
Spring/Summer 2018-19

Crime, Law, and Deviance News

Newsletter for the Crime, Law, and Deviance section of the American Sociological Association

Unauthorized Immigrants and the Law

Amada Armenta

Department of Sociology
University of Pennsylvania

“What part of ‘illegal’ don’t you understand?” is a common refrain levied at unauthorized immigrants and their supporters. Despite decades of research that shows that immigrants do not disproportionately commit more crimes than US citizens, criminalization is a key feature of daily life for unauthorized immigrants. Part of the logic undergirding unauthorized immigrants’ supposed criminality is that their willingness to break the law by living in the United States without permission suggests that they will break other laws as well. Of course, once a person resides in the United States without permission, it is remarkably difficult *not* to commit legal violations. Laws make undocumented immigrants “illegal” and then outlaw daily practices that many of us take for granted. Moreover, one fact that often gets lost in the debates about how to evaluate unauthorized immigrants’ supposed “criminality” is the extent to which *everyone* breaks the law (because there are so many laws that one can break).

A decade ago, I began a research project to examine how local law enforcement agencies in Nashville, Tennessee responded to a burgeoning Latino immigrant population. Part of my research involved conducting interviews and ride-alongs with local officers. During ride-alongs, I saw that officers were remarkably adept at finding reasons (or, at least, articulating reasons) to justify pulling over motorists. As I argue in my book, *Protect, Serve, and Deport: The Rise of Policing as Immigration Enforcement* (University of California Press, 2017), this style of policing has disproportionate impacts on unauthorized immigrants who are often arrestable because they are ineligible for state-issued driver’s

licenses and identification cards. While Nashville police did not technically enforce immigration laws, they arrested staggering numbers of undocumented immigrants for minor violations such as loitering, driving without a license, and in some cases, fishing without a license. This happened because officers had tremendous discretion to arrest noncitizens whose identity could not be verified to the officer’s satisfaction. The department gave officers the freedom to ignore or accept alternate forms of identification including passports, foreign driver’s licenses, or consular identification cards.

At the time I did my research, the Davidson County sheriff’s office was participating in a federal immigration enforcement program called 287(g), which allowed sheriff’s deputies to act as immigration officers. As a result, deputies conducted interviews and immigration status checks of every foreign-born arrestee delivered to their custody. During the 287(g) program’s tenure, between 2008 and 2012, the sheriff’s office identified over 11,000 immigrants for removal. The majority of those identified for removal were Latinos who were arrested for misdemeanor driving offenses. These removals would have been impossible without the work of local police, who delivered large numbers of immigrants into county custody.

Like the majority of police departments throughout the country, the Metropolitan Nashville Police Department (MNPD) insists that it does not participate in immigration enforcement. In fact, the MNPD has been nationally recognized for its Hispanic community outreach efforts. However, because these outreach efforts occur alongside aggressive policing, the purported beneficiaries of these programs view them as insincere. I interviewed numerous Latino immigrants and immigrant advocates who believed that the department targeted Latino immigrants for vehicle

enforcement and prioritized punishing immigrants for traffic violations over protecting them.

Currently, there is tremendous variation in how cities, states, and towns respond to immigrant residents. Some jurisdictions have adopted restrictive anti-immigrant policies designed to strengthen immigration enforcement whereas others, declaring themselves “sanctuaries,” have adopted immigrant protections. For example, twelve states and the District of Columbia allow unauthorized immigrants to obtain state identification cards and/or driving privileges. In hundreds of cities and counties, jails refuse to honor immigration detainers, which are requests from ICE to hold suspected undocumented immigrants until federal agents can assume custody. “Sanctuary cities” have been repeatedly attacked by the President, the Attorney General, and ICE officials who believe that their policies undermine public safety. In contrast, these cities argue that “sanctuary” policies make cities safer by encouraging residents to call the police for help and cooperate as witnesses, regardless of their immigration status.

