



PROVIDENCE POLICE DEPARTMENT
HEADQUARTERS
COMMANDER HUGH T. CLEMENTS, JR.
ACTING CHIEF OF POLICE

TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	510.01	12/12/2011	12/12/2011
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
U-Visa Certification Requests		N/A	
REFERENCE		RE-EVALUATION DATE	
CALEA 55.2.2		12/12/2014	
SUBJECT AREA		DISTRIBUTION	
Community Relations & Services		All Personnel	

PURPOSE

The purpose of this policy is to establish guidelines and procedures pertaining to the processing of all U-Visa Certification requests received by the Providence Police Department.

POLICY

It is the policy of the Providence Police Department to constantly seek new ways of reducing crime and the fear of crime in our city so as to create a safer community. As declared in our Mission Statement, we remain dedicated to both protecting human rights and apprehending criminals in a manner that is consistent with the law. To fulfill these ends, we strive to incorporate the latest tools available into our ever-growing arsenal of crime-fighting techniques.

DISCUSSION

Lawmakers have recognized that a victim's cooperation, assistance, and safety are essential to the effective detection, investigation, and prosecution of crimes. It is virtually impossible for officials who work in law enforcement, justice systems, or with other government enforcement agencies to punish and hold accountable perpetrators of crimes against non-citizens if criminals can avoid prosecution because their victims are far less likely to come forward to report crimes or to fully cooperate and assist in criminal investigations due to the fear of being deported. Thus, Congress has provided a specific avenue through which immigrant victims of "qualifying criminal activity" and/or their qualifying family members, who cooperate with law enforcement, can obtain

temporary lawful immigration status and protection against deportation – The U-Visa Certification Program.

The list of “qualifying criminal activity”, as defined in Section 8 of United States Code 1184 (p), includes the commission, attempt to commit, conspiracy to commit, or solicitation to commit any of the following crimes or any similar activity:

Abduction	Incest	Rape
Abusive Sexual Contact	Involuntary Servitude	Sexual Assault
Blackmail	Kidnapping	Sexual Exploitation
Domestic Violence	Manslaughter	Slave Trade
Extortion	Murder	Torture
False Imprisonment	Obstruction of Justice	Trafficking
Felonious Assault	Peonage	Perjury
Unlawful Criminal Restraint	Female Genital Mutilation	Witness Tampering
Being Held Hostage	Prostitution	

Furthermore, the law requires that a person who is eligible for U-Visa certification must:

1. have suffered substantial physical or mental abuse as the result of having been a victim of a qualifying criminal activity;
2. possess information concerning such criminal activity;
3. have been helpful, be helpful, or be likely to be helpful in the investigation or prosecution of such criminal activity; and
4. have been the victim of a qualifying criminal activity that occurred in the United States or violated the laws of the United States.

PROCEDURE

- I. A supervisory officer within the Department’s Administrative Division will be designated as the reviewing officer for all U-Visa certification requests.
- II. When processing a Form I-918, Supplement B (a request for U-Visa certification), the reviewing officer will assess the following criteria:
 - A. The non-citizen victim or qualifying family member was or is:
 1. A victim of a qualifying criminal activity that took place in the United States or its territories or occurred outside the United States but violates U.S. extraterritorial law;
 2. The spouse or under-21-year-old child of a victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated; or
 3. The parents or unmarried under-18-year-old siblings of an under-21-year-old victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated.
 - B. The non-citizen victim has been, is being, or is likely to be helpful to the investigation. This will be ascertained and verified when:
 1. A determination is made that there is a law enforcement and/or prosecutorial need to have the presence of the victim;

2. The victim possesses information about a qualifying criminal activity; and
 3. The victim demonstrates cooperation during the detection and investigation of that criminal activity, even if the investigation is not completed.
- C. After consulting with the United States District Attorney's Office for the District of Rhode Island, the following additional criteria will be assessed during the processing of a U-Visa certification request:
1. The victim having suffered substantial physical or mental abuse as the result of a qualifying criminal activity;
 2. The timeliness of the request for U-Visa certification relative to the commission of the qualifying criminal offense;
 3. The actual or likelihood of apprehension and prosecution of the perpetrator;
 4. The criminal history of the applicant making the certification request.
- D. The Providence Police Department may elect to include additional criteria, including consultation with other governmental agencies, as part of the assessment of any U-Visa certification request.
1. A consultation with the RI Office of the Attorney General shall become a part of the assessment criteria for any U-Visa certification requests pertaining to criminal cases that have been submitted for prosecution.

- III. Subsequent to the assessment of all criteria, the U-Visa certification request will be forwarded to the Chief of Police with a recommendation for or against certification.
- A. It should be noted that a law enforcement agency is not required to certify any U-Visa certification requests.

NOTE: This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

APPROVED:

STEVEN M. PARÉ
 COMMISSIONER
 DEPARTMENT OF PUBLIC SAFETY

APPROVED:

HUGH T. CLEMENTS, JR.
 COMMANDER
 ACTING CHIEF OF POLICE