

**CONNECTICUT DIVISION OF PUBLIC DEFENDER
SERVICES**

ANNUAL REPORT FISCAL YEAR 2019/2020



STILL DEFENDING

2020 was a unique and challenging year for the Division of Public Defender Services (DPDS). The onset of the Coronavirus pandemic fundamentally changed our operations. By mid-April, the Judicial Branch had consolidated operations into 6 courthouses and limited business to essential hearings. For DPDS, this meant criminal arraignments, bond modification motions and other emergency hearings, juvenile court detention hearings, child protection emergency hearings and cases at the Supreme and Appellate Courts.

From late March to early July, DPDS functioned with a volunteer workforce providing front line representation in the criminal and juvenile courts. These dedicated advocates came from all of our work classes; lawyers, clerical, investigators, social workers and administrative staff. Our information and technology staff worked tirelessly to install equipment and programming that allowed our staff to communicate with clients and appear in court remotely. Employees working from home took on the task of communicating with clients, both in and out of custody. Each office was assigned a cell phone and the numbers posted at the Department of Correction (DOC) and on the DPDS website. Every incarcerated public defender client was sent a letter, informing them of the court closures and providing information on how to contact their attorney.

Our lawyers worked collaboratively with the prosecutors and court staff to identify incarcerated individuals eligible for release. Where no agreement could be reached, the public defenders litigated bond and sentence modification motions. Jury trials remained suspended at the end of fiscal 19/20 but public defenders have litigated the right to a speedy trial on behalf of individual clients who wish to exercise that right.

In June, Connecticut Public Defenders joined with our colleagues nationwide in a march to protest racial injustice and brutality in our criminal justice system. Public Defenders were joined by several prosecutors as we marched from the Hartford courthouse to the Capitol to show that Black lives, the lives of our clients, matter to public defenders. Staff at courthouses knelt for 8 minutes and 46 seconds in honor of George Floyd and all of our clients who have been mistreated because of their race.

Public Defender staff and all those who engage in front line criminal court business are unsung heroes of the pandemic. They were flexible, creative and ensured that clients' rights were protected. As this Annual Report is being prepared, we are still in the throes of the pandemic. Six courthouses remain closed and there is no clear picture of when court operations will return to normal. Whatever the future brings, the staff of the Division of Public Defender Services will still be defending.

Christine P. Rapillo

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 (C.G.S.). 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 six together with their appointing authorities.

As established by statute, the Division is made up of three separate components: a Commission 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 providing legal services throughout the State to indigent persons accused of crimes as required by both the United States and Connecticut Constitutions.

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 Christine Rapillo*. The *Deputy Chief Public Defender* is *Attorney John Day*. The duties of the Chief Public Defender are specified in Sec. 51-291, C.G.S., and include supervision of all personnel and operations of the Division, training of all attorneys and support staff, and preparation of all grant and budget requests for approval by the Commission and submission to the Governor.

In addition to the Chief and Deputy Chief Public Defender, management and administration of the Division is carried out by the Office of Chief Public Defender, located at 55 Farmington Avenue, 8th Floor, Hartford, CT, 06105. In FY 2019/20, administrative staff consisted of Director of Training, Director of Assigned Counsel, Director of Delinquency Defense and Child Protection, Legal Counsel (Director), Financial Director, Director of Human Resources, Chief Investigator, Chief Social Worker, three (3) Managers (Administrative Services,

Information Systems and Legal Technology Planning and Staff Development), seventeen (17) administrative staff, and two (2) secretarial positions. The Division of Public Defender Services is authorized for 451 positions. In FY 2019/20, 391 were filled; 212 were attorneys.

Public Defender services are provided to “indigent” accused adults and juveniles throughout Connecticut at thirty-eight (38) *combined* field offices and six (6) specialized units (reflecting the combined Habeas and CTIP unit) 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, as well as to children and indigent parties in child protection matters, children from indigent families in contested family court custody cases and indigent contemnors in family support matters.

