

Minutes
Public Access Task Force
Implementation Work Group

October 15, 2007
10:00 – 11:45 a.m.

Those present: Justice Borden, Justice Palmer, Judge Ment, Atty. Nicholas Cimmino, Atty. Joseph D'Alesio, Atty. Martin Libbin, and Atty. Stephen Ment.

Justice Borden asked for a review of the status of the thirty-eight recommendations of the Public Access Task Force. Each recommendation is followed by a discussion of the status of its implementation.

Recommendation #1- Adopt the task force recommendations regarding the definition of a “meeting” and provide notice and access to the public of Judicial Branch meetings.

The Branch now routinely posts notices of meetings, minutes, agendas, and a list of members on the Judicial Branch website.

Recommendation #2 – Adopt the task force recommendations setting forth procedures for closing a meeting in whole or in part.

Meetings of committees of the Judicial Branch are following the appropriate rules.

Recommendation #3 – Allow broadcasting, televising, recording or photographing of Judicial Branch meetings that are open to the public and scheduled in court facilities.

Arrangements have been made for members of the media and the public to attend, photograph, and record public meetings in court facilities.

Recommendation #4 – Adopt a definition of administrative record.

Recommendation #8 - The Chief Court Administrator shall establish a retention schedule for all administrative records held by the Judicial Branch.

These two recommendations are in the process of being implemented. The process has been slowed down somewhat because of issues in connection with personnel information and the sheer volume of administrative records. The process is continuing.

Recommendation #5 – Confirm that attendance records of judges are open to the public.

The state auditors have audited these attendance records twice already. The attendance records contain actual notations as to sick and vacation days, but do not contain medical information. The current attendance process will be reviewed in order to ensure uniformity and notification of Judge Support Services.

Recommendation #6 – Retain current statute and policies regarding access to Judicial Performance Evaluations.

No action needed.

Recommendation #7 – Establish a procedure for handling complaints received by the Judicial Branch regarding a particular judge.

The procedure has been established. Attorney Libbin said that there is a retention schedule for these complaints depending upon the finding. That retention schedule should be reviewed.

Recommendation #8 – The Chief Court Administrator shall establish a retention schedule for all administrative records held by the Judicial Branch.

This recommendation was addressed along with Recommendation #4, above.

Recommendation #9 – The Judicial Branch shall adopt a policy on access to court records.

The policy on access is one of the recommendations that are being looked at by the Identity Theft Committee. The Public Service and Trust Commission may also get into this area of public access and privacy rights. Justice Borden will be notified as to the date of the next meeting.

Recommendation # 10 – Amend the Judicial Branch Mission Statement to include the word “open.”

This recommendation has already been implemented.

Recommendation #11 – Provide online access to the daily criminal docket.

This recommendation was implemented as of January 16, 2007.

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

Over 850 forms have been reviewed and two subcommittees have been formed, one on family forms and rules and one on criminal forms and rules. The committee is also considering a proposed Practice Book rule that addresses the collection and submission of personal identifying information in court pleadings.

Recommendation #13 – Provide online access to criminal conviction information.

Criminal conviction information will be made available on the Judicial Branch website in February of 2008. A mock-up of the criminal/motor vehicle conviction information is available now. Information on the how long this information will be displayed online will be obtained.

There was a discussion of the information that the Branch currently sells to thirty or so vendors and the difficulty of keeping information updated once it is sold or online and available for others to download and retain it.

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

This recommendation was not feasible according to the Rules Committee.

Recommendation #15 – Revise the procedure for sealing of search warrant affidavits.

The Judicial Branch’s legislative proposal, found in Section 6 of Senate Bill 1398, *An Act Concerning Court Operations*, did not become law.

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

The Rules Committee submitted a proposed rule that was adopted by the judges at their annual meeting as Sec. 37-12 (b) through (d) of the Practice Book.

Recommendation #17 – Adopt a written policy allowing the use of handheld scanners.

This recommendation was implemented by a memorandum dated October 30, 2006.

Recommendation #18 – Suggest that the Legislature review the sealing of case files involving pre-trial diversion programs.

No action has been taken on this recommendation.

Recommendation #19 – Provide online access to pending criminal information.

Access became available on the Judicial Branch website as of July 16, 2007.

