

KING COUNTY PROSECUTING ATTORNEY'S OFFICE



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Washington State  
Supreme Court

13 December 2018

Clerk of the Supreme Court  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929

Dear Justices of the Supreme Court,

Thank you for the opportunity to comment on the proposed amendments to Code of Judicial Conduct (CJC) 2.9 Ex Parte Communications, authorizing courts to rely on pretrial dynamic risk assessments that include interviews of unrepresented defendants and family members prior to first appearance. I urge the Court to adopt the proposed amendments.

Nearly every day judges across our state are faced with the difficult task of carefully and quickly assessing whether an accused person, who they have rarely met, poses a likely failure to appear, danger of committing a violent crime, or danger of interfering with the administration of justice. In making these decisions, judges are directed to consider a variety of factors, including the accused's employment status, educational enrollment, participation in counseling or treatment, family ties and relationships, mental condition, and length of residence. CrR 3.2 (c), (e); CrRLJ 3.2 (c), (e). These decisions have an enormous impact on victims, public safety, the accused, and their loved ones. Pretrial risk assessments are tools that empower judges to make more informed decisions on these matters. All judges and the people their decisions affect should be afforded that benefit.

I respectfully urge you to adopt the proposed amendments to CJC 2.9.

Sincerely,

DAN SATTERBERG  
King County Prosecuting Attorney