



PUBLIC SERVICE AND TRUST COMMISSION

Committee on Alternatives to Court Appearances

Purposes Subcommittee

Meeting Minutes
February 26, 2009

Those in attendance:

Hon. Hillary Strackbein, Chair
Hon. Thomas Bishop
Atty. Brian Carlow (OCPD)
Atty. Susan Cobb
Atty. Scott Hartley
Hon. Christine Keller
Mr. Richard Miele
Atty. Maureen Platt

Atty. Adele Patterson
Hon. O. James Purnell
Mr. Gary Roberge
Atty. Betsy Rosser
Atty. Robin Smith
Hon. Elliot Solomon
Atty. Deborah Sullivan (OCPD)

Not Present:

Atty. David Belt
Hon. Patrick Clifford
Atty. Joseph Garrison
Ms. Marilou Giovannucci

Hon. Arthur Hiller
Dr. Thomas Kirk
Hon. Lynda Munro
Atty. Norm Pattis

The Purposes Subcommittee on Alternatives to Court Appearances met on February 26, 2009 at 2 p.m. at 225 Spring Street, Wethersfield, in the 4th floor conference room 4B.

The meeting was called to order by Judge Strackbein at 2:04 pm. The minutes of the January 14th, 2009 meeting were unanimously approved.

The subcommittee discussed the handout provided starting with the suggestion of a pilot program for video conferencing (VC) criminal arraignments. Judge Solomon discussed that at this point this issue should be tabled and investigated further. Notwithstanding the New Jersey VC program, VC is being used successfully in many states across the country and those locations should be studied. While VC arraignments have many benefits including cost savings and security concerns, there are still legal issues to resolve if Connecticut were to implement such a program.

The subcommittee discussed the criminal areas on the handout and decided that most of the topics discussed can be VC'ed with the consent of all parties. The following pertain to the VC of incarcerated defendants and or inmates with the consent of all parties:

- Part A Cases: Callbacks including pretrial where the case will not be resolved and nothing substantive will occur
- 2nd Stage extradition
- Sentence Review
- Motions that do not require testimony
- Hearings where the defendant will not be seen by a judge

The following pertain to the VC of incarcerated inmates at the discretion of the judge:

- Habeas issues that deal with conditions of confinement.

The subcommittee discussed VC for competency hearings. The consensus was that this was an issue that needed further research in regards to whether a defendant with a questionable mental state would be able to make a competent waiver for their physical appearance in court.

The subcommittee discussed the need for additional VC stations in Department of Correction (DOC) facilities. Rich Miele indicated that DOC is on-board and willing to expand as the need arises. The subcommittee recommended VC booths be put in all courthouses for all counsel to use for confidential and private conversations with their incarcerated clients. The subcommittee also discussed how scheduling for VC will impact each agency involved and whether any cost savings from VC can be reallocated to other agencies that would incur costs. It was discussed that these trade offs should be put in the final recommendations report.

The public defenders discussed issues with the ability to communicate with their clients. Presently, inmates can only call their public defender and that call must be prescheduled and during specified times. The public defenders wanted this expanded to include a more flexible scheduling time and allow special public defenders the same access to their clients that they have. Rich Miele will look into this issue. In addition, for any VC proceeding it is recommended that counsel be able to have an immediate off-the-record conversation with their client. How this would be achieved needs to be investigated.

Court Support Services Division (CSSD) recently conducted Level Service Inventories (LSI) interviews by VC with positive results from probation officers. The scheduling and equipment were easy to setup for the interviews. There was a consensus that VC should be used for jail re-interviews, LSI's, and pre-sentence investigations (PSI). With PSI's that are VC'ed some issues need to be addressed concerning the presence of counsel during the interview.

The subcommittee discussed administrative uses for VC. The subcommittee recommended VC for trainings and or meetings when practicable. In addition, the subcommittee recommended there be a central location for interpreters to teleconference to the various courthouses when needed.

Other alternatives to court appearances that the subcommittee recommended are:

- Taking DNA sample from defendants after they plead guilty on a felony case. Policy and procedures need to be worked out with CSSD
- For Supreme and Appellate Court arguments VC should be considered
- Diversionary Program for moving motor vehicle infractions

- Probate courts that serve large locations (identified by probate administration) should have access to the Judicial Branch's VC equipment and courtrooms

The meeting adjourned at 4:02 p.m. A future meeting will be scheduled if needed.