Immigration, Crime, and Justice

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Why study "immigration and crime"?

- Idea of differential offending captivates public debate.
  - Early 1990s, higher offending of immigrants was highlighted to suggest that immigration policy is effective at crime control.
  - The Violent Crime Act (1994), the Illegal Immigration Reform and Immigrant Responsibility Act (1996), and the Anti-Terrorism and Effective Death Penalty Act (1996) dramatically increased the types of crimes for which non-citizens could be deported, established mandatory deportation, and expanded enforcement resources for the INS (now ICE).
- Studying crime outcomes can give us some insight into classic questions about immigration.
- In current context in the US, the treatment of immigrants highlights features of the operation of criminal justice that might otherwise go unnoticed.

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- Data
  - Frequently, the data we most want to analyze do not exist. In the US, we do not know immigration status except for incarcerated. Even then, know little detail (perhaps place of birth, citizenship).

- Identification
  - Usual concerns about determinants of immigration flows and settlement patterns, the causes of crime, and the endogeneity of policy choices.

Theories (1 of 2)

- Immigrants traditionally disproportionately in "high crime" demographic group.
  - *-- young males; low-skilled; poor*

- Immigrants tend to live in urban areas and socially disorganized neighborhoods.
  - *-- limited social sanctions on behavior*

- Immigrants may face "culture conflict" and need time to adjust to new behavioral norms.

- Immigrants may come with strong respect for the law; the 2nd generation may have the "culture conflict."

- Policy and/or self-selection may result in particularly low criminality among immigrants. Consequences are much more serious in the recent period.

Theories (2 of 2)

"The theory that immigration is responsible for crime, that the most recent "wave of immigration," whatever the nationality, is less desirable than the old ones, that all newcomers should be regarded with an attitude of suspicion, is a theory that is almost as old as the colonies planted by Englishmen on the New England coast."

- Edith Abbott in Wickersham Commission Report (1931)

Crime rates

- Butcher & Piehl (1998)a found no effect of changes in immigration on changes in crime, 1980 to 1990, whether or not controls, short or long changes, or instrument for flow with stock.

- Others have updated, compared border to non-border cities, etc.

- Chalfin (2013) develops an instrument for immigration from Mexico using extreme rainfall in Mexican states and traditional migration routes and finds no significant relationships between immigration and crime. The estimates are more precise that in earlier papers.

- Self-reports: Butcher & Piehl (1998a) and Morenoff & Astor (2006) found lower rates for immigrants.

- Recently, common to hear speculation that immigration responsible for part of NYC crime drop but hard to make convincing decomposition.

- Street crime has not been a prominent part of debate on immigration reform; Waters (2013) reports that public opinion in the GSS shows a modest decline in support for the idea that immigrants increase crime (1996-2004).

Incarceration rates

- Note that it is hard to interpret this outcome, as no good evidence on biases in criminal justice outcomes. But the analysis can be less aggregate.
- Butcher & Piehl found much lower rates of institutionalization for immigrants using the US Census for young men, in 1980, 1990, and 2000, even unadjusted. Bigger gap once control for education, especially.
- Outcome measure is far from perfect.
  - Administrative data from CA matches (using Census denominators) qualitatively and quantitatively. Star-Ledger reported 2007 ICE data showed noncitizens 1/2 as likely to appear in NJ prisons unadjusted, 1/3 when adjust for age and sex. True across crime types and countries of origin.
  - Citizens and noncitizens show similar patterns in Census data.
  - Earlier Census years unlikely to have substantial bias of deportation or "Fast Track" programs.

