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COMMUNITY INVESTMENT AND THE CONTROL OF STREET CRIME

Reducing Crime Through Community Investment

Can We Make it Work?

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Everyone wants to live in a neighborhood where crime is low and, hence, where the risk of victimization for themselves, their children and other family members, and their neighbors is minimal. Yet, this ideal world is far from reality for many people residing in communities across the United States. Neighborhoods with high levels of poverty and other disadvantages, which also are likely to be predominantly African American or Latino, have much higher rates of violent crime than their affluent and predominantly White counterparts (Peterson and Krivo, 2010). Criminologists have repeatedly demonstrated that compared with lower crime areas, higher crime in some communities is rooted in differences in the structural conditions of areas, with the latter having particularly high levels of poverty and socioeconomic disadvantage, population turnover, and racial–ethnic heterogeneity (Pratt and Cullen, 2005; Sampson, 2012; Shaw and McKay, 1942). Such conditions lead to more crime because they affect community social organization, particularly by reducing social controls at the personal (private), neighborhood (parochial), and formal bureaucratic (public) levels. These basic views about the sources of neighborhood crime pose a serious problem for developing policies to reduce crime because they suggest that solutions rest in resolving intractable problems such as poverty and economic disadvantage. Given the apparent socially embedded nature of crime, is there a way to develop practical policies and intervention strategies that will help reduce the high levels in many local areas and, thereby, bring us closer to the ideal of relative freedom from crime for all?

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Ramey and Shrider (2014, this issue) take us a step closer to answering this broad question through an examination of the role of the Neighborhood Matching Fund (NMF) program in crime reduction across neighborhoods in Seattle, Washington, from 1993 through 2007. The NMF program provides matching funds to community organizations that apply to work on specific neighborhood improvement projects. The funds match community investments that are either financial or in-kind (through the time of volunteers), and the majority must go to low- and moderate-income neighborhoods. Importantly, the NMF program is *not* intended to serve a crime-control function. Rather, its emphasis is on improving community conditions. As it happens, the types of improvements supported are consistent with a general understanding of how neighborhood conditions foster or control crime. Furthermore, the NMF program is a specific example of a type of community social control identified in Carr's (2005) study of the Beltway neighborhood in Chicago as the new parochialism. He found that in contemporary times in which people often are too busy or fearful to engage in direct interventions in local problems, Beltway residents worked to solve/control local problems by engaging in a new parochial social control based on partnerships between people living in the neighborhood and public agencies. These partnerships were particularly effective in handling local problems such as graffiti or the revocation of a liquor license for a local tavern where disorderly behavior, including violence, had been spilling into the streets.

The key question addressed by Ramey and Shrider (2014) is whether such new parochial partnerships of community members with outside public agencies that improve communities actually reduce violent crime. Their analyses of the NMF community–government linked program in Seattle show that the answer to this question is definitely "yes." Although NMF funds do not have an immediate payoff of substantially reduced violence in a single year, over the course of their involvement in the program, Seattle neighborhoods that received more NMF funds saw substantial declines in violent crime. These reductions in criminal violence are particularly large in highly disadvantaged neighborhoods.

As Leverentz (2014, this issue) notes in her policy essay, the demonstrated influence of NMF as a community improvement program is extremely important because it shows that efforts to better the types of conditions within neighborhoods that have long been argued to be the overarching sources of crime can be effective crime-reduction (and presumably prevention) tools. They also may foster longer term commitments to, and investments in, communities as residents see the successes of their tangible and externally supported efforts, which might, in turn, lead to further reductions in crime and better neighborhoods for everyone. Vélez and Lyons (2014, this issue) also highlight in their policy essay that the success of NMF in reducing violent crime in Seattle alerts us to the significant role that external investments play in facilitating neighborhood well-being, social control, and crime. However, both policy essays make clear that local organizations, public and private,

should not run blindly forward to form partnerships with neighborhood residents without considering who they are investing in, who is being ignored, whether the investments are beneficial or harmful (e.g., loans that are subprime), and how the political context might affect everyone involved.

Such cautions are certainly warranted. The United States has a long history of marginalizing and disinvesting in communities of color and poor communities. The concentration of subprime lending within Black and Latino neighborhoods after 2000 (Woodstock Institute, 2011) is just one recent example of such longstanding processes. However, if carefully made, even modest investments into neighborhoods such as those supported through Seattle's NMF program provide hope that we can develop policies that improve life within communities and reduce crime. Drawing on the successes identified in the NMF program, such efforts should support projects that come from local communities and that affect the social contexts that are well understood to generate crime. Local crime problems are not matters that can be solved over the long run through programs and policies located solely within the criminal justice system because the practices of criminal justice agencies are not the root causes of community levels of violent crime. Rather, crime stems from the social and structural forces that are unequally distributed across neighborhoods and that generate community social processes that can encourage or fail to deter crime. Thus, policy makers who seek to solve crime problems need to think broadly and carefully about how they can create the types of partnerships with community organizations that Seattle has been engaging in for the past two decades. Doing so could broadly improve local communities in ways that will reduce crime and related social problems.

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COMMUNITY INVESTMENT AND THE
CONTROL OF STREET CRIME

New Parochialism, Sources of Community Investment, and the Control of Street Crime

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Research Summary

We examined Seattle, Washington's Neighborhood Matching Fund (NMF), a unique neighborhood improvement program that provides city funding for projects organized within neighborhoods. We found an inverse relationship between NMF funding and violent crime rates, a relationship that is stronger in poorer neighborhoods. The relationship also is stronger as funds accumulate within the neighborhoods over time. These findings suggest that investment and neighborhood participation can have both short-term and long-term crime reduction effects.

Policy Implications

The Neighborhood Matching Fund program is associated with significant reductions in crime, even though the program and its projects are not aimed specifically at crime reduction. This observation suggests that policies that encourage neighbors to interact with each other and that facilitate interactions and physical improvements can help reduce crime by improving neighborhood conditions and social relationships. Investments in neighborhoods by the city also can help counteract the negative effects of private disinvestment.

Keywords

new parochialism, neighborhoods, disorganization, disadvantage

Social interaction, whether informal or through groups, is associated with a reduction in crime. Crime rates are lower in areas where neighbors interact more with one another, even if social ties are "weak" or superficial (Bellair, 1997; Granovetter, 1973), and crime rates are higher in areas with low rates of organizational participation (Sampson and Groves, 1989). Theorists have proposed that increased social interaction helps reduce crime by increasing the community's capacity for social control (Shaw and McKay, 1942), but they also have argued that the capacity for both social control and social interaction is affected by local socioeconomic and demographic characteristics (Bellair, 1997; Guest, Cover, Matsueda, and Kubrin, 2006; Warner and Rountree, 1997). Organizations in some communities, most often communities with low socioeconomic status, simply cannot engage in social control effectively on their own (Jacobs, 1961). Despite these challenges, ineffective organizations can reach goals successfully and engage in social control by drawing on extralocal resources that augment local attempts at problem solving (Carr, 2003).

Communities that draw on external resources to deal with social problems are engaging in "new parochialism" (Carr, 2003). Building from Hunter's (1985) discussion of the three levels of social order—the private, parochial, and public—new parochialism focuses on the interaction between the parochial, or neighborhood, level of social control and the public, or formal bureaucratic, level of control. In new parochialism, local crime control or neighborhood improvement efforts are bolstered by public-level assistance to make them more effective (Carr, 2003). The interventions are still locally planned and organized but are successful, or at least potentially successful, because of outside support. This support increases the neighborhood's short-term capacity for social control by making the immediate intervention more successful. Also, it can raise the neighborhood's long-term capacity for social control because successful efforts increase the likelihood that residents will participate in future interventions (Skogan, 1988). Because new parochialism increases the capacity for social control, it also should be associated with a reduction in crime rates as theoretically a negative correlation exists between social control and crime. Thus, new parochial partnerships could be an effective tool for reducing crime.

The effects of new parochialism have been largely untested outside of Carr's (2003) case study of a single Chicago neighborhood, which examined how residents used public-level resources to address parochial problems. Seattle's Neighborhood Matching Fund (NMF) program provides an opportunity to examine new parochial partnerships in a different context and to test whether new parochialism is associated with a reduction in crime. The NMF program, which has been in existence since the late 1980s, provides matching funds for financial and other resources raised by neighborhood organizations to complete neighborhood improvement projects within the local community. Because the NMF program combines activism and goals at the parochial, or neighborhood, level with funds from the public level, it provides an example of the parochial–public collaboration at the heart of new parochialism.

Because the NMF program is a citywide initiative that has operated for several years, we can examine the relationship between an application of new parochialism and crime rates over time and across neighborhoods. The duration of this initiative allows us to examine two facets of the relationship among new parochialism, social control, and crime. The first is that new parochialism leads to decreases in violent crime by increasing both a neighborhood's short-term and its long-term capacity for social control. New parochialism increases a neighborhood's capacity for social control by addressing immediate concerns and by increasing the likelihood of participation in future neighborhood improvement efforts. To test this hypothesis, we examine whether participation in the NMF program, as measured by NMF funding, is associated with lower crime rates both by year and as funding from the NMF program accumulates over time. The second facet relates to recent research that found that more disadvantaged neighborhoods have a greater benefit from external investment than do less disadvantaged neighborhoods (Saporu, Patton, Krivo, and Peterson, 2011; Vélez, 2001). These studies proposed that investment into a more disadvantaged neighborhood raises the total resources available in that community by a greater degree than does an equal addition of resources to an advantaged neighborhood. As a result, the same absolute investment is associated with greater reductions in crime in disadvantaged neighborhoods than in average or advantaged neighborhoods. Therefore, we argue that new parochial social control and socioeconomic status should interact in the same way. We expect to find a stronger relationship between funding for NMF programs and crime reduction in more disadvantaged neighborhoods than in less disadvantaged neighborhoods.

To test these relationships, we use longitudinal models for balanced panel data covering the period from 1992 through 2007. Our data come from the NMF project listings, the 1990 and 2000 waves of the Neighborhood Change Database (NCDB), the 2005–2009 American Community Survey (ACS) 5-year sample, and the Seattle Police Department's crime reports. We primarily focus on the effects of new parochialism, as measured by both annual and cumulative NMF funding on violent crime rates. We also examine whether levels of disadvantage moderate the relationship between NMF funding and crime. This analysis allows us to test a fairly simple policy intervention that could have significant intended and positive unintended consequences for neighborhood improvement and crime reduction.

Social Disorganization and Crime Control

The idea that social ties and organizations affect crime control is rooted in Shaw and McKay's (1942) work on neighborhood-level differences in juvenile delinquency and crime. The resulting theory, social disorganization, posits that crime is more likely to occur in socially disorganized areas, which are those neighborhoods that cannot collectively solve problems, reach goals, or prevent socially undesirable behaviors. Shaw and McKay (1942) proposed that neighborhoods would be more disorganized if they had weaker social ties, as they believed that social ties allowed neighbors to work to stifle unacceptable public behaviors. The social ties that affect behavior would be weaker if neighborhoods were poorer and, thus,

more susceptible to housing turnover, as this would disrupt bonding (Bursik, 1998). Social ties also would be weaker if the neighborhood was ethnically and racially heterogeneous or if it had a large immigrant population, as language and cultural differences would make communication and social bonding more difficult.

Theorists have expanded on Shaw and McKay's (1942) work on social ties and have drawn out two basic dimensions of social control. The first dimension consists of the shared norms that are used for assessing appropriate and inappropriate behavior, whereas the second dimension consists of the resources that allow groups to sanction and prevent those inappropriate behaviors (Hunter, 1985). Social ties allow neighborhoods to develop the shared norms of appropriate behavior, whereas economic and demographic characteristics shape the neighborhood's ability both to form the social ties that lead to shared norms and to enforce the norms that exist.

Research has examined both dimensions of social control. Evidence of an inverse relationship exists between the number of social ties in a neighborhood, both informal and through organizations, and local crime rates. When residents are willing to intervene and engage in social activities, and they trust that their neighbors would as well—a feeling that sometimes is referred to as collective efficacy—crime rates tend to be lower (Sampson, Raudenbush, and Earls, 1997). Participating in local organizations is associated with increased collective efficacy (Sampson, 2012), which should then be associated with lower crime rates. Crime rates also are lower when neighbors know each other and feel obligated to look out for one another, even if the neighbors only know each other through "weak ties," like through the exchange of driveway greetings (Bellair, 1997; Granovetter, 1973). Finally, crime rates are higher in areas where residents have limited friendship networks and low rates of organizational participation (Sampson and Groves, 1989).

Research also has supported the idea that neighborhood socioeconomic characteristics affect both social tie and organization formation. Specifically, socioeconomic disadvantage limits the ability and willingness of community residents to engage in social control activities, which limits the neighborhood's capacity to control and regulate behavior, making crime a more likely outcome (Bellair, 1997; Bursik and Grasmick, 1993; Guest et al., 2006; Kubrin and Weitzer, 2003; Peterson and Krivo, 2010). Socioeconomic status is related to the level of participation in local organizations. Not all neighborhoods have organizations that can facilitate effective collective social action, and those that do tend to be in economically better-off areas (Skogan, 1989). Other research has supported Shaw and McKay's (1942) proposition that neighborhood racial composition will affect social ties, with studies demonstrating that (a) racially heterogeneous neighborhoods have less social interaction than other neighborhoods (Bellair, 1997) and (b) personal ties contribute to crime control in White neighborhoods but are ineffective elsewhere (Warner and Rountree, 1997). In addition, local institutions tend to be weaker in areas that are poorer, are racially or ethnically heterogeneous, or have higher rates of housing turnover (Triplett, Gainey, and Sun, 2003). Housing turnover and population instability also affect organizational participation

and social tie formation. People who have lived in an area longer or who intend to live in an area long term have higher rates of organizational participation (Wandersman, Florin, Friedmann, and Meier, 1987). Living in a stable neighborhood with low population turnover also increases the likelihood that people know their neighbors (Guest et al., 2006).

The fact that the first dimension of social control—shared norms stemming from social ties—is so heavily affected by socioeconomic characteristics suggests that the second dimension—resources to enforce these norms—plays a strong role in social control. Many shared norms deal with efforts to reduce physical disorder, like litter and property dilapidation, which often requires investment. Unfortunately, the neighborhoods that have higher levels of disorder are poorer neighborhoods and, thus, have fewer resources to deal with that disorder. Poorer neighborhoods also are less likely to receive the external investments, like mortgages, that could help counteract disorder. Areas that are predominantly White, which have higher income levels on average, are much more likely to receive investment money and mortgage dollars than are Black neighborhoods, which may even be singled out for disinvestment (Peterson and Krivo, 2010). This inequality creates a situation in which the neighborhoods that have the greatest need for resources to combat disorder have trouble accessing these resources.

When poorer or minority neighborhoods do manage to receive investment dollars or other resources, the associated crime reduction tends to be greater than that experienced by wealthier or White neighborhoods. The explanation for this effect stems from Vélez's (2001) study on violent victimization rates in Chicago. Vélez (2001) argued that areas with low levels of social control and high rates of crime and victimization have a lot of room for improvement but few resources with which to improve, so any resources they do receive have the potential to make a significant impact. In an advantaged neighborhood with relatively high levels of social control and low rates of crime and victimization, the same resources would have a much smaller effect because the problems are already being controlled. Vélez's (2001) research supported this notion, as has more recent research on mortgage investment and crime rates. In general, mortgage lending is associated with a decrease in neighborhood crime (Vélez, Lyons, and Boursaw, 2012), but the effect is stronger in more disadvantaged communities. African American and Latino neighborhoods experience greater reductions in crime for each investment dollar than do White neighborhoods, whereas the most economically disadvantaged neighborhoods experience the greatest reduction in crime, dollar for dollar (Saporu et al., 2011).

Vélez et al. (2012) suggested that mortgage investments reduce crime through two mechanisms. The first is that the actual investment money helps fight dilapidation and decline. The second is that the process of tapping into external networks to obtain resources sets the stage for future investment by raising perceptions of the neighborhood. Other research has demonstrated that perceptions matter for neighborhood outcomes. When neighborhoods are viewed as disorganized, they become stigmatized, which is associated with poorer socioeconomic outcomes and higher crime rates over time (Sampson, 2009,

2012). Similarly, when people perceive that a neighborhood organization is ineffective, they will be less likely to participate, and that organization will be less likely to survive (Skogan, 1988). Ties to external actors increase the likelihood that neighborhood organizations will be able to reduce crime (Vélez, 2001), which should help ensure that these groups survive to draw in more investment dollars in the future. Receiving investment money, then, can have a long-term effect on neighborhoods and neighborhood crime.

New Parochialism and the Capacity for Social Control

The fact that some neighborhoods benefit from outside help in efforts to maintain social order suggests that social control can occur on multiple dimensions. Hunter (1985) proposed that three different levels of social order exist. The first is the private social order, which operates through friends and family and controls behavior within intimate social circles. The second order is the parochial, which controls behavior within neighborhoods or local communities. Participating in the local community builds ties and teaches individuals the appropriate and inappropriate patterns of behavior. Those ties also make individuals feel obligated to enforce social control and maintain order. The final level is the public social order, which exists among fellow citizens and is supported by formal bureaucracies, both governmental and nongovernmental. Most social disorganization occurs at the parochial level and causes problems in the parochial order; thus, often it requires intervention at the parochial level (Hunter, 1985).

In many instances, the parochial social order cannot handle disorganization on its own. When this happens, problems either are left unresolved, resulting in more disorder, or are solved through parochial–public collaboration, where the police—an agency in the public order—respond to parochial concerns and thus help enact social control (Carr, 2012; Hunter, 1985). These two responses to disorder are the most common, but a third option exists. Sometimes, actors in the parochial order are unable or unwilling to address a problem on their own but can meet their goals by drawing on outside resources and assistance (Jacobs, 1961). Carr (2003) referred to this type of collaboration as the "new parochialism." In the new parochialism, a neighborhood group that is ineffective on its own can accomplish goals by obtaining support from outside agencies. For example, in Carr's (2003) case study of "Beltway," a working-class neighborhood in Chicago, residents were upset by disorderly behavior spilling from a local bar but could not convince the owner to address the issue. After holding a series of failed problem-solving meetings with the tavern's proprietor, the residents enlisted the help of the liquor commissioner, who also held meetings with the owner. When the liquor commissioner's efforts failed, the citizens worked in concert with a local alderman and the liquor commissioner to hold a referendum vote on the tavern's liquor license, which eventually led to the tavern's license being revoked, consequently closing the bar and eliminating the disorderly behavior. The problem was thus resolved with the help of public officials after residents in the neighborhood tried but failed to solve it themselves.

This type of public–parochial partnership is at the heart of new parochialism. They exist not because residents are not interested in social control efforts but because residents do not feel that they can intervene on their own safely or effectively (Carr, 2003). The new parochial partnerships help neighborhoods exert social control by providing the resources that make these interventions possible or successful, and thus, they help increase the neighborhood's capacity for social control.

By increasing the level of social control in neighborhoods, new parochialism has great potential as a crime-reduction strategy, in both the short and the long term. New parochial relationships can reduce crime immediately by helping alleviate pressing social disorder problems. The existence of new parochial partnerships can also have a long-term effect on social control and crime in three ways. First, by supporting parochial projects, the local government increases the odds that projects will be successful, which in turn increases the odds that groups will survive and be successful at enacting social control. Organizations that cannot reach their goals tend to fall apart (Skogan, 1988), which lowers the capacity for social control, and thus crime reduction, in a neighborhood. Second, the financial resources that might come from the partnership can help reduce crime in the neighborhood by fighting decline and improving neighborhood structural conditions, which reduces physical disorder. Finally, the partnerships and outside attention also have the potential to improve public perception of the neighborhood, as the partnerships are indicators of local and extralocal investment in the area. This partnership could increase the capacity of a neighborhood to exert social control over time, as having residents interested in and invested in the neighborhood increases the likelihood that they will engage in social control activities or participate in neighborhood organizations (Shaw and McKay, 1942; Wandersman et al., 1987). It also can affect outsiders' perceptions of the neighborhood, which influence future investment decisions (Sampson, 2012; Vélez et al., 2012).

Carr's (2003) study suggested that new parochialism is a new form of social control that arises when local organizations are ineffective or when local residents are unwilling to engage in social control directly. This could happen in any type of neighborhood, but social disorganization theory suggests that new parochialism might be more necessary in disadvantaged areas. As discussed previously, residents in disadvantaged areas tend to have fewer resources with which to exert social control. This limitation means that more highly disadvantaged neighborhoods are ideal candidates for new parochial interventions that provide resources and encourage future participation that might not occur otherwise. New parochialism also might be more effective in more disadvantaged neighborhoods, as recent developments in the investment and crime literature suggest that external resources have larger effects in poorer areas. Taken together, these arguments about the effects of disadvantage on social control efforts and the earlier proposals on the relationship between new parochialism and crime suggest that new parochialism could be a particularly useful crime reduction strategy in disadvantaged neighborhoods.

New Parochialism and the Neighborhood Matching Fund

Seattle, Washington, provides an opportunity to examine how new parochialism works over time and across levels of neighborhood disadvantage. The city government has been encouraging new parochial partnerships for over two decades through the NMF program. Founded in the late 1980s by the Seattle Department of Neighborhoods, the NMF program provides resources to neighborhood organizations to complete projects within the local community. The goal of this fund is to "enhance and strengthen" the organizations' own neighborhoods (Seattle Department of Neighborhoods, 2009: 15). The existence of the program has encouraged grassroots organization, as many groups have formed specifically to take advantage of the NMF funding. To receive the funds, these organizations must demonstrate that their projects will provide a public benefit that is free to anyone, that the project was planned and will be carried out by the neighbors who will actually benefit from the project, and that they have raised enough money, supplies, or volunteer hours (at a rate of $15 per volunteer hour) to match the funds requested from the NMF program. If these conditions are met, then the NMF program will financially match what the community raised. The program also contains a stipulation that at least 51% of the total NMF funding must go to moderate-to-low–income neighborhoods and project sites. This stipulation, along with the rule that allows groups to count volunteer hours toward the financial match requirement, ensures that low-income neighborhoods without the wherewithal to fund projects will not be excluded from the NMF program.

The NMF program is a useful example of new parochialism for several reasons. First, the projects involve the participation of residents in neighborhood organizations *and* direct investment by formal bureaucratic agencies outside the community, which is the hallmark of new parochialism. Without local organizations to plan, organize, and execute these projects, the NMF program would have nothing to fund; without the NMF funding, many of the projects would never be planned and the groups organizing them would be less likely to form. Third, the NMF projects create a coalition between local actors and public agencies that increases the capacity for neighborhood social control and crime prevention. Most of this capacity is built in by the funding, as the funding gives groups a reason to form and increases the odds of the projects' success, making future interventions and participation more likely (Skogan, 1988). The NMF program also increases the social capital of the individual groups by connecting them into extralocal social networks, which can be used to confront future problems (Jacobs, 1961). In addition, the NMF program increases social capital by providing counselors for each project. These counselors help the neighborhood groups organize and plan the projects (in a limited capacity), which provides assistance beyond the money and provides the organizations with skills to organize successful projects in the future.

Finally, the NMF program is a good example of new parochialism because the projects themselves address community building and disorder prevention. Many of Carr's (2003) examples of new parochialism focused on alleviating disorder. For example, he discussed

efforts that were developed to record and report instances of graffiti for removal (Carr, 2003). The goal of those efforts was not to reduce crime but was to improve the neighborhood, which could then protect it from crime. Many of the NMF projects also share this aim. Several projects address disorder directly through physical improvement efforts. Several projects are dedicated to cleaning up streets, improving dangerous intersections, removing graffiti, and disposing of trash. In both Carr's examples of new parochialism and the NMF program, crime reduction is secondary to neighborhood improvement. Because of these similarities, the NMF program will allow us to examine new parochialism further to help fill gaps in our knowledge over how these collaborations operate over time and across different neighborhood types.

Expectations

Following social disorganization theory and new parochialism, we expect that increases in neighborhood investment from external sources and increases in neighborhood organizational participation, as measured by Seattle's NMF program, will lead to both short- and long-term decreases in violent crime. We expect short-term reductions because the external investment should bolster the effectiveness of local projects and encourage the formation of social ties, thus increasing the short-term capacity for social control. We expect long-term reductions in crime rates for two reasons. First, the promise of an external partnership should encourage additional group formation. Second, the funding should make the efforts more successful, encouraging future participation and the development of long-lasting organizational ties, thus increasing the neighborhood's long-term capacity for social control. The external funding also should help reduce physical signs of disorder and increase perceptions of the neighborhood, which could have both short- and long-term effects on crime through social control and investment.

We also expect that the NMF program will have a stronger effect on crime in more disadvantaged neighborhoods than in other neighborhoods. We expect this because disadvantaged neighborhoods tend to have fewer resources to deal with more problems than do wealthier neighborhoods, and thus should benefit more from increases in resources than would a resource-rich neighborhood with few problems (Vélez, 2001). Previous research has demonstrated this effect, with poor and minority neighborhoods experiencing greater decreases in crime per mortgage investment dollar than wealthier neighborhoods (Saporu et al., 2011; Vélez et al., 2012). We expect to find that NMF program funding has a similar effect, with disadvantaged neighborhoods getting more "bang" for their NMF buck than wealthier neighborhoods.

Data and Methods
Data

To examine the relationship between new parochialism, as measured by Seattle's Neighborhood Matching Fund program, and rates of violent crime, we use longitudinal panel data

on 118 census tracts in Seattle, covering the period from 1993 through 2007, which results
in 1,770 total tract years. We use a combination of yearly demographic, crime, and NMF
data. The demographic data come from the 1990 and 2000 waves of the NCDB and the
2009 ACS 5-year sample. The NCDB is a commercially available data set that includes
1970–2000 Census data adjusted to 2000 census tract boundaries to allow for longitudi-
nal analysis across consistent spatial definitions (Geolytics, 2005). The ACS replaced the
long-form version of the decennial census. Following Vélez et al. (2012), we merge the ACS
with the NCDB data to extend our analysis beyond 2000, using linear interpolation to get
year-by-year data between the Census and ACS data points. The crime data are from the
Seattle Police Department's annual reports. The NMF data are from the Seattle Department
of Neighborhoods' online listing of NMF projects (http://data.seattle.gov).

     We use 1990 census tracts as a proxy for neighborhoods as they existed at the beginning
of the NMF program. We use census tracts to represent neighborhoods for two reasons.
First, although some projects target very small areas, like a single intersection, or very large
areas, like a city district, most fall in the middle. A typical project—an effort to restore a
park playground, for example—likely will have the greatest effect on the blocks immediately
adjacent. This area is probably larger than a census block group but smaller than a school
district or census place. The census tract, then, is the closest standard spatial definition
we have for the area that the average NMF project would likely affect. Second, the census
tract is the smallest unit of analysis that can be used without running into data suppression
problems with the demographic data and is the only unit smaller than a census place that
can be used easily for longitudinal analysis.

     The NCDB and ACS data were originally tracted to Census 2000 boundaries, so we
had to walk those data sets back to 1990 boundaries to match the other data in our analysis.
We used tract change information from the NCDB to standardize data in 2000 tract
boundaries to 1990 census tract boundaries. Most tract boundaries did not change between
1990 and 2000. A few changes occurred because the 1990 tracts were split or combined
in 2000. If the 2000 boundaries were the result of 1990 tracts splitting, we combined the
2000 tracts to get the 1990 boundaries. If the 2000 boundaries resulted from 1990 tracts
merging, we merged the 1990 tracts to get the 2000 boundaries because it is impossible to
split the 2000 tract data accurately. Thus, most of the tracts are in 1990 boundaries, but
four use the 2000 definitions. As a result, our analysis includes a different number of tracts
than would be found in either census year. This adjustment, along with our decision to
drop five unpopulated industrial tracts, resulted in 118 census tracts per year.

     Although the NMF program began in 1989, we begin our analysis in 1993. We start
at this point because of significant changes to the program in 1992, which resulted in
many more neighborhoods participating in the program.[1] We end our analyses in 2007

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1.   An analysis on years 1989–2007 yielded similar results, although some of the relationships did not reach
     statistical significance. The results from these supplementary analyses should be taken with caution, as

because the program was restructured again in 2008. The original NMF project listings provide descriptions of each project; the year funding was sought; and the total amount of funding raised, requested, and awarded for each project. The listings give these funding values in total dollars, meaning that labor and supply contributions already are assigned monetary values by the NMF program. The project data were not tracted, so we assigned geographic locations based on the information provided in each project listing. Some project descriptions contained project sites or even addresses. For those that did not, we found addresses using Google Maps (Google Inc., Mountain View, CA) based on the event descriptions or titles. A small number of projects did not have specific locations but did list community areas, so we assigned those projects to the center point of the listed neighborhood (e.g., projects occurring at an unspecified location in the International District were assigned the address of a Pho restaurant at the International District's center). Fewer than 5% of the cases were coded in this manner. Once we had addresses for all the projects, we used ArcGIS (Esri, Redlands, CA) to geocode them, and then we assigned the projects to 1990 Census tracts.

Dependent Variable

Following prior research on community investment and crime (Papachristos, Smith, Scherer, and Fugiero, 2011; Vélez et al., 2012; Vélez and Richardson, 2012), we use *violent crime* as our dependent variable. It is an annual count of all arrests for homicides, robberies, aggravated assaults, and forcible rapes in each census tract.[2]

Independent Variables

New parochialism. To conceptualize participation in the Neighborhood Matching Fund as new parochialism, we rely on two time-varying independent variables, *annual funding awarded* and *cumulative funding awarded* (in 2007 dollars). We include measures of both annual and cumulative funding because we expect that the benefits of participating in the NMF program may accrue over time, in addition to having an immediate impact. Annual funding captures the total amount that each neighborhood received in a given year as

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few neighborhoods participated in the program during these early years, with none participating in 1991.

2. Although parochial and public forms of social control should influence other street-level crimes, including property crime, simple assault, and drug offenses, results from previous research have been inconsistent. Indeed, although concentrated disadvantage and residential instability are associated with higher levels of property crime in a national sample of neighborhoods, the association is much weaker than it is for violent crime (Peterson and Krivo, 2010). Furthermore, evidence suggests that parochial social control, including collective efficacy and social capital, as well as nonpolice efforts at public social control, are not associated with property and other street crimes in the same manner as violent crime (Browning, 2009; Kirk and Hyra, 2012; Rhineberger-Dunn and Carlson, 2011). In supplementary models of property crime, coefficients for the central NMF variables do not differ in terms of their direction; yet they fail to reach statistical significance. Results are available by request.

part of the NMF program, which includes the money, supplies, and/or labor raised by the neighborhood organization and the financial match provided by the NMF program. Cumulative funding measures the total amount each neighborhood has received since the program came into existence. For example, the cumulative funding awarded in 1995 would be a sum of the total annual funding from the beginning of the program through 1995. To address issues of nonlinearity, we take the natural log of all nonzero values in all analyses.

Neighborhood socioeconomic status. We drew data from the Census and ACS to measure several time-varying neighborhood characteristics. We focus on *neighborhood disadvantage* and use an index composed of the average of *z*-scores for five variables: the percent of the tract population employed in professional or management careers (reverse coded), the percent aged 16 to 64 years that are unemployed, the percent older than age 25 with at least a college degree (reverse coded), the percent living in a female-headed household, and the percent living below the poverty line ($\alpha = .80$). A very similar index was developed as part of the National Neighborhood Crime Study (Krivo, Peterson, and Kuhl, 2009; Peterson and Krivo, 2010).

Other neighborhood structural characteristics. In addition to neighborhood disadvantage, we control for several theoretically important, time-varying neighborhood characteristics. We measure *residential instability* using an index of the average of *z*-scores for the percentage of housing units that are renter occupied and the percentage of the tract population that lived in the same residence 5 years ago (reverse coded) ($\alpha = .80$). This index is commonly used as a measure of residential stability in neighborhood crime analyses (e.g., Peterson and Krivo, 2010; Sampson et al., 1997). We also control for the racial and ethnic composition of the neighborhood, using *percent non-Latino Black* and *percent Latino*. We use an index of *immigrant concentration* consisting of the average of *z*-scores of the proportion of the tract that is foreign born and the proportion of the tract that is linguistically isolated ($\alpha = .95$).

Other control variables. We also control for the size of the young male population (*percent young male*), which is thought to be the most crime prone, by using the proportion of the tract population that is male and between the ages of 15 and 34. We include a time-invariant dummy variable indicating whether a neighborhood is in the *central business district*. This variable is included to control for a unique situation where a relatively small number of affluent professionals reside in the same neighborhoods as some of Seattle's most disadvantaged residents (Kubrin, Squires, Graves, and Ousey, 2011). Finally, we include a *year* variable to control for the nationwide decline in violent crime that occurred during the study period and to account for the longitudinal nature of the data.

Spatial and temporal lags of violent crime. To account for the potential spatial and temporal clustering of violent crime in Seattle's census tracts, we include a spatial lag of the logged violent crime rates of the surrounding tracts and a temporal lag using the logged violent crime rate in the prior year. The spatial lags are computed by multiplying tract values

of violent crime by a row standardized first-order spatial contiguity matrix, using a queen criterion (Peterson and Krivo, 2010; Vélez et al., 2012).

Analytic Strategy

To assess the relationship between counts of violent crime and Seattle's Neighborhood Matching Fund program over time, we estimate generalized linear growth models for balanced panel data. These models account for repeated measures within larger units, in this case years within tracts, while allowing tracts to vary in their initial violent crime rates and their rate of change in crime over time. Because we are analyzing counts of relatively rare events (violent crimes) for small level 1 units (tract years), we estimate nonlinear Poisson models with variable (tract population) exposure. Specifying these counts with variable exposure sets the tract population coefficient to "1," thus, adjusting the count dependent variable by the population of the tract. This approach makes the analysis one of violent crime rates (crimes per 1,000 population) across neighborhoods (Osgood, 2000). With the exception of our neighborhood funding measures, all continuous independent and control variables are grand-mean centered. To capture most accurately the cumulative nature of the NMF program and to account for the fact that many neighborhoods do not participate in the program in a given year, a value of zero reflects a complete absence of funding. For example, a tract with no projects or funding in a given year would receive a value of zero for the natural log of annual funding for that year.

To test our hypothesis that new parochialism will have a stronger effect on local rates of violence in neighborhoods with relatively higher levels of disadvantage, we include interactions between our NMF funding variables and our time-varying measure of disadvantage. In these interaction models, the "main effect" of NMF funding represents the effect of funding on neighborhood violence for neighborhoods of average disadvantage (*disadvantage* $= 0$). Similarly, the "main effect" of disadvantage represents the effect of disadvantage in neighborhoods that did not participate in the Neighborhood Matching Fund program in a given year.

Limitations

The NMF program is not a perfect test of new parochialism. It is a unique program in just one city. Because Seattle is a relatively advantaged urban place, we are testing the effects of new parochialism across a smaller range of disadvantage than we would find in some other cities. Also, we cannot directly test the mechanism connecting new parochialism to social ties and crime reduction. We do not have data to test whether the money makes a difference on its own or whether the outside funding makes groups more effective, increasing social ties and social control, and thus reducing crime. The fact that the funding has to route through local groups, however, suggests that social ties are an important mechanism. Despite these flaws, the NMF program is still a good test of new parochialism and allows us to examine

TABLE 1

Means and Standard Deviations for the Variables Used in this Article (Seattle, WA, 1993–2007)

Variable	Mean	SD	Minimum	Maximum
Violent crime rate (violent crimes per 1,000 population)	9.68	16.86	0.00	245.58
Violent crime rate (1993)	17.48	30.05	0.00	245.58
Violent crime rate (2007)	6.77	10.11	0.29	81.17
Annual funding awarded (in 2007 dollars)[a]	10,858.36	27,046.18	0.00	361,223.00
Cumulative funding awarded (in 2007 dollars)[b]	110,662.50	109,243.90	0.00	660,517.30
Disadvantage	−0.01	0.74	−1.32	2.44
Percent living below poverty line	12.66	9.78	1.80	54.17
Percent unemployed	3.18	1.64	0.41	11.62
Percent college graduates	26.72	14.26	0.96	62.60
Percent employed in professional sector	27.97	9.96	3.89	50.59
Percent female-headed households	5.34	4.15	0.00	26.49
Residential stability	0.10	0.89	−2.30	2.22
Percent living in same house as 5 years ago	48.23	13.61	8.79	81.71
Percent renters	46.23	21.04	2.59	93.11
Percent non-Latino Black	9.09	11.43	0.03	67.28
Percent Latino	5.02	3.89	0.38	37.13
Immigrant concentration	0.13	0.85	−0.58	5.54
Percent foreign born	15.60	10.15	4.72	63.77
Percent linguistically isolated	0.13	0.25	0.00	2.57
Percent young males	5.32	4.93	0.61	54.43
Tract population	4,761.09	1,963.22	1,109.00	11,993.22
Central business district	0.06	0.24	0.00	1.00

Note. N = 1,770.
[a] Total funding received in last calendar year.
[b] Total funding awarded since inception of the program.

different facets of these public–parochial collaborations, namely, how they operate over an extended period of time and across different neighborhood types.

