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THE IMMIGRATION AND CRIME NEXUS: TOWARD AN
ANALYTICAL FRAMEWORK FOR ASSESSING AND GUIDING
THEORY, RESEARCH, AND POLICY

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Abstract

If media accounts are to be believed, immigration to the United States is a primary cause of increased crime rates. Review of recent anti-crime policies targeting immigrants would lead one to the same conclusion. Yet, most empirical research suggests precisely the opposite conclusion: many immigrant groups consistently demonstrate significantly lower crime rates than that of native populations. Moreover, despite early sociological research focusing on the relationship between immigration and crime, relatively little attention has been given to a range of critical theoretical and methodological issues bearing on this relationship. Taking these observations as a point of departure, several critical theoretical and methodological issues are outlined to develop an analytical framework for more systematically guiding and assessing research on the immigration-crime nexus. It is concluded that such a framework is needed for developing improved theories and facts, as well as more efficient and effective policies.

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Introduction

Perhaps more than any other social phenomena, immigration and crime--and especially the nexus between the two--inspire fear and confusion. It should not be surprising, therefore, that much attention has been given to policy formation aimed at controlling immigration-related crime (Bean and Fix 1992; Tanton and Lutton 1993; Brimelow 1995; Teitelbaum and Weiner 1995; Tonry 1997b; Yeager 1997; Butcher and Piehl 1998; Hagan and Palloni 1998; Simon and Lynch 1999; Waters 1999; Martinez 2000). Unfortunately, research to date has relied primarily on limited data and theorizing. This research in turn has provided a questionable foundation for enhancing our understanding of the relationship between immigration and crime and for informing efficient and effective policy creation. For example, as Butcher and Piehl (1998) have emphasized, both research and media accounts frequently fail to distinguish between legal versus illegal immigrants, or, perhaps more importantly, between crime committed by immigrants versus crime not committed by immigrants but that nonetheless is the direct or indirect result of immigration processes. Similarly, it rarely is noted that crime problems associated with immigration may be the result of higher rates of immigrant victimization rather than offending (McDonald 1997). The situation is such as to lead one recent study to conclude that “the link between immigration and crime is misleading, to the extent of constituting a mythology” (Hagan and Palloni 1999:630).

Taking these observations as a point of departure, this paper outlines an analytical framework for assessing and guiding theory, research, and policy on the relationship between immigration and crime. This framework consists of several dimensions,

including: clarifying the units of analysis used in research and that are the focus of policies; developing a clearer understanding of the types of crime data and facts/rates that exist or that can be created; applying, testing, and modifying contemporary individual and ecological-level sociological theories of crime, with attention to immigration-specific considerations; and identifying particular policy goals and feasible and effective strategies for achieving these goals. The central argument is that these dimensions should be implicitly or explicitly articulated in theoretical and empirical research on, as well as policies that address, the relationship between immigration and crime. A further argument is that the failure to do so will result in potentially inaccurate and misleading understandings of this relationship and, by extension, in the development of inefficient and ineffective policies. It is, for example, by clearly addressing such dimensions that researchers may be better able to assess whether, how, and to what extent immigration and criminal justice policies can “bias and distort public perceptions of immigration and crime,” as Hagan and Palloni (1999:617) have observed about seemingly neutral policies targeting Hispanic immigrants. Before describing the outlines of this framework, a brief review of current theoretical and empirical research is provided, along with discussion of media accounts and recent crime-fighting policies targeting immigrants.

Background

Concern about the immigration-crime nexus has a long-standing history in the United States that dates back to Colonial times, with considerable policy and research attention given to it since the turn of the century (McDonald 1997; Yeager 1997; Hagan and Palloni 1998). This concern appears to have been motivated in part by anti-immigrant, xenophobic sentiments (Butcher and Piehl 1998:458; Teitelbaum and Weiner 1995), a phenomenon not unique to the United States (Ferracuti 1968; Chapin 1997; Yeager 1997). These sentiments have been premised on the assumption that immigrants engage

in more criminal activity (e.g., violent or property crime) than non-immigrants¹, and, more generally, that they cause a host of other social problems, such as depleting welfare resources, increasing native-born unemployment and housing shortages, overwhelming school and health systems, and undermining the existing social order (Hawkins 1995; Sachs 1996; Schuck 1996; Chapin 1997; McDonald 1997; Tonry 1997b; Yeager 1997; Butcher and Piehl 1998).² Yet this assumption, in part fueled by the historical fact that the British not infrequently shipped convicts to America (Erkirch 1987), almost as consistently has been contradicted by the empirical record, including, notably, government-sponsored commissions such as the 1911 U.S. Immigration Commission and the 1931 Wickersham Commission (McDonald 1997; Tonry 1997a; Waters 1999). As Yeager (1997:162) has noted: “The reality is that . . . immigrants generally have lower propensities for crime than their native-born counterparts, except where a group’s cultural traditions legitimize certain illegal acts” (see also Ferracuti 1968; Chapin 1997; Tonry 1997b; Butcher and Piehl 1998; Hagan and Palloni 1998, 1999). This assessment requires qualification--it does not, for example, consider the ecological-level impacts of immigration processes--but it nonetheless highlights the consistent disjuncture between public sentiment and policy and what is known about immigration-related crime.

