



BLAKE REFUND BUREAU Regional Law Safety & Justice Committee

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SB 5693 – AOC Blake provisions:



- AOC is directed to: contract with cities & counties for the reimbursement of funds for resentencing costs; and
- Collaborate with court clerks, administrators to prepare comprehensive reports, *based on available court records*, of all cause numbers impacted by State v. Blake;
- Establish a process to locate and notify individuals of available refunds as well as inform of the application process to claim the refund and issue payment.
- Assist with resentencing of Blake impacted individuals.

Blake Team



- **Scheduling Referee: Hired.**
- Help prioritize the resentencing of incarcerated individuals. Three groups of people who require resentencing:
 - 1) Possession **only** charge in active sentence;
 - 2) Possession + additional charges in active sentence;
 - 3) Possession in criminal history.
- Assist in coordinating possession vacations across counties for individuals who need resentencing;
- Monitor caseload and coordinate with Courts, DOC, defense attorneys, clerks & WAPA.

Blake Team



- District & Municipal Court Coordinator
 - Assist with the review of local ordinances to determine if ordinance was adopted by reference to RCW or without mens rea. **Hired.**
- Superior Court Coordinator
 - Assist clerks and administrators to help build the lists of cause numbers.



Blake Team

- Contracts specialist - **Posted**
- Financial Analyst – **Hired**
- Business Analyst – IT focus
- Communications -

LFO Aid Pool = Blake Refund Bureau



- Create secure system for clerks and individuals to provide sensitive information.
 - Need to compile enough information to confirm identity of person and current address.
- Create secure storage location that is also searchable.
 - Who has been paid
 - Amount
 - Cause number
 - Date of conviction, vacation, refund.



Current Blake Reimbursement process:

- AOC issued Interagency Reimbursement Agreements with **39** counties and **109** municipalities.
- Agreement's provide for reimbursements for costs associated with the processing of **Vacate** orders and **LFO** reimbursements.
 - Extraordinary costs
- Each jurisdiction submits an A-19 and supporting documentation as “backup” to illustrate the costs associated with Blake work.
 - AOC processes and issues refunds for these costs.

Refund Bureau – July 1, 2023



- Begin processing **LFO** refunds directly.
 - Requires certification of amount of refund ordered by a Court.
 - Once a person receives a vacate of conviction and is determined to be eligible for a refund, that information will be sent to AOC, uploaded into database for public to search and apply to AOC for reimbursement.
- AOC will continue to reimburse local governments for extraordinary expenses:
 - Judicial, clerk, prosecution related costs tied to resentencing, vacating and certifying LFO obligations and collection costs.
 - *Defense costs for municipalities.*

Considerations / Challenges:



- Currently, AOC has appropriations to reimburse cities, counties, individuals.
- What exactly is included in an LFO?
 - AOCs role is to facilitate reimbursements. However, we also need to keep robust records in the event the Legislature or a Court expands existing definition of LFO.
 - Fraud concerns also require detailed record keeping and annual security costs to manage site.

Comprehensive reports challenges:



- “Based on *available* court records going back to 1971”
- State has had at least 3 record keeping systems for superior courts alone:
 - SCOMIS (1977 – 1993)
 - JIS (1994 – 1995)
 - Odyssey (2015 – 2018)
 - Is a paper file considered an available court record?
 - Retention schedule – 7 years (*Municipal courts*)

Comprehensive reports challenges:



- Blake decision (1971 – 2021)
 - RCW 69.50.401 (c) (1971 – 1979)
 - RCW 69.50.401 (d) (1979 – 2003)
 - RCW 69.50.4013 (1) (2003 – 2021)
- The online record keeping lacks specificity as to which subsection a person was charged under.
 - Must pull historical files to confirm if a Blake related charge is included.

Blake Reimbursements to date:



- **Superior Courts:**

- Costs associated with resentencing: \$4,716,475.17
- Costs to reimburse LFO payments: \$5,853,646.96

- **Municipal Courts:**

- Costs associated with resentencing: \$0.00
- Costs associated with LFO payments: \$671.13

- *Contracts were entered in June / July, 2022 with Municipal Courts.*

- *Municipalities in the process of setting up Blake teams, generating reports to determine which cases qualify.*

Questions?



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