

THE ANNUAL REPORT OF THE CHIEF PUBLIC DEFENDER

2011



CONNECTICUT DIVISION OF PUBLIC DEFENDER SERVICES

SUSAN O. STOREY CHIEF PUBLIC DEFENDER

JANUARY 1, 2012

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# SUMMARY OF THE CHIEF PUBLIC DEFENDER

Fiscal year two-thousand ten/eleven (2010/11) was a year of major change for the Division of Public Defender Services. Most notably, the legislative consolidation of the Child Protection Commission and the Division of Public Defender Services Commission on July 1, 2011, placed all child welfare and Guardian Ad-Litem (GAL) matters within the Public Defender Division. The Office of Chief Public Defender worked closely with the Office of Policy and Management, the Appropriations Committee, Judicial Branch, Child Protection Agency staff, and assigned counsel to insure efficiencies while still providing core constitutional services to indigent clients and families.

The Office of Chief Public Defender continues to evaluate all client services in accordance with Results Based Accountability (RBA) principles at the request of the Appropriations Committee. While the mission of the Agency is clearly set forth by statute, the overarching quality of life result provided by the Division of Public Defender Services must be that Connecticut's criminal, juvenile and child welfare court matters are constitutional and fair, not just for indigent persons, but for everyone. In order to be constitutional and fair, justice must be equal in fact and perception.

Providing the best possible representation and protections for each indigent adult and child in the criminal and child welfare system can only be achieved with adequate funding, resources, and personnel. The continuing budget crisis strains Division personnel and resources to their maximum capacity. It is critical to maintain quality representational services despite the state's economic crisis. Equal justice is expensive, but failure to provide it is far more costly. Connecticut residents expect and deserve fair and reliable criminal, juvenile, child welfare and family court proceedings.

Ten years after the Division received significant staffing and resource increases as a result of class action litigation by the ACLU to address caseloads, training, adequate payment to assigned counsel, and other deficiencies, the Division has again experienced a steady increase in caseloads and workload complexity. Overall, public defender staff were responsible for 26,000 more cases in 2010-11 than in 2000-01, a 39% increase in the past decade. A most significant trend and also cause for concern is the fact that 98% of serious felony cases now remain in the Geographical Area (GA) courts where caseloads are highest. Additionally, the exorbitant expenditures required to represent clients charged with death penalty offenses in FY 2011 consumed almost 8% of the Division's entire budget (\$3.8 million), an increase of 8.9% over FY 2010 for only 0.04% of the Division's entire caseload.

Despite this significant increase in responsibility, Public Defender field office staff continue to partner with criminal justice and child welfare agencies, such as the Department of Correction (DOC), the Court Support Services Division (CSSD), the Department of Mental Health and Addiction Services (DMHAS), the Department of Children and Families (DCF), and non-profit service providers in order to ensure the best results for court involved children and adults.

Susan O. Storey,  
Chief Public Defender



## ORGANIZATION AND ADMINISTRATION

The Division of Public Defender Services is an agency of the State of Connecticut, established by Chapter 887 of the Connecticut General Statutes. The policy-making and appointing authority for the Division is the Public Defender Services Commission. The seven (7) members of the Commission are appointed for three-year terms, in accordance with Sec. 51-289, C.G.S., by the Governor, the Chief Justice, the Speaker of the House, the Senate President Pro Tempore, and the House of Representatives Minority and Majority Leaders. The current members of the Commission are listed on page 7 together with their appointing authorities and the terms of office.

As established by statute, the Division is made up of three separate components: a Commission, which is responsible for policy-making, appointments of all personnel, and compensation matters; an Office of Chief Public Defender, charged with statewide administration of the public defender system and the provision of specialized legal representation; and the individual public defender offices in the thirteen (13) Judicial Districts, the twenty (20) Geographical Areas and the thirteen (13) Juvenile venues of the Superior Court, providing legal services throughout the State to indigent persons accused of crimes as required by both the United States and Connecticut Constitutions. The six (6) specialized units of the Division include the Legal Services (Appellate) Unit located in Hamden; the Habeas Corpus Unit, located in Rocky Hill; the Psychiatric Defense Unit, located at Connecticut Valley Hospital in Middletown; the Capital Defense Unit and the Juvenile Post-Conviction and Reentry Unit are located at the Office of Chief Public Defender, Hartford, the Connecticut Innocence Project, Hartford, the Assigned Counsel (formerly Special Public Defenders) Unit here at the Office of the Chief Public Defender and the Child Protection Unit located at 330 Main Street, Hartford.

Section 51-291(m), C.G.S., specifies that the Commission is an “autonomous body within the Judicial Department for fiscal and budgetary purposes only.” As such, the Commission is part of the Judicial Department, but is otherwise autonomous within that branch of state government.

All attorneys and other employees of the Division are appointed by the Public Defender Services Commission. The Commission also establishes the compensation plan for the Division, approves certain expenditures, and establishes policies and procedures relating to the operation of the Division.

The chief administrative officer for the Division, appointed by the Commission, is Chief Public Defender Attorney Susan O. Storey. The Deputy Chief Public Defender is Attorney Brian S. Carlow. The duties of the Chief Public Defender are specified in Sec. 51-291, C.G.S., and include supervision of all personnel and operations of the Division, training of all attorneys and support staff, and preparation of all grant and budget requests for approval by the Commission and submission to the Governor.

In addition to the Chief and Deputy Chief Public Defender, management and administration of the Division is carried out by the office of Chief Public Defender, located at 30 Trinity Street, in Hartford. Administrative staff consists of Director of Training, Director of Assigned Counsel, Director of Delin-

quency Defense and Child Protection, Legal Counsel, a Financial Director, a Director of Human Resources, Chief Investigator (currently vacant), Chief Social Worker (currently vacant), three (3) Managers (Administrative Services, Information and Research Services, and Information Systems), Manager of Legal Technology Planning and Staff Development, seventeen (17) administrative staff, and two (2) secretarial positions.

Public Defender services are provided to “indigent” accused adults and juveniles throughout Connecticut at thirty-seven (37) field offices and six (6) specialized units and branches of the Office of Chief Public Defender. Pursuant to Sec. 51-296 C.G.S., public defenders may be appointed to represent individuals in any criminal action, any habeas corpus proceeding arising from a criminal matter, any extradition proceeding, or in any delinquency matter.

Representation is provided to clients in both adult and juvenile misdemeanor and felony cases, including appeals and other post-conviction matters. Public defenders also represent clients acquitted by reason of insanity before the Psychiatric Security Review Board pursuant to Sec.17a-596(d), C.G.S., post-conviction petitions for DNA testing in accordance with Sec. 54-102kk(e), and through the public defender Connecticut Innocence Project in post-conviction claims where new evidence (both DNA and non-DNA evidence) might reasonably exonerate inmates who are innocent and who have been wrongfully convicted.

As of July 1, 2011, the Division of Public Defender Services gained responsibility for Child Protection; representation and guardian ad-litem services afforded to indigent children and parents in child welfare, family and child support matters In accordance with the Connecticut General Statutes and by order of the Superior Court.

## **WORKFORCE ANALYSIS FOR THE DIVISION OF PUBLIC DEFENDER SERVICES**

This comparison is based on the Division’s 403 employees as of October 1, 2011. Workforce availability figures are based on the 2000 U.S. Census reports as reportable by the U.S. Census Bureau.

B = Black or African American	H = Hispanic or Latino
W= White	AI = American Indian or
A= Asian	AN = Alaskan Native
NH = Native Hawaiian or	O = Other
OPI = Other Pacific Islander	

**OFFICIALS AND ADMINISTRATORS**

WM=	23	46%
WF=	23	46%
BM=	2	4%
BF=	2	4%
HM=	0	0%
HF=	0	0%
AM=	1	2%
AF=	0	0%
NH/OPIM=	0	0%
NH/OPIF=	0	0%
AI/ANM=	0	0%
AI/ANF=	0	0%
TOTAL	51	

**WORKFORCE AVAILABILITY**

56%
34%
2%
2%
2%
1%
2%
1%
0%
0%
0%
0%

This category includes Chief, Deputy Chief, Directors, Managers, Executive Assistant Public Defenders, Supervisory Assistant Public Defenders, Public Defenders, Chief Social Worker and Chief Investigator

**PROFESSIONALS**

WM=	86	40%
WF=	95	44.1%
BM=	7	3.2%
BF=	13	6%
HM=	3	1.3%
HF=	6	2.7%
AM=	1	.4%
AF=	4	1.8%
NH/OPIM=	0	0%
NH/OPIF=	0	0%
AI/ANM=	0	0%
AI/ANF=	0	0%
TOTAL	215	

**WORKFORCE AVAILABILITY**

40%
46%
2%
3%
1%
2%
2%
2%
0%
0%
0%
0%

This category includes attorneys, social workers, mitigation specialists, Payroll officer, Human Resources officer, Financial Officer, Systems Specialist, Network Administration and Legal Technology

**PROTECTIVE SERVICE WORKERS**

WM=	25	41.6%
WF=	18	30%
BM =	2	3.3%
BF=	2	3.3%
HM=	11	18.3%
HF=	2	3.3%
AM =	0	0%
AF=	0	0%
NH/OPIM=	0	0%
NH/OPIF=	0	0%
AI/AN M=	0	0%
AI/ANF=	0	0%
TOTAL	60	

**WORKFORCE AVAILABILITY**

48%
31.6%
4%
4%
4%
3%
1%
1%
0%
0%
1%
0%

This category includes Investigators

**ADMINISTRATIVE SUPPORT**

WM =	4	5.1%
WF=	40	51.2%
BM=	1	1.2%
BF=	12	15.3%
HM=	2	2.5%
HF=	17	21.7%
AM=	1	1.2%
AF=	1	1.2%
NH/OPIM=	0	0%
NH/OPIF=	0	0%
AI/ANM=	0	0%
AI/ANF=	0	0%
TOTAL	78	

**WORKFORCE AVAILABILITY**

26%
55%
3%
6%
2%
6%
1%
1%
0%
0%
0%
0%

This category includes Clerical, Administrative Support and Paralegals.

## **CHILD PROTECTION**

The Child Protection consolidation, which occurred July 1, 2011, added an additional six employees which are included in the tables on the preceding pages. The gender and race/ethnicity of this group includes four female employees and two male employees; three of whom are White, two are Black or African American and one is Hispanic. In addition to the Director of Delinquency Defense and Child Protective Services that was also included in the Managerial portion of this chapter, the positions that were integrated into the Division of Public Defender Services through the consolidation include: two (2) Paralegal 1, one (1) Paralegal 2, one (1) Manager of Child Protection and Delinquency Defense Operations, one (1) Secretary and one (1) Administrative Assistant.



**CHIEF JUSTICE:  
APPOINTS TWO JUDGES**

**GOVERNOR:  
APPOINTS CHAIRMAN**

**GENERAL ASSEMBLY LEADERS:  
APPOINT FOUR MEMBERS**

**PUBLIC DEFENDER  
SERVICES COMMISSION**

- SPECIALIZED UNITS:**
- CAPITAL DEFENSE AND TRIAL SERVICES UNIT
  - CONNECTICUT INNOCENCE PROJECT
  - HABEAS CORPUS UNIT
  - JUVENILE POST-CONVICTION AND REENTRY UNIT
  - LEGAL SERVICES UNIT
  - PSYCHIATRIC DEFENSE UNIT

- ADMINISTRATIVE STAFF:**
- LEGAL COUNSEL
  - DIRECTOR OF TRAINING
  - DIRECTOR OF ASSIGNED COUNSEL
  - CHIEF SOCIAL WORKER
  - CHIEF INVESTIGATOR
  - DIRECTOR OF HUMAN RESOURCES
  - FINANCIAL DIRECTOR
  - MANAGER OF ADMINISTRATIVE SERVICES
  - MANAGER OF SYSTEMS
  - MANAGER OF INFORMATION SERVICES AND RESEARCH
  - MANAGER OF LEGAL TECHNICAL PLANNING AND STAFF SUPPORT

**OFFICE OF THE  
CHIEF PUBLIC DEFENDER**

- CHIEF PUBLIC DEFENDER
- DEPUTY CHIEF PUBLIC DEFENDER

- JUDICIAL DISTRICT ANSONIA-MILFORD G.A. 22
- JUDICIAL DISTRICT DANBURY G.A. 3 JUVENILE MATTERS
- JUDICIAL DISTRICT FAIRFIELD
- JUDICIAL DISTRICT HARTFORD
- JUDICIAL DISTRICT LITCHFIELD
- JUDICIAL DISTRICT NEW BRITAIN
- JUDICIAL DISTRICT MIDDLETOWN G.A. 9
- JUDICIAL DISTRICT NEW HAVEN
- JUDICIAL DISTRICT NEW LONDON
- JUDICIAL DISTRICT TOLLAND G.A. 19
- JUDICIAL DISTRICT WATERBURY
- JUDICIAL DISTRICT WINDHAM G.A. 11 DANIELSON
- JUDICIAL DISTRICT STAMFORD-NORWALK

DERBY G.A. 5

BRIDGEPORT G.A. 2

MANCHESTER G.A. 12  
ENFIELD G.A. 13  
HARTFORD G.A. 14

BANTAM G.A. 18

NEW BRITAIN G.A. 15  
BRISTOL G.A. 17

MERIDEN G.A. 7  
NEW HAVEN G.A. 23

NEW LONDON G.A. 10  
NORWICH G.A. 21

WATERBURY G.A. 4

STAMFORD G.A. 1  
NORWALK G.A. 20

**DIRECTOR OF DELINQUENCY DEFENSE  
AND CHILD PROTECTION**

BRIDGEPORT JUVENILE MATTERS

HARTFORD JUVENILE MATTERS

NEW BRITAIN JUVENILE MATTERS

MIDDLETOWN JUVENILE MATTERS

NEW HAVEN JUVENILE MATTERS

WATERFORD/WILLMANTIC JUVENILE MATTERS

ROCKVILLE JUVENILE MATTERS

WATERBURY/TORRINGTON JUVENILE MATTERS

STAMFORD/NORWALK JUVENILE MATTERS

**CONNECTICUT DIVISION OF PUBLIC DEFENDER SERVICES**  
**ORGANIZATIONAL CHART: FISCAL YEAR 2010/11**



## PUBLIC DEFENDER SERVICES COMMISSION MEMBERS

MEMBER	APPOINTING AUTHORITY	DATE OF APPOINTMENT
Thomas J. Rechen, Esq. (Chair)	M. Jodi Rell <i>Governor</i>	November 17, 2010
Honorable Julia DiCocco Dewey	Chief Justice Chase T. Rogers <i>Chief Justice</i>	February 5, 2010
Msgr. William A. Genuario	Representative Lawrence F. Cafero, Jr. <i>House Republican Leader</i>	February 17, 2009
Aimee C. Golbert, LCSW	Senator Donald E. Williams, Jr. <i>Senate President Pro Tempore</i>	September 8, 2010
Attorney Ramona Mercado-Espinoza	Representative James A. Amann <i>Speaker of the House</i>	July 22, 2011
Honorable John W. Pickard	Chief Justice Chase T. Rogers <i>Chief Justice</i>	February 5, 2010
Carl D. Eisenmann, Esq.	John P. McKinney <i>Senate Minority Leader</i>	November 23, 2010



# CASELOAD<sup>1</sup>

*Total.* In 2010/11, the total public defender caseload in Connecticut was 92,587<sup>2</sup> cases, an increase of 443 cases over the previous year. This total includes 7830 cases that were assigned to Assigned Counsel (formerly known as Special Public Defenders) in conflict of interest cases. An additional 402 cases were appointed to the appellate and habeas corpus units during the 2010/11 Fiscal Year totaling 92,989 cases.

*Judicial Districts.* During 2010/11 the Judicial District (JD) offices were “appointed”<sup>3</sup> to 2800 cases. After adjusting for the cases transferred and applying case weighting, total “new cases assigned”<sup>4</sup> to the JD offices was 1586 cases (a nearly 1% increase from last fiscal year). During this fiscal year, public defender offices were appointed to seventy-six (76) murder and capital felony murder cases. The state is seeking the death penalty in four (4) of the capital felony murder cases appointed during the 2010/11 fiscal year<sup>5</sup>. Due to conflicts of interest within those cases, twenty-nine (29) murder and capital felony murder cases were assigned to Assigned Counsel (formerly known as Special Public Defenders), while private counsel entered appearances in ten (10) of the appointed cases. As a result, the public defender offices retained thirty-seven (37) murder and capital felony murder cases.

For comparison, in Fiscal Year 2009/10 public defender offices were appointed to fifty-four (54) murder and capital felony murder cases, retaining thirty-four (34) of those cases. Sixteen (16) of those newly appointed cases were assigned to Assigned Counsel (formerly known as Special Public Defenders) and private counsel acquired four (4) of those cases.

*Geographical Areas.* Attorneys in the Geographical Area (GA) offices were “appointed” to 65,677 new cases, including both criminal and motor vehicle. After calculations, total “new cases assigned” to the GA offices decreased from last fiscal year to 52,187.

*Juvenile Matters.* Attorneys in the Juvenile Matters offices were “appointed” to 5569 new delinquency cases, nearly a 12% increase from fiscal year 2009/10. Total new cases assigned, 4264, reflects a 14% increase from the previous year.

*Trends.* Ten years after the Division received significant staffing increases to address caseload (1999/00), both the JD and GA public defender offices have experienced a steady rise in caseloads. Overall, the Division was responsible for 26,130 more cases in 2010/11 than in 2000/01 (66,900 in 2000/01); a 39% increase in caseload in the past ten years.

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<sup>1</sup>This chapter was contributed by Jennie Albert, Manager of Information and Research Services, Office of the Chief Public Defender.

<sup>2</sup>*Fiscal year caseload* is defined as “cases pending at the beginning of the fiscal year plus cases appointed minus cases transferred after appointment to Part A (GA only), another court for consolidation, Special Public Defender (conflict of interest), private counsel or pro se.”

<sup>3</sup>*Cases appointed* is defined as “new cases appointed to the public defender’s office during the fiscal year.”

<sup>4</sup>*New cases assigned* is further defined in the text on page 9

<sup>5</sup>The number of capital cases reported in Chapter 3 refers to all capital cases, death and non-death either handled by the Capital Defense and Trial Services Unit (CDTSU) and/or the Judicial District offices. For statistical purposes, cases that are being tried for the second time are counted as “new” cases. Chapter 4 refers only to capital cases handled by CDTSU and does not count cases for retrial as “new cases”.

## EVALUATION OF CASELOAD GOALS

In order to insure that the attorneys within the Division of Public Defender Services are able to render quality representation to all clients and avoid unnecessary delay in the disposition of cases, the Public Defender Services Commission established Caseload Goals for Public Defenders in 1999. These goals reflect the Commission's view of the number of new cases to be assigned to an individual attorney per year in order to represent clients in accordance with the Commission's Guidelines on Indigent Defense. The goals as established for the respective courts are as follows: Judicial Districts, not to exceed 75 cases, Geographical Areas, not to exceed 450-500 cases, Juvenile offices, not to exceed 300-400 cases, and Habeas Corpus, not to exceed 20-25 cases. These goals have enabled the Commission to assess staffing levels and allocate resources on an equitable basis.

As mentioned in previous years, the number of major felony cases remaining in the Geographical Area (GA) courts may require re-evaluation of these goals. In fiscal year 2011, as in 2010, 2008 and 2007, 98% of major felony cases remained in the GA courts. In 2007, the American Council of Chief Defenders (ACCD) reaffirmed the caseload guidelines established in 1973 by the National Advisory Commission on Criminal Justice Standards and Caseload Goals (NAC Standards). These guidelines are significantly lower in some respects than those established by the Public Defender Services Commission in 1999 as a result of the settlement agreement in *Rivera v. Rowland, et al.* Furthermore, the American Bar Association (ABA) has issued a formal opinion regarding the ethical obligations of public defender lawyers and public defender supervisors when faced with excessive caseloads<sup>6</sup>.

## CASELOAD GOALS AND ANALYSIS

The adoption of "Caseload Goals" in 1999 redefined "Caseload" as "new cases assigned", which is reflected in the Appendices tables entitled "Caseload Goals Analysis". The specific calculations differ depending upon whether the office is identified as a JD, GA or Juvenile Matters location.

