

National Night Out

Stratford and Bethel were among nearly two dozen Connecticut communities which observed National Night Out, an event created to promote crime and public safety awareness. Story and photos begin on Page 12

Law Enforcement Profile

Polygraph tests are a strong factor influencing the treatment of some criminal cases according to Ronald Barndollar who recently retired from the FBI after a 34-year distinguished career. Page 4

What If...?

As traffic increases, so incidents of "road rage". Learn how to avoid these potentially dangerous situations and what to do if you become involved in one. Page 15

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Standing Tall in Bridgeport

A mounted patrol is an integral part of the Bridgeport Police Department and plays a key role in crowd control and enforcement efforts. One of two such units in the state, the department considers six mounted officers the equivalent of 20 officers on foot. Story on page 9. (Photo by Martin Barrett of BarrettFam Creations.)

Silent Witnesses Complicate Police Investigative Efforts

By **BILL BITTAR**
Correspondent

Jacqueline Denese woke up to a phone call from her son at 2:10 in the morning on May 1, 2005. Clarence "Chuck" Jones, 27, was riding in an SUV with a group of friends, and they had been drinking at several bars in Bridgeport. The driver did not want to go all the way to New Haven to take him home, so he called his mother on his cell phone to ask her to pick him up. During their conversation, Denese did not hear the gun shot.

"He didn't say anything else," Denese recalled. "I heard voices in the background and shuffling. A voice said, 'Call 911. He's been shot.' I said, 'What's going on?' No answer. The phone died. I kept calling the cell phone back for about an hour."

A Bridgeport police lieutenant called Denese at 5:15 a.m., asked her what her son looked like, and said he was coming to her home. She later learned that her 27-year-old son had been shot in the head before his lifeless body was dumped at the corner of East Main and Pearl Street.

The people who were out with Jones that

night knew the identity of the killer. "In the beginning the witnesses were cooperating," Denese said. "But as time went on, they didn't want to testify."

That was because the suspect was a known drug dealer who had killed before – only to be freed because witnesses refused to come forward. The witnesses in Denese's son's case feared for their own lives, and the street code against snitching nearly allowed Jones' killer to walk again.

Bridgeport Police Detective John Tenn said he and other police officers share the same frustration over the no-snitch movement that has rapidly spread through inner cities across the nation. Time and time again, police respond to the scene of a crime with a crowd of bystanders on the sidewalk, only to hear the same story.

"I could probably tell you what they're gonna say," Tenn said. "I didn't see anything. I just got here." And you know they're not being truthful. I see people cooperate in hit and runs. They get the

- See **Silent Witnesses** on page 16

Cheshire Murders Fuel Push for 'Three-Strikes' Legislation

By **NATALIE MISSAKIAN**
Correspondent

The horrific murders of a mother and two daughters in a Cheshire home invasion have galvanized thousands of Connecticut residents to push for new laws dealing with lifelong criminals, which will undoubtedly fuel controversy for state lawmakers as they grapple with the issue.

It is the same kind of outrage – sparked by the kidnapping, rape, and murder of 12-year-old Polly Klaas in 1993 – that led residents of California to push for – and get – one of the nation's

toughest laws for dealing with repeat offenders.

By the end of August, nearly 42,000 people, from survivors of homicide victims to soccer moms, had signed an online petition calling for a similar law here. The petition urges Connecticut to adopt a "real three strikes and you're out" law, with mandatory sentences of 25 years to life for serious repeat offenders. Legislators are expected to take up the issue during a series of hearings this month.

The debate is likely to be vigorous

- See **Three Strikes** on page 18

Ashley McElroy of Wallingford was among hundreds from across the state who rallied in Cheshire recently in favor of a tougher "three strikes" law for repeat offenders. McElroy's grandmother, Patricia Matos, left, is a patient of Dr. William Petit, whose wife and daughters were killed in a home invasion July 23.





SCAM of the Month

By GRANT STINCHFIELD
Correspondent



Be Wary of Great iPhone Bargains

By GRANT STINCHFIELD
Correspondent

From Greenwich to Granby and New Milford to Norwich, the hottest phone on the street is the new Apple iPhone.

It is touted as the all-in-one personal device that can handle just about any task. Surf the Web, listen to music, watch videos, keep your appointments, and yes, make a phone call. It's so trendy and hip, people will go to great lengths to get one. The phones which can only officially be bought through ATT and Apple stores are expensive. The prices can range between \$500 and \$600.

With the iPhones clearly one of the hottest items to hit the market this year, no one is surprised the high-tech gadgets are acting like magnets for scams and trouble.

The most prolific scam is the "faux iPhone" scam. Hackers are sending out a virus that locates consumers who search for the iPhone using Google or Yahoo. The malicious software secretly embedded on the buyer's computer then sends a pop-up to the computer offering the iPhone in a variety of different colors at a reduced

price. That should be a consumer's first warning. iPhones only come in one color: black. But the pop-up will ask the unwitting buyer to choose from a myriad of fancy colors, ultimately asking the buyer to wire the money via Western Union or MoneyGram. In the end, the phone never arrives, and the hackers make off with the buyer's loot. The scammers are well aware neither Western Union nor MoneyGram offers any kind of money-back guarantee.

The best way to protect yourself is to make sure your computer firewall is intact and keep your PC security software up to date.



"I wanted a free iPhone, but I got SCAMMED instead"

This is very important because there is also an e-mail spam going around offering free iPhones. The e-mail tells you that you've won a free iPhone and to receive it all you have to do is click on a link and fill out all the required information. But instead of receiving the hot new phone of the decade, you get a dangerous program secretly downloaded onto your computer that allows hackers to take over your PC.

The program ultimately turns your computer into a spam bot, sending out hundreds of thousands of spam e-mails from your home. Because it's illegal to send unwanted spam, the hackers put you at risk of prosecution. "You could get a knock at your door by the feds. Once they realize what happened, they let you off the hook, but it still can be a frightening experience that doesn't need to happen," says Thomas Rickman, an Internet security expert

who specializes in data security. "These hackers need as many computers as they can amass to send out their spam, and the best way to do that is to offer up a free iPhone – what unknowing teen wouldn't click on that link," he warns.

But it's not just teens falling victim to these scams; adults are susceptible too. Mary Boswithington clicked on the link. She wanted to get the free iPhone for her 16-year-old granddaughter. The Branford grandmother had no idea she was about to be had. "My computer started acting real slow. It turns out it was sending out e-mails all over the world," she said. The computer expert she called to fix her computer said it was infected with a spam-bot virus, and she says he even asked her if she recently clicked on a "Free iPhone" offer. "I just couldn't believe people are so crooked, they would take advantage of people like that. I paid a lot of money for that computer, and they almost ruined it," Boswithington said.

Privacy experts are also anticipating the arrival of fake iPhone Web sites that look like the real thing but are secretly designed to steal your personal information. In order to activate a legitimate iPhone account you need to give your social security number for a credit check. Computer hackers "phishing" for your personal information are expected to use the fake Web sites to steal your identity or simply steal your money from your charge card or bank accounts.

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WHAT CAN YOU DO TO PROTECT YOURSELF FROM FALLING VICTIM TO AN IPHONE SCAM?

- Buy an iPhone only from an ATT or Apple store.
- Make sure your computer security software is up to date.
- Make sure your firewall is activated.
- Remember, "If it's spam, it's probably a scam!" Steer clear of spam e-mails.
- Never buy anything from an unknown source using Western Union or MoneyGram.

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State Agency Provides Assistance to Crime Victims

By **TEALE CALIENDO**
Correspondent

(The names of some persons interviewed for this article were changed, by request.)

Helen Carter did everything right to protect her children from sexual abuse. After all she's an experienced teacher and is well aware how vulnerable children are. She and her husband had the necessary "good" touch, "bad" touch conversations with their two boys, 10 and 12 and their eight-year-old daughter; and they were vigilant about keeping track of the youngsters.

"We always made sure where they were; they were never alone," Carter said. "And I knew where all the sex offenders in our neighborhood were. We did everything we could possibly do to keep them safe."

But Helen Carter soon found out they hadn't. "It was like the Thursday before Christmas of '05, we were making all our plans for a big family Christmas and my oldest son came to me and said his sister had to talk to me."

The girl said her uncle, her Dad's brother -- the one who treated her like his own kid and was always anxious to baby-sit, had been molesting her.

The Carters were in shock, "Like he could never do that... but you always stand by the child. We had to protect her." So they called a child therapist for counseling and that also started the legal process. "We were still in so much denial. I was very torn about reporting it but we knew we had to, it's the law."

The charges ripped the extended family apart. "My husband has lost his sister... my kids have lost the cousins they were so close to. My middle (boy) attempted suicide from the pain," said the mother.

• • • • •

That's when Fairfield County's Victim's Services Advocate Richard Mancini entered their lives.

"Mr. Mancini," said Carter, "has been just a godsend. He understands what we are going through and validates us when we need validation. He anticipates my reactions before I even realize what they will be. You go into that courtroom and you are so tense especially because you are talking about family members on the other side who are very bitterly resentful of you and he has a way of relieving your tension so you are not upset."

Mancini, the victim's advocate for the Fairfield judicial district, has been with the office for 11 years. He had the perfect background, coming off 27 years as a Bridgeport police officer.

WHEN A CASE gets to Richard Mancini's desk he knows it is the result of a serious felony. "They (the clients) have been devastated by this crime so I am prepared to handle just about everything I hear. You have to be able to listen, you have to be able to empathize with people or you don't come off as real," Mancini said.

And, Helen Carter said despite Mancini's heavy caseload, he remained focused on her personal case, "...he never once made me feel I am just a number."

Jacqueline Denese, another of Mancini's clients, suffered the ultimate loss. Her 27-year-old son Chuckie was in the wrong place at the wrong time and was shot to death in Bridgeport. She credits Mancini's office with helping her family survive the tragedy.

"Mr. Mancini's office walked me and the children through the whole court proceeding," she explained. "This is going to happen...expect this...watch out for that...during the trial even prior to the trial I would call him. You would not believe our conversation...he lost a child so he knows. He is very intelligent, empathetic and sincere...been there, done that."

IT STILL PAINS Mancini to discuss the death of

his adult daughter in 1995 except to say it was a life-changing experience that allows him a special link to the people he serves.

"There have been a few cases that have been rough on me because there is so much raw emotion you can't help but be affected by it," he said. "(But) I am a natural born problem solver...and have the ability to reach out and to communicate. Whatever experience (my clients) have with me is going to be positive because I am giving them information. I have been blessed that (my assistance) is going to be useful."

There are 28 victims' services advocates working throughout the state helping people survive the unthinkable by providing information on the criminal justice system, counseling and in some cases finances to help victims recover lost wages and other expenses associated with violent crime. While the state can help with short-term counseling and medication to handle depression and anxiety, the office also makes referrals to other support agencies.

Mancini's office recommended Denese join a chapter of Survivors of Homicide. "Those meeting helped tremendously because they are going through the same thing," Denese said.

Chuckie Denese's killer eventually was sentenced to 60 years in jail.

Just this past spring, nearly two years after being charged with his niece's molestation, the uncle pleaded guilty to risk of injury to a minor and will spend a couple of years in jail and another 10 years on probation. The plea agreement meant the girl wouldn't have to testify and that is helping the child heal.

"For the past few years she couldn't even learn her times table. Now that we are not going to trial she is learning all these things she couldn't learn, she is smiling and talking



Fairfield County's Victim's Services Advocate Richard Mancini

about the future," Helen Carter said.

Carter also credits Mancini with helping her understand the pain her mother-in-law is going through

"I WAS ANGRY with her, (but) he was able to bring some humanity into it so I wasn't taking it out on her. He is really terrific. He will call and check in on us almost on a weekly basis...I really feel he's become another part of our family," Carter said.

That's probably true because Mancini thinks his job is a calling. "I feel I'm in an area that is much more than work. It is spiritual at times. I've developed some things along the way that help connect me with people." One of those ways is to distribute a small spiritual coin engraved with a peace dove. He passes it out to people who are "having a rough time."

To Mancini his work or ministry, as he describes it, occurred after his daughter's death and through the intercession of a co-worker.

Mancini said he was in the throes of his own pain and was having a hard time with a client. "I had had it!" he explained.

That's when Johnny, the maintenance man, "...a large, gentle man," approached him.

"He looks at me, places his hand on my shoulder and says, 'Rich, we are all God's children.' That was straight from God...that was sacred...because I still feel it...what he gave me was a gift...(allowing) me to go on and approach my job with a clearer (vision). It helped me immensely."

The maintenance man was transferred and Mancini didn't see him for a long time. Then last year Johnny visited Mancini's office and the state's advocate was finally able to explain how much the janitor's words had meant. Mancini thanked Johnny for counseling him, so many years ago.

"And now," Mancini said, "I want to give you something." And he placed one of his precious coins in Johnny's hand.

"Everything," Mancini said, "has come full circle."

Learn more about the Office of Victim Services by visiting www.jud.ct.gov/crimevictim.