WORKFORCE ANALYSIS

DIVISION OF PUBLIC DEFENDER SERVICES

EEO REPORT

10/1/2019 TO 9/30/2020

OFFICIALS/ADMINISTRATORS	FEMALE	MALE	TOTAL	%
ASIAN	0	1	1	2%
BLACK	2	3	5	11%
HISPANIC	0	1	1	2%
WHITE	22	16	38	84%
TOTAL	24	21	45	
	53%	47%		

PROTECTIVE SERVICES NON UNIFORM	FEMALE	MALE	TOTAL	%
ASIAN	0	0	0	0%
BLACK	2		2	4%
HISPANIC	2	11	13	23%
WHITE	24	18	42	74%
TOTAL	28	29	57	
	49%	51%		

PROFESSIONAL	FEMALE	MALE	TOTAL	%
ASIAN	5	0	5	2%
BLACK	15	5	20	9%
HISPANIC	5	4	9	4%
WHITE	94	85	179	82%
NON DISCLOSED	5		5	
TOTAL	124	94	218	
	57%	43%		

ADMINISTRATIVE SUPPORT	FEMALE	MALE	TOTAL	%
ASIAN	2	1	3	5%
BLACK	13		13	22%
HISPANIC	14	1	15	26%
WHITE	26		26	45%
NON DISCLOSED	1		1	
TOTAL	56	2	58	
	97%	3%		

PARAPROFESSIONAL	FEMALE	MALE	TOTAL	%
ASIAN	0	0	0	0%
BLACK	1	2	3	25%
HISPANIC	2	1	3	25%
WHITE	6	0	6	50%
TOTAL	9	3	12	
	75%	25%		

TOTAL	FEMALE	MALE	TOTAL	%
ASIAN	7	2	9	2%
BLACK	33	10	43	11%
HISPANIC	23	18	41	11%
WHITE	172	119	291	75%
NON DISCLOSED	6		6	2%
TOTAL	241	149	390	
	62%	38%		