Findings

Table 1 presents descriptive statistics for all years combined, as well as violent crime rates for the beginning and end of the period of interest. Consistent with the rest of the nation, violent crime declined sharply between 1993 and 2007 for Seattle neighborhoods. In terms of NMF funding, tracts received an average of almost $11,000 each year and more than $110,000 in total. The measures of disadvantage indicate that Seattle is relatively advantaged. For example, the mean poverty rate is 12.66%, whereas the maximum tract poverty rate is 54.17%. That value is lower than what one would find in many other central cities in the United States. Seattle is not very segregated. Few neighborhoods are more than 50% Black, and no neighborhoods are more than 50% Latino. Even if African Americans or

T A B L E   2

Participation in the Neighborhood Matching Fund (Seattle, WA, 1993–2007)

Variable	Least Disadvantaged (−0.5 *SD*)	Average Disadvantage	Most Disadvantage (+0.5 *SD*)
Years participated	7.658	7.637	12.379
Annual funding awarded (in 2007 dollars)[a]	$9,044.49	$9,721.40	$12,871.69
Cumulative funding awarded (in 2007 dollars)[b]	$90,223.71	$100,472.60	$156,507.60
Average number of new projects initiated	0.725	0.749	1.463
Total number of projects	12.140	12.853	26.178
n	465	794	393

[a]Total funding received in the last calendar year.
[b]Total funding awarded since the inception of the program.

Latinos are living in neighborhoods that have higher concentrations of Blacks or Latinos than is expected given Seattle's racial composition, they are not living in hypersegregated neighborhoods and, thus avoid some of the problems associated with extreme segregation (e.g., Peterson and Krivo, 2010). As a whole, then, Seattle is a relatively advantaged city, with few extremely disadvantaged areas, although some areas are more disadvantaged than others.

Table 2 presents information about participation in the Neighborhood Matching Fund program across tracts with varying levels of disadvantage. As mentioned previously, Seattle is a relatively advantaged city. Thus, low disadvantage indicates a tract disadvantage score of 0.5 or more standard deviations (*SDs*) below the city mean and high disadvantage indicates a tract disadvantage score of 0.5 or more standard deviations above mean disadvantage for Seattle. The results displayed in Table 2 suggest that neighborhoods with relatively higher disadvantage scores are participating in the Neighborhood Matching Fund program more often and receive greater annual and cumulative funding than other neighborhoods. For example, highly disadvantaged tracts averaged approximately 12.4 years of participation in the program compared with approximately 7.7 years in other tracts. Furthermore, highly disadvantaged tracts received larger amounts of both annual and cumulative funding. For example, cumulative funding in the "most disadvantaged" Seattle neighborhoods was $156,507, almost 75% greater than the NMF funding awarded to the least disadvantaged neighborhoods. Finally, highly disadvantaged tracts had initiated almost twice as many projects annually and had more than twice the total number of projects as did the other tracts.

Table 3 presents the coefficients, with standard errors in parentheses, for four longitudinal models of violent crime. Models 1a and 1b present coefficients for models including the annual funding awarded measure, whereas Models 2a and 2b include cumulative funding awarded. Models 1a and 2a do not have interactions between funding and neighborhood

T A B L E 3

Linear Growth Models of Violent Crime (Poisson with Variable Exposure) Between 1993 and 2007

Variable	Model 1a	Model 1b	Model 2a	Model 2b
Annual funding awarded (in 2007 dollars)[a]	−0.001	0.001		
	(0.001)	(0.001)		
Cumulative funding awarded (in 2007 dollars)[b]			−0.012***	−0.010**
			(0.003)	(0.003)
Disadvantage	0.156***	0.185***	0.160***	0.412***
	(0.035)	(0.036)	(0.035)	(0.064)
Disadvantage × total funding awarded		−0.005***		−0.022***
		(0.001)		(0.005)
Residential instability	0.190***	0.192***	0.176***	0.167***
	(0.044)	(0.044)	(0.043)	(0.043)
Immigrant concentration	0.184***	0.182***	0.182***	0.191***
	(0.036)	(0.033)	(0.034)	(0.033)
Percent non-Latino Black	0.011***	0.012***	0.012***	0.012***
	(0.003)	(0.003)	(0.003)	(0.003)
Percent Latino	0.002	0.004	0.003	0.007
	(0.005)	(0.006)	(0.005)	(0.007)
Percent males 18–34 years old	0.021***	0.021***	0.020***	0.018***
	(0.005)	(0.005)	(0.005)	(0.005)
Central Business District	1.187***	1.192***	1.163***	1.135***
	(0.230)	(0.260)	(0.228)	(0.223)
Year	−0.041***	−0.042***	−0.038***	−0.039***
	(0.004)	(0.004)	(0.004)	(0.004)
Temporal lag (logged violent crime rate)	0.209***	0.207***	0.206***	0.201***
	(0.018)	(0.018)	(0.018)	(0.018)
Spatial lag (logged violent crime rate)	0.312***	0.309***	0.306***	0.300***
	(0.021)	(0.021)	(0.021)	(0.021)
Intercept	−5.897	−5.892	−5.790	−5.778

Note. $N = 1,770$.
[a] Total funding received in the last calendar year.
[b] Total funding awarded since the inception of the program.
**$p < .01$. ***$p < .001$.

disadvantage, whereas Models 1b and 2b include the interaction. These interactions are included to test our argument that the association between new parochialism and violent crime rates may be stronger in more disadvantaged areas.

In Model 1a, the relationship between annual funding from the NMF program and violent crime is statistically insignificant. However, a significant positive relationship exists between neighborhood disadvantage and violent crime rates, and this relationship exists even after controlling for other structural and temporal factors. These findings suggest that violent crime rates are higher in relatively more disadvantaged local areas, which follows

prior research (Peterson and Krivo, 2010; Warner and Rountree, 1997). It also suggests that annual NMF funding is not associated with lower violent crime rates in all Seattle neighborhoods.

The picture changes when the interaction between NMF funding and neighborhood disadvantage is added in Model 1b. Here, the association between annual NMF funding and rates of criminal violence varies across levels of neighborhood disadvantage. The main effect of funding is positive but insignificant, whereas the interaction coefficient is negative and significant. Thus, in a neighborhood with average levels of disadvantage, the annual NMF funding is unrelated to violent crime. However, as neighborhood disadvantage increases, the association between annual funding and violent crime becomes significantly stronger and negative, so that higher levels of annual funding are associated with substantially lower violent crime rates. This finding provides initial support for our expectation that new parochialism is particularly helpful in decreasing crime in more disadvantaged areas.

In Models 2a and 2b, we run models similar to those detailed previously, including cumulative funding awarded rather than annual funding. Model 2a shows a statistically significant negative relationship between total NMF funding and neighborhood violent crime rates. It also maintains the significant positive relationship between disadvantage and violent crime rates presented in Model 1a. Like Model 1a, this result suggests that violent crime rates are higher in more disadvantaged neighborhoods. Unlike Model 1a, total NMF funding is associated with lower violent crime rates, suggesting that benefits of new parochialism accrue and become more effective over time.

Similar to Model 1b, the results from Model 2b, which include the interaction between cumulative funding awarded and disadvantage, reveal that the negative association between total NMF funding and neighborhood violent crime get significantly stronger at higher levels of disadvantage. The main effect for cumulative funding awarded is significant and negative, as is the interaction coefficient between neighborhood disadvantage and cumulative funding awarded. Consistent with our expectations, cumulative funding awarded is associated with a reduction in violent crimes in many places, but this relationship is stronger in more highly disadvantaged neighborhoods, which experience the greatest reduction in crime. To facilitate a discussion of the association between cumulative funding awarded and neighborhood violent crime in neighborhoods that vary by their levels of disadvantage, we turn to Figure 1, which displays expected violent crime rates over time for different "types" of neighborhoods.

Figure 1 presents expected violent crime rates for those neighborhoods considered to be of average disadvantage (between 0.5 *SD* below the mean to 0.5 *SD* above the mean on the disadvantage index) and those we consider more disadvantaged (0.5 *SD* or more on the disadvantage index) that have either high (above the median) or low (below the median) levels of NMF funding. Although an overall decline in violent crime occurred in Seattle between 1993 and 2007, this decline was much more pronounced in disadvantaged

Expected Violent Crime Rates Between 1993 and 1997 for Neighborhoods that Vary by Cumulative Findings Awarded and Neighborhood Disadvantage
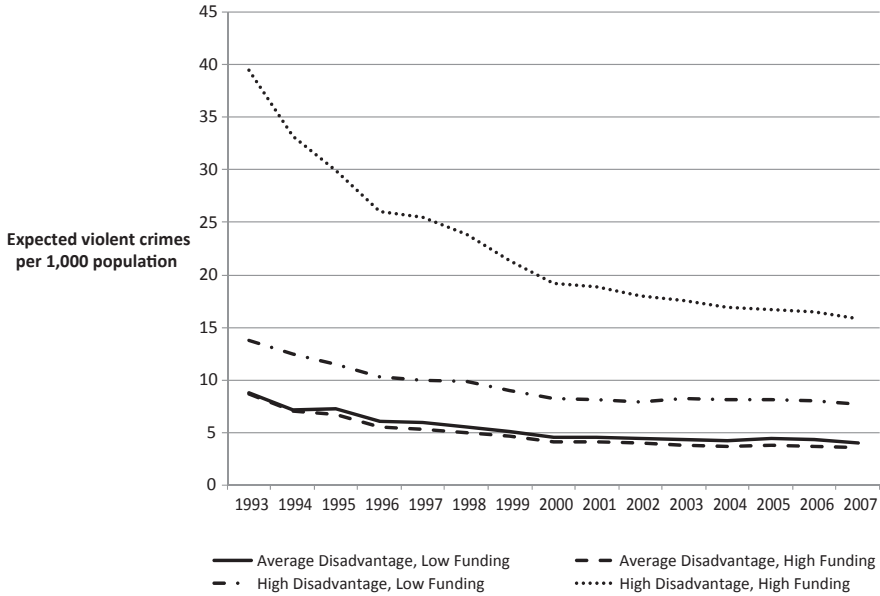
neighborhoods that had high levels of participation in the NMF program. High levels of funding have a much stronger influence on the levels of violence in highly disadvantaged neighborhoods than in neighborhoods with average disadvantage. In more disadvantaged neighborhoods with high levels of cumulative funding, the expected violent crime rate dropped from almost 40 crimes per 1,000 population in 1993 to slightly more than 15 violent crimes per 1,000 population in 2007. This decline is much greater than that found in neighborhoods with average levels of disadvantage and high rates of funding, where expected rates of violent crime only decreased from about nine violent crimes per 1,000 population in 1993 to approximately four violent crimes per 1,000 population in 2007. The neighborhoods with low levels of funding, regardless of disadvantage type, had similar rates of crime reduction as the average disadvantage, high-funding neighborhoods. Aside from experiencing similar reductions in crime, the neighborhoods with low funding and the average disadvantage, high-funding neighborhoods also had similar initial crime rates, which were much lower than the crime rates found initially in the high-disadvantage, high-funding neighborhoods. This finding reemphasizes the idea that struggling neighborhoods—those

with high crime rates and high disadvantage—will benefit more from new parochialism than will neighborhoods with lower crime rates or lower levels of disadvantage.

Discussion and Policy Implications

Since Shaw and McKay (1942) proposed that informal social control helps combat neighborhood crime, researchers often have examined the social disorganization–crime connection. They have found support for many of Shaw and McKay's assertions. Crime rates are lower in areas with more social ties, which help generate shared norms and values that can keep socially undesirable behaviors from occurring—whether the ties are personal, like between neighbors, or supported by formal organizations. Shaw and McKay's other assertion—that the ability to form social ties is affected by neighborhood socioeconomic characteristics—has found support as well. Fewer informal social ties and formal organizations exist in poorer areas. Poorer areas are affected negatively by physical disorder, which also can encourage crime. Because physical disorder often requires investment to reverse, poorer neighborhoods that have few financial resources cannot counteract visible blight and subsequently are stuck with higher crime rates.

This line of research has led to the idea that encouraging social ties is an organic method of neighborhood crime reduction. If neighbors can build social ties, then they can exert social control to limit crimes in their own neighborhoods. At the same time, however, this research has indicated that not all neighborhoods have the same capacity for social control. Disadvantage, which already leads to many negative outcomes, makes it more difficult for neighbors to exercise social control. Unless the negative effects of disadvantage can be counteracted, local social control will be ineffective in poorer neighborhoods.

Carr's (2003) concept of "new parochialism" is one possible way to counteract the negative impact of disorganization on local social control. Through a case study of a working-class Chicago neighborhood, Carr found that ineffective local social organizations can be made effective by drawing on external sources of support. When neighborhood, or parochial, organizations receive funding or organizational support from the public, or formal bureaucratic, social order, the parochial effects frequently are more successful, and neighborhood social control is augmented. Carr found that these public–parochial partnerships—the new parochialism—helped reduce neighborhood social disorder. We feel that encouraging public–parochial partnerships on a broad scale has the potential to help counteract some of the negative effects of disadvantage, which should, in turn, help increase the neighborhood's capacity for social control and help decrease crime rates.

Despite new parochialism's promise as a potential crime reduction tool, it has not been tested beyond Carr's (2003) case study. This is partly a result of the lack of new parochial-esque programs that lend themselves to empirical examination. Although parochial–public collaborations undoubtedly occur in most cities, few have formal organizations that

facilitate these partnerships. Seattle's Neighborhood Matching Fund program is a rare exception. The program guarantees that projects will be funded every year and that at least 51% of the funding will go to disadvantaged areas. This system also allows us to examine whether parochial–public collaboration is associated with a reduction in crime and whether pumping resources into disadvantaged neighborhoods can help counteract disadvantage.

Our results suggest that new parochialism, as tested by Seattle's Neighborhood Matching Fund program, is associated with lower violent crime rates and that this effect is stronger in more disadvantaged neighborhoods. In disadvantaged neighborhoods, annual funding is associated with a reduction in crime that increases as neighborhoods become more disadvantaged. Total program funding is associated with a reduction in crime in most neighborhoods, but again, the rate of reduction increases as neighborhoods become more disadvantaged. This finding suggests that poorer neighborhoods gain more from external investment and parochial–public collaborations than do advantaged neighborhoods. It also suggests that the NMF program helps counteract the negative effects of disadvantage, particularly as program funding accumulates over time. Poorer neighborhoods get more "bang" from their NMF buck, and that bang gets bigger with continued participation.

The fact that the NMF program is associated with such a significant reduction in crime, particularly in poorer areas, is really remarkable, especially considering that the NMF program is *not* specifically a crime reduction program. Rather, the NMF program is a community-improvement program. Most projects are aimed at either community building or physical improvement. Only a handful deal directly with crime control or prevention, and most of those are school-based programs dealing with status crimes, like teenage drug and alcohol use. The reduction in violent crimes that comes from these programs is largely unintentional, which tends to support the idea that social ties matter for crime control. The funding rules require group participation, which builds social ties. The funding allows for physical disorder to be alleviated. Research has demonstrated that both funding and social ties are related to crime reduction, and this is the case in the current research. Through the NMF program, community organizations can meet their goals of increasing community cohesion and removing physical disorder, and the communities get the added bonus of reduced crime rates.

Our findings suggest that NMF-style programs could be useful tools for crime reduction in other areas. Several European cities already have mimicked the NMF program for community-improvement reasons, but few have done so in the United States, which is unfortunate. NMF-style programs are low risk but potentially offer high rewards. Because the program is not aimed at crime reduction, the program can be deemed a success (at least for political reasons) if neighborhoods experience any improvement, even if crime rates stay the same. Any crime reduction that does occur is just an unintended benefit to other neighborhood improvements.

The fact that the crime reduction associated with NMF funding is unintentional does not make it any less valuable as a crime reduction strategy. The program is associated with lower crime rates, particularly in more disadvantaged neighborhoods in Seattle. Seattle is advantaged, overall, so it is unclear whether the same observation would be observed for a similar program implemented in cities where neighborhoods often experience greater disadvantage, such as Chicago or Detroit. Indeed, most of the neighborhoods in which new parochialism has been tested, even by Carr (2003), have been relatively less disadvantaged than the neighborhoods that have the greatest violent crime problems, and which tend to be extremely disadvantaged (Peterson and Krivo, 2010). Although we do not know whether small-scale community improvement projects could have any meaningful impact in local areas with extreme crime problems, there is some reason for optimism. First, previous research has demonstrated that other forms of community investment, such as housing and retail investment, are associated with a significant crime reduction in Chicago neighborhoods (Papachristos et al., 2011; Vélez and Richardson, 2012). It is reasonable to expect that public investment, through an NMF-style program, would be associated with similar outcomes. Second, evidence shows that governmental agencies have been able to work with local civic and economic groups to revitalize disadvantaged neighborhoods and prevent violent crime, particularly in neighborhoods with high immigrant concentrations (Ramey, 2013; Vélez, 2009). This result suggests that governmental intervention also can work in cities that are more diverse than Seattle. Although these forms of investment and government intervention are different from the NMF program, the outcomes associated with those projects suggest that new parochialism could operate similarly in more extremely disadvantaged neighborhoods than those found in Seattle.

Finally, the Neighborhood Matching Fund program is a cheap and easily implemented plan for neighborhood improvement and crime reduction. Our results indicate that in more disadvantaged neighborhoods, gaining around $150,000 in additional cumulative funding was associated with a 50% reduction in crime rates over comparable neighborhoods that did not receive extra funding. Moreover, these numbers include the total funding awarded, which includes both the funding raised by the neighborhood and the NMF match. The actual cost to the city is half of that amount, which indicates that policy is cost-effective. To compare this with other crime control efforts, the Seattle Police Department pays newly sworn-in officers $67,722.64 each year (Seattle Police Department, 2013). We are not saying that we should not have police officers, but it shows that the NMF is almost certainly associated with more crime reduction than a single police officer would be, and for a significantly lower cost. It is an efficient program that is associated with significant intended and unintended effects. It is a policy that should be considered in other cities, particularly those struggling with disadvantage and disinvestment from poor neighborhoods.

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COMMUNITY INVESTMENT AND THE CONTROL OF STREET CRIME

New Parochialism and Community Dynamics

Benefits and Possible Collateral Consequences

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The influence of community dynamics on offending has long been a focus of criminological research. Likewise, changing these community dynamics is a popular focus of crime-fighting programs and policies. Community policing, neighborhood watches, anti–"stop snitching" campaigns, and similar programs attempt to foster resident involvement in crime fighting. These programs must contend with busy, disinterested, or fearful residents as well as the broader stereotypes and stigma attached to both high-crime neighborhoods and those who police them. Patrick Carr's (2005) new parochialism is a relatively recent theoretical development to understand how informal social control may play out in contemporary communities facing some of these challenges. Ramey and Shrider (2014, this issue) test the impact of the policy implications of new parochialism in their exploration of Seattle's Neighborhood Matching Fund (NMF) program.

New parochialism is an extension of Albert Hunter's typology of informal social control (Hunter, 1985). Hunter first argued that individuals self-regulate behavior in their neighborhoods when private (family and friends), parochial (neighbors and neighborhood institutions), and public (city services based outside the neighborhood) levels of control work together. Carr found in his ethnographic study of Beltway in Chicago that residents engaged in successful informal social control even when the private, parochial, and public levels did not work together. Although private and parochial networks were diminished in Beltway, residents capitalized on control efforts that bridged parochial and public levels. In other words, even though residents did not intervene directly on the behavior of their

neighbors, they did develop "problem-solving groups," a night patrol, and a court advocacy group, all of which represented partnerships between parochial and public controls (Carr, 2005). These strategies allowed Beltway residents to be involved in informal social control in a context of growing female participation in the labor market, increasing ethnic heterogeneity in Beltway, increasing juvenile crime, and the fear of crime (Carr, 2005).

The Neighborhood Matching Fund (NMF) program in Seattle provides an interesting example of formalized new parochialism. In it, communities apply for matching funds to complete a project to benefit the community. Because the community portion of funding may come in the form of money, supplies, or volunteer hours, and more than half of funds must benefit low-to-moderate income neighborhoods, the program provides a valuable resource to communities that may benefit the most from community investment. Ramey and Shrider (2014) lay out several reasons why this program could strengthen communities, and disproportionately so for those that most need the help. External investment can both bolster the success of neighborhood projects and support the formation of social ties. Funds may be particularly valuable as they accumulate over time, provide valuable investments into communities, and help to alter perceptions (Ramey and Shrider, 2014). They test these ideas using longitudinal panel data, including demographic, crime, and NMF data. Their findings support the effectiveness of NMF, with higher levels of funding associated with lower violent crime, as neighborhood disadvantage increases. In addition, they find a negative relationship between cumulative funding and violent crime rates both in general and particularly in neighborhoods of higher levels of disadvantage.

There is much to be lauded about the Neighborhood Matching Fund. As Ramey and Shrider (2014) argue, and as their analysis supports, investments in new parochialism, like the NMF, are a relatively inexpensive way to strengthen communities and reduce crime. Ramey and Shrider make two points in particular that I think are worth highlighting, which I develop in the subsequent discussion. The first is that the focus is on community building, not on crime control. This approach can be an effective way to reduce crime because it targets aspects of communities that may lead to crime and because it may be easier to encourage community involvement in narrowly defined community-building projects. Second, this type of approach, with its tangible goals, is politically appealing. It lends itself to clear and measurable outcomes while fostering longer term change. However, although there is much to like about the Neighborhood Matching Fund, some caution is warranted. New parochialism policies potentially open the door for selective reinforcement of communities, with corresponding isolation and stigmatization. To reduce the likelihood of negative consequences, programs such as the NMF should take into account neighborhood culture and community dynamics. In the rest of this essay, I first discuss the strengths of this type of approach and then highlight potential unintended effects that should be considered in developing similar programs.

Crime Reduction Through Community Building

In their discussion, Ramey and Shrider (2014) make the interesting and significant point that the Neighborhood Matching Fund is not specifically a crime-reduction or crime-control program, but rather the goal is community improvement. This point is significant. The analysis of the NMF demonstrates that programs that are not specifically designed to deal with crime can nonetheless play a valuable role in crime reduction. In some cases, they may be a more effective way to deal with crime than traditional crime-control efforts (Garland, 1990). Community-improvement programs respond to conditions that may be related to crime, disorder, and violence while fostering positive community ties. Programs such as NMF have broader goals than crime control, but they target the underlying aspects of communities that have been theoretically connected to differential crime rates, like collective efficacy and legal cynicism (Kirk and Papachristos, 2011; Sampson, Raudenbush, and Earls, 1997). This is a good reminder for policy makers and program developers (and researchers) to think creatively about program design as well as to set short- and long-term goals.

In addition to its impacts on neighborhood crime, a community-development orientation may foster longevity in a few ways. First and most simply, the NMF provides a financial incentive for residents to develop community groups and work with their neighbors. Second, in addition to the incentive, the community-building events that are funded by the NMF might be among the easiest to foster community involvement (Skogan and Hartnett, 1997). It is easier for busy residents to get involved with discrete events and activities (Carr, 2005; Putnam, 2000), again demonstrating the possible value of new parochialism in many contemporary communities. Over time, the groups might become institutionalized, but discrete projects allow for a shorter and smaller commitment. Third, research has demonstrated the difficulty of maintaining involvement in crime watches and similar programs over time (Carr, 2005; Skogan and Hartnett, 1997). In the case of many crime-control programs, residents come to meetings when they have a personal issue and drift away when their issue has been addressed. Issues related to crime and disorder can take on a negative connotation and can be depressing and discouraging over time. In contrast, building a new park or planning a community event can be inspiring and uplifting.

The projects funded by the NMF include projects designed to reduce neighborhood disorder, like removing graffiti, cleaning up streets, and improving dangerous intersections (Ramey and Shrider, 2014). At least as described by Ramey and Shrider, funded projects need not be focused on disorder; rather they simply must provide a public benefit and be planned and carried out by the neighbors who will benefit. Strengths-based projects might encourage ongoing resident investment. Focusing on positive aspects to community life could foster more positive ties with neighbors that lead to greater trust and cohesion (Sampson et al., 1997). Again, this highlights the benefits of programs that focus on community building

rather than on explicit crime fighting. For these reasons, a focus on the positive aspects of neighborhood life might encourage longer term investment. It is worth testing whether positively focused community projects have a differential effect on crime or cohesion than do disorder-focused projects.

The Political Appeal of Neighborhood Matching Funds

Another point Ramey and Shrider (2014) make that is worth highlighting is that the type of program modeled by the NMF is politically appealing. The program has clearly defined (if variable) goals that lend themselves to modest, appropriate, and measurable definitions of success. The overt goal is *not* crime control—although that might happen, particularly over the long term—so clearly demonstrated and rapid declines in crime need not be present to be deemed successful. The need to demonstrate "success," quickly and in clearly defined terms, reflects the difficult reality of crime-control programs, evaluation research, and politics (Papachristos, 2011). In this test of NMF, Ramey and Shrider (2014) cannot directly test the mechanisms connecting new parochialism to the development of social ties or crime reduction. This problem is common among these types of programs and with the available data. It is difficult to establish causality, to isolate program effects, and to measure and observe success. This type of research often does not occur on politically expedient time tables (Papachristos, 2011). In addition, public and political expectations often exceed what is realistic for a single program. But if the goal is to clean up a park or paint a mural, then the goals are more tangible and easier to observe in the short term while fostering the development of collective efficacy and new parochialism over the long term.

Ramey and Shrider (2014) describe the NMF as a "low-risk, high-reward" program. In many ways, I agree. Again, its immediate goals are tangible and narrowly defined. The financial investment is modest, particularly in comparison with more traditional law enforcement responses to crime (Ramey and Shrider, 2014). In addition, because it is a matching fund approach, each funded project is an even more modest expenditure, with correspondingly minimal risk. The focus on resident-led projects means that projects can be diverse, creative, and attuned to specific neighborhood needs and strengths. Although the NMF stops short of requiring a focus on positive goals (e.g., adding something to the community) rather than on negative (e.g., reducing disorder or violence), it at least allows for such a shift in emphasis. This positive focus lends itself to feel-good publicity. It also allows policy makers and politicians to sidestep debates over "tough on crime" or "smart on crime" approaches and rhetoric. At the same time, Seattle's NMF explicitly devotes most of its resources to communities that are more disadvantaged, so that resources are directed where they are most needed. For all of these reasons, programs like the NMF are theoretically informed and politically expedient. However, there are potential pitfalls of programs like the NMF. In the next section, I discuss some of these issues, drawing on research on collective efficacy and community culture.

Possible Collateral Consequences of New Parochialism

An important limitation of the current study is the relative advantage of Seattle, and so one cannot make strong statements about the effectiveness of this type of partnership in the most disadvantaged and highest crime neighborhoods. Although Ramey and Shrider's (2014) data allow a test of the relationship between NMF funding and violent crime, which is valuable, other questions are left unanswered. The limitations of Ramey and Shrider's (2014) analysis, which they recognize, highlight the need to consider the possible unintended consequences of this type of program, and those considering the development of similar programs must be thoughtful about community composition and culture. For example, collateral consequences of new parochialism are possible, in part depending on neighborhood composition. When a community group applies for funds, they must demonstrate that their proposal will benefit the community. But, whose community? Much research has demonstrated that heterogeneity can impede the formation of social ties and collective efficacy (Sampson et al., 1997; Shaw and McKay, 1942; Skogan and Hartnett, 1997). High crime and disadvantage impede the formation of social ties and collective efficacy, which could influence who gets involved in community-building programs and who is excluded.

Several important theoretical dimensions are important to understanding the possible negative effects of new parochialism on at least some community members. A strong and negative association exists between legal cynicism and collective efficacy (Kirk and Papachristos, 2011). Legal cynicism is a cultural frame, more prevalent in neighborhoods of concentrated disadvantage, in which people view the law as illegitimate and not working in their interests (Kirk and Papachristos, 2011; Sampson and Bartusch, 1998). Collective efficacy reflects a mutual trust among residents and a willingness to intervene for the common good (Sampson et al., 1997). Together, in other words, in communities in which residents do not perceive law enforcement to be working for them, they may be less likely to work collectively with each other to control crime. Browning (2009) found that collective efficacy is most related to crime when the levels of network interaction are low. He concluded that a negotiated coexistence exists in some communities in which offenders are integrated into some local community networks (see also Pattillo-McCoy, 1999). His findings are consistent with the idea of new parochialism in that weak ties could facilitate more informal social control because they are not dependent on the close ties that might lessen a neighbor's willingness to sanction known offenders. In this case, a neighbor might be disinclined to intervene directly or indirectly on an offender who is part of a known community network. This research demonstrates both the value of and the challenges that NMF and similar types of community-building programs face in the neighborhoods that need it the most.

Because crime narratives are strongly racialized in the contemporary United States, talking about crime is a way to talk about race in acceptable terms, and policing crime, formally or informally, can become a way to police race (Chiricos and Eschholz, 2002; Leverentz, 2012). In Chicago, racial and economic contexts play a stronger role in predicting perceptions of disorder than does objectively measured disorder (Sampson and

Raudenbush, 2004). In practice, this means that perceptions might shape how responding to disorder is approached as well as what and who is targeted. For example, Becker (2014) and Leverentz (2012) both demonstrated that relationships between (a) residents and (b) law enforcement and other forms of control can be used to "Other" people of color, particularly in predominantly White communities. Indeed, the effects of this may be especially pronounced in predominantly White neighborhoods. Carr (2005; see also Kefalas, 2003) also illustrated this in descriptions of Beltway, a White middle-class neighborhood with a growing population of middle-class Latinos. Understandings of crime in Beltway were framed as an "us versus them" that implicated young, poor Latinos and African Americans from nearby areas as the "gang bangers" and troublemakers, independent of evidence.

It is easy to assume that racially and economically homogenous neighborhoods also are homogenous in other ways. This may be true in the aggregate, but it can mask important intracommunity variation. In the racially homogenous African American neighborhood of Chicago's Groveland, homeowners distrusted renters (Pattillo-McCoy, 1999). Other research has similarly demonstrated some of the nuances of community life and community organizing. Small (2004) persuasively demonstrated how living in the Villa Victoria development in Boston was a fundamentally different experience across generations, with older residents perceiving the neighborhood as a community created out of political activism, and so they are more likely to be active in community life themselves. In contrast, younger residents who did not experience this previous activism perceive the neighborhood in terms of its disorder (Small, 2004). Similarly, Tach (2009) illustrated the ways in which long-term residents and newcomers to a Hope VI development in Boston differentially perceived their neighborhood. Here, the newcomers—who were intended to stabilize and improve the neighborhood—tended to isolate themselves, with more negative impressions of the neighborhood. In contrast, long-term residents were those who were more overtly invested in neighborhood life and the positive changes in their neighborhood. Each of these examples highlights the importance of carefully considering the possible dimensions of neighborhood divides and remembering that heterogeneity may come in many forms, some of which are less visible than others. Community-building programs that do not take into account community culture and dynamics could potentially exacerbate any dimension of variation or divide.

There is much to like about the Neighborhood Matching Fund program and many reasons to recommend it to other communities. At the same time, research on community dynamics and culture emphasizes the importance of understanding varying community contexts, community culture, and network dynamics. It highlights the need for programs and policies that can diminish legal cynicism and foster collective efficacy. It also highlights the need to understand the consequences of legal cynicism on community dynamics and, by extension, how programs such as NMF may play out in different types of communities. So although I agree with Ramey and Shrider (2014) that programs like the Neighborhood Matching Fund hold promise for community development and crime reduction, I also

encourage policy makers to approach such programs thoughtfully and with community culture in mind, and I suggest these aspects of program effects to be included in research and evaluation efforts.

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COMMUNITY INVESTMENT AND THE CONTROL OF STREET CRIME

Making or Breaking Neighborhoods

Public Social Control and the Political Economy of Urban Crime

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Urban theorists have long pointed to decisions over the allocation of capital by economic and political elites as the cornerstone of neighborhood viability (Logan and Molotch, 1987; Skogan, 1990; Smith, Caris, and Wyly, 2001). Recently, community and crime scholars have begun to appreciate more fully this insight and have explored how external capital investments, ranging from bank lending to resources for public services, make or break the ability of neighborhoods to control crime (Peterson and Krivo, 2010; Squires and Kubrin, 2006; Vélez, Lyons, and Boursaw, 2012). Ramey and Shrider's (2014, this issue) article is a welcome addition to this growing body of research on external neighborhood investments and crime. Ramey and Shrider assess the influence of capital investments from Seattle's unique Neighborhood Matching Fund (NMF) program on neighborhood crime levels from 1992 to 2007. To receive matching funds, neighborhood organizations must convince the city that their projects will be carried out by residents, that residents will benefit from the project, and that they have raised the funds that will be matched to carry out the project. Fifty-one percent of total NMF funds must go to moderate-to-low income neighborhoods and project sites. Ramey and Shrider find that matching funds associate with reductions in violent crime for all neighborhoods but that this public capital is especially helpful in reducing violence in disadvantaged neighborhoods. In more disadvantaged neighborhoods with relatively high levels of cumulative funding, Ramey and Shrider estimate that the expected violent crime rate decreased from almost 40 crimes per 1,000 to slightly more than 15 violent crimes per 1,000 in 2007. This

contingent finding suggests that struggling neighborhoods benefit most from this unique policy intervention.

In this essay, our goal is to direct policy makers to the potential for capital investments to improve neighborhood well-being. To that end, we situate Ramey and Shrider's (2014) article within the broader perspectives of political economy and public social control. Although Ramey and Shrider do not explicitly connect their work to these perspectives, we consider them to be particularly relevant. By invoking political economy and public social control literatures, we encourage policy makers to shift attention from individual residents to policy decisions that facilitate ties between neighborhoods and city elites. These ties, in turn, bring about resources that can make or break neighborhoods. Given that good policy relies on sound research design, we identify some key methodological issues that complicate our understanding of the relationship between capital investment and neighborhood crime. We then conclude with the following policy-related discussion points that emanate from research on capital and community viability: Although capital can benefit neighborhoods, unregulated and risky capital can be dangerous; cities are central in promoting or thwarting neighborhood well-being; and investments can reverse the fortunes of disadvantaged neighborhoods.

Political Economy and Public Social Control

The political economy perspective traces the fate of neighborhoods to their ability to secure capital investments from political and economic elites (Logan and Molotch, 1987; Smith et al., 2001). This view contrasts with dominant neoclassical accounts that consider neighborhood fate to be solely a function of residential decision making that takes place in an open housing market. Within a capitalist economy, the political economy perspective conceptualizes cities as "growth machines" and neighborhoods as commodities that vary in their ability to help cities achieve goals of capital accumulation (Logan and Molotch, 1987; Molotch, 1976). As a result of their relative wealth, affluent neighborhoods often come out as the "winners" of the political economy of place because they prompt city elites and entrepreneurs to protect the interests and lifestyles of neighborhood residents from external threats, such as sewer plants or public housing (Logan and Molotch, 1987). Poor and otherwise disadvantaged neighborhoods, in contrast, are less able to forge ties and secure capital given their limited ability to further city interests of capital growth. Thus, poor neighborhoods are often the "losers" in the political economy of place and are more likely to suffer from initiatives and market forces that might help cities grow but debilitate disadvantaged neighborhoods, such as urban renewal or the destruction of poor areas to provide routes for interstate freeways.

Given the amenability of these basic ideas to core concepts within urban criminology, scholars, including ourselves and Ramey and Shrider (2014), have begun to focus attention on the importance of external resources for neighborhood crime. Ties to external actors help secure important capital investment, which in turn sets the stage for community social

organization—the ability of local areas to realize common goals such as safety and to promote neighborhood viability (Bursik, 1988; Carr, 2003, 2005). The concept of public social control (Bursik, 1989; Bursik and Grasmick, 1993; Hunter, 1985) captures this interplay between neighborhoods and elites. Public social control points to brokering relationships with private and governmental entities as a necessary strategy for neighborhoods to secure lucrative investments or public services that bolster their efforts to control crime. Given the common focus on community social control stimulated by external actors, we consider "new parochialism" to be subsumed within the concept of public social control.

