



# Connecticut Public Defenders

## The Annual Report of the Chief Public Defender 2023

**Connecticut Division of Public Defender Services**

TaShun Bowden-Lewis, Esq., Chief Public Defender

equality | justice | community

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## Dedication

This report is dedicated to past and present members of the Division of Public Defender Services whom we lost this year. We continue to pursue our mission in memory of their commitment to it.

In addition, we extend our thanks to the Division staff who retired during FY 22/23. Thank you for your years of faithful service to the Division and its clients.

# Chief Public Defender's Summary



TaShun Bowden-Lewis  
Chief Public Defender

Our team continues to embody and embrace the mission of this agency:

**"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 conviction."**

We are incessant in our advocacy. We are indomitable in our commitment to our clients. We indefatigably push forward to level the playing field and disrupt the established systems.

There is a tremendous amount of positivity and human connection in our work that does not get enough spotlight. Selfless acts, volunteerism, and daily displays of compassion are rampant among members of our team! The following are a few wonderful things that set us apart and demonstrate that we are the best criminal defense law firm in Connecticut.

We have decreased caseloads by 4.6%. Our recruitment strategies have produced much fruit. We have increased diversity on all levels in our hiring practices. We are continuing to hire 3L's as fellowship interns/attorneys, which has allowed many to receive permanent employment. The "Champion Initiative" created our first-ever paid summer internships for several deserving college students. Our anti-racism training, "Changing Lanes," has brought awareness and opened the door for more dialogue. Many team members have become more involved with their communities by giving time and talent to assist outside of the courtroom setting. Relationships with the Lawyers Collaborative for Diversity, the Black Public Defender Association, other Public Defender agencies and national organizations, several Connecticut colleges and universities, Junior Achievement, Boys and Girls Clubs, SCRIP, Inc. (Second Chance Reentry Initiative Program), exonerated citizens, formerly incarcerated citizens, and community activists have yielded invaluable and remarkable connections and partnerships.

Our visibility and distinguishable hallmarks have been heightened by our increased statewide presence in the communities we serve as well as the use of our new logo. Our commitment to giving direct, real-time information and resources to our clients while lowering recidivism rates and increasing quality of life has been lauded by community members and external stakeholders who understand the value of new initiatives focused on communication and reentry while simultaneously ensuring that all team members have the resources needed to represent and litigate.

We are known for our resilience, honesty, and work ethic. These traits were evident as we went before the legislature and received an increase in the pay rate for our assigned counsel. We will carry this forward as we seek an increase in the pay rate for the investigators working with our assigned counsel too.

We are an agency dedicated to improvement and growth. We are here to serve. We exist solely for the clients; we are tasked to assist them, inform them, fight for them, and provide each of them with hope. We will continue to implement best practices and national public defense standards and principles to provide what every client deserves – the best.

## Chapter 2: Organization and Administration

Chapter 887 of the Connecticut General Statutes details the Public Defender Services. Per statute (§51-289), the Public Defender Services Commission is an independent body (within the Judicial Department for fiscal and budgetary purposes only). It establishes rules for income and eligibility guidelines and a compensation plan, authorizes public expenditures for expert and investigative services, and makes policies and appointments.

The Office of Chief Public Defender manages the Connecticut Public Defender system and specialized legal representation. It is located at 55 Farmington Avenue, 8<sup>th</sup> floor, in Hartford, Connecticut. The staff includes the Director of Training; Director of Diversity, Equity, and Inclusion; Director of Assigned Counsel; Director of Delinquency Defense and Child Protection; Legal Counsel, Director; Director of Finance; Director of Juvenile Post-Conviction; Director of Complex Litigation; Director of Human Resources; Chief Investigator; Chief Social Worker; Manager of Administrative Services; IT Systems Manager; PDS Information System Business Manager; Chief of Legal Services (Hartford); and the Director of the Connecticut Innocence Project & Post-Conviction Unit. The Office of Chief Public Defender also includes attorneys and support staff.

The field offices of the Division of Public Defender Services provide legal services for indigent clients throughout the state per the United States and Connecticut Constitutions.

The following chart shows the breakdown of Division staff by position category:

STAFF AS OF 12/29/2023			
	FULL TIME	PART TIME	TOTAL
<b>ATTORNEYS</b>	230		230
<b>SUPPORT STAFF</b>	66	5	71
<b>ADMINISTRATION</b>	27		27
<b>INVESTIGATORS</b>	57		57
<b>SOCIAL WORKERS</b>	42		42
	<b>422</b>	<b>5</b>	<b>427</b>

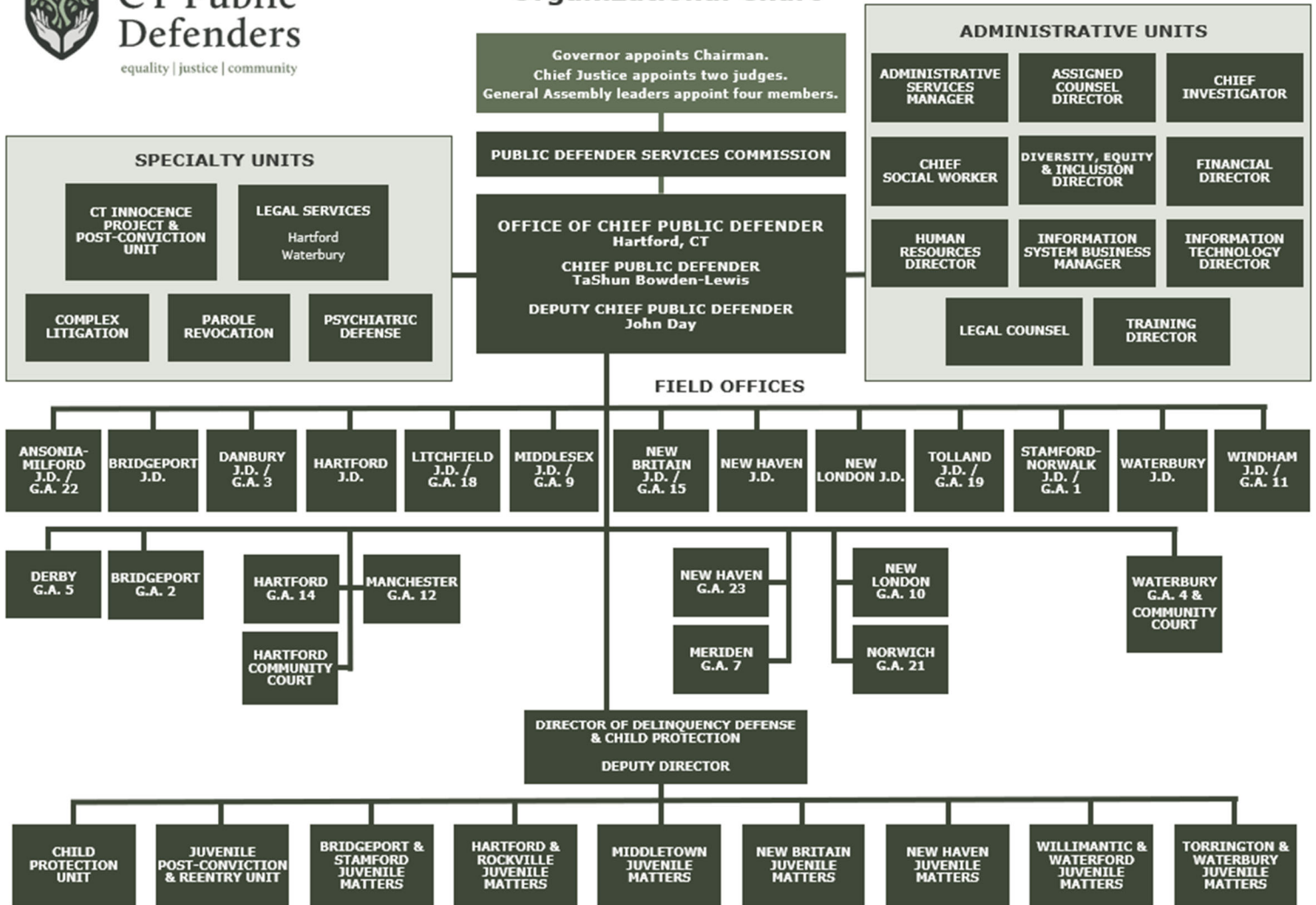
The chief administrative officer for the Division, appointed by the Commission, is Chief Public Defender Attorney TaShun Bowden-Lewis. The Deputy Chief Public Defender is Attorney John Day. Per statute (§51-291), the Chief Public Defender directs and supervises all personnel, controls the operations of the Public Defender Services, and is responsible for the supervision and direction of all personnel, offices, divisions, and facilities of the Division.

