

FINANCE ADVISORY COMMITTEE

AGENDA

April 4, 2013

Room 1E, Legislative Office Building - 1:00 P.M.

1. Minutes of the January 3, 2013 meeting.

2. New transactions as follows:

2013-6	Office of Governmental Accountability - Ethics	\$ 34,000.00
2013-7	Office of Governmental Accountability - Elections	\$ 486,460.00
2013-8	Office of the Attorney General	\$ 390,208.00
2013-9	Connecticut Insurance Department	\$ 151,035.08
2013-10	Office of the Chief Medical Examiner	\$ 205,000.00
2013-11	Department of Transportation	\$ 4,000,000.00
2013-12	Public Defenders Services Commission	\$ 1,975,000.00

ALLOTMENT adjustment APPROPRIATION adjustment APPROPRIATION adjustment, requiring Finance Advisory Committee action

COMPT. USE ONLY	PAGE	OF
DOC. TYPE	DOCUMENT NUMBER	
	0	45000

COMPT. USE ONLY	EFFECTIVE DATE	FAC NUMBER	REQUEST NUMBER
		2013-6	OGA/OSE 1
AGENCY NO.	AGENCY NAME		
OGA17000	Office of Governmental Accountability		

F.Y.	FUND	AGENCY	SID	REDUCE*	INCREASE**	ACCOUNT TITLE/PROJECT NUMBER
3	11000	OGA17000	10000	\$ ^{allotted} 34,000	^{allotted}	Other Expenses
3	11000	OGA17150	12523		\$ 28,000	Ethics Commission
3	11000	OGA17150	12347		\$ 6,000	IT Initiatives

REASON FOR ADJUSTMENT

The adjustment is needed to cover an anticipated deficiency in the office of State Ethics. The deficiency is the result of higher than anticipated costs for IT services and Credit Card processing charges. In addition, the agency has legal expenses that were not budgeted in the current fiscal year. See Attachment for additional information.

Bond Commission Date: _____

STATUTORY AUTHORITY (For adjustments in appropriations)	REQUESTING OFFICIAL (Signature)	(Title)	DATE SIGNED
4-87 and 10a-8(b)	<i>David LeMay</i>	Ex. Administrator	3/19/13
ACTION			
UNALLOTTED/UNENCUMBERED BALANCE	APPROVED (Secretary, Office of Policy and Management)	DATE	
\$			
REVIEWED BY (Analyst)	DATE	APPROVED (Governor)	DATE
<i>Linda Ecklund</i>	3/20/13		
RECOMMENDED (Undersecretary, Bud., & Fin. Mgmt.)	DATE		

* USE ONLY UNALLOTTED, UNENCUMBERED, RESOURCES OF FUND
** USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND

**PROPOSED ITEM FOR APPROVAL
BY
FINANCE ADVISORY COMMITTEE**

Office of State Ethics
Office of the Executive Administrator

Agency: 17150
Agency: 17010

10020	-\$34,000
12523	\$28,000
12347	\$6,000

Reallocate Budgetary Resources to cover Operating Expenses

The Office of Governmental Accountability is comprised of ten divisions with budgetary autonomy. The Office of the Executive Administrator is responsible for providing each of the divisions with fiscal, human resources, affirmative action, and IT services associated with these functions. The Office of the Executive Administrator (OEA) proposes to transfer \$34,000 from Other Expenses to the Office of State Ethics in order to cover unanticipated expenses in the current fiscal year.

Approximately 95% of the budget of the Office of State Ethics is committed to expenses associated with personal services. Consequently the application of the legislative lapse (\$11,058) and the reduction (\$34,001) contained in PA 12-1, of the December Special Session, significantly reduced the amount available to the OSE to cover its normal operating expenses. In addition, it is anticipated that the OSE will incur additional expenses in excess of its normal operating expenses. These additional costs include the following:

- Up to \$5,000 in additional costs associated with the upgrade and maintenance of the lobbyist registration system (SID 12347).
- Up to \$5,000 to cover the Attorney General's cost associated with defending against a lawsuit that has been filed against an employee of the OSE.
- Costs associated with credit card processing services for lobbyist registration fees.

