



765 Asylum Avenue, First Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

**State’s Attorney Maureen Platt Should Not Be Reappointed
as State’s Attorney for the Waterbury Judicial District**

Chairperson McDonald and distinguished members of the Criminal Justice Commission:

My name is Kelly McConney Moore, and I am policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify in opposition to the reappointment of Maureen Platt to the position of State’s Attorney for the Waterbury Judicial District. In several ways, Platt has demonstrated a pattern of failing to provide meaningful consequences for governmental employees who commit serious misdeeds. For this reason, Platt is not the right person to carry on as the State’s Attorney for the Waterbury Judicial District.

Failure to hold prosecutor accountable for misconduct

In 2014, three years after Platt’s appointment to finish the previous Waterbury State’s Attorney’s term and two years after her reappointment to the position,¹ one of her subordinate prosecutors committed serious professional misconduct. Senior Assistant State’s Attorney Terence Mariani, Jr. was found by a court to have “engaged in a deliberate pattern of improper conduct in this case and others.”² Throughout the trial of Victor Santiago, Mariani referred to the defendant as a “gang-banger,” impugned his brothers as “gang-bangers,” and implied that Santiago was violent because of his gang involvement. The court found that Mariani violated a court order by making these slurs – much like he had in a 2006 case – and also found that these slurs could “only be seen as an attempt to stigmatize the defendant.”³

¹ Jonathan Shugarts, “Platt reappointed to Waterbury State’s Attorney.” *Waterbury Republic-American*, Jun. 19, 2012, available at <https://archives.rep-am.com/2012/06/19/platt-reappointed-to-waterbury-states-attorney/>.

² *State v. Santiago*, 66 A.3d 520, 524 (2013).

³ *Id.* at 529.

According to the court, this was a deliberate pattern of “overzealous or overreaching state authority” by Mariani.⁴ As a result, the court reversed Santiago’s conviction – an outcome that it acknowledged was incredibly serious but warranted due to the severity of Mariani’s misconduct.⁵

Despite the egregiousness of this misconduct, Platt told reporters at the time that Mariani was a respected and hard-working prosecutor who “feels very strongly and deeply about his cases.”⁶ Platt admitted at the January 2020 meeting of the Criminal Justice Commission that she never disciplined Mariani for this misconduct and that he was, in fact, still employed by the Waterbury Judicial District. As of today, Connecticut judicial branch records reflect that Mariani is still an employee of the Waterbury State’s Attorney’s Office.

Because of the interminable eight-year terms for State’s Attorneys in Connecticut – much longer than most head prosecutors’ terms nationwide – this reappointment is the first opportunity for this Commission to assess Platt’s oversight of Mariani’s malfeasance. A Connecticut appellate court overturned the conviction in Santiago’s case, and found that reversing the conviction was the only possible sanction and deterrent to Mariani’s behavior. Instead of treating the court’s decision as the red flag it was, Platt excused Mariani’s behavior. Indeed, at the time, she indicated that he was probably “very saddened by the court’s conclusions”⁷; apparently, based on her subsequent actions, she believed that his presumed sadness was consequence enough. This is not only a dereliction of her duties as a supervisor of prosecutors, but also a disappointing insensibility to her duty to uphold justice in Waterbury. Despite her acknowledgements in January that she should have done more, Platt appears not to have made any further remediation or discipline with respect to Mariani’s misconduct in these past five months.

⁴ *Id.* at 532-33 (quoting *State v. Patterson*, 230 Conn. 385, 398 (1994)).

⁵ *Id.* at 536-37.

⁶ Dave Collins, “Court blasts prosecutor, reverses conviction.” *Journal-Inquirer*, May 21, 2013, available at https://www.journalinquirer.com/connecticut_and_region/court-blasts-prosecutor-reverses-conviction/article_4b3fe884-c220-11e2-92e6-001a4bcf887a.html.

⁷ *Id.*

Failure to hold police accountable for violence

Another area in which Platt has provided insufficient accountability for serious misdeeds is in her investigations of police uses of force. Platt has demonstrated an unwillingness impose consequences on police who commit violence. During her time as State's Attorney, Platt has investigated four police violence cases involving deadly force. One of these reports is still pending – the case of Samuel Moore, a Black man whom police shot at, but did not injure, while he was in a moving vehicle.⁸ In the three months since Platt issued a preliminary status report upon her appointment to the investigation, Platt has not provided an update and has not yet issued a final report.

Of the three police killing investigations Platt has completed, she has found twice that deadly force was not used, despite the fact that both of these victims died after police Tased them multiple times.⁹ In each case, the medical examiner who performed the autopsy deemed the deaths to be a homicide.¹⁰ In the ten-year period between 2005 and 2015, at least 16 people in Connecticut died as a result of police Tasing them.¹¹ Nationwide in 2018, at least 49 people died after being Tased by police.¹² Despite this troubling evidence, Platt's reports for these two police killings

⁸ Preliminary Status Report Concerning the Use of Deadly Force in Cromwell, CT on March 17, 2020, Division of Criminal Justice, *available at* <https://portal.ct.gov/-/media/DCJ/Deadly-Force-Reports/031720-Cromwell-Samuel-Moore/Preliminary-Report-Cromwell-031720.pdf>.

