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PALMER, J., concurring. I agree with and join the majority opinion. For the reasons set forth therein, I am not persuaded that we should overrule our holding in *State v. James*, 237 Conn. 390, 425–26, 678 A.2d 1338 (1996), that, under the Connecticut constitution, a confession is admissible if the state has demonstrated the voluntariness of the confession by a preponderance of the evidence.

I write separately only to underscore that, to the extent that false confessions have led to a number of wrongful convictions across the United States, our legislature is free to enact legislation requiring police to videotape confessions whenever it is reasonably feasible to do so. Although valid reasons may exist not to impose such a requirement on the police, there can be little doubt that recording confessions would dramatically reduce, if not eliminate, any possible likelihood of an erroneous conviction predicated on an involuntary confession. Indeed, videotaping confessions would greatly aid both the trial court and the jury in evaluating the voluntariness and, ultimately, the reliability, of those confessions.

Moreover, as the dissent notes, it is apparent that the risk of a false confession is appreciably greater in cases of juveniles and persons with mental disabilities. Because children and mentally disabled persons are especially vulnerable to police overreaching—and because it appears that they also are more likely than others to confess falsely even in the absence of improper government coercion—videotaping confessions by such persons would serve an especially salutary purpose.