



Washington Association of
Criminal Defense Lawyers

Cooper Offenbecher
President

Lauren Bramwell
Executive Director

April 30, 2025

Sent via email to supreme@courts.wa.gov

Washington State Supreme Court
Court Rules Committee
supreme@courts.wa.gov

Re: Proposed changes to CrR/CrRLJ 4.1 (Arraignment)

Honorable Justices of the Supreme Court:

The Washington Association of Criminal Defense Lawyers (WACDL) strongly supports the proposed amendments to CrR 4.1 and CrRLJ 4.1 as proposed by the King County Department of Defense and the Snohomish County Public Defenders Association.

Reducing the timeframe for in-custody arraignment hearings from 14 days to 3 days is a critical step toward ensuring due process, protecting the rights of individuals who are presumed innocent, and promoting uniformity and consistency in criminal procedure across Washington State.

Currently, there is a troubling lack of consistency in how long individuals must wait for arraignment depending on the county in which their case is filed. For example, in Pierce County, defendants are typically arraigned within 24 to 72 hours. In contrast, defendants in Snohomish and King counties may be forced to wait as long as 14 days due to procedural delays in transitioning cases from district court to superior court. These disparities are unacceptable and perpetuate systemic inequities based solely on geography.

The consequences of these delays are not theoretical—they are real and harmful. Forcing individuals to sit in jail for up to two weeks without an arraignment or judicial review of their bail or release conditions can result in the loss of employment, housing, child custody, and more. These are life-altering consequences suffered before any formal charges are heard, and in the face of the constitutional presumption of innocence.

Furthermore, during this pre-arraignment period, many individuals lack meaningful access to counsel, leaving them unable to advocate for their release or understand their legal situation. The proposed rule change will help ensure that no one is left languishing in custody without prompt access to the court and legal representation.

In addition to advancing constitutional and policy principles, the proposed amendment to CrR 4.1 is fiscally responsible. Every day a person sits in jail awaiting arraignment imposes a direct cost on county taxpayers—often with no public safety benefit. The Department of Corrections estimates it costs \$115 per day to house an individual in custody. In county jails, the costs are even higher. King County reports a daily cost of \$192 per person; Issaquah charges \$140 per day; and Pierce County’s daily jail fee is \$155.67, with even higher rates for individuals requiring mental health services.

In many cases, these individuals are ultimately released at arraignment—meaning taxpayers absorb 10 to 14 days of incarceration costs for people who did not need to be jailed in the first place. These costs multiply in jurisdictions with high filing volumes and disproportionately affect individuals who are indigent, mentally ill, or undergoing detoxification. Jails must spend additional funds to provide medication, mental health care, and withdrawal management services during this time—none of which would be necessary if cases moved more swiftly to judicial review.

By adopting a uniform 3-day timeline for in-custody arraignment, Washington can reduce unnecessary jail expenditures, ease the burden on local facilities, and better align criminal procedure with both justice and fiscal responsibility.

Importantly, reducing the timeline for in-custody arraignment to 3 days does not eliminate flexibility where additional time is needed. Courts retain full discretion to grant continuances upon request. Defense counsel can always move to continue an arraignment under existing case law. As the Washington Supreme Court made clear in *State v. Ford*, 125 Wn.2d 919 (1995), trial courts have the authority to continue arraignment for good cause. Thus, the proposed rule promotes timely review while preserving the discretion necessary to accommodate case-specific needs.

WACDL urges the Supreme Court to adopt these amendments and establish a uniform 3-day timeframe for in-custody arraignments. Doing so affirms the judiciary’s commitment to fairness, efficiency, and the protection of fundamental rights for all Washingtonians, regardless of where they are charged.

Thank you for your consideration,



Cooper Offenbecher
WACDL President



Emily Gause
WACDL Court Rules Committee Co-Chair



Christopher Taylor
WACDL Court Rules Committee Co-Chair

From: [OFFICE RECEPTIONIST, CLERK](#)
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Subject: FW: WACDL Court Rule Public Comments
Date: Wednesday, April 30, 2025 3:46:30 PM
Attachments: [WACDL 3.1.pdf](#)
[WACDL 3.2.pdf](#)
[WACDL 4.1.pdf](#)
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[WACDL CR 12.pdf](#)
[WACDL 17.7.pdf](#)
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From: Lauren Bramwell <Lauren@wacdl.org>
Sent: Wednesday, April 30, 2025 3:34 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Cooper Offenbecher <cooper@ahmlawyers.com>; Emily Gause <emily@emilygauselaw.com>; Christopher Taylor <taylor@crtaylorlaw.com>
Subject: WACDL Court Rule Public Comments

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Good Afternoon,

Please see the attached comments submitted on behalf of the Washington Association of Criminal Defense Lawyers (WACDL) regarding the following proposed rules:

- CrR/CrRLJ 3.1 (Appellate Caseloads)
- CrR/CrRLJ 3.2
- CrR/CrRLJ 4.1
- CrR/CrRLJ 8.3
- CR 12
- RAP 10.2
- RAP 17.7
- RAP 18.17

Thank you,

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