

NYADP Journal

Issue 1

Fall 2011

New Yorkers for Alternatives to the Death Penalty

40 North Main Avenue
Albany, NY 12203

phone 518.453.6797 fax 518.453.6792
info@nyadp.org / www.nyadp.org

Board of Directors

Barbara Allan, Lisa Good, Jonathan E. Gradess,
Howard J. Hubbard, Sally L. Knutson, Damaris
W. McGuire, Frances Sandiford, Suzanne
Schnittman, Ronald J. Tabak, Michael White-
man, Mame Lyttle, Barbara Smith

Staff

Executive Director- David Kaczynski
Victim/Survivor Advocate- Marie Verzulli
NY City Organizer- Susan Schindler

NYADP Journal

Editorial Board

Colleen Eren
Chris Honeycutt
David Kaczynski
Josh Medsker
Ryan Semerad

Find us online at Nyadpjournal.org

Contributors

Chris Honeycutt, David Kaczynski, Josh
Medsker, Ryan Semerad, Frances Sandiford,
Dahn Shaulis

ISSUE NUMBER ONE

The Director's Corner by David Kaczynski

News by David Kaczynski

Young, Talented and Uninvolved by Ryan
Semerad

*Eric Appleton, Director of The Fortune Soci-
ety's Education Program* by Josh Medsker

*Unconvincing Guilt: The State of Modern Fo-
rensic Science* by Chris Honeycutt

An Execution in the Family by Frances Sandi-
ford

Poems by Dahn Shaulis



The Director's Corner

By David Kaczynski

The execution of Troy An-
thony Davis seemed surreal,

as if it couldn't actually be happening when the state of Georgia executed a man who was - if not demonstrably innocent - at least not demonstrably guilty. It all unfolded like a primer on what's wrong with the death penalty. Especially in a system where procedure trumps truth; where the public's interest in seeing justice done is overcome by institutional inertia.

Who benefited from Davis' execution?

Not Davis or his two sisters, who devoted half their lives in a futile effort to save a brother they believed to be innocent.

Not the slain police officer's family members, whose certainty about Davis' guilt suggested anguished denial; who were clearly begging for relief after 20 years in the grip of a torturous legal system.

Not the justice system obviously, because the system's harshest critic could not have contrived a more effective challenge to the public's confidence than this: a final concession that the one truly primordial question about guilt and innocence does not actually matter.

Not the taxpayers. Has anyone attempted to calculate how many millions of dollars were spent over two decades just to close off the uncertainties surrounding Davis' case with the certainty of killing him?

Justice should not leave us with such a sour taste in our mouths or such hollowness in the pit of our stomachs.

A Better Way

What if police learned that coercing eyewitness testimony from members of an alienated community is not a good way to conduct an investigation? What if they trained themselves in evidence-based protocols for interviewing

witnesses, and established a community policing initiative to re-establish trust with the wider community?

What if the Officer MacPhail's family members were provided with as much psychological counseling as they needed and invited to speak out against the kind of violence that claimed the life of their beloved husband/father/son?

What if a sustained anti-violence, anti-gang initiative sprang up in the aftermath of Officer MacPhail's murder, marshalling the collective voice of the community to denounce violence and to lift up the memory of Officer MacPhail as a hero who rushed to rescue a homeless man who was being beaten and robbed?

What if the Davis family joined in the anti-violence campaign? What if members of the Davis family and the MacPhail family met and had a chance to appreciate the commonality of their suffering? What if they joined hands in common cause against violence and the social conditions that breed violence?

What if, instead of vying with each other for power, adult community members came together with the conscious intention of modeling values of responsibility and cooperation so that the community's youth could see and appreciate?

What if our adversarial criminal justice system evolved into a system that approached the same problems with an eye to prevention and restoration? What if we replaced our current win-lose system with a win-win system that helped victims to heal while helping offenders to change and every community member to feel safe and respected?

Not a Dream

After working these past three years on NYADP's new mission, I am convinced that the above vision can become reality. In fact, I have seen pieces of it at work in various places: the violence prevention that was done by SNUG in Albany and other communities, Syracuse's community-based trauma response team for victims of violence and the robust replication effort in Albany, community policing and even parallel justice for victims of crime beginning to take root in Albany, the Community Empowerment Partnership in Schenectady that got funding for an anti-violence project and that saved funding for a suicide prevention project, while uniting some unusual partners around common goals. At the core of this work is building relationships and empowering community members to create stronger, safer communities.

