

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: Proposed Amendments to CrR/CrRLJ 4.7  
**Date:** Tuesday, April 30, 2024 1:32:33 PM

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**From:** Kristie Barham <kristie.barham@piercecountywa.gov>  
**Sent:** Tuesday, April 30, 2024 1:09 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Proposed Amendments to CrR/CrRLJ 4.7

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I am writing in opposition to the proposed amendments to CrR/CrRLJ 4.7.

The proposed amendments require each municipal, district, and superior court to develop its own separate redaction guidelines through local rulemaking. Most defense attorneys practice in numerous jurisdictions throughout the state. The creation of separate redaction policies for each individual court will inevitably lead to errors in redacting discovery based on each court's local rules.

The current rule appropriately allows the prosecutor's office to review redactions prior to any discovery being issued. This ensures accuracy and protects victims and witnesses of crime. Without such a process, confidential and sensitive information could be inadvertently provided. The proposed amendment does not include a requirement that the prosecutor receive a copy of the redacted discovery. Rather, it merely requires the defense attorney to keep a duplicate copy of the redacted discovery in the defendant's case file. There is no opportunity for the prosecutor to identify errors or disagreements with the redactions. If the prosecutor subsequently learns that unredacted discovery was provided to the defendant, it will be too late to correct any error—at the expense of the victim or witnesses.

Although the proposed rule permits the prosecutor to move to modify redactions within seven days of providing the discovery to defense counsel, this would require the prosecution to schedule hearings in virtually every case to ensure proper redactions are made. Discovery is typically issued multiple times throughout the case, thereby requiring the scheduling of multiple hearings. This is an inefficient use of limited judicial resources. In addition, nothing in the language of the proposed rule prevents defense counsel from releasing the discovery pending the hearing. So what appears to be a remedy is really no remedy at all.

The proposed rule allows for the release of improperly redacted discovery without any remedy at the expense of victims and witnesses of crimes. Proper redaction of discovery is critical to protecting victims and witnesses. Adoption of the proposed rule poses an unnecessary risk to the safety of victims and witnesses of crime. I respectfully request that the Court reject the proposed amendments.

Sincerely,

Kristie Barham  
Deputy Prosecuting Attorney  
Pierce County Prosecutor's Office