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**WHERE IS THE FIRE?
IMMIGRANTS AND CRIME
IN CALIFORNIA**

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Introduction¹

In a recent May 2010 survey, 9% of Californians identified immigration as the most important issue facing the state today.² In an identical poll conducted two months prior only 3% of Californians identified immigration as the top priority.³ What explains the 6% jump over the course of a few weeks? Notably, Arizona's Governor Jan Brewer signed a restrictive law targeting noncitizens, SB 1070, on April 23, 2010 in the time period between the two surveys. The Arizona law prompted a public debate over immigration enforcement and the proper role of state and local governments that continues today. One of the basic underlying assumptions of the Arizona law is that there is a nexus between immigration and crime.⁴ The rationale is that noncitizens are responsible for increasing crime and therefore states need to step in and enforce immigration laws.

Locally, some current and potential elected officials reinforce this perception that California and the nation is beset by a crime epidemic that is caused to a large extent by undocumented immigrants. For example, California Republican Senate candidate Carly Fiorina said "I support Arizona's efforts to protect its citizens... it's a reflection of their frustration and fear."⁵ Congressman Duncan Hunter described his home town of San Diego as plagued by "massive murders on the border, massive illegal immigration,

¹ I would like to thank my colleagues at Berkeley Law, Maria Blanco, Aarti Kohli, Andrea Russi, Sarah Lawrence, Gregory Shapiro and Jonathan Simon, for their thoughtful suggestions about this paper. I take full responsibility for the analysis and conclusions presented.

² Baldassare, Mark, Dean Bonner, Sonja Petek, and Nicole Willcoxon. "Californians and Their Government." *PPIC Statewide Survey*. Public Policy Institute of California, May 2010. Web – August 18, 2010. <http://www.ppic.org/content/pubs/survey/S_510MBS.pdf>.

³ Baldassare, Mark, Dean Bonner, Sonja Petek, and Nicole Willcoxon. "Californians and Their Government." *PPIC Statewide Survey*. Public Policy Institute of California, March 2010. Web – August 18, 2010. <http://www.ppic.org/content/pubs/survey/S_310MBS.pdf>.

⁴ Evans, Mark B. "Text of Gov. Brewer's Speech after Signing SB 1070 - Caveat Lector." *Tucson Citizen - The Voice of Tucson*, April 23, 2010.

Web – August 18, 2010. <<http://tucsoncitizen.com/mark-evans/archives/236>>.

⁵ Klein, Philip. "AmSpecBlog : Fiorina on Immigration." *The American Spectator*, May 03 2010. Web – August 18, 2010. <<http://spectator.org/blog/2010/05/03/fiorina-on-immigration>>.

massive importation of drugs.”⁶ Another prominent California member of Congress, Ed Royce, wrote, “(v)iolence along the U.S. Mexican border continues to increase at alarming rates. Our communities shouldn’t continue to live in fear of violent drug cartels, gangs and human traffickers.”⁷

Do these statements reflect the reality in California, the state with the largest foreign-born population in the country? In order to determine whether there is an association between crime and immigration, this paper examines violent crimes and serious property crimes at a statewide level in California, in counties along the southwest border, and in all other southern California counties. Most of the data in this analysis covers “foreign-born” immigrants. This demographic category includes persons with permission to be in the U.S. for work, travel or educational purposes, those who entered nation on an unauthorized basis, as well as those possessing U.S. citizenship.

Despite the Heated Political Discourse Crime Is Declining in California

Data obtained from the Department of Finance and the Department of Justice reveal that during a long period of new immigration, crime has shown a large and steady decline in California. From 1991-2008 it is estimated by the Department of Finance that 3,667,886 foreign-born persons migrated to California.⁸ While it is difficult to calculate the exact proportion of these immigrants who were unauthorized, the Pew Hispanic Center estimated that unauthorized immigrants accounted for approximately one-third of the increase in foreign-born immigrants in California. It is clear that the Golden State has experienced a very significant influx of new residents from other nations.⁹

⁶ “Duncan Hunter on Immigration.” *OnTheIssues.org - Candidates on the Issues*.

Web – August 18, 2010. <http://www.ontheissues.org/2008/Duncan_Hunter_Immigration.htm>.

source of quote: 2007 GOP primary debate, at Reagan library, hosted by MSNBC May 3, 2007.

⁷ “New DOJ to Fight AZ Immigration Law, Royce Reacts.” *BigNews.biz Distributes News and Press Release*. July 08, 2010.

Web – August 18, 2010. <<http://bignews.biz/?id=889967&keys=Congressman-Ed-Royce-ImmigrationLaw>>.

⁸ “E-6, 1990-2000.” *California Department of Finance*.

Web – August 16, 2010. <<http://www.dof.ca.gov/research/demographic/reports/estimates/e-6/1990-2000>>.

“E-6, 2000-09.” *California Department of Finance*.

Web – August 16, 2010. <<http://www.dof.ca.gov/research/demographic/reports/estimates/e-6/2000-09/>>.

