

Webinar

Offender-Focused Investigations and Prosecutions of Domestic and Sexual Violence involving Immigrant Victims

December 8, 2023

Introductions



Michael La Riviere
Investigator
Salem, MA Police
Department



Jane Anderson
Attorney Advisor
AEquitas

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Who We Provide Technical Assistance To

- Local, State, Federal law enforcement, prosecutors, victim advocates, judges, attorneys and other professionals.
- NIWAP supports professionals in the field working with immigrant crime victims so that they are more effective in helping more victims access all the help for which victims and their children are legally eligible.



How NIWAP Can Support You

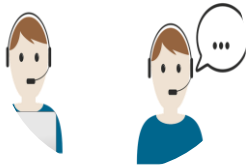


Training and Virtual Training: Develop curricula for in-person and web-based learning designed to meet your specific needs.



Resource Hub: Wide range of accessible tools and publications designed to strengthen your response and best practices for serving noncitizen victims using a trauma-informed approach.

SUPPORT



Technical Assistance: Consultations with subject matter experts to answer case-specific inquiries, discuss safety planning, develop strategies and policies, and provide case law, legal and evidence based research in support of your work with immigrant survivors.



INNOVATIVE
Sustaining effective
practices and
promoting systemic
change

INFORMED
Training, resources, and
assistance supported by
research and
experience

PRACTICAL
Customized strategies
that are accessible,
responsive, and easy to
apply

What We Do



Resources

Create, research, and curate publications, statutory and case law compilations, and other resources that strengthen prosecution practices



Consultations

Offer on-demand 24/7 consultations with our seasoned prosecutors to answer case-specific inquiries, discuss strategy, conduct research, and recommend data-driven solutions



Training Events

Develop curricula and facilitate a wide range of specialized in-person and web-based trainings designed to empower prosecutors and allied professionals



Partnerships & Initiatives

Provide long-term support in building frameworks for coordinated responses to gender-based violence including data collection and analysis, task force development, and training

Learning Objectives

By the end of this webinar, you will be better able to:

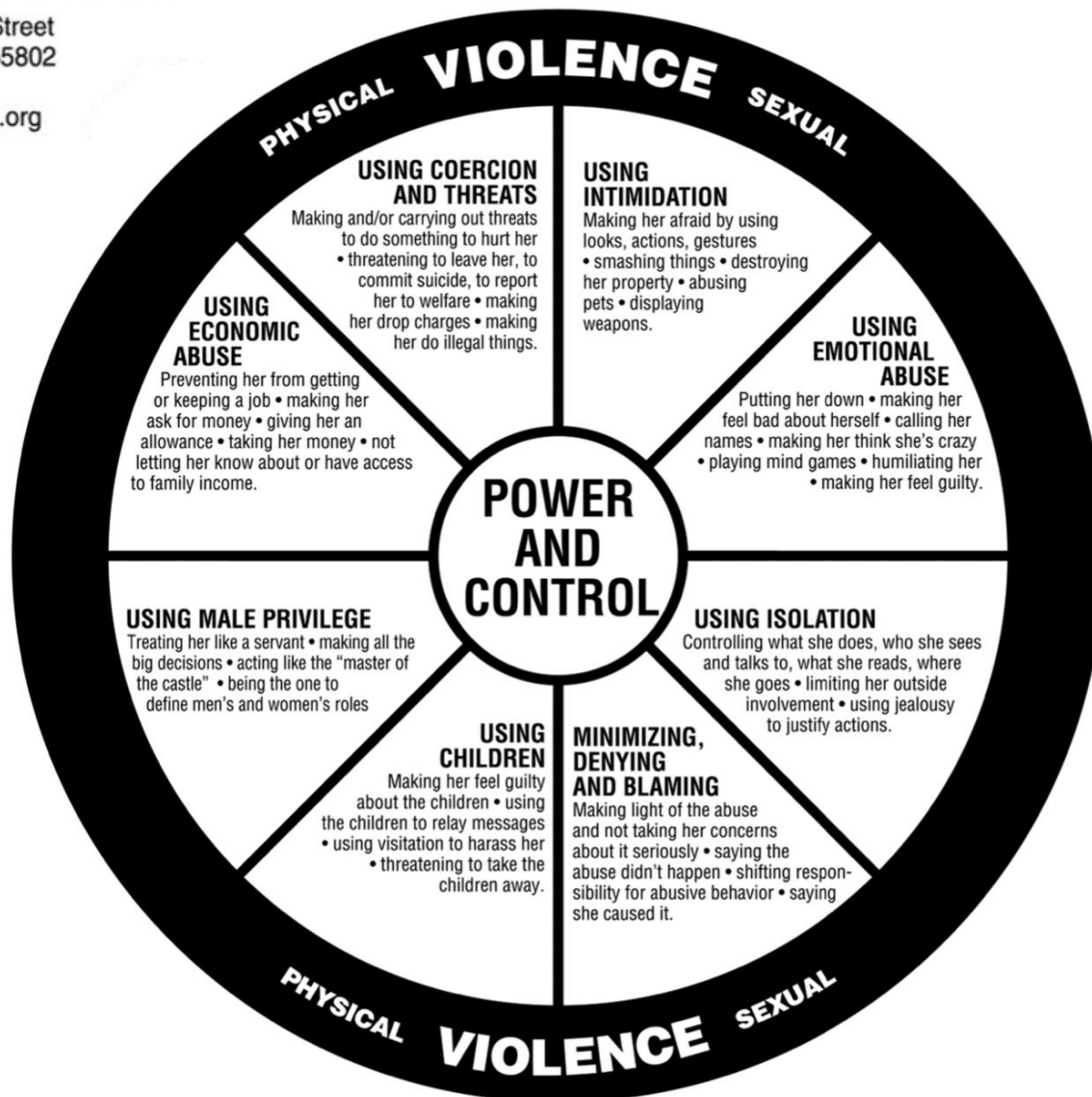
- Identify offender tactics used to assert power and control over immigrant victims of domestic and sexual violence
- Utilize immigration relief to enhance investigations by increasing the safety and stability of immigrant victims
- Develop prosecution strategies to overcome common defenses in cases involving immigrant victims

