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Are All Immigrants Criminals?

Societal Perceptions across

Select Social Groups

Catherine F. Tindall

A thesis submitted to the faculty of  
Brigham Young University  
in partial fulfillment of the requirements for the degree of

Master of Science

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## ABSTRACT

### Are All Immigrants Criminals? Societal Perceptions across Select Social Groups

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This study explores the perceptions toward immigrant criminality in Utah of four distinct social groups: state legislators, immigrants, law enforcement personnel, and incarcerated immigrants. Each group was examined separately and found to have a variety of perceptions among their members. Themes emerged that provided insight into the overlap and complexity of these differences across social groups. Legislators appeared the most dichotomous: some believed immigration and crime to be positively correlated, especially for undocumented immigrants, while others perceived no such connection. Among immigrants, perceptions were extremely diverse, but generally represented by reference to an unsubstantiated stereotype that immigrants committed crime at a higher rate than non-immigrants, though there were wide gaps in other areas within this group. For law enforcement, perceptions varied according to social distance and the degree of interaction with immigrants: those officers who dealt more intimately with immigrants had more sympathetic and nuanced perceptions. Incarcerated immigrants represented a diversity of perceptions with complexities similar to those manifested in the immigrant group; but overall, most did not consider themselves to be criminal. Future research is suggested and recommended.

Keywords: crime, perceptions, immigrants, social distance

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Immigration has always been a part of the history of the United States; the history of immigration, however, has shifted significantly over time. Following the conception of this nation, multiple waves of immigrants arrived from western European countries and fought for sovereignty and independence, resulting in the founding and expansion of the United States of America. Recently, immigrants have come not only from a wide variety of source countries, but also predominantly from countries whose citizens are phenotypically different—easier to “notice” or distinguish visually—from the majority of lighter-skinned western Europeans who founded this country over two hundred years ago. As the historic patterns of immigration have shifted over time, it is worth contemplating how the results of these shifts have also changed and how they affect us today.

Immigration has become a major topic in media and legislative discussions lately due to increasing public concern over the blending of new immigrant groups within existing societies. Increased economic strain has also contributed to the recent focus on immigration issues, as many blame economic woes on our failure to enforce immigration policies and permissions to work. Beyond social and economic consequences, many have expressed anxiety over whether growing numbers of immigrants—especially undocumented immigrants—have increased the rate of crime and negatively affected the safety of neighborhoods and schools. Local Minutemen groups have even referred to the substantial influx of undocumented immigrants as an “invasion”—language that suggests violent and/or criminal intentions.

Despite this increased attention in the public sphere, significant discrepancies exist in the research that has emerged concerning whether higher proportions of immigrants really do lead to higher levels of crime. Thus most people are left to rely on limited personal experiences or hearsay, media articles or opinion pieces, and less-than-accurate sources for their own opinion on

the matter. Many assumptions and generalizations about immigrants are based on popular—though unfounded—myths circulated by media or word of mouth (Portes and Zhou 2000). Furthermore, most research and media portrayals of immigrants focus on major destination cities such as Los Angeles, Miami, and New York, leading to generalizations about immigrant communities based on bigger U.S. cities already known for high crime rates.

Utah, in particular, stands out as an interesting case study not only because traditionally it is not considered a popular immigrant destination, but also because of its reputation for lower rates of violent and property crimes in general. The state's reputation also includes a unique religious atmosphere—as the headquarters of The Church of Jesus Christ of Latter-day Saints. I have lived in Utah for many years, completing both my undergraduate and graduate degrees here. I have interacted with many groups of people on the university campus as well as in the community, through volunteer and work opportunities. I wanted to find out how people in Utah feel about immigrants and criminality, and whether there was a perceived connection between the two. Since Utah had not been studied this way previously, my study was to be exploratory and investigative. I was also curious whether specific groups would be united in their perceptions, or whether there would be disagreement and variance within social groups.

Because the study of every social group was beyond the reach of this particular study, the specific groups of people I chose to include were immigrants themselves, incarcerated immigrants, law enforcement personnel, and state legislators (See Appendix A). These groups were the most significant in examining perceptions of immigrants and criminality because they either directly relate to immigrant populations—as immigrants themselves or as law enforcement protecting the community—or can affect immigrant groups through policy and law—as

legislators. This was accomplished through interviews and subsequent analysis of the interviews of members in each of these groups.

Left without a definitive authority to settle the issue, it stands to reason that opinions and perceptions may vary according to one's source of information, individual proximity to, and experiences and interactions with immigrant groups. Law enforcement officers, for example, could have a very different idea of how immigration and criminal behavior are connected than an average immigrant family would. In addition to immigrants and law enforcement, other groups of interest for this study include community and state leaders, and incarcerated immigrants. These groups were chosen because they either have greater direct contact with immigrants or their opinions and actions directly affect immigrant groups (through enforcement and/or policy).

As previously noted, to understand how people feel about a particular group in society, in this case immigrants, it is important to recognize that they can be affected by a wide variety of influences. Before conducting my own research, I looked for similar or related studies to help inform and shape my own investigation. While I found studies that examined and attempted to measure predictors of fear of crime or general perceptions and acceptance levels toward immigrant groups, I was not able to find substantial research in the area of immigrants and criminality together. Furthermore, none of the studies focused on specific groups such as legislators or law enforcement. Nonetheless, I believe their findings can be useful in looking at the broad picture, so I have included a summary of what I found.

First, I will review studies that focused on fear of crime and what characteristics contributed most: inherent individual traits, such as age, gender, class, etc., or external variables, such as exposure to violence in media or neighborhood characteristics. Then, I will focus more specifically on perceptions of immigrants and immigrant groups, including findings on the



influence of social distance. Finally, I will examine the limited group of studies that actually considered perceptions of immigrant criminality.

Though many of the studies I reviewed focused on the causes or the effects of fear of crime or certain perceptions toward other groups, my study focuses on the perceptions themselves, specifically relating to criminality. As part of a research team studying immigration in Utah County, I conducted many interviews with immigrants in the community. Additional interviews were obtained with incarcerated immigrants from visits to the Utah County Jail. I also interviewed law enforcement officers working in Utah County. Finally, legislators' opinions were accessed through news articles with direct quotations, recordings of committee hearings on proposed bills, and a few interviews conducted by another member of the research team.

I used these interviews and data to look for indications and patterns of how they viewed immigrants in relation to crime. I found that perceptions varied greatly even within each group. Legislators seemed to have the most black-and-white division between those who perceived a positive correlation between immigration and crime and those who did not. The immigrant group had a complex and diverse range of perceptions on the issue; however, none of them expressed fear of crime in their neighborhoods, nor did they exhibit a feeling of fear for their own personal safety. Law enforcement officials also represented both sides of the issue, but a pattern emerged suggesting that those who worked more closely and directly with immigrants tended to be more sympathetic and had a more nuanced view. Interestingly, incarcerated immigrants also expressed differing perceptions about whether they considered themselves and their peers in the jail to be criminals or not.

Since the perceptions presented so much diversity within each group, I developed some suggestions for creating or refining measures that may be explored in future research to see if patterns can be predicted or further explained.

## RELEVANT LITERATURE

### *Fear of Crime*

Almost all of the research on perceptions in these areas focused on the general public as a whole, and not on subgroups as in this study. However, many of the studies on fear of crime or perceived risk of victimization divide individuals into groups based on demographic and social characteristics that prove significant in explaining higher reported fear, such as gender, age, race, class, and prior victimization.

Gender, as a variable for explaining fear of crime, is perhaps the most controversial and complex of these demographic traits. It is generally accepted, and supported by most early research, that women are more likely to fear becoming a victim of a crime than men (Lagrange and Ferraro 1989; Haynie 1998; Fox, Nobles, and Piquero 2009; De Donder, Verté, and Messelis 2005). However, numerous studies have countered this commonly held belief by blaming faulty methods, underlying assumptions, or overly simplistic and/or inadequate measures of abstract emotions (Gustafson 1998; Gilchrist et al. 1998; Reid and Konrad 2004).

Gustafson (1998), for example, points out the inconsistencies in findings based on whether the research was conducted qualitatively or quantitatively. Other studies were more specific about the need to recognize the complexities of gender and how different factors affect the way men and women experience fear differently. Schafer, Huebner, and Bynum (2006) compared how different variables impacted feelings of fear across the gender spectrum: for both genders, neighborhood order had the largest effect on perception; but other factors were weighed

differently by men and women. Not surprisingly, when the fear was categorized more specifically by the type of crime, individuals reported higher fear for those crimes which disproportionately victimized their own gender—men reported greater fear than women for crimes that were more likely to victimize men (Reid and Konrad 2004).

Fear is a fluid emotion and perceptions can change over time. Haynie (1998) conducted a study of reported fear over the course of two decades and found that, while overall fear of crime increased between 1974 and 1994, the gender gap actually narrowed as men's fear levels increased and women's fear remained relatively the same. To obtain evidence against the long-held belief that women are more fearful than men, Sutton and Farrall (2005) introduced a “lie scale” into their study to test the influence of social desirability and determined that if the tendency to give socially-desirable answers were corrected for, men may actually prove to be more afraid of crime than women. While gender may play a role in fear, its role is still complex and somewhat circumstantial; although most researchers seem to agree that women experience more fear than men.

Age as a variable in predicting fear is similar to gender in that its role is still debated and complex. Some studies posit that the interaction of age with other variables is significant in explaining fear of crime. For example, physical vulnerability and low income among the elderly increase fear, while neighborhood involvement decreases fear (De Donder et al. 2005). Physical vulnerability seemed to be the most common reason given for why the elderly are more afraid of crime (Ward, LaGory, and Sherman 1986). Moreover, Greve (1998) theorized that because older people are more fearful of crime, they behave more cautiously, which helps explain why they are statistically less frequently victimized. As with gender, however, other studies have emerged with

contradictory evidence showing no significant correlation between age and fear of crime (Lagrange and Ferraro 1989; Chadee and Ditton 2003).

Other demographic variables, such as race and class, can likewise contribute to fear of crime. Often, immigrant groups also fall into these categories by default—they may be in the racial minority or disadvantaged by economic class—but not necessarily in every case. Another key distinction that is not mentioned in any of the studies I found, but which is unique to immigrant groups, is the dilemma and separation by legal status. Thus, these findings were valuable to consider as part of my preparation, but the parallels are not exact.

Racial minorities were more likely to fear crime than whites, ostensibly because they are also more likely to be victims of crimes (Fox et al. 2009). Will and McGrath (1995) used several demographic factors to compare measures of fear. Their findings not only confirmed the significance of gender, age, and race, but also found population density and marital status influenced levels of fear. Most significant, however, and the aim of their study, was to reveal the significance of class or income level for perceptions of personal safety: in all cases, the poor were more likely to report fear than the non-poor.

Another factor to take into consideration is the relative size of the immigrant population. In 2008, researchers in Florida found the relative size of the Latino population to be a significant factor in predicting the fear of crime among white residents (Eitle and Taylor 2008). McLaren (2003) determined that contact—such as friendships between the native majority and immigrants—mediated the fear of crime or perception of safety in areas with high levels of immigration in Western Europe. (Appendix B provides a visual model of some of these factors as well as possible outcomes.)

### *Feelings toward Immigrants*

A fair amount of research considered the relationship between immigrant and non-immigrant groups. In particular, research on social distance was both insightful and relevant. Originally created by Emory Bogardus in 1924, the social distance scale “usually consists of five to seven statements that express progressively more or less intimacy toward the group considered” (Wark and Galliher 2007). The questions ask whether the respondent would accept an individual from a different ethnic group into their family, their neighborhood, as a peer at work, with citizenship in their country, etc. Bogardus' research spanned several decades and found an overall increase in tolerance between 1926 and 1946. Originally, Bogardus used the scale to study the interaction between ethnic groups in his time period, but the scale has been retested by many researchers since then—within the original context of attitudes toward race or ethnicity, as well as in many other fields (Wark and Galliher 2007).

One such replication surveyed almost 3,000 college students in 2001 to find that the spread on the social distance scale had decreased since the last Bogardus-based results in 1977—in other words indicating that tolerance and acceptance had increased among ethnic groups (Parrillo and Donoghue 2005). In another, Weaver (2008) criticized the previous works for using non-representative samples (college students used to generalize to the entire population) and poorly operationalized measures. He modified the original methods and sampling procedure to produce new findings; which, although confirming the general decrease in prejudice over time, brought into question the findings of some previous studies that had listed hierarchical ordering of ethnic groups by preference (Weaver 2008). Many other studies have used the social distance scale as a measure of prejudice and attitudes toward other groups.

