

IMMIGRANT WOMEN, DOMESTIC VIOLENCE, AND HURRICANES IRMA AND MARÍA IN PUERTO RICO: COMPOUNDING THE VIOLENCE FOR THE MOST VULNERABLE

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This article is dedicated to Josefa Santiago Pérez and the countless women and girl victims in Puerto Rico who needlessly died due to domestic violence during Hurricanes Irma and María; to those domestic violence victims who were made to disappear during this horrific natural disaster; and to the women human rights advocates of Puerto Rico, Vieques, and Culebra who fight for gender justice every day.

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INTRODUCTION

The most dangerous place for a woman is in the home, according to the latest United Nations Global Study.¹ The U.N. study states a total of 87,000 women were intentionally killed in 2017.² Over half of them (58%)—50,000—were killed by intimate partners or family members.³ Over a third (30,000) of the women intentionally killed in 2017 were killed by their current or former intimate

1. U.N. OFFICE ON DRUGS AND CRIME, GLOBAL STUDY ON HOMICIDE: GENDER-RELATED KILLING OF WOMEN AND GIRLS 10 (2018) [hereinafter “UNODC”] (showing key findings that over half of women and girls are killed by intimate partners or family members at home); see also Karen Zraick, *Most Dangerous Place for Women Is the Home*, U.N. Report Finds, N.Y. TIMES (Nov. 27, 2018), <https://www.nytimes.com/2018/11/27/world/female-homicide-gender-violence.html> (noting that women and girls face the most threats at home for domestic violence); Bob Collins, *Home is the Most Dangerous Place for Women*, MPR Blog (Nov. 28, 2018, 7:14 AM), <https://blogs.mprnews.org/newscut/2018/11/home-is-the-most-dangerous-place-for-women/> (highlighting the UN report that women are more likely to be killed at home).

2. UNODC, *supra* note 2, at 10. It is important to note the country data is self-reported and there are limitations to it.

3. *Id.*

partner—someone they would normally expect to trust.⁴ The U.N. report further states that 137 women across the world are killed by a member of their own family every day.⁵ In the United States, nearly twenty people per minute are physically abused by an intimate partner.⁶ In one year, this impacts more than ten million women and girls.⁷ The United Nations Office on Drugs and Crime estimates that of all women who were the victims of homicide globally in 2017, eighty-two percent were killed by intimate partners compared to eighteen percent of male homicide victims.⁸ In Latin America and the Caribbean, according to official data from twenty-four countries, a total of 2,559 women were victims of femicide in 2017.⁹ Furthermore, violence against immigrant women and girls in the U.S. and its territories is complex and has systemic ramifications. As addressed in this Article, this is especially true in Puerto Rico, where these issues have been compounded post natural disasters, as has been the case after Hurricanes Irma and María.

The top two most pertinent issues impacting immigrant women and girls subjected to domestic abuse are: (1) lack of legal remedies to prevent deportation and (2) fear and mistrust of the police.¹⁰ The legal remedies available in the U.S. are narrow legal standards that seem designed to prevent those in dire need of protection from receiving asylum.¹¹ Fear and mistrust of the police are high in places like the U.S., especially in its territory of Puerto Rico. The U.S. federal government has monitored the Puerto Rico Police Department since 2013 in large part due to accusations of severe human rights abuses.¹² This Article explores these fears among one of the most marginalized groups in Puerto Rico—immigrant

4. *Id.*

5. *Id.*

6. *Statistics*, NAT'L COAL. AGAINST DOMESTIC VIOLENCE NCADV, *Statistics*, <https://ncadv.org/statistics> (last visited Feb. 16, 2019) [hereinafter "NCADV"].

7. *Id.*

8. United Nations Office on Drugs and Crime, *GLOBAL STUDY ON HOMICIDE: GENDER-RELATED KILLING OF WOMEN AND GIRLS* (2018), https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18_Gender-related_killing_of_women_and_girls.pdf.

9. *Femicide or Femicide*, U.N. DIV. FOR GENDER AFFAIRS, <https://oig.cepal.org/en/indicators/femicide-or-femicide> (last visited Dec. 29, 2018) (noting El Salvador, Honduras, Belize, Saint Lucia, Trinidad and Tobago, Guatemala, Puerto Rico, Nicaragua, Dominican Republic, Bolivia, Paraguay, Barbados, Ecuador, Uruguay, Mexico, Costa Rica, Argentina, Brazil, Panama, Venezuela, Peru, Suriname, Spain, Grenada, and Dominica); U.N. OFFICE ON DRUGS AND CRIME, *GLOBAL STUDY ON HOMICIDE 14* (2013); U.N. WOMEN, *Facts And Figures: Ending Violence Against Women*, <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures> (last updated Nov. 2018).

10. TAHIRIH JUSTICE CENTER, *NATIONWIDE SURVEY: A WINDOW INTO THE CHALLENGES IMMIGRANT WOMEN AND GIRLS FACE IN THE UNITED STATES AND THE POLICY SOLUTIONS TO ADDRESS THEM* 4, 8 (Jan. 31, 2018) [hereinafter "Tahirih Justice Center"].

11. Tal Kopan, *Trump's Immigration Policies Have Especially Affected Women and Domestic Violence Victims*, CNN (Sept. 30, 2018, 8:03 AM), <https://www.cnn.com/2018/09/30/politics/trump-immigration-women-victims/index.html>.

12. AM. CIVIL LIBERTIES UNION, *ISLAND OF IMPUNITY: PUERTO RICO'S OUTLAW POLICE FORCE*, EXECUTIVE SUMMARY 7 (June 2012), available at https://www.aclu.org/sites/default/files/field_document/islandofimpunity_executivesummary_english_0.pdf.

women. It explores how domestic violence victims were treated post-Hurricanes Irma and María in September 2017 and how violence for immigrant women was compounded less than a year later, in June 2018, by the release of the former U.S. Attorney General Jeff Sessions Memo (hereinafter referred to as the “Sessions Memo”). An examination of how the Sessions Memo affects Puerto Rico is necessary because its repressive policies exacerbate the violence faced on the archipelago colony.¹³ It is important to note that the intersectionality of race, ethnicity, socio-economic status, sexual orientation, gender, language, and other such barriers are added to the violent situations immigrant women face on the archipelago colony. This Article argues that ultimately such policies place these already vulnerable and marginalized groups in an even lesser class status in the colony.

The number of immigrant women and girls who suffer from domestic abuse, assault, or violence is high. Immigrant women and girls who come to the United States are often fleeing life-threatening violence and trauma in their home countries.¹⁴ Immigrant women can be vulnerable to abuse for multiple reasons. One is their lack of immigration status or dependence on a partner for immigration status.¹⁵ Adding to that vulnerability, Sessions made it nearly impossible for women and girls who seek asylum from domestic violence in the United States to attain a legal pathway for relief.¹⁶

The Immigration and Nationality Act (INA) authorizes the U.S. Attorney General to grant asylum if an immigrant is unable or unwilling to return to her country of origin because she suffered past maltreatment or has a well-founded fear of future maltreatment on account of “race, religion, nationality, membership in a particular social group, or political opinion.”¹⁷ Sessions wrote a memorandum to re-categorize the test for credible fear for asylum seekers—making it more difficult for persons experiencing gender-based violence to obtain asylum in the United States.¹⁸

13. See generally *Developments in the Law: The International Place of Puerto Rico*, 130 HARV. L. REV. 1656 (2017). The history of Puerto Rico being the oldest colony in the world is a lengthier discussion. There is a multitude of scholarly support on this issue. The United Nations Decolonization Committee has had the case of Puerto Rico as the oldest colony of the U.S. before it for decades. Puerto Rico does not have self-determination and is the oldest colony of the world, which can be seen by the reality that U.S. laws apply to Puerto Rico without the consent of Puerto Rican residents of the archipelago. Puerto Rico residents cannot vote for the U.S. president, they cannot make decisions that affect them including being conscripted into wars, they have no voting representation in the U.S. Congress, federal law requires federal trials be held in English instead of Spanish of which the majority speaks, and they have no say in monetary policy, to name some self-determination issues.

14. NCADV, *supra* note 6 (highlighting that the author provides expert witness testimony on domestic violence asylum cases).

15. Interview with Julie Cruz Santana Esq., President of the Immigrant Rights Commission for the Puerto Rico Bar Association, in San Juan, P.R. (Oct. 15, 2018) [hereinafter “Cruz Santana Interview”].

16. Kopan, *supra* note 11.

17. 8 U.S.C. §§ 1101(a)(42)(A), 1158(b)(1)(A), 1158(b)(1)(B)(i) (2018).

18. *Tahirih Files Amicus Brief Challenging Policies Announced in Matter of A-B-*, TAHIRIH JUSTICE CENTER (Feb. 16, 2019), <https://www.tahirih.org/news/tahirih-files-amicus-brief-challenging-policies-announced-in-matter-of-a-b/> [hereinafter Tahirih Amicus].

The Sessions Memo is thus considered by immigration and social justice advocates as an attack on immigrant women and girls who endured or are currently enduring domestic or sexual violence. Sessions stated, “[a]sylum was never meant to alleviate all problems, even all serious problems, that people face every day all over the world.”¹⁹ In the memorandum, Sessions overruled an immigration court decision to grant asylum to a woman fleeing domestic violence and police indifference in her home country.²⁰ The overruled precedent affirmed that “married women who are afraid to leave their husbands” in a particular country constituted a “particular social class.”²¹ With unsubstantiated rhetoric, Sessions declared, generally, people fleeing violence from non-government actors—whether it was domestic or gang violence—should not be granted asylum protections.²² The Sessions Memo thus severely limits judicial discretion, impeding an immigrant victim’s access to justice thereby re-victimizing the victim and depriving them of access to safety, justice, and the right to life.²³

The Sessions Memo was not meant to inform asylum officers about how to deal with claims. The Memo placed the burden to deal with asylum claims on the Department of Homeland Security (DHS), which employs asylum officers, to figure out how to convert Sessions’ assertions of the law into actionable policy.²⁴ A more effective approach to any immigration reform proposal would be studied by the U.S. Congress and enacted accordingly and effectively in a bipartisan fashion.²⁵

Evidence suggests certain characteristics of women, such as sexual orientation, disability status, or ethnicity, as well as some contextual factors, including a humanitarian crisis, may increase their vulnerability to violence.²⁶ This Article focuses on the experience of immigrant women facing intimate partner violence in Puerto Rico post-Hurricanes Irma and María. It discusses briefly how the Sessions Memo and other immigration policies during the Trump Administration changed the recourses available for undocumented immigrant persons. It focuses on immigrant women facing domestic violence in Puerto Rico, a U.S. territory and customs port of entry to the continental U.S., as well as the extreme hardships these vulnerable populations and domestic violence shelter directors, faced during and after the hurricanes.

This article is divided in five substantive parts. Part I will introduce the obstacles facing immigrant women in the U.S. generally and how they are

19. Kopan, *supra* note 11.

20. *See* Matter of A-B-, 27 I & N Dec. 316, 316 (A.G. 2018) Interim Decision #3929.

21. *Id.* at 317.

22. *Id.* at 320.

23. *See id.*; G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948), https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf.

24. *See* Matter of A-B-, 27 I & N Dec. at 316.

25. This discussion requires a longer and more detailed answer beyond the scope of this article.

26. *Facts and Figures: Ending Violence Against Women*, U.N. WOMEN (Feb. 16, 2019), <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>.

compounded for those in Puerto Rico, especially post-Hurricanes Irma and María. Part II will discuss how the lack of a Freedom of Information Act (FOIA) and transparent official government statistics on the issue of domestic violence has catapulted a surge in the development of a civilian-led data project that has become a social media phenomenon called *Seguimiento de Casos* (Case Follow-Up). An appendix provides civilian led data on domestic violence from the *Seguimiento de Casos* project. Part III provides an understanding of the Puerto Rico “Domestic Abuse Prevention and Intervention Act” (referred to hereafter as Law 54), Specialized Domestic Violence Courts, and police protocols in place to support immigrant women; examines the situation domestic violence shelters faced as a result of the hurricanes; and discusses the case study of “Sofia,” a Venezuelan immigrant and domestic violence victim who endured hurricanes Irma and María. Part IV will conclude by offering recommendations and solutions that could facilitate effective support for immigrant women who are domestic violence victims, unlike the Sessions Memo, thereby improving the quality of life for all persons in Puerto Rico.

I. OBSTACLES FACED BY IMMIGRANT WOMEN IN THE U.S. AND PUERTO RICO

In August 2018, a federal lawsuit, *Grace v. Sessions*, was filed challenging the U.S. Attorney General’s new policies announced in *Matter of A-B-*, which called on asylum officers to “generally” deny claims from immigrants fleeing from gang and domestic violence.²⁷ The plaintiffs include twelve women and children who endured extreme violence and trauma.²⁸ The Trump Administration was set to deport the plaintiffs based on the Administration’s new policies outlined in the Sessions Memo.²⁹ Since the Sessions Memo, domestic violence is no longer a basis for asylum as seen in the *Matter of A-B-* and such asylum cases are being denied.³⁰

Chief of Policy of the Tahirih Justice Center, Archi Pyati, stated: “[t]he cumulative effect is that I think women are more afraid than ever to come forward . . . the more that the door shuts, the more darkness she feels, the more isolated she feels, the more we are just putting weapons in the hands of her abuser.”³¹ A survey conducted by the Tahirih Justice Center and funded by the Ford Foundation found that the lack of legal remedies to prevent deportation was top on the list of

27. Tahirih Amicus, *supra* note 18; *Matter of A-B-*, 27 I & N Dec. at 316-18.

28. Tahirih Amicus, *supra* note 18.

29. *Matter of A-B-*, 27 I & N Dec. at 316-18.

30. Email from Layli Miller-Muro, Esq., Executive Director of Tahirih Justice Center, to author (Dec. 8, 2018, 5:05 PM) (on file with author); *see generally* Tahirih Justice Center, *supra* note 10 (explaining that the Tahirih Justice Center is the largest multi-city direct service and policy advocacy organization focused on assisting immigrant women and girls in the U.S., and they provided free legal and case management assistance to more than 22,000 immigrant women and children fleeing human trafficking, domestic abuse, rape, and other gender-based violence. Tahirih will continue to monitor policy shifts that impact women and girls fleeing violence and advocate for the United States to honor its legal obligations to protect those fleeing human rights abuses).

31. Kopan, *supra* note 11.

urgent challenges confronting immigrant women and girls in the United States. Over 150 individuals, representing 108 entities in 23 states described how extremely narrow legal standards prevent even those in dire need of protection from receiving asylum.³² Clients facing deportation suffer intense fear for their safety, anticipating retaliation from persecutors in the form of kidnapping, rape, and torture upon return to their country of origin.³³ Asylum reform, as well as broader immigration reform, is cited as necessary to alleviate this problem.³⁴

In Puerto Rico, a U.S. territory, undocumented immigrant persons face the same obstacles as immigrants in the continental U.S., but the circumstances are compounded by a lack of access to free immigration legal services.³⁵ Puerto Rico has been in a huge economic crisis, resulting in persistent poverty for decades. Hence, a philanthropic culture like the one found in the continental U.S. does not exist on the archipelago, especially one that funds organizations willing to provide these free legal services to immigrant women. Currently, there is only one immigration law clinic that provides free immigration services to undocumented immigrants, and it is located at the University of Puerto Rico School of Law.³⁶ Typically, immigrant domestic violence victims who seek status may qualify for free legal services through programs like El Centro de la Mujer Dominicana (The Dominican Woman Center), a non-profit organization with the goal of providing holistic free services to immigrant victims of violence or discrimination in Puerto Rico. However, these nonprofits are scarce, are underfunded, and are usually located in metropolitan areas, making access difficult for rural women. Victims who are referred or who are fortunate enough to learn about these organizations are those who typically qualify for one of three types of visas commonly available to immigrant domestic violence victims a VAWA visa, U visa, or T visa.

A. FEDERAL IMMIGRATION VISAS FOR VICTIMS OF VIOLENCE

It is important to briefly review some of the federal immigration remedies typically available to immigrant victims of violence. They include: (1) Violence Against Women Act (VAWA) visas, (2) U nonimmigrant visas, and (3) T nonimmigrant visas. This section defines and explains each visa in turn. According to U.S. Citizenship and Immigration Services (USCIS), a “battered” spouse, child, or parent may file an immigrant visa petition under the INA.³⁷ VAWA amended the INA.³⁸ The added VAWA provisions allow certain spouses, children, and parents of U.S. citizens and permanent residents (Green Card holders) to file a

32. See Tahirih Justice Center, *supra* note 10, at 2, 4.

33. *Id.*

34. *Id.*

35. Cruz Santana Interview, *supra* note 15.

36. *Id.*

37. *Battered Spouse, Children, and Parents*, U.S. CITIZENSHIP & IMMIGRATION SERV. (USCIS) (Feb. 16, 2019), <https://www.uscis.gov/humanitarian/battered-spouse-children-parents>.

38. *Id.*

petition for themselves, without the abuser's knowledge.³⁹ VAWA allows victims to seek both safety and independence from their abuser.⁴⁰ Under VAWA, a person may be eligible to become a lawful permanent resident if they are the victim of battery or extreme cruelty committed by either: "A U.S. citizen spouse or former spouse; A U.S. citizen parent; A U.S. citizen son or daughter; A lawful permanent resident (LPR) spouse or former spouse; or a LPR parent."⁴¹ An immigrant may self-petition under VAWA by "filing a petition for Amerasian, Widow(er), or Special Immigrant without the abusive family member's knowledge or consent."⁴² A person who files a VAWA self-petition is generally known as a VAWA self-petitioner.⁴³ If the self-petition is approved, and the person meets other eligibility requirements, the person may be eligible to apply to become a LPR.⁴⁴ This procedure is also available to qualifying immigrants in Puerto Rico.

USCIS also states that U visas are available to Puerto Rico's immigrants who qualify.⁴⁵ A U visa is set-aside for victims of certain crimes who suffered mental or physical abuse, and who are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity.⁴⁶ Congress created the U visa with the passage of the Victims of Trafficking and Violence Protection Act in October 2000.⁴⁷ The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes.⁴⁸ In tandem, the Act also protects victims of crimes who suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity.⁴⁹ The legislation also helps law enforcement agencies to better serve victims of crimes.⁵⁰

Though less common, T visas are also available in Puerto Rico to immigrants who qualify. The U.S. Congress created the T visa in October 2000 under the Victims of Trafficking and Violence Protection Act.⁵¹ T visas are a temporary

39. *Id.*

40. *See id.* (noting that the abuser is not notified about the filing).

41. *Id.*

42. *Green Card for VAWA Self-Petitioner*, U.S. CITIZENSHIP & IMMIGRATION SERV. (USCIS) (July 26, 2018), <https://www.uscis.gov/green-card/green-card-vaawa-self-petitioner>.

43. *Id.*

44. *Id.*

45. *Victims of Criminal Activity: U Nonimmigrant Status*, U.S. CITIZENSHIP & IMMIGRATION SERV. (USCIS) (last visited Feb. 17, 2019), <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>.

