

Stories from the Field: The Crime Fighting Effectiveness of the U Visa

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This document is a compilation of stories from law enforcement officials and prosecutors describing several of the many ways in which their offices have found that the U and T visa programs and U and T visa certification significantly improved the ability for state and local law enforcement and prosecutors to fight crime in their communities.¹ In addition to these stories, we include two stories from the International Association of Chiefs of Police, *The Police Chief* magazine article that describes the critical role the U visa program has played in law enforcement work—including saving officers’ lives.²

Social science research has found that once immigrant victims receive certification and file U visa applications their justice system participation in a wide range of cases substantially increases³ and includes not only participating in the criminal case on which their U visa application was based (73.1%) and filing police reports when they are victims of or witnesses to future crimes (50.3%).⁴ The U visa helps law enforcement and prosecution officials build relationships of within immigrant communities and immigrant crime victims. This results in more effective community policing and significantly enhances the ability of state and local law enforcement agencies to identify and successfully prosecute perpetrators of a wide range of crimes that can extend well beyond the original case for which an individual immigrant victim received certification. The following collection of stories illustrate how the U and T visa programs are successfully fulfilling Congressional intentions of the program⁵ and the compelling crime fighting benefits of the U and T visa certification and the U and T visa program.

¹ Both the U and T visas protect victims of human trafficking and encouraged them to work with and trust law enforcement. This collection of storied includes stories of several cases involving victims of human trafficking that are important illustrations of the benefits of both programs. *See*, International Association of Chiefs of Police, Recommendation: Support for Education and Awareness on U Visa Certifications and T Visa Declarations (November 2018) <https://niwaplibrary.wcl.american.edu/iacp-resolution-u-t-visa-certification-nov2018>.

² Stacey, Ivie, Michael LaRiviere, Antonio Flores, Leslye E. Orloff and Nawal H. Ammar, Overcoming Fear and Building Trust with Immigrant Communities and Crime Victims 34-41 (2018), available at https://niwaplibrary.wcl.american.edu/pubs/policechief_april-2018_building-trust-immigrant-victims

³ Krisztina E. Szabo, David Stauffer, Benish Anver, and Leslye E. Orloff, *Early Access to Work Authorization for VAWA Self-Petitioners and U Visa Applicants*, 29-30 NIWAP (2014), available at https://niwaplibrary.wcl.american.edu/pubs/final_report-on-early-access-to-ead_02-12.

⁴ *Id.* at 30.

⁵ Section 1513(a) of the Victims of Trafficking and Violence Protection Act of 2000 articulates Congress’ findings regarding the certain crimes perpetrated against women particularly, and Congress’ intended purpose behind the U visa program. The statute is quoted below:

“(1) FINDINGS.—Congress makes the following findings: (A) Immigrant women and children are often targeted to be victims of crimes committed against them in the United States, including rape, torture, kidnaping, trafficking, incest, domestic violence, sexual assault, female genital mutilation, forced prostitution, involuntary servitude, being held hostage or being criminally restrained. (B) All women and children who are victims of these crimes committed

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against them in the United States must be able to report these crimes to law enforcement and fully participate in the investigation of the crimes committed against them and the prosecution of the perpetrators of such crimes.

(2) PURPOSE.—(A) The purpose of this section is to create a new nonimmigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States. This visa will encourage law enforcement officials to better serve immigrant crime victims and to prosecute crimes committed against aliens.” *See* Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, §1513(a), 114 Stat. 1464, 1533-1534 (2000); Krisztina E. Szabo, David Stauffer, Benish Anver, and Leslye E. Orloff, *Early Access to Work Authorization for VAWA Self-Petitioners and U Visa Applicants*, 24-25 NIWAP (2014), available at https://niwaplibrary.wcl.american.edu/pubs/final_report-on-early-access-to-ead_02-12.

CONNECTING THE DOTS – UNCOVERING AND SUCCESSFULLY INVESTIGATING HUMAN TRAFFICKING

Interviewee: Sergeant Inspector Antonio Flores (CA)

Sergeant Inspector Antonio Flores has served with the San Francisco Police Department in California for 37 years. He is currently working for the Department's Special Victim's Unit's Human Trafficking Investigations. Sgt. Insp. Flores started identifying immigrant crime victims eligible for the U visa in 2002. What began as an arms-crossed attitude towards having to attend a mandated U visa training, turned into Sgt. Insp. Flores's career-long endeavor to train and educate other officers on using U visas as a crime-fighting tool.

One of Sgt. Insp. Flores's most impactful cases happened three years ago when he worked with the Department of Homeland Security on a commercial sex trafficking case involving minors. Police in his Department encountered Paulette*⁶, a seventeen-year-old whom they suspected of being trafficked, outside of a hotel, that had been identified by police as an alleged site of human trafficking operations. While Paulette's trafficker was outside the hotel, the police learned that Paulette was from South America where her mother had just passed away and Paulette was now her younger brother's sole caregiver. Paulette met her trafficker when she was living in South America. The trafficker brought Paulette with him to the United States. Sgt. Insp. Flores interviewed Paulette, she gave him the name trafficker's name, phone number, description, and all the other biographical information she could remember.

