

Can you also explain how the bail amount was set?

Elias Huizar was arrested and charged with rape in the second degree and rape of a child in the third degree. Based on the nature and severity of the charges, the two victims in the two cases and the information we had regarding his life circumstances we requested a combined bail amount of \$250,000, which was granted by the court. In addition, the court entered an order prohibiting him from contacting the victims and from possessing firearms. The court's decision to set bail is based on Criminal Rule 3.2. <https://www.courts.wa.gov/courtrules/superiorCourtCriminalRules.cfm> In order to hold a defendant on bail the court must find that the defendant presents a risk of flight or that there is a likely danger that the defendant will commit a violent offense or seek to intimidate witnesses. CrR 3.2(a). This determination is based on the information available to the prosecution and the court at the time of the preliminary appearance and is described in the probable cause statement filed with the court (see attached). Mr. Huizar was arrested and placed in custody on a 72-hour hold on the same day the victims made their initial report to law enforcement. It was only a few days later that we made a charging decision and requested bail based on all the information available to us at the time.

Was \$250,000 a normal amount?

The court typically looks at prior criminal convictions, connections to the community and specific information related to the dangerousness of the defendant when establishing bail. Because Mr. Huizar had no known convictions and because he resided in Benton County the \$250,000 bail that was requested and granted by the court was appropriate based on the information we had at the time. Obviously if we could have anticipated the tragedy that would later occur, we would have asked for an even higher bail setting. Based on what we knew of the case, we asked for a higher bail setting than we would typically ask for based on the standards provided in Criminal Rule 3.2.

Huizar was only required to put up a small amount and was apparently still living with his young victim Angelica Santos.

Defendants held on bail must post cash or a bail bond to be released. In this instance, a bond was posted for Huizar's release. Typically, a bond requires payment of a non-refundable fee and requires the provision of collateral, in this case in the amount of \$250,000, to a bail bond company. The court released Huizar on the condition to not have any contact with the victims. Huizar clearly did not abide by that order.

How are people out on bail monitored?

Defendants are required to appear for regular court hearings, report to their attorney, maintain law abiding behavior and comply with other conditions established by the court. A defendant who violates his or her conditions of release is subject to reincarceration and other sanctions. Typically, this starts with a request by the prosecution when we learn that a defendant is in violation of the court's conditions.

Was there ever an Extreme Risk Protection Order filed by Benton County as permitted under law? Does Benton County ever file ERPOs?

I have reviewed the protection order matter filed by Amber Rodriguez, however I do not believe that a separate ERPO was filed by law enforcement. An ERPO petition may be filed by an intimate partner or family member of the respondent or by law enforcement. If granted, an ERPO petition will restrict a respondent from possessing firearms. In this case, law enforcement seized Huizar's weapons when he was arrested and booked into the Benton County Jail, and the court entered an order prohibiting him from possessing firearms. To my knowledge, law enforcement does not often file ERPO petitions, but you would need to check with the Benton County Clerk on this. The reason for this is that there are other ways to force a respondent to surrender their firearms, particularly where an arrest occurs and criminal charges are initiated.

Was Huizar ever required by the courts to surrender his weapons or did his weapons get returned to him after he was released from custody on bail?

Huizar's firearms were seized by the SWAT team when he was arrested. The court entered an order prohibiting him from possessing firearms. His firearms were not released to him after bail was posted.

Do we know yet what gun was used to kill Amber Rodriguez? Is that the same weapon that was noted in the police report from February?

The case is still under investigation and as a result I am unable to disclose this information.