

MEMORANDUM

FROM: Logan Kennedy Ashen

DATE: 06/20/2024

RE: State v. Blake policy revisions

Summary

The State of Washington has the opportunity to revert its State v. Blake revisions to return to the treatment and rehabilitation side of the war on drugs. Which will ultimately save the state money and give the people it affects a chance at rehabilitating. It will also save criminal justice resources and not have detention centers filled with an unnecessary amount of misdemeanor defendants. It will also make Washington take a solid stance on how it should handle these drug crimes instead of taking a middle ground between the two sides of the argument between treatment and rehabilitation or tough on crime policies.

Background

In 2021, the Washington Supreme court made a decision to remove possession of drugs as a crime, Three months later it would establish harsher penalties instead of making it a misdemeanor with ESB 5476. Eventually making it a gross misdemeanor with a maximum sentence of 180 days for the first two offenses. This creates many problems as it places an extra stress on our criminal justice system as it is “Projected to add 12,00 new cases to Washington’s courts each year at an annual cost of \$46.3 million.” (Quinton 2023). It also fills up jail cells within Washington state that already have issues with space, often outsourcing to private detention facilities costing the state more money. These drug laws are also known to target

individuals of color as well which causes further issues including employment and housing for African American and indigenous communities in Washington.

Policy Recommendations

- 1.) Return to the original decriminization policy and use the annual cost it would take to prosecute these simple drug crimes into mental health facilities and housing as many users of these drugs are without housing and or struggle with mental health issues.
- 2.) Provide state-wide safe drug-consumption sites and only prosecute these crimes if it occurs outside of these state-wide sites keeping drugs away from the general public and preventing further crime from happening by keeping individuals at the site until the drugs have lost effectiveness.
- 3.) Invest into treatment facilities and lower the barrier of entry into these treatment facilities as many of them have prerequisites based on criminal history.

Conclusion

In conclusion, State v. Blake's revisions of the law have caused the reverse effect the law intended on having pre-revisions. As it is proven that decriminalization of these crimes causes "Reduced the number of people arrested, Reduces the number of people incarcerated, Increases uptake of individuals into drug treatment and Reduces criminal justice costs" (Drug Policy Alliance 2015 Pg. 1). Therefore the states should consider reverting back to the original revision of State v. Blake or provide more safe drug-consumption sites or treatment facilities. As it stands now it costs the state more money and is inbetween punishment and treatment and doesn't take a strong stance on either side.

References

- Approaches to decriminalizing drug use & possession. (n.d.).
https://www.unodc.org/documents/ungass2016/Contributions/Civil/DrugPolicyAlliance/DPA_Fact_Sheet_Approaches_to_Decriminalization_Feb2015_1.pdf
- Quinton, M. (2023, June 15). *Drug possession laws and the aftermath of State v. Blake*. ACLU of Washington.
<https://www.aclu-wa.org/story/drug-possession-laws-and-aftermath-state-v-blake>