

2.9 percent described their parents as of different races; and 2.6 percent described their grandparents as of different races (for a total of 6.9 percent).⁴⁵

Which figure is more accurate? In terms of self-identification in everyday life, the lower census estimate of 2.1 is more accurate. In terms of a more objective estimate of extended family identification, the PEW estimate is more accurate.

Being multiracial is in large part a matter of self-identity. The Association of MultiEthnic Americans (AMEA), which fought for the OMB changes that allow people to designate a multiracial or multiethnic identity, declares that “we believe that every child, every person who is multiethnic/multiracial has the same right as any other person to assert a personal identity that embraces the fullness and integrity of their actual ancestry, and that every multiethnic/multiracial family, whether biological or adoptive, has the same right to grow and develop as any other, and that our children have the right to love and respect each of their parents equally.”⁴⁶

The Uses of Racial and Ethnic Categories Classifying multiracial and multiethnic people are not abstract issues. Census estimates have very real personal, legal, and economic consequences.

An article in the *New Yorker* magazine highlighted the case of Susan Graham of Roswell, Georgia, who complained, “When I received my 1990 census form, I realized that there was no race category for my children.” She is white, and her husband is African American. She called the Census Bureau and was finally told that children should take the race of their mother. No rational reason was given about why the race of her husband, the children’s father, should be arbitrarily ignored. Then, when she enrolled the children in kindergarten, the school classified them as “black.” Thus, she pointed out, “My child has been white on the United States census, black at school, and multiracial at home—all at the same time.”⁴⁷

Whether a school counts a child as “black” or “white” has important consequences in terms of the school’s racial balance. Counting the child (and many others) as “white” might create the appearance that a problem of racial segregation in the school system exists. Counting many mixed-race children as “black” will make the school system appear racially integrated.

The 1965 Voting Rights Act outlaws voter disenfranchisement by “race or color.” If we want to know if a state or county discriminates against voters on the basis of race, we need accurate data on the voting age population in the jurisdiction. If the census undercounts African Americans in a particular country, for example, it would disguise possible discrimination in voting.

Preferred Labels within Groups Members of the major racial and ethnic groups are divided among themselves about which term they prefer. A 2013 Gallup Poll found that 17 percent prefer “African American,” 173 percent prefer “black,” and 65 percent say it “does not matter.” A 2012 report by the Pew Hispanic Center found complex patterns of self-identification among Hispanics. When asked, what is the first term they use to identify themselves, slightly more than half replied they use their country of origin (i.e., Mexico, Nicaragua). About one third (34 percent) prefer “Hispanic” and 13 percent prefer “Latino.”⁴⁸

FOCUS ON AN ISSUE

The Bell Curve Controversy: Race and IQ

A national storm of controversy erupted in the fall of 1994 over a book titled *The Bell Curve* by Richard J. Herrnstein and Charles Murray.⁴⁹ The authors argue that success in life is determined largely by IQ: the smarter people succeed, whereas those with lower intelligence, as measured by standard IQ tests, fail and end up at the bottom of the social scale. The authors contend that those at the low end of the IQ scale do poorly in school and are more likely to be unemployed, receive welfare, and commit crime.

The Bell Curve is now over 20 years old, but the issue continues to resurface as some people continue to argue that some races or ethnic groups are inferior to whites of European descent. Let's sort our way through the myths and misunderstandings and get at the truth.

The most provocative and controversial parts of Herrnstein and Murray's thesis are the points that intelligence is inherited and that there are significant differences in intelligence between races. The authors cite data indicating that Asian Americans consistently score higher on IQ tests than white European Americans, who, in turn, score higher than African Americans. Herrnstein and Murray are very clear about the policy implications of their argument. They argue that because intelligence is mainly inherited, social programs designed to improve the performance of poor children, such as Head Start, are doomed to failure and should be abandoned.

The Bell Curve was attacked by psychologists, anthropologists, and sociologists.⁵⁰ Critics disputed the authors' assumptions that there is a genetic entity that constitutes "intelligence" that is

inherited, and also that IQ tests are a valid measure of intellectual capacity.