CONSTITUTION OF THE STATE OF CONNECTICUT ARTICLE XXIX – RIGHTS OF VICTIMS OF CRIME

IN ALL CRIMINAL PROSECUTIONS, A VICTIM, AS THE GENERAL ASSEMBLY MAY DEFINE BY LAW, SHALL HAVE THE FOLLOWING RIGHTS:

- The right to be treated with fairness and respect throughout the criminal justice process;
 - The right to timely disposition of the case following arrest of the accused, provided no right of the accused is abridged;
 - The right to be reasonably protected from the accused throughout the criminal justice process;
 - The right to notification of court proceedings;
 - The right to attend the trial and all other court proceedings the accused has the right to attend, unless such person is to testify and the court determines that such person's testimony would be materially affected if such person hears other testimony;
 - The right to communicate with the prosecution;
 - The right to object to or support any plea agreement entered into by the accused and the prosecution and to make a statement to the court prior to the acceptance by the court of the plea of guilty or *nolo contendere* by the accused;
 - The right to make a statement to the court at sentencing;
 - The right to restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law; and
 - The right to information about the arrest, conviction, sentence, imprisonment and release of the accused.
- The general assembly shall provide by law for the enforcement of this subsection. Nothing in this subsection or in any law enacted pursuant to this subsection shall be construed as creating a basis for vacating a conviction or ground for appellate relief in any criminal case.

Search for Truth Never Ends for Retired FBI Polygraph Expert

Profile

By **BILL BITTAR**
Correspondent

Recently retired FBI special agent Ronald Barndollar's home office is covered with plaques honoring his 34-year career in law enforcement and framed photos, including a picture of the smiling agent standing next to U.S. Attorney General John Ashcroft and another of him posing with "America's Most Wanted" host John Walsh when Barndollar was handling the Connecticut portion of the Unabomber case. But a framed Newsweek magazine cover may initially seem out of place. It features a dominant photo of a Duke Lacrosse player holding his racket with two smaller head shots of the players who were wrongly accused of raping a stripper. The main headline says "Sex, Lies & Duke," and the bottom line reads: "Who's Telling The Truth?"

"That's what it's all about," the bespectacled Barndollar, 57, said enthusiastically when asked about the magazine cover. "Who is telling the truth?"

When Barndollar wants to know who's telling the truth, he prefers to measure their breathing, pulse, heart rate and brain activity. The FBI polygraph examiner had been the lead supervisor for New England before the bureau's mandatory retirement age ended his career as a special agent last year. But his never ending search for truth continues with his private practice, Credibility Assessment Associates LLC.

"I conduct polygraph examinations for private clients, mostly for criminal defense attorneys and other clients," Barndollar said one recent Friday morning, while sitting in the kitchen of his Guilford home. His loyal golden retriever, Barney, lay at his feet under the table.

Some of Barndollar's former colleagues have ribbed him about going to the "dark side" by working with defense lawyers. "The bottom line is to get to the truth," Barndollar said.

Well-known Connecticut attorney Richard T. Meehan Jr. was the first lawyer to hire Barndollar in his private business.

"I had a couple of clients he tested when he was with the FBI that I was convinced were telling the truth," Meehan said of Barndollar. "And they didn't pass the test. I watched through the glass as they broke down and admitted their guilt in the crimes they steadfastly denied in the past. I used Ron a couple of times since he retired."

Though failing a polygraph often leads to a defendant telling the truth, Meehan said the test is not admissible in a court room. Nevertheless, it is an effective tool for law enforcement,



Ron Barndollar explains tracings of physiology displayed on his computer. A person's physiology changes as they lie.

especially when entertaining a plea where there are questions over whether the defendant really is telling the truth.

"In our practice," Meehan said of defense attorneys, "if our client passes in a real doubtful case, we bring it to a prosecutor and it carries weight in getting the case resolved."

Though Barndollar now performs polygraph exams for the both sides of the legal aisle, there are times when he will refuse a client. One of them was a woman who kept calling him and pleading for an exam of her husband, who she thought was cheating on her because strange pairs of panties were turning up around her house.

"I referred her to someone else," Barndollar said with a smile. "A good rule of thumb is, don't ask if you can't handle the answer."

The bottom rung

Ronald Barndollar was born outside of Pittsburgh and grew up in Albany, N.Y. He went on to attend Johns Hopkins University in Baltimore, where he initially studied medicine.

"I started in premed before I ran afoul of organic chemistry," he said. "I switched my major to psychology, but was not accepted to graduate school."

After earning his bachelor's degree, Barndollar joined the FBI.

"I was looking for a job that would be interesting," he recalled. "I didn't want to be in sales or to sit in an office all day and law enforcement seemed challenging and interesting – not a run of the mill type of job."

Barndollar needed two years of experience before he could become an agent, so he worked in the computer systems division for \$5,166 a year, and then in the laboratory division. But after the two years were up, the FBI had a hiring freeze in 1974.

"I went to graduate school while working full time to get a master's

of science degree in forensic science at George Washington University to improve my hire-ability," Barndollar said. "I absolutely started at the bottom rung. You apply yourself, persevere, make connections and work your way up. It's all about self improvement."

After the hiring freeze had ended, Barndollar passed an agents class in Quantico, Va., in 1976. He and 17 other agents of the 23-member class were sent to the FBI's New York office, the "least desirable" destination. "They sent a bunch of us because we were new and they thought we would stay," he said.

Barndollar started out in Organized Crime unit. "About a year after I was following [Bonnano Family crime boss] Carmine Galante around, he was killed outside a restaurant in Brooklyn with a cigar in his mouth," Barndollar said. "He was with Hoffa and he encouraged the Mafia to get involved with drugs."

The young agent soon transferred to Foreign Counter Intelligence, where he was involved with Russian espionage cases. "I recalled."

It was difficult work, it was interesting an exciting," he continued. "We helped to win the Cold War."

The proof is in the readings

In 1983, Barndollar took a polygraph course at the U.S. Army Military Police School at Fort McClellan in Alabama. He said it was his underlying interest in physiological psychology that lured him to the field.

"Polygraphs have been around since the 1940s in one form or another," Barndollar said. "Some studies say it has a 90 percent success rate and some critics say it's no better than a coin toss, which is bogus. If done properly by a competent ethical examiner, I think the accuracy is in the 90s. There's nothing that's 100 percent – even DNA testing."

Barndollar set up his laptop on the island in his kitchen and showed

diagrams of the human brain. Red areas on the brain indicated activity, and he noted how there was more brain activity when the subject a lie than when he told the truth.

A grid appeared on the computer screen on which different colored lines represented readings for breathing, perspiration and heart rate. A polygraph examiner looks for significant fluctuations when a subject answers a question.

"A girl in a class was asked to write down a number on a piece of paper and told to lie to me about it," Barndollar said, pointing to a heavy zigzagging line above number seven, he added, "Her perspiration is off the charts."

Other tests when the student was asked about the numbers in a different order all showed strong reactions to number seven, which turned out to be the number she wrote down.

"There are psychopaths and con men who are good at influencing other people and getting them to trust them," Barndollar said. "But the polygraph measures bodily functions that you can't control."

A critical eye

High profile cases Barndollar was involved in include the Unabomber and John Walker, who was part of a family of spies, and other Cold War cases. Now Barndollar spends his time getting his private practice off the ground and embarking on his 20th year of officiating high school boys' Lacrosse games. He is the current chairman of the Connecticut Lacrosse Officials Association.

Barndollar wants to spend more time with his two sons, Todd, 23, and Kyle, 19, two stepdaughters and two step-grandchildren. And he and his wife, Nancy, plan to travel.

"I enjoyed my career," Barndollar said. "I was reluctant to leave. I'm happy to move on to the other challenges in my life and still be of service to the justice system."

The retired FBI agent will still be following the nation's televised cases on the news. While he watches, he admits to wishing he could give the defendants polygraphs "all the time." Though he puts his faith in the readings, Barndollar has developed a critical eye over the course of his career.

He remembers watching Susan Smith being interviewed on "Larry King Live" before being convicted of drowning her two boys. She told the TV host that a black man kidnapped her children, but Barndollar read her body language. Max Thiel, who Barndollar befriended in the FBI, called him and asked if he was watching the program.

"She's lying, isn't she?" Thiel asked. "Yeah. She's lying," Barndollar said, adding he called the authorities after hanging up with Thiel. "I said, 'You better give her a polygraph,' and they said, 'We already did. She failed.'"

Half of Requests for Pardons Generally Granted

By **CHANDRA NILES FOLSOM**
Correspondent

Each year several hundred Connecticut residents will try to clear their criminal records by seeking a pardon, but only slightly more than half of them will be successful.

The majority of people are motivated for employment or career reasons, and some want to keep their criminal history from family members. Following a pardon in Connecticut, job applicants may state truthfully that they have never been convicted of a crime.

To qualify, a person convicted of a crime must have successfully completed his or her parole or probation and have remained conviction-free for at least five years.

Last year, 390 people applied for pardons: 220 were granted, 144 were rejected at prescreenings, and 26 were denied after full hearings.

During the first six months of this year, 215 petitions have been received. Of them, 143 were granted pardons while 67 were denied at prescreenings and five were denied after full hearings.

The first step in seeking a pardon is to complete an application and submit it to the Connecticut Board of Pardons and Paroles, located in Waterbury. Documents such as a certified copy of the conviction record from the court, a personal statement, and three character references need to be included with the petition. Applications are reviewed four times per year, and an attorney is not required.

"There are no specific guidelines the board needs to follow when making a decision—so it's unfettered," said Doug Poger, one of four state parole officers in charge of screening candidates for the board and who has served with the Department of Correction for 17 years. "But first, three other parole officers and I do a records check and a warrants check to see if there are any pending charges nationwide. If it's okay, we forward the information to the board, and they have a prescreening prior to a hearing to make a decision if the case will be heard."

In Connecticut the governor has no authority to grant a pardon or commutation of sentence, but may grant a reprieve for a stay of execution, which gives a convicted person the chance to seek a pardon, commutation, or further review. Only the Connecticut Board of Pardons and Paroles may to grant pardons or commute a death penalty.

Non-political

"This way it's very nonpolitical in every fashion," said Poger. "There are five panel members and a chairman—three sit on the pardon board at a time for each hearing, with one alternate."

The board examines the criminal history, the length of time that has passed since the conviction, and the severity of the crime itself. If the request

"There are no specific guidelines the board needs to follow when making a decision—so it's unfettered."

—Doug Poger, Parole Officer

is denied, a reason for denial will be sent to the petitioner.

"As of July 1, there is also a provisional pardon," said Poger. "If you don't have five years from the last date of probation, but have five years since the conviction, there is a piece of paper you can get that says you've been rehabilitated. September will be our first review."

If a provisional pardon is granted, the person convicted may still request a full pardon after the five-year waiting period.

The rules for non-provisional pardons state that inmates serving a minimum sentence of eight years or more, must have served at least four years and, if less than eight years, must have served at least half of the minimum sentence.

Non-inmates can't apply until at least five years have passed from the date of completion of the sentence, including a suspended sentence together with any term of probation attached. However, the board may make exceptions as it deems fit.

Erases Record

Since a pardon, in effect, erases a convict's criminal history, board members want to be certain the applicants have made significant steps toward rebuilding their lives and rehabilitating themselves by proactively giving back to their communities through charity work or other community services and by setting an exceptional example for other convicted persons.

According to Poger, there are several common reasons why convicts seek pardons. "A majority of them is to gain employment or move on with their careers," he said. "After 9-11 it's gotten harder to get a job in certain places because of security clearances. Also, there can be travel restrictions for criminals—certain countries may not want exconvicts to enter, and sometimes it's difficult for excons to get back into the country. Another main reason is that people don't want their kids or grandkids to know they've been convicted of a crime."

"The crimes are then erased from court records and the Department of Correction, but the FBI will still have the convictions on record," Poger added. "Once a pardon has been issued, nobody can override it, and there is no appeal process," said Poger.

"Violent crimes don't usually get pardons," said Poger. "And pardons granted in the state are only for state convictions, not federal convictions, whether or not the person lives in the state. For example, Governor Rowland was convicted of a federal offense, so he

can't appeal to the Connecticut board."

Earlier this year, former Connecticut substitute teacher Julie Amero was charged and convicted in Norwich Superior Court on four counts of risk of injury to a minor, or impairing the morals of a child—felony charges carrying a maximum prison sentence of 40 years. The controversial conviction, stemming from pornographic pop-up ads that appeared on her seventh-grade class computer in 2004, were later tossed out by a New London Superior Court judge, and she was granted a new trial.

Following the conviction many supporters pleaded with state officials to intervene and grant a pardon. However, Amero could not be granted one, since state law precluded her from being considered until five years had passed.

"I don't have any knowledge of the pardon laws, but right now I'm living in limbo land," said Amero. "I haven't worked for three-and-a-half years."

On March 6, 2007, a full-page newspaper advertisement, signed by 28 computer science professors, stated

that Amero could not have controlled the pornographic pop-ups. According to Amero's husband Wes Volle, two independent forensic investigations concluded that malware (harmful software), not his wife, was responsible for the infestation of pornographic pop-up ads.

