



*Division of Public Defender Services  
State of Connecticut*

Attorney Christine Perra Rapillo  
Chief Public Defender

30 Trinity Street, 4<sup>th</sup> Floor  
Hartford, CT 06410  
(860) 509-6400

COMMITTEE ON THE JUDICIARY - MARCH 14, 2018

TESTIMONY OF CHRISTINE PERRA RAPILLO  
CHIEF PUBLIC DEFENDER  
OFFICE OF THE CHIEF PUBLIC DEFENDER

**RAISED BILL 5472 AN ACT CONCERNING VIDEO COURT APPEARANCES**

The Office of the Chief Public Defender is concerned that **Raised Bill 5472, An Act Concerning Video Court Appearances** will infringe on an accused's right to counsel by interfering with our client's ability to consult and confer with their lawyers. This proposal appears to be designed to improve efficiency but will likely have the opposite effect. This proposal would also have a significant fiscal impact on our agency, as it would increase the amount of time attorneys spend out of their assigned courthouse in order to ensure that all of our clients have a meaningful access to counsel while they make decisions that impact their liberty. Our clients remain presumed innocent while their cases are being prosecuted and deserve full access to counsel. They must have faith and trust that they will be fairly treated by the criminal justice system. This will not happen in they are limited to video contact with counsel while their cases are being litigated in court.

This proposal would mandate that an accused appear by video for any court appearance outside arraignment, bail argument or trial. This would exclude the client from appearance at court hearings where pretrial negotiations are held and potentially from motions hearings and other pretrial proceedings. The Sixth Amendment to the United States Constitution and Article 1, Section 8 of the Connecticut Constitution both ensure that a criminal accused to the assistance of counsel in their defense. This means more than just having a lawyer stand before the court and make arguments on the client's behalf. The most important aspect of the right to counsel is the accused's ability to consult with the lawyer and be advised on the facts and law of the case. Lawyers are the part of the criminal justice system that ensure that an accused individual makes knowing, intelligent and voluntary decisions whenever that have to make a choice that impacts their liberty. This necessitates confidential, meaningful interaction with attorneys.

Most cases in criminal court are resolved without a trial. This often means several court appearances where a fair and just plea agreement is worked out between defense counsel, the State and the court. Technical details are discussed and extensive consultation between the

**Page 2 of 2    COMMITTEE ON THE JUDICIARY- MARCH 14, 2018**  
**R.B. 5472    AN ACT CONCERNING VIDEO COURT APPEARANCES**  
**TESTIMONY CHRISTINE PERRA RAPILLO - CHIEF PUBLIC DEFENDER**

client and the lawyer is essential to reaching a resolution. Video conferencing will make this process extremely difficult. Clients will need to wait in line at the Department of Corrections to talk to their lawyers and the lawyer, in turn will have to wait to talk to clients. This will make the court process unwieldy, since the court will need to wait while the attorney attempt to video chat with their clients. There are pretrial conferences happening in every court, every day. It is highly unlikely that the technology could be organized between all the courts and all the Correctional facilities to make this proposal work efficiently.

Most importantly, this proposal will make it extremely difficult for clients and lawyers to have effective communication. An attorney will often talk to a client several times in the course of a single court appearance in an effort to resolve a case. Our clients are nervous and often do not understand the complexities of the law. Sometimes they suffer from mental illness or diminished intellectual functioning. It is not possible for an attorney to appropriately explain the technicalities of a case via a video conference. It is essential that lawyers and clients are able to have in person communications in real time during the negotiation process.

If this proposal were to become law, the Division of Public Defender Services would need to hire additional attorney staff. For many of these cases, an attorney would need to go to the correctional facility to relay and explain information to a clients while another attorney participated in the pleas negotiations. In nearly every case, additional jail visits would be required to ensure that the client understood the complexities of the negotiated plea. Our agency has reorganized and cut back on staff due to the ongoing budget crisis. There are simply not enough lawyers to handle the daily caseloads and provide the additional client support that would be required under this proposal,

The Office of the Chief Public Defender urges this Committee to reject this proposal and allow our clients to fully realize the right to counsel by maintaining their presence in court during the entire pendency of their case.