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Crime, Corrections, and California

What Does Immigration Have to Do with It?

By Kristin F. Butcher and Anne Morrison Piehl
with research support from Jay Liao

Summary

Few issues are as contentious as immigration and crime. Concern over the effects of immigration on crime is longstanding, and bans against criminal aliens constituted some of the earliest restrictions on immigration to the United States (Kanstroom, 2007). More recently, policies adopted in the mid-1990s greatly expanded the scope of acts for which noncitizens may be expelled from the United States. Even so, many calls to curtail immigration, particularly illegal immigration, appeal to public fears about immigrants' involvement in criminal activities.

Are such fears justified? On the one hand, immigration policy screens the foreign-born for criminal history and assigns extra penalties to noncitizens who commit crimes, suggesting that the foreign-born would be less likely than the U.S.-born to be involved in criminal enterprises. On the other hand, in California, immigrants are more likely than the U.S.-born to be young and male; they are also more likely to have low levels of education. These characteristics are typically related to criminal activity, providing some basis for concern that immigrants may be more criminally active than the U.S.-born.

In this issue of *California Counts*, we examine the effects of immigration on public safety in California. In our assessments, we use measures of incarceration and institutionalization as proxies for criminal involvement. We find that the foreign-born, who make up about 35 percent of the adult population in California, constitute only about 17 percent of the adult prison

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population. Thus, immigrants are underrepresented in California prisons compared to their representation in the overall population. In fact, U.S.-born adult men are incarcerated at a rate over two-and-a-half times greater than that of foreign-born men.

The difference only grows when we expand our investigation. When we consider all institutionalization (not only prisons but also jails, halfway houses, and the like) and focus on the population that is most likely to be in institutions because of criminal activity (men ages 18–40), we find that, in California, U.S.-born men have an institutionalization rate that is 10 times higher than that of foreign-born men (4.2% vs. 0.42%). And when we compare foreign-born men to U.S.-born men with similar age and education levels, these differences become even greater. Indeed, our evidence suggests that increasing educational requirements in the provision of visas would have very little effect in the criminal justice arena.

But immigrants may affect public safety in ways other than direct involvement in criminal activity. For example, immigrants may induce more criminal activity among the U.S.-born by displacing the work opportunities of the U.S.-born; in other words, immigrants may "take away" legal jobs, possibly leading to more crime among natives. To measure underlying criminal activity more broadly, we also investigate crime rates in California cities. We find that on average, between 2000 and 2005, cities that had a higher share of recent immigrants saw their crime rates fall further than cities with a lower share. This finding is especially strong when it comes to violent crime.

Finally, even if immigrants are less likely to engage in criminal activity than the average native, the criminal activity of their U.S.-born children is also of interest. Therefore, we briefly discuss current evidence on later generations, finding continued low levels of criminal activity.

Taken together, our findings suggest that spending additional dollars to reduce immigration or to increase enforcement against the foreign-born will not have a high return in terms of public safety. The foreign-born in California already have extremely low rates of criminal activity.

Immigration and Crime: A Complex Relationship

Do immigrants add to the crime risk in the population? Like any form of population growth, immigration is likely to add to the total number of crimes committed. However, if immigrants are less criminally active than the U.S.-born, then immigration will lead to lower overall crime rates and lower likelihoods of any given individual becoming a crime victim. Of course, some crimes, by their very nature, are committed *only* by immigrants—for example, illegally entering the country or working without a proper visa. In the analysis presented here, we focus on criminal activity that both the U.S.-born and foreign-born are at risk of committing and that arguably is a more direct threat to public safety. With that focus in mind, we assess the relative crime rates among the foreign-born and the U.S.-born.

Theories about the causes of crime operate at several levels: individual-level causes; family, peer, or neighborhood influences; labor market conditions; and the influences of alcohol, drugs, guns, and gangs. Some explanations emphasize the interactions of potential offenders and potential victims; others look at the physical environment in which the crime occurs. In addition, several theories about crime are particular to immigrants. Sellin (1938) emphasized the "culture conflict" faced by immigrants as they adjust to a new set of behavioral norms. Others have examined whether, at the aggregate level, immigration increases the criminal activity of the U.S.-born by displacing natives from work, promoting urbanization, and increasing "the variety of patterns of behavior" (Sutherland, 1924).[1]

Many of these explanations for criminal activity—for example, high levels of poverty—predict that immigrants would have elevated crime rates. However, it is also possible that immigration reduces crime—for instance, those born abroad may be less likely to be involved in substance abuse, gang life, and violent culture, which drive so much of serious American crime.

Currently, U.S. immigration policy provides several mechanisms that are likely to reduce the criminal activity of immigrants. Legal immigrants are screened with regard to their criminal backgrounds. In addition, all noncitizens, even those in the United States legally, are subject to deportation if convicted of a criminal offense that is punishable by a prison sentence of a year or more, even if that sentence is suspended. Furthermore, those in the country illegally have an additional incentive to avoid contact with law enforcement—even for minor offenses—since such contact is likely to increase the chances that their illegal status will be revealed.

Currently, U.S. immigration policy provides several mechanisms that are likely to reduce the criminal activity of immigrants.

To answer our initial question—are the foreign-born more likely than the U.S.-born to commit crimes—we would need a complete set of information on individuals' criminal activities, regardless of whether they are ever caught, tried, convicted, or sentenced for these activities, and a complete set of individual characteristics, including for the foreign-born the conditions under which they entered the country. As with most studies, we do not have ideal data. This lack of data restricts the questions we will be able to answer. In particular, we cannot focus on the undocumented population explicitly.

However, we are able to distinguish between the foreign-born and the U.S.-born when we study incarceration in California and to compare the incarceration rates of those with similar education levels and equal ages. Furthermore, we can analyze the incarceration experience of immigrants by country of birth. And, as mentioned, we can compare the crime rates in cities to learn how crime varies with the rate of immigration. These analyses provide insights into the relationship between crime and immigration—insights that ought to be central to the policy debate but that are not widely understood.

Some Useful Terms

When it comes to immigrants, clear definitions are crucial (see Text Boxes 1 and 2). The legal status of any foreign-born person is complicated, with many separate and potentially overlapping categories. In public discourse, the group "criminal aliens subject to deportation" is often confounded with the groups "illegal aliens" and "undocumented workers." In fact, these groups are quite distinct and do not necessarily overlap.

Attention to definitions is important for several reasons. First, understanding the rules about the ways individuals with different legal status are treated if they are apprehended for a crime gives us insight into the incentives of various groups to avoid criminal

Text Box 1. Key Definitions

Criminal alien—A noncitizen who has been convicted of a crime.

Foreign-born—Anyone born outside the United States (excluding those born abroad of U.S.-born parents or born in a U.S. outlying area). We mainly focus on the foreign-born in this report.

Illegal immigrant or illegal alien—Someone who is in the United States illegally. This group is composed of those who crossed the border without inspection and those who entered legally but who have overstayed the terms of their entry visa.

Immigrant—Someone who comes to the United States with the intention of staying. Often used interchangeably with "foreign-born."

Naturalized citizen—A foreign-born person who has successfully gone through the process to become a U.S. citizen.

Noncitizen—A foreign-born person who is not a naturalized U.S. citizen. Noncitizens may be in the country legally on a permanent or temporary visa (tourist, business, or student) or may be in the country illegally.

Permanent legal resident—A foreign-born person who has a permanent resident visa. These individuals are on a path to become eligible for citizenship.

Removable/deportable alien—A noncitizen who has been found to be without legal status and eligible for removal. Conviction of a qualifying crime makes a noncitizen deportable, even if he or she is a legal (but not naturalized) resident.

Undocumented worker—A foreign-born person who either is in the country illegally or who entered legally but is engaged in work that is not allowed under the terms of his or her visa.

Text Box 2. What Makes a Person Deportable?

Illegal immigrant—Deportable if status is revealed. Apprehension for any criminal activity may lead to investigation of status.

Naturalized citizen—In general, naturalized citizens cannot be deported.

Permanent legal resident—Deportable for *conviction* of an "aggravated felony." The list of "aggravated felonies" was expanded several times after the introduction of the term in the 1988 Anti-Drug Abuse Act. It now includes any crime for which the individual is sentenced to more than a year, even if the sentence is suspended. These rules are retroactive—even if one committed a crime before the legislation that marked it as a deportable offense, one is subject to deportation.

Temporary visa holder—Any criminal activity may lead to nonrenewal of visa or to revocation.

apprehension and conviction. If convicted of a crime, immigrants serve their sentences in correctional institutions before being adjudicated for deportation.

