San Diego

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120145

THE IMPACT OF ILLEGAL IMMIGRATION ON THE CRIMINAL JUSTICE SYSTEM

JULY 1989

San Diego

ASSOCIATION OF GOVERNMENTS

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Revised July 18, 1989

Abstract

TITLE: The Impact of Illegal Immigration on
the Criminal Justice System

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DATE: July, 1989

LOCAL PLANNING AGENCY: San Diego Association of Governments

NUMBER OF PAGES: 195

ABSTRACT: In 1986, San Diego criminal justice
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Although the issue of immigration is a
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At the request of the Criminal Justice
Council, the Criminal Justice Research
staff of the San Diego Association of
Governments (SANDAG) sought and
received funding from the National
Institute of Justice to conduct a study
of the impact of illegal aliens upon the
justice systems of San Diego County in
California and El Paso County in Texas.
Findings indicated that undocumented
aliens accounted for 12% of the
selected felony arrest population in San
Diego and 15% in El Paso during fiscal
year 1985 and 1986. Costs for justice
processing of undocumented persons in
San Diego were just over $15 million.

The study suggests that local effective
responses to criminal aliens are
hampered by systemwide problems
including jail crowding and limited
resources. Recommendations include
assistance from the federal government
through increased resources for the
Border Patrol and development of a
mechanism to identify and analyze
trends regarding undocumented persons
in the offender population.

The report includes detailed analyses of
justice processing in both counties and
results of interviews with justice practi-
tioners. Graphic and tabular presenta-
tion of data are presented in the text.

LOCAL USE GUIDELINES: This research study was prepared for
informational purposes.

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CHAPTER 1
EXECUTIVE SUMMARY

Executive Summary

THE IMPACT OF ILLEGAL IMMIGRATION
ON THE CRIMINAL JUSTICE SYSTEM

Note: This report uses the terms "undocumented persons", "illegal aliens", "foreign nationals", "deportable aliens", and "illegal immigrants" interchangeably. Each refers to foreign nationals who are in the United States without lawful permission, either because they did not identify themselves to the Immigration and Naturalization Service or they have violated the conditions of their initial status (student visa, border crosser). Use of these terms may seem offensive to some. Clearly, our intent is only to distinguish this group from U.S. citizens and immigrants in a way that is understood. The terms apply to all foreign nationals, regardless of country of origin.

STUDY RATIONALE

In 1986, San Diego criminal justice administrators and practitioners expressed concerns regarding the increasing influx of undocumented persons to San Diego County and their presumed association with rising crime rates. Although the issue of immigration is a federal responsibility, much of the actual impact is borne by local entities. The San Diego Criminal Justice Council, comprised of justice administrators and elected officials, invited the San Diego congressional delegation to hear testimony about how illegal alien involvement in crime was affecting law enforcement agencies, jails, and the courts. At that time (1986), it was suggested that the federal government should be responsible for the costs and resources used to address alien crime. However, it became apparent that the actual numbers of aliens in the arrest population were not available and information was primarily anecdotal.

At the request of the Criminal Justice Council, the Criminal Justice Research staff of the San Diego Association of Governments (SANDAG) sought and received funding from the National Institute of Justice to conduct a study of the impact of illegal aliens on the San Diego justice system. El Paso County in Texas was also examined. The focus of this study was not to examine the criminality of undocumented aliens. Rather, the purpose was to determine the impact of a group of arrestees on the criminal justice system. Also, although aliens are victims of crimes, the emphasis of the research was criminal aliens.

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RESEARCH OBJECTIVES

The research questions addressed in this study were the following:

- What is the level of involvement of undocumented aliens in serious felony arrests?

- What is the impact of arrests of undocumented aliens on the criminal justice system (i.e., law enforcement, prosecution, courts, corrections) in terms of workload and cost?

- What is the outcome of serious felony arrest cases involving undocumented persons compared to others arrested for similar crimes?

- To what extent are undocumented persons arrested/convicted for repeat offenses?

- To what extent do criminal justice agencies coordinate their efforts to apprehend and process undocumented aliens who have committed serious crimes?

- What policies or procedures could be implemented in criminal justice agencies to address the issue of crimes committed by undocumented aliens?

STUDY PROCEDURES

Target Population

Since felonies (in particular, the FBI Index offenses, excluding petty theft) represent the most serious crimes for which individuals are arrested, as well as the crimes most likely to be reported, these arrests were selected for the tracking study. Discussions with law enforcement suggested that illegal aliens were frequently involved in felony narcotic offenses and receiving stolen property, so these offenses were also included. The time period included arrests of adults occurring during a one-year period from July 1, 1985 through June 30, 1986. A sample from 14,347 San Diego County felony arrests was selected from a computer tape supplied by the California Bureau of Criminal Statistics. A total of 4,431 felony arrest reports with complete information were reviewed for the study in San Diego. The large sample size insured a sufficient number of illegal aliens for analysis of attrition rates. In El Paso, all arrests in the selected offense categories were initially included (2,517). Complete information for 2,268 arrest reports was collected. Exclusion of minor or lesser offenses may underestimate the overall impact of undocumented persons; however, serious offenders are more likely to proceed through the justice system, thereby increasing the systemwide value of the research. To determine the proportion of illegal aliens in the arrest sample, the following procedures were used. Initially, discussions were undertaken with police personnel to understand the types of information about arrestees that might suggest illegal citizenship status. The following indicators available from arrest reports were used to select a group of arrestees who were not likely to be U.S. citizens:

- Under age 25
- Birthplace outside the United States
- No permanent address
- No driver's license

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- No Social Security number
- No permanent employment or service level employment (e.g., laborer, dishwasher, busboy)
- Need for an interpreter
- Undocumented box checked on arrest report
- Admission of illegal status.

If the arrest report indicated that an arrestee was foreign-born and also fit into two additional categories, such as "interpreter needed" and "no permanent address", the arrestee was considered in a potential alien or non-U.S. citizen grouping. The Immigration and Naturalization Service (INS) then examined its records to ascertain actual citizenship status of those suspected to be undocumented aliens. Initially, 843 San Diego arrest cases and 600 in El Paso were in this category. Ultimately, the INS review resulted in three groups: illegal alien, legal immigrant, and those whose citizenship could not be confirmed.

The approach for delineating alien status most likely underestimated the proportion of aliens in the arrest sample. If, at the time of arrest, an illegal alien, through fear of deportation, said he was born in the United States, then the case would not be part of the non-citizen group unless additional information suggested illegal status.

Case Tracking Form. In addition to the types of information obtained to suggest citizenship status, other data pertaining to justice processing included (see Appendix B for case tracking form):

- Highest arrest charge
- Additional charges
- Sex
- Ethnicity
- Suspect relationship to victim
- Location of offense
- Initial custody status (e.g., released, bailed out)
- Pretrial custody time
- INS hold
- Prosecutor decision (complaint filed/rejected)
- Indigent defense
- Reasons for complaints rejected
- Highest complaint charge
- Highest conviction charge
- Disposition (convicted/acquitted)
- Sentence (probation/jail/prison)
- Sentence days.

Case Attrition

A secondary level of analysis examined the justice process after arrest and compared citizens and illegal aliens on these decision levels:

- release after initial jail booking
- filing of charges by the prosecutor
- court disposition
- sentencing decision for those convicted.

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The analysis sought to determine if illegal alien cases resulted in different outcomes from cases involving citizens and the extent to which differences contribute to costs. It examined the effect of citizenship status upon decision points when other variables such as type of offense and age were statistically controlled. Since review of arrest, jail, and court files is a manual, time-consuming process, in San Diego, a subset (800) of the citizen arrest sample was randomly selected for obtaining case processing information.

Cost and Workload Methodology

An analysis of workload and costs associated with undocumented alien cases was conducted in San Diego County. Estimates of annual costs for the study period (July 1, 1985 through June 30, 1986) are based on 547 sample cases involving defendants confirmed by INS to have been in the United States illegally at the time of arrest. The sample cases were weighted to estimate costs for all FY 1985-1986 cases involving undocumented aliens (1,308 arrests). Comparable costs for citizens were not obtained. The cost estimates include: police investigation time; pre-sentence incarceration; criminal justice processing costs after arrest through court disposition; and the cost of the sentence imposed (e.g., probation, local custody, or prison).

The formula for computing the cost of sample cases is as follows:

TOTAL COST =	Police Investigation Costs	+	Pre-sentence Custody Costs	+	Case Processing Costs	+	Sentence Costs

Interviews

To augment the case tracking study and explore coordination among agencies, interviews were conducted with criminal justice administrators and line personnel. Initially, ride-alongs were undertaken with Border Patrol agents and local police in both counties. Formal interviews were conducted with a total of 36 individuals (30 in San Diego, 6 in El Paso) representing local law enforcement, probation, prosecution, judiciary, U.S. Attorney, and the Immigration and Naturalization Service. Administrators in these agencies were interviewed as well as selected line personnel.

(A more detailed discussion of the methodology is in Chapter 4.)

RESEARCH FINDINGS

Illegal Aliens in the Felony Arrest Population

The San Diego data revealed 81% of the 4,431 sample arrests (3,598) to be U.S. citizens. Arrestees confirmed as illegal aliens by INS represented 12% (547) of the sample. An additional 2%, or 102 cases, were confirmed immigrants or individuals with permission to be in the United States. There were 184 foreign-born individuals (4%) for whom citizenship status could not be confirmed through INS records.

United States citizens accounted for 74% of the El Paso arrestees (1,668), while illegal aliens represented 15% of the total (344). Seven percent (7%) of the arrestees had legal immigrant status at the time of arrest (154), and 102 or 4% could not be confirmed.

It is important to keep in mind that the data refer to arrests in 1985 and 1986. Prior to this study, this kind of information did not exist. Currently, there is no uniform mechanism for identifying aliens in the arrest population nor is there an efficient method for tracking an arrest case to final disposition. Thus, the data presented in this report are the only systemwide data available. This assertion was recently confirmed by a report on criminal aliens by the Immigration and Naturalization Service (INS) to the House Judiciary Sub-Committee in May 1989. The report concludes that there are no reliable data, or collection methods maintained by either the INS or any city government with respect to illegal aliens arrested. (Immigration and Naturalization Service, May 1989)

Arrest Charge and Citizenship. When arrest offenses were examined by citizenship status, the data show that aliens were less likely than other groups to be arrested for the violent crimes of homicide, rape, and aggravated assault.

Of the illegal aliens arrested in San Diego County, the highest proportion was in the larceny category (23%), followed by motor vehicle theft (20%), and burglary (19%). Citizen percentages in these categories were 14%, 12%, and 17%, respectively. With respect to immigrants, 28% of this group's arrests were for narcotics violations compared to 15% of the illegal aliens and 21% of the citizens arrested for narcotics offenses.

In El Paso, nearly two-thirds of the illegal aliens (66%) were arrested for property-related offenses compared to less than half of the other groups. Over a third of all alien arrests (35%) were for burglary and 22% involved larceny theft-related offenses. Comparable figures for citizens were 26% (burglary) and 12% (larceny). Illegal aliens in both counties were, proportionately, less likely than other groups to be arrested for narcotics violations.

Interview information from criminal justice administrators suggested that illegal aliens primarily become involved in property-related offenses, such as burglary, larceny, and auto theft, as well as minor offenses including drunk in public, trespassing, and traffic-related violations. (The case tracking study addressed only alien arrests for serious felonies, and data are not available to document alien involvement in misdemeanor offenses.)

Although the actual number of illegal aliens is not known, most criminal justice administrators noted that, overall, criminal activity is committed by a small fraction of the total population of undocumented aliens. Migrant workers were viewed as less likely to become involved in crime than illegal aliens. The majority of those interviewed agreed that illegal aliens contribute to serious crime, but they could not estimate the actual numbers of crimes committed by illegal aliens.

Case Processing

Illegal aliens are processed through the criminal justice system in different ways than citizens, which can contribute to increased time and resources expended. Specifically, these differences were noted:

- Often an interpreter is needed at the time of arrest or during an investigation, particularly in San Diego. The case tracking study revealed that 60% of the alien arrests required an interpreter. Immediate availability of an interpreter is sometimes a problem.

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- According to law enforcement personnel, <u>misdemeanor</u> offenders sometimes are retained for the Border Patrol rather than processed locally, but all arrested felons are booked into jail. Voluntary deportation of aliens arrested for felonies is not an option until justice processing is completed.

- Individuals illegally in the United States often are not financially able to post bail and are less likely than citizens to be released from jail on their own recognizance. This is not unexpected given that release without bail conditions generally requires verification of local residence, community ties, employment, etc. Aliens are less able to meet these conditions. The case tracking study showed that, in San Diego, suspected criminal aliens, compared to citizens, spent considerably more time in jail, <u>prior</u> to case disposition (39 average days versus 10 days). In El Paso, comparable custody days were 65 for illegal aliens and 9 for citizens.

- Illegal aliens, according to those interviewed, often do not possess identifying documents, such as driver's licenses. (The case tracking study revealed that 87% of the undocumented aliens arrested in San Diego did not have a driver's license.) Due to fear of deportation, they may give false names and birthdates. This situation hampers efforts to determine outstanding warrants and prior criminal history. The process of accurately identifying arrestees can be time-consuming.

- State laws provide for interpreters for all non-English speaking defendants and witnesses during court hearings. Of the 356 illegal aliens who proceeded through the San Diego court system, 83% needed an interpreter.

CASE ATTRITION AND CITIZENSHIP STATUS

- In San Diego, the decision by police to release arrestees <u>after</u> initial jail booking was <u>not</u> associated with citizenship status. (Comparable data were not available for El Paso.)

- With respect to charges filed, arrests of illegal aliens were more likely to result in complaints filed compared to arrests of citizens. Detailed analysis of both counties revealed that, although aliens had more complaints filed, the effect of the type of offense was more important than citizenship status in the decision to prosecute.

- Illegal aliens in both counties were also more likely than citizens to be convicted. Although more illegal aliens than citizens were represented by public defense, this factor was not associated with convictions. In San Diego, the analysis revealed that age and citizenship status were related to the conviction decision; however, their explanatory value was weak. In El Paso, the type of offense had a greater impact than citizenship. The tracking study revealed that aliens, as a group, were just as likely as citizens to plead guilty.

- More citizens than illegal aliens were sentenced to prison, but illegal aliens were more likely to serve time in local jail. In San Diego, the variable of offense, specifically violent or person offenses, had a greater effect upon the sentencing decision. The factor with the greatest explanatory value in El Paso was the age of the offender, with persons under 21, relative to all others, significantly less likely to receive a prison sentence. This may be associated

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with the fact that younger offenders have had less time to accumulate criminal history, which can affect sentencing decisions.

FISCAL IMPACT

Based upon study findings, the costs for arrest cases involving aliens in San Diego were $15.2 million in fiscal year 1985-86, with most of the cost associated with processing after arrest. Local government was responsible for 78% of the total, with the State accountable for the remainder.

It should be noted that these costs relate to selected felony arrests which represent a small proportion of the workload of criminal justice agencies. The study does not address the high volume caseloads involving misdemeanor arrests and infractions. Over 70% of all arrests are misdemeanors. Interview results suggest that alien involvement in these offenses contributes to the use of additional resources. Therefore, the cost figures provided in this study are likely a conservative estimate of the total costs of alien arrests. The countywide cost for processing all cases in the criminal justice system in FY 1985-86 was $320 million.

RECIDIVISM OF ILLEGAL ALIENS

In the San Diego alien sample, more than half (57%) had been arrested previously and 46% had been convicted. Less than a quarter (24%) had prior convictions for felonies. Recidivism figures may be underestimated due to the difficulty in linking alien arrest records with several names and different birth dates. Another study of 304 unsentenced jail inmates (November 1986) revealed that 56% of the sample had been previously convicted of felonies.

In El Paso, 34% of the illegal aliens had one or more previous arrests for felonies. Nearly 80% had no prior convictions for felonies or misdemeanors.

COORDINATION/COOPERATION ISSUES

Findings suggest that there is frequent communication and good cooperation among justice personnel with respect to processing illegal aliens. This is of particular interest since both federal and local entities must interact to respond to alien involvement in crime. Problems that impede an effective response are associated with systemwide issues. Crowded jails and limited resources hamper efforts to address the impact of increasing crime upon the system. When illegal aliens commit minor crimes, the expeditious action may be voluntary return to the country of origin rather than request for prosecution. As a result, border patrol agents and local police often encounter the same people arrested previously. A common complaint expressed by respondents was an insufficient number of border patrol agents to respond when illegal aliens are arrested and either booked into jail or released in the field.

Although personnel in various agencies cooperate, more than half of those interviewed expressed a need for more coordination, perhaps in the form of a multiagency task force. Respondents did not specifically identify the role of such a task force.

CONCLUSIONS AND RECOMMENDATIONS

As long as the United States maintains open, relatively uncontrolled borders, and the economies of other countries remain unstable, there will continue to be an influx of people seeking better opportunities in this country. A proportion of these may become involved in criminal behavior; in particular, income-generating property offenses. The severity of the impact should be considered by policymakers in light of total resources devoted to criminal justice.

What is apparent from this study is that increased federal assistance may be needed in border counties to allow local justice efforts to be more effective. Assistance should be in terms of dollars as well as resources, such as more Border Patrol agents. Specifically, the following recommendations should be considered:

- When suspected illegal aliens are detained by local law enforcement for minor offenses that will not result in jail booking, the Border Patrol should have sufficient manpower to respond in a timely manner in order to protect the aliens' rights with respect to lawful detention as well as reduce the time expended by local police. Currently, this is not the case, and minor offenders are often released by local police only to be recontacted for subsequent offenses. (Recently (July, 1989) the San Diego Police Department announced a proposal to detain for the Border Patrol illegal aliens arrested for misdemeanors, who cannot be booked into jail due to crowded conditions. Under the proposal, if arrested persons are determined by the Border Patrol to be illegal, voluntary deportation would be offered. However, if the same person was recontacted a second time for criminal activity, prosecution could occur for being a criminal alien, under federal law.)

- In San Diego County, adequate staff coverage by INS Special Agents should be maintained at the jails in which arrestees are booked. Immigration holds should be placed immediately on persons confirmed to be illegally in this country. Immigration holds increase the likelihood of federal responsibility and action after local justice proceedings are completed.

  These efforts would accomplish two purposes. First, the INS agents would confirm the citizenship of the arrestees. Accurate identification of individuals is an integral part of the justice process, but the INS is the only agency authorized to delineate citizenship. Documentation of the numbers of illegal aliens arrested is important, not only on an individual basis (e.g., decisions about release after arrest, bail-setting decisions, and likelihood of court appearance), but on an aggregate level as well, to examine trends over time. This study noted that, in San Diego, 12% of the serious felons arrested in fiscal year 1985-1986 were illegal aliens. To determine if that percentage has changed, a uniform mechanism for both identifying and counting illegal aliens in the justice system should be established. If local governments wish to request financial assistance from the federal level, they must be able to provide documentation of impact. Although the INS has provided these supportive services, it has thus far been on a limited basis due to insufficient staffing. As a report to a judiciary subcommittee stated: "There is no standard, adequate terminology employed by arresting agencies at city, state, and national levels to denote alienage. There are no uniform, formalized requirements for municipal police departments to report to the INS suspected aliens placed under arrest for commission of crimes." (Immigration and Naturalization Service, May 1989)

- The Immigration and Naturalization Service (INS) should consider the feasibility of fingerprinting individuals apprehended for illegal entry into the United States. The potential for interface with local law enforcement automated systems should be explored as well. These efforts could enhance local enforcement capabilities for positive identification of arrestees. This information is integral to effective law enforcement for the purposes of investigative follow-up, locating victims and witnesses, determining outstanding warrants, assessing criminal history, and providing effective probation supervision.

Additional recommendations pertinent to local law enforcement include:

- San Diego law enforcement personnel expressed an interest in receiving training by INS officials in the area of fraudulent documents. A supplementary, independent study of 300 officers in North San Diego revealed a lack of understanding of the various documents pertaining to status in this country. Some police administrators have requested such training from INS, and more should be encouraged to do so.

- To facilitate police effectiveness when contacting illegal aliens, police agencies in San Diego should consider a Spanish language requirement or incentive for sworn personnel. Cost for the training may be reimbursable through P.O.S.T. (Police Officers Standards and Training) at the State level. The training should also include the topic of cultural awareness to assist law enforcement officers in understanding the behavior and values of different cultures.

- Justice professionals should consider development of a liaison with their Mexican counterparts to explore the feasibility of a program for adult minor offenders similar to the current juvenile programs. Offenders sentenced to local jail and/or probation potentially could be supervised in Mexico by Mexican authorities. This could result in a cost savings for local incarceration and probation supervision. El Paso is experimenting with a similar program for pretrial supervision of arrestees who live in Mexico.

- In areas with high proportions of migrant workers, the police agencies, in conjunction with community groups, should consider the development of brochures or flyers to be distributed in migrant camps. Information, written in Spanish, could include a brief overview of the criminal justice process, rights of arrestees, and the importance of reporting crimes.

FUTURE RESEARCH

This research focused on the extent to which illegal aliens were arrested for selected felony crimes and the corresponding impact on the justice system. Interview results suggested that aliens also impact the justice system through less serious criminal activity or misdemeanor arrests. Since these types of lesser offenses constitute the major workload of the criminal justice system and correspondingly affect the costs, illegal alien involvement in these offenses should also be examined to assess the impact of illegal immigration on the total system.

The extent to which illegal aliens are victims and the underreporting of these incidents would also be of interest.

In this study, a limited number of available variables were used in the analysis to explain progression through the criminal justice system. Additional research could employ more variables to assess their effects on differential processing.

CHAPTER 2
INTRODUCTION

Introduction

The focus of this research is the impact of illegal immigration on crime. Before describing the study, a brief discussion of this issue may be helpful.

Few would disagree that immigration has profound impacts on the social, political, and economic systems of the United States. In an average year, over 600,000 legal immigrants are accepted for permanent resettlement (Lamm and Imhoff, 1985). With respect to illegal immigration, the number of apprehensions for illegal entry documented by the Immigration and Naturalization Service (INS) peaked to just over one million in fiscal year 1986. The number of persons who evade apprehension and successfully enter the United States is unknown, but estimates by the Border Patrol suggest that only one out of every two or three illegal entrants is detained. Notwithstanding the fact that apprehension data include individuals entering and re-entering several times, it is estimated that one and a half million persons illegally cross near the international ports of entry on an annual basis (Lamm and Imhoff, 1985). Until disparities in wealth and income between the United States and Latin America are reduced, the United States probably will continue to act as an economic magnet for those in search of employment and life improvement opportunities.

The primary responsibility for enforcement of immigration law rests with federal authorities. Yet municipal law enforcement has a role as well, that, in recent years, has generated some uncertainty, confusion, and controversy. The reason for increased attention on local law enforcement appears to be associated with the following factors. Illegal immigration to this country has increased considerably within the past few years. Whether foreign nationals are staying in border cities seeking employment or passing through to the North and East, their visibility in the West has increased. Local law enforcement agencies, with their mandates to insure public safety, enforce the law, and prevent crime, have had more contacts with aliens than in previous years.

IMPETUS FOR RESEARCH

In 1986 in San Diego, media coverage and statements by police administrators linked aliens to rising crime rates. As media attention escalated, the role of local law enforcement became a concern of Hispanic organizations, elected officials, and police administrators. Community protests alluding to possible racial discrimination by police led to a re-examination of policies concerning undocumented persons who come to the attention of the police. During the course of this study, these policies were reviewed. Clarification and/or actual changes in policies and procedures occurred after July 1986, the cut-off date for our arrest tracking study. However, the circumstances are of interest to understand the dynamics surrounding this issue.

With increased attention on aliens' link to crime, public officials and others were seeking statistics to substantiate the alleged association to determine which level of government should be fiscally responsible. For several years, San Diego County has had a regional arrest report form used by the ten police agencies. One of the data elements refers to the citizenship status of the arrestee. The inclusion of this item was suggested by the District Attorney, who considers it an important determinant in making bail-setting decisions. Computerized data are not routinely compiled, however. When some community groups learned of this data element, they expressed concern about the need for collecting it, the potential illegality of obtaining it, and the possibility for discriminatory practices on the part of police officers. The American Civil Liberties Union supported the concerned citizens by filing legal action against the police agencies which included a proposal to remove the data element from the arrest report. The case was subsequently dismissed on the grounds that the complaint failed "to state facts sufficient to constitute a cause of action." (Superior Court, San Diego County, February 1988.) Several months before the court filing took place, William Kolender, then chief of the largest police agency in the county, publicly announced that his personnel would no longer indicate on the arrest report whether a suspect was an undocumented person. In addition, Chief Kolender stated that his officers were not Border Patrol agents and suspected aliens would not be detained for border patrol but released in the field if no criminal activity was suspected. The other police agencies chose to continue indicating citizenship status on the arrest report.

In El Paso, the Sheriff's jail booking report indicates citizenship status of persons booked, but the data are difficult to retrieve.

The issue of aliens and crime is intricately linked to economics, politics and, to some extent, racism. While illegal immigration is a federal responsibility, the impacts are most evident at the local level. This research suggests that aliens in San Diego and El Paso were involved in 12-15% of the major felony arrests in a one-year period. Discussions with justice personnel over the past two years suggest that aliens also become involved in less serious misdemeanor offenses.

Nowhere is this situation more evident than in the northern section of San Diego County. Although migrant workers have lived in canyons and rural sections for many years, it is only in recent years that the residential developments have burgeoned outward and met head-on the ramshackle encampments inhabited by aliens. Thus, their visibility is more apparent to new owners of expensive homes, who perhaps sympathetic to the plight of the impoverished workers, are distressed by their presence. The result is a clash of cultures, elements of hysteria, and frequent demands for local law enforcement to "do something" about groups of perceived aliens standing on corners, tending campfires in nearby canyons, or trespassing on residential property. With no mandated authority to contact persons on the basis of illegal citizenship, local police are frustrated by their inability to respond. The passage of the Immigration Reform Control Act of 1986 has not addressed these local concerns. It is too early to determine the impact of employer sanctions on those individuals who knowingly employ illegal aliens. Herein lies a basic conflict as citizens complain about increased visibility of aliens in their communities yet willingly hire aliens at low wages to do gardening and construction work. It is an issue which transcends crime and requires different components of all levels of government to respond to the social, economic, and political realities. Alien crime may be an unwelcome and unfortunate consequence of systems ill-prepared to deal with increasing immigration.

The Immigration Reform and Control Act of 1986 places limits on legal immigration and develops control mechanisms for illegal immigration. The primary provisions of the bill include:

- <u>Enforcement</u> - This area includes staffing increases for INS personnel, as well as stiffer penalties for smuggling aliens into this country and for manufacturing documents for the purpose of false identification.

- <u>Employer Sanctions</u> - This provision makes it unlawful for an employer to knowingly hire illegal aliens and establishes an employment verification system.

- <u>Legalization</u> - Through the amnesty program, eligible illegal immigrants were granted temporary legal status with the potential for becoming U.S. citizens. The foreign worker program was also expanded. (Congressional Quarterly, 1986.)

RESEARCH FOCUS

This research study examined the impact of illegal immigration on crime in two counties: San Diego, California, and El Paso, Texas, which are responsible for over half of all border patrol apprehensions in the western and southern sectors of the Immigration and Naturalization Service. The focus of the research is the local criminal justice system, including law enforcement, prosecution, judiciary, probation, and corrections. The research addressed the following questions:

- What is the level of involvement of undocumented aliens in serious felony arrests?

- What is the outcome of serious felony arrest cases involving undocumented persons compared to others arrested for similar crimes?

- To what extent are undocumented persons arrested/convicted for repeat offenses in San Diego and El Paso Counties?

- What is the impact of arrests of undocumented aliens on the criminal justice system (i.e., law enforcement, prosecution, courts, corrections) in terms of workload and cost?

- To what extent do criminal justice agencies coordinate their efforts to apprehend and process undocumented aliens who have committed serious crimes in San Diego and El Paso Counties?

- How do differences in agency objectives (i.e., local law enforcement versus border patrol) impede or enhance coordination efforts?

- What policies or procedures could be implemented in criminal justice agencies to address the issue of crimes committed by undocumented aliens?

REPORT FORMAT

This report continues with the known literature on the topic of aliens and crime. A description of the research procedures used in this study follows (Chapter 4).

Chapter 5 explores the complexity of this issue through the perceptions and opinions of justice professionals in El Paso and San Diego. The results of the inter-views serve to place this issue within a framework for understanding the case tracking studies conducted at both sites. Chapters 6 and 7 present the proportion of aliens in the arrest populations of the two counties. Also, data are presented that compare criminal justice processing of citizens and non-citizens, analyze factors associated with dispositions, and estimate the cost of alien crime (Chapter 8). The topic of aliens as repeat offenders is discussed in Chapter 9. The final sections include discussion of the issue of coordination among agencies (Chapter 10), and the handling of alien juveniles (Chapter 11).

CHAPTER 3
LITERATURE REVIEW

Literature Review

The issue of illegal immigration has been examined by many, from a variety of perspectives. While there is agreement that immigration affects demographic, social, and economic structures, research on the magnitude and consequences of immigration is not without controversy or limitations. This review highlights some of the research conducted on this subject. It is not intended to be an exhaustive summary of the available literature. Initially, the quest for pertinent literature began with a computer search by the National Criminal Justice Reference Service. Additional sources were obtained through a "snowball" approach.

During the course of this research, a concentrated effort was made in San Diego County to obtain all local media articles concerning aliens through a news "clipping" service. Although the majority of these articles are not specifically cited in this study, they are included as supplementary references. The sheer number of such articles over a two-year period highlights the press attention toward this issue, as well as the controversy and sensitivity surrounding it.

Several studies have addressed the link between immigration and overall population growth in this country. Historical perspectives describe the ebb and flow of immigration and identify periods in which immigration peaked or declined (Passel, 1986). Varying levels over time are associated with social and political upheavals in other countries as well as availability of economic opportunities in the United States. Others have examined the composition of the illegal immigrant population and noted the difficulty in estimating actual numbers due to the problems in differentiating permanent residents from seasonal workers and undocumented commuters (Passel, 1986; Heer, 1979). Estimates based on statistical aggregates of sample census data indicated that the total resident alien population as counted in the 1980 Census was 8.02 million with 2.06 million estimated to be undocumented. California has nearly half of this total with New York, Texas, Illinois, and Florida also estimated to have substantial numbers (Passel and Woodrow, 1984). The process of delineating reliable counts has been hampered by the fact that this segment of the population prefers to remain undetected. Also, estimates may differ with respect to the focus of measurement, e.g., some sources focus on the flow of immigrants while others describe the stock of immigrants already in place (McCarthy and Valdez, 1985).

Profiles of illegal immigrants have been developed as well (Bean, n.d.; Cornelius, 1978; Villapando, 1977). Using 1980 Census data, information from the Immigration and Naturalization Service (INS) and from interviews with immigrants, these studies describe characteristics of the population, identify geographic distributions, and point out differences among immigrants in terms of length of stay, i.e., long-term resident versus temporary worker. Conclusions about the picture of the illegal population depend on data sources used.

The distinction regarding different types of illegal immmigrants becomes a critical factor when the effects of immigration are examined. As Passel has pointed out: short-term migrants can have a major impact on labor markets, but long-time illegal residents are more likely to impact other systems, such as health, education, and social services. A number of studies have addressed the issue of impact on services and discussed the extent to which the undocumented population contributes to public revenues compared to their use of services (McCarthy, et al., 1985; Bustamante, 1977; Weintraub and Cardenas, 1984; Villapando, 1977; Conner, 1982). Data sources and procedures varied, but in general, most of these studies accessed census data, INS records, conducted interviews with segments of the illegal population, and surveyed representatives of service-related systems such as health, education, and social services. Recognizing research limitations such as incomplete data, small samples, and difficulty in collecting accurate cost figures, the studies reached relatively similar findings. The Rand study of Mexican migration in California concluded, along with Weintraub and Bustamante, that immigrants' contribution to public revenues exceeds the costs of their service usage, with the exception of educational services (McCarthy, et al., 1985). A study in Texas supported Rand's finding that impacts differ between state and local entities with some local areas experiencing more effects due to concentrations of undocumented populations (Weintraub, et al., 1984). Conner (1982) challenges the assertion that aliens contribute to public revenues and notes that large numbers of undocumented persons receive welfare assistance.

Common concerns cited in each of these studies are the inability to obtain accurate numbers of aliens and to describe differential impacts based on types of illegal immigrants.

The development of immigration-related policies based on diverse data sources and varied research approaches has been the focus of other studies (Levine, Hill, and Warren, 1985; Halven, 1986; Wolf, 1987; General Accounting Office, 1985). A common thread throughout these reports is the need for accurate data to measure the effects of illegal immigration. Existing data sources are examined and shortcomings are identified. The Wolf study of San Diego County calls for accurate statistics regarding alien crime and cautions that perceptions, without quantitative assessments, can distort understanding of the nature and scope of this issue.

The incidence of crime among immigrants, both legal and illegal, has been little studied, according to a report by the U.S. Accounting Office (Chelimsky and Grant, 1983). Reasons for the paucity of research in this area may be related, simply, to the unavailability of statistics and lack of systematic procedures for identifying individuals as illegal. A GAO study of INS operations in New York City (1986) estimated the magnitude of the criminal alien population through counts of aliens convicted of crimes and identified by INS while serving prison time. The estimates were derived from persons who progressed through the justice system and sentenced to incarceration (a small proportion of total arrestees). In an attempt to measure the magnitude at the front end, arrest reports over one year were reviewed in five urban cities to examine the proportion of foreign-born individuals arrested. Admittedly overestimating illegal aliens, the proportions ranged from 7% in Denver, Colorado, to 24% in Los Angeles, California (U.S. General Accounting Office, 1987).

Much information about alien involvement in crime is largely anecdotal (Merola, 1982) and based on observations unsupported by empirical evidence (Illinois Legis-

lative Investigating Commission, 1978). Although a survey of major police agencies in California suggested that the problem of alien crime is significant and critically impacts local resources, the evidence supporting this assertion was derived from observations, and small, non-representative samples of arrest reports from police precincts. Incarceration costs for convicted aliens in Texas were estimated to be less than one percent of the total, reflecting a marginal cost (Weintraub, 1984).