The resources are available within the Other Expense account of the Office of the Executive Administrator because a planned consolidation of all the copier leases within the OGA into the office has been delayed due to budgetary concerns. The budgetary resources of the OEA are sufficient to cover the transfer of funds to OSE, as well as, maintain the consolidation contained in PA 11-48.

ALLOTMENT adjustment
 APPROPRIATION adjustment
 APPROPRIATION adjustment, requiring Finance Advisory Committee action

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COMPT. USE ONLY	EFFECTIVE DATE	FAC NUMBER	REQUEST NUMBER
		2013-7	OGA/SEEC 1
AGENCY NO.	AGENCY NAME		
OGA17100	Office of Governmental Accountability State Elections Enforcement Commission		

F.Y.	FUND	AGENCY	SID	REDUCE*	INCREASE**	ACCOUNT TITLE/PROJECT NUMBER
3	10000	OGA17100	12481	^{unallotted} 486,460		Citizens' Election Fund Admin.
3	11000	OGA17100	12522		^{allotted} 486,460	Elections Enforcement Commission

REASON FOR ADJUSTMENT

The adjustment is needed to fund SID 12522 at the appropriate level in order to cover operating expenses to the end of the fiscal year. See attachment for additional information.

Bond Commission Date: _____

STATUTORY AUTHORITY (For adjustments in appropriations)	REQUESTING OFFICIAL (Signature)	(Title)	DATE SIGNED
4-87 and 10a-8(b)	<i>[Signature]</i>	Ex. Dir. Gen. Counsel	3/13/13

UNALLOTTED/UNENCUMBERED BALANCE	APPROVED (Secretary, Office of Policy and Management)	DATE
\$		
REVIEWED BY (Analyst)	APPROVED (Governor)	DATE
<i>[Signature]</i>		3/20/13
RECOMMENDED (Undersecretary, Bud., & Fin. Mgmt.)		DATE

* USE ONLY UNALLOTTED, UNENCUMBERED, RESOURCES OF FUND
**USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND

**PROPOSED ITEM FOR APPROVAL
BY
FINANCE ADVISORY COMMITTEE**

State Elections Enforcement Commission

Agency: OGA17100

12481 Citizen's Election Fund Administration	-\$486,460
12522 Elections Enforcement Commission	\$486,460

Reallocate Resources to Cover Personal Services Expenses

The State Elections Enforcement is funded through two SIDS, 12522 and 12481. Each of the SIDS are appropriated budgetary resources to cover the cost of personal services for employees assigned to each of the SIDS. SID 12522 has 17 positions and SID 12481 has 19 positions.

The funding level of \$998,115 in SID 12522 will not fully cover the personal services costs of all the employees assigned to the specific program. In order to address the shortfall, SEEC proposes to transfer \$486,460 from SID 12481 to 12522. The amount of the transfer includes the \$26,460 allotment reduction contained in PA 12-1 from the December 19, 2012 Special Session. The budgetary resources of 12481 are sufficient to cover the transfer and meet the financial obligations associated with the SID.

The Governor' Recommended budget for FY 2014-15 includes the option submitted by the agency to consolidate the two separate SIDs into one.

ALLOTMENT adjustment APPROPRIATION adjustment APPROPRIATION adjustment, requiring Finance Advisory Committee action

DOCUMENT NUMBER
OAG20135

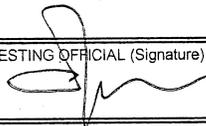
COMPT. USE ONLY		EFFECTIVE DATE		FAC NUMBER	AGENCY ACRONYM	REQUEST NUMBER
				2013-8		2013-4
AGENCY NO.	AGENCY NAME					
OAG29000	Office of the Attorney General					

F.Y.	FUND	AGENCY	SID	BUD REF	REDUCE *	INCREASE **	ACCOUNT TITLE/PROJECT NUMBER
2013	11000	OAG29000	10010	2013	4th Qtr Allotment \$390,208.00	Allotment	Personal Services
2013	11000	OAG29000	10020	2013		\$390,208.00	Other Expenses

REASON FOR ADJUSTMENT

To meet ongoing costs associated with the tobacco arbitration.

