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### The Challenge of Policing Immigrant Communities

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## The Challenge of Policing Immigrant Communities

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## **The Challenge of Policing Immigrant Communities**

Providing effective policing for immigrant communities is one of the greatest challenges facing law enforcement agencies in the United States today. Despite the fact that police departments across the country have worked hard to improve their relations with immigrant communities in recent years, research suggests that many immigrants continue to encounter considerable difficulties in their dealings with the police and the criminal justice system in general. Language barriers, cultural differences, and a lack of familiarity with the US legal system, are all factors that can prevent immigrants from gaining access to justice or taking advantage of important criminal justice services. In addition, the failure of recent immigrants to report crimes to the police means that many immigrant communities in the United States continue to receive inadequate levels of funding for local crime control and law enforcement initiatives.

While most criminal justice professionals agree that the police and other law enforcement agencies need to rethink their approach to the policing of immigrants communities, it is difficult to find a clear consensus on how to improve police-immigrant relations or to combat persistent problems such as under-reporting. For some, the answer is to place greater emphasis on the acquisition of language and communication skills in police training, and to encourage officers to become more familiar with different immigrant cultures and communities. For others, the overriding concern is to promote diversity within the police and make departments more representative of the communities they are supposed to serve and protect.

The one thing that most researchers, policy-makers, and police officers do agree on, however, is that many of the problems currently facing the police stem from a lack of trust on the part of recent immigrants. Many immigrants continue to view the police with a mixture of fear and suspicion, often as a result of negative experiences with the police in their countries of origin, or because they are afraid of being turned over to the immigration authorities. As a consequence, although different states and different police

departments have tried various approaches to immigrant policing, the over-riding tendency has been to focus on improving community relations and convincing immigrants that they can come to the police without fear of being reported to the Immigration and Naturalization Service (INS) or other federal agencies.

In the wake of the tragic events of September 11<sup>th</sup>, however, the debate over how best to police immigrant communities has taken a new turn. For many, the concern is now not so much with community outreach and building trust, but instead with questions of security and the threat of terrorism. In recent months, there have been repeated calls for the police to become more involved with border controls and the apprehension of illegal immigrants, and for local law enforcement agencies to work more closely with the INS and federal law enforcement agencies. Although a number of senior police officers have expressed reservations about being drawn into matters of immigration, some police departments have been quick to offer increased support to the INS.<sup>1</sup>

In light of such developments, there is now a pressing need to re-examine how immigrants are treated by the criminal justice system, and to ask whether new approaches to the policing of immigrant communities should be considered. In particular, this paper focuses on the treatment of immigrants by the police, and the challenge of reconciling growing concerns about the problem of illegal immigration and national security with the desire to provide effective legal protection for immigrant victims and their communities.

### **Patterns of Immigration**

According to a recent report published by the Center for Immigration Studies, the United States is currently experiencing an unprecedented wave of foreign immigration (Camarota, 2001). There are now over 28 million legal and illegal immigrants living in the United States, with more than 1.2 million being added to this figure each year. As a consequence, immigrants now make up approximately 10.4 percent of the total

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<sup>1</sup> Put reference to New York Times article. Add quotes from Andrew Kirkland and Gil Kerlikowske.

population, as compared with 7.9 percent in 1990, 6.2 percent in 1980, and 4.7 percent in 1970. Assuming that existing immigration trends continue, the United States can expect to receive an additional 11 to 12 million immigrants during the course of the next decade alone, and for the total immigrant population to exceed 40 million by the year 2010.

Unlike previous periods of extensive immigration – as in the early 1900s - the current influx of immigrants is marked by a surprising degree of cultural and linguistic homogeneity. By far and away the vast majority of immigrants now living in the United States – almost 70 percent – come from Latin America, the Caribbean, or East Asia. Mexicans alone currently account for almost 30 percent of the foreign-born population, with the total number in the United States approaching close to 8 million. As the Executive Director of the Center for Immigration Studies Mark Krikorian has observed, almost half of all immigrants in the United States speak Spanish as their first language, and can be said to belong to a single “ethno-linguistic group” drawn from Spanish-speaking Latin America. In contrast, although German and Italian immigrants have at various times dominated the immigrant population, their numbers have never even begun to approach such levels.