In the scope of this study, social distance would obviously not be a relevant factor with consideration to the immigrant and incarcerated immigrant groups; however, it could play a role in the perceptions of law enforcement and legislators. The general tendency toward residential segregation could suggest limited interaction of the latter populations with immigrant groups. On the other hand, their occupations may encourage them to purposefully bridge this gap—for the legislators whose goal is to represent their constituents, and for law enforcement whose goal is to protect them. But just how eagerly or resolutely they seek to decrease their social distance with immigrant groups would probably depend on their foundational beliefs and previous perceptions—making perceptions not only a potential *result* of social distance but also possibly a contributing factor in forming or evolving the individual's perceptions in the first place.

Economic conditions have also been shown to influence feelings toward immigrant groups, such as in a European study where economically vulnerable populations had a stronger preference for residing among culturally homogenous peers (Semyonov, Glikman, and Krysan 2007). In addition, Hjerm's (2009) study of anti-immigrant attitudes in Sweden found the relative size of the immigrant population to be insignificant, but economic context appeared to be the deciding factor: poor communities with high proportions of immigrants had the strongest anti-immigrant attitudes. Similarly, a national study of U.S. attitudes showed that white residents in areas of greater unemployment were more favorable toward government action *against* immigrants. The same study, however, also suggested that the relative size of the immigrant population was relevant as well, finding that whites living in areas with more Latino residents were less favorable toward government action against immigrants (Berg 2009).

Two other European studies contribute to deciphering how the role of acculturation figured into a perception of threat against the native culture. In France, researchers found that the

host population's perceptions of immigrants were based on an evaluation of which acculturation strategy was adopted by the immigrants, and not significantly affected by the immigrants' origins. Separation or resistance to adopt the host culture was viewed negatively, while integration and assimilation were favored (Maisonneuve and Testé 2007). In Germany, negative acculturation was *directly* associated with perceptions of threat: realistic threat, symbolic threat, and intergroup anxiety (Rohmann, Florack, and Piontkowski 2003). Thus, the host population's perception of how immigrants are adjusting to their new culture also influenced general attitudes towards immigrants and perceptions of threat.

Since assimilation strategy plays a role in the host population's acceptance and perceptions of immigrant groups, it is perhaps worth mentioning that different groups have adopted different assimilation strategies at different times depending on the cultural or historical context. Portes and Zhou's (2000) comparative study of immigrant groups in south Florida is an excellent example of this phenomenon. They studied four different ethnic groups for the same time period in the same region and found four distinct strategies and sets of results. The most financially successful group was the Cuban Americans who did not really assimilate into majority neighborhoods; however, their ethnic enclaves provided and protected economic opportunity for the growing generation, and they had the advantage of government support and, in many cases, assistance. Haitian Americans, on the other hand, successfully integrated—but with native minority populations, and inherited the disadvantages of discriminatory policies and negative attitudes based on race. Ethnic groups who are welcomed by communities with low crime rates and can effectively integrate into such neighborhoods will most likely not increase the perception of threat, while groups that are rejected or discriminated against and less successful at assimilating may increase fear of threat. (For more explanation on the importance

of context and the interaction of situational factors, as well as different theories of integration or models of assimilation, see Cornell and Hartman 2007 and Yetman 1998.)

It can be helpful to consider the research that identified and supported these examples before applying them to a local microcosm. For example, empirical data and statistics can be a powerful tool toward shaping one's perceptions. In a society that places high significance on such information, numbers provided and portrayed as “scientific” are often readily accepted as fact and seldom questioned by those not in the particular field of study. Even with direct access to statistical data from local law enforcement, empirical data can be incomplete, inaccurate, or ambiguous. Recent disagreement over the “actual” numbers in Utah sparked a debate that caught media attention. The nightly news story on the issue brought into focus some statistical loopholes by pointing out that one legislator simply discarded any arrests whose ethnicity was “unknown” (Gonzales 2010). Relying on ethnicity alone also fails to accurately separate and account for immigrants versus non-immigrants in the count. Furthermore, his information was based on arrests rather than convictions for homicide, which could easily skew data where any kind of profiling was in practice. Another group used prison statistics to measure the proportion of undocumented immigrants in the incarcerated population, which provides a snapshot but not a long-term picture (Gonzales 2010).

Whatever the statistical reality may be, my study focuses instead on the range of *perceptions* of those who most directly relate to or affect immigration, rather than the reality. While the reality of the situation is, of course, important, it is the range and nature of the perceptions that I found fascinating and revealing.



### *Immigrant Criminality*

Since immigrants often stand out from the general population, either racially or ethnically—through physical appearance, language, or cultural symbols and practices—neighborhood composition can be a factor, as suggested by several studies. A 2001 study supported the “social threat” perspective that individuals may feel a perception of threat associated with the proximity of racial others, most often when the individual is in the racial minority. Interestingly, many Hispanics felt threatened by other Hispanics when living in a white majority outside of South Florida (Chiricos, McEntire, and Gertz 2004). Another study found a positive correlation between the *perception* of higher crime rates in neighborhoods and higher proportions of minority black males in three major U.S. Cities (Quillian and Pager 2001).

Similar to the findings of Schafer et al. (2006), Kanan and Pruitt (2002) found that neighborhood disorder (incivilities), along with income and crime prevention measures, were the most significant factors in measuring perceived risk; but they determined that neighborhood integration was not statistically significant.

Furthermore, punitive attitudes were higher among white respondents in general, and especially those living in neighborhoods with a higher percentage of blacks (McEntire 2007). In Europe, researchers used data from 20 countries to determine which groups and under what circumstances Europeans preferred culturally homogenous neighborhoods. Perceptions of the negative impact of foreigners were found to be one of three major factors in determining living preferences. Moreover, these preferences were strongest among socioeconomically weak and vulnerable populations, individuals who did not live among ethnic minorities, and conservative groups (Semyonov et al. 2007). Neighborhood composition, then, significantly influenced perceptions of immigrant or racial groups and/or fear of crime.

Although policies of the criminal justice system may seem to fit more logically as a *result* of the perception of threat, it has actually proven a significant factor in influencing perceptions of threat and in fostering racial and ethnic divide in some cases. For example, Hagan and Palloni (1999) showed how criminal justice policies disproportionately and negatively affect immigrant populations, thus inflating rates of incarceration of immigrants, which in turn perpetuated the perception that immigrants commit crimes at a higher rate than non-immigrants. Their research demonstrated how laws and policies of the criminal justice system serve to over-represent and to disadvantage immigrants in the prison populations. One example was that immigrants are more likely to be detained before trial—based on the judge's opinion that they may be at greater risk of flight—which increases their likelihood of being sentenced; this results in a higher number of immigrants in detention who haven't even been tried yet (Hagan and Palloni 1999).

Another police practice that can contribute to the perception that immigrants are criminals was the practice of racial profiling and, especially, immigration raids. Romero (2006) studied how an immigration raid in Arizona demeaned, divided, and alienated Hispanics on the basis of race. In an attempt to separate and prosecute undocumented immigrants in the public space, police targeted neighborhoods with high proportions of Hispanics and identified individuals through “casual contacts,” who were subsequently searched, questioned, and in many cases arrested and detained under *suspicion* of being undocumented—not for committing any other crime.

There is a significant ongoing debate as to whether enforcement of immigration law should be handled exclusively by federal law enforcement or if local authorities should also be involved. Arguments against local or state enforcement of immigration law include the potential for ethnic division fostered by drawing additional attention to immigrant groups, civil rights

violations due to insufficient training of local officers and their default dependence on racial profiling, less effective law enforcement stemming from distrust of authorities by immigrants increasingly afraid to report crime and cooperate in investigations for fear of deportation, etc. (Adler 2006; Chishti 2002; Pham 2004; Olivas 2007; Appleseed 2008; Huntington 2008). The increasing intensity and attention to this debate over policy can greatly influence the public perception of immigrant criminality.

It goes without saying that the media have a huge influence on the perceptions of its viewers, readers, and listeners. Altheide (1997) found that the news media promote fear in the public discourse through the forms and frames they use. Another study went deeper to include audience traits as well as the program content to analyze the media's effect on feelings of fear and threat. They found that the viewer's perception of the racial composition of their neighborhood was an important dimension in the TV/fear relationship (Eschholtz, Chiricos, and Gertz 2003).

There were many factors that led to perceptions that immigrants were more likely to commit crimes than non-immigrants. Taken as a whole, however, existing literature yields inconclusive results. Numerous studies linked fear of crime to inherent demographic characteristics, such as age, gender, race, or class, but without taking into account immigrant status. Other research focused on social distance and general feelings toward immigrant groups, but did not particularly study how these feelings related to local crime rates. Though several studies did focus specifically on perceptions of immigrants and criminality, few focused on the perceptions of immigrants themselves and/or of other specific segments of society who have significant influence over or interaction with immigrant groups.

Higher immigrant population is a predictor of fear, but in areas with more immigrants, the interaction between majority and immigrant populations mitigated fear, suggesting large immigrant populations could either trigger or allay fear (Eitle and Taylor 2008, McLaren 2003). Assimilation into the majority culture contributes to greater acceptance by the host population, but European studies did not consider the issue of legality, limiting their applicability to the current American immigration debate (Maisonneuve and Testé 2007).

As demonstrated by the model in Appendix B, there are many factors that can contribute to perceptions of immigrant criminality. These factors may affect different social groups in different ways, based on their foundational beliefs and degree of social distance or interaction with immigrants groups. Beyond the traditional approach of relying heavily on statistical and empirical data and the media, some groups were influenced by factors like neighborhood composition, ethnic identity/assimilation strategies, and current economic conditions. Laws and policies were not only affected as a result of perceptions of immigrant criminality, but also were found to perpetuate these perceptions in a cyclical way. The central role that perceptions of immigrant criminality hold in a community and its development testifies to their significance. I wanted to better understand this connection.

My review of the existing literature convinced me that numbers alone were insufficient to give an accurate picture of current perceptions of immigrant criminality. Too many issues, like the legal status of the immigrants in question, had been left out of previous studies. Social divisions (immigrants, law enforcement, and community leaders) were overlooked in the interest of treating traditional demographic variables as major factors in fear of crime and viewing the sample group as a homogenous whole in society. I felt an exploratory, qualitative study was

needed to broaden the scope of understanding and to provide a basis for determining patterns and finding variables that might explain these differences in perceptions.

In this study, therefore, I was interested in where perceptions of criminality persist—that is, in which segments of society. To begin this exploration, I identified four relevant groups or cohorts: community and state leaders, immigrants, law enforcement officers, and incarcerated immigrants. Law enforcement and political leaders may have different perceptions based on their exposure and involvement in addressing criminality, especially relating to types and rates of crime and neighborhood safety. Immigrants—and especially incarcerated immigrants—will also have a unique perception because they may either be included in the stereotypes or play a role in perpetuating those stereotypes that immigrants are disproportionately committing crime when compared with non-immigrant populations. Therefore to maintain a manageable cross-section for the scope of this study, these groups were chosen as the most relevant.

#### RESEARCH QUESTION

Is there a perceived connection between immigrants and criminal behavior in Utah? If so, is it a broadly-held assumption, or is it limited to certain groups? In other words, do different groups have different perceptions and, if so, what are they?

This was mainly an exploratory, qualitative study. I obtained qualitative data from in-depth interviews with individuals from selected social groups (see Appendix A). I then compared them looking for patterns of common perceptions and differences. Focusing on group differences, I anticipated that perceptions would vary greatly even within “common denominator” groups such as legislators, law enforcement, and immigrants themselves. My goal was not to determine the cause of these differences in perception, nor the effect that they can

have—relationships identified in Appendix B show the significance of the perceptions—rather I aimed to explore the nature of the variety and variability that may exist.

## DATA AND METHODS

This research was conducted under the direction and as part of a larger undertaking of data collection—the Utah County Immigration Project (UCIP)—conducted and overseen by BYU Professor Charlie V. Morgan. The Institutional Review Board reviewed and approved the sample selection and data collection methods; all interviews and observations were conducted according to the approved protocol.