### "NEW CASES ASSIGNED"

Judicial District offices calculate "new cases assigned" by weighing murder and non-death penalty capital cases as two (2) cases, (by adding [1] additional case) and capital felony cases in which the State seeks the death penalty as ten (10) cases (by adding nine [9] additional cases)<sup>7</sup>. After the weighting process is applied, minor felony, misdemeanor, motor vehicle and other cases are excluded. Cases transferred (Assigned Counsel, private counsel, pro se) are also subtracted.

The "Caseload Goals Analysis" tables reflect "new cases assigned" per attorney to assess caseload goals in each public defender office. The number of attorneys in the JD and GA locations used to calculate "new cases assigned per attorney" has been reallocated in offices where the same staff handles JD and GA business. In these offices, a staff attorney is shown as working in only the JD or GA although he/she may handle both types of cases.

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<sup>6</sup>American Bar Association Standing Committee on Ethics and Professional Responsibility (2006). Formal opinion 06-441L Ethical obligations of lawyers who represent indigent defendants when excessive caseloads interfere with competent and diligent representation. American Bar Association

<sup>7</sup>Transfers of murder and capital cases are excluded prior to the weighting process and are deducted from "transfers" to avoid double subtraction. A percentage of minor felonies, misdemeanors, motor vehicle and other cases is applied to "transfers" to avoid double subtraction.

## PUBLIC DEFENDER SHARE OF TOTAL CRIMINAL CASELOAD

*Judicial Districts.* As reported over the last several years, there has been an increase in the share of criminal cases handled by the public defender offices. Fiscal Year 2010/11 marks the second year of an 87% share. Whether in the larger or the smaller jurisdictions, increased caseloads place a greater burden on all public defender staff within these offices. While the Division handles 87% of the total criminal JD caseload, noteworthy percentages in Judicial District offices for this fiscal year include: 97% (Windham), 96% (Litchfield), 95% (Fairfield), 92% (Ansonia-Milford) and 90% (New London).

The total incoming business of the Judicial District courts decreased by 85 cases, a 2.4% decrease from 2009/10 while corresponding Judicial District public defender offices experienced a 3.3% decrease in “cases appointed”, 95 fewer cases than the previous year.

The JD public defender offices also handled 71% of the overall Violation of Probation cases in the Connecticut Judicial Districts. The JD public defender offices handled 13.5% of the trials to conclusion in the JD courts.

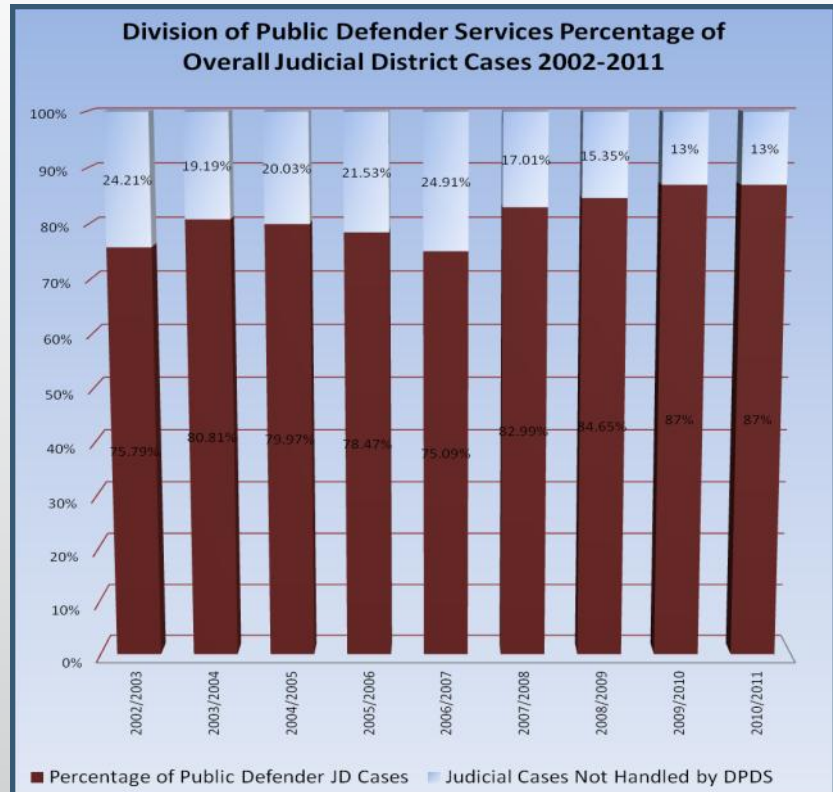


Chart 1: Division of Public Defender Services Share of JD Cases 2002-2011

*Geographical Areas.* In the GA courts, public defenders represented 51% of the criminal cases received by Connecticut courts in 2010/11, reflecting a 4% increase over last fiscal year. Public defenders were appointed to nearly 1,455 fewer criminal cases (does not include MV) than last fiscal year; a 2.4% decrease. Last Fiscal Year seven (7) GA public defender offices handled at or above 50% of all incoming criminal cases in their Geographical Area and this Fiscal Year nine (9) offices were at or above 50%.

These included: Bridgeport, which handled 58% in Fiscal Year 2009/10, handled 73% this Fiscal Year and was followed by New Haven (66%), Derby and Middletown (57%), New London (54%), Danielson (54%), Manchester (52%), Bantam (51%) and Stamford (50%). Seven (7) of the remaining eleven (11) offices handled at least 40% of all criminal cases in their Geographical Area. In addition, GA public defender offices handled 8,473 motor vehicle offenses. The GA public defender offices also handled 77% of the overall Connecticut GA Violation of Probation cases.

*Juvenile Matters.* Juvenile delinquency public defender offices represent 47% of the courts' total new cases added, an increase of 4% over last fiscal year. The public defender share of caseload is above 50% in three offices: Hartford (57%), Rockville (56%) and Waterbury (53%). An additional two offices are at 47% or above: Bridgeport (48%) and Waterford/Willimantic (47%) meaning that five of the twelve offices are carrying near or over 50% of the total Judicial Juvenile Matters cases for Connecticut.

New Cases Appointed for the Juvenile Matters office increased by five-hundred eighty-four cases (584) over FY 2009/10; a 12% increase.

## ASSIGNED COUNSEL (FORMERLY KNOWN AS SPECIAL PUBLIC DEFENDERS)

Assigned Counsel are private attorneys hired by the Public Defender Services Commission to represent indigent defendants when the public defender office determines that there is a conflict of interest. In 2010/11, Assigned Counsel were assigned to handle 7830 cases for the Judicial District, Geographical Area, juvenile matters, appellate and habeas offices combined. This figure represents 713 (8%) fewer cases than in 2010/11 when 8543 cases were assigned. The majority of these cases were assigned pursuant to contracts entered into between the Commission and members of the private bar. The change in terminology from Special Public Defender to Assigned Counsel occurred due to the consolidation of Child Protection responsibilities with those of the Division of Public Defender Services.

## LITIGATION—TRIALS

*Judicial Districts.* Attorneys in the Judicial District (JD) offices handled twenty-four (24) jury trials to verdict. This includes the conclusion of three (3) capital felony murder trials: *State v. Christopher Dimeo*, *State v. Steven Hayes* and *State v. Pedro Miranda*. Jury selection for an additional capital felony murder trial, that of *State v. Joshua Komisarjevsky* began in March 2011 but evidence had not begun as of the close of the 2010/11 Fiscal Year. The average length of a JD jury trial was eleven (11) days. Jury selection began in ten (10) other cases<sup>8</sup>. During 2010/11 JD public defender offices tried seven (7) jury cases to conclusion in which the accused was charged with murder, accessory to murder or lesser included offenses. The average length of a murder trial was eighteen and a half (19) court days. The capital felony murder trial of Steven Hayes, who completed jury selection in the previous Fiscal Year, included thirteen (13) days of evidence in the first phase of the trial, two (2) days of deliberation for that phase, twelve (12) days of penalty phase evidence and four (4) days of penalty phase deliberation. Christopher Dimeo's trial included thirty-nine (39) days of jury selection, eleven (11) days of evidence in the first phase, two (2) days of deliberation in the first phase, ten (10) days of penalty phase evidence and four (4) days of deliberations. Pedro Miranda's trial spanned twenty-four (24) days of jury selection, two (2) days of evidence and two (2) days of deliberation. Mr. Miranda was charged with capital felony murder but the state did not seek the death penalty at the time of trial. The JD offices also handled five (5) court trials to judgment averaging nearly three (3) Court days each. Among the court trials were two (2) judgments of not guilty by mental disease or defect which were handled by JD public defenders in Fiscal Year 2010/11.

*Geographical Areas.* The Geographical Area (GA) offices tried thirteen (13) jury trials to verdict averaging six (6) court days per trial. In addition, attorneys in these offices tried four (4) court trials to judgment that averaged one and three quarters days (1.75) court day per case for a total of seventeen

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<sup>8</sup> "Jury Trials Commenced" refers to partial jury selection prior to the jury begin sworn in plus "jury trials begun" in which the jury is sworn in after voir dire. The Judicial Branch also tracks "jury trials begun" and court trials begun (first witness sworn) in their reporting of trials in total.

(17) trials conclusion. In addition to these trials, GA public defender attorneys began jury selection in four (4) additional cases.

*Juvenile Matters.* During the 2010/11 fiscal year attorneys in the Juvenile public defender offices tried two (2) cases to conclusion. The cases averaged one (1) court day.

*Habeas Corpus.* Habeas Corpus Unit attorneys tried 15 cases in FY 2010/11, as compared to 17 in FY 2009/10. Relief for Habeas Unit clients was achieved in 20% of those trials. Additionally, Unit attorneys gained relief for their clients in 17 cases that were resolved via stipulation or litigation at the trial court level. Overall Habeas Corpus Unit attorneys gained relief for their clients in 13.7% of all cases.

## MAJOR FELONY MEASURES

Currently, 33% of all cases handled in the GA public defender offices are felonies. This is a 1% increase over the previous fiscal year. Down one percent from last fiscal year, 22% of juvenile cases are felonies and 11.5% are considered "Serious Juvenile Offenses". Major felonies in JD offices declined from 55% of the total caseload last fiscal year to 52%.

In the GA offices there was a 6% increase from fiscal year 2007/08 to 2008/09 followed by a nearly 1% decrease between 2008/09 and 2009/10. During the 2010/11 Fiscal Year, Major felonies increased again by 2.3% (from 9.8% to 12.1%) . Of the major felonies handled by those GA public defender offices in the 2010/11 fiscal year, 98% of them remained in the GA courts rather than being transferred to the JD courts.

The statewide average shows that 12.1% of all new public defender GA cases appointed (including motor vehicle) were classified as major felonies in this fiscal year and 13.8% of all criminal cases (not including MV) for public defender GA offices are major felonies. The latter figure has increased nearly 3% from last fiscal year. GA offices with higher than the average of 13.8% include: Hartford (18.62%) with 2.17% transferred to Part A; Norwich (18.35%) with only 6.33% transferred to Part A; New Haven (17.62%) with 3.32% transferred to Part A; Stamford (16.5%) with only .10% transferred to Part A; Enfield (16.06%) with 1.66% transferred to Part A; Bridgeport (15.96%) with 3.96% transferred to Part A; Milford (14.57%) with 2.62% transferred to Part A and New Britain (13.88%) with 2.15% transferred to Part A. It is noteworthy that although there were three fewer GA offices with more major felonies than the average during the 2010/11 Fiscal Year than the eleven offices during the 2009/10 Fiscal Year, the average is significantly higher this year.

## CASE TRACKING

The "Case Tracking" software application produces reports for docket management and caseload tracking. In the 2009/10 Fiscal Year, the Systems department completed the migration of the individual Geographical Area (GA) and Judicial District (JD) Case Tracking systems to the current internet based system that encompasses management of all adult Public Defender offices<sup>9</sup>. Case information is entered by each office into a centralized system. This system enables the *Information Services and Research* department<sup>10</sup> to access office data in real time and to create statistical reports from the division-wide level down to the office and staff level.

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<sup>9</sup> As of the printing of this report, all adult offices are fully utilizing the case tracking system and no longer file manual statistical reports.

<sup>10</sup> The Information Services department of the Office of the Chief Public Defender was changed and expanded in June 2010 to the Information and Research Services department.

Since September 2002, the Systems Department of the Office of the Chief Public Defender was assigned to handle the technical aspects of the Access Case Tracking system. The Information and Research Services department<sup>10</sup> continues to collaborate with the Systems department in order to provide support to users in the field offices who are primarily responsible for data entry and report preparation.

## SUMMARY

*Judicial Districts.* Statewide, Connecticut Division of Public Defender Services staff are responsible for a large proportion of the criminal cases in Connecticut. Public defender attorneys in the Judicial District offices, in particular, have seen a steady increase in the percentage of cases they represent topping off for a second straight year at 87%. This percentage has increased 12% in the last five years. In addition to the increased caseload, these offices were responsible for handling 23% of the trials in the JD courts. With each new fiscal year, this administration reports record high demands on the attorneys and other staff in the JD offices. This is especially true in offices that are responsible for up to 97% of the total JD criminal caseload for those districts.

*Geographical Areas.* In accordance with the criminal justice trends in Connecticut, the public defender Geographical Area offices showed a decrease in “new cases assigned” over the previous fiscal year. However, in Fiscal Year 2010/11, the number of major felonies appointed to GA public defender offices increased by 18% over the previous year.

*Juvenile Matters.* In Fiscal Year 2010/11 the public defender offices handling juvenile delinquency matters received approximately 11.7% more “new cases assigned” than the previous fiscal year in comparison to the 2.5% decrease between 2009/09 and 2009/10. Overall, these offices currently handle 47% of the incoming delinquency cases; an increase of 4% over last Fiscal Year. In addition, under the Juvenile Transfer law, ninety-two (92) cases were transferred from juvenile to adult court. This is nearly a 51% increase from last Fiscal Year.



**Table 1: PUBLIC DEFENDER OFFICES TRENDS IN CASELOAD AND STAFFING**

<b>PUBLIC DEFENDER PERCENTAGE OF CASELOAD</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>
Judicial Districts	78.47%	75.09%	82.99%	84.65%	87%	87%
Geographical Areas (criminal cases excluding MV)	46.33%	47.05%	46.66%	46.05%	47%	51%
Juvenile Matters	48.56%	47.78%	48.22%	47.72%	43%	47%

<b>AUTHORIZED PERMANENT FULL-TIME POSITIONS</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>
Attorneys	189	193	203	217	214	209
Clerical	60	60	61	60	66	62
Investigators	61	61	63	62	60	59
Social Workers	37	41	42	40	41	40
Exempt or Other Staff (Administrative)	20	20	21	21	22	33
<b>TOTAL</b>	<b>367</b>	<b>375</b>	<b>390</b>	<b>400</b>	<b>403</b>	<b>403</b>

<b>CLASSIFICATIONS OF NEW CASES APPOINTED</b>						
	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>
Judicial Districts						
Major Felonies	1541	1754	1503	1686	1579	1456
Minor Felonies	136	170	296	296	291	264
Misdemeanors	84	104	176	200	181	179
<b>TOTAL (Includes MV, VOP and Other)</b>	<b>2461</b>	<b>2762</b>	<b>2865</b>	<b>3067</b>	<b>2895</b>	<b>894</b>

<b>Geographical Areas*</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>
Major Felonies	7303	7096	6964	7365	6846	8072
Minor Felonies	13751	13582	14730	14598	15282	14257
Misdemeanors	27343	28680	27344	27825	28646	26503
<b>Total (Includes MV, VOP and Other)</b>	<b>66043</b>	<b>68006</b>	<b>68284</b>	<b>69476</b>	<b>69611</b>	<b>17573</b>

\*GA cases appointed include Community Courts (GA 14 and GA 4)

	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>
Juvenile Matters						
Serious Juvenile Offenses	915	695	636	594	624	643
Other Felonies	809	700	698	587	544	563
Misdemeanors	5594	4849	4531	3877	3797	4349
<b>TOTAL (includes Other)</b>	<b>7318</b>	<b>6399</b>	<b>5903</b>	<b>5071</b>	<b>4985</b>	<b>5569</b>

<b>PERCENTAGE OF CASES APPOINTED BY CLASSIFICATION</b>						
	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>
Judicial Districts						
Major Felonies	62.60%	63.5%	52.5%	55.0%	54.5%	52%
Minor Felonies	5.50%	6.2%	10.3%	9.7%	10.1%	9.4%
Misdemeanors	3.40%	3.8%	6.1%	6.5%	6.3%	6.4%
<b>MV, VOP and Other</b>	<b>27.80%</b>	<b>26.2%</b>	<b>30.2%</b>	<b>27.9%</b>	<b>28.4%</b>	<b>32%</b>

<b>Geographical Areas</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>
Major Felonies	11.10%	10.4%	10.2%	10.6%	9.8%	12.1%
Minor Felonies	20.80%	20.0%	21.6%	21.0%	22.0%	21.3%
Misdemeanors	41.40%	42.2%	40.0%	40.0%	41.2%	39.7%
<b>MV, VOP and Other</b>	<b>26.10%</b>	<b>26.7%</b>	<b>27.7%</b>	<b>27.8%</b>	<b>26.6%</b>	<b>26.3%</b>

<b>Juvenile Matters</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>
Serious Juvenile Offenses	12.30%	10.9%	10.8%	11.7%	12.5%	11.5%
Other Felonies	10.90%	10.9%	11.8%	11.6%	10.9%	10.1%
Misdemeanors	75.20%	75.80%	76.8%	76.5%	76.2%	78.1%
<b>Other</b>	<b>1.70%</b>	<b>2.0%</b>	<b>0.6%</b>	<b>0.2%</b>	<b>0.4%</b>	<b>0.3%</b>



# PUBLIC DEFENDER OFFICES AND SPECIAL UNITS

## JUDICIAL DISTRICT OFFICES

### STAFFING AND CASELOADS

An average of thirty-nine (39) attorneys were assigned to the Judicial District (JD) offices in 2010/11. An individual JD attorney was assigned an average weighted caseload of forty-one (41) cases over the course of the fiscal year. Caseloads for JD attorneys are weighted by counting cases in which the defendant is charged with murder or non-death penalty capital felony as two (2) cases and cases in which the defendant is charge with capital felony and facing the death penalty as ten (10) cases. Fifty-two percent (52%) of all cases assigned in the JD courts were classified as major felonies, while nearly 29% were Violations of Probation. The balance included minor felonies, misdemeanors and a small number of motor vehicle offenses. At the beginning of the 2010/11 Fiscal Year, JD attorneys were carrying an average of thirty-eight point four (38.4) pending cases; this level of pending cases diminished slightly to thirty-seven point eight (37.8) as of July 1, 2011.

### LITIGATION

Twenty-four (24) jury trials to verdict in the JD offices resulted in five (5) not guilty verdicts and one (1) hung jury, demonstrating a 21% success rate. An additional one (1) case in which jury selection began was disposed of with a nolle. There were also five (5) court trials to judgment in which one (1) resulted in a not guilty verdict and two (2) resulted in Not Guilty by Reason of Mental Disease or Defect.

### TRENDS AND FORECASTS

Statewide, public defender offices handled 87% of the Judicial District incoming cases. In five (5) offices, public defenders represent more than 90% of the major felony and capital cases. These numbers represent record high workload demands on public defender staff. The significant gap in personnel resources between public defender Judicial District offices and prosecutor staff continues to cause considerable concern for attorneys given the responsibility of providing effective defense representation pursuant to state and federal constitutional requirements. Staff inequities in Judicial District offices range from two to six times the number of prosecutorial staff compared to public defender staff. The Office of the Chief Public Defender continues to request that additional public defender staff positions be added to the overall position count to address this specific inequity of resources.

