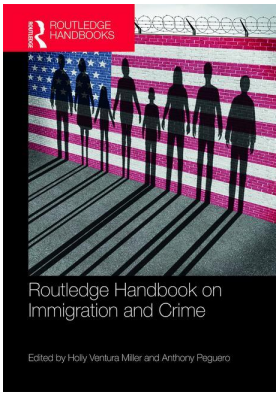

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"SANCTUARY CITIES" AND CRIME

Daniel E. Martínez, Ricardo Martínez-Schuldt and Guillermo Cantor

Introduction

Since the late 1990s, as the U.S. Congress has failed to create a path to legalization for the millions of undocumented individuals living in the country, greater demand has been placed on local and state jurisdictions to enforce immigration laws. Specifically, U.S. Immigration and Customs Protection (ICE), the agency responsible for immigration enforcement in the interior of the United States, has used different programs to outsource the identification and arrest of presumably deportable individuals to local law enforcement agencies and jails. This situation, in turn, has resulted in diverging responses from state and local entities regarding federal immigration policy and enforcement as well as tensions across such jurisdictions. In fact, some scholars have referred to the emerging relationship between the layers of government involved in immigration law enforcement as a "multilayered jurisdictional patchwork" (Provine, Varsanyi, Lewis, & Decker, 2016; Varsanyi, Lewis, Provine, & Decker, 2012).

Authorization for the growing involvement of state and local law enforcement as an extension of federal immigration enforcement dates back to the 1996 changes in the Immigration and Nationality Act, but pressures for such involvement became intensified in the post-9/11 era (Meissner, Kerwin, Chrishti, & Bergeron, 2013). Since 1996, broad enforcement programs encouraging federal-state-local cooperation have placed a large number of deportable noncitizens in removal proceedings. These initiatives include the 287(g) program, the Secure Communities program, and the Criminal Alien Program (CAP). Collectively, these programs reflect a trend of devolution of immigration responsibilities from the federal government to local levels (Coleman, 2007; Wells, 2004).

The federal government's increased use of enforcement programs that rely on state and local law enforcement cooperation has drawn heavy criticism. Such criticism has cited legal arguments, public safety concerns, humanitarian considerations, issues of ethno-racial profiling, civil rights violations,[1] and fiscal constraints at the local level, among others. For example, Wishnie (2004) argued that state and local enforcement of immigration laws breaches constitutional principles of federalism. In addition, under the Fourth Amendment, state and local law enforcement officers do not have legal authority to hold people without "probable cause" (Lasch, 2013). Proponents of limited cooperation of local law enforcement agents in immigration enforcement have also raised concerns about the negative effects that federal-state-local cooperation has on community trust (Homeland Security Advisory Council, 2011; Wells, 2004). According to this argument, fluid communication between police and all community residents, regardless of immigration status, is vital for maintaining public

safety; the engagement of local law enforcement agencies in immigration enforcement jeopardizes trust and normal interaction, making immigrants less likely to report crimes. The increasing engagement of state and local authorities in immigration enforcement has also led to mass deportation and subsequent devastating effects on families and local communities (Dreby, 2012). Lastly, some scholars have found that local law enforcement agencies' cooperation in immigration enforcement has resulted in racial profiling (Gardner & Kohli, 2009; Kohli, Markowitz, & Chavez, 2011; Provine et al., 2016).

Many communities across the country have adopted ordinances that explicitly limit such cooperation. These ordinances, colloquially known as "sanctuary policies," are partly the result of a disparity between the federal government's responsibility to regulate immigration and the state and local government's obligation regarding the well-being of all residentially present individuals (Wells, 2004). However, the term "sanctuary cities" is actually a misnomer (Tramonte, 2011). The adoption of "sanctuary" policies does not mean that immigrants in these communities are insulated from any immigration enforcement action. So-called "sanctuary cities" are in essence local jurisdictions that have decided to limit local enforcement agencies' role in immigration enforcement, leaving immigration enforcement to the federal government.