For permanent legal residents who are noncitizens, the penalty for a criminal conviction of an aggravated felony is the sentence, plus any additional time waiting for deportation procedures to be completed, plus the final penalty of deportation. It is important to emphasize that even if someone comes to the United States legally, a conviction of an aggravated felony qualifies that person for deportation, unless he or she is a naturalized citizen.[2] This means that the number of immigrants deported for criminal activity will include individuals who were in the country legally.

For those who are not in the country legally, deportation is a potential penalty of apprehension for a minor crime and is more likely for conviction of a serious one.[3] If one is in the country illegally—either by illegal entry or by abusing a visa—then one is deportable even without criminal activity. But criminal activity makes it more likely that one's illegal status will come to the attention of authorities.

Second, our data do not allow us to examine criminal activity by legal or illegal visa status. Although it would be interesting to know

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visa status, the more important question is whether in totality the foreign-born represent a higher level of risk to public safety than do the U.S.-born. We would like to understand the relationship between foreign birth and criminal activity in general, whether or not the individuals are permanent legal residents; naturalized citizens; business, tourist, or student visa holders; or the proverbial illegal entrant who evaded the border patrol.

This focus better allows us to assess whether the combination of immigration and criminal justice policies that govern the foreign-born yields a foreign-born population that adversely affects public safety. In most of this report, we focus on the totality of the foreign-born population, but we also provide information on important subgroups.

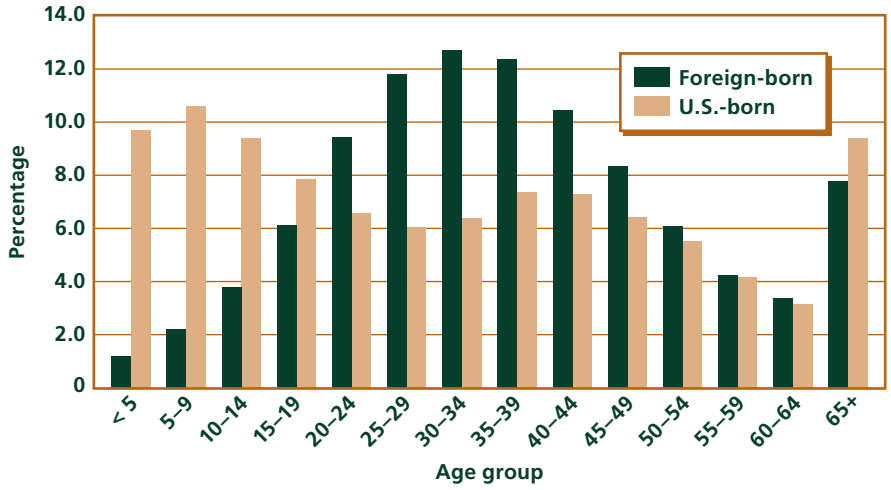
Demographics and Crime

There are many reasons to assume that the foreign-born may be more likely than the U.S.-born

In California, foreign-born men ages 18–40 have lower educational attainment levels than U.S.-born men in the same age group.

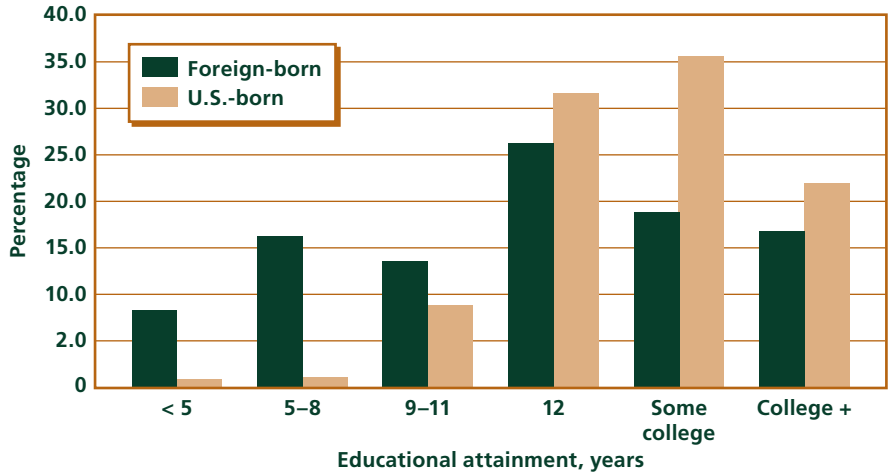
to be involved in criminal activity. In particular, the foreign-born in California have demographic characteristics that are often correlated with criminal activity and incarceration. Figure 1 shows that the foreign-born are more likely than the U.S.-born to be young adults. The late teenage years and early 20s are associated with higher rates of criminal offending, and the 20s and 30s are associated with higher rates of incarceration.[4] In addition, among those ages 15–34, the foreign-born are more likely to be male.[5] Since criminal offenses are more frequently committed by young men, we might expect more criminal activity among the foreign-born. Finally, throughout the United States, criminal activity and incarceration are associated with low levels of education. Figure 2 shows that, in California, foreign-born men ages 18–40 have lower educational

Figure 1. Age Distribution of California Men, 2000



Source: Authors' calculations from the 2000 U.S. Census.

Figure 2. Educational Attainment of California Men Ages 18–40



Source: Authors' calculations from the 2000 U.S. Census.

attainment levels than U.S.-born men in the same age group. Thus, judging solely by demographic characteristics, one might expect that the foreign-born would be more likely than the U.S.-born to engage in criminal activity.

However, as stated above, there are also reasons to believe that immigrants may be less likely than the U.S.-born to be involved in crime. First, the foreign-born who enter legally are screened for past criminal activity. Second, all noncitizens face greater consequences for criminal conviction than do the U.S.-born, which may provide some incentive to stay away from criminal activity. In the next section, we examine the evidence on incarceration and institutionalization rates in California and compare those of the foreign-born to the U.S.-born.

Incarceration and Institutionalization: Foreign-Born vs. the U.S.-Born

In this section, we document the incarceration and institutionalization rates among the foreign-born and the U.S.-born. "Incarceration" here refers to a sentence served in the California state prison system, known as the California Department of Corrections and Rehabilitation (CDCR). "Institutionalization" is a broader measure that includes anyone housed in an institution in California, including county jails as well as state prisons, at the time of the 2000 Census.[6]

First, we examine incarceration rates. Figure 3 uses data from the CDCR to calculate the percentage of incarcerated adults (ages 20 or older), for the foreign-born (citizen and noncitizen) and the U.S.-born.[7] In 2005, there were 28,279 foreign-born adults and 139,419 U.S.-born adults in California prisons. When we compare these figures to the population of foreign-born and U.S.-born adults in the state, we

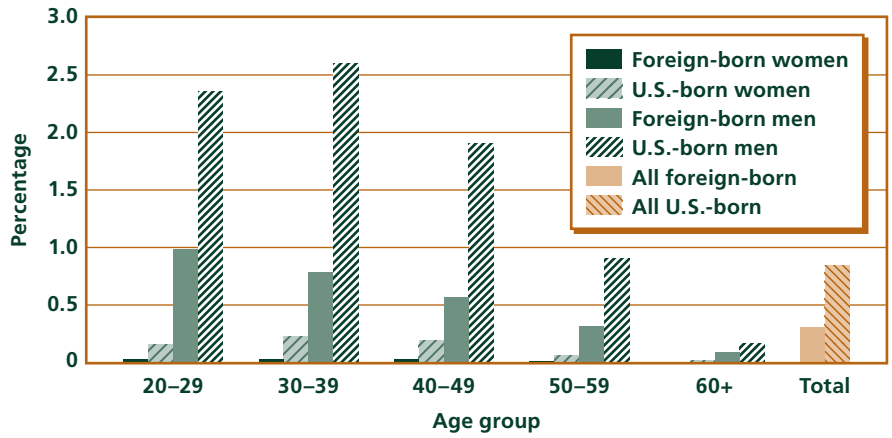
Text Box 3. Noncitizens and the State and Federal Prison Systems

Information on noncitizens incarcerated in the federal prison system is often used inaccurately to imply that noncitizens are overrepresented among the U.S. prison population and thus overrepresented in the criminally active population. At midyear 2005, there were 35,285 noncitizens in federal prisons, constituting 19 percent of federal inmates (Harrison and Beck, 2006). Since noncitizens constitute less than 19 percent of the U.S. population, this statistic is often cited as an indication of the criminality of the immigrant population generally and as a criticism of current U.S. immigration policy (Leonhardt, 2007).

