



Fire Brigade

Minutes of the Fire Brigade Committee APRIL 24, 2007

The Fire Brigade met in the Judges' Conference Room at the Middlesex Superior Court, 1 Court Street, Middletown, on Tuesday, April 24, 2007, from 2:00 p.m. to 3:56 p.m.

Fire Brigade Members in attendance were: Judge David P. Gold; Judge Patrick Carroll, Judge Susan Handy, Judge Barbara Jongbloed, Heather Nann Collins, Karen Florin, Michael Kokoszka, and Judge Patrick Clifford.

Absent: Erin Cox, Ms. Lynne Tuohy, Zach Lowe.

Others present: Joseph D. D'Alesio, and Lawrence D'Orsi, Terry Walker, Melissa Farley, Nancy Kierstead, Jo-Ann Miller, Tony Pinho.

The meeting was called to order by Judge Gold at 2:00 p.m. and agenda discussion proceeded as follows:

I. Welcome by the co-chairs – Judge David P. Gold; Heather Nann Collins, Journal Inquirer Reporter; Michael Kokoszka, Chief Clerk

Judge Gold welcomed the members and guests in attendance and advised that, upon discussion at the last meeting, it was decided it would be helpful if a clerk served as a co-chair. Michael Kokoszka agreed to serve in this role. Consistency among clerks' offices in terms of access to court records is a critical issue when it comes to record access.

Judge Gold remarked that this Fire Brigade meeting is a public meeting and that notice of the meeting was posted on the website.

Judge Gold introduced Joseph D. D'Alesio, Executive Director of Superior Court Operations, who was asked to provide a demonstration of the newest part of the pending criminal case look-up section of the website.

II. Review of recent developments in online criminal case access and a demonstration of the pending criminal case look-up – Joseph D. D'Alesio, Executive Director of Superior Court Operations Division.

Attorney D'Alesio described how this new feature of the website evolved as a result of a recommendation of the Public Access Task Force calling for posting criminal information online. Senior Associate Justice David Borden directed that the criminal dockets be made available online.

Three reporters viewed the new function before it went live and provided valuable comments. (The reporters were Heather Nann Collins, Lynne Tuohy, and Thomas Scheffey).

Originally it was planned that Phase 2 of the online criminal case access would involve the posting of conviction information; however, the Legislature was very interested in making pending criminal information available online. As a result, Justice Borden determined that pending information would be available by the end of the summer. Phase 3 will involve the posting of criminal conviction information on the website. This should be completed by the end of the year. Terry Walker, JIS, provided the Fire Brigade members with a demonstration of the online access. Lawrence D'Orsi provided application background and answered questions regarding the data fields.

A suggestion was made to include pre-trial diversionary program information in the website. There was discussion regarding the field labeled "activity date" and there was consensus that the field should be relabeled in a way that would be more descriptive. It was also recommended that identifying the "last court date" and identifying the "next court date" would benefit the users of the site. An example was given of an online entry depicting an infractions case that has not been scheduled in two years. In circumstances such as this, a message will appear to contact the clerk's office for more information.

III. Presentation of newly developed training programs for clerks concerning access to court records – Lawrence D'Orsi III, Deputy Director, Criminal Matters.

Attorney D'Alesio discussed the first session of the Public Access Task Force, at which training for clerks' office staff in the area of record access became key. The major issue was training clerks. The first step will be to update the *Guide to Court Information in Connecticut* (Guide), which was developed with assistance of Judicial administration, clerks and reporters, and which summarizes the availability of criminal, civil and family records. The External Affairs Division and the Court Operations Unit will work on revisions. Once completed, the Guide will then be provided to the Fire Brigade for review.

Attorney D'Alesio next invited Larry D'Orsi to address the committee regarding criminal record access training recently delivered to staff in the criminal clerk's office at the Stamford Courthouse. Larry described the training that brought clerks and staff together into sessions consisting of four people). The goal of the training was to ensure consistency in terms of quality of service and access provided. Larry next distributed copies of the draft, Disclosure of Information Criminal and Motor Vehicle Matters, which described various records and outlined their discloseability.

This training was designed to pull together the various statutes, rules and memoranda regarding criminal record accessibility, into one program for ease of assimilation. The first step in the resource listing was to place all of the access information into a single packet and also to create an alphabetical listing of various documents on the criminal side and their public disclosure. This is a work in progress and will be modified.

Judge Gold noted that if the training works well, the work of the Fire Brigade will be diminished. As the clerk staff is educated about these access issues, they will have more confidence in giving out the information and the information will be reliable. Uniform standards are necessary. Display of posters in the courthouse regarding the types of cases that may not be disclosed pursuant to state statute might assist. Another resource might be to provide a quick card containing record access information for the clerks. There should be focus groups with the press and the clerks to discuss areas of interest and concerns and to improve relations.

