

INTRADEPARTMENTAL CORRESPONDENCE

August 20, 2024
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BPC# 24-169

TO: The Honorable Board of Police Commissioners

FROM: Inspector General, Police Commission

SUBJECT: REVIEW OF THE LOS ANGELES POLICE DEPARTMENT'S "U" AND "T" NONIMMIGRANT STATUS VISA PROGRAM

RECOMMENDED ACTION

REVIEW and APPROVE the Office of the Inspector General's (OIG's) Review of the Los Angeles Police Department's U and T Nonimmigrant Status Visa Program.

DISCUSSION

In July 2023, the Office of the Inspector General (OIG) initiated a review of the Los Angeles Police Department's (LAPD's or Department's) policy, criteria, and procedures for providing the Law Enforcement Agency (LEA) endorsement for immigrant victims of human trafficking (T-Visa) and the LEA certification for victims of serious crimes against persons (U-Visa). During the OIG's review period of October 3, 2020, to October 3, 2023, the Department processed a total of 5,770 U-Visa LEA certification requests, with 4,680 (81 percent) certified and 1,090 (19 percent) denied. No T-Visa LEA endorsement requests were received by the Department in this time period.

The highlights of the OIG's review and results are as follows:

- For all 50 (100 percent) in the sample of certified U-Visa certification requests reviewed, the evidence on file supported that the requests were properly certified in accordance with the federal, state, and Department requirements.
- For 149 (93 percent) in the sample of the 161 denied U-Visa certification requests reviewed, the evidence on file supported that the requests were properly denied in accordance with federal, state, and Department requirements. However, for 12 (7 percent) of the 161 denials (all processed from October 2020 through May 2022), no reason or evidence for the denial was provided in the database.
- For all 20 (100%) in the sample of certification-request denial appeals reviewed, the final decision to uphold the appeal (18) or reverse the appeal (2) was supported and reasonable.
- During the three-year review period, the vast majority of U-Visa certification requests were processed, and the victims were notified, within the designated timeframes set by the state and the Department. On average, these requests were processed, and the victims were informed of the outcome, in 4.3 days.

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The OIG made three recommendations regarding: (1) Developing/distributing a U/T-Visa training bulletin, (2) Assessing training provided to Division U-Visa Coordinators, and (3) Requiring police station lobbies to carry brochures/flyers, in multiple languages, detailing the steps and requirements for U/T-Visa certification or endorsement requests.

The attached report provides more information about the current review objectives and findings.

I am available to provide any further information the Commission may require.



FLORENCE YU
Acting Inspector General
Police Commission

Attachment

LOS ANGELES POLICE COMMISSION

**REVIEW OF THE LOS ANGELES POLICE
DEPARTMENT'S "U" AND "T" NONIMMIGRANT
STATUS VISA PROGRAM**



Conducted by the
OFFICE OF THE INSPECTOR GENERAL

FLORENCE YU
Acting Inspector General

AUGUST 20, 2024

**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF THE LOS ANGELES POLICE DEPARTMENT'S
U AND T NONIMMIGRANT STATUS VISA PROGRAM**

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I. EXECUTIVE SUMMARY

In July 2023, the Office of the Inspector General (OIG) initiated a review of the Los Angeles Police Department's (LAPD's or Department's) policy, criteria, and procedures for providing the Law Enforcement Agency (LEA) endorsement for immigrant victims of human trafficking (T-Visa) and the LEA certification for victims of serious crimes against persons (U-Visa). During the OIG's review period of October 3, 2020, to October 3, 2023, the Department processed a total of 5,770 U-Visa LEA certification requests, with 4,680 (81 percent) certified and 1,090 (19 percent) denied. No T-Visa LEA endorsement requests were received in this time period.

The highlights of the OIG's review results are as follows:

- For all 50 (100 percent) in the sample of certified U-Visa certification requests reviewed, the evidence on file supported that the requests were properly certified in accordance with the federal, state, and Department requirements.
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- For all 20 (100%) in the sample of certification-request denial appeals reviewed, the final decision to uphold the appeal (18) or reverse the appeal (2) was supported and reasonable.
- During the three-year review period, the vast majority of U-Visa certification requests were processed, and the victims were notified, within the designated timeframes set by the state and the Department. On average, these requests were processed, and the victims were informed of the outcome, within a 4.3-day timeframe.

The OIG made three recommendations regarding: (1) Developing/distributing a U/T-Visa training bulletin, (2) Assessing training provided to Division U-Visa Coordinators, and (3) Requiring police station lobbies to carry brochures/flyers, in multiple languages, detailing the steps and requirements for U/T-Visa certification or endorsement requests.

II. BACKGROUND

In July 2023, the OIG initiated a review of the LAPD's policy, criteria, and procedures for providing the LEA endorsement for T-Visas and LEA certification for U-Visas.

By way of additional background, the United States Congress recognized that persons without lawful immigration status may be particularly vulnerable to victimization, and they may be reluctant to help with the investigation or prosecution of criminal activity due to their fear of removal or deportation. Therefore, Congress passed the Victims of Trafficking and Violence Protection Act (which includes the Battered Immigrant Women's Protection Act) in October

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2000.¹ The legislation created specific visa protections for immigrant victims of crime to strengthen law enforcement's ability to detect, investigate, and prosecute crimes like domestic violence, sexual assault, human trafficking, and more. Simultaneously, these protections and immigration benefits offered key support and peace of mind for victims who had suffered (or who were still suffering) significant harm from such crimes.

The T Nonimmigrant status visa ("T-Visa") provides immigration protection to victims of severe forms of human trafficking who comply with reasonable requests for assistance from law enforcement in the investigation or prosecution of human trafficking cases. The T-Visa allows victims to remain in the United States to assist in these investigations or prosecutions. The federal government (e.g., United States Citizenship and Immigration Services) considers an LEA endorsement to be evidence of a trafficking victim's cooperation, and such documentation can be included in support of a victim's T-Visa application. A trafficking victim's family members may also be eligible to apply for a T-Visa.

