

2011 Program Report Card: Adult Indigent Defense Program (Division of Public Defender Services)

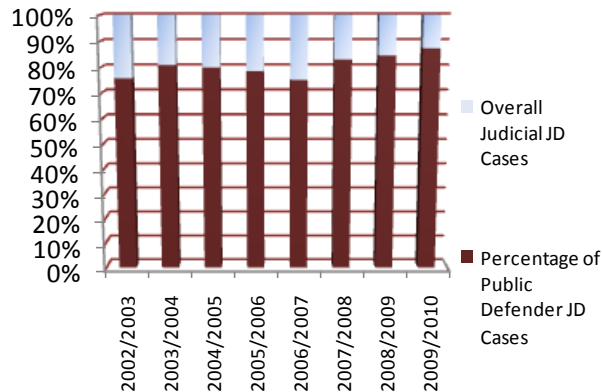
Quality of Life Result: All Connecticut Residents are ensured a fair, equal and constitutional administration of justice within the state's criminal court system.

Contribution to the Result: The Adult Indigent Defense Program provides quality legal representation to indigent adults in criminal proceedings, trials, appeals, extradition, habeas corpus proceedings arising from claims of ineffective assistance of counsel and time calculations, post conviction petitions for DNA testing, persons seeking exoneration through the Connecticut Indigent Defense Project and representation of those charged with death penalty eligible crimes.

Total Program Funding FY 2009/2010: \$ 40,655,961	State Funding: \$ 40,164,944	Federal Funding: \$ 204,574	Other Funding: \$ 286,443
Total Program Funding FY 2010/2011: \$ 40,825,253	State Funding: \$ 40,059,731	Federal Funding: \$ 435,728	Other Funding: \$ 329,794

Partners: Division of Criminal Justice, Judicial Branch, Department of Correction, Department of Mental Health and Addiction Services, Court Support Services Division, Board of Pardons and Parole, Community Programs, Department of Veterans' Affairs, Local Law Enforcement, Division of Public Safety and the State Forensic Lab.

Performance Measure 1: Total number and percentage of adult cases handled by the Division of Public Defender Services in the Geographical Area and Judicial District Courts.

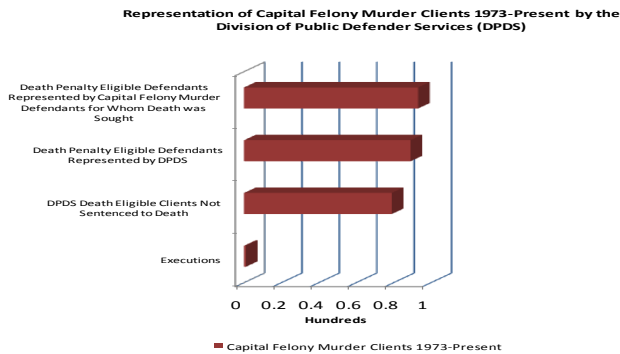


Story behind the baseline: All indigent adults charged with crimes who are eligible for Public Defender services throughout the state are provided with zealous representation by competent defense counsel and staff. Public defenders handle 87% of the total criminal caseload in the Judicial Districts and on average 47% of the total Geographical Area criminal caseloads, not including motor vehicle cases, with higher percentages in major cities.

Proposed actions to turn the curve:

Despite increasing caseloads and responsibilities, Division of Public Defender Services staff will participate in training opportunities on best practices in law, investigations and social work. More advanced data collection and analysis will assist the agency in monitoring the balance of caseloads and ability to provide zealous and competent representation.

Performance Measure 2: The number of indigent adults charged with capital offenses not sentenced to death either as a result of negotiation, trial, appeal or post conviction litigation.



Story behind the baseline: Approximately 220 people have been charged with capital felony murder since 1973. Of those, 93 have faced the penalty of death. The Division of Public Defender Services (including special public defenders) has represented 89 of those 93 clients. Of those 89 clients, 79 have not resulted in death sentences. The caseload continues to be high and although the number of clients has slowly decreased, the resources necessary for representation of those cases continues to increase.

Proposed actions to turn the curve:

Costs of death penalty cases cannot be significantly reduced due to extraordinary constitutional protections required in such cases. Seek increasing resources for defense of capital cases at all stages of representation in the absence of replacing capital punishment with life imprisonment without the possibility of release.

Performance Measure 3: Division of Public Defenders Services Geographical Area Court

caseloads which consistently approach/exceed Commission guidelines of 500 cases per attorney.