Critics also disputed the authors' handling of the evidence regarding intelligence tests, the impact of environmental factors as opposed to inherited factors, and the effect of programs such as Head Start. There is evidence, for example, that Head Start does improve IQ test scores in addition to children's later success in life.⁵¹

The authors of *The Color of Justice* reject Herrnstein and Murray's argument on the grounds that the vast majority of anthropologists and sociologists do not accept the idea of separate races as distinct biological entities. If there are no scientifically valid racial differences, the basic argument of *The Bell Curve* falls apart.

In response to the long controversy, the American Anthropological Association (AAA) in 1994 issued an official "Statement on 'Race' and Intelligence." It is important to note in this statement and the one cited in Box 1.3, the AAA places the word "race" in quotation marks as a way of indicating that the concept does not have any scientific validity. The AAA makes the following statement:

The American Anthropological Association (AAA) is deeply concerned by recent public discussions which imply that intelligence is biologically determined by race. Repeatedly challenged by scientists, nevertheless these ideas continue to be advanced. Such discussions distract public and scholarly attention from and diminish support for the collective challenge to ensure equal opportunities for all people, regardless of ethnicity or phenotypic variation.

Earlier AAA resolutions against racism (1961, 1969, 1971, 1972) have spoken to this concern. The AAA further resolves:

WHEREAS all human beings are members of one species, *Homo sapiens*, and

WHEREAS, differentiating species into biologically defined "races" has proven meaningless and unscientific as a way of explaining variation (whether in intelligence or other traits),

THEREFORE, the American Anthropological Association urges the academy, our political leaders and our communities to affirm, without distraction by mistaken claims of racially determined intelligence, the common stake in assuring equal opportunity, in respecting diversity and in securing a harmonious quality of life for all people.

The full AAA statement is available on the organizations website (<http://www.aaanet.org>).

Box 1.2 Donde está la justicia?

The term *Hispanic* has been used to refer to people of Spanish descent. The term refers, in part, to people with ties to nations where Spanish is the official language. The U.S. government and legal system historically have insisted on categorizing all Spanish-speaking people as Hispanic and treating them as a monolithic group, regardless of cultural differences.

The term *Latino*, however, generally refers to people with ties to the nations of Latin America and the Caribbean, including some nations where Spanish is not spoken such as Brazil. It also encompasses people born in the United States whose families immigrated to this country from Latin America in the recent past and those whose ancestors immigrated generations ago. Like the term Hispanic, the categorization Latino is a general one that does not recognize the diversity of ethnic subgroups (e.g., Puerto Rican, Dominican, Guatemalan, Peruvian, and Mexican).

SOURCE: Adapted from Francisco A. Villarruel and Nancy E. Walker, *Donde está la justicia? A Call to Action on Behalf of Latino and Latina Youth in the U.S. Justice System* (East Lansing, MI: Institute for Youth, Children, and Families, 2002).

Who Is the Minority? Who Is the Majority? The Problem with Labels The term *minorities* is widely used as a label for people of color. The United Nations defines minority groups as "those nondominant groups in a population—which possess and—wish to preserve stable ethnic, religious or linguistic traditions or characteristics markedly different from those of the rest of the population." The noted sociologist Louis Wirth adds the element of discrimination to this definition: minorities are those who "are singled out from the others in the society in which they live for differential and unequal treatment, and who therefore regard themselves as objects of collective discrimination."⁵²

Use of the term *minority* is increasingly criticized. It has a pejorative connotation, suggesting "less than" something else, which in this context means

less than some other groups. The new OMB guidelines for the Census Bureau and other federal agencies specifically “do *not* identify or designate certain population groups as ‘minority groups’.”⁵³ Many people today prefer to use the term *people of color*, instead of “minority” when referring to African Americans and Hispanics.

The changing American population makes the term *minority* inaccurate in some geographic areas. In California in 2014, for example, non-Hispanic whites were only 39 percent of the population, with almost as many, 38 percent, being Hispanic. Asians were 15 percent and African Americans were 5 percent of the population. In Texas, non-Hispanic whites were 44 percent of the population, with Hispanics 38 percent, African Americans 12 percent, and Asians 4 percent.⁵⁴ Some American cities are now majority African American or Latino. Miami, Florida, for example, was 69 percent Hispanic in 2015, while Los Angeles was 48 percent. The Pew Research Center reported that between 2000 and 2013, 78 counties across the country shifted from majority non-Hispanic white to where no racial or ethnic group was a majority, including Mecklenburg County, North Carolina, and Broward County, Florida.⁵⁵ Atlanta, Georgia, was 54 percent African American, and Detroit was 82 percent in 2015. In these situations, which group is the “majority” and which is the “minority”? From a national perspective, you get one answer. A local perspective gives you a different one.

