

Public defenders in King County help hundreds get relief from onerous oversight of probation

Supreme Court's Blake decision means end of probation requirements for many

For Immediate Release
Nov. 10, 2021

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People sentenced to community custody due to a previous drug conviction in King County may be able to get their community custody obligations vacated with help from the King County Department of Public Defense. The department may also be able to help people get court fees they paid refunded.

This opportunity is a result of the State Supreme Court's decision in February, which struck down the state's felony drug possession law, also known as Unlawful Possession of a Controlled Substance. The high court's decision in *State v. Blake* – which found that the law exceeded the state's police power and violated people's due process rights – means people convicted of certain drug offenses prior to February 2021 can get those convictions invalidated.

Shortly after the decision was handed down, King County public defenders began helping people in prison on drug possession convictions, taking legal action to get their sentences shortened, which in some cases led to their immediate release from prison. All told, so far, about 260 people have gotten their sentences reduced due to motions filed by DPD attorneys.

The department recently began helping those who are no longer incarcerated but still have court ordered-community custody – or probation – for a drug possession conviction. DPD attorneys have already submitted 585 motions to vacate convictions for 258 people believed to be on community custody.

Once a judge grants their motions, individuals will no longer be under the onerous oversight of the state Department of Corrections' community custody unit or subject to community custody requirements. Many of these individuals have active warrants issued by the Department of Corrections (DOC), which will be quashed as a result of the court orders.

Anita Khandelwal, director of the Department of Public Defense, said the department's success in vacating DOC oversight for hundreds of people is an example of how the *Blake* decision is helping to redress the harms of a system that has disproportionately affected Black, Brown, and Indigenous people.

"The state's felony drug possession laws have been a central part of our state's long-standing war on drugs, resulting in the mass incarceration of people of color," she said. "One Supreme Court decision doesn't end the harm of a racist criminal legal system, but it's a step in the right direction. I'm pleased it means our attorneys can now help countless people get disentangled from this harsh system."

The number of people who could benefit from relief under Blake is significant. The state's felony drug possession law has been on the books for more than 50 years. Some have estimated as many as 40,000 people in King County alone could qualify for some element of relief.

"The criminal legal system's reach is extensive and long-lasting," Khandelwal added. "Getting people off of community custody is one way we can help them regain their freedom and reclaim their lives."

DPD will continue to help people who are serving prison terms made longer because of felony drug possession convictions. According to the department's records, there are still hundreds of people who could see their sentences shortened due to *Blake*. The department will also continue to submit motions for those who are on community custody because of a drug conviction.

People who believe they are on community custody for a drug-related conviction in King County are encouraged to contact the Department of Public Defense. Email the department at DPDBlakeRequest@kingcounty.gov or call 206-296-7662. Those who were convicted in other counties should contact the public defense office in that county.

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