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**Place, Policy, and Police:
Immigrant and Non-Immigrant Arrests in an Era of Secure Communities**

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Abstract

US immigration enforcement initiatives have increasingly involved collaboration among federal, state, and municipal actors, including police. This rise in local participation creates the potential for increased variability across place in enforcement. Such variability raises concerns about the role of local politics and policing practices in governing immigrant arrest outcomes. More broadly, collaboration with police on immigration initiatives prompts concerns about the disproportionate targeting of the foreign-born for arrests of all types. To date, little is known about how immigrant arrests vary across disparate demographic, political, and policing contexts. As the first federal-local enforcement partnership to be implemented nationwide, the Secure Communities program provides an important case for analysis. I combine county-level arrest data under the Secure Communities program with a nationally representative sample of 771 sheriff's agencies from the Law Enforcement and Administrative Statistics (LEMAS) Survey. Immigrant arrests are higher on the US-Mexico border but lower in less densely-populated areas and in jurisdictions with sheriff's agencies that authorize collective bargaining rights. Policy characteristics demonstrate a complex relationship in predicting immigrant and non-immigrant arrests. While prior participation in an enforcement program negatively predicts non-immigrant arrests, sanctuary designation and an anti-detainer policy demonstrate the same relationship for both immigrant and non-immigrant arrest outcomes. These findings provide a point of departure for evaluating arrest patterns under the controversial Secure Communities program, while pointing to the complex outcomes that result from the increasing intersection of the US law and immigration enforcement regimes.

Introduction

Although US immigration policy falls under the purview of federal law, enforcement has increasingly involved actors across state and local governance contexts – including police. For instance, some state and local law enforcement agencies have partnered with the federal government in voluntary enforcement initiatives. Others have been tasked with upholding ordinances introduced at the county or municipal level. This rise in local enforcement creates the potential for increased variability across place in enforcement. Such variability raises concerns about the role of local characteristics, such as political views towards immigration and policing practices, in governing arrest immigrant outcomes. More broadly, collaboration with local law enforcement on immigration initiatives prompts concerns about the disproportionate targeting of the foreign-born for arrests of all types.

The Secure Communities program, a federal initiative which relies on arrests by state and local law enforcement to identify immigrants eligible for deportation, represents one of the most recent illustrations of this trend towards police participation in immigration enforcement. It also reflects the concerns that such initiatives have elicited. Proponents of the program maintain that Secure Communities provides an effective way to identify and remove immigrants who pose the greatest threat to public safety. Yet others argue that expanding police officers' role to include immigration enforcement responsibilities motivates them to target the foreign-born for arrest – potentially engaging in racial profiling to do so (e.g. Fischer 2013; Ramos 2012). An additional concern is that the program erodes relationships between law enforcement and immigrant communities

and generates insecurity if residents refuse to cooperate with police they perceive as working on behalf of Immigration and Customs Enforcement (ICE).

However, despite the controversy surrounding this trend towards *immigration federalism* (Varsanyi 2012) – the devolution of immigration policy and enforcement to the local government level – little is known about how immigrant arrests vary across disparate demographic, political, and policing contexts. Instead, work in this area has largely focused on identifying the types of jurisdictions that are most likely to participate in immigration enforcement in the first place. A growing body of literature has begun to investigate the effects of Secure Communities and other local enforcement initiatives on crime and arrest rates over time (Koper et al. 2013; Miles and Cox 2014; Stowell et al. 2013; Treyger, Chalfin, and Loeffler 2014). However, work examining the association between local contextual factors and enforcement (Chand and Schreckhise 2014; Pedroza 2013) has looked only at deportations, rather than arrest outcomes – which are the primary catalysts in the chain of events leading up to a deportation.

Yet, an examination of the local correlates of immigrant arrest outcomes has much to reveal about the characteristics of places that have prioritized immigration enforcement under Secure Communities. If, in fact, contextual factors such as local demography, immigration policy, and policing practices are significant predictors of immigrant arrests, this would suggest that county variability in patterns of enforcement is not the result of immigrant criminality alone. It would further indicate that these attributes are related to immigrant arrest outcomes through the ways in which they influence officer discretion. For instance, if immigrant arrest rates are higher in more affluent, less densely-populated areas, which tend to have both less crime and fewer

foreign-born, this would suggest that police are arresting immigrants who may be highly visible in suburban areas – or potentially even stopping immigrants who appear “out of place.” Similarly, if police agencies without an anti-racial profiling policy yield the highest rates of immigrant arrests, this would provide evidence that officers in these areas have been relying on racial or ethnic cues to identify immigrants for arrest.

Moreover, prior work suggests important variations in the US immigration and law enforcement regimes, and, consequently, differences in immigrant compared to non-immigrant arrests. Immigrants are not only less likely to commit crime than their US-born counterparts (Rumbaut 2008), but a large proportion of immigrant arrests under Secure Communities involve minor offenses, such as traffic violations (TRAC Reports 2014; United States Government Accountability Office 2012). If the correlates of immigrant arrests not only differ from those of non-immigrant arrests but explain a greater proportion of their variability, this would indicate that the situational factors that characterize law enforcement encounters differ between these two groups. It would further suggest that immigrant arrests involve a greater extent of police discretion – which, in turn, is likely to be shaped by the local policy and law enforcement environment.

This paper asks: (1) How do local contextual factors predict immigrant arrests under the Secure Communities program? (2) More specifically, what role do demographic characteristics, local immigration policies, and law enforcement practices play – particularly those concerning more progressive, anti-bias policing practices? (3) And, finally, to what extent does the relationship between local characteristics and immigrant arrests differ from that of non-immigrant arrests?

