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Testimony of Susan O. Storey
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Oversight Hearing on 2008 Criminal Justice Reforms
Judiciary Committee
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The Criminal Justice Reforms of 2008 have noticeably impacted the responsibilities and workloads of the criminal courts and public defenders throughout the state. Higher bonds, harsher penalties, mandatory minimums, and increased numbers of domestic violence cases strain the ability of staff to represent indigent clients to the best of their ability.

Reports that I have received from our G.A. field offices indicate dramatic increases in the numbers of clients assigned to the domestic violence dockets. Domestic violence is a very real problem that endangers many Connecticut residents, mostly women. Public defenders are being appointed to greater numbers of domestic violence cases due to the economic downturn and the harsher stance taken by judges and prosecutors in resolving these cases. These dockets are enormously time consuming and extremely challenging for our lawyers. In some G.A. courts, strangulation is routinely charged in domestic violence cases as are lifetime restraining orders. There appear to be fewer diversions to family relations even though some clients might be more appropriate for and may benefit from their programs. Disorderly conduct charges often take as long as felonies to resolve, and there is growing frustration among defenders and other court personnel because these additional charges make cases more difficult to resolve. The recent impetus to create more intensive domestic violence dockets despite the state's fiscal crisis is problematic for our Agency because we are precluded from federal grant funding comparable to that received by Criminal Justice under the Violence Against Women Act (VAWA) to augment staff for these dockets.

With few exceptions, field office staff indicate that persistent offender and home invasion charges are routinely charged in any case that qualifies for that designation. Judges and prosecutors still refer to the Cheshire case to justify harsher plea bargain offers and higher bonds for burglary charges. Mandatory minimum jail terms of ten years, even for a first offense, make these cases much more difficult to settle. Public defenders, clients

and their families are also much more aware of the collateral consequences of conviction for a felony that may negatively impact a person's ability to work, to obtain affordable housing, state and federal benefits, educational opportunities, and immigration status. These reforms also demand an increased use of experts in order to provide effective assistance of counsel in advocating alternatives to prison terms.

Public defenders are frustrated by the lack of community services and housing for clients charged and/or convicted of sex offenses. Alternatives to prison are few to none, given the often severe restrictions that sex offender clients must adhere to. Clients with few resources may be repeatedly arrested for failure to register while on probation because they are homeless and have no permanent address. Registry notification rules are impossible to comply with due to our clients' transient existence. Some clients are in shelters, some live in tents or on the street, and some disappear. This is a public safety issue as well as a criminal justice issue. Many clients could be gainfully employed and lead a less precarious existence, but restrictions and technical violations prevent them from doing so.

Increased workloads and costs to all court personnel are inevitable due to the Criminal Reforms enacted in 2008. Legislators and the public understandably demand increased accountability and safety. Public defenders have an ethical obligation to provide equal justice to indigent clients charged with these crimes. The ten positions that we received in 2008 have certainly helped some of our field offices cope with the increased workload demands, but with 43 field offices and specialized units, not all offices that need increased resources have received it. Penalties as serious as these reforms require were not contemplated when the Public Defender Commission set caseload goals in 1999 as a result of the class action law-suit *Rivera v. Rowland* of 500 new cases per GA attorney per year. These caseloads are twice the national standard for mixed caseloads of misdemeanors and felonies.

Thank you for the opportunity to report on the impact of these reforms.