

Faulk, Camilla

From: Crabtree, Andrea [crabtree@sgb-law.com]
Sent: Friday, April 29, 2011 5:03 PM
To: Faulk, Camilla
Subject: Proposed New Criminal Rule 4.11 - Recording Witness Interviews

Members of the Court:

I have been a paralegal working in the criminal justice system for over twenty years and I volunteered on the King County Crisis Line for five of those years, which means I have been interacting with individuals and families in crisis for a long time. Based on my wide array of experiences, I strongly urge you to adopt the proposed CrR 4.11. As you know, this rule would improve the standards in criminal practice to that of civil practice and allow counsel the right to memorialize witness interviews by tape recorder or court reporter. The rule is beneficial in so many ways, including the following:

Recording is (1) fairer to everyone - witnesses, the finder of fact, and the parties because there is no longer a swearing contest about what the witness said in the interview; (2) does not violate anyone's rights; (3) has been increasingly used to everyone's approval; (4) makes the interview go much faster and smoother; (5) saves the cost of a private investigator being present and taking notes; and (5) will encourage professionalism in the interviews.

I understand some opponents believe recording witness interviews is traumatizing to the witness; however, I think that it is the interview itself and not the recording that is upsetting. I also think that a witness might actually find solace in knowing that her story could be told once and that one time would be preserved exactly as she told it so that there aren't repeated questions as to what was said. It seems that this could prevent further trauma. It would definitely be a fairer system if this rule were adopted.

Again, I urge you to adopt CrR 4.11.

Thank you for your consideration.

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