From: OFFICE RECEPTIONIST, CLERK
To: Farino, Amber
Cc: Ward, David
Subject: FW: Comment on Proposed Change to CrR 3.2
Date: Thursday, May 1, 2025 8:09:37 AM

From: Reese, Roxanne <roreese@kingcounty.gov>
Sent: Wednesday, April 30, 2025 7:24 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on Proposed Change to CrR 3.2

I am writing to comment in opposition to the proposed change to CrR 3.2. The proposed amendment purports to clarify the meaning of the "interference with the administration of justice" language, but in fact seeks to eliminate a category of factors the rule identifies as relevant. That the proponents are seeking a significant change rather than a "clarification" of the rule is evidenced by the changes necessitated to CrR 3.2(e)(7) (regarding commission of offenses while on release); those changes alter CrR 3.2(e)(7) from a factor that would be relevant under the existing language and interpretation to one that is effectively redundant to other existing factors regarding likelihood of committing a *violent* offense.

If adopted, the proposed amendment would eliminate the court's ability to impose, let alone meaningfully enforce, even the most basic conditions of release aimed at timely and orderly administration of court proceedings. This rule change would leave the Court unable to consider the likelihood of committing new non-violent crimes at the outset, with the ramification being that it also cannot meaningfully react when a condition of "commit no new law violations" is violated unless the new law violation is itself violent or tampering in nature.

Under this change, if the Court found there was a risk of flight or violent offense and imposed Electronic Home Monitoring, or another Less Restrictive Alternative, and the defendant then violated the terms of the less restrictive alternative, the Court would have to conduct a convoluted analysis to determine whether—by clear and convincing evidence—the defendant violated in such a way that their risk of flight or commission of a violent offense was implicated. And if the Court could not so find, it would have no recourse for responding to defendants who flout their conditions of release and, in so doing, the authority of the Court. This lack of redress would be immediately and inherently delegitimizing to the system.

It is worth noting that the narrower construction of "Interfering with the Administration of Justice" also significantly inhibits the Courts ability to meaningfully enforce no-contact conditions. It is not the case that every individual violation of a no-contact condition is threatening or intimidating in intent or nature (e.g., no contact orders between co-defendants; invited contact between DV/SAU defendants and victims). These reasonable conditions are designed to prevent violent offenses and

tampering but would quickly become meaningless if the State bears the burden of proving not only that the prohibited contact occurred, but also that there was a particular intent behind the contact before the court can even consider modifying conditions of release.

At bottom, the proposed amendment uses the pretext of clarifying the rule to sharply undermine the Court's authority and circumscribe the relevant factors to be considered.

Thank you,
Roxanne Reese