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Sergeant Inspector Antonio Flores, San Francisco Police Department
Statement in Support of U-Visas, T-Visas, and VAWA Self-Petitions
November 8, 2011

To Whom It May Concern:

I am passionate about helping victims, especially those victims who have the courage to come forward to report crime or cooperate in the investigation. I believe in holding perpetrators accountable. The U-visa, T-visa, and VAWA self-petitions are excellent crime-fighting tools and resources that help to hold perpetrators accountable and assist victims and the community at large.

I strongly support amendments to U-visas, T-visas, and VAWA Self-Petitions that provide for early certification, early access to work authorization, and include clear coverage for victims of all forms of stalking crimes. As well, I strongly call for increased training for law enforcement on first-response to immigrant victims of crime as well as the process of the U-visa, T-Visa, and VAWA Self-petition, forms of immigration relief designed to support immigrant crime victims, protect them from deportation and encourage them to report crime victimization.

I have over 29 years of experience as a sworn law enforcement professional. I became a member of the San Francisco Police Department (SFPD) in 1982. In 2001 I was promoted to Inspector and assigned to the Domestic Violence Response Unit (DVRU). In this assignment, I have been responsible for overseeing cases. I have investigated over 1,000 cases involving domestic violence, stalking and elder abuse. I have testified on these areas and the U-visa in superior courts located in San Francisco, Marin and San Mateo counties. I currently give lectures to the community on all of these topics and the cycle of violence. I train SFPD officers, Emergency dispatchers (911 operators), and other staff on stalking and elder abuse investigations and the U-visa.

Early Use of the U-visa Certification U-visa Applicant and Early Access to Work Authorization

Despite the many benefits of the current legal provisions of the U-visa, T-visa, and VAWA self-petition, there is still much work to be done. There is a need for law enforcement to make an early identification of victims for which a U-visa certification might be possible. In my work I have observed failures in the system. A woman working in a bakery was sexually assaulted by a coworker on site. The victim reported the crime to law enforcement. The police informed the victim about the U-visa; she received certification and filed for a U-visa. Law enforcement contacted the bakery, but the perpetrator was able to flee and disappear without any recourse. The delays in

processing U-visa application and the victim's inability to obtain legal work authorization while her case was pending made it impossible for the victim to leave her employment at the bakery. A new employee was hired, and sexually assaulted the victim. Although the second perpetrator was arrested and convicted, the second act of violence could have been prevented by access to early work authorization for U-visa victims.

Obtaining a U-visa Changes Lives

In trainings, I often speak of a victim, Eva Lopez, who has given me permission to share her story. Eva was in a dating relationship that turned violent. Eva made 10 different police reports about the abuse. A significant language barrier and problems in law enforcement's methods of information gathering led the first responders to believe the reports were only incidents of stalking. Miscommunication was rampant. On several occasions, for example, responding officers confused the victim's name and the perpetrator's name. Although law enforcement followed up with Eva, she would often be working and they could only leave voicemails. Because of her limited English, Eva would receive messages but did not understand where to go or whom to contact. She would go to the main station instead of contacting the specific unit that addressed her case. Officers told her they had no records of her previous reports. She felt as though she were going crazy. The experience severely weakened her trust in the police.

When the police later provided an interpreter for Eva, the dynamics of the case began to change. Over the course of three interviews with law enforcement, she revealed a lot of critical information. She described a violent incident when a stranger, "Juan," came to her aid. After Juan witnessed the perpetrator hit Eva, the perpetrator fled. When Juan approached the officers on the scene, they coldly denied his help. Juan only provided his first name and the name of the hotel where he was staying. Officers were able to reach the witness and corroborate Eva's story. Juan's statement not only corroborated Eva's story, but also encouraged her confidence in law enforcement. She began to work with the police more and more.

In my final interview with Eva, she revealed the sexual assault that occurred. She said she trusted me. It was a story she kept to herself because of immense shame and isolation. She had felt that the assault was her fault. She was alone in the country and immigration concerns weighed heavily on her. After talking to her therapist, Eva decided that she trusted me and wanted to share her story. This decision also marked a bridge between mental health professionals and law enforcement. While respecting the confidentiality of victims, this very therapist and I continue to work together on protecting victims and building local support networks.

As the case progressed, the perpetrator fled the jurisdiction. Nonetheless, he continued to emotionally manipulate and intimidate Eva through phone calls. Although Eva approached her landlord and expressed her fear about the perpetrator coming for her, the landlord was unresponsive and maintained the building was protected and secure. I personally approached the landlord and pointed out that the building was in fact not as protected as he claimed. The lack of security in her building made it difficult for Eva to feel safe. We helped her to have the locks changed, and it was around this time that the federal government had seized and deported the perpetrator.

