

STATUS OF THE IMPLEMENTATION OF PUBLIC ACCESS TASK FORCE RECOMMENDATIONS

Recommendations #1 - Definition of a meeting

At the Judges' Meeting on December 19, 2006, the following committees were opened to the public in accordance with the Task Force recommendations: the Annual Meeting of the Judges of the Superior Court, the Rules Committee of the Superior Court, the Executive Committee of the Superior Court, the Board of Examiners for Court Reporters, the Legal Specialization Screening Committee, and the Code of Evidence Oversight Committee. The opening of the Supreme and Appellate Court Rules Committee is under consideration.

Recommendation #2 - Definition of a closed session

Discussions are ongoing on this recommendation. Those committees and commissions that are covered under the FOIA will follow those rules in connection with going into an executive session. Such committees would include the Legal Internship Committee, the State Advisory Council to the Office of Victim Services, and the Connecticut Bar Examining Committee.

The committees and commissions that are not covered under the FOIA will follow the Judicial Branch policies and procedures to go into a closed session. Examples of these types of committees include the Superior Court Rules Committee, the Advisory Committee on Appellate Rules, and the Code of Evidence Oversight Committee.

Other committees and commissions would be subject to both the FOIA and Judicial Branch policies and procedures to the extent that any activity is outside of FOIA, including the Law Library Advisory Committee, the Legal Specialization Screening Committee, Annual and Special Meetings of the Judges of the Superior Court, the Executive Committee of the Superior Court, the Board of Examiners for Court Reporters, the Civil Commission, and the E-Filing Advisory Committee.

Recommendation #3 - Access to public meetings scheduled in court facilities

This recommendation has been implemented administratively.

Recommendations #4 - Definition of administrative record

Meetings are currently taking place to identify all records that fit the definition of administrative record.

Recommendations #5 – Judges' attendance records

These records are open to the public and have been made available upon request.

Recommendation #6 – Judicial Performance Evaluations

This recommendation required no action.

Recommendation #7 – Complaints received by the Judicial Branch regarding particular judge

This recommendation has been implemented by the Office of the Chief Court Administrator.

Recommendation #8 - Retention schedule for administrative records

The process of identifying all records that fit the definition of administrative record and of reviewing and updating the existing records retention policy is underway. The recommendation for the updated schedule will include a description of the record, by whom it should be maintained, and for how long it should be maintained. This work should be completed by March 31, 2007.

Recommendation #9 – Adoption of a policy on access to court records

This recommendation is being addressed by the Identity Theft Committee, chaired by Judge Pellegrino. The committee is composed of representatives from the law enforcement and business communities, states' attorneys, a law professor, judges, and Judicial Branch staff. It has met three times, on November 8, 2006, on December 8, 2006, and on March 8, 2007.

Recommendation # 10 – Amend the Judicial Branch Mission Statement

This recommendation has already been implemented.

Recommendation #11 – Post criminal docket information online

Programming the Criminal/Motor Vehicle computer system to implement this recommendation was completed and the docket information became available online on January 16, 2007.

Recommendation #12 – Review Judicial Branch-issued forms in connection with potential identity theft

This recommendation is being addressed by the Identity Theft Committee. Staff is currently reviewing forms to identify those that require the inclusion of certain information, including, among others, social security numbers, dates of birth, and financial account numbers. Staff is also reviewing statutes and Practice Book rules that require the inclusion of this information in court files. Some of this information was presented to the Committee for review at its meeting in March, and the remainder of the information will be provided at the next meeting of the Committee.

Recommendation #13 – Post criminal conviction information online

The implementation of this recommendation for the posting of criminal conviction information online will require more involved programming of the Criminal/Motor Vehicle computer system. Upon the resolution of any remaining technical issues with the posting of the criminal docket online (Recommendation #11), work on the necessary programming will begin.

Recommendation #14 – Revise the form for sealing of arrest warrant affidavits

Recommendation #15 – Revise the procedure on continued sealing of search warrant affidavits

Recommendation #16 – Permit public access to police reports used in determining probable cause

Justice Borden has forwarded these recommendations to the Rules Committee, which is in the process of reviewing these recommendations to determine whether they will have to be implemented by rules and/or statutes. Proposed Practice Book revisions have been submitted to the Rules Committee for its consideration.

