



Connecticut Criminal Defense Lawyers Association
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CCDLA.org

October 11, 2019

The Honorable Andrew J. McDonald, Chair
Criminal Justice Commission
300 Corporate Place,
Rocky Hill, CT 06067

**TESTIMONY OF CONNECTICUT CRIMINAL DEFENSE LAWYERS ASSOCIATION -
CONCERNING THE APPOINTMENT OF THE CHIEF STATE'S ATTORNEY**

Dear Justice McDonald and Commission Members:

The CCDLA is a not-for-profit organization of approximately three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, the CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, the CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

The CCDLA believes that the position of Chief State's Attorney is a particularly difficult one given the constitutional independence of the thirteen State's Attorneys. That independence is reflected, in practical terms for defense attorneys, in differences in what matters are transferred to Part A, disparities in offers, and sentencing positions, and a wide variety of discovery procedures statewide.

Accordingly, we would advocate for someone who would be able to unify the discovery procedures statewide and examine and address disparities in prosecutorial decisions across the state on similarly situated defendants and offenses.

The diffused authority can also be reflected in a perceived lack of effective and consistent oversight of prosecutors by some of our members. We would encourage an increased supervisory role for the Chief to ensure that line prosecutors are taking positions consistent with those of the Chief's Office.

We would hope that the Chief would continue the willingness to talk with the defense bar about issues of concern and step in with law enforcement agencies when there is an issue with the manner in which a matter is being investigated or prosecuted.

We also believe that it is important that any Chief have a good understanding of the changes and developments in the science of brain development that undermines some of the old thinking particularly about the culpability of adolescents and young adults and a recognition of acceptance in the scientific

community that many traditional forensic techniques have no scientific merit and have resulted in wrongful convictions.

We believe that diversity and cultural competence are key considerations in the Chief. It is also appropriate and important for the new Chief to have a strategic plan for promoting racial justice in the system. What steps will they take to address the disparities in outcomes (charging decisions, bond, sentences, etc.)? What steps will they take to ensure that all prosecutors are educated around racial and other biases that have an effect on their decision-making?

We are very interested in a Chief who would work with us to protect the due process rights of our clients, and ensure that the constitutional principles essential to a fair system of justice are never subservient to other considerations. A prosecutor has a special duty and the Chief should possess a strong sense of justice and put justice over advocacy. We also believe that a Chief should understand that a criminal case is one between the State and the Defendant, to enforce the interests of the community, and that individual rights of non-parties not germane to the criminal proceeding may be addressed elsewhere.

Finally, while not in the specific control of the Chief State's Attorney's Office, one of the issues that continues to deeply concern the criminal defense bar is the continued presence of criminal trials on 24 hours' notice. Accordingly, we would like to see the Chief work with us to advocate for and develop a date-certain trial system, and even a system of scheduling orders in Connecticut criminal cases along with electronic filing.

Respectfully submitted,
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President, CCDLA