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ADVISORY COMMITTEE ON ALTERNATE PROCESSING OF
MOTOR VEHICLE OFFENSES AND MINOR MISDEMEANORS

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SYNOPSIS

It is recommended that there be established an infraction program for handling most motor vehicle matters and some minor crimes and violations in a quasi-administrative fashion through a Violations Bureau in the Judicial Department. Persons who do not wish to contest the charge would be able to pay the fine established by the judges of the court for the particular infraction either by mail or in person without the necessity for a court appearance. If they choose to contest the charge, then they would signify their desire to have a court hearing by a notation on the ticket which has been issued. This request would then be processed administratively within the Judicial Department until a firm hearing date was established at which time notice would be given to the person charged and to police witnesses.

Infractions would carry a maximum penalty of \$100 and jury trials would not be required. There would not be included in this category at the present time any offenses or violations for which the statutes permitted jail sentences or prescribed alternate handling of repeat offenders.

Although it is felt that a significant number of offenses or violations scattered throughout the General Statutes lend themselves to treatment in this program, it is recommended that only a limited number of criminal matters or violations be initially included to develop procedures and experience. Moreover, it is felt that the Legislature or an Advisory Committee should continue to review the General Statutes to identify other offenses and

violations to be included at a later date and possible redefinitions of existing offenses and violations.

The proposed program is considered to afford significant benefits to the criminal justice system and in fact to the entire justice system. The total administrative time of the courts will undoubtedly be reduced as will be the court dockets. Far fewer persons will be required to appear in court for hearings and pleas so as to avoid undue burden upon persons charged with infractions. Police officers will not be required to appear for hearings which never take place and more police time should be available for dealing with more serious criminal matters.

BACKGROUND

In 1974, the Legislature of the State of Connecticut enacted Special Act No. 74-42 charging the Interim Judiciary Committee of the Legislature with the responsibility for evaluating alternate methods for the processing of motor vehicle violations and petty misdemeanors. This Act resulted from growing recognition that the courts of the state were inundated with a large volume of motor vehicle matters and minor misdemeanors which, while not of serious character, consumed considerable amounts of the time of judges and other court personnel and detracted from the ability to deal with more serious criminal matters. Moreover, it was recognized that time of police personnel was also being expended to a significant degree in the processing of such motor vehicle matters and minor misdemeanors, thus detracting

from the utilization of police personnel for more serious criminal matters.

In a report of the Connecticut Citizens for Judicial Modernization to the Commission to Study Reorganization and Unification of the Courts dated January 10, 1974, entitled Evaluation of Various Proposals for Reorganization and Unification of the Trial Courts and for Reducing Caseload, the effect of removing a significant proportion of the motor vehicle violations and some minor misdemeanors was studied. This report indicated that there was the possibility of decreasing the motor vehicle matters actually involved in court hearings to approximately 29,000 cases out of the average total motor vehicle annual caseload of 144,000. Depending upon the number of criminal offenses which might be handled in a different manner, there might be reductions of up to one third of the criminal caseload. With this documentation of the possible benefit from an alternate approach to the processing of motor vehicle matters and minor misdemeanors, the Legislature recognized the need for in depth study and evaluation of the various ramifications of alternative approaches. The result was Special Act No. 74-42.

During the summer and early fall, contacts were made with the Police Foundation, the International Association of Chiefs of Police, Inc., the United States Department of Transportation, the Law Enforcement Assistance Administration, the National Center for State Courts and the Institute for Studies in Justice and Social Behavior of American University. Considerable information was accumulated concerning the handling of motor vehicle

matters in other states and some of the efforts to decriminalize petty misdemeanors.

Because of the need to create greater awareness of the problems and possible solutions and to obtain maximum possible public input, a statewide citizens conference was arranged by the Connecticut Citizens for Judicial Modernization and co-sponsored by the Connecticut Police Chiefs Association, Connecticut Planning Committee on Criminal Administration, Connecticut Prison Association, Connecticut Council of the National Council on Crime and Delinquency, Connecticut Public Expenditures Council, Connecticut Council of Churches, American Judicature Society and Hartford Institute of Criminal and Social Justice. This conference took place at the Hotel Sonesta in Hartford on November 19, 1974 and was attended by over 250 persons. Featured speakers included former New York Police Commissioner Patrick Murphy, Commissioner Cleveland Fuessenich, Chief Hugo Masini, Judge Robert Callahan, Deputy Chief State's Attorney John Mulcahy, Jr. and Professor John McAllister. The conferees included lay persons from various backgrounds, personnel from various state agencies, state and local police officers, Judicial Department personnel, and prosecutors and public defenders. Following the formal presentations by speakers and extended workshop sessions, the conference reached a consensus that there should be developed alternative methods for processing the bulk of the motor vehicle matters and some criminal matters.

