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Enhancing Police Services in Immigrant Communities

The Successful Use of U and T Visas in San Francisco and Minneapolis

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Police executives and community leaders recognize the need to build and sustain solid relationships with all communities, especially communities of color, since the police depend on community members to detect, report, and prevent crimes. However, over the past years, the rise of the local police enforcement of federal immigration laws in the United States has increased fear and concerns over police encounters and reporting crimes, especially among immigrant community members. The resulting perception of police as less trustworthy and legitimate is a cause for concern since trust is fundamental to sustaining crime reduction and safer communities. Resolving the trust challenges requires engagement and collaboration with each other.

U and T visa programs are an important tool for police agencies to strengthen trust and build more effective community policing relationships with immigrant communities. The U and T visas can be used to support victims in coming forward and helping the police hold perpetrators accountable. Victims who fear deportation will be unlikely to come forward to help government officials detect criminal activities, cooperate and assist in investigative efforts, or participate in criminal prosecutions of crime perpetrators. To this end, the U and T visas can prove useful in

mitigating the fear of deportation and encourage engagement with the justice system.

Minneapolis, Minnesota, and San Francisco, California, are two jurisdictions that serve as successful examples of police best practices utilizing the U and T visa program.¹ By taking advantage of the program, both police departments have seen an increase in trust, a reduction of crime, and an improvement in their departments' abilities to hold criminal offenders accountable. These practices follow the blue-ribbon recommendations of the President's 21st Century Policing Task Force and the International Association of Chiefs of Police's (IACP) Trust-Building Campaign to enhance police legitimacy and engage immigrant victims' participation in the criminal justice system in order to reduce crimes.

The Importance of Establishing Trust

In a survey conducted by the National Immigrant Women's Advocacy Project (NIWAP), American University, Washington College of Law, in 2017, police officers from across the United States reported that victims' fears of deportation, perpetrators' deportation threats, and fears that police will turn in undocumented victims for immigration enforcement play a key role in victims' reticence to engage with the police.² In addition, the survey showed that when community members, regardless of status, choose silence over engagement, there is a reduction in reports of criminal offenses. When victims in immigrant and limited English proficiency (LEP) communities are able to report crimes without fear of deportation, the police are better able to obtain the necessary information to identify, track, and hold more violent offenders accountable.

The President's Task Force on 21st Century Policing identified best practices and offered recommendations on how policing practices can promote effective crime reduction while building public trust. The President's Task Force emphasized,

*Trust between law enforcement agencies and the people they protect and serve is essential in a democracy. It is key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services.*³

It further recognizes that the United States has become more pluralistic. Officers and leaders "must be trained and capable to address a wide variety of challenges

including... evolving technologies, rising immigration, changing laws, new cultural mores” Furthermore, the President’s Task Force recommended that executive leaders (1) build trust with immigrant communities because they often fear approaching police officers when they are victims of crimes, and (2) create laws, policies, and practices to support local police in building strong relationships to enhance public safety and community well-being.⁴

Furthermore, the IACP announced the launch of the Trust Building Campaign in 2022.⁵ The campaign encourages positive community-police partnerships that promote safe, effective interactions, create and reduce crime, and improve all communities’ well-being and quality of life. This campaign is consistent with IACP’s prior recognition that, in police departments’ work with immigrant communities, the U and T visa programs provide agencies with an important tool that encourages positive community-police partnerships, help improve trust building, and enhance services to immigrant victims.⁶

Protecting Communities

The U and T visa programs result from a bipartisan effort by the U.S. Congress to develop crime-fighting tools and humanitarian relief for crime victims. The U and T visa programs were included in the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA). When creating the U Visa program, U.S. Senators Orrin Hatch, Joe Biden, Spencer Abraham, and Edward Kennedy stated that VAWA

*strengthens and refines the protections for battered immigrant women in the original Violence Against Women Act. Eliminates a number of “catch-22” policies and unintended consequences of subsequent changes in immigration law to ensure that domestic abusers with immigrant victims are brought to justice and that the battered immigrants ... are able to escape the abuse.*⁷

