



PUBLIC SERVICE AND TRUST COMMISSION

Committee on Alternatives to Court Appearances

Purposes Subcommittee

Meeting Minutes
December 11, 2008

Those in attendance:

Hon. Hillary Strackbein, Chair
Atty. David Belt
Hon. Thomas Bishop
Atty. Susan Quinn Cobb
Ms. Marilou Giovannucci
Atty. Scott Hartley
Mr. Richard Miele

Atty. Adele Patterson
Atty. Norman Pattis
Atty. Mareen Platt Temchin
Hon. O. James Purnell III
Mr. Gary Roberge
Ms. Betsy Rosser
Atty. Robin Smith

Not Present:

Atty. Joseph Garrison

The Purposes Subcommittee on Alternatives to Court Appearances met on December 11, 2008 at 90 Washington Street, Hartford, in the 4th Floor Conference Room at 2:00 pm.

The meeting was called to order by Judge Strackbein at 2:02 pm. She led with introductions and discussed the goals of the subcommittee. Specifically, what court appearances could utilize video and telephonic technologies to make a more open, secure, and efficient Judicial Branch without sacrificing any rights or interests of the parties involved. There are currently 6 court locations that use video conferencing; Bridgeport, Hartford, New Haven, Rockville, Stamford, and Waterbury. They are primarily used for habeas matters and family support magistrate hearings.

The subcommittee discussed the uses of video/teleconferencing in the different divisions with the Judicial department.

Criminal

The subcommittee discussed the possible use of video conferencing in arraignments. Defense lawyers expressed great concern because it would limit their access to their clients, their ability to have a private and secure conversation, and detrimentally affect the relationship of trust with their client that is fostered with a face-to-face interaction. Other issues brought up were that video conferencing may put pressure on defendants to waive their right to be present for the sake of convenience.

Other subcommittee members felt that video conferencing was not a replacement for face-to-face contact but a choice for inmates. Some inmates do not want to come to court and have to endure the indignities of a court appearance.

Video conferencing has been utilized successfully by many other states like New Jersey, Pennsylvania, and Wisconsin. These states would be a vital resource to address some of the issues in video conferencing arraignments. There was subcommittee support for video conferencing in the testimony of expert witnesses, medical examiners, victims, and out of state witnesses. In addition, video conferencing could be used in sentencing when there is an agreed upon sentence, pre-trial scheduling, and other administrative procedures.

The Department of Correction has successfully used video conferencing in all of their facilities and would be in support for its expansion to other matters. It is extremely costly and dangerous to transport defendants to and from court. In addition, those individuals transported to court often never go before a judge. D.O.C. has developed and implemented their policy and procedures for the use of video and teleconferencing in their facilities.

Court Support Services currently successfully uses video conferencing with bail and probation officers. Three areas of use are risk assessments, jail re-interviews, and pre-sentence investigations.

Family/Juvenile

The subcommittee discussed the issue of video conferencing certain child protection matters such as for out of state parties, custody and guardianship issues, visitation for incarcerated fathers and mothers and other interstate compact issues. It will be necessary to get a rules change for any video conferencing in juvenile court matters.

Civil

There was overall positive feedback over the use of video or teleconferencing for civil matters. Matters that could use video conferencing are short calendar, status and settlement conferences. Discussion of the 2nd Circuit Court of Appeals was brought up in that they utilized video conferencing in the past, but recently suspended the program. There were concerns with how well the technology could support real-time transmissions of both audio and video. The Technology subcommittee will investigate these issues.

Probate

Probate matters utilize teleconferencing successfully as an alternative to court appearances because those courts have limited security. In addition they use e-mail and instant messages for conferences between parties. Instant messages enables all parties to read what each person is typing in real time and have the ability to print it out for record keeping. One issue of concern would be how to determine what information constitutes being kept on the court record.

Interpreters

There was discussion on using video conferencing for court interpreters, especially for less frequently used languages. Having a centrally located interpreter's service that would video conference to various courthouses would save time and money. Out of country interpreter services posed issues with commission certification and possible time lapse between audio/video transmissions.

Whatever the proposed uses for video conferencing, it was the consensus of the subcommittee that the determination to use the technology would be on a case-by-case basis with the consent of all parties and at the discretion of the judge.

Non-Technological Alternatives

The subcommittee discussed taking DNA samples for convicted felons at each court house immediately after the plea. Currently it is the responsibility of the defendant to make an appointment and give a DNA sample and failure to do so is a class A misdemeanor. There are over 3000 defendants currently out of compliance which necessitates warrants, countless trips to court on the new charge, bonds, incarceration, and transportation which all could be eliminated immediately.

There was discussion on methods of consolidating cases where defendants have Violations of Probation cases and pick up charges in other jurisdictions so as to save countless trips to different courts. Possibly transferring all the cases to the original courthouse where the probation was ordered was suggested.

The subcommittee discussed court appearances on successful AR/AEP/DEP/FV programs. The consensus was that defendants who completed the programs did not have to come back on the date the case was going to be dismissed. If there was an issue a Bail Commissioner's letter could be mailed out.

The subcommittee ended the discussion with directives to read over video conferencing reports from other states to see how they implemented their program and to try to prioritize what exactly lends itself to video conferencing and what can be done on a short and long term basis.

The meeting adjourned at 4:03 pm. The next meeting of this subcommittee will be on January 8th 2009 at 2 pm in the 4th Floor Conference Room at 90 Washington Street, Hartford.