"I was granted a new trial but I don't have a court date yet, and so everything is on hold," she said. "Now it's too late, because my reputation has been ruined."

Pardons and reprieves are granted in many countries when those convicted of crimes have successfully demonstrated that they have fulfilled their debt to society. However, because accepting such a pardon represents an admission of guilt, in some cases the offer is refused.

Bush has granted 69 Pardons

President George W. Bush has thus far granted 69 pardons and commuted two individuals' sentences since taking office in 2001. The former Texas governor has shown mercy to people from 35 states—with the highest numbers in Texas (9) and Florida (5) where his brother Jeb served as governor.

Some of the most controversial federal pardons granted by U.S. presidents include Jimmy Hoffa, Richard Nixon, George Steinbrenner, Caspar Weinberger, Patty Hearst, and Marc Rich.



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Letters to the Editor

Thanks for Remembering Mom

I want to thank you with all of my heart for writing about my mom in your Journal. Keeping it fresh in people's minds is always a great thing. However, one thing always bothers me -- there were earlier newspaper reports that made one mistake and it keeps rearing its ugly head. It stated my mom was a barmaid. Well yes she was -- but only in the late 1960's to 1970. That is where I think she met Dom sr. as he was a bar owner.

All those years after that, my mom was a little busy at home trying to raise all six kids-- his four and my sister and I. How do I set this record straight? It may seem petty-- but it really does bother me, not to disrespect any barmaids but this is NOT what my mom was doing -- and it is NOT the truth!

Please visit this link -- it is a tribute to my mom:

http://videos.phototributes.com/rewardfund/mary_files/mary.html

And again THANK YOU! I'm sure you already know just how important your work is.

Beth Profeta

Keep up the Good Work for Law Enforcement

I was recently at Town Fair Tire in Southport where I picked up a copy of The Justice Journal.

It appears to be a new newspaper slanted toward law enforcement and emergency services.

I enjoyed reading the articles and hopefully will benefit from them. I passed a copy to several members of my family who are very interested in the subject.

Law enforcement and emergency personnel are doing their best to help people. They are not just out to arrest criminals. Also, there are several paths to a law enforcement career.

Congratulations on your new journal. I hope you keep publishing good articles, such as in the August edition, and hope your circulation grows. You should especially pass them out at middle schools, high schools, libraries and to security groups at colleges.

Very truly yours,
Richard Maher

(Editor's note: Mr. Maher made some interesting story suggestions which you may be seeing in future issues)

Rehabilitation Efforts Appreciated

Bill Meyer, a member of our board of directors, recently shared with me the June edition of The Justice Journal. I would like to commend you and your staff on a diverse and well written collection of articles and I hope that you have a great success with this publication.

I was especially interested in Teale Caliendo's article on Justice Reinvestment. Having served in adult corrections for 30 years I am well aware of the many challenges facing thousands of released Connecticut prisoners each year. Our investment in their successful transition is imperative if we wish to reduce recidivism and enhance public safety.

We at Isaiah 61:1, Inc. operate halfway house programs for men and women leaving prison. Although it's a struggle, we see they can with proper guidance and supervision take the steps necessary to repair their lives. Recent studies have indicated this can reduce recidivism by 50%.

I look forward to reading future issues. Please keep up the excellent work.

Sincerely,
Ed Davies
Executive Director
Isaiah 61:1

Yellow Dot Program Comes to Light

Just letting you know that I manage the web site for the American Legion Post 83, in Branford.

We have a lot of seniors at our Post and I know that most-- if not all-- of them have NO clue about yellow dot.

I wanted to thank you for this. I'm sure it will help a lot of seniors.

Larry J. Faulkner Sr.
Sargent at Arms
Post # 83

Editorial Policy

The Justice Journal encourages original letters to the editor pertaining to subjects and issues raised by the writers.

We reserve the right to publish or edit letters for taste, length, and clarity. Make sure to include your full name, address, and a daytime telephone number so that we can verify who you are. All letters through the mail must be typed and should not exceed 250 words in length. Anonymous letters will not be published.

PLEASE SEND YOUR LETTERS TO:
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21 Charles Street, Suite 114
Westport, CT 06880
Or e-mail: Editor@thejusticejournal.com



CONGRATULATIONS CHIEF ANTHONY SALVATORE, PRESIDENT OF NEW ENGLAND ASSOCIATION OF CHIEFS OF POLICE

On September 11, 2007, at a banquet to be held in Old Saybrook, Chief Anthony Salvatore of Cromwell will assume the presidency of the NEACOP. The banquet will culminate a three-day training conference that will be held at the Saybrook Point Inn in Old Saybrook. Personnel from the Cromwell, Clinton and Old Saybrook police departments have been working tirelessly for the past six months to ensure that this event will meet everyone's expectations of a successful conference.

Social events planned are a dinner cruise, lobster/steak cookout, golf tournament, mega shopping trips, and free transportation to nearby casinos, and a trip to Whelen Engineering in Chester with lunch, for all chiefs and fleet maintenance personnel.

Professional and training activities include a large display of the latest law enforcement technology, a static display of the newest in police operational equipment, and speakers including Howard Safir, former Commissioner of the City of New York; General Vladimir Dvorkin of the Russian Army; Steve Kozac, Chief Engineer from Ford Motor Company; Jay Kehoe of Taser, Int.; IACP Legislative Analyst Meredith Mays; and Josef Weissfeld of Fight Crime: Invest in Kids. Expected but not confirmed are U. S. Senator Joseph Lieberman and former Mayor of New York City, Rudolph Giuliani. Another event of special interest is a September 11th memorial ceremony on Tuesday morning.

All Connecticut chiefs are urged to attend as many of the functions as possible. Anyone seeking last minute arrangements is urged to call JoAnne Klingerman at Old Saybrook Police Department, at (860) 395-3140. For those interested in staying, rooms have been reserved at Saybrook Point Inn and at Waters Edge Resort, both five-star properties. POST training credits are also available for appropriate courses.

www.cpcanet.org



Events & Notices

Amber Alert Kids ID Sessions

Sponsored by the Rotary Clubs of Connecticut. For additional info contact Bob Vetter, Danbury Rotary at (203) 748-1105. Saturday October 13th 9am-4pm United Methodist Church, Danbury

Greenwich Hospital Teddy Bear Clinic

Now in its 9th year, this fun afternoon of hands-on learning familiarizes children with hospital staff and procedures. Children ages 3-12, accompanied by an adult, are invited to bring their favorite stuffed toy or doll for evaluation and treatment by doctors, nurses, and other health professionals from more than 30 hospital departments and specialties. Depending on the diagnosis, x-rays, ultrasound, surgery, splints or stitches may be ordered. Plus, kids have a chance to check out lab microscopes and tiny surgical cameras, and learn about how to eat right, exercise and protect their skin from the sun. September 17th, rain or Shine 12 noon -3pm, free. Greenwich Medical Building Parking Lot, 49 Lake Avenue (behind the hospital). Park in staff lot on Lake Ave. Questions call (203)863-3627 or (888) 357-2409.

Safe & Sound Class

Dealing with issues of car safety and home safety for children from birth to age 5. Thursday September 20, 7pm at Greenwich Hospital. Call (203)863-3655.

AARP Safe Driver Program

From October 8th to October 9th 9am to 5pm at Ridgefield Crossings, 640 Danbury Road, Ridgefield. Call (203)431-2255.

Connecticut Child Care

A state approved course to prepare daycare personnel on how to prevent accidents, administer first aid, and to recognize the signs and symptoms of childhood illness. In addition, the class will cover rescue breathing, care for choking victims and CPR for infant and/or child. Sponsored by the New Canaan chapter of the Red Cross, September 19th and 20th 9-4pm. Call 966-1663.

 **Commentary**

There is No Such Thing as a "Safe" Neighborhood



By **KENN VENIT**

Well-known television journalist, Founding editor The Justice Journal.

I know for a fact that the residents of at least three Connecticut households are now locking their doors and taking other crime-prevention measures as a direct result of the heinous crimes that befell the Petit family in their home in Cheshire in July. As you may recall, a mother and her two daughters were murdered after being forced to suffer horribly in their final hours alive.

The husband/father somehow survived a savage beating by the two perpetrators.

The suburban raised-ranch house my wife and I have lived in for over 35 years, and the nearby households of our married daughters, are now more secure as we came to realize there is no such thing as a "safe" neighborhood – suburban, urban, rural, or even on an island. However, there can be a "safer" neighborhood – if people take their personal safety more seriously, especially in regard to preventing what police call "home invasions."

Some chastised the media for treating what happened to the Petit family as an exceptionally significant story with national and even international impact. In my opinion as a journalist for over 40 years, this was unquestionably such a major story, worthy of the detailed and extensive attention it received and continues to deserve. This was not a matter of journalistic "sensationalism" just to sell newspapers, increase broadcast

ratings, and drive up the number of Web site "hits." This was a matter of a crime striking fear into the hearts of countless people who previously had felt "safe" – when they went shopping at the local supermarket, drove home to their suburban homes, and did not feel the need to lock their doors and windows. Because of the incredibly despicable acts committed against the Petits in their own home, many of us, perhaps for the first time, now see the need to be much more vigilant in our daily lives.

There are those of us who may have been stereotyping "terrorists" as Al-Qaida-type individuals, who kill, maim, and do-as-they-please as if they were entitled to do so. It is obvious to crime victims that "terror" does not require special funding, political objectives, or any special training for those who would be responsible for it. The Petit family was terrorized in many ways, just as students and teachers were terrorized at Virginia Tech in April. In both situations, those responsible for the terror were not connected to "terrorist" organizations – they were just criminals acting on their own behalf for their own reasons.

Perhaps the terrorism associated with 9/11 shifted too much of our attention to a *global* focus. It may have distracted some of us from actively working to prevent those whose quests are solely based on personal gratification and greed from invading our individual homes. Cheshire's highly-respected Police Chief Michael Cruess was quoted by the Associated Press as saying, "In Cheshire, we're not used to this type of event...It's a very unfortunate, tragic event that's probably going to reach right down to the core of the community." It did that – and much more. The AP also reported that Chief Cruess described the tragedy as being an isolated incident when he tried to reassure local residents that the town was safe.

Is any town "safe" from what the perpetrators did to the Petit family? I believe "safe" is an ideal, and that human nature may prevent it from being achieved. However, being "safer" is an achievable goal that can be reached immediately, if not sooner. So, what are you waiting for?

(Kenn is the immediate past president of the Connecticut Pro Chapter of the Society of Professional Journalists. He teaches journalism courses at Quinnipiac University and Southern Connecticut State University.)

Submit Articles

The Justice Journal will consider story ideas or the submission of manuscripts from qualified writers. Contact the editor for requirements.

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Letter from the Publisher



In the days immediately following the brutal home invasion murders of Jennifer Hawke-Petit and her daughters Hayley and Michaela in Cheshire, my email box began filling up with public outrage. Probably not since September 11, 2001, has the outrage in our state been so strongly voiced.

An online petition calling for tough, new legislation was signed by more than 42,000 Connecticut residents and within days, the usually slow, bureaucratic, wheels of the legislative process began to turn a little faster. People got involved and things started to happen. State government went into high gear to review practices and procedures.

All this action will force change, but unfortunately too many lives have already been lost.

In this issue we have examined a variety of stories which we feel all relate to this core issue. In Bridgeport we find that murders are going unsolved because witnesses are afraid to come forward. People that have witnessed crimes, people who were related to the victims in some cases, will simply not testify. Bridgeport is not alone in this crisis because it happens across the state.

In our story about the state's three strike law you'll learn that the law addressing repeat offenders has been on the books for years, but has rarely been used. The state has a process that requires sentencing reports to be a part of a parole evaluation, but compliance has been spotty.

In a third story we look at services that are available for crime victims in Connecticut. As a victim, residents have the opportunity to participate in the adjudication of their case, and there are support services to help them through the process.

The mission of this publication is to examine and report on law enforcement and public safety issues. We want to illuminate these needs and contribute to the public discussion that supports change and improvement.

As a society we need to actively participate in securing our community in order to prevent these tragedies. As we have seen with the citizen response to the Cheshire case, the voice of the people will make a difference.

We encourage you to add your voice and concerns to the process. Write to us at The Justice Journal, or to your local newspaper. Call or write your elected officials.

Do something. Get involved, that's the only way to make things happen

Sincerely,
Doug Johnston

Correction

A photograph illustrating the Yellow Dot program for safety in the August issue of The Justice Journal incorrectly identified participants at an event. In that photo on page one Al Sierocki, a paramedic with American Medical Response in Bridgeport, was explaining the Yellow Dot forms to Anne Chatlos of Fairfield.

Summer Creates Challenges for Coastal Police Units

By **CINDY SIMONEAU**
Correspondent

Summer may be the time for fun in the sun, but for police departments along Long Island Sound and the state's many rivers and lakes, the season's activities add a level of enforcement challenges.

