



Connecticut Council on Freedom of Information

Testimony before the Criminal Justice Commission public forum on the selection of the next Chief State's Attorney

October 11, 2019

Criminal Justice Commission
c/o Division of Criminal Justice
300 Corporate Place
Rocky Hill, CT 06067

Honorable Andrew J. McDonald and members of the Criminal Justice Commission:

The Connecticut Council on Freedom of Information (CCFOI) advocates, on behalf of the news media and other open-government advocates, for the preservation of the FOIA and the public's right of access to the workings of government. Our organization has been leading the way in the fight for transparency since 1955.

CCFOI congratulates Chief State's Attorney Kevin Kane on his retirement from state service. The Council further commends the state legislature for its passage earlier this year of several initiatives that will improve transparency in the criminal justice system and thereby enhance public confidence. As the Criminal Justice Commission seeks Connecticut's next Chief State's Attorney, we urge the Commission to select an individual who unconditionally endorses those initiatives and is dedicated to expanding transparency, in keeping with the best ideals of a democratic society.

As you are aware, the legislature enacted “An Act Increasing Fairness and Transparency in the Criminal Justice System,” requiring, among other things, that the Division of Criminal Justice collect data on those accused or convicted of crimes, as well as prosecutors’ actions on charging, plea deals, and dispositions. This legislation passed with unanimous bipartisan support, and it is essential that Connecticut’s next Chief State’s Attorney embrace this law and commit to scrupulously gathering and reporting this data.

But there is more the Division of Criminal Justice and the Chief State’s Attorney can and should do to promote transparency and build public trust. Algorithms have become a common tool across government functions, from budget projections to transportation and health issues. They are also used in jurisdictions across the country in criminal-justice matters, including aiding in decisions on bail. Any algorithm is only as valid and fair as the programming behind it. Given the high stakes that play out in our criminal courthouses, it is imperative – both to promote justice and ensure public trust – that government not hide the programming behind an algorithm. The public must be able to see under the hood of these automated decision makers in the same way we are entitled to understand the decision-making process of our elected and appointed civil servants.

Accordingly, CCFOI urges the Criminal Justice Commission to raise the issue of algorithmic transparency with candidates for the Chief State’s Attorney’s position, and to select a candidate who supports the democratic principle that the public has a legitimate and important right to evaluate algorithms that are used by government agencies in their official duties.

Respectfully submitted,

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