



DIVISION OF PUBLIC DEFENDER SERVICES
State of Connecticut

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TESTIMONY OF CHRISTINE PERRA RAPILLO, CHIEF PUBLIC DEFENDER

RAISED BILL 1018, AN ACT CONCERNING PROSECUTORIAL ACCOUNTABILITY

JUDICIARY COMMITTEE - March 10, 2021

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 conviction.

The Office of Chief Public Defender (OCDP) supports efforts to promote fairness, equity, and transparency in Connecticut's criminal justice system. The best way to provide for oversight is by consistent data collection and analysis that examines the demographics of anyone who is accused, including factors such as the person's race, ethnicity, and gender, and which tracks outcomes to ensure that people are being treated fairly and equitably. The Division of Criminal Justice (DCJ) has made significant strides toward improving data collection and reporting on processes and outcomes in criminal cases. This effort should be managed to make sure the system is tracking data across jurisdictions and that the data is appropriately analyzed and publicized. There are many factors that influence decision making, and many decisions are not solely driven by the prosecutor. Clear, accessible, contextualized data will provide the best chance to hold the system accountable.

OCPD is concerned that parts of this proposal will limit DCJ's independence and subject state's attorneys to political pressure in ways that may run counter to the fair and equitable administration of justice. A benefit of an independently-appointed prosecutor is that they are free to assess each case based on the particular facts of the case and the standard of proof, not based on any public opinion or pressure that may exist around a case. The Criminal Justice Commission, much like the Public Defender Services Commission, is appointed by members of the Judiciary and the General Assembly, but is not sited in any particular agency or branch of

**Testimony of Christine Perra Rapillo, Chief Public Defender
Judiciary Committee - March 10, 2021**

Re: Raised Bill 1018, An Act Concerning Prosecutorial Accountability

government. This allows policy makers to guide these 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 also causes some concerns for OCPD. Data on criminal cases should be tracked and analyzed to ensure that decisions are equitable and that there are not unjustifiable disparities in outcomes across our state. 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 DCJ to collect a few years' worth of data and mandate regular reports on some of the more critical data points. This will help ensure that any mandated standards do not have the unintended effect of decreasing the State's ability to divert cases or negotiate independent resolutions in its exercise of discretion.

OCPD respects that DCJ has been moving from its current prosecutorial approach to a more community-oriented, equity-driven approach that better embodies the holistic role and responsibilities of a "state's attorney." DCJ's path in that regard is neither short nor simple, but it must be navigated in a way that both promotes accountability and preserves independence.