



## PUBLIC SERVICE AND TRUST COMMISSION

### *Committee on Alternatives to Court Appearances*

#### Purposes Subcommittee

Meeting Minutes  
February 4<sup>th</sup>, 2009

#### Those in attendance:

Hon. Hillary Strackbein, Chair  
Atty. David Belt  
Hon. Thomas Bishop  
Hon. Patrick Clifford  
Atty. Joseph Garrison  
Ms. Marilou Giovannucci  
Atty. Scott Hartley  
Hon. Arthur Hiller  
Mr. David Iaccarino  
Hon. Lynda Munro

Atty. Adele Patterson  
Atty. Mareen Platt Temchin  
Mr. Gary Roberge  
Ms. Betsy Rosser  
Atty. Robin Smith  
Hon. Elliot Solomon  
Atty. Thomas Ullmann  
Atty. Elisa Villa  
Atty. John Walkley

#### Not Present:

Atty Susan Quinn Cobb  
Hon. Christine Keller  
Dr. Thomas Kirk

Mr. Richard Miele  
Atty. Norman Pattis  
Hon. O. James Purnell

The Purposes Subcommittee on Alternatives to Court Appearances met on February 4, 2009 at 2 p.m. at 225 Spring Street, Wethersfield, on the 4<sup>th</sup> Floor in Conference Room 4B.

The meeting was called to order by Judge Strackbein at 2:15 pm. The minutes of the January 7<sup>th</sup> meeting were unanimously approved. The non-committee members that traveled to New Jersey were introduced as well as committee members from other subcommittees for Alternatives to Court Appearances.

The subcommittee discussed the proposed recommendations for Family matters. There were some issues as to the language in the recommendations and Judge Munro will revise the recommendations accordingly. One of the main provisions of these recommendations is that they will be consistent with federal and state constitutional law.

The subcommittee discussed the proposed recommendations for Juvenile matters. All the recommendations are for child protection cases and do not apply to delinquency cases. However, in the future, videoconferencing (VC) could be used in delinquency cases in regards to incarcerated parents. There were no other issues with the recommendations.

The subcommittee then discussed possible recommendations for civil matters. The use of teleconferencing (TC) should be allowed, at the discretion of the court, for status and scheduling conferences and for arguments where testimony is not required.

VC should be permitted, at the discretion of the court and after reasonable notice, for: short calendar arguments not involving testimony of witnesses; trial testimony of any witness; and for self-represented inmate name changes. It is not recommended that videoconferencing be used for pretrials.

Judge Solomon provided general remarks on the New Jersey VC trip. From a technology standpoint the courthouse technology was not particularly advanced as they used ISDN connections. The challenge for CT is that NJ has a central location, Essex County Jail, where everyone arrested is brought. From the CT standpoint we are well positioned technologically for VC in the courthouses. A concern from the technical side was the acoustics of the proceeding and the ability to see clearly what was going on in the courtroom. Also discussed was the ability to store video and audio as the record and the costs associated with it.

There were many concerns with the arraignment proceedings in NJ. Some of the concerns were: the disconnect between the defendant and their lawyer, whether or not the defendant knew what was going on, and the impersonal nature of the judge.

The public defender in NJ did indicate that a Memorandum of Agreement was reached for VC but they have an overall negative opinion on the process. The public defender felt that VC contributed to slightly higher bonds than if the defendant came to court. In addition, there was no representation or input from the private bar on the implementation of VC. The public defenders were given the option to be at the jail but decided to remain at the court during the arraignment process.

Judge Solomon discussed that the subcommittee needs to take a sharp look at inmate appearances. There are over 150,000 inmate transported by Judicial in 2008 many of who never went before a judge or magistrate. While the NJ system was less than ideal other states have been successfully doing VC and should be looked at in the future. The subcommittee needs to come up with realistic, not idealistic ideas for alternatives to court appearances in criminal matters. The subcommittee needs to prioritize what recommendations we can implement now that does not require rules changes or a significant monetary investment.

The subcommittee discussed some possible areas of interest that could benefit from VC/TC. These include serving a warrant on an incarcerated defendant. In addition, VC could be used for sentenced inmates that commit a crime in prison. Other areas discussed were call backs, extradition hearings for inmates, and medical arraignments. The subcommittee also discussed administrative uses for VC which includes Pre-Sentence Investigations (PSI), Level Service

Inventories (LSI), Jail re-entry interviews, and habeas issues challenging conditions of confinement. These will be discussed at the next meeting.

The next meeting of the Purposes Subcommittee will be on February 26<sup>th</sup> at 2 p.m. at 225 Spring Street, Wethersfield, on the 4<sup>th</sup> floor in room 4B.

The meeting adjourned at 4:13 p.m.