

Faulk, Camilla

From: Lundwall, Ann [alundwall@co.clallam.wa.us]
Sent: Friday, April 29, 2011 11:08 AM
To: Faulk, Camilla
Subject: comments regarding 4.11

The criminal justice system has not been respectful in how it treats victims of violent crimes. Victims have traditionally had no or little say in the judicial process. This rule would further limit whatever autonomy they have in this process.

"Second, some felt that electronic audio recording of witness interviews, especially of putative victims, without their permission, would be traumatic or intimidating to victims. However, additional experience with electronic audio recording has shown that it is the interviews themselves, rather than the recording of those interviews, that can be upsetting to witnesses."

What is this based on? Were there specific cases in which interviews were forcibly recorded without the consent of the victims and the victims were later polled to see what was the most upsetting aspect of the experience? This should be presented as a matter of choice, instead of a mandatory requirement.

The rule's purpose is to provide defense attorneys with impeachment material. Adopting this rule would effectively say that the broad protections of an individual's freedom and privacy afforded by our state Constitution apply only to those who commit crimes, not those who are innocent victims of violence.

Ann M. Lundwall

Deputy Prosecuting Attorney
Clallam County Prosecutor's Office