Promising Partnership Practices Between Law Enforcement and Immigrant Victims of Crime

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Group Exercise

How do you define access to justice?

What does access to justice mean for immigrant victims of crime?
Presentation Outline

• Crimes that disproportionately impact immigrant communities

• Factors and systemic barriers that hinder immigrants’ ability to seek justice or to protect themselves against perpetrators

• Federal immigration remedies to help immigrants overcome some of those barriers

• Persons and entities who encounter immigrant victims of crime, and can play a role in helping them access justice
Prevalence of Domestic Violence and Sexual Assault in Immigrant Communities

• Domestic Violence
  – General U.S. Population: 22.1% (NIJ)
  – Immigrant women: 30-50% (NIJ)
    • Stay with abuser longer and have fewer resources
    • Sustain more severe physical and emotional consequences of abuse

• Sexual Assault
  – High rates among immigrant women particularly during their first two years after arrival in the U.S.
  – High rates among immigrant high school girls
    • Twice as likely as non-immigrant peers to experience recurring incidents of sexual assault
Prevalence of Violent Crimes

• Immigrants are often more susceptible to violent crimes because:
  – perpetrators assume victims will not report the crime
  – Some immigrants receive their wages in cash, and are known to carry lots of money on their person
Factors that hinder immigrants’ ability to access justice
Immigration Status: Fear of Deportation

• Affects documented and undocumented immigrant victims
• When this fear is unaddressed, it hinders immigrants’ ability to access vital services such as:
  – Victim services
  – Shelter
  – Health Care
  – Justice system
  – Police and Emergency Services
• Fear is heightened by lack of information, or misinformation about US legal and social services system
Effect of Immigration Status on Victim Willingness to Call the Police

• Significant difference between victims willingness to call the police related to their immigration status:
  – Stable (citizen/permanent resident) 34.4%
  – Temporary (temporary visa) 16.7%
  – Undocumented 14.8%
Immigration Status: Dynamics of Perpetrator Coercion

- Perpetrators keep, hide, destroy victim’s identification documents
- Perpetrators threaten to have victim deported
- Among abusive spouses who could have filed legal immigration papers for victims:
  - 72.3% never file immigration papers.
  - The 27.7% who did file had a mean delay of 3.97 years.
- 65% of immigrant victims report some form of immigration related abuse (NIJ)
Systemic Challenges

Primary systemic barriers that prevent victims from coming forward, proceeding and/or following through with a criminal prosecution

- Language Access
- Justice System
- Economic
- Immigration Enforcement
Language Access Challenges

- Victim is limited English Proficient (LEP) and agency is unable to communicate
- Written materials are not translated into a language the victim understands
- Lack of agency training or protocol to follow to service LEP individuals
Justice System Challenges

- Complicated system that is still working to provide adequate language access
- Anti-immigrant bias among some staff in and outside of government
- Lack of training for personnel regarding cultural sensitivity or how to serve immigrant victims
- Limited understanding of the legal rights of non-citizen victims of crime
Economic Challenges

• Many immigrants work long hours to support themselves and their families and cannot miss work for appointments.

• Immigrants who do not have legal authorization to work in the U.S. often get paid per diem or per week and do not have the benefit of personal days or vacation days.

• Cannot afford to pay for legal representation or health services.

• Cannot afford transportation to court appearances or other appointments.
Immigration Enforcement

- Trends in state immigration laws
- Secure Communities
- 287(g) agreements
Federal Policies and Laws to Overcome Barriers

• Language Access Executive Order
• Potential Immigration Benefits
  – VAWA self petition
  – Battered spouse waivers (spouses of USCs with conditional permanent residency)
  – Asylum (persecution based on protected classes)
  – T visa (victims of trafficking)
  – U visa (victims of enumerated criminal activities)
  – Deferred action for child arrivals
VAVA Self-Petitioning
General Requirements

• Subjected to Battery or Extreme Cruelty
• By a U.S. Citizen or Permanent Resident
  – spouse,
  – parent,
  – adult son/daughter (over 21)
• With Whom self-petitioner resided
  – No time period required
• Good Moral Character
• Good Faith Marriage
• Approval = work authorization, path to permanent residency
Battered Spouse Waivers

• Battered Spouse Waiver
• Waives the joint filing requirement and two year wait for full lawful permanent residency
• Requires proof of
  – Good faith marriage to U.S. citizen AND
  – Battered or subjected to extreme cruelty by the citizen spouse
Requirements for a T visa

