

DIVISION OF PUBLIC DEFENDER SERVICES

Capital Defense Unit Program Report Card

2009

Quality of Life Result: To ensure the fair, equal and constitutional administration of justice within the Connecticut criminal court system.

Contribution to result: By providing zealous and effective assistance of counsel in accordance with the state and federal constitutions to those indigent persons charged with capital crimes in Connecticut for which the death penalty may be imposed.

Major Customers: Persons charged with capital crimes in Connecticut

Major Partners: Governor, OPM, Private Bar, Connecticut General Assembly, Division of Criminal Justice.

Performance Measure 1: Capital clients are represented by two well qualified attorneys, with adequate investigation, mitigation, and expert resources in accordance with constitutional and ABA standards.

Story behind the baseline: The Capital Defense Unit complies with ABA standards in that 2 trial attorneys are assigned to persons charged with capital crimes for which the death penalty is being sought by the prosecution.

Performance Measure 2: Sufficient numbers of attorneys from the private bar are available and well qualified to represent clients in all phases of capital cases where a conflict of interest exists.

Story behind the baseline: It is difficult to obtain qualified special public defenders willing and able to represent clients in capital trials, appeals, and post-conviction matters. Members of the private bar are paid significantly lower hourly rates to represent defendants in state death penalty cases than in federal capital cases, (\$100 per hour state rate/\$170 per hour federal rate). The length of a death penalty trial is also prohibitive for many private lawyers. Currently, there are approximately 12 private attorneys available to represent clients in capital cases. Budgetary cuts and lack of federal grant funding significantly hamper efforts to adequately train PD and SPD staff to represent clients in all phases of capital cases.

Performance Measure 3: The number of clients charged with capital offenses who are not sentenced to death either as a result of negotiation, trial, appeal or post conviction litigation.

Story behind the baseline: Approximately 214 capital felony cases have been disposed of since 1973. This number includes all cases whether or not represented by the Capital Defense Unit. The total also includes clients with multiple files, retrials after appeals, etc. Of that number, there are currently 10 people on Connecticut's Death Row. The Capital Unit is in the process of updating their database to capture more information regarding capital felony prosecution since 1973.

Proposals to turn the curve in a difficult economic climate:

- Costs of Death penalty cases cannot be significantly reduced due to extraordinary constitutional protections required in such cases.
- Legislature must increase resources for defense of capital cases at all stages of representation or abolish the death penalty in favor of sentence of life imprisonment without possibility of release.