Bond Commission Date:

STATUTORY AUTHORITY (for adjustments in appropriations)	REQUESTING OFFICIAL (Signature)	(Title)	DATE SIGNED
3-125		Attorney General	3/25/2013

ACTION

UNALLOTTED / AVAILABLE BALANCE	APPROVED (Secretary, Office of Policy and Management)	DATE
REVIEWED BY (Analyst)	APPROVED (Governor)	DATE
 C2 PM		3/25/13
RECOMMENDED (Undersecretary, Bud. & Fin. Mgmt.)		

* USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND

** USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND

This request seeks to transfer \$390,208 from our fourth quarter Personal Services allotment to provide funding for ongoing expenses related to the tobacco arbitration that are expected to total approximately \$391,000 in the current fiscal year. This transfer will provide the necessary funding for the arbitration and restore our fourth quarter Other Expenses allotment which was advanced in September 2012 to meet the arbitration costs due before the start of the hearings. Anticipating the need for further funding, we have taken great care to create the necessary savings through the careful management of our vacancies and unpaid leaves of absence.

The state receives well over \$100 million per year in MSA payments, with the precise amount varying year by year according to a complex multi-factored formula. The amount at stake in this specific hearing is \$116 million, our MSA payment for 2003, which would, in the worst case result, be subtracted from our next future payment due after the decision, effectively wiping out at least one year's payment – most likely the payment due in April, 2015.

1. Travel Expenses - \$11,000
 2. Arbitrators- Hearings, \$100,000
 3. Arbitrators-Outside Hearing time, \$100,000
 4. Expert Economist, \$40,000
 5. Expert Performance Auditor, \$40,000
 6. Technical Support Expert, \$20,000
 7. Equipment Support in Boston, \$10,000
 8. Additional Required Contribution for States' Shared Expenses, \$50,000
 9. Court Reporters Fee, \$10,000
 10. Court Reporter Audio Feed for other states to listen to arbitration (required), \$10,000
- Total: \$391,000.

With most of our current year Other Expenses appropriation encumbered, we will not be able to meet our operational expenses through the end of the current fiscal year without immediate action

ALLOTMENT OR APPROPRIATION
ADJUSTMENT REQUEST
B-107 REV 3/96

TO: STATE OF CONNECTICUT
BUDGET AND FINANCIAL MANAGEMENT
OFFICE OF POLICY AND MANAGEMENT

ALLOTMENT adjustment
 APPROPRIATION adjustment
 APPROPRIATION adjustment, requiring Finance Advisory Committee action

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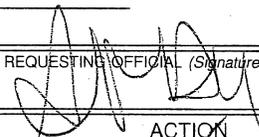
COMPT. USE ONLY	EFFECTIVE DATE	FAC NUMBER	REQUEST NUMBER
		2013-9	13-1
AGENCY NO.	AGENCY NAME		
DOI37500	Connecticut Insurance Department		

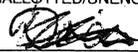
F.Y.	FUND	AGENCY	SID	REDUCE*	INCREASE**	ACCOUNT TITLE/PROJECT NUMBER
				<u>Unencumbered Balance</u>	<u>Fourth Quarter Allotment</u>	
13	12004	DOI37500	12244	\$151,035.08		Fringe Benefits
13	12004	DOI37500	10050		\$151,035.08	Equipment

REASON FOR ADJUSTMENT

See Attached Document

Bond Commission Date: _____

STATUTORY AUTHORITY (For adjustments in appropriations) 4-87 C.G.S.	REQUESTING OFFICIAL (Signature) 	(Title) Deputy Commissioner	DATE SIGNED 3/5/13
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UNALLOTTED/UNENCUMBERED BALANCE \$ 	APPROVED (Secretary, Office of Policy and Management)	DATE
REVIEWED BY (Analyst) Linda Belu (JPM)	APPROVED (Governor)	DATE
RECOMMENDED (Undersecretary, Bud., & Fin. Mgmt.)	DATE 3/13/13	DATE

