



Patrick J. Griffin, Esq.
Office of the State's Attorney
235 Church Street
New Haven, CT 06510

Dear Attorney Griffin:

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

Patrick J. Griffin – Biography

I have been a prosecuting attorney with the Division of Criminal Justice for approximately 27 years, and currently serve as the State's Attorney for the Judicial District of New Haven. As the New Haven State's Attorney, I am the chief law enforcement officer for the Judicial District of New Haven, which includes the city of New Haven and twelve surrounding communities. In this capacity, I am responsible for the supervision of the prosecutors' offices at the Judicial District Superior Court in New Haven (Part A), Geographical Area Courts in New Haven (G.A. 23) and Meriden (G.A. 7), and the Superior Court for Juvenile Matters and Housing Sessions at New Haven. I previously worked at the Waterbury State's Attorney's Office from 1996 through 2011, the last approximately 8 years of which I spent in the Part A Court, where I successfully tried numerous felony cases to verdict. In 2013, I was promoted to Supervisory Assistant State's Attorney in charge of the Cold Case & Shooting Task Force Bureau at the Office of the Chief State's Attorney. As the supervising prosecutor, I directed a combined staff of prosecutors, inspectors, federal agents, municipal police detectives, and Connecticut Department of Correction personnel who were responsible for the investigation and prosecution of unsolved violent crimes throughout the State of Connecticut, as well as staffing local shooting task forces in Hartford and New Haven. In 2014, I was designated as a Special Assistant United States Attorney for the District of Connecticut and tasked with the investigation and prosecution of cold case homicides in federal court. In 2015, I received the Oliver Ellsworth Connecticut Prosecutor of the Year award. In addition to my prosecutorial duties, I have served as an Adjunct Professor at the University of New Haven School of Public Safety and Professional Studies, and as an Adjunct Lecturer at the New Haven and Waterbury Police Academies. I am a certified law enforcement instructor with the State of Connecticut Police Officer Standards and Training Council and frequently provide training to local police departments on a variety of topics.

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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.

Answer: No. I support transparency and professional accountability for State's Attorneys. Nonetheless, pursuant to current Division of Criminal Justice Policy, each State's Attorney is evaluated and peer reviewed on a biennial basis. The evaluation committee which conducts the peer review consists of the Chief State's Attorney, the Deputy Chief State's Attorney for Personnel, Administration, and Finance, as well as a State's Attorney selected from a list in descending order of seniority. This procedure provides regular evidence based feedback to the Chief State's Attorney, with the goal of enhancing the performance of the individual State's Attorneys. It bears noting such an evaluation may be utilized as a performance rating pursuant to C.G.S. § 51-280, and therefore submitted to the Criminal Justice Commission. As such, legislation in this area is likely unnecessary.

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.

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Answer: Yes. I fully support the Division of Criminal Justice’s grant based “Blueprint to Move Justice Forward,” and eagerly await the findings explaining why disparate outcomes occur in Connecticut’s thirteen judicial districts. To the extent investigation reveals root causes that can be overcome by the implementation of policies and procedures alone, I would agree that the Chief State’s Attorney should work together with the State’s Attorneys to standardize policies and procedures which address those causes. If this occurs, legislation would most likely be unnecessary.

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.

Answer: No. If the concern which underlies the proposal is State’s Attorneys’ job performance, I believe the Criminal Justice Commission is statutorily equipped with the authority to address such concerns without the need to reduce terms. Further, a reduction in State’s Attorney terms will serve to undermine prosecutorial independence. Finally, a reduction in State’s Attorney terms would likely reduce the number of qualified applicants for the position of State’s Attorney.

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 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.

Answer: a) No. These are important factors, but not the only factors to be considered.

b) Yes.

c) Yes.



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.

Answer: a) No.
b) No.
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.

Answer: No. It must be stated that such decisions are best left to the Connecticut Legislature based upon information and advice provided by the Connecticut Department of Correction.

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.

