

Biennial report of the Statewide Reentry Council



Pursuant to RCW 380.040(4)

**WASHINGTON STATEWIDE
REENTRY COUNCIL**

March, 2023

Report to the Legislature

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Executive summary

Overview

During the 2016 session, the Washington State Legislature created the Washington Statewide Reentry Council to improve public safety and outcomes for people reentering the community from incarceration (codified under [Chapter 43.380 RCW](#)). This report satisfies the legislative requirement under [RCW 43.380.050\(4\)](#):

The council shall submit to the governor and appropriate committees of the legislature a preliminary report of its activities and recommendations by December 1st of its first year of operation, and every two years thereafter.

This report outlines the council's legislative recommendations grounded in racial equity and the need for lived expertise with the criminal legal system in guiding reentry practices and provides council updates and activities for the 2021-2022 biennium.

Council highlights

- The council completed a search for an executive director. The Department of Commerce supported this effort through a contract with SM Diversity, a recruiting firm specializing in engaging a diverse applicant pool. New Executive Director, Janel McFeat, began on Jan. 3, 2023.
- Racial disparities in the Washington criminal legal system continue to harm Black, Indigenous and People of Color (BIPOC) communities. To remedy these harms, the council recommends the Legislature fund community-based programs and center the voices of those with lived expertise.
- Rental housing discrimination based on criminal history remains a primary barrier to successful reentry.
- The lasting impacts of the failed war on drugs, a campaign launched by President Richard Nixon in 1971 to eliminate drug use, still significantly affects reentry outcomes, especially in communities of color.
- The Executive Office of the Governor and the Council Membership Selection Committee have actively engaged in statewide member recruitment to fill council vacancies.

Council recommendations

- **Invest in community-based reentry program to facilitate successful reentry**
- **End post-incarceration housing discrimination**
- **Address racial disparities caused by the war on drugs**

Council updates and activities

New executive director

Christopher Poulos was hired as the Washington Statewide Reentry Council executive director in 2017. Under his leadership, the council became a major public policy engagement body that continues to shape reentry policy statewide. He transitioned out of his role in November 2021 to become the new director of person-centered services and the first formerly incarcerated individual to work at the executive level of the Washington State Department of Corrections (DOC).

Following Poulos' departure, the council convened its hiring subcommittee to begin the recruitment process for a new executive director. In conjunction with the Department of Commerce, the Reentry Council contracted with a recruitment firm, SM Diversity, to run a nationwide search.

At the November 2022 Council meeting, the council voted to confirm [hiring Janel McFeat as the new Statewide Reentry Council Executive Director](#).

Council engagement

The council remains engaged in local, state and federal reentry work. Members and staff serve on several task forces, committees, and working groups to stay involved in the evolution of reentry policies while remaining grounded in the needs of the justice-impacted community. Below is a non-exhaustive list of many examples of council engagement.

State level

- Washington Criminal Sentencing Task Force
 - Lydia Flora Barlow served as co-chair (ended 2021)
 - Christopher Poulos served as an alternate and member of the Reentry Working Group
 - Council appointed Francis Adewale as a temporary/alternate member (2022)
- Washington Reentry Task Force, convened by Northwest Justice Project
- State Opioid and Overdose Response Plan Workgroup
- Social Equity in Cannabis Task Force
 - Christopher Poulos served as a member and co-lead of the Disparately Impacted Area/Applicant Working Group (2021)
- DOC Volunteer Policy Working Group
- DOC Amend/Norway Prison Reform Stakeholder Group
- Technology within DOC Working Group
- Washington Voting Rights Restoration Coalition
- Washington Housing Justice Coalition
- Community Partners for Transition Solutions (CPTS)
- Sentencing Reform Stakeholders
- Sentencing Guidelines Commission:
 - Christopher Poulos previously attended and was a member of the Reentry Working Group

Reentry Council subcommittees

- Reentry Council Legislative Subcommittee
- Reentry Council Conflict of Interest Subcommittee
- Reentry Council Racial Equity Event Planning Subcommittee
- Reentry Council Hiring Subcommittee
- Reentry Council Membership Selection Committee

National/federal

- U.S. Department of Justice/Altarum Peer Recovery Support Services Advisory Council
- Council of State Governments Reentry Leaders
- Justice Roundtable:
 - National Reentry Working Group
 - Voting Rights Restoration Working Group

Council vacancies

The Governor's Office and the Reentry Council recruited for and filled five vacant positions representing the following communities:

- Law enforcement
- Crime victims
- Business and employers
- Community leader (two positions)

Legislative action

Since the council's last report, the council has remained engaged in moving reentry-related policy through the Legislature and advocating for budgetary support. A non-exhaustive list of the bills the council supported in past legislative sessions is presented below.