I am proud to note that NYADP has been selected by a panel of experts as one of the top 21 high-impact non-profit organizations in the nation working in criminal justice at the state or local level. (See related story on page [_](#).) NYADP is making an important difference. Thank you for supporting our important work. We are not able to continue without financial support from people like you!

New Yorkers for *Alternatives* to the Death Penalty

NEWS

Compiled by David Kaczynski

NYADP Chosen as High Impact Non-Profit

New Yorkers for Alternatives to the Death Penalty was recognized as one of the top 21 high-impact non-profits in the United States working on criminal justice issues at the local/state level. A group of 127 experts surveyed by Philanthropedia - a non-profit organization that aims to help donors make smarter giving decisions - identified NYADP as the seventeenth-ranked non-profit in its field in the US. Here are some samples of what the experts had to say about NYADP's impact:

“Operating in a state that no longer has the death penalty, this group is turning the energy that ended the death penalty into working with and supporting grassroots anti-violence groups, mostly in communities of color. This is not only strengthening those groups, but as its work is understood in the death penalty abolition movement, it is also causing folks there to rethink their efforts.”

“New Yorkers for Alternatives to the Death Penalty has a commitment to addressing the underlying causes that lead to acts of homicide and violence that can result in death penalty sentences. By working to eradicate street level violence, advocating for victim's services and rights, and also examining how gaps in mental health services can result in criminally violent incidents, NYADP covers ground that few other organizations address. NYADP also brings together sectors of the criminal justice community that seldom communicate with each other, for example prisoner rights advocates and victim advocates.”

“NYADP is marshalling the energies of former opponents - pro death penalty police, prosecutors, and victim's advocates to go beyond labels and build - together- a new paradigm to end violence. In doing so it has developed violence interruption programs at the local level, helped establish a replication in NY of the Chicago Ceasefire model, worked with diverse communities of color in anti violence initiatives, and made routine conscious efforts to build the voice of inner city victims into the dialogue.”

To view the complete listing for NYADP at Philanthropedia or to view all of the expert reviews please visit NYADP's page at Philanthropedia. The URL is:

<http://www.myphilanthropedia.org/top-nonprofits/local/criminal-justice/new-yorkers-for-alternatives-to-the-death-penalty-new-york>

Recent Activities at NYADP

Media

AP article 7/17/2011 “David Kaczynski recounts his story of Unabomber”

Schenectady Today Television Program w/ Nichelle Darby

Times Union article 9/13/2011 “Save Troy Davis”

Presentations

National Alliance on Mental Illness, Staten Island, NY

Christ the King Catholic Church, Guilderland, NY

New York Ethical Culture Society w/ Shariem Merritt, New York, NY

Maria College, Albany, NY

Melanie Rieger Conference w/ Marie Verzulli, New Brittain, CT

New York State District Attorney’s Association Annual Conference, Cooperstown, NY

Eastern Connecticut State University w/ BK Landis, Willimantic, CT

Our Lady Queen of Peace w/ Marie Verzulli, Rotterdam, NY

Central NY Psychiatric Center OMH staff training conference, Utica, NY

Daniel Berrigan Peace Lecture at Le Moyne College w/ Janice Grieshaber-Geddes, Syracuse, NY

Eisenhower Middle School, Wyckoff, NJ

St. Mary’s Church w/ Marie Verzulli, Rennselaer, NY

www.nyadp.org

Young, Talented, and Uninvolved

by Ryan Semerad

My first assignment as an intern for NYADP was to attend the monthly meeting of a group called the Family and Friends of Homicide Victims. Given my personal history, I was slightly uncomfortable and a little nervous about what would happen during the meeting. I wasn't sure I could handle the incredible grief that I was certain would be talked about at least tangentially. Before the meeting, I was to go to the apartment of a woman who would be attending so her daughter could provide a ride for both of us. The woman was very friendly when she answered the door. An older woman, but with the enduring spirit that knows no age and fills up a room despite her small physical presence. Upon my arrival about two minutes prior to the time we had agreed upon, she jokingly said, "You're early – my daughter's always late!"

