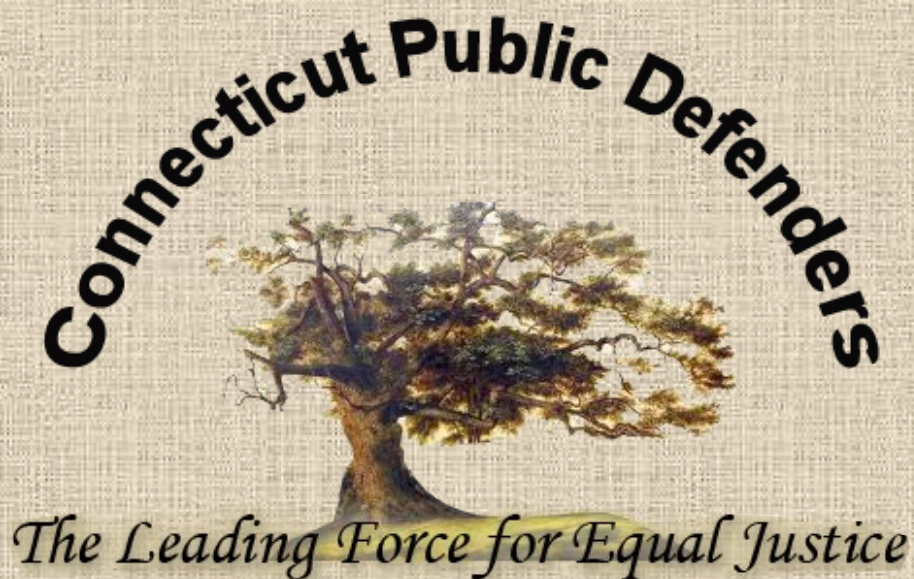


THE ANNUAL REPORT OF THE CHIEF PUBLIC DEFENDER

2012



CONNECTICUT DIVISION OF PUBLIC DEFENDER SERVICES

SUSAN O. STOREY CHIEF PUBLIC DEFENDER

February 1, 2013

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SUMMARY OF THE CHIEF PUBLIC DEFENDER

The FY 2012 was yet another year for remarkable change and challenges for the Division of Public Defender Services. With the consolidation of the Public Defender and Child Protection agencies completed, public defender administrative and field office staff now had the opportunity to focus on implementing improvements and efficiencies to services for clients in all areas of practice. Additionally, after decades of advocacy, the Division saw the end of the Death Penalty for future death eligible crimes in Connecticut, the final stage of implementation of “Raise the Age”, which incorporated the 17 year old population under juvenile court jurisdiction as well as the enactment of other major criminal justice reforms.

Those of you who have had the opportunity to read our previous Annual Reports over the years will see some changes in our format this year. This is because the Office of Chief Public Defender continues to evaluate client services in accordance with Results Based Accountability (RBA) principles at the request of the Appropriations Committee of the Connecticut Legislature. While the mission of the Agency is clearly set forth by statute, and the United States and Connecticut Constitution, 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 systems provide equal justice to clients regardless of their ability to pay for representation.

The severity of the state budget crisis continued to strain Division personnel and resources to their maximum capacity in FY 2011/12. FY 2012/13 and the next biennium budget cycle are predicted to be even more difficult. 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 Division continues to review all resources in order to make sure that they are provided in the most cost efficient and equitable manner in order to continue to provide the best representation possible. Equal justice is expensive, but failure to provide it is far more costly.

The coming year, March 18, 2013 will mark the 50th Anniversary of the landmark U.S. Supreme Court decision in *Gideon v. Wainwright*. That case held that the states must provide counsel to indigent defendants in criminal cases if they are unable to pay for private representation. Indigent Defense organizations across the country will be celebrating the importance of the right to counsel in criminal cases, while informing the public that the promise of Gideon has not yet been fulfilled in many states. We are most fortunate that the framers of our state statute enacted in 1975 had the vision to create a statewide model for providing quality indigent defense services in Connecticut. Despite the economic downturn, it is incumbent on all of us to make sure that the promise of Gideon is fulfilled in our Connecticut courts.

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 per-

sonnel 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 Delinquency Defense and Child Protection, Legal Counsel, a Financial Director, a Director of Human Resources, Chief Investigator, Chief Social Worker, four (4) Managers (Administrative Services, Information and Research Services, and Information Systems and 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.

WORKFORCE ANALYSIS FOR THE DIVISION OF PUBLIC DEFENDER SERVICES

This comparison is based on the Division’s 413 employees as of October 1, 2012. 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 | T = Two or More Races |

OFFICIALS AND ADMINISTRATORS

WM=	27	52.0%	56%
WF=	21	40.4%	34%
BM=	1	2%	2%
BF=	1	2%	2%
HM=	0	0%	2%
HF=	1	2%	1%
AM=	1	2%	2%
AF=	0	0%	1%
NH/OPIM=	0	0%	0%
NH/OPIF=	0	0%	0%
AI/ANM=	0	0%	0%
AI/ANF=	0	0%	0%
TM=	0	0%	0%
TF=	0	0%	0%
TOTAL	52		

WORKFORCE AVAILABILITY

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=	85	38.8%	40%
WF=	99	43%	46%
BM=	7	3.2%	2%
BF=	14	6.4%	3%
HM=	3	1.4%	1%
HF=	5	2.3%	2%
AM=	2	1%	0%
AF=	4	1.8%	2%
NH/OPIM=	0	0%	0%
NH/OPIF=	0	0%	0%
AI/ANM=	0	0%	0%
AI/ANF=	0	0%	0%
TM=	0	0%	0%
TF=	0	0%	0%
TOTAL	219		

WORKFORCE AVAILABILITY

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=	24	42.9%
WF=	17	30.4%
BM =	2	3.6%
BF=	2	3.6%
HM=	9	16.1%
HF=	2	3.6%
AM =	0	0%
AF=	0	0%
NH/OPIM=	0	0%
NH/OPIF=	0	0%
AI/ANM=	0	0%
AI/ANF=	0	0%
TM=	0	0%
TF=	0	0%
TOTAL	56	

WORKFORCE AVAILABILITY

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

This category includes Investigators

ADMINISTRATIVE SUPPORT

WM =	3	3.5%
WF=	46	53.5%
BM=	2	2.3%
BF=	11	12.8%
HM=	3	3.5%
HF=	19	22.1%
AM=	1	1.1%
AF=	1	1.1%
NH/OPIM=	0	0%
NH/OPIF=	0	0%
AI/ANM=	0	0%
AI/ANF=	0	0%
TM=	0	0%
TF=	0	0%
TOTAL	86	

WORKFORCE AVAILABILITY

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

This category includes Clerical, Administrative Support and Paralegals.

PUBLIC DEFENDER SERVICES COMMISSION MEMBERS

MEMBER

Thomas J. Rechen, Esq. (Chair)

Honorable Julia DiCocco Dewey

Msgr. William A. Genuario

Aimee C. Golbert, LCSW

Attorney Ramona Mercado-Espinoza

Honorable John W. Pickard

Carl D. Eisenmann, Esq.

APPOINTING AUTHORITY

Governor

Chief Justice

House Republican Leader

Senate President Pro Tempore

Speaker of the House

Chief Justice

Senate Minority Leader

**CHIEF JUSTICE:
APPOINTS TWO JUDGES**

**GOVERNOR:
APPOINTS CHAIRMAN**

**GENERAL ASSEMBLY LEADERS:
APPOINT FOUR MEMBERS**

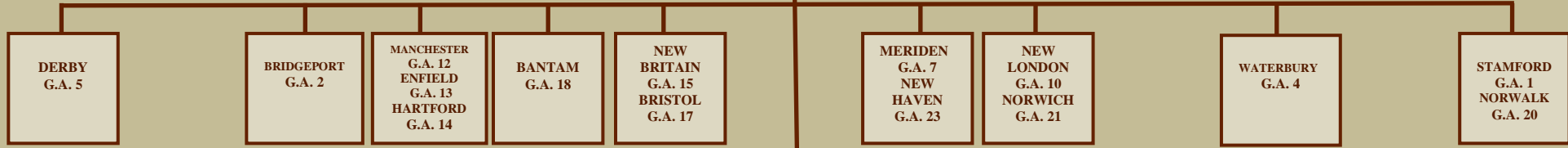
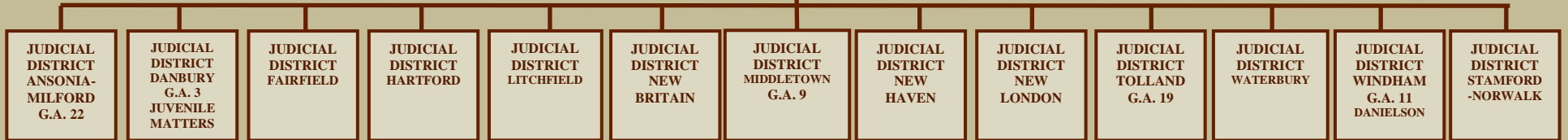
**PUBLIC DEFENDER
SERVICES COMMISSION**

- 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

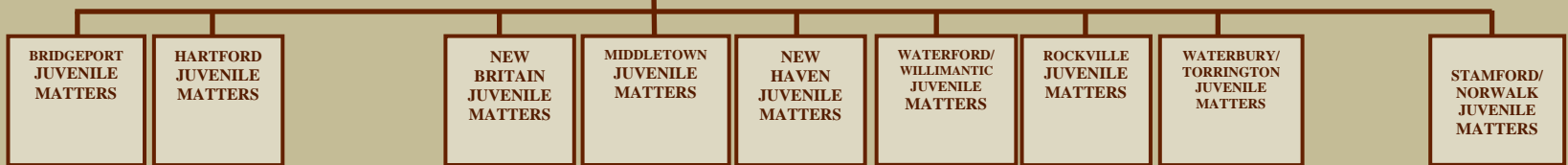
- ADMINISTRATIVE STAFF:**
- LEGAL COUNSEL
 - DIRECTOR OF TRAINING
 - DIRECTOR OF ASSIGNED COUNSEL
 - CHIEF SOCIAL WORKER
 - CHIEF INVESTIGATOR
 - DIRECTOR OF HUMAN RESOURCES
 - FINANCIAL DIRECTOR
 - MANAGER OF ADMINISTRATIVE SERVICES
 - MANAGER OF SYSTEMS
 - MANAGER OF INFORMATION SERVICES AND RESEARCH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

**OFFICE OF THE
CHIEF PUBLIC DEFENDER**

- CHIEF PUBLIC DEFENDER
- DEPUTY CHIEF PUBLIC DEFENDER



**DIRECTOR OF DELINQUENCY DEFENSE
AND CHILD PROTECTION**



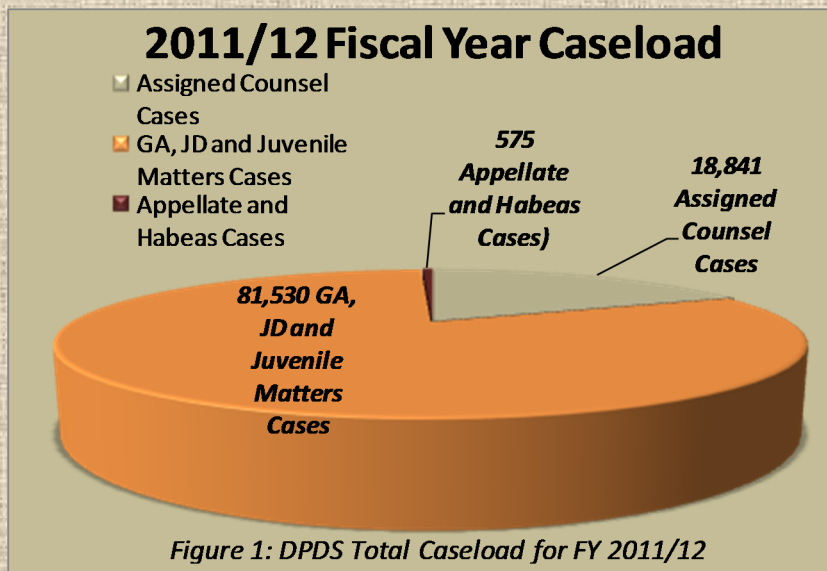
**CONNECTICUT DIVISION OF PUBLIC DEFENDER SERVICES
ORGANIZATIONAL CHART: FISCAL YEAR 2011/12**





CASELOAD¹

Total. During the 2011/12 Fiscal Year total public defender caseload increased to 100,370² cases. This 8% increase over the 92,587 cases assigned during the 2010/11 Fiscal Year was largely due to the inclusion of 9,750 Child Protection cases. An additional 575 cases were appointed to the appellate and habeas corpus units during the 2011/12 Fiscal Year totaling 100,945 cases for the Division of Public Defender Services.



Judicial Districts. During the 2011/12 FY the Judicial District (JD) offices were “appointed”³ to 2,909 cases. After adjusting for the cases transferred and applying case weighting, total “new cases assigned”⁴ to the JD offices was 1,458 cases (see Table 2 on following page). During this fiscal year, public defender offices were appointed to seventy (70) murder cases. Due to conflicts of interest within those cases, thirty-seven (37) murder and capital felony murder cases were assigned to Assigned Counsel (formerly known as Special Public Defenders), while private counsel entered appearances in four (4) of the appointed cases. As a result, the public defender offices retained twenty nine (29) murder cases.

¹This chapter was contributed by Jennie Albert, Manager of Information and Research Services, Office of the Chief Public Defender.
²*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.”
³*Cases appointed* is defined as “new cases appointed to the public defender’s office during the fiscal year.”
⁴*New cases assigned* is further defined in the text on page 10.
⁵The 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”.

2011/12 FY Public Defender JD Murder and Capital Felony Murder Appointment Comparison			
	FY 2011/12	FY 2010/11	Percent Change
Total Murder and Capital Felony Murder cases (CFM) Appointed	70	76	- 7.9%
Number of CFM cases in which the state is seeking death	0	4	*
Number of murder and CFM conflict cases assigned to Assigned Counsel	37	29	+ 13.7%
Number of Murder and CFM cases in which Private Counsel entered appearances	4	10	- 40%
Number of Murder and CFM cases retained by public defender offices	29	37	- 16.2%

* Pursuant to Public Act 12-5, 'capital felony' became 'murder with special circumstances.' Such offenses committed on or after April 25, 2012, are punishable by life imprisonment without the possibility of release and are no longer eligible for the death penalty.

Table 1: FY 2010/11 and FY 2011/12 FY Public Defender JD Murder Comparisons

Geographical Areas. Similar to the JD offices, GA offices experienced a 4% increase in “appointed” cases over last fiscal year. After calculations, GA “new cases assigned” decreased by 4%.

Juvenile Matters Offices. After last year’s nearly 12% increase in “appointed cases” and a 14% increase in “new cases assigned” over FY 2009/10, Juvenile offices saw a decrease from the 2010/11 FY in both “appointed” and “new cases assigned”.

Public Defender Appointed and New Cases Assigned Comparison Chart	FY 2011/12	FY 2010/11	Percent Change
JD Appointed (“Appointed”)	2,909	2,800	+ 4%
JD Adjusted Total (“New Cases Assigned”)	1,458	1,586	- 8%
GA Appointed (“Appointed”)	68,351	65,777	+ 4%
GA Adjusted Total (“New Cases Assigned”)	49,946	52,187	- 4%
Juvenile Matters Appointed (“Appointed”)	5,443	5,569	- 2%
Juvenile Matters Adjusted Total (“New Cases Assigned”)	4,106	4,264	- 4%

Table 2: Appointed and New Cases Assigned Comparisons for FY 2010/11 and FY 2011/12

Trends. After a steadily rising caseload increase over the past ten years that reached 39% in FY 2010/11, the Division of Public Defender Services reported nearly 10,000 additional cases in FY 2011/12 that mostly resulted from the Child Protection acquisition.

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.

An ongoing concern within the Division, the number of major felony cases remaining in the Geographical Area (GA) courts may require re-evaluation of these goals. In fiscal year 2012, as in 2011, 2010, 2008 and 2007, nearly 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 caseloads⁶.

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)⁷. 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.

⁶American 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

⁷Transfers 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

PUBLIC DEFENDER SHARE OF TOTAL CRIMINAL CASELOAD

Judicial Districts. For the first time since the 2006/07 FY, the percentage of the total criminal caseload handled by public defender JD offices decreased (77.28%) after an all-time high of 87% last year. JD offices were appointed to one-hundred and nine (109) more cases this year, but had two-hundred fifty-five (255) more transfers to private counsel, pro se or Assigned Counsel than last fiscal year.

Geographical Areas. In the GA courts, public defenders represented 56.3% of the criminal cases received by Connecticut courts in 2011/12. This is a nearly 9% increase over the last two fiscal years. Whether in the larger or the smaller jurisdictions, increased caseloads place a greater burden on all public defender staff within these offices. Thirteen (13) GA public defender offices handled at or above 50% of all incoming criminal cases in

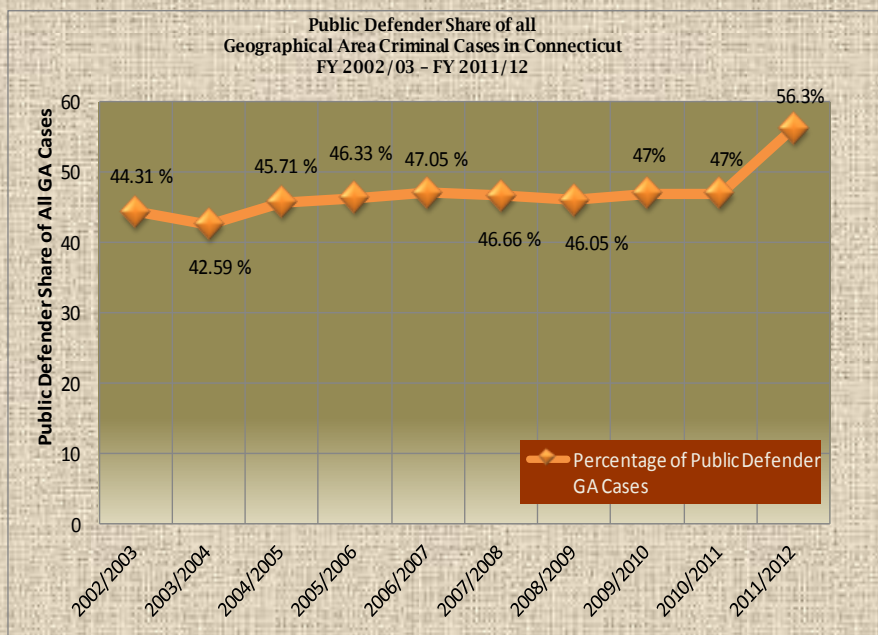


Chart 1: Public Defender Share of GA Caseload

their Geographical Area: Bantam (60%), Bridgeport (72.7%), Danielson (53.32%), Derby (59.02%), Enfield (57.23%), Manchester (68.02%), Meriden (54.61%), Middletown (57.37%), Milford (52.93%), New Haven (70.28%), New London (52.90%), Stamford (54.98%) and Waterbury (51.22%). In addition, GA public defender offices handled 8,132 motor vehicle offenses.

Juvenile Matters. Juvenile delinquency public defender offices represented 52.4% of the courts' total new cases added, an increase of 9.6% over last fiscal year. The public defender share of caseload is above 50% in five (5) offices: Bridgeport (53.90%), Hartford (66.22%), New Haven (56.59%), Rockville (51.63%) and Torrington/Waterbury (55.04%).

ASSIGNED COUNSEL

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 2011/12, Assigned Counsel were assigned to handle 18,840 cases for the Judicial District, Geographical

Area, juvenile matters, appellate, habeas and Child Protection offices combined. The majority of these cases were assigned pursuant to contracts entered into between the Commission and members of the private bar.