### *Sample Groups, Interviews and Other Sources*

*State legislators.* The legislators were accessed and interviewed by another member of the research team who had attended several legislative sessions and committee meetings because of his interest in political science. He provided one interview, recorded with permission, that he conducted over the phone with Utah Representative Rebecca Chavez-Houck using the interview guide in Appendix D. I also received an email response to the interview questions (also in Appendix D) from Representative Chris Herrod.

Because legislators are public figures speaking for and striving to represent the general citizenry, there were other sources available with information and data relevant for this study. These include publically accessible recordings and meeting minutes from legislative sessions and special committee hearings. Quotations from news articles were also used to illustrate expressed perceptions of some other legislators. Some of the committee hearings were transcribed from audio recordings of the proceedings, accessed on the Utah Legislature's web page. In most cases, speakers were identified and only those comments delivered by legislators were used in this study. The information and quotations I used came from a committee hearing specifically

addressing the economic impact of undocumented immigrants and discussing 2009 House Bill 64: “Deterring Illegal Immigration.”

One interesting element emerged with this group and their desire or willingness to express their opinions. Since some legislators were more willing to engage this topic than others—either in the personal interview setting or on public record—some of the data may appear to be biased with regard to how much attention is given to each representative. This, however, was merely a product of how much information and/or opinions were shared by the individuals included in the study.

*Immigrants.* I personally interviewed many foreign-born adults (ages 18 or older) residing—at the time of the interview—within the geographical limits of Utah County, Utah. An effort was made to avoid an over sampling of students—since Utah County is home to two universities that attract many international students—and most of the people I interviewed were settled, working immigrants or parents who stayed at home to care for their children.

Using an open sampling method, immigrants were identified and solicited through community programs and social networks. Many interviewees were known contacts or students enrolled in the Provo School District Adult ESOL (English to Speakers of Other Languages) program.

Interviews were conducted with immigrants in different locations according to the participant’s preference. I interviewed respondents in their homes, in public libraries, in classrooms at Dixon Middle School (where the ESOL classes are taught), outside in local parks, and in one case at a local restaurant. The interviews were conducted in the immigrant’s preferred language (either English or Spanish). They began with a brief explanation of the nature of the research and the acquisition of informed consent. In-depth interviews lasted between 1-2 hours;

while the supplemental, shorter interviews I conducted specifically for my study lasted no longer than twenty minutes each. These interviews were recorded as mp3 files on digital voice recorders and transcribed into document files. All transcriptions were done into English (audio files were preserved for access to the original Spanish).

Since the in-depth interviews were comprehensive in nature, most of the data relevant to my study came from the segment specifically focusing on the judicial system in the interview guide, with supplemental questions asked as needed to elicit more relevant responses. (See Appendix C.) I later conducted eleven additional short interviews using just the supplemental questions to provide data that was more detailed and relevant to my study.

*Law enforcement.* I collected a total of seven interviews with local law enforcement personnel: six were enforcement officers and one was an administrator at the county jail. I personally interviewed three local law enforcement officers: the first I knew through mutual acquaintances and the other two were referred to me by the first. One of the officers was part of the Provo Police Department, and two belonged to the Orem Police force. The Immigration and Customs Enforcement agent that I interviewed was also a referral. We gained access to another ICE officer during our visit to the jail (described below), where we informally interviewed jail personnel, one of whom held an administrative role, while the other was a deputy sheriff.

I conducted the formal interviews with law enforcement officers at their respective offices. Local law enforcement officers were interviewed at the local police departments, and the ICE officer was interviewed at the local field office. Only one of those interviews was recorded; the others were interviewed formally, but recorded in note form, to respect the officers' desire to remain anonymous. I used the questions listed in Appendix D as a guide for these interviews. The second ICE officer we interviewed was part of our visit to the Utah County Jail. The sheriff



and other administrative personnel were also part of that visit. These interviews were recorded and transcribed. There was not a formal interview guide for these interviews as they were part of a larger discussion and were conducted informally as the tour allowed.

*Incarcerated immigrants.* Through two visits to the Utah County Jail, a total of ten incarcerated immigrants were accessed and formally interviewed. On the first visit, a group of five researchers—including myself—had the opportunity to take a personalized tour of the Utah County Jail, which is one of only two facilities in the state of Utah authorized to house immigrants with an immigration hold due to illegal status.

Through our guided tour of the jail, informal interviews were conducted with selected incarcerated immigrants and the jail personnel who led us. These interviews were subsequently translated and transcribed. The inmates we interviewed were selected by the deputy sheriff who led our tour. The first was a female from Tonga who first came on a visa to the United States and then stayed without taking care to update her visa to residency, even though the rest of her family—including her husband—were all citizens. Later, we sat with a panel of four male inmates with varying charges, three of whom had been legal residents, but whose residency was stripped when they were convicted of other crimes. The fourth inmate on the panel was undocumented and was arrested for possession of fraudulent documents, but had no other criminal charges.

We also were able to have a very informal question and answer session with several other undocumented immigrants as they were being booked into the jail. The sheriff in charge of our visit granted us permission to both conduct the interviews and to record them. Inmates were made aware of the voluntary nature of the study and gave their informed consent. This entire visit lasted about four hours; most of the visit was recorded and subsequently transcribed.

A subsequent visit was later made by two other researchers, which yielded an additional five interviews with incarcerated immigrants—also selected by the sheriff conducting the tour. These have not been transcribed completely, but I had access to the audio files and transcribed relevant sections. All five of these interviewees were male: three of them were Hispanic, one was Somalian, and the fifth was Bosnian. They also had varying charges and legal statuses, the latter two having come as refugees or asylum seekers.

### *Analysis*

Most of the interviews were transcribed and available in text format; however, to really understand the tone and perceptions of the interviewees, in many cases, I went back and listened to the interview as I read the transcript. I analyzed the interviews looking for references to safety or feelings of fear, stereotypes of immigrant populations, and especially any mention of crime or criminal behavior. The references were compared in density and content with other interviews from within the same subgroup. Then I looked for patterns of similarity or variance. As an exploratory study, the open-ended questions produced responses difficult to quantify and compare statistically; though I did find some patterns evidenced that could be explored further in future studies.

## RESULTS

Patterns in the data show that in almost all cases the range of perceptions varied widely in all social groups. Legislators held the most distanced position from immigrant groups and seemed to have the most black-and-white range of opinions. Some legislators expressly believed that *undocumented* immigrants did commit crime at a higher rate, while others disagreed and felt that society often criminalized immigrants through stereotypes. Immigrants, on the other hand, had a complex range of perceptions. All of them indicated they felt safe in their neighborhoods

and none of them had been victims of crime, but they differed as to how legal status and immigration rates affected the likelihood or rates of crimes committed by immigrants. Law enforcement officers obviously dealt more directly with criminal immigrants, but still showed diverse perceptions of immigrant populations as a whole. In this group, it seemed that those who worked more directly with immigrants, such as Immigration officers and the sheriff at the county jail, were more accepting of the majority of immigrants and sympathetic to their desires and efforts to make a better life for their families. Incarcerated immigrants also demonstrated a range of perceptions despite being treated and labeled negatively by the criminal justice system. In this group, they tended to make a distinction between immigration-only offenses, such as crossing the border without authorization or overstaying a visa, and other criminal offenses, such as drug possession, domestic violence, or sex offenses. (For a summary of these patterns, see Appendix E.)

#### *State Legislators*

This may be the group with the most easily labeled opinions on whether crime and immigration are related. For one thing, different political parties generally hold opposing viewpoints on many issues. Furthermore, representing their communities and proposing laws for the advancement and safety of their constituents makes them, as a group, more vocal and, necessarily, more public about their opinions. Those who believed crime and immigration were positively related, however, did differentiate between legal and illegal immigration—often assuming the misdemeanor of being in the country without legal authorization would necessarily correlate with felony behavior. On *both* sides, there was an appeal to statistical evidence, which once again highlighted the ambiguous and complex nature of empirical data (see Appendix E).

With proposed bills that would affect undocumented immigrants argued in legislative sessions and the amount of media attention on such debates, it was clear that Utah has lawmakers on both sides of the issue. Utah's 2011 legislative session had multiple major bills in debate which directly addressed the issue of illegal immigration. Several legislators, such as Senators Luz Robles, Curtis Bramble, and Howard Stephenson, as well as Representative Bill Wright, proposed or backed bills that would allow the state to have a system of registering or tracking undocumented immigrants—such as issuing state work permits—without changing their federal legal status. Representatives Stephen Sandstrom and Chris Herrod's sponsored bills (HB-497 and HB-253, respectively) focused on enforcement and the rule-of-law perspective.

For some of the legislators that we were not able to interview personally, I deferred to public statements found in reputable news articles regarding their viewpoints. Deseret News reported on the progress of illegal immigration enforcement bills and the surrounding controversy. Stephen Sandstrom, a representative for Utah County, stated, “What should be most important to us is representing the citizens of the United States of America, not a foreign national who has *willfully and wantonly broken our laws* [italics added]” (Roche and Romboy 2011). Though his comment referred singularly to “a” foreign national, his later use of the words “willfully” and “wantonly” would imply *criminal intent* to break the laws by immigrants who are undocumented or have allowed their visas to expire. He further defended his bill (HB-497) against criticism with the following accusation, “I really can't understand what is embarrassing and unreasonable about trying to verify the legal status of *the ones committing the worst crimes* [italics added]” (Romboy 2011a). Here, he implied that legal status is related to criminal activity of the “worst” kind. His opinion is shared by other representatives.

Another news article about the year's conflicting bills on illegal immigration quoted Representative Herrod as saying, “I cannot support guest worker bills that reward *those who have violated our laws* [italics added], that discriminate against people who play by the rules and that allow disreputable employers to profit from illegal activities” (Romboy 2011b). He implied here that undocumented immigrants are automatically law-breakers—i.e. criminals who do more than break immigration laws.

I did not interview Representative Herrod personally, but he did answer the interview questions through email. In his response, he differentiated between legal immigrants and undocumented immigrants, whom he referred to as “illegal aliens”—a negatively charged term often used by those who critically view undocumented immigrants. He said:

Legal immigrants commit crime at a lower rate than the general population. Illegal aliens commit crime at a higher rate. It only makes sense. Legal immigrants must go through a criminal background check in their home country. Illegal aliens do not. Legal immigrants know that if they commit a serious crime that they will not be eligible for citizenship or may have permanent resident status revoked. Illegal aliens have no such fear. The problem is that most studies you hear cited do not separate between illegal or legal immigrants. I have the statistics to show you that illegal aliens commit crimes at a higher rate. The media refuses to publish these statistics.

He has, in fact, published statistical reports and a book that indicate much higher proportions of Hispanics in prisons and jails than we found from the data collected from jail and prison sources for the UCIP research. His statistical reports are used to support and spread his perception that undocumented immigrants are more likely to be criminals than legal immigrants and native-born

populations. He believed that his opinion was shared by about 50% of Utah’s elected leaders (see Appendix E).

There were, indeed, many other legislators who connected immigrants with criminal behavior. In a committee meeting discussing Representative Brad Dee's 2009 House Bill 64 – “Deterring Illegal Immigration,” the economic impact of illegal immigration was debated. Representative Michael Noel said, “There’s no question in my mind that illegal immigration is costing the state and taxpayers an incredible amount of money in a time of economic downturn: when our job and unemployment rate is rising, when our crime rate is rising, *much of which is attributable to illegal immigration* [italics added]” (Utah Legislature 2009). In other words, he “attributes” much of the increase in crime to undocumented immigrants.

As representatives and senators proceeded to discuss the ramifications of the House Bill 64, which provided for the formation of a task force targeting major crimes committed by immigrants without legal status, Representative Carl Wimmer talked about common ground:

...I think what we all agreed on, on both sides of this issue, was that if we could target, with a rifle approach, the *biggest problem we have with immigration* [italics added], in the state of Utah today, and that is the participation of undocumented or illegal immigrants in *felony* [italics added] crime.

He believed that the “biggest problem” with illegal immigration was immigrants participating in “felony crime.” Since it is only a *misdemeanor* on the federal level for a person to be in the United States without authorization, he clearly believed that undocumented immigrants are committing other crimes beyond their federal immigration status—crimes that rise to the severity of felonies. He went on:

Understanding that we're all victims when crime comes into the state of Utah and *illegal is—and always will be—illegal* [italics added]. We have laws for that. But when these people are here—and some of these people are indeed the victims, and are preyed upon by others that come in illegally—and whether it be coyotes or other drug runners, or some of the drug cartels from Mexico, that prey not only on Utah citizens but seem to prey on, pointedly, on that illegal immigration community.