Ramey and Shrider (2014) join other recent scholarship in highlighting the ways public social control can contribute to lower levels of crime (Bursik, 1988, 1989; Bursik and Grasmick, 1993; Squires and Kubrin, 2006; Vélez et al., 2012). First, favorable relationships and resultant capital help to strengthen neighborhood collectives that orchestrate efforts to reduce crime. For instance, community groups organize neighborhood watch meetings, facilitate after-school programming for youth, and provide job training for residents. Moreover, neighborhood organizations are "resource brokers" (Small, 2006) that mobilize interorganizational ties and facilitate the allocation of additional capital. Squires and colleagues (Squires, 1992; Squires and O'Connor, 2001; Squires, Bennett, McCourt, and Nyden, 1987) have written extensively about the importance of neighborhood organizations pressuring banks to release capital to poor and often minority neighborhoods. Second, infusions of capital help to stymie neighborhood decline by reinforcing housing stock and economic infrastructures. Infusions of capital mean that neighborhoods can obtain the funds to build new homes and businesses, which in turn attracts new home buyers and businesses, curbing housing and population loss (Squires and Kubrin, 2006). Without capital, neighborhoods might experience a "spiral of decline" that begins with severe property abandonment and ends with population loss and widespread disorder (Markowitz, Bellair, Liska, and Liu, 2001; Massey and Denton, 1993; Sampson and Raudenbush, 1999; Skogan, 1990; Taylor, 1995). Third, the regular infusion of capital investments and beneficial services signals to residents, elites, and potential buyers that an area is "worthy" of investing time and resources (Squires and Kubrin, 2006: 98; Vélez et al., 2012). Residents who invest in their neighborhood likely are more willing to intervene on behalf of the common good (Sampson, Raudenbush, and Earls, 1997; Squires and Kubrin, 2006) and participate in neighborhood activities like watch associations.

Although empirical inquiry on community investment and crime remains relatively rare, we identify two lines of relevant research that speak to issues similar to those raised in the featured article. The first is emerging research on the role of prime home mortgage lending, a type of private capital brought about at least in part by favorable ties to elites (banks) on local levels of crime. Mirroring a neighborhood's standing within the political economy of place, neighborhoods that facilitate city goals of growth and wealth accumulation are rewarded with home mortgage lending above and beyond what can be expected by the internal demand of residents (Holloway and Wyly, 2001; Squires and O'Connor, 2001;

Smith et al., 2001). Research consistently reports negative relationships between home mortgage lending and crime, net of other common controls for violence and economic conditions (Peterson and Krivo, 2010; Saporu, Patton, Krivo, and Peterson, 2011; Squires and Kubrin, 2006; Vélez and Richardson, 2012; Velez et al., 2012). Using data from a national sample of neighborhoods, Peterson and Krivo (2010) found that a 1 standard deviation increase in home mortgage lending decreases the violent and property crime levels by approximately 9%. One study by Saporu et al. (2011: 96) uncovered that "residential lending has the greatest payoff in areas that suffer the most from criminal conduct: African American, Latino, and more disadvantaged neighborhoods." We note, however, that other studies, including Velez et al.'s (2012) analysis of Seattle neighborhoods, failed to uncover conditional relationships between lending and minority or disadvantaged neighborhoods.

A second line of related research explores whether "business improvement districts" (BIDs) can make neighborhoods safer. Although not discussed by Ramey and Shrider (2014), we consider this research to be especially cognate, as BIDs are a type of public capital intervention, like the Seattle NMF, designed to provide funds for community service improvement. BIDs allocate resources to enhance a variety of services, such as sanitation and public safety, which are typically provided by public agencies. In the case of BIDs, these services are funded by increased tax burdens on commercial properties that have been approved by local residents (Greenbaum, 2012). A major goal of BIDs is to improve the built environment as well as public safety, and hence, often they are termed "clean and safe" initiatives (Hoyt, 2004). Given their focus, scholars have been particularly keen to evaluate whether BIDs result in reductions in neighborhood crime. Many studies have documented that this type of public capital intervention can reduce serious street crime (Brooks, 2008; Hoyt, 2004, 2005; MacDonald, Golinelli, Stokes, and Bluthenthal, 2010). MacDonald et al. (2010) found that BID implementation associated with a 12% reduction in robberies and an 8% reduction in total violent crimes in Los Angeles neighborhoods. Brooks (2008) uncovered that neighborhoods with BIDs in Los Angeles have between 6% and 10% less crime than otherwise similar neighborhoods. Yet, MacDonald, Bluthenthal, Stokes, and Grunwald (2012) found that the presence of a BID has negligible effects when extended to explain a youth's risk of victimization.

Despite the growing consensus on the benefits of investments for the ability of neighborhoods to control crime, we direct policy makers to key methodological challenges. Specifically, this research, as well as the featured article on matching funds, confronts difficulties in ruling out plausible spurious relationships between capital investments and violence. Generally, neighborhoods that enjoy capital investment could have less violence not only because of this capital but also because investment relates with a constellation of factors that make neighborhoods attractive to elites, including strong community organizations, affluence, or high median housing values. Furthermore, capital is not randomly invested across neighborhoods. As an example, neighborhoods must collectively organize to adopt extra tax burdens to implement BIDs (Brooks, 2008). This potentially confounds the

BID–crime relationship with a variety of neighborhood dynamics that jointly determine crime and the likelihood of receiving community investment.

The point is that it is difficult to determine whether a community-investment policy works independently of its unequal allocation across neighborhoods. This strikes us as a particular concern for the Seattle NMF. The NMF may be effective because it awards matching funds only to organizations that have been able to create a basic infrastructure of volunteers and project management. The success of the NMF, then, could be predicated on a certain level of organizational competence, which itself is an important dimension of social organization. Can policies like Seattle's NMF spur organization where it does not already exist in some form? Or would projects like this only work in areas that have at least some institutional capacity for community building? Ramey and Shrider (2014) find that matching funds are especially associated with crime reduction in disadvantaged neighborhoods. But not all disadvantaged neighborhoods are the same. Although they may suffer from poverty and socioeconomic challenges, some disadvantaged areas nonetheless have more organizational resources than others (Small, 2006; Vélez, 2001). It is important to understand whether the NMF program selects on relatively organized disadvantaged areas or whether the NMF's promise of funding spurs organization where it would not otherwise exist. If the latter is true, then programs like these may have the potential to benefit all disadvantaged neighborhoods. If the former is true, then programs like the NMF may be less successful in more destitute urban areas than are found in Seattle. Exploiting more fully the longitudinal nature of the Seattle data might provide empirical insight. In particular, incorporating measures of within-neighborhood change in organizational presence along with matching funds would allow researchers some leverage on these questions.

As the previous discussion brings into sharp relief, it is difficult to isolate completely the effects of policy interventions from endogenous factors. Recent work in these two areas highlights three promising ways to assess directionality and causal claims more directly:

(1) Use instrumental variable designs to purge the influence of investments on crime from the influence of crime on investments in cross-sectional designs (Squires and Kubrin, 2006; Vélez and Richardson, 2012)

(2) Employ longitudinal data to "instrument" capital with its level from prior years (Vélez et al., 2012)

(3) Match neighborhoods with investments like NMFs with otherwise demographically similar neighborhoods via propensity score matching or other techniques (Hoyt, 2005; MacDonald et al., 2012)

We advocate that researchers take advantage more fully of the preceding three strategies, when available, which in turn should give policy makers the confidence to make informed policy proscriptions.

Notwithstanding important methodological concerns, Ramey and Shrider (2014) and related research on home mortgage lending and BIDs suggest the benefits to crime control when neighborhoods forge favorable relationships with local elites and secure a variety of capital investments. Our reading of recent research leads us to conclude with three points of discussion that we encourage urban policy makers to consider seriously.

Good Versus Bad Capital

Although we are sympathetic to the claim that investments drive neighborhood viability, the current financial crisis and recent economic collapse in the housing market should provide a cautionary note to policy makers by shedding light on less desirable forms of capital that could debilitate neighborhoods. Whereas most work on investments and crime focuses on "good" capital, scholars have begun to document the negative consequences of other forms of unregulated capital investment, including predatory and subprime lending, which has been linked to foreclosure rates, neighborhood decline, and crime (Immergluck and Smith, 2006; Teasdale, Clark, and Hinkle, 2012; see Arnio, Baumer, and Wolff, 2012, and Baumer, Wolff, and Arnio, 2012, for examples of city-level research). Other recent research found that fringe banking establishments like payday lenders increase neighborhood property and violent crime (Kubrin, Squires, Graves, and Ousey, 2011). Unfortunately, given the dearth of "good" capital in poor and minority neighborhoods, these areas were vulnerable to the exploits of unscrupulous mortgage brokers. Poor and minority neighborhoods thus bore the brunt of foreclosures and the fall out associated with the economic crisis (Rugh and Massey, 2010; Williams, Nesiba, and McConnell, 2005). The story of risky capital should serve as a warning that unregulated free-market, profit-motivated capital investment initiatives can be detrimental to neighborhood viability. We encourage policy makers to strengthen legislation that democratizes access to "good" capital, such as the Community Reinvestment Act of 1977 and the Home Mortgage Disclosure Act of 1975, and to enact legislation that safeguards vulnerable neighborhoods from risky capital, such as recent state and local antipredatory laws.

Cities Matter

Ramey and Shrider's (2014) study and related work demonstrate for criminologists a somewhat underappreciated fact: City policies matter especially for traditionally marginalized communities. On the downside, urban research has documented how cities can marginalize neighborhoods and thwart their ability to organize collectively against crime. City initiatives to "get tough" on immigrants by encouraging close collaboration between local police and federal law enforcement officials could negate the crime reduction benefits often associated with neighborhood immigration, and instead encourage neighborhood detachment and political cynicism among immigrants (Kirk, Papachristos, Fagan, and Tyler, 2012; Lee, 2013; Lyons, Vélez, and Santoro, 2013). Historically, city governments have played active roles in destroying Black neighborhoods by using eminent domain to tear down housing,

build highways, or construct public housing projects (Hirsch, 1998; Massey and Denton, 1993). Actions like these further concentrated poverty, social disorganization, violence, and related social problems in poor, minority, inner-city neighborhoods (Bursik, 1989; Farley, Danziger, and Holzer, 2000; Hirsch, 1998; Massey and Denton, 1993; McNulty and Holloway, 2000; Sampson, 2012; Wilson, 1996). Urban scholars note that once this decay sets in, cities often have taken a "do nothing" approach that leaves Black and other poor neighborhoods to fend for themselves in the political economy of place, propelling them further into decline.

On the upside, however, cities can empower and even overturn the fortunes of disadvantaged neighborhoods. In our own recent work, we have taken seriously the idea that neighborhoods are embedded within city political contexts that shape the fate of marginalized areas. We have argued that the ability of traditionally marginalized neighborhoods to control crime partly depends on the social and political climate of cities (Lyons et al., 2013; Vélez et al., n.d.). Politically supportive cities can provide resources, policies, and opportunities across myriad domains—education, jobs, policing, city services, neighborhood festivals, community outreach, political participation, and health—that can improve the social, economic, and political standing of residents from marginalized communities. These resources and policies can engender trust in and commitment to the political system and fortify community social organization (Bobo and Gilliam, 1990; Williams, 1998). Specifically, we find that the positive relationship between percent Black and violence is often attenuated, and reduced to statistical insignificance, in cities with favorable political contexts for Blacks, as indicated by Black representation in elected officials and the police department, the presence of minority rights organizations, and policies that support Black communities (Vélez et al., n.d.). We also find that the revitalization capacity of immigrant concentration to curb neighborhood violence is enhanced in cities that are receptive to immigrants and their neighborhoods, as indicated by immigrant political representation and sanctuary policies that limit cooperation with immigration enforcement efforts (Lyons et al., 2013).

Furthermore, the featured research and related studies on BIDs give us a reason to be optimistic about the potential for city policies to reverse the trajectories of traditionally marginalized neighborhoods and empower them to organize against crime. One way many cities do this is by charging a department of neighborhoods to promote neighborhood well-being in creative ways. Here, Seattle's Department of Neighborhoods, which directs the NMF program, serves as a case in point. Programs like the NMF are possible only with the commitment of municipal resources. Programs like BIDs in Los Angeles and Philadelphia, which are designed to reinvigorate and improve disadvantaged, high-crime neighborhoods, are only possible through enabling municipal legislation. Cities can enact policies that ensure more equitable distribution of housing investments across neighborhoods. Austin, TX, approved a localized version of the federal Fair Housing Act of 1968 that provides a

mechanism for residents to report allegations of lending discrimination based on race, color, national origin, religion, gender/sex, familial status, and disability.

In conclusion, given the mounting evidence across a variety of research designs that investments help to reduce crime, we encourage policy makers and criminologists alike to appreciate how the actions of political and economic elites make or break neighborhoods. We encourage policy makers who work in city government to respond actively to the needs of neighborhoods and to promote solutions that empower, rather than isolate or marginalize, disadvantaged and minority communities in particular. In an era of limited resources and budget cuts, "cheap and easily implemented" (Ramey and Shrider, 2014) programs like Seattle's NMF may be a cost-effective way forward. Although urban inequality and neighborhood disadvantage remain remarkably durable (Peterson and Krivo, 2010; Sampson, 2012), Ramey and Shrider provide more evidence that empowering place-based interventions can nonetheless improve the plight of those communities most poised for crime.

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Sentencing Policy Disputes

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Last year, Blomberg, Mestre, and Mann (2013) in *Criminology & Public Policy* called on criminologists to embolden themselves to offer the best empirical research to inform public policy discussions concerning criminal justice issues, even if their research cannot show causality. The main research article in this segment represents a wonderful example of such a contribution. Kaiser and Spohn's (2014, this issue) research directly confronts an area of criminal justice in current turmoil because of doctrinal and moral policy disputes. The realm is the federal sentencing system. Created by Congress in the Sentencing Reform Act of 1984, the U.S. Sentencing Commission was tasked with the responsibility of establishing presumptive sentencing guidelines to direct sentencing judges in determining a reasonable sentence. A goal of the reform legislation was to foster consistency in sentencing practices and thereby reduce unwarranted disparities. Yet the U.S. Supreme Court untethered the presumptive sentencing guideline regime in the case of *United States v. Booker* in 2005 when it remedied a constitutional error it found plagued the guideline structure by rendering the guideline system advisory in nature. Federal district judges were given further leeway when the Supreme Court in *Kimbrough v. United States* (2007) ruled the judiciary could reject guideline recommendations based on a policy disagreement. Tension has existed ever since these rulings in terms of a power struggle for determining reasonable punishments, spawning discussions and debates among researchers, academics, practitioners, and policy makers about how to repair the discord and, perhaps more importantly, meliorate policies.

Kaiser and Spohn (2014) investigate the reasons that federal district judges are using discretionary downward departures at a rate of 46.2% (as of fiscal 2013) for nonproduction child pornography sentences (U.S. Sentencing Commission, 2013). This percentage is higher than the downward departure rate for any other category of crime except one (civil rights). Clearly something is amiss when judges dismiss guidelines' recommendations in so

many cases for a particular offense, and this enigma is at the heart of Kaiser and Spohn's investigation. Case opinions indicate that an important reason many judges issue downward departures is that they are taking advantage of their *Booker* discretion and the *Kimbrough* permission to reject the nonproduction child pornography guideline because of a policy disagreement with this guideline's unnecessarily severe sentence recommendations. Kaiser and Spohn undertook several sophisticated statistical analyses using the U.S. Sentencing Commission's fiscal year 2010–2011 data sets to explore whether the high rate and magnitude of discretionary departures are limited to a policy disagreement or whether the high court's precedence has fostered discrepancies in sentences because of individual-level factors that could be perceived as discriminatory.

Jeffery T. Ulmer (2014, this issue), an eminent criminologist and sentencing expert in his own right, rightly commends Kaiser and Spohn's (2014) report as representing a "high-quality and important piece of research." Widespread interest that federal child pornography sentencing has garnered in recent years from Kaiser and Spohn and others (Hamilton, 2014; Hessick, 2011) might be curious to many. It is not as if child pornography viewers are sympathetic characters. As Kaiser and Spohn note, child pornography offenders are often lumped together with contact sex offenders in a moral panic about the presumably high danger posed by strangers lurking around, ready to sexually assault children. Their study's statistics support this idea; they find that the average guidelines' presumptive sentence for contact sexual abuse offenses is similar to the average for nonproduction child pornography crimes. Perhaps the high rate of departure for child pornography indicates judges believe the crimes are not synonymous.

Although the research offered herein by Kaiser and Spohn (2014) targets child pornography sentencing, the results are useful to draw broader policy reflections. For example, the research study found empirical support showing judicial discretion does not necessarily lead to unwarranted disparities as legally irrelevant offender characteristics, such as race, gender, age, and education, were not statistically significant in the likelihood of a downward departure for child pornography offenses. Yet, whether the crime involved child pornography versus sexual abuse was significant, suggesting that judges tend to distinguish between these crimes and find the guideline recommendations for the former to be too harsh and thus do not deserve deference. This idea is further supported in a fresh approach Kaiser and Spohn (2014) undertake when they conduct a qualitative analysis of the reasons judges listed on sentencing forms for making departure decisions. These comments reflect judgments that guideline recommendations for child pornography offenses are uniquely flawed, and Kaiser and Spohn conclude that the greater number of reasons listed given in child pornography cases than other crimes indicates that judges provide more nuanced explanations for departing downward for this category of crime.

Ulmer's (2014) essay response highlights the importance of the research article in the broader context of federal sentencing whereby when a policy disagreement exists, the Commission should use the information to help guide the agency in appropriately revising

the troublesome guideline. Adding to the statistical analyses, Ulmer enterprisingly conducts his own research and, using the Commission's data sets for fiscal 2010–2012, finds the rate of government-sponsored downward departures is at its highest for child pornography cases compared with other offense categories. He advises that, together, the uniquely high rate of judicial departures and government-sponsored reductions should be a signal to the agency that this guideline requires modernization. Ulmer finds it ironic that the U.S. Sentencing Commission is evidently concerned, specifically, about the high rate of departures for child pornography sentences and, more generally, about the discretionary powers the judiciary has wrested back. The Commission has requested Congress pass legislation to afford the guidelines "substantial weight" (U.S. Sentencing Commission, 2012). In contrast to that position, Ulmer posits the judiciary rightly should have a role in encouraging constructive guideline changes when it appears necessary for the pursuit of reasonable and just sentences.

In sum, the research article by Kaiser and Spohn (2014) and the policy essay by Ulmer (2014) take the debate about child pornography sentences to a higher level by offering it as a case study to remind all that sentencing policies likely do not benefit in being set by a single agency. Justice may be better served if various groups of professionals in criminal justice collaborate and learn from one other to evolve policy. Plus, empirical work from criminologists properly fueled these policy-based observations.

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DOWNWARD DEPARTURES IN CHILD PORNOGRAPHY SENTENCING

"Fundamentally Flawed?"

Exploring the Use of Policy Disagreements in Judicial Downward Departures for Child Pornography Sentences

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Research Summary

Using U.S. Sentencing Commission data, this study assesses whether judicial downward departures are more prevalent among child pornography offenders compared with a matched sample of defendants convicted of other offenses. Additionally, we examine reasons given by judges when departing from the guidelines for these offenders. We found that child pornography defendants received significant reductions in sentences by way of judicial downward departures.

Policy Implications

In 2007, the Supreme Court considerably altered the federal sentencing process. In Kimbrough v. United States (2007), the Court held that judicial departures were permissible on grounds of a policy disagreement. Many circuit courts have authorized sentencing judges to depart from the guidelines in child pornography cases based on such a policy disagreement. The findings of this study suggest that judicial downward departures for these offenders cannot be explained by individual characteristics, such as race, gender, or age, and may be indicative of a specific disagreement with this particular sentencing policy. An examination of the reasons provided by judges supports

the hypothesis that judges may be attempting to remedy what they perceive as unjustly harsh sentencing guidelines.

In 1984, Congress enacted the Sentencing Reform Act, which created the U.S. Sentencing Commission (USSC) and authorized the Commission to develop and implement presumptive sentencing guidelines designed to achieve "honesty," "uniformity," and "proportionality" in sentencing. The Act also abolished discretionary release on parole, stated that departures from the guidelines would be permitted with written justification, and provided for appellate review of sentences to determine whether the guidelines were correctly applied or a departure was reasonable.

Restructuring the federal sentencing process has not been without its challenges and limitations, and a recent U.S. Supreme Court decision significantly altered the process by requiring the guidelines to function in an advisory role (*United States v. Booker*, 2005). Concomitantly, Congress has imposed directives that, some contend, abandon the true objectives of the guidelines and may instead exploit public fear to inform sentencing policy (Basbaum, 2010; *Kimbrough v. United States*, 2007). Critics also contend that congressionally enacted policies have led to controversial sentencing practices such as the crack- and powder-cocaine disparity (Kautt and Spohn, 2002). This led the Supreme Court to rule, in *Kimbrough v. United States* (2007), that sentencing judges are free to disregard these sentencing guidelines if they believe that their application results in sentences for crack cocaine offenses that are unreasonably severe. Three years later, the U.S. Court of Appeals for the Second Circuit applied the reasoning established in *Kimbrough* to the child pornography guidelines (*United States v. Dorvee,* 2010). The court noted that these guidelines require sentence enhancements for most offenders and thus result in "unwarranted similarities among sentences for defendants who have been found guilty of dissimilar conduct" (p. 187). The court further stated that this inherent inconsistency with the principles underlying the sentencing guidelines meant that "a district court may vary from the Guidelines range based solely on a policy disagreement with the Guidelines, even where that disagreement applies to a wide class of offenders or offenses" (p. 188). This decision has been followed by many other circuit court opinions reiterating this position.[1]

The purpose of this article is to determine how often judges use their discretion to depart from sentencing guidelines for child pornography offenses and to identify the reasons for judicial downward departures in these cases. This article will be the one of the first to review departures in child pornography cases empirically (see also Hamilton, 2014), which are a newer group of offenses to have their guideline usefulness and appropriateness debated.

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1. *United States v. Huffstatler* (7th Cir., 2009); *United States v. Dorvee* (2nd Cir., 2010); *United States v. Grober* (3rd Cir., 2010); *United States v. Pape* (7th Cir., 2010); *United States v. Henderson* (9th Cir., 2011); *United States v. Garthus* (7th Cir., 2011); *United States v. Halliday* (7th Cir., 2012).

Analyses will control for individual- and case-level characteristics potentially associated with downward departures to determine whether downward departures are more likely in child pornography cases than in cases involving sexual abuse and other types of offenses.

Federal Sentencing of Child Pornography Offenders

Before the advent of the Internet, finding and obtaining images of child pornography required either going into a back room of a seedy adult store or using a mail order business, which increased the risk of detection. The production of child sexual abuse images was difficult and expensive (U.S. Department of Justice, n.d). This all changed once these images went digital. The Internet provided an easy place for individuals to create, retrieve, and spread images of child pornography worldwide with nearly complete anonymity. Ever since, law enforcement has been fighting an uphill battle to detect and eradicate this crime (Jenkins, 2001).

Along with law enforcement efforts, legislative responses have become more severe as the prevalence of child pornography has increased. Over the past 30 years, Congress has increasingly focused on expanding the scope of child pornography laws and the severity of penalties (for an overview of the history of child pornography legislation, see U.S. Sentencing Commission, 2009). The two general types of child pornography offenses are (a) the production of child pornography and (b) nonproduction offenses such as the possession, distribution, and receipt of these images.[2] Under the federal sentencing guidelines, the recommended sentence for child pornography offenders has, in some cases, increased sevenfold over the past two decades (Hamilton, 2011).

Congress has played a significant role in creating and amending child pornography sentencing guidelines, substantively revising the guidelines nine times (U.S. Sentencing Commission, 2009). The base-level offense severity score for nonproduction child pornography offenses has increased from 13 for possession and 15 for the receipt, transportation, and distribution of images in 1992, to 18 and 22, respectively, in 2012 (U.S. Sentencing Commission, 2012). Using the base-level guidelines, the minimum sentence for a defendant convicted of possession of child pornography who had a minimal or no criminal history would have been 18 months in 1992, but it was 41 months in 2012. This represents an increase of more than 70% in the guideline minimum (U.S. Sentencing Commission, 2012).

Beyond the increase in the base-level guidelines, Congress also has enacted sentence enhancements that apply to child pornography offenders (Basbaum, 2010; Hamilton, 2011; Hessick, 2011; U.S. Sentencing Commission, 2009, 2012; *United States v. Dorvee*, 2010). The application of enhancements results from such things as the use of a computer, the number of images possessed, and sharing of images. Use of the Internet to distribute and

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2. Nonproduction of child pornography offenses are defined under 18 U.S.C. § 2252 and 18 U.S.C.§ 2252A. Production of child pornography is defined under 18 U.S.C. § 2251 and § 2260.

share child pornography means that these enhancements, which were designed to be used as aggravating factors in determining sentences for offenders convicted of more severe forms of offending, might apply to a significant percentage of child pornography cases (Basbaum, 2010; Hamilton, 2011; U.S. Sentencing Commission, 2012). Their application also results in very punitive sentences. As Hamilton (2011) pointed out, federal sentences imposed for nonproduction child pornography are more severe than those for manslaughter, drug importation, and sexual abuse offenses. As will be explored subsequently, whereas some commentators have argued that these sentencing increases are disproportionately high compared with the seriousness of the offense, others have suggested that the substantial harm associated with child pornography crimes demands harsh penalties for these offenders.

Actual Risk or Moral Panic?

Concern regarding the dangers posed by sex offenders has existed for decades (Jenkins, 1998). Scholars have suggested that many sex offender laws, including sex offender registration, community notification, and sentencing statutes, were the result of a "moral panic" about the dangers that these individuals pose to victims, especially children (Gavin, 2005; Hinds and Daly, 2001; Jenkins, 1998; Quinn, Forsyth, and Mullen-Quinn, 2004; Sample, 2006, 2011; Sample and Kadleck, 2008; Steinbock, 1995; Zgoba, 2004). According to Sample (2006), this moral panic reflects public fear resulting from a few isolated incidents of sexually related child homicides. The outcome is a demand from the public for quick legislative action. Critics contend that extensive media coverage of these events promoted exaggerated perceptions of an epidemical problem (Ben-Yehuda, 1990; Cohen, 2002; Sutherland, 1950).

The scholarly discourse about the specific influence of moral panic on child pornography legislation in particular is limited. Some scholars have concluded that the amount of child pornography on the Internet is so pervasive as to warrant even greater public concern (Jenkins, 2001). The extent of child pornography available online, however, is unknown and accurate assessments are difficult to obtain (Howitt and Sheldon, 2007). Nevertheless, as Jenkins (2001) contended, the possibility that even a small amount of child pornography is readily available online is a problem that warrants concern. Those who apply the term "moral panic" to child pornography legislation do not deny that the problem exists (Cohen, 2002; Jenkins, 2001); rather, they contend that its significance is exaggerated or distorted to the point that it leads to reaction-based policies that are constructed out of fear and that might be ineffective. In actuality, the effectiveness of these policies is unknown.

Child pornography legislation has increasingly focused on prosecuting and punishing those who possess or share images (U.S. Sentencing Commission, 2009). Law enforcement has engaged in sting operations and undercover strategies that troll online file-sharing websites to find individuals who collect or share images of child pornography (U.S. Sentencing Commission, 2012). Given the dramatic discrepancy between the number of convictions for possession of child pornography and convictions for production offenses, it seems that

little investigative attention focuses on those who produce child pornography.[3] One argument for this strategy is the classic economic perspective of supply and demand; that is, concentrating efforts on decreasing the demand for these images will in effect reduce the number of images being created (Jenkins, 2001). This rationalization, however, has not been tested or proved. No studies to date have assessed whether the continued effort to reduce demand has had any impact on the production of child pornography.

Hessick (2011) identified and critiqued reasons given by those in favor of sentencing offenders convicted of nonproduction child pornography offenses as severely as, or even more severely than, offenders convicted of sexually abusing children. According to Hessick (2011: 855), support for severe sentences for those who possess or distribute child pornography is "tied to a perception that those who possess child pornography are indistinguishable from those who actually abuse children." As Hessick noted, this notion is expressed in various forms; however, those who make this argument assume that offenders who view child pornography images on a computer either have already abused a child in the past, currently want to abuse a child, or will abuse a child in the future. This assumption has been called into question by recent research (i.e., Basbaum, 2010; Bourke and Hernandez, 2009; Buschman, Wilcox, Krapohl, Oelrich, and Hackett, 2010; Seto and Eke, 2005). One meta-analysis, for example, compared online and offline sexual offenders and found that there were statistically significant differences between the two groups of offenders (Babchishin, Hanson, and Hermann, 2011). The authors found that online offenders had greater victim empathy but expressed greater sexual deviancy than offenders who did not access child pornography online. In addition, a meta-analysis of studies that reviewed the prevalence of physical sexual abuse of children by child pornography offenders found there might be a subgroup of online offenders who pose a relatively low risk of committing physical sexual abuse against children (Seto, Hanson, and Babchishin, 2011).

According to Hessick (2011), another reason cited to justify the severity of sentences for nonproduction child pornography offenses is that the images are equivalent to, or possibly even worse than, the actual sexual abuse of the child. The assumption is that victims of child sexual abuse are more harmed by the sharing and availability of the images depicting their abuse than by the actual abuse itself. Those who advocate severe punishment also argue that harsh sentences have a preventative effect—that is, to prevent those who view child pornography from physically abusing children in the future, the punishment for nonproduction child pornography offenses must be severe (Hessick, 2011). This argument relies on the belief that possession or viewing of child pornography will increase an individual's risk for future physical victimization of a child. Research that has been conducted to test this hypothesis, however, has not found support for such a relationship (Seto et al., 2011).

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3. In 2010, 1,717 offenders were convicted of nonproduction offenses compared with 207 who were convicted of production offenses (U.S. Sentencing Commission, 2012: ii n. 5).

In summary, there is a lack of empirical evidence to support many of the claims for increased severity of punishment for nonproduction child pornography offenses. This finding is problematic, as the U.S. sentencing guidelines are supposed to be based on empirical evidence to establish reasonable and rational sentences (U.S. Sentencing Commission, n.d.). This lack of an empirical foundation for child pornography sentencing guidelines has been part of the basis of many circuit court opinions authorizing sentencing judges to disregard these guidelines altogether.

Sentencing Guidelines and Judicial Policy Disagreements

Critics of the indeterminate sentencing systems that were common prior to the advent of sentencing guidelines charged that judicial discretion produced unwarranted disparity in sentencing outcomes (Tonry, 1996). To combat this disparity, there was overwhelming support for reform of the sentencing system (Frankel, 1972). In 1984, under the Sentencing Reform Act, Congress established the USSC to create a sentencing system with the principal goal of decreasing unwarranted disparity in the federal sentencing process by the strict structuring of judicial discretion (Nagel and Schulhofer, 1992). Congress ordered the Commission to develop guidelines that incorporate the purposes of punishment, provide certainty and fairness, and "reflect, to the extent practicable, the advancement in knowledge of human behavior as it relates to the criminal justice process" (28 U.S.C. § 991(b)(1)(c)). Although a substantial body of research assessed the influence of sentencing policy on reducing unwarranted disparity among similarly situated defendants (for examples, see Albonetti, 1997; Griffin and Wooldredge, 2006; Koons-Witt, 2002; Kramer and Ulmer, 1996; Spohn, 2000; Stolzenberg and D'Alessio, 1994; Ulmer, Light, and Kramer, 2011a, 2011b; Wang, Mears, Spohn, and Dario, 2013; Wooldredge and Griffin, 2005; Zatz, 2000), most scholars have not considered the possibility of unwarranted similarity in the sentences imposed on defendants convicted of dissimilar conduct.

As Congress has continued to restrict federal judicial discretion, the legal system has been pushing back through court rulings designed to restore some level of judicial autonomy (Ulmer et al., 2011a). For example, Congress sought to limit judicial discretion by enacting the PROTECT Act of 2003, which attempted to eliminate all unenumerated downward departures for all offenses and ultimately did so for child pornography and child sex abuse offenses (U.S. Sentencing Commission, 2009). Two years later, the Supreme Court ruled that the guidelines are "effectively advisory" (*United States v. Booker*, 2005: 245) and clarified that appellate judges could uphold sentences determined to be reasonable, regardless of whether the sentences fell inside or outside the guideline range (*Rita v. United States*, 2007). In *Gall v. United States* (2007), the Court further held that district judges must make individualized assessments based on the facts of the case presented and need not automatically assume that the guideline range is reasonable.

As a result of these court decisions, federal district judges have more latitude to depart from the sentencing guidelines based on individualized assessments of offenders and their

crimes. Following *Booker*, judges were allowed to depart from the sentencing guidelines based on individual case circumstances. In *Kimbrough v. United States* (2007), the Supreme Court expanded this, holding that district judges could use departures not only for individualized reasons specific to an offender or a case but also based on the judge's categorical disagreement with a specific sentencing guideline policy (Michelman and Rorty, 2012). This opinion specifically addressed policy disagreement with the disparate sentences required for offenders convicted of offenses involving crack and powder cocaine, but several appellate courts have applied this reasoning to child pornography offenses (U.S. Sentencing Commission, 2012). As a result, the use of downward departures in these types of cases has increased. For example, in 2011, 44.9% of child pornography offenders received non–government-sponsored downward departures. By contrast, the national average for non–government-sponsored downward departures for all federal offenses for that same year was 17.4% (U.S. Sentencing Commission, 2011).[4] Although other appellate courts have concluded that policy disagreement arguments cannot be used to justify downward departures in child pornography cases, there is little doubt that offenders in these cases are regularly being sentenced below the guideline range. This phenomenon is confirmed by a recent study conducted by Hamilton (2014), which found that a child pornography offender was more likely to receive a downward departure if the sentencing judge listed a concern about the general adequacy of the guideline. These results offer a clear indication that policy disagreements may play a significant role in the sentencing of child pornography offenders. This current study will build on and extend these results by Hamilton by providing a robust comparison of child pornography cases with another set of cases in which policy disagreements have not been raised. Additionally, by providing a qualitative review of departure reasons, we hope to demonstrate the role of policy disagreements in federal sentencing decisions. As we argue next, the focal concerns perspective may help to explain the prevalence of downward departures for child pornography offenders.

Theoretical Perspective on Downward Departures in Child Pornography Cases

According to the focal concerns perspective, judicial decision making is based on an assessment of the offender's blameworthiness, a desire to protect the community from dangerous offenders, and concerns about the practical constraints on and consequences of sentencing decisions (Steffensmeier, Ulmer, and Kramer, 1998). Focal concerns theorists argue that judges have limited case information (Albonetti, 1991) and, therefore, develop a

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4.   District court cases that have authorized this use of policy disagreement judicial departure include *United States v. Huffstatler*, 2009; *United States v. Stone*, 2009; *United States v. Dorvee*, 2010; *United States v. Grober*, 2010; *United States v. Pape*, 2010; *United States v. Henderson*, 2011; and *United States v. Garthus*, 2011. Courts that have rejected this application include *United States v. Pugh*, 2008; *United States v. Miller*, 2011; *United States v. Mohr*, 2011; *United States v. Bistline*, 2012; *United States v. Black*, 2012; and *United States v. Strieper*, 2012.

"perceptual shorthand" based on stereotypes linked to an array of offender characteristics, including race/ethnicity, gender, social class, and other social positions (Engen, Gainey, Crutchfield, and Weis, 2003: 110; Kramer and Ulmer, 2002: 904; Steffensmeier and Demuth, 2000: 709; Steffensmeier et al., 1998: 768; Ulmer and Johnson, 2004: 145). These offender characteristics (along with offense type and prior record) influence sentencing outcomes because images or attributions connect them to groups thought to be bad (or good) risks for rehabilitation, potentially dangerous (or not), and more (or less) culpable (Bridges and Steen, 1998; Hawkins, 1981; Steffensmeier and Demuth, 2000: 709). This assessment means that judges look beyond the current offense to consider offenders' past behavior, personal background, and current circumstances; this allows them to make distinctions among defendants who seem similar to one another based only on the convicted offense (Wheeler, Mann, and Sarat, 1988).

