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Clerk of the Supreme Court
Temple of Justice
PO Box 40929
Olympia, WA 98504

December 29, 2010

RE: Proposed Rule CrR 4.11

Dear Members of the Court:

Speaking as an experienced licensed private investigator, I believe the Court should adopt the proposed rule to CrR 4.11, Recording Witness Interviews. In my opinion, the benefits of using a recording device to record witness interviews heavily outweigh any questionable harm, which may be caused by the use of a recording device during the witness interview process. The use of a recording device, its accurate preservation of the interview, and its process does not prejudice either party or the truth finding process. Using a recording device to memorialize and preserve a witness interview is the most accurate, reliable form of preservation available. Presently, the use of recording devices to record interviews is often used by all parties in our adversarial judiciary system. It is often used by law enforcement, prosecution and the defense for interviewing witnesses and alleged victims, and to pretend otherwise would be ignorant or disingenuous. In fact, the recording of witnesses during the interview process is already often used by police and prosecutors to record the most vulnerable of witnesses involved in criminal cases. The recording of witness interviews helps negate the necessity for re-interviewing many witnesses in the event there is a change of counsel, unavailability or death of a witness, party, participant or lengthy delay in the proceedings. Finally, the recording of witnesses' testimony is a proven method used by the Court to keep an accurate record of the proceedings, and if adopted, the recording of witness interviews is objective and reliable.

Benefits:

Accurate Memorialized Record of Witness Interview Statement
No Bias Interjected (intentionally or unintentionally)
Perception and Interpretation of the Witness Statement is Preserved for the Fact Finder to Determine
Promotes Truth and Justice
Infinite Preservation of the Witness Interview
Protects Defendant, Witness and Victim Rights
Facilitates Resolutions by Providing Verbatim Record of Potential Testimony
Judicial Economy for All Parties

Harms:

No Proven Evidence of Harm

Thank you for your consideration.

Respectfully Submitted,

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