Office of Chief Public Defender
State of Connecticut

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TESTIMONY OF CHRISTINE PERRA RAPILLO, CHIEF PUBLIC DEFENDER
HEARING ON GOVERNOR'S RECOMMENDED BUDGET ADJUSTMENTS
FOR FY 2023
APPROPRIATIONS COMMITTEE
February 16, 2022

Mission Statement of the Division of Public Defender Services

Striving to ensure justice and a fair and unbiased system, the Connecticut Division of Public Defender Services zealously promotes and protects the rights, liberty and dignity of all clients entrusted to us. We are committed to holistic representation that recognizes clients as individuals, fosters trust and prevents unnecessary and wrongful convictions.

The Public Defender Services Division is responsible for:

- Defense of indigent accused children and adults in criminal cases and parole revocation hearings,
- Representation in post conviction proceedings and appeals in criminal, juvenile and child protection matters,
- Representation for children and indigent adults in child welfare cases,
- Representation of indigent contemnors and respondents in paternity matters in family magistrate court,
- Appointment of Guardian-ad Litems and attorneys for children in Family Court where the family qualifies for state-rates.

The Office of Chief Public Defender supports the Governor's Recommended Budget for the Division of Public Defender Services for FY 23. The Governor's recommended budget provides critical staffing assistance that will help us work through the backlog of cases and trials on the criminal, juvenile and family court dockets and supports our operations for the remainder of the biennium.

The Governor's proposal does the following:

- Provides $759,359 in FY 23 to increase the Assigned Counsel Hourly rate from $50 to $65,
- Provides $150,000 under the Title IV-E program to enhance parental representation in child welfare matters,
- Allocates $2,023,821 in FY 23 and 1,956,360 in FY 24 of Federal CoronaVirus State Fiscal Recovery Funds to reduce court backlogs through the hiring of temporary public defenders,
- Recommends a $5 million Unallocated Lapse to the Judicial Branch in the back of the budget that will result in an estimated reduction of $577,958 to the Division of Public Defender Services.

The Governor's proposed budget will allow the Connecticut Division of Public Defender Services to successfully emerge from the pandemic. Our caseloads continue to be impacted by the changes to court operations brought on by the ongoing crisis. The Division was fiscally responsible for 102,597 cases in fiscal year 20/21, compared to 106,252 for FY 2019/20.[1] The caseload declined for the second year but the trend is reversing. **DPDS is on track to nearly double the number of cases taken in for FY 2022.** As of December 31, 2021, DPDS already had taken on 91,007 cases. In addition to the large spike in cases, there remains a significant backlog of criminal cases needing to be resolved and many cases on the trial lists across the state. The proposal to provide two years of funding for temporary attorneys will greatly improve our ability to respond to these cases in a timely and effective manner. Like other agencies, DPDS is impacted by retirements brought on by changes to the pension program. Funding for temporary attorneys will allow our more experienced staff to focus on the backlog of trials and complicated cases being left behind by their departing colleagues. DPDS received corona virus relief funding during the current and prior fiscal years, which supported client outreach, technology upgrades and temporary staff.

The Governor's budget provides funding for an increase to the Assigned Counsel hourly rate for child protection, delinquency and geographical area cases from $50 to $65. This rate has not increased in almost ten years. The Division had requested that the rate be funded at $75 an hour but the recommended increase does bring Connecticut more in line with neighboring states. This funding is critical, as will need to attract new assigned counsel to sustain our operations. A number of our assigned counsel have retired or decided not to renew their contracts. The need is particularly great in our child welfare panels.

The Governor recommends allocating $150,000 under the Title IV-E program to enhance parental representation in child welfare matters. This is a new funding source from the Federal government, allowing states to seek reimbursement for programming aimed at parents in child welfare matters. If this funding is included in the final budget, DPDS plans to provide counsel

[1] Division of Public Defender Services, Annual report, 2021

for families earlier in the process. The goal is to help parents make better decisions that will enhance the safety and viability of our families.

Governor's Bill 5036 proposed one-time reduction in the Division's assigned counsel and expert witness accounts are appropriate this year. Because of the limitations on jury trials and court activity, we expect to show surpluses in both those accounts this year. As court operations normalize in the next fiscal year we expect expenses to increase back to pre-pandemic levels.

The staff and administration of the Division of Public Defender Services appreciate the support recommended by Governor Lamont. The Legislature has historically been very respectful of our work and has provided the resources needed for us to meet our constitutional and statutory duty to provide effective representation to our clients. I believe that Governor Lamont's recommended budget for our Agency is sufficient to support this work as we emerge from the pandemic and ask that you approve his recommendations. The Deputy Chief and I look forward to working with this Committee, the Office of Fiscal Analysis and the Office of Policy and Management during this budget process.