Recommendation #17 – Implement a written policy on handheld scanners

A memorandum was distributed to implement this policy, effective November 1, 2006.

Recommendation #18 – Access to certain pre-trial diversion programs currently sealed upon application

Recommendation #19 – Post certain case information regarding pending criminal cases online

These two recommendations were not endorsed by Justice Borden because they involve fundamental legislative policy decisions.

Recommendation #20 – Availability of competency evaluations

Recommendation #21 – Access to alternate incarceration assessment reports

Justice Borden has forwarded these recommendations to the Rules Committee, which is in the process of reviewing these recommendations to determine whether they will have to be implemented by rules and/or statutes. Proposed Practice Book revisions have been submitted to the Rules Committee for its consideration.

Recommendation #22 – Non-party intervention to seek or restrict access

Recommendation #23 – Remote electronic access to court records

These recommendations are being addressed by the Identity Theft Committee, chaired by Judge Pellegrino.

Recommendation #24 – Written policy on administrative waiver of copying fees; a study of the difficulties and costs faced by citizens in obtaining copies of judicial documents.

This recommendation requires a statutory change.

Recommendation #25 – Bulk transfer of information

Recommendation #26 – Policy on correction of inaccurate information

These recommendation are being addressed by the Identity Theft Committee, chaired by Judge Pellegrino

Recommendation #27 – Adoption of a definition of “media” for purposes of recommendations on access to proceedings

Justice Borden has forwarded this recommendation to the Rules Committee, which is in the process of reviewing the recommendation to determine whether it will have to be implemented by rules and/or statutes. A proposed Practice Book revision has been submitted to the Rules Committee for its consideration.

Recommendation #28 – Consideration of issues in connection with implementation of the definition of “media”

The Judicial-Media Committee has been created. Its first meeting took place March 1, 2007.

Recommendation #29 – Expand electronic access to the Supreme and Appellate Courts

This recommendation has been referred to the Appellate Rules Committee for consideration and appropriate action. As a part of that consideration, CT-N was invited to participate in a mock argument conducted by the Supreme Court, providing members of the Court and staff with a demonstration of how coverage of the proceedings could be accomplished without disruption of the matters being argued.

Recommendation #30 – Pilot program on media access to criminal proceedings

Recommendation #31 – Coverage of arraignments

Recommendation #32 – Media access to Superior Court civil proceedings and trials

Recommendation #33 – Record of off-site judicial proceedings

Justice Borden has forwarded these recommendations to the Rules Committee, which is in the process of reviewing these recommendations to determine whether they will have to be implemented by rules and/or statutes. Proposed Practice Book revisions have been submitted to the Rules Committee for its consideration. In connection with the implementation of the recommendations on electronic media coverage, the Rules Committee is compiling the trial court camera rules of other jurisdictions, any policies adopted in connection with those rules, and any

studies that have been conducted regarding the impact of the rules. This information will be presented for consideration later this month.

Recommendation #34 – Note taking in judicial proceedings

On October 26, 2006, the Chief Court Administrator sent a letter to all Judges reminding them that note-taking by spectators is permitted in all courtrooms and judicial proceedings.

Recommendation #35 – Establishment of a Judicial-Media Committee

The Committee has been established and will be co-chaired by Appellate Court Judge Douglas S. Lavine and G. Claude Albert, managing editor of The Hartford Courant. The first meeting took place on March 1, 2007.

Recommendation #36 – Evaluation of implementation of recommendations

The evaluation of implementation of the recommendations will be initiated at the appropriate time as information becomes available.

Recommendation #37 – Judicial Authority

This recommendation requires no action, but simply confirms the existing obligation and authority of a Judge to conduct fair and unbiased trials and proceedings.

Recommendation #38 – Financial affidavits

Justice Borden has forwarded this recommendation to the Rules Committee, which is in the process of reviewing the recommendation. A proposed Practice Book revision has been submitted to the Rules Committee for its consideration.