Figure 3. Percentage Incarcerated in California, by Age and Place of Birth
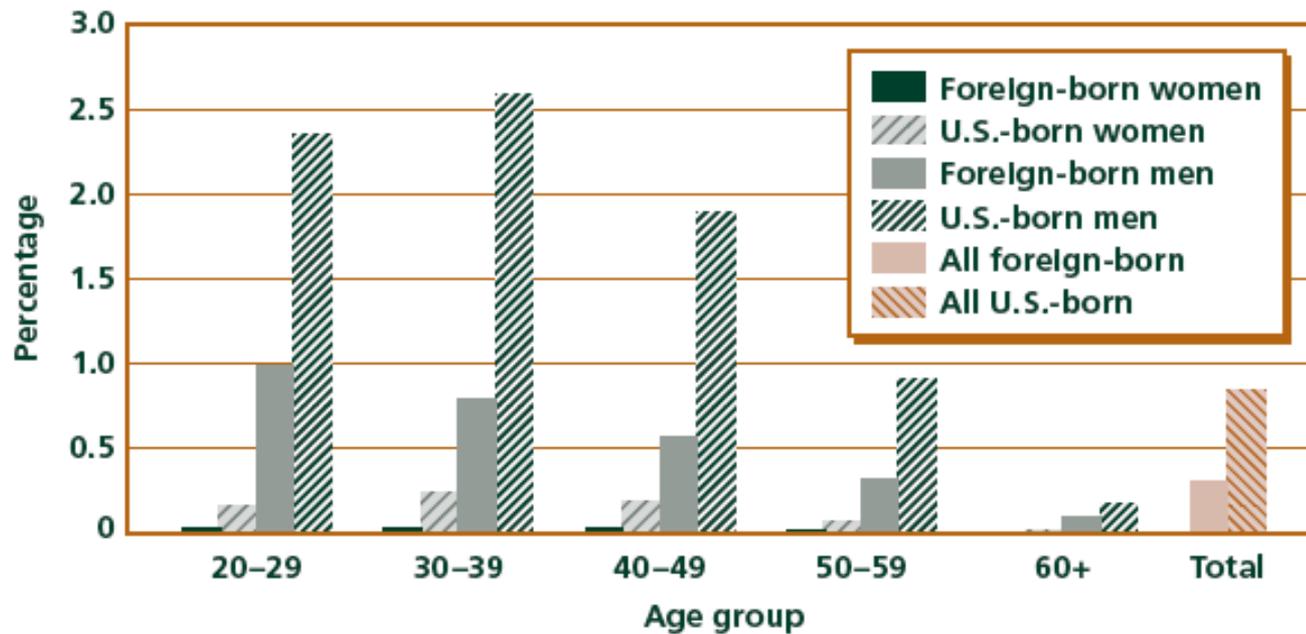

Source: Authors' calculations from California Department of Corrections and Rehabilitation Data, 2005.

Note: Does not include federal inmates.

Historical Evidence

- Evidence from synthetic cohorts on assimilation to higher rates of incarceration with time in the country.

- Historical evidence as a few advantages – many many immigrants, essentially no deportation until 1930s, some more information on crime type, and, key, information on the second generation.

- Research questions and policy debate have changed little. But we have better micro data.