In May 1989, the Investigations Division of the Immigration and Naturalization Service responded to the following question posed at the Congressional House Judiciary Subcommittee Hearing: "What percentage of the individuals incarcerated in specified cities are illegal aliens?" (Shaw, 1989)

The INS response includes statistics from several states and counties. Percentages of aliens vary widely, in part due to different methods for determining alienage. Some are clearly estimates based on perceptions. The report concludes that, "there is no simple, direct answer to the question as posed. There are no reliable data, collection methods, or requirements maintained by either the INS or any city government" (Ibid). Reasons for the lack of data are cited as well:

- Lack of uniform, formalized requirements for municipal police departments to report to the INS suspected aliens placed under arrest for commission of crimes.

- No centralized database, or tracking system, exists within INS to receive notifications from law enforcement entities and provide appropriate, timely Service (INS) response.

- No formal agreements exist between the Service and local authorities to permit acceptance of Service detainers, automated or otherwise.

- There is no standard, adequate terminology employed by arresting agencies at city, state, and national levels to denote alienage (Ibid).

To address these limitations, INS intends to implement a nationwide information system to track criminal alien case information.

In sum, the reviewed research concerning the effects of illegal immigration is limited by degree, because of several factors, including:

- Use of diverse data sources;

- The inability to ascertain the number of undocumented persons;

- Differences in characteristics of sample groups (e.g., migrant worker versus long-term resident) and small samples;

- The absence of standardized procedures for identifying individuals as illegal; and

- And, alien crime studies based on non-representative samples and their focus on single levels of the justice system (e.g., arrest or incarceration).

The current study differs from those cited in the following ways:

- It focuses on the entire criminal justice system.

- It describes the process from initial arrest to final disposition.

- It does not address the criminality of illegal aliens, but rather the extent to which the justice system is impacted by the arrests of undocumented persons.

- It considers impact within the context of fiscal costs to local government.

Our focus, along with the limitations noted in related research, precludes comparative analysis, although relevant data are presented when appropriate.

Limitations of this research are identified in appropriate sections on results.

CHAPTER 4
METHODOLOGY

Methodology

TARGET POPULATION

To examine alien involvement in crime, over 7,000 adult felony arrest cases were reviewed in El Paso and San Diego Counties. Since felonies, in particular the FBI Index offenses (excluding petty theft), represent the most serious crimes for which individuals are arrested, as well as the crimes most likely to be reported, these arrests were selected for the tracking study. Discussions with law enforcement suggested that illegal aliens were frequently involved in felony narcotic offenses and receiving stolen property, so these offenses were also included. Exclusion of minor or lesser offenses may underestimate the overall impact of undocumented persons, however serious offenders are more likely to be processed through the justice system, thereby increasing the overview value of the research. Although aliens are also victims of crimes, the focus of this study is suspected criminal aliens.

In San Diego, the arrest sample was generated from a computer tape supplied by the State Bureau of Criminal Statistics. The tape listed adult (age 18 and over) felony arrests reported by the ten San Diego municipal law enforcement agencies during a 12-month period (July 1, 1985 through June 30, 1986). Since the categories of homicide and rape were relatively small in number, all arrests for these offenses were included. For the other seven categories, a sampling fraction of .40 was used to insure a sufficient number of undocumented aliens for analysis of attrition rates. A stratified random sample with equal probabilities was used, with the strata defined as the crime categories.

From the 14,347 San Diego arrests reported, 5,000 were randomly selected for the tracking study (see Appendix A for breakdown by offense). When non-sample (e.g., incorrectly labeled as a felony offense) cases were deleted, complete arrest information was obtained for 4,431 cases. The arrest sample was stratified by citizenship. Disposition data were collected on 800 randomly-selected citizen arrestees and all other arrestees not identified as citizens (843). Time constraints precluded collection of disposition data on all citizens.

In El Paso, all arrests in the selected offense categories were initially included (2,517). Complete information for 2,268 arrest reports was collected. Upon completion, those reports that suggested the arrestee to be an illegal alien were compared to citizens. These two groups were tracked through the system to obtain case processing and disposition information.

IDENTIFICATION OF CITIZENSHIP STATUS

A significant factor considered in this research was the means used by the criminal justice system to identify an arrestee as an undocumented person. The research

team used the following indicators from arrest reports to initially establish a group of arrestees who might be undocumented aliens:

- Under age 25
- Birthplace outside the United States
- No permanent address
- No driver's license
- No Social Security number
- No permanent employment or service level employment (e.g., laborer, dish-washer, busboy)
- Need for an interpreter
- Undocumented box checked (San Diego only)
- Admission of illegal status.

These data elements were chosen following discussions with law enforcement personnel who identified characteristics associated with alien status. For this study, when an arrestee was foreign-born <u>and</u> also fit into two other categories (e.g., under age 25 and no driver's license), the arrestee was considered in the alien grouping for confirmation by the INS at a later time. In San Diego, the regional arrest report has a space to be checked if the arresting officer considers the arrestee to be an illegal alien. However, the data element is not consistently checked nor are there standardized criteria for ascertaining alienage.

The approach for delineating alien status most likely <u>underestimated</u> the proportion of aliens in the arrest sample. If, at the time of arrest, an illegal alien, through fear of deportation, said he was born in the United States, then the case would not be part of the non-citizen group unless additional information suggested illegal status. Those cases identified as possible aliens (843 in San Diego, 600 in El Paso) were then tracked through the Immigration and Naturalization Service (INS) to confirm or reject presumed status. Ultimately, the INS review resulted in three groups: confirmed illegal, legal immigrant, and those whose citizenship could not be confirmed.

CASE TRACKING FORM

In addition to the types of information obtained to suggest citizenship status, other data pertaining to justice processing included (see Appendix B for case tracking form):

- Highest arrest charge
- Additional charges
- Sex
- Ethnicity
- Suspect relationship to victim (San Diego only)
- Location of offense
- Initial custody status (e.g., released, bailed out)
- Pretrial custody time
- INS hold
- Prosecutor decision (complain filed/rejected)
- Indigent defense (San Diego only)
- Reasons for complaints rejected
- Highest complaint charge
- Highest conviction charge

- Disposition (convicted/acquitted)
- Sentence (probation/jail/prison)
- Sentence days.

CASE ATTRITION

The next level of analysis compared the attrition/retention rates of non-U.S. citizens to rates of citizens processed through the system. Decision points included: (1) the decision to release after initial custody, (2) the decision to file charges, (3) the decision by the court as to conviction or acquittal, and (4) the sentencing decision by the court. The analysis addressed cumulative rates as well as attrition/retention at each decision point. The attrition proportions were examined to determine if citizens were processed differently through the system than deportable aliens and the extent to which differences are related to costs. Data were stratified by offense to examine associations between disposition and citizenship status based on crime type. A random sample of 800 citizens in San Diego was selected to track cases from the point of charges filed to disposition. To approximate the original sample proportions for specific offenses, a weighting scheme was used (see page 145 for a more detailed discussion). A loglinear analysis was used to explore the effect of citizenship status and other variables (age and offense) on system processing (see Appendix C for a detailed discussion of the analysis approach).

Explaining Attrition-Variables for Inclusion

The focus of our comparative analysis was to examine the effect of citizenship in terms of differences that might be related to cost and resources. The selection of the variables of age, offense, and citizenship status for the analysis was a purposeful decision based on the focus of the research and data availability.

It is recognized that many factors account for attrition. According to Feeney, et al., (1983), these factors have been examined by several groups including the American Bar Association, the Institute for Law and Social Research (INSLAW), and the Vera Institute.

The study by Feeney, Dill and Weir of attrition rates in San Diego and Jacksonville, Florida, identifies some explanations as to why some defendants are convicted and others are not. These theories fall into four groups:

- Theories based on guilt or innocence as indicated by case evidence.

- Theories involving individual characteristics of the case (i.e., relationship between suspect and victim) which are not related to guilt or innocence of the defendant.

- Theories based on the organization, structure, and policies of the criminal justice agencies.

- Theories predicated on the larger political, and social character of the community (Ibid).

The research by Feeney, et al., emphasizes the role of evidence as a primary factor in whether an arrest becomes a conviction. Other research has explored the over-

involvement of minorities in the justice system and identified extralegal factors that may impact decisions (McNeely and Pope, 1981). For example, several empirical studies have examined racial bias in the criminal justice system in parole decision-making, court dispositions of juvenile offenders, and with Spanish-speaking people (Ibid). While not insensitive to potential discriminatory justice practices that may affect differential decision-making, our focus was the effect of citizenship on specific decision points.

Our selection of controlling variables is admittedly limited. Factors, other than age and offense type, were available only for certain groups in the data set. For example, information on the relationship of the suspect and victim was available in San Diego as was the type of legal representation for the defendant. Neither of these could be obtained in El Paso. Prior criminal history of offenders was gathered for illegal aliens but not for citizens, due to time and cost restraints. When appropriate, the impacts of these other variables are discussed in the analysis.

INTERVIEWS

To augment the case tracking study and explore coordination among agencies, interviews were conducted with criminal justice administrators and line personnel. Initially, ride-alongs were undertaken with Border Patrol agents and local police in both counties. These early discussions served to structure the interview schedule and enhance understanding of this complex issue. Formal interviews were conducted with a total of 36 individuals (30 in San Diego, 6 in El Paso) representing local law enforcement, probation, prosecution, judiciary, U.S. Attorney, and the Immigration and Naturalization Service. Administrators in these agencies were interviewed as well as selected line personnel.

The interview questions addressed participants' perceptions of aliens' impact on crime and the justice system, relevant agency policies and procedures, and the degree of cooperation and coordination among agencies (see Appendix B for interview schedule).

COST AND WORKLOAD METHODOLOGY

An analysis of workload and costs associated with undocumented alien cases was conducted in San Diego County. Estimates of annual costs for the study period (July 1, 1985 through June 30, 1986) are based on sample cases involving defendants confirmed by INS to have been in the United States illegally at the time of arrest. The sample cases were weighted to estimate costs for all FY 1985-1986 cases involving undocumented aliens (approximately 1,308 arrests). Comparable cost data for citizens were not obtained. The cost estimates include: police investigation time; pre-sentence incarceration; criminal justice processing costs after arrest through court disposition; and the cost of the sentence imposed (e.g., probation, local custody, or prison).

The formula for computing the cost of sample cases is as follows:

TOTAL COST =	Police Investigation Costs	+	Pre-sentence Custody Costs	+	Case Processing Costs	+	Sentence Costs (probation supervision/ incarceration)

Chapter 8 details procedures employed for estimating costs at each stage of the criminal justice process.

Presentation of Results

It is important to note that the research does not emphasize comparative differences between El Paso and San Diego Counties, and data are presented separately. Differences in the proportion of arrests involving aliens and case processing are due to a variety of factors, including state laws, policies, procedures, as well as population characteristics and social and cultural perspectives of the two counties.

CHAPTER 5
POLICIES, PERCEPTIONS, AND PRACTICES CONCERNING ILLEGAL ALIEN CRIME

Policies, Procedures, and Practices Concerning Illegal Alien Crime

This chapter describes the study sites, provides statistics from the Immigration and Naturalization Service (INS), examines federal and state laws pertaining to illegal immigration, and presents opinions and perceptions of criminal justice professionals regarding alien involvement in crime and processing of illegal aliens.

SITE DESCRIPTIONS

El Paso

El Paso, Texas, is located on the United States-Mexico border across from Cuidad Juarez, Chihuahua, Mexico. The two cities are separated only by the shallow Rio Grande River. The continual flow of persons, both legal and illegal, back and forth across the border has made El Paso an international city, both culturally and economically. Downtown business and residential districts are directly adjacent.

The population of El Paso County in July, 1988, was 590,853, up 6% since the study period of 1985. The majority of the population (87%) resides in the City of El Paso, the only incorporated city in the county. The 1980 U.S. Census showed 62% of the total county population to be of Hispanic origin. Unemployment rates in 1985 and 1986 ranged from 10-12%.

City law enforcement services are provided by the El Paso Police Department, while the Sheriff serves the unincorporated area. According to Uniform Crime Reports, the crime rate for the City of El Paso in 1987 was 85 offenses per 1,000 population. This figure represents a 37% rate increase since 1983, when the crime rate was 61.9 crimes per 1,000.

San Diego

San Diego County is in the extreme southwest corner of the United States, bordering on Mexico to the south and the Pacific Ocean to the west. The combined population of the eighteen cities and the unincorporated area is over two million residents with the City of San Diego accounting for 45% of the total population. The 1980 Census showed almost three-fourths (74%) of the population to be White, 5% Black and Asian, and 15% of Hispanic origin. The City of San Diego is the sixth largest in the country.

The county has ten municipal police agencies. In 1987, the county's crime rate per 1,000 rose to 70.4, a 23% increase from five years earlier when the rate was 57.2 per 1,000. The Mexican City of Tijuana, approximately 20 miles from downtown San Diego, has a population in excess of one and one-half million.

BORDER PATROL STATISTICS

The number of apprehensions of aliens is one indicator of the flow of illegal immigration. The extent to which these numbers are impacted by Border Patrol staffing levels, emphasis of individual districts, and actual influx is not known. It is true that the figures reflect individuals apprehended more than once. In fiscal year 1984, the U.S. Border Patrol reported just over one million apprehensions at all areas along the southern border of the United States. In fiscal year 1988, this figure dropped to 969,214, with 1987 showing the first decline. The decline after 1986 may be associated with the passage of the Immigration Reform and Control Act, effective in 1986.

In each of the five years, the El Paso and San Diego sectors have accounted for more than 55% of the total apprehensions. Both areas showed a decline from FY 1984 to FY 1988, with San Diego having a lesser decrease: 5% compared to 15% in El Paso (Table 1). It is of interest that, although the actual number of apprehensions has declined in San Diego, the San Diego sector accounted for 44% of all apprehensions in FY 1988, compared to 39% in FY 1984.

TABLE 1

**UNITED STATES-MEXICAN BORDER APPREHENSIONS,
EL PASO AND SAN DIEGO SECTORS
IMMIGRATION AND NATURALIZATION SERVICE
FY 1984-1988**

	FY1984	FY1985	FY1986	FY1987	FY1988	Change FY84-FY88	Change FY86-FY88
Total Apprehensions	1,057,777	1,183,455	1,615,854	1,222,067	969,214	-8%	-40%
El Paso Sector	212,652	240,350	312,892	231,997	181,339	-15%	-42%
% of Total	20%	20%	19%	19%	19%		
San Diego Sector	407,828	427,772	629,656	500,327	428,922	-5%	-32%
% of Total	39%	36%	39%	41%	44%		
All Other Sectors	437,297	515,333	673,306	489,743	358,953		
% of Total	41%	44%	42%	40%	37%	-18%	-47%

INTERVIEWS WITH JUSTICE PROFESSIONALS

As noted earlier, 36 interviews were conducted to augment the case tracking study and obtain qualitative information regarding illegal alien crime and concerns of agency personnel in responding to the issue. More interviews were undertaken with San Diego representatives than in El Paso (30 versus 6) because San Diego is larger and has 10 police agencies compared to two in El Paso. Also, San Diego justice agencies, such as the District Attorney, are decentralized with branch offices throughout the county so a deputy district attorney from each office was interviewed. Put simply, there were more individuals in San Diego to interview. In both counties, administrators from the following agencies participated: municipal law enforcement, INS, Border Patrol, prosecutor, judiciary, and probation.

Law, Policy, and Practice

The California and Texas Attorneys General have stated that there is no affirmative legal duty for local police officers to arrest undocumented aliens who are unlawfully in the United States, although local police agencies are legally authorized to enforce violations of federal statutes. However, local law enforcement assistance is encouraged within the limitations of State law. First-time, unlawful entry into the United States is a misdemeanor under the federal criminal code. Both California and Texas law prohibit local police from arresting suspected misdemeanants unless the offense occurs in their presence. After a previous arrest and deportation, a second unlawful entry becomes a felony. In most cases, local law enforcement officers do not have sufficient information to determine type of entry. More important, probable cause is required to stop and detain an individual in accordance with both federal and state statutes.

Of the ten law enforcement agencies in San Diego County, seven have written policies concerning police handling of aliens. Without exception, all agencies prohibit contacting aliens solely on the basis of illegal entry. Officers must have probable cause for the initial contact. It is subsequent to the initial contact that procedures vary. When officers determine that the individual is undocumented, some agencies suggest detaining aliens for the Border Patrol even when criminal activity is not involved. As noted earlier, statistics regarding police contacts with aliens are not routinely compiled.

In El Paso, the police department has written policies regarding aliens, but does not compile statistics on the number arrested. The policies of both the police department and the Sheriff are similar to most San Diego agencies, in that aliens are not to be contacted solely on the basis of illegal citizenship. The Sheriff does record citizenship status of persons booked and the number of INS holds on incarcerated individuals but the data are difficult to retrieve. Statistics are used to justify costs to the state and federal governments.

Determining Illegal Citizenship Status

A primary reason for the research approach undertaken in this study is that statistics regarding citizenship status are not readily available through current information systems. Only five police agencies in San Diego compile statistics on citizenship status. Data are used for special studies and to provide information to the media and or elected officials. The District Attorney considers this information for bail setting decisions. About a third of all interview respondents felt that citizenship status is an important item of information with respect to processing individuals through the system (e.g., locating witnesses, determining likelihood of court appearances). However, in San Diego, the identification of an individual as undocumented has become a sensitive issue, with allegations of possible discrimination toward a segment of the population. The means used to determine citizenship have been questioned and criticized for perceived subjectivity and lack of standardized procedures for decisionmaking. Interview respondents in both sites were asked which criteria are used by their agencies to make decisions regarding citizenship. Over half (53%) stated that persons contacted usually admit their illegal status. Other indicators included identification papers, for example, a temporary work permit, border crossing card, or lack of documentation such as driver's license or Social Security card (41%). Nearly a third of the respondents mentioned inability to speak English as a corresponding criteria. Self-admission was viewed by the

majority of those surveyed as the most useful means for determining citizenship. It is interesting to note that, of the 547 illegal alien arrests in San Diego, 65% of the arrest reports had correctly identified the arrestee as undocumented by marking the appropriate space. Of the remaining 35% the space was left blank. (See Table 3 on page 149 for breakdown by agency.)

Alien Involvement in Crime

Opinions of those interviewed were mixed concerning the extent to which undocumented persons are involved in crime. San Diego respondents were more likely than El Paso representatives to indicate that the problem is significant as well as increasing. When asked about types of offenses in which undocumented persons become involved, over half of the respondents noted burglary and motor vehicle theft. Most respondents felt that criminal activity committed by illegal aliens is property-related and includes other minor offenses, such as drunk in public, trespassing, and public disturbance. There was consensus among those interviewed that illegal aliens are less likely than citizens to commit violent crimes. When aliens do commit these offenses, it is generally between aliens.

Some San Diego respondents cited recent increases in drug smuggling activities and drug trafficking by aliens. San Diego Police discussed the fact that there are rental properties within the City that house aliens in exchange for drug distribution and sales activities. Also mentioned was an increasing number of undocumented persons arrested for traffic violations, including no registration, no driver's license, no insurance, and violations resulting in traffic accidents. There are no countywide statistics to confirm this perception.

The majority of respondents (95%) in both counties agreed with this statement: "Undocumented persons contribute to serious crimes committed in this county." However, opinions were split about this statement: "When undocumented persons are arrested, usually it is for minor, less serious offenses." Over half (51%) disagreed, but 43% agreed that arrests usually involved lesser offenses. Just 5% said they were undecided.

San Diego representatives mentioned non-criminal activities committed by migrant workers who live in the canyons near the agricultural fields in which they work. Health and safety violations, including the lighting of open fires and littering, were noted by several respondents.

Those interviewed in San Diego also differentiated criminal aliens based on area of the county. In cities adjacent to the international border, respondents discussed Mexican nationals who live in Tijuana but cross the border to commit property crimes and return to Mexico. Through acts of robbery and assault, other aliens prey on individuals attempting to illegally cross near the border.

To address the problem of border banditry in the San Diego area, the Border Crime Prevention Unit was implemented. Unit members include uniformed personnel from the San Diego Police Department and the U.S. Border Patrol. This joint effort, operational since 1984, seeks to curtail lawlessness and reduce the level of violence along the border corridor.

Respondents indicated that, in the inland areas of North San Diego County, migrant workers (legal and illegal) commit property offenses such as petty theft and burglary to supplement meager wages from field work. Frequently, the field workers become involved in traffic accidents or are arrested for traffic violations. An additional group of aliens are those who intend to travel north to Los Angeles and steal automobiles, or become involved in alien smuggling operations. According to interview results, these offenses are more likely to be discovered in the northern, coastal area of San Diego County along major freeway corridors.

El Paso also developed a joint effort to impact the criminal alien problem. A unique foot patrol project combines the expertise and resources of the Border Patrol and the El Paso Police Department. Several uniformed teams of two officers walk the downtown area, making regular visits to area business establishments and maintaining high visibility. Officers function within the guidelines established by their respective agencies, with no overlap of authority.

The program started in 1982 and has contributed to a reduction in Part I offenses as well as minor crimes, such as shoplifting and vagrancy, according to El Paso police. Many of these crimes were attributed to illegal aliens who can quickly escape across the border.

Changes in Alien Crime. Respondents were asked if alien involvement in crime has changed over the past five years. Nearly three-quarters (70%) of all those interviewed felt that alien crime had increased. Only six (6) thought there had been little change over five years and four (4) were not sure. Only one individual felt that alien criminal activity had declined due to gradual assimilation of migrant workers in the respondent's area. Increases in alien crime were attributed to a continual decline in the Mexican economy, which has led to a greater influx of people seeking employment in the United States. Statistics maintained by the INS confirm the escalation in the number of apprehensions through FY 1986 (see page 36).

Additional factors associated with opinions about increases in alien crime included observations that there is more opportunity to both commit and "get away" with crime in the United States due to crowded jail conditions and a perception by aliens that voluntary deportation rather than prosecution is a common practice.

About half of the respondents felt that criminal activity by aliens has become more serious in recent years. El Paso respondents specifically noted increased involvement in narcotics and prostitution. Compared to earlier years, current alien crime is more aggressive, more likely to involve weapons, and viewed as a result of "greed" instead of "need," according to several San Diego representatives. The shift toward more serious crime is attributed to younger foreign nationals who appear less committed to seeking employment than their counterparts several years ago. Also mentioned was an increase in offenses in which aliens are the suspects and the victims. As illegal immigration increases to agricultural areas, individuals from the same villages in Mexico congregate and react to vendettas developed earlier among groups from different areas of Mexico. Although these types of assaults are less likely to be reported, they do come to the attention of authorities when medical treatment is requested from local clinics and hospitals.

Aliens as Victims. As mentioned earlier, the focus of this research is aliens as suspects. However, interview questions examined the extent to which aliens are victims. Nearly half of those interviewed said they did not know what proportion of

their alien contacts involved aliens as victims. About a third indicated that a small (unknown) percentage were victims. All respondents pointed out that these crimes are probably more prevalent but less likely to be reported due to the fear of possible discovery of illegal status. Also mentioned was the fact that aliens are victimized in other ways such as exploitation by employers. Based on their experience in the justice system, more than half of the respondents (54%) agreed that aliens contacted by their agencies are more likely to be suspects than victims.

Criminal Justice Processing

To supplement the cost analysis of the study cases, interview questions queried respondents about processing differences between aliens and citizens that result in greater cost and utilization of resources. While some of the differences can be quantified, others are more difficult to link to actual time and resources expended.

Nearly all of those interviewed agreed that undocumented persons are processed in different ways than are citizens. The most significant difference expressed was the need for interpreters, although this factor was more likely to be expressed by San Diegans. Given the proportion of Hispanics in El Paso, the Spanish-speaking defendant does not pose a critical system impact until the court process when all non-English speaking defendants are provided interpreters according to State law. In San Diego County, only INS personnel are required to know Spanish. Patrol officers in the field must request a Spanish speaker if they cannot communicate with suspects and/or victims. Similarly, detectives conducting follow-up investigations may need an interpreter. In San Diego, over half of the alien arrest reports (56%) expressed a need for an interpreter. During the court process, 83% of the cases involved interpreters.

According to respondents, illegal aliens may be more likely than citizens to be incarcerated on a pretrial basis since they are less likely to post bail/bond or be released on their own recognizance. If illegal status is suspected, the local police will contact INS to verify status and have a hold placed on the individual until local justice processing is completed.

California law requires that persons arrested for a misdemeanor must be given a citation to appear for court and released, unless certain conditions exist that require booking into jail. One of these conditions is the lack of documentation that identifies the arrestee. Since illegal aliens may not have such documents, they may be more likely than citizens to be booked into jail. On the other hand, given the current jail crowding conditions, police officers, in actual practice, may detain illegal aliens for the Border Patrol instead of arresting them. The extent to which this takes place is not known because data are not consistently compiled on persons detained. Whether or not illegal aliens are released also depends on the type of misdemeanor offense, the availability of the Border Patrol, and policies of individual agencies. In any case, police personnel expressed frustration about aliens who are recontacted within days following voluntary return to Mexico. A proposal recently announced (July, 1989) by the San Diego Police Department will consider detaining for the Border Patrol those aliens arrested for misdemeanors who cannot be placed in jail due to crowded conditions. If initiated, the Border Patrol would offer voluntary deportation on the first contact. If arrested again, aliens could be liable for prosecution under federal law.

According to those interviewed, illegal aliens contacted for criminal activity frequently give different names and incorrect identifying information, such as age, birthdate, and place of birth. Of the aliens arrested in San Diego, 87% had no driver's license. Efforts to determine outstanding warrants and prior criminal history are hampered by the inability to link individuals. Incomplete or inaccurate information becomes problematic when attempting to find victims and witnesses as well. When field officers must bring an individual to the police station solely for the purpose of positive identification, it can be time consuming. Several respondents observed that illegal aliens, in some cases, are not held as accountable as citizens because suspects cannot be adequately linked to prior criminal history, and decisionmaking at each level is dependent only on the instant offense. Similar to transients who have no permanent address, illegal aliens may be difficult to supervise if sentenced to probation. Also, preparation of the pre-sentence report can be troublesome as well as time consuming without accurate prior history information or knowledge about community ties.

In sum, respondents indicated that the processing of undocumented persons differs from other contacts due to the need for interpreters, lack of identification, likelihood of pretrial incarceration, and option for referral to Border Patrol. These differences can contribute to increased time and resources expended, although they are not easily quantified. Estimates varied with respect to the proportion of all agency time spent on alien processing. Over half of the respondents fell within the 5% to 20% range with law enforcement agents leaning toward the higher percentage. About a quarter of the respondents were unable to provide an estimate.

Deportation in Lieu of Prosecution. Justice representatives were asked if there are circumstances when aliens are arrested that warrant voluntary return to the country of origin rather than prosecution in this country. Although local justice personnel do not have the authority to make that decision, referrals to Border Patrol may ultimately preclude further local processing. The majority of respondents felt that for some minor offenses such as drunk in public, simple assault, and shoplifting, it is more efficient to turn over alien suspects to the Border Patrol. Other reasons that deportation may be an appropriate alternative are the amount of time and cost for processing even minor offenses. If an offender is wanted in Mexico for a criminal act, local officials are likely to favor deportation. If it can be ascertained that the alien has no prior offenses and is a first-time, minor offender, the inclination may be to refer to INS officials. Some of those interviewed felt that all persons arrested should be processed through the local system. Concomitantly, it is understood that overcrowded jail facilities restrict the system's capacity and cases are often prioritized and alternatives sought. El Paso has developed procedures in which some defendants residing in Juarez are supervised pretrial by the Mexican consulate.

In the next chapter, the El Paso arrest population is described and characterized by citizenship status and case disposition.

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CHAPTER 6
ARREST AND PROSECUTION
IN EL PASO

Arrest and Prosecution in El Paso

Arrest and case processing information was collected from all selected felony arrest reports, crime case documents, jail booking dockets, prosecutor case summaries, and court records.

This section begins with a description of El Paso's arrestee population and then reviews the data by citizenship status to determine the proportion of aliens in the arrest population and to observe differences in processing. Finally, the effect of citizenship status on decision making levels is examined.[1]

ILLEGAL ALIENS IN THE FELONY ARREST POPULATION

Using the indicators noted in the methodology section for suggesting citizenship status, arrestees were separated into three categories: U.S. citizens, illegal aliens and immigrants, or those with permission to be in the U.S. (e.g., resident alien, border crosser, visa-holder). Those arrestees in the alien and immigrant groups were reviewed through INS to confirm status. Ultimately, the status for 102 arrestees could not be verified (4% of the sample). Although the majority were foreign-born, it was not possible to document their citizenship.

Figure 1 and Table 2 show that U.S. citizens accounted for 74% of the El Paso arrestees (1,668), while illegal aliens represented 15% of the total (344). (Table 9 in Appendix A presents the police beat for arrests of citizens and illegal aliens.) Seven percent (7%) of the arrestees had legal immigrant status at the time of arrest (154). Throughout this discussion, arrests in the four categories will be compared on their progression through the justice system.

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[1]The El Paso data represent a population of all arrests for one year covering parts of 1985 and 1986. Because sampling error is not an issue, inferential statistics, such as PROB values, are not presented for the El Paso results. Some might argue that these data represent a sample from the population of all El Paso arrests past, present and future. It is the opinion of the authors that this position, while true philosophically, cannot be supported empirically given the rationale behind the computation of inferential statistics. Sampling error does not measure reliability of future predictions; it simply measures the error inherent in the taking of a sample. If this data were considered as a sample for prior year arrests, then it is not a random sample for the reason that arrests for other years never had a chance to be selected. This condition would preclude the use of inferential tests. If inferential statistics were presented, it is not clear to the authors how they would be interpreted.

Figure 1
ARRESTEE POPULATION BY CITIZENSHIP STATUS
EL PASO, FY 1985-86

N=2268

Citizens 74%

Unknown Citizenship 4%

Immigrants 7%

15%
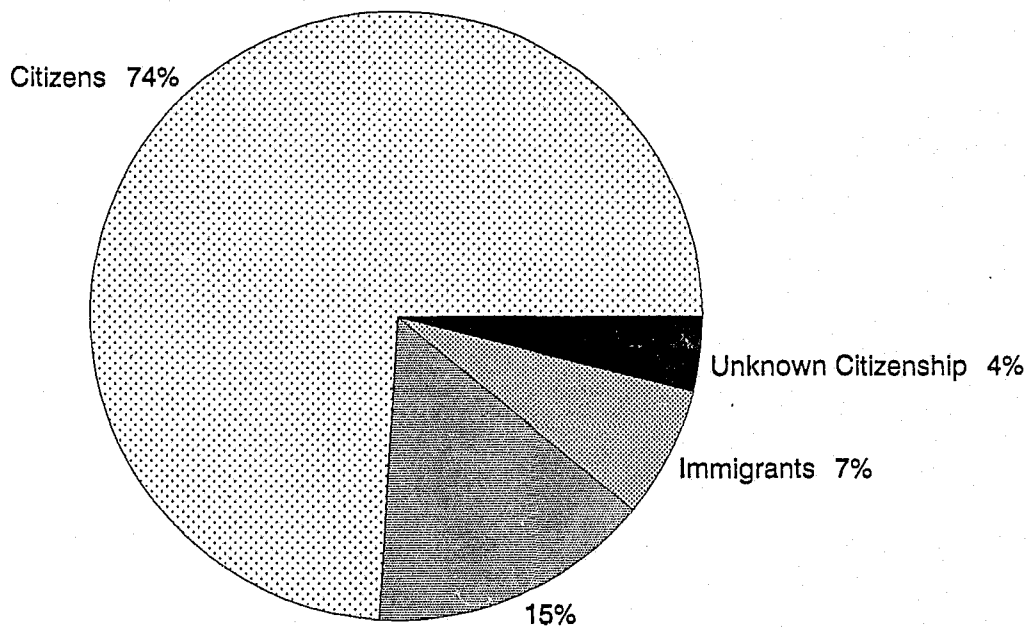
TABLE 2

**EL PASO ARRESTEE POPULATION
BY CITIZENSHIP STATUS
FY 1985-1986**

Citizenship Status	Number	Percent
U.S. Citizen	1,668	74%
Illegal Alien	344	15%
Immigrant	154	7%
Unconfirmed Citizenship Status	102	4%
TOTAL	2,268	

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Arrestee Population and Citizenship Status

Compared to U.S. citizens, illegal aliens as well as immigrants arrested were more likely to be male, Hispanic and 21 years of age or younger. Seventy percent (70%) of the illegal aliens were under 26 compared to 55% of the citizens. The majority of both alien (99%) and immigrant arrests (96%) revealed Mexico as the birthplace of the offender. Proportionally, aliens and immigrants were less likely than citizens to have been employed at the time of arrest, 21% and 28%, respectively, compared to 32% of the citizens (Table 3).

Just over a third of the aliens arrested (34%) reported occupations in the labor category, nearly twice the proportion of citizens in this category. An additional 33% of the aliens' occupations were listed in the area of production crafts compared to 26% of the citizens (Table 4). Examples of jobs in the production category, according to the U.S. Census, include mechanics, carpenters, electricians, painters, and repair services.

Arrest Charge and Citizenship

When arrest offenses are examined by citizenship status, the data show that aliens are less likely than other groups to be arrested for the violent crimes of homicide, rape, and aggravated assault. The exception with respect to violent offenses is robbery, for which 15% of the aliens were arrested compared to 10% of the citizens and 11% of the immigrants. Nearly two-thirds of the aliens (66%) were arrested for property-related offenses compared to less than half of the other groups. Over a third of all alien arrests (35%) were for burglary and 22% involved larceny theft-related offenses. Proportionately, aliens were more likely than other groups to be arrested for all categories of property crime. However, with respect to narcotics violations, aliens were least likely to be arrested. Eighteen percent (18%) of those in the immigrant category and 20% of the citizens were arrested for drug offenses compared to 9% of the aliens (Table 5).