In November 1974, the Chairman and Vice Chairman of the Commission to Study Reorganization and Unification of the Courts appointed an Advisory Committee of representatives from various state agencies, local police departments, the courts and other interested groups which subsequently was requested to report to the Joint Standing Committee on the Judiciary of the Legislature. The composition of the Advisory Committee is set forth on the inside cover of this report.

PROGRAMS IN OTHER STATES

In reviewing the information obtained from other states and from the various national bodies hereinbefore identified, it was found that some states had elected to move motor vehicle violations into a purely administrative processing program within the Motor Vehicle Department; and some other states had developed a citation and diversion program operating within the framework of the judicial system. Still other states employed a "minor court" for the processing of motor vehicle violations and many states were moving in the direction that Connecticut had long since adopted of using a Violations Bureau to receive fines from the person who elected not to contest the charge. However, no state appeared to have a model which would closely approximate that being considered by the Committee of converting the great bulk of its motor vehicle violations into a category of public wrong which would be handled primarily on an administrative basis within the Judicial Department with trial being available when the person wished to establish his innocence of the charge.

Insofar as petty criminal matters were concerned, the Committee could not identify any statewide program for reclassifying any significant number of petty criminal matters into public wrongs which would be treated quasi-administratively within the judicial system. Some states have moved in the direction of decriminalizing certain courses of conduct and providing no penalty for such conduct. The closest situation was that of Oregon which has classified the possession of minor amounts of marijuana as a citatable violation for which a fine is paid. Some municipalities have adopted ordinances which would treat certain wrongs as citatable violations and avoid designation of such matters as criminal in character.

Various national organizations and other states which were contacted evidenced considerable interest in the proposal and work of the Advisory Committee since the proposals being considered were generally recognized as an approach which could materially benefit the criminal justice system throughout the United States.

MATTERS CONSIDERED

Prior to detailed deliberations, the Committee had identified various matters that should be considered in determining whether to recommend any alternate program:

1. Motor vehicle offenses to be made into infractions;
2. Possible alternate new motor vehicle offense for persons guilty of previous infractions;

3. Petty misdemeanors to be made infractions;
4. Possible new criminal offense for persons guilty of repeated infractions;
5. Possible standard citation form that would include sufficient information to avoid the necessity for separate police reports and thus cut down administrative time;
6. Techniques to be employed for processing violations through Violation Bureau and cross-check with criminal and motor vehicle records prior to accepting fines;
7. Technique for moving to court docket those cases where party pleads not guilty and elects trial;
8. Whether jury trial would be required for infraction;
9. Whether right to counsel would exist in case involving infractions;
10. Problems in acquainting public and police officers with the philosophy behind change and obtaining their support for the change.

During the course of its deliberations, the Committee found many other items that had to be considered including the following:

11. Data retrieval capabilities and handling of repeated offenders;
12. Manner of handling non-residents both for traffic matters and for the minor misdemeanors that might be transferred to the new program;
13. Techniques for acquainting persons whose primary language was other than English with the operation of any such program;
14. Processing of matters as to which plea of not guilty was entered to screen those where prosecution would go forward;
15. Interlocking of the new procedure with administrative procedures of the Motor Vehicle Department.

These matters were reviewed at length both within Committee meetings

and within the groups and departments represented on the Advisory Committee so as to obtain maximum input for deliberations and decisions. In a later section of this report there is presented the issues considered with respect to various of these items and the decisions reached with respect thereto.

RECOMMENDATIONS

Following extensive discussions, the recommendations of the Committee were generally reached by consensus and are set forth hereafter.

General Principles

The Committee was in agreement that any revision of approach to dealing with motor vehicle matters and minor misdemeanors should retain the processing of those matters within the Judicial Department. It was also agreed that there should be a right to trial where the person seeks to establish his innocence of the charge. It was considered counterproductive to retain the right to jury trial in matters which would no longer be treated as crimes or serious violations of the law. It would be desirable to ensure that persons paying fines through the new procedure would not have their act of payment of the fine used as an admission of guilt in other civil and criminal proceedings; however, it was felt that payment of a fine for a traffic matter should be considered as a recognition of wrongful operation of a motor vehicle for purposes of the administrative procedures of the Motor Vehicle Department.

