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From: Tiffany Mecca <tmecca@snocopda.org>
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Subject: CrR 3.2

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I have worked as a public defender for almost 15 years. In those 15 years, I have seen pre-trial detention's harmful impact on the right to a fair trial. I have had clients who plead guilty because they could not risk losing their jobs or homes. I have had clients take offers to ensure someone is there to care for their children or parents. I have had clients plead guilty because they have been held pretrial longer than they would serve if they were convicted. People plead guilty not because they are guilty but because the harms caused by pretrial detention force them to.

Nationwide, the majority of people held in jail have not been convicted of a crime. According to the Washington State Pretrial Reform Task Force, in Washington, most people in jail are being held pretrial, and many counties have a pretrial jail population that is higher than the national average. For example, in King County, the average jail population is comprised of 77.7% pretrial defendants. And Pierce County has an average jail population that is comprised of 75.5% pretrial defendants.

Pretrial detention is harmful to individuals, families, and communities. A growing body of evidence suggests pretrial detention leads to worse outcomes for the people who are held in jail—both in their court cases and in their lives—as compared with similarly situated people who can secure pretrial release. The harm of pretrial detention disproportionately impacts people who are socio-economically disadvantaged because they must spend a larger proportion of their wealth to post bail. And, if they are forced to post that 10% to a bail company, they lose that wealth forever.

Systemic and institutional racism works to ensure that communities of color have less wealth. According to DCYF, American Indian/Alaska Native and Hispanic/Latino families with children live below the poverty level at rates over twice what White families experience. The poverty rate of Black/African American families is nearly three times the rate of poverty for White families. One in 5 Black/African American families in Washington State live in poverty, as do 1 in 6 families who are Hispanic or American Indian/Alaska Native.

The current bail system exacerbates current racial and socio-economic inequities. This rule change will mitigate some of the harm the criminal legal system inflicts on BIPOC communities and people with low incomes who are charged with crimes and are presumed innocent.

Thank you,

Tiffany Mecca

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