Diversity within Racial and Ethnic Groups Another important complicating factor is the diversity that exists within racial and ethnic groups. As our previous discussion indicates, both the Latino and the Arab-American communities include people of very different national origins.

African Americans and African Immigrants. The African-American community, meanwhile, consists of people whose families have been in the United States for hundreds of years along with recent immigrants from Africa. In 2015, there were a record number of 3.8 million “black” immigrants in the United States, representing almost 9 percent of the “black” population. In the Miami, Florida, metropolitan area, “black” immigrants represented 34 percent of the “black” population. Some immigrants from Africa do not wish to be labeled African American because they identify themselves as Africans.⁵⁶

The Hispanic Community. The Hispanic community is extremely diverse. (See our earlier discussion above at pp. 16.) It includes native-born Americans and immigrants. Among the native born, some families have been in the United States for many generations, whereas others are first-generation Americans. Immigrants include both legal and unauthorized or undocumented persons. Some immigrants speak English fluently, others speak only their native language, and many are bilingual.

Native Americans and Alaska Natives. Native American and Alaska Native people numbered 5.2 million in 2010 and were divided among 560 tribal governments recognized by the Bureau of Indian Affairs (which does not necessarily include

all tribes, some of which have very different languages, cultural traditions, and tribal political institutions. About half, 2.9 million, identified themselves as multiracial. The Cherokee tribe is the largest, with 468,082 members according to the 2010 census. The second largest is the Navajo tribe, with 286,731 members. About one-third (31 percent) of Native Americans live on reservations or designated areas.⁵⁷

The census category of Asian, Native Hawaiian, and Pacific Islanders includes many diverse groups. For example, Asian Americans include many people of Chinese or Japanese origin whose families have been in the United States for generations and also many very recent immigrants. The economic status of these different groups is often very different. Many Native Hawaiians, meanwhile, are also well established economically, socially, and politically. Bureau of Justice Statistics (BJS) data on crime victimization, however, collapse these very different people into a single category. The National Council on Crime and Delinquency argues that it is important, where possible, to disaggregate the Asian-American population into its different components because some may have greater involvement with the justice system than the group as a whole.⁵⁸

Diversity has many impacts on criminal justice. A Vera Institute of Justice report on police relations with immigrant communities in New York City concluded that “immigrant groups are not monolithic, [but] are made up of ethnically, culturally, socio-economically, and often linguistically diverse subgroups” This has important implications for criminal justice agencies. The report advised that police departments must “reach out to a variety of community representatives,” even within one racial or ethnic group.⁵⁹

Many recent arrivals to the United States do not fully understand our legal system. As some scholars put it, they do not share the “legal consciousness” that long-time American residents have.⁶⁰ This legal consciousness includes a sense of “inherent rights” and entitlements regarding the legal system. In practice, this includes a sense of your right to call the police if you have a problem, a right to be treated respectfully by the police and other officials, and a right to file a complaint against the police if you are not treated properly, and do so without a lawyer.

Not calling the police is an important issue for the criminal justice system. In communities with significant numbers of undocumented immigrants, there is a reluctance to call the police for fear that undocumented family or friends will be arrested or reported to immigration authorities. But not calling the police means that crime victims will not receive the benefit of police protection. This is particularly serious in the case of domestic violence incidents. Additionally, if the police are not called, the official crime rate will undercount the amount of actual crime.⁶¹

The Politics of Racial and Ethnic Labels There has always been great controversy over the proper term for different racial and ethnic groups. The term *African American*, for example, is relatively new and became widely used only in the 1980s. For many people, it has replaced *black* as the preferred designation, which replaced *Negro* in the 1960s. *Negro*, in turn, replaced *colored* in the late 1940s and 1950s. The leading African-American civil rights organization is the National Association

for the Advancement of Colored People (NAACP), which reflects the year of its founding, 1909. Ironically, *colored* replaced *African* much earlier. In short, we have come full circle in the past 150 years. As John Hope Franklin, the distinguished African-American historian, points out in the 1994 edition of his classic history of African Americans, *From Slavery to Freedom*, the subjects of his book have been referred to by "three distinct names ... even during the lifetime of this book."⁶²

The controversy over the proper label is *political* in the sense that it often involves a power struggle among groups. It is not just a matter of which label but *who chooses* the label. Eric R. Wolf argues that "the function of racial categories within industrial capitalism is exclusionary."⁶³ The power to label another group is a form of control over that group. Labels, particularly unflattering ones, have historically been used to discriminate against different groups. Conversely, the power to reject the existing label and choose a new one is an assertion of power and autonomy.