⁹ See Report of the Waterbury State's Attorney Concerning the Death of Matthew Russo on August 7, 2015 in the City of Hartford, Division of Criminal Justice, *available at* <https://portal.ct.gov/DCJ/Whats-News/Reports-on-the-Use-of-Force-by-Peace-Officers/2015---August--Matthew-Russo---Hartford>; Report of the Waterbury State's Attorney Concerning the Death of David Werblow on March 15, 2015 in the Town of Branford, Division of Criminal Justice, *available at* <https://portal.ct.gov/DCJ/Whats-News/Reports-on-the-Use-of-Force-by-Peace-Officers/2015---March---David-Werblow---Branford>.

¹⁰ Report of the Waterbury State's Attorney Concerning the Death of Matthew Russo on August 7, 2015 in the City of Hartford, at 10, Division of Criminal Justice, *available at* <https://portal.ct.gov/DCJ/Whats-News/Reports-on-the-Use-of-Force-by-Peace-Officers/2015---August--Matthew-Russo---Hartford>; Report of the Waterbury State's Attorney Concerning the Death of David Werblow on March 15, 2015 in the Town of Branford, at Sec. 3, Division of Criminal Justice, *available at* <https://portal.ct.gov/DCJ/Whats-News/Reports-on-the-Use-of-Force-by-Peace-Officers/2015---March---David-Werblow---Branford>.

¹¹ Police Tasers in Connecticut, ACLU of Connecticut, June 30, 2016, *available at* <https://www.acluct.org/en/news/police-tasers-connecticut>.

¹² Tim Reid, Peter Eisler, and Grant Smith, "As death toll keeps rising, U.S. communities start rethinking Taser use." Reuters, Feb. 4, 2019, *available at* <https://www.reuters.com/article/us-usa->

cited sources which denied that Tasers should be considered deadly,¹³ discounting the Taser's own manufacturer warnings that its use "may increase the risk of death or serious injury."¹⁴

The third completed investigation was into the death of fifteen-year-old Jayson Negron.¹⁵ In that case, it is undisputed that after initiating a car chase of Negron, police employee James Boulay made the decision to approach the car Negron was driving, intentionally putting himself in a location he later claimed was dangerous, and then used that as a justification to shoot into a moving vehicle and kill a teenager.¹⁶ Platt determined that Boulay's response in this case was "appropriate" and reasonable. To this day, Boulay is still a Bridgeport police employee and has faced no repercussions for killing a child.

Platt has demonstrated an unwillingness to hold accountable the people tasked with keeping Connecticut communities safe and just. In this moment, when more U.S. residents than ever view police violence as a serious problem, and almost 4/5 of U.S. adults think police violence is a problem,¹⁷ Platt's rejection of police accountability is out-of-touch. More importantly, it is dangerous for the people of Connecticut. Platt's pattern of failing to take police violence and prosecutorial misconduct seriously demonstrates her unsuitability for another term as State's

[taser-deaths-insight/as-death-toll-keeps-rising-u-s-communities-start-rethinking-taser-use-idUSKCN1PT0YT](https://portal.ct.gov/DCJ/Whats-News/Reports-on-the-Use-of-Force-by-Peace-Officers/2015---March---David-Werblow---Branford).

¹³ Report of the Waterbury State's Attorney Concerning the Death of David Werblow on March 15, 2015 in the Town of Branford, Division of Criminal Justice, available at <https://portal.ct.gov/DCJ/Whats-News/Reports-on-the-Use-of-Force-by-Peace-Officers/2015---March---David-Werblow---Branford>; Report of the Waterbury State's Attorney Concerning the Death of Matthew Russo on August 7, 2015 in the City of Hartford, Division of Criminal Justice, available at <https://portal.ct.gov/DCJ/Whats-News/Reports-on-the-Use-of-Force-by-Peace-Officers/2015---August---Matthew-Russo---Hartford>.

¹⁴ State of Connecticut Electronic Defense Weapon Analysis and Findings, 2016 (Sept. 2017), available at <https://www.ccsu.edu/imrp/files/2017EDWReportFinal.pdf>

¹⁵ Report of the State's Attorney for the Judicial District of Waterbury Concerning the Death of Jayson Negron in the City of Bridgeport on May 9, 2017, Division of Criminal Justice, available at <https://portal.ct.gov/DCJ/Whats-News/Reports-on-the-Use-of-Force-by-Peace-Officers/2017---May---Jayson-Negron---Bridgeport>.

¹⁶ *Id.*

¹⁷ Kat Stafford and Hannah Fingerhut, "AP-NORC poll: Sweeping change in US view of police violence." AP News, Jun. 17, 2020, available at <https://apnews.com/728b414b8742129329081f7092179d1f>.

Attorney for the Waterbury Judicial District. We urge this committee to deny the reappointment of Maureen Platt to the position of State's Attorney for the Waterbury Judicial District.