Definition of Infraction

The General Statutes presently define an offense as any breach of the laws of the state or of a political subdivision for which there may be a sentence of a jail term or a fine; excluded from the definition of an offense are motor vehicle violations. Since not all motor vehicle violations were to be transferred to the alternative processing program, it was felt that another category of wrong was required. The Committee selected the term "infraction" which should be defined as not constituting criminal conduct.

Present Operation of Violations Bureau Program

The Judicial Department has operated a Violations Bureau for the handling of many of the minor traffic violations. The judges of the Common Pleas Court have adopted a schedule of fines for various motor vehicle violations and a person charged with those violations may pay the fine by mail or in person without the necessity for a court appearance. Although there has been an increase in the number of violations handled in this manner, the percentage is still holding around the 50% mark. Relatively few of the motor vehicle violations actually proceed to a trial on the merits although they do repeatedly appear on court dockets. In reviewing possible reasons for not achieving greater utilization of this program, it was felt that there were several probable causes. First of all, the police officer

must indicate to the person charged that a court appearance is not required and he may fail to make the appropriate notation on the ticket. Secondly, the person may not understand the procedure. Thirdly, there appears to be a prevalent public belief that pleading not guilty and claiming a jury trial will eventually result in a nolle or a reduction of the charge.

Present Data Retrieval Capability

As of the present time, the Motor Vehicle Department has well developed data retrieval capabilities so that the driving record of any person can be reasonably well determined. Generally, it takes approximately 3 to 7 days for entry into the Motor Vehicle data bank of information concerning a fine or sentence after that information is received from the Judicial Department.

The Judicial Department is experiencing delays in the processing of motor vehicle cases by reason of the extreme volume. Manually collected data concerning payment of fines and convictions in both motor vehicle matters and criminal matters is transmitted to the Judicial Department Data Processing Center. Data concerning motor vehicle violations is then transferred to the Motor Vehicle Department. Data concerning convictions of some crimes is forwarded to the State Police record center which has limited data retrieval capabilities. Only a small portion of the data concerning prior convictions is available through the mechanical retrieval system of the State Police; generally this data is limited to those matters

where the individual has been arrested and fingerprinted and his fingerprints have been sent to the State Police.

The Judicial Department has established computer terminals at the Superior Courthouses but most Common Pleas Court locations in other buildings do not have computer terminals at the present time. The computer facilities of the several departments are not presently interlocked to permit retrieval of data from the records of other departments.

Serious Motor Vehicle Violations

There was general agreement that there should be no steps taken to deal with motor vehicle violations where serious misconduct was involved. These matters include driving without a license, operating under suspension, negligent homicide, reckless driving, evading responsibility, operating under the influence and using a motor vehicle without the owner's permission. Data concerning these particular motor vehicle violations is set forth in Table One. In addition, the Committee felt that there should be two classes of speeding violations depending upon whether the speed was in excess of statutory maximums for secondary roads or for express highways; one would be handled as an infraction and the other would be handled as a violation requiring a court appearance.

Other Motor Vehicle Violations

The remaining motor vehicle violations would be transferred to the

infraction program with the exception of any which provided for a fine in excess of \$100 or a jail sentence, or any which provided for different treatment of a repeat offender. The Committee did not feel it desirable to recommend substantive changes in the penalties which might be imposed by statute and it did not feel that present data retrieval capabilities would readily enable differential treatment of repeat offenders. As the program developed and as data retrieval capabilities were improved, other motor vehicle violations might be moved into the program which would be excluded by this decision. However, these motor vehicle matters which would be excluded by this decision represented less than 5 per cent of the total motor vehicle docket and generally fell within the category of driving school operations, school bus operations, tractor-trailer operations, etc. Data concerning motor vehicle violations are set forth in Tables One and Two.

Petty Crimes

In beginning its deliberations, the Committee first considered the petty crimes which had been identified in Table Three. It was recognized that there were scattered throughout the General Statutes various violations of the laws of the State which would lend themselves to treatment in the infraction program. However, the Committee felt that it would be desirable to gain experience with a limited number of "criminal" offenses and violations and subsequently add to the number which would be so treated.

