

Municipal Law Enforcement Policy on Illegal Immigration Stops: Do Social Factors Determine How Aggressively Local Police Respond to Unauthorized Immigrants?

Stephanie L. Kent, *Cleveland State University*

Jason T. Carmichael, *McGill University*

The devolution of immigration law has increased local police involvement in the enforcement of federal immigration law. But only some departments have responded by implementing policies that restrict their officers' involvement in order to protect residents from overzealous policing. We test theories of economic and ethnic threat to explore the structural characteristics of cities that explain this variation. Multiple regression results show that the most unequal cities that have large Hispanic populations are less likely to have a policy. Hispanic white segregation and high unemployment also reduce the likelihood of policy implementation. We discuss theoretical and policy implications.

Why do police departments differ in their commitment to protecting the civil rights of unauthorized immigrants? The constitutional right to privacy applies to all people in the United States regardless of immigration status, yet many police departments do not have policies and procedures that restrict their officers from interfering in the enforcement of immigration law. Others have policies that remind their officers that they should not stop or detain suspects solely because they may be undocumented immigrants or for the purpose of inquiring about citizenship. We follow Decker et al. (2009)'s claim that the response of local law enforcement to immigration depends on environmental factors and propose that the social characteristics of the cities in which departments reside should predict whether or not departments have policies aimed at safeguarding civil rights and limiting the discretionary power of local law enforcement officers.

Until the mid-1990s, immigration was seen as a civil matter handled exclusively by the federal government and participation of local and state authorities in immigration enforcement was limited (McDonald 1997), but since 1996, federal agencies (particularly ICE) have become increasingly involved with local and state law enforcement. Federal policies and programs that advocate partnerships between local agencies and ICE have allowed for local police to be trained as immigration officers and participate in unauthorized immigrant

detection efforts. These partnerships allow local police to use immigrant status as a pretext for initiating contact with suspected unauthorized immigrants, thus leading to ethnic profiling based on skin color (Sweeney 2014). For example, in 1997, the “Chandler Roundup” in Arizona led to the arrest of 432 suspected unauthorized immigrants, but many of these suspects were in fact legal residents.

A rationale behind the ICE programs is that undocumented immigrants pose a larger criminal threat than the general population and so identifying them and deporting them should reduce crime but Treyger, Chalfin, and Loeffner (2014) report that one of these programs has not done so. Kubrin (2014) and Martinez and Iwama (2014) argue that this same program exacerbates already strained relationships between police and immigrants thus reducing the cooperation and trust that is essential to effective crime reduction, and leads to increases in social disorganization in communities where parents are deported, leaving broken families behind. Varsanyi et al. (2012) reported that policing practices caused immigrants to stop driving to work, school, church, and other community activities and avoid all police contact, including cooperation with police or reporting criminal victimization for fear of deportation, while Szkupinski-Quiroga, Medina, and Glick (2014)’s interview-based survey research indicated that immigration enforcement legislation has produced a hostile, anti-immigrant climate that impacts entire communities and Latinos of all immigration statuses. But departments also have the opportunity to allay these fears by creating policies that protect the civil rights of unauthorized immigrants. Wells (2004) reports that policymakers in some cities have created laws that protect immigrants’ rights in the face of increasing denial of these rights at the federal level because they recognize that immigrants are members of their communities first and foremost. Police departments can do the same by creating policies to remind officers that immigration enforcement is not a local concern. In the absence of such policies, officers are left to make discretionary decisions that lead to overall inconsistencies in the response to immigration and a lack of accountability (Decker et al. 2009).

But why does law enforcement treatment of citizens matter? The classic literature in policing recognizes that the legitimacy of the police depends on their acceptance by the community (Wilson 1971, Skolnick 1969), and police departments rely on the public to report crime. But for community members who are immigrants, legal or unauthorized, confidence in the police tends to be lower than for legal, non-white residents. In fact, a recent survey conducted by the Pew Research Center found that the majority (54%) of Hispanics surveyed had “just some” or “very little” confidence that police in their community would avoid using excessive force on a suspect compared to just 16 percent of whites (Krogstad 2014). The same survey also found that the majority of

Hispanics (51%) had little confidence that they would be treated the same as whites by local police, whereas the vast majority of whites (72%) believed the two groups would be treated equally by officers. Such survey evidence points to a rather striking confidence gap between whites and Hispanics with much of it likely related to actual or perceived differences in treatment by the police. The recent involvement of local police agencies in federal immigration enforcement has likely exacerbated these differences in opinion. Barrick (2014) found that Hispanics who have had contact with police and have been questioned about their immigration status report lower levels of confidence in the police.

Epstein and Goff (2011) articulate the consequences of these ethnically based confidence gaps. They claim that because law enforcement requires legitimacy to be effective, wide-ranging concerns about racism actually become a threat to public safety. Their survey research about local police enforcement of immigration law showed that citizens feel that the legitimacy of the police depends on their regard for civil rights. They conclude that public safety depends on the maintenance of police legitimacy, and the most effective way to maintain legitimacy is to avoid adopting police department regulations that force officers to infringe upon the civil rights of their community members. So not only has heightened immigration enforcement had a detrimental effect on police–community relations particularly within Hispanic/Latino communities, it also threatens the entire mandate of policing and therefore public safety.

Many local police administrators responded to such concerns by working to both implement strict restrictions on the enforcement of immigration law as well as placing severe limits on local officers working with federal immigration agents. In fact, the fallout of the partnership programs between the U.S. Immigration and Customs Enforcement Agency (ICE) and local police agencies caused many municipalities to rethink their participation in enforcing immigration law. During the 2000s, many local agencies clarified how their officers should react to potential unauthorized persons by enacting specific department policies. These policies are designed to remind officers that immigration law enforcement is the role of the federal government (ICE) and so they should not stop, question, detain, or arrest persons solely based on the suspicion that they may be unauthorized. Without such clear-cut policies and procedures, the discretionary nature of policing (Bittner 1990) encourages officers to make ad hoc decisions about whether to initiate contact with and question suspected unauthorized immigrants, thereby increasing the likelihood of ethnic profiling.