The current political climate surrounding unauthorized immigration provides an opportunity to critically examine the existing legal and social scientific literature on "sanctuary" policies. In this chapter, we address the following questions: What exactly is a "sanctuary" city? How and why have "sanctuary" policies evolved over time? What municipal-level factors explain whether or not localities adopt immigrant exclusionary (i.e., anti-immigrant) or inclusionary (i.e., pro-immigrant) policies such as "sanctuary" ordinances? Lastly, given the contemporary political discourse and public safety concerns surrounding the adoption or presence of limited cooperation policies, we ask what, if any, is the association between the adoption or presence of "sanctuary" policies and crime? We address these questions by providing a systematic review of the extant academic literature. Specifically, our review reveals the existence of nuances in the definition of "sanctuary" cities and policies. Historically, such policies have been a response to changes in federal immigration enforcement efforts. In some cases, "sanctuary" policies are strictly defined as local efforts aimed at limiting cooperation with federal enforcement; in others, as preconditions for immigrant inclusion at the local level. As for the relationship between "sanctuary" policies and crime, our review finds no evidence that these policies constitute a magnet for "criminal aliens," insofar as there is no association between the presence of "sanctuary" policies and violent crime.

History of "Sanctuary" Policies

Led largely by religious congregations and organizations, so-called "sanctuary" policies trace their origins to the 1980s Sanctuary Movement where certain states and municipalities sought to protect refugees fleeing civil war and persecution in Central America (Bau, 1994; Bilke, 2009; Garcia, 2009; Gregorin, 2011; Ridgley, 2008; Villazor, 2010). Municipal ordinances, such as San Francisco's City of Refuge resolution, which was first passed in 1985 by the Board of Supervisors, were adopted when the federal government refused to provide asylum to the majority Central American migrants fleeing persecution during the Salvadoran and Guatemalan civil wars (Bau, 1994; Ridgley, 2008; Villazor, 2010). At the time, refugees from El Salvador and Guatemala were essentially treated as economic migrants, denied asylum, and subsequently deported by the U.S. federal government, possibly due to the government's military, financial, and political support of repressive right-wing regimes in the region (Ridgley, 2008). As noted by Ridgley (2008), the Sanctuary Movement "challenged the exclusion of noncitizens from substantive rights such as housing, health care, education, police services, employment and social assistance, advancing alternative ideas of citizenship in the

process" (p. 55). However, "sanctuary" ordinances began to evolve to protect the civil rights of all immigrants in response to the passage of the 1986 Immigration Reform and Control Act (IRCA), which effectively expanded immigration enforcement into the interior United States (Ridgley, 2008). For example, San Francisco's 1985 City of Refuge resolution was expanded through the 1989 "City and Country of Refuge" Ordinance by prohibiting "the use of city funds and resources to aid in federal enforcement of immigration law" (Villazor, 2010, p. 576).

"Sanctuary" policies continued to expand at the local level with the implementation of federal level reforms, including the 1996 Illegal Immigration Reform and Responsibility Act (IIRIRA), the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), and more recently, the "War on Terror" (Bilke, 2009; Ridgley, 2008). The 1996 laws and the War on Terror led to the devolution of immigration enforcement from the federal to the state and local levels and increased the intersection of immigration law and criminal law, a process that scholars have described as the criminalization of immigration law (Coleman, 2007; Stumpf, 2006). These pieces of legislation expanded the list of deportable offenses, many of which could be applied retroactively, expanded the category of "aggravated felony," which is a felony class that only applies to immigrants, beyond murder and trafficking of drugs or firearms,[2] and limited "the legal review of immigration and criminal charges brought against undocumented migrants" as well as other immigrants (Coleman, 2007, p. 56). Interestingly, both IIRIRA and PRWORA also specifically provided language that attempted to undermine local "sanctuary" policies by restricting local entities from prohibiting their employees from transmitting information about individuals' immigration status to federal agencies (Sahmel, 2005; Sullivan, 2009, p. 574). Nevertheless, and in spite of this language, local entities continued to push back against the criminalization of immigration by expanding the protections they provided to immigrants through limited cooperation policies.

During the late 2000s, additional localities began to adopt "sanctuary" ordinances in response to federal initiatives such as the 287(g) program, which deputizes local law enforcement officials to enforce immigration law (Meissner et al., 2013), as well as the Secure Communities Program, which checks the fingerprints of individuals who come into contact with local law enforcement agents against federal electronic databases (Kubrin, 2014; Waslin, 2011). Through the Secure Communities Program, if state or local law enforcement officials received notification that an arrestee was in a federal database and thus deportable, they would typically be directed to hold the individual for up to 48 hours so ICE officials could assume custody if necessary (Lasch, 2013). This formal notification from ICE is known as an immigration detainer and provides information about the detainee's previous criminal history and immigration violations.

