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April 24, 2019

Clerk of the Supreme Court  
P.O. Box 40929  
Olympia, WA 98504-0929

APR 26 2019  
Washington  
Supreme Court

RE: Public Comments Requesting the Supreme Court to Adopt CrR/CrRLJ 3.7, 3.8, 3.9, 4.7, 4.11.

To Washington Supreme Court:

I urge you to support the proposed changes to the rules of the court above. Specifically, as to CrR/CrRLJ 4.11 – Recorded Witness Interviews: I recently defended an individual in an assault second degree case. The incident occurred in a crowded public place. There were no less than 15 eye-witnesses to the incident. To her credit, the officer recorded each of the 15 witness statements. Had the officer not recorded these statements, I doubt the inconsistencies among and between these witness statements would have been so apparent. How so many witnesses, granted from slightly different perspectives, could arrive at so many different and inconsistent observations of the same thirty second incident was baffling. Worse, many witnesses provided “overly dramatic” statements of the real facts including who they thought the criminal was and why he should be prosecuted. Most of these statements included emotions and voice inflections which would never have been captured by the officer and put into a written report. These overly dramatic descriptions, emotions and voice inflections are obvious when heard in person, but usually never make it into a police report. Expecting officers to capture all the dramatics, emotions and voice inflections along with the real facts is too much to expect. But these are important when measuring a witness’s credibility. Finally, by recording witness interviews the burden upon law enforcement to get the written narrative correct will be greatly reduced.

Also, I wish to voice my support for the other proposed changes to CrR/CrRLJ 3.7, 3.8, 3.9, 4.7

Sincerely,

Jeff Williams  
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