



Touring Northern New York, Raising Awareness Of Wrongful Convictions, and The Death Penalty

By Jeffrey Deskovic

As readers are well aware, I have been trying to take the negativity of having been arrested and imprisoned for sixteen years for a murder and rape that I was innocent of, and do all that I can to bring about reforms in the criminal justice system to prevent others from going through the traumatic experience that I endured. One method is by educating the public about wrongful convictions, and their relationship to the death penalty, thus arming them with the information needed to contact their legislators and and the Governor, urging them to enact legislation that will protect the innocent.

In this regard, I am presently installing a petition on my website¹ listing the reforms that I believe must be passed into law, for citizens to sign on to. Such petitions will assist my lobbying effort in Albany. I believe that the experience that I went through has put me in a better position than the average citizen to bring about changes, in that lawmakers are most often willing to sit down with me in person. I think that it is helpful when a politician has been prepped prior to my meeting with them by their local constituents placing phone calls, sending emails, and expressing their concerns. Sometimes I don't think that people realize how much they can impact their representative's views and/or votes on such issues, and how important it is to let them know their feelings, particularly in light of New York's 23 exposed wrongful convictions.

While in most cases I don't think that one call from a single individual will necessarily do the trick, I do know

for a fact that several calls can have a huge impact. I therefore always encourage my audiences at speaking engagements to call and email their representatives.

I realize that many in office are not particularly concerned about innocent people being wrongfully convicted and therefore falsely imprisoned and/or possibly receiving the death penalty, were it to be reenacted. It is not unheard of for politicians to sometimes be forced into doing things based upon overwhelming public sentiment and outcry. For those in office who will not be persuaded to do the right thing morally, why not use that tool for something positive? **With the caveat of staying within moral and legal bounds**, I totally believe in the famous adage of Malcolm X, to wit, "By any means necessary." I can't think of a cause more noble than the preserving of innocent life and liberty. Recently I had a chance to tour northern New York as part of that awareness raising .

Buffalo

My first stop on the tour was Buffalo on Oct. 23. I had to get up around five o'clock in the morning in order to catch an early flight out of JFK airport. My manager Darren Wilkins and I were very tired from the night before, having gotten home around 11:30 PM following a presentation out on Long Island.

At Buffalo State University I actually gave two speeches which were sponsored by New Yorkers Against The Death Penalty. The first speech was held at noon. Between speeches I did a number of prearranged television and radio interviews. As it turned out, more

television stations sent people than we anticipated. It was hectic, but I was happy because I see media as a way to reach many more people than I ever could on a personal basis, and more than I could during lectures.

A further pleasant

surprise came when the media stayed around for my entire second presentation. The media in Buffalo are more conscious of wrongful convictions, due to the recent Anthony Capozzi case, in which Anthony served twenty years for rape, sodomy, and sexual abuse, after being wrongfully identified by three different victims, before being cleared by DNA. Although I was the main speaker, I was not the only speaker. Nathan Hare, the Executive Director of the Community Action Organization of Erie County, who also serves on the board of New Yorkers Against The Death Penalty, spoke of the importance of making sure that the right person is caught and imprisoned. Another speaker, John Walker, mentioned that he had been fighting for 23 years to clear his name, but still had not been able to do so. He had been paroled for several years, as had another co-defendant, although a third co-defendant remained in prison. Walker said, "If the death penalty had been applied in 1976 in my, and my codefendants, cases, would be dead now, even though it's a fact that we had nothing to do with the death of William Crawford."

I was pleasantly surprised because Houghton College teachers Richard Stegen and Chuck Massey, who had taught me when I was a student in prison, attended the lecture. It seemed weird seeing them in the free world. I experienced it as if I had somehow crossed a bridge into another world and had made it to the other side. They were so happy for me, as though I had done a miraculous thing by getting to this planet. They told me that they were proud of me and happy that they had helped educate me.