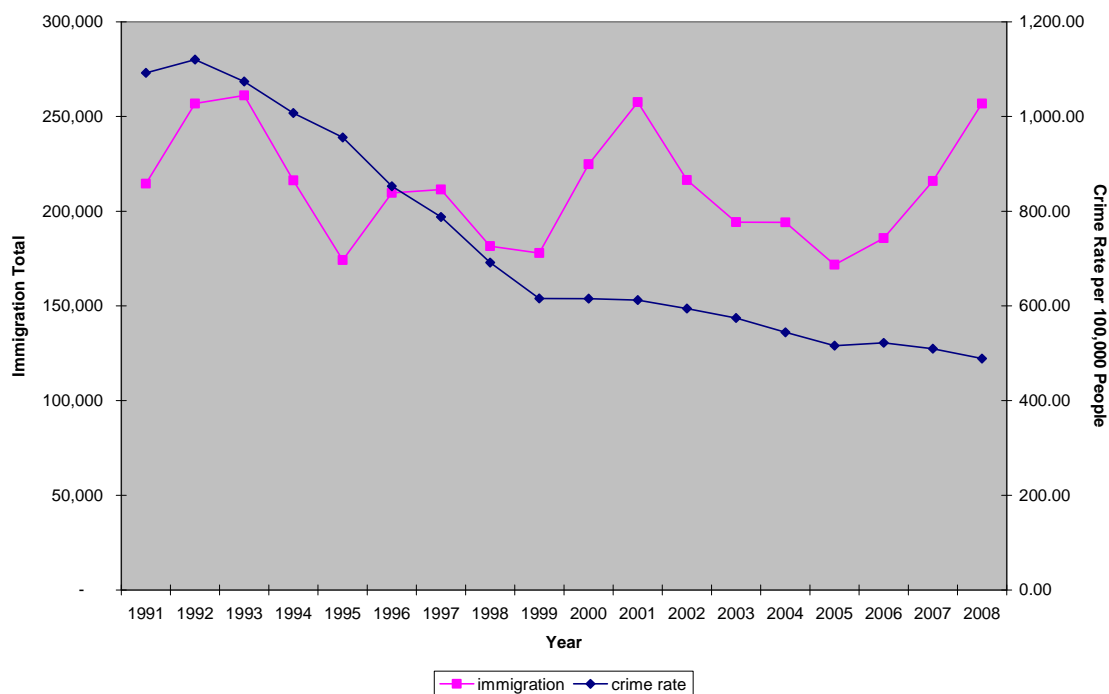
⁹ Passel, Jeffrey S., and D’Vera Cohn. *A Portrait of Unauthorized Immigrants in the United States*. Rep. Pew Hispanic Center, April 14, 2009.

Web – August 18, 2010. <<http://pewhispanic.org/files/reports/107.pdf>>.

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During this 1991-2008 timeframe there was a dramatic decline in California in crimes reported to the police. The violent crime rate (per 100,000 residents) including homicide, rape, robbery and aggravated assault dropped by 55 percent over the past 18 years.¹⁰ Figure 1 shows the contrasting trends in foreign-born immigration and violent crime rates during these two decades. Serious property crime rates including auto theft, grand larceny, burglary and arson also declined by 29 percent from 1991-2008.¹¹

Fig. 1 California Immigration vs Violent Crime Rate



¹⁰ "RAND California: Comprehensive California and U.S. Statistics Oneconomics, Demographics, Education, Health, Environment, Community and Government Finance.

Web – August 16, 2010. <<http://ca.rand.org/stats/community/crimerate.html>>.

Based on Department of Justice data.

Search by Violent Crimes; State, Regions, MSAs: California; Counties: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura; Year: 1991-2008

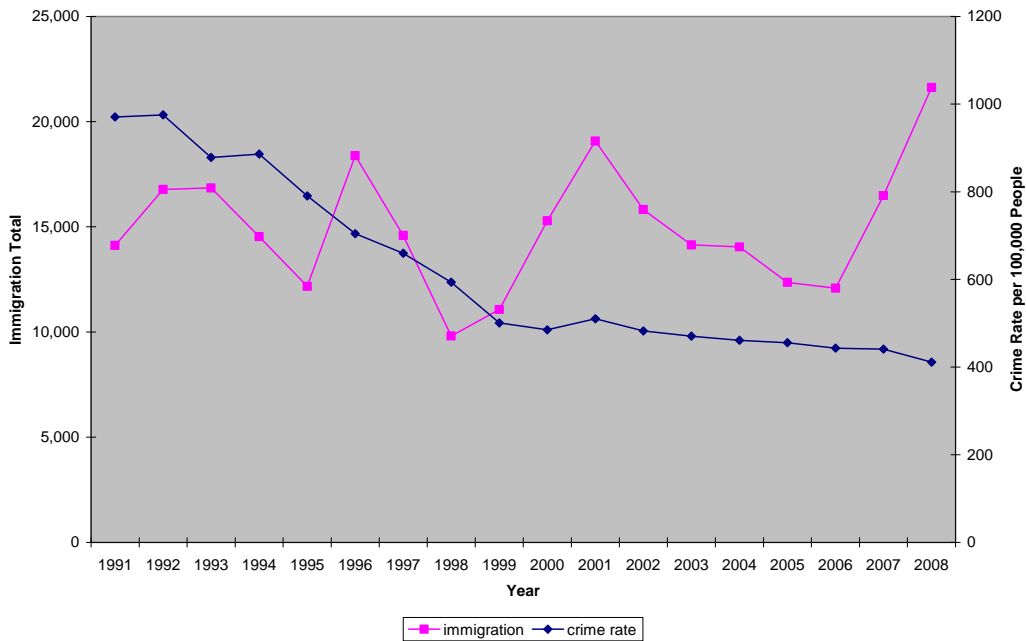
¹¹ RAND California: Comprehensive California and U.S. Statistics Oneconomics, Demographics, Education, Health, Environment, Community and Government Finance.

Web – August 16, 2010. <<http://ca.rand.org/stats/community/crimerate.html>>. Based on Department of Justice data. Search by Property Crimes; State, Regions, MSAs: California; Year: 1991-2008

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The trend is nearly identical for those counties that are at the California-Mexico border, where the nexus of unauthorized entries and crime is assumed to be the most direct. Figures 2 and 3 reveal trends in foreign-born immigration and violent crime rates for San Diego and Imperial counties, California's two border jurisdictions. San Diego County received 258,973 foreign-born persons from 1991-2008¹² and its violent crime rate went down by 58 percent¹³ and the rate of serious property crimes declined by 35 percent.¹⁴

Fig. 2 San Diego County Immigration vs Violent Crime Rate



¹² "E-6, 1990-2000." *California Department of Finance*.

