From: OFFICE RECEPTIONIST, CLERK
To: Martinez, Jacquelynn
Subject: FW: WSBAA comments on CR 3.2 proposed amendment
Date: Tuesday, April 30, 2024 8:09:57 AM

From: Courtney Wimer <courtney@allcitybailbonds.com>
Sent: Monday, April 29, 2024 4:44 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: WSBAA comments on CR 3.2 proposed amendment

CrR 3.2 and CrRLJ 3.2
The Washington State Bail Agents' Association (WSBAA), representing licensed bail agents, bail recovery agents, and surety companies across Washington State, respectfully urges the Court to maintain the current language for Court Rule 3.2 and not modify it in the manner proposed.

Washington's Court Rule 3.2 is regarded by many as the gold standard for pretrial release nationwide. The rule presumes release, and is designed to ensure the court appearance of the accused via the least restrictive means for the individual in question. Previous analysis, including during the by the Pretrial Task Force convened by the Washington State Minority and Justice Commission several years ago, has highlighted the effectiveness of the current rule by showing the low failure to appear (FTA) rates for individuals on bail, while simultaneously showing that Washington State does not have a problem with individuals languishing in jail pre-trial on account of unaffordable bail.

For many individuals, accessing their freedom through a bail bond will be the least restrictive means of securing their freedom. Rather than invasive electronic home monitoring or other court-imposed oversight, release via bail can be less restrictive, while still providing a strong financial incentive to return to court because the remaining 90% of the judicially-imposed bail amount is still at risk should court appearances be missed. The proposed rule would have 10% paid to the court, with no collateral on the remaining 90%, and with no framework in place to proactively work with the accused or return the individual to custody should court dates be missed.

On this latter point, release via private bail comes with the assurance to the court that it can count on a bail company as an ally to help the individual return to court on schedule. More than just sending a text message reminder, bail agents help their clients by arranging rides, working

with family and friends to monitor whereabouts, or ultimately recovering an individual who has missed court or even fled the jurisdiction. The bail industry provides invaluable support, at no cost to the taxpayer, to assure appearance and keep the court system on schedule. No such support is available if the accused deposits 10% to the court. Instead, if/when an accused misses a court date, a bench warrant will simply be issued in hopes that law enforcement encounters them. Nobody will be proactively seeking to bring the individual to court. This does nothing to aid the people who need help returning to court or to recover those who have accidentally or intentionally ignored their court dates. It also imperils the administration of justice for victims and others.

For people who do not have the ability to access a bail bond, the current rule 3.2 allows the judge to fashion another release option for them that is the least restrictive option of securing their freedom. One of the guiding principles for the Task Force was supporting judicial discretion. The final report had this to say: "[t]he ability of judges to make individualized decisions based on an individual's actual risk is of paramount importance given the presumption of release and the impact of detention. Judges should be afforded all the information and tools readily available to support their ability to make informed release decisions."

Accordingly, the current iteration of 3.2 is, in the WSBAA's experience, the gold standard at achieving the twin goals of pretrial release. The Association respectfully encourages the Court not to modify CrR 3.2 and CrRLJ 3.2.

Thank you for your time and consideration on these important matters.

Courtney Wimer
WSBAA President

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