As I write this, I have been working as an intern at New Yorkers for Alternatives to the Death Penalty for about a month. I am a twenty year-old white male college student who has been in no way involved with the death penalty, specifically, or violent crime, generally. No one in my family is or has been behind bars for physically hurting someone else (or killing someone else). No one in my family has been physically harmed (or killed) by another person. No one in my family is a professional in medicine, law, or corrections. In the above ways, I have found myself to be somewhat of an anomaly in the fight to end violence in my community.

After going to a couple of these support group meetings, attending a brain-storming session looking for a possible way to maintain funding for a local family resource center that helps an impoverished and violence-stricken community in the wake of an on-going fiscal crisis, and sitting in on a talk given to the staff of a mental hospital at a maximum security correctional facility about the impact of medical treatment on the families of patients, I have realized a stunning and disheartening truth: the people with the energy and the talent to make a difference in the communities they inhabit are utterly uninvolved when it comes to violent crime. The young, talented people of the community I have been working in – who have not been personally affected by violence – are starkly *elsewhere*, though they exist right next to a hot bed of violence.

Before continuing let me qualify my statements. I'm sure there are young people that I don't see who do countless menial tasks to help their siblings or friends stay safe. I'm more than certain that there are a great number of young people who would stand up to prevent violence if they were only shown the path or knew the way. I'm completely confident that young people want to live in a world that promotes harmony and peace not only between neighboring nations and opposing religions, but also between the people who live right next door to one another. I believe the impasse between youth and the problem of violence lies in a certain moral paralysis that comes with facing the reality of violence – in some cases overwhelming and unspeakable violence – beyond the frames of a television, a magazine, or an internet page.

There is a certain irrational stigma that exists between "us" and "them." I have felt it several times during my short time with NYADP. Us, the young, energetic, college kids who

have never known the crushing effects of real-life violence, and them, those afflicted by horrors too nightmarish to be real or talked about openly. The problem with both this bifurcated mentality and the stigma that surrounds it is that it disarms those most capable of making a difference. It invokes a fear, and a discomfort of talking about violence or asking if we can help those afflicted by it. One important lesson I've learned about violence and those suffering from the aftermath of it: they feel the stigma worse than we do. We are in a much better position to do the work needed to make our communities safer because we are not carrying the extra burden of grief, remorse, and echoing trauma.

Later, at that first meeting, we were all asked to introduce ourselves to one another. The time came for the cheery woman who had treated me so graciously when I arrived at her apartment to introduce herself. When I first met her I thought she was a volunteer from a local church group or a counselor. For some reason, I never expected the words she would say to come from her. After saying hello and giving her name, she said, with a measurable amount of restraint and an underlying sense of grief, “ – and my daughter was murdered.” A sudden realization dawned on me. I was become viscerally aware of the trauma and pain this strong woman and her other daughter – who had been so gracious as to drive a lowly intern to such an intimate meeting – must have experienced. Fortunately, something else rose up inside me immediately after that momentary shock: these victims had let me in. No, they didn't share with me gritty details of their ordeals, but they had allowed me to be involved in the solution even though I was not in any way directly affected by the problem. The chasm that had previously divided my mind into the polarizing world of “us” and “them” was bridged simply because I wanted to help.

In a way, I guess this is a kind of call to arms, but I want it to be more than that. I want people to gain the awareness I have by listening to those impacted by violence. I want my peers – those young, talented, and eager optimists – to use their energy and spirit to raise up their neighbors not because they have to or they ought to, but because they can. It may be hard to talk to someone whose life is so dramatically different than your own, but that difficulty is honestly the only obstacle between living beside *them* and living with *people*.

**Eric Appleton, Education Director
of The Fortune Society**



Interview by Josh Medsker

What is the history of the education dept. at Fortune? Has it been there since the beginning? When did you start there, and in what capacity?

The education program has been part of fortune since the late sixties, to my understanding. Fortune started in 1967 after the production of the play *Fortune in Men's Eyes* (do you know this story?). I believe the education program started a few years after that. Melanie Johnston came as a volunteer to help out in any way she could and soon found out that a staff member needed help studying for a high school equivalency. She came with her baby on her back and did one on one tutoring. For years, the program consisted primarily of one on one tutoring by volunteers. Slowly, over the years, the program has developed into a set of classes, though we have stayed committed to small groups of students. Our class rosters cap at 20 and most classes have an average of about 10 students in class each day, with fewer at beginning academic levels. We still have about 25 volunteers who come weekly to tutor and help out in class.

