



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Christine Perra Rapillo, Chief Public Defender

Judiciary Committee - March 24, 2021

S. B. 6 AN ACT CONCERNING DOMESTIC VIOLENCE AND CRIMINAL JUSTICE REFORMS

The Office of Chief Public Defender generally supports the proposals outlined in *S.B. 6, An Act Concerning Domestic Violence and Criminal Justice Reforms*. There are two points of concern that we wish to note.

Section 3 mandates that a family violence victim advocate providing services in the Family Division of the Superior Court or a geographical area court be provided with copies of police reports. We agree that those reports would be crucial for a family violence victim advocate to do their work. Those same advocates provide oral or written reports to the court as a family violence case makes its way through the system pursuant to subsection (c) of C.G.S. 48b-38c. The reports address several aspects of a case, including a defendant's progress in any programs and often give opinions on whether there should be a diversionary program granted or some more severe sanction imposed.

However, current law does not allow those reports to be given to counsel for the defendant. The court process, while adversarial, is supposed to be fair. Criminal defendants have a right to know the evidence being presented against them. We believe that due process requires that any reports being provided to the judge must be provided to both the state's attorney and defense counsel, and our 2021 legislative package included such a proposal which allowed for such. We urge the committee to add language to this section to ensure that all documents shared with the judge are given to both state and defense counsel.

Section 12 creates a program to provide counsel to applicants for temporary restraining orders. The Office of Chief Public Defender supports this concept and believes that counsel should be offered to both the

Page 2 of 2

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applicant and the respondent in these matters. Special Act P.A. 17-2 created a pilot program to provide counsel to both the applicant and respondent. That pilot resulted in 217 applicants and 130 respondents receiving legal counsel for the proceeding. The presence of counsel, who can explain the details of the orders and the consequences of not obeying them, increases the chances that the orders will be obeyed. It is also important that all parties in a legal action feel that they had equal and due process of law. Providing counsel to both parties makes the process equitable and will result in better outcomes for all.