The U Nonimmigrant status visa ("U-Visa") is an immigration benefit that can be sought by victims of certain crimes who have been helpful, are being helpful, or are likely to be helpful to law enforcement in the investigation or prosecution of the specified criminal activity.² The U-Visa is a temporary visa – lasting up to 4 years – and only 10,000 are granted nationwide by Congress during each fiscal year. An arrest, prosecution, or conviction of the suspect of a specified crime is not required for law enforcement to sign the certification.

The federal government's U/T-Visa program falls under the jurisdiction of the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS). The LAPD predominantly processes U-Visa LEA certification requests; requests for T-Visa LEA endorsement are somewhat rare.³

¹ Pub. L. No. 106-386 (October 28, 2000).

² Typically, the LAPD and the California Penal Code use terms such as "helpfulness" or "cooperation" to characterize a victim's expected role in an investigation. Per California Penal Code 679.10, a victim is presumed helpful unless they have explicitly refused to provide information that law enforcement or the prosecutor's office reasonably requests. This presumption of helpfulness remains in effect throughout the investigation and prosecution. In this report, the OIG uses the term "unresponsive" to describe instances where a victim, seeking law enforcement endorsement or certification from the LAPD, does not provide information during an investigation. This encompasses situations where a victim either does not respond to inquiries or explicitly refuses to provide requested information.

³ Note that some victims of human trafficking may be reluctant to apply for T-Visas because of the low number approved and the long processing time by USCIS, during which time the undocumented immigrant-applicants are not eligible to work in the United States legally and may incur multiple legal fees. Obtaining a T-Visa also requires proof of trafficking, which can be difficult to document, as human trafficking often involves covert operations and complex schemes to exploit victims without clear evidence. Additionally, victims of human trafficking often experience extreme control and manipulation from traffickers, which can result in significant fear of authority figures, including law enforcement. This fear can prevent trafficking victims from seeking a T-Visa, as it requires cooperation with law enforcement for certification. Per USCIS's most recent annual report to Congress dated April 16, 2024, in fiscal year ending September 30, 2023, only 2,181 T-Visas were approved nationwide, with a mean processing time of 15.8 months and a median processing time of 12.3 months. Lastly, the Department collaborates

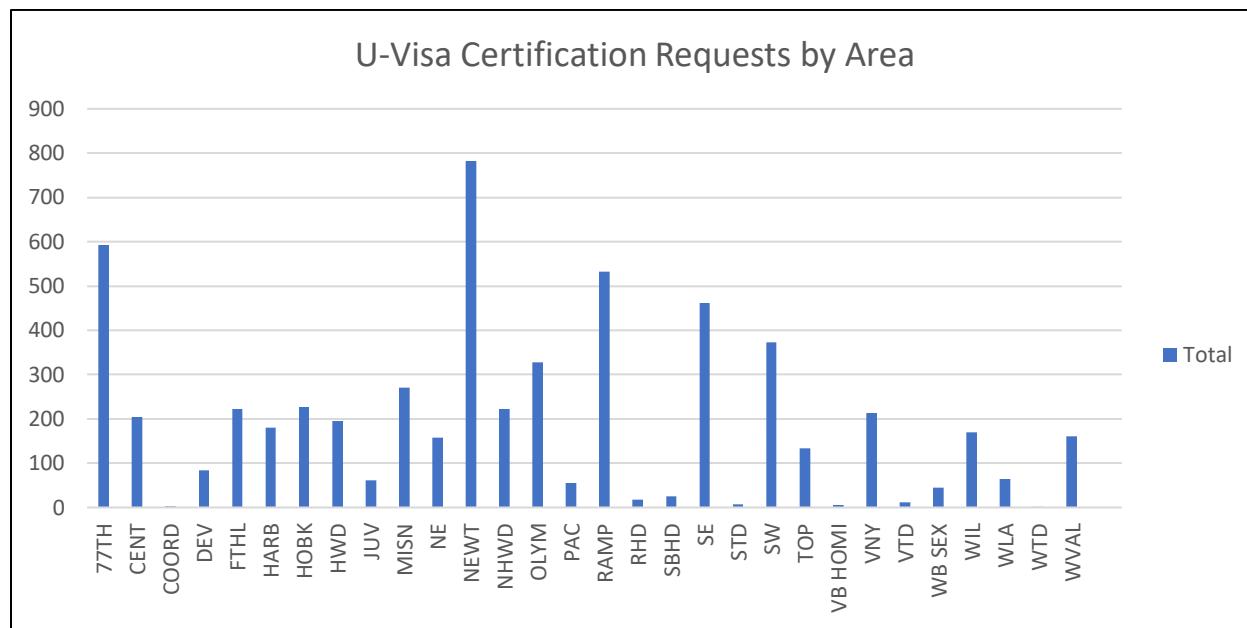
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The OIG conducted a brief, limited-scope review of the Department's U/T-Visa program to better understand its operations, assess compliance and effectiveness, and identify potential areas for improvement. This review was not in response to any reported or suspected program deficiencies or non-compliance issues. It covered LEA T-Visa endorsement and LEA U-Visa certification requests that the Department received and processed from October 3, 2020, to October 3, 2023. During this period, the Department received no (zero) T-Visa LEA endorsement requests and a total of 5,804 U-Visa LEA certification requests.

The U-Visa LEA certification requests were distributed among the Department's 21 geographic Areas as follows:



III. LAPD U/T-VISA POLICIES AND PROCEDURES

A. T Nonimmigrant Status (T-Visa)

According to Department policy,⁴ the determination of whether a victim (or their family) meets the qualifications for an LEA T-Visa endorsement will be based on the Area/Division investigating officer's (I/O's) knowledge of the case and any available evidence. Additionally, it is the I/O who determines whether the applicant is in the United States as a result of being a victim of trafficking, and whether they have cooperated with the investigation into that crime.⁵

with federal law enforcement agencies on human trafficking task forces. As a result, trafficking victims may seek LEA T-Visa endorsements directly from these federal agencies rather than from the LAPD.

⁴ Department Manual § 4/264.72 (updated to include Special Order No. 12-2022, effective 9/29/22).

⁵ The LEA T-Visa endorsement must be completed on the Department of Homeland Security (DHS), USCIS, Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons.