Judge Gold mentioned that another idea is to have someone in each courthouse or clerk's office designated to address access issues. Attorney Kokoszka says that there would need to be more than one "go-to" person at each courthouse to ensure that there would always be someone present to address access issues.

All these concepts merit further discussion.

Heather Nann Collins suggested that a quick overview should be provided to the chief clerks and deputy chief clerks while the training process moves along. Attorney D'Alesio agreed. Ms. Collins continued and remarked that uniformity is valuable and desired. The most frustrating thing that reporters deal with is the inconsistencies. As an example, discussion centered on the issue of mental competency reports and whether they are publicly discloseable.

Judge Gold asked if the members would review the Disclosure of Information draft handed out by Larry D'Orsi and provide comments. Another suggestion was to place the access document on the website.

IV. Establish Mission Statement - Judge Gold.

There was discussion regarding a mission statement to be drafted and submitted for approval. Judge Gold asked if the members would think about how the Fire Brigade can best be used. Judge Gold suggested, for consideration, two separate but related responsibilities. In the first instance, the Fire Brigade may spearhead or sponsor training programs. Through training and education, 95% of the complaint calls should be eliminated. Judge Gold felt it would serve well for each Fire Brigade member to review the Field Guide, once complete, and to attend the training program to which Larry D'Orsi spoke, when it is offered in the local courthouse.

This would constitute a proactive role for the committee.

In the second instance, the Fire Brigade might undertake a reactive role.

Judge Gold discussed that the committee could be called together to resolve court record access issues and problems. Calls would first, as they already do now, go to External Affairs – to Rhonda Stearley-Hebert and Melissa Farley. It was suggested, in the alternate, that the chief clerks be the first line of response, and then have the chief clerks call External Affairs. Attorney D'Alesio offered that if this is the direction taken, it would serve well that the chief clerk call the Director

of the Court Operations Unit, Nancy Kierstead, so that Attorney Kierstead could seek the assistance of the Branch's Legal Services Unit, when appropriate and necessary. Attorney D'Alesio suggested that External Affairs remain the first line of response for the public.

Members discussed signs offering External Affairs' phone number. Those calls may increase if a sign is posted to alert members of the public and the media about access issues. Judge Handy suggested that the first stop would be to go to the go-to person in the courthouse assigned to resolve access issues. If the issue could not be resolved at that level, this person would call the next level, i.e., External Affairs.

Further offered was the concept that the Fire Brigade instead serve as a committee that analyzes access issues post mortem and then prepare written guidance to prevent future difficulties with regard to the same issue. Attorney D'Alesio indicated that may work well in some instances, but there exist issues that would demand immediate resolution.

Another suggestion was offered to divide up the members of the Fire Brigade into clusters to address questions. Judge Handy suggested that there be a member of the Brigade who would be designated as the on call person. Discussion then ensued regarding judicial independence and the role of the Brigade's on call designee and of the Brigade, in general, in that regard. The issue raised was whether the on-call person would have the authority to render decisions on a particular issue. After discussion, it became apparent that the Fire Brigade will review access issues that have arisen and determine how best to prevent such issue from arising in the future. Judge Gold said we will need to put together a flow chart of how this will work. One suggestion would be to have focus groups of various forms of media to determine their issues. A policy should be developed to post incident responses.

V. Establish a protocol for receiving complaints and for addressing them.

The question was raised as to whether members of the Fire Brigade should take comments and complaints from the public about access issues. It was suggested that written complaints might be better. Ms. Collins suggested that she and Karen Florin could serve as conduits between the media and the members of the Fire Brigade.

The goal of the Fire Brigade is to address any issues that may arise in one location before they become statewide issues. The co-chairs will put together a plan and report to present to the Judicial-Media Committee at its final meeting on June 11th. The report will include a proposed mission statement, flow-chart and emphasis on training.

External Affairs will put together the general nature of complaints received and will provide it to members of the Fire Brigade. The co-chairs will circulate some ideas to the members via e-mail. Karen Florin and Heather Collins expressed their concerns that members of the media will be reluctant to share with other members of the media specific access issues about particular files that they are researching.

VI. Other Issues.

Already raised.

VII. Scheduling of next meeting.

The next meeting may be scheduled sometime after June 11th, perhaps right after Labor Day. It was suggested that Judge Clifford mention the existence of the Fire Brigade to the criminal judges at the September meeting.

VIII. Adjournment.

The meeting was adjourned at 3:56 p.m.