The U and T visa programs involve a multiyear process that can provide immigrant crime victims, including undocumented victims, with lawful immigration status if the victims are willing to assist the police in detecting and investigating crimes with high-recidivism rates. The congressional intent of these two powerful acts, VAWA and TVPA, was to (1) strengthen the ability of the police to effectively detect, investigate,

and prosecute cases of domestic violence, sexual assault, human trafficking, child and elder abuse, and other serious crimes; (2) improve community policing and “advance the cause of justice for crime victims and truly offer the prospect of improving public safety” by increasing immigrant victims’ willingness and ability to safely participate in the justice system and criminal investigations and prosecutions of perpetrators; (3) enhance relationships between the police and immigrant communities; and (4) improve the safety of victims, communities, and police officers.⁸

A 2020 report from United States Citizenship and Immigration Services found that domestic violence, sexual assault, and child and human trafficking make up over 58 percent of the U visa cases filed in the United States, and felonious assault accounted for another 46 percent.⁹ A 2017 law enforcement survey found that 42 percent of U.S. police officials believe federal immigration enforcement practices were affecting community-police encounters and police relationships with immigrant and LEP communities.¹⁰ This is important because immigrant populations are more vulnerable to criminal activities such as domestic violence, sexual assault, crimes against children, and human trafficking.¹¹ However, many victims are hesitant to approach or engage with the police because of factors such as language barriers and fears of deportation or being reported to immigration officials. The survey found that police departments with established U and T visa programs appear to have a better trust-building relationship with immigrant crime victims. This is consistent with prior studies that showed heightened fears of Latinx community members and mistrust of police agencies that involve local police in immigration enforcement.¹²

The Need for Ongoing Efforts

U and T Visa Protocols

Community members, at times, are misinformed about the role of their local police department in enforcing immigration laws or in cooperating with federal immigration officers in the deportations of immigrant families. Thus, the community’s perception of their police departments can fracture their trust and decrease reporting of both crime victimization and criminal activity in their

neighborhoods, thereby reducing the number of community members engaged in crime reduction.

The San Francisco and Minneapolis police agencies have internal policies in place endorsing the use of the U and T visas as crime-fighting tools enabling police departments to better serve immigrant victims of crime that they encounter in their communities and to reduce victims' and witnesses' fears of reporting crimes. San Francisco and Minneapolis have identified, throughout the years of these policies being in place, the barriers they help overcome and important lessons of using the U and T visa programs.

The San Francisco Police Department has an internal policy —General Order 5.15, also known as Enforcement of Immigration Laws.¹³ Similarly, the Minneapolis Police Department has policy 9-114, also known as Police Authority In Immigration Matters, and the city of Minneapolis has enacted ordinance §19.30, which prohibits “any law enforcement action for the purpose of detecting the presence of undocumented persons, or to verify immigration status,” except for a narrow exception for enforcing criminal laws such as those relating to human trafficking and smuggling where immigration status is an element of the crime.¹⁴ Both police departments' policies and the Minneapolis ordinance state that detention of community members based on appearance, national origin, or LEP is prohibited and that law enforcement officials shall not require individuals to produce any documents to prove their immigration status. These are critical components of policies that preserve immigrant communities' trust and police departments' legitimacy.

In San Francisco, the first bulletin regarding the U visa protocol to help immigrant victims of crime was sent out to police officers in 2011. It is still in effect, with enhancements that have improved its effectiveness over the years. Both cities have a very straightforward policy available to everyone explaining how the U visa program can help officers build trust and collaboration with the community. The policy was necessary to communicate to the immigrant community and officers that the police officers were not immigration officials and they would not send immigrants to deportation nor use any immigration status information against them. Minneapolis also has a protocol requiring that these policies be sent out to all police officers yearly.

U and T Visas as Crime-Fighting Tools

U and T visa programs are important as crime-fighting tools because they support and encourage victims to stay engaged with the police throughout the years it can take for a case to close. San Francisco Sergeant Inspector Antonio Flores explains that jury trials can take up to five years to complete; without a U visa in process, victims would be unlikely to stay around to participate in the criminal justice process, and criminal offenders would not be convicted. Minnesota Commander Giovanni Veliz also agrees that the U visa program is a crime reduction tool. With the pandemic and the loss of a large number of officers, the U visa has been an important tool to help the work of the police and encourage immigrant community members to proactively report crimes.

