



Texas legislation needs context for claim about crime, immigration status

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The Texas Senate passed a resolution on April 2 that declared an emergency on the U.S.-Mexico border and called on Congress to fully fund border security efforts

The resolution, filed by Republican Sen. Paul Bettencourt from Houston, was adopted in a party-line vote after more than two hours of debate.

During discussion about the proposal, Bettencourt stressed the urgency of the resolution, noting that the Senate had to respond quickly to what he described as a worsening situation at the border.

"194,000 criminal aliens booked into Texas jails from 2011-2019 were charged with more than 299,000 criminal offenses," the resolution reads.

Bettencourt's numbers come from state data about people here illegally and they're accurate. But, experts say the figures take things out of context and don't paint an accurate picture of any possible correlation between immigration status and criminal activity.

Texas DPS data shows charges, convictions

Cristie Ingram, a staffer for Bettencourt, said the data in the resolution came from the Texas Department of Public Safety, which tracks crime statistics related to people in the country illegally.

The latest data on the agency's website shows that between June 1, 2011, and March 31, 2019, there were 194,000 people classified as "illegal aliens" booked into local Texas jails.

In total, those 194,000 people were charged with "more than 303,000 criminal offenses" that have resulted in "over 123,000 convictions" for homicide, assault, burglary and other charges.

Ingram said Bettencourt and his staff "stand behind the data" and used numbers from the entire eight-year period because that is the time period available from the state. She did not return a request for comment asking why the resolution looks at charges in criminal cases instead of convictions.

The numbers in Bettencourt's resolution are the same as those published by the state, but experts said the implication in the resolution that people here illegally commit a disproportionate number of crimes or increase the crime rate is misleading.

Graham Ousey, a sociology professor at the College of William and Mary who studies criminology, said counting the total criminal charges filed against people here illegally does not offer an accurate characterization of that community of people as a whole.

He said a major flaw in the state's data is the fact that the numbers only reflect criminal offenses recorded for individuals who are already in jail.

"If you were to go to any prison system and you selected 194,000 people across eight years of time and add up all of those offenses, you're likely to get pretty high numbers," Ousey said. "You're self-selecting on a population that is criminal in their behavior."

He noted that past criminology research has found that a small percentage of the population is responsible for "a disproportionate share of crimes committed."

"A report like this, or a study that selects a sample that is (incarcerated), they're tapping into that higher crime, smaller subset," he said. "So of course the offenses that would show up would be greater in number."

But these numbers are trying to meld two things together that aren't necessarily related — criminal activity and immigration status.

"It's like saying, 'Hey there's all these crimes being committed by people who have been arrested,' and then attaching that or making a link to criminal aliens," Ousey added. "It's clearly being cherry picked in a way that's trying to create an association between someone's immigrant status and their behavior."

The DPS website notes that the information it publishes does not "attempt to allege that foreign nationals in the country illegally commit more crimes than other groups."

"It simply identifies thousands of crimes that should not have occurred and thousands of victims that should not have been victimized because the perpetrator should not be here," it reads.

Ousey said it's true that, "if an offender and a victim aren't in the same space at the same time, crime doesn't occur," but removing that one offender (or population group) would not end crime.

"The only way to get rid of crime all together is to get rid of all of the people," he said.

Alex Nowrasteh, an immigration policy analyst at the libertarian Cato Institute, agreed and said the state's argument is "statistically nonsensical."

"What matters is not the total number of crimes, but the crime rate," he said. "That tells you how threatened you are by criminals."

Crime rate vs. totals

Nowrasteh conducted research on arrest and conviction rates for people here illegally and native-born Americans using data from 2015, the most recent and complete information available at the time of his study.

He found that immigrants are less likely to be incarcerated than people born in the United States and that "illegal immigrants have lower incarceration rates nationwide and in the state of Texas relative to native-born Americans."

He also found that in Texas, "illegal immigrants had a criminal conviction rate 50 percent below that of native-born Americans."

Nowrasteh's research looked at these rates within each subpopulation, meaning he looked at things like rate of homicide convictions among unauthorized immigrants and separately among legal immigrants and native-born Americans.

Michael Light, a sociology professor at the University of Wisconsin-Madison, said totals for charges or convictions, like the number offered in Bettencourt's resolution, are fine to consider, but they don't offer much insight into overall safety or behavior.

"Imagine I were to claim that women are less violent than men, which is as close to a social fact that we have in criminology," he said in an email. "And one were to reply saying that this is not true because in 2015 over 78,000 women were arrested for violent crimes, and nearly 1,000 were arrested for homicide according to FBI records. Those statistics in no way contradict the original statement that men tend to be more violent."

Light said if data showed that the rate of violent crime is higher among men than women, eliminating women would mean that the violent crime rate for the entire population would be the violent crime rate among men.

"In other words, our chance of being violently victimized would be substantially higher were the population of women removed, even though they have committed tens of thousands of offenses," he said. "The same logic holds for removing immigrants."

Light said research has shown low rates of crime within immigrant communities, compared to native-born Americans, and that areas with high migrant populations tend to have lower overall crime rates than those with smaller immigrant populations.

"Those statements are not contradicted by stating the number of offenses committed by immigrants," he said.

Our rating

Bettencourt's resolution declaring a crisis at the border reads, "194,000 criminal aliens booked into Texas jails from 2011-2019 were charged with more than 299,000 criminal offenses."

These numbers come from data published by DPS. His figures are right, but they don't tell the whole story.

We rate this claim Mostly True.

Mostly True – The statement is accurate but needs clarification or additional information.