The term *black* emerged as the preferred designation in the late 1960s as part of an assertion of pride in blackness and quest for power by African Americans themselves. The African-American community was making a political statement to the majority white community: This is how we choose to describe ourselves. In a similar fashion, the term *African American* emerged in the 1980s through a process of self-designation on the part of the African-American community. In this book, we use the term *African American*. It emerged as the preferred term by most spokespeople for the African-American community and was adopted by the OMB for the 2000 Census and continued for 2010 (and can be used along with *black*, *Negro*, and *Haitian*). It is also consistent with terms commonly used for other groups: Irish Americans, Polish Americans, and Chinese Americans, for example.

The term *black* is actually not appropriate as the label for a group for the simple reason that it refers to a color. In fact, people who identify themselves as African Americans come in a full range of colors, from the darkest black to essentially white. The term *white*, moreover, is as inaccurate as *black*. People who are commonly referred to as white have a wide range of skin colors, from very pale white to a dark olive or brown. The term *Caucasian* is a somewhat more accurate label for people generally referred to as white (but even its accuracy is disputed by some experts).⁶⁴

A similar controversy exists over the proper term for Hispanic Americans (see Box 1.3). Not everyone, including some leaders of the community itself, prefers this term. Some prefer *Latino*, and others use *Chicano*. A 2012 Pew Hispanic Center survey found that 33 percent prefer the term *Hispanic*, 14 percent prefer *Latino*, and half have no preference.⁶⁵ Many Hispanic Americans refer to themselves in terms of their country of origin. Many non-Hispanics ~~incorrectly~~ refer to Hispanics as Mexican Americans, ignoring the many people who have a different country of origin.

In this book, we use the term *Native Americans* to designate those people who have historically been referred to as American Indians. The term *Indian* ~~was~~ *originated* through a misunderstanding, as the first European explorers of the Americas mistakenly thought they had landed in Asia.

Box 1.3 American Anthropological Association, Statement on "Race," 1998 (excerpt)

In the United States, both scholars and the general public have been conditioned to viewing human races as natural and separate divisions within the human species based on visible physical differences. With the vast expansion of scientific knowledge in this century, however, it has become clear that human populations are not unambiguous, clearly demarcated, and biologically distinct groups. Evidence from the analysis of genetics (e.g., DNA) indicates that most physical variation, about 94%, lies within so-called racial groups. Conventional geographic "racial" groupings differ from one another only in about 6% of their genes. This means that there is greater variation within "racial" groups than between them. In neighboring populations, there is much overlapping of genes and their phenotypic (physical) expressions.

Throughout history whenever different groups have come into contact, they have interbred. The continued sharing of genetic materials has maintained all of humankind as a single species.

SOURCE: The full statement, along with other materials, can be found on the website of the American Anthropological Association (<http://www.aaanet.org>).

PROBLEMS WITH CRIMINAL JUSTICE DATA ON RACE AND ETHNICITY

Case Study: How Many People Are Shot and Killed by the Police?

How many people do the police shoot and kill every year? In 2015, Americans discovered that we don't really know. The major source has always been the official FBI Uniform Crime Report, which reported that 444 people had been killed by law enforcement officers in 2014.⁶⁶ Some major news media began investigating, compiling all such shootings reported in the media. (And it is unlikely that any police shooting goes completely unreported.) They found that the figure is *twice* the official FBI figure, that is, 984 in 2015, according to a pioneering national survey by the *Washington Post*.⁶⁷

The lack of good, official data on persons shot and killed by the police is a scandal. We have very detailed information about deaths from all forms of cancer and from traffic accidents, and we should have the same quality of data on police shootings. The problem is that the FBI system is a voluntary one, and many police departments do not submit their data.

