

Faulk, Camilla

From: Jeffrey West [jeffrey.west@co.yakima.wa.us]
Sent: Wednesday, April 27, 2011 6:02 PM
To: Faulk, Camilla
Subject: Comment on proposed CrR 4.11

I am currently a public defender in Yakima, having practiced criminal law as both a prosecutor and defense attorney for 21 years. I strongly support the proposed rule permitting recording of witness interviews. In my experience, recording an interview avoids ambiguity or misunderstandings about what was said during the interview and is a much more cost effective option than paying for an investigator to take notes or paying for a formal deposition. It permits the parties to determine exactly what was said and in what context and is an invaluable aid in preparing for trial. In my experience, recording is usually encouraged by the prosecutor for the same reasons.

While I have certainly taken part in interviews wherein a witness was upset by the interview process, recording has never, in my experience, been the source of the trauma. Rather it is the questions themselves, or more often the process of being questioned, that cause witnesses to be upset and traumatized. Recording does not add or subtract anything to the stress of the interview. It can in fact take away stress because the witness knows that what they say will be preserved in an accurate form and in context, complete with inflection and other variations in voice that are crucial to understanding and yet cannot be accurately transcribed.

I would urge the court to adopt proposed CrR 4.11 to permit the parties to record witness interviews. I would also urge the court to permit electronic recording of depositions in criminal cases as a much more cost effective alternative to court reported depositions.