46. *Id.*

47. *Id.*

48. *Id.*

49. *Id.*

50. *Id.*

51. *Victims of Human Trafficking: T Nonimmigrant Status*, U.S. CITIZENSHIP & IMMIGRATION SERV. (USCIS) (last updated May 10, 2018), <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>.

immigration benefit that enables certain victims of human trafficking to remain in the United States for up to four years by providing nonimmigrant status to foreign victims if they assisted law enforcement in an investigation or prosecution of human trafficking.⁵² T visas are also available for certain qualifying family members of trafficking victims.⁵³ Nonimmigrants granted T visas are eligible for employment authorization and certain federal and state benefits and services.⁵⁴ T nonimmigrants who qualify may also be able to adjust their status and become lawful permanent residents by obtaining a Green Card.⁵⁵ T visas offer protection to victims and strengthen the ability of law enforcement agencies to investigate and prosecute human trafficking.⁵⁶

According to Attorney Julie Cruz Santana, President of the Immigrant Rights Commission for the Puerto Rico Bar Association, VAWA and U visas are commonly sought by immigrants in Puerto Rico.⁵⁷ While trafficking is an issue in Puerto Rico, it is not a highly prosecuted crime for reasons beyond the scope of this Article.⁵⁸ Additionally, Cruz Santana states: “we still do not fully understand the impact of the Sessions Memo.”⁵⁹ Since the Sessions Memo, there are no continuances on cases, which was a case scheduling tool formerly used by immigration judges to delay hearings.⁶⁰ For example, Cruz Santana states that before the Sessions Memo, when one of her U visa clients was detained they would have shown the U visa paperwork to show cause regarding a pending matter and, in the past, the judge would grant a continuance. However, she is finding now that the client is being required to go forth with the case, as the cases are no longer continued.⁶¹ Cruz Santana has many questions about the impact of the Sessions Memo including, “Are *prima facie* cases taken to court? Will they be administratively closed? Or, are they going to be forced to see the case in court without the entirety of all the evidence which is being gathered?”⁶² These questions make it challenging for immigration practitioners. Moreover, she asks regarding VAWA cases, “how do we show hardship? Immigration authorities look for treatment, so

52. *Id.*

53. *Id.*

54. *Fact Sheet: Victim Assistance*, OFFICE OF THE ADMIN. FOR CHILDREN & FAMILIES, OFFICE OF REFUGEE RESETTLEMENT (Aug. 7, 2012), <https://www.acf.hhs.gov/orr/resource/fact-sheet-victim-assistance-english>.

55. *Victims of Human Trafficking: T Nonimmigrant Status*, U.S. CITIZENSHIP & IMMIGRATION SERV. (USCIS) (last updated May 10, 2018), <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>.

56. *Id.*

57. Cruz Santana Interview, *supra* note 15.

58. *Id.*

59. *Id.*

60. *See generally id.* (explaining that there are times the victim does not have all the paperwork to present the case available, and before the Sessions Memo, they were given time via a continuance to prepare the necessary evidence).

61. *Id.*

62. *Id.*

what defines treatment? Will attorneys have these documents when they go to court?”⁶³

II. LACK OF FREEDOM OF INFORMATION ACT AND THE DOMESTIC VIOLENCE STATISTICS ISSUE IN PUERTO RICO

The reliability of data in Puerto Rico has historically been troubling because it is extremely difficult to attain from the local government.⁶⁴ Puerto Rico lacks a Freedom of Information Act (FOIA) and a “sunshine law” which makes the overall transparency of data extremely difficult to achieve and the attainment of available data an undertaking.⁶⁵ Statistics are essential to grasp the reality of domestic violence, which has become a crisis, as well as other issues impacting women in Puerto Rico. As discussed below, the lack of data is a fundamental problem in Puerto Rico.⁶⁶

There are multiple bodies that report domestic violence data—the police, the judiciary, the Department of Justice, and La Oficina de la Procuradora de las Mujeres (Women’s Advocate Office (WAO)).⁶⁷ These four bodies provide

63. *Id.*

64. Ricardo Cortés Chico, *Statistical Failures Limit The Ability To Recover*, ENDI (Aug. 12, 2018, 6:30 AM), <https://www.elnuevodia.com/noticias/locales/nota/fallasestadisticaslimitanlacapacidadderecuperacion-2440784/>; *see also, e.g., Institute Of Statistics Calls For A Dispute To Be Resolved In Courts*, P.R. TE QUIERO (Feb. 22, 2018), <http://puertoricotequiero.com/instituto-de-estadisticas-pide-se-resuelva-el-tribunales-controversia/>.

65. John Marino, *Puerto Rico: Let The Sunshine In*, P.R. HERALD (Sept. 13, 2002), <http://www.puertorico-herald.org/issues/2002/vol6n37/PRR0637-en.html> (“Puerto Rico has no law, such as the federal [FOIA], that sets out the ground rules of how government information will get released to citizens or the press. And it lacks a ‘sunshine law,’ governing access to public documents and public meetings, that most states have on the books.”); *see also* Jodie G. Roure, *Gender Justice in Puerto Rico: Domestic Violence, Legal Reform, and the Use of International Human Rights Principles*, HUM. RIGHTS Q. 790, 817 (2011), http://johnjay.jjay.cuny.edu/files/departments/latin_american_studies/roure_final_pdf; *Institute of Statistics asks the Court to resolve the mess about its Board of Directors*, PRIMERAHORA (Feb. 21, 2018), <https://www.primerahora.com/noticias/puerto-rico/nota/institutodeestadisticasolicitaaltribunalesolverliosobresujuntadedirectores-1269416/>; Associated Press, *Puerto Rico Governor Pursues Freedom Of Information Law*, Fox News (Jan. 10, 2017), <https://www.foxnews.com/world/puerto-rico-governor-pursues-freedom-of-information-law> (explaining Puerto Rico’s new governor signed an executive order creating a public affairs and public policy secretary position to be responsible for drawing up proposed legislation similar to FOIA).

66. Claire Tighe & Lauren Gurley, *Official Reports of Violence Against Women in Puerto Rico Unreliable After Hurricane Maria*, CENTRO DE PERIODISMO INVESTIGATIVO (May 7, 2018), <http://periodismoinvestigativo.com/2018/05/official-reports-of-violence-against-women-in-puerto-rico-unreliable-after-hurricane-Maria/>; *Hurricane María’s Survivors: “Women’s Safety was Not Prioritized,” REFUGEES INT’L* (Sept. 18, 2018), <https://reliefweb.int/report/puerto-rico-united-states-america/hurricane-mar-s-survivors-women-s-safety-was-not>; Mehreen Kasana, *Domestic Violence in Puerto Rico May Be Happening Much More Than What Official Reports Say*, BUSTLE (May 8, 2018), <https://www.bustle.com/p/domestic-violence-in-puerto-rico-may-be-happening-much-more-than-what-official-reports-say-9029059>; Maria Sherman, *Gender-Based Violence Increased in Puerto Rico After Hurricane Maria, But We Don’t Know by How Much*, JEZEBEL (May 8, 2018), <https://jezebel.com/gender-based-violence-increased-in-puerto-rico-after-hu-1825862754>.

67. Roure, *supra* note 65, at 793.

disparate reports on the numbers of domestic violence incidents.⁶⁸ As of late, the WAO has merely been reporting the police statistics as their official data when, previously, it conducted independent research and reported their own findings.⁶⁹ The principal mandate of the WAO is to research, investigate, compile, and analyze statistics on the status of women in Puerto Rico.⁷⁰ The mandated research and investigative process examines criteria including, but not limited to, the social, political, and civil obstacles that impede equitable human rights for all women in Puerto Rico. The WAO is charged with analyzing the roots of disparate treatment, access, and participation of women in areas such as education, training, health, employment, self-management, and economic development.⁷¹ Currently, it seems the WAO has been unable to fill its mandate, and no explanation of the change in its procedure of data collections to use police statistics has been provided publicly.⁷² The lack of an accurate standard set of statistical data on domestic violence crimes does not allow for a proper depiction of the gravity of the problem in Puerto Rico.⁷³ The inability to grasp the grave reality of the domestic violence problem, its causes, and its consequences prevents the government from properly developing a plan of action aimed at eradicating gender-based violence throughout the archipelago.

Political partisanship has long been one reason for not properly gathering statistics on the archipelago. Depending on the public perception of the data, a depiction of the gravity of a social ill could win or lose an election.⁷⁴ Historically, the response has been for politicians to use official statistics that are favorable in an effort to keep party votes.⁷⁵ The lack of accurate statistics impedes economic growth, social development, and the promotion of the protection of human rights in all societies.⁷⁶ Violence against women is a major global public health problem

68. *Id.*

69. *Id.* at 814, 816.

70. *Id.* at 814.

71. *Id.*

72. Meeting with Johanna Pinette, Esq., Special Projects Associate Attorney ACLU, Puerto Rico, Carolina, P.R. (Dec. 15, 2018) [hereinafter Pinette Interview].

73. Leysa Caro González, *They Denounce that Lack of Statistics Prevents Creating Strategies Against Gender Violence*, EL NUEVO DIA (Dec. 10, 2018, 5:00 AM), <https://www.elnuevodia.com/noticias/locales/nota/denuncianquefaltadeestadisticasimpidecrearestrategiascontralaviolenciadegenero-2464625/>.

74. Brian Tarran, *Senators Vote in Favour of Plan to Scrap Puerto Rico Institute of Statistics*, SIGNIFICANCE (Apr. 9, 2018), <https://www.significancemagazine.com/politics/588-senators-vote-in-favour-of-plan-to-scrap-puerto-rico-institute-of-statistics>.

75. See, e.g., Tim Harford, *How Politicians Poisoned Statistics*, FIN. TIMES (Apr. 14, 2016), <https://www.ft.com/content/2e43b3e8-01c7-11e6-ac98-3c15a1aa2e62>.

76. Lisa Clemens-Cope et al., *How Better Data Can Reduce Domestic Violence*, URBAN INSTITUTE, <http://apps.urban.org/features/domestic-violence-data/> (last visited Jan. 3, 2019) (when discussing domestic and sexual violence crime statistics, it is important to be precise in the terminology used to describe the crime data being collected and analyzed. Otherwise, what appear to be conflicts between various prevalence or severity indicators may be actually due to the use of different units of measure.); NATIONAL INSTITUTE OF JUSTICE, DOMESTIC AND SEXUAL VIOLENCE DATA COLLECTION: A REPORT TO CONGRESS UNDER THE VIOLENCE AGAINST WOMEN ACT 6 (1996), <https://www.ncjrs.gov/pdffiles/>

and a violation of women's human rights.⁷⁷ The lack of transparent data is aggravated when countries endure the wrath of natural disasters because the sheer physical destruction disrupts the ability to gather data accurately as was the case of Hurricanes María and Irma on the archipelago.

The gravity of the domestic violence situation in Puerto Rico has also been exacerbated by the natural disaster that wreaked havoc on the archipelago in September of 2017. Hurricanes Irma and María hit the archipelago within two weeks of one another, leaving the main island of Puerto Rico and the offshore islands of Culebra and Vieques uninhabitable in most areas.⁷⁸ Its residents, especially the most vulnerable, like victims of domestic violence, were left to fend for themselves. Lack of power and water access was already an issue in parts of Puerto Rico due to Hurricane Irma, which hit on September 9, 2017, only ten days prior to Hurricane María. Hurricane María, which caused the most damage, hit Puerto Rico, Culebra, and Vieques on September 20, 2017, with sustained winds between 155-180 miles per hour, knocking out power to the entire archipelago and causing the longest blackout in U.S. history.⁷⁹ There was only one radio station immediately available after Hurricane María made landfall, which advised the public of the devastating conditions. Since there was no electricity, residents were only able to listen to the station on battery or cell powered radios.⁸⁰

alldom.pdf; Isabel Ruiz-Pérez et al., *Methodological Issues In The Study Of Violence Against Women*, 61 J. EPIDEMIOL. COMMUNITY HEALTH (SUPPL. II) ii26, ii27 (2007), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2465770/pdf/ii26.pdf> (examining the limitations and bias in research on violence, including the lack of consensus with regard to measuring events that may or may not represent a risk factor for violence against women or the methodological problem related to the type of sampling used in both etiological and prevalence studies); WORLD HEALTH ORG., *VIOLENCE AGAINST WOMEN: A STATISTICAL OVERVIEW, CHALLENGES AND GAPS IN DATA COLLECTION AND METHODOLOGY AND APPROACHES FOR OVERCOMING THEM*, 2 (2005), <http://www.un.org/womenwatch/daw/egm/vaw-stat-2005/docs/final-report-vaw-stats.pdf> ("Violence against women: a statistical overview, challenges and gaps in data collection and methodology and approaches for overcoming them.").

77. Global estimates published by the World Health Organization (WHO) indicate that about 1 in 3 (35%) women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime. Furthermore, WHO estimates intimate partner violence ranges from 23.2% in high-income countries and 24.6% in the WHO Western Pacific region to 37% in the WHO Eastern Mediterranean region and 37.7% in the WHO South-East Asia region. WORLD HEALTH ORG., *GLOBAL AND REGIONAL ESTIMATES OF VIOLENCE AGAINST WOMEN: PREVALENCE AND HEALTH EFFECTS OF INTIMATE PARTNER VIOLENCE AND NON-PARTNER SEXUAL VIOLENCE 2* (2013), http://apps.who.int/iris/bitstream/handle/10665/85239/9789241564625_eng.pdf?sequence=1.

78. Jason Samenow, *Hurricane Maria Sweeps Across Puerto Rico With Destructive Winds And Tremendous Rainfall*, WASH. POST (Sept. 20, 2017), https://www.washingtonpost.com/news/capital-weather-gang/wp/2017/09/19/category-5-hurricane-maria-is-a-disaster-scenario-for-puerto-rico-and-virgin-islands-jose-to-brush-by-new-england/?noredirect=on&utm_term=.1bf88e8620e9.

79. Rick Jervis, *\$3 Billion Already Spent To End Longest Blackout in U.S. History. Could Renewable Energy Help Puerto Rico?*, USA TODAY (Oct. 18, 2018), <https://www.usatoday.com/story/news/2018/10/18/puerto-rico-hurricane-maria-power-restoration-casa-pueblo-solar/1445685002/>.

80. Samenow, *supra* note 72; Jen Kirby, *Radio, Word of Mouth, and the Fleeting Cell Signal: How Puerto Rico Struggled to Communicate After Hurricane Maria*, INTELLIGENCER (Oct. 1, 2017), <http://nymag.com/intelligencer/2017/10/how-puerto-rico-struggled-to-communicate-after-maria.html>.

The majority of the population, including court personnel and law enforcement officials, was unable to report to work due to the structural damage the archipelago endured. Hence there was little presence of law enforcement officials available to the public, and the lack of law enforcement had already been a crippling problem on the archipelago before the hurricanes hit.⁸¹ Police stations were either understaffed or closed as officers were redirected to traffic duty on average for thirteen hours per day as traffic lights were not functioning. After the hurricanes, police officers were also directed to protect major businesses and banking industries from potential looting.⁸² The archipelago was unprepared for Hurricane María. It resulted in total mayhem and a record-breaking U.S. natural disaster estimated death toll of between 2,975⁸³ to approximately 8,000 human lives lost.⁸⁴

As a result of Hurricane María, domestic violence soared according to reports from the Administrative Office of the Courts of Puerto Rico (OAT) and domestic violence shelters. During the natural disaster period of Hurricane María alone, preliminary data reported by the OAT showed there were 442 Temporary Restraining Orders (TROs) issued.⁸⁵ This is a particularly alarming rate given that these TROs were issued during a period of time where there was little to no electricity available, cell phone reception was virtually non-existent, police were unavailable, and the majority of the courts were closed due to the physical destruction caused by Hurricane María.⁸⁶ It can be reasonably inferred that these compounding factors caused an underreporting of domestic violence incidents due to these aforementioned circumstances, in addition to the lack of access to hospital and medical providers for victims.⁸⁷

81. Stella Levantesi, *Rising Crime and a Shrinking Police Force Stunt Puerto Rico's Recovery*, CENTRO DE PERIODISMO INVESTIGATIVO (Apr. 30, 2018), <http://periodismoinvestigativo.com/2018/04/rising-crime-and-a-shrinking-police-force-stunt-puerto-ricos-recovery/>.

82. John Jay College, *Criminal Justice Matters: Hurricanes and Justice*, YOUTUBE (Jan. 30, 2018), <https://www.youtube.com/watch?v=LLryCK-uNOM> (ACLU Puerto Rico and Criminal Justice Matters John Jay College interview with William Ramirez, Executive Director ACLU P.R.).

83. Carlos Santos-Burgoa, et al, *Project Report: Ascertainment of the Estimated Excess Mortality From Hurricane Maria in Puerto Rico*, THE GEORGE WASHINGTON UNIVERSITY MILKEN INSTITUTE SCHOOL OF PUBLIC HEALTH (Sept. 24, 2018), <https://publichealth.gwu.edu/sites/default/files/downloads/projects/PRstudy/Acertainment%20of%20the%20Estimated%20Excess%20Mortality%20from%20Hurricane%20Maria%20in%20Puerto%20Rico.pdf>.

84. Arelis R. Hernandez and Laurie McGinley, *Harvard study estimates thousands died in Puerto Rico because of Hurricane Maria*, WASH. POST (May 29, 2018), https://www.washingtonpost.com/national/harvard-study-estimates-thousands-died-in-puerto-rico-due-to-hurricane-maria/2018/05/29/1a82503a-6070-11e8-a4a4-c070ef53f315_story.html?utm_term=.52eec16794ae.

85. E-mail from Vilma Gonzalez Castro, Exec. Dir., Coordinadora Paz Para la Mujer, to author (Feb. 27, 2019, 5:38 PM) (on file with author).

86. Meeting with Puerto Rico Domestic Violence Shelter Team, in San Juan Office of Senator Jose Vargas Vidot, March 5, 2018 (notes on file with author) [hereinafter "PRDV Meeting"].

87. Johanna Pinette requested TRO data from 2016 for the author to make a comparative study in February 2018, but the data was not provided. Claudia E. Sotomayor Mercado from the PRPD Statistics Division directed Pinette to purchase government stamps and come to the PRPD to attain the statistics. See Email from Claudia E. Sotomayor Mercado, Interim Director Division of Statistics PRPD, to Johanna Pinette, Associate Attorney ACLU P.R. (Feb. 1, 2018) (on file with author).