Within that same week, Sgt. Insp. Flores was contacted by a detective from the East Coast, Detective Edwards*, who requested that Sgt. Insp. Flores provide help following-up with another young woman, named Susana*, whom they believed was in San Francisco. Det. Edwards asked Sgt. Insp. Flores to arrange a composite sketch and interview with Susana because East Coast counterpart law enforcement agencies suspected, based on Det. Edwards's investigation, that Susana was a victim of human trafficking and gang-rape that took place on the East Coast. In reviewing the file sent to him by Det. Edwards, Sgt. Insp. Flores noticed a phone number haphazardly sketched on the East Coast detective's field notes. The phone number caught Sgt. Insp. Flores's eye because it was the same phone number that Paulette revealed a week ago was the phone number of Paulette's human trafficker.

Sgt. Insp. Flores jumped on this serendipitous moment and went to Susana's mother's house to try to locate Susana and interview her. When he arrived, Susana's mom had not seen her daughter for a year and thought that Susana was presently on the East Coast. Her mother expressed concern at her daughter's disappearance, saying, "I know something happened to my daughter because she took off." Sgt. Insp. Flores reassured the mother that he wanted to help Susana, provided his contact information, and waited for a response.

Susana was hesitant to make that initial contact. Still, she was encouraged by her mother to reach out to the police and help them. Susana's mother had received help from local law enforcement as a victim of domestic violence, received U visa certification, had applied for a U

⁶ Except for the Sgt. Insp. Flores, the real names of all individuals are changed to protect and honor their privacy. The asterisk indicates this name is a pseudonym.

visa, and by the time Sgt. Insp. Flores re-contacted her she had received waitlist approval of her U visa application. Susana's mom assured her daughter that the police had been helpful to her and reaching out to local police would be safe and despite the fact that Susana had been told that talking to police would lead to Susana's deportation.

On her mother's advice Susan agreed to an interview with Sgt. Insp. Flores. Susana's willingness to help Sgt. Insp. Flores, by sharing her story, crucially unveiled the link between seemingly separate actors within a criminal web. Susana was, in fact, a victim of the same trafficker who trafficked and exploited Paulette. Susana's information helped verify the San Francisco hotel, where Paulette was also located, as the trafficker's base of operations.

Two years after his initial contact with Susana, Sgt. Insp. Flores received a call from Susana's immigration attorney. Sgt. Insp. Flores' work for at his Department included building good working relationships with both the victim and the advocates and attorneys who represent immigrant crime victims like Susana. The immigration attorney confirmed Susana fled to run away from her trafficker and was once again in California. Susana agreed to meet Sgt. Insp. Flores face to face. Susana overcame her fear of removal at the encouragement of her mom, the hope of a U visa application, and the personal relationship Sgt. Insp. Flores as a law enforcement officer had built with Susana and her mother. All these factors contributed to Susana feeling safe enough to come forward. Susana not only had the security of a U visa application, but also the T visa application process. Susana's mother has since been granted a U visa that provides her legal immigration status.

At her in-person meeting with Sgt. Insp. Flores, Susana explained how she met and fell in love with a brutal and violent Californian gang member. This man took Susana to his hotel, where he took exposing photos of Susana and posted them online. He raped her, trafficked her within California and other places, got her addicted to drugs, and threatened to kill her mom. Susana fled California to protect herself and her mother and ended up on the East Coast. While attempting to find refuge, she met a pastor. This pastor had taken her in on the premise of providing help and safety. Instead, he sexually abused her and took sexually exploitative pictures of her. This was the sexual abuse and gang-rape Det. Edwards was investigating.

Susana's decision to recount her experiences helped law enforcement verify Paulette's experience. During the previous two years, law enforcement had been able to find Paulette, obtain a search warrant, and seize guns and drugs in this trafficker's possession. The Department of Homeland Security, the U.S. Attorney's Office, and Sgt. Insp. Flores's Department collaborated to arrest the trafficker who had trafficked both Paulette and Susana. Criminal proceedings are still ongoing and open, with the trafficker looking at double-digit sentencing.

In addition to holding Susana's trafficker accountable, Susana's pivotal story helped East Coast law enforcement indict the pastor who molested her and other vulnerable women. Susana was crucial in getting this case rolling. The U visa helped

both Susana and Paulette escape their human trafficking and helped law enforcement in the criminal investigations and prosecutions of their traffickers. The U visa provided much needed stability and support to Susana, who is now a young mother, is making vast strides to reclaim and rebuild her life. Susana has reconnected with her mother; she has worked with her therapist; and is back in school to pursue a career in social services to give back. Sgt. Insp. Flores offered encouraging words about how though his experience on this case and many others he has found a myriad of benefits that come from law enforcement's collaboration with the service providers and attorneys that serve immigrant victims. He emphasized that when victims' services complement the police for their work, or when the victim feels like law enforcement is listening to his or her narrative, that leads to a massive win for all.