LITIGATION—TRIALS

Judicial Districts. Attorneys in the Judicial District (JD) offices handled twenty-six (26) jury trials to verdict. The average length of a those JD jury trials was thirteen (13) days. Jury selection commenced in four (4) other cases and jury trial began in one (1) case.⁸ During 2011/12 FY JD public defender offices tried three (3) jury cases to conclusion and two (2) resulting in hung juries in which the accused was charged with murder, accessory to murder or lesser included offenses. The average length of a murder trial was twenty-one and a half (21.5) court days. The JD offices also handled three (3) court trials to conclusion averaging less than one (1) days. Among the court trials were two (2) judgments of not guilty by mental disease or defect.

Geographical Areas. The Geographical Area (GA) offices tried seventeen (17) jury trials to verdict averaging six point four (6.4) court days per case. In addition, attorneys in these offices tried two (2) court trials to judgment that averaged less than one (1) court day per case for a total of nineteen (19) trials to conclusion. In addition to these trials, GA public defender attorneys commenced jury selection in six (6) additional cases and jury trial began in two (2) cases.

Juvenile Matters. Juvenile Matters offices reported no trials for the 2011/12 FY.

MAJOR FELONY MEASURES

Currently, 33.6% of all cases handled in the GA public defender offices are felonies; a slight increase over last year. As GA felonies have increased, major felonies in JD offices have steadily decreased since 2008/09 FY and at 51% continue to hold as the lowest in ten years. In the Juvenile Matters offices, 25.1% of juvenile cases were felonies and 11.3% of those are considered “Serious Juvenile Offenses”.

CASE TRACKING

The “Case Tracking” software application produces reports for docket management and caseload tracking for all adult GA and JD offices. Case information is entered by each office into a centralized system. This system enables the Information and Research Services department to access office data in real time and to create statistical reports from the division-wide level down to the office and staff level.

The Information and Research Services department 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.

⁸“Jury Trials Commenced” refers to only 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.

Table 3: PUBLIC DEFENDER OFFICES TRENDS IN CASELOAD AND STAFFING

PUBLIC DEFENDER PERCENTAGE OF CASELOAD	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Judicial Districts	75.09%	82.99%	84.65%	87%	87%	77.28%
Geographical Areas (criminal cases excluding MV)	47.05%	46.66%	46.05%	47%	47%	56.29%
Juvenile Matters	47.78%	48.22%	47.72%	43%	43%	52.4%

AUTHORIZED PERMANENT FULL-TIME POSITIONS	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Attorneys	193	203	217	214	209	214
Clerical	60	61	60	66	62	86
Investigators	61	63	62	60	59	56
Social Workers	41	42	40	41	40	32
Exempt or Other Staff (Administrative)	20	21	21	22	33	25
TOTAL	375	390	400	403	403	413

CLASSIFICATIONS OF NEW CASES APPOINTED						
	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Judicial Districts						
Major Felonies	1754	1503	1686	1579	1456	1483
Minor Felonies	170	296	296	291	264	315
Misdemeanors	104	176	200	181	179	142
Total (Includes MV, VOP and Other)	2762	2865	3067	2895	2800	2909

Geographical Areas*	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Major Felonies	7096	6964	7365	6846	8072	8457
Minor Felonies	13582	14730	14598	15282	14257	14801
Misdemeanors	28680	27344	27825	28646	26503	27036
Total (Includes MV, VOP and Other)	68006	68284	69476	69611	66821	69572

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

Juvenile Matters	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Serious Juvenile Offenses	695	636	594	624	643	613
Other Felonies	700	698	587	544	563	752
Misdemeanors	4849	4531	3877	3797	4349	3861
TOTAL (includes Other)	6399	5903	5071	4985	5569	5443

PERCENTAGE OF CASES APPOINTED BY CLASSIFICATION						
Judicial Districts	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Major Felonies	63.5%	52.5%	55.0%	54.5%	52%	51.0%
Minor Felonies	6.2%	10.3%	9.7%	10.1%	9.4%	10.8%
Misdemeanors	3.8%	6.1%	6.5%	6.3%	6.4%	4.9%
MV, VOP and Other	26.2%	30.2%	27.9%	28.4%	32%	32.6%

Geographical Areas	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Major Felonies	10.4%	10.2%	10.6%	9.8%	12.1%	12.3%
Minor Felonies	20.0%	21.6%	21.0%	22.0%	21.3%	21.3%
Misdemeanors	42.2%	40.0%	40.0%	41.2%	39.7%	40.7%
MV, VOP and Other	26.7%	27.7%	27.8%	26.6%	26.3%	25.3%

Juvenile Matters	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Serious Juvenile Offenses	10.9%	10.8%	11.7%	12.5%	11.5%	11.3%
Other Felonies	10.9%	11.8%	11.6%	10.9%	10.1%	13.8%
Misdemeanors	75.80%	76.8%	76.5%	76.2%	78.1%	70.9%
Other	2.0%	0.6%	0.2%	0.4%	.3%	4.1%



PUBLIC DEFENDER OFFICES AND SPECIAL UNITS

JUDICIAL DISTRICT OFFICES

Staffing and Caseloads

An average of thirty-six point eight (36.8) attorneys were assigned to the Judicial District (JD) offices in 2011/12. An individual JD attorney was assigned an average weighted caseload of thirty-eight (38) 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.

Litigation

Twenty-five (25) jury trials in the JD offices resulted in eight (8) not guilty verdicts, demonstrating a 32% success rate. In addition, five (5) cases in which jury selection commenced and three (3) in which jury trials began. There were also three (3) court trials.

Trends and Forecasts

Statewide, public defender offices handled 77.28% of the Judicial District incoming cases, a decrease over the 87% handled for the past two fiscal years. In some offices, public defenders represent over 90% of the major felony and capital cases. Eleven (11) of the thirteen (13) Public Defender JD offices handle over 77% of the total caseload. These numbers represent record high workload demands on public defender staff. As reported over many previous years, 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 continue to 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 assistant public defender positions be added to the overall position count to address this specific inequity of resources.

GEOGRAPHICAL AREA OFFICES

Staffing and Caseloads

There was an average of one hundred and fourteen point three five (114.35) attorneys assigned to Geographical Area (GA) offices in 2011/12 and an individual attorney in a GA public defender office was assigned an average of four hundred and thirty-seven (437) new cases over the course of the year. The GA courts retained approximately 98% of major B and C felonies. As a result, these cases 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 offices included: Waterbury, Derby, Meriden, Middletown, Danielson, Manchester, Hartford, Bristol, Rockville and New Haven. Per diem staff have been provided whenever possible to those offices with caseloads significantly over the Caseload Goals, but additional permanent staff continues to be critical to maintaining this growing and more complex GA caseload.

Litigation

In 2011/12 Geographical Area offices handled seventeen (17) jury trials to verdict with eight (8) resulting in not guilty verdicts. An additional two court trials were represented by GA public defenders. Both 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. Offices also represent additional 8,132 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.

JUVENILE DEFENSE

Juvenile Defense's Contribution to the Result:

FY 2012 has been a year of significant progress and change for The Division of Public Defender Services Juvenile Unit. Implementing the consolidation of the operations of the Commission on Child Protection continues to present both challenges and opportunities. In addition to administering appointed counsel for children and adults involved in child protection matters in juvenile court, the Division is now also responsible for supervision and payment of counsel for contemnors in child support and paternity cases

and guardians -ad -litem and attorneys for minor children in some child custody cases. While this is a substantial addition to our role as criminal defense attorneys, it is consistent with our core mission to provide zealous advocacy to those entitled but unable to pay private counsel.

Partners: *Connecticut Judicial Branch, Connecticut Bar Association, University of Connecticut Law School, Yale Law School, Families in Crisis, Children’s Advocacy Center, Department of Children and Families, Court Support Services Division, National Legal Aid and Defender Association*

Performance Measure One: Assigned Counsel Services to Clients. Assigned Counsel in Child Protection cases are in their first full contract year with OCPD. Because of savings achieved by the Office of Assigned Counsel through the consolidation, additional hourly billing events have been added to the contracts. Attorneys are encouraged to attend and participate in case mediations and to attend administra-

Juvenile Staff Advocacy in Legislative and Policy Issues FY 2011/12



Figure 3: Performance Measure Three- Staff Advocacy in Legislative and Policy Initiatives FY

tive proceedings at the Department of Children and Families, in addition to client visits and trial time. These additional incentives to provide holistic representation will help the Division develop Results Based Accountability (RBA) reporting measures as required during the budget sessions by the Appropriations Committee.

Performance Measure Two: Staff Advocacy in Legislative and Policy Initiatives. The Division of Public Defender Services collaborated with the Judicial Branch and the Connecticut Bar Association to advocate passage of several legislative initiatives relating to child protection matters.

Performance Measure Three: Caseload. Caseloads have also been impacted by the consolidation of the Commission on Child Protection with the Division of Public Defender Services. Juvenile Public Defender staff now represent children whose families' income is above the eligibility guidelines adopted by the Public Defender Services Commission but for whom the judge orders that pursuant to C.G.S. 46b-136, counsel should be appointed "in the interest of justice." Prior to the consolidation, these cases were handled by attorneys under contract to the Commission on Child Protection. Public Defender attorneys are also representing children charged in Families with Services Needs (FWSN) cases. The Rockville and Middletown Supervisory Assistant Public Defenders now represent clients in child protection cases when a delinquency client is also in need of that service.

Performance Measure Four: Staffing. The budget allocation specifically designated for new positions relating to the anticipated caseload increase due to the implementation of Raise the Age, allowed us to fill an attorney position at the Hartford juvenile office that had been vacant due to budget reductions since July, 2011. An additional lawyer with extensive juvenile and educational advocacy experience was added to the Juvenile Reentry and Post Conviction Unit. Experienced attorneys qualified to handle a mixed caseload of delinquency and child protection matters were appointed to positions to the New Haven, New Britain, and Waterbury juvenile offices. The Waterbury hiring allows us to have a more consistent and permanent presence in the Danbury and Torrington juvenile courts. The Division also plans to appoint additional staff to the Willimantic juvenile office. The Juvenile Unit has also added an appellate attorney who will represent clients in juvenile delinquency and provide expedited appellate review in child protection cases as required by the Appellate Court. He will also provide training and technical assistance to delinquency and child protection staff and assigned counsel.

Performance Measure Five: Billing and Payment Efficiencies. The Child Protection Unit terminated a cumbersome case assignment and billing management system with an outside vendor and worked with the OCPD Systems Department to create a more efficient in-house system. This was a major project that will save over \$80,000 in state funds during the first year alone. The Office of Assigned Counsel continues to adjust the billing and payment system for the Child Protection Assigned Counsel to dramatically reduce the time lag for payment and to reduce instance of mistakes and double billing to contracted attorneys. The payment system for Family Court Guardians ad litem was revised to mirror the existing Assigned Counsel contract program.

Performance Measure Six: Collaboration. The Division of Public Defender services is committed to collaborating with our agency partners and juvenile staff serves on many state and national task forces and committees.

Participation in Juvenile Task Forces and Committees FY 2011/12



Figure 4: Juvenile Performance Measure Six Collaboration in FY 2011/12

Performance Measure Seven: Training. The Juvenile Division continued its efforts to offer continuing education in the area of juvenile defense and child welfare law and participate in local and national trainings to elevate the practice of juvenile criminal defense.

The Division of Public Defender Services expanded collaboration with local experts in child welfare by entering into contracts with the Center for Children's Advocacy at the UConn Law School and the Children's Law Center, a private not for profit law firm in Hartford, to provide general skills and issue based trainings on child and family issues.

In addition, Juvenile, Child Protection and Assigned Counsel participated in several trainings and conferences during FY 2011/12 (see table 4 below).

Juvenile Training and Conference Activities 2011/12 FY		
<i>Provided Training</i>		
Presenters	Topic	Audience
Director of Delinquency Defense Christine Rapillo in Collaboration with Division of Criminal Justice	Overview of the Juvenile Justice System	New Court Support Services (CSSD) employees
Director of Delinquency Defense Christine Rapillo	Role of counsel in child protection and juvenile delinquency matters	Connecticut Association of Foster and Adoptive Parents Conference.
Director of Delinquency Defense Christine Rapillo	mentor in residence	Yale Law School's seminar on the <i>Juveniles' Right to Counsel</i> .
<i>Attended Training and Conferences</i>		
Attendees	Topic	Presenters
Director of Delinquency Defense Christine Rapillo	<i>Graham v. Florida</i> , which has resulted in OCPD participating in the national discussion on how to best implement the U.S. Supreme Court's holding in <i>Miller v. Alabama</i> , outlawing mandatory life without parole for juveniles.	NLADA
Division attorneys and Assigned Counsel	Training sessions to orient to legislative changes on juvenile competency and transfer to adult court.	OCPD
	" <i>Representing Incarcerated and Accused Parents</i> " designed to foster collaboration between criminal defense attorneys and child protection lawyers.	OCPD sponsored in collaboration with DCF, DOC and the Hartford based non-profit agency Families in Crisis
Several DPDS employees	Annual training in Massachusetts	New England Regional Juvenile Defender Centers
Attorney Lindsay Guerrero	National Juvenile Defender Leadership Summit	
Juvenile Division Staff and Scholarships to ten (10) Assigned Counsel	Annual Conference	National Association of Counsel for Children
Five (5) Assigned Counsel	Conducting child protection trials	National Institute for Trial Advocacy (NITA)
<i>Table 5: Juvenile, Child Protection and Assigned Counsel Trainings FY 2011/12</i>		

JUVENILE POST CONVICTION AND RE-ENTRY UNIT

Juvenile Post Conviction and Re-entry Unit's Contribution to the Result:

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).

Staffing:

The Unit is staffed by two (2) attorneys, one (1) social worker and one (1) paralegal.

Performance Measure One: Caseload. 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. This oversight by the Unit is crucial in ensuring that the child receives the appropriate care and treatment to maximize the success of that child while in residential care and to prevent recidivism upon reentering their communities. 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 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.

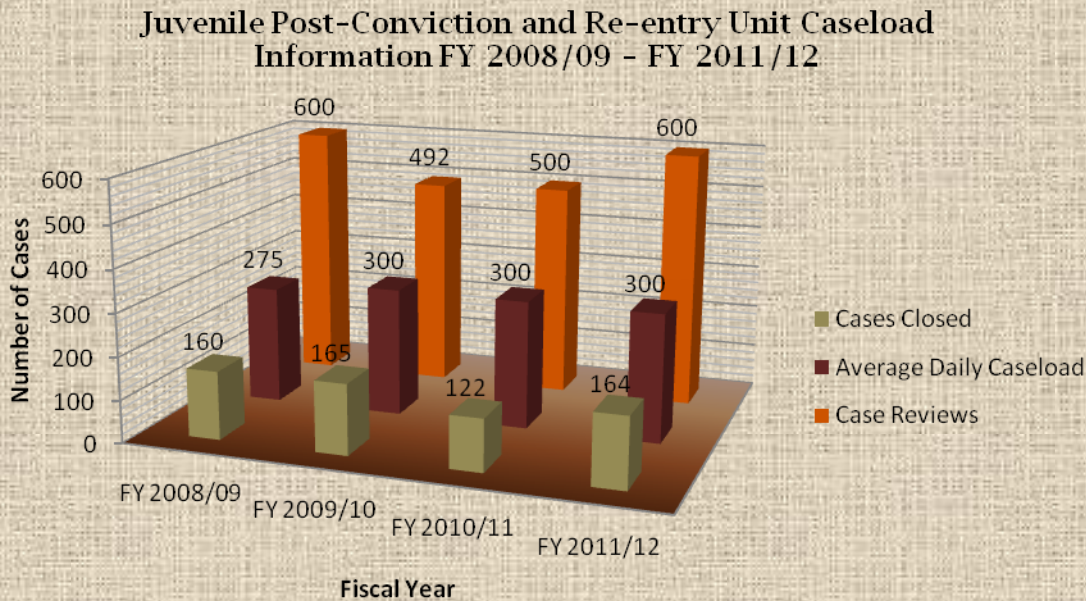


Chart 2: Performance Measure One—Juvenile Post-Conviction and Re-entry Unit Caseload

Story Behind the Baseline: Since the 2008/09 Fiscal Year, the typical duration of a client's commitment has been a period of eighteen (18) months and this 2011/12 FY has seen the highest amount of cases closed since 2009/10. 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

Unit staff also provide advocacy for clients in administrative hearings under the Uniform Administrative Procedures Act:

- parole revocation hearings
- treatment plan hearings, and
- administrative case reviews

These administrative hearings are subject to court review as well as appellate review and Unit staff represented clients on 600 such case reviews. This figure mirrors that of the 2009/10 FY before the number of hearings declined between 2009/10 and 2010/11.

The Unit continues to experience an increase in their caseload due to the second phase of the Raise the Age Legislation. As of Summer of 2012, jurisdiction now includes seventeen year olds. 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. Also as a result of the increased caseload, a third attorney joined the Unit in the Fall, 2012.

Performance Measure Two: 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.

Performance Measure Three: Litigation and Advocacy. In a proceeding at Superior Court Juvenile Matters in Hartford, the client, Jeffrey M., suffered physical abuse in a residential treatment facility. The Unit was able to present evidence to the court and eventually modify the client's probation status to have him returned to his home with orders that he comply with community based services. The Department subsequently removed the facility from its list of approved treatment providers. The Unit brought a Civil Action against the Commissioner of DCF after being informed that the Department intended to notify a local school district that the client posed an eminent risk to the school community. The Court eventually dismissed the action based on the Department's notification rendering the matter moot. We are in the process now of determining whether or not an appeal will be filed. The Unit continues to pursue appellate court review of issues affecting our juvenile clients as well. In *In Re: Hakeem A. et al*, S.C. 19018,

DCF appealed the trial court's decision issuing commitment orders of less than eighteen (18) months. The matter was transferred to the Supreme Court and is awaiting oral arguments.

The Unit has succeeded in working with DCF to reinstate the pass policy at the Connecticut Juvenile Training School. As of Fall 2012, residents at CJTS will now be able to receive passes and furloughs from the facility.

CAPITAL DEFENSE AND TRIAL SERVICES UNIT (CDTSU)

Capital Defense and Trial Services Unit's Contribution to the Result:

The Capital Defense staff is primarily responsible for the representation of indigent clients in all capital felony cases statewide. Since the enactment of Public Act 12-5 on April 25, 2012, which eliminated the death penalty prospectively as of that date, staffing was reduced accordingly during the 2011/12 FY by the elimination of the following positions: one (1) trial attorney, one (1) investigator, and one (1) paralegal. However, the possibility exists of future death penalty trials for death eligible cold cases and retrials of clients who were sentenced to death prior to the repeal whose cases are on appeal before the Supreme Court.

Staffing:

During the 2011/12 fiscal year, the Capital Defense and Trial Services Unit (CDTSU) was staffed by the Chief of Capital Defense, two (2) additional trial attorneys, three (3) appellate attorneys, three (3) investigators, three (3) mitigation specialists, a paralegal, and an administrative assistant.

Performance Measure One: Caseload. In fiscal year 2011/12, the Capital Defense and Trial Services Unit represented four (4) clients in capital felony prosecutions in which the state sought the death penalty and three (3) clients in non-death penalty cases. Two (2) non-death penalty capital felony clients were represented by teams of 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 Association (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.

*Performance Measure Two: Litigation*¹. There was one capital felony death penalty trial conducted during FY 2011/12 for *State v. Joshua Komisarjevsky*. Mr. Pedro Miranda was sentenced during the 2011/12 Fiscal Year for the sexual assault, kidnapping and murder of a pregnant seventeen-year-old in 1988 in Hartford after another man who served 20 years for the crime was exonerated with DNA evidence inculcating Mr. Miranda. In *State v. Richard Roszkowski* Mr. Roszkowski was found not competent to stand trial. On April 13, 2012 he was found to be restored. Currently he is awaiting a retrial of his penalty phase in which the state is seeking the death penalty.

¹The consolidated habeas racial disparity in death penalty litigation is largely handled by Assigned Counsel.

