

**Tracy, Mary**

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Wednesday, April 10, 2019 11:58 AM  
**To:** Tracy, Mary  
**Subject:** FW: Comments on proposals to amend court rules

**From:** Montgomery, Amy [mailto:Amy.Montgomery@kingcounty.gov]  
**Sent:** Wednesday, April 10, 2019 11:56 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comments on proposals to amend court rules

Good morning,

I would like to comment on proposed amendments to some of the court rules.

First, with respect to the **proposed new CrR 3.7**, the rule of requiring all statements be video recorded is impractical in application, and the consequence that all future statements would be suppressed is a disproportionate consequence. That rule prevents admissions of statements from a defendant making a voluntary statement or initiating a conversation with law enforcement. It prevents subsequent recorded statements from being offered. Courts and jurors have long been trusted with credibility determinations of witnesses. This rule states that the courts cannot make those decisions of credibility. The lack of a recording should go to the weight to be placed on a statement, but not its admissibility.

Regarding the **proposed new CrR 4.7**, the failure to include restrictions on discovery provided to a defendant puts victims and witnesses at greater risk for tampering. We are in an era of wide-spread dissemination of information through social media. The proposed rule sets no limits on the defendant's right to disseminate material. This puts victims at risk. It is inconsistent with existing privacy rights surrounding medical and educational records. It is a terrible rule.

**CrR 4.1** invades a witness' right to refuse to be recorded. There is no justification for this rule that overrides a person's individual freedom of choice. There are many reasons why a person may not wish to be recorded, and a blanket instruction that such a choice calls into question the credibility of the witness is an improper, unsupported comment on evidence.

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