

Faulk, Camilla

From: Kent W. Underwood [kent.underwood@pynow.us]
Sent: Wednesday, April 27, 2011 4:39 PM
To: Faulk, Camilla
Subject: proposed CrR 4.11

Dear Justices,

I write to strongly urge you to publish proposed CrR 4.11.

Recording an interview is more accurate than handwritten notes and considerably more cost-effective than using a court reporter.

In my last trial the recorded interviews were invaluable. Transcripts were obtained from the interview and used to impeach witnesses whose testimony in trial differed from their statements during the pretrial interview. Without transcripts, impeachment would have been considerably more difficult.

In the second to last trial I was in, one Washington State Patrol Trooper took recorded statements of several civilian witnesses. That trooper testified that she recorded the interviews because it is more accurate. Another trooper in the same case did not record the interview he conducted. His report differed from another trooper's recount of his account of the interviews—two different troopers gave differing accounts of the same interview, and significant details differed. Accuracy in pretrial interviews is vitally important in criminal matters.

Additionally, the cost of having a court reporter substantially increases the cost of a criminal trial. My experience shows that the minimum charge for appearance is \$120.00. If the interview is allowed to be recorded there is no appearance fee. A savings of \$120.00 per interview spread across the bulk of criminal cases is significant, especially when cost cutting is so important.

A recorded interview is less intrusive to victims. The interview is much quicker. There is considerably less need to have the victim repeat his or her self, and the interview can be conducted in much more conversation tone. Additionally, in the event a witness claims an attorney bullied him or her into making a statement, there is a recording to either prove or disprove the allegation.

It is vitally important that accuracy, cost, efficiency and more civil interviews be permitted by publishing CrR 4.11

Sincerely,

Kent W. Underwood

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