Without reliable, detailed data, however, we cannot speak authoritatively about racial and ethnic disparities in shootings. How great are the disparities, relative to the local population? If we don't have good population data, we cannot accurately answer that question. Are the disparities greater in some jurisdictions or regions? If so, why? Could reliable data help us to identify causal factors, for example, local crime rates or police department policies on deadly force? The lack of good data is central not just to this book but to the national issue of racial and ethnic justice in our society. Is there discrimination? If so, how much?

If so, have we made any progress in eliminating disparities and discrimination? Are there important differences among racial and ethnic groups? If so, how wide are the gaps?

Counting Race and Ethnicity in Criminal Justice Data

The FBI's Uniform Crime Reports (UCR) data on arrests use the categories of "white" and "black," with no category of Hispanic or other ethnic groups. It does report American Indian or Alaska Native and Asian or Pacific Islander as separate races. By including Hispanics as "white," the UCR overreports the number of arrests of non-Hispanic whites and gives us no data at all on Hispanic arrests.⁶⁸ The National Crime Victimization Survey (NCVS), on the other hand, does collect data on Hispanics and non-Hispanics, and it is a rich source of data on rates of victimization by race and ethnicity.⁶⁹

Because the NCVS uses a census-style self-identification system with regard to race and ethnicity, the following problem exists.⁷⁰ What if the NCVS calls the multiracial Graham household we discussed earlier (pp. 14). The NCVS reports data by household. Would their household be classified as "white" or "black"? It depends on which member of the family answers the phone and how that person self-identifies. What if one of their mixed-race children were the victim of a robbery? Would the victimization survey record that as a "white" or "black" victimization?

The BJS Police-Public Contact Survey, which is conducted in cooperation with the National Crime Victimization Survey and uses its technique, interviews people about their experience with the police and therefore contains data about race and ethnicity. The 2011 survey, for example, reports whether the police officer gave a reason for the stop and whether the respondent thought the stop was legitimate.⁷¹ Thus, unlike FBI data on arrests, it provides useful data on, for example, traffic stops of whites, African Americans, and Hispanics.

The Bureau of Justice Statistics National Prisoner Statistics (NPS) program reports data on white, black, and Hispanic prisoners as separate categories. The categories are exclusive, however, meaning that you are one or the other (unlike the Census in which someone can be white/Hispanic or Native American/Hispanic). The BJS report on *Prisoners in 2014*, however, explains that "not all NPS [data] provides information systems categorize race and Hispanic origin in this way." Thus, data from different states are not completely comparable. The report added that in 1991 "only a few states were able to provide information on Hispanic origin separately from race," and so we do not have any reliable data on Hispanic prisoners or imprisonment rate until about the late 1990s.⁷²

Official data on people under sentence of death use the National Prisoner Statistics data. In mid-2015, there were 2,959 people under sentence of death in the United States. Of those, 43 percent were white, 42 percent were black, 13 percent were Hispanic, and 2 percent were of other race or ethnicity.⁷³

Counting Hispanics as "white" has a major impact on official data and the resulting picture of the criminal justice system. Wray Hudson analyzed how using a "white/black" classification system results in a distorted

of non-Hispanic whites in prison and an undercount of Hispanics. In 2009, 57.2 percent of all federal prisoners were “white.” But 32 percent were Hispanic, meaning that only about 25 percent were non-Hispanic whites (39 percent were African American), so if you only used the “white” category you would give a misleading picture of federal prisoners. In New Mexico, the misrepresentation was even worse. Official data indicated that 83 percent of prisoners were white, when in fact only 28.9 percent were non-Hispanic white and 54.1 percent were Hispanic.⁷⁴

The situation with regard to Native Americans is especially complex. Gary LaFree points out that they “fall under the jurisdiction of a complex combination of native and nonnative legal entities” that render the arrest data “problematic.”⁷⁵ Zoann K. Snyder-Joy characterizes the Native American justice system as “a jurisdictional maze” in which jurisdiction over various criminal acts is divided among federal, state, and tribal governments.⁷⁶ It is not clear, for example, that all tribal police agencies report arrest data to the FBI’s UCR system. Thus, Native American arrests are probably significantly undercounted.

Data on crime on Native American reservations (also referred to as Indian Country) are also seriously inadequate. The National Congress of American Indians argues that this is due to both the underreporting of crimes to tribal authorities and underreporting to federal authorities.

