

Less than two years after our state Supreme Court declared that the devaluation and degradation of Black lives is a “persistent and systemic injustice that predates this nation’s founding,”¹ Susan Mahoney, the then presiding Judge for King County District Court, reportedly directed a racial slur toward the only black person in in a multi-person meeting.² Fortunately, most subscribers to the theory of white supremacy do not utter racial slurs while sitting on the bench – instead, they allow their racial bias to infiltrate our criminal justice system in more subtle ways. For these reasons, more protections are necessary to guard the liberty interests of Washington State’s most marginalized people. Thus, Columbia Legal Services strongly supports the proposed rule changes to Criminal Rule for the Courts of Limited Jurisdiction 7.6.

As a public defender, I spent thousands of hours representing hundreds of people of color in front of Judge Mahoney herself, and other members of the bench in King County District Court. In that county, people convicted of misdemeanor crimes are often placed on court monitored supervision in lieu of a prolonged jail sentence. During the course of their supervision, convicted persons are typically tasked with meeting a multitude of stringent requirements such as routine check-ins with probation officers, attending support and counseling group sessions, or refraining from partaking in otherwise lawful actions like driving a vehicle. If one fails to follow through with these requirements, they run the risk of jail confinement.

For most people, being physically confined to a jail cell is the worst thing associated with the criminal justice system. Under its current wording, Rule 7.6 allows for that possibility to

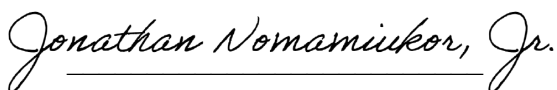
¹ [Judiciary Legal Community SIGNED 060420.pdf \(wa.gov\)](#)

² [King County judge under investigation for alleged use of racial slur | KNKX Public Radio](#)

continually hang over the heads of previously convicted persons in unfair way. Many people accused of probation violations are not aware of their constitutional right to contest these violations, and many more find themselves in a jail cell for days, sometimes weeks, before having the chance to contest their confinement. For instance, I have represented hundreds of individuals who were jailed under the premise of violating their probation for being arrested for a new crime. Even when those arrests do not lead to an actual new formal charge, the jailed person must still wait in a cell until a court schedules a review hearing. This process can steal days and sometimes weeks of a persons' liberty.

Although most consider the actual act of being confined to a cell to be the worst part of a criminal conviction, there are often ancillary collateral consequences to jailtime that greatly impact a person's life. An individual's ability to maintain employment, familial relations, or even their lawful immigration status are all jeopardized by a probation hearing gone wrong. This is why the proposed reforms to rule 7.6 should be adopted. Although there is no guarantee that these reforms will directly address the existence of racial bias within the criminal justice system, CLS believes that it will be a step in the right direction of better protecting marginalized peoples.

Respectfully,

A handwritten signature in cursive script that reads "Jonathan Nomamiukor, Jr." The signature is written in black ink and is positioned above a horizontal line.

Jonathan Nomamiukor, Jr.

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Good afternoon.

Attached is a comment to the proposed rule changes to CrRLJ 7.6.

Thanks.

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He/Him/His

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