

April 28, 2022

Erin L. Lennon,  
Clerk of the Washington State Supreme Court  
P.O. Box 40929,  
Olympia, Washington 98504-0929  
Via Electronic Mail - [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)

Dear Ms. Lennon:

The ACLU of Washington submits these comments in strong support of recommended amendments to Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 7.6 submitted by the Washington Defender Association.

The proposed rule amendments make necessary changes to probation practices for misdemeanor cases. It is harmful and counterproductive to keep people locked up in jail for misdemeanor probation violations. Even short periods in jail can lead to horrific consequences like losing a job or housing. At a minimum, people in jail for misdemeanor probation violations should be subject to CrRLJ 3.2, the rule that governs pre-trial release generally. Court rules should be focused on rehabilitating people in community settings, not incarceration without due process.

The proposed rule amendments also make commonsense changes allowing for efficient uses of court, prosecutor, and public defender time. Allowing people to attend hearings physically, remotely or through counsel will provide more flexibility to resolve issues, without always forcing a person to attend in person. Similarly, allowing a person to be supervised for misdemeanor probation in a different jurisdiction reflects the reality that people often need to move or reside at a location different than where a case originated.

The rule also clarifies that constitutional rights apply for people accused of probation violations and lists those rights in the rule. It makes sense to explicitly list these rights so that there is no confusion about these rights in misdemeanor probation cases.

Please adopt the proposed amendments to CrRLJ 7.6.

Sincerely,



Mark Cooke  
Campaign for Smart Justice Policy Director  
ACLU of Washington



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Michele Storms  
*Executive Director*

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**Subject:** FW: ACLU of Washington Comments on Suggested Amendments to CrRLJ 7.6  
**Date:** Thursday, April 28, 2022 9:49:06 AM  
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[4.28.2022 - ACLU-WA Comments on Suggested Amendments to CrRLJ 7.6.pdf](#)

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**From:** Mark Cooke [mailto:mcooke@aclu-wa.org]  
**Sent:** Thursday, April 28, 2022 9:45 AM  
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Dear Ms. Lennon,

Please see the attached comments from the ACLU of Washington on suggested amendments to CrRLJ 7.6.

Thank you,

Mark Cooke  
Policy Director, Washington Campaign for Smart Justice  
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Pronouns: he, him

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