2019-2020 PUBLIC DEFENDER SERVICES COMMISSION

MEMBER

Thomas J. Rechen, Esq., Chair

G. Kenneth Bernhard, Esq.

Hon. Hillary Strackbein

Aimee C. Golbert, LCSW

Atty. Ramona Mercado-Espinoza

Hon. Elpedio N. Vitale

Hon. William R. Dyson

APPOINTING AUTHORITY

Governor

Senate Minority Leader

Chief Justice

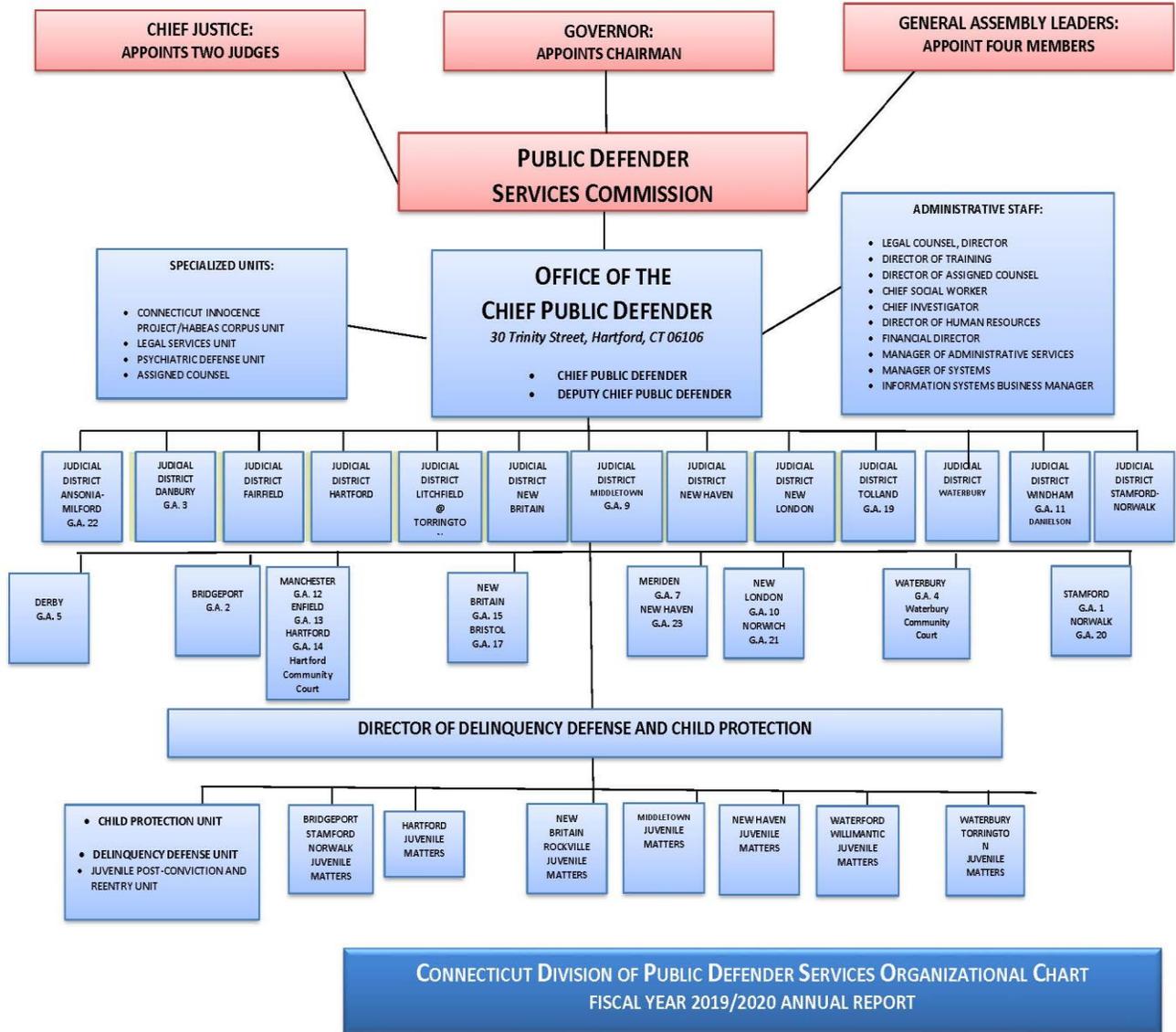
Senate President Pro Tempore

Speaker of the House

Chief Justice

House Republican Leader

ORGANIZATIONAL CHART



EXPENDITURES 2020

The Public Defender Services Commissions' Actual General Fund Expenditures for FY 2020 totaled \$66,101,358. Below is a breakout of the actual expenditures for the agency:

Account	FY 2020
Personal Services	\$ 40,690,485
Other (Operating) Expenses	\$ 1,075,167
Assigned Counsel	\$ 21,338,531
Expert Witnesses	\$ 2,886,981
Training and Education	\$ 110,194
Total FY 20 Expenditures	\$ 66,101,358

The Commission's FY 2020 expenditures of \$66.1 million supported a permanent staff of 388 full-time and 3 part-time employees, 212 of whom were attorneys. Other staff consisted of administrative, social work, investigative, secretarial and clerical personnel.

APPROPRIATED BUDGET 2021

In FY 2021, the Commission's total available General Fund appropriation, as adjusted for savings under Public Act 19-117, is \$68,360,690 to support a staff of 451 full time positions (the agency authorized position count) and 7 part-time positions. Below is a breakout of the FY 2021 General Fund available appropriations.

Account	FY 2021
Personal Services	\$ 42,299,163
Other (Operating) Expenses	\$ 1,181,163
Assigned Counsel	\$ 21,885,012
Expert Witnesses	\$ 2,875,604
Training and Education	\$ 119,748
Total FY 21 Appropriation	\$ 68,360,690

The Commission's original FY 2021 General Fund appropriation of \$68,917,962 was reduced by \$557,272 as a result of programmed lapse savings. This reduction occurred in the Assigned Counsel account.

FEDERAL GRANTS

Court Improvement Program (CIP) Training Grant

In FY 2020, \$39,991 was spent on a federal grant passed through the Judicial Branch titled, *Court Improvement Program (CIP) Training*. The funding is to enhance and strengthen the core competencies that surround matters of child welfare and protection for legal, court and child welfare agency personnel through the creation and implementation of a professional development system that identifies needs and provides ongoing training to meet those needs in order to help provide for the safety, well-being and permanence of children in foster care in the State of Connecticut. The *Court Improvement Program (CIP) Training Grant* ended 09/30/2019 and the remaining funds of \$5.72 was returned.

Post-Conviction Testing of DNA Evidence to Exonerate the Innocent Grant

In FY 2020, \$7,883 was spent on a federal grant passed through the Department of Emergency Services and Public Protection titled, *Post-Conviction Testing of DNA Evidence to Exonerate the Innocent* in the amount of \$170,841 (\$110,269 plus additional funds of \$60,572). The funding is to identify cases of wrongful conviction where DNA analysis of hairs previously compared may establish innocence and seek the release and exoneration of the innocent individuals.

