



## PUBLIC SERVICE AND TRUST COMMISSION

### *Standing Committee on Video & Teleconferencing*

Meeting Minutes  
November 12, 2009

Those in attendance:

Hon. Elliot Solomon, Chair  
Hon. Patrick Clifford  
Hon. Christine Keller  
Hon. Linda Munro  
Atty. Brian Carlow  
Mr. William Colon

Ms. Marilou Giovannucci  
Atty. Scott Murphy  
Atty. Jennifer Robinson  
Mr. Scott Rosengrant

Not Present:

Hon. Dennis Eveleigh

The Standing Committee on Videoconferencing and Teleconferencing met on November 12, 2009 at 2 p.m. at 225 Spring Street, Wethersfield in Room 204 on the second floor.

The meeting was called to order by Judge Solomon at 2:01 p.m. He made opening remarks concerning the background of how the Standing came to be created. Judge Solomon discussed the original work of the Committee on Alternatives to Court Appearances and that this Committee would continue that work for the indefinite future. Judge Solomon said the commitment for Committee members will involve meetings every 2 or 3 months.

Judge Solomon announced that the Judicial Branch had been awarded \$1.1 million to pursue expansion of videoconferencing. This money did not include teleconferencing but Judge Solomon expressed the need for funds to support teleconferencing expansion.

Judge Solomon discussed the videoconferencing equipment that is currently available in six Judicial Districts, as well as the six portable videoconferencing systems.

Attorney Robinson discussed the proposal that had been made to the Office of Policy and Management for the videoconferencing funding and the proposed rollout schedule of expansion.

Judge Clifford suggested considering adjusting the roll out schedule to move New London Judicial District to be one of the earlier courts equipped with videoconferencing equipment in the roll out plan.

Judge Solomon discussed the benefits of videoconferencing for the Court Support Services Division and the cost savings associated.

Scott Rosengrant discussed the current status of the Request for Proposal (RFP) for a new Judicial videoconferencing vendor. Responses to the RFP are due in mid-November and Judicial hopes to begin purchasing equipment by mid-December.

Judge Solomon discussed the training for Civil judges that was recently done via videoconferencing and that overall it seemed to be well received.

Judge Keller expressed the need for Practice Book Rule changes in order to allow for videoconferencing in Juvenile matters.

Judge Clifford and Judge Keller discussed the need to refer Practice Book revision proposals to the Rules Committee by mid-December and a request to make those Rules effective upon Passage in order to effectuate the use of videoconferencing more expeditiously.

Judge Solomon proposed four areas for the Committee to focus on initially, based on recommendations from the Alternatives to Court Appearances Committee.

1. Competency Hearings in criminal matters where the defendant is found not competent but restorable. By agreement of parties, defendant and mental health professionals would appear by video from CVH when the expected result is that the matter will be continued to allow for the restoration process.
2. Sentence Review hearings - On a typical Sentence Review docket day, about 30 or 40 inmates are brought to court in Middletown. This involves considerable expense and, more importantly, significant security issues. Judge Solomon discussed a potential rule change to allow for presence by video unless the court requests that the defendant be present in court. Attorney Carlow asked where the defendant's attorney would be located, the courthouse or the correctional facility? If attorney is present at the courthouse then there must be a means to communicate confidentially with their clients. The committee discussed how many sentence review matters are withdrawn. Attorney Carlow will follow up with the Sentence Review Division regarding those numbers. Judge Solomon and Attorney Carlow discussed the signature needed by the defendant on the withdrawal and the option of an electronic transmittal. Attorney Carlow also discussed the benefit to being able to communicate with clients by video the day before the hearings are scheduled and the potential for reduction of cases scheduled on the docket. Attorney Murphy stated that of the cases scheduled, about 10 to 15 cases are generally argued before the court on the Sentence Review docket. The committee discussed whether there is a Constitutional right to be heard for Sentence Review and whether a waiver by the defendant would be necessary to allow for videoconferencing. Attorney DelCiampo will research the issue.
3. A pilot program in the Hartford Judicial District that would allow videoconferencing for arraignments to be done between the lock up in the lower level of the courthouse and the courtroom upstairs. He discussed the demands placed on the marshals to bring inmates up to the court and the limitations on bringing a certain number of inmates at a time.

Attorney Carlow discussed the potential burden that could be placed on the Public Defender's Office if a public defender was required to be present downstairs with the defendant in front of the camera and another public defender was present in court in front of the judge.

The Committee discussed the potential rules or statutes changes that would be necessary to pursue the pilot program.

Judge Keller mentioned House bill 7007, Section 42, that was passed and made effective January 1, 2010. This Section requires the Department of Correction and Chief Court Administrators Office to develop a plan to

consolidate inmate transportation. Judge Keller asked the committee to consider what impact this could have on videoconferencing.

4. Videoconferencing in lieu of Part A callbacks. Inmates would not be transported to the courthouse for pretrials in Part A cases unless it was expected that the pretrial would result in the making of a plea offer that day or, alternatively, the inmate was expected to accept/reject an offer previously extended. This practice would be followed only in courthouses that have videoconferencing capability which would allow defense counsel to communicate with their clients regarding what transpired at the pretrial. In all judicial districts other than the Hartford JD, the inmate generally would not be brought in however either side (state or defense) could elect to bring him/her in for the pretrial. In the Hartford JD, either side could request that the inmate be brought in, however the court would have discretion on whether the inmate should be brought in.

Judge Solomon discussed that the issues pertaining to videoconferencing are not central to just transportation but also to security, a reduced work force in the Judicial Marshals Services, man power at correctional facilities, and disrupting the daily routine of the inmates.

The committee discussed the need to gain support from attorneys, judges and anyone else involved in the proceedings.

Judge Solomon expressed that he thought we would not need to propose a Practice Book or statute change to pursue videoconferencing of call backs.

Attorney Carlow recognized that there may be certain advantages to not bringing clients in for callbacks (provided it is by agreement of the defendant) because the defendant would not have been awakened at an early hour, not have ridden on a cold van and would not have sat in a lock up all day. Video could help attorneys communicate with their clients on a more frequent basis.

The Committee discussed ideas for family, civil and juvenile videoconferencing hearings.

Judge Keller suggested proposing a general rule that would allow videoconferencing to be used in juvenile, excluding delinquency matters.

Judge Munro proposed a broad catch all rule for family matters to be heard by videoconferencing

The Committee discussed the logistics of using video equipment and scheduling cases for complex litigation cases in the three Complex Litigation courts.

Judge Solomon asked the Committee if they would be agreeable to him working on the performance measures that will be used in monitoring the progress of this initiative. The Committee was agreeable and Judge Munro suggested that one measure could be to track the number of complaints that are received from defendants about using videoconferencing as opposed to appearing at the courthouse.

The next meeting of the Committee is scheduled for January 21, 2010 at 2:00 p.m. in room 204, at 225 Spring Street in Wethersfield. The meeting was adjourned at 3:19 p.m.