- Moehling & Piehl (2009) reanalyzed the analyses underlying two major commissions in early 20th century finding that there was substantial aggregation bias due to the changing age distributions of immigrants over the decades.
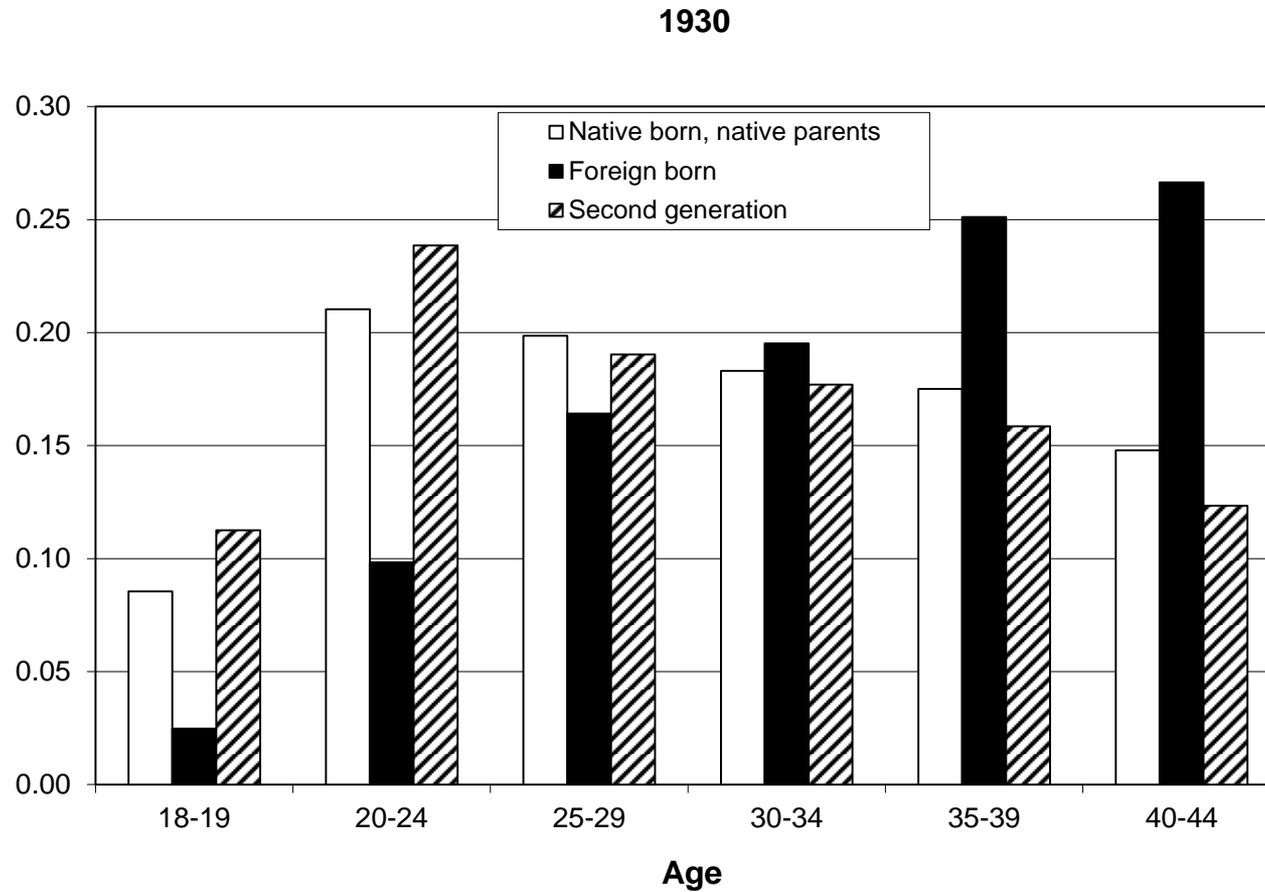
Immigrant Arrivals per 1000 in the Population
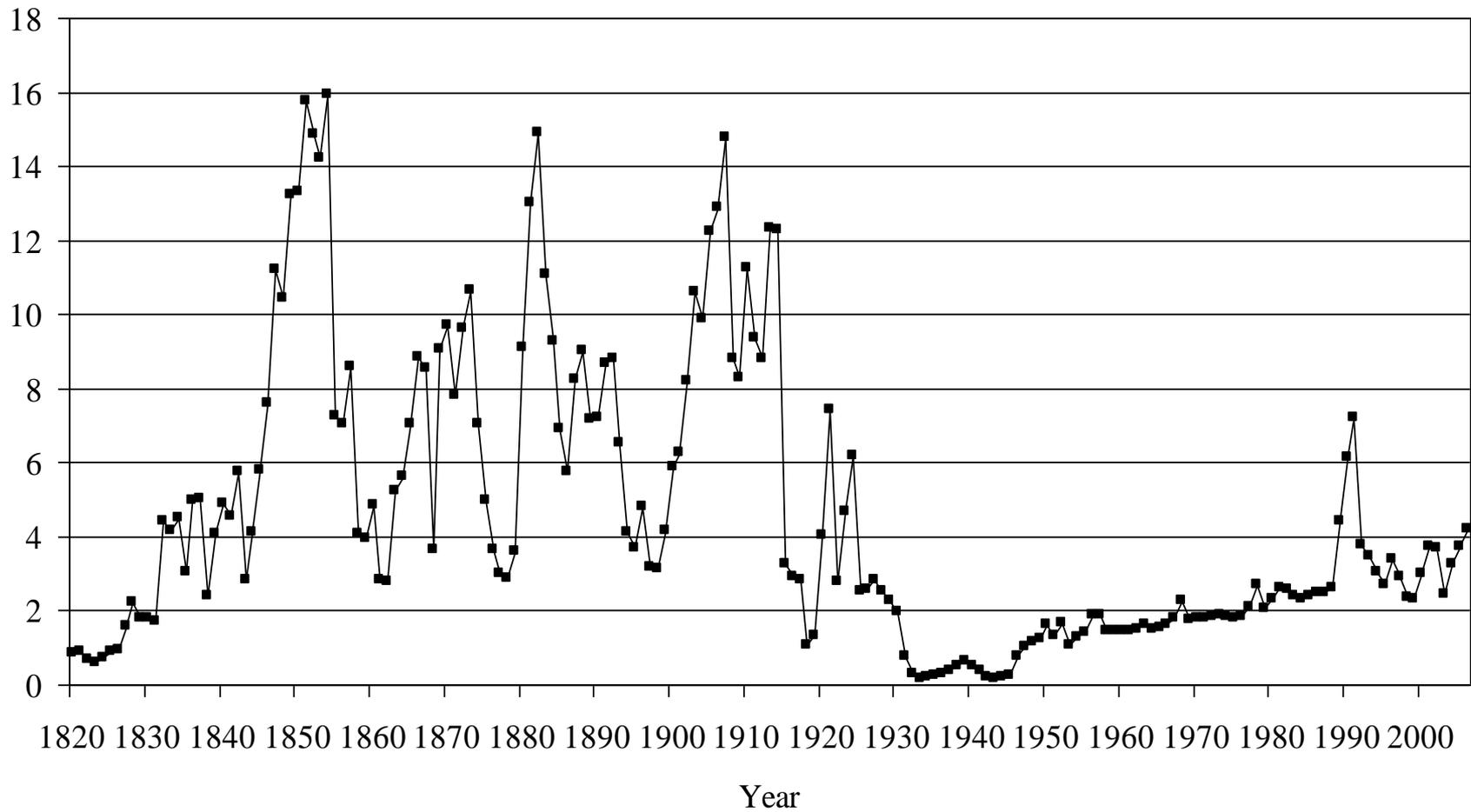
Year