TRIAL COURT – JUDICIAL REGIONS ORDERS OF PROTECTION UNDER LAW 54 –
 PREVENTION OF DOMESTIC VIOLENCE DURING THE EMERGENCY PERIOD PROVOKED BY
 HURRICANE MARIA DECLARED BY FEMA ON OCTOBER 20, 2017 (PRELIMINARY DATA)

Región/Fecha (Region/Date)	Cantidad (Number)
Aguadilla 25/Sep. – 13/Oct.	20
Aibonito 25/Sep. – 12/Oct.	15
Arecibo 2/10 – 12/Oct.	39
Bayamón Hasta el (until the) 12/Oct.	2
Caguas 24/Sept. – 12/Oct.	130
Carolina Hasta (until) 12/Oct.	31
Fajardo Hasta (until) 12/Oct.	14
Guayama 21/Sep. – 12/Oct.	14
Humacao Hasta (until) 12/Oct.	34
Mayagüez Hasta (until) – 12/Oct.	—
Ponce Hasta el (until the) 11/10	18
San Juan 20/Sep. – 13/Oct.	78
Utado Hasta (until) 12/Oct.	47
Total	442

Domestic violence calls also soared during this time. There were 1,747 domestic violence calls between September 2017 and November 2017 according to the government office, Junta de Gobierno del Servicio 9-1-1 or the Puerto Rico 9-1-1 Service Governing Board, which receives 911 calls, an unprecedented increase from the prior year.⁸⁸ From September 20, 2017—which is when Hurricane María hit the archipelago—to September 30, 2017, there were 211 domestic violence calls to 911 recorded.⁸⁹ In October 2017, there were 899 domestic violence calls to 911 and from November 2 to 21, 2017, there were 647 domestic violence calls to 911 recorded.⁹⁰ It is important to highlight that this number reflects an underreporting of domestic violence calls because at the time there was little to no cell phone reception or telecommunications available.⁹¹ Many NGOs and domestic violence shelters on the main island agree that these numbers are underrepresenting the reporting of domestic violence calls for many reasons, some of which include the unavailability of cell phone service, lack of access to law enforcement officials, and lack of access to a court of law throughout most parts of the main island during this period.⁹²

According to *Seguimiento de Casos*, twenty-three women were murdered by their partners or ex-partners and there are twenty-eight open homicide cases with women victims, for a total of fifty-one female deaths in Puerto Rico as of December 31, 2018.⁹³ The number of femicides in cases of domestic violence increased in recent years.⁹⁴ Unfortunately, these statistics are not reflected on the Puerto Rico Police Department's (PRPD) website as of January 2, 2018. The number of domestic violence homicides from 2017 were only reported as one domestic violence homicide of an adult female victim as seen by the chart below in line two "Violencia Domestica Feminina Mayores," compared to the seven

88. Omar Marrero, *Maternal Health Care Worsened After María*, NOTICEL (May 12, 2018), <https://www.noticel.com/el-tiempo/huracanes/la-atencion-a-la-salud-materna-empeoro-despues-de-maria/740986067>; *Puerto Rico, 911.GOV PROFILE DATABASE*, <https://resourcecenter.911.gov/code/NprState.aspx?StateANSI=72>.

89. Pinette Interview, *supra* note 72.

90. *Id.*

91. Claire Tighe & Lauren Gurley, *Official Reports of Violence Against Women in Puerto Rico Unreliable After Hurricane María*, CENTRO DE PERIODISMO INVESTIGATIVO (May 7, 2018), <http://periodismoinvestigativo.com/2018/05/official-reports-of-violence-against-women-in-puerto-rico-unreliable-after-hurricane-Maria/>.

92. *Id.*; Interview with Vilma Gonzalez Castro, Exec. Dir. Coordinadora Paz Para La Mujer, in San Juan, P.R. (Mar. 5, 2018) [hereinafter "Interview with Gonzalez Castro"]. The municipalities of Vieques and Culebra, which are separate smaller islands from Puerto Rico, do not have courthouses on the respective islands.

93. Interview with Carmen Castello, Founder, Seguimiento de Casos, in P.R. (Dec. 29, 2018) (discussing Seguimiento de Casos data) (noting this data is being provided to illustrate the disparity between the PRPD's data and civilian led data).

94. Miguel Rivera Puig, *Increase in deaths of women due to domestic violence*, EL VOCERO (Oct. 31, 2018), https://www.elvocero.com/ley-y-orden/aumentan-muertes-de-mujeres-por-violencia-domestica/article_5a299630-dd34-11e8-ad4a-5ba9bd5ba606.html.

PRELIMINARY REPORT OF MURDERS 2017 (PRPD CHART)

MOVIL	FEMININAS MAYORES	FEMININAS MEORES	MASCULINOS MAYORES	MASCULINOS MENORES	TOTAL	%
Drogas	2	0	80	1	83	49.7%
Violencia Domestica	1	0	0	0	1	0.6%
Robos	0	0	6	0	6	3.6%
Escalamientos	0	0	0	0	0	0.0%
Robo de Vehículos (Carjacking)	0	0	1	0	1	0.6%
Pasional (Passionate)	0	0	4	0	4	2.4%
Venganza	0	0	16	0	16	9.6%
Rencillas	0	0	2	0	2	1.2%
Peleas / Discusiones	1	0	14	0	15	9.0%
Secuestros	0	0	0	0	0	0.0%
Maltrato de Menores	0	0	0	0	0	0.0%
Sin Determinar	1	1	37	0	39	23.4%
TOTAL	5 (3%)	1 (1%)	160 (96%)	1 (1%)	167	

deaths reported by Seguimiento de Casos.⁹⁵

95. *Preliminary Report of Assassinations 2017*, PUERTO RICO'S POLICE DEPARTMENT, <https://policia.pr.gov/informe-preliminar-de-asesinatos/>; Interview with Carmen Castello, Founder, Seguimiento de Casos, in Cupey, P.R. (Dec. 17, 2018) (on file with author). The Seguimeiento de Casos Facebook Page is available at <https://www.facebook.com/seguimiento.decasos.9>.

The availability of accurate data is important to create a plan to address domestic violence on the archipelago. The chart below, “Domestic Violence Statistics as Reported by the PRPD,” was created to demonstrate the PRPD’s reporting on domestic violence incidents found on the PRPD’s website per year for the past three years, from 2015–2017. The PRPD’s website has a statistics page, but unlike the chart below, it is not cumulative and does not report the domestic violence homicide rates for previous years.⁹⁶ Each year, the PRPD removes its statistics and replaces the prior data with new statistics. This makes it difficult to conduct a comparative study of domestic violence rate changes from year to year, which is why the chart that was created below is more helpful in this regard. Furthermore, while the PRPD website does provide homicide statistics for domestic violence crimes, in 2017 for example, it stated there was only one domestic violence homicide death, which is contrary to news reports and other sources, which reported many more deaths due to domestic violence than the PRPD’s website reported rate.⁹⁷ Unlike the PRPD’s website, the chart below includes the number of domestic violence incidents reported to PRPD, the number of women murdered during a domestic violence incident, the total of domestic violence incidents reported with arrests made, and the total number of convictions resulting from domestic violence arrests.⁹⁸ This type of chart is useful in providing a comparative perspective to the public on the issue of domestic violence. It is an example of how the PRPD could convey the data and engage with the public collaboratively to create a plan of action aimed at eradicating violence against women and girls on the archipelago.⁹⁹

According to this chart, the data shows that the incidents of domestic violence have decreased for the most part. However, news reports and independent studies of the situation show evidence to the contrary. This is discussed in the following section with data appendices.

96. To attain statistics for prior year, a person must purchase government stamps and make the request to the statistics office, a timely and costly process for public information.

97. *Statistics on Domestic Violence*, PUERTO RICO POLICE DEPARTMENT (2017), <https://policia.pr.gov/estadisticas-de-violencia-domestica/>. PRPD data for years 2015 and 2016 was obtained from Johanna Pinette who stores the domestic violence data from prior years.

98. *Id.*

99. Mehreen Kasana, *Domestic Violence In Puerto Rico May Be Happening Much More Than What Official Reports Say*, BUSTLE (May 8, 2018), <https://www.bustle.com/p/domestic-violence-in-puerto-rico-may-be-happening-much-more-than-what-official-reports-say-9029059>; Leysa Caro González, *They Denounce That Lack of Statistics Prevents Creating Strategies Against Gender Violence: The Lack of Data and Analysis Does Not Allow The Development of Strategies to Address the Increase in Cases*, EL NUEVO DIA (Dec. 10, 2018), <https://www.elnuevodia.com/noticias/locales/nota/denuncianquefalta-deestadisticasimpidecrearestrategiascontralaviolenciadegenero-2464625/>.

DOMESTIC VIOLENCE STATISTICS AS REPORTED BY THE PUERTO RICO POLICE
DEPARTMENT¹⁰⁰

2015 (January 1 – December 31)	2016 (January 1 – December 31)	2017 (January 1 – December 31)
10,972 total DV incidents reported by the PRPD	9,197 total DV incidents reported by the PRPD	8,473 total DV incidents reported by the PRPD
PRPD reported 9 women murdered during a DV incident	PRPD reported 9 women murdered during a DV incident	PRPD reported 1 woman murdered during a DV incident
Out of the 10,972 DV incidents reported, only 6,801 arrests were made after police investigation	Out of the 9,197 DV incidents reported, only 5,865 arrests were made after police investigation	Out of the 8,473 DV incidents reported, only 5,322 arrests were made after police investigation
Out of the 6,801 arrests, only 1,258 were convicted	Out of the 5,865 arrests, only 959 were convicted	Out of the 5,322 arrests, only 1,163 were convicted

Domestic violence is a crime that police officers are also committing and are victims of themselves, as seen by the chart below.¹⁰¹ During the Police Reform Court Hearing held on December 6, 2018, the Director of the Psychology and Social Work Division of the Puerto Rico Police Department, Dr. Juan C. Centeno López, reported that as of November 2018, at least 144 officers were referred to the Psychology and Social Work Division for evaluation following a domestic violence incident.¹⁰² The total number of cases referred for evaluation includes officers reported as alleged domestic violence aggressors and officers that reported being victims of domestic violence.¹⁰³ Many complaints against police officers for domestic violence incidents remain uninvestigated by fellow police officers.¹⁰⁴ According to the PRPD’s “Investigated Administrative Complain[t]s” chart below, which reports complaints received for gender-based violence in 2018, there were 1,436 incidents recorded and only 774 were investigated.

100. See Samenow, *supra* note 78.

101. *Administrative Complaints*, PUERTO RICO’S POLICE DEPARTMENT, (2018), <https://policia.pr.gov/estadisticas-querellas-administrativas/>.

102. Pinette Interview *supra* note 72; Email from Johanna Pinette, Special Projects Associate Attorney ACLU, Puerto Rico, to author (Dec. 25-28, 2018).

103. Pinette Interview, *supra* note 72.

104. *Id.*

INVESTIGATED ADMINISTRATIVE COMPLAINTS 2018¹⁰⁵

AREAS	Received	Investigated	Pending Investigations	Pending Complaints from Previous Years			Total	Investigated Complaints from Previous Years			Total
				2017	2016	2015		2017	2016	2015	
			2018								
San Juan	199	69	130	21	1	1	23	59	0	0	59
Arecibo	116	85	31	0	0	0	0	48	0	0	48
Ponce	90	56	34	4	0	0	4	36	0	0	36
Humacao	67	42	25	1	1	1	3	34	3	0	37
Mayagüez	91	49	42	4	0	0	4	78	1	0	79
Caguas	110	70	40	3	0	0	3	53	1	0	54
Bayamón	141	64	77	1	1	0	2	110	0	0	110
Carolina	110	81	29	0	0	0	0	33	0	0	33
Guayama	39	29	10	2	0	0	2	5	0	0	5

105. Chart obtained from Johanna Pinette, who tracks police statistics at ACLU P.R. (on file with author). Note the chart title was misspelled by the PRPD ("Complains") and corrected herein by the author ("Complain[t]s"); *Administrative Complaints*, PUERTO RICO'S POLICE DEPARTMENT (2018), <https://policia.pr.gov/estadisticas-querellas-administrativas/>.

(CONTINUED)

AREAS	Received	Investigated	Pending Investigations	Pending Complaints from Previous Years			Total	Investigated Complaints from Previous Years			Total
				2017	2016	2015		2017	2016	2015	
Aguadilla	64	29	35	0	0	0	0	57	0	0	57
Utua	39	19	20	0	0	0	0	15	0	0	15
Fajardo	68	40	28	0	0	0	0	33	0	0	33
Aibonito	35	16	19	1	0	0	1	30	0	0	30
Domestic Violence	78	50	28	0	0	0	0	29	0	0	29
Gender Discrimination	16	10	6	0	0	0	0	15	21	0	36
Sexual Harassment	22	9	13	0	0	0	0	9	2	0	11
Labor Harassment	56	31	25	0	0	0	0	52	4	0	56
Bureau of Anti-Discriminatory Affairs	95	25	70	39	13	3	55	54	15	8	77

(CONTINUED)

AREAS	Received	Investigated	Pending Investigations	Pending Complaints from Previous Years			Total	Investigated Complaints from Previous Years			Total
				2017	2016	2015		2017	2016	2015	
			2018								
Total	1436	774	662	76	16	5	97	750	47	8	805
774 Administrative complaints of 2017 investigated in 2018											
805 Administrative complaints investigated in 2018 from previous years (2014/2015/2016/2017)											
= 1,579 Total administrative complaints investigated in 2018 oct											
662 Administrative complaints pending investigation of 2018											
97 Administrative complaints pending investigation in 2018 from previous years 2014/2015/2016/2017											
759 = Total of administrative complaints pending investigation											

The lack of a standard, official data set to measure domestic violence crimes prompted an archipelago-wide response to the crisis facing one of the most vulnerable groups on the archipelago—women.¹⁰⁶ When intersectionality are added to gender, including race, socioeconomic status, immigration status, gender identity, sexual orientation, and other factors, the violence these women experience is exacerbated because of a lack of societal response to the overall violence against women crisis on the archipelago.¹⁰⁷ As discussed in the following section, a civilian-led response emerged to compile a data set on domestic violence and gender based violence crimes.

A. SEGUIMIENTO DE CASOS: CIVILIAN RESEARCH, AN END TO IMPUNITY, AND STEADFAST ACCOUNTABILITY.

Globally, there are limitations to data collected on women facing domestic violence.¹⁰⁸ This is due to many reasons, but in most countries the lack of prioritization of gender-based violence is the most common.¹⁰⁹ While some countries do better than others at accurately and reliably collecting data, Puerto Rico has historically lagged behind in general data collection and sharing data publicly. This section focuses specifically on data, or the lack thereof, related to issues of domestic violence against women.¹¹⁰ Independent research and data collection developed as a result of the lack of transparency by the government on the archipelago. The practice of independent data collection by civilian groups has spread rapidly as a community-based effort to end the impunity of aggressors and to create State accountability to collect reliable data that presents the reality of gender-based violence throughout the archipelago. Many progressive NGOs, community leaders, academics, and civil servants have come together to

106. See Barbara J. Figueroa Rosa, *Alarming Rise In Sexual Violence*, PRIMERA HORA (Oct. 17, 2018), <https://www.primerahora.com/noticias/policia-tribunales/nota/alarmantealzaenlaviolenciasexual-1307460/>.

107. *The Mood Between Police And Feminist Collective Is Heated: The Altercation Occurred In The Middle Of A Protest Commemorating The Day Of Nonviolence Against Women*, METRO NEWS (Nov. 25, 2018), <https://www.metro.pr/pr/noticias/2018/11/25/se-caldean-los-animos-policia-colectiva-feminista.html>; Laura M. Quintero, *Roselló: "I Do Not Think It's Prudent To Sign An Executive Order Just Because,"* EL NUEVO DIA (Nov. 26, 2018), <https://www.elnuevodia.com/noticias/politica/nota/rossellonocreoqueseaprudentefirmarunaordenejecutivaporquesi-2461939/>; *Feminist Collective returns with protest in front of the General Headquarters*, EL NUEVO DIA (Dec. 21, 2018), <https://www.elnuevodia.com/noticias/locales/nota/colectivafeministaregresaconprotestafrentalcuartelgeneral-2466952/>.

108. Tighe & Gurley, *supra* note 91.

109. U.N. DIV. FOR THE ADVANCEMENT OF WOMEN, *Violence Against Women: A Statistical Overview, Challenges And Gaps In Data Collection And Methodology And Approaches For Overcoming Them* (Apr. 11-14, 2005), <http://www.un.org/womenwatch/daw/egm/vaw-stat-2005/docs/final-report-vaw-stats.pdf>.

110. Kasana, *supra* note 99; González, *supra* note 99.

support this call for accountability of recording data. This movement has made strides as reflected in the current, robust public discussion of domestic violence and gender-based crisis.¹¹¹

According to Carmen Castello, founder of the widely recognized social media page *Seguimiento de Casos*, civil society in Puerto Rico commonly believes there does not exist a reliable statistic data set on the archipelago, in large part because statistics are viewed as political in nature.¹¹² Castello, a retired social worker, shares that Puerto Rico's society generally relies on the news for information on domestic violence crimes and crimes against women. People ignore inaccurate police statistics that often "simply do not add up numerically."¹¹³

An example of the extent of the reporting inaccuracy is seen in the chart below. According to Pinette, the chart below illustrates the numbers reported by the PRPD for Sexual Crime complaints received from January 2017 to December 2017. The PRPD reports a total of 1,385 sexual crime complaints for this period. Pinette states that the PRPD divides the data in two categories of victims: women (1,079) and men (324). The sum of 1,079 (women) and 324 (men) totals 1,403, which demonstrates a value of 18 complaints more than the amount tallied by the PRPD in the chart.¹¹⁴ This type of unreliable tallying is one of the reasons a majority of people in Puerto Rico doubt statistics reported by the police. Although, to date, the reason these numbers are unclear is unknown, it is clear that the police website is not displaying all the data accurately, thereby making the PRPD's website data perceivably unreliable.

111. See Tighe & Gurley, *supra* note 66.

112. Interview with Carmen Castello, Retired Social Worker and Founder of Seguimiento de Casos Facebook Page, in Cupey, P.R. (Dec. 17, 2018) [hereinafter Castello Interview].

113. *Id.*; see Pinette Interview, *supra* note 72.

114. Email from Johanna Pinette Special Projects Attorney ACLU P.R. Woman's Project, to author (Dec. 19, 2018) (on file with author).

