

Thoughts on the Police Interrogation of Individuals With Mental Retardation

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Aurora, Missouri. After 4 hours of police interrogation, Johnny Lee Wilson, age 20, confessed to murdering 79-year-old Pauline Martz. He confessed even though he was seen with his mother at a supermarket when the crime was being committed (Perske, 1994). He is currently serving a life sentence without parole.

Munnsville, New York. New York State police interrogated Delbert Ward, 59, for 4 hours – until he confessed to putting his hand over the mouth and nose of his 67-year-old brother William and killing him. Trial evidence showed that William died in his sleep (Perske, 1991).

Arlington, Virginia. Two detectives met David Vasquez, 37, while he was cleaning tables at a McDonald's restaurant and took him to the police station. After 6 hours in an interrogation room, Vasquez confessed to raping a woman and strangling her with cord from a Venetian blind. Five years to the day after being picked up at McDonald's, Vasquez received a governor's pardon. The reason: The same pattern of crimes continued after his conviction and were connected to another person (Priest, 1989).

Wilson, Ward, and Vasquez are individuals with mental retardation who confessed to crimes they did not commit. Similar cases are surfacing in every state and province in North America.

Confessions for heinous crimes continue to be seen in many legal circles as "the queen of the case." Some prosecutors feel that if they have a confession, there is less need for physical evidence to back up the suspect's admissions. There have been many cases in which individuals with mental retardation did indeed commit the crimes to which they confessed; but even then their confessions usually came quicker and easier than those taken from the average suspect.

These situations give rise to a question that cries out for an answer: *Why is it usually so easy for police to get confessions from individuals with mental retardation?* After following numerous cases involving suspects who have mental retardation, I have observed that many of these individuals gave responses during police interrogations that some officers misunderstood, but that most workers in the field of retardation would have understood immediately. They live with such responses every day in their work. The following are some explanations for the types of responses made by individuals with mental retardation.

1. Relying on Authority Figures for Solutions to Everyday Problems. For most people, satisfaction comes from solving their own everyday problems. Some of us, however, may not be very successful at figuring out what to say and do in certain situations. So we try to get close to authority figures who seem to have the answers.

That is why many individuals with mental retardation respect police officers and seek them out as friends.

2. The Desire to Please People in Authority. This urge stems from both respect and fear. One needs to stay on the good side of those who help us survive in the community. In many confessions one can sense this desire in statements such as, "If the detective said I did it, then I guess I did it – even though I can't remember doing it."

3. The Inability to Abstract From Concrete Thought. When someone reads certain individuals their Miranda Rights, they may only grasp *rights* in concrete terms. They may think of things such as "waving at the *right*." After all, nobody should wave at the wrong in a police station. They may think about their *right* hands and consider raising them. They may be unable to grasp the abstract thought that Miranda Rights are based on a person's *Constitutional rights* as a citizen.

4. Watching for Clues From the Interrogator. Some people look closely at faces and listen for emphases placed on certain words – trying to sense what an officer wants to hear. The person may even copy moods in order to come up with answers the officer wants.

5. Longing for Friends. Some individuals hunger for friends who will not shy away from them because of their disability. Many would love to have a police officer as a good friend.

6. Relating Best With Children or Older Persons. When people their own age do not befriend them, they often work at relating to those who are younger or older.

7. Plea Bargainings of Accomplices. Often this hunger for friends can result in associating with the wrong person. Then, when both get apprehended for a crime, the so-called "normal" suspect plea bargains for a lesser sentence by testifying against the person with the disability – who then gets the book thrown at him or her.

8. Bluffing Greater Competence Than One Possesses. Individuals with disabilities sometimes do everything they can to appear more knowledgeable than they really are. An untrained officer can easily reinforce this "cloak of competence" and use it against them.

9. An All-Too-Pleasant Façade. Smiling at people is a way of getting approval from others. An officer might see this overuse of grinning as a lack of remorse.

10. Abhorrence for the Term *Mental Retardation*. This term has wounded some people so deeply that they will do almost anything to disconnect themselves from it. If a prosecutor is trying to argue that a person does not have mental retardation, that defendant might seal his or her own doom by agreeing with that argument.

11. Real Memory Gaps. Some people with disabilities have real memory lapses – not the "selective memories" crafty people exhibit on the witness stand. Some will hide these lapses of memory by claiming to remember what others told them about the crime.

12. A Quickness to Take Blame. Even if the tragedy is an "act of God" or an unforeseeable accident, some individuals will feel that someone must be held responsible. They may even take the blame, thinking the officer will like them more if they do.

13. Impaired Judgment. Unlike a shrewd criminal with anti-social tendencies, some people will do and say things that will make it easy for officers to charge them with crimes.

14. Inability to Understand Court Proceedings, Assist in One's Own Defense, and Understand the Punishment. In spite of their cloak of competence, some individuals may be completely unaware of what is going on around them.