## GEOGRAPHICAL AREA OFFICES

### STAFFING AND CASELOADS

There were an average of one hundred and thirteen (113) attorneys assigned to Geographical Area (GA) offices in 2010/11 and an individual attorney in a GA public defender office was assigned an

average of four hundred and sixty-two (462) new cases over the course of the year. The GA courts retained 98% of major B and C felonies. As a result, these cases continue to result in a significant increase on the demands of public defender staff. Again this year, several GA offices exceeded the Commission Caseload Goals in the Fourth quarter. These ten (10) offices are (in order from highest to lowest): Middletown, New Haven, Manchester, New Britain, Derby, Hartford, Rockville, Bristol, Danielson and Waterbury. Per diem staff have historically been provided whenever possible to those offices with caseloads significantly over the Caseload Goals, but the 2010/11 Fiscal Year's layoffs eliminated this additional assistance. Both per diems and additional permanent staff continue to be critical to maintaining this growing and more complex GA caseload. At the beginning of the 2010/11 Fiscal Year, GA attorneys averaged 200 active cases pending while on July 1, 2011, that average pending caseload increased and has remained steady at one hundred ninety-six (196) cases per attorney. Attorney caseloads also include additional inactive cases in which the client is in a diversionary program.

## LITIGATION

In 2010/11 Geographical Area offices handled thirteen (13) jury trials to verdict with nine (9) resulting in not guilty verdicts or judgment of acquittals. This results in a success rate of 69%. An additional four (4) cases commenced jury selection. Four (4) court trials were represented by GA public defenders and half resulted in not guilty verdicts.

## TRENDS AND FORECASTS

Statewide, ten (10) GA public defender offices are at or over the Commission caseload goals of no more than 450-500 new cases per attorney per year. Seventy-five percent of GA public defender offices handle between 41% and 64% of all GA criminal cases; with an additional 9,808 motor vehicle cases. The most significant trend and cause for concern in these offices remains the exceedingly high number, 98%, of serious felony cases remaining in the GA courts. As previously mentioned, these cases are more complex and have serious, life altering collateral consequences for clients upon conviction. It is noteworthy that the nationally accepted standards for mixed caseloads of misdemeanors and felonies, including clients with serious mental health issues, are approximately one-half the caseload carried by individual attorneys in Connecticut GA public defender offices.

As reported in the previous fiscal year annual reports, The Office of the Chief Public Defender has continually supported raising the jurisdictional age of juvenile court because it comports with national best practices and scientific research on adolescent brain development in addition to the collateral benefit of providing caseload relief to the over-burdened GA offices. This office continues to monitor the impact the recent "phase-in" of the 16 year-old population is having on both the juvenile and GA public defender offices.

# JUVENILE DEFENSE

## STAFFING AND CASELOADS

The juvenile offices continued to adapt to a changing jurisdictional and legal landscape in 2011. The implementation of the "Raise the Age" legislation continued. Intake in many offices stabilized in 2011 after spiking in early 2010. Hartford, Waterbury and New Haven saw significant increases in their overall caseloads. Hartford and Waterbury were also impacted by attorney layoffs in July, 2011, which has put those offices at or near the caseload goals outlined by the National Legal Aid and Defender Asso-

ciation. The closing of the New Haven Detention Center in October 2011 has also affected the workload in our juvenile offices. Attorneys and staff in New Haven, and Waterbury now have to travel to the Bridgeport Detention Center to meet with clients.

## CONSOLIDATION

The end of the fiscal year brought the consolidation of the operations of the Commission on Child Protection (CCPA) to the Division of Public Defender Services. Responsibility for the administration of the child protection work was divided between the Director of Special Public Defenders (now Director of Assigned Counsel) and the Director of Delinquency Defense (now Delinquency Defense and Child Protection). In addition to administering appointed counsel for child protection matters in juvenile court, the Division is now responsible for supervision and payment of counsel for contemptors in child support and paternity cases and guardians ad litem and attorneys for minor children in some child custody cases. This is a significant addition to our role as criminal defense attorneys but is consistent with our core mission to provide zealous advocacy to those people entitled to counsel but unable to pay.

The field offices were also impacted by P.A. 11-51, which transferred operations of the Commission on Child Protection to the Division of Public Defender Services. In an effort to eliminate a budget deficiency inherited from the CCPA, new responsibilities were given to the field offices. Lawyers are now handling all Families with Service Needs (FWSN) cases and delinquency “interest of justice” appointments under C.G.S. 46b-136. Subpoenas for child welfare cases are being served by Public Defender Investigators instead of state marshals.

## CASELAW

There were important developments in case law in 2011. In January, the Connecticut Supreme Court ruled that juveniles subject to transfer to adult court were entitled to a due process hearing before being stripped of their juvenile status. *State v. Fernandes*, 300 Conn. 104 (2011). This was a major victory for juveniles in Connecticut. Several attorneys have successfully defeated a State’s motion to transfer and had the client’s case returned to juvenile court. The court also gave a youthful offender the right to a hearing prior to being moved to the regular criminal docket in *State v. Bond B*.

## TRAINING AND COMMITTEES

The Juvenile Division continued its efforts to provide continuing education in the area of juvenile defense. Juvenile Division staff continues to participate in local and national trainings that elevate the practice of juvenile criminal defense. Director of Delinquency Defense Christine Rapillo continued her collaboration with the Division of Criminal Justice to present an overview of Raise the Age implementation at the Office of Policy and Management’s Criminal Justice Cross trainings as well as several trainings for CSSD on juvenile justice in Connecticut. She was appointed to the Federal Advisory Committee on Juvenile Justice and participated in the Federal Advisory Committee on Juvenile Justice’s (FACJJ) meeting at the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Juvenile Justice Conference in Washington D.C. Attorney Rapillo also testified as an expert at several hearings related to juvenile transfers subsequent to the Supreme Court’s decision in *State v. Fernandes*.

Public Defender Juvenile staff attorneys and social workers also participate and collaborate with inter-agency training efforts and serve as adjunct faculty throughout Connecticut on juvenile justice issues. Attorney Sharon Elias was a panelist for the Judicial Branch’s Mediation in the Court’s Seminar and

continues to assist with the new lawyer training curriculum for Office of the Chief Public Defender. Attorney Josh Michtom appeared on ‘Education vs. Incarceration’ a CPTV presentation that has led to an effort to reduce the numbers of arrests in schools. Attorney Kathy Murphy teaches Psychology and Introduction to Law classes at Northwest Catholic High School. Social Worker Isabel Logan is on the faculty of the Social Work Department at St. Joseph’s College and participated in Judicial Branch’s Cultural Competency Committee.

The Division of Public Defender services is committed to collaborating with our agency partners and juvenile staff serves on many task forces and committees. These include: the Executive Implementation Team for the Joint Juvenile Justice Strategic Plan, the Governor’s Task Force on Justice for Abused Children, the Juvenile Jurisdiction Planning and Operations Coordinating Council, the Juvenile Task Force of the Judicial Branch Rules Committee and the Connecticut Juvenile Training School (CJTS) Reentry Policy Committee that is studying community release options for juvenile parolees.

## JUVENILE POST CONVICTION AND RE-ENTRY UNIT

### STAFFING AND CASELOADS

The Juvenile Post Conviction and Re-Entry Unit, based at the Office of Chief Public Defender, is responsible for providing post conviction advocacy to juvenile clients who have been removed from their homes and committed as delinquent to the Department of Children and Families (DCF). During the commitment period, the Unit maintains regular contact with the child and their family as well as the numerous care providers involved in the client’s treatment. It is crucial for the unit to ensure that the child receives the appropriate care and treatment in order to maximize the success of that child while in residential care and to prevent recidivism upon reentering their communities.

The Unit’s staff of two (2) attorneys, one (1) social worker and one (1) paralegal provide advocacy to an average daily caseload of approximately 300 clients. The usual duration of a client’s commitment is a period of eighteen (18) months and one hundred twenty-two (122) client cases were closed during the 2010/2011 fiscal year. The Unit functions in concert with juvenile field offices to provide holistic representation to juvenile clients.

All of these clients begin their commitment periods at either the Connecticut Juvenile training School (CJTS) or at a residential treatment facility. These residential facilities are located throughout the state of Connecticut as well as Massachusetts, Iowa, Vermont, Pennsylvania and Rhode Island. The clients are eventually paroled home to their communities prior to the expiration of their commitments and maintained on parole status with transitional services. The Unit remains active in representing the clients while they are in residential treatment as well as at home on parole status.

The Unit also represents clients in formal juvenile court proceedings such as motions to extend commitments, motions to reopen and terminate commitments and appeals of administrative hearings. Additionally, the Unit provides advocacy for clients in administrative hearings under the Uniform Administrative Procedures Act. These proceedings include parole revocation hearings, treatment plan hearings, and administrative case reviews. Members of the Unit appeared on the client’s behalf at approximately 500 case reviews during the 2010-11 fiscal year. These administrative hearings are subject to court review as well as appellate review.

In addition to legal advocacy, the Unit provides a great deal of oversight to the custodial relationship between DCF and the client. The attorneys and social worker meet regularly with all of the clients to ensure that they are receiving appropriate care and treatment. The Unit also investigates any claim that a client has been subject to abuse or neglect while under the care of DCF. The Unit meets with representatives of the Hotline as well as law enforcement officials to ensure that clients are protected from abusive treatment while in state custody.

## LITIGATION

The Unit continues to pursue appellate court review of issues affecting our juvenile clients. In *In Re: Jarelle G.*, A.C. 33488, the Unit has challenged a state statute granting authority to extend delinquency commitments if such extension is found to be in the child's or the community's best interest. This challenge is based upon a claim that the statute was void for vagueness because it failed to put the child on notice that the court could consider evidence other than the behavior or treatment needs of the child. Oral arguments in *Jarelle G.* are scheduled for Fall of 2011.

The Unit continues to experience an increase in their caseload due to the implementation of Raise the Age legislation. In addition to higher caseloads, the average age of the Post Conviction client has also increased. A number of the Unit's clients have received their high school diplomas and have expressed an interest in higher education and vocational training. As a result, the Unit has initiated efforts with DCF to ensure that therapeutic and educational programming is available for these older clients.

The Unit has also initiated an effort to reinstate passes and furloughs from the Connecticut Juvenile Training School. As a result of an incident over five years ago, CJTS residents have been precluded from weekend passes and furloughs. A committee has now been established and preliminary eligibility criteria had been discussed. A formal pass/ furlough policy is expected to be proposed in the near future.

# CAPITAL DEFENSE AND TRIAL SERVICES UNIT (CDTSU)

## STAFFING

During the 2010/11 fiscal year, the Capital Defense and Trial Services Unit (CDTSU) was staffed by the Chief of Capital Defense, three (3) additional trial attorneys, two (2) appellate attorneys, three (3) investigators, three (3) mitigation specialists, a paralegal, and an administrative assistant. The Capital Defense staff is primarily responsible for the representation of indigent clients in all capital felony cases statewide.

## CASELOAD AND LITIGATION

In fiscal year 2010/11, the Capital Defense and Trial Services Unit represented eleven (11) clients in capital felony prosecutions in which the state sought the death penalty. Three (3) non-death penalty capital felony clients were represented by teams of public defenders. One (1) capital felony death penalty prosecution eligible client was also represented by Judicial District public defenders. An additional eight (8) capital felony cases (death penalty and non-death penalty prosecutions) were assigned to Assigned Counsel (formerly Special Public Defenders) because of conflicts of interest. Per American Bar As-

sociation (ABA) standards, capital cases require the appointment of two attorneys per case who meet the standards for representing clients in capital felony cases. Per the settlement agreement in *Rivera v. Rowland*, these cases are handled on an hourly billing basis.

During 2010/11, one capital felony death penalty jury trial, *State v. Christopher DiMeo*, commenced and concluded. The trial was held in Bridgeport in the Fairfield Judicial District. Mr. DiMeo was represented by Attorney Michael Courtney and Attorney Jeffrey Hutcoe. The trial involved accusations of a double homicide during the commission of a robbery in a Fairfield jewelry store. The jury found Mr. DiMeo guilty on February 9, 2011 of one count capital felony murder, two counts of murder and one count of robbery. After a penalty trial, the jury returned a verdict of life without the possibility of release. On May 6, 2011, Mr. DiMeo was sentenced and ultimately transferred to New York where he is first serving his sentence for the murder conviction in New York .

Also during 2010/11, the capital felony death penalty trial of *State v. Steven Hayes* was concluded. Jury selection had been conducted during the previous fiscal year. The trial was held in the New Haven Judicial District Court. Mr. Hayes was represented by Attorney Thomas Ullmann and Attorney Patrick Culligan. The trial involved a home invasion and robbery in July of 2007 with accusations of seventeen felony counts, including six counts of capital felony murder. There were three victims, a mother and her two daughters, one of whom was under the age of sixteen. Evidence started for the guilt phase on September 13, 2010. The penalty phase began on October 18, 2010. The jury rendered a guilty verdict on sixteen of the seventeen counts, with an acquittal on Arson 1<sup>o</sup>. After a penalty trial later that month, Mr. Hayes was subsequently sentenced to death on December 2, 2010.

Mr. Pedro Miranda, represented by Assigned Counsel John T. Walkley and Vicki Hutchinson, was prosecuted in the Hartford Judicial District for the sexual assault, kidnapping and murder of a pregnant 17 year old girl in 1988 in Hartford. Another man, Miguel Roman, served 20 years in prison after being wrongly convicted of that crime. With the assistance of the Connecticut Innocence Project, he was exonerated in 2008 by DNA evidence that ultimately led to Mr. Miranda's arrest. The state decided prior to jury selection not to seek a death sentence if convicted. In April, 2011, the jury deliberated for two days and returned with a guilty verdict on all but one count. This is one of three alleged murders charged in *State v. Pedro Miranda*. Mr. Miranda remains charged with the murders of two other young women in the 1980s. At the conclusion of fiscal year 2010/11, Mr. Miranda was awaiting sentencing.

Additionally, during the 2010/11 fiscal year, jury selection began on March 16, 2011 for the capital felony death penalty trial of *State v. Joshua Komisarjevsky*. Mr. Komisarjevsky is represented by Assigned Counsel Jeremiah Donovan, Walter Bansley, III and Todd Bussert. At the conclusion of the fiscal year, the trial had not yet commenced.

In the 2010/11 fiscal year, three (3) capital felony prosecutions were resolved by plea agreements. The Capital Defense and Trial Services Unit handled two of these cases. The first took place in the New London Judicial District. Defendant Craig Sadosky plead guilty to murder under the Alford Doctrine for the death of his girlfriend's three year old son. Initially, Mr. Sadosky was charged with capital felony and sexual assault. He was sentenced in June 2011 to 40 years in prison. Another CDTSU case was that of Francisco Cruz which took place in the Waterbury Judicial District. Mr. Cruz accepted a plea agreement for the sexual assault and murder of a 16 year old girl. He was originally charged with capital felony, murder, sexual assault 1st degree and strangulation 2nd degree. He pled guilty to murder and was sentenced in June 2011 to 55 years in prison.

Public defender client Rey Damien Garcia pled guilty in the Fairfield Judicial District court to two

counts of murder and was sentenced in June of 2011 to 60 years in prison for the murder of his pregnant girlfriend and her 80 year old grandmother.

As of October 1, 2011 there were fifteen (15) unresolved pending capital felony cases in which the Division of Public Defender Services was responsible for defense representation. The State is seeking the death penalty in eight (8) of these cases. Seven (7) of the capital felony clients are assigned to the Capital Defense and Trial Services Unit. Two (2) capital felony clients are represented by public defender attorneys assigned to Judicial District courthouses. Five (5) capital felony clients (totaling 6 cases) are represented by Assigned Counsel.

There are currently three (3) public defender appellate attorneys specifically assigned to represent clients convicted of capital offenses. Attorneys Judith Borman and Ann Parrent are based in the Capital Defense and Trial Services Unit in Hartford and Attorney Mark Rademacher is based in the Appellate Unit in Hamden. Currently under appeal is *State v. Todd Rizzo* out of the Waterbury Judicial District. Mr. Rizzo's case, argued by Attorneys Borman and Parrent, was recently affirmed by the Connecticut Supreme Court. Attorney Mark Rademacher argued *State v. Eduardo Santiago* in April of 2011. Currently we are awaiting a decision from the Connecticut Supreme Court. *State v. Lazale Ashby* and *State v. Jessie Campbell* are on appeal from sentences of death in the Hartford Judicial District. Both cases are currently in the brief writing stage with transcripts finally completed. *State v. Russell Peeler* has been under appeal for two fiscal years. On April 15, 2011, an appeal was filed in the case of *State v. Steven Hayes*, New Haven Judicial District, by Attorneys Douglas Nash and Jennifer Bourn. At this time, transcripts are not yet complete.

There are currently 16 petitioners participating in the consolidated habeas corpus proceeding litigating racial disparity and arbitrariness in death penalty cases. That case is scheduled for trial in June 2012.

## LEGAL SERVICES UNIT (APPELLATE)

### STAFFING

The Legal Services Unit is staffed by a Chief of Legal Services and eleven (11) full-time staff attorneys. The present support staff consists of two paralegals and one secretary staff is the central provider of appellate services for the Division statewide.

### CASELOADS

In 2010-2011, the Legal Services Unit received court appointments with two-hundred eighty seven (287) cases opened for indigent defendants in the Supreme and Appellate Courts. This figure includes two-hundred sixty eight (268) initially opened cases and nineteen (19) new appeals opened on certification. This number of appointments/appeals filed is lower than the three-hundred and seven (307) appointments/appeals filed in FY 2009/10 but continues a trend of fluctuations from year to year. However the number of new cases continues to greatly exceed the ability of the Unit to handle with existing staff. As a result of the staffing shortage, many of the cases where the Legal Services Unit is appointed must be assigned to Assigned Counsel (formerly known as Special Public Defenders). Delays in the appellate process continue to be a concern for both the Appellate and Supreme Courts, and for the Legal Services Unit the most significant concern is the unpredictability of transcript completion from Courthouse to Courthouse. The Legal Services Unit continues to address these issues within the Courts and at



times with the Chief Justice.

## ASSIGNED COUNSEL IN APPELLATE CASES

As noted above, the Legal Services Unit still refers to Assigned Counsel a substantial percentage of the appeals where it is appointed by the court and this will be the case for the foreseeable future. There are also a relatively small number of appeals that are referred to Assigned Counsel because of an existing conflict.

Although within average range over the past five years, referrals to Assigned Counsel rose slightly this year. Numbers of Assigned Counsel referrals over the past five years are as follows: 215 in FY 2006/07; 203 in FY 2007/08; 188 in FY 2008/09; 177 in FY 2009/10 and 196 in FY 2010/11<sup>1</sup>. Of the 196 assignments, 101 (52%) were habeas corpus appeals. The number of habeas corpus Assigned Counsel appellate assignments rose from 87 in FY 2009/10 to 101 in FY 2010/11. while the percentage of Assigned Counsel habeas corpus appellate assignments rose from 49% to 52%.

Since habeas corpus appeals represent nearly half of this unit's Assigned Counsel assignments, there has been some concern about our continued ability to provide qualified and quality representation in this significant service area. At least as a partial response to this concern, this office, in conjunction with the Office of the Director of Assigned Counsel developed a contract plan for handling a number of habeas corpus appeals. Under this plan, attorneys who have significant appellate and habeas corpus experience agree to take up to a certain number of habeas corpus appeals for the year at a set total fee per appeal handled. We were able to get a number of qualified attorneys to take habeas corpus appeals on this basis and the plan became operational on July 1, 2010 and has proven successful. Expansion of this contract approach to a higher percentage of habeas appeals is likely in the next fiscal year. This practice will stabilize the assignment process for habeas corpus appeals; result in more uniform and competent representation of habeas corpus appellate clients; prevent excessive billing; and conserve Division resources.

There is a growing concern about the number of qualified attorneys willing to accept public defender assignments for all appeals including direct appeals. The high level of need for Assigned Counsel by the Legal Services Unit continues to strain the system especially in these difficult economic times. Over the past two years this office in conjunction with the Office of Assigned Counsel has worked diligently to curtail the cost and increase the quality of Assigned Counsel appellate representation. Over the past two years, solutions included Assigned Counsel billing accountability; the established guidelines in units of time for various billing functions and streamlining and mechanizing the entire billing process. In July of 2011, the Office of the Director of Assigned Counsel assumed control of the entire billing process. First, the application of guidelines allows the Division to more authoritatively request bill adjustments where guidelines are exceeded without good explanation. Second, it gives Assigned Counsel a better sense of what the expectations are for the work that they do. Third, it saves money and provides standards for the work done by Assigned Appellate Counsel.