A VOICE TO THE VOICELESS

Interviewee: Prosecutor Christopher Freeman (MN)

Christopher Freeman is a prosecutor with nearly two decades of experience in a wide range of serious crimes across several jurisdictions, including domestic violence. Currently, he works in Hennepin County, Minnesota. Prior to that, he was the Deputy District Attorney in Madison, Wisconsin where he managed prosecution of Madison's felony domestic violence and child abuse case load. As Deputy District Attorney, Freeman witnessed first-hand the impact of the U visa on immigrant crime victims. His personal involvement gave him a fresh perspective on how prosecutors could pursue justice against violent perpetrators.

One of his compelling cases was about Esperanza^{7*}, a young mother of three. Prosecutor Freeman first met Esperanza when she was in her twenties. She moved from her home country of Mexico to the United States where her youngest daughter was born. Esperanza worked many graveyard shifts and had her then-boyfriend, Peter*, watch over her children. One morning, after her night shift, Esperanza came home to find her three-month-old daughter's diaper soaked in blood. Esperanza immediately rushed the infant to a nearby hospital. Her daughter had suffered horrifying sexual abuse at the hands of Peter. Peter attacked the baby by penetrating her with a foreign object, damaging her vaginal area. After the doctors stabilized her daughter, police were called to the hospital. Esperanza fearfully but willingly helped in the investigation. Police learned in Esperanza's interviews she too had suffered physical and sexual abuse by Peter. Esperanza just never imagined that he would hurt her baby. The information that Esperanza gave police about the physical and sexual violence she suffered coupled with the brutal sexual assault of her daughter led the District Attorney's Office to charge Peter with two counts of sexual assault and one count that addressed rape.

Esperanza's willingness to help law enforcement reflected a fundamental shift within Esperanza's attitude towards the police. In Esperanza's home country, police rarely protect women from domestic violence. Law enforcement and society routinely dismiss and ignore domestic violence. As a result, she was unaware that her abuse was illegal in the United States. Furthermore, because of the isolating effect of her trauma and undocumented status, her distrust of police and fear of removal prevented her from reporting these crimes. Law enforcement and the DA's office both had to build trust with Esperanza. The U visa and personalized and empathetic conversations helped Esperanza feel safe enough to report and document her abuse, not just her daughter's abuse. However, the journey was not over. Peter still had to be held accountable, and the U visa was key to securing justice for Esperanza and her family.

Prosecutor Freeman recalls that, as the case against the perpetrator began, his office ran into procedural challenges with convicting Peter for the abuse he perpetrated against Esperanza's infant daughter. The District Attorney's Office became concerned that the case against the perpetrator would falter. At the same time, Esperanza also faced

⁷ Except for Christopher Freeman, the real names of all individuals are changed to protect and honor their privacy. The asterisk indicates this name is a pseudonym.

overwhelming difficulties in addition to the trauma of abuse. The loss of Peter's supplementing income and child support left her scrambling to find childcare and, devastatingly, because she talked to the police, Esperanza had lost the support her community. It became clearer that the DA's Office would only be able to move forward prosecuting Peter's sexual assaults against Esperanza only. Esperanza's ongoing helpfulness and her testimony about the sexual assault in court before a jury ensured the perpetrator could not escape the consequences of his violent actions. The U visa played an important role in holding Peter accountable for his serious crimes and stopped him from endangering others. Prosecutor Freeman states that "without [Esperanza] coming forward and doing [her] part, the District Attorney's Office would not have had a case against the perpetrator based on the evidentiary issues." Law enforcement had no evidence of the crimes against Esperanza until she reported them herself and they could never have successfully charged the perpetrator otherwise.

Esperanza's case helped Freeman realize not only that perpetrators who target immigrant victims like Esperanza and her daughter prey on the most vulnerable in our communities, but also that the U visa is an invaluable tool for preventing future crimes. In this particular case, Freeman learned to look beyond the immediate victim and instead identify others caught within the pattern of a perpetrator's abuse. Esperanza acted with courage and good faith in reporting the crimes she suffered and the horrific crime perpetrated against her infant daughter. The U visa fitted law enforcement and prosecutors with a tool to help build trust with Esperanza. Reassured that her immigration status would not be held against her gave Esperanza the confidence to reveal, provide evidence for, and testify in court about the physical and sexual abuse she had been subjected to by her then-boyfriend. Her actions helped prosecutors ensure justice for her baby daughter, herself, and it ensured that the community-at-large was free of this perpetrator.

STANDING UP FOR NATIONAL SECURITY

Interviewee: Law Enforcement Officer Working in a Large Metropolitan City

Nadine*⁸ is a law enforcement officer who has served for fourteen years in her city's Police Department, all in the same precinct. She is currently a Community Engagement Officer, a position created, in part, due to her immigrant-focused work that involved working with numerous U visa eligible immigrant victims.