PRPD SEXUAL CRIME COMPLAINTS 2017¹¹⁵

Área	Querellas Recibidas	Querellas Esclarecidas	Víctima Hombres	Víctimas Mujeres	Cantidad de Arrestos	Más de un Arresto	Radicacione de Cargos Criminales	Intervención con Menor	Más de un Menor Intervenido	Radicación de Falta	Cantidad de Convicción
San Juan	122	34	7	115	28	0	15	1	0	1	15
Arecibo	78	74	14	64	6	0	5	18	0	1	1
Ponce	290	157	120	175	30	1	18	27	0	3	17
Humacao	41	25	4	37	7	0	5	12	0	0	0
Mayagüez	60	10	10	52	9	0	6	4	0	0	0
Caguas	81	12	18	63	0	0	3	5	0	0	0
Bayamón	145	81	27	118	10	0	9	19	0	5	14
Carolina	148	112	41	107	8	0	6	14	0	1	0
Guayama	79	14	14	65	22	0	10	7	0	1	4
Aguadilla	71	15	8	63	9	0	8	6	0	3	5

115. The chart headings translate to: Area; Complaints Received; Complaints Cleared; Male Victims; Female Victims; Total Arrests; More than One Arrest; Criminal Charges Imposed; Intervention Involving a Minor; Violation of Court Order; Number of Convictions

(CONTINUED)

Área	Querellas Recibidas	Querellas Esclarecidas	Víctima Hombres	Víctimas Mujeres	Cantidad de Arrestos	Más de un Arresto	Radicación de Cargos Criminales	Intervención con Menor	Más de un Menor Intervenido	Radicación de Faltas	Cantidad de Convicción
Utuaño	60	60	23	48	8	1	6	2	0	2	2
Fajardo	49	39	9	40	2	0	2	5	0	0	0
Aibonito	39	23	4	35	8	0	7	3	0	0	0
Vega Beja	122	23	25	97	8	0	8	5	0	3	3
Total	1385	679	324	1079	155	2	108	128	0	20	61

On a related note, Castello points out that both municipal and archipelago-wide newspapers do not report the same information.¹¹⁶ In order to gather all the reported incidents of crimes against women, she says one must read each newspaper, watch each local news channel, listen to all radio stations, and read all official governmental websites and related reports.¹¹⁷ Only then is she able to properly capture a more accurate understanding of the violence affecting women and girls.¹¹⁸

As a voracious reader of news media, Castello noticed the striking amount of media reported deaths of women killed by their partners or former partners. In 2011, she began to observe that the PRPD's statistics never matched the information she independently gathered on the same types of violent crimes committed against women.¹¹⁹ As a result, she decided to gather the data on violence against women and girls. Not surprisingly, final tallies at the end of year by the PRPD simply did not match Castello's data.¹²⁰ That same year, Castello created a Facebook page at the insistence of her family and friends to share the data. Since then, Castello has dedicated extensive time to capturing all the deaths of women and girls on the archipelago by diligently conducting intensive secondary research. In an effort to compile the gender-based crimes and disappearances committed on the archipelago, she reads all the archipelago's regional and national newspapers,¹²¹ records all television news channels and radio station shows as well as all official government websites, and reports her findings on the Seguimiento de Casos Facebook page daily. She is conscious of the fact that all the sources she uses to gather the collective reports have data limitations and does her best to verify the facts by speaking with reporters and family members of the victims when possible.¹²²

Seguimiento de Casos also publishes data in a way that humanizes the crime of femicide.¹²³ Its posts include the victim's name, the municipality where the crime occurred, the type of crime, and the date of the incident in an effort to fill the gaps in official governmental statistics.¹²⁴ Many NGOs, news reporters, and other organizations dedicated to gender-based violence issues and women's rights contact Seguimiento de Casos because they also realize the official statistics do not add up.¹²⁵ This information creates a vital conversation on issues of

116. Castello Interview, *supra* note 112.

117. *Id.*

118. *Id.*

119. *Id.*

120. *Id.*

121. *Puerto Rico Newspapers and News Media Guide*, ABYZ NEWS, <http://www.abyznewslinks.com/puert.htm> (last visited Jan. 2, 2019) (acknowledging there may be around twelve newspapers).

122. Castello Interview, *supra* note 112.

123. See Seguimiento de Casos data (on file with Author); Castello Interview, *supra* note 112.

124. *Id.*

125. See Mabel M. Figueroa Pérez, *The Dominican Women's Center Provides Assistance For Immigrants*, EL NUEVO DIA (Aug. 28, 2017), <https://www.elnuevodia.com/noticias/locales/nota/elcentrodela mujerdominicana brinda asistencia parala inmigrantes-2352778/>; Leysa Caro González,

gender-based violence, which was not occurring prior to the creation of Seguimiento de Casos. Data, Castello states, is important in the creation of violence prevention programs, to develop programs to help male aggressors, and to foster more access to develop progressive mental health programs in Puerto Rico.¹²⁶

Castello believes that it is the consciousness-building and social pressure put on the government, specifically the PRPD, to be more transparent which is allowing information to flow more easily.¹²⁷ It is a collective effort that involves many NGOs that work in tandem with Seguimiento de Casos including Proyecto Matria, Coordinadora Paz para la Mujer, and many domestic violence shelters, as well as other organizations throughout the archipelago.¹²⁸ Castello has never been consulted by the PRPD for any collaborative efforts despite her notoriety.¹²⁹ Moreover, in an effort to promote police transparency of data, in 2016, Dr. Katherine Anguera Navarro, a social psychologist and community activist, collaborated with Seguimiento de Casos.¹³⁰ Together they worked to pressure the PRPD to update the displayed data on PRPDs website regarding missing persons. During a period of approximately two years, 2016-2017, Castello states the PRPDs website data on disappeared or missing persons was not giving the public access to this information which was helpful to Seguimiento de Casos and this in turn made it more difficult for the public to follow cases during this time.¹³¹ Castello found it difficult to find data when she worked as a social worker and she aimed to change this problem, which affects so many agencies and persons in Puerto Rico, through Seguimiento de Casos and out of the love for her country, she states.¹³²

Leila Negrón Cintrón, a social worker and activist, echoes the need to “develop a structure that collects statistics on gender issues that work separately from the State, as countries such as Spain and Brazil have done.”¹³³ In a recent interview with *El Nuevo Día*, she states that the government is reporting that crime rates are on a decline,¹³⁴ however, “the killing of women has doubled compared to last

Increase In Deaths Of Women Due To Domestic Violence, EL VOCERO (Oct. 31, 2018), https://www.elvocero.com/ley-y-orden/aumentan-muertes-de-mujeres-por-violencia-dom-stica/article_5a299630-dd34-11e8-ad4a-5ba9bd5ba606.html; González, *supra* note 99; John Jay College, *Criminal Justice Matters: Hurricanes and Justice*, YOUTUBE (Jan. 30, 2018), <https://www.youtube.com/watch?v=LLryCK-uNOM>.

126. *Id.*

127. Castello Interview, *supra* note 112.

128. *Id.*

129. *Id.*

130. *Id.*

131. Castello reports that during much of 2016 and 2017, she and other advocates had no access to the missing persons reports data on the PRPD website. The website stated the page was being updated and was not accessible once opened. Castello Interview, *supra* note 112.

132. Castello Interview, *supra* note 112.

133. González, *supra* note 99.

134. *Id.*

year. And that's almost like telling us that women's issues do not matter."¹³⁵ A more holistic picture of the gravity of violence against women in Puerto Rico is provided by the collective efforts of grassroots organizations and civic participation. This civilian-led movement has been gaining momentum and is visible in social media and news reports daily, making the conversation public and changing the current landscape of public debate.

III. THE "DOMESTIC VIOLENCE IN PUERTO RICO"¹³⁶ CASE STUDY, PUERTO RICO LAW 54, IMMIGRANT PROTECTION INCLUSION AMENDMENT TO LAW 54, SPECIALIZED DOMESTIC VIOLENCE COURTS, AND PUERTO RICO POLICE PROTOCOL ON DOMESTIC VIOLENCE

This section examines the law, the Specialized Domestic Violence Courts, and police protocols in place that enshrine Puerto Rico's obligation to protect women and girls, specifically immigrant women domestic violence victims. It also begins to address how institutional systems implementing these laws were practically paralyzed post-Hurricane María, compounding the effects of domestic violence and limiting services provided to this vulnerable group.

A. SUMMARY OF LAW 54 AND ITS IMMIGRANT AMENDMENTS

In 1984, the "Domestic Abuse Prevention and Intervention Act" (Law 54) was passed in Puerto Rico, the first law to recognize domestic violence crimes in Latin America and the Caribbean.¹³⁷ Law 54 explains in its Statement of Motives that "[d]omestic abuse is a type of antisocial behavior that is a serious problem in Puerto Rico's families."¹³⁸ Section 1.2 of Law 54, further notes that "[d]omestic violence lacerates the integrity and dignity of all victims, regardless of the sex, civil status, sexual orientation, gender, identity, or immigrant status of the persons involved in the relationship."¹³⁹ In 2013, Law 54 was amended to preclude a person's immigration status as a reason for not granting the protections provided by the law.¹⁴⁰ Yet, as the case study of Sofia later demonstrates, the law has not been implemented in a way that fully protects that marginalized population.

Law 54 defines "domestic violence" as:

[A] constant pattern of conduct involving physical force or psychological abuse, intimidation or persecution against a person by his/her spouse, former spouse, a person with whom he/she cohabits or has cohabited, with whom he/she has or has had a consensual relationship, or a person with whom he/she shares a child in common, regardless of the sex, civil status, sexual orientation, gender identity, or the

135. *Id.*

136. *See* DOMESTIC VIOLENCE PUERTO RICO, <https://dvpr.weebly.com/> (last visited Mar. 10, 2019).

137. Roure, *supra* note 65 at 796.

138. Act. No. 54 (1989); P.R. LAWS ANN. TIT. 8 §§ 601, *et seq.*

139. P.R. LAWS ANN. TIT. 8 §§ 601, *et seq.*

140. 2013 P.R. Laws 23.

immigrant status of the persons involved in the relationship, to physically harm them, their property, or another person, or to cause him/her serious emotional harm.¹⁴¹

If a court finds that an incident of domestic violence has occurred, then a restraining order or “anti-stalking order”¹⁴² may be granted. The court may also grant any of the following protective measures: (1) confiscation of any firearm licensed to the respondent; (2) adjudicative provisional custody of petitioner’s minor; (3) suspension of filial relations with minor children if the petitioner is in a shelter; (4) order to leave the dwelling shared with petitioner; (5) order to abstain from contacting the petitioner or interfere with the exercise of provisional custody of the minors; (6) prohibition from entering any place where the petitioner is; (7) payment of child support; (8) prohibition from concealing or removing minors from Puerto Rico; (9) prohibition from disposing certain property; (10) order provisional measures related to certain possessions; (11) order respondent to pay to pay financial compensation if private property was damaged, or (12) any other order as needed.¹⁴³

In 2010, then-Chief Justice of the Supreme Court of Puerto Rico, Federico Hernandez Denton, officially launched, via an administrative order, the Specialized Domestic Violence Courts which handles all domestic violence crimes. The specialized court began after a pilot program started three years earlier.¹⁴⁴ The aforementioned administrative order restated that these specialized courts were created to promote the safety of the victim, to hold the aggressor accountable, and to strengthen the coordination of support services, all within a secure environment that facilitates the fair and fast solution of the controversies.¹⁴⁵ Currently, there are seven Specialized Domestic Violence Courts operating in the Judicial Centers of Arecibo, Bayamón, Caguas, Carolina, Fajardo, San Juan, and Utuado. In the Judicial Regions of Aguadilla and Guayama there are no Specialized Chambers, but they offer a Project of Specialization of Services for Domestic Violence Cases.¹⁴⁶ In this Project, as in the Specialized Domestic Violence Courts, there are personnel specializing in domestic violence to attend to domestic violence cases.¹⁴⁷

141. *Id.*

142. P.R. LAWS ANN. TIT. 8 § 621.

143. *Id.*

144. LA RAMA JUDICIAL DE PUERTO RICO, *Proyecto De Las Salas Especializadas En Casos De Violencia Domestica*, num. OAJP-2010-128 (2010), <http://www.ramajudicial.pr/ordenadministrativa/OAJP-2010-128-Proyecto-Salas-Especializadas-Casos-Violencia-Domestica.PDF> (last visited Mar. 10, 2018).

145. *See, e.g., id.*; LA RAMA JUDICIAL DE PUERTO RICO, *Domestic Violence Program*, <http://www.ramajudicial.pr/DPJ/Programa-Violencia-Domestica.htm> (last visited Dec. 25, 2018).

146. *See, e.g., id.*

147. LA RAMA JUDICIAL DE PUERTO RICO, *Proyecto De Las Salas Especializadas En Casos De Violencia Domestica*, num. OAJP-2010-128 (2010), <http://www.ramajudicial.pr/ordenadministrativa/OAJP-2010-128-Proyecto-Salas-Especializadas-Casos-Violencia-Domestica.PDF>.

In addition, Law 54 recognizes “special crimes” not codified in the Penal Code of Puerto Rico. Law 54 recognizes the following crimes: abuse,¹⁴⁸ aggravated abuse,¹⁴⁹ abuse by threat,¹⁵⁰ abuse by restriction of freedom,¹⁵¹ and conjugal sexual assault.¹⁵² It is relevant to mention that a law enforcement officer has the authority to make a legal arrest without a warrant if he has grounds to believe that the person to be arrested has committed, in the officer’s presence or not, a violation of the criminal provision of Law 54.¹⁵³

B. PUERTO RICO POLICE PROTOCOL¹⁵⁴

In addition to Law 54, there are also police protocols in place to guarantee the protection of domestic violence victims in the administration of justice. This section provides a brief overview of the Puerto Rico Police Department’s Protocol on Domestic Violence. The PRPD reports that there are a total of 7 PRPD Protocols that specifically address incidents of domestic violence and sexual assault.¹⁵⁵

One such protocol, entitled “Investigation of Domestic Violence Incidents,”¹⁵⁶ establishes the procedures officers must follow when investigating all domestic violence incidents. It also establishes measures that the members of the Police Department must follow to guarantee adequate protection and support to all persons affected by an incident of domestic violence.¹⁵⁷ The protocol specifically states that the police will carry out investigations of domestic violence incidents in a professional, efficient, and prejudice-free manner, regardless of race, color, sex, birth, origin, or social condition, nationality or ethnic origin, religious belief or religious affiliation, sexual orientation, gender identity, gender expression, civil status, age, political affiliation or beliefs, physical or mental disability, for being a homeless person or immigration status of any of the people involved in the incident.¹⁵⁸

148. P.R. LAWS ANN. TIT. 8 § 631.

149. *Id.* at § 632.

150. *Id.* at § 633.

151. *Id.* at § 634.

152. *Id.* at § 635.

153. *Id.* at § 638.

154. This section is based on an interview the author conducted with Johanna Pinette, Esq., Special Projects Associate Attorney ACLU, Puerto Rico. She provides training on police protocol regarding women issues post federal monitorship of the PRPD. *See* Pinette Interview, *supra* note 72.

155. *See generally* General Order, Chapter 600 Sections 622, 627, 644; General Order, Chapter 100 Sections 115, 118; PRPD Manual of Standard Operating Procedures – Domestic Violence Division; PRPD Internal Regulations for the Prevention of Discrimination, Harassment, and Retaliations of the Puerto Police Department. The General Orders are signed and ordered by the Commissioner of the Police Bureau and are binding.

156. General Order Chapter 600, Section 627 (2018), <https://policia.pr.gov/orden-general/investigacion-de-incidentes-de-violencia-domestica/>.

157. *Id.*

158. *Id.*

Section VIII of the protocol provides guidelines on how police officers should investigate domestic violence incidents involving an undocumented immigrant. It states that the officer shall conduct the investigation as they would in any other case involving a citizen.¹⁵⁹ It also instructs that the undocumented person will have the same rights and services as any citizen; if the undocumented person is the victim, they have the right to request an Order of Protection; if the undocumented person is the victim, they may be placed in a shelter, if necessary; and if the victim, at the time of the incident, is in the process of obtaining United States citizenship, the victim may seek guidance from the Bureau of Citizenship and Immigration Services about their rights to continue in the process to obtain it.¹⁶⁰

Commonly, persons without immigration status perceive the local police as an extension of DHS enforcement.¹⁶¹ This is particularly problematic because in reported cases of immigrant victims of gender-based violence, police tend to be the first point of contact for most victims. Although this contact is not by choice.¹⁶² There exists a high level of mistrust towards the PRPD because many immigrants come from countries where there is a high level of corruption within the police generally.¹⁶³ Moreover, one example of how PRPD has been seen as an extension of DHS enforcement can be seen through the special driver's licenses issued for undocumented persons in Puerto Rico.

According to Cruz Santana, when these driver's licenses were created, the Puerto Rico government issued a General Order stating that police are not immigration officers and should not refer persons with these special licenses to ICE.¹⁶⁴ Despite these steps, Cruz Santana has witnessed cases where police act as extensions of ICE officials by reporting people with special licenses to ICE.¹⁶⁵ Thus, the driver's license policy, while well intentioned, has served in many cases to harm undocumented immigrants. This demonstrates the need for training and proper education of the PRPD memorandum on special driver's licenses and the

159. *Id.*

160. *Id.*

161. Cruz Santana Interview, *supra* note 15.

162. *Id.*

163. *Id.*

164. *Puerto Rico Police Dep't, Intervention With Foreign Nationals*, PRPB General Order Ch. 600 § 626, available at <http://www.transicion2016.pr.gov/Agencias/040/pages/default.aspx> (last visited April 9, 2019).

165. For example, she had a client with this license at the airport who was picking up someone arriving from the Dominican Republic. Customs and Border Patrol (CBP) agents interviewed the traveler, a returning lawful permanent resident (LPR), as part of the airport immigration inspection process. The agents looked through the pictures on his phone while questioning the LPR. The LPR explained to the CBP agents he had traveled to attend the birthday party of the grandchild of Cruz Santana's client who was outside waiting to pick up the LPR. CBP officers then went outside to the curb area, asked for assistance from local police officers, and using a photo on the LPR's phone of Cruz Santana's client, began to search for him. The local police stopped Cruz Santana's client, who was parked on a yellow line, asked for a driver's license, and turned Cruz Santana's client over to CBP authorities at the airport curb based on the driver's license which was used to identify his immigration status. *See* Cruz Santana Interview, *supra* note 15.

immigrant amendments to Law 54 for the local police force. The undocumented immigrant community needs to be reassured that the police will not act as ICE agents; if not, this perception will serve to deter the reporting of crime. The non-reporting of crime, in turn, not only impacts our overall societal well-being, but further marginalizes or creates a consciousness of otherness for women immigrants who need assistance to flee domestic violence situations. This is especially true for those immigrant victims who possess special driver's licenses.

Despite the aforementioned protections and protocols afforded by Law 54, its Immigrant Amendment, and the PRPD Protocol, victims continue to experience a pattern of discrimination by law enforcement officials, especially immigrant women victims of domestic violence. Another example of a policy that existed until recently, which hindered the processing of immigration applications for domestic violence victims, was a Demographic Registry of Puerto Rico (DRPR) policy requirement. When a victim of gender-based violence attempted to attain a birth certificate of the aggressor for court purposes to prove the aggressor was a U.S. citizen, the DRPR required said victims to obtain authorization from the aggressor. This was an internal policy of the Demographic Registry of Puerto Rico, it was not a law or an administrative agency regulation.¹⁶⁶ Attorneys had to present an employment contract before they could pick up a birth certificate on their clients' behalf.¹⁶⁷ This was unnecessarily burdensome on the attorney and the plaintiff.¹⁶⁸

These issues are exacerbated by the fact that, generally, public servants and government employees in Puerto Rico do not have training to make the accurate determinations on how to interact with undocumented immigrants.¹⁶⁹ This is especially true of law enforcement officials in rural areas, where the police are uninformed on how to properly assist undocumented domestic violence victims, despite there being protocols in place to protect immigrants.¹⁷⁰ As a result, many state agents often take immigrants to ICE, an action that conflicts with the legislative intent of Law 54 and the PRPD Protocol.¹⁷¹ These obstacles for immigrant women victims preceded Hurricane María. The devastation left by the natural disaster served to compound the experience of violence suffered by immigrant victims of gender-based violence in Puerto Rico making it more difficult for them to access the services available to them.

