

Faulk, Camilla

From: Young, Melinda [Melinda.Young@kingcounty.gov]
Sent: Monday, April 25, 2011 10:54 AM
To: Faulk, Camilla
Subject: Comment for Proposed Rule CrR 4.11

I am writing to comment on the proposed rule to mandate recording of witness interviews in criminal cases. I strongly oppose such a rule. I am a prosecutor in King County and have handled hundreds of felony cases. Often times, a victim or witness is severely traumatized by what he or she has endured. While I recognize the practicality of recording all interviews, and often encourage witnesses to allow themselves to be recorded, I believe this is a decision that must be left up to the individual being interviewed. Being recorded can make a witness profoundly uncomfortable. Even with assurances that the recording will not go any further than defense counsel, it can be very upsetting to a witness to have personal and private information at a defense counsel's mercy. Since the witness is not a part of the criminal justice system voluntarily and typically has very little control over the process, this is one area where the witness should be allowed some measure of control. It is easier for both defense and prosecution to have interviews recorded, but ease should not trump fairness to a witness. I would urge the court not to adopt a rule that requires interviews to be recorded. Thank you.

Melinda J. Young

Senior Deputy Prosecuting Attorney
Economic Crimes Unit Chair

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