Table 6 and Figure 2 collapse the arrest offenses into three crime categories: violent, property, and narcotics, and presents the percentage of crimes within each category of citizenship. Sixty-six percent (66%) of the alien arrests were property crimes compared to 44% of the citizens arrested for these offenses, 47% of the immigrants, and 49% of those with unconfirmed status. A quarter of the alien arrests (25%) involved violent crimes compared to 36% of the citizens and 35% of the immigrants. Illegal aliens were less likely than citizens to be arrested for narcotics violations (9% versus 20%). These proportions are consistent with interview responses in El Paso, which indicated that aliens are not as likely to be arrested for violent offenses and show greater involvement in property offenses. Interview results suggested that, in recent years (e.g., 1987 and 1988), aliens have become more involved in narcotics violations. It is important to remember that the arrest data in this study reflect an earlier time period (FY 1985-1986).

TABLE 3

**CHARACTERISTICS OF EL PASO ARRESTEE POPULATION
BY CITIZENSHIP STATUS
FY 1985-1986**

	U.S. Citizens		Illegal Alien		Immigrants		Unconfirmed Citizenship Status		Total	
TOTAL	**1,668**		**344**		**154**		**102**		**2,268**	
SEX										
• Male	1,540	(92%)	335	(97%)	144	(94%)	89	(87%)	2,108	(93%)
• Female	128	(8%)	9	(3%)	10	(6%)	13	(13%)	160	(7%)
ETHNICITY										
• White	362	(22%)	4	(1%)	6	(4%)	8	(8%)	380	(17%)
• Hispanic	1,151	(69%)	339	(99%)	146	(95%)	88	(86%)	1,724	(76%)
• Black	146	(9%)	1	(<1%)	1	(1%)	0		148	(7%)
• Other	9	(1%)	0		1	(<1%)	6	(6%)	16	(1%)
AGE										
• <21	569	(34%)	160	(47%)	59	(38%)	32	(31%)	820	(36%)
• 21-25	348	(21%)	79	(23%)	25	(16%)	13	(13%)	465	(21%)
• 26-30	312	(19%)	47	(14%)	26	(17%)	21	(21%)	406	(18%)
• 31-35	196	(12%)	35	(10%)	21	(14%)	21	(21%)	273	(12%)
• 36-40	114	(7%)	15	(4%)	12	(8%)	8	(8%)	149	(7%)
• 41 & over	129	(8%)	8	(2%)	11	(7%)	7	(7%)	155	(7%)
PLACE OF BIRTH										
• United States	1,578	(95%)	0		0		0		1,578	(69%)
• Mexico	53	(3%)	342	(99%)	148	(96%)	89	(87%)	632	(28%)
• Other	37	(2%)	2	(1%)	6	(4%)	13	(13%)	58	(3%)
EMPLOYED*										
• Yes	505	(32%)	65	(21%)	40	(28%)	15	(15%)	625	(30%)
• No	1,051	(68%)	250	(79%)	101	(72%)	83	(85%)	1,485	(70%)

*Employment status was unknown for 158 cases.

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TABLE 4

REPORTED OCCUPATION BY CITIZENSHIP STATUS
EL PASO ARRESTEES
FY 1985-1986

Occupation	U.S. Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total
Professional	139 (11%)	16 (6%)	6 (5%)	3 (4%)	164 (9%)
Service	108 (9%)	23 (9%)	13 (10%)	13 (16%)	157 (9%)
Farm/Forestry	45 (4%)	23 (9%)	9 (7%)	6 (8%)	83 (5%)
Production	324 (26%)	88 (33%)	43 (34%)	25 (32%)	480 (28%)
Labor	237 (19%)	92 (34%)	30 (24%)	16 (20%)	375 (22%)
Student	167 (13%)	8 (3%)	12 (9%)	8 (10%)	195 (11%)
All Other	245 (19%)	19 (7%)	14 (11%)	8 (10%)	286 (16%)
Unknown*	403	75	27	23	528
TOTAL	1,668	344	154	102	2,268

*Percents based on cases with known occupations.

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TABLE 5

ARREST CHARGE BY CITIZENSHIP STATUS
EL PASO ARRESTEES
FY 1985-1986

	U.S. Citizens		Illegal Aliens		Immigrants		Unconfirmed Citizenship Status		Total	
• Homicide	49	(3%)	2	(1%)	2	(1%)	2	(2%)	55	(2%)
• Rape	44	(3%)	3	(1%)	1	(1%)	1	(1%)	49	(2%)
• Robbery	170	(10%)	50	(15%)	17	(11%)	9	(9%)	246	(11%)
• Aggravated Assault	339	(20%)	31	(9%)	34	(22%)	21	(21%)	425	(19%)
• Burglary	428	(26%)	120	(35%)	33	(21%)	29	(28%)	610	(27%)
• Larceny/Theft	192	(12%)	76	(22%)	29	(19%)	17	(17%)	314	(14%)
• Motor Vehicle Theft	108	(6%)	30	(9%)	11	(7%)	4	(4%)	153	(7%)
• Felony Narcotics	338	(20%)	32	(9%)	27	(18%)	19	(19%)	416	(18%)
TOTAL	1,668		344		154		102		2,268	

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TABLE 6

CATEGORY OF ARREST CHARGE
BY CITIZENSHIP STATUS
EL PASO ARRESTEES

	U.S. Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total
Violent Crimes	602 (36%)	86 (25%)	54 (35%)	33 (32%)	775 (34%)
Property Crimes	728 (44%)	226 (66%)	73 (47%)	50 (49%)	1,077 (47%)
Narcotics Violations	338 (20%)	32 (9%)	27 (18%)	19 (19%)	416 (18%)
TOTAL	1,668	344	154	102	2,268

Figure 2

TYPE OF ARREST BY CITIZENSHIP STATUS
EL PASO ARRESTEES
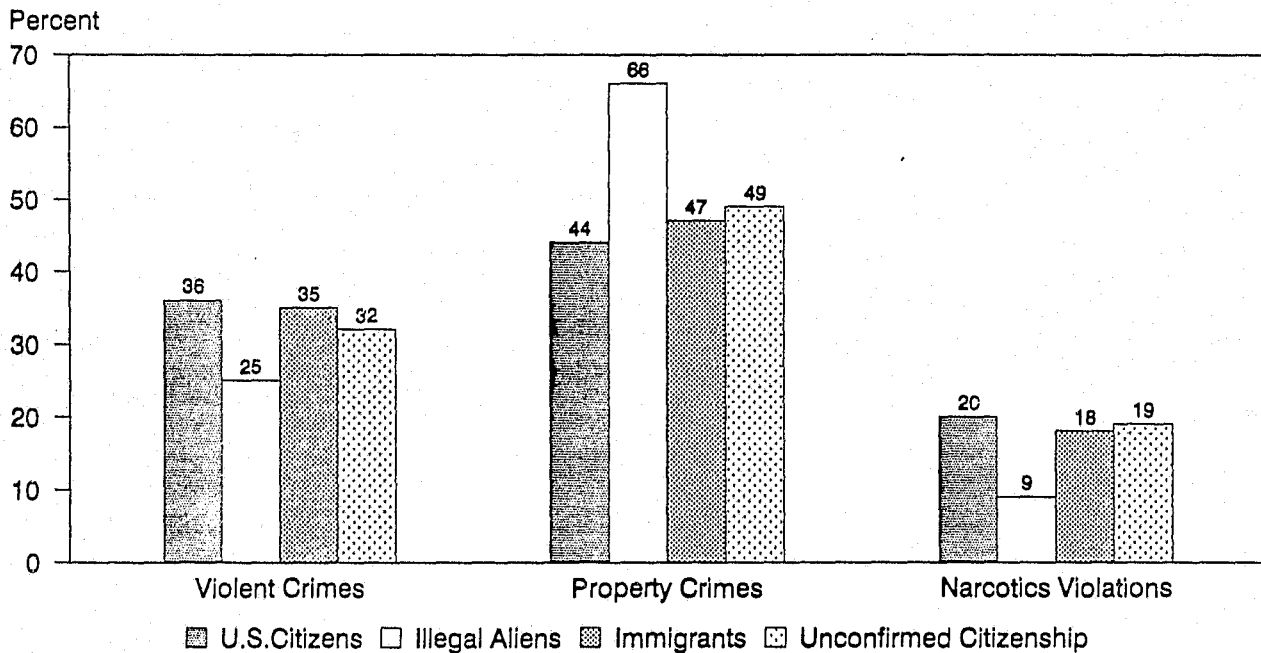
N=2268

CASE PROCESSING AND CITIZENSHIP STATUS

Initial Custody Status

Examination of custody status after initial jail booking revealed that, proportion-
ately, aliens were less likely than others to bail out (14% versus over 50%) (Table
7). Conversely, aliens more often remained in jail without posting bail (70% com-
pared to 27% of the citizens and immigrants). Also, aliens were slightly more likely
to have had bail denied. Some of these differences may be associated with the fact
that, generally, illegal aliens are financially not able to post bail.

Pre-Disposition Custody

Those arrest cases with information regarding number of days in jail prior to dispo-
sition show considerable differences between citizens and illegal aliens. Of 937
citizens, half spent nine days or less in custody. For illegal aliens (215), the median
number of days served was 65 (no table). Since illegal aliens may have INS holds
placed on them soon after jail booking, they are more likely to remain in custody
prior to disposition.

TABLE 7

INITIAL CUSTODY STATUS
BY CITIZENSHIP STATUS, EL PASO ARRESTEES
FY 1985-86

	U.S. Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total*
Released - Own Personal Recognizance	116 (7%)	10 (3%)	8 (5%)	9 (9%)	143 (6%)
Bail Posted	931 (56%)	49 (14%)	88 (57%)	52 (52%)	1,120 (50%)
Bail Denied	171 (10%)	44 (13%)	17 (11%)	10 (10%)	242 (11%)
No Bail Posted	442 (27%)	237 (70%)	41 (27%)	29 (29%)	749 (33%)
TOTAL*	1,660	340	154	100	2,254

*Bail information was not available for 14 cases.

Chargeable Bail

Data were compiled on the dollar amount of bail imposed at time of jail booking. The amount varies by type of arrest offense as shown in Table 8. Over half of the arrest charges for assault, larceny, motor vehicle theft, and narcotics had bail imposed in the amount of $5,000 or less. Offenses involving homicide, rape, and robbery were more likely to have bail set at more than $20,000.

When bail amounts and arrest categories are controlled by citizenship status, undocumented aliens had higher bail set (over $5,000) than citizens or immigrants for violent and property crimes. However, 59% of the aliens arrested for narcotics had bail set at this level compared to 57% of the citizens and 48% of the immigrants. Nearly half of the alien property offenders (44%) had bail set between $5,000 and $10,000, compared to 28% of the citizens in this category, and 32% of the immigrants (Table 9).

SYSTEM ATTRITION RATES AND CITIZENSHIP

In Texas, a grand jury officially indicts an arrested felon. If nine of the twelve jurors believe there is sufficient evidence, then a "true bill" of indictment is filed and the case proceeds to trial. A "no bill" is issued if less than nine grand jurors believe the evidence is sufficient. After the filing of an indictment, a case can be dismissed only by permission of the trial judge. Case dismissals constitute nearly half of all dispositions in county-level courts and a third of those in district courts according to a recent statewide study. (Orvis, 1988)

Just over half of all arrestees (57%) received a "true bill." Comparative analysis of system processing based on citizenship reveals that, proportionately, aliens were more likely than other groups to be indicted. Sixty-three percent (63%) of the alien arrests led to indictment compared to 57% of the citizens, 54% of the immigrants, and less than half of those arrestees whose citizenship status was not known (48%). Also, just over half (51%) of the alien arrests resulted in convictions compared to 38% or less of the other groups. With respect to sentencing of arrestees, nearly a third of the aliens (31%) received a sentence of probation only while 23% or less of the other groups received this sentence. Proportionately, alien arrestees were also more likely to serve time in local jail than the other arrestees. Eleven percent (11%) of the alien offenders were sentenced to state prison, whereas 13% of the citizens and 10% of the immigrants received a prison sentence (Table 10).

In Table 11, the data are presented at each decision level rather than cumulatively as in Table 10. When the conviction rate is derived from the number of complaints filed, 82% of the aliens were convicted compared to 71% or less of the other groups. For all those convicted, 56% of the dispositions were probation only. Sixty percent (60%) of the convicted aliens received probation, while 39% were incarcerated either in jail or prison. Nearly half of the citizens (45%) were sentenced to incarceration, with 36% of convicted citizens sentenced to prison.

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TABLE 8

CHARGEABLE BAIL BY TYPE OF OFFENSE
EL PASO ARRESTEES
FY 1985-1986

Bail Amount	Homicide	Rape	Robbery	Assault	Burglary	Larceny	Motor Vehicle Theft	Narcotics
$5,000 or Less	2%	24%	28%	56%	36%	54%	62%	57%
$5,001 - $10,000	2%	27%	30%	21%	34%	34%	24%	23%
$10,001 - $20,000	6%	24%	18%	9%	20%	9%	8%	10%
$20,001 - $30,000	11%	12%	8%	5%	7%	2%	4%	3%
$30,001 & Over	79%	12%	17%	9%	4%	2%	2%	8%
TOTAL	53	49	246	423	608	314	153	414

TABLE 9

AMOUNT OF CHARGEABLE BAIL AND
TYPE OF ARREST OFFENSE BY CITIZENSHIP STATUS
EL PASO ARRESTEES
FY 1985-1986

Chargeable Bail Amount	Violent Crimes			Property Crimes			Narcotics Violations		
	U.S. Citizens	Illegal Aliens	Immigrants	U.S. Citizens	Illegal Aliens	Immigrants	U.S. Citizens	Illegal Aliens	Immigrants
$100 - $5,000	41%	29%	56%	49%	32%	45%	57%	59%	48%
$5,001 - $10,000	22%	33%	26%	28%	44%	32%	22%	25%	37%
$10,001 - $20,000	13%	15%	5%	14%	18%	15%	11%	0	7%
$20,001 - $30,000	7%	7%	2%	5%	5%	3%	4%	0	4%
$30,001 & Over	17%	16%	11%	3%	2%	5%	7%	16%	4%
TOTAL	599	86	54	726	226	73	338	32	27

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TABLE 10

JUSTICE SYSTEM ATTRITION RATES[*]
BY CITIZENSHIP STATUS, EL PASO ARRESTEES
FY 1985-1986

	U.S. Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total
Arrests	1,668	344	154	102	2,268
Complaint Filed	947 (57%)	217 (63%)	83 (54%)	49 (48%)	1,296 (57%)
Convicted	621 (37%)	177 (51%)	59 (38%)	32 (31%)	889 (39%)
Acquitted/Dismissed	224 (13%)	22 (6%)	18 (12%)	13 (13%)	277 (12%)
Sentence					
Probation	329 (20%)	106 (31%)	36 (23%)	23 (23%)	494 (22%)
Probation/Jail	13 (1%)	4 (1%)	2 (1%)	1 (1%)	20 (1%)
Jail	40 (2%)	26 (8%)	4 (3%)	2 (2%)	72 (3%)
Prison	225 (13%)	39 (11%)	15 (10%)	5 (5%)	284 (13%)
Other	14 (1%)	2 (1%)	2 (1%)	2 (1%)	19 (1%)

*All percentages based on arrests.

Note: A total of 130 cases were either pending (118) or had an alternative disposition (12).

TABLE 11

CASE DISPOSITIONS
WITHIN PRIMARY DECISION LEVELS BY
CITIZENSHIP STATUS, EL PASO ARRESTEES
FY 1985-1986

	U.S. Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total
Arrests	1,668	344	154	102	2,268
Complaints					
Number Filed	947	217	83	49	1,296
% of Arrests	(57%)	(63%)	(54%)	(48%)	(57%)
Convictions					
Number	621	177	59	32	889
% of Filings	(66%)	(82%)	(71%)	(65%)	(69%)
Probation					
Number	329	106	36	23	494
% of Convictions	(53%)	(60%)	(61%)	(72%)	(56%)
Local Jail					
Number	53	30	6	3	92
% of Convictions	(9%)	(17%)	(10%)	(9%)	(10%)
Prison					
Number	225	39	15	5	284
% of Convictions	(36%)	(22%)	(25%)	(16%)	(32%)

Note: An additional 130 cases were either pending (118) or had an "other" disposition (12).

Type of Offense

Earlier it was noted that, overall, property crimes arrests were more likely than arrests for violent offenses to result in convictions. Table 12 breaks out dispositions by individual offenses and demonstrates that, with the exception of motor vehicle theft arrests, more than half of all arrest offenses led to complaints filed, ranging from 52% of the assault cases to 67% of the burglaries. Burglary was the only offense for which more than half of the arrests resulted in convictions. Proportionately, convictions for other arrests varied from 24% of the assault arrests to 42% of the larcenies. Convictions for narcotics were 39% of arrests for narcotics.

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TABLE 12

ATTRITION BY ARREST OFFENSE
EL PASO ARRESTEES
FY 1985-1986

	Homicide	Rape	Robbery	Aggravated Assault	Burglary	Larceny	Motor Vehicle Theft	Narcotics	Total
Arrests	55	49	246	425	610	314	153	416	2,268
Complaints									
– Number	31	27	141	219	411	173	71	223	1,296
– Percent*	(56%)	(55%)	(57%)	(52%)	(67%)	(55%)	(46%)	(54%)	(57%)
Convictions									
– Number	19	13	89	103	320	133	51	161	889
– Percent*	(35%)	(27%)	(36%)	(24%)	(52%)	(42%)	(33%)	(39%)	(39%)
Sentence									
– Incarcerated	17	10	46	48	125	38	19	73	376
	(31%)	(20%)	(19%)	(11%)	(20%)	(12%)	12%)	(18%)	(17%)

*Percentages based on number of arrests.

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Time Ordered for Sentenced Defendants

The majority of all defendants who were sentenced to jail received 30 days or less of local custody time. Nearly two-thirds of the aliens given probation were sentenced to 10 or more years compared to 25% of the citizens receiving the same number of years. With respect to state prison terms, 64% of the aliens received a term of six to ten years. Less than half of the citizens sent to prison received six to ten years (41%) (Table 13).

TABLE 13

TIME ORDERED FOR SENTENCED
DEFENDANTS BY CITIZENSHIP STATUS
EL PASO ARRESTEES
FY 1985-1986

	U.S. Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status
Local Custody (Days)				
3-30	35 (66%)	19 (63%)	2	1
31-60	3 (6%)	7 (23%)	1	1
61+	15 (28%)	4 (13%)	3	1
TOTAL	53	30	6	3
Probation (Years)				
1 Year or Less	32 (9%)	5 (5%)	6 (16%)	1 (4%)
2-5	116 (34%)	24 (22%)	13 (34%)	6 (25%)
6-9	110 (32%)	9 (8%)	11 (29%)	11 (46%)
10+	84 (25%)	72 (65%)	8 (21%)	6 (25%)
TOTAL	342	110	38	24
State Institution (Years)				
1-5	68 (30%)	8 (21%)	5 (33%)	2
6-10	92 (41%)	25 (64%)	10 (67%)	2
11-15	37 (16%)	3 (8%)	0	1
16-20	10 (4%)	1 (3%)	0	0
21+	18 (8%)	2 (5%)	0	0
TOTAL	225	39	15	5

FACTORS ASSOCIATED WITH DISPOSITIONS (LOGIT MODEL RESULTS)

This section analyzes the impact of multiple factors on key decision points in the El Paso criminal justice system. Logit models were developed for three dependent variables which measure progression through the system from a complaint being filed to imprisonment. The three dichotomous variables are defined below, and Table 14 provides a more precise definition of each category.

1. Prosecutor Disposition (PROSDISP) -- whether a case was filed or not filed;

2. Court Disposition (CRTDISP) -- whether the defendant was convicted or not convicted; and

3. Sentence (SENT) -- whether the convicted individual was sent to prison or not sent to prison.[2]

Logit analysis was used to measure the simultaneous influence of three factors on each decision point.[3] Citizenship (INSCK) was the primary independent variable of interest. It was divided into three categories: U.S. citizen, alien, and immigrant.[4] Two other independent variables served as controls. Offense type was based on either arrest charge (ARRCHG), complaint charge (COMPCHG), or conviction charge (CONVCHG). This variable was classified into three levels: person crimes, property crimes, and narcotics violations (see Appendix A, page 147, for offenses within each category). The charge used to define offense type was contingent upon the dependent variable under investigation. In the analysis of PROSDISP, the offense type was based on ARRCHG; for CRTDISP it was defined from COMPCHG; and for SENT the offense type was based on CONVCHG. The final independent variable was an individual's AGE at the time of arrest. AGE was partitioned into three categories: under 21 years, 21 to 30 years, and over 30 years. [5]

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[2]The intent of this variable is to measure the severity of the sentence. A more rigorous measurement would consist of a polytomous variable with three levels; probation, local custody, and prison. However, there were not enough observations to support this level of detail. Local custody was combined with probation because of the short terms for local custody in El Paso. Three-quarters of the 90 persons who spent time in local custody served for two months or less. Fifty-seven persons (63.3%) spent less than one month in jail.

[3]The number of observations varied at each decision point. PROSDISP included the entire population of arrests. CRTDISP pertained to persons who had a complaint filed against them, while SENT only included those convicted.

[4]A variable indicating the race/ethnicity of arrestees was not included in the model. Almost all aliens and immigrants were Hispanic; therefore, this variable did not differentiate separate categories of aliens or immigrants. The focus of this section is the effect of citizenship status on dispositions. Introduction of race/ethnicity would have confounded the analysis.

[5]This particular breakdown of age yielded a fairly even distribution of cases in each category, and was logical in terms of how persons in different age groups are treated in the criminal justice system.

TABLE 14

DEFINITIONS OF THE DEPENDENT VARIABLES
USED IN THE LOGIT MODELS

PROSECUTOR DISPOSITION

Not Filed	Filed	Categories Not Used
Complaint Rejected	Complaint Filed	Unknown

COURT DISPOSITION

Not Guilty	Guilty	Categories Not Used
Acquitted	Guilty Plea	Pending
Dismissed	Convicted	Other (i.e., failure
	Drug Diversion	to appear)

SENTENCE

No Prison Sentence	Prison Sentence	Categories Not Used
Probation	Prison	Other State Institutions
Probation/Jail		
Jail		Unknown
Drug Diversion		
Other		

The remainder of this section presents the results of the most parsimonious logit model for each decision point. Appendix D contains discussion and tables pertaining to the selection of each of these models.[6]

Prosecutor Disposition

The selected logit model of prosector disposition included the constant term and the main effects of citizenship and offense type. Age had no effect on the likelihood of a person having a complaint filed against them or not. The parameters of the additive model along with the observed odds ratios of PROSDISP are presented in Table 15. The explanatory power of this model is very weak. Both measures of

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[6]As noted earlier, the El Paso data represent a population of all arrests for a one-year period. Because sampling variation is not an issue, significance tests were not used to determine either the best fitting and most parsimonious logit model or to interpret its coefficients.

dispersion indicate that the error in prediction was reduced by less than one percent based on information on INSCK and ARRCHG, which suggests that these factors play a very minor role in determining whether a prosecutor files a complaint or not. There were, however, differences in the size and direction of effects across the categories of each independent variable.

Aliens and property crime offenders had the strongest effect on the likelihood of having a complaint filed, with the latter being slightly higher in magnitude. The positive sign of their coefficients indicates that these groups were more likely to have a complaint filed compared to all persons. This interpretation is illustrated by examining the observed odds ratios. The ratio for all persons (1.361) indicated that more persons had complaints filed than not filed. The ratios for aliens (1.709) and property offenders (1.595) were greater than the overall ratio, which indicated a higher propensity of complaints filed for these two groups. Immigrants showed the strongest negative effect, followed by person crime and narcotics offenders whose impacts were of equivalent magnitude. These groups were less likely to have a complaint filed relative to all persons. Being a U.S. citizen had virtually no impact on whether a complaint was filed or not, with a beta coefficient very close to zero.

TABLE 15

LOGIT MODEL PARAMETERS AND
OBSERVED ODDS RATIOS OF PROSECUTOR DISPOSITION
EL PASO
(N = 2,164)

Independent Variable	Effect Parameter	Observed Odds Ratio[1]
Constant	.2768	
Citizenship		
Citizen	-.0292	1.316
Alien	.1722	1.709
Immigrant	-.1430	1.186
Offense		
Person	-.0948	1.183
Property	.1840	1.595
Narcotics	-.0892	1.180
		1.361 (Overall)

Entropy = .005
Concentration = .007

1. Ratio of complaint filed to complaint not filed.

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Court Disposition

The selected logit model of court disposition included the constant term and the main effects of citizenship, offense type, and age. The parameters of the additive model along with the observed odds ratios of CRTDISP are presented in Table 16. The relationships between the explanatory variables and dependent variable were much stronger for CRTDISP than for PROSDISP. Both the entropy and concentration measures indicate that the error in prediction of CRTDISP was reduced by around 7%, compared to less than 1% for PROSDISP.

Aliens and person crime offenders had, by far, the strongest impact on the likelihood of being found guilty, with the latter being slightly larger with a negative coefficient. Aliens were more likely to be found guilty compared to all persons. The observed odds ratio for aliens (8.403) was much higher than the overall ratio of 3.257. The effects of citizens and immigrants were both moderately strong and indicated that these two groups were less likely to be found guilty relative to all persons.

As noted above, person crime offenders exhibited the strongest effect on CRTDISP. This group was the least likely to be found guilty, with a beta coefficient of -.6460. The effects of both property crime offenders and narcotics violators were positive in direction, with the latter much stronger than the former. These two groups, like aliens, were more likely to be found guilty. The effect on CRTDISP varied by age group. Persons 21-30 had little impact on whether the verdict was guilty or not; with a beta coefficient close to zero. The other two age groups had moderately strong effects with opposite signs. Persons under 21 were more likely to be found guilty relative to all persons. The converse was true of persons over the age of thirty.

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TABLE 16

LOGIT MODEL PARAMETERS AND
OBSERVED ODDS RATIOS OF COURT DISPOSITION
EL PASO
(N = 1,115)

Independent Variable	Effect Parameter	Observed Odds Ratio[1]
Constant	1.3960	
Citizenship		
Citizen	-.2982	2.778
Alien	.6182	8.403
Immigrant	-.3200	3.279
Offense		
Person	-.5460	1.675
Property	.1574	4.484
Narcotics	.4886	4.695
Age		
<21	.3686	5.128
21-30	-.0406	3.049
31+	-.3280	2.203
		3.257 (Overall)

Entropy = .067
Concentration = .072

1. Ratio of guilty verdict to not guilty verdict.

Sentence

The selected logit model of sentence included the constant term and the main effects of citizenship and age. Offense type had no affect on the likelihood of a person going to prison or not. The parameters of the additive model along with the observed odds ratios of SENT are presented in Table 17. The explanatory power of this model was greater than the PROSDISP and CRTDISP models. Both measures of dispersion indicate that the error in prediction of SENT was reduced between 9% and 10%, compared to 7% for CRTDISP and less than 1% for PROSDISP.

AGE had a much stronger effect on SENT than did INSCK. Two of the three co-efficients for AGE had values that were far greater than any of the coefficient values for INSCK. The smallest parameter for AGE (21-30) was slightly less than the largest parameter for INSCK (citizen). Persons under 21 years showed the strongest effect on SENT, followed by persons over 30. The youngest persons were less likely to be sent to prison relative to all persons. The converse was true for persons over 30 years. The observed odds ratios for those under 21 and those over 30 were 0.171 and 1.045, respectively, compared to an overall ratio of 0.484.

Persons 21-30 years showed a moderately strong positive relationship to SENT, with a higher likelihood of being sent to prison relative to all persons.

Being a citizen had the largest effect on SENT relative to the other two INSCK categories. Its coefficient was moderately strong in magnitude and positive in direction. Citizens were more likely to be sent to prison compared to the overall population. Aliens and immigrants had negative coefficients with roughly the same magnitudes. These two groups, unlike citizens, were less likely to receive a prison sentence.

TABLE 17

LOGIT MODEL PARAMETERS
AND OBSERVED ODDS RATIOS OF SENTENCE
EL PASO
(N = 852)

Independent Variable	Effect Parameter	Observed Odds Ratio[1]
Constant	-.9486	
Citizenship		
Citizen	.3447	0.568
Alien	-.1803	0.285
Immigrant	-.1644	0.334
Age		
<21	-1.0096	0.171
21-30	.2702	0.625
31+	.7394	1.045
		.484 (Overall)

Entropy = .086
Concentration = .102

1. Ratio of going to prison to not going to prison.

SUMMARY

Analysis of the El Paso selected felony arrest population for fiscal year 1985 and 1986 revealed that 15% were illegal aliens confirmed by the INS. The majority of the aliens were under age 26 and 99% were born in Mexico. When arrest charges were compared by citizenship, illegal alien arrests were primarily for property offenses. Perhaps due to financial hardship, over two-thirds of the illegal aliens were not released from jail by posting bail.

Compared to citizens, proportionately more illegal aliens arrested in El Paso were indicted and convicted. Overall, property offenders in El Paso were more likely to be convicted than those arrested for violent or narcotics offenses. The logit analysis showed that citizenship status had a minor role in indictments and the type of offense was a better predictor of conviction than citizenship status. Illegal aliens were less likely than citizens to be sentenced to state prison (22% versus 36% of convictions). The most important determinant, with respect to sentence, based on the logit analysis, was the age of the offender, with older offenders (21-30) more likely to receive a prison sentence.

CHAPTER 7
ARREST AND PROSECUTION
IN SAN DIEGO

Arrest and Prosecution in San Diego

As noted earlier, 5,000 San Diego arrest cases were randomly selected from 14,347 arrests occurring during FY 1985-86. Complete arrest information was obtained from 4,431 arrest reports. Data were obtained from the ten municipal law enforcement agencies in the County. (See Appendix A for breakdown by agency.) Case processing information was compiled for a subset of the total sample of citizen arrest cases. Data were retrieved from jail booking records, District Attorney files, and court records.

ILLEGAL ALIENS IN THE FELONY ARREST POPULATION

Arrestees were categorized based on the initial indicators suggesting citizenship status and confirmed by INS (see page 28 in Methodology chapter). The San Diego sample revealed 81% (3,598) to be U.S. citizens (Table 18 and Figure 3). Arrestees confirmed as illegal aliens by INS represented 12% (547) of the sample. An additional 2%, or 102 cases, were confirmed immigrants or individuals with permission to be in the United States. There were 184 foreign-born individuals (4%) for whom citizenship status could not be confirmed through INS records. (Maps showing the location of offenses for which undocumented persons were arrested are presented in Appendix A.)

TABLE 18

SAN DIEGO ARRESTEE POPULATION
BY CITIZENSHIP STATUS
FY 1985-1986

Citizenship Status	Number	Percent
U.S. Citizen	3,598	81%
Illegal Alien	547	12%
Immigrant	102	2%
Unconfirmed Citizenship Status	184	4%
TOTAL	4,431	

Figure 3

ARRESTEE POPULATION BY CITIZENSHIP STATUS, SAN DIEGO, FY 1985-86

n=4431

Unknown Citizenship 4%

Legal Immigrants 2%

Undocumented Persons 12%
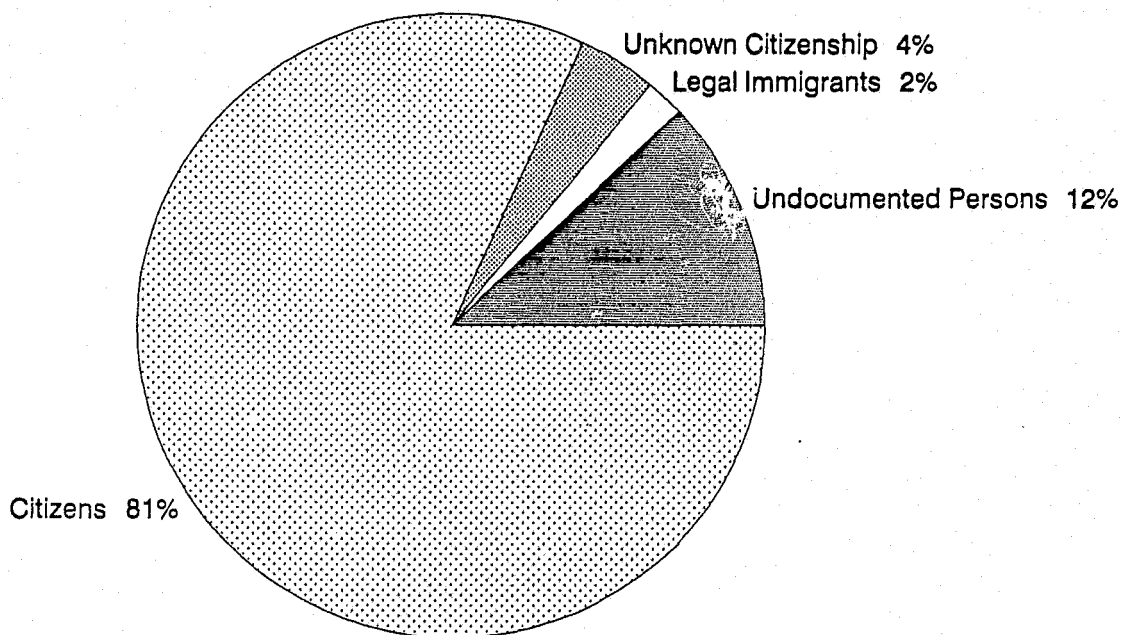
Citizens 81%

Arrestee Population and Citizenship Status[7]

Examination of the characteristics of the arrest sample by citizenship (Table 19) shows that, compared to citizens, illegal aliens and immigrants were significantly more likely to be males (97% and 95%, respectively, versus 87%). Nearly 70% of the aliens arrested were 25 years of age or younger compared to half of the citizens (50%) in this age group. Those with immigrant status were slightly older than both citizens and aliens. With respect to ethnicity, nearly half (48%) of the citizens were reported as White/Anglo with 16% Hispanic, and just over a third (34%) Black. In contrast, 97% of the alien group were Hispanic, as were 71% of those with immigrant status. The majority of alien arrest reports (95%) listed Mexico as the place of birth; and 60% of the immigrants and 72% of those with unknown citizenship status also reported Mexico for birthplace. Nearly three-quarters (73%) of the alien arrestees were not employed at the time of arrest compared to 54% of the citizens and 53% of the immigrants.

