

Washington State Judicial Branch

2025-2027 Biennial Budget

Redemption Project of Washington

Agency: Office of Public Defense

Decision Package Code/Title: 1S – Redemption Project of Washington

Agency Recommendation Summary Text:

The Office of Public Defense (OPD) requests \$1,145,000 to sustain the Redemption Project of Washington, administered by the nonprofit Washington Defender Association (WDA). The Redemption Project provides training and resources for public defense attorneys statewide to develop skills and expertise in the growing practice of criminal resentencing. The Legislature has appropriated funding for the Redemption Project since 2023, following an initial launch with federal Byrne/JAG funding. Ongoing funding is required to implement reforms established by the Legislature and the Courts to correct excessive criminal sentences and remedy unconstitutional convictions.

Fiscal Summary: Funding is requested to sustain the Redemption Project of Washington.

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	0.0	0.0	0.0	0.0	0.0	0.0
Operating Expenditures						
Fund 001-1	\$542,500	\$602,500	\$1,145,000	\$602,500	\$602,500	\$1,205,000
Total Expenditures						
	\$542,500	\$602,500	\$1,145,000	\$602,500	\$602,500	\$1,205,000

Package Description:

Background: Specialized and Holistic Post-Conviction Support at the Superior Court Level.

Until recently, felony resentencing hearings were rare. They typically followed a reversal of conviction or finding of a sentencing error and remand following a direct appeal. In recent years, the landscape has changed significantly, with several new legal pathways opening for felony resentencing. Legislative policy bills and appellate court decisions (SB 5164, SB 6164, *State v. Blake*, *In re Domingo Cornelio* & *In re Ali*, *In re Monschke/Bartholomew*)¹ created a need for individuals to receive resentencing or vacature of their convictions on constitutional grounds at the trial court level. These legal reforms may apply to thousands of individuals currently serving lengthy prison sentences, but their right to review is not self-executing. Impacted persons lack information and access to counsel to petition the trial court for review.

To address this need, the Washington Defender Association, in collaboration with the Seattle Clemency Project, secured federal Byrne-JAG grant funding to initiate the Redemption Project of Washington (RPW). At the end of the federal grant

¹ SB 5164 amended RCW 9.94A.647 to retroactively remove Robbery in the Second Degree as a “strike offense.”

SB 6164 amended RCW 36.27.130 to authorize resentencing initiated by a prosecutor.

Matter of Domingo-Cornelio, 196 Wn.2d 255, 474 P.3d 524 (2020) and *Matter of Ali*, 196 Wn.2d 220, 474 P.3d 507 (2020)

(sentencing courts consideration of youthfulness at time of sentencing is retroactive). *In re PRP Monschke*, 197 Wn.2d 305, 482 P.3d 276 (2021) (consolidated with *In re PRP Bartholomew*) holding that mandatory life without parole (LWOP) for aggravated murder is unconstitutional for young adults who are 18-20 years old at the time of offense (youthfulness of young adults below the age of 21 must be considered by the sentencing court).

cycle, the Legislature appropriated funding to continue the Redemption Project through the 2023-2025 biennium. RPW helps incarcerated people access their right to be resentenced and their right to counsel, and helps public defenders and pro bono counsel develop skills and expertise in the emerging practice area of criminal resentencing. The Project also increases access to relief for individuals whose prior convictions are unconstitutional because they were not properly informed of the immigration consequences of a guilty plea.²

Over the past three years, the Redemption Project (1) corresponded with more than 1,200 incarcerated individuals seeking information about resentencing pathways and eligibility, (2) conducted nine resentencing workshops in every major prison facility in Washington, (3) developed two defender training manuals, and more than 60 sample motions and practice advisories, (4) provided more than 20 training sessions including a Second Chance Summit in Seattle and Spokane; and (5) provided support to more than 200 defenders on resentencing and *Padilla* cases.

Problem:

Current funding supports the Redemption Project of Washington only through the end of fiscal year 2025. Without ongoing appropriation, RPW will have to severely scale back or cease operations and leave people to serve unnecessarily long sentences or be deported based on invalid convictions.