However, it is critical to note that immigration violations are prosecuted under federal jurisdiction. For obvious reasons, noncitizens are disproportionately at risk for violations of immigration law. Furthermore, inmates in the federal prison system constitute only about 8 percent of all prison inmates in both the federal and state systems; in other words, the federal system houses a much smaller number of inmates than the state systems do. Thus, one would not want to conclude that noncitizens are disproportionately criminally active from their representation in federal prisons alone.

State jails and prisons are much more likely to be representative of the criminally active population. And California prisons contain 30 percent of all noncitizen inmates in state prisons nationwide. Therefore, analysis of immigrant representation in the state prison system in California provides insight into this state's experiences, but it also likely reflects the nation as a whole.

Figure 3. Percentage Incarcerated in California, by Age and Place of Birth



Source: Authors' calculations from California Department of Corrections and Rehabilitation Data, 2005.
Note: Does not include federal inmates.

see that the foreign-born have an incarceration rate that is less than half that of the U.S.-born (0.3% vs. 0.8%). This comparison does not take into account any of the demographic differences between the U.S.-born and foreign-born noted above. And yet the foreign-born still have much lower incarceration rates than the U.S.-born. Given that the foreign-born have lower levels of education than the U.S.-born and are more likely to be young adult males, this is a striking finding.

Differences in incarceration rates by age are also striking. Figure 3 shows that U.S.-born men have incarceration rates that are 2.6 times higher than those of foreign-born men. And for some age groups, the difference is even greater. For example, among men ages 30–39, incarceration rates for the U.S.-born are 3.3 times higher than for the foreign-born.

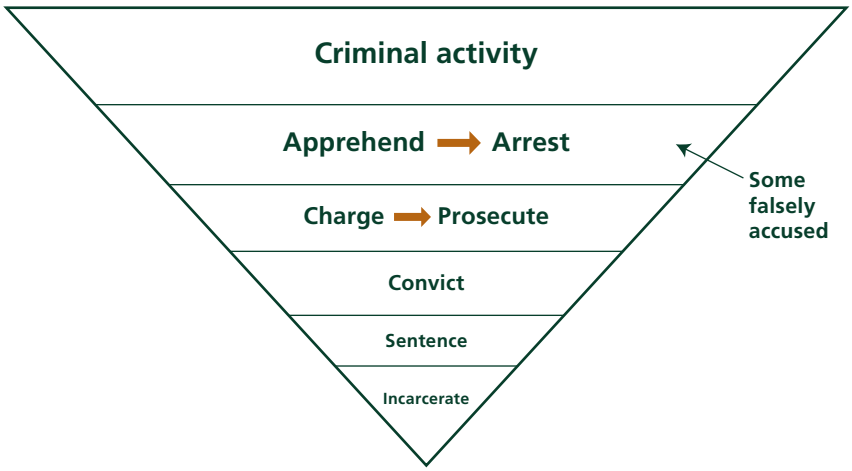
Women have incarceration rates that are less than a tenth of men's. And foreign-born women's incarceration rates are particularly low. U.S.-born women overall have incarceration rates that are nearly four times that of foreign-born women and, again, the differences are particularly large for those ages 30–39.

The types of crimes committed by the foreign-born are slightly different from those of the U.S.-born. However, even across different categories of crimes, we find that incarceration rates among the foreign-born are lower than among the U.S.-born. For example, we find that for crimes against persons in 2005, the foreign-born were incarcerated at a rate of 161 per 100,000 people and that the U.S.-born were incarcerated at a rate of 259 per 100,000. The rate of incarceration for drug crimes was 54 per 100,000 for the foreign-born and 114 per 100,000 for the U.S.-born.[8]

The Criminal Justice Funnel

These findings are noteworthy, but it is important to keep in mind that interpreting differences in incarceration as a direct representation of differences in underlying criminal activity can be problematic. We must also take into account the processes of law enforcement that mediate the relationship between crime and incarceration. These processes, sometimes known as the criminal justice "funnel," are represented in Figure 4. The sequence goes like this: Before becoming incarcerated, those who engage in criminal activity must first be apprehended and arrested. Among those arrested, some fraction is charged and prosecuted. Of those prosecuted, a fraction is convicted. Of those convicted, the sentence must be severe enough to warrant a term of incarceration for an individual to appear in data on incarceration and institutionalization. These intervening steps require that caution be used when inferring

Figure 4. Criminal Justice System Schematic: The Funnel



criminal activity from observations about the end point—incarceration or institutionalization.

If the foreign-born and the U.S.-born are equally likely to engage in criminal activity and are treated equally at each juncture in the criminal justice funnel, then we should see equal incarceration and institutionalization rates. However, it may be that the foreign-born and the U.S.-born have different probabilities of proceeding from one part of the funnel to the next. If, for example, the U.S.-born are better able than the foreign-born to aid in their own defense or have more resources to devote to their defense, then the foreign-born may be more likely to advance toward incarceration after apprehension. The U.S.-born may be more likely to be placed on probation or in an alternative institution (for mental illness or drug rehabilitation, for example).[9]

Looking at incarceration as a measure of criminal activity has another limitation: Prison is generally reserved for serious crimes. In California, as in many states, less serious crimes, called misdemeanors, are adjudicated by counties, and terms of confinement, if any, are served in county jails. Felonies—more serious crimes—are punishable by terms in the state CDCR. Therefore, focusing only on incarceration in the state prison system may miss an important part of the story. In the next section, we focus on a broader measure of incapacitation: institutionalization.

U.S.-born men have incarceration rates that are 2.6 times higher than those of foreign-born men.

Institutionalization of Men Ages 18–40

Focusing on institutionalization has both benefits and problems. One benefit is our rich data source: individual-level data from the 2000 Census.[10] These data contain a broad array of individual characteristics, including country of origin, citizenship status, age, educational attainment, race, and ethnicity. In addition, "institutions" captures jails as well as prisons. Finally, because some individuals are placed in mental hospitals or rehabilitation facilities instead of being incarcerated, this measure captures individuals who may have engaged in criminal behavior but who have received markedly different sentences. Since our focus is on public safety, using institutionalization as a measure—which captures as broad a segment of the criminally active population as possible—significantly expands our analysis of the relationship between immigration and crime.

Of course, "institutions" also includes mental hospitals and nursing homes in which people live because of their health rather than any criminal behavior. Thus, in this section, we shift our focus to men ages 18–40. For this population, a large majority of those who are institutionalized are in a correctional setting.[11] Focusing on this group captures the population that is disproportionately likely to be engaged in criminal activity and institutionalized for it.

Overall, U.S.-born men ages 18–40 have institutionalization rates that are 10 times higher than those of foreign-born men in the same age group (4.2% vs. 0.42%). Thus, this broader measure, which captures those housed in jails for lesser offenses, also shows remarkably low relative outcomes for the foreign-born.

Figure 5 breaks down institutionalization rates by age. For U.S.-born men, these rates follow a pattern that is well-known to criminologists. Institutionalization rises during the late teens and early 20s as men are criminally active and accruing records that then command a term of incarceration. In the late 20s and early 30s, institutionalization rates tend to level off. Then institutionalization rates begin to decline as individuals finish serving their time and age out of the period of their lives when they are most likely to be criminally active. In contrast, for foreign-born men, institutionalization rates by age appear relatively flat.[12] And, of course, the most striking feature of the graph is that, for any age, the institutionalization rates of the foreign-born are relatively very low.

In general, educational attainment is quite strongly negatively correlated with incarceration and institutionalization. In Figure 6, we present institutionalization rates by educational attainment for foreign-born and U.S.-born men ages 18–40. Again, we see that for the U.S.-born, a familiar pattern emerges: Those with low levels of educational attainment are much more likely to be institutionalized than those with 12 years of education or more.[13] For the foreign-born, again, we see much less correlation between institutionalization and educational attainment. Institutionalization rates are low for all levels of education among the foreign-born. Indeed, among the U.S.-born, only those with a college degree or above have institutionalization rates below those of any educational group among the foreign-born.

