From: OFFICE RECEPTIONIST, CLERK
To: Farino, Amber
Cc: Ward, David
Subject: FW: Comment on proposed change to CrR/CrRLJ 4.1
Date: Wednesday, April 30, 2025 2:42:07 PM

From: Hinds, Patrick <Patrick.Hinds@kingcounty.gov>
Sent: Wednesday, April 30, 2025 1:15 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: RE: Comment on proposed change to CrR/CrRLJ 4.1

Dear Clerk of the Supreme Court,

I am writing to add my voice in opposition to the proposed changes to CrR/CrRLJ 4.1. I am a senior deputy prosecutor with the King County Prosecuting Attorney's Office. Over more than 20 years with the KCPAO, I have seen the rules applied to numerous different types of cases in both Superior and District Court. After reviewing the materials submitted in support, I am forced to conclude that these proposed changes should be rejected for a number of reasons.

First, the proposed amendment does not give sufficient time for victim notification. In many cases, prosecutors must still use the mail to inform a victim that a case has been filed and scheduled for arraignment. The proposed three-day window between filing and arraignment is insufficient to generate notice, submit it to the postal service, and have it delivered and received prior to the arraignment date. At best, the notice will arrive the day before arraignment, providing victims of crime with insufficient time to make work, childcare, or transportation arrangements to attend the arraignment and potential bond motion or to provide input to an advocate or prosecutor to relay to the court. As a result, the proposed three-day timeline is not trauma-informed for victims on serious cases.

Second, the proposed amendment is overbroad in treating defendants released subject to conditions identically to defendants held in confinement. While there may be a basis for generally reducing the time between filing and arraignment for those held in custody, the addition of all those subject to conditions of release would essentially include all defendants with a pending criminal charge, since very few defendants are released without any conditions at all. Even those defendants who are released on their personal recognizance are still generally subject to the baseline conditions of release requiring them to appear for future hearings and not commit new criminal law violations.

Third, the proposed amendment does not allow courts to effectively manage their schedule. Courts must have some flexibility to manage the volume of cases set for arraignment on given days. Otherwise, circumstances like heavy arrest days, court holidays, and unexpected closures due to weather will result in unmanageable arraignment calendars. In this context, the proposed three-day

requirement is insufficient to give courts the flexibility necessary to deal with such situations.

Finally, the proposed amendment does not give sufficient time to notify defendants subject to conditions of release of their impending arraignment. As drafted, the rule applies to people who are out-of-custody (either because no bail was imposed or because they posted bail), but subject to conditions. In many cases, the courts or prosecutors must still rely on the postal system to provide such defendants with notice that they have been charged with a crime and are scheduled for arraignment. As noted above with regard to victim notification, the proposed three-day window between filing and arraignment is insufficient for these purposes. At best, the notice will arrive the day before arraignment, providing defendants with insufficient time to make work, childcare, or transportation arrangements necessary to allow them appear.

Similarly to what others who have submitted comments have noted, I have no opposition in principle to shortening the time between filing and arraignment for defendants held in custody. All of the issues noted above stem from the application of the proposed rule change to defendants who are out of custody (but have conditions of released) and/or to the practical problems created by so drastically shortening the allowable time between filing and arraignment. Had the proposed change suggested a more workable time frame—eight (8) days, for example—that might have been reasonable and reasonably achievable. The current proposal, however, is not.

For all of the above reasons, I urge the court to reject the proposed change to CrR/CrRLJ 4.1.

Sincerely,

Patrick Hinds

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