



## State of Connecticut

### DIVISION OF PUBLIC DEFENDER SERVICES

#### Office of Chief Public Defender

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### Testimony of Office of Chief Public Defender Christine Perra Rapillo, Chief Public Defender

Judiciary Committee – March 9, 2022

### Raised S.B. No. 307 - An Act Concerning Prosecutorial Accountability and Priority Given to Cases Prosecuted

#### *Mission Statement of the Division of Public Defender Services*

*Striving to ensure justice and a fair and unbiased system, the Connecticut Division of Public Defender Services zealously promotes and protects the rights, liberty and dignity of all clients entrusted to us. We are committed to holistic representation that recognizes clients as individuals, fosters trust and prevents unnecessary and wrongful convictions.*

The Office of Chief Public Defender continues to support efforts to ensure that Connecticut's criminal justice system is fair, unbiased, and transparent. As presented in testimony during the 2021 session, the best way to provide for oversight is by consistent data collection that examines the demographics of accused, including race, ethnicity, and gender, and tracks outcomes to make certain that people are being treated equally and equitably. The Division of Criminal Justice has made significant strides to improve data collection and reporting on outcomes in criminal cases. This process should be managed to make sure the system is tracking data across jurisdictions and that the data is analyzed and publicized. There are many factors that influence decision making, and many decisions are not solely driven by the prosecutor. Clear, accessible data will provide the best chance to hold the system accountable.

**March 9, 2022**

**Testimony of Office of Chief Public Defender**

Although in support of these efforts, we remain concerned that parts of this proposal will limit the independence of the prosecutor's office and subject it to political and media pressure that might not enhance the fair and equal administration of justice. A benefit of an independently appointed prosecutor is that they are free to assess cases based upon the facts and the standard of proof, not based on public opinion or pressure, as in the case of a high-profile matter. The Criminal Justice Commission, much like the Public Defender Services Commission, is appointed by members of the Judiciary and the Legislature but is not sited in any agency or branch of government. This allows policy makers to guide the agencies by making appropriate appointments to the Commission but not influence daily operations. This is critical to ensure that prosecutors are able to make fair and just charging and case-flow decisions outside of any influence, pressure, or constant concern for their jobs.

The proposed list of required standards in Section 4 also causes some concerns. Data on criminal cases should be tracked and analyzed to ensure that decisions are equitable and that there are not large disparities in outcomes between jurisdictions. Because each case is fact driven, strict standards might actually limit a prosecutor's ability to achieve a just resolution. It may make sense to allow the Division of Criminal Justice to collect a few years of data and mandate that a report be issued on some of the more critical data points. This will help ensure that any standards mandated do not have the unintended effect of decreasing the state's ability to divert cases or negotiate independent resolutions. The Office of Chief Public Defender is happy to meet and discuss ideas to enhance accountability in the criminal legal system.