

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, March 13, 2019 2:06 PM
To: Tracy, Mary
Subject: FW: Comments on proposed Criminal Rules

For you. 😊

From: Parker, Luke [mailto:lparker@kingcounty.gov]
Sent: Wednesday, March 13, 2019 2:04 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on proposed Criminal Rules

Good afternoon-

I have been a prosecutor since August 2012. First, as a Rule 9 intern with Thurston County, then as an Assistant City Attorney for the City of Bellevue, and now as a DPA with King County. My comments in opposition of the proposed rule changes:

3.7 – Witnesses often become suspects during questioning as a result of their answers. Often times, this happens at crime scenes. This rule would require a judgment call on the part of every police officer as to when they need to hit the record button on a video camera. While some jurisdictions have body cameras, most do not. One reason for that is that they simply do not have the resources to store all of the resulting video footage for a retention period that complies with proposed subsection (d). A rule that all but requires body cameras for every patrol officer and detective in every law enforcement agency in the State would be too difficult to implement, given insufficient resources, and the stakes are too high. What if a murder suspect refuses to be recorded but the officer doesn't get that refusal on camera? The idea we should be so distrustful of police officers that every question they ask needs to be recorded is not one that I agree with.

3.8 – If victims of domestic violence or sexual assault need to be recorded when pointing out their attacker, in many cases, it may scare them off. We should implement rules that encourages victims to report crimes. This rule change would have the opposite effect.

3.9 – If I'm reading it correctly, this rule would apply to law enforcement witnesses and would preclude them from identifying the driver in court in any traffic related offense. Our roads will be more dangerous if this rule is implemented.

4.7 – With respect to giving the defendant discovery, there is no suggested mechanism for keeping all attorneys accountable when it comes to protecting victims by properly redacting discovery.

4.11 – Requiring recording of victim interviews, or allowing the choice not to be recorded to be used against victims, is likely to have the practical effect of scaring some victims out of following through with prosecution.

Thank you for your consideration,

Luke Parker
Deputy Prosecutor
Felony Trial Unit
King County Prosecuting Attorney's Office