Our services are provided to indigent adult and juvenile clients throughout Connecticut at field offices and in specialized units around the state. Per statute (§51-296), we may be appointed to represent individuals in any criminal matter, *habeas corpus* proceeding arising from a criminal matter, any extradition proceeding, or any delinquency matter. We

represent clients in misdemeanor and felony cases, appeals, and post-conviction matters; clients acquitted by reason of insanity before the Psychiatric Security Review Board; certain clients subject to Risk Protection Orders; children in contested family court custody cases; and respondents in contempt and paternity cases in family support matters.



## Organizational Chart



## Leadership

### Administration

Chief Public Defender  
TaShun Bowden-Lewis

Deputy Chief Public Defender  
John Day

Financial Director  
Stephen Hunt

IT Systems Manager  
Greg Dion

Director of Training  
Andrew O'Shea

Director of Diversity, Equity, & Inclusion  
Daryl McGraw

Legal Counsel, Director  
Deborah Del Prete Sullivan

Director of Assigned Counsel  
Alix Walmsley

Director of Delinquency Defense &  
Child Protection  
Susan Hamilton  
*(Renee Cimino,  
December 2023)*

Director of Juvenile Post-Conviction  
James Connolly

Director of Complex Litigation  
Joseph Lopez

Acting Director of Human Resources  
Paula Lohr

Manager of Administrative Services  
Jen Loo

PDSIS Business Manager  
Frank DiMatteo

Chief Social Worker  
Katie Farrell

Chief Investigator  
Ellen Knight

Chief of Legal Services  
Jennifer Bourn

Director of CT Innocence Project  
& Post-Conviction Unit  
Robert Meredith

### Judicial Districts

Danbury  
James Lamontagne

Fairfield  
James Pastore

Hartford  
Damian Tucker

Litchfield  
Corrie Mainville

Middlesex  
Angela Anastasi

Ansonia-Milford  
John Walkley

New Britain  
Christopher Eddy

New Haven  
Molly Arabolos

New London  
Kevin Barrs

Stamford-Norwalk  
Jared Millbrandt

Tolland  
Brad Buchta

Waterbury  
Rashad Glass

Windham  
George Flores

**Geographical Areas**

Bridgeport #2  
Thomas J. Paoletta

Danbury #3  
James Lamontagne

Derby #5  
Carla Droniak

Hartford #14  
David Warner

Manchester #12  
Milton Walsh

Meriden #7  
John Delbarba

Middletown #9  
Angela Anastasi

Milford #22  
John Walkley

New Haven #23  
Bevin Salmon

New London #10  
Sean Kelly

Norwich #21  
Richard Perry

Rockville #19  
Brad Buchta

Stamford #1  
Jared Millbrandt

Torrington #18  
Corrie Mainville

Waterbury #4  
Michael Richards

Windham #11  
George Flores

**Specialty**

Psychiatric Defense  
William O'Connor

Hartford Community Court  
Sandra Davis

Legal Services (Waterbury)  
Pamela Nagy

Parole Revocation Unit  
Sonia Jones

Waterbury Community Court  
Michael Richards

**Juvenile Matters**

Bridgeport  
John DiStassio

Hartford  
Michael Walker

Middletown  
Angela Anastasi

New Britain  
Karen Hardy-Massaro

