March 22, 2019

To: Clerk of the Washington Supreme Court

Re: Comment on proposed new criminal rules and rule changes

To Whom It May Concern:

I am writing as both a Senior Deputy Prosecuting Attorney with King County and a concerned citizen to comment on the proposed changes to Criminal Rules (CrR) 3.7, 3.8, and 4.7 and proposed creation of CrR 3.9 and CrR 4.11. The proposed rules and rule changes endanger and demean victims and witnesses and present critical threats to the pursuit of justice. I urge the Court to reject the proposed rules for the following reasons:

As to both proposed CrR 3.7 and 3.8

- The fact finder is the sole judge of credibility. Proposed CrR 3.7 and 3.8 propose something extraordinary: the suppression of constitutionally valid evidence that a jury may still find credible. CrR 3.7 and 3.8 presuppose that police lack credibility and therefore having an officer say what a defendant said (3.7) or say that a witness identified someone (3.8) are so inherently unreliable that they should be inadmissible, unless there is video proof. In essence CrR 3.7 and 3.8 say that police, because they are police, cannot satisfy hearsay exceptions (party opponent, statement of identification). This undermines the fundamental nature of our fact finding system: allowing the jury to determine credibility.

CrR 3.7 RECORDING INTERROGATIONS suggested new rule

(a) Custodial and non-custodial interrogations of persons under investigation for any crime are to be audiovisually recorded, by electronic or digital device.

- **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.
- **The rule encompasses every encounter with a potential suspect, no matter how casual or innocuous, on the scene, on the street, at their home, in a vehicle, or at any other location.** It imposes an unreasonable burden on law enforcement.

- **Proposed CrR 3.7 appears to be predicated on a belief that police are inherently untrustworthy and cannot be taken at their word.** The credibility of witnesses is a matter for the judge or jury to decide after hearing all of the evidence.
- **The rule is impractical – most police agencies in Washington lack the resources to record and preserve the broad range of interactions that would fall within the rule.** The additional burden of preserving detailed maintenance records of every recording device used also is unwarranted.
- Proposed CrR 3.7 would require sweeping changes to police procedure in the investigation of every incident that may constitute a crime. Not only would it obstruct these investigations, it is an unrealistic mandate and unless it is funded by the court, impossible due to lack of equipment that would be required.
- The rule presumes that any statement not taken in compliance with the rule is untrustworthy. It codifies a presumption that officers who have taken an oath to uphold the law are presumed to be unreliable witnesses. It shifts the normal burden away from the person trying to suppress the evidence onto the State, with no reason.
- Proposed CrR 3.7 is not limited to interrogations by law enforcement; thus it is unclear to whom it applies.
- The rule does not define "interrogation." Subsection (b) suggests any question is an interrogation. It could be broadly interpreted to include actions likely to provoke a response.
- Proposed CrR 3.7 imposes an impossible burden. It would require universal recording of everyone with whom an investigator speaks/interacts to avoid errors, violating the privacy rights of citizens and producing a massive amount of recordings that will be subject to public disclosure.
- This is an unwarranted burden on police investigations.
- The rule does not limit applicability to events that occur after enactment of the rule. Even if it did, most law enforcement agencies will be unable to immediately acquire video recording equipment for all officers to carry at all times (the financial and practical obstacles would be overwhelming), and to retroactively create maintenance records as to existing equipment.
- The rule will require litigation as to whether the questioner knew the person questioned was "under investigation," when the questioner knew that, and perhaps whether the questioner should have known the person could be implicated in a crime (<u>any</u> crime). Is it a subjective or an objective standard? What if the person becomes a suspect mid-questioning?
- Proposed CrR 3.7 is an improper exercise of the court's authority, forcing specified investigative procedures without legal authority to direct police use of resources and the nature of their interrogations.

(b) <u>Exceptions</u>. State has the burden of proof that an exception applies by a preponderance.

(1) Spontaneous statement not in response to question.
(2) Prior to the statement, the person refuses recording, and *that* is electronically recorded.

- The requirement that a refusal be recorded violates the subject's rights under the Washington Privacy Act right not to be recorded.
- A person who refuses to be recorded will not permit recording that either.

(3) Equipment malfunction, if due diligence is met in maintaining the equipment.

