

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, February 6, 2019 9:30 AM
To: Tracy, Mary
Subject: FW: Comment: Proposed New Rule change CrR 3.8, CrR 4.1, and CrR 4.7

From: McIngalls, Colleen [mailto:cmcingalls@kingcounty.gov]
Sent: Wednesday, February 6, 2019 9:26 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Martin, David <David.Martin@kingcounty.gov>
Subject: Comment: Proposed New Rule change CrR 3.8, CrR 4.1, and CrR 4.7

To whom it may concern,

My name is Colleen McIngalls, and I supervise the King County Protection Order Advocacy Program at the King County Prosecuting Attorney's Office. I am writing in to voice objection to new passing new court rules CrR 3.8, CrR 4.1, and CrR 4.7.

If the court were to impose the above rule changes, domestic violence victims and respective other victims of violent crime would be unjustly impacted. Victims of sexual assault, domestic violence, and gang facilitated physical assaults are vulnerable the moment they make a report to law enforcement. Forcing victims and witnesses them to be on camera pointing out the perpetrator of their crimes as suggested in Ccr 3.8 would put victims and witnesses at immediate risk, let alone impede law enforcements ability to obtain cooperation. Similarly, should defense attorneys be entitled to record any witness interview without informing the victim, as proposed in CcR 4.1, would endanger victims.

These proposed new criminal rules would place victims and witnesses in fear of retribution, subjected to coercive control of the perpetrator, and debilitating fear when making these reports and/or supporting prosecution of what the perpetrator might be capable of doing. By implementing CcR 4.1 and the related CcR 3.8, victims would be placed in immediate danger. Victims are reluctant to engage with the criminal justice system because they are unable to control what information is shared with their offenders and the retaliation can lead to violence and even homicide. Many victims agree to be audiotaped during interviews, but placing that requirement would jeopardize their safety and security.

Additionally, if the court allows all discovery, including medical records, photos, and recordings be handed to defendant without prosecutor's knowledge as suggested by CcR 4.7 would place victims at high risk as it may include sensitive information that the perpetrator could utilize to control and intimidate the victims. Many of our cases have defendants that are out of custody pending resolution. These sorts of rules would create huge barriers to justice and placing the victims at higher risk.

Despite the Crime Victim Bill of Rights (RCW 7. 69.030), victims enjoy very few protections within the criminal justice system. Eliminating their ability to choose how their voice is heard, or how their images and recordings are shared with the defendant would inhibit victims willingness to engage with the system in the future or participate in the case as it proceeds towards trial/resolution.

I appreciate your willingness to hear my concerns. Please feel free to connect with me if you have any additional questions.

Colleen McIngalls
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