

ACTION AGENDA FOR MAKING A MURDERER WATCHERS

In the wake of the release of *Making a Murderer*, my colleague Laura Nirider and I have received requests from people from all walks of life from all over the globe who are wondering what they can do to help our client Brendan Dassey and his uncle Steven Avery. We do not represent Steven and do not feel comfortable making any comments about his case. But for those who are concerned with Brendan and who want to prevent other vulnerable suspects from suffering the same fate as Brendan, here are some suggestions.

1. Contact your local state legislator and insist that he or she sponsor a law requiring that police electronically record all interrogations of suspects. The fact that Brendan's interrogation was recorded may ultimately be his saving grace. Viewers were able to see just how the police manipulated Brendan into confessing with promises of help and how they spoon-fed Brendan details that only the true perpetrator would have known. Although courts to date have not granted relief to Brendan based on these recordings, imagine what little chance he'd have if it was only his word against the word of the police officers about what happened during the interrogation. [For a list of states that require electronic recording, click here.](#)
2. Contact your local legislator and insist that he or she sponsor a law that requires police to interrogate juvenile suspects in the presence of and after meaningful consultation with their parents. There are [a number of states](#) that require parental presence and consultation.
3. Children should be given the opportunity to have a meaningful consultation with attorneys before they are allowed to waive their Miranda rights and speak to the police. Unfortunately, even the best-intentioned parents are too easily coerced by police or led to believe that cooperation will bring leniency for their children. Others may not be competent to advise their children whether to assert their Miranda rights or talk to the police. Ask yourself if Barb Janda, Brendan's mother, could have protected him from seasoned detectives? If she couldn't, she would join a long list of parents who sat silently while the police obtained false confessions from their children. [For example, parents were present during many of the false confessions made by the Central Park Five defendants.](#)
4. The courts have allowed police officers to use deception with suspects. But allowing police officers to lie to children should not be permitted. Although we think of teenagers as rebellious, they are still deferential to authority. Most do not understand that police can lie to them and when police do, it creates a sense of hopelessness in them that makes it easy to coerce them into confessing.
5. In order to make sure that youthful suspects understand their Miranda warnings before giving them up, police officers should be required to have children explain back in their own words what the rights mean to them. A simple nod of the head or a "yes" should never be enough for the State to prove that a child knowingly and intelligently gave up their rights. Too many youthful suspects are too embarrassed to admit they don't understand their rights. They, like Brendan, actually think that they can go home (or go back to class) if they just tell the police what they think the police want to hear.

6. Police officers should be required to tell suspects that they could be prosecuted as adults in criminal court before accepting a waiver of their rights. While some states require this additional warning, most do not. Giving up one's Miranda rights is a life-altering decision, especially if the consequences include being tried as an adult and sentenced to many years in adult prison.

Ask yourself, if you were going to go skydiving, wouldn't you want to be told of the risks that the parachute might not open?

7. Limit the length of interrogations of juvenile suspects to four hours or less and, to the extent possible, preclude interrogators from questioning children in the late-evening and early morning hours when sleep deprivation and exhaustion make them easier to manipulate.
8. Police officers should be prohibited from plying juveniles with promises that they will "help" the suspect if he confesses or that the suspect should be "okay" even if he says things that might implicate him more deeply in the crime. These tactics and the "false friend" tactic ("I'm not here as a police officer but as a father and I can see you are hurting and just want to reach over and give you a hug"), were used repeatedly with Brendan.
9. Evidence that the police fed facts to suspects should be considered by courts in determining whether or not to suppress confessions from evidence. Although fact-feeding itself may not be coercive, when a suspect accepts these fed facts and adopts them into his own confession, this is the ultimate abdication of the suspect's will. Not only is the suspect willing to confess, he is willing to accept the officers' pre-conceived story as his own. This is what we believe happened in Brendan's case.
10. Increase the budgets of public defenders in your state and county systems and the amount of money that appointed attorneys are paid and can obtain to hire experts. Also support organizations like [Gideon's Promise](#) that provide first-class training to public defenders.

The Center on Wrongful Convictions of Youth has been advocating for these and other reforms of the interrogation process in courts and legislatures throughout the United States. We have co-written [a guide](#) to how to interrogate young people in ways that reduce the possibility that they will falsely confess.

We have also drafted [model legislation](#) on some of the issues discussed above to assist you as you speak with legislators.

Another way to assist Brendan is to support organizations like the [Center on Wrongful Convictions of Youth](#) and the [Center on Wrongful Convictions](#).

[If you would like to learn more about our work, please visit our website.](#)

[If you would like to make a donation to the CWCY, you can do so here.](#)