Intoxicated operators, speeding or boating too close, and disabled vessels are the mainstay of the issues facing the police marine units. Patrolling and ensuring all safety laws and regulations are followed require a full-time, dedicated and certified unit. That's the conclusion reached by new Stratford Police Chief John Buturla, who with the help of city officials this summer, is able to change the past practice of a part-time effort into a full-time unit.

Three officers are dedicated to the enforcement effort on the water. Officers Joe Maida and Glenn Ponganis this year join veteran Marine Officer Edward Leary in patrolling Stratford's 14 miles of coastline. In addition to responsibilities along the coastal waters, Lt. Orlando Soto said the city also has a high level of water activity along the Housatonic River stretching to Shelton.

"IT'S A LARGE AREA to cover. With only a part-time unit we were only responding as needed; now we can

FAIRFIELD MARINE PATROL ACTIVITY IN 2006



98 Safety inspections
5 Registration expiration warnings
18 Tows
9 Disabled vessels
1 Suspicious vessel
6 Taking on water calls
6 Assistance to sailboats, windsurfers, kayaks
3 Assistance to Sea Tow
2 Marina vandalism calls

prevent things from happening," said Soto about the difference in the new unit.

As in other communities, the officers split shifts and are paired to cover the seven-day commitment and offer safety inspections for all boats.

Marine units throughout the state work in conjunction with the U.S. Coast Guard – in Fairfield County through the Eaton's Neck unit on Long Island, and in New Haven County through the New Haven-based unit – and the state Department of Environmental Protection.

With so much water to cover and the limited manpower, communities

are reliant on mutual aid coverage from the adjacent cities and towns. With the high level of pleasure and commercial boating activity traveling into and out of Bridgeport, including ferry service between the city and Long Island, Stratford and Fairfield are also providing assistance, and Bridgeport's marine unit under Lt. Bob Christie is constantly helping them. The same is true in lower Fairfield County among Westport, Norwalk, Stamford, and Greenwich departments.

"We couldn't do it alone; we must rely on each other to cover all of what happens out there," explained Fairfield Marine Officer Grant Dalling. They monitor each other's activities through VHF marine radio. The coverage includes backup for enforcement incidents as well as major events like the Independence Day fireworks along the shore.

"AT TIMES LIKE the fireworks, where we shoot them off from a barge, there are so many boats out there no one department could handle it. We know each other and work very well together," said Dalling, who along with Officer Greg Carroll and veteran Marine Officer James Wiltsie comprise Fairfield's unit.

All officers are captains licensed by the U.S. Coast Guard and many attend special training sessions concerning a variety of security issues on the water, including the fight against terrorism through Homeland Security. Most also have a longtime passion for the water and boating.

"Most of us come to this type of work through a love for the water. You have to start there, especially when you have days with extremely rough waters, and people operating boats and personal watercraft who are relatively new to it or in trouble," said Dalling.

Among the enforcement concerns departments highlight are boaters honoring the no-wake zones from shore, docks, buoys and other boats, and personal watercraft, including Jet Skis, windsurfers, and kayaks. Regulations are spelled out in the Connecticut Boater's Guide published by the state Department of Environmental Protection. Other major concerns are

boating under the influence, especially on the busy weekends and holidays, and speeding.

Towing stranded boaters is a major activity of the units. Officers suggest that all boaters purchase private policies for marine towing services.

Planning ahead can help avoid some problems. Officers recommend boaters carry enough personal flotation devices for all people on board their boat and have a boating fire extinguisher, VHF radio, flares for distress signals, and a cell phone that works on the water. They also suggest boat operators not only carry tide charts for each area they are boating, but learn how to read them with the help of a professional. Along the Connecticut coast there is a concern about sandbars, jetties, reefs, and proximity to swim areas.

AFTER A RECENT RIDE along the Fairfield beach, Dalling points out many people who hang over the side of the boats while they're moving. A common scene is bow riding with legs dangling over the side when the boat is moving. "People don't realize how extremely dangerous this is," he said.

When stopped, boaters usually are given warnings by the officers and, once an inspection of documents and required safety devices is completed, they are given some educational pointers. "We need to take each opportunity to educate them about the laws. Sometimes just a helpful reminder goes a long way. You'd be surprised how many times we hear boaters say they didn't realize something is the law. Now they'll have no excuse," said Dalling.

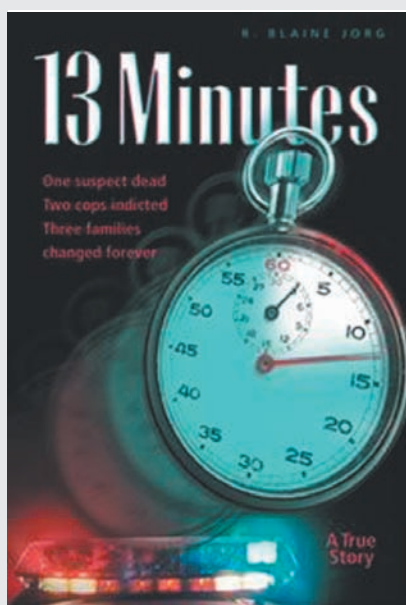
Maintaining a marine unit, like any other department function, costs money. Stratford needed to purchase new engines for its Sea Ark before the full-time change could go into effect. Fairfield has two Boston Whalers and a Jet Ski to maintain.

Some, like Fairfield, moor town boats in public marinas, while others, like Stratford, are given space at private marinas. Seasons for the units vary, but many span mid-May to mid-November.

MEASURING THE SUCCESS of the units comes mostly through word-of-mouth from boaters who offer appreciation for assistance or tips about problem activity. In Stratford, officers have seen a definite increase in interaction with the public.

"The visibility of the officers out there on the water has done wonders," said Soto. "Boaters tell us they see people being much more cautious. We have been able to make efforts to be proactive and to help boaters take preventive measures rather than just responding when they are in trouble. Response times are much quicker because the officers are out there on the water," said Soto.

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Horses Make Police Work More Effective in Park City

By **CHANDRA NILES FOLSOM**
Correspondent

In Bridgeport they think a police officer on a horse is a tough combination to top.

Home to the state's largest mounted patrol, horses have been a staple of the department for the last nine years, providing valuable access for officers while serving as a great public relations tool. Plus, they're a real bargain compared to the funds required to support a police cruiser.

"We are basically 12-feet tall and do all the things police officers do—like deal with crowds, and horses are appealing to the public," said Sgt. John Cueto, who has been in charge of the unit since 2000. "At Harbor Yard, there can be groups of 10,000 at the arena on any given night. And with the downtown area being built up and new people coming to town, it's the least aggressive means to deal with people. Also, in Bridgeport we are experiencing a renaissance, and horses take part in all ceremonial aspects of running the city, including parades, funerals, and dignitary functions. We work year-round, and horses have a working lifespan of about 20 years."

"Officers on horseback are much more visible—and not too many kids come up to cop cars, but they do approach horses, wanting to know their names and different things about them," explained Cueto. "So in terms of public relations, you can't do better than a horse."

There was some talk of motorized Segway scooters replacing the mounted unit in the Park City.

"They can complement mounted police but not replace them," said Cueto. "Imagine an officer on a Segway in a crowd-control situation as compared to

an officer on horseback. We are always up against fiscal aspects but when I have the opportunity to show people firsthand what a horse is capable of, there is no argument. In a crowd, it takes 20 cops on foot to do what six mounted horses do, in a far less confrontational way."

"We work eight-hour days from 9:00 to 5:00 p.m. on patrol in all areas of the city enforcing motor vehicle laws and tending to other disturbances," said Sgt. Cueto. "In the summer we patrol Seaside Park from Memorial Day through Labor Day, and the rest of the year we are out on the streets, at events, and at schools for demonstrations."

Established by former Mayor Joe Ganim in 1998, none of the officers in the Bridgeport Mounted Police Unit were experienced horsemen before they enlisted. The six officers who signed up went through a six-week basic training course, followed by a competency test and on-the-job training. Today they are a dedicated mounted unit.

The officers include: Charles Feyk, Edgar Perez, Herb Mack, Brian Grabinski, Thomas Choothesa, and Sgt. Cueto, who rides Lucky. The other horses are General Lee, Nightmare (the only mare), Amigo, T-bone, and Willy Wonka—all teenage quarter horses. Civilian Jorge Riveria prepares the barn early every day before the mounted police arrive. Each officer and his horse get one day off per week.

The horses have police badges, said Sgt. Cueto, who is also head of fiscal services. "Teenage horses have the best composition makeup and mindset and

are excellent for police work," he added.

The horses are not very expensive to maintain, according to Sgt. Cueto. "We have a service contract for horseshoes, and there is food, horse supplies, and veterinarians which come to about \$60K all together," he said. "So, keeping in mind that one squad car costs \$36K before maintenance, that's pretty cheap."

The City of New Haven, with four horses and officers, is the only other department in the state with a mounted patrol. That unit was started in 1983, and officials would like to expand it.

"People don't realize that mounted officers are no different than patrol officers," said Chief of Police Francisco Ortiz. "They are dispatched to calls for service just as are officers in cars, on motorcycles, and on bicycles. We have found our mounted officers to be especially effective in calming situations and maintaining order."

Last September, Assistant Chief of Police Stephanie Redding welcomed the newest member to the mounted unit—

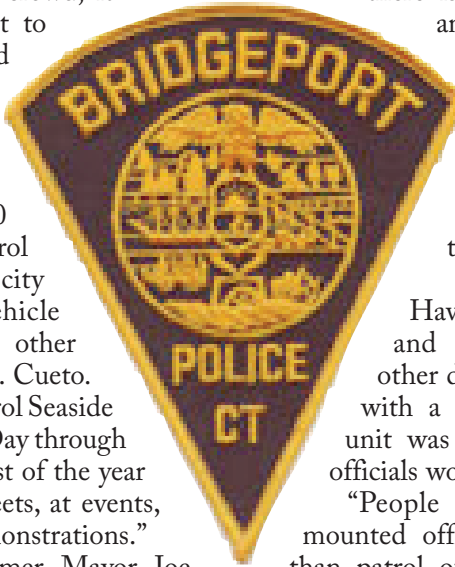
a 9-year-old Percheron cross who was donated to Patrol Officer Kim Roche by Greener Pastures, a horse rescue organization located in Salem, CT.

Redding spent four years as a member of New Haven's mounted unit and set up the Friends of the NHPD Mounted Unit fund in partnership with the mayor's office, to help with public funding. Additionally, New Alliance Bank opened an account for the Friends and is contributing seed funding.

Both New York City and Boston have recently increased their mounted units, citing all the advantages horses bring to police departments. Hartford could be next with a mounted police unit of its own.

The U.S. Border Patrol employs more than 200 horses, mostly along the U.S.-Mexico border. In Arizona, police horses are fed a special processed feed so that their waste products don't spread nonnative plants in the national parks and wildlife areas they patrol.

Mounted search and rescue responders also provide off-road logistics support and transportation. They move faster on the ground than a human on foot, transport more equipment, and may be physically less exhausted than a search-and-rescue responder performing the same task on foot.



Survivors Group Plans Dinner and Silent Auction

Survivors of Homicide, a support group for those who lost family or close friends to homicide, will hold its annual fundraising dinner and silent auction at the Mill on the River in Windsor on Sept. 29.

The event will run from 6 to 10 p.m. and tickets cost \$50 each. For information, to buy tickets, to donate an item to auction, or to volunteer for the fundraiser, call the SOH office at (860) 257-7388 or (888) 833-4764.

Survivors of Homicide is a non profit agency that has been providing victim advocacy for the families of homicide victims statewide for almost twenty five years. Survivors of Homicide serves not only those members that live in Connecticut, but also those who have

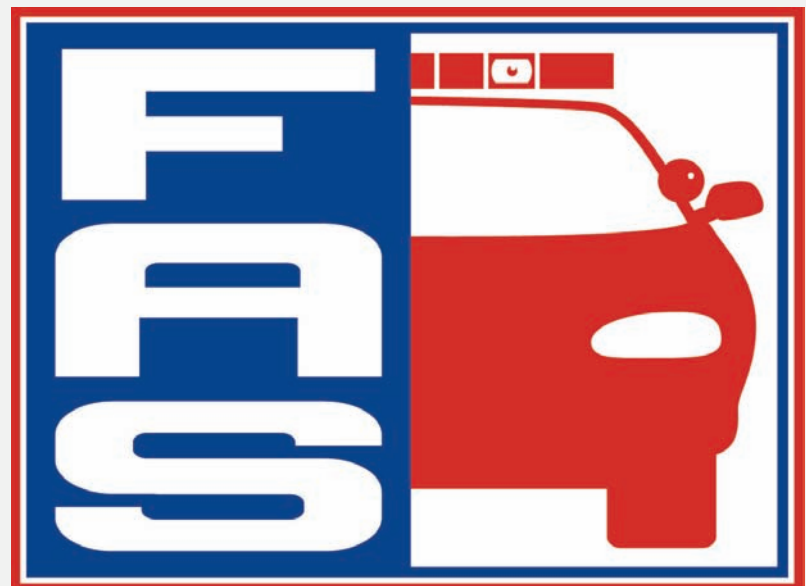
lost a loved one to violent crime in Connecticut who live out of state.

