



Advocates for people with intellectual disabilities
and related developmental disabilities

1030 New Britain Ave., West Hartford, CT 06110

Telephone: 860-953-8335 Facsimile: 860-953-8343

E-Mail: arcct@aol.com Website: www.arcct.com

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TESTIMONY BEFORE THE JUDICIARY COMMITTEE
RE: S.B. # 456, "AN ACT CONCERNING THE ELECTRONIC
RECORDING OF INTERROGATIONS"

Respected Chairpersons and Members of the Committee:

I am Michael Herbst, the immediate past President of The Arc of Connecticut, a 53-year-old statewide advocacy organization for individuals with intellectual disabilities (formerly called "mental retardation") and their families. We have 23 local chapters throughout the State that provide supports, services, and advocacy for individuals with intellectual disabilities. More importantly, I am the parent of a 28-year-old daughter, Jenna, who has developmental disabilities and lives successfully in her own apartment with supports in Norwalk.

Another of our past Presidents, Robert Perske is a well-known author and expert in the field of criminal law as it relates to individuals with developmental disabilities. He is unable to be here today, but I agreed to present his testimony as follows:

We are all grateful for our state's police officers. The lives of persons with disabilities are richer because of officer interest and support.

But every once in a while, a tragic thing happens:

- A good officer works feverishly to solve a horrible crime.
- While doing so, he notices a certain person with a mental disability.
- He takes him in for questioning.
- He uses a large repertoire of deceptions and techniques.
- Finally, the person with the disability caves in and says he did the crime.
- The officer comes out with a confession he himself hand-printed or typed.

But the officer brings out no notes, no stenographic record and no tape recording of all that was said in the interrogation room.

Formerly Connecticut Association for Retarded Citizens (CARC)

The Arc/Connecticut, Inc. Member Chapters: Directions, Inc., Middletown / Greater Enfield Arc / Family Options, Watertown / Arc of Farmington Valley / Friends of New Milford, Inc. / Litchfield County Arc / LOV-Arc, Westbrook / MARC, Inc., Manchester / MARC: Community Resources, Portland / Arc of Meriden-Wallingford / Arc of Greater New Haven / Arc/New London County / Options, Unlimited / Arc of Plainville / Arc of Quinebaug Valley / SARAH Inc., Guilford / SARAH Seneca Residential Services / SARAH Tuxis Residential Services / STAR, Norwalk / Arc of Southington / Tri County Arc, Columbia / Waterbury Arc / WeCAHR, Danbury

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Then comes the trial and we observe a most puzzling “swearing contest.”

- The officer swears to tell the truth about what went on in the interrogation room.
- With years of experience on the witness stand, he is articulate and convincing.
- But we have no way of telling if he is telling the truth.

The defendant with the disability takes the stand.

- He swears to tell the truth.
- But he is flustered and confused and easily manipulated.

The jury often tends to think that no person would ever confess to a crime he did not commit. And yet, many of the persons we represent -- when pressured -- would say they killed Abraham Lincoln if that was what the interrogator wanted to hear.

Please understand that if electronic recordings are used *the judge and jury would be able to see and hear for themselves what went on in an interrogation room.*

Also please know that we the members of Arc-Connecticut have a strong belief regarding the conviction of Richard Lapointe. We believe that if the 10-hour interrogation of Mr. Lapointe had been recorded, he would have never been sentenced to “Life Plus 60 Years” for the brutal 1989 murder of Bernice Martin in Manchester, Connecticut.

We believe that the real murderer of Mrs. Martin is still running loose.

Thank you for the opportunity to testify before you today.