Another ICE program aimed at identifying allegedly removable noncitizens who are incarcerated in jails and prisons is the CAP. CAP typically involves an interview or screening (i.e., a CAP "encounter") of an individual while they are in jail or prison to determine whether the individual is potentially removable.[3] The encounter may result in ICE placing a hold or detainer on the individual (American Immigration Council, 2013). Even though CAP has existed in one form or another for decades and has led to the removal of hundreds of thousands of individuals, it has not received much public attention (Cantor, Noferi, & Martínez, 2015).

As a result of 287(g), Secure Communities, CAP, some localities with existing "sanctuary" policies responded by further limiting their cooperation with federal authorities on matters of immigration enforcement. For instance, in 2013, the San Francisco Board of Supervisors unanimously passed the "Due Process for All Ordinance" directly in response to the Secure Communities Program (Wilkey, 2013). The ordinance stipulates that local law enforcement may respond to a 48-hour ICE immigration detainer request only if an "individual has been convicted of a violent felony in the seven years immediately prior to the date of the civil immigration detainer; and if a judge has determined that there is probable cause to believe [the] individual is guilty of a violent felony" (Due Process for All on Civil Immigration Detainers, 204-13.121.1). In July 2014, the Mayor of Los

Angeles announced that the Los Angeles Police Department would no longer honor detainer requests from ICE unless there was a judicial warrant or specific judicial determination of probable cause for the detainer request (Reyes & Linthicum, 2014). Later in 2014, the Mayor of New York City signed into law Introductions 486-A and 487-B, which dramatically limit New York City's cooperation with overbroad federal enforcement practices, except in cases involving public safety concerns. When Mayor de Blasio signed the bills into law, he emphasized their importance in terms of public safety, stating, "Our City is not served when New Yorkers with strong ties in the community are afraid to engage with law enforcement because they fear deportation."[4] Estimates provided by the Immigrant Legal Resource Center suggest that four states, 364 counties, and 39 cities have policies that to some degree limit their cooperation with requests from ICE to hold immigrants in detention.[5]

In sum, although "sanctuary" policies were initially developed as a means to protect Central American refugees in the 1980s, they have since been expanded to limit the role of local police and resources in the enforcement of federal immigration laws (Ridgley, 2008), in what essentially have amounted to a series of actions and reactions between local entities and the federal government. Because "sanctuary" policies have recently garnered so much political attention, Villazor (2008) notes that the dominant discourse of what constitutes a "sanctuary" has evolved over time, shifting from "morally-based posturing in the 1980s" to a more "critical characterization today" (p. 133).

What are Contemporary "Sanctuaries"?

What exactly are contemporary "sanctuaries"? And how do they differ from those established early in the 1980s Sanctuary Movement? In an attempt to address this question, Villazor (2008) draws important distinctions between "private sanctuaries," which include churches and other organizations that provide lodging, medical services, legal aid, or other services to unauthorized immigrants, and "public sanctuaries," which include localities that "limit government employees, particularly local police officers, from inquiring or disseminating information about the immigration status of immigrant[s] whom they encounter" (p. 148). As Villazor notes, this disaggregation "sharpens our understanding of sanctuary's contemporary meaning because . . . these two types of sanctuaries have distinct goals and have different legal implications" (2008, p. 150). Given the current political debate surrounding the potential relationship between "sanctuaries" and crime, we use the terms "sanctuary policies," "sanctuary cities," and "limited cooperation policies" in the context of what Villazor refers to as "public sanctuaries." But federal laws and regulations do not officially define what constitutes a "sanctuary city" (Garcia, 2009), neither are there other codified definitions of the term, thus leaving its definition somewhat open to debate. The U.S. Department of Justice (2007) describes a "sanctuary" as a "jurisdiction that may have state laws, local ordinances, or departmental policies limiting the role of local law enforcement agencies and officers in the enforcement of immigration laws" (fn. 44). Garcia (2009) uses a similar definition noting that the term sanctuary city "is often used to refer to those localities which, as a result of a state or local act, ordinance, policy, or fiscal constraints, place limits on assistance to federal immigration authorities seeking to apprehend and remove" unauthorized immigrants residing in the United States (Garcia, 2009, para. 1).

