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Subject: FW: Proposed Changes to CrR 3.2 and CrRLJ 3.2
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From: Raz, Don <Don.Raz@kingcounty.gov>
Sent: Sunday, April 20, 2025 6:18 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Raz, Don <Don.Raz@kingcounty.gov>
Subject: Proposed Changes to CrR 3.2 and CrRLJ 3.2

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I am writing to voice my strong opposition to the adoption of the proposed change to above-noted Criminal Court Rules for Washington State Superior Courts and Courts of Limited Jurisdiction. I am a senior deputy prosecutor with the King County Prosecuting Attorney's Office and have 36 years' experience working with and observing the effects of Washington's criminal rules.

The proposed change to CrR 3.2 and CrRLJ 3.2 makes a significant change to the bail rules in Washington under the guise of "clarifying" an intentionally broad criterion. The criterion of "interfere in the administration of justice" is clearly intended to give courts the ability to consider a broad range of facts that may be relevant to setting bail in certain circumstances. The proposed amendment is too narrow and ignores the risk that an accused can tamper with witnesses in ways other than by threats or intimidation. For example, under the proposed amendment, a court setting bail would not be able to consider a given defendant's attempts to bribe witnesses. Courts must have sufficient discretion to address all behavior that interferes with the administration of justice, not just those that involve a threat or attempt to intimidate. Further, Courts commonly impose conditions of release that are necessary for the due administration of justice but are not necessarily tied to the accused attempting to threaten or intimidate anyone. Examples include prohibiting a defendant from having contact with codefendants, victims (especially in domestic violence and sexual assault cases), minors (especially in sexual assault and CSAM cases), and specific locations. Another example is a condition of release prohibiting new law violations. Violations of these conditions of release interfere with the administration of justice even if they do not involve behavior that is threatening or intimidating in intent or effect. The proposed amendment would wholly

deprive courts of the ability to enforce such conditions of release.

For these reasons, I strongly urge this Court to reject this proposed change to CrR 3.2 and CrRLJ 3.2.

Thank you for time and your consideration.

Sincerely

Donald J. Raz, WSBA #17287
Senior Deputy Prosecuting Attorney
King County Prosecuting Attorney's Office