I believe that in Representative Wimmer's reference to "illegal" always being "illegal," he was referring to an individual's status with the United States Citizenship and Immigration Services (USCIS), thus referring to a misdemeanor with strong use of the word "illegal." He went on to mention more serious crimes, such as human trafficking and drug running, with the implication that they are being committed by "these people" or, in other words, undocumented immigrants. His use of the words "cartels" and "prey on" invoke fear and seem to indicate a deliberate and organized attack. He said he had talked with ICE officials who voiced concerns and whose "...comments and approach were [that] with a rifle scope we can take care of a lot of these problems with a lot of these people that come here and commit felonies, and get at *most* [italics added] of the problems that we see and that our public has with illegal immigration."

Representative Wimmer then appealed to another supporter, Utah Attorney General Mark Shurtleff, to add comments from his experience. Attorney General Shurtleff remarked that:

...[T]here's clearly a large number of criminal aliens who come here illegally for the purpose of committing crimes against other immigrants and against Utah citizens. And so it's important that we focus on a model to attack that issue. ... One of the big problems, obviously, is document fraud, ID theft, many people don't know that this most recent

theft of over \$2 million from the University of Utah was a criminal alien type of organization.

Such comments, while truthfully identifying actual crimes committed by undocumented immigrants, reveal a perception that immigration and crime are related—namely that the number of undocumented immigrants who come with *criminal intent* and “for the purpose of committing crimes” is a “large number.”

The bill’s task force would specifically address crime committed by undocumented immigrants. It was clear through comments made by supporters of the bill that they believed the portion of undocumented immigrants who come with the purpose and intent of committing other crimes was a significant proportion of the undocumented population. They also used strongly charged words with negative connotations to support their perceptions and to invoke a sense of fear that would lend support for bills aimed at stronger enforcement or harsher punishments for undocumented immigrants.

Summing up the support for the bill, another representative in attendance at the committee hearing responded to a University of Utah student's concerns over the effectiveness of the proposed major crimes task force, “...[O]ur number one priority is the safety of [Utah’s] citizens... Why shouldn’t we have a strike force that goes after gang-bangers, goes after drug dealers, and goes after human traffickers? Are we giving them a special status because they’re illegal and we don’t want to pick on them?” (Utah Legislature 2009).

There were many lawmakers who believed immigrants were disproportionately participating in crime and criminal activities; however, almost all of them differentiated between legal and illegal immigration. By focusing on and emphasizing this aspect—that is, “illegal” immigration—they were practically calling all undocumented immigrants criminals from the get-



go, just for living in this country without authorization. Then, they often relied on the assumption that since undocumented immigrants were already breaking one law, they would consequently disregard other laws and live an unprincipled and illegal lifestyle, because that was part of their basic natures. I found this projected image of undocumented immigrants to be not only rigid and unaccepting of individual exceptions and circumstances, but also harmful to the general perception and those perceptions picked up and published by media outlets.

On the other side of the argument, Representative Rebecca Chavez-Houck, who did not attend the committee hearing on HB-64, felt that the stereotype of undocumented immigrants as criminals was inaccurate and was not backed by statistics. In an interview with one of our researchers, she said:

Nationally, information that I have read, does not necessarily tie an increase in undocumented immigration populations to a direct increase in crime... I wish I had the studies to share with you, but I have read that previously, and the stats that they have found is usually that the undocumented population has a tendency to try to avoid negative encounters with the government, so they're more inclined—as a people, as a population—to not engage in criminal behavior because they don't want to get caught, because they want to be under the radar. And that's why you see such rates of participation from undocumented immigrants in terms of getting driving privilege cards and that law that says they have to get insurance, because they don't want to be found out of compliance with any laws with which they can comply. ...From what I have read, there isn't a disproportionate number of undocumented individuals engaged in violent or felonious criminal behavior... I'm hearing the opposite. I'm hearing that most undocumented folks

don't want to be—are overly cautious about—being able to follow the rules wherever they can, because they don't want to get caught.

So, instead of feeling that undocumented immigrants were more likely to be involved in crime or disproportionately represented criminals in jail, she actually felt the opposite was happening. She appealed to national studies she had read, instead of mentioning names or types of crimes that tend to be associated with illegal immigration.

She also gave a logical argument for why undocumented immigrants would not be attracted toward criminal behavior—they want to stay “under the radar”—and referenced the high participation in the driving privilege card program as evidence of an effort to “comply” with local laws. She then addressed how the stereotypes are formed:

You know you have one person that has one bad experience with one undocumented immigrant and then all of a sudden, everyone's lumped into the same category....And instead of looking at the totality of the population, and looking at everybody that's involved in that population and understanding that there are variables, that people are different, that you've got good people and you've got bad people among any given group of folks; people have the tendency to buy into the rhetoric and, you know, the ultimate issue is also fear. People have always been, I mean, we're critters and we're fearful of someone who looks and acts and speaks differently than we do...

Representative Chavez-Houck believed that stereotypes were unfairly assigned through the projection of one negative experience onto a whole population, but she also believed they were perpetuated by fear. Though not specifically fear of crime, her mention of fear toward an out-group does coincide with earlier studies on immigrant groups and stereotypes.

She also talked about education and experience as a counter-balance that tended to foster a more open-minded attitude toward immigrants.

There are shades of gray and [people who have lived in another country or have more education] don't try to lump everybody together into one...so I guess what I'm saying is that I find that most of my colleagues...run into a challenge, you know. How do they represent their constituents when their constituents may not have the understanding or the education to understand the complexity of immigration policy? ...I think those of us that have the latitude, who have constituents that have an appreciation for that, that we have to be a bit more vocal, and maybe a bit more assertive about defusing the myths.

Although referring to colleagues who did share her sympathies, Representative Chavez-Houck stated that she did not feel that her perception was shared by many among her peers in the legislature. Those who did had a hard time taking that stance because many of their constituents did not feel the same way. As far as her personal perception of immigrants, she said:

The way I look at it, it is a civil violation of the law. It's not a violation of criminal code when somebody overstays their visa....So to me, it could amount to a traffic violation. And all I ask is that the punishment and the way we deal with people who violate that part of the civil code are dealt with in the same manner that we might deal with somebody who runs a stoplight, or, you know, makes a left-hand turn without turning their blinker on. I mean, we don't send them to a tent city; we don't, you know, take their kids away from them; we don't take their livelihood away from them; we don't ship them across the border. We make the punishment fit the violation, the infraction. And so that's all I ask is that, you know, if it's not a violation of criminal code, *why are we treating people like criminals* [italics added]? They're not....[M]atch the opportunity for

remediating a violation of that code with the severity of the infraction....So they're not criminals.

Representative Chavez-Houck used the distinction between civil code and criminal code to justify her opinion that undocumented immigrants are not criminals. She further reasoned that this ought to be considered when we are assigning punishment to the violations of such code. She expressed frustration with those who treat immigrants as criminals when they are not violating criminal code and gave an analogy of traffic violations to compare other types of civil violations.

Although the issue is definitely complex, and, as Representative Chavez-Houck stated, has “shades of gray,” I found this group to have the most definitive distinction between believing there to be a connection between immigration and crime, and believing there not to be a connection. Those who purported that there was a connection did make it clear that they felt undocumented immigrants were the criminals, as opposed to legal immigrants, and emphasized the illegal actions already committed by the former as justification for further crimes. They were unapologetic and very outspoken with their views.

This was also the only group whose perceptions reflected any sense of fear regarding immigrant criminality. However, the fear was mostly a generalized concern over the impact on society as a whole or used as a method of persuasion. For example, strong language and references to serious crimes were made by those who favored harsh punishment and stronger enforcement to appeal to the fear of their audience for the safety of their neighborhoods and communities.

This sample was not sufficient to suggest any gender differences and the legislators represented similar ages. I did not have enough information about their socioeconomic

background or the neighborhoods where they lived to find any patterns in those areas either, but I was interested in whether this influenced their perceptions, as Will and McGrath (1995) had found in their study. I would have also liked to have more information to indicate degrees of social distance and to determine if this produced any patterns in their attitudes.

### *Immigrants*

At first, I anticipated most immigrants would believe that there was not a connection between immigration and crime. Upon closer analysis, however, the picture became more complex and diverse, perhaps more than in any of the other groups I studied. From my findings, it was difficult to establish a pattern that could sort respondents into organized groups or classifications. However, there were several themes that emerged from the interview questions, especially when the supplemental questions were used (see Appendices C and E).

Almost every immigrant interviewed expressed a feeling of safety in their neighborhood and no indication of fear of crime. Nearly all of them talked about the effect of the stereotype that projected criminal behavior in the minority of the immigrant population onto the whole group, but I found no indication of a perception that being undocumented meant one was a criminal. As for a positive correlation between immigration rates and crime rates, that is where this group diverged into a myriad of opinions. Some believed there was a connection and others believed there wasn't. Furthermore, the issue of legal status and its influence on the likelihood of immigrant criminality came up frequently and also yielded a diversity of responses.

Ultimately though, the most common feeling among this group was that most immigrants came for better economic opportunities to provide a more secure and stable life for their families. Additionally, they believed that immigrants who committed crimes were a minority that

unfortunately gave the whole group a bad reputation and that not having legal residency or citizenship did not indicate that person was a criminal (see Appendix E).

*Fear.* This question did yield a universal response: all of those who were asked about their current neighborhood agreed that they felt safe. I found this to be interesting because many of these immigrants were living *among* immigrants and if there was a wide-held perception that immigrants did commit crime at a higher rate, one might expect at least some of these people would feel nervous about their immigrant neighbors. In addition, racial minorities exhibited a higher level of fear of crime in at least one study in which the authors theorized that this was because racial minorities are more likely to be victimized (Fox et al. 2009). In another study, Hispanics had been found to express fear and feelings of threat from other Hispanics when living in a white majority (Chiricos, McEntire, and Gertz 2004). One female respondent admitted that many people actually say that her neighborhood is particularly dangerous—there was a case of arson there that killed an individual just a week before I interviewed her. She felt safe though, and said as long as you treat others well and don't cause problems, you have no need to worry about what's going to happen and you won't have any problems yourself. Even though the respondents had no fear of crime in their own neighborhoods, there was a tendency to contextualize their lack of fear by making reference to some other city or state where it was worse.

Another interesting pattern was that despite the unanimous agreement that their neighborhoods felt safe, many actually indicated that, overall, they believed crime was getting worse. Most, however, did specify that it was getting worse elsewhere, such as in other states or in Salt Lake City, Midvale, Kearns, etc. A few noted that crime rates were stable, but no one believed that the situation was improving.

*Stereotypes and discrimination.* When asked how they felt about other immigrants committing crime, many respondents became emotional about the damage to the reputation of all immigrants or stereotypes and the way people looked at them. A 27-year-old Guatemalan said, “[Other immigrants committing crime] is the reason why—you know—some people look bad to the immigrants; that's what makes all Hispanics look bad... you know what I mean, 'cause if one apple is bad and something looks bad, it makes everything else look bad.” His comment highlighted two important elements: that Hispanics are often assumed to be immigrants, and that the bad actions of one are projected onto others of the same ethnicity.

“Like I tell you, for a few bad ones, all of us lose—that without deserving it, we're paying for it,” said another respondent. His opinion went beyond the stereotype and judgmental looks from others and indicated an actual cost in negative consequences, as well as a feeling of resentment at being punished for the “few bad ones.”

Other immigrants expressed anger at feeling stereotyped. “Sometimes I get really mad when they say, 'Are you Mexican?' Oh my goodness! And we feel—yeah, they think I am thief or something and I don't like it,” said a female from Mexico. A male respondent also demonstrated anger at other immigrants' criminality: “I hate that. Well, I know that some people—a lot of people don't respect the law; I hate that. ... So yeah, when somebody commits a crime and is from Mexico, it just makes me foam at the mouth.”

This concern elicited different feelings from different respondents. One male respondent expressed embarrassment:

I feel embarrassed [about other immigrants who commit crime] because... unfortunately, if one immigrant—doesn't matter whether it's from Mexico, Guatemala, any southern country—they look at it, 'Oh, all immigrants are the same' so it's very embarrassing when

an immigrant does a crime because in a way, it makes it look like all immigrants are thieves and gang bangers and they're committing crimes out there.