Rather than focusing specifically on the term "sanctuary city," some scholars have opted to use the broader term "sanctuary policy" or "sanctuary ordinance" (Price, 2014; Ridgley, 2008; Walker & Leitner, 2011). For example, Ridgley (2008) defines sanctuary policies as those "that in some way *discourage* municipal staff and police from participating in the enforcement of immigration law" (p. 55, emphasis added). In a similar vein, Walker and Leitner (2011) describe sanctuary ordinances as "measures stating that local authorities *will not check* residents' immigration status" (p. 157, emphasis added), while Price (2014) describes such policies as those that "that *prevent* police agencies from *asking law abiding community residents* to prove their legal immigration status," although many of these

same localities do allow state and local police to report foreign-born criminals to federal authorities (p. 11, emphasis added). In other words, the term "sanctuary policy" is essentially a colloquial one used to refer to localities (e.g., states, counties, or municipalities) that in some way limit their role in interior immigration enforcement efforts. As the aforementioned definitions suggest, there appear to be nuanced differences in the ways in which scholars have utilized the term, likely due to the notable variation in terms of the scope of such policies across geographical entities. In an effort to provide some clarity, Kittrie (2006) developed a three-category typology of sanctuary policies, of which many localities employ a combination: "(1) 'don't ask' policies that limit inquiries related to nationality or immigration status; (2) 'don't enforce' policies that limit immigration-related arrests or detentions; and (3) 'don't tell' policies that limit what information enforcement offices may share with federal officials" (Kittrie, 2006, as cited by Sullivan, 2009, p. 574). In recent years, the term "sanctuary policy" has become politically loaded and has taken on negative connotations, with supporters of such policies often rejecting the term altogether (Pearson, 2015; see also Villazor, 2008). Therefore some scholars have couched sanctuary policies within the broader contexts of favorable immigrant political opportunities or inclusionary policies (Lyons, Vélez, & Santoro, 2013; Price, 2014; Villazor, 2010; Walker & Leitner, 2011). Because "sanctuary" policies vary across geographic space (Kittrie, 2006; Pearson, 2015; Sullivan, 2009) as well as in terms of the protections they provide to immigrants, authorized and unauthorized alike, we use the term "limited cooperation policies" in lieu of "sanctuary city" or "sanctuary policies" throughout the remainder of this chapter.

Limited cooperation policies stand in stark contrast to anti-immigrant legislation or other exclusionary policies at the state level, such as Arizona's SB 1070, Georgia's HB 87, Alabama's HB 56, and North Carolina's HB 318, as well as federal programs such as 287(g), Secure Communities, and CAP. And as we outline below, local limited cooperation policies have continued to evolve in response to changes in immigration enforcement at the federal level. Nevertheless, Villazor (2008) reminds readers that limited cooperation policies do not have the "authority to stop federal government authorities from enforcing federal immigration laws" at the local level and thus may be largely "symbolic" (p. 150; also see Drake & Plascencia, 2013).

Proponents of limited cooperation policies, which often include local law enforcement officials, contend that, 1) immigration law, and therefore immigration enforcement, is a federal matter and thus local governments should not be forced to bare the social and financial costs associated with enforcing immigration laws; and 2) such policies serve a greater public good by preserving police-community relations and increasing the likelihood that immigrant communities will cooperate with law enforcement officials in criminal investigations (Sullivan, 2009). That is to say, many localities have "adopted these policies for a number of reasons, including the promotion of the general welfare and safety of *all* residents in their jurisdictions," not just unauthorized immigrants (Villazor, 2008, p. 148, emphasis added). Additionally, there are liability reasons why many state and local enforcement agencies adopted ordinances refusing to honor detainer requests. This was especially true after a federal court affirmed that local law enforcement officers should not consider ICE's detainers mandatory.[6]

On the other hand, those opposed to limited cooperation policies contend that such policies, 1) "encourage illegal immigration and undermine federal enforcement efforts" (Garcia, 2009, para. 1); 2) violate the U.S. Constitution, violate federal law, and undermine the criminal justice system (Sahmel, 2005, p. 150); and 3) jeopardize public safety by allowing foreign-born "criminals" to remain in the country and avoid deportation, a position that associates immigration with criminality (Rumbaut & Ewing, 2007). According to this perspective, limited cooperation policies simultaneously attract and protect "criminal aliens," which contributes to rising crime rates. Opponents of limited cooperation policies often note that more than 17,000 immigration detainers were rejected by localities with such policies between January of 2014 and September of 2015 (McHugh, 2016; Vaughan, 2016), which provided relief from deportation for "criminal aliens." The term "criminal alien,"

which is often used to describe immigrants with criminal records, conjures up images of serious, violent, and chronic offenders in the mind of the general public. However, recent analyses of removals across the United States find that most individuals removed in recent years tend to not be serious or violent offenders, but rather are largely removed for traffic, drug, or immigration offenses (Cantor, Noferi, & Martínez, 2015; Rosenblum & McCabe, 2014), which calls into question the often-deployed trope of the "criminal alien."