This finding may have important implications for immigration policy as it pertains to those who are admitted as permanent residents. Visas to become a permanent resident alien are currently allocated largely based on family ties to U.S. citizens or family ties to those who already have permanent resident status. Over the years, there have been many appeals to revamp this system to draw in a more highly skilled class of immigrants—for example, by emphasizing educational attainment in the allocation of visas. To be sure, those advocating such changes generally argue that improving educational attainment among immigrants would lead to better labor market outcomes for them, and this might be so. But insofar as institutionalization captures criminal activity, the evidence here suggests that using higher educational attainment as a selection criterion for permanent resident visas would have little effect on public safety, because all the foreign-born, regardless of educational attainment, already have very low institutionalization rates.

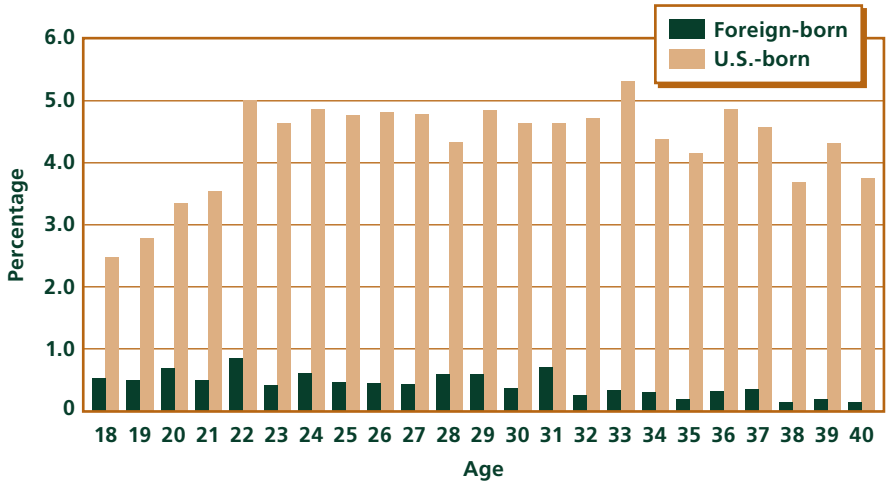
Institutionalization and Population Subgroups

The analysis above generally described the foreign-born relative to the U.S.-born. Here, we look more specifically at population subgroups that are of particular interest in California.

Countries of Origin

We begin with countries of origin. About 37 percent of men ages 18–40 in California are foreign-born, and 20 percent of this group were born in Mexico. Other well-represented regions include Central

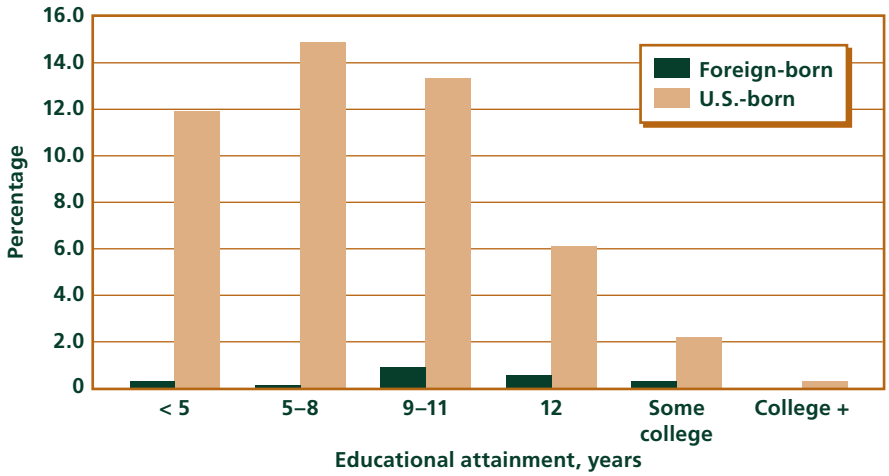
Figure 5. California Institutionalization Rate of Foreign-Born and U.S.-Born Men Ages 18–40, by Age



Source: Authors' calculations from the 2000 U.S. Census.

About 37 percent of men ages 18–40 in California are foreign-born, and 20 percent of this group were born in Mexico.

Figure 6. California Institutionalization Rate of Foreign-Born and U.S.-Born Men Ages 18–40, by Educational Attainment



Source: Authors' calculations from the 2000 U.S. Census.

America (3.5%), the Philippines (1.9%), Vietnam (1.7%), India (1.0%), China (0.8%), and all other Asian countries (3.9%).[14]

Figure 7 presents institutionalization rates for men ages 18–40 born in these countries or regions. The overall U.S.-born and foreign-born institutionalization rates are included for comparison. Among the foreign-born, men born in Mexico and Central America have slightly higher institutionalization rates than the foreign-born overall, but these rates are clearly still much lower than those of U.S.-born men. Men born in India, China, the Philippines, Vietnam, and other Asian countries have particularly low institutionalization rates.[15]

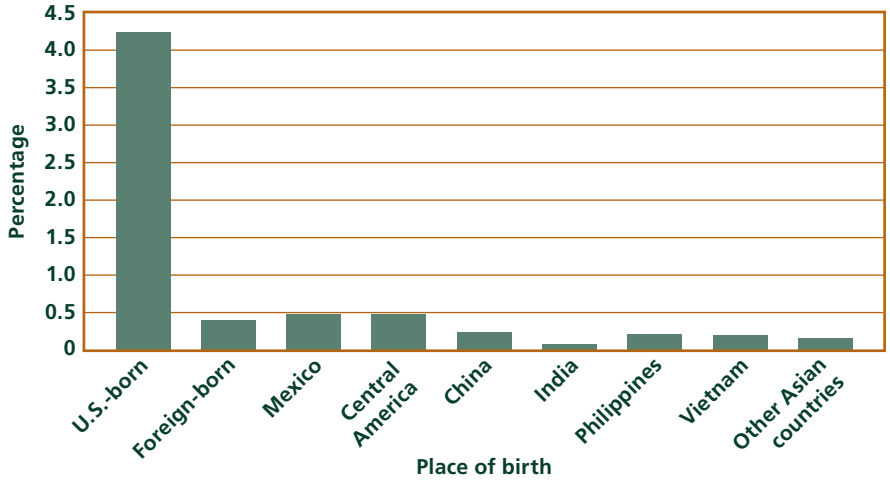
. . . institutionalization rates of the foreign-born with less than a high school diploma are extremely low.

Noncitizens

In press coverage on immigration and crime, illegal immigrants are frequently the focus of attention. In California, the undocumented are estimated to make up 28 percent of the foreign-born population (Hoefer, Rytina, and Campbell, 2007). Unfortunately, our data do not reveal the precise immigration status of the foreign-born. However, we do know whether someone is naturalized or a noncitizen. Because illegal immigrants are noncitizens, we are thus able to provide some insight into whether institutionalization rates for illegal immigrants are likely to be higher than they are for the foreign-born overall.

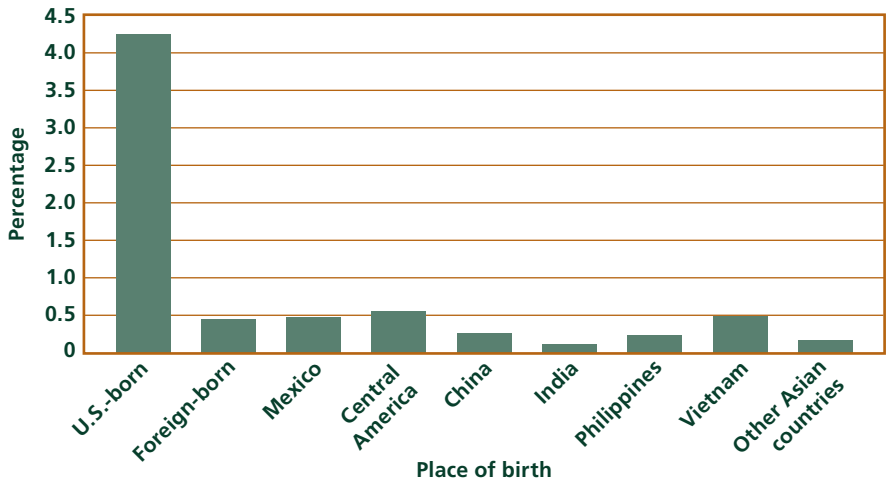
Among men in California ages 18–40, 27 percent are foreign-born noncitizens. In Figure 8, we present institutionalization rates for this group according to the country and region-of-origin groups analyzed

Figure 7. California Institutionalization Rate of U.S.-Born and Foreign-Born Men Ages 18–40, by Place of Birth



Source: Authors' calculations from the 2000 U.S. Census.