He said he has felt that others view him differently for being Hispanic and he has at times felt discrimination, but when he has taken care about the way he dresses and who he hangs around with, he believes it helped avoid some judgmental and negative looks from others.

A female immigrant from Guatemala felt shame and sadness, rather than anger or resentment. Her response to the question of how she felt when other immigrants committed crime was, "I feel sad and ashamed, because no, we didn't come here to this country for that... We came to make a better life, to work to be better, not worse."

One restaurant owner from Mexico said that although unfortunate, the resultant stereotyping did make sense to him:

If someone American, someone like you for example, commits a crime... well, you did it and you pay for it; you're in your country, right? But for us, it discredits us. I don't know... it's like... if someone commits a crime, then they all see us as criminals... I know a lot of people who are good, who don't commit crimes or anything like that, but yeah, I do feel... like for the faults of others, they view us badly. But it is logical.

He felt that the projection of the bad choices of a few did reflect on the many, but that that was a logical and inevitable result.

Although almost all indicated that the actions of the few affected the whole and gave other people a bad impression of immigrants, most also believed that this group of "bad apples" was definitely a minority among immigrants, mostly citing that the majority of immigrants come for better work opportunities. There didn't seem to be a pattern in these responses with regard to age or gender of respondents.



*Immigrant criminality.* Often there was not an explicit reference to whether or not being undocumented made one a criminal; however, from inferences, it was clear that very few, if any, in this group felt that just failing to have authorization to be in the country constituted criminality. For example, an undocumented immigrant from Guatemala spoke of how the laws were here for our own benefit and needed to be respected:

We don't come to a foreign country to behave poorly. We have to respect. We didn't respect the laws when we came, right? We did it because we were looking for a better future, but we have to behave ourselves, be useful. ...That's why I say the laws are tough, for our benefit. If we break them, they're not going to tolerate us.

Even though this woman came into the country illegally, it is clear she felt that respecting the laws was an important part of being a part of a new community. She believed if the laws were not followed, the native population would not “tolerate” immigrants.

The 60-year-old Mexican woman who felt safe in her neighborhood despite what others told her about it said this:

The word 'illegal' makes you delinquent—you know—a delinquent person because you are making something wrong, but the people didn't know what happened in your country, why you are here...the government don't help the people to be good, you know, to have a good life over there, and this is the reason we try to be better—you know, in a better place and have a better job and things like that. We don't come here trying to take nothing from nobody... not to commit a crime or things like that. I don't think all the immigrants are delinquents... or something like that.

She disagreed with using the expression “illegal immigrant” because it made undocumented immigrants seem inherently “delinquent.” But she defended the choice of many to come without

authorization based on the motives of the individual and expressed her belief that not all immigrants are “delinquents” or criminals.

Most of the immigrants interviewed focused heavily on the positive motives of those who come to this country. While many legislators cited the criminal “intents” or “purposes” of undocumented immigrants, the immigrants themselves made no such mention and instead highlighted the constructive motives for coming to the United States. In fact, any mention of negative behavior was always linked with a denial. “Immigrants, we’re here to work, to have a better life, so that our children have a better life... *not* [italics added] to come and cause trouble. I don’t think so. I don’t think it has anything to do with that,” said one female respondent.

Another young adult had an alternate view of why criminal immigrants were a minority, citing differences between the government of the United States and his home country, and the legal response or consequence for criminal actions:

I think there aren't a lot [of immigrants who commit crimes], because they [law enforcement] catch them...because the law [here] is very strict for those who commit delinquencies. I think the law here is better than in Mexico because here they *actually* punish them... and they pursue them when they know they are criminals. [In Mexico] there is a lot of corruption.

He felt that better enforcement not only meant fewer criminals on the loose, but also served as a deterrent for criminal behavior.

Although in a minority, some respondents did feel that crime was higher in mostly-Hispanic neighborhoods (distinguishing the behavior by ethnicity rather than immigrant status). One individual from Argentina expressed his opinion that most of the immigrants who were involved in criminal behavior were of Mexican descent. He reasoned that it wasn't only that

Mexicans make up the majority of Utah's immigrant population, but that the geographic advantage allowed Mexicans who may already be criminal to enter the country more easily. “I guarantee you,” he said, “if you go to Argentina you will find some of the worst criminals. So it's nothing against Mexicans. It's just that to get here from Argentina is so much more expensive, so you don't get those kinds [criminals] of people coming at that expense. But because Mexico is so close...” His reasoning implied that the criminals who come to this country that are already engaged in criminal behavior and activity had easier access through the border, thus they are more likely to come from the undocumented portion of the immigrant population.

*Legal status.* As it turned out, the influence of legal status on criminal propensity was a major point of diversion in otherwise fairly similar perceptions. Some felt that being legal made one *less* likely to engage in criminal activity: “It [legal status] does make a big difference... If the immigrant has a working visa, they will definitely work, they will pay their taxes and whatever else needs to, and they will not be so prone to crime.”

Another respondent reasoned that, on the other hand, being undocumented made one *more* likely to commit crime because they had less to lose—since they already did *not* have legal status, they could not, therefore, lose it:

...Just because if you're legal here and you have a driver license, a social, and you're paying your taxes, you're bound to follow those rules and you're... you know—in a way you're like: 'I don't wanna do anything stupid because I could lose my papers' or 'I don't wanna do any crimes because they'll know where to find me' and you know it's gonna be more of a problem; where if they don't have any kind of documentation, they can just go back to Mexico or change their identity and... [so the consequences aren't as severe].

He felt that undocumented immigrants had the advantage of being able to lie about their identity since they might not be already in a government database. However, someone with residency and legal documentation had more at stake, and, if he/she committed certain crimes, would not only have to serve time, but would also lose that status.

A young female from Mexico had a male cousin who engaged in the use of illegal drugs. She attributed some of this to his status and his lack of access to higher education: “I’m sure their status has contributed to like his drug problem and the life he is kind of headed towards. It sucks.”

At the other end of the spectrum was a female respondent who shared her theory why *legal* immigrants might be more likely to commit crimes than undocumented immigrants:

To the contrary, at least what I think... those who already have papers, I think that maybe sometimes they could do those sorts of things, because... they’re a little bit comfortable, without fear... I don’t know, but I think that those who don’t have [papers] are more afraid and they are better people; they’re here to struggle [for something better], not to cause harm.

The latter part of her response echoed the conclusion of Representative Chavez-Houck about undocumented immigrants wanting to “stay under the radar” and to comply with whatever laws they can.

In a similar vein, a local restaurant owner—who initially came with a visa, but failed to renew and is now considered part of the undocumented population—stated,

I think that, in my personal experience and that of my friends, I’ve seen that those who are here illegally, sometimes they are more careful in their ways, with their stay and being here... they try to commit fewer crimes so that they won’t be arrested and

deported. I see people who are here legally, and maybe they feel safer if they're from here or—I don't know—like let's say if they've naturalized...I've noticed that, like, it's easier for them to do things.”

In other words, those who have legal status are less afraid of the consequences of their actions because they feel safer knowing that they have already obtained residency.

Although opposing views were expressed on this issue, the majority were in the middle, claiming legal status was not relevant to criminality. “I think that having papers doesn't differentiate one person from another, because we're equal. Papers serve only to allow someone to enter into the United States or, with the future, to have a job, but that doesn't differentiate one person from another... we're equals,” said a 39-year-old from Mexico.

One young adult even contributed views from the two opposing camps in the same statement:

I don't think [having papers] makes a big difference because in one way or another—they have them well checked if they have [papers], but if they don't have any... I think that they would have them under more control if they have papers rather than if they don't, because if they don't, they could defraud and take off and disappear and nothing happens, and they never find them. They might find them, but they might not either...On the other hand, [those without papers] [do] have the fear that afterward they won't be able to live [here] or they will be kicked out [of the country].

He felt immigrants with papers were closely watched by government and law enforcement to make sure they followed the laws and maintained their legal status. Immigrants without papers, on the other hand, may feel they have more freedom to commit crimes without consequence, because they could just disappear. In the end, however, this respondent felt the fear of losing the

opportunity to stay was a stronger deterrent and thus potentially decreased criminal activity among undocumented immigrants.

The fear among undocumented immigrants noted in this section did not refer to fear of crime, but rather a fear of lost opportunity or of being deported. Gender did not seem relevant, nor did age, nationality, or legal status of the respondent themselves.

*Rates of immigration and crime.* In general, the vast majority of immigrants did not feel that illegal immigration rates influenced or were related in any way to crime rates, but this was another point in which opinions varied. Those who did feel that illegal immigration rates and crime rates were related indicated a positive correlation. One respondent said:

I strongly believe that very high rates [of illegal immigration] influence the crime because if there were more people legalized, you know, they would be more bound to follow the rules, to conserve their papers; and when they don't have them, you know, they already know that they're... in a way—that's why they call them illegal immigrants—in a way they're doing something illegal—they're staying in this country illegally so to do a crime is maybe not so...worrying to them because they're already doing something illegal but if—I bet if there were more people legally here that crime rate would drop.

Obviously, this respondent was one of those who believed that legal status was related to criminality, as he indicated that the rate of illegal immigration did influence overall crime rates.

A Puerto Rican-Dominican individual who had lived in New York before coming to Utah, felt that in some cases, immigrants may be drawn toward criminality after they've arrived because of blocked opportunity and the relative profitability of crime in the United States: "...so they will find the easiest way out, and the easiest way out unfortunately is crime; it's more profitable." He also felt that many immigrants want to come to this country because they are not

able to make it in their own country, possibly because they lack marketable skills; this, in turn, results in a higher proportion within the immigrant population who are more likely to turn to crime in order to survive and find a way to provide for their families.

Although some respondents did feel that illegal immigration was positively correlated to crime rates, they were a minority of respondents. Interestingly, immigrants with this view tended to have legal residency or citizenship.

*Restitution: a desire to make things right.* Many of the undocumented immigrants I interviewed expressed remorse about their situation—either about the fact that they had had to resort to coming illegally or that their coming illegally was viewed as criminal. Again, the vast majority emphasized the sincere desire of most immigrants to work hard and make a better life for their family. If given the chance, many of these undocumented immigrants would do whatever they could to resolve the issue of their illegal status. A 39-year-old undocumented immigrant from Mexico expressed frustration over his legal dilemma:

I just wish there was a way to fix the problem. Like, some people say a free ticket, and I don't believe—although I, you know, I need it...and I'd like to—but I don't want a free ticket; I want to earn it. I want to hold my head up and say, you know, if I made a mistake, I want to make it right. I want the chance—the opportunity—to make it right. I wish there was a solution for that.

He made the following appeal at the conclusion of his in-depth interview:

I love this country. I love it as if it were my own. And I understand that coming here illegally is not right. And I'm not proud of it. But I wish there was a way to make it up, you know, to, I don't know just something, you know? Like they were talking at some point maybe serving in the military. Go out and serve the country, and then you know,

you can start working your way up to become a citizen. And just like I said I don't do drugs; I try to, you know, just pay my way....For a little while I was a little bitter. Because I felt that I couldn't go back to Mexico because my daughters are citizens. I cannot take them back to Mexico and provide the same lifestyle...But I, I cannot stay here. It's like a Catch-22. So, I really hope that things get changed, because *I don't want to be treated as a criminal* [italics added]. Just like I said I'm not proud of what I did, but when you're in Mexico you don't even think about that, you know? ...I'm not here to invade, I'm here to integrate....We [undocumented immigrants] would like to have an opportunity...to make it up....You know somebody speeds, and they get a ticket....For certain violations of the law there are punishments, but there's a way to make it up to society. So just like I said I don't want a little spank, I don't want a free ride, I just want an opportunity, an opportunity to make it up, to straighten things out, and move forward with my life.

While admitting that he was wrong for crossing the border illegally, this individual felt he was a law-abiding, contributing member of society and did not believe he should be viewed or treated as a criminal. He blamed the failure of the government to come up with a resolution for the situation, and expressed a desire to provide some sort of restitution for his wrongs. Many undocumented immigrants expressed similar feelings of being good people and wanting a way to fix the problem of being here illegally without going back to their native countries.