For the past year, I have been interviewing undocumented Mexican immigrants in Philadelphia to understand their views and legal attitudes, their experiences of victimization and contact with the police, and their decisions and opinions of legal compliance and noncompliance. My research shows that even in a progressive “sanctuary” city like Philadelphia, some unauthorized immigrants feel that local authorities are not on their side. All respondents believed that American police were better (and less corrupt) than police in Mexico, but they remained reluctant to call the police for help. Although one in four respondents had been victims of a crime since arriving in Philadelphia, few called the police to report their victimization.

This finding is not surprising, as popular and scholarly understandings suggest that immigrants live “in the shadows” and do not engage with legal bureaucracies because of their fear of deportation. However, my respondents knew that police did not cooperate with ICE and many insisted that they did not believe that calling the police would result in their deportations. For them, not calling the police was a practical decision made to avoid “problems.” Most of my respondents who reported crime victimization

said they were mugged. Their primary concern was recovering the money that had been taken from them, not catching and punishing their assailant(s). In this context, many believed that calling the police was futile because they doubted their assailant would be arrested and they knew their money was lost. Rather than waste time, respondents concentrated on recovering their losses through work. The few who chose to report their victimization to the police did so with support, including passersby who called the police on their behalves, local organizations, or English-speaking friends or co-workers. Most respondents reported that police treated them with respect and dutifully documented their victimization in a report, but did not actually find the perpetrator. With the exception of one respondent who was able to obtain a U-Visa (a visa available to victims of crime), respondents were unsure if reporting the offense was “worth it.”

Moreover, even in a liberal “sanctuary city” that rankles the Trump administration for its refusal to cooperate with immigration enforcement, unauthorized immigrants are punished for violating laws with which they cannot comply. Unauthorized immigrants are ineligible for driver’s licenses in Pennsylvania. While Philadelphia police do not arrest people for driving without one, they impound vehicles, issue tickets, and levy fines. Faced with paying hundreds of dollars in towing and impound fees, some respondents reported abandoning their cars in city impound lots instead of paying to retrieve them. Ironically, some respondents were so reluctant to drive without a license that they resorted to committing fraud, procuring driver’s licenses in states where they were not residents.

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Research on immigration law and its effects has long been of interest to migration scholars. However, new developments such as the devolution of immigration enforcement to local law enforcement agencies, the use of “big data” to identify deportable immigrants, and the surge of detentions and deportations makes the crimmigration system an important area of inquiry for researchers of crime, law and deviance. As we add our empirical findings to longstanding policy debates, we must also remember to move beyond staid framings that uncritically link immigration and crime. Research that examines whether immigrants meaningful contribute to crime, or whether “sanctuary cities” are “good” or “bad” for public safety, may unintentionally signal that immigration and crime are related. Social science research is crucial for challenging false beliefs about “criminality” and “deviance” and working for equal justice.

Crime, Law, and Deviance Section Information

Chair: Ramiro Martinez, Jr., Northeastern University

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Michelle S. Phelps, University of Minnesota 2018

Victor M. Rios, UC Santa Barbara 2017

Derek A. Kreager, Pennsylvania State University 2017

Newsletter Editors: Sarah Hupp Williamson and Nicholas Membrez-Weiler, North Carolina State University

Member News and Awards

Julie C. Abril received the Bonnie S. Fisher Victimology Lifetime Career Achievement Award from the Division of Victimology of the American Society of Criminology (ASC) during the 2017 Annual Meetings of the ASC in Philadelphia, PA. This award goes to the scholar who has made a significant contribution in the area of victimology over the course of their lifetime. Dr. Abril has studied victimization among Native Americans throughout her career. Her work has centered on cultural differences in the meaning of and responses to victimization among Native Americans within the context of criminological theory. Based on her research and lifetime achievements, the committee felt that she has made a significant contribution to an area that is core to victimology and has shed light on an under-examined topic in the field.

Charis E. Kubrin received the W.E.B. DuBois Award from the Western Society of Criminology for significant contributions to racial and ethnic issues in the field of criminology.

Kenneth Leon has accepted an Assistant Professorship, beginning Fall 2018, in the Department of Latino & Caribbean Studies at Rutgers University.