DIVISION OF PUBLIC DEFENDER SERVICES CAPITAL FELONY MURDER LITIGATION FY 2011/12

Status Date	Case Name	Judicial District	Original Charges	Litigation	Sentence	Counsel
January 27, 2012	<i>State v. Joshua Komisarjevsky</i>	New Haven	Capital Felony Murder	Jury Selection in FY 2010/11; Trial and Verdict September 2011-December 2011	Death	Assigned Counsel Jeremiah Donovan, Esq., Walter Bansley, III, Esq., and Todd Bussert, Esq.
July 22, 2011	<i>State v. Pedro Miranda</i>	Hartford		Tried and convicted in FY 2010/11 and sentenced in FY 2011/12	Life Without the Possibility of Release and Consecutive 100 Years	Assigned Counsel John Walkley, Esq. and Vicki Hutchinson, Esq.
April 13, 2012	<i>State v. Richard Roszkowski</i>	Fairfield	Capital Felony Murder	Found not competent to stand trial. Found restored on April 13, 2012 and is awaiting retrial of his penalty phase.	Possibility of Death Sentence	Fairfield JD Public Defender

Table 6: Performance Measure Two—Litigation

Performance Measure Three: Plea Agreements. Six (6) capital felony prosecutions were resolved without death sentences by plea agreement during 2011/12. The Capital Defense and Trial Services Unit handled four (4) of these cases.

DIVISION OF PUBLIC DEFENDER SERVICES CAPITAL FELONY MURDER PLEA AGREEMENTS FY 2011/12

Sentencing Date	Case Name	Judicial District	Original Charges	Conviction	Sentence	Counsel
January 5, 2012	<i>State v. Craig Betancourt</i>	New London	Capital Felony Murder, state did not seek death penalty at trial	Guilty Plea during Jury Selection to Manslaughter and Risk of Injury to a Minor	30 years to serve, suspended after 20 with 5 years probation	Capital Defense and Trial Services Unit
February 2, 2012	<i>State v. Christopher Pounce</i>	Danbury	Capital Felony Murder, Murder and Sexual Assault	Guilty Plea to Murder, Larceny and Evidence Tampering	60 years	
March 1, 2012	<i>State v. Leslie Williams</i>	New Britain	Capital Felony Murder, , state did not seek death penalty at trial	Guilty Plea to Capital Felony Murder	Life without the possibility of parole	
June 19, 2012	<i>State v. Jokshan Bryant</i>	New Britain	Capital Felony Murder	Guilty Plea during Jury Selection to two counts of manslaughter with a firearm	37 Years to serve followed by 3 years special parole on each count concurrent	
August 19, 2011	<i>State v. John Billingslea</i>	Milford	Capital Felony Murder, Murder, Two counts of Sexual Assault 1°, Three counts of Risk of Injury	Guilty Plea to Capital Felony and Murder	Life Without the Possibility of Release and Consecutive 60 Years	Assigned Counsel Edmund Collier, Esq. and John Walkley, Esq.
December 2, 2011	<i>State v. Gilberto Vargas</i>	Hartford	Murder, Capital Felony Murder, Conspiracy to Commit Murder, Illegal Use of Firearm, Illegal Discharge of Firearm	Guilty Plea to Murder	28 Years	Hartford JD Public Defender

Table 7: Performance Measure Three—Plea Agreements

LEGAL SERVICES UNIT (APPELLATE)

Legal Services Unit's Contribution to the Result:

Provide appellate services to those who financially qualify for Division of Public Defender Services.

Staffing:

The Legal Services Unit (LSU) is staffed by one (1) Chief of Legal Services and eleven (11) full-time staff attorneys (one is temporarily on transfer to the capital unit). The present support staff consists of two (2) paralegals and two (2) secretaries. This staff is the central provider of appellate services for the Division statewide.

Performance Measure One: Appointments for Indigent Defendants in the Supreme and Appellate Courts.

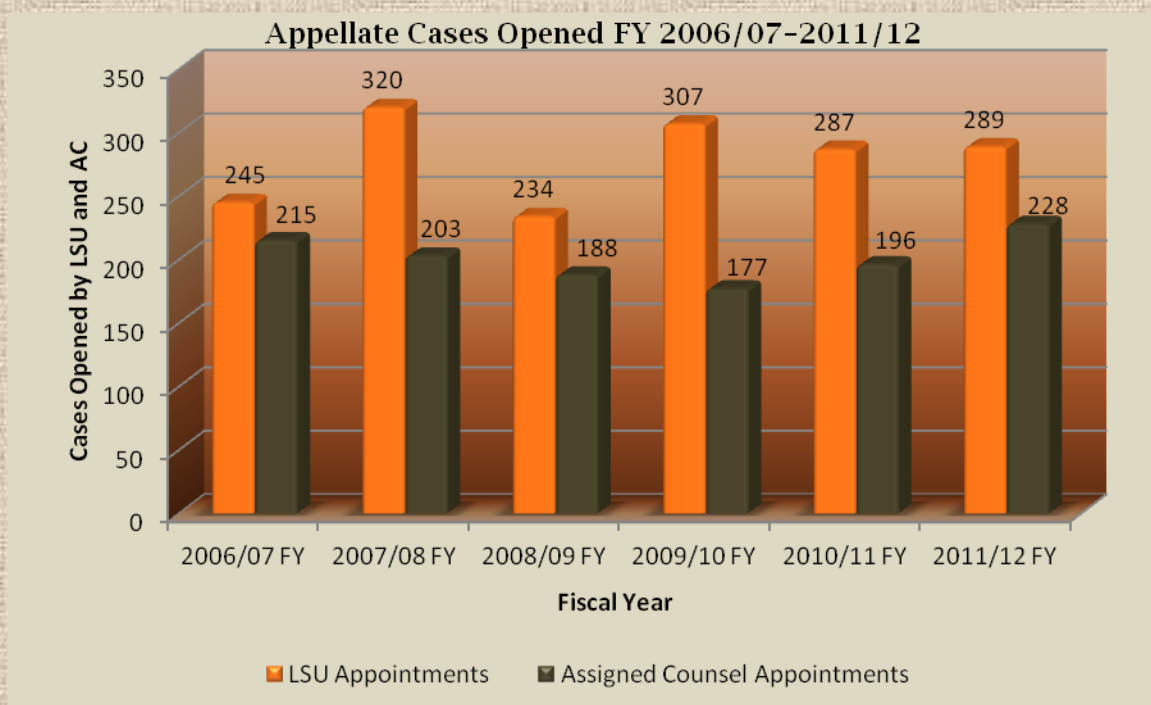


Table 8: Performance Measure One—Appointments

Story Behind the Baseline: In 2011/12, LSU received court appointments with 289 cases opened for indigent defendants in the Supreme and Appellate Courts (This includes 265 initially opened cases plus 24 new appeals opened on certification). As reported in previous years, the number of new cases greatly exceeds the ability of LSU to handle with existing staff. As a result, many of the cases where LSU is appointed must be assigned to Assigned Counsel (AC).

The number of Assigned Counsel appointments for FY 2011/12 has steadily risen since 2009/10. This significant increase in assignments is almost entirely attributable to habeas corpus appeals. Habeas assignments to AC rose from 49% to 58% of all AC appointments in the last three fiscal years. A possible

explanation for this is that our Supreme and Appellate Courts are shifting more and more of the criminal trial error burden to the habeas court. An example is the decreased ability to get direct appeal review of unpreserved claims. Thus, if the Supreme Court refuses to review an unpreserved claim because counsel is deemed to have waived the claim, that sets up a new round of habeas corpus proceedings based on the ineffectiveness of counsel for waiving an unpreserved claim.

Performance Measure Two: Qualified and Experienced Attorneys Willing to Work on Habeas Appeals in a Cost Effective Manner. Although there are a number of qualified and experienced attorneys willing to do work as Assigned Counsel, many of our Assigned Counsel are reluctant to do habeas appeals. Further, there are a number of aspects unique to habeas corpus appeals that require a different approach and different skill sets when compared to handling direct appeals. Since habeas corpus appeals represent a growing and substantial percentage of this unit's Assigned Counsel assignments, there is some concern about our continued ability to provide qualified and quality representation in this significant service area.

Story Behind the Baseline: In 2010 LSU and 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 habeas corpus appeals for the year at a set total fee per appeal handled. This contract plan became operational on July 1, 2010 and has a two year track record of success. As a result most of our habeas corpus appeals are now assigned on a contract basis and we expect very soon to expand the "contract" mode to violation of probation and guilty plea appeals. This "contract" approach appears to stabilize the assignment process for habeas corpus appeals; results in more uniform and hopefully competent representation for habeas corpus appellate clients; alleviates billing problems; and results in cost savings for the Division.

Continued attention to the quality of AC appellate work over the past three years has also resulted in better control on costs and the quality of Assigned Counsel appellate representation. This entailed increased accountability from AC for their billings; the establishment of guidelines in units of time for various billing functions and the streamlining and mechanizing of the entire billing process. In July of 2011, the Office of the Director of Assigned Counsel assumed control of the entire billing process.

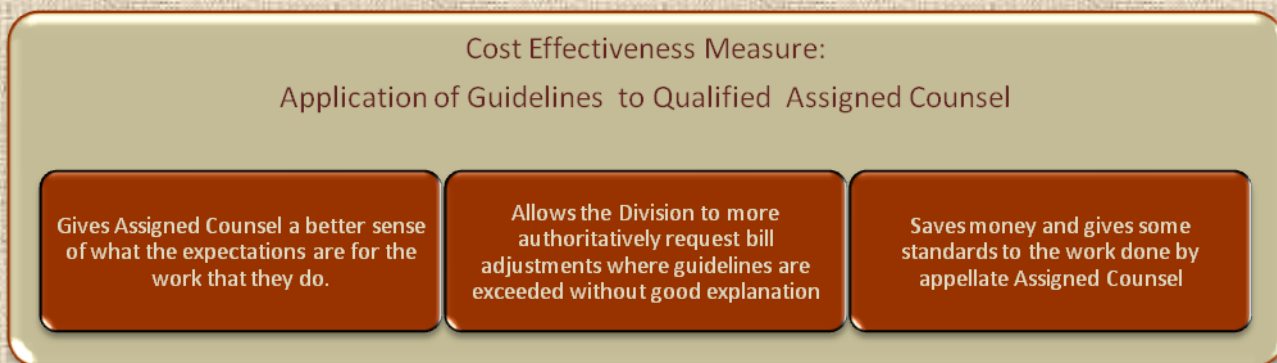


Figure 5: Benefits of Assigned Counsel Guidelines

Proposed Actions to Turn the Curve: It is recommended that once the kinks are worked out of the mechanized process that the Office of Assigned Counsel continues to have hourly bills for service scrutinized.

Finally, as noted earlier, habeas corpus appeals (and in the near future other appeal areas) are primarily assigned on a flat fee basis freeing up both staff time and attorney time. Such solutions as training, mentoring and having the Appellate Section of the Connecticut Bar Association get its members to participate as Assigned Counsel helps address these concerns, but may not be enough to alleviate these issues.

Performance Measure Three: Death Penalty Appeals. An area where there has historically been substantial utilization of LSU resources is death penalty appeals.

LSU Death Penalty Appellate Work 2011/12 FY

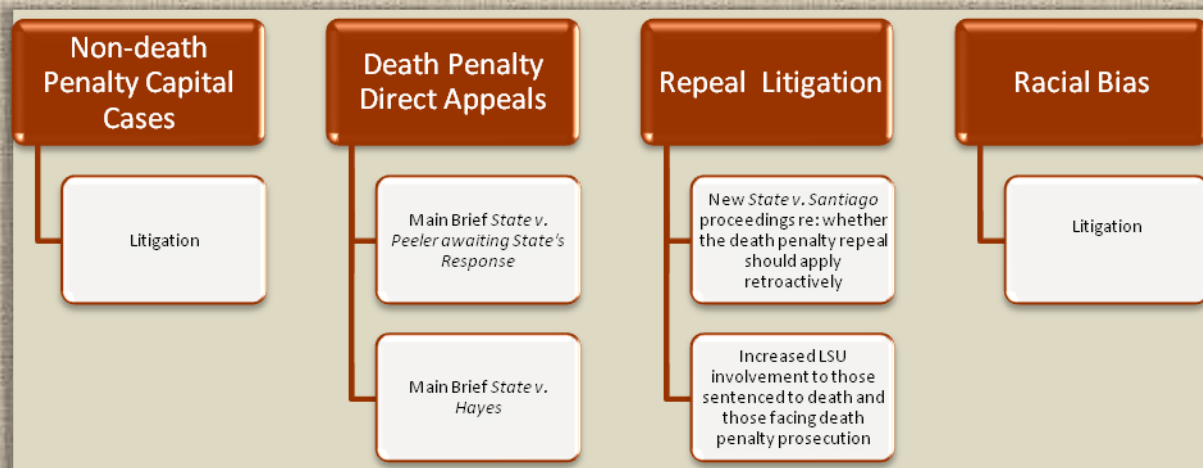


Figure 6: LSU involvement in Various Death Penalty Litigation and Procedures

Story Behind the Baseline: The most exciting news in this regard for the Division and Connecticut is the repeal this year of the death penalty. Since the repeal legislation provides only for prospective application, there remains a need for significant involvement on the appellate level for continued involvement by this Unit relative to those persons sentenced to death as well as those who still face death penalty prosecution. In the short term this need for involvement by the LSU will likely be increased.

Performance Measure Four: Support and Assistance to DPDS Trial Offices. LSU has historically worked to strengthen 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.

Performance Measure Five: Appellate Training Initiatives. LSU arranges and participates in a number of training initiatives to further education and skills.

Story Behind the Baseline:

- Criminal Appellate Clinic at Quinnipiac School of Law (18th Year): Law students assist in the briefing

LSU DPDS Office Support and Assistance 2011/12 FY

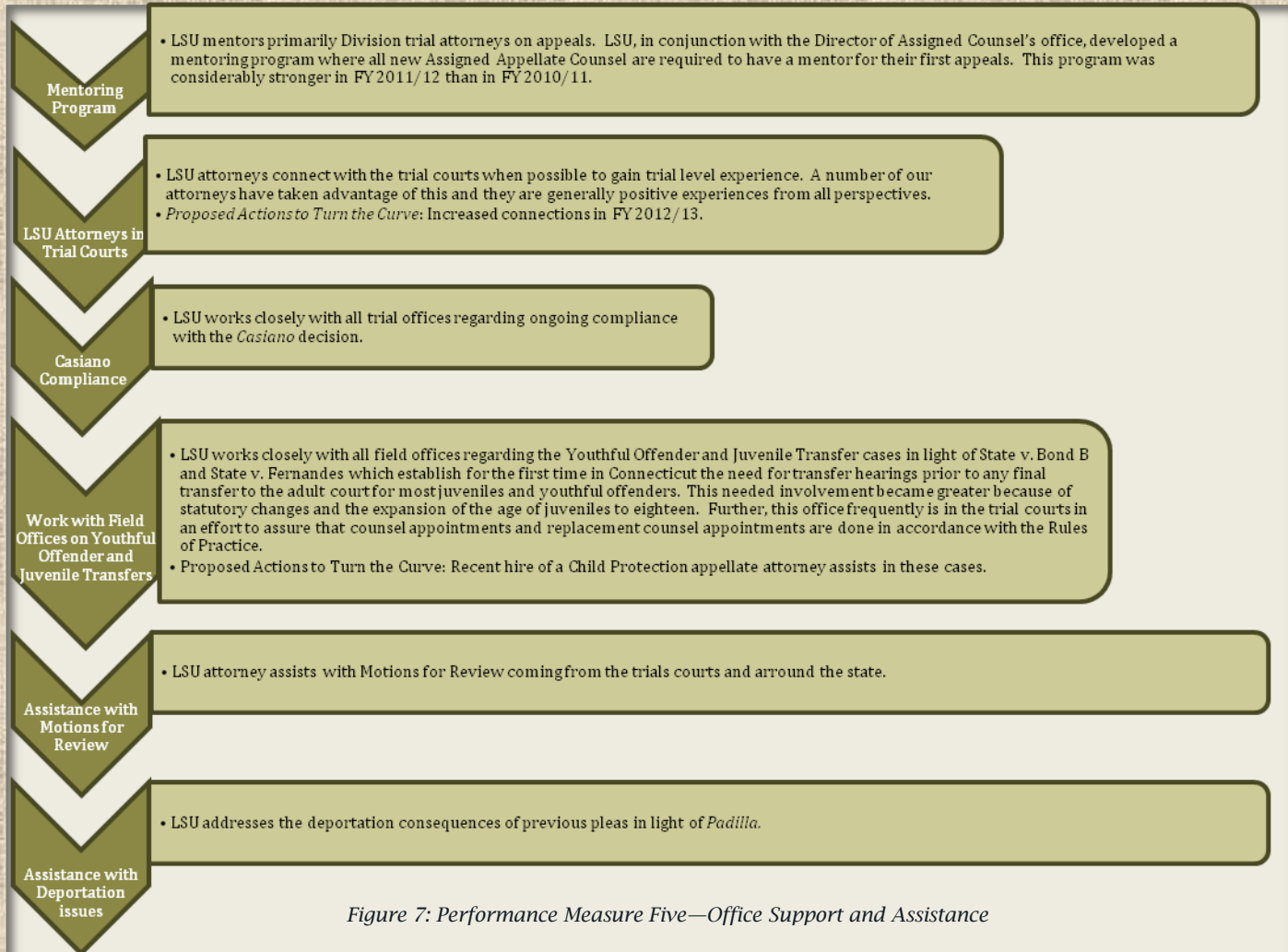


Figure 7: Performance Measure Five—Office Support and Assistance

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 qualified students who are selectively chosen. With the retirement of Elizabeth Inkster, who successfully revitalized and ran the Clinic for several years, Alice Osedach is now in charge of the Quinnipiac Clinic.

- University of Connecticut Law School Criminal Clinic: LSU works closely with UCONN students, who are supervised by a professor at the Law School. These students are presently handling two to three LSU appeals a year.
- *New Case News* (Sixth Year): This cooperative venture with the training unit spotlights, summarizes and ultimately stores and indexes the most recent Connecticut cases and is being utilized by Division attorneys and Assigned Counsel. In November of 2012, in conjunction with the Office of the Director of Assigned Counsel and the Director of Training, the LSU sponsored a full day training session which dealt with Appellate Issues that have gained importance over the past two years. One of the goals of the training session was to call attention to the availability of *New Case News*. As part of the training, Appellate Court Judge Douglas Lavine and two of his clerks spoke to the attendees.
- Advisory Groups and Committees: LSU continues to participate in the Appellate Rules Advisory Committee and the Bar Association's Appellate Group where their advocacy has resulted in significant

- changes in the Rules and the appellate practice in Connecticut.
- Outside of their work in the Division, two LSU attorneys teach an Appellate Moot Court class at the UCONN School of Law.

Proposed Actions for Turning the Curve: Goals for the next Fiscal Year include increasing user-friendliness of *New Case News* and gaining a wider audience.

SIDEBAR:

Limiting Appellate Process Delays

This year, LSU would like to close with a few words about the efforts of both the Supreme Court and the Appellate Court to limit delays in the appellate process. The cause of these delays are in very small part caused by public defenders or Assigned Counsel, but at least at this time the Courts are looking in all directions, including ours, to try to resolve this perceived problem. Delay issues include:

1. The State is unable to meet their earlier promise to the Court that briefs would be filed within five months of the filing of the appellant's brief. They maintain that the reason for the delays are staffing problems and are looking to extend their promise to six months.
2. Court Reporters' failures to complete transcripts within the time they initially represent. Assignments are not made until the transcript is complete and the delays can easily go to a year from the filing of the appeal.
3. Court failure to comply with orders to articulate. One judge took nearly two years without preparing an ordered articulation. The appellants were usually LSU clients and their appeals could not go forward until the requisite articulation was filed. One judge was ultimately punished by the Judicial Grievance Council for his disregard of numerous orders and demands.
4. Court failure to get trial court action regarding Anders' Motions to Withdraw. In many cases, especially in one particular court, the delays have exceeded a year.
5. The system is arguably bogged down with habeas appeals, but with the recent Supreme and Appellate Court cases, it is likely that a new round of habeas trials and appeals will be the unintended consequence of the Court's decisions.

