

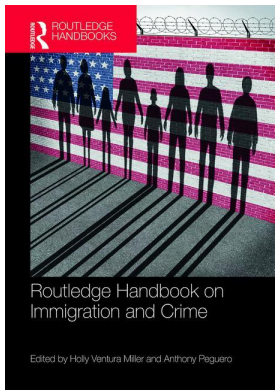
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Publisher: *Routledge*

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: 5 Howick Place, London SW1P 1WG, UK



Routledge Handbook on Immigration and Crime

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Policing and Punishing Illegality in the United States

Publication details

<https://www.routledgehandbooks.com/doi/10.4324/9781317211563-18>

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Published online on: 01 Feb 2018

How to cite :- Amada Armenta. 01 Feb 2018, *Policing and Punishing Illegality in the United States* from: Routledge Handbook on Immigration and Crime Routledge

Accessed on: 06 Dec 2023

<https://www.routledgehandbooks.com/doi/10.4324/9781317211563-18>

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POLICING AND PUNISHING ILLEGALITY IN THE UNITED STATES

Amada Armenta

Introduction

“Illegal” and “unauthorized” migration has become an enduring reality in contemporary society, constructed as a national crisis that must be solved through more restrictive immigration laws and tougher enforcement. As a result, nation-states devote billions of dollars to external migration controls that aim to keep prospective migrants out of their territories, and internal migration controls that seek to remove migrants residing within their countries (Coleman, 2007; Lahav & Guiraudon, 2006; Weber & Bowling, 2004). A salient development in immigration control throughout the United States and Europe is the connection between crime control and immigration enforcement, also described as the criminalization of immigration law (Barker, 2012; Eagly, 2013; Stumpf, 2006; Van de Woude, Leun, & Nijland, 2014). In a seminal article introducing the term “crimmigration,” Stumpf (2006) argues that the convergence of immigration law and criminal law excludes racialized “outsiders” from the privileges of citizenship.

This chapter focuses on the role of domestic police agencies in U.S. immigration enforcement. The chapter opens by tracing the legislative and administrative developments responsible for integrating the immigration enforcement and criminal justice systems. The first section focuses on the widespread deployment of immigration status checks in correctional facilities and the devolution of immigration enforcement authority to state and local law enforcement agencies (Eagly, 2013; Provine, Varsanyi, Lewis, & Decker, 2016; Stumpf, 2006). Next, I turn my attention to the *productive* functions of the crimmigration system, highlighting its role in racializing unauthorized immigrants (who are predominantly Latino) and placing them toward the bottom of the U.S. social hierarchy. Next, I review the extant literature on the relations between police and unauthorized immigrants, with special attention to how immigration enforcement affects police-immigrant relations. The last section of the chapter focuses on police practices, arguing that institutionalized practices play an important role in racializing, criminalizing, and removing unauthorized immigrants.

The Crimmigration System

Jonathon Simon famously argued that the War on Crime emerged because state actors manipulated Americans’ concerns about crime and security to enact harsher criminal laws, which he referred to

as “governing through crime” (Simon, 2009). A number of scholars have extended Simon’s metaphor to the realm of immigration control, arguing that the convergence of immigration and criminal enforcement represents governing through migration control (Bosworth & Guild, 2008) or governing immigration through crime (Dowling & Inda, 2013). Despite a great deal of evidence that immigrants commit less crime than native-born groups, and actually reduce crime in U.S. cities (Hagan & Palloni, 1999; Ousey & Kubrin, 2009), sweeping changes to federal legislation in the 1980s laid the groundwork for a harsher immigration enforcement system focused on immigrant criminality. New laws expanded the number of immigration crimes, created administrative programs to identify and deport (newly created) “criminal aliens” in jails, and gave domestic police an expanded role in immigration enforcement. In short, criminal justice institutions became strategic sites for immigration control.

Immigration Enforcement in Penal Institutions

While the 1986 Immigration Reform and Control Act (IRCA) is widely remembered for granting amnesty to nearly 2.7 million unauthorized migrants, it was also the harbinger of a new preoccupation with immigrants and crime. IRCA mandated the “expeditious” deportation of noncitizens whose criminal convictions made them removable. This provision made deporting “criminal aliens”—that is, noncitizens convicted of a crime, an immigration enforcement priority for the first time (Inda, 2013). To comply with this new requirement, the Immigration and Naturalization Service (INS) launched two administrative programs to identify removable immigrants serving sentences in correctional facilities. In 1988, the Alien Criminal Apprehension Program (ACAP) and the Institutional Hearing Program (which later became the Institutional Removal Program, IRP) became the first formal “jail status check” programs administered by the INS. Immigration officers assigned to these programs worked with penal institutions to identify removable immigrants and initiate deportation proceedings before or upon immigrants’ release from criminal custody.

