

## Faulk, Camilla

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**From:** Lisa Beaton [Lisa.Beaton@ci.kennewick.wa.us]  
**Sent:** Friday, April 18, 2008 4:04 PM  
**To:** Faulk, Camilla  
**Cc:** Bob Hammond; tammyf@awcnet.org  
**Subject:** Comment on WSBA proposed amendments to CrRLJ 4.1

To: The Honorable Charles W. Johnson  
Chair, Rules Committee  
Washington Supreme Court

Re: Comment on WSBA proposed amendments to CrRLJ 4.1

Dear Justice Johnson,

The City of Kennewick opposes the WSBA proposed changes to CrRLJ 4.1 which would require a prosecutor to be present at all in-custody arraignments and a public defender to be present and available for all arraignments before the court can accept a plea. Kennewick objects to the fiscal impacts this would have on its district court budget, not to mention the extra hearings and staff time that these new requirements would mandate. Kennewick currently has only two prosecutors handling a substantial criminal caseload, in all likelihood we will not have enough staff to handle this additional daily docket responsibility. In addition to the strain on resources for prosecution, the proposed changes will substantially increase the costs to Kennewick for the defense panel contracts. Like many Cities across the State, Kennewick has a limited ability to even cover costs to provide essential services like police and fire, we simply do not have the resources to comply with another unfunded mandate. Considering the fact that there is no constitutional right to an attorney at arraignment, no constitutional requirement for the presence of a prosecutor at arraignment, and no funding provided by the court to implement this legislation, it is our position that these changes should be voted down. The current version of CrRLJ 4.1 adequately protects the rights of defendants at arraignment. Contrary to what is stated by the WSBA regarding the culture of courts of limited jurisdiction, in our jurisdiction, the judges do engage in a colloquy with each individual defendant at arraignment. There is no question that these proposed changes by the WSBA were submitted with the best of intentions, however, they fail to recognize that these changes will come at substantial cost to City and County budgets.

Very Truly Yours,

Lisa Beaton  
City Attorney  
City of Kennewick