15. Problems with Receptive and Expressive Language. Although they may not show it, some people will not understand what the officer is asking them. If the officer pushes them too hard, their response system may shut down. The officer may see this silence as sassy defiance.

16. Short Attention Span. Although myriad sights and sounds may strike a person's sensing mechanisms, most will be able to concentrate on a few and tune out the rest. Some individuals with disabilities may not be able to focus as well. They may be distracted by many more sights and sounds in the police station – even a noisy fan or the sound of voices in another room.

17. Uncontrolled Impulses. An individual may feel many impulses, but he or she will act on a few healthy ones and keep the others in check. People with certain disabilities may not be able to control their impulses like that. They may be prey to many urges they are feeling. One might be the urge to confess to a crime in order to reduce the pressure of the situation.

18. Unsteady Gait and Struggling Speech. People with cerebral palsy may be excellent receivers of sights and sounds and ideas, but when they try to respond, the impulses sent to their muscles will appear to have been dispatched by a madman. Arms may flail. Heads may bob, and they will exert tremendous energy trying to shape the words they want to voice.

19. Seeing People With Disabilities as Less Than Human. This view can lead to all kinds of prosecutorial mischief. For example, consider a police officer who is under pressure to solve a 2-year-old crime and has two suspects: a local bank president and a person with mental retardation. Which would be the easiest to lean on? Seeing a

person as "dumb" or as a "nobody" or as a "fringe person" or less than human can inspire a cruel advantage that has no place in an interrogation room or a court.

20. Exhaustion and the Surrender of All Defenses. If interrogating officers keep individuals with certain disabilities under pressure for long periods of time, they can break some down and get them to say almost anything.

Implications for Action

The criminal justice system is one enormous elephant, and dealing with the issue of interrogating individuals with mental retardation is like scratching a tiny speck on its skin. Hundreds of imperatives need to be carried out before the system can ensure fair and just outcomes for people with mental retardation. There are two, however, that could be put into action by anyone who cares about and works with such individuals:

1. Police Training Should be Seen as Everyone's Responsibility. People with formal teaching skills who are experienced in working with individuals who have mental retardation can offer to conduct sessions at local meetings at police academies and headquarters. With regard to informal opportunities, there must be hundreds of creative ways to help officers enter into face-to-face relationships with those who have mental retardation and learn from the resulting experiences. For example, I recall how five residents in a New York City group home raised the money to buy one of their local police officers a bullet proof vest. Then they invited him to supper and made a special presentation. Great understanding came from this gesture.

Recently, the Special Olympics organization organized police officers as "torch runners." They carried the torch through their towns and counties enroute to the International Games in New Haven, Connecticut. With just a little more planning could they not also involve officers in additional face-to-face activities with the people for whom they are carrying the torch? Could the activities not be crafted so police officers might sense how these people would react in an interrogation session if that situation should ever arise?

Citizen-advocate coordinators can unabashedly seek to match a local officer with a local person who could use such a friend and advocate. Such a prejudice-killing influence might radiate to many of that officer's colleagues.

I recall a tense situation in Topeka, Kansas, when a young man with Down syndrome was taken to the police station for questioning. Shortly after, one of his workers learned of the arrest. In spite of her personal fears of intimidation by power-exuding policemen, she went to police headquarters and described how this "suspect" would confess to anything if put under enough pressure. Although it does not always happen, the officers stopped the interrogation and released the young man into her custody.

This list could go on. I hope that interested readers will stop and consider ways to increase understanding of individuals with mental retardation by police officers, who may have previously viewed such people according to the not-so-kind wisdom of an earlier age. Uppermost when formulating recommendations should be the belief that if

good police officers understand – *really* understand the ways individuals with mental retardation respond, they might take these factors into consideration, especially when no motive or physical evidence can be tied to the defendant.

2. Individuals With Mental Retardation Should be Prepared for Police

Interrogations. In this field we work hard at helping the people we care about to "make it" in community living. We teach them street signs. We teach them to handle their finances. We teach them to use public transportation. We teach them to cook meals. We help them to be good workers. We reinforce good relationships with their employers, neighbors, shopkeepers. We teach them good manners.

But we do not teach them to understand their Miranda Rights. We do not prepare them for a time when an officer *suddenly* invites them to the police station. We do not tell them how to respond when the officer tells them they have the right to remain silent . . . they have the right to a lawyer . . . if they do not have funds for a lawyer, one will be appointed . . . they have the right to stop talking at any time . . . anything they say can be used against them in a court of law.

Although many of my close friends are police officers, if an officer – even one of my friends – starts to read me my Miranda Rights, I will sit down, shut up, and ask for a lawyer. Many of the people I have followed waived their rights and talked to the officers because they thought it was the right, most honest, and noble thing they could do. If Johnny Lee Wilson, Delbert Ward, and David Vasquez had understood their Miranda Rights and responded to them like the rest of us would, they would have saved themselves from a terrible anguish – an anguish too painful and gut-wrenching to be described in so brief an article.

References

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