At first, both programs focused on identifying immigrants convicted of “aggravated felonies,” a new immigration offense created by the Anti-Drug Abuse Act of 1988. At first, only serious criminal offenses such as murder, or drugs and weapon trafficking were aggravated felonies for immigration purposes; however, the Illegal Immigration Reform and Immigrant Responsibility Act and the Antiterrorism and Effective Death Penalty Act expanded the aggravated felony category to include numerous misdemeanor and civil offenses including tax evasion, check fraud, and failure to appear in court. As the “aggravated felony” category became more expansive, its consequences became even harsher. For example, the law could be applied retroactively so that legal immigrants with old misdemeanor violations became deportable, even though their violations were not deportable offenses when they were committed. Deportations soared as the growing number of criminal convictions collided with restricted avenues for immigration relief (Golash-Boza & Hondagneu-Sotelo, 2013).

The Illegal Immigration Reform and Immigrant Responsibility Act also included a provision, codified as section 287(g) of the Immigration and Nationality Act, which allowed domestic law enforcement agencies to initiate two types of formal partnerships with federal immigration authorities. Upon approval from the federal government, law enforcement agencies could participate in the 287(g) program by directly enforcing immigration law concurrent with regular patrol duties (the task force model), or the agency could opt to identify removable immigrants who are booked into jail (the jail model). The majority of agencies that participated in 287(g) implemented the program’s jail model, allowing deputized employees to screen arrestees for immigration status post-arrest. The 287(g) program was different from the federal government’s other jail status check programs because it empowered federally trained *local* officers to screen and process immigrants for removal, whereas other immigration enforcement programs relied on federal officers to implement them (Armenta, 2012).

Around the same time, the 287(g) program reached its peak popularity, Immigration and Customs Enforcement (ICE) expanded its reach into correctional facilities through the Criminal Alien Program (CAP) and the Secure Communities Program. The CAP, which consolidated ACAP and IRP, is a sprawling immigration enforcement program with coverage in virtually every correctional institution across the country. The largest of ICE's interior enforcement programs, Congress allocates hundreds of millions of dollars to CAP every year, and the program accounts for the majority of interior removals in the United States (Golash-Boza & Hondagneu-Sotelo, 2013). Through CAP, personnel in local, county, state, and federal correctional facilities share records and inmate information with ICE officers who may interview, identify, and detain inmates at their discretion.

The Secure Communities Program launched in 2008 as a way to *automate* immigration status checks in jails and prisons. Secure Communities linked the fingerprint data that state and local police gathered during arrest and booking to federal databases containing information about immigration and criminal history. When the arrestee's fingerprints matched those in ICE's biometric database, ICE notified the correctional facility to hold the individual until ICE could assume custody. After years of lawsuits related to whether Secure Communities was mandatory, ICE announced an end to the controversial program and announced its replacement: the Priority Enforcement Program (PEP). Like its predecessors, PEP relies on biometric information sharing, but it outlines stricter enforcement priorities regarding when officers should issue immigration detainees to assume custody. In 2017, however, a new presidential administration revived the Secure Communities Program. It is important to mention that while these jail enforcement programs remove unauthorized immigrants, they also deport tens of thousands of legal permanent residents every year.

In short, U.S. immigration enforcement has morphed into a "criminal removal system," with most removals occurring after noncitizens are incarcerated (Eagly, 2013; Golash-Boza, 2015). Interior immigration enforcement requires the cooperation of thousands of law enforcement officials who facilitate Immigration Customs Enforcement access to detention records, facilities, and inmates. However, while immigration enforcement is very much part of the U.S. correctional landscape, the geography of immigrant removals across institutions is uneven (Capps, Rosenblum, Rodriguez, & Chishti, 2011; Ridgley, 2008; Walker & Leitner, 2011). Some local jails have completely refused to cooperate with immigration enforcement authorities, citing concerns about cost, liability, and the wellbeing of immigrant residents (Ridgley, 2008). Moreover, even jails that *do* participate in immigration enforcement do not produce identical outcomes. An analysis of the implementation of 287(g) jail enforcement programs showed that some jails engaged in universal enforcement, processing all removable immigrants for deportation, whereas others engaged in targeted enforcement where they processed only the most serious violations (Capps et al., 2011). Similarly, an analysis of 287(g) programs in two adjacent North Carolina counties showed that the task force model (where officers conduct immigration investigations alongside their regular patrol functions) resulted in fewer detainees than the jail model, because patrol officers exercised discretion when conducting immigration investigations, whereas jail officers verified the immigration status of each arrestee (Coleman, 2012).