Although current immigration patterns may differ substantially from those experienced over the past 100 years, the majority of immigrants continue to face many of the same social and economic challenges that have confronted successive generations of new arrivals. Recent immigrants remain one of the most disadvantaged groups in United States, with many – over 3.5 million on some estimates - living below the poverty line and in some of the most depressed and crime-ridden areas of the country (Horowitz, 2001). As the Center for Immigration Studies report notes, immigrants are generally poorer, less well educated, and more likely to without health insurance or a high school diploma than native-born Americans.

## **Immigrants and Crime**

In light of these facts, it is hardly surprising that many immigrant communities are in desperate need of more effective policing. Communities marked by poverty and poor education have traditionally experienced high rates of crime in the United States, and immigrant communities are no exception. What is surprising, however, is that although immigrants are often severely disadvantaged when compared to the population at large, there is little evidence to suggest that immigrants are any more criminal than native-born residents. As the authors of a paper jointly sponsored by the Carnegie Endowment for International Peace and the Urban Institute observed in 1997, recent studies appear to show that immigrants – far from being ‘inherently criminal’ – are in fact *more* law-abiding than members of the general population:

Few stereotypes of immigrants are as enduring, or have been proven so categorically false over literally decades of research, as the notion that immigrants are disproportionately likely to engage in criminal activity ... (If anything) immigrants are disproportionately unlikely to be criminal (Research Perspectives on Migration 1997: 1).

Although the authors of the report acknowledge that it is difficult to measure crime rates for immigrants – partly because of the problem of under-reporting in immigrant communities – they are nonetheless able to point to a number of compelling studies to support their claim. According to research undertaken by Kristin Butcher of Boston College and Anne Morrison Piehl of Harvard’s Kennedy School of Government, for example, immigrant men are far less likely to be in correctional institutions than native born residents, while rates of imprisonment for recent immigrants are considerably lower than those for earlier arrivals (Butcher and Piehl, 1997). Echoing these findings, a study by John Hagan of the University of Toronto and Alberto Palloni of the University of Wisconsin also failed to find any particular link between immigration and crime (Hagan and Palloni, 1998). If anything, the authors argue, immigrants suffer from various forms of bias in the pre-trial detention and sentencing processes – in part because the criminal justice system tends to regard immigrants as “flight risks” – with the result that immigrants tend to be over-represented in the prison population.

In addition to being less criminal than native-born citizens, data compiled by the INS at the request of the House and Senate Appropriations Committees also indicates that recidivism rates for immigrant offenders are considerably lower than those for the population at large. According to INS figures, of the 35,318 immigrant offenders released from custody during the period October 1994 to May 1999, 11,605 went on to re-offend. This puts the rate of recidivism for immigrants at approximately 37 percent, some 30 percent lower than the 66 percent rate for US criminal population as a whole. As a article by the Center for Immigration Studies notes somewhat wryly, while both the House and Senate subcommittee chairmen chose to focus on these figures “as evidence of the INS’s incompetence and disregard for public safety”, neither questioned the accuracy of the data or the apparent gap in recidivism rates between immigrants and native-born citizens (Center for Immigration Studies, 2001).

Although there is little evidence to suggest that immigrants are somehow more criminal than the rest of the population, immigrants are far more likely to be victims of crime, particularly violent crime. Based on a study crime figures in California between 1970 and 1992, researchers at the UCLA School of Public Health concluded that immigrants – particularly white and Hispanic immigrants – faced homicide rates as much as 40 percent higher than for the general population (UCLA, 1996). Immigrants are also frequently the targets of various forms of hate crime, many of them involving violence, physical threats, and other forms of intimidation (US Department of Justice 1998). In 1997 alone, over 11,000 hate crimes were reported to the FBI, over 64 percent of them racially motivated, and many of them directed specifically at immigrants.

