

E-SJI NEWS

Immigration and the State Courts Initiative Examines Use of State Criminal Court Records

The SJI-supported Center For Public Policy Studies (CPPS) *Immigration and the State Courts: Meeting the Challenge, Phase III* (SJI-10-P-045) project has released a free publication that examines the ways in which state criminal court records may be used in federal immigration court proceedings.

The primary purpose of this publications is to alert all state court officials responsible for creating and storing records related to criminal proceedings, including criminal court judges, clerical staff, administrative staff, bailiffs, court reporters, and others, on which records created in state court criminal trials may require special attention to clarity, completeness, and accuracy due to their potential impact on an immigrant defendant in subsequent immigration proceedings.

The types of records routinely used in state court proceedings with potential immigration importance, which are examined in detail in the publication, include:

- written plea agreements;
- transcripts of plea colloquy;
- stipulations to factual basis of plea;
- rulings of law and findings of fact by a trial judge;
- jury forms and tools including instructions, verdict forms and judgment of conviction;
- judgment of conviction;
- sentences;
- restitution orders;
- abstract of judgment;
- police reports;
- complaint applications;
- charging documents;
- complaint information or indictment;
- presentence reports; and,
- probation reports.

CPPS stresses throughout the publication that federal immigration courts routinely use a wide range of records from a state criminal trial in determining whether a particular conviction is for a crime that carries immigration consequences under federal immigration law. In addition, individuals applying for naturalization may need state court records to establish the required good moral character. The number of people who are potentially affected is substantial. For example, there are over eight million lawful permanent resident immigrants now living in the United States, who already meet the residency requirements for naturalization, many of whom may need to use state court records in the naturalization process.

[Uses of State Criminal Court Records in Immigration Proceedings](#) can be downloaded from the CPPS website.

For additional information about the Immigration and the State Courts Initiative, including available technical assistance, contact CPPS at (303) 285-7115, or Dr. John Martin at jamartin@indra.com.

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Did You Know?

SJI joined Facebook and now posts important information on projects, sponsored events, and grant application deadlines. Connect to our page using the link below.



NCSC Issues Compilation on State Court Reengineering Projects

SJI has long recognized that the current economic conditions require an investment in state court reengineering efforts to improve efficiency, address emerging needs, and prepare for future challenges. Through the Strategic Initiatives Grant (SIG) program, more than \$2.5 million has been granted to state courts and a network of national providers, including the National Center for State Courts (NCSC) to perform analysis and provide plans, tools, and resources. In addition, a partnership with the [Department of Justice/Office of Justice Programs/Bureau of Justice Assistance \(BJA\)](#) has increased these reengineering efforts.

NCSC recently released a compilation of both completed and ongoing reengineering projects in Oregon, Minnesota, New Hampshire, New Mexico, and Vermont. Included in the 11-page document is a matrix detailing the most versatile recommendations across the states for the following categories:

1) Centralization; 2) Video Conferencing;

3) Processes; 4) Structure; and 5) E-Everything.

NCSC lists changes and/or recommendations that each state is undertaking as part of their reengineering. Some specific examples highlighted by state include:

- **Oregon:** establishing a process for intuitive self-help services for e-filing, implementing case triage, and maximizing staff resources by formulating procedures for an unbundled approach to case review.
- **Minnesota:** centralizing a range of functions (including payables, jury summons, and probate annual reports), expanding the use of hearing officers, and implement e-filing for several types of cases.
- **New Hampshire:** unifying the courts (probate, district and family division), restructuring judicial and management operations of the circuit court, and utilizing various technologies to reduce time and costs associated with travel.

- **New Mexico:** review process, rule, and statutes for possible changes that will promote efficient case processing, expand the use of problem solving courts, and invest in technology to accomplish e-filing for all case types, digital recording, and collections.
- **Vermont:** reduce middle management positions and move to a single superior court with four divisions, improve assistance to self-represented litigants, and eliminate redundant appeals.

A copy of the [document](#) can be downloaded from the SJI website's new SIG program tab under the heading, *State Court Reengineering*.

Status of Fiscal Year 2012 Appropriations



On July 7, 2011, the House Commerce, Justice, Science (CJS) Subcommittee on Appropriations marked up the FY 2012 appropriations bill.

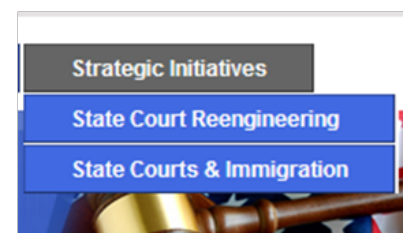
The Subcommittee included \$5,121,000 for SJI; the same level appropriated under the FY 2011 full-year Continuing Resolution (P.L. 112-10). On July 13, the full House Appropriations Committee met to consider the CJS bill. The full Committee approved the same level of funding for SJI; however, an amendment was offered and approved that reduced all departments and agencies in the bill by 0.1 percent (for SJI this amounted to \$5,121).

The final Committee mark for SJI was \$5,115,879. SJI greatly appreciates the Committee's continued support of SJI's mission.

New Tab on SJI Website Highlights SIG Program

The SJI [website](#) now features a new tab on its Strategic Initiatives Grants (SIG) program. The SIG program addresses national court issues as they occur, and develops practical solutions. SJI is currently focusing on *State Court Reengineering* and *Immigration Issues in the State Courts* through the SIG program.

The tab catalogs grant products for each topic, links to various resources, and offers a comprehensive array of final reports and documents on these critical issues.



Renton, WA Municipal Court Completes Operational Assessment in Preparation for Growth

The Renton Municipal Court, situated south of Seattle, Washington, is a limited jurisdiction court facing caseload increases due to city annexation of surrounding communities. The Court requested assistance from the National Center for State Courts (NCSC) through an SJI-supported Technical Assistance grant (SJI-10-T-153) to conduct an assessment of operations in preparation for the expanded workload.

NCSC consultants specifically focused the assessment on the following considerations:

- Current operations in the light of a pending increase in city population;
- Case management, workflow, and workload in relation to staff and judicial resources; and,
- Services that the Court provides to the public and City stakeholders, primarily the Police Department, City Attorney, and the Public Defender.



The Court's team of 15 professionals, led by a Presiding Judge and a Court Services Director, are responsible for adjudicating a range of criminal cases and civil citations or ordinances that come before the Court.

In 2008, the Court experienced a dramatic increase in cases due to the installation of traffic safety cameras, which added several thousand new cases per year, but no additional staff or funding to support the increased demand for services. Additionally, resource constraints at the county level have resulted in many cases that would have traditionally been prosecuted by the county, now being prose-

cuted in the Municipal Courts.

NCSC consultants generated a total of 38 recommendations addressing nearly every aspect of the court, including personnel, operations, communications, and resource management.

A copy of the [report](#) is available at the NCSC Library and Online Digital Archive.



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