

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, April 29, 2019 11:14 AM
To: Tracy, Mary
Subject: FW: CrR 3.7, 3.8, 3.9, 4.11.

-----Original Message-----

From: Christopher Taylor [mailto:taylor@crtaylorlaw.com]
Sent: Monday, April 29, 2019 10:52 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: CrR 3.7, 3.8, 3.9, 4.11.

I am writing in support of the proposed new rules CrR 3.7, 3.8, 3.9, and 4.11.

Primarily, I am in support of these rules because each rule would result, in general, in additional safeguards for individuals accused of crimes; additional safeguards for law enforcement officers investigating crimes; additional assurances for judges, attorneys, and the public about the fairness of the system; and enhance judicial economy.

For example, CrR 3.7 generally requires interrogation to be recorded (subject to some reasonable exceptions). If recordings of interrogations are routinely made, hearings concerning the admissibility of statements of the accused made during those interrogations may be less common (i.e. fewer CrR 3.5 hearings would be needed); questions of credibility of law enforcement officers may less frequently need to be litigated during trial (e.g. because conflicting memories of interrogation tactics or statements made by interrogation participants would have an independent neutral observer in the form of the recording equipment); and the risk that a fact finder may rely on a misquoted statement of an accused should be reduced.

Also, CrR 3.8 generally requires identification procedure to be documented. This will create more evidence from which a fact finder can evaluate identification evidence, allowing reliance on such evidence to hold up better to scrutiny from the public.

Also, combining CrR 3.8 and CrR 3.9 will enhance the reliability of in-court identifications, and reduce false positives based upon the inherent suggestibility of the accused sitting in a particular location in the courtroom.

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Regards,

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