Figure 8. California Institutionalization Rate of U.S.-Born and Noncitizen Foreign-Born Men Ages 18–40, by Place of Birth



Source: Authors' calculations from the 2000 U.S. Census.

above. These rates are nearly identical to those in Figure 7. Indeed, institutionalization rates for noncitizens born in Mexico—a group much more likely than the foreign-born overall to include illegal immigrants—are (very slightly) lower for noncitizens than for all men ages 18–40 born in Mexico. Institutionalization rates for noncitizens are dramatically lower than for the U.S.-born, as were the rates for the foreign-born overall. Indeed, U.S.-born institutionalization rates are almost 10 times higher.

A different way to look at this issue is to ask what percentage of those institutionalized in California fall into a given nativity and citizenship group. Again, let us look at the Mexican-born. Among noninstitutionalized men ages 18–40, 21 percent are Mexican-born, and 17.2 percent of that group are noncitizens. Among institutionalized men in this age group, 3.6 percent are Mexican-born, and 2.9 percent are Mexican-born noncitizens. However one measures it, Mexican-born men are dramatically underrepresented in California prisons and other institutions.

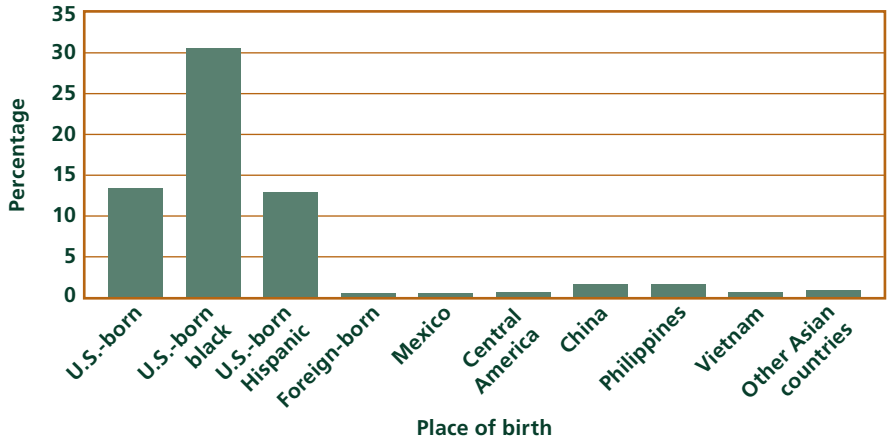
Educational Attainment

As we saw in Figure 2, the foreign-born are much more likely than the U.S.-born to have low education levels. The foreign-born from Mexico are often cited as having particularly low levels of education, and some researchers have found that even these levels may be overstated in the Census data (Ibarraran and Lubotsky, 2007). Many have expressed concern about the inflow of immigrants with low levels of education, since, for many groups, low education levels are correlated with worse labor market outcomes, worse health, and worse social outcomes in general, including crime.

Figure 9 presents institutionalization rates for men ages 18–40 with less than a high school diploma. The dominant feature of these charts is the high institutionalization rates for U.S.-born men with low levels of education. Over 13 percent of all U.S.-born men (ages 18–40) with less than a high school diploma are in institutions. The rate for U.S.-born Hispanic men with low levels of education is only slightly lower, at 12.9 percent. For U.S.-born blacks with less than a high school diploma, this rate climbs to 30.5 percent.[16]

As we discussed above, institutionalization does not have the same correlation with educational attainment among the foreign-born as it does among the U.S.-born. Perhaps, then, it is unsurprising that institutionalization rates of the foreign-born with less than a high school diploma are extremely low. Overall, and for each of our subgroups, institutionalization rates for the foreign-born with low levels of education are quite similar to institutionalization rates for the foreign-born, without regard to education level.

Figure 9. California Institutionalization Rate of Men Ages 18–40 with Less Than a High School Diploma, by Place of Birth



Source: Authors' calculations from the 2000 U.S. Census.

Both incarceration in state prisons and the broader measure of institutionalization show remarkably low rates among the foreign-born in California.

In addition, the comparisons in Figure 9 are the same if we examine institutionalization rates for only the noncitizens in our subgroups. Thus, even among noncitizens with low education from Mexico—the most likely candidates for having entered the U.S. illegally—institutionalization rates are very low.

Length of Time in the United States

Does it matter that the foreign-born population is composed of people who have been in the United States for different lengths of time? Theories differ. Spending more time in the United States may "assimilate" the foreign-born to higher rates of criminal activity. Or it may simply give them more time to get caught for criminal activity and accumulate a serious enough record to earn jail or prison time. Assimilation implies that underlying criminal activity changes with time spent in the country.[17] The second explanation—"exposure time"—merely involves more time at risk for apprehension. Since our data do not allow us to follow individuals and examine how their criminal involvement changes over time, we cannot distinguish between these hypotheses. Nonetheless, we might worry, for example, that the low rates of institutionalization among noncitizens is simply a consequence of their not having been in the country long enough to either go through the naturalization process *or* to have accumulated a criminal record warranting jail or prison.

However, when we examine institutionalization rates by time spent in the United States, all groups have rates that are an order of magnitude lower than rates of the U.S.-born. Although it is the case that those who have been in the United States for fewer than five years have the lowest institutionalization rates (0.24%), those who have been in the United States for 21 years or more have rates that are only slightly higher than the overall rate for the foreign-born (0.48% vs. 0.43%). Neither assimilation nor exposure time appears to close the gap in institutionalization between the U.S.-born and the foreign-born.

Overview

In sum, both incarceration in state prisons and the broader measure of institutionalization show remarkably low rates among the foreign-born in California. These low rates hold true across region-of-origin and education subgroups. From a perspective of public safety, then, there would be little reason to limit immigration, to try to increase the education levels of immigrants, or to increase punishments to deter noncitizens from committing crimes.

Does Deportation Matter?

If incarceration and institutionalization rates have the same relationship with criminal activity for the foreign-born and the U.S.-born—that is, if both groups are treated equally in the criminal justice system—then the data presented here indicate that the foreign-born have remarkably low rates of criminal offending in California. Of course, there are a number of reasons to wonder if the relationship between institutionalization and criminal activity is the same for the foreign-born and the U.S.-born. Differences in treatment between the foreign-born and the U.S.-born at any juncture in the criminal justice system may lead to differences in institutionalization rates for a given level of criminal activity.

Such differences could skew our findings in either direction, by inflating the institutionalization rates of either the foreign-born or the U.S.-born. For example, the

U.S.-born may be better able to aid in their own defense and thus have lower probabilities of conviction or shorter sentences conditional on conviction.[18] At the same time, if the foreign-born are swiftly deported for criminal activity, then their institutionalized numbers will be low relative to their actual criminal activity.

How much does deportation matter? Unfortunately, neither the federal nor the state government provides data on the numbers of deported prisoners in sufficient detail for us to assess fully the role of deportation on institutionalization rates of the foreign-born.[19] However, a brief examination of the current deportation processes will allow us to make some educated guesses. Of course, we cannot fully analyze here the complicated ways in which deportation rules interact with state and local law enforcement; instead, we will simply provide an overview.

As noted above, noncitizens may be subject to deportation for many reasons. For our purposes, we are simply interested in whether this means that their institutionalization rates will be comparatively low relative to rates of the U.S.-born. This may be a particularly important issue in California, since the state has a high rate of recidivism, meaning that the prison population is disproportionately made up of returning offenders.[20] If the U.S.-born recidivate, but many of the foreign-born do not (because of deportation), then relative institutionalization rates may understate the criminal activity levels of the foreign-born.

The effect of deportation on the very low rates of institutionalization of the foreign-born depends in large part on the speed and thoroughness with which deportation for criminal involvement takes place.[21] The process works like this: As mentioned above, the foreign-born serve their full sentence in the CDCR, after which they are determined eligible for deportation. During the prison term, CDCR officials alert Immigration and Customs Enforcement (ICE) to the identity of any inmate they believe may be a noncitizen. ICE investigates and places a "hold" on inmates designated for further immigration enforcement action. This designation places some restrictions on the CDCR. For example, a foreign-born inmate with an ICE hold on his or her record cannot be paroled and may be disqualified from rehabilitative prison programs.