Theoretical research on the relationship between immigration and crime has been relatively nominal. Perhaps the most prominent sociological theory to address it is Shaw and McKay’s (1942) recently revisited theory of social disorganization (Sampson and Raudenbush 1999; Waters 1999). Their theory suggests that crime is more likely in “socially disorganized” areas marked by high levels of poverty, ethnic heterogeneity, and residential mobility. It further suggests that immigrant youths should be more likely to engage in criminal activity because of the difficulty of becoming integrated into urban American life. This difficulty, Shaw and McKay (1942) argued, stems both from residing in socially disorganized areas and from several immigrant-specific experiences, including potentially conflicting value orientations, greater allegiance among U.S.-born immigrant

youths to their peers rather than to their parents, confusion about traversing a wide variety of cultures in ethnically heterogeneous neighborhoods, disinvestment in the inner city and investment in moving to the suburbs, and a general lack of social capital in meeting the challenges of contemporary American life (Waters 1999:23). In addition to social disorganization theory, at least two other prominent theories have been used to examine the immigration-crime nexus. The first, strain theory, involves a focus on blocked socioeconomic opportunities as contributing to crime and delinquency; the second, cultural deviance theory, derived primarily from Sutherland's (1934) pioneering work on acculturation, centers around the idea that certain groups have or develop distinctive cultural traditions that either promote or are accepting of criminal behavior (see, generally, Tonry 1997a; Akers 1999; Empey, Stafford, and Hay 1999).³

With rare exception (Tonry 1997b; Waters 1999; Martinez 2000), none of these theories or their variants has, in recent years, been systematically applied or assessed in relation to immigration-related crime, much less using appropriate or higher quality data sources that can be aggregated and disaggregated to different units of analysis or that can be used for computing different types of crime rates (see, however, Butcher and Piehl 1998; Hagan and Palloni 1999). Moreover, the little research that does exist either does not generally support these theories or suggests a much more complicated picture than what each theory alone provides or can accommodate. As noted above, research dating back to the turn of the century indicates that on the whole, immigrants--typically conceptualized as the "foreign born" versus "native born"--are less, not more, prone to criminal activity than non-immigrants (Schuck 1996; Chapin 1997; Tonry 1997b; Yeager 1997; Butcher and Piehl 1998; Hagan and Palloni 1998; Waters 1999). There are exceptions, however, including the relatively consistent finding that children and grandchildren of first-generation immigrants, especially young and poorly educated males, are more likely than their parents to be involved in crime (Tonry 1997a; Yeager 1997; Waters 1999; see, however, Butcher and Piehl 1998). There also are notable complexities that

existing theories in general are unable to address. For example, some immigrant groups have higher crime and imprisonment rates than non-immigrants, while others have considerably lower rates, even once age and gender compositional differences are taken into account (Tonry 1997b; Hagan and Palloni 1999; Waters 1999)⁴; different immigrant groups in similar socioeconomic structural contexts frequently evidence different crime patterns (Tonry 1997a:22-23; Waters 1999:25-27); and, although cities with high immigration rates tend to have higher crime rates, there appears to be little or no relationship between changes in immigration and changes in crime, whether controlling for compositional factors such as age and gender or not (Butcher and Piehl 1998; cf. Waters 1999).

Despite the fact that sociological criminology consistently refutes the simplistic image of immigrants as being more “criminal” than native-born residents, concern about both legal and illegal immigration emerged as a prominent policy issue in the United States during the 1990s (McDonald 1997; Butcher and Piehl 1998).⁵ This concern resulted in the passage of laws aimed at controlling immigration, especially illegal immigration, and related crime (Tanton and Lutton 1993; Brimelow 1995; Sachs 1996; Schuck 1996; Yeager 1997). The 1994 Violent Crime Control and Law Enforcement Act, for example, “created unprecedented levels of Federal resources . . . to control illegal immigration and the crimes committed by and against illegal immigrants, [authorizing] \$1.2 billion for specialized enforcement provisions, including border control, criminal alien deportation, asylum reform, and a criminal alien tracking system” (McDonald 1997:6).⁶ These more restrictive and “get tough” immigration policies also have involved extensive partnering efforts among local, state, and federal immigration and crime control agencies (McDonald 1997; Butcher and Piehl 1998). Unfortunately, these policies not only are grounded on data of limited accuracy, but they appear to have been driven by media case study accounts of gangs, drug traffickers, and organized crime, as well as research based on law enforcement (e.g., arrest) and prison data (see Tanton and Lutton 1993;

Kleinknecht 1996; Sachs 1996; Sanoff 1996; McDonald 1997; Thom 1998; Hagan and Palloni 1999), which provide a limited basis for generalizing about immigration-related crime. Moreover, the policies to date have been largely reactive; recent efforts, for example, have been aimed primarily at providing greater incarceration resources and enhancing the efficiency of law enforcement responsiveness to immigrant crime as well as the apprehension and deportation of illegal immigrants (Brimelow 1995; Schuck 1996; McDonald 1997; Butcher and Piehl 1998).