"With the Annual Dinner, we hope not only to raise vital funds to aid the families of homicide victims in Connecticut and beyond, but also to raise awareness of this pervasive and important issue," President Kimberly Sundquist said.

"Popular belief follows that homicide predominantly is an inner-city problem and targets those involved in illegal activities. This is a myth. The most recent Cheshire homicides remind us that this can occur in any neighborhood in any community. We need to support those impacted by such atrocities and would appreciate your support at our annual fundraising event," Mary Pellicci Hamilton, vice president, added.

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By **JENNIFER L. ZITO, ESQ.**
Meriden, CT

VERSUS

THE DEATH PENALTY: THE DEBATE CONTINUES AFTER 35 YEARS



By **JOSEPH T. CORRADINO**
Senior Assistant State's Attorney

In recent years, the citizens of Connecticut have experienced the emotional pendulum of the death penalty debate starting with the 2005 execution of serial killer Michael Ross—Connecticut's first execution in 45 years. With a defense lawyer advocating for the execution of his client, the Ross case offered a rare inside look at the harsh reality of life as a death row inmate. Two and a half years later, in the wake of the horrific Cheshire murders of Jennifer Hawke-Petit and her two daughters, the death penalty debate has swung back to the right with the public's outcry for swift "justice" by execution.

In the months prior to Michael Ross' execution, opposition to the death penalty in Connecticut was at a high; a 2005 Act to abolish the death penalty received its largest support in the legislature in recent history, failing to pass by a margin of 89-60.

Connecticut polls at the time suggested that its citizens favored life imprisonment without the possibility of parole over the death penalty. Since the horror of the Cheshire murders, proponents of the death penalty have gained considerable ground due to the

public's outrage and fear, revealing the true motives for capital punishment. While there is no denying the offenses of Komisarjevsky and Hayes inflicted on the Petit family rise to the most heinous level, the laws of a civilized society cannot be driven by vengeance, anger, or fear. Laws must be rooted in reason and serve a legitimate purpose.

While proponents of capital punishment argue that the death penalty deters crime, scientific studies have consistently failed to find convincing evidence that the death penalty deters crime more effectively than other punishments. Indeed, opinions by an overwhelming majority of criminal experts affirm that the death penalty has no deterrent value. (Radelet & Akers 1996). Housing a convict for life without the possibility of parole equally deters criminal misconduct and serves to more humanely protect society.

A common public misperception in support of capital punishment is that the death penalty is more cost efficient than incarceration. In reality, a death penalty case costs the taxpayers two to three times more than housing an inmate for life. The trials and

penalty hearings in capital cases cost society considerably more than non-capital cases due to the complexity and longevity of the process. The appeals process is protracted and the cost of execution itself exorbitant. As a result, victims are exposed to years of litigation and additional publicity forcing them to relive over and over the horror of the crimes.

In addition, capital punishment is arbitrarily imposed in Connecticut at the discretion of 13 individual state's attorneys in each of its judicial districts. As a result, Waterbury and Hartford have a disproportionate number of death penalty cases statewide. While state law delineates capital offenses, the state's attorney for each district ultimately decides whether or not to seek the death penalty, allowing for disparate treatment of Connecticut offenders. Nationwide, the death penalty is disproportionately applied in interracial cases, particularly where the victim is white, rendering its application in both instances discriminatory.

Most fundamentally, however, as the work of the Innocence Project nationwide illuminates, our system is not perfect. The finality of death closes the door on exoneration where the system has failed and intolerably permits the execution of the innocent. Since 1973, over 120 people have been released from death row with evidence of their innocence. (Staff Report, House Judiciary Subcommittee on Civil & Constitutional Rights, Oct. 1993 with updates from DPIC). From 2000 to the present alone, 39 inmates have been freed from death row and exonerated. Our Constitution was drafted to protect the liberty of the innocent even at the risk of setting a guilty man free. Certainly then it should be inferred that rooted in our system of justice is a mandate to protect the life of an innocent person at all costs. Abolishing capital punishment would satisfy this mandate.

The current trend worldwide is to abolish the death penalty, evidencing a global disdain for capital punishment. Over 50 countries have abolished capital punishment since 1990 with two-thirds of the world's countries currently having abolished the death penalty in law or practice. Rwanda has become the latest country to abolish the death penalty while the U.S. keeps company with China, Iran, Pakistan, Iraq, and Sudan in carrying out 91 percent of all known executions. Ironically, the United States, one of the most civilized societies in the world, stands among a minority of cultures worldwide practicing capital punishment with Connecticut shamefully among them.

It is hypocritical to criminalize the taking of human life while killing in the name of punishment. Absent a legitimate legislative purpose, capital punishment is excessive and "cruel and unusual" punishment in violation of the 8th Amendment to the United States Constitution. While we are all outraged by the Cheshire murders, we cannot let that emotion cloud our vision relative to this debate. Our system of justice represents our

In the last 35 years no legal issue has generated more passionate debate than the death penalty. In 1972 the United States Supreme Court landmark decision in *Furman v. Georgia* held that Georgia's death penalty violated the Eighth Amendment's ban on cruel and unusual punishment. Four years later the Supreme Court approved a restructured death penalty law in Georgia.

Since then the issue has been the subject of a multitude of court challenges, highlighted in this state by the recent execution of serial killer, Michael Ross

In 2001 the American Bar Association established the Death Penalty Moratorium Implementation Project, to monitor and promote progress toward a nationwide moratorium, and today there are active moratorium campaigns in 36 states.

In 2000 then Governor Ryan of Illinois imposed a moratorium on the state's death penalty, citing the fact that since 1977, 13 death row inmates had been exonerated.

The Cheshire home invasion case has put the issue squarely in the spotlight again in Connecticut. TJJ has asked two prominent members of the Bar to share their views about capital punishment.

"A system that will take life must first give justice."
-- Former ABA President John J. Curtin, Jr.

democratic process, libertarian ideals, and humanity to the world; capital punishment denigrates our judicial system and us as a nation.

Jennifer L. Zito is a solo practitioner from Meriden, CT, specializing in criminal and civil litigation. She graduated from Smith College with a B.A. degree in 1984 and the University of Connecticut School of Law in 1988. She began practicing 19 years ago with the Bridgeport firm of Zeldes, Needle & Cooper. Three years later she joined the firm of Axelrod & Teague in Meriden where she became a partner in 1994. With the semi-retirement of her partner, Robert Axelrod, she continued their practice as a solo in Meriden where she remains today. Attorney Zito is an officer on the executive committee of the Connecticut Criminal Defense Lawyers Association and actively worked to ban the death penalty in Connecticut in 2004-2005. Among other well-known defendants, Attorney Zito represented Haiman Klein in the infamous New London capital murder-for-hire case involving co-defendant Beth Ann Carpenter. Most recently she represented Heather Tallchief in a well publicized Las Vegas case involving the largest unsolved casino heist in U.S. history.

"I didn't want to hurt the man. I thought he was a very nice gentleman. Soft-spoken. I thought so right up to the moment I cut his throat."
-- Truman Capote, *In Cold Blood*

Why should there be a death penalty? Justice requires it. Connecticut law recognizes that individual crimes and criminals each present very different sentencing issues. The range of sentences appropriately varies even among broad categories of crime. Sentencing is a case-by-case enterprise that addresses the unique circumstances of the crime and the criminal and must be proportionate to the wrongdoing.

Indeed, most murders do not, and probably should not, support a sentence of death. Some crimes, however, are so horrible and their perpetrators so evil that nothing short of death approaches justice. There is a profound

qualitative difference between a street shooting of a rival drug dealer and the torture-rape-arson murders in Cheshire. Removing the death penalty as an option debases the currency of criminal sentencing.

Most objections to capital punishment do not bear up under close scrutiny. Many people claim that life in jail is worse than death. "Let them sit and think about what they did" is a frequent comment in capital trial voir dire. This is just foolish. The psycho-sexual killer does sit and think about it, reliving his thrill at the crime, revictimizing his victims in his mind day in and day out. Even for those capital felons who are not sociopaths of the Ted Bundy variety, life in jail is a situation to which they adapt. These criminals have visits from family, commissary privileges, television, radio, books, and letters. Criminals incarcerated for life adapt to the reality of a universe consisting of their cell, the day room, the shower, the gym, and the exercise yard. Their victims adapt to the ground around them.

Some people complain that capital litigation costs too much. The interminable appeals will not go away if the death penalty is abolished. Even now, very few sentenced prisoners for any crime placidly accept their sentences and forgo appeals, habeas corpus petitions, and appeals from denial of habeas relief, all funded at taxpayer expense under Connecticut law. The same postconviction proceedings will prevent finality in life sentences as they now do in death sentences.

Others claim that death sentences are the product of incompetent lawyers. This is absurd. Connecticut's worst murderers are represented by some of Connecticut's best criminal defense lawyers. The public defender's capital defense unit and their outside special public defenders are a collection of subject matter experts bar none. The fact that only one psychosexual serial killer has been executed since the return of the death penalty is eloquent testimony to the quality of representation afforded capital felons in Connecticut.

Critics charge that the delay in imposing the death penalty is a reason for its abolition. Some of this delay is

a deliberate defense strategy. Other aspects are the product of the necessary appellate process. While justice could and should be meted out more swiftly, it should not be hasty. The pace of justice is not a reason to dispense with justice.

The death penalty remains an important element of a logical continuum of punishment. It reminds us, even when infrequently imposed, that some crimes cannot be forgiven and some criminals cannot be redeemed. It is society's recognition that some criminals and some crimes are not merely the product of a misguided conscience, but are truly evil. It is an affirmation of Cicero's ancient admonition that "the punishment shall fit the offense."

Joseph T. Corradino is a senior assistant state's attorney for the judicial district of Fairfield where he is responsible for

prosecuting major felony cases, including capital felonies. Prior to joining the division of criminal justice in 1990, he practiced law in Hartford, CT. He was admitted to the bar in 1988. Since 1994, he has served as an adjunct professor at Quinnipiac University Law School. He has also served as an instructor for Housatonic Community College, the Bridgeport Municipal Police Academy, the Connecticut Bar Association, the Greater Bridgeport Bar Association, the Fairfield County Detective Association, and the Connecticut National Guard Military Police. He is a captain in the Connecticut Army National Guard where he serves as a command judge advocate. Mr. Corradino received his juris doctor in 1988 from the Catholic University of America, where he was chosen for the Law Review. He resides in New Haven where he is active in a number of community organizations.

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Connecticut Communities Observe National Night Out to Create Crime Awareness

By **LEISA TAYLOR**
Correspondent

At least 21 Connecticut communities, among them Bethel and Stratford, helped celebrate the 24th annual National Night Out recently with activities ranging from drug awareness and crime prevention tips to face paintings and coloring contests.

"With National Night Out, the purpose was twofold," said Jack Cratty, former crime prevention detective with the Stratford Police Department. "First, we wanted to get Crime Watch's name recognition back out into the community. We also wanted to give back to the community through these types of events. All the feedback was positive. I think both the old and young were surprised that on a Tuesday night in the middle of August, there was so much to do, and everything was free."

"If you don't know who your neighbors are, you won't know who may be wandering around in your neighborhood," Cratty said. "We can't have a cop on every street corner and in every backyard, so we need the citizens to help out. We need neighbors to be the eyes and ears of the public."

Cratty is the current president of Crime Watch of Stratford, a citizen's involvement program where citizens, in cooperation with their local law enforcement, directly participate in the detection and prevention of crime. A 30-year veteran of the Stratford Police Department, Cratty organized Stratford's National Night Out along with Stratford Detective Brian Budd, the current crime prevention officer. The events are sponsored by the National Association of Town Watch.

Cratty estimated that between 500 and 600 people attended the National Night Out in Stratford. Attorney General Richard Blumenthal was on hand, and other highlights included the Official Target #41 NASCAR Dodge, a Rollover Simulator from the CT Chiefs of Police Association showing the effects of not buckling your seat belt, and the "Convincer" from the CT State Police. The event was sponsored through a partnership of Crime Watch of Stratford, the Stratford Police Department, Target stores, and Sikorsky Federal Credit Union. Target is also the national sponsor of National Night Out.

"We're already planning for next year,



Stratford Community Resource Officers Robert Burroughs (left) and Brian Oliver discussed the importance of bicycle safety and helmets with attendees.

and Sikorsky has already signed up and budgeted money," Cratty said. "I had two or three community-spirited people want to volunteer with Crime Watch just because of this (National Night Out) activity. This is about banding together and watching out for each other. Senior citizens can especially be a great asset because they're often home a lot."

Cratty said the value of local Crime Watch efforts is critical. "A couple of years ago, some condominiums were having a lot of car thefts," he said. "So the owners organized a Crime Watch, and lights and surveillance cameras were put in the parking lot. The rate of about 20 car thefts a year was reduced to about two thefts per year. And the people felt safer because the parking lot was so well lit."

Cratty reiterated the bottom line: "If

you see someone and it doesn't look right, call the police department. You pay your taxes, and that's what we're here for. Don't hesitate to call the police, because it's always better to be safe than sorry."

