

Family Members of Murdered Law Enforcement

A community united in grief and support for each other,
with different points of view on the death penalty



Inside:

Law enforcement family members speak about

- opposing the death penalty
- pressure to support the death penalty
- working to prevent more violence on the streets and in prisons
- understanding the danger that law enforcement officers face

MVFHR

For Victims,
Against the Death Penalty

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Kathy Dillon

*Kathy Dillon has spoken out
against the death penalty in
several venues. She wrote in
MVFHR's Fall 2010
newsletter:*

In 1974, my father was shot and killed in the line of duty on the New York State Thruway. He had been a New York State Trooper for 16 years. At that time, the death penalty was an available sentence in New York for first-degree murder of a police officer. I learned many years later that the District Attorney had come to our house to talk with my mother about it at least a couple of times after my father was murdered, virtually assuring her that this would be the outcome at the trial. In the end, because of one juror's vote, the sentence was not death but a prison term of 25 years to life (New York did not have life without parole at that time; it does now).

The adults in my family did not talk about this issue with my siblings and me after our father was killed, since we were still so young. We ranged in age from 7 to 17; I was 14. However, when I did hear that the death penalty was



being sought, it bothered me. I knew that an execution was not what I needed for my healing. But there was really nobody to talk to at that time about those feelings.

I think that my aversion to the idea of the death penalty, back then, must have been tied to my upbringing as a Catholic and the teachings of "thou shalt not kill." At that time, though, the aversion was more like a feeling I had, rather than a strong set of beliefs.

After the trial ended and we knew that the men involved in the murder would be sent to prison, I never thought much about the death penalty again for years. My boyfriend of four years was murdered ten years after my father's murder, but it was not a capital case, so it wasn't a situation in which I was forced to think about capital punishment again.

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Then in 1994, George Pataki was running for Governor of New York. He let it be known that he planned to reinstate capital punishment. I was a jail ministry volunteer at the time, and somehow the subject of capital punishment came up at one of our meetings. Without planning to, I disclosed to the group how my father had been murdered when I was a teenager and how, even as a teen, I had felt that capital punishment was wrong, and that it wasn't what I had felt that I needed in order to heal from the murder. Some people in that group were very moved by what I had shared and, thereafter, encouraged me to speak publicly about my opposition to the death penalty.

I began to accept invitations to write or speak about the subject. I speak about my personal experiences, the teachings that

influenced me, and the facts about the death penalty. It is ever-evolving, because capital punishment continues to be carried out. However, nothing makes me waver from my opposition.

The facts and statistics about the death penalty don't show it to be an effective law enforcement tool. Perhaps if I truly believed that it protects police officers, then in some ways I might feel differently about it. But I don't believe that it does. Even in the case of my father's murder, the death penalty was in place in New York State, but it didn't protect him that day. And for me, it always comes down to my belief that humans shouldn't have the power to decide who lives and who dies. I feel that it is wrong for one person to take the life of another, either in an attack of violence or in response to violence. Killing is wrong, no matter who does the killing.

Charles Ogletree



Charles Ogletree, founder and Executive Director of the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School, is an attorney who has written extensively about the death penalty. In his 2006 testimony before New Jersey's Death Penalty Study Commission, Professor Ogletree said:

In 1982, my beloved sister, Barbara Jean Ogletree Scoggins, was stabbed to death, following an unforced entry into her living room in our hometown of Merced, California. Barbara served as a police officer with the Merced County Sheriff's Office. She was highly regarded by colleagues and by the prisoners she escorted to court

proceedings. She was also a young mother at the time of her murder. The police in Merced had many suspects, but no one has ever been prosecuted for her murder. Barbara's death ripped our family apart. It caused all of us incredible anxiety and pain. It ignited some soul-searching on my part, since at the time of Barbara's murder, I was representing clients in criminal cases as a public defender in Washington, DC. It took a great deal of reflection and prayer to accept that my younger sister had been murdered. This brutal fact haunts and pains me to this day. My commitment to finding the person responsible for her death has not diminished. I have offered a reward for information leading to an arrest. Despite my long-felt desire to bring closure to Barbara's death, my views about the death penalty have not changed. I am opposed to the death penalty. I would not even seek to have my own sister's murderer sentenced to death. While Barbara's killer should be punished, taking that person's life would not be a solution that Barbara, my family or I could endorse.