As noted, one of the primary critiques of the current child pornography sentencing scheme is that it fails to distinguish between variations of severity, both within child pornography offenses as well as compared with other offenses (Basbaum, 2010; Hamilton, 2011; Hessick, 2011; U.S. Sentencing Commission, 2009, 2012). Given the lack of adaptability within the child pornography sentencing structure, it is possible that judges will be more likely to use downward departures to mitigate what they perceive as disproportionately severe sentences. In the tradition of the focal concerns perspective, judges could conclude that child pornography offenders do not pose a danger to the community to the extent that the guideline sentence would warrant. Additionally, downward departures may be used for offenders who are labeled as *salvageable* or *sympathetic* (Nagel and Schulhofer, 1992). For example, evidence shows that downward departures for providing substantial assistance in the prosecution and conviction of other offenders are used more frequently for female offenders (Albonetti, 2002; Mustard, 2001; Stacey and Spohn, 2006) and that the likelihood of receiving a substantial assistance departure is affected by the offender's race/ethnicity, age, education, citizenship status, and other personal characteristics (Cano and Spohn, 2012; Hartley, Maddan, and Spohn, 2007; Johnson, Ulmer, and Kramer, 2008; Mustard, 2001; Spohn and Fornango, 2009; Steffensmeier and Demuth, 2000). As Spohn and Fornango (2009: 836–837) noted, although it is possible that women, younger offenders, and offenders with some college are more likely than men, older offenders, and those without a high-school degree to have information to trade and to be willing to trade the information they had for a lighter sentence, a more plausible explanation "is that prosecutors used the motion for substantial assistance to mitigate the sentences of sympathetic offenders, regardless of whether these offenders had information they were willing to trade."

Studies have demonstrated that the characteristics of child pornography offenders are substantially different than those of most other types of offenders (U.S. Sentencing Commission, 2012). For example, whereas the typical child pornography offender is an older White male (Webb, Craissati, and Keen, 2007; Wolak, Finkelhor, and Mitchell, 2011), most drug offenders are young minority males (Kautt and Spohn, 2002; Spohn,

2000). Additionally, most child pornography offenders are employed full time (Wolak et al., 2011). Given the unique nature of these types of offenders, it could be argued that child pornography offenders receive preferential judicial treatment based on their age, race/ethnicity, and other personal characteristics. This study will assess this possibility by controlling for known offender and case characteristics traditionally used in federal sentencing research to determine whether child pornography offenders are more likely to receive judicial downward departures compared with similarly situated offenders convicted of other offenses.

Current Focus

The purpose of this article is to determine whether sentencing judges use downward departures more frequently in child pornography cases than in cases involving offenders convicted of sexual abuse and other offenses. We also attempt to determine whether the magnitude of the sentence discount is larger in child pornography cases than in these other types of cases. Furthermore, we review the reasons given by sentencing judges for the use of downward departures in child pornography cases in an attempt to provide an initial assessment of whether the use of departures in these case represents a categorical "policy disagreement" with the sentencing guidelines for this group of offenses.

Data and Methods

Data

Data for this study were obtained from the USSC's Standardized Research Files, which are publicly available and are the same data used by the USSC for its reports. For the purpose of this study, data from fiscal years 2010 and 2011 (October 1, 2009 to September 30, 2011) were combined to provide a sufficiently large number of cases for analysis.[5] The years chosen for this study correspond with recent circuit court rulings that authorized the use of policy disagreement arguments in child pornography sentencing in 2010. The unit of analysis is each sentenced offender. For the first set of analyses, the data were limited to cases categorized as sexual abuse or child pornography.[6] Doing so allows us to compare offenders convicted of two types of sex-based offenses.[7] We compare outcomes for offenders convicted of sexual abuse with those for offenders convicted of child pornography because

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5. These two data sets were compared to determine whether they could be combined for analysis; we found no statistical differences between the 2 years on the relevant variables of interest.

6. Sexual abuse offenses will be used as a comparison group in a subset of analyses.

7. It is necessary to note that sexual abuse offenses are generally not considered federal crimes and those that are prosecuted federally typically come from Native American reservations, which fall under federal jurisdiction for prosecution of serious offenses, or cases that were otherwise perpetrated on federal land. Most sexual abuse cases are prosecuted at the state level. The sexual abuse category includes both adult and child sexual abuse to provide a sufficient number of cases for analysis. Cases of obscenity were not included in this category. Analyses conducted using a Tobit model of the dependent variable using a comparison of "sexual abuse of a minor" cases with "nonproduction child pornography" cases

both federal judges and legal scholars have specifically cited (and criticized) the harshness in federal sentencing for child pornography offenders compared with the more lenient penalties imposed on those convicted of the arguably more severe offense of sexual abuse (i.e., Hamilton, 2011; Hessick, 2011; U.S. Sentencing Commission, 2009; *United States v. Dorvee*, 2010).

The USSC data categorize all child pornography offenses into one offense group, which includes both (a) offenses related to possession, receipt, transportation, and distribution of child pornography images (hereinafter *nonproduction offenses*), as well as (b) cases involving the actual use of children in the production of child pornography in a single category. Production of child pornography, however, is considered a more serious offense than nonproduction offenses, and offenders convicted of these offenses receive significantly more severe sentences and are less likely to receive departures.[8] These differences, coupled with the fact that circuit courts have allowed downward departures based on policy disagreement only for cases involving nonproduction of child pornography images, prompted our decision to exclude production cases from subsequent analyses. All offenders who were sentenced for offenses such as the receipt, transportation, and distribution of child pornography were grouped into one category. These offenders were sentenced under Title 18, sections 2252 or 2252A, of the U.S Code for Crimes and Criminal Procedure, which applies to offenses involving child pornography images in which offenders had no actual physical contact with minors. The cases that were excluded involved offenders who were sentenced under Title 18, sections 2251 or 2260, of the U.S. Code for Crimes and Criminal Procedure, in which actual physical abuse of minors was involved in making or attempting to make child pornography images.[9]

The descriptive statistics for the independent and dependent variables are presented in Table 1. This table shows individual, case, and guideline variables for sexual abuse and nonproduction child pornography offenders.

Dependent and Independent Variables and the Analytic Approach

The outcome of interest for this study is whether an offender received a judicial downward departure and as a result was sentenced below the guideline range. Following the approach advocated by Johnson and Kurlychek (2012; see also Bushway and Piehl, 2007), our dependent variable encompasses both the likelihood of a judicial downward departure

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did not produce results significantly different from those presented in this article. Specifically, this model produced an effect size of 2.45 (standard error = 0.47) in the final Tobit model.

8. Data analyses of the fiscal 2010–2011 data sets indicate that the mean sentence for offenders convicted of producing child pornography was 244.44 months, compared with 93.80 months for those convicted of nonproduction offenses. Moreover, 46.35% of offenders convicted of nonproduction offenses, but only 21.20% of those convicted of production offenses received a judicial downward departure.

9. For cases that had multiple offenses, the most severe offense was used as is consistent with USSC methods.

TABLE 1

Descriptive Statistics for Sex Abuse and Nonproduction Pornography Cases Before Propensity Score Matching

Variable	Sex Abuse (*n* = 792)	Nonproduction Pornography (*n* = 3,359)
Dependent Variable		
Judicial downward	16.86	46.35
Mean sentence discount length (in months)	15.74	26.33
Standard deviation	87.95	46.12
Independent Variables		
Case characteristics		
Trial	12.72	3.36
Detained presentence	82.40	57.41
Offender characteristics		
Mean age	37.07	42.24
Standard deviation	12.90	13.32
Range	17–79	19–88
Percent male	95.33	99.17
Percent college	35.85	55.09
Percent high school only	37.52	34.87
Percent no high-school diploma	26.63	10.04
Percent White	33.84	88.68
Percent Black	12.18	3.01
Percent American Indian/Alaskan Native	40.31	0.54
Percent Hispanic	9.39	6.31
Percent other race	4.28	1.46
Percent U.S. citizen	94.56	97.38
Percent with dependents	49.87	30.89
Guideline factors		
Mean presumptive sentence (in months)	124.72	118.20
Mean criminal history score	1.80	1.34
Standard deviation	1.40	0.85
Mean offense severity score	27.98	30.21
Standard deviation	7.97	5.02
Number of counts	1.41	1.39
Standard deviation	1.17	1.38
Range	1–14	1–28
Mean circuit reject policy disagreement	48.61	54.27
Mean mandatory minimum case	35.10	51.09

and the magnitude of the sentence discount for receiving this type of departure, which is measured by the number of months between the guideline minimum sentence for that offense and an offender's actual sentence received.[10] We analyze this variable using Tobit

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10. To create this variable, the likelihood of receiving a downward departure was coded as a dichotomous variable (1 = received departure, 0 = did not receive departure). The magnitude of the departure was

regression (Tobin, 1958), which Johnson and Kurlychek (2012) argued more accurately models the departure decision as it accounts for the dependency between the outcomes measured by using a latent variable that incorporates both the likelihood of a departure and its magnitude. This approach is similar to the method used in research on incarceration decisions under sentencing guideline systems (Bushway and Piehl, 2007; Kurlychek and Johnson, 2010).

The analyses for this study proceed in three stages. We first model our dependent variable using Tobit regression analysis and the full population of nonproduction child pornography offenders and offenders convicted of all sexual abuse offenses. The primary independent variable is therefore a dichotomous variable that is coded 1 if the offender were convicted of a nonproduction child pornography offense and is coded 0 if the offender were convicted of sexual abuse. The independent variables used as controls in this model include the offender's age and a dichotomous variable for the offender's gender (male = 1, female = 0). Additionally, offender race/ethnicity was measured using three dichotomous variables (Black, Hispanic, and American Indian/Alaskan Native), with White as the reference group.[11] The offender's education was captured using two dichotomous variables (no high-school diploma and any college), with offenders who received a high-school diploma but had not been to college as the reference group. We also include the offender's criminal history score (which ranges from 1 to 6), offense severity score (which ranges from 1 to 43), and the number of counts of conviction. Other controls include whether an offender was detained (1 = yes, 0 = no), was a U.S. citizen (1 = U.S. citizen, 0 = not U.S. citizen), went to trial (1 = yes, 0 = not), or had dependents (1 = yes, 0 = no) and whether the case involved a mandatory minimum sentence (1 = yes, 0 = no). Finally, a dichotomous variable was created that represents whether the case was sentenced in a circuit that has rejected the application of *Kimbrough*-based policy disagreements regarding sentences for nonproduction child pornography offenses (1 = court rejects *Kimbrough* application, 0 = court has not specifically rejected this application).[12] Descriptive statistics for these

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then calculated by subtracting the defendants' final sentence from the proposed guideline sentence (capped at 470 months). These two variables were combined to create a latent variable that includes both offenders who did not receive a downward departure (coded as 0) and the sentence discount (in months) for all offenders who received a judicial downward departure.

11. American Indian and Alaskan Natives were included as they were significantly over-represented in sexual assault cases. This is expected given that many serious sexual assault offenses that occur on Native American reservations are transferred for federal prosecution.

12. Appellate decisions in circuits that have rejected the application of *Kimbrough*-based policy disagreements to child pornography offenses include the 4th, 5th, 6th, 8th, and 11th circuits—specific case citations are provided in footnotes 1 and 5. Circuits that have allowed policy disagreements for nonproduction child pornography offenses include the 1st, 2nd, 3rd, 7th, and 9th circuits. The 10th circuit did not address this question during the time frame of this research study. Because they had not specifically rejected this application, they were included in the latter group of circuits for analysis.

variables are available in Table 1. These variables are used for matching purposes in subsequent analyses, which are discussed next.

Our second analytic approach uses propensity score matching to create a sample of child pornography and sexual abuse offenders matched on individual and case characteristics. As illustrated by the descriptive statistics presented in Table 1, child pornography offenders are predominantly older White males with at least a high-school diploma and little or no criminal history; by contrast, the typical sexual abuse offender is younger and is much more likely to be a racial minority, to have a higher criminal history score, and to have no high-school diploma. As such, it could be argued that differences in the use of judicial departures for these two types of offenders are the result of these differences in background characteristics and criminal history. Because random assignment of offense of conviction is not possible, we employ matching procedures to create a sample of child pornography offenders and comparable offenders convicted of sexual abuse offenses (Rosenbaum and Rubin, 1983; Smith, 1997; Winship and Morgan, 1999).[13] By using propensity score matching, we can avoid any disparities that result from unaccounted-for selection effects (Loughran et al., 2009; Smith and Paternoster, 1990).[14] As another test, we use these matching strategies to compare nonproduction child pornography offenders with all other offenders, regardless of offense of conviction.

In the current study, for the purposes of matching, the "treatment" in effect is whether a defendant is convicted of a child pornography offense. Depending on the analysis conducted, the comparison group is either the population of sexual abuse offenders or all non–child pornography offenders. The first set of matching analyses compares child pornography offenders with sexual abuse offenders, as this represents a comparison that is commonly discussed in the literature on child pornography sentencing. We also conduct analyses using child pornography offenders who are matched to all other federally convicted felony offenders, regardless of offense type. We use Tobit regression and the matched samples to test the robustness of the findings from the initial model.

The final stage of the analysis focuses on the reasons given by judges for their application of downward departures for individual offenders. Although many challenges are inherent in attempting to conduct meaningful statistical analysis on judicial reasoning for sentencing below the guidelines, we suggest that this first attempt to review the reasons given for

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13. Matching for all models is performed using the PSMATCH2 command in STATA 12 (StataCorp, College Station, TX). For the purposes of the analyses, both 1-to-1 matching without replacement and 1-to-1 matching with replacement were used. Other matching strategies were reviewed, including *n*-to-1 matching with replacement, none of which significantly affected the results of the analyses. As 1-to-1 matching is considered the most robust matching approach, this is the method presented to demonstrate the strength of the relationship. Matching commanders were assessed using several calipers, including 0.01, 0.02, and 0.05. The caliper of 0.05 was ultimately chosen because it allowed for the matching of the highest number of offenders.

14. For an explanation of propensity score matching used for analysis of sentencing departures, see Johnson and Kurlychek (2012).

departures in child pornography cases can provide additional insight into judicial decision making in these types of cases. Within the federal sentencing data, judicial reasoning is coded somewhat arbitrarily, resulting in hundreds of possible reason codes that are not easily consolidated. The descriptions of these codes also are somewhat vague and require considerable interpretation.[15] Within this immensity of information, however, there are opportunities to make some speculative conclusions. For example, the number of times that a particular reason code has been employed can tell us the frequency in which these reasons are given for particular offenses.

Along with this reason variable, those coded as "other" are accompanied with explanatory text, which offers potentially more insight. It may be that these "other" reasons for downward departures are those that go beyond what is included in the sentencing guideline options for departures or are cases in which the judge felt obligated to provide a more nuanced account of their departure decision. We calculate the rate at which judges use this "other" option by offense category, and we examine the textual accounts of these "other" reasons for departing. This allows us to determine the rate at which judges go outside the traditionally accepted reasons for giving a below-guideline sentence.

Findings

Table 2 provides results from the Tobit regression analysis examining the effects of being convicted of a nonproduction child pornography offense compared with sexual abuse offenses on departure likelihood and magnitude using the full population of offenders convicted of these offense types. The results of this analysis reveal that the use of judicial downward departures increases by a factor of 11.70 for offenders convicted of nonproduction child pornography compared with those convicted of sexual abuse offenses. These results document that legally irrelevant offender characteristics, including race/ethnicity, gender, age, and education, are not statistically significant in determining the likelihood of a judicial downward departure. In fact, the only statistically significant predictors of this outcome are legally relevant variables, such as the offender's criminal history score, offense severity score, presumptive sentence, whether the offender was subject to a mandatory minimum sentence, and whether the offender was detained prior to conviction. Additionally, whether the case was in a circuit that rejected policy disagreements for child pornography offenders was statistically significant. However, the best predictor of receiving a judicial downward departure is whether the offender was convicted of a nonproduction child pornography crime rather than a sexual abuse offense.

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15. A full list of reason codes available in the federal sentencing data set is available from the U.S. Sentencing Commission website at ussc.gov/Research_and_Statistics/Datafiles/Variable_Codebook_for_Individual_ Offenders.pdf, last accessed on July 24, 2013.

TABLE 2

Tobit Regression Model of (Ln) Judicial Downward Departures for Unmatched Nonproduction Child Pornography and Sexual Abuse Offenders

Variable	Downward Departure		
	b	SE	Exp(*b*)
Nonproduction child pornography offenders	2.46	0.23	11.70[***]
Trial	—0.08	0.29	
Detained presentence	—1.94	0.13	0.14[***]
Age	—0.02	0.00	
Male	0.72	0.56	
College	0.03	0.13	
No high-school diploma	—0.02	0.20	
Black	0.46	0.32	
Hispanic	—0.02	0.25	
American Indian/Alaskan Native	0.26	0.34	
U.S. citizen	0.61	0.38	
Number of dependents	—0.18	0.13	
Presumptive sentence	0.01	0.00	1.01[***]
Criminal history score	—0.41	0.08	0.66[***]
Offense severity score	0.16	0.03	1.17[***]
Circuit reject policy disagreement	—0.72	0.12	0.49[***]
Mandatory minimum case	—1.15	0.15	0.32[***]
Constant	—3.35	0.68	—[***]
Sigma		2.95	
Log likelihood		—4,842.34	
N		3,126	

Notes. Nonproduction = possession, receipt, distribution, and transportation; SE = standard error. Exponentiated betas shown only for variables with statistical significance.
***$p < .001$.

To show the robustness of these findings, we use propensity score matching to create a sample of nonproduction child pornography offenders and a matched sample of sexual assault offenders. Table 3 shows the results of the matching procedure and demonstrates that the prematch samples have significant differences between sexual abuse and child pornography offenders. Prior to matching, significant differences ($p < .001$) were found between the nonproduction child pornography and sexual abuse cases. The only variables on which these offenders did not differ was the average number of counts of conviction ($p = .841$) and whether the case occurred in a circuit that rejected policy disagreement application to child pornography offenders ($p = .998$). After propensity score matching was implemented, the 1-to-1 matching balanced the independent variables effectively and

TABLE 3

Descriptive Statistics for Sex Abuse and Child Pornography Offenders Before and After Propensity Score Matching[a]

	Full Sample			Matched Sample		
Variable	Sexual Abuse	Nonproduction Child Pornography	P Value	Sexual Assault	Nonproduction Child Pornography	P Value
Downward Judicial Departures	16.86	46.35	<.001	19.05	49.45	<.001
Independent Variables						
Case characteristics						
Trial	12.72	3.36	<.001	12.32	11.44	.723
Detained presentence	82.40	57.41	<.001	80.06	86.80	.018
Offender characteristics						
Mean age	37.07	42.24	<.001	38.88	39.25	.710
Percent male	95.33	99.17	<.001	82.40	82.40	1.000
Percent college	35.85	55.09	<.001	45.75	43.98	.645
Percent no high-school diploma	26.63	10.04	<.001	14.66	17.01	.402
Percent Black	12.18	3.01	<.001	10.85	10.26	.804
Percent American Indian/Alaskan Native	40.31	0.54	<.001	3.52	4.69	.441
Percent Hispanic	9.39	6.31	<.002	12.90	12.90	1.000
Percent U.S. citizen	94.56	97.38	<.001	93.55	92.38	.550
Percent with dependents	49.87	30.89	<.001	43.40	43.70	.939
Guideline factors						
Presumptive sentence	124.72	118.20	.015	119.41	128.80	.160
Mean criminal history score	1.80	1.34	<.001	1.59	1.60	.899
Mean offense severity score	27.98	30.21	<.001	29.05	28.59	.329
Number of counts	1.41	1.39	.841	1.48	1.56	.583
Mean circuits reject policy disagreement	48.61	54.27	.998	56.89	56.01	.817
Mean mandatory minimum case	35.10	51.09	1.000	53.96	49.56	.251
n		3,320			672	

Notes. Nonproduction child pornography = possession, receipt, distribution, or transportation of child pornography. Cases involving the production of child pornography were excluded.

[a]One-to-one matching without replacement.

produced a matched sample of cases for subsequent analyses.[16] This final matched sample produced two groups (nonproduction child pornography and sexual abuse offenders) that are comparable on all other independent variables in the model.

    To demonstrate that the previous results are not an artifact of the type of matching procedure used and that the effects of nonproduction child pornography offender status on judicial downward departures are robust, several matching methods were employed. The

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16.   Using this rigorous matching method limited the sample size to 672 matched cases, resulting in 336 matched cases in nonproduction child pornography and sexual assault cases each.

TABLE 4

Tobit Regression Models of (ln) of Judicial Downward Departures for Child Pornography Offenders and Matched Group of Offenders

| | Child Pornography[a] vs. Matched Sexual Abuse | | | | | |
| | 1-to-1 | | | With Replacement | | |
Variable	b	SE	Exp(b)	b	SE	Exp(b)
Child pornography offenders	2.96	.42	19.27***	3.58	.28	35.79***
Constant	−3.41	.41	——***	−2.66	.28	——***
Sigma		4.14			3.25	
Log likelihood		−814.47			−4815.15	
n		672			2,869	

| | Child Pornography[a] vs. All Other Matched Cases | | | | | |
| | 1-to-1 | | | With Replacement | | |
Variable	b	SE	Exp(b)	b	SE	Exp(b)
Child pornography offenders	1.35	.13	3.85***	1.61	.13	4.99***
Constant	−.54	.11	——***	−.71	.12	——***
Sigma		3.29			3.30	
Log likelihood		−4975.72			−6263.12	
n		3,136			3,807	

[a]Production of child pornography cases were excluded from the analyses.
***$p < .001$.

effect sizes of nonproduction child pornography offense conviction are provided based on four different propensity models, using two different comparison groups. First, the nonproduction child pornography group was matched to sexual abuse cases using 1-to-1 matching, which is the strictest form of matching. Second, 1-to-1 matching with replacement was used with the same group of cases. This approach increased the number of matched cases so that a larger proportion of child pornography offenders were matched. These two matching methods (1-to-1 nonreplacement and 1-to-1 with replacement) were then used to match nonproduction child pornography offenders to offenders convicted of any other type of offense.[17] The results from the analyses using propensity score matching help to support the robustness of the findings in Table 2.

The results from the Tobit regression analyses performed using the four matched samples are presented in Table 4. The results from the four models are consistent regardless of the matching procedure or comparison group used. The range of estimates indicates that the likelihood of receiving a judicial downward departure increased between factors of 3.85

17. Nearest-neighbor and additional methods of matching were tested beyond those listed in the article. The results from the analyses remained consistent regardless of the matching techniques that were applied.

T A B L E   5

Tobit Decomposition for the Probability and Length of Judicial Departures in Matched Samples of Child Pornography and Sexual Abuse Offenders

	Downward Departure—Full Population	
Child Pornography Offenders	△ Prob	△ Length
Child pornography offenders	**31.97%**	**82.73%**
95% Confidence interval	[25.88% to 38.06%]	[64.92% to 100%]
	Downward Departure—Matched Sample	
	△ Prob	△ Length
Child pornography offenders	**25.15%**	**82.70%**
95% Confidence interval	[17.98% to 32.32%]	[58.99% to 100%]

Notes. Significant effects ($p < .05$) reported in bold. Full population downward departure $n = 3,320$; matched sample downward departure $n = 686$.

and 35.79 for those convicted of nonproduction child pornography offenses. Recall from Table 2 that using the unmatched population of child pornography offenders resulted in an increase in use of judicial downward departures by 11.70 when compared with sexual abuse offenses. When using 1-to-1 matching for the same group of offenders, this finding remains relatively consistent with an increase in the use of judicial downward departures for nonproduction child pornography offenders by a factor of 19.27. These effects for those convicted of nonproduction child pornography offenses remain statistically significant across all models and produce relatively high estimates.

Following the approach applied by Johnson and Kurlychek (2012) and Kurlychek and Johnson (2010), the Tobit coefficients were decomposed to examine separately the effect of being convicted of nonproduction child pornography on the probability of receiving a judicial downward departure and on the magnitude of the departure received. Using the 1-to-1 model without replacement and following the formulas in Osgood, Finken, and McMorris (2002), the results of the decomposition along with 95% confidence intervals are presented in Table 5. This table includes the decomposition for both the full-population Tobit regression model in Table 2 as well as the matched Tobit model presented in Table 4. The results of this model show that conviction for nonproduction child pornography significantly affects both the likelihood and the magnitude of judicial downward departure decisions. Nonproduction child pornography offenders are approximately 32% more likely than offenders convicted of sexual abuse to receive a judicial downward departure, and when they do, their sentence discounts are almost 83% larger in the full-population model. These findings also are reflected in the decomposition of the sample of matched offenders with an approximately 25% increase in the probability of receiving a judicial downward departure and of receiving a sentence discount that is more than 83% longer.

Reasons for Downward Departures

Although the quantitative analyses lend support for the hypothesis that judges are more likely to use downward departures for nonproduction child pornography offenders than for other types of offenders (including those convicted of sexual abuse), a closer examination of the reasons provided by judges for departure sentences in these cases could provide additional insights. When departing from the U.S. sentencing guidelines, federal judges are asked to provide reasons for giving a sentence that deviates from the recommended sentence. In the federal sentencing data provided by the USSC, these reasons are coded and identified for upward, substantial assistance, and below guideline departures. Unfortunately, grouping these reasons into meaningful categories is difficult and gleaning insight into judicial decision-making processes based on this limited information might not provide an accurate portrayal of whether these decisions are based on individual offender circumstances or on judicial disagreement with the federal sentencing guidelines for child pornography offenses. Although they are not suitable for a quantitative analysis, delving deeper into these reasons for judicial departures in a qualitative fashion might prove useful in discerning whether judges are deliberately imposing sentences below the guideline range based on a fundamental disagreement with the policies of the USSC.

The most common reasons given by U.S. sentencing judges for the use of downward departures are all based on 18 U.S.C. § 3553, which articulates various factors to be considered during the imposition of a sentence. The top three reasons given by judges for the use of downward departures in child pornography cases are the "*Nature and circumstances of offense and history and character of defendant (18 3553(a)(1)),*" "*Reflect seriousness of offense, promote respect for law, provide just punishment for the offense (18 3553(a)(2)(A)),*" and "*Afford adequate deterrence to criminal conduct (18 3553(a)(2)(B)).*" Unfortunately, the nondescriptive nature of these reasons does not provide much insight into whether judges are using these to express categorical disagreement with the sentencing policy or whether these are individualized assessments or some combination of the two.

Perhaps one area in which we can glimpse the specific intentions of the sentencing judges is in the use of reasons that do not neatly fit into a specific category for coding purposes. A departure reason can be placed into hundreds of possible categories. Within the large number of possible reason codes available within the federal data, delving into those that do not fit into this coding structure could provide more insight. These textual explanations for guideline departures, which accompany the "other" reasons within the coding system, may offer better insight into the intentions of the judges in imposing downward departures.

The first step in examining these textual departure reasons is calculating the frequency with which judicial reasons do not fit within the traditional departure reasons. To assess this, the number of textual reasons offered for each offense category was counted and the rate per 1,000 cases was calculated. Table 6 provides the rate at which judicial explanations

TABLE 6

Number of Judicial Written Reasons for Downward Departures By Offense Type (Per 1,000)

Offense Type	Count	Population	Rate
Child pornography	86	3,359	25.60
Sexual abuse	11	792	13.89
Violent	33	3,846	8.58
Firearm	60	15,844	3.77
Drug	173	50,856	3.40
Fraud/white collar	150	24,043	6.24
Property	14	3,543	3.95
Other	57	9,261	6.15

Note. Immigration cases were excluded from the analyses.

for downward departures were classified as "other" coding option. The rate at which judicial explanations fit within this "other" option for judicial downward departures is higher for nonproduction child pornography than for any other offense type. This finding suggests that judges might apply more nuanced explanations when using downward departures for child pornography offenses.

This result is further confirmed by the substance of the text descriptions provided for the reasons given for below guideline sentences for child pornography offenses. For example, judges noted that:

- "*2G2.2* [child pornography guideline] *fundamentally flawed*"
- "*Judge categorical disagreement with 2G2.2 enhancements including computer use and prepub* [prepubescent] *child and no* [number] *of images*"
- "*BOL* [baseline offense level] *has increased without factual basis over time*"
- "*Departs 2 levels double counting*"
- "*Usage of computer enhances penalty court sees this as artificial*"
- "*Ct* [court] *views actions of Congress regarding these types of cases as unreasonable*"
- "*The constitutional problems involved in putting the conduct to this deft* [defendant] *in this particular statute*"
- "*Courts are sentencing defts* [defendants] *below the gl* [guideline] *range in child porn cases in 40 percent of all cases*"
- "*Computer SOC* [specific offense characteristics, i.e., enhancements] *is given despite being used in almost every case before the courts*"

Furthermore, the sentencing judges provided reference to several circuit court opinions that, as discussed, authorize them to depart from the guidelines based on disagreements with the sentencing policy. For example, some of the textual explanations for downward

departures included reference to "*Dorvee*," "*US v. Dorvee*," "*US v. Henderson 9th Cir*," and "*US v. Gellatly*," all of which are court cases that allow for the use of policy disagreements for child pornography cases.

These types of textual reasons are not given to sexual abuse offenders. First, as noted in Table 6, textual reasoning for judicial downward departures for sexual abuse offenders occurs at a much lower rate than for nonproduction child pornography offenders. In the 2 years of sentencing data, textual explanations for judicial downward departures occurred in only 11 of 792 sexual abuse offenders compared with 86 of the 3,359 nonproduction child pornography offenders (rates of 13.89 to 25.60 per 1,000, respectively). Additionally, the contents of these reasons tend to be specific to the individual offender rather than addressing the guideline policy. For example, reasons given for sexual abuse offenders include "*defendant had a very difficult life*," "*level of intoxication at time of offense*," "*defendants life expectancy is substantially below the range*," "*sexual activity was driven in part by alcohol*," "*first involvement in sexual contact with a minor*," among others.

Conclusion

In a 2011 policy essay, Rodney Engen posed a question to sentencing scholars that asked, "How are we to evaluate the exercise of judicial discretion, or changes in sentencing disparity, relative to guidelines that many observers, including federal judges, believe are unjust?" (Engen, 2011: 1145). Additionally, Engen encouraged scholars to evaluate sentencing policy by looking beyond issues of disparity toward the substantive meaning of "justice." Some criminal laws do not reflect a rational and dispassionate assessment of the harm done by the crime, and their penalty structures, therefore, might not incorporate "normative expectations for appropriate punishment" (Engen, 2011: 1145; see also Frase, 2007). If this is the case, then federal district judges may use their discretion at sentencing—including their discretion to depart from the sentencing range called for by sentencing guidelines—to craft a sentence tailored to their perceptions of the seriousness of the crime. This study presents an opportunity to explore the use of judicial departures that potentially "enhance substantive justice by mitigating the impact of sentencing laws that many view as excessively harsh" (Engen, 2011: 1145).

This research provides one of the first empirical examinations of federal judicial downward departures for offenders convicted of nonproduction child pornography, a crime that has received growing attention in the courts and legislature. Furthermore, this study offers a unique contribution to the body of literature on federal sentencing as it examines the possible consequences of unwarranted similarity in the sentences imposed on defendants convicted of dissimilar conduct. The current discourse surrounding the use of policy disagreement for judicial downward departures in the sentencing of child pornography offenders led to the hypothesis that judges would be more likely to depart from the guidelines for these offenders compared with others. In line with the findings from Hamilton (2014), the findings from this study support this hypothesis and demonstrate statistically significant differences in

both the likelihood and magnitude of judicial downward departures for child pornography offenders, net of individual- and case-level characteristics. These findings, coupled with the reasons that judges give when departing, suggest that judges believe that the guidelines for nonproduction child pornography offenses are overly harsh.

The results of the current study have important implications for sentencing research, as they suggest that judges are using downward departures for reasons not always captured by the traditional individual- or case-level characteristics commonly assessed in sentencing research. In other words, judges are using these policies not to mitigate the harshness of the sentences mandated for *certain types* of sympathetic or salvageable offenders (Nagel and Shulhofer, 1992; Spohn and Fornango, 2009), but because of inherent disagreement with the severity of the sentences called for by the guidelines for the *typical offender* convicted of a nonproduction child pornography offense. By attempting to circumvent what they view as flawed and overly punitive sentencing policies, judges might be using their discretion to craft sentences that are more appropriate. The reasons provided by judges for downward departures in child pornography cases lend credence to this argument. Many judges who departed from the presumptive sentence did so because of disagreement with the sentencing policies (and the resulting presumptive sentences) adopted for these types of cases.

Recent sentencing research has focused on the possible detrimental consequences of discretion and its potential for producing unwarranted disparity in sentences imposed on offenders based on race, ethnicity, sex, and age (Spohn, 2000; U.S. Sentencing Commission, 2004; Zatz, 2000). Scholars also have assessed the impact of court cases such as *Booker*, *Gall*, and *Kimbrough,* with the assumption that any increase in disparity resulting from these cases would suggest a return to unfair sentencing practices where race/ethnicity, sex, and age are inappropriately considered in the sentencing process. Although this line of research is undoubtedly important, in that discovering any avenue for the biased consideration of these factors is necessary to provide possible remedies, it seems to be based on a belief that judges or other court actors are either disinclined or incapable of using discretion in a logical and rational manner. The common assumption underlying this line of research is that the guidelines work to limit or minimize disparity (Engen, 2011). There has been, however, a push toward challenging this assumption in our approach to guideline-based research (Bushway and Piehl, 2007; Engen, 2009; Kramer, 2009; Ulmer et al., 2011a, 2011b). An alternative approach, and one that has not been systematically tested (Johnson and Kurlychek, 2012; Kramer and Ulmer, 2002; Ortiz and Spohn, 2014), is that the use of discretion could be a possible remedy to counteract regulations that lead to inherent biases.

The findings of this current study offer important implications for federal sentencing policy. Specific to child pornography sentencing, this analysis supports and provides an extension of the conclusions presented by the USSC's study on child pornography sentencing (2012). The USSC report (2012) offered several recommendations for changes to this sentencing policy. First, the USSC report contended that the current sentencing scheme for child pornography offenders uses outdated measures of culpability and, therefore, imparts

sentencing ranges that are too severe. The USSC recommends amending the guidelines to provide a more nuanced assessment of the severity of these offenses. Factors such as the nature of the offender's collection behavior, the degree of engagement with other offenders, and history of sexually abusive, exploitive, or predatory conduct should be incorporated into the enhancement considerations (U.S. Sentencing Commission, 2012). The USSC recommendations also include the reevaluation of the use of enhancements for child pornography offenses. The enhancement imposed for use of a computer, for example, is outdated in the current context of child pornography offenses as most offenders use a computer in the commission this crime. Sentencing enhancements are to represent aggravated offense characteristics, and therefore, the application of such enhancements to almost all offenders is inappropriate. These changes to the sentencing guidelines for nonproduction child pornography offenders could increase the perceived legitimacy of these policies in the eyes of sentencing judges, thus reducing the number of downward departures.

The issues related to the child pornography sentencing system represent a growing concern with sentencing policies in general, that of keeping up with technological advancements. This concern is perhaps most evident in the use of a computer enhancement for increasing the sentencing recommendation for child pornography offenders. Statutes written or adapted from two decades ago might not be relevant for judges sentencing defendants in the 21st century. This growing disconnect between sentencing policy and the technology used by offenders in the commission of crimes leaves judges with outdated standards for guidance in sentencing these types of offenses. Additionally, the USSC states that sentencing policies should "reflect the advancement in the knowledge of human behavior as it relates to the criminal justice system" (U.S. Sentencing Commission, n.d.). A substantial amount of empirical research on offenders has been conducted over the past several decades. Sentencing policies, however, do not seem to reflect many of the findings of this research, particularly with respect to child pornography offenses. As such, outdated policies could provide inappropriate guidance to sentencing judges.

The use of policy disagreements in judicial downward departures underscores broader policy implications for the findings presented in this study beyond those related to child pornography. Particularly, the use of policy disagreement departures demonstrates a possible lack of institutional legitimacy of the USSC and emphasizes the need for accurate and empirically informed sentencing policies. The authorization of judges to disregard sentencing guidelines based on a categorical policy disagreement suggests the potential for the reduced legitimacy of the guidelines system as a whole. Guidelines without reasons may result in the potential loss of legitimacy of the guideline system that can have far-reaching implications for sentencing. If judges cannot rely on the guidelines to provide just and informed guidance, then they might be less likely to refer to the guidelines when making sentencing decisions.

In a recent article, Hessick (2014) offered three notable recommendations for changing the current U.S. sentencing guideline system and enhancing the legitimacy of the USSC.

First, Hessick recommended that the USSC provide detailed explanations for its policy decisions. The U.S. sentencing guidelines undergo numerous revisions, and although these amendments are subject to a notice and comment process, the USSC does not currently provide detailed explanations for proposed changes. Second, Hessick suggested that the guidelines that have been the subject of repeated judicial disagreement be amended. This change could include amendments to controversial guidelines such as the crack–powder-cocaine disparity, child pornography offenses, career offender enhancements, among others. Finally, Hessick, after acknowledging the role of Congress in decisions regarding sentencing guidelines, suggested that the USSC consider encouraging legislative action that would increase the legitimacy of the Commission as an institution. For example, Hessick noted that most amendments to the guidelines have increased the severity of sentences. This "one-way ratchet," according to Hessick, "undermines the image of the Commission as a neutral, expert body" (2014: 1374). Additionally, it has been argued that the USSC disproportionately favors prosecutors and has no representation for defense counsel in its membership (Barkow, 2005; Hessick, 2014). Hessick argued that increasing representation of the defense community could increase the institutional legitimacy of the Commission's actions by demonstrating a more neutral and balanced agenda. The findings of this current study underscore the extent to which sentencing judges may go to circumvent guideline policies that are considered overly harsh and unjust. These types of policies might further demonstrate a lack of institutional legitimacy of the USSC. These recommendations could reestablish the central role of the U.S. sentencing guidelines in judicial decision making.