Far from being the cause of America’s ongoing “crime problem” – as a number of high-profile politicians and public commentators continue to suggest – immigrants are instead more likely to victims of the criminal justice system’s failure to reduce crime and provide effective law enforcement for poor communities and minorities. Yet despite being less criminal than other sections of the population, immigrants have nevertheless been viewed by the police as posing a particular problem to the maintenance of order and the effective

investigation of crime, with the result that police-immigrant relations continue to be strained in many parts of the country. To understand why law enforcement agencies continue to regard the policing of immigrant communities as especially problematic, it is necessary to examine both the history of police-immigrant relations in the United States, and to consider the challenges that regularly confront police officers working with immigrant offenders, victims, and their communities.

### **Policing Immigrant Communities: Competing Roles and Persistent Challenges**

Ever since the first organized departments were established during the middle of the nineteenth century, the police in the United States have had an “immediate, intimate relationship with immigrants” (Taft, 1982: 12). Aside from providing immigrant communities with the normal range of law enforcement and policing services, over the past one hundred and fifty years local police officers have also helped literally millions of immigrants to assimilate and build new lives for themselves in the United States. As Taft has observed, in cities like New York, Chicago, and San Francisco for example, successive generations of new arrivals have turned to the police not only for protection from crime, but also for basic information, counsel, and support:

The cops ambling the beat through the Jewish tenements in New York’s Lower East Side or the shops in San Francisco’s Chinatown were the first symbols of government for the new arrivals. While they enforced a set of laws that were strange to the immigrants and sometimes biased against them, the police also served as superintendents of the community, answering questions and smoothing out conflicts that arose from misunderstandings of American culture. (Taft, 1982: 12)

Despite the fact that a whole host of different agencies – governmental and non-governmental – now exist to assist and serve the immigrant community, in many parts of the country the police continue to provide ‘front-line’ services for large numbers of

recent immigrants, both legal and illegal. Indeed, a number of large metropolitan police departments now even maintain special units dedicated to dealing with the particular needs of immigrants and their communities. In New York for example, the Police Department's New Immigrant Unit is run by specially trained officers who work closely with immigrant groups in an effort to build better police-community relationships. For the most part, however, the majority of police departments continue to rely on the informal efforts of individual officers when it comes to maintaining good police-immigrant relations. As one of the officers interviewed by Taft notes, while many rank-and-file police officers may see themselves as crime-fighters, they often have little choice but to play the role of caretakers when it comes to dealing with recent immigrants:

Who else is going to do it? The school-teachers are going to teach them, the doctors are going to give them shots. But who is going to take the first step forward and help these people? The police. (Taft, 1982: 12)

Although some police officers manage to balance these different roles without difficulty, for the majority the task of having to reconcile their responsibilities as peace officers with the need to promote good police-immigrant relations is not an easy one. Street patrol officers working in immigrant communities often complain that immigrants are distant and uncooperative, and that victims of crime refuse to help them with their investigations. Confronted with the prospect of trying to sort out a neighborhood or domestic dispute being waged in an unfamiliar language, many officers either choose to arrest all of those involved or just simply ignore the problem altogether. In either case, both officer morale and community relations are likely to suffer. Perhaps more seriously, language barriers and cultural misunderstandings between police officers and recent immigrants can also fuel mutual suspicions and reinforce negative stereotypes. As a number of commentators have observed, many police officers frequently feel frustrated by their inability to communicate with immigrants, and lost when faced with customs and cultural barriers they do not fully understand (Reference). Unsurprisingly, in some cases this frustration eventually manifests itself as anger and resentment:

You have to understand that cops are very competitive. When they confront a barrier and they can't overcome it, it's frustrating. They get angry. That's what the culture and language barriers do. They breed frustration, which breeds stereotypes (Officer John Clark, LAPD – quoted in Taft, 1982: 18).

Such problems are likely to be even more acute when the immigrant population in question comes from a country in which the police are regarded with fear and suspicion. Recent immigrants who have come to the United States in an effort to escape state sponsored oppression are in many cases extremely wary of government officials, especially the police. As a result, communities that are already isolated from the general population by linguistic and cultural barriers are prone to being even more distant when it comes to helping with police investigations or reporting crime. As researchers from the Carnegie Endowment for International Peace and the Urban Institute observed in 1997:

The insular nature of many immigrant communities... may complicate police-community relations, leading both to intergroup friction and to a failure of protection. This issue may be particularly salient if the immigrant community in question comes from a country in which authorities routinely violate international norms of due process and human rights (Research Perspectives on Migration 1997: 1).