The ability to analyze the role of local context in immigration enforcement outcomes has often been complicated by several factors. There is an absence of data on arrestees' immigration status. Relatively few localities participated in federal immigration enforcement initiatives. And, finally, the sheer diversity of immigration policies initiated by counties and municipalities makes comparisons across jurisdictions difficult. The Secure Communities program (SCOMM), which represents the first federal-local immigration enforcement partnership to be implemented nationwide, thus presents both a unique opportunity and an important case to examine the association between local characteristics and immigrant arrests. This analysis supplements SCOMM data with a nationally representative sample of 771 sheriff's agencies from the US Department of Justice's (DOJ) Law Enforcement and Management Administrative Statistics (LEMAS) Survey, as well as information from the American Community Survey (ACS).

OLS regressions identify several predictors of immigrant arrests that significantly differ from those of non-immigrant arrests. Location on the US-Mexico border is a strong positive predictor of immigrant arrests, while a sheriff's agency's authorization of collective bargaining rights – a proxy for an organization's political progressiveness – is negatively associated with immigrant arrests. At the same time, the role of policy demonstrates an interesting relationship with both types of outcomes. On one hand, prior participation in an enforcement program (287(g)) is negatively associated with *non-immigrant* arrests. In contrast, for both outcomes, sanctuary designation exhibits a negative association, while an anti-detainer policy challenging compliance with SCOMM indicates a positive association. These findings provide a point of departure for evaluating outcomes of the controversial Secure Communities program, while pointing to

the complex outcomes that result from the increasing intersection of the US law and immigration enforcement regimes.

This analysis fills a gap in the literature by investigating how immigrant arrest outcomes are shaped by diverse demographic, policy, and law enforcement contexts. In doing so, it provides a point of departure for future work examining local implementation of the Secure Communities program specifically, and the implications of local immigration enforcement more broadly.

Literature Review

Background

In recent years, responses to immigration have increasingly involved state and local actors – and, notably, law enforcement. In fact, the extent of cooperation between the American criminal justice and immigration enforcement systems has prompted some scholars to refer to this phenomenon as “crimmigration” (Stumpf 2006) or the “immigration industrial complex” (Golash-Boza 2009). Between 2000 and 2009, approximately 107 counties and municipalities passed some type of immigration-related legislation (O’Neil 2010). Some of these policies specifically authorize police participation in enforcement – such as by directing them to notify ICE when individuals cannot present proof of legal status. Others restrict access to employment, housing, or other services on the basis of citizenship status, rather than involving law enforcement directly.

In parallel to policies initiated at the state and municipal levels, federal programs have begun to enlist the cooperation of local law enforcement. The 287(g) program deputizes police officers as federal immigration enforcement officers, while under the Criminal Alien Program (CAP), law enforcement identify immigrants in prisons and jails.

Secure Communities (SCOMM) represents one of the most recent manifestations of this trend towards increasing police cooperation in federal immigration enforcement. In contrast to other federal-local partnerships, which are voluntary, Secure Communities is the first such mandatory initiative. Initially piloted in 14 counties in October 2008 and gradually expanded to all US counties by January 2013, SCOMM facilitates information sharing between local law enforcement systems and the federal government in order to apprehend and ultimately deport immigrants considered to pose a threat to public safety and national security.

Under the program, the fingerprints of every individual arrested and booked into state or local police custody are sent to ICE and checked against the Alien IDENT (Integrated Automated Fingerprint Identification) system, a database containing biometric data on everyone with a US immigration history, including visa applicants, green card holders, and even naturalized citizens. An arrestee with a “match” in the database is then evaluated by ICE to determine eligibility for removal. Individuals charged or convicted of a “Level 1” offense (aggravated felony) are prioritized for removal over other types of offenses. If ICE decides to deport the individual, it typically issues a detainer, which authorizes the law enforcement agency to hold the individual for an additional 48 hours until he can be transferred into ICE custody.

As of December 2014, approximately 5% of the 45.5 million fingerprints submitted during the duration of the program have resulted in IDENT matches. Of these, 28% resulted in the identification of a Level 1 offender. A total of just under 400,000 individuals have been deported to date under SCOMM.

ICE maintains that Secure Communities provides an efficient way to identify and remove immigrants who present a potential threat to public safety. The program has been officially supported by several law enforcement associations, including the National Sheriffs' Association and the Major County Sheriffs' Association (ICE 2011). Moreover, prior work suggests that certain types of local immigration enforcement initiatives have lowered crime rates, particularly for aggravated assaults (e.g. Koper et al. 2013; Stowell et al. 2013), but notes that these outcomes depend on local context.

However, opponents of the program argue that SCOMM empowers local law enforcement to arrest individuals in order to check immigration status, potentially engaging in racial profiling when deciding whether to make a stop or arrest (Fischer 2013; Ramos 2012). These concerns have been exacerbated by leaked memos detailing deportation quotas established during the initial implementation of the program (Hsu and Becker 2010) and which may have placed pressure on local police to arrest as many deportable immigrants as possible, regardless of whether they had committed any offense. An additional concern is that the initiative not only undermines police relations with immigrant communities, but further creates instability in these neighborhoods, where residents may refuse to cooperate with police they perceive as acting on behalf of federal agents (Gill 2013).

In November 2014, ICE announced that Secure Communities is being replaced by a new initiative, the Priority Enforcement Program (PEP). Key differences between SCOMM and PEP include limiting deportations to immigrants convicted of only certain offenses and replacing detainers with requests to be notified of an individual's release from police custody (Johnson 2014). Nonetheless, given that this program ultimately preserves the existing information-sharing infrastructure created under SCOMM, examining outcomes of the Secure Communities program remains relevant to understanding the implications of police involvement in local immigration enforcement.

Predictors and Outcomes of Local Responses to Immigration

While scholarly attention has begun to focus on the increasing involvement of state and local governmental actors in enforcing immigration policy, much of the work in this area has sought to identify the characteristics of jurisdictions that choose to become involved – although local enforcement has often been measured in several different ways. For instance, the literature has examined predictors of: the passage of anti-immigrant ordinances (Esbenshade 2007; Ramakrishnan and Wong 2010; Walker and Leitner 2011), electoral support for a state-level immigration enforcement program (Tolbert and Hero 1996), county participation in the federal 287(g) program (Wong 2012), and immigration status checks by local police (Lewis et al. 2012), as well as time to activation of the Secure Communities program within a county (Cox and Miles 2013).

