

Minutes
Criminal Practice Commission
Immigration Subcommittee
April 26, 2010
2:00 PM
Supreme Court – Attorney Conference Room

The Criminal Practice Commission's Immigration Committee met in the Supreme Court attorney conference room, located at 231 Capitol Avenue, Hartford, on Monday April 26, 2010.

Committee members in attendance: Mr. William Carbone, Hon. David Gold (co-chair), Atty. Daniel B. Horwitch, Hon. Joette Katz (co-chair), Mr. Gary A. Roberge, Atty. Elisa Villa and Prof. Michael Wishnie

Also in attendance: Atty. Leonard Boyle, Mr. William Collins, Atty. John Hughes, Hon. Aaron Ment and Ms. Lindsay Nash

The meeting was called to order at 2:05 by Justice Katz.

1. Justice Katz welcomed the members of the committee and the attendees.
2. The minutes from the March 8, 2010 meeting were reviewed and unanimously approved as amended to include the attendance of Attorney Hughes.
3. The next item on the agenda, a discussion on limiting the category of individuals that probation forwards to Immigration and Customs Enforcement (ICE), was tabled until the next meeting to permit Professor Wishnie and Mr. Collins to receive their client's permission to release information they obtained on behalf of the client through the Freedom of Information Act.
4. The committee next began its discussion of the memorandum authored by Ms. Nash entitled "Immigration Status – Related Inquiry and Bail-Setting Procedures." Ms. Nash discussed the memorandum's five recommendations. A discussion ensued regarding the recommendations and their underlying premise: that it is not relevant for the court to know immigration status in determining bail. Regarding the first recommendation, the committee focused on three approaches: (1) not to include an introductory statement prior to the bail interview regarding immigration; (2) prior to the commencement of the interview, inform the individual that that

following questions will not include any questions about immigration status; and (3) prior to the commencement of the interview, inform the individual that the following questions will not include any questions about immigration status and also inform the individual that they should not volunteer any information about their immigration status. The majority of the committee was resistant to the third approach and questioned the second approach. Professor Wishnie will submit revised recommendations prior to the next meeting.

5. The committee began a discussion on the recent decision of the United States Supreme Court in *Padilla v. Kentucky*, 559 U.S. __ (2010).

6. The next meeting of the committee is scheduled for Monday, June 7, 2010 at 2:00 PM in the Supreme Court attorney conference room at 231 Capitol Avenue, Hartford.

The meeting adjourned at 4:20 PM.