Offender-Focused

- Focus on the defendant's actions, tactics, and behavior
- Articulate victim behavior as normal responses to trauma inflicted by offender

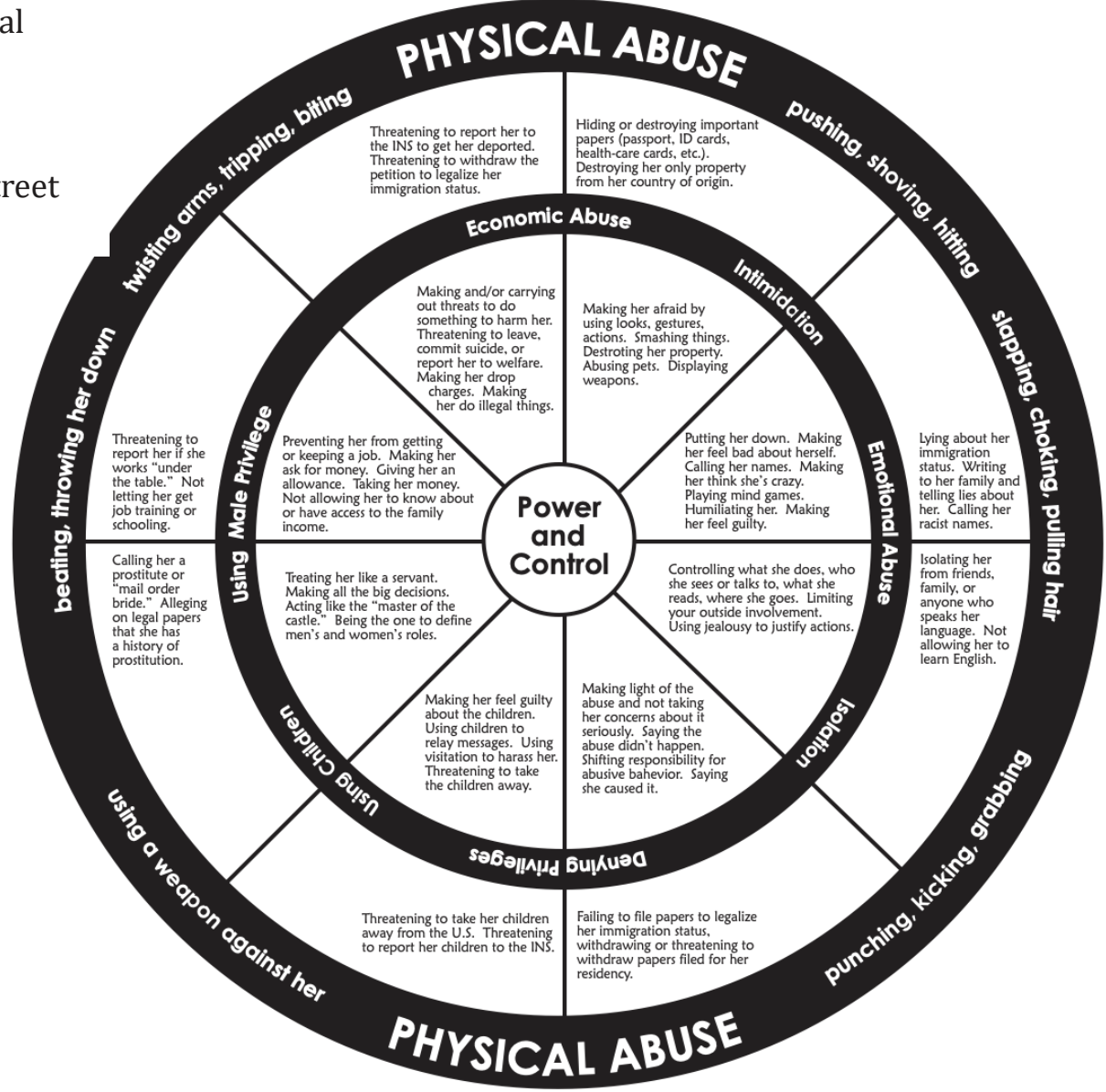
DOMESTIC ABUSE INTERVENTION PROJECT