There was considerable discussion concerning breach of the peace and disorderly conduct offenses. Police personnel felt that these offenses were extremely important to maintaining peace and order in the community since they allowed police to intervene in emotionally charged or disorderly situations and to take the persons involved into custody so as to quiet the particular situation. Although it was recognized that many persons charged with these offenses were never tried for these offenses and that they were frequently nolle, it was strongly urged that the authority to detain should not be limited as would be the case if either or both of these offenses were to be treated as infractions. The Committee considered the possibilities of removing certain elements of these offenses and placing them in an infraction category, but there was general agreement that detailed study was required before any such action could be justified or taken.

In discussing the violations of town ordinances which are prosecuted in the courts, there is no present state statute. Therefore, it was recommended that there be defined an infraction of this type which would superpose state law upon locally prescribed penalties except where the town ordinances involved housing or building code violations. These two classes of violations would still fall within the traditional court processing role in view of their potential gravity. It was felt that offenses involving interpersonal conduct should not be included without further study and that the crimes to be recommended for alternate treatment at the present time would be limited to the following:

Sec. 22-363 Maintaining barking dog;
Sec. 22-364 Allowing dog to roam;
Sec. 29-106 Discharging fireworks;
Sec. 38-327 Uninsured motor vehicle;
Sec. 53-210 Refusal to relinquish party line;
Sec. 53a-145 Using slugs;
Sec. Public Act 73-445, Section 2a. Gaming.

Jury Trial

Under the present provisions of Section 51-266 of the General Statutes, a person is entitled to a jury trial for any offense or violation where the possible penalty is a fine in excess of \$50 or a jail sentence of thirty (30) days. In view of inflation and the large number of motor vehicle matters for which fines of up to \$100 had already been prescribed, it was considered desirable to amend this section of the General Statutes to limit the right to jury trials to instances where the fine which might be imposed exceeded \$100 with no change in the provision regarding jail sentences.

Effect of Payment of Fines

The Committee considered it essential to have the statute clearly define that payment of a fine for an infraction could not be used as evidence of guilt in any other legal proceeding such as, for example, a suit for damages resulting from a motor vehicle accident in which the person had

been charged with a motor vehicle infraction. Therefore, it is strongly recommended that the statute establishing the infraction program specify that payment of the fine shall be treated as a plea of nolo contendere (no contest) and inadmissible in other legal proceedings. However, the payment of the fine may be used as evidence of improper driving activity for purposes of administrative programs of the Motor Vehicle Department. It is imperative that persons charged with infractions be made aware of this statutory treatment.

Ticket

It had been suggested that a separate ticket or citation be created for this program so as to avoid any doubt that the matter could be handled quasi-administratively through the Violations Bureau. However, the Committee felt that this would increase the volume of paper which police officers would have to carry with them and recommends that the present tickets be redesigned to make clear the procedure and to enable more speedy completion by police officers. Some consideration should be given to a short explanation in Spanish. A further possibility that should be considered is that of providing a separate explanatory sheet in English and in Spanish with possible identification of a telephone number where the person may obtain further information. A general public information program should be undertaken to maximize the possible benefits of the program.

Treatment of Non-Residents

Since it was likely that non-residents will be charged with infractions, some mechanism has to be developed to ensure that they will either pay the fines to the Violations Bureau or appear for a hearing in the case of a plea of not guilty. Connecticut has a reciprocal agreement with the New England states and New York whereby those states will assist in the enforcement of our motor vehicle laws as against their residents. The proposed statute should provide police officers with the authority to detain non-residents for any infractions of a formerly criminal nature or for infractions of a motor vehicle nature when the non-resident resides in a state which does not have reciprocal provisions with Connecticut. These non-residents would be required to post bond in the amount of the fine.

OUTLINE OF STATUTORY PROPOSAL

Thus, the Committee proposes legislation which would initially define an infraction as a breach of law which would not be regarded as a crime or an offense. Various sections of the General Statutes would be amended so as to redefine the "crime" or "violation" as an infraction.

Section 51-266 of the General Statutes would be amended to raise the maximum fine to \$100 for trials in which juries were not required. The statute should also provide that payment of a fine would be regarded as a plea of nolo contendere and not admissible in other legal proceedings although usable for administrative purposes by the Motor Vehicle Depart-

ment. Only a limited number of crimes and violations other than motor vehicle matters should initially be included in the program. Violations of town ordinances other than building and housing codes should be included.

