

## Help Make Courts Treat People Accused of Misdemeanor Probation Violations Fairly: Write a Comment in Favor of a Court Rule Change.

The Washington Defender Association (WDA) has asked the Supreme Court of Washington to change a court rule about misdemeanor probation hearings. The rule is Criminal Rule for Courts of Limited Jurisdiction (CrRLJ) 7.6. The full proposal is [here](#).

If adopted, the proposal would:

- ***Make judges consider releasing people accused of misdemeanor probation violations from jail before their hearings and make courts set bail if they do not immediately release a person.*** Currently, judges do not have to think about letting a person out of jail or setting bail before a misdemeanor probation hearing. A judge can make a person wait weeks in jail before their hearing.
- ***Make courts hold a probation hearing in two weeks or less if a person is in jail because they cannot post bail.***
- ***Let people be in court physically for their probation hearings if they want .*** Currently, some people can only appear at their probation hearings remotely from jail.
- ***Let some people have their lawyers handle routine scheduling hearings or attend routine scheduling hearings by video.*** Currently, many people have to appear in court physically for hearings where the judge just sets a new date for the actual probation hearing.
- ***List the constitutional rights of people accused of probation violations in the rule so that all courts would be more likely to follow them.*** One right of people accused of misdemeanor probation violations is the right to know about the witnesses and evidence against them before the probation hearing. Another is the right to ask probation officers and prosecutors to call live witnesses instead of just giving the judge a police report.
- ***Let some people ask for a court closer to where they live to supervise their probation if they are convicted in a court far from where they live.***

**Please help by commenting in favor of the rule proposal.** Comments can be as short as a few sentences. **Comments are due by April 30, 2022. E-mail comments under 1500 words to [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov).** Mail longer comments to P.O. Box 40929, Olympia, WA 98504-0929.

**POSSIBLE TALKING POINTS ARE BELOW.** Please use your own direct knowledge or experience when using these talking points.

- Have you or someone you know had to wait in jail for a probation hearing? How long was the wait in jail? What was it like? What happened because of the time in jail? Some examples of things that might have happened are job loss, loss of public benefits, loss of housing, and loss of custody of children.
- Have you or someone you know had to attend a probation hearing by video from jail? What was that like? Would you or the person you know rather have been in court in person? Why?
- Have you or someone you know had to go to court many times before the court held a probation hearing? What was that like?

If you have questions, please contact Magda Baker at [magda@defensenet.org](mailto:magda@defensenet.org).