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TESTIMONY ON

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An Act Concerning the Videotaping of Custodial Interrogations

Public Hearing before the Judiciary Committee
Connecticut State Assembly
March 24, 2009

I am a former foreign correspondent, an independent journalist, an investigator of wrongful convictions, and the author of such books as Guilty Until Proven Innocent and Convicting the Innocent. I am writing a history of miscarriages of justice in America.

As an advisor to the Center on Wrongful Convictions at Northwestern Law School, I have been swept up for many years—since Connecticut's notorious Peter Reilly false-confession "wrong man" case in the mid-1970s—in the explosion of public awareness about the failings of the justice system....failings made plain by the steady parade of DNA exonerations and the flowering of innocence projects coast to coast.

I may be a familiar face to some members of this committee. This is the 10th time—the 10th time, starting in the late 1990s—that I have appeared to appeal for the mandatory full recording of custodial interrogations that lead to confessions, true or false.

I am not a glutton for punishment and I do not relish the idea of trading a full day of work for three minutes of your time. I simply feel that this is something I can do and must do. Interrogation recording is the most obvious and inevitable reform in police practices if we really want to convict only the guilty and never the innocent.

A recent chief state's attorney, Chris Morano, correctly described recording as the wave that is coming across the country. I care too much about Connecticut, The Constitution State, to let it compete with Alabama and Mississippi for the dishonor of being the last of the fifty states to abolish the secrecy of interrogation chambers.

For a dozen years, and even now, the big problem is that our leading law-enforcement officials—the chief state's attorney, the public safety commissioner, and the head of the police chiefs' organization—have made it clear that they do not want you, or the public, or the media, to know what really goes on when two or more detectives apply high-pressure methods of psychological pressure for two, four, eight or more hours to crime suspects who may or may not be guilty of anything.

They have consistently claimed that interrogation recording is expensive, impractical, and an impediment to solving crimes. Yet the truth of the matter is exactly the opposite.

Every major study based on the actual experience of police departments across the country that have adopted routine interrogation recording—voluntarily or under court or legislative compulsion--has revealed that the practice benefits law enforcement, increases police professionalism, secures convictions, protects the innocent, and delivers dramatic savings because the videotapes of non-coercive interrogations can effectively counter defense claims that the police acted improperly.

During the last two years, because of rising concerns about false confessions (which account for a quarter of wrongful convictions nationwide), Connecticut's lawmen have conceded that taping interrogations might possibly be a good idea. But first it must be studied, and then, if adopted at all, we must begin with the baby steps of pilot programs.

This is an exercise in re-inventing the wheel. The nation's more advanced police agencies have been recording for two, three or more decades. Twelve states, from Alaska and Minnesota to Illinois and New Jersey, require police to record what happens in their interrogation rooms. It is simply not good enough for Connecticut to pretend that this is some kind of new reform that must be studied and tested to see if it really works.

Finally, nothing has troubled me more over the years than the pretense that coerced confessions, especially false confessions, are no big problem in this state even if such places as Texas, Virginia, Florida and Illinois have been notorious for forcing confessions from the innocent.

I need only toss out a few names to suggest that we have been in deep denial. On two occasions, in the famous Darwin and Culombe cases involving guilty suspects, the police interrogation excesses went all the way to the U.S. Supreme Court. The Peter Reilly case was a national embarrassment for Connecticut. In 1989, brain-damaged Richard Lapointe of Manchester went to prison after a nine-hour interrogation ordeal produced his false confession to murder. He remains behind bars as our most shameful example of a wrongful conviction. Ryan Thompson of Plainfield also remains in prison after a decade, despite his innocence, not because he confessed to a fatal shooting but because State Police interrogators forced false incriminating statements from two of his friends. David Saraceno, who was led to falsely confess to burning up \$500,000 worth of Haddam-Killingworth school buses, was rescued from prison only after the actual arsonists were identified though never convicted. In May last year, a New Haven jury acquitted 14-year-old Kwame Wells-Jordan of armed robbery and murder charges. In a case that echoed New York's Central Park Jogger case, Kwame and two other juveniles had been led by police to confess to crimes they didn't do.

The list goes on....but enough! Let us be done with this whole noxious business. Let the police question suspects, of course, but let it be done not in darkness and secrecy but with a stern fidelity to light and truth.