In extreme cases, fear of the police can lead to misunderstandings that are dangerous for both local officers and immigrants. While the average native-born resident probably knows what to expect when being questioned or even arrested by the police, for recent immigrants even the most routine police procedures can appear foreign and threatening. As the following example from Los Angeles demonstrates, cultural misunderstandings can give rise to highly volatile and potentially dangerous situations for both police officers and immigrants:

When Los Angeles police made felony arrests of Southeast Asians, suspects frequently would flee or become overly anxious, causing police to consider

drawing their weapons. Later, police discovered that the arrest position – knelling, back turned to the officer, hands clasped behind the head – recalled the position used for executions performed by the police in Vietnam (Taft, 1982: 17).

According to one of the Los Angeles officers interviewed by Taft, such mistakes can easily turn out to be disastrous, with Southeast Asian suspects reacting to a standard police procedure as if their life was being threatened. Regardless of how experienced or ‘culturally sensitive’ the officers in question may be, unless the police are aware of how specific actions are likely to be interpreted they run the risk of exposing themselves to unnecessary dangers and inadvertently subjecting immigrants to mistreatment and oppressive tactics. Faced with such difficulties, it is perhaps understandable that some officers simply choose to ignore disputes between recent immigrants and crimes within immigrant communities. As one of the officers interviewed by Taft notes, the temptation for many rank and file police officers is to simply ‘just shake their heads and walk away’ (Taft, 1982: 12).

To a large extent, many of the problems that continue to undermine police-immigrant relations in the United States can be traced back to this general reliance on the informal efforts of individual police officers. Although in recent years foreign language and cultural diversity training has becoming increasingly popular with police departments across the country, it is still the case that the vast majority of police officers receive little in the way of formal guidance on how to best to deal with immigrants and immigrant communities. While New York, Los Angeles, Miami and other cities with large immigrant populations have sought to develop comprehensive strategies for dealing with the challenges posed by immigrants, most police departments continue to deal with problems as and when they arise, with little regard for long-term planning or strategy.

Unsurprisingly then, many immigrants have come to regard this dearth of planning as indicative of a general lack of interest in their communities or their problems on the part of the police. Typically, immigrant leaders complain that the police are unconcerned with the special problems facing immigrant communities, and that police priorities and

policing strategies rarely take immigrant needs into proper account (Bahn, 1974; Poole and Pogrebin, 1990). While this may be true in some cases, more often the failure to develop a comprehensive strategy for the policing of immigrant communities owes more to political pragmatism than to racism or willful discrimination. As Taft notes, although most administrators and senior police officers agree that more needs to be done to improve the state of police-immigrant relations, many feel that the police role ends with providing standard services, and that it is not the responsibility of the police to help immigrants assimilate into the wider community (Taft, 1982: 12). Faced with rising crime rates and shrinking budgets, many local politicians and police chiefs find it difficult to justify additional spending on a section of the population with little political influence, and who are often the focus of community resentment and suspicion. Given the resurgence of anti-immigrant feelings in some parts of the United States sparked the events of September 11, senior police officers in cities with large immigrants populations are likely to find it even more difficult to justify spending on programs such as community outreach and cultural diversity training.

In addition, some commentators have argued that the police simply lack the knowledge necessary to make informed decisions about the policing of immigrant communities. According to Jacobs (1984), police administrators often have little in the way of up-to-date data regarding crime patterns in immigrant communities within their jurisdictions. This problem is frequently compounded by the fact that rising levels of immigration have led to dramatic and repeated changes in the racial and ethnic composition of many urban neighborhoods, with the result that local policing strategies and resource allocations soon end up being out of date (Moore and Trojanowicz, 1988; Poole and Pogrebin, 1990). Finally, as Poole and Pogrebin note, not only have immigration levels increased over the past two decades, the proportion of non-European immigrants arriving in the United States has also grown (Poole and Pogrebin, 1990: 59). While police officers in the past may have had to only deal with a limited number of different groups – typically Irish, Italian, and eastern European immigrants – many are now faced with the daunting prospect of having to come to terms with a range of Asian, African, and Latin American cultures as well.

