

**EXECUTIVE SUMMARY:  
FINDINGS AND RECOMMENDATIONS**

**The Connecticut Study of Capital Case Charging, Advancement, and Sentencing:  
The Role of Race, Ethnicity, Gender, Age, Socioeconomic Status, and  
Judicial District  
(1973-1998)**

**Report Submitted to the**

**Office of the Chief Public Defender for the State of Connecticut  
Capital Defense and Trial Services Unit  
Hartford, CT**

**by**

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## Findings

The study findings point in the following directions:

- *Arbitrariness*: Insofar as the legally relevant variables examined did not appear to be consistently and strongly related to case advancement, arbitrariness may have been operating in Connecticut's capital-case processing system;
- *Unfair Disparity—Crosstabular Approach*: There were signs that legal unfairness might have been operating at the points of capital-felony charging (prosecutorial decision making) and advancing to a penalty trial (a combination of juror and prosecutorial decision making):
  - *Judicial District*: Of all the legally suspect variables examined, judicial district had the most consistent and strongest relationship to case advancement. Defendants processed in judicial districts with the fewest death-qualified cases were charged with capital felonies, advanced to penalty trial after conviction for a capital felony, and received death sentences at higher rates than defendants processed in judicial districts with the most death-qualified cases.
  - *Defendants' and Victim(s) Race/Ethnicity*: There was some evidence that the victim(s) race/ethnicity was related to procedural and sentencing advancement: cases involving white victims were more likely to be charged as capital felonies and, later on, to advance to penalty trial than cases involving other victim(s) races/ethnicities.

There was no evidence that the defendant's race was related to procedural and sentencing advancement.
  - *Defendant's and Victim(s) Gender, Age and Socioeconomic Status*: The analyses provided very little evidence that gender, age, or socioeconomic status of the defendant or victim(s) was related to procedural and sentencing advancement.
  - *Defendant's and Victim(s) Religion and Sexual Orientation*: The data collected for this report did not include information about religion and sexual orientation. For this reason, we could not address these issues.
- *Unfair Disparity—Frequency Approach*: Analyses that examined death sentencing among both similarly and dissimilarly situated defendants—consistency and selectivity in death sentencing, respectively—showed patterns that were consistent with decision making that was either arbitrary or unfair.

## **Recommendations**

The findings suggest the following recommendations:

- continue quantitatively analyzing capital case processing in the State using the present data employing statistical techniques and analysis strategies suitable to samples of small to modest sizes like the present one;
- continue analyzing the present data, focusing on variables that have not been examined in the present report but that might help explain procedural and sentencing outcomes;
- consider updating these data to include more recent death-qualified cases, thereby expanding the analytical pool of cases; and
- review and assess information gaps that need to be filled (e.g., religion, sexual orientation), thereby, expanding the pool of analytical variables.

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**May 2003**

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