The investigating Area/Division is responsible for responding to and completing the endorsement request. California Penal Code (CPC) § 679.11(i)(1) mandates endorsement requests for a T-Visa (Form I-914 Supplement B) to be completed within 30 days of receiving the request, or within 7 days if the victim is in immigration removal proceedings. Federal guidelines state that a law enforcement endorsement is not actually required for federal processing, but it is considered helpful.⁶

1. T-Visa LEA Endorsement Request Denials and Appeals

LEA Endorsement Denials

The Department may deny an LEA endorsement request when the I/O determines that a victim does not qualify for an endorsement. In those instances, the I/O is required per policy⁷ to:

- Document the finding and reason for denial in the Department's U/T-Visa database;
- Complete a denial letter on Department letterhead signed by the Area detective or specialized Division commanding officer;
- Provide the denial letter to the victim or their legal representative within 15 business days; and,
- Update the Detective Case Tracking System (DCTS) with the denial information.

LEA Endorsement Appeals

Victims are permitted to appeal the Department's denial of their endorsement request. Victims may submit additional evidence to the Department, which the I/O and their supervisor must then consider. The I/O must respond to the endorsement appeal within one week of receiving any such additional evidence. While the initial appeal is considered by the investigating Division, the Department U-Visa Coordinator is the final level of review for the appeal and makes the final decision regarding the issuance or denial of T-Visa LEA endorsements.

B. U Nonimmigrant Status (U-Visa)

For the LAPD to sign a U-Visa LEA certification:

- There must be a victim of qualifying criminal activity;⁸

⁶ U-Visa Law Enforcement Resource Guide 2022, DHS, USCIS, 05/03/2022; T-Visa Law Enforcement Resource Guide 2022, DHS, USCIS, 05/03/2022.

⁷ Department Manual § 4/264.72 (updated to include Special Order No. 12-2022, effective 9/29/22).

⁸ According to the DHS, USCIS, Form I-918 Supplement B, U Nonimmigrant Status Certification, Part 3. Criminal Actions, qualifying criminal activity includes: abduction, abusive sexual contact, attempt to commit any of the named crimes, being held hostage, blackmail, conspiracy to commit any of the named crimes, domestic violence, extortion, false imprisonment, felonious assault, female genital mutilation, fraud in foreign labor, contracting, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trade, solicitation to commit any of the named crimes, stalking, torture, trafficking, unlawful criminal restraint, and witness tampering.

- The victim must possess information relevant to the crime;
- The victim must have been helpful, must be helpful, or must be likely to be helpful in the investigation or prosecution of the crime; and,
- The crime must have violated U.S. law, must have occurred within the City of Los Angeles, and must have been investigated by the Department.

Some immediate or derivative family members may qualify for U-Visa status as an indirect victim(s) of crime if certain conditions are met. For example, if an immigrant is killed, the decedent's immediate family members may be eligible for U-Visa status.

CPC §679.10(j)(1) mandates certification requests for a U-Visa (Form I-918 Supplement B) to be completed within 30 days of receiving the request, or within 7 days if the victim is in immigration removal proceedings. LAPD policy is the same as CPC § 679.10(j)(1).

Each investigating Area/Division and specialized Division must have both a primary and a secondary U-Visa Coordinator. The U-Visa Coordinator may be sworn or civilian. According to Department policy, the coordinator's responsibilities include:

- Coordinating the processing of the certification requests;
- Upon receipt of a certification request, verifying the Department conducted the investigation;
- Attempting to verify the victim's identity;
- Entering the certification request into the U/T-Visa database;
- Obtaining a copy of the crime or arrest report;
- Reviewing the crime or arrest report, investigative notes, and, if applicable, the court minutes (to ensure the victim was cooperative throughout the court process) to determine if the victim meets the qualification criteria;
- If the victim qualifies for a certification, completing USCIS Form I-918 Supplement B;
- If the victim does not qualify for a certification, following the Department's denial procedures (further described below in this report);
- Ensuring the certification is properly signed;
- Providing the original certification to the victim or their legal representative within the required time frame; and,
- Scanning a copy of the certification for uploading into the U/T-Visa database and ensuring the DCTS and U/T-Visa database are updated with all the relevant information.

U-Visa certification requests can be prioritized based on time-sensitive issues or needing to meet a deadline for USCIS. Additionally, a witness to a crime may obtain a U-Visa certification if all the qualification factors are met.

1. U-Visa LEA Certification-Request Denials and Appeals

LEA Certification-Request Denials

The Department may deny an LEA certification request when the U-Visa Coordinator determines that a victim does not qualify for a certification. In those cases, the Coordinator is required to:

- Document the finding and reason for denial in the U/T-Visa database;
- Complete a denial letter on Department letterhead signed by the Area detective/Division commanding officer or the specialized Division commanding officer;
- Provide the denial letter to the victim or their representative; and,
- Update the Detective Case Tracking System (DCTS) with the denial information.

LEA Certification Appeals

Victims are permitted to appeal the Department's denial of their certification request. All certification-request denial appeals are reviewed by the Department's U-Visa Coordinator, who is the final authority for such appeals and makes the final decision regarding the issuance or denial of the U-Visa certification. Additionally, the Department may, under certain circumstances withdraw its certification if the victim stops being helpful; Department policy provides specific guidance on procedures for documenting and notifying USCIS when a certification is disavowed or withdrawn. The Department's U-Visa Coordinator is required to track the number and outcome of all U-Visa requests Department-wide and to review all certification-request denial appeals.

C. Department's U/T-Visa Database

The LAPD's U/T-Visa database is a centrally managed, web-based database where the Department maintains records of all U-Visa certification and T-Visa endorsement requests and their outcomes, including any denials or appeals. To protect the privacy of the applicants, access to the database is restricted to Area/Division U-Visa Coordinators and anyone else with a right/need to know, including the investigating officers (I/O)s. In addition to maintaining all Department-wide U/T-Visa records, the system provides key analytical insights, such as applications by Area or the average processing time for LEA U-Visa certification requests. According to the Department, the U/T-Visa database has existed since 2018.

IV. OIG REVIEW OBJECTIVES AND METHODOLOGY

A. Objectives

The OIG assessed the Department's compliance with applicable state law, the federal government's U-Visa and T-Visa program requirements, and Department policy applicable to the program. The OIG also briefly assessed the internal training of U-Visa Coordinators, visa-related complaints and lawsuits, and public outreach related to the program.

