

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, April 30, 2019 9:13 AM
To: Tracy, Mary
Subject: FW: Subject: Public Comments requesting the Supreme Court adopt CrR (CRrLJ) 3.7, 3.8, 3.9, and 4.11

From: Jeremy Ford [mailto:jford@cdocc.com]
Sent: Tuesday, April 30, 2019 9:06 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Subject: Public Comments requesting the Supreme Court adopt CrR (CRrLJ) 3.7, 3.8, 3.9, and 4.11

TO: Washington Supreme Court

RE: Public Comments requesting the Supreme Court adopt CrR (CRrLJ) 3.7, 3.9, and 4.11

General Statement

For 30 years I have been a criminal defense attorney. I am constantly arguing to juries to never believe an officer "unless they have it on video." In the modern age of inexpensive/reliable/accessible technology, the officers have the ability to record everything they do and offer that to a jury as the best evidence available. If an officer believes the evidence will be in his/her favor, it gets recorded. So one can fairly assume that if an officer is not recording something, that recording would have hurt his/her case.

Each and every one of the proposed new rule changes addressed below is based upon that simple concept. When a person is under arrest and isolated from the public and under the control of the officers, the officers are the only people who can preserve the evidence for later evaluation by the trier of fact.

What is at stake here is the credibility of our entire criminal justice system. The advent of DNA has proven to all how many innocent people have been getting convicted, and as a civilized society reducing that number MUST be our highest priority. These proposed rule changes are simple and straight forward, and WILL HELP CONVICT THE GUILTY as well as ACQUIT THE INNOCENT. I urge the adoption of each of them.

These rule changes are also necessary for accountability in law enforcement. Encouraging honesty and fair play by eliminating opportunities to cheat and falsify.

CrR 3.7: Recording Interrogations

The proposed Rule has in it the necessary exceptions to grant officers leeway for exigent circumstances, but requires that interrogations be recorded. Simple, straight forward, easy for all to follow.

CrR 3.9: In Court Eyewitness Identification

Every defense attorney has contemplated how nice it would be to NOT have their client sitting next to them identified as "Defendant" when the witness is asked to identify him/her. So often I have sat there with the strong feeling that my client would never be identified correctly if they did not have to sit next to me at counsel table. The proposed rule is easy and desperately needed.

CrR 4.11: Recording Witness Interviews

Having an interested party or their attorney summarize a witness's prior statements; or trying to present to a jury a dispute as to what was actually stated during a previous statement are fairly subject to misinterpretation or mistake or lack of credibility.

There are few items of evidence more important than statements made early in the case when memories were fresh, and recording those statements on Audio / Visual for later accuracy is tremendously important. Professionals doing interviews have access to inexpensive / reliable technology that can preserve that evidence for evaluation by the trier of fact.

Thank you.
Sincerely

Jeremy Ford
Executive Director
Counsel For Defense of Chelan County
WSBA #33034

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