At present the Court appears very concerned about the long delays in filing death penalty briefs. They are using the device of "Final Orders" to try to remedy these delays and in all appeals they are bringing attorneys before them to explain the delays with threat of fines and other attorney punishments.

LSU has monitored delays both in office and those involving Assigned Counsel and has spoken to dilatory attorneys and has limited assignments to attorneys who were unable to meet deadlines.

Another attempted effort in part to limit delay is to assign appeals soon after the appeals are filed rather than waiting for transcript completion. This new way of assigning all appeals will begin on January 1, 2013 and should shorten appellate time for appellants.

Successful Appeals and Other Legal Services Unit Litigation

Legal Services Unit Appellate Victories in the 2011/12 Fiscal Year

Counsel	Case	Action
Jim Streeto	<i>State v. Lewis</i> , 134 Conn. App. 262 (2012)	Reversed defendant's conviction because even though the jury had been discharged they were still in the courtroom when the defendant sought to have the jury polled.
	<i>Gaines v. Commissioner</i> , 306 Conn. 664 (2012)	Trial counsel was found to be ineffective for failing to investigate potential alibi witnesses.
	<i>State v. Jones</i> , Conn. App. (2012)	An Appellate Court reversal based on prosecutorial impropriety. The prosecutor not only improperly compelled the defendant to comment on the complainant's credibility, he used such comments during closing argument to the jury.
Jim Streeto and the late Kent Drager	<i>State v. Gonzalez</i> , 302 Conn. 287 (2011)	The defendant's convictions were reversed because no <u>Miranda</u> warnings were issued; the defendant was in custody, requested a lawyer and was asked to tell his story.
Neil Cone	<i>State v. Devalda</i> , 306 Conn. 494 (2012)	The defendant's kidnapping conviction was reversed because, where the acts that constituted the kidnapping were incidental to the sexual assault, failure to give such instruction was error even when the parties were adults.
Mark Rademacher	<i>State v. Santiago</i> , 305 Conn. 101 (2012)	The death penalty was reversed because the prosecution failed to disclose records that showed the dysfunctional nature of the defendant and his family which would have assisted in the mitigation phase of the penalty hearing.
Anna Jacob	<i>State v. Baptiste</i> , 302 Conn. 46 (2011).	The CT Supreme Court reversed the Appellate Court holding that there was no instructional waiver under <u>Kitchens</u> when the trial court did not give a copy of its proposed instructions to counsel and had only a short charge conference.
	<i>State v. Baptiste</i> , 133 Conn. App. (2012)	Appellate Court reversed defendant's conviction and ordered a new trial to decide with instruction whether the police were acting within the performance of their duties when the defendant was arrested for assault of a police officer.
	<i>State v. Johnson</i> , 137 Conn. App. 733 (2012)	Appellate Court reversed one of two drug convictions as a violation of double jeopardy principles.
Jennifer Bourn	<i>Ebron v. Commissioner</i> , 307 Conn. 342 (2012)	CT Supreme Court held that it was ineffective assistance where counsel failed to recommend acceptance of a favorable plea agreement. The case was reversed and remanded to the trial court for a determination re withdrawing the plea and accepting the original offer.
Richard Condon	<i>State v. LaFleur</i> , 307 Conn. 115 (2012)	CT Supreme Court reversed defendant's conviction holding that fists could not be a dangerous instrument and therefore there was insufficient evidence to convict the defendant of assault in the first degree.
	<i>State v. Clark</i> , 137 Conn. App. 203 (2012)	Appellate Court reversed the conviction and held that it was error to issue a standing restraining order where there was no household or family relationship between the defendant and the subject of the restraining order.
Marty Zeldis and Jennifer Tunnard	<i>State v. Crystal W.</i> (2012)	The Youthful Offender defendant took an interlocutory appeal because she was not given a hearing prior to being transferred to adult court from the YO docket. Upon motion and subsequent hearing, the defendant was ordered to have a transfer hearing pursuant to <u>State v. B.B.</u> and the appeal was withdrawn.
Elizabeth Inkster and Law Clinic student, James Siewert	<i>State v. Miguel C.</i> , 305 Conn. 562 (2012)	CT Supreme Court reversed the defendant's sexual assault and risk of injury convictions because the complainant was improperly allowed to testify to a confession allegedly made by the defendant to his wife.
Adele Patterson	<i>State v. Kalphat</i> , 134 Conn. App. 232 (2012)	The Appellate reversed defendant's conviction for intended sale of marijuana within 1500 feet of a school because there was insufficient evidence to show that a sale was intended within 1500 feet of the school.
Alice Osedach	<i>State v. Johnson</i> , 301 Conn. 630 (2011)	For a client who was found to be incompetent and not restorable the Supreme Court affirmed the dismissals of all but one of the convictions while it remanded one conviction to the trial court where it was subsequently dismissed as well.

Table 9: Successful Appeals and Other Legal Services Litigation

HABEAS CORPUS UNIT

The Habeas Corpus Unit's Contribution to the Result:

The Habeas Corpus Unit is responsible for the representation of financially eligible petitioners in habeas corpus cases arising from a criminal matter.

Staffing²:

During Fiscal Year 2011-12 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) and four (4) permanent attorneys assigned to the unit. One (1) permanent full-time attorney from another office and one (1) temporary attorney were assigned to the Habeas Corpus Unit for the first two weeks of the fiscal year. The support staff consists of two (2) investigators, three (3) paralegals, a secretary and a clerk. All remaining staff members are permanent employees assigned to the Habeas Unit.

Performance Measure

One: Caseloads. The Habeas Corpus Unit assigns newly opened habeas cases to staff attorneys and assigns conflict cases to Assigned Counsel.

Story behind the Base-

line: The decrease in newly opened cases resulted in part from delays in the process-

ing and referral of new habeas cases to the Habeas Corpus Unit from the Rockville Court. Sixty-eight (68) of the cases referred to the Habeas Corpus Unit were assigned to staff attorneys in the Habeas Corpus Unit. Despite the end of any significant delay for assignment of cases to Public Defender habeas staff counsel, the backlog of cases awaiting appointments of Assigned Counsel continued due to the shortage of attorneys willing to be appointed in habeas cases. Petitioners in need of assigned counsel experienced a delay of nine months or more before counsel could be obtained. At the end of the fiscal year, one-hundred and two (102) cases were awaiting appointment of counsel. Although the number of cases awaiting assignment of counsel decreased significantly from the two prior fiscal years, the Director of Assigned Counsel, located at the Office of Chief Public Defender, has taken steps to eliminate the backlog of cases awaiting appointment as well as the shortage of competent counsel willing to provide representation to petitioners.

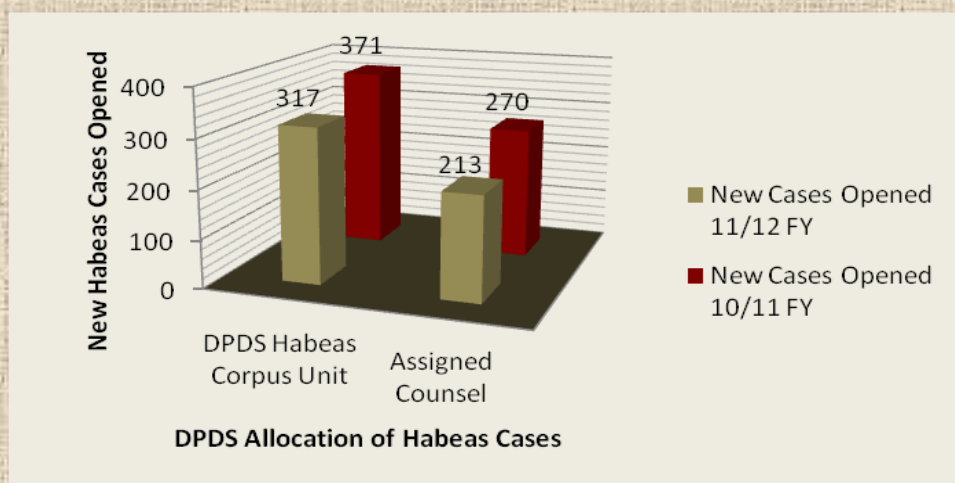


Chart 3: Performance Measure One—DPDS Habeas Cases
FY 2010/11- FY 2011/12

²The staff of the Habeas Corpus Unit was supplemented by the efforts of Deputy Chief Public Defender Brian S. Carlow, who employed his negotiating skills to quickly resolve seven cases, achieving relief for the client in approximately 49% of the cases he handled.

Performance Measure Two: Case Resolution³.

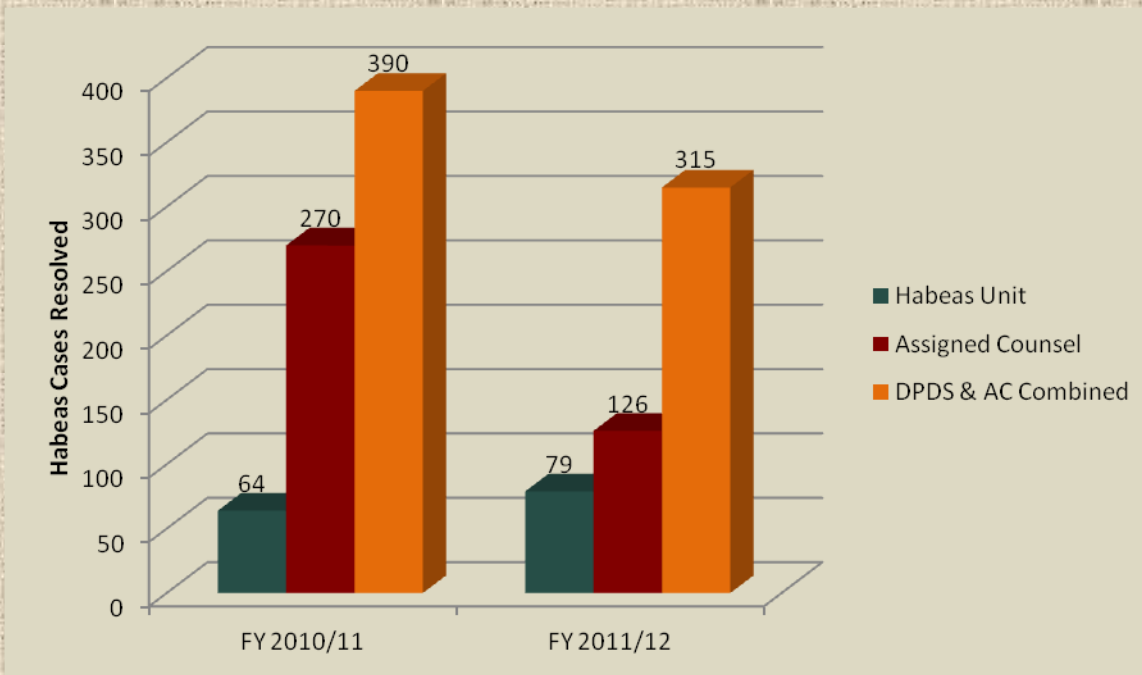


Chart 4: Performance Measure Two—DPDS Habeas Case Resolution FY 2010/11– FY 2011/12

Story Behind the Baseline: Public defenders and Assigned Counsel resolved approximately 19% fewer cases in the 2011/12 FY than the 2010/11 FY. Assigned Counsel resolved 53% fewer cases disposed during FY 2011/12 while in-house Habeas Unit attorneys resolved 23% more cases than in the previous fiscal year .

Performance Measure Three: Responding to Inmate Inquiries. In addition to new cases opened, Habeas Unit staff also responded inmate inquiries regarding habeas corpus matters.

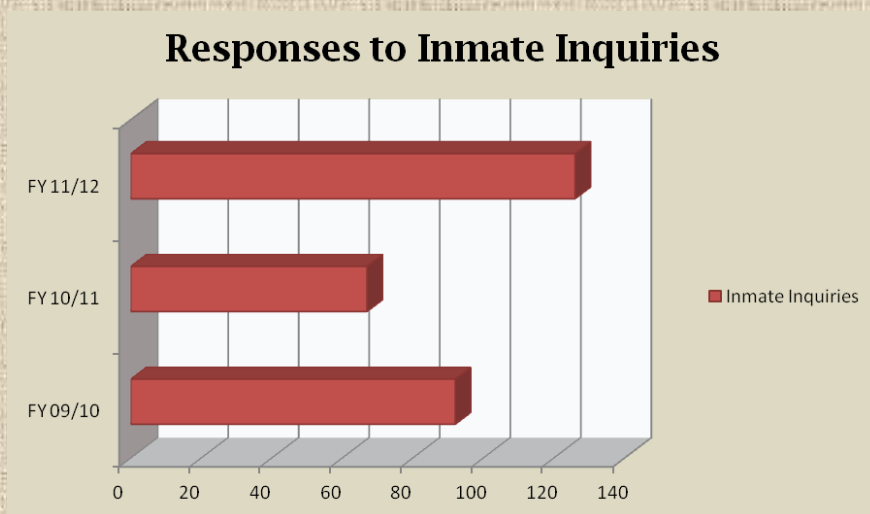


Chart 5: Performance Measure Three—Responding to Inmate Inquiries

Performance Measure Four: Pending Cases. There were one thousand fifty (1050) habeas cases (Habeas Unit staff and Assigned Counsel) pending at the end of Fiscal Year 2011/12. This represents an increase of forty-two (42) cases or 4% as compared to the one thousand and eight (1008) habeas cases pending at the end of Fiscal Year 2010/11. It is a 6% decrease from 2009/10’s one thousand one hundred and eighteen cases (1118) pending cases.

³An additional 53 cases were disposed of prior to the assignment of any counsel. These cases include those in which the petitioner is not financially eligible.

Performance Measure Six: Litigation. Habeas Corpus Unit attorneys tried eight (8) cases in FY 2011/12, as compared to fifteen (15) cases in FY2010/11. While none of those trials resulted in relief for Habeas Corpus Unit clients, unit attorneys gained relief for their clients in twenty-two (22) cases resolved via stipulation or litigation at the trial court level. Overall Habeas Corpus Unit attorneys gained relief for their clients in 14% of all cases they disposed of in 2011-2012.

PSYCHIATRIC DEFENSE UNIT

Psychiatric Defense Unit’s Contribution to the Result:

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.

Staffing:

The Unit is currently staffed by a Chief of Psychiatric Defense Services, one additional staff attorney, a social worker and one (1) paralegal. 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.

Performance Measure One: Caseload. Clients are represented at treatment team meetings, PSRB hearings, discharge hearings before the trial court, and appeals. The Unit also advocates for discharge from PSRB jurisdiction, conditional releases and temporary leaves. The Unit continues to pursue constitutional challenges to the recommitment statute.

Story Behind the Baseline:

While active caseload has remained steady since the 2008/09 FY, full discharges from the PSRB have declined. For the first time, the Psychiatric Defense Unit began

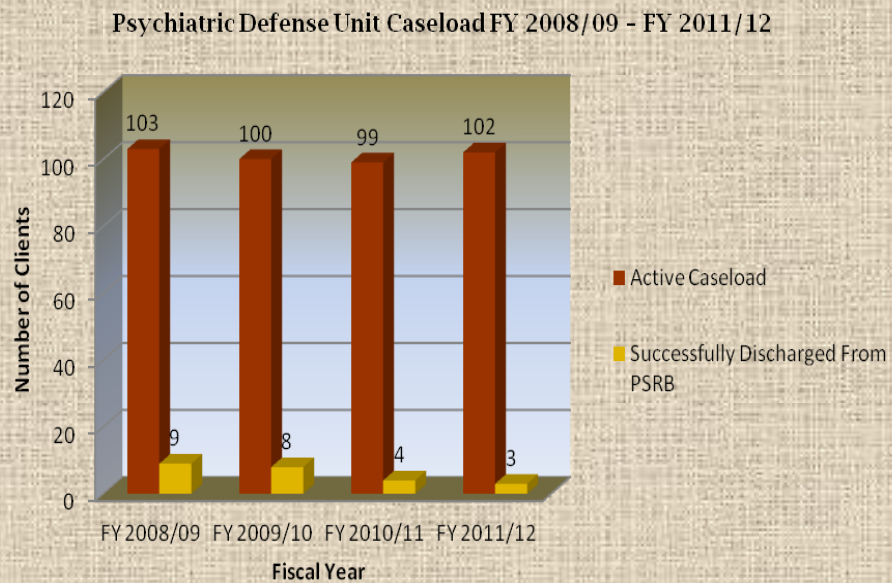


Chart 6: Performance Measure One - Psychiatric Defense Unit Caseload

breaking down the client caseload and the advocacy figures. This provides a more nuanced understanding of the advocacy victories. See Charts 7 and 8 below.

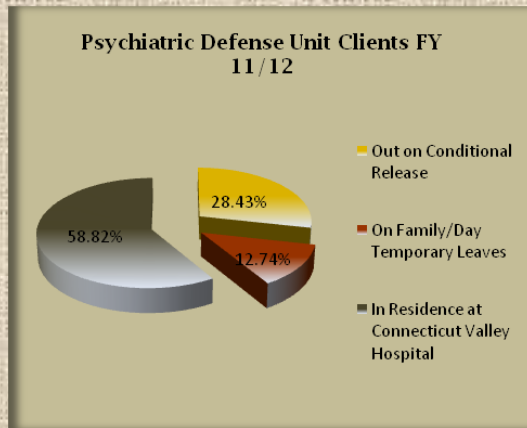


Chart 7: FY 11/12 Caseload Detail

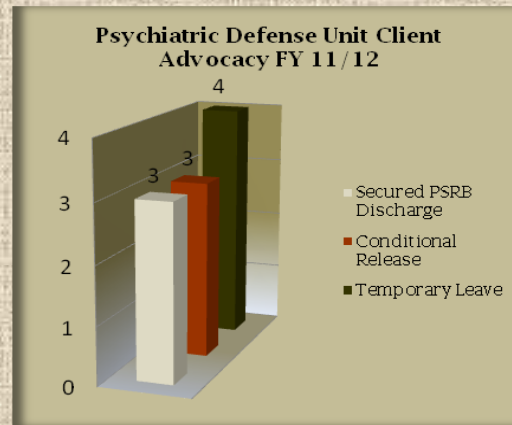


Chart 8: FY 11/12 Client Advocacy Detail

Performance Measure Two: Policy Advocacy. 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

Connecticut Innocence Project’s Contribution to the Result:

Connecticut Innocence Project Contribution towards the Goal: The Connecticut Innocence Project (CTIP), a specialized unit of the Office of Chief Public Defender, continues its mission to identify and exonerate individuals who have been convicted of crimes for which they are factually innocent. Most of the work involves post-conviction review of innocence claims in non-DNA cases. The process of review is lengthy and arduous, requiring patience and attention to detail.

Partners: *McCarter & English Attorneys at Law, Division of Criminal Justice, Department of Emergency Services and Public Protection (State Forensic Lab), Connecticut Department of Correction*

Performance Measure One: Fund Post-Conviction Review of Innocence Claims in non-DNA Cases. In recognition of the difficulty of proving the innocence of those convicted of crimes where DNA evidence does not exist the Department of Justice commenced a Wrongful Convictions Grant specifically for such cases. CTIP applied and was fortunate to receive grant funding for this purpose. The funding allowed CTIP to hire additional federal grant (non-permanent) staff including an investigator and project assistant.

Performance Measure Two: Continued work on Post-Conviction Review of Innocence Claims in DNA cases. In 2011, the Connecticut Innocence Project (CTIP) continued its work on the collaborative effort known as the “*Connecticut Post-Conviction DNA Testing Program*.” The DNA Testing Program is a joint cooperative project among The Office of Chief Public Defender, the Office of the Chief State’s Attorney and the State of Connecticut Forensic Laboratory. The three agencies were jointly awarded a total of approximately \$3 million by the U.S. National Institute of Justice in response to joint applications for funding filed in both 2009 and 2011. Two (2) Attorneys have continued their work under the DNA Program, along with one (1) experienced Investigator. Through the 2011 grant funds, CTIP was able to hire a DNA project assistant. Jennie Albert (Manager of Information Services & Research- Office of Chief Public Defender) oversees the grants awarded to CTIP, particularly the application processes and reporting requirements while Financial Officer Carmen Perez oversees the financial aspects of the grants.