I came to the Fortune Society in February of 1999 as a volunteer tutor. I co taught a beginning literacy class for about 4 months and then was hired to coordinate the computer lab classes. I had been a computer technician before coming to fortune and came to volunteer as a way to see if teaching was something I wanted to explore. I was bowled over by the love and dedication I saw in Fortune staff and whatever preconceptions I had about formerly incarcerated people were shattered as well. I taught computer classes for about 5 years and then started teaching pre-GED and GED classes.

From my understanding, the students have to report to their counselors, and their parole officers, right? How many students "slip through the cracks" so to speak... and just don't participate in the learning activities? When that happens, how do the teachers help the students become more interested?

Our students come to us in many ways. Some are on parole, but most are not. From my understanding, it is difficult to go to school full time if you are on parole. Generally, parolees are encouraged to find work and it is difficult to do both at the same time. Some students are on probation, especially those who complete the alternative to incarceration program at Fortune and then continue in our classes. Some students come to us without any supervision. They are just interested in improving their education. Most of our students, however, come to our classes after choosing a court mandated alternative to incarceration (ATI) program after pleading guilty to a felony, usually the first serious charge the person has gotten. Students in ATI have an open court case and have to check in with the judge every month or two. ATI students (generally referred to as clients) have a 20 hour a week schedule at Fortune (counseling groups, individual weekly counseling, drug testing, adult basic education and GED classes if

the client doesn't have a diploma). Court writers at Fortune prepare a court report for the judge with information on attendance, participation, sobriety. Fortune court advocates at the courts present the report and generally support the client and present the client's progress. Students in the ATI program tend to be younger, 16-24 years old, though not always. We strongly encourage all participants without a high school diploma to join our education program, though some clients are still in high school and others go to different schools.

Our biggest challenge is retention. ATI clients are mandated to our programs generally for a 6-month program. If they do well in the program, they are sentenced to probation and avoid prison time. Six months is usually not enough time to make substantial progress educationally, especially for students who come in testing at around 7th grade level in reading or 6th in math (our current averages). Most students are hoping to pass the GED, but don't realize the amount of work it takes. Most of our students would need to make a lot of progress in reading comprehension to be in a position to do well on the language arts, social studies and science portions of the GED exam. Even those students who come in as strong readers usually have a fair amount of work to do on their writing and math skills. Frustration with being mandated to go to school and the slow progress towards a GED goal often results in students wanting to give up. When ATI students complete their mandate and go to probation, we do our best to encourage them to continue with us, but this is a hard transition for most. A lot of our students do continue to come on their own and we see this as a major success. They become leaders for new students coming into the program.

We do our best to create our curriculum in response to our students' interests and needs. We do a lot of icebreakers and interactive activities in our classes in order to build a classroom community and to find interest in learning. We connect what we learn in the classroom with the real issues that our students are dealing with (criminal justice, health, career, relationships). We study current events around the world. Silent reading is a big part of our program. In most classes, a ½ hour each day is devoted to independent reading. Students choose their own books. We are establishing routines which will hopefully allow our students to be successful. If we do anything, getting students to become regular readers would be a huge success. We also do a lot of writing and publishing with our students. Writing happens in every class, every day. We publish a book of writing, *The Voices of Fortune*, twice a year and have a big party to share the book. Students come up and read while everyone follows along in the book.

What percentage of Fortune students, when they are done with the program, go back out and commit more crimes? Why do you think this is? When that happens, do you feel personally responsibly, or do you chalk it up to a variety of factors?

Unfortunately, we don't always know what happens when people leave our programs. Sometimes, we hear about someone being locked up, but we don't always know. Recidivism data is very hard to obtain. There are a number of reasons for this. It is very expensive to run recidivism studies. We are not able to access data to find out if our clients were rearrested. If we wanted to know the percent of clients who commit crimes, we would have to research each person one by one. That being said, some of our programs do have recidivism data because they are required to do follow-up for the contract. For example:

Fewer than 20% of [ATI/Reentry] Coalition program graduates have a new criminal conviction within two years. In comparison, 75% of youth released from State custodial facilities will be re-arrested within three years. (Independent Budget Office of the City of New York, 2006.)