The *Post-Conviction Testing of DNA Evidence to Exonerate the Innocent* ended 04/24/2020 and the remaining funds of \$119,464 returned.

Early Appointment of Counsel for Juveniles in Hartford Grant *(State System Enhancements for Youthful Offenders Grant)*

In FY 2020, \$122,079 was spent on a federal grant titled, *Early Appointment of Counsel for Juveniles in Hartford (State System Enhancements for Youthful Offenders)* in the amount of \$410,234. The Division of Public Defender Services (DPDS) contracted with Central Connecticut State University (CCSU) to design and implement a research study of the impact of appointing attorneys during questioning and interrogation of juveniles on case outcomes, collateral consequences, and client satisfaction. The funding supports defense services to juvenile offenders (younger than age 18) who are questioned in Hartford as potential suspects in relation to a crime during the grant period. This includes community educational materials about the juvenile justice process, the right to counsel, and available resources.

The *Early Appointment of Counsel for Juveniles in Hartford (State System Enhancements for Youthful Offenders)* continued into FY 2021 with the remaining balance of \$265,879.

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 \$36,840 was collected in FY 2020. Over the past ten (10) years of full implementation, the average yearly collected is \$79,500. The decrease is attributed to the drop in out-of-custody clients added since March. While some public defender clients are unable 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.

LEGISLATION AND POLICY

With the COVID pandemic, the 2020 legislative session was cancelled in March. A Special Session was held in July in which *P.A. 20-1, An Act Concerning Police Accountability* was passed. Division of Public Defender Services (DPDS) has proposed *An Act Promoting Justice and Equity in the Criminal Justice System* for the legislature's consideration during the 2021 session.

CHILD PROTECTION AND FAMILY MATTERS

Caseloads in the child protection and family matters practice were also impacted by the pandemic. Child protection cases reflect matters heard in Juvenile Court as a result of a petition being filed by the Department of Children and Families. The following chart shows child protection appointments broken down by party and appointment type. "Atty IOJ" are appointments in the interest of justice pursuant to C.G.S. 46b-136(a).

CHILD PROTECTION

PARTY TYPE				
	Attorney	Atty IOJ	GAL	Other
Child	4499	4	459	3
Mother	3371	118	32	10
Father	2468	130	24	12
Legal Guardian	72	45	2	2
Other Parties	16	11	13	1
TOTALS				
	10426	308	530	28

Appeal Reviews
For Mothers - 78
For Fathers - 35

ASSIGNED COUNSEL

The Assigned Counsel Unit is responsible for the oversight and management of attorneys who contract with DPDS to provide representation in matters where there exists a conflict of interest, where DPDS lacks the staffing or expertise to handle the matter or where justice requires that accused be represented by counsel outside DPDS. The following chart shows the distribution of cases transferred to assigned counsel during FY 2020. FY 2019 data is shown for comparison to illustrate the impact of the Coronavirus pandemic.

CASES REFERRED TO ASSIGNED COUNSEL

Case Type	Total for FY 2020	Total for FY 2019
Criminal Appeals	230	229
Delinquency	566	765
GA	3617	6681
Habeas	523	463
JD	791	897

CASELOADS

The Coronavirus pandemic has resulted in a significant disruption in case flow for the entire criminal justice system. From mid-March to the end of the fiscal year, court operations were limited to essential hearings, namely arraignments for incarcerated individuals and domestic violence cases. From March 1 to June 30, 2019, there were 24,327 criminal arrests in Connecticut. For the same period in 2020, there were 18,239, an approximately 25% decrease.

The Connecticut Division of Public Defender Services was fiscally responsible for 106,252 cases in fiscal year 2019/20, compared to 129,333 for FY 2018/19. This count does not include the specific number of family magistrate court contemnors receiving services, since the contracted attorneys providing representation are paid by the day and not the case. The Family Magistrate matters handled by public defender staff are included in *Pending Cases* in the chart for adult criminal Geographical Area caseloads.

