

## Faulk, Camilla

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**From:** Hocraffer, David [David.Hocraffer@kingcounty.gov]  
**Sent:** Thursday, April 28, 2011 8:12 PM  
**To:** Faulk, Camilla  
**Subject:** Proposed Rule CrR 4.11

I am writing to support adoption of the proposed CrR 4.11. Reasons to support adoption include:

- Recording of witness interviews will increase accuracy.
- Increased accuracy of witness interviews can assist in preventing wrongful convictions.
- Increased accuracy of witness interviews can assist in resolution of some cases pre-trial, creating higher efficiencies and saving resources of the criminal justice system.
- Increased accuracy will apply to the witness statements and the questions asked, but also will reflect accurately the demeanor and manner of those questions and answers. How a question is asked and answered can be as important as the substance of the statement, in assisting the trier of fact in assessing a witness' testimony.
- Accurate recording should ultimately alleviate concerns for abusive or deceitful interviews - with both parties recorded, respectful and appropriate interviews will be encouraged.
- Increased accuracy of recording interviews, and knowledge of the existence of the recording, should diminish any potential for a witness at trial to claim that something else was said or asked. This will promote testimony that is more straightforward, efficient and directed to the fact-finding function. Ultimately, impeachment using the recording prevents the trial from becoming a simply test of credibility as to who is right about what was or was not said.
- Use of audio recording will substantially reduce the costs over the use of court reporters and transcripts. With the availability of the audio record for impeachment, the use of transcription of interviews can also be reduced to only those witnesses deemed critical, creating further efficiencies.

I strongly urge adoption of the proposed rule CrR 4.11.

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