Syracuse

The next morning, I picked up a copy of *The Buffalo News* and saw an article about my presentation. I was pleased with the headline, which read "Unjustly Convicted, He Brings A Warning 'It Can Happen To Any Of You' " The article referred to me as a

"sharply dressed, well-spoken poster boy for the cause of wrongful convictions." I felt a little embarrassed because I didn't feel worthy of the accolades.

I did several interviews while in Syracuse, including one with the local affiliate of NBC. Since my speech was not until nighttime, I had some free time which I decided to spend with Roy Brown. "It's nice to see you on the right side of the prison wall" he said when I arrived at his house. I had served food to Roy in the prison mess hall while he was serving 15 years in prison for a murder in Syracuse that DNA ultimately proved he was innocent of. Roy had emerged about five months after me, and not a moment too soon. He had nearly died in prison due as the result of liver problems which were not being properly treated in prison. Incredibly, he would not have been eligible for the liver transplant, which he received since being cleared. He looked like a new man.

Roy attended the lecture at Syracuse University as a guest. My lecture had been sponsored by the student group, "The Actual Innocence Society." They were contemplating opening a non-DNA innocence project, and they felt that it would be inspirational to hear from an exoneree.

When the lecture was over, I had a side conversation with a judge that I hadn't known was in the audience. He agreed with me that the system needed reforms, and he felt the solutions that I was championing were very doable. There were two reforms that he commented on. Firstly, he totally agreed that police should record interrogations. He related that he privately thought, as judge, when he would preside over cases, that he didn't understand it when police didn't record interrogations. He further said if he were a law enforcement officer and he was working around people who he knew might go to court and make false allegations of coercion, he would definitely want the protection that recording would pro-

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vide. The judge also agreed with my position that public defenders should be paid as well as prosecutors. He had personally witnessed that while sometimes quality lawyers out of law school were attracted to public defense and might initially work at it, they would eventually be lured to the other side because of better pay, and their heavy student loan obligations.

Geneva

By far the most important presentations I gave in my tour was at a law enforcement training session. I was excited to participate in it, because, to my way of thinking, I would be able to reach out and possibly shape the thinking of some of the very people who operated directly in the criminal justice system. I figured that if I could influence even one person, then I would be directly influencing the system to work better. As in Syracuse, I was able to reach out to another exoneree who happened to live in the area. Doug Warney, who lived in Rochester, and who had wrongly served 10 years before being cleared by DNA, also attended as a guest.

The former head of the Division of Parole was in attendance. Earlier in the day, he had given a presentation of his own. I had a chance to listen to most of it, and I asked him a question, and received a startling response

I asked him whether the members of the Parole Board might be afraid to grant parole to those who appeared in front of them who had been convicted of violent crime, in light of former Parole Commissioner Brian Travis being removed from his position because he had granted parole in a famous case to someone who had been convicted of being in the getaway car during a robbery.

The co-defendant of the female inmate whom he had paroled, unbeknownst to her, had wound up killing somebody in the course of that robbery. Hence, she had been convicted of murder. She had demonstrated for over twenty years that she had been rehabilitated by her participation in many programs, and this convinced the then-commissioner that she was no longer a threat to society

However, Governor Pataki removed Travis as Parole Commissioner because

of his decision and transferred him to another position. Pataki's staff made it clear, anonymously of course, that that was why he had been removed.

Travis' replacement, who I now met and has been retired for a few years, admitted that following this incident, other parole board members had been afraid to parole others who had been convicted of a violent crime. In fact, his co-speaker, who had been denied parole eight times despite being convicted as a mere teenager because she was present when her then-boyfriend committed a robbery, was a good example of the mentality that took hold.

She admitted to knowing that he was going to commit the crime, but being denied parole eight times seemed obviously excessive, ridiculous, and unconscionable, especially given that she was considered to be a model inmate. Her story, though tragic, is by no means an aberration: I personally know many people who are currently working on years twenty five and thirty after being sentenced to fifteen to life, because the parole board won't parole them despite their being worthy candidates and no longer a threat to society.