RECOMMENDATIONS FOR FURTHER ACTION

The Committee strongly recommends that the Legislature or an advisory committee review the General Statutes to determine other crimes and violations which might be transferred to treatment under the infraction program, and other offenses and violations which might be redefined to warrant transfer in part to the infraction program.

It is considered imperative that the state greatly improve its data retrieval capabilities so that information may be exchanged between agencies of the criminal justice system. Upon improvement of the data retrieval capabilities, offenses and violations which warrant more serious treatment of the repeat offender could be included in the infraction program at least as to the first offense.

It is also suggested that there be investigated the possibilities of developing alternative methods for handling interfamily disputes as an option to removing one of the parties under a charge of breach of the peace or disorderly conduct. Another matter which should be reviewed is the development of an alternative to incarceration for non-support.

EFFECT ON STATE AND LOCAL AGENCIES

There are hereinafter presented reports of the effect of the legislative proposal on various state operations and local police departments which briefly outline considerations affecting the respective agency.

Local Police Departments

The proposed program will certainly expedite processing of most motor vehicle matters and some matters presently treated as criminal. Properly put into effect, less police time will be diverted to court appearances for trials which never take place and to preparing detailed reports for prosecutors.

The police chiefs agree that further study should be given to select other crimes and violations to be treated as infractions. However, it should be recognized that the authority of the police to arrest and detain must not be so limited as to interfere with their ability to maintain public order and prevent possible injury to persons and property.

There is great need to improve data retrieval capabilities of all parts of the justice system. There is also a need to ensure that any citation or ticket designed to fit this program be clear and easily usable.

Judicial Department Operations

The proposed legislation would establish a new category of matters

to be handled by the Court of Common Pleas; "infractions", which would encompass all present offenses payable through the court's Violations Bureau and additional offenses selected to receive similar treatment. In addition, it would reduce to a minimum the number of such matters handled in court, by mandating the entry of pleas and payment of fines (where nolo contendere pleas are entered) by mail.

An enormous amount of court time is consumed each day with the taking of guilty or nolo contendere pleas and imposition of fines in motor vehicle cases which under existing law could be handled through the Violations Bureau. The proposed bill would allow only one procedure for the entry of a plea and payment of a fine where the motorist does not wish to contest the charge; namely, signing that portion of the traffic summons constituting a plea of nolo contendere and mailing or bringing the summons and the fine established by the judges' schedule of fines to the court clerk's office. This provision, alone, would free substantial judicial time for the handling of more serious matters. The driver's rights in later civil actions would be protected by designating all such pleas as nolo contendere, thereby avoiding any acknowledgement of guilt or liability.

Not guilty pleas to infractions could also be entered by mail, thereby allowing those who wish to litigate the charge a convenient way to indicate their desire, while avoiding the use of court time for this pro forma procedure.

The legislation also expands the types of offenses which may be handled in this way. The most notable additions to the "infraction" category would be certain varieties of speeding and gaming and town ordinance violations.

With the exception of speeding, none of the new offenses selected for treatment as "infractions" constitutes a substantial portion of the courts' criminal caseload, nor do the offenses taken together consume a significant amount of court time. Therefore, the immediate impact of this aspect of the proposed legislation on the criminal side of the courts' operation would be minimal, in terms of reducing caseload and freeing court time for more serious matters.

Speeding, however, does produce a large number of cases on the motor vehicle side of the Court of Common Pleas, 16,000 offenses disposed of in 1973-74. No court data is available to show how many of these cases fall within the proposed new "infraction" category; namely, speeds below 70 mph on limited access highways and below 60 mph on secondary roads, but it is reasonable to assume that a substantial number would be included. Therefore, the removal of these cases from the daily court docket and the elimination of jury trials for such speeding violations may be expected to reduce the amount of court time devoted to such matters.

To the degree that the proposed legislation is successful in diverting court business to the Violations Bureau, the workload of that aspect of the courts' activity will be increased. This may require reallocation of cler-

ical personnel, although the precise requirements cannot be estimated until the effects of the legislation begin to be seen. Moreover, increasing these clerical operations will make even more desirable and in fact imperative further automation of court operations, which the Judicial Department has been attempting to pursue, with the excellent cooperation of the Motor Vehicle Department but within severe budgetary limitations.

Motor Vehicle Department

The premise of the proposed infraction program is that only those violations where the driver elected to seek trial or where the court determines judicial intervention to be necessary would be brought before the court.

