From: OFFICE RECEPTIONIST, CLERK
To: Farino, Amber
Subject: FW: Comments on Proposed Court Rules 2025
Date: Monday, April 28, 2025 1:32:36 PM

From: Manzo, Yessenia (PAO) <ymanzo@kingcounty.gov>
Sent: Monday, April 28, 2025 1:29 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on Proposed Court Rules 2025

CrR/CrRLJ 8.3

I am writing to express concerns and object to the proposed amendment to this rule.

- **The proponents justify the proposed amendment by making the assertion that courts should be able to dismiss cases because of the "overrepresentation of Black Americans in every stage of our criminal and juvenile justice systems."**
  This implies that courts can and should dismiss entire categories of cases if a judge concludes that the category contributes to that overrepresentation. Not only is it unclear how a judge could conclude that a particular case is a contributor to overrepresentation of Black persons in the criminal justice system, given that argument can be made based on race alone. But this assertion also specifically excludes any consideration of victims who are of marginalized communities, strictly applying a racial equity lens to defendants and not victims. Absent prejudice to a specific defendant, under this rule, a judge could elect to dismiss a case simply based on a defendant's race, while giving drastically inequitable weight, if any, to the impact of a defendant's criminal conduct on marginalized communities.
  For example, if a Black defendant commits an anti-LGBTQ hate crime, a judge could decide to dismiss the case based on the defendant's race, causing further harm to the targeted community. This proposed amendment is not an actual racial equity lens, just the appearance of one. It is these types of policies and approaches that harm the very communities that are overrepresented in the criminal justice system.

- **The proposed amendment ignores the public interest in the prosecution of crimes and protection of the victim and the community.**
  Because the proposed amendment would do away with the need for connection between any misconduct of the State and the defendant's ability to have a fair trial, it does not serve the public interest in punishment of the guilty and public safety. While one of the four factors is, "the impact of a dismissal on the safety or welfare of the community (the defendant is part of the community)," no guidance is given on how this factor ought to be weighed, if at all, against the other enumerated factors

or any other information a court might deem "relevant to the inquiry." This factor also implicitly shifts focus away from the victim and disregards the victim's right to justice and protection from the defendant.

Victims not only have to endure traumatic, life-altering violence, but they then have to endure a system where they receive minimal rights. This proposed amendment works to strip even more rights and protections away from them. The stripping away of rights and protections, especially of victims from marginalized communities, whether that be gender-based violence or hate crimes, would be another drastic layer of inequity.

CrR/CrRLJ 4.1

I am writing to express concerns and object to the proposed amendment to this rule.

- **The proposed amendment does not provide sufficient time for victim notification.** In many cases, prosecutors must still rely on the postal system to provide victims with notice that a case has been filed and scheduled for arraignment. The proposed three-day window between filing and arraignment is insufficient to generate notice, submit it to the postal service, and have it delivered and received prior to the arraignment date. At best, the notice will arrive the day before arraignment, providing victims of crime with insufficient time to make work, childcare, or transportation arrangements to attend the arraignment and potential bond motion or provide input to an advocate or prosecutor to relay to the court. As a result, the proposed three-day timeline is not trauma-informed for victims on serious cases. In addition to the three day timeline not being trauma-informed, insufficient notice of arraignment would be in direct contradiction to victim and survivor's rights under RCW 7.69.030(l), "With respect to victims of violent offenses, domestic violence, or sex offenses, such victims may attend court proceedings or required interviews in person or remotely, including by video or other electronic means, as available in the local jurisdiction, to ensure access to justice to participate in criminal justice proceedings." This proposed amendment would work to ensure victims and survivors do not have access to justice to participate in important criminal justice proceedings that impact their lives and safety.

CrR/CrRLJ 3.2

I am writing to express concerns and object to the proposed amendment to this rule.

- **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.

- **The proposed amendment ignores the fact that the rule applies equally to circumstances in which the court is readdressing release based on the accused having violated conditions of release previously imposed by the court.**

Courts commonly impose conditions of release that are necessary for the due administration of justice, but are not necessarily tied to the accused attempting to threaten or intimidate anyone. Examples include prohibiting a defendant from having contact with codefendants, victims (especially in domestic violence and sexual assault cases), minors (especially in sexual assault and CSAM cases), and specific locations. Another example is a condition of release prohibiting new law violations. In this context, it is important to remember that violations of these conditions of release also interfere with the administration of justice even if they do not involve behavior that is threatening or intimidating in intent or effect. The proposed amendment would wholly deprive courts of the ability to enforce such conditions of release.

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Yessenia Manzo (they/them)
SENIOR DEPUTY PROSECUTING ATTORNEY
HATE CRIMES DPA
King County Prosecuting Attorney's Office

516 3rd Avenue, Seattle, WA, 98104
O: (206) 263.3745
E: YManzo@kingcounty.gov