Stratford resident Martin Barrett echoed Cratty's sentiments. "Crime can go anywhere and everywhere," said Barrett, who has volunteered for National Night Out for the past four years. "Crime goes to beautiful neighborhoods, and criminals go to clean, safe neighborhoods. People have to know who their neighbors are. National Night Out is about keeping your community safe by knowing your neighbors."

Barrett was one of the many volunteers at the National Night Out in Stratford held at Longbrook Park. "Crime Watch and National Night Out are concerned with not waiting until some crime



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Photos of the Stratford Night Out are courtesy of Martin Barrett of BarrettFam Creations.



On Target in Stratford. Local employees of Target Stores, a national and local sponsor of the event, were proud of the company's NASCAR Dodge which was on display. Shown here are Lauren Rouso, Michele Wiczorkowski, Cheryl Bevaqua and Shane Nielsen.



Proud winners of the Crime Watch poster contest are congratulated by Stratford Mayor James Miron, Connecticut's Attorney General Richard Blumenthal, WICC personality Brian Smith, Jack Cratty, a retired Stratford detective who organized the event, and Detective Brian Budd, who serves as Stratford's crime prevention officer.

happens," said Barrett. "It's about getting people's mindset to think about crime before it happens. It's not about crime, it's about crime prevention." Barrett himself took more than 200 photographs of the event which can be viewed on his website, www.barrettfam.zenfolio.com.

Barrett tells an interesting story about how he first got involved with Crime Watch. "When my wife and I moved to Stratford, I didn't want to be a typical homeowner – buy a house and that's it. I wanted to know my neighbors, and I wanted to get involved in keeping the community safe. The previous owners of our house had a sticker on the refrigerator for Crime Watch of Stratford, and I went to a meeting because I wanted to start a Crime Watch group in my neighborhood.

"I then went door-to-door and introduced myself to all my neighbors. I also made a flyer and invited everybody over. About seven homeowners showed up, which is a good number. About eight months afterwards, we blocked off our street and held a Crime Watch initiative with McGruff the Crime Dog and child identification kits.

"Even kids need to be aware

nowadays, such as what are, and what are not, familiar cars. I was outside one day mowing my lawn, and some neighborhood kids ran up to me and said, 'Mr. Barrett, Mr. Barrett, there's this yellow van that's gone up and down our street about five times.'"

According to a National Night Out press release, last year's campaign involved groups from over 10,000 communities from all 50 states, U.S. territories, Canadian cities, and military bases worldwide. In all, over 34 million people participated in the 2006 National Night Out. Some 21 communities in Connecticut were registered for 2007's National Night Out. For example, the city of Manchester opened up Northwest Park for free child safety seat inspections, child fingerprinting, face painting, a rock climbing wall from the National Guard, and a K-9 demonstration.

In Bethel, the Target store cordoned off part of its parking lot to host a variety of activities for National Night Out. "This is the third year Target has sponsored this," said Evan McBride, the store's executive team leader for assets protection. "Target gives tons and tons back to the community, and National



Stratford Detective Brian Budd gets some help drawing a raffle prize from one of the event's younger participants.

Night Out is another way to give back. We're here to celebrate law enforcement's presence in the community. We want to foster and support cooperation with law enforcement."

According to McBride, approximately 100 people were in attendance. "I would definitely call the event a success," he said. "Compared to some other National Night Out events in the tri-state area, it was smaller in size, but it was still the first time our store location and the community have ever taken part. That in itself is a big win for us."

McBride and his assistant, Jayme Valaitis, recruited several organizations in Bethel to participate, including police and fire departments, lacrosse, Parks & Recreation, and local radio station Y105.

"Target called us and asked us to participate," said Bethel Police Corporal Ralph DeLuca. "This is our police department's first year with National Night Out. It's a chance for the community to meet our officers and see some of what we do. We get a chance to disseminate information to the public, and it sets a tone of neighborliness. Cohesiveness (between the community

and law enforcement) is always going to help deter crime."

Two Bethel High School students, Shanzay Haider and Yasin Binda, are volunteers with the Bethel police, and both attended to help fingerprint children and pass out pamphlets about drug awareness. "It's good for children not to take drugs," said 17-year-old Binda. "I've seen first-hand what drugs can do. I've seen students smoking in the bathroom, and there's some selling of drugs. We need to keep kids away from that."

Families shopping at Target that evening naturally drifted over to the events in the parking lot. Danbury residents Walter and Laurie Orgera and their two sons were some of the first to arrive. "Target is a good place to have it (National Night Out)," said Mrs. Orgera. "I know a lot of families that shop here, and it's a great thing to do."

Bethel residents Cindy and Richard Aponte also attended with their two sons. "National Night Out is a great idea," said Cindy. "My neighborhood is wonderful, and we all take care of each other. But nowadays, anyone can be a bad guy, and you have to keep watch."



Shanzay Haider, at right, helps Danbury parent Walter Orgera fingerprint his son, Jack at the Bethel Target store.



Members of the Bethel Police Department were on hand to speak with attendees and offer advice. From left to right are Detective Ralph DeLuca, Corporal Robert Durkin, Sergeant Michael Libertini and Corporal Peter Delohery. With them in the cruiser is McGruff, the Crime Dog.



Due Process

RICHARD T. MEEHAN JR.



Trial by Jury - Individual Voir Dire: A Right or Abuse?

The mail arrives and there is that dreaded notice from the Clerk of the State Superior Court: you have been summoned to jury duty. Viewed by some as a nuisance and by others as a necessary obligation of every citizen, jury duty – and especially the process of selection – can seem burdensome.

Prior to the institution of Connecticut's one-day jury system, those summoned to jury duty were required to devote two weeks, often sitting through the selection process, and sometimes trials, a number of times. Today, those summoned are required to attend for one day unless selected to serve on a case. Over 525,000 people are summoned annually, and of that number, 80 percent complete their service in one day. If you are not selected to actually sit on a trial, you may not be called again for four years.

Potential jurors are drawn from four sources: licensed drivers, registered voters, taxpayers, and those receiving unemployment compensation.

The process of jury selection is known as voir dire, an Anglo-Norman phrase which means "to speak the truth." The concept of voir dire is at the heart of the American jury system.

The basic process is similar in state and federal courts throughout the country. Citizens are summoned to the courthouse where they eventually will be questioned in an effort to determine whether they possess any disability or preconceived bias that would prohibit their service in a given case. The process is generally the same in civil and criminal trials, with some exceptions noted later.

Lawyers are allowed a prescribed number of peremptory challenges. These challenges can be exercised without explanation; however, they must be exercised in a racial- and gender-neutral fashion, or be subject to court challenge. Lawyers may also ask the judge to excuse a juror for cause if, based on the juror's responses, the court determines that the juror cannot keep a fair and open mind.

Voir dire in the federal court differs dramatically from the process in our state courts. Federal trials employ the box system of voir dire. In most cases the court assembles the group summoned for a particular trial in the courtroom for an initial introduction. Generally, the lawyers have submitted a list of voir dire questions that the judge then puts to the panel. Based on juror responses

the court conducts further inquiry of the juror, in some instances allowing the lawyers to question that person as well. This additional questioning is generally conducted outside the hearing of the remaining panel members. In complex cases lawyers will request the opportunity to submit written questions to the panel in advance of the voir dire. Time is then allotted for the lawyers to review the responses and seek agreement on those who should be excused in advance of the actual voir dire.

Connecticut's state selection process is unique in that lawyers, and not the court, conduct the voir dire questioning of each prospective juror, in the absence of the others. In criminal trials the judge is required to attend the voir dire, to protect the accused's constitutional rights. In civil trials, following the opening remarks, the judge retires to chambers and allows the lawyers to conduct the voir dire. The judge will return to rule on challenges for cause or objections to voir dire questions.

Connecticut's Constitution of 1818 provided, in Article First, Section 21 (now Article First, Section 19): "The right of trial by jury shall remain inviolate." In 1972 our Constitution was amended, giving the process of individual voir dire special status.

Critics of the process have long sought the elimination of individual voir dire in the name of judicial expediency. Most procedure in our state courts is set by the Rules Committee of the Superior Court, made up of members of the judiciary. The legislature and the courts have often debated the extent of the power of the General Assembly to set court policy as opposed to the judiciary's Rules Committee.

The Constitution derives from the will of the populace; as such, it is not subject to political whims or judicial expediency. Thus, the sanctity of the rights encompassed in trial by jury, and in particular the right to individual voir dire, cannot be altered or amended by either body because of its Constitutional underpinnings.

The chief criticism of our state selection process is the time it adds to trials. Voir dire in felony trials or complex personal injury cases can take days or even weeks. The more complex the case, the longer the process, as lawyers strive to determine whether a potential juror has preconceived ideas that would impact the decision process in that particular case. Critics point out the additional expense to litigants from the process.

In personal injury cases (including complex malpractice and wrongful death cases) the plaintiff's attorney is paid on a contingent fee basis. Defense counsel is paid either a daily attendance fee or hourly. For plaintiffs there is no additional cost from the time needed to complete

voir dire.

In criminal cases, privately retained lawyers charge in a variety of ways. Some attorneys will set a flat fee to handle the case from start to finish, irrespective of whether there is a trial. Others will charge a daily trial fee. Many bill by the hour. Daily and hourly rates vary with the level of skill and reputation of the lawyers. Those retaining the most experienced defenders will pay a premium, and the length of voir dire can add considerable expense to a trial.

Public defenders, lawyers employed and paid by the state, handle nearly 80 percent of the serious criminal cases in the judicial district courts. In the instances where those cases are tried, the additional expense from individual voir dire is not passed on to the litigants but admittedly does tax the system.

Skilled defense lawyers pride themselves on the ability to conduct a probing voir dire examination, believing that many cases can be won by setting the stage for the defense with a skillful voir dire. Whether the cost to these litigants is or is not burdensome is a decision for the litigants alone. The accused that can afford the best legal representation wants a searching voir dire to ensure that there are no jurors with preconceived biases.

As litigators we are seeking jurors who are principled, intelligent, and able to persuade. The individual voir dire process allows us to hear each juror articulate and puts us in the best position to judge whether that person appears fair and open-minded. Although the process may seem burdensome, if you are on trial, facing years of incarceration, you will want every assurance that those who will judge you are capable of doing so fairly. Without searching questions you will not truly know that a jury of your peers is judging you.

More information on Connecticut's jury system can be obtained at www.jud.ct.gov/faq/jury.html.

*Commentary and answers to your questions about legal issues will be provided by one of Connecticut's premiere trial attorneys, Richard T. Meehan Jr. of Bridgeport's Meehan, Meehan & Gavin (www.meehanlaw.com). Meehan is a nationally certified criminal trial specialist and a charter fellow of the Litigation Counsel of America, Trial Lawyer Honorary Society, as well as a former adjunct law professor. He has handled some of Connecticut's highest-profile criminal and civil cases. He can be seen as a law commentator on local and national TV, including Court TV's *The Best Defense with Jami Floyd*, and *Courtside with Ashleigh Banfield* and *Jack Ford*. Rich is a frequent contributor to the blog, *Cool Justice* (www.cooljustice.blogspot.org). He writes a weekly column on legal issues for the *Norwich Bulletin*. E-mail your questions to: Dueproces@thejusticejournal.com.*

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What If...?

By **CAPT. GARY MACNAMARA**
Fairfield Police Department
Special to The Justice Journal



What If You Were Confronted with Road Rage?

On August 1, 2007, Rosa Maguire from South New Jersey received fatal injuries after her husband, while driving, almost hit another car that was pulling out of a driveway.

Did the car crash, roll over, or hit a tree? Did Rosa fall out when the car swerved? None of these was the cause of her death. In fact, she wasn't even in their car at the time. Rosa was killed during the events that followed. The operator of the other car followed the Maguires home, then damaged their car and fled. Rosa got in the vehicle with her husband to chase the other vehicle, and she was run over by the other driver when the drivers of both vehicles stopped to continue the argument.

Less than a month earlier, a 14-year-old from Philadelphia was killed while riding his bike across a street. He didn't fall off or get hit by a car. The occupants of a car felt he wasn't getting out of their way fast enough, so they shot and killed him.

These may be two extreme examples of what can happen when drivers lose control of their emotions, but they both show how these events born of a minor misunderstanding or misinterpretation of someone's actions can escalate into tragedy.

The term for this is "road rage" – that quick, overwhelming, and uncontrollable level of intense anger that a driver can exhibit while driving. This unpredictable anger often leads to serious retaliation. As Will Rogers once said, "People who fly into a rage always make a bad landing."