Answer: No. This proposal is not feasible. At the present time, approximately 90% of the Division of Criminal Justice's budget is allocated for personnel. While I fully support the statewide implementation of the Early Screening and Intervention program (ESI), which seeks to identify the root causes of individual criminal conduct with the goal of diverting individuals involved in low-level offenses away from the courts and toward available services, funding for the programs suggested cannot realistically be diverted from the Division of Criminal Justice budget.



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.

Answer: a) and b) No. Pursuant to the statutory scheme which created the independent Office of the Inspector General, Connecticut's States Attorneys are no longer responsible for conducting deadly force investigations. See C.G.S. §§ 51-277e and 51-277a.

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.

Answer: a) and b) Yes. While I am not fundamentally opposed to the creation of a so-called "Brady list," such a list implicates due process considerations. Currently, certification of police officers in Connecticut, as well as continuing education and re-certification, falls under the auspices of the Police Officer Standards and Training Council (POST-C). As such, POST-C is best situated to ensure that involved officers have been provided due process with respect to any disciplinary proceedings arising as a result of challenged conduct, and whether, legally, the results of those proceedings may be publicly disclosed. It bears emphasis that the creation and implementation of any such list would not, in and of itself, relieve prosecutors of their full constitutional discovery obligations pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972). It would remain incumbent upon the prosecutor to inquire of the officer's employer whether the officer has prior sustained findings of misconduct that reflect upon the veracity or possible bias of the witness officer, any criminal charges pending against the officer during the investigation and/or prosecution of the case in which said officer is to

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appear as a witness, and any credible allegation of misconduct against the officer that is currently under investigation.

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.

Answer:

a) Yes, to the extent that I will ensure that the Division of Criminal Justice will comply with any statute promulgated by the legislature which overhauls the manner in which criminal actions are initiated in the State of Connecticut. 2020, July Sp. Sess., P.A. 20-1 § 23 (The Police Accountability Act) provided that the Chief State's Attorney, in consultation with the Chief Court Administrator, was "to prepare a plan to have a prosecutorial official review each charge in a criminal case before the case is docketed," for submission to the Office of Policy and Management and the Judiciary Committee. I understand that a report was submitted which identified both the practical and financial impacts of possible changes to the current framework for criminal case initiation. In light of the report, I believe further review of the issue is required by the legislature and all affected agencies.

b) Yes. This is already occurring on a daily basis in each of our jurisdictions, as prosecutors are both ethically and duty bound to enter a nolle prosequi in such cases where insufficient evidence exists to support prosecution.

c) No. Such determinations can only be made on a case-to-case basis, taking into account, among other things, the officer's role in the current investigation, the nature of the officer's alleged prior conduct, and the availability of corroborating evidence in the case at bar, including testimonial evidence, independent of the officer's involvement in the investigation.



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.

Answer:

a) Yes. I favor uniform standards for criminal discovery and, as part of that, would support legislation requiring disclosure of all evidence prior to compelling an accused to accept or reject a plea officer. It bears noting, however, that there are myriad circumstances under which the accused may desire to plead guilty without all such disclosures having been made. For instance, an accused may harbor individual reasons to enter a guilty plea without waiting for the results of laboratory examinations which may, in the normal course of business, be weeks or months distant. In such cases, the accused should, following a complete canvass, be afforded the opportunity to accept a plea should he or she so desire.

b) Yes, with respect to all evidence available to the prosecution at that time. With respect to evidence discovered subsequent to that timeframe, the trial judge is in the best position to determine what impact late disclosure has upon the case, and is similarly positioned to determine the best remedy to protect the rights of the litigants with respect to that evidence.

c) Yes, with respect to all matters appearing on the trial list.

d) No. Automatic dismissal should not be the universal remedy for late disclosure. As previously indicated, the trial judge is in the best position to determine the appropriate remedy for any transgressions in the discovery process. Already available procedural remedies include affording a continuance to the aggrieved party to allow for ample investigation and



response, exclusion of the disputed evidence from the trial, and, in egregious circumstances, sanctions against the offender.

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.

Answer: Yes. I am in favor of the Division of Criminal Justice adopting a Code of Ethics that meets or exceeds the National District Attorneys Association National Prosecution Standards. If the State's Attorneys were to adopt such a code, legislative codification would prove unnecessary.

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>