- Must be victim of a severe form of trafficking in persons
- Victim must be physically present in U.S., American Samoa, or Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of the trafficking
- Has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking; OR
- Has not attained the age of 18; AND
- Would suffer extreme hardship involving unusual and severe harm upon removal
Crime Victim ("U") Visa Requirements

• Victim of a qualifying criminal activity
• Has been, is being, or is likely to be helpful
• Suffered substantial physical or mental abuse as a result of the victimization
• Possesses information about the crime
• Crime occurred in the U.S. or violated U.S. law
Criminal Activities Covered by the U Visa

- Rape
- Torture
- Trafficking
- Incest
- Domestic violence
- Sexual assault
- Prostitution
- FGM
- Blackmail
- Extortion
- Manslaughter
- Murder
- Felonious assault

- Witness tampering
- Involuntary servitude
- Slave trade
- Being held hostage
- Kidnapping
- Abduction
- Peonage
- False Imprisonment
- Obstruction of justice
- Perjury
- Attempt, conspiracy or solicitation to commit any of these crimes
- Any similar activity
Temporary protections for immigrants who entered US as children

• Came to the United States under the age of sixteen;
• Has resided in the United States for at least five years preceding the date of this memorandum and is present in the United States on the date of this memorandum;
• Is currently in school, has graduated from high school or GED, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
• Has not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety; and
• Is not above the age of thirty
Where are immigrant victims of crime going for help or services? What are the service gaps in your jurisdiction?
Percent Receiving Services vs. Percent Disclosing Abuse

- Lawyers/Legal Services (50.1% vs. 8.7%)
- Doctor/Nurse/Health Care (59% vs. 4.6%)
- Social Services/Social Worker (58.2% vs. 6%)
- Police (11.9% vs. 8.4%)
- Job Training/ESL (36.7% vs. 1.5% employer)
- Religious organization/worker (5.4% vs. 8.4%)
How Service Providers Can Play A Role In Helping Immigrant Victims Access Justice

- Encourage victims to call the police for help
- Guide victims through the justice and social services systems
- Be aware of cultural and language needs
- Be aware of immigration benefits to immigrant victims of crime
- Pursue partnerships with entities working with immigrant victims of crime
Building Relationships That Work: San Francisco Police Department’s Use of the U Visa

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Challenges to Working Together

What problems have you had when collaborating other agencies?
Common Challenges to Collaboration

- No contact person
- Miscommunication
- Lack of communication
- Clashing Interests
- Personality clashes
- Needs are ignored
Positive Partnerships

What are some of the good experiences you’ve had collaborating with agencies?
Laying the Foundation for Partnerships: The Department’s Mission and Vision Statements

“We Maintain Open Communication with all the Communities We Serve. Their Input Helps to Determine Police Policies, Priorities and Strategies.”
-Excerpt from San Francisco Police Department’s Mission Statement

“The people of our communities and members of the police Department must be united in their commitment to addressing crime, violence, and quality-of-life issues by engaging one another and all city agencies in problem-solving partnerships.”
-Excerpt from San Francisco Police Department’s Vision Statement
Developing the U Visa Practice

• Law Enforcement Training
• Meeting the non-profits, attorneys, victims that were a part of the U visa process
• Developing a police procedure to handle certification
• Lots of Trial and Error
• Provide feedback (what happened in the case?)
Benefits of U-visa Certification

**Victim Benefits**

- Can report crimes without fear of deportation
- Enhanced victim safety
- Enhanced community safety
- Increased confidence in law enforcement
- Work permit

**Law Enforcement Benefits**

- Increased capacity to detect, investigate and prosecute criminal activity
- Identify victim witnesses and offenders
- Crime reduction (community and officer safety)
- Demonstrates commitment to protecting immigrant community members
Lessons Learned: How to Reach Out to a Partner

• Capitalize on common connections
  • Victims in common
  • Involvement in community task forces, meetings or trainings
  • Participation in multidisciplinary conferences
  • Third-party introductions
• Take advantage of existing opportunities to interact
  • e.g., Ride-Along Program, Citizen Police Academy, Death Review Board
• Be proactive, sometimes it takes a number of tries
• Make a strategic decision on who to contact
  • Bottom up approach or top down approach
Frame the Conversation:
Focus on Common Goals

Once you’ve decided on who to speak to, make sure your conversation focuses, or at the very least includes, the goals that your agency and your prospective partner have in common.

