



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN OPPOSITION TO:

**S.B. No. 1107 (RAISED) AN ACT CONCERNING OVERSIGHT WITHIN THE
DIVISION OF CRIMINAL JUSTICE**

JOINT COMMITTEE ON JUDICIARY

March 20, 2015

The Division of Criminal Justice respectfully recommends the Committee take NO ACTION on S.B. No. 1107, An Act Concerning Oversight Within the Division of Criminal Justice. The Division appreciates the intent of the legislation but believes that it is not necessary and may, in fact, be unconstitutional. The State's Attorneys **and** the Chief State's Attorney all agree that no action should be taken on the bill. The current statutory structure and practice provides for a complimentary balance of authority within the Division of Criminal Justice. This structure has developed over the years since the late 1960's with the help of detailed work and study by several and various committees and commissions established by the General Assembly and the Judicial Branch. The balance it creates is one that has been studied very carefully by these committees and should not be changed without very good reason.

Although the office of public prosecutor in Connecticut dates to the early 1700s, the Division of Criminal Justice as it now exists was established as an independent agency of the executive branch of state government as a result of the adoption of Article XXIII of the Amendments to the Connecticut Constitution, effective November 28, 1984. Per the 1984 amendment, the Division is comprised of the Chief State's Attorney and the State's Attorneys for each Judicial District. It also established the Criminal Justice Commission, which is responsible for the appointment of the Chief State's Attorney, the State's Attorneys and all other state prosecutors in Connecticut.

Section 1 of S.B. No. 1107 states that the Chief State's Attorney shall supervise the Division, including the State's Attorneys. Not only is it unclear what such supervision would entail, but this provision may well infringe on the constitutional provisions that established the office of State's Attorney as a distinct constitutional officer. Further constitutional questions arise in that the bill would place supervisory authority with the Chief State's Attorney, when per the Constitution it rests ultimately with the Criminal Justice Commission. The Commission already provides a means for oversight and airing of a complaint or concern regarding the Chief State's Attorney, State's Attorney – or any other prosecutor – that is not otherwise resolved.

As noted above, the office of State's Attorney traces its origins to colonial times. Many duties and responsibilities have been assigned by statute and through the common law over the ensuing centuries. The undefined supervision proposed in S.B. No. 1107 could lead to confusion and chaos as to who is ultimately responsible for fulfilling these duties.

Section 2 of the bill would require the State's Attorneys to submit *annual* reports including budget recommendations and recommendations for legislative change. While again well-intentioned, this would actually would be a step backward from what the Division does now. The State's Attorneys for many years have met on a monthly basis to discuss budget, legislation and other issues of concern to their Judicial Districts and the Division and criminal justice system as a whole. Further, the Division also has committees comprised of State's Attorneys and other employees to deal with management, operations, training and legislative issues. These committees report their findings and recommendations to the Chief State's Attorney and the State's Attorneys who as a group have authority to set Division policy.

In conclusion, the Division of Criminal Justice appreciates the intent of S.B. No. 1107 and the concern of the General Assembly and others for the efficient and effective operation of the Division. We share that concern and reaffirm our commitment to ongoing review and internal management oversight to improve the Division and its performance. The goals envisioned in S.B. No. 1107, however, are already reflected in the Division's policies, practices and procedures. We would respectfully submit that the bill is not necessary and recommend the Committee take **NO ACTION**. We would be happy to provide any further information or to answer any questions the Committee might have.