*Overview.* In the preceding section I presented a general analysis of the range of perceptions among immigrants. One aspect of the analysis that made the findings most interesting was the diverse and often contradictory opinions expressed by the respondents. For example, while stating that he felt safe in his neighborhood and that legal status played no role in influencing criminality, a male respondent with legal resident status simultaneously expressed



frustration and a feeling that undocumented immigrants “cheat” the system and receive unfair benefits. Others, who made similar contradictions in their responses, include two male respondents who said that there was absolutely no difference between immigrants and non-immigrants, or legal versus illegal. However, they then went on to say that sometimes immigrants did find themselves committing “errors” in order to be able to get food for their families: “like if they don't have work, maybe they'll say, 'I'll do this to get food for my family.’” Another respondent said similarly that most immigrants just come to work, but yet, immigration rates influence crime rates because that “element” of criminals comes through and that some immigrants “turn to crime for extreme causes.”

These data yielded clear evidence that these respondents held a variety of perceptions although the majority did not believe immigrants were more likely to be criminals. Most felt the stereotype existed, but they did not buy into it. They overwhelmingly focused on why they believed immigrants chose to come to the United States, even justifying those who came illegally by citing their intent to make a better life for their families or the lack of support in their home countries. There was disagreement as to the effect of legal status in respect to criminality and crime rates, but none of the immigrants indicated feelings of fear for their own safety (see Appendix E). In future research, it may be helpful to sort immigrant responses by legal status or socioeconomic status to perhaps further clarify some of the differences in perceptions.

### *Law Enforcement*

Although the sample size was small, this group proved no exception to the pattern of diverse perceptions. However, in this group, another interesting pattern emerged suggesting that those law enforcement officials who dealt more intimately and specifically with undocumented immigrants were often more sympathetic and broad-minded, less likely to believe that being

“illegal” immigrants was correlated with higher degrees of criminality. Social distance may have been a factor for this group in particular. Legal status also seemed more pertinent to some in this group, similar to the legislators’ considerations. Unlike the legislators, however, there seemed to be more allowance for individual circumstances and thought given to the classification of the charges, rather than lumping misdemeanors and felonies together (see Appendix E).

For example, one officer I interviewed from a local police department openly and on the record made the following statement of his perception of undocumented immigrants:

Especially from a law enforcement standpoint, I think they’re criminals...you know, if—I don’t care who comes here, as long as they’re legal—the more the merrier, but if they’re illegals... I think they’re criminals; they belong either in jail or sent back. I have very little tolerance for that kind of law breaking... just, then it gets to federal and felonies. So yeah, I have a very negative view of illegal immigrants.

Like many of the legislators, he differentiated between legal immigrants and undocumented immigrants and used the term “law breaking” to describe their activities. He implied that being undocumented led to further crimes, even felonies. He later added to that:

...they've already broken laws, they've shown that they're willing to break laws to meet their ends... So yeah I think more often than not the gangs and things that we deal with, the problems we have, are the illegals that have already shown they're willing to break the law.

He attributed many of the community’s problems with gang and criminal activity to undocumented immigrants, and he indicated that he felt his opinion was fairly common among his fellow police officers.

In another local police department, I spoke with two other officers who shared a similar sentiment that undocumented immigrants were more likely to commit crimes; although, their opinions were not as black-and-white. Citing that 98% of the street gangs in their community were made up of Hispanics, they were in favor of training local law enforcement officers to deal with immigration-related issues—a provision of a law that passed the previous year would allow local police departments to cross-train their officers to be able to verify legal status and impose federal immigration charges. However, they did not want Hispanics to necessarily be “picked on.” They believed local violent crime rates were increasing and explained their reasoning with the following evidences: increased migration from other states with higher crime rates, notably California, and immigrant parents failing to take time to learn English or to get involved in the community. One officer expressed personal indifference toward those immigrants who just came seeking a better life for their families, but if they or their family members were committing crimes, he said he didn’t want them here. So, while they still perceived a correlation between undocumented immigrants and rising crime rates, the second set of officers I interviewed were not quite as harsh as the first and considered the positive motives of some immigrants.

On one visit to the Utah County Jail, we were led by two jail personnel, a deputy sheriff and the administrative worker who served as our initial contact. They expressed their opinions and perceptions throughout the visit: before, during, and after our interviews with the incarcerated immigrants. After our informal interviews with a panel of four male inmates, we discussed their situations and the consequences they faced because of their criminal charges. Three of the four men had received legal residency through family members who were citizens, but they had not applied for citizenship before they lost their residency due to criminal charges, and were facing the possibility of deportation.

Although the administrative worker was not a law enforcement officer, he worked at the jail, and I included some of his opinions because they were consistent with the theory that closer contact with immigrants corresponded to more sympathetic perceptions. He generally had limited interactions with the inmates themselves (because of his administrative role), and, like the local officers, had a harsher opinion of immigrants and their attitudes toward the law. Of the three former legal residents on our interview panel, he said:

They, the one kid had twenty years to...make his papers legal. His whole family is legal according to him. Why is he so stupid?...The other one, he had a chance to be legal too; every one of them screwed up by coming here illegally....That's my attitude and I'm sorry because, dangit, we have a problem; there is a problem in America *keeping us safe* [italics added] and Americans.

He expressed frustration over their lack of effort to take care of their legal status when they could have, and felt this apathy on their part indicated less interest in following other laws. This, in turn, threatened the safety of the host community. He also talked about how motives play a major role in whether immigrants will integrate successfully into the community and abide by the laws once they're here. So the inmates' lack of interest in becoming a part of the community and integrating was another element that was related to their criminality in his opinion. Like the French study indicated, acculturation attitudes of the immigrant populations seemed to influence this individual's perception of threat (Maisonneuve and Testé 2007).

On the other hand, an Immigration and Customs Enforcement (ICE) officer I spoke with emphasized that with their agency's limited time and resources, they spent much more energy seeking out individuals who were committing more serious crimes—like drug and human trafficking and gang activity—and much less time looking for “visa overstays” or those who

have simply entered the country illegally. He sympathized with many immigrants' intentions and hopes of simply building a better life away from corrupt or oppressive governments and admitted that if he were in their situation, he would probably do what it took to get to the United States too, *even* if it meant entering the country illegally.

Consistent with this pattern (of social distance predicting perceptions), the sheriff at the Utah County Jail who led our tour was also much more sympathetic and understanding, making exceptions according to individual circumstances. In an interview with a female inmate being held solely on an ICE hold (meaning there were no charges other than lack of authorization to live in the United States), he actually tried to convince her that she was *not* a criminal:

Researcher: Do you see yourself as a criminal?

Female inmate: Um, yeah, yeah. Because I'm illegal. I don't have a paper to be here.

Sheriff: Do you use drugs?

Female inmate: I don't. Never. Never drink, never smoke.

Sheriff: Do you break the law?

Female inmate: Yeah

Sheriff: What laws do you break?

Female inmate: For not getting my papers

Sheriff: Ok

Female inmate: Yes, yes

Sheriff: Are you active in your religion?

Female inmate: Yes, born and raised in the church, very active, yes.

Sheriff: So when I say are you a criminal, you say that you are criminal *just* because you didn't do your papers?

Female inmate: My papers, yes, yes ...I'm criminal because I'm illegally here, you know. I should have done it but I didn't, you know, so...

Researcher: But that's mostly having to do with financial...

Female inmate: Financially, yes. I just didn't have the money and I didn't, you know...

Sheriff: Who's paying the medical bills for your oldest son?

Female inmate: Our insurance, my husband insurance and my husband I just found he out got laid off, yes, so it's devastating right now. And he's filing, you know, for unemployment to get us survive while...

He later explained to us that he was shocked when he found out she felt that way about herself:

You need to understand me, I had her with a group of youth a couple of days ago and she said yes [she was a criminal], and it shocked me to death. I didn't see, I don't see her....And you look into her eyes, she hasn't got one mean bone in her body. She is so compassionate, she is so—I don't, I don't know if you all are LDS but you know, when she goes in for her temple recommend, I didn't think there was any second thoughts when she looked at her bishop or her stake president and said, 'I do believe that I am obeying and sustaining the laws of the land.' I don't have any second thoughts about that. You know, I just don't think she's criminal. But, failing to take and do the paper work, I don't think that's criminal.

In this case the inmate was admitting to being a criminal and the sheriff was defending her. He did not consider the *misdemeanor* of being in the country illegally to be criminal. He considered

other aspects of her character and behavior as part of his evaluation. For example, he mentioned her religious activity and devotion and her lack of involvement in other types of crime as support statements in arguing that she was not a criminal. His perception was much more nuanced than any of the legislators, whose perceptions lumped immigrants into homogenous groups and made blanket statements about their criminality.

The sheriff essentially outlined his opinion with three degrees of severity: (1) failure to complete paperwork was not criminal; (2) buying forged documents did move over into the realm of criminality; however, he did not feel it should be treated the same as the other inmates we interviewed who had (3) other criminal charges (like drug possession and domestic violence). He explained this with a comparison of the inmates we interviewed:

The three guys [referring to the three inmates on our interview panel who had more than just immigration-related charges] deserve to be in jail, the three guys do....This young kid right here [with document fraud charges], because he came here—and he came here because of the threat of his life in his country—but what he came here on, he didn't come here on political asylum or anything else, he came and he brought in forged documents. It's a felony, but still, you know it *wasn't a crime of aggression or a crime of robbery* [italics added, it was just, 'I had to get by the system.' Well I don't know if our system is set up the way it ought to be set up, because I don't think he should be treated the same way that those three are treated. I think that there ought to be something somewhere to where somebody says timeout... instead of lumping them all together.

The sheriff was open to considering individual circumstances when deciding whether someone was a criminal or not. Earlier in the conversation, he shared a story about an inmate who was being disciplined for failure to obey the guards when he continued to wear a sock around his

head. The guards got angry and interpreted his sock as a gang sign. When the inmate was brought to him, the sheriff found out the inmate was wearing the sock on his head to apply pressure to relieve pain from an ear infection. The sheriff used this as an illustration of why it was important to gather all the information before making a judgment about a person's guilt or innocence. In the case of the young inmate facing document fraud charges, he differentiated between intent to harm others and a crime that resulted from trying to get around the current immigration system. He even admitted that he was unsure whether the system was set up correctly, and indicated this individual should not be treated like other inmates who had committed more serious crimes. He continued explaining his feelings and included the female inmate in the comparison:

I do [see a difference between document fraud and failure to file paperwork] because you see...she first came in here on a visitor's visa and went to school on a student visa, went to school on it and then just got caught up and got married. Her husband got his citizenship and she's thinking, 'my children are here,' you know. That's a lot different than actually going out and buying forged documents. There's a point in time where he did something that was wrong so do I picture him a little bit differently? I do; just having the forged documents, he knew they were forged, and just airing those and passing those...That was wrong. She [the female inmate] would never do that. She would never in her life do something like that. If she thought something was wrong she'd go right down there and try to fix it. I really feel that way.

Even though the sheriff felt this way and defended the female inmate, she was still facing the possibility of deportation and was in the same jail as the other inmates. She wore the same uniform and had the same visiting rights as other inmates. She had to earn her privileges through



good behavior just like everyone else. And the inmate charged with document fraud was still also in the same population as his peers on the interview panel. Immigrants in the Utah County Jail that have ICE holds on their status are housed in different units than non-immigrant inmates or inmates serving time for convictions. The inmates on our panel who had other charges had already served their time for their crimes and, like the female and the other male, were waiting for immigration judges to decide if they would be deported or not.

The deputy sheriff told us if we were looking for a pattern of ethnicity being related to criminal behavior that we wouldn't find one because being in jail had everything to do with addiction and wanting immediate gratification: "It [ethnicity] has nothing to do with it... I just don't think you're going to see something in ethnicity. I just don't think you're going to see it."

The sheriff who worked every day with immigrants, from those who were incarcerated for serious crimes all the way down to ICE holds, believed that individual cases should be judged individually; that failure to file paperwork to obtain or maintain legal status was not criminal; and that even the immigrants who were incarcerated in the same cells and seen by the criminal justice system equally, should not be treated the same if their violations and/or motives were understandable.