- **The requirement of "due diligence" in maintaining equipment will result in extensive litigation over maintenance standards and procedures, what is due diligence in maintenance, maintenance records, and what is the necessary proof of maintenance.**
- It is a substantial and unreasonable burden on police agencies (and other investigating agencies) to establish a maintenance protocol and maintain records of maintenance of all recording equipment.

(4) Substantial exigent circumstances prevent recording.

- **The meaning of "substantial exigent circumstances" is unclear. Would it include the scene of a traffic collision? Would it apply if the suspect is in the hospital? Would it apply if the suspect is at a facility (e.g. SCORE) with no video available?**
    - **Does "substantial exigent circumstances" extend to an officer's determination that recording will impede a homicide investigation?**
    - Does "substantial exigent circumstances" include covert operations or knock-and-talk investigative procedures?

(5) Routine processing/ "booking," interrogation in another jurisdiction.

- **This subsection does not make sense.**
- The only way that the reference to "interrogation in another jurisdiction" makes sense is if it is intended to be listed as a separate exception.

(c) Consequences. If a court finds a violation of the rule by a preponderance, any statement during or following that interrogation, even if it otherwise complies with this rule, is presumed inadmissible in any criminal proceeding against the person, except for impeachment. The presumption may be overcome by clear and convincing evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

- **The remedy for violation of CrR 3.7, exclusion of the statement and all subsequent statements, is extreme and unnecessary.**

- **This rule will keep relevant and sometimes critical evidence from the jury when there is no question that a statement was voluntarily given.**
- **In order to admit a statement that is not recorded the rule imposes a burden on the State to prove the defendant's statement is reliable, when the probative value may be in the lies that the defendant is telling.**
- It is unclear whether, to overcome the presumption, the initial statement must be proven voluntary and reliable or every subsequent statement must be.
- The standard for overcoming the presumption of inadmissibility grants to the judge the decision that should be left to the jury – the probative value to be given to these statements.
- It is an arbitrary and punitive choice to apply a standard of proof to overcome the presumption of inadmissibility that is a higher standard than applies to alleged constitutional violations.

(d) Preservation. Recordings must be preserved until conviction is final and all direct and habeas appeals are exhausted, or until prosecution is barred by law. "In all Class A felonies" must be preserved for 99 years.

- The rule requires preservation of all interrogation recordings until the subject dies (there is no limit to habeas review).
- As to all crimes that could be prosecuted as a Class A felony (including all deaths and most sex crimes), all interrogations must be preserved for 99 years, even if it is concluded that a death was suicide, or a defendant confesses, is prosecuted and dies. This mass of recordings would be available to the public.

CrR 3.8 RECORDING EYEWITNESS IDENTIFICATION PROCEDURE

suggested new rule

(a) Out-of-court i.d. procedure resulting from a photo array, live lineup, or show-up by law enforcement shall not be admissible unless a record of the i.d. procedure is made. Video is directed; video or audio recording is required if possible.

- 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.

- How does it further justice to bar evidence of identification procedures rather than allow the jury to determine the weight of the evidence, which is tested by cross-examination?
- The rule is impractical – most police agencies in Washington lack the resources to record and preserve all identification procedures. The rule would encompass identifications at the scene of traffic accidents as well as ongoing violent crimes.
- Existing constitutional and common law standards adequately address the issue of admissibility of identification procedures.

(b) **Documenting the procedure**.

(1) All identification procedures and related interviews with any V/W should be fully documented. Video-recording when practicable, audio recording is the preferred alternative. If neither video- nor audio-recording is possible, administrators should produce a detailed written report of the interview or identification procedure immediately following completion.

- **It is unclear that the lack of availability of recording devices would be a legitimate reason not to video record the procedure.** Such an exception must be included.
- **The rule does not make clear that a witness's assertion of their right not to be recorded (under the Privacy Act) would establish that recording was not possible.**
- The rule does not define "when practicable." Who makes that decision?
- What does the reference to "administrators" mean? Supervisors?
- What "is possible" is a standard that is impossible to interpret. Does it allow an exception for exigent circumstances, lack of equipment, or community safety?

(2) A confidence statement should be obtained immediately after victim or witness makes a decision. Exact words used should be documented.

