

Responses of Erik T. Lohr, Esq.

ACLU Smart Justice Connecticut Survey for Connecticut Chief State's Attorney Applicants

1. Will you commit to fairness and transparency by supporting legislation requiring uniform policies and procedures to be promulgated by the Division of Criminal Justice Advisory Board for all 13 state's attorney offices? Please give a clear "Yes" or "No" to the question and any explanation.

Yes.

2. Will you commit to transparency and professional accountability for state's attorneys by supporting legislation requiring biennial performance evaluations of all 13 state's attorneys using data from [PA No. 19-59](#) that focuses on creating fair, consistent, and proportional outcomes and measuring overall well-being of communities impacted by prosecution? Please give a clear "Yes" or "No" to the question and any explanation.

Yes to biennial performance evaluations for all 13 State's Attorneys. No as phrased to remainder because not an objective, uniform standard, but willing to consider Public Act No. 19-59 data during such performance evaluations.

3. Will you commit to transparency by complying with the data collection requirements of [PA No. 19-59](#) and implementing a uniform case management system for the Division of Criminal Justice by the end of 2020? Please give a clear "Yes" or "No" to the question and any explanation.

Yes.

4. Will you commit to providing quarterly updates over the duration of 2020 regarding the implementation process of the case management system by reporting on (a) the number of courts fully equipped with the case management system, and (b) the percentage to completion each court has reached to fully tracking each data point required by PA No. 19-59? Please give a clear "Yes" or "No" to the two subparts and any explanation.

a) Yes.

b) Yes, provided such data reasonably can be ascertained.

5. Will you commit to legislation reducing the length of state's attorney terms from eight years to four years? Please give a clear "Yes" or "No" to the question and any explanation.

Yes.

6. Will you commit to ending mass incarceration by supporting legislation overhauling the sentence modification process to (a) consider only the rehabilitation and character of a person while incarcerated, and victim input, (b) eliminate the possibility of a sentence increase, and (c) eliminate the requirement of initial agreement by state's attorneys for a sentence modification application to be processed? Please give a clear "Yes" or "No" to all four subparts and any explanation.

- a) No as phrased.
- b) Yes.
- c) No as phrased.



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7. Will you commit to ending mass incarceration by supporting legislation to modernize Connecticut's criminal code by (a) eliminating duplicative criminal penalties, (b) eliminating mandatory minimums and sentence enhancements, (c) reducing the maximum penalty of incarceration on all offenses by 25%, and (d) capping all prison sentences to 20 years? Please give a clear "Yes" or "No" to all four subparts and any explanation.

- a) No as phrased.
- b) Yes.
- c) No.
- d) No.

8. Will you commit to fairness and accountability by supporting legislation creating an independent conviction integrity unit to review and investigate innocence claims presented by people convicted of violent offenses? Please give a clear "Yes" or "No" to the question and any explanation.

No as phrased.

9. Will you commit to saving taxpayer dollars by supporting the permanent closure of Connecticut's supermax prison, Northern Correctional Institution? Please give a clear "Yes" or "No" to the question and any explanation.

Yes.

10. Will you commit to saving taxpayer dollars by supporting the permanent closure of Manson Youth Institution? Please give a clear "Yes" or "No" to the question and any explanation.

No.



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11. Will you commit to transforming the role of the Division of Criminal Justice in ending mass incarceration by dedicating 50% of the division's budget, by 2025, to community wellness programs that divert people out of the criminal legal system, such as rehabilitation programs or nonjudicial sanctions? Please give a clear "Yes" or "No" to the question and any explanation.

No, but willing to support expansion of early diversionary programs, and nonjudicial sanctions.

12. Will you commit to holding police accountable by supporting legislation to change Connecticut's use of force standard to one in which killings by police are justified only if it is clear that police did not, through their actions, create a situation in which deadly force was necessary? Please give a clear "Yes" or "No" to the question and any explanation.

No as phrased.

13. Will you commit to holding police accountable by supporting legislation requiring state's attorneys to (a) update the Criminal Justice Commission quarterly on all open deadly force investigations, and (b) present their findings to the Criminal Justice Commission with an opportunity for public comment? Please give a clear "Yes" or "No" to both question subparts and any explanation.

- a) Yes.
- b) Yes.

14. Will you commit to holding police accountable by (a) creating a statewide "Brady List" of police officers excluded from testifying in criminal cases because of a proven history of lying or other professional or criminal misconduct, and (b) making the "Brady List" available to the public on request? Please give a clear "Yes" or "No" to the question and any explanation.

- a) Yes, provided the officers received full due process, and only if there is a high degree of confidence in the outcome of that process.
- b) No as phrased.

15. Will you commit to holding police accountable by (a) assigning prosecutors in every judicial district to ensure that every charge is supported by probable cause before filing with the court, as required by Practice Book § 36-12, (b) ensuring cases are dismissed when insufficient evidence exists to support prosecution, and (c) refusing to prosecute cases involving police officers who have a proven record of false testimony, evidence tampering, or have

otherwise proven unreliable in meeting ethical or professional standards?
Please give a clear “Yes” or “No” to the question and any explanation.

- a) Yes to enforcement of, and compliance with, P.B. § 36-12.
- b) Yes.
- c) No as phrased, but a determination as to whether any involved police officer has a proven reliability and/or integrity issue most definitely will be taken into consideration if relevant to the case.



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16. Will you commit to transparency and accountability by supporting legislation setting a uniform standard for criminal discovery which mandates (a) disclosure of all evidence to a defendant before they are required to accept or reject a plea offer, (b) disclosure of all evidence to the defense no later than 30 days before trial, (c) filing with the court an itemized list of information disclosed to the defense, and (d) mandating dismissal upon the defense’s request if the prosecution fails to provide required evidence within prescribed time period? Please give a clear “Yes” or “No” to the question and any explanation.

- a) No as phrased.
- b) Yes.
- c) No as phrased.
- d) No as phrased.

17. Will you commit to transparency and accountability by supporting legislation codifying a Division of Criminal Justice code of ethics that meets or exceeds the American Bar Association’s [Criminal Justice Standards for the Prosecution Function](#)? Please give a clear “Yes” or “No” to the question and any explanation.

Yes, provided that the ABA standards are used only as guidance for any such legislation, and that they are tailored to fit the needs of this jurisdiction.

Please write your answers in this document and email your responses to Claudine Fox at cfox@acluct.org on or before December 31, 2019.