Performance Measure Three: Exonerations. To date, the Connecticut Innocence Project has had three (3) clients released and exonerated based on new DNA evidence. James Calvin Tillman, Miguel Roman and Kenneth Ireland were each released and exonerated after serving lengthy prison sentences for crimes which they did not commit. In each of the three cases, the post-conviction DNA testing which proved innocence led to the arrest and conviction of the actual perpetrators of the offenses. Additionally, in Mr. Roman’s case, the actual perpetrator was arrested for two (2) additional cold case murders.

Performance Measure Four: Policy and Education. 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. Additionally, almost every member of the staff has had an opportunity to speak at educational and civic forums on the issues surrounding innocence. CTIP has had a presence on the Eyewitness Identification Task Force, the Governor’s Forensic Working Group, and the Advisory Committee to the Commissioner of the Department of Emergency Services and Public Protection for the hiring of a new Director of the Forensic Science Laboratory.

SIDEBAR:



Special Thanks to McCarter & English

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 to the clients it serves.

In October, 2012, the efforts of Attorneys Charlie Ray and former McCarter associate Matt Wiener, were recognized in the Connecticut Supreme Court decision of *State v. Brady Guilbert*, in which the Court ruled favorably on the admissibility of eye witness identification experts.

ASSIGNED COUNSEL

(FORMERLY SPECIAL PUBLIC DEFENDERS)

Assigned Counsel's Contribution to the Result:

In July of 2011, the Office of Chief Public Defender became the administrator for all contract attorneys handling criminal matters, child protection matters, family court guardian ad litem (GAL) matters, and assignments to indigent parties in support enforcement matters. This increase in responsibility created a variety of challenges for this agency, however the transition was smooth.

Performance Measure One: Contracted Assigned Counsel. The number of attorneys under contract with OCPD, which increased to approximately four hundred and fifty (450), is now referred to as Assigned Counsel. These attorneys entered into approximately 1300 combined agreements during FY 2011/12. See Chart 9 below for comparisons among FY figures.

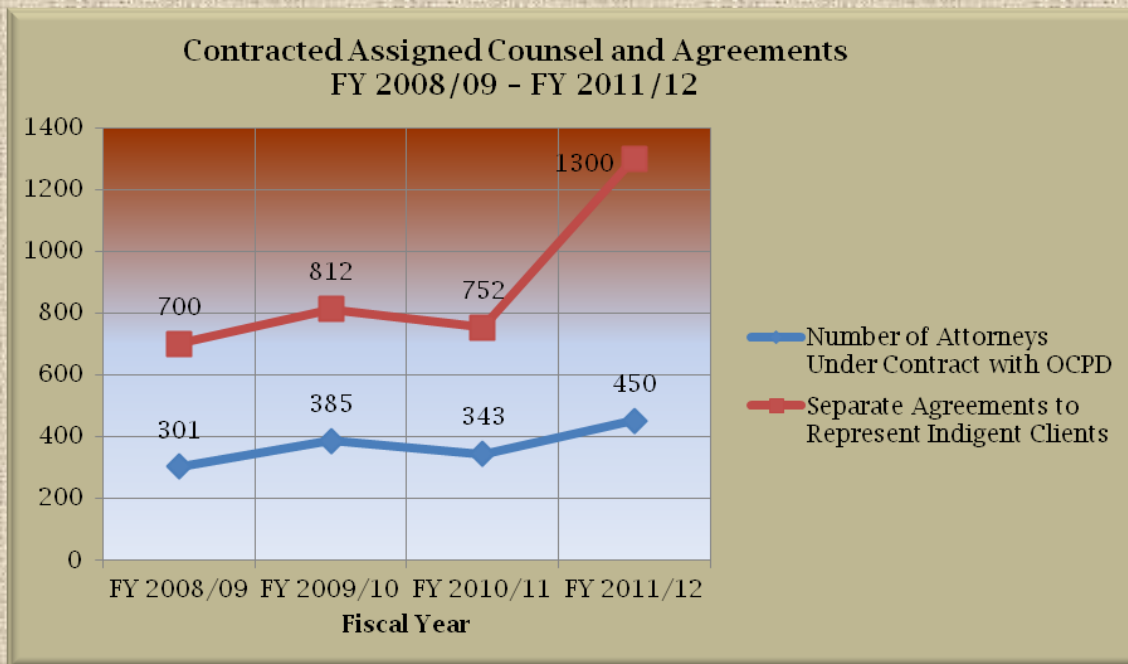


Chart 9: Performance Measure One - Contracted Assigned Counsel and Agreements

Performance Measure Two: Resources and Assignments: In July 2012 the death penalty was repealed by the state legislature for prospective cases. While this will significantly impact the assignment of these very demanding cases in the long run, there are still several cases currently being handled by OCPD and Assigned Counsel at the trial level, on appeal and through writ of habeas corpus. These cases are expected to continue to place a significant demand on resources going forward. In addition to this, the matter of In Re Racial Disparity in Death Penalty Cases remains an ongoing demand for this agency. The

increase in case assignments to attorneys under contract essentially doubled from FY 2010/11 to FY 2011/12. The four hundred and fifty (450) attorneys under contract handled a total of approximately eighteen thousand eight hundred and forty cases (18,840) cases during the 2011/12 fiscal year. These cases are broken down and compensated for in chart 10 below:

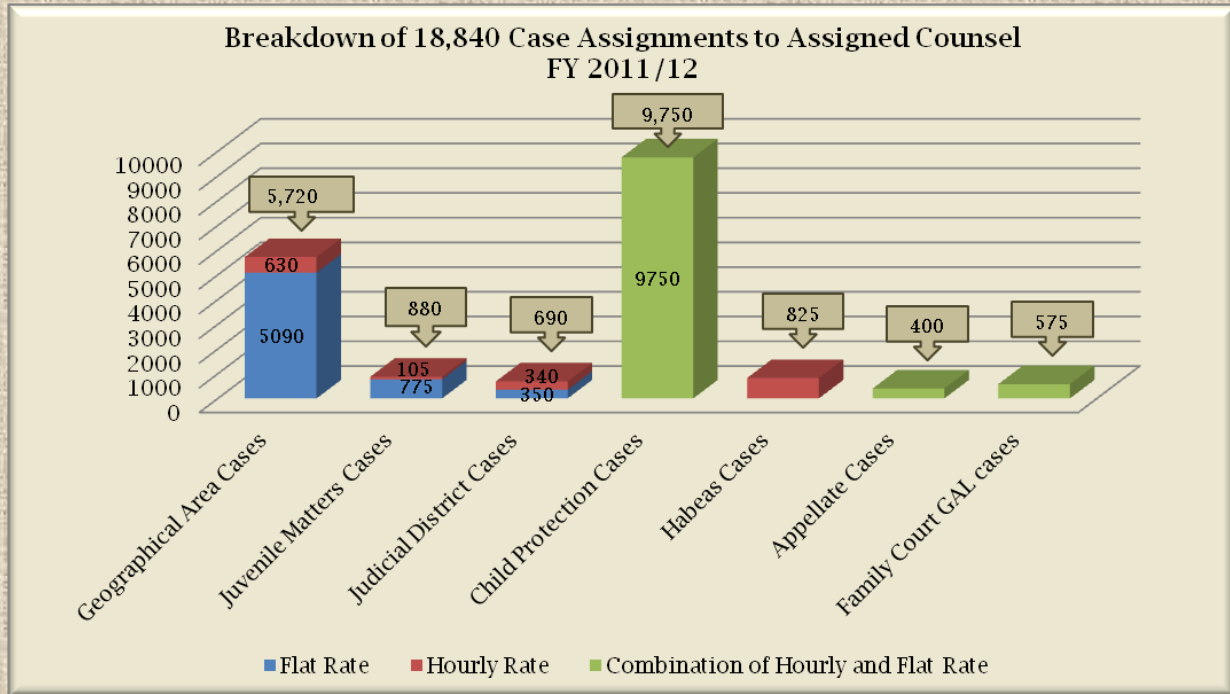


Chart 10: Performance Measure Two - Case Assignments to Assigned Counsel

Story Behind the Baseline: Child Protection and Family Court GAL cases added an additional ten thousand three hundred and twenty five (10,325) case assignments to the Assigned Counsel rosters in FY 2011/12. All habeas matters cases and those cases that present additional case complexities are billed on an hourly rate. All flat rate cases are compensated on an hourly basis for trial work and client visitation. These important activities are encouraged by providing this additional compensation. This combination presents the appropriate balance between flat rate and hourly assignments.

Performance Measure Three: Case Backlogs. Beginning July 1, 2012 OCPD began to expand the “firm” model for habeas appointment. There are currently 5 firms approved to receive habeas case assignments under this model. These firms are compensated at the rate of \$65/hr instead of \$75. Because there are several attorneys approved to work on each assignment interchangeably, this allows the firm more flexibility and results in higher quality representation for the client. This is a very efficient method of providing representation to the clients and greatly helps in preventing a backlog of case assignments.

Performance Measure Four: Resources for Assigned Counsel. In FY 2011/12, vital resources were devoted to enhance Assigned Counsel services. The significant level at which the services were allocated greatly facilitated the ability of 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.

Substantial resources were 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.

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 and whenever appropriate, the Division's Legal Counsel, the Director of Juvenile Delinquency Defense and Child Protection, members of the Office of Chief Public Defender and members of the Division's field offices and Child Protection office.

Performance Measure Five: 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 and act as a resource and 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.

SIDEBAR:

Assigned Counsel Approved Lists

All Assigned Counsel are required to sign an annual agreement. This agreement may be modified during the course of the fiscal year. Such modifications shall be in writing. Beginning July 1, 2012 the approved list for JD assignments became a statewide list. This enables any JD field office to select any attorney from the statewide list without requiring any modification to the attorney's existing agreement. In addition, all JD approved attorneys are presumptively GA approved and can therefore accept an assignment in any GA location without requiring any modification of their agreement.

ASSIGNED COUNSEL TRAINING IN FY 2011/12

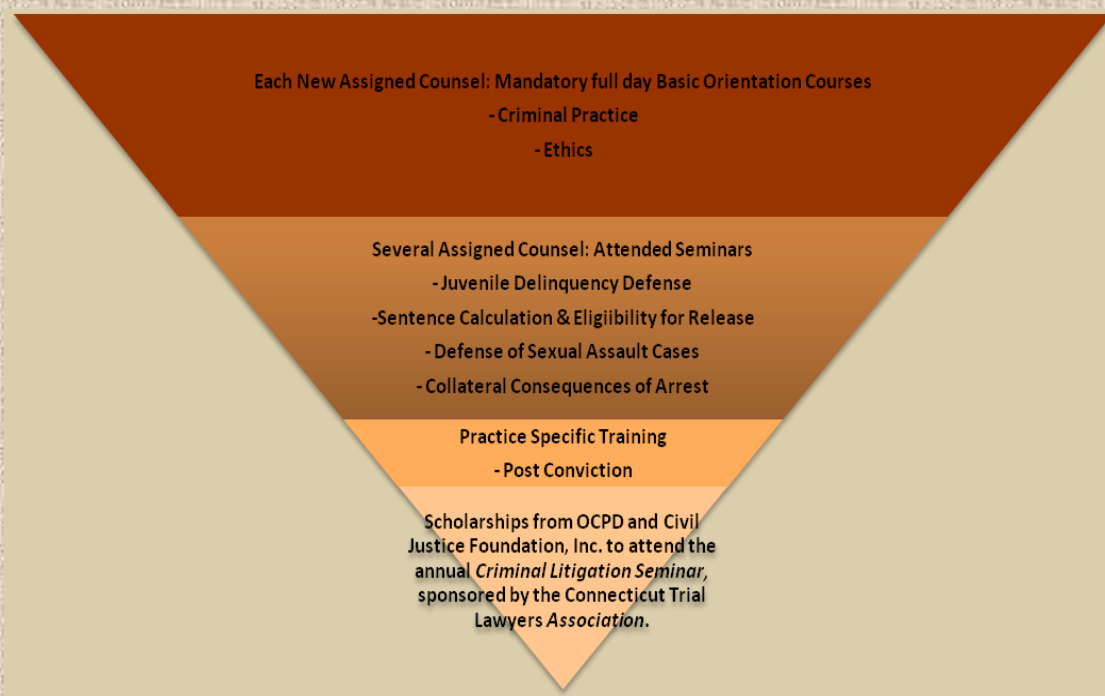


Figure 8: Performance Measure Five – Assigned Counsel Training Opportunities FY 2011/12

SOCIAL WORK

Social Work's Contribution to the Result:

Social workers, an integral and indispensable part of the defense team, recommend pretrial and sentencing alternatives to incarceration to the Court on behalf of clients. Public Defender 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.

Staffing:

As of January 2013 the Division is fortunate to have a total of forty one (41) permanent social work positions and two (2) per diem grant positions under the Byrne/Justice Assistance Grant Program for Domestic Violence Social Workers in Public Defender Offices. There are also two (2) vacant positions. Many of the social workers have or are pursuing advanced Master's of Social Work Degrees and clinical licensure. Social workers are situated in field offices and specialized units throughout the state.

Partners: *Judicial Branch/Court Support Services Division, Department of Correction, Department of Mental Health and Addiction Services, Department of Social Services, Department of Children and Families, University of Connecticut Correctional Managed Healthcare, University of Connecticut School of Social Work, Southern Connecticut State University School of Social Work.*

Performance Measure One: Referrals. 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. Public Defender social workers 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. Public defender social workers in adults courts were referred five thousand and five (5005) new clients in the 2011/12 FY.

Performance Measure Two: Adult Plan Alternatives. Social workers in the Geographical Area (GA) and Judicial District (JD) offices assist clients with crisis intervention and alternative plans and recommendations.

Story Behind the Baseline: Approximately five thousand one hundred and eighteen (5118) public defender clients were assisted through crisis intervention and alternative court sentencing plans during the 2011/12 FY.

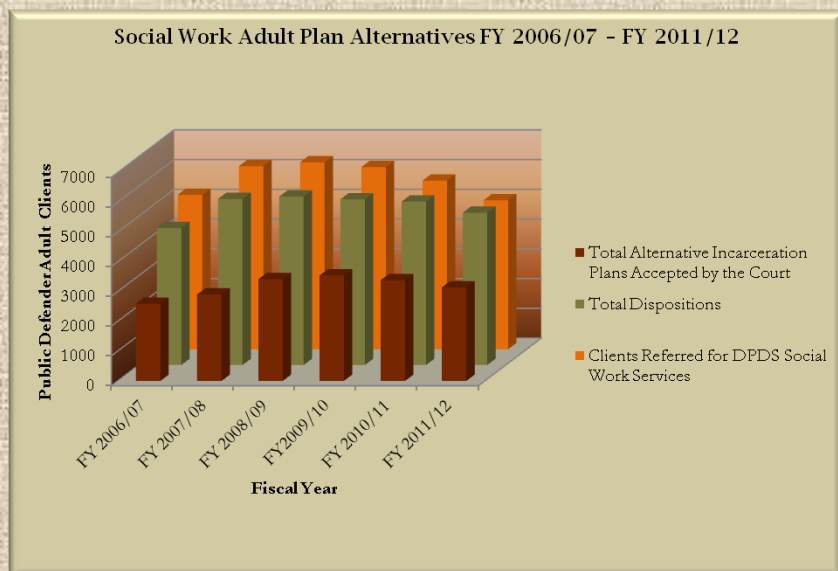


Chart 11: Performance Measure Two: Adult Plan Alternatives

Approximately 61% of the alternative plans and recommendations developed by public defender social workers were totally or partially accepted by the Court as alternatives to incarceration.

Performance Measure Three: Juvenile Matters Diversion. DPDS Juvenile Matters offices make a concerted effort to keep children in their communities, whenever possible, with comprehensive support services.

Story Behind the Baseline: In FY 2011/12, three hundred eighteen (318) court-involved children were assisted by Public Defender social workers in the Juvenile Matters offices. Approximately 44% of the children receiving social work services were successfully diverted from the delinquency docket altogether and an additional 33% remained in their communities on probation.

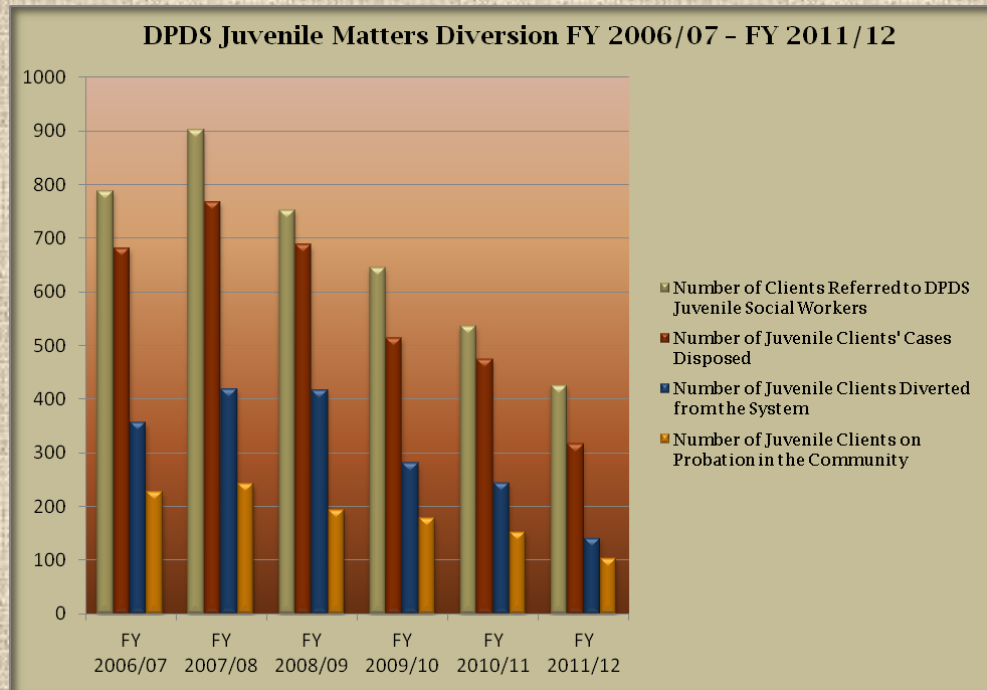


Chart 12: Performance Measure Three: Juvenile Diversion

Approximately 300 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 insure 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.

More than 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.

Performance Measure Three: Inter-Agency Collaboration. The social work staff has reached out to other state and community agencies in an effort to coordinate services. The social work staff continues 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 continues to work 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 correctional facilities.

Performance Measure Four: Community Participation. 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 place. The social workers again 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, and the Commission for Cultural Affairs in the City of Hartford.

SIDEBAR:

**Mary Hoban, Chief Social Worker
Division of Public Defender Services
retired after more than 30 years of
dedicated service.**

Mary, originally a social work intern from the University of Connecticut School of Social Work, was integral to the development of the Division's nationally recognized statewide social work unit.



Pictured Left to Right: Mary Hoban, Aimee Golbert and Catherine Meyer / Mary Hoban, Phillip Armentano/

Priscilla Kokinas, Gerard Smyth, Catherine Meyer, Judith Wildfeuer, Mary Hoban

TRAINING and PROFESSIONAL EDUCATION

Training Department's Contribution to the Result:

The Training Department provides education and support to division employees and Assigned Counsel responsible for providing quality representation to indigent defendants.

Staffing:

The 2011/12 Fiscal year was a productive yet challenging year for the Training and Education Department. Due to fiscal constraints, the training Department was reduced to one lawyer in the 2011/12 FY.

Performance Measure One: In-House Training. The Training Department provides in-house training opportunities to attorneys. In FY 2011/12 training held eight (8) regional and one (1) statewide training on the Appellate decision *Kitchens*. One hundred eighteen (118) attorneys attended the trainings. Three hundred eighty six (386) attorneys participated in additional seminars held during the 2011/12 FY that covered issues related to sentencing calculation, ethics, mental health and Department of Correction.

