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Subject: FW: Comments on proposed amendments to CrR 3.2 and CrRLJ 3.2
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From: Harrison, Susan [mailto:Susan.Harrison@kingcounty.gov]
Sent: Friday, April 30, 2021 3:59 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on proposed amendments to CrR 3.2 and CrRLJ 3.2

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Dear Clerk of the Supreme Court,

I am a senior deputy prosecuting attorney with the King County Prosecuting Attorney's Office, and I am currently assigned to my office's Economic Crimes Unit. The vast majority of the cases that I prosecute are classified as non-violent. I am writing to express my opposition to the proposed amendments to CrR 3.2 and CrRLJ 3.2.

A large percentage of my current caseload includes offenders with multiple pending cases in King County and other counties in Washington State, as well as in other states. The proposed amendments state that the presumption of release in a non-violent case can be overcome by a number of factors, including [if] the accused has been released on personal recognizance or bail for an offense alleged to pre-date the current charge. A large number of people on my caseload who are charged with new law violations while they were on pre-trial release on pending cases (whether in King County, another county in Washington State, or another state) were not released on the posting of bail or their own recognizance on those cases, but were rather released to another less-restrictive option such as CCAP Basic, CCAP Enhanced, CCAP Modified, or Electronic Home Monitoring. I would note that as proposed, the amendments would not appear to allow for violations of conditions of release by people who were in any of those programs to be considered by the court in determining that the presumption of release had been overcome for the new charge.

Finally, I would note that the amendments require the court to unconditionally release defendants even in the face of overwhelming evidence that the defendant will not voluntarily reappear in court absent the imposition of bail and/or other conditions. The proposed amendments would preclude a trial court from considering such factors as the defendant's history of failing to appear in non-pending cases, the likely length of sentence the defendant faces, the strength of the defendant's connection to the community, and even the defendant's stated intention. The proposed

amendments undercut the ability of an impartial court to assess numerous relevant factors in the context of making a decision on release, bail and associated conditions.

For these reasons, I strongly urge the court to reject the proposed amendments.

Respectfully,

Susan Harrison

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