



Technology Tells of Torture

Christopher Gardner was a bright, 3-year-old little boy. Like most toddlers, he was the picture of wide-eyed innocence, with light brown hair falling in soft curls around a pair of enormous blue eyes. Christopher Gardner was also the victim of what Sullivan County, New York, District Attorney Stephen Lungen called “one of the most horrifying cases of child abuse this State has ever seen.”

Christopher died at the hands of his mother and two of her friends while living in a small bilevel house in Bloomingburg, New York. According to Lungen, the trio kicked, bit, scalded, punched, sodomized, and twice threw the child down a flight of stairs in a brutal and ultimately fatal 3-hour torture session. Christopher’s mother and a male companion were sentenced to life without parole. The third attacker, a woman, pleaded guilty to felony assault.

There was one positive note in this otherwise tragic case: Christopher’s mother and her companion pleaded guilty to first-degree murder after seeing a computer-generated demonstration of the progression of the child’s injuries—a demonstration created by the National Law Enforcement and Corrections Technology Center (NLECTC)–Northeast Law Enforcement Analysis Facility (LEAF).

Lungen got the idea for such a demonstration while trying to find a way to successfully use New York’s relatively new capital punishment law.

“Our death penalty law is very technical,” Lungen says. “It has a provision for torture, but the problem was how to prove torture under the statute. To ask for the death penalty, I had to prove the death was intentional and was caused by torture . . . that it was caused by the mother and her codefendant, both with low IQs.”

Lungen tasked his investigative staff with identifying resources that could assist in implementing technology to address these issues. One of his staff recalled a recent conference during which NLECTC–Northeast conducted an outreach forum. Lungen contacted NLECTC–Northeast and was put in touch with Chris McAleavey, a project manager at the facility.

In his initial conversation, Lungen says that he told McAleavey that he “wanted to do a computer-generated presentation where we could progressively overlay injury by injury, starting with the scalp and working from head to toe. That way we could lay in each injury as we talked. It would let us show that he was tortured to death over a period of 3 to 4 hours, rather than in one brief attack. We had to show that even with their diminished mental capacity, these people at some point knew or should have known the ultimate outcome.”

McAleavey put together a team built on the expertise at LEAF to address the technical aspects of Lungen’s request. Roy Ratley, a program manager at LEAF, admits neither he nor his engineers had ever undertaken a project like this. According to Ratley, LEAF typically works with audiotapes, using U.S. Air Force computer technology to identify and reduce background noise and facilitate the identification of dialects, languages, words, or speakers. For more than 2 years, Ratley says, LEAF has evaluated and tested technologies in these areas and found ways to adapt these technologies for use by law enforcement.

But despite their lack of direct experience, Lungen says, the NLECTC–Northeast/LEAF team bought the idea “hook, line and sinker.” “We didn’t even know if it would be admissible in court,” he says. “But those fellas and gals took that idea and put it into pictures . . . and it was just unbelievable.”

The team chose 38 of the prosecutor’s hundreds of crime scene and autopsy photographs that depicted the boy’s more than 98 separate injuries. After scanning the photos into a computer, the team methodically removed the injuries and manipulated the photographs to look like natural, uninjured skin. They then put the injuries back in. For example, one photograph showed an uninjured arm, while the next showed the grisly bite mark of one of Christopher Gardner’s attackers.

“It was very time-consuming,” Ratley says. “The biggest impact was that each of our engineers took a body part. One individual worked only on the arms,

another only on the back. I got the facial area. It didn't really hit me until I started pulling the injuries off that what emerged was a child's face."

At first, although one of the suspects pleaded guilty to felony assault, the boy's mother and male companion maintained their innocence even in the face of first-degree murder charges—charges that carried the death penalty.

"I was definitely going to get murder two," Lungen says. "Could I get it to murder one? The defense said, 'No.' But our evidence came about pretty well. This display helped push it over the top."

According to Lungen, both suspects abruptly changed their pleas during the jury selection phase of the trial, after their defense attorneys viewed the LEAF presentation. They pleaded guilty to first-degree murder in exchange for life in prison without the possibility of parole.

Says Lungen, "I'm a little D.A. in a little county. I don't have a lot of resources. I don't have a lot of advanced technology that I can spend fortunes on. I'm also not a big-shot politician. But I asked NLECTC—Northeast for help and they were wonderful. They welcomed us with open arms. It wasn't because of what we could do for them. It was because they had a way to help us. You have no idea how appreciative a guy like me is for that."

The Gardner case was an opportunity to demonstrate a new technology, one that ultimately helped lead to the

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passage by the New York State Assembly of the Christopher Gardner Memorial Act which, if passed by the New York State Senate and enacted into law, will toughen penalties against those convicted of child abuse. It also saved Sullivan County a significant expenditure of money by keeping the case out of court.

The Law Enforcement Analysis Facility, Ratley says, offers demonstrations to the criminal justice community in a unique way. "We adapt military technology, testing and evaluating it for use by law enforcement. We don't build products for sale," he says. "We build ideas."

For more information about the National Law Enforcement and Corrections Technology Center—Northeast or the Law Enforcement Analysis Facility, call 888-338-0584. For additional information relating to the Christopher Gardner case, call Sullivan County District Attorney Stephen Lungen, 914-794-3344.



This article was reprinted from the Spring 2000 edition of *TechBeat*, the award-winning quarterly newsmagazine of the National Law Enforcement and Corrections Technology Center system, a program of the National Institute of Justice under Cooperative Agreement #96-MU-MU-K011, awarded by the U.S. Department of Justice.

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