Despite variations in the specific outcome analyzed, this body of work nonetheless reveals several consistent findings. Growth in the Latino population, proximity to the US-Mexico border, location in the Southern US, and political

conservatism tend to predict participation in or support for local enforcement, while findings are more mixed concerning the role of changes in the foreign-born population. In addition, two case studies found that municipalities that enacted anti-immigrant ordinances did so in response to isolated instances of crime perpetrated by unauthorized immigrants (Armenta 2012; Gilbert 2009). This suggests that the *perception* that immigration increases crime is associated with support for anti-immigrant legislation. In reality, however, immigrants are, in fact, less likely to commit crimes (Rumbaut 2008) or to be incarcerated (Rumbaut et al. 2006) than their US-born counterparts, and immigrant neighborhoods tend to have low crime rates (Reid et al. 2005).

In comparison to work examining predictors of local participation in immigration enforcement initiatives, fewer scholars have looked specifically at *outcomes* associated with this trend. The few exceptions have leveraged data from the Secure Communities program. For instance, Miles and Cox (2014) find no meaningful reduction in crime rates after SCOMM's implementation, leading them to conclude that the program has not achieved one of its main objectives of making communities safer. Similarly, Treyger, Chalfin, and Loeffler (2014) find little clear evidence of an effect of the program on either crime rates or arrest behavior. At the same time, the absence of a net change in overall arrests may simply conceal shifts in the allocation of finite law enforcement resources to prioritize immigrant arrests.

Finally, the handful of analyses that have investigated the association between local contextual factors and SCOMM outcomes at the county (Chand and Schreckhise 2014) and state (Pedroza 2013) levels have looked only at deportation rates. However, removal decisions are ultimately made by federal ICE officials, rather than local police.

Therefore, deportation outcomes do not completely reflect the enforcement process as it is carried out by local actors.

The analysis below constitutes the first systematic examination of the relationship between contextual factors and immigrant arrests: an outcome which not only arises directly from the actions of local law enforcement, but constitutes the point of entry into a system through which immigrants face removal. Moreover, it examines arrest outcomes with respect to three types of contextual characteristics: geography and demography, immigration policy, and the law enforcement system.

Explaining the Linkages between Contextual Factors and Arrests

Why would we expect variation in immigrant arrest outcomes to be associated with contextual factors? On the one hand, local characteristics may indicate the structural or institutional constraints that influence the rate of immigrant arrests in a given area, such as the extent of immigrant criminality or a law enforcement system's resources. For instance, police in densely-populated urban areas may be less willing to prioritize identifying deportable immigrants for arrest over regular law enforcement responsibilities, producing a low rate of immigrant arrests. Conversely, immigrants who live and work along the US-Mexico border may be disproportionately likely to be involved in drug-related crime, leading to a high rate of arrests.

Yet local characteristics may also reflect institutionalized biases towards immigrants. For instance, police patrols in affluent areas may be more likely to stop an individual they perceive as an immigrant for looking "out of place."

Police behavior towards immigrants may be influenced directly, such as through explicit instructions from the local government or law enforcement agency. Alternatively, police behavior may be influenced indirectly, through the political climate and policing environment that these institutions create. In effect, expectancy theory maintains that organizational attributes can influence police behavior through the motivations and culture they help create by affecting the perception that a given task is expected and that performing it will be rewarded (Johnson 2010). By the same token, immigration policies and policing practices enacted by local governments and law enforcement systems can communicate whether aggressive identification of immigrants for arrest under the Secure Communities program will be rewarded or discouraged. These characteristics may further moderate or mitigate federal pressure to identify immigrants for deportation – as well as individual officers’ own biases towards immigrants.

We would therefore expect law enforcement agencies in jurisdictions that have participated in immigration enforcement in the past to be more likely to maintain a culture rewarding enforcement than those in counties with either “sanctuary” designation or that have demonstrated resistance to SCOMM. Similarly, we would predict that police agencies with a diverse and culturally-competent workforce or that subscribe to more progressive policing practices would also be less likely to reward high rates of immigrant arrests – or to rely on racial profiling to do so. In effect, research on the effects of same-race policing (e.g. Antonovics and Knight 2009) suggests that a greater presence of Latino officers would result in fewer immigrant arrests (although see Wilkins and Williams (2009) which suggests a more complex relationship). In sum, to the extent that the local demographic, political, and law enforcement context does, in fact, affect officer

arrest behavior, a significant association between these covariates and immigrant arrests would indicate that immigrant arrest decisions are associated with the local policy and law enforcement culture and not only with structural factors, such as immigrant criminality.

Finally, in addition to the fact that immigrants are less likely to commit crime than the US-born, a large proportion of immigrant arrests under the Secure Communities program involve minor offenses, such as traffic violations (TRAC Reports 2014; United States Government Accountability Office 2012). This would suggest that law enforcement encounters involving immigrants are characterized by a larger role for police discretion – for which the outcomes are particularly likely to be shaped by the local environment. Therefore, I would also expect correlates of immigrant arrests to not only differ from those of non-immigrant arrests, but to explain a greater proportion of their variability.

Data, Measures, and Analytic Strategy

Data

In order to examine predictors of local immigration enforcement outcomes, I use county-level IDENT/ IAFIS Interoperability¹ Statistics on arrests under the Secure Communities program between October 27, 2008 and December 31, 2014. Because the program was activated gradually through January 22, 2013, data from each county is provided from its initial month of implementation. I combine SCOMM data with the

¹ IDENT/ IAFIS Interoperability refers to integration between the Department of Homeland Security's (DHS) main data management system, the Automated Biometric Identification System (IDENT) and the US Department of Justice's (DOJ) Integrated Automated Fingerprint Identification System (IAFIS).