New Haven  
Renee Cimino

Rockville  
Michael Walker

Stamford  
John DiStassio

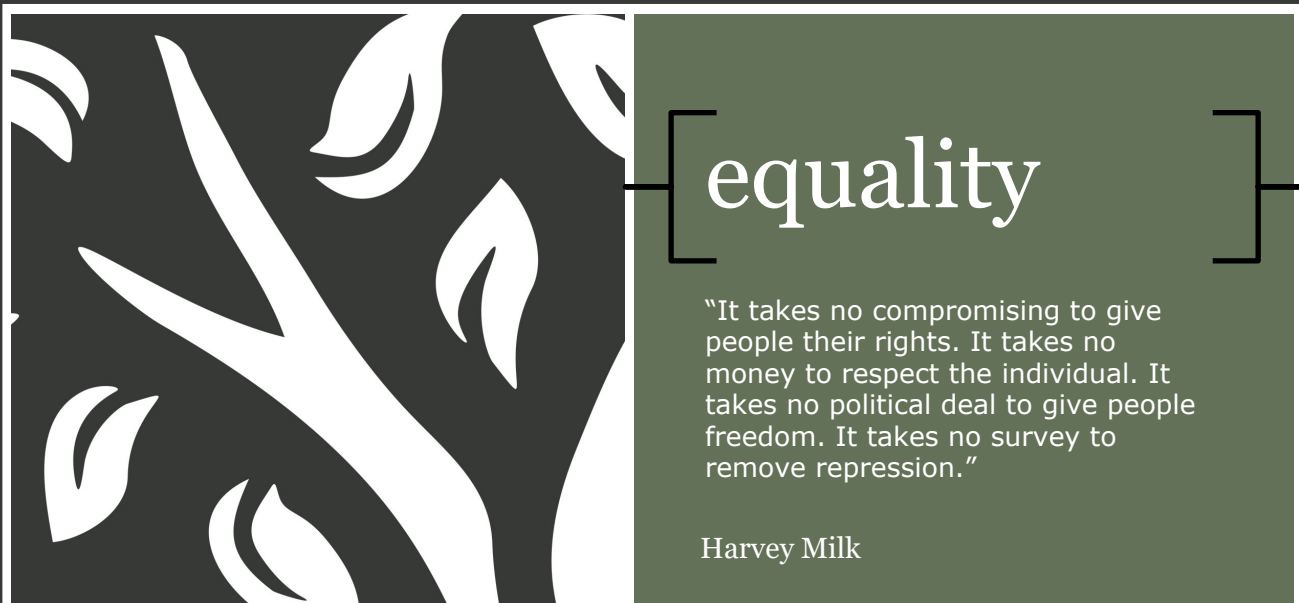
Torrington  
Danae Dwyer

Waterbury  
Danae Dwyer

Waterford  
Keith Foren

Willimantic  
Keith Foren

2022/2023 Public Defender Services Commission	
<i>as of June 30, 2023</i>	
Member	Appointed By
Hon. Richard N. Palmer (Chair)	Governor
Michael Jefferson, Esq.	Senate President Pro Tempore
Vacant	Senate Minority Leader
Hon. Russell Morin	Speaker of the House
Hon. William R. Dyson <i>(Replaced by Herman Woodard, Jr., Esq., December 2023)</i>	House Minority Leader
Hon. Elliot N. Solomon	Chief Justice
Hon. Sheila M. Prats	Chief Justice



[ equality ]

“It takes no compromising to give people their rights. It takes no money to respect the individual. It takes no political deal to give people freedom. It takes no survey to remove repression.”

Harvey Milk



### Workforce Analysis

This comparison is based on the Division’s employees as of October 1, 2023. Workforce availability figures are based on the 2006-2010 American Community Survey as reportable by the U.S. Census Bureau.

**MALES**

**FEMALES**

<b>OFFICIALS/ ADMINISTRATORS (32)</b>
WHITE
HISPANIC/LATINO
BLACK AFRICAN AMERICAN
AMERICAN INDIAN/ ALASKA NATIVE
ASIAN
NATIVE HAWAIIAN/ OTHER PACIFIC ISLANDER
TWO OR MORE RACES

		<b>WORKFORCE AVAILABILITY</b>
14	43.8%	51.5%
2	6.3%	1.0%
3	9.4%	2.3%
0	0.0%	0.0%
1	3.1%	2.5%
0	0.0%	0.0%
0	0.0%	0.1%

		<b>WORKFORCE AVAILABILITY</b>
8	25.0%	34.2%
1	3.1%	0.9%
2	6.3%	2.4%
0	0.0%	0.1%
1	3.1%	1.4%
0	0.0%	0.0%
0	0.0%	0.1%

**MALES**

**FEMALES**

<b>PROFESSIONALS (251)</b>
WHITE
HISPANIC/LATINO
BLACK AFRICAN AMERICAN
AMERICAN INDIAN/ ALASKA NATIVE
ASIAN
NATIVE HAWAIIAN/ OTHER PACIFIC ISLANDER
TWO OR MORE RACES

		<b>WORKFORCE AVAILABILITY</b>
96	38.2%	36.7%
2	0.8%	0.7%
5	2.0%	2.5%
0	0.0%	0.0%
1	0.3%	3.5%
0	0.0%	0.0%
3	1.2%	0.1%

		<b>WORKFORCE AVAILABILITY</b>
115	45.8%	45.4%
4	1.6%	1.0%
19	7.6%	3.5%
1	0.4%	0.0%
3	1.2%	2.6%
0	0.0%	0.0%
2	0.8%	0.1%

**MALES**

**FEMALES**

PROTECTIVE SERVICE WORKERS (NON-SWORN) (52)	MALES			FEMALES		
			WORKFORCE AVAILABILITY			WORKFORCE AVAILABILITY
WHITE	15	29.0%	38.5%	24	46.2%	34.8%
HISPANIC/LATINO	7	13.5%	0.4%	3	5.8%	2.4%
BLACK AFRICAN AMERICAN	0	0.0%	5.4%	3	5.8%	7.5%
AMERICAN INDIAN/ ALASKA NATIVE	0	0.0%	0.1%	0	0.0%	0.0%
ASIAN	0	0.0%	0.0%	0	0.0%	0.3%
NATIVE HAWAIIAN/ OTHER PACIFIC ISLANDER	0	0.0%	0.0%	0	0.0%	0.8%
TWO OR MORE RACES	0	0.0%	0.8%	0	0.0%	0.1%

**MALES**

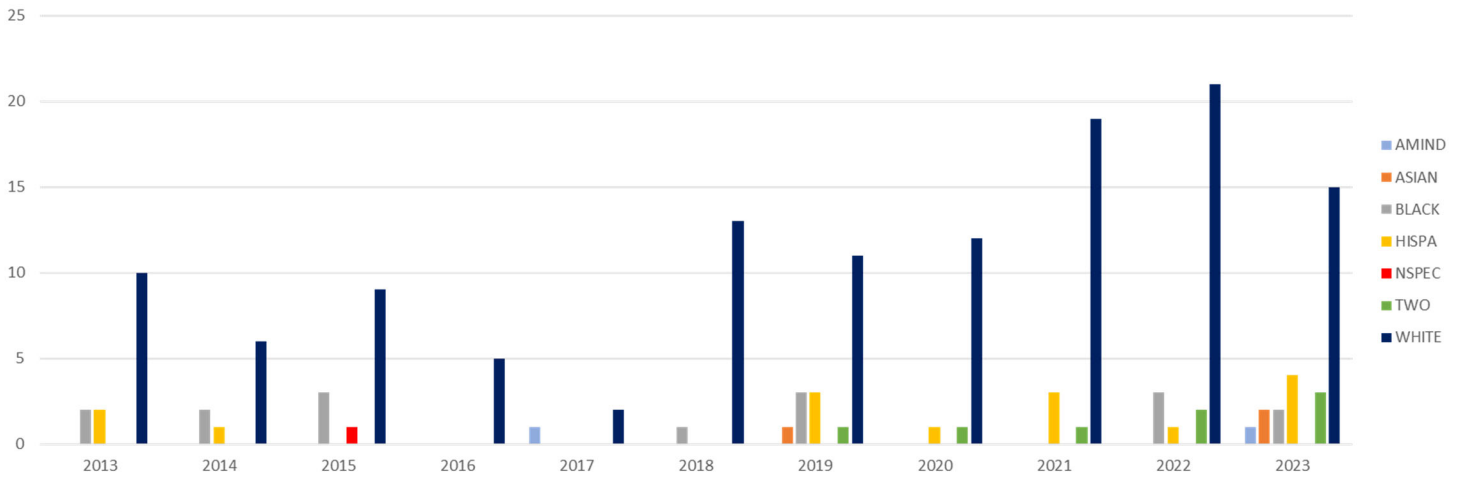
**FEMALES**

ADMINISTRATIVE SUPPORT (83)	MALES			FEMALES		
			WORKFORCE AVAILABILITY			WORKFORCE AVAILABILITY
WHITE	2	2.4%	27.5%	34	41.0%	49.3%
HISPANIC/LATINO	5	6.0%	1.4%	20	24.1%	3.4%
BLACK AFRICAN AMERICAN	1	1.2%	3.1%	14	16.9%	6.1%
AMERICAN INDIAN/ ALASKA NATIVE	1	1.2%	0.1%	0	0.0%	0.1%
ASIAN	1	1.2%	1.2%	2	2.4%	1.4%
NATIVE HAWAIIAN/ OTHER PACIFIC ISLANDER	0	0.0%	0.0%	0	0.0%	0.0%
TWO OR MORE RACES	0	0.0%	0.1%	3	3.6%	0.2%

