

SUPPORT MN INTERROGATION REFORM: TAKE DECEIT OUT OF THE JUSTICE SYSTEM



Pictured: Great North Innocence Project freed client Terry Olson. Terry was wrongfully convicted and incarcerated for 10 years.

UNNECESSARY INTERROGATION TACTICS CONTINUE TO COST INNOCENT PEOPLE THEIR FREEDOM, VICTIMS THEIR JUSTICE, AND THE STATE MONEY

END DECEPTIVE INTERROGATIONS

MINNESOTA MUST END THE USE OF DECEPTIVE INTERROGATION TACTICS.

HF 2319 (Rep. Hollins) / SF 2495 (Sen. Oumou Verbeten) would protect innocent people from false confessions by preventing law enforcement from lying about evidence or promised leniency. Use of deception by police diminishes trust in law enforcement at a time when trust is often lacking. And it has been proven to elicit false confessions from suspects. There have been nearly 400 known wrongful convictions involving false confessions nationwide. The use of deceptive interrogation practices is a major driver of these false confessions.

Other states have already taken action to protect against the use of deceptive tactics with the support of law enforcement, and many more states are currently considering legislation. These unnecessary tactics undermine legitimate convictions, and interrogation experts have already abandoned them in favor of more reliable methods that do not have these risks.

HOW WOULD THIS BILL HELP?

HF 2319/SF 2495 creates a judicial check on practices known to generate false confessions by keeping out of court statements obtained through interrogators' **KNOWING** use of deception concerning the facts and evidence or unauthorized promises of leniency.



Case Example: Terry Olson *10 years wrongfully incarcerated*

Terry Olson was convicted in 2007 for the 1979 death of Jeff Hammill. Jeff had been found dead by the side of the road just outside of Buffalo, MN. At the time, law enforcement investigated the case as a possible roadside accident or homicide, and the case was closed with no charges being filed.

In 2003, police reopened the case and secured a confession from a mentally ill man, Dale Todd. They told him that in 1979 they had taken and kept evidence from his car that contained biological evidence that proved he was involved in a murder. This was not true, but Dale was so frightened and unstable that he confessed and implicated Terry and another man, Ron Michaels.

At Ron's trial, Dale admitted that he had been coerced to falsely confess and implicate Ron and Terry. Ron was acquitted. When Terry was brought to trial, Dale was coerced into reverting to the story he told police in 2003. Terry was convicted and sent to prison for 17 years. Days later, Dale wrote a letter to the trial judge explaining he had lied at Terry's trial. No hearing was held on Dale's recantation.

In 2012, Dale contacted GNIP. For the first time in years, his mental health was stable. He wanted to clear his conscience and again tell the truth – as he had at Ron's trial – that none of them were involved in the death of Jeff and that the police had frightened him into making a false confession.

Although the judge ultimately denied Terry's request for a new trial, the Wright County Attorney's Office realized the unfairness of Terry's situation. Their office agreed that in the interest of justice Terry should be immediately released from prison. He was freed in September 2016.

THE WORLDWIDE LEADER IN INTERVIEW TRAINING



WICKLANDER-ZULAWSKI & ASSOCIATES, A WORLD LEADER IN LAW ENFORCEMENT INTERVIEW & INTERROGATION TRAINING ENDED TRAINING IN DECEPTIVE INTERROGATIONS IN 2017

“It’s human nature to deny and defend oneself. Confrontation is not an effective way of getting truthful information,” said WZ President and CEO Shane Sturman, CFI at the time. “Rather than primarily seeking a confession, it’s an important goal for investigators to find the truth ethically through a respectful, non-confrontational approach.” Sturman added, “Because of the possible abuses inherent in the confrontational Reid style, we believe it is time to move away from the practices of the 1970s when it was developed.”

The firm’s training experience includes services for a majority of U.S. police departments and federal agencies such as the U.S. Army, FBI, DHS, ICE, CIS, FLETC, EEOC, TSA, FAM’s, and the U.S. State Department’s Bureau of Diplomatic Security Services.

DECEPTION IN REAL CASES

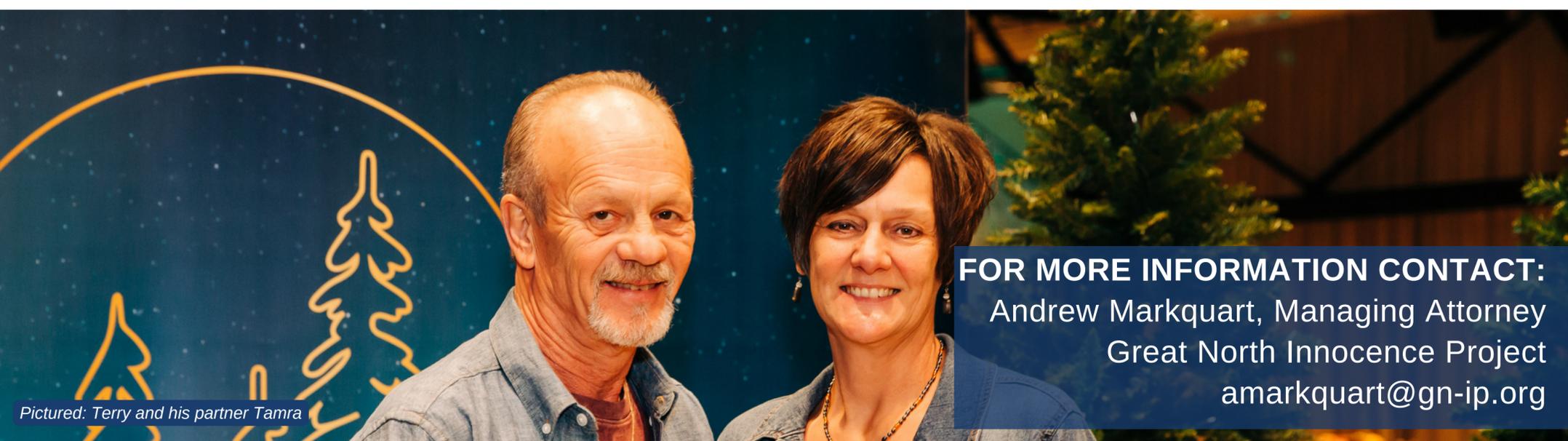
FALSE FACTS - *"We have your fingerprints on the gun."* - When law enforcement knows that there has been no determination of whether the person's fingerprints are on the gun.