Over the years, much of Nadine's approach to working in the field has been influenced by the long and surprising path taken by one U visa victim in particular, Ellen*. Nadine recalls that "what this victim endured is something that would break emotionally and psychologically almost everyone I know, including my fellow officers." Initially, a victim advocate working at the Police Department reviewed a police report from a field officer about a sexual assault perpetrated against Ellen. This victim advocate came to Nadine because Ellen was a foreign national seeking resources and the victim advocate was unsure of what was available to immigrant sexual assault victims.

Nadine reviewed the case herself and believed there may be more happening in the case than the assault disclosed in the report. Nadine and the victim advocate paid a home visit to Ellen and several subsequent visits to build trust. A lot of cultural barriers prevented development of trust and understanding between Ellen and the officers at first, but Nadine recalls that first visit vividly "till the day you die you remember moments like this: [Ellen] lived in a low-income refugee neighborhood and her home was absolutely pristine... We sat down in her apartment, decorated with items and pictures from her home country. How we started building the rapport is that [Ellen], in the presence of us, roasted beans, ground them, and then prepared coffee for us. Ultimately, [Ellen] built the foundation of the relationship in the amount of care she showed for us when we arrived." The first meetings really were about Ellen regurgitating the pain and describing the trauma of the crimes she had suffered. Ellen had been held hostage in an apartment and was assaulted repeatedly over the course of several days. Eventually, Nadine and the advocate learned that the assailant was a family member. This was the first of many times that Ellen's close-knit ethnic community posed a significant barrier that prevented the criminal investigation of the case.

Nadine was involved in her Police Department's criminal investigation into the State crimes committed against Ellen. In terms of the State's criminal prosecution, Nadine recalls that it took a few months to put the crime together and present the criminal case to the prosecutor. The criminal case the District Attorney brought against the perpetrator included coercion, kidnapping, and sexual assault that were charged as felonies. Nadine was helping Ellen through the whole state criminal case process. The DA even took Ellen to the empty courthouse to see the physical environment and help Ellen see what she would face in order to help emotionally and cognitively prepare Ellen. However, the pressure of Ellen's ethnic community, who supported her assailant, began

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to overwhelm her. When Ellen's criminal case was called the courtroom was packed with roughly 30 members of Ellen's ethnic community who came to the court in support of the perpetrator.

Although the judge had previously made rulings to protect the confidentiality of the proceedings, it failed to prevent the crowded turnout. Unfortunately, the members of her ethnic community present at the courthouse made it impossible for Ellen to fully proceed in the state criminal case. Ellen made her statement of refusal to the judge and the judge explained that however long it took, Ellen could return to proceed with the criminal case. But the case did not end there. With the information that Ellen had already provided, Nadine was able to enlist the help of federal authorities who pursued their own criminal investigations against the perpetrator. The information that Ellen provided was used by the FBI in a federal case that concerned elements of radicalization and resulted in numerous convictions and deportations from the FBI's work.

Nadine is incredibly proud of the work on this case and extremely glad that it resulted in protection for Ellen. The federal criminal investigations and prosecutions succeeded even when the state felony case was derailed. Nadine calls this a "canary in the coal mine" situation where an immigrant victim of kidnapping and sexual assault who received U visa certification provided critical information that tipped off federal authorities to dangerous radicalization elements within Nadine's and Ellen's city. Nadine concludes, "it can happen because it did happen" and a U visa victim like Ellen was the key in protecting the city.

TAKING ON TRAFFICKING

Interviewee: Staff Attorney Elliot Casey (VA)

Staff Attorney Elliot Casey is a prosecutor with fifteen years of experience prosecuting a broad range of criminal cases in Virginia. He currently works training prosecutors statewide for the Commonwealth of Virginia.

When Casey first learned about the U visa program in 2009, he realized that he previously worked with victims in many prosecutions of egregious crimes that would have been more effectively prosecuted if the U visa was available to him as a tool. In 2011, when Casey was working as a prosecutor his office worked with law enforcement on a series on undercover operations to try and shut down brothels operating in his county. He recalls coming into the office one morning after a raid to see the subjects of the arrest, and in particular, spotted one young woman named Jessica.

Jessica*⁹, who was a native of Honduras, had been smuggled through Maryland, D.C., and Virginia by sex traffickers who forced her into prostitution. As Casey recalls, “Hers is a story that you hear again and again, but never before had I met someone so thoroughly abused ... she had literally no idea where she even was any longer.” Casey was concerned that his prosecutor’s office did not have all of the tools they needed to support Jessica through the prosecution of her traffickers. He decided to contact Homeland Security Investigations (HSI) at the Department of Homeland Security for assistance because of their significant expertise in investigating human trafficking. He hoped they could help Jessica seek justice for the abuse she suffered.

The human traffickers preyed upon Jessica because she was vulnerable. Her lack of legal immigration status and financial support made Jessica an ideal target. Casey knew the agent from HSI, Lucy*, to be one of the hardest working agents in the field. Lucy quickly helped Casey identify a way he could release Jessica from jail and facilitate her safe participation in his criminal prosecution. As a prosecutor Casey had to build a trusting relationship with Jessica before he was able to persuade Jessica to meet with Lucy. Jessica’s fears around talking to prosecutors and sharing information about the sex trafficking operation were further abated after Lucy told Jessica about the U visa program. Lucy explained how the immigration relief available in the U visa program could help protect her from her traffickers and could support her ability to participate in her traffickers’ criminal prosecution.