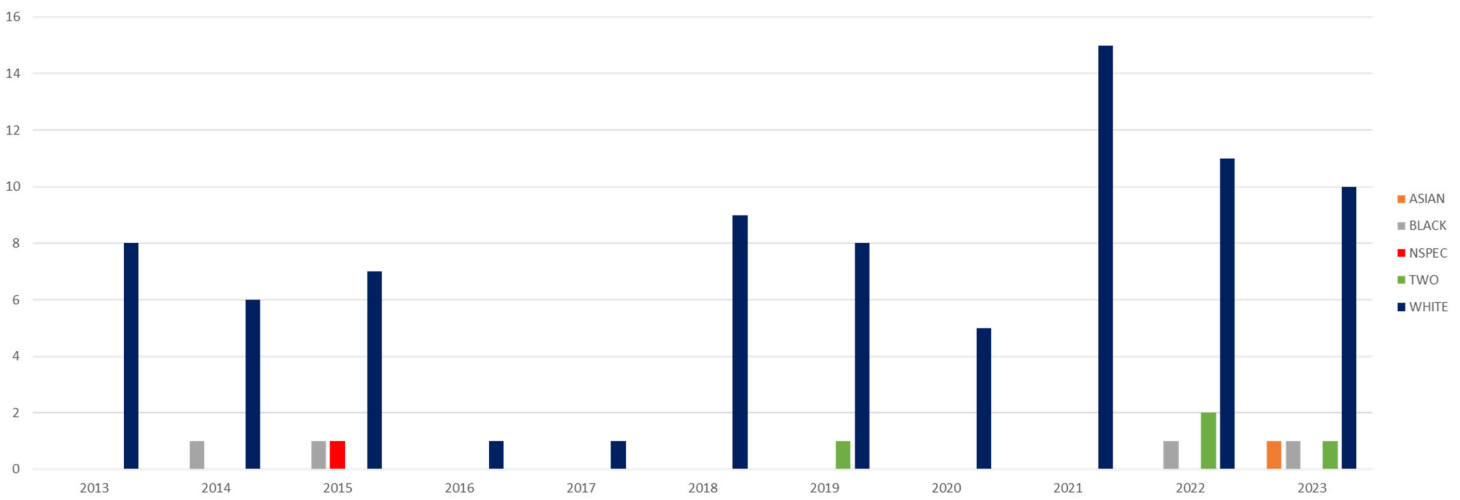
**MALES/FEMALES**

SUMMARY OF WORKFORCE		
TOTAL MALES	158	37.9%
TOTAL FEMALES	259	62.1%
TOTAL MINORITY	110	26.4%
TOTAL MINORITY FEMALES	78	18.7%
TOTAL MINORITY MALES	32	7.7%

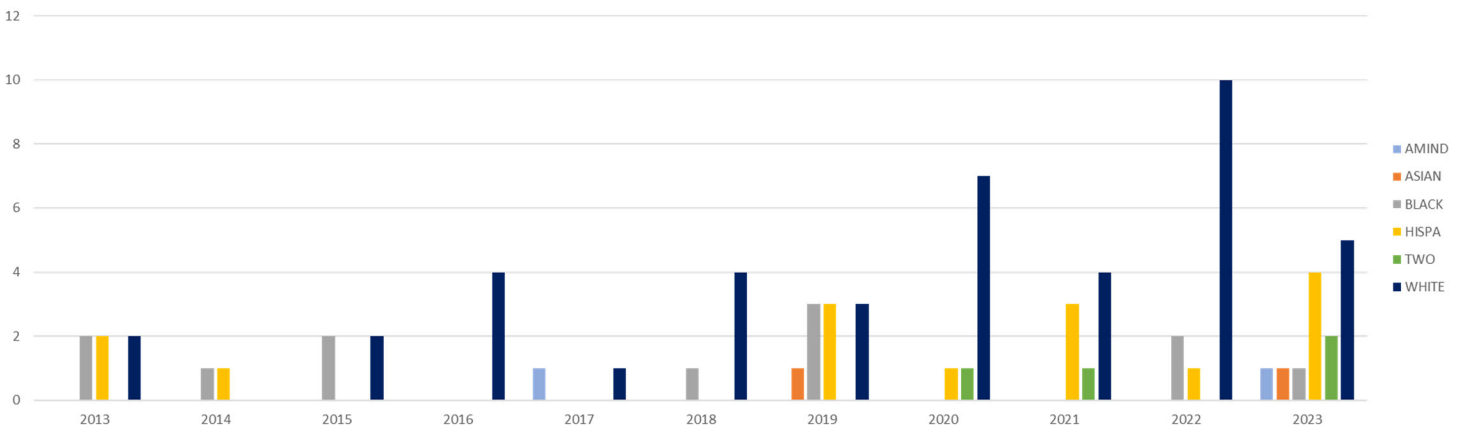
### DPDS Recruitment for the Last 10 Years in All Employment Classifications



### DPDS Recruitment for the Last 10 Years - Attorneys



### DPDS Recruitment for the Last 10 Years - Non-Attorneys



### Chapter 3: Caseload

The Total Public Defender Fiscal Year Caseload refers to the cases for which the Division was financially responsible during the fiscal year. During FY 22/23, the total Fiscal Year Caseload was 119,134. This represents a **4.6% decrease** from FY 21/22.

The Total Fiscal Year Caseload includes the assignment of 19,106 Assigned Counsel cases. Assigned Counsel are private attorneys hired by the Public Defender Services Commission to represent clients when the public defender office determines that there is a conflict of interest. As noted above, in FY 22/23, Assigned Counsel were assigned to handle 19,106 cases for the Judicial District, Geographical Area, Juvenile Matters, Appellate, Post-Conviction, 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.

