

E-SJI News

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SJI CONTINUES FOCUS ON IMMIGRATION ISSUES IN THE STATE COURTS

In FY 2009, SJI awarded a Strategic Initiative Grant to the Center for Public Policy Studies (CPPS) for Phase II of the *Immigration and the State Courts: Meeting the Challenge* project. During Phase I of the project, CPPS worked with Maricopa County, Arizona, two counties in western Minnesota, and Miami-Dade County, Florida, to document and assist those jurisdictions with immigration issues impacting their state courts. Phase I also included the completion of a Bench Guide for state court judges on the immigration consequences of state criminal actions.

Phase II of the project has five major components:

1. Facilitate improvement work in additional pilot learning sites.
2. Prepare a Bench Guide on immigration issues in juvenile and family cases.
3. Complete and test a model measurement system.
4. Develop training courses for judges and court personnel.
5. Facilitate the ongoing federal/state/local dialogue on immigration issues in the state courts.

CPPS is currently working with several counties in the Detroit, Michigan, metropolitan area and will begin work in additional pilot learning sites within the next month. CPPS is also developing a bench guide on immigration issues in juvenile and family cases, as family and juvenile issues have consistently been identified as priorities in all the learning sites. Training will be developed for judges and court personnel that will describe the issues involving immigrants in state courts, outline the impacts of those issues on the state courts, and highlight the differences between federal and state laws. Finally, CPPS is working to develop a website and resource library featuring all the material developed in the project and providing timely information on immigration issues in the state courts.

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NEW BENCH GUIDE ON IMMIGRATION ISSUES AVAILABLE FOR STATE COURT JUDGES

As part of its efforts through SJI's Strategic Initiatives Grants program, the Center for Public Policy Studies has finalized a Bench Guide for state trial court judges on immigration issues. The Bench Guide is intended to help judges identify circumstances before them in which a state criminal conviction or sentence may have collateral immigration consequences. It is important that judges are aware of these issues when taking a guilty plea or determining an appropriate sentence.

The Bench Guide is in PDF format, and is available on the SJI website:

http://www.sji.gov/PDF/Criminal_Bench_Guide_on_Immigration_Consequences.pdf

The Guide is designed to provide quick access electronically from the bench during a trial or plea hearing. It is not meant to be an in-depth treatise on immigration law. Its purpose is to help judges spot issues, not provide definitive answers on immigration rights. Words or phrases in red type are clickable links to other sections of the guide. Web links to the Internet for statutes are in blue type and require internet access. To start, Tables 1 and 2 provide the primary links. Table 1 lists criminal actions with immigration consequences, and Table 2 lists the major categories of legal immigration status. The links in red in those two tables take the user to the detailed discussions of each topic. Each page of the Bench Guide has clickable links at the bottom of the page that return the user back to Table 1 and Table 2.

U.S. MARSHALS SERVICE & SJI CONTINUE WORKING TO IMPROVE JUDICIAL & COURT SECURITY



The U.S. Marshals Service (USMS) and SJI recently finalized a third year Partner Grant to support a component of the USMS Judicial Security Fellowship Program. This program provides an opportunity for state and local law enforcement officers charged with court security to train with the USMS. This includes training on high level executive protection and court security operations. During the program, the Judicial Security Fellow (JSF) is exposed to all aspects of USMS judicial and court security, and travels to sites of ongoing high-threat trials and protective details. (continued on page 3)

JSFs are full-time sworn officers of a duly constituted law enforcement agency, whose responsibility includes judicial and court security in the jurisdiction of the JSF. Furthermore, the JSF is at the rank of lieutenant or above, and has at least five years court security experience.

The USMS/SJI Partner Grant will directly support a component of JSF program that includes joint training with court administrators at the National Center for State Courts (NCSC). This training includes coordination of public and media relations in high visibility trials, coordinated approaches to policy and procedures, and consolidated training for court staff in security awareness and response. Furthermore, the NCSC assists the JSF and his/her court counterpart in developing close working relationships for analyzing security needs and formulating action plans to improve security in the state or location jurisdiction they represent. The JSFs will also achieve an understanding of court security needs from a state court perspective.

Past sessions of this program have proved to be very valuable to both the court counterparts and the JSF's. The evaluations of these programs were very positive, and the participants came away from the training with a better sense of each other's roles, in addition to concrete action plans for improving court security in their jurisdictions. SJI is looking forward to another year of working with the USMS on this program.

SJI ISSUES GUIDANCE ON SUPPLANTATION OF STATE AND LOCAL FUNDS

The new SJI Grant Guideline for FY 2010 provides guidance on the justification of personnel compensation for state courts and other governmental agencies. Specifically, Section IV. A.4(a) of the Grant Guideline (describing the Budget Narrative) states: "No grant funds or cash match may be used to pay the salary and related costs for a current employee or new employee of a court or other unit of government because such funds would constitute a supplantation of state or local funds in violation of 42 U.S.C.10706, Sec.(d)(1); this includes new employees hired specifically for the project. The salary and any related costs for a current or new employee of a court or other unit of government may only be accepted as in-kind match."

In addition, Section IV.A.4(k) of the Grant Guideline (describing Indirect Costs) states: "Indirect costs are only applicable to organizations that are not state courts or governmental agencies." Recently, SJI has received grant applications where either the state court or another governmental entity was applying an indirect cost rate to all grants, regardless of source. This practice is being employed with more regularity because of the reduced budgets in many states and jurisdictions. Regardless, SJI is not permitted to allow these indirect costs per 42 U.S.C. 10706, Sec.207(d)(1), and will not accept applications from state courts and other governmental agencies that include them.

If there are questions about the Grant Guideline, potential grant applicants are strongly encouraged to contact SJI prior to submitting applications.

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The State Justice Institute is a private, non-profit 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.



FY 2010 GRANT GUIDELINE NOW AVAILABLE

On October 16, 2009, the FY 2010 SJI Grant Guideline was published in the Federal Register. The Guideline sets forth the administrative, programmatic, and financial requirements for FY 2010 grants and scholarships. A PDF version of the Guideline is available for download on the SJI website:

http://www.sji.gov/PDF/Grant_Guideline_FY_2010.pdf

STATUS OF APPROPRIATIONS



On June 18, 2009, the House passed the Commerce, Justice, Science and Related Agencies (CJS) Bill (H.R. 2847), providing appropriations for FY 2010. SJI received its full request of \$5,131,000, as proposed in the President's Budget. The Senate CJS Appropriations Subcommittee approved its version of the Bill on June 24th, and the full Senate Appropriations approved the Bill on June 25th. The Senate mark includes \$5,000,000 for SJI. Since the CJS Bill has yet to be finalized, SJI is currently operating on a Continuing Resolution (CR) that expires on October 31, 2009. It is likely a second CR will be passed that will fund SJI until December 18, 2009. Any new grants or scholarships approved by the Board during the 1st Quarter of FY 2010 will not be awarded until the final appropriation is available. SJI will provide updates as the FY 2010 appropriations process continues to move forward.

SPECIAL ANNOUNCEMENT

- Next grant and scholarship application deadline: **February 1, 2010** (2nd Quarter, FY 2010).