Recommendation #20 – Revise procedure for handling competency evaluations.

The Judicial Branch’s legislative proposal, found in Section 7 and 8 of Senate Bill 1398, *An Act Concerning Court Operations*, did not become law.

Recommendation #21 – Provide access to alternate incarceration assessment reports if the plan is granted.

The Judicial Branch’s legislative proposal, found in Section 5 of Senate Bill 1398, *An Act Concerning Court Operations*, did not become law.

Recommendation #22 – To further study the issue of whether, and if so, how non-parties should be able to intervene in a case in order to seek or restrict access to information.

Recommendation #23 – To establish a committee charged with analyzing and making recommendations on remote access to court records.

These recommendations are being addressed initially by the Identity Theft Committee.

Recommendation #24 – The Judicial Branch should adopt a written policy that allows for an administrative waiver of fees for copies for an indigent individual and also conduct a study of the difficulties and costs faced by citizens in obtaining copies of judicial documents.

The Judicial Branch’s legislative proposal on this recommendation did not become law.

Recommendation #25 – Develop a policy on requests for bulk distribution of information contained in court records.

Recommendation #26 – Develop a policy/rule on the correction of inaccurate information in court records.

These recommendations are being addressed by the Identity Theft Committee.

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

The Rules Committee submitted a proposed rule that was adopted by the judges at their annual meeting as (NEW) Sec. 1-10A of the Practice Book. The rule calls for approval by the office of the chief court administrator of a person or entity as “media,” and a process for that approval needs to be developed. This process is being looked at in relation to the pilot program on criminal trials.

Recommendation #28 – Consideration of issues concerning the implementation of the definition of “media” on an ongoing basis.

The Judicial-Media Committee has been tasked with consideration of these issues.

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

The rule changes allowing expanded electronic media coverage of oral arguments in the Supreme and Appellate Courts took effect on June 1, 2007. The Supreme Court revised its protocols on camera use to make the coverage of the Supreme Court more viewable.

Recommendation #30 – Implement a pilot program for electronic media access to criminal proceedings.

Recommendation #31 – Study the expansion of media coverage of arraignments.

Recommendation #32 – Expand electronic media access to Superior Court civil proceedings and trials.

Rules adopted by the judges at their annual meeting allow the establishment of a pilot program in a single Judicial District determined by the Chief Court Administrator. The district selected for the pilot program is Hartford, beginning in January of 2008. Judges Carroll, Quinn, Clifford, Gold, Melissa Farley, and the criminal judges assigned to the Hartford JD are involved in the implementation of the pilot program. They have a meeting scheduled to view the facility and have met on issues involved in the implementation. Judge Carroll has also met with Judge Lavine to discuss setting up a subcommittee of the Judicial-Media Committee to evaluate the program. With respect to arraignments, Judge Gold is going to speak with Judge White about establishing some standing orders on arraignment coverage.

It was noted that CTN did not receive the funding that they requested in connection with expanded media coverage of trials. It was suggested that the Branch consider purchasing the necessary equipment for the broadcasts and allowing CTN to use it. There was also a brief discussion of what other states are doing on their own websites in providing streaming video of oral arguments and archiving that material, i.e., New Hampshire and Louisiana. The use of streaming video might be something to consider in the future.

Recommendation #33 – Adopt rules for the creation of a record for off-site judicial proceedings.

The Rules Committee submitted a proposed rule that was adopted by the judges at their annual meeting as (NEW) Sec. 1-24 of the Practice Book.

Recommendation #34 – The taking of notes in any courtroom shall be permitted.

On October 26, 2006, the Chief Court Administrator confirmed by letter to all Judges that note-taking is permitted.

Recommendation #35 – Establish a Judicial-Media Committee.

The Committee has been established and has met several times to date.

Recommendation #36 – The Judicial Branch should evaluate the implementation of the task force recommendations.

The evaluation process has begun under the direction of Justice Borden.

Recommendation #37 – Nothing in the Judicial Branch Task Force recommendations should be read or interpreted to impede or diminish a judge's obligation and authority to conduct fair and unbiased trials and proceedings.

This recommendation requires no action.

Recommendation #38 – The provisions of the current practice book rule on the sealing of financial affidavits in family matters should be rescinded.

The Rules Committee has not taken action concerning this recommendation.