

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Comment on Proposed Amendment to CrR 3.2 and CrRLJ 3.2
Date: Wednesday, May 1, 2024 8:29:30 AM

From: Hinds, Patrick <Patrick.Hinds@kingcounty.gov>
Sent: Tuesday, April 30, 2024 6:20 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on Proposed Amendment to CrR 3.2 and CrRLJ 3.2

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Attention: Clerk of the Washington State Supreme Court

I am writing to urge the Court to reject the proposed amendment to CrR 3.2 and CrRLJ 3.2. The many problems with these proposed amendments have been described at length in the comments submitted by numerous prosecutors, judges, and others from around the state and I share in their concerns. The amendment essentially serves as a blanket automatic 90% reduction of any bail amount set and does not impose liability for the full amount if the defendant flees or otherwise violates conditions of release. In addition, the justification provided for the proposed amendment does not recognize that the entity that posts security has an incentive both to assist the defendant in complying with the conditions of release and appearing for court and to assist in returning the defendant to court if conditions of release are violated. In contrast, the amendment increases the ability of third parties with no connection to the case, such as “community bail funds,” to post bail on serious offenses without regard to the risk to the public and the risk that the defendant will fail to appear. The posting of bail by such a third party creates no incentive for the defendant to comply with conditions of release or to appear for court. Finally, the proposed amendment appears to be a solution in search of a problem, as courts already have complete discretion to order an appearance bond, which is satisfied by posting 10% of the amount set and an agreement to pay the remainder if conditions of release are violated. Such an appearance bond does not require doing business with a bail bond company. In this context, it appears that the proposed amendment is more about stripping trial judges of their discretion than it is about creating new options.

For all of the above reasons – as well as those stated in other comments to the Court on this proposed rule change – I respectfully request that the proposed amendment to CrR 3.2 and CrRLJ 3.2 be rejected.

Sincerely,
Patrick Hinds



Patrick Hinds (he/him/his)

Chief Deputy, Economic Crimes & Wage Theft Division

King County Prosecuting Attorney's Office

516 3rd Avenue | Seattle | WA | 98104

Office: (206) 477-1181

Email: Patrick.Hinds@kingcounty.gov