

Status of the Implementation of Public Access Task Force Recommendations April 2009

Recommendation #1 – Adopt the task force recommendations regarding the definition of a “meeting” and provide notice and access to the public of Judicial Branch meetings.

Most Judicial Branch meetings are open either pursuant to the Freedom of Information Act (FOIA) or pursuant to the recommendation of the Public Access Task Force. If the committee is engaged in the performance of administrative functions, it is subject to the FOIA; if it is not, it is subject to the Public Access Task Force recommendations. The Branch now posts notices of meetings, minutes, agendas, and a list of members on the [Judicial Branch website](#) and provides notices of its meetings for posting on the secretary of state website. Training sessions on FOIA have been scheduled for staff and continue to be available on an “as needed” basis.

Recommendation #2 – Adopt the task force recommendations setting forth procedures for closing a meeting in whole or in part.

This recommendation was adopted and meetings that are covered under the FOIA will follow those rules in connection with going into an executive session. Meetings that are not covered under the FOIA will follow the task force recommendations to go into a closed session.

Recommendation #3 – Allow broadcasting, televising, recording or photographing of Judicial Branch meetings that are open to the public and scheduled in court facilities.

Arrangements have been made for members of the media and the public to attend, photograph, and record public meetings in court facilities. Most recently at the Public Service and Trust Commission public hearings held at the Supreme Court and in the Superior Court in Bridgeport, members of the public brought cameras and recorded the proceedings.

Recommendation #4 – Adopt a definition of administrative record.

The process of identifying all records that fit the definition of administrative record is complete. The Record Retention Schedule for Judicial Branch Records Not Covered by Chapter 7 of the Connecticut Practice Book was completed and approved by the chief court administrator on April 13, 2009. The retention schedule will be provided to Judicial Branch staff through publication on the intranet. The External Affairs Division will serve as the custodian of the retention schedule. Inquiries regarding administrative records may be made to [External Affairs](#).

Recommendation #5 – Confirm that attendance records of judges are open to the public.

These records are open and have been made available to the public.

Recommendation #6 – Retain current statute and policies regarding access to Judicial Performance Evaluations.

The Task Force recommended that the statute governing access to Judicial Performance Evaluations remain unchanged. The Committee on the Judicial Performance Evaluation

Program is being formed and will begin its work by the end of the year. This committee is one of those formed as part of the implementation of the strategic plan developed by the [Public Service and Trust Commission](#).

Recommendation #7 – Establish a procedure for handling complaints received by the Judicial Branch regarding a particular judge.

Complaints received by the Office of the Chief Court Administrator regarding the conduct of a judge shall be reviewed by the Chief Court Administrator. After review, a complaint may be handled in one of three ways: the Chief Court Administrator may refer a complaint to the Judicial Review Council for further investigation; the Chief Court Administrator may determine that the complaint is without merit or not within the purview of the office; the Chief Court Administrator may counsel a judge and may issue an admonishment in accordance with the procedure set forth in Section 51-45a of the General Statutes, if appropriate.

Recommendation #8 – The Chief Court Administrator shall establish a retention schedule for all administrative records held by the Judicial Branch.

The identification of records that fit the definition of administrative record and the review and updating of the existing records retention policy, including the description of the records and by whom and for how long they should be maintained, has been completed and was approved by the chief court administrator on April 13, 2009. The Record Retention Schedule for Judicial Branch Records Not Covered by Chapter 7 of the Connecticut Practice Book will be provided to Judicial Branch staff through publication on the intranet. The External Affairs Division will serve as the custodian of the retention schedule. Inquiries regarding administrative records may be made to [External Affairs](#).

Recommendation #9 – The Judicial Branch shall adopt a policy on access to court records.

The issues involved are complex and are the subject of discussions nationwide and must be resolved prior to any further action. Therefore, this recommendation is being addressed by the Identity Theft Committee. The committee has been renamed to reflect its broader purpose as a part of the implementation of the strategic plan developed by the Public Service and Trust Commission. The Identity Theft Committee will be called the [Committee on Judicial Information Policy](#). This committee will also be expanded to include additional members so that it can effectively and completely address the issues of privacy and security associated with open access to court records.

Recommendation # 10 – Amend the Judicial Branch Mission Statement to include the word “open.”

This recommendation has already been implemented and [the Mission Statement](#) now reads: It is the mission of the Connecticut Judicial Branch to resolve matters brought before it in a fair, timely, efficient and *open* manner.

Recommendation #11 – Provide online access to the daily criminal docket.

Access to the [criminal daily docket](#) information has been available on the Judicial Branch website since January 16, 2007. The information displayed includes the name, year of birth, type of docket, charges, and bond information for each case. This information is on

the website from approximately 7 pm the night before a court date until 7 pm that evening.