202 East Superior Street
Duluth, Minnesota 55802
218-722-2781
www.duluth-model.org



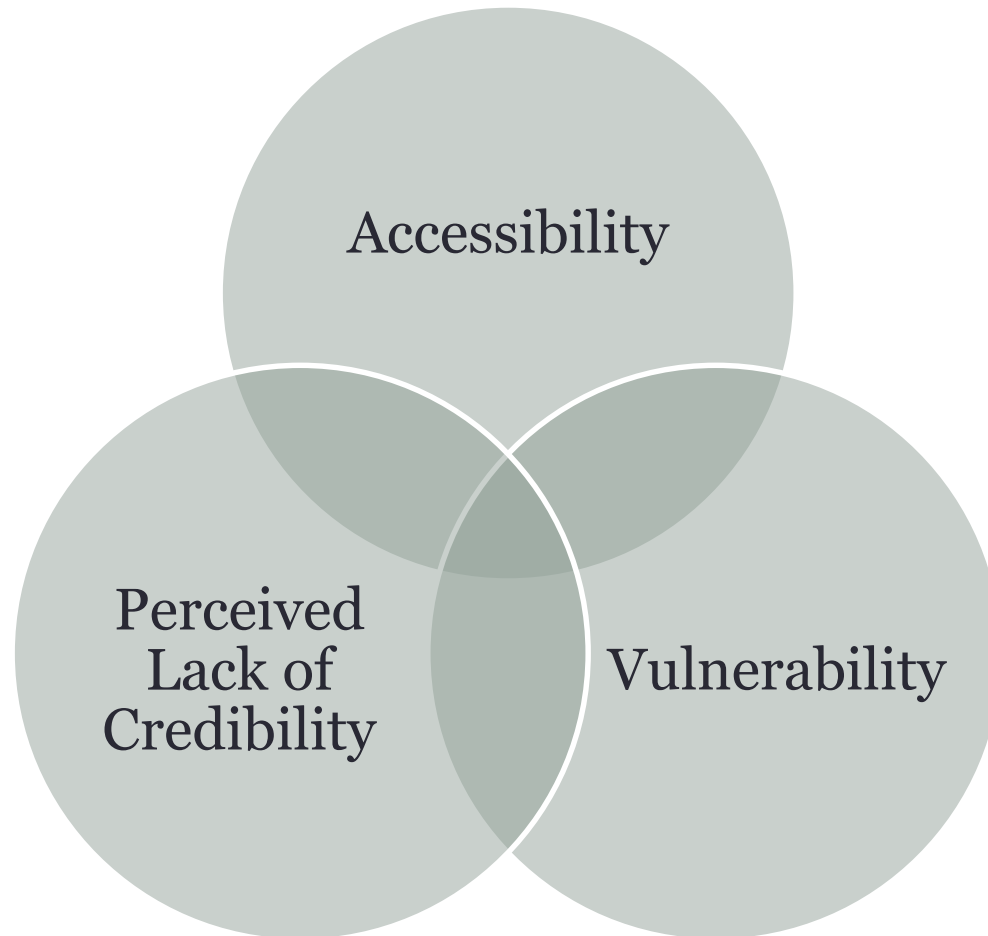
NIWAP

Adapted from original wheel by:
 Domestic Abuse
 Intervention Project
 202 East Superior Street
 Duluth, MN 55802



