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Subject: FW: Comment to Proposed Rule Change to CrR 3.2
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From: Shindo, Maya <mshindo@kingcounty.gov>
Sent: Monday, April 21, 2025 10:37 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment to Proposed Rule Change to CrR 3.2

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Good morning,

Please see below for my comment to proposed rule changes to CrR 3.2.

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. In this context, the proposed amendment's over-focus on whether the accused will "threaten or intimidate" a victim or witness ignores the numerous other ways in which an accused can attempt to unlawfully dissuade a witness or victim from appearing and testifying truthfully in response to a subpoena. 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.

The proposed amendment "clarifies" the meaning of the "interfering in the administration of justice" factor in a way that renders it mostly superfluous. Under both the existing rule and the amended version proposed, a court setting bail can consider the likelihood that the accused will commit a violent offense as a factor in and of itself. As a result, limiting the "interfering in the administration of justice" factor to meaning "seeking to intimidate or threaten a witness, victim, or court employee, or tampering with evidence" renders it mostly superfluous; intimidating or threatening a witness, victim, or court employee is committing a violent offense. In that context, the practical impact of the proposed amendment is not to *clarify* the meaning of "interfering in the administration of justice," but to effectively delete it and limit the court to only considering the likelihood that the accused will commit a violent offense.

Respectfully,
Maya Shindo

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