The federal sentencing guidelines were developed in part to address the problem of unwarranted disparity in sentencing decisions and to reestablish the legitimacy of the criminal court system (Savelsberg, 1992). The sentencing guidelines are supposed to guide and advise judges as they attempt to tailor sentences that fit offenders as well as their crimes. The success of this process rests on judges' faith in the legitimacy of the policies they are asked to implement; however, given the highly political process in which these guidelines are constructed, the ability to establish formal rational policies is limited. As the courts' authority to disregard the guidelines has increased in the wake of several Supreme Court decisions, the establishment of reasonable and legitimate sentencing policies becomes even more necessary to ensure continued progress toward fair and equitable sentencing practices. The future of sentencing policy should consider the possible consequences associated with the implementation of fundamentally flawed guidelines. The legitimacy of the guideline system might be diminished when the policies are deemed unreasonable.

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Mismatch of Guidelines and Offender Danger and Blameworthiness Departures as Policy Signals from the Courts

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Kaiser and Spohn (2014, this issue) are to be commended for producing such a high-quality and important piece of research on the mismatch between U.S. Sentencing Guidelines' (hereafter Guidelines) sentencing recommendations for nonproduction child pornography offenses (hereafter NP-CP) and actual sentencing preferences in U.S. district courts. Kaiser and Spohn discuss how a "moral panic" about "sex offenders," a highly heterogeneous category (Sample and Bray, 2003), resulted in new sex offender laws, sex offender registration and community notification, and tougher sentencing throughout the 1990s and 2000s. New laws, tougher sentencing standards, and greater federal law enforcement priority for child pornography (hereafter CP) offenses were part of this trend. Federal law enforcement agencies employ increasingly sophisticated cyber methods to track CP posted and distributed on file-sharing sites back to the IP addresses of the sources, and arrest them. In fact, the investigation, tracking, and prosecution of CP offenses has been a steadily growing emphasis of the U.S. Department of Justice (see justice.gov/criminal/ceos/subjectareas/childporn.html). The Department of Justice also has testified to its views of the seriousness of the child pornography problem (see justice.gov/criminal/ceos/CT/downloads/Testimony-Sentencing-Commission-Fottrell.pdf). In connection with these growing efforts, the number of CP cases sentenced in federal courts has grown steadily, as shown in Figure 1. The number of CP cases sentenced increased from 780 in 2004 to 1,626 in 2008, and then to 2,014 in 2012.

Kaiser and Spohn's (2014) findings square with a small but increasingly visible backlash growing against the width and breadth of the carceral net cast for that extremely

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Annual Number of Federal Child Pornography Sentences, 2004–2012
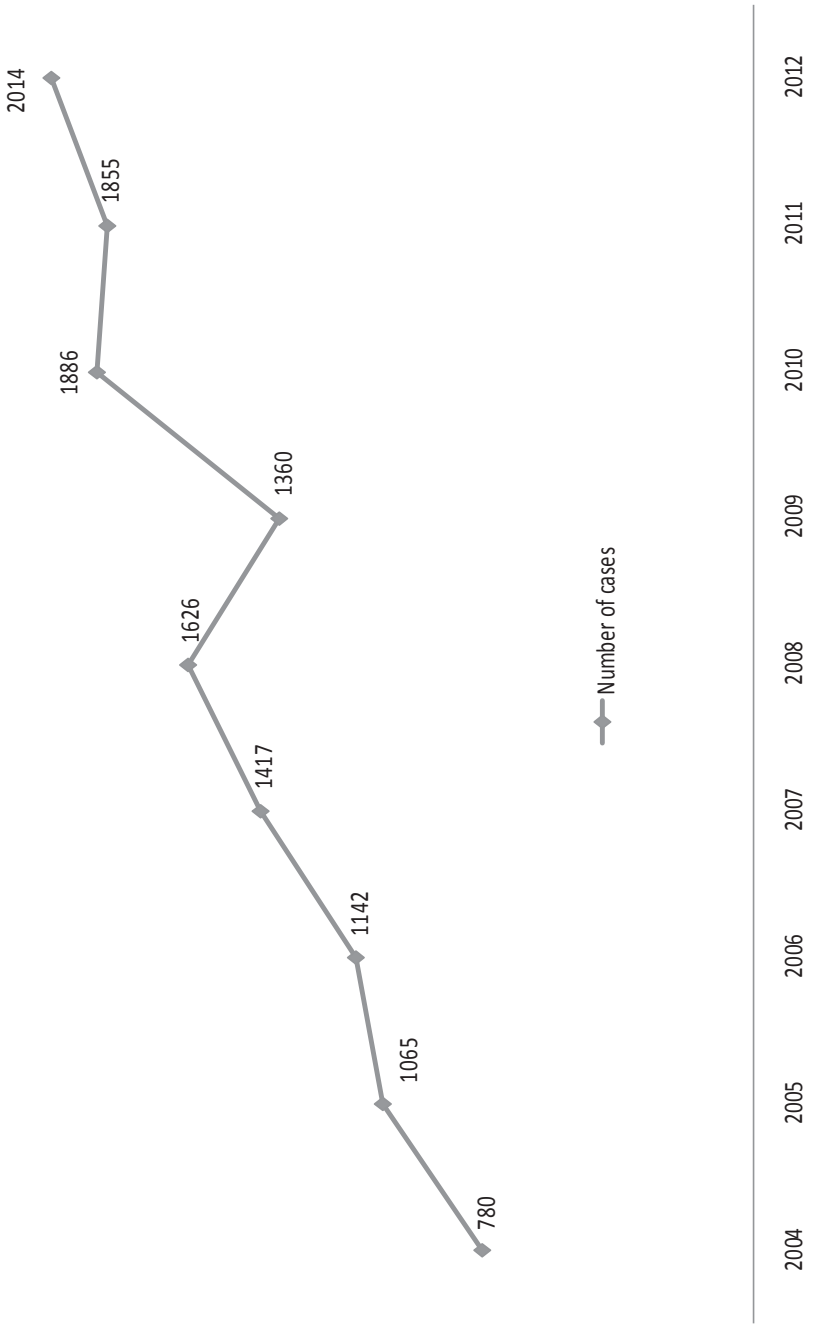
heterogeneous category, "sex offenders." Dissatisfaction may be growing about what are considered overly severe punishments and after-sentence surveillance for offenders perceived as less dangerous and blameworthy who have been lumped in with more heinous or predatory offenders (see nbcnews.com/news/us-news/my-son-sex-offender-one-mothers-mission-fight-law-n98876). Part of the dissatisfaction seems to stem from the sheer disproportionality of the federal Guidelines for child pornography, especially NP-CP. As Kaiser and Spohn note, "federal sentences imposed for nonproduction child pornography are more severe than those for manslaughter, drug importation, and sexual abuse offenses" (Hamilton, 2011). They review the argument that those who possess child pornography are indistinguishable in culpability and danger from those who actually abuse children (Hessick, 2011). Treating those who only possess child pornography as equally dangerous and culpable as child molesters is considered dubious by many judges and important segments of the public alike. Kaiser and Spohn argue that:

> [T]here is a lack of empirical evidence to support many of the claims for in-creased severity of punishment for nonproduction child pornography offenses. . . . This lack of an empirical foundation for child pornography sentencing guidelines has been part of the basis of many circuit court opinions authorizing sentencing judges to disregard these guidelines altogether.

To extend Kaiser and Spohn's (2014) arguments, the themes of my essay are twofold. First, local courts using their discretion to deviate from Guidelines as a result of policy disagreement is a valuable signal to guide the Guidelines' revision and evolution. Second, such discretion *need not* produce greater sentencing disparity based on race/ethnicity or other defendant social statuses—that is, greater discretion does not automatically translate into greater disparity.

Policy Disagreement Departures and Substantive Rationality

The issues raised by Kaiser and Spohn's (2014) analysis raise the perennial dilemma be-tween substantive and formal rationality in criminal justice decision making. Sentencing guidelines in general were an attempt to compromise between certain goals that are some-times desirable and sometimes produce unwanted consequences: flexible discretion versus rule-based control, uniformity versus individualization, and centralization and decentral-ized localism. In sociological terms, sentencing guidelines represent an attempt to impose a degree of formal rationality (formal bureaucratic rules that are to be applied universally and uniformly) onto sentencing law and decision making, which inherently entails some degree of substantive rationality (Savelsberg, 1992). Substantive rationality in sentencing is oriented toward flexible and individualized decision making in service of ideological goals (Marsh, 2000; Savelsberg, 1992). These goals could include the rehabilitative needs or wel-fare of the offender, the desires or needs of the victim or the community, crime control or prevention, or organizational efficiency. One major problem, however, is that the flexibility

inherent in substantive rationality also permits the possibility of bias, discrimination, and unwarranted disparity.

Thus, sentencing guidelines put boundaries of varying restrictiveness around local court sentencing discretion, but unlike mandatory minimum sentences, they allow courts the discretion to tailor punishments to individual cases that are "outside the heartland," where the guideline recommendation would be inappropriate. As Kaiser and Spohn (2014) show, this is precisely what is happening on a large scale with federal NP-CP sentencing. As they make clear, *Kimbrough v. United States* (2007), as well as the decisions in *Gall v. United States* (2007), *Rita v. United States* (2007), and *United States v. Dorvee* (2010) gave district judges the ability to depart based on categorical disagreement with specific Guidelines. So, district courts are departing below the Guidelines with great frequency in NP-CP cases, and CP cases in general (see below). Is the exercise of such discretion linked to greater disparity related to certain social status features of defendants, which is a key concern of any sentencing guidelines system? It seems not. District courts are expressing their displeasure with the CP Guidelines as policy, but they do not seem to be producing greater extralegal disparity as they do so. Indeed, such is strongly implied by Kaiser and Spohn's analysis, where they found that the greater departure rate and length of NP-CP offenses was not attributable to individual defendant social statuses, and that such departures were most likely based on policy disagreement and/or different construction of the offender vis-à-vis the focal concerns.

Kaiser and Spohn (2014) compellingly show that NP-CP cases receive departures below the guidelines with much greater likelihood, and of more substantial size, than matched samples of defendants convicted of sexual abuse offenses as well as all other types of cases. Interestingly, their initial Tobit regression and their propensity score matching procedures yielded identical conclusions. In addition, the authors delved into the qualitative reasons given for departures to glean suggestive insight into common reasons for NP-CP departures. This, along with their finding that NP-CP departures are much less common in circuits that reject the policy disagreement basis, strongly supports their argument that these are largely driven by policy disagreements with the NP-CP Guidelines.

Does Increased Discretion for Policy Disagreement Departures Entail Greater Disparity Based on Defendant Social Statuses?

An examination of U.S. Sentencing Commission (USSC) data from FY 2012, a year beyond the data used by Kaiser and Spohn (2014), shows that overall CP departure rates were still high, reaching 45.1%. Although it is not their focus, Kaiser and Spohn's analysis also shows that even though downward departures are common and widespread (at least in circuits that allow the policy disagreement basis) in NP-CP cases, there is little disparity based on

Judicial Downward Departure Odds (Compared to Property Offenses) for Male Offenders, Offense Categories (N = 192,443)
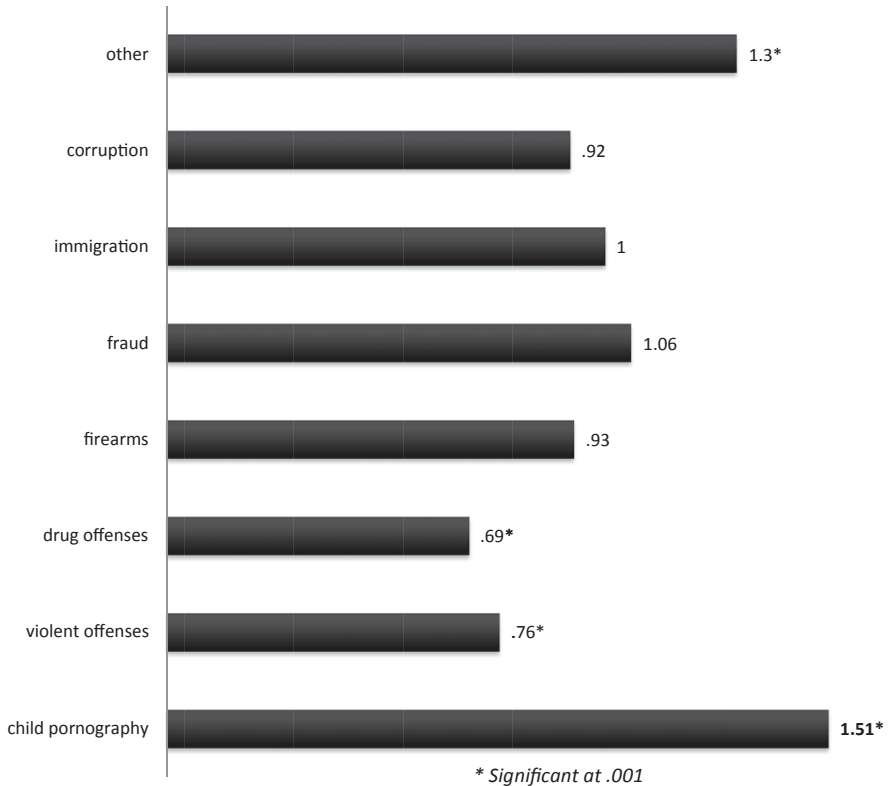
* Significant at .001

defendant social status characteristics in these outcomes (none are statistically significant in their initial Tobit analysis in their Table 2).

To expand on this point, Figures 2 and 3 present results from some brief and simple analyses of USSC data from FY 2010–2012[1] that show the effects of CP offenses (all types), alongside the effects of defendant social status characteristics on judge-initiated (that is, nongovernment-sponsored) downward departures for male defendants.[2]

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1. Results in Figures 2 and 3 are from a logistic regression model of judge-initiated downward departures, including as predictors presumptive Guidelines minimum, criminal history, mode of conviction, presentence detention, offense categories, race/ethnicity, U.S. citizenship, education, and age.

2. Female defendants were omitted because only 65 women were sentenced for CP offenses.

FIGURE 3

Judicial Downward Departure Odds for Male Offenders: Select Extralegal Differences (N = 192,443)
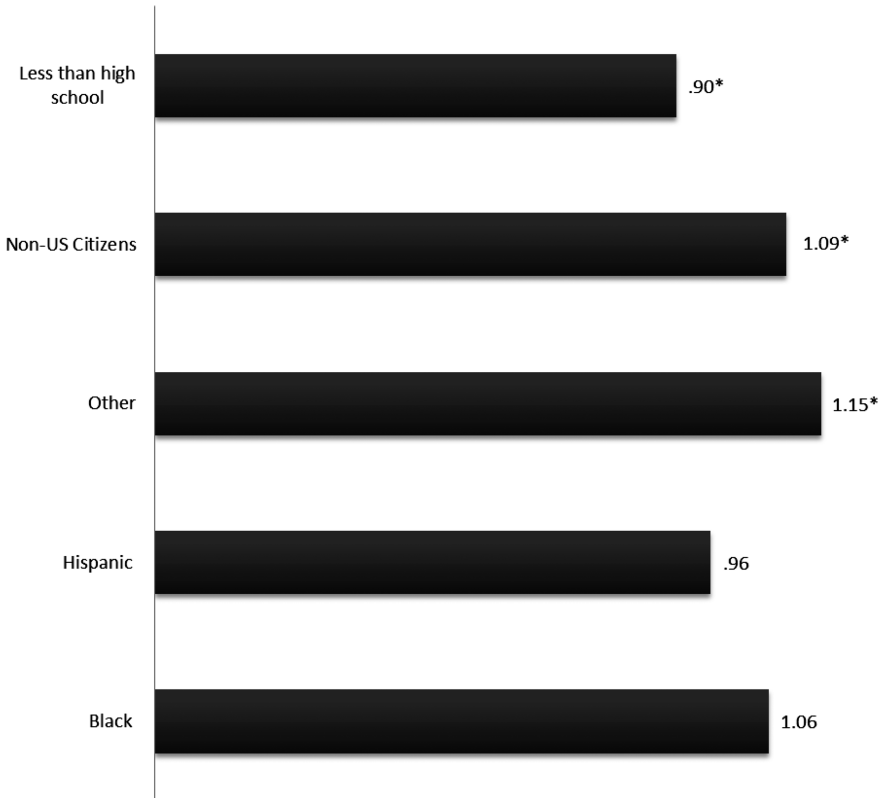
* Significant at .001

These analyses support the notion that the discretion entailed in departing below guidelines for CP offenses does not translate into greater defendant social status disparity in such departures. By a substantial margin, CP cases are the offense category most likely to receive downward departures (odds = 1.51). The race/ethnicity effects are relatively small, and Black males and those of other races/ethnicities actually have slightly greater odds of receiving these judicial downward departures (the Hispanic effect is not meaningfully significant, given the large *N* in the model). Again, these findings square well with Table 2 in Kaiser and Spohn (2014).

I also estimated logistic regression models of nongovernment-sponsored downward departures and a model of overall imprisonment length for *only CP cases* (male defendants)

for 2010–2012 ($N = 5,605$). The only significant defendant social status effects in these models were for age: Prison lengths increased steadily with age, and departure odds decreased with age as well. Thus, older CP offenders received more severe sentences, and they were less likely to obtain nongovernment-sponsored downward departures. Departure and prison length effects for race/ethnicity, education, and U.S. citizenship were not significant.

In addition, CP cases are more likely than other categories of offenses to receive *government-sponsored* downward departures—those departures that are initiated by federal prosecutors (6.7% of CP cases vs. 2.1% of all other cases receive government-sponsored departures). This point is further illustrated by models similar to those discussed for Figures 2 and 3 but predicting government sponsored departures.[3] CP cases are the offense category (along with "other" offenses) with the highest odds (2.12) of receiving government-sponsored departures below Guidelines.[4] Thus, it seems that U.S. Attorneys' Offices also sometimes show interest in ameliorating CP Guidelines. In addition, approximately 96% of the CP cases that receive judicial downward departures are guilty pleas. This finding suggests that there may be acceptance of, or at least not strong opposition from, federal prosecutors to such departures (see also Baron-Evans and Stith, 2012). This is all the more likely given that federal plea agreements frequently contain sentence agreements, and federal prosecutors sometimes "stand silent" in the face of defense arguments for judicial downward departures (Johnson, Ulmer, and Kramer, 2008; Nagel and Schulhofer, 1992; Ulmer, 2005; Ulmer, Eisenstein, and Johnson, 2010).

Departures as a Corrective Signal from the Courts

Engen's (2011: 1145) question, "how are we to evaluate the exercise of judicial discretion, or changes in sentencing disparity, relative to guidelines that many observers, including federal judges, believe are unjust?" is exactly at issue here. It seems that federal district court judges can use their recently increased discretion to communicate their disagreement with the NP-CP and CP Guidelines, and other Guidelines like them, without the production of unwarranted disparity in the aggregate. The district courts seem to be using their discretion to ameliorate what they perceive to be overly severe Guidelines in particular kinds of cases— in this instance CP and NP-CP offenses, but they do not seem to be producing greater aggregate social status disparity in doing so.

In some previous studies, John Kramer and I used the term "corrections to guidelines" to refer to local courts "correcting" what they saw as inappropriate guideline sentences

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3.   This logistic regression model of government-sponsored downward departures encompassed males only, for years 2010–2012, and included as predictors presumptive Guidelines minimum, criminal history, mode of conviction, presentence detention, offense categories, race/ethnicity, U.S. citizenship, education, and age.

4.   Interestingly, however, some of the defendant social status effects are significant predictors of government-sponsored departures. Black men are moderately less likely to receive them, and college-educated and older offenders are more likely to receive them.

that did not match up with their own perceptions of offenders' blameworthiness, danger to the community, or practical constraints in individual cases (Kramer and Ulmer, 2002, 2009). We did not explicitly address the notion that patterns of departures might signal disagreement with Guidelines recommendations not just for an individual offender but also as a matter of policy. But as I revisit the issue now, the kinds of policy disagreement departures documented by Kaiser and Spohn (2014) lend another, more consequential meaning to "corrections" to sentencing guidelines.

I would therefore agree with Hessick (2011), Kaiser and Spohn (2014), and others (e.g., Baron-Evans and Stith, 2012; Stith, 2008) that these kinds of policy disagreement departures are important policy signals to the USSC and to Congress, as are other departures that can indicate mismatches between Guidelines and the situational realities of certain cases. Moreover, they were originally intended to be such signals by the Sentencing Reform Act of 1987, according to Baron-Evans and Stith (2012). Baron-Evans and Stith (2012: 1741) characterize the Guidelines departure mechanism as "intended to allow individualized sentences and constructive evolution of the guidelines." They go on to characterize the post–Booker/Gall sentencing environment (p. 1741):

> Indeed, for the first time, the frontline actors in sentencing—most importantly the Article III judges called upon to begin their sentencing deliberations by calculating the guideline range—are informing the Commission of the nature and extent of the problems with the guidelines.

As noted, Guidelines departures allow courts to communicate about the match or mismatch between their own interpretations of a given offender's blameworthiness and danger to the community relative to the codified ratings of these (among other) things represented by the Guidelines (Kramer and Ulmer, 2002, 2009). Aggregate patterns of departures, like those documented by Kaiser and Spohn (2014) and others, suggest that Guidelines are off-target for particular types of offenders, cases, and/or situations. In fact, the U.S. Department of Justice also has called for the Guidelines to make greater differentiations in severity for CP offenders and offense conduct (justice.gov/criminal/ceos/CT/downloads/Testimony-Sentencing-Commission-Fottrell.pdf).

Ironically, the USSC has recently requested legislation from Congress that directs district courts to give the Guidelines "substantial weight" in sentencing decisions, to provide a "presumption of reasonableness standard" to Guidelines sentences, and to provide a "heightened standard of review" for departure sentences resulting from a policy disagreement with the Guidelines (Baron-Evans and Stith, 2012: 1731). However, if the USSC truly wants courts to give the Guidelines substantial weight in sentencing deliberations, it will need to allow the Guidelines to evolve constructively, as the Sentencing Reform Act intended. The USSC will need to listen to the very signals from the districts that policy disagreement departures represent and alter Guidelines that many local federal court actors (including many prosecutors, apparently) perceive to be inappropriate. These departures are not

troublesome noncompliance with Guidelines. They have corrective feedback value. When we sharply restrict local court discretion, we lose that value as local courts lose the ability to speak to policy.

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IMMIGRATION ENFORCEMENT, POLICING, AND CRIME

The Strange Career of Immigration in American Criminological Research

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Not too long ago, the link between immigration and crime was something of an article of faith among social scientists who presumed that immigrant concentration impeded communication and cooperation among community residents. In short, immigration increased social disorganization, as Clifford Shaw and Henry McKay (1969 [1942]) reported in their landmark research on Chicago neighborhoods. The resurgence of research on immigration and crime in the United States during the past two decades has upended the traditional view. A growing research literature has found that high levels of immigration are associated with lower levels of crime, especially criminal violence (see the policy essays by Martinez and Iwama [2014, this issue] and by Kubrin [2014, this issue]). Shaw and McKay's pioneering research is open to differing interpretations (Huff-Corzine, Corzine, Laurikkala, and Olson, 2010), but the current consensus among social scientists is that, other things equal, immigration reduces violent crime.

Two notable distinctions characterize recent studies of the connection between immigration and crime. The first is that between legal and illegal immigrants. The second is that between the impact on crime of immigration per se and the impact of immigration policy. If legal immigration does not increase crime, what about illegal immigration? It is not unreasonable to suppose that persons who violate immigration laws may be more crime prone than legal immigrants. And, if that is true, then does it not make sense to redouble efforts to identify and remove "criminal aliens?" The answer to the second question depends on the answer to the first. Why spend extra time and money requiring local authorities to check the immigration status of persons they detain if illegal immigrants are no more likely than legal immigrants to commit crime? The rationale for expedited local efforts to identify undocumented immigrants and hand them over to federal immigration authorities

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for possible deportation rests on the assumption that an appreciably large subset of them poses a serious threat to public safety in the United States. That is the focus of the research article by Treyger, Chalfin, and Loeffler (2014, this issue) and the excellent commentaries by Kubrin (2014) and by Martinez and Iwama (2014).

If undocumented immigrants threaten public safety, then communities from which more undocumented immigrants have been removed should experience lower crime rates. Treyger et al. (2014) find no evidence that the U.S. Immigration and Customs Enforcement's (ICE) Secure Communities program, the latest iteration in federal immigration policy, has reduced crime. Nor do they find that it has increased discriminatory policing in immigrant communities, as its critics allege, although they acknowledge that the evidence for this result is more limited. Secure Communities extends prior efforts to secure voluntary local cooperation in the enforcement of federal immigration policies by requiring that local law enforcement agencies check the immigration status of persons they have detained against federal databases and hold violators for further processing by ICE. The authors do not advocate ending Secure Communities. But immigration scholars Kubrin (2014) and Martinez and Iwama (2014) do recommend in their policy essays that Secure Communities be abolished.

Kubrin (2014) and Martinez and Iwama (2014) believe that the case against the crime-reduction effects of Secure Communities is a strong one. But they go further. In combination with other ICE policies that involve local authorities in federal immigration enforcement, they argue that Secure Communities damages already strained relationships between immigrants and the police, making it less likely that immigrants will report crime to the police or cooperate in police investigations. In addition, they suggest that Secure Communities disrupts families and traumatizes children left behind when their parents or other family members are deported. In these and other ways, Secure Communities may well increase crime in immigrant communities. Treyger et al. (2014) find no evidence that the program increases crime, at least as reflected in city crime statistics, but Kubrin and Martinez and Iwama both offer compelling arguments for the disorganizing effects of Secure Communities, something of a mirror image of the disorganizing consequences of immigration itself that Shaw and McKay (1969 [1942]) documented.

Research on immigration and crime in the United States has undergone two major phases and is now entering a third. The first phase was rooted in Shaw and McKay's (1969 [1942]) research that attributed increased crime to the social disorganization borne of noncooperation and mistrust among residents in communities where immigrants were heavily concentrated. The second phase also linked crime to immigration but reversed the sign of the relationship. Now, if not a century ago, immigrant concentration reduces crime. Building on the second, the third phase shifts attention from immigration effects to those of immigration policy. It is too early to tell whether the new policy evaluations will confirm suspicions that, on balance, current immigration policies do more harm than good. But if the third phase proceeds along the lines proposed in the essays by Kubrin (2014) and by

Martinez and Iwama (2014)—and matches the logic and rigor of the analysis of Secure Communities by Treyger et al. (2014)—before too long we should have a reasonably sound scientific basis for determining whether immigration policy is the culprit social scientists once thought immigration was.

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RESEARCH ARTICLE

IMMIGRATION ENFORCEMENT, POLICING, AND CRIME

Immigration Enforcement, Policing, and Crime
Evidence from the Secure Communities Program

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Research Summary

In 2008, the federal government introduced "Secure Communities," a program that requires local law enforcement agencies to share arrestee information with federal immigration officials. We employed the staggered activation of Secure Communities to examine whether this program has an effect on crime or the behavior of local police. Supporters of the program argue that it enhances public safety by facilitating the removal of criminal aliens. Critics worry that it will encourage discriminatory policing. We found little evidence for the most ambitious promises of the program or for its critics' greatest fears.

Policy Implications

Although a large body of evidence reports that municipal police can have an appreciable effect on crime, involving local police in federal immigration enforcement does not seem to offer measurable public safety benefits. Noncitizens removed through Secure Communities either would have been incapacitated even in the absence of the program or do not pose an identifiable risk to community safety.

Keywords

local immigration enforcement, policing, crime, Secure Communities

Unauthorized immigration to the United States has attracted increasing attention over the course of the past 25 years. During this time, the modern immigration enforcement apparatus has developed into a "formidable machinery," in the words of one former Immigration and Naturalization Services (INS) commissioner (Meissner, Kerwin, Chishti, and Bergeron, 2013). Spending has grown 15-fold since the mid-1980s, and was used not only to fortify the country's borders but also to intensify immigration enforcement in its interior. And the number of annual deportations increased from approximately 30,000 in 1990 to a record high of more than 419,000 in 2012.[1] This expansion of deportation efforts raises several public policy questions. Apart from debates regarding the efficacy of a heavy reliance on deportation to manage demographic change, considerable concerns exist over the spill-over effects of immigration enforcement on public safety and criminal law enforcement. Proponents of more robust enforcement commonly contend that it will enhance public safety. Opponents, however, argue that such policies alienate noncitizen communities and erode public safety. Controversy also surrounds the involvement of state and local law enforcement agencies (LEAs) in the enforcement of federal laws. Proponents view such participation as invaluable assistance to the resource-limited federal government. Opponents, for their part, view it as inimical to the core mission of local law enforcers.

This article investigates these questions in the context of "Secure Communities," a program launched by the federal government to improve the efficiency of interior enforcement and to enhance the capacity for targeting deportable individuals with criminal convictions, known as "criminal aliens."[2] Unlike previous initiatives, which generally required voluntary cooperation of local law enforcement agencies, Secure Communities enables automatic transmission of fingerprints taken upon arrest to the Department of Homeland Security (DHS) for verification of an arrestees' immigration status. The program is unprecedented in its scope and mandatory involvement of local LEAs. Proponents of the program have argued that it not only enables a more efficient identification of criminal aliens but also

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1. The statistics on immigration enforcement are complicated by the multiple standards for what counts as a "deportation," a nonlegal term for the expulsion of noncitizens, or as a "removal," a legal term of art referring to the expulsion pursuant to an official order of removal. This article relies on statistics reported by various parts of the Department of Homeland Security (DHS), which adopt different definitions for different purposes. We use the term "deportation" in its nontechnical meaning to refer loosely to any government-mediated expulsion of a noncitizen from the country. When citing statistics on deportations, we follow and cite appropriate official sources. Here, the deportation figures include all noncitizens deported with an official order of removal, whether issued by an immigration court after a hearing or by a DHS officer through an expedited process without a hearing ("expedited removal") but do not include deportations or "returns" without an official order of removal (another 230,000 in 2012) (DHS Office of Immigration Statistics [OIS], 2012). The figures include noncitizens found in the interior, as well as within the extended border of the country, and identified by either Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP).

2. The criminal alien category includes noncitizens who entered the country unlawfully, as well as those who entered lawfully, but violated conditions of their stay.

augments public safety. Critics of the program have expressed concern that the program encourages local LEAs to engage in discriminatory policing practices, making arrests for the sole purpose of checking an individual's immigration status. An atmosphere of fear created by Secure Communities, according to the critics, also erodes the cooperation with the police among immigrant communities, which only undermines effective law enforcement.

Although there is a growing literature about the legal consequences of the interpenetration of immigration and criminal law and the corresponding enforcement apparatuses, it is only recently that scholars have begun to examine the empirical effects of local involvement in immigration law enforcement (Davies and Fagan, 2012; Kirk, Papachristos, Fagan, and Tyler, 2012; Koper, Guterbock, Woods, Taylor, and Carter, 2013) or to investigate the effects of Secure Communities specifically (Cox and Miles, 2013).[3] In this article, we contribute to this nascent empirical literature by reporting on the results of our investigation of the effects of Secure Communities on the local crime rates and the arrest behavior of municipal police agencies. In short, we found little to substantiate either the most ambitious promises of the program's champions or some of the greatest fears of the program's critics.

Background: Immigration Enforcement and Secure Communities

Implications of Modern Federal Immigration Enforcement for Public Safety and Policing

Unlike enforcement at the border, which is predominantly carried out by federal officers, interior enforcement increasingly relies on state and local LEAs to identify and apprehend deportable noncitizens, who are subsequently processed and deported by agents of the DHS ICE. In the past decade, willing LEAs have become involved in federal enforcement in several ways. First, LEAs have been able to identify suspected immigration violators under the auspices of federal or local partnership programs. So-called "287(g)" partnerships and the Criminal Alien Program (CAP) are the most noteworthy of such cooperation efforts (Meissner et al., 2013: 105; Rosenblum and Kandel, 2012). Section 287(g) of the Immigration and Nationality Act of 1952 (INA) authorizes federal authorities to deputize local LEAs to perform certain functions, such as screening people for immigration status, issuing detainers to hold potential violators, and even issuing charging documents that trigger removal proceedings. Approximately 75 LEAs of a total of 17,985 such agencies (Reaves, 2011) have participated in some way in such partnerships, leading to the identification of more than 300,000 potentially removable aliens since 2006. Under CAP, an umbrella for several programs, prisons and jails allow ICE agents access to their records, to interview suspected deportable immigrants, and to provide for the removal of the latter prior to release if necessary (Rosenblum and Kandel, 2012: 14). CAP has been responsible for a growing number of removal proceedings in recent years, peaking at more than 230,000 in 2009, up

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3. Cox and Miles (2013) provided the first nationwide empirical examination of Secure Communities as part of a larger project.

from a little more than 4,000 in 2004 (Meissner et al., 2013: 106; Rosenblum and Kandel, 2012: 25).

Second, LEAs have been able to take part in immigration enforcement through unilateral action. Officers may seek to ascertain the status of individuals encountered in the course of ordinary local criminal law enforcement, pursuant to laws or policies directing them to do so. Such a policy, for example, was contained in the Arizona law at issue in *Arizona v. United States* (2012), the only provision to be upheld by the Supreme Court. LEAs not obligated by a similar law may simply adopt an agency practice to the same effect. To verify an individual's immigration status, officials contact ICE with their queries, to which ICE is required by law to respond. Thus, whenever a local officer contacts ICE with an inquiry, the enforcement machinery is put in motion, with the corresponding increase in probability of deportation for that individual (see Motomura, 2011). Initiating status inquiries for *some* subset of individuals encountered by officers has been fairly widespread: In one survey of 489 LEAs, 51% of police chiefs and 67% of county sheriffs reported a policy or practice of checking immigration status for those arrested for a nonviolent crime, 59% of all LEAs indicated checking the status of a possible victim of human trafficking, and 21% of police chiefs and 27% of county sheriffs would do so for individuals stopped for a traffic violation (Varsanyi, Lewis, Provine, and Decker, 2012: 146).

Secure Communities further expands and deepens the interpenetration of local criminal law enforcement and federal immigration enforcement. A growing body of legal scholarship has addressed the rise of "crimmigration," including the implications of the state and local role in federal immigration enforcement (e.g., Legomsky, 2007; Olivas, 2007; Rodriguez, 2008; Stumpf, 2008). Legal scholars have drawn attention to the potential impact of police participation in immigration enforcement on the traditional norms of criminal procedure (Chacón, 2009), as well as the risk of due process violations, selective enforcement, and unlawful racial profiling (Chacón, 2009; Eagly, 2010; Wishnie, 2003). A growing social-science literature has empirically investigated the immigration–crime link: The weight of this research indicates that late 20th-century immigrants are either less likely or no more likely to commit crimes than the native born (Butcher and Piehl, 1998b) and that higher concentrations of immigrants at the aggregate level do not correlate with higher crime rates (Butcher and Piehl, 1998a; Chalfin, 2013a; MacDonald, Hipp, and Gill, 2013; Stowell, Messner, Mcgeever, and Raffalovich, 2009). By contrast, there have been very few systematic attempts at empirical investigation of the effects of participation in a federal regime on state and local policing or public safety. Indeed, little is known about the impact of immigration itself on criminal law enforcement (Davies and Fagan, 2012).

Secure Communities

Secure Communities is a data interoperability system that automatically transmits and checks fingerprints against DHS's Automated Biometric Identification System (IDENT), which contains data on known immigration violators, known and suspected terrorists,

criminal aliens, and noncitizens subject to the U.S.-Visit program. A fingerprint match prompts ICE's Law Enforcement Support Center (LESC) officers to investigate further to determine the individual's immigration status and forward their conclusion to the relevant ICE field office, which decides whether to take any enforcement actions. If ICE decides to do so, then a detainer is issued to the LEA requesting that the suspect be detained for up to 48 hours so that ICE can assume custody.

