



**Kern County Sheriff's Office
Policies and Procedures**

TITLE: COVERT IDENTIFICATION			NO: J-2900
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: February 10, 2011	REVIEWED: 06/22/2018	REVISED: 02/10/2011	UPDATED: 02/10/2011

PURPOSE

The purpose of this policy is to establish guidelines for obtaining and using covert/undercover identification cards for Sheriff's Office members working in specified assignments on law enforcement matters.

POLICY

The Kern County Sheriff's Office recognizes circumstances exist in law enforcement where the use of covert/undercover identifications can help enhance officer safety and further the law enforcement mission. In order to protect officers, while allowing the best possible means to succeed in specialized job assignments, The Kern County Sheriff's Office authorizes specified deputies to obtain and use covert/undercover identification cards issued through government entities.

DIRECTIVE A

Only deputies with the Special Investigations Division Commander's approval are authorized to obtain covert/undercover identification cards. The Special Investigations Division shall establish and maintain a detailed divisional policy and procedure regarding covert/undercover identification cards. The Special Investigations Division Commander shall ensure the policy and procedure is in compliance with applicable California and federal guidelines and law.

Work assignments with a need for covert/undercover identifications cards include, but are not limited to:

- Special Operations Unit
- Major Violator Unit
- H.I.D.T.A Unit
- Vice Unit
- CAL-MMET Unit
- KNET Unit
- JTTF

DIRECTIVE B

Sheriff's Office members will use good judgment when choosing names and addresses to be used on fictitious documents used for official law enforcement purposes.

DIRECTIVE C

Sheriff's Office personnel will relinquish all issued covert/undercover identification cards to the Agency Administrator/Liaison upon leaving any of the above listed assignments, or when the identification is no longer needed for law enforcement purposes. The Agency Administrator/Liaison will be responsible for returning the items to the appropriate agencies.

PROCEDURE A

The Sheriff-Coroner will assign a Sheriff's Office member to act as the Agency Covert/Undercover Identification Administrator/Liaison who will be responsible for completing the necessary documentation and facilitating the process involved in obtaining covert/undercover identification cards as the need arises.

Sheriff's Personnel with a need for a covert/undercover identification card will:

- Obtain authorization from his/her division commander
- Contact the designated Agency Covert/Undercover Identification Administrator/Liaison

The Agency Covert/Undercover Identification Administrator/Liaison will:

- Obtain/confirm the Special Investigations Division Commander's authorization for obtaining the requested identification card
- Obtain the needed covert/undercover identification card pursuant to the Special Investigations Division policy and procedures.

J-2900-2

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**Instructions for I-918, Supplement B,
U Nonimmigrant Status Certification****Instructions**

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

What Is the Purpose of This Form?

You should use Form I-918, Supplement B, to certify that an individual submitting a Form I-918, Petition for U Nonimmigrant Status, is a victim of certain qualifying criminal activity and is, has been, or is likely to be helpful in the investigation or prosecution of that activity.

When Should I Use Form I-918, Supplement B?

If you, the certifying official, determine that this individual (better known as the petitioner) is, has been, or is likely to be helpful in your investigation or prosecution, you may complete this supplement form. The **petitioner** must then submit the supplement to USCIS with his or her petition for U nonimmigrant status.

NOTE: An agency's decision to provide a certification is entirely discretionary; the agency is under no legal obligation to complete a Form I-918, Supplement B, for any particular alien. However, without a completed Form I-918, Supplement B, the alien will be ineligible for U nonimmigrant status.

To be eligible for U nonimmigrant status, the alien must be a victim of qualifying criminal activity. The term "victim" generally means an alien who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.

The alien spouse, unmarried children under 21 years of age and, if the victim is under 21 years of age, parents and unmarried siblings under 18 years of age, will be considered victims of qualifying criminal activity where:

1. The direct victim is deceased due to murder or manslaughter, or
2. Where a violent qualifying criminal activity has caused the direct victim physical harm of a kind and degree that makes the direct victim incompetent or incapacitated, and, therefore, unable to provide information concerning the criminal activity or to be helpful in the investigation or prosecution of the criminal activity.

