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As the State's Attorney for the Judicial District of Waterbury, I have had the privilege and responsibility of running one of the State's largest and busiest prosecutors' offices since 2011. I was appointed to the position of Special Deputy Assistant State's Attorney in 1982 in the Appellate Unit of the Chief State's Attorney's Office. Since that time, and after a period in private practice, I have worked in numerous courts throughout the State, including the Part A court in Middletown, and have been able to observe how different jurisdictions were managed. I have personally handled virtually every type of case imaginable from infractions to Murder. I am especially proud of working on the first Domestic Violence docket in the State. Since I was appointed as Waterbury State's Attorney, I have instituted significant and innovative changes within this jurisdiction. One of my first changes was to institute a detailed, documented and transparent discovery process. As part of this process, my jurisdiction was one of the first to adopt an electronic discovery so that information could be provided more quickly to defense attorneys and pro se defendants. Under my leadership, Waterbury was one of the first two jurisdictions in the state to begin an Early Intervention Screening Program. This program has proven extremely valuable in diverting individuals out of the court system. Its goal is to prevent the reoccurrence of criminal activity by addressing the needs of an arrested person with a focus on rehabilitation instead of punishment. Moreover, I established an Office Management Plan to set out the long and short term goals for the members of my office and to inform the public of these goals. The Office of the Waterbury State's Attorney was one of the first three jurisdictions to adopt such a plan. I personally established a Citizens Advisory Board for this jurisdiction. The purpose of the board is to acquire feedback from citizens in our community as to how we, as prosecutors, are doing our jobs and what we can improve. The Citizens Advisory Board also allows members of my office to speak directly to community members to answer questions they may have about our office and the Criminal Justice System. Additionally, Waterbury has other innovative programs including an active Community Court and a

respected and well run Domestic Violence docket. Our society is entering a new era in criminal justice. As we as a society continually strive to improve our criminal justice system it is my hope and goal to restore the faith in the criminal justice system. It is my belief that with the advent of the new case management system and the Prosecutorial Transparency Act the stakeholders will acquire hard data to examine flaws in the system and move us forward. Amongst other improvements, I also believe that improvements in our system of criminal justice can be had by regaining our charging authority and instituting state wide policies and procedures to ensure that all people are treated equally and fairly. Thank you for the opportunity to respond to these thought provoking questions. The Criminal Justice system is and should be in a state of change and evolution as we seek better and more effective ways to grapple with the problem of unlawful behavior which is often intertwined with issues of poverty, substance abuse and mental health challenges. Prosecutors deal with these complex issues on a daily basis and must constantly seek new and better ways of responding in an effort to change the trajectory, and reduce the entry of individuals into the court system.

Questions

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 Attorneys?

Yes. The Criminal Justice system has lost the confidence of members of the public that we serve. It is only through complete transparency and examination, that we can regain the trust and understanding of all members of our community within our state. Statewide uniform policies is one of the first steps to regaining this trust by ensuring equality and fairness in all jurisdictions and must be implemented. However, it is also vital that State's Attorneys gain a familiarity with the individual problems of all jurisdictions. Any statewide polices should have the flexibility to address matters of local concern, and hopefully to include the utilization of local advisory boards of community leaders.

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 19-59 that focus on creating fair, consistent and proportional outcomes and measuring overall well-being of communities impacted by prosecution?

Yes. I do support accountability for the State's Attorneys through a review of all data under the Transparency Act to address any matters of concern. This ideally should be accompanied by funds to increase personnel levels to ensure that the Division of Criminal Justice is adequately staffed. Inadequate staffing leads to rushed inadequate investigations and prosecutions. Adequate staffing allows for each defendant, each victim, each stakeholder and our community to know that each case is treated with the attention that it requires. This individual non-hurried approach leads to a system better designed for equality and fairness.

3. Will you commit to transparency by complying with the data collection requirements of P.A.19-59 and implementing a uniform case management system for the Division of Criminal Justice by the end of 2020?

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 P.A. 19-59?

(a) Yes. (b) Yes.

The importance of transparency within our system cannot be overstated and is essential to regaining the trust of the people that we serve. The new Case Management System is an integral part of both transparency and providing rapid and complete discovery to individuals charged with offenses. Updates regarding the progress of the implementation of these important developments are part of the process of regaining public support and moving

the Division of Criminal Justice forward.

