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**To:** [Linford, Tera](#)  
**Subject:** FW: Comment re: Proposed CrR 3.2/CrRLJ 3.2 Amendment  
**Date:** Friday, April 30, 2021 1:47:42 PM

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**From:** Van Olst, Kathy [mailto:Kathy.VanOlst@kingcounty.gov]  
**Sent:** Friday, April 30, 2021 1:46 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Ulrey, Page <pulrey@kingcounty.gov>; Van Olst, Kathy <Kathy.VanOlst@kingcounty.gov>  
**Subject:** Comment re: Proposed CrR 3.2/CrRLJ 3.2 Amendment

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Dear Justices of the Supreme Court,

Thank you for seeking comments regarding the proposed amendments to the Superior Court Criminal Rules (CrR) 3.2 Release of Accused.

We are Senior Deputy Prosecuting Attorneys for King County. We have been with the Office for more than 20 years and are familiar with CrR 3.2 and regularly address questions of bail and conditions of release in the cases we handle.

We urge you to reject the proposed changes to the current version of CrR 3.2, which mandate the release of any person charged with a non-violent crime who has not previously failed to appear on the current offense, and is not on probation, community custody, or pretrial release for an older crime. Bail reform, which we support, is an essential component in addressing equity issues in our criminal justice system. However, the proposed changes fail to advance that goal by simply eliminating judicial discretion in situations where community safety and public trust may require bail and/or conditions.

Our comments regarding the proposed rule changes arise from our experience handling felony elder abuse prosecutions for King County, the majority of which are financial exploitation. These cases involve older adult victims who lose precious savings to offenders who are often caregivers, family members, or strangers who target them due to their cognitive, physical, or emotional vulnerabilities. Though not violent offenses, these crimes have been found to increase the likelihood of premature death of older victims by 300%.<sup>[1]</sup> As

currently drafted, the proposed rule changes would mandate the release of these “non-violent” defendants on their personal recognizance in most cases, leaving victims, their loved ones, and the public at risk. Imposing a bright line rule eliminating judicial discretion regarding the imposition of bail and release conditions for these types of “non-violent” cases fails to allow for the appropriate consideration of potential consequences and risks to the victims, the accused, and the public as presently allowed under CrR 3.2. As such, we respectfully urge you to reject the proposed amendments to CrR 3.2.

Thank you for your consideration.

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[1] Lachs MS, Williams CS, Obrien S., Pillemer KA, Charlson ME. *The mortality of elder mistreatment*. JAMA. 1998; 280(5); 428-432.

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