



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

Office of Chief Public Defender

55 Farmington Avenue, 8th Floor
Hartford, Connecticut 06105
(860) 509-6405 Telephone
(860) 509-6495 Fax

Christine Perra Rapillo

Chief Public Defender
Christine.Rapillo@pds.ct.gov

Deborah Del Prete Sullivan

Legal Counsel, Director
deborah.d.sullivan@pds.ct.gov

Testimony of Deborah Del Prete Sullivan, Legal Counsel Office of Chief Public Defender

Judiciary Committee - March 21, 2022

Raised Bill 5467 - An Act Concerning the Use and Availability of Certain Written Reports in Proceedings Involving Allegations of Domestic Violence or Family Violence

Mission Statement of the Division of Public Defender Services

Striving to ensure justice and a fair and unbiased system, the Connecticut Division of Public Defender Services zealously promotes and protects the rights, liberty and dignity of all clients entrusted to us. We are committed to holistic representation that recognizes clients as individuals, fosters trust and prevents unnecessary and wrongful convictions.

This proposal amends Section 46b-38c of the General Statutes to include defense counsel in the list of individuals who must be provided a copy of a local family violence intervention unit's court report. In any criminal prosecution, it is critical that the court and the parties have access to full and transparent information when making arguments and decisions. This is particularly important in family violence cases. C.G.S. 46b-38c provides for a court support services family relations officer to make oral or written reports to the court at arraignment and as the case makes its way through the system. The reports give updates on 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. They are reviewed by the judge and, in most cases, the prosecutor and relied upon to make recommendations and decisions regarding bail, release conditions, and the ultimate disposition of the case.

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

Testimony of Deborah Del Prete Sullivan, Legal Counsel

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 we have submitted proposed legislation that allows for the documents to be shared. We urge the committee to add language to this section to ensure that all documents being shared with the judge are given to both state and defense counsel.

This office takes no position on Section 2 which discusses certain ex parte hearings, because these are civil in nature and public defenders do not provide legal representation in these proceedings. Under current law, at such an ex parte hearing, the court has the discretion to consider certain "relevant" court documents and reports prepared by the family services unit of the Judicial Branch. These reports are provided to the applicant and the respondent. The proposal would require that, if the report is considered by the court, the preparer be available to the defense for cross examination. Public defenders do not provide legal representation in these civil hearings. However, if this section is adopted, it is believed that a transcript of the proceedings could assist in the representation of a person subsequently charged, especially in cases where a false claim has been asserted.

The Office of Chief Public Defender urges this Committee to act favorably on this proposal.