Community Outreach

The first step building trust with immigrant communities is understanding that often immigrant community members are not familiar with U.S. police agencies' services, policies, and procedures. Often, their mistrust of the police comes from their experience in their home country. The San Francisco and Minneapolis Police Departments understood that, and—to educate and engage the community as partners in crime reduction and collaboration with their local police departments—the police had to reach out to immigrant communities. San Francisco and Minneapolis Police Departments conduct regular community meetings with community leaders, community-based organizations, and victim services programs to learn ways to enhance their departments' delivery of police services and develop internal policies to serve immigrant communities better. This outreach also educates the community about local police policies and programs such as U and T visas.

The U visa program has helped San Francisco agencies build trust with immigrant victims and with the professionals working with immigrant communities, such as immigration attorneys, defense attorneys, therapists, and victim advocates. Sergeant Inspector Flores frequently meets with immigrant advocates, legal service providers, and community stakeholders to provide updated information about police anti-human trafficking prevention efforts, community collaboration, and outreach

activities to build trust in the San Francisco Police Department. Moreover, Sergeant Inspector Flores is a U and T visa national trainer and frequently travels around the United States to discuss the values of the program and train other police departments.

Similarly, in Minneapolis, Commander Veliz meets with faith-based organizations and immigration attorneys to provide updates on the U visa program and to recruit community leaders to participate in a seven-week citizens' academy.

The citizens' academy offers community members the opportunity to learn about police policies, become familiar with procedures and police services, and get to know police officers. Community members are taught how to call 911 and learn about narcotics investigations, traffic investigations, procedures in juvenile cases, forgery investigations, and the U visa program. Most academy participants report that the educational opportunities improve trust building and provide them with opportunities to learn how to become involved in crime reduction strategies in their neighborhoods. The program improved relationships by informing immigrant community members about police operations and procedures, and at the same time, informing police officers about the immigrant community's history and needs—enabling them to become more culturally competent in delivering services. Moreover, it has led to arrests of criminals preying on immigrant victims.

As a result of these trust-building efforts, both agencies have received information from immigrant community members that led to the arrest of forgery rings, a criminal impersonating a federal agent seeking to extort money from families, and drug dealers as well as the seizure of a large quantity of drugs.

Education Throughout the Police Department and Leadership Support

In addition to educating the community regarding the U and T visa program, both the San Francisco and Minneapolis Police Departments promote continual training for police staff to ensure effective help for immigrant crime victims. Often, trainings on the U visa are combined with trainings on domestic violence and stalking. The goal of these training is to educate frontline officers about how these tools, combined with effectively implemented language access plans, facilitate proper

identification and investigation of crimes being committed in immigrant communities. These cities' experience has also found that it is important for mid-level supervisors and specialized investigators, including certifying officials and department leadership, to receive training on the procedures and requirements to ensure victims receive certifications in a timely manner.

Victim-Centered Approach

Immigrant crime victims are often vulnerable and suffering from traumas and victimization. Sergeant Inspector Flores and Commander Veliz explain that police officers should use a victim-centered approach. Listening to victims' stories, understanding their traumas and their experiences, and explaining the entire process that the victim will go through as the criminal case moves through the justice system are steps that are fundamental to a victim-centered approach. Minneapolis is currently training officers to use a holistic approach to enhance police officer's cultural competency when working with victims. Police officers should also collaborate with other professionals, such as victims' advocates, therapists, and attorneys, when talking to immigrant victims. Sergeant Inspector Flores points out that each victim is different, and it is

“U and T visas are essential tools for shielding victims of crime from further harm. U and T visa protections empower victims of crime to be active participants in the effort to reduce the likelihood of further victimization through strong partnerships with the Minneapolis Police Department. These partnerships are essential to educating as to the role of the police and building secure bonds between the department and immigrant communities.”

—Chief Brian O’Hara,
Minneapolis Police Department

important to understand each victim's particular needs. For example, some victims are concerned about immigration status, while some immigrant victims have other concerns. Most importantly, police need to work with the immigrant community and understand that community members are the people who will spread the word in their community about the work the police are doing to help them. This understanding is a key pillar of the partnership between immigrant communities and the police.

