

Faulk, Camilla

From: Kim Foley [Kfoley@cwcmh.org]
Sent: Monday, April 25, 2011 5:44 PM
To: Faulk, Camilla
Subject: Court Rule 4.11

To whom it may concern;

As a 15 year sexual assault victim advocate I ask that you give victims the choice regarding pre-trial recorded statements. While they can be helpful and most victims accept what is asked of them it isn't until they get into court that the tiniest inconsistencies in the detective and defense interviews are used to make the victim look as if they are lying; at the very least to plant doubt in the minds of the jurors.

Victims are told that the recordings are a routine matter to help the police, defense and prosecutor which is true but all statements are also used against the victims on the stand. In neither recording the victim isn't allowed just to tell her story. The interviews are lead by others who may not ask the questions the same way and they may not ask all that needs to be told. Children especially don't have the ability to grasp the larger picture of what is being asked of them and are not able to explain for a lack of knowing the words or the significance of certain acts.

I hope that you can see that with numerous interviews the child (or adult) is then caught in a word game that feels very uncomfortable. They have told the truth but the truth is spun in a way that the jury doesn't learn the truth. They learn to be confused and be doubtful. The person on the stand feels the same and just wants it to be over with and they are soon defeated.

I say let the victim decide. Give them a say when their voice is to be heard. They are doing the right thing by telling and we don't need to take away any more of their rights.

I ask that you please take the victim's rights into consideration when contemplating court rule 4.11

Sincerely,

Kim Foley

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