

In Letter, Prosecutors Oppose Deputy Chief State's Attorney's Reappointment

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MAY 06, 2017 AT 6:00 AM

Deputy Chief State's Attorney Leonard C. Boyle is up for reappointment by the Criminal Justice Commission.

Citing an "untenable and deteriorating management situation," the union representing the state's prosecutors is urging the Criminal Justice Commission in a recent letter not to reappoint Deputy Chief State's Attorney Leonard C. Boyle, who oversees day-to-day operations.

In a letter from the Connecticut Association of Prosecutors obtained by The Courant, the union cites two specific issues with Boyle's management, namely his handling of "administrative investigations" of four prosecutors and the decision to hire temporary attorneys to fill vacant prosecutor positions. These two practices, the union says, were done outside normal protocol, and prompted the union to do something it hasn't done in the past — send

those concerns, in writing, to the Criminal Justice Commission.

The reappointment of Boyle, a longtime fixture in Connecticut law enforcement, was scheduled to be discussed at the Criminal Justice Commission meeting Tuesday. That meeting was postponed Friday.

"We do not support his reappointment," the April 21 letter, written and signed by leadership of the Connecticut Association of Prosecutors, says.

Chief State's Attorney Kevin T. Kane, who said he has seen the eight-page letter, said he supports Boyle's reappointment. Though he is a member of the commission, Kane does not participate in the appointment process for deputy chief state's attorneys.

"Len Boyle is the best deputy chief state's attorney for operations that we've ever had in this state," Kane said Friday. "And I can say that because I've known every single one of them. He's done a terrific job while he's been here, and he's continuing to do a terrific job. He's a great lawyer and a great prosecutor."

The letter said that Boyle and Deputy Chief State's Attorney John Russotto "operate mostly in sync and defend their actions even in the face of overwhelming

evidence that whatever they are about to do — or have already done — involves poor judgment and/or a violation of an applicable law or state policy or contract provision," the letter says.

Both Boyle and Russotto did not respond to requests for comment Friday.

Last October, four civil prosecutors received letters at home saying they were "summoned to appear for an 'administrative investigation' of their time and attendance," the letter states. Additional information wasn't provided, but the prosecutors were told they would face "serious discipline" if they were found to have done what they were suspected of.

According to the letter, the prosecutors union was not notified — a violation of the collective bargaining agreement contract between the Division of Criminal Justice and the prosecutors, the letter states — and neither were the immediate supervisors in that bureau or the director of human resources.

Prosecutors were never provided a copy of the complaint, the letter says, but were simply told by Boyle "basically that the Civil Litigation people are never in their offices."

Russotto said he would not provide the details of the complaint "because he 'had to protect people.'"

"The four prosecutors are devastated and humiliated by this. The morale of they and many others, in the Chief's office and in courthouses around the state, has also been depleted," the letter says.

Boyle told the prosecutors union that "he would have handled this matter differently if he had to do it over again," yet the investigations went forward, according to the letter.

The second issue cited in the letter is management's decision to hire temporary prosecutors to vacant full-time prosecutor spots.

"While the statute only authorizes their employment for a 'temporary' period of time, DCJ has employed many [temporary prosecutors] for a period of several years," according to the letter. The union understands that there is currently a hiring freeze, but is concerned with "management's notion that it can still hire [temporary prosecutors] to *replace* full-time prosecutors," the letter says.

The union said this practice violates prosecutors' contracts, is "deliberately bypassing the statute which

requires the Commission to vet and appoint prosecutors," and violates statute on temporary prosecutor appointments.

"Management's facade of even a modicum of respect for us and what we do has crumbled, and we have lost confidence in their ability to honestly and fairly exercise sound judgment in the discharge of their duties and obligations," the letter says.

The prosecutors union did reach out to Kane, according to the letter, but those issues were not addressed. Kane said those issues highlighted in the letter were done at his direction.

"Everything that was made clear in that letter was done at my direction," Kane told The Courant. "We have discussed at length what we are doing and why we have to do it. Everything done was done at my direction and with my approval."

He added that they have an obligation to both the public and the general assembly to be accountable for how resources, including personnel, are used.

"Overwhelmingly ... the prosecutors here are hard-working, dedicated, excellent people. They do a very, very

good job, and they are professionals and act like professionals. We do have an obligation to sometimes ask, make sure we know where people are and that they are working. Not just know it but be able ... to verify that," Kane said.

When approached by the union, the letter said that Kane "will certainly listen and occasionally he will make a minor adjustment. But the management abuses have continued unimpeded nevertheless."

Kane said he was not surprised this letter was written given what he sees as difficult times with some criminal justice reform and decreased staffing creating more work than ever for prosecutors.

"All of that has increased the workload and the burdens and to some degree the stress on prosecutors. So, really, I'm not surprised that occasionally some people react in a manner such as this letter," Kane said.

Richard N. Palmer, who chairs the Criminal Justice Commission and is an associate justice of the Connecticut Supreme Court, said Boyle "has been an outstanding deputy chief state's attorney" and though he has seen the letter from the prosecutors union, declined to comment on the letter Friday.

Criminal Justice Commission members Ann G. Taylor and Mary M. Galvin declined to comment on the letter. Galvin said it was not appropriate to comment ahead of the commission's next meeting. Other commissioners did not respond to requests for comment.