Extant Literature on Limited Cooperation Policies

The academic literature on limited cooperation policies is in a nascent state, with greater attention paid to such policies in the legal literature and relatively less in the social sciences literature. Furthermore, much of the legal literature debates the constitutionality of such policies. For instance, Hing (2012) contends that "the principles of federalism represented in the Supreme Court's approach to the Tenth Amendment . . . guide us to the conclusion that sanctuary policies are on safe footing" (p. 3). On the other hand, some have cited Section 642(a) of the 1996 IIRIRA and Section 434 of the 1996 PRWORA, which prohibit local officials from restricting the transmittal of individuals' immigration status to federal authorities, as examples of the ways in which some limited cooperation policies violate federal law. For example, Sahmel (2005) contends that Maryland's ordinance, which essentially amounts to a "don't tell" measure, as described by Kittrie (2006), violates "both federal law and the U.S. Constitution" by explicitly impeding "government employees from cooperating and communicating with federal immigration authorities" (pp. 150–151). Although the Second Circuit nullified New York City Executive Order 124, which contained a similar limited cooperation policy (Kittrie, 2006; Sahmel, 2005; Sullivan, 2009), many cities around the country continue to have such policies in effect likely because "federal officials and other litigants have not filed lawsuits challenging 'don't tell' measures on preemption grounds" (Sullivan, 2009, p. 576). As Sullivan (2009) notes, it is likely that local officials will be unable to continue to enforce "don't tell" measures given the Second Circuit's ruling and potential future litigation. Moreover, while Congress may not be able to "directly compel states to collect and share information regarding immigration status with federal immigration authorities, merely prohibiting states and localities from blocking their agents from sharing with the federal government information already in their possession may be permissible" (Garcia, 2009, pp. 2–3). Nevertheless, "don't ask" and "don't enforce" measures "currently face little threat of federal preemption" (Sullivan, 2009, p. 576). Despite the continued legal debates surrounding the constitutionality of limited cooperation policies, some legal scholars have maintained that the spirit of such policies should be upheld primarily to encourage "community cooperation with local law enforcement officers," which may have broader implications beyond "decreasing a city's crime rate" (Sullivan, 2009, pp. 579–582).

The social science literature has examined the issue of limited cooperation policies from several perspectives. Some social scientists have discussed such policies within the broader contexts of local citizenship or membership, immigrant inclusion, and immigrant political opportunities at the local level (Lyons et al., 2013; Price, 2014; Ridgley, 2008; Villazor, 2010; Walker & Leitner, 2011). For instance, Ridgley (2008) theorized the ways in which limited cooperation policies challenge the criminalization of migration (Coleman, 2007) as well as the construction of migrant "illegality" and "deportability" in everyday life (De Genova, 2002). Ridgley also asserts that limited cooperation policies contest conventional notions of citizenship strictly based on nation-state membership in favor of local membership, which Varsanyi (2006) calls grounded citizenship or Purcell (2003) describes as "citizenship based on inhabitance" (Ridgley, 2008, p. 73). In a similar vein, Villazor (2010) calls attention to the ways in which limited cooperation policies provide a form of membership or citizenship at the local level, albeit one that may conflict with the "attendant rights and privileges of national membership" (p. 574).

On the other hand, Walker and Leitner (2011) empirically examined the geographical and municipal-level factors associated with the introduction of, 1) *any* immigration-related policy (either inclusionary or exclusionary); and 2) an inclusionary (i.e., pro-immigrant) policy, of which limited cooperation policies are a subset, or an exclusionary (i.e., anti-immigrant) policy. The authors find notable variation in the introduction of an immigration-related policy as well as variation in the specific types of policies introduced. Central city municipalities, those in the U.S. West, those with a higher percentage of the foreign-born population, and those with higher growth rates of the foreign-born are more likely to introduce either an anti-immigrant or pro-immigrant policy relative to no policy at all (Walker & Leitner, 2011). When focusing exclusively on the introduction of either a pro-immigrant or an anti-immigrant policy, the authors find that urban municipalities (compared to suburban ones) and those with better educated populations are more likely to introduce inclusionary policies. On the other hand, municipalities experiencing rapid growth of the foreign-born population, those with a higher percentage of owner-occupied housing, those with a higher percentage of Republican voters, and municipalities in the U.S. South (relative to the West) are more likely to introduce an exclusionary policy (Walker & Leitner, 2011). In other words, the size of the foreign-born population matters for the implementation of an immigration-related policy, but not for the *specific* type of policy. Rather, the growth rate of the immigrant population appears to be associated with the introduction of an anti-immigrant policy but not an inclusionary policy. The authors note this is consistent with findings from Esbenshade (2007) and Singer, Wilson, and DeRennzis (2009), which suggest an association between demographic changes and exclusionary policies (Walker & Leitner, 2011). As mentioned, the authors also find that municipalities in the U.S. South are more likely to introduce exclusionary policies, which may speak to "historical legacies of segregation and racism" in the region (Haubert & Fussell, 2006; Walker & Leitner, 2011, p. 159). Notably, a recent study by Provine et al. (2016) found that a community's response to the task of bringing suspected deportable immigrants to the federal government's attention cannot be predicted by conditions such as crime rates or the state of the local economy, but rather by the level of conservatism among local voters.