Immigration Enforcement and Local Police

While immigration enforcement in jails and prisons dates back to the 1980s, the push toward domestic *police* participation in immigration enforcement is a more recent phenomenon.

In contrast to police officers in many European countries, police in the United States do not generally have the authority to *directly* arrest people for immigration violations (Weber & Bowling, 2004). That is, police officers in the United States may arrest people for violating state law, but they generally cannot arrest them for being unauthorized, which is a civil violation of federal law. As a result, local police may cooperate with immigration enforcement authorities on a discretionary basis, but very few can make immigration arrests.

During the 2000s, a series of state laws and administrative programs sought to change that by giving domestic police more options to enforce immigration law. For example, the 287(g) program authorized specially trained state and local law enforcement officers to assist in immigration enforcement while conducting their regular enforcement duties. This empowered local officers to conduct immigration status checks on the street, rather than limiting their investigations to individuals in criminal custody. Despite new openings to enforce immigration law, the overwhelming majority of police agencies rejected the opportunity to participate in immigration enforcement. Still, some states mandated police participation in immigration enforcement by passing state laws that required police to question people about their immigration status. Legal challenges stalled most of these provisions before implementation.

While the majority of interior immigration enforcement occurs in correctional facilities, the importance of domestic police in immigration enforcement cannot be overstated. As ICE aggressively pursues the deportation of virtually every removable immigrant in criminal custody, local police essentially choose who to expose to federal immigration enforcement through their decisions to arrest. That is, because the criminal justice system and immigration enforcement system work in tandem, discretionary arrests have immigration consequences even when police do not technically make arrests for immigration violations (Armenta, 2016; Eagly, 2013; Varsanyi, 2008). As a result, virtually all discretionary arrests of unauthorized immigrants amount to “immigration policing by proxy” or “backdoor immigration policing” (Varsanyi, 2008).

Police cooperation with immigration enforcement authorities in the United States is complicated by a patchwork of laws, policies, and practices that may simultaneously allow, mandate, and/or prohibit police-ICE collaboration (see Provine et al., 2016; Varsanyi, Lewis, Provine, & Decker, 2012). Amidst this complicated patchwork, officers face the conflicting responsibilities of providing law enforcement services to immigrant residents, while working in regulatory contexts where their arrests result in detention and deportation (Armenta, 2016; Eagly, 2013; Leerkes, Varsanyi, & Engbersen, 2012).

Surveys of county and municipal law enforcement agencies suggest that most police departments lack instructions from city governments regarding how to interact with immigrants and most have no official immigration policy (Decker, Lewis, Provine, & Varsanyi, 2009; Lewis & Ramakrishnan, 2007). Moreover, police administrators’ expectations regarding their department’s cooperation with ICE varies greatly across departments and by circumstance, with some police chiefs indicating that officers cooperate with ICE and others indicating they do not (Decker et al., 2009). For example, agencies located in cities with immigrant-friendly policies, and with a Hispanic Police Chief, were less likely to report cooperating with immigration officials (Lewis, Provine, Varsanyi, & Decker, 2012). Lastly, sheriffs’ offices reported more frequent cooperation with immigration enforcement authorities than police agencies (Provine et al., 2016). This difference is largely due to the agencies’ divergent political motivations and responsibilities: whereas police chiefs must establish trust in diverse communities and are accountable to local government, sheriffs are elected by local voters and are often responsible for administering county jails (Lewis & Ramakrishnan, 2007; Provine et al., 2016). With less priority on patrolling and community policing, sheriffs’ offices are likely to see the unauthorized immigrants they encounter as “criminals,” because their interactions with immigrants occur in the context of arrests (Armenta, 2012).

