

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Support for Proposed Changes to CrR 8.3(b) and CrR 3.2
Date: Monday, April 1, 2024 11:23:48 AM

From: Ali Burton <aburton@snocopda.org>
Sent: Monday, April 1, 2024 11:14 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Support for Proposed Changes to CrR 8.3(b) and CrR 3.2

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Good afternoon,

I am writing in support of the proposed amendments to CrR 8.3(b), CrR 3.2 and their CrRLJ counterparts. I have been a public defender for three years and have seen how the criminal system negatively impacts so many in our community. These changes would help make the system slightly fairer for those most impacted.

First, the proposed changes to CrR 3.2 would work to remove predatory bail companies from an equation already heavily disfavoring the poor in our communities. While deposit bail is technically allowed now, in practice, courts very rarely offer accused people the option of deposit bail, effectively forcing indigent people to choose between paying a private company a non-refundable premium for their release or remaining in jail. And if the bail bond companies determine that a person lacks sufficient collateral, that person may have no option other than to remain in jail, risking loss of their jobs, homes, and children.

This proposed amendment to CrR 3.2/CrRLJ 3.2, Release of Accused, would require courts to offer accused persons the option of making a 10% cash deposit of the bail amount directly to the court, which would be returned at the conclusion of their case. While this amendment will not solve all the issues with the bail system, it is a significant step in reducing the inequity of the current system, in which people who cannot afford full bail amounts must pay private bail companies for their release, if these companies choose to help them at all.

Washington should join the many other states -- including Oregon, Kentucky, Massachusetts, Wisconsin, and Nebraska -- that have adopted similar bail reform rules. By amending CrR and CrRLJ 3.2, Washington can mitigate the harm the criminal legal system inflicts on people with low incomes who are charged with crimes and presumed innocent.

Second, this Court can and should authorize courts to use CrR 8.3(b) as it was intended and as the demands of justice require by not requiring prejudice to an accused's trial rights to dismiss. In its June 4, 2020 letter to the legal community, the Court wrote that we:

continue to see racialized policing and the overrepresentation of black Americans in every stage of

our criminal and juvenile justice systems. The legal community must recognize that we all bear responsibility for this on-going injustice, and that we are capable of taking steps to address it, if only we have the courage and the will.

As the Court has recognized, judges and the rest of the legal community bear responsibility for the ongoing injustice in our criminal legal system. Removing the limitation on such dismissals to “when there has been prejudice to the rights of the accused which materially affect the accused's right to a fair trial” will help them take long-overdue steps to address it. Currently, CrR 8.3(b) cannot address discovery violations, competency delays, and other egregious government misconduct.

Please adopt the changes to these rules as proposed to further justice in our state and for our communities.

Thank you,

Ali Burton

(she/her/hers)

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