* USE ONLY UNALLOTTED, UNENCUMBERED, RESOURCES OF FUND
**USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND

CID FAC
2013
EQUIPMENT

In order to comply with Auditor recommendations, and to provide an alternate facility for Insurance Department operations in the event of a disaster, this Department has signed an MOU with Eastern Connecticut State University where ECSU will provide us with office space for an alternate work facility and with data center space for a disaster recovery hot site. Together these two items will allow the Insurance Department to continue operations in the event of a local (building) or regional (hurricane, etc.) disaster.

The attached request is for funds to allow us to purchase equipment that will be installed in both the ECSU data center and our current data center which together will provide a robust hot site capability to the agency. Money for professional services to configure this equipment is also included.

In addition, there is a request for funds for PC refresh purposes. We currently replace PC and laptops every four years (when their warranty expires). Because of the recent increase in staff levels in both the Insurance Department and Office of Healthcare Advocate, the IT organization has been using PCs purchased for refresh purposes to equip new employees instead. Therefore we are behind in our refresh process. The PC purchase funds included with this request are to allow us to catch up and return to our normal refresh schedule.

Funds are available in the Fringe Benefit SID, which are trending lower than budgeted.

CSS Equipment Request Spring 2013

Disaster recovery:

- | | |
|--------------------------------------------------------|-------------|
| 1. Equipment to be installed at 153 Market St and ECSU | \$84,440.08 |
| 2. Services to install and configure the above* | \$13,350.00 |

55 x PCs (replacing units 4 years old)	\$41,745.00
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1 x Scanner (new unit - not a replacement)	\$4,500.00
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5 x printers (replacing units that are 8 years old)	\$7,000.00
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Total	\$151,035.08
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* these charges would be included with the hardware purchase

PAGE _____ OF _____
DOCUMENT NUMBER
CME0002

ALLOTMENT adjustment APPROPRIATION adjustment APPROPRIATION adjustment, requiring Finance Advisory Committee action

COMPT. USE ONLY		EFFECTIVE DATE		FAC NUMBER	AGENCY ACRONYM	REQUEST NUMBER
				2013-10		2011-99B

AGENCY NO.	AGENCY NAME
CME49500	Office of the Chief Medical Examiner

F.Y.	FUND	AGENCY	SID	BUD REF	REDUCE *	INCREASE **	ACCOUNT TITLE/PROJECT NUMBER
2013	11000	CME49500	10010	2013	-\$177,613		Personal Services
2013	11000	CME49500	12033	2013	-\$27,387		Medicolegal Investigations
2013	11000	CME49500	10020	2013		\$205,000	Other Expenses

REASON FOR ADJUSTMENT

Transfers \$177,613 from Personal Services and \$27,387 from Medicolegal Investigations, totaling \$205,000, to Other Expenses for higher than anticipated laboratory and decedent transportation costs. These costs are not related to the tragedy in Newtown. Funding is available for transfer in Personal Services because of vacancies in the Assistant Medical Examiner, Director of Toxicology and Laboratory Assistant positions. There have been no expenditures from Medicolegal Investigations and no expenditures are anticipated.

Bond Commission Date:

STATUTORY AUTHORITY (for adjustments in appropriations)	REQUESTING OFFICIAL (Signature)	(Title) Chief Medical Examiner	DATE SIGNED
			3/26/13

ACTION

UNALLOTTED / AVAILABLE BALANCE	APPROVED (Secretary, Office of Policy and Management)	DATE
REVIEWED BY (Analyst)	DATE	APPROVED (Governor)
	3/26/13	
RECOMMENDED (Undersecretary, Bud. & Fin. Mgmt.)	DATE	DATE

* USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND
** USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND

Funding is available for transfer from these accounts due to the following:

- Personal Services (\$177,613) - Vacancies in the Assistant Medical Examiner, Director of Toxicology and a Laboratory Assistant positions, result in lower than anticipated expenditures. The state is awaiting potential reimbursement of \$29,334 from the US Department of Justice (DOJ) Office of Victim of Crime (OVC) for overtime costs related to the Newtown tragedy. A decision on this request is not expected for 6-8 weeks. Even without the anticipated reimbursement, lapsing funds in this account are sufficient to transfer to Other Expenses.
- Medicolegal Investigations (\$27,387) – No funds have been expended to date and no expenditures are forecast.