- The term "exact words" is unreasonably vague. How many words must be documented? What if the procedure is not recorded and the witness provides a lengthy explanation of the choice? What if the person is a non-English speaker – must the non-English words be documented?
- Should it not also require documentation of the relevant context of the words used, including the demeanor of the suspect and the witness?

(c) **Contents.** Record to include details of what occurred, including: (1) place; (2) dialogue between W & officer who administered; (3) results; (4) if live lineup, photo of lineup; if procedure includes movements, video; if procedure includes speaking, audio recording of the speaking and a photo of the i.d. procedure; (5) if photo lineup, the photo array, mug books or digital photos used, including an unaltered, accurate copy of the photos used,

and an accurate copy upon which W indicated his or her selection; (6) identity of persons who witnessed the live lineup, photo lineup, or showup, including location of Ws and whether Ws could be seen by W making i.d.; (7) Identity of any individuals with whom the W has spoken about the i.d., at any time before, during, or immediately after the official i.d. procedure, & a detailed summary of what was said, including identification of law enforcement and private actors.

- (c)(4) "If the identification procedure includes speaking" would appear to mandate audio recording of all procedures, since the witness always will be given verbal directions. This may be intended to refer to the subjects of the procedure speaking for purposes of voice identification, and if so, it should say that.
- (c)(6) It is an unreasonable burden to have to document the identity of all persons who witness every procedure, especially as to a showup at or near a crime scene, where the people present are fluctuating, or individuals present may not be willing to identify themselves.
- (c)(6) It is unreasonable to require documentation of whether each person who witnesses the procedure can be seen by the witness. The scene is fluctuating, and officers can't know who the witness is able to see. Forcing the witness to look around to identify who they can see is watching will be intimidating to a frightened witness.
- (c)(7) It is an impossible burden to require law enforcement to document any private persons with whom the witness has discussed the suspect's identity before the identification procedure, which could occur days, weeks or years after the crime. How would law enforcement know? What if the witness doesn't recall, or doesn't want to identify everyone who he/she has spoken to, or lies?
- Although section (b)(1) of this rule provides for an exception to the recording requirement based on impossibility, this section must include the same exception in order for the exception to have effect.

(d) **Remedy**[numbered (c) in rule]: If the record prepared is lacking important details as to what occurred, and it was feasible to obtain and preserve those details, the court may, in its sound discretion and consistent with appropriate case law, declare the identification inadmissible, redact portions of identification testimony, admit expert testimony, and/or fashion an appropriate jury instruction to be used in evaluating the reliability of the i.d..

- **The remedies listed in CrR 3.8(d) are extreme and unreasonable.** For example, it would allow testimony of a defense expert witness on unspecified subjects, apparently regardless of compliance with applicable rules of evidence, if not every detail of the procedure and circumstances was recorded.
- **The term "important details" is not defined and the rule does not specify who determines whether it was "feasible" to obtain or preserve those details.** It is the jury's responsibility to determine the weight of the evidence based on the information that is available and any gaps in that evidence. Further, the lack of certainty in this

standard will result in inadequate guidance for law enforcement and massive litigation.

- **The rule invites a court to craft a jury instruction "to be used in evaluating the reliability of the identification," which invites a comment on the evidence without giving any real direction to the trial court.** Judicial comments on the evidence are unconstitutional in Washington.
- The concept of redacting portions of identification testimony makes no sense. It provides no guidance to a trial court. Does it mean the jury will be deprived of information relevant to its determination?
- The phrase "consistent with appropriate case law" is without a context and its meaning is entirely unclear. There is no case law interpreting this rule. Is it intended to limit or expand the rule or remedies?

CrR 3.9 IN-COURT EYEWITNESS IDENTIFICATION

suggested new rule

In-court identifications are inadmissible where the perpetrator is unknown to the witness and there has been no prior out-of-court eyewitness identification procedure.