Toward an Analytical Framework

As discussed above, theoretical and empirical research on the immigration-crime nexus is limited. Critical issues that remain largely unaddressed include: systematic attention to computation of crime rates and estimates for different units of analysis (e.g., individuals, cities, states, countries); the limited accuracy and utility of existing data; application and tests of contemporary criminological theory, as well as modification and/or elaboration of criminological theory in ways that can accommodate immigration-specific factors; and, finally, policy interventions that are based on theoretically informed research rather than primarily on media and case study accounts of gangs, drug trafficking, and organized crime, or on data of questionable validity and generalizability. It is to these types of issues that the following discussion is oriented, with the goal of developing an analytical framework for guiding and assessing theory, research, and policy on the immigration and crime nexus.

Before proceeding, however, two points bear emphasizing. First, there is no claim here to presenting a definitive conceptual framework, or even to identifying new or original issues and problems, though several of the specific points discussed below have not been addressed to date. Rather, the overriding goal is to highlight some of the most prominent analytical issues--frequently overlooked in the existing research literature and

even moreso among media accounts and in recent local, state, and federal legislation--that confront researchers and policymakers as they strive to understand and potentially impact immigration-related crime. Second, the strategy adopted here is to provide as comprehensive a listing of issues and illustrations as possible rather than to provide an empirical analysis from which a smaller set of points could be drawn. Although the latter are needed, a basic contention of this paper is that in the absence of greater attention to the broader set of analytical issues raised here, further empirical research likely will have less of an impact on cumulative knowledge or on policy formation than it otherwise might, or, conversely, its impact may well reflect unwarranted assumptions about the utility of certain data or the precise extent to which and how findings from specific studies are generalizable (see, generally, Merton 1968; Freese 1972; Wagner 1985; Blalock 1989; Butcher and Piehl 1999; Hagan and Palloni 1998, 1999).

Units of Analysis

The importance of distinguishing between different spatio-temporal units of analysis (e.g., individuals, groups, cities, states, countries, etc., measured across space and/or over time) increasingly is being recognized in fields such as psychology, public health, epidemiology, and sociology (Monahan and Steadman 1983; Mrazek and Haggerty 1994; Gibbs 1997). A correlation between individual-level offending and individual-level socioeconomic status need not, for example, imply a correlation between crime rates and aggregate-level socioeconomic measures (e.g., poverty); and the same is, of course, true in reverse (i.e., aggregate-level analyses need not imply specific individual-level relationships). Similarly, the results from a cross-sectional analysis of states at one point in time need not parallel results from other cross-sectional analyses at other points in time; nor need they necessarily parallel those from a time-series analysis of each state over a specified time period, or even from all states combined over the same time period

(Firebaugh 1978, 1980; Land, Cantor, and Russell 1995; Butcher and Piehl 1998).

Although this observation may appear obvious, it bears emphasizing that researchers, journalists, and policymakers frequently generalize results from one unit of analysis to another. Indeed, it is not uncommon to find reviews of gang and prison research that then generalize to entire populations. One recent review, for example, which examined research on immigrant gangs and the prevalence of illegal immigrants among prison inmates, concluded that “under current immigration laws and procedures, frighteningly large numbers of newcomers see crime as their avenue to the American dream” (Tanton and Lutton 1993:217). Although this assertion may be true, it does not necessarily follow from analysis of gang (or prison data), just as an increase in youth gangs in the United States does not necessarily mean that youths in general have become more prone to criminal behavior (Snyder and Sickmund 1999). This issue pertains not simply to mis-generalizing from individuals to aggregate ecological units, or vice versa, but to comparisons involving cross-sectional versus longitudinal analyses. For example, and as noted earlier, areas with relatively higher immigration rates appear also to have relatively higher crime rates, yet changes in immigration rates appear to have little or no association with changes in crime rates (Butcher and Piehl 1998). From both a theoretical and policy perspective, it remains unclear exactly how to interpret these findings or to what extent they accurately reflect patterns of actual immigration-related crime (Hagan and Palloni 1999). It is clear, however, that without reference to findings from different units of analysis, there is a risk of mis-generalizing results, with the potential in turn of drawing unwarranted theoretical or policy inferences (Gibbs 1997).

This situation contrasts markedly with research in criminology, immigration, and sociology generally, in which multiple sources of data are used to delimit the generalizability of findings within a given unit of analysis, as well as to other units and to spatio-temporal comparisons (Orum, Feagin, and Sjoberg 1991). Within criminology, for example, there is a rich tradition of using self-report offending and victimization survey

data, which provide a markedly different and generally better source of information than do arrest and prison data in terms of estimating individual and aggregate-level crime counts and of identifying the causes of crime (Empey et al. 1999). By contrast, research on the immigration-crime nexus almost invariably is restricted to aggregate-level, official statistics based on arrest or prison data, or, again, from case studies of gangs. One consequence is that although research and policy inferences frequently are drawn from these kinds of data, in reality we know little about the relevance to immigration-related crime of a wide range of individual and aggregate-level factors suggested by criminological research (e.g., previous criminal behavior, peer associations, family functioning, education, employment, community-level informal social control--Akers 1999), or by immigration research (e.g., motivation for immigrating, intended length of stay, proficiency in English, educational and job skills, differential age, gender, and fertility rates among immigration groups--Tonry 1997b).