The perpetrator was later caught returning to the country through Arizona. He managed to send Eva a threatening letter, alerting her that he was back in the United States. For Eva, fear was constantly present. During this time, Eva had two U-visa applications. Although the perpetrator violated court orders 33 times, the defense maintained that Eva was trying to take advantage of the U-visa process, and receive a certification to complete her applications. Furthermore, the defense argued that the two narratives in Eva's applications weakened her credibility. In her case I, for the first time, testified on my knowledge and expertise with the U-visa and demonstrated that Eva was eligible for a U-visa certification regardless, because she had made been helpful when she filed the police reports.

Ultimately, the perpetrator was convicted for stalking. However, he was not convicted for sexual assault because the victim had waited so long to report the violence. After Eva obtained her U-visa it changed her life. She called me and told me it did not matter that he was not found guilty on the sexual assault; what mattered was that I believed her and was fighting for her. She had the courage to come forward and build a relationship with the police and the District Attorney's office. She still calls me to let me know how her life is better.

Increased Training with Law Enforcement, Especially First-Responders

My work in the field has taught me that first responders to incidents of domestic violence or sexual assault can make a huge difference in the lives of the victims. Especially when women and children are involved, trust in law enforcement begins with the first responders. That trust will be critical to assessing the needs of the victims, and will be invaluable to the criminal investigation. A recent study shows that the child would be less likely to need therapy, if a first-responder removes children from the scene of an incident for a mere 5 to 10 minutes to assure the child that she or he is safe and to gain trust. My extensive experience working with victims suggest to me that it is essential for first-responders to demonstrate to women and children, including immigrant women and children, that it is safe to talk to the police. As we recognize the value of these first responders, it becomes essential that we fully train these officers on all of the resources, including U-visas where appropriate, that might be available to domestic violence and sexual assault victims. That information may serve as protective and preventative measure-- empowering victims to seek justice against their perpetrators.

As human trafficking rings become prevalent, first responders must be trained to understand the resources that are available to victims trafficking. Many officers do not receive trainings on the T-visa and as a result often recriminalize these victims. More training is necessary to explain to law enforcement that trafficking victims often enter the United States and become enslaved in a number of industries. These victims in many cases are as vulnerable as victims of other crimes such as domestic violence, sexual assault, or elder abuse.

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As a final matter, when first responders becomes better trained on immigration relief that is available for victims of crime, there will be an increased need to amend the regulations that require a certification be signed by a supervisor. Many first responders have extensive experience working with victims, and might be best suited to identify the criteria necessary to sign a certification. As a logistical matter, it is better to have more than one designated certifier in an agency, so that several law enforcement staff have an advanced knowledge of the U-visa process, and can provide support for each other and training for the agency.

Respectfully,



Sgt. Insp. Antonio Flores

Biography

Sergeant/Inspector Antonio Flores became a member of the San Francisco Police Department in 1982, and now has over 27 years of experience as a sworn law enforcement professional. The early years of his career included training at Central Station and completing his probationary period at Richmond Station. He was then assigned to Mission Station, where he began to utilize his Spanish language skills on-duty. In 1984 he took on a 90-day undercover assignment with the Narcotics Division in areas plagued by narcotics trafficking.

Sergeant/Inspector Flores was re-assigned to the Mission Station plain-clothes unit, which ultimately led to a permanent assignment to the Narcotics Division. His assignments over the next 13 years included Buy/Bust Operations, Buy/Walk Operations, Mid-level and Major Narcotics Trafficker Investigations, Lead Investigator Responsibilities, Assignment to the U.S. Customs Service-Money Laundering, Assignment to the F.B.I. Violent Gang Task Force, Expert Witness in Superior Court, and Guest Lecturer-Community Groups and Schools. In 1998 he was promoted to Sergeant and assigned to the Tenderloin District. Sergeant Flores was responsible for supervising officers and overseeing the Field Training Program. In addition, his role included community problem solving for issues such as homelessness, mental health, narcotics, and quality of life problems.

In 2001 Flores was promoted to Inspector and assigned to the Domestic Violence Response Unit, where he was responsible for overseeing cases. Sergeant/Inspector Flores has investigated over 1,000 cases involving domestic violence, stalking, and elder abuse.

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He has also obtained search and arrest warrants and testified in superior court (San Francisco, Marin and San Mateo Counties) on these cases. He is currently lecturing the domestic violence & elder abuse community regarding the SFPD-DVRU and cycle of violence, and training at SFPD-Police Academy (Continuing Professional Training-AO), emergency dispatchers/911 operators, and staff regarding stalking and elder abuse investigations.