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**From:** Charlotte Storey <CStorey@auburnwa.gov>  
**Sent:** Wednesday, April 30, 2025 1:57 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Jason Whalen <JWhalen@auburnwa.gov>; Paul Byrne <PByrne@auburnwa.gov>  
**Subject:** Opposition to Proposed Amendment to CrR/CrRLJ 3.2.

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The City Attorney's Office for the City of Auburn opposes the proposed amendment to CrR/CrRLJ 3.2.

Proponents for the proposed amendments to CrR/CrRLJ 3.2, which currently allows judges to consider "the administration of justice" when determining whether bail or release is appropriate, argue that the existing rule is not sufficiently specific and contradicts the presumption of release.

GR 9(a)(4) requires a showing that the proposed rule is necessary statewide. No such showing of necessity has been presented for this amendment. In fact, statute and case law provide both a definition for "administration of justice" and guidance on permissible application of the rule (see respectively RCW 10.97.030 and *State v. Rose*, 146 Wn. App. 439, 454, 191 P.3d 83, 91 (2008)).

Importantly, the proposed changes would likely curtail judicial discretion by requiring the judge to limit their consideration to whether the defendant has been intimidating witnesses. Part of the consideration for release must include whether the individual's actions have hindered the progression of a case. This might include lying to the court, evading capture, violating conditions of release, or failing to appear as instructed by the court. Evidence of the latter is often more readily available for the court's consideration and is valuable in a complete assessment of the appropriateness of bail or release.

The impact of these proposed changes would likely be felt beyond the courtroom. Witnesses and victims often wait months, sometimes years, for justice. Restricting judicial discretion from considering the obvious behavior of a defendant to avoid adjudication, only delays that justice. The consequences within the judicial system would likely include unnecessary delay and many more court hearings, requiring more time and attention of the court, court staff,

defense attorneys, and prosecutors, further crippling an already struggling system.



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