Proposed Solution:

OPD requests funding to sustain ongoing work of the Redemption Project of Washington. OPD will pass through funding to WDA to continue providing essential specialized resentencing support for attorneys, incarcerated persons, and the non-citizen population.

RPW services remain critically important as trial courts experience pressure to build an effective post-conviction sentence review and reentry support infrastructure to ensure that (1) people who are entitled to a lawyer are appointed counsel, (2) public defenders have the additional support they need to provide effective assistance of counsel in complex resentencing cases, (3) people who are entitled to post-conviction review do not fall through the cracks, and (4) those who are released to the community from long-term incarceration receive pre- and post-release reentry support.

The Redemption Project of Washington services include:

- 1. Intake process:** RPW reviews requests from those who: (1) have a public defender on a resentencing case and want their defender to get specialized resentencing case support; (2) have an issue they believe entitles them to resentencing and a public defender but none has been provided; (3) were never advised of the deportation consequences of their criminal conviction and need counsel to file a motion to vacate their conviction; (4) defenders who want access to resentencing or *Padilla* case support training manuals, brief banks and practice advisories; and (5) community members who want to understand more about the changes in the post-conviction landscape since 2020.
- 2. Defender support for complex resentencing cases:** RPW provides the following services for defense attorneys engaged in complex resentencing cases: (1) individualized case technical assistance, including issue briefing, sample briefs and resentencing strategy consulting; (2) community engagement support; and (3) release/reentry planning support referrals.

² *Padilla v. Kentucky*, 559 U.S. 356 (2010) held that the Sixth Amendment’s right to effective assistance of counsel requires defense attorneys to provide their noncitizen clients with affirmative, accurate advice about the immigration consequences of accepting a plea. In *In Re Tsai* (2015), the Washington Supreme Court held that the one-year time bar to petition for post-conviction relief does not apply to these petitions, rendering *Padilla* retroactive in Washington state. Although the law provides a clear pathway to relief for individuals who were misinformed of immigration consequences, hundreds of impacted individuals cannot access qualified and free counsel to file the initial motion for relief.

3. **Direct representation support for complex resentencing cases:** RPW refers cases for assessment and representation where there is a pathway to review but access to the county public defense system is not forthcoming. Cases also may be referred to Seattle Clemency Project's volunteer lawyer program if they fit the criteria for private pro bono representation.
4. **Specialized trial level resentencing trainings and practice advisories:** RPW provides resentencing or second look trainings for defenders statewide and post-conviction practice advisories that also contain the voice and experience of people who have been through a resentencing or early release second-look process.
5. **Communication and education for the incarcerated population:** The RPW team visits prisons across the state and hosts workshops designed to educate individuals about resentencing and early release options. The Project sends bi-monthly newsletters with legal news, examples of successful early release and reentry, and related topics.
6. **Individual pre-release reentry plans with DOC and individualized post-release connection to community reentry organizations.** The Redemption Project team works with DOC and the community to develop reentry plans for those seeking release.
7. ***Padilla* Project:** The *Padilla* Project accepts referrals from people who were not advised of the immigration consequences of their conviction and assigns volunteer attorneys to assist with appropriate avenues for relief. RPW provides volunteer attorneys with technical legal support, briefing, and resource materials as well as training and individualized and group support sessions. They also engage with civil legal aid organizations to support, train, and assist them in non-citizen post-conviction relief work.

Fully describe and quantify expected impacts on state residents.

This decision package ensures that the Redemption Project can continue to help persons exercise their right to petition for resentencing or to receive relief from deportation. These individuals disproportionately are poor and from communities of color. Incarcerated individuals, their families, and their communities have been subject to disproportionate policing, charging, and sentencing practices which have harmed the credibility of the criminal legal system. RPW positively impacts state residents and supports state agencies and priorities, especially as they relate to addressing historic racial and ethnic inequities in charging and sentencing practices. In addition, there is cumulative savings to the Department of Corrections (DOC) through the release of those with long sentences, many of whom have significant medical needs. It also provides relief to individuals and families at risk of separation due to deportations based on old convictions that are invalid under the *Padilla* decision. It also benefits local governments and public defense providers with limited resources to help improve the quality of representation in these specialized cases.