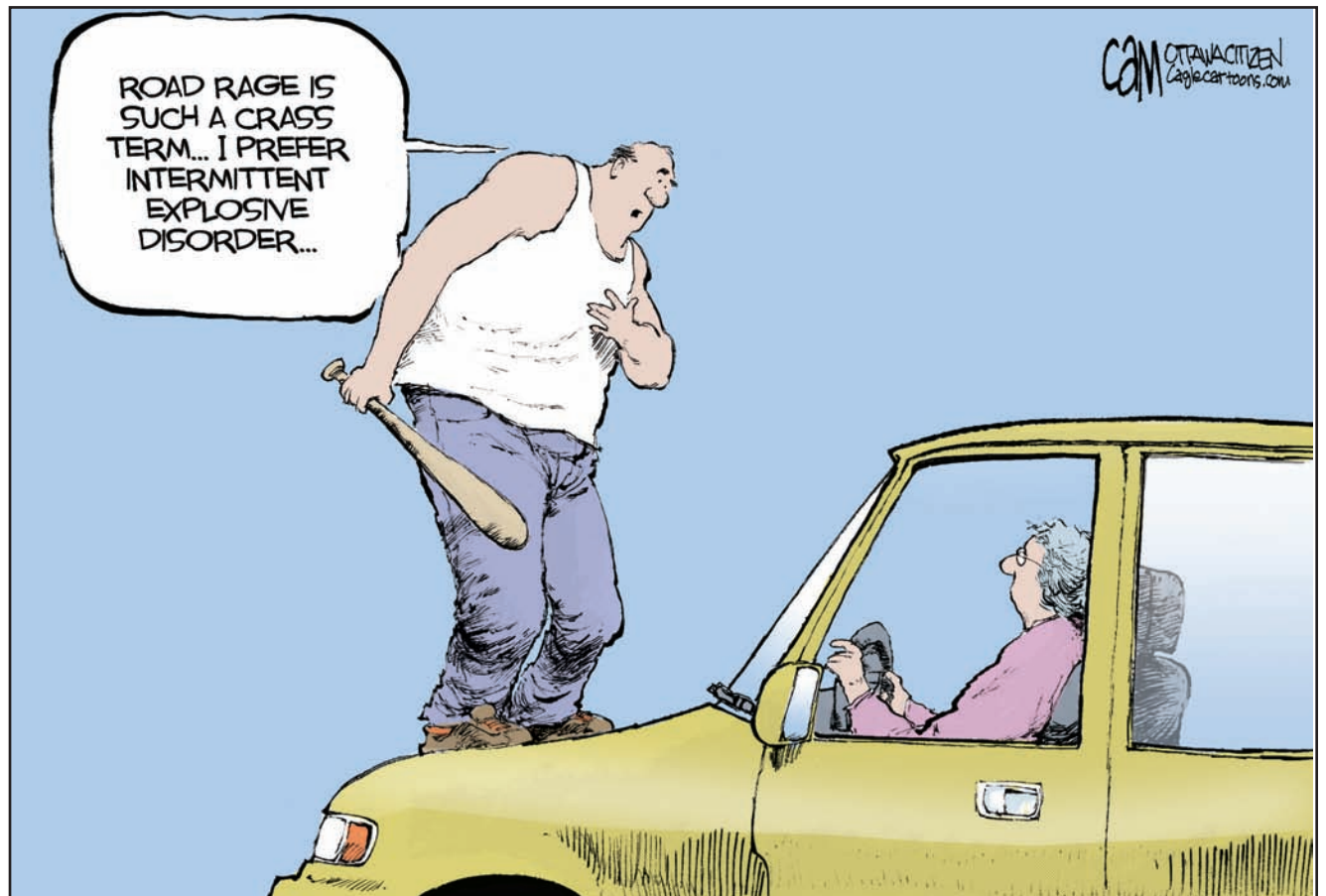
What if you become entangled in a road rage incident? Should you stop, call the police, or continue driving? What if you yourself become angry while driving? Are there things you can do to ensure you don't lose control?

Every day, reports of serious accidents remind us of how dangerous operating a motor vehicle can be. The tragic accident in Bristol, CT, last month where four teenagers were killed reminds us that concentration, caution, and care should be used every time you operate a motor vehicle. During driver training we're taught the "Rules of the Road" to operate a motor vehicle safely. The National Highway Traffic Safety Association (NHTSA) reminds us throughout the year to keep safe, with campaigns such as "Click it or ticket," "Over the limit – under arrest," and other public service announcements to drive safely.

Over time, all drivers develop their own driver personality, where they get comfortable and confident with their driving and expect others to operate in a similar manner. The problems can begin when other drivers don't meet our expectations. Comedian George Carlin in the 1980's probably best summed it up when he described the maniacs as driving faster than us and the idiots as driving slower than us.

Combine our own driving expectations with the additional stress while driving, and it becomes clear why so many people become angry behind the wheel. These additional stressors can be seen in increasing traffic, road construction, increased driver distraction, stress at work or home, and now, as the Minneapolis bridge collapse has reminded us, an aging infrastructure.

There also appears to be a greater number of aggressive drivers, who tailgate, run red lights, speed, and swerve in and out of traffic as they drive. Some often mistake road rage with aggressive driving, but the two are not the same. Aggressive drivers often lead others to feel rage and therefore escalate the anger to a point where physical injury or a criminal act occurs. Aggressive driving, while extremely dangerous, is a combination of motor vehicle violations, where drivers disregard their safety as well as others', and don't follow the generally accepted "Rules



DRIVING SMART PREVENTS PROBLEMS

- Always follow the "Rules of the Road."
- Avoid driving when angry.
- Plan ahead and leave plenty of time to get to your destination.
- Avoid driving aggressively.
- Don't take the actions of other drivers personally.

of the Road." Road rage often results from aggressive drivers but may also develop from other events.

Is there a way to tell if you are beginning to exhibit signs of road rage? While driving, have you ever gotten mad at another driver's behavior? Have you ever thought or uttered one of these remarks: "He cut me off"; "She wouldn't let me pass"; "I let him merge and he didn't wave to thank me"; "She can't honk her horn at me"; "She took my parking space"; "He can't tailgate me"; or "Nobody gives me the finger." Although these thoughts don't mean you suffer road rage, if these thoughts lead you to change your driving behavior, it may. If another person's actions lead you to drive more aggressively to "get even," you may be at the beginning of a road rage incident.

What if you find yourself driving more aggressively to get even? First of all, realize these are your emotions, not the other driver's. The other driver may have no idea what he or she did—whether it was something you didn't expect, or an act that made you angry. After all, other drivers have their own stresses and expectations and are completely unaware of yours. It is usually less likely a personal attack on you, and more likely a bad driver. Rather than trying to get even, drivers should stay clear and report unsafe drivers. If the event is not an unsafe act

but a lack of driver manners, you should accept it for what it is and avoid escalating it to unsafe acts. Increasing speed, intentionally decreasing speed, or retaliating more aggressively may only turn a trivial act into a dangerous, unpredictable act.

What if you become entangled in a road rage incident, where someone is angry at you or your behavior? First of all, realize when a person exhibits extreme signs of anger, it is hard to determine his or her motives or intentions. Is the person just angry, or does he or she really want to confront and hurt you? Is the person armed? Does he or she have a criminal record? How far will this person take his or her anger? After understanding the unpredictability of the situation, you should yield and allow them to pass or move on. Usually the driver will move on and avoid letting their anger develop into road rage. If they fail to disengage, you should avoid taking an aggressive stance, and do not stop to try and explain or fix the situation. Instead, call the police and explain the situation, describing both vehicles and specifically where you are. Wait for police to intervene. If you are unable to contact the police, maintain your safe driving and drive to a police station or crowded area to seek help. In these situations it is better to be safe than to underestimate the circumstances.

Remember that although we all lose our cool at some time or another, we should never lose our head. Avoiding road rage incidents can start with you. Avoid driving when angry. Plan ahead and leave plenty of time to get to your destination. Avoid driving aggressively, continue to follow the "Rules of the Road," and don't take other drivers' actions personally. Above all, remember that driving a vehicle, while convenient, is dangerous if not done safely. Everyone should agree that – while dangerous – almost hitting someone while backing out of a driveway or failing to ride a bicycle out of the road, clearly should not result in the person's death, but getting someone to realize that while engaged in road rage is extremely difficult. It is a lot easier to get them to understand it prior to turning them into a rage.

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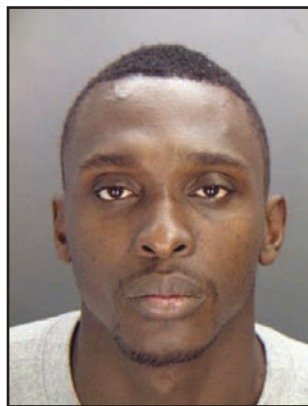
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Shot and killed January 1st, 1999 on William Street and Armstrong Place.



George Ortiz
Shot and killed on March 11th, 2001 in a club on North Washington Avenue and River Street.



Rafael Gomez
Shot and killed on October 17th, 2003 at Stratford and Fifth.



Donavan Lyons
Shot and killed on March 27th 2004 at Suggests Lane.



Jason Hardy
Shot and killed on August 30th, 2006 at 1315 Noble Avenue.



Leroy Brown
Shot and killed on January 1st, 2007 on Fifth Street.

Silent Witnesses—

Continued from page 1

license plate number and call on their cell phone while keeping track of where they are. Not with homicide. People around here are literally getting away with murder.”

A male witness who sat next to the killer in the backseat of the SUV on that fateful night testified; however, Denese said the killer's family and friends packed the courtroom to intimidate him, and death threats were left with the mother of his child leading up to the trial. Nevertheless, the defendant was found guilty and sentenced to 60 years.

“This code on the street is sickening, because you say something but you're not going to say who is involved, who did it and why,” Denese said. “It's ridiculous. It sickens me. If it were their brother or their sister, I guess they would handle it differently.”

Both Denese and Tenn said the victims often try to exact retribution themselves rather than going to police, causing an endless cycle of violence.

‘Snitches wear stitches’

On June 7, 2004, a group of New Haven youths tried to rob Jason Craggett, 22. Craggett decided to make a run for his grandmother's house on Vernon Street – and he almost made it. But as he bounded the steps on his way toward the front door, he was shot in the back and killed.

“I truly believe if someone kills someone in your community and you know who it is, you should tell so they can't hurt anyone else,” Craggett's mother, Trina, said while sitting in the kitchen of her apartment. “If not for so-called snitches, [the killer] wouldn't be doing 30 years.”

Craggett does not like the fact that witnesses to crime are referred to as “snitches,” because of the word's negative connotation. But the national “stop snitching” campaign has become so big that “Stop Snitching” T-shirts and caps have become a popular fashion statement in urban areas. The designs usually display the words “Stop Snitching” inside of a stop sign.

Craggett's daughter, Shayna, 23, has seen people wearing the shirts. “I saw a shirt that said, ‘Snitches wear stitches,’” Shayna said. “It tells you it's on you now. You have to worry about your life and your well-being.”

Shayna said city residents refer to drugs as “the game,” adding the “don't snitch” mentality is, “I won't tell on you, so you can get yours.”

Supporters of the clothing cite freedom of speech and argue that it is a message to criminals who get caught and point the finger at someone else to save their own skin. But many in the law enforcement

- Continued on next page

Silent Witnesses—

Continued from page 16

community see it as an intimidation tactic to scare off witnesses. During a trial in Pittsburgh, prosecutor Lisa Pellegrini was stunned to see her own witness show up for court wearing a “Stop Snitching!” shirt and cap, according to published reports. And a number of courthouses have banned the clothing.

Shayna and her mother said witnesses are considered snitches regardless of whether they participated in a crime and want to save their own skin or if they were an innocent bystander trying to protect their neighborhood.

Cecil Young, 57, a city sheriff and community activist who has lived in Bridgeport his entire life, said he has not seen many of the T-shirts in Bridgeport.

“They may come here like a flood in the next 24 hours,” he said. “Because those T-shirts can prevent us from doing what we need to do to protect our neighborhood, we need to have T-shirts that say ‘So be it.’”

Shayna said young people put peer pressure on each other not to snitch rather than pressuring adults, who they expect to talk to police.

“It’s a whole campaign,” Tenn said. “Hip hop star Lil Kim, someone kids look up to, went to jail for not talking about a crime in New York. You become a martyr. People respect you for going to jail for not talking.”

NBA basketball star Carmello Anthony was briefly seen in a controversial video featuring two gun-wielding drug dealers threatening would-be snitches. The controversial “Stop Snitching” CD has been sold on streets in Baltimore, MD. Anthony has taken some heat for the video, but he did not verbally condone the threats of violence on film.

The Peeler factor

Recent news of the sentencing proceedings for Russell Peeler Jr. served as a stark reminder of what happened to an 8-year-old boy who was willing to testify against Peeler for Bridgeport residents. B.J. Brown and his mother, Karen Clarke, were gunned down in cold blood on January 7, 1999, before Peeler’s murder trial. Police found groceries by the door of Clarke’s duplex the following day. She had been shot several times while trying to flee, and her son’s body was found on the top of the stairs.

“The Peeler case, that scared the daylights out of people,” Young said. “It ran them totally crazy, because it showed the kids’ mentality to do anything to protect what they have. It was the most inhumane thing that they did. Drugs, money, and power can make you do crazy things to keep them.”

