

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, January 30, 2019 1:27 PM
To: Tracy, Mary
Subject: FW: Proposed Criminal Court Rules 3.7 and 3.8 Must Be Dismissed

For you ☺

From: Gregson, Cecelia [mailto:Cecelia.Gregson@kingcounty.gov]
Sent: Wednesday, January 30, 2019 1:23 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Criminal Court Rules 3.7 and 3.8 Must Be Dismissed

To whom it may concern,

I am writing to express my deep concern over several proposed Criminal Court Rules currently being considered by the Supreme Court. As an advocate of child victims of technology facilitated sexual offenses, the potential negative ramifications of enacting CrR 3.7 and 3.8 are shocking to the conscious.

Examples of evidence that would be suppressed or significantly diminished under these proposed rules include:

1. Child depiction/sexual abuse victims who identified their perpetrator to law enforcement, but refused to be recorded. A perfect example of a survivor of child sexual exploitation and abuse locally is Series Victim "Vicky," who shies away from being recorded because of the trauma recording invokes.
2. Child victim statements and identifying data contained in law enforcement records being provided to defendant's without notice to the state affording the defendant opportunity to interfere with the administration of justice and silence the child victim and witnesses of his crimes.

In a nutshell, proposed CrR 3.7 and CrR 3.8 undermine the justice system by diminishing the value of evidence not captured on video and patently ignore long standing rules of evidence grounded upon fundamental legal concepts scrutinized by decades of legal minds. Of greater concern perhaps, is the fact that CrR 3.7 and CrR 3.8 fail to protect the constitutionally demanded structure that 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.

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