Branch	Pending Cases 7/1/22	Cases Appointed 7/1/22 - 6/30/23	Total Cases Transferred 7/1/22- 6/30/23	Transferred to Assigned Counsel 7/1/22 - 6/30/23	GAL 7/1/22- 6/30/23	TOTAL
GA	45045	50910	9137	6403	-	<b>93221</b>
JD	2446	2585	785	874	-	<b>5120</b>
Juvenile Delinquency	1432	2763	642	779	414	<b>4746</b>
Child Protection	381	349	1	10603	293	<b>11625</b>
Child Protection Parent Defense*	0	18	0	0		<b>18</b>
Juvenile Post-Conviction	51	27	0	0	-	<b>78</b>
Magistrate	87	42	16	0	-	<b>113</b>
Housing Courts	7	7	0	0	-	<b>14</b>
CTIP**	97	53	0	0	-	<b>150</b>
CTIP - Habeas	2727	205	0	310	-	<b>3242</b>
Parole Revocation Unit	170	500	0	0	-	<b>670</b>
Appellate				137	-	<b>137</b>
<b>TOTAL</b>	<b>52443</b>	<b>57459</b>	<b>10581</b>	<b>19106</b>	<b>707</b>	<b>119134</b>

\* Data represents roughly one month of Parent Defense cases, which began during this FY.

\*\*Includes DOJ

#### Evaluation of Caseload Goals

In order to ensure that the attorneys within the Division 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. These goals have enabled the Commission to assess staffing levels and allocate resources on an equitable basis.

Going forward, the Division and Commission are committed to evaluating our current performance measures against evolving national standards. Through a thorough evaluation, the administration endeavors to explore various key performance indicators that best reflect caseload and workload and how they impact client services.

## Case Management System

### ***Frank DiMatteo, Division Information System Business Manager***

In the past fiscal year, the Business Information Systems department has made significant strides in the conversion to the new case management system named eDefender, while continuing to support the current case management system, Justware. Providing Division employees with the information necessary to assist with the effective representation of its clients remains the most important function of the department. The transition to the new system will require training of all Division personnel as eDefender will be a complete departure from Justware in regard to the user interface. In addition to in-person training, this department plans to create videos for eDefender and make them available to staff via the Training department's learning management system. To prepare for this process, this unit worked with the Training department to create a video demonstrating data entry procedures for the new 29-38c cases being handled by the Division.

### **Justware Defender Case Management System**

The Division's current case management solution was completed on schedule and under budget in the fall of 2015. It has been the most critical component of the strategic IT plan that the Division launched in 2013. Some of the features and capabilities include:

- a client-centered work environment;
- more access for employees to the information they need to do their jobs;
- access to vital caseload data for DPDS leadership that assists with resource allocation matters; and
- an increase in the overall technological capabilities of the Division.

### **The eDefender Case Management System will:**

- provide the same functionality as Justware in an updated and more intuitive graphic user interface;
- take advantage of new web technologies to provide additional functionality requested by Division employees; and
- move "in-house" to supply more storage for case discovery than currently provided by the vendor, and at a lower cost.

## Cases By Office/Unit

Office	Pending Cases 7/1/22	Cases Appointed 7/1/22 - 6/30/23	Cases Transferred 7/1/22- 6/30/23	Transferred to Assigned Counsel 7/1/22 - 6/30/23	
<b>GA</b>					
GA 01 Stamford	1984	2833	573	6403	
GA 02 Bridgeport	5846	4873	783		
GA 03 Danbury	1654	1200	216		
GA 04 Waterbury	4399	3993	797		
GA 05 Derby	1395	1531	311		
GA 07 Meriden	1685	2765	336		
GA 09 Middletown	963	1334	268		
GA 10 New London	3040	2854	692		
GA 11 Danielson	1633	1825	387		
GA 12 Manchester	1308	2324	521		
GA 13 Enfield*	760	695	373		
GA 14 Hartford	4409	5815	522		
Hartford Community Court	564	1359	150		
GA 15 New Britain	3890	4734	974		
GA 18 Torrington	1649	1647	546		
GA 19 Rockville	1129	1119	196		
GA 20 Norwalk*	1434	266	99		
GA 21 Norwich	1536	2357	496		
GA 22 Milford	820	1347	376		
GA 23 New Haven	4947	6039	521		
<b>GA TOTALS</b>	<b>45045</b>	<b>50910</b>	<b>9137</b>		<b>6403</b>
<b>JD</b>					
Ansonia/Milford JD	153	152	53		874
Danbury JD	208	58	20		
Fairfield JD	353	337	51		
Hartford JD	381	357	114		
Middletown JD	39	50	10		
New Britain JD	158	183	56		
New Haven JD	410	579	281		
New London JD	166	213	26		
Stamford JD	97	124	35		
Tolland JD	71	62	26		
Torrington JD	114	114	31		
Waterbury JD	243	292	67		
Windham JD	53	64	15		
<b>JD TOTALS</b>	<b>2446</b>	<b>2585</b>	<b>785</b>	<b>874</b>	

\* The Enfield and Norwalk G.A. courthouses closed during FY 22/23.

**Cases By Office/Unit (cont.)**

Office	Pending Cases 7/1/22	Cases Appointed 7/1/22 - 6/30/23	Cases Transferred 7/1/22- 6/30/23	Transferred to Assigned Counsel 7/1/22 - 6/30/23
<b>JUVENILE DELINQUENCY</b>				
Bridgeport Juvenile	141	223	29	779
Hartford Juvenile	127	517	126	
Middletown Juvenile	55	209	67	
New Britain Juvenile	174	329	56	
New Haven Juvenile	407	613	90	
Stamford Juvenile	59	118	26	
Torrington Juvenile	38	61	9	
Waterbury Juvenile	202	359	82	
Waterford Juvenile	165	232	108	
Willimantic Juvenile	64	102	49	
<b>JUVENILE TOTALS</b>	<b>1432</b>	<b>2763</b>	<b>642</b>	
<b>CHILD PROTECTION</b>				
Bridgeport Juvenile	161	86	0	-
Hartford Juvenile	52	56	0	
Middletown Juvenile	1	1	0	
New Britain Juvenile	2	20	0	
New Haven Juvenile	13	16	0	
Stamford Juvenile	13	14	0	
Torrington Juvenile	0	0	0	
Waterbury Juvenile	27	52	0	
Waterford Juvenile	111	104	1	
Willimantic Juvenile	1	0	0	
<b>JUVENILE TOTALS</b>	<b>381</b>	<b>349</b>	<b>1</b>	
<b>JUVENILE POST-CONVICTION</b>				
Bridgeport Juvenile	1	1	0	-
Hartford Juvenile	1	1	0	
Middletown Juvenile	2	2	0	
New Britain Juvenile	3	3	0	
New Haven Juvenile	10	9	0	
Stamford Juvenile	2	2	0	
Torrington Juvenile	0	0	0	
Waterbury Juvenile	2	2	0	
Waterford Juvenile	0	0	0	
Willimantic Juvenile	0	0	0	
Juvenile Post-Conviction Unit	30	7	0	
<b>JUVENILE TOTALS</b>	<b>51</b>	<b>27</b>	<b>0</b>	