Gail Rice

Gail Rice has been speaking out against the death penalty for a decade and a half. She was an integral part of the successful repeal effort in her home state of Illinois and has also spoken widely in Colorado, where her brother was murdered in 1997. As she explained in testimony before the Colorado House Judiciary Committee:

On November 12, 1997, my brother, Bruce VanderJagt, one of Denver's very heroic policemen, became the first police officer in the United States to be murdered by a skinhead. Bruce was trying to apprehend Matthaeus Jaehnig and a woman accomplice, Lisl Auman, at a Denver condo after a botched burglary attempt. Jaehnig used an SKS-assault rifle to shoot ten bullets into Bruce's head and upper torso, killing him instantly. Many police were called to the murder scene, and Jaehnig, probably knowing that he would be sentenced to death for the murder of a police officer, exacted his own death penalty that day by committing suicide with Bruce's service revolver. Lisl Auman, Jaehnig's accomplice, who had engineered the burglary and assisted him at the murder scene, was convicted of felony murder and sentenced to life without parole the following July. However, the Colorado Supreme Court overturned her conviction, and Lisl is now free.

My husband, Bob, and I were devastated by the murder. A great and heroic policeman was gone. His loving wife, Anna, and his daughter, Hayley, almost three at the time, faced a lifetime without him. All of us – Anna, Hayley, and I – have needed professional counseling to get through this tragedy.

At the time of Bruce's murder, I opposed the death penalty primarily because I was convinced that it could never be applied fairly. I had worked for eighteen years in prison literacy and prison ministry, and I knew there was a very different standard of justice for the rich and the



poor. After Lisl's trial, I got involved with groups like Murder Victims' Families for Reconciliation and Murder Victims' Families for Human Rights, which were composed of murder victims' family members like me who opposed the death penalty and worked for alternatives to it, such as lifetime incarceration (I am in favor of life without parole as a sentence for those convicted of the murder of law enforcement officer). Through working with these groups and also through learning about restorative justice, my opposition to the death penalty has deepened beyond my concerns about the fairness of the system. Would I have wanted Jaehnig to get the death penalty right after Bruce's murder? I don't think so. But now, knowing what I do about the death penalty, I know I would fight against the death penalty being carried out in any case, for any murderer – even Jaehnig, if he were alive.

Neely Goen

Neely Goen's father Conroy O'Brien, a Kansas State Trooper, was killed in the line of duty in 1978. In 2013, Neely wrote in a newspaper op-ed piece:

"I never met my dad. My mom was pregnant with me when three men murdered my father, Conroy O'Brien, a Kansas state trooper.

"What should have been a routine traffic stop near Matfield Green changed the course of many lives.

"My mother wasn't the only one devastated. Many people were outraged that an officer had been murdered in the line of duty. My father's murder, along with other cases, led people to call for a return of the death penalty, which Kansas eventually reinstated in 1994. This was fine with me. Having spent my entire life without my dad, I was angry and had wanted his killers executed.

