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THE EVIDENCE ON ILLEGAL IMMIGRATION AND CRIME

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INTRODUCTION

Research suggests there is little connection between immigration and crime; and, to the extent any such relationship exists, immigration reduces crime rates. One frequently cited example—an analysis of 51 studies on immigration and crime conducted between 1994 and 2014—showed that the relationship between immigration and crime is either nonexistent or negative, which means that immigration appears to reduce crime rates.[1] Nonetheless, immigration and crime—specifically related to Latin American gang members—was a major theme of the 2016 presidential election, as opposition to immigration was fundamental to then-candidate Donald Trump's campaign.

Because much of the opposition to immigration stems from a conviction that immigrants are uniquely prone to crime, it is important to review the current evidence. This paper looks specifically at the evidence on illegal immigration and crime, as many supporters of President Trump claim to only oppose illegal immigration, and not immigration itself.[2] There is limited research on the crime rates of illegal immigrants due to data restrictions; however, much of the current, impressive body of evidence that suggests immigrants commit crime at

lower rates than native-born Americans combines data on legal and illegal immigrant populations.

The most frequently cited studies specifically on illegal immigration can be divided into two categories: those looking at institutionalization rates—the rate at which a given population is arrested or incarcerated—and experimental studies measuring illegal immigration's impact on crime rates in particular geographic areas. Both categories suggest that illegal immigrants commit crimes at lower rates than native-born citizens. Of the nineteen studies examined in this policy brief, only one suggested a higher crime rate for illegal immigrants, while the rest suggested that illegal immigrants commit fewer crimes than native-born Americans, that they have no effect on crime rates or that they decrease crime rates in areas where they settle. These findings are largely consistent with the overall empirical evidence on immigration and crime.

INSTITUTIONALIZATION RATES OF ILLEGAL IMMIGRANTS

One way to estimate criminality is to measure the institutionalization rate—the rate at which individuals are arrested, incarcerated or otherwise placed under state supervision. While institutionalization rates are helpful, they provide an incomplete measure of crime, as not all crimes end in an arrest or imprisonment. In addition, this metric reflects the priorities of law enforcement in any given jurisdiction. Institutionalization rates are also contingent on the quality of data, which is often limited.

For example, the vast majority of states do not record the immigration status of those arrested or convicted of crimes. A recent paper that used the data from Texas—one state that collects this information—found that, in 2018, the conviction rate for illegal immigrants was 45 percent lower than that of native-born Americans.[3] The rates were 782 per 100,000 for illegal immigrants, 14,222 per 100,000 for natives, and 535 per 100,000 for legal immigrants.[4] The violent crime conviction rate was roughly 38 percent lower for illegal immigrants in Texas than that of native citizens, while the property crime conviction rate was 71 percent lower[5] Similarly, illegal immigrants were arrested at a rate 38 percent below that of their native counterparts.[6]

This research builds on two similar studies examining Texas arrest and conviction rates in 2015 and in 2017. In 2015, the conviction and arrest rates for illegal immigrants were 50 percent and 40 percent lower, respectively, than those of native-born Americans in Texas.[7] And, illegal immigrants were 47 percent less likely to be convicted of a crime and 45 percent less likely to be arrested than native citizens in 2017.[8]

These rates held true across most crimes and the rates for legal immigrants were lowest of all three categories in all of the examined years.

Another study examined an Arizona Department of Corrections (ADC) data release of prison admissions from January 1985 through June 2017. This study found that: "Undocumented immigrants have the highest [conviction] rates, whereas documented immigrants actually have lower rates than do U.S. citizens."[9] A rebuttal to this study alleged that a crucial flaw in methodology—an inability to separate legal from illegal immigrants in the data—rendered its findings unreliable, and that a proper accounting would have illegal immigrants convicted at a lower rate than their share of the state's population.[10]

The original author responded with a defense of the study, claiming that combining illegal and legal categories would still imply immigrants as a whole are convicted at a disproportionate rate.[11] This prompted an additional follow-up response claiming that the original author did not respond to the central claim in the rebuttal—that the author misinterpreted the variable upon which the study was based.[12] An independent investigation found that some of the people the original author claims he consulted for guidance on interpreting the data said: "[T]hey had no hand in his work and did not give him advice."[13] Additionally, the Arizona Department of Corrections told the fact checkers that "its data set does not distinguish between legal and undocumented immigrants."[14]

Another series of papers attempts to determine the nationwide incarceration rates for native-born citizens, legal and illegal immigrants, using data from the U.S. Census American Community Survey (ACS). The ACS receives information from federal sources and state correctional administrators on the demographics of incarcerated populations, but it does not disaggregate illegal immigrants from the foreign-born population. But because it includes a detailed list of other demographic information, researchers were able to estimate illegal immigrant populations by identifying information that correlates with being an illegal immigrant, such as when they entered the country, country of origin, whether or not they receive food stamps or social security and whether or not they have prior military service.[15] The authors conclude this method likely overestimates the illegal population because it may capture legal immigrants with personal details closely matching those of illegal immigrants, but that it is reliable enough to produce an accurate nationwide description.[16]

The first study in the series took a snapshot of prisoners in 2014 using data from the 2000 census, and found illegal and legal immigrants were 44 and 69 percent, respectively, less likely than natives to be incarcerated.[17] Because the ACS data includes illegal immigrants incarcerated strictly for immi-gration-related offenses, and because immigration-offenses are not typically what people are referring to when discussing "criminal aliens," the authors also calculated the illegal immigrant incarceration rate excluding those in U.S. Immigration and Customs Enforcement (ICE) detention facilities. Subtracting this number reduces the incarceration rate for illegal immigrants to almost exactly that of legal immigrants.[18]

The data for the incarcerated population in the 2000 census was not particularly reliable, which prompted the Census Bureau to make adjustments to the 2010 Census and ACS to resolve these issues and improve the size and quality of the data. A follow-up study analyzed ACS data from the 2010 census which was considerably more reliable and found that illegal and legal immigrants were 47 and 78 percent, respectively, less likely to be incarcerated than native-born citizens.[19] To put that into perspective, if native-born Americans shared the same incarceration rate as illegal immigrants, 930,000 fewer native-born citizens would be in prison, which would nearly cut the prison population in half.

