dept. of Corrections, SP4393 69.50.4013 Refresh 5.31.2021



Blake Prison Population Active Sentences

Source: Washington State Office of Public Defense; source data: Dept. of Corrections, Blake 69.50.4013 Refresh Oct. 31, 2022

State v. Blake

County Information for Blake Cases

Each county takes a different approach for addressing and appointing counsel for *Blake* resentencing hearings, motions to vacate drug possession convictions, and reimbursement of fines and fees (commonly called LFOs – legal financial obligations). You are encouraged to reach out to your prior lawyer or the public defender agency in the county where you were convicted. You can also fill out and file a [Motion for Counsel \[PDF\]](#) to request an attorney to represent you on the Blake resentencing or motion to vacate.

Public defenders and civil legal aid attorneys are helping to vacate the convictions of people who are not currently serving sentences, but resources are limited. If you were convicted of drug possession and no other offenses and your conviction was not recent, you may want to consider preparing and filing your own motion to vacate with the court. Click here for more information: [How to clear\(vacate\)your drug possession conviction after State v. Blake | WashingtonLawHelp.org | Helpful information about the law in Washington.](#)

Find Your Attorney

- [Search for My Attorney by Name](#)
- [List of Public Defender Offices](#)

County Instructions for Initiating Blake Cases

Adams	Douglas	King	Pacific	Stevens
Asotin	Ferry	Kitsap	Pend Oreille	Thurston
Benton	Franklin	Kittitas	Pierce	Wahkiakum
Chelan	Garfield	Klickitat	San Juan	Walla Walla
Clallam	Grant	Lewis	Skagit	Whatcom
Clark	Grays Harbor	Lincoln	Skamania	Whitman
Columbia	Island	Mason	Snohomish	Yakima
Cowlitz	Jefferson	Okanogan	Spokane	

[County Information for Blake Cases \(wa.gov\)](#)

Governor's Commutations

Eligibility

- People on community custody
- Sentenced only for PCS
- Qualifying individuals must petition; OPD coordinates petition process with DOC and Governor's Office.

Impact

- Relieves petitioners from supervision
- Cancels Secretary Warrants
- Instructs DOC to cease collecting LFOs
- No impact on court orders, individuals still need to seek vacation order(s) and LFO refund order(s)

Population Eligible for Commutation from Governor

