

CITIZENS ADVISORY COUNCIL FOR HOUSING MATTERS

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Minutes of the meeting of March 9, 2011

Attendance: Penny Trick, HERC; Rocco Guarnieri, GBPOA; Carl Lupinacci, CCPO / FCPO; David Pels, GHLA; Richard Tenenbaum, CLS; Judith Dicine, OCSA; and Raphael Podolsky, LARCC

The meeting was called to order at 2:00 pm by Raphael Podolsky, chairperson. There was a brief discussion of changing the June meeting to June 16, but no such change was made. In 2011, the Advisory Council will meet at 1:30 pm on the second Wednesday of June, September, and December, as approved at the December meeting. The next meeting is June 8, 2011.

Agenda 1(a): The Agenda was approved.

Agenda 1(b): The minutes of the December 15, 2010, meeting were approved.

Agenda 2(b): Meeting with Judge Quinn

On March 4, representatives of the Advisory Council met with Chief Court Administrator Barbara Quinn to discuss the recommendations in the Advisory Council's biennial report. The chairperson handed out a summary of the meeting.

Bridgeport Housing Court: Judge Quinn is leaving the assignment of courtrooms in Bridgeport up to the Bridgeport Administrative Judge, who has already rejected the Council's recommendation that all housing court functions be returned to the 5th floor. On motion of Mr. Guarnieri, seconded by Mr. Lupinacci, the Council voted as follows:

General principles: (1) All spaces in the Bridgeport courthouse should be appropriate for their function. (2) Signage should be improved. (3) The prosecutor and the prosecutor's secretary should have separate offices. (4) The mediators should have appropriate equipment in any room in which they conduct negotiations, including a computer and a telephone. To the extent that a mediator continues to use the small room on the 6th floor, the lighting should be improved.

If the housing court staff is not moved back to the 5th floor, the following less satisfactory alternatives are recommended, in order of preference:

Alternative #1: Move the prosecutor and the prosecutor's secretary to the 5th floor and move one of the mediators out of the small 6th floor office and into the prosecutor's 6th floor office.

Alternative #2: Relocate one of the mediators to a larger room on the 6th floor.

Alternative #3: Have the mediators do mediation in their 5th floor offices; improve signage to help redirect litigants to the 6th floor after mediation; give the prosecutor an extra room on the 6th floor so that the prosecutor and the secretary can have separate offices.

Computerization: Judicial have been upgrading the computer system, and the housing court computer system will eventually be merged into the new system-wide computer program. The goal is a new system by 2013. It appears, however, that the housing court's computer ability to identify property addresses may be lost in the new the new system, which does not seem to have a field for property addresses. The Advisory Council reaffirmed its position that property addresses in all housing court cases, including summary process and criminal, should be searchable in any new system and that the new system should not reduce the information that is in the current housing court system. It reaffirmed its recommendation that foreclosure cases have fields for property addresses, law days, and sale dates.

Public access to case files: The Council affirmed its view that public access to case files by computer is important. Judicial is reluctant to make it easy for non-attorneys to access files away from the courthouse because of the danger of data mining and privacy breaches. Such information is available to the general public at the courthouse, including via the computer terminals at the court service centers. The Advisory Council agreed to table the matter for now because of the privacy issues but believes that a long-term solution is needed to provide adequate public computer access to files. The Council also believes that it should be possible to provide pro se litigants with a user number so that, at the least, they can access files in cases in which they have an appearance. There was a brief discussion of the Housing Court requiring e-filings in the future.

Criminal case dispositions: To the extent that criminal case dispositions are not being recorded, Judicial will try to make sure that the clerks record them. There is serious doubt that the present computer systems will allow docket numbers to be given to Geographical Area criminal cases so as to identify them as housing cases. The Chief States's Attorney and the Chief Court Administrator have, however, agreed to discuss this issue.

Telephone book listings: Judge Quinn agreed to arrange for a blue pages listing for the housing courts under "HOUSING COURTS" rather than under "JUDICIAL."

Staffing levels: Due to lack of funding, vacant positions for housing mediators and clerk's office support staff are not expected to be filled in the near future.

Bridgeport and Norwalk judicial assignments: It is anticipated that the housing court judicial assignments for Bridgeport and Norwalk will be reunified in September.

Small claims: Judicial agrees that housing matters are to be heard on a separate track from other small claims cases. Rocco Guarneri will try to verify that this is in fact the practice. The time lag has been reduced to about three months, which Judicial considers acceptable. Judicial will look into moving housing small claims hearings in New Haven and Bridgeport into the same building as the housing court clerk's office but does not see their present location as a problem. Judicial will make housing a part of the annual magistrate training. Judicial will work

out a no-cost arrangement by which files can be accessed in multi-day trials without requiring a trip to Hartford.