Performance Measure Two: Train the Trainer. The Training Department continued to rely on the "Train the Trainer" approach to affordably expand the Division's knowledge base when employees attend outside advanced trainings and trial schools. In addition to the thirty-three (33) attorneys who participated in out of state training and the eighty-nine (89) who attended in state, three (3) brought back valuable information from the two week National Criminal Defense College's Trial Practice Institute in Macon, Georgia.

Performance Measure Three: Capital Defense Training. The Training Department continued the division's commitment to training individuals on the issues pertaining to capital defense. During FY 2011/12 the division represented several clients facing the death penalty or post-conviction death sentences. Seven (7) attorneys attended national capital defense conferences and trainings during the year.

Performance Measure Four: Encouraging Professional Growth and Knowledge for Assigned Counsel and Division Investigators, Social Workers and Clerical Staff. Thirty-four (34) members of the division participated in thirty-seven (37) classes offered by the Department of Administrative Services topics ranging from computer technology to grant writing. Approximately one hundred (100) additional staff also participated in seminars on topics including gambling addiction, criminal investigation, defending abuse and neglect cases, sex trafficking, immigration consequences, appellate advocacy, and criminal litigation.

Performance Measure Five: New Attorney Training. The Training Department continued to provide skills programming for new attorneys through a well-established first year curriculum that provides both group and individualized learning environments. Throughout the five training days, experienced employees of the Division participated as lecturers, group leaders and witnesses.



Figure 9: Performance Measure Five—New Attorney First Year Curriculum⁴

Performance Measure Six: Collaboration with Other Agencies and Organizations. In an effort to work with our criminal justice partners, the division collaborated with experts from Department of Correction, the Board of Pardons and Parole on Sentencing Calculations and Eligibility for Release during the New Attorney Training. Between these two days of training one hundred and fifty-four (154) public defenders, Assigned Counsel and members of the private bar were in attendance. For the eighteenth year, public defenders and one former also public defender taught a Basic Criminal Practice class 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.

⁴Left to right: Emily Wagner, Yue Zheng, Keith Zackowitz, Russ Williams, Jared Millbrandt, Sara Swallen, Mark Holmes, Dana Sanetti, Jenna Marshall, Megan Hill, Peter Matthews, Karen Lydecker, Elizabeth Mullin, and Assigned Counsel Sarah Summons.

Performance Measure Seven: Provide On-Line Educational Tools for Division Attorneys and Assigned Counsel. For the fifth year, the Training Department and the Legal Services Unit continue to summarize Appellate and Supreme Court decisions through *New Case News*. To date over 1200 cases have been summarized and are accessible through the website.

Performance Measure Eight: Provide On-Line Educational Tools for Division Attorneys and Assigned Counsel. For the fifth year, the Training Department and the Legal Services Unit continue to summarize Appellate and Supreme Court decisions through *New Case News*. To date over 1200 cases have been summarized and are accessible through the website.

Performance Measure Nine: Provide Learning Opportunities for Future Employees. The Training Department provides intern orientation at least three times a year.

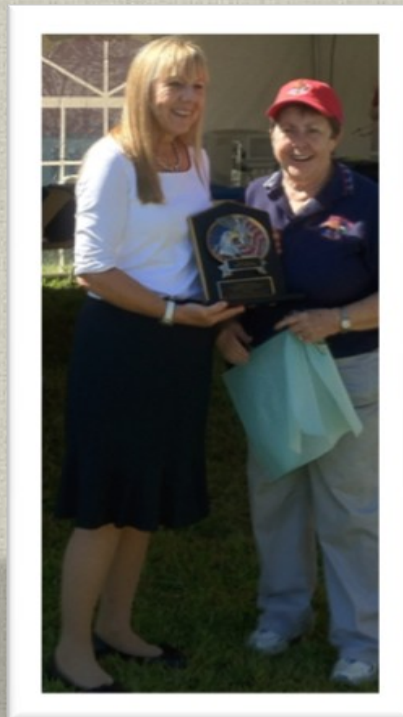
SIDEBAR:

Stand Down for Connecticut Veterans Since 1992

This year twenty-five (25) 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 one hundred thirty five (135) veterans 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.

Special Recognition

Both the Division of Public Defender Services and Susan O. Storey received awards from the CT Department of Veterans' Affairs in appreciation for support of CT veterans at the CT Stand Down from 1992-2012.



Chief Public Defender Susan O. Storey accepting an award from Deborah Schwartz, Commissioner of the Department of Veterans' Affairs

INFORMATION TECHNOLOGY

Information Technology's Contribution to the Result:

The Systems Department provides information technology services to all Division offices and personnel, which including computers, printers, networks and software applications.

Partners:

State of CT Judicial Branch, Bureau of Enterprise Systems & Technology (BEST), Department of Corrections (DOC) and Department of Motor Vehicle (DMV).

Staffing:

One (1) Systems Manager, Two (2) Systems Specialist and One (1) Network Administrator

Performance Measure One: Strategic Planning. In 2012, the Division's main goal for technological improvements was to assess what we are currently doing from a business perspective, how we currently share and receive information and how we can best take advantage of the Connecticut Information Sharing System (CISS) initiative the State of Connecticut is currently developing.

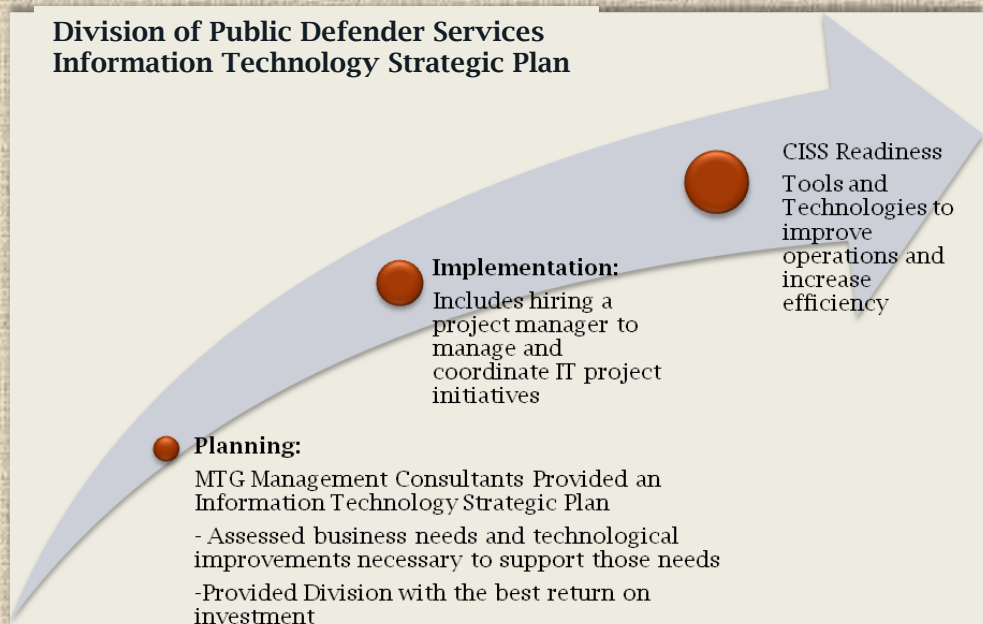


Figure 10: Performance Measure One—Strategic Planning

Performance Measure Two: Database Efficiencies. The integration of Child Protection to the Division of Public Defender Services in 2011 added additional responsibilities to the systems department. The Information Technology department developed, designed and installed a comprehensive Microsoft Access database to replace an expensive outsourced system. This new system is designed to help assign and track counsel in all child protection matters. The system is faster and more tailored to meet the needs of the Child Protect staff than the previously used system. In addition, the system developed in 2011 to track Guardian Ad Litem and Attorney for Minor Children training sessions has continued to saved a great deal of time by reducing redundancy in tracking class attendees, types of classes, who completed the classes for certification and other pertinent information.

Performance Measure Three: Technological Utility and Efficiency. The Division endeavors to provide the most cost effective and technologically useful hardware and software to Division staff. This includes a wide array of products; each with its own benefits to the user and the agency.

Story Behind the Baseline:

With the Division of Public Defender Services administering to forty-four (44) offices and five-hundred and thirty (530) personal computers through-out the state, it is essential to have the ability to manage these systems quickly and efficiently.

Performance Measure Four:

Tools. The Division is in the third year of a five year contract with LexisNexis. 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.

Included in the five year contract with LexisNexis is access for our investigator staff. Our investigators have access to LexisNexis Investigative Portal, a search engine that quickly delivers information to help locate individuals, businesses and assets. LexisNexis's vast internet database allows investigators to more quickly conduct criminal investigations, locate witnesses more readily, and many other client related purposes. 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 continues to have online access to data from Judicial Information Systems' *Criminal/Motor Vehicle System* (CRMVS), the Department of Motor Vehicles and portions of Department of Corrections *Inmate Information System*. The continuing support of the Judicial Branch, the Department of Motor

Division of Public Defender Services Technological Utility and Efficiency Measures

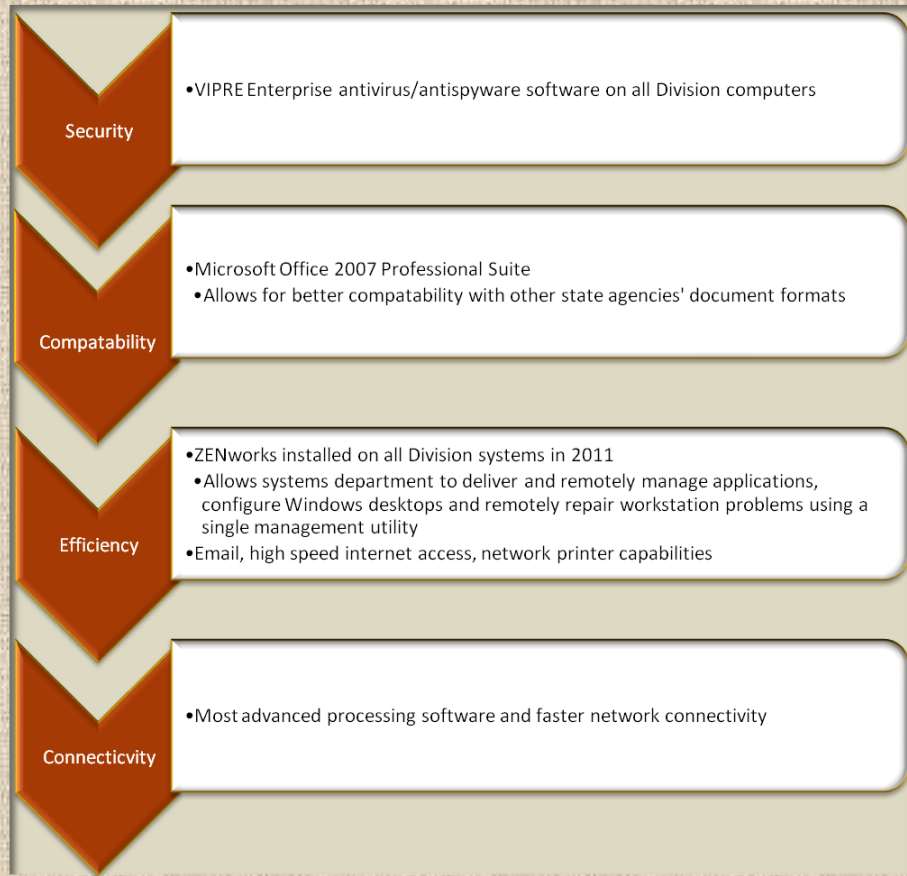


Figure 11: Performance Measure Three—Technological Utility and Efficiency

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.

Performance Measure Five: Web Resources. In 2011 the Division joined the State of Connecticut web portal. The state web portal hosts our agency website and continues to allow the Division to take advantage of the tools available from the portal template: Calendaring, E-Alerts, Remote administration and Google Analytics (provides insight 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.

Story Behind the Baseline: Additions to the Division's website include a link to New Case News, Training Department events, Child Protection Services, Family Matters, 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 which is also 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 human resource, financial and administrative forms online in fill-able adobe format.

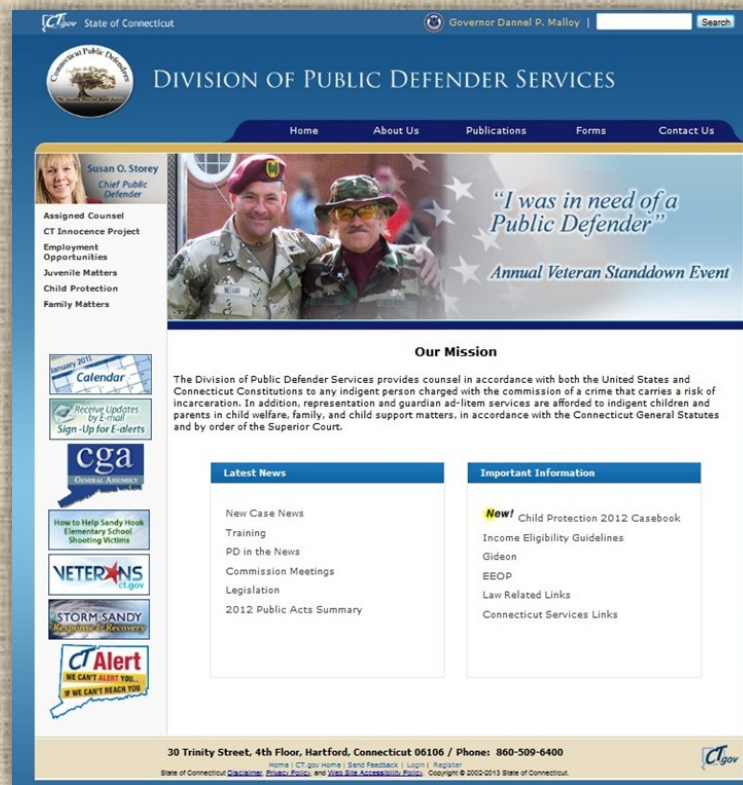


Figure 12: Performance Measure Five—Web Resources

Performance Measure Six: Electronic Case Management. In 2010 the Division converted from a Microsoft Access based case tracking system (30 separate access databases in 20 offices). This new system has increased productivity, improved reliability and enhanced functionality. In addition, the system has also allowed better caseload management, statistical analysis, scheduling and reporting from any division computer. In 2011, this department began making changes to our case tracking codes and tables to correspond to the Judicial criminal system. These changes have allowed the Division to import a Judicial feed for all new cases and populate new docket information. This reduces both time spent on data entry and data entry errors.

LEGAL TECHNOLOGY AND STAFF DEVELOPMENT

Legal Technology and Staff Development’s Contribution to the Result:

Provide Division staff with electronic data discovery (EDD) services, as well as guidance, consultation, and creation of demonstrative exhibits for trials and hearings.

Performance Measure One: Electronic Data Discovery. Technology in litigation has expanded across the Division this past fiscal year. Electronic data discovery has been an integral part of trial work in Judicial District offices for many years, but now many cases in Geographical Area courts have required assistance with such technologies. As a result, the Manager of Legal Technology Planning and Staff Development has assisted a larger number of Division staff by offering EDD services during pretrial work, as well as creating demonstrative exhibits for trials and hearings. Such pretrial work consisted of providing guidance and consultation with audio transmissions, 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.

Story Behind the Baseline: As this use of technology has grown, the demand for support has also increased. The number of requests this department handled rose considerably in the past year. Sustaining such support has become more difficult, and going forward, will require more resources. Since the current budget climate does not afford such support, this department has adapted by providing more individual training to personnel in an effort to help offices in the Division become more self-sufficient.

Performance Measure Three: Online Features. Legal Technology and Staff Development has collaborated with various Division personnel to develop time and cost efficient online features.

Legal Technology and Staff Development: Recent Online Features		
<p>Searchable Expert Database</p> <ul style="list-style-type: none"> - Facilitates Information Sharing across the Division in one cohesive structure accessible online to Division Personnel - Enhances productivity by enabling staff to remotely access the information - Enhances cost efficiencies by including expert rates 	<p>Expanded Training Department Website</p>	<p>In conjunction with Training and Assigned Counsel Departments created online registration system for seminars and workshops</p> <ul style="list-style-type: none"> - Saves personnel hundreds of hours of time by eliminating the need for support staff to process each individual registration and confirmation

Story Behind the Baseline: In the past fiscal year, more than one thousand people have registered for training sessions using the online registration system. As awareness of such technological benefits and capabilities becomes greater, the Training website will continue to expand and remain an invaluable resource for Division personnel.

Figure 13: Performance Measure Three—Online Features

INFORMATION SERVICES AND RESEARCH

Information Services and Research’s Contribution to the Result:

The Information Services and Research (ISR) Department is responsible for: monitoring data collection; generating monthly, quarterly and annual statistical reports for the Division; overseeing archiving; grant writing and management; and oversight of various research initiatives.

Staffing:

The ISR Department is staffed by one (1) Manager of Information Services and Research and one (1) secretary.

Partners: *Office of Policy and Management, Connecticut Statistical Analysis Center, National Institute of Justice, Department of Justice, National Legal Aid & Defender Association, Criminal Justice Policy and Planning Workgroup Members (Court Support Services Division, Department of Correction, Department of Mental Health and Addiction Services, Department of Emergency Services and Public Protection), Office of the Chief State’s Attorney*

Performance Measure One: Training. ISR provided support and training to field offices throughout the 2011/12 FY on topics including archiving, Case Tracking, statistical reporting and organization. In addition to triaging questions and issues related to the Case Tracking system, this department provided individual and group trainings to new Case Tracking users.

Performance Measure Two: Data Fidelity and Improvement.

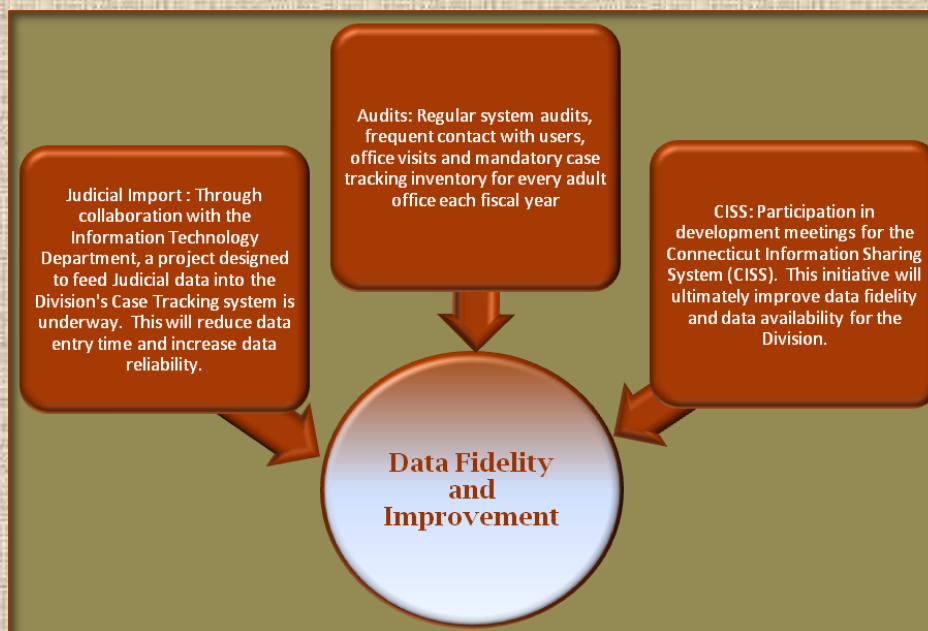


Figure 14: Performance Measure Two—Data Fidelity and Improvement

Performance Measure Three: Professional Research Collaboration. The Manager of ISR continues to participate in the Criminal Justice Policy & Planning (CJPAC) Research Workgroup led by the Director of the Statistical Analysis Center, Ivan Kuzyk.

In April, 2012 the Division was chosen as one of three pilot sites by the National Legal Aid & Defender Association and the North Carolina Systems Evaluation Project to help develop a toolbox of performance measures for Indigent Defense Organizations across the country. This project will be completed in December, 2013.