Secure Communities was devised in response to Congressional directives to improve DHS's ability to deport noncitizens convicted of crimes (DHS Office of Inspector General [OIG], 2012b). During the activation of Secure Communities, ICE leadership articulated a new priority-based deportation policy, which called for concentrating scarce resources on criminal aliens, and within these, on more serious over less serious offenders (Morton, 2011a, 2011b). Criminal aliens are more likely to come into contact with state or local, rather than federal, LEAs, and DHS has been dissatisfied with the preexisting avenues for LEAs to bring these contacts to its attention. LEAs participating in 287(g) partnerships or unilaterally contacting ICE to verify status were not advancing federal enforcement priorities and were not susceptible to federal control over risks of civil rights abuses (Capps, Rosenblum, Rodriguez, and Chishti, 2011; DHS OIG, 2012b; GAO, 2009; Nguyen and Gill, 2010). There was dissatisfaction over the operation of CAP as well (Schuck, 2012), for which ICE requires local cooperation to access the incarcerated noncitizens and their records. Moreover, LEAs mostly were able to self-select out of immigration enforcement, directing their officers not to inquire into the immigration status of anyone encountered in the course of their duties. In the words of a former ICE Assistant Secretary, "the success [or] failure" of programs preceding Secure Communities "depended almost entirely on the relationship between the relevant ICE officials and the ... state or local correctional personnel" (Is Secure Communities Keeping Our Communities Secure, 2011a: 21). Automatic information sharing was intended to shift enforcement discretion back to DHS and away from the idiosyncratic local preferences (Priorities Enforcing Immigration Law, 2009: 2).

Expectations about the Effects of Secure Communities

Secure Communities has met with considerable controversy. As part of our study, we investigated two focal points of this controversy: the impact of Secure Communities on public safety and policing. We begin by reviewing the claims made by the proponents and the critics of Secure Communities in this regard and the testable implications of these claims.

Secure Communities and public safety: Policy expectations and criticisms. DHS has consistently claimed that because Secure Communities will facilitate the detection and removal of criminal aliens "held in custody and at large" (DHS, 2011: 3), it will "improve public safety" (DHS, 2011; DHS ICE, 2009, 2011). The program's architects assume that the program "will lead to a substantial increase in the number of criminal aliens identified" and "reduce the risk that an LEA will release a dangerous and removable criminal alien

into the community" (DHS ICE, 2009: 3). In particular, Secure Communities is expected to be an improvement over CAP (Is Secure Communities Keeping Our Communities Secure, 2011a; Meissner et al., 2013: 105), which served to identify some criminal aliens already incarcerated (DHS ICE, 2011). CAP does not extend to all local jails, and although 100% of inmates are screened at some prisons, this is true for approximately 14% of the participating local jails (DHS OIG, 2012a: 5). It relies on local officials to transmit information on foreign-born inmates and operates in an ad hoc manner (AIC, 2013: 1; Schuck, 2012: 14–15). Moreover, as an ICE official explained, "criminals with a violent criminal history ... might be arrested on minor charges but never incarcerated" or "might avoid incarceration, even when convicted, as a part of a plea agreement, and never be screened by a CAP team" (Priorities Enforcing Immigration Law, 2009: 2). Finally, because noncitizens may use aliases, they may escape detection as immigration violators without biometric screening early in the process. Secure Communities would remedy some of the gaps in enforcement, thereby "reduc[ing] recidivism of criminal aliens" and increasing "community safety" (Priorities Enforcing Immigration Law, 2009: 1).

Indeed, some LEA officials have claimed that Secure Communities helps their departments fight crime (Is Secure Communities Keeping Our Communities Secure, 2011b; Major County Sheriff's Association, n.d.). And according to DHS statistics, Secure Communities is an improvement over past practice. On the eve of the Secure Communities roll-out, most of the deportations were of noncriminal aliens. Since 2008, when ICE deported a little more than 102,000 criminal aliens, constituting 27% of all removals, the raw numbers of such climbed to more than 225,000 by 2012, constituting 55% of all removals.[4] DHS OIG's audit concluded that ICE was able to "identify criminal aliens in areas not previously covered by its other programs . . . some of whom it might not have otherwise identified, earlier in the criminal justice process" (DHS OIG, 2012a: 5). Of course, the impact of this increase in criminal alien deportation and, thus, the expected consequences for public safety, varies at the local level. For example, since activation, more than 2,000 convicted criminals were identified and removed in Gwinnett County, Georgia, of which more than 600 were convicted of "aggravated felonies" or two or more felonies (DHS ICE, 2012b). If even a fraction of these—perhaps 25%—would have otherwise been released back into the community and manifested the 1-year recidivism rate observed among deportable aliens reported by Hickman and Suttorp (2008), then Secure Communities could have prevented more than 65 arrestees and 130 new arrests. As these potential immigrant offenders would have constituted a nearly 1% increase in the total volume of arrests, the local impact in such a county would have been noticeable.

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4.   For the purposes of calculating the share of criminal aliens among removals, removals are defined as a subset of those included in the text accompanying footnote 1: Here, total removals includes all removals effected by ICE, whether with or without an official removal order, but not those effected by CBP, which does not generally keep records on criminal convictions (see DHS OIS, 2008: 4).

Insofar as Secure Communities shifts enforcement toward the removal of criminal aliens, the hypothesized benefits to public safety may accrue in several ways. Deportable individuals now face a greater probability of deportation as a result of any arrest, which raises the expected severity of the sanction and could affect crime rates either by prompting *behavioral* changes by the affected population or by bringing about *mechanical* changes in the number or composition of that population. As for *behavioral* effects, crime rates may be reduced by virtue of improved deterrence of criminal activity by noncitizens. Apart from behavioral changes, there may be *mechanical* or compositional changes to the stock of the affected population (Parrado, 2012). The arrest, detention, and deportation of criminal immigrants could diminish the numbers of criminal offenders who would otherwise be released back into the community. It is also possible, although not explicitly contemplated by DHS, that mechanical effects follow from the removal of people who are more likely to be *victims* of crimes than the general population (Chalfin, 2013a). Finally, Secure Communities may set off a change in the composition of the immigrant populations by leading the more criminally inclined to flee and/or by selecting for less criminally inclined immigrants to enter the United States.

Studies based on the pre–Secure Communities experience with immigration enforcement lend some credibility to those expectations. Butcher and Piehl (2007) found evidence for some behavioral and compositional effects after a change to a more aggressive deportation regime. A study examining the experience of Prince William County, Virginia, found a decline in aggravated assaults in the wake of adopting a 287(g) program but not in any other serious or minor crimes; the authors suggested that the decline is likely attributable to a combination of deterrence, reduced victimization, as well as decreased reporting of assaults by illegal immigrants and Hispanic residents (Guterbock et al., 2010; Koper et al., 2013: 264–265). Likewise, recent research on immigration enforcement measures that are not based on increasing the probability of deportation has found that enacting severe employer sanctions for hiring unauthorized workers was accompanied by a decline in the proportion of Arizona's foreign-born, young male Mexican population (Bohn, Lofstrom, and Raphael, 2013; Chalfin, 2013b). By contrast, a study on the migration impacts of the 287(g) program found "no evidence that the 287(g) program impacted the size of the Mexican immigrant population," with the exception of four outlier cities (Parrado, 2012: 16). On the whole, the findings from this research suggest that a program such as Secure Communities is unlikely to lead to a *general* exodus of immigrants out of the country but that behavioral deterrence effects and selection effects as to what kinds of people arrive or remain are plausible.

Critics of Secure Communities offer several reasons to doubt the vaunted benefits to public safety. Much criticism focuses on the overly liberal application of the "criminal alien" label to people with traffic or other minor convictions and long-ago rehabilitated offenders (Aguilasocho, Rodwin, and Ashar, 2012: 9; Gonzales, 2011; Stepick, 2013: 7). The task force assembled by DHS to review the program found that Secure Communities had not, in fact, limited its reach to "convicted criminals, dangerous and violent offenders, or threats to

public safety and national security" (Department of Homeland Security Advisory Council, 2011: 16). Thus, the mechanical effect of the program has been to remove least serious violators, which is unlikely to do much good for the public order.

With regard to behavioral effects, the critics argue, the affected population may adjust their crime-reporting behavior rather than criminal behavior. If immigrants fear any contacts with the police, then they might choose not to report any crimes to LEAs (Hennessey, 2011; Theodore, 2013). If drawing local LEAs into immigration enforcement alienates the affected populations, then it could undermine the effectiveness of criminal law enforcement generally, harming public safety. Consistent with these claims, there is documented episodic evidence of immigrants' choosing not to report crimes for fear of deportation (GAO, 2009; Police Executive Research Forum, 2010). Some LEAs share the concern expressed by Governor Cuomo of New York that the program was "compromising public safety by deterring witnesses to crime and others from working with law enforcement" (Denerstein, 2011: 1). Accordingly, several cities and police departments have announced that they will not comply with ICE's detainer requests.[5]

The scholarly literature has offered some support for the critics' concerns. Effective criminal law enforcement depends on the cooperation and trust of the public (Fagan and Meares, 2008; Skogan and Frydl, 2004). Some police departments cultivated a relationship of trust with their immigrant communities (Lewis and Ramakrishnan, 2007); involving local police in immigration enforcement threatens destroying that trust, thereby impeding effective crime control (Kirk et al., 2012). In sum, the alienation of immigration communities combined with poor targeting of serious criminals might outweigh any public safety-enhancing effects from heightened enforcement.

However, there is another reason to be skeptical about the likelihood of nontrivial effects on public safety, in part because there is little compelling evidence that serious threats to public safety would have remained at large but for Secure Communities. Prior programs aimed at identifying and deporting criminal aliens before they are released into the community were imperfect; still, the capacity to do so had been improving for at least a decade prior to the launch of Secure Communities (Guttin, 2010: 6; Schuck, 2012: 40–45). A considerable subset of people removed as a result of Secure Communities would have been identified even without it. Early screening, one of the program's advantages, is unlikely to prevent many more serious criminals from returning to the community: Serious offenders are not likely to be released after arrest irrespective of their immigration status but are likely to be prosecuted and convicted, with a good chance of being identified as removable aliens prior to the end of their sentences. According to DHS, Secure Communities enables

5.   The most recent and visible such measure is part of California's TRUST Act (see McGreevy, 2013), but policies limiting the local government's compliance with detainers also were introduced in New York City; Cook County and Chicago, Illinois; Santa Clara County, California; Washington, DC; Milwaukee; and the state of Connecticut; among others.

Percentage of Total Criminal Alien Removals by Most Serious Crime Category
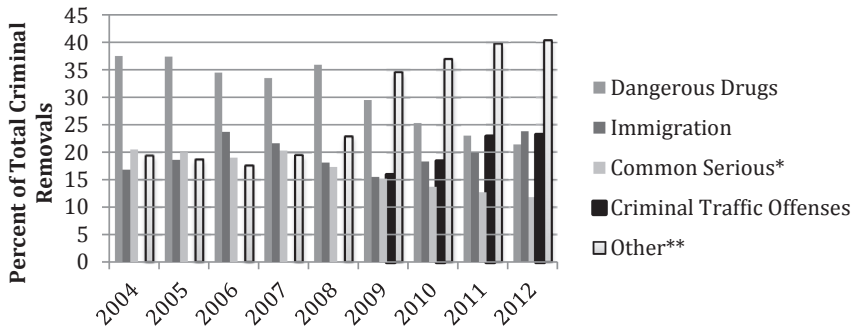
Note. The universe of removals covered by these statistics comprises those carried out by ICE only; CBP does not ascertain whether the noncitizens it is removing have criminal convictions (DHS OIS, 2011: 6).

*Common serious crimes: assault, robbery, burglary, and sexual assault.

**Other: All crimes other than leading crime categories and crimes not reported across all years, including traffic offenses.

Source. DHS OIS (2004–2011).

the identification of aliens arrested for a minor crime but with prior serious convictions (DHS OIG, 2012b: 7). However, it also sweeps in individuals committing only minor violations, first-time arrestees without a criminal record, or even those wrongfully arrested. The expansion of the criminal alien net to catch *these* offenders does not promise a boost to public safety.

Indeed, insofar as the phasing in of Secure Communities resulted in more criminal alien removals, the expansion is primarily among the less serious criminals (see Department of Homeland Security Advisory Council, 2011: 16). DHS's statistics for removals effected by ICE from 2004 through 2012 are instructive in this regard. Comparing the share of all criminal aliens convicted for particular crime categories from 2004 through 2012 (Figure 1), we can see that the most marked expansion in criminal removals occurred among the less serious crimes. To be sure, the number of removed noncitizens convicted of common serious offenses (assault, robbery, burglary, and sexual assault) increased modestly: In 2007, before Secure Communities was active anywhere, a little more than 20,000 noncitizens convicted of these crimes were removed, whereas that figure stood at close to 23,500 in 2012. However, the share of these crimes among all deported criminals declined from more than 20% in 2004 to less than 12% in 2012 when Secure Communities covered the majority of counties. The share of those convicted of "dangerous drug" crimes, a category DHS describes as "including the manufacturing, distribution, sale, and possession of illegal

drugs," declined from 37.5% to 21.4% of all removals between 2004 and 2012 (DHS OIS 2004–2013). The most radical expansion from pre– to post–Secure Communities is in removals of those convicted of criminal traffic offenses, which made up 23.1% of all criminal removals in 2012, an increase from 15.8% in 2009. Before 2009, that crime is absorbed in the "other" crimes category; to compare the changes in the share of this crime over time, we can add up all the removals for all crimes that are not reported individually across all years into a broader "other crimes" category. The share of removals in this category increased dramatically during the implementation of Secure Communities: Individuals convicted of "other crimes," including traffic, represented less than 19% of all removals on average prior to 2008, a category that expanded to 40.4% by 2012, with more than half of the latter figure a result of criminal traffic arrests. The number of those convicted of immigration offenses increased from pre– to post–Secure Communities years; the share of these offenses remains more or less constant, according to DHS's official data. In 2007, these constituted 22%; in 2008, they constituted 18%; and in 2012, they constituted 23.8%.[6] Although these data are not limited to Secure Communities removals, they do convey a distinct impression that as ICE intensified deportations with the aid of Secure Communities, it also has "diluted" the seriousness of the typical crimes committed by the deported resulting in a less serious marginal offender.

Secure Communities and policing patterns: Policy expectations and criticisms. The second set of expectations we examined bears on the behavior of the police. The architects of Secure Communities were emphatic that the program "does not in any way change local jurisdiction's existing law enforcement or fingerprinting policies, procedures, or practices" (DHS ICE, 2012a: 11). The expectation is that "LEAs continue to enforce the criminal law in exactly the same manner as they did before Secure Communities was activated" (DHS ICE, 2012a: 11). In fact, DHS officials thought that Secure Communities had less potential for abuses of discretion than prior attempts to involve local LEAs in immigration enforcement because the automatic nature of the process eliminated the opportunity to discriminate on an ethnic basis in selecting persons for screening (DHS ICE, 2010: 14; Priorities Enforcing Immigration Law, 2009: 2).

The program's many critics offer good reasons and some tentative evidence to the contrary. LEAs and individual officers who prefer a more aggressive immigration enforcement regime might be motivated to make arrests for offenses that otherwise would be deemed too petty, or even unsubstantiated by probable cause, with the intention that the arrestee

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6.   A case-by-case analysis of reports conducted by the Transactional Records Access Clearinghouse (TRAC) disclosed by ICE pursuant to a FOIA request reveals comparable trends: In 2008, 18% of all ICE criminal removals were convicted of immigration crimes, a category that increased to 19% in 2011 and 25% by 2013. Traffic offenses constituted 14% of all ICE criminal removals in 2008, 26% in 2011, and 22% in 2013. The share of drug offenses decreased from 31% in 2008 to 21% in 2011, and to 19% in 2013. Assault, sexual assault, burglary, and robbery together decreased from 15% in 2008 to 12% in 2011, and to 11% in 2013 (TRAC, 2014).

be screened through IDENT. With Secure Communities, LEAs need not incur the cost of contacting ICE, nor commit to actual prosecution, because local officials can transfer the suspected violators to ICE custody promptly after receiving a detainer request. Although immigrants subject to deportation who are convicted of a crime must serve at least a part of their sentence under the law, which imposes costs on the local or state budgets, local officials can decide not to prosecute individuals identified at arrest and transfer these to ICE custody promptly after receiving a detainer request.[7]

Thus, immigrants' rights organizations, public officials, and others have expressed misgivings about the risks of racial profiling and pretextual arrests (e.g., ACLU, 2012; Gonzales, 2011; Heffernan, 2011; Kohli, 2011). One public defender noted the increase in arrests "for charges we would not normally see," and of which "many are dismissed outright" (Stepick, 2013: 9). Additionally, the experience of some prior immigration enforcement initiatives, such as by the Maricopa County's Sheriff's Office (MCSO) under Sheriff Arpaio and the Alamance County's Sheriff's Office (ACSO) under Sheriff Terry S. Johnson, are instructive. As determined by the U.S. Department of Justice, the MCSO and the ACSO engaged in unconstitutional discriminatory policing, while acting unilaterally as well as under 287(g) agreements (U.S. Department of Justice, 2011, 2012). An analysis of Irving, TX, found that arrests of Hispanics increased immediately after CAP was implemented in the jurisdiction, which could not be explained by changes in criminal behavior by Hispanics (Gardner and Kohli, 2009). Another study analyzed a sample of deported immigrants identified through Secure Communities, finding that Latinos are overrepresented in the sample relative to their share in the estimated unauthorized immigrant population and that the differences cannot be explained by their higher criminal activity (Kohli, 2011).[8]

If Secure Communities does affect police behavior, it may alter observable arresting patterns in a number of ways. The effect may be on *arrest levels*: That is, it may lead to higher arrest rates across the board, or for particular crimes, on account of additional pretextual arrests made for immigration screening purposes. If such an effect is detectable anywhere, it is most likely to be for relatively minor crimes, with regard to which police discretion is at its peak. It could, in contrast, not significantly affect overall arrest rate levels but lead to a reallocation of the arrests among demographic groups. That is, although aggregate rates remain the same, the arrests of Hispanic or foreign-born individuals for some crimes or across crime categories may grow to a larger share of total arrests.

Although there are good reasons to believe that police behavior is affected by involvement in immigration enforcement generally, Secure Communities would only have

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7. To our knowledge, there is no data on how many removals under Secure Communities occur after conviction and completion of the sentence and how many without the filing of criminal charges; all those deported without criminal convictions, however, could not have been convicted for the crime of arrest.

8. To address this concern, a monitoring system was put in place by ICE and the DHS Office of Civil Rights and Civil Liberties aimed at detecting jurisdictions that are making improper arrests (DHS, 2011).

discernible effects if the changes in the incentives and opportunities facing LEAs are non-trivial. As we have learned from the aforementioned experience with unilateral actions, 287(g), and CAP, LEAs who have a preference for an aggressive enforcement of immigration laws were targeting potentially deportable people for enforcement actions without the benefit of Secure Communities. Incentives for the willing LEAs to target Latinos or others suspected of being deportable existed prior to Secure Communities. Likewise, LEAs that were not inclined to take part in immigration enforcement abstained from inquiring into suspects' and arrestees' immigration status, limited in-person ICE access to their jails and prisons, and ignored detainers; after activation of Secure Communities, they continue to limit participation in enforcement by ignoring detainers. In short, LEAs were already doing most of what is possible to identify deportable immigrants, or to refrain from doing so, without much room for any further meaningful changes to their practices.

Activation Order

Our analysis relies on the staggered activation of Secure Communities to investigate its impact. In particular, unbiased identification relies on the assumption that the exact timing of a county or city's activation is conditionally random and, at minimum, is unrelated to its pre-activation crime and arrest trends. This assumption would be violated if the activation pattern is correlated with month-to-month variation in a city's crime and arrest trends around the month of activation. In this section, we discuss the key characteristics of activation trends and the potential sources of bias.

The data interoperability program was initially activated on a pilot basis in 2008 in 14 jurisdictions. Further activations of the program proceeded slowly through 2009 and gained considerable speed in 2010 and 2011. As of January 2013, DHS reports that Secure Communities has been activated in all 3,181 counties (DHS, 2013). Figure 2 shows the progress of Secure Communities implementation on a monthly basis. The decision to activate a particular county was made by the federal government rather than by a process of jurisdictional self-selection of willing enforcers. However, the launch of the program was marked by inconsistent public pronouncements: Although ultimately DHS made clear that no jurisdiction could opt out of participation, the program started with agreements executed with states, giving an appearance that opting out was possible, which some jurisdictions attempted to do (DHS OIG, 2012a: 9). Notably, the governors of New York and Illinois declared that they wished to suspend their participation in the counties in which it was already in operation (Denerstein, 2011; Quinn, 2011). A few individual counties attempted unsuccessfully to do the same (Aguilasocho et al., 2012: 5; Villaraigosa, 2011). DHS officials declined these requests (DHS OIG, 2012b), and there is no record of any jurisdiction successfully withdrawing from the program after activation.

It is possible that activation in most Massachusetts counties, as well as in some Illinois and New York counties, were, in effect, postponed. After New York announced its "suspension" of the program, no additional counties were activated until nearly 1 year later

FIGURE 2

Cumulative Secure Communities Activations by Month/Year
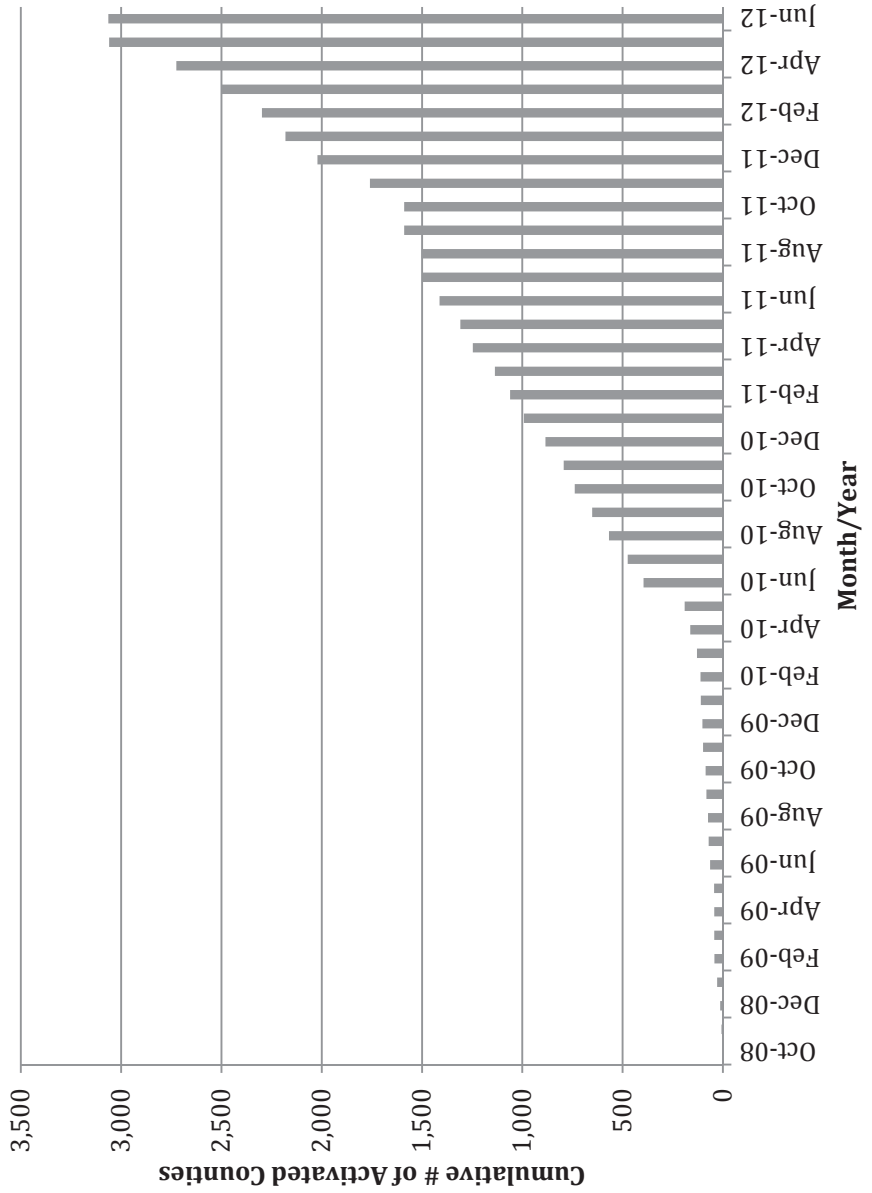
when all remaining counties were activated at once. After Illinois Governor Pat Quinn registered his state's opposition (Mitchell, 2013), no new Illinois counties were activated until January 2013. Similarly, Massachusetts Governor Deval Patrick requested not to expand participation in Secure Communities beyond Boston, where it has been activated since 2008. All Massachusetts counties were activated at once approximately 1 year later. Although there is some element of self-selection in these developments, it is unlikely to be serious enough to introduce substantial bias into our estimation strategy. Even if Illinois and Massachusetts did affect ICE's decision as to their activation dates, they did so for *all* of their then-unactivated counties. Because activation is at the county level and our analysis is at the city level, state-level selection will not be a concern after conditioning on city fixed effects. Moreover, no evidence exists to suggest that any jurisdiction was able to select a particular activation *month* in the future.

Apart from self-selection, it is possible that the federal government's determination of the activation order was not exogenous to local crime rates and policing patterns. Estimates would be biased if, for example, the government chose to activate earlier in counties experiencing an above-average increase or decrease in crime or arrests such that any subsequent regression to the mean trend might be confused for a program effect. Cox and Miles (2013) conducted a comprehensive analysis of the roll-out; their analysis, as well as publically available documents, suggested that the activation order may not be random for early activators but that it becomes plausibly so over time (Cox and Miles, 2013: 88). Although ICE suggested that implementation was initially targeted at interested or high-criminal-alien density jurisdictions (DHS OIG, 2012a: 7; DHS OIG, 2012b: 3), Cox and Miles found that neither high crime rates nor high shares of noncitizen or foreign-born populations were significant predictors of activation timing. The strongest consistent correlates of activation were location on the southern border and the fraction of the population that is Hispanic.[9] The authors also concluded that, with one caveat, there is little support for the hypothesis that the order of activation reflected the extent of local political support for immigration enforcement (Cox and Miles, 2013: 129–130).[10] The detectable patterns in the activation order seem to be a result of more selective activation in the earliest phases. Insofar as border location drove selection, almost every county on the southern border (18 of the 23) was activated within less than 1 year of the program's launch. As it became increasingly apparent that the program would be extended nationwide, prioritizing particular types

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9.   The authors did find that pre–Secure Communities violent crime rates corresponded to a higher risk of activation in counties with the highest shares of the noncitizen population (the top quartile and deciles) (Cox and Miles, 2013: 128).

10. The caveat was that having a 287(g) agreement in force in the county increased the activation hazard by roughly four times. As noted, only approximately 75 LEAs ever had such an agreement. Moreover, 287(g) agreements are more common among Sheriffs' Offices rather than city police departments, which are the subjects of our analysis. Only 10 of the police departments we analyzed ever requested such an agreement, and only 6 ever participated.

of jurisdictions became less important. As Cox and Miles showed, mass activations of all remaining counties in a state became more common as time went on, strongly suggesting that later activations were less discriminating (2013: 114). Moreover, the bulk of counties were activated after ICE publicly stated that participation would be mandatory nationwide in March 2010 (DHS OIG, 2012a: 10).

Empirical Strategy and Data

Model

The effects of Secure Communities are estimated using a standard differences-in-differences research design, in which the log of either the crime rate or the arrest rate is regressed on an indicator variable representing treatment activation. Although the treatment is assigned at the county level, we leveraged the granularity of agency-level monthly crime data to estimate all models at the city-month level. The advantage of such a design is the multiple treatment and comparison units within counties. Estimating the model at the city level is also sensible as crime and policing are primarily local phenomena, and city police departments often differ in important ways from their own county- or state-level LEAs. Finally, leveraging monthly data is desirable in view of the staggered timing of Secure Communities' activation. We began by estimating a series of standard models, which employ the following basic form:

$$\text{LOG}(Y_{ijt}) = \beta_0 + \beta_1 D_{ijt} + R_t\theta + G_i\varphi + e_{ijt} \tag{1}$$

In this specification, we regressed the log of the per-capita crime rate or arrest rate Y reported by the LEA in the ith city, in the jth county, in month t, on the treatment dummy D, which is indexed to the county-month. Our basic models also included month and city fixed effects, denoted by R_t and G_i in Equation (1). These terms ensure that the treatment effect is estimated using only within-panel variation and absorbs variation in the dependent variable that is due to national time trends.

The standard model, however, is vulnerable to omitted time-varying, city-specific shocks. Accordingly, in our preferred model, we augmented the standard city fixed effects with interacted city-by-year effects, retaining the month fixed effects. The city-by-year fixed effects add 1,340 parameters to the model and control for unobserved heterogeneity in all factors that vary across city-years. This includes city-, county-, and state-level criminal justice policies, such as the changes in law enforcement strength and sentencing policies. These fixed effects also control for city- and time-varying shocks to crime markets as well as for changes in the local macroeconomy, demographic trends, and a variety of other local predictors of crime and policing. The city-by-year fixed effects explain more than 90% and 60% of the variation in monthly crime and arrest rates, respectively, indicating that there are few remaining sources of unobserved heterogeneity that are not accounted for in the model. Using the interacted fixed effects, the treatment effect is identified by comparing, within a given year, the crime rate in a city before and after the implementation of Secure

Communities. Because police activity is responsive to crime rates, when arrest rates are the dependent variable, we also conditioned on the monthly "index" crime rate. Standard errors are clustered at the county level to account for both heteroskedasticity and arbitrary serial correlation in the errors at either the city level or the county level, and observations are weighted by city population.

Data

Secure Communities activation and removals. ICE makes available the list of all activated jurisdictions and includes summary statistics on the number of identity checks submitted from each county as well as on the number of removals made as a result of the program (DHS ICE, 2012b). Because of the evidence that the initial wave of activations was targeted (see the subsection "Activation Order"), we excluded counties activated in 2008 from our analysis, with 335 cities, representing 41 states, 206 counties, and 31 unique activation months remaining. The cities under analysis, listed in the Appendix, are in counties that have somewhat higher Hispanic and foreign-born population shares compared with the rest of the nation: In the 206 counties represented in our data, 16.3% of the population is foreign born and 22.8% is Hispanic; the U.S. population covered by the ACS, by comparison, is 13.8% foreign born and 16.6% Hispanic.

Crime data. We examined the consequences of the Secure Communities program for public safety using monthly crime rates for 335 city police departments that consistently reported such data to the Federal Bureau of Investigation (FBI), published in the Uniform Crime Reports (UCR), for each year between 2008 and 2011.[11] We analyzed the seven categories of "index crimes" that are reported consistently and reliably across agencies: murder, rape, robbery, burglary, assault, larceny, and motor vehicle theft.[12]

Arrest data. The law enforcement effects of participation in Secure Communities are estimated using monthly UCR arrest data covering the same time period and U.S. cities. We limited our analysis to arrest rates for 10 crime categories, selected on the basis of the completeness of reported data. We examined arrests for a set of violent crimes (aggravated assault, murder, rape, and robbery), a set of property crimes (burglary, larceny, possession

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11. In all, 747 cities with more than 50,000 residents reported data to the FBI. Of these, 380 reported crime and arrest data in all months under analysis; of these, 45 cities had to be dropped because of data problems such as clear measurement error or because they were in counties activated in 2008.

12. Using log-transformed crime creates a problem for rare crimes that take on a value of 0 because the log of zero is undefined. To address this problem, we used a correction procedure suggested by Chalfin and McCrary (2013). The procedure uses a transformation that closely approximates the natural log function. See the data appendix in Chalfin and McCrary (2013). To minimize reporting errors, we examined the crimes and arrests for every city in our data set and rid the data of likely outliers by replacing as missing any observation that is >5 times or <0.2 times the city-specific mean for each crime type for the 60 months in our sample, when the mean was at least 20.

T A B L E   1

Summary Statistics

Variable	N	Levels (per 100,000)				Logs			
		Mean	SD	Minimum	Maximum	Mean	SD	Minimum	Maximum
Violent Crimes									
Murder	20,099	0.8	1.0	0.0	14.0	0.90	1.22	−0.31	3.89
Rape	20,016	3.2	2.2	0.0	38.1	2.13	1.35	−0.31	4.75
Robbery	19,775	21.6	16.1	0.0	133.2	2.78	0.86	−0.84	4.89
Aggravated assault	20,021	32.8	22.5	0.0	183.9	3.25	0.75	−0.76	5.22
Property Crimes									
Burglary	20,056	79.2	45.3	5.5	452.1	4.21	0.58	1.59	5.97
Larceny	19,969	224.0	96.5	20.8	725.3	5.32	0.44	3.04	6.85
Motor vehicle theft	20,006	44.0	30.0	0.0	186.3	3.55	0.73	−0.37	5.57
Arrests									
Violent crimes	13,839	20.5	15.5	0.0	184.2	2.72	0.84	−0.31	5.22
Property crimes	17,161	52.1	30.2	0.0	459.1	3.80	0.58	−0.31	6.13
Minor crimes	14,691	137.3	77.3	0.0	930.2	4.77	0.59	−0.31	6.84

SD = standard deviation.

of stolen property, fraud, and motor vehicle theft), and a set of minor crimes (drug offenses, liquor law violations, vandalism, and prostitution).[13]

We limited our analysis to municipal police departments for a few reasons. First, this ensured greater comparability and avoided the analytical complications such as double counting and problematic imputation methods, which accompany the use of county-level data or the inclusion of multiple LEAs with overlapping jurisdictions (see Lynch and Jarvis, 2008; Maltz and Targonski, 2002). Second, police departments are the most significant agencies involved in criminal law enforcement, accounting for 60% of all sworn officers (Reaves, 2011). Sheriffs' Offices employ fewer law enforcers and perform a broader range of functions (Reaves, 2011). Finally, municipal police departments in medium-sized or larger cities tend to report more complete data than county or suburban agencies (Lynch and Jarvis, 2008: 73–74). Because crime and arrest data are measured at the agency level, and the treatment is at the county level, the activation of Secure Communities in each county may correspond to activations in more than one city. Summary statistics for crime and arrest rates are presented in Table 1.

Treatment Intensity and Local Attitudes Toward Immigration Enforcement
Because not every LEA polices communities with an appreciable immigrant population and because the intensity with which LEAs police noncitizen communities differs, there may

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13. We used the same correction procedure to address zero values for arrests for rare crimes as well as the same data cleaning methods as we employed for crime rates. See footnote 12.

be considerable heterogeneity in the effects of Secure Communities across jurisdictions. To investigate this possibility, we first calculated the ratio of (a) total and (b) criminal removals, relative to the foreign-born population, the latter being a reasonable measure of the "pool" of potentially removable individuals and adjusted for the time since the activation of Secure Communities.[14] We then categorized our cities as experiencing "high," "medium," or "low" levels of (a) overall enforcement and (b) targeted enforcement.[15] These categories are constructed at the county level, are time invariant, and do not allow us to distinguish cities within the same county. Notwithstanding these shortcomings, we expect that these are reasonable comparative indicators for the intensity and impact of enforcement at the city level.[16] We then reestimated our models for each subset, which allows for the identification of the average effect on the cities with most intense levels of overall and targeted enforcement. Second, the share of the population whose behaviors would be affected by Secure Communities differs across cities in our data. Because only the foreign born are potentially removable, their share in the population is a reasonable indicator of the population likely to respond to the policy change. Because behavioral responses by the affected population might condition the reaction to Secure Communities apart from the intensity of enforcement, we also categorized our cities as having "high," "medium," or "low" shares of the foreign born, and we reestimated our model for each strata, which allowed us to identify the average effect on cities with highest shares of the foreign born.[17]

Likewise, the effects on arrest practices are unlikely to be uniform across LEAs. Because some LEAs have expressed concerns about being drawn into immigration enforcement, they may be expected to monitor their officers closely and to discourage any temptation to exercise arrest powers as pretext for rounding up immigration violators. Other LEAs are willing participants and might alter arrest patterns so as to identify potential immigration violators. Accordingly, we investigated the possibility that the impact on arrest behaviors is conditioned by the local attitude toward immigration enforcement. Several studies have found that local decisions to adopt tough-on-illegal-immigration, or pro-immigrant, measures are best explained by the partisan composition of the local population (Chavez and Provine,

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14. Enforcement statistics employed for these purposes derive from Secure Communities' interoperability data. The number of removals reported in this source are only those effected by ICE as a result of Secure Communities and include deportations of noncitizens with an official removal order as well as returns (deportations without a removal order), but those deported through expedited removal by CBP without having been placed in ICE custody are excluded. "Criminal removals" refer to deportations of noncitizens with criminal convictions known to ICE (DHS ICE, 2012b).