Recommendation #12 – Review Judicial Branch-issued forms in connection with potential identity theft.

The [Committee on Judicial Information Policy](#) (formerly known as the Identity Theft Committee) identified and reviewed over 850 forms containing personal identifying information with input from the units that use the forms. Criminal and family subcommittees met to review forms, statutes, and Practice Book rules in those two areas and reported out at the meeting of the committee in January. Recommendations about the family and criminal forms will be submitted to the Chief Court Administrator. Forms are currently being revised to eliminate the inclusion of personal identifying information where possible. The rule regarding the collection and submission of personal identifying information in court pleadings will be submitted to the Rules Committee for review.

Recommendation #13 – Provide online access to criminal conviction information.

[Criminal conviction information](#) on convictions and bond forfeitures since January 1, 2000 has been made available on the Judicial Branch website as of February 1, 2008. The information displayed includes the name, docket number, charge, plea, verdict date, verdict, and assorted sentence information, including fines and appeals.

Recommendation #14 – Revise the form for sealing of arrest warrant affidavits to include the specific date the sealing order expires.

In accordance with Practice Book [sec. 36-2](#), the order sealing the affidavits from public inspection must be for a specific period of time, “not to exceed two weeks from the date of arrest.” The Rules Committee determined that this recommendation is not workable because the date of the defendant’s arrest would not be known and, therefore, it would not be possible for a judge, when signing an order sealing an arrest warrant affidavit, to set a specific termination date for the order.

Recommendation #15 – Revise the procedure for sealing of search warrant affidavits.

The Rules Committee has determined that [Section 54-33c](#) of the General Statutes must be amended to implement this recommendation. This amendment was first proposed by the Branch as part of its legislative package in 2007, but the bill did not pass. It was proposed by the Judiciary Committee in 2008 in S.B. 605, *An Act Concerning Judicial Branch Openness*, Section 22. That bill did not pass during the 2008 legislative session.

Recommendation #16 – Permit public access to police reports used in determining probable cause.

The rule addressing the disclosure of police reports and affidavits used in determining probable cause took effect January 1, 2008 and is contained in Practice Book [Sec. 37-12 \(b\)-\(d\)](#).

Recommendation #17 – Adopt a written policy allowing the use of handheld scanners.

A [memorandum](#) was prepared October 30, 2006 and was distributed to allow the use of handheld scanners to scan court documents.

Recommendation #18 – Suggest that the Legislature review the sealing of case files involving pre-trial diversion programs.

This recommendation was not endorsed and no action has been taken on it.

Recommendation #19 – Provide online access to pending criminal information.

[Pending criminal and motor vehicle case information](#) became available on the Judicial Branch website as of July 16, 2007. The information displayed includes the name, year of birth, charges, bond, next court date and reason for the next court date.

Recommendation #20 – Revise procedure for handling competency evaluations.

The Rules Committee determined that [Section 54-56d](#) of the General Statutes must be amended to implement this recommendation. This amendment was first proposed by the Branch as part of its legislative package in 2007, but the bill did not pass. It was proposed by the Judiciary Committee in 2008 in S.B. 605, *An Act Concerning Judicial Branch Openness*, Sections 23 and 24. That bill did not pass during the 2008 legislative session.

Recommendation #21 – Provide access to alternate incarceration assessment reports if the plan is granted.

The Rules Committee has determined that a statutory change is needed to implement this recommendation. This amendment was first proposed by the Branch as part of its legislative package in 2007, but the bill did not pass. It was also proposed by the Judiciary Committee in the 2008 session in S.B. 605, *An Act Concerning Judicial Branch Openness*, Section 21. That bill did not pass during the 2008 legislative session.

Recommendation #22 – To further study the issue of whether, and if so, how non-parties should be able to intervene in a case in order to seek or restrict access to information.

Recommendation #23 – To establish a committee charged with analyzing and making recommendations on remote access to court records.

These recommendations, which are generally addressed in access policies in other states, will be addressed by the [Committee on Judicial Information Policy](#), which was formerly known as the Identity Theft Committee.

Recommendation #24 – The Judicial Branch should adopt a written policy that allows for an administrative waiver of fees for copies for an indigent individual and also conduct a study of the difficulties and costs faced by citizens in obtaining copies of judicial documents.

A proposal was made to the Legislature in 2007 that would allow copying fees to be waived for indigent persons in accordance with criteria established by the Judicial Branch. This proposal was not enacted into law.

Recommendation #25 – Develop a policy on requests for bulk distribution of information contained in court records.

Recommendation #26 – Develop a policy/rule on the correction of inaccurate information in court records.