2007 edition of the US Department of Justice's (DOJ) Law Enforcement Management and Administrative Statistics (LEMAS) Survey, which contains information on nationally representative samples of local police agencies and sheriff's departments, respectively. Socio-demographic and geographic information is obtained from the 5-year 2008-2012 edition of the American Community Survey (ACS) and the 2010 Census. Finally, I use the DOJ's 2005 Law Enforcement Agency Identifiers Crosswalk (LEAIC) to link LEMAS data with the other governmental datasets.

Although the LEMAS survey provides agency-level information, Secure Communities outcomes are only available at the county level. Therefore, I restrict my sample to the 841 counties for which the LEMAS survey provides data on sheriff's agencies, which serve an entire county, rather than a single city or town within it.

Examining the relationship between sheriff's agency characteristics and immigrant arrest outcomes is particularly fruitful for several reasons. First, because a sheriff's office serves an entire county, it may be more likely to both reflect and shape law enforcement patterns and practices throughout the entire jurisdiction. Furthermore, sheriff's offices occupy a unique structural position among local, state, and federal governments. Consequently, they may be particularly sensitive to the demands of state and federal programs "from above" – such as SCOMM – in addition to those of the local government. Finally, because the sheriff is an elected official, the agency policies he institutes are likely to reflect the attitudes and opinions of his constituency, including views towards immigration enforcement. For all of these reasons, I argue that sheriff's offices are particularly representative of the law enforcement policies and practices within a county.

After list-wise deletion, my analytic sample consists of 771 counties (Sample 1). This eliminates counties with no foreign-born residents (n=2 counties) and no arrests either overall (2) or those of immigrants (45) during the period. It further eliminates counties with: missing data on all police agency characteristics other than number of officers (13), missing information on COP characteristics (3), zero required training hours (4), and missing information on written policies (1).

At the same time, in addition to considerable heterogeneity across US counties, responses to immigration are likely to be affected by the size of the immigrant presence. Furthermore, enforcement is most consequential for jurisdictions with a sizeable foreign-born population. Therefore, I create an analytic sub-sample (Sample 1b). In order to examine the counties that contain the greatest proportion of foreign-born individuals, while maintaining a sample with sufficient power, Sample 1b consists of the n = 408 counties from Sample 1 for which at least 3% of the county is foreign-born. The counties in this sample are larger and more urban, with more complex law enforcement systems, and produces more arrests overall, but a slightly lower rate of immigrant arrests.

Measures

Dependent Variables

The first dependent variable is the *average monthly immigrant arrest rate* per thousand foreign-born. This is the number of arrestees with a corresponding match in the DHS IDENT system per thousand foreign-born, adjusted for the number of months Secure Communities has been active in the county:

$$[1] \text{ Immigrant arrest rate} = \frac{\text{Total IDENT Matches}}{\text{Total Foreign-Born}} * \frac{1}{(\text{Months SCOMM Active})} * 1,000$$

The second dependent variable is the *average monthly non-immigrant arrest rate* per thousand US-born, the number of arrestees who do *not* produce a match in the IDENT system, out of the US-born population, and subsequently averaged across the number of months SCOMM has been active in a county:

$$[2] \quad \frac{\text{Total Fingerprint Submissions} - \text{Total IDENT Matches}}{\text{Total US-Born}} * \frac{1}{(\text{Months SCOMM Active})} * 1,000$$

Explanatory Variables

Socio-demographic and Geographic Characteristics

County-level socio-demographic measures are obtained from the 5-year 2008-2012 American Community Survey (ACS) and include population density, percent foreign-born, and median household income. Geographic variables consist of region and location on the US-Mexico border.

Policy and Partisanship

Duration of SCOMM participation is measured by the number of months between date of program deployment and December 31, 2014. I include dummy variables for three types of immigration policies that explicitly involve local criminal justice systems – participation in the 287(g) program, sanctuary status, and limited compliance with ICE detainer requests (“anti-detainer” policy). A county is assigned a value of one if either the county itself or a municipality within the county has implemented a given policy. Information on jurisdictions with prior or current 287(g) agreements is obtained from the ICE website and current as of August 13, 2014. Data on sanctuary designation is

obtained from a list compiled by the Ohio Jobs and Justice PAC (OJJPAC), which identifies itself as “the most complete and widely used list of sanctuary cities in the United States” and is current as of September 30, 2014. Finally, the Catholic Legal Immigration Network, Inc. (CLINIC) provides a list of localities that have restricted their compliance in some way with detainer requests under SCOMM, such as by refusing to hold arrestees identified as IDENT matches. This information is current through November 2014. Partisanship is measured as the percentage that voted Republican in the 2008 Presidential Election, using electoral data from *The Guardian*.

Law Enforcement Agency Characteristics

Sheriff’s office characteristics included in this analysis are meant to represent three components of the law enforcement system within a county: human capital, political progressivism, and commitment to diversity. The first category includes the number of sworn, full-time employees with general arrest powers and the combined academy and field training hours required of recruits. In order to identify the presence of progressive policing practices, I construct a community-oriented policing (COP) index which consists of the number of community policing activities in which the agency participates, out of a total of 10 (listed in Appendix 2). This index has a Cronbach’s alpha of 0.811, demonstrating strong internal consistency. An additional variable meant to represent the overall progressive climate of the agency refers to whether it authorizes or maintains collective bargaining rights for employees.

Law enforcement agency characteristics that represent a commitment to diversity consist of three types of variables. Policies on working with diverse populations include

whether the agency has a written policy or procedural directive on racial profiling, dealing with limited English-proficient individuals, or checking immigration status, respectively. Employment practices promoting diversity include whether the agency evaluates a recruit's understanding of diverse cultural populations during the hiring process and whether it authorizes or provides bilingual ability pay. Finally, workforce diversity is captured by the percentage of sworn officers who are Latino or Black, respectively.