Age Distributions White Males 18 to 44, by Nativity

1910
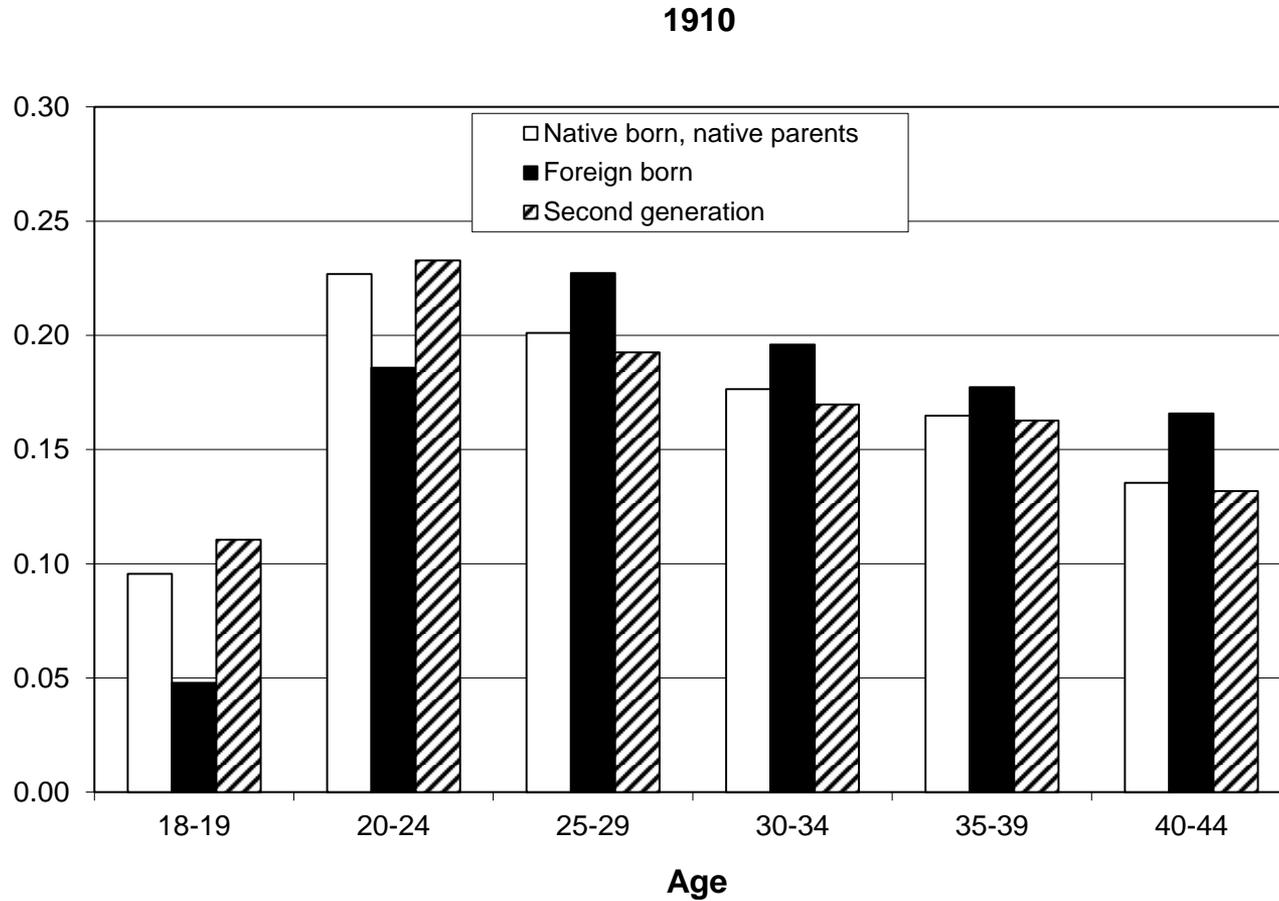
Age Distributions White Males 18 to 44, by Nativity