These recommendations, which are generally addressed in access policies in other states, will be addressed by the [Committee on Judicial Information Policy](#), formerly known as the Identity Theft Committee.

Recommendation #27 – Adoption of a definition of “media” for purposes of recommendations on access to proceedings.

[Practice Book Sec. 1-10A](#) was adopted by the Judges at their annual meeting in June of 2007. This rule took effect on January 1, 2008. It defines “media” as any person or entity that is regularly engaged in the gathering and dissemination of news and that is approved by the office of the chief court administrator. Requests may be submitted to the office of the Chief Court Administrator.

Recommendation #28 – Consideration of issues concerning the implementation of the definition of “media” on an ongoing basis.

The [Judicial-Media Committee](#) was created and charged with fostering and improving relationships between the Judicial Branch of government and the media, both print and electronic. As part of its mission, the committee will consider issues concerning the implementation of the definition of “media” on an ongoing basis.

Recommendation #29 – Expand electronic media access to the Supreme and Appellate Courts.

The justices and judges of the Supreme and Appellate Courts have approved rules changes designed to increase electronic coverage of oral arguments in the Supreme and Appellate Courts. Practice Book [Section 70-9](#), as amended, took effect on June 1, 2007. In addition, the Supreme Court has revised its [protocols](#) on the use of cameras to make the coverage of the Supreme Court more viewable. The use of streaming videos may be considered by committees under the auspices of the Public Service and Trust Commission.

Recommendation #30 – Implement a pilot program for electronic media access to criminal proceedings.

Recommendation #31 – Study the expansion of media coverage of arraignments.

Recommendation #32 – Expand electronic media access to Superior Court civil proceedings and trials.

Rules on electronic access to civil proceedings ([Practice Book Sec. 1-11B](#)) and trials, and criminal proceedings ([Practice Book Sec. 1-11](#)), and arraignments ([Practice Book Sec. 1-11A](#)), were adopted by the Judges at their annual meeting in June of 2007, and took effect on January 1, 2008. The pilot program ([Practice Book Sec. 1-11C](#)) for electronic access to criminal proceedings is to be implemented in the Hartford Judicial District. Steps have been taken to facilitate this program. In Hartford, criminal sentencings have been televised by CT-N and in several judicial districts, arraignments have been successfully

televised. An Evaluation Committee, chaired by Judge Clifford, the chief administrative judge of Criminal, and Tom Appleby of Cable News 12, has been established. The [Pilot Program Committee](#) had a meeting on September 15th to review the evaluations received from judges, attorneys and the media regarding the matters that have been televised.

Recommendation #33 – Adopt rules for the creation of a record for off-site judicial proceedings.

The [Rules Committee](#) recommendation on the creation of a record for off-site judicial proceedings was submitted to the Superior Court judges at their annual meeting and it was adopted as [Sec. 1-24](#). This rule took effect on January 1, 2008.

Recommendation #34 – The taking of notes in any courtroom shall be permitted.

On October 26, 2006, the Chief Court Administrator sent a [letter](#) to all Judges reminding them that note-taking by spectators is permitted in all courtrooms and judicial proceedings.

Recommendation #35 – Establish a Judicial-Media Committee.

The Committee, co-chaired by Appellate Court Judge Douglas S. Lavine and G. Claude Albert, managing editor of The Hartford Courant met initially in March, 2007. Several subcommittees ([Survey](#), [Events](#), [Fire Brigade](#), and [Pilot Program](#)) were formed and are in the process of making recommendations. The Survey Subcommittee conducted a [survey of media and judges](#). From those surveys, the subcommittee developed a series of [recommendations](#) which it submitted to the full Committee after its meeting on July 9, 2008. Those recommendations were discussed by the Committee at their meeting on July 14, 2008. The next meeting of the Committee is October 6, 2008. As organized by the Events subcommittee, a [program for journalists](#) took place on March 19, 2008 on Sex Offenders and Sexual Assault cases. The Pilot Program subcommittee has been tracking coverage requests and issues that have come up in connection with media coverage of criminal proceedings.

Recommendation #36 – The Judicial Branch should evaluate the implementation of the task force recommendations.

This [evaluation process](#) began on September 15, 2007, on the first anniversary of the report and is ongoing.

Recommendation #37 – Nothing in the Judicial Branch Task Force recommendations should be read or interpreted to impede or diminish a judge's obligation and authority to conduct fair and unbiased trials and proceedings.

This recommendation requires no action, but simply confirms the existing obligation and authority of a Judge to conduct fair and unbiased trials and proceedings.

Recommendation #38 – The provisions of the current practice book rule on the sealing of financial affidavits in family matters should be rescinded.

The Rules Committee has not taken action concerning this recommendation.