From: OFFICE RECEPTIONIST, CLERK
To: Farino, Amber
Cc: Ward, David
Subject: FW: Comment Opposing Changes to CrR 3.2 and CrRLJ 3.2
Date: Thursday, May 1, 2025 8:03:58 AM

From: Boeshans, Evan <eboeshans@kingcounty.gov>
Sent: Wednesday, April 30, 2025 5:16 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment Opposing Changes to CrR 3.2 and CrRLJ 3.2

To the Court,

I am writing in opposition to the changes currently proposed to CrR 3.2 and CrRLJ 3.2. Broadly, the proposal seeks to restrict courts' considerations of a defendant's likely interference with the administration of justice to whether they will "seek to intimidate or threaten a witness, victim, or court employee, or tamper with evidence" for the purposes of setting bail and determining conditions of release.

The proponents of these changes suggest they are necessary because the State has successfully argued that failures to appear and past violations of conditions of release tend to show interference with the administration of justice. They do. And, under the current rule, judges are free to give whatever weight they see fit—including very little weight—to those facts. That is appropriate, as surely a judge would look differently on a defendant who failed to appear for a hearing once decades ago than on a defendant who is back before them after violating the conditions of release in the instant case for the third time. The proposed changes would prevent considering even the latter.

Courts commonly impose conditions of release aimed at preventing interference with the administration of justice that do not relate exclusively to threats or intimidation. Defendants are often ordered not to contact co-defendants, victims, minors, or certain locations. This prevents not just threatening or intimidating contact, but also contact where (for instance) a defendant could try to dissuade a victim or witness from testifying truthfully, or at all. This is where the proposed changes would lead to absurd outcomes. Under the suggested language, courts could not consider a domestic violence defendant's hundreds of calls to the victim asking them not to testify to be interference with the administration of justice, so long as the calls were not threatening or intimidating. Similarly, the proposed language would prevent a court from considering as interference with the administration of justice millions of dollars in bribes given by a defendant in a public corruption case to potential witnesses.

The proposed changes to CrR 3.2 and CrRLJ 3.2 would require judges throughout this state set conditions of release without any regard to whether defendants have or will actually follow those

conditions. That is illogical. Judges are free to give these factors the weight they see fit but there is no basis for preventing judges from considering them.

I urge the Court reject the proposed changes to CrR 3.2 and CrRLJ 3.2.

Respectfully,
Evan
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