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Recordings Needed When Police Question Suspects

Failure To Tape Interrogation In Lapointe Case Holds A Lesson For State

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Walk into CVS, a bank or even down the street and there's a good chance your movements are being digitally recorded.

But if you are suspected of committing a serious crime and being interrogated by the police, it's likely your words will not be recorded, digitally or on tape.

If there's a coerced or false confession, good luck.

A failure to record a 10-hour interrogation is at the heart of the disputed 1992 conviction of Richard Lapointe, a mentally disabled man serving a life sentence for a rape and murder he claims he did not commit. His controversial confessions remain the essence of the state's case in the conviction, which remains under appeal.

More than a dozen other states require or strongly encourage the recording of interrogations. A bill now before the legislature would require police departments to electronically record statements made by individuals under investigation or accused of a capital or Class A or B felony. If police don't record a statement from the accused, it could not be used in court.

On Wednesday, it was good to hear Chief State's Attorney Kevin Kane testify before the General Assembly's judiciary committee that he now likes the idea of recording police interrogations.

"There are some benefits," he said. But Kane isn't a supporter of the legislation, which he said is too costly for police departments that don't have the resources, equipment or training to begin recording all interviews starting in October.

"We want to do it. We are trying to do it. Let us continue to find ways to do it. Don't impose sanctions now," Kane said. Bridgeport and West Hartford are among the handful of municipalities now recording statements.

Kane is right about the money. This isn't the year for the legislature to approve another unfunded mandate for municipalities. Making the job harder for police investigators isn't a wise move either.

"We've learned an awful lot since Peter Reilly. Those days are over," Kane said, referring to an infamous 1973 murder case. A recording of Reilly's confession helped to convince a judge that his confession to the murder of his mother was coerced and his conviction was thrown out.

The problem is, those days aren't over. In many communities, there is no electronic record when police interrogate a suspect.

I understand that we don't have the money. But I also can't forget about Richard Lapointe, whose dubious guilt rests on a disputed police interrogation and confession that was never recorded. What's the cost of that?