



330 Main Street, Hartford, Connecticut 06106  
860-523-9146 | [www.acluct.org](http://www.acluct.org)

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## **Testimony Supporting House Bill 5589, An Act Concerning Custodial Interrogations**

**March 24, 2014**

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Sandra Staub. As legal director of the ACLU of Connecticut, I am here to support House Bill 5589, An Act Concerning Custodial Interrogations.

Frequent exonerations by DNA evidence prove that many innocent people have confessed to crimes they didn't commit. The Innocence Project reports that in approximately 25 percent of the wrongful convictions later overturned by DNA evidence, defendants had made "false confessions, admissions or statements to law enforcement officials."<sup>1</sup> The organization found that the main reasons innocent people make false confessions include "devious interrogation techniques, such as untrue statements about the presence of incriminating evidence," as well as intimidation, the use or threat of force, fear of harsher punishment from a refusal to confess and the suspect's compromised reasoning ability.<sup>2</sup> Because an estimated 90 percent of major felonies yield no DNA evidence, many cases where false representations by police have led to false convictions offer no hope of such exoneration.

Questions about deceptive interrogation techniques have created massive controversy here in Connecticut as far back as 1973, when state police falsely told Peter Reilly that his polygraph test implicated him in the murder of his mother. The impressionable 18-year-old was convicted on the basis of a faltering, coerced confession in a case that raised a national scandal. He was later exonerated by exculpatory evidence that had been withheld by the state. The case of Richard LaPointe, which is still not fully adjudicated, has raised similar issues and controversy. LaPointe, who has brain damage, confessed to the 1987 murder of his wife's grandmother after Manchester police falsely implied that DNA evidence tied him to the crime scene. Whether LaPointe is ultimately exonerated or not, the lies he was told have contaminated and complicated the case against him.

It has become clear that deceptive interrogation tactics only increase the likelihood that someone innocent will end up in prison, and a re-evaluation of the practice is gaining momentum around the country, prompted in part by the exoneration of the Central Park Five in New York. The New York Court of Appeals is now considering the question of confessions coerced by false statements from police in two murder cases. A clear rule against this abusive practice in Connecticut would serve the cause of justice. I urge you to pass House Bill 5589.

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<sup>1</sup> <http://www.innocenceproject.org/fix/False-Confessions.php>

<sup>2</sup> [http://www.innocenceproject.org/Content/False\\_Confessions\\_\\_Recording\\_Of\\_Custodial\\_Interrogations.php](http://www.innocenceproject.org/Content/False_Confessions__Recording_Of_Custodial_Interrogations.php)