These goals include:

- Holding perpetrators accountable
- Increasing public safety
- Providing redress to victims
- Building trust in the community
Certification Practices Enhance Community Oriented Policing

Community Policing
- Bridges the gap and build trust between the police and immigrant communities
- Encourages partnerships with the community to solve crimes and keep communities safe
- Demonstrate law enforcement’s commitment to victim safety for all

Success Stories
- Eva Lopez Story
- Collaboration with Catholic Charities
How Advocates Can Facilitate U-visa Certification

Law enforcement officials work various shifts during the day and are often very busy. Advocates can streamline the certification process by doing the following:

• Send copies of case documents (warrants, subpoenas, sentencing documents) with the request

• Include case numbers, dates, and other critical details to facilitate the process

• Send a filled out I-918B form, but also send a blank one to avoid presumption

• Communicate: Be open to working with the certifying agency to create a mutually beneficial process
Patience and Flexibility are Key

• Policies and personnel change so keep lines of communication open
• If a police emergency arises, a U-visa certification may be less of a priority
• Different jurisdictions, departments, or agencies may have different policies
Explore Opportunities to Work Together

• Train Together
  • Joint presentations add legitimacy and can increase outreach success

• Publications or other Media
  • Show your community the benefits by co-authoring articles, editorials or participating in joint media efforts

• Work on Policy or Advocacy

• Events
  • Law enforcement can hear clients’ stories and see progress
  • Advocates can understand day-to-day challenges of law enforcement officials (night shifts, skeleton crews, impact of emergencies)
Promising Practices for Serving Immigrant Communities: Findings from the Field

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Engaging Police in Immigrant Communities (EPIC) Project

> Funded by the U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office)

> Goals:
  > Conduct national research on police-immigrant relations
  > Identify promising programs and practices for engaging immigrants in community policing efforts
  > Create practical resources (report and podcasts) for agencies that are looking to begin or build similar programs or practices

www.vera.org/epic
Primary Barriers to Police-Immigrant Relations

> Language
> Immigrant’s fear of law enforcement
> Lack of awareness and understanding of cultural differences
EPIC Project: Research Phases

> Phase I: Recipe for Promising Practices

> Phase II: National Assessment (N=175)

> Phase III: Telephone Interviews (N=25)

> Phase IV: Site Visits (N=10)
Eight “Ingredients” for Promising Practices

1. Get to the root causes
2. Maximize resources
3. Leverage partnerships
4. Focus on vulnerable populations
5. Develop a broad outreach strategy
6. Train both law enforcement and the community
7. Monitor successes and failures
8. Sustain programs that work
Building Successful Police-Immigrant Relations Involves Many Entities

- Friends
- Family Members
- Community Based Organizations
- Neighbors
- Other Federal, State, and Local Law Enforcement
- Media
- Other Individuals
- Health Providers
- Other Advocates
- Legal Services Providers
- Social Services Providers
- Local Police
- Faith Based Organizations
Leverage Partnerships

- Adopt a holistic approach to service (Clearwater Police Department, FL)

- Learn from each other. Get involved in projects led by other organizations (Everett Police Department, MA)
Focus on Vulnerable Populations

- Tailored crime prevention academies *(Orange County Sheriff’s Office, FL)*
- Outreach to undocumented victims of crime *(Storm Lake Police Department, IA)*
Develop a Broad Outreach Strategy

• Have a point person (Chelsea Police Department, MA)

• Connect to the countries of origin (Palm Beach County Sheriff’s Office, FL)

• Meet on their turf (Tulsa Police Department, OK)
Monitor Successes and Failures

• Get community feedback (*Brooklyn Park and Brooklyn Center Police Departments, MN*)

• Partner with a researcher (*Palm Beach County Sheriff’s Office, FL*)
Discussion
Agencies with Promising Practices Profiled in our Report

- Brooklyn Center Police Department (MN)
- Brooklyn Park Police Department (MN)
- Chelsea Police Department (MA)
- Clearwater Police Department (FL)
- Everett Police Department (MA)
- Metro-Nashville Police Department (TN)
- Orange County Sheriff’s Office (FL)
- Palm Beach County Sheriff’s Office (FL)
- Storm Lake Police Department (IA)
- Tulsa Police Department (OK)

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