

Faulk, Camilla

From: William Houser [whouser@co.kitsap.wa.us]
Sent: Wednesday, April 27, 2011 4:16 PM
To: Faulk, Camilla
Subject: proposed court rule CrR 4.11

I write to you to express my support for the proposed court rule concerning the recording of defense witness interviews in a criminal investigative proceeding. All too often we see a client said/cop says situation because statements during interviews of clients are not recorded. If the police officer had utilized a recorder, we would know exactly what our clients say to them. Recording of potential witnesses during defense interviews will allow all parties to know exactly what the witness said during the interview. There is no guessing game about memories of investigators and accuracy of notes.

Here in Kitsap County, the practice is to record interviews conducted in conjunction with the prosecutor's office. We will often coordinate an interview of a victim of crime with the deputy prosecutor. We let them know we intend to record the interview so that we can look back to see what actually was said during the interview if there is a disagreement about what was said. We explain that this protects the witness and the defense team. The deputy prosecutors here in Kitsap County all understand the helpfulness of these recordings.

If we were not able to record, then the interview would be significantly longer because of the detailed notes that would be taken to make sure we accurately could reproduce the statements of the witness/victim being interviewed. This poor use of time would undoubtedly be the subject of complaints from those people.

Thank you.

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