We do know, however, that people do go out and commit more crimes after they leave us. People have spent a lifetime learning to behave in a certain way. It would be naïve if we thought that by coming to us 20 hours a week for 6 months that we would be able to change their life completely. The conditions in our students' lives have not changed. They live in the same neighborhood, where they are surrounded by poverty, drug addiction, violence. Our best hope is that we can plant a seed. Human behavior is hard to change. Some of our clients had a major change of heart the first time they were arrested, vowed never to go back and made changes in their life to insure this. Others will continue to bang their head against the same walls. People come to realizations in their own time. All we can do is create the best conditions possible for our young people to see new possibilities for themselves and recognize some of the strengths they have that can lead them in a new direction.

How has the recession affected Fortune's grant situation (and financial situation in general)? Are you feeling the crunch? How is that affecting the services you can provide?

The recession has had a big effect on us. Our government grants have been hit hard. For example, our city-funded education contract has dropped from \$250,000 in 2009-10 to \$100,000 now. We have seen these kinds of cuts in many government funded contracts. Some, like an Office of Children and Family Services grant for young people in our program, disappeared entirely. This isn't surprising, considering the budget shortfalls in the city, state and federal government. In order to make up for the cuts in government funding, we have been pursuing support from private foundations. A number of foundations have given us new funding in the last two years, allowing us to pilot new programs in youth development and training, such as green construction and culinary arts. For the most part, our services haven't been affected. When we have lost funding in one place, we have been able to replace it somewhere else.

What new ideas/projects is Fortune rolling out in the education program?

Our main focus these days is working on redesigning our programs and strategies for working with youth. More and more young people come through our doors every day and we are doing our best to create programs that give them support, hope and energy to build their lives. We have been working with the Youth Development Institute over the last year to train our staff in principles of working with youth, literacy instruction and ways of providing social support. Currently, we have 20 students involved in a Young Adult Literacy (YAL) program funded by Department of Youth and Community Development. Students combine class time with internships in culinary arts, video production and urban farming. We are really excited about this project.

Unconvincing Guilt: The State of Modern Forensic Science by Chris Honeycutt



In February 2011, I wrote a short piece on the uncertainty of DNA evidence for the NYADP blog on the Times Union website*. This article is evolved from the subsequent discussion with a former board member of the International Association for Identification.

What we learned is that even “hard” evidence is not nearly as certain as the public or juries believe it to be. The false-positive rates of DNA testing are largely unknown (Thompson et al, 2003); and some forms of evidence, such as ballistics, writing analysis, and hair identification, can have error rates approaching a terrifying 40-100% (Saks and Koehler, 2005.)

Fingerprints, which have been trusted as hard evidence in criminal investigations for well over 100 years, are also based in questionable science. In January 2002, Judge Louis H. Pollak of the U.S. District Court for the Eastern District of Pennsylvania found that fingerprinting failed what’s known as the Daubert standards, standards set up in 1993 by the Supreme Court regarding the admissibility of scientific evidence in court (Cho, 2002.) Recent preliminary studies suggest fingerprints can have an error rate of 5-10% (Langenburg et al, 2010), and the true error rate of fingerprint analysis is completely unknown and untested (US Dept. of Justice Reports, 2009.)

Department of Justice Recognizes the Flaws in Forensic Evidence

When fingerprinting failed admissibility standards, it created tremendous problems for the justice community. A series of congressional hearings were held, culminating in the passing of the 2006 Science, State, Justice, Commerce, and Related Agencies Appropriations Act which, among other goals, provided funding to a committee selected a committee created by the National Academy of Sciences.

In April 2009 the committee released the report “Strengthening Forensic Science in the United States: A Path Forward,” cited above as US Dept. of Justice Reports, 2009 and hereafter as “SFS 2009”. The 350 page report lists dozens of examples of spurious science used in forensics, and hundreds of examples of faulty lab technique and fraud.