Finally, while there is presently an adequate roster of qualified Assigned Counsel to do appellate work, our goal is to increase the number of qualified attorneys who have the talent and desire to do appellate work as Assigned Counsel. In this regard, the Appellate Section of the Connecticut Bar Association continues to encourage their members to seek approval to do appellate work as Assigned Counsel.

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<sup>1</sup>The 2010/11 figure includes ten granted petitions for certification to the Connecticut Supreme Court by Assigned Counsel. It should be noted that new appeals do not entail a new assignment and the existing assignment is continuing and automatic.

## CAPITAL FELONY MURDER APPEALS

The number of attorneys qualified and willing to handle death penalty appeals is of special concern for the Division. LSU attorneys were involved in both non-death penalty capital cases and death penalty case appeals during the past year. Three Division attorneys had death penalty cases as a primary focus. Due to an influx of capital appeals, the LSU attorneys and the Capital Defense Unit appellate attorneys will be called on to provide more extensive representation in death penalty appeals in the next fiscal year. To meet the demands of death penalty appeals, and to comport with ABA and Commission guidelines for representation in death penalty cases, it has become critical to hire additional qualified appellate attorneys as well as develop more Assigned Counsel capable of doing appeals and habeas corpus post conviction death penalty work.

## TRIAL ADVOCACY

It has long been a concern that this office strengthens its connections to the public defender trial offices. Each attorney in this office is assigned to answer questions and to provide assistance to trial offices, trial public defenders, trial Assigned Counsel and appellate assigned counsel. While this program is working well, it is our expectation that the mentoring program will become more active in the next fiscal year. This office, though, does encourage its attorneys to have connection with the trial courts and when possible to gain trial level experience. A number of our attorneys have taken advantage of this and they are generally positive experiences from all perspectives. This office also continues to work closely with all the trial offices regarding the ongoing compliance with the *Casiano* decision, and the office continues to work very closely with all the field offices regarding Youthful Offender and Juvenile transfer cases especially in light of *State v. Bond B*, *State v. Fernandes* and *State v. Elias G*, which establish for the first time in Connecticut the need for transfer hearings prior to any final transfer to the adult court for juveniles and youthful offenders. Finally, an attorney in this office is available to assist with Motions for Review coming from the trial courts around the state as well as addressing the deportation consequences of guilty pleas in light of *Padilla*. These connections have been advantageous to everyone and it is necessary to continue to expand our efforts to be available to the trial offices.

## TRAINING AND EDUCATION

The Legal Services Unit has entered its seventeenth year of conducting the Criminal Appellate Clinic at Quinnipiac School of Law, through which law students assist in the briefing and arguing of selected appeals that are assigned to the LSU. Our Clinic is more vibrant than it has been in several years with a full contingent of selected students. In addition, the Legal Services Unit works closely with the University of Connecticut Law School Criminal Clinic. These UCONN students, who are supervised by a professor at the Law School, are presently handling two LSU appeals a year. *New Case News*, a cooperative venture with the Division's Training Unit, for the past 5 years spotlights, summarizes and ultimately stores and indexes the most recent Connecticut cases. *New Case News* has improved its searchability and is used by both Division attorneys and Assigned Counsel.

Early this past summer the LSU, in conjunction with the Office of the Director of Assigned Counsel, sponsored a full day training session on the numerous waiver cases being decided by our Supreme Court. Former Supreme Court Justice Joette Katz spoke and participated in discussion with counsel. The training session, which was open to everyone, was a success and spawned a statewide series of programs developed by the Training Unit in an attempt to address the import and challenges of the waiver cases.

Further involvement by LSU attorneys includes participation by one of our attorneys in a statewide panel attempting to revamp and modernize the transcript production process. This office also continues to participate in the Appellate Rules Advisory Committee and the Bar Association's Appellate Committee where the advocacy of these groups continues to result in significant changes in the Rules and appellate practice in Connecticut. Outside of their work in the Division, two attorneys from this office teach an Appellate Moot Court class at the UCONN School of Law.

## WAIVER CASES

Historically in Connecticut, review has been permitted for unpreserved claims of Constitutional dimension; known since 1990 as *Golding* review. By far the largest source of *Golding* claims has been found where there is unpreserved instructional error. Over the last few years the Appellate Court and the Supreme Court have stripped away *Golding's* application, but in January, 2011 the Supreme Court, in a series of cases that includes *State v. Kitchens*, *State v. Mungroo* and *State v. Akande*, effectively eliminated *Golding* review for unpreserved claims of instructional error. Although some limitations have been placed by *State v. Baptiste* there remains the fear, held by many, that *Golding* review will be eliminated for other unpreserved claims as well. This results not only in a dramatic change in appellate criminal practice, but it also has an impact on habeas practice and criminal trial practice.

## SUCCESSFUL APPEALS AND OTHER LEGAL SERVICES UNIT LITIGATION

Although Appellate wins are difficult to achieve, the Legal Services Unit continues to have a substantial number of successes which are cited below.

***LUURTSEMA V. COMMISSIONER*, 299 Conn. 740 (2011), Adele Patterson and Jennifer Bourn.** A habeas corpus action where the Supreme Court concluded that the favorable decisions in *State v. Salamon* and *State v. Sanseverino* regarding the nature of kidnapping applied in a habeas corpus context, applied retroactively and applied to the instant petitioner, Mr. Luurtsema.

***STATE V. B.B.*, 300 Conn. 748 (2011), Martin Zeldis.** Holds that for certain felonies prior to transfer from the youthful offender docket to the adult docket, the youth must be afforded the opportunity to have a transfer hearing. This case is consistent with the juvenile transfer case, *State v. Fernandes*, heard at the same time, mandating transfer hearings before the loss of juvenile status for certain felonies, although *B.B.* had a better outcome for the defendant.

***STATE V BAPTISTE*, 302 Conn. 46 (2011) Annacarina Jacob.** The Court in *Baptiste*, a waiver case, drew a line holding that where the proposed instructions are not given to defense counsel in advance and there is no meaningful opportunity for counsel to review and comment on the proposed instructions before they are given, there is no waiver of the claim and there can be review under *Golding*.

***STATE V. GONZALEZ*, 302 Conn. 287 (2011), James Streeto and Kent Drager.** The Supreme Court reversed the defendant's felony murder and kidnapping convictions and ordered a new trial because the trial court improperly refused to suppress the admission of the defendant's statements to the police where the officer told him that this was his chance to tell his side of the story.

***FURS V. SUPERIOR COURT*, 298 Conn. 404 (2010), Released Sept. 2010, Neal Cone.** Witness found in contempt. It was improper to hold a witness in contempt for refusing to testify where the questions asked related to immunity.

***STATE V. CYRUS*, 297 Conn. 929 (2010), Released Aug. 2010, Martin Zeldis and Ernest Green.** There was no reasonable and articulable suspicion to stop a vehicle for distracted driving when the basis for the stop was a chain hanging from the rearview mirror.

***STATE V. VICTOR O.*, 301 Conn. 163 (2011), Elizabeth Inkster and Kent Drager.** A partial win where the Court agreed with the defendant that the sentence imposed was illegal in that it included a period of

probation instead of special parole. The conviction was reversed and remanded for resentencing.

**STATE V. JOHNSON**, 301 Conn. 630 (2011), **Alice Osedach**. The trial court dismissed two misdemeanors and a violation of probation (VOP) where the defendant was found incompetent and not restorable and the statute of limitations had run out. The state appealed. Our Supreme Court dismissed the VOP and misdemeanor charges affirming the trial court regarding those charges.

**STATE V. LAFOUNTAIN**, 128 Conn. App. 546 (2011), **Annacarina Jacob**. Conviction for harassment was reversed where the defendant telephoned the office of his wife's attorney and called the attorney various names. The Court reversed the conviction holding that since it rested primarily on the verbal content of a telephone call the statute here was impermissibly applied to proscribe the defendant's right to free speech in violation of the First Amendment.

**STATE V. HUDSON**, 122 Conn. App. 804 (2010) released July 2010, **Annacarina Jacob**. Three convictions for credit card forgery were reversed and the case was remanded to the trial court for resentencing. On remand the trial court reduced the defendant's overall sentence.

**TAYLOR V. COMMISSIONER**, 125 Conn. App. 624 (2010) Released Dec. 2010, **Lauren Weisfeld**. A habeas corpus action claiming ineffective assistance of counsel. The habeas court dismissed the petition when neither the petitioner nor his attorney appeared for the scheduled trial date. The Appellate Court reversed the habeas court finding that it did not appear that the petitioner had notice of the date the hearing was scheduled for effectively depriving him of his right to be present for his trial.

**STATE V. BILLIE**, 123 Conn. App. 690 (2010) Released September 2010, **James Streeto**. The defendant's drug conviction for possession with intent to sell was reversed because there was not sufficient evidence to show more than the possession of a single packet of drugs.

**GAINES V. COMMISSIONER**, 125 Conn. App. 97 (2010) Released November 2010, **James Streeto**. Murder conviction where the habeas court and then the Appellate Court determined that trial counsel was ineffective because he had not effectively done investigation re: potential and available alibi witnesses. Certification was granted to the state and the case is pending in our Supreme Court.

## HABEAS CORPUS UNIT

### STAFFING

The Habeas Corpus Unit is responsible for the representation of petitioners in habeas corpus cases arising from a criminal matter. During Fiscal Year 2010/11 the Habeas Corpus Unit was staffed by a Chief of Habeas Corpus Services, a Supervisory Assistant Public Defender (on loan to the Unit from another office), four (4) permanent attorneys assigned to the unit, one (1) permanent attorney on loan from another office for part of the fiscal year, and one (1) temporary attorney for a total of six (6) staff attorneys for the majority of the fiscal year. The non-attorney staff consists of two (2) investigators, two (2) paralegals, a secretary and a clerk. All are permanent employees assigned to the Habeas Unit.

### CASELOAD

The Habeas Corpus Unit opened 280 new cases during fiscal year 2010/11. The number of new cases decreased substantially from the number opened (371) in the preceding fiscal year. That decrease is attributable to the enhanced screening of habeas petitions performed by the trial court. Seventy-four of the 280 new cases were assigned to Habeas Corpus Unit staff attorneys. The Habeas Corpus Unit also responded to 127 Inquiries. Forty-four of those Inquiries became pending habeas cases. Two hundred and seventy habeas cases were assigned to Assigned Counsel (formerly known as special public defenders) during fiscal year 2010-2011. Sixty-four of the cases assigned to Assigned Counsel were received in the prior fiscal year or were returned by the court for assignment of new counsel when the attorney

originally assigned became unavailable to represent the petitioner.

Public defenders and Assigned Counsel resolved 390 cases during FY 2010/11 (an approximately 39% increase over FY 09-10 when in-house attorneys and Assigned Counsel disposed of a total of 280 cases). Assigned Counsel resolved 208 cases, while in-house attorneys resolved 182. Last fiscal year in-house attorneys disposed of 64 cases.

There were 1008 habeas cases (habeas unit staff and Assigned Counsel) pending at the end of FY 10-11, as compared to 1118 habeas cases at the close of FY 2009/10, and 1157 at the end of FY 2008/09, and 1077 at the close of FY 2007/08. The net decrease of 110 cases is directly attributable to greater judicial involvement and firmer docket management.

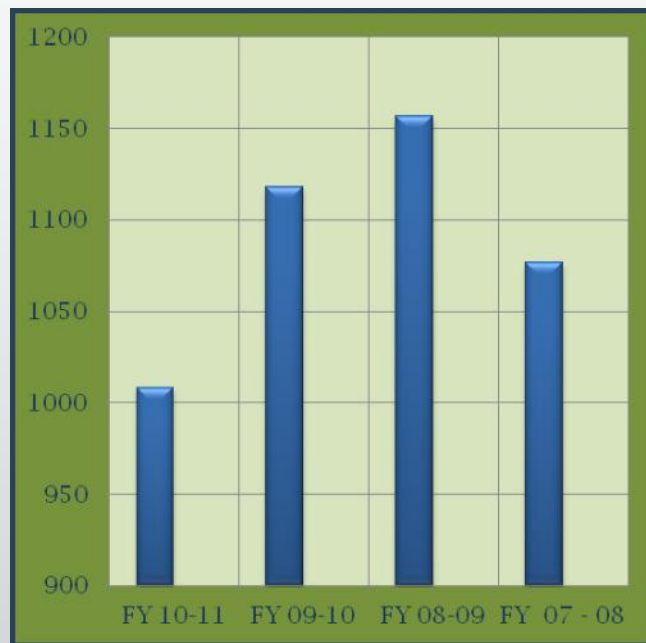


Chart 2: Habeas Cases (Unit and Assigned Counsel) 2007-2011

## LITIGATION AND TRIALS

Lawyers from the Habeas Corpus Unit tried sixteen (16) cases in FY 2010/11, essentially the same number (17) as in FY 09-10. Relief was granted in 25% of the cases tried. Additionally, Unit attorneys gained relief for 22 clients either through negotiation or through litigation at the trial court level.

During FY 2010/11 Habeas Corpus Unit lawyers represented an increased number of clients challenging whether they had been advised properly concerning the immigration consequences of their pleas of guilty or nolo contendere. These claims have increased since The United States Supreme Court released *Padilla v. Kentucky* in March of 2010 establishing that in order to render effective assistance, criminal defense attorneys must provide their clients with adequate advice on the potential immigration consequences of a plea of guilty or nolo contendere.

During FY 2010/11 the Habeas Corpus Unit received a number of cases seeking relief from kidnapping convictions. In January 2011 the Connecticut Supreme Court released *Luurtsema v. Commissioner*<sup>2</sup>, which held that its 2008 decisions in *State v. Salamon*<sup>3</sup>, and *State v. Sanseverino*<sup>4</sup>, (which held that

<sup>2</sup>299 Conn. 740 (2011).

<sup>3</sup>287 Conn. 509 (2008).

<sup>4</sup>287 Conn. 608 (2008), overruled in part by *State v. DeJesus*, 288 Conn. 418, 437, superseded in part after reconsideration by *State v. Sanseverino*, 291 Conn. 574 (2009).

restraints that were merely incidental to the commission of another crime were not punishable under the kidnapping statute) applied to cases where the challenge was first brought in a habeas proceeding, not on direct appeal. With the *Luurtsema* decision incarcerated individuals convicted of kidnapping at any time in the past could now raise a challenge to the validity of that conviction via a petition for writ of habeas corpus.

During FY 2010/11 members of the Habeas Corpus Unit handled eight appeals from habeas corpus proceedings or from Superior Court proceedings. These appeals defended the granting on relief in the habeas court as well as challenged the court's conclusion that no relief was warranted. One appeal addressed the propriety of dismissing a habeas petition, and another challenged the propriety of the court ordering repeat competency examinations. A member of the Habeas Corpus Unit continued to defend the granting of relief in *Ebron v. Commissioner*, where the habeas court ruled that a criminal defendant has the right to adequate advice concerning whether to accept a plea offer. *Ebron* built upon *Sanders v. Commissioner* 271 Conn. 914 (2004) which held that a lawyer renders ineffective assistance when he fails to even inform the client of the existence of an offer.

## PSYCHIATRIC DEFENSE UNIT

### STAFFING AND CASELOADS

The Psychiatric Defense Unit is responsible for the representation of persons acquitted of crimes by reason of insanity and committed to the state's Psychiatric Security Review Board (PSRB). The Psychiatric Defense Unit also serves as a Division-wide advisory and educational resource on legal issues related to competency to stand trial and involuntary medication of criminal defendants as well as to other legal issues related to the insanity defense and mitigation based on the presence of mental illness.

Pursuant to an agreement with the Department of Mental Health and Addiction Services, the Unit is conveniently located on the grounds of Connecticut Valley Hospital to accommodate Unit staff with frequent visits to clients who are not permitted to leave the hospital grounds or who are confined to the maximum security facility, Whiting Forensic Institute.

The Unit is currently staffed by a Chief of Psychiatric Defense Services, one (1) additional staff attorney, one (1) a social worker and one (1) paralegal. Currently the Office represents 99 clients residing at the facility or conditionally released to the community. Clients are represented at treatment team meetings, PSRB hearings, discharge hearings before the trial court and appeals. The Unit was successful in securing the discharge of four (4) clients from Board jurisdiction during the past fiscal year. The Unit continues to pursue constitutional challenges to the recommitment statute.

The Chief of Psychiatric Defense Services also serves as the designee of the Chief Public Defender on the Behavioral Health Subcommittee of the Criminal Justice Policy Advisory Commission in order to create diversion opportunities for mentally ill persons involved in the criminal justice system and is also periodically called to serve as the designee of the Chief Public Defender on special committees created to deal with special issues related to the mentally ill population in the criminal justice system.

# CONNECTICUT INNOCENCE PROJECT

## STAFFING AND CASELOAD

In 2010, Connecticut Innocence Project (CTIP) began its work on the collaborative effort known as the “Connecticut Post-Conviction DNA Testing Program”. The DNA Testing Program is a collaboration between CTIP, the Office of the Chief State’s Attorney and the State of Connecticut Forensic Laboratory. In the Fall of 2009, the U.S. National Institute of Justice awarded the Program approximately \$1.5 million to be shared by the three agencies. The design of the Post-Conviction DNA Testing Program isolates cases of murder, non-negligent manslaughter and intentional rape where DNA testing might reasonably prove an inmate’s innocence. As a result of the funding, CTIP hired two Attorneys, as well as an Investigator for a period of 18 months to review cases of eligible inmates who are asserting their innocence. Although the DNA Testing Program was initially an 18-month program, in December, 2009, the National Institute of Justice (NIJ) extended the Program through December, 2011. Presently, there are a number of cases in the review process, as well as a number of cases in the process of DNA testing at the State Lab.

In addition to the potential DNA cases that have been identified through the DNA Testing Program, the Connecticut Innocence Project continues to maintain approximately 100 cases in various stages of review, with claims of innocence based on both DNA and non-DNA evidence. Although CTIP’s three exonerations to date were based on post-conviction DNA testing, the majority of the cases reviewed by CTIP (as well as cases from other jurisdictions) are non-DNA determinative. The nature of the review process, particularly in non-DNA cases, requires a sense of curiosity, careful investigation and determination.

CTIP continues to enjoy the collaborative relationship it has had with the law firm of McCarter & English in Hartford since February, 2006. McCarter provides pro bono office space, legal support and advice to CTIP and the clients it serves. In December, 2010, Attorneys Charlie Ray and Matt Weiner of McCarter successfully represented CTIP in an application for Amicus Curiae status in the case of *State v. Brady Guilbert*, which is presently pending before the Connecticut Supreme Court. The Court in *Guilbert* will, again, have the opportunity to address the admissibility of eye-witness identification experts. Through the efforts of McCarter & English, particularly on the Amicus brief, we are hopeful that the Connecticut Supreme Court will overrule its prior precedent and allow the admission of expert testimony in ID cases. The issue of eyewitness misidentification is at the core of many wrongful convictions. As a Special Unit of the Office of Chief Public Defender, CTIP assists to promote legislative changes in best practices for eye-witness ID procedures. It is a rare and exciting opportunity for CTIP to be involved with the *Guilbert* case, and its potential for policy changes in eye-witness identification in our state.

In addition to the pro bono work of McCarter & English, CTIP continues to rely on its dedicated volunteer and intern staff, and on volunteers from the Public Defender Division and in private practice. Their work has been instrumental in the success of our clients, both before and after release. Engaging our volunteer social workers as a member of our team has been particularly satisfying for CTIP because they bring to the table a crucial mental health contribution to our clients which is otherwise not part of the team’s expertise. Working with our social workers, and non-legal volunteers and contributors, is a welcome reminder that the success of our clients depends upon the strength and diversity of our team.