15. Data on the foreign-born population are obtained from the 2010 U.S. Census.

16. Notably, we need not assume that it is arrests by the municipal police departments under analysis that lead to removals. Arrests may be made by other agencies operating on the same territory: removals of criminal aliens should be expected to have the same consequences for public safety regardless of which agency makes the arrests that lead to their identification.

17. Counties were divided into three evenly grouped categories: low foreign-born population counties (0–7.1%), medium foreign-born population (7.2–19.8%), and high foreign-born population (>19.8%).

2009; Lewis, Provine, Varsanyi, and Decker, 2013; Ramakrishnan and Wong, 2010; Wong, 2012).[18] Jurisdictions that lean Republican are more likely to adopt aggressive measures aimed at unlawful immigrants, and those that lean Democratic are more likely to adopt so-called "sanctuary" measures. As a proxy for the LEAs' likely attitude toward immigration enforcement, we employed the partisan composition of the population of the county in which the city is located, using the presidential vote in 2008. Thus, we re-estimated our models separately for "Democratic majority counties," which are counties with at least 50% voting for Barack Obama, and for "Republican majority counties," which are those with at least 50% voting for John McCain.

Results and Discussion

Crime Rates

Table 2 presents the results investigating the effect of Secure Communities on log-transformed crime rates. Model 1 presents coefficients and standard errors using a standard two-way fixed-effects model, which conditions on city and month fixed effects, following Equation 1. In model 2, we instead conditioned on interacted city-by-year fixed effects, which control for unobserved heterogeneity at the city-year level only. Finally, in model 3, we added a full set of month dummies to model 2 to complement the city-by-year fixed effects, as specified in Equation 2. Under our preferred specification, model 3, there are no statistically discernible effects of activation on any category of crime under analysis. Notably, the program is associated with reductions in murder, rape, larceny, and motor vehicle theft that are less than 1%. Effects on burglary (–0.022) and aggravated assault (–0.018) are somewhat larger but not significant at conventional levels.

Even under the less restrictive models in columns 1 and 2, there is no consistent evidence that the activation was followed by a statistically significant change in crime rates in either direction. Some estimated coefficients (robbery, aggravated assault, and burglary) are statistically significant and negative under model 1. As noted, however, such a model is vulnerable to omitted trends or annual crime shocks at the city, county, or state level. Once we conditioned on the interacted city-by-year fixed effects, the size of the estimated effect decreases considerably and ceases to be significant. Although monthly criminal justice data are more variable than annual or quarterly data, our estimates seem to be reasonably precise, allowing us to rule out monthly changes in crime that are any larger or smaller than 1% to 2%.[19]

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18. Lewis et al. (2013), however, found that partisanship predicts pro-enforcement orientations only in combination with an indicator for "mayor-council" cities, where the police departments report directly to the mayor. Although county partisanship may not correspond perfectly to the likely attitudes of municipal LEAs, we think it is a reasonable indicator that does not so restrict the subset of LEAs as to substantially lose statistical power.

19. The presence of a unit root can complicate inference in models using panel data. To test for a unit root, we conducted an Im-Pearasan-Shin unit root test for unbalanced panel data. The test is panel specific

TABLE 2

Effects of Secure Communities Activation on Log Crime Rates

Variable	N	Model 1	Model 2	Model 3
Violent Crimes				
Murder	20,099	−0.037	0.005	−0.007
		(0.021)	(0.030)	(0.029)
Rape	20,016	−0.025	0.005	−0.001
		(0.026)	(0.024)	(0.026)
Robbery	19,775	−0.046*	0.068**	−0.010
		(0.017)	(0.017)	(0.015)
Aggravated assault	20,021	−0.063**	0.004	−0.018
		(0.016)	(0.022)	(0.015)
Property Crimes				
Burglary	20,056	−0.035†	0.095**	−0.022
		(0.014)	(0.019)	(0.012)
Larceny	19,969	−0.017	0.050**	−0.007
		(0.015)	(0.011)	(0.011)
Motor vehicle theft	20,006	−0.025	0.031	−0.003
		(0.031)	(0.020)	(0.017)
City fixed effects		X		
Month fixed effects		X		X
City × year fixed effects			X	X

Note. Each column reports a regression of the log of the crime rate on a treatment dummy indicating the activation of Secure Communities. All regressions are run at the city-month level with standard errors clustered at the county level. Model 1 conditions on city and month fixed effects. Model 2 replaces these with interacted city-year fixed effects. Model 3 adds a full set of month fixed effects.
†$p < .10.$ *$p < .05.$ **$p < .01.$

To assess the degree to which the insignificant null effects found in Table 2 are a result of heterogeneous effects of the treatment, we investigated whether crime rate reductions might have been more significant in the cities that were arguably the most intensely impacted. Considerable variation exists in the intensity of immigration enforcement under Secure Communities as well as in the relative size of the affected population. Because both the intensity of enforcement and the size of the affected population may be responsible for heterogeneous effects of the program, we stratified our data based on both criteria.

The results of this analysis are presented in Table 3. Overall, estimated coefficients on individual crimes differ across levels of enforcement, but no clear patterns emerge. The only signal that cities experiencing most intense enforcement saw any reductions in crime is the negative and significant coefficient on the aggravated assault rate, suggesting a 5% reduction after activation. Notably, the reduction in the assault rate is linked to overall

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and does not assume that all panels share a common autoregressive parameter. The null hypothesis is that all panels contain a unit root; the alternative hypothesis is that at least some panels are stationary. We reject the null hypothesis for all dependent variables ($p < .001$).

T A B L E 3

Effects of Secure Communities Activation on Log Crime Rates, Heterogeneity by Treatment Intensity

Category Variable	#LEAs	Category	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	Motor Vehicle Theft
Total removals per 100,000 foreign born	94	Low (0–16)	-0.054	-0.025	-0.040	-0.024	-0.034	-0.029[a]	-0.056[a]
			(0.07)	(0.046)	(0.03)	(0.021)	(0.022)	(0.014)	(0.027)
	96	Medium (17–32)	-0.014	0.04	0.028	0.031	0	0.029	0.075[a]
			(0.046)	(0.047)	(0.024)	(0.032)	(0.017)	(0.019)	(0.029)
	94	High (33–291)	0.067	-0.048	0.001	-0.053[a]	-0.019	-0.011	-0.017
			(0.040)	(0.041)	(0.028)	(0.022)	(0.025)	(0.018)	(0.027)
Criminal removals per 100,000 foreign born	96	Low (0–12)	-0.043	-0.004	-0.045	-0.014	-0.026	-0.026[a]	-0.063[a]
			(0.070)	(0.048)	(0.029)	(0.022)	(0.023)	(0.014)	(0.027)
	88	Medium (13–22)	-0.009	-0.005	0.018	0.007	-0.007	0.028	0.082[a]
			(0.047)	(0.030)	(0.029)	(0.027)	(0.017)	(0.020)	(0.032)
	101	High (23–237)	0.069[a]	-0.014	0.017	-0.027	-0.018	-0.011	-0.011
			(0.037)	(0.048)	(0.023)	(0.028)	(0.023)	(0.018)	(0.025)
Foreign-born population share	84	Low (0%–7.1%)	0.051	0.020	0.023	0.007	0.007	-0.014	-0.016
			(0.051)	(0.047)	(0.034)	(0.022)	(0.024)	(0.018)	(0.026)
	119	Medium (7.2%–19.8%)	-0.034	0.013	0.005	0.003	0.002	0.010	0.032
			(0.059)	(0.048)	(0.026)	(0.028)	(0.025)	(0.016)	(0.025)
	128	High (20.0%–63.4%)	-0.014	-0.013	-0.013	-0.039	-0.012	0.017	0.022
			(0.032)	(0.029)	(0.022)	(0.024)	(0.015)	(0.012)	(0.032)

Note. Each column pertains to a regression of the log crime rate on a treatment dummy indicating the activation of Secure Communities. The results reported for the regressions for low, medium, or high values are on the indicator in the left-most column. The second column reports the number of agencies in each category. All regressions are run at the city-month level with standard errors clustered at the county level. The models condition on interacted city-year and month fixed effects.

[a] $p < .10$. * $p < .05$.

levels of removals, not to levels of *criminal* removals, which suggests that areas with the most intense targeted enforcement did not experience any public safety benefits. More notably still, the cities experiencing lowest levels of overall and targeted enforcement seem to have experienced statistically significant reductions in larceny (2–3%) and motor vehicle theft (5–6%), with cities with medium levels of enforcement actually experiencing an increase in motor vehicle thefts. Cities with the lowest levels of enforcement include cities with no removals at all; as such, it is not plausible that the reductions result from a mechanical removal of would-be offenders. It is likewise implausible that the reductions are caused by deterrence effects, as there is no apparent reason why these would be felt disproportionately in the cities with the least intensive enforcement.

Similarly, as the bottom panel of Table 3 shows, jurisdictions with relatively high shares of foreign born did not experience statistically discernible reductions in their crime rates after activation, and neither did the cities with medium and low shares of foreign born. Although the estimated coefficients across the three groups of cities were not the same, none are statistically significant. In short, there is no indication that the crime-reducing effects of Secure Communities are concentrated in areas with higher shares of foreign-born residents, whose behavior might be affected by the increased odds of deportation. In addition, we re-estimated the models for the subset of counties that have the highest share of Hispanic residents (>30%), and again we found no evidence of a statistically significant change in the crime rate.[20] Notwithstanding the reduced number of cities in each regression in this study, our estimates remain reasonably precise for most crimes and allow us to rule out monthly changes in crime that are any larger or smaller than 1% to 3% for crimes other than the rare murders and rapes.

Arrest Rates and Patterns

The top panel of Table 4 presents the estimated effects of Secure Communities on aggregate arrest rates of adults classified by the LEAs as "White." Because arrest data are noisy for individual arrest categories, we analyzed aggregate arrest rates for three broad categories of criminal activity: violent crimes, property crimes, and minor crimes.[21] To the extent that Secure Communities has changed patterns of policing, this would be most likely reflected in arrest rates for the most minor crimes, with regard to which police have greater discretion. Table 4, which reports the results of this analysis, is organized in the same way as Table 2, with our preferred estimates obtained by conditioning on interacted city-by-year and month fixed effects presented in the model 3 column. The results suggest that the program has had no discernible effects on arrest rates that are distinguishable from zero at the

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20.   Results not reported for compactness.

21.   Violent crimes include aggravated assault, rape, and robbery; property crimes include burglary, larceny, possession of stolen property, fraud, and motor vehicle theft; and minor crimes include drug offenses, liquor law violations, vandalism, and prostitution.

T A B L E   4

Effects of Secure Communities Activation on Selected Arrest Rate Aggregates

Variable	N	Model 1	Model 2	Model 3
White Arrest Rates				
All violent crimes	13,563	−0.025	0.010	0.019
		(0.025)	(0.017)	(0.018)
All property crimes	16,994	0.003	0.004	0.029
		(0.018)	(0.016)	(0.018)
All minor crimes	14,372	−0.034	−0.052[a]	−0.016
		(0.022)	(0.012)	(0.012)
White Relative to Black Arrest Rates				
All violent crimes	12,333	−0.017	0.007	−0.009
		(0.024)	(0.022)	(0.028)
All property crimes	16,195	−0.014	−0.026	0.004
		(0.020)	(0.026)	(0.023)
All minor crimes	14,290	0.015	0.018	−0.024
		(0.020)	(0.016)	(0.018)
City fixed effects		X		
Month fixed effects		X		X
City × year fixed effects			X	X

Note. Each column pertains to a regression of the log of the arrest rate for White offenders, or the log of the ratio of arrests of White suspects relative to Black suspects, on a treatment dummy indicating the activation of Secure Communities. Arrest rate regressions condition on the crime rate. All regressions are run at the city-month level with standard errors clustered at the county level. Model 1 conditions on city and month fixed effects. Model 2 replaced these with interacted city-year fixed effects. Model 3 adds a full set of month fixed effects.
[a]$p < .01$.

conventional levels of statistical significance. The coefficient in the minor crimes regression is −0.016, suggesting that, if anything, arrests of White residents for minor crimes declined after activation of Secure Communities. Notably, the standard error on this coefficient is relatively small (0.012), allowing us to rule out large effects in either direction.

As noted, if Secure Communities influenced policing, then it is more likely to have done so by *reallocating* arrests among categories and/or demographic groups. The type of arrest reallocation of deepest concern is ethnicity based. Although data limitations rule out a direct test of whether Hispanic individuals are arrested at higher rates after the activation of Secure Communities, we investigated the possibility of ethnically based reallocation of arrests indirectly. We presumed that most individuals likely to be identified as immigration violators by the police would be Hispanic in appearance, an assumption supported by the fact that 93% of Hispanics identify as "White" and that most of them will enter police statistics as White (Steffensmeier, Feldmeyer, Harris, and Ulmer, 2011: 207). Thus, we examined whether the log of the ratio of arrests of White relative to Black suspects changes as a function of Secure Communities. Based on trends in California and New York, Steffensmeier et al.

(2011: 226–227) observed that the ratio of non-Hispanic Black arrests to the non-Hispanic White arrest rate has been relatively stable after the late 1990s. If this trend characterizes our sample as well, then any changes in the White–Black arrest ratio should serve as a reliable proxy for changes in the ethnic makeup of the arrest population. To be sure, this analysis does not enable us to detect any reallocations of arrests from non-Hispanic Whites to Hispanic Whites. If any reallocation of police attention took place at all, however, then it seems reasonable to assume that it would not "favor" exclusively non-Hispanic Whites or non-Hispanic Blacks. Although the effects of the program on the reallocation would be underestimated, our analysis should be able to detect nontrivial reallocations of arrests toward Hispanics—unless the reallocation favors non-Hispanic Whites exclusively, a prospect that seems unlikely.

The results in the bottom panel of Table 4 show the estimated effect of Secure Communities on these outcomes for the three general crime categories (violent crimes, property crimes, and minor crimes). The standard differences-in-differences model (model 1) suggests a nonsignificant increase in White relative to Black minor crime arrests; the coefficient changes direction, however, and remains insignificant once we allow for annual city shocks in model 3. Overall, the activation of Secure Communities is not significantly associated with changes in White arrest rates relative to Black arrest rates, for any of the three crime categories. We further investigated the possibility that the effects of activation differ across jurisdictions depending on the likely orientation toward immigration enforcement. We re-estimated all the models separately for the 79 LEAs serving the 51 majority Republican counties and the 246 LEAs serving the 147 majority Democratic counties, with results reported in Table 5. The sole significant result is the increase in White arrests for violent crimes in majority Republican counties, without a corresponding increase in the White relative to Black arrest rates. As noted, arrests for serious, violent crimes are least susceptible to officers' discretion, and there are no comparable reductions for minor crime arrests, where it is most likely to manifest policing responses to Secure Communities. We further examined the subset of counties with the highest shares of Hispanics, where the White arrest rates are likely better indicators of Hispanic arrests and where a larger population is available for police attention, if the program affected their behaviors. We found no discernible effects on White arrest rates or for White relative to Black arrests for any crime in any direction for LEAs serving these high-Hispanic share counties.[22]

Robustness

To assess the robustness of our estimation strategy, we re-estimated our models while excluding two sets of observations. First, we tested the sensitivity of our estimates of the average effects on all cities to the progressive exclusion of cities in counties that were activated

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22. Results not reported for compactness.

TABLE 5

Effects of Secure Communities Activation on Selected Arrest Rates by County Partisanship

| Variable	White Arrests		White Relative to Black Arrests	
	Republican Majority	Democratic Majority	Republican Majority	Democratic Majority
Arrest Type				
All violent crimes	0.073[a]	0.012	0.063	−0.021
	(0.032)	(0.020)	(0.055)	(0.028)
All property crimes	0.037	0.028	−0.064	0.012
	(0.027)	(0.021)	(0.083)	(0.021)
All minor crimes	−0.018	−0.016	0.002	−0.030
	(0.020)	(0.013)	(0.034)	(0.019)

Note. The first two columns pertain to regressions of the log of the arrest rate of White offenders, and the second two columns of the log of the ratio of arrests of White suspects relative to Black suspects, on a treatment dummy indicating the activation of Secure Communities. Arrest rate regressions condition on the crime rate. The regression results are reported separately for Democratic and Republican majority counties. All regressions are run at the city-month level with standard errors clustered at the county level. The models condition on the monthly crime rate and interacted city-year and month fixed effects.
[a]$p < .10$.

early: We re-estimated the coefficient on the treatment first without counties activated in January 2009, then without counties activated January and February 2009, and so on, until all cities activated in 2009 are excluded. The results of this exercise are depicted in a series of figures presented in Figure 3. With the exception of the ratio of White to Black arrests for violent crimes, progressive exclusion of activated jurisdictions has little impact on the estimated treatment coefficients, indicating that a lack of conditional randomness in the early stages has little bearing on our results. Second, we tested the sensitivity of our estimates to the omission of jurisdictions that are likely to be atypical. These are reflected in Table 6: Column 1 replicates estimates from our preferred specifications using the entire sample (model 3 of Tables 2 and 4). In columns 2, 3, 4, and 5, we excluded observations from Arizona, Texas, California, and Illinois, respectively. Estimated coefficients are sufficiently similar across the five columns to conclude that the results are not driven by the inclusion of one important set of jurisdictions. The only indication that these jurisdictions might be influencing results is that the estimated coefficient on the aggravated assault rate becomes larger in magnitude and significant at conventional levels when Texas's 30 jurisdictions are excluded, and the same is the case with the burglary rate when Arizona's 10 jurisdictions are excluded.

Discussion and Implications for Policy and Research

In the early years of the Secure Communities program, its then-Acting Director declared that the extent to which it "improves the public safety for the American people . . . will be our

FIGURE 3

Sensitivity of Estimated Treatment Effects to Length of Panel
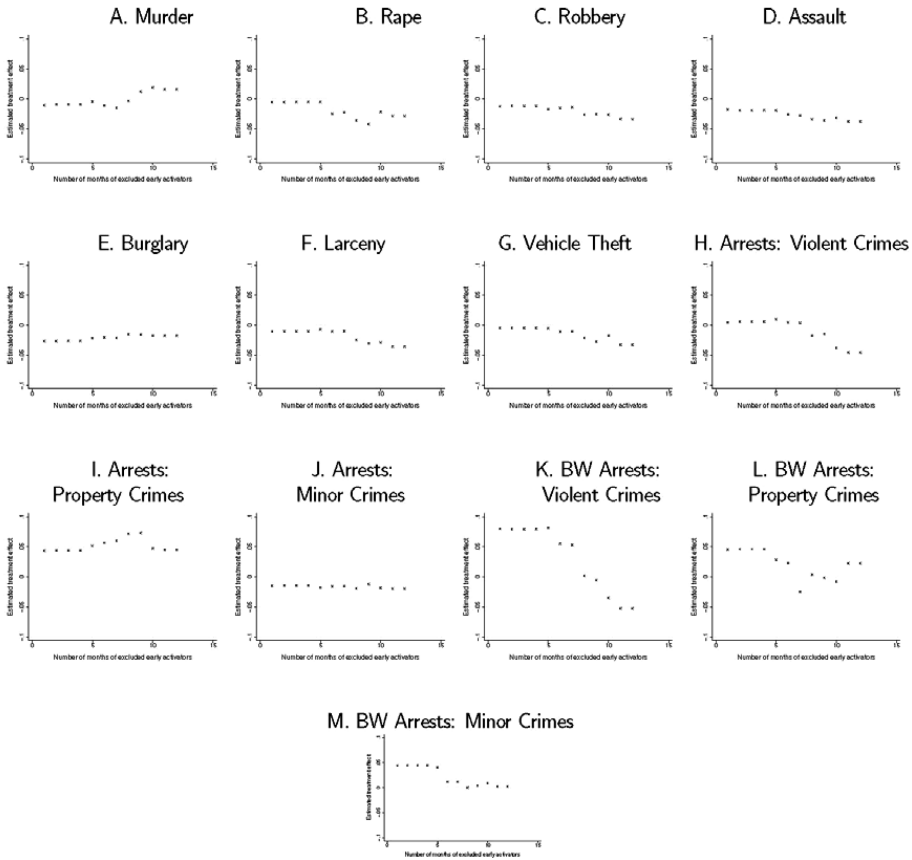
definitive measure of success" (DHS ICE, 2009). Although DHS emphasizes the numbers of criminal aliens removed as the relevant metric, these numbers have, at best, a tenuous relationship to public safety. Using UCR index offenses, which have been long employed as reliable indicators of crime levels, we show that the program has no discernible impact in medium- and large-sized U.S. cities. To be sure, there is no well-founded expectation that the rates of the most serious crimes such as murder would be influenced by immigration enforcement. However, the lack of an effect on the more common crimes might suggest that the most ambitious expectations of augmenting public safety have not materialized. The absence of any detectable influence on these common index crimes bears on the controversy surrounding Secure Communities, since it is these crimes, rather than other more minor violations, that truly threaten public safety. Even in the cities where effects would be expected

Effects of Secure Communities Activation on Crime and Selected Arrest Rates, Robustness to Removal of Specific Panels

	Model 3, Table 2	Excluding AZ	Excluding TX	Excluding CA	Excluding IL
Violent Crimes					
Murder	−0.007	−0.012	−0.002	−0.019	−0.007
	(0.029)	(0.030)	(0.026)	(0.042)	(0.030)
Rape	−0.001	−0.006	−0.020	0.007	−0.002
	(0.026)	(0.026)	(0.024)	(0.035)	(0.026)
Robbery	−0.010	−0.013	−0.002	−0.004	−0.011
	(0.015)	(0.015)	(0.016)	(0.019)	(0.015)
Aggravated assault	−0.018	−0.018	−0.026[a]	−0.009	−0.019
	(0.015)	(0.015)	(0.013)	(0.021)	(0.015)
Property Crimes					
Burglary	−0.022	−0.025[a]	−0.019	0.001	−0.021
	(0.012)	(0.012)	(0.013)	(0.016)	(0.012)
Larceny	−0.007	−0.010	−0.009	0.002	−0.008
	(0.011)	(0.012)	(0.013)	(0.012)	(0.011)
Motor vehicle theft	−0.003	−0.007	−0.004	0.026	−0.008
	(0.017)	(0.017)	(0.019)	(0.017)	(0.017)
Model 3, Table 4					
White Relative to Black Arrest Rates					
Violent crimes	−0.009	−0.009	−0.024	−0.002	−0.009
	(0.028)	(0.028)	(0.026)	(0.030)	(0.028)
Property crimes	0.004	0.016	0.009	0.008	0.014
	(0.023)	(0.020)	(0.021)	(0.026)	(0.020)
Minor crimes	−0.024	−0.029	−0.019	−0.029	−0.024
	(0.018)	(0.017)	(0.022)	(0.016)	(0.018)

Note. Each column replicates the regressions reported in Tables 2 and 4 but excludes from the sample potentially influential and/or atypical jurisdictions. Arrest rate regressions condition on the crime rate. All regressions are run at the city-month level with standard errors clustered at the county level. The models condition on interacted city-year and month fixed effects.
[a]$p < .10$.

to be especially noticeable (i.e., areas of the most intense overall and targeted deportation efforts, and areas with the biggest affected population shares), Secure Communities has had no unambiguous beneficial effects.

Our findings do not rule out the possibility that the program will yield safety dividends over time or, on the contrary, that it will erode trust in the police among immigrant communities and translate into higher crime rates. Furthermore, the indicators employed to identify the cities with most intense enforcement do not distinguish areas where high removal rates were achieved by a purposeful policy of aggressive policing of immigrants and those where high rates simply reflect the frequency with which noncitizens actually engaged in arrest-worthy conduct. It is possible that the aggressively policing jurisdictions have yielded high removal rates even prior to Secure Communities and that they have

already reaped the public safety benefits without further "room" for improvement. That would mean, however, that little, if any, additional public safety benefits accrue to such jurisdictions from improved targeting of criminal aliens ostensibly made possible by Secure Communities.

Overall, our findings suggest that the wisdom of a policy involving local police in immigration enforcement should be assessed on criteria other than public safety. That is, policy makers need to investigate whether it is a cost-effective way of using scarce enforcement resources (see Rosenblum and Kandel, 2012: 27). If, however, public safety is an important goal of federal immigration enforcement in the nation's interior, then DHS should consider shifting scarce resources toward the investigation of more serious criminal activities with immigrant involvement, even if the overall number of removals decreases. For example, ICE's targeted investigations of human smuggling and human and drug trafficking may be a better way to target the most serious threats to public safety. To make the most of the local advantage with regard to controlling crime with immigrant involvement, other modes of federal engagement with local police might be more fruitful. Most immigrants encounter the criminal justice system, whether as victims or as offenders, in the context of conventional misdemeanor and felony criminal offenses. Thus, federal initiatives, which improve the local capacity to apprehend conventional offenders, without attaching consequences to ordinary arrests that are collateral to criminal law enforcement purposes, could have a greater impact on crime involving immigrants. For example, studies have reported reductions in crime generated by federal hiring grants to local law enforcement agencies, raising the possibility that the federal government might generate greater improvements in public safety through local hiring initiatives rather than through information sharing (Evans and Owens, 2007).[23] Of course, numerous other policy alternatives are available to advance the goal of crime reduction in the long term, such as behavioral interventions designed to lower the rates of reoffending. In the short-to-medium term, if the goal is to augment public safety while identifying deportable noncitizens who threaten public safety, then boosting the general local capacity for the apprehension and incapacitation of serious criminals seems most appropriate to the task.

As for the concerns that Secure Communities will lead to discriminatory policing, as far as we can tell, activation of the data sharing system did not lead to widespread increases in arrests for any crimes or crime categories or to increases of arrests of White suspects relative to Black suspects. The absence of ethnicity-specific arrest data across a large set of LEAs presents an important limitation: We cannot detect any reallocation of arrests from non-Hispanic Whites to Hispanic Whites. Thus, firmer conclusions about the fears of racial profiling must await analysis of jurisdictions that record and make available such data. Nonetheless,

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23. These findings, although not uniformly supported (see Worrall and Kovandzic, 2007), echo those of a large literature in criminology and economics that has found modest reductions in crime resulting from increases in police manpower (Chalfin and McCrary, 2013).

it is worth emphasizing that no changes in arrest patterns are evident for minor crimes, the offenses for which police wield especially great discretion in enforcement. Although we have no data on arrests for traffic offenses, the most frequent recorded arrest charge for noncitizens identified through Secure Communities, we did examine the second and third most frequent charge categories (GAO, 2012: 23): "dangerous drug offenses," which are not clearly defined but must overlap with crimes that are included in our minor crime category (drug sales and drug possession), and assault, which is analyzed individually.[24]

The absence of discernible effects should perhaps not be wholly surprising. As emphasized earlier, incentives for pretextual enforcement actions and targeting of Latinos were already in place before the implementation of Secure Communities. Activists, officials, and scholars have voiced the same objections to every initiative that embroils state and local LEAs in immigration enforcement (e.g., Guttin, 2010: 7; Nguyen and Gill, 2010: 29, 44; Rodriguez, Chishti, Capps, and St. John, 2010: 8; Wishnie, 2003: 1104). Moreover, evidence from earlier immigration enforcement programs tends to demonstrate that at least some LEAs altered their practices in response to the prospects of placing immigration violators into the deportation pipeline. The marginal impact of an additional mechanism triggering immigration screening may simply be too faint to be detected, as there may be limited opportunities and high opportunity costs of further adjustments to police tactics.

Of course, our analysis is not without limitations. First, while limiting our analysis to city police departments makes our analysis more reliable, it comes at a cost to generalizability of our results. Often, sheriffs' departments are among those most eager to become involved in immigration enforcement partly because sheriffs are elected and more responsive to popular opinions (Major Cities Chiefs Association, 2006, 2013; Major County Sheriff's Association, n.d.; National Sheriff's Association, 2013; Police Executive Research Forum, 2012: xi; Varsanyi et al., 2012: 144).[25] Second, we used a necessarily blunt indicator to identify those LEAs that are more likely to embrace the immigration consequences of arrests: Perhaps limiting analysis to police departments in mayor-council cities in Republican counties, following Lewis et al. (2013), and those that police populations with a high share of foreign born would produce different results. Limiting the set of relevant LEAs in this way converts the investigation into one of a localized, rather than a widespread, phenomenon. Future research would benefit from less expansive geographic coverage but with more

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24. Our analysis on the individual crime arrest rates, which is not reported here, also fails to detect any statistically significant effects.

25. For example, in a survey of 489 LEAs (roughly 50% police departments and Sheriffs' Offices), Varsanyi et al. found that "[w]hereas more than half of city police chiefs (52 percent) agree or strongly agree that 'gaining the trust of unauthorized immigrants is a priority in my department,' less than one-third of sheriffs (31 percent) agree with this statement" (2012: 145). Likewise, sheriffs' organizations such as the National Sheriff's Association and the Major County Sheriff's Association have publically supported local involvement in enforcement (Major County Sheriff's Association, 2013; National Sheriff's Association, 2013), whereas police organizations such as the Major Cities Chiefs Association have been more ambivalent and have tended to oppose involvement (Major Cities Chiefs Association, 2006, 2013).

finely grained data to allow researchers to grapple with the program's effects without losing statistical power.

Finally, policy makers should be mindful of the nontrivial difficulties inherent in the task of detecting any discriminatory policing that might result from greater police involvement in immigration enforcement. In particular, our analysis is limited by unreliable reporting across LEAs of arrests for the most minor offenses. Similarly, as noted, we cannot investigate reallocations of arrests to target Latino individuals from other *White* suspects, which requires reliable recording of arrestees' ethnicity. Such data, which are likely to be increasingly available in the future, cannot be made available retrospectively. This limitation complicates the federal government's claims that its own monitoring efforts will guard against problematic profiling by LEAs, and the risk of unidentified such consequences must remain a cost of involving local LEAs in immigration enforcement.

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Appendix

Cities Under Analysis

Anchorage, AK	Escondido, CA	Palmdale, CA	Joliet, IL	Springfield, MO	Portland, OR	Lewisville, TX
Fayetteville, AR	Yorba Linda, CA	San Mateo, CA	Aurora, IL	Columbia, MO	Salem, OR	Amarillo, TX
Little Rock, AR	Redondo Beach, CA	Oakland, CA	Rockford, IL	Kansas City, MO	Beaverton, OR	Laredo, TX
Fort Smith, AR	Hayward, CA	Victorville, CA	Bloomington, IN	St. Joseph, MO	Gresham, OR	El Paso, TX
Tempe, AZ	West Covina, CA	Thousand Oaks, CA	South Bend, IN	Billings, MT	Medford, OR	North Richland Hills, TX
Tucson, AZ	Fullerton, CA	Ontario, CA	Indianapolis, IN	Wilmington, NC	Eugene, OR	Ogden, UT
Phoenix, AZ	Union City, CA	Bakersfield, CA	Fort Wayne, IN	High Point, NC	Hillsboro, OR	Provo, UT
Gilbert, AZ	Orange, CA	Richmond, CA	Hammond, IN	Fayetteville, NC	Allentown, PA	West Valley, UT
Mesa, AZ	Alameda, CA	Los Angeles, CA	Muncie, IN	Charlotte-Mecklenburg, NC	Philadelphia, PA	West Jordan, UT
Scottsdale, AZ	Fontana, CA	Sunnyvale, CA	Lawrence, KS	Fargo, ND	Bethlehem, PA	Salt Lake City, UT
Peoria, AZ	Baldwin Park, CA	San Francisco, CA	Wichita, KS	Omaha, NE	Reading, PA	Layton, UT
Chandler, AZ	Lancaster, CA	Santa Rosa, CA	Lexington, KY	Lincoln, NE	Pittsburgh, PA	Alexandria, VA
Yuma, AZ	Daly City, CA	Buena Park, CA	Baton Rouge, LA	Paterson, NJ	Scranton, PA	Newport News, VA
Glendale, AZ	Vista, CA	Oxnard, CA	Kenner, LA	Passaic, NJ	Erie, PA	Portsmouth, VA
Chula Vista, CA	Santa Monica, CA	San Marcos, CA	Lafayette, LA	Jersey City, NJ	North Charleston, SC	Roanoke, VA
Salinas, CA	Vacaville, CA	Santa Clara, CA	Lafayette, LA	Union City, NJ	Charleston, SC	Norfolk, VA
Temecula, CA	Pleasanton, CA	San Jose, CA	New Orleans, LA	Newark, NJ	Columbia, SC	Richmond, VA
Sacramento, CA	Chino Hills, CA	Clovis, CA	Shreveport, LA	Camden, NJ	Sioux Falls, SD	Hampton, VA
Burbank, CA	Tracy, CA	Garden Grove, CA	Quincy, MA	Trenton, NJ	Rapid City, SD	Virginia Beach, VA
Visalia, CA	Rialto, CA	Chino, CA	Lynn, MA	Elizabeth, NJ	Murfreesboro, TN	Everett, WA
Arcadia, CA	Hawthorne, CA	Apple Valley, CA	Brockton, MA	Las Cruces, NM	Memphis, TN	Kent, WA
Oceanside, CA	Moreno Valley, CA	Long Beach, CA	Fall River, MA	Albuquerque, NM	Clarksville, TN	Tacoma, WA
El Cajon, CA	Pomona, CA	Fort Collins, CO	Lowell, MA	Rio Rancho, NM	Nashville, TN	Bellingham, WA
Newport Beach, CA	Torrance, CA	Colorado Springs, CO	Somerville, MA	Reno, NV	Chattanooga, TN	Seattle, WA
Tustin, CA	Westminster, CA	Aurora, CO	Springfield, MA	Sparks, NV	Knoxville, TN	Vancouver, WA
Hemet, CA	Whittier, CA	Denver, CO	Lawrence, MA	Henderson, NV	San Antonio, TX	Bellevue, WA
Irvine, CA	Lakewood, CA	Thornton, CO	Cambridge, MA	Las Vegas, NV[a]	Longview, TX	Spokane, WA

Appendix

Continued

Santa Clarita, CA	Antioch, CA	Lakewood, CO	New Bedford, MA	Mount Vernon, NY	Round Rock, TX	Federal Way, WA
Costa Mesa, CA	Roseville, CA	Bridgeport, CT	Worcester, MA	Syracuse, NY	Austin, TX	Green Bay, WI
Hesperia, CA	Compton, CA	Danbury, CT	Baltimore, MD	Yonkers, NY	Denton, TX	Madison, WI
Livermore, CA	Anaheim, CA	Stamford, CT	Southfield, MI	Albany, NY	Waco, TX	Appleton, WI
Mountain View, CA	San Bernardino CA	Norwalk, CT	Farmington Hills, MI	New Rochelle, NY	Arlington, TX	Milwaukee, WI
Fresno, CA	Inglewood, CA	New Britain, CT	Warren, MI	Rochester, NY	Corpus Christi, TX	Racine, WI
Corona, CA	Chico, CA	Waterbury, CT	Detroit, MI	Buffalo, NY	Sugar Land, TX	Kenosha, WI
Stockton, CA	Alhambra, CA	Hartford, CT	Sterling Heights, MI	Cleveland, OH	Killeen, TX	Waukesha, WI
Rancho Cucamonga, CA	South Gate, CA	Washington, DC	Livonia, MI	Akron, OH	Mcallen, TX	
San Diego, CA	Redding, CA	Athens-Clarke County, GA	Grand Rapids, MI	Youngstown, OH	Bryan, TX	
San Leandro, CA	Pasadena, CA	Savannah, GA	Westland, MI	Dayton, OH	Odessa, TX	
Concord, CA	Carson, CA	Atlanta, GA	Ann Arbor, MI	Columbus, OH	Plano, TX	
Berkeley, CA	Merced, CA	Augusta-Richmond, GA	Flint, MI	Cincinnati, OH	Wichita Falls, TX	
El Monte, CA	Redlands, CA	Columbus, GA	Lansing, MI	Parma, OH	Tyler, TX	
Folsom, CA	Fremont, CA	Waterloo, IA	Wyoming, MI	Lorain, OH	Abilene, TX	
Santa Barbara, CA	Simi Valley, CA	Cedar Rapids, IA	Kalamazoo, MI	Toledo, OH	Lubbock, TX	
Turlock, CA	Riverside, CA	Iowa City, IA	Rochester, MN	Edmond, OK	Beaumont, TX	
Santa Ana, CA	Norwalk, CA	Des Moines, IA	Bloomington, MN	Lawton, OK	Carrollton, TX	
Fairfield, CA	Huntington Beach, CA	Sioux City, IA	Plymouth, MN	Tulsa, OK	Mckinney, TX	
Modesto, CA	Downey, CA	Davenport, IA	Duluth, MN	Oklahoma City, OK	Midland, TX	
Redwood City, CA	Milpitas, CA	Boise, ID	Independence MO	Broken Arrow, OK	San Angelo, TX	
Mission Viejo, CA	Bellflower, CA	Nampa, ID	St. Louis, MO	Norman, OK	Brownsville, TX	
Carlsbad, CA	Glendale, CA	Naperville, IL	Lee's Summit, MO	Bend, OR	Fort Worth, TX	

[a] Las Vegas Metro Police Department is the law enforcement agency responsible for both the city of Las Vegas and Clark County, NV.