The limitations of currently available data are discussed in greater detail below, but analytically, and focusing here on units of analysis, their impact has profound theoretical and policy implications for understanding and addressing the immigration-crime nexus. Suppose, for example, that there has been an increase over a five-year period in immigrant violent crime along the Texas/Mexico border but a decrease during this same time period along the California/Mexico border. There is, first, determining whether such changes are “true” changes, but then the issue arises--what are the causes of these changes, and does an understanding of these causes provide an understanding about differences in immigrant crime rates across states, or, nationally, immigrant youth gang activity? Until and unless these types of comparisons are explicitly addressed, we risk not only mis-generalizing the theoretical and policy implications of our research, but also of missing opportunities to identify how immigration and crime are potentially linked to broader sociological phenomena (Sutherland 1934; Sampson and Lauritsen 1997; Tonry 1997b; Hagan and Palloni 1999).

Crime Data and Types of Crime Facts/Rates

Although data limitations are endemic to research on immigration and crime, respectively, these limitations are at once both more serious and compounded in research on immigrant crime and immigration-related crime. Much research focuses, for example, primarily on case studies of particular ethnic gangs or on analyses of illegal immigrants (e.g., Tanton and Lutton 1993), even though illegal immigrants comprise but a small proportion of all immigrants to the United States (Butcher and Piehl 1998:458). More generally, relatively little data exist that provide systematic individual or aggregate-level information about immigrants, immigration processes, or community-level factors bearing on immigration-related crime (Waters 1999:45-48; see also Chapin 1997; Butcher and Piehl 1998; Hagan and Palloni 1998, 1999; Martinez 2000).

What data that do exist consist primarily of official arrest and incarceration statistics, which frequently do not reflect true overall or specific crime rates (Sutherland 1934; Sampson and Lauritsen 1997), much less for immigrant populations (Tonry 1997b; Hagan and Palloni 1998).⁷ For example, increased arrest rates of immigrants may result as much from increased hostility toward immigrants or surveillance by law enforcement, or from a lack of knowledge among immigrants about how to traverse the legal system, as from any actual increase in criminal activity among immigrants (Sampson and Lauritsen 1997; Tonry 1997b; Yeager 1997; Butcher and Piehl 1998; Hagan and Palloni 1999). Also, insofar as illegal immigrants, as opposed to legal immigrants, are disproportionately represented in the criminal justice system, this may reflect more on the social capital of legal immigrants or on the areas in which legal immigrants reside than any actual differences in rates of offending (cf. McDonald 1997:3). Moreover, these kinds of data generally do not capture the crimes associated with immigration that involve aiding and abetting illegal immigration or immigrant victimization (Martinez 1997; Martens 1998).

As one researcher has observed:

A wide range of predators victimize illegal immigrants. Guides and organized gangsters have robbed, raped, and killed them; abandoned them in the desert; tossed them overboard at sea or out of speeding cars under hot pursuit; or forced them to work in sweatshops or prostitution rings to pay off the cost of the trip. Bandits prey upon them during their journeys. Xenophobes and hatemongers terrorize them. Some employers cheat them of their earnings. The fact that illegal immigration is a crime makes the immigrants particularly vulnerable because they are unlikely to seek the protection of the law. (McDonald 1997:4)

In short, existing data sources provide a limited basis for accurately determining a wide range of facts about immigrant crime, as well as crime associated with immigration processes.

One way to highlight both the limitations of current data sources and the types of analyses that have been conducted to date, as well as to identify the advantages of alternative types of data, is to identify several key dimensions along which crime facts/rates can be created. One key distinction is between actual (i.e., true/accurate) and known (i.e., official) data sources. The usefulness of this distinction is that it allows one to put into context what is known about a particular phenomenon from what can be known.⁸ In the present context, for example, the relevant distinctions pertain to actual and known immigration rates, actual and known crime rates, and, in turn, actual and known immigrant crime rates. Another key distinction is between offending and victimization; the distinction is important not only because offending and victimization reflect different, albeit related, phenomena but because the causes of one are not necessarily nor even probably the same for the other. Finally, a third distinction is between the prevalence and incidence of offending and/or victimization. When offenders are the focus of analysis the term “prevalence” is used (i.e., the number of offenders in a given population), and when offenses are the focus of analysis the term “incidence” is used (i.e., the number of

offenses in a given population).⁹ The relevance of this distinction should be evident: prevalence rates and incidence rates can vary independently. For example, consider a city of 100,000 in which 100 offenders commit one crime apiece compared with a city of 100,000 in which 100 offenders commit 10 crimes apiece. Although the prevalence rates will be similar (100 per 100,000), the incidence rates will not be (100 per 100,000 and 1,000 per 100,000, respectively).¹⁰