The next section describes data on the crisis faced by domestic violence shelters in Puerto Rico as a result of Hurricanes Irma and María. These domestic violence shelters provide support to the marginalized groups this article focuses on.

166. Interview with Edgardo Román Espada, Pres., P.R. Bar Ass'n, in San Juan, P.R. (Oct. 15, 2018) (on file with Author).

167. *Id.*

168. *Id.*

169. Cruz Santana Interview, *supra* note 15.

170. *Id.*

171. See Section III, *supra*; Cruz Santana Interview, *supra* note 15.

For example, as later discussed, Sofia was a victim that was interviewed immediately after Hurricane María at one of the shelters.¹⁷²

C. STATE RESPONSIBILITY AND DOMESTIC VIOLENCE SHELTERS

The Domestic Violence in Puerto Rico (DVPR) website research project was created after the hurricanes hit the archipelago to shed light on the circumstance these shelters faced.¹⁷³ It is an ongoing project created by the author who has worked in collaboration with a group of domestic violence directors and their staff, Vilma Gonzalez Castro, Johanna Pinette, Esq., and a team of students from John Jay College of Criminal Justice-CUNY.¹⁷⁴ The collaborative DVPR research project data has been made public in both Puerto Rico and continental U.S. It was globally announced at the United Nations Commission on the Status of Women 62 in New York City and recently at the United Nations Commission on the Status of Women 63 in New York City.¹⁷⁵ The goal of the project is to promote awareness of the problems faced by the domestic violence shelters post natural disasters in an effort to develop State-aided solutions. It also links the shelters with public and private support from the continental U.S. that they otherwise would not be able to access. The shelter directors that participate in the research project are: Vilmarie Rivera, Executive Director, Hogar Nueva Mujer Santa María de la Merced, Inc.; Sandra Cruz Ramirez, Executive Director, Capromuni I; Gloria M. Vázquez Meléndez, Executive Director, Casa de la Bondad; Olga Villa, Executive Director Capromuni II; Lisdell Flores, Executive Director, Hogar Ruth; and Sara Raquel Silva-Soto, Executive Director, Casa Protegida Julia de Burgos. Vilma Gonzalez Castro, Coordinadora Paz Para La Mujer, is a supporter of the project and has provided invaluable data support to the website research project.

Using data from the DVPR project, this section of the Article examines the situation of domestic violence shelters that provide 90 to 190 days of immediate emergency housing, and in most cases, some type of transitional housing or referral to transitional housing for all their domestic violence clients, including undocumented immigrant women. To understand the vulnerability of undocumented immigrant women in Puerto Rico, it examines the depletion of the few resources

172. Sofia is a pseudonym to protect the identity of the immigrant victim of domestic violence in Puerto Rico.

173. See Domestic Violence Puerto Rico, <https://dvpr.weebly.com/> (last visited Mar. 10, 2019).

174. John Jay College Student Teams funded by CUNY BMI & Shawn Best, Interim University Director: 2017-18 Team-Magdalena Oropeza, Geomary Sánchez, Jessica Tiburcio, Melanie Monroy, Nathaly Ramírez, and 2018-19 Team-Magdalena Oropeza (currently attends Columbia University School of Law), Bernarda Reyes, Claudia Flores-Montesinos, Dayanara Garcia, Dandre East, Tyriek Warren, Inioluwa Femi-Fatukasi, Aura Soto, Patricia Padrinao, Shannon Sciarretta, Lisa Cho, Shawn Louis, Khilolahan Muzaffarova, Kinza Awais and Stephanie Calderon Vasquez.

175. *Immigrant Women, LGBT+ Women, and Domestic Violence: Compounding the Violence for the Most Vulnerable Post Hurricane Irma and Maria in Puerto Rico*, UNITED NATIONS COMMISSION ON THE STATUS OF WOMEN 62 (March 12, New York, New York) (further event details available at <https://www.eventbrite.com/e/united-nations-commission-on-status-of-women-63-puerto-rico-panel-tickets-56120010462>).

available to women on the archipelago without immigration status issues. This discussion references three time periods: (1) Pre-Hurricane María, (2) Hurricane María (September 20-December 2017), and (3) Post-Hurricane María. The periods are also inclusive of Hurricane Irma but are referred to as Hurricane María because that hurricane caused the most devastation throughout the archipelago.¹⁷⁶

The DVPR research project provides an overview of the status of eleven domestic violence shelters in Puerto Rico that housed domestic violence victims with the provision of or referral to transitional housing after a temporary stay.¹⁷⁷ When the DVPR research project began, those domestic violence shelters were, by name and municipality:¹⁷⁸

1. Casa de la Bondad – Humacao
2. Casa Protegida Julia de Burgos – San Juan
3. Casa Protegida Julia de Burgos – Aguadilla
4. Casa Protegida Julia de Burgos – Ponce
5. Casa Protegida de Mujeres y Niños (Capromuni I) – Arecibo
6. Casa Protegida de Mujeres y Niños (Capromuni II) – Mayagüez
7. Casa Protegida Luisa Capetillo – Arecibo
8. Hogar la Piedad (FUNDESCO) – Caguas
9. Hogar Nueva Mujer Santa María de la Merced, Inc. – Cayey
10. Hogar Ruth – Vega Alta
11. La Casa de Todos – Juncos

176. For context, Puerto Rico was already experiencing a fiscal crisis which thrust its economy into bankruptcy prior to the wraiths of Hurricanes Irma and María. The U.S. government's imposition of the Financial Oversight and Management Board of Puerto Rico, commonly referred to as the "Fiscal Board," aimed at securing the payment of Puerto Rico's debt to its shareholders at all costs, aggravated the already existing fiscal crisis. As of August 20, 2018, the archipelago's debt was \$74 billion in bond debt and \$49 billion of unfunded pension liabilities according to the Financial Oversight and Management Board for Puerto Rico's Independent Investigator. See SPECIAL INVESTIGATIVE COMMITTEE, *The Independent Investigator's Final Investigative Report 2* (Aug. 20, 2018), <https://assets.documentcloud.org/documents/4777926/FOMB-Final-Investigative-Report-Kobre-amp-Kim.pdf>; CB in Spanish, *Fiscal Board Publishes Report On Puerto Rico's Debt Investigation* (Aug. 20, 2018), <https://cb.pr/junta-fiscal-publica-informe-sobre-investigacion-de-la-deuda-de-puerto-rico/>. This resulted in disastrous social services cuts that include the closure of dozens of essential services including the permanent shut down of over 290 public schools. See MERCY CORPS, *Quick facts: Hurricane Maria's effect on Puerto Rico*, <https://www.mercycorps.org/articles/united-states/quick-facts-hurricane-marias-effect-puerto-rico> (last updated Sept. 13, 2018). In addition, Puerto Rico's strained health care system, already faces an uphill battle with the exodus of what is estimated to be over 1,500 doctors in 2015, and a continued loss of approximately one doctor per day. These examples demonstrate some of the many aggravating factors the archipelago and its estimate 3.2 million U.S. citizens are experiencing locally. Red State Data Ctr. Of Puerto Rico, *The population of Puerto Rico is estimated at 3.2 million in 2018* (Dec. 19, 2018), <https://censo.estadisticas.pr/Comunicado-de-prensa/2018-12-19t162540>.

177. See DOMESTIC VIOLENCE PUERTO RICO, <https://dvpr.weebly.com/> (last visited Mar. 10, 2019). There are other service providers on the main island that provide ambulatory services to domestic violence victims not included in this limited original research study. Domestic violence shelters typically house victims for a period not to exceed 90 days, except for the elderly who can be housed up to 180 days. Extensions can be requested. See Interview with Domestic Violence Shelter Dirs., in San Juan, P.R. (Mar. 5, 2018) (on file with author) [hereinafter "Interview with Shelter Directors"].

178. See DOMESTIC VIOLENCE PUERTO RICO, <https://dvpr.weebly.com/> (last visited Mar. 10, 2019).

However, due to mostly fiscal reasons, prior to Hurricane María, the number of Puerto Rico domestic violence shelters fell from eleven to eight. The domestic violence shelters that remained opened were:

1. Casa de la Bondad – Humacao
2. Casa Protegida Julia de Burgos – San Juan
3. Casa Protegida de Mujeres y Niños (Capromuni I) – Arecibo
4. Casa Protegida de Mujeres y Niños (Capromuni II) – Mayagüez
5. Hogar La Piedad (FUNDESCO) – Caguas
6. Hogar Nueva Mujer Santa María de la Merced, Inc. – Cayey
7. Hogar Ruth – Vega Alta
8. La Casa de Todos – Juncos

Of these eight domestic violence shelters, three were either closed or stopped receiving clients:

1. Casa Protegida Luisa Capetillo – Arecibo (Closed)
2. Casa Protegida Julia de Burgos – Ponce (Closed for shelter services)
Ambulatory Services only
3. Casa Protegida Julia de Burgos – Aguadilla (Closed)

Due to the devastation that Hurricanes Irma and María caused on the archipelago, the eight Puerto Rico domestic violence shelters that were open, all suffered severely from the impact of the storms:

1. Casa Protegida Julia de Burgos, San Juan – suffered a forced economic closure for two weeks in part because the local government, one of the shelter's primary funders, had not approved the legislative funds to pay salaries before the hurricanes hit. The shelter's coordinator volunteered her time without pay and cared for the shelter the best way she could with no funds to operate it.
2. Casa Protegida de Mujeres y Niños (Capromuni I)** – The Arecibo shelter was forced to close for a period of time after the hurricane and evacuated its clients to State sponsored shelters.
3. Casa Protegida de Mujeres y Niños (Capromuni II) – Mayagüez
4. Hogar la Piedad (FUNDESCO) – Caguas
5. Hogar Nueva Mujer Santa María de la Merced, Inc. – Cayey
6. Hogar Ruth – Vega Alta
7. La Casa de Todos – Juncos
8. Casa de la Bondad – Humacao – Hurricane damage forced the shelter to close for a period of time, but the shelter kept its transitional housing and ambulatory services open.

Three of the eleven domestic violence shelters remain closed Post-Hurricane María:

1. Casa Protegida Luisa Capetillo – Arecibo (Closed)
2. Casa Protegida Julia de Burgos – Ponce (Closed for shelter services) ambulatory services only
3. Casa Protegida Julia de Burgos – Aguadilla (Closed)

The DVPR project has collected this data to support the issues faced by domestic violence shelters. Aimed at making the information globally accessible, the DVPR website provides a list of the needs of each participating domestic violence shelter that is currently providing services with the hopes that the project will receive external monetary and in kind support to address the needs the domestic violence shelters and its victims currently face and continue to face daily post hurricanes.¹⁷⁹

1. The Problem Post-Hurricanes Irma and María

Some shelters reported a decrease in cases, and this section attempts to share some reasons why this occurred. Thus, it is vital to note that a decrease in the numbers of domestic violence cases does not translate into a decrease in the number of domestic violence incidents committed in Puerto Rico before, during, or after Hurricane María. In the DVPR primary research project, an examination of the four most common reasons cited for a decline in the number of domestic violence cases being reported or arriving to domestic violence shelters post Hurricane María are:

1. Lack of communication and transportation compounded the inability to report domestic violence crimes and made it impossible for victims to arrive at shelters;
2. Lack of police presence, and when there was police presence, the police stations were understaffed, or at times there was no will on behalf of police officers to prioritize domestic violence crimes, investigate, or arrest aggressors;
3. Courts were closed, and when courts re-opened, or replaced with some temporary courts, the courts were not, and in some areas of the archipelago still are not, at fully functioning capacity, if they exist in rural areas which were most devastated by the hurricanes; and
4. Puerto Rico suffered a massive exodus of citizens from the archipelago to the continental U.S. resulting in a decrease of the population by over 160,000 or more residents.¹⁸⁰

179. *Id.*

180. Edwin Meléndez & Jennifer Hinojosa, *Estimates of Post-Hurricane Maria Exodus from Puerto Rico I* (2017), https://centopr.hunter.cuny.edu/sites/default/files/RB2017-01-POST-MARIA%20EXODUS_V3.pdf. Hurricane María's impact on Puerto Rico and its population is unprecedented. Though it is difficult to

These factors resulted in a decrease of cases reported by domestic violence shelters during the post Hurricane María period. Immediately after Hurricane María, these shelters opened their doors to the public and housed local citizens who lost their homes and belongings and had nowhere to go. One shelter reported housing up to 150 persons, in addition to domestic violence victims, during and immediately after the storm.¹⁸¹

There was no access to telecommunications, electricity, and water beginning the evening of September 19, 2017, before Hurricane María made landfall due to the category five winds and preventative shut down measures taken by the local government. There were already regions of Puerto Rico that lacked basic necessities for two weeks prior, including electricity and water, because of Hurricane Irma. The crisis was compounded in rural areas and in places such as Arecibo, which did not experience any improvement in the area until March of 2018.¹⁸² Former United Nations Special Rapporteur on Violence Against Women, Its Causes and Consequences, Rashida Manjoo in March 2018, visited the Arecibo domestic violence and elderly shelters that at the time lacked both electricity and running water.

After the hurricane, all domestic violence shelters lacked phone services, which is the primary way of receiving victims. Without phone lines domestic violence shelters were unable to communicate with government agencies. Even the Convention Center in the Miramar section of San Juan, which was converted into a ground zero post after Hurricane María, was inaccessible to some of the domestic violence shelter directors due to the conditions post-Hurricane María and the heavy military security outside the Center. The alarmingly vulnerable state of affairs was made evident by the fact that most of the general refugee shelter directors had no training on how to handle domestic violence victims. General refugee shelter directors had a police escort for only twelve hours a day, and to fend for themselves during other times.¹⁸³

Some of the domestic violence shelters were evacuated to refugee shelters with no protocols in place to protect domestic violence victims.¹⁸⁴ According to Vilma Gonzalez Castro, her organization Coordinadora Paz Para La Mujer visited the

find comparable situations, we estimate that between 114,000 and 213,000 Puerto Rico residents will leave the archipelago annually in the aftermath of Hurricane María. From 2017 to 2019, it is estimated that Puerto Rico may lose up to 470,335 residents or 14% of the population. In other words, Puerto Rico will lose the same population in a span of a couple of years after Hurricane María as the archipelago lost during a prior decade of economic stagnation. Our projections indicate that Florida is the state most likely to be affected by the exodus—with an estimated annual flow of between 40,000 and 82,000 people. *Id.*

181. DOMESTIC VIOLENCE PUERTO RICO, *About Hogar Ruth*, <https://dvpr.weebly.com/hogar-ruth.html> (last visited Jan. 3, 2018) (Hogar Ruth is the DV shelter that reported this during the author's meeting in March 2018 with the DV shelters).

182. Cruz Santana Interview, *supra* note 15.

183. Interview with Gonzalez Castro, *supra* note 92; Interview with Shelter Directors, *supra* note 177; Interviews at Jayuya Refugee Shelter, Jayuya, P.R. (Oct. 18, 2017) (on file with author).

184. Interview with Sandra Cruz Ramirez, Exec. Dir. Capromuni I & II, in Arecibo, P.R. (Mar. 12, 2018) (on file with Author) [hereinafter "Interview with Cruz Ramirez"].

Women's Advocate Office to discuss the lack of protocol for domestic violence and sexual assault victims in refugee shelters and they were informed that the WAO was not aware of a government protocol for either domestic violence victims or victims of sexual assault.¹⁸⁵ Coordinadora Paz Para La Mujer held two press conferences on October 11, 2017 and December 10, 2017, after the hurricane to state they would be opening a pantry for victims in need. During that press conference they informed the public that the government had no protocol in place to attend to domestic violence victims or victims of sexual assault post Hurricane María.¹⁸⁶ One refugee shelter in particular had no safeguard protocols to prevent sexual assaults and abuse.¹⁸⁷ Amarilis Pagán Jiménez of *Proyecto Matria* explained that during the hurricane state of emergency period, many NGOs were able to waive the requirements to provide services including requiring residency documentation from victims.¹⁸⁸ However, conservative NGOs continued to impose the residency requirements, she states.¹⁸⁹ This allowed certain NGOs to deny services to vulnerable groups.

Two conditions in particular that exasperated access to justice for domestic violence victims after Hurricane María, were a visible lack of State accountability throughout most of the archipelago and the 6:00 PM curfew imposed by the local government.¹⁹⁰ The curfew was often enforced by local law enforcement and volunteer law enforcement officers from the continental U.S. in a brutal manner¹⁹¹ which resulted in higher incidences of police aggression and brutality reported. It is important to note again, the PRPD has been under federal-court imposed monitorship for its record of human rights abuses since 2013, which exacerbates the

185. Interview with Gonzalez Castro, *supra* note 92.

186. COORDINADORA PAZ PARA LA MUJER, COORDINADORA PAZ PARA LA MUJER CREA CENTRO DE ACOPIO CON EL APOYO DEL COLEGIO DE ABOGADOS Y ABOGADAS DE PUERTO RICO, Press Release (Dec. 10, 2017), https://www.pazparalamujer.org/pdf/comunicado_10012018.pdf; COORDINADORA PAZ PARA LA MUJER, COORDINADORA PAZ PARA LA MUJER CREA CENTRO DE ACOPIO CON EL APOYO DEL COLEGIO DE ABOGADOS Y ABOGADAS DE PUERTO RICO, Press Release (Oct. 11, 2017), https://www.pazparalamujer.org/pdf/centro_acopio_maria.pdf.

187. Interview with Gonzalez Castro, *supra* note 92; Interviews at Jayuya Refugee Shelter, Jayuya, P.R. (Oct. 18, 2017) (on file with author).