Analytic Strategy

In order to identify predictors of immigrant arrests under the Secure Communities program, I estimate OLS regression models of immigrant arrests on each category of covariates – socio-demographic and geographic characteristics, immigration policy and partisanship, and law enforcement agency attributes – using robust clustered standard errors by state (Analysis 1). In order to compare predictors of immigrant arrests with those of non-immigrants, I then estimate a similar model for non-immigrant arrests (Analysis 2). It is typically both more valid and efficient to use Zellner's seemingly unrelated regression (SUR) when estimating equations simultaneously, because it allows for errors to be correlated across the equations. However, because both of the regression models contain the same covariates, using SUR does not yield any gains in efficiency. Therefore, I use OLS rather than SUR. I then use cross-model Wald chi square tests to compare the association between the covariates and the two outcome variables, respectively.

Results

Sample Description

Table 1 provides a summary of the 771 counties in the main sample of this analysis. The average county in this sample is a small metropolitan area with a population of slightly over 200,000, 6% of whom are foreign-born. During the nearly 4 years of the program, counties have submitted an average of 30 sets of fingerprints per 10,000 per month. Among these fingerprint submissions, less than 3% have resulted in an IDENT match, of which 24% involve Level 1 offenses. Counties produce an average monthly immigrant arrest rate of 1.98 per thousand foreign-born compared to a non-immigrant arrest rate of 3.02 per thousand US-born. Geographically, the counties are unevenly distributed by region, with nearly half located in the South and an additional third in the Midwest. Slightly over half are Republican, while only a fifth have participated in any of the immigration policies examined (287(g), sanctuary designation, anti-detainer policy).

Sheriff's offices in the sample count an average of 140 sworn, full-time officers, of which just over 4% are Latino and nearly 6% are non-Hispanic Black. Sheriff's offices participate in fewer than three community-oriented policing (COP) activities, where the most common are assigning police officers to specific beats (49%) and maintaining a mission statement that explicitly mentions a COP component (46 %). Some policies and practices are also more prevalent than others: while just under three quarters have a policy on racial profiling, 39% have one on interacting with ESL populations, and 29% have an agency-specific policy on checking immigration status. Slightly over a third authorize or maintain collective bargaining rights. Even fewer sheriff's offices evaluate

diversity skills during the recruitment process (15%) or offer bilingual incentive pay (10%).

The counties in Sample 1b (n=408) are generally comparable to the full sample, with a few key differences. The average county in this sample is a larger, medium metropolitan area in which the percentage foreign-born ranges from slightly over 3% to 41%, but averages to just under 10%. Nonetheless, counties submit a similar monthly rate of fingerprints, which result in a comparable proportion of IDENT matches. The immigrant arrest rate is slightly lower, 1.51 compared to 1.98 in Sample 1, while the non-immigrant arrest rate is slightly higher, 3.25 versus 3.02. Somewhat more counties are located in the West and have implemented at least one of the local immigration policies examined (36%). Aside from their size, characteristics of sheriff's offices are also comparable in the two samples. However, those in Sample 1b participate in slightly more community-oriented policing activities on average (3.57 versus 2.75) and are more likely to authorize collective bargaining rights and maintain policies related to diversity.

Regression Results

Table 2 shows the results for Analysis 1, which consists of OLS regressions of the immigrant arrest rate on the covariates of interest. Location on the US-Mexico border is associated with a monthly immigrant arrest rate that is 133% higher compared to non-border counties. Two socio-demographic characteristics are also significant. Each additional 10% increase in population density is associated with a one-percent lower rate of immigrant arrests. Sanctuary designation is negatively associated with immigrant arrests, where such a designation predicts a 15% lower rate, compared to counties

without this designation. In contrast, having an anti-detainer policy is associated with a 34% higher rate of immigrant arrests. In addition, both the negative coefficient on SCOMM duration and the positive coefficient on percentage Republican are significant at the 0.01 level.

Finally, several of the covariates pertaining to sheriff's office characteristics exhibit statistical significance. Authorizing collective bargaining rights is associated with a nearly 24% lower rate of immigrant arrests compared to sheriff's offices without such a policy. The negative coefficient on training hours is significant at the 0.10 level, as are the positive coefficients on the use of a diversity skill assessment during recruitment and the percentage of Black officers.

Results for Sample 1b are broadly comparable to those in Sample 1. As in Sample 1, border proximity is a positive predictor of immigrant arrests. Midwest location and number of police officers also emerge as positive predictors of immigrant arrests at the 0.10 level. In addition, household income negatively predicts immigrant arrests, such that a ten percent increase in the median income is associated with a 3.5% decrease in the immigrant arrest rate. However, the negative coefficients on population density and sanctuary designation are only significant at the 0.10 level, while the significance of the positive coefficient on detainer policy disappears altogether.

For several statistically significant predictors of immigrant arrests, we can reject the null hypothesis of equivalence between the coefficients on the models estimating immigrant and non-immigrant arrests, respectively. The relationship between immigrant

arrests and border county location, population density, and collective bargaining rights are statistically different from non-immigrant arrests. This also applies to sanctuary designation, percent Republican, training hours, and the percentage of Black officers at the 0.10 level.

Finally, there is also a statistically significant difference between the coefficients across the two models for significant predictors of non-immigrant arrests. This includes the negative coefficients on household income, 287(g) participation, and the positive coefficient on the number of full-time officers. Once again, the results from Sample 1b are generally comparable.

Robustness Checks

In order to check for multicollinearity, I calculate the variance inflation factor (VIF) for each regression model, which provides a summary of the extent to which the variance of a regression coefficient increases due to high correlations among variables. After excluding the variable for the annual operating budget from the analysis, the largest VIFs are 5.87 and 4.83, for Samples 1 and 2, respectively. These do not exceed the common threshold of 10, which is typically used to indicate high multicollinearity.