An alien may be considered a victim of witness tampering, obstruction of justice, or perjury, including any attempt, conspiracy, or solicitation to commit one or more of those offenses if:

1. The victim has been directly and proximately harmed by the perpetrator of the witness tampering, obstruction of justice, or perjury; **and**
2. There are reasonable grounds to conclude that the perpetrator committed the witness tampering, obstruction of justice, or perjury offense, at least in principal part, as a means:
 - A. To avoid or frustrate efforts to investigate, arrest, prosecute, or otherwise bring to justice the perpetrator for other criminal activity; or
 - B. To further the perpetrator's abuse or exploitation of or undue control over the petitioner through manipulation of the legal system.

A person who is culpable for the qualifying criminal activity being investigated or prosecuted is excluded from being recognized as a victim.

A victim of qualifying criminal activity must provide evidence that he or she (or in the case of an alien under the age of 16 years or who is incapacitated or incompetent, the parent, guardian, or next friend of the alien) has been, is being, or is likely to be helpful to a certifying official in the investigation or prosecution of the qualifying criminal activity as listed in **Part 3** of this form. Being "helpful" means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim.

General Instructions.**Fill Out the Form I-918, Supplement B**

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.

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3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

This form is divided into **Parts 1** through 7. The following information should help you fill out the form.

Part 1 - Victim information.

- A. Family Name** (Last Name) - Give victim's legal name.
- B. Given Name** (First name) - Give victim's full first name, do not use "nicknames." (Example: If victim's name is Albert, do not use Al.)
- C. Other Names Used** - Provide all the names the victim has used that you are aware of, including maiden name if applicable, married names, nicknames, etc.
- D. Date of Birth** - Use eight numbers to show his or her date of birth (example: May 1, 1979, should be written 05/01/1979).
- E. Gender** - Check the appropriate box.

Part 2 - Agency information.

- A. Name of certifying agency** - The certifying agency must be a Federal, State, or local law enforcement agency, prosecutor, or authority, or Federal or State judge, that has responsibility for the investigation or prosecution, conviction or sentencing of the qualifying criminal activity of which the petitioner was a victim.

This includes traditional law enforcement branches within the criminal justice system, and other agencies that have criminal investigative jurisdiction in their respective areas of expertise, such as the child protective services, Equal Employment Opportunity Commission, and Department of Labor.

- B. Name of certifying official** - A certifying official is:

- 1. The head of the certifying agency or any person in a supervisory role, who has been specifically designated by the head of the certifying agency to issue a U Nonimmigrant Status Certification on behalf of that agency; **or**
- 2. A Federal, state or local judge.

If the certification is not signed by the head of the certifying agency, please attach evidence of the agency head's written designation of the certifying official for this specific purpose.

- C. Agency address** - Give the agency's mailing address.

Part 3 - Criminal acts.

- A. Check all of the crimes of which the petitioner is a victim that your agency is investigating, prosecuting, or sentencing** - If the crime(s) of which the petitioner is a victim is not listed, please list the crime(s) and provide a written explanation regarding how it is similar to one of the listed crimes. Similar activity refers to criminal offenses in which the nature and elements of the offenses are substantially similar to the list of criminal activity found on the certification form itself.
- B. Indicate whether the qualifying criminal activity violated the laws of the United States or occurred within the United States (including in Indian country and military installations) or the territories and possessions of the United States** - Qualifying criminal activity of which the applicant is a victim had to violate U.S. law or occur within the United States.

Please indicate whether the qualifying criminal activity occurred within the United States (including in Indian country and military installations) or the territories and possessions of the United States.

- 1. **United States** means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the U.S. Virgin Islands.
- 2. **Indian country** refers to all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.
- 3. **Military installation** means any facility, base, camp, post, encampment, station, yard, center, port, aircraft, vehicle, or vessel under the jurisdiction of the Department of Defense, including any leased facility, or any other location under military control.

4. Territories and possessions of the United States

means American Samoa, Bajo Nuevo (the Petrel Islands), Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Navassa Island, Northern Mariana Islands, Palmyra Atoll, Serranilla Bank, and Wake Atoll.

If the qualifying criminal activity did not occur within the United States as discussed above, but was in violation of U.S. law, it must violate a Federal extraterritorial jurisdiction statute. There is no requirement that a prosecution actually occur. Please provide the statutory citation for the extraterritorial jurisdiction.

Part 4 - Helpfulness of the victim.

A. Indicate whether the victim possesses information about the crime(s). A petitioner must be in possession of information about the qualifying criminal activity of which he or she is a victim. A petitioner is considered to possess information concerning qualifying criminal activity of which he or she is a victim if he or she has knowledge of details concerning that criminal activity that would assist in the investigation or prosecution of the criminal activity. Victims with information about a crime of which they are not the victim will not be considered to possess information concerning qualifying criminal activities.

