

## **Minutes**

### **Criminal Practice Commission**

#### **Immigration Committee**

**February 1, 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 February 1, 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, Prof. Michael Wishnie

The meeting was called to order at 2:01 PM by Justice Katz.

1. Justice Katz welcomed the members of the committee. Justice Katz also welcomed Mr. William Collins, Ms. Sara Edelstein, Ms. Lindsay Nash and Ms. Adrienna Wong, who worked on memorandums for the committee at the request of Professor Wishnie.
2. The minutes from the November 16, 2009 meeting were reviewed and unanimously approved.
3. John Hughes informed the committee that Immigration and Customs Enforcement (ICE) does not have a formal written policy regarding their activity in state courthouses.
4. Ms. Wong, provided a summary of her memorandum entitled "ICE Courthouse Visits & Notification." Subsequently, a discussion ensued regarding the presence and activities of ICE in Connecticut courthouses. Attorney Villa conducted an informal survey of the Public Defender's offices. She received five responses, all indicating that they were not aware of any ICE presence over the past several months. The question was raised why should the committee seek to adopt formal rules if there is no real evidence to support that there is an issue. In response, it was stated that the committee was created to develop best practices and that they can be preventative as opposed to addressing specific problems.
5. Professor Wishnie suggested adopting policies that encompass current practices. The committee discussed the wording of the policies, which Professor Wishnie and Attorney Horwitch will work on for the next meeting.
6. The committee discussed recommending a policy that if a marshal becomes aware of an individual's status, they should contact the state's attorney. Attorney Horwitch will review the federal statutes to determine if they would prohibit such a policy.

7. A discussion ensued regarding the legal effect of an ICE detainer.
8. Professor Wishnie will draft a memorandum for the committee on the issue of detainers for the next meeting.
9. The next meeting is scheduled for Monday, March 8, 2010 at 1:00 PM in the Supreme Court attorney conference room at 231 Capitol Avenue, Hartford.

The meeting adjourned at 4:15 PM