Some of these include commonly trusted lines of forensic evidence, such as fingerprints. Contrary to public perception, fingerprint analysis is largely done by unaccredited amateurs in external labs. 66% of fingerprint ID’s are done outside of traditional crime laboratories [pg. 64, SFS 2009]. External crime labs each received, by mean average, 2,780 cases a year, but only 15 percent are accredited [pg. 64, SFS 2009]. Experts within the field such as Mnookin have noted “a general lack of validity testing for fingerprinting; the relative dearth of difficult proficiency tests; the lack of a statistically valid model of fingerprinting; and the lack of validated standards for declaring a match” [pg. 106, SFS 2009, citing Mnookin]. Furthermore, forensic entities outside crime laboratories do not participate in accreditation systems and are not re-

quired to do so [pg. 200, SFS 2009]. Yet, despite a lack of testing and validity of claims, fingerprint experts on the stand routinely testify that the error rate of fingerprinting is approximately zero [pgs. 103-104, SFS 2009].

Among the sciences in question are toolmarks, tracks, bite marks and hair analysis, which are central to many rape trials. “The fact is that many forensic tests—such as those used to infer the source of toolmarks or bite marks—have never been exposed to stringent scientific scrutiny.” [pg. 42, SFS 2009] Other forensic sciences which have been called into serious question by the report include polygraphs, bloodstain pattern analyses, footwear, tire track impressions, firearms, dental evidence and even corner cause-of-death analysis.

Laboratory error and falsification is also a source of significant errors and miscarriages of justice. A state-mandated review of analyses conducted by West Virginia State Police laboratory employee Fred Zain showed that the convictions of more than 100 people were in doubt because Zain had repeatedly *falsified* evidence in criminal prosecutions [pg. 44, SFS 2009].

See Through His Eyes: The Case of Ron Williamson

In 1982, Ron Williamson was a physically healthy 29-year-old minor league baseball player. One night in December, some miles from where he lived, Debra Sue Carter was brutally raped and murdered.

Because Ron was having personal problems and acting strangely at the time of Debra’s death, the police brought him in for questioning. Two polygraphs taken while questioning him about the murder were shown to be inconclusive. The police kept him on file as a POI (person of interest) in the case until 1987, when questioning prison inmate Glen Gore about the case. Glen placed Ron inside the club the night Debra was killed.

At the trial, the prosecution relied on “hard evidence” – hair evidence recovered from the murder scene. A forensic scientist testified that the hairs matched Ron’s hair, and Ron was convicted of murder – and sentenced to death.

Ron’s mental health began to deteriorate while in prison. Caught in a Kafkaesque nightmare, his pre-existing psychiatric conditions worsened substantially and he was placed on Thorazine, a powerful and toxic antipsychotic. He would scream about his innocence, and the guards would taunt his claims. Five days before he was scheduled to be killed by the State of Oklahoma, Williamson managed to secure a new trial. The Innocence Project filed to have his DNA tested for submission to the new trial.

The DNA of the rapist did not match Williamson. After twelve years of screaming alone in a dark basement about his innocence, he was exonerated. Broken, tired, and sick from the long years behind bars, he died only five years later (Innocence Project; PBS Frontline.)

Take-home Message

The purpose of this article is twofold. First, there is a myth both inside and outside the courtroom that forensic evidence is foolproof. Television shows such as CSI confirm this myth to

the general public, and provide a distorted view of the rigor our criminal justice system.

But the second reason is to reinvigorate the fight against the death penalty. Just because Troy Davis had no physical evidence against him, it is faulty to assume that the man in the cell next to Troy was genuinely guilty because he did have physical evidence against him.

Even DNA evidence is faulty, and there has been little research into the most common source of DNA error, which is laboratory testing. For example, in 1993 Timothy Durham was convicted based on a DNA match due to a type of laboratory error known as a “false-positive.” Had Durham been executed for his crime, the error would never have been found, and an innocent man would have been killed.

Fingerprint error rates are unknown, and may go into the double digits. DNA lab error rates are unknown, and a single faulty technician can taint the validity of hundreds if not thousands of cases. Because we cannot be certain of a man’s guilt even by the most certain methods science has to offer, it is crucial that we continue to fight the death penalty.

References and Notes

*The NYADP Blog at Times Union: <http://blog.timesunion.com/kaczynski/>

Note: Over 50 articles on the questionable quality of forensic science have been published in the eminent journal *Science* in the last decade alone. For further articles on the science of forensics, feel free to contact NYADP or the author at cebey1@uic.edu.