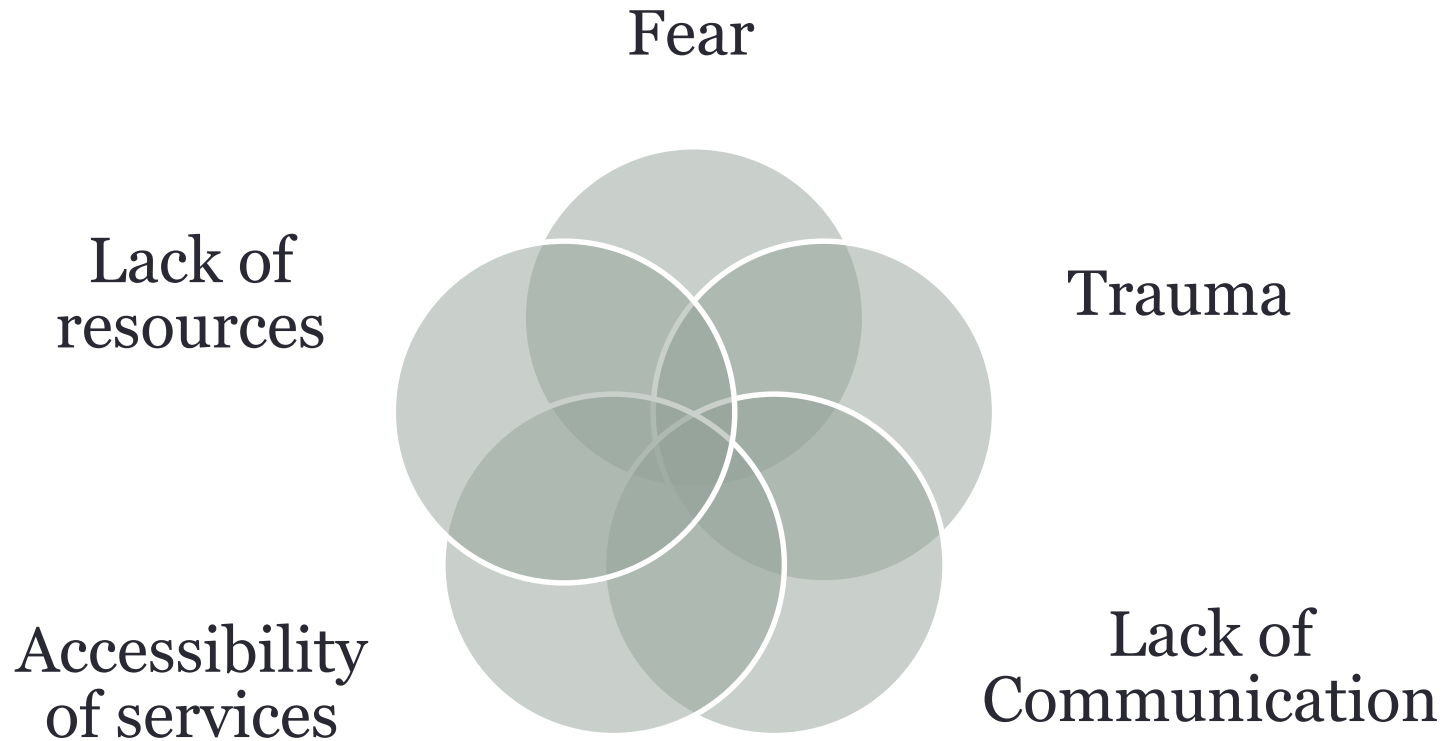
What are some specific tactics used by offenders seeking to assert power and control over immigrant victims?

The Perfect Plan of Sexual Offenders



What are some challenges to investigating and prosecuting domestic and sexual violence?