When the victim is under 16 years of age, incapacitated or incompetent, he or she is not required to personally possess information regarding the qualifying criminal activity. The parent, guardian, or "next friend" of the minor petitioner may provide that information. "Next friend" is a person who appears in a lawsuit to act for the benefit of an alien victim. The "next friend" is not a party to the legal proceeding and is not appointed as a guardian.

B. Provide an explanation of the victim's helpfulness to the investigation or prosecution of the criminal activity. A victim must provide evidence to USCIS that he or she (or, in the case of an alien child under the age of 16 or who is incapacitated or incompetent, the parent, guardian, or next friend of the alien) has been, is being, or is likely to be helpful to a certifying law enforcement official in the investigation or prosecution of the qualifying criminal activity.

Being "helpful" means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim. Alien victims who, after initiating cooperation, refuse to provide continuing assistance when needed will not meet the helpfulness requirement. There is an ongoing responsibility on the part of the victim to be helpful, assuming there is an ongoing need for the victim's assistance.

You, the certifying official, will make the initial determination as to the helpfulness of the petitioner. USCIS will give a properly executed Supplement B, U Nonimmigrant Status Certification significant weight, but it will not be considered conclusory evidence that the victim has met the eligibility requirements. USCIS will look at the totality of the circumstances surrounding the alien's involvement with your agency and all other information known to USCIS in determining whether the alien meets the elements of eligibility.

Part 5 - Family members implicated in criminal activity.

List whether any of the victim's family members are believed to have been involved in the criminal activity of which he or she is a victim. An alien victim is prohibited from petitioning for derivative U nonimmigrant status on behalf of a qualifying family member who committed battery or extreme cruelty or trafficking against the alien victim which established his or her eligibility for U nonimmigrant status. Therefore, USCIS will not grant an immigration benefit to a qualifying family member who committed qualifying criminal activities in a family violence or trafficking context.

Part 6 - Certification.

Please read the certification block carefully. **NOTE:** If the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, even after this form is submitted to USCIS, you **must** notify USCIS by sending a written statement to: USCIS - Vermont Service Center, 75 Lower Welden Street, St. Albans, VT 05479-0001. Please include the victim's name, date of birth, and A-number (if available) on all correspondence.

**I-918 Supplement B,
U Nonimmigrant Status Certification**

START HERE - Please type or print in black ink.

Part 1. Victim information.

Family Name Given Name Middle Name

Other Names Used (Include maiden name/nickname)

Date of Birth (mm/dd/yyyy) Gender Male Female

Part 2. Agency information.

Name of Certifying Agency

Name of Certifying Official Title and Division/Office of Certifying Official

Name of Head of Certifying Agency

Agency Address - Street Number and Name Suite #

City State/Province Zip/Postal Code

Daytime Phone # (with area code and/or extension) Fax # (with area code)

Agency Type Federal State Local

Case Status On-going Completed Other _____

Certifying Agency Category Judge Law Enforcement Prosecutor Other _____

Case Number FBI # or SID # (if applicable)

For USCIS Use Only.

Returned Receipt

Date

Date

Resubmitted

Date

Date

Reloc Sent

Date

Date

Reloc Rec'd

Date

Date

Remarks

Part 3. Criminal acts.

1. The applicant is a victim of criminal activity involving or similar to violations of one of the following Federal, State or local criminal offenses. (Check all that apply.)

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Abduction | <input type="checkbox"/> Female Genital Mutilation | <input type="checkbox"/> Obstruction of Justice | <input type="checkbox"/> Slave Trade |
| <input type="checkbox"/> Abusive Sexual Contact | <input type="checkbox"/> Hostage | <input type="checkbox"/> Peonage | <input type="checkbox"/> Torture |
| <input type="checkbox"/> Blackmail | <input type="checkbox"/> Incest | <input type="checkbox"/> Perjury | <input type="checkbox"/> Trafficking |
| <input type="checkbox"/> Domestic Violence | <input type="checkbox"/> Involuntary Servitude | <input type="checkbox"/> Prostitution | <input type="checkbox"/> Unlawful Criminal Restraint |
| <input type="checkbox"/> Extortion | <input type="checkbox"/> Kidnapping | <input type="checkbox"/> Rape | <input type="checkbox"/> Witness Tampering |
| <input type="checkbox"/> False Imprisonment | <input type="checkbox"/> Manslaughter | <input type="checkbox"/> Sexual Assault | <input type="checkbox"/> Related Crime(s) |
| <input type="checkbox"/> Felonious Assault | <input type="checkbox"/> Murder | <input type="checkbox"/> Sexual Exploitation | <input type="checkbox"/> Other: (If more space needed, attach separate sheet of paper.) |
| <input type="checkbox"/> Attempt to commit any of the named crimes | <input type="checkbox"/> Conspiracy to commit any of the named crimes | <input type="checkbox"/> Solicitation to commit any of the named crimes | <input type="text"/> |

