

Labor and Public Employees Committee
Legislative Office Building
Hartford, Ct 06106

February 15, 2007

RE: H.B. No. 6639

Committee Members;

We the undersigned are career Investigators with the Division of Public Defender Services. Working in this profession is challenging as well as rewarding.

The job description (attached) of a Public Defender Investigator includes a myriad of duties, from subpoena service to transporting witnesses, and clients to and from courts, programs, and medical facilities. The range of duties really cannot be put on paper; each day brings new challenges, new clients, new cases, new evidence, and new ways to examine the evidence. So on top of the day to day operations, we also must find time for continuing education keeping up with the ever changing processes and policies associated with investigation.

Most of us have 10 or more years of service with the Public Defenders, some as much as 20 years. Over the years the job has become more stressful and dangerous, the cases more complex and the caseloads almost unmanageable. An investigator carrying 50 cases at a time is no longer a rare occurrence, nor is it rare for one investigator to be "on trial" with two or even three cases at a time. The pressure placed on an investigator in either of these situations is some days unbearable.

The types of cases handled by the Public Defenders vary from class c misdemeanors to class a felonies, from DWI to multiple homicides. The investigators do not differentiate between the different levels or types of cases, whether the case is a DWI, Assault 2, Robbery 1, or homicide, we all know that someone is counting on us to do our very best for them, their lives or livelihood may depend on our efforts, we know this very well.

Handling the amount of cases we do brings another aspect to our jobs that is often overlooked. The division of Public Defender Services handles thousands of cases every year, there are only 65 investigators throughout the State, which leads to most investigators having to work on cases alone.

Each of the offices have at least one full time investigator, the caseloads vary from court to court. The Public Defenders have offices in Juvenile court handling nothing but juvenile matters, the habeas office handles all post conviction actions filed by incarcerated individuals, Part "B" court handles everything from motor vehicle cases to class b felonies, Part "A" handles all class A felonies, and the Capitol Defense and Trial Services Unit handles all death penalty cases.

Although case types vary one thing stays the same throughout the state, the need for investigation. On a daily basis investigators are out on the streets tracking down witnesses, photographing crime scenes, serving subpoenas, or following up leads, and almost always they are alone. These investigators are tracking down witnesses in area where most people won't drive. They are dealing with people who are dangerous; drug addicted, or may even be medically sick. The investigators are unarmed and there is no way to call for back up, if you need to defend yourself you have to depend on your physical strength, your wits, or being a fast runner, sometimes none of this helps. There have been numerous occasions in which investigators lives were in danger, and there have been numerous occasions in which investigators have been injured performing their duties. Some examples of these times are listed below; luckily none of these investigators have had to leave their jobs due to these particular incidents:

While serving a subpoena an investigator had a caustic solution thrown on her, it resulted in facial injuries and pitted eyeglasses.

Working alone an investigator was exiting an apartment building, his exit was blocked by 10 to 20 individuals who were threatening him, and the investigator was able to secure his exit by an alternate route.

An investigator came close to being stuck with a used hypodermic needle while searching an apartment.

An investigator while serving a subpoena had a gun put to his head and threatened.

An investigator canvassing a neighborhood for a particular witness was approached and threatened by a man with a 14 inch butcher knife.

An investigator was attacked while conducting an interview inside a home.

An investigator was thrown off a porch while attempting to make contact with a witness.

On a regular basis investigators are involved in altercations in which they are spit on, shoved, punched, have objects thrown at them or their vehicles. Investigators are constantly in dangerous situations, these situations do not always lead to physical altercations but they certainly add to the stress of the job.

The job of a Public Defender Investigator while unique in some ways when compared to other investigative jobs is also very similar at the same time. The immediate comparison would be with Inspectors employed by the State's Attorney. The inspectors job description (attached) closely resemble that of the Public Defender Investigator, the notable difference is the Inspectors have the "powers of arrest" and are also obligated to carry a firearm. The other aspects of the job are similar, preparing cases for trial, ensuring witnesses appearances, etc. The Inspectors also have hazardous duty retirement benefits. Some would argue that the Inspectors duties differ simply because they have Police Powers therefore they should have Hazardous Duty retirement. Having police powers does not, in our opinion, make the Inspectors job any more dangerous than that of a Public Defender Investigator.

