

E-SJI News

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IMMIGRATION AND THE STATE COURTS: FINDINGS ARE EMERGING



SJI's Strategic Initiatives Grants (SIG) Program is focusing on the impact of immigration in the state courts. As part of this effort, the Center for Public Policy Studies (CPPS) is identifying the key issues for state courts surrounding the complicated interplay of federal, state, and local immigration law, policy, and practice. As part of their work, CPPS has recruited three pilot learning sites: the Maricopa County (Phoenix, Arizona) Superior Court; the 11th Judicial Circuit Courts in Florida (Miami-Dade); and the Courts of the 8th Judicial Circuit in rural, western Minnesota. CPPS's initial work with these sites has revealed that, in general:

- The intersection of federal immigration law and practice, and state law and practice, can impact civil, family, juvenile, and dependency cases, as well as criminal cases;
- The U.S. citizenship eligibility status, and U.S. residency status, of the nation's nearly 12 million legal permanent residents can be affected by numerous types of local justice system and state court activities such as criminal charges, convictions, and imposed and suspended sentences;
- Court caseloads and case complexity may increase as a result of both the intersections of federal, state, and local law and practice, and the increased presence of state laws regarding immigrants (e.g., bail eligibility, document forgery, human smuggling, employer sanctions laws);
- There are several mechanisms used by local justice systems and the courts to protect immigrant victims and children. (continued on page 2)

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In addition, CPPS's work also discovered the following in regard to day-to-day court operations:

- Language difficulties in cases involving new immigrants can impact trial scheduling and length, and make it difficult to identify correct names for a court's case management system;
- Immigrant litigants who do not understand the legal system may demand trials in lieu of plea bargaining;
- The exercise of discretion by prosecutors in regard to charges filed, and by judges in regard to pleas accepted, and length of sentences, can have a substantial impact on a defendant's immigration status;
- The sharing of evidence between Federal Immigration and Customs Enforcement (ICE) agents and local prosecutors may give rise to issues of admissibility of evidence;
- There may be limited availability of culturally appropriate probation services for immigrants.

UPDATE ON PEW/SJI PARTNER GRANT ON EVIDENCE-BASED PRACTICES TO REDUCE RECIDIVISM

This year, SJI approved a Partner Grant to support the Pew Charitable Trusts' Public Safety Performance Project. The goal of the overall project is to promote fiscally sound, data-driven policies and practices on sentencing and corrections that protect the public safety, hold offenders accountable, and control correctional costs. The National Center for State Courts (NCSC), the Crime and Justice Institute (CJI), and the National Judicial College (NJC) are working together to provide technical assistance, education, and training to State courts in this vital area.

The objectives of the Public Safety Performance Project are to: 1) help states collect and analyze data on who is admitted to their prisons, how long they stay, who returns, and the implications of these practices for public safety and state budgets; 2) help states understand how their existing sentencing, release, and community supervision policies, practices and outcomes compare to those of other states; and 3) encourage states to use advance reforms that will reduce crime and recidivism, and deliver a solid return on taxpayers' investments. The project is currently working in 14 states (with additional partners such as the Council of State Governments and the Vera Institute of Justice) and producing reports on key topics such as *One in 100: Behind Bars in America, 2008* (http://www.pewcenteronthestates.org/report_detail.aspx?id=35904).

To date, NCSC activities as part of the Public Safety Performance Project include expert assistance to targeted states, encouraging cross-state learning and collaboration, and raising awareness of and support for sentencing practices reform at the national level. Specific activities underway or completed include: working with CJI and the Vera Institute to provide assistance to Alabama's Statewide Steering Committee's Cooperative Community Alternative Sentencing Project; assisting with the development and presentation of an educational program on risk assessment and evidence-based practices for Vermont; and preparing and disseminating *Assessing Consistency and Fairness in Sentencing: A Comparative Study in Three States*, which was released in May 2008 (<http://www.ncsconline.org/images/PEWExecutiveSummaryv10.pdf>).

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The State Justice Institute is a private, nonprofit corporation established by Federal law in 1984 to improve the quality of justice in state courts, and foster innovative, efficient solutions to common issues faced by all courts. SJI is governed by a Board of Directors appointed by the President and confirmed by the Senate.

FINAL GRANT APPLICATIONS FOR FY 2008

SJI received 17 new grant applications totaling \$1,009,004 for the 4th quarter of FY 2008. These included 4 Project Grant applications totaling \$665,124; 9 Technical Assistance Grants totaling \$263,880; and 4 Curriculum Adaptation & Training Grants totaling \$80,000. The SJI Board of Directors will meet on September 19, 2008, to consider these new grant applications.

DEADLINES FOR NEW SCHOLARSHIP APPLICATIONS

This year, SJI permanently aligned the application deadlines for both new grant and scholarship applications. These deadlines, November 1; February 1; May 1; and August 1, correspond with the federal fiscal year quarters. The SJI Board meets on a federal fiscal year quarterly basis to make funding decisions because SJI is 100 percent federally funded. This structure allows SJI to start awarding new grants and scholarships once its budget is provided by Congress each fiscal year, and allocate the grant funding across four fiscal quarters.

For the 4th quarter of FY 2008, SJI continued to receive scholarship applications after the due date of August 1. Potential applicants are encouraged to review the deadlines prior to submitting scholarship applications, and to plan their courses accordingly.

More information about SJI grant and scholarship deadlines can be found on the SJI's website: <http://www.sji.gov/deadlines.php>.

SPECIAL ANNOUNCEMENTS

- Next grant and scholarship application deadline: November 1, 2008 (1st QTR, FY 2009).
- The next Board meeting is September 19, 2008 (4th QTR, FY 2008).