For FY 2019/2020, the Division of Public Defender Services (DPDS) continues to report data as a straight count of cases pending, appointed, and transferred out for the fiscal year. This gives an accurate assessment of the number of cases for which DPDS has fiscal responsibility. Each office's data is presented with a breakdown of murders and felony sexual assaults. These are some of the most complicated matters to defend and the data gives the reader a sense of the workload for each office.

CASELOADS CHARTS

CRIMINAL AND DELINQUENCY 7/1/19-6/30/20

Branch	Pending Cases 7/1/19	Cases Appointed 7/1/19-6/30/20	Cases Transferred 7/1/19-6/30/20	Transferred to AC 7/1/19-6/30/20	GAL 7/1/19-6/30/20	TOTAL
GA	36691	49520	10145	3617	-	79683
JD	2184	2201	665	791	-	4511
Juvenile Delinquency	2023	2763	576	566	264	5040
Child Protection	539	215	4	10772	254	11776
Magistrate	104	132	46	0	-	190
Housing Courts	2	2	0	0	-	4
CTIP*	59	55	0	0	-	114
CTIP - Habeas	3708	369	0	523	-	4600
JPC	77	25	0	0	-	102
ROPP	2	0	0	0	-	2
Appellate				230	-	230
TOTAL	45389	55282	11436	16499	518	106252
*Includes DOJ						

JUDICIAL DISTRICTS APPOINTED CASES

Judicial Districts Measure of Cases Division of Public Defenders Services July 1, 2019 - June 30, 2020

Office	New Cases	Major Felonies	Minor Felonies	Unclassified Felonies	Misdemeanor	Motor Vehicle	VOP	Post Conviction	Other	Total Transfers	Dispositions
Ansonia/Milford	116	66	6	2	5	3	32	2	0	34	30
Bridgeport	261	127	17	9	7	7	93	1	0	43	124
Danbury	168	96	16	14	1	10	30	1	0	70	104
Hartford	255	170	5	0	9	0	36	29	6	106	136
Litchfield	241	81	28	25	44	23	34	6	0	83	113
Middletown	49	28	3	4	0	3	11	0	0	43	13
New Britain	167	118	2	1	1	3	32	10	0	50	52
New Haven	404	194	33	5	40	20	87	25	0	122	256
New London	180	63	14	11	26	22	43	0	1	13	92
Stamford	54	29	4	2	4	0	15	0	0	20	60
Tolland	46	27	5	8	1	2	3	0	0	24	21
Waterbury	207	118	22	5	5	5	35	17	0	46	111
Windham	53	36	3	0	2	1	11	0	0	11	21
Total	2201	1153	158	86	145	99	462	91	7	665	1133
		52.4%	7.2%	3.9%	6.6%	4.5%	21.0%	4.1%	0.3%		

GEOGRAPHICAL AREAS APPOINTED CASES

Geographical Areas Measure of Cases Division of Public Defenders Services July 1, 2019 - June 30, 2020

Office	New Cases	Major Felonies	Minor Felonies	Unclassified Felonies	Misdemeanor	Motor Vehicle	VOP	Post Conviction	Other	Total Transfers	Dispositions
GA 01 Stamford	1589	209	253	99	609	270	132	0	17	465	1092
GA 02 Bridgeport	5014	683	789	233	1755	904	617	0	33	708	3098
GA 03 Danbury	1128	34	169	12	448	292	146	5	22	255	859
Waterbury Community Court	95	4	3	0	57	25	0	0	6	18	76
GA 04 Waterbury	3994	468	761	132	1498	578	536	0	21	930	2468
GA 05 Derby	1915	205	349	57	592	513	188	0	11	306	890
GA 07 Meriden	2743	302	490	75	1013	507	288	8	60	509	1633
GA 09 Middletown	1684	162	262	48	630	375	189	0	18	566	906
GA 10 New London	2619	236	392	96	988	609	249	1	48	806	1450
GA 11 Danielson	1501	166	286	54	484	299	200	0	12	182	969
GA 12 Manchester	2726	330	414	68	1085	434	376	0	19	1064	1217
GA 13 Enfield	990	111	214	30	412	141	69	0	13	414	548
Hartford Community Court	1327	0	3	0	1148	2	6	0	168	201	1306
GA 14 Hartford	4448	732	854	230	1269	740	584	0	39	470	2810
GA 15 New Britain	4728	561	846	156	1793	843	492	8	29	630	2397
GA 17 Bristol	89	5	11	0	29	10	33	0	1	619	169
GA 18 Bantam	1938	155	279	30	755	450	254	0	15	596	1008
GA 19 Rockville	1135	98	211	22	362	293	131	0	18	189	689
GA 20 Norwalk	817	80	158	31	282	165	95	0	6	117	761
GA 21 Norwich	1460	158	229	32	537	296	175	0	33	270	820
GA 22 Milford	1274	128	250	73	480	150	190	2	1	433	652
GA 23 New Haven	6306	815	1066	205	2514	878	785	13	30	397	3541
Total	49520	5642	8289	1683	#####	8774	5735	37	620	10145	29359
	11.4%	16.7%	3.4%	37.8%	17.7%	11.6%	0.1%	1.3%			