Agenda 3(a): The agenda item concerning the Public Service and Trust Commission was tabled because of the absence of updated information.

Agenda 2(b): The chairperson handed out a summary of the meeting of the Council's Prosecution Subcommittee with Chief State's Attorney Kevin Kane on February 16, 2011. Subjects that Mr. Kane indicated a willingness to pursue include strengthening centralized supervision of the eastern Connecticut housing prosecutor, making housing prosecution a permanent and regular part of the training of all new prosecutors, beginning a training program in housing law for experienced prosecutors in 2012, exploring making greater use of existing investigators in housing prosecutions and including housing in their training program, and including the Advisory Council's recommended standards for housing prosecutors in the evaluation packet used by the panel that hires each housing prosecutor.

Agenda 3(b): A concern was raised at the Council's December meeting about the seizure of cell phones by marshals. Some marshals have required a charitable contribution before releasing a phone. The chairperson will contact the Marshal Commission to determine whether there is a consistent policy on cell phones.

Agenda 3(c): The size of the CACHM was discussed. There are currently 36 authorized positions from four districts based on geography. The Council in December approved a recommendation that the size of the Council be reduced to 24, but no legislative proposal was filed to change the statute. The Council will review this proposal before the 2012 legislative session.

Agenda 4: Rocco Guarnieri suggested that the Advisory Council generate new topics for discussions at Council meetings or develop informational programs for its meetings. This proposal will be taken up at the June meeting.

The meeting was adjourned at 4:00 pm.

Respectfully submitted,

Penny Trick, co-secretary

ATTACHMENT A

Notes on meeting with Judge Barbara Quinn

Date: March 4, 2011

Location: Attorneys' Conference Room, Supreme Court Building, 231 Capitol Ave., Hartford, CT

Persons present:

From Judicial: Hon. Barbara Quinn, Hon. Patrick Carroll, Hon. Aaron Ment, Joseph D'Alesio, Nancy Kiersted

From the Advisory Council: Raphael Podolsky, Richard Tenenbaum, David Pels, Houston Putnam Lowry, Carl Lupinacci, Rocco Guarnieri

Issues reviewed:

- (1) Bridgeport housing court location: Judge Quinn considers the matter to be up to the Bridgeport Administrative Judge and will not intervene. In addition, they have now added a third family judge and do not expect there to be any free courtrooms on the 5th floor. The best solution may be to move the mediators back to the 5th floor and devise ways to give clearer instructions to litigants that they must return to the 6th floor courtroom and should not leave the building before entry of a stipulated judgment (e.g., better signage). To the extent that the mediators continue to use the 6th floor, Judicial will put in better lighting in their offices there.
- (2) Computerization: Everything revolves around funding. Judicial hopes to have more extensive computerization in place by 2013. One problem is that housing uses the old "Forecourt" computer system, which must be integrated into the regular Judicial system. One concern: The system that Judicial is using does not include a field for the address of the property; Forecourt has such a field for summary process cases. As a result, there is a risk that integration of the two systems will result in losing both the identification of the property address and the ability to search by address. The Council strongly urges Judicial to preserve the address field for summary process and to extend it to foreclosure cases.

Judicial says that there is no way in its existing system to identify GA criminal housing cases with a code. They will, however, talk to the Chief State's Attorney about it.

Judicial would like to develop a Turbo-Tax style model for pro se litigants, in which they would fill in blanks in a form on the computer and the computer would produce the complaint or pleading.

Judicial states that its system does not permit it to retain court calendars after the day to which they apply. They are retained in hard copy at the courthouse.

Judicial has no immediate plans to make electronic files available to persons without a juris number (i.e., to non-lawyers). Part of the problem is that making information accessible to anyone on the web invites data mining and identity theft, since files may contain confidential information, including Social Security numbers and birth dates. Attorneys are not supposed to file information with such identifiers, but spot-checks by Judicial have found that such information does get filed.

- (3) Recording of criminal dispositions: To the extent that conditions of disposition are not already recorded, Judicial will try to make sure that clerks record them.
- (4) Telephone book listings: Judicial will transfer the "Housing Court" listing in the blue pages from a subcategory within "Judicial" to a separate category under "Housing Courts," with a cross reference under "Judicial."
- (5) Staffing: Clerks' office and mediator positions that are now vacant are unlikely ever to be refilled.
- (6) Unification of the Bridgeport/Norwalk judicial assignment: That is expected to occur with the next round of assignments effective in September.
- (7) Housing small claims: Housing small claims are being handled on a separate track. The time lag is about three months, which Judicial considers acceptable. Judicial will look at the location of small claims hearings in Bridgeport and New Haven but does not view their location in different buildings as a problem.

Judicial will make housing a part of annual magistrate training.

Judicial will work out a no-cost arrangement by which files can be accessed in multi-day trials without requiring a trip to Hartford.