1930

**Commitment Rates for More Serious Offenses for Population 18 years and older,
Actual versus Standardized Age Distributions, White Males 1904, 1923, and 1930
(per 100,000 population)**

|	Native-born whites	Foreign-born whites
Actual age distribution		
1904	76	69
1923	79	57
1930	140	52
1930 native-born age distribution		
1904	73	84
1923	81	81
1930	140	83

Conclusions from reanalysis of prison census data

- *Both the Dillingham Commission (1911) and the Wickersham Commission (1931) missed important features due to aggregation bias.*

- *In 1904, young immigrants had higher crime rates than natives of the same ages – at least as measured by commitment rates for serious offenses. The commitment rates at older ages were similar across the two groups.*

- *By 1930, immigrants had lower prison commitment rates than natives at all ages over 20.*

  But note: Immigrants were just as likely as natives to be incarcerated for violent crimes.

Studying assimilation to incarceration: new data

- Federal Population Census, 1900-1930
- All prisoners in state correctional facilities from a set of states with large immigrant populations (California, Connecticut, Illinois, Michigan, Massachusetts, New Jersey, New York, Pennsylvania)
- Advantages: Individual-level data with systematically collected information on age, birthplace, parental birthplaces, year of arrival, and literacy. Can be combined with data from IPUMS for the non-incarcerated population to construct incarceration rates.
- Disadvantages: Paper records. No information on crime, sentence length, criminal justice processing.