<Insert Table 1 about here>

Combining these three dimensions gives rise to the grid presented in Table 1, which identifies various types of crime rates that can be generated for any given crime or category of crime (e.g., violent, property, drug, etc.). The main point to draw from this table is that while “a” through “d” represent the ideal sources of data needed for obtaining accurate estimates of the prevalence and incidence of immigrant offending and victimization, “e” through “h” represent the least useful/accurate sources of data for these estimates. Unfortunately, it almost invariably is these latter sources of data--the most misleading and the least generalizable--that generally are relied upon in discussions of immigrant crime.¹¹ Indeed, the situation is aggravated by the lack of consistently collected or accurate data on other relevant dimensions, including: immigrant-on-immigrant, immigrant-on-non-immigrant, and non-immigrant-on-immigrant crime; legal versus illegal immigrant crime rates; trajectories of offending among different types of offenders and immigrant populations; and sociodemographic immigrant data (age, gender, country of origin, duration of stay, education, occupation, etc.), much less individual-level data on the types of criminogenic factors discussed above (previous criminal history, peer association, family functioning, etc.). As will be discussed below, it is not economically feasible to obtain all of the relevant types of data, but it is possible to begin making forays and to use such attempts to highlight the limited utility of the data

that to date have consistently provided the basis for understanding the links between immigration and crime (Tonry 1997b).

Individual and Ecological-Level Theories of the Immigration-Crime Relationship

In a recent review of research on the criminality of the children of immigrants in European countries, Yeager (1997:163) concluded that “the precursors to [their] behavior look very much like the classic causes of delinquency: poverty, racism, school failure, unemployment, family disorganization, drug addiction, and the like.” Unfortunately, as applied to the United States, such statements must at present remain speculation until more systematic, comprehensive, and accurate data are compiled that then can be used to test contemporary criminological theories. However, future research efforts aimed at collecting such data clearly can be informed by current theories of immigration and crime. In this section, several of the more prominent theoretical issues that have yet to be adequately addressed are outlined.

First, dependent variables are needed that reflect both standard criminological concerns (e.g., crime among individuals and specific age, gender, and racial/ethnic populations, crime rates across cities and states--Yeager 1997; Empey et al. 1999; Hagan and Palloni 1999) as well as more recent ones (e.g., identifying differential life-course offending and victimization trajectories--Sampson and Laub 1993; Tonry 1997b; Toussaint and Hummer 1999).

Second, research is needed on whether, to what extent, and how traditional and more recent sociological criminology theories apply to individual and aggregate-level immigration-related crime patterns (see, e.g., Hagan and Palloni 1999). At the individual level, this means closer scrutiny of the link, if any, between such factors as age, gender, peer association, family dynamics, education and employment, access to guns, etc. to criminal behavior and victimization among immigrants. At the aggregate level, it means

closer scrutiny of how poverty, social and economic inequality, racial/ethnic composition and differentiation, drug and gun markets, collective efficacy, and the like are related, if at all, to various immigrant crime rates (see, generally, Hawkins 1995; Sampson and Lauritsen 1997; Tonry 1997b; Yeager 1997; Butcher and Piehl 1998; Hagan and Palloni 1998; Akers 1999; Empey et al. 1999; Waters 1999; Martinez 2000).

Third, greater attention should be given to examining the relevance of immigration-specific factors to individual and aggregate-level crime patterns. For example, do the reasons that immigrants leave their countries, or that entire waves of immigration occur have any bearing on crime (Tonry 1997a:24)? Although existing evidence is suggestive (Tonry 1997b), we yet lack any systematic or coherent basis for identifying linkages between when, why, and how immigration occurs and its relation to changes in crime. Consider, for example, the following types of factors linked to migration flows, and their potential relevance for understanding the immigration-crime nexus: historical context (e.g., changes in citizenship, assimilation, and border enforcement laws); cultural dissimilarities between sending and receiving countries; intended durations of stay; assimilation processes; nativism/xenophobia; international markets; migrant networks; domestic economies; and economic and political policies in sending and host countries.¹²

Fourth, there are a wide range of specific issues that have been touched upon in research on the immigration-crime nexus that as yet remain underresearched. Among immigrant populations that engage in disproportionately more crime, is a criminal culture “imported” or is it “assimilated” from the host country, in this case the United States (Rattner 1997)? Are there in fact distinctive cultures among different immigrant populations or sub-populations that affect their greater or lesser involvement in crime (Sutherland 1934)? Do transitions into the United States have differential impacts on certain immigrant populations that in turn render them more prone to criminal offending or victimization (Butcher and Piehl 1998)? How do immigrants’ previous criminal histories change, if at all, upon arrival to the United States (Toussaint and Hummer 1999;

Waters 1999)? Despite some empirical evidence to the contrary, is the considerable attention given to drug and gun markets, as well as to the age composition of immigrant groups and their U.S.-born descendants, warranted (Hagan and Palloni 1999; Bilchik 2000)? What, if any, are the impacts of different fertility rates among immigrant groups on crime rates (Hagan and Palloni 1999; Waters 1999)? What accounts for differences in offending and victimization among first-generation immigrants and their U.S.-born children, and for different generational crime patterns among diverse immigrant groups (Tonry 1997a; Waters 1999; Martinez 2000)? To what extent do programs and policies aimed at facilitating assimilation affect immigrant crime (Waters 1999)? And, finally, what impacts does immigration have on local communities and, in turn, how do these impacts affect offending and victimization rates of both immigrant and non-immigrant populations (Butcher and Piehl 1998)?