B. Methodology

Initial Research Phase

The OIG's preliminary research for this project involved reviewing relevant Department policies and procedures, analyzing applicable federal and state law and regulatory requirements, identifying and requesting relevant information and data from the Department (including related personnel complaints and lawsuits), and reviewing audits and reviews of outside agency U/T-Visa programs. The review period selected spanned three years (10/3/2020 to 10/3/2023) in order to effectively reflect the current operations of the program.

Interviews

The OIG conducted informal interviews and meetings with key Department personnel to discuss their roles in the program and their experiences in administering and managing it. Additionally, the OIG spoke with other relevant City officials to gather a broader perspective and ensure a comprehensive understanding of U/T-Visas. These City officials regularly engage with both immigrant advocacy organizations and directly with immigrants. This engagement provided valuable insights into both the administrative aspects of the U and T-Visa programs and the direct experiences of those affected by these programs. Although we did not speak with the impacted individuals directly, consulting with officials who frequently interact with them helped us gain a clearer and more nuanced understanding.

Document Review

The OIG sought data from the Department on the total number of U-Visa LEA certification requests (5,770 in total) and T-Visa LEA endorsement requests (none) processed over the last three years, from October 3, 2020, to October 3, 2023. This request covered information related to the completion of specific forms, including DHS, USCIS, Form I-918 Supplement B for U Nonimmigrant Status Certification, and Form I-914B, Supplement B for Declaration of Law Enforcement Officer for Victim in Trafficking of Persons. The OIG also inquired about cases involving certification and endorsement denials, as well as appeals. Furthermore, the OIG secured direct (view only) access to the Department's U/T-Visa database to facilitate a comprehensive review of this data.

Information contained within the database includes:

- Identity of the reviewing officer;
- Date request received;
- Name of person requesting a visa;
- Status of request (i.e., approved, denied, open, closed);
- Days open; and,
- Area and Bureau where request is being facilitated.

Detailed Review of U-Visa Certification Requests – General

Out of the 5,770 U-Visa certification requests processed, 4,680 (81 percent) were certified, while 1,090 (19 percent) were denied. The OIG conducted separate evaluations of samples of both certified and denied requests. Details of these evaluations are provided below. This approach ensured a thorough examination of the decision-making process for both certified and denied requests.

Detailed Review of Sample of U-Visa Requests – Certified

From the population of 4,680 U-Visa requests that were certified, the OIG selected a random sample of 50.⁹ For each of these 50 certified requests, the OIG examined the related digital documents and available evidence in the U/T-Visa database to determine whether:¹⁰

1. The applicant was a victim of qualifying criminal activity;
2. The victim possessed information relevant to the crime;
3. The victim had been helpful, was being helpful, or was likely to be helpful in the investigation or prosecution of the crime; and,
4. The crime violated U.S. law, occurred within the City of Los Angeles, and was investigated by the Department.

Detailed Review of Sample of U-Visa Certification Requests – Denied and Related Appeals

From the population of 1,090 U-Visa certification requests that were denied, the OIG selected a random sample of 161.¹¹ For each of these 161 denials, the OIG examined the related digital documents and available evidence in the U/T-Visa database to determine whether:

1. The applicant was not a victim of qualifying criminal activity;
2. The victim did not possess information relevant to the crime;
3. The victim had not been helpful, was not being helpful, or was not likely to be helpful in the investigation or prosecution of the crime; or,
4. The crime did not violate U.S. law, did not occur within the City of Los Angeles, or was not investigated by the Department.

⁹ The sample size of 50 (1.1 percent of the population) was considered large enough to meet the test objectives; see additional details in Footnote 10 below.

¹⁰ This review was brief and limited in scope. In line with the objectives of the OIG's report, we did not examine entries in the DCTS or review any related original crime or arrest reports.

¹¹ The sample size of 161 (15 percent of the population) was considered large enough to meet the test objectives. Note that it is more than 3 times the size of the sample for certifications (50), as the OIG considered any concerns about the legitimacy of denials to be a greater overall risk than any such concerns about certifications. Note also that 161 is 40 more than a sample size calculated using the common standard parameters of a 95 percent confidence level for a 2-tail test, 6 percent expected error rate, and 4 percent +/- precision (such a sample size would be 121).

Also, for each of these 161 denials, the OIG determined whether the Division U-Visa Coordinator:

1. Documented the finding and reason for denial in the U/T-Visa database; and,
2. Completed a denial letter on Department letterhead signed by the Area detective/Division commanding officer or the specialized Division commanding officer.

Additionally, for each of the 20 denials in the OIG's sample that were appealed (12.4 percent), the OIG determined whether:

1. The appeal follow-up by the Division U-Visa Coordinator was appropriate and adequate;
2. A non-reversal of appeal (if applicable) was supported and reasonable; and,
3. A reversal of appeal (if applicable) was supported and reasonable.

Review of Applicable Complaints and Lawsuits

The OIG requested copies of complaints and lawsuits related to the U/T-Visa program from the past three years; the OIG reviewed the one complaint that was provided, and there were no lawsuits. In collaboration with the Department's Risk Management and Legal Affairs Division, the OIG also explored any potential legal actions initiated against the Department by U/T-Visa applicants or their legal representatives.

V. RESULTS

A. Detailed Review of Sample of U-Visa Requests Certified

For all 50 (100 percent) of the certified U-Visa certification requests that were reviewed, the evidence on file supported that the requests were properly certified in accordance with the aforementioned federal, state, and Department requirements.

B. Detailed Review of Sample of U-Visa Certification Requests Denied and Related Appeals

For 149 (93 percent) of the 161 denied U-Visa certification requests that were reviewed, the evidence on file supported that the requests were properly denied in accordance with federal, state, and Department requirements. However, for 12 (7 percent) of the 161 denials (all processed from October 2020 through May 2022), no reason or evidence for the denial was provided in the database as required by policy.¹² Furthermore, for 6 (50%) of these 12 denials, no supporting documentation was attached. Thus, the OIG could not determine the appropriateness of the denial for these 12 requests.¹³

¹² Department Manual § 4/264.72.

