

## **Blake decision discussion**

**May 18, 2021**

**9:00 a.m.**

Present: Commissioner Stamper (9:02 a.m.), Commissioner Pollock, Commissioner Swope, County Manager Erik Martin, Sheriff Rob Snaza, Undersheriff Wes Rethwill, Shad Hail, Judge Wade Samuelson, Brittini Rogers, Becky Butler, Scott Tinney, Amber Smith, Jonathan Meyer, Brittani Bonahoom, Sara Heinricher, Susie Palmateer, Arny Davis, Larry Grove, Eric Eisenberg, Scott Tinney

Guest: Nic Scott, Mellani McAleenan (WSAC), member(s) from the Chronicle

Recorder: Tammy Martin

Prosecutor Jonathan Meyer said he has reviewed almost 4000 cases since the decision, they started with people currently in custody and then they have gone by year by year starting with 2021 cases. Jonathan said his office is currently reviewing 2017 cases and have dismissed approximately 1000 cases in all. Scott Tinney ran a report that shows all persons convicted of possession. There were 1791 cases that applied. Scott Tinney estimates approximately \$10 million to be reimbursed, but this amount isn't including fines and fees related to other charges. The Clerk's Office is able to apply funds if convicted persons have fees for other charges that have incurred fines. Legal Finance Obligation (LFO) transfers are used to offset other charges. Lewis County is only dismissing the possession charge. There may be a sunset clause and that would determine the timeline for reimbursing. Lewis County courts intend to bill any case that requires staff time to the state. Susie Palmateer said this is really taking a toll on the indigent defense grant funds.

Mellani McAleenan of the Washington State Association of Counties (WSAC) said the only funding available in the State's budget is not Blake specific, but coming from the general budget. She figures \$30 million is geared for the unfunded mandates. Becky Butler said there will be a special fund to track the time spent to track staff time used, even though this may not be reimbursed at the state level. There are new mandates to come with funding from the American Rescue Plan (ARP).

Scott Tinney said the reimbursement process could continue for years. Some cases are 30-40 years old. Scott said the reimbursement process is initiated by the convicted person, but the dismissal process is initiated from the courts.

As a result of the Blake decision a workgroup has been created to make a process to address substance use disorders. The first two convictions of drug possession will go through a diversion program yet to be determined. The Behavioral Health Organization (BHO) will address what diversion will look like going forward. There will be a recovery navigator position. The diversion process is mandatory for adults and it is in the juvenile's best interest to attend the diversion process. Becky had questions about who is paying for the programs.

Systems are not compatible from county to county or program to program and this creates dilemmas holding criminals accountable. At the time of the third conviction, the case goes to the Prosecutor's Office and diversion is still recommended, but will be better enforced at a local level. The Blake decision

directly affects Superior Court, the Prosecutor's Office, and the Clerk's Office. Judge Samuelson said this will exhaust the probation resources going forward. Susie said this does add more work to their office and creates staffing shortages. Judge Samuelson expects to need to add an additional two FTEs for case management. Jonathan said some cases may also go through municipal court. Straight possession cases are typically processed through District Court. Jonathan Meyer is attending training for diversion programs in July. Jonathan Meyer has an intern helping with the workload with a possibility of another. At this time Scott Tinney does not foresee any additional staffing needs. Shad Hail said he feels the other departments outweigh his own needs, Sheriff Snaza reiterated the same sentiments. Sheriff Snaza said there are trainings in June to address new laws. Sheriff Snaza said the biggest challenge the department faces is tracking the individuals who go through the diversion programs.

Meeting ended at 10:06 a.m.