Funding is needed in these accounts due to the following:

- Other Expenses \$205,000 – The agency is experiencing higher than budgeted costs for 1) transportation of decedents; and 2) laboratory services, totaling an estimated \$205,000. These higher than expected costs are not related to the Newtown tragedy.

Holdback and Lapses –

The transfers in this FAC do not affect the holdbacks in Personal Services of \$42,730.

ALLOTMENT adjustment
 APPROPRIATION adjustment
 APPROPRIATION adjustment, requiring Finance Advisory Committee action

DOCUMENT NUMBER
DOT6906

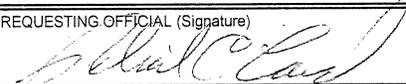
COMPT. USE ONLY		EFFECTIVE DATE		FAC NUMBER	AGENCY ACRONYM	REQUEST NUMBER
				2013-11	DOT	11478
AGENCY NO.	AGENCY NAME					
57000	Department of Transportation					

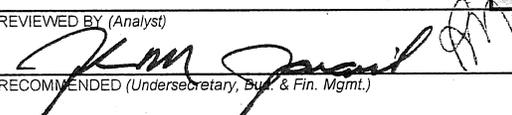
F.Y.	FUND	AGENCY	SID	BUD REF	REDUCE *	INCREASE **	ACCOUNT TITLE/PROJECT NUMBER
					<u>Unallotted</u>	<u>Allotment</u>	
2013	12001	DOT57000	12168	2013	\$3,100,000.00		Rail Operations
2013	12001	DOT57000	10010	2013	\$900,000.00		Personal Services
2013	12001	DOT57000	10020	2013		\$4,000,000.00	Other Expenses

REASON FOR ADJUSTMENT

See attached

Bond Commission Date:

STATUTORY AUTHORITY (for adjustments in appropriations) Sec. 4-87	REQUESTING OFFICIAL (Signature) 	(Title) Bureau Chief	DATE SIGNED 3-14-13
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UNALLOTTED / AVAILABLE BALANCE		APPROVED (Secretary, Office of Policy and Management)	DATE
REVIEWED BY (Analyst) 	DATE 3/25/13	APPROVED (Governor)	DATE
RECOMMENDED (Undersecretary, Bud. & Fin. Mgmt.)	DATE		

* USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND
** USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND

**Finance Advisory Committee
Meeting April 4, 2013**

The Department of Transportation (Department) requests the transfer of \$4,000,000 to its Other Expenses appropriation from the Department's Rail Operations appropriation (\$3,100,000) and Personal Services appropriation (\$900,000).

This transfer of funding is required to support the Department's Other Expenses appropriation primarily due to extraordinary unbudgeted costs associated with the February 2013 blizzard, as well as higher than budgeted expenditures for motor vehicle and equipment repair, and motor vehicle fuel. This transfer will allow the Department to continue to make the purchases required to maintain the safety of the traveling public.