Casey vividly recalls that after Jessica believed the U visa would protect her and support her, she was ready to help in what became a comprehensive federal prosecution of the sex traffickers. The case involved numerous federal criminal charges including commercial sex trafficking, conspiracy to commit human trafficking, and trafficking using force or threats. The case eventually proceeded in federal court and resulted in numerous convictions of Jessica’s human traffickers, who were also the brothel operators. For Casey’s county-based prosecutor’s office, the evidence they uncovered

⁹ Except for Staff Attorney Casey, the real names of all individuals are changed to protect and honor their privacy. The asterisk indicates this name is a pseudonym.

and the relationship they were able to build with Jessica led to a successful federal prosecution of human traffickers that was an enormous success and massive win for the local prosecutor's office. In discussing this victory, Casey emphasized the fact that "if you try and just arrest the prostitute, that is a failure to me.... If the brothel operation just moves on, no justice has been done."

Casey shared that one of the lessons his prosecutor's office learned was how the U visa truly can break down barriers with victims and help build the essential trust between law enforcement and prosecution agencies and victims. This trust is pivotal to dismantle large human trafficking operations like this that are notoriously hard to unravel. Further, having the tools that foster victim participation are even more important when victims like Jessica come from ethnic communities that may be fearful to trust local law enforcement. Specifically, this case inspired Casey's office to bring more human trafficking cases to trial. Jessica's story taught Casey that, "while in another world Jessica would have been thrown on a bus and the operation would have continued unabated for decades", his local prosecutor's office could work through the U visa program to help ensure that there would be less victims like Jessica in the future.

HELPING CONVICT A SERIAL PERPETRATOR

Interviewee: Detective Stacey Ivie (VA)

Detective Stacey Ivie serves as a detective with the City of Alexandria Police Department. When Detective Ivie began with the Department nearly two decades ago, the regulations for the U visa had not yet been formalized. At that time, she was with the Domestic Violence Unit. Detective Ivie recalls a specific investigation of a domestic violence victim where the U visa played an important role in the outcomes of two separate criminal prosecutions of a law enforcement officer domestic violence perpetrator.

Ana*¹⁰ was an undocumented immigrant from Bolivia whose abuser was a law enforcement officer. Ana had called the police seeking help after her then boyfriend, Mark*, had beat her. Part of Detective Ivie's role was to follow-up with the victim, investigate, and get the more intimate details about the law enforcement officer perpetrator. Ana had been living in the U.S. with extended family before meeting her abuser. She originally described Mark as her "protector and savior", but it led to an imbalance of power as he began to control every aspect of Ana's life. Detective Ivie describes this pattern of behavior as "I do everything for you, so you don't have to do anything." Similar to many domestic violence relationships, the cycle of Ana's abuse didn't start right away. However, Mark quickly became a very controlling. He used coercion, threats, and fear to keep her in the relationship. Without access to resources, it became increasingly harder for her to leave the relationship.

The assault Ana suffered when she called the police for help was not an isolated incident, and after several follow-up interviews, Detective Ivie better understood the dynamics within this abusive relationship. Detective Ivie established trust and Ana began to disclose details of forced sexual acts, filming of physically painful sexual encounters, increasing isolation, and starvation. Detective Ivie recalls that "since Ana could not lawfully work in the U.S., if the abuser did not feed her then she went without." Ana's cooperation with Detective Ivie resulted in a domestic assault and battery charge against Mark. A protection order was granted for Ana and the charges led to a successful conviction of the abuser. With the help of law enforcement and this conviction Ana was able to successfully escape a difficult and painful relationship. However, unfortunately, as a first conviction of a law enforcement officer for domestic violence, Mark did not receive a significant sentence.

Eventually, as is often the case, Mark moved on to harm another victim. When a second victim came forward, Detective Ivie reached back out to Ana on behalf of the second victim. Detective Ivie was able to locate Ana again because the U visa program allowed Ana to live in the U.S. while she was awaiting final approval of her U visa. Detective Ivie recalls that Ana "could not come any faster to the department to help a woman she had never met." Detective Ivie is emphatic on how remarkable such a

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proactive response is, she says, “remember you are dealing with intense sadness and violence, victims rarely agree to relive the trauma.” What was so important about Ana coming forward to help in the second criminal case against Mark was that Ana’s testimony proved ‘subject modus operandi’, that the abuser has a pattern of harmful behavior against vulnerable immigrant intimate partner victims.