Two issues seem to be quite relevant here:

1. A plea of nolo contendere quite apart from its handling in the judicial system, continues as now to be a disposition of "guilty" when a fine has been paid as it operated administratively in establishing a case or a new entry on the respondent's record in this Department. In other words, points are assessed per Regulations in Section 14-137A-1 and appropriate suspension action is taken when presented with such a disposition.
2. At this date consideration has been extended only to this proposal and to additional incremental changes as

potentially affecting the Motor Vehicle Department as the pilot program proceeds.

With this understood, no significant change is seen in total volume of document input or processing. It is possible that the phasing and flow of documents into Suspension and Court Record Unit would be altered. Selected for printing of driver histories for use in court should be only those violations which produce points, suspensions, financial responsibility requirements or charges against a suspended operator.

The effect of any program changes which might ensue in data processing configuration because of the new procedure cannot be predicted. About 60% of the traffic citations (US/C) which are processed show "court appearance not required" and little effect is seen upon the Motor Vehicle Department in the proposed alternate plan for the handling of traffic law violations. The Motor Vehicle Department is responsible for entering the data for all motor vehicle arrests in violation of Title 14 Statutes. This also includes some motor vehicle docketed criminal offenses (Title 53a). Because it is the responsibility of the Motor Vehicle Department to maintain accurate records of Drivers' Histories it is felt the Motor Vehicle Department must be responsible for entering all US/C into the US/C pending system.

Corrections Department

The response is favorable to the general idea of reducing the minor offenses category to an infraction category and giving "tickets" for these

offenses. This system would be advantageous to the Corrections Department in the following manner:

1. It would eliminate processing these people through a system which is costly and cumbersome.
2. It would save the State money by reducing the population in correctional institutions of individuals unable to meet bail costs.
3. It would eliminate other social consequences of persons ending up in the correctional system.

There is concern about the possibility of someone pleading "guilty" to an infraction if he is required to state, as a result, that he was convicted of a crime. The negative implications here might undue the positive benefits stated above. Legislation should eliminate this problem.

There should be review of other categories of offenses which might be considered as infractions. This advisory committee should take a closer look at a number of possible victimless crimes. For example, there should be a review of the possibility of reclassifying non-support cases. Ten per cent of the current sentenced jail population is in this category and it is believed that the consequences of incarcerating someone here are more negative than positive for both financial and social reasons. Maybe some alternatives in dealing with these problems could be developed.

Another ten per cent of the sentenced jail population is working off money fines. In some cases this may be clearly illegal but in any case further examination by this Committee might produce other means for dealing

with this problem rather than incarceration.

Finally, the Committee might consider the whole area of restitution. This is a concept that is getting wider attention today and could produce some productive thoughts in relation to alternate processing of minor offenses.

Judges

During the year 1973-1974 the Circuit Court disposed of 183,652 motor vehicle cases and 95,301 criminal cases. In that same period 25,594 cases were entered on the regular civil docket, in addition there were 74,000 small claims and almost 11,000 summary process actions filed. The Court of Common Pleas disposed of almost 8,000 cases and had 13,000 cases pending. The merged Court of Common Pleas and Circuit Court will now handle this entire volume of business with fewer judges than were available in 1973-1974. Moreover, the number of cases disposed of, filed or pending does not accurately depict the demands on the court's time. Civil short calendar, criminal motions and hearings in probable cause are factors to be considered. Criminal motions particularly are becoming more frequent, more complex and more time consuming.

It is desirable, therefore, to free as much judicial time as possible to hear the more serious cases, the contested cases, and cases which involve the exercise of a significant amount of judicial discretion.

It is a fact that there are now some matters which come before the court which involve no great degree of moral culpability, where the factual situation is rather routinely similar and where the penalties normally imposed are monetary in nature and relatively standard. What comes to mind first, of course, is minor motor vehicle violations. There are other infractions, however, which would fit this general description; for example, violations of certain statutes relating to fish and game, dogs, fireworks, trespass and many local ordinances.

It is felt that the proposal by the Advisory Committee on Alternate Processing of Motor Vehicle Offenses and Minor Misdemeanors to establish administrative procedures for the payment of penalties for some minor offenses and to add to the present system of payment of motor vehicle fines without court appearance is a salutary one. It cannot but help in the saving of some judicial time which can be diverted to more important things. More significantly, however, it is felt that the present proposal can provide the necessary machinery and experience to determine first, whether the idea works and second whether it can be expanded.

