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DNA Is Good for the Soul

After years of resistance, prosecutors in Rochester, N.Y., have finally agreed to dismiss the murder conviction of a delusional man whose confession 10 years ago included crucial details that — in the phrasing so often used — only the killer could know. But what if the details had been fed to the suspect during a police interrogation carried out in private?

This question, which has long haunted the criminal justice system, is receiving some harrowing answers lately because of the powerful new tool of DNA evidence. The conviction of the New York man, Douglas Warney, was scuttled after DNA tests, which prosecutors initially resisted, found the real killer to be a man locked up for a different slaying.

In retrospect, Mr. Warney appears to have been every bit as pliable under interrogation as Earl Washington Jr., a mentally retarded farmhand in Virginia who came within days of execution before his detail-rich confession to a brutal rape and murder was belied by DNA testing.

As in the New York case, the actual Virginia killer was in prison for a different homicide. Earlier this month, jurors awarded \$2.25 million in damages to Mr. Washington for a conviction found all the more wrongful by their conclusion that his confession had details only a police investigator could know — and willfully pass on during interrogation.

Surely the two cases, unraveled by the persistence of the Innocence Project at the Benjamin N. Cardozo School of Law, are more than mere coincidence. How many other prisoners across the nation were firmly convicted on the strength of manipulated confessions?

The good and the bad of what goes on in police interrogation rooms have stayed there for too long. The taping of interrogations from their initial moments should be a routine requirement for the police. Enlightened jurisdictions already require this. Those that resist risk seeing criminal justice only further gamed from within.