



How Tough Policing in Immigrant Communities Can Backfire

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Immigrants to the United States have a two-sided relationship with the law. Many come to our country in part to secure the legal protections that make America great – freedom of speech and religion, equal protection and due process of law, and other rights guaranteed by the U.S. Constitution. Yet immigrants also have reason to be wary, especially of the police. All too often, both the civil and criminal systems in the United States treat immigrants more harshly than native-born citizens. Ironically, this happens even though immigrants are less likely to engage in criminal acts than native-born people.

Harsh policies toward immigrants are very much in vogue. Since the tragic 9/11 terrorist attacks in 2001, yearly deportations of illegal aliens have more than doubled, and new laws have been passed to beef up national and state authority to fortify borders and detain, question, and deport illegal aliens without much due process. “Get tough” policies are touted as the best way to ensure public safety. But do they really work that way? Along with colleagues, we recently completed a study of immigrant communities in New York City and found, paradoxically, that tough immigration policies may actually undermine public safety.

Understanding Why People Obey the Law

Most people obey laws because they feel a moral obligation and believe the police have a right to enforce the laws. People’s perception of the legitimacy of the legal order legal is largely shaped by interactions with legal institutions, especially the police. When police are fair and act with respect, people are more likely to obey the law and cooperate with authorities to solve crimes. In turn, a large body of research shows that public cooperation is essential for police to be able to detect crimes and bring wrongdoers to justice. It follows that treating people with respect and scrupulous fairness helps police and legal authorities gain the cooperation they need to keep everyone safe.

In contrast, if the police and legal authorities routinely subject people to harsh, arbitrary practices, cynicism will spread and communities will become less cooperative with police. Cooperation can break down due to bad experiences in even the most trivial-seeming daily interactions. In essence, each routine traffic stop is an encounter between the driver and “The Law” that shapes perceptions of not only of the police but of the law more generally. For most people the police are the living and breathing representation of the legal order. When encounters with the police seem unjust, unfair, hostile, or arbitrary, people’s faith in the law is eroded and they become not only less likely to report crimes to the police or assist in criminal investigations, but also less prone to comply with the law.

Immigrant Communities are Prone to Trust the Law

“Get tough” immigration strategies presuppose that undocumented immigrants are different from native-born citizens and legal immigrants. The most lurid stereotypes portray undocumented people as inherently prone to commit crimes and disrespect the law. But our research findings about immigrant communities where both documented and undocumented people live together contradict such dark assumptions.

- Residents in immigrant communities, particularly those with a growing population of newcomers, tend to be *less cynical* about the law than residents in communities populated mainly by native-born Americans. This is especially true when residents of immigrant communities believe that laws are fairly enforced.

- Residents of immigrant communities also tend to be *more cooperative* with the police and legal authorities than people in communities where native-born residents predominate. Cooperation with the police happens even in immigrant communities where language may be a barrier. Part of the explanation for cooperative relationships lies in the low levels of cynicism likely to be found in immigrant communities. People in immigrant communities tend to have greater trust in the fairness of laws and legal enforcement than residents of other neighborhoods.

The Paradox of Tough Immigration Enforcement

Our findings challenge politically charged portrayals of immigrants as cynical about the law and unlikely to cooperate with U.S. authorities. We find exactly the opposite, and our research highlights the inherent paradox of crack-down immigration policies. Such practices can make police interactions with residents seem arbitrary and unreasonably harsh, and thereby erode people's faith in the law. To the degree that current practices toward immigrants have such predictable side-effects, they undermine the public cooperation needed to maintain effective social controls.

Willing immigrant cooperation with the police reflects newcomers' desire to become a loyal part of our country. Part of the American Dream for most immigrants, documented or not, entails living in a country governed by laws and with fair and just legal procedures. Immigrants are often fleeing violent and illegitimate political regimes with brutal police and capricious courts. Policies that turn routine police activities like traffic stops into terror investigations or fugitive manhunts can remind all immigrants of the injustices they tried to leave behind and eradicate the cooperation with authorities essential to public safety in America.

The nature of immigrants – and possible changes in U.S. laws and practices toward them – are topics of heated political debate, but misconceptions too often dominate the conversation. The issues at stake go beyond crime, of course, to touch on matters such as job competition and access to public services by non-citizens. Yet when discussion turns to the health and safety of American communities, it is important to keep in mind that "getting tough" may make everyone less safe – by distracting police from their primary duties and undermining faith in the legal order. Fostering a just legal system is one of the best ways to preserve life and liberty for all.

Read more in David S. Kirk, Andrew V. Papachristos, Jeffrey Fagan, and Tom R. Tyler, "The Paradox of Law Enforcement in Immigrant Communities: Does Tough Immigration Enforcement Undermine Public Safety?" *The Annals of the American Academy of Political and Social Science* 64, no. 1 (2012): 79-98.