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

COSTS & CONSEQUENCES

THESE DECEPTIVE & COERCIVE TACTICS CREATE SEVERE FINANCIAL AND PUBLIC SAFETY COLLATERAL CONSEQUENCES IN MINNESOTA:

- Wrongful convictions have already cost the taxpayers of the State of Minnesota millions in civil settlements and state compensation.
- 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.



FOR MORE INFORMATION CONTACT:
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February 16, 2024

Dear Chair Becker-Finn and Members of House Judiciary and Civil Law Committee:

My name is Terry Olson. I am writing in support of HF 2319, which seeks to prevent police from deliberately lying to people about evidence during interrogations.

This issue hits very close to home. In 2007, I was convicted of a crime that I did not commit: the 1979 death of Jeff Hammill. Hammill was found on the side of the road and his death was initially believed to be a roadside accident. But in 2003, police decided to reopen the case.

During the 2003 investigation, police interrogated Dale Todd, a vulnerable man with significant mental illness. Police told Todd that they had found biological evidence in his car that proved he was involved in the murder. The problem was that they did not have any such evidence, and they knew that they didn't have any such evidence. The police intentionally lied to Todd, and it worked. Todd was so frightened and unstable that he confessed to Hammill's murder and implicated me and another man named Ron Michaels.

At Michaels' trial, Todd admitted that he had been coerced to falsely confess and falsely implicated me and Ron Michaels. Hearing this, the jury acquitted Michaels. But I was not as lucky. Before my trial, law enforcement again coerced Todd into telling the same story he told in 2003 that implicated me in the murder. The jury believed him, and I was convicted of a murder I did not commit.

In 2012, Todd wrote to the Great North Innocence Project. He wanted to clear his conscience and tell the truth: that I was innocent. He told them that I was not involved in the death of Hammill and that he was frightened by police into making a false confession because they knowingly lied about evidence that they did not have. Ten years later, my lawyers finally helped me get out of prison with Todd's recantation.

Most people probably do not realize that innocent people confess to crimes they did not commit, but it happens, and it often happens because law enforcement knowingly uses deception. I lost 10 years of my life because law enforcement deliberately and intentionally lied to Todd about the evidence they had, and he falsely confessed, implicating me in a crime that I did not commit. If this bill had been law back in 2003, I likely would not have been wrongfully convicted and would not have lost a decade of my life to wrongful incarceration.

HF 2319 will protect these innocent people and prevent wrongful convictions from happening. Please vote in support of HF 2319 to protect Minnesotans like me. Thank you for your consideration.

Sincerely,

Terry Olson





March 13, 2024

House Judiciary Finance and Civil Law Committee members
Chair Becker-Finn, Vice Chair Frazier, and Ranking Minority Leader Scott

Re: HF2319 Hollins: Admission in judicial proceeding of custodial statements prohibited

Dear Members of the Committee,

On behalf of the Justice for All Coalition, we are writing to express our strong support for HF 2319, which seeks to end the use of deceptive interrogation tactics in Minnesota. This critical legislation would protect innocent individuals from falsely confessing by prohibiting law enforcement from lying about evidence or promising leniency during interrogations.

We want to extend our deepest gratitude to Representative Hollins for her leadership in championing this important bill. Her commitment to justice and fairness is commendable, and we are grateful for her efforts to protect the rights of individuals in our state.

Deceptive interrogation tactics have a devastating impact on our criminal justice system, eroding trust in law enforcement and leading to wrongful convictions. Research has shown that these tactics can elicit false confessions from suspects, contributing to nearly 400 known wrongful convictions nationwide. By prohibiting deceptive practices, HF 2319 would help prevent these miscarriages of justice and ensure that our legal system operates with integrity and fairness.

It is encouraging to see that other states have already taken action to address this issue with the support of law enforcement. Many more states are considering similar legislation, recognizing the need to abandon deceptive tactics in favor of more reliable interrogation methods. Minnesota should join these efforts and take a stand against practices that undermine the legitimacy of convictions and jeopardize the rights of innocent individuals.

The Justice for All Coalition urges you to support HF 2319 and take a stand against deceptive interrogation tactics. Together, we can ensure that our criminal justice system is fair, just, and respects the rights of all individuals.

Thank you for your attention to this matter, and we look forward to your support of the bill.

Sincerely,
Justice for All Coalition

The Justice for All Coalition is a collective of advocates, defendants, lawyers, social workers, leaders, and those who have firsthand experience with the criminal legal system pressing for or resisting reforms to seek meaningful legal system transformations that protect public safety while addressing and transforming those parts of the system that do more harm than good.