In conclusion, San Francisco and Minneapolis have developed and implemented laws, policies, and practices to foster respect, trust, and encourage cooperation between immigrant community members, city officials, and the police to improve public safety in all communities. Based upon the experience of both police departments, the ongoing process of outreach to the immigrant community, the continued education of officers, the establishment of U and T visa protocols and active certification programs, and a victim-centered approach are fundamental to the success of the U and T visa program as a tool to build trust and cooperation between police and the immigrant community.

Notes:

¹Commander Giovanni Veliz (Minneapolis) and Sergeant Inspector Antonio Flores (San Francisco) spoke more in-depth about their experience with U and T visa programs in the Spring 2023 *National Immigrant Women's Advocacy Project* podcast series.

²Stacey Ivie et al., "Overcoming Fear and Building Trust With Immigrant Communities and Crimes Victims," *Police Chief* (April 2018): 34-40.

³President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* (Washington, DC: Office of Community Oriented Policing Services, 2015).

⁴IACP Trust Building Campaign (2022).

⁵Victim Services Committee, "Support for Education and Awareness on U Visa Certifications and T Visa Declarations" IACP Resolution (November 2018).

⁶Violence Against Women Act of 2000 — Section by Section Summary 146 Cong. Rec. S10195 (Oct. 11, 2000).

⁷Victims of Trafficking and Violence Protection Act of 2000, H.R. Rep. No. 106-939, pt. 15 (2000) (Conf. Rep.) (statement of Rep. Hyde).

⁸See Victims of Trafficking and Violence Protection Act of 2000, H.R. Rep. No. 106-939, pt. 15 (2000) (Conf. Rep.) (statement of Rep. Hyde); Stacey Ivie et al., “Overcoming Fear and Building Trust with Immigrant Communities and Crime Victims,” *Police Chief* 85, no. 4 (April 2018): 34–40; and United States Citizenship and Immigration Services, *U Visa Report: Trends in U Visa Law Enforcement Certification, Qualifying Crimes and Evidence of Helpfulness* (July 2020).

⁹Ivie et al., “Overcoming Fear and Building Trust With Immigrant Communities and Crimes Victims.”

¹⁰See Leslye Orloff and Olivia Garcia, “Dynamics of Domestic Violence Experienced by Immigrant Victims,” in *Breaking Barriers: A Complete Guide to Legal Rights and Resources for Battered Immigrants* (National Immigrant Women’s Advocacy Project, 2013); Alicia Cara and Hema Sarangapani, “Sexual Assault Survivors and Gender-Based Asylum,” in *Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault* (National Immigrant Women’s Advocacy Project, 2014); *Polaris Analysis of 2021 Data from the National Human Trafficking Hotline* (Polaris report based on National Human Trafficking Hotline data retrieved in 2022); Meaghan Fitzpatrick and Leslye E Orloff, “Abused, Abandoned, or Neglected: Legal Options for Recent Immigrant Women and Girls,” *Penn State Journal of Law & International Affairs* 4, no. 2 (2016): 614–685.

¹¹See Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement* (Univ. of Illinois, 2013).

¹²For departments interested in creating a U visa certification and T visa declaration policy, see “Model Policy for Interactions with Immigrant Victims of Crime and Human Trafficking & Signing of U Visa Certifications and T Visa Declarations” in *U Visa Certification and T Visa Declaration Toolkit For Law Enforcement Agencies and Prosecutors* (National Immigrant Women’s Advocacy Project, 2017), 113–124.

¹³San Francisco Police Department, General Order 5.15, Enforcement of Immigration Laws (2017).

¹⁴Minneapolis, MN Code of Ordinances Title 2 §§ 19.10–19.50 (2007); Minneapolis Police Special Order 9-114, Police Authority in Immigration Matters (2018).

Please cite as

Giovanni Veliz et al., “Enhancing Police Services in Immigrant Communities: The Successful Use of U and T Visas in San Francisco and Minneapolis,” *Police Chief Online*, August 21, 2024.

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