- **Determination of whether an in-court identification procedure should be excluded is already adequately covered by case law – a more restrictive rule is unnecessary.**
- **The argument that already is made is that in-court identification should be precluded if there has been a prior identification procedure.** This rule sets up a Catch-22 for the prosecution, resulting in exclusion of all in-court identifications.
- **This new rule apparently would apply to law enforcement witnesses, which would preclude prosecution of most traffic-related crimes (from DUI to vehicular homicide) unless the officer was previously acquainted with the defendant or was presented with a photographic montage – or perhaps the officer could do his or her own show-up?**
- Proposed CrR 3.9 codifies an unsupported conclusion that in-court identifications are all unreliable.
- The rule would force an identification procedure in every case, including in cases where there is no question that the correct person has been charged (bloody, weapon-wielding man caught leaving victim's home), or in-court identification would not be permitted.
- The term "unknown" is unreasonably vague. Must the witness know the perpetrator's name or be socially acquainted? Is an unnamed stalker "unknown"? The lack of a clear standard will force law enforcement to conduct unnecessary identification procedures because of the possibility that the court will interpret the term broadly.
- The proposed rule does not make sense when the crime itself occurs over an extended period of time, allowing the witness a substantial opportunity to observe the perpetrator.
- If the court precludes an in-court identification under this rule, in the interest of truth, the jury must be informed that the court has prevented that, so that the jury will not draw any inferences against the prosecution based on the failure to do so.

- This prevents the jury from hearing relevant evidence. The weight of that evidence is properly developed through cross-examination and determined by the jury, not an arbitrary bright-line rule.

CrR 4.7 DISCOVERY amendments

(a) **Prosecutor's obligations**:

(2) Shall disclose to the defendant:

(iv) [new] All records, including notes, reports, and electronic recordings re: all identification procedures, whether or not the procedure resulted in an identification or resulted in i.d. of a person other than the suspect.

(3) Shall disclose any info that tends to negate Δ's guilt as to offense charged, [new] and/or which tends to impeach a State's witness.

- This provision purports to codify the requirements of Brady v. Maryland, but that case is limited to information that is material. Without that limitation, the proposed additional obligation to disclose any information that "tends to impeach" is unreasonably burdensome and unwarranted.

(4) Prosecutor's obligation under this section ~~is limited to material and info within the knowledge, possession or control of members of the prosecuting attorney's staff.~~ includes material and evidence favorable to the defendant and material to the defendant's guilt or punishment, and/or which tends to impeach a State's witness. This **includes favorable evidence known to others acting on the State's behalf in the case,** including the police. The prosecuting authority's duty under this rule not conditioned on a defense request for such material. **Such duty is ongoing, even after plea or sentencing.**

- The proposed amendment to CrR 4.7 requires the State to disclose evidence known to anyone acting on the State's behalf, which arguably includes any State witness, especially with the concluding clause, "including the police." It could be construed to include witnesses testifying pursuant to a plea agreement. It is unreasonable to require the State to disclose evidence of which it is unaware when that evidence is known only to a witness or another civilian. While the Brady obligation extends to evidence known to law enforcement directly involved in an investigation, it certainly does not extend to civilians who are not State agents. If the proposed amendment is not intended to expand the Brady rule, then it is entirely unnecessary.
- The courts have defined what is "material" to guilt or punishment in cases applying the rule of Brady v. Maryland, but this rule does not refer to that definition and so invites courts to apply a much broader definition. There is no

justification offered for applying a broader definition. If the proposed amendment is not intended to expand the Brady rule, then it is unnecessary.

- The amendment requires disclosure of all evidence that "tends to impeach" any State witness, without limiting that obligation to material evidence. There is no justification for such a radical expansion of the Brady obligation, which is limited by a materiality requirement.
- This proposed amendment completely eliminates any restriction on the obligation of the State to disclose evidence that may be known to anyone. It invites the courts to conclude that the State has the duty to collect all evidence that may be exculpatory, which is the responsibility of the defense, not the State, and is an obligation that would never be satisfied.
- The overbreadth of the State's obligation to learn of all evidence that "tends to impeach" any State witness regardless of materiality is further exacerbated by the imposition of a duty to learn of such evidence and disclose it until the end of time.
- The proposed amendment imposes an obligation on the prosecution to continue to track its (and the investigating police agency, and others acting on the State's behalf) contacts with all witnesses in every case, forever, so that if they ever act in a way which would tend to impeach their testimony, that can be disclosed.
- The proposed amendment requires ongoing disclosure after sentencing, but to whom? It implies an obligation to locate an unrepresented defendant even if the conviction is final, the sentence has been served, and the conviction may even have been vacated. This is an unreasonable burden with respect to evidence that is not materially exculpatory.
- After sentencing, RPC 3.8(g) requires a prosecutor to disclose "new, credible and material evidence creating a reasonable likelihood that a convicted defendant is innocent of the offense of which the defendant was convicted." That is a reasonable post-sentencing obligation. The much broader requirements of this proposed rule are unnecessary and impose an unreasonable burden on the State.