Part 3. Criminal acts. (Continued.)

2. Provide the date(s) on which the criminal activity occurred.

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

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3. List the statutory citation(s) for the criminal activity being investigated or prosecuted, or that was investigated or prosecuted.

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4. Did the criminal activity occur in the United States, including Indian country and military installations, or the territories or possessions of the United States? Yes No

a. Did the criminal activity violate a Federal extraterritorial jurisdiction statute? Yes No

b. If "Yes," provide the statutory citation providing the authority for extraterritorial jurisdiction.

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c. Where did the criminal activity occur?

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5. Briefly describe the criminal activity being investigated and/or prosecuted and the involvement of the individual named in Part 1. Attach copies of all relevant reports and findings.

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6. Provide a description of any known or documented injury to the victim. Attach copies of all relevant reports and findings.

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Part 4. Helpfulness of the victim.

The victim (or parent, guardian or next friend, if the victim is under the age of 16, incompetent or incapacitated.):

1. Possesses information concerning the criminal activity listed in **Part 3**. Yes No

2. Has been, is being or is likely to be helpful in the investigation and/or prosecution of the criminal activity detailed above. (Attach an explanation briefly detailing the assistance the victim has provided.) Yes No

3. Has not been requested to provide further assistance in the investigation and/or prosecution. (Example: prosecution is barred by the statute of limitation.) (Attach an explanation.) Yes No

4. Has unreasonably refused to provide assistance in a criminal investigation and/or prosecution of the crime detailed above. (Attach an explanation.) Yes No

Part 4. Helpfulness of the victim. (Continued.)

5. Other, please specify.

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Part 5. Family members implicated in criminal activity.

1. Are any of the victim's family members believed to have been involved in the criminal activity of which he or she is a victim? Yes No

2. If "Yes," list relative(s) and criminal involvement. *(Attach extra reports or extra sheet(s) of paper if necessary.)*

Full Name	Relationship	Involvement

Part 6. Certification.

I am the head of the agency listed in **Part 2** or I am the person in the agency who has been specifically designated by the head of the agency to issue U nonimmigrant status certification on behalf of the agency. Based upon investigation of the facts, I certify, under penalty of perjury, that the individual noted in **Part 1** is or has been a victim of one or more of the crimes listed in **Part 3**. I certify that the above information is true and correct to the best of my knowledge, and that I have made, and will make no promises regarding the above victim's ability to obtain a visa from the U.S. Citizenship and Immigration Services, based upon this certification. I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he/she is a victim, I will notify USCIS.

Signature of Certifying Official Identified in Part 2.

Date (mm/dd/yyyy)

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Kern County Sheriff's Office
Policies and Procedures

TITLE: U-VISA PROGRAM			NO: J 3000 - U-VISA PROGRAM 2018.docx
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: June 9, 2010	REVIEWED: 06/22/2018	REVISED: 03/23/2016	UPDATED: 03/23/2016

POLICY

In October of 2000, the United States Congress passed the "Victims of Trafficking and Violence Protection Act" containing the "U-Visa" program. This federal legislation provides a mechanism whereby a noncitizen can apply for a temporary visa when they are a victim of specified criminal activities. The program is intended to enhance public safety by removing barriers to crime victim cooperation with law enforcement.

The program entails the noncitizen submitting a completed I-918 and I-918 Supplemental B Form to federal immigration authorities who will either grant or deny a temporary visa. The petitioner is responsible for completing the I-918 Form, but the I-918 Supplemental B Form is to be completed by a government official who can certify that the petitioner:

- has been a victim of a qualifying criminal activity¹
- possesses information regarding the activity
- has been, is being, or is likely to be helpful in the investigation and
- the criminal activity occurred in the United States.