¹³ 2 of these 12 denials were appealed.

For the 150 denied U-Visa certification requests that did have reasons for the denial associated with them, those reasons were as follows:

- 96 certification requests were denied because the crimes suffered by the victims were not qualifying crimes;
- 50 certification requests were denied because the victims were unresponsive to the I/Os at the time of the initial investigation; and,¹⁴
- 4 certification requests were denied because no victims were identified—only witnesses or indirect victims who did not meet the established criteria had been identified instead. (Of these 4 denials, 3 were because the individuals were witnesses only, and 1 was because the person did not qualify according to the “indirect victim” criteria.)

In reviewing the 20 U-Visa original denials in the sample that were appealed, the OIG determined that:

1. For each of the 20 original denials, the appeal follow-up by the Division U-Visa Coordinator was appropriate and adequate;
2. For each of the 18 original denials that were upheld, the decision to uphold was supported and reasonable; and,
3. For each of the 2 original denials that were reversed, the decision to reverse was supported and reasonable.¹⁵

C. Timeliness of Processing U-Visa Certification Requests

During the three-year review period, the majority of U-Visa certification requests were processed, and the victims were notified, within the designated timeframes set by the state and the Department. On average, these requests were processed, and the victims were informed of the outcome, within 4.3 days. Extensions to this process were uncommon, with only 5 out of the 5,770 applications (0.08 percent) receiving them. The reasons for these extensions were varied, including: the assigned coordinator being on leave, complexities in appeals, or discrepancies in names of involved parties. Only one extension surpassed the 30-day timeline prescribed by CPC §679.10(j)(1) and Department policy, by a margin of just one day. All other extensions were still completed within the 30-day period.

In the sample of 50 U-Visa certifications that the OIG examined, 30 (60 percent) were processed within 1 day of receipt. The remaining 20 (40 percent) took between 2 and 34 days to process, with only one case exceeding the Department's 30-day requirement. In the tested sample of 161 denials, only 7 (4.3 percent) took longer than 30 days to process, and 6 of these did not receive an extension. The longest processing time in this group was 78 days.

¹⁴ Sometimes a U-Visa certification request may be denied because the alleged victim was unresponsive to the I/O at the time of the initial crime investigation. In such cases, the Division U-Visa Coordinator will generally not attempt to contact the victim in the related U-Visa certification process.

¹⁵ For one original denial that was reversed, additional evidence of injuries to the victim was provided. For the other original denial that was reversed, the victim began actively cooperating with the prosecution.

The OIG notes that this particular delay was attributed to the identification of the application as a duplicate request. Based on these findings, the OIG concluded that U-Visa certification requests were processed in a timely manner by the Department.

D. Internal Training

The OIG noted a scarcity of internal resources and information for Department personnel involved with U/T-Visa matters. During our review, the OIG evaluated a training bulletin issued by the Department in September 2012. While this bulletin addressed the identification of potential human trafficking indicators, it did not include information specific to T-Visas. The OIG also reviewed an internal Detective Bureau Notice from March 2015 that provided instructions for Division U-Visa Coordinators on utilizing the U/T-Visa database. Additionally, the U/T-Visa database's homepage features essential reference materials for U-Visa Coordinators, such as the USCIS Guide for Law Enforcement Officers. However, the OIG could not ascertain the level and extent of training received by the Division U-Visa Coordinators.

E. Complaints and Lawsuits

During its review, the OIG identified a single complaint from the past three years, dated 2020, concerning the denial of a U-Visa LEA certification request. The visa applicant, who is also the complainant, alleged that the certification was improperly denied and claimed that a detective threatened her with jail and separation from her child if she continued to pursue the certification.

The complainant reported being assaulted by another mother in front of her son's school on April 7, 2017, following a traffic collision involving both parties. The LAPD documented the traffic collision on the same day. Subsequently, on May 30, 2017, the complainant filed a report with the Los Angeles Unified School District Police Department (LAUSPD) for Assault with a Deadly Weapon (ADW). However, the LAUSPD decided not to pursue prosecution of the alleged ADW, which LAPD cited as the basis for denying the U-Visa certification request.

In relation to the 2020 complaint, the complainant stated that the detective issued the alleged threats via telephone and email. However, she was unable to provide a valid telephone number or an email record to support her claim. Moreover, the last name of the detective provided by the complainant did not match any known LAPD or LAUSPD detectives. As a result, the complaint was closed as Insufficient Evidence to Adjudicate. The OIG believes this was a reasonable adjudication of the complaint given the evidence.

F. Public Outreach

The LAPD's website contains useful information on the requirements for, and how persons can request assistance with, U-Visa LEA certification or T-Visa LEA endorsement requests.¹⁶ The website includes information on the U-Visa and T-Visa submission process, the names and contact information for all Area/Division and specialized Division U-Visa Coordinators

¹⁶ Information about the Department's U/T-Visa program can be found at www.lapdonline.org/u-visa.

(including both the primary and secondary coordinators), and Department policy. Finally, the website also provides a detailed Frequently Asked Questions (FAQs) section, with links to detailed instructions on the request submission process and other legal resources.

VI. RECOMMENDATIONS

Based on its review and findings, the OIG recommends that the BOPC DIRECT the Chief of Police to:

1. Develop and distribute a U/T-Visa training bulletin that includes a comprehensive overview of the program, procedures for assisting applicants, and a list of available resources and contacts for further guidance.
2. Conduct a thorough assessment of the training currently provided to Division U-Visa Coordinators, including both primary and secondary coordinators. Document the findings and evaluate the necessity for additional periodic training, specifying the frequency and content required for ongoing development.
3. Require each police station lobby, as well as other applicable locations accessible to the public, to have brochures or flyers, in multiple languages, detailing the steps and requirements for U/T-Visa certification or endorsement requests. Refer to Mayoral Executive Directive No. 32, issued on December 16, 2021, for guidelines on language requirements, including the appointment of a Department Language Coordinator.