Inability to Participate



Minimizing Fears and Barriers

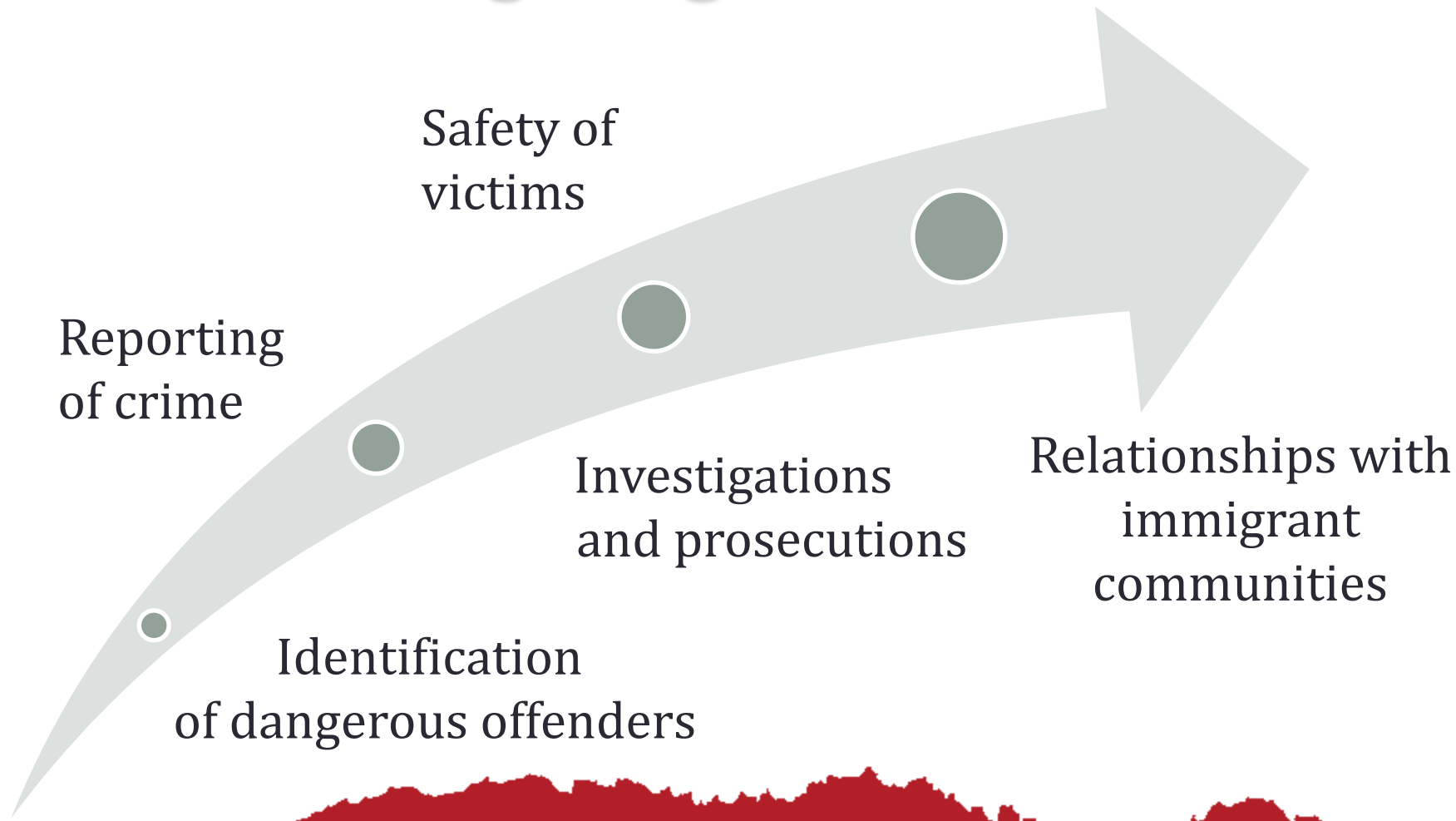


Immigration
relief



Language
Access

Immigration Relief as a Crime Fighting Tool



U Visa Requirements

Victim

- Qualifying criminal activity
- Possesses information about the crime
- Criminal activity occurred in U.S. or violated U.S. law

Helpfulness

- Victim has been, is being, or is likely to be helpful in:
 - Detection
 - Investigation
 - Prosecution
 - Conviction
 - Sentencing

Harm

- Substantial physical or mental abuse as a result

This is not a part of the certification.