Discussion

This analysis examines outcomes from the Secure Communities immigration enforcement program to investigate the extent to which socio-demographic, policy, and law enforcement characteristics predict the rate of immigrant arrests and how these

relationships differ from that of non-immigrant arrests. To summarize, I find the following:

1. “Place” – local geography and demography – are strong predictors of immigrant arrest rates. Location on the US-Mexico border predicts an arrest rate that is over 100% higher than counties located elsewhere. In contrast, population density is a negative predictor of immigrant arrests, but relatively smaller in magnitude. The association between these characteristics and immigrant arrests is significantly different from that of non-immigrant arrests.

2. “Policy” – sanctuary designation is associated with a 15% lower rate of immigrant arrests, while anti-detainer policy is associated with a 34% higher rate of immigrant arrests. Interestingly, both sanctuary status and detainer policy exhibit a similar relationship to non-immigrant arrests.

3. “Police” characteristics account for a smaller proportion of the variation in immigration arrests. Nonetheless, the presence of collective bargaining rights predicts an immigrant arrest rate that is 24% lower and is significantly different from its association with non-immigrant arrests.

The fact that demographic and geographic factors are important predictors of immigrant arrests is consistent with the well-documented relationship between local demography and patterns of crime and criminal justice outcomes. Furthermore, the finding that location on the US border is positively correlated with immigrant arrests is consistent with prior work which finds that location in this area is a positive predictor of local participation in or support for local enforcement policies. Therefore, it is possible

that the considerable magnitude of the effect of border proximity is due, at least in part, to a particularly heightened awareness of immigration, as well as attendant concerns about the implications for public safety. Meanwhile, the negative association between population density and immigrant arrests could point to the greater priority assigned to the prioritization of law enforcement responses to more serious crimes rather than to immigration enforcement in urban areas.

At the same time, household income exhibits a negative association with both immigrant and non-immigrant arrests – for which both coefficients are significant in Sample 1b. This finding is therefore potentially illustrative of the ways in which characteristics of practices by local police may influence enforcement outcomes. For instance, the negative relationship between household income and both types of outcomes could be attributed to higher policing in lower-income areas – especially given that crime rates tend to be lower in heavily immigrant areas.

Despite the salience of demographic and geographic factors, however, we cannot necessarily conclude that “demography is destiny” with respect to arrest outcomes under Secure Communities. The covariates related to policy demonstrate a particularly interesting relationship. Although the positive coefficient on 287(g) participation is not, itself, significant in the regression of immigrant arrests, the negative coefficient on non-immigrant arrests is statistically significant. Furthermore, results from the Wald chi square test indicate that the coefficients across the two models are significantly different. This suggests that jurisdictions that have engaged in the pro-enforcement 287(g) program have less aggressively pursued non-immigrant arrests.

In contrast, there are similarities in the association between other policy variables and the two different outcomes examined. For instance the significant negative association on sanctuary status in both models is suggestive that such counties demonstrate less aggressive arrest behaviors for both immigrants and non-immigrants overall. Finally, the positive coefficient on this variable for anti-detainer policy – which was originally incorporated to indicate opposition to the Secure Communities program, initially appears puzzling. Yet, this association may, in fact, be indicative of resistance to the procedures of the program, rather than to enforcement itself. More specifically, it is possible that the jurisdictions that produce the highest rates of both types of arrests may be particularly short on the resources to detain immigrants awaiting transfer to ICE for an additional time period. As a result, rather than jurisdictions with an anti-detainer policy producing the highest arrest rates, this finding could instead be explained by the fact that the counties with the most arrests have demonstrated resistance to the program’s detainer policy.

Finally, the emergence of collective bargaining rights as the primary sheriff’s office characteristic that demonstrates statistical significance is somewhat puzzling. Nonetheless, it is possible that this attribute is indicative of a generally more politically progressive environment rather than the actual benefit of collective bargaining rights in and of themselves – and which is ultimately manifest in a more lenient approach towards immigration enforcement.

At the same time, the absence of an association between the majority of sheriff’s agency characteristics examined and immigrant arrests should be interpreted with

caution. Examining agency-level characteristics as predictors of county-level arrest outcomes may attenuate the relationship between law enforcement systems and immigration enforcement outcomes – a limitation discussed below. Future work – perhaps featuring data that contains information on arrest outcomes at the police agency level – could adjudicate among competing explanations for the relatively small role played by sheriff’s agency characteristics in predicting immigrant arrests. For instance, law enforcement agencies within a county may demonstrate considerable heterogeneity among their policies or sheriff’s offices may make a smaller contribution to arrest rates, compared to other agencies within a county. Alternatively, if law enforcement agency policies do not, in fact, translate into actual officer practices, there will ultimately be little relationship between agency characteristics and arrest outcomes.

Limitations

This analysis has several important limitations. First off, because it utilizes agency-level predictors of county-level arrest outcomes, the policies and practices maintained by a county sheriff’s office may not necessarily be representative of those of all police agencies within a county. Examining sheriff’s offices whose characteristics are not consistent throughout a county may therefore have the effect of *underestimating* the association between sheriff’s agency characteristics and county-level arrest outcomes. In addition, the sheriff’s office is not the only arresting agency within a county. Consequently, the use of sheriff’s characteristics to estimate county-level arrest outcomes may have the effect of *overestimating* the relationship between law enforcement attributes and arrests.

The available data also presents several challenges in the construction of arrest rates. In addition to naturalized citizens, the IDENT database contains other types of US citizens. These include either US- or foreign-born individuals who have participated in an adoption involving US Citizenship and Immigration Services (USCIS) or trusted travel program, undergone credentialing for TSA aviation employees, or have an active FBI warrant. During the first year of the program (October 2008 – 2009), 5% of all IDENT matches resulted in the identification of some type of US citizen (either US-born or naturalized). However, it is likely that the majority of US citizens identified in IDENT – and counted among the total number of IDENT matches – are immigrants rather than US-born.