Secure or Insecure Communities?

Seven Reasons to Abandon the Secure Communities Program

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The study "Immigration Enforcement, Policing, and Crime: Evidence from the Secure Communities Program" by Treyger, Chalfin, and Loeffler (2014, this issue) is a welcome addition to the literature, and one that is timely. Importantly, the study investigates the effects of the Secure Communities program on local crime rates and on the arrest behavior of municipal police agencies across the United States. As described by Treyger et al., Secure Communities is a program launched by the federal government to improve the efficiency of interior immigration enforcement and to enhance the capacity for targeting deportable individuals with criminal convictions, referred to as "criminal aliens." In particular, Secure Communities provides a system that automatically transmits and checks fingerprints against the Department of Homeland Security's (DHS) Automated Biometric Identification System (IDENT), which contains information on known immigration violators, known and suspected terrorists, and "criminal aliens," among others. A fingerprint match prompts Law Enforcement Support Center (LESC) officers from Immigration and Customs Enforcement (ICE) to investigate, determine the individual's immigration status, and forward their conclusion to the relevant ICE field office. If ICE decides to take action, a detainer is issued to the law enforcement agency requesting that the individual be detained for up to 48 hours so that ICE can assume custody.

Secure Communities is unprecedented in scope. Since its inception in 2008 with just 14 jurisdictions, Secure Communities has expanded to all 3,181 jurisdictions within 50 states, the District of Columbia, and five U.S. territories. Full implementation was

achieved on January 22, 2013. From the beginning, proponents have maintained that Secure Communities enables a more efficient system for identifying "criminal aliens," and they have predicted that the program will reduce the risk that law enforcement agencies will release dangerous and deportable "criminal aliens" into the community, thereby enhancing public safety. Have their predictions borne out?

According to the findings of Treyger et al. (2014), they have not. As the authors empirically demonstrate, "There are no statistically discernible effects of activation on any category of crime under analysis . . . the program is associated with reductions in murder, rape, larceny, and motor vehicle theft that are well less than 1%. Effects on burglary and aggravated assault are somewhat larger but not significant at conventional levels." Treyger et al. further show that the size of the immigrant population in the jurisdiction does not alter this finding, as jurisdictions with relatively higher shares of foreign-born residents did not experience statistically discernible reductions in their crime rates after activation and neither did jurisdictions with medium and low shares of foreign-born residents. They conclude that "[t]he absence of any detectable influence on these common index crimes bears on the controversy surrounding Secure Communities because it is these crimes, rather than other more minor violations, that truly threaten public safety." Notably, these findings are consistent with another recent empirical investigation of Secure Communities (Cox and Miles, 2013) and related studies on the effects of local involvement in immigration law enforcement more generally (Kirk, Papachristos, Fagan, and Tyler, 2012; Koper, Guterbock, Woods, Taylor, and Carter, 2013).

Collectively, these findings raise serious doubt about whether Secure Communities can deliver on its promises. Given a lack of effectiveness, should Secure Communities be abandoned? My answer is unequivocally "yes." Yet the findings of this study alone do not justify my answer to this question. There are several additional reasons—seven to be precise— that inform my response. These are as follows: (1) The assumptions upon which Secure Communities was founded are flawed; (2) Secure Communities is unnecessary; (3) Secure Communities does not target the right offenders; (4) Local law enforcement officials have not embraced Secure Communities; (5) Secure Communities creates insecure communities; (6) Secure Communities may increase instances of racial profiling and pretextual arrests; and (7) Secure Communities is associated with significant human costs. In the remainder of this essay, I discuss these reasons but not before first describing the broader context in which Secure Communities operates—the devolution of immigration enforcement.

Devolution of Immigration Enforcement

Over the last few decades, state and local police have faced increasing demands to become more involved in enforcing immigration laws in their communities, something to which they had not been accustomed. Historically, immigration enforcement was left to the federal government. But starting in the 1990s, legislation was introduced to create closer ties between local police departments and federal officials tasked with immigration enforcement.

In 2002, the Bush Administration's Office of Legal Counsel issued a memorandum claiming that local law enforcement officials have "inherent" authority to make arrests for civil immigration violations, overturning earlier interpretations of federal law that had denied local police such authority. Local officials became empowered—and were strongly encouraged—to police immigration in their communities (Kubrin and Trager, 2014), thus marking the beginning of the "devolution of immigration enforcement" (Koulish, 2010; Provine, Varsanyi, Lewis, and Decker, 2012; Varsanyi, Lewis, Provine, and Decker, 2012).

The Secure Communities program is but one of several recent devolution efforts. Other, perhaps more widely known, initiatives include the Criminal Alien Program (CAP), which provides ICE-wide direction and support in the identification, arrest, and removal of priority "criminal aliens" who are incarcerated within federal, state, and local prisons and jails as well as at-large "criminal aliens" who have circumvented identification; 287(g) partnerships, which authorize federal authorities to deputize local law enforcement agencies to perform tasks such as screening individuals for their immigration status, issuing detainers to hold potential violators, and issuing charging documents that initiate removal proceedings; and senate bills such as Arizona's SB 1070 (2010), which makes it a misdemeanor for undocumented immigrants to be within Arizona state lines without legal documents, requires authorities to investigate an individual's immigration status during an arrest when there is "reasonable suspicion" that an individual is undocumented, and allows state and local police to detain anyone they believe is in the country illegally.[1] Secure Communities further expands and deepens the interpenetration of local criminal law enforcement and federal immigration enforcement.

Advocates describe these programs and partnerships, Secure Communities included, as a "force multiplier" to enhance interior enforcement by federal officials. But critics state these initiatives have led to the criminalization of undocumented immigrants (or "crimmigration," a term coined in 2008 by law professor Juliet Stumpf) given that prior to their enactment, being in the United States illegally was not considered a crime but a civil offense. Augmenting this criticism is the key finding of this study: Secure Communities does not seem to offer measurable public safety benefits. In the next section, I build

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1. SB 1070 (2010) has generated copycat laws such as Georgia's HB 87 (2011), which requires private employers to use an employment eligibility verification system, provides authority for law enforcement officers to enforce federal immigration laws, and provides for the verification of the immigration status of foreign nationals; Florida's HB 1C (2010), which makes it unlawful for undocumented immigrants in Florida to apply for work or work as an independent contractor and forbids employers from hiring immigrants if they are aware of illegal status; and Alabama's HB 56 (2011), the harshest law yet, which prohibits police officers from releasing an arrestee before their immigration status is determined, does not allow undocumented immigrants to receive any state benefit, prohibits them from enrolling in public colleges and applying for work or soliciting work in a public space, prohibits landlords from renting property to undocumented immigrants and employers from hiring them, and requires residents to prove they are citizens before they become eligible to vote.

on this conclusion and offer seven (additional) reasons why we should abandon Secure Communities.

Seven Reasons to Abandon the Secure Communities Program

#1: The Assumptions upon which Secure Communities Was Founded Are Flawed

On ICE's official website, which describes the purpose and rationale for Secure Communities, is written the following: "ICE is focused on smart, effective immigration enforcement that prioritizes efforts to identify and remove criminal aliens and others who pose a threat to public safety." Furthermore, "[o]ne important tool that ICE relies upon to advance this priority is Secure Communities, which uses an already-existing federal information-sharing partnership to identify and remove aliens who pose a threat to public safety" (ice.gov/secure_communities/get-the-facts.htm). Two assumptions underlying Secure Communities (and the related programs and partnerships discussed earlier) are that immigrants, and especially undocumented immigrants, are more crime-prone than the native born and that immigration to an area is likely to cause crime rates to rise. These assumptions also pervade public discourse on crime and immigration, and they have for decades (Hagan, Levi, and Dinovitzer, 2008: 96; Rumbaut and Ewing, 2007: 3).

Yet the empirical evidence on the crime–immigration link shows otherwise. First, research consistently has documented that immigrants are less crime-prone than their native-born counterparts (Hagan and Palloni, 1999). In their extensive review of the literature, Martinez and Lee (2000: 496) concluded, "The major finding of a century of research on immigration and crime is that . . . immigrants nearly always exhibit lower crime rates than native groups." Studies also have shown that immigrants are arrested and incarcerated at lower rates than the native-born (Butcher and Piehl, 1998; Sampson, Morenoff, and Raudenbush, 2005). Rumbaut and Ewing (2007), for example, reported that among U.S. males 18–39 years of age, the incarceration rate for the native-born (3.5%) is five times higher than the rate for immigrants (0.7%) and further suggested that "data from the census and other sources show that for every ethnic group without exception, incarceration rates among young men are lowest for immigrants, even those who are the least educated" (p. 1; see also Portes and Rumbaut, 2006: 194–197).

Second, a robust body of research at the aggregate level has found that neighborhoods and cities with higher concentrations of immigrants have lower rates of crime, all else equal (Akins, Rumbaut, and Stansfield, 2009; Chavez and Griffiths, 2009; Desmond and Kubrin, 2009; Feldmeyer and Steffensmeier, 2009; Graif and Sampson, 2009; Lee, Martinez, and Rosenfeld, 2001; MacDonald, Hipp, and Gill, 2013; Martinez, Lee, and Nielsen, 2004; Martinez, Stowell, and Cancino, 2008; Martinez, Stowell, and Lee, 2010; Nielsen, Lee, and Martinez, 2005; Nielsen and Martinez, 2009; Sampson et al., 2005; Stowell and Martinez, 2007, 2009). As indicated by the extensive list of studies just cited, the consistency with which this finding emerges in the literature is stunning.

Finally, a growing body of research has documented that increases in immigration may have been responsible, in part, for the crime decline that began in the early 1990s (MacDonald et al., 2013; Martinez et al., 2010; Ousey and Kubrin, 2009; Stowell and Martinez, 2009; Wadsworth, 2010).

As a result of data limitations—specifically, because information on legal status is not collected by law enforcement agencies—one cannot determine with absolute certainty the extent to which these findings apply to undocumented immigrants in particular. Yet there are sound reasons to believe that crime and undocumented immigration do not go hand and hand as many people believe. First, the finding that immigrants are less criminally involved than their native-born counterparts has been documented in studies using different sources of data, including official data, victimization surveys, and self-report surveys, which suggests a triangulation of sorts. And second, because of migratory flows, documented and undocumented immigrants tend to co-locate such that low-crime areas are likely to contain both documented and undocumented residents.

Although for many it is inconceivable that immigrants commit less crime and that immigrant communities are some of the safest places around, criminologists have several explanations to account for such findings. These include immigrant selection effects, immigration revitalization, ethnic enclaves, employment and ethnic entrepreneurship, and family structure (see Kubrin and Ishizawa, 2012: 150–154, for a review of these explanations). In sum, assumptions that immigrants in general, and immigrant "criminal aliens" in particular, pose a distinct threat to public safety fly in the face of empirical evidence that strongly suggests otherwise.

#2: Secure Communities Is Unnecessary

According to ICE, "record numbers of criminal aliens have been removed, with Secure Communities playing a key role in ICE's ability to fulfill this public safety priority. Between October 2008 and October 2011, the number of convicted criminals that ICE removed from the United States increased 89 percent, while the number of aliens removed without criminal convictions dropped by 29 percent. These trends are due in significant part to the implementation and expansion of Secure Communities" (ice.gov/secure_communities/). In fact, Secure Communities is only responsible for a very limited percentage of ICE's total removals and returns, a point ICE concedes later on its webpage. In contrast to ICE's claim regarding the central importance of Secure Communities in carrying out their mission, I argue Secure Communities is unnecessary.

As Treyger et al. (2014) note in their study, there is little compelling evidence that serious threats to public safety would have remained at large but for Secure Communities. They suggest prior programs aimed at identifying and deporting "criminal aliens" before they are released into the community may have been imperfect but had been effective and were improving for at least a decade prior to the launch of Secure Communities. As

such, Treyger et al. argue that a sizable subset of individuals removed as a result of Secure Communities would have been identified regardless.

This argument is certainly persuasive if one considers the wide-ranging policies and practices associated with devolution that go beyond Secure Communities, including those noted earlier as well as others introduced to prevent undocumented immigrants from coming to the United States in the first place. There has been dramatic growth in government spending on immigration enforcement generally. Spending for the federal government's two main immigration enforcement agencies—U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement (ICE, formerly INS)—surpassed $17.9 billion in fiscal year 2012, a figure that exceeds by 24% the government's total spending for all its other principal criminal federal law enforcement agencies *combined* (e.g., FBI, DEA, Secret Service, U.S. Marshals Service, and ATF, which stood at $14.4 billion) (Meissner, Kerwin, Chisthi, and Bergeron, 2013: 16). This funding has created a variety of initiatives that, in one way or another, seek to identify and deport undocumented immigrants generally and "criminal aliens" specifically—consistent with the aims of Secure Communities. This includes visa controls and travel screening, new and linked data systems such as IDENT (fingerprints), workplace enforcement (E-verify), criminal prosecutions for immigration-related violations, and of course, detention and deportation.

My point is that long before Secure Communities came into existence, the United States created programs and policies aimed at both identifying and deporting "criminal aliens" before they were released into the community and preventing undocumented immigrants from entering the United States. It is not at all surprising, then, that the current level of immigrant deportation is the highest it has ever been in U.S. history, creating what some have referred to as a "deportation nation" (Kanstrom, 2007). Figures from DHS reveal that annual removals of immigrants doubled between 2001 and 2010 to almost 400,000 (Office of Immigration Statistics, 2011). Perhaps more telling, this record deportation level comes at a time when the rate of immigrants coming to the United States illegally has dropped to a 40-year low, resulting in part from the sluggish economy. Secure Communities is unnecessary.

#3: Secure Communities Does Not Target the Right Offenders

As noted, proponents of Secure Communities predict the program will generate a substantial increase in the number of dangerous "criminal aliens" identified and reduce the risk that law enforcement agencies will release these individuals into the community. Note the emphasis on "dangerous" criminal aliens. The implication is that Secure Communities will target serious offenders who would pose a threat to public safety if left unidentified.

Who, in fact, is being targeted by Secure Communities? Are those identified by the program serious offenders posing a significant threat to public safety? According to the study, the program has not removed "criminal aliens" who have committed serious crimes such as assault and robbery. Rather, Treyger et al. (2014) discover that Secure Communities

has removed the pettiest of violators. Figure 1 in their article is instructive. Comparing the share of all "criminal aliens" convicted for specific crime categories from 2004 through 2012, the figure reveals that the most marked expansion in removals has been occurring among the less serious crimes. Treyger et al. state, "The most radical expansion from the pre– to post–Secure Communities is in removals of those convicted of criminal traffic offenses, which made up 23.1% of all criminal removals in 2013, up from 15.8% in 2009." Patterns such as these have drawn criticism on the overly liberal application of the "criminal alien" label to people with traffic or other minor convictions (Stepick, 2013: 7).

In short, then, although Secure Communities enables the identification of undocumented immigrants arrested for a minor crime but with prior serious convictions, the program also sweeps in individuals committing only minor violations, first-time arrestees without a criminal record, and even those wrongfully arrested (Treyger et al., 2014). The expansion of the criminal-alien net to catch these offenders does not promise a boost to public safety.

#4: Local Law Enforcement Officials Have Not Embraced Secure Communities

Unlike other policies and programs associated with devolution of immigration enforcement, Secure Communities requires mandatory participation and prohibits law enforcement agencies from "opting out" of the program—even as many jurisdictions have sought to do so (Aguilasocho, Rodwin, and Ashar, 2012: 5; Denerstein, 2011; Quinn, 2011). This is quite telling.

Since the start of devolution, law enforcement agencies across the country have expressed concerns about being drawn into immigration enforcement, and for very good reasons (see point #5). To understand better how local police executives have responded to devolution, researchers distributed questionnaires to police chiefs in large- and medium-sized U.S. cities (Provine et al., 2012). Findings from their study reveal a high degree of variation in local responses to federal devolution of immigration-enforcement responsibilities; although most (roughly 75%) answered that they have no formal agreement with the agency but do contact ICE when holding suspected unauthorized immigrants for criminal violations, very few (less than 5%) had a Memorandum of Understanding with ICE (a 287[g] agreement) to help manage incarcerated inmates and work with ICE on investigations and arrests for (civil) immigration violations. Thirteen percent responded that they "do not participate or assist in ICE immigration enforcement activities" in any way. What emerges from this snapshot of police chiefs' perceptions is that municipalities have not, in general, acted forcefully to direct their police departments toward greater engagement with immigration enforcement.

For many law enforcement officials, devolution is less than desirable. The increasing involvement in policing immigration runs at cross-purposes with community policing and other strategies to engage more closely with the community (Kubrin and Trager, 2014: 535). Police require the trust and cooperation of residents, including immigrants, to do

their job effectively (Fagan and Meares, 2008; Kirk et al., 2012; Skogan and Frydl, 2004). For example, police rely on the willingness of victims and bystanders to cooperate with investigations. To gain this cooperation, the police must remain in close and trusted contact with community members.

Developing trust and cooperation was a hallmark of policing prior to devolution, as community policing was adopted in communities throughout the United States. For decades, this approach helped make law enforcement officials more responsive to particular issues facing local communities, including immigrant communities, through regular channels for civic engagement and special arrangements for reaching out to immigrant groups (see Skogan, 2009, for an example of this in Chicago). Many, including law enforcement officials themselves, worry that devolution is eroding decades of progress that police officers worked hard to achieve under community policing. As officers increasingly occupy the role of "immigrant enforcers," a breakdown in trust is likely to occur and produce a "chilling effect" in the local immigrant community (Khashu, 2009). Residents are left wondering, "Who is the police?" and "Who is la migra?" And if local police visibly join the ranks of immigration enforcement officials, residents may just stop talking to them all together (Kubrin and Trager, 2014: 536). Immigrants' greatest fear is that contact with local authorities will somehow threaten their status in the United States. In sum, then, shifting the responsibility for enforcing immigration laws to local police puts at risk the decades-long investment they have made in community policing and trust building. For this reason alone, many law enforcement agencies rebuff the Secure Communities program even as they are required to comply.[2]

5: Secure Communities Creates Insecure Communities

But more is at risk with devolution. As Treyger et al. (2014) argue, if drawing local law enforcement agencies into immigration alienates residents, it may undermine the effectiveness of criminal law enforcement generally and harm public safety in the end. The irony is

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2.   Many cities have challenged compliance, joining the ever-growing list of sanctuary cities. Sanctuary cities are cities and towns where local officials have pushed back against the enforcement priorities of the federal government, and even the demands of their state legislatures, and have continued to emphasize the role of the police in serving all residents (Skogan, 2009). In Skogan's (2009: 198) words: "When it comes to policing, what supposed sanctuary cities have in common is that their police have been instructed to make enforcement of immigration laws a very low priority. They do not participate in the 287(g) program. They may not ask apparent immigrants about their status or even place of birth, perhaps even when they arrest them. They frequently prohibit officers from inquiring about citizenship when they apprehend them for minor traffic offenses or misdemeanors. They do not immediately turn people with suspect documentation over to federal immigration authorities. They do not make arrests based on immigration holds placed in the national "wanted persons" database. They certainly do not make inquiries about the status of crime victims or people they interview during investigations." Although continually evolving, the list of sanctuary cities includes such well-known places as New York, San Francisco, Houston, Austin, Los Angeles, Portland, Baltimore, Minneapolis, and San Diego. A comprehensive and up-to-date list can be accessed at ojjpac.org/sanctuary.asp.

that in response to Secure Communities and related practices and policies, immigrants may adjust their crime-reporting behavior rather than their criminal behavior. If immigrants fear police contact, they may choose not to report any crime or victimization to law enforcement authorities (Hennessey, 2011; Theodore, 2013), something that police officers themselves acknowledge. Decker, Lewis, Provine, and Varsanyi (2009), for example, found that most U.S. police chiefs they interviewed believed that immigrants were less likely to contact police as victims of, or witnesses to, a crime if they understood that local officers were authorized to enforce federal immigration law. And the Task Force on Secure Communities (2011) conceded that one of the unintended consequences of local officers holding immigrants on federal detainers is a reduction of immigrants' trust in the local police and the disruption of police-community relationships (see also Romney and Chang, 2012).

It has long been documented that immigrants, compared with the native-born, are less likely to contact the police for assistance and report victimization to local law enforcement officers even when the victimization is serious (Davis and Hendricks, 2007; Horowitz, 2001; Menjivar and Salcido, 2002). Findings from a National Institute of Justice–sponsored survey and from selected site visits in immigrant communities across the United States show that compared with other crime victims, immigrants face unique pressures in deciding to cooperate with local law enforcement authorities after victimization (Davis and Erez, 1998). Reasons for underreporting include possible embarrassment to families, language difficulties, cultural differences in conceptions of justice, and a lack of knowledge of the criminal justice system (Davis and Erez 1998: 3–4). Yet fear of becoming involved with authorities tops the list of reasons why victimized immigrants are reluctant to turn to the police for help. With immigrants already hesitant to seek help after victimization, underreporting is likely to become especially problematic in communities where local law enforcement officials actively police immigration. The Secure Communities program may thus exacerbate victims' vulnerability and alienation, increase crime and violence, and create insecure rather than secure communities.

#6: Secure Communities May Increase Instances of Racial Profiling and Pretextual Arrests

One of the most oft-repeated criticisms associated with Secure Communities and other devolution policies and practices centers on the potential abuses that may result from increased discretion among local law enforcement officers (American Civil Liberties Union, 2012; Cox and Miles, 2013; Gonzales, 2011; Heffernan, 2011; Kohli, 2011). Topping the list is unconstitutional discriminatory policing. As Treyger et al. (2014) mention, law enforcement agencies and individual officers who prefer a more aggressive immigration enforcement regime might be motivated to make arrests for offenses that otherwise would be deemed too petty, or unsubstantiated by probable cause, with the intention that the arrestee be screened through IDENT.

To be fair, Treyger et al. (2014) did not find evidence of discriminatory policing. The authors note, "As for the concerns that Secure Communities will lead to discriminatory policing, as far as we can tell, activation of the data sharing system did not lead to widespread increases in arrests for any crimes or crime categories, or to increases of arrests of White suspects relative to Black suspects." Yet as they also admit, the absence of ethnicity-specific arrest data across a large set of law enforcement agencies presents an important limitation to the study. In particular, Treyger et al. could not detect any reallocation of arrests from non-Hispanic Whites to Hispanic Whites, which would be suggestive of discriminatory policing. Thus, firmer conclusions about the fears of racial profiling must await analysis of jurisdictions that record and make available such data. In the meantime, we cannot rule out the possibility that Secure Communities may increase instances of racial profiling and pretextual arrests.

#7: Secure Communities Is Associated with Significant Human Costs

Besides the fact that Secure Communities does not target the right offenders (see point #3), we often forget that the individual being deported is not the only one affected by his or her removal. The innocent victims of deportation are the remaining family members and especially the deportee's children. The Urban Institute conducted a study that assessed the impact of immigration workplace raids (a major source of deportation) on children and families. The results were striking. For every two immigrants apprehended in the raid, one child was left behind (Capps, Castaneda, Chaundry, and Santos, 2007). Significant human costs are associated with this reality.

First, some of these children are placed in foster care. The Applied Research Center (2011) estimated that as of 2011, at least 5,100 children currently living in foster care were there because parents had been detained or deported. This number is expected to triple by 2015. Once placed in foster care, the children of immigrants must make the adjustment to adulthood without the guidance of their families or (often) other members of the immigrant community to which they had previously belonged (Kubrin and Trager, 2014: 534). This places them at greater risk for delinquency (Portes and Rumbaut, 2001, 2006).

Second, many of these children are raised in single-parent households. Not surprisingly, there is increased economic struggle as deportees are typically male and the breadwinners in their families. Moreover, research old and new has found that the children of immigrants often have difficulty adjusting to life in their country of residence and are at risk for antisocial and delinquent behaviors even when both parents are present (Morenoff and Astor, 2006; Taft, 1933; Tonry, 1997). Yet children who grow up with strong familial support tend to adjust better to life in their new country, whereas children who lack this support, in some cases because a parent is deported, are more likely to deemphasize their cultural heritage and adopt new lifestyle patterns. Such "assimilated" youth are at an increased risk for delinquency (Lee, 1998; Portes and Rumbaut, 2006; Rumbaut and Ewing, 2007; Zhou

and Bankston, 2006). This cultural dissonance only increases if a child views the detained or deported parent as a failed immigrant or as a criminal (Dreby, 2012).

A third human cost is the psychological trauma children experience as a result of having a parent or both parents deported. The Urban Institute report referenced earlier (Capps et al., 2007: 4) identified a range of emotional problems children suffer including anxiety, depression, and stress: "After the arrest or disappearance of their parents, children experienced feelings of abandonment and showed symptoms of emotional trauma, psychological duress, and mental health problems. . . . The combination of fear, isolation, and economic hardship induced mental health problems such as depression, separation anxiety disorder, post-traumatic stress disorder, and suicidal thoughts." Unfortunately, often as a result of the fear of possible consequences in asking for assistance and barriers to accessing services, the report stated that few children sought or received any mental health care. These are among the many significant costs associated with Secure Communities.

Conclusion

In June 2011, Representative David Price of North Carolina, a ranking member of the U.S. House of Representatives' Appropriations Subcommittee on Homeland Security, had this to say about Secure Communities: "[Secure Communities] does draw that bright line between the federal role and the local role in immigration enforcement, . . . I believe it can accomplish the task more efficiently to identify and remove dangerous criminals from our communities, which I think we very widely agree should be the main priority of immigration enforcement" (157 Cong. Rec. H3947–48 [daily ed. June 2, 2011, statement of Rep. David Price]). Although I agree with Rep. Price that removing dangerous criminals from our communities should be a main priority of immigration enforcement, I disagree that Secure Communities offers an effective route to achieve this. As Treyger et al. (2014) convincingly show in their study, "Secure Communities has had no unambiguous beneficial effects" in enhancing public safety in jurisdictions across the United States. In fact, as I have argued here, the program may be doing more harm than good. It is time to abandon Secure Communities.

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The Reality of the Secure Communities Program

Are Our Communities Really Becoming Safer?

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The founders of American criminology focused on the consequences of immigration in Chicago communities at the start of the last century (Shaw and McKay, 1969 [1942]). They argued that urban social problems associated with immigration, including urbanization and industrialization, meant more crime because newcomers weakened community organization. Although a lot has changed since then, little has changed in certain aspects. One change has been the "color" of immigration from European to non-European. Another change that has occurred is the renewed policy interest in immigration over the last the 35 years. That focus, in part, now emphasizes preventing the movement of undocumented immigrants from crossing the border and controlling immigrants in the interior of the United States. Indeed, the logic of current immigration enforcement, legality status notwithstanding, suggests that crime is emerging in areas with growing immigrant populations.

However, does the presence of an immigrant, or by extension Latino, generate more crime? Or, therefore, require more policing? Or even entail the involvement of local police in the enforcement of federal immigration policy? Researchers have consistently found across time that cities and communities with more immigrants have less crime, particularly violent crime. This finding holds in a recent study of neighborhood immigration across a broad range of cities. For example, Peterson and Krivo (2010: 78) reported, "immigration operates to reduce violence and hence is one condition that keeps Latino rates down." Furthermore, Ousey and Kubrin (2009) observed that changes in immigration impacted

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changes in violent crime rates in 159 U.S. cities. Specifically, increases in immigration over time meant decreased violence. That finding held across time in the border city of San Diego, CA. More immigrants meant fewer homicides, including Latino homicide, during the time period of 1980 to 2000. These findings underscore the importance of studying immigration across a variety of contexts. But they do raise a question in our minds: Why do policy makers single out immigrants and, in general, immigrant communities, with additional policing or enforcement in areas that are relatively low in crime?

The purpose of the Secure Communities program is, presumably, to increase interior enforcement of immigration laws, a minor technical offense, for the purpose of community safety. This program is conducted, in part, by local police agencies "sharing" arrestee information to federal immigration officials under the pretense of promoting public safety. Treyger, Chalfin, and Loeffler (2014, this issue) add to this line of research with their study. They investigate the timing effects of Secure Communities activation on city-level crime rates (violent, property, and minor crimes) and the arrest behavior of municipal police agencies. Or, in their words, "leveraging monthly data is desirable in view of the staggered timing of Secure Communities' activation" even if implementation of this immigration enforcement matters little in preventing crime. In the end, they find the program has little impact on serious or minor offenses or even on the behavior of local police.

From our perspective, Treyger et al. (2014) highlight the broader implications of crime in cities with a heavy Latino population presence. There is a large body of literature that has emphasized how cities with more immigrants have less serious crime and that holds true across time. Here, we argue that the consequences of removing undocumented immigrants from their communities is potentially serious, could further disorganize poor but vibrant communities, contribute to family disruption, and does little to decrease crime in an era of declining violence. In the end, are the consequences of removing those "guilty" primarily for minor technical violations greater than the benefits of maintaining community organization, particularly in communities dominated by people of color?

Immigrant Communities Are Relatively Secure

As noted Treyger et al. (2014) make an important contribution to the research literature. Only recently have scholars begun to examine the empirical effects of local involvement in immigration law enforcement in general or to investigate the effects of programs such as Secure Communities specifically. Treyger et al. find little to confirm the most ambitious promises of Secure Communities program's supporters (Department of Homeland Security), or to deny the fears of the program's critics. In other words, Secure Communities has no discernible impact in medium- and large-sized U.S. cities where Latino immigrants are heavily concentrated. Thus, this program relies on support from a local institution, the police, to confirm the legal status of a person typically in high-poverty, high-Latino, high-immigrant but relatively low-violent-crime neighborhoods. In essence, these are municipalities where violence is low and crime has gone down over time, in part a result of the

crime-preventing immigrant characteristics. That is the conundrum to immigrant policing. Although this program accelerates the removal process of "criminal aliens" from local areas, the reality is that it facilitates questionable policing practices, increases distrust in the police by immigrants and Latinos, and could lead to a negative impact on communities with the removal of individuals from their families, particularly in cases where they represent the main source of family income.

Ruth D. Peterson and Lauren J. Krivo's (2010) work on racialized community structures documented the racial concentration of poverty and how other forms of disadvantage contribute to a racial concentration of violence. Although the violent crime data are not disaggregated by race and ethnicity, they permitted analysis of racial structure and crime and, most importantly, of neighborhood immigration. Peterson and Krivo (2010: 78) further reminded us that "it appears that violent crime would be even higher for Latino relative to white neighborhoods if immigration did not work to keep violence down." In fact, the level of immigration in a community *should* be a substantial feature accounting for more Latino crime but instead Latino homicides have declined over time (Martinez, in press). As noted, violence would be even higher without the buffering effects of immigration in Latino communities across the nation. How then does disrupting immigrant communities through immigration enforcement promote public safety?

Even though not directly in line with questions or the processes mentioned, the early research on "immigrant removal" programs has been suggestive. Most have reported that the "criminal foreigners" drawn in by Secure Communities initiatives are demographically similar to the communities they represent. For example, Kohli and Chavez (2013) reported that almost all of the arrestees sent to immigration authorities because of an "encounter" with local law enforcement are mostly males of color and younger than 30 years of age. Most are recent arrivals, have established local roots, started families, and become parents of native-born children in California communities. With the majority found to have a U.S. native-born child, there is increased likelihood of heightened experience of trauma already prevalent among immigrant boys of color residing in low-income communities. This "removal" increases mistrust in police and heightens feelings of fear and anxiety, which are negative outcomes on the social and emotional well-being of children. The consequences of immigration enforcement at the national and community level remain to be seen, but the initial impact appears negative.

As another example, Kohli, Markowitz, and Chavez (2011) described the profile of individuals who have been apprehended through the Secure Communities program and the processes they have encountered as they are channeled through the immigration enforcement system. One particular finding in the report is troubling. That is, approximately 3,600 U.S. citizens have been arrested by the U.S. Immigration and Customs Enforcement (ICE) via this specific program alone. Although ICE recognizes that this could occur for various reasons on their website, such as a delay in updating naturalization records, the agency does not provide any information on apprehended U.S. citizens through Secure Communities.

Accidentally or not, how or why citizens are captured by immigration enforcement does little to promote community trust in the police. Moreover, more than one third of individuals arrested through Secure Communities report having a U.S. citizen spouse or child. That means these "blended families," an estimated 88,000 families with U.S. citizen members, have been disrupted by this specific immigration enforcement program. Clearly individuals are pushed through rapidly in the system, without appropriate checks or opportunities to challenge their detention and/or deportation. Again, these findings suggest that this immigration removal, typically for a minor or technical violation, has an immediate and disruptive impact on noncitizens, citizens, families, and communities alike.

Recall that Secure Communities emphasizes the interior enforcement of immigration laws for the purpose of community safety. Anecdotal evidence points to an increase in community distrust of police, an increase in racial profiling, and a reduction in community safety. What else can we draw from to assist our knowledge of immigration enforcement at the community level? One way to study how local police engage in federal policy enforcement is to draw from a qualitative study in Nashville, TN. Amada Armenta (2012) provided some clues. She described how it is easy for officers to feel proud of protecting the public when they identify a minor offender such as a drunk driver for removal, but it is more difficult to explain why removing a nonviolent misdemeanor offender enhances public safety. Of course, some officers claim their removal is preventative. That is, a misdemeanor offender could commit more serious crimes in the future (Armenta, 2012). Certainly, that claim is not tied to immigration enforcement. Moreover, the Armenta study focused on a different research question, the local implementation of the 287(g) program, a federal policy that permits state, county, or city officers and employees to perform the functions of federal immigration officers, and zeroes in on one community, Nashville-Davidson County, TN.

Nevertheless, the Armenta (2012) article portrayed some officers' guilt at having immigrants processed for removal through the 287(g) program because, despite some contentions by "higher-ups," they have not committed serious crimes. Most of those identified for removal were arrested for misdemeanor crimes such as driving without a license or failing to appear in court. This article also contributed to the nascent body of literature on immigration enforcement by local police. Armenta closed by reminding us that the evolving immigration enforcement landscape also has led to de facto immigration policing. In this case, immigration officers in the Davidson County jail apply federal immigration charges to everyone who is eligible for removal, and it is up to federal immigration officers to decide to intervene and decline to prosecute. In sum, it is not a surprise to note that the targets removed from this community at most engaged in a sea of minor offenses and technical violations. Again, we note in an era of declining violence, why should we expect another finding?

Conclusion

In closing, Armenta (2012: 207) noted, "Since ICE has expanded its interior immigration enforcement strategy of screening immigrants at county jails, the number of unauthorized immigrants who are deported has increased." Even though jail screenings are designed to deport "criminals," in practice they deport almost all unauthorized immigrants who are arrested by local police. As immigration screenings happen in the jail to "criminals," public pressure to provide immigration relief is not particularly effective (Ellermann, 2009). Rarely do immigration officers decline to pursue charges because the removal process is already set in motion. Policies designed to remove immigrants, in particular long-term residents, in communities where they buffer crime might contribute to more crime in the future contradicting the stated policy goals of these programs.

This finding reminds us of recent work by Lyons, Vélez, and Santoro (2013) where they noted that crime is lower in places that facilitated immigration absorption and revitalization (see also Lee, 2013). That is, punitive immigrant policies reduce the positive benefits of immigration in communities across the nation. Policies designed to enforce federal immigration could produce mistrust of local police, create conflict with goals of community policing, and provoke suspicion on the part of newcomers, legal or not, that destroys involvement in everyday life. Policies designed to facilitate immigrant absorption rather than immigration enforcement in the long run makes the nation safer (Martinez, in press).

In the end, the consequences of immigrant enforcement programs are seen in areas with more immigrants, more Latinos, and less Latino violence. This finding reminds us that as the immigrant Latino population grew or expanded, violent crime among Latinos has gone down, in effect, permitting a redistribution of crime-fighting resources. Directly or not, some local police agencies now have the time or need to refocus their attention elsewhere including evolving from local crime control to engaging in federal immigration enforcement. This policy emphasis should be redirected or ended. In fact, Lyons et al. (2013: 624) concluded, "By marginalizing newcomers, creating political cynicism, and instilling mistrust of the police and local authority, hostile regimes may set in motion the very processes they fear." In other words, disrupting immigrant and Latino communities may create more problems than it solves.

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