2022 legislative session

Chapter 260, Laws of 2022 (E4SHB 1412) - Concerning legal financial obligations

The court may determine that the justice-involved individual is not required to pay full or partial restitution and accrued interest on restitution to any insurer or state agency if the justice-involved person reasonably satisfies the court that they do not have the means to make full or partial restitution to the insurer or state agency. Redefined indigency to include new factors.

Chapter 29, Laws of 2022 (2SHB 1818) - Promoting successful reentry and rehabilitation of persons convicted of criminal offenses.

This bill extends the housing voucher eligibility from three to six months and removes the requirement that a person is released on supervision to be eligible. This bill also requires that the DOC prioritizes housing voucher funds for those facing homelessness upon release. Removes the ability for DOC to charge people to process interstate or supervision transfer applications. Adds new sections that require the Washington State Institute for Public Policy to update its benefit-cost analysis of housing vouchers, repeals "offender supervision intake fees," and RCWs related to the cost of supervision funds.

2021 legislative session

Chapter 200 Laws of 2021 (2SHB 1044) – Incarcerated persons - postsecondary education

The DOC standard of education, from associate-level to postsecondary education, mandates that participation in the postsecondary program be considered in transfer and release decisions and requires DOC to assist with the financial aid process. This bill also increases access for people with documented disabilities, traumatic brain injuries, and cognitive impairments and studies the impact of postsecondary education on recidivism.

Chapter 10 Laws of 2021 (ESHB 1078) – Voter eligibility - persons convicted of a felony offense

This bill provides for the automatic restoration of voting rights to a person convicted of a felony when they are not serving a sentence of total confinement under the jurisdiction of the DOC. This includes all people in the community. It also removes the provisions authorizing the revocation of provisional restoration of voting rights upon failure to pay legal financial obligations.

Chapter 206 Laws of 2021 (E2SHB 1186) – Concerning juvenile rehabilitation

Establishes a community transition services program through the Department of Children, Youth, and Families (DCYF), where an individual may serve a portion of the term of confinement in the community under DCYF supervision.

Chapter 41 Laws of 2021 (SHB 1294) – Addressing misdemeanor supervision services by limited jurisdiction courts

Authorizes limited jurisdiction courts to enter into interlocal agreements for pretrial and post-judgment supervision services. The bill establishes criteria governing the formation and scope of the interlocal agreements. It also extends the limited immunity for misdemeanor supervision services to persons operating through an interlocal agreement.

Chapter 165 Laws of 2021 (EHB 1311) – Substance use disorder professional certifications - apprenticeship programs

Allows for persons participating in authorized apprenticeship programs to qualify for substance use disorder professional certification.

Chapter 166 Laws of 2021 (SHB 1348) – Providing medical assistance to incarcerated persons

Prohibits a person's incarceration status from affecting the person's Medicaid eligibility during the first 29 days of incarceration. Expands the Medicaid suspension policy to include correctional institutions, state hospitals, and other treatment facilities. Requires local jails to make reasonable efforts to collaborate with managed care organizations for care coordination and improving health care delivery and release planning.

Chapter 194 Laws of 2021 (HB 1399) – Professional licensure - previous criminal convictions

Creates a process for a person with a criminal conviction to request a determination of whether that criminal history is disqualifying for obtaining a professional license administered by the Department of Licensing (DOL)

Chapter 219 Laws of 2021 (SHB 1411) – Expanding health care workforce eligibility

Prohibits the Department of Social and Health Services (DSHS) from automatically disqualifying a person convicted of certain crimes from having unsupervised access to, working with, or providing care to vulnerable adults or children. Directs DSHS to facilitate a work group to identify an informed choice process to allow older adults and people with disabilities to hire an individual with a criminal record that would otherwise disqualify the person from providing paid home care services. Authorizes DSHS to exercise its discretion regarding whether to permit or prohibit a person with a certificate of restoration of opportunity to have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities.

