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Subject: FW: CrRLJ 7.6
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From: Boruchowitz, Robert [mailto:boruchor@seattleu.edu]
Sent: Saturday, April 30, 2022 4:41 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: CrRLJ 7.6

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Dear Members of the Court:

I write to support the proposed amendment to CrRLJ 7.6 on probation hearings.

As the proponents point out, keeping an accused person in jail without bail waiting for a hearing on what could be a quite minor technical violation of probation is unfair and can be disproportionate to the alleged offense. Even a few days in jail can result in a person losing their home, their job, their possessions, and even custody of their children.

When there is an allegation of a probation violation, an accused person should have the right to a lawyer and to a prompt hearing and to release or reasonable bail pending a hearing on the merits of the allegation.

Hearings should be held promptly, particularly if a person is in custody, unless the accused person requests additional time.

It is important for a detained person to be able to be in court to face the judge directly rather than through a camera that can dehumanize the person. When the accused person agrees to a video appearance or to waive an uncontested hearing for a continuance, that should be permitted.

Particularly when the accused person lives far from the court involved, it makes sense to consider that both in terms of waiving appearance for uncontested hearings and for possible transfer to another court closer to the person's home.

I have practiced in or observed misdemeanor courts across the state and the country for 48 years. I have focused more intensive attention to misdemeanor courts for 16 years. Too often, accused persons can languish in jail waiting for a hearing and sometimes can feel pressured to admit an allegation before consulting with counsel. The proposed amendment would address these problems.

**When the person is out of custody and has a lawyer, continuances often are necessary.
Allowing the person either to waive presence or to appear remotely for uncontested
continuances would save time, energy, and money, and increase respect for the courts.**

**I recommend adoption of the proposed amendment.
Thank you for your consideration.**

Sincerely,

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// AT THE HEART OF LAW