## EXONERATIONS

To date, the Connecticut Innocence Project has had three clients released and exonerated based on new DNA evidence. James Calvin Tillman was released in 2006, after serving 18 ½ years in prison for crimes he did not commit. Miguel Roman was released in 2008 after serving over 20 years in prison for crimes he did not commit. Kenneth Ireland was released in 2009 after serving almost 21 years in prison for crimes he did not commit. In each of the three cases, the post-conviction DNA testing which proved the client's innocence led to the arrest of the actual perpetrator of the offense. Additionally, in Mr. Roman's case, the actual perpetrator was arrested for two additional cold case murders. In addition to case reviews and representing individuals in claims of innocence, CTIP has been involved in consulting, education and policy roles involving issues of criminal procedure best practices, eyewitness identification, informant testimony, and other causes of wrongful convictions.

## ASSIGNED COUNSEL (FORMERLY SPECIAL PUBLIC DEFENDERS)

### CHANGE IN TITLE

The Office of Chief Public Defender and the Office of Chief Child Protection Attorney were consolidated beginning on July 1, 2011. As a result of this, the title of Special Public Defender was changed by statute during the legislative session to accommodate the additional attorneys accepting contracts to represent indigent clients. The change from Special Public Defender to Assigned Counsel merged all contract attorneys doing business with the Office of Chief Public Defender into a single title.

### RESOURCES AND ASSIGNMENTS

In 2010/11, Assigned Counsel attorneys were assigned to approximately 7765 criminal cases. This includes approximately 2500 hourly and approximately 5200 flat rate cases. In accordance with the *Rivera v. Rowland* settlement agreement, capital felonies, murders, direct appeals and serious juvenile offenses were assigned on an hourly basis.

Beginning July 1, 2010, The Legal Services Unit of the Office of Chief Public Defender began assigning habeas appeals cases at a flat rate. This use of flat rate assignments for cases previously assigned at the hourly rate of \$75 per hour has proven to be very cost effective and efficient. A goal for fiscal year 2011/12 and beyond is to expand this model for appellate matters where feasible. Approximately 65 habeas appeals cases were assigned at a flat rate in fiscal year 2010/11.

The policy for entering into written agreements with the Commission changed for the 2010/11 fiscal year. Beginning July 1, 2010 every private attorney receiving case assignments as Assigned Counsel (Special Public Defender) was required to sign an agreement to do so. Three hundred forty three (343) members of the private bar entered into a total of seven hundred fifty two (752) separate agreements to represent indigent clients as Assigned Counsel in Criminal cases. In addition to Judicial District (JD) , Geographical Area (GA) and Juvenile conflict cases, the Division continued to rely on Assigned Counsel to handle significant percentages of appeals and habeas corpus matters. The Assigned Counsel annual agreement now focuses on each specific area of practice. In fiscal year 2010/11 firms became eligible to enter into "firm agreements" allowing for approved members of the firm to work on the same



file. This has proven to be successful and will be expanded in the future. In an effort to fulfill the Commission's commitment to quality legal representation, the Assigned Counsel Guidelines are continually reviewed and revised to ensure they are up to date.

Consistent with the Commission's commitment to sustain and strengthen the quality Assigned Counsel representation, significant resources were dedicated this past year. The compensation rates remained constant at \$50/hour for misdemeanors, \$75/hour for felonies and \$100 hour for capital cases. Contract cases remained at \$350/case for Geographical Area (GA) and Juvenile and \$1000/case for Judicial District (JD) assignments. These compensation rates are reviewed regularly to ensure they remain appropriately current with compensation paid to similarly situated attorneys in other venues.

Substantial resources were also allocated for supplementary Assigned Counsel expenses, including expert witness and investigative service expenditures. Assigned Counsel accepting flat rate assignments continue to bill hourly for professional prison visits, for trial preparation and while on trial.

## ASSIGNED COUNSEL TRAINING

Every attorney awarded an Assigned Counsel agreement for the first time in a specific area of practice is required to participate in the Mentoring Program which spans the fiscal year. This program pairs experienced attorneys with new attorneys to act as a resource and help ensure quality client representation.

Assigned Counsel must attend six (6) hours of training annually. They are offered a wide range of legal training opportunities throughout the year. Each new Assigned Counsel is required to attend the full day *Basic Orientation Courses* offered each year which focuses on basic criminal practice and ethics. In addition to this, several Assigned Counsel attorneys took the opportunity to attend seminars focusing on: Juvenile Delinquency Defense; Calculation of Sentences & Eligibility for Release; The Defense of Sexual Assault Cases; and Collateral Consequences of Arrest. Many Assigned Counsel received scholarships from the Chief Public Defender's Office and the Civil Justice Foundation, Inc. to attend the annual *Criminal Litigation Seminar*, sponsored by the Connecticut Trial Lawyers Association.

In addition to the extensive coverage of expenses incurred in the representation of clients, support for Assigned Counsel also includes access to and support from: the Director of Assigned Counsel and his staff; the Division's Director of Training; the Director of Juvenile Delinquency Defense; members of the Office of Chief Public Defender; members of the Division's field offices; and whenever appropriate, the Division's Legal Counsel.

In 2011, vital resources were devoted to enhance Assigned Counsel services. The significant level at which the services were allocated greatly supported these attorneys to represent their clients to the best of their abilities. Such investment is necessary to ensure that the private bar continues to demonstrate a strong willingness to serve as Assigned Counsel into the future.

As this fiscal year ends, the Office of Chief Public Defender looks forward to encouraging and supporting assigned counsel in child protection cases. Plans for specialized training in this area are underway, and will include training in the area of representing parents facing termination of parental rights, advocacy for access to Department of Corrections parenting and fatherhood programs for incarcerated parents, the use of experts in child welfare cases, child development, and permanency planning.

# SOCIAL WORK

## STAFFING AND CASELOAD

The Division is fortunate to have a total of forty (40) permanent social work positions with two positions vacant at this time. Many of the social workers have or are pursuing advanced Master’s of Social Work Degrees and clinical licensure. They are situated in field offices and specialized units throughout the state, and are an integral and indispensable part of the defense team,. They recommend pretrial and sentencing alternatives to incarceration to the Court on behalf of clients. In- house social workers are also skilled in arranging appropriate expert evaluations for clients who require medical, psychiatric and educational evaluations as well as arranging other community services for purposes of their defense.

Public Defender social workers also act as the principal referral source to the Department of Mental Health and Addiction Services Diversion Program and Court Support Services Division (CSSD) Jail Re-interviewers. They first assess the needs of the clients and their appropriateness for alternative programs. Our collaboration with other state agencies for client programming is critical to the goals of reducing recidivism and prison overcrowding as well as protecting the safety of both clients and communities.

Social work team members in the Geographical Area (GA) and Judicial District (JD) offices also assisted nearly 5490 public defender clients with crisis intervention and alternative court sentencing plans. Approximately 62% of the alternative plans and recommendations developed by public defender social workers were totally or partially accepted by the Court as alternatives to incarceration.

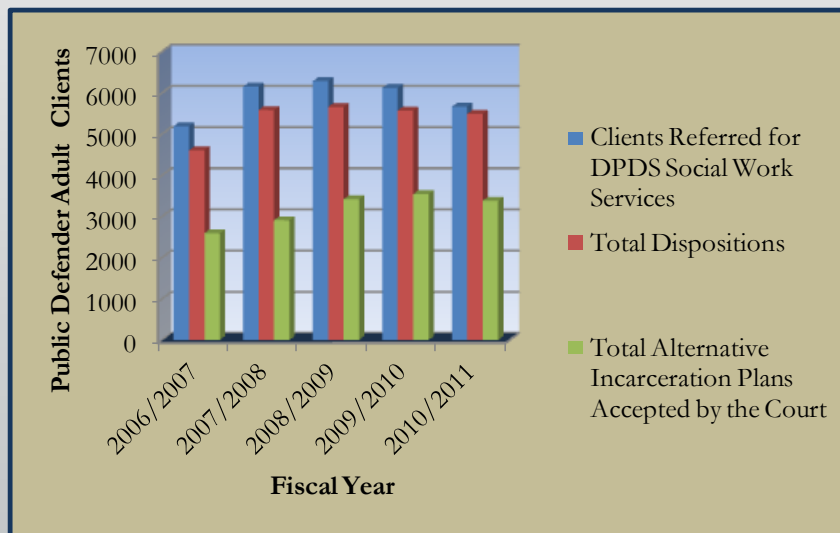


Chart 3: Adult Alternative Incarceration Plans for Public Defender Judicial District and Geographical Area Courts 2006–2011

The Agency recently received a two year federal Byrne Grant to fund two per diem social workers to work exclusively with clients accused of domestic violence offenses. The social work domestic violence “pilot programs” are in New Haven GA23 and Bridgeport GA2.

The Domestic Violence social workers began taking cases in March 2010 in both locations and

the Office of Chief Public Defender recently submitted its fourth quarter report. Domestic Violence social workers in both locations are handling a substantial percentage of the overall domestic violence cases appointed to their respective public defender offices and continue to develop new strategies to address the collateral consequences for clients charged with such offenses. These efforts are intended to increase communication among all criminal justice service providers with the public defender offices, increase client ability to successfully complete domestic violence and other treatment programs designed to increase client capacity to make positive change.

In 2011, more than 475 court-involved children were assisted by Public Defender social workers in the Juvenile Matters offices. These offices have made a concerted effort to keep children in their communities, whenever possible, with comprehensive support services.

Approximately 54% of the children receiving social work services were successfully diverted from the delinquency docket altogether and an additional 34% remained in their communities on probation.

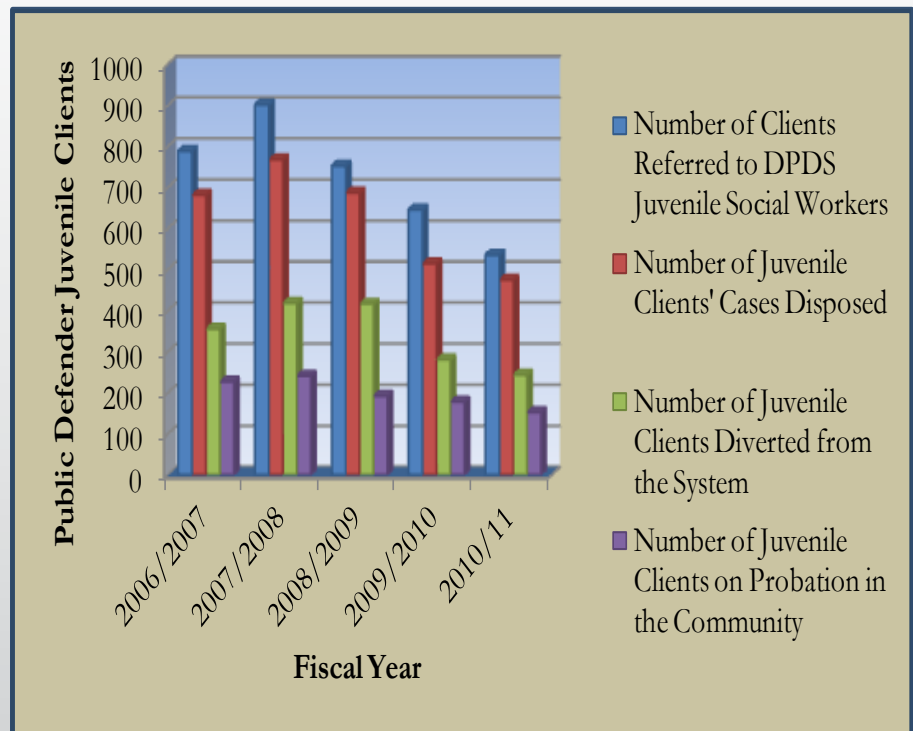


Chart 4: Juvenile Probation and Diversion Data 2006–2011

Approximately 340 juvenile clients in the Juvenile Post Conviction and Reentry Unit received Public Defender social work services while committed to the Department of Children and Families (DCF) for delinquency charges and in residential placement, both in and out of state. The Unit’s social worker tracks and meets with all delinquency or dually committed children to ensure that appropriate treatment plans are in place, assist with crisis intervention, develop plans to divert juveniles from the adult court, and collaborate with DCF to develop client discharge plans that will maximize the successful reentry of the child to school and community.

Approximately one-hundred (100) clients committed to the state’s Psychiatric Security Review Board (PSRB) are assisted by an experienced social worker from the Public Defender Psychiatric Defense Unit. The social worker assigned to this Unit attends treatment team meetings with clients, makes recommendations for the development of individual treatment plans, community conditional release, and discharge plans for clients acquitted by reason of insanity who are committed to the Psychiatric Security Review Board at Connecticut Valley Hospital and Whiting Forensic Hospital.

## TRENDS AND FORECASTS

The social work staff has reached out to other state and community agencies in an effort to coordinate services. They continue to work cooperatively with the Mental Health Jail Diversion staff and the CSSD re-interviewers. The staff has established an excellent working relationship with Department of Social Services, Department of Correction (DOC) and the DOC liaison worker to help clients gain entitlements before they are released or to assist in reinstating their benefits. The social work staff is also working closely with the Correctional Managed Health Care discharge planners at the correctional facilities to assist pretrial clients garner appropriate services and medications upon release from to their communities.

The social workers have participated in local Project Homeless Connect Days; an initiative that has provided homeless individuals with critical services and resources in one location. They social also participated in Veteran's Stand Down in September. The social workers sit on several local community boards including such as Community Care Team in Norwich, The Danbury Area Homeless Consortium, Commission for Cultural Affairs in the City of Hartford. They have also presented at conferences such National Association of Social Workers CT conference, a conference on Women in Criminal Justice at Western Connecticut State University and a conference for Protection and Advocacy.

The Chief Social Worker is a member of the Connecticut Veteran's Jail Diversion State Advisory Board and the Transitions Meeting for Youth at Manson Youth Institute. She is also a member of the Domestic Violence Docket Planning Committee and attends the local court domestic violence planning meetings. She continues to be the point person when new programs are implemented by Court Support Services that will be affecting public defender clients and their access to treatment.

## TRAINING AND PROFESSIONAL EDUCATION

### FUNDING FOR PROFESSIONAL EDUCATION PROGRAMS 2010/11

The 2010-11 Fiscal year was a productive year for the Training and Education Department despite a considerable reduction in funds . The final appropriation for the training department was \$69,901. This was an appropriation reduced by \$14,045 less than the previous fiscal year. The Training department made every effort to achieve efficiencies in light of the state's difficult financial situation, and our reduced budget.

### TRAINING THE TRAINER

The Division continued to send attorneys to advanced trainings as well as intensive trial school programs. In order to expand the Division's knowledge base while making the necessary budget reductions, the department continued the practice of requiring participants who attend out of state seminars to create trainings for other agency personnel upon their return.

Attorneys attended conferences pertaining to: shaken baby syndrome, child abuse, sexual assault, eyewitness identification, drug cases, forensic sciences, immigration consequences, as well as advances in law and brain development and impairments. In all, twenty-three lawyers went out of state to

receive specialized training. Based on the advanced training that these people received, the Division subsequently conducted three large seminars. The seminar entitled *Forensic Sciences in the Courtroom*, was attended by 112 attorneys. The training was based on the National Academy of Sciences report that called into question the credibility of certain types of scientific evidence. Eighty-five attorneys attended the Division's seminar entitled *Defending Cases with Child victims. DNA for the Defense*, designed as a beginner's guide to understanding DNA evidence, was attended by 118 attorneys. In addition to the three large seminars, we also held two hour regional trainings in five court houses on eyewitness identification.

All trainings were made available to our staff attorneys as well as Assigned Counsel, who represent indigent clients on a contract basis in conflict of interest cases.

One attorney attended the National Criminal Defense College's Trial Practice Institute in Macon, Georgia. This renowned two-week trial skills program is the most comprehensive and highly regarded of criminal defense trial advocacy institutes. Due to the expense of this two-week program, the Division was able to send only one attorney this year while three were able to attend last year.

### CAPITAL DEFENSE TRAINING

As in previous years, the Division's commitment to training individuals on issues pertaining to capital defense is unwavering. The Division is representing several clients who are facing the death penalty. The cost of defending these clients is rising and specialized training is required. Despite the rising cost of capital defense representation and training and the strain on agency resources, the Division continues to provide specialized training to all staff involved in representing those clients facing the death penalty. Four attorneys attended the National Legal Aid and Defender Association's annual conference "Life in the Balance" and one attorney attended the highly regarded Airlie Death Penalty Conference in Virginia. Two attorneys attended the highly regarded *Santa Clara Death Penalty College* where participants bring their own cases for group study and analysis. Capital Defense attended the *California Attorneys for Criminal Justice (CACJ) 2011 Capital Defense Seminar* and four attorneys attended the *Life in the Balance* seminar.

### NEW ATTORNEY TRAINING

The training department has a long established skills program that has been created for our newest attorneys. The first year curriculum is an ongoing program to help support our new attorneys. In addition to group learning, this year we have added a tutorial component to the training. The goal of this program is to meet with all new attorneys as they begin employment, provide individualized attention and guide them through the complexities of interviewing clients and representing those clients in court. This one-on-one attention compliments the existing new attorney training and helps to increase the level of competence of our newest attorneys.

The first year curriculum continues to educate and challenge our new attorneys. The 2010/11 Fiscal Year consisted of thirteen days of training spread out over the course of a year, combining lecture and training exercises. The experienced employees of the Division participate in these training sessions as lecturers, group leaders and witnesses. New public defenders are trained on: client counseling, arraignments, motions practice, cross examination of both police officers and victim, use of expert witnesses, negotiation, mental health issues, alternative dispositions, sentencing calculations, collateral consequences and professional ethics. Mental Health training has two components: one session is spent delving into competency and broad mental health issues; the second session is called *Hearing Voices*. The

training is designed to assist staff in recognizing the impact of mental illness and effectively communicating with those clients suffering with mental illness.

## **OUTSIDE EXPERTS**

Some of the first year curriculum sessions were taught by experts from other fields. We rely on Connecticut Legal Services to train all of our lawyers on collateral consequences of conviction. Collateral consequences training focuses on the devastating effects of an arrest and/or conviction on education, housing, employment, immigration and the threat of enhanced penalties in federal court. The Division also relies on the Department of Correction and the Board of Pardons and Parole to train our attorneys on Sentencing Calculations and Eligibility for release. This training concentrates on the intricacies and vagaries of jail credit, understanding concurrent sentencing and the issues and pitfalls of early release and parole. This is a critical area of practice because poorly structured sentences create issues for not only our clients, but also the Department of Correction, and habeas court.

A final area in which the Division relies on outside experts is the State Forensic Lab. New attorneys and investigators are required to participate in a two day forensic lab training where Forensic Lab scientists train Division employees on a wide variety of topics. This training is invaluable; it allows Division employees to gain knowledge regarding a wide array of sciences and has also helped to open lines of communication between the Division and the State Forensics Lab. All of these trainings are open to all Division attorneys as well as Assigned Counsel and the private bar.

## **TRAINING FOR ASSIGNED COUNSEL, INVESTIGATORS AND SOCIAL WORKERS**

The Training Department offers training to Assigned Counsel in the area of basic criminal practice, ethics, counseling a client and alternative dispositions. This training is designed specifically for Assigned Counsel.

As part of the ongoing goal of the Division to encourage and support professional growth and knowledge, twenty-four investigators attended the Investigative Training Seminar. Additionally 34 members of the Division participated in 47 classes offered by the Department of Administrative Services. These classes offered a wide range of topics from computer technology to stress management.

Many social workers and attorneys attended seminars that were offered in Connecticut. These seminars dealt with legal issues as well as mental health and addiction. Topics included: understanding trauma, special education needs, populations at risk, understanding the crossroads between mental health and the criminal justice system, human trafficking, understanding deviant sexual behavior and the national conference for social workers. Thirty-seven Division employees participated in mental health training. One of our attorneys was permitted to participate in the *Department of Mental Health and Addiction Services Multicultural training program*. This ten month program, designed to delve into identifying cultural biases, helps participants understand cultural bias and how to impact change in attitudes.

## **INTERNSHIPS**

The training department created an intern orientation program for those wishing to intern in any of our offices. All who are accepted into our intern program receive an Intern Handbook and participate in a two hour Intern Orientation. This orientation is offered at least three times a year; the beginning of the fall, spring and summer semesters.