In previous research, Butcher and Piehl (2000) found that inmates in California prisons with ICE holds (called "INS holds" at the time) served about 10 percent longer than comparable inmates with comparable sentence lengths. We speculated at the time that the finding may have been due to time lags in developing the systems to manage deportable inmates. A recent report by the Department of Homeland Security Inspector General's office found that current staffing levels at ICE are insufficient to screen and process criminal offenders for deportation (U.S. Department of Homeland Security, 2006). Furthermore, even those with deportation orders do not necessarily leave the country as scheduled and many areas report that those who are deported manage to reenter the country (Berestein, 2007).[22]

Although we do not have data on deportation numbers, we suspect that time lags and restrictions on placement mean that deportation requirements may inflate the institutionalization rates of the foreign-born relative to their underlying criminal activity. For these reasons, we think that the low institutionalization rates of the foreign-born in California reflect low rates of criminal activity among the foreign-born rather than the effects of deportation.

Immigration and City Crime Rates

In this section, we turn to direct evidence on crime. Here, we examine city-level crime rates in California and analyze their correlation with the rates of arriving immigrants to see if they are consistent with our findings on incarceration and institutionalization rates.

Since the early 1990s, crime rates have fallen—in both California and the nation as a whole—to levels not seen since the 1960s. Figures 10 and 11 graph the property and violent crime rates per 100,000 in population for both California and the nation, from 1960 through 2005.[23] Note that the scales are different for the two graphs, as the overall incidence of property crime is roughly 10 times that of violent crime. The graphs show that California has typically had higher crime rates than the rest of the nation, although that gap has narrowed in recent years. Also, for California and for the nation as a whole, there has been a precipitous drop in both property and violent crime rates since the early 1990s. This was a period of particularly high immigration, as well as many other changes in society and the economy. The backdrop of declining crime rates in the nation and in the state is relevant for our examination of more recent changes in crime rates.

Examining city-level crime rates complements the individual-level data used above. For example, if the foreign-born are able to commit crimes without being caught, then we might find that they have low incarceration rates and low institutionalization rates but that crime rates are high in places with a large numbers of immigrants.[24] Additionally, if the foreign-born displace the U.S.-born from legal employment—that is, if they "take

Figure 10. Rise and Fall of Property Crime Rates, 1960–2005

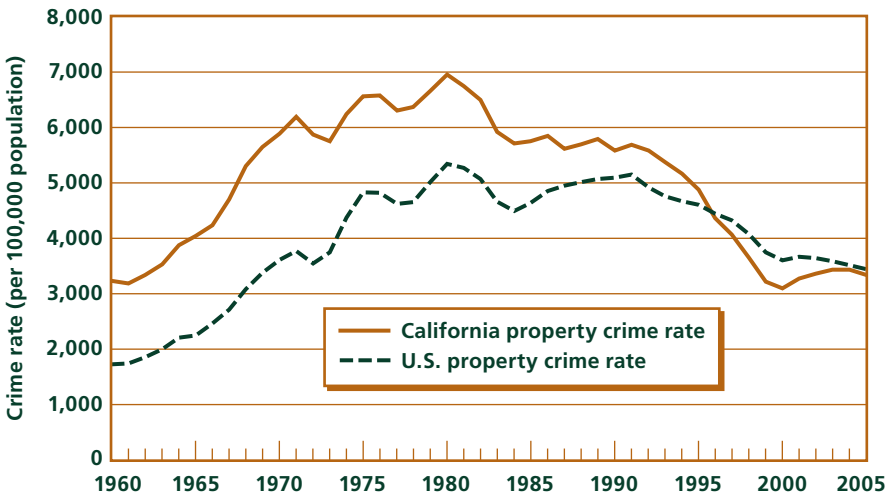
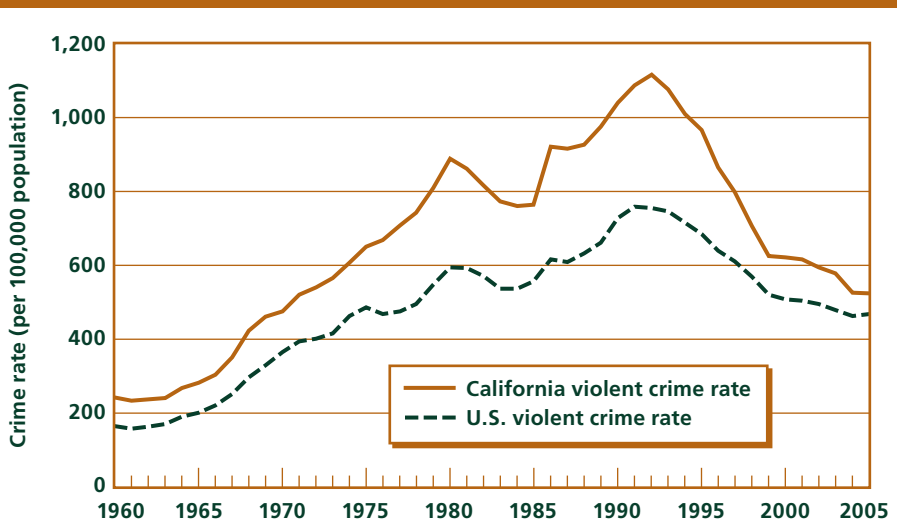


Figure 11. Rise and Fall of Violent Crime Rates, 1960–2005

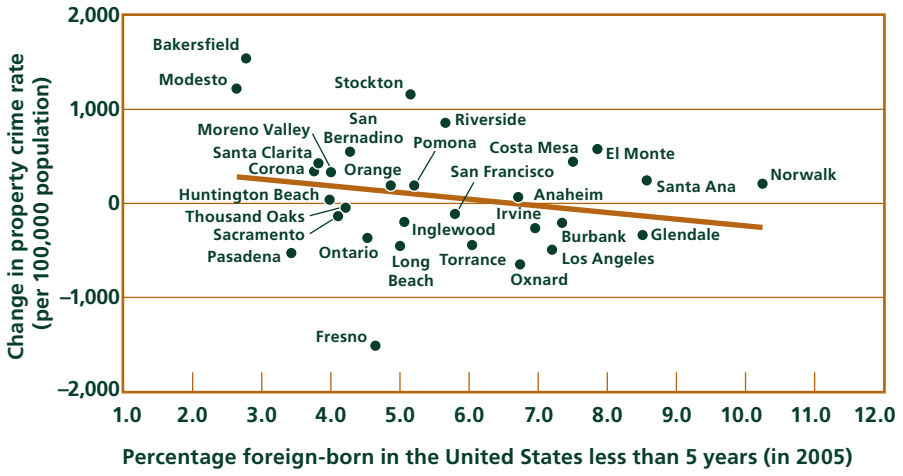


away" jobs from natives—then even if the foreign-born themselves have low rates of criminal offending, and thus low institutionalization rates, their presence could induce more criminal activity among the U.S.-born.[25]

We used the 2000 U.S. Census and the 2005 American Community Survey to calculate the percentage of a city's population that is foreign-born. In the results reported here, we focus in particular on the percentage of a city's foreign-born population that arrived between 2000 and 2005, as this captures the foreign-born inflow.[26] We merged this information with city-level violent and property crime rates (per 100,000 people) from the Uniform Crime Reports for 2000 and 2005.[27] The resulting analysis is for the 29 cities in California that are identified in the 2000 and 2005 data and have large enough samples of recently arrived immigrants.[28]

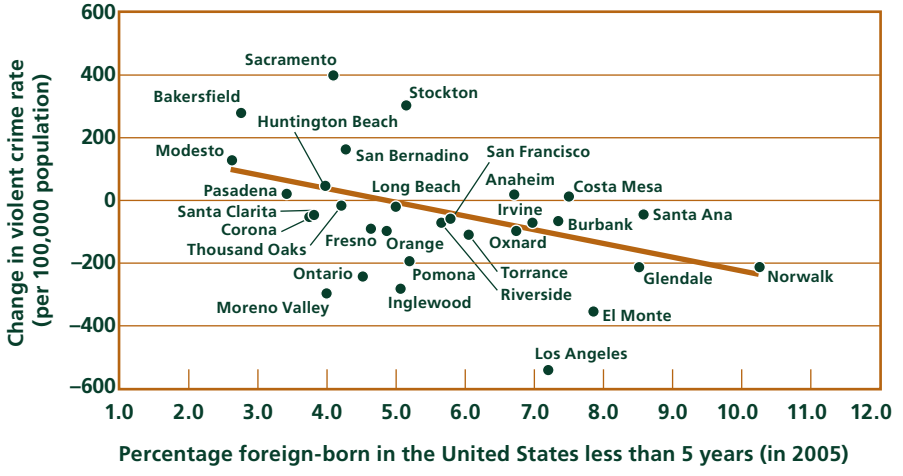
Figures 12 and 13 are scatter plots comparing the change in a city's crime rate with the percentage of recently arrived immigrants in that city, for property and violent crime, respectively. Each point represents one of the 29 cities. For example, in Figure 12, the point labeled "Bakersfield" in the top left indicates that Bakersfield's property crime rate increased by about 1,500 crimes per 100,000 people between 2000 and 2005 and that its percentage of recently arrived immigrants was 2–3 percent, low

Figure 12. Property Crime Rates Tended to Decrease in California Cities with Large Inflows of Recent Immigrants, 2000–2005



Notes: Coefficient = –71.99, t-statistic = –1.02.