These policies and procedures can help minimize the potentially discriminatory effects of police discretion and avoid exacerbating already strained relationships between police and immigrant communities, but not all departments have adopted these directives. Importantly, administrative policy guidelines designed by local police department administrators may be the most important

factor influencing the behavior of local law enforcement officers within a particular jurisdiction. Scholarship on police use of force has offered substantial evidence that restrictive departmental policies are the most effective mechanism to change patrol officers behavior during citizen encounters. Importantly, such departmental policies are much more effective than either judicial decisions or legislative changes (for a thorough review, see Blumberg 1997). Given that administrative policies have such an important role in determining local law enforcement behavior, we focus our attention on variations in such policies that relate to officer treatment of potentially undocumented individuals. To that end, we assess the influence of structural factors that may help us better understand why some municipal police departments have a formal written policy (this may include regulations, guidelines, or specific training) while others do not. Departments such as Albuquerque's have a policy that states, "Officers shall not stop, question, detain or arrest any person solely on the ground that they may be undocumented and deportable foreign nationals" but many other departments have failed to follow suit and so we attempt here to explain these differences. To date, no study has empirically assessed this important question. We will fill this void here by isolating the structural characteristics of cities that predict whether the local police have addressed the problem of selective enforcement that discriminates against immigrants.

More broadly, studying variations in law enforcement approaches to unauthorized immigrants help us learn more about how different groups of people are treated in the United States. Differences in police department policies reflect public opinion about who belongs in a community and who is unwelcome. A study of local department policy is essentially a city-level study so we employ a macro-level approach. There are a number of explanations for variations in law and policy so the following section must explore multiple hypotheses that will guide our analyses.

Theory and Prior Research

While some scholars have examined pro-immigrant legislation passed by city councils (referred to as "sanctuary" laws), and others have looked at police department policies on use of force, no large-scale study has empirically assessed determinants of specific *police department* policies related to the treatment of suspected illegal immigrants. Criminological theory points to a number of plausible accounts for variation in such departmental policies. The first is based on the assumption that social control efforts must be strengthened in order to control social instability produced by economic inequality (see Blau and Blau 1982). The second addresses the role of ethnic prejudice that may lead to racial or ethnic profiling in policing. Despite the lack of empirical studies to use as precedent, there is a large body of literature conducted in the

United States and elsewhere that looks at macro-level variation in police as a measure of social control. Scholarship that aims to explain variation in other aspects of social control related to the police guides the following section. This section includes an outline of the two main theoretical explanations as well as additional explanations for control variables.

The Role of Income Inequality

One area of police policy that has garnered a good deal of attention is the study of police strength, which refers to the size of or spending on municipal police (e.g., Carmichael and Kent 2015; Carmichael and Kent 2014; McCarty, Ren, and “Solomon” Zhao 2012; Stucky 2005; Kent and Jacobs 2005). The most recent empirical study of the predictors of variations in police force size across cities found that cities with high-income inequality had a larger number of law enforcement officers per capita (Carmichael and Kent 2014). They argue that more police are necessary in the most unequal cities. This argument is rooted in a conflict or neo-Marxist perspective that assumes that, because wealth confers political power, high-income inequality allows the affluent the ability to control public policies that benefit themselves. Applied to policing policies, the assumption is that the affluent should use their political power to either demand police procedures that benefit them, or at least fail to demand police policies that favor the less affluent or any social group they perceive as threatening (for elaboration, see Quinney 1974; Turk 1969).

Classic research on the police suggests that the affluent has a vested interest in allowing the police broad discretion to find and control potential criminal suspects. In part because the number of police relative to citizens is limited, officers are trained to look for those who do not fit into the neighborhood milieu as potential threats to the social order (Rubenstein 1969; Wilson 1971). This technique is inefficient in lower-class areas where potential law-breakers cannot be readily distinguished from orderly citizens. In more affluent places, however, police can easily detect “that which is out of place” (Rubenstein 1973:151) as a possible criminal threat, and stop and question them. When police have more discretion in either wealthy or poor areas, they may most often serve to protect the rich, who perceive themselves to be subject to criminal predation because of their resources, and so economic elites should benefit most from policing policies that give police the most discretion to stop and question potential suspects.

This argument is relevant to the policy we study here that aims at restricting police behavior by directing the police not to stop, detain, or arrest citizens solely on the suspicion they may be unauthorized immigrants. Historically, immigrants have been viewed by majority whites as competitors for job opportunities, and more recently, research shows that immigrants, particularly those

of Hispanic origin, are viewed, particularly by elites who have much to lose to criminal predation, as potential criminal threats (Rumbaut 2009). These xenophobic and racist beliefs persist despite criminological research that consistently reports lower levels of crime and violence among immigrants and in immigrant enclave communities (See Emerick et al. 2014 and Stansfield 2014 for recent reviews). Given these widespread prejudices, it is unlikely that economic elites would support a policy that reduces police officers' ability to disproportionately target this ethnic minority group. *Cities with high-income inequality should therefore be less likely to have this policy.*

Some scholars who examined the effect of economic inequality on social control outcomes operationalized this idea of ethnic threat in terms of competition over jobs rather than income differences. The supposition is that in places where jobs are scarce, law and punishment are used as a way to control a large mass of unemployed. Stemming from the classic work of Rusche and Kirchheimer (1939), who found that prison populations rise in direct response to increases in unemployment, others have found that an increase in unemployment leads to increases in police presence (Kent and Carmichael 2014) and in perceived threat posed by immigrants (Wang 2012). This argument is especially relevant here because much of the political rhetoric, anti-immigrant sentiment, and resulting restrictionist legislation is partly a response to competition for jobs from unauthorized immigrants (Ramakrishnan and Wong 2007). Accordingly, *in places with high unemployment, policies that restrict officer involvement with potential unauthorized immigrants should be less likely* because the public would prefer an unfettered police force that aims to deport anyone who competes with U.S. citizens for jobs.

The Size of the Hispanic Population, Residential Segregation, and Immigrant Populations

Hispanics have become the largest ethnic minority in the United States, outnumbering African Americans in more than half of all US metropolitan areas, particularly those in the South (Frey 2011). While unauthorized immigrants in the United States are not limited to those from Hispanic countries, recent data suggest that more than 78 percent of illegal immigrants come from Mexico (56%) or other parts of Latin America (22%) (Pew Hispanic Center 2007). Given such statistics, it is not surprising that immigration policies are largely directed toward migrants from Mexico and other parts of Latin America.