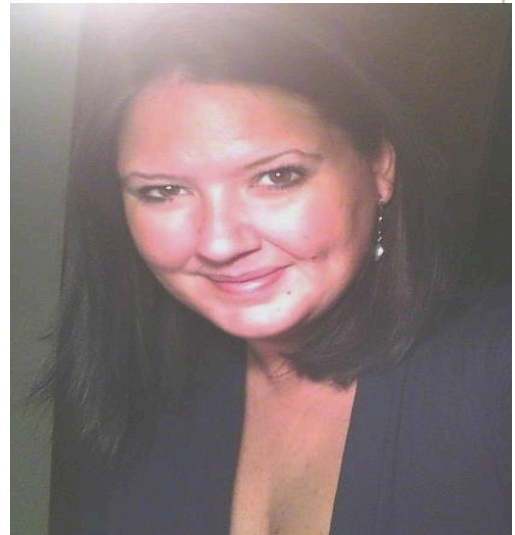
"But over time, after I saw how the death penalty system actually works, my feelings on the issue changed. What I've discovered is a legal process that no murder victim's family should have to endure. We already have been through enough. We deserve better than a system that forces us to go through long trials and endless appeals. The death penalty focuses an incredible amount of attention on the killers, which makes victims' families relive the painful details of a murder over and over.

"At one time I believed that the death penalty would benefit people like my mother and me, but in reality nothing could be further from the truth.

"What would help us is Kansas dedicating its law enforcement dollars in the most effective way possible, so as to prevent other families from having to suffer a loss like ours. ... We should take the money that we waste on the death penalty and put it toward better equipping people like my father who are on the front lines, or toward other programs that actually reduce crime.

"Of course, the unfortunate reality is that we never can completely stop crime. It is important, then, that there is funding to provide services that will help grieving and traumatized families like ours. ..." (from *The Wichita Eagle*, 2/6/13)

In 2012, Neely, an ordained minister now living in Oklahoma, joined members of the Oklahoma Conference of Churches to release a "Theological Statement in Opposition to the Death Penalty" on World Day Against the Death Penalty. At the press conference, Neely said, "When we kill an inmate we are taking someone's son or daughter, we are taking someone's husband or wife, we are taking someone's mother or father. We make those people suffer just as much as their victims' families suffered. I want people to realize that everybody, no matter right or wrong, no matter whether they've cut you off in traffic or killed your brother, they're still a human being and all you're doing by killing them is causing more pain."





Della Nagle

Della Nagle's brother Daniel, a correctional officer in the Texas prisons, was stabbed to death in 1999 by a prisoner who was already serving a life sentence for another murder conviction. That prisoner received a death sentence for the murder of Daniel Nagle and is currently on death row in Texas. In MVFHR's Spring 2006 newsletter, Della said:

If you had asked me before this happened what I thought about the death penalty, I would've said I was in favor of it. But when the prosecutor asked us what our views were on the death penalty, I had to ask myself how I really felt. I thought about my kids. What kind of message do I want to send? What kind of world do I want them to live in? I decided that the death penalty wasn't the message I wanted to send. ... How can I call myself a Catholic and support the death penalty when one of the main tenets of Christianity is "Thou shalt not kill"? It was easier to support the death penalty when it was abstract, but when it hit me directly, it was very different.

Pressure to support the death penalty

Law enforcement family members who oppose the death penalty can find themselves in disagreement with others in the law enforcement community and even within their own families.

"When I shared my abolition activities with my sister-in-law," recalls Gail Rice, "I felt it was the beginning of the end of a close relationship that had developed since my brother Bruce's death. This was the case even though I stressed that I wasn't trying to change her mind and that we never had to talk about it again. Perhaps many families of law enforcement officers react in this way."

Kathy Dillon says, "Some of my family members support the death penalty. This is hard. It can be a very divisive issue, and that is not what families need. We need to be able to support one another in regard to one of the most tragic occurrences in our lives."

Only many years after her father's murder did Kathy learn that another close family member had shared her feelings about the death penalty. "It was only in 2005, over 30 years after the murder, that I learned, in a conversation with my godfather, that my paternal grandmother had not wanted the death penalty either. Though she and I were close, I did not know that she had opposed the death penalty because the subject was not discussed with us children. It was as if my father's murder, and everything related to it, became a taboo subject. It was just too horrific."

When participating in commemorative or support activities organized by others in the law enforcement community, survivors who oppose the death penalty may have to decide whether to voice that opinion. Kathy Dillon recalls that "each year there is a tribute weekend for families of New York State Troopers who died in the line of duty. I have attended a few times. Several years ago, in one of the smaller workshops titled "Where are you now?", I mentioned that I sometimes speak publicly against the death penalty. Almost everyone in the room remained silent, except for one who made a comment of support. I definitely felt alone."