While the inclusion of US-born individuals represents a potential over-count of immigrant arrests, this may be counter-balanced by the possibility of an under-count of certain groups of immigrants. Because the IDENT system contains data only on individuals who have had prior contact with the US government, this may result in an under-count of arrests of immigrants who have entered the US illegally. On the other hand, undocumented immigrants are even less likely to engage in criminal activity than their legal-status counterparts, making them particularly unlikely to encounter law enforcement as a result of committing a serious crime (Rumbaut 2008).

In the absence of data on the reason for arrest, I can only turn to prior work which suggests that immigrant arrests disproportionately involve less serious crimes.

Furthermore, without data on the race/ ethnicity of arrestees, I am unable to account for the possibility of “spillover” effects, in which people of color who appear to be immigrants experience disproportionate arrests by law enforcement, but which are

categorized under non-immigrant arrests. This analysis examines aggregate arrest outcomes throughout the duration of the program only. Therefore, it does not look at changes in arrests over time, nor does it compare arrests before and after implementation of the program. Future work could address some of these limitations, such as by examining trends in immigrant arrests over time or procuring more detailed data that eliminates US citizens from SCOMM matches or disaggregates arrests by agency level.

A final limitation of this analysis concerns the data obtained from the LEMAS survey. The survey item pertaining to an agency's racial profiling policy asks only whether the agency had a policy governing this practice – not whether it actively discourages the use of profiling. Similarly, the survey item pertaining to having a policy on checking immigration status does not specify whether such a policy requires offices to or prevents officers from engaging in this practice. Thus, using an item that includes policies that both authorize and prevent police from asking for citizenship status may account for the absence of a net effect for this variable.

In sum, this analysis makes a key contribution to the literature examining local participation in immigration enforcement. It is not only one of the first to examine predictors of local immigration enforcement outcomes, but demonstrates the distinct relationship between contextual factors and immigrant arrests by comparing them to arrest patterns of non-immigrants. In doing so, this analysis accounts for two specific types of particularities pertaining to local immigration enforcement processes. It considers the “multi-layered jurisdictional patchwork” (Varsanyi 2012) of often overlapping – and sometimes even contradictory – immigration-related policies at the

state, county, and municipal level, by considering the role of 287(g) participation, sanctuary designation, and a jurisdiction's SCOMM detainer policy. Moreover, given concerns about the use of racial profiling and the otherwise discriminatory targeting of immigrants for arrest by pressures such as quotas, this analysis considers the role of law enforcement agency characteristics with respect to progressive, culturally-informed policing practices.

This analysis cannot provide a definitive answer to an on-going question in both academic and policy-related circles: whether county variations in immigrant arrests under SCOMM are largely driven by structural factors or by discriminatory practices. Nonetheless, it sheds light on a persistent gap in the literature – variation in the local implementation of an immigration enforcement program across diverging demographic, policy, and law enforcement contexts. Additional work is required to fully understand the mechanisms that govern the association between contextual factors and program outcomes.

Appendix 1:

Table 1: Descriptive Statistics

Variable	Sample 1			Sample 1b		
	Obs	Mean	Std. Dev.	Obs	Mean	Std. Dev.
Overall SCOMM Outcomes						
Total fingerprint submissions	771	34151.60	109683.00	408	59557.70	145938.00
Total IDENT matches	771	1917.28	9736.82	408	3575.16	13172.00
Level 1 matches	771	519.01	2682.29	408	968.94	3630.39
Level 2/3 matches	771	1398.27	7094.54	408	2606.22	9597.51
Monthly SCOMM Outcomes						
Fingerprint submissions per 10,000	771	29.11	15.98	408	30.62	14.55
Immigrant arrest rate	771	1.98	5.43	408	1.51	3.27
Percent Level 1 matches	771	0.24	0.15	408	0.25	0.10
Percent Level 2/3 matches	771	0.76	0.15	408	0.75	0.10
Non-immigrant arrest rate	771	3.02	1.66	408	3.25	1.54
Socio-demographic/ Geographic Characteristics						
Population	771	214947.00	553117.00	408	367576.00	725598.00
Population density	771	321.89	768.76	408	539.01	1004.25
Border county	771	0.01	0.09	408	0.02	0.13
North	771	0.06	0.25	408	0.08	0.27
Midwest	771	0.30	0.46	408	0.19	0.39
West	771	0.15	0.36	408	0.23	0.42
South (reference category)	771	0.48	0.50	408	0.50	0.50
% foreign-born	771	0.06	0.07	408	0.10	0.07
Median household Income	771	48776.30	12529.90	408	53021.20	13392.50
Immigration Policy and Partisanship						
Months SCOMM active	771	44.18	11.04	408	48.57	11.30
287(g) program	771	0.04	0.20	408	0.08	0.27
Sanctuary	771	0.08	0.27	408	0.15	0.36
Detainer policy	771	0.15	0.36	408	0.24	0.43

Table 1: Descriptive Statistics (continued)

