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The City Attorney's Office for the City of Kent opposes the proposed amendments to CrR/CrRLJ 3.2.

Proponents claim the revisions will clarify the factors courts may consider when imposing pretrial release conditions. This rationale is misleading. The current standard—risk of interference with the administration of justice—is intentionally broad, but well-defined under RCW 10.97.030. Judges already have sufficient guidance, and proponents have failed to demonstrate under GR 9(a)(4) that statewide change is necessary.

The proposed changes would severely limit judicial discretion, requiring specific evidence that a defendant will intimidate witnesses, tamper with evidence, or threaten court personnel. In practice, however, evidence of such conduct is often hard to obtain. As a result, those who successfully interfere with witnesses and/or evidence could essentially be rewarded under this narrower standard—a deeply concerning outcome.

By redefining "interference with the administration of justice" so narrowly, the proposal excludes behavior such as failing to appear in court, providing false information, fleeing from law enforcement, or violating pretrial release conditions. These are clear indicators of a defendant's disregard for judicial authority and should remain valid considerations in setting bail or conditions of release.

Restricting courts from addressing such conduct undermines the integrity of the justice process. It hampers the ability to manage risks such as subtle but still influential victim/witness contact, commission of new crimes while on release, and procedural delays caused by missed court appearances—all of which degrade case integrity, overburden scarce resources within the criminal justice

system (including public defenders), and reduce public trust in the system.

Victims and witnesses often express frustration, perceiving a system that prioritizes defendants' rights over their own. Limiting judicial discretion as proposed only reinforces that perception. The courts must retain the ability to act in the interest of public safety and the fair administration of justice.

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