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Lakewood cop killings behind amendment to tighten bail system

By Christine Willmsen
Seattle Times staff reporter

After a crazed man killed four Lakewood police officers in a coffee shop last year, many in the community felt terrified and powerless.

Because of a constitutional amendment on this November's ballot, they will have a chance to exercise some power: deciding how certain risky defendants will be funneled through the judicial system.

Maurice Clemmons, who had a violent criminal history, faced four felony charges and possibly life in prison when he was bailed out of Pierce County Jail on Nov. 23. Six days later, Clemmons stepped into the Forza Coffee Shop and assassinated Sgt. Mark Renninger and Officers Ronald Owens, Tina Griswold and Greg Richards.



Maurice Clemmons was free on bail.



State Rep. Mike Hope, Seattle police officer

In response, lawmakers proposed amending the state constitution, which says all persons accused of a crime are entitled to bail except those charged with aggravated first-degree murder. Approval requires a simple majority of voters.

The proposed amendment, Engrossed Substitute House Joint Resolution 4220, would allow a judge to deny bail to persons charged with an offense punishable by life in prison such as a third-strike felony, rape of a child, murder or other serious crimes.

Before denying bail, a judge must also find clear and convincing evidence that the defendant has a propensity for violence and poses a likely danger to the public.

Rep. Mike Hope, R-Lake Stevens, a veteran Seattle police officer, was one of those who got the amendment started. It would deal with dangerous habitual offenders like Clemmons, he said.

"You have a person facing a third strike and life in prison and he's been arrested," Hope said. "It didn't make sense he would be released into society for a crime spree, knowing he had nothing to lose."

Pierce County Prosecuting Attorney Mark Lindquist, like the governor and many in law enforcement, supports

the amendment.

"The bonding company is taking a risk, but the community is at risk, too," he said. "The only solution is the constitutional amendment coming up. The judge should be able to say, 'No bail.' "

But Seattle University law professor Robert Boruchowitz said amending the state constitution won't prevent another Lakewood shooting.

"It's an overreaction to ... a tragic event," he said. "It's a bad idea because it would expand the number of people in jail, even though they're presumed innocent."

He emphasized that court rules now in place give a judge the ability to keep someone in jail by setting high bail or placing other restrictions on a defendant deemed to be dangerous.

Boruchowitz also said the language of the amendment is broad and ambiguous, with no definition of "propensity for violence."

Typically, a judge sets bail and a defendant pays a bail-bond company a nonrefundable premium to be released from jail with the promise to appear in court.

Many Washington bail companies charge much less than the typical 10 percent of the bond and accept shaky collateral and installment plans from defendants.

Despite his lengthy criminal history, Clemmons was able to get out of jail three separate times last year.

Jail Sucks Bail Bonds of Chehalis was criticized for bailing out Clemmons shortly before he gunned down the four officers. His family and friends paid \$8,000 on a \$190,000 bond.

But John Wickert, the owner of the company, said he never would have written the bail had he known Clemmons was facing life in prison and had several previous felony convictions.

Wickert supports the amendment. "I don't want anyone out who is going to be a risk to the community."

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