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.

The Public Defender Services Division is responsible for the:

- Defense of indigent accused children and adults in criminal cases,
- Representation for children and indigent adults in child welfare cases, including:
  - Representation of indigent contemnors and respondents in paternity matters in family magistrate court,
  - Appointment of Guardian-ad Litems and attorneys for children in Family Court where the family qualifies for state-rates, and
  - Respondents in Applications for Temporary Restraining Orders in the Waterbury Pilot Program

In FY 18, our Division was fiscally responsible for approximately 113,530 cases. This represents a 3% increase from FY 17.

The Office of Chief Public Defender supports the Governor’s Recommended Budget for the Division of Public Defender Services for FY 20 and FY 21. The appropriation recommended by the Governor should be adequate to fund our operations for the upcoming biennium.

The Governor’s proposal does the following:

- Provides $1.65 million in FY 20 and $3.79 million in FY 21 in funding for that this does not include funding for the newly approved public defender attorney union
contract. Funding for this will be provided from OPM’s Reserve for Salary Adjustment (RSA) account;

- Provides $252,342 in FY 20 and FY 21 to fund a pilot program that will provide lawyers for individuals facing revocation of parole;
- Recommends a $5 million Unallocated Lapse to the Judicial Branch that will result in a holdback of $577,958 to the Division of Public Defender Services.
- Eliminates the Agency’s budget request of $985,950 to increase rates for contracted Assigned Counsel in Geographical Area and Juvenile Delinquency matters from $350 to $500 per case;
- Eliminates the Agency’s budget request of $309,000 for five positions for an opioid intervention project and technological improvements to our financial eligibility process;
- Eliminates the Agency’s budget request of $65,740 in FY 20 and $18,240 in FY 21 to provide tablets to field offices for client eligibility applications;

Our Agency remains concerned that the current process for allocating lapses, rescissions and deficit mitigation reductions passed onto the Division of Public Defender Services by the Judicial Department result in reductions that disproportionately impact our budget. Historically, between 10 and 12 percent of each lapse incurred by Judicial has been allocated to the Public Defender’s Office. Over the last five years, our Agency’s cuts have averaged twice the reduction incurred by the Division of Criminal Justice, whose lapses are set by the Office of Policy and Management. In an effort to offset the disproportionate nature of these reductions, Judicial has proposed language that would address the cost of Interest of Justice appointments in Juvenile Matters. We support that language, since it helps alleviate the cost of these cases, which are not covered in the DPDS appropriation. We have always been good partners with the Judicial Department and will continue to work with Judicial on fair allocation of future budget cuts.

The Division of Public Defender Services expects to end FY 19 without a deficiency, despite having a lapse reduction of $573,963. In addition to achieving this holdback savings, during FY 19 we were able to begin the process of restaffing some critical positions that were left unfilled in prior years. This was accomplished by the ongoing efforts of our staff to “do more with less”. Currently, 386 of the Division of Public Defender Services’ 447 authorized positons are filled. Open positions are posted only after a thorough review of workloads and we continue to eliminate unnecessary administrative or managerial positions in favor of staff that provide direct service to clients. Our innovative “In House Assigned Counsel” project extended in to FY 19 and we expect to make some form of this program an ongoing part of our operations. This project reduces outsourcing costs by having Agency lawyers handle conflict cases from other jurisdictions. This has been challenging, since almost all of our field offices functioned with less staff in FY 19 and the program requires travel to other courts by lawyers, investigators and social workers. For FY 19, we have focused this program on cases that enhance the professional development of our staff. Lawyers are asked to accept cases that involve trials, appeals, habeas matters or juvenile parole hearings under PA 15-84. Less experienced attorneys are paired with seasoned lawyers to ensure that clients are well represented. This
program continues to realize significant savings and provides our staff with valuable experience.

Our Geographical Area field office experienced a small (2%) increase in caseloads in FY 2018. This is the second straight year the caseloads have risen. While violent crime has been falling, DPDS has experienced staffing cuts due to the ongoing budget crisis, so there are fewer lawyers to handle the cases.

Our automated authorization and billing system has been expanded to include billing for representation and expenses in family matters. This brings all of our practice areas with per case flat rate or hourly billing under the automated system. The system eliminates duplicate billing and allows us to analyze where the funds are being spent and look for efficiencies.

We are excited that the Governor has recommended funding a pilot program to provide representation in parole revocation matters. The Yale Law School Criminal Justice Clinic conducted a study in 2017. Their research showed that almost all individuals subject to parole revocation waived their right to counsel resulting in 100% of those individuals being returned to prison. We are eager to participate in the pilot and reduce the number of individuals who need to be incarcerated for minor violations.

The staff and administration of the Division of Public Defender Services understands that we have a sacred duty to the citizens of Connecticut. We must be the voice in Court that speaks for the underserved, criminal accused, abused children and families entangled in the juvenile and family courts. We also understand that we have a responsibility to be efficient with the taxpayers’ resources and to live within our budgeted appropriation. The extra efforts of our staff over the last few years of budget reductions proves this. I believe that Governor Lamont’s recommended budget for our Agency will allow us to accomplish our goals and ask that you approve his recommendations. The Deputy Chief and I look forward to working with this Committee, the Office of Fiscal Analysis and the Office of Policy and Management during this budget process.