



For people with intellectual  
and developmental disabilities



October 24, 2019

The Honorable Governor Tony Evers  
Office of the Governor  
Attn: Pardon Advisory Board  
PO Box 7863  
Madison, WI 53707

**Re: Clemency For Brendan Dassey**

Dear Governor Evers:

As leaders and experts in the disability community in Wisconsin and nationally working to seek justice for those with I/DD who find themselves entangled in the criminal justice system, often without necessary accommodations or understanding of their disability, we write to urge you to grant the executive clemency petition of Brendan Dassey.

We have deep sympathy for the family and friends of the victim in this case, and we support appropriate punishment of all responsible parties. However, as Mr. Dassey's attorneys explain in detail in his clemency petition, Mr. Dassey's record is replete with evidence of intellectual and developmental disabilities and shows that he did not receive proper accommodations during the interrogation process, resulting in a coerced confession. He has now served nearly thirteen years in prison based solely on this unreliable confession.

Sadly, our prisons and jails hold too many people with disabilities, including I/DD, who are robbed of fair treatment within the justice system. Since Mr. Dassey was convicted, there has been significant growth of knowledge and understanding of how certain individuals, including those with I/DD, can be more susceptible to authority figures, coercion, and misleading tactics. Police officers, investigators, attorneys, correctional officers, and others are not adequately trained to identify people who may have I/DD or how to accommodate their needs, which is especially critical during interrogations. This lack of understanding and failure to provide accommodations all too frequently leads to tragic results, such as individuals giving incriminating statements or false confessions because the individual with I/DD is manipulated, coerced, misled, confused, or desires to please the questioner. As noted in Mr. Dassey's petition, psychological testing performed at trial indicated that challenges related to his disabilities rendered him more susceptible to coercion than 95 percent of the population.

According to the Bureau of Justice Statistics, incarcerated persons are at least three times as likely to report having a disability as the nonincarcerated population. Cognitive disabilities—such as Down syndrome, autism, dementia, intellectual disabilities, and learning disorders—are among the most commonly reported: Prison inmates are four times as likely and jail inmates more than six times as likely to report a cognitive disability than the general population. Specifically, people with I/DD make up 4-10 percent of the prison population, but only 1.5 percent in the general population. Some are incarcerated because, like Mr. Dassey, they were coerced into giving confessions and many do not receive the accommodations to which they are

entitled, putting them at greater risk. Our prisons and jails hold too many Brendan Dasseys, too often forgotten, some not even recognized as being robbed of justice.

We do not seek to eliminate punishment of people with disabilities, but rather, to ensure that justice is served and the rights of all parties are protected. We are committed to seeking lawful outcomes for people with I/DD and will continue working to ensure that jurisdictions across the country provide the accommodations to which people with disabilities are entitled by law.

Mr. Dassey, and others with disabilities, have the right to justice and fair treatment in all areas of the criminal justice system and must be afforded the supports and accommodations required to make justice and fair treatment a reality. This did not happen in Mr. Dassey's case and we call on you to consider this miscarriage of justice when reviewing Mr. Dassey's executive clemency petition.

Respectfully,

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