Performance Measure Four: Grant Funding. In FY 2011/12 ISR monitored and provided statistical analysis for three federal grants and two pass-through federal grants through the Office of Policy and Management.



Figure 15: Performance Measure Five—Grant Funding



COST¹

Expenditures FY 2011/12

The Public Defender Services Commissions' Actual Expenditures for FY 2012 totaled \$64,006,396. Below is a break-out of the actual expenditures for the agency:

Account	FY 2012
Personal Services	\$ 38,486,090
Other (Operating) Expenses	\$ 1,527,229
Assigned Counsel - Contractual	\$ 3,446,825
Assigned Counsel - Non Contractual	\$ 6,290,248
Expert Witnesses	\$ 2,449,983
Training and Education	\$ 99,483
Contracted Attorneys	\$ 10,656,565
Contracted Attorneys Related Expenses	\$ 146,501
Family Contracted Attorneys/AMC	\$ 586,246
Equipment	\$ 65,232
Federal Funds/Private Donations	\$ 251,995
Total FY 12 Actual Expenditures	\$ 64,006,396

Table 10: FY 2011/12 Expenditures

The Commission's FY 2012 expenditures of \$64 million supported a permanent staff of 397 full-time and nine (9) part-time employees, 210 of who were attorneys. Other staff consisted of administrative, social work, investigative, secretarial and clerical personnel. In addition, the Commission employed two (2) attorneys and one (1) investigator under the Post-Conviction DNA Testing Grant for the Connecticut Innocence Project, two (2) social workers under the Public Defender Social Workers and Connective Domestic Violence Grant and one (1) clerical support person under the Juvenile Accountability Incentive Block Grant Program.

¹This chapter was contributed by Stephen Hunt, Financial Director.

Appropriated Budget 2012/13

In FY 2013, the Commission's total available appropriation, as adjusted for savings under Public Act 12-104, is \$62,006,717² to support a staff of 397 full time positions, nine (9) part-time positions and eleven (11) federal grant positions. Below is a break-out of the FY 2013 appropriations.

Account	FY 2013
Personal Services	\$ 37,618,994
Other (Operating) Expenses	\$ 1,471,204
Assigned Counsel - Criminal	\$ 8,522,248
Expert Witnesses	\$ 2,125,000
Training and Education	\$ 95,219
Assigned Counsel - Child Protection	\$ 9,936,718
Contracted Attorneys Related Expenses	\$ 151,577
Family Contracted Attorneys/AMC	\$ 608,149
Equipment	\$ 158,805
Federal Funds/Private Donations	\$ 1,318,803
Total FY 13 Available Appropriations	\$ 62,006,717

Table 11: FY 2012/13 Appropriated Budget

Public Act 12-104 brought about numerous significant changes to the FY 2013 budget for the Public Services Commission. First, the structure of Assigned Counsel funding was changed. In previous years, two separate accounts for special public defenders existed, a Special Public Defender - Contractual account and a Special Public Defender - Non-Contractual account. The FY 2013 budget consolidated these two accounts and created a single account, Assigned Counsel - Criminal, for Assigned Counsel funding.

Secondly, the Commission received funding for eight (8) positions associated with the Raise the Age initiative. Funding of \$495,407 was provided to reflect increasing the age of juvenile jurisdiction to include 18 year olds. These eight positions included five (5) attorneys and three (3) juvenile social workers.

Lastly, the FY 2013 budget was reduced by \$500,000 to reflect savings associated with the elimination of the death penalty as a sentencing option. The reduction of three (3) positions was included as part of these savings, in addition to Assigned Counsel and Expert Witness savings.

² The Commission's original FY 2012 General Fund appropriation of \$62,051,523 was reduced by \$44,806 as a result of programmed General Lapse savings. This included a reduction of \$44,806 to the Assigned Counsel - Child Protection account.

COST PER CASE TYPE

In FY 2012, a caseload of approximately 100,969 was handled by the Commission's staff and contracted attorneys funded out of the General Fund, at a cost per case of \$631, 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 12 Expenditures	Cost per Case
Capital	24	\$ 2,853,698	\$118,904
Appellate	258	\$ 1,912,676	\$7,413
Habeas	317	\$ 1,509,500	\$4,762
JD	3,244	\$ 10,671,206	\$3,290
Assigned Counsel	18,840	\$ 20,437,955	\$1,085
Juvenile	6,161	\$ 4,362,615	\$708
GA	72,125	\$ 17,153,805	\$238

Table 12: Cost Per Case Type

FEDERAL GRANTS

FY 2012 Grant Funding Expenditures: \$251,995

In FY 2012, \$4,506 in continued federal and state match funds was available to the Division under the Juvenile Accountability Incentive Block Grant Program. In FY 2012, \$4,506 was spent to fund one (1) clerical support staff. The grant ended September 30, 2011.

In FY 2012, there were transferred grant funds of \$119,051 issued to the agency from the Division of Criminal Justice and the Department of Emergency Services and Public Protection (Connecticut Forensic Sciences Laboratory). This was a federal grant funded by the Office of Justice Programs under the Post-Conviction DNA Testing Assistance Program. This transfer of funds reduced agency expenditures to \$68,784. The purpose of this grant funding is for a collaborative effort by the Division Public Defender Services, Division of Criminal Justice and the Department of Emergency Services and Public Protection (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 provided our agency with funding for two (2) attorneys and one (1) investigator for a period of eighteen (18) months extended to three years.

In FY2012, a new federal grant funded by the Office of Justice Programs under the Post-Conviction DNA Testing Assistance Program in the amount of \$72,568 was awarded to the Division. In FY2012, \$0 was spent. This funding is for a collaborative effort by the Division Public Defender Services, Division of Criminal Justice and the Department of Emergency Services and Public Protection (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 provided our agency with funding for two (2) attorneys and one (1) investigator and one (1) database administrator for a period of eighteen (18) months.

In FY2012, \$0 was spent on a federal grant pass through 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. 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 provided our agency with funding for a period of two (2) years.

In FY2012, \$90,925 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. 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 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 provided our agency with funding for two (2) contractual social workers for a period of two (2) years.

In FY 2012, a federal grant funded by the Office of Justice Programs titled Post-Conviction Non-DNA Wrongful Conviction Review Program in the amount of \$250,000 was awarded to the Division. In FY2012, \$87,780 was spent. This funding is 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 one (1) attorney, one (1) investigator and one (1) project assistant for a period of one (1) year.

FY 2013 Grant Funding Available: \$1,318,803

The Post-Conviction DNA Testing Assistance Program grant was continued into FY2013 with the remaining balance of \$12,255 to fund two (2) attorneys and one (1) investigator for a the remaining period of the grant.

The Post-Conviction DNA Testing Assistance Program grant was continued into FY2013 with the remaining balance of \$772,568 to fund two (2) attorneys and one (1) investigator and one (1) database administrator for the remaining period of the grant.

The Innovating Public Defender Juvenile Representation: Development of a Juvenile Case Management Database grant was continued into FY2013 with the remaining balance of \$300,000.

The Public Defender Social Workers and Connecticut Domestic Violence Dockets: Managing Collateral Consequences was continued into FY2013 with the remaining balance of \$84,975 to fund two (2) contractual social workers for the remaining period of the grant.

The Post-Conviction Non-DNA Wrongful Conviction Review Program was continued into FY2013 with the remaining balance of \$162,220 to fund one (1) attorney, one (1) investigator and one (1) project assistant for the remaining period of the grant.

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 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 \$151,549 was collected in FY 2012. Over the past ten (10) years of full implementation, the average collected has been \$122,455. 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 payment. As such, the agency must rely on voluntary payment by financially able clients in order to collect these funds. Given these limitations, it would appear that these revenues are likely to remain at or near current levels in the years to come.

COST ATTRIBUTABLE TO THE DEATH PENALTY

In FY 2012, the Division spent a total of \$2,850,947 on capital defense. It is important to note that while the total number of capital cases (24) handled by the Division represented 0.024% of the total caseload, resources needed for the trial and appeal of capital cases represented 4.48% of the entire Public Defender budget. 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 2012 - Costs Attributable to Death Penalty	
Personal Services (Salaries)	\$ 1,704,734
Expert Witnesses	\$ 415,191
Assigned Counsel	\$ 707,270
Transcripts	\$ 23,753
Trainings	\$ 2,735
Total	\$ 2,850,947

Table 13: Cost Attributable to the Death Penalty

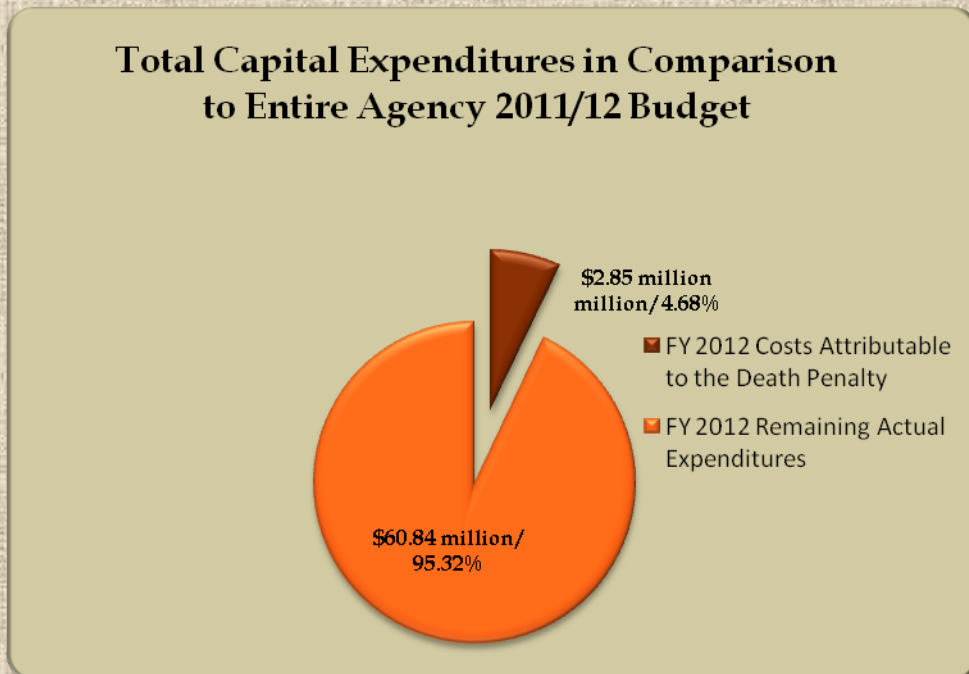


Chart 15: : Total Capital Expenditures



LEGISLATIVE ACTION IN 2012 AND PROPOSALS FOR 2013¹

LEGISLATIVE ACTION IN 2012

A number of concepts raised by this agency in its 2012 legislative package or supported through the Division's membership on task forces and commissions 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. 12-5 An Act Revising The Penalty For Capital Felonies

This act repeals the death penalty in Connecticut prospectively.

P.A. 12-80 An Act Concerning The Recommendations Of The Sentencing Commission Regarding The Classification Of Unclassified Misdemeanors

This act amends the definition of a misdemeanor to create a new classification of offense, a class D misdemeanor, which is punishable by the imposition of imprisonment of up to 30 days or a fine of up to \$250.00 and provides that a term of probation of not more than 1 year that may be imposed. Numerous changes to the statutes were made to provide for mail in violations with fines of \$250, eliminate certain sentences of incarceration or repeal certain statutes.

P.A. 12-111 An Act Concerning Eyewitness Identification Procedures.

The act amends *C.G.S. §54-1p, Eyewitness identification procedures*, and requires the Police Officer Standards and Training Council (POST) and DESPP to develop and implement "uniform mandatory policies and appropriate guidelines for the conduction of eyewitness identification procedures that shall be based on best practices and be followed by all municipal and state law enforcement agencies." By May 1, 2013, each police department and the DESPP are required to adopt these procedures for photo and live lineups. The act also requires the Police Officer Standards and Training Council to include training on eyewitness identification procedures for basic or review training offered to police and continues the work of the Eyewitness Identification Task Force for purposes of assisting POST and the DESPP with the development of policies and guidelines to implement this statute, research the best practices in use

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

for eyewitness identification procedures and recommend any changes that should be made and collect statistics pertaining to eyewitness identification procedures and monitor the implementation of the changes as required by this legislation. The Task Force is required to submit a report regarding the monitoring of the implementation of the changes and make any recommendations for change to the General Assembly by February 5, 2014.

Photos are required to be shown to an eyewitness sequentially, one at a time. In addition, the person conducting the procedure is not to know who the suspect is or whether the suspect is even included in the photos being presented to the eyewitness. Where this procedure is not “practicable” to do, the legislation permits the utilization of the folder shuffle method or a computer program so that the person presenting the photos does not know which photo is being viewed by the eyewitness. The act also articulates the instructions to be given to the eyewitness.

P.A. 12-114 An Act Concerning Domestic Violence

The act makes numerous changes to the current statutes pertaining to family violence crimes, protective orders, civil restraining orders, the Family Violence Education Program and implementation of a Model Policy for law enforcement’s response to incidents of family violence.

P.A. 12-115 An Act Concerning Habeas Corpus Reform

The act specifically exempts habeas petitions that allege actual innocence, challenge conditions of confinement or challenge capital felony convictions for which a death sentence has been imposed, from the application of this new legislation.

This act creates a screening process and showing of good cause applicable to petitions filed on or after October 1, 2012. The act also establishes a rebuttable presumption of a delayed filing for a first habeas corpus petition without good cause if the petition is filed after the later of the following:

“ (1) Five years after the date on which the judgment of conviction is deemed to be a final judgment due to the conclusion of appellate review or the expiration of the time for seeking such review; (2) October 1, 2017; or (3) two years after the date on which the constitutional or statutory right asserted in the petition was initially recognized and made retroactive pursuant to a decision of the Supreme Court or Appellate Court of this state or the Supreme Court of the United States or by the enactment of any public or special act.”

In addition, the act creates a rebuttal presumption that the filing of the subsequent petition was delayed without good cause in cases wherein a petition is filed subsequent to a judgment in another habeas petition which challenged the same conviction, if such petition is filed after the later of the following:

“(1) Two years after the date on which the judgment in the prior petition is deemed to be a final judgment due to the conclusion of appellate review or the expiration of the time for seeking such review; (2) October 1, 2014; or (3) two years after the date on which the constitutional or statutory right asserted in the petition was initially recognized and made retroactive pursuant to a decision of the Supreme Court or Appellate Court of this state or the Supreme Court of the United States or by the enactment of any

public or special act. For the purposes of this section, the withdrawal of a prior petition challenging the same conviction shall not constitute a judgment.”

JUNE 2012 SPECIAL SESSION

P. A. 12-1 An Act Implementing The Provisions Of The State Budget For The Year Beginning July 1, 2012

This act amends *C.G.S. §46b-127(a), Transfer of child charged with a felony to the regular criminal docket. Transfer of youth age sixteen to docket for juvenile matters*, known as the **mandatory transfer** law. The current law requires the court to automatically transfer cases involving children at least age 14 charged with certain crimes to the adult docket once an attorney has been appointed for the child. Existing law allowed the prosecutor to move to transfer class B felonies and some statutory rape cases back to juvenile court if the motion was filed within 10 days of the transfer being accepted by the adult court. This amendment eliminates the 10 day period and allows the cases to be sent back at any time.

The act also amends *C.G.S. §46b-127(b), Transfer of child charged with a felony to the regular criminal docket. Transfer of youth age sixteen to docket for juvenile matters*, was amended to bring the **discretionary transfer** law into compliance with the Connecticut Supreme Court ruling in *State v. Fernandes*, 300 Conn. 104 (2011), which required that juveniles subject to transfer to adult court be given a due process hearing before a judge prior to the transfer being finalized. This legislation mandates that a hearing be held in the juvenile court and requires that the court find that: 1) the child was at least age 14 when the offense was committed; 2) there was probable cause to believe that the child committed the act with which he or she was charged; and, 3) the best interests of the child and the public will not be served by maintaining the case in the superior court for juvenile matters. The act sets out the factors for the court to use in determining the best interest of the child and the public, changes the time limits for filing the transfer motion and for motions to transfer cases back to juvenile court so that prosecutors have 30 days from the date of the child’s arraignment in juvenile court to move to transfer a case to the adult docket. Because transfer hearings will now be held in juvenile court, the transfer will be deemed accepted at the time of the juvenile court order and the requirement that adult court proceedings take place on the next hearing date and in courtrooms separate from those where adult criminal proceedings were eliminated. No changes were made to the eligibility requirements of confidentiality provisions of the youthful offender statute.

PROPOSALS FOR THE LEGISLATIVE SESSION 2013

The Office of Chief Public Defender has submitted proposals for consideration by the General Assembly for the 2013 legislative session which would:

(1) require that a family impact statement be considered by the court prior to sentencing in any case in which a custodial parent will be incarcerated; (2) allow the court the discretion to vacate a plea in certain circumstances even if after the 3 year statutory requirement and resolve an issue that arose in the recent State v. Ramos case; (3) streamline the statutes regarding the crime of distribution of certain drugs by a non-drug dependent person, make changes to the drug free school zones and create a class A misdemeanor for the possession of narcotic residue; (4) provide for a “look back” period of 10 years for certain diversionary programs; (5) provide appellate and habeas counsel with the same access to sealed information in a criminal proceeding as trial counsel had; (6) permit a person claiming actual innocence in non-DNA cases to petition the court for a new trial if such evidence would establish the person’s innocence; (7) waive the statutory application and program fees for certain pre-trial diversionary programs and probation in cases where a person is represented by a public defender and to require the sealing of the court files for offenders placed in a pre-trial diversionary program; (8) provide for prosecution of breaking into a motor vehicle to be pursuant to the criminal trover statutes; (9) expand the discretion of the Board of Pardons and Parole to permit the release of a person on medical parole in certain instances.

In addition, this year the agency has submitted a comprehensive bill pertaining to children in child protection and juvenile delinquency proceedings which would:

(1) promote consistency and prohibit juveniles from being shackled after arrest and prior to conviction as a delinquent unless to ensure public safety; (2) provide time credit for a child who is arrested and held in certain facilities prior to the disposition of the juvenile matter who is subsequently convicted as a delinquent and committed to the Department of Children and Families to mirror the adult system; (3) provide that any statement made by a child is admissible in a delinquency proceeding or criminal prosecution as long as the parents of the child are present when it was made; (4) provides for automatic erasure of records of conviction for non-serious juvenile offenses and Families with Services Needs adjudications; (5) define the procedure under which a child convicted as delinquent shall petition for a writ of habeas corpus; (6) expand the concept of Vocational Parole for committed delinquents to require the department to provide vocational training/job placement assistance to committed delinquents who have received a high school diploma; (7) to further specify the circumstances under which the Department of Children and Families can extend the delinquency commitment of a juvenile; (8) assure that persons appointed counsel in family relations juvenile matters are indigent in accordance with the Income Eligibility Guidelines as promulgated by the Public Defender Services Commission; (9) permit the Division of Public Defender Services to seek from the Judicial Department the costs expended by the Division for legal services in cases where the court has ordered representation by the Division of Public Defender Services and the person is not indigent in accordance with the Income Eligibility Guidelines as promulgated by the Division of Public Defender Services Commission; (10) clarify that Guardians Ad Litem appointed by the court and who are paid from the budget of the Division of Public Defender Services are within the definition of state officers.