Undocumented immigrants were a demographic that Mark could, and did, take advantage of and manipulate. When his shouting, anger, and abuse started presenting itself, his victims were unable to leave because he knew there was nowhere for them to turn. Both Ana and his second victim dealt with verbal abuse which escalated to physical and sexual abuse. The pattern of abuse included recording of sexual acts against their will, forcing physically painful sex acts they were uncomfortable with, starvation through withholding of food, and using immigration status related abuse and threats to lock the victims in the relationship and keep them from seeking help. Thankfully, and in large part due to Ana’s willingness to testify once more, the punishments after this second conviction were much more severe. It was because the U visa program enables U visa victims awaiting final adjudication of their U visas to live and work in the U.S. and be protected from deportation that Ana was available to Detective Ivie to be the key witness in this second prosecution of Mark. If Ana had been forced to wait for her U visa abroad this successful prosecution would never have been possible. In closing, Detective Ivie notes of Ana’s story that “the U visa established the very relationship that law enforcement tries to promote.”

Today, Detective Ivie is pleased to report that U visa implementation in Alexandria today is much more effective. She recalls “I went into my own interview [with the department] talking about U visas and applications, it wasn’t known back then unless you did the groundwork yourself.” The City of Alexandria Police Department issued directives that raised officer’s awareness of the U visa process. This helped officers in their work with future victims, so that bringing on board allies like Ana will continue to aid law enforcement working to hold perpetrators accountable for their crimes and keep the community safe.

TAKING WEAPONS OFF THE STREET

Interviewee: Prosecutor Tara Patet (MN)

Tara Patet is a senior prosecutor and supervising attorney with the St. Paul City Attorney's Office in Minnesota. She has prosecuted in St. Paul for over two decades and for the past seven years has been supervising the Domestic Violence Unit. Throughout her career, Prosecutor Patet has worked with immigrant victims and for the last decade her agency's prosecutions have reaped benefits from the U visa program for crime victims. She stated, "one thing that we are challenged with is that we always want victims to be aware of [the U visa program] but do not want to start a conversation about immigration status unless it is initiated by the victim...you always want the victim to have sense of autonomy in a criminal case." Her department investigates and prosecutes a wide variety of crimes in St. Paul. One of her office's most recent victories -- to which she credits the U visa as a tool to support prosecutions and victims -- was the conviction and sentencing of a dangerous abuser of a U visa victim.

The victim, Ruby,^{*11} is a 28 year-old woman from Mexico. She is a single mother with an 11-year-old son. After enduring years of threats and physical violence perpetrated by her ex-husband, Miguel, Ruby obtained a divorce. Ruby has a close-knit family and community in St. Paul. Unfortunately, despite their divorce, Miguel remains a part of the community and frequently showed up at family events to harass and intimidate Ruby. After one such event, Miguel followed Ruby to a friend's apartment. When Ruby threatened to call the police, Miguel smashed her phone and began beating her. Miguel told Ruby that the police would never believe her if she reported the violence. Eventually, Ruby managed to fight back and fled to the home of another family member.

Ruby's family member called the police for her, but by the time police arrived, Miguel had fled the scene. The police who arrived on the scene noted that Ruby was guarded in her replies and expressed fear that Miguel would return to inflict more harm on her. Prosecutor Patet reviewed the police reports and, based on her experience in prosecuting similar cases with immigrant victims, suspected that the threats made by Miguel while assaulting Ruby likely included threats to report Ruby's immigration status to immigration authorities. This is a common tactic she's seen used by perpetrators of domestic violence and is a likely explanation for Ruby's initial fears in speaking with the St. Paul police officers. Prosecutor Patet recalls that the day following this assault her department assessed the evidence and prepared to bring charges against Ruby's abuser. Once a warrant was issued, the department learned Ruby had been hospitalized from the injuries Miguel inflicted upon her. In addition to issuing a criminal complaint against Miguel, Prosecutor Patet's office quickly referred Ruby to a community advocacy organization with whom they frequently partner on domestic violence cases. That organization provided assistance and support for Ruby that included, among other things, connecting her with pro bono immigration attorneys who have expertise on the U visa and working with immigrant victims.

The following month, as the criminal prosecution of Miguel proceeded, the department had difficulty contacting Ruby. Ruby's address had changed, and her phone was offline, a common occurrence for women hiding from an abuser. The prosecutor's office got a fortunate break in the case when Ruby's immigration attorney contacted the St. Paul police department on

¹¹ Except for Prosecutor Patet, the real names of all individuals are changed to protect and honor their privacy. The asterisk indicates this name is a pseudonym.

Ruby's behalf, seeking U visa certification so that Ruby could file for U visa protection and feel safer assisting in the prosecution.

The referral Prosecutor Patet's office made to the pro bono attorney who was able to explain the U visa to Ruby, helped in reestablishing contact with Ruby. In subsequent interviews with prosecutors, Ruby revealed that Miguel had been threatening both her and the family member who aided her the night of the assault. Prosecutors recognized that Miguel's actions as the type of witness intimidation that is commonplace in domestic violence cases, particularly within the immigrant community. Ruby was afraid of what would happen to her if she continued helping with Miguel's criminal prosecution. Prosecutor Patet feared this would derail the case, as is so often the case when the prosecution is reliant on victim testimony in the absence of other forms of evidence. In this case, however, Ruby found the courage, and had been able to attain sufficient stability because of the U visa program to trust the St. Paul prosecutor's office and participate in the prosecution of her abuser.