It should be kept in mind, however, that some matters, even though they appear minor, are evidence of a more serious underlying problem. Offenses of this nature should be kept within the judicial process in order that judicial experience may direct the available resources and that a penalty remains available, if needed, to induce necessary treatment. It should also be kept in mind that if a citizen feels wrongfully accused of any

infraction, no matter how minor, he should have the judge and the courtroom available to him and not be limited to an administrative hearing.

Prosecutor's Office

Existing statistical data is indicative of a pressing need for innovative and effective alternatives to the criminal treatment of large numbers of motor vehicle cases in the Court of Common Pleas. During the fiscal year 1973-1974, the Circuit Court (merged with the Court of Common Pleas pursuant to Public Act 74-183) processed approximately 183,000 motor vehicle charges which comprised approximately 62 per cent of the Court's entire non-civil docket. About 41 per cent of these cases (or approximately 75,000) were processed directly through the Violations Bureau administered by the Judicial Department. Thus, for that fiscal year, almost 60 per cent of the motor vehicle offenses (over 100,000 cases) remained within the court system to be disposed of through the traditional channels of criminal litigation. Of these cases, less than 500 resulted in incarceration and less than 1,200 involved the imposition of suspended sentences.

One fact is apparent: since the great majority of the motor vehicle cases remaining with the criminal court system are disposed of through the levy and payment of fines, efforts should be made to dispose of such cases through less time consuming administrative procedures and, thereby, prevent the mass of these cases from clogging court dockets and draining court time and personnel resources.

It is recognized that certain types of motor vehicle offenses, although often resulting in the imposition of fines, are rightfully and properly retained in the criminal courts. Such offenses as operating under the influence, operating under suspension, negligent homicide, reckless driving, evading responsibility, etc. are indisputedly the types of offenses in which both society and defendants have a right to expect the close scrutiny and analysis of a trial judge. However, a review of available statistical information discloses that these motor vehicle offenses which are admittedly criminal in nature comprise only about 12 per cent of the entire motor vehicle docket. Thus, even retaining these cases within the traditional court system, there remains an exceedingly substantial number of cases where the same eventual result (payment of fines) should be accomplished more quickly, more expeditiously, and in a far less burdensome manner by direct referral to the Violations Bureau.

The proposed legislation would have the effect of designating a large category of minor, recurring motor vehicle offenses as "infractions" and would provide for the payment of standardized fines directly through the Violations Bureau. Motor vehicle violators would have the option of paying the fine or appearing in the Court of Common Pleas for a prompt trial to the court. Violators would not be entitled to a jury trial on "infractions". At present, most of the backlog in the motor vehicle docket can be attributed to such cases being claimed for jury; it is anticipated that the "infractions" treatment would relieve the existing "clogged" dockets.

It is recognized that certain other jurisdictions provide for only administrative treatment of motor vehicle offenses. Usually, these jurisdictions provide for limited or de novo court review of the administrative determination. However, the Advisory Committee is aware that a major statutory revision in Connecticut would be required to effectuate an entirely administrative treatment of such cases and feels that more extensive referrals to the existing Violations Bureau constitutes the most sensible and practical approach.

As stated, the envisioned category of "infractions" should serve to remove large numbers of minor motor vehicle cases from the court docket and, thereby, allow for the allocation of more judge and prosecutor hours to the processing of the more serious criminal business. Additionally, such treatment should have the added beneficial effect of reducing the court's overall nolle rate which has been particularly high in the area of minor motor vehicle offenses. In addition, contested motor vehicle matters will be afforded prompt judicial hearings and should not linger on dockets for inordinate periods of time.

All members of the Advisory Committee recognize that if the category of "infractions" is to be subsequently expanded, effective and reliable means of detecting repeat violators must be developed. It is intended that this subject be a matter of further study and that such expansion, to a great extent, will depend upon the existence and future development of adequate and comprehensive data processing facilities.

The advisory Committee has also recognized that certain petty offenses might be more appropriately and beneficially included in the "infractions" category. Such offenses as fish and game violations, violations of roaming dogs and fireworks ordinances, and minor trespasses seemingly could be treated as "infractions". It is recognized, however, that such treatment is initially experimental in nature and that statutory crimes, since they are closely related to important public or social interests, should continue to be directed through the State's criminal justice system.