Incarceration Rates White Males, by Age and Nativity

1910

Incarceration Rates White Males, by Age and Nativity

1930
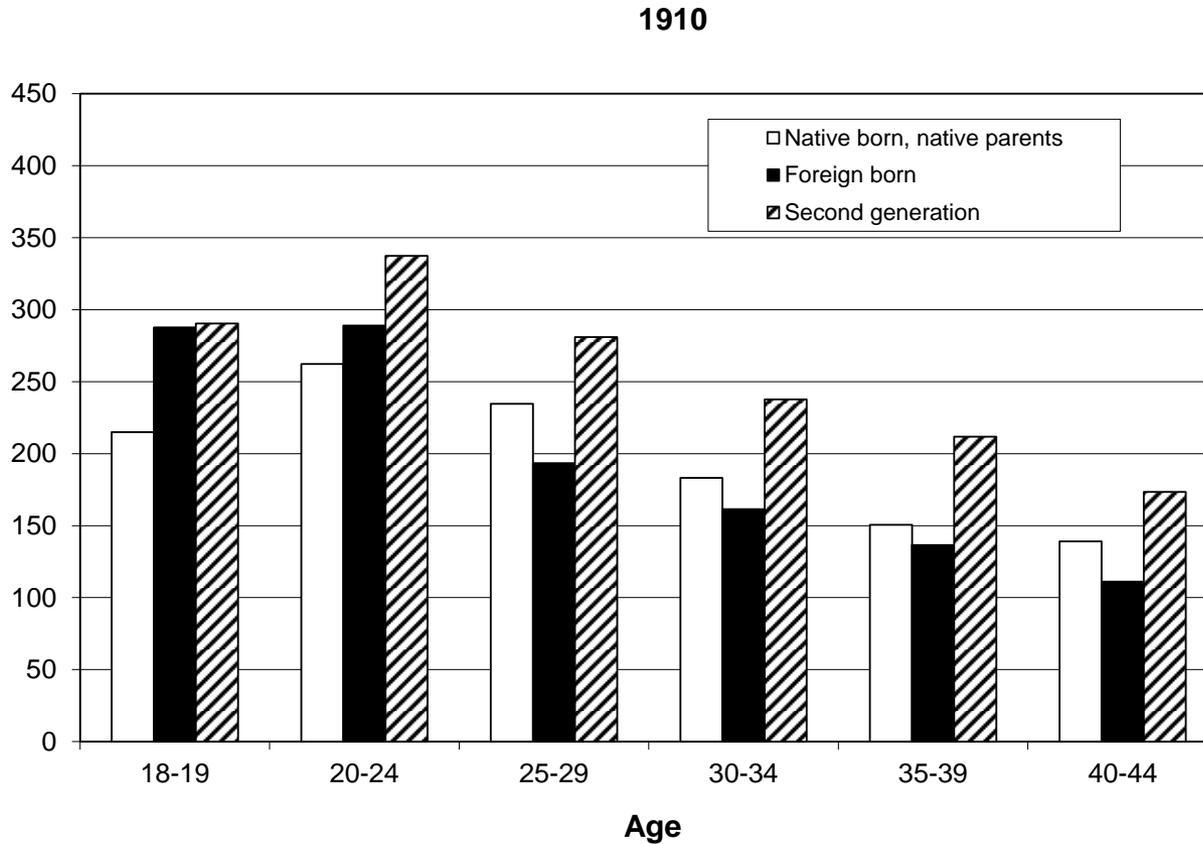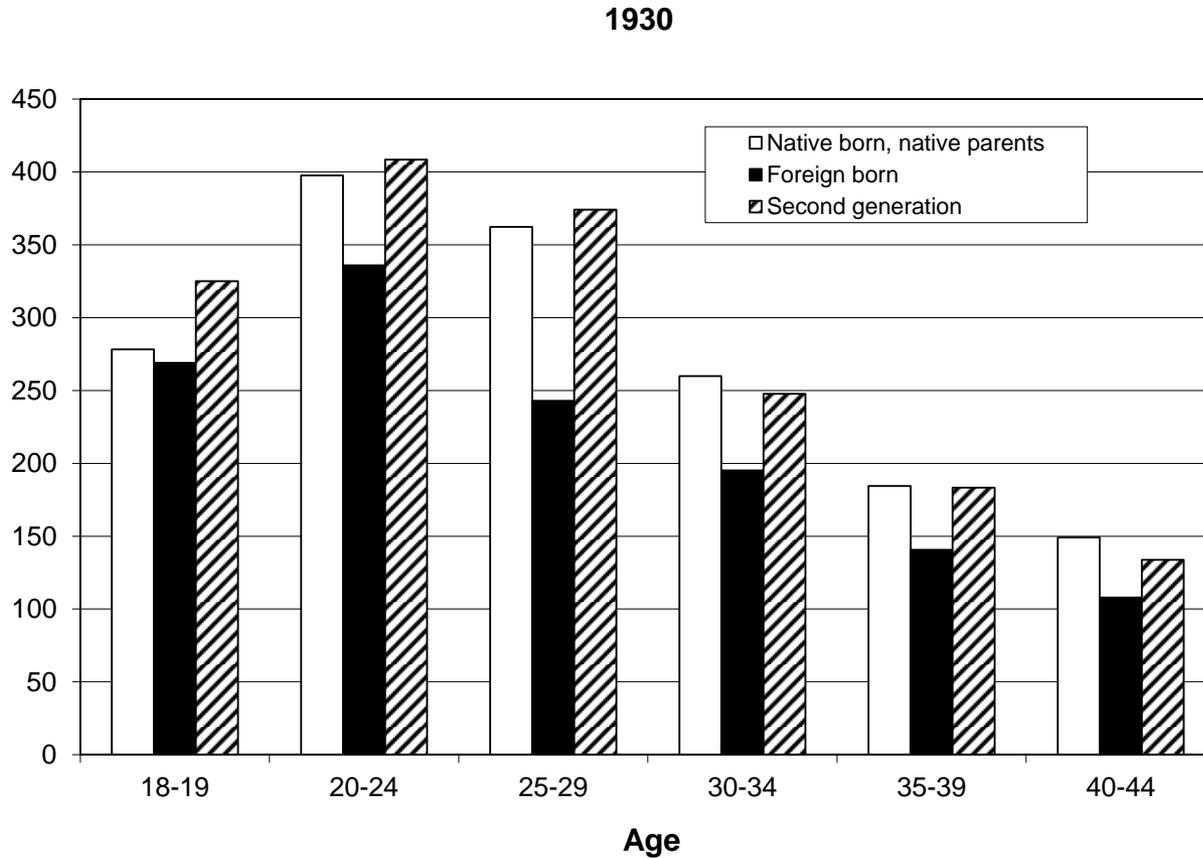
Population Shares, Incarceration Rates, and Personal Characteristics, Disaggregated Nativity Groups

