



Cato's Brazenly False Claim About Our Illegal Immigrant Crime Research

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Back in October 2022, the Center used data from the Texas Department of Public Safety (DPS) to show that illegal immigrants in the state are convicted of crimes at higher rates than previously estimated by other researchers, including Alex Nowrasteh at the Cato Institute. The older studies understated illegal immigrant crime because they failed to appreciate the time it takes to identify illegals in custody. Some illegals are identified immediately upon arrest; others are identified later in prison; and still others may elude detection altogether if they are not in custody long enough. Once we added the illegals identified in prison to the illegals identified at arrest, their homicide and sexual assault conviction rates appeared to be greater than the Texas average.

With illegal immigrant crime returning to the national spotlight, Nowrasteh now admits that his initial analysis was wrong because it missed some illegals identified in prison, but he couples his mea culpa with a new charge: “The data that DPS gave CIS were organized into categories that double-counted some individuals, leading to a higher number of illegal immigrant homicide convictions.”

That's false. There was no double-counting in the data we received from DPS. DPS sent us an “illegal” column, which counts illegals identified at arrest, and a separate “prison” column, which counts illegals identified in prison. As Chrystal Davila at DPS explained to us in an email on October 19, 2022, those columns do not overlap:

*Data request results that include an illegal column and a prison column **will not count the same person twice**. If they are in the illegal column, they have been identified by DHS through PEP, and possibly in prison. If they are in the prison column, they have only been identified while in prison with TDCJ. [Emphasis added.]*

Leave aside all those abbreviations (explained in our original report) and focus on the emphasized text, which unambiguously refutes Nowrasteh. We do marvel at the brazenness of his claim, though. Surely he knew it could be tested by simply asking DPS, as we already did in the email quoted above.

Sadly, the falsehood may have served its purpose. In a discussion of the Texas data posted today, Washington Post “fact-checker” Glenn Kessler prioritizes the Cato position and its double-counting allegation. Although we sent Kessler the same Davila statement from DPS, the only defense he allows us is that we're “confident in our results”, which to most readers will sound non-responsive without the evidence we provided. Loann Garcia at DPS also sent Kessler an email affirming the Davila statement above, but he did not mention that in his write-up either. Kessler's readers are left with the impression that Cato is probably correct, when it plainly is not.