Qualifying Criminal Activity

Abduction	Hostage	Sexual Assault
Abusive Sexual Contact	Incest	Sexual Exploitation
Blackmail	Involuntary Servitude	Slave Trade
Domestic Violence	Kidnapping	Stalking
Extortion	Manslaughter	Torture
False Imprisonment	Murder	Trafficking
Felonious Assault	Obstruction of Justice	Witness Tampering
Female Genital Mutilation	Fraud in Foreign Labor Contracting	Unlawful Criminal Restraint
Peonage	Perjury	Prostitution
Rape	<i>Includes attempt, conspiracy or solicitation</i>	

FAQs

What if the defendant is never identified, arrested, or prosecuted?

- This is not part of the analysis. Take a victim-centered approach to making your determination

What if the victim cannot be located or seems uncooperative later?

- Certification can be revoked, but first conduct a trauma-informed analysis of the victim's situation

When should I sign this?

- As soon as you can make the determinations required by the certification

IACP 2018 Resolution

- Recognizes U as a significant crime fighting tool
- Recommends using U Visas as best practice
- Supports training, education, communication and “increased police leadership involvement”
- Commits to increasing collaboration

U Visas are “effective tools for law enforcement agencies that enhance public safety, officer safety and protection of victims nationwide.”

PROS

Establish trust

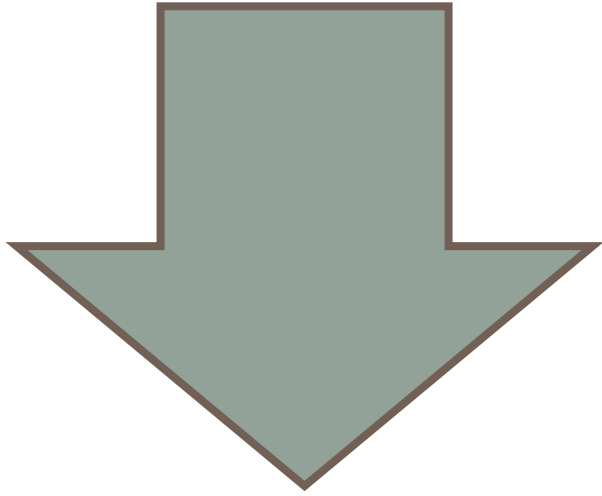
Build rapport

Protect from offender

Protect from deportation

CONS

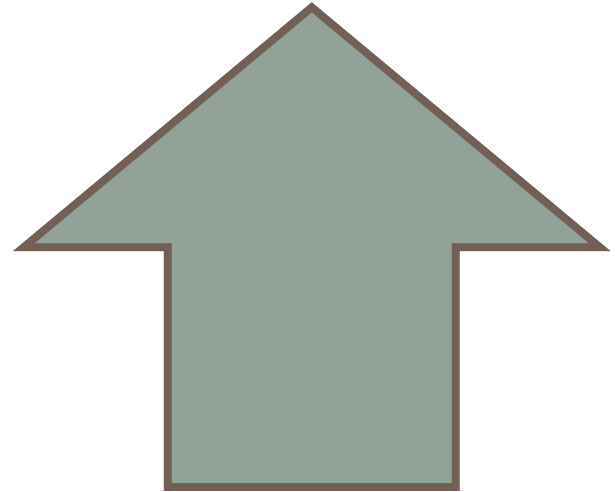
Accusation that victim is lying for immigration benefit



Challenges



Strengths



Analyze Case

Victim Selection

- Did the offender choose the victim because of a real or perceived vulnerability?

Criminal Act

- Did the offender use the victim's immigration status to commit a criminal act?

Escape Detection

- Was the victim prevented from reporting the crime to police because of their immigration status?

Educating the Judge and Jury

Pretrial
Motions

Jury
Selection

Witness
Testimony

Expert
Testimony

Closing
Argument

Moving Forward

Identify and document offender tactics used to assert power and control over immigrant victims


Enhance victim safety and stability by certifying U Visas early

Turn challenges into strengths during trials of domestic and sexual violence

Jane Anderson

SENIOR ATTORNEY ADVISOR

 janderson@aequitasresource.org

 (202) 596-4229

 1000 Vermont Street NW, Suite 1010
Washington, DC 20005

 AEquitasResource.org

Peer to Peer Technical Assistance and Materials

- Call (202) 274-4457
- E-mail info@niwap.org
- Web Library:
www.niwaplibrary.wcl.american.edu
- Materials for this Workshop:
 - <https://niwaplibrary.wcl.american.edu/...INSERT>