

## Tracy, Mary

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Monday, April 1, 2019 9:22 AM  
**To:** Tracy, Mary  
**Subject:** FW: proposed CrR3.7 and 3.8

**From:** Ceith Cullens [mailto:C.Cullens@TukwilaWA.gov]  
**Sent:** Monday, April 1, 2019 9:13 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** proposed CrR3.7 and 3.8

In regards to the proposed rule changes for CrR 3.7 and 3.8:

*"The following proposed rule changes and new rules were ordered published for comment by the July 11, 2018 En Banc Administrative Conference per Order 25700-A-1236:*

*Proposed changes to CrR 4.7 - Discovery and CrRLJ 4.7 - Discovery and proposed new rules CrR 3.7 - Recording Interrogations, CrR 3.8 - Recording Eyewitness Identification Procedure, CrR 3.9 - In-Court Eyewitness Identification, CrR 4.11 - Recording Witness Interviews, CrRLJ 3.7 - Recording Interrogations, CrRLJ 3.8 - Recording Eyewitness Identification Procedure, CrRLJ 3.9 - In-Court Eyewitness Identification, and CrRLJ 4.11 - Recording Witness Interviews were ordered published for comment ending April 30, 2019."*

As a law enforcement officer in Washington State, with 14 years of experience, I find the proposed rule changes CrR 3.7 and 3.8 to be counter productive in my mission to serve my community. Below are a few of the reasons I do not agree with the proposed changes:

- **Proposed CrR 3.7 will impede effective law enforcement because many individuals are reluctant to be recorded.** Requiring them to be recorded will decrease cooperation with police. It is illogical and a violation of the Washington Privacy Act to record the refusal of a person who refuses to be recorded.
- **At the beginning of an investigation, almost everyone is under investigation and requiring audio-visual recording of the questioning of everyone at the scene of a violent crime will obstruct justice, as many will be reluctant to speak when video recorded.** The rule does not take into account that a person may first appear to be only a witness but later become a suspect.
- Proposed CrR 3.8 will impede effective law enforcement, because many individuals are reluctant to be recorded. With respect to DV victims, human trafficking victims, and any victim of a violent crime or gang-related violence, they will fear retaliation because they will anticipate (accurately) that their assailant will have access to the recording and their image may be circulated to associates of the defendant for purposes of retaliation.
- The rule will result in intimidation of victims (and witnesses) of violent crimes when recordings of them making an identification are circulated by the defendant. The recordings will be available under the Public Records Act upon the filing of charges.

I do not think the proposed changes to CrR 3.7 and 3.8 will serve the residents of Washington State and if they are accepted, they will be harmful to the victims of violent crimes.

Respectfully,

Det. Ceith Cullens  
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