State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

Office of Chief Public Defender
30 Trinity Street, 4th Floor
Hartford, Connecticut
(860) 509-6405 Telephone
(860) 509-6495 Fax

Christine Perra Rapillo
Chief Public Defender
Christine.Rapillo@jud.ct.gov

Deborah Del Prete Sullivan
Legal Counsel, Director
deborah.d.sullivan@jud.ct.gov

Testimony of Christine Perra Rapillo, Chief Public Defender
Senate Bill 964 AN ACT CONCERNING COURT OPERATIONS
Committee on the Judiciary
March 6, 2019

The Office of Chief Public Defender **supports Raised Bill 964, An Act Concerning Court Operations.** We are specifically interested in Section 3, which addresses the cost of interest of justice appointments under section 46b-136 of the general statutes and in making a technical change to Section 5.

Section 3 of Senate Bill 964 would allow us to share the cost of interest of justice appointments under section 46b-136 of the general statutes with the Judicial Branch. Our Agency has historically been concerned that current process for allocating lapses, rescissions and deficit mitigation reductions between the Division of Public Defender Services by the Judicial Department. 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 addition, the Division of Public Defender Services was required to pay for appointments of counsel "in the interest of justice" in juvenile matters. These are appointments where the court determines an individual should have appointed counsel but they are either not indigent under our guidelines or not entitled to court appointed counsel under our statutes. Historically the interest of justice appointments cost our agency over $500,000 per year in cases that were outside our budget allocation.

The Judicial Branch and the Division of Public Defender Services attempted to resolve the issue with a memorandum of understanding. This proposed amendment is necessary however, since the statute as currently written has been interpreted as prohibiting the Branch from agreeing to share the expense without legislative change. The number of interest of justice appointments has dropped during FY 19, which has helped our Agency stay within our budget. We appreciate the cooperation our partners at Judicial to find a fair solution to this issue and ask that you support Section 3 of this bill.

In addition, Section 5 amends C.G.S. §51-60 and provides definitions, including a definition of "Public Defender". In 2011, subsection (c) of C.G.S. §51-289a was amended to change the words "special assistant public defender" commonly referred to as a "special public defender" to "Division of Public Defender Services Assigned Counsel". These are attorneys who contract with the Division for conflict cases. This office requests that the words "special public defender" at lines 175 and 176 be changed to reflect the title of "Assigned Counsel":

174 (2) Public defender means a public defender, assistant public

175 defender, deputy assistant public defender and [~~special public~~

~~176 defender~~] **Division of Public Defender Services assigned counsel.**