



PUBLIC SERVICE AND TRUST COMMISSION

Committee on Alternatives to Court Appearances

Minutes
January 22, 2009

Those in attendance:

Hon. Elliot N. Solomon, Chair
Atty. David Belt
Hon. Thomas A. Bishop
Hon. David Borden
Ms. Linda Cimino
Hon. Patrick J. Clifford
Family Support Magistrate John E. Colella
Hon. Emmet L. Cosgrove
Atty. Joseph Del Ciampo
Ms. Marilou Giovannucci
Atty. Scott Hartley
Mr. David Iaccarino
Mr. Ronald Macchio

Dr. Michael Norko (Representative for Dr. Kirk)
Atty. Mark Ostrowski
Atty. Nancy Porter
Mr. Gary Roberge
Atty. Jennifer O. Robinson
Mr. Scott Rosengrant
Ms. Betsy Rosser
Ms. Pamela Sarno
Atty. Robin C. Smith
Hon. Hillary B. Strackbein
Atty. Maureen Platt Temchin
Hon. David R. Tobin

Not Present:

Hon. Patrick L. Carroll III
Atty. Susan Quinn Cobb
Mr. Lucio DeLuca
Atty. Joseph Garrison
Atty. Eric Groody
Hon. Arthur A. Hiller
Hon. Christine E. Keller
Dr. Thomas A. Kirk

Mr. Richard Miele
Hon. Lynda B. Munro
Mr. O'Donovan Murphy
Atty. Norman Pattis
Atty. Adele V. Patterson
Hon. O. James Purnell, III
Atty. Norman A. Roberts II
Ms. Celia Seifert

The Committee on Alternatives to Court Appearances met on January 26, 2009 at 225 Spring Street, Wethersfield, in the 4th Floor Training room at 9:30 a.m.

The Meeting was called to order at 9:36 a.m. by Judge Solomon. The minutes for the meeting held on December 18th, 2008 were approved unanimously by committee members.

Judge Solomon provided subcommittee members with information about the upcoming trip to the Essex County Courthouse in New Jersey that he has organized. The purpose of the trip is to view

criminal arraignments by video conference (VC). Members from the offices of the Public Defender, Prosecutor, Court Operations, and Information Technology will be attending.

Technology Subcommittee

Mr. Rosengrant reported out to committee members on the subcommittee's meeting.

Mr. Rosengrant indicated the subcommittee used the draft recommendations from the Purposes Subcommittee for guidance. They discussed the need for a thorough evaluation of the Judicial Branch infrastructure. Also discussed were the technological challenges faced if VC availability were to be expanded in probate courts.

The subcommittee members worked on the scope document and listed some of the steps that are needed for implementation of a video conference and teleconference (TC) program. What was also found is that subcommittee members were not familiar with the technology terminology. For the next meeting Mr. Rosengrant will provide subcommittee members with an interactive demo on the technology available.

The consensus of the subcommittee was to adopt a progressive approach to VC and think outside the box. Specifically the subcommittee voted to expand the term "court appearances" to "appearances" to broaden the use of VC/TC, which would leverage the investment of the equipment. Also discussed was the need to develop a scheduling system as the technology becomes readily available and expanded. Finally, Mr. Macchio provided the subcommittee members with a report on the status of TC units.

Cost/Benefit Subcommittee

Mr. Iaccarino reported out to committee members on the subcommittee's meeting.

The subcommittee members provided statistical information from various agencies. Statistics were provided from Marshals Services and Department of Corrections (DOC) on inmate transport and incident report including mental health level 5 transports. Court Support Services Division provided information on Pre-Sentence Investigation interviews and monthly training sessions. DOC is also looking to expand their use of VC with UConn Health on Video Medicine. Subcommittee agreed all these services could utilize and benefit from the use of VC.

Also discussed was the structure of how inmates are transported in Connecticut. First, inmates are transferred by DOC to the local jails and Marshals transport inmates from local jails to the courts. Many times the trips by DOC and Judicial Marshals are not a direct route to the destination with transports making multiple stops along the way. This affects the caseflow efficiency within the courthouses. Marshals reported that the courthouse lockups are where the majority of incidents occur. The use of VC will certainly reduce the amount of those incidents. Also, DOC pays \$316,000 a year in overtime to transport mental health level 5 inmates.

Statutes and Rules Subcommittee

Justice Borden reported out to committee members on the subcommittee's meeting.

The Subcommittee has identified all the Statutes and Practice Book rules that may be impacted by the proposed recommendations set by the Purposes Subcommittee. The Subcommittee discussed categorizing their research approach by the four divisions (Criminal, Civil, Family and Juvenile). Work has also begun on clarifying the rules for the Rules Committee based on the Purposes Subcommittee recommendations. There is also a need for general discretionary powers in the court to allow or prohibit the use VC and TC.

The Committee members briefly discussed who will have the discretion to exercise the right to allow VC/TC. Justice Borden recommended looking at the Statutes and Practice Book rules in other states.

Purposes Subcommittee

Judge Strackbein reported out to committee members on the subcommittee's meeting.

The subcommittee discussed their recommendations for the availability for VC/TC. There are many situations in all divisions that could use the technology at the discretion of the Judge.

The only division the subcommittee was not able to obtain information was criminal due to unresolved issues and the need to receive information from the upcoming New Jersey trip. Also discussed was the possibility of having a designated room within the courthouse for attorneys to speak with their incarcerated clients through VC.

Judge Solomon indicated the need for the Purposes Subcommittee to meet again and discuss the pros and cons of each area and come up with the final recommendations to bring to the next full committee meeting. He also recommended that the Purposes Subcommittee look at all aspects of the use of VC/TC and not its cost.

Other areas the Purposes Subcommittee should discuss in the next meeting is out of state experts and witnesses in Family cases and the use of the equipment for administrative meetings within the Judicial Branch, if the capability is available. A request to add "Administrative Uses" is recommended to accommodate the different types of uses that do not fall under court appearances. There are also habeas cases that should be recommended for VC.

The Committee agreed to present the Public and Trust Commission with the following:

- Review of Charge
- Methodology
- Accomplishments to date
- Problems Encountered
- Recommendation date of April 30th, 2009 for completion of the committee's final report.

The Committee agreed that the vision should be ambitious and beneficial to both the Judicial Branch and the public.

The next meeting is scheduled for Thursday, February 26, 2009 at 2:00 p.m. in the 4th Floor training room at 225 Spring Street, Wethersfield, CT 06109. The meeting adjourned at 11:25 a.m.