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Subject: FW: Proposed Rule Amendment
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From: Fox, Margeaux K. [mailto:MKFOX@SpokaneCounty.org]
Sent: Wednesday, April 28, 2021 10:12 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Rule Amendment

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Hello,

I am writing to express my concern with the proposed 'Release of Accused Persons' for a few reasons.

This is a situation I deal with regularly (and probably my entire unit does). Someone with minimal or no history will commit a crime like Theft of a Motor Vehicle or Elude, and will get released, and immediately reoffend. Then they are facing a second charge and an FTC. Sometimes they are released a third or fourth time and the same thing happens. (Though under this rule, if they had previous release conditions in place, the release wouldn't be automatic). I acknowledge that this isn't every time, but it's frequent enough that a pattern emerges. It seems to me that if an individual is suffering some personal crisis (mental break, drug or alcohol binge, or just period of bad judgment) sometimes releasing them from custody without any treatment or structure (and I don't think Pretrial Services call-ins is really enough structure in most cases), sets them up for failure and additional criminal law violations. I know that we have jail Mental Health, but my understanding is that they only have the times and resources to deal with the most serious cases. For individuals who aren't in that 'more serious' category, it seems like we still have an obligation to help.

Also, 'violent' crimes is a pretty narrow section of the behaviors which are potentially harmful (again, thinking specifically of elude). And really, the person most likely to immediately reoffend is probably the young transient person stealing cars, not the person who premeditated a murder or robbery. (Not to imply that violent crimes should be held – they definitely should.). This seems especially poignant because the motor vehicle crimes - which these usually are- are trippers, and carry such a harsh penalty. One weekend of bad decisions can make a person's offender score jump from a 0 – 6 or 9 very quickly.

Additionally, in terms of judicial economy, it seems more financially sound to keep accused persons for slightly longer and potentially avoid the cost of getting called to another crime scene, and re-arrest the individual, deal with the FTC warrant and a new first appearance, and have another charge on their record

The counter proposal I would make is some kind of mandatory 48 or 72 hour hold, to have time to fully assess the accused persons when they are brought in, and determine if they can safely (for themselves and others) be released. That would also give jail Mental Health additional time to see if any services are needed, and If it's just a drug binge, it would give additional time for them to get sober. If it was just a bad decision, this would serve as a strong deterrent.

Thank you for giving us the opportunity to respond to this.

Respectfully,
Margeaux

Margeaux K. Fox
Deputy Prosecuting Attorney
Spokane County, Washington
(509)477-3892