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Della Nagle belongs to the national organization Concerns of Police Survivors (COPS), and she attends their annual retreat for siblings of fallen officers. She says she values the support that the organization provides but recognizes that her opposition to the death penalty differs from the group's official position. "I'm very unpopular when the issue comes up," she acknowledges. "They don't like it, but that doesn't stop me."

Della faced pressure to support the death penalty when the prosecutor was seeking a death sentence for the man who murdered Della's brother Daniel. After learning that Della opposed the death penalty, the prosecutor refused to allow her to deliver a victim impact statement during the sentencing phase of the trial. Della's sister, who supported the death penalty, was allowed to deliver a statement, and the conflict within the family was even more painful to Della than the prosecutor's refusal to grant both sisters an equal right to speak. "According to my sister, if I didn't want this man dead, I didn't love my brother," Della remembers. "But of course I love my brother very much. We were very close in age, and for me his death was a very big deal."



John Starbuck

John Starbuck's grandfather Lester King, a retired police officer who had raised him since the age of 2, was killed during a mugging in Oakland, California in 1982. The two offenders, aged 17 and 26, were charged with capital murder but ultimately received sentences to juvenile and adult prison, respectively.

John, who was 22 at the time of his grandfather's murder, remembers, "After Dad was killed, the District Attorney filed for first degree murder against the two offenders, and announced his intention to seek the death penalty. Our family's representative supported this. I did not, but I was so devastated by Dad's death, and numb to much of life, that I did not speak up. In fact, I did not speak at all about it for the next 29 years."

In 2005, John's stepdaughter Meleia was murdered in California, and the man responsible was sentenced to a prison term of 24 years. Five years later John, who lives in Georgia, began attending meetings of anti-death penalty organizations, and the following year he began speaking publicly as a victim's family member in opposition to the execution of Troy Davis. He has since spoken to several audiences about his experiences as a victim's family member, his opposition to the death penalty, and his interest in restorative justice.

Linda Gregory

Linda
Gregory's
husband Gene

Gregory, a Florida Deputy Sheriff, was killed in the line of duty in 1998. Deputy Gregory had been called in to assist when Alan Singletary, diagnosed years earlier with paranoid schizophrenia, pulled a gun on the landlord who had threatened to evict him. During a 13-hour standoff, Alan Singletary shot and killed Deputy Gregory and wounded two other deputies. Alan Singletary himself was then killed by gunfire from the other deputies who had come to assist. "I never felt good that Alan Singletary was dead," Linda said in MVFHR's Fall 2010 newsletter. "I just thought, what a tragedy that might have been prevented. It was a heartbreak for everybody." Linda has been active in working for reform of mental health laws and improving services, and she also works to train members of law enforcement in crisis intervention (*see below*).



Crisis Intervention Training

During his years as a Seminole County, Florida deputy, Linda Gregory's husband had occasionally been called in to try to defuse a potentially volatile situation involving someone with mental illness. Linda remembers that after those encounters he "would come home and say something about inadequate services and how somebody should do something to help law enforcement be able to do more."

Following Gene Gregory's murder after he had been called in to assist when Alan Singletary, diagnosed years earlier with paranoid schizophrenia, pulled a gun on the landlord who had threatened to evict him, the Sheriff arranged a meeting between Linda and Alan Singletary's sister, Alice Petree. "I remember shaking as I walked into the meeting," Linda says. "I didn't know how any of us would react and I was even frightened of how I would feel. When I saw her I just held out my arms and we just hugged each other and started crying. She shared their history and I told her mine and we decided that we wanted to do together whatever we could to stop this kind of thing from happening again."

Since that first meeting, Linda and Alice have worked for reform of mental health laws and improving services and they regularly speak at Crisis Intervention Trainings for members of law enforcement in Florida and throughout the country.