Developing Better Conceptualized and Targeted Policies

The foregoing dimensions have direct bearing on informing public policy: better data are needed for ascertaining whether, to what extent, and why there may be an immigration-crime nexus, and better sociological theories are needed to explain this nexus and its precise contours. Theories in particular are critical for efficient and effective policy formation; without them policies risk being either too broad or overly, and perhaps inaccurately, narrow. (Whether improved theories would in fact have an impact on policy formation is, of course, another matter--Calavita 1992.) As Butcher and Piehl (1998:467) have noted: "Fully understanding the routes through which immigration may affect crime is important for a targeted policy response." Unfortunately, policies to date have tended toward the two indicated extremes, either focusing too broadly on halting not only illegal but also legal immigration or focusing too narrowly on particular reactive interventions, such as increased enforcement of deportation initiatives (Teitelbaum and Weiner 1995;

Schuck 1996; McDonald 1997). In the first instance, these policies frequently have suffered from considerable ambiguity about their precise goals, and in the latter have tended to be too narrow to achieve a broader goal, such as substantial reducing overall crime rates (Butcher and Piehl 1998:486).

A more efficient and effective alternative is (a) to identify target populations most at risk of involvement in serious and/or violent criminal activity or of disrupting community level dynamics and social order, and then (b) to determine the most feasible and effective interventions for targeting these populations. In assessing the latter, it is likely that a dual focus on risk and protective factors will yield considerably more efficient and effective initiatives than a focus only on the most at-risk populations (see, e.g., Howell and Hawkins 1998). Risk factors are individual or sociological conditions that directly, indirectly, or in conjunction with other conditions give rise to crime, whereas protective factors are those that help reduce it.¹³ For example, research to date suggests that young male, U.S.-born descendants of immigrants, and particularly the poorly educated, are more likely than other populations to be involved in crime. It thus is reasonable to suspect that policies targeting this population may be more likely to result in a larger reduction in immigration-related crime than those targeting other populations (Yeager 1997; Tonry 1997a; Butcher and Piehl 1998). In a study of immigration and crime in Sweden, for instance, Martens (1998) found evidence to suggest that the social welfare system there, which targets the less well-to-do and their families and children, contributed to lower levels of offending among children of immigrants. However, even with knowledge about the most at-risk populations, the precise types of policies that may be most effective can vary dramatically. Policy initiatives can, for example, focus solely on risk factors (e.g., limiting the admission of younger, male immigrants) and/or they can target at-risk populations and then attempt to enhance protective factors aimed at reducing their involvement in criminal activity (e.g., provision of educational and vocational training).

It is important, though, to emphasize that a “one size fits all” approach is unlikely to

be effective, much less efficient (Tonry 1997b). For instance, the programs that most impact young males likely may not necessarily have the desired impact on young females or other immigrant populations. Perhaps more importantly, it merits emphasizing that there may be community-level initiatives that yield much greater crime-reduction benefits than focusing on youths specifically (Howell and Hawkins 1998), including programs oriented toward facilitating the transition of entire immigrant populations, drawing on the informal social controls that immigrant groups bring with them, and assimilating immigrant and non-immigrant populations to their respective social and cultural traditions (Hagan and Palloni 1999; Waters 1999). Of no small consequence in each of these instances is the possibility that such approaches may impact offending and victimization among not only immigrant populations but non-immigrant ones as well.

Discussion and Conclusion

Perhaps few other areas of research and policy are as in need of a guiding framework for organizing and assessing theory, research, and policy than the focus on the relationship between immigration and crime. Assumptions about this relationship abound, yet few have any basis in empirical fact. Theory development aimed at explaining either individual or ecological-level variation in immigration and crime patterns is nominal, and, among existing theories, none enjoy any consistent support. Moreover, severe limitations constrain the utility of existing data in generating valid estimates of immigration, crime, or immigration-related crime, much less their usefulness in testing theory. Such limitations assume particular importance in a social and political context of consistently anti-immigrant sentiment (McDonald 1997; Yeager 1997; Butcher and Piehl 1998; Hagan and Palloni 1998; Simon and Lynch 1999). Indeed, as Hagan and Palloni (1999:629) recently have observed: “It is of particular concern, in the political and economic context of cost shifting, that the same correctional departments that collect

crime statistics may have a direct financial interest in the size of their immigrant inmate populations and in seeing these numbers reported and well publicized.”