As of January 1, 2016, Penal Code 679.10 and Senate Bill 674 require a certifying entity to process an I-918 Supplemental B Form and return it to the noncitizen, provided the above criteria has been met. The noncitizen is then responsible for delivering all completed forms to the U.S. Citizenship and Immigration Services who will then either grant or deny the visa. If the U.S. Citizenship and Immigration Services grant the temporary visa, the noncitizen will be authorized to remain in the United States on a temporary basis and will be able to participate in the judicial process as needed.

Senate Bill 674 also requires the certifying entity to process the I-918 Supplemental B Form within 90 days of request, unless the noncitizen is in removal proceedings, in which case the certification is required to be processed with 14 days of request.

The Kern County Sheriff's Office has recognized the value of the program's ability to further the law enforcement mission and will therefore participate in the program pursuant to federal law and this policy.

¹ "Qualifying criminal activity" is defined in 8 USCS 1101(U)(iii) as involving one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes

Each request will be evaluated on its individual merits pursuant to this policy.

PROCEDURE A

Sheriff's Office members who receive a request for an I-918 Supplemental B Form will:

- Confirm the petitioner has been a victim of a crime that occurred in the Kern County Sheriff's Office jurisdiction or was a victim of a crime that was investigated by this agency.
 - Petitioners who request U-Visa assistance with crimes that occurred outside Kern County Sheriff's Office jurisdiction should be referred to the appropriate law enforcement agency.
 - Forward the request and the I-918 Supplemental B Form to the department's Robbery/Homicide Sergeant.

The Robbery/Homicide Sergeant who receives U-Visa requests will:

- Gather facts sufficient to ascertain whether the petitioner:
 - has been a victim of a qualifying criminal activity
 - possesses information regarding the activity
 - has been, is being, or is likely to be helpful in the investigation and
 - the criminal activity occurred in the United States
- Document their findings by completing and signing the I-918 Supplemental B form according to the I-918 instruction sheet. The form, along with a copy of the relevant reports, will be forwarded through the chain of command to the Sheriff.

The Robbery/Homicide Sergeant who receives the U-Visa package will:

- Review the contents of the investigative package. If it appears the petitioner meets the criteria for the U-Visa program, the Robbery/Homicide Sergeant will sign the I-918 Supplemental B Form.
- A current investigation, the filing of charges, and a prosecution or conviction are not required for the victim to request and obtain the I-918 Supplemental B Form certification.
- The Robbery/Homicide Sergeant may withdraw the certification only if the petitioner refuses to provide information and assistance when reasonably requested. The General Investigations Unit secretary will maintain a file for all U-Visa applications for tracking purposes.
- The General Investigations Unit clerical staff will maintain a list of approved and denied U-Visa requests and will be responsible for sending the yearly report to the Secretary of the Senate, the Chief Clerk of the Assembly, the Office of Legislative Counsel.
- The General Investigations Unit clerical staff will route the package, along with the signed (or declined) I-918 Supplemental B Form back to the petitioner advising him/her of the disposition. A copy of the signed I-918 Supplemental B Form will be maintained with the case file.

DIRECTIVE A

- The Robbery/Homicide Sergeant is responsible for completing the I-918 Supplemental B Form. Completing the I-918 is the responsibility of the petitioner.

J 3000 - U-VISA PROGRAM 2018.docx

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The Sheriff has designated the authority to sign the I-918 Supplemental B Form to the Robbery Homicide Sergeant.

- The General Investigations Unit clerical staff will file the required reports with the Legislature by submitting a printed copy to the Secretary of the Senate, an electronic copy to the Chief Clerk of the Assembly, and an electronic or printed copy to the Office of Legislative Counsel. These reports will be filed annually on or before the 1st of January.

- Reports submitted to the Secretary of the Senate should be addressed to:

Secretary of the Senate
State Capitol, Room 3044
Sacramento, CA 95814

- Reports submitted to the Chief Clerk of the Assembly should be emailed to:

dotson.wilson@asm.ca.gov
cc amy.leach@asm.ca.gov
cc agency.reports@asm.ca.gov

- Reports submitted to the Office of Legislative Counsel should be addressed to:

Office of Legislative Counsel
Indexing Division
925 L St.
Sacramento, CA 95814-3703

- Electronic copies may also be submitted to the Office of Legislative Counsel by email to:

agency.reports@lc.ca.gov

Attachments:

I-918 Supplemental B Form

I-918 Instruction sheet

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