Current Legislative Commission and Task Force Memberships

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 Domestic Violence Fatality Review Committee</i>	<i>Michael Alevy</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 Criminal Information Sharing Systems Project</i>	<i>Brian Carlow Brian Carlow</i>
<i>Criminal Justice Policy Advisory Commission (CJPAC) CJPAC Prisoner Jail Overcrowding Subcommittee CJPAC Research Work Group</i>	<i>Susan O. Storey Susan O. Storey Jennie Albert</i>
<i>DNA Databank Oversight Committee</i>	<i>Karen Goodrow</i>
<i>Eyewitness Identification Task Force</i>	<i>Deborah Del Prete Sullivan (OCPD)</i>
	<i>Karen Goodrow (CT Innocence Project)</i>
<i>Family Violence Model Policy Governing Council</i>	<i>Michael Alevy</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 Justice Advisory Committee</i>	<i>Christine Rapillo</i>
<i>Mandatory Continuing Legal Education (CLE) Task Force Sub Committee in Opposition</i>	<i>Deborah Del Prete Sullivan Deborah Del Prete Sullivan</i>
<i>Racial Profiling Prohibition Project Data, Methodology and Analysis Work Group</i>	<i>Deborah Del Prete Sullivan Deborah Del Prete Sullivan</i>
<i>Connecticut Sentencing Task Force Legislative Sub-Committee</i>	<i>Susan O. Storey*</i>
<i>Classification Working Group</i>	<i>Deborah Del Prete Sullivan</i>
<i>Drug Free School Zones Working Group</i>	<i>Deborah Del Prete Sullivan</i>
<i>Juvenile Sentence Modification Working Group</i>	<i>Deborah Del Prete Sullivan</i>

**Public Defender Thomas Ullmann participates on the CT Sentencing Task Force as the designee representing the Connecticut Criminal Defense Lawyers Association (CCDLA)*

<i>Trafficking in Persons Council</i>	<i>Deborah Del Prete Sullivan</i>
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CONCLUSION

Annual Report 2012

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 in Connecticut.

The consolidation of the Division of Public Defender Services and Child Protection begun on July 1, 2011 has been successfully completed with the 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 2013, 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 2011/12. In addition, there are tables ranking the offices by number of “New Cases Assigned” in 2011/12, Caseload Goals and the number of Cases Pending on July 1, 2012.



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 2011/12 fiscal year, the number of attorneys was based upon the average number of attorneys in a particular office for each quarter.

The Annual Report 2012 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, Assigned Counsel (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 (Assigned Counsel, 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.

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

Office	FY11-12 Attorneys	Cases Appointed	Non-Death Capital/Murder Cases Appt.	Death - Capital Cases Appt.	Other Major Felonies Appt.	VOP Appt.	Minor Felonies, Misdemeanors, MV & Other Appointed	Cases Transferred	Divers. Trans. To Inactive	Disposed	New Cases Assigned (weighted)	New Cases Assigned Per Attorney
Ansonia-Milford	1	92	1	0	53	29	9	39	0	64	48	48
Danbury	1	476	1	0	182	97	194	192	53	325	168	168
Fairfield	5	300	14	0	187	78	21	110	0	172	184	37
Hartford	7	569	20	0	323	197	24	270	0	345	293	42
Litchfield	2	217	0	0	87	77	53	64	1	134	116	58
Middlesex	1	42	0	0	12	29	1	12	0	40	29	29
New Britain	2.7	144	5	0	66	52	20	48	0	108	84	31
New Haven	6	400	15	0	145	120	115	136	0	275	189	32
New London	3	126	2	0	57	48	19	36	0	126	77	26
Stamford-Norwalk	1.6	150	3	0	97	27	23	68	0	66	73	46
Tolland	1.5	49	0	0	35	11	2	19	0	42	29	19
Waterbury	4	267	9	0	129	60	63	115	0	161	121	30
Windham	1	77	0	0	40	32	5	27	0	61	47	47
Total	36.8	2909	70	0	1413	857	549	1136	54	1919	1458	38

"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).

Judicial Districts Caseload Activity
Division of Public Defender Services
July 1, 2011 - June 30, 2012

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 11-12	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	0	52	2	0	0
Danbury	1	0	0	0	0	0	7	6	189	87	0	0
Fairfield	5	3	1	4	0	0	2	0	132	20	0	1
Hartford	7	1	1	10	0	1	2	5	228	40	0	5
Litchfield	2	0	0	1	0	0	0	1	95	19	1	5
Middlesex	1	0	0	0	0	1	0	0	25	2	0	0
New Britain	2.7	0	0	1	0	0	0	0	81	10	0	0
New Haven	6	1	1	5	0	1	2	2	154	51	0	0
New London	3	0	0	1	0	0	0	0	91	17	0	0
Stamford-Norwalk	1.6	0	0	0	0	0	0	0	39	6	0	0
Tolland	1.5	0	0	1	0	0	0	1	36	1	2	0
Waterbury	4	0	0	2	0	0	1	1	106	26	0	0
Windham	1	0	0	0	0	0	0	0	48	5	0	0
Total	36.8	5	3	25	0	3	14	16	1276	286	3	11

Judicial Districts Caseload Goals Analysis
Division of Public Defender Services
July 1, 2011 - June 30, 2012

Office	FY 11-12 Attorneys	Cases Appointed	Cases Transferred	New Cases Assigned	New Cases Assigned Per Attorney
Ansonia-Milford	1	92	39	48	48
Danbury	1	476	192	168	168
Fairfield	5	300	110	184	37
Hartford	7	569	270	293	42
Litchfield	2	217	64	116	58
Middlesex	1	42	12	29	29
New Britain	2.7	144	48	84	31
New Haven	6	400	136	189	32
New London	3	126	36	77	26
Stamford-Norwalk	1.6	150	68	73	46
Tolland	1.5	49	19	29	19
Waterbury	4	267	115	121	30
Windham	1	77	27	47	47
Total	36.8	2909	1136	1458	38

"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)

**Geographical Areas Movement of Cases
Division of Public Defender Services
July 1, 2011- June 30, 2012**

		FY 11-12 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	5.4	2245	281	211	1752	555	375	1805	1690	313
GA 2	Bridgeport	15	7025	1078	787	5158	1593	697	5098	5432	362
GA 3	Danbury	3.25	1584	9	146	1429	452	214	1219	1132	348
GA 4	Waterbury	8	5606	559	477	4569	1919	139	3520	3687	461
GA 5	Derby	3	1818	218	183	1416	298	184	1539	1520	507
GA 7	Meriden	5	3739	522	562	2652	1335	195	2184	2404	481
GA 9	Middletown	2.8	2692	235	280	2175	668	128	1890	2024	723
GA 10	New London	6	2978	297	339	2327	821	190	2296	2157	360
GA 11	Danielson	3.6	2002	226	294	1480	264	206	1527	1738	483
GA 12	Manchester	4	3732	458	335	2939	1425	321	2415	2307	577
GA 13	Enfield	3	1955	197	273	1453	1018	115	946	937	312
GA 14	Hartford	15	8005	1217	1008	5780	1229	399	7205	6776	452
GA 15	New Britain	7	3975	491	583	2900	1177	262	2767	2798	400
GA 17	Bristol	2	1793	204	181	1407	414	205	1476	1379	690
GA 18	Bantam	4	2207	205	285	1717	766	151	1297	1441	360
GA 19	Rockville	2.5	1781	146	264	1307	517	186	1222	1264	506
GA 20	Norwalk	3	1507	201	165	1140	396	21	1064	1111	370
GA 21	Norwich	4	2192	276	343	1572	863	84	1323	1329	332
GA 22	Milford	2.5	1963	218	277	1468	1000	39	999	963	385
GA 23	New Haven	15.3	9552	1512	845	6962	1695	716	8038	7857	514
Total		114.35	68351	8550	7838	51603	18405	4827	49830	49946	437

An additional attorney from GA 14 handled 1221 appointed cases at the Community Court on a full-time basis.

During the 2011-12 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

Geographical Areas Caseload Activity
Division of Public Defender Services
July 1, 2011 - June 30, 2012

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 11-12	Jury Selection Commenced	Jury Trials Begun	Jury Trials to Verdict	Court Trials Begun							Court Trials to Judgment
GA1 Stamford	5.4	0	0	0	0	0	3	7	400	714	0	0
GA2 Bridgeport	15	0	0	6	0	1	1	1	873	1573	0	0
GA3 Danbury	3.25	0	0	0	0	0	13	24	510	348	0	0
GA 4 Waterbury*	8	0	0	0	0	0	7	4	890	1256	0	1
GA5 Derby	3	0	0	0	0	0	0	7	388	347	0	0
GA7 Meriden	5	0	0	0	0	0	1	0	555	577	0	0
GA9 Middletown	2.8	0	0	0	0	0	1	0	353	686	0	0
GA10 New London	6	1	0	0	0	0	2	1	577	916	0	0
GA11 Danielson	3.6	0	0	0	0	0	0	0	505	523	0	0
GA12 Manchester	4	1	0	1	0	0	7	0	574	1121	0	0
GA13 Enfield	3	0	0	0	0	0	0	0	251	382	0	0
GA14 Hartford*	15	1	1	2	0	0	0	1	1423	4179	0	0
GA15 New Britain	7	1	0	3	0	0	0	2	1019	1027	0	0
GA17 Bristol	2	0	0	0	0	0	1	32	435	539	0	0
GA18 Bantam	4	1	0	0	0	0	0	4	321	664	0	0
GA19 Rockville	2.5	0	0	2	0	0	3	15	431	413	0	0
GA20 Norwalk	3	1	0	0	0	1	0	0	277	354	0	0
GA21 Norwich	4	0	1	2	0	0	0	0	340	456	0	0
GA22 Milford	2.5	0	0	0	0	0	0	0	313	310	0	0
GA23 New Haven	15.3	2	0	1	0	0	2	10	957	3602	1	0
Totals	114.35	8	2	17	0	2	41	108	11392	19987	1	1

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

Geographical Areas Caseload Goals Analysis
Division of Public Defender Services
July 1, 2011 - June 30, 2012

		FY 11-12 Attorneys	Cases Appointed	Cases Transferred	New Cases Assigned	New Cases Assigned Per Attorney
GA 1	Stamford	5.4	2245	555	1690	313
GA 2	Bridgeport	15	7025	1593	5432	362
GA 3	Danbury	3.25	1584	452	1132	348
GA 4	Waterbury	8	5606	1919	3687	461
GA 5	Derby	3	1818	298	1520	507
GA 7	Meriden	5	3739	1335	2404	481
GA 9	Middletown	2.8	2692	668	2024	723
GA 10	New London	6	2978	821	2157	360
GA 11	Danielson	3.6	2002	264	1738	483
GA 12	Manchester	4	3732	1425	2307	577
GA 13	Enfield	3	1955	1018	937	312
GA 14	Hartford	15	8005	1229	6776	452
GA 15	New Britain	7	3975	1177	2798	400
GA 17	Bristol	2	1793	414	1379	690
GA 18	Bantam	4	2207	766	1441	360
GA 19	Rockville	2.5	1781	517	1264	506
GA 20	Norwalk	3	1507	396	1111	370
GA 21	Norwich	4	2192	863	1329	332
GA 22	Milford	2.5	1963	1000	963	385
GA 23	New Haven	15.3	9552	1695	7857	514
	Total	114.35	68351	18405	49946	437

An additional attorney from GA14 handled 1221 appointed cases on a full-time basis at the Community Court.
During the 2011-12 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

**Juvenile Matters Movement of Cases
Division of Public Defender Services
July 1, 2011 - June 30, 2012**

Office	FY 11-12 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	2.6	683	117	100	466	198	208	10	485	187
Danbury*	0.75	148	3	45	100	7	244	4	141	188
Hartford	2	898	108	119	671	357	599	15	541	271
Middletown	1	295	21	34	240	95	164	6	200	200
New Britain	2	537	68	52	417	65	393	8	472	236
New Haven	2.5	974	117	75	782	173	764	15	801	320
Rockville	1	300	55	91	154	105	174	26	195	195
Stamford	0.6	139	11	27	105	69	50	0	70	117
Waterbury/Torrington**	3	939	65	125	749	162	766	32	777	259
Waterford/Willimantic**	2	530	48	84	398	106	390	1	424	212
Total	17.45	5443	613	752	4082	1337	3752	117	4106	235

*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.

**Juvenile Matters Caseload Activity
Division of Public Defender Services
July 1, 2011 - June 30, 2012**

Office	Attorneys FY 11-12	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	2.6	365	0	0	0	0	0	291	11	9	0	9
Danbury	0.75	80	0	0	0	5	0	101	3	12	0	0
Hartford	2	446	0	0	0	0	0	231	0	18	0	0
Middletown	1	143	0	0	21	2	0	110	0	0	0	25
New Britain	2	562	0	0	0	1	0	124	8	9	0	55
New Haven	2.5	527	0	0	0	1	0	256	21	3	0	0
Rockville	1	232	0	0	0	4	0	133	0	2	0	3
Stamford	0.6	65	0	0	0	0	0	17	0	2	0	0
Torrington	0.6	137	0	0	0	0	3	81	1	5	0	0
Waterbury	2.4	1009	0	0	2	0	3	478	3	17	0	0
Waterford	1.2	175	0	0	0	1	0	116	6	5	0	0
Willimantic	0.8	76	0	0	0	1	0	95	2	0	0	1
Totals	17.45	3817	0	0	23	15	6	2033	55	82	0	93

Juvenile Matters Caseload Goals Analysis
Division of Public Defender Services
July 1, 2011 - June 30, 2012

	FY 11-12 Attorneys	Cases Appointed	Cases Transferred	New Cases Assigned	New Cases Assigned Per Attorney
Bridgeport	2.6	683	198	485	187
Danbury*	0.75	148	7	141	188
Hartford	2	898	357	541	271
Middletown	1	295	95	200	200
New Britain	2	537	65	472	236
New Haven	2.5	974	173	801	320
Rockville	1	300	105	195	195
Stamford	0.6	139	69	70	117
Waterbury/Torrington**	3	939	162	777	259
Waterford/Willimantic**	2	530	106	424	212
Total	17.45	5443	1337	4106	235

*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.

**New Cases Assigned
(in rank order)
Public Defender Offices
Judicial Districts
2011-2012**

Location	Total New Cases Assigned	Location	Attorneys	New Cases Assigned Per Attorney
Hartford	293	Danbury	1	168
New Haven	189	Litchfield	2	58
Fairfield	184	Ansonia-Milford	1	48
Danbury	168	Windham	1	47
Waterbury	121	Stamford-Norwalk	1.6	46
Litchfield	116	Hartford	7	42
New Britain	84	Fairfield	5	37
New London	77	New Haven	6	32
Stamford-Norwalk	73	New Britain	2.7	31
Ansonia-Milford	48	Waterbury	4	30
Windham	47	Middlesex	1	29
Middlesex	29	New London	3	26
Tolland	29	Tolland	1.5	19
Total	1458		36.8	38

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 2011-12 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

**Active Cases Pending
(in rank order)
Public Defender Offices
Judicial Districts
2011-2012**

FY 11-12			FY 12-13		
Location	Attorneys	Active Cases Pending July 1, 2011	Location	Attorneys	Active Cases Pending July 1, 2012
Hartford	7.5	301	Hartford	7	279
New Haven	6	207	New Haven	6	226
Danbury	1.95	183	Danbury	1	136
Fairfield	4.83	114	Fairfield	5	126
Waterbury	5	112	Waterbury	4	107
Stamford-Norwalk	1.5	105	Litchfield	2	105
New Britain	3	98	Stamford-Norwalk	1.6	103
New London	3	96	New Britain	2.7	82
Litchfield	2	84	New London	3	56
Windham	1	50	Windham	1	46
Ansonia-Milford	1	47	Ansonia-Milford	1	35
Middlesex	1	41	Middlesex	1	30
Tolland	1.13	33	Tolland	1.5	18
	38.9	1471		36.8	1349

**New Cases Assigned
(in rank order)
Public Defender Offices
Geographical Areas
2011-2012**

Location		Total New Cases Assigned	Location		Attorneys	New Cases Assigned Per Attorney
GA 23	New Haven	7857	GA 9	Middletown	2.8	723
GA 14	Hartford	6776	GA 17	Bristol	2	690
GA 2	Bridgeport	5432	GA 12	Manchester	4	577
GA 4	Waterbury	3687	GA 23	New Haven	15.3	514
GA 15	New Britain	2798	GA 5	Derby	3	507
GA 7	Meriden	2404	GA 19	Rockville	2.5	506
GA 12	Manchester	2307	GA 11	Danielson	3.6	483
GA 10	New London	2157	GA 7	Meriden	5	481
GA 9	Middletown	2024	GA 4	Waterbury	8	461
GA 11	Danielson	1738	GA 14	Hartford	15	452
GA 1	Stamford	1690	GA 15	New Britain	7	400
GA 5	Derby	1520	GA 22	Milford	2.5	385
GA 18	Bantam	1441	GA 20	Norwalk	3	370
GA 17	Bristol	1379	GA 2	Bridgeport	15	362
GA 21	Norwich	1329	GA 18	Bantam	4	360
GA 19	Rockville	1264	GA 10	New London	6	360
GA 3	Danbury	1132	GA 3	Danbury	3.25	348
GA 20	Norwalk	1111	GA 21	Norwich	4	332
GA 22	Milford	963	GA 1	Stamford	5.4	313
GA 13	Enfield	937	GA 13	Enfield	3	312
Total		49946			114.35	437

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 2011-12 fiscal year, the number of "new cases assigned per attorney" is based upon an average of the number of attorneys in each quarter.

**Active Cases Pending
(in rank order)
Public Defender Offices
Geographical Areas**

FY 11-12				FY 12-13			
Location		Attorneys	Active Cases Pending July 1, 2011	Location		Attorneys	Active Cases Pending July 1, 2012
GA14	Hartford	14.2	3442	GA14	Hartford	15	3278
GA23	New Haven	13.8	3008	GA23	New Haven	15.3	2953
GA1	Stamford	5.5	2302	GA2	Bridgeport	15	2117
GA2	Bridgeport	12.8	2067	GA15	New Britain	7	1226
GA12	Manchester	4.63	1187	GA4	Waterbury	8	1165
GA20	Norwalk	4	1135	GA12	Manchester	4	1164
GA15	New Britain	5.6	1108	GA20	Norwalk	3	1153
GA11	Danielson	4	930	GA11	Danielson	3.6	1120
GA4	Waterbury	7.9	849	GA9	Middletown	2.8	991
GA9	Middletown	3.53	820	GA1	Stamford	5.4	895
GA21	Norwich	4	735	GA21	Norwich	4	893
GA5	Derby	3	685	GA7	Meriden	5	744
GA10	New London	6	685	GA18	Bantam	4	726
GA18	Bantam	3.75	547	GA10	New London	6	665
GA7	Meriden	5.75	546	GA5	Derby	3	656
GA3	Danbury	3	496	GA19	Rockville	2.5	560
GA22	Milford	2.88	465	GA3	Danbury	3.25	412
GA19	Rockville	2.63	461	GA22	Milford	2.5	393
GA17	Bristol	3	426	GA17	Bristol	2	341
GA13	Enfield	3	285	GA13	Enfield	3	267
		113.0	22179			114.35	21719

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.

**New Cases Assigned
(in rank order)
Public Defender Offices
Juvenile Matters
2011-2012**

Location	Total New Cases Assigned	Location	Attorneys	New Cases Assigned Per Attorney
New Haven	801	New Haven	2.5	320
Waterbury/Torrington	777	Hartford	2	271
Hartford	541	Waterbury/Torrington	3	259
Bridgeport	485	New Britain	2	236
New Britain	472	Waterford/Willimantic	2	212
Waterford/Willimantic	424	Middletown	1	200
Middletown	200	Rockville	1	195
Rockville	195	Danbury	0.75	188
Danbury	141	Bridgeport	2.6	187
Stamford	70	Stamford	0.6	117
Total	4106		17.45	235

**Active Cases Pending
(in rank order)
Public Defenders Offices
Juvenile Matters
2011-2012**

FY 11-12			FY 12-13		
Location	Attorneys	Active Cases Pending July 1, 2011	Location	Attorneys	Active Cases Pending July 1, 2012
Hartford	2.5	576	Hartford	2	478
Waterbury/Torrington	2.83	317	Waterbury/Torrington	3	313
New Haven	3	253	New Haven	2.5	292
Waterford/Willimantic	2	226	Bridgeport	2.6	275
Bridgeport	2.75	165	Waterford/Willimantic	2	249
Danbury	0.7	140	New Britain	2	198
New Britain	1.83	137	Stamford	0.6	100
Stamford	1	120	Middletown	1	82
Rockville	1	67	Rockville	1	74
Middletown	1	54	Danbury	0.75	44
Total	18.6	2055	Total	17.45	2105