188. Interview with Amarilis Pagán Jiménez, *Proyecto Matria*, in San Juan, P.R. (Dec. 18, 2017).

189. *Id.*

190. *Id.*

191. Laura Moscoso, *Unknown The Number And Whereabouts Of Those Arrested For Violating The Curfew*, CTR. FOR INVESTIGATIVE JOURNALISM (Oct. 1, 2017), <http://periodismoinvestigativo.com/2017/10/desconocido-el-numero-y-paradero-de-los-arrestados-por-violar-el-toque-de-queda/>; Cybernews, *They Ask For Halloween Curfew Elimination For Being Unconstitutional* (Oct. 31, 2017), <https://www.metro.pr/pr/noticias/2017/10/31/piden-eliminacion-toque-queda-halloween-inconstitucional.html>. During the hurricane, police officers from the continental US volunteered to serve as local law enforcement officers given the state of emergency. ACLU, *Island Of Impunity: Puerto Rico's Outlaw Police Force*, 25 (2012), https://www.aclu.org/files/assets/islandofimpunity_20120619.pdf; Luis Emmanuel Rodríguez & Mari Mari Narváez, *Un análisis crítico de los datos de uso de fuerza de la Policía de Puerto Rico contra la ciudadanía*, 5 (Dec. 4, 2018), <https://static1.squarespace.com/static/5af199815cfd796ad4930e20/t/5c0f9aaa4ae2379685ed0203/1544526592332/Ma%CC%81s+vale+fuerza+que+man%CC%83a+2018.pdf>.

policing problem that occurred post-Hurricane María.¹⁹²

2. Obstacles to Domestic Violence Remedies During and Post Hurricane María

To further understand the obstacles domestic violence victims faced in Puerto Rico post- Hurricane María, this section begins with an examination of how domestic violence victims generally arrive to domestic violence shelters. Many undocumented immigrant persons often lack knowledge and access to these shelters as well as other types of services available to them.¹⁹³ One of the most common ways that victims arrive at domestic violence shelters is through Puerto Rico Law 246, which typically involves a referral from the Department of Family Affairs of Puerto Rico.¹⁹⁴ Victims are also referred to shelters via the PRPD's Domestic Violence Unit, the Specialized Domestic Violence Courts of Puerto Rico, private agencies and non-profit organizations such as Coordinadora Paz Para La Mujer, health agencies such as the 330 federal health clinics and hospitals, and self-referrals.¹⁹⁵ Many of these agencies keep information on the number of referrals made, but despite requests made to PRPD, this information has not been provided.¹⁹⁶ Many immigrant women do not know the 911 call line is available, are uninformed on how to seek assistance using 911, and do not trust the police or governmental institutions who often inappropriately ask immigration questions of them and often report cases to Immigration and Customs Enforcement.¹⁹⁷

There were many obstacles for victims to access avenues of service after Hurricane María and to attain a Temporary Restraining Order (TRO). One of the most commonly cited obstacles included the governmental curfew imposed immediately after Hurricane María, which began daily at 6:00PM. The curfew was highly problematic for victims of domestic violence in particular because it blocked their access to law enforcement.¹⁹⁸ In the municipality of Carolina, for example, anyone on the street after 6:00 PM was commonly arrested by police or sprayed with a fire hose full throttle from fire trucks that drove by enforcing the government curfew.¹⁹⁹ There was a period of time that the courts were completely shut down, and when they did reopen they did not function at full-scale

192. Rodríguez & Narváez, *supra* note 191.

193. See Cruz Santana Interview, *supra* note 15.

194. See Interview with Shelter Directors, *supra* note 177.

195. There is no one source of data that would allow for comparative analysis of the quantity and types of referrals from each of these entities, hence this article is unable to provide this deeper analysis.

196. Requests on file with author. PRPD replied stating government stamps needed to be purchased and an request made in person to the statistics office. See Email from Claudia E. Sotomayor Mercado, Interim Director Division of Statistics PRPD, to Johanna Pinette, Associate Attorney ACLU P.R. (Feb. 1, 2018) (on file with author).

197. See Interview with Shelter Directors, *supra* note 177.

198. Rodríguez & Narváez, *supra* note 191.

199. The author witnessed this during the first week of the curfew.

capacity.²⁰⁰ This rendered rural women in particular more vulnerable since courts already are located far from their domiciles and were difficult to reach even before the natural disasters hit. Many of these women also sought health care services due to injuries suffered from their aggressors and encountered obstacles. Access to health care providers, via health clinics and hospitals, was also difficult for victims, especially those women who did not reside in a metropolitan area. Hospitals in rural areas can often be hours away from most rural municipalities like Utuado, an area that arguably suffered some of the most intense hurricane damage. Even if women resided in a metropolitan area, clinics and hospitals, if open at all, had extremely long wait times, sometimes days, due to the masses of people seeking medical assistance post-Hurricane María. Additionally, many federal and local hospitals were forced to close due to hurricane damage, and commonly the lack of electricity created unsafe health environments inside hospitals. Hospitals with high levels of mold, a commonly experienced result after the hurricanes, were closed immediately or at some point by order of the Puerto Rico Department of Health. Many, like the Good Samaritan Hospital in Aguadilla, an area in the southwest part of the main island, were closed due to the physical damage caused by the hurricane.²⁰¹

Another commonly reported obstacle to domestic violence shelter access was that police presence was either non-existent or police officers were unwilling to investigate domestic violence incidents and failed to make arrests.²⁰² Many officers were hired to protect businesses and banks. Squad cars did not make rounds to domestic violence shelters post-Hurricane María, making them more vulnerable to predators, especially due to the physical damage most domestic violence shelters faced or due to a lack of electricity they needed to stay safe. For example, fences that once protected the domestic violence shelters fell, and fences that ran on electricity, which was not available, were not functioning. One shelter in Humacao, located in a rural area, was subject to looters during this vulnerable time while housing victims and their children in a shelter.²⁰³ The circumstances created by Hurricane María rendered vulnerable populations, especially immigrant women, even more vulnerable given their otherness in society.

There was a lack of governmental accountability and response post-Hurricane María pertaining to domestic violence shelters. Most domestic violence shelters reported that post-Hurricane María, no government agencies—municipal or state—visited the domestic violence shelters.²⁰⁴ When FEMA visited and took an inventory of domestic violence shelter needs, it never responded to any

200. UNITED STATES COURTS, *Courthouses to Reopen in Puerto Rico and St. Thomas, Virgin Islands*, <https://www.uscourts.gov/news/2017/09/18/courthouses-reopen-puerto-rico-and-st-thomas-virgin-islands> (last updated Oct. 16, 2017, 3:45 PM) (“The Clemente Ruiz Nazario U.S. Courthouse will open to the public on Tuesday, October 17, 2017.”).

201. The author witnessed this and took photos on October 21, 2017 (on file with author).

202. See Interview with Shelter Directors, *supra* note 177.

203. See *id.*

204. Interview with Shelter Directors, *supra* note 177.

requests for assistance from the executive directors or coordinators of the domestic violence shelters.²⁰⁵ Moreover, post-Hurricane María, FEMA was asked various times for building materials to assist domestic violence shelters with rebuilding, but the response was that materials were for individual citizens who qualified and not for community centers or projects despite the fact that the domestic violence shelters were housing the very individuals who had lost their homes and most, if not all of their belongings.²⁰⁶ To better understand the conditions faced by immigrant women, this article next examines a case study.

D. CASE STUDY OF “SOFIA”²⁰⁷

The case study focuses on the experience of a heterosexual Venezuelan female immigrant who resided in a rural mountainous area of Puerto Rico. This article refers to her as “Sofia.” Sofia is a mother to a U.S.-born infant child, and has suffered extreme forms of interpersonal violence by her aggressor, referred to herein as “Sam,” a U.S. citizen born in Puerto Rico. The domestic violence began pre-hurricanes Irma and María. This case study shares the compounded challenges she faces as an immigrant woman and mother post-Hurricanes Irma and María in Puerto Rico as she navigates through the physically devastated court system. It highlights the challenges Sofia continues to face during one of the most difficult times in U.S. history for immigrants under the Trump administration’s anti-immigrant policies. The violence Sofia faced was compounded by the conditions resulting from the devastation caused by Hurricane María and an inadequate governmental response to this natural disaster. This section examines how the conditions post-natural disaster in Puerto Rico have augmented the hardships faced by one of the most vulnerable groups on the archipelago, in this case immigrant victims of intimate partner violence, and highlight the many ways these immigrant victims can be re-victimized post natural disaster in large part by a failure of institutional response and a lack of inclusion.

“Sofia” met “Sam” through Facebook via a mutual friend. At the time, she was still living in her home country of Venezuela. She owned various businesses and was thriving economically. The relationship started as a friendship and slowly grew into a romance. Sofia was recently divorced from her first husband and wanted to take things slow. Their long-distance relationship lasted five years. At that point Sam told Sofia he wanted the relationship to progress, that they should be together physically, and that he wanted to marry her. At first, they spoke about him moving to her home country of Venezuela. He traveled to visit her and met

205. *Id.*

206. This was FEMA’s response to Hurricane María Inc.’s request for materials to help build a shelter. Meeting with Anna Robertson, FEMA Voluntary Agency Liaison Team, in San Juan, P.R. (Feb. 21, 2018).

207. The author met Sofia during a volunteer brigade visit at a domestic violence shelter. *See* Interview with “Sofia,” in Arecibo, P.R. (Mar. 5, 2017) (on file with author); Interview with “Sofia,” in Carolina, P.R. (Oct. 16, 2017).

her family. A short time after the visit, he told Sofia his mother was elderly, ill, and that he needed to care for her in Puerto Rico. They began making plans for Sofia to move to Puerto Rico. They attained a Nonimmigrant Visa for a Fiancé (K-1) and Sofia arrived to Puerto Rico in March of 2015.

Sofia and Sam resided in a rural mountainous area of Puerto Rico, with only three neighbors. One set of neighbors was a young working couple and typically arrived home after 9:00 PM daily. Sofia would only come to meet this couple post-Hurricane María. The second set of neighbors was an older lady and her daughter, who sold the property to the first set of neighbors. This neighbor and a third set of neighbors, who Sofia did not meet, never had communication with Sofia. Sofia owned a cell phone, but Sam did not. Sam's house was unfurnished. Approximately one week after Sofia arrived to Puerto Rico, Sam yelled at her, called her curse names, and threatened to hurt her because she spoke to his friend. Sofia had heard of the 911 hotline in Puerto Rico, but believed it was only for medical emergencies because in Venezuela, 911 does not exist for domestic violence issues.

Despite this initial incident, Sam and Sofia married in May 2015, and started living in a two-story house, with Sam's mother living in an upper level addition to the home. Sofia continually suffered violence at the hands of her mother-in-law who explained to Sofia that Sofia had to endure the abuse Sam inflicted on to her because she (the mother-in-law) had endured it for 25 years at the hands of her partner. When Sofia turned to her Catholic priest for assistance, the priest told Sofia the abuse was "her cross to bear." During that summer, Sam and Sofia's arguments became more violent and the frequency of physical, emotional, and verbal abuse increased. At one point, Sam punched Sofia in the face after she pointed out to him that they needed furniture for the house.

In September 2015, Sofia found out she was pregnant after taking a home pregnancy test. When she shared the news with Sam and asked him to take her to visit a doctor, he became angry, pushed her, and started beating her. That night she felt sick and had a fever. In the following days, she stopped feeling pregnancy symptoms and started to worry something was wrong. She went to Sam and insisted on seeing a doctor. After much negotiation, he finally took her and Sofia was told that the fetus had perished at about eight weeks of gestation, which she calculated was around the time Sam had beaten her.

Sofia immediately told Sam she wanted to go back to Venezuela. Sam apologized to Sofia and professed his love for her. He went on to state that she knew how he was, that he had a short temper, and she should not do things to make him angry. Sam assured her that they had a healthy relationship and that he did not want to lose her. She stayed and purchased self-help books that were recommended to her by her Catholic priest as a way to become a better wife. She started working again and was doing well. She did so well financially that she soon became the primary income provider. During this time, Sam continued to be verbally abusive. In July of 2016, she found out she was pregnant again. Based on

Sam's history of abuse, she feared losing this second pregnancy. In an effort to protect the second pregnancy, she avoided communicating with Sam and her mother-in-law who did nothing to intervene in the beatings.

Sam told Sofia he was going to proceed with the immigration paperwork that would enable Sofia to become a legal resident and eventually a citizen. Every time she asked him about the status of her documentation, he would answer "these things take time" and that he was working on it, but would not share any details with her. Instead, Sam would use Sofia's immigration status as a way to threaten and control her. Later, Sofia discovered that Sam never filed her immigration paperwork.

During her second pregnancy and after Sofia gave birth to their daughter, Sam frequently told Sofia that he was going to take their daughter away and threatened Sofia with deportation. Sofia stayed with Sam out of fear of losing custody of their daughter because of her status and lived with the fear of deportation to Venezuela without her daughter. She had no understanding of the law in the United States and her confinement to a rural area provided her with no resources. She lived a solitary life in a rural region with little contact with others. Sam made sure of this.

Knowing she wanted to escape this cycle of violence, Sofia confided in a friend she reconnected with who resided in the continental United States. Sofia's friend explained to Sofia that she should not fear losing her daughter and being deported because there are laws that could protect her. It was this newfound knowledge that empowered Sofia to take steps to end Sam's violence by reporting the abuse to law enforcement officials in 2018.

In January of 2018, Sam struck Sofia behind her neck with casted fingers²⁰⁸ and threatened to kill her and harm their daughter as he dangled the infant over the nine-foot drop from the balcony to the ground. She had never thought to talk to the police about the violence she was enduring because Sam conditioned her to justify his abuse. She believed the stress of caring for his mother was the cause of Sam's violence towards her. This time, however, Sofia believed Sam wanted to kill her as he verbally assaulted and threatened her all day that day. When she threatened to report him to the police, he said "call the police bitch, you do not have the courage." She told Sam she would call the police this time. He dared her again, at which point she asked him how to dial the call to the police since she was unaware of how to do so. Confident that she was bluffing, he explained it to her, and she dialed 911. She quickly made a brief incident report and requested police assistance. The only contact Sofia had ever had with the police in Puerto Rico prior to this incident was when Sam's car had been stolen and the police came to make a report, but she was simply an observer to that process.

Two police cars arrived to the house. One officer tried to persuade Sofia to drop the charges throughout the process. The first time she was at the home. Sofia

208. His fingers were in a cast because of a prior incident.

was crying profusely with her daughter in her arms trying to explain to the officer what happened. The officer pulled Sofia to the side and told her to relax. Sofia told the officer "I am not from here." The officer told her to calm down and asked her if she was sure about what she was about to do because once he handcuffed Sam, there was no going back. She replied "Yes, I am sure!" The officer who interviewed Sofia after the incident explained to her that he would take her to the police station to further interview her and process the complaint. Right after, the officer explained again that once she was at the precinct, a retraction of the complaint would not be allowed. He again asked her if she was sure she wanted to go forward with filing the complaint. Sofia stated unequivocally that she was sure and assured the officer she wanted to file a complaint. She was alone with the officer outside in front of the house, while the other officer was with Sam and his mother nearby. When Sam was questioned, he admitted to having hit her, and was arrested. After the arrest, one of the police vehicles would not start. The second officer who was driving that vehicle stayed behind to have the vehicle towed, while the first officer placed both Sofia and Sam in the same police vehicle and transported them to the station together.

At the police station, the first question Sofia was asked was where she was from and if she was in Puerto Rico "illegally." She asked the police officer if that had anything to do with the domestic violence situation. The police officer did not reply and began interviewing Sofia to make a domestic violence incident report. For the third time, the officer told her that if she moved forward with the domestic violence complaint, there was no turning back. After walking back and forth several times, the officer asked Sofia again, "Are you sure you know what you are doing because once we proceed, there is no turning back, he will be imprisoned, and you know what will happen." Sofia replied that she has no idea what would happen to him, but she did know that Sam would kill her. She was concerned about Sam not being taken into custody at this point, and after much discussion where she had to assure the officer she wanted to file charges, he eventually took the complaint. The officer explained that since it was the weekend and it was hard to find a prosecutor, Sam would most likely be held in the police station until Monday.

Sofia was never informed about the possibility of attaining a restraining order or about Law 54. She asked the officer several times to be taken to the hospital because she was sick and in pain, suffering from a sharp headache and shoulder pain because of the trauma to her neck caused by Sam. However, instead of taking her to the hospital, the officer stopped at Burger King and told her he thought she was just hungry. She realized the officer's duty was up and he was debating whether or not to take her to the hospital. While at the police headquarters, the same police officer explained to Sofia that she would next need to speak to the prosecutor on call that evening who would inform her about the legal process. The officer did explain that there were domestic violence shelters available to her. The prosecutor eventually spoke to Sofia on the phone and explained to her that the case would be processed the following day.

The laws and engagement with the police in Puerto Rico are very different from those that Sofia was accustomed to in Venezuela. She believed that when the police officer asked her if she was sure she wanted to proceed with the charges against Sam, he was asking her for a bribe because this was commonly the experience people had with the police in Venezuela. This conversation caused Sofia to worry about her safety and also made her feel uncertain that Sam would be detained. She felt that the system could not protect her.

It was not until many hours later, and not until after speaking to the prosecutor on the phone, that the police officer decided to take Sofia to the hospital. On the way to the hospital the officer told her that Sam had admitted to him that he hit Sofia while they were at the home. He also shared that they were unable to secure a prosecutor for the case thus Sam would be detained. Her medical examination at the local hospital revealed she suffered a cervical spasm and hematoma due to the harm Sam inflicted. No hospital personnel informed Sofia about Law 54 or about the handling of domestic violence issues at any time. After the medical examination, the officer told Sofia she had to decide where she was going to stay. She proceeded to call the only person she knew would help her, Sam's sister. Sam's sister told Sofia she was glad someone finally reported Sam's abuse and invited Sofia to stay in her house. Sam's sister also told Sofia she should not go to a domestic violence shelter because they would abuse her daughter there. Hence, Sofia had the officer drop her off at Sam's sister's house that evening.

The following day an officer from the Police Department's Specialized Domestic Violence Unit contacted Sofia. Sofia was interviewed again and taken to the Specialized Domestic Violence Court where a judge found probable cause and ordered an Ex-Parte Restraining Order against Sam. Sofia was informed by the specialized police officer that Sofia should call her if she had any issues with Sam.

Having nowhere to go and fearing the domestic violence shelter system, Sofia stayed with Sam's sister again. Sophia soon learned from Sam's sister that her mother had died, and that Sam would be let out on bail. Sam's sister told Sofia that Sam was looking for her because he was informed his mother had died the night after the arrest and that Sofia needed to leave his sister's house. Sam's sister called a domestic violence shelter without Sofia's consent and later explained that she wanted her to go there so she could closely monitor Sofia and her daughter. Sofia, conscious of the need to break the control from this family, immediately called the specialized domestic violence officer and was admitted to a different domestic violence shelter far from her rural town. Throughout this process, Sofia was with her breastfeeding infant, who was a U.S. citizen.

During the trial proceedings, Sofia's immigration status was consistently mentioned, both by the defense attorney and the judge. The prosecutor never received the medical report showing Sofia's injuries. According to Sofia, the medical report was not introduced until her immigration case began. While at trial, Sofia was again re-victimized by Sam's defense attorney. The defense attorney blamed

Sofia for the death of her mother-in-law, telling the judge that the mother-in-law died of heart failure shortly after witnessing the arrest of Sam because Sofia reported the abuse to law enforcement officials. Defense counsel openly accused Sofia in court of “killing her mother-in-law.” A report by Sofia’s initial attorney, who was appointed by El Centro de la Mujer Dominicana, was filed against Sam’s defense counsel. However, no status updates were shared with Sofia or her attorney at the time about this complaint.

Sofia felt intimidated. She was scared she would lose custody of her U.S. citizen infant daughter and be deported without her. During the trial, which took eight months, Sofia recalled having five different prosecutors tending to the case. Each time a new prosecutor was appointed, she had to relive the violence she suffered by narrating the whole incident. She recalled that two of the prosecutors were hostile towards her and did not explain the legal process to her. She felt that because of her immigration status she was not treated fairly, was made to feel othered, and stated she felt lost.