VII. DEPARTMENT RESPONSE

The OIG submitted a draft of this report to the Department for its review. In response, the Department concurred with the above recommendations from the OIG and provided the following response¹⁷:

The Department concurs with the OIG's recommendations. In the sample of the 161 denied U-Visa requests, dated between October 2020 and May 2022, the OIG identified 12 denials (7 percent) which had no reason identified for the denial in the database. On September 29, 2022, the Department published Special Order No. 12, titled Law Enforcement Agency Endorsement for Immigrant Victims of Human Trafficking (T-Visa)-Renamed and Revised; and Law Enforcement Certification for Immigrant Victims of Serious Crimes Against Persons (U-Visa)-Revised, which provided further explanation and clarification on the U/T Visa process including documenting denials.

¹⁷ In the draft report submitted to the Department for review, the OIG initially proposed four recommendations. However, after reviewing the Department's response and discussing the recommendations with Department officials, the OIG decided to remove one of them. This decision was based on our assessment that the issue was already covered by existing Department policy.

VIII. APPENDICES

The Department's complete response as well as the Special Order published by the Department relevant to this review may be found attached.

**APPENDIX A: Los Angeles Police Department's Response to the Office of the
Inspector General's Review of the Los Angeles Police Department's U and T
Nonimmigrant Status Visa Program**

INTRADEPARTMENTAL CORRESPONDENCE

July 31, 2024

1.1

TO: Office of the Inspector General

FROM: Chief of Police

SUBJECT: LOS ANGELES POLICE DEPARTMENT'S RESPONSE TO THE OFFICE OF THE INSPECTOR GENERAL'S REVIEW OF THE DEPARTMENT'S U AND T NONIMMIGRANT STATUS VISA PROGRAM

The Los Angeles Police Department (Department) has received the Office of the Inspector General's (OIG) draft report of the Review of the U and T Nonimmigrant Status Visa Program (U/T Visa) and has taken action to implement the recommendations.

The report includes four recommendations to be made as follows:

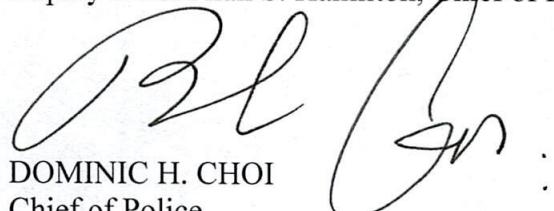
SECTION VI. RECOMMENDATIONS

1. The Department shall develop and distribute a U/T Visa training bulletin that includes a comprehensive overview of the program, procedures for assisting victims, and a list of available resources and contacts for further guidance.
2. The Department shall conduct a thorough assessment of the training currently provided to Division U-Visa Coordinators, including both primary and secondary coordinators. Document the findings and evaluate the necessity for additional periodic training, specifying the frequency and content required for ongoing development.
3. The Department shall require that for every denial of an endorsement or certification request, the U-Visa Coordinator must compose and file a concise narrative explaining the specific reasons for the denial, both within the database and on the denial letter. This narrative should clearly outline the grounds for non-approval.
4. The Department shall require each police station lobby, as well as other applicable locations accessible to the public, to have brochures or flyers, in multiple languages, detailing the steps and requirements for U/T Visa certification or endorsement requests. This brochure or flyer should refer to Mayoral Executive Directive No. 32, issued on December 21, 2021, for guidelines on language requirements, including the appointment of a Department Language Coordinator.

Department Response

The Department concurs with the OIG's recommendations. In the sample of the 161 denied U-Visa requests, dated between October 2020 and May 2022, the OIG identified 12 denials (7 percent) which had no reason identified for the denial in the database. On September 29, 2022, the Department published Special Order No. 12, titled *Law Enforcement Agency Endorsement for Immigrant Victims of Human Trafficking (T-Visa)-Renamed and Revised; and Law Enforcement Certification for Immigrant Victims of Serious Crimes Against Persons (U-Visa)-Revised*, which provided further explanation and clarification on the U/T Visa process including documenting denials.

Should you have any questions or concerns regarding this matter, please contact Deputy Chief Alan S. Hamilton, Chief of Detectives, Detective Bureau, at (213) 486-7000.



DOMINIC H. CHOI
Chief of Police

APPENDIX B: Special Order No. 12 – 2022

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 12

September 29, 2022

SUBJECT: **LAW ENFORCEMENT AGENCY ENDORSEMENT FOR IMMIGRANT VICTIMS OF HUMAN TRAFFICKING (T-VISA) – RENAMED AND REVISED; AND, LAW ENFORCEMENT CERTIFICATION FOR IMMIGRANT VICTIMS OF SERIOUS CRIMES AGAINST PERSONS (U-VISA) – REVISED**

PURPOSE: The purpose of this Order is to rename and revise Department Manual Section 4/264.70, *Law Enforcement Agency Endorsement for Immigrant Victims of Human Trafficking (T-visa)*, to *Law Enforcement Agency Declaration for Immigrant Victims of Human Trafficking (T-visa)*, and to revise Department Manual Section 4/264.72, *Law Enforcement Agency Certification for Immigrant Victims of Serious Crimes Against Persons (U-visa)*. These revisions reflect the current title of the T-visa paperwork and create uniformity between the T-visa declaration and U-visa certification procedure.

PROCEDURES:

- I. LAW ENFORCEMENT AGENCY ENDORSEMENT FOR IMMIGRANT VICTIMS OF HUMAN TRAFFICKING (T-VISA) – RENAMED AND REVISED.** Department Manual Section 4/264.70, *Law Enforcement Agency Endorsement for Immigrant Victims of Human Trafficking (T-visa)*, has been renamed as *Law Enforcement Agency Declaration for Immigrant Victims of Human Trafficking (T-visa)*. Attached is the renamed manual section with revisions indicated in italics.
- II. LAW ENFORCEMENT CERTIFICATION FOR IMMIGRANT VICTIMS OF SERIOUS CRIMES AGAINST PERSONS (U-VISA) – REVISED.** Department Manual Section 4/264.72, *Law Enforcement Agency Certification for Immigrant Victims of Serious Crimes Against Persons (U-visa)*, has been revised. Attached is the revised manual section with revisions indicated in italics.

AMENDMENT: This Order amends Sections 4/264.70 and 4/264.72 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHEL R. MOORE
Chief of Police

Attachments

DISTRIBUTION “D”

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264.70 LAW ENFORCEMENT AGENCY DECLARATION FOR IMMIGRANT VICTIMS OF HUMAN TRAFFICKING (T-VISA). The Department is responsible for completing a Law Enforcement Agency (LEA) *declaration upon request of the immigrant victim*, providing the immigrant victim meets the qualifications as delineated in this section.