The State of Connecticut has identified employees of the Public Defender Services as being in a "Hazardous Duty" position; this is located in CGS 5-142(a) which addresses Hazardous Duty Disability Benefits. Within this same statute, specifically in CGS 5-142(a)(2) it states if any employee is injured in the line of duty and the injury is "a direct result of the special hazards inherent in such duties," that the employee will receive Hazardous Duty workers compensation benefits. This statute acknowledges that Investigators from the Division of Public Defenders Services indeed have a job in which "special Hazards" may arise.

Special hazards can be defined in many ways, physical assaults, being hit with foreign substances, etc. An often overlooked hazard is one which has no outward signs, and this is stress. The stress level of the investigator rises and falls on a daily, if not hourly basis. Sometimes the anticipation of approaching a witness or venturing into a certain area of the city is more stressful than an actual confrontation. Focusing on your specific reason for being where you are and knowing you may have only one shot at an interview while ensuring your own safety is extremely stressful, but you are there anyway because people are counting on you, your heart races and you wonder what is waiting for you as you enter a dwelling. You really try not to think about it, especially since there is no back up around the corner.

As investigators our jobs are searching for truth and justice, we know this sounds corny like an old episode of Superman, but this is truly why we do what we do. As parents we teach our children to be fair, play fair, tell the truth and treat everyone equally. This is what we are asking of our legislators, to be treated fairly and equally with our fellow state employees who have the benefit of a Hazardous Duty retirement.

We thank you for your time and attention to this matter, we truly appreciate the time you spend making our state a better place.

Respectfully submitted,

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Attachments - 4

CLASS TITLE:	Investigator I
CLASS DEFINITION:	Under the supervision of an employee of higher grade receives on-the-job training and conducts investigations related to preparation and defense of criminal cases by a public defender office in a Geographical Area or Juvenile Venue District.
EXAMPLE OF DUTIES:	Receives on-the-job training and assumes increasing responsibility for interviewing clients; determines eligibility for public defender services; locates and interviews potential witnesses; may photograph crime scenes and other relevant scenes; prepares charts and diagrams; acts as liaison with forensic witnesses; assesses clients' eligibility for rehabilitation programs; may arrange referrals to social service agencies; prepares reports of investigations; confers with legal staff regarding investigations; may transport clients to proceedings; serves subpoenas; may present testimony on results of investigations; maintains liaison with a variety of persons and related agencies; aids incarcerated clients and their families regarding pretrial programs, court appearances, etc.; performs other related duties as required.
MINIMUM QUALIFICATIONS:	Two (2) years experience in law enforcement or in related criminal justice or investigative work or a Bachelor's degree in Criminal Justice or a related field.
SPECIAL REQUIREMENT:	Candidates must have a valid motor vehicle operator's license and a vehicle available for daily use.

Compensation Plan

DIVISION: Public Defender's Division

CLASS TITLE: Investigator II

CLASS DEFINITION: Under the supervision of an employee of a higher grade, acts as the principal investigative employee in a Judicial District/Geographical Area merged office or acts under the supervision of an Investigator III in a Judicial District office.

EXAMPLE OF DUTIES: Interviews clients; determines eligibility for public defender services; locates and interviews potential witnesses; may photograph crime scenes and other relevant scenes; prepares charts and diagrams; acts as a liaison with forensic witnesses; assesses client's eligibility for rehabilitation programs; may arrange referrals to social services agencies; prepares reports of investigations; confers with legal staff regarding investigations; may transport clients to proceedings; serves subpoenas; may present testimony on results of investigations; maintains liaison with a variety of persons and related agencies; aids incarcerated clients and their families regarding pretrial programs, court appearances, etc.; performs other related duties as required.

MINIMUM QUALIFICATIONS: Three (3) years of experience in law enforcement or in related criminal justice or in investigative work or a Bachelor's degree in criminal justice or a related field or one (1) year as an Investigator I.

SPECIAL REQUIREMENTS: Candidates must have a valid motor vehicle operator's license and a vehicle available for daily use.