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[7]The chi-square test was performed for all bivariate cross-tabulations, with an α = .05 level of significance. These tests were based on the unweighted sample of citizens to insure proper computation of the PROB values.

TABLE 19

CHARACTERISTICS OF SAN DIEGO ARRESTEE POPULATION
BY CITIZENSHIP STATUS
FY 1985-1986

	U.S. Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total	
SEX						
• Male	3,144 (87%)	529 (97%)	97 (95%)	165 (90%)	3,935 (89%)	P < .001
• Female	454 (13%)	18 (3%)	5 (5%)	19 (10%)	496 (11%)	
ETHNICITY						
• White	1,745 (48%)	4 (1%)	9 (9%)	15 (8%)	1,773 (40%)	
• Hispanic	571 (16%)	530 (97%)	72 (71%)	142 (77%)	1,315 (30%)	P < .001
• Black	1,214 (34%)	11 (2%)	10 (10%)	12 (7%)	1,247 (28%)	
• Other	68 (2%)	2 (<1%)	11 (11%)	15 (8%)	96 (2%)	
AGE						
• <21	678 (19%)	184 (34%)	19 (19%)	44 (24%)	925 (21%)	
• 21-25	1,097 (30%)	195 (36%)	26 (25%)	51 (28%)	1,369 (31%)	
• 26-30	825 (23%)	98 (18%)	26 (25%)	48 (26%)	997 (23%)	P < .001
• 31-35	519 (14%)	39 (7%)	18 (18%)	16 (9%)	592 (13%)	
• 36-40	264 (7%)	19 (3%)	7 (7%)	10 (5%)	300 (7%)	
• 41 & Over	215 (6%)	12 (2%)	6 (6%)	15 (8%)	248 (6%)	
PLACE OF BIRTH						
• United States	3,481 (97%)	0	0	0	3,481 (79%)	
• Mexico	41 (1%)	522 (95%)	61 (60%)	133 (72%)	757 (17%)	P < .001
• Other	76 (2%)	25 (5%)	41 (40%)	51 (28%)	193 (4%)	
EMPLOYED*						
• Yes	1,642 (46%)	149 (27%)	47 (47%)	69 (38%)	1,907 (44%)	P < .001
• No	1,911 (54%)	398 (73%)	53 (53%)	114 (62%)	2,476 (56%)	

*Employment data not available for 48 cases.

Proportionately, nearly twice as many aliens as citizens reported occupations in the labor category (43% versus 22%). Over a third (39%) of the alien arrestee occupations were included in the farm/forestry and production areas compared to 31% of the citizens (Table 20).

TABLE 20

REPORTED OCCUPATION, BY CITIZENSHIP STATUS
SAN DIEGO ARRESTEES
FY 1985-1986

Occupation	U.S. Citizens		Illegal Aliens		Immigrants		Unconfirmed Citizenship Status		Total	
Professional	247	(9%)	6	(1%)	5	(6%)	5	(3%)	263	(7%)
Service	388	(13%)	50	(11%)	13	(15%)	21	(14%)	472	(13%)
Farm/Forestry	124	(4%)	63	(14%)	9	(10%)	17	(11%)	213	(6%)
Production	775	(27%)	110	(25%)	23	(26%)	44	(29%)	952	(27%)
Labor	627	(22%)	191	(43%)	24	(27%)	47	(31%)	889	(25%)
Student	108	(4%)	6	(1%)	4	(5%)	6	(4%)	124	(3%)
All Other	617	(21%)	21	(5%)	10	(11%)	11	(7%)	659	(18%)
TOTAL	2,886		447		88		151		3,572*	

$P < .001$

*Occupation was not known for 859 cases.

Arrest Charge and Citizenship Status

The perception of San Diego justice practitioners is that aliens' involvement in criminal activity is more likely in property offenses than in violent or person crimes. Review of arrest offenses confirms this perception. Table 21 displays individual arrest offense categories by citizenship status. Nearly a quarter of the alien arrests (23%) involved larceny/theft offenses and one out of five alien arrests was for motor vehicle theft. Fourteen percent (14%) of the citizen arrests were for larceny and one out of 8 citizens was arrested for theft of a stolen vehicle. Aliens were significantly less likely to be arrested for violent crimes (8% or less arrested for homicide, rape, robbery, and aggravated assault). Of the four categories of citizenship, illegal aliens were least likely to be arrested for felony narcotics (15% compared to 28% of the immigrants and 21% of the citizens).

Table 22 and Figure 4 collapse arrest offenses in three major categories (violent, property, narcotics) by citizenship status. More than half of the alien arrests were for property offenses (63%) compared to 43% of the citizen arrests. In San Diego, approximately one out of three citizens and immigrants was arrested for violent offenses compared to one of four aliens.

TABLE 21

ARREST CHARGE BY CITIZENSHIP STATUS
SAN DIEGO ARRESTEES
FY 1985-1986

	U.S. Citizens		Illegal Aliens		Immigrants		Unconfirmed Citizenship Status		Total	
• Homicide	85	(2%)	7	(1%)	4	(4%)	4	(2%)	100	(2%)
• Rape	251	(7%)	34	(6%)	6	(6%)	9	(5%)	300	(7%)
• Robbery	286	(8%)	39	(7%)	2	(2%)	8	(4%)	335	(8%)
• Aggravated Assault	661	(18%)	44	(8%)	24	(24%)	26	(14%)	755	(17%)
• Burglary	612	(17%)	105	(19%)	6	(6%)	19	(10%)	742	(17%)
• Larceny/Theft	510	(14%)	126	(23%)	13	(13%)	31	(17%)	680	(15%)
• Motor Vehicle Theft	433	(12%)	112	(20%)	18	(18%)	36	(20%)	599	(14%)
• Felony Narcotics	760	(21%)	80	(15%)	29	(28%)	51	(28%)	920	(21%)
TOTAL	3,598		547		102		184		4,431	

$P < .001$

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TABLE 22

CATEGORY OF ARREST AND CITIZENSHIP STATUS
SAN DIEGO ARRESTEES
FY 1985-1986

	U.S. Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total
Violent Crimes	1,283 (36%)	124 (23%)	36 (35%)	47 (26%)	1,490
Property Crimes	1,555 (43%)	343 (63%)	37 (36%)	86 (47%)	2,021
Narcotics Violations	760 (21%)	80 (15%)	29 (28%)	51 (28%)	920
TOTAL	3,598	547	102	184	4,431

$P < .001$

Figure 4

TYPE OF ARREST AND CITIZENSHIP STATUS
SAN DIEGO ARRESTEES, FY 1985-86

n=4431

74
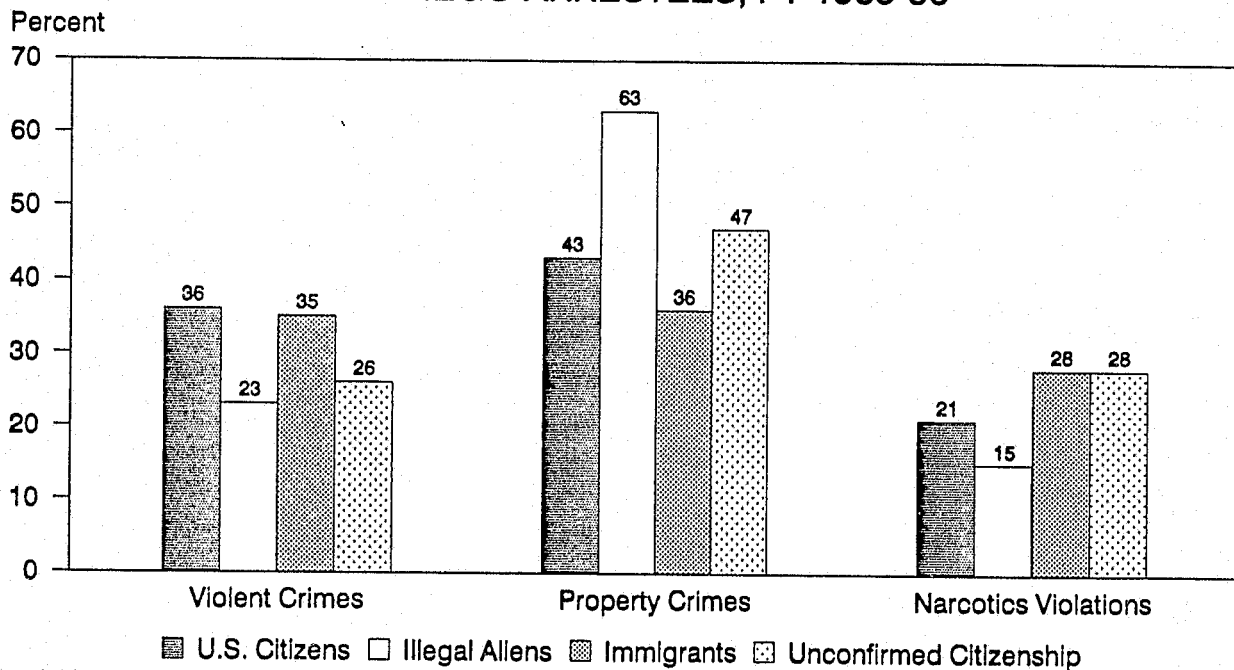
Law Enforcement Disposition

In San Diego, felony arrest charges can be dropped by police prior to a decision by the prosecutor. These circumstances include arrestees booked into jail for detention purposes only as well as cases for which charges are dropped because prosecution is not requested.

Nearly one of five arrestees was released by police with no further prosecution (19%). Citizens and aliens were proportionately similar with respect to release. Slightly more immigrants and those with unconfirmed status were likely to be released (Table 23). Differences were statistically significant, but the relationship was relatively weak (Kendall's tau b = -.03062).

TABLE 23

**LAW ENFORCEMENT DISPOSITION
BY CITIZENSHIP STATUS
SAN DIEGO ARRESTEES
FY 1985-1986**

	U.S. Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total
Released	681 (19%)	101 (18%)	25 (25%)	54 (29%)	861 (19%)
Complaint Requested	2,917 (81%)	446 (82%)	77 (75%)	130 (71%)	3,570 (81%)
TOTAL	3,598	547	102	184	4,431

P = .003

CASE PROCESSING AND CITIZENSHIP STATUS

This section describes differences in dispositions based on citizenship status and then, through loglinear analysis, explores the factors associated with dispositions. The foreign-born group of 833 arrestees was compared, on system processing following arrest, to a random sample of 800 citizens out of the original sample of 3,598 citizen arrestees. The volume of San Diego cases precluded data collection on dispositions for the entire sample of citizens. The citizen sub-sample was weighted to approximate the size of the citizen arrest group and represent the whole sample. This allows computation of systemwide attrition rates presented in Table 29. The weighting was based on the total number of cases and the proportion of cases within each arrest offense category. A table showing the weighted and unweighted sample sizes, and the weighting factors is presented in Appendix A, page 145.

Initial Custody Status

In San Diego, most felons arrested are released from jail prior to the arraignment hearing, at which time the defendant is informed of charges and a plea is entered. Individuals who are not released generally are those who, by the nature of their offenses, are not allowed to post bail; or individuals who are not financially able to post bail; or persons who are not able to meet conditions for release on their own recognizance (O.R.).

Proportionately, aliens were significantly less likely than other groups to be released with no bail conditions (46% vs. 58%) or to bail out (5% compared to 24% of the citizens). (Table 24). These differences are not unexpected given that, as a group, aliens are more likely to be economically disadvantaged as well as unlikely to meet pretrial release conditions such as community ties and permanent residence. In contrast, those with immigrant status show release behavior similar to citizens.

Pre-Disposition Custody. Citizens and illegal aliens with charges filed were compared on the number of days in jail custody prior to disposition (no table). Over half of the citizens (52%) were in jail 10 days or less prior to disposition compared to 20% of the alien arrestees who spent 10 days or less in jail before disposition of arrest. The disparity was more evident when median number of days were compared. Citizens spent a median number of 10 days, whereas illegal aliens spent 39 median days prior to disposition. The majority of the illegal alien arrestees (80%) had INS "holds" placed on them after jail booking, which contributes to longer length of stay. These differences have obvious implications for costs of pre-trial custody.

TABLE 24

INITIAL CUSTODY STATUS BY
CITIZENSHIP, SAN DIEGO ARRESTEES
FY 1985-1986

	U.S.* Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total
Released – Own recognizance	2,103 (58%)	249 (46%)	60 (59%)	120 (65%)	2,532 (57%)
Bail Posted	874 (24%)	27 (5%)	23 (23%)	30 (16%)	954 (22%)
Bail Denied	64 (2%)	4 (1%)	1 (1%)	1 (1%)	70 (2%)
No Bail Posted	557 (15%)	267 (49%)	18 (18%)	33 (18%)	875 (20%)
TOTAL	3,598	547	102	184	4,431

*Citizen numbers based on weighted sample.

$P < .001$, based on collapsing custody status categories: released and bail posted, and bail denied and no bail posted.

Chargeable Bail

Each year, the bail schedule is reviewed by the judiciary to revise bail amounts imposed for specific types of offenses. The dollar amounts presented reflect only the bail noted at time of arrest, not the amount imposed by the judge at a bail-review hearing. There was little proportionate difference between citizens and aliens with respect to chargeable bail and differences were not significantly different. Over three-quarters of those in each group had bail listed as less than $5,000 (Table 25).

TABLE 25

**AMOUNT OF CHARGEABLE BAIL BY
CITIZENSHIP STATUS, SAN DIEGO ARRESTEES
FY 1985-1986**

	U.S.* Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total
Less than $5,000	1,993 (77%)	412 (79%)	74 (82%)	141 (83%)	2,620 (77%)
$5,001-10,000	351 (13%)	73 (14%)	8 (9%)	19 (11%)	451 (13%)
$10,001-20,000	181 (7%)	27 (5%)	6 (7%)	6 (4%)	220 (6%)
$20,001 & Over	77 (3%)	12 (2%)	2 (2%)	4 (2%)	95 (3%)
TOTAL	2,602	524	90	170	3,386

*Citizen numbers based on weighted sample.

$P = .569$, n.s.

Note: Percentages based on cases with complete information and exclude 90 cases of homicide, for which no bail was scheduled.

Prosecutor Disposition

About eight out of ten aliens, of those not released by the police, had charges filed by the prosecutor (82%), a higher proportionate figure than citizens (74%), immigrants (71%), and those with unknown citizenship (67%) (see Table 26). The Vera Institute study (1977) suggested that cases in which the suspect and the victim were acquainted were less likely to result in charges filed. Our analysis of the overall sample supported this finding as well. With regard to complaints filed, the suspect-victim relationship was significant for citizens, but not for aliens. Even though more alien cases than citizens' involved strangers (87% versus 60%), this factor did not account for proportionately more alien cases prosecuted (see Table 6 in Appendix A).

TABLE 26

**PROSECUTOR DISPOSITION BY
CITIZENSHIP STATUS, SAN DIEGO ARRESTEES
FY 1985-1986**

	U.S.* Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total
Complaint Filed	2,137 (74%)	364 (82%)	55 (71%)	86 (66%)	2,642 (75%)
Complaint Rejected	742 (26%)	82 (18%)	22 (29%)	44 (34%)	890 (25%)
TOTAL	2,879	446	77	130	3,532

*Citizen numbers based on weighted sample.

$P < .001$

Note: Totals exclude those released by law enforcement.

Reviewing charges filed by offense category and citizenship status indicates that illegal aliens were less likely than citizens to have complaints filed for violent crimes (20% versus 25%), but nearly a third of the immigrants (31%) had charges filed in this category (Table 27). Conversely, 41% of the aliens had charges filed for property offenses compared to 36% of the citizens and 13% of the immigrants. Overall, more complaints were filed for property offenses.

TABLE 27

CATEGORY OF COMPLAINTS FILED BY CITIZENSHIP STATUS, SAN DIEGO ARRESTEES FY 1985-86

	U.S.* Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total
Violent Crimes	543 (25%)	73 (20%)	17 (31%)	16 (19%)	649 (25%)
Property Crimes	778 (36%)	149 (41%)	7 (13%)	24 (28%)	958 (36%)
Narcotic Violations	331 (15%)	50 (14%)	15 (27%)	15 (17%)	411 (16%)
Misdemeanor & Other	485 (23%)	92 (25%)	16 (29%)	31 (36%)	625 (24%)
TOTAL	2,137	364	55	86	2,642

$P < .001$

* Citizen numbers based on weighted sample.
** Includes felony charges reduced to misdemeanors by the prosecutor.

Conviction

Just over a third of the convicted aliens were guilty of property offenses (35%) compared to 25% of the citizens. Nearly half of the convicted citizens were charged with misdemeanor offenses (48%) compared to 39% of the aliens (Table 28).

Table 29 summarizes attrition rates based on arrests. Overall, 58% of the illegal alien arrests resulted in convictions compared to 49% of the citizens and 48% of the immigrants. The majority of all convictions (96%) were the result of a guilty plea. With respect to sentence, 27% of all defendants received a local jail sentence with probation. The majority of illegal aliens received this sentence (41% versus 26% of the citizens).

TABLE 28

CATEGORY OF CONVICTION CHARGE[1]
BY CITIZENSHIP STATUS
SAN DIEGO ARRESTEES
FY 1985-1986

	U.S.[2] Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total
Violent Offenses	299 (17%)	43 (14%)	8 (16%)	9 (14%)	359 (16%)
Property Offenses	445 (25%)	111 (35%)	6 (12%)	13 (20%)	575 (26%)
Narcotics Violations	182 (10%)	39 (12%)	15 (31%)	11 (17%)	247 (11%)
Misdemeanor & Other[3]	845 (48%)	125 (39%)	20 (41%)	31 (48%)	1,021 (46%)
TOTAL	1,771	318	49	64	2,202

P < .001

1. Includes charges from guilty pleas, convictions and drug diversions.
2. Citizen numbers based on weighted sample.
3. Includes felony cases reduced to misdemeanors by the prosecutor and/or the court.

TABLE 29

JUSTICE SYSTEM ATTRITION RATES
BY CITIZENSHIP STATUS
SAN DIEGO ARRESTEES
FY 1985-1986

	U.S. Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total	
Arrests	3,598	547	102	184	4,431	
Released	19%	18%	25%	29%	20%	
Not Released	81%	82%	75%	71%	80%	P < .001
Complaints Filed[1]	59%	67%	54%	47%	60%	
Complaints Rejected	21%	15%	22%	23%	20%	P < .001
Guilty[2]	49%	58%	48%	35%	50%	
Acquitted/Dismissed	7%	4%	4%	3%	6%	P < .001
Other[3]	3%	4%	2%	9%	4%	
Sentence*						
Probation	8%	1%	6%	1%	7%	
Probation/Jail	26%	41%	25%	20%	27%	
Jail	2%	4%	0	2%	3%	
Prison	9%	10%	6%	8%	9%	
Other	4%	1%	11%	6%	4%	

1. From this level on, all citizen numbers are based on weighted sample.
2. Includes convicted, pled guilty and drug diversion.
3. Includes pending cases, not guilty by reason of insanity, and mentally incompetent.

Note: All percentages based on arrests.

*P < .001 when sentence categories were collapsed.

Attrition by Decision Level and Sentence Time Ordered

When the data are examined by decision level, the proportions differ, but the same pattern holds, i.e., relatively more aliens than citizens had charges filed, more were convicted, and more were incarcerated. Illegal aliens were more likely than citizens to be ordered to serve longer local custody days. For example, just over half of the citizens (51%) were ordered to two or more months in local jail compared to 68% of the aliens given the same custody (Table 31).

TABLE 30

CASE DISPOSITIONS WITHIN PRIMARY DECISION LEVELS, BY CITIZENSHIP STATUS SAN DIEGO ARRESTEES FY 1985-1986

	U.S. Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status
Arrests	3,598	547	102	184
Complaints				
Number Filed	2,137[1]	364	55	87
% of Arrests	59%	67%	54%	47%
Diversion	114	6	10	9
	(5%)	(12%)	(18%)	(10%)
Convictions/Pled Guilty				
Number	1,657	312	39	55
% of Filings	78%	86%	71%	63%
Probation				
Number	287	8	6	2
% of Convictions	17%	3%	15%	4%
Incarcerated				
Local Custody				
Number	1,015	247	26	39
% of Convictions	61%	79%	67%	71%
State Prison				
Number	340	55	6	14
% of Convictions	21%	18%	15%	25%

1. At this level through incarceration, the numbers for citizens are based on the weighted sample.

(See Table 29 for significance levels.)

TABLE 31

TIME ORDERED FOR SENTENCED
DEFENDANTS, BY CITIZENSHIP STATUS
SAN DIEGO ARRESTEES
FY 1985-1986

Local Custody (days)	U.S.* Citizens	Illegal Aliens	Immigrants	Unconfirmed Citizenship Status	Total	
1-30	437 (43%)	59 (24%)	9 (35%)	20 (51%)	525 (40%)	
31-60	66 (7%)	19 (8%)	3 (12%)	4 (10%)	92 (7%)	P < .001
61-120	148 (15%)	60 (24%)	3 (12%)	4 (10%)	215 (16%)	
121+	364 (36%)	109 (44%)	11 (42%)	11 (28%)	495 (37%)	
	1,015	247	26	39	1,327	

Probation (years)						
1 year or less	66 (5%)	3 (1%)	2 (6%)	2 (5%)	73 (5%)	
1-1/2 yrs. – 3 yrs.	1,011 (83%)	214 (91%)	27 (84%)	33 (87%)	1,285 (85%)	P = .191 n.s.
4-5 years	137 (11%)	18 (8%)	3 (9%)	3 (8%)	161 (11%)	
	1,214	235	32	38	1,519	

State Institution (years)						
1-5	251 (74%)	40 (73%)	3 (50%)	9 (60%)	303 (73%)	
6-10	50 (15%)	11 (20%)	1 (17%)	4 (27%)	66 (16%)	P = .502 n.s.
More than 10	39 (11%)	4 (7%)	2 (33%)	2 (13%)	47 (11%)	
	340	55	6	15	416	

*Citizen numbers based on weighted sample.

FACTORS ASSOCIATED WITH DISPOSITIONS (LOGIT MODEL RESULTS)

This section analyses the impact of multiple factors on four key decision points in the criminal justice system. Logit models were developed for dependent variables which measure progression through the system from the law enforcement agency requesting that charges be filed to imprisonment. The dichotomous variables were defined the same as in El Paso (see Table 14). Law enforcement disposition (LEDISP), whether the law enforcement agency requested that charges be filed or not, was not analyzed in El Paso. In that jurisdiction, virtually all cases were presented to a magistrate at the time of arrest. There was no decision made by law enforcement agencies concerning whether the case should be pursued.

Logit analysis was used to measure the simultaneous influence of three factors on each decision point. These variables were the same as those analyzed for El Paso. Citizenship (INSCK) was the primary independent variable of interest. It was divided into two categories: U.S. citizen and alien.[8] Offense type was based on either arrest charge (ARRCHG), complaint charge (COMPCHG), or conviction charge (CONVCHG). This variable was classified into three levels: person crimes, property crimes, and narcotics violations. (It was not possible to analyze attrition rates by more specific offense categories because of insufficient sample sizes in some categories.) The specific offense type used was contingent upon the dependent variable under investigation. In the analyses of LEDISP and PROSDISP, the offense type was based on ARRCHG; for CRTDISP it was defined from COMPCHG; and for SENT the offense type was based on CONVCHG. The final independent variable was an individual's AGE at the time of arrest. AGE was partitioned into three categories: under 21 years, 21 to 30 years, and over 30 years.

The remainder of this section presents the results of the most parsimonious logit model for each decision point. Appendix E contains discussion and tables pertaining to the selection of these models.

Law Enforcement Disposition

The selected logit model of law enforcement disposition included the constant term and the main effect of offense type. Age or citizenship status had no effect on whether the law enforcement agency requested that a charge be filed or not. The estimated parameters of the additive model and their standard errors along with the observed odds ratios of LEDISP are presented in Table 32. The explanatory power of this model is negligible. Both measures of dispersion indicated that the error in prediction was reduced by only .1% based on information on ARRCHG. This suggests that the type of offense plays a minimal role in determining law enforcement disposition.

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[8]There were not enough cases to establish a separate category for immigrants as was done in El Paso. For example, the split on LEDISP showed that 20 immigrant cases were dismissed by law enforcement agencies. This left only 77 cases for the analysis of the three remaining decision points. Because the small sample of immigrants would not provide a minimally adequate basis for statistical estimation, this group was excluded from the logit analysis.

The strongest effect was shown by the constant which indicates the skewed marginal distribution of LEDISP. As the overall odds ratio showed, law enforcement agencies requested that charges be filed on more than four times as many persons compared to those they decided not to pursue. The only category of ARRCHG that showed a statistically significant coefficient was person crime offenders. This group was less likely to have law enforcement pursue a charge relative to all persons. However, its effect was very small as is indicated by a beta coefficient of .0951. The statistically insignificant coefficients for property offenders and narcotics violators implied that these two groups would not affect LEDISP in the population.

TABLE 32

LOGIT MODEL PARAMETER ESTIMATES AND OBSERVED ODDS RATIOS OF LAW ENFORCEMENT DISPOSITION SAN DIEGO (n = 4,412)

Independent Variable	Effect Parameter	Standard Error	Observed Odds Ratio[1]
Constant	1.4553	.0407	
Offense			
Person	-.0957	.0551	3.891
Property	.0119	.0524	4.329
Narcotics	.0838	.0645	4.651
			4.237 (Overall)

Entropy = .001
Concentration = .001

*Significant at α = .10

1. Filing of charge requested to filing of charge not requested.

Prosecutor Disposition

The selected logit model of prosecutor disposition included the constant term and the main effects of citizenship and offense type. Age had no effect on the likelihood of a person having a complaint filed against them or not. The estimated parameters of the additive model and their standard errors along with the observed odds ratios of PROSDISP are presented in Table 33.[9] The explanatory power of this

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[9]The analyses of prosecutor disposition and the remaining two decision points are reported on unweighted data containing the subsample of citizens, so that the inferential statistics are based on the correct sample sizes. The estimated parameters of the logit models were compared for both the weighted and unweighted samples. No differences were noted in either the signs or magnitudes of the coefficients that would affect the substantive conclusions discussed in the remainder of this section.

model was weak, although it was noticeably stronger than the model of LEDISP. Both measures of dispersion indicated that the error in prediction was reduced by approximately 2% based on information on ARRCHG and INSCK, compared to .1% for the model of LEDISP. This suggests that citizenship and offense type play minor roles in determining whether a prosecutor files a complaint or not.

TABLE 33

LOGIT MODEL PARAMETER ESTIMATES AND OBSERVED ODDS RATIOS OF PROSECUTOR DISPOSITION[1]
SAN DIEGO
(n = 1,079)

Independent Variable	Effect Parameter	Standard Error	Observed Odds Ratio[2]
Constant	1.1596	.0796	
Citizenship			
Citizens	-.2166	.0771	2.725
Aliens	.2166	.0771	4.444
Offense			
Person	.0442	.1054	3.049
Property	.2796	.0994	4.149
Narcotics	-.3238	.1164	2.141
			3.279 (Overall)

Entropy = .018
Concentration = .019

*Significant at α = .10

1. These results are based on unweighted frequencies.
2. Charges filed to charges not filed.

There were, however, differences in the size and direction of effects across categories of the independent variables. Offense type had a slightly larger impact on PROSDISP compared to citizenship. The coefficients for both property crime offenders and narcotics violators were of greater magnitude than the coefficients for citizens and aliens. Citizens and narcotics violators were less likely to have a complaint filed relative to all persons. The observed odds ratios showed lower values for citizens (2.725) and narcotics violators (2.141) compared to the overall ratio (3.279). Conversely, aliens and property crime offenders were more likely to have a complaint filed relative to all persons. The coefficient for person crime offenders was not statistically significant, which implied that this group would not impact PROSDISP in the population.

Court Disposition

The selected logit model of court disposition included the constant term and the main effect of citizenship status. Age or offense type had no effect on whether a person was found guilty or not. The estimated parameters of the additive model and their standard errors along with the observed odds ratios of CRTDISP are presented in Table 34. The explanatory power of this model is very weak. Both measures of dispersion indicated that the error in prediction was reduced by approximately 1% based on information on INSCK. This suggests that citizenship status has little influence on court disposition.

TABLE 34

LOGIT MODEL PARAMETER ESTIMATES AND OBSERVED ODDS RATIOS OF COURT DISPOSITION[1]
SAN DIEGO
(n = 779)

Independent Variable	Effect Parameter	Standard Error	Observed Odds Ratio[2]
Constant	2.2821	.1287	
Citizenship			
Citizens	-.3018	.1287	7.246
Aliens	.3018	.1287	13.33
			9.09 (Overall)

Entropy = .012
Concentration = .007

*Significant at α = .10

1. These results are based on unweighted frequencies.
2. Persons found guilty to persons found not guilty.

The strongest effect was shown by the constant which indicates the extremely skewed marginal distribution of CRTDISP. As the overall odds ratio indicated, over nine times as many persons were found guilty compared to persons found not guilty. The coefficients for citizenship status indicated that aliens were more likely to be found guilty relative to all persons, while citizens showed the opposite effect.

CRTDISP had an extremely skewed marginal distribution, with only 10% of the observations (77) falling into the not guilty category. This led to some main-effect cell sizes with fewer than 25 cases. To examine whether this condition affected the conclusions reached above, the analysis was performed with all independent variables measured as dichotomies. AGE was defined as persons under 30 and those over 30, while COMPCHG was collapsed by combining property crime offenders and narcotics violators. These particular dichotomies were chosen because the com-

bined categories showed similar effects on CRTDISP. The relative number of persons classified as not guilty was 8.3% for persons under 21 years and for those between 21 and 30 years. The corresponding figures for property crime offenders and narcotics violators were 8.6% and 8.3%, respectively. The results of this analysis, while not presented in detailed tables, are summarized below.

This logit model of court disposition included not only the constant term and main effect of INSCK, but also the main effect of AGE. This two variable specification had slightly more explanatory power than the model with INSCK. The entropy measure was .012 for the INSCK model compared to .017 for the model with both INSCK and AGE. In terms of the effect of INSCK on CRTDISP, the two models showed similar results. Even with AGE in the model, INSCK had the largest impact on CRTDISP. The beta coefficients for INSCK were similar in magnitude and direction (-.2662 for citizens and .2662 for aliens) compared to the model with only INSCK (-.3018 for citizens and .3018 for aliens). The beta coefficients for age were .2249 for persons under 30 and -.2249 for persons over 30. These data showed that the effect of AGE was slightly weaker than that of INSCK and that persons under 30 had a higher likelihood of being found guilty relative to all persons.

Sentence

The selected logit model of sentence included the constant term and the main effects of age and offense type. A person's citizenship status was unrelated to the probability of being sent to prison or not. The estimated parameters of the additive model and their standard errors along with the observed odds ratios of SENT are presented in Table 35. This model had much greater explanatory power relative to the models for the prior decision points. Both measures of dispersion indicated that the error in prediction was reduced by 12% based on information on CONVCHG and AGE compared to reductions of .1%, 2%, and 1% for the models of LEDISP, PROSDISP, and CRTDISP, respectively.

A person's offense rather than age was clearly the most important factor affecting the likelihood of going to prison or not. Two beta coefficients under CONVCHG had values over 1.00, more than three times greater than the largest coefficient under AGE. Narcotics violators had the greatest impact on the likelihood of going to prison or not, followed by the person crime category. Narcotics violators were less likely to be sent to prison relative to all persons. The observed odds ratio for this category was 0.036, compared to a ratio of 0.243 for all persons. Conversely, person crime offenders were more likely to be sent to prison. Their observed odds ratio (0.672) was far above the overall ratio. The statistically insignificant coefficient for property crime offenders implied that this group would not affect SENT in the population.

Persons under 21 years exhibited the only statistically significant coefficient of the three age categories. Its coefficient, moderately strong in magnitude and negative in direction, indicated that persons in this group were less likely to be sent to prison relative to all persons. The observed odds ratio for those under 21 years (0.141) was less than the overall ratio. Persons 21 years and older had no effect on the odds of going to prison or not.

TABLE 35

**LOGIT MODEL PARAMETER
ESTIMATES AND OBSERVED ODDS
RATIOS OF SENTENCE[1]
SAN DIEGO
(n = 742)**

Independent Variable	Effect Parameter	Standard Error	Observed Odds Ratio[2]
Constant	-1.8853	.1744	
Offense Type			
Person	1.3783	.1874	0.672
Property	.1741	.1857	0.185
Narcotics	-1.5524	.3115	0.036
Age			
<21	-.4174	.1723	0.141
21-30	.2002	.1333	0.277
31+	.2172	.1654	0.302
			0.243 (Overall)

Entropy = .118
Concentration = .115

*Significant at α = .10

1. These results are based on unweighted frequencies.
2. Persons sent to prison to persons not sent to prison.

SUMMARY

In San Diego, the sample of 1985-86 felony arrests for FBI Index crimes (excluding petty theft) and felony narcotics indicates that illegal aliens were arrested for 12% of these offenses. Proportionate involvement of aliens varied by type of arrest offense, with aliens significantly more likely to be arrested for property offenses than for violent crimes or narcotic violations. Although arrestees with immigrant status represented only 2% of the total sample, more than a quarter (28%) were arrested for narcotics violations, exceeding the proportions of both citizens and aliens in this category. Also, just over a third (35%) of the arrestees in the immigrant group were arrested for violent offenses. Immigrants convicted of specific felonies can be ordered to attend deportation hearings which may result in loss of U.S. citizenship and return to the country of origin.

Although illegal aliens were significantly more likely than citizens to have complaints filed, the logit analysis showed that citizenship played a minor role and the type of offense had more explanatory value.

