

Rights to Relief Under *State v. Blake*

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What is *State v. Blake*?

- A Washington State Supreme Court decision in 2021
- Supreme Court declared the state's simple drug possession law was unconstitutional, because the prosecutor previously did not have to prove the person intended to possess

As a result:

 People convicted of drug possession going back to 1971 have a right to get those convictions cleared ("vacated") and money paid related to those cases, i.e., paid legal financial obligations (LFOs) and other related costs possibly refunded



Immigration & State v. Blake

Not a US citizen?

LwC will make a referral to a free attorney to ensure that there are no negative immigration consequences.



How do I know if I have a Blake conviction?

- → If you were you convicted in Washington State
- → of simple drug possession*
- → between May 25, 1971 through February 25, 2021

*Does not include intent to deliver, delivery/distribution, or manufacturing

LwC navigators will help you figure this out.



What Does it Mean to Have a *Blake* Conviction?

If you have a *Blake*-eligible conviction:

- 1. You are entitled to have that conviction cleared, i.e., "vacated" and
 - 2. You may be entitled to a refund of related costs you paid.



I have a *Blake* case, now what?

- 1. LwC navigators will check court databases to see if your conviction has already been vacated.
- 2. If not already vacated, the next step depends on the county. Either:
 - → Help you prepare the court forms requesting a vacate, using a web app at WashingtonLawHelp.org; OR
 - → Help you get on the county court list for your case to be vacated; OR



→ Refer you to a free attorney in your county of conviction

My *Blake* case has now been vacated, now what?

Once vacated, you may have rights to three types of refunds of money you paid on that case:

- 1. Legal financial obligations (LFOs)
- 2. Other costs like drug treatment costs, etc. ("third-party expenses")
- 3. DOC costs of supervision



1. Paid LFOs → *Blake* Refund Bureau

Refund of legal financial obligations (LFOs) ordered by the sentencing court and paid to clerks' offices may* be refunded by the *Blake* Refund Bureau

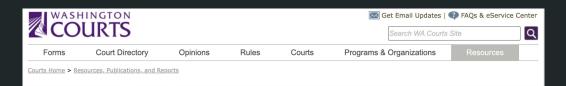
*eligibility for refund depends on the types of charges/counts



1. Blake Refund Bureau Administrative Office of the Courts

https://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.blakerefundbureau





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Blake Refund Bureau

In 2021, the Washington State Supreme Court found the law criminalizing drug possession unconstitutional. As a result of this decision, known as <u>State v. Blake</u>, any <u>Blake</u>-related convictions qualify to be removed (vacated) from one's criminal record, and any legal financial obligations (LFOs) paid as a result qualify for financial reimbursement.

If you have a *Blake*-impacted criminal record, you must first have your *Blake*-related convictions vacated and refund eligibility determined by the <u>Washington State county court or courts</u> where you were convicted. For information on vacating *Blake* convictions in county district or superior courts, visit the Washington State Office of Public Defense page <u>Vacate</u> Drug Possession Convictions (*State v. Blake*).

Apply for your Refund

Once you've vacated your conviction and found your record online, you





2. Third-Party Expenses \rightarrow *Request to Court*

Third-Party expenses are costs not paid to the court but others, including:

• Court-ordered drug treatment, home monitoring, private attorneys' fees, etc.

- → Receipts or other documentation required
- → LwC navigators will help prepare forms requesting the refund
- → Court must issue order granting your request
- → Blake Refund Bureau pays \$ out



3. DOC Refund of Costs of Supervision

The Department of Corrections (DOC) is proactively refunding Cost of Supervision (COS) fees, paid by supervised individuals on causes vacated due to the *State v. Blake* decision.

A refund process has been developed to ensure due process for impacted individuals.

Update your mailing address with DOC by emailing: DOCBlakeCOS@doc1.wa.gov



3. Status of DOC processing of COS refunds

Slow and steady . . .

https://www.doc.wa.gov/corrections/justice/sentencing/blake-refunds.htm

State v. Blake Cost of Supervision (COS) Refund Project Status

Number of individuals with State v. Blake orders received:

33,147

Number of individuals with accounts reviewed:

6,407

Currently reviewing accounts with court orders initially received in:

March 2022

Data provided: 3/3/2025



Blake - What Else?

Relevance for DOSA graduates

Repayment of VA benefits where lost due to conviction



Blake - What Else?

- Blake refund deductions
 - Child support over \$50
 - Subject to DOC deductions
- Power of attorney for Incarcerated Individuals
- Washington State Patrol (WSP) Watch Report Update





State v. Blake Peer-to-Peer Empowerment Hub



- Phone Helpline to a peer Legal Empowerment Navigator from 7am to 4pm
 - · Email intake
- Help figure out if the caller has *Blake*-eligible convictions and if so, whether vacated or not
- Support caller in taking next steps



TECH-BASED, PEER-TO-PEER NAVIGATION

- Legal Empowerment Navigators help those impacted walk through the Blake online guided interview at WashingtonLawHelp.org and file and serve motions by mail or in person.
- Keep the person informed of the process, outcomes, and next steps



LEGAL REFERRAL SERVICES

- As requested or required, refer impacted individuals to contracted Blake attorneys, depending on the county of conviction, including referring people to sign up for assistance on defense websites, per their requests.



COMMUNITY EDUCATION & ENGAGEMENT

- Create and update plain language legal resources about Blake
- -Disseminate via social media and partners
- Convene community events to educate and engage impacted communities
- Capture and share success storiess



SYSTEMIC ADVOCACY

- Both attorney and formerly incarcerated team members participate in opportunities to advocate for reduced barriers and greater accessibility and inclusivity in Blakerelated processes, including the new administrative vacate process.





Thank you!!!

LwC Helpline: 206-307-3028 info@LivingwithConviction.org www.LivingwithConviction.org

Blake Refund Bureau 360-704-1913

