



King County

**Department of
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Clerk of the Supreme Court

P.O. Box 40929

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Dear Justices of the Washington State Supreme Court,

The proposed amendments to CrR 4.1 (Arraignment) and CrRLJ 4.1 (Procedure Following Warrantless Arrest—Preliminary Hearing) aim to ensure that people who are jailed following arrest can meaningfully address the conditions of their release and enter a plea within three days of being charged instead of languishing in jail for up to 14 days. The proposed amendments to CrRLJ 3.2.1 (Arraignment) ensure that a preliminary hearing occurs within 48 hours of arrest and require that any felony complaint is filed in Superior Court within three days of a felony probable cause finding in District Court.

In King and Snohomish counties, for example, people are regularly forced to wait in jail for two or three weeks before their arraignment hearing. Theoretically people who are detained following arrest in King County, for instance, have a timely opportunity to address their release conditions at a preliminary appearance hearing. However, this hearing occurs before the prosecutors decide what charges to file, or even whether to file charges at all, and before discovery is provided. The preliminary appearance bail decision is therefore made based only on the allegations in the initial police report, which often do not match the charges later brought by the prosecutor.

For this reason, some counties in Washington State already arraign people at their first court appearance, shortly after booking. For instance, in Pierce County, felony arraignments are generally held within one day of booking, though sometimes arraignments occur within three days. The Pierce County Superior Court website provides arraignment timing guidance in terms of *hours*, not days or weeks:

FAQ 7: My friend was arrested last night, when and where will he/she go to court?

If he/she was arrested for a felony, Superior Court arraignments are held at either 11 a.m. or 1:30 p.m. ...¹

In contrast, the King County Prosecuting Attorney's Office explains that presumptively innocent people are jailed for *weeks* before the prosecutor informs them of the charges against them:

Two weeks after charges have been filed, an arraignment hearing is set. ... The arraignment hearing is the first formal hearing where the defendant is told of the charges that have been filed against them. This may also be the first time the defendant has a conversation with their defense attorney.²

Timely arraignment procedures such as the one in Pierce County allow for presumptively innocent people to return to their normal lives before they lose their housing, employment, custody of their children, and access to healthcare. Timely arraignments also protect their rights to a speedy trial, since the speedy trial timeline starts at arraignment. Ensuring a meaningful opportunity for timely release from jail also helps mitigate the racially disproportionate impact of the bail system.³ Timely release from jail not only allows people to avoid the loss of their homes, families, and livelihoods, but also the negative impact that pre-trial incarceration has on case outcomes.⁴

Given the ruinous impact of pretrial incarceration, the maxim that "justice delayed is justice denied" has never been more relevant. This Court should adopt the proposed court rule amendments and provide all Washingtonians with a meaningful opportunity for timely release from jail once charges have been filed.

Sincerely,

Matt Sanders, Interim Director
King County Department of Public Defense

OTHER SIGNATORIES

¹ Pierce County Superior Court, Criminal Court FAQs, retrieved on 3/18/25, at <https://www.piercecountywa.gov/Faq.aspx?TID=86>.

² King County Prosecuting Attorney's Office, The Criminal Justice Process: Arraignment and Charging, retrieved on 3/18/25, at <https://kingcounty.gov/en/dept/pao/courts-jails-legal-system/victim-services-resources/criminal-justice-process/arraignment-charging>.

³ See Cynthia E. Jones, *"Give Us Free": Addressing Racial Disparities in Bail Determinations*, 16 N.Y.U.J. Legis. & Pub. Pol'y 919 (2013).

⁴ See Arpit Gupta, Christopher Hansman, Ethan Frenchman, *The Heavy Costs of High Bail: Evidence from Judge Randomization*, 45 J. Legal Stud. 471, 472 (2016) ("We find that the assessment of money bail is a significant, independent cause of convictions and recidivism.").