Keeping my own ordeal with the Board in mind, in which I was denied despite having a really good disciplinary and educational record, and even a letter of recommendation from a prison employee, I made sure to include that experience in my lecture. I further pointed out as one of my suggested reforms the need to put an end to such abuses.

After being introduced by the Executive Director of New Yorkers Against The Death Penalty, David Kazinski, I spoke for about 35 minutes, allowing time for a lot of questions. At the end of my presentation, I received a very long standing ovation; this from police and correctional personnel.

Following the lecture, I had several interesting conversations. I spoke with a current state trooper who works in a supervisory capacity. Amazingly, he gave me a symbolic apology on behalf of all police, and he informed me that the State Troopers do not interrogate suspects the way that I was. He further thought that recording interrogations was certainly a good idea, because, after all, he didn't have anything to hide.

I spoke to a former corrections officer who told me that, on his wife's advice, he changed careers, because his job started changing him to where he started to take on some of the attitudes of the other guards who were abusive to prisoners. Some of those habits became visible outside of his job, and that was how she noticed. It had taken place so gradually in him that he himself had not even noticed. He quit his job because he was not, by nature, abusive. This former correction officer shared with me the notion that his fellow officers, as a whole, were not in favor of the new trend of having prisons whose purpose was to keep the prisoners in their cells 23 hours a day. He explained it was difficult to deal with such prisoners, as they would react to being treated that way.

The CO further stated that prison, as it is presently structured, is really not about rehabilitation, because vocational training and college courses would still exist, and recidivism would be at a much lower rate.

I spoke with a second former corrections officer who could not bring herself to continue to work in Corrections because of the things that she had seen. During the Q and A section of my speech, she asked me about how I had been able to adjust to being free after being in there so long, in terms of my personal habits and conduct. I explained that while I understood the prison code for purposes of survival and dealing with my environment, I never internalized those values and was thus able to maintain my individual humanity. I told her that a big hindrance to me with regard to making social contacts since coming out of prison is that many people don't want to socialize with me, reasoning that even though I had been innocent, I had been in there for 16 years and they therefore wondered how much of being around criminals had rubbed off on me.

She mentioned that she, along with some of her colleagues who were Correction Officers who did their jobs professionally, often looked the other way when abuse occurred, because that was their coping mechanism their way of getting through the day and not making waves. I pointed out to her that that was how the culture of abuse, lack

of human dignity and respect, grew to be accepted as the order of the day, as was the 'code of silence'. I opined that if all of the professionals stuck together and ceased their silence, which in many ways was tantamount to consent, then those who refused to change their behavior would be purged from the system and our prisons would be more humane, and thus at least the internal environment would be shifted towards rehabilitation.

I further suggested that many people who are abused in prison become angry and that that leads to incidents between guards and prisoners, but also sets the stage for ex-offenders to be released back into society full of rage, thus quite possibly leading to even more crimes happening and even more victims.

Conclusion

I truly enjoyed my tour of Northern New York. At all three locations, people informed me that I should continue in my quest to achieve a more just system. That made me feel that the goal was achievable, and that once people are made aware of the cracks in the system through which innocent people fall victim to arrest and imprisonment for crimes they are innocent of, they are in favor of reforms that will bring about more protections for the innocent. Understanding how it is more than the individual rights of the accused in a given case that can be on the line, and how all of our freedom is what is in question given that this truly can happen to anybody, it is in society's best interest to improve the system. The relatively small amount of money it would take to record interrogations and preserve evidence was, in fact, as far as I could tell, lost on none of the people to whom I spoke. I came away with the feeling that speaking to law enforcement agencies could be a big part of preventing wrongful convictions, because it makes police officers realize that errors can and do happen, and further reinforces the need to do the things professionally, while keeping an open mind and following whatever trail the evidence leaves.

Endnotes

1. The URL to my website is Jefreydeskovicspeaks.org