

Faulk, Camilla

From: Roe, Mark [mroe@co.snohomish.wa.us]
Sent: Monday, April 25, 2011 4:24 PM
To: Faulk, Camilla
Subject: CrR 4.11 proposed changes

I am Snohomish County Prosecuting Attorney, Board member Families and Friends of Violent Crime Victims, Vice President Dawson Place Child Advocacy Center board:

I cannot imagine a worse idea than this proposed rule change. Crime victims and witnesses generally did not choose their status. To essentially strip them of rights because of the choice of someone to victimize them is an offensive notion. To dismiss the rights of someone who merely happens to witness a crime is equally wrong. Victims and witnesses deserve more rights, and to have prosecutors, defense attorneys, and judges respect those rights; not eradicate them in this way.

As a practical matter over a 25 year career, I have always encouraged victims and witnesses to allow audio recording of the defense interview, and rarely had anyone refuse after I explained that I want it recorded so the defense will behave, play less games, and we won't have to rely on notes.....but I always made sure that they knew they didn't have to consent. No person should unwillingly be stripped of rights that every other citizen, including suspects and defendants have, *just because they have been the victim of or a witness to a crime*. Victims have often already been stripped of their privacy, dignity, and peace of mind through the criminal actions of another.

This proposed change is almost like saying: 'I can't require you to be unwillingly tape recorded answering any question I want to ask.....unless I rape you or commit a crime against you first.'

This one really bothers me.

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