The reporting of race and ethnicity by state and local criminal justice agencies is not clear and probably varies considerably across the country. Does an arresting officer make his or her judgment about an arrested person? Or do officers ask the person (in which case it would be a reliable self-report)? Do other agencies rely solely on the documents they receive from other agencies (e.g., corrections officials relying on police or court documents related to a new prisoner)? Or do officials make their own judgments, without asking each person? They may be poorly trained and may rely on their own stereotypes about race and ethnicity.

In short, the official data reported by criminal justice agencies are very problematic, which creates tremendous difficulties when we try to assess the fate of different groups at the hands of the criminal justice system. The disparities that we know to exist today could be greater or smaller, depending on how people have been classified. We will need to be sensitive to these data problems as we discuss the various aspects of the criminal justice system in the chapters ahead.

In the end, be on guard whenever you see data on “white” and “black” or “nonwhite” people in the justice system. These data do not accurately reflect the reality of crime and justice in America.

THE CRIME AND IMMIGRATION CONTROVERSY

Immigration is a major political controversy in the United States today and has been for many years. The political debates include a number of proposals that many people find offensive and discriminatory. Let’s begin by sorting out the basic facts of immigration.

Sorting Out the Facts on Immigration

The 2010 Census reported that there were 40,000,000 foreign-born people in the United States, representing 13 percent of the U.S. population. The foreign-born population includes naturalized citizens, legal permanent residents, temporary migrants, humanitarian migrants (e.g., refugees), and undocumented migrants. Forty-four percent of all foreign-born were naturalized citizens by 2010.⁷⁷

Twenty-nine percent of the foreign-born were from Mexico (11.9 million people), and another 8 percent were from other Central American countries. The next largest country of origin was China, with 2.2 million people (or 5 percent of all of the foreign-born). Canada, with 0.8 million people, was the largest non-Central or South American or Asian country of origin, ranking eleventh among all countries.⁷⁸

There were an estimated 11,300,000 unauthorized or undocumented immigrants in 2014 (down from a peak of 12.3 before the recession of 2008), and the number had been stable for about five years. About half of the unauthorized immigrants, 5.6 million people, were from Mexico. That number had declined from a peak of 6.9 million in 2007, mainly because the recession that struck the United States in 2008 discouraged many people from migrating in search of jobs. There were also 1,300,000 unauthorized immigrants from Asia in 2014, 525,000 from Europe or Canada, and 190,000 from the Middle East.⁷⁹

Humanitarian migrants, or refugees, represent a special case. The U.S. State Department defines a refugee as "someone who has fled from his or her home country and cannot return because he or she has a well-founded fear of persecution based on religion, race, nationality, political opinion or membership in a particular social group."⁸⁰ Since 1975, the United States has admitted over 3 million people as refugees. Because they are admitted under a formal State Department program, with elaborate procedures for determining the validity of their claims of persecution, refugees are in the country legally.

Hispanics and Asians have been the two fastest-growing racial/ethnic groups in America in recent decades, with Asians holding the lead since 2010. But there are significant differences in the sources of growth between the two groups. Most of the increase among Hispanics has been due to natural increase (measured in terms of births minus deaths). The growth among Asians, by contrast, has been more due to immigration.⁸¹

Box 1.4 A Note on "Generations"

There is a lot of confusion over the proper terms for different "generations" of Americans. Someone who immigrates to the United States is a "first-generation" American. His or her children are "second generation." A separate issue involves citizenship. A "second-generation" person would be a "first-generation citizen," unless of course his or her parents became naturalized, in which case the parents would be "first-generation citizens." There is no such thing as a "second-generation immigrant"; only one generation can immigrate.

Immigration from Africa has changed the composition of the black population in the United States. By 2015, there were a record number of 3.8 million black immigrants, representing 8.7 percent of the entire black population. In the Miami, Florida, metropolitan area, for example, black immigrants represented 34 percent of the entire black population, while in New York City the figure was 28 percent.⁸²

Public Attitudes about Immigration Public opinion polls consistently indicate that Americans are very concerned about illegal immigration. A 2015 survey found that 50 percent of Americans felt that immigrants had made the U.S. economy worse, while 28 percent thought it made the economy better and 20 percent felt that it had “not much effect.” Fifty percent also felt that immigrants had made the crime problem worse, and only 7 percent felt it made crime conditions better. With respect to science and technology, however, 29 percent felt that immigrants made the United States better and only 12 percent felt that it made the United States worse. Half of Americans felt that immigrants made the United States better in terms of “food, music, and the arts,” while 11 percent felt they made the United States worse.⁸³