All of these developments have resulted in a new set of challenges for the police. Even those officers who are committed to the promotion and maintenance of good police-immigrant relations – and are comfortable with playing a variety of roles when working with immigrant communities – now find themselves in the position of having to cope with an ever-increasing array of unfamiliar cultures, customs, and languages. At the same time, following the events of September 11, there is now growing pressure on the police to become more involved in matters of domestic security and the policing of illegal immigrants, particularly from countries perceived to be anti-US and sympathetic to terrorism. In the face of such changes and pressures, there is now an urgent need for a reexamination of how the police formulate strategies for the policing of immigrant communities, and how police-immigrant relations can be improved.

### **Meeting the Challenge: The Need for a Coordinated Approach**

As has already been noted, historically the policing of immigrant communities in the United States has been disorganized and based largely on the efforts of individual police officers. While it would be wrong to suggest that the failure of the police to develop a more coordinated approach to immigrant policing shows a lack of concern for the needs of immigrants, some commentators have suggested that the current situation has arisen more as a result of hesitancy and indecision rather than deliberate neglect. As Poole and Pogrebin have observed, in many parts of the country the police ‘have purposefully maintained a low visibility in [immigrant] communities since their lack of awareness or understanding of local problems makes benign neglect a more viable law enforcement policy’ (Poole and Pogrebin, 1990: 59).

What is clear is that the police can no longer afford to rely on short-term programs and the efforts of individual officers to improve police-immigrant relations. As the immigrant population continues to both expand and become increasingly diverse, there is a pressing need for the police to develop detailed and highly integrated strategies for the policing of

different immigrant communities. While the informal, largely unsystematic approaches of the past – such as the appointment of “community liaison officers” and the convening of community meetings – had the advantage of requiring little in the way of additional resources or forward planning, they frequently depended on the enthusiasm and local knowledge of individual officers for their continued success. Indeed, one of the most persistent complaints from immigrant leaders over recent decades has been that the policing of immigrant communities has lacked consistency and continuity. Successful programs are often discontinued because individual officers are reassigned or retire, or because of a perception that once established, little is needed to maintain good police-immigrant relations. Furthermore, as Wasserman notes, members of minority communities are often unenthusiastic about community outreach programs and other efforts to improve police-community relations, in part because there is a suspicion that such initiatives are less about solving local problems and more about ensuring that the police meet their crime reduction targets:

The importance of providing guidance in the selection of police methods in dealing with different segments of the community increases when the police department serves a multiracial or multiethnic population. When decisions on matters of discretion, such as when the criminal process is to be invoked, are not defined through policy there is a high probability that members of the minority community will challenge police practices on the basis of discrimination. Therefore, it is necessary to have a structure and process to insure responsiveness of the police to the desires of difference ethnic and racial groups within the local community. (Wasserman, 1982: 42, quoted in Poole and Pogrebin, 1990: 59).

In addition to the need for greater coordination and planning, policing strategies must also make some attempt to come to grips with the perennial problem of language. As Taft notes, almost every major police department in the United States has, at one time or another, experimented with short language courses for patrol officers (Taft, 1984). Research has consistently shown, however, that requiring police officers to undergo intensive language training – typically in the form of so-called “crash courses” –

frequently does little more than provide them with a few key words and phrases. While useful, knowing how to tell a suspect to “Put your hands up” is unlikely to help an officer whose primary concern is not with asserting authority, but rather with establishing trust. Being able to speak to immigrants in their own language not only improves the ability of the police to gather information and carry out investigations, but more importantly it demonstrates a commitment to the immigrant community and a willingness to at least try to understand their culture. Furthermore, in many cases linguistic barriers do more than simply make it difficult for officers and immigrants to communicate with each other. Perhaps more importantly, they also undermine the ability of the police officer to assert his authority through the use of spoken commands and gestures.

You lose a lot of the impact of surprise, a lot of your knowledge, a lot of your gut feelings. You lose all of your years of experience working through an interpreter (Lt. William Lamb, Miami Beach PD – quoted in Taft, 1982: 14).