As we were going through the booking area on our way out of the jail, we came across a group of recently apprehended undocumented immigrants and another ICE officer who had brought them in. This officer held perceptions similar to the other immigration officer that I had interviewed in their field office, allowing for motives and individual circumstance. He sympathized with most immigrants' plight and their efforts to make a better life for their families and agreed these made up the majority of the immigrant population. He also admitted that he would "probably" do the same thing if he were in that situation, but that it was his job to enforce

the laws and protect “our people.” As far as criminal and non-criminal, he said he looked at it as a job, an effort to protect our country and follow the policies the government has put in place. While he felt bad for individuals, they were violating laws to the degree of a misdemeanor. He later admitted that to be considered a criminal, you had to be convicted of a felony, so he didn’t really view them as criminals as a whole.

Because of their more intimate involvement with immigrants, law enforcement officers and personnel seemed to have more complex perceptions of whether immigration and crime were related. Many mentioned the positive motives of the majority of immigrants, and some considered whether the charges held a misdemeanor or felony status. Others’ perceptions corresponded more closely with those of some of the legislators who believed that undocumented immigrants did commit crimes at a higher rate, correlating with their status (see Appendix E).

I found the emergence of an element of social distance in this category to be very interesting and feel that it warrants further investigation, perhaps even using the social distance measures in a survey format as part of the interview. Whether the pattern holds true with a larger sample or not, data obtained for this study showed that perceptions among law enforcement officers varied substantially.

### *Incarcerated Immigrants*

During visits to the Utah County Jail, we had the unique opportunity to meet and interview several incarcerated immigrants, with charges ranging from drug possession, assault, or domestic abuse, to having only an ICE hold (meaning they were in jail awaiting Immigration Court because they were here illegally, but with no other criminal charges). These represented

both completely undocumented to legal permanent residents who had lost their residency and opportunity to naturalize because of their criminal charges.

This group, too, showed an interesting variation in attitudes. Being arrested and in jail, one might expect these immigrants to all consider themselves “criminals.” However, I did not find this to be the case. While most did not consider themselves to be criminals, a few did, citing the classification or severity of their charges as constituting criminal behavior, as well as whether or not there were direct victims affected by their actions. Some justified not feeling criminal by noting their good behavior and/or intentions in life (see Appendix E).

Consider the previously-mentioned female inmate who considered herself a criminal, though the deputy sheriff tried to convince her otherwise. She said, “I’m criminal because I’m illegally here, you know.” She was only in jail because of her failure to file when she had the opportunity—she had been here with her husband for almost thirty years—but once she was brought to jail on immigration charges, she considered herself a criminal. Others, however, who actually had felony charges did not consider themselves to be criminals. One 25-year-old Guatemalan who came to the United States with his family when he was five years old and had been arrested on drug charges, said this:

I don’t consider myself a criminal, I just think I’ve made some mistakes. I mean I’ve fought my way out of it...I’ve done my share of mistakes. I lived in one of the worst parts of LA, so I had to fight a lot to try to get out of things. I mean I lived in Kearns here, which is not that great of a part of town either...I mean just cause, like I said before, with some of my friends that were involved with gangs and stuff like that were picked on by bigger people and I had to step in and help them out too, but I don’t consider myself a criminal at all.

He admitted to resorting to violence in defense of his friends and himself, but saw it as a necessary response without criminal intent, referring to those actions as mistakes he made in his past. Then he mentioned the charges that brought him to the Utah County Jail and jeopardized his residency:

I mean, I admit that I did make the mistake of having things in my house and having people at my house for criminal use. I mean if they, they've looked at my record already and I've been working ever since I've been able to work...but I've been trying to do everything I could to clean my record since then.

Drugs were found in his home, and while he was not present when they were discovered, since he was the home-owner and none of those present would claim responsibility, the charges fell on him. Despite these admitted mistakes, he drew attention to the good things he was trying to accomplish and did not consider himself to be a criminal.

Another male inmate who came as a child with his family from Mexico and who was also arrested on drug charges said he wouldn't consider himself a criminal either if his charges had stayed at a misdemeanor level, but “they moved it from a misdemeanor back to a felony and that makes you pretty much a criminal and that's what I, you try to fight when you go to court...” He viewed criminality based on the classification of the crime, which was dictated by the law and court systems.

A third male inmate ironically considered himself a criminal more for the immigration hold—which came after his 20-year residency was stripped—than for violating a restraining order that he said he was unaware of. “I only consider myself a criminal in passing from the line over here – in that I am in agreement with the Immigration....But coming from – passing from one line to over here, to me it is like—like a criminal. In that aspect, yes...” In his case, his

residency status was taken away because domestic violence charges are often treated as felonies in determining whether or not a resident will lose his/her status.

An undocumented male inmate from Venezuela, whom the sheriff singled out as different from the others, was arrested for having forged documents, which is classified as a felony. His was perhaps the most clear and predictable opinion of the five inmates we formally interviewed. Even in his own defense, however, he broadened his innocence to include his fellow inmates:

I think that none of us that are here are criminals nor do we consider ourselves criminals. Lamentably, we're human beings and we're not perfect; well, we always commit errors, and each one of us has different errors, and the only thing left for us is to be here in this place [the jail] and learn from our errors to not commit them again. Not a single one of us is a criminal, we're just human beings that make mistakes, like all human beings we make mistakes, well, we are not perfect.

Again, he talked about mistakes that were made, but rejected the idea that these mistakes should be used to justify labeling someone as criminal.

As we were leaving from the first visit, the group that had just been brought in by the ICE agent was going through booking and we had the opportunity to informally chat with some of them as they made their way through the line. Although we did not have full background on their situation, we learned that they had just crossed the border on foot—three days walking through the desert—and the van in which they were apprehended was being used to transport them from Arizona to Idaho, where they were to work on a farm. Most of them were from the same small town in Zacatecas, Mexico and several of them admitted to the ICE agent (and confirmed later to us) that they had been here before and had been previously deported. We did not get a chance to ask each of them individually, but those that we did ask indicated that they did not feel like

criminals, although they sometimes felt treated differently because of their legal status. They echoed the same sentiment as many others, that because of the dire situation back home, they came to the United States to work and to have a better life for their families. Said one, “Unfortunately just because we don’t appear on a list [we are seen as criminals]... we’re the same as you, we’re human.”

On the second visit to the jail, another immigrant defended his fellow inmates even though he considered *himself* to be a criminal. He described his perspective and why he felt that way:

A lot of the [other] guys here—like, I’m a criminal, I know it, like, a hundred percent... I shot this dude, but like a lot of the guys here, they didn’t do anything; like some of ‘em [were] just working and then they like [were told], ‘Oh, you got, like, one your numbers on your social security number came back wrong, you know, and they get caught up and stuff. Like, I feel bad for them ‘cause they didn’t really do anything, you know? Like, I know what I did. I know right from wrong, and I know what I did was wrong. But like 90% of the guys in here didn’t do, like, nothing.

He compared his crime—including charges for possession of a firearm and child abuse, since the person he shot was a minor—as definitely wrong and classifying him as a criminal, with the identity theft charges faced by the majority of his fellow inmates, which lacked directly-targeted victims and which he didn’t consider to be *as* wrong. He viewed it more as an unfortunate circumstance that they got “caught up” in. Then he talked about the unequal treatment that they faced for their difference in charges and how he felt bad for the others:

I know what I did was wrong, you know, but most of the guys, they didn’t do anything bad, and they get caught up in the same thing and it just sucks ‘cause some of them have

to do more time than me. Like I'm probably only gonna be here like three more weeks and get deported, and a bunch of these guys are gonna have to be here like six months to a year just waiting for their case [to go to court] and they didn't really do nothing.

Again, he admitted his own faults and dismissed the mistakes of his peers as minor compared to his own. Yet, he pointed out, they would end up spending more time in jail than he would, and he didn't really think that was fair.

Another male respondent expressed remorse for the crime he was charged with, but explained that in his culture it was not viewed as wrong. Ten years ago, he arrived as a refugee from Somalia. Two years later, at the age of 19, he became intimately involved with a girl who was under 18 years old (he did not say her specific age). In his native culture, he explained, they marry young, and he was not aware that his behavior was illegal in the United States. He was charged and convicted of lewd conduct with a minor, and served four and a half years in an Idaho prison. Now, he was awaiting the decision from the immigration judge on whether he would be given a second chance to reside legally in the United States. He admitted:

This was my first time, you know, the [first] crime I have committed ever in my life. I just wish, you know, they could give me a chance to look up the rules and laws follow them, you know. But, uh, I mean, for some reason, I just didn't know it was a big deal and I've been in jail since then.... Yeah, [this is the first time], I never did drugs or nothing; I was doing everything I was supposed to do except that when I got in trouble, I didn't know it was a big deal.

He obviously did not consider himself to be a criminal even though his charges held the severity of a felony and he had served over four years in a state prison. Nevertheless, he regretted his

actions and was hoping for another chance. He said that he loved this country and hoped to live here the rest of his life.

Interestingly, only three of the inmates interviewed considered themselves to be criminals, and one of them had a completely clean record other than *being* in the country without proper authorization. The second immigrant who considered himself a criminal did so based only on the legal classification of his charges, and the third believed he was a criminal because of the violent nature and severity of his actions and their inherent immorality or wrongness.

Incarcerated immigrants, like every other social group I studied, had varying perceptions of immigrants and criminality, despite all of them being locked up together. As the sheriff noted, it was important to consider individual circumstances when determining whether a person was a criminal or not, and I think these immigrants did look at the whole picture for each individual before coming to a conclusion—though those conclusions differed. There also seemed to be some consideration for the type, classification, and severity of the charges (see Appendix E).

It was difficult to determine what exactly it was that fostered these differences in perception. None of them mentioned fear and since the issue was more personal to them in their situation, stereotypes did not really come up as a topic either. What they did talk about was the feeling that small mistakes did not make a person a criminal and big mistakes did; they just seemed to have different opinions on the difference between big mistakes and small ones.

## DISCUSSION

This study contributes to the growing body of research on perceptions regarding immigration and crime, at a time when the economic and political environment is extremely volatile. By examining separately four distinct social groups, we have gained insight into the complex nature of this issue and discovered specific areas that merit further exploration. In every



group, a great diversity of opinions and perceptions were found, and in most cases, they could not be easily sorted even within the group itself. However, by comparing across the groups, patterns emerged where themes overlapped.

For legislators, there was a major distinction made by those who viewed immigrants as criminals or more likely to be involved in criminal behavior; that distinction was based on legal status. Most legislators with a negative perception toward immigrants specified that it was *illegal* immigration that caused all the problems and affected the crime rates and the safety of Utah's citizens. The nature of being undocumented, they felt, led almost automatically to the commission of other, more serious crimes—jumping directly from misdemeanors to felonies. They expressed some fear, but more as a political tool to garner support for harsher punishment of crimes committed by undocumented immigrants. Other legislators, though, recognized and felt that a prevalent stereotype of immigrants being disproportionately involved in crime existed, but was inaccurate and unfounded. Both groups made reference to statistical evidence that “supported” their stance.

Immigrants we interviewed represented a more complex range of perceptions and disagreements on some key points. The common feeling was that Utah County was safe—much safer than other places. Even though most believed that the amount of crime was increasing, they all felt safe in their own neighborhoods. This group did not exhibit the expected fear of crime, despite being characterized by some of the variables that have influenced fear of crime in other contexts (see Fox et al. 2009; Eitle and Taylor 2008; Kanan and Pruitt 2002; and Will and McGrath 1995). Consideration of age and gender did not prove a contributing factor either for this group.

Immigrants also expressed varying degrees of frustration with the stereotypes that resulted from the minority of immigrants who do commit serious crimes. They generally agreed that someone's undocumented status did not constitute grounds for considering a person to be a criminal. The divergence came on the topics of whether legal status made one more or less likely to engage in or be drawn toward criminal activity, and whether immigration rates influenced crime rates. Some held opinions one way, others expressed opposing views, and the majority took a more neutral position, that they were not connected or related either way. Strong emphasis was placed on the practical motivation for immigration.

In interviewing law enforcement officials, an interesting pattern emerged regarding social distance: officers who worked more intimately with immigrants seemed to allow more for exceptions to the stereotypes and found individual circumstances to be more relevant, while those who were more distanced held broader perceptions of immigrant groups as a whole. The more distanced officers were more black-and-white in their views, labeling any crime—felonies or misdemeanors—as criminal behavior (see McLaren 2003). They were also more punitive in their judgments.

Finally, incarcerated immigrants also showed diversity in their perceptions, but with more blurring between the lines. Some felt they were criminals for minor offenses that the law classified as misdemeanors. One immigrant used the actual classification of his charge (a felony) to justify calling himself a criminal (see Hagan and Palloni 1999). In other cases, respondents did not feel they were criminals and felt that the law came down on mistakes they made, but that they were still good people trying to clean up their lives and move on with a better future.