5. Will you commit to legislation reducing a State's Attorney's term from eight to four years?

No because of the manner in which Connecticut prosecutors are appointed. Connecticut has a system of appointed prosecutors and appointed judges both of whom have eight year terms. Connecticut State's Attorneys are moving towards consistency and uniformity throughout the state as we seek to have a system characterized by one system of justice rather than thirteen different versions. Traditionally, State's Attorneys were virtually always appointed from prosecutors serving within that judicial district. However, this is no longer the case and increasingly, prosecutors are appointed to serve as State's Attorneys in districts in which they have little or no familiarity. A State's Attorney must become an integral part of the community that they serve, with local law enforcement, and the makeup and problems of their individual offices. It is vital that a State's Attorney gain the trust of the key stakeholders and residents of their district. This may simply be impossible to develop in a four year term. It is also vital that individual State Attorney's Offices have consistency and are not subject to constant shifting of priorities and leadership. Any problems which arise with an individual States Attorney's conduct during their eight year term can always be addressed by the Criminal Justice Commission which has intervened when necessary in the past.

6. Will you commit to ending mass incarceration by supporting legislation overhauling the sentence modification processes 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?

(a) No. I believe that while the rehabilitation and character of a person while incarcerated and victim input are a very important components of any decision to grant a sentence modification, these factors cannot be the only matters considered. The nature of the offense and the threat to the community must also be factored into any decision. For instance, if an individual has been convicted three times over a thirty year period of sexual offenses

involving children, public safety should be considered even if their behavior has been exemplary while incarcerated. Likewise, an individual serving time for a nonviolent property offense should be considered for a sentence modification even if the victim might object, or if the individual had a single encounter negative encounter with a correctional officer.

(b) Yes. (c) Yes.

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 minimum and sentence enhancements, (c) reducing the maximum penalty of incarceration on all offenses by 25%, and (d) capping all prison sentences to 20 years?

(a) Yes. Duplicative penalties are inappropriate and prohibited by the Double Jeopardy clause of the United States and Connecticut Constitutions.

(b) No. Certain offenses such as repeated Driving While Intoxicated offenses and repeat Domestic Violence offenders require the discretion to allow for increased punishment if the situation warrants such an outcome. To allow a six time convicted DWI offender to receive the same misdemeanor penalty as a first time offender would not only be unfair to those charged as first offenders, but also pose a substantial danger to the public, a factor which must be considered in disposing of a case. Likewise, repeat violent offenders, that put innocent people in our society at risk of serious physical injury or death time and time again, should often be treated more seriously than a first offender. Regarding minimum mandatory sentences, they should be routinely examined by the legislature on a case by case basis. Often times' justice is best served by allowing for discretion.

(c) No. Criminal Justice Reform should be done in a thoughtful and comprehensive manner. A fixed percentage generally chosen such as a number of a 25% reduction across the board would be unjust. The maximum penalty on certain offenses should be reduced by far more than 25% while at the same time other violent offenses should be considered more carefully utilizing the very latest data and information regarding such offenses. Moreover, as the Division further complies with the Transparency Act the participants will hopefully have much better hard data to help in these decisions.

(d) No. Long term incarceration should always be imposed as a last resort.

Indeed, I cannot recall a single case in this jurisdiction during my tenure where a prosecutor recommended a sentence of over twenty years as a plea bargain except in a murder case which has a twenty-five year minimum mandatory imposed by the legislature. However, there are certain, but fortunately very few violent individuals, such as mass murderers who sometimes need to be incarcerated long term for the protection of the public.

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 offense?

Yes. I believe that a Conviction Integrity Unit would be an important development to ensuring public confidence in the Criminal Justice System. As ministers of justice, prosecutors should endorse any effort to prevent wrongful convictions.

9. Will you commit to saving tax payer dollars by supporting permanent closure of Connecticut's supertax prison, Northern Correctional Institution?

No. The truth is that Connecticut prosecutors have very little knowledge about the nature and make up of our correctional system since issues with our prisons and jails are dealt with by the Office of the Attorney General and not by the Division of Criminal Justice.

