

Faulk, Camilla

From: Mike Whelan [Mwhelan@co.grays-harbor.wa.us]
Sent: Wednesday, April 27, 2011 10:57 AM
To: Faulk, Camilla
Subject: Public Comment on CrR 4.11 and CrRLJ 4.11

Clerk of Supreme Court
Temple of Justice
PO Box 40929
Olympia, Washington 98504-0929

Dear Justices of the Supreme Court:

I am writing to express my concerns about the proposed CrR 4.11 and CrRLJ 4.11. I am asking the Court to take into consideration my comments during the public comment process.

As a law enforcement officer with more than 30 years of service I have a great deal of experience taking suspect and witness statements as well as victim statements. I have learned that when a tape recorder is turned on it sometimes has a chilling effect on those you wish to record. To put in place rules which may well discourage the reporting of crimes does not serve society well.

Washington State law currently allows citizens to object to the recording of private conversations. These changes to the Court Rules would strip away from victims their right to choose whether their interview will be recorded. We would in essence be forcing victims of crimes to do something they may not wish to do while the defendants would still enjoy the right to choose whether their interview would be recorded.

Interviews are conversations between people and, as such, will almost always go off topic. When that happens I am concerned that answers to questions which are not relevant may well cause embarrassment and humiliation to victims of crime. This can only serve to traumatize victims of crimes further by being forced to record personal and private matters which have nothing to do with pending criminal charges. The mandatory nature of the proposed changes to Criminal Court Rules is, in my opinion, an erosion of individual rights. Knowing that they will be compelled to give recorded statements and that those statements might make it into the public domain may well deter victims from reporting crimes. For these reasons I urge the Court not to adopt CrR 4.11 and CrRLJ 4.11.

Sincerely,

MICHAEL J. WHELAN, Sheriff
Grays Harbor County