Web – August 16, 2010. <<http://www.dof.ca.gov/research/demographic/reports/estimates/e-6/1990-2000/>>.

"E-6, 2000-09." *California Department of Finance*.

Web – August 16, 2010. <<http://www.dof.ca.gov/research/demographic/reports/estimates/e-6/2000-09/>>.

¹³ *RAND California: Comprehensive California and U.S. Statistics Oneconomics, Demographics, Education, Health, Environment, Community and Government Finance*.

Web – August 16, 2010. <<http://ca.rand.org/stats/community/crimerate.html>>.

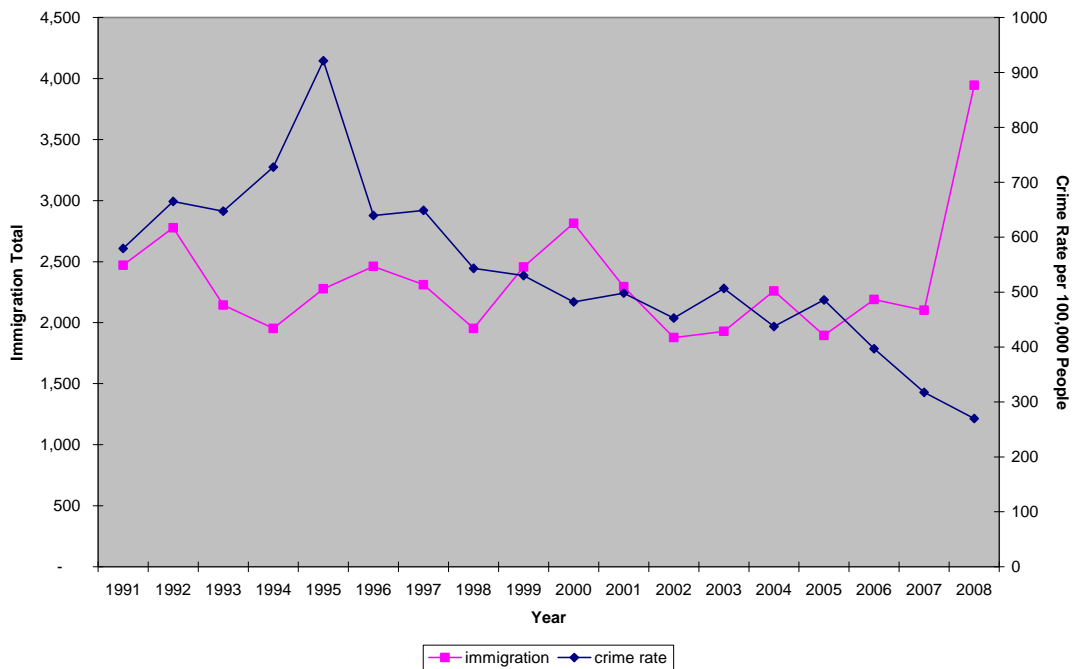
Based on Department of Justice data. Search by Violent Crimes; Counties: San Diego; Year: 1991-2008

¹⁴ Ibid

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In Imperial County there were 40,306 new foreign born immigrants from 1991-2008¹⁵ and the violent crime rate dropped by 53 percent¹⁶ and the serious property crime rate fell by 13 percent.¹⁷

Fig. 3 Imperial County Immigration vs Violent Crime Rate



¹⁵ "E-6, 1990-2000." *California Department of Finance*.

Web – August 16, 2010. <<http://www.dof.ca.gov/research/demographic/reports/estimates/e-6/1990-2000/>>.

"E-6, 2000-2009." *California Department of Finance*.

Web – August 16, 2010. <<http://www.dof.ca.gov/research/demographic/reports/estimates/e-6/2000-09/>>.

¹⁶ *RAND California: Comprehensive California and U.S. Statistics Oneconomics, Demographics, Education, Health, Environment, Community and Government Finance*.

Web – August 16, 2010. <<http://ca.rand.org/stats/community/crimerate.html>>.

Based on Department of Justice data. Search by Violent Crimes; Counties: Imperial; Year: 1991-2008

¹⁷ *RAND California: Comprehensive California and U.S. Statistics Oneconomics, Demographics, Education, Health, Environment, Community and Government Finance*.