## DIVISION FORENSICS UNIT

While attendance at annual and regional conferences of national organizations was curtailed by budget constraints, some participation was possible. Forensic Science is playing such a large role in criminal defense work that the Division began the process of creating a Forensics unit. In support of this endeavor the Division sent eight employees to a variety of courses offered at the Henry C. Lee Forensic Institute.

## COLLABORATION WITH THE PRIVATE BAR

For the seventeenth year, public defenders and one former public defender taught a Basic Criminal Practice for the Connecticut Bar Association. This class is designed to introduce lawyers to the art of criminal defense work. Attendees ranged from new attorneys to established practitioners who were interested in expanding their practice.

## STAND DOWN FOR CONNECTICUT VETERANS SINCE 1994

This year 35 social workers, secretaries, clerks, investigators and attorneys represented the Division at Stand Down, an annual event dedicated to meeting needs of homeless and indigent veterans. The Division helped 121 veterans who required assistance with obtaining driver's licenses, parking tickets, and representation and guidance with criminal, and motor vehicle cases. Public Defender staff participated in the Stand Down Court which is a collaborative effort with the state's attorneys and the Judicial Branch.

## NEW CASE NEWS AND TRAINING WEBSITE

The Division continued to support the on-line research tool which is a joint effort between the Training Department and the Legal Services Unit. *New Case News* was created in 2007. A small group of Division lawyers summarize Appellate and Supreme Court decisions as they are issued. This year *New Case News* was revised and is now capable of being used as a more meaningful research tool; the website is now searchable by case name or key word. The summaries are categorized by topic and accessible from the Public Defender website. To date over 1000 cases have been summarized. This service is used by both Division employees and Assigned Counsel.

In addition to *New Case News*, a training website has been created. This website is used to keep employees updated on trainings and Division events. It will also be used as a training enhancement. There are plans to have motions, jury instructions and training videos added to the website.

## CHILD PROTECTION TRAINING

The Training Department is committed in its efforts to support and educate all Division employees and Assigned Counsel. The Training Department's responsibilities also increased significantly on July 1, 2011 with the legislative consolidation of the state's Child Protection Commission with the Division of Public Defender Services. The Training Department is working with the Chief Public Defender, the Director of Delinquency Defense and Child Protection, the Director of Assigned Counsel, The Center for Chil-

dren's Advocacy and other resources to make sure that this Agency provides training in all representational areas of Child Protection.

## INFORMATION TECHNOLOGY

The Division was able to make a number of technology improvements in 2011. The Division purchased and installed 70 desktop computers early in 2011 and 1 network server to replace out dated and less functional equipment. With the increased threat of computer viruses in 2011, the Division successfully converted from McAfee total protection antivirus software to VIPRE Enterprise antivirus/antispyware software on all Division computers. This new virus protection software will help combat the threat of spyware and viruses on the Division's 545 computers. With the upgrade and training to Microsoft Office 2007 Professional Suite in 2010 the Division has become more compatible with other agencies' document format in Microsoft Word, Excel, Access, PowerPoint, Publisher and Outlook. With the availability of these systems and software, every employee continues to have email, high speed internet access, network printer capabilities, and the most advanced processing software and faster network connectivity to assist them. In addition, a portion of the administrative staff has begun utilizing smart phones to remotely send and receive email and update calendaring information. This tool has greatly improved communication and increased effectiveness in managing daily tasks. The systems department continues to work diligently in maintaining and upgrading the Division's network of computers and peripheral equipment.

In 2011 the Division joined the State of Connecticut web portal. The state web portal hosts our website and affords the Division uniformity with other state agencies. The web portal also allows us to take advantage of the tools available from the portal template such as calendaring, E-Alerts, remote administration and a Google Analytics which gives us insights into our website traffic. In the past year the Division has also expanded and improved its web site content, which can be found at [www.ct.gov/ocpd](http://www.ct.gov/ocpd). Additions to the Division's website include a link to New Case News, Training Department events, Child Protection Services, Juvenile Matters and a consolidated forms page. One of the more visited areas of our site is "Employment Opportunities", which features current job openings within the Division. The "attorney questionnaire" is the most downloaded file available on the "Forms" page. The Systems Department has also continued to expand the Division's intranet server to allow all personnel access the latest online human resource, financial and administrative forms in fill-able adobe format.

The Division is in the second year of a five year contract with Lexis/Nexis. This research tool has been extremely helpful to the Division by allowing attorneys quick and easy access to Internet based computerized legal research, including all Federal and State court decisions, Shepard's citations, and law journals. All Attorneys can conduct legal research either in the office or from remote locations with search save capabilities. Every attorney also receives BNA's Criminal Law Reporter electronically each week.

In addition, the contract allows access to the LexisNexis Investigative Portal for our Division investigators. This is a search engine that quickly delivers information to help locate individuals, businesses and assets and allows investigators to more quickly conduct criminal investigations and locate witnesses more readily. This tool has improved investigative services by increasing the number of investigators with internet search capabilities, improving communications between offices, and providing instantaneous access to information.

The Division's new integrated internet based case tracking/case management system that was



portions of Department of Corrections Inmate Information System. The continuing support of the Judicial Branch, the Department of Motor Vehicles, the Department of Correction and the Department of Information Technology has been vital to these efforts, and the efficiencies that have been achieved would not have been possible without their cooperation.

## LEGAL TECHNOLOGY AND STAFF DEVELOPMENT

### MISSION

The use of technology continues to play a vital role in trial work across the Division. With an emphasis on electronic data discovery in the legal arena, the Manager of Legal Technology Planning and Staff Development has focused on assisting Division staff in their pretrial work, and creating demonstrative exhibits for trials and hearings. Such pretrial work consisted of providing guidance and consultation with digital photography, video surveillance, and several other forms of electronic discovery. Also, many 3D and 2D graphics and audio exhibits were created upon request for use in the courtroom.

This department also provided support in death penalty cases. Because these cases generate massive amounts of data, it is necessary to digitize, index, and catalogue as much of the information as possible for retrieval purposes. This process is extraordinarily time-consuming as many of the records are more than twenty years old and need to be prepared and scanned individually. Despite this lengthy process, such tools are essential in preparing for death penalty cases.

As awareness of legal technology increases, the demand for support also increases. This awareness, coupled with the ubiquitous use of technology in law enforcement, has created a dramatic increase in the amount of requests this department handles. Sustaining such support will become more difficult as time passes, and therefore, will require more resources. To cope with this high demand in the interim, training has continued and evolved to be more individualized. The Manager has provided personalized training to staff specific to the needs of each case.

The past year has also included the launch of the Training Department's new website. This department worked in conjunction with the Training Department to create a site beneficial to Division staff and also Assigned Counsel. Among the many features, the site includes: an overhauled and searchable New Case News section, a Seminars page, a Training Calendar, a Webinars page, downloadable resources and a PD in the News section. This website will continue to grow and remain a vital resource for employees. Also recently completed was a searchable defense expert database.

With the consolidation of the Child Protection Commission, come new responsibilities and opportunities for this Agency to expand the use of such technology and staff development in child protection cases.

# INFORMATION SERVICES AND RESEARCH

## STAFFING AND MISSION

Prior to September 2010, the Information Services Department was primarily responsible for overseeing the statistical reporting of the field offices through the case tracking system and preparing quarterly and annual reports for the Division. Information Services was headed by Pamela Simon until her retirement in September 2010. At that time the position was expanded to include research initiatives and Jennie Albert was hired to fill the position. Public Defender Secretary Marlene Levine provides troubleshooting assistance and full support to all case tracking users and is responsible for many aspects of the statistical reporting.

Over the last Fiscal Year, the Information Services and Research Department began collaborating with the many established research departments within the Connecticut criminal justice agencies. Some new endeavors include membership in the Criminal Justice Policy Advisory Commission's (CJPAC) Research Workgroup; research collaboration with the Statistical Analysis Center (SAC) at the Office of Policy and Management; inclusion in the SAC's monthly indicators report in the form of reporting monthly data for comparison with other criminal justice agencies, greater responsibility in developing the Results Based Accountability (RBA) report cards, seeking new grant opportunities and using the current grant in the area of Domestic Violence Social Workers to improve services to our clients and to increase their success within the framework of the criminal justice system.

In addition to these research endeavors, the Information Services and Research Department has and continues to work closely with case tracking users, the Systems Department and office supervisors to re-evaluate and improve the data collection practices of the agency. The goal of this department is to not only collect the most accurate and timely data but to use that information to improve services to our clients and provide useful feedback to those working in this agency, our legislators, the Governor's office, those working within the criminal justice system and the community at large.



# COST<sup>1</sup>

## EXPENDITURES 2010/11

The Public Defender Services Commission's Actual Expenditures for FY 2011 totaled \$50,483,638. Below is a break-out of the actual expenditures for the agency:

Account	FY 2011
Personal Services <sup>2</sup>	\$ 36,564,149
Other (Operating) Expenses	\$ 1,786,798
Assigned Counsel - Contractual	\$ 2,687,870
Assigned Counsel - Non Contractual	\$ 6,249,962
Expert Witnesses	\$ 2,495,564
Training and Education	\$ 69,645
Equipment	\$ 150,990
<u>Federal Funds/Private Donations</u>	<u>\$ 478,660</u>
Total FY 11 Actual Expenditures	\$ 50,483,638

The Commission's FY 2011 expenditures of \$50.4 million supported a permanent staff of 400 full-time and seven (7) part-time employees, 213 of whom were attorneys. Other staff consisted of administrative, social work, investigative, secretarial and clerical personnel. In addition, the Commission employed one attorney and one investigator under the DNA grant for the Connecticut Innocence Project and one clerical support person under the Juvenile Public Defender Expansion grant.

## APPROPRIATED BUDGET 2011/12

In FY 2012, the Commission's total available appropriation, as adjusted for savings under Public Act 11-6 and further adjusted by Public Act 11-61, is \$63,402,519<sup>3</sup> to support a staff of 406 full time positions, seven (7) part-time positions and three (3) federal grant positions. It should be noted that the even though the Commission's authorized position count is 440, thirty-four (34) of those positions did not receive supporting funding. Below is a break-out of the FY 2012 appropriations.

Account	FY 2012
Personal Services	\$ 38,389,750
Other (Operating) Expenses	\$ 1,426,653
Assigned Counsel - Contractual	\$ 3,097,000
Assigned Counsel - Non Contractual	\$ 5,590,250
Expert Witnesses	\$ 2,100,000
Training and Education	\$ 100,000
Contracted Attorneys	\$ 10,816,407
Contracted Attorneys Related Expenses	\$ 200,000
Family Contracted Attorneys/AMC	\$ 736,310
Equipment	\$ 158,805
<u>Federal Funds/Private Donations</u>	<u>\$ 787,344</u>
Total FY 11 Actual Expenditures	\$ 63,402,519

<sup>1</sup>This chapter was contributed by Stephen Hunt, Financial Director.

<sup>2</sup> Net of client reimbursement receipts in the amount of \$171,285.

<sup>3</sup>The Commission's original FY 2012 total appropriation of \$65,601,624 was reduced by \$2,199,105 as a result of programmed SEBAC related savings. This included a reduction of \$1,977,304 to Personal Services and \$221,801 to Other Expenses.

## COST PER CASE TYPE

In FY 2011, a caseload of approximately 92,989 was handled by the Commission's staff and contracted attorneys, at an average cost per case of \$543, an amount indicative of the cost-effectiveness of maintaining a statewide public defender system for the representation of indigent accused. Below is an analysis of the cost per case type, which illustrates the high level of expenditures necessary for capital and appellate cases.

Type of Case	Number of Cases	FY 11 Expenditures	Cost per Case
Capital	39	\$ 3,813,443	\$ 97,781
Appellate	287	\$ 6,143,054	\$ 1,404
Habeas	115	\$ 861,272	\$ 7,489
JD	3,414	\$ 13,017,776	\$ 3,813
Assigned Counsel	7,830	\$ 8,937,832	\$ 1,141
Juvenile	6,323	\$ 4,354,614	\$ 689
GA	75,020	\$ 16,433,221	\$ 219

## FEDERAL GRANTS

### FY 2011 GRANT FUNDING EXPENDITURES: \$478,660

In FY 2011, \$104,376 in continued and additional federal and state match funds was available to the Commission under the Juvenile Accountability Incentive Block Grant Program. In FY 2011, \$99,871 was spent under the Juvenile Accountability Public Defender Expansion grant to fund one (1) clerical support staff, together with funding for juvenile training.

In FY2011, \$354,689 was spent on a federal grant funded by the Office of Justice Programs under the Post-Conviction DNA Testing Assistance Program. This funding is for a collaborative effort by the Chief Public Defender's Office, Office of Chief State's Attorney, and the Office of Connecticut Forensic Sciences Laboratory to identify cases of forcible rape, murder and non-negligent homicide in which incarcerated individuals were wrongfully convicted and are innocent. This grant will provide our agency with funding for two (2) attorneys and one (1) investigator for a period of eighteen (18) months.

In FY2011, \$24,100 was spent on a federal grant pass through Office of Policy and Management under JAG grant program titled, Public Defender Social Workers and Connecticut Domestic Violence Dockets: Managing Collateral Consequences, in the amount of \$200,000 is available to the Division. This funding is to develop a link of the Connecticut Public Defender Social Workers with domestic violence defendants on the domestic violence dockets of two (2) urban Geographical Area Courts in Connecticut in order to coordinate individualized case management and monitoring plans that will enhance the defendant's ability to successfully participate and complete the court-ordered domestic violence programming. This grant will provide our agency with funding for two (2) contractual social workers for a period of two (2) years.

### FY 2012 GRANT FUNDING AVAILABLE: \$787,344

The Juvenile Accountability Public Defender Expansion grant was continued into FY2012 with continued funding in the amount of \$4,505 from FY2011 to FY2012. This will provide the Division with

1. FY10 Carry forward of Capital Equipment Purchase Fund \$309,794; plus \$6 from General Fund in FY 11

the services of one (1) clerical support staff.

The Post-Conviction DNA Testing Assistance Program grant was continued into FY2012 with continued funding in the amount of \$81,038 from FY2011 to FY 2012. This funding is for a collaborative effort by the Chief Public Defender's Office, Office of Chief State's Attorney, and the Office of Connecticut Forensic Sciences Laboratory to identify cases of forcible rape, murder and non-negligent homicide in which incarcerated individuals were wrongfully convicted and are innocent. This grant will provide our agency with funding for two (2) attorneys and one (1) investigator for a period of eighteen (18) months.

In FY2011, a federal grant pass through Office of Policy and Management titled John R. Justice (JRJ) Grant Program in the amount of \$50,000 available to the Division was sub-granted to the Connecticut Office of Financial and Academic Affairs for Higher Education (OFAAHE) by Office of Policy and Management. OFAAHE will serve as the "primary organization responsible for implementation of the grant project". OFAAHE will coordinate with Office of Chief Public Defender and Department of Criminal Justice in developing the disbursement and data collection process.

In FY2011 and continued into FY2012, a federal grant passed through The Office of Policy and Management under JAG grant program titled, Innovating Public Defender Juvenile Representation: Development of a Juvenile Case Management Database, in the amount of \$300,000 is available to the Division. This funding is to develop a case management system for the juvenile public defender offices. This system will enhance juvenile public defender offices in their ability to provide better services to clients and criminal justice partners within the State and the community. This would be accomplished by improving service delivery, administration of the offices and foster better realization of criminal justice objectives. These improvements are in the areas of treatment and litigation decisions, staffing and resource allocation, caseload limits, statistical analysis and increasing the knowledge base of technology in the juvenile justice field. This grant will provide our agency with funding for a period of two (2) years.

The Public Defender Social Workers and Connecticut Domestic Violence Dockets: Managing Collateral Consequences was continued into FY2012 with continued funding in the amount of \$175,900 from FY2011 to FY2012. The funding is to develop a link of the Connecticut Public Defender Social Workers with domestic violence defendants on the domestic violence dockets of two urban Geographical Area Courts in Connecticut in order to coordinate individualized case management and monitoring plans that will enhance the defendant's ability to successfully participate and complete the court-ordered domestic violence programming. This grant will provide our agency with funding for two (2) contractual social workers for a period of two (2) years.

## **CLIENT REIMBURSEMENT PROGRAM**

A client reimbursement program was implemented by the Commission in 1992-93 at the direction of the Appropriations Committee of the General Assembly, and has continued in effect with full implementation at twenty (20) G.A. offices. All adult clients, except those in custody, are requested to reimburse the system \$25 towards the cost of their defense. A minimal, flat amount was set in order to simplify the collection process and to encourage clients to make some effort of payment.

A total of \$171,285 was collected in FY 2011. Over the past ten (10) years of full implementation, the average collected has been \$123,588. Recent collections have increased in recent years, which is a result of greater emphasis at the G.A. offices to collect these client reimbursement payments. While some public defender clients are able to meet this minimal reimbursement charge, these clients are entitled to services of the public defenders, by constitution and by statute, regardless of whether they make pay-

ment. As such, the agency must rely on voluntary payment by financially able clients in order to collect these funds.

### COST ATTRIBUTABLE TO THE DEATH PENALTY

In FY 2011, the Division spent a total of \$3,813,443 on capital defense. This is an increase of 8.91% (\$339,794) compared to expenditures in FY 2010. It is important to note that while the total number of capital cases (39) handled by the Division represented 0.04% of the total caseload, resources needed for the trial and appeal of capital cases represented 7.55% of the entire Public Defender budget of \$50,483,638. This is a disproportionate relationship that has been growing in recent years. Below is a break-out of the actual capital defense expenditures for the agency:

FY 2011 - Costs Attributable to Death Penalty	
Personal Services (Salaries)	\$ 2,485,190
Expert Witnesses	\$ 657,552
Assigned Counsel	\$ 642,091
Transcripts	\$ 28,610
<b>Total</b>	<b>\$ 3,813,443</b>

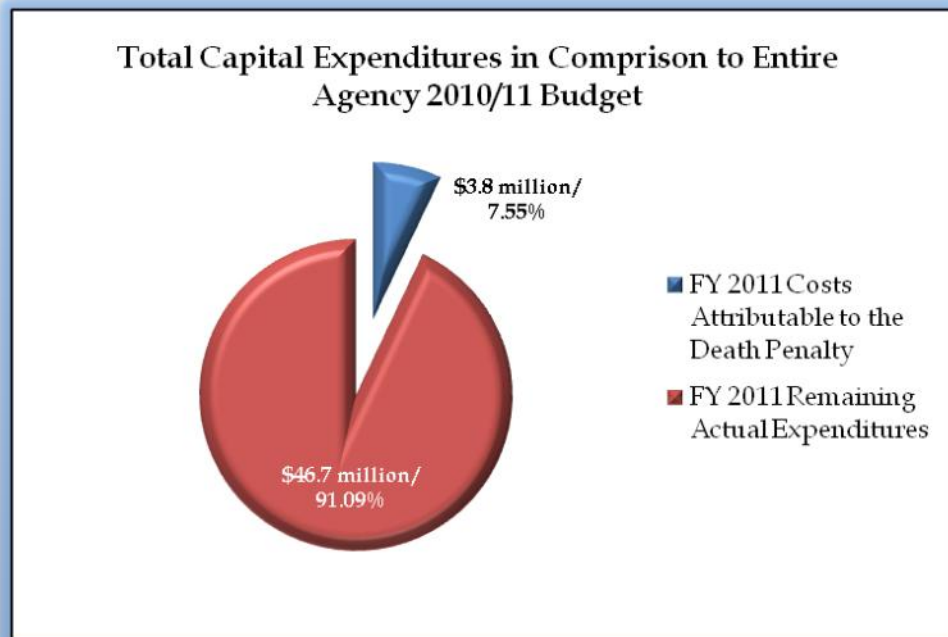


Chart 5: The Total Capital Expenditure in Comparison to Entire Public Defender Budget 2010/101 of \$46.7M

In addition to the expenses of cases defended by the Division's own staff, there are capital cases which require the services of Assigned Counsel where a conflict of interest exists between multiple accused. There were 24 such cases including the 16 racial disparity cases currently in litigation in 2011. In accordance with Commission policy and accepted national ABA professional standards, two (2) attorneys

must be assigned to represent each defendant charged with a capital crime.

