



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

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**DIVISION OF PUBLIC DEFENDER SERVICES CORE PURPOSE
STATEMENT
APPROPRIATIONS JUDICIAL AND CORRECTIONS SUBCOMMITTEE MEETING
FEBRUARY 24, 2016**

Agency Mission Statement

The Division of Public Defender Services provides legal representation by counsel in accordance with both the United States and Connecticut Constitutions to any indigent person charged with the commission of a crime that carries a risk of incarceration. In addition, by Legislative action in 2011, the Division also provides legal representation and guardian ad-litem services to indigent children and parents in all child welfare, family, and child support matters, in accordance with the Connecticut General Statutes and by order of the Superior Court.

Agency Core Purpose Statement

The Division is required to perform all Core Responsibilities listed below. These Core Responsibilities are not prioritized as they are not programs and none are optional. All of the Core Responsibilities listed are constitutionally and/or statutorily mandated. The Division has no control over the number of cases entering the court system in any of these matters, and must provide legal representation for indigent persons when appointed by the court. Numbers of cases may fluctuate, which causes unavoidable deficiencies, especially this FY in habeas corpus and child welfare matters.

- The Division is required to accept all court appointments, regardless of the number, in all criminal actions that may expose the defendant to a risk of a sentence of incarceration or a suspended sentence of incarceration with a period of probation, and in habeas corpus proceedings arising from a criminal matter, extradition proceedings, and delinquency matters. C.G.S. § 51- 296.

- The Division is required by State and Federal Constitution, to provide effective assistance of counsel to indigent clients under Article I, Section 7, 8, 9 of the Connecticut Constitution - and the 4th, 5th, 6th and 14th Amendments to the United States Constitution. See Gideon v. Wainwright, 372 U.S. 335, 1963.
- The Division is constitutionally required to provide effective assistance of counsel by providing resources to defense counsel (public defender or assigned counsel) to obtain independent investigation of the charges brought against a defendant by the State. See Powell v. Alabama, 287 U.S. 45 (1932), and Strickland v. Washington, 466 U.S. 668 (1984).
- The Division is constitutionally required to provide effective assistance of counsel by providing resources for defense counsel to obtain expert witnesses necessary to ensure effective assistance and an adequate defense for the client. Ake v. Oklahoma, 470 U.S. 68 (1985).
- The Division is required to counsel clients regarding the collateral consequences of their conviction prior to plea. See Padilla v. Kentucky, 559 U.S. 356 (2010).
- The Division is required to incur reasonable expenses for costs of service of process, costs of transcripts ordered from court reporters and other necessary costs of defense for cases it has been appointed for. C.G.S. §51-292.
- The Division is required to provide funding for interpreters for out of court client consultation, transcript translation and trial preparation for limited English speaking and Non-English speaking clients.
- The Division through the Chief Public Defender is required to train all public defenders and establish training programs as appropriate CGS §51-291 (8). The settlement agreement in the class action lawsuit Rivera v. Rowland, et al against then Governor Rowland and the Public Defender Commission, in part, required training program enhancements for public defenders, assigned counsel, and managers.
- The Division is constitutionally required to provide effective assistance of counsel by providing legal representation to indigent clients on direct appeal.
- The Division is required to accept all court appointments, regardless of the number, to represent indigent habeas corpus petitioners who are challenging their underlying conviction or miscalculation of term of imprisonment. **The number of habeas petitions and required appointments of counsel have dramatically increased (tripled) - since Habeas Reform was instituted in 2012, P.A. 12-115. In FY2010/11 the Division was appointed in 207 habeas cases. In FY 2014/15 the Division was appointed in 629 habeas cases.**

- The Division is constitutionally required to provide effective assistance of counsel by providing legal representation to persons charged with a capital offense or murder under special circumstances, including in post conviction proceedings.
- The Division is required to represent clients acquitted by reason of insanity and committed to the Psychiatric Security Review Board. See C.G.S. § 17a-582 et seq.
- The Division is required to accept all court appointments, regardless of the number for indigent parents and children in child welfare cases. The court also may appoint counsel for non-indigent parties in the Interests of Justice (IOJ) without recourse and despite objection by the Division. (FY 14/15 IOJ cases 220). See C.G.S. §51-296 (c). P.A. 11-51.
- The Division is required to accept appointments, regardless of number, to provide qualified Guardian ad- Litem in delinquency and family court matters. C.G.S. §51-296 (c) (1).
- The Division is responsible for expedited appellate review and briefing ordered by the CT Supreme Court in child welfare and termination of parental rights trials and must also the cost of the required transcripts CPB Section 79a-5.
- The Division is responsible for providing experts in child welfare cases that involve the care and custody and control of one's family (children). Stanley v. Illinois, 405 U.S. 645, 651, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972) and Troxel v. Glanville 120 S. Ct. 2054 (2000) established a constitutional due process interest in the care custody and control of one's family (children).
- The Division is required to provide statewide representation for indigent contemnors in all Magistrate Courts for non-payment of child support.
- The Division is required to accept court appointment for the investigation and representation of indigent clients filing Motions to Correct Illegal Sentences – see State v. Casiano, 282 Conn 614 (2007) and State v. Francis (argued before CT Supreme Court 1/26/16).
- The Division is required to accept appointment and represent juveniles sentenced as adults to lengthy periods of incarceration before the Parole Board – See P.A. 15-84. See also Miller v. Alabama, 567 U.S. ____ 2012, Graham v. Florida, 560 U.S. ____ 2012, Montgomery v. Louisiana, 577 U.S. ____ (2016).
- The Division is required to establish training, practice and caseload standards for the representation of children, youth, indigent respondents in family relations and legal parties sufficient to ensure a high quality of legal representation. Topics must include but are not limited to child development, behavioral health, educational disabilities and cultural competence. CGS. §51-296 (c)(3)