We recognize that the proportion of Latinos does not necessarily reflect the proportion of unauthorized Latino immigrants; however, given the demographic trends above, we consider two potential explanations for variations in police policies aimed at restricting immigration-related policing. One hypothesis

relies on a political model, while the other is based on racial or ethnic threat theory, a variant of conflict theory. Jackson (1989) advanced a political account of how minorities may gain control over police policy and administration. She suggests that once minority groups account for a sizable proportion of the community, they are able to influence police department policies and practices in ways that are less likely to adversely affect members of their community. Under this model, *we would expect a positive association between the size of the Hispanic population and the adoption of departmental policies restricting officers from attempting to enforce immigration laws.*

Social threat theories provide an alternative account of this relationship. The racial threat perspective was introduced by Blalock (1967), who argued that majority groups increase efforts to maintain their social and political dominance as the size of the minority group grows, until it exceeds a certain proportion of the total population. This theory assumes that citizens and authorities perceive members of racial and ethnic minority groups as a criminal threat to the social order primarily because they tend to attach criminal stereotypes to them (Tittle and Curran 1988). Quillian and Pager (2001) provide strong empirical evidence of this association when they find that after holding crime constant, fear of crime is greater in cities with more African Americans, and Cohen, Barkan, and Halterman (1991) report that the most racially prejudiced whites tend to have more punitive attitudes about crime. This fear and prejudice lead majority groups to pressure political authorities to increase efforts to control these populations through coercive measures. Minority group threat is linked to minority group size (Bobo & Hutchings, 1996) because cultural differences and threats to sociopolitical dominance become more important as the minority group becomes larger (Jackson 1989). Indeed, this perspective has been verified outside of the United States by Jackson and Doerschler (2012), who note that “States have reacted to perceptions of Muslims as threatening to the security and culture of Europe by developing policies that reinforce these perceptions” (p. 157). According to the minority group threat perspective, we should expect a similar response to Hispanic immigrants in the United States.

Previous studies found that cities with larger African American populations had more police killings (Jacobs and O’Brien 1998; Sorenson, Marquart and Brock 1993; Smith 2004; Willits and Nowacki 2014). Other studies found a link between minority threat and additional forms of social control including police force size (Carmichael and Kent 2014; Sharp, 2006; Holmes et al. 2008; McCarty, Ren, and “Solomon” Zhao 2012; Zhao et al. 2012), expenditures on police (Jackson 1989) or prisons and jails (Carmichael and Burgos 2012; Jacobs and Helms 1999), and arrest rates (Liska, Chamblin, and Reed 1984).

Most empirical research that tests this theory examines African Americans as the source of threat. African American communities have a long history of

contentious relationships with law enforcement, but some scholars claim that Hispanic communities also have problematic relationships with local police (Huang and Vaughn 1996; Walker 1997) particularly given the increase in local police participation in the enforcement of immigration law (Decker et al. 2009). Wang (2012), for example, found that residents in southwestern states believed undocumented immigrants posed a criminal threat when they perceived there was a large undocumented immigrant population where they live. Jackson (1989) found that cities with many Hispanics, especially in the South and Western United States, spent more on policing. The most recent test of this ethnic variant of the theory on police behavior found that, controlling for the amount of crime, cities with high proportions of Hispanic residents had more police (Kent and Carmichael 2014) perhaps because police administrators and the public respond to a perceived criminal threat posed by Hispanics by strengthening the police force. Applied to the police policy we study here, in places with many Latinos (where perceived threat is high), police departments should be more concerned with controlling potential crime and so they should be less likely to implement restrictions on officers' ability to stop and question people, including potential unauthorized immigrants.

Some studies of local immigration laws support this contention. Hopkins (2010) found more hostility among residents and a higher likelihood that local governments will draft anti-immigration ordinances in areas experiencing rapid immigration and heightened media attention to immigration. Walker and Leitner (2011) examined city policies across the United States and reported that municipalities experiencing rapid growth of their foreign-born population are more likely to introduce exclusionary policies. Esbenschade (2007) and Singer, Wilson, and DeRenzis (2009) also suggested a positive link between demographic change and exclusionary policies, while Citrin et al. (1997) noted an increase in policies that reduce benefits for undocumented immigrants in states with many immigrants, thus supporting the idea that the threat posed by immigrants leads to political social control. Others (Ramakrishnan and Wong 2007) report that places with many Latino residents were not more likely to have passed pro-immigrant legislation. These studies looked at legislative activity rather than police department policy, but Lipsky (1980) argued that police are street-level bureaucrats who have the ability to essentially create policy through their discretionary actions, so these studies provide some support for our hypothesis.

There have, however, been some theoretical accounts (Blalock 1967) that suggest the relationship between the size of the marginalized populations and formal social control efforts are curvilinear in nature. A number of studies have supported such a claim (Kent and Carmichael 2014; Jacobs, Carmichael, and Kent 2005, Jackson 1989). These studies suggest that the relationship will be

negative until the size of the minority population reaches some threshold, at which point the relationship will either level-off or even become positive. Jackson (1989) argues that this threshold effect exists primarily because a sizable minority population will ultimately gain greater political influence and hence be more able to thwart policies and practices that adversely affect members of their community.

Thus, it stands to reason that cities with more Hispanics should be less likely to have a policy limiting police interaction with those that may be in the country illegally because majority whites and police administrators should prefer that police be unfettered in their ability to control unauthorized immigrants. If this is the case, we should expect that *there will be a positive but potentially curvilinear relationship between the size of the Hispanic population and the probability that a given police department will have a regulation forbidding officers from enforcing immigration laws.*

The threat model discussed above suggests that the size of a culturally dissimilar minority group will affect the likelihood that majority groups will feel threatened by these groups. Police organizations also perceive these large groups as possible threats to the social order (Turk 1969) and a problem population for their officers. But police departments do not disperse officers equally across a geographic area; rather, they concentrate officers in the poorest, largely minority neighborhoods partly in order to protect their officers from potential physical harm (Chambliss 2001). In many large cities in the United States, residential segregation by ethnic group is pronounced and departments use this knowledge to focus policing efforts.