The Sociology of "Sanctuary" Policies and Crime

"Sanctuary" (i.e., limited cooperation) policies have become a heavily contested political and legal issue. We recognize the important and valid debates surrounding the constitutionality of limited cooperation policies in legal circles. But as social scientists, our interest lies in exploring the potential *sociological* relationships between limited cooperation policies and crime.

In an analysis of the effects of Secure Communities on crime rates, Treyger, Chalfin, and Loeffler (2014) argue that the adoption of Secure Communities could hypothetically impact city crime rates primarily by causing behavioral changes in immigrants or leading to compositional shifts in a local immigrant population. Opponents of limited cooperation policies, which have been enacted in some localities as a direct response to Secure Communities, appear to rely on a similar line of argumentation. First, according to this perspective, the adoption of limited cooperation policies could bring about behavioral changes in the local population by decreasing deterrence from engaging in crime as well as by lowering fears of removal. Thus, unauthorized and other immigrants could be more inclined to engage in criminal behavior without fear of immigration enforcement by local law enforcement agencies. At face value, this argument does not hold given that limited cooperation policies do not apply to serious offenses. This is a subjective assumption regarding the policies' potential impact on behavior, not an objective or empirical reality of their implementation.

A second possibility in this line of argument is that limited cooperation policies could lead to a shift in the composition of the local immigrant population. Specifically, it is argued that these

policies—regardless of their objective effect—will attract immigrants with higher underlying propensities to engage in criminal behavior, though this line of argument often associates immigrants with criminality more generally. Even if limited cooperation policies failed to protect immigrants from removal, the initial shock of a compositional shift could possibly result in short-term increases in crime rates (or long-term increases or plateaus if there was continuous cohort replacement of immigrants with higher levels of criminality). Essentially, this perspective contends that limited cooperation policies simultaneously attract and (at least appear to) protect *criminals*, which contributes to rising crime rates. However, rather than being firmly grounded in empirical evidence, these claims often involve highlighting anecdotal, high-profile incidents in which individuals with deportation orders come into contact with local authorities, are released, avoid deportation, and go on to commit horrible acts of violence. As Treyger et al. (2014) note, it is possible that local level policies could positively impact crime through other avenues. For example, limited cooperation policies could result in an increase in crime by increasing the size of a population that is more likely to be victimized (Chalfin, 2013).

On the other hand, supporters of limited cooperation policies contend that such policies, which may decrease the threat of deportation for some, strengthen community-policies relations by increasing the likelihood that immigrants will report crimes to law enforcement officials and cooperate in the course of criminal investigations (Sullivan, 2009). Lyons et al. (2013) situate limited cooperation policies within a broader context of what they describe as "immigrant political opportunities" and argue that localities with "open political opportunities can generate a 'spiral of trust' that improves communication between officials and immigrants, promotes legislation protecting immigrant interests, and generates system-level trust in government on the part of immigrant groups" (pp. 609–610). A "spiral of trust" may also be effective in increasing public and informal social controls that facilitate "collective crime control efforts" (Carr, 2005 as cited by Lyons et al., 2013, p. 610).

So, are limited cooperation policies effective in increasing crime reporting among unauthorized and authorized immigrants alike? Unfortunately, little empirical evidence exists to explicitly address this question. One study asserts that these policies are ineffective in encouraging unauthorized immigrants to report crime because not all localities have limited cooperation policies, and if they do, such policies tend to vary across localities, are ambiguous