Chapter 265 Laws of 2021 (ESSB 5118) – Supporting successful reentry

Expands the Intrastate Detainer Act to include individuals in Juvenile Rehabilitation and warrants pending in superior, district, municipal, or juvenile court. The bill designates the Department of Children, Youth, and Families Juvenile Rehabilitation Division's community facilities as essential public facilities. Written notification of a committed individual's planned release must be sent to the individual's health care insurance provider.

Chapter 266 Laws of 2021 (ESSB 5121) – Expanding eligibility for the graduated reentry program

Alters eligibility for the Graduated Reentry Program at the DOC by creating two participation tracks. The bill also modifies the length of participation and minimum total confinement requirements for each track.

Chapter 240 Laws of 2021 (ESSB 5226) – Concerning the suspension of licenses for traffic infractions

Eliminates driver's license suspension for failing to pay a traffic infraction for a moving violation. The bill authorizes driver's license suspension when a person fails to comply with a payment plan and fails to appear when requested by the court to appear and show evidence of ability to pay. Authorizes DOL to reinstate all driver's licenses suspended for reasons that are no longer grounds for suspension. Requires DOL to take reasonable steps to publicize information regarding the availability of relief to reinstate a suspended license and create an online application process for people to apply for reinstatement.

Chapter 243 Laws of 2021 (E2SSB 5304) – Providing reentry services to persons releasing from state and local institutions

Expands the Medicaid suspension policy to include correctional institutions, state hospitals, and other treatment facilities. Requires full reinstatement of Medicaid benefits upon a person's release from confinement and allows the Health Care Authority (HCA) to reinstate medical assistance before release as long as no federal funds are expended for an unauthorized purpose. Requires HCA to apply for a Medicaid waiver to allow the state to provide services to confined persons up to 30 days before the person's release or discharge to the community. Renames the Offender Reentry Community Safety Program the Reentry Community Services (RCS) Program and makes changes to the program. Directs HCA to convene a Reentry Services Work Group and directs the Washington State Institute of Public Policy to update its previous evaluations of the RCS program. Alters the definition of county of origin and the process for approving a residence outside the person's county of origin.

Council recommendations

The council's [2020 biennial report](#) established that the prevalence of systemic racial disparities in our prison systems must be addressed.¹ We highlighted that Black Americans are disproportionately impacted by the criminal legal system at every point of contact and thus disparately represented in state prisons. Individuals identifying as Black or African American comprise 17% of people in the Department of Corrections (DOC) custody but only 4.5% of the overall state population. Native Americans and Alaskan Natives comprise 5% of the prison population and only 2% of the total state population. People identified as Hispanics or Latinos in the U.S. Census make up about 13.7% of Washingtonians but 16.5% of DOC custody.²

These striking numbers speak to more than just the population of our institutions but also the people transitioning back into communities post-incarceration. Disparate inputs systemically destabilize communities of color, creating a perpetual cycle of harm and decreasing public safety for all. The impact of system involvement affects more than just an individual; it affects families and the community at large. We find that the current state of reentry disproportionately harms BIPOC communities and needs further investment to remedy decades of systemic disruption. Below, find a set of recommendations to improve reentry outcomes in Washington.

Invest in community-based reentry support

The average stay in the DOC is 33.4 months, and roughly 95% of all incarcerated individuals will be released from Washington prison facilities within 10 years of sentencing.³ Despite attempts at institutional support, the reentry process is still riddled with barriers, such as difficulties finding housing, gaining employment, and reuniting with family. These collateral consequences are often life sentences with far-reaching ripple effects on individuals' ability to succeed — especially for members of the BIPOC communities. Research continues to show that stable housing, mentorship, supportive community networks, and access to employment and education are some of the fundamental needs for individuals to reintegrate successfully.⁴