"A good part of what I talk about is that I didn't know anything about mental illness before this happened and thought it didn't affect me," Linda explains. "In the trainings, we educate the officers about how to respond to a situation that involves a person with mental illness in crisis. We teach about how to de-escalate the situation, and, ideally, how to build a trusting relationship with the individual way before a crisis occurs, so that if a crisis does happen, the individual will not be afraid of the officer. This kind of preparation has really saved lives. Sometimes I get so tired doing these trainings and all my other activities that I'll say, 'I can't believe I'm still doing this.' Invariably, at just that time someone will come up to me and tell me how much the training helped. When you hear a story of how the training saved a life or helped someone to get the help they needed, then you say it's all worth it."

Bob Autobee

Bob Autobee's son, Colorado correctional officer Eric Autobee, was killed in 2002. The prisoner who was convicted of the murder was sentenced to death and then that sentence was overturned on appeal. The district attorney is again seeking a death sentence, which the Autobee family now strongly opposes.

In a newspaper op-ed piece published in 2013, Bob wrote in part:

"I am a veteran corrections officer. No one would ever call me soft on crime. For nearly all of my life, I supported the death penalty.

"When my son, corrections officer Eric Autobee, was murdered, I still supported the death penalty and it seemed proper justice that they would seek the ultimate punishment for his offender.

"That was the old me, before I learned and experienced how the system really doesn't work. It has been a nightmare. Given what I know now, I can no longer support Colorado's broken death penalty system. What's more, I will work to end it to ensure that our resources are better used and no family ever has to go through what my wife and I have endured.

"Justice should be swift. This simply isn't possible with the death penalty.

Our case is the poster child for this. It has been more than 10 years since Eric was murdered and the case is still being fought. Thousands of hours, millions of dollars, and an unspeakable emotional toll on my family has been poured into the fight for a death sentence.

"We still don't have one.

"If we were to get the death penalty, that would be no solution for us. It would simply mark the beginning of the next phase of the

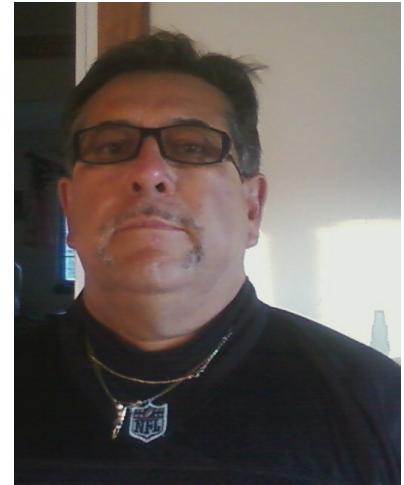
process: more appeals, more waiting, and decades down the road, an execution.

"I understand the law, and I appreciate the need for us to be thorough, especially when a life is on the line. This thoroughness in death penalty cases means agony for families like mine that can't move forward because we have to stay vigilant to the process.

"If the ultimate punishment in our case had been life without parole, my wife and I could be focusing on more important things like our healing and working to stop violence in our prisons.

"More than anything, we don't want any other parents to ever have to bury their child. By the time we are thinking about punishing, it's too late. What we need is effective prevention. I'm not so naive as to think we'll ever completely stop violence, but my experience as a corrections officer makes me certain there are things we could do to make Colorado prisons safer for corrections officers. ..." (*from the Pueblo Chieftan*, 2/10/13)

In 2013, Testifying before Colorado lawmakers in support of a bill that would repeal the state's death penalty, Bob said, "My son's life was about love and life ... so please don't saddle my son's name with the death penalty. ... I am begging our elected officials to do away with our broken death penalty system."



Making Prisons Safer

At a rally at the state capitol in Austin, Texas in December 1999, Correctional Officer Daniel Nagle, who had long been advocating for improvements in Texas prisons, said, "Someone will have to be killed before the Texas Department of Criminal Justice does anything about the shortage of staff in Texas prisons." Just two weeks later, Officer Nagle was stabbed to death by a prisoner after the two argued about a rule forbidding prisoners to take food into the recreation yard. The 20-year-old prisoner was already serving a life sentence for another murder conviction.

