

Testimony Before the Judicial Committee
Regarding Raised Bills No. 6612 and No. 6700
(With Special Attention to the Sections on the Electronic Recording of Criminal Interrogations)
April 7, 2003

Senator McDonald, Representative Lawlor, Members of the Committee

My name is Robert Perske.

I am an active member and a past president of the Arc of Connecticut

We, the Arc membership, with 24 chapters throughout the state, vigorously favor Bills 6612 and 6700.

Most importantly, we favor the electronic recording portions of the bills.

Personally, I work with and write about persons with developmental disabilities who have been coerced into confessing to murders and rapes they did not commit. I am the author of UNEQUAL JUSTICE and DEADLY INNOCENCE. Both books focus on this critical issue. I have files on over 100 persons with developmental disabilities that the Arc believes were coerced into giving false confessions.

Among them are the nationally famous cases of

Jerome Bowden in Georgia (Executed)

Johnny Lee Wilson in Missouri (Pardoned)

Earl Washington Jr. in Virginia (Pardoned)

David Vasquez in Virginia (Pardoned)

Delbert Ward in New York (Acquitted)

Barry Fairchild in Arkansas (Executed)

Jerry Frank Townsend in Florida (Pardoned)

Robert Wayne Sawyer in Louisiana (Executed)

Howard Neal in Mississippi (On Death Row)

Richard Lapointe in Connecticut (Life Without Parole Plus 60 Years)

In the recent famous Illinois death penalty box score in which 12 persons were executed and 13 were pardoned, two of the lucky 13 were Anthony porter and Alex Hernandez. Both were persons with mental retardation.

We believe that almost all of the persons we work with and care about – when placed in high-pressure interrogation rooms for 9 or 10 hours – can be coerced into saying they murdered Abraham Lincoln.

In all of us there is a strong will to believe innocence or guilt. The court should be the most wonderful place in Connecticut where those with opposing wills can come. Here, all of our wills to believe should be challenged and modified by as much solid evidence that we can produce.

I understand the power of the will to believe. For example, when my five kids were growing up, the rascals kept taking my tools out of my toolbox and they didn't put them back. Each time it happened, I cornered the little guys. Like a stern judge, I went into a tirade about putting tools back where they found them. I was touch on them. The kids had it coming. They need to be straightened out. But when my reprimand reached its crescendo, my wife, Martha, calmly appeared, took me by the hand and led me to where I left the tools myself.

I have sat in many courtrooms in this land where a defendant with a developmental disability was accused of rape or murder. The whole case was based on an awkwardly signed confession that was printed out by an interrogator. No solid evidence backed up the confession. No stenographic record and no electronic recording were made. At trial, the detectives, with well-practiced articulation, described what went on in the interrogation room. The defendant stumbled over his words, trying his best to describe what went on. The two stories did not match. Even so, most juries are more prone to believe the detectives – not the defendants.

Thank Goodness for a new truth teller called DNA.

Thanks Goodness for another new truth teller—electronic recording. Now – if The Assembly votes it – judges and juries will have a chance to see and hear for themselves what actually went on in an interrogation room. They don't have to hear about it second hand.

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In the case of Richard Lapointe in Manchester, we the members of the Arc believe that if his 9-hour interrogation had been electronically recorded, he would have never been arrested or convicted.