

Those with invalid drug possession convictions can petition Inslee to eliminate remaining supervision, likely paving way for 1,200 commutations

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OLYMPIA – About 1,200 people on community supervision because of drug possession convictions could have their sentences commuted by Gov. Jay Inslee.

The Washington state Supreme Court ruled in February the state's drug possession law was unconstitutional because it made possession a felony, even for those who did not know they had drugs on them. In the case, Shannon Blake claimed at trial in Spokane County that a pair of pants she was wearing upon her arrest had been given to her and she did not know there was a baggie of methamphetamine in the coin pocket.

Prior to the Supreme Court's ruling, simple drug possession was a felony, punishable by up to five years in prison and a fine of up to \$10,000.

The new commutation process helps courts facing a huge case backlog due to the pandemic, according to Inslee's office.

Inslee, along with the Department of Corrections and the State Office of Public Defense, is now offering those with invalidated convictions to petition him for clemency relief instead of going through the courts.

The Department of Corrections has already given petitions to its community corrections officers who have shared them with eligible individuals. The State Office of Public Defense will then take those petitions and send them to Inslee's office for his signature.

Along with 18 commutations in April, Inslee has already issued more than 100 commutations through this new process, according to his office. He is prepared to issue unconditional commutations for those eligible, according to his office.

"I am committed to doing what I can to try to remedy the situation and assist the courts who are doing what they can to get through this backlog of cases," Inslee said in a release.

Part of the reason for the new commutation system comes from the increasing backlog facing the state's court system due to COVID-19. The pandemic [delayed hearings for](#)

months as courthouses remain closed or had to switch to virtual options or [move to sites that allowed for social distancing](#).

Despite the State v. Blake decision invalidating many convictions, many individuals have not yet been able to go to court and have their convictions vacated.

“COVID has created countless challenges in our criminal justice system. And February’s Blake decision compounded those challenges,” Inslee said.

The February decision left the legal system and lawmakers scrambling to deal with its implications, including the thousands of those currently facing sentences for drug possession.

The Washington Legislature passed [a “fix” that made possession of smaller amounts of drugs a misdemeanor, instead of a felony](#). A misdemeanor is punishable by up to 90 days in jail, a \$1,000 fine, or both. The new law also requires local jurisdictions to prioritize treatment before conviction, so the first two offenses divert defendants to treatment instead of jail. A third offense results in the misdemeanor.

The Legislature also sent money to local jurisdictions to help with the costs of the decision, including addressing court backlogs and setting up community treatment programs.

The legislative fix also left open the possibility of eliminating the misdemeanor penalty in 2023. A committee, set up by the Legislature, will spend the next two years reviewing the state’s drug laws and coming up with a long-term plan. If no fix is implemented by 2023, the state would end all prosecutions for simple drug possession.