No study of variation in public policy has looked at the effect of segregation, but a few studies of social control mechanisms found that the most segregated places are more likely to have larger police forces, a response to concentration of perceived threat posed by this group (Kent and Carmichael 2014). Carmichael (2005), for instance, found that cities with high levels of segregation had higher jail admission rates. He concludes that when social distance is greater, and interaction between different racial/ethnic groups is less common, the perception of minorities as a threat may be greater thereby increasing the chances that the powerful will request repressive measures that will likely target minority groups. Similarly, Sever (2001) found that the most segregated cities had the most police, contending that “..the more highly segregated an area is, the more threatening it becomes to police bureaucrats, who likely have more influence on the dispersion of the police budget (for hiring officers, etc.) than its actual size” (p. 59). Applying this idea to policing behavior, we hypothesize that *places with pronounced Hispanic white segregation should be less likely to have a policy that limits police discretion when dealing with potential suspects that may be unauthorized residents.* The recent national

debate surrounding Hispanic/Latino immigration reform has focused the public's attention on Hispanic geographic concentration because it has highlighted social tensions in immigrant communities (Marrow 2013). If police administrators are similarly convinced that immigrant communities are hotbeds of disorder and crime, they should desire that officers be unfettered from civil rights concerns that, to them, might interfere with maintaining public order.

But the effect of a large Hispanic population may depend on other social characteristics of the city. As noted above, police should be more threatened in places with high-income inequality and so departments may be less likely to implement any type of policy that restricts their discretion to stop and question suspects. The difficulty of policing areas with high economic inequality is likely exacerbated by also having to police a large Hispanic population that police see as criminogenic. This possibility is important to consider because in places with high-income inequality and many Hispanics, police action is likely to have an especially detrimental effect on public confidence in the police and as a result, should reduce citizen cooperation with police. Though he studied disadvantage rather than inequality, Holmes' (2003) survey research found that Hispanics who live in places with the greatest concentrated minority disadvantage expressed less confidence in police than did Hispanics residing in other areas or whites in any place. In areas of concentrated disadvantage, respondents had the greatest fear of victimization, which also led to negative perceptions of the police. These findings indicate that it is important to consider the combined effect of inequality and the size of the Hispanic population on policies that have the potential to increase ethnic or racial tensions and therefore create problems for police–citizen relations. *We therefore expect that cities with many Hispanics and high-income inequality should be less likely to have a policy that restricts local police ability to enforce federal immigration law.*

While it is important to consider the size of the Hispanic population, the population of immigrants should also matter. In places with many long-term residents, policies that are aimed at protecting immigrants from unnecessary police contact should be less necessary because there may be fewer immigrants. In these cities, police departments should be less inclined to include a directive because there may be less pressure from the immigrant public or civil rights groups to do so, or simply because there is little contact between police and immigrants, thus a lower perceived need for the policy. *Cities with a high proportion of residents who were born in the state should therefore be less likely to have a police policy that prohibits officers from stopping or detaining suspects solely based on the assumption that they are unauthorized immigrants.*

But these effects may not be felt equally across all places in the United States. Given that the majority of immigrants affected by policing policies are Hispanic or Latino, and considering that legislative activity at the state level on

this issue has stemmed largely from Arizona in response to immigration from Mexico, cities in states that border Mexico should differ from other cities in their adoption of the policy we study here. As mentioned in the introduction, Arizona has passed legislation that encourages local police to enforce federal immigration laws by actively pursuing those they suspect to be undocumented. If cities in Arizona and other border states follow suit, we would expect them to not require their officers to limit involvement in federal immigration law enforcement. And, if Hispanics are the usual targets of immigration enforcement, including a control for cities along the border makes sense since three out of four Hispanics in the United States live in the southwest (Tienda and Fuentes 2014). Therefore, *cities in border states should be less likely to have a policy that limits their ability to stop, question, or detain people solely based on the suspicion that they are undocumented*. We include Florida along with the states that border Mexico because there is a large influx of immigrants that enter the United States here and because other criminological studies of immigrants have focused on Florida (e.g., Stowell and Martinez 2009).

We consider one final state-level explanation. State laws governing police discretion in encounters with potential undocumented immigrants should matter. The U.S. Supreme Court has upheld the most controversial part of Arizona's anti-immigrant law, S.B. 1070, which requires police to determine the immigration status of someone arrested or detained when there is "reasonable suspicion" they are not in the United States legally. The ACLU and other civil rights organizations have challenged the Arizona law in the courts and through legislative action, but on other constitutional grounds. The ACLU will continue to fight back against anti-immigrant law through legislative action and litigation, but Arizona's enactment of SB 1070 inspired other states to pass similar legislation. There are now five states—Alabama, Georgia, Indiana, South Carolina and Utah—that have passed Arizona "copycat" laws.¹ It stands to reason that city police departments in these states should be more interested in locating undocumented immigrants and so their department policies should reflect this priority. Accordingly, *cities in states with anti-immigrant laws in place should be less likely to have police policies that aim to reduce discriminatory policing aimed at undocumented immigrants*.

Controls

Several other characteristics of cities should be related to the department's likelihood to have a policy governing police contact with suspected unauthorized immigrants. First, larger cities may be less likely to have implemented a policy given that social control is more difficult in more populous places so police departments may prefer to allow their officers more discretion in dealing with citizens. Put differently, there may be less desire to restrict officer's

behavior because policing a large public is more difficult (Kent 2010). But controlling for the size of the police force relative to the population is also important. Cities with more police may be more likely to have a policy, since controlling the behavior of many officers may require more detailed official directives. Finally, cities with more crime may be less likely to pass any policy that limits police discretionary power because doing so may restrict their ability to prevent or detect crime. We account for these controls in each of our multivariate models.