The defense attorney accused Sofia of making up charges against Sam in order to attain a legal immigration status. To her knowledge, the judge who was deciding the case did not officially reprimand the defense counsel. At one point, the judge yelled at Sofia, warning her that if she only filed this case to attain legal immigration status, she would be violating the law. Sofia felt she was not able to defend herself during the first hearing due to the anxiety she suffered. However, during the second hearing she fought for a space to share that she had a K-1 fiancé visa and that part of the abuse inflicted by Sam was controlling the processing of the immigration paperwork. She made clear that Sam did not process her residency and he, as the U.S. citizen, had complete control over the processing of the paperwork. After all, he was the one who filed the K-1 visa for Sofia. She felt no support during the judicial process based on her status and felt the immigration paperwork to support her case was overlooked as a result of the manipulation of the defense counsel. The defense counsel tried to introduce the theory that Sofia was making up the domestic violence charge now to become eligible for a VAWA visa.

Sofia realized the defense counsel was using the lack of immigration paperwork status as evidence to dismiss the domestic violence claim against Sam. However, the court eventually contacted El Centro de la Mujer Dominicana and discovered Sofia in fact had a legal consult regarding immigration status. Sam was found guilty, however, he was recommended for a program titled “Deviation from Procedure,”²⁰⁹ an alternative sentencing program under Law 54, and was released.

209. “After trial and upon conviction [. . .] the court may, [. . .] suspend all procedures and release the convict on probation; [sic] provided, that he/she enrolls in a diversion program for persons who exhibit abusive behavior in an intimate relationship.” P.R. LAWS ANN. tit. 8, § 636 (1989).

1. Immigrant Domestic Violence Victims in Puerto Rico Post-Hurricane María

For most undocumented immigrant persons in Puerto Rico, finding free legal services is nothing short of miraculous. Puerto Rico has only one immigration law clinic program at the School of Law at the University of Puerto Rico (UPR), located in Rio Piedras, that handles immigration claims free of charge. In addition, there are a few programs like El Centro de La Mujer Dominicana (CMD) and Oficina para el Desarrollo Integral de la Mujer (ODIM) that provide some free legal assistance.²¹⁰ The UPR Immigration Clinic is highly selective. It is also dependent on an academic schedule as it is staffed by law students with a supervising attorney. It is the only such free clinic on the main island according to Attorney Julie Cruz Santana.²¹¹ Moreover, there are not enough immigration attorneys on the main island.²¹² Cruz Santana states that there was a free immigration law clinic in Mayaguez, but it was closed. Dean Julio Fontanet of the InterAmerican University School of Law has stated his interest to create an immigration clinic at his law school to the author and is open to developing partnerships with U.S. law schools for its creation. By email, when asked if there were free immigration legal services available through Legal Services, Rebeca Dorna Pesquera stated that “currently, immigration is outside of our priorities or areas of service.”²¹³ Also, Cruz Santana explained that the Immigrant Rights Commission for the Puerto Rico Bar Association does not provide *pro bono* immigration legal services.²¹⁴

Attorney Cruz Santana is also legal counsel to Sofia. She is a multifaceted attorney with her own private immigration practice who also works as a contract attorney with a holistic domestic violence project named Oficina para el Desarrollo Integral de la Mujer (ODIM) located in the capital of San Juan. Cruz Santana accepted the immigration case of Sofia, via ODIM. She is paid a nominal attorney fee compared to the hourly rate she charges for cases in her private immigration practice to represent victims through the ODIM. “The biggest challenge for most of the [immigrant] victims of domestic violence to begin with is that they do not even know this [immigration protections] is available so they remain in the abusive relationship because they feel that it is the only way they can attain the permanent residence status,” states Attorney Cruz Santana. Absent programs like ODIM and El Centro de La Mujer Dominicana, many immigrant domestic

210. Cruz Santana Interview, *supra* note 15.

211. Interview with Julie Cruz, Esq., Pres., the Immigrant Rights Commission for the Puerto Rico Bar Association & Professor, University of Puerto Rico School of Law’s Immigration Law Clinic, in San Juan, P.R. (Oct. 15, 2018); *List Of Pro Bono Legal Service Providers*, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, DEP’T OF JUSTICE (Nov. 15, 2018), <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> (“The USDOJ also does not offer free legal services for immigration cases in general in Puerto Rico.”).

212. Cruz Santana Interview, *supra* note 15.

213. Email from Rebeca Dorna Pesquera, Servicios Legales de Puerto Rico, Inc., to author (Nov. 9, 2018) (on file with author).

214. Cruz Santana Interview, *supra* note 15.

violence victims may remain in an abusive relationship.²¹⁵ She points out that as a result, the aggressor, commonly a U.S. citizen in Puerto Rico, is able to maintain control over the immigrant victim of domestic violence. There is an absence, across the entire United States, including Puerto Rico, of public education on the rights of immigrant domestic violence victims. The problem of the lack of education is also compounded by the male dominated culture found in Puerto Rico, according to Cruz Santana. Therefore, there is a profound and urgent need, especially on the archipelago, for a massive public education campaign around domestic violence and what is accessible specifically to immigrant domestic violence victims.

Cruz Santana believes the *Colegio de Abogados* or the Puerto Rico Bar Association, should be one of the vehicles to promote this public information and believes the Colegio would be willing to spread the information through a mass education campaign.²¹⁶ She said there seems to be some concern that some people are filing false domestic violence claims in order to secure immigration status, especially with U visas. An application for a U visa requires a certification be signed by the prosecutor to allow the victim to qualify. The prosecutors' signature indicates the immigrant victim has assisted with the prosecution of the case in the past, is presently assisting, or will assist in the future. However, one problem local immigration attorneys have with local prosecutors is that prosecutors, Cruz Santana says, often withhold the signing of the certification until the case is over to ensure the immigrant victim continues to cooperate with the prosecution until the case's completion. As a result, many immigrant domestic violence victims often back out of the criminal case because they often sense a lack of support, fear retaliation from the aggressor, or become frustrated with the lengthy process during which they must fend to provide for themselves and their children, if any, given their lack of immigration status.²¹⁷

In Puerto Rico, the challenge immigrant victims face is particularly burdensome because there is not a large presence of philanthropic organizations on the archipelago. Hence, there are fewer free social services provided to undocumented persons from private organizations when compared to the continental U.S. The lack of privately funded organizations providing free legal services for immigrants exacerbates the problem on the archipelago since most of its funding for social services is federal and cannot be used to support undocumented populations.²¹⁸ Immigrants who do not possess the means to hire an attorney are often left without assistance and physically trapped on the archipelago.

In the Sofia case study, because she was married to the aggressor, she qualifies for both a VAWA visa and a U visa. Because she was referred by the police, she was fortunate to have found out about programs available to her like ODIM and

215. *Id.*

216. *Id.*

217. *Id.*

218. *Id.*

Casa de la Mujer Dominicana. She was provided these services through the support of Sandra Cruz Ramirez, Executive Director of domestic violence shelters Capromuni I & I.²¹⁹

Sofia, as Cruz Santana explained, was brought as a fiancée to the U.S., hence there should have been no doubt about her bona fide relationship with Sam. However, she shares, Sofia felt deprived from legal guidance and mistakenly believed the prosecutor in the criminal case against Sam represented her personal interests. Cruz Santana had to explain to Sofia that the prosecutors represented the state and were not her attorneys, a concept completely foreign to Sofia. Sofia had no knowledge of the legal process, even as she was participating in it. Cruz Santana emphasized that this is why education is so crucial to all immigrants, especially immigrant victims of domestic violence. According to Cruz Santana, most U visa applicants do not understand that they are a witness to the crime reported, which is important because otherwise an aggressor could escape a criminal prosecution by reporting to the pertinent authorities that the immigrant victim is out of status or undocumented.²²⁰ Sofia experienced this during a court appearance. In fact, many aggressors report that their victims out of status with the goal of having the victim deported, falsely believing that without the victim, who is often the only witness, the case will be dropped. Since the prosecutor represents the Commonwealth of Puerto Rico and not the victim, and because in most cases, prosecutors do not have the time to inform the victim of the legal process, most victims feel marginalized and isolated during the prosecutorial process.²²¹

According to Cruz Santana, a *prima facie* VAWA certification is a deferred action mechanism that postpones deportation of the victim until adjudication is completed. This protects the person from any enforcement efforts by ICE. It also provides a victim with access to certain benefits until the case is reviewed.²²²

Many undocumented immigrants work on rural farms located in the interior mountainous region of Puerto Rico because they are areas not reached often by immigration and other law enforcement authorities.²²³ Most programs such as CMD and ODIM are located in San Juan, the main island's metropolitan area. As such, immigrant domestic violence victims living in rural areas are even less educated about immigration law and domestic violence services available.²²⁴ Such services need to be expanded to the rural areas, the West side of the Puerto Rico, Culebra, and Vieques. This article will now turn to an explanation of some of the types of programs available to immigrants in metropolitan areas.

ODIM provides a holistic approach to the array of issues immigrant women face. Among the services they provide are childcare, emergency and transitional

219. See *id.*; Interview with "Sofia," in Arecibo, P.R. (Mar. 5, 2017) (on file with author); Interview with "Sofia," in Carolina, P.R. (Oct. 16, 2017).

220. Cruz Santana Interview, *supra* note 15.

221. *Id.*

222. *Id.*

223. *Id.*

224. *Id.*

housing, mental health services, legal services, and legal companions to support victims in court. They do not, however, offer emergency shelter housing. ODIM also teaches sustainable development based on the victim's skills.²²⁵ This program also works to train the municipal police in San Juan and work with them on two programs: 1) a program to monitor protection orders and 2) a separate hotline from 911 hotline, called the 939CONTIGO (939-266-8446) hotline.²²⁶ It does not train the State Police of Puerto Rico. ODIM is an integral program and provides many services lacking at the freestanding University of Puerto Rico Immigration Law Clinic. ODIM lost their facilities and had to emergency evacuate during Hurricane María.²²⁷ To date, ODIM has re-established its operations at the Torre Municipal, but continues to face many challenges.²²⁸

Despite requests made to government officials, there is no data allowing us to assess the number of immigrants in need in of legal services in Puerto Rico.²²⁹ This data, if available, would facilitate the creation of programs to address the issues this community faces. There are several obstacles immigration attorneys on the archipelago face. As explained by Cruz Santana, one of the obstacles she faces as an immigration attorney in Puerto Rico is the slow-pace of information flow.²³⁰ Puerto Rico no longer has immigration-specific detention centers.²³¹ Currently, federal prisons house detainees, and immigrants are housed with criminal convicts or detained suspects. At one point, the federal prisons had no space and immigrants were being housed in local Puerto Rico prisons in maximum security.²³²

Cruz Santana also points out that during Hurricanes Irma and María, when faced with the enormous problem of receiving basic utility services, like water and electricity, undocumented domestic violence immigrants were unable to be relocated with relatives on the continental U.S. because of the risk of being detained at a point of entry. This exacerbated the violence they faced by forcing them to remain with their abusers.²³³ When asked how undocumented domestic violence immigrants survive when they do not have the support of programs like El Centro de la Mujer Dominicana and ODIM in Puerto Rico, Cruz Santana states these immigrants go underground. She believes ODIM could take on more clients. She handles a caseload of approximately seventeen to twenty cases, but could handle more. The lack of immigration cases may be due to the lack of

225. *Id.*

226. *Id.*

227. Cruz Santana Interview, *supra* note 15.

228. *Id.*

229. Meeting with State Department, Oficina de Orientación al Inmigrante (December 20, 2018) (notes on file with author).

230. Cruz Santana interview, *supra* note 15.

231. *Id.*

232. Jodie Roue, *Puerto Rico Prison Project*, ACLU PR (Aug. 9, 2015-Aug. 1, 2017) (on file with ACLU PR).

233. Interview with Cruz Santana, *supra* note 15.

referrals, public information on such programs, and a lack of a web and social media presence on such organizations.²³⁴

Another resource for immigrant women experiencing domestic violence is El Centro de la Mujer Dominicana or the Center of the Dominican Woman (CMD), directed by Romelinda Grullón. Grullón is not aware of any free legal services for undocumented immigrants who are not domestic violence victims. CMD offers certain free legal service and emotional assistance in the form of individual and group therapy, provides social workers and case assistants to support the victims in court, and offers workshops educating victims on issues including domestic violence and sexual abuse. They handle discrimination cases, including employment discrimination and harassment cases. They receive VAWA and Victims of Crime Act (VOCA) funds and legislative funds from the local state government. Certain funds are restrictive and only allow CMD to work with victims of specific crimes according to federal immigration guidelines.²³⁵ CMD provides services to women of over 92 nationalities in Puerto Rico, including women from England, India, and throughout Latin America. Grullón adds that this is because domestic violence does not discriminate and affects women of all nationalities.²³⁶

CDM handles forty to fifty cases per month with two staff attorneys, though this number varies monthly. Despite their grant funding, they are underfunded and need assistance with fundraising efforts, states Grullón, in an effort to expand the services they offer as well as their physical space. CMD states that the current Mayor of San Juan, Carmen Yulin, offered her a municipal rental space free of cost approximately six years ago, but unfortunately the renovations the rental space needs far exceeds the CMD budget.²³⁷

Grullón echoes the need for free immigration legal services in Puerto Rico. She states that Legal Services of Puerto Rico requires a social security number to take clients, hence excluding undocumented immigrants. Not having a social security number in the archipelago essentially bans persons from nearly all social service programs because the majority are federally funded. For victims of domestic violence, the issue of transitional housing is also a very large stressor, since most transitional programs require a social security number as well. Most undocumented women with no U.S. citizen children, according to Grullón, do not receive transitional housing because of their lack of status. Furthermore, she says, smaller service providers like CMD cannot offer the same level of service as

234. *Social Development*, MUN. OF SAN JUAN (Feb. 17, 2019), <http://sanjuanciadadpatria.com/servicios/desarrollo-social-y-comunitario/> (last updated 2019) (noting that the ODIM website is brief).

235. *Battered Spouse, Children, and Parents*, U.S. CITIZENSHIP & IMMIGRATION SERV. (USCIS) (Feb. 16, 2019), <https://www.uscis.gov/humanitarian/battered-spouse-children-parents>; *Green Card for VAWA Self-Petitioner*, U.S. CITIZENSHIP & IMMIGRATION SERV. (USCIS) (July 26, 2018), <https://www.uscis.gov/green-card/green-card-vawa-self-petitioner>.

236. Interview with Romelinda Grullón, Dir., El Centro de la Mujer Dominicana, in San Juan, PR (Oct. 17, 2018).

237. *Id.*

municipalities like San Juan's ODIM program, who receive more local, state, and federal funding.²³⁸

Lisbel Andino Rosado, Esq. has worked at CMD as a staff attorney for over twelve years and handles all the cases funded through the Department of Justice, local funds, and federal VOCA funds. She manages all types of cases for immigrant women, including cases of women who are incarcerated, divorces and child support. In 2017, she handled 100 active cases and dozens of other cases that did not reach a final stage. The second staff attorney at CMD handles all VAWA fund cases which includes domestic violence and immigration cases for undocumented and documented persons respectively.²³⁹

Andino Rosado says a major systemic failure in domestic violence cases is that every day women receive rotating prosecutors which creates a lack of communication between prosecutors and victims, a lack of in-depth knowledge of the case, and a decreased confidence in the legal process. In her role at CMD, she supports victim throughout legal cases against their abusers. She says she has witnessed judges not reprimanding defense attorneys using immigration status. She also says police officers treat immigrant women differently. She says the complaints they police file state very little about the domestic violence incident, leaving attorneys with little evidence to make a case for asylum. Andino Rosado says the women she works with state that the police "soften" the case, are reluctant to take complaints, and have to be begged to contact the prosecutor about the case. The result is often that immigrant women end up being arrested or drop the complaint or case out of fear of being harmed by their aggressor. She thinks we can solve this problem by training, educating, and humanizing the police. She states that the federal monitorship of the police has provided some police training, but if the PRPD lacks adequate supervision to require officers to comply with procedures and to implement a plan to protect the victim, then not much is gained. The superior officers in the police force need to be taught to ensure quality control with compliance. Often complaints are filed in a drawer, she says, and there is no clear message that change needs to be made amongst the police officers.²⁴⁰

IV. CONCLUSION: RECOMMENDATIONS & SOLUTIONS

Law alone is not enough. This is clear for immigrant survivors of domestic violence in Puerto Rico. Though there are laws and protocols in place to prevent domestic violence, it remains a persistent problem for these women. The proper enforcement of law is a major obstacle to eradicating violence against women, as seen in the case study of Sofia. Former Special Rapporteur Rashida Manjoo coined the term "normative gap" which describes the gap between the law and the reality faced by women victims of violence. She argues that the most glaring

238. *Id.*

239. Interview with Lisbel Andino Rosado, Staff Attorney, CDM, San Juan, P.R. (Oct. 18, 2017) (on file with Author).

240. *Id.*

issue from a human rights perspective is the consistent normalization of violence against women. She believes that there is an enormous need for all U.N. member states to commit to a new binding treaty to recognize extreme forms of domestic violence as human rights violations.²⁴¹ This issue must be addressed at a global level and requires the signing of a legally binding treaty to eradicate violence against women, which currently does not exist. This seems an unlikely goal at this time in U.S. history. The U.S. is international-law averse, especially given the Trump Administration's hostile stance towards the role of the United Nations. Yet such a treaty remains necessary to protect women across the globe.

Even without U.N. action there are many recommendations that can be implemented in Puerto Rico to address the crisis women face on the ground at a micro or local level. The Puerto Rico government was not prepared for a Category 5 hurricane hence an inclusive plan of action is needed going forward. The domestic violence shelter directors need to have a seat at the Emergency Management Planning table to voice the particular needs of the vulnerable populations they service. Moreover, Puerto Rico must prioritize reconnecting domestic violence shelters with vital services, especially like communications, electricity, and water after a natural disaster.

Social justice projects like the DVPR research project collaboration can work as liaisons to external continental U.S. support of domestic violence shelters in Puerto Rico. This is an essential step in supporting the needs of Puerto Rico's domestic violence shelters during a natural disaster, as well as in times of fiscal crisis which is currently the case. Furthermore, the municipalities of Vieques and Culebra, which are a set of physically separate islands off the main island of Puerto Rico, are in dire need of a domestic violence shelter system for women and their children fleeing domestic violence situations, as neither island municipality has a shelter.²⁴² This is especially critical in these areas since availability of transportation on and off each island is extremely limited or prohibitively expensive.

There remains a need to develop a protocol to evacuate domestic violence victims from shelters during natural disasters, if necessary.²⁴³ There is also a need for the development of proper safety protocols on how to handle domestic violence victims once they are relocated to general refugee shelters. The creation of a special call line using a satellite phone, for example, for domestic violence directors would be key in the efforts supporting this vulnerable population post natural disasters given the possibility of another loss in telecommunications between the government and domestic violence shelters.