T-visa Defined. The T Nonimmigrant status visa (also known as the T-visa) provides immigration protection to victims of severe forms of human trafficking who assist law enforcement in the investigation or prosecution of human trafficking cases. A LEA *declaration* is evidence of a victim's cooperation and it may be submitted in support of a T-visa application.

T-visa Qualifications. Immigrant victims of human trafficking and the immigrant victim's family members may be eligible to apply for a T-visa. A LEA *declaration shall* be provided to the victim of human trafficking upon request, if the victim meets the qualifications. This will be based upon the investigating officer's (I/O) knowledge of the case, and any additional evidence developed. The I/O *shall* determine if the applicant is present in the United States as a result of being a victim of a severe form of trafficking in persons and determine if the applicant has complied with reasonable requests throughout the investigation.

Note: The *declaration shall* be completed on the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS), Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons.

The assigned investigating Area/Division is responsible for completing the *declaration*. California Penal Code Section 236.5(a) mandates the *declaration* for a victim seeking a T-visa be completed within 15 business days of the first encounter with the victim. *The first encounter will be the day the assigned investigating division receives the declaration request.*

Investigating Officer's Responsibilities. The I/O shall verify the following when issuing a T-visa *declaration*:

- *Upon receipt of a declaration request, verify the Department conducted the investigation;*

Note: Declaration requests can be submitted by United States Postal Service (USPS), private courier, in person delivery, or email.

- Attempt to verify the victim's identity, either by government-issued identification (e.g., state-issued identification, foreign passport or identification, consulate identification) or by personal knowledge of the victim (e.g., prior in-person interview, courtroom testimony, photographic evidence);
- Enter the *declaration* request into the U/T-visa database;
- If the victim qualifies for a *declaration*, complete the Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons;

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- If the victim does not qualify for a *declaration*, adhere to LEA *Declaration* Denial Procedures as delineated in this policy;
- Ensure the *declaration* is signed in a color of ink other than black for verification purposes by a designated certifying official;

Note: A certifying official is a sworn officer of supervisory rank whose signature is on the Certifying Official Information Form authorized by the Chief of Police and on file with USCIS. All original Certifying Official Information Forms shall be completed and returned to Detective Bureau for processing. Areas or specialized divisions that experience a change in certifying officials due to retirement, permanent deployment changes, etc., shall notify the Department U-Visa Coordinator, Detective Bureau, of such changes and provide a replacement. A new Certifying Official Information Form will need to be completed when there is a personnel change.

- Scan a copy of the *declaration* to upload into the U/T-visa database;
- Provide the original *declaration* to the victim or their legal representative by *USPS* or in-person pick up within the 15 *business* days time limit;
- Ensure all information related to the LEA *declaration* is updated in the Detective Case Tracking System (DCTS); and,
- Update the U/T-visa database with the dates the *declaration* was signed and mailed/picked up, and include in the notes who the *declaration* was mailed to or who took receipt of the declaration.

Law Enforcement Agency Declaration Denial Procedures. If the victim does not qualify for a *declaration*, the I/O shall:

- Document the finding and reason for denial in the U/T-visa database;
- Complete a denial letter on Department letterhead signed by the Area Detective/ Specialized Division Commanding Officer (CO);
- Provide the denial letter to the victim or their legal representative within the 15 business days time limit; and,
- Update DCTS with the denial information.

Law Enforcement Agency Declaration Appeal Procedure. *In the event the declaration is denied and the victim or their legal representative would like to appeal the denial, the case shall be reviewed by the Department U-Visa Coordinator.* The victim may submit additional evidence to the law enforcement agency, which the *Department U-Visa Coordinator* will review and respond to within one week of the receipt of additional evidence (236.5 (c) PC). The Department U-Visa Coordinator has been designated as the final level of appeal and shall make the final decision regarding the issuance or denial of the T-visa *declaration*.

Note: All updated information shall be maintained in the U/T-visa database.

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Detective Bureau Commanding Officer's Responsibilities. The Detective Bureau CO will designate a Department U-Visa Coordinator to track the number and outcome of all U/T-visa requests Department-wide, *review all appeal requests, and coordinate meetings for Area/Specialized Division U-Visa Coordinators, as needed.*

264.72 LAW ENFORCEMENT CERTIFICATION FOR IMMIGRANT VICTIMS OF SERIOUS CRIMES AGAINST PERSONS (U-VISA). The Department is responsible for completing a Law Enforcement Agency (LEA) certification **upon request of the immigrant victim**, providing the immigrant victim meets the qualifications as delineated in this section.

U-visa defined. The U Nonimmigrant status visa (also known as the U-visa) provides immigration protection for victims of qualifying crimes who have been helpful, are being helpful, or are likely to be helpful to law enforcement in the investigation or prosecution of the criminal activity. The U-visa provides temporary legal status to immigrant victims. An arrest, prosecution, or conviction is not required for law enforcement to sign the certification. A LEA certification is one piece of a larger application that a victim must submit for U-visa consideration to the United States Citizenship and Immigration Services (USCIS).

The Victims of Trafficking and Violence Protection Act requires that the immigrant victim has suffered substantial physical or mental abuse for *U-visa consideration*; however, the USCIS will make the determination as to whether the victim has met the “substantial physical or mental” standard on a case-by-case basis during its adjudication of the U-visa petition.

California Penal Code Section 679.10 mandates certification requests be completed within 30 *calendar* days of receiving the request, or 7 *calendar* days if the victim is in immigration removal proceedings. The law also assumes that the victim was helpful, is being helpful, or is likely to be helpful. *If the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement, the victim will qualify for a U-visa.*

Qualifications that the victim must meet are as follows:

- Must be a victim of qualifying criminal activity (refer to list of crimes on Department of Homeland Security, USCIS, Form I-918 Supplement B, U Nonimmigrant Status Certification, Part 3. Criminal Acts);
- Must possess information relevant to the crime;
- The victim was helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the crime; and,
- The crime(s) must have violated United States law, have occurred within the City of Los Angeles, and have been investigated by the Department.

