

Criminal Matters Continue Expanding its Capability to Handle Cases

Arraignments

The criminal courts conduct arraignments for those cases where an individual is either held in custody or is charged with a domestic violence offense. Courts are now using video conferencing in these arraignments to allow for appropriate social distancing during these proceedings. The participants in the criminal arraignments (the state's attorneys, the public defenders, and the bail staff) are all able to appear before the court and present information remotely by a video conference from within their offices. Those individuals with new criminal charges also appear remotely before the court by video conference, either from the lockup or from a second courtroom with appropriate social distancing guidelines established. At these arraignment proceedings, courts determine bail and other conditions of release and issue protective orders in all domestic violence cases. The protective order issued at arraignment may be subject to review pursuant to *State v. Fernando A.*, 294 Conn. 1 (2009) and the criminal courts continue to schedule these matters for hearings in order to determine the appropriate restrictions that should be applied in the protective order.

For persons who are held in custody on bond by the police before arraignment, Bail Service staff have established phone screens at police departments during non-court hours. Court Support Services has begun to set up virtual video rooms in our four largest police departments to additionally allow for no contact interviews. On May 6, the Hartford Police Department became the first department to have an operational virtual video room. As a result of all of these procedures, a judge has been able to review previously set bonds after court hours and immediately address or change the conditions of release for an individual who is in custody.

Motions for Review of Bail

The criminal courts have also received and acted upon numerous motions for review of bail, which has resulted in the release of many pre-trial detainees who had been held on low bonds for non-violent offenses or technical violations of probation. The court has not required the appearance of the defendant for these hearings and counsel has been allowed to appear in court to argue the matter or to rely solely on the written motion in support of the bail review.

Motions for Sentence Modifications

The criminal courts have received and acted upon motions for sentence modifications. In those matters, if the sentence was greater than three years, it required the agreement of the State. As a result of the court's review of the matters in which there was jurisdiction (less than three years or the agreement of the State), some individuals who are serving a term of incarceration have received a reduction in their sentence after the court's action on the sentence modification.

Competency to Stand Trial

The criminal courts are also proceeding on 54-56d matters (competency to stand trial) by way of videoconferencing, which allows for the transition of individuals with mental health issues to be placed back in a community setting with appropriate mental health care set up for them by the forensic evaluation team.

Emergency Motions

During these times of limited court operation, the criminal courts have remained willing to act upon any type of emergency motion, which is consistent with the handling of priority business.

Court Support Services

Both bail service staff and the probation department officers have continued to offer assistance and support to their clients. Individuals with various treatment needs are connected through court support services to the appropriate treatment facilities or to Telehealth services.

Cases involving Diversionary Programs

The criminal courts are establishing procedures to enter the dismissal of cases statewide involving defendants who have successfully completed certain diversionary programs. These matters will appear on dockets beginning on May 15, 2020. Requirements for completion of these programs, such as the Victim Impact Panel offered by MADD in the Alcohol Education program, are now offered as an on line class to allow individuals an opportunity to complete their court ordered conditions.

Pre-Sentence Investigations (PSIs)

The criminal courts are working with its Court Support Services Division to finalize any PSIs for cases that are awaiting disposition after a guilty plea. The criminal courts will conduct the sentencing hearings and are setting up procedures for all parties to participate not only in person, but through remote means such as videoconferencing.

Defendants Detained in Custody on a Pretrial Matter

The criminal courts will also focus its initial expansion of its business to those cases in which a person is detained in custody on a pretrial matter. The court will conduct remote meetings with a judge, a prosecutor, and the defense attorney to see if an agreement can be reached in these matters and, if so, have it docketed for plea and disposition.