Data and Measures

The Sample and Dependent Variable

To test the hypotheses outlined above, we compiled a dataset that includes data on the 170 cities in the United States with over 100,000 residents. We focus on the period 2000–2007, because the devolution of immigration law from the federal government to local agencies occurred largely after 1996 when Congress passed the Illegal Immigration and Immigrant Reform Act (IIRIRA) (Varsanyi et al. 2012). Most of the data for our explanatory variables are drawn from the 2000 census. We use 2000 census data for our independent variables because it likely takes many years for socio-demographic conditions in each city to influence public policy related to illegal immigration. Also, we use 2000 decennial census data for the explanatory variables because most variables of interest in our study are unavailable in off-census years. Some form of interpolation could fill in gaps in our data but even the most sophisticated techniques introduce measurement error thereby degrading our estimates. To avoid this outcome, we use only 2000 census data for our explanatory variables. While previous studies of police strength have varied in the population threshold used to capture urban centers, most have used cities with over 100,000 residents as their sample. To remain consistent with the relevant studies, then, we use the same population size for our sample of cities. Due to missing data for some variables, our sample drops to 160 cities for all of our analyses.

The dependent variable measures whether a police department has implemented a policy that limits officers' ability to stop/question/detain persons solely because they are suspected of being undocumented immigrants. The data come from the 2007 LEMAS (Law Enforcement Management and Statistics) survey, conducted by the Bureau of Justice Statistics. LEMAS collects data from over 3,000 state and local law enforcement agencies, including all those that employ 100 or more sworn officers and a nationally representative sample of smaller agencies. The survey includes a question which asks each law enforcement agency whether they have a formal policy or procedural directive that forbids police officers from checking the immigration status of citizens.

Those jurisdictions that respond in the affirmative to this survey item are coded as “1” with all others given a “0”. To be clear, jurisdictions may have adopted the policy any time before 2007 when the survey was conducted. That said, we are not interested in when jurisdictions adopt such a policy but rather if they do so. Thus, our approach of using 2000 census data to predict policy adoption by the time the 2007 LEMAS survey was conducted is an appropriate methodological approach.

We acknowledge that no data source exists that provides the exact date that a policy was enacted; however, there is prolific evidence that leads us to believe that policies were enacted during the time period we study here. First, police departments across the country experienced public scrutiny of their treatment of Hispanic immigrants following the Chandler Roundup in 1999 in which many U.S. citizens were arrested because they were suspected to be undocumented, thereby violating their civil rights (Romero and Serag 2004). As a response to this event and the 2001 terrorist attacks, the U.S. Senate Subcommittee on the Judiciary held a hearing in 2004 to discuss proposed legislation. Among those who addressed Congress were politicians and scholars who argued that local police must limit their enforcement of immigration law because they are not trained to do so, or, as David Harris, a law professor and scholar noted, are already overburdened, and targeting undocumented immigrants would strain community policing efforts. In fact, the Chandler Roundups were referenced as “the only major ethnic profiling incident actually related to immigration” (U.S. Senate 2004:105). Though there were dissenters, one recommendation derived from the hearings was for local departments to initiate policies that limit their officers’ involvement with immigration law. Due to these recommendations and heightened public scrutiny of local police and concerns over legal liability due to civil rights violations, it is likely that departments initiated the type of policy we study here during the 2000s. Second, Wells (2004) notes that the 1996 welfare reform and immigration laws led to cities enacting legislation that limited INS activities in their city in the early 2000s. Given the legislative activity that occurred during this time period, it is likely that police departments adopted similar “sanctuary” policies including the one we study here during the 2000s. This policy may be more symbolic than instrumental but the sources cited above suggest that departments were interested in appearing sensitive toward the civil rights of immigrants, undocumented or otherwise.

Though the language of the policy varies from department to department, these directives generally note that the enforcement of immigration laws is outside of the local law enforcement jurisdiction and is, instead, the federal government’s responsibility (ICE). These policies also inform local officers not to request proof of citizenship nor detain individuals solely because they are

suspected of being in the country illegally. For example, Albuquerque's policy states, "Officers shall not stop, question, detain or arrest any person solely on the ground that they may be undocumented and deportable foreign nationals". We estimate this dichotomous outcome using multivariate logistic regression to see whether any of our theoretically derived explanatory variables help us better understand why some departments adopt such a policy while others do not.

Independent Variables

As mentioned above, most of the data for our explanatory variables was taken from the 2000 decennial census. First, we gauge the size of the Latino population in each city using the natural log of the percentage of residents that are Hispanic. We transform the variable to its natural log form because statistical tests suggest that the variable is best specified in this particular form. We operationalize the extent to which Latinos are residentially segregated in each city using the index of dissimilarity. This commonly used measure of residential segregation indicates the odds that a Latino will come into contact with a white person by taking into account the geographic concentration of each group within census blocks. The index ranges from zero (no residential segregation—i.e., all blocks have same ethnic composition as the entire city) to 100 (complete residential segregation—i.e., no census block has mixed ethnic composition). A number of alternative measures of segregation exist, but the index we use is the most often employed in criminal justice research so using the index of dissimilarity will make our results more comparable to other studies (see Messner and Golden 1992 for a detailed discussion of the advantages and disadvantages of our measure of segregation as well as alternative measures).

We assess the economic threat hypothesis using a pair of indicators. At present, the criminal justice literature is largely inconsistent in its measurement of income inequality. Scholars have used any number of measures to assess the magnitude of economic stratification within a society including unemployment rates, poverty rates, and income differences by racial group, but the most conventional measure has been the Gini index (for a detailed discussion, see Land, McCall & Cohen 1990; Kelly 2000; Pratt & Cullen 2005). The advantage of the Gini index is that it is widely available, uncomplicated to calculate and interpretation is straightforward. Additionally, a number of recent studies that have tested the influence of income inequality on policing (e.g., Carmichael and Kent 2014; Stucky 2005) used the Gini index as the measure inequality so the results from our study should be more easily comparable. The Gini index ranges from zero (perfect equality—i.e., income is spread equally across all individuals) to 1.0 (perfect inequality—i.e., one household holds all the income). We also include the extent of unemployment as an alternative

measure of economic threat to account for the possibility that this is a better way to capture economic stratification across places.

A number of additional controls are also assessed in our models. Assuming that very large cities may have greater need for strict policies governing citizen–police interaction, we include the population of each city in all of our models. We also follow prior studies of city-level variations in social control efforts (e.g., Carmichael and Kent 2014) by including measures of criminal behavior using the rate of serious crimes per 100,000 residents (taken from the FBI’s Uniform Crime Report) as well as the number of police per 100,000 residents (drawn from LEMAS, described above).