There are also a number of other, fundamental problems that deserve particular attention from the police. One of the most significant of these is the continued practice of underreporting in immigrant communities. According to Davis and Erez (1998), there is good reason to believe that immigrant victims are far less likely to report crimes than other victims, despite the fact that immigrants are victimized at rates comparable with those for the population at large. Although it is notoriously difficult to measure the extent of underreporting, based on a national survey of police chiefs, prosecutors, and court administrators, Davies and Erez concluded that the underreporting of serious crimes – such as sexual assault and gang violence – is particularly endemic in communities of recent immigrants (Davis and Erez, 1998).

Aside from the fact that underreporting means that many crimes go unpunished and offenders are left free to re-offend (often against the same victim), underreporting also has serious implications for the allocation and use of resources within the criminal justice system as a whole. As noted by approximately one-third of the officials surveyed by Davis and Erez (1998), underreporting leads to the under-counting of crimes in

immigrant communities, with the result that these communities often receive inadequate levels of policing and other law enforcement resources. This is not a problem that can be solved simply by putting more officers on the streets or improving levels of cultural awareness or linguistic competence. As many commentators have noted, underreporting stems from two main sources: internal cultural pressures within immigrant communities which discourage individuals from seeking police help; and a general lack of trust in the police and other law enforcement agencies. According to commentators ...

An especially ominous reason for underreporting is that what most Americans would call crime many immigrants would consider to be tradition, or if a crime, a “family matter” not requiring outside interference. In this view, police are not supposed to supplant patriarchal authority in resolving disputes, however evident that the “conflict” in question is a case of prey needing protection from predator (Horowitz, 2001: 12).

While underreporting has made it difficult for both the police and independent researchers to develop an accurate and detailed picture of immigrant crime, in recent years it has become increasingly clear that violent crime is an especially serious problem in many immigrant communities. As has already been noted, researchers from the UCLA School of Public Health found that although immigrants make up approximately 17 percent of the overall population in California, between 1970 and 1992 they accounted for roughly 23 percent of all recorded homicides (UCLA, 1996). As Susan B Sorenson, one of the chief authors of the report notes, these findings “demonstrate the urgent need to establish violence-prevention programs geared specifically towards immigrant groups... We need to find ways to intervene early to keep immigrants from becoming victims of violence” (UCLA, 1996). In order to be successful, strategies aimed at building better police-immigrant relations must address such issues and incorporate specific programs aimed at tackling such fundamental problems.

### **The CDAP Model – A Commitment to Reform and Integration**

As Poole and Pogrebin have observed, the “traditional approach to [addressing] problems in police-community relations has been through the specialized training of officers”, with the overriding goal being to “promote an appreciation of cultural diversity and to foster an understanding of different community values and life-styles” (Poole and Pogrebin, 1990: 61). While this style of policing has much to recommend it, in light of the problems and challenges identified in this paper, it is clear that a more integrated approach to the policing of immigrant communities is needed. If trust is to be established and maintained – and problems of underreporting overcome – the police must develop long-term programs dedicated to achieving both internal and external reform. Community outreach programs must, for example, be coordinated with effective complaints procedures and systems of internal review. Language and cultural diversity training must take place in an environment in which the needs of immigrants are taken seriously by the entire organization, and not just a select number of officers who work directly with those communities. In short, what is needed is a total, integrated commitment to improving the policing of immigrant communities.

In order to achieve such change, the police require a clear blueprint of how reforms should be introduced and incorporated into existing policing structures. With its focus on combining reactive, proactive, and coactive programs, the CDAP model provides an excellent example of how such institutional transformation can be effected. By ensuring that changes in policing practices are accompanied by changes in internal review procedures, for example, the model recognized the need for the police to build trust in immigrant communities through both better policing on the street and through improved accountability measures. Equally, by situating outreach programs within a larger structure of community collaboration, the model rightly recognizes the need to involve immigrants in policing decisions regarding their own communities. It is only through such measures that underreporting will be reduced, and the immigrant suspicion regarding the police will be reduced.

