

Richard J. Colangelo, Jr.

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

Thank you for the opportunity to participate in this important survey. We are in an exciting time in the criminal justice system, with the implementation of PA No 19-59, we are going to be able to have data to enable us to get a clearer picture of the criminal justice system. The questions you raise are thought provoking and I think we all need to be discussing them. The separation of powers and the three branches of government require that many of these issues need to be specifically addressed by the legislature, but we all need to be part of the conversation.



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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, I chair the management committee and we developed a self-assessment form/outline last year to provide information to the CSA to allow the CSA to perform evaluations of State's Attorneys.

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, the case management system should be deployed to all offices before the end of 2020. The only issue is getting CIS to transfer information to our case management system to be able to provide all the information necessary to comply with the statute.

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.

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.



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No, I do not think this is a good idea. Most State’s Attorneys get appointed to complete a term of office, they finish the term of their predecessor. This initial term allows the CJC to see how they are adapting to their new role in a management position. An eight-year term allows a State’s Attorney to develop policies for the JD and to determine what is important in the JD that they are appointed to. Each district has unique areas to address.

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.

I believe the sentencing commission is looking at these issues.

- (a) No, while both of these factors are important, they are not the only things that should be looked at. Yes, we always need the victim input.
- (b) Yes.
- (c) Yes, as long as there is a hearing so the State can be heard in appropriate cases.

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) This cannot be answered yes or no. This is a decision that is in the purview of the legislature. If they decide to do this then I will make sure the new legislation is followed by the office.

(b) This cannot be answered yes or no. This is a decision that is in the purview of the legislature. If they decide to do this then I will make sure the new legislation is followed by the office.

(c) This cannot be answered yes or no. This is a decision that is in the purview of the legislature. If they decide to do this then I will make sure the new legislation is followed by the office.

(d) This cannot be answered yes or no. This is a decision that is in the purview of the legislature. If they decide to do this then I will make sure the new legislation is followed by the office.



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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, while I commit to fairness and accountability, I do not believe legislation is need to accomplish a conviction integrity unit. If I am the CSA I plan on having a conviction integrity unit.

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.

This cannot be answered yes or no. This is a decision that is in the purview of the legislature. If they decide to do this then I will make sure the new legislation is followed by the office.

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.

This cannot be answered yes or no. This is a decision that is in the purview of the legislature. If they decide to do this then I will make sure the new legislation is followed by the office.

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, this is not possible. Approximately 90% of the DCJ budget is for personnel costs. Most offices are understaffed so any further reductions would harm the system. I would support implementing the early

screening and intervention program in each court. This would divert and treat the causes that bring many people into 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? Please give a clear "Yes" or "No" to the question and any explanation.

No, I believe this is counter to the case law as it stands at this time.



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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, this information is gathered for cases at the present time.
- (b) This cannot be answered yes or no. This information might be covered by employment law and would be need to be further researched.

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, we are doing this now.
- (b) Yes, we are doing this now.
- (c) Yes, we are doing this now.

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.



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These issues are being addressed by the rules committee, I am committed to being part of the discussion and having consistent criminal discovery in Connecticut.

(a) Yes, for all the information we have at the time it is turned over.

(b) Yes, for all the information we have at the time it is turned over.

(c) Yes, this is easier to accomplish in Part A cases and Part B cases that will go to trial, to require it in all cases is not possible with the current staffing levels.

(d) No, I do not believe automatic dismissal should be the mandated option for noncompliance. We have to also understand the victims' rights in these instances.

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, our ethics policy and guidelines cover the same area that the ABA does. We can look to expand our policy.

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