Della says she recognizes that some supporters of the death penalty argue that life without parole is an insufficient sentence precisely because of the potential for this kind of tragedy within a prison. "Yes, an inmate can kill," she says, "but another killing would then make it right? How can I say that?" Della believes her brother recognized the risk of violence that came with the job. At the same time, as head of the local correctional officers' union he was a staunch advocate for changes that might have lowered that risk for himself and others.

Bob Autobee has also become a staunch advocate for greater safety for correctional officers after the 2002 death of his son Eric, an officer in Colorado. "The prison was understaffed when my son was killed," Bob explains. "Eric's death occurred right in front of a control room. When I went to the scene of the crime, the warden lied to me: he said that the officer had just stepped out for a moment when the murder took place, but I found out later that there had never been anyone in the control room at all. I don't understand how we can sentence someone to death but not also pursue the others who were culpable, not deal with the situation that led to this happening. At the time my son was killed, I told the courts that it was only a matter of time before this happened again, and tragically, it did." Another correctional officer was killed in 2012 in similar circumstances.

Since his son's murder, Bob has had the opportunity to address a Department of Corrections training academy and to submit a proposal for focus groups that would look at the problems with staffing and other safety issues in the Colorado prisons. He is committed to working to prevent future tragedies. "People who have never known my son are trying to use him to promote the death penalty against our wishes," Bob says. "I know my son would rather be a poster boy for giving life, not taking life."

Tony Longobardo

Tony Longobardo's son, New York State Trooper Joseph Longobardo, was killed in 2006 after he and another trooper were ambushed while searching for an escaped convict. Joseph Longobardo left behind a wife and one-year-old son. The man responsible for his murder pled guilty and was sentenced to life in prison without the possibility of parole.



Tony says he does not object to this sentence. "I've always been opposed to the death penalty," he said in an article in MVFHR's Fall 2010 newsletter. In 2008, Tony was part of a group that went to meet with Mike Long, long-time Chair of the New York State Conservative Party, in part to introduce the idea of victim opposition to the death penalty. Tony is also active in efforts to benefit fallen State Troopers, and, along with others in the group Family and Friends of Homicide Victims, has participated in meetings about the development of a trauma response team to help victims of violence in New York State.

Understanding on all sides

Families of slain law enforcement who oppose the death penalty often wish for greater understanding from others who have suffered similar losses and support the death penalty. At the same time, some express a desire for greater understanding from the death penalty abolition community as well.

Gail Rice remembers the experience of riding with her brother and his partner for part of a shift. "I was amazed at what they saw and what they had to deal with. I think the abolition community needs to recognize the dangerous situation that police officers are in, to acknowledge how much violence they are exposed to and what it is like to be the first one there at the scene of a homicide."

Neely Goen agrees: "There does have to be some understanding about the situations that law enforcement are in, what they see that we don't see, what they experience that we don't experience, and to have some respect for that. I can't imagine what it's like to come upon the scene of a murder and have to go back and do their job the next day."

Making the effort to understand the experience of members of law enforcement can strengthen any outreach or bridge-building efforts, Gail Rice says. What would help, she suspects, is actually quite similar to what helps when reaching out to families of murder victims: recognition and acknowledgment of the horror and devastation of murder.

Other publications available from Murder Victims' Families for Human Rights:

Double Tragedies: Victims Speak Out Against the Death Penalty for People with Severe Mental Illness

<http://www.mvfhr.org/sites/default/files/pdf/DoubleTragedies.pdf>

Creating More Victims: How Executions Hurt the Families Left Behind

<http://www.mvfhr.org/sites/default/files/pdf/MVFHReport.pdf>

Article 3: The Newsletter of Murder Victims' Families for Human Rights <http://www.mvfhr.org/mvfhr-newsletters>