Needless to say, the diversity and variation in perceptions of immigrant criminality was fascinating. These findings open doors and generate pointed questions for future research. In

Appendix E, I extracted several possible factors that seemed to influence each respective group. If variables were created to measure these factors, or if questions were made to specifically include them, they may prove useful in predicting the overall perception of immigrants and criminality of those studied. Which factors influence individual members of each group to have such different perceptions from their colleagues? Could social distance be measured and accounted for in these groups? Within immigrant groups, does the legal status of the respondent factor in to their perceptions?

Other factors could also be influential that this study did not include. For example, could there be an ancestry or ethnicity component influencing the sympathetic attitudes of certain individuals in the legislative and law enforcement categories? Could other groups be studied that have varying degrees of social distance from immigrant groups, like educators or local business owners? What about including socioeconomic status or neighborhood composition for each respondent? Could the social distance scale be used to measure sympathies and then used to predict attitudes towards immigrants or immigration policy or legal reform? If such variables could be operationalized and measured, that may open the field up for quantitative analysis in this area as well.

Extending beyond the realm of perceptions, some of the findings suggest ideas for research in other areas of interest as well. For example, some legislators and police officers jumped to the conclusion that undocumented immigrants would be more reckless about obeying other laws simply because they broke one law by being in the country without authorization. However, risk analysts would point out the difference in severity and consequences between the misdemeanor of entering or living in the country illegally versus other felonies, which carry stiffer penalties. Why and how do some disregard this difference and treat the risks as equal?

In the field of ethnic and social identity, how does an immigrant's legal status influence or affect their strategy of assimilation and/or their interaction with others? Does legal status influence social distance or play any kind of role in residential segregation? Are there feelings of separation or isolation between the "documented" and the "undocumented"?

What about the unconventional interaction of the sheriff with the inmates, particularly the one who he adamantly defended? Is there paternalism at play? Could jail management and/or personnel-inmate relations be studied?

This research was an exploratory study and could not feasibly include all segments of society. Could educators, media, economists, or even a representative sample of the general public yield similarly interesting patterns? For example, perhaps educators with larger immigrant populations in their school districts might have a different view of immigrants than their colleagues in districts with more homogenous or native populations. Maybe economists' perceptions would be different than the media's representations of immigrants and their impact on society.

I have done my best to represent a sampling of perceptions from each of the four groups selected for this study. What I found is that a perceived connection between immigration and crime does exist, but it is not a universal assumption, nor can it be wholly attributed to the members of any of the groups I studied. Rather, the perception was found to exist to some extent within each group among some members, while being rejected completely by others. In most cases, however, there were other perceptions that fell somewhere in the middle and could not be assigned to a black-and-white, one side or the other, classification.

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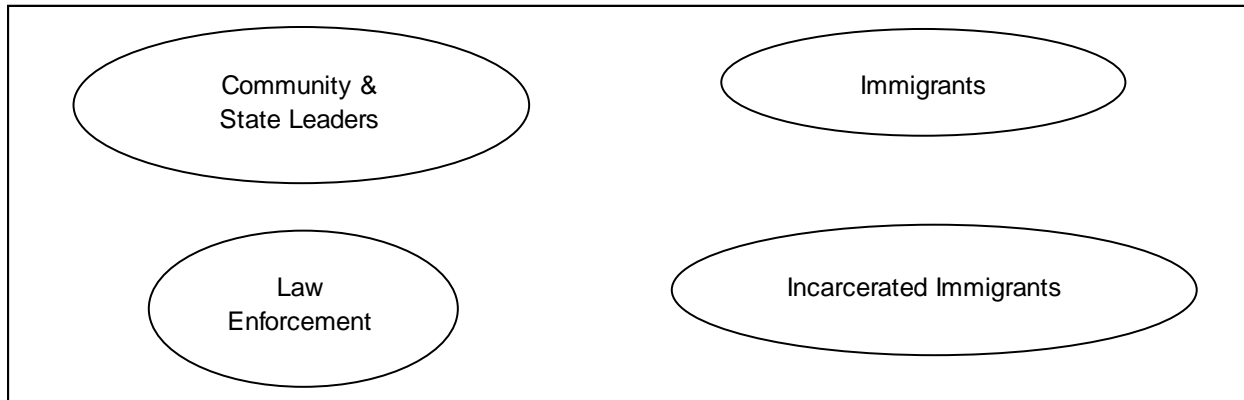
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*Appendix A. Selected Social Groups.*

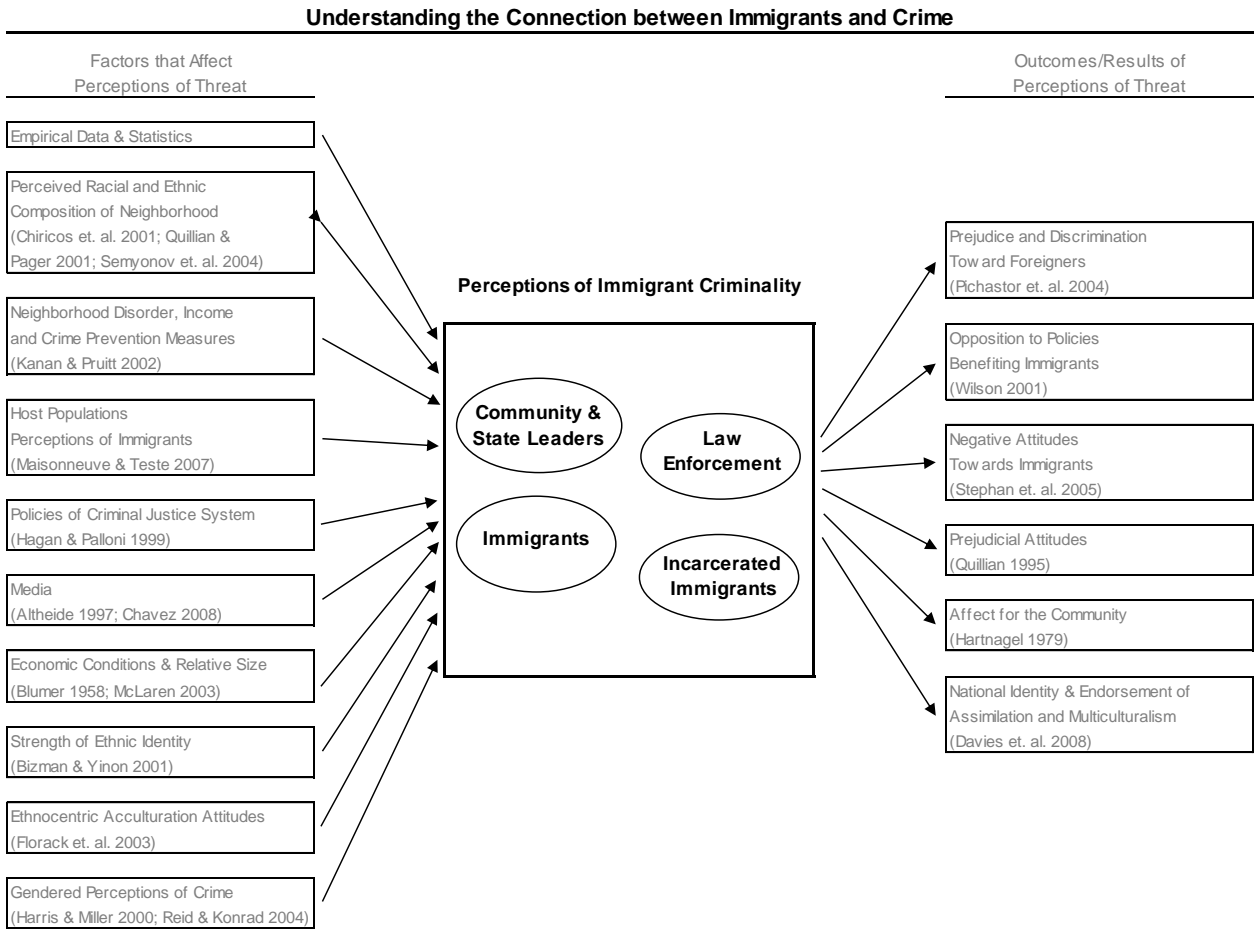
Deconstructing Perception of Threat (Immigrant Criminality)

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Social Groups Related to or Involved with Immigrant Populations



*Appendix B. Theoretical Perspective for Understanding the Connection between Immigrants and Crime.*



*Appendix C. Interview Questions from Immigrant Interview Guide<sup>1</sup>.*

**XIII. JUSTICE SYSTEM**

1. Has anyone close to you been a victim of crime? What has been the effect on them?
2. Have you ever been the victim of a crime? Of violence? Of property? [IF YES:] Tell me about that.
  - What overall effect has it had on your life?
  - How does the justice system in the United States compare to your home country?
  - (PROBE: *For experience as a victim, experience negotiating the justice system.*)
3. Has anyone close to you ever been arrested or done time in prison? What was the effect on them?
4. Have you ever had a run-in with the police? [IF YES:] What happened?
  - Were you arrested? When?
  - Are you or have you been on probation? When?
  - Have you received community service, or been ordered to a mandated program?
  - How did your life change after that event? How did people treat you afterwards?
5. Have you ever been to jail or prison? [IF YES:] Why? What happened?
  - How long were you incarcerated? When?
  - Did the experience change your life in any way? How?
  - How did people treat you differently afterwards? Do they still?
  - Tell me about what it's been like since you got out?
  - (PROBE: *For family, work, education, friends, opportunity, self-image, social networks.*)

Supplemental questions:

Do you feel safe in your neighborhood?

Do you think crime is a big problem here?

Do you feel that crime is getting worse, getting better, or about the same?

How do you feel about other immigrants who commit crimes? Does that happen a lot, that you are aware of?

Do you feel that immigration rates influence/affect the rate and/or type of crime committed?

Do you think immigrants without visas or legal residency are more likely to commit crimes than those with the proper paperwork? If so, why?

<sup>1</sup> This is an excerpt of the relevant section from a more complete interview guide.

*Appendix D. Interview Questions for Law Enforcement, Legislators and Community Leaders.*

Would you say you are involved with Utah's immigrant community? Briefly describe all ways in which you are so involved.

Utah's immigration trends, as of late: are they increasing, decreasing? Areas of concern?

Utah's crime trends, as of late: are they increasing, decreasing? Areas of concern?

How do you view those who illegally immigrate to the United States, and in particular, Utah? (Criminals, victims, doing what they have to do, etc). Do you see illegal immigration as a problem? If so, what should be done about it? If not, why do you think other Utah leaders do see it as a problem?

In your experience, professional or personal, do you think immigrants commit crime at a higher rate than other citizens, not counting immigration-related offenses? **If yes**, what evidence/experiences have led you to this conclusion? What factors do you think contribute to a higher rate of crime among immigrants? Do you think your viewpoint is common or uncommon among Utah political and community leaders? **If no**, what evidence/experiences have led you to this conclusion? Do you think your viewpoint is common among Utah leaders? Why do you think some leaders believe there is a correlation?

*Appendix E. Possible Contributing Factors in Evaluations and Perceptions of Immigrant Criminality.*

Possible Contributing Factors in Evaluations and Perceptions of Immigrant Criminality by Social Group	
Social Groups	Contributing factors in their evaluations and perceptions of immigrant criminality
Legislators	"Illegal" status vs. legal status, i.e. documented vs. undocumented Appeal to statistics and crime data Assumption that misdemeanors (illegal status) automatically lead to felonies
Immigrants	Feelings of safety and security in their own neighborhoods Acknowledgement of negative stereotypes, but rejection that they were accurate i.e. recognition that criminals represented a minority of immigrants in spite of stereotypes Strong focus on positive motives for coming here Some consideration of legal status
Law Enforcement	Social distance and degree of contact with immigrant populations "Illegal" status vs. legal status, i.e. documented vs. undocumented Greater allowance for individual circumstances in which motives are considered Some consideration of the classification of charges (felony vs. misdemeanor)
Incarcerated Immigrants	Consideration of the classification of charges (felony vs. misdemeanor) Consideration of individual motives and life goals Type of crime: "Victimless" crime vs. violent crime? Perceived seriousness of the crime