While Public Defenders routinely visit correctional facilities to interact with their clients, the average prosecutor can go years, if not decades, without entering a prison or jail. I believe that prosecutors should be required to have annual training in this area in order to better understand the nature, long term effects and implications of incarceration. Certainly, any prosecutor who has experienced such training has benefitted from it and I believe changed their way of thinking. To more specifically address the question, while I believe that saving taxpayer money is an important factor, I do not believe that it should determine whether or not a particular facility should remain open. Closing any particular facility and believing that this would solve the problem is not the best solution since the objected to treatment could simply be instituted in another facility. The Connecticut Correctional system must be run by professional, well-trained and compassionate individuals carefully chosen to ensure that an individual leaves prison better than he or she entered

the facility. It is imperative that Corrections treat every individual with dignity and with an eye to helping reintegrate a person back into society and utilize the very latest methodology and treatment protocols and practices. At the same time any correctional facility must be operated in a way that both incarcerated individuals and the staff are safe. However, the greater our efforts in developing and improving our diversionary and community-based programs, the greater the likelihood we will appropriately reduce our prison populations. This fundamental improvement in Criminal Justice will allow facilities to be closed or modified in the future.

10. Will you commit to saving taxpayer dollars by supporting the permanent closure of Manson Youth Institution?

No. Again I feel that while spending taxpayer money is an important factor, it cannot be the only consideration. If this State has chosen to incarcerate an individual and deprive that person of their liberty, the State must commit the necessary resources to ensure that this person emerges better than when he or she entered. Closing facilities simply on the basis of which ones are the most expensive is a short term and ineffective method of running a correctional system. Rather, a comprehensive review must be continually undertaken to ensure that the correctional system is run in a professional manner using the latest technology and methodology to ensure the success of re-entering individuals. Preventing future criminal activity through innovative programs is in the best interests of everyone even if it is the more expensive alternative.

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 legal system, such as rehabilitation programs or non-judicial sanctions?

No. A fifty percent reallocation of the budget of the Division of Criminal Justice would result in a massive lay-off of prosecutors and staff. Connecticut has a well-developed Pretrial and Probation system which is set up to handle these diversionary programs and has staff with the expertise and training to administer them. I would strongly support increased funding and staffing for these programs. Many individuals who are arrested have serious substance abuse issues. Currently, individuals often have to languish for weeks if not months in correctional centers waiting for a bed to open up in order to get treatment. I often hear that particular defendants would rather quickly resolve

their cases instead of waiting for a place in a long term treatment program. This is short sighted and makes no sense. We must immediately vastly increase our ability to provide effective and comprehensive treatment. This will ultimately save money by reducing repeat offenders. However, I do not believe this funding can come from the Division of Criminal Justice budget. In fact, I believe reallocating the budget in this manner would have a negative impact upon the operation of the entire criminal justice system. The goal of every prosecutor's office should be to have all cases given the attention that they require and deserve. To that end, it is imperative that the DCJ funding must not be changed from its current level and split in half to provide funding for diversionary programs. The state must commit to providing adequate staffing levels to ensure that complete discovery, transparency and justice is received. To in essence double the case load of existing prosecutors through layoffs would cause only more mistakes, inadequate assessment of cases, less fairness and less justice. However, it should be noted that prosecutors in Connecticut probably now dispose of almost forty percent of all cases without a resulting criminal conviction given the large number of cases nolleed or disposed of through a variety of innovative and diversionary programs. This screening process is an important part of what prosecutors do here and hopefully will be expanded as we regain our charging authority through an "un-arrest" policy. As State's Attorney for Waterbury, I instituted one of the first two Early Screening Intervention programs in the state of Connecticut. This highly successful program, has diverted thousands of individuals from the Criminal Justice system. Waterbury also has a very successful Family Violence docket which emphasizes treatment and preventive measures rather than conviction to prevent future instances of similar violent conduct. We also have a staffed Community Court which also attempts to divert people from the system.

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?

Yes. I will support legislation giving police clear and detailed standards regarding when the use of such force is allowable. Such a law must require mandated and continual training for law enforcement about de-escalating volatile situations, and spell out the necessity of using the least amount of

force necessary in the performance of their duties. This statute must also require simulated scenario training. We in Connecticut already have a law which prohibits an officer from putting themselves in harm's way by blocking a vehicle with his body under certain situations. Such common sense requirements are necessary and appropriate, and hopefully, will reduce the amount of deadly force used in this state.