Over a six-month period, the prosecutor's office worked with Ruby to bring her abuser Miguel to justice. The charges eventually resulted in a jury verdict of guilty to the charges of misdemeanor domestic assault, interference with a 911 call, and criminal damage to property. Ruby not only testified at the trial, she also revealed to prosecutors that Miguel was in possession of many unregistered firearms, some of which he had left in Ruby's household. Using this information, Prosecutor Patet's office was able to secure an order for surrender of all of Miguel's firearms and the weapons were destroyed.

Today, Prosecutor Patet believes that the positive experience Ruby had with the criminal justice system gave her the confidence to provide prosecutors the additional information about Miguel's firearms. As Prosecutor Patet states, "It is important to us to always send a message to victims that 'we care about your safety.'" Additionally, the collaborative relationship Prosecutor Patet's office has developed with the victim service programs assisting Ruby with her immigration case and the St. Paul police and prosecutor's office's utilization of the U visa program, were key steps in developing the relationship with Ruby that was needed to effectively prosecute Miguel and take away his weapons.

Prosecutor Patet has found that "sharing information while respecting victim confidentiality is a challenge in the system but it is something we can manage with the right tools in place" such as the U visa program. Today, she also supervises a team of system-based victim advocates in her office and believes that raising awareness about the fears that immigrant victims may have around immigration status is key to engaging victims and keeping them safe during and after criminal prosecutions. Prosecutor Patet believes that raising awareness among prosecutors and system advocates about the U visa program "is an area we can be more intentional about as we strive to hold perpetrators of domestic violence accountable and keep victims safe."

ONE IMMIGRANT'S NIGHTMARE SHINED A LIGHT SAVING MANY FROM HARM

Interviewee: Officer Michael LaRiviere (MA)

Officer Michael LaRiviere has served 31 years in his police department in Salem, Massachusetts. He currently directs his police department's Victim Services Unit (VSU) where he has worked twelve years. The VSU is charged with outreach and community policing in Salem including building trust and address the need of the city's immigrant population.

Through the story of Kevin*¹², an undocumented restaurant worker terrorized by his employer, Officer LaRiviere illustrates the power of the U visa program to identify and hold accountable serial criminal perpetrators in his community. Kevin was an undocumented hard-working restaurant employee who came to Officer LaRiviere to report abuse he suffered at the hands of his U.S. citizen employer. The story began when Kevin's employer, accused Kevin of stealing from the restaurant, but Officer LaRiviere's investigation determined that there was no evidence that Kevin ever perpetrated any alleged theft. To punish Kevin for the alleged theft, the employer took matters into his own hands subjecting Kevin to his own sense of justice. Instead of calling the police, the employer engaged in an escalating pattern of threats and intimidation that started as threats to physically harm Kevin and escalated to death threats. The employer demanded that Kevin pay him for a crime Kevin never committed. To force Kevin to make the payments, the employer threatened to turn Kevin and his family in to federal immigration authorities for deportation if Kevin failed to pay the compensation that the employer claimed was owed. Kevin felt powerless. His dream to provide for his family became a nightmare. These intimidation tactics kept Kevin trapped. His employer's threats and intimidation forced him to continue working at the restaurant. When the abusive employer threatened to kill Kevin, Kevin decided he had to look for help.

Officer LaRiviere's police department has an active community policing program in which officers like LaRiviere have worked hard to become a trusted face within the immigrant community. The department prioritizes training officers to identify when a person's immigration status might be a barrier to that individual's ability to report a crime. The Department uses the U visa as a crime-fighting tool and accountability measure and builds relationships with churches and immigrant community leaders that immigrant community members' trust. Officer LaRiviere's VSU works with and processes numerous U visa applications.

All of the work Officer LaRiviere and his Department did to ensure that immigrant community members knew that they could find help from and trust law enforcement including outreach teaching community members about the existence of U visa protections paid off. When Kevin turned to people in his immigrant community for help, they knew police officers they could trust who could help Kevin. Kevin felt safe,

¹² Except for Officer Mike LaRiviere, the real names of all individuals are changed to protect and honor their privacy. The asterisk indicates this name is a pseudonym.

coming forward to report his case to officers working at the Salem Police Department despite Kevin's concerns about his immigration status. The information Kevin provided led police to discover surveillance video tapes. In reviewing the surveillance tapes for Kevin's case investigators uncovered numerous incidents of sexual assault perpetrated by Kevin's employer against multiple restaurant employees. This investigation also led to other investigations of sexual assault perpetrated by Kevin's employer in other jurisdictions where the employer owned other restaurants.