For decades, advocates have been calling for a more humane approach and a broader understanding of the impacts of mass incarceration, but it took a global pandemic for further system evaluation. COVID-19 highlighted the devastating impact of crowded facilities and forced prisons and jails to respond quickly. DOC responded in step with Gov. Jay Inslee's Proclamation 20-50 Reducing Prison Population⁵ and emergency commutation⁶ order, issued to allow the release of incarcerated individuals whose sentences included non-violent or drug and alcohol-related offenses within 90 days of the order. This response time provided an opportunity to analyze the reentry systems state agencies had in place and reevaluate the returning population's needs. During these rapid releases, the DOC leaned heavily on community reentry programs to support the releasing population, as they knew the programs already had systems to facilitate successful

¹ Washington Statewide Reentry Council, "Biennial Report of the Statewide Reentry Council," (2020), <https://www.commerce.wa.gov/wp-content/uploads/2020/12/Statewide-Reentry-Council-2020-Report.pdf>

² US Census Bureau, <https://www.census.gov/quickfacts/fact/table/WA/RHI225221#RHI225221>

³ Washington State Department of Corrections, "DOC Agency Fact Card," (2022), <https://www.doc.wa.gov/docs/publications/reports/100-RE005.pdf>

⁴ Groger, Harding, Henderson, "A better path forward for criminal justice: Prisoner reentry," (2021), <https://www.brookings.edu/research/a-better-path-forward-for-criminal-justice-prisoner-reentry/>

⁵ Washington State Office of the Governor, "PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATION 20-05," <https://www.governor.wa.gov/sites/default/files/proclamations/20-50%20-%20COVID-19%20Reducing%20Prison%20Population.pdf>

⁶ Washington State Office of the Governor, "EMERGENCY COMMUTATION IN RESPONSE TO COVID-19," <https://www.governor.wa.gov/sites/default/files/COVID-19%20-%20Commutation%20Order%204.15.20%20%28tmp%29.pdf>

transitions. Many of these organizations are run by formerly incarcerated individuals who understand the needs and how best to serve those coming home.

More recently, society has begun to recognize the value of lived experience in remedying the harms of the prison industrial complex and understanding the importance of investing in organizations that are by a population, for a population. This peer-to-peer model is effective not only because the population knows the needs of its own population but also because they act as a trusted messenger.

A common slogan in the justice-impacted community is "Those closest to the problem are closest to the solution but farthest from the power and resources." This raises awareness of access issues and credibility in finding solutions to mass incarceration. The Legislature has supported this shift in focus by passing legislation providing stipends for people providing their lived expertise on state boards, commissions, councils, committees, and other similar groups.⁷ Community-based reentry programs are often founded and run by people with lived experience and deep ties to the community who are most well prepared to meet the needs of those returning home. The council finds that financing community-based reentry support is an effective investment in successful reentry and increased public safety.

Recent progress: Community-Based Reentry Support Program launch

In the 2022-23 operating budget (section 123), the Legislature provided \$2.5 million for state fiscal year 2022 and \$2.5 million for state fiscal year 2023 to the Department of Commerce to administer a competitive grant program for grants to community-based reentry support programs that serve formerly incarcerated individuals and facilitate successful transitions to the community.

The Statewide Reentry Council collaborated with Commerce to stand up the request for proposal process in 2021 before the newly formed Office of Firearm Safety and Violence Prevention (OFSVP) took on the program. As part of the application process, applicants were required to provide a comprehensive project proposal focused on costs including but not limited to housing, employment services, family reunification, legal services, case management and navigators to respond to collateral consequences of system involvement. Per the proviso language, at least 30% of the funding was distributed in rural counties.

Commerce announced the first round of funding requests for proposal in September 2021, seeking submissions to community-based programs to provide reentry services for formerly incarcerated persons and supports to facilitate successful transitions to the community. Commerce received 28 submissions, and 10 grantees were awarded grant packages for state fiscal year 2022. The estimated time to complete the contract was from October 2021 to June 30, 2022. These organizations provided 1,858 individual reentry services in 24 of 39 Washington counties (see Table 1).