Variable	Sample 1			Sample 1b		
	Obs	Mean	Std. Dev.	Obs	Mean	Std. Dev.
Immigration Policy and Partisanship						
287(g), sanctuary designation, or detainer policy	771	0.21	0.41	408	0.36	0.48
% Republican	771	0.55	0.13	408	0.53	0.14
Sheriff's Office Characteristics						
Full-time officers	771	139.62	372.30	408	232.71	491.43
Recruit training hours	771	980.00	439.07	408	1103.77	427.53
Collective bargaining rights	771	0.34	0.47	408	0.40	0.49
Community-Oriented Policing activities	771	2.75	2.60	408	3.57	2.80
COP component in mission statement	771	0.46	0.50	408	0.55	0.50
Created or maintained COP plan	771	0.15	0.36	408	0.21	0.41
Conduct citizen's police academy	771	0.23	0.42	408	0.35	0.48
Offices engage in SARA-type problem solving	771	0.19	0.39	408	0.25	0.44
Officers assigned to specific beats	771	0.49	0.50	408	0.60	0.49
Evaluated for collaborative problem-solving skills	771	0.14	0.35	408	0.18	0.39
Upgraded technology to facilitate crime analysis	771	0.30	0.46	408	0.35	0.48
Partner with citizen's groups	771	0.43	0.49	408	0.53	0.50
Conducted community survey on community views	771	0.17	0.37	408	0.23	0.42
Maintain COP unit	771	0.21	0.41	408	0.31	0.46
Profiling policy	771	0.74	0.44	408	0.76	0.42
ESL policy	771	0.39	0.49	408	0.39	0.49
Immigration policy	771	0.29	0.45	408	0.29	0.46
Bilingual ability pay	771	0.10	0.30	408	0.18	0.39
Diversity assessment	771	0.15	0.36	408	0.15	0.36
% Latino officers	771	0.04	0.11	408	0.07	0.14
% Black officers	771	0.06	0.11	408	0.07	0.11

Table 2: OLS Regressions of Immigrant and Non-Immigrant Arrests on Covariates with Cross-Model Wald Tests

VARIABLES	(1) Model 1	(2) Model 2	(1) - (2) p-value	(3) Model 3	(4) Model 4	(3) - (4) p-value
Border county	0.848*** (0.25)	-0.052 (0.21)	**	0.717*** (0.18)	-0.086 (0.13)	***
North	-0.307 (0.22)	-0.200 (0.15)		-0.151 (0.22)	-0.251 (0.17)	
Midwest	0.178 (0.15)	-0.078 (0.10)	*	0.246+ (0.15)	-0.099 (0.10)	***
West	-0.071 (0.17)	0.026 (0.11)		0.172 (0.14)	0.067 (0.10)	
Log (Population density)	-0.106* (0.05)	0.003 (0.03)	**	-0.094+ (0.05)	-0.022 (0.04)	*
% foreign-born	0.299 (0.68)	0.534 (0.45)		0.635 (0.55)	0.536 (0.38)	
Log (Median household income)	-0.019 (0.18)	-0.588*** (0.13)	***	-0.341* (0.14)	-0.730*** (0.11)	**
Log (Months active)	-0.419+ (0.22)	-0.241 (0.15)		-0.177 (0.19)	-0.182 (0.16)	
287(g) program	0.076 (0.10)	-0.177* (0.08)	***	0.021 (0.10)	-0.134 (0.08)	***
Sanctuary designation	-0.159* (0.06)	-0.261*** (0.05)	+	-0.137+ (0.07)	-0.156** (0.04)	
Detainer policy	0.292** (0.11)	0.176* (0.07)		0.113 (0.10)	0.145* (0.07)	
% Republican	0.840+ (0.42)	0.178 (0.25)	+	0.677+ (0.38)	0.274 (0.26)	
Log (Full-time officers)	0.088 (0.06)	0.206*** (0.04)	***	0.088+ (0.05)	0.160*** (0.04)	*

Table 2: OLS Regressions of Immigrant and Non-Immigrant Arrests with Cross-Model Wald Tests (continued)

VARIABLES	(1) Model 1	(2) Model 2	(1) - (2) p-value	(3) Model 3	(4) Model 4	(3) - (4) p-value
Log (Training hours required)	-0.147+ (0.08)	-0.040 (0.05)	+	-0.173 (0.10)	-0.029 (0.09)	*
Community-Oriented Policing activities	0.001 (0.01)	-0.008 (0.01)		-0.004 (0.02)	-0.003 (0.01)	
Collective bargaining rights	-0.275* (0.11)	-0.091 (0.07)	*	-0.172+ (0.10)	-0.014 (0.07)	+
Racial profiling policy	-0.008 (0.10)	0.013 (0.06)		0.034 (0.13)	0.002 (0.10)	
Policy for working with ESL populations	0.008 (0.05)	0.012 (0.04)		0.056 (0.06)	0.033 (0.05)	
Immigration status checking policy	-0.098 (0.08)	-0.072+ (0.04)		-0.049 (0.07)	-0.043 (0.05)	
Diversity skill assessment during recruitment	0.120+ (0.07)	0.049 (0.05)		-0.000 (0.07)	0.108+ (0.06)	**
Bilingual incentive pay	0.182 (0.11)	0.129 (0.08)		0.097 (0.09)	0.090 (0.08)	
% Latino officers	-0.071 (0.29)	0.098 (0.20)		-0.394 (0.26)	-0.017 (0.21)	*
% Black officers	0.754+ (0.43)	0.298 (0.30)	+	0.715+ (0.36)	0.643** (0.22)	
Constant	2.601 (2.38)	7.586*** (1.57)		5.277* (1.97)	9.036*** (1.42)	
Observations	771	771		408	408	
R-squared	0.134	0.261		0.170	0.297	

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05, + p<0.10

Appendix 2:

Community-oriented policing (COP) index variables:

In the past 12 months, whether the agency:

1. Maintained a mission statement that included a community policing component
2. Actively encouraged patrol officers to engage in SARA-type problem-solving projects on their beats
3. Conducted a citizen police academy
4. Maintained or created a formal, written community policing plan
5. Gave patrol officers responsibility for specific geographic areas/ beats
6. Included collaborative problem-solving projects in evaluation criteria of patrol officers
7. Upgraded technology to support the analysis of community problems
8. Partnered with citizen groups and included their feedback in the development of neighborhood or community policing strategies
9. Conducted or sponsored a survey of citizens on crime, fear of crime, or satisfaction with police services
10. Maintained a community policing unit with full-time personnel

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