



Advisory Commission on  
Wrongful Convictions  
Minutes  
November 28, 2006  
1:00 p.m.

Attorney Conference Room  
Supreme Court Building

Members Present: Assistant Professor James M. Adcock, Attorney James W. Bergenn, Public Defender Brian Carlow, State's Attorney Michael Dearington, Thomas E. Flaherty, Attorney John W. Hogan, Jr., Judge William J. Lavery, Representative Michael P. Lawlor, Judge Aaron Ment, Chief of Police Robin Montgomery, Attorney Kevin Kane, Mr. James F. Papillo, Attorney Judith Rossi and Attorney Hope Seeley.

In addition, students from the University of New Haven were present.

### Minutes

- I. Judge William J. Lavery, Chief Court Administrator, welcomed the members.
- II. The minutes of the April 6, 2006 meeting were approved.
- III. Representative Michael Lawlor provided a brief review of *State v. Seri*, and an update on the pending civil case. He reported that the University of New Haven students reviewed the civil case, which is currently pending in federal court. He reported that discovery has been completed and a motion for summary judgment has been filed. Rep. Lawlor suggested that it will be at least 90 days before we know how the court rules on the motion. The Commission members agreed that the students would review the case in 3-4 months.
- IV. The students presented a report on false confessions in child abuse cases. At an earlier meeting, it was suggested that the students review the procedures in place in Washington State to minimize the number of false confessions in child abuse cases. The students tried to obtain information on these procedures and were unable to locate this information. The students did some research in this area and were unable to find any pertinent information.

- V. Fadia M. Narchet, a student at the University of New Haven, presented research on the topic of the psychology of false confessions. Chief Montgomery reported that false confessions are readily identifiable and easy to resolve with DNA evidence. The Innocence Project reports that 20-25% of confessions are false. The Commission members discussed the issue of mental disabilities and the role it plays in voluntary false confessions and agreed that a large number of the false confessions are from people who are mentally challenged.

The Commission discussed ways to develop markers, when false confessions may occur such as inconsistent statements or when a defendant says something and there is no evidence to support the statement.

The Commission also discussed the proposal to require the recording of interrogations and confessions. The legislature, last session, considered amending the statutes to require that custodial interrogations related to felonies must be recorded. At this point, there is no research available as to whether the recording of confessions would reduce the number of false confessions. The states attorney and police departments have agreed to set up a pilot program to study this issue, but no funding has been made available by the Legislature. There was also a discussion of the value of taping entire interviews with defendants. The recoding would eliminate a lot of questions at trial and could help the prosecutor's case.

- VI. The students provided a briefing on the *Tillman* case. The members then discussed whether the Commission should make a recommendation to the Legislature to compensate individuals who were wrongly convicted and incarcerated in lieu of a lawsuit.
- VII. The next meeting will be scheduled in the spring, 2008.
- VIII. The meeting was adjourned at 3:15 p.m.