

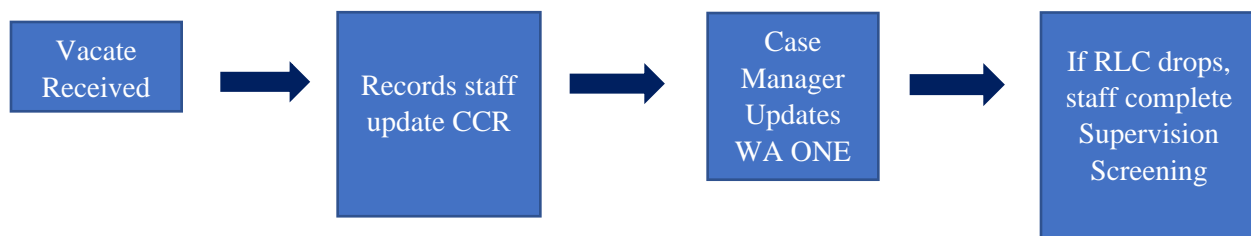


The *State v. Blake* decision has impacted the court system, individuals, family and loved ones, and the Department of Corrections (DOC) in various ways. As of December, DOC has processed over 25,000 court orders, impacting over 16,000 individuals. The unprecedented court ruling and how Blake convictions are being addressed impacts the Department and the individual under DOC jurisdiction.

DOC provides monthly data related to individuals under DOC jurisdiction who are serving either a prison sentence or serving a term of supervision in the community (community custody). The data is broken down in to 3 primary categories: individuals with only a conviction for simple possession (possession only), individuals with at least 1 conviction for simple possession with other non-simple possession convictions (possession plus), and individuals who are serving on other convictions with historical convictions for simple possession (historical).

DOC Actions for a Vacate Order:

- Records staff update the criminal conviction record (CCR) so that the vacated conviction are no longer factored in the risk level classification.
- Assigned case manager must update the Washington Offender Needs Evaluation (WA ONE).
 - Pursuant to RCW 9.94A.501, the Department must only supervise certain individuals, therefore, a risk assessment is utilized to determine who will be supervised, outside of the required supervised crimes. The WA ONE is the assessment tool to determine risk to commit new crimes and individual need areas. There are static (one of which is criminal history) and dynamic factors that contribute to the overall risk classification level (RLC).
- If RLC is reduced to Moderate or Low, the Department's Case Management Services (CMS) team will conduct another review of the assessment to ensure a defensible RLC.
- If the RLC has changed, staff will complete an updated supervision screening, which could result in termination of supervision or reduced contact standards.



Due to the current method the courts are addressing historical Blake convictions by cause number, as opposed to all cause numbers under one individual at one time, the Department must complete the steps outlined above *every time* a vacate order is received. This means that multiple staff members are processing an individual's file each time the court addresses one cause. This involves significant amount of time and work by staff.



Impacts to the individual when not all convictions are vacated:

For those incarcerated:

1. A resentenced individual as a result of a reduced offender score, requires recalculation of the release dates for the reduced sentence and may be a potential release.
 - a. If DOC does not receive court orders to vacate the criminal history that is no longer scored in the offender score, DOC does not take the action to vacate the criminal history.
2. An updated RLC of Moderate or Low in some cases results in DOC having no authority to supervise the individual post release.
 - a. If DOC does not have any authority to supervise, the individual is not required to have an approved release plan and is released on their earned release date.

For those currently under community custody:

1. A vacate order could result in DOC no longer having authority to supervise the individual.
2. Contact Requirements with their assigned Community Corrections Officer may be reduced.
 - a. For example: Reduction from 3 contacts to 1 per month
3. High Risk level are often required to complete Cognitive Behavior Therapy programming.
 - a. A reduction in risk level classification may eliminate this requirement; which impacts their time for employment or education.

A termination of supervision or reduction in contact with the Department can open doors for individuals such as more employment and housing options. They may also experience a sense of freedom and no longer feel the stigma that is attached to an individual that is under DOC jurisdiction.

For any questions, please contact the Resentencing Unit at DOCResentenceplanning@doc1.wa.gov