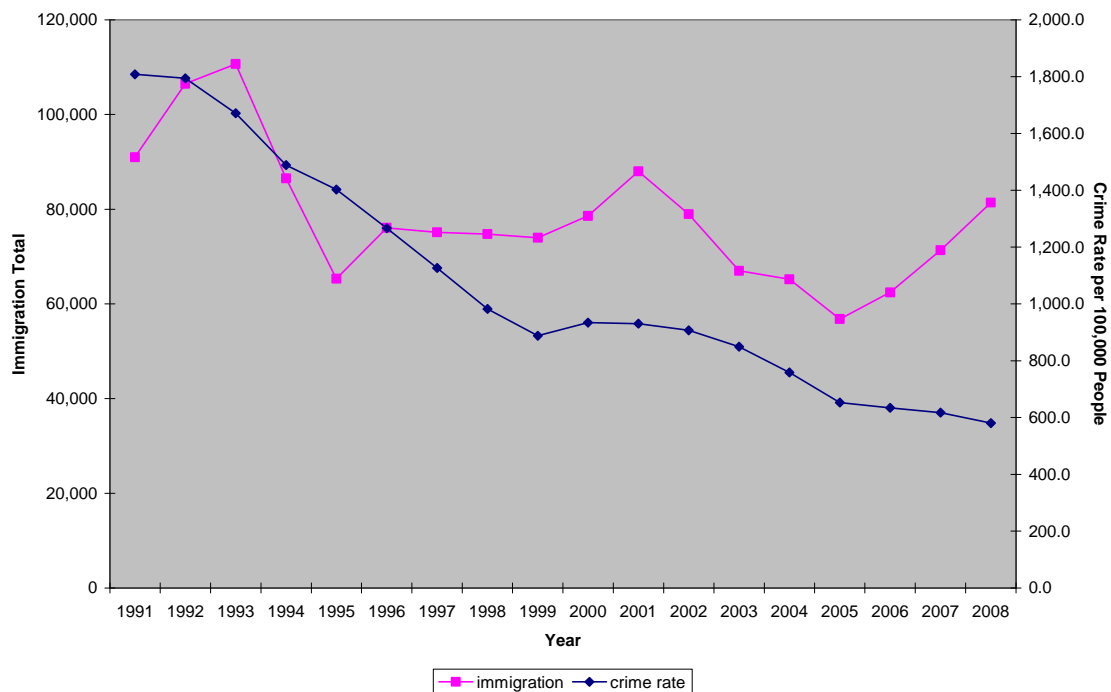
Web – August 16, 2010. <<http://ca.rand.org/stats/community/crimerate.html>>.

Based on Department of Justice data. Search by Property Crimes; Counties: Imperial; Year: 1991-2008

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Similar to the border counties, Los Angeles County has long been a destination for new immigrants. From 1991-2008, there were 1,360,814 immigrants from other nations who moved to Los Angeles County.¹⁸ During this period the violent crime rate in the County declined by 68 percent¹⁹ and the serious property crime rate dropped by 42 percent.²⁰ Figure 4 shows the relationship of violent crime rates and foreign-born immigration for Los Angeles County.

Fig. 4 Los Angeles County Immigration vs Violent Crime Rate



¹⁸ "E-6, 1990-2000." *California Department of Finance*.

Web – August 16, 2010. <<http://www.dof.ca.gov/research/demographic/reports/estimates/e-6/1990-2000/>>.

"E-6, 2000-09." *California Department of Finance*.

Web – August 16, 2010.

¹⁹ :RAND California: *Comprehensive California and U.S. Statistics Oneconomics, Demographics, Education, Health, Environment, Community and Government Finance*.

Web – August 16, 2010. <<http://ca.rand.org/stats/community/crimerate.html>>.

Based on Department of Justice data. Search by Violent Crimes; Counties: Los Angeles; Year: 1991-2008

²⁰ RAND California: *Comprehensive California and U.S. Statistics Oneconomics, Demographics, Education, Health, Environment, Community and Government Finance*.

Web – August 16, 2010. <<http://ca.rand.org/stats/community/crimerate.html>>.

Based on Department of Justice data. Search by Property Crimes; Counties: Los Angeles; Year: 1991-2008

If one looks at other Southern California counties that might be assumed to be “on the front lines” of new immigration such as Kern, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura, every one of these counties experienced a drop in its violent crime rate, even as significant numbers of immigrants moved into to these communities. A similar pattern was observed for serious property crimes in all but San Luis Obispo and Kern County.²¹ See Figures 5-11 at the end of this report.

Other scholars who have conducted a detailed examination of the crime-immigration connection in California have reached the same conclusion. A 2000-2005 analysis by the Public Policy Institute of California looked at 29 California cities and found that there was no statistically significant relationship between the number of recent foreign-born immigrants and rates of property crime, and in fact, increased immigration was correlated with declining rates of violent crime.²² The finding is consistent with research on Chicago which actually concluded that immigrants were responsible for a drop in crime.²³

Despite a powerful and consistent trend showing declining serious crime rates during a period when foreign-born immigration was increasing, this report does not posit a correlation between an increase in new immigration and a decline in crime. A variety of other factors between 1991-2008 played some role in the crime drops, including the changing age composition of the population as the children of the baby boomers grew past traditional high-crime years, innovative policing strategies, tougher sentencing laws, a generally improving employment picture (until 2008), and reported declines in the trafficking in crack cocaine. In fact, violent crime declined in many American communities outside of California during this time period (Butts, 2008;²⁴ Zimring, 2006).²⁵ But even if the dramatic crime reduction in California, and especially in Southern California, cannot be attributed to foreign-born immigration, these data offer no support for the assertion that immigration increases crime, particularly violent crime.

²¹ San Luis Obispo: property crime rate went up by 24%. Kern County: property crime rate went up by 17%.

²² Butcher, Kristin F., and Anne M. Piehl. "Crime, Corrections, and California.

"California Counts- Population Trends and Profiles 9.3 (2008). PPIC.

Web – August 18, 2010. <http://www.ppic.org/content/pubs/cacounts/CC_208KBCC.pdf>.

²³ Sampson, Robert. Rethinking Crime and Immigration. Rethinking Crime and Immigration, The Society Pages, 2008.

Web - August 18, 2010. <<http://contexts.org/articles/winter-2008/sampson/>>.

²⁴ Butts, Jeffrey. Violent Crime in 100 U.S. Cities. Violent Crime in 100 U.S. Cities. Chapin Hall Center for Children at the University of Chicago, 2008.

Web – August 18, 2010.

²⁵ Zimring, Franklin E. The Great American Crime Decline. New York: Oxford UP, 2006 Print.

