

Faulk, Camilla

From: Jim Andring [Jim@bwspolice.com]
Sent: Monday, April 25, 2011 8:56 PM
To: Faulk, Camilla
Subject: Proposed Criminal Rule 4.11

Dear Ms. Faulk, I would like to forward my disagreement to the proposed change regarding Criminal Rule 4.11

Sincerely,

Sgt. Jim Andring
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April 25, 2011

Ms. Camilla Faulk
C/O P.O. Box 40929
Olympia, WA 98504-0929

Dear Sirs or Madams,

I would like to comment on a proposed Criminal Rule 4.11, which would require that witnesses (and victims) submit to audio recording of their pre-trial interviews.

I have no problem if, through a Prosecutor, a witness consents to a recording of their pre-trial interview. In that process, the interview and recording is voluntary. To involuntarily require that same witness to submit to a recorded interview is unnecessary, unreasonable, and puts undue pressure on the witness – essentially making that special type of witness (i.e. victim) a victim all over again. Requiring a witness or victim to submit to a recorded interview makes the prosecution and trial process too unequal and unreasonably tipped in favor of the defendant – who is not required to make any statement, submit to interviews, record their interviews, or cooperate in the process in any way.

It is not a surprise to me that the overwhelming majority of comments in favor of this unfair criminal rule change would be from Defense Attorneys. They are just doing the job they are paid to do – which is to protect their clients at any cost, both monetarily and morally. They are paid not to care about the interest of the victim! The most vocal of the comments would logically be from those that would benefit the most from the change.

But I ask, why is a change necessary – or even reasonable? It may be the job of the court to protect the interest of both suspects and victims to allow a fair trial. The court process, by its very nature, is tipped in favor of the suspect. However, it is not the job of the court to protect the interest of the suspect at the expense of the victim. It is also important to point out that it is the job of SOCIETY to neutrally determine if there are victims and then to protect the victims from the criminal element.

There are literally hundreds of thousands of past and future victims and witnesses out there. I think they would strongly agree with my view. I am sure that Prosecutors, Deputy Prosecutors, and Law Enforcement Officers would also agree with me.

Passing Criminal Rule 4.11 gives unreasonable advantages to the suspect in a criminal case, puts the prosecution at a distinct disadvantage, victimizes potential witnesses, and revictimizes the victim. The current rules suffice in protecting the defendant's rights and I strongly disagree with the proposed change.

Sergeant Jim Andring
Bingen-White Salmon Police Department