Figure 13. Violent Crime Rates Tended to Decrease in California Cities with Large Inflows of Recent Immigrants, 2000–2005



Notes: Coefficient = –43.72, t-statistic = –2.51.

We find that the foreign-born have low rates of incarceration and institutionalization, and that these rates hold true across education and region-of-origin subgroups.

compared to the immigrant inflow rates of other cities in California.

The line in each figure represents the average relationship between the change in the crime rate and the percentage of recently arrived foreign-born.[29] For property crimes, the correlation is slightly negative. This means that the higher the share of recently arrived foreign-born population, the more property crime rates fell over the five-year period, on average. This relationship is not statistically significant, meaning that the relationship is consistent with there being no correlation between immigrant inflows and change in property crime. For violent crime rates, however, the relationship is negative and statistically significant. In this case, we see stronger evidence that crime rates fell more in cities with a larger newly arrived foreign-born population.

We do not claim that these simple correlations represent the true, causal effect of an increase in immigration on city crime rates in California. In reality, the determinants of crime are multiple and the relationship to immigration complex. Nonetheless, these results for California are entirely consistent with national studies that adopt statistical techniques that plausibly point to the causal relationship between the two. These studies find either no impact of immigration on crime rates or a slightly negative one (Butcher and Piehl, 1998a, 2007).

The earlier analysis of incarceration and institutionalization rates suggests low rates of criminal involvement for the foreign-born. This analysis of city-level crime rates bolsters our confidence that our results represent the true underlying criminal activity of the foreign-born in California and not merely differences in treatment within the criminal justice process.

What About the Children of Immigrants?

Our analysis here has focused on the effects of the foreign-born on public safety in California. Of course, one of the profound ways in which immigrants affect the state is through the activities of their children and their children's children. We do know that U.S.-born adults have higher incarceration and institutionalization rates than foreign-born adults, and that many U.S.-born adults are second- or third-generation descendants of earlier immigrants. Perhaps the added punishments and threats that affect noncitizens convicted of criminal activity serve as a deterrent to these activities and perhaps, without such threats, their U.S.-born children will have higher rates of criminal activity. Or it may be that the immigrant generation itself is particularly noncriminal.[30]

Unfortunately, the census data that we use here to examine institutionalization rates do not provide information on the birthplaces of individuals' parents and grandparents, so we cannot conduct a parallel analysis for later generations. However, to give some insight into how these groups might fare, we can examine the institutionalization rates of those who came to the United States at very young ages. These people are sometimes referred to as the "1.5 generation," since they were "nearly" born in the United States, will likely speak unaccented English, receive their education in the United States, and for most intents and purposes will be difficult to distinguish from their U.S.-born siblings.

Among those immigrants who arrived when they were age one or

younger, the institutionalization rate is 0.8 percent.[31] Although this is higher than for the foreign-born overall,[32] it is much lower than for the U.S.-born. Recall that these are also the foreign-born who have had the longest "exposure time" and the longest time to assimilate.[33]

Perhaps those who are naturalized citizens among the 1.5 generation come closest to being like second-generation immigrants, since they too would be free of the threat of deportation if involved in criminal activity. Among this group, institutionalization rates are somewhat lower (0.6%) than for the overall 1.5 generation. Direct evidence on criminal activity of the second generation is limited but corroborates these findings. For example, Sampson Morenoff, and Raudenbush (2005) surveyed youth in Chicago neighborhoods, finding that the foreign-born have the lowest rates of violence, but those reporting to be children of immigrants also report lower rates of violence than those with U.S.-born parents.

In addition, other evidence on the children of the foreign-born suggests that they have relatively good outcomes in the United States. For example, Butcher and Hu (2000) found that those with at least one foreign-born parent have lower rates of receiving social welfare than those with two U.S.-born parents. In addition, Card (2005) found that children of immigrants have higher education levels and wages than do the children of the U.S.-born.[34] Although these findings are not directly related to criminal activity, among the U.S.-born, higher education and wages and low levels of welfare use correlate with lower levels of criminal activity. This evidence, albeit somewhat circumstantial, suggests that the children of the foreign-born are likely to have lower rates of criminal activity than are the U.S.-born, on average, although perhaps not as low as the foreign-born themselves.

Summary and Policy Implications

This *California Counts* presents evidence on individual institutionalization rates and city-level crime rates. We find that the foreign-born have low rates of incarceration and institutionalization, and that these rates hold true across education and region-of-origin subgroups.

Even for those immigrants with demographic characteristics that, among the U.S.-born, are positively correlated with jail and prison time, we find low rates of institutionalization. For example, among foreign-born men ages 18–40 with less than a high school diploma, the institutionalization rate is 0.5 percent. Among the U.S.-born with less than a high school diploma, the rate is 13.4 percent. In fact, only U.S.-born men ages 18-40 with a college degree or higher have lower institutionalization rates than the *average* among the foreign-born.

On city-level crime rates—a broad measure of public safety—our evidence suggests that, between 2000 and 2005, cities with higher rates of newly arrived immigrants had, if anything, a greater decline in crime rates than cities with lower rates of newly arrived immigrants.

Altogether, this evidence suggests that immigrants have very low rates of criminal activity in California. Note that this finding is consistent with national studies on immigration and crime, which also find low rates of criminal activity for the foreign-born. Indeed, a review of the literature (Mears, 2002) noted that the published academic literature on the criminal activity of the foreign-born does not contain a counter claim.

Immigration policy reform must take into account many factors in addition to the public safety issues addressed here. However, our results suggest that several of the reforms currently under consideration would do little to improve public safety. In particular, from a public safety standpoint, there would be little reason to further limit immigration, to favor entry by high-skilled immigrants, or to increase penalties against criminal immigrants. ◆

Notes

[1] Note that whether immigration affects the criminal activity of the U.S.-born is the subject of current research activity. Borjas, Grogger, and Hanson (2006) found evidence that U.S.-born blacks are more likely to be institutionalized if they are in skill groups that are likely to compete with immigrants for jobs, but U.S.-born whites are not. However, Butcher and Piehl (1998a) found no direct evidence that immigration has an effect on city crime rates.

[2] When the Anti-Drug Abuse Act passed in 1988, "aggravated felonies" were defined as murder, drug trafficking, and illicit trafficking in firearms. By now, the list of activities for which a noncitizen can be deported is long, complicated, and can be added to, by both Congress and the Attorney General. Under current law, petty larceny and simple assault—misdemeanors under criminal law—can be classified as "aggravated felonies" for the purposes of immigration law if, for example, the person plea-bargains for a suspended sentence of a year or greater. See Kanstroom (2007), pp. 227–228, 243, for details.

[3] Investigation of the legal status of those apprehended for minor crimes differs by jurisdiction. There are programs in Los Angeles County and federal jurisdictions to "fast track" to deportation.

[4] Data are from the Integrated Public Use Microdata Samples (www.ipums.org). These data are from the 2000 U.S. Census 5% sample.

[5] For example, for those ages 15–24, about 51 percent of the U.S.-born population is male, but 54 percent of the foreign-born population is male.

[6] The measure "institutionalized" does *not* include those living in noninstitutional group quarters such as college dormitories and military barracks. It includes people under formally authorized, supervised care or custody in institutions at the time of enumeration. For example, inmates in correctional institutions or patients at hospitals for the chronically ill are included in the institutionalized population, but staff who live on the grounds are not (http://factfinder.census.gov).

[7] Data on incarceration are only for the CDCR and do not include federal inmates. The population numbers used as denominators to create incarceration rates are from State of California (2006), Table 25.