(h) **Regulation of discovery.**

Defense counsel may provide discovery to the defendant without a prosecutor's or court knowledge or approval. The only redactions required before providing it are: various account/ i.d. numbers; DOB redacted to the year only; names of minors redacted to initials; home addressed redacted except for city and state.

- Under this amendment, defense counsel does not have to provide notice to the State before giving the discovery to the defendant. So, in order to protect the safety and privacy of victims and witnesses, prosecutors will have to review all discovery before providing it to the defense, to be able to move for protective orders preventing release of sensitive information to the defendant. This will delay providing discovery to the

defense in most cases, and increase the workload of all parties and the courts as the requests for protective orders are litigated.

- The list of necessary redactions is obviously insufficient. Redactions that currently are required by prosecutors as a general rule also include the following: all contact information for all potential witnesses, including email; schools attended by witnesses; job locations and employers of witnesses; medical records; mental health and counseling records; CPS records; photos or video (including on a digital device, or in an electronic file) with images of any part of any person or animal; and any description or depictions of actual, attempted, or simulated sexual contact. Defense counsel is always permitted to review these items with the defendant but it is obvious that putting copies of this material (including autopsy photos, photos of injured victims, and sexually explicit images) in the hands of the defendant would endanger witnesses or unnecessarily invade their privacy for the prurient interest of the defendant or anyone with whom he shared the material.
- It has been the experience of prosecutors that defense counsel often do not properly redact discovery that they have submitted to the prosecutor for approval before providing it to the defendant, pursuant to the current rule. It poses unnecessary risks to the safety and privacy of victims and witnesses to eliminate this second set of eyes reviewing the redactions.
- There will be no incentive for defense counsel to carefully redact the discovery, as there is no penalty for failure to do so.
- There is no effective remedy if the defendant is provided with incompletely redacted discovery, so eliminating review by the prosecutor is contrary to the community's interest in public safety.

CrR 4.11 RECORDING WITNESS INTERVIEW

suggested new rule

(a) **Counsel for any party** (or an employee or agent of counsel's office) **may** conduct witness interviews by openly using an audio recording device or other means of verbatim audio recording, including a court reporter. Interviews are subject to court's regulation of discovery under CrR 4.7(h). Any disputes about the interview or manner of recording shall be resolved in accordance with CrR 4.6(b) and (c) [depositions] and CrR 4.7(h). This rule shall not affect any other legal rights of witnesses.

- The people of this State intend that victims and witnesses in criminal cases be "treated with dignity, respect, courtesy, and sensitivity; and that the rights extended in this chapter to victims, survivors of victims, and witnesses of crime are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protections afforded criminal defendants." RCW 7.69.010. This proposed rule effectively allows attorneys to mislead or intimidate witnesses who are reluctant to be recorded, which is inconsistent with this most basic principle of justice.

- Because the rule coerces victims and witnesses to agree to recording, it violates Article I, Section 35 of the Washington Constitution which requires that crime victims be afforded due dignity and respect.
- The vast majority of witnesses already agree to recording of interviews by the parties. In the rare instances when a witness is reluctant to be recorded, there are likely to be good reasons for that related to the subject matter (e.g. sexual assault) or because of their fear of the defendant. Coercing such a witness to be interviewed (by a negative jury instruction if they refuse) is simply offensive.
- The proposed rule coerces the witness to agree to recording, by failing to inform them of the right to refuse and by punishing refusal. It is likely to result in some witnesses refusing to further cooperate with prosecution, defeating the interests of justice and reducing community safety.
- The rule does not address the necessity to obtain consent to recording by all others present.

(b) **Providing Copies.** Copies of recordings and transcripts, if made, shall be provided to all other parties in accordance with the requirements of CrR 4.7. If recorded by a court reporter and discoverable under CrR 4.7, any party or the witness may order a transcript at the party's or witness's expense.