Race, Illegality, and Immigration Enforcement

Scholars from a variety of disciplines have theorized about the expansion of interior immigration enforcement in the United States, linking it to national security concerns (Coleman, 2007; Menjívar, 2014), fear of crime (Dowling & Inda, 2013; Inda, 2013), and state and local politics (Ramakrishnan & Wong, 2010; Wong, 2012). Others argue that the current configuration of immigration laws and

enforcement stem from perceived crises related to governance, state sovereignty, and belonging (Aas & Bosworth, 2013). Immigration enforcement is also about race, promoting racial hierarchies around citizenship and belonging (Aranda & Vaquera, 2015; Armenta, 2016b; Golash-Boza & Hondagneu-Sotelo, 2013; Goldberg, 2002; Provine & Doty, 2011).

In the United States, Latinos, and particularly Mexicans, overwhelmingly bear the burden of “illegality.” For example, nearly 80 percent of unauthorized immigrants residing in the United States hail from Mexico or Central America, and the majority of Mexican and Central American immigrant residents live in the United States without legal authorization (Massey & Pren, 2012). This is not an accident. Punitive immigration policies are the primary mechanisms through which Latinos are racialized in the United States (Armenta, 2016b; Golash-Boza & Hondagneu-Sotelo, 2013; Massey & Pren, 2012; Provine & Doty, 2011). The term racialization refers to the process by which ideas about race (a social construct used to classify and sort people based on ideas about culture, ancestry, and phenotype) are created and perceived as meaningful (Omi & Winant, 2014). As a racialized status, “illegality” creates *racial* notions about what groups are “legal” and “illegal,” and therefore racially distinct from “legitimate” members of the nation (De Genova, 2002, 2004). Although “Latino” is a panethnic label that describes racially heterogeneous groups with Latin American ancestry, as a *racialized* status in the United States, Latino-ness conjures images related to an olive or brown skin tone, dark hair, lower-class origins, and the use of Spanish (see Romero, 2006). Those whose physical appearance conforms to these racialized notions of “Latino-ness” essentially wear “illegality” on their bodies, regardless of their actual legal status (Romero, 2006). For them, physical appearance is an embodied marker of their subordinate status in the country.

Political discourse and policy mark Latinos as a threat that endangers the “American” way of life (Chavez, 2008), even though decades of research conclusively show that Latino immigrants are less likely to commit crimes than native-born populations (Hagan & Palloni, 1999). Despite the “threat” that Latinos represent to the U.S. public, the goal of immigration law and enforcement is *not* to physically expel them from the state’s territory through deportation, but to produce their social marginality through “deportability” (De Genova, 2002, 2004, 2013). Formally excluded from official membership, unauthorized Latinos are socially included with subordinate status and “under imposed conditions of enforced and protracted vulnerability” (De Genova, 2002, p. 429). These boundaries work to place unauthorized immigrants, the overwhelming majority of whom are Mexican and Central American, at the bottom of the social hierarchy where they experience inclusion through exclusion (De Genova, 2013) or subordinate inclusion (Chauvin & Garcés-Masareñas, 2012, 2014). Thus, immigration enforcement is a response to racialized anxieties about Latino migration to the United States, and an engine of racial subordination (Armenta, 2016b; Provine & Doty, 2011).

A number of negative outcomes stem from this subordinate inclusion. For example, Menjívar and Abrego (2012) argue immigration laws evoke anguish, pain, and social suffering that constitute “legal violence.” Legal violence is experienced cumulatively, with long-term implications for how immigrants understand their place in U.S. society. Moreover, immigrants experience its harmful effects in the spheres of work, school, and family. For example, unauthorized status shapes immigrants’ work experiences, relegating them to employment sectors with low pay, no benefits, and few opportunities for advancement (Gleeson, 2012). The intensification of immigration enforcement also exacerbates the risks of wage theft, robbery, and workplace violations, because immigrants are loath to report their victimization to authorities (Fussell, 2011; Gleeson, 2015). In short, immigration laws allow the state to capitalize off immigrants’ labor by making it cheap and easily exploitable. Anxiety about immigration enforcement is also bad for immigrants’ physical and emotional wellbeing. Fear of immigration policing discourages immigrants from utilizing medical care and addressing serious health concerns (Núñez & Heyman, 2007). Deportability also creates a palpable fear related to family separation (Dreby, 2012; Menjívar & Abrego, 2012). Not surprisingly, this vulnerability has implications for unauthorized immigrants’ relations with the police.