Public Defender

It is felt that the impact of the Committee's recommendations with regard to the alternate processing of certain offenses and misdemeanors will not at first become readily apparent to the operation of the public defender. While it is true that public defenders in the Court of Common Pleas do in fact handle such matters, it is also true that they do not comprise the bulk of the defender caseload. The immediate benefit of the recommendations will be the gradual lessening of general court time spent on matters of lesser significance and an increase of court time being spent more wisely on matters of greater significance. Certainly the deleterious effects of an overcrowded docket are manifest in terms of both the human and legal results achieved in court. It is hoped that the basic technique employed by the recommendation, can, if successful, be extended to other areas which might result in an even more efficient judicial operation from the viewpoint of all the participants in the criminal justice system who are in effect the total society.

TABLE ONE

SERIOUS MOTOR VEHICLE VIOLATIONS

Statute No.	Short Title	Number of Cases			TOTAL				
		1-6/73	7-12/73	1-6/74	Viol. Bureau	Not Guilty	Nolle	Fine	Jail
14-36	Driving w/o License	3018	3363	3337	1267	95	2286	6041	7
14-215	Oper. under Suspension	2759	2635	3040	7	152	1656	5518	332
14-218	Negligent Homicide	1	2	10	-	-	-	8	1
14-222	Reckless Driving	2054	1964	2057	7	82	1747	4047	59
14-224	Evading Responsibility	913	866	923	5	76	1396	1123	40
14-227	Oper. under Influence	1619	1431	1668	9	90	690	3445	168
14-229	Using MV w/o Permission	265	236	328	7	17	256	107	80
	TOTAL	10629	10497	11363	1302	512	8031	20289	687

TABLE TWO

OTHER MOTOR VEHICLE VIOLATIONS

Statute No.	Short Title	Number of Cases			TOTAL				
		1-6/73	7-12/73	1-6/74	Viol. Bureau	Not Guilty	Nolle	Fine	Jail
<u>Principal</u>									
14-213	Failure to carry license	1988	2299	2107	3781	41	688	1884	-
14-219	Speeding	7571	7771	8135	4988	97	1208	17162	1
14-230	Failure to drive proper lane	3934	4227	4048	4435	80	2090	5603	1
14-234	Improper passing	2259	2423	2325	4627	27	867	1485	1
14-236	Failure to drive proper lane	2325	1843	1594	2927	31	956	1838	-
* 14-237	Improper oper/divided hwy.	357	374	367	733	1	136	228	-
14-240	Failure/drive reasonable dist.	3170	3367	2711	4161	54	1879	3153	-
14-241	Make improper turn	1079	1160	943	1925	15	576	666	-
14-242	Failure/proper signal	1289	1396	1219	2092	26	860	926	-
14-243	Failure/proper signal	1328	1429	1262	2037	20	747	1214	-
* 14-298	Failure/observe restrictions	8628	10635	11862	9779	71	926	20346	2
14-299	Failure/obey signal lights	10243	10199	9474	22372	61	3288	4147	5
14-301	Failure/obey stop sign	6680	6387	5747	13380	48	2170	3199	-
* 14-314	Failure/obey traffic order	4	173	5460	4718	7	67	843	-
<u>Other</u>									
		24300	26079	24785	23898	564	14989	26007	25
	TOTAL	75155	79762	82039	105853	1143	31447	88701	35

* For some time these three violations have been used for an alternate charge to speeding or other violations

PETTY CRIMINAL MATTERS

Statute No.	Short Title	Number of Cases			TOTAL			
		1-6/73	7-12/73	1-6/74	Not Guilty	Nolle	Fine	Jail
22-364	Allowing Dog to Roam	1077	941	1223	32	344	793	-
53-000	Vio. of Town Ordinance	980	1056	998	76	699	1937	-
53A-61	Assault-3	1495	1150	1672	147	2831	492	144
53A-62	Threatening	964	673	1001	95	2083	207	33
53A-109	Criminal Trespass-3	537	804	757	93	981	794	35
53A-125	Larceny-4	2743	1954	2986	376	3026	3040	281
53A-145	Using Slugs-2	6	3	-	-	2	6	-
53A-181	Breach of Peace	6592	5790	7037	516	8985	6906	379
53A-182	Disord. Conduct	5087	4707	5708	437	6964	6329	216
53A-183	Harassment	218	145	224	27	401	83	3
53A-185	Loit. School Grounds	<u>130</u>	<u>77</u>	<u>171</u>	<u>35</u>	<u>180</u>	<u>124</u>	<u>4</u>
	TOTAL	19829	17300	21777	1834	26496	20711	1095

END