Dissemination of recordings or transcripts of witness interviews obtained is prohibited except where required to satisfy discovery obligations of CrR 4.7, pursuant to court order after a showing of good cause relating solely to the criminal case at issue, or **as reasonably necessary to conduct a party's case**.

- The limitation on dissemination of recordings is inconsistent with the requirements of the Public Records Act, which will require disclosure upon request.
- The limitation on dissemination to the current case only unreasonably prohibits use of the transcript of an interview to impeach a witness in a different case, whether that case involves the same incident (an accomplice), a related incident, or a completely different case. For example, the statements of an expert witness in one case are often relevant to their testimony in other cases involving the same subject.
- The rule allows unrestricted disclosure of a recording of a witness interview to the defendant or associates of the defendant if defense counsel decides it is reasonably necessary to the defense. This is an invasion of privacy and creates a risk to public safety, where the questions that may be asked during an interview are virtually unlimited, and may include personal questions on subjects that are inadmissible at trial. That risk is unfairly imposed when the witness is being coerced to agree to recording by the provisions of this rule.

(c) **Preliminary Statement.** At the start, person conducting the interview must confirm on the recording that witness has been provided: (1) name, address, and phone number of

person conducting interview; (2) identity of party represented by person conducting interview; and (3) that witness may obtain a copy of recording and transcript, if made.

- The proposed rule **does not require that victims or witnesses be informed of their option to refuse to consent to the recording of an interview. The interviewer may accurately assert that he has the "right" to record the interview, which will mislead the witness.**

(d) **Witness Consent.** A witness **may refuse** to be recorded. If the witness refuses and there is a dispute regarding any statement made by the witness, the **jury should be instructed to examine the statement carefully in the light of any reasons for the refusal and other circumstances relevant to that witness's testimony, including, but not limited to, bias and motive**.

- **The rule invites a court to craft a jury instruction "to examine the statement carefully," inviting a comment on the credibility of a particular witness without giving any real direction to the trial court. Judicial comments on the evidence are unconstitutional in Washington.**
- It is inappropriate to use a person's right to refuse to be recorded against them.
- It is inappropriate for a jury in a criminal case to be directed to determine the legitimacy of a person's refusal to be recorded, which is that person's right.
- If a jury is to be instructed to consider the reasons for the refusal, which it must be in order to evaluate its legitimacy, it must be permitted to hear of the prior bad acts (including threats and intimidation) of the defendant and the character of his or her associates to evaluate the witness's fear of retaliation. The witness's subjective fears, even if not based on verifiable facts, also should be considered by the jury in order to fairly evaluate the reason for the refusal. The rule should specify that if the victim is not permitted to explain the refusal in full, no instruction should be given.
- There is no reason to infer bias from the refusal to be recorded.
- The reference to motive is nonsensical.
- The jury determines the credibility of witnesses. It is already informed if a witness has refused to be recorded. The jury is instructed to consider any relevant circumstances in judging credibility and the defense may argue that the refusal is relevant. The only additional effect of this rule is to coerce the witness to be recorded and to invite a judicial comment on the witness's credibility – both are improper purposes for a court rule.

For all of the foregoing reasons, I urge the Court to reject the proposed rules and rule changes.

Respectfully,

s/ Heidi Jacobsen-Watts
WSBA #35549

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Friday, March 22, 2019 4:36 PM
To: Tracy, Mary
Subject: FW: Comments to proposed new criminal rules and criminal rule changes
Attachments: Comments to proposed rule changes.pdf

From: Jacobsen-Watts, Heidi [mailto:Heidi.Jacobsen-Watts@kingcounty.gov]
Sent: Friday, March 22, 2019 4:34 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments to proposed new criminal rules and criminal rule changes

Attached please find my comments to proposed changes to Criminal Rules (CrR) 3.7, 3.8, and 4.7 and proposed creation of CrR 3.9 and CrR 4.11.

Heidi Jacobsen-Watts | **Senior Deputy Prosecuting Attorney | King County Prosecuting Attorney's Office | Civil Division | 500 Fourth Avenue, 9th Floor Seattle, Washington 98104 | (206) 477-1861**