

Faulk, Camilla

From: Leta Schattauer [schattauerlaw@gmail.com]
Sent: Thursday, April 28, 2011 10:01 AM
To: Faulk, Camilla
Subject: Tape Recording Witness Statements

I am a criminal defense attorney (admitted 1990) in King County. The majority of my cases are appointed by the Office of Public Defense. I handle felony cases.

Tape recording a witness' interview is critical to the fairness of the criminal justice system and thoroughness of my job and representation for my client. Though some may paint a picture of the recording process being upsetting to witnesses/victims, I do not see how it can be. Practically speaking, a simple question is asked in the beginning of any interview, "May I tape record our conversation?" It is my opinion that anyone who has nothing to hide and knows the facts of the alleged situation agrees to the taping. A complete record helps not only the Defense but also the State. In some instances taping an interview has led to a resolution of a case, short of trial, because the witness' statements as well as demeanor and presentation are recorded and both the State and the Defense can assess their case better in conjunction with that taped interview.

I can't tell you how many times I have heard a prosecutor argue that interviewing and taping a witness is traumatic for the witness. This has been used to prevent any interview of alleged victims until the Defendant is forced to set a matter for trial. Even if the State's portrayal of an interview is accurate, that interview and the taping of it is still necessary. The courts have recognized the necessity. See: *State v. Grenning*, 169 Wn.2d 47, 234 P.3d 169 (2010).

Any potential trauma, if actual, has to be balanced against the possibility of an innocent person being convicted and, at the very least, insuring a fair trial.

Thank you.

Law Offices of Leta J. Schattauer, PLLC
Criminal Defense & Post Conviction
119 First Avenue South, Suite 300
Seattle, WA 98104
Tel: 206-623-0366
Fax: 206-402-4467
Email: schattauerlaw@gmail.com