For state fiscal year 2023, Commerce received 29 proposals, and 10 community-based organizations received grants with an average award of \$250,000. The amount requested far exceeded the \$2.375 million in available funding. Results from the state fiscal year 2023 round of grants will be presented in the 2024 Statewide Reentry Council report.

⁷ Washington State Legislature, "Chapter 245, Laws of 2022," <https://lawfilesexxt.leg.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/Senate/5793-S2.SL.pdf?q=20221201092815>

Table 1: Types of reentry services provided - state fiscal year 2022

Service type	Number of people served
Referrals	37
Training and mentoring	199
Reestablished family relationships	29
Tattoo removal	7
Employment assistance	95
Legal assistance	156
Trauma-informed care	190
Basic needs assistance	200
Group therapy	29
Substance abuse treatment	8
Assistance with obtaining a driver's license	31
Education assistance	15
Housing assistance	59
Staff development and training	5
Hired additional staff	13
Total	1,858

Source: quarterly reports from grantees.

Council involvement

The council guides the Reentry Grant Program and conducts community outreach with communities impacted by incarceration, including formerly incarcerated people and their families, people currently incarcerated, and organizations working in the reentry space. The Reentry Council also develops relationships with the DOC, local jails, and youth detention facilities. This outreach and partnership development ensures the program is responsive to those closest to the solutions.

Next steps

Expand and fund the Community-Based Reentry Support Grant Program

Actual community need is greater than the \$5 million appropriation in the [2021-22 biennial operating budget](#) (section 129, subsection 123). To meet this greater need, community funding must be systematically expanded. Based on feedback from stakeholders and community-based reentry support grantees, funding for the Reentry Grant Program needs to at least double from a \$5 million appropriation to a \$10 million investment per biennium.

The Community-Based Reentry Support Grant program is set up to support community-based reentry organizations working to serve people reentering communities by providing resources to overcome the collateral consequences of incarceration. These services also have a lasting effect on the families of justice-impacted individuals and promote community stability. By expanding available funding to organizations doing this work in the community, the state can support successful reintegration by building organizational capacity and increasing the number of people eligible for reentry services.

The OFSVP submitted a decision package for the 2024-25 biennial budget requesting a \$10 million appropriation for the Community Based Reentry Support Grant program. Although the council recognizes that this request of \$10 million will not serve all returning residents, this will be a step forward in continuing to expand reentry support at the community level. Nonprofit organizations play a significant role in setting people up for success upon their return to the community leading to reduced recidivism and increased public safety.

End housing discrimination post-incarceration

Access to safe and affordable housing remains a primary barrier to successful reentry following incarceration. As noted in this report, the criminal legal system disparately affects communities of color; therefore, criminal legal involvement is often used as a proxy for race, circumventing the prohibition on discrimination of protected classes. With no clear direction, landlords can create their own screening processes and lock justice-impacted individuals out of safe and stable housing. During legislative testimony, work sessions, and legislative and community events, the council emphasized the importance of addressing this crisis in previous reports to the Legislature. The council will continue to do so until substantial progress has been made.

Next steps

Pass the Housing Justice Act

Prospective tenants, property owners, and property management companies currently have no direction from the state on when, if ever, housing discrimination based on a prior criminal arrest or conviction is permissible. Black, Indigenous, and Hispanic people are disparately impacted by criminal records and, therefore, by rental housing discrimination based on criminal records. Black people, particularly Black men, are the most targeted and negatively impacted by Washington's criminal legal system. The Housing Justice Act⁸ would help address rental housing discrimination against prospective tenants with arrest and conviction records that meet all other qualified tenant criteria. As previously noted, safe and stable housing is fundamental to successful reentry and community reintegration. Denying people access to rental housing due to past convictions is detrimental to successful reentry and public safety and perpetuates racism.