## COMMISSION ON CHILD PROTECTION

Effective July 1, 2011, under Public Act 11-6, as adjusted by Public Act 11-61, the Legislature consolidated the Commission on Child Protection into the Public Defender Services Commission. This included the appropriations specified below:

Funding for Personal Services, Other Expenses and Training were included in the Commission's existing accounts. Funding for Contracted Attorneys, Contracted Attorneys Related Expenses and Family Contracted Attorneys/AMC were established as separate accounts within the budget of the Public Defenders.

<b>Account</b>	<b>FY 2012</b>
Personal Services (6 Positions)	\$ 353,338
Other Expenses	\$ 181,641
Training	\$ 25,000
Contracted Attorneys	\$ 10,816,407
Contracted Attorneys Related Expenses	\$ 200,000
<u>Family Contracted Attorneys/AMC</u>	<u>\$ 736,310</u>
Total	\$ 12,312,696



# LEGISLATIVE ACTION IN 2011 AND PROPOSALS FOR 2012<sup>1</sup>

## LEGISLATIVE ACTION IN 2011

A number of concepts raised by this agency in its 2011 legislative package were enacted by the General Assembly as public acts and are cited below. In some of these public acts, all or some of this agency's proposed language was utilized.

- *P.A. No. 11-7 - An Act Concerning The Penalty For Certain Nonviolent Drug Offenses*

Section 1, effective July 1, 2011, reduces the possession of less than one-half ounce of marijuana from a Class A Misdemeanor to a Violation.

Section 3, effective July 1, 2011, creates an Infraction for anyone who uses or delivers drug paraphernalia for less than one-half ounce of marijuana.

- *P.A. No. 11-9 - An Act Concerning The Membership Of The DNA Data Bank Oversight Panel*

Section 1, effective upon passage, adds the Chief Public Defender or her designee to the *DNA Data Bank Oversight Panel*.

- *P.A. No. 11-51 - An Act Implementing The Provisions Of The Budget Concerning The Judicial Branch, Child Protection, Criminal Justice, Weigh Stations And Certain State Agency Consolidations.*

Section 12, effective July 1, 2011, mandate that oral and written confidential communications between the employees of the Division of Public Defender Services, Assigned Counsel (formerly Special Public Defenders) and their clients in furtherance of the rendition of legal advice is privileged and not disclosable in any proceeding unless the client provides informed consent.

Sections 22-26, effective July 1, 2011, permits discretion to the Commissioner of DOC to award "risk reduction credits" in an amount not to exceed 5 days a month for certain conduct, back to April 1, 2006, if an inmate is compliant with their accountability plan, participate in certain programs and activities that are eligible for such and for "good conduct and obedience" to the DOC rules.

Sections 28 and 29, effective July 1, 2011, requires the local Board of Education to be responsible for providing general and special education for juveniles in that jurisdiction's detention facilities. The local or regional board of education for the district in which a juvenile detainee is normally enrolled, or should be enrolled, is responsible for providing general and special education to children detained in such a facility. Prior to the child's discharge, an

<sup>1</sup> This Chapter was contributed by Deborah Del Prete Sullivan, Legal Counsel/Executive Assistant Public Defender



assessment of the school work completed by the child shall be conducted by the local or regional board of education providing the education in the detention center to determine an assignment of academic credit for work completed. The child's home school shall accept the transfer of credit assigned by the board where the detention center is located.

- *P.A. No. 11-115 – An Act Concerning Juvenile Reentry & Education*

Section 1, effective July 1, 2011, requires the immediate enrollment of a student who transfers from either Unified District #1 or #2 to the school district the child had attended prior to attending either of the Unified District schools as long as the appropriate grade level exists.

Section 3, effective July 1, 2011, provides that the period of expulsion for any student who commits an expellable offense and is subsequently placed in a juvenile detention center, committed to the Connecticut Juvenile Training School, or any other residential placement for the expellable offense, shall run concurrently with the student's commitment to the detention center, the CJTS or residential placement. In addition, if the student committed an expellable offense but was not expelled by the board of Education for such, he/she cannot be expelled upon his/her return to the school district after serving time in a detention center, the Connecticut Juvenile Training School or other residential placement.

- *P.A. No. 11-154 – An Act Concerning Detention Of Children and Disproportionate Minority Contact In The Juvenile Justice System*

Section 1, effective October 1, 2011, provides that a child cannot be held in a detention center unless pursuant to the court order.

- *P.A. No. 11-156 – An Act Concerning Children Convicted As Delinquent Who Are Committed To The Custody Of The Commissioner Of Children And Families*

Section 1, effective October 1, 2011, provides discretion to the Commissioner of the Department of Children and Families to waive the 60 day evaluation and risk assessment when a juvenile is transferred from one facility to another and the child already had a satisfactory evaluation.

- *P.A. No. 11-158 – An Act Concerning Eligibility for the Accelerated Rehabilitation Program.*

Effective October 1, 2011, the act removes the prohibition of eligibility for persons who have been adjudged a youthful offender within five years of the application for accelerated rehabilitation.

- *P.A. No. 11-174 – An Act Concerning The Electronic Recording Of Custodial Interrogations*

Section 1, effective January 1, 2014, presumes "oral, written or sign language statement" made "as a result" of a custodial interrogation of any person either charged with or being investigated for committing a capital felony or a class A or B felony to be inadmissible unless recorded.

- *P.A. No. 11-220 – An Act Concerning Access To Information Concerning The Division Of Public Defender Services And Secret Ballots Of Volunteer Fire Departments Under The Freedom Of Information Act*

Section 1, effective October 1, 2011, clarifies the statutes and adds the Division of Public Defender Services to the definition of “judicial office”.

Section 2, effective October 1, 2011, exempts the “personnel or medical file or similar file” of current or former employees of the Division of Public Defender Services from disclosure to inmates under the Freedom of Information statutes.

Section 3, effective October 1, 2011, exempts Division personnel and Assigned Counsel (formerly Special Public Defenders) from payment of fees.

- *P.A. No. 11-252 – An Act Concerning Eyewitness Identification*

Section 1, effective October 1, 2011, while not requiring that photos be shown sequentially, the Act requires that the person conducting the identification process not know who the suspect is in the lineup and that an instruction be given prior to the procedure that the perpetrator may not be in the lineup (whether live or photo).

Section 2, effective from passage – June 8, 2011, creates the *Eyewitness Identification Task Force* to study eyewitness identification procedures and sequential live and photo lineups. The Chief Public Defender or her designee is a member of the Task Force.

## PROPOSALS FOR THE LEGISLATIVE SESSION 2011

The Office of Chief Public Defender has submitted proposals for consideration by the General Assembly for the 2012 legislative session which would: (1) abolish the death penalty; (2) address issues in the areas of re-entry and pretrial diversionary program eligibility; (3) address issues in juvenile delinquency proceedings; and (4) clarify the administration of the child protection responsibilities that were transferred to this agency pursuant to P.A. 11-51.

In addition, this year the agency has submitted a comprehensive re-entry proposal pertaining to adults to:

- *create a process and standards for the expungement of court files after a person successfully completes the Alternate Incarceration Program;*
- *provide a look back provision to provide the court discretion to place a person charged with an offense an additional opportunity to be placed in a pre-trial diversionary program;*
- *provide the court discretion to impose a fine or order the performance of community service if a person commits a violation;*
- *eliminate mandatory minimum sentences for certain drug offenses;*
- *require that only the instant conviction be considered when calculating 85% of a sentence to be served;*
- *allow parole for persons convicted of murder; and,*

- *provide the Board of Pardons and Parole discretion to release a person on medical parole in certain instances.*

## LEGISLATIVE COMMISSIONS AND TASK FORCES

Through the years, the legislature has enacted Commissions and Task Forces charged with examining and reviewing the general statutes and legislative trends and making recommendations for legislative change. The Chief Public Defender or her designee is a statutory member. The following is a list of the Commissions and Task Forces and the agency representative that participates on such:

◆ <i>Commission on Racial and Ethnic Disparity in the Criminal Justice System</i>	<i>Ernest Green</i>
◆ <i>Connecticut Juvenile Training School Advisory Board</i>	<i>Christine Rapillo</i>
◆ <i>Crime Lab Working Group</i>	<i>Karen Goodrow</i>
◆ <i>Criminal Justice Information System Governing Board</i>	<i>Brian Carlow</i>
◆ <i>DNA Databank Oversight Committee</i>	<i>Karen Goodrow</i>
◆ <i>Eyewitness Identification Task Force</i>	<i>Deborah Del Prete Sullivan</i>
◆ <i>Federal Advisory Committee on Juvenile Justice</i>	<i>Christine Rapillo</i>
◆ <i>Governor’s Task Force on Justice for Abused Children</i>	<i>Christine Rapillo</i>
◆ <i>Juvenile Jurisdiction Policy and Operations Coordinating Council</i>	<i>Christine Rapillo</i>
◆ <i>Juvenile Justice Advisory Committee</i>	<i>Christine Rapillo</i>
◆ <i>Law Enforcement Response to Domestic Violence Task Force</i>	<i>Michael Alevy</i>
◆ <i>Sentencing Task Force</i>	<i>Susan O. Storey</i>
◆ <i>Legislative Sub-Committee</i>	<i>Deborah Del Prete Sullivan</i>
◆ <i>Classification Working Group</i>	<i>Deborah Del Prete Sullivan</i>
◆ <i>Trafficking in Persons Council</i>	<i>Deborah Del Prete Sullivan</i>

- ◆ *Criminal Justice Policy Advisory Commission (CJPAC)* *Susan O. Storey*
  - CJPAC Prisoner Jail Overcrowding Subcommittee* *Susan O. Storey*
  - CJPAC Research Work Group* *Jennie Albert*
- ◆ *Connecticut Criminal Justice Information System Governing Board* *Brian Carlow*



# 6

## CONCLUSION

The Division of Public Defender Services is grateful for the support received from Governor Malloy, the Office of Policy and Management, the Office of Fiscal Analysis, the Legislature, and the Judicial Branch. We also sincerely appreciate the collaborative efforts by all state agencies interested in furthering the cause of equal justice for Connecticut's poorest children and adults.

FY 2012 began with the legislative consolidation of the former Office of the Chief Child Protection Attorney under the Public Defender Services Commission on July 1, 2011. This consolidation could not have been successfully undertaken or completed without the total cooperation and dedication of OCPD and Child Protection Administrative Staff, the courts, and members of the private bar who act as assigned counsel for children and adults in child protection, support enforcement, and family GAL services.

As we go forward in 2012, I express my sincere thanks and admiration to all of the attorneys, investigators, social workers, clerical and administrative staff of the Division of Public Defender Services. I also wish to acknowledge the continuing support of the Public Defender Services Commission to our clients and to all of the men and women of the Division during the past year. I also want to thank those members of the private bar who assist the Division by acting as assigned counsel for indigent clients in criminal and juvenile delinquency cases, child welfare, habeas corpus matters, and capital death penalty trials and appeals. It is through their collective dedication, vigilance, compassion, and unselfish commitment that our clients' rights to life, liberty, and family are protected in Connecticut.

Respectfully submitted,  
Susan O. Storey  
*Chief Public Defender*



## APPENDIX

The following tables show the movement, activity and caseload goals of cases in each public defender office during 2010/11. In addition, there are tables ranking the offices by number of “New Cases Assigned” in 2010/11, Caseload Goals and the number of Cases Pending on July 1, 2011.



In the merged offices of Ansonia-Milford JD/GA 22, Danbury JD/GA3, Middlesex JD/GA 9, Tolland JD/GA 19 and Windham JD/GA 11, staff attorneys are shown as working in either the JD or GA, although they may handle both types of cases. Although a departure from earlier years, this change is necessary to calculate “New Cases Assigned Per Attorney” and assess Caseload Goals. During the 2010/11 fiscal year, the number of attorneys was based upon the number of attorneys in a particular office for six months or more.

The Annual Report 2010 of the Chief Public Defender was produced by Jennie J. Albert with *Microsoft Office Publisher* software. The Appendix tables were created by Marlene K. Levine, Public Defender Secretary, using *Microsoft Access* and *Excel*. The Connecticut Division of Public Defender Services Charter Oak Logo was created by Frank DiMatteo, Manager of Legal Technology Planning and Staff Development.

## NOTES

1. CASES APPOINTED are those in which the public defender is assigned to represent the accused.
2. FISCAL YEAR CASELOAD is CASES PENDING the beginning of the fiscal year plus CASES APPOINTED minus CASES TRANSFERRED i.e. cases transferred to Part A, another court for consolidation, private counsel, Special Public Defender (conflict of interest) or pro se.
3. "NEW CASES ASSIGNED" Judicial District offices calculate "new cases assigned" by weighting murder and non-death penalty capital cases as 2 cases, (by adding one additional case) and capital felony cases in which the State seeks the death penalty as 10 cases (by adding nine additional cases). After the weighting process is applied, minor felony, misdemeanor, motor vehicle and other cases are excluded. Cases transferred (Special Public Defender, private counsel, pro se) are also subtracted. A percentage of minor felonies, misdemeanors, motor vehicle and other cases is applied to "transfers" to avoid double subtraction.

Geographical Area offices calculate "new cases assigned" by excluding cases that are nolle or dismissed on the date of appointment and bail only appointments. Cases transferred are also excluded. Practically speaking, until an automated case tracking system is in place statewide, it will be difficult to track the cases that are nolle/dissmissed on the date of appointment.

Juvenile Matters offices calculate "new cases assigned" by excluding cases in which the juvenile is charged with Violation of a Court Order in a pending matter. Cases transferred are also subtracted.

4. DISPOSED CASES include inactive/diversionary cases that are not part of the FISCAL YEAR CASELOAD which were disposed upon completion of programs and counted as disposed during the fiscal year. DISPOSED CASES are therefore all cases disposed of during the fiscal year whether active, newly appointed or inactive.
5. DIVERSIONARY TRANSFER TO INACTIVE represents cases in which AR, Family Violence, Alcohol Education Program or some other diversionary program has been granted during the fiscal year.

For purposes of this report, the following inactive cases are included in this category: a) a commitment under 54-56d incompetency, b) suspended prosecution or c) rearrest has been ordered. Please note that the total for this category is omitted to avoid confusion.

6. In the merged offices of Ansonia-Milford JD/ GA 22, Danbury JD/GA 3, Middlesex JD/ GA 9, Tolland JD / GA 19 and Windham JD / GA 11 staff attorneys are shown as working in either the JD or GA, although they may handle both types of cases. Although a departure from years prior to 1999, this change is necessary to calculate "New Cases Assigned Per Attorney" and assess *Caseload Goals*.
7. TRIALS concluded are reported at the stage the trial is concluded. JURY TRIALS are concluded at one of three stages: a) Jury selection commenced b) Jury trial begun (jury sworn after voir dire) or c) Jury trial to verdict. Similarly COURT TRIALS are concluded at one of two stages: a) Court trial begun (first witness sworn) or b) Court trial to judgment.

## NOTES *continued*

### Juvenile Matters

8. The caseload for the Waterford and Willimantic offices was handled by the same attorney with support from a part-time investigator, a full-time social worker and assistance of a second attorney in Willimantic two days a week. In Danbury the caseload was handled by an attorney from the public defender's office which handles adult criminal matters supported by staff from that office. An attorney from the Waterbury office also handles the caseload in Torrington 2.4 days a week. Two of the three lawyers from the Bridgeport Juvenile Matters office handle Stamford and Norwalk business. Stamford is generally covered one day a week and 20% of the time two days; one lawyer handles Norwalk cases two days a week.



APPENDIX TABLE 1

Judicial Districts Movement of Cases  
 Division of Public Defender Services  
 July 1, 2010—June 30, 2011

Office	FY10-11 Attorneys	Cases Appointed	Non-Death Capital/ Murder Cases Appt.	Death - Capital Cases Appt.	Other Major Felonies Appt.	VOP Appt.	Minor Felonies, Misdemeanors, MV & Other Ap- pointed	Cases Transferred	Divers. Trans. To Inactive	Disposed	New Cases Assigned (weighted)	New Cases Assigned Per Attorney
Ansonia-Milford	1	99	5	0	47	32	15	42	0	53	49	49
Danbury	1.95	396	0	0	147	64	185	68	74	256	175	90
Fairfield	4.83	254	16	0	125	86	27	76	0	194	164	34
Hartford	7.5	482	15	4	246	196	16	182	0	279	318	42
Litchfield	2	205	0	0	74	58	73	77	1	146	82	41
Middlesex	1	64	0	0	34	23	7	21	0	39	38	38
New Britain	3	143	3	0	97	36	7	48	0	103	93	31
New Haven	6	387	13	0	157	111	105	84	0	337	228	38
New London	3	178	8	0	95	58	17	60	0	139	108	36
Stamford-Norwalk	1.5	157	5	0	91	38	23	49	0	72	93	62
Tolland	1.13	78	0	0	54	17	6	36	0	47	39	35
Waterbury	5	259	6	1	156	55	41	89	0	196	155	31
Windham	1	98	0	0	57	31	10	49	1	71	44	44
<b>Total</b>	<b>38.9</b>	<b>2800</b>	<b>71</b>	<b>5</b>	<b>1380</b>	<b>805</b>	<b>532</b>	<b>881</b>	<b>76</b>	<b>1932</b>	<b>1587</b>	<b>41</b>

"New Cases Assigned" equals murder, accessory to murder, non-death penalty capital cases and capital cases in which the State seeks the allocating the % of minor felonies, misdemeanors, MV and Other of the total "Cases Appointed", in order to avoid double subtraction of transfers. For weighting purposes, murder, accessory to murder, and non-death penalty capital cases equal 2 cases (add 1) and capital cases in which the State seeks the death penalty equal 10 cases (add 9).

(Transfers of murder and capital are excluded prior to the weighting process).