[SFS 2009]: Committee on Identifying the Needs of the Forensic Sciences Community, National Research Council, 2009. “Strengthening Forensic Science in the United States: A Path Forward.” Report to the Department of Justice. Document Number 228091. National Criminal Justice Reference Services (<https://www.ncjrs.gov/index.html>)

(Langenburg et al, 2010): Langenburg, Champod, Genessay, and Jones, 2010 [draft]. “Informing the Judgements of Fingerprint Analysts Using Quality Metric and Statistical Assessment Tools.” Preliminary publication for research funded by grant SC-10-339 from the Midwest Forensic Resource Center, Iowa State.

(Saks and Koehler, 2005): Saks and Koehler, 2005. “The Coming Paradigm Shift in Forensic Identification Science.” *Science* Vol. 309 No. 5736.

(Thompson et al, 2003): Thompson, Taroni and Aitken, 2003. “How the Probability of a False Positive Affects the Value of DNA Evidence.” *Journal of Forensic Science* Vol. 48 No. 1.

(Cho, 2002): Cho, 2002. “Judge Reverses Decision on Fingerprint Evidence.” *Science*, Vol. 295 No. 5563.

PBS Frontline: Burden of Innocence. <http://www.pbs.org/wgbh/pages/frontline/shows/burden/>

The Innocence Project. <http://www.innocenceproject.org/>

An Execution in the Family

by Frances Sandiford

I had known Jeff Romano for several years from bumping into him at local town meetings. We had never talked very much until one day, in the middle of a conversation, something set him off. He told me his life story.

Jeff had always been curious about his family history. His grandfather had passed away before he was born, however, neither he nor the manner of his death were ever mentioned. Jeff's grandmother had changed her name from Ossido, her late husband's name, to Romano, a variation of her maiden name. Any questions that Jeff had asked were met with a cold silence or an abrupt, "You don't want to know!"

It wasn't until college that Jeff accidentally discovered the true story. While doing research for a class in criminal justice, he stumbled upon an account of an old crime on microfiche. Jeff read that in 1936, Brooklyn barber Salvatore Ossido (his grandfather by all accounts) had lured nine year old Einser Sporrer into a back room of his shop.

There he struck her with a hammer, and, after she was dead, had raped her. The child's body was found by the police stuffed in to a burlap bag and placed on a stoop near Ossido's shop.

After the crime was discovered, Ossido quickly confessed and was arrested. He became one of the first offenders to be labeled by the media as a "pedophile." Barely a year later, Ossido was executed by electrocution at Sing Sing prison. The exact date of the execution, Jeff learned, was January 6, 1938, but even today, he has no idea where his grandfather's body was buried.

After the story was out, Jeff pressed his family with questions. He learned that his grandmother had been ostracized by her Brooklyn neighbors as if she and her children held some responsibility for the crime, and as if the violence was contagious, likely to rub off on anyone who had contact with her. Jeff's mother's reaction was rather vague, but his father's was uncontrolled anger. "Don't talk about it," he screamed. This reaction has never changed.

Was the father right? Had Jeff been better off not knowing his family history? Was it a mistake to have dredged up the past? Overall, Jeff is glad that he knows this aspect of his family's history, gruesome as it is, and he does nothing to hide the facts from his children. Jeff better understands his father as someone struggling with an emotional burden, and he can also understand, if not condone, the Brooklyn community's reaction to his grandmother. There are no easy answers.

As Jeff hears about the execution of Troy Davis and other men and women, he wonders about the impact on their families, now and for years to come. Is there ever such a thing as closure, or does violent crime, followed by violent punishment only extend the human suffering? My conversation with Jeff ended here. It was getting late.

The Camera Pans

The camera pans onto the damaged street
to women holding onto photos
of their heroes,
and the women weep out loud:
Though they do not look like us, we think,
as we see them cry;
we see the faithful women, who just hope to see
remains of their families, buried in the dust
and rubble

But we do not hear them whisper
Though they do whisper "so it must be,"
and they name their future children
after fallen heroes buried in the dust
Yes, it is the will of God, they think
And "by God's will so it must be."
And so, it will always be.

his jacket and a Polaroid of his son

he was a crying kid
kicked in the head

a "stupid bastard," "troubled child"
special ed. resource room

then a bully cutting classes, doing weed
opportunity school: jefferson
then "juvy."

