

What's the evidence of an immigrant crime wave?

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When Donald Johnston, a police officer in El Monte, Calif., went on a routine call in January 1990 to investigate a forgery attempt at a bank, he ended up shot in the neck and a paraplegic.

Twenty-six years later the case has become a part of the presidential campaign — used by Donald Trump as an example of someone who was in the country illegally attacking an American citizen.

Court records reviewed by McClatchy, however, indicate that the shooter, Nguyen Lu, was not in the country illegally. Originally from Vietnam, he was described as a legal refugee at the time of the incident.

Johnston's shooting is among the cases cited by Trump as he promotes the notion that immigrants who are in the United States illegally play an outsized role in crime. The heartbreaking cases he highlights often are more complex than they appear on the campaign trail, however, and studies don't support the idea that immigrants commit more crimes than people born in America.

"The absolutely overwhelming evidence in this area is that immigrants are less crime-prone than the native-born population, they offend at lower levels, they are arrested at lower levels, they're incarcerated at lower levels," said Charis Kubrin, a professor of criminology at the University of California, Irvine who has studied the relationship between immigration and crime.

High-profile cases often drive the discussion over crime and immigration, such as the 2015 murder of Kate Steinle in San Francisco by an immigrant from Mexico who had been deported five times.

On the campaign trail Trump has highlighted "Angel Moms" — people who say their family members were killed by immigrants in the country illegally — and clearly such cases exist, including that of Grant Ronnebeck, shot and killed in Mesa, Ariz., last year over a pack of cigarettes by an immigrant awaiting deportation for a burglary conviction.

Ten Angel Moms joined Trump onstage for a major speech in Phoenix in late August in which he set forth his hard-line policy on immigration, blaming lax policies for the deaths of their loved ones.

The tragic cases, however, can be more complex than the notion of predatory killers flooding across the border. Three of the deaths involved traffic accidents, including two in which the perpetrators were driving drunk. In the third, a driver delivering newspapers in Yucaipa, Calif., made a left-hand turn into the path of an oncoming motorcycle. He was charged with misdemeanor vehicular homicide without gross negligence and sentenced to three years' probation.

Four of the cases were shootings, including a woman who was shot by her Russian ex-boyfriend, who had overstayed his visa. Four of the crimes took place more than a decade ago.

El Monte police officer Johnston died of cancer 12 years after being shot. His widow, Ruth Johnston-Martin, told the crowd at the Trump immigration rally that "my husband was shot by an illegal alien."

Relatives of Lu, the shooter, described him to the Los Angeles Times in 1990 as a Vietnamese refugee. A recent McClatchy review of the case file uncovered the probation officer's report on Lu listing him as a legal refugee.

Asked why she believed Lu was not in the country legally, Johnston-Martin said in a brief interview that "I was told by the prosecution that he was an illegal alien and that he would be facing deportation at the end of his sentence."

The prosecutor in the case, Susan Speer, who is now a Los Angeles County Superior Court judge, did not return repeated messages inquiring about the case. Lu was sentenced to 17 years in prison for the crime and hanged himself in his jail cell.

California, with the largest immigrant population in the nation, is central to the debate over immigration and crime.

The most-cited research on the issue in California is a nonpartisan Public Policy Institute of California study released in 2008 that found foreign-born people made up about 35 percent of the state's adult population and just 17 percent of the adult prison population.

"In fact, U.S.-born adult men are incarcerated (in California) at a rate over two-and-a-half times greater than that of foreign-born men," the study concluded.

Tracking the number of crimes committed by people who are in the country illegally is problematic because law enforcement agencies often don't note the immigration status of the accused in their reports, said Kubrin, the UC Irvine criminologist. But much is known about crime by immigrants as a whole, regardless of legal status, she said, and it's relatively low.

Alex Nowrasteh, immigration policy analyst at the Libertarian Cato Institute, a Washington think tank, agreed that research shows "with few exceptions, immigrants are less crime-prone than natives or have no effect on crime rates."

Jessica Vaughan, the director of policy studies at the Center for Immigration Studies, which advocates for lower immigration levels, questioned the quality of the data used to draw conclusions about what proportion of American crime is committed by immigrants.

"There is no evidence that immigrants commit either more or less crime than anyone else," she said. "There simply is not enough information available on that question."

For Vaughan, though, the debate over how much crime is committed by immigrants is almost pointless. She said the bigger question was what to do about the "small fraction" of the immigrant population that had committed crimes, whether it be deporting them if they are in the country illegally or revoking their permission to remain if they have legal status in the U.S.

Vaughan said examining cases such as those of the Angel Moms was important when they provided lessons about what should have been done differently.

She cited cases including that of Sarah Root, killed in Nebraska by a drunken driver from Honduras who disappeared and is a fugitive. He was released on bond by a judge who wasn't warned that he'd failed to show up for court in earlier cases and was a flight risk.

U.S. Immigration and Customs Enforcement had declined to issue a "detainer" that would have kept him in custody.

Vaughan said the debate over immigration also shouldn't be considered just a public safety question and that "there are other reasons that immigration laws are enforced."

Trump, though, has focused on public safety in almost apocalyptic terms, describing Mexican immigrants as "rapists" and warning in his speech in Phoenix that America risks a wave of illegal immigration that would result in "thousands of more violent horrible crimes, and total chaos and lawlessness."

Kubrin said the broader facts tended to get trampled when tragic cases were politicized and the public was led to believe that immigrants were responsible for a crime wave.

"No matter how many studies I produce and my colleagues produce, no matter how many talks I give, no matter how many national academies reports are published, the narrative just barely budges," Kubrin said. "It's very frustrating."