Indirect victims. Certain immediate family members can qualify to request a U-visa certification as an indirect victim of crime if all of the following conditions are met:

- The individual must have a qualifying family relationship to the direct victim:

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- If the direct victim is age 21 or older at the time of the crime, their spouse, and unmarried children under age 21 may qualify; or,
- If the direct victim is under age 21 at the time of the crime, their spouse, unmarried children under age 21, parents, and unmarried siblings under age 18 may qualify.
- The direct victim is unable to assist law enforcement because they are:
 - Deceased due to murder or manslaughter; or,
 - Incompetent or incapacitated, including due to injury, trauma, or age.
- The indirect victim must meet all other eligibility requirements for U-visa certification.

Note: A certification may be signed for an indirect victim regardless of whether the direct victim is a United States citizen or non-citizen.

Derivative family members. Certain immediate family members of U-visa recipients may also be eligible to live and work in the United States as a derivative U-visa recipient based on their relationship with the principal recipient. These derivative applications do not require law enforcement certification.

These family members include:

- Unmarried children under the age of 21 of U-visa recipients;
- Spouses of U-visa recipients;
- Parents of U-visa recipients under age 21; and,
- Unmarried siblings (under the age of 18) of U-visa recipients under age 21.

Note: Step-parent, stepchildren, adoptive parent, and adoptive children may also qualify as derivative family members.

Area/Specialized Division U-Visa Coordinator's Responsibilities. The Area Detective/Specialized Division CO shall designate a primary and secondary U-Visa Coordinator. The U-Visa Coordinator can be sworn or civilian. Their responsibilities include:

- Coordinating the processing of the certification requests, which can be submitted by United States Postal Service (USPS), private courier, in person delivery, or email;
- Upon receipt of a certification request, verifying the Department conducted the investigation.

Note: The assigned investigating Area/Division is responsible for completing the certification. The 30 *calendar* days or 7 *calendar* days time limit does not start until the investigating Area/division receives the certification request.

- Attempting to verify the victim's identity, either by government-issued identification (e.g., state-issued identification, foreign passport or identification, consulate

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identification) or by personal knowledge of the victim (e.g., prior in-person interview, courtroom testimony, photographic evidence);

- Entering the certification request into the U/T-visa database;
- Obtaining a copy of the crime or arrest report;

Note: The victim does not need to provide a copy of the crime or arrest report. The report can be obtained through Department resources. The victim is not entitled to a copy of the report unless they qualify for a copy of the report without cost due to the crime (domestic violence, sexual assault, stalking, human trafficking, and elder abuse per California Family Code Section 6228).

- Reviewing the crime or arrest report, investigative notes, and, if applicable, the court minutes (to ensure the victim was cooperative throughout the court process) to determine if the victim meets the qualification criteria;
- If the victim qualifies for a certification, completing the Form I-918, Supplement B, U Nonimmigrant Status Certification;
- If the victim does not qualify for a certification, adhering to LEA Certification Denial Procedures as delineated in this policy;
- Ensuring the certification is signed in a color of ink other than black for verification purposes by a designated certifying official;

Note: A certifying official is a sworn officer of supervisory rank whose signature is on the Certifying Official Information Form authorized by the Chief of Police and on file with USCIS. All original Certifying Official Information Forms shall be completed and returned to Detective Bureau for processing. Areas or specialized divisions that experience a change in certifying officials due to retirement, permanent deployment changes, etc., *shall* notify the Department U-Visa Coordinator, Detective Bureau, of such changes and provide a replacement. A new Certifying Official Information Form shall be completed when there is a personnel change.

- Scanning a copy of the certification to upload into the U/T-visa database;
- Providing the original certification to the victim or their legal representative by USPS or in person pick up within 30 *calendar* days;
- Ensuring all information related to the certification is updated in the Detective Case Tracking System (DCTS); and,
- Updating the U/T-visa database with the dates the certification was signed and mailed/picked up and include in the notes who the certification was mailed to or picked up by.

Exceptional Handling:

- Cases where there is no investigative follow up by Area/Specialized Division Detectives (i.e., direct file cases), the victim's level of cooperation should be assessed based on their cooperation during the preliminary investigation;

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- U-visa certification requests can be prioritized based on time sensitive issues, needing to meet a deadline for USCIS; and,
- A witness to a crime can obtain a certification if all the qualification factors are met.

Law Enforcement Agency Certification Denial Procedures. If the victim does not qualify for a certification, the U-Visa Coordinator shall:

- Document the finding and reason for denial in the U/T-visa database;
- Complete a denial letter on Department letterhead signed by the Area Detective/Division CO or the Specialized Division CO;
- Provide the denial letter to the victim or their legal representative; and,
- Update DCTS with the denial information.

Law Enforcement Agency Certification Appeal Procedure. In the event the certification is denied and the victim or their legal representative would like to appeal the denial, the case shall be reviewed by the Department U-Visa Coordinator. The Department U-Visa Coordinator will be the final level of appeal and shall make the final decision regarding the issuance or denial of the U-visa certification.

Disavowing/Withdrawing of LEA Certification. A certifying agency may disavow or withdraw their certification if the victim stops being helpful. To do so, the U-Visa Coordinator shall notify the USCIS in writing on a Department letterhead, which should include:

- The name and date of birth of the individual;
- The name of the individual who originally signed the certification and date it was signed;
- The reason why the certification is being disavowed/withdrawn describing how the victim had refused to cooperate with reasonable requests made by the Department;
- The reason why the victim stopped being helpful *if known*;
- The signature and title of the individual who is disavowing/withdrawing the certification; and,
- A copy of the previously signed certification, if there is one on file.

Area Detective/Specialized Division Commanding Officer's Responsibilities. The Area Detective/Specialized Division CO shall designate a primary and secondary U-Visa Coordinator and ensure compliance with this section.

Detective Bureau Commanding Officer's Responsibilities. The Detective Bureau Commanding Officer *shall* designate a Department U-Visa Coordinator to track the number and outcome of all U-visa requests Department-wide, review all appeal requests, and coordinate meetings for Area/Specialized Division U-Visa Coordinators, as needed.