To avoid the overestimation problem from prior studies, the most recent iteration of this research altered its methodology to identify likely legal immigrants and subtract the difference to estimate the illegal population.[20] According to this study, in 2018, illegal immigrants were 41 percent less likely to be incarcerated than native-born Americans, compared to 74 percent for legal immigrants.[21] Subtracting those in ICE detention for immigration offenses brings the illegal incarceration rate down to only 15 percent above that of their legal counterparts.[22]

IMPACT OF ILLEGAL IMMIGRATION ON CRIME RATES

A second group of studies attempts to measure illegal immigrant criminality by analyzing how this group impacts crime rates in a given geographic area. These are mostly quasi-experimental studies, that measure the effects of a particular enforcement program which targets illegal immigrants for arrest or deportation. These studies offer the advantage of capturing the impact of illegal immigration generally, which institutionalization rates cannot do. While illegal immigrants may themselves not be engaged in much criminal activity, they may influence crime rates by encouraging others to engage in criminal activity or to desist from it.

Two peer-reviewed papers look at the impact of illegal immigrants on certain kinds of crime. The first uses state-level estimates of the illegal immigrant population and data from the Federal Bureau of Investigation (FBI) and the Centers for Disease Control and Protection (CDC) to investigate the relationship between increases in the illegal population and drug abuse and drunk driving. They found that increases in

the immigrant population were significantly associated with reductions in drug arrests, overdose death and driving under the influence (DUI) arrests, and no significant relationship with DUI-related death.[23] Using a similar methodology, these researchers also looked at illegal immigration's impact on violent crime and found that increases in the illegal immigrant population generally lowered crime, although this relationship was not always significant in all areas and for all types of violent crime.[24]

To examine the effect of immigration enforcement on crime rates, at least five studies analyzed jurisdictions before and after they began participating in certain federal and state immigration enforcement partnerships. These studies all found that crime rates did not increase after the programs ended. One study found no relationship between the North Carolina 287(g) program—in which state and local police officers are deputized to carry out certain immigration enforcement tasks—and measures of crime rates or police clearances.[25] Four other studies looked for a relationship between crime and deportations under Secure Communities (S-COMM), a deportation program in which local jails submit fingerprints of individuals booked into custody to ICE. Each study used the same data with slightly different methodological approaches.

These studies took advantage of S-COMM's staggered rollout which provided natural research parameters. One paper examined how S-COMM affected crime rates per county and found that S-COMM "led to no meaningful reduction in the FBI index crime rate" including violent crimes.[26] Another paper researched both the public safety impacts of S-COMM and its potential for discriminatory policing—a primary concern of some opponents of the program. This paper found "little evidence for the most ambitious promises of the program or for its critics' greatest fears."[27] A working paper concluded "SC-driven increases in deportation rates did not reduce crime rates for violent offenses or property offenses" and that the program did not increase police effectiveness in solving crimes or improve the use of local police resources.[28] Finally, an economics dissertation argued that removing of S-COMM did not increase crime but rather led to an increase in greater policing efficiency, "either because it allowed police to focus on solving more serious crimes or because it solicited greater cooperation of non-citizens with police."[29] In summary, each study found the population of illegal immigrants was either not correlated, or negatively correlated, with crime rates.

Likewise, a review of four empirical publications on "sanctuary cities" determined that "none of the studies support the claim that 'sanctuaries' are more crime-prone than non-sanctuaries."[30] The reviewers concluded: "For the most part, it appears that jurisdictions with limited cooperation [sanctuary] policies are either safer from crime or no different

than jurisdictions without such policies."[31] A recent paper, published after this review, contributed an additional piece of evidence that sanctuary policies do not affect crime rates, although it did find that these policies significantly limit deportations.[32]

The findings of both groups of studies—that immigration programs aimed at expediting and increasing deportations and jurisdictional policies that limit cooperation with immigration enforcement do not lead to differences in crime—strongly suggest a null relationship between illegal immigration and crime. Further, some of these papers find that ending partnership in an enforcement program or beginning to limit cooperation with ICE can lower crime rates. These findings corroborate what much of the immigration and crime literature finds—that immigration, including illegal immigration, reduces crime.

CONCLUSION

Eighteen out of nineteen recent studies examining the relationship between illegal immigration and crime suggest that illegal immigrants have a neutral or positive effect on crime rates and that they commit crimes at lower rates than native-born Americans. This research is consistent with the broader literature on immigration and crime. Further, several scholars have suggested that large waves of immigration contributed significantly to the crime decline of the 1990s.[33] Nonetheless, if the public is unaware of this research, and if policymakers pass laws based on faulty assumptions rather than accurate research, misguided policies will follow. For instance, investing billions into enforcement programs that grab headlines but do not improve public safety on the mistaken belief that illegal immigrants are waging warfare on American streets would be a substantial misallocation of resources. Policymakers should focus their energy on the most pressing public safety threats, and make decisions based on evidence and rigorous research.

ABOUT THE AUTHOR

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ENDNOTES

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