

Public Investment Plan (PIP)

Project Name:	Protecting Non-Citizen Residents through Planning and Prevention
Contact Information:	Wade Munday, wade@tnjfon.org , (615) 477-2009
Category (A,B,C):	A
Funding Requested:	\$150,162
Mayor's Priority Area :	Human services, Justice, Public Safety, Education

1. What is the purpose of your PIP proposal?

To minimize risk of deportation of non-violent Davidson County residents in two innovative ways. The first part of the plan provides criminal defense representation for non-citizens with Driver License citations. The second part provides a comprehensive immigration screening for non-citizens to help them understand their options along with a referral to immigration legal services organizations and private attorneys.

2. Describe the problem you plan to solve.

An estimated 110,000 residents of Davidson County are non-citizens and fear deportation. (Population estimate source: U.S. Census Bureau) Defending residents from deportation is a priority for many cities across the country as they seek to protect non-violent residents who contribute to the culture and the economy of the places where they live. Cities and states have committed to invest millions of dollars nationwide in an effort to keep undocumented immigrant families together.

One of the primary ways that undocumented people enter into deportation proceedings is through involvement in the criminal justice system. In Nashville, the vast majority of non-citizens who come through the criminal justice system are charged with nothing more serious than driving without a valid license. Under new Department of Homeland Security policies, even minor driving charges significantly increase the risk of deportation.

People charged with Driver License crimes are typically issued a "criminal citation" (non-custodial arrest) rather than being arrested and taken to jail. Driver License citations are first set on the 1A Criminal Citation Docket in General Sessions Court, and they are usually resolved quickly with minimal consequences for the defendants. For non-citizens, however, the potential consequences of a Driver License charge or conviction are much more severe. In the past, the Public Defender's Office staffed the 1A docket in order to help non-citizens understand the potential immigration consequences of their case. In early February, the Public Defender's Office stopped representing people on the 1A docket, so there is now no defense attorney present to assist or advise non-citizen defendants in 1A. For a variety of reasons, very few defendants on the 1A docket have a lawyer. Thus, many non-citizens enter into plea negotiations that expose them to an unnecessary risk of deportation.

Many undocumented residents are terrified of deportation yet do not have an understanding of the options that may be available to them for both affirmative immigration applications and defensive strategies against removal. Many also lack the financial resources to hire a trustworthy immigration lawyer. It is not uncommon for non-citizens to rely on the advice of non-attorneys called *notarios*, an unregulated group with a history of fraudulent conduct.

3. Describe your proposed solution to the problem.

The proposal seeks to minimize the risk of deportation for non-citizens by providing immigration-centered criminal defense services to people charged with the misdemeanor of driving without a valid license. By preventing criminal convictions and avoiding the potential for incarceration, non-citizens become less likely targets for Immigration and Customs Enforcement (ICE). Additionally, this plan provides these vulnerable non-citizens with a trustworthy, no-cost immigration consultation to help them understand their options and recourse in the immigration system.

The plan helps to establish trust between government agencies and immigrant communities by providing criminal defense services and substantive advice about immigration-related matters. By reducing the risk of deportation and increasing the understanding about options for remaining in the U.S. lawfully, the plan will reduce the anxiety, depression, and fear among our immigrant populations.

4. Describe the market for your proposed solution (Size of Impact).

The estimated non-citizen population of Nashville is 110,000 individuals, including many families of mixed status (*i.e.* undocumented parents with U.S. Citizen children, etc.) They receive lower wages, live in high crime neighborhoods, and suffer anxiety and depression more often as a result of being undocumented.

Tennessee Justice for Our Neighbors (TNJFON) provided immigration legal services to 545 individuals from 29 different countries in 2016. These clients included victims of religious persecution overseas, domestic violence, other violent criminal offenses in the U.S., and young people age 15 – 35 applying for temporary work authorization. This PIP proposal would allow TNJFON to serve an **additional 1,050 of the most vulnerable individuals** over three years.

Nashville Defenders’ records indicate that, in the last half of 2016, at least 2,548 individuals of Hispanic origin passed through the 1A Criminal Citation Docket. The office estimates that as many as **4,077** people annually on the 1A docket are non-citizens and could be served by receiving a comprehensive immigration screening and a referral.