There is a consensus amongst the shelter directors interviewed that the victims' mental and physical health issues should be prioritized to ensure they are not re-

241. RASHIDA MANJOO & JACKIE JONES, *THE LEGAL PROTECTION OF WOMEN FROM VIOLENCE: NORMATIVE GAPS IN INTERNATIONAL LAW* (1st ed. 2018).

242. Pinette Interview, *supra* note 72.

243. Interview with Shelter Directors, *supra* note 177.

victimized in general and during a disaster. Some victims have suffered both psychological and physical ailments as a result of the domestic violence they have endured and a primary goal should be to prevent them from further psychological and physical injury. Part of the plan to make the emergency response more effective needs to include the development of effective means and resources to train and assist the PRPD on re-conceptualizing gender-based violence. Police officers need to: 1) learn how to conduct victim interviews; 2) understand the specific vulnerability of domestic violence shelters during a natural disaster; and 3) have a plan during natural disasters to provide increased protections and surveillance of domestic violence shelters.²⁴⁴

Domestic violence shelters also need support beyond natural disaster planning to effectively support immigrant populations. Domestic violence shelter directors²⁴⁵ suggest that domestic violence counselors be certified to take pictures of domestic violence victims at shelters. Bruises, wounds, and injuries often become visible and disappear during the time the victim is in the domestic violence shelter. For prosecutorial purposes, the certification of staff at the domestic violence shelters would enable them to take photos and properly gather evidence. This is an effective and inexpensive recommendation that could be easily implemented with the cooperation of the local authorities.

Related to legal and other support for immigrants in Puerto Rico, the Puerto Rico Bar Association has several projects that could support immigrants in general. Specifically, the Immigrant Rights Commission for the Puerto Rico Bar Association plans to host a Citizenship Day for the elderly who have resided in Puerto Rico for most of their lives but have not attained citizenship status. Another project includes working on creating a policy on the issues immigrants who possess special driver's licenses face. Broadening the scope of these services to support domestic violence victims in collaboration with the continental U.S. bar associations could be another strategy to support immigrant women experiencing gender-based violence.

Furthermore, based on the interviews with lawyers Andino Rosado, from the Dominican Women's Center, and Julie Cruz Santana who works as a contract immigration attorney for ODIM,²⁴⁶ there is a dire need for the creation of more free legal services for immigrants in Puerto Rico. Continental U.S. institutions and the Puerto Rican diaspora can also assist attorneys in Puerto Rico by creating and fostering partnerships for free legal immigration services²⁴⁷ via Memorandums of Understandings between law schools and NGOs on the continental U.S. and the

244. *Id.*

245. *Id.*

246. Cruz Santana Interview, *supra* note 15.

247. *Find Out Which Organizations Offer Help To Victims Of Gender Violence*, EL NUEVO DIA (Dec. 6, 2018), <https://www.elnuevodia.com/noticias/locales/nota/conocecualesonlasorganizacionesqueofrecenayudaavictimasdeviolenciadegennero-2464000/>.

archipelago.²⁴⁸ Puerto Rico needs more experts in immigration law and grant writers to work on attaining funds to establish programs that can assist lawyers handling immigration cases. This in turn would allow programs like CMD to grow and enable the replication of more holistic programs like ODIM. Promotion through a mass education campaign of services, old and new, would potentially bring women out of the shadows to take advantage of an increase in *pro bono* immigration services. There is a consensus amongst the shelter directors interviewed that programs like ODIM need to expand outside metropolitan areas. These ideas have been reinforced by social justice advocates including Negrón Cintrón who states that “[t]he implementation of education with a gender perspective, the security of recurring funds to entities that work with this population and a clear and forceful public policy of zero tolerance are areas that must also be addressed.”²⁴⁹

The Secretary of Health of Puerto Rico, Dr. Rafael Rodríguez in partnership with the American College of Surgeons (ACS) and the Hurricane María Assistance & Relief Institutional Alliance, Inc. are creating another free social service program with community stakeholders from which immigrant domestic violence victims who are uninsured may benefit. This project is much needed post hurricanes, given the loss of over 1500 doctors on the archipelago. This program, called ACS Operation Giving Back Puerto Rico aims to be rolled out in 2019 and will provide free elective surgical care to qualified uninsured persons in Puerto Rico.²⁵⁰ Currently, immigrants in Puerto Rico must wait five years before they can qualify for Medicaid.²⁵¹ However, this program will provide qualified patients with access to free surgical care for minor surgeries, including pre and post-operative care.²⁵² Moreover, it requires no budget as it is funded by private donations and in-kind and volunteer services.²⁵³

The creation of a centralized and reliable database of domestic violence crimes is also vital to improve our understanding of domestic violence against immigrant women, as demonstrated by Seguimiento de Casos. Currently, the lack of reliable data has a major impact on NGOs, civil society entities, and their work in assisting domestic violence victims.²⁵⁴ The lack of accurate statistics and tracking of domestic violence deaths also has a direct impact on non-profit organizations that depend on funds from federal and local grants. The lack of reliable data impedes

248. The author is working on developing these connections via the work of Hurricane María, Inc. For more information contact the author.

249. E-mail from Vilma Gonzalez Castro, Exec. Dir., Coordinadora Paz Para la Mujer, to author (Feb. 27, 2019, 5:38 PM) (on file with author).

250. Matthew Dolich & Michael Lekawa, Powerpoint, Puerto Rico Project Clinical Congress 2018 (2018).

251. *Healthcare, Coverage For Lawfully Present Immigrants*, HEALTHCARE.GOV, available at <https://www.healthcare.gov/immigrants/lawfully-present-immigrants/> (last visited Jan. 3, 2019).

252. Matthew Dolich & Michael Lekawa, Powerpoint, Puerto Rico Project Clinical Congress 2018 (2018).

253. *Id.*

254. See González, *supra* note 99.

NGOs from justifying existing funding, and from attaining future funding to expand services.²⁵⁵ More importantly, the government needs to send a message that the lives of women are a major and central priority and that they are committed to eradicating all forms of violence against this group by publishing data on the crimes against them.

The overall U.S. legal system's indifference to domestic violence crimes is characterized by low prosecution and conviction rates. This is also true in Puerto Rico. Sofia's case study demonstrates the failure to implement existing law and protocols developed to protect domestic violence victims in Puerto Rico. Manjoo recommends including sufficient safeguards regarding the promotion of safety and protection against harm for victims in these laws. This would require built-in remedies for failure to protect and prevent violations of the law and extensive training for all law enforcement officials with repercussions for failures in effective implementation. The failure of effective implementation has been an obstacle in Puerto Rico. This recommendation could prove effective if fully enforced throughout the archipelago systemically.

Manjoo also recommends eliminating police and judicial discretion in domestic violence cases to avoid or minimize police and judicial bias against undocumented immigrant women experiencing domestic violence. Alternatively, Manjoo suggests a system that monitors all domestic violence cases to identify biased judges. It seems that Puerto Rico has a long path ahead to attain this goal given the many obstacles that already exist on the archipelago surrounding reliable data and handling of domestic violence cases currently. However, in the past, Puerto Rico has been recognized as a pioneer in the region for developing approaches to address issues of domestic violence as seen by its creation of Law 54, the Specialized Domestic Violence Courts, and the WAO.

To ensure aggressor accountability, Puerto Rico must effectively and consistently implement effective crime prevention and criminal justice responses to violence against women that is based on human rights principles and which provides advocacy and support to victim safety.²⁵⁶ A major obstacle Puerto Rico faces is the fiscal crisis which can serve to impede this type of progress.²⁵⁷ For example, the lack of law enforcement resources due to the fiscal crisis have resulted in higher incidences of crime, even if it is not reported.²⁵⁸ An effective response must be inclusive and mandate mechanisms and communications for coordination between criminal justice agencies, women's advocacy groups, and public and private sectors of social, health and other agencies and NGOs. Investment in specialized judges, police, prosecutors, and other justice enforcement officials

255. *Id.* (“If one wants a statistical datum to sustain and present a proposal, it is a mess. And that radiography or photograph is of, possibly, one or two years ago,” said Aida I. González, Director of the Human Development Office of the Municipality of Caguas.”).

256. UNODC, *supra* note 2, at 47-48.

257. *Id.*

258. John Jay College, *Criminal Justice Matters: Hurricanes and Justice*, YOUTUBE (Jan. 30, 2018), <https://www.youtube.com/watch?v=LLryCK-uNOM>.

with a system of auditing in place is likely to increase successful apprehension, prosecution, and conviction of offenders, while simultaneously ensuring that women are safe and not re-victimized. Moreover, gender-sensitive approaches that are women-centered rather than considering women as objects of protection and sources of evidence are more likely to build confidence and trust in criminal justice institutions and increase the number of women reporting violence and of perpetrators brought to justice.²⁵⁹

Puerto Rico is still recovering from Hurricane María. The community has been transforming, but there is an alarming increase in gender-based violence and fewer resources available in the archipelago to address it. As of December 31, 2018, twenty-three women have been murdered by their partners or ex partners and there are twenty-eight cases under investigation of women who were killed, for a total of fifty-one women dead in Puerto Rico.²⁶⁰ Additionally, at least thirty women have already disappeared in 2018. Acknowledging the gender-based violence crisis and raising awareness on the need to reduce and ultimately eradicate violence against women throughout the archipelago is the first step in the social transformation that needs to take place now to end the violence against women

259. UNODC, *supra* note 2, at 56.

260. Interview with Castello, *supra* note 112 (discussing Seguimiento de Casos data).

Appendix— Seguimiento De Casos Data

SEGUIMIENTO DE CASOS 2018.

#	Name	Age	Town	Crime	Aggressor	Date
1	Jackeline Vega Sánchez	43	Rio Piedras	Stabbed	Partner	01/30
2	Carmen Iris Domínguez Pérez	34	Ponce	Shot	Ex-partner	02/02
3	Moesha Hiraldo Maldonado	18	Hato Rey	Shot	Ex-partner	02/20
4	Aida Irizarry Torres	50	San Germán	Stabbed	Ex-partner	03/19
5	Maritza de Jesús Espada	51	Coamo	Shot	Partner	04/08
6	*Shakaira Carrero García	24	Aguadilla	Shot	Ex-partner	04/17
7	* Suliani Calderón Nieves	38	Bayamón	Shot	Ex-Husband	05/18
8	*Marcela Montañés Rodríguez	58	Agua Buenas	Shot	Husband	05/24
9	* Loren Figueroa Quiñones	30	Florida	Shot	Partner	06/30
10	*Milagros Ivette Ortiz Alvarado	40	Lajas	Shot	Partner	07/03
11	*Leissin Michelle Ortiz Rivera	24	Las Piedras	Shot	Partner	07/14
12	Annette García Arroyo	31	Cabo Rojo	Stabbed	Partner	07/19
13	Maribel Díaz Rodríguez	42	Gurabo	Shot	Partner	08/05
14	* Francheska M Miranda Sánchez	28	Coamo	Strangled	Partner	08/13
15	Dohanna Carrasquillo Rojas	40	Cayey	Stabbed	Partner	09/06

(CONTINUED)

#	Name	Age	Town	Crime	Aggressor	Date
16	*Frances Pagán Resto	34	Quebradillas	Shot	Ex-partner	09/08
17	*Marisol Ortiz Almeda	24	Lajas	Shot	Partner	09/17
18	Rosabell Rodríguez Díaz	34	Guaynabo	Stabbed	Ex-partner	10/16
19	Nilda Medina Andújar	55	Isabela	Blows	Partner	10/31
20	*Ingrid García Rivera	32	Hato Rey	Stabbed	Ex-partner	11/14
21	Sandra Marrero Cañuelas	52	Bayamón	Shot	Ex-partner	11/14
22	Pilar Hernández Llera	32	Cidra	Shot	Husband	11/23
23	*Ana María Morris Colón	60	Trujillo Alto	Shot	Ex-Husband	11/28

SEGUIMIENTO DE CASOS 2017

#	Name	Age	Town	Crime	Aggressor	Date
1	Arelis Suarez Santiago	31	Juana Díaz	Stabbed	Ex-partner	01/23
2	*Wanda I. Pagán Núñez	51	San Juan	Shot	Partner	04/20
3	* Robernis J. Medina López	18	Patillas	Shot	Partner	05/15
4	Aurea Álvarez Ayala	64	Rio Piedras	Strangled	Ex-partner	06/04
5	Minelly Adrovet Adrovet	41	Morovis	Stabbed	Partner	06/04
6	Yeilin Marie Nazario Olivo	19	Cataño	Shot	Ex-partner	07/07
7	Zuleyka Rivera	22	Hato Rey	Strangled	Partner	08/01

*Murder – Suicide.

SEGUIMIENTO DE CASOS 2016

#	Name	Age	Town	Crime	Aggressor	Date
1	Cheryl Moreno Padilla	25	Santa Isabel	Stabbed	Ex-partner	01/19
2	Miriam Torres Díaz	33	Humacao	Shot	Ex-partner	02/07
3	Luz G. Nieves	75	Utua	Shot	Husband	03/15
4	*Carmen M. Rosa Rosa	43	Bayamón	Shot	Ex-partner	03/19
5	Viviana Franco Martínez	30	San Juan	Shot	Partner	04/02
6	Brenda L Díaz Santiago	37	Barranquitas	Stabbed	Partner	04/07
7	Aileen Bagué Ríos	40	Bayamón	Stabbed	Partner	05/24
8	Elizabeth Padilla Delgado	27	Ciales	Shot	Ex-partner	06/04
9	*Crucita González Méndez	35	San Sebastián	Stabbed	Ex-partner	06/08
10	Sandra Ivette Surita Padilla	47	Cabo Rojo	Shot	Husband	07/26
11	Delia Mendoza Barreto	63	Aguas Buenas	Stabbed	Ex-partner	07/26
12	Wanda Rivera González	53	Cataño	Strangled	Partner	10/23

SEGUIMIENTO DE CASOS 2015

	Name	Age	Month	Town	Crime	Aggressor
1.	Elizabeth Feliciano Soto	36	January	Moca	Shot	Husband
2.	*Glorivee Ortiz Ramos	34	January	Patillas	Shot	Partner
3.	Irette Caraballo Dávila	36	February	Santurce	Stabbed	Partner
4.	Gesilenia Molina Devarez	40	May	Carolina	Shot	Husband
5.	Gloria Rivera Franceshi	40	July	Ponce	Shot	Ex-partner
6.	* Magali Resto Rodríguez	41	August	Aibonito	Shot	Husband
7.	María Delgado Figueroa	45	October	Villalba	Shot	Partner
8.	Jeilene M. Ventura Salgado	22	October	Vieques	Shot	Husband
9.	Raizza Amadiz López Rentas	26	December	Rio Piedras	Stabbed	Ex-partner

SEGUIMIENTO DE CASOS 2014

	Name	Age	Month	Town	Crime	Aggressor
1.	Lydia Natal Torres	71	January	Arecibo	Stabbed	Husband
2.	*Ana Awilda González Medina	47	January	Aguadilla	Strangled	Husband
3.	*Mirna García Camacho	47	February	Juana Díaz	Strangled	Pareja
4.	*Ángela López González	48	February	Yauco	Shot	Expareja
5.	* Angélica Olán Maldonado	23	March	Juana Díaz	Shot	Expareja
6.	Virginia Olivencia Marrero	29	March	Arecibo	Stabbed	Husband
7.	Anabel Marrero Pérez	38	May	Corozal	Blows	Partner
8.	* Carmen M. Albino Pagán	59	June	Cupey	Burnt	Husband
9.	* María Inés Torres Santiago	24	July	Hato Rey	Shot	Husband
10.	* Jeysell Gordills Ramos	31	August	Mayagüez	Shot	Ex-partner
11.	Sandra Ivette Mojica Estrada	34	August	Gurabo	Shot	Partner
12.	Marangelys Rentas Pérez	23	September	Salinas	Hammered	Neighbor
13.	Nadgie Cintrón Vázquez	43	September	Caguas	Machete	Partner
14.	María De Lourdes Báez Claudio	47	October	Caguas	Stabbed	Husband

(CONTINUED)

	Name	Age	Month	Town	Crime	Aggressor
15.	Nereida Santiago Soler	48	October	Las Marías	Machete	Husband
16.	*Nelsy Márquez Orellana	25	December	Juncos	Stabbed	Partner

***Murders/Suicides** The police in Puerto Rico informed that there have been 35 women murdered for various motives.

SEGUIMIENTO DE CASOS 2012

	Name	Age	Town	Month	Crime	Perpetrator
1.	Carmen González Nieves	53	Puerto Nuevo	January	Stabbed	Partner
2.	Wanda Camacho Meléndez	45	Ceiba	February	Stabbed	Ex-partner
3.	Josefa Santiago Pérez	59	Cabo Rojo	February	Machete	Partner (committed suicide)
4.	Rose A. Rodríguez Medina	66	Rincón	March	Stabbed	Partner (committed suicide)
5.	Thalía Liz Dávila Torres	17	Vega Baja	March	Stabbed	31 year old partner
6.	Dallaneri Delgado López	19	Comerío	March	Shot	Partner
7.	Jesenia Martínez Torres	31	Vega Baja	March	Shot	Ex-partner
8.	Olga Medina Doncel	49	Aguada	May	Dismembered	Partner
9.	Gloribel Ramos Laboy	32	San Lorenzo	June	Shot	Ex-husband
10.	Beatriz Torres Quiñones	33	Yauco	June	Stabbed	Ex-husband
11.	Agar Márquez Cruz	30	Bayamón	June	Shot	Ex-partner

(CONTINUED)

	Name	Age	Town	Month	Crime	Perpetrator
12.	Abigail González González	30	Isabela	June	Burnt	Partner
13.	Bethzabé Cardona Cruz	33	Villalba	July	Stabbed	Ex-partner
14.	Carmen Paredes Cintrón	46	Guaynabo	July	Shot	Husband
15.	Doris Meléndez González	38	Arecibo	July	Strangled	Husband
16.	Gladys E. Torres Rodríguez	33	Ponce	July	Shot	Ex-partner
17.	Angélica Sierra Sierra	30	Cidra	July	Shot	Husband (Committed Suicide)
18.	Maribel Varela Jiménez	48	Hatillo	August	Shot	Husband (Committed Suicide)
19.	Verónica Sánchez Afanador	24	Utua	August	Blows	Partner
20.	Esther López Román	64	Aguadilla	August	Strangled	Partner
21.	Elizabeth Beba Reyes León	25	Cayey	September	Shot	Ex-partner
22.	Soliani Izquierdo Muñiz	34	Ciales	September	Strangled	Ex-partner

(CONTINUED)

	Name	Age	Town	Month	Crime	Perpetrator
23.	Sonia Natali Agostini	47	Bayamón	October	Shot	Ex-partner (Committed suicide)
24.	Sheila Marie Reyes	31	Manatí	November	Shot	Ex-partner
25.	Taisha Santiago Santiago	17	Canóvanas	December	Stabbed	Ex-partner
26.	Rafaelina Mateo Luciano	28	Santurce	December	Shot	Ex-partner (Committed Suicide)
27.	Grace D. Alicea Martínez	34	Isla Verde	December	Shot	Partner