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Subject: FW: Propose CrR 3.2/CrRLJ3.2 Rule Comment
Date: Friday, April 30, 2021 9:33:03 AM

From: Wynne, Brian [mailto:Brian.Wynne@kingcounty.gov]
Sent: Friday, April 30, 2021 9:28 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
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To whom it may concern,

I am deputy prosecuting attorney for King County where I work as a supervisor of the Special Assault Unit. I write to provide my professional concerns with the proposed amended CrR 3.2 and CrRLJ 3.2. I respect the intent behind the proposed rule changes. However, I believe the proposed rule inappropriately narrows the authority of a judge and unnecessarily limits the information a judge may consider in discharging the duties of that position.

As currently proposed, the rule would require release of any person charged with a non-violent crime on the accused's personal recognizance unless the accused has failed to appear on the current charge, the accused is on probation or community custody, or the accused has been released on personal recognizance or bail for an offense pre-dating the current charge. The rule as proposed divests authority from a judge to set bail on an individual who is accused of committing a string of current offenses, potentially over a long period of time, where, in the judgment of the court, bail might be warranted. The proposed rule also prevents a judge from considering the entirety of an accused's background, including a long history of failures to appear or failure to abide by court orders on prior offenses. Finally, the proposed rule does not allow a judge factor in whether there is clear evidence from the current offense, or prior behavior, that the accused will interfere with the administration of justice.

Thank you for considering my comments in this process.

Sincerely,
Brian Wynne

Brian Wynne

Senior Deputy Prosecuting Attorney
King County Prosecuting Attorney's Office
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