Immigrants in California Prisons

Non-citizens are approximately 27 percent of California's population;²⁶ however, data that tracks prison inmates who have immigration holds placed on them indicate that this group constitutes approximately 11 percent of the state prison population. These are persons who are eligible to be deported. The federal Immigration and Customs Enforcement (ICE) Agency places "holds" on non-citizens who have committed crimes that make them deportable. Non-citizens, including long-term lawful permanent residents are subject to deportation based on a wide array of crimes, including most drug, non-violent theft and fraud offenses. A hold notifies the prison that the noncitizen should be sent to ICE upon completion of his sentence in state prison. The total California Department of Corrections and Rehabilitation (CDCR) population increased by 3 percent from 2001-2010, yet ICE holds declined 14 percent.²⁷

The large growth in the California immigrant population does not appear to be associated with a significant increase in foreign-born immigrants in state prisons. An earlier analysis of imprisonment rates for foreign born immigrants that was conducted by the Public Policy Institute of California also found that that foreign-born Californians had a much lower rate of imprisonment than U.S. born Californians even when one controlled for the different age and education levels of these two groups.²⁸

²⁶ Migration Policy Institute. "Source: California Fact Sheet." *Migration Information Source*. Migration Policy Institute.

Web – August 18, 2010. <<http://www.migrationinformation.org/DataHub/state.cfm?ID=CA#1>>.

²⁷ Data obtained from CDCR

²⁸ Butcher, Kristin F., and Anne M. Piehl. "Crime, Corrections, and California." *California Counts- Population Trends and Profiles 9.3* (2008). PPIC.

Web – August 18, 2010. <http://www.ppic.org/content/pubs/cacounts/CC_208KBCC.pdf>.

Conclusion

In his important book, *Governing through Crime*, Berkeley Law Professor Jonathan Simon pointed to the threats to democracy and effective public policy.²⁹ This concept described a political trend in which public discourse on key issues such as poverty, urban development and race relations are reduced to a conversation about crime suppression. Further, the emphasis on crime control has given a rationale to government agencies to limit many traditional constitutional rights and the protection of civil liberties. Simon notes that there have been enormous investments in expanding the criminal justice system, often at the expense of funding for education, job development, and health care – public expenditures that have yielded minimal improvements in public safety. “Governing through crime fuels a culture of fear and control that inevitably lowers the threshold of fear even as it places greater and greater burdens on ordinary Americans” (Simon, 2007:6). Few issues are more subject to the dangers of *Governing through Crime* than the current debates on U.S. immigration policy. While there should be a vibrant and comprehensive national discussion about federal immigration laws and policies, reducing the conversation to a fear-laced discussion about immigrants and crime is misleading and unproductive.

We have heard this political and public policy debate before. The depiction of persons from other countries as dangerous criminals has a long history of influencing U.S. immigration policy. It was false images of criminal activities of Asian immigrants that led to the Asian Exclusion Acts and the ending of immigration from the China, the Philippines and Japan during the early decades of the 20th century.³⁰ During the 19th century the “villains” were immigrants from Ireland and Italy and Jews from Central Europe who were blamed for the rise in crime in American growing cities.³¹ The link between immigration and crime rates has been a significant interest of criminology. Virtually all reputable criminologists found that immigrants, especially first generation immigrants played a relatively small role in the American crime problem, but stereotypes continued to dominate governmental and media images on crime throughout the 20th century.³²

²⁹ Simon, Jonathan. *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. Oxford: Oxford UP, 2007.

³⁰ Chinese Exclusion Act, 1882; Asian Exclusion Act, 1924

³¹ Naturalization Act, 1790

³² Sutherland, Edwin Hardin. *Principles of Criminology*,. Chicago: J.B. Lippincott, 1934.

Shaw, Clifford R., and Henry D. McKay. *Juvenile Delinquency and Urban Areas; a Study of Rates of Delinquency in Relation to Differential Characteristics of Local Communities in American Cities.*, Chicago: University of Chicago, 1969.

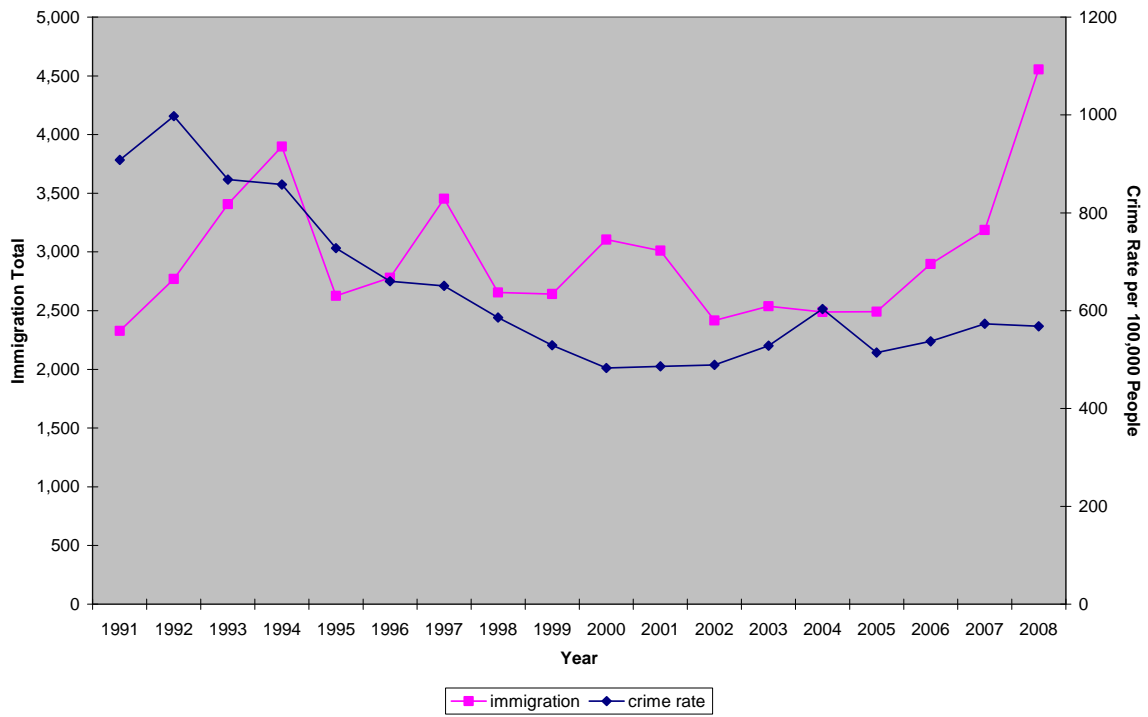
The data in this paper confirms that there is no evidence that California is in the midst of a crime emergency as a result of substantial migration of persons born in other nations. To allow this myth to guide public policy discussions about newly arrived noncitizens and future American citizens is harmful. California is facing a myriad of serious social and economic challenges³³ in the years ahead. The danger is to fall prey to *Governing through Crime* – turning meaningful conversations about policy issues into opinions based on fear, myths, and political manipulation.