[8] Note that these incarceration rates are based on prison populations at a single point in time and therefore emphasize longer sentences (since the stock of inmates at a point in time will be disproportionately composed of those who are in for longer periods of time). Point-in-time data do not correspond well to the question, "what crimes did they commit?" because of this bias toward those with longer sentences. For example, in these point-in-time data, a higher percentage of the foreign-born than the U.S.-born were incarcerated on a "crimes against persons" charge (57% vs. 48%). However, as the per-population calculations make clear, the foreign-born were much less likely than the U.S.-born to be incarcerated for this type of crime. A better way to answer the question, "what crimes were they convicted of?" is to examine an admission cohort—all new entrants to prison at a given point. Although we did not have access to an admission cohort sample for this report, Butcher and Piehl (2000) examined an admission cohort for men in the California prison system in 1996 and calculated that about 46 percent of the foreign-born were entering prison for drug offenses, compared to about 32 percent of the U.S.-born. The percentage of foreign-born entering for property crimes was lower than for the U.S.-born (18% vs. 29%), as was the percentage entering for assault offenses (18% vs. 22%). The percentage of foreign-born entering for manslaughter charges was slightly higher than for the U.S.-born (2.8% vs. 2.5%), and the percentage entering for sex offenses was not statistically significantly different for the two groups (4.7% vs. 4.2%).

[9] Alternatively, if the undocumented do not report crimes committed against them and the undocumented are likely victims of criminals who are themselves undocumented, then crimes committed against the undocumented may be particularly unlikely to lead to an arrest, conviction, and term of incarceration. For criminal activity against the undocumented, examining an endpoint outcome such as incarceration may be a particularly poor gauge of underlying criminal activity. That does not mean, however, that criminal activity by the undocumented toward U.S. citizens or legal residents would be undercounted by using incarceration as a measure of criminal activity, since presumably U.S. citizens and legal residents have little to fear from reporting crimes against themselves.

[10] See Butcher and Piehl (2007) for a description of Census enumeration procedures in institutionalized settings.

[11] The 2000 Census reported that in California, about 245,000 men ages 18–64 were institutionalized and over 90 percent were in correctional institutions (http://factfinder.census.gov). Note that the summary statistics that allow one to know in which type of institution individuals are housed do not allow a breakdown of the information by individual characteristics such as nativity or by finer other-age categories. Butcher and Piehl (1998b) calculated that in the 1980 Census—the last time that types of institutions were separately identifiable in the microdata—over 70 percent of institutionalized men ages 18–40 overall were in a correctional setting. A somewhat higher fraction—77 percent—of institutionalized immigrants ages 18–40 was incarcerated.

[12] Young U.S.-born men may be disproportionately likely to engage in criminal activity for many reasons, ranging from the economic (low opportunity cost) to the psychological (poor impulse control). But if immigration selects those with low criminal tendencies and immigrants face harsher penalties for criminal activity, there is ample reason for the age patterns to be different for foreign-born men. Consider the possibility, for example, that young foreign-born men plan to work in the United States for 40 years to recoup the considerable costs of immigration. For them, the opportunity cost of committing a crime may be higher than that for an older immigrant. Thus, the age patterns may be different in the foreign-born and U.S. born populations.

[13] Calculated using the educational attainment recodes available in IPUMS (integrated public use microdata series, see www.ipums.org) data. No distinction is made between those with a high school diploma and those with a general equivalency degree (GED).

[14] The "other Asian countries" include Korea, Iran, Taiwan, Japan, Hong Kong, Laos, Thailand, Cambodia, South Korea, Indonesia,

Pakistan, Afghanistan, Myanmar, Indochina (not specified), Malaysia, Singapore, Bangladesh, Sri Lanka, and Nepal.

[15] Controlling for age does not substantially change these comparisons.

[16] Note that U.S.-born blacks make up about 6.3 percent of the overall population of men ages 18–40 in California. Among institutionalized men ages 18–40 in California, however, U.S.-born blacks make up 27 percent of the population.

[17] Assimilation might lead to more criminal activity if, for example, it takes time to learn the best opportunities for theft and to make contacts that allow one to dispose of stolen property.

[18] On a more technical note, the "undercount" in the Census is much more likely to affect the noninstitutionalized population than the institutionalized population, since the latter are enumerated from administrative records. For those outside institutions, the undercount is likely higher for the foreign-born than for the U.S.-born. This means that the denominator used to calculate the fraction institutionalized is too low for the foreign-born relative to the U.S.-born, which will overstate the fraction of foreign-born institutionalized.

[19] Some suggestion of the possible magnitude of the effect of deportation comes from comparing the representation of the foreign-born among new admissions to state prisons rather than among recidivists. For men (ages 20 and up) in California state prisons, the overall percentage foreign-born is 17 percent. Among new admissions to prison, the percentage foreign-born is higher (23%). This is consistent with a higher rate of reoffending among the U.S.-born, possibly because of the deportation of noncitizens after their first term of incarceration. However, it is also consistent with noncitizens being sentenced for lesser crimes and receiving commensurately lighter sentences (Butcher and Piehl, 2000). And note that for the population in California overall, the percentage foreign-born among men ages 20 and up is about 36 percent, thus the 17 percent foreign-born among the new admissions to prison is very low.

[20] Within three years of release, two-thirds of California prisoners are returned to prison or jail. This rate, which is higher than that in other large states, can be explained by the high rate of technical violations of parole. More than half of those returned to prison or jail do so because they have violated the conditions of their parole rather than committing a new crime. See Fisher (2005).

[21] Note that determining the deportability of the foreign-born who have been convicted of criminal activity, and detaining them while they wait for deportation, imposes additional costs on law enforcement.

[22] The challenges to repatriation include failure of aliens to obey orders to appear, high absconding rates of those with final orders to depart, failure of receiving countries to issue travel documentation (or the refusal to accept deportees), and recent Supreme Court decisions mandating the release of aliens if orders cannot be executed promptly. See U.S. Department of Homeland Security (2006) for details.

[23] Data are from the Uniform Crime Reports collected by the Federal Bureau of Investigation. (See http://www.fbi.gov/ucr/ucr.htm.) These represent crimes in four categories of property crimes (burglary, larceny, motor vehicle theft, and arson) and four categories of violent crimes (homicide, rape, robbery, and aggravated assault).

[24] If, for example, the foreign-born cross the border undetected, commit crimes, and then return to their country of origin undetected, then we might see high crime rates without seeing high institutionalization rates. It is important to note, however, that comparisons of border and nonborder cities reveal that border cities (with larger immigrant populations) do not have higher crime rates than nonborder cities (Hagan and Palloni, 1999). Thus, there is little empirical evidence to support the idea that the foreign-born are committing crimes in the United States and evading detection by crossing the border.

[25] Note, however, that recent work on the effect of immigration on the wages and employment of the U.S.-born in California shows little evidence of a negative labor market effect (Peri, 2007).

[26] The percentage of a city's population that arrived in the United States between 2000 and 2005 is highly correlated with the overall change in the foreign-born population in a city in the same five-year period. With this "inflow rate," we examine whether those cities that received more new arrivals (as a percentage of the overall population) had worse crime rates than equivalent cities with lower inflows of immigrants.

[27] Crime rate data at the city level are often noisy. We have also conducted this analysis using three-year averages of the crime rate data (1999–2001 and 2004–2006). These calculations are very similar to those presented here.

[28] Note that some large cities, notably San Diego, are not identified in the Census and American Community Survey data. This has to do with the Census definitions for being within a "city." San Diego is identified as a metropolitan area but not as a "city." In addition, we require that there be at least 30 recently arrived (in the last five years) foreign-born in the city to have a statistically reliable measure of the inflow of immigrants.

[29] The line is estimated using ordinary least squares, weighted by the square root of the city population in 2005. Los Angeles is shown on the scatter plot but was not used to estimate the fitted line as changes in the crime rate data collection procedures rendered the statistics noncomparable across the two points in time. The results here are quite similar even if we include Los Angeles or estimate the relationship without weighting.

[30] Butcher and Piehl (2007) argued that migrants appear to be particularly responsive to incentives and less likely to engage in criminal activity.

[31] The percentage is almost identical if we define the 1.5 generation as those arriving when they are age 5 or younger.

[32] This difference is not statistically significant.

[33] Separating assimilation from age-at-arrival effects is complicated and requires more than one cross-section of data. See Friedberg (1992) for a discussion.

[34] The finding is based on national data for adults ages 21–64, with controls for age differences between the groups.

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About the Authors

Kristin F. Butcher is an associate professor of economics at Wellesley College.

Anne Morrison Piehl is an associate professor of economics and faculty affiliate in criminal justice at Rutgers University.

Jay Liao is a research associate at PPIC. He holds a B.A. in economics from Northwestern University.

Contributors

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500 Washington Street, Suite 600
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