Three separate state-level variables were included in one of our models to assess the possibility that policy decisions or structural conditions of the entire state may alter policy outcomes at the local level. A number of states have adopted strict anti-immigrant legislation based on Arizona’s SB1070. It stands to reason that local jurisdictions in such states might be reluctant to adopt policies that limit law enforcement officers’ powers to detect and apprehend potentially undocumented persons. Thus, we include a dummy variable coded “1” if the city is in a state that has adopted an anti-immigration law, “0” otherwise. Information about these laws comes from the ACLU website at <https://www.aclu.org/immigrants-rights/state-anti-immigrant-laws>.

We include two state-level variables that gauge the extent to which a city may be exposed to Hispanic migration generally, and illegal migration specifically. It seems likely that jurisdictions with more Latino migration would be inclined to control police–citizen encounters, especially those that relate to the enforcement of immigration laws. To assess this, we include two dummy variables from the 2000 census. The first is coded “1” if the state borders Mexico or Florida. Geographic proximity makes these states much more likely to have high levels of exposure to both legal and illegal Hispanic populations that may influence policing policies. The second variable we include to assess the extent to which each jurisdiction is experiencing migration is percentage of the population that was born in the state. State-level variables are used as proxies to assess city-level variations because no such variables exist for each city in our analysis.

Finally, we ran a series of statistical tests to ensure that collinearity was not a significant issue in our models. Variance inflation factor (VIF) scores were all below conventional levels that indicate problems with multicollinearity. The correlation matrix indicated that our percentage born in state variable was moderately correlated with other variables in the models. We ran some models (not shown but available upon request) without this variable, and the results remained consistent. Given this, and the importance to maintain the variable in the model to avoid specification error, we include this variable in the analysis.

Results

Descriptive Statistics

Table 1 presents the predicted directions, means, standard deviations, and ranges for all of the variables in our analyses. These summary statistics show the substantial variation that exists across the 160 cities in our sample. We see that 42 percent of local law enforcement agencies have adopted a policy limiting their ability to intervene in potential immigration violations. These cities also vary substantially in terms of Latino presence. Unlogged figures for the percentage of Hispanics in each city indicate that they vary widely from a low of less than one percentage of the city's residents (Jackson, MS) to over 90 percent (Hialeah, FL).² Cities also differ in how residentially segregated Latinos are from whites. The average city in our sample has a dissimilarity score of .40. Conceptually, the figure represents the percentage of Hispanics who would have to change their residence to a predominantly white neighborhood in order to achieve an ethnic distribution similar to the city as a whole. In other

Table 1
Means, Standard Deviations, and Predicted Signs ($n = 160$ cities)

Variable	Predicted direction	Mean	SD	Min	Max
1 = Police immigration policy	NA	.42	.50	0	1
Population	+	401,522	745,686	82,026	8,008,278
Serious crime rate	—	6,631.75	2,381.14	2,002.10	14,547.60
Unemployment rate	—	4.38	1.99	1.30	12.90
Sworn police per 100,000	+	305.94	114.77	142	753
% Hispanic (ln)	+/-	2.21	1.16	-.22	4.50
Hispanic/white Res. Segregation	—	39.95	12.48	13.17	69.92
Income inequality (Gini)	—	.45	.04	.36	.55
1 = State immigration laws	—	.13	.33	0	1
1 = State borders Mexico + FL	—	.32	.47	0	1
% Born in state	—	88.64	8.18	73.8	98.6

words, nearly 40 percent of Hispanics in each of the 160 cities would have to move to a predominately white neighborhood to achieve ethnic integration. That said, the range suggests wide variation in residential segregation of Latinos with some cities being largely integrated (scores below 15) to almost totally segregated communities (high score near 70 - Oakland, CA).

Finally, it is worth noting that cities in our sample vary substantially in their level of economic inequality. While the average city has a relatively high degree of income concentration as measured by the GINI index (.45), variation is sizable from a low of .36 to a high of .55. To contextualize these scores, note that scores near the low end of our sample can be compared to relatively equal countries such as Canada, whereas cities in our sample at the high end can be compared to some of the most unequal in the world (e.g., Brazil, among the most unequal societies in the world, has a GINI score of 52.7). Our multivariate analyses will allow us to see whether the vast jurisdictional differences in the above-described structural characteristics have an influence on the likelihood of adopting policies restricting officers' efforts to enforce immigration law across the United States.

Multivariate Results

Results from our multivariate logistic regression analysis are presented in Table 2. Our first model presents the findings from a smaller set of variables. The model does not include the state-level controls and ignores the possibility that Hispanic presence and income inequality operate jointly to influence law enforcement policy related to immigration enforcement. Model 2 adds these additional variables to those presented in Model 1. Prior to estimating the models presented in both of the models we present, we conducted a series of tests to determine the most accurate shape of the relationship between Hispanic presence and the outcome. We began by assessing the possibility of nonlinearity using a squared term (*U*-shape). Results suggested that the association was, in fact, best described as linear because the squared term was not statistically significant. Given this, we consider Hispanic presence as a linear relationship in both models. We transform the Hispanic variable into its natural log form to remove the influence of outliers.

Model 1 shows that the relationship between the size of the Hispanic population and the outcome is positive and significant. This finding is consistent with the previous claims (Jackson 1989) that policymakers are more sensitive and responsive to minority communities once they gain political clout due to their larger numbers in the community. There are also some indications from Model 1 that differences in economic inequality play a sizable role in determining the likelihood that police officials will adopt a policy restricting officer's ability to engage citizens suspected of being in the country illegally. It appears,

Table 2

Logistic Regression Estimates of the Determinants of Police Department Regulations on Illegal Immigrants

Predictors	Model 1		Model 2	
	Coef.	S.E.	Coef.	S.E.
Controls				
Population ^a	.006	.004	.009*	.005
Serious crime rates ^a	.106	.087	.175*	.102
Sworn police per 100,000	.003	.002	.001	.002
Conflict variables				
% Hispanic (ln)	.445*	.194	3.899*	1.878
Hispanic/white Res. Segregation	-.027	.019	-.037*	.021
Income inequality (Gini)	-3.207	5.957	13.695	11.022
Unemployment rate	-.198*	.102	-.262*	.112
State-level variables				
1 = State immigration laws	—	—	.206	.553
1 = State Borders Mexico + FL	—	—	-1.373*	.698
% Born in State	—	—	-.057	.041
Interaction term				
% Hispanic* income inequality	—	—	-7.331*	4.028
Constant	.372			-1.554
Number of cases (cities)		160		160

Significance (one-tailed tests): * $p \leq .05$; ** $p \leq .01$; *** $p \leq .001$. Coef., unstandardized coefficients; S.E., standard errors. ^acoefficients and standard errors are multiplied by 1,000 for ease of interpretation.

though, that despite our expectations, residential segregation does not reach significance in this early model. Together, these initial results indicate that police administrators may be responding to specific contextual factors when deciding if law enforcement should engage suspected illegal immigrants. We still need to discover, however, whether these effects operate jointly. Our next model also adds additional variables that may be important contributors to the outcome.

