



Contact: Michelle Feldman, State Campaigns Director [Mfeldman@innocenceproject.org](mailto:Mfeldman@innocenceproject.org); (516) 557-6650

**Michelle Feldman**  
**State Campaigns Director, Innocence Project**  
**Testimony re: Chief State's Attorney Appointment**  
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Thank you, members of the Commission, for the opportunity to testify today. My name is Michelle Feldman and I am the State Campaigns Director for the Innocence Project, a national organization dedicated to exonerating wrongfully convicted people and enacting policies that prevent and address wrongful convictions. Our local partner is the Connecticut Innocence Project, which is part of the Division of Public Defender Services.

In Connecticut, the Innocence Project has been fortunate to work with legislators, state agencies and criminal justice organizations to pass important laws that protect and exonerate the innocent. To address major causes of wrongful convictions, Connecticut enacted measures requiring the use of evidence-based eyewitness identification practices and recording suspect interrogations to protect against false confessions. In 2018, I helped pass a measure that would remove the 3-year time limit after conviction for a person to obtain a new trial based on newly discovered evidence. Last year, the legislature enacted the strongest protections in the nation against false jailhouse witness testimony, a leading contributor to wrongful convictions in the state.

I work on this type of legislation across the country, and deal with state's attorneys' organizations and individual prosecutors in various states. The Chief State's Attorney is a policy role, and the person will be advocating in the legislature and on task forces. He or she will be a major player in shaping the state's criminal justice laws for years to come. In other states, I've found that the most effective prosecutors in similar roles are those who are willing to listen to stakeholders and affected people, compromise, and support evidence-based practices. The Chief State's Attorney should not be focused on policies that help prosecutors obtain more convictions. The goal should be promoting fairness, accuracy and outcomes for all communities.

The Innocence Project hopes that the next Chief State's Attorney will lead efforts to end wrongful convictions in the state. A major reform that is needed to protect innocent defendants is statewide open-file discovery practices. Currently, state law requires prosecutors to disclose a minimal amount of evidence to the defense. The defense must obtain a court order, after proving the requests are material and reasonable, for basic information such as the defendant's statements and prior convictions, objects obtained from the defendant or

others through search and seizure, and physical or mental examinations. The accused do not know the names of witnesses who will testify against them, or the substance of their testimony, until they are on the witness stand. Limited and late discovery deprives the accused of the opportunity to adequately prepare a defense and results in inefficiency in the court system. Withholding exculpatory evidence has led to several wrongful convictions in the state of Connecticut. While some jurisdictions have adopted “open-file” discovery policies that permit the defense to have prompt access to the state’s non-privileged evidence, this must be instituted throughout the state.

Laws are better when prosecutors come to the table and offer solutions, instead of trying to stop reforms. States Attorneys are elected in the vast majority of states that I work in, and increasingly voters are choosing those who want to reform the system.

In Connecticut, the Chief State’s Attorney is appointed and has a constituency of regional prosecutors. However, this commission is the point of accountability for the position. This is an opportunity to choose a leader with a broader view, who will support systematic changes that serve in the interest of justice.