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Subject: FW: Comment Proposed Changes to CrR 4.1
Date: Monday, April 28, 2025 8:34:18 AM
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From: McCollam, Preston <PMCCOLLAM@spokanecounty.org>
Sent: Friday, April 25, 2025 5:42 PM
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Subject: Comment Proposed Changes to CrR 4.1

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Dear Justices,

I implore you to reject the proposed changes to CrR 4.1. Our current criminal justice system is extremely overwhelmed, and the proposed amendment only further exacerbates the problem. Not only does the proposal fail to accomplish its purported goal, but it also heightens existing barriers to community safety and victim involvement in the criminal justice process. The proposed amendment further cripples the struggling system we currently operate under. There are many things that must be completed by a court, the prosecutor, and the respective office of public defense during the present 14-day time period. Not least of which is the assignment of counsel and opportunity for counsel to meet with their client. Likewise, an accused may wish to hire private counsel rather than avail themselves of a public attorney. The newly proposed time period does not allow sufficient time for many offices to even assign counsel, let alone have counsel review any discovery and meet with an incarcerated individual. Offices are struggling to get counsel assigned even on the current 14-day clock. Despite the purported goal of discovery informed argument, the current proposal achieves the exact opposite and would potentially force many defendants to proceed to arraignment without much needed consultation of counsel. It is not as simple as saying "*presumptively innocent people should not be forced to languish in jail for up to 14 days . . .*". Furthermore that statement takes a very dim view of the judges that handle preliminary appearances and purposely ignores the protections and considerations in place under CrR 3.2.

Separate and apart from the appointment of public counsel, the rule change does not contemplate crime victim notifications and provide an opportunity for meaningful attempts to arrange a crime victims presence at arraignment. This runs afoul of the statutory and constitutional guarantees that require the courts, law enforcement, and prosecutors to ensure crime victims are afforded a "*meaningful role*" in the criminal justice system and afforded due dignity and respect. Both RCW

7.69.010 and Article 1, Section 35 of the State Constitution provide guidance here. Relevant to this discussion, the crime victims' rights statute provides:

The legislature further intends to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity; ensure that **all victims and witnesses** are **afforded access to justice to participate in criminal justice proceedings, including the opportunity to participate and attend court hearings in person or remotely, including by video or other electronic means as available in the local jurisdiction**; and that the rights extended in this chapter to victims, survivors of victims, and witnesses of crime **are honored, protected, and upheld by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protections afforded criminal defendants [emphasis added]**.

-RCW 7.69.010

Our state constitution has similar language that appears to have been overlooked when proposing this change. While the bulk of discussion on criminal justice focuses on a criminal defendant and their rights, our state law requires that our “*law enforcement agencies, prosecutors, and judges*” uphold, honor, and protect the rights of crime victims, survivors and witnesses of crimes with no less vigor than the rights afforded to a criminal defendant. The standard of “no less vigorous” protection than a criminal defendant’s rights is unique here and too often ignored. Defense counsel does not have that obligation, but the court and prosecutors do and they must strive to uphold it. The proposed rule change tramples on those rights and all but ensures that crime victim voices are further silenced.

Respectfully submitted,

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