



Stiffening immigration enforcement is not the answer to reducing crime

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Two recent opinion pieces published by The Hill have criticized [recent research](#) showing that immigrants—regardless of legal status—commit property and violent crimes at lower rates than native-born citizens.

This research, conducted independently by [The Sentencing Project](#) and [the Cato Institute](#), used different methods but arrived at the same conclusion: Immigrants are less crime-prone than native-born citizens.

As the authors of the referenced reports, we explain why [Ronald Mortensen](#) and [Hans von Spakovsky](#)'s critiques lack merit. Both of the commentaries concede that documented non-citizens are likely to have lower crime rates than native-born citizens.

But they distort crime data and definitions of crime to argue that intensifying immigration enforcement among the undocumented could make our communities safer. They risk making us all less safe by ignoring the weight of the evidence as well as the wisdom of police chiefs who caution that intensifying immigration enforcement would undermine public safety.

Mortensen critiques the “underlying methodology” of one of our studies because it examines crime as traditionally defined—drug, property, and violent crimes. He argues that this definition

should be expanded to include the measures that the undocumented turn to in order to live and work in the United States, such as obtaining fake driver's licenses or birth certificates.

This tautological argument essentially boils down to “their just being here is illegal.” But the debate about immigrants and public safety is not about fraudulent paperwork or improperly paid payroll taxes.

While such actions are illegal, Americans do not cower in fear over finding an improperly filled out I-9 form.

Trying to salvage the false claim that certain highly publicized crimes are indicative of a broader pattern, von Spakovsky misleads readers by only looking at the large proportion of non-citizens in the federal prison system. But since the federal prison system only houses 13 percent of U.S. prisoners and only those incarcerated for federal offenses, it is a small and unrepresentative part of the U.S. prison population.

Overall, non-citizens are actually slightly underrepresented in prisons, comprising six percent of the prison population compared to their seven percent of the total U.S. population.

Moreover, among the non-citizens in federal prisons, immigration law violations were the most serious offense for one-third of the group.

Perplexingly, von Spakovsky accuses the Cato Institute brief of combining incarcerated immigrants, whether here legally or not, into one category to get a lower incarceration rate—despite the fact that the Cato report does separate incarcerated immigrants by legal status.

Von Spakovsky then questions whether the American Community Survey (ACS) is a good way to measure criminality. The ACS counts incarcerated people in every jail, prison, and immigrant detention center in the United States and uses the biographical information on file at their facility of incarceration to fill out the other census categories.

The ACS doesn't ask whether incarcerated immigrants are undocumented—only if they are citizens as well as many related details. The Cato piece relied on a common statistical technique used by researchers at universities and think-tanks to identify those who were undocumented.

No matter how you dice the numbers, undocumented immigrants are less likely to be incarcerated than native-born Americans.

But von Spakovsky's criticism seems to go deeper than ACS-skepticism. He wonders whether people, especially undocumented immigrants, would truthfully report their past criminal behavior to researchers.

Fortunately, there is a long list of research in the field supporting this survey method. Just last year, Bianca Bersani of the University of Massachusetts and Alex Piquero of the University of Texas compared self-reported crime data with official arrest records and found that foreign-born individuals reported their arrests as accurately as their native-born counterparts.

Some scholars have turned to offending patterns among incarcerated individuals to answer remaining questions about crime rates among the undocumented. Von Spakovsky attempts this by reporting the GAO's finding that incarcerated undocumented immigrants had an average of about 8 arrests per person. But he fails to note that this figure is below the average number of arrests for all incarcerated individuals, 10.6.

Von Spakovsky also ignores the GAO's note that 21 percent of the arrests among undocumented immigrants were for immigration violations and not property or violent offenses.

Finally, von Spakovsky concludes by stating that even if undocumented immigrants commit crime at a lower rate, any crime committed by such people is one too many.

One could say that a single crime committed by anybody is one too many as well, but that hardly makes for a realistic public policy grounded in the real world. Given that immigrants may have contributed to the historic drop in crime rates, aggressive immigration enforcement is likely to leave us worse off.

Effectively addressing violent and property crime requires approaching the problem with both eyes open and without fear of the facts. Law enforcement has scarce resources. Sending them on wild goose chases to round up undocumented immigrants will only deter those individuals and those close to them from reporting crimes and cooperating with investigations.

We hope that our research, properly understood, will guide more informed policies.

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