



**WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE**

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TO: Blake Attorneys
FROM: Grace O'Connor, Blake Defense Team
DATE: March 31, 2022
RE: WSP Contact for Correcting Blake Records

If your client obtained a *Blake* vacate order but the conviction is still showing up in background checks, WSP gave us the following contacts that attorneys can try to get the record corrected.

- Phone: 360-534-2000, choose option 5
- Email: crimhis@wsp.wa.gov

WSP told us that phone and email are monitored Monday through Friday, 8:00am to noon, and 1:00pm to 5:00pm. However, as mentioned at our *Blake* attorney meeting today, WSP is currently experiencing a significant backlog in entering *Blake* orders; they don't have enough staff to keep up with all the orders. So, these contacts may not actually result in a record fix very quickly. If anyone experiences any success or problems with these contacts, please let me know.

By way of further background, if your client's vacated conviction is still showing up in background checks, there could be a couple reasons for this. First, it may be that your client is still in the long queue of backlogged orders.

The second reason is more complicated and I touched on it in our meeting today. As best I understand the situation, if an order says to vacate a conviction and dismiss a charge, as many do, the Dismiss is probably going to be the ending result a clerk enters in its database. As I understand it, that means WSP receives the disposition as a Dismiss rather than a Vacate. Generally, WSP records a Dismiss so that it is still visible in background checks. In September 2021, WSP changed its protocol so that if it receives a *Blake* Dismiss, WSP records it so that it functions as a Vacate of the conviction, and won't be visible in background checks. But, if WSP receives a Dismiss and doesn't know if it's a *Blake* Dismiss, it will record the conviction as a Dismiss that still shows in a background check. This is why it is important that Clerks send the source order to WSP, so WSP can tell it's a *Blake* order, as opposed to relying on an electronic disposition that doesn't give WSP any detail. But in sum—if your client got a *Blake* vacate prior to September 2021, or got a *Blake* vacate after September 2021 in a county that does not send the source order to WSP, chances are the client's conviction is still showing up on their criminal record. If you run across this problem, you can try contacting WSP at the contacts listed above to confirm for them your client has a *Blake* vacate. In the meantime, OPD is exploring if there are ways to administratively fix the orders that were incorrectly entered.

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