The logit analysis confirmed that citizenship status had a minor impact on court disposition.

The majority of all convicted defendants were the result of a guilty plea (81%). Pleas of guilty were not associated with type of legal representation (court-appointed versus private attorney) although more illegal aliens than citizens were served by public defense (see Table 8 in Appendix A).

With respect to sentence of convicted offenders, the most common sentence of the whole sample was probation with local custody. Illegal aliens were significantly more likely than other groups to receive this sentence. In the logit analysis, the variable with the most explanatory value was that of offense type, specifically person or violent offenses. With respect to time ordered, probation and state institution terms showed no significant differences by citizenship. However, there was a significant association for number of days sentenced to local custody with half of the citizens sentenced to 60 days or less, and 32% of illegal aliens given the same time. Nearly 70% of the illegal aliens were sentenced to more than 60 days local custody.

CHAPTER 8
COSTS FOR PROCESSING
ILLEGAL ALIENS
IN SAN DIEGO

Costs for Processing
Illegal Aliens in San Diego

The previous discussion addressed the impact of undocumented aliens on the felony caseload at each level in the criminal justice process. To summarize, undocumented aliens represented 12% of the felony arrests in the San Diego sample, 13% of the cases referred to the prosecutor, and 14% of the court cases. Another way to measure the impact is in terms of costs to local governments for processing undocumented aliens charged with criminal offenses. This issue is of particular interest because enforcement of immigration laws is a federal responsibility that has implications for state, county, and city governments.

COST AND WORKLOAD

An analysis of workload and costs associated with undocumented alien cases was conducted in San Diego County. Estimates of annual costs for the study period (July 1, 1985 through June 30, 1986) are based on sample cases involving defendants confirmed by INS to have been in the United States illegally at the time of arrest.

As mentioned previously, the study sample for San Diego consisted of all homicide and rape arrests, and 40% of the other categories of offenses (robbery, aggravated assault, burglary, felony theft, receiving stolen property, motor vehicle theft, and felony narcotics). To estimate annual costs for undocumented alien cases, the sample was weighted using the following formula:

TOTAL DIRECT COSTS = A + (B x 2.5)

where,   A = Total Homicide and Rape Cases
               B = Other Sample Cases

The weighting of 547 sample alien cases yielded an estimate of 1,308 arrests of undocumented aliens for the offenses studied during fiscal year 1985-86. Undocumented alien cases were not weighted in the analysis of case processing and attrition rates.

The cost estimates include: police investigation time; pre-sentence incarceration; criminal justice processing costs after arrest through court disposition; and the cost of the sentence imposed (e.g., probation, local custody, or prison).

The formula for computing the cost of sample cases is as follows:

TOTAL COST =	Police Investigation Costs	+	Pre-sentence Custody Costs	+	Case Processing Costs	+	Sentence Costs

Within each category, the following items were included from municipal and county budget expenditures for FY 1985-86: salaries and benefits of criminal justice personnel; indirect, or overhead costs associated with operating criminal justice agencies; and external overhead for other municipal departments. Costs were estimated based on events occurring in alien sample cases if data were available (e.g., pre-sentence custody and sentence costs). Other costs were based on the average cost for all cases (e.g., police investigations and case processing) and, therefore, may slightly underestimate costs for processing undocumented aliens, as is explained below.

Police Investigations

Data on police costs are based on two time studies conducted at the San Diego Police Department to estimate the average amount of time expended by field officers and detectives on specific types of investigations. The studies measured the average time expended per case for taking crime reports, investigating cases, and making arrests in serious felony crimes.

The source of data for field officer time was the officer journals completed during October, 1987 at three stations in the Western, Southern, and Southeastern areas of the City. Data elements included: watch, date, officer's name, penal code section, and time expended on crime cases, arrests, and overtime report writing related to the offenses studied. Data were compiled on a total of 1,386 field incidents.

Estimates for detective time on crime case investigations are based on a sample of 973 criminal investigations occurring during 1987. Detectives maintained daily records of time related to specific cases.

The cost of police investigations for sample cases was estimated by computing the average time for case-related activities for specific categories of offenses (violent, property, and narcotics) in the sample and multiplying by the average hourly personnel costs, including salaries, benefits, and indirect costs. The average costs reflect the average for all case investigations, not specifically alien cases. Therefore, any additional costs associated with investigation of alien involved crimes are underestimated (e.g, time to interview suspects, use of interpreters, transfer to Border Patrol).

Pre-Sentence Incarceration

In San Diego County, pre-sentence inmates are housed in maximum security jail facilities operated by the Sheriff's Department. Sheriff's personnel maintain information on the average daily cost of incarceration for each fiscal year, according to the Office of Budget and Management (OMB) Circular A-87 criteria for reimbursement of costs. To estimate total pre-sentence jail costs, the average daily cost per inmate was multiplied by the total number of days in custody prior to case adjudication for undocumented aliens in the sample. If a defendant was in custody concurrently for two or more arrests in the sample, the custody time was recorded only once to avoid duplication of actual costs.

Case Processing Costs

Case processing costs represent all criminal justice agencies involved in the adjudication process, including the courts, the County Clerk (Superior Court), police agencies, the District Attorney, Public Defender, and Probation. In California, the criminal courts are bifurcated, with the municipal courts having responsibility in felony cases for the initial arraignment and preliminary hearing, and the superior courts responsible for the trial and sentencing in felony cases bound over or certified from the municipal courts.

Most case processing cost estimates are based on the average cost per felony case; therefore, costs for some types of cases, such as homicide, may be underestimated. The small number of homicide cases and the length of the adjudication process in these cases precluded accurate estimates for specific case costs. Also, cases involving undocumented aliens may cost slightly more than the average case; therefore, cost estimates may be somewhat lower than actual costs to the county (e.g., interpreter costs).

In a few sample cases, complete data on the court process were not available. In these instances, total case costs could not be estimated. For the most part, missing data related to reports filed with the court.

Court and Court Support Costs. In 1988, the County of San Diego implemented a Justice System Model which estimates costs at each stage in the criminal justice process for fiscal year 1986-87 (Pedersen, et al., 1988). Each department was asked to estimate the percent of workload/costs associated with each phase, including municipal and superior court criminal, civil, and juvenile cases. For this study, the FY 1986-87 workload and cost figures were adjusted to estimate total FY 1985-86 felony case costs for each of the following departments involved in the court process:

- Superior Court
- Municipal Court
- Sheriff
- Marshal
- County Clerk
- District Attorney
- Pre-Trial Services
- Public Defender.

As mentioned previously, the model provides cost estimates for criminal, civil, and juvenile cases. Since all superior court criminal cases are felonies, the total criminal cost estimates for FY 1985-86 for court-related departments were divided by bindovers/filings to estimate the average felony case cost for cases heard in superior court.

The municipal courts hear felony, misdemeanor, and infraction offense cases. The Justice System Model does not provide the total costs for felony municipal court cases. Therefore, the California Judicial Council weighted caseload was used to obtain an estimate of the average time spent by municipal court judges and court clerks in felony cases. The weighted caseload provides the average number of case-related minutes expended by judges and clerks for filings by type of case (e.g., felony, misdemeanor, infraction, civil). It was estimated that felony cases account

for 23% of the municipal court costs. Costs for municipal court judges and clerks were computed as follows:

```
MUNICIPAL                                   23% OF WORKLOAD
COURT COST   =   ANNUAL CRIMINAL    *   ASSOCIATED          /   FELONY
PER CASE         COURT COSTS            WITH FELONIES           FILINGS
```

Average costs for municipal court support agencies (District Attorney, Public Defender, Marshal and Sheriff) were based on the assumption that the distribution of workload/time associated with felony versus other muncipal court cases was similar to that of the judges (23% of the workload).

The following formula was used:

```
                 ANNUAL COSTS           23% OF WORKLOAD
SUPPORT AGENCY =  FOR MUNICIPAL   *   ASSOCIATED          /   FELONY
COURT COSTS       COURT SUPPORT        WITH FELONIES           FILINGS
```

Police Witnesses. An average time in court was computed from 143 entries on overtime slips and officer journals at San Diego Police Department during the October 1987 time study. This figure was multiplied by the number of days officers testified in court in the sample cases to estimate total officer time. Almost all court testimony occurred while officers were off duty; therefore, cost estimates were computed at time and a half for court appearances. The total overtime hours were multiplied by the average salary, benefits, and indirect costs for a police officer in San Diego County, based on information obtained from municipal budgets.

Reports to the Court. County agencies estimated the average cost for each of the following reports for fiscal year 1985-86, based on the department budget and the number of reports completed:

* Pre-sentence Report
* Pretrial Release Report
* Psychiatric Report
* Supplemental Probation Report
* Financial Report.

The average cost was added for each case in which a report was filed with the court. The total costs represent costs for specific alien cases in the sample.

Sentence Costs

Sentence costs were computed when a defendant was ordered to serve time in a local jail or a State prison and when probation was ordered. Average daily inmate custody costs were provided by the County Sheriff's Department, the County Probation Department, and the State Department of Corrections. For local detention facilities, daily costs were obtained for maximum security jails, medium security honor camps, and the work furlough center. The average daily custody costs were multiplied by the number or days ordered for undocumented aliens in the sample, minus good time and work credits, to obtain post-sentence incarceration costs. If the sentence was a range of years, the midpoint was used. The figure underestimates costs for inmates who lost good time or work credits.

The Probation Department compiles estimates of the average monthly cost of probation supervision based on the type of case, workload, and budget for each year. Total probation costs were estimated by multiplying the average monthly cost of probation supervision by the number of months ordered for undocumented aliens.

DISCUSSION

The purpose of estimating costs to process undocumented alien cases is to determine the financial impact in San Diego County. The cost analysis does not address differences in costs for citizens and undocumented aliens. This would have required a significant data collection effort.

As mentioned previously, the cost per case for those in the country illegally may be slightly higher than for citizens. Criminal justice administrators have indicated that illegal aliens may be more likely to be in custody prior to trial and require interpreters throughout the criminal justice process. This is confirmed by data collected in the case tracking study. Where possible, these additional costs were included in estimates.

RESULTS

Table 36 and Figures 5 and 6 present the annualized costs associated with criminal justice processing for FY 1985-86 felony arrest cases involving aliens. The total cost was over $15 million, with most costs incurred at the local level (almost $12 million). The costs at the State level included block grants provided by the State for judgeships ($48,048) and incarceration in state prisons ($3.4 million). The majority of the costs related to processing of cases after arrest ($6,173,477) and carrying out sentences imposed by the courts ($7,139,953). Police investigations represented only 2% of the total ($235,311).

The costs to law enforcement for investigating undocumented alien cases were analyzed by type of offense (Table 37). Property offenses represented the greatest cost ($142,285) due to the volume of cases (859 of the estimated 1,308 arrests occurring during the study period). Costs associated with investigations of violent crimes were $60,522 (249 arrests), and narcotics investigations accounted for the remaining $32,504 (200 arrests). These law enforcement costs do not include police testimony in court which accounts for an additional $10,554. Police testimony is included in case processing.

Pretrial custody costs for housing undocumented aliens were almost $1.7 million. Additional data on computation of costs are presented in Appendix A.

The costs for subsequent actions by the court related to probation and parole violations were not included. Almost one-quarter (23%) of the aliens arrested were processed for probation or parole violations (305) subsequent to the arrest offense.

The countywide cost for the criminal justice system in FY 1985-86 including all types of cases was $320 million. It should be noted that the costs presented relate to selected felony arrests which represent a small proportion of the workload of criminal justice agencies. The study does not address the high volume caseloads involving misdemeanor arrests and infractions.

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TABLE 36

COSTS ASSOCIATED WITH
PROCESSING ARRESTS INVOLVING
UNDOCUMENTED ALIENS
FY 1985-1986[1]

Police Investigation	$235,311
Pretrial Custody	1,678,694
Case Processing	
Local	6,125,429
State[2]	48,048
Subtotal	**6,173,477**
Sentence	
Local	3,774,780
State Prison	3,365,173
Subtotal	**7,139,953**
TOTAL	$15,227,435

1. Based on 547 sample cases weighted by offense to estimate
    the total number of arrests during the study period (n = 1,308).
2. Represents block grant provided by the State for judgeship.

TABLE 37

COSTS ASSOCIATED WITH POLICE
INVESTIGATIONS IN UNDOCUMENTED ALIEN ARRESTS
BY TYPE OF OFFENSE
FY 1985-1986

Type of Offense	Estimated Number of Arrests	Per Case Cost	Total Cost
Violent	249	$243.06	$60,522
Property	859	$165.64	142,285
Narcotics	200	$162.52	32,504
TOTAL			$235,311

Figure 5
DISTRIBUTION OF COSTS FOR
PROCESSING SAN DIEGO ARRESTEES

Police 2%

Prosecutor/Court 52%

Incarceration 46%
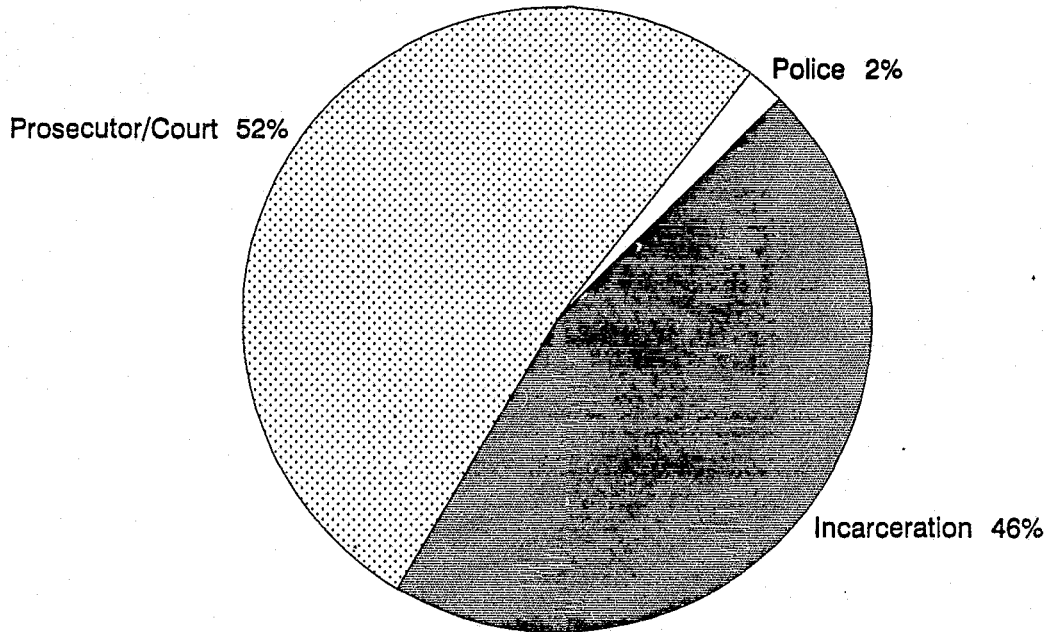
Figure 6
STATE AND LOCAL COSTS
SAN DIEGO ILLEGAL ALIEN ARRESTEES
JUSTICE PROCESSING
FY 1985-86

State 22%

Local 78%
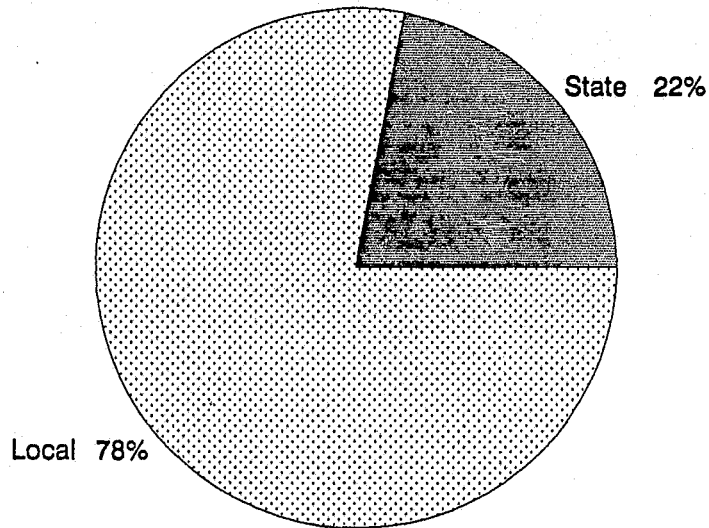
$15.2 MILLION

CHAPTER 9
ILLEGAL ALIENS AS
REPEAT OFFENDERS

Illegal Aliens as Repeat Offenders

El Paso

Of interest in this research, was not only the proportion of aliens in the arrestee population, but the extent to which aliens are repeat offenders and thus impact the system more than once. This is an important consideration for immigrants as well, since convictions for certain crimes can result in initiation of deportation proceedings. To examine prior criminal history in El Paso, the Texas Department of Public Safety provided information on arrests and convictions of the arrestees in the alien and immigrant categories. Prior criminal history involved any arrests and convictions prior to the tracking offense. Comparable data for U.S. citizens were not obtained due to time constraints.

Over half of the alien records (58%) revealed no prior arrests as did 47% of the immigrants (Table 38). About two-thirds of both groups had no felony arrests prior to our tracking arrest. Conversely, 34% of the illegal aliens showed one or more previous arrests for felonies. Almost half of the immigrant group (46%) had one or more prior misdemeanor arrests compared to 28% of the illegal aliens (Table 38). Nearly 80% or more of both groups had no prior convictions for felonies or misdemeanors (Table 39).

TABLE 38

PRIOR ARRESTS OF ILLEGAL ALIENS AND IMMIGRANTS
EL PASO ARRESTEES
FY 1985-1986

	Illegal Aliens	Immigrants
Total	320	147
Prior Arrests		
• None	184 (58%)	69 (47%)
• 1 or more	136 (42%)	78 (53%)
Prior Misdemeanor Arrests		
• None	231 (72%)	79 (54%)
• 1	37 (12%)	33 (22%)
• 2	21 (7%)	14 (10%)
• 3 or more	31 (10%)	21 (14%)
Prior Felony Arrests		
• None	210 (66%)	98 (67%)
• 1	45 (14%)	19 (13%)
• 2	28 (9%)	16 (11%)
• 3 or more	37 (12%)	14 (10%)

TABLE 39

PRIOR CONVICTIONS,
ILLEGAL ALIENS AND IMMIGRANTS
EL PASO ARRESTEES
FY 1985-1986

	Illegal Aliens	Immigrants
Total	**320**	**147**
Prior Convictions		
• None	234 (73%)	103 (70%)
• 1 or more	86 (27%)	44 (30%)
Prior Misdemeanor Convictions		
• None	281 (88%)	118 (80%)
• 1	27 (8%)	21 (14%)
• 2 or more	12 (4%)	8 (5%)
Prior Felony Convictions		
• None	252 (79%)	126 (86%)
• 1	44 (14%)	21 (14%)
• 2 or more	24 (8%)	0

San Diego

With the approval of the California Department of Justice, prior criminal history records were accessed for both aliens and immigrants.

Over half of the aliens (57%) and immigrants' records (53%) showed previous arrests (Table 40). The proportions with arrests for misdemeanor offenses were 36% for aliens and 34% for immigrants. Over a third (35%) of the San Diego aliens had been arrested two or more times for felony offenses compared to 20% of the immigrants. Nearly a quarter of the alien cases (24%) indicated one or more felony convictions prior to the tracking arrest case and 38% showed previous misdemeanor convictions (Table 41).

Although comparable data were not collected for citizens, another study conducted in November 1986 on a random sample of 304 unsentenced San Diego inmates showed that 56% had prior convictions for felonies (Pennell and Curtis, 1987). It should be noted that the data presented reflect offenses known to police, reported to the state, and tied to the defendant by name and other identifying characteristics. Police officials have indicated that persons in the U.S. illegally may provide false names to hinder the identification process. Also, a common source of confusion with Mexican Nationals is the use of both maternal and paternal surnames which are often transposed on arrest reports. Consequently, criminal history records may not include all arrests and convictions.

TABLE 40

PRIOR ARRESTS OF ILLEGAL ALIENS
AND IMMIGRANTS
SAN DIEGO ARRESTEES
FY 1985-1986

	Illegal Aliens	Immigrants	
Total	**536***	**102**	
Prior Arrests			
• None	228 (43%)	48 (47%)	
• 1 or more	308 (57%)	54 (53%)	P = 0.462, n.s.
Prior Misdemeanor Arrests			
• None	341 (64%)	67 (66%)	
• 1	85 (16%)	21 (21%)	P = 0.197, n.s.
• 2 or more	110 (21%)	14 (14%)	
Prior Felony Arrests			
• None	272 (51%)	61 (60%)	
• 1	77 (14%)	21 (21%)	P = .008, n.s.
• 2 or more	187 (35%)	20 (20%)	

*Information missing for 11 cases.

TABLE 41

PRIOR CONVICTIONS,
ILLEGAL ALIENS AND IMMIGRANTS
SAN DIEGO ARRESTEES
FY 1985-1986

	Illegal Aliens	Immigrants	
Total	**536**	**102**	
Prior Convictions			
• None	292 (54%)	67 (66%)	
• 1 or more	244 (46%)	35 (34%)	P = 0.474, n.s.
Prior Misdemeanor Convictions			
• None	333 (62%)	72 (71%)	
• 1	87 (16%)	19 (19%)	P < .05
• 2 or more	116 (22%)	11 (11%)	
Prior Felony Convictions			
• None	407 (76%)	89 (87%)	
• 1	73 (14%)	12 (12%)	P < .05
• 2 or more	56 (10%)	1 (1%)	

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CHAPTER 10
AGENCY
COORDINATION ISSUES

Agency Coordination Issues

The issue of illegal immigration and crime requires intervention by all levels of government. The extent to which the staffs of various agencies work together was explored in interviews with INS officials, Border Patrol agen, prosecutors, probation administrators, the judiciary and local police.

Interview respondents were asked about their frequency of contacts with other justice agencies, and to comment on coordination efforts with respect to processing aliens. In both counties, police personnel are likely to have daily contact with border patrol agents and local prosecutors in undocumented alien cases. Interaction with the local judiciary and other federal agencies, e.g., judiciary, corrections, is less frequent or minimal. Interview participants agreed that it is in everyone's best interest to cooperate on the issue of alien crime. Although immigration is a federal responsibility, it obviously has local impacts that require open communication and coordination. In El Paso, close cultural and economic ties to Juarez contribute to a united effort.

The majority of respondents observed that cooperation among agencies with respect to processing criminal aliens was good or very good. When asked to identify factors that may impede or reduce cooperative, coordinated efforts, responses were primarily associated with system problems. The following comments are illustrative:

- The prosecutor's office is overburdened which leads to prioritizing of cases. "Weak" cases, or those in which victims or witnesses may not be available, are less likely to result in charges filed. Cases involving aliens are more likely to be dropped, according to respondents. The results of this study did not support this opinion; however, misdemeanor arrest charges involving aliens may be dropped more frequently.

- Both counties have overcrowded jail facilities which result in fewer arrestees booked for minor offenses.

- The opinion was expressed that the U.S. Attorney's Office in El Paso places a higher priority on cases <u>other</u> than those involving deportation of convicted aliens. With aliens free on bond, they frequently are not available when the deportation hearing takes place.

Over half (57%) of those interviewed expressed a need for a more coordinated approach to address the alien crime issue. More El Paso respondents held this view than those in San Diego. Improved coordination was characterized by El Paso participants as more regular meetings among the agency personnel to share knowledge of resources and circumstances.

Several San Diego respondents suggested development of a multi-agency task force with concurrent state and federal authority. Regionalizing the approach would lead to uniform policies and procedures, according to those interviewed.

An example of agency coordination is the Immigration Criminal Alien Program (ICAP) established in January 1985, by San Diego District Office of the Immigration and Naturalization Service. The purposes are two-fold: First, to locate, identify, prosecute, and formally deport criminal aliens convicted of felonies; and to estimate incarceration costs for offenders sentenced to serve time (Turnage, FY87). Initially, not all detention facilities were covered by this program. Since fiscal year 1987, however, with increased staffing, all facilities are now included. The figures presented in Table 42 point out the types of offenses for which criminal aliens were convicted, with burglary, motor vehicle theft, and narcotics showing the highest percentages. The El Paso criminal alien program got underway in early 1988; thus, no statistics were available for this report.

TABLE 42

SAN DIEGO IMMIGRATION CRIMINAL ALIEN PROGRAM
CASES COMPLETED* BY CRIME TYPE
FY1985 - FY1987

Offenses	FY1985	FY1986	FY1987	FY1988
Total	227	442	690	1,277
Homicide	-0-	-0-	<1%	1%
Assault	20%	6%	4%	2%
Robbery	8%	7%	4%	3%
Burglary	35%	40%	31%	25%
Motor Vehicle Theft	11%	14%	15%	20%
Other Property	14%	12%	12%	5%
Narcotics	10%	16%	29%	37%
All Other	3%	5%	5%	8%

*Cases processed for deportation or voluntary return to country of origin.

Source: Immigration and Naturalization Service, San Diego

Factors Associated with Effectiveness

All respondents were asked if there were ways that their respective agencies could more effectively address the issue of alien crime. Most (70%) of those interviewed had suggestions in this area. The following statements summarize the suggested ways to enhance agency effectiveness:

• The public should be educated about immigration laws and availability of services from various agencies. This recommendation is also directed toward persons who are in the country illegally, to assist them in receiving appropriate documents for temporary stays.

- Local police should have the authority to enforce immigration laws, such as illegal entry.

- An automated fingerprint system should be implemented by INS so that individuals can be accurately identified. Local law enforcement computer information systems that interface with INS systems would also enhance identification capabilities.

- There should be an acknowledgement or agreement by all justice agencies that criminal aliens should be prosecuted.

- Citizenship is an important data element that should be collected on a routine basis by all agencies in the justice system. Decisions regarding release after arrest as well as bail-setting require specific information to consider likelihood of future court appearances and sentencing decisions.

Other suggestions unique to San Diego included:

- Ordinances pertaining to health and safety codes should be enforced by the San Diego County Health Department to alleviate the squalid conditions in which some illegal aliens live. Reference was made to the crudely constructed "shacks" in canyons in the northern part of San Diego County. As noted earlier, open camp fires can be a safety hazard along with other unsanitary conditions that pose health risks. (In the summer of 1988, 16 cases of malaria among migrant workers were reported to the County Health Department.) In the Spring of 1989, a migrant camp in North County was shut down by health officials.

- Another area requiring local enforcement of ordinances is rental properties used to house up to 20 or more aliens. These so-called "drophouses" are used by persons who are awaiting transportation, hoping to travel north, or as a distribution point for drug dealing. Observers felt that the potential for health violations is great, yet enforcement is infrequent.

- In areas in which large numbers of aliens congregate on certain street corners to get offers of work, some problems occur such as citizen harassment and littering. It was suggested that available building space be used for hiring halls.

Training of Justice System Personnel

The majority of those interviewed (66%) felt that special training is needed for justice personnel with respect to the alien crime issue. The type of training mentioned by more than half of the San Diego respondents was Spanish language skills for line personnel. The need for bilingual dispatchers was also mentioned. Patrol officers, in particular, felt they could provide more effective service to all aliens, victims and suspects, if they could communicate in Spanish. The value of cultural sensitivity training was cited by many respondents. Different cultures respond to authority in diverse ways -- what may be an "appropriate" response in one culture may be misunderstood by another cultural group. To avoid confusion yet adequately protect the safety of all involved, police officers and other justice professionals should be cognizant of these differences.

Several San Diegans also expressed a need for local police training to discern the variety of immigration documents as well as training to detect fraudulent documents. In addition, San Diego representatives cited the need for more outreach efforts to migrant workers to inform them about the justice system. Specific information, such as ways to prevent crime and available resources for victims, should be provided to migrant workers.

CHAPTER 11
HANDLING JUVENILE
OFFENDERS FROM MEXICO

Handling Juvenile Offenders
From Mexico

Although the focus of this study was adults, the research team also learned how juvenile aliens who reside in Mexico are processed by the two counties.

El Paso

In 1985 a program was developed to facilitate the disposition of juvenile illegal aliens referred to probation for delinquent conduct. The Border Children Justice Project utilized the services of a Mexican citizen to develop procedures for obtaining correct names and addresses of juveniles residing in Ciudad Juàrez who commit offenses in El Paso. The liaison person is also responsible for contacting the parents of the juvenile, providing counseling to parents and juveniles, assisting in recommendations for dispositional purposes, obtaining placements in Mexico when possible and necessary, and providing supervision for the alien juveniles placed on probation in Juarez. After a one-year pilot effort, the program was considered successful in reducing recidivism and lowering costs to the El Paso justice system.

San Diego

In July 1987, the San Diego Juvenile Court and San Diego County Probation Department officials attended a meeting in Monterrey, Mexico, that included officials from Texas and Mexico in order to learn about their Border Children Justice Project. The information derived from this meeting has proven to be an effective catalyst in approaching the growing problem that San Diego has experienced with youthful offenders from Mexico. The decision to adopt the program that Texas uses has resulted in several important changes in San Diego:

- Reduced overcrowding in Juvenile Hall.
- Reduced cost to County
- Reduced costs on both sides of the border.
- Returned repeat offenders to Mexico for prosecution and institutionalization.
- Obtained some restitution by locating families of offenders.
- Reunited Mexican families.

The program is now called the Border Youth Project, and the cost was $9,000 for the first fiscal year and $23,400 allocated in FY 1988-89. There is an existing contract with Volunteers in Probation, Inc. (VIP) to provide services that include paying a representative and an assistant from Tijuana Probation Department and Tijuana Juvenile Court, and providing them with a vehicle to use in their duties. Some of the duties being performed include:

- Coming to the U.S. on a daily basis to interview all Mexican juvenile detainees.

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- Doing the groundwork to determine true names, dates of birth, and residences of all Mexican juvenile detainees and furnishing that information to San Diego officials. This helps to return offenders to their true residences and cuts down on incidence of release at border and subsequent quick return to U.S.

- Contacting minor's family with information of child's arrest and whereabouts and possible consequences.

- Arranging for restitution by families when possible.

- Providing any existing criminal records of detainees to San Diego officials.

These representatives keep in close contact with San Diego and provide reports on subsequent action of offenders as it happens in Mexico. This could include probation and social service reports. The salaries of these representatives amount to $21,000 of the $23,400 allocated for the year.

Implementation of the Border Youth Project has resulted in significant reduction of the percent of total admissions of Mexican National minors to three juvenile facilities in the past year.

A legal challenge in September 1988 questioned the constitutionality of the San Diego program. An appeal with the 4th District Court contends that foreign youngsters are denied access to the local judiciary and subjected to harsher penalties in Mexico (Warren, 1988). Since the program began in July 1987, 104 youth have been returned to Mexico, with the majority released to their families under court supervision. Of this group, only eight have been rearrested (County of San Diego, May 1989).

Table 43 shows that, although the number of juvenile aliens admitted to juvenile hall has increased 59% over five years (1982-1987), their percentage in the total population has dropped from 4% to 2%. In 1986, alien juveniles comprised 9% of the San Diego juveniles camp population. One year later, after program implementation, the percentage dropped to 2% (Table 44).

TABLE 43

ADMISSIONS TO JUVENILE HALL
PROPORTION OF ILLEGAL ALIENS
SAN DIEGO COUNTY
1983 - 1987

	1983	1984	1985	1986	1987	Change 1983-1987
Total Admissions	4,473	4,868	5,294	5,694	5,369	20%
Number of Illegal Aliens	198	335	410	425	315	59%
Percent Illegal Aliens	4%	7%	8%	7%	6%	2%

TABLE 44

ADMISSIONS TO JUVENILE CAMPS
PROPORTION OF ILLEGAL ALIENS
SAN DIEGO COUNTY
1986 AND 1987

	1986	1987
Total Admissions	513	531
Number of Illegal Aliens	45	12
Percent of Illegal Aliens	9%	2%

Source: San Diego County Probation Department

CITATIONS

Citations

Aldrich, J. and F. Nelson. Linear Probability, Logit and Probit Models. Sage Publications, Beverly Hills, 1984.

Aldrich, J. and F. Nelson. Logit and Probit Models for Multivariate Analysis with Qualitative Independent Variables in New Tools for Social Scientists. Pps. 115-155. Sage Publications, Beverly Hills, 1986.

Arias, A. Armando, Jr., Ph.D. Theoretical Perspectives on Undocumented Mexicans in the United States: An Exercise in the Sociology of Deviance. Paper presented at Western Society of Criminology, March, 1986.

Bean, F.D., H.L. Browning, and W.P. Frisbie. What the 1980 United States Census Tells Us About the Characteristics of Illegal and Legal Mexican Immigrants. Population Research Center, the University of Texas at Austin, n.d.

Bustamante, Jorge A. "Undocumented Immigration from Mexico: Research Report." International Migration Review 11 (Summer 1977).

Chelimsky, Eleanor and George Grant. Immigration - An Issue Analysis of An Emerging Problem, Unpublished Draft, U.S. General Accounting Office, 1985.

Congressional Quarterly. "Major Provisions of the Immigration Bill." October 18, 1986.

Conner, Roger. Breaking Down the Barriers: The Changing Relationship Between Illegal Immigration and Welfare. Federation for American Immigration Reform, Immigration Paper IV, September 1982.

Cornelius, W.A. Illegal Mexican Migration to the Untied States: Research Findings, Policy Implications, and Research Priorities. Migration and Development Monography C/77-11, Massachusetts Institute of Technology, Cambridge, 1978.

County of San Diego. "Agreement with Volunteers in Probation, Inc., for Border Youth Project Agenda Item. May, 1989.

Ezell, Harold. A Survey on the Impact of Illegal Aliens and Crime. Immigration and Naturalization Service, March, 1986.

Feeney, Floyd, Forrest Dill, and Adrianne Weir. Arrests Without Conviction: How Often They Occur and Why. National Institute of Justice. July, 1983.

Goldberger, A. Econometric Theory. Wiley, New York, 1964.

Goodman, L. "A Modified Multiple Regression Approach to the Analyses of Dichotomous Variables." American Sociological Review, 37:28-46, 1972.

Haberman. Analyses of Multinomial Responses. Journal of the American Statistical Association, 77:568-580, 1982.