- February 2013 Blizzard: Unbudgeted Contractual Costs – The historic snowfall of the Blizzard of February 7–8 immobilized the State and resulted in extraordinary costs that were not part of the Department's snow removal budget, which has been exhausted. To remove several feet of snow and make roads safe and passable, the Department's statewide cleanup efforts required the deployment of supplemental contractors with specialty heavy equipment including snowblowers, triaxle trucks, payloaders and haulers. In addition, facility rooftops were inspected and emergency snow removal was performed where deemed necessary to prevent structural compromise and ensure the safety of staff. These unbudgeted costs total approximately \$2.5 million.
- Motor Vehicle Fuel – The average price per gallon for diesel fuel has risen about 22 percent since June 2012, and the average price of unleaded is up about 12 percent. Current projections indicate that expenditures (net of reimbursements from Other State Agencies) will exceed budget by over \$1 million. Of note, the Department must encumber and pay up front for the fuel that supplies the state's 84 fuel facilities used by all state agencies; therefore, it is critical that this transfer take place as soon as possible to ensure continued availability of funds.
- Equipment and Motor Vehicle Repair - In addition to motor vehicle fuel costs, the Department continues to experience higher than budgeted expenditures in order to repair and maintain an aging fleet of equipment and vehicles. Eighty-seven new plow trucks were purchased with FY 2012 funds and thirty were purchased this fiscal year; however, the Department's fleet of 632 trucks still includes 251 trucks (40 percent) that are past their expected useful life of 12 years. Major components such as the engine, transmission, axle, etc. are no longer covered by warranty for trucks that are older than seven years. Current projections indicate that repair expenditures will exceed budget by over \$2 million.

It is anticipated that savings achieved in other line items will partially offset these shortfalls, leaving a net Other Expenses shortfall of approximately \$4 million. Every effort will be made to continue to achieve savings within the Other Expenses appropriation; however, it should be noted that approximately 90 percent of the expenditures made from this account are non-discretionary.

Funding is available in the Rail Operations appropriation as the result of increased passenger revenues and lower than budgeted costs on the New Haven Line, which have yielded a lower net subsidy requirement in recent months.

Funding is available in the Personal Services appropriation due to anticipated reimbursement from FEMA for eligible personnel costs associated with October 2012's Storm Sandy, coupled with delays in hiring.

FUND - SID	Appropriation Title	Transfer Amount
12001-10020	Other Expenses	\$ 4,000,000
	Total Transfers In	\$ 4,000,000
12001-12168	Rail Operations	\$ (3,100,000)
12001-10010	Personal Services	\$ (900,000)
	Total Transfers Out	\$ (4,000,000)

ALLOTMENT OR APPROPRIATION
ADJUSTMENT REQUEST
B-107 REV 3/96

TO: STATE OF CONNECTICUT
BUDGET AND FINANCIAL MANAGEMENT
OFFICE OF POLICY AND MANAGEMENT

ALLOTMENT adjustment
 APPROPRIATION adjustment
 APPROPRIATION adjustment, requiring Advisory Committee action

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COMPT. USE ONLY	EFFECTIVE DATE	FAC NUMBER	REQUEST NUMBER
		2013-12	13-1

AGENCY NO.	AGENCY NAME
PDS98500	PUBLIC DEFENDER SERVICES COMMISSION

F.Y.	FUND	AGENCY	SID	REDUCE*	INCREASE **	ACCOUNT TITLE/PROJECT NUMBER
				ALLOTTED BALANCE	ALLOTTED BALANCE	
2013	11000	PDS98500	10010	(200,000)		PERSONAL SERVICES
2013	11000	PDS98500	12090	(200,000)		EXPERT WITNESSES
2013	11000	PDS98500	12417	(1,500,000)		ASSIGNED COUNSEL - CHILD PROTECTION
2013	11000	PDS98500	12418	(60,000)		CONTRACTED ATTORNEYS RELATED EXPENSES
2013	11000	PDS98500	12106	(15,000)		TRAINING AND EDUCATION
2013	11000	PDS98500	12076		1,950,000	ASSIGNED COUNSEL - CRIMINAL
2013	11000	PDS98500	10020		25,000	OTHER EXPENSES

