

# SHERIFF & DEPUTY

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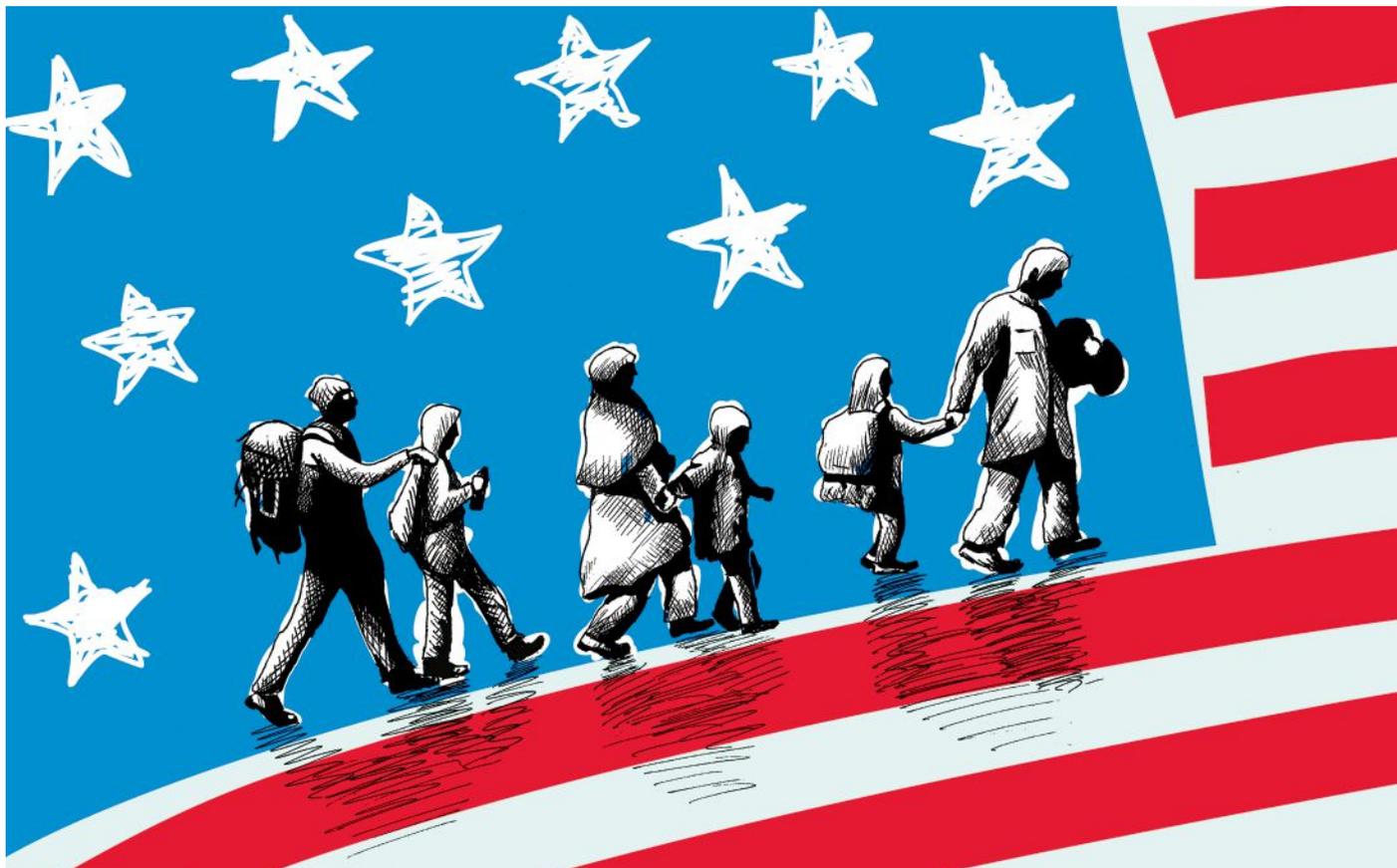
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# BREAKING DOWN BARRIERS

Sheriffs must work with immigrant communities to ensure that crimes against the undocumented don't go unreported

By Michael LaRiviere



She is undocumented and living in your community. She has been working for several years at a local hotel to support her 3-year-old daughter and herself. One night after leaving work, she was approached by three gang members and violently raped and beaten unconscious. After regaining consciousness, she made her way to a friend's house, where she told her friend she recognized one of her attackers as a member of the gang that had recently robbed a co-worker at gunpoint. When her friend offered to call the police to report what happened to her, she begged her friend not to call because the police would have her deported.

Although fictional for the purpose of this article, this pattern and others like

it play out across the country every day. Dangerous criminals not only prey on some of the most vulnerable people in our society, but also place the safety of the entire community and its law enforcement officers at risk.

Congress created a series of laws designed to offer immigration relief to immigrant victims of domestic violence, sexual assault, child abuse, human trafficking, and violent crime so they can safely cooperate with law enforcement without risking deportation. These laws include the U visa, designed for crime victims; the T visa, for victims of trafficking; and "self-petitioning" under the Violence Against Women Act (VAWA). All have been successful in encouraging immigrant crime victims to come forward and

seek help from law enforcement. Research from the National Immigrant Women's Advocacy Project (NIWAP) says that once the victim has filed for immigration relief, 50% of U visa victims and 36% of VAWA self-petitioners file police reports following crimes.