The theoretical and methodological limitations identified here are far from academic but rather strike directly at the heart of effective policy formation: if we are to develop better policies, then better sociological theories and facts are needed. Since development of a general theory of the immigration-crime nexus likely is premature¹⁴, the goal of this paper has been to develop an analytical framework that can provide a more explicit and systematic basis for assessing and guiding theory and research and, ultimately, for developing more effective policies. This framework involves attention to the following dimensions: units of analysis; crime rates, including a focus on types of crime rates and the usefulness of different sources of data; individual and ecological-level theories of the immigration-crime relationship; and development of more carefully conceptualized and targeted interventions and policies.

By using these dimensions to guide theory, research, and policy efforts, we have a basis by which to situate their broader relevance for understanding and, where it is deemed appropriate, impacting immigration-crime patterns. The framework provides a starting point for highlighting key issues and questions that remain unaddressed in research on immigration and crime. For example, although there has been considerable attention given by sociologists to understanding crime patterns at different units of analysis, such attention generally has not carried over to the study of the immigration-crime nexus. Thus, one frequently finds discussions about individual-level offending that elide into ecological-level implications, and vice versa, with little or no theoretical, logical, or empirical grounds for doing so. Such discussions become especially problematic in the absence of systematic research at multiple units of analysis (Butcher and Piehl 1998; Hagan and Palloni 1999). At present, for instance, there is a conspicuous absence of research on community-level factors that may bear on any putative link between immigration and crime (Sampson and Lauritsen 1997). This particular oversight

is unfortunate if only because any potential large-scale crime impacts of immigration likely may result not from increasing proportions of immigrant criminals but rather from structural conditions that affect immigrant populations, or, conversely, from immigration processes that affect structural conditions and that in turn have direct or indirect effects on both immigrant and non-immigrant populations (McDonald 1997; Yeager 1997; Butcher and Piehl 1998; Sampson and Raudenbush 1999).¹⁵ In short, researchers and policymakers currently face the critical challenge of clearly identifying individual versus aggregate-level predictors of the impact of immigration on individual and aggregate-level patterns of crime among immigrants and non-immigrants.

Second, most studies and policies have relied on the least accurate and least useful sources of data for understanding the link between immigration and crime (e.g., official/known data, such as arrest, prison, and gang data, rather than self-report offending and victimization survey data). Indeed, we currently lack the kind of data required for systematically and comprehensively assessing the precise nature of “the” relationship between immigration and crime (Yeager 1997:162; Hagan and Palloni 1998, 1999). We need, for instance, accurate pre and post-immigration prevalence and incidence rates for offending and victimization, as well as estimation of these rates by types of crimes, with breakdowns for specific immigrant populations. In developing such estimates, data are needed that can provide accurate estimates of inter/intra-immigrant and non-immigrant offending and victimization, much as has been done in research focusing on inter/intraracial variation in crime (Sampson and Lauritsen 1997; Parker and McCall 1999). It bears stating explicitly that the issue of race/ethnicity and crime is, of course, inextricably linked both to criminal justice processing and to immigration (Gabor 1994; Sampson and Lauritsen 1997; Tonry 1997b; Hagan and Palloni 1999). Thus, insight into the immigration-crime nexus has direct implications for understanding the relationship between race/ethnicity and crime, and vice versa. In addition, further research is needed on identifying and explaining over-time trajectories of offending and victimization among

immigrants after their arrival to the United States (Butcher and Piehl 1998; Toussaint and Hummer 1999). Although collection of data necessary to address some of these questions is not likely to be forthcoming in the near future, primarily because of the associated costs, significant advances can be made through employment of multiple and more diverse methodologies, including the use of self-report offending and victimization surveys in select areas and for select populations and the use of comparative case studies of immigrant transitions from one area into another (Tonry 1997b).

Third, and tied to data concerns, more textured theoretical accounts of individual and ecological-level immigration impacts on crime are needed. Indeed, many of the types of factors suggested by contemporary crime theories (peer associations, strain, social bonds, family structure, poverty, social control, etc.) have yet to be evaluated on a systematic basis with immigrant populations or areas in which large populations of immigrants reside. Although relatively more research has focused on immigration-specific factors (the effect of being a first-generation immigrant versus a U.S.-born descendant of immigrants, the motivation for immigrating, etc.), such research still remains rare and generally is far from comprehensive (e.g., Tonry 1997b; Yeager 1997; Butcher and Piehl 1998; Hagan and Palloni 1999; Waters 1999; Martinez 2000). This is unfortunate not only because developing informed theoretical accounts of the immigration-crime nexus is important in its own right (e.g., dispelling certain myths about immigration-crime links-- see Hagan and Palloni 1999) but because such accounts provide an opportunity to modify, expand, and ultimately improve criminological and immigration theory. In turn, they can provide a more defensible foundation for policies aimed at controlling immigration-related crime. Indeed, a central benefit of improved theory is the ability to identify potential immigration-related crime increases or decreases that we might otherwise fail to recognize.