Heather Schoenfeld and Michael Campbell have an innovative research project funded by the NSF. With the help of computer scientists they have developed a custom database to track and analyze qualitative data on the politics of criminal justice reform at the state level. For more information visit:
<http://www.it.northwestern.edu/research/about/news/shoenfeld.html>

Daniel Semenza has accepted a tenure-track position in the Department of Sociology, Anthropology, and Criminal Justice at Rutgers University, Camden. Daniel will begin as an Assistant Professor in Fall 2018 after completing his PhD in sociology at Emory University under the direction of Bob Agnew.

Monica Williams received Weber State University's inaugural Gene Sessions Teaching Award, which is presented annually to a faculty member in the College of Social and Behavioral Sciences who exemplifies excellence in teaching.

Call for Submissions

Call for Papers: Journal of Gang Research

The Journal of Gang Research welcomes qualitative, quantitative, policy analysis, and historical pieces of original research.

A peer-reviewed quarterly professional journal, with editors are well-known gang researchers or gang experts, it is abstracted in a number of different social sciences, including but not limited to: Sociological Abstracts (American Sociological Association), Psychological Abstracts (American Psychological Association), Criminal Justice Abstracts, National Criminal Justice Reference Service, Social Service Abstracts, and others.

For over twenty-four years, the Journal of Gang Research has published original research, book reviews and interviews dealing with gangs and gang problems. These publications have included a wide range of topical areas including promising theory, scientifically sound research, and useful policy analysis related to gangs and gang problems. A list of the articles previously published in the Journal of Gang Research is published at www.ngcrc.com, the website for the National Gang Crime Research Center.

Address any question or inquiry to us by email at: gangcrime@aol.com

To submit a manuscript, send four (4) copies of the manuscript to: George W. Knox, Ph.D., Editor-in-Chief, Journal of Gang Research, National Gang Crime Research Center, Post Office Box 990, Peotone, IL 60468-0990. ASA or APA format. For more information about the Journal of Gang Research, visit the NGCRC website: www.ngcrc.com/ngcrc/page2.htm

W.E.B. Du Bois Program of Research on Crime 2018

National Institute of Justice: The W.E.B. Du Bois Program supports quantitative and qualitative research that furthers the Department's mission by advancing knowledge regarding the intersections of race, crime, violence, and the administration of justice within the United States.

This solicitation seeks investigator-initiated proposals for funding from two categories of researchers:

1. **W.E.B. Du Bois Scholars in Race and Crime Research** – Researchers who are advanced in their careers (awarded a terminal degree at least six years prior to December 31, 2018) may apply for 36-month (or less) grants, with funding up to \$500,000 for research and mentoring less-experienced researchers.
2. **W.E.B. Du Bois Fellowship for Research on Race and Crime** – Researchers who are early in their careers (awarded a terminal degree within six years prior to December 31, 2018) may apply for 24-month (or less) grants, with funding up to \$250,000 for research. A period of residency at NIJ is optional, but not required.

All applications are due by 11:59 p.m. Eastern Time on April 27, 2018.

Review the solicitation at

<https://nij.gov/funding/Documents/solicitations/NIJ-2018-14220.pdf>

Graduate Students on the Market

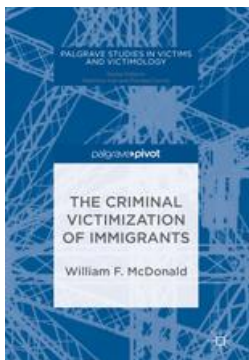
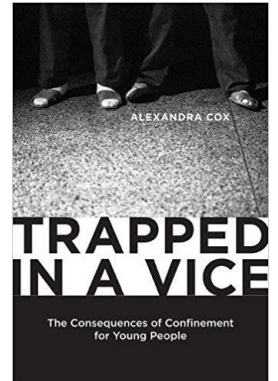


Name: Rebecca Rodriguez Carey
Degree: PhD Candidate
Institution: University of Missouri
Email: rmrtc5@mail.missouri.edu