JUVENILE MATTERS APPOINTED CASES

Juvenile Matters Measure of Cases Division of Public Defender Services

Office	Cases Appointed					Cases Transferred	Dispositions
	New Cases	Serious Offenses	Other Felony	Misd.	Other	Total	
Bridgeport	327	50	104	149	24	76	209
Danbury	0	0	0	0	0	0	0
Hartford	501	83	200	184	34	146	351
Middletown	87	14	15	42	16	23	107
New Britain	221	30	44	118	29	23	240
New Haven	550	61	215	204	70	73	488
Rockville	128	12	44	66	6	38	81
Stamford	86	14	17	49	6	4	87
Torrington	81	4	22	44	11	10	88
Waterbury	471	63	132	257	19	73	515
Waterford	211	31	40	112	28	74	166
Willimantic	100	15	26	51	8	36	60
Total	2763	377	859	1276	251	576	2392
		13.6%	31.1%	46.2%	9.1%		

JUDICIAL DISTRICTS SEX OFFENDER CRIMES

Judicial District Major Felonies Report Division of Public Defenders Services July 1, 2019 - June 30, 2020

Office	Pending Murder Cases	Murder Cases Appointed	Total Murder Cases	Pending Sex Crime Cases	Sex Crime Cases Appointed	Total Sex Crime Cases
Ansonia/Milford JD	3	3	6	27	21	48
Bridgeport JD PD	37	16	53	54	31	85
Danbury JD	1	1	2	22	16	38
Hartford JD PD	22	21	43	60	39	99
Litchfield JD PD	1	1	2	27	15	42
Middletown JD	1	3	4	9	6	15
New Britain JD	7	6	13	42	26	68
New Haven JD PD	23	12	35	67	26	93
New London JD PD	6	5	11	18	18	36
Stamford JD	3	5	8	7	4	11
Tolland JD	0	0	0	2	6	8
Waterbury JD PD	11	7	18	66	24	90
Windham JD	3	2	5	19	8	27
TOTAL	118	82	200	420	240	660

GEOGRAPHICAL AREAS SEX OFFENDER CRIMES

**Geographical Areas
Major Felonies Report
Division of Public Defenders Services
July 1, 2019 - June 30, 2020**

Office	Pending Murder Cases	Murder Cases Appointed	Total Murder Cases	Pending Sex Crime Cases	Sex Crime Cases Appointed	Total Sex Crime Cases
	0	1	1	33	29	62
Hartford Comm Court PD	0	0	0	2	2	4
Stamford GA01	0	0	0	37	30	67
Bridgeport GA02 PD	1	0	1	89	59	148
Danbury GA03	0	0	0	15	11	26
Derby GA05 PD	0	0	0	18	18	36
Meriden GA07 PD	0	0	0	28	29	57
Middletown GA09	0	0	0	10	17	27
New London GA10 PD	0	0	0	43	38	81
Danielson GA11	0	0	0	35	29	64
Manchester GA12 PD	0	0	0	15	29	44
Enfield GA13 PD	0	0	0	11	5	16
Hartford GA14 PD	0	0	0	68	80	148
New Britain GA15	0	1	1	55	96	151
Bristol GA17 PD	0	0	0	10	1	11
Bantam GA18 PD	1	0	1	32	21	53
Rockville GA19	0	0	0	16	13	29
Norwalk GA20 PD	0	0	0	27	7	34
Norwich GA21 PD	0	0	0	21	15	36
Milford GA22	0	0	0	11	13	24
New Haven GA23 PD	0	1	1	140	138	278
TOTAL	2	3	5	716	680	1396