



**Snohomish County
Prosecuting Attorney
Mark K. Roe**

Criminal Division
Joan T. Cavagnaro, Chief Deputy
Mission Building, MS 504.
3000 Rockefeller Ave.
Everett, WA 98201-4060
(425) 388-3333
Fax (425) 388-3572

April 25, 2011

Clerk of the Supreme Court
Of the State of Washington
P.O. Box 40929
Olympia, WA 98504

Re: Proposed Amendment to Criminal Rule 4.11

Dear Clerk,

I am writing to express my opposition to the proposed amendments requiring that defense interviews of victims be audio recorded. I am the supervisor of the Special Assault Unit for our Prosecutors Office. We handle sexual and felony level physical assault cases involving children and vulnerable adults, such as developmentally delayed adults. In most cases the victim will agree to be audiotaped, but there are occasions when a particular victim is mortified at the thought of being audiotaped and having that tape played for the defendant. When this has happened in the past, the interview proceeded, but was not taped. The information as to what the victim said was still available to the defendant, without the attendant harm to the victim. I strongly believe this is the way it should continue to be.

Additionally, our county is working to coordinate efforts toward investigating and prosecuting cases of commercial sexual abuse of a minor (sometimes referred to as "juvenile prostitution"). The prison ranges were significantly increased for this type of crime in July, 2010. These types of cases carry special considerations as the victims are oftentimes afraid of their pimps, and are understandably hesitant to cooperate and give information against them. They regularly refuse to even let the police tape record their statements, so imagine the level of cooperation we would get during defense interviews where they have no choice.

Administration
Robert G. Lenz, Operations Manager
Robert J. Drewel Bldg., 7th Floor
(425) 388-3772
Fax (425) 388-7172

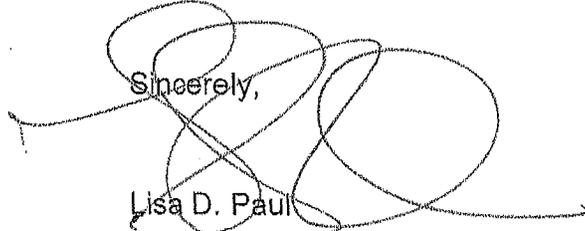
Civil Division
Jason Cummings, Chief Deputy
Robert J. Drewel Bldg., 8th Floor
(425) 388-6330
Fax (425) 388-6333

Family Support Division
Marie Turk, Chief Deputy
Robert J. Drewel Bldg., 6th Floor
(425) 388-7280
Fax (425) 388-7295

April 25, 2011
Page 2 of 2

While I am a proponent of taping generally, I think justice will suffer if there is a requirement that victim defense interviews be audiotaped. Thank you for your consideration.

Sincerely,



Lisa D. Paul
Deputy Prosecuting Attorney