		Foreign Born[a]		
	Native, Native Parents	Arrival-Adult	Arrival-Child	Second generation
Percent of population	41.64	20.87	8.76	28.74
	(0.09)	(0.07)	(0.05)	(0.08)
Incarceration rate	223	132	238	245
(per 100,000)				
Age	29.82	33.32	29.89	29.14
	(0.02)	(0.03)	(0.04)	(0.03)
Percent illiterate	0.88	15.15	5.29	0.84
	(0.03)	(0.14)	(0.13)	(0.03)
Years in the U.S.		10.66	20.98	
		(0.03)	(0.05)	
Percent in cities 25,000+[a]	42.20	68.24	70.76	63.23
	(0.13)	(0.18)	(0.26)	(0.16)
Duncan SEI[a]	29.57	22.08	28.18	30.55

Average Marginal Effects from Logistic Models for the Probability of Incarceration

Model	(1)	(2)	(3)	(4)
Foreign born adult arrival	-0.088	-0.107	-0.150	-0.388
	(0.002)	(0.003)	(0.005)	(0.015)
Foreign born child arrival	0.006	-0.003	-0.048	-0.178
	(0.003)	(0.004)	(0.005)	(0.012)
Second generation	0.008	0.009	-0.017	-0.033
	(0.002)	(0.002)	(0.003)	(0.003)
Duncan SEI[a]		-0.003	-0.006	-0.013
		(4.3E-4)	(4.9E-4)	(6.7E-4)
City 25,000+[a]			0.002	0.003
			(1.4E-4)	(1.6E-4)
Adult arrivals:				
Years in the U.S.				0.037
				(0.002)
(Years in the U.S.)^2				-1.1E-3
				(6.5E-5)
Child arrivals:				
Years in the U.S.				0.011
				(0.002)
(Years in the U.S.)^2				-1.6E-4
				(3.9E-5)
Number of observations	391,658	391,658	391,658	391,658
Log pseudo-likelihood	-5829.56	-5829.17	-5828.05	-5821.87

Criminal justice operations

- Despite the relatively lower criminal activities of the foreign born, criminal justice is greatly affected by "immigration and crime." Yet, little research on this part of the overlap.

- One exception is Butcher & Piehl 's(2000) analysis of CA administrative data, finding that those with immigration "holds" serve 10% longer terms following the 1996 federal reforms.

- There is so much overlap to study, but frequently no data to do so.

Current US "immigration and crime" issues

- There is little policy evaluation for the size of the "programs" – 400,000 deported per year.
  - How many are due to criminal activity?
  - Detention supports privitization of incarceration.
  - Re-entry after deportation is a crime, leading to expansion of federal prisons when state prisons are contracting.
- How do immigration consequences factor into regular criminal justice processing (plea bargaining)?
- Federalism: one common route for coming to attention of ICE is through contact with local police. Secure Communities and other information sharing highlight the extent to which minor crimes absorb major resources. ICE discretion has not been analyzed in this arena.