Relations between Unauthorized Immigrants and the Police

As previously mentioned, most police agencies do not formally participate in immigration enforcement, and many police officials oppose integrating police and immigration enforcement (Decker et al., 2009; Provine et al., 2016). One reason that many police agencies reject formal participation in immigration enforcement is because immigration enforcement conflicts with the primary police responsibilities of crime control and public service (Lewis et al., 2012). For example, in a report issued by the Major Cities Chiefs Association, a professional association of police chiefs and sheriffs representing the largest cities in the United States, officials listed a variety of reasons to reject police participation in immigration enforcement. The report cited limited resources, the complexity of immigration laws, the lack of immigration enforcement authority, the risk of civil liability for immigration enforcement activities, and the importance of building trust in immigrant communities as reasons to avoid participating in immigration control (Major Cities Chiefs Association, 2006).

Indeed, a core premise of community policing holds that agencies should cultivate positive relationships with all residents, particularly those who are most vulnerable to victimization. In theory, these positive relations allow police agencies to foster close communication and collaboration with the public, allowing agencies to rely on community assistance to solve problems (Herbert, 2006). Research shows that police bureaucrats are enthusiastic about establishing positive relationships with unauthorized immigrants because they depend on the community to report crime and cooperate with officers (Armenta, 2016; Culver, 2004; Lewis & Ramakrishnan, 2007). To that end, police officials draw on their professional ethos and experience to engage in both substantive and symbolic outreach to immigrant residents (Lewis & Ramakrishnan, 2007). Outreach efforts run the gamut from enlisting volunteer interpreters, creating cultural sensitivity training for officers, to sending police officers to foreign countries to learn from other police departments (Shah & Estrada, 2009). In their case study of police departments in California, researchers discovered that some departments went to great lengths to adapt their policies for immigrant communities (Lewis & Ramakrishnan, 2007). For example, in one department, officers changed how they cuffed Vietnamese suspects after learning that some Vietnamese immigrants believed having their hands cuffed behind their backs signaled impending execution; in another department, officers declined to prosecute Sikh men who carried small ceremonial swords after learning the swords were a cultural tradition (Lewis & Ramakrishnan, 2007).

Still, absent any formal policy *precluding* police participation in immigration enforcement, local police may cooperate with ICE at their discretion. As most police agencies do not have any official policies guiding their practices toward immigrant communities, police practices toward immigrants vary widely (Decker et al., 2009). Thus, while law enforcement bureaucrats are overwhelmingly supportive of the *idea* of community policing, most officers prioritize enforcement over community policing initiatives because aggressive enforcement corresponds with officers' professional identities as crime fighters (Herbert, 2006). The tensions between the police's service mission and its enforcement priorities has important implications for the relations between unauthorized immigrants and police bureaucracies because unauthorized immigrants present a particular set of dilemmas for police agencies.

A variety of studies show that there are numerous reasons unauthorized Latino immigrants in the United States have unfavorable attitudes toward police authorities (Barrick, 2014; Menjívar & Bejarano, 2004; Theodore & Habans, 2016). One reason is that most unauthorized immigrants are racial minorities, and studies repeatedly show that members of minority groups—particularly blacks and Latinos—have less favorable opinions of the police than similarly situated white residents, because of their vulnerability to police enforcement (Weitzer & Tuch, 2004, 2006). In addition to these demographic characteristics there are also immigration-related characteristics that drive negative perceptions of the police. Additional obstacles to positive police-immigrant relations include language barriers,

lack of familiarity with police procedures, negative experiences with the police in one's country of origin, and fears related to immigration status and enforcement (Culver, 2004; Menjivar & Bejarano, 2004).

The type of contact between police and unauthorized immigrants may also be a barrier to positive relations with the police. Case studies of police service delivery in new immigrant destinations suggest that police primarily interact with immigrant residents through non-voluntary enforcement activities such as vehicle stops and checkpoints, limiting possibilities to create cooperative relationships (Armenta, 2016; Culver, 2004). In addition, compared to the native-born population, unauthorized immigrants are more likely to be young, male, and non-white, characteristics associated with more involuntary police contact and therefore more unfavorable evaluations of police performance (Reisig & Correia, 1997). These enforcement activities contribute to the perception that police engage in racially discriminatory policing practices and participate in immigration enforcement (Menjivar & Bejarano, 2004; Solis, Portillos, & Brunson, 2009). Indeed, data from a 2008 Pew Hispanic Center survey indicates that respondents who are stopped by the police and asked about their immigration status report the lowest levels of confidence that police do their jobs well (Barrick, 2014). Additional barriers to police cooperation include previous negative encounters with police and perceived unfair treatment (Theodore & Habans, 2016).