REASON FOR ADJUSTMENT

Funding is necessary in the Assigned Counsel - Criminal account due the implementation of a more efficient system to assign habeas cases and process associated assigned counsel billings. As a result, the backlog (previously of up to 1 year) for habeas cases has decreased dramatically, but at the same time has resulted in increased costs to pay for these assigned counsel services. In addition, funding is necessary in the Assigned Counsel - Criminal account due on going costly capital cases, including Racial Disparity litigation (which ended the trial phase in November). Funding is necessary in the Other Expenses account due to the hiring of a project manager for the agency's integration with CISS. Funding is available in the Assigned Counsel - Child Protection account due to the transition from a hourly compensation structure for contracted child protection attorneys to a flat rate system, which has resulted in significant savings in child protection case billings. Funding is available in the Expert Witnesses account due to lower than anticipated complicated cases that require costly expert witness testimony. Funding is available in the Contracted Attorneys Related Expenses account due to lower than anticipated miscellaneous expenses in child protection cases. Funding is available in the Training account due to the cancelation of the agency's Annual Meeting. Funding is available in the Personal Services account due to delayed hirings and freezing of vacant positions.

Bond Commission Date: _____

STATUTORY AUTHORITY (for adjustments in appropriations)	REQUESTING OFFICIAL (Signature)	(Title)	DATE SIGNED
	<i>Suzanne O. Stoley</i>	Chief Public Defender	3-13-2013

UNALLOTTED / UNENCUMBERED BALANCE	APPROVED (Secretary, Office of Policy and Management)	DATE
REVIEWED BY (Analyst)	APPROVED (Governor)	DATE
<i>J. M. Sparonillo</i>		3/21/13
RECOMMENDED (Under Secretary, Bud. & Fin. Mgmt)		

* USE ONLY UNALLOTTED, UNENCUMBERED, RESOURCES OF FUND

** USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND



**Office of Chief Public Defender
State of Connecticut**

30 TRINITY STREET, 4TH FLOOR
HARTFORD, CONNECTICUT 06106
TEL (860)509-6429
FAX (860)-509-6499
susan.storey@jud.ct.gov

ATTORNEY SUSAN O. STOREY
CHIEF PUBLIC DEFENDER

January 23, 2013

John Jaramillo, Budget Analyst
Office of Policy and Management
450 Capitol Avenue
Hartford, CT 06106

Re: *Summary of Racial Disparity in Death Penalty Studies and Litigation*

Dear John,

Per your request, I am sending this summary of the history of the ***Racial Disparities in Death Penalty Cases*** studies and litigation. I hope this is helpful to you in planning for the budget session.

The Racial Disparity in Death Penalty cases litigation originated from the Connecticut Supreme Court's decision in *State v. Cobb*, 234 Conn.735, (1995). In that opinion the Court recognized that a death row inmate should be permitted to present statistical evidence of systemic racial bias in a post-conviction habeas corpus hearing. In 1998, as a response to the *Cobb* decision, the Public Defender Services Commission authorized the initial racial bias study to determine whether or not any statistical evidence of systemic racial bias existed. That research study was conducted from 1998 to 2003 at a cost of \$256,250 and covered cases prosecuted during 1973-1998. Emergency funding for that study (Neil Weiner) was approved by OPM when it was requested by former Chief Public Defender, Gerard Smyth.

Subsequent to the *Cobb* decision the Connecticut Supreme Court decided *State v. Reynolds*, which held in part that all additional persons since *Cobb* that had been sentenced to death must also join in the consolidated racial disparity litigation. Therefore, the first defense study was by necessity updated in order to review the additional pool of "death eligible" cases to ensure that the study was statistically and currently valid. The second study (John Donohue) was concluded in 2008, and included cases prosecuted through 2007.

In 2010, the Public Defender Commission authorized me to again contact OPM to request emergency funding for expenditures over and above our appropriation in our expert witness

FY 10	\$	23,420	\$	111,401	\$	1,650	\$	6,952	\$	143,423
FY 11	\$	23,420	\$	138,781	\$	60,484	\$	7,850	\$	230,535
FY 12	\$	23,420	\$	212,763	\$	51,706	\$	14,500	\$	302,389
FY 13	\$	12,500	\$	375,103	\$	3,880	\$	7,120	\$	398,603
Total	\$	129,600	\$	1,490,782	\$	500,734	\$	79,052	\$	2,200,167

Sincerely,

Susan O. Storey
Chief Public Defender