The Immigration and Crime Controversy

Although half of all Americans believe that immigration has an adverse impact on crime, research has consistently not supported that view. A 2015 report by the Cato Institute concluded that “with few exceptions, immigrants are less crime prone than natives or have no effect on crime rates.”⁸⁴

Researchers have used different methodologies to investigate immigration and crime. Butcher and Piehl studied the imprisonment rates for men between the ages 18 and 40 in 1980, 1990, and 2000. Using census data, they found that in each of those years, immigrants were less likely to be incarcerated than native-born Americans. Additionally, the gap widened in more recent years.⁸⁵ Graham C. Ousey and Charis E. Kubrin studied cities with populations greater than 100,000 between 1980 and 2000. They found that immigration negatively affected crime; cities that experienced increases in immigration experienced decreases in crime. It should be noted that the time period included both years of rising violent crime rates (1980s) and years of sharply falling crime rates (1993–2000).⁸⁶ Tim Wadsworth also found that between 1999 and 2000, cities that experienced the largest increases in immigration (of all types) had the largest decreases in homicide and robbery in the same time period. His study involved FBI UCR data for 459 cities with populations greater than 50,000 people. The period studied included the years of the great “crime drop,” when serious crime experienced a tremendous decline.⁸⁷

In short, public attitudes about the impact of immigration on crime are simply not supported by the evidence. All of the studies, including others not cited here, find less crime among immigrants than nonimmigrants.

How do we explain the negative impact of immigration on crime? Ousey and Kubrin suggest that recent immigrant families have lower rates of divorce

and single-parent households. Criminologists have long established that both of those factors are associated with higher rates of delinquency and crime. The 2009 Pew Hispanic Center report on young Hispanics, *Between Two Worlds*, found that immigrant Hispanics were less likely to be involved in a gang, or know someone who is, than American-born Hispanics. Young Hispanics are more likely to be incarcerated than young non-Hispanic whites, but only half are as likely to be incarcerated as young African Americans.⁸⁸

Problems with Immigration Enforcement

Immigration is covered by federal and not state or local law. Being an undocumented immigrant is also not a crime; it is a civil offense, not punishable by imprisonment. Immigrants who commit a crime, whether federal or state, can be deported immediately.

Some local law enforcement agencies engage in immigration enforcement. Under Section 287(g) of the 1996 immigration reform act, local police and sheriffs can establish written agreements with the federal Immigration Control and Enforcement (ICE) agency. The agreement specifies that local officers are trained in immigration enforcement and then authorized to cooperate with federal officials under their direction. Local offices are then authorized to question people about their immigration status, arrest suspects without a warrant for suspected immigration violations, and five other actions. A 2008 PERF report found that only 4 percent of local agencies had signed such an agreement, however. Some states have a rule that local police cannot enter into 287(g) agreements because officers in the state do not have authority to enforce federal civil laws.⁸⁹

Many people, including law enforcement leaders, believe that immigration enforcement invites discrimination by police officers. How would an officer, for example, suspect that a driver was an undocumented immigrant? There is no behavior that clearly suggests that a person is undocumented. The result would be traffic stops or street stops of people he believes are undocumented. But the officer would probably be wrong in many, if not most, cases, and that would involve discriminatory enforcement.

Immigration enforcement by local police also damages police-community relations, as members of the community will come to fear the police. (See our discussion of "Insecure Communities," pp. 26). Many police chiefs believe this would happen. In 2008, the Police Chiefs Executive Research Forum (PERF), a professional association of chiefs and top managers, issued a policy statement opposing immigration by local law enforcement.⁹⁰ Several chiefs pointed out that immigrants, both legal and unauthorized, are victims of crime. They are more likely to be paid in cash, which makes them easy prey for robbers. Because they fear being questioned about their immigration status, they are very reluctant to call the police and report the crime. Also, many immigrants are victims of domestic violence but do not call the police because they are afraid that they or other family or friends will be subject to immigration enforcement. Many immigrants are witnesses of crime but are reluctant to come forward to help the police. For all these reasons, the Police Foundation in 2009 concluded that local agencies