

Governor Inslee extends clemency authority to vacate simple drug possession convictions

[Hayley Day](#)

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Gov. Jay Inslee, right, claps during a presentation on the history of Mount St. Helens at Johnston Ridge Observatory in July.

Courtney Talak

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Monday, Washington State Gov. Jay Inslee announced he is extending his clemency powers to speed up conviction vacations in light of a February state Supreme Court decision that ruled Washington's simple drug possession law was unconstitutional.

The State Office of Public Defense is contacting people on active community custody, or probation, with the Department of Corrections and explaining how to petition the governor to be pardoned for the now invalidated law under the Blake decision. Before Monday's announcement,

people cleared their records through the local courts systems, but now the state is assisting local criminal justice efforts.

Invalidated law

Cowlitz County Prosecuting Attorney Ryan Jurvakainen said his office's records show there is no one incarcerated solely for the now invalidated law in Cowlitz County, but some people likely are on probation.

Gov. Inslee's office reports more than 1,200 Washingtonians still are on probation only for simple drug possession and awaiting their records to be cleared. In April, the governor pardoned 18 of those people, while the new state program is expected to discharge more.

Before Monday's announcement, the onus to remove remaining invalidated judgements was on people affected by the Blake decision. The state is now initiating the process for those solely on probation for simple drug possession, while those people can also start the process by contacting the local public defender's office or the prosecuting attorney's office. People who finished their sentences for the now invalidated crime or incarcerated for crimes in addition to simple drug possession still have to make the first step.

New process, more work

Jurvakainen said there is no uniform process to handle resentences and vacations in light of the Blake decision, and each county created its own system.

"We've come up with a pretty good, streamline process," he said. "If you contact us, the criminal justice partners and different departments work well together."

During the pandemic, the state Supreme Court ruled Washington's simple drug possession law was unconstitutional in February, overturning roughly 40 years of convictions of people possessing drugs for their own use, as opposed to selling narcotics. Verdicts weren't automatically erased. County officials where the convictions took place are re-evaluating sentences without the unconstitutional charge, holding hearings to finalize new sentences, and completing paperwork to vacate convictions.

Vacating convictions and resentencing offenders has added more work for both the county prosecutor and public defense offices, causing them to hire more staff. Cases also are taking longer to resolve in Cowlitz County Superior Court because of the limited space to hold socially distanced in-person jury trials during the pandemic.

Office of Public Defense Director Kari Reardon said it is "hard to get things moving" when there are "periods of time with no jury trials," and now only one space, the Cowlitz County Event Center, large enough to hold the jury trials where participants are six feet apart.