



BRIAN PRELESKI
STATE'S ATTORNEY

State of Connecticut
DIVISION OF CRIMINAL JUSTICE

OFFICE OF
THE STATE'S ATTORNEY
JUDICIAL DISTRICT OF NEW BRITAIN

20 FRANKLIN SQUARE
NEW BRITAIN, CONNECTICUT 06051
PHONE (860) 515-5270 FAX (860) 515-5266

September 23, 2020

Kelly McConney Moore
Policy Counsel
American Civil Liberties Union of Connecticut
765 Asylum Ave., First Floor
Hartford, CT 06105

RE: ACLU Questionnaire

Dear Attorney Moore:

Thank you for providing me with an opportunity to respond to the questionnaire I received yesterday.

Your first question asks about racial disparities in our criminal justice system and I agree that we must acknowledge that our criminal justice system has a disproportionate impact on minority communities. I also believe that everyone involved in the system must work toward an evidence based understanding of why these disparities exist and that our goal should be to end them. The present reality of the society in which we live is that minority communities receive worse outcomes from virtually every social structure we have. Our public schools, healthcare, banking and even land use structures consistently result in poorer outcomes for minority communities. Our society is in the midst of recognizing this and part of the process of self-examination has to be finding out why this is happening and then working to address the underlying causes of these disparities.

Your next two questions concern whether police officers should be held criminally liable for causing death or injury. I believe that police officers must be accountable for their actions. As I indicated to the Criminal Justice Commission, I have a lengthy history of holding police officers accountable for their actions both on and off duty. Our office has tried police officers for unlawful conduct over my time as State's Attorney. I personally tried a Hartford police officer for on duty conduct resulting in a civilian death and we recently successfully prosecuted two Connecticut State Troopers for off duty assaultive conduct that resulted in both receiving incarcerative sentences. It is critical that the people of this state have confidence that the law will be applied both equally and justly to police officers who engage in criminal conduct.

Your next four questions relate to my interpretation of statutes governing the use of force by police officers. In each of these four questions you graft a novel construction on to the relevant

statute by introducing the concept of absolute necessity. This is not the law. My role as a prosecutor is to enforce the law as it is written. It is crucial in our form of government that prosecutors carefully adhere to the laws as written by our legislature and I will apply the law as written if I am ultimately appointed.

Your next three questions concern whether I would support various changes to legislation relating to Connecticut's standards concerning the use of force by police officers. I will note that I have previously made public recommendations for legislative changes to ensure more complete, transparent investigations in these matters. However, the statutory role of the Inspector General is, in substantial part, to measure the conduct of individual officers against the standards established by Connecticut law. As such, I would be reluctant to make recommendations concerning where the law should be on the appropriate standard given that my statutory role would be to judge the conduct of individual officers against those standards.

Your next question relates to transparency. I will note that it has consistently been my practice to open the entire investigative file to public scrutiny after the completion of my reports. I maintain contact with victims or their families and always offer to meet with involved parties prior to the public issuance of a report. After the issuance of the last report I prepared, we held a press conference and responded to questions from the media. I believe transparency in these matters is crucial and oftentimes a public explanation of the findings and relevant law assists the public in understanding the outcome of the investigation. In terms of your specific question, I will note that Connecticut's current COVID guidance severely limits indoor gatherings. I would, however, be open to exploring the possibility of using an online platform.

You have asked that I address the scope of these investigations in terms of policies and practices. I believe this is a relevant inquiry and I have reviewed these matters in past investigations and would continue to do so. As I have noted previously, the death of a citizen at the hands law enforcement officers almost invariably reveals systemic failures in our ability to respond to these incidents, investigate them and most importantly prevent them. Reviewing policies and practices is an important part of working toward minimizing these incidents moving forward and I would continue to do so.

In terms of licensure recommendations, the Public Act establishing the office provides that one of the responsibilities of the Inspector General is to, "make recommendations to the Police Officer Standards and Training Council established under section 7-294b of the general statutes concerning censure and suspension, renewal, cancelation or revocation of a peace officer's certification." I will make such recommendations in appropriate instances.

You ask if I will "commit to moving forward with justice and redress" in investigations in which I have concluded that an officer has engaged in criminal conduct or unjustifiably used

September 23, 2020

Page 3

force. I can only reiterate that I believe police officers must be accountable for their actions and that includes criminal prosecution when the evidence supports such a prosecution

Finally, you ask about the State's Giglio obligations in the context of so-called "Brady Lists". Giglio v. United States, 405 U.S. 150 (1972), imposes the requirement to disclose impeachment evidence to the defendant. It is an affirmative duty of the prosecutor, even if not specifically requested by the defendant or their defense attorney. My office has had a written Giglio policy since 2013 that requires the trial prosecutor to request appropriate impeachment material from law enforcement agencies. This is accomplished by way of a letter sent to the head of the appropriate law enforcement agency. This procedure wholly comports with our constitutional obligations under Giglio and its progeny. To the extent that your question concerns decertified police officers, this information is properly a matter of public record. Police Officers are professionals with enormous responsibility and authority. Like other professionals licensed by the state, should their professional certification be revoked, this should be a matter of public record.

Cordially,



Brian Preleski
State's Attorney