- (8) Interpreters: Language Line is available for use at the clerk's office desks.

ATTACHMENT B

Notes on meeting of Prosecution Subcommittee with Chief State's Attorney

Date: February 16, 2011

Location: Chief State's Attorney's Office, 300 Corporate Plaza, Rocky Hill, CT

Persons present: Kevin Kane, Brian Austin, Judith Dicine, David Pels, Richard DeParle, Carl Lupinacci, Rocco Guarnieri, Raphael Podolsky

Issues reviewed:

- Next steps for computerization: GA criminal cases are already computerized but that computerization deals primarily with non-public in-house records. The Advisory Council members should look at the Judicial website to see what information is included in Case Look-Up. The Judicial Branch is supposed to be doing a trial in New Haven to computerize housing court criminal cases. Any computerization must be through Judicial, not through the Chief State's Attorney's office. The Advisory Council should follow up with Judicial.
- Identification of G.A. criminal housing cases: Everyone thinks it is a good idea. Now is a good time because of the Judicial pilot program in New Haven. When warrants are served by a police officer, the officer brings the papers to the clerk, who assigns a docket number before the matter is referred to a prosecutor. When a prosecution is begun with a prosecutor's information, the file starts with the prosecutor, who gives it to the clerk for a docket number. Adaption of the system to identify cases as housing cases requires cooperation from both Judicial and the state's attorneys. Mr. Kane will take a lead role in working with Judicial to accomplish this. One suggestion: The form for bringing in cases should include a box where "housing" could be checked to encourage identification by the clerk.
- Recording of criminal dispositions: Prosecutors always state conditions of nolle, probation, etc. on the record in open court. Recording of those conditions on the docket sheet is a clerk's issue, not a prosecutor's issue. The Advisory Council will take this up with the Chief Court Administrator.
- Filling of vacant positions: Mr. Kane is not optimistic that funds will be available to fill either the Norwalk-Bridgeport position or the Eastern Connecticut position in the near future.
- Supervision of housing prosecutors: At present, Atty. Dicine directly supervises the prosecutors in New Haven/Waterbury and Hartford/New Britain/Middletown and the per diem prosecutor in Norwalk. Mr. Kane will work on strengthening on a more direct supervisory role for eastern Connecticut.
- Training of new prosecutors: Mr. Kane will support making housing prosecution a permanent and regular part of the training of all new prosecutors. This includes training new prosecutors in the types of cases that are to be referred to the housing prosecutor. He will also begin planning for a training session on housing prosecution for experienced prosecutors and would intend to offer it in the next fiscal year. Enhanced training should also maximize the number of referrals from the GA courts to housing.

- Full-time housing prosecutor for eastern Connecticut: Mr. Kane recognizes the desirability of prosecutor outreach to code agencies in eastern Connecticut and the value of a prosecutor working full-time on housing. He will explore the issue when the eastern Connecticut position is filled.
- Monitoring of probation, accelerated rehabilitation, and conditional discharge: The recommendation that prosecutors monitor post-judgment conditions with the assistance of code enforcement officials (rather than probation officers) is already the practice.
- Statewide housing code: The Advisory Council is supportive but will not take the lead. The Chief State's Attorney's Office is not ready to present a bill this year. It should come in as a Department of Public Safety proposal, perhaps next year. Atty. Dicine has encouraged towns to adopt the international property maintenance code as their own local code. The northwestern Connecticut regional district is currently considering such an action for the entire district.
- Investigators: New funding is not likely but Mr. Kane is willing to explore making greater use of existing prosecution investigators in the GAs to work with housing prosecutors as needed. One step in this direction would be to make housing part of the training of such investigators. Mr. Kane will have Atty. Dicine raise this at the state's attorneys meeting.
- Fourth housing prosecutor: There is no immediate funding but Mr. Kane will give it thought.
- Consultation with the Advisory Council in the hiring of housing prosecutors: Mr. Kane supports the involvement of Atty. Dicine in housing prosecutor hiring, and her role is expected to continue. Mr. Kane will give thought to assuring that she will be involved in the full review and interview process at the state's attorney level, including the final portion of the process at which recommendations are made. He will also explore expanding her role in the hiring of the eastern Connecticut housing prosecutor, for which she has in the past been included. He will also consider the Council's recommendation that, in light of the statute, housing prosecutors be seen as subject to the ultimate responsibility of the Chief State's Attorney. He is not prepared at this time to consider Advisory Council participation in the review panel but may be willing to give it thought at a subsequent time.
- Standards for the hiring of housing prosecutors: Mr. Kane is in agreement with the Council's recommended standards. He will see that the standards are made part of the evaluation packet used by the hiring panel. The Advisory Council will communicate its recommendations on hiring standards directly to the Criminal Justice Commission, which is chaired by Justice Palmer.