

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, April 24, 2019 3:53 PM
To: Tracy, Mary
Subject: FW: Comments on proposed court rule 3.7

From: Taylor, Karissa [mailto:Karissa.Taylor@kingcounty.gov]
Sent: Wednesday, April 24, 2019 3:39 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on proposed court rule 3.7

Re Proposed 3.7 requiring audiovisual recording of all interrogations for all crimes:

First, 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. **This is especially true in gang cases or cases where witnesses are worried about retaliation and becoming victims themselves for cooperating with investigations.**

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. Additionally, investigations into violent crime are very dynamic and shifting. Sometimes, officers need to get necessary information quickly. In agencies where each officer and detective does not have the tools to follow this rule, those necessary investigative interviews will not happen timely, putting additional community members at risk.

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. This rule assumes officers are less trustworthy than citizens, as citizens do not have to record conversations or what they witnessed.

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.

Karissa Taylor