Drawing on in-depth interviews I conducted with thirty-five women who were once pregnant while incarcerated in prisons across the United States, I explore women's narratives regarding their pregnancy experiences in prison. My research answers important questions related to 1) how women prepare for the birth of their infant while in prison, 2) how women view their health, specifically their evaluation of medical care throughout their pregnancy, including during labor and delivery, and 3) how women feel about reentry, especially in regard to family reunification. In my dissertation, I argue that these women are met with stigma because the ways in which pregnancy and motherhood are socially constructed in the U.S. have failed to include those who deviate from traditional discourses of femininity and motherhood. The findings indicate that the women encountered stigma, as a result of their unique entrance into motherhood because their birth stories are inextricably tied to the prison system. The women in this study were tasked with preparing for motherhood under less than ideal circumstances. They all fought difficult battles in their quest to access maternal care, and they all encountered barriers after the births of their infants, including upon release from prison. These findings are important both because this group has not received adequate attention from scholars and also because the number of women who are incarcerated has increased sharply in recent decades.

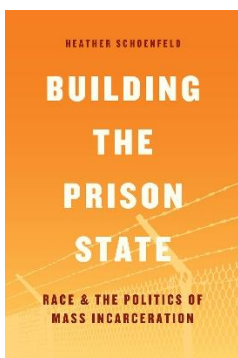
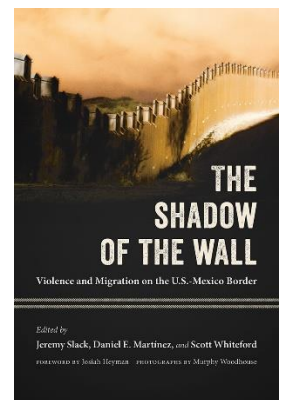
Member Book Publications

Cox, Alexandra. (2018). *Trapped in a Vice: The Consequences of Confinement for Young People*. Rutgers University Press.



McDonald, William F. (2018). *The Criminal Victimization of Immigrants*. Palgrave Macmillan Publishing.

Slack, Jeremy, Daniel E. Martínez, and Scott Whiteford, eds. (2018). *In the Shadow of the Wall: Violence and Migration on the US-Mexico Border*. Tucson, AZ: University of Arizona Press.



Schoenfeld, Heather. (2018). *Building the Prison State: Race and the Politics of Mass Incarceration*. Chicago University Press.

Member Article Publications

- Abrego, Leisy, Mat, Coleman, Daniel E. Martínez, Cecilia Menjivar, and Jeremy Slack.** 2017. "Making Immigrants into Criminals: Processes of Social and Legal Criminalization in the Post-IIRIRA Era." *Journal on Migration and Human Security* 5(3):694-715.
- Branic, Nicholas and Charis E. Kubrin.** 2018. "Gated Communities and Crime in the United States." Pp. X-X In Gerben Bruinsma and Shane Johnson (Eds.), *The Oxford Handbook of Environmental Criminology*. Oxford: Oxford University Press.
- Burkhardt, Brett C.** 2018 (advance online). "Contesting Market Rationality: Discursive Struggles over Prison Privatization." *Punishment & Society*. DOI: 10.1177/1462474517751665
- Carlson, Jennifer.** 2018. "Legally Armed but Presumed Dangerous: An Intersectional Analysis of Gun Carry Licensing as a Racial/Gender Degradation Ceremony." *Gender & Society*, 32(2): 204 – 227.
- Chiarello, Elizabeth.** 2017. "Where Movements Matter: Examining Unintended Consequences of the Pain Management Movement in Medical, Criminal Justice, and Public Health Fields." *Law & Policy* 40(1):79-109.
- Cochran, John K., Christopher J. Marier, Wesley G. Jennings, **M. Dwayne Smith**, Beth Bjerregaard, and Sondra Fogel. 2018. "Rape, Race, and Capital Punishment." *Race and Justice* 31:62-79.
- Cochran, John K., Wyatt Brown, Jocelyn Camacho, Wesley G. Jennings, **M. Dwayne Smith**, Beth Bjerregaard, and Sondra J. Fogel. 2017. "Overkill? An Examination of Comparatively Excessive Death Sentences in North Carolina, 1990-2010." *Justice Quarterly* 34:292-323
- Culton, Kenneth and José Muñoz.** 2017. "Breaking the Carnival Mirror: A Classroom Exercise to Reassess Criminality." *Humanity and Society*. Onlinefirst.DOI: 10.1177/0160597617725872
- Gould, Jon B. and Kenneth S. Leon.** 2017. "A Culture that is Hard to Defend: Extralegal Factors in Federal Death Penalty Cases." *J. Crim. L. & Criminology* 107(4):643-686
- Holmes, Malcom D. Matthew A. Painter II and Brad W. Smith.** 2018. "Race, Place, and Police-Caused Homicide in U.S. Municipalities." *Justice Quarterly* online first: <https://doi.org/10.1080/07418825.2018.1427782>
- Hupp Williamson, Sarah.** Forthcoming 2018. "What's in the Water? How Media Coverage of Corporate GenX Pollution Shapes Local Understanding of Risk." *Critical Criminology*. DOI: 10.1007/s10612-018-9389-8
- Kubrin, Charis E. and Michelle Mioduszewski.** 2018. "Theoretical Perspectives on the Immigration-Crime Relationship." Pp. 66-78 in Holly Ventura Miller and Anthony Peguero (Eds.), *The Routledge Handbook of Immigration and Crime*. London: Routledge.
- Lee, Angela, Ronald Weitzer, and Daniel E. Martínez.** 2017. "Recent Police Killings in the United States: A Three-City Comparison." *Police Quarterly*.