## Enforcement and empowerment

When scenarios discourage victims from coming forward, criminals can continue committing violent crimes without fear of arrest. We—as those tasked to serve and protect—must overcome the barriers between our agencies and the immigrant populations in our communities. How we do this varies depending on the agency and the community, as well as actual and perceived barriers.

Law enforcement must understand the common barriers that prevent undocumented crime victims from reporting crimes. These include:

- Language access
- Fear of deportation
- Control over victims' immigration status
- Fear of losing custody/access to children
- Lack of understanding of U.S. laws

Language access is at the top of the list, since many immigrants don't speak English as a first language. Federal language access laws created by Title VI, *U.S. v. Nicholson*, and Executive Order 13166 require any law enforcement agency receiving federal funding to provide "meaningful access" to Limited English Proficient (LEP) individuals using "qualified interpreters."

Complying with Title VI by providing meaningful access is not the monumental task it may seem to be. Telephonic interpreter services are available in a wide range of languages and dialects. Additionally, having a qualified interpreter provide face-to-face interpretation allows for fluid interactions both on-scene and for follow-up interviews.

The key is to ensure the individuals are qualified interpreters. Too often, agencies use bilingual officers, staff, or community members; having had no training in interpretation and the rules of interpretation, they don't meet the Title VI standard, and may paraphrase, summarize, or otherwise violate best practices. Using an amateur interpreter can drastically affect the outcome of cases, undermine prosecutions, and place the agency's federal funding at risk.

Becoming a qualified interpreter can be as simple as having fluency in a language other than English and taking a class on becoming an interpreter. These classes include the do's and don'ts of interpretation, as well as information on the responsibilities of a qualified interpreter. Visit the NIWAP library for information on qualifying ([niwaplibrary.wcl.american.edu/topic/language-access/interpretation-translation](http://niwaplibrary.wcl.american.edu/topic/language-access/interpretation-translation)).

Next, fear of deportation is a foundational barrier we can help survivors overcome by developing relationships with immigrant communities. Strengthening immigrant-community partnerships, identifying leaders within the immigrant community,

improving community relations, and improving access to services are steps that can be taken to overcome this fear.

Agencies should designate individuals to oversee efforts to strengthen partnerships with immigrant communities, as well as ensure all staff are properly trained on the appropriate responses and resources available to undocumented victims of crime. Getting the "faces" of a law enforcement agency into the community allows immigrants to see that they can trust law enforcement and seek assistance without fear of being detained. Perform outreach by taking part in community forums, speaking engagements, or posting informational notices throughout the community and on city, county, and agency websites.

### Offering relief

Agencies should also familiarize themselves with the different forms of immigration relief available and, when appropriate, educate the community about the paths to relief available. There are many available, but one particular form of relief can have a big impact on community safety and allow law enforcement to keep an eye on some of the most violent offenders.

In 2000, Congress enacted the U visa program to improve community policing and relationships, increase prosecution of perpetrators of crimes against immigrant victims, allow victims to report crimes without fear of deportation, enhance victim safety, and ultimately keep communities safe.

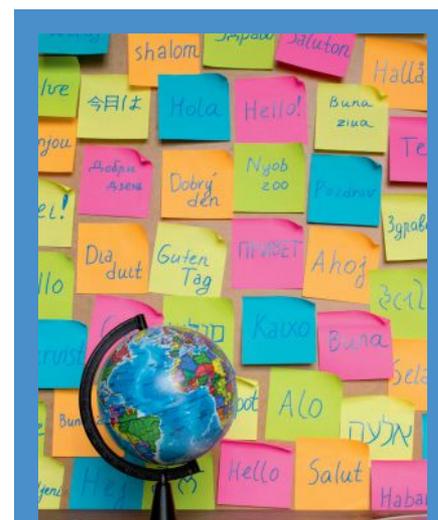
Victims of qualified criminal activities who possess information about a crime that occurred in the U.S. or violated U.S. law and have been, are being, or are likely to be helpful in the detection, investigation, prosecution, conviction, or sentencing of said crime can file a request for the U visa with the U.S. Customs & Immigration Service (USCIS). This request requires U visa certification, which can be signed by any certifying official, including law enforcement officials designated by the leader of the law enforcement agency.

Law enforcement agencies should educate themselves and their communities about the U visa certification process and how it benefits law enforcement, survivors, and the broader community. NIWAP has partnered with national law enforcement

agencies and numerous local agencies and officials to provide resources for law enforcement, including a Law Enforcement U Visa Toolkit and free training.

There are benefits to enhancing your relationship and response to immigrant victims of crime. By collaborating with the immigrant community and encouraging victims to report crimes, we can improve our ability to detect, investigate, and prosecute the crimes committed. We can identify some of the most dangerous and violent offenders within our communities and dramatically increase the overall safety of the community and the law enforcement officers tasked with serving and protecting it. ★

*Michael LaRiviere has been a member of the Salem (Massachusetts) Police Department since 1989, and now serves as the agency's domestic violence liaison officer and victim services officer assigned to the Criminal Investigation Division, where he investigates domestic violence, sexual assault, elder abuse, and other violent crimes.*



## SPEAKING THEIR LANGUAGE

NIWAP offers training for law enforcement agencies and legal professionals on best practices for working with Limited English Proficient immigrants. Learn more about its trainings and its technical assistance program at [niwaplibrary.wcl.american.edu/law-enforcement-training-materials](http://niwaplibrary.wcl.american.edu/law-enforcement-training-materials).