"a thug," he told himself with pride, and his set
blood in, adrenaline rushes, cash, and a bitch
and from the jacket that I read:

his jacket says four lifewithouts for two victims
he says he was just along for the ride
a robbery in a mexican restaurant.

he doesn't tell me the brains and skin splattered like salsa.

he shows me a polaroid of him: his son,
he says he loves his three-year-old son:
someone else's "stupid bastard"
another number on the way.

Fakin' the funk

the inmate slides his certificates
out the thin gap between the heavy steel door and wall
i grab them, scan through them:
anger management
aa/na, life skills, street readiness
and put them in a manila envelope

“i’m enrolled in education,” he says
“and anything else that’s offered”
“i almost got my GED”
he hasn’t got a write up in more than a year
“not since that little incident on the other yard”
he does it all
“i’m sorry for what i did,” he says
sorry you got caught, i think he thinks

he knows the right words anyway

i say “you’re doing good”

he knows he’s on the clock
he knows i know he’s on the clock
and i write his parole report and four others:
call the mothers, and fathers, if there is one
F1, a number, a few words entered
photocopy his certificates
paper clip them, turn them in
give the originals back to the inmate
act like i give a shit

rehabilitation?
there is no fucking rehabilitation here
he knows it
i know it
the warden knows it
the parole board knows it
i’ve seen them come and go and come back
some killed on the street

i know he cliqued up when he was twelve
smoked dope at thirteen
arrested, slapped on the wrist
fifteen times

until the judge got serious
and the crimes got really serious
and the victims were probably in the dozens
the victims that we know about...
i listen to the tier, to the gang shit
he doesn't know that i know
he's not out of the mix
but he also doesn't know
it really doesn't matter to me
not much anymore

they bleed into you

an unknown voice yells out from one of 48 cells
“get off the tier you faggot”
and he laughs
because you'll never know who he is

a PC who gave a 9-year-old boy a Nintendo
to suck his dick
complains he doesn't get enough
free paper and pens for his lawsuit against the State

an angry mother calls, demands to know why her son,
who has been throwing feces on officers
is being treated so poorly
and she threatens to call the Director
because she knows the Director

you say it doesn't get to you, the work
the tier, the words
the injustice

The Homeless Question

The po-lice sweep the homeless
like rubbish off the street,
garbage pickers and panhandlers
sent off for Greyhound © therapy
It's not a problem anymore
Out of mind, out of sight
On to other towns and cities
for another drink of whiskey
and another bite to eat

Dahn Shaulis

Notes on the Contributors

Chris Honeycutt (cebey1@uic.edu)- Chris is a mathematical biogeochemist employed at the University of Illinois at Chicago. She has experience in laboratory work and data analysis from a variety of fields, including biology, geology and chemistry. She has a strong interest in many areas of forensic science and criminal justice.

Josh Medsker (joshmedsker@gmail.com)- Josh is a writer and educator from New Jersey. He teaches composition, reading, and critical thinking in the New York City area. He is the editor of *Memoir: A Noun, Voices from New York's Criminal Justice System*, and publishes a literary and culture zine/blog, [Twenty-Four Hours](#).

Ryan Semerad (semeradr@garnet.union.edu)- Ryan is an intern at New Yorkers for Alternatives to the Death Penalty. He is currently pursuing an undergraduate degree with concentrations in English and philosophy at Union College in Schenectady.

Frances Saniford (frances813@frontiernet.net)- Frances, a retired prison librarian, worked at Greenhaven Correctional Facility where New York's execution chamber was built but never used after the death penalty was reinstated in 1995. She is a long time member of NYADP Board of Directors.

Dahn Shaulis (dahnshaulis@gmail.com)- Dahn is the author of [Prison Stories](#). He writes, as a self-introduction: *I am a former prison worker and now a street sociologist interested in radically transforming the justice system--one legislative bill at a time. I know that the US can do better than the ideology of "might makes right." As a society, we can house everybody, find decent jobs for anyone who wants one, and we can have a justice system that provides justice for all.*