

SJI NEWSLETTER

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Disaster Management Planning and Preparation for State Courts

Products and Resources

Since 2011, SJI has designated the library at the National Center for State Courts as the official repository of published work related to SJI-supported grant projects. You can search the collection online by using the term, State Justice Institute.



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The [October 2017 edition of Trends: Close Up](#), provides useful information to help courts plan, prepare for, and recover after a disaster.

In addition to natural disasters like hurricanes, the article covers other areas of emergency preparedness such as widespread grid damage, pandemics, and terrorist attacks. The key considerations in all disaster scenarios center on: 1) who may exercise authority with respect to court operations?; and 2) what does that authority entail?

Readers are asked to also review several publications on specific disaster scenarios:






- [CCJ/COSCA’s Preparing for a Pandemic: An Emergency Response Benchbook and Operational Guidebook for State Court Judges and Administrators](#) (2016);
- [CCJ/COSCA’s Court Security Handbook: Ten Essential Elements for Court Security and Emergency Preparedness](#) (2012); and,
- [NCSC’s online Emergency Preparedness/ Disaster Recovery Resource Guide](#)

In addition to providing guidance necessary for starting important conversations among court executives, judicial officers, their partners, and others who may also be impacted, the article addresses several considerations unique to the issue of authority. It also redi-

rects the reader to the earlier work of the CCJ/ COSCA Pandemic and Emergency Response Task Force, which posed an essential set of questions regarding court operations under known and unknown emergency contexts.

Courts need to know their authority when a state of emergency has been declared.

5 questions to consider:

-  Does the declaration of a state of emergency apply to court operations and the authority of judges to issue orders?
-  Does the declaration of a state of emergency toll the statute of limitations or speedy-trial requirements?
-  What is the authority of trial courts to continue court operations in a state of emergency?
-  Can cases be transferred to another part of the state unaffected by the emergency declaration?
-  Who has the authority to order transfers?

The *Close Up* publications are special reports, and are part of the National Center for State Courts’ “[Trends in the State Courts](#)” series. They serve as informative and timely updates for state court leaders.

SJI continues to support state courts at the local, state, and national levels in preparing for, and responding to, disasters that impact court operations.

Center for Sentencing Initiatives Shares New Brief

A new brief by the National Center for State Courts' [Center for Sentencing Initiatives](#), funded in part by The Pew Charitable Trusts, addresses evidence-based sentencing (EBS) as part of a comprehensive sentencing policy for probation-eligible felony offenders.

Intended for a judicial audience, the brief:

- defines evidence-based sentencing;
- explains what risk and needs assessment (RNA) instruments are;
- how they differ from risk assessment (RA) instruments; and,
- outlines how judges may appropriately use RNA information to inform community corrections-related sentencing decisions.

Also detailed is the use of RNA tools to adjudicate matters fairly, without predictive or implicit bias. The brief notes it is, "critical that the RNA tool be properly validated on the local criminal justice population with whom it will be used."

The brief, [Use of Risk and Needs Assessment Information in State Sentencing Proceedings](#), and other resources can be found online: www.ncsc.org/csi.



1. What are judicial considerations in sentencing probation-eligible felony offenders?

There are three basic judicial considerations when sentencing probation-eligible felony offenders. The first is whether imprisonment is the only appropriate sanction in light of the nature and gravity of the offense committed, the resulting injury or harm, and the defendant's prior criminal record. Presuming the circumstances of the offense committed do not effectively foreclose the possibility of a non-prison sentence, a second consideration is whether the defendant is amenable to community supervision. If the defendant is found to be amenable to community supervision, a third consideration pertains to what constitutes the appropriate community sanctions and terms and conditions of community supervision. Although these considerations are all commonly referred to as "sentencing" decisions, imprisonment and other sanctions are primarily intended to punish and hold the offender accountable for past conduct, while the amenability determination and the terms and conditions of community supervision imposed are in essence "corrections" decisions designed to manage and reduce the risk of the defendant's future criminal conduct and promote rehabilitation.

The remainder of this brief focuses on the use of risk and needs assessment (RNA) information by judges to inform decisions about the latter two of these three basic considerations.

2. What is "evidence-based sentencing"?

Evidence-based sentencing (EBS) refers to the incorporation into sentencing policy and practice of basic principles of evidence-based practice (EBP), i.e., community corrections practices demonstrated by scientific research to be effective in managing and reducing the risk of recidivism.

3. What is the "risk principle"?

The "risk principle" is the first basic recidivism reduction principle of EBP. It holds that the level of supervision and services provided should match the offender's level of risk of reoffending. More intensive interventions (e.g., intensive supervision and/or treatment programs) should be reserved for higher risk offenders.



SJI Releases FY 2018 Grant Guideline



SJI recently released the [Grant Guideline for FY 2018](#). The Grant Guideline appears as part of the [National Archives and Records Administration's Federal Register](#), and sets forth the administrative, programmatic, and financial requirements for applying for and administering SJI grants.

Fiscal Year 2018 Deadlines for Project, Technical Assistance, and Curriculum Adaptation Grants are as follows:

- 1st Quarter – November 1, 2017;
- 2nd Quarter – February 1, 2018;
- 3rd Quarter – May 1, 2018; and,
- 4th Quarter – August 1, 2018.

Education Support Program Reminder

If you are a judge, court manager or executive, and would like to apply for a scholarship to attend a program offered by the National Judicial College (NJC), or the National Center for State Courts/Institute for Court Management, please contact:

NJC Scholarship Coordinator Rebecca Bluemer, at bleumer@judges.org
 ICM Education Program Manager Amy McDowell, at amcdowell@ncsc.org
 ICM Director of National Programs Margaret Allen, at mallen@ncsc.org

CCE Named Munsterman Award Winner for Jury Innovation

Earlier this month, the [National Center for State Courts](#) (NCSC) announced that it has selected the [Council for Court Excellence](#) (CCE) to receive the [2017 G. Thomas Munsterman Award for Jury Innovation](#). The Munsterman Award recognizes states, local courts, organizations, or individuals that have made significant improvements or innovations in jury procedures, operations, and practices. The award is named for the founder and former director of NCSC's Center for Jury Studies, and an internationally renowned innovator in jury systems and research.

CCE's work on jury system improvements spans the organization's 35 years, beginning with advocacy for [one-day-or-one-trial jury service in D.C. Superior Court](#), which was adopted in 1986.

In 2015, CCE published [Jury Service Revisited: Upgrades for the 21st Century](#), a comprehensive study of the jury



systems in D.C.'s local and federal courts that proposes several reforms to strengthen the institution of the jury. The report was prepared by a 40-member committee of prosecutors, criminal defense attorneys, plaintiff and defense civil attorneys, and former D.C. jurors. Judge Ketanji Brown Jackson of the U.S. District Court for the District of Columbia and Irvin B. Nathan, then D.C. attorney general, co-chaired the committee. CCE continues to work on implementing the reforms. CCE has done a significant amount of other work to improve jury service. SJI congratulates CCE on their receipt of this award.

NCSC will present the award to CCE at a ceremony in Washington, D.C., on November 16, 2017.

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The State Justice Institute is a federally-funded, non-profit corporation established by federal law in 1984 to improve the quality of justice in the state courts.