Halven, Joseph. Impacts and Undocumented Persons: The Quest for Useable Data in San Diego County, 1974-1986. Institute for Regional Studies of the Californias, San Diego State University, San Diego, California, October, 1986.

Hanushek, E. and J. Jackson. Statistical Methods for Social Scientists. Academic Press, New York, 1977.

Heer, D.M. "What is the the Annual Net Flow of Undocumented Mexican Immigrants to the United States?" Demography, Volume 16, 1979.

Illinois Legislative Investigating Commission. "Illegal Aliens - Joliet: A Report to the Illinois General Assembly," Chicago, Illinois, 1978.

Immigration and Naturalization Service (INS). Response to House Judiciary Sub-Committee Hearing. April 26, 1989.

Lamm, Richard and Gary Imhoff. The Immigration Time Bomb - The Fragmenting of America. Truman Talley Books/E.P. Dutton/New York, 1985.

Levine, Daniel, B., Kenneth Hill and Robert Warren, editors. Immigration Statistics - A story of Neglect. National Academy Press, Washington, D.C., 1985.

McCarthy, Kevin F. and R. Burciaga Valdez. Current and Future Effects of Mexican Immigration in California. Rand, Santa Monica, California, 1985.

McNeely, R. L. and Carl E. Pope, Editors. Race, Crime, and Criminal Justice. Sage Publications, Inc. Beverly Hills and London. 1981.

Merola, M. "Federal, State and Local Governments. Partners in the Fight Against Violent Crime." Journal of Criminal Law and Criminology, Volume 73 (Fall 1982).

Noke, D. and P. Burke. Log-Linear Models. Sage Publications, Beverly Hills, 1980.

Orvis, Gregory, Ph.D. "External Pressures and Texas Prosecutorial Organizations: "A Study of Case Dismissal Decisionmaking." Paper presented to Academy of Criminal Justice Sciences, 1988.

Passel, Jeffrey S. and Karen Woodrow. "Geographic Distribution of Undocumented Immigrants: Estimate of Undocumented Aliens Counted in the 1980 Census by State." International Migration Review, Volume 18, Fall 1984.

Passel, Jeffrey S. Immigration to the United States. Text of speech delivered at Census Table, Bureau of the Census, Washington, D.C., 1986.

Pedersen, Kent, Lyn Angene and Janet Frazer. San Diego County Justice System Model - Fiscal 1986-87 Base Year Report. County of San Diego, October, 1988.

Pennell, Susan and Christine Curtis. Population Management System: Studies to Examine Jail Overcrowding. San Diego Association of Governments. 1987.

Reynolds, H. The Analyses of Cross-Classifications. Free Press, New York, 1977.

Superior Court. San Diego County. No. 585800. Notice of Ruling on Demurrer of Defendants Edwin L. Miller, Jr., County of San Diego, and Automated Regional Justice Information System to Second Amended Complaint. February, 1986.

Warren, Jenifer. "Taking Sides on Juvenile Crime Issue." Los Angeles Times, September 12, 1988.

Weintraub, Sidney and Gilberto Cardenas. The Use of Public Services by Undocumented Aliens in Texas. Lyndon B. Johnson School of Public Affairs, University of Texas at Austin, 1984.

Wolf, Daniel H. Alarm and Sensibility: Demystifying Undocumented Alien Crime in San Diego County. Center for U.S. Mexican Studies, University of California, San Diego, La Jolla, California, 1987.

U.S. General Accounting Office. Criminal Aliens - INS' Investigative Efforts in the New York City Area. March, 1986.

U.S. General Accounting Office. Immigration: The Emerging Problem, September, 1985.

Vera Institute of Justice. Felony Arrsts: Their Prosecution and Disposition in New York City's Courts. 1977.

Villapando, M. V. Impact of Illegal Aliens on the County of San Diego. San Diego County Human Resources Agency, 1977.

D. Zahn and S. Fein. Analyses of Contingency Tables Containing Non-Dichotomous Variables Using Log-Linear, Cell Frequency and Logit Models: Exposition and Interpretation. FSU Statistics Report M328. Florida State University, Department of Statistics, Tallahassee, Florida, 1974.

ADDITIONAL REFERENCES

Additional References

NOTE: The articles cited below reflect the majority of newspaper stories published during the study period. Although they are not cited in the research, they are included to illustrate the interest and controversy the alien crime issue has generated in San Diego County.

Acoba, Elena. "Aliens Agree to Stay Away from School." Blade Tribune, October 10, 1986.

Acoba, Elena. "House Rethinking Immigration." Blade Tribune, October 8, 1986.

Acoba, Elena. "Kelly Alien Meet 'Frustrating'." Blade Tribune, October 2, 1986.

Adler, Alan. "'Amnesty to Breed Document Fraud', Say Experts." Times Advocate, October 26, 1986.

"A Lesson in Barrio Politics - Opinion." La Prensa, June 27, 1986.

"Alien Arrests Set Third Monthly Record." San Diego Union, June 7, 1986.

Allen, Mike. "Do Border Patrol Figures Tell Whole Alien Entry Story?" Chula Vista Star News, July 13, 1986.

Allen, Mike. "Illegal Alien Arrest Figures Give Murky Information." National City Star News, July 13, 1986.

Allen, Mike. "Public Workshop on Aliens Planned." Star News Beach, September 4, 1986.

Alvord, Valerie. "Caution? Migrant Zone Ahead: Parents Say Trouble Brewing Near School." San Diego Union, October 4, 1986.

Alvord, Valerie. "Lifestyles Cross at Kelly and El Camino: It's Where Migrants Seeking Work Mix With Children of the Upwardly Mobile." San Diego Union, October 4, 1986.

"And the INS Sweeps Go On." Editorial, Los Angeles Times, November 2, 1986.

Anderson, Annelise and Richard Lamm. "'Would Employer Sanctions Work? No: Alien Worker Not Problem' by Annelise Anderson. 'Yes: Job Dream is the Key' by Richard Lamm." San Diego Union, September 7, 1986.

"Announcement of NIJ Grant to SANDAG for Illegal Aliens Study." San Diego County Digest, August 22, 1986.

Apan, Mike. "Sparks Fly, Grievances Aired at Workshop on Illegal Aliens." Star News South, October 16, 1986.

Armstrong, Scott. "Alien Arrests Are Dropping." San Diego Union, March 1, 1987.
"Arrests Prompt Fewer Illegals." The La Costan, October 23, 1986.

Austin, Linda. "Encinitas City Council Says Alien Task Force Off Course." Blade Tribune, February 18, 1988.

Austin, Linda. "Report On Migrants Released." The Citizen, April 22, 1988.

Austin, Linda. "Vista Business Owners: Homeless-Sparked Woes Continue." Blade Tribune, March 6, 1987.

Bailey, Eric. "Encinitas Split On How to Deal With Migrants." Los Angeles Times, June 8, 1988.

Bailey, Eric. "Illegal Alien Crime in North County Nearing a Crisis, Packard Says." Los Angeles Times, February 12, 1988.

Bailey, Eric. "Objections Raised as Deputies Plan to Sweep Encinitas Area for Aliens." Los Angeles Times, March 24, 1988.

Ball, Neil. "Migrant Suspected in 19 Cases." San Diego Union, September 24, 1986.

Barnhill, Barbara. "'Impact of Illegal Aliens Increases' Says Police Chief." Carlsbad Journal, August 9, 1986.

Bart, Fran. "Task Force Approves Final Report." Coast Dispatch, April 20, 1988.

Bechman, John. "Aliens Said Preying On School Kids." San Diego Union, September 19, 1986.

Beckilund, Laurie. "Deadline Results in Firing of Some Immigrant Workers." Los Angeles Times, September 3, 1987.

Belcher, Jerry. "Police Launch Program Against Illegal Aliens: LA Seeking to Deport Gang Members." Los Angeles Times, September 5, 1986.

Bloomberg, Warner. "Clarifying Undocumented Crime Rate." Coast Dispatch, September 15, 1987

Boomer, Don (Photographs). "Operation Clean Sweep." The Citizen, October 22, 1986.

"Border Crime Study Funded." San Diego Tribune, August 22, 1986.

Boyarsky, Bill. "Southland Population to Jump 43% by 2010." Los Angeles Times, September 5, 1986.

Braun, Gerry. "Tie Between Aliens, Crime to be Studied." San Diego Union, August 22, 1986.

Briseno, Olga. "'El Norte' Dreams Come True." San Diego Union, March 16, 1986.

"Call Issued for Removal of INS as Implementer of Amnesty Program." La Prensa, December 12, 1986.

Carranza, Gloria. "Viewpoint - What Do You Think Should Be Done About the Undocumented Worker Problem?" October 19, 1986.

Carrier, Lynne. "Eckert Foresees Drastic Action to Stop Undocumented Aliens." San Diego Union, May 28, 1986.

Cox News Service. "Area Setting Near-Record Levels of Illegal Alien Arrests." Blade Tribune, February 28, 1988.

"RB Crime Rate is Higher Than the City's." Bernardo News, February 12, 1987.

"Crime Spree Hits PQ Homes." Penasquitos News, September 18, 1986.

"Crimes Soar While Kolender Parties." Editorial, La Prensa, August 22, 1986.

Davis, Don. "Alien Task Force's Role Expanded: Encinitas Council Urges Fact-Finding Mission by Panel." San Diego Union, October 16, 1986.

Davis, Don. "Citizens to Meet on Immigrants." San Diego Union, November 6, 1986.

Davis, Don. "Migrants Linked to Crime Rise: North County Coast Communities Struggle to Cope." San Diego Union, August 28, 1986.

Davis, Don. "Panel Named to Gauge Impact of Aliens on Encinitas." San Diego Union, November 12, 1986.

Davis, Don. "Panel to Study Aliens' Impact Proposed in Encinitas." San Diego Union, October 9, 1986.

Davis, Don. "Troops Are Proposed for Border: Antonovich Asks Military to Curb Alien, Drug Flow." San Diego Union, April 22, 1986.

Davis, Townsend. "S.D. Police Will Not Detain Suspected Illegal Immigrants." Los Angeles Times, August 23, 1986.

Dennis, Gregory. "Immigrants Remind Us of Third World's Plight." The Citizen, October 22, 1986.

Dolan, Maura, and Henry Weinstein. "Business Ponders Effects of New Immigration Law." Los Angeles Times, October 18, 1986.

Doyle, J.H. "Forged Documents Are Key to Benefits for Chicago Aliens." The Washington Times, September 10, 1986.

Doyle, J.H. "Hispanic Groups Wary of Amnesty for Illegals." The Washington Times, October 24, 1986.

Espenshade, Thomas. "Punishing Employers Flies Against the Facts." Price Club Journal, November, 1986.

Ezell, Harold. "Hiring Illegals Cannot be Business as Usual." Price Club Journal, November, 1986.

Ezell, Harold. "Illegal Aliens Come From Many Countries." Daily Californian, August 3, 1986.

Fein, Bruce. "New Immigration Law Has Its Pitfalls." San Diego Union, October 26, 1986.

Feldman, Paul. "Illegal Alien Now Denies Coersion Was Used in Murder Confession, Police Say." Los Angeles Times, January 3, 1987.

Felds, Ken. "Alien World: Stark Contrast to Rancho Santa Fe." Rancho Santa Fe Review, October 15, 1986.

Felds, Ken. "The Plight of the Illegals and Their Impact: Researchers Forum Into Alien Crime Maze." Rancho Santa Fe Review, October 15, 1986.

Fenick-Horton, Katheryn. "Illegal Aliens: Vulnerable From the Moment They Arrive." Carlsbad Journal, March 4, 1987.

File, Edward L. "The Border at Tijuana: 'One Square Mile of Hell.'" San Diego Union, May 11, 1986.

Fotinos, Harry. "Romney: Letter Not Meant to Inflame." Blade Tribune, October 14, 1986.

Fotinos, Harry. "'Transborder Office Posed as Way to Handle New Immigration Law." The La Costan, February 19, 1987.

"Free America, Free Illegal Aliens." Editorial, San Diego Tribune, October 20, 1986.

Gallant, Julie. "Undocumented Aliens Growing in Numbers." Poway News Chieftain, February 25, 1988.

Gandelman, Joe. "Roots of Border Chaos Examined." San Diego Union.

Gandelman, Joe. "Study Due on Aliens Crime Role: SANDAG Seeks Better Figures on Migrant Impact." San Diego Union, October 4, 1986.

Gandelman, Joe. "Villagers Leave Home for Jobs." San Diego Union, March 17, 1986.

Garcia, Dawn. "Jobs in 'El Norte' Aid Mexico Towns." San Francisco Chronicle, September 22, 1988.

Geist, Rick. "When La Migra's Name is Martinez." San Diego Union, October 12, 1988.

Golden, Arthur. "Mexico Reluctant to Halt Flow." San Diego Union, March 17, 1986.

"Golding Should Check Facts on Illegal Aliens." Editorial, San Diego Union, May, 1986.

Greenwodd, Leonard, and Marita Hernandez. "Businesses, Residents Complain as More Day Laborers Crowd Corners." Los Angeles Times, August 17, 1986.

Grimaldi, James V. "Police Alter Procedure on Aliens - Will No Longer be Held for Border Patrol Action." San Diego Tribune, August 22, 1986.

"Halt the Alien Flood." Editorial, Blade Tribune, October 5, 1986.

Heissenberger, Patti. "Border Patrol Supervisor Sees No Crossing Letup." Rancho Bernardo Journal, July 10, 1986.

Hernandez, Marita. "For INS, It's 'Business as Usual' Until Amnesty Law Takes Effect." Los Angeles Times, October 29, 1986.

Hernandez, Marita. "Warrant Issued for Immigrant Rights Leader." Los Angeles Times, September 4, 1986.

Himmelspach, Darlene. "Tri-Cities Lead in Arrests of Illegal Aliens." Blade Tribune, February 13, 1987.

Holberg, Wayne. "Romney: Border Patrol Office is Needed in North County." Carlsbad Journal, October 11, 1986.

Holley, David and John Needham. "Southern California Weighs Impact of Alien Bill." Los Angeles Times, October 18, 1986.

Holmblad, Heidi. "County Wants Involvement in Bill's Implementation." Times Advocate, November 26, 1986.

Holmblad, Heidi. "Ideas on Immigration Reform Emerge; Packard Opens Up After Closed Session." Times Advocate, November 23, 1986.

Holmblad, Heidi. "Immigration Session Moved After Threats." Times Advocate, November 27, 1986.

Holmes, Arlene. "Escalating Border Violence." Star News South, September 11, 1986.

Holmes, Arlene. "Immigration Law Receives Cheers, Jeers in South Bay." Star News South, October 23, 1986.

Hughes, Joe. "Seizures of Aliens Set Record -- 630,000 Apprehended in San Diego Sector." San Diego Tribune.

"Immigration Breakthrough." Editorial, Los Angeles Times, October 16, 1986.

"Immigration Workshop Picketed." Blade Tribune, November 21, 1986.

"In Forces: Illegal Aliens Invade." Editorial, <u>Imperial Beach Times</u>, September 1986.

"INS Voices Alarm at 71 Percent Surge in Border Arrests." (Editor's interview with Harold Ezell, INS Regional Director). <u>San Diego Union</u>, June 15, 1986.

"INS Will Ignore Order to Halt Deportations." <u>Times Advocate</u>, November 26, 1986.

Jarlson, Gary. "INS Urged to Halt Raids Until Law Takes Effect." <u>Los Angeles Times</u>, October 24, 1986.

Kennedy, J. Michael. "At El Paso Border, Rumor Mill is the Biggest Worry." <u>Los Angeles Times</u>, March 14, 1987.

Knowles, Robert. "Jail Checks for Undocumented Aliens Due." <u>San Diego Union</u>, July 31, 1986.

Kopetman, Roxana. "INS Raid Went Fast, But It Will Affect Many Lives." <u>Los Angeles Times</u>, September 4, 1986.

Kopetman, Roxana. "INS Sweep Nets 123 Suspected Illegal Aliens in Orange." <u>Los Angeles Times</u>, September 4, 1986.

Kopetman, Roxana. "Protesters Demand INS Halt Raids in Light of Immigration Reform Act." <u>Los Angeles Times</u>, November 30, 1986.

Kozub, Linda. "'Can Do Little About Aliens', Sheriff's Official Tells Poway Group." <u>San Diego Union</u>, July 18, 1986.

Kozub, Linda. "Poway Asks Sheriff to Aid on Aliens." <u>San Diego Union</u>, September 6, 1986.

Krikorian, Greg. "Golding Presses Bid to Recover Alien Expenses." <u>San Diego Union</u>, June 20, 1986.

Kriner, Pamela. "Immigration Law Reaches Fields of North County: Aliens, Growers Wary of Changes." <u>Times Advocate</u>, October 26, 1986.

Kriner, Pamela. "Escondido Gets Alien Legalization Center." <u>Times Advocate</u>, November 24, 1986.

Lae, Benjamin S. "Meese Cites 31% Rise in Alien Arrests," <u>San Diego Union</u>.

Lamm, Richard. "It's Our Immigration Policy, Not Mexico's." <u>Washington Post</u>, May 9, 1986.

Lazzareschi, Carla. "Employers Overlook Aliens' Fake Documents: Black-Market Social Security Cards Often Go Unchecked for Authenticity." <u>Los Angeles Times</u>, July 27, 1986.

Lazzareschi, Carla. "Immigrants Are Vital Part of Economy, Businesses Say." <u>Los Angeles Times</u>, July 27, 1986.

Lazzareschi, Carla. "Local Entities Bear Brunt of Services for Illegal Aliens." Los Angeles Times, July 27, 1986.

Littlefield, Larry. "Valley Dwellers Brace Against Influx of Legal/Illegal Aliens." July 30, 1987.

Lopez, Patricia. "Illegal Immigrants Are Big Chunk of State Prison Population." Orange County Register, July 13, 1986.

Lopez, Patricia. "U.S. Border Funnels Crime Into OC: Growing Number of Illegal Immigrants Enter Country With Drugs." Orange County Register, July 13, 1986.

Louv, Richard. "Alien Issue Devilishly Hard." San Diego Union, March 20, 1986.

Louv, Richard. "Mexican Migration Story of Love and Pain: Hospitality Parallels Hostility." San Diego Union, March 16, 1986.

"Maid Tradition Thrives in El Paso Despite Alien Law." The Tribune, August 10, 1987.

Mariani, Jeanne. "Border Patrol Arrests 1,100 in Biggest Alien Sweep Yet." Vista Press, October 15, 1986.

Mariani, Jeanne. "Is Alien Crime Unstoppable?" Vista Press, October 7, 1987.

Marin, Don. "Illegal Aliens Generate Problems." Blade Tribune, February 29, 1988.

Marino, Pamela. "City May Be Part of Kelly School Illegal Alien Woes." The La Costan, November 20, 1986.

Marino, Pamela. "Immigration Law Baffles Everybody." The La Costan, November 28, 1986.

Marino, Pamela. "Immigration Law Will Strain Resources, Officials Say." The La Costan, December 11, 1986.

Masial, Lynn. "Task Force Considering Correlation Between Undocumented and Crime." The Citizen, January 14, 1987.

May, Lee. "INS to Deport Illegal Aliens Caught When Re-entering U.S. Despite Judge's Order." Los Angeles Times, November 26, 1986.

Mayer, Tim. "Illegal Worker Sweep Nets 494 and Continues Today." Blade Tribune, October 14, 1986.

Mayer, Tim. "Oceanside Adds 12 to Police Force: Council Reaction to Rising Crime." Blade Tribune, October 29, 1986.

McDonnell, Patrick. "Ads Offering Amnesty Help Misleading, Officials Say." Los Angeles Times, November 30, 1986.

McDonnell, Patrick. "Arrests of Illegal Aliens are Near Record for August." Los Angeles Times, September 3, 1987.

McDonnell, Patrick. "Arrests of Illegal Aliens Fall Despite Unabated Crunch at Border." Los Angeles Times, February 4, 1987.

McDonnell, Patrick. "INS Clears Border Patrol of Abuse Claims." Los Angeles Times, February 12, 1988.

McDonnell, Patrick. "Illegal Aliens Arrests Continue to Surge." Los Angeles Times, March 2, 1988.

McDonnell, Patrick. "Illegal Aliens Arrested in Border Areas Can Seek Amnesty, INS Declares." Los Angeles Times, November 21, 1986.

McDonnell, Patrick. "Illegal Alien Arrests Rise in San Diego Region; Other Areas Decline." Los Angeles Times, February 2, 1988.

McDonnell, Patrick. "Illegal Alien Presence Raising Concerns in Carlsbad; Backlash is Feared." Los Angeles Times, October 20, 1986.

McDonnell, Patrick. "New Immigration Law Expected to Spur Fraud." Los Angeles Times, October 22, 1986.

McDonnell, Patrick. "New Law May Be Key as Alien Arrests Dip." Los Angeles Times, December 7, 1986.

McLaren, John. "It's No Secret Where He Stands: Local Border Patrol Boss Speaks His Mind." San Diego Tribune, July 21, 1986.

McNeil, Eddy. "Illegal Alien Arrests, Car Thefts Accelerate." San Diego Tribune, June 2, 1986.

Meehan, Dennis. "Packard Should Apologize for Remarks." Blade Tribune, February 19, 1988.

Meissner, Doris. "Control Immigration Now: U.S. Can't Forever Be Mexico's Domestic Safety Valve." Los Angeles Times, September 26, 1986.

Meyer, J. Stryker. "175 Pounds of Cocaine Seized at Border." San Diego Union, October 17, 1987.

Meyer, J. Stryker. "Alien Burglars Said Preying on Posh Homes." San Diego Union, September 9, 1986.

Meyer, J. Stryker. "Border Patrol, INS Chiefs Assail Congress for Killing Alien Bill." San Diego Union, September 27, 1986.

Meyer, J. Stryker. "Cocaine, Marijuana are Seized." San Diego Union, October 30, 1987.

Meyer, J. Stryker. "Crackdown Nabs Over 550 Aliens." San Diego Union, April 24, 1986.

Meyer, J. Stryker. "North County Has Bandit Problem: Extortionists Prey on Alien Field Workers." San Diego Union, May 17, 1986.

Meyer, J. Stryker. "Official Says Smugglers Killed Alien." San Diego Union, April 21, 1986

Meyer, J. Stryker. "Records Show Aliens Having an Impact on Crime." San Diego Union, July 5, 1986.

Meyer, J. Stryker. "U.S. Border at Times is Cruel Arena." San Diego Union.

Micsadeit, Frank. "Agriculture Not Alone in Immigration Bill Red Tape." Times Advocate, November 13, 1986.

Monday, Mark. "Imperial Beach Influx: Workshop Urged on Troubles With Aliens." San Diego Tribune, August 26, 1986.

Monday, Mark. "Undocumented Aliens Anger Imperial Beach Woman." San Diego Tribune, August 21, 1986.

Monday, Mark. "Workshop on Aliens Emotional: South Bay Residents Trade Ideas." San Diego Tribune, October 13, 1986.

Moreland, Jo. "Authorities Bemoan Congress' Lack of Action on Alien Problem." Daily Californian, October 2, 1986.

Munoz, Daniel H. "Golding's Proposal on Undocumented Workers Passed With Modifications." La Prensa, June 27, 1986.

Nava, Jr., Robert. "Unraveling the Immigration Law." Los Angeles Times, January 18, 1987.

Needham, John. "SCAG Report Predicts 43% Growth: County Criticizes Population Estimates for 2010." Los Angeles Times, October 1, 1986.

New York Times News Service. "Anti-bias Provision Sparks Dispute." Blade Tribune, November 23, 1986.

New York Times News Service. "Poll Finds Growing Support for New Curbs on Immigration." San Diego Union, July 1, 1986.

O'Kerblom, Jim. "Foreign Laborers Mixed Blessing." San Diego Union, March 19, 1986.

Ogul, David. "1700 Illegal Aliens Arrested as Sweep Continues." Times Advocate, October 16, 1986.

Ogul, David. "Massive Raid on Illegal Aliens." Times Advocate, October 15, 1986.

Ogul, David. "Study Looks at How Much Crime Aliens Commit." Times Advocate, May 15, 1988.

Ogul, David. "Undocumented Workers Get Fed Up Being Crime Targets." Times Advocate, April 22, 1986.

Ogul, David. "What Follows Big Sweep in North County?" Times Advocate, October 19, 1986.

Orme, William. "Mexican Analysts Meeting Criticism of U.S. Immigration Bill." Washington Post, November 3, 1986.

"Panel Wants Crime Statistics on Aliens." The Citizen, February 11, 1987.
Parrish, David. "Alien Smuggling 'Big Bucks' Enterprise." Blade Tribune, November 17, 1986.

Parrish, David. "Checkpoints: Border Patrol's Last Stand." Blade Tribune, November 18, 1986.

Parrish, David. "Crush of Smugglers' Arrests Forces 'Assembly Line' Justice." Blade Tribune, November 20, 1986.

Parrish, David. "Lawmen Blame Rising Auto Thefts on Alien Smugglers." Blade Tribune, November 19, 1986.

Parrish, David. "N. County: Staging Area for Smuggling." Blade Tribune, November 16, 1986.

Parrish, David. "Oceanside Smuggling Operation." Blade Tribune, November 17, 1986.

Pascual, Psyche. "Immigration Law: Funds in Doubt for New Facilities." Blade Tribune, November 23, 1986.

Pascual, Psyche. "Workshop Participants Wrestle With New Law: Students Protest Closed-Door Meeting." Blade Tribune, November 23, 1986.

Perlman, Jeffrey. "INS Says It Won't Stop OCTD Buses at Random." Los Angeles Times, October 10, 1986.

Perlman, Jeffrey and Bob Schwartz. "INS Raid Nets 143 Suspected Illegal Aliens." Los Angeles Times, September 26, 1986.

Perry, Anthony. "Grass-Roots Offensive - Citizens Take Aggressive Tack to Aliens' Presence." Los Angeles Times, June 8, 1988.

Perry, Anthony. "Illegal Aliens' Crimes Frustrate Police." Los Angeles Times, June 8, 1988.

Perry, Anthony. "Packard Under Fire for Illegal Alien Crime Claims." Los Angeles Times, February 19, 1988.

Petix, Mark. "Lying Low in High Valley: Murder Prompts Calls to Clean Out Aliens' Camps." Times Advocate, September 28, 1986.

Petrillo, Lisa. "Most County Police Departments Stand by Use of Little Box." San Diego Union, September 27, 1986.

Petrillo, Lisa. "'What We're Doing is Inhuman', Farmer Says." <u>San Diego Union</u>, March 19, 1986.

Portillo, Jr., Ernesto. "Closed Workshop Set on 'Short-Term' Immigration Issues." <u>San Diego Union</u>, November 20, 1986.

Portillo, Jr., Ernesto. "Some Find Success in the North." <u>San Diego Union</u>, March 20, 1986.

Portillo, Jr., Ernesto. "'Overlooked' Human Side to Immigrants Given." <u>San Diego Union</u>, November 8, 1986.

Pritikin, Shelley. "Border Patrol Quadruples North County Staff." <u>Carlsbad Journal</u>, October 15, 1986.

Pritkin, Shelly. "Encinitas Committees to Focus on Aliens, Signs." <u>Coast Dispatch</u>, November 12, 1986.

Pund, Ernest. "Concern Voiced About Transients Dwelling Along Bike Path." <u>Light II</u>, July 10, 1986.

Ramos, George. "INS Plans Efforts to Deport Imprisoned Aliens Upon Release." <u>Los Angeles Times</u>, July 31, 1986.

Raspberry, William. "Immigration is a Real Problem."

"Realistic Approach to Illegal Aliens." Editorial, <u>San Diego Daily Transcript</u>, December 1, 1986.

"Regulate Illegal Immigrants." Letter to the Editor, <u>The Citizen</u>, October 8, 1986.

Reich, Kenneth. "Doubling of U.S. Latinos by 2020 Forecast." <u>Los Angeles Times</u>, September 26, 1986.

"Response to Illegal Aliens." Editorial, <u>Los Angeles Times</u>, August 17, 1986.

Reza, H.G. "Aliens Rule Restated." <u>Los Angeles Times</u>, September 29, 1988.

Reza, H.G. "3 Encinitas Teens Held in Gun Attack on Aliens." <u>Los Angeles Times</u>, November 22, 1986.

Reza, H.G. "North County's Illegals Feel New Hostility." <u>Los Angeles Times</u>, June 6, 1988.

Richmond, Michael. "Aliens Add $4 Million to County Income, Offset Welfare, Labor, SDSU Study Says." <u>San Diego Tribune</u>, October 10, 1986.

Rodgers, Terry. "Council Beefs Up Police Patrols Near Kelly School." <u>The La Costan</u>, October 16, 1986.

Rose, Amy. "INS Undeterred by Businessmen's Call for Halt to Sweeps." <u>Los Angeles Times</u>, October 30, 1986.

Rose, Andy. "Steps Needed to Ease Racial Tension, Panel Told - Advisory Group Hears of Hostilities, New Ethnicity," Los Angeles Times, August 16, 1986.

Rose, Andy and Nancy Wride. "INS Arrests 85 in Sweep of Santa Ana Depot Area." Los Angeles Times, February 12, 1987.

Ross, A.S. "New Law Fails to Stem Flow of Aliens." San Francisco Examiner, May 1, 1988.

Roure, Peter. "A Special Report - Green Card. Part I - The Legal Alien." San Diego Union, August 18, 1986.

Sahagun, Louis, and George Ramos. "Aliens, Employers Express Fears." Los Angeles Times, October 18, 1986.

Sakir, Kelly. "Aliens Are Beginning to Feel the Pinch." Laguna News Post, September 18, 1986.

"SANDAG Walking on Thin Ice." Editorial, La Prensa, September 5, 1986.

Schnirring, Jane. "Coalition to Study Crime, Undocumented." Rancho Santa Fe Times, April 6, 1988.

Schwartz, Bob. "Arrests of Illegal Aliens Drop 12%, But Flow Still High." Los Angeles Times, February 4, 1987.

Schwartz, Bob. "Border Run Ends Family's Separation." Los Angeles Times, July 28, 1986.

Schwartz, Bob. "Forum on Immigration Sparks Lively Exchange." Los Angeles Times, October 1, 1986.

Schwartz, Bob. "Influx of Aliens Sparks Angry Response from Citizens." Los Angeles Times, July 29, 1986.

Secter, Bob. "Congress OK's Immigration Law Revisions." Los Angeles Times, October 18, 1986.

Secter, Bob. "Debate Goes Back to Early '70's: Revision Becomes Idea That Would Not Die." Los Angeles Times, October 18, 1986.

Secter, Bob. "Immigration Bill Sent to President: Revision Could Affect Millions, Alter Hiring of Illegal Workers." Los Angeles Times, October 18, 1986.

Sherman, Lola. "Carlsbad Council OK's Alien Proposals." San Diego Tribune, November 13, 1986.

Shore, Benjamin. "Cross-border Flow of Aliens Becomes Flood." San Diego Union, February 21, 1986.

Shore, Benjamin. "Immigration Bill Barred in House." San Diego Union, September 27, 1986.

Thomas, Scott. "Undocumented Workers' Forum Focus Altered." Blade Tribune, November 7, 1986.

"Two California Cities Threatened With Reduced Federal Aid." Los Angeles Times, September 24, 1986.

Urbind, Phil. "Parents to Discuss Problem of Aliens Near Kelly School." Carlsbad Journal, September 27, 1986.

"Victim's Rage at Undocumented Burglaries." Letter to the Editor, The Citizen, September 1986.

Walbert, Claude. "Bilbray Urges National Immigration Law Task Force." San Diego Tribune, November 18, 1986.

Weber, Dick. "Police Modify Policy on Undocumented: Keeping of Statistics on Migrants Halted." San Diego Union, August 15, 1986.

Weber, Dick. "S.D. Police May Change Alien Policy." San Diego Union, August 16, 1986

Weisman, Jonathan. "July Arrests of Aliens in San Diego Sector Head for New Record." Los Angeles Times, July 29, 1987.

Wells, Terry. "Cops Must Complete Form When Dealing With Migrants." The Citizen, April 22, 1988.

Wildes, Leon. "Illegal Aliens: Is it Safe to Come Out of Hiding?" The Wall Street Journal, August 13, 1987.

Williams, Michael. "127 Aliens Nabbed - But Not for Harassing Students." Coast Dispatch, September 20, 1986.

Wilson, Pamela. "City Council Gets Down to Business." The Citizen, October 15, 1986.

Wilson, Pamela. "Debate Flares on Undocumented." The Citizen, February 19, 1988.

Wilson, Pamela. "Latinos Angered by 'Racism'." The Citizen, October 22, 1986.

Wilson, Pamela, and Jeff Smith. "House Members Push Border Patrol Center; Officials Say No Proof Yet of Tie to Rise in Crime." The Citizen, October 22, 1986.

Wirl, John. "Illegal Aliens; Seen on a Local Level." Mobile Home Courier, August 22, 1986.

Wisckol, Marty. "Decision Delayed on Proposals Regarding Illegal Aliens." Carlsbad Journal, November 1, 1986.

Wolf, Leslie Anne. "Sheriffs Nab Alien Linked to Three Recent Mobile Home Burglaries." Morning Press, September 24, 1986.

"Workshop to Deal With Illegal Aliens: Critized by Hispanic Group." Star Beach News, October 9, 1986.

Shore, Benjamin. "Latin Population Boom Expected to Intensify U.S. Border Woes." San Diego Union, July 22, 1986.

Shore, Benjamin. "Will Immigration Reform Law Work? Nobody Really Knows." San Diego Union, October 26, 1986.

"Signal to Rogues." Editorial, Los Angeles Times, September 26, 1986.

Smith, Jeff. "Forum Sparks Debate on Causes, Effects of Illegal Immigrants." The Citizen, November 12, 1986.

Smith, Jeff. "Immigrant Forum Lacked Balance." The Citizen, November 19, 1986.

Smith, Jeff. "Week's Sweep Nets Close to 3,000 Illegals." The Citizen, October 22, 1986.

