



*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

**Testimony of Susan O. Storey
Chief Public Defender
Oversight Hearing on the Implementation of Criminal Justice Reforms
Judiciary Committee
October 16, 2008**

The latest statistical analysis provided by the Office of Policy and Management Criminal Justice Policy and Planning Division website indicates that as of September 1, 2008, the total DOC prison population was 19,552. This is a slight increase over the August 2008 numbers, and the second increase in the prison population since February of 2008.

Also reported was a significant rise in the numbers of unsentenced pretrial prisoners. In fact, 71.5% of the 33,546 total admissions to DOC between September 2007 and August 2008 were pretrial detainees (23,972 accused and unsentenced waiting for trial). Also noted were a backlog of inmates eligible for parole but not yet released, and a high rate of DOC readmissions of persons under community supervision (64%) for technical violations.

Public defender staff continue to be the major referral source of criminal justice clients to the CSSD Jail Reinterview and DMHAS Mental Health Diversion Programs. However, given the increase in the detained pretrial population, we have insufficient social work staff to successfully assist all clients who could be eligible for diversion programs, especially in the major cities. All offices are frustrated by the complete lack of appropriate housing and program options for sex offenders, and the unreliability of GPS monitoring devices.

Since the enactment of P.A. 08-01 and P.A. 08-51, public defender offices statewide indicate a significant increase in the charge of home invasion. Public defenders in the Judicial Districts have noticed an increase in the use of persistent offender charges, higher sentencing offers in these and home invasion cases from prosecutors and judges during plea negotiations, and high bonds that result in a higher rate of pretrial incarceration.

It is my understanding that prosecutors in the Fairfield Judicial District now file persistent offender charges in every applicable case, and plea negotiation offers in these cases and in cases of home invasion have increased considerably. It is also my understanding that some judges in the Judicial Districts have begun the practice of asking prosecutors at arraignment whether or not they are aware of any predicate offenses on the defendants' records that would expose them to persistent offender status.

Although not specifically related to these new laws, offices also report significant increases in charges of strangulation in domestic violence cases as a result of legislation passed in the prior session.

Under P.A. 08-51, our Division received funding for 10 entry level attorney positions. This funding did not including the fringe benefit costs which are considerable. In order to absorb these expenses, and at the request of OPM, we have delayed the effective date of hire for these positions to November 21, 2008. We are currently advertising and interviewing for these positions, which will in part alleviate the workload for attorneys in those G.A. field offices with caseloads exceeding Commission guidelines. However, we remain significantly understaffed in the Judicial District Offices where the majority of trials in serious felonies and capital cases occur, and where most persistent offender cases will be prosecuted.

I appreciate this opportunity to testify about these matters before the Judiciary Committee.