³³ PPIC May 2010 survey indicated that 53% of Californians identified jobs and the economy as the most pressing issue for the state. Baldassare, Mark, Dean Bonner, Sonja Petek, and Nicole Willcoxon. "Californians and Their Government." *PPIC Statewide Survey*. Public Policy Institute of California, May 2010. Web – August 18, 2010. <http://www.ppic.org/content/pubs/survey/S_510MBS.pdf>.

Crime and Immigration trend from Southern California Counties

Figures 5-11

Fig. 5 Kern County Immigration vs Violent Crime Rate



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Fig. 6 Orange County Immigration vs Violent Crime Rate

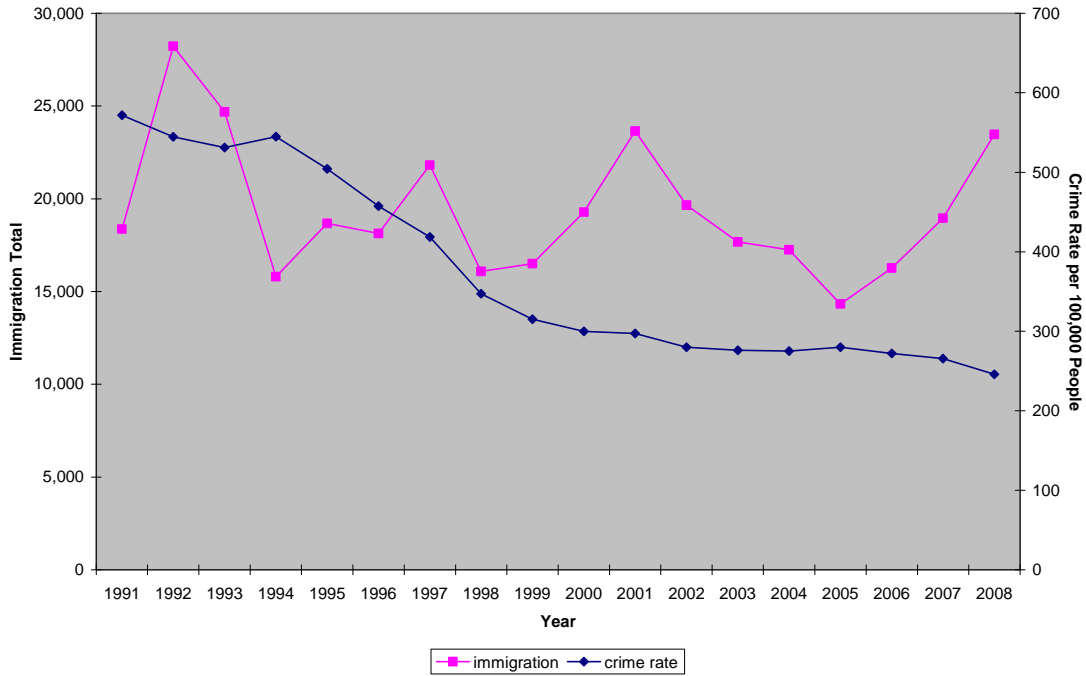


Fig. 7 Riverside County Immigration vs Violent Crime Rate

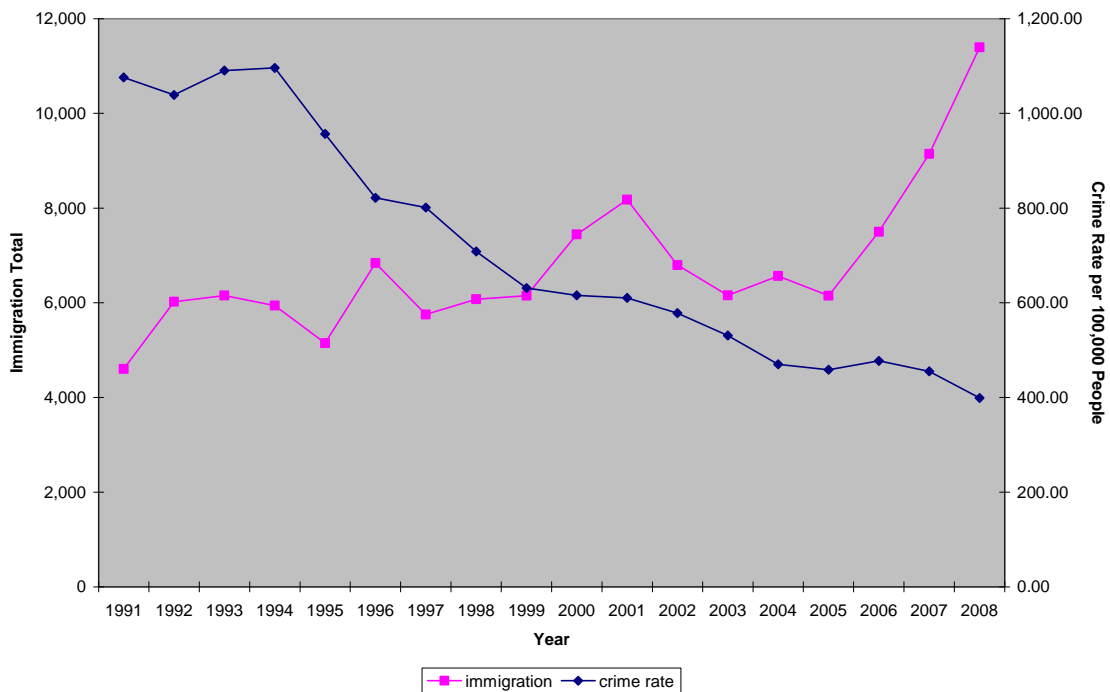


Fig. 8 San Bernadino County Immigration vs Violent Crime Rate

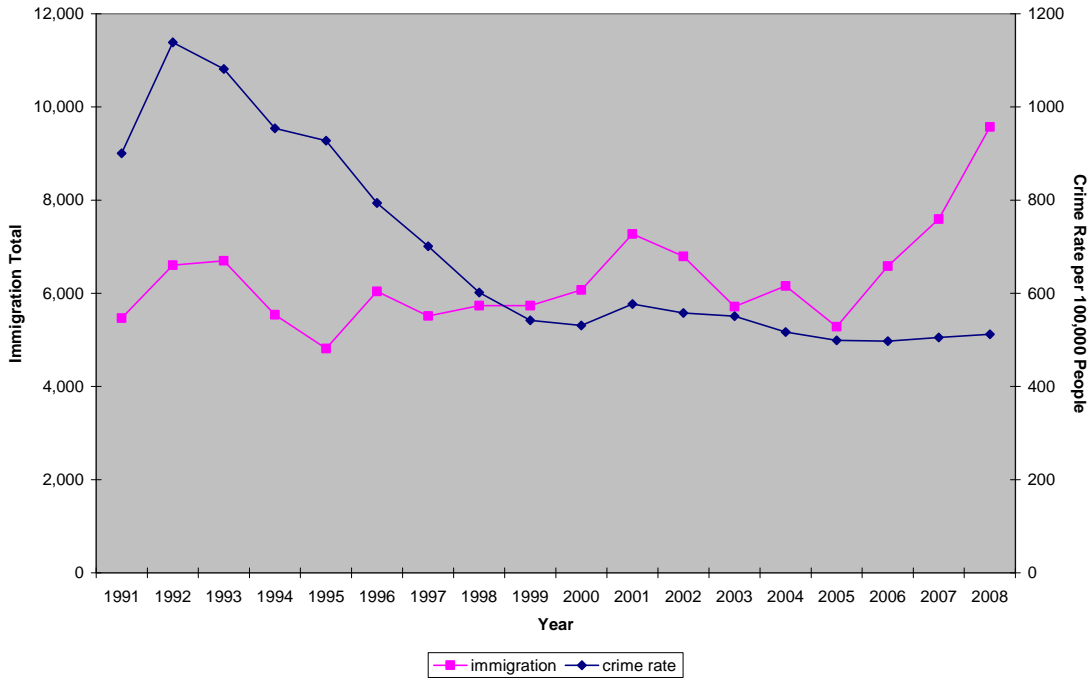
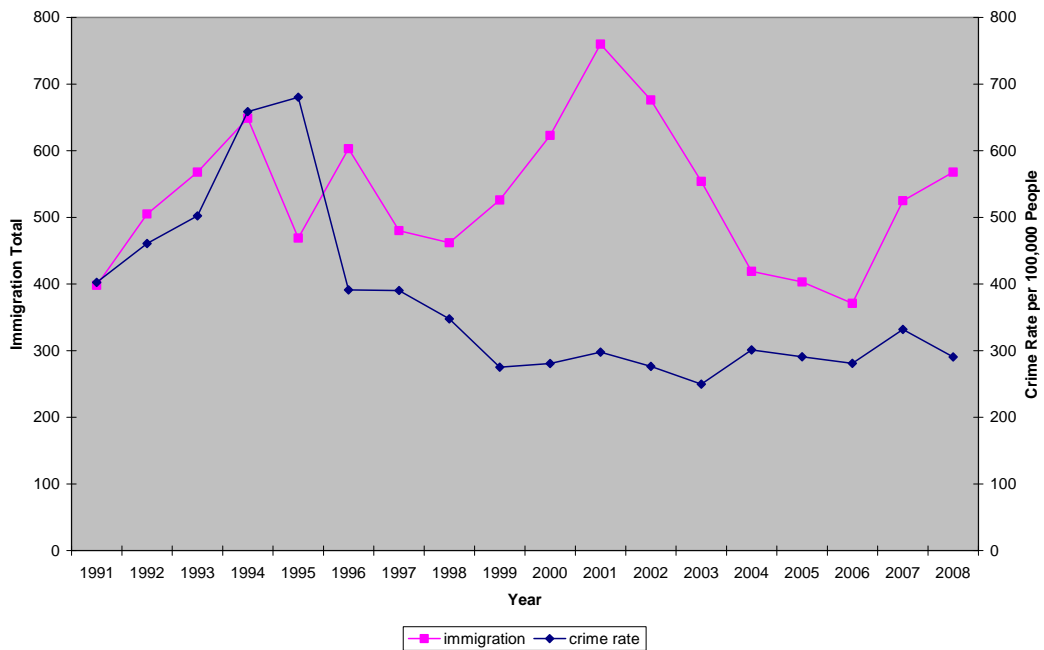