Officer LaRiviere's team had the sensitive task of identifying the female sexual assault victims and asking them for their testimony to help in arresting and prosecuting the employer. It took significant time to complete the sexual assault investigations and prosecute the employer because multiple jurisdictions were involved in the case. Convincing multiple female immigrant victims of the employer's sexual assault to come forward was a daunting endeavor. Victims had to find the courage talk about the trauma of having suffered sexual assaults and disclose the details of the humiliating sexual acts the defendant had done to them. The fact that Kevin was allowed to stay in the U.S. during adjudication and waitlist approval of his U visa case meant that Kevin was able to participate in the investigations and criminal actions brought against his employer.

Officer LaRiviere made it clear the victim's decision to report their abuse was important because of the nature of the crimes they had suffered, he was not interested in the victim's immigration status. Police alleviated both Kevin's and the sexual assault victims' fears that speaking with police and reporting the crimes they had suffered would lead to the victim's deportations. They feared that the defendant, their employer, would follow through on his threats to have the victims and their families deported in retaliation for reporting the abuse. Office LaRiviere and other VSU officers told the victims about the U visa to alleviate their worry about their immigration status and directed the victims to resources in the community that could assist the victims with immigration status issues and help victims access to social services and supportive programs. When the victims learned about the U visa's benefits they felt safe with the police. Despite knowing that the U visa did not guarantee them a means to lawful immigration status, these qualifying victims came forward to report their cases.

According to Officer LaRiviere, "It doesn't matter to us [the police] what your status is, what matters is that you were a victim of a crime." The safety and stability the U visa program offered helped removed barriers between undocumented victims and the police. Kevin was emboldened to report his crime because he learned about the U visa and trusted Officer LaRiviere's police department. Kevin's willingness to help the police investigate his employer led to the police uncovering evidence of multiple sexual violence crimes committed by Kevin's employer. With help from the U visa program and the protection from deportation offered U visa victims until their U visa cases could be finally adjudicated, Kevin and one of the sexual violence victims came forward to report and contribute to a criminal investigation that both held their abusive employer accountable for his crimes and ensured that he would not be able to continue harming other immigrants in the community.

U AND T VISA CERTIFICATIONS REDUCE CRIME AND PROTECT VICTIMS

*The Police Chief: The Professional Voice of Law Enforcement*¹³

By implementing U and T visa policies and meaningful language access procedures, lives can be saved and dangerous violent offenders can be identified and held accountable. A case from Salem, Massachusetts, provides a good example of how an otherwise unknown dangerous domestic violence offender was identified and subsequently convicted of his crimes, which were reported to the police department by an undocumented victim.

The victim, who was pregnant at the time of the initial report, and her children endured years of abuse at the hands of the offender. He took possession of the victim and her children's documents and repeatedly threatened to have her deported if any of them reported the abuse to the police. The victim suffered from severe domestic violence including strangulation and sexual assault, and the minor children were physically abused.

On the night of the initial report to the police department, the victim was very reluctant to speak with officers due to her fear of being deported and separated from her children. The responding officers recognized her fear and made it clear to the victim that her status was of no concern to them. This enabled them to investigate the crimes against her and her children that had occurred that evening. A subsequent follow-up interview by the department's victim services officer with the assistance of a qualified interpreter revealed numerous other felonies committed by the offender.

A U visa certification was signed by the department's certifying official while the case was progressing through the courts. The victim continued to assist in the investigation and prosecution of the case, reporting a protection order violation that occurred well after the initial response and subsequent investigation. The crimes reported the evening of the victim's first call to police resulted in the offender being convicted of domestic assault and battery on a pregnant person and domestic assault and battery on a minor child. In addition, the victim's ongoing cooperation with the victim services officer led to convictions for strangulation, violation of an abuse prevention order, and three counts of intimidation of a witness. The offender was sentenced to 24 months in prison, and the court order imposed numerous conditions that become effective upon his release.

¹³ Stacey Ivie, et al., *Overcoming Fear and Building Trust With Immigrant Communities and Crimes Victims*, *The Police Chief*, April 2018, § Success Story (Magazine) at 38-40.

U AND T VISAS ENHANCE OFFICER SAFETY

*The Police Chief: The Professional Voice of Law Enforcement*¹⁴

During a U visa law enforcement training conducted on the outskirts of a major metropolitan area, an officer shared an experience he had with an undocumented victim of crime. The officer and his partner, who worked in his agency's gang task force unit had infiltrated one of the most violent gangs in the area. At the same time, the agency's domestic violence unit was working with an undocumented domestic violence victim who happened to be the girlfriend of one of the leaders of the gang the officers were investigating. The domestic violence unit had signed a U visa certification for the victim, and the victim had a pending U visa application. The trust built between the victim and the domestic violence investigators in this case led to a call from the victim informing police when she overheard that the gang had identified that law enforcement officers had infiltrated the gang and were planning to kill the two gang unit officers. The immigrant victim called the domestic violence investigators she had been working with and reported what she had heard. The agency's attention to immigrant crime victims and their knowledge of the U visa process saved the lives of the two gang unit undercover officers.

¹⁴ Stacey Ivie, et al., *Overcoming Fear and Building Trust With Immigrant Communities and Crimes Victims*, *The Police Chief*, April 2018, § Success Story (Magazine) at 38-40.