Model 2 includes our state-level explanatory variables as well as our interaction term. In this more fully specified model, we see that Hispanic presence remains positive and significantly related to policy adoption. Model 2 now

shows that, consistent with threat expectations, cities with highly segregated Latino communities are less likely to have adopted restrictive policies related to enforcing immigration laws. This model also includes several state-level indicators as proxies for policy and other structural conditions that local jurisdictions may be contending with. Findings from these variables indicate that, despite our expectations, cities in states with strict anti-immigrant laws are no more likely to adopt policies restricting local officers from engaging with citizens about their immigration status, possibly because local officials disregard cues from state-level officials. Given the focus on local jurisdictional authority regarding law enforcement in the United States, this finding is not particularly surprising. Also, it appears that cities with many people born in state (few immigrants) are equally likely to have such a policy but those states that border Mexico and Florida are significantly less likely to adopt restrictive policing policies. Overall, this suggests that cities in states that deal extensively with illegal migration from Latin America and Mexico (largely as a result of their geographic proximity to these countries) appear to be significantly less inclined to reduce the power of their local law enforcement officers by restricting their ability to approach and interrogate those suspected of being in the country illegally.

Finally, consistent with our results from Model 1, findings from this fully specified model show that our unemployment measure of economic inequality continues to be negative and significant. Thus, it appears that jurisdictions with high levels of economic stratification are less likely to restrict officer discretion through policies limiting their interaction with potentially undocumented citizens. A direct relationship between our primary measure of income inequality (GINI coefficient), however, is not significantly related to our outcome. That said, the interaction effect between Hispanic presence and income inequality (GINI) is significant and negative. Such a finding suggests that this relationship is best specified as operating *jointly* such that cities with *both* a high level of income inequality *and* a large Hispanic presence are *less* likely to implement policies restricting policing powers as they relate to enforcement of immigration laws. Based on this finding and expectations derived from economic threat theory, it seems plausible that local officials feel threatened in communities with large Hispanic populations that they may view as criminogenic and high levels of income inequality. Together, these two social conditions may produce a situation in which departments may prefer not to “police” their officers on how they handle encounters with potential undocumented immigrants. Put differently, departments in cities with many Hispanics and high-income inequality are more likely to allow their officers to enforce immigration laws in ways that would be unimpeded by restrictive policies.

Additional Considerations

Beyond what we report in Table 2, we also analyzed a variety of alternative specifications of our models to assess the robustness our findings (results not shown but available from the authors upon request). Ramakrishnan and Wong (2007) report that Democratic counties are more likely than Republican ones to pass pro-immigrant legislation and some survey data points to substantial differences in opinion about illegal immigration based on partisan identification (Pew Hispanic Center: <http://www.people-press.org/2015/06/04/broad-public-support-for-legal-status-for-undocumented-immigrants/>) but in models not shown the political preferences in each state (operationalized as the percentage voting for the Republican Presidential candidate in the 2008 election) were not associated with our outcome.

Finally, Varsanyi et al. (2012) note that for officers in departments that do not have their own policies regarding treatment of unauthorized immigrants, 287(g) agreements allow officers to act without blame because the officer can start the process of deportation through arrest without having to bear responsibility for the actual deportation. We included a dummy variable for cities who participated in ICE's 287(g) program (which was largely a county-based program), but found no effect of this participation on the likelihood of having a department policy. Taken together, our findings appear to be robust to changes in specification.

Conclusion

The ethnic composition of urban centers around the United States has changed substantially over the last few decades with the percent of foreign-born growing from <5 percent in 1970 to 11 percent in 2000 (Lewis and Ramakrishnan 2007). Because local law enforcement officers are the most numerous of all government security agents, they are typically the first to respond to public service matters. But immigration enforcement is a relatively new responsibility for local police, and cooperation in immigrant communities is particularly challenging because undocumented immigrants may avoid contact with the police for fear of deportation (Davis, Erez, and Avitabile 2001). Findings presented here confirm that officers are largely without guidance in many jurisdictions across the United States. These results are consistent with those reported by Decker et al. (2009) who find that a majority of departments they surveyed did not have training for officers about how to handle encounters with unauthorized immigrants. This is troubling given Varsanyi et al. (2012)'s suggestion that in the absence of policy directives, officers must create their own procedure or rely on unofficial norms of the department, which can lead to disparities in the treatment of unauthorized immigrants. Our goal here was to see why some

local departments would avoid such policies despite the consequences. What we found was that the local characteristics of cities explain some of the variation in whether departments have policies to guide police in these incidents.

Beginning with our control variables, we expected that city size might explain variation and found that larger cities are indeed more likely to have a policy. This is consistent with Decker et al. (2009) who reported that cities with smaller populations were less likely to have policy guidance for officers when responding to unauthorized immigration and Lewis and Ramakrishnan (2007) who found that larger cities were more likely to have pro-immigrant municipal police department policies. Wong (2006) surmises that smaller cities may not have the mobilization of interest groups and political elites necessary to effect policy change. Second, we predicted that cities with high crime rates would be less likely to have a policy that restricts officer behavior because department administrators and the public should demand that officers have more leeway to stop and question suspects in order to fight crime. But we instead found that places with high crime rates are more likely to have a policy. It is possible that the exact effect of this variable may depend on the types of crimes common in each city but such an examination of a control variable is beyond the scope of the present study.