**Cases By Office/Unit (cont.)**

Office	Pending Cases 7/1/22	Cases Appointed 7/1/22 -	Cases Transferred 7/1/22-	Transferred to Assigned Counsel 7/1/22 - 6/30/23
<b>MAGISTRATE</b>				
Bridgeport Support Enforcement	0	0	0	-
Danbury Support Enforcement	2	2	0	
Hartford Support Enforcement	0	0	0	
Middletown Support Enforcement	1	0	0	
New Britain Support Enforcement	48	0	0	
New Haven Support Enforcement	12	40	16	
Norwich Support Enforcement	22	0	0	
Putnam Support Enforcement	0	0	0	
Rockville Support Enforcement	0	0	0	
Stamford Support Enforcement	0	0	0	
Waterbury Support Enforcement	2	0	0	
<b>MAGISTRATE TOTALS</b>	<b>87</b>	<b>42</b>	<b>16</b>	
<b>HOUSING COURTS</b>				
Bridgeport Housing Court	1	0	0	-
Hartford Housing Court	0	1	0	
New Britain Housing Court	0	0	0	
New Haven Housing Court	6	6	0	
Norwalk Housing Court	0	0	0	
Waterbury Housing Court	0	0	0	
<b>HOUSING COURTS TOTALS</b>	<b>7</b>	<b>7</b>	<b>0</b>	<b>0</b>



## Chapter 4: Narrative Reports

### Assigned Counsel

#### ***Alix Walmsley, Director of Assigned Counsel***

The Assigned Counsel Unit had an interesting year. We continued to have difficulties assigning cases because the flat and hourly rates are too low, and we continued to lose assigned counsel, including experienced longtime assigned counsel from our list. We lobbied hard for increases from the Governor and the Legislature, and at the end of the fiscal year the Division was successful in adding over \$8.8 million to the assigned counsel line item in the Division budget for pay increases in addition to the then \$23 million dollar budget. This budget increase is an approximately 35% increase to the hourly and flat rates, and it has slowed the pace of the issues we are facing. Because it does not solve the issues and is still behind other comparative rates in other states and federal court, the Division, the Chief Public Defender and Assigned Counsel Unit, will go back again this fiscal year, requesting just over \$14 million to get the rates up to what was asked for last year.

Assigned counsel attorneys handle nearly all child welfare matters: child protection and appeals, Staterate AMC/GAL and a large portion of family support magistrate matters, as well as agency criminal matters when field offices have conflicts, *habeas corpus*, appeals and post-conviction matters generally. They are a crucial part of all the practice areas for our agency and are constitutionally mandated under our justice system, so we must maintain a list of effective and available attorneys to handle these all matters.

In recent months we have seen assignments coming into the unit increasing in number, nearly back to pre-pandemic levels. While trials in child protection are common and consistent, as are *habeas corpus* trials, we are seeing an uptick in criminal trials as courts call in more trial cases and try to move those backlogs, particularly in Part A courts.

Our assigned counsel attorneys continue to handle our cases enthusiastically and collaboratively, and they are consistently engaging in trainings provided by the Division and are recruited to teach the trainings as well. Assigned counsel have had some significant courtroom successes over the past fiscal year, as they do every year, and they continue to contribute significantly to listserv discussions, brief banks, and more.

#### **Fiscal Year 2023 Assigned Counsel Assignment Numbers**

Criminal Matters = 8,503

GA/Part B – 6403

JD/Part A – 874

Juvenile Delinquency – 779

*Habeas Corpus* and Post-Conviction – 310

Criminal Appeals - 137

Child Welfare Matters = 11,419

Total of all FY CP assignments 11310

Child – 5242

Mom – 3430

Dad – 2437

Legal Guardian – 158

Other – 43

Attorneys for GAL 12

Appeal and Appeal Reviews – 93

GALs on CP cases – 293

GAL on Delinquency matters – 414

AMC/GAL appointments – 109

*TOTAL ASSIGNED COUNSEL CASES FOR FISCAL YEAR 2023: 19,922 cases*

## Connecticut Innocence Project / Post-Conviction Unit

### **Robert Meredith, Director, Connecticut Innocence Project / Post-Conviction Unit**

The Connecticut Innocence Project/Post-Conviction Unit consists of six attorneys, two investigators, two paralegals, and a secretary, all located at the Office of Chief Public Defender in Hartford. The Unit investigates cases of wrongfully convicted individuals and seeks their exoneration. The Unit also represents individuals in other post-conviction matters, including litigating *habeas* claims, juvenile parole hearings, sentence modifications, and commutations. The Unit is also responsible for overseeing the caseload of Public Act 15-84 and Public Act 23-169 juvenile parole hearings, providing training and resources to attorneys who handle these matters, and serving as liaison between the Board of Parole and Pardons and inmates and their attorneys. Over the past fiscal year, the Unit has successfully represented a number of individuals in the aforementioned areas of practice.

## Delinquency Defense and Child Protection

### **Renee Cimino, Director, Juvenile Delinquency and Child Protection**

The Delinquency Defense and Child Protection Unit, with its 10 juvenile field offices, provides the highest quality representation to indigent clients in complex delinquency defense and child protection matters, Family Support Magistrate Court, and AMC/GALs in Family Court.

The unit in FY 22/23 created a Child Protection Parent Defense Team to ensure the highest quality representation to indigent parents in complex child protection matters throughout the state. The Child Protection Parent Defense Team, which consists of both attorneys and support staff, is responsible for child protection trial court cases and appeals statewide. This team also represents indigent respondent parents in contempt proceedings within the Family Support Magistrate Court. In addition, they provide training, trial observation, and consultation for other public defenders and Assigned Counsel who handled child protection and family support magistrate matters.

The unit continued its successful work as an integral member of the Juvenile Justice Policy and Oversight Committee (JJPOC), serving on several workgroups to address racial/ethnic disparity in the system, improve conditions of confinement, increase diversion, and reduce recidivism.

This unit also continued its participation in statewide Racial and Ethnic Diversity (RED) workgroups to address over-representation and equity issues in both the youth justice and child welfare systems. We continue to work in collaboration with the Department of Children and Families (DCF) to leverage additional funding to improve overall quality of legal representation for both parents and children in child welfare cases, including representation of youth who elect to continue in DCF care post-majority.

The Delinquency Defense and Child Protection Unit continued to manage its own state training budget and the federal Court Improvement Program (CIP) grant funds to provide training programs during FY 22/23. These included, but were not limited to, a full 4-day mandatory pre-service training for all new child welfare attorneys, educational law, bullying and school discipline, and child welfare/DCF training for adult defenders.

We also continued to serve as a member of the Standing Committee for AMC/GALs in Family Court and administered the mandatory pre-service training required to be appointed by the family court in contested dissolution and custody matters. In addition, we remained actively involved in representing indigent respondents who are at risk of incarceration in Family Support Magistrate Court and advocated for policy and legislative reform in this area to promote fairness and address systemic inequities that disproportionately impact our clients.

## Training Unit

### **Andrew O'Shea, Director of Training**

In the 2022-2023 fiscal year, the Training Department continued its focus on providing skills-based trainings for the many attorneys that are new to the Division and are new assigned counsel. In addition, John Cizik, an exceptional trial attorney in the Waterbury Judicial District, added his phenomenal skills to the department after Chester Fernández left to pursue a position with the National Legal Aid & Defender Association.