⁸ Washington State Legislature, "HB 2017," (2022), <https://lawfilesexet.leg.wa.gov/biennium/2021-22/Pdf/Bills/House%20Bills/2017.pdf?q=20221121163415>

Address racial disparities caused by the war on drugs

Since the birth of the war on drugs in the 1980s, BIPOC individuals have been disproportionately arrested, convicted, and imprisoned for possession and distribution of illegal substances, despite evidence that there is no difference in the rate of use and supply between communities of color and white people. Federal law enforcement policies, state and local legislation, and criminal legal system practices supported the purposeful disruption of entire communities. In a 1994 interview, John Ehrlichman, President Nixon's domestic policy advisor, revealed that the war on drugs was a racially motivated and pointed attack on their political opposition:

We knew we couldn't make it illegal to be either against the war or blacks, but by getting the public to associate the hippies with marijuana and blacks with heroin and then criminalizing them both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night in the evening news. Did we know we were lying about the drugs? Of course we did.⁹

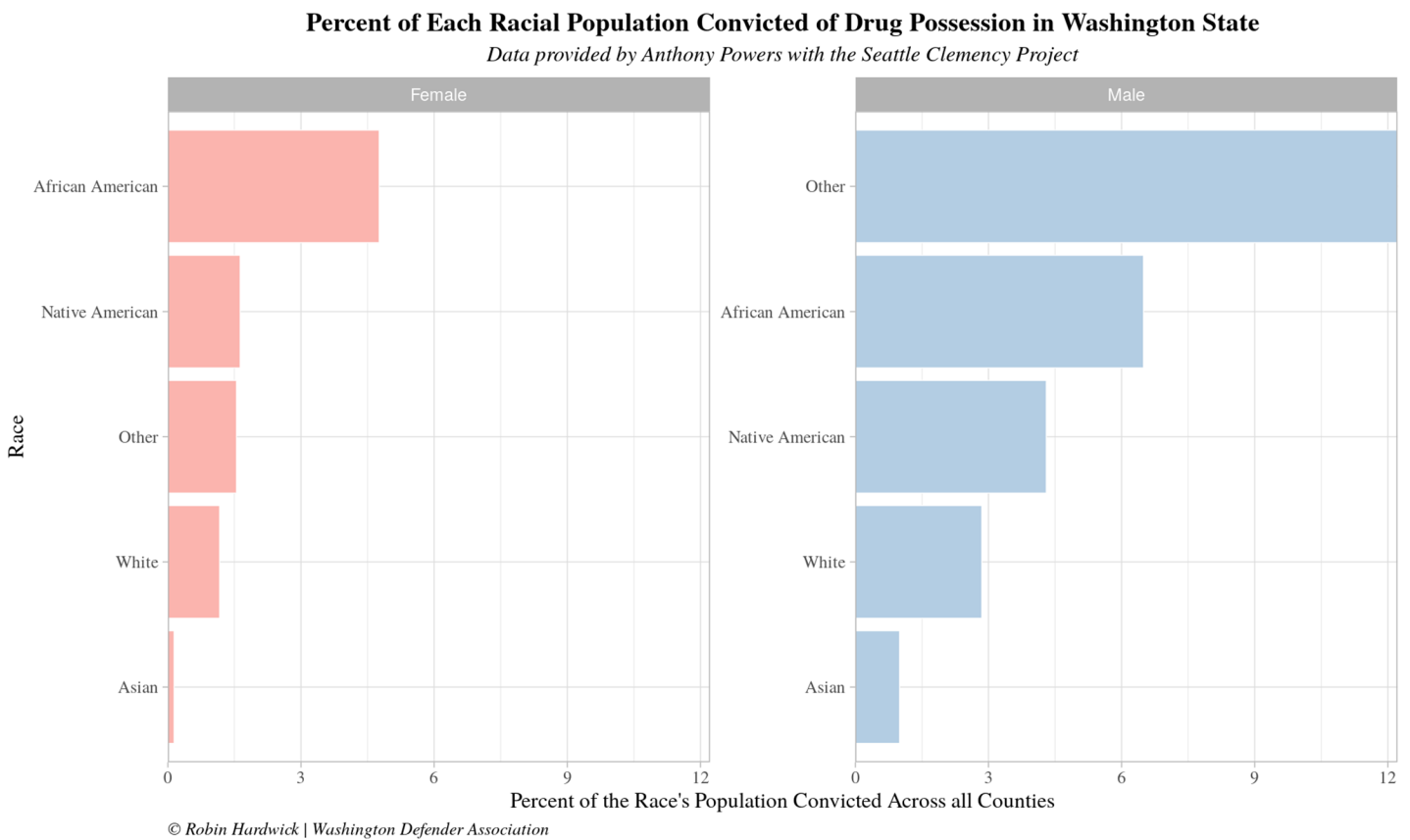
As the war on drugs grew in policy, the over-criminalization and mass incarceration of BIPOC communities became clear, as did the biases evidenced through the contrast of the criminal legal system treatment relative to their white peers.¹⁰ Over the last two years, these disparities have been further recognized in analyses of court data regarding simple drug possession in Washington following the State Supreme Court ruling handed down in [State v. Blake, 197 Wn.2d 170, 481 P.3d 521 \(2021\)](#). In this case ruling, it was decided that the state statute governing simple possession was unconstitutional and void; therefore, it must be applied to all cases, retroactively and prospectively, since the statute was established — overturning numerous cases.¹¹ According to the DOC, their database estimates around 13,516 individuals were affected. In contrast, data collected by the Seattle Clemency Project puts the number of individuals convicted of simple drug possession in Washington since 1999 at 126,173.

