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**Subject:** FW: Opposition to changes in CrR 3.4  
**Date:** Thursday, September 30, 2021 4:50:04 PM  
**Attachments:** [image001.png](#)

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**From:** McIngalls, Colleen [mailto:cmcingalls@kingcounty.gov]  
**Sent:** Thursday, September 30, 2021 4:30 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Opposition to changes in CrR 3.4

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To Whom It May Concern:

I am writing in **opposition to the proposed CrR 3.4** changes that permit Defendants to appear via Zoom for all hearings and stages in criminal case. As, the Director of Victim Services at the King County Prosecuting Attorney's office, it is critical that the court consider the impact that this rule change could have on the rights afforded crime victims. As outlined in [Article 1, Section 35](#) of the Washington State Constitution, Crime Victims have a basic fundamental right to be present and provide a meaningful role in the criminal justice process. It states:

"ensure[s] victims a meaningful role in the criminal justice system and to accord them due dignity and respect, victims of crime are hereby granted the following basic and fundamental rights."... "a victim of a crime charged as a felony shall have the right to be informed of and, ... attend trial and all other court proceedings the defendant has the right to attend, and to make a statement at sentencing and at any proceeding where the defendant's release is considered..."

Crime victims have the right to be present and to be heard. Allowing defendants to appear remotely for sentencings diminishes the legislatures intent behind the Crime Victim Bill of Rights (RCW [7.69.030](#)). When a crime victim provides a victim impact statement, they should have the opportunity to look that individual in the eye and share the harm and impact that they inflicted. Any adopted court procedure that does not afford these rights is a violation of the rights of victims.

As the Director of Victim Services for King County, I have seen first hand the challenges and impacts that conducting remote proceedings have had on crime victims. Allowing defendants to appear remotely has slowed the process down dramatically for crime victims. During the pandemic, our criminal justice system made many compromises to remain functional. We have countless serious high risk defendants that are on COVID-FTA status (aka "in the wind"). The time it takes for our system to move to a resolution has extended the journey that a victim must undergo to seek justice in our system.

High Risk, dangerous defendants who traditionally would have been held in custody have been released due to low and no bail decisions. Decisions that have been driven by a request to reduce the jail population, and therefore not accounting for community safety. **Community safety and victim safety are synonymous.** Routinely defendants are not in contact with their attorneys, and are subsequently not held responsible for appearing in person. No one is looking for them, and in the early periods of COVID – warrants weren't issued. Cases were just kicked down the road assuring victims no justice.

Remote proceedings are less formal, less serious, and less meaningful than in person proceedings. Having formal, serious, and meaningful proceedings is of critical importance to domestic violence, sexual assault, and violent crime victims. Even arraignment, which has become more frequently remote, poses serious questions of public safety for judicial officers from issues of release, no contact orders, and firearm surrender. **Our advocates lack the necessary resources and tools to adequately safety plan and support survivors to stay safe in this remote environment.**

It is important to note, the COVID-19 pandemic has been disproportionately impacting domestic violence (DV) survivors of color. From the start of the COVID-19 pandemic and widespread stay-at-home orders, researchers have outlined the impact that stay at home orders have had on domestic violence survivors. When survivors have been isolated away with a lack of available resources, researchers have seen increased rates of homicide, battering, and economic impacts.

Prosecutors and judges can not assure the safety of the victim, as the perpetrator may be logged in remotely in the other room. Victims have a right to freely speak during certain proceedings, free from the coercive control of the defendant/perpetrator. Remote appearance can put victims in unsafe situations. Nobody knows what happens when the cameras turn off.

Please do not permit these changes. They will have destructive impact on crime victims, and contribute to a lack of faith and trust with the community to hold perpetrators accountable.

Sincerely,



**Colleen McIngalls** (she/her)  
DIRECTOR OF VICTIM SERVICES  
King County Prosecuting Attorney's Office

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