Of particular note, in September 2022, the Department began providing a brand-new extensive onboarding program for the many attorneys joining the Division, a significant

percentage of which are recent law school graduates. This program involves new attorneys participating in a monthly full-day training that often involves an afternoon of workshops in which they practice the skills they are taught in the morning session. The attorneys are required to attend those monthly trainings, each of which address a separate fundamental core competency, over the course of a year. As an additional component of the onboarding training, the Department put on its most complicated and successful training named DefenderLab, which is the Division's week-long trial skills training. New attorneys must complete that course within the first three years of joining the Division. This year, we were fortunate to be able to include a residential component in the training, so that attendees could stay on-site and further hone their skills during the evenings while preparing for the following day's simulations. In addition, we were extraordinarily fortunate to be able to have Larry Pozner, the author of *Cross-Examination: Science and Techniques*, join the program both as a lecturer and small group facilitator.

Through the year, the Department also provided thirteen single-session trainings on discrete topics for public defenders and assigned counsel, such as advising clients on plea offers, representing veterans, preparing for sentencing proceedings, and annual reviews of developments in ethics and case law. In addition to that, the Department provided a full-day seminar titled "Innocence Project Primer on Litigating Eyewitness, Confession, and Forensic Evidence" in conjunction with the New York Innocence Project, in which national leaders on litigating issues pertaining to multiple forensic disciplines provided guidance to our attorneys. Moreover, we facilitated a two-day training on the basics of representing *habeas* petitioners and have been facilitating ongoing support for the mentorship of the attendees of that training. Furthermore, we facilitated a one-day sentencing seminar in conjunction with the Department of Correction. We also sponsored a number of attorneys to a variety of external trainings, both in person and remote, including three attorneys attending the renowned two-week trial skills training run by the National Criminal Defense College and a number of attorneys attending trainings provided by the National Association of Criminal Defense Lawyers throughout the country.

In addition, since January 2023, the Department has provided six runs of a fourteen-hour racial equity training named Changing Lanes that takes place over the course of two months. In this mandatory remote training that is being rolled out for the entire Division over a two-year period, employees from across the Division come together to learn about issues pertaining to race affecting our clients and practice having difficult discussions on race in safe spaces with one another.

On top of the above-described training projects, the Training Department continued its facilitation of our Division's intern program and training for more than 100 interns over the course of the fiscal year. We organized the Division's annual meeting, which was focused on employee appreciation. We also re-initiated and have been administering our Division-wide attorney mentorship program, as well as providing regular support for the mentors.

Parole Revocation Unit

**Sonia M. Jones, Supervisory Assistant Public Defender**

First client intake date	9/17/2019	
Total cases since inception	1830	
Public Defenders funded	3, 1 fellow	
Total current cases pending	195	
<b>As of 12/8/2023</b>	<b>2022</b>	<b>2023</b>
Total new cases	479	494
Total Clients - new	350	341
Total Clients - prior representation	129	153
Total cases Disposed	458	462
<b>Case Types</b>		
Criminal violations	126	119
Technical violations	122	125
Criminal & Technical violations	231	250
<b>Hearings</b>		
Preliminary hearings	277	363
Supplemental hearings	1	2
Revocation hearings	301	344
BOPP final Board Review hearings	294	257
Interstate hearings	3	9
<b>PC Dispositions</b>		
No PC finding at revocation hearing	7	8
PC finding/not serious enough	11	19
PC finding/serious enough	266	344
<b>Sanctions</b>		
Reinstate parole	18	27
3 months or less sanction	61	86
3-6 month sanctions	121	141
6 month-1 year sanctions	68	87
More than 1 year sanctions	44	22
TOP program	26	20
<b>Miscellaneous</b>		
Appearance W/D	13	9
Auto revokes	40	28
Client Deceased	0	1
EOS	39	43
Process failures	2	5
Reimprisonment warrant W/D	22	18

## Chapter 5: Cost

**Steven Hunt, Director of Finance**

### Expenditures 2023

The Public Defender Services Commission's Actual General Fund Expenditures for FY 2023 totaled \$67,862,573. Below is a breakout of the actual expenditures for the agency:

Account		FY 2023
<b>Personal Services</b>	\$	42,877,273
<b>Other (Operating) Expenses</b>	\$	1,559,656
<b>Assigned Counsel</b>	\$	20,837,403
<b>Expert Witnesses</b>	\$	2,316,202
<b>Training and Education</b>	\$	272,039
<b>Total FY 23 Expenditures</b>	<b>\$</b>	<b>67,862,573</b>

The Commission's FY 2023 expenditures of \$67.86 million supported a permanent staff of 416 full-time and 4 part-time employees, 219 of whom were attorneys. Other staff consisted of administrative, social work, investigative, secretarial, and clerical personnel.

### Appropriated Budget 2024

In FY 2024, the Commission's total available General Fund appropriation is \$85,918,615 to support a staff of 451 full time positions (the agency authorized position count) and 12 part-time positions. Below is a breakout of the FY 2024 General Fund available appropriations.

Account		FY 2024
<b>Personal Services</b>	\$	49,144,096
<b>Other (Operating) Expenses</b>	\$	1,565,163
<b>Assigned Counsel</b>	\$	32,314,004
<b>Expert Witnesses</b>	\$	2,775,604
<b>Training and Education</b>	\$	119,748
<b>Total FY 24 Appropriation</b>	<b>\$</b>	<b>85,918,615</b>

It should be noted that the Commission was appropriated \$8,841,611 in the Assigned Counsel account to increase the assigned counsel rates 35% across all practice areas.