These barriers are particularly unfortunate because unauthorized immigrants' precarious social standing in the United States makes them particularly vulnerable to victimization. Studies show that unauthorized Latino immigrants are at high risk of wage theft and work place violations (Fussell, 2011; Gleeson, 2016), as well as robbery and street crime (Fussell, 2011). While there are no reliable estimates of Latino *immigrants'* victimization, there are a few reasons to suggest they are likely over-represented in robbery victimization. For example, criminological research suggests that victimization stems from individual traits that place some people at higher risk of victimization, and community characteristics such as poverty, segregation, and residential instability, are correlated with violent crime (Lauritsen & White, 2001). In her examination of victimization among Latino immigrants in New Orleans, Fussell (2011) argues that Latino migrants face victimization because of the "deportation threat dynamic" whereby migrant workers seek to avoid contact with law enforcement because of fear of falling victim to deportation, and others' capitalize off this vulnerability. These risks may be exacerbated by the real or imagined perception that immigrant victims will not report their victimization to authorities.

Shifting immigrant enforcement tactics have also exacerbated immigrants' anxiety about police contact (Nguyen & Gill, 2016; Stuesse & Coleman, 2014). In a recent examination of the impact of police participation in immigration enforcement, many Latino immigrant respondents indicated they would be unlikely to cooperate with a criminal investigation because of fear the police would use it as an opportunity to investigate their immigration status, or the immigration status of someone close to them (Theodore & Habans, 2016). Those who are the most afraid of deportation convey the greatest reluctance to report crime and the greatest skepticism that the police will treat them fairly (Becerra, Wagaman, Androff, Messing, & Castillo, 2017).

Punishing Immigrants through Domestic Policing

Police practices are inexorably connected to processes of social exclusion, sending powerful messages about race, citizenship, and belonging (Colb, 1996; Epp, Maynard-Moody, & Haider-Markel, 2014). Unauthorized immigrants are vulnerable to police action, not necessarily because of police enforce immigration laws, but because undocumented immigrants inadvertently commit a host of violations when living and working in the United States without permission. Some "illegal" activities necessary for daily survival may include using fraudulent documents to obtain employment, selling food without the appropriate vending licenses, working "off the books," and driving without a license. It is important to underscore that lawful immigration status is necessary to perform many of these activities

“legally” (Gleeson & Gonzales, 2012). As such, unauthorized immigrants, the majority of whom are Latino, are often in violation of criminal laws that police are empowered to enforce.

As a result, officers can use numerous laws and ordinances as “backdoor” immigration policies (Varsanyi, 2008). Indeed, whether driven by local politics, complaints, police policy, or individual conviction, police attempt to manage and relocate immigrants from public spaces by enforcing (or threatening to enforce) backdoor policies that police immigrants “by proxy” (Varsanyi, 2008). Immigrants who seek work in public spaces are particularly vulnerable to police enforcement and harassment. For example, in New Jersey, police agencies have used housing ordinances that prohibit overcrowding to eliminate housing options for immigrant day laborers. Similarly, anti-solicitation ordinances that were originally conceived of to crack down on prostitution, are used to impede day laborers’ efforts to seek work in public places (Varsanyi, 2008).

Central to the police’s authority to establish boundaries around insiders and outsiders is the street stop, which is the hallmark of a variety of proactive policing styles including order-maintenance, broken windows, quality of life, and zero tolerance policing (Epp et al., 2014; Greene, 1999; Harcourt, 2001). A coercive form of social control that gives police wide latitude to stop civilians and motorists with little justification, officers use street stops to detain civilians and investigate them (Epp et al., 2014; Gau & Brunson, 2010; Geller & Fagan, 2010; Tyler, Fagan, & Geller, 2014). Investigative traffic stops gained professional legitimacy in the 1980s and 1990s as a tactic to stop motorists, investigate their criminal history, and check their cars for contraband (Epp et al., 2014). Similar practices also occur on the street through a tactic known as “stop-and-frisk,” where police officers subject pedestrians to intrusions by stopping them, questioning them, and frisking them for weapons and/or drugs.