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- Martínez, Daniel E. and Matthew Ward.** 2017. "Agency and Resilience along the Arizona-Sonora Border: How Unauthorized Migrants Become Aware of and Resist Contemporary U.S. Nativist Mobilization." *Social Problems*.
- Martínez, Daniel E., Ricardo Martínez-Schuldt, and Guillermo Cantor.** 2018. "'Sanctuary Cities' and Crime." In: *Routledge Handbook of Immigration & Crime*. Edited by Holly Ventura Miller and Anthony Peguero. Routledge.
- Martínez, Daniel E., Ricardo Martínez-Schuldt, and Guillermo Cantor.** 2018. "Providing Sanctuary or Fostering Crime? A Review of the Research on 'Sanctuary Cities' and Crime." *Sociology Compass* 12(1):1-13.
- Martínez-Schuldt, Ricardo D. and Daniel E. Martínez.** 2017. "Sanctuary Policies and City-Level Incidents of Violence, 1990 to 2010." *Justice Quarterly*.
- Ousey, Graham C. and Charis E. Kubrin.** 2018. "Immigration and Crime: Assessing a Contentious Issue." *Annual Review of Criminology* 1:63-84
- Pierson, Amanda, and Daniel E. Martínez.** 2018. "Immigrants and the Federal Court System." In: *Routledge Handbook of Immigration & Crime*. Edited by Holly Ventura Miller and Anthony Peguero. Routledge.
- Slack, Jeremy, Daniel E. Martínez, and Scott Whiteford.** 2018. *In the Shadow of the Wall: Violence and Migration on the US-Mexico Border*. Tucson, AZ: University of Arizona Press.
- Slack, Jeremy and Daniel E. Martínez.** 2018. "What Makes a Good Human Smuggler? The Differences between Satisfaction and Recommendation of Coyotes on the U.S.-Mexico Border." *The ANNALS of the American Academy of Political and Social Science*.
- Soto, Gabriella, and Daniel E. Martínez.** 2018. "The Geography of Migrant Death: Implications for Policy and Forensic Science." Pp. 67-82 in *Sociopolitics of Migrant Death and Repatriation: Perspectives from Forensic Science*. Edited by Krista Latham and Alyson. O'Daniel. Cham, Switzerland: Springer International Publishing AG.
- Vogler, Stefan.** "Constituting the 'Sexually Violent Predator': Law, Forensic Psychology, and the Adjudication of Risk." *Theoretical Criminology*. Online first: <https://doi.org/10.1177/1362480618759011>
- Warner, Tara D., David F. Warner, and Danielle C. Kuhl.** 2017. "Cut to the Quick: The Consequences of Youth Violent Victimization for the Timing of Dating Debut and First Union Formation." *American Sociological Review*, 82: 1241-1271.
- Woldoff, Rachael A.** 2018. "Studentification and Disorder in a College Town." *City and Community* 1-17 doi: 10.1111/cico.12279