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April 10, 2025

Honorable Mary I. Yu, Chair
Supreme Court Rules Committee
c/o Clerk of the Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Changes to CrR 3.2

Dear Justice Yu,

The Superior Court Judges' Association (SCJA) Criminal Law and Rules Committee and Equality and Fairness Committee reviewed the proposed changes to Criminal Rule (CrR) 3.2. These proposed changes would strike the existing language in Section (a)(2)(b), and similar language in (a)(2)(d) allowing the court to impose pretrial condition(s) of release when the accused person seeks to intimidate a witness or interfere with the administration of justice. It then adds a narrower amendment allowing the court to consider witness intimidation or threats to victims and court employees, or evidence tampering. After much discussion within the SCJA, and appreciation for the underlying rationale of the proposed changes, we must respectfully request the Supreme Court reject this proposal.

The SCJA generally supports addressing the scope of the "administration of justice" provisions in the current rule, and we believe stronger definitions that maintain the court's discretion while providing guidance on the rules' intent would be beneficial. Consistent with Washington law and its court rules, the best practice is to ensure the fewest number of people are detained pretrial, with the fewest possible conditions, and without jeopardizing public safety. The SCJA has long served as a partner in pretrial reform efforts, including co-sponsoring Washington's Pretrial Reform Task Force several years ago.

The SCJA does not find, however, that the changes offered to CrR 3.2 are appropriately narrowed. This proposal would limit the court's discretion to address other critical factors, such as new nonviolent charges while out on pretrial release, and violations of a no contact order or other court order without a direct attempt to intimidate or threaten. The amendment carries a potential risk to victims in sexual assault and domestic violence cases, especially those with no contact orders that are unrelated to the specific offense for which the accused is being held.

Honorable Mary I. Yu

April 10, 2025

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Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kristin", with a stylized flourish at the end.

Judge Kristin Ferrera, President
Superior Court Judges' Association

CC: Allison Lee Muller
SCJA Board of Trustees

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Court Rule Public Comment Letters
Date: Thursday, April 10, 2025 2:08:55 PM
Attachments: [CR 12 SCJA Public Comment.pdf](#)
[CR 68 SCJA Public Comment.pdf](#)
[Family Law Defense Standards SCJA Public Comment.pdf](#)
[CrR 3.2 SCJA Public Comment.pdf](#)
[CrR 4.1 CrRLJ4.1 CrRLJ 3.2.1 SCJA Public Comment.pdf](#)
[CrR 8.3 SCJA Public Comment.pdf](#)
[GR 24 SCJA Public Comment.pdf](#)
[GR 27 SCJA Public Comment.pdf](#)
[RPC 6.1 SCJA Public Comment.pdf](#)

From: Valdez, Andrea <Andrea.Valdez@courts.wa.gov>
Sent: Thursday, April 10, 2025 11:48 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Kristin Ferrera <Kristin.Ferrera@CO.CHELAN.WA.US>; Lee Muller, Allison <Allison.LeeMuller@courts.wa.gov>; Ireland, Shelley <Shelley.Ireland@courts.wa.gov>; Green, Heidi <Heidi.Green@courts.wa.gov>
Subject: Court Rule Public Comment Letters

Good morning,

Please see the attached comment letters on behalf of the Superior Court Judges' Association. The proposed rules we are commenting on at this time are:

- CR 12
- CR 68
- CrR 3.1/CrRLJ 3.1/JuCR 9.2 (family defense cases)
- CrR 3.2
- CrR 4.1/CrRLJ 4.1/CrRLJ 3.2
- CrR 8.3
- GR 24
- GR 27
- RPC 6.1

Thank you,
Andrea Valdez, MPA (she/her/hers)
Senior Policy Analyst
Superior Court Judges' Association
Administrative Office of the Courts
Andrea.valdez@courts.wa.gov