Street stops also impose burdens on unauthorized immigrants, whom police may regard with suspicion for issues related to lack of identification (Armenta, 2016; Lewis & Ramakrishnan, 2007). While driving is a prerequisite of full citizenship and mobility in many areas, most states have made it impossible for unauthorized immigrants to obtain driver’s licenses and identification cards (Stuesse & Coleman, 2014). Police tactics such as checkpoints and traffic stops restrict the mobility of immigrant bodies by trapping them in place (Stuesse & Coleman, 2014). Discussing this phenomena in Atlanta, Stuesse and Coleman observe that “the risk involved in driving is simultaneously one that undocumented men and women cannot afford to take and one they must endure” given that driving is a necessary part of daily life (Stuesse & Coleman, 2014, p. 58). Indeed, a number of studies identify a “driving to deportation” pipeline, and argue that traffic enforcement plays a central role in depositing unauthorized immigrants into the deportation system (Aranda & Vaquera, 2015; Armenta, 2016; Stuesse & Coleman, 2014). In an analysis of immigration enforcement in Wake County, North Carolina, researchers discovered that about half of immigration detainees originated from traffic stops (Coleman, 2012).

Police agencies do not deploy stops in a race neutral manner. Instead, street stops disproportionately target black and Latino young men, producing racial disparities in arrests (Brunson & Miller, 2006; Epp et al., 2014; Solis et al., 2009). The higher number of stops experienced in black and Latino neighborhoods has been characterized as a “racial tax” levied on residents who live in non-white communities (Kennedy, 1998). Indeed, in her study of deportees, Golash-Boza (2015) reveals that the majority of respondents faced deportation after an initial encounter with law enforcement. For example, Dominican and Jamaican men were arrested through aggressive policing tactics deployed as part of the War on Drugs in New York City; once ensnared in the criminal justice system, they were ultimately deported (Golash-Boza, 2015).

Scholars are understandably concerned with how officers’ perceptions of illegality shape their decisions and behaviors, particularly because the criminalization of immigrants may lead police to associate “problematic” immigrant groups with crime (Bonnet & Caillault, 2015). Indeed, some scholars argue that police arrests of unauthorized Latino immigrants stem from racial profiling related

to “driving while brown” (Aranda & Vaquera, 2015; Coleman & Stuesse, 2015). Others argue that aggressive policing tactics are an institutionalized police practice that creates “criminality” through the sheer numbers of police-immigrant encounters (Armenta, 2016; Epp et al., 2014). For example, in Nashville, officers respond to bureaucratic pressure to “be proactive” by making large numbers of discretionary traffic stops (Armenta, 2016). While the overwhelming majority of stops yield no contraband, the sheer volume of stops that officers make ensures that this tactic produces some citations, arrests, and deportations (Armenta, 2016; Epp et al., 2014).

The pervasive tendency of police agencies to prioritize enforcement over other policing activities undermines community policing efforts (Epp et al., 2014; Harcourt, 2001). While officers characterize street stops as a minor and necessary intrusion, targets of police stops find them invasive, coercive, and demeaning (Epp et al., 2014; Gau & Brunson, 2010). Residents describe neighborhoods that are oversaturated with officers who stop people and cars with no provocation (Armenta, 2016b; Gau & Brunson, 2010). Indeed, those who personally experience investigative stops believe they are an assault on personal dignity, regardless of how professional or polite the officer is during the encounter (Epp et al., 2014; Tyler et al., 2014). Police enforcement tactics communicate a message to the community, and to the detained individual, that police regard black and Latino men with suspicion (Colb, 1996; Epp et al., 2014). Racial minorities are significantly more likely to be stopped by police and to endure investigatory intrusions during the stop (Epp et al., 2014). Not surprisingly, targets of police enforcement hold deep convictions that police practices are racially motivated, even as police insist that they are “color blind” (Epp et al., 2014).

Conclusion

Immigration enforcement depends on the penal punishment and marginality produced through the criminal justice system. The criminalization of immigrants, and the widespread deployment of immigration status checks in correctional facilities, makes the street-level decisions of domestic police particularly consequential. As this chapter demonstrates, police policies and practices toward immigrants are highly variable, with some departments taking particularly inclusive stances vis-à-vis immigrants and others taking a hard line. What is clear, however, is that domestic police are intimately involved in immigration control, even when they do not technically enforce immigration law. In this chapter, I argue that institutionalized police practices, such as street stops, are central to contemporary policing and key to understanding how police punish immigrants through their daily practices. These police practices, and the crimmigration system more generally, play a crucial role in racializing and criminalizing immigrants, sending powerful messages about who belongs within national territories.

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