



Sharmese Walcott, Esq
Office of the State's Attorney
101 Lafayette Street
Hartford, CT 06106

Dear Attorney Walcott:

It has come to our attention that you may be pursuing the opportunity to assume the role of Connecticut's next Chief State's Attorney. Thank you for taking a step to advance your role in ending mass incarceration!

The ACLU Connecticut Campaign for Smart Justice is grounded in the knowledge that the people closest to the problem are closest to the solution. We are an unprecedented cohort of advocates who have been directly impacted by Connecticut's justice system.ⁱ We are working to usher in a new era of justice, and we are not alone. We are part of the nationwide Campaign for Smart Justice, a multiyear effort in all 50 states.

A direct result of the ACLU Connecticut Campaign for Smart Justice's work is Public Act No. 19-59, An Act Increasing Fairness and Transparency in the Criminal Justice System, which was signed into law on July 1, 2019 by Governor Ned Lamont.ⁱⁱ Public Act No. 19-59 will shine a bright light on the role of State's Attorney by establishing new prosecutorial data collection and public reporting requirements for the 13 districts across the state. After the successful passage of Public Act No. 19-59, the public is now watching this selection to gain a better understanding of how each Chief State's Attorney candidate views their role in (a) the implementation of Public Act No. 19-59, and (b) within Connecticut's justice system as a whole.

We invite you to complete our *ACLU Smart Justice Connecticut Survey for Connecticut Chief State's Attorney Applicants*. While the Chief State's Attorney role is not an elected position, this public position is critical in protecting the safety and well-being of Connecticut residents. As such, the public has a right to know your views on various topics referenced within the pledge.

All of the identified Chief State's Attorney candidates have received a request to complete this *ACLU Smart Justice Connecticut Survey for Connecticut Chief State's Attorney Applicants*. Please provide your full response by May 10, 2022.

Our pledge consists of 12 Yes/No questions, each with the opportunity to provide a 250-word comment. Where neither "Yes" nor "No" is selected, the response will be recorded as "Did Not Respond." We also a request that you submit a brief 1 paragraph biography with your responses to this pledge. Each candidate's response will be posted on our website, as

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well as circulated to our more than 41,000 ACLU supporters in Connecticut and the broader public.

Please direct any questions to Claudine Constant, Public Policy and Advocacy Director, at 860-461-8477 or cfox@acluct.org.

Anderson Curtis
Senior Policy Organizer
ACLU Connecticut Campaign for Smart Justice

Gus Marks-Hamilton
Campaign Manager
ACLU Connecticut Campaign for Smart Justice

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

1. Will you commit to transparency and professional accountability for state's attorneys by supporting legislation requiring all 13 state's attorneys appear before the Criminal Justice Commission for biennial check-ins, 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.

DCJ agreed to biennial evaluations which are now mandated under PA 21-8 section 4 included here for reference.

Sec. 4. Section 51-280 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021): The Chief State's Attorney and each state's attorney shall biennially prepare a merit and performance rating for each state's attorney, assistant state's attorney and deputy assistant state's attorney and shall submit the biennial merit and performance rating conducted pursuant to the policy of the Division of Criminal Justice for each state's attorney to the Criminal Justice Commission for its consideration at the time

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for reappointing such attorneys to any new term or terms. As part of any such biennial merit and performance rating process, the commission may call a state's attorney before the commission for questions concerning any issue raised in a biennial merit and performance rating.

2. In 2022, the Division of Criminal Justice (DCJ) initiated the “Blueprint to Move Justice Forward”, a grant tasked with investigating why disparate outcomes occur in Connecticut’s 13 judicial districts. 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 based on the results from the “Blueprint to Move Justice Forward” grant for all 13 state’s attorney offices? Please give a clear “Yes” or “No” to the question and any explanation.

When I sought appointment as the State’s Attorney of Hartford, I committed to fairness and transparency, and that commitment will not change as Chief State’s Attorney. Hartford is one of the four sites selected for the Moving Justice Forward grant which highlights the Division’s commitment to this multi-year project to create a statewide blueprint to ensure fairness, transparency, and consistency. I am excited to review the results of this initiative before committing to legislation.

3. 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.

The eight-year term was created to mirror that of our judges, who are also constitutional officers of our justice system. The terms were intended to insulate constitutional officers from the political process. In practice, these terms are vital for continuity, division morale, implementation of long term change such as the Moving Justice Forward blueprint, and the ability to build relationships within the community the state’s attorney serves. The biennial review set out in PA 21-8 accomplishes the goal of reviewing state’s attorneys more frequently than every eight years.

4. 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

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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.

PA 21-102/22-36, with DCJ agreement, overhauled the sentence modification process.

- (a) No. Whether to modify a sentence is determinate on many factors.
- (b) As a DCJ policy, I will support not requesting a sentence increase as part of the hearing on a sentence modification.
- (c) PA 21-102/22-36, with agreement from DCJ, eliminated the need for agreement for a plea with a sentence of less than 7 years and all sentences after trial.

5. 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) I have been involved in conversations with key stakeholders that explore the need to add and/or eliminate statutes that appear in the Connecticut Penal Code. These mindful conversations have been had with full consideration to all sides on each particular statute before any proposals move forward.
- (b) I will commit to a review of mandatory minimums and sentence enhancements with key stakeholders.
- (c) No.
- (d) No.

6. 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.

I am committed to being an integral part of any conversation, committee, or taskforce that addresses and remediates the significant concerns raised in DOJ’s investigation, such as inadequate mental health treatment, inadequate access to educational resources, and the

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use of disciplinary isolation. I do not believe all juvenile offenders should be housed together and alternate placements that do not endanger other youth will need to be explored.

7. 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 2028, 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. DCJ's largest asset is its personnel, at all levels. Staffing accounts for over 85% of the Division's budget. Being understaffed and underfunded negatively impacts the Division's mission of ensuring justice and will cause significant harm to the communities most impacted by violence; the very communities that have already suffered through mass incarceration.

8. 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.

This question is posed more properly to the independent and separate Office of the Inspector General, created under PA 21-8, that has responsibility for all deadly force investigations involving police officers.

9. 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.

(b) I support the public Police Officer Standards and Training Council's public list of decertified officers.

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10. 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, however, it will require an overhaul, in conjunction with the judicial branch, of the administrative process.

(b) Yes.

(c) Yes, where the case lacks independent corroborative evidence.

11. 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) I will support a review of DCJ policy on this to ensure concerns are addressed.

(b) I will support a DCJ policy for this, unless the election to proceed to trial prior to is made by the defense.

(c) I will support a DCJ policy for this.

(d) No; there should be a remedy but one short of mandated dismissal.

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

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While I do not agree to codification, I will agree that the DCJ code of ethics will meet or exceed the NDAA and/or ABA code of ethics.

ⁱ To learn more about the ACLU's Smart Justice Campaign visit: <https://www.acluct.org/en/issues/smart-justice>

ⁱⁱ A link to Public Act No. 19-59 can be found here: <https://www.cga.ct.gov/2019/ACT/pa/pdf/2019PA-00059-R00SB-00880-PA.pdf>

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