APPENDIX TABLE 2

Judicial Districts Caseload Activity  
 Division of Public Defender Services  
 July 1, 2010—June 30, 2011

Office	Stage Jury Trial Concluded				Court Trial Concluded		VOP Hearings	Evidentiary Hearings	Jail Sentences to Serve	Nolled/Dismiss All Charges	Appeals Filed	Other Sent. Rev. PSRB, Habeas
	Attorneys FY 10-11	Jury Selection Commenced	Jury Trials Begun	Jury Trials to Verdict	Court Trials Begun	Court Trials to Judgment						
Ansonia-Milford	1	0	0	0	0	0	0	1	43	5	0	0
Danbury	1.95	0	0	0	0	0	16	29	124	63	0	1
Fairfield	4.83	1	2	11	0	0	2	1	145	16	0	0
Hartford	7.5	2	1	6	0	2	1	0	169	28	0	0
Litchfield	2	0	0	1	0	0	0	1	81	32	0	3
Middlesex	1	0	0	0	0	0	0	0	30	2	0	0
New Britain	3	1	0	1	0	0	0	0	76	9	1	0
New Haven	6	0	1	0	0	0	0	0	168	79	0	0
New London	3	0	0	0	0	0	0	0	88	20	0	0
Stamford-Norwalk	1.5	0	0	0	0	1	0	0	36	13	0	0
Tolland	1.13	1	0	2	0	0	1	2	36	3	0	0
Waterbury	5	0	0	3	0	2	2	0	138	21	0	1
Windham	1	0	0	0	0	0	0	0	52	8	0	0
<b>Total</b>	<b>38.9</b>	<b>5</b>	<b>4</b>	<b>24</b>	<b>0</b>	<b>5</b>	<b>22</b>	<b>34</b>	<b>1186</b>	<b>299</b>	<b>1</b>	<b>5</b>

APPENDIX TABLE 3

Judicial Districts Caseload Goals Analysis  
 Division of Public Defender Services  
 July 1, 2010—June 30, 2011

Office	FY 10-11 Attorneys	Cases Appointed	Cases Transferred	New Cases Assigned	New Cases Assigned Per Attorney
Ansonia-Milford	1	99	42	49	49
Danbury	1.95	396	68	175	90
Fairfield	4.83	254	76	164	34
Hartford	7.5	482	182	318	42
Litchfield	2	205	77	82	41
Middlesex	1	64	21	38	38
New Britain	3	143	48	93	31
New Haven	6	387	84	228	38
New London	3	178	60	108	36
Stamford-Norwalk	1.5	157	49	93	62
Tolland	1.13	78	36	39	35
Waterbury	5	259	89	155	31
Windham	1	98	49	44	44
<b>Total</b>	<b>38.9</b>	<b>2800</b>	<b>881</b>	<b>1587</b>	<b>41</b>

"New Cases Assigned" equals murder, accessory to murder, non-death penalty capital cases and capital cases in which the State seeks the death penalty plus Other Major Felonies minus "Cases Transferred", allocating the % of minor felonies, misdemeanors, MV and Other of the total "Cases Appointed", in order to avoid double subtraction of transfers. For weighting purposes, murder, accessory to murder and non-death penalty capital cases equal 2 cases (add 1) and capital cases in which the State seeks the death penalty equal 10 cases(add 9). (Transfers of murder and capital are excluded prior to the weighting process)

APPENDIX TABLE 4

Geographical Areas Movement of Cases  
 Division of Public Defender Services  
 July 1, 2010—June 30, 2011

		FY 10-11 Attorneys	Cases Appointed	Major Felonies	VOP	Minor Felonies, Misdemeanors, MV & Other	Cases Transferred	Divers. Trans. To Inactive	Dispositions	New Cases Assigned	New Cases Assigned Per Attorney
GA 1	Stamford	5.5	2276	305	205	1765	461	219	1273	1815	330
GA 2	Bridgeport	12.8	7013	975	934	5100	1524	496	5262	5489	429
GA 3	Danbury	3	1472	10	153	1306	200	326	1083	1272	424
GA 4	Waterbury	7.9	4246	439	425	3379	688	116	3734	3558	450
GA 5	Derby	3	1964	164	233	1566	392	176	1534	1572	524
GA 7	Meriden	5.75	3317	373	529	2408	843	187	2474	2474	430
GA 9	Middletown	3.53	3023	327	324	2370	719	205	2119	2304	653
GA 10	New London	6	3405	307	383	2696	964	190	2157	2441	407
GA 11	Danielson	4	2163	201	318	1640	294	228	2118	1869	467
GA 12	Manchester	4.63	3227	259	402	2559	612	317	2614	2615	565
GA 13	Enfield	3	1330	183	168	946	340	93	1019	990	330
GA 14	Hartford	14.2	8457	1381	802	6261	1394	102	8092	7063	497
GA 15	New Britain	5.6	3779	457	476	2839	758	281	3021	3021	539
GA 17	Bristol	3	1824	201	255	1363	407	192	1426	1417	472
GA 18	Bantam	3.75	2003	144	293	1561	556	92	1568	1447	386
GA 19	Rockville	2.63	1611	143	251	1174	351	246	1239	1260	479
GA 20	Norwalk	4	1698	190	173	1334	387	18	1114	1311	328
GA 21	Norwich	4	2041	313	259	1459	623	39	1418	1418	355
GA 22	Milford	2.88	1394	194	212	988	458	3	972	936	325
GA 23	New Haven	13.8	9434	1505	822	6859	1519	805	7454	7915	574
<b>Total</b>		<b>113.0</b>	<b>65677</b>	<b>8071</b>	<b>7617</b>	<b>49573</b>	<b>13490</b>	<b>4331</b>	<b>51691</b>	<b>52187</b>	<b>462</b>

1.5 attorneys from GA 14 handled 1144 appointed cases at the Community Court on a full-time basis.

During the 2010-11 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

APPENDIX TABLE 5

Geographical Areas Caseload Activity  
 Division of Public Defender Services  
 July 1, 2010—June 30, 2011

Office	Stage Jury Trial Concluded				Court Trial Concluded		VOP Hearings	Evidentiary Hearings	Jail Sentences to Serve	Nolled/Dismiss All Charges	Appeals Filed	Other Sent. Rev. PSRB, Habeas
	Attorneys FY 10-11	Jury Selection Com-menced	Jury Trials Begun	Jury Trials to Verdict	Court Trials Begun	Court Trials to Judgment						
GA1 Stamford	5.5	1	0	1	0	0	9	4	305	416	0	2
GA2 Bridgeport	12.8	1	0	1	0	1	1	0	854	1561	0	2
GA3 Danbury	3	0	0	0	0	0	14	31	285	336	0	0
GA 4 Waterbury*	7.9	0	0	1	0	0	0	18	931	1313	1	5
GA5 Derby	3	0	0	0	0	0	0	9	399	369	0	0
GA7 Meriden	5.75	0	0	1	0	0	0	2	667	539	0	0
GA9 Middletown	3.53	0	0	1	0	0	0	0	446	583	0	0
GA10 New London	6	0	0	0	0	0	1	0	492	782	0	0
GA11 Danielson	4	0	0	0	0	0	0	0	670	752	0	0
GA12 Manchester	4.63	0	0	0	0	0	0	0	786	1045	0	0
GA13 Enfield	3	0	0	0	0	0	0	0	228	428	0	0
GA14 Hartford*	14.2	0	0	0	0	1	0	2	1637	4945	0	0
GA15 New Britain	5.6	1	1	0	0	0	1	8	1143	1065	0	1
GA17 Bristol	3	0	0	0	0	0	0	0	439	499	0	0
GA18 Bantam	3.75	1	0	0	0	1	2	11	201	702	0	0
GA19 Rockville	2.63	1	0	2	0	0	4	11	434	388	0	0
GA20 Norwalk	4	0	0	2	0	0	1	0	219	365	0	0
GA21 Norwich	4	0	0	1	1	1	0	0	346	516	0	0
GA22 Milford	2.88	0	0	0	0	0	0	0	254	279	0	0
GA23 New Haven	13.8	1	0	3	0	0	3	3	956	3303	0	0
<b>Totals</b>	<b>113.0</b>	<b>6</b>	<b>1</b>	<b>13</b>	<b>1</b>	<b>4</b>	<b>36</b>	<b>99</b>	<b>11692</b>	<b>20186</b>	<b>1</b>	<b>10</b>

\*Waterbury GA 4 and Hartford GA 14 figures include Community Courts

APPENDIX TABLE 6

Geographical Areas Caseload Goals Analysis  
 Division of Public Defender Services  
 July 1, 2010—June 30, 2011

		<b>FY 10-11 Attorneys</b>	<b>Cases Appointed</b>	<b>Cases Transferred</b>	<b>New Cases Assigned</b>	<b>New Cases Assigned Per Attorney</b>
GA 1	Stamford	5.5	2276	461	1815	330
GA 2	Bridgeport	12.8	7013	1524	5489	429
GA 3	Danbury	3	1472	200	1272	424
GA 4	Waterbury	7.9	4246	688	3558	450
GA 5	Derby	3	1964	392	1572	524
GA 7	Meriden	5.75	3317	843	2474	430
GA 9	Middletown	3.53	3023	719	2304	653
GA 10	New London	6	3405	964	2441	407
GA 11	Danielson	4	2163	294	1869	467
GA 12	Manchester	4.63	3227	612	2615	565
GA 13	Enfield	3	1330	340	990	330
GA 14	Hartford	14.2	8457	1394	7063	497
GA 15	New Britain	5.6	3779	758	3021	539
GA 17	Bristol	3	1824	407	1417	472
GA 18	Bantam	3.75	2003	556	1447	386
GA 19	Rockville	2.63	1611	351	1260	479
GA 20	Norwalk	4	1698	387	1311	328
GA 21	Norwich	4	2041	623	1418	355
GA 22	Milford	2.88	1394	458	936	325
GA 23	New Haven	13.8	9434	1519	7915	574
<b>Total</b>		<b>113.0</b>	<b>65677</b>	<b>13490</b>	<b>52187</b>	<b>462</b>

1.5 attorneys from GA14 handled 1144 appointed cases on a full-time basis at the Community Court.

During the 2010-11 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

APPENDIX TABLE 7

Juvenile Matters Movement of Cases  
 Division of Public Defender Services  
 July 1, 2010—June 30, 2011

Office	FY 10-11 Attorneys	Cases Appointed	Serious Juv. Offenses	Other Felony	Misd. & Other	Cases Transferred	Dispositions	Cases Transferred to Adult Court	New Cases Assigned	New Cases Assigned Per Attorney
Bridgeport	2.75	707	148	79	480	207	211	19	500	182
Danbury*	0.7	207	4	35	168	10	91	0	197	281
Hartford	2.5	1018	127	95	796	389	585	27	629	252
Middletown	1	306	23	32	251	89	239	4	217	217
New Britain	1.83	425	33	28	364	49	360	11	376	205
New Haven	3	868	102	43	723	140	775	5	728	243
Rockville	1	433	62	85	286	128	266	8	305	305
Stamford	1	139	22	19	98	53	41	1	86	86
Waterbury/Torrington**	2.83	897	62	76	759	109	744	12	788	278
Waterford/Willimantic**	2	569	60	71	438	131	373	5	438	219
<b>Total</b>	<b>18.6</b>	<b>5569</b>	<b>643</b>	<b>563</b>	<b>4363</b>	<b>1305</b>	<b>3685</b>	<b>92</b>	<b>4264</b>	<b>229</b>

\*In Danbury, the caseload was handled by an attorney from the Public Defender's office who handles adult criminal matters.

\*\*The caseload for the Waterford and Willimantic, Waterbury and Torrington offices was handled by the same attorneys.

APPENDIX TABLE 8

Juvenile Matters Caseload Activity  
 Division of Public Defender Services  
 July 1, 2010—June 30, 2011

Office	Attorneys FY 10-11	Detention Hearings	Court Trials Begun	Court Trials to Judgment	VOP Hearings	Evidentiary Hearings	Criminal Sentence	Nolle/ Dismissed	Clients Confined	Clients to Residential Placement	Appeals Filed	Collateral Matters
Bridgeport	2.75	403	0	0	0	0	0	315	7	1	0	8
Danbury	0.7	86	0	0	4	0	2	56	0	14	0	0
Hartford	2.5	479	0	1	0	0	0	245	0	34	0	0
Middletown	1	143	0	0	19	0	0	164	0	2	0	19
New Britain	1.83	546	0	0	0	2	0	102	8	10	0	40
New Haven	3	638	0	0	0	1	0	241	23	3	0	0
Rockville	1	330	0	0	0	10	0	171	2	4	0	0
Stamford	1	73	0	0	0	1	0	15	0	2	0	0
Torrington	0.6	128	0	0	0	0	0	77	0	2	0	0
Waterbury	2.23	739	0	1	0	0	0	466	7	12	0	0
Waterford	1.2	247	0	0	0	5	2	112	3	8	0	0
Willimantic	0.8	60	0	0	0	0	0	68	1	1	0	0
Totals	18.6	3872	0	2	23	19	4	2032	51	93	0	67



APPENDIX TABLE 9

Juvenile Matters Caseload Goals Analysis  
 Division of Public Defender Services  
 July 1, 2010—June 30, 2011

	FY 10-11 Attorneys	Cases Appointed	Cases Transferred	New Cases Assigned	New Cases Assigned Per Attorney
Bridgeport	2.75	707	207	500	182
Danbury*	0.7	207	10	197	281
Hartford	2.5	1018	389	629	252
Middletown	1	306	89	217	217
New Britain	1.83	425	49	376	205
New Haven	3	868	140	728	243
Rockville	1	433	128	305	305
Stamford	1	139	53	86	86
Waterbury/Torrington**	2.83	897	109	788	278
Waterford/Willimantic**	2	569	131	438	219
<b>Total</b>	<b>18.6</b>	<b>5569</b>	<b>1305</b>	<b>4264</b>	<b>229</b>

\*In Danbury, the caseload was handled by an attorney from the Public Defender's office who handles adult criminal matters.

\*\*The caseloads for the Waterford and Willimantic, Waterbury and Torrington offices were handled by the same attorneys.

APPENDIX TABLE 10

New Cases Assigned (in rank order)  
 Division of Public Defender Services Offices  
 Judicial Districts  
 2010 - 2011

Location	Total New Cases Assigned	Location	Attorneys	New Cases Assigned Per Attorney
Hartford	318	Danbury	1.95	90
New Haven	228	Stamford-Norwalk	1.5	62
Danbury	175	Ansonia-Milford	1	49
Fairfield	164	Windham	1	44
Waterbury	155	Hartford	7.5	42
New London	108	Litchfield	2	41
New Britain	93	Middlesex	1	38
Stamford-Norwalk	93	New Haven	6	38
Litchfield	82	New London	3	36
Ansonia-Milford	49	Tolland	1.13	35
Windham	44	Fairfield	4.83	34
Tolland	39	New Britain	3	31
Middlesex	38	Waterbury	5	31
<b>Total</b>	<b>1587</b>		<b>38.9</b>	<b>41</b>

In the merged offices of Danbury, Middlesex/Middletown GA 9, Windham/Danielson GA 11, Tolland/Rockville GA 19 and Ansonia/Milford/Milford GA 22, staff attorneys are shown as working in either the JD or GA although they may handle both types of cases. Although departure from previous years, this change is necessary to calculate New Cases Assigned Per Attorney and assess Caseload Goals.

During the 2010-11 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

APPENDIX TABLE 11

Active Cases Pending (in rank order)  
 Division of Public Defender Services Offices  
 Judicial Districts  
 2010 - 2011

FY 10-11			FY 11-12		
Location	Attorneys	Active Cases Pending July 1, 2010	Location	Attorneys	Active Cases Pending July 1, 2011
Hartford	8	256	Hartford	7.5	301
New Haven	6.5	233	New Haven	6	207
Danbury	2	147	Danbury	1.95	183
Fairfield	5	135	Fairfield	4.83	114
Waterbury	4	130	Waterbury	5	112
New London	3	106	Stamford-Norwalk	1.5	105
New Britain	3	102	New Britain	3	98
Litchfield	2	101	New London	3	96
Stamford-Norwalk	1.4	94	Litchfield	2	84
Windham	1	66	Windham	1	50
Middlesex	1	51	Ansonia-Milford	1	47
Ansonia-Milford	1	44	Middlesex	1	41
Tolland	1	30	Tolland	1.13	33
	38.9	1495		38.9	1471

APPENDIX TABLE 12

New Cases Assigned (in rank order)  
 Division of Public Defender Services Offices  
 Geographical Areas  
 2010 - 2011

		Total			New Cases	
Location		New Cases Assigned	Location		Assigned Per Attorney	
			Attorneys			
GA 23	New Haven	7915	GA 9	Middletown	3.53	653
GA 14	Hartford	7063	GA 23	New Haven	13.8	574
GA 2	Bridgeport	5489	GA 12	Manchester	4.63	565
GA 4	Waterbury	3558	GA 5	Derby	3	524
GA 15	New Britain	3021	GA 15	New Britain	5.6	497
GA 12	Manchester	2615	GA 14	Hartford	14.2	497
GA 7	Meriden	2474	GA 19	Rockville	2.63	479
GA 10	New London	2441	GA 17	Bristol	3	472
GA 9	Middletown	2304	GA 11	Danielson	4	467
GA 11	Danielson	1869	GA 4	Waterbury	7.9	450
GA 1	Stamford	1815	GA 7	Meriden	5.75	430
GA 5	Derby	1572	GA 2	Bridgeport	12.8	429
GA 18	Bantam	1447	GA 3	Danbury	3	424
GA 21	Norwich	1418	GA 10	New London	6	407
GA 17	Bristol	1417	GA 18	Bantam	3.75	386
GA 20	Norwalk	1311	GA 21	Norwich	4	355
GA 3	Danbury	1272	GA 13	Enfield	3	330
GA 19	Rockville	1260	GA 1	Stamford	5.5	330
GA 13	Enfield	990	GA 22	Milford	2.88	325
GA 22	Milford	936	GA 20	Norwalk	4	328
<b>Total</b>		<b>52187</b>			<b>113.0</b>	<b>462</b>

In the merged offices of Danbury, Middlesex/Middletown GA 9, Windham/Danielson GA 11, Tolland/Rockville GA 19 and Ansonia/Milford/Milford GA 22, staff attorneys are shown as working in either the J.D. or G.A. although they may handle both types of cases. Although a departure from previous years, this change is necessary to calculate "New Cases Assigned Per Attorney" and assess Caseload Goals.

During the 2010-11 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

APPENDIX TABLE 13

Active Cases Pending (in rank order)  
 Division of Public Defender Services Offices  
 Geographical Areas  
 2010 - 2011

Location		Attorneys	Active Cases Pending July 1, 2010	Location		Attorneys	Active Cases Pending July 1, 2011
GA14	Hartford	14	3839	GA14	Hartford	14.2	3442
GA23	New Haven	14	2785	GA23	New Haven	13.8	3008
GA2	Bridgeport	13	2310	GA1	Stamford	5.5	2302
GA1	Stamford	5.6	1768	GA2	Bridgeport	12.8	2067
GA12	Manchester	6	1296	GA12	Manchester	4.63	1187
GA11	Danielson	4	1216	GA20	Norwalk	4	1135
GA15	New Britain	6	1151	GA15	New Britain	5.6	1108
GA21	Norwich	4	998	GA11	Danielson	4	930
GA20	Norwalk	4	953	GA4	Waterbury	7.9	849
GA4	Waterbury	7.8	936	GA9	Middletown	3.53	820
GA9	Middletown	3	842	GA21	Norwich	4	735
GA18	Bantam	3.5	787	GA5	Derby	3	685
GA5	Derby	3	705	GA10	New London	6	685
GA7	Meriden	5	602	GA18	Bantam	3.75	547
GA19	Rockville	2	518	GA7	Meriden	5.75	546
GA10	New London	6	504	GA3	Danbury	3	496
GA22	Milford	3	491	GA22	Milford	2.88	465
GA17	Bristol	3	437	GA19	Rockville	2.63	461
GA3	Danbury	4	399	GA17	Bristol	3	426
GA13	Enfield	3	296	GA13	Enfield	3	285
		<b>113.9</b>	<b>22833</b>			<b>113.0</b>	<b>22179</b>

In the merged offices of Danbury, Middlesex/Middletown GA 9, Windham/Danielson GA 11, Tolland/Rockville GA 19 and Ansonia/Milford/Milford GA 22, staff attorneys are shown as working in either the J.D. or G.A. although they may handle both types of cases. Although a departure

from previous years, this change is necessary to calculate "New Cases Assigned Per Attorney" and assess Caseload Goals.

APPENDIX TABLE 14

New Cases Assigned (in rank order)  
 Division of Public Defender Services Offices  
 Juvenile Matters  
 2010 - 2011

Location	Total New Cases Assigned	Location	Attorneys	New Cases Assigned Per Attorney
Waterbury/Torrington	788	Rockville	1	305
New Haven	728	Danbury	0.7	281
Hartford	629	Waterbury/Torrington	2.83	278
Bridgeport	500	Hartford	2.5	252
Waterford/Willimantic	438	New Haven	3	243
New Britain	376	Waterford/Willimantic	2	219
Rockville	305	Middletown	1	217
Middletown	217	New Britain	1.83	205
Danbury	197	Bridgeport	2.75	182
Stamford	86	Stamford	1	86
<b>Total</b>	<b>4264</b>		<b>18.6</b>	<b>229</b>

APPENDIX TABLE 15

Active Cases Pending (in rank order)  
 Division of Public Defender Services Offices  
 Juvenile Matters  
 2010 - 2011

FY 10-11			FY 11-12		
Location	Attorneys	Active Cases Pending July 1, 2010	Location	Attorneys	Active Cases Pending July 1, 2011
Hartford	3	564	Hartford	2.5	576
Waterbury/Torrington	3	321	Waterbury/Torrington	2.83	317
New Haven	3	270	New Haven	3	253
Bridgeport	2	221	Waterford/Willimantic	2	226
Waterford/Willimantic	2	191	Bridgeport	2.75	165
Stamford/Norwalk	2	165	Danbury	0.7	140
New Britain	2	155	New Britain	1.83	137
Middletown	1	79	Stamford	1	120
Danbury	1	48	Rockville	1	67
Rockville	1	45	Middletown	1	54
<b>Total</b>	<b>20</b>	<b>2059</b>	<b>Total</b>	<b>18.6</b>	<b>2055</b>