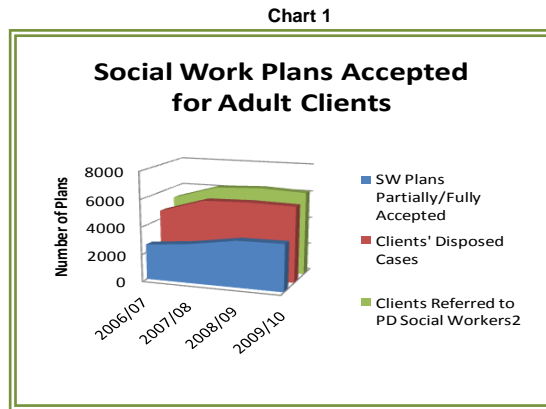
Story behind the baseline: Individual Public Defender caseloads in adult courts must comport with the Commission Caseload, representational guidelines adopted in accordance with the settlement agreement in the class action lawsuit, *Rivera v. Rowland, et. al.* and the American Bar Association recommendations. Although individual attorney caseloads in the Judicial District offices are within these parameters, several individual Geographical Area office attorney caseloads approach/exceed commission guidelines (most Geographical Area public defender offices exceed nationally recommended guidelines). In addition to the quantity, the quality of cases grows increasingly complex due to an increase in clients with mental health and substance abuse needs and the increasing complexity of forensic scientific evidence.

Proposed actions to turn the curve: Although hiring additional attorneys to handle rising caseloads is the only solution to meeting caseload goals, Division of Public Defender Services will continue to implement cost efficiency measures in order to increase the budgetary allowances for additional staffing. Measures include in-house training programs, in-house data collection and analysis, multi-disciplinary teams that share responsibility for client needs and use of per-diem and grant-funded staff.

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

Performance Measure 4: Clients are diverted from criminal justice system or receive sentences that do not involve incarceration.



courts disposed of a total of 50,808 and 1,836 cases, respectively. Charges were nolle or dismissed in 20,310 Geographical Area cases and 325 Judicial District cases. An additional 19,165 Geographical Area cases and 443 Judicial District cases resulted in sentences that did not involve incarceration (37.7% of the Geographical Area dispositions and 24% of the Judicial District dispositions). Between 2006 and 2010, social worker plans (per client) were accepted in part or whole by the Court in 52-60% of the cases disposed each year.

Proposed actions to turn the curve: For comparison purposes, statistical data will be collected to reflect *both* the number of cases and the number of clients referred to Public Defender social workers. This compatibility will allow for better descriptive and explanatory analysis of those clients who are either successfully diverted from the criminal justice system or have had alternative sentencing plans accepted by the Court.

Performance Measure 5: The percentage of clients satisfied with their representation.

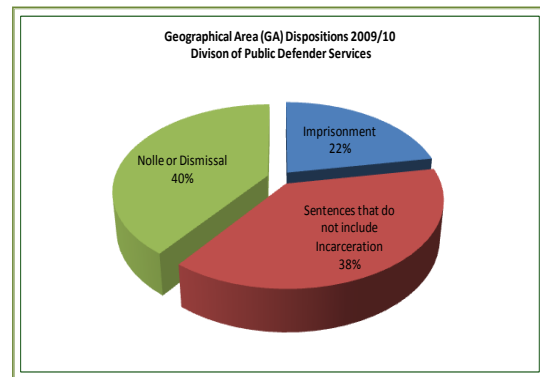


Chart 1: Successful Social Work Diversion Plans for Adults (*by client*)
Chart 2: Overall Adult Dispositions and Suspension of Prosecutions for Adults (*by case*)

Story behind the baseline: Both Geographical Area and Judicial District public defender clients benefit from Public Defender social work alternative sentencing plans. The social work program counts clients while case tracking counts cases. During Fiscal Year 09-10, attorneys in Geographical Area and Judicial District

Story behind the baseline: All client letters to the Office of the Chief Public Defender are systematically logged, investigated and addressed with field office and client. In the calendar year of 2008/2009 there were 210 letters logged and in calendar year of 2009/2010 there were 232 letters. The Division of Public Defender Services endeavors to develop and implement a more data-driven assessment of client satisfaction and the tools to improve that satisfaction.

Proposed actions to turn the curve: Identify, implement and evaluate the impact of a relational model of client/attorney practice. Evaluate and implement changes in cultural competence among all offices and staff that reflect the diversity of our client population. Through focus groups and interviews, design and pilot a client satisfaction survey that reflects the needs and concerns of our client population.



Chart 1: Current Policy for Client Concern Letters Received by the Office of the Chief Public Defender (OCPD)