

Connecticut Judicial Branch
Commission on Access to Justice
Subcommittee on Criminal Issues and Child Protection

November 16, 2011 - 3:00 p.m.

30 Trinity Street
3rd Floor Conference Room
Hartford, CT

Present:

Chair – Chief Public Defender Susan Storey
Members – Nora Dannehy, Deputy Attorney General; John Russotto,
Deputy Chief State’s Attorney; Johanna Greenfield, Caseflow Management
Specialist, Court Operations; Yanira Rodriguez, Community Court
Guests - Pat Kaplan (New Haven Legal Assistance); Christine Rapillo
(Public Defenders); Stephen Vitelli (Attorney General’s Office)

Absent:

Member - Aileen Keays, Research and Policy Specialist, CCSU

1. Welcome and introduction of subcommittee members

The meeting was called to order at 3:00 PM. The members of the subcommittee and guests introduced themselves.

2. Review and discussion of subcommittee charge

The members of the subcommittee reviewed the charge from the Access to Justice Commission in preparation for discussion. Some topics were reviewed as noted below, most of which overlap.

3. Subcommittee action plan

The following topics were discussed at the meeting, all of which the subcommittee will further explore. The subcommittee will then prioritize the items, and make recommendations as to what can be accomplished short term and within existing resources, as well as longer term recommendations and recommendations that would require funding.

Training for Prosecutors:

The discussion began by the suggestion that incarcerated populations are sometimes overlooked as consumers of courthouse services. Deputy Chief State’s

Attorney John Russotto suggested that there are concrete things that they can do. Training for prosecutors with regard to what they can and cannot do to help the self-represented population get through the system would be a start. Particularly with a view toward consistency.

Collateral Consequences:

The Padilla case was mentioned. Public Defender attorneys are trained and must counsel clients regarding collateral consequences of conviction. The prosecutors received an informational summary on Padilla.

Some suggestions were to create a publication on collateral consequences, posting information on the web, consulting the Department of Correction (it was noted that partnering with D.O.C. on a number of things will be critical), finding ways to address these issues before the matter is in court and providing informational sessions for judges.

One topic of discussion was the concept of an adult review board like the juvenile review board. There is already a juvenile model that has worked very well in the cities and it includes the prosecutors. Concerns expressed with regard to the concept included the need for adults to have someone available who could advocate for them and there would need to be a pilot. There was discussion that the review boards could possibly provide diversion from court and could fill the void left by the termination of mediation services in the courts. Some of the existing juvenile review board programs and possible resources were briefly discussed. There was a general consensus among the members to look into this concept further.

Some concern was expressed that there is not a great deal of awareness with regard to the restabilization of persons leaving prison. It was mentioned that even a week of incarceration can matter even though people tend to think long-term when re-entry is discussed. The example used was getting a driver's license back. Fees can be an issue as well.

Child Protection

There could be better services and interagency cooperation in getting parents what they need into their plans in order to reunite with their children. While those parents are represented, some, especially incarcerated parents, are unable to access the programs they need in time to get their children back. The question arose as to whether they get adequate advocacy to access these programs within the prison system.

Attorney Storey noted that in Washington State the Public Defenders represent incarcerated parents with a comprehensive approach that gives them a more equal footing with those people who are not incarcerated.

It was suggested that perhaps communication could improve between the Child Protection Bar and the Criminal Bar. It is perceived that sometimes there can be a disconnect between what happens in court with a parent and D.O.C. because of limited resources and that it can make a difference in court if it is clear that depending on what happens, someone could lose his or her child(ren).

A family impact statement was suggested. Attorney Storey raised the Washington FOSA plan, which is an alternative sentencing for non-violent offenders with children. It includes such things as monitoring with supporting educational programs.

It was suggested that training for Child Protection attorneys about issues when there are incarcerated parents and the judges could be invited.

Technology

It was noted that in the last two decades there has been a decrease in what incarcerated individuals can access. There are many issues involved, but access to legal materials was viewed as something that could be extremely helpful and empowering for the individual. Other items were raised such as the ability to apply for social security online before they are released from custody. The 211 hotline was mentioned as a resource, but personnel are not available to help someone with the documents even if the person has adequate reading and writing skills. It was suggested that the subcommittee look at the federal system to see how it works there.

Lockup

The question was raised as to how to reduce the disparities and make some things better. The Judicial Marshals are trained to treat those in lockup with respect, but there can sometimes be no confidentiality or conference space. One suggestion was some kind of informational document distributed to those in lockup.

4. Next meeting

The next meeting of the subcommittee will be January 23rd at 1:00 PM in the 4th floor conference room at 225 Spring Street in Wethersfield.

5. Adjourn

The meeting adjourned at 4:15 PM.