Explain what alternatives were explored by the agency and why this was the best option chosen.

1. OPD inquired about WDA's ability to further raise member dues, use reserve funds, and secure grants. This alternative was rejected because WDA has utilized these alternative fund sources to their maximum capacity.
2. OPD considered leaving WDA to take their request directly to the Legislature. OPD rejected this alternative because this request already has been funded by OPD and is well-aligned with OPD's mission and values. OPD often has included WDA requests for pass-through funding in an agency decision package.

What are the consequences of not funding this request?

Not funding this request will lead to failed implementation of key reforms that the Legislature and the courts created to correct excessive criminal sentences and remedy unconstitutional convictions. Many cases are decades old and many individuals are located in prisons far away from public defenders. RPW connects individuals who may be eligible for

resentencing with public defenders and pro bono counsel. The Project has developed expertise in this new kind of post-conviction work and is sharing it efficiently and effectively across the state to ensure public defenders have support to do their best work and to ensure that the reforms deliver just outcomes. Not funding this request will leave hundreds of people who are entitled to post-conviction relief to serve unnecessarily long sentences, or to be deported based on invalid convictions. Such consequences impose a financial cost to the state as well as a societal cost to the impacted individuals, their families, and their communities.

Is this an expansion or alteration of a current program or service?

It is a continuation of a current program funded by the Legislature through OPD.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions: N/A

Job Title Classification	#s of FTE Round to Nearest Tenth				Workload Assumptions/Description
	FY 26	FY 27	FY 28	FY 29	
No OPD FTEs					

Use Standard Costs?

N/A

If No, Explain Additional Costs	Round to Nearest \$1,000				Description/Assumptions
	FY 26	FY 27	FY 28	FY 29	
Grants or Pass-Thru Funding	\$542,000	\$602,000	\$542,000	\$602,000	Pass-through funding to WDA to sustain the Redemption Project of Washington. Includes 3.5 WDA staff positions.

How does the package relate to the Judicial Branch principal policy objectives?

Fair and Effective Administration of Justice

This decision package sustains the Redemption Project of Washington to help defense attorneys address past inequities in criminal sentencing.

Accessibility

Many incarcerated persons who are eligible for resentencing are unable to access the court system to obtain relief because there is no right to counsel to seek post-conviction relief. Those facing deportation also lack financial resources to access legal services to receive relief under *Padilla*.

Access to Necessary Representation

The Redemption Project of Washington connects those seeking the opportunity for resentencing or for *Padilla* relief with volunteer attorneys and/or with public defense or civil legal service representation.

How does the package impact equity in the state?

Address any target populations or communities that will benefit from this proposal.

This decision package benefits families who have been separated due to incarceration or who are facing deportation. This population is disproportionately low-income and BIPOC.

Describe how the agency conducted community outreach and engagement.

As part of its routine work, the Redemption Project of Washington engages with impacted incarcerated persons, their families and communities, and their attorneys.

Consider which target populations or communities would be disproportionately impacted by this proposal.

Explain why and how these equity impacts will be mitigated.

This decision package mitigates against longstanding policing, charging, and sentencing practices that have disproportionately impacted communities of color throughout Washington. The Redemption Project helps address historic racial and ethnic inequities in charging and sentencing practices

Are there impacts to other governmental entities?

No.

Stakeholder response:

Community groups supporting incarcerated individuals and reentry services as well as impacted individuals through the Concerned Lifers Organization and the Black Prisoners Caucus are extremely supportive of the Redemption Project of Washington, as are public defenders and immigration-related support organizations.

Are there legal or administrative mandates that require this package to be funded?

No

Does current law need to be changed to successfully implement this package?

No

Are there impacts to state facilities?

No.

Are there other supporting materials that strengthen the case for this request?

Learn more about Redemption Project resources and services at [Redemption Project of Washington \(redemptionwa.org\)](https://redemptionwa.org)

Are there information technology impacts?

No

Agency Contacts:

Sophia Byrd McSherry
Deputy Director for Government Relations
360-878-0550
sophia.byrdmcsherry@opd.wa.gov