DIVISION:

Public Defender's Division

CLASS TITLE:

Investigator III

CLASS DEFINITION:

Under the supervision of an employee of higher grade, acts as the principal investigator in a judicial district office or the office of chief public defender responsible for assisting attorneys in the investigation, preparation and defense of all public defender matters involving serious felonies or supervises operations in an assigned office location for a unit of Investigators.

EXAMPLE OF DUTIES:

Conducts interviews to determine financial eligibility; gathers information for bond hearings; gathers information relating to a client's defense; obtains and reviews warrants, affidavits, and police reports; locates witnesses; photographs crime scenes and other relevant scenes; prepares charts and diagrams; acts as a liaison with forensic and other expert witnesses; assesses client's eligibility for rehabilitative programs; arranges for referrals to social service or related agencies; confers with attorneys regarding investigation and strategy; prepares written reports of investigations; locates defendants and witnesses; may transport clients to proceedings; may serve subpoenas; may present testimony regarding investigation results; maintains liaison with other investigatory personnel, social services agencies, local and state police, etc.; aids incarcerated clients during the pretrial stage; assumes regular contact with clients and their families to assure attendance at court hearings; supervises and evaluates staff; reviews work to ensure quality, quantity and timeliness of reports; provides training and technical assistance to staff; performs other related duties as required.

MINIMUM QUALIFICATIONS:

Seven (7) years of experience in law enforcement, three (3) years of which must have been involved exclusively in criminal investigation, or in related criminal justice investigative work or three (3) years as an Investigator II.

DCJ INSPECTOR

UNCLASSIFIED
CLASS CODE: 2613

S.G. CJ 26,27,29
B.U. 44
O.G. 28
Effective Date:
July 1, 1988

PURPOSE OF CLASS:

In the Division of Criminal Justice, this class is accountable for assisting the State's Attorney and/or Assistant State's Attorney in the investigation and preparation of criminal cases under prosecution.

SUPERVISION RECEIVED:

Works under the general supervision of a DCJ Supervisory Inspector.

SUPERVISION EXERCISED:

May lead support personnel and other law enforcement officers.

EXAMPLES OF DUTIES:

Upon receipt of criminal investigation assignment, reviews all documentation for accuracy, adequacy and legibility in order to determine viability of proof beyond a reasonable doubt; directs and supervises post-arrest investigative measures; schedules and requests follow-up records, such as medical reports, toxicology lab analyses, ballistics tests results, etc; interviews victims and witnesses and assesses credibility of testimony; prepares reports, statements and affidavits; prepares synopsis of investigation for attorneys; ensures court appearance of witnesses, including issuance of subpoenas and inter-state subpoenas which may require transportation, accommodation and protection arrangements; prepares extradition requests; checks in evidence for trial; accompanies attorney throughout the trial in order to take notes and follow-up on investigations in response to defense presentations; conducts independent investigations as assigned; acts as liaison with and may serve as a resource for local, federal and state law enforcement agencies; serves as liaison with victims; has statewide police power to make arrests with or without a warrant; keeps abreast of changes in relevant laws and developments in investigative methods; performs related duties as required.

MINIMUM REQUIREMENTS
KNOWLEDGE, SKILL AND ABILITY:-

Considerable knowledge of police investigative procedures, including laws of arrest, search and seizure, preservation and presentation of evidence, etc.; knowledge of and ability to apply relevant laws and regulations; knowledge of the State judicial system and procedures; considerable interpersonal skills; considerable oral and written communication skills; ability to qualify in use of firearms; ability to analyze and organize presentation of data.

EXPERIENCE AND TRAINING:

General Experience: Seven (7) years' experience as a law enforcement officer.

Special Experience: Three (3) years of General Experience must have included criminal investigation.

SPECIAL REQUIREMENTS:

1) Possession of a valid Connecticut Motor Vehicle Operator's license is required during employment in this class.

2) Incumbents in this class must qualify in the semi-annual Division-issued Firearms Proficiency course.

Physical Requirements:

Candidates must be in good general health; candidates must have and retain sufficient physical strength, stamina, agility, visual and auditory acuity to perform the duties of the class. Applicants will be required to pass a physical examination.

Working Conditions:

Incumbents in this class may be exposed to a significant degree of danger or probability of physical harm and to moderately disagreeable job conditions.