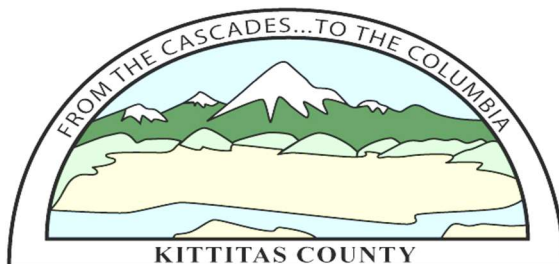


Kittitas County Prosecuting Attorney

GREGORY L. ZEMPEL

*Our Mission:
Seeking Justice; Serving Victims, and
Holding Offenders Accountable*



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NOTIFICATION OF PLEA BARGAIN TO VICTIM **NOTIFICATION OF VICTIM INPUT TO COURT**

RCW 9.94A.080, .090. and 440 were all amended by the legislature, during the 1995 session. RCW 9.94A.080 was amended to include the following language:

In a case involving a crime against persons as defined in RCW 9.94A.440, the prosecutor SHALL make reasonable efforts to inform the victim of the violent offense of the nature of and reasons for the plea agreement, including all offenses the prosecutor has agreed not to file, and ascertain any objections or comments the victim has to the plea agreement.

RCW 9.94A.090 then adds the following obligation:

„[t]he prosecutor shall inform the court on the record whether the victim or victims of all crimes against persons, as defined in RCW 9.94A.440, covered by the plea agreement have expressed any objections to or comments on the nature of and reasons for the plea agreement.

RCW 9.94A.440 provides the definition of crimes against persons and should be reviewed by all deputies. The legislature further added the following language to RCW 9.94A.440:

Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be

considered before reaching any agreement with the defendant regarding these decisions.

As you are all aware, Gina and Shirley are upgrading our victim/witness notification process, to assist deputies in addressing inquiries and providing initial information, relative to the process. However, we must, as deputies, make reasonable attempts to contact victims and solicit their input. It is presumed that the judges of our courts will be inquiring into the opinions of victims, as well as to the nature of our attempts to contact such victims. We need to document our efforts to:

1. Contact the victim(s) of crimes against persons, prior to charging;
2. Contact the victim(s) of crimes against persons, prior to making a plea offer; and
3. Obtain input from said victim(s) as to their opinion of the plea bargain, for presentation to the court at sentencing.

It is my opinion, that other statutes, including the amendment to our state constitution, requires us to provide notice to victims of all crimes, as to what charging decisions have been made, within five(5) days of making that decision. Again, it behooves us to document our attempts to make contact prior to making those decisions.

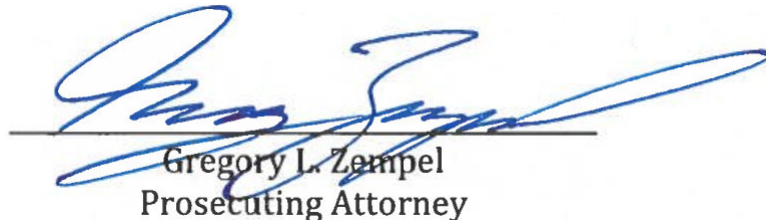
This is the minimum requirements placed upon us, with some additional requirements that we have discussed previously. We all need to make sure that we are complying with these mandates.

Our Victim-Witness Unit has requested that we not sentence people as quickly as we currently do, as they are not having sufficient time to notify victims of the disposition, and to allow the victims to make arrangements to attend the hearings. When we deal with a victim-less crime, we can sentence whenever the deal is struck. However, when we reach an agreement for disposition, we should set sentencing for a week later.

If you are afraid that the judge will get upset, because a trial is set in the near future, and he wants a plea prior to trial, go ahead and enter the plea, and note-up sentencing for a week or several days later, whichever is most practical. Then, immediately have the Victim-Witness Unit notify the victim of the sentencing date and determine whether or not they will be present. At that point, any impact statement to be utilized can also be provided to defense attorney, if not earlier provided, due to discovery concerns. For pro se litigants, wait until sentencing date to read victim-impact statement to the court, with or without the victim present.

There will be exceptions, but this should be the general rule. If problems develop, please let me know about the problems, and we will find the solutions.

Adopted this 7th day of June, 2022.



Gregory L. Zempel
Prosecuting Attorney