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Subject: FW: Comment re: proposed CrR 3.2 Modification
Date: Friday, January 29, 2021 9:58:55 AM

From: Wong, Martina [mailto:Martina.Wong@co.snohomish.wa.us]
Sent: Friday, January 29, 2021 9:55 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment re: proposed CrR 3.2 Modification

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Good morning,

I respectfully write to express grave concerns regarding the proposed change to CrR 3.2, mandating release for “non-violent” offenders except under certain special circumstances.

The language as proposed in the rule completely removes the current provision of CrR 3.2(a), which clarifies that the term “violent crime” is not limited to the statutory definition found in RCW 9.94A.030. Removing this clarification could deprive trial judges of any discretion to assign bail for defendants charged with the following crimes:

- Malicious Harassment (hate crimes)
- Class B and C sex offenses such as Second Degree Child Molestation,
- felony domestic violence court order violations, including those predicated on assault of the victim in violation of the order,
- stalking,
- illegal possession of a firearm,
- felony DUI,
- harassment (threats to kill), and
- third degree assaults against police officers.

While these crimes are not statutorily classified as “violent” offenses, many of these crimes are crimes against persons – crimes committed in some of the most personal and intimate ways against another. The proposed changes to this rule would mandate release of offenders with some of the most serious convictions on their record simply because their currently charged crime is not a “violent” one. Please consider the ramifications this would effectively have on the public, and the significant risks such a rule pose directly to the victims, witnesses, and the public.

Judges should not be restrained from considering arguments regarding bail based on the categorization of the type of crime charged, but instead they should be permitted to hear proper arguments as to bail and have discretion in imposing appropriate bail based on the totality of the circumstances, including the offender's history and the specific facts of the case. While weighing and balancing an offender's rights is an important consideration for bail reform measures, I urge you to also carefully consider the very real and potential consequences and risks such a rule would pose to victims.

Thank you for your consideration.

Martina S. Wong

Deputy Prosecuting Attorney

Snohomish County Prosecutor's Office – Criminal Division

3000 Rockefeller Avenue, M/S 504

Everett, WA 98201

Phone: (425) 388-6685

Email: mwong@snoco.org

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