

April 16, 2025

Washington Supreme Court
415 12th Ave. SW
Olympia, WA 98504

RE: Proposed Revisions to Criminal Rule 4.1

Dear Clerk of the Supreme Court,

We write to support the proposed changes to Criminal Rule 4.1 because two weeks is too long to wait for an arraignment. In two weeks, people may lose jobs, housing, property, miss important medical appointments, and have their lives changed in many other unalterable ways. The detrimental effects of pre-trial detention have been noted by the Court¹ and take effect within a few days of incarceration.² Moreover, many people who are released at arraignment never return to jail, meaning that delayed arraignment causes unnecessary and unfair incarceration. This needless damage can be prevented by shortening the time people wait for an arraignment.

Importantly, this will not impair the State's ability to arraign accused people or argue bail. The State initially argues bail at first appearance, within 48 hours of arrest, so must be prepared to do so early in the case. Prosecutors present their bail request and certification for probable cause when cases are filed, meaning they are ready to address arraignment at that time. There is no reason to think that people who wish to be present or speak at an arraignment would be less able to do so six days after an arrest rather than 17 days after the arrest. In fact, an earlier arraignment may be easier to coordinate in some circumstances. In the rare case that there is a valid reason to delay arraignment, the prosecutor could make that request to the Court and the arraignment could be continued. If defense attorneys need more time to prepare a bail argument, they can reserve argument on bail.

In short, there is no reason to delay arraignment, and many important reasons to have arraignment as quickly as possible. For that reason, the Court should amend Criminal Rule 4.1.

Thank you,

/s/ La Rond Baker

La Rond Baker, Legal Director
David Montes, Staff Attorney
American Civil Liberties Union of Washington



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¹ *State v. Heng*, 2 Wn.3d 384, 396, 539 P.3d 13 (2023).

² See ACLU-WA, *No Money, No Freedom: The Need for Bail Reform* (September, 2016), <https://www.aclu-wa.org/file/100870/download?token=chydM11t>.

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Good afternoon,

Attached is a comment from ACLU-WA on CrR 4.1.

Thank you,

David Ventura Montes

Staff Attorney

Pronouns: he, him

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