Snoeyenbos, Terry. "Extra Police Patrols OK'd to Combat Illegal Aliens Problem." Carlsbad Journal, October 15, 1986.

Snoeyenbos, Terry. "Packard Asked to 'Define Issues' on Illegal Aliens." Carlsbad Journal, February 26, 1988.

Snoeyenbos, Terry. "Parents Are Told: No Easy Answers to Problem of Aliens." Carlsbad Journal, October 4, 1986.

"Solve Vagrant Problem Now." Editorial, La Jolla Light, September 11, 1986.

Stanton, Jim and Alan Eliason. "The Proposed Raceway and the Alien Problem." San Diego Union, February 15, 1986.

"Surge in Arrest of Aliens Reported." Los Angeles Times, July 6, 1987.

Surman, Barry. "Illegal Aliens Involved in Majority of (Santa Ana) Homicides." Los Angeles Times, October 21, 1986.

Tash, Joe. "Police to Start Counting Aliens Involved in Crime." Times Advocate, April 20, 1988.

"Terrorizing Bus Riders." Editorial, Los Angeles Times, September 28, 1986.

"The Key Congressional Architects of Immigration Reform." Los Angeles Times, October 18, 1986.

"The Time is Now." Editorial, San Diego Union, August 6, 1986.

Thomas, Scott. "Backers of Aliens Urge Public Meet." Blade Tribune, March 1, 1988.

Thomas, Scott. "Border Patrol Promise Unfulfilled." Blade Tribune, February 28, 1988.

Thomas, Scott. "Group Asks to Talk With Packard." The Citizen, March 2, 1988.

APPENDIX A

TABLE 1

UNDOCUMENTED ALIEN STUDY SAMPLE
TYPE OF CRIME BY SAN DIEGO COUNTY AGENCY

Type of Crime		Sheriff #	Sheriff %	Carlsbad #	Carlsbad %	Chula Vista #	Chula Vista %	Coronado #	Coronado %	El Cajon #	El Cajon %	Escondido #	Escondido %	La Mesa #	La Mesa %	National City #	National City %	Oceanside #	Oceanside %	San Diego #	San Diego %
Murder	– Total	48	2%	4	2%	1	1%	0	0	4	1%	5	1%	0	0	2	1%	20	3%	88	1%
	– Sample	48	6%	4	5%	1	1%	0	0	4	2%	5	3%	0	0	2	1%	20	9%	88	3%
Rape	– Total	59	3%	3	1%	10	2%	2	4%	12	2%	16	3%	4	2%	22	3%	16	3%	166	2%
	– Sample	59	7%	3	4%	10	5%	2	11%	12	6%	16	8%	4	5%	22	8%	16	7%	166	6%
Robbery	– Total	124	6%	17	7%	33	5%	5	10%	46	8%	34	7%	7	4%	80	10%	47	8%	657	8%
	– Sample	40	5%	5	7%	14	7%	2	11%	14	7%	15	8%	2	2%	25	9%	17	8%	208	7%
Aggravated Assault	– Total	531	24%	35	13%	81	13%	11	21%	118	20%	100	19%	37	19%	146	18%	143	23%	1,094	13%
	– Sample	166	21%	6	8%	26	12%	7	37%	36	19%	37	20%	13	16%	46	16%	48	21%	363	12%
Burglary	– Total	628	28%	89	34%	216	35%	21	40%	169	28%	147	28%	79	40%	257	31%	145	23%	1,942	23%
	– Sample	214	27%	27	36%	70	32%	6	32%	48	25%	47	25%	34	42%	79	28%	36	16%	643	22%
Grand Theft	– Total	104	5%	14	5%	24	4%	1	2%	50	8%	41	8%	8	4%	33	4%	34	6%	464	6%
	– Sample	40	5%	3	4%	10	5%	0	0	12	6%	15	8%	2	2%	7	3%	18	8%	145	5%
Motor Vehicle Theft	– Total	189	9%	42	16%	106	17%	4	8%	54	9%	88	17%	18	9%	70	9%	45	7%	1,158	14%
	– Sample	57	7%	12	16%	37	17%	1	5%	15	8%	25	13%	10	12%	27	10%	15	7%	379	13%
Receiving Stolen Property	– Total	262	12%	21	8%	54	9%	3	6%	108	18%	55	10%	33	17%	93	11%	62	10%	494	6%
	– Sample	76	10%	6	8%	20	9%	0	0	37	19%	22	12%	12	15%	30	11%	21	9%	162	6%
Narcotics	– Total	282	13%	37	14%	100	16%	5	10%	38	6%	41	8%	12	6%	119	15%	107	17%	2,353	28%
	– Sample	94	12%	10	13%	29	13%	1	5%	14	7%	8	4%	5	6%	43	15%	35	16%	769	26%
TOTAL	*Total	2,227	16%	262	2%	625	4%	52	1%	599	4%	527	4%	198	1%	822	6%	619	4%	8,416	59%
	*Sample	794	16%	76	2%	217	4%	19	1%	192	4%	190	4%	82	2%	281	6%	226	5%	2,923	59%

TOTAL = 14,347
SAMPLE = 5,000

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TABLE 2

CITIZENSHIP STATUS OF SAN DIEGO ARRESTEES
BY LAW ENFORCEMENT AGENCY
FY 1985-1986

Agency	Citizen	Alien	Immigrant	Unconfirmed Citizenship Status	Total
Carlsbad	50 (78%)	10 (16%)	2 (3%)	2 (3%)	64
Chula Vista	130 (80%)	23 (14%)	5 (3%)	4 (2%)	162
Coronado	17 (89%)	1 (5%)	1 (5%)	0 0	19
El Cajon	153 (95%)	6 (4%)	0 0	2 (1%)	161
Escondido	120 (74%)	32 (20%)	5 (5%)	5 (3%)	162
La Mesa	67 (99%)	0 0	1 (1%)	0 0	68
National City	187 (82%)	21 (9%)	6 (3%)	14 (6%)	228
Oceanside	176 (85%)	20 (10%)	4 (2%)	8 (4%)	208
San Diego	2,120 (80%)	337 (13%)	65 (2%)	132 (5%)	2,654
Sheriff	578 (82%)	97 (14%)	13 (2%)	17 (2%)	705
TOTAL	3,598	547	102	184	4,431

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TABLE 3

CRIMINAL JUSTICE PROCESSING, BY CITIZENSHIP STATUS SAN DIEGO ARRESTEES FY 1985-1986

	Citizens		Aliens	Immigrants	Unconfirmed Citizenship
Arrests	3,598		547	102	184
Released	681		101	25	54
Complaint Filed	463	not weighted	364	55	86
	2,137	weighted			
Complaint Rejected	169	not weighted	82	22	44
	742	weighted			
Disposition					
Guilty[1]	384	not weighted	318	49	64
	1,771	weighted			
Acquitted/Dismissed	53	not weighted	24	4	6
	246	weighted			
Pending	24	not weighted	21	2	14
	111	weighted			
Other	2	not weighted	1	0	2
	9	weighted			
Sentence					
Probation	62	not weighted	8	6	2
	287	weighted			
Probation/Jail	200	not weighted	227	26	36
	927	weighted			
Jail	19	not weighted	20	0	3
	88	weighted			
Prison	74	not weighted	55	6	14
	335	weighted			
Other[2]	31	not weighted	8	11	11
	143	weighted			

Note: A random sample of 800 citizens was selected for collection of data on processing of arrests from complaint filing to disposition. For purposes of analysis, the sample was weighted to reflect all cases (2,879). To approximate the original sample proportions for specific offense categories, the following weights were used: homicide (3.8636363); rape (3.9841269); robbery (4.4); aggravated assault (4.5273972); burglary (6.0); grand theft (4.925); motor vehicle theft (3.6083333); receiving stolen property (4.3636363); felony narcotics (4.5783132); theft from vehicle $400+ (2.8571428); theft from vehicle 400 & under (3.7857142).

1. Includes convicted, pled guilty and drug diversion.
2. Includes sentences to state institution for not guilty by reason of insanity and mentally incompetent.

TABLE 4

UNDOCUMENTED ALIEN STUDY SAMPLE, BY SEX, RACE, AND AGE, SAN DIEGO ARRESTEES

Undocumented Alien Study Sample
By Sex
San Diego County

Sex	Total #	%	Sample #	%
Male	12,419	87%	4,375	88%
Female	1,928	13%	625	13%
TOTAL	14,347	100%	5,000	100%

Undocumented Alien Study Sample
By Race
San Diego County

Race	Total #	%	Sample #	%
White	5,773	40%	1,997	40%
Hispanic	4,410	31%	1,506	30%
Black	3,828	27%	1,379	28%
American Indian	70	<1%	22	<1%
Chinese	5	<1%	4	<1%
Japanese	2	<1%	1	<1%
Filipino	21	<1%	9	<1%
Pacific Islander	3	<1%	2	<1%
Other	235	2%	80	2%
TOTAL	14,347	100%	5,000	100%

Undocumented Alien Study Sample
By Age
San Diego County

Sex	Total #	%	Sample #	%
18-24	6,605	46%	2,293	46%
25-29	3,507	24%	1,220	24%
30-39	3,324	23%	1,160	23%
40+	911	6%	327	7%
TOTAL	14,347	100%	5,000	100%

Note: Percentages may not equal 100% due to rounding.

TABLE 1

BREAKDOWN OF OFFENSE CHARGE
FOR EL PASO AND SAN DIEGO

**ARREST CHARGE
(ARRCHG)**

Person Crimes
Homicide
Rape
Robbery
Aggravated Assault

Property Crimes
Burglary
Grand Theft
Motor Vehicle Theft
Receiving Stolen Property
Theft-Vehicle $400 & Over
Theft-Vehicle Under $400

Narcotics Violations
Felony Narcotics

**COMPLAINT/CONVICTION CHARGE
(COMPCHG) (CONVCHG)**

Person Crimes
Homicide
Manslaughter
Rape
Robbery
Aggravated Assault
Misdemeanor Assault
Felony Sex
Misdemeanor Sex

Property Crimes
Burglary
Grand Theft
Motor Vehicle Theft
Receiving Stolen Property
Theft-Vehicle $400 & Over
Theft-Vehicle Under $400
Burglary-17B4
Theft-17B4
Motor Vehicle Theft-17B4
Misdemeanor RSP
Trespass
Vandalism
Misdemeanor Weapons

Narcotics Violations
Felony Narcotics
Misdemeanor Drugs

TABLE 2

USE OF SAN DIEGO ARREST REPORT TO
INDICATE CITIZENSHIP STATUS OF ARRESTEE

---------UNDOCUMENTED BOX CHECKED----------

	Citizen	Alien	Immigrant	Unconfirmed Citizenship Status	Total
Yes	6 (1%)	355 (65%)	3 (3%)	45 (24%)	409 (9%)
No	3,592 (99%)	192 (35%)	99 (97%)	139 (76%)	4,022 (91%)
TOTAL	3,598	547	102	184	4,431

TABLE 3

USE OF SAN DIEGO ARREST
REPORT TO DOCUMENT ALIEN ARRESTEE
CITIZENSHIP STATUS, BY AGENCY

UNDOCUMENTED BOX CHECKED

	Yes	No	Total Illegal Aliens
Carlsbad	7 (70%)	3 (30%)	10
Chula Vista	11 (48%)	12 (52%)	23
Coronado	0	1	1
El Cajon	4 (67%)	2 (33%)	6
Escondido	28 (88%)	4 (13%)	32
National City	9 (43%)	12 (57%)	21
Oceanside	8 (40%)	12 (60%)	20
San Diego	211 (63%)	126 (37%)	337
Sheriff	77 (79%)	20 (21%)	97
TOTAL	355 (65%)	192 (35%)	547

TABLE 4

USE OF INTERPRETER AT ARREST
BY CITIZENSHIP STATUS
SAN DIEGO ARRESTEES

	Citizen	Illegal Alien	Total
Interpreter Needed			
YES	12 (2%)	308 (56%)	320 (8%)
NO	3,539 (98%)	239 (44%)	3,778 (92%)
TOTAL	3,598	547	4,098

P < .001

TABLE 5

USE OF INTERPRETER IN COURT
SAN DIEGO ILLEGAL ALIEN ARRESTEES*

Used Interpreter	294	(83%)
Did Not Use Interpreter	62	(21%)
TOTAL	356	

*Data not obtained for citizens.

TABLE 6

PROSECUTOR DISPOSITION
BY RELATIONSHIP TO VICTIM
AND CITIZENSHIP STATUS
SAN DIEGO ARRESTEES

Illegal Alien Cases	------------VICTIM-------------			
	Relative	Acquaintance	Stranger	Total
Complaint Filed	7 (100%)	34 (87%)	240 (84%)	281 (85%)
Complaint Rejected	0 (0%)	5 (13%)	45 (16%)	50 (15%)
TOTAL	7	39	285	331

$P = .470$, n.s.

Citizen Cases	------------VICTIM-------------			
	Relative	Acquaintance	Stranger	Total
Complaint Filed	35 (70%)	79 (67%)	226 (79%)	340 (75%)
Complaint Rejected	15 (30%)	39 (33%)	60 (21%)	114 (15%)
TOTAL	50	118	286	454

$P = .03$

Note: Does not include narcotics arrests or arrests for receiving stolen property.

TABLE 7

INDIGENT DEFENSE AND CITIZENSHIP STATUS
SAN DIEGO ARRESTEES

	Citizens*	Illegal Aliens	Immigrants	Unknown Citizenship	Total
Indigent Defense					
YES	364 (83%)	342 (96%)	441 (80%)	67 (81%)	817
NO	77 (17%)	14 (4%)	11 (20%)	16 (19%)	118
TOTAL	441	356	55	83	935

P < .001

*Based on unweighted sample.

TABLE 8

COURT DISPOSITION BY TYPE OF DEFENSE[1]
SAN DIEGO ARRESTEES
FY 1985-1986

| | -----INDIGENT DEFENSE----- | | |
Court Disposition	Yes	No	Total
Pled Guilty	635 (82%)	84 (74%)	719 (81%)
Convicted/Diverted	75 (10%)	14 (12%)	89 (10%)
Acquitted/Dismissed	66 (9%)	16 (14%)	82 (9%)
TOTAL	776	114	890

1. Unweighted sample.

$P = .091$, n.s.

TABLE 9

EL PASO ARRESTS
POLICE BEAT BY CITIZENSHIP STATUS
FY 1985-86

Beat	Citizen	Illegal Alien	Beat	Citizen	Illegal Alien
0	7	1	66	18	0
7	1	0	67	2	0
25	1	0	68	1	0
31	247	116	71	1	1
32	58	13	72	64	4
33	30	11	73	24	2
34	39	12	74	24	2
36	1	0	75	13	1
38	0	1	76	40	1
41	2	0	81	51	3
42	31	13	82	42	6
43	7	1	83	62	10
44	22	6	84	45	5
45	19	0	85	31	6
46	3	4	222	13	0
51	73	47	223	8	2
52	117	15	232	20	0
53	65	10	233	6	0
54	57	16	239	5	0
55	31	5	242	10	1
59	1	0	243	13	1
61	44	10	252	2	4
62	22	1	254	1	0
63	89	4	265	1	0
64	70	0	777	2	0
65	49	0	888	3	1
			999	72	8
				1,660	344

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TABLE 10

ALIEN CASE COST ESTIMATES
BY CRIMINAL JUSTICE COMPONENT
FY 1985-86

Level	Unit of Analysis	Unit Cost	Units	Total Cost
Police - Field	Arrests		1308	
Violent		$124.57	249	$31,017.93
Property		99.81	859	85,736.79
Narcotics		120.4	200	24,080.00
Investigation	Arrests		1308	
Violent		118.49	249	29,504.01
Property		65.83	859	56,547.97
Narcotics		42.12	200	8,424.00
Pretrial Custody	Days	41.87	40,093	1,678,693.91
Municipal Court	Cases	523.19	865	452,559.35
Superior Court	Cases	9,938.00	528	5,247,264.00
State Grant	Cases	91.00	528	48,048.00
Misc. Court Reports				
Pre-Trial Release	Reports	19.44	336	6,531.84
Financial	Reports	10.23	356	3,641.88
Presentence	Reports	613.00	549	336,537.00
Probation	Reports	613.00	107	65,591.00
Psych	Reports	250.00	11	2,750.00
Police Testimony	Hearing Hours	26.06	405	10,554.30
Local Custody-Camp[1]	Days * .67	32.00	4,800	153,600.00
Local Custody-Jail[1]	Days * .67	41.87	50,124	2,098,691.88
Prob. Supervision	Months	73.00	20,856	1,522,488.00
Prison[1]	Days	42.55	79,087.50	3,365,173.13
TOTAL				$15,227,434.99

1. Custody costs assume that prisoners received good time and work credits. Estimates for prison time assume that two-thirds of the first month were served and half the remainder of the sentence.
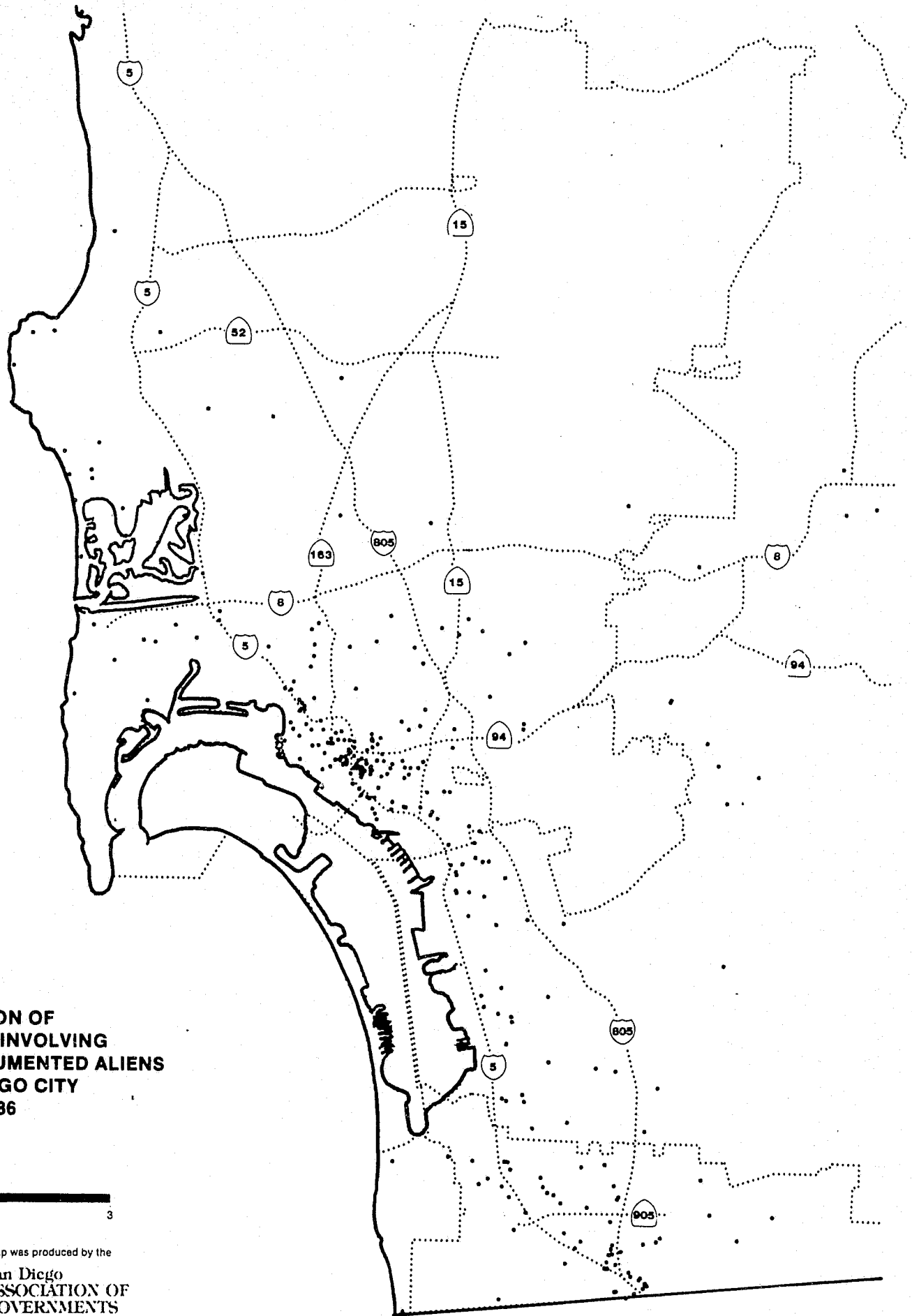
**LOCATION OF
CRIMES INVOLVING
UNDOCUMENTED ALIENS
SAN DIEGO CITY
FY 1985-86**

0 Miles 3

This map was produced by the

San Diego
ASSOCIATION OF
GOVERNMENTS

**LOCATION OF
CRIMES INVOLVING
UNDOCUMENTED ALIENS
SAN DIEGO COUNTY
FY 1985-86**

0 2 4 8
Miles

This map was produced by the
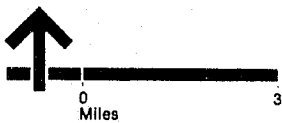
San Diego
ASSOCIATION OF
GOVERNMENTS

Orange
County

Riverside County

Oceanside

Vista

San
Marcos

Escondido

Carlsbad

Encinitas

Solana Beach

Del Mar

Poway

Santee

El Cajon

San Diego

La Mesa

Lemon
Grove

National City

Coronado

Chula Vista

Imperial Beach

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APPENDIX B

SAN DIEGO
CASE TRACKING FORM
1987

9 - Unknown
Blank - Not applicable
* Suspected undocumented only

ID No. 1 __1__ __2__ __ __ __ __ 6

TRUE NAME _____
LAST   FIRST   MIDDLE

*INS FILE NAME _____

AKA's (List up to three) _____
_____
_____

ARREST REPORT NO. _____   DA FILE NO. _____
BOOKING NO. _____   MUNI. COURT NO. _____
SYSTEM NO. _____   SUPERIOR COURT NO. _____
CII NO. _____   *INS FILE NO. _____
FBI NO. _____   CITY ATTORNEY NO. _____

I. LAW ENFORCEMENT AGENCY

A. ARRESTING AGENCY   7 __ __ 8

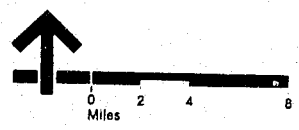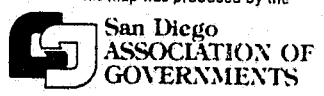|	
01 - Carlsbad	06 - La Mesa
02 - Chula Vista	07 - National City
03 - Coronado	08 - Oceanside
04 - El Cajon	09 - SDPD
05 - Escondido	10 - SDSO

B. DATE OF ARREST   9 __ __ __ __ __ 14

C. HIGHEST ARREST CHARGE   15 __ __ 16

01 - Homicide	08 - RSP
02 - Rape	09 - Felony Narcotics
03 - Robbery	10 - Theft from vehicle
04 - Agg Assault	over $400
05 - Burglary	11 - Theft from vehicle
06 - Grand Theft	$400 and under
07 - M.V. Theft	

(List ALL charges/counts)

_____ _____
_____ _____
_____ _____

D. TOTAL CHARGES
Felony   1? __ __ 18
Misdemeanor   19 __ __ 2C

E. DATE OF BIRTH   2? __ __ __ __ __ 26
Multiple DOB's

_____
_____

F. RACE/ETHNICITY   __ 27

1 - White	5 - Oriental
2 - Hispanic	6 - Other
3 - Black	9 - Unknown
4 - Amer. Indian	

G. SEX   __ 28
1 - Male   2 - Female

H. STATUS   __ 29
1 - Cited   3 - Other
2 - Booked

I. L.E.DISPOSITION   __ 30
1 - Released   3 - Charges dropped,
2 - Turned over to   turned over to INS
   other agency   4 - Complaint requested
5 - Other_____

J. CITIZENSHIP CHECKLIST
1 - Yes   2 - No   9 - Unknown
25 years of age or less   __ 31
Foreign POB   __ 32
No address/Tijuana/Transient   __ 33
Not employed or service job   __ 34
Interpreter box checked   __ 35
Undocumented box checked   __ 36
No social security no.   __ 37
No driver's license   __ 38
Admission of illegal status   __ 39
Other (Describe)   __ 4C
_____
_____

K. INDICATORS SUGGEST   __ 41
1 - Citizen   3 - Resident alien/temporary
2 - Suspected undoc. alien   legal status

L. AGE   42 __ __ 43

M. PLACE OF BIRTH (Use codesheet)   44 __ __ 45

***N. RESIDENCE (Write in address, if local)**   __ 46
1 - Local address   3 - Other out of county address
2 - Tijuana address   9 - None given
_____
_____

O. OCCUPATION (Use codesheet)   4? __ __ 48
(Write in)
_____
_____

P. EMPLOYED   __ 49
1 - Yes   9 - Unknown
2 - No

Q. RELATION TO VICTIM   __ 5.
1 - Relative   3 - Stranger
2 - Acquaintance   9 - Unknown

***R. DRIVER'S LICENSE (State/No.)**
_____

***S. SOCIAL SECURITY NO.**
_____

***T. OTHER I.D. GIVEN**   __ 5?
1 - Yes (INS)   2 - Yes (Other)
   (Type/#) _____   3 - No

***U. DISTINGUISHING MARKS/TATTOOS**
_____
_____

V. LOCATION OF OFFENSE
Border   __ 52
1 - Yes   2 - No

W. IF NO COMPLAINT REQUESTED,
DATE OF L.E. DISPOSITION   53 __ __ __ __ __ 58

X. ORDER OF ARREST IN SAMPLE: __ 59
This arrest is
1 - 1st arrest   6 - 6th arrest
2 - 2nd arrest   7 - 7th arrest
3 - 3rd arrest   8 - 8th arrest
4 - 4th arrest   9 - 9th arrest
5 - 5th arrest

ID NUMBER   1 __2__ __2__ __ __ __ __ 6

II. LOCATION OF OFFENSE (Address)
Number   7 __ __ __ __ __ 12
Street Name   13 __ __ __ __ __ 22
        23 __ __ __ __ __ 32
Street Type   33 __ __ __ 36
City _____
City Code   37 __ __ __ 4C
Zip Code   41 __ __ __ __ __ 45
Insufficient information   __ 46
1 - Yes   2 - No
(Describe) _____
_____
_____

III. SHERIFF'S RECORDS
ID NUMBER   1 __3__ __2__ __ __ __ __ 6

A. PRESENTENCE DAYS

Booking Date	Release Date
7 __ __ __ __ __ 12	13 __ __ __ __ __ 18
19 __ __ __ __ __ 24	25 __ __ __ __ __ 3C
31 __ __ __ __ __ 36	37 __ __ __ __ __ 42

B. INITIAL CUSTODY DECISION   __ 43
1 - Released, no bail   4 - Did not post bail
2 - Bailed out   5 - Other _____
3 - Bail denied

C. BAIL AMOUNT $ 44 __ __ __ __ __ 5C

D. FINAL RELEASE TYPE   __ 5?
Date _____

***E. INS HOLDS**   __ 5?
1 - Yes   2 - No
Date _____

(Over)

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IV. PROSECUTOR/COURT RECORDS

ID Number   1 <u>4 2   </u> 6

A. PROSECUTOR DISPOSITION   __7

1 - Complaint filed
2 - Complaint rejected
3 - Referred to City Attorney
     (recode later)
4 - Other _____

B. REASON FOR REJECTION   __8

Circumstances: _____
_____
_____
_____

C. DATE OF REJECTION   9 <u>_ _ _ _ _</u> 14

D. HIGHEST CHARGE ON COMPLAINT   15 <u>_ _</u> 16
01-11 - (SEE CODES I.C.)
     12 - Manslaughter
     13 - Misd. assault
     14 - Other felony sexual offenses
     15 - Other misd. sexual offenses
     16 - Misd. burg.
     17 - Misd. theft
     18 - Misd. auto theft
     19 - Misd. RSP
     20 - Trespassing
     21 - Vandalism
     22 - Misd. weapons
     23 - Misd. drugs
     24 - Other felony
     25 - Other misdemeanor
     26 - Other _____

(List ALL charges/counts)

_____   _____
_____   _____
_____   _____

E. TOTAL CHARGES
Felony   17 <u>_ _</u> 18
Misdemeanor   19 <u>_ _</u> 20

* F. INTERPRETER NEEDED   __21
1 - Yes   2 - No   3 - Blank (On screen, verify in court records)

G. INDIGENT DEFENSE   __22
1 - Yes   2 - No (If not on screen,
                    verify in court records)

H. FINAL DISPOSITION   __23
1 - Guilty plea
2 - Convicted
3 - Acquitted
4 - Dismissed
5 - FTA/Pending
6 - Other _____

I. COURT OF DISPOSITION   __24
1 - Municipal
2 - Superior

J. HIGHEST CONVICTION CHARGE   25 <u>_ _</u> 26
     (SEE CODES IV.D.)
     (List ALL charges/counts)

_____   _____
_____   _____
_____   _____

K. TOTAL CHARGES
Felony   27 <u>_ _</u> 28
Misdemeanor   29 <u>_ _</u> 30

L. SENTENCE   __31
1 - Probation
2 - Probation/Jail
3 - Jail
4 - Prison
5 - Other State inst. _____
6 - Other _____

* M. TYPE OF LOCAL SENTENCED FACILITY   __32
1 - Local jail
2 - Honor camp
3 - Work furlough

N. TIME ORDERED (SENTENCED)
1) Local custody (Days)   33 <u>_ _ _ _</u> 36
2) Probation (Days)   37 <u>_ _ _ _</u> 40
3) State institution (Days)   41 <u>_ _ _ _ _</u> 45
4) Credit for time served (Days)   46 <u>_ _ _ _</u> 49

O. DATE OF FINAL COURT ACTION   50 <u>_ _ _ _ _ _</u> 55

V. CRIMINAL HISTORY   1 <u>5 2   </u> 6

	Arrests	Convictions
Felony	7 <u>_ _</u> 8	9 <u>_ _</u> 10
Misdemeanor	11 <u>_ _</u> 12	13 <u>_ _</u> 14
Infraction	15 <u>_ _</u> 16	17 <u>_ _</u> 18
Prob. Viol.	19 <u>_ _</u> 20	21 <u>_ _</u> 22
Escape	23 <u>_ _</u> 24	25 <u>_ _</u> 26

ID Number   1 <u>6 2   </u> 6

* VI. INITIAL UNDOC. ALIEN STATUS CONFIRMED IN CRIMINAL JUSTICE RECORDS   __7
1 - Yes   2 - No

(Describe additional information not previously coded) _____
_____
_____

VII. INS RECORDS

* A. INS VERIFICATION   __8
1 - Undocumented alien
2 - Legal resident/immigrant
3 - Temporary visa/non-immigrant
4 - U.S. citizen
5 - Other _____
9 - Unknown

* B. INS STATUS   __
1 - Voluntary return
2 - Deport after hearing
3 - Release after hearing
4 - Case pending
5 - Presently incarcerated
6 - Other _____

* C. DATE OF INS DISPOSITION   10 <u>_ _ _ _ _ _</u> 15

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INTERVIEW SCHEDULE

IMPACT OF UNDOCUMENTED ALIENS
ON THE CRIMINAL JUSTICE SYSTEM

City: _____

Date: _____

Agency: _____

Address: _____

Name: _____

Position in Agency: _____

Phone: _____

The San Diego Association of Governments is conducting a study of the impact of undocumented aliens on the criminal justice system. I am interested in knowing your perceptions of this issue, agency policies and procedures to address this issue, and the nature and scope of coordination you have with other agencies. Our study refers primarily to adults, but I would like any comments you might have regarding juveniles.

1. How would you describe the relationship between undocumented aliens and crime in this city/county? (ALLOW RESPONDENT TO BEGIN, THEN FOCUS ON FACTORS BELOW)

   a. nature (estimated % of workload; arrests, complaints/etc.):

   b. scope (types of offenses, major, minor):

c. victims/suspects/both: (ESTIMATE % OF EACH)

d. changes over past 5 years: (MORE OR LESS, SERIOUSNESS)

2. In your opinion, what factors (contribute/have contributed) to the changes you've just described?

3. (IF NOT ANSWERED) About what percentage of (your time/your agency's time) is devoted to processing undocumented persons? (COULD BE ARRESTS, BOOKINGS, COMPLAINTS, COURT CASES, CORRECTION CASELOADS, ETC.)

ADMINISTRATORS ONLY
(DO NOT ASK INS REPRESENTATIVE)
(OTHERS GO TO QUESTION 5)

4. Does this agency compile statistics on the number of undocumented persons processed? ___Yes ___No (GO TO QUESTION 5)

a. (IF YES) What kinds of statistics? (PROBE FOR DETENTION ONLY, CRIMES COMMITTED, ARRESTS, VICTIMS, ETC.) (GET COPY)

b. (IF YES) How are the data used by the agency?

c.   Who else uses the information?

5.   Does your agency have written policies regarding the handling of undocu-
     mented persons?   ___Yes   ___No

     a.   (IF YES) Are these available for review? ___Yes (GET COPY) ___No

     b.   (IF NOT ADDRESSED) What about procedures for releasing persons to
          INS?   ___Yes   ___No

     c.   Are these procedures consistently followed?   _____Yes   _____No
          (EXPLAIN)

          _____

          _____

6.   What criteria are used to make a judgment of illegal citizenship status?

     a.   ___self-admission
     b.   ___demeanor
     c.   ___clothing
     d.   ___language
     e.   lack of papers
     f.   other _____

     _____

     ___None (GO TO QUESTION 8)

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7. Of these, which do you think is the most useful for determining citizenship status?