5. Describe how your proposal works.

The plan requires 2 FTE legal service employees (one bilingual attorney and one bilingual paralegal) to represent target clients on the 1A Criminal Citation Docket and provide those clients with a comprehensive immigration screening and referral.

People who receive criminal citations must appear at the A.A. Birch Courthouse to be “booked” and then processed on the 1A Criminal Citation Docket (1A). Under this proposal, the paralegal would be stationed in the Birch building every morning while the Booking Office is open. When defendants are processed through booking, DCSO will “flag” those individuals who were born outside of the United States. The Paralegal will then address these individuals to a) determine who is interested in criminal representation, b) screen the defendants for indigence, and c) obtain basic immigration information. Defendants who qualify for representation on the Driver License Charge will be scheduled for an appointment with the bilingual attorney and given a new court date.

At the appointment, the client will receive both criminal and immigration advice. If a longer or more intensive immigration screen is warranted, the client will be scheduled for a longer appointment with either the same attorney or a different TNJFON immigration lawyer. At the next General Sessions court date, the attorney will work with the assistant district attorney to resolve the case through a driving education class or community service work in a manner that avoids the risk of incarceration or conviction.

6. Describe your proposal's business or financial model. Include dollars requested, total cost, budget estimates by category (capital, operations, staff, etc.), financial/in-kind contributions from partners, and recurring costs.

The total amount requested is **\$150,162**: \$102,000 (salaries); \$24,480 (indirect/supervision); \$7,032 (benefits); \$7,650 (payroll taxes); \$5,000 (operating capital) and \$4,000 (operations).

Additional contributions to be considered and provided are cubicle space furnished by Metro and malpractice insurance for immigration-related representation provided by National Justice for Our Neighbors.

7. Describe your proposal's impact or return on investment for Nashville.

The proposal will keep Nashville safer and our communities stronger. The proposal will minimize the risk of deportation so that residents can remain safely in Nashville and contribute to the city's growing economy. The proposal will help alleviate the stress and anxiety of Nashville's non-citizens, allowing them to remain productive and engaged with the community. The program will also reduce the immigrant community's mistrust and fear of the police. The importance of these results cannot be overstated nor can they be easily calculated. However, we estimate that for the **\$150,162** investment made in year one, it could potentially keep 350 non-citizens in Davidson County paying a total of **\$535,850** in state and local taxes.

For every dollar invested, the state of Tennessee and the city of Nashville receive \$3.75 in tax contributions.

8. Describe your team's experience and management plan for the proposal.

Mary Kathryn Harcombe and Adrienne Kittos will jointly supervise the paralegal and the lawyer. Ms. Harcombe earned her law degree from New York University in 2004, clerked on the US Sixth Circuit Court of Appeals in 2004-2005, and has worked representing indigent criminal defendants at the Nashville Public Defender's Office since fall 2005. In 2014, Ms. Harcombe founded the Public Defender's New Americans Project. Ms. Harcombe will supervise that part of the work involving Driver License charges. Ms. Kittos earned her law degree from Vanderbilt University in 2009 and has since represented more than 300 non-citizen clients in immigration matters. Ms. Kittos will supervise that part of the work involving immigration screening and referral. Both Ms. Kittos and Ms. Harcombe have several years' experience supervising attorneys and non-attorney staff members.

9. Describe your proposal's launch plan and timeline for implementation.

Year 1

- Develop a detailed, step-by-step protocol for screening and accepting clients
- Recruit and hire 2 FTE legal service providers (one attorney and one paralegal)
- Begin some screening, referral, and representation in Q3
- Evaluate employee performance at the end of Q2
- Establish program evaluation plan in Q4

Year 2

- Adjust caseload according to staff skills improvement
- Identify partnerships for pro bono representation
- Identify corporate partners for program sponsorship
- Annual employee evaluation in Q2
- Program evaluation plan in Q4
- Adjust program goals and processes according to the results of annual program evaluation

Year 3

- Implement public engagement plan
- Engage pro bono partners for representation and case triage
- Engage corporate partners to sponsor events and programs
- Annual employee evaluation in Q2
- Program evaluation in Q4

10. Describe your sustainability plan—how will your PIP continue after PIP funding is exhausted?

The program will eventually be sustained by the TNJFON operating budget, corporate sponsorships, and pro bono services after year three. We will investigate additional funding and support provided by the Tennessee Administrative Office of the Courts.