

Faulk, Camilla

From: Rea Culwell [rculwell@waprosecutors.org]
Sent: Monday, April 25, 2011 12:51 PM
To: Faulk, Camilla
Subject: Proposed Amendment to Criminal Rule 4.11

As a prosecutor, my goal is to get to the truth in every case. Part of the facts of the case is the victim's account. Requiring recording of victims will chill those who will come forward to report crimes, will discourage cooperation in criminal cases and will harm the truth seeking of the justice system. Victims of crime should have the choice as to whether their statement is recorded. As a prosecutor, it is rare that a victim of a crime does not agree to at least a voice recording of a pre-trial/hearing interview by a defense attorney or defense investigator. However, in some cases, a victim, for reasons very personal to them, do not want their statement to be recorded. I have had only one case where a defense attorney would not conduct an interview without a recording and the court ordered a deposition. In most cases, all parties are willing to work together to achieve justice for the defendant, victim and society. Requiring recording would chill victims from coming forward and, I believe would reduce the number of pre-trial interviews to which victims are willing to submit. As I'm sure you are aware, a victim is not required by law to submit to a pre-trial interview by a defense attorney or investigator. Requiring recordings my harm defendants in that a victim can refuse an interview.

Thank you for your consideration in this matter.

Sincerely,
Rea

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