We also explored three state-level explanations but only one of them reached statistical significance in our most inclusive model. Cities located in Florida or in states that border Mexico were *less* likely to have a department policy protecting immigrants, possibly because anti-immigrant sentiment is particularly salient in these states (Branton and Dunaway 2009). This supports Lewis et al.'s (2012) finding that cities near the Mexican border were more likely to have a government policy that supports local police enforcement of federal immigration law. We also examined whether cities we studied were in states with immigration laws that encourage local police involvement in immigration matters (based on Arizona's controversial SB1070). These laws promote racial profiling by local police (Epstein and Goff 2011) so we expected that they would also influence local policy, but we found that these state-level directives did not influence municipal department policy. This finding tells us that local departments are unlikely to follow state policy trends when developing their own procedures, which aligns with the history of local police enjoying jurisdictional autonomy in the United States.

But our most important findings have to do with our tests of both ethnic and economic threat. First, we found that places in which Hispanics are largely segregated from whites are less likely to have a policy that controls officer behavior. Put differently, police in the most segregated cities are unlikely to have to follow a specific departmental policy that limits their ability to stop, question, or arrest persons solely based on their suspicion of being

unauthorized. This supports studies that argued that the concentration of a minority group elicits social control responses such as more jail admissions (Carmichael 2005) and more police (Kent and Carmichael 2014; Sever 2001). We add to this research by being the first to examine whether segregation affects department policy and report that the most segregated cities are less likely to “police the police”, perhaps because segregation creates a concentration of ethnic minorities that are viewed as criminogenic and which necessitate unfettered police intervention.

Second, we found that cities with high unemployment are less likely to have a policy that restricts police involvement with potential undocumented immigrants. This finding aligns with arguments proposed by Rusche and Kirchheimer (1939) who claim that because the unemployed pose a potential criminal threat, in times of high unemployment, a common response is to increase social control. This claim is particularly relevant to immigration law because anti-immigrant sentiment across the United States has focused partly on the concern that undocumented immigrants are “taking” jobs from legal residents (Wells 2004). In cities experiencing high unemployment, police departments may be reluctant to place constraints on officers’ ability to detect unauthorized immigrants and begin deportation processes.

Though we found support for segregation (a measure of ethnic threat posed by Hispanics) and unemployment (a measure of economic threat), we found that ethnic threat is conditioned by the economic situation (the level of income inequality) of the city as a whole. While the economic and racial/ethnic threat hypotheses outline a direct relationship between these two contextual factors and legal social control, our research refines this assertion by showing that this relationship is best described as a *joint* effect. Perhaps, the most important aspect of our findings is our elaboration and advancement of these two threat theories. Cities with a sizeable Hispanic population *and* high-income inequality were the least likely to have a policy that limits police involvement in immigration enforcement, but separately, these two factors did not predict policy existence. This suggests that perhaps the best gauge of laws that aim to control segments of society is not simply economic threat or racial/ethnic threat but rather the presence of both within the same city.

There are several limitations to using department and city-level data. First, we cannot make direct assumptions about how the policy we study here affects actual officer behavior; however, deterrence theories predict that unclear or vague policies and laxity in investigations of police misconduct should make ethnic profiling more likely. Prior studies on police use of force confirm that administrative policies that are clearly enforced can reduce police shootings (Geller and Scott 1992), while lack of oversight by administrators can lead to more police shootings (White 2001, Sparger and Giacomassi 1992; Culliver and

Sigler 1995). Applied to the present study, these findings suggest that absent specific policy regulations, police will be more likely to engage in ethnic profiling (Varsanyi 2008). Second, because macro-level analyses cannot detect the individual department responses to racial or economic threats, it is difficult to know the exact mechanisms by which this threat response takes place. Even though political responses at the micro-level must be inferred, robust effects of macro-level indicators explain how racial composition and other structural effects may affect police department policy.

Despite these limitations that are inherent in the study design, our results guide future research by showing that ethnic inequality has a persistent effect on police department policy after crime rates and other structural conditions have been held constant.³ These findings are inconsistent with the conventional understanding of variations in police behavior which assumes that increases in discretion are a direct response to a need to control crime. Our study instead confirms that local decisions about policing immigrants stem from social conditions and specifically are explained partly by the economic and ethnic disparities in the United States.

From a policy standpoint, our study confirms that not all police departments have taken steps to protect the rights of unauthorized immigrants in their communities, and reduce the potential for ethnic profiling of Hispanic residents. Concerns about the ethnic profiling of minorities have likely increased since the period we study, and we can predict from our results here which cities are more likely to institute policies that limit local police involvement, but the next step is to address these structural factors at the city level in order to prevent discriminatory policing.⁴ Decker et al. (2009) summarizes this issue well: "The infusion of traditionally federal concerns into the sphere of police and local government responsibility, and the generally contentious climate in which unauthorized immigration is occurring, raise significant questions for policy-makers at all levels about federalism, police discretion, community policing, and the environment in which policing occurs" (p. 274). We add to our knowledge about policing by finding that characteristics of places in which police departments are embedded matter.

ENDNOTES

*Please direct correspondence to Stephanie L. Kent, Cleveland State University, RT 17272121 Euclid Ave, Cleveland, OH, USA; e-mail: S.L.KENT59@csuohio.edu

¹Interestingly, none of these are border states, but we hypothesize that both border states *and* AZ "copycat" states should be less likely to have a policy.

²As noted by a reviewer, tolerance for Latino subgroups should vary by region and ethnic subgroup; for example, the history of Cuban Americans' manner of immigration, differences in their

racial composition, skin color, the education level of their typical immigrants, which is different from that of Mexicans and Central Americans, for example, and that conditions the way the native population views them. An analysis of specific subgroups is beyond the scope of this article, but future research should consider variations in threat across ethnic subpopulations.

³We sought to explain whether or not departments have a policy, but from the limited information available from the survey data we used, we were unable to gauge variation in the policies themselves nor the enforcement of these policies. Some departments have a more specific directive that lays out the exact circumstances under which an officer is allowed to stop or question unauthorized immigrants, while others are more vague, but such an examination is beyond the scope of this study.

⁴The LEMAS survey included the question we use for our DV in the 2007 survey but not in the more recent 2013 survey. Future scholarship should investigate more recent trends. We (and our reviewers) speculate that more departments have instituted a policy given the increase in sanctuary legislation overall.

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