

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Tuesday, March 19, 2019 8:09 AM
To: Tracy, Mary
Subject: FW: proposed court rules

From: Kevin Penney [mailto:KPenney@desmoineswa.gov]
Sent: Tuesday, March 19, 2019 5:38 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: proposed court rules

CrR 3.7-4.1

From the perspective of a Law Enforcement Officer for over 20 years in Washington State in regards to the ability to realistically and effectively service the public by performing expected duties perceived by the average citizen in Washington State has in my experience been extremely hampered. To allow for more restrictions on how Law Enforcement is expected to manage recording interrogations under the new court rule is to create an extreme hardship, which will lead to the inability of street level Patrol Officers to effectively obtain statements; in essence more than crippling the ability for officers to create reports and written testimony that would meet this new standard for even the most low level crimes. Once again the law abiding citizens of Washington State suffer as criminals are seemingly empowered to continue to commit crime as Law Enforcement hands in Washington State are tangled with unrealistic prosecuting criteria. This court rule poses problems from impracticalities, extreme unreasonable burdens, it stages resistance to cooperate from both witnesses and defendants and preloads the perception that LE is untrustworthy and Officer/Detectives transcriptions are presumed tainted. These are just a few of the obvious problems with the CrR3.7.

3.8 also is hampers investigations with unrealistic requirements which on most occasions will not be able to met or will so hamper the street level investigations that many levels of law enforcement will cease to continue.

There are many other valid points on how proposed CrR 3.7-4.1 will continue to stifle the efforts of LE to keep communities safe. Areas in Washington State hold the 2nd highest property crime rate in the entire county, second only to parts of California and we are seeing a rise in violent crime as well. The unwillingness to prosecute and administer tough sentencing for even high level crimes is clearly a contributing factor in these embarrassing figures. Additional restrictions on our LE only makes life easier on criminals and harder and less safe for the rest of our communities.

De-Policing is an unfortunate reality and side effect of too much red tape. Simple misdemeanor crimes such as low level thefts and even straight forward felony level crimes could once be written up by the average street level patrol officer in 20 minutes to an hour depending on the crime. Some arrest paper would be forwarded to detectives while other misdemeanor crime could be sent right to the prosecutor's office. We now have a system that is so bogged down with policy at the agency level and in the court system that it takes hours to complete requirements for low level misdemeanor crimes and hours upon hours for even straight forward felony level crimes, IE felony property crimes. These type of logistics take officers off the street and cost money resulting in frustrations by victims and officers alike. The reality is most of the public has no idea of the levels of redundancies and restrictions placed on LE at even the patrol level. In my personal experience when reasonable citizens see into the process of the justice system they are perplexed and dismayed at what "justice" the system actually offers to victims. Patrol LE will continue to do their jobs, we will continue to fall behind the criminals at the rate I have watched over the last 20 years. The end result does not serve the Interest of Justice or lead to the greater good for citizens of Washington State.

Respectfully submitted