UNECESSARY INTERROGATION TACTICS CONTINUE TO COST THE LIVES OF INNOCENT PEOPLE, VICTIMS THEIR JUSTICE, AND THE STATE MILLIONS

DECEPTIVE & MANIPULATIVE TACTICS

Connecticut must ban the use of deceptive and psychological interrogation tactics. These unnecessary methods have contributed to wrongful convictions and more reliable alternatives have been endorsed by interrogation experts. CA, DE, IL, OR, and UT have taken action to protect against the use of such tactics with the support of law enforcement and many more states are currently considering legislation.

In custodial interrogations, tactics such as lying about evidence and leniency, threatening the use of force, and denying physical or mental health needs have compelled false confessions from suspects. In fact, at least 29% of Connecticut’s wrongful convictions have involved false confessions.

These unnecessary tactics also undermine legitimate convictions. Interrogation experts, including Wicklander-Zulawski and researchers from the High-Value Detainee Interrogation Group, have abandoned these tactics in favor of more reliable rapport-building methods which do not carry these risks.

HOW WOULD THIS BILL HELP?

This bill creates a judicial check on confessions if compelled through the KNOWING use of deception or other barred tactics by interrogators. The bill gives the courts discretion to determine if the confession is reliable based on evidence the state presents to support it.

This language is based on laws in CA, DE, IL, OR, and UT that were endorsed by prosecutors, law enforcement, and interrogation experts as well as statement admissibility laws already in place in New York.
Richard Lapoint, Connecticut Exoneree
Sentence: Life Without Parole
Date Exonerated: 2015
Age at Time of Reported Crime: 41
State Compensation Awarded: $13.5 million + Undisclosed Civil Settlement

Richard Lapointe was wrongfully convicted of the murder, kidnapping, and sexual assault of his wife's grandmother in Manchester. Lapointe, who had a congenital brain impairment that impacted him both mentally and physically, was interrogated for nine and a half hours. In order to coerce a confession, detectives lied to him saying they were going to lock up his wife, take his son from them, and that his wife had also implicated him.

Sadly, Lapointe was coerced into giving three differing confessions, none of which matched the facts of the crime and were even contradicted by forensic evidence.

He spent 23 years in prison for a crime he did not commit.

EXAMPLES FROM LOCAL CASES

FALSE FACTS - "We have your fingerprints on the gun." - When law enforcement knows that there has been no determination of whether the person's fingerprints are on the gun.

LENIENCY - "If you confess to the murder, I can guarantee that you will not be charged with murder but, instead a lesser charge" - When law enforcement knows that they do not have the authority to guarantee a lesser charge.

THREATS - "if you don't cooperate, we will go for the death penalty" - when law enforcement knows that they do not have the authority to increase the penalty.

COSTS & CONSEQUENCES

These deceptive & coercive tactics create severe financial and public safety collateral consequences in Connecticut:

- Deceptive practices alone have cost the taxpayers of the State of Connecticut $37.5 million in compensation for wrongful convictions involving false confessions in addition to $10.74 million in related civil settlements.

- Costs arise from re-opening cases, identifying the actual offender, and re-prosecuting a case from which there was a false confession.

- Convicting the wrong individual results in actual perpetrators still being in communities with the ability to commit another offense.

- Diminished community trust in law enforcement hampers cooperating with investigations.

"The broad societal harms caused by allowing the police to lie during interrogations, along with the risk of false confessions, may support a per se ban on this practice, whether as a matter of legislative action or the exercise of the court's supervisory authority. The best course of action would be for our state and local police to abandon this tactic before such action is necessary."


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