⁹ Nkechi Taifa, "Race, Mass Incarceration, and the Disastrous War on Drugs," (2021), <https://www.brennancenter.org/our-work/analysis-opinion/race-mass-incarceration-and-disastrous-war-drugs>

¹⁰ John Hudak, "Reversing the War on Drugs: A five-point plan," (2021), <https://www.brookings.edu/research/reversing-the-war-on-drugs-a-five-point-plan/>

¹¹ Alison Pagan, "RACIAL, GENDER, AND COUNTY DISPARITIES FOR SIMPLE DRUG POSSESSION CONVICTIONS IN WASHINGTON STATE," (2021), <https://defensenet.org/racial-gender-and-county-disparities-for-simple-drug-possession-convictions-in-washington-state/>

Figure 1: Washington drug possession convictions by percent of racial population



Source: Graphic from Alison Pagan, 2021, Washington Defender Association

While simple drug possession convictions have been made unconstitutional, the council recognizes the impact these convictions have had on hundreds of thousands of Washingtonians. The council also recognizes that there is a clear disparity in populations that have been impacted by these charges (see Figure 1). However, clearing these charges, resentencing individuals, and redistributing money paid in legal financial obligations does not go far enough. The decades of collateral consequences people have suffered due to the racist impact of the war on drugs need to be remedied.

Next steps

We know that racial biases in drug enforcement are not unique to cannabis. As previously mentioned, lived expertise with the criminal legal system and racial equity should be centered in all solution-seeking legislation and funding. To remedy the harms of the war on drugs and mitigate the collateral consequences that expand far beyond the initial sentence, the council urges this commitment to community engagement to build a community reinvestment plan based on data-driven best practices and to maintain the community engagement across time to ensure it remains a community-accountable investment.

Systemic investment in reentry through the Community Reinvestment Account

The Legislature appropriated \$1 million in the 2022 supplemental operating budget for Commerce to develop a community reinvestment plan to guide the distribution of grants from the Community Reinvestment Account: \$100 million in both state fiscal years 2024 and 2025 in partnership with the Office of Equity, community partners and leadership with lived experience. The plan will describe how funds will be invested to address

racial, economic, and social disparities created by the historical design and enforcement of state and federal criminal laws and penalties for drug possession. The plan will guide the investment of the funds in four key areas, as defined by the Legislature in section 128, subsection 134, the fourth of which the council recommends to increase reentry support statewide:

- (i) Economic development, which includes addressing wealth disparities to promote asset building such as home ownership and expanding access to financial resources including, but not limited to, grants and loans for small businesses and entrepreneurs, financial literacy training, and other small business training and support activities;
- (ii) Civil and criminal legal assistance to provide postconviction relief and case assistance, including the expungement of criminal records and vacation of criminal convictions;
- (iii) Community-based violence intervention and prevention services; and
- (iv) Reentry services to facilitate successful transitions for persons formerly incarcerated in an adult correctional facility or juvenile residential facility in Washington.

The Community Reinvestment Account will need continued state-level investment and community collaboration to ensure its effectiveness over time. The council urges structural and ongoing support for reentry through the Community Reinvestment Account.