8. How important is verification of citizenship to your agency?

9. Are there situations that warrant deportation of undocumented persons arrested for a crime rather than criminal processing through the local justice system? ___Yes ___No (GO TO QUESTION 10)

   a. (IF YES) Under what circumstances would deportation be an appropriate alternative to filing criminal charges? (CHECK ALL THAT APPLY)

      ___Minor offense
      ___Cost
      ___Time
      ___Illegal entry is federal offense
      ___Other _____

      Additional explanation:

10. Does the processing of undocumented persons differ from the processing of citizens: (IF YES, PROBE FOR SPECIFIC FACTORS PERTINENT TO AGENCY (E.G., POLICE: INTERPRETER NEEDED, RELEASE TO BORDER PATROL (DELAYS). JAIL: INS HOLDS, LESS LIKELY TO BE RELEASED. PROSECUTOR: WITNESSES UNAVAILABLE, INTERPRETER NEEDED, SUSPECTS' FAILURE TO APPEAR. JUDGE: POTENTIAL FOR DEPORTATION, TYPE OF SENTENCE)

___Yes
___No

(ASK LINE STAFF ONLY)

11. I'm going to read a list of justice agencies that (you/your agency) may have regular contact with regarding processing of cases involving undocumented persons. I'd like you to tell me how often (you contact/your agency has contact) with the following agencies. How about ... (READ AGENCY) would you say ... (READ RESPONSE CATEGORY)

	Daily	3-4 Times Per Week	1-2 Times Per Week	1-2 Times Per Month	Less Than Once A Month	Never
Local Law Enforcement						
INS Agents						
U.S. Customs Officers						
Local Prosecutors						
U.S. Attorneys						
Local Judges						
Federal Judges						
Local Marshals						
Federal Marshals						
Local Corrections Officials						
State Corrections Officials						
Federal Corrections Officials						

12. In your opinion, how would you rate the cooperation (you/your agency) generally receives from personnel in these agencies with respect to processing undocumented persons. What about (INSERT AGENCIES CONTACTED)? Is the cooperation ...? (READ RESPONSE CATEGORIES)

	Very Good	Good	Fair	Poor	Very Poor	No or Minimal Contact/ Don't Know
Law Enforcement						
INS Officers						
U.S. Customs						
Local Prosecutor						
U.S. Attorney						
Local Judiciary						
Federal Court						
Local Marshal						
Federal Marshal						
Local Corrections						
State Corrections						
Federal Corrections						

13. Are you aware of any factors that prevent or reduce your agency's ability to coordinate or cooperate with any of the agencies that address the issue of aliens and crime?

___Yes   ___No

14. (IF YES) Please explain. (ASK FOR EXAMPLES)

Agency	Factor	Example
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

15. Are there factors in this county that contribute to coordination among agencies?   (PROBE FOR COUNTYWIDE COUNCIL OR COMMITTEE, MEETINGS OF KEY ACTORS)

16. Are there (other) ways your agency could more effectively address the issue of undocumented persons and crime?

___No

___Yes (EXPLAIN)

17. Do you think this county needs a more coordinated approach to the issue of undocumented aliens and crime?   ___Yes   ___No

   a.   (IF YES) What suggestions do you have to improve coordination?

18. Do you think special training is needed for personnel in the justice system to effectively address this issue?   ___Yes   ___No

19. (If yes) What types of training? (PROBE FOR TYPES, E.G., LANGUAGE SKILLS, LEGAL ISSUES, DELINEATION OF CITIZENSHIP STATUS)

Please tell me if you agree or disagree with the following statements. Also, I would like to know the reasons for your response.

	Agree	Disagree	Don't Know
20. Undocumented persons contribute to serious crimes committed in this county. (Explanation)	—	—	—
21. Undocumented persons generally admit illegal citizenship status when contacted by personnel in your agency. (Explanation)	—	—	—
22. Most undocumented persons who are arrested for a criminal act should be prosecuted in this country. (Explanation)	—	—	—
23. When undocumented persons are arrested, usually it is for minor, less serious offenses. (Explanation) (What types?)	—	—	—

	Agree	Disagree	Don't Know

24. Undocumented aliens are more often the victims of crimes than the criminals. (Explanation)

           —   —   —

25. The general public perceives that undocumented persons are responsible for much of the crime committed. (Explanation)

           —   —   —

33. Undocumented aliens' involvement in criminal activity in this county represents a significant impact on workload and costs to the criminal justice system. (Explanation)

           —   —   —

Additional comments/observations/factors unique to juvenile processing:

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APPENDIX C

APPENDIX C

EFFECTS OF CITIZENSHIP
STATUS ON CASE DISPOSITION

ANALYSIS APPROACH

Multiple regression is a technique that explains how changes in a set of independent variables affect change in a dependent variable. Ordinary least squares (OLS) regression assumes that the dependent variable is continuous and free to take on any value from negative to positive infinity. The dependent variables in this study have only two values, such as being found guilty or not guilty. The problems of using OLS regression techniques with dichotomous dependent variables are well known and have been studied by many researchers (e.g., Goldberger, 1964:248-250; Hanushek and Jackson, 1977:180-187; Aldrich and Nelson, 1984).

A widely used alternative to regression with a dichotomous dependent variable assumes that the relationship between the independent and dichotomous dependent variables follows a logistic curve. This analytic technique is a special case of the general multiple contingency table or log-linear analysis, known as logit analysis. Logit model estimation techniques were selected not only because of the dichotomous nature of the dependent variable, but because most of the independent variables are measured on a nominal scale. Logit models are categorical variable parallels to OLS regression for continuous dependent variables (Goodman, 1972).

The dependent variable is measured as the odds ratio of its expected frequencies. The three-variable case of court disposition (D), citizenship status (C), and offense type (O) is used to illustrate the form and key parameters of the logit model. Court disposition is the dependent variable whose odds (e.g, the ratio of persons not guilty to persons guilty) are a function of citizenship status and offense type. The multiplicative form of the model is:

$$(F_i/F_g) = (\tau^D)^2(\tau^{DC})^2(\tau^{DO})^2(\tau^{DCO})^2 \text{ , [Model 1]}$$

where,　　F = expected frequency;
　　　　　　i = persons found not guilty; and
　　　　　　g = persons found guilty.

The τ (tau) terms represent the effect each variable has on the odds ratio of the dependent variable. The τ in the first term $(\tau^D)^2$ is similar to the grand mean in analysis of variance or the intercept term in a regression equation. It is the baseline odds ratio from which all effects are measured and usually has no substantive meaning by itself. The second and third terms represent the effects of citizenship and offense type on court disposition. These effects are present if the independent variables are related to the dependent variable. The interaction effect of citizenship and offense type on court disposition is represented by the τ in the last term $(\tau^{DCO})^2$.

In this form of the logit model, the expected odds ratio of the dependent variable is expressed as the product of a series of terms. Aside from the intercept or constant term, the magnitude of an effect (τ) is measured as a departure from 1.00. Effects

of 1.00 have no impact on the odds ratio. An effect greater than 1.00 indicates that the odds ratio, for a particular term in the model, is larger than the overall (marginal) odds ratio. Conversely, an effect less than 1.00 shows that the term has an odds ratio lower than the marginal ratio. Although not shown in the equation, a τ parameter is estimated for each category of an independent variable or interaction term. The constraints necessary to estimate τ insure that the product of the τ's across categories of an independent variable equals 1. (Knoke and Burke, 1980:13)

The usual criterion variable analyzed in the logit model is the log of the expected odds ratio (Knoke and Burke, 1980:24).[1] This additive form of the logit model is derived by taking the natural logarithms of Model 1. This yields:

$$Ln(F_i/F_g) = \beta^D + \beta^{DC} + \beta^{DO} + \beta^{DCO} , \quad [\text{Model 2}]$$

where, $\beta = 2*Ln(\tau)$.

The β (beta) coefficients are interpreted similarly to the additive coefficients of regression analysis. A positive β shows that the independent variable or interaction term increases the log odds ratio of the dependent variable, while a negative beta indicates that the log odds ratio is decreased. A zero β means that the independent variable or interaction term does not effect the log odds ratio of the dependent variable. Like the τ's in the multiplicative model, β's are estimated for each category of an independent variable or interaction term. The constraints needed to estimate β insure that the sum of the β's across categories of an independent variable equals 0.

Expected cell frequencies are generated from the Newton-Raphson iterative proportional fitting algorithm. This iterative routine generates maximum likelihood estimates (MLE) of the expected frequencies. MLE procedures yield estimates with statistical properties of consistency, asymptotic efficiency and asymptotic normality.[2] The expected frequencies, for a given model specification, determine the effect parameter estimates (τ's and β's) and their standard errors. The statistical software package used (SPSSx) also generates two measures of association (entropy and concentration) to analyze dispersion in the logit model. Both are proportionate reduction in error measures (PRE) which quantify the magnitude of association between a set of independent variables and the predictor variable. An excellent discussion of the strengths and weaknesses of PRE measures is found in Reynolds (1977:47-58).[3]

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[1]The logit, precisely defined, is 1/2 of the log of the odds ratio. Following Goodman (1972), this study will analyze the log of the odds ratio.

[2]So long as the sample is reasonably large and the assumptions required for MLE are met, MLE are unbiased, have the smallest sampling variation and the usual results of normal sampling theory apply (Aldrich and Nelson, 1986:142). These authors suggest at least 25 observations for each coefficient being estimated.

[3]Although these two measures range from 0 to 1, like R^2 in regression, it may be misleading to interpret them in a similar manner. (Haberman,1982). Factors having little to do with the association between the independent and dependent variables, such as marginal variation, can artificially increase or decrease a measure's magnitude. To guard against erroneous conclusions, Reynolds (1977:57) recommends looking at the strength of relationships among qualitative variables using more than a single measure.

To continue the discussion, we refer to Model 2 presented above. This equation represents a saturated model because it not only includes the constant and two main effects on court disposition, but also the interaction effect of citizenship and offense type. In other words, there would be one linearly independent parameter per cell in the contingency table.[4] The expected frequencies in a saturated model are identical to the observed frequencies; therefore, the saturated model fits the data perfectly. This, of course, does not mean that the independent variables are perfectly correlated with the dichotomous dependent variable. It just indicates that the observed frequencies, which could be representing statistical independence, exactly match the expected frequencies. The question is whether a simpler model (i.e., one having fewer parameters) will also yield a satisfactory fit. These simpler models are called unsaturated models. One such model might include the constant and two main effects, but not the interaction effect.

The general approach for determining the most parsimonious logit model which best fits the data involves comparing the expected frequencies, generated by a particular logit model, with the observed frequencies. The two measures of fit typically employed are the Pearson chi-square statistic and the likelihood-ratio statistic (L^2). L^2 is preferable because (1) the expected frequencies are generated using maximum likelihood procedures; and (2) L^2 can be partitioned into additive components, each providing an independent test for a particular model (Knoke and Burke, 1980:30).

L^2, by definition, equals zero for a saturated model. In an unsaturated model, the larger the L^2 relative to the available df indicates a greater difference between the observed and expected frequencies. If L^2 for a hypothesized model is too large, then a model with additional parameters is needed to fit the observed data. In a hypothesis testing context, an acceptable logit model is one whose cell frequencies do not significantly differ from the observed data (Knoke and Burke, 1980:31). The statistical significance of L^2 is evaluated using the chi-square distribution with degrees of freedom (df) equal to the number of cells in the table minus the number of linearly independent parameters in the model.[5]

L^2 is also used to test the significance of the difference between two nested models, under the assumption that the more complicated model fits the data (Zahn and Fein, 1974:24). For example, assume Model B fits the data and that model A is nested in B. The significance of the contribution of the parameters in B which are not in A is examined by $L^2(A)-L^2(B)$. This statistic is approximately distributed as a chi-square random variable with df equal to df(A)-df(B). If the difference in L^2 is found to be statistically significant, then the parameters which are in B but not A are making an important contribution to the fit and should not be deleted.

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[4] An important aspect of the logit model not evident in Model 2 is that the interaction between the independent variables (citizenship and offense type) is present as are all lesser marginals. Terms for these factors are not explicit in the logit equation, but these marginals must be fitted when estimating the expected frequencies (Knoke and Burke, 1980:26).

[5] The approximation of L^2 to the chi-square distribution is satisfactory if the sample size is sufficiently large. A rule of thumb is that if the sample size divided by the number of cells in the table exceeds 5, then this approximation is accurate (Reynolds, 1977:159).

L^2 is proportional to the sample size. When sample sizes are very large, parameters with very small effects will be judged as important to the fit of the model. Very often the only model which will be found to fit the data is the saturated model. Moreover, tests of significance are inappropriate when studying a population and not a sample as is the case with the El Paso data. To overcome these problems, the following statistic is used:

$$R^2 = \frac{(L^2 \text{ baseline model}) - (L^2 \text{ alternative model})}{(L^2 \text{ baseline model})}$$

This measure is the ratio of two numbers, both of which are proportional to the number of observations, and its result is less sensitive to the size of the sample or population. The baseline model L^2 serves as the standard against which to judge to improvement in fit of more complex models. It indicates the variability in the observed frequencies not accounted for by factors already in the model. Following Zahn and Fein (1974:33), this study defines the baseline model as containing the constant or intercept term. If the percentage of the baseline L^2 accounted for by the alternative model is high, the alternative is judged to provide a satisfactory fit to the observed frequencies. An acceptable fit, using this criterion, requires the R^2 to indicate at least an 80% reduction of the baseline L^2.

APPENDIX D

APPENDIX D

SELECTION OF LOGIT MODELS
EL PASO

This appendix presents the analysis used to determine the most parsimonious logit model for the three decision points. A discussion of the statistics used to evaluate the best logit model is found in Appendix C.

PROSECUTOR DISPOSITION

A loglinear analysis was performed on the cross-classification of the dependent variable PROSDISP, and the independent variables INSCK, ARRCHG, and AGE. Table 1 shows the values for L^2, R^2, entropy, and concentration for all one, two and three variable main-effect models.

Model 6 (INSCK,ARRCHG) showed the best fit of the one or two variable models, accounting for 33.8% more variance than the constant term (baseline model). The three variable model (model 8) had a slightly higher R^2 value than model 6 and the entropy and concentration values for the two models were identical. As the table shows, the single variable model with age explained only 5% of the baseline model variation.

The statistics presented above were recomputed after eliminating AGE from the design (see Table 2). The two variable model without the interaction term (model 4) was a better fit than either of the one variable models, accounting for 82.3% of the baseline model variance. Aside from the saturated model, which always has an R^2 equal to 100%, the two variable model was the only specification that accounted for more than 80% of the baseline model variation. The size of the R^2 in model 4 coupled with only a slight increase in the entropy and concentration values between it and the saturated model, indicated an adequate fit between the observed and expected frequencies without the inclusion of the interaction term. The selected logit model of prosecutor disposition included the constant term and main effects of citizenship and offense type.

TABLE 1

MEASURES OF EXPLAINED VARIATION
FOR ALL MAIN-EFFECT LOGIT MODELS
OF PROSECUTOR DISPOSITION[1]
EL PASO

Model[2]		L^2	R^2	Entropy	Concentration
1	Constant (baseline)	44.94	–	.000	.000
2	[INSCK]	39.52	12.1	.002	.003
3	[AGE]	42.68	5.0	.001	.001
4	[ARRCHG]	33.16	26.2	.004	.005
5	[INSCK] [AGE]	37.18	15.9	.002	.003
6	[INSCK] [ARRCHG]	29.74	33.8	.005	.007
7	[AGE] [ARRCHG]	32.53	27.6	.004	.006
8	[AGE] [ARRCHG] [INSCK]	29.26	34.9	.005	.007

1. These results are based on the 4-way cross-classification of PROSDISP, INSCK, AGE, and ARRCHG.

2. All models include the constant term, but do not include any interaction terms.

TABLE 2

MEASURES OF EXPLAINED VARIATION FOR
SELECTED MODELS OF PROSECUTOR DISPOSITION[1]
EL PASO

Model[2]		L^2	R^2	Entropy	Concentration
1	Constant (baseline)	18.47	–	.000	.000
2	[INSCK]	13.05	29.3	.002	.003
3	[ARRCHG]	6.69	63.8	.004	.005
4	[INSCK] [ARRCHG]	3.27	82.3	.005	.007
5	[INSCK,ARRCHG]	0.00	100.0	.006	.009

1. These results are based on the 3-way cross-classification of PROSDISP, INSCK, and ARRCHG.

2. All models include the constant term.

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COURT DISPOSITION

A loglinear analysis was performed on the cross-classification of the dependent variable CRTDISP, and the independent variables INSCK, COMPCHG, and AGE.[1] Table 3 shows the values for L^2, R^2, entropy, and concentration for all one, two, and three variable main-effect models. This table also presents information for the three variable saturated model.

Model 4 (COMPCHG) was the best single variable model, explaining over 50% of the baseline model variation. Both two variable models which included COMPCHG, models 6 and 7, provided substantially better fits than model 4. Model 6 (INSCK, COMPCHG) explained almost three-quarters of the variance unaccounted for by the baseline model. Model 8 (COMPCHG,INSCK,AGE) was the only main-effect model to explain over 80 percent of the baseline model variation, an improvement of fit over model 6. The entropy and concentration measures increased by .9% and 1.1%, respectively in model 8 compared to model 6.

In addition to all main effects, the saturated model includes four interaction terms -- three two-way interactions and a three-way interaction. The interaction terms collectively reduced the error in prediction by around 1.0%, and each contributed equally to the improvement in model fit over that of model 8. Because of the minor effect on model fit of any one interaction term and the adequacy of fit shown in model 8, no interaction terms were included in the final logit model of court disposition. The selected logit model contained the constant term and the main effects of citizenship, age and offense type.

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[1]Four of the 54 cells in the multiple contingency table involving CRTDISP were zero. These cells were treated as structural zeros for the analysis of court disposition.

TABLE 3

MEASURES OF EXPLAINED VARIATION FOR SELECTED MODELS OF COURT DISPOSITION[1] EL PASO

Model[2]		L^2	R^2	Entropy	Concentration
1	Constant (baseline)	85.55	–	.005	.003
2	[INSCK]	60.24	29.6	.026	.023
3	[AGE]	66.51	22.2	.021	.020
4	[COMPCHG]	40.99	52.1	.042	.046
5	[INSCK] [AGE]	46.41	45.8	.038	.036
6	[INSCK] [COMPCHG]	21.95	74.3	.058	.061
7	[AGE] [COMPCHG]	26.14	69.4	.054	.059
8	[AGE] [INSCK] [COMPCHG]	10.25	88.0	.067	.072
9	[AGE,INSCK,COMPCHG]	0.00	100.0	.076	.081

1. These results are based on the 4-way cross-classification of CRTDISP, INSCK, AGE, and COMPCHG.

2. All models include the constant term, and models 1 through 8 do not include any interaction terms.

SENTENCE

A loglinear analysis was performed on the cross-classification of the dependent variable SENT, and the independent variables INSCK, CONVCHG, and AGE.[2] Values for L^2, R^2, entropy, and concentration for all one, two, and three variable main-effect models are presented in Table 4.

Model 5 (INSCK, AGE) showed the best fit of the one or two variable models, explaining 84.4% of the variance unaccounted for by the constant term. The three variable model (model 8) had a slightly higher R^2 value than model 5, and the entropy and concentration values for both models were identical. Also, the single variable model with CONVCHG explained only 10% of the baseline model variation.

The statistics presented above were recomputed after eliminating CONVCHG from the design (see Table 5). Model 3 (AGE) and model 4 (AGE,INSCK) accounted for more than 80% of the baseline model variance, 87.5% and 96.2% respectively. The two variable model exhibited a better fit, explaining 8.7% more of the baseline model variance than model 3. In addition, both the entropy and concentration measures in model 4 were around 1% higher than those in the model including only AGE. The size of the R^2 in model 4 coupled with a very slight increase in the

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[2]Five of the 54 cells in the multiple contingency table involving SENT were zero. These cells were treated as structural zeros for the analysis of the main-effect models.

entropy and concentration values between it and the saturated model, indicated an adequate fit between the observed and expected frequencies without the inclusion of the interaction term. The selected logit model of sentence included the constant term and the main effects of citizenship and age.

TABLE 4

MEASURES OF EXPLAINED VARIATION FOR ALL MAIN-EFFECT LOGIT MODELS OF SENTENCE[1] EL PASO

Model[2]		L^2	R^2	Entropy	Concentration
1	Constant (baseline)	104.64	–	.010	.008
2	[INSCK]	91.41	12.6	.022	.023
3	[AGE]	23.61	77.4	.085	.098
4	[CONVCHG]	94.11	10.1	.019	.021
5	[INSCK] [AGE]	16.32	84.4	.092	.107
6	[AGE] [CONVCHG]	22.31	78.7	.086	.100
7	[INSCK] [CONVCHG]	85.19	18.6	.028	.031
8	[INSCK] [CONVCHG] [AGE]	15.66	85.0	.092	.107

1. These results are based on the 4-way cross-classification of SENT, INSCK, AGE, and CONVCHG.

2. All models include the constant term, but do not include any interaction terms.

TABLE 5

MEASURES OF EXPLAINED VARIATION FOR SELECTED MODELS OF SENTENCE[1] EL PASO

Model[2]		L^2	R^2	Entropy	Concentration
1	Constant (baseline)	96.53	–	.000	.000
2	[INSCK]	82.07	15.0	.013	.016
3	[AGE]	12.05	87.5	.078	.093
4	[INSCK] [AGE]	3.72	96.2	.086	.102
5	[INSCK,AGE]	0.00	100.0	.089	.106

1. These results are based on the 3-way cross-classification of SENT, INSCK, and AGE.

2. All models include the constant term.

APPENDIX E

APPENDIX E

SELECTION OF LOGIT MODELS
SAN DIEGO

This appendix presents the analysis used to determine the most parsimonious logit model for the four decision points. A discussion of the L^2, R^2, entropy and concentration statistics used to help evaluate the best logit model is found in Appendix C.

The San Diego data represent a sample of arrests occurring in FY1985-86; therefore, inferential techniques were used to develop the optimal logit model. The criterion used to evaluate the adequacy of the null hypothesis, the significance level or α, was set at .10. Typically α is set to small values, such as .05 and .01, establishing the existence of a relationship only if there is strong evidence to reject the null hypothesis. The strategy of finding the "best fitting" logit model focuses more interest on the Type II error. In selecting a logit model, the null hypothesis states that the proposed model adequately fits the data. If a Type II error has a high probability, then effects which exist in the population are likely to be omitted from the model. Once the sample size is fixed, Type II errors can be reduced by raising the chances of a Type I error. This alternative may lead to the erroneous inclusion of relationships in the model that reflect only sampling variability. The most frequent solution to the Type I and Type II error dilemma is to accept a model as fitting the data if α lies between .10 and .35 (Knoke and Burke, 1980:31).

LAW ENFORCEMENT DISPOSITION

A loglinear analysis was performed on the cross-classification of the dependent variable LEDISP, and the independent variables INSCK, ARRCHG, and AGE. Table 1 shows the values for L^2, R^2, entropy, and concentration for all one, two, and three variable main-effect models. The table also includes empirical probability (PROB) values used to evaluate the null hypothesis.

TABLE 1

MEASURES OF EXPLAINED VARIATION
AND PROB VALUES FOR ALL MAIN-EFFECT
LOGIT MODELS OF LAW ENFORCEMENT DISPOSITION[1]
SAN DIEGO

	Model[2]	L^2	df	PROB Value	R^2	Entropy	Concentration
1	Constant (baseline)	26.28	17	.070	–	*	*
2	[INSCK]	26.14	16	.052	0.5	*	*
3	[ARRCHG]	21.44	15	.123	18.4	.001	.001
4	[AGE]	25.60	15	.042	2.6	*	*
5	[INSCK] [ARRCHG]	21.39	14	.092	18.6	.001	.001
6	[INSCK] [AGE]	25.35	14	.031	3.5	*	*
7	[ARRCHG] [AGE]	20.49	13	.084	22.0	.001	.001
8	[ARRCHG] [AGE] [INSCK]	20.36	12	.061	22.5	.001	.001

*Less than .001

1. These results are based on the 4-way cross-classification of LEDISP, INSCK, ARRCHG, and AGE.

2. All models include the constant term, but do not include any interaction terms.

According to the PROB values, model 3 (ARRCHG) was the only specification where the null hypothesis was accepted at $\alpha = .10$. Although this model only accounted for 18.4% of the baseline model variation, the difference in L^2 between model 1 and model 3 (4.84) was statistically significant at $\alpha = .10$ for 2 df. This indicated that ARRCHG should be retained in the model. Model 7 (ARRCHG,AGE) explained 3.6% more of the baseline variation than model 3. However, the difference in L^2 between model 3 and model 7 (0.95) was not statistically significant at $\alpha = .10$ for 2 df. This demonstrated that AGE was not needed for an adequate fit. The selected logit model of law enforcement disposition included the constant term and main effect of offense type.

PROSECUTOR DISPOSITION

A loglinear analysis was performed on the cross-classification of the dependent variable PROSDISP, and the independent variables INSCK, ARRCHG, and AGE.[1] The L^2, R^2, entropy, and concentration statistics along with the PROB values for all one, two, and three variable main-effect models are presented in Table 2.

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[1]This analysis of prosecutor disposition and the remaining two decision points was conducted on unweighted data, that uses the subsample of citizens, so that the inferential statistics would be based on the correct sample sizes.

TABLE 2

MEASURES OF EXPLAINED VARIATION
AND PROB VALUES FOR ALL MAIN-EFFECT
LOGIT MODELS OF PROSECUTOR DISPOSITION[1]
SAN DIEGO

	Model[2]	L^2	df	PROB Value	R^2	Entropy	Concentration
1	Constant (baseline)	31.77	17	.016	–	*	*
2	[INSCK]	21.08	16	.176	33.6	.009	.010
3	[ARRCHG]	19.15	15	.207	39.7	.011	.012
4	[AGE]	30.79	15	.009	3.1	.001	.001
5	[INSCK] [ARRCHG]	11.06	14	.681	65.2	.018	.019
6	[INSCK] [AGE]	20.04	14	.129	36.9	.010	.011
7	[ARRCHG] [AGE]	18.07	13	.155	43.1	.012	.013
8	[ARRCHG] [AGE] [INSCK]	9.39	12	.670	70.4	.019	.021

*Less than .001

1. These results are based on the 4-way cross-classification of PROSDISP, INSCK, ARRCHG, and AGE using unweighted frequencies.

2. All models include the constant term, but do not include any interaction terms.

TABLE 3

MEASURES OF EXPLAINED
VARIANCE AND PROB VALUES FOR SELECTED
LOGIT MODELS OF PROSECUTOR DISPOSITION[1]
SAN DIEGO

	Model[2]	L^2	df	PROB Value	R^2	Entropy	Concentration
1	Constant (baseline)	23.98	5	.000	–	*	*
2	[INSCK]	13.29	4	.010	44.6	.009	.010
3	[ARRCHG]	11.36	3	.010	52.6	.011	.012
4	[INSCK] [ARRCHG]	3.28	2	.194	86.3	.018	.019
5	[INSCK,ARRCHG]	0	0	1.000	100.0	.020	.023

*Less than .001

1. These results are based on the 3-way cross-classification of PROSDISP, INSCK, and ARRCHG using unweighted frequences.

2. All models include the constant term.

Using $\alpha=.10$ as the criterion, the null hypothesis was accepted in six of the eight models; therefore, these models showed acceptable fits to the observed cell frequencies. Model 5 (INSCK,ARRCHG) explained 25.5% more of the baseline variation and showed modest increases in both the entropy and concentration measures over the best fitting single variable specification (model 3). The difference in L^2 between model 3 and model 5 (8.09) was statistically significant at $\alpha=.10$ for 1 df. This indicated that INSCK should be retained in the model along with ARRCHG. The data showed that the main effect of AGE did not improve the fit over model 5. The three variable model explained 5.2% more of the baseline model variation and had slightly higher measures of entropy and concentration. However, the difference in L^2 between model 5 and model 8 (1.67) was not statistically significant at $\alpha=.10$ for 2 df.

The statistics presented above were recomputed after eliminating AGE from the design (see Table 3). The two variable model without the interaction term (model 4) provided a significantly better fit than either of the one variable models. Its PROB value indicated no significant differences between the observed and expected frequencies. This model accounted for over 86% of the baseline model variation, 33.7% more than model 3 (ARRCHG). Moreover, the PROB values for both single variable models indicated statistically significant differences between the observed and expected frequencies. The data showed that an adequate fit was obtained without the inclusion of the interaction term. The difference in L^2 between model 4 and model 5 (3.28) was not statistically significant at $\alpha=.10$ for 2 df. The selected model of prosecutor disposition included the constant term and the effects of citizenship and offense type.

COURT DISPOSITION

A loglinear analysis was performed on the cross-classification of the dependent variable CRTDISP, and the independent variables INSCK, AGE, and COMPCHG. Table 4 contains the L^2, R^2, entropy, and concentration statistics along with the PROB values for all one, two, and three variable main-effect models.

Using $\alpha=.10$ as the criterion, the null hypothesis was accepted in seven of the eight models. Model 2 (INSCK) was the best single variable specification. Although it only explained 27.3% of the baseline model variation, the difference in L^2 between the baseline model and model 2 (6.43) was statistically significant at $\alpha=.10$ for 1 df. This indicated that INSCK should be retained in the model. The best two variable model (INSCK, AGE) accounted for 18% more of the baseline model variation than model 2. However, the difference in L^2 between model 2 and model 6 (4.23) was not statistically significant at $\alpha=.10$ for 2 df. This indicated that the additional parameter AGE was not needed for an adequate fit. The selected logit model of court disposition included the constant term and main effect of citizenship status.

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TABLE 4

MEASURES OF EXPLAINED VARIATION AND PROB VALUES FOR ALL MAIN-EFFECT LOGIT MODELS OF COURT DISPOSITION[1] SAN DIEGO

	Model[2]	L^2	df	PROB Value	R^2	Entropy	Concentration
1	Constant (baseline)	23.55	17	.132	–	*	*
2	[INSCK]	17.12	16	.378	27.3	.013	.008
3	[COMPCHG]	22.55	15	.094	4.2	.002	.001
4	[AGE]	17.49	15	.290	25.7	.012	.009
5	[INSCK] [COMPCHG]	16.64	14	.276	29.3	.014	.009
6	[INSCK] [AGE]	12.89	14	.535	45.3	.022	.015
7	[COMPCHG] [AGE]	17.11	13	.194	27.3	.013	.009
8	[COMPCHG] [AGE] [INSCK]	12.70	12	.391	46.0	.022	.015

*Less than .001

1. These results are based on the 4-way cross-classification of CRTDISP, INSCK, COMPCHG, and AGE using unweighted frequencies.

2. All models include the constant term, but do not include any interaction terms.

SENTENCE

A loglinear analysis was performed on the cross-classification of the dependent variable SENT, and the independent variables INSCK, AGE, and CONVCHG. The L^2, R^2, entropy, and concentration statistics along with the PROB values for all one, two, and three variable main-effect models are presented in Table 5.

TABLE 5

MEASURES OF EXPLAINED VARIATION AND PROB VALUES FOR ALL MAIN-EFFECT LOGIT MODELS OF SENTENCE[1] SAN DIEGO

	Model[2]	L^2	df	PROB Value	R^2	Entropy	Concen-tration
1	Constant (baseline)	57.33	13	.000	–	.055	.032
2	[INSCK]	51.97	12	.000	9.3	.064	.042
3	[CONVCHG]	16.80	11	.114	70.7	.120	.107
4	[AGE]	43.16	11	.000	24.7	.078	.056
5	[INSCK] [CONVCHG]	16.02	10	.099	72.1	.121	.108
6	[INSCK] [AGE]	40.60	10	.000	29.2	.082	.060
7	[CONVCHG] [AGE]	10.18	9	.336	82.2	.130	.118
8	[CONVCHG] [AGE] [INSCK]	9.95	8	.268	82.6	.130	.118

1. These results are based on the 4-way cross-classification of SENT, INSCK, CONVCHG, and AGE using unweighted frequencies.

2. All models include the constant term, but do not include any interaction terms.

Using $\alpha=.10$ as the criterion, the null hypothesis was accepted in models 3, 7, and 8; therefore, these specifications showed acceptable fits to the observed cell frequencies. Model 3, which contained CONVCHG, explained almost 71% of the baseline model variation. Model 7 (CONVCHG,AGE) explained 11.5% more of the baseline model variation and showed modest increases in both the entropy and concentration measures over model 3. The difference in L^2 between model 3 and model 7 (6.62) was statistically significant at $\alpha=.10$ for 2 df. This indicated that AGE should be retained in the model along with CONVCHG. The data showed that the main effect of INSCK did not improve the fit over model 7. The three variable model explained only .4% more of the baseline model variation and had identical measures of entropy and concentration. The difference in L^2 between model 7 and model 8 (0.23) was not statistically significant at $=.10$ for 1 df.

The statistics presented above were recomputed after eliminating INSCK from the design (see Table 6). The PROB value for model 2 (CONVCHG) indicated no significant differences between the observed and expected frequencies, and this model accounted for 90.7% of the baseline model variation. Model 4 (CONVCHG, AGE) exhibited a significantly better fit than model 2. It explained 7.4% more of the

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baseline model variation, and the difference in L^2 between model 2 and model 4 (6.56) was statistically significant at $\alpha =.10$ for 2 df. The data showed that an adequate fit was obtained without the inclusion of the interaction term. The difference in L^2 between model 4 and model 5 (1.65) was not statistically significant at $\alpha =.10$ for 4 df. Further, the saturated model only explained 1.9% more of the baseline model variation than model 4. The selected logit model of sentence included the constant term and main effects of age and offense type.

TABLE 6

MEASURES OF EXPLAINED VARIATION
AND PROB VALUES FOR SELECTED
LOGIT MODELS OF SENTENCE[1]
SAN DIEGO

	Model[2]	L^2	df	PROB Value	R^2	Entropy	Concentration
1	Constant (baseline)	88.03	8	.000	–	*	*
2	[CONVCHG]	8.21	6	.223	90.7	.109	.106
3	[AGE]	78.63	6	.000	10.7	.013	.012
4	[CONVCHG] [AGE]	1.65	4	.800	98.1	.118	.115
5	[CONVCHG, AGE]	0	0	1.000	100.0	.120	.116

*Less than .001

1. These results are based on the 3-way cross-classification of SENT, CONVCHG, and AGE using unweighted frequencies.

2. All models include the constant term.