## Federal Grants

### *American Rescue Plan Act*

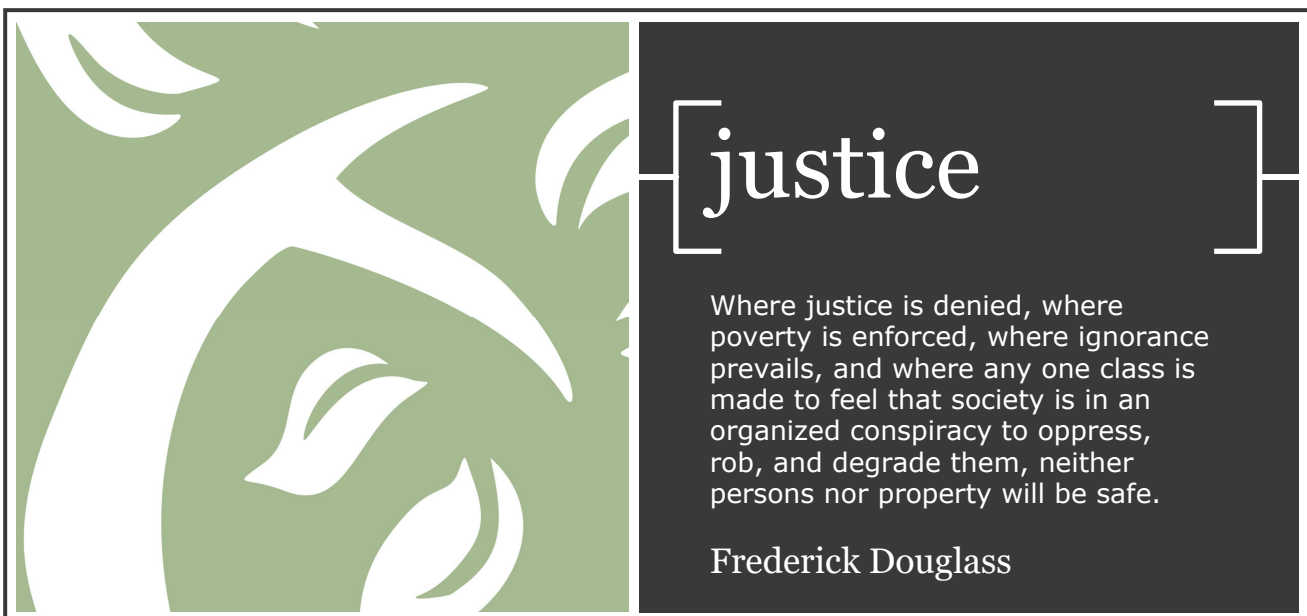
In FY 2023, \$1,0004,923 was spent on a federal grant pass through Office of Policy & Management titled, American Rescue Plan Act. The funding was used to hire temporary attorneys to relieve caseload backlogs that were created during the 2020 pandemic.

The American Rescue Plan Act account was carried forward into FY 24 in the amount of \$1,018,897.

## 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 \$19,216 was collected in FY 2023, compared to \$19,194 collected in FY 2022. 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.



## Chapter 6: Legislative Action and Proposals

### **Deborah Del Prete Sullivan, Legal Counsel, Director/Legislative Liaison**

The 2023 session was conducted in person after previous sessions were either cancelled or virtual as a result of COVID. It was a wonderful to meet in person with legislators and their staff, state agency liaisons, stakeholders and the public!

Because it was a budget session, which is in an odd year and longer, the Office of Chief Public Defender presented a very comprehensive legislative package. In addition, the Office of Chief Public Defender proposed an increase for Assigned Counsel rates, which had remained constant for years. Although not achieving the full raise requested, an approximate increase of 35% was approved in the final budget bill signed by Governor Lamont.

The Public Defender Legislative Committee, comprised of the office heads of the J.D., G.A., Juvenile and Specialty Units in the Division, collaborated with the Office of Chief Public Defender on the following proposals during the 2023 session:

**Juror Compensation** – This proposal was supported by the civil and criminal bars, the Judicial and the Division of Criminal Justice. It increased juror compensation for part time and per diem employees. The result would increase juror pool diversity by expanding access to persons in the community to serve as jurors.

*Not Raised. It did not make it into the final budget bill.*

**An Affirmative Defense** – This would have provided an affirmative defense in violation of probation and violation of criminal protective order proceedings.

*Not Raised.*

**Felony Murder** – This would have provided a lesser penalty for a person so charged who was not the person who committed the murder.

*Not Raised.*

**Eligibility for Miller-Graham Hearings** – This would have amended Public Act 15-84 to expand the eligibility for these hearings to include all persons who were 18 - 21 years of age at the time of their conduct.

*Raised (S.B. 952). Passed but very limited – See P.A. 23-169, An Act Concerning Parole Eligibility For An Individual Serving A Lengthy Sentence For A Crime Committed Before The Individual Reached The Age Of Twenty-One And Criminal History Records Erasure*

**Good Samaritans** – This proposal would amend certain narcotics laws as they apply to Good Samaritans.

*Raised (H.B. 6917). Passed but limited to cannabis – See P.A. 23-47, An Act Various Revisions to the Criminal Law and Criminal Justice Statutes*



**Promoting Justice And Equity In The Criminal Justice System** - This permitted

- (1) post-conviction mental or physical exams in DOC facilities around the state,
- (2) provided credit for pre-arraignment incarceration as a matter of course, to persons,
- (3) permitted home confinement for persons convicted of regardless of whether the offense of conviction was operating under alcohol-related suspension or ignition interlock device (IID) restriction, and
- (4) required that, in the setting of financial orders upon an adjudication of civil contempt of a child support obligor, the court articulate two findings on the record: (a) the financial orders are within the obligor's present ability to pay, and (b) the financial orders will not leave the obligor with income insufficient to sustain such obligor's basic welfare.

*Raised (H.B. 6917). Passed – P.A. 23-47, An Act Various Revisions to the Criminal Law and Criminal Justice Statutes. This act incorporated the first 3 of the 4 proposals.*

**Psychiatric Security Review Board** - This would have eliminated continued commitment by the Psychiatric Security Review Board (PSRB) statutory scheme by diverting that process to the civil probate statutory scheme and cap the term of PSRB supervision at the maximum sentence.

*Raised (S.B. 926), An Act Concerning Persons Committed to the Jurisdiction of the Psychiatric Security Review Board). Did not pass.*

**Public Acts Supported by the Office of Chief Public Defender:**

The following public acts were supported by the Office of Chief Public Defender:

- *P.A. 23-169 - An Act Concerning Parole Eligibility for an Individual Serving a Lengthy Sentence for a Crime Committed Before The Individual Reached the Age of Twenty-Five (S.B. 952)*
- *P.A. 23-9 - An Act Concerning Racial Profiling (S.B. 953)*
- *P.A. 23-192 - An Act Concerning the Provision of Emergency Medical Services to an Individual who is in Direct Contact with or in the Custody or Control of a Peace Officer (S.B. 1062)*
- *P.A. 23-27 - An Act Concerning Deceptive or Coercive Interrogation Tactics (S.B. 1071)*
- *P.A. 23-204 - An Act Concerning The State Budget For The Biennium Ending June 30, 2025, And Making Appropriations Therefor, And Provisions Related To Revenue And Other Items Implementing The State Budget (S.B. 1230)*
- *P.A. 23-88 - An Act Concerning the Issuance of a State Identification Card or Motor Vehicle Operator's License to a Person Being Discharged from a Correctional Facility (H.B. 6875)*

- *P.A. 23-188 - An Act Concerning Juvenile Justice (H.B. 6888)*
- *P.A. 23-203 - An Act Concerning A Study Of The Criminal Laws Of This State (H.B. 6895)*
- *P.A. 23-47 - An Act Concerning Various Revisions to the Criminal Law and Criminal Justice Statutes (H.B. 6917)*

The 2024 legislative session is a short session which begins in February and ends early May. The Office of Chief Public Defender will be including in its legislative package proposals pertaining to juror compensation, affirmative defense, felony murder, eligibility for Miller-Graham hearings (P.A. 15-84). In addition, amendments expanding eligibility for the pretrial supervised diversionary program for persons with psychiatric disabilities and veterans to include person with intellectual disabilities, competency to stand trial and the PSRB may be proposed. In addition, the budget of the agency can always be amended.