Finally, it is also important to note that there is a growing need for

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# CDAP MODEL

## REACTIVE

**Conflicts & Allegations**

↓

Early Warnings  
Processing  
Complaints  
Mediation

Community  
Review & Oversight

## PROACTIVE

**Internal Accountability**

↓

Recruitment  
Selection  
Allocation of  
Resources  
Personnel  
Practices  
Employee  
Input  
Issues of  
Profiling

Performance  
Evaluations

Responding to  
Bias Crimes

## COACTIVE

**Community  
Collaborations**

↓

POP  
Advisory

Community Outreach

↓

Community  
Profiling  
Immigrant  
Communities

Cross Cultural  
Populations

↓

Deaf  
Mentally Ill  
Gay & Lesbian

Culture Clubs

## TRAINING

Multi-Cultural  
Framework

Community  
Education

Situational  
Interactive Model

## **Worrying Developments: The Police and the INS**

In recent months, there have been repeated calls for increased cooperation between the police and the INS regarding the policing of illegal immigrants.

Disturbingly, however, there is now a growing tendency for those concerned about questions of national security to associate illegal immigrants with terrorism. Despite the fact that all of the hijackers involved in the September 11 attacks entered the United States legally, it has become common for media commentators to refer to them as “illegal immigrants”, with the implication being that

In Florida, steps have already been taken to implement a Federal government plan to deputize local officers into the immigration service, thereby giving local officers the power to arrest individuals who have either entered the country illegally or have overstayed their visas.

In contrast, immigration agents have broad powers to arrest individuals suspected of Furthermore, unlike State and local law enforcement officers, immigration officials do not need to establish probable cause before making such an arrest. INS officers can arrest on suspicion of

“I think for police departments this is an incredibly sensitive problem. On the one hand, we don’t want to harm relationships with community members that we have worked hard for years to build. We depend on information that these people bring to us when they come to trust us. On the other hand, we want to track down terrorists. So it is a Hobsons’s choice. We’d like to be able to help the FBI, and we know the local community in a way they don’t”.<sup>2</sup>

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<sup>2</sup> Put reference to New York Times article.

In many respects, immigrants have good reason to be concerned about the prospect of increased levels of policing by the INS. While many illegal immigrants fear that contact with the INS may lead to their eventual deportation, legal immigrants are also at risk of

Many reports were received about ill-treatment of detainees in INS custody, poor conditions and inadequate legal presentation. The increasing reliance on privately-run contract facilities or local jails and state prisons to house individuals in INS custody raised serious concern about the capability of the INS to oversee those institutions. In addition, the detention of children by the INS in California raised concern regarding, for example, their right to legal counsel, access to family members and the right to use their own language (International Helsinki Federation for Human Rights, Annual Report 1997)

## **Conclusion**

However spectacular, the participation of a few individual immigrants in some high-profile terrorist acts is not a plausible argument for reducing immigration levels, though more robust screening procedures may be called for at ports of entry. These issues can be much more effectively addressed through more systematic and aggressive intelligence gathering and policing efforts, relying on the resources and comparative advantages of several law enforcement agencies (Research Perspectives on Migration 1997: 1).

The main challenge is to discourage entry and residence by criminals without treating all immigrants as though they were criminals. Beyond more thorough law enforcement, Congress needs to change the main basis of entry from family reunification to education and job skills and reduce annual legal immigration ceilings. Canada in 1994 did both; there is no reason why the U.S. cannot do likewise (Horowitz, 2001: 23).

Throughout its history, the United States has continually welcomed immigrants and refugees from around the world, and has rightly earned its reputation as a haven

Yet simply allowing new arrivals to settle in this country is not enough: immigrants must be able to enjoy the protection of the law and – like any other residents - The policing immigrant communities

In an era of rapid social and economic changes in many countries, persistent high unemployment in Europe, and declining real wages in North America, many people feel threatened and insecure and nativist politicians have been quick to blame minority and immigrant groups for much of what seems wrong. Hate crimes are increasingly common and publicized in many countries, and violent attacks are more evident in Europe. Members of victimized minority groups in turn are likely to become more alienated from majority populations (Tonry, 1997: 2).

Certainly, underreporting is a particular problem for the Hispanic community in the United States, which is comprised of large numbers of both legal and illegal immigrants. According to a special report published by the Bureau of Justice Administration in 1990, during the period 1979-1986 unreported crimes outnumbered reported crimes by a factor of two to one for Hispanics (more needed).

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