The different dimensions examined here--units of analysis, immigration/crime data and crime rates, individual and ecological-level theoretical accounts of the relationship

between immigration and crime; targeted policy formation--are interrelated, with direct implications for sociological criminology and for policy formation. For example, establishing accurate facts about the prevalence of offending among different immigrant populations in different areas is a necessary precursor to providing explanations about the immigration-crime nexus. At the same time, contemporary crime and immigration theory indicates the need for disaggregating crime rates along certain dimensions (e.g., age and gender, foreign-born versus U.S.-born, country of origin, motivation for immigrating) as well as for collecting additional data on various potential criminogenic factors (e.g., peer associations, family structure, community socioeconomic context) for specific immigrant groups. The collection of better facts and the development of more refined theories together can contribute directly to identifying the conditions under which immigration increases or decreases crime among immigrants, non-immigrant populations, and ecological areas (e.g., communities, cities). This knowledge in turn can be used to determine whether the disproportionate presence of immigrants in arrest and incarceration statistics is due to actual offending or to racial/ethnic disparities in processing (Tonry 1997b; Hagan and Palloni 1999). Ultimately, such facts and theories are necessary for helping to avoid the potential errors and injustices that can emerge when policies are based on untested assumptions and biases; they may even contribute to the development of more efficient, effective, and equitable crime reduction policies. To be sure, the history of policy formation in the U.S. (Calavita 1992) and elsewhere suggests that greater understanding will not necessarily nor even probably lead to improved policy formation (Tonry 1997b), but clearly it is a step in the right direction.

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Notes

¹Throughout this paper, “crime” refers to conventional crime categories (e.g., violent and property offending/victimization) and not, unless so specified, to illegal immigration.

²Such concerns rarely find a strong or consistent basis in empirical fact. For example, studies of the economic effects of immigration reveal considerable dissensus, with some research showing positive impacts, other research showing no impacts, and still other research showing negative impacts (see, e.g., Massey 1988; Borjas 1990; Bean and Fix 1992; Fix and Passel 1994; Brimelow 1995; Portes 1995b; Schuck 1996).

³It should be emphasized that each of these theories in fact embodies quite large and diverse bodies of conceptualization and theorizing (Akers 1999; Empey et al. 1999).

⁴Focusing on illegal immigrants, McDonald (1997:3-4) has noted: “Without adjustments for the age and gender of the immigrant population, [many estimates] probably overstate the relative criminality of the illegal population because a disproportionate number of the illegal immigrants were likely to have been single males in their crime-prone years.”

⁵Although there are considerably more legal than illegal immigrants in the United States, the general public consistently believes otherwise (Butcher and Piehl 1998:458).

⁶The general toughening of U.S. immigration policies has involved extensive revisions to criminal laws pertaining to deportation and illegal entry, including tougher criminal penalties for reentry after deportation and creation of numerous restrictions on immigration (McDonald 1997).

⁷Setting aside the issue of obtaining an accurate count of illegal immigrants who commit crime, estimating illegal immigration is exceedingly difficult (McDonald 1997:3). Current estimates suggest that five million (2%) of the total U.S. population consists of illegal immigrants, most of whom did not cross over from Mexico and many of whom (close to 41%) entered legally and then overstayed their visas (McDonald 1997:3).

⁸In the same vein, Monahan and Steadman (1983:147) have noted: “The true/treated distinction [in epidemiological research] is particularly apposite to analyzing the relationship between crime and mental disorder because it helps disentangle the legal and policy issues involved.”

⁹The meaning of “prevalence” and “incidence” here should not be confused with their epidemiological meanings (Monahan and Steadman 1983; Mrazek and Haggerty 1994).

¹⁰A related distinction involves reference to the frequency of offending per offender, what sometimes is referred to as “lambda.”

¹¹For a similar observation regarding research on the relationship between crime and mental disorder, see Monahan and Steadman (1983).

¹²The relevant literature is vast, but some useful starting points include: Higham (1958); Gordon (1964); Portes and Bach (1985); Dinnerstein and Reimers (1986); Massey (1988); Sassen (1988, 1995); Fischer (1989); Grasmuck and Pessar (1991); Bach (1992); Bean and Fix (1992); Calavita (1992); Gurak and Caces (1992); Reimers (1992); Zolberg (1992); Massey, Arango, Hugo, Kouaouci, Pellegrino, and Taylor (1993, 1994); Edmonston and Passel (1994); Fix and Passel (1994); Granovetter (1995); Portes (1995a, 1995b); Roberts (1995); Teitelbaum and Weiner (1995); Alba and Nee (1997); Tonry (1997b); Yeager (1997); Toussaint and Hummer (1999); Waters (1999); Martinez (2000).

¹³The “risk” and “protective” terminology derives from epidemiology and encompasses a broad range of biological, psychological, and community-level factors (Mrazek and Haggerty 1994).

¹⁴Portes (1997a) has echoed a similar view in writing about the intersection of theoretical and empirical literatures on immigration and economics.

¹⁵Observing that the precursors to youth crime among descendants of immigrants appear to be similar to those identified in the criminological literature (e.g., poverty, school failure, family disorganization, etc.), Yeager (1997:163) has commented that “perhaps this [similarity] is more a comment on the host country than on immigration per se.”

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