Fig. 9 San Luis Obispo County Immigration vs Violent Crime Rate



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Fig. 10 Santa Barbara County Immigration vs Violent Crime Rate

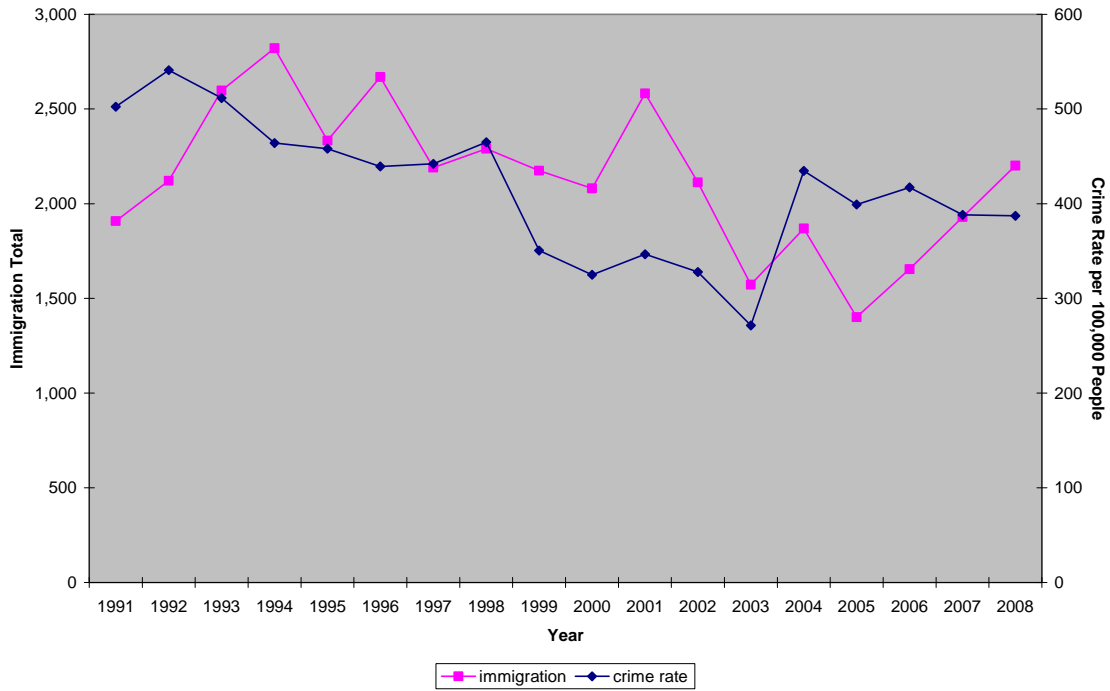
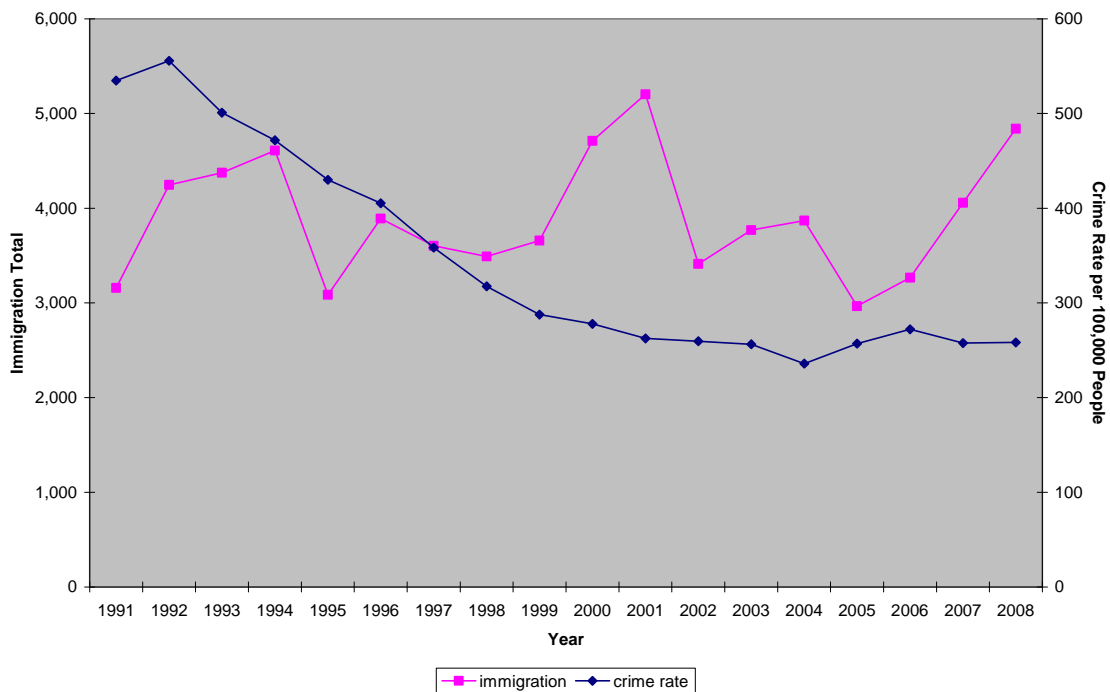
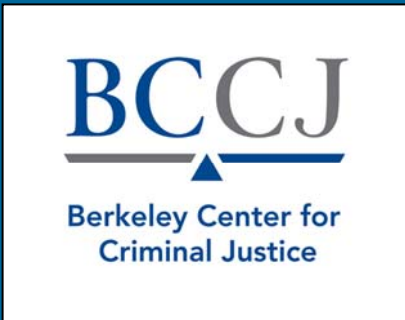


Fig. 11 Ventura County Immigration vs Violent Crime Rate





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