“It’s the mindset of people now, not just teenagers, you have a lot of adults,” Tenn said of not snitching. “Fear of retribution, retaliation, you can understand that. But how long can you be a prisoner in your own home?”

Tenn, who has been a Bridgeport

police officer for 14 years and a detective for nine, said the Bridgeport Police Department’s Detective Bureau solved almost 90 percent of its homicide cases from 1998 to 2000. But though the murder rate has dropped in the city over the past few years, Tenn said cooperation with police has also fallen.

Despite advances in investigatory tools such as using DNA evidence, Tenn said about 99.9 percent of homicide cases are still solved through the cooperation of witnesses. “It takes forever to get information back from toxicology,” he said of DNA evidence. “It can take six months. Connecticut has one lab for the entire state. Think of it as a wood pile.”

The detective said the same people who refuse to come forward with information often blame police for not solving the case. “Until somebody tells us, what are we supposed to do, hold a séance?” Tenn said. “It’s up to the people to do something about it.”

He said officers usually have to have evidence against someone in order to gain their cooperation, adding some people still refuse to help.

“A lot of people with lengthy rap sheets, facing a lot of federal jail time where family may not be able to visit you, choose to take their chances rather than talk,” Tenn said.

Tenn said even a homicide victim’s family and friends are often reluctant to cooperate. He said police often find a victim’s loved ones at the hospital right after a shooting, and they tell detectives they were told about it on their cell phone, but they will not say who called them.

‘You don’t live where I live’

“I despise a rat,” Young said. “But if I have human waste in the neighborhood my kids grow up in and I don’t say anything, I’m wrong. If I hear people shooting on the block and my mom is afraid to go outside, I’m wrong.”

Young defines a snitch as someone who does a crime but points fingers after being caught, not as an innocent bystander who sees something. “Good people who get involved, I call a concerned citizen,” he said. “Good American taxpayers who care. They’re not snitching.”

Young said he and many Bridgeport residents he knows want to cooperate with police in cleaning up their neighborhoods, but added there is a strong feeling of distrust. He said there were times when someone talked to a police officer only to find out the suspect was told about it.

“There’s no communication,” he said. “There’s no trust.”

Shayna said New Haven has the same problem. She and her mother said some of the older police officers had gained people’s trust, but that several of the younger ones who replaced them seem to feel they are above mingling with residents on their beat.

“You see a police officer talking to someone and you wonder if they did something wrong,” she said.

“I heard people say, ‘You don’t live where I live. You don’t know me,’” Tenn said. “But a lot of times kids don’t try to know us either. It goes both ways. They may not like the attitude of an officer and paint us all with the same brush and think we can’t be trusted as a group.”

Young and Craggett believe their cities should do a better job of community policing to improve public relations. Young said some money has been spent wisely on it in Bridgeport, but added his belief that there should be more oversight of the programs to see what is working well and what is not.

“You have to train those officers how to communicate,” Young said. “By spending quality time in a neighborhood during an eight-hour shift they will know as much as anyone in that neighborhood. In fact, they’ll know more, because people go to work. You should know every hot spot, good person, and bad person.”

Though they believe relations can be better, Craggett and Shayna said they have officers they get along well with. Of one of them, Shayna said, “People know him and they respect him. When they are dealing drugs and they see him, they leave out of respect for him.”

Young believes police should take a leadership role in opening up communication between officers and citizens, but Tenn, who has played basketball with children as part of community policing efforts, said city residents should be more willing to make it happen.

Tenn recalled a time when he was talking to a little boy before the child’s mother grabbed the youth and pulled him away. “Don’t talk to them,” she scolded him. “They’re bad people.”

Anonymous tips

Shayna believes people in her city should try to change their way of thinking when it comes to crime.



Jacqueline Denese’s son, Clarence “Chucky” Jones, 27, was killed when he was shot by a fellow passenger in an SUV in Bridgeport in 2005. She wears a necklace with a small urn containing some of her son’s ashes.

“The message should be that staying real to your community means keeping crime out as opposed to not snitching and keeping it in,” she said.

Until that happens, Tenn hopes police amp up other efforts, such as sending photos of missing children and of wanted suspects to the media. “I hope Bridgeport can use its Web site more to encourage anonymous tips,” he said. “A case officer’s contact information can be displayed so someone can drop a line directly or send an e-mail. We have to use the technology.”

One thing that has been improved upon is the witness protection program, according to Tenn. But there have been few willing participants.

“A lot of people who don’t want to leave their homes with witness protection say nothing and hope for the best,” Tenn said. “At least they won’t be looked upon as a snitch.”



Trina Craggett of New Haven, left, and her 23-year-old daughter Shayna hold a photo of Trina’s son and Shayna’s brother, Jason Craggett, who was 22 years old at the time he was shot in the back and killed on his grandmother’s porch in 2004 while trying to elude robbers.

Three Strikes—

Continued from page 1

and controversial. Any law that calls for longer sentences is going to mean the need for more prisons and the money and land to build them, state officials have warned.

Some say Connecticut already has ample laws for habitual offenders, but prosecutors failed to use them to keep the suspects in the Cheshire tragedy behind bars. Others fear the sense of urgency over the killings will lead to hastily passed laws that could bottleneck the courts, crowd state prisons, and force judges to impose hefty sentences on small-time drug offenders or petty thieves.

But victims' advocates and other supporters of "three strikes" insist none of those logistical concerns should trump the need to keep people safe in their own homes. The California law likely could have kept at least one of the two suspects in the Cheshire case behind bars, according to those familiar with the statute.

"What is the value of a young life?" asked Bruce Carlson, board member of the advocacy group Survivors of Homicide Inc., during a recent rally in Cheshire. "The time to act is now."

Seven of 10 Felons Repeat

Statistics point to the need for dealing with habitual offenders. A 2006 study by the United States Department of Justice found more than half of criminals convicted of violent felonies in large urban areas between 1990 and 2002 had previous convictions. And seven in 10 of the felons convicted in that time had been arrested before. However, only 15 percent of those felons were guilty of a previous violent felony such as murder or rape.

It is difficult to pinpoint exactly how many career criminals there are in Connecticut. Statistics from the state Department of Correction show 2,317 of the state's 18,923 current inmates—or about 12 percent—are labeled "readmissions." However, a 2006 study conducted for the state legislature by professors at Central Connecticut State University found nearly four of 10 inmates released from state prisons in 2000 ended up being reconvicted, with the new arrests occurring an average of nine months after their release.

James Papillo, the state's victim advocate, said in his dealings with victims' families and the courts, he has seen countless cases where, like in Cheshire, small-time criminals have slowly graduated to more serious and violent crime.

Papillo has called for the state to conduct a thorough review to find out exactly how many repeat offenders we have and who they are. He suggests starting a career criminal registry, similar to the state's sex offender registry, to put communities on alert if a repeat offender moves into their town.

"The repeat offender needs to be viewed as a unique entity because it

represents a huge threat to public safety," Papillo said.

"Three Strikes" Law Rarely Used

State lawmakers, in hearings set to begin this month, are reexamining how Connecticut deals with habitual criminals following the home invasion that killed Jennifer Hawke-Petit and her daughters, Hayley, 17, and Michaela, 11, on July 23.

Connecticut has had a three strikes law since 1994, but it is rarely used. A 2004 study by the Justice Policy Institute, an organization that pushes for alternatives to incarceration, found California had

"The repeat offender needs to be viewed as a unique entity because it represents a huge threat to public safety"

— James Papillo
State's Victim Advocate

42,322 inmates imprisoned under its three strikes law; Connecticut had only one.

Critics say Connecticut's law is too permissive because the harsher punishments are left up to a judge's discretion and the law does not include residential burglary or other nonviolent crimes as a "strike."

The suspects in the Cheshire slayings, Joshua Komisarjevsky and Steven Hayes, had racked up dozens of felonies between them for crimes such as burglarizing homes and breaking into cars, but they did not qualify for the state's three strikes law since the crimes were considered nonviolent.

In California, the sentence doubles after the second strike, and committing three felonies results in an automatic sentence of 25 years to life. While the first two felonies must be serious or violent, the third strike can be any felony. Also, residential burglary — even if the homeowners are away during the crime — is considered a violent offense and qualifies as a strike.

"We shouldn't be leaving it up to a small group of individuals to exercise discretion," said State Senator Sam Caligiuri of Waterbury, who is pushing for a tougher three strikes law. "For the most serious repeat criminals, that treatment should be mandatory."

Mixed Reviews

Reviews of the California law have been mixed. Proponents say it has resulted in a dramatic drop in crime, but opponents argue it has resulted in life sentences for crimes as small as stealing golf clubs or videotapes.

Mike Reynolds, a key architect of California's law, cited California Department of Justice statistics showing about 2 million fewer crimes occurred in the state during a nine-year period after three strikes passed, even as the population was growing.

Between 1985 and 1993, 8.8 million crimes were committed, compared to 6.8 million between 1994 and 2002, according to the California Crime Index. The steepest drop was in residential burglary, said Reynolds, whose 18-year-old daughter was murdered by a repeat offender in 1993.

"The chances of your being a victim of a residential burglary in California today are the same as they were in 1955. That's about a half-century rollback in those crime statistics," Reynolds said.

Critics question whether the drop can be attributed to three strikes or other factors, such as community policing and an increase in the number of cops on the streets.

Whether the law would have prevented

August.

"A lot of people who are signing these petitions to get a three strikes law don't really know what the laws are in the first place," she said. "People need to be educated that Connecticut has sufficient laws." Sypek-D'Amato worries a tough three strikes law will put a strain on the courts because an automatic sentence encourages suspects to roll the dice and go to trial instead of pleading guilty. She also said it is important for judges to maintain discretion over sentencing.

"Every case is different, just like every fingerprint is different," she said. "You have to be able to take into consideration the type of person you're dealing with."

Stephen Cox, an associate professor at Central Connecticut State University's Department of Criminology and Criminal Justice, said research shows criminal activity drops as offenders get older.

"It doesn't make sense to keep a 75-year-old guy locked up because he committed three felonies when he was 20," Cox said.

Prison Overcrowding?

Others raise concerns about burdening an already overcrowded prison system. Currently, there are about 19,000 inmates in a prison system designed for 17,000.

Lawlor said changes being considered by the legislature in response to the Cheshire tragedy could prompt the need for "five or six" new prisons, which each cost roughly \$100 million to build and \$40 million a year to operate. "That's secondary to the problem of where we're going to build them," he said.

But Reynolds said the passage of three strikes in California did not overwhelm the prison system as drastically as experts had warned. Statistics show California's prison population did rise by 26 percent in the 10 years after three strikes. But opponents projected it would double in five years, requiring construction of 20 new prisons. None were built. Reynolds believes fewer crimes meant fewer prisoners.

And while one study estimated three strikes cost California taxpayers an additional \$8 billion between 1994 and 2003, Reynolds estimated it saved California and potential victims \$28 billion by stopping an estimated 2 million crimes from happening in the first place.

He said opponents who cite the cost of three strikes need to consider the cost of repeatedly catching and prosecuting repeat criminals. And if three strikes were to put a potential murderer behind bars for a less serious offense, then it has saved the price of protracted court proceedings and prison costs that come with sending a criminal to death row, he added.

"You've got two guys (Hayes and Komisarjevsky) who are going to have to either get locked up for life or get the death penalty. Both of those are multi-million-dollar propositions for the state of Connecticut," Reynolds said. "You're much better off saying I didn't have to . . . prosecute them because the crime didn't happen."

the crime against the Petits is up for debate.

It appears the law could have at least have kept Komisarjevsky off the streets, since his burglary spree could have qualified him for multiple strikes under California law. Hayes, however, would not have qualified because none of his felony convictions were violent. "The worst thing the guy ever did was break into a car," said State Rep. Michael Lawlor, house chairman of the judiciary committee.

Komisarjevsky had no prior convictions or "strikes" when a judge sentenced him to nine years in prison for a string of 20 home burglaries in 2003, according to Lawlor. But Gareth Lacy, a spokesman for the California Department of Justice, said under California's law, every charge or victim in a case can qualify as its own strike, even if there is only one arrest.

Lawlor pointed out that both men could have been imprisoned for lengthy terms under current Connecticut law. Hayes' sentence could have been doubled under Connecticut's persistent offender law had prosecutors pursued it, he said. Komisarjevsky could have gotten 10 years for each of his 20 counts of second-degree burglary — a 200-year sentence — but the prosecutor recommended 10 years and the judge imposed a sentence of nine, he said.

While California's law gives judges no discretion, a prosecutor still must initiate the charges, Lawlor said. "Why does anyone think that a different law would have changed what the prosecutor recommended?" Lawlor asked.

Emotions at Work?

Tina Sypek-D'Amato, a criminal defense attorney in Bridgeport, fears the push in Connecticut for three strikes is being fueled by emotion instead of fact. She has launched a counter-petition online against a tougher three strikes law. It had nearly 90 signatures as of late

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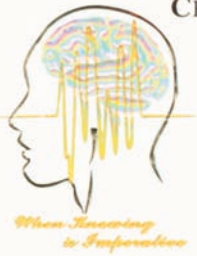


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