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?

(a) Yes (b) Yes

Police shooting investigations must be handled as transparently as possible. I would invite not only a forum for public comment, but a forum to explain the decision making process. Understanding how a decision was made is often as important, in my opinion, as the decision itself. The public has a right to know and State's Attorneys have a duty to provide a complete and thorough analysis and explanation supporting their conclusion regarding these deadly force investigations.

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 making this "Brady List" available to the public on request?

a) Yes (b) Yes

If a police officer lies in the performance of his duties he cannot be a police officer and must be terminated. It is unacceptable on any level. I personally have testified in a termination proceeding against a police officer stating that once an officer has been found to be untruthful, they no longer have any credibility within the system and hence should be terminated. When this particular officer's conduct came to the attention of my office, we not only informed the accused and/ or his attorney, we also refused to prosecute any cases which were not independently verified as

a matter of fundamental fairness.

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 Section 36-12, (b) ensuring cases are dismissed when insufficient evidence exists to support prosecutions, 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?

(a) Yes. I believe that prosecutors must regain their traditional charging authority and should be required to ensure the most fundamental Constitutional procedural safeguard of probable cause before any individual is presented before the court. However, I also believe that our charging authority should extend farther than a mere probable cause finding. As it stands now, Connecticut does not have any "un-arrest" procedure and it is without question, that such a change must be instituted in the interest of justice without delay. Having such a procedure would allow a prosecutor to prohibit a person's entry into the criminal justice system even if there was probable cause for an arrest if it effectuated a more just outcome.

(b) Yes.

(c) Yes, if the case rests substantially on the testimony of the discredited officer and thus cannot be independently proven.

16. Will you commit to transparency and accountability by supporting legislation 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 bargain offer, (b) disclosure of all evidence to the defense no later than 30 days before trial, (c) mandating dismissal upon the defense's request if the prosecution fails to provide required evidence with the prescribed period?

(a) Yes. However, it should be waivable by the accused. Certain material such as police reports can be provided without delay. This will be especially true when the new Case Management System becomes operational. However,

certain other discoverable material such as autopsy, toxicology reports or DNA testing can take months to obtain. We as prosecutors should attempt to expand the rights of individuals rather than limit them. Sometimes an individual may wish to resolve their case for one reason or another in a rapid fashion, and may not wish to wait the months that are sometimes required to complete lab or DNA testing. A classic example of this occurs when an individual wishes to leave the state, or minimize the time lost from work. Individuals who are already incarcerated for another crime and may also wish to plead as rapidly as possible for an offense for which he/she knows that they are guilty in order to receive concurrent time. It would simply be unjust to compel an individual to wait to resolve a case for months if that person does not wish to for a variety of reasons. Also such a policy could be subject to abuse.

(b) Yes.

(c) Yes.

(d) No not in every case, but it should be an option available to the court after a finding of prejudice. In complex criminal cases, there are hundreds, if not thousands of pieces of discovery. With the new case management system, providing complete discovery should be a much easier and more effective task. However, the problem with all or nothing requirements is that they are better in theory than in practice. For instance, assume that an accused has been arrested for a mass killing. This investigation has generated thousands of reports. A week before trial, it has come to the attention of the defense that a single one paragraph police report written by an investigating officer has mistakenly not been turned over to the defense. This one paragraph report contains information that has already been more extensively disclosed in a dozen other multi-paged police reports. Should the case be automatically dismissed and the mass murderer set free? I would submit no since there are ample other options available to the defense and the court to address the issue including a trial delay, exclusion of the evidence in question and even sanctions against the prosecutor in cases of intentional misconduct. Also, in theory, such a policy would lead to the temptation of not disclosing evidence discovered at the last minute if the prosecutor knows the entire case would be thrown out even if the person was guilty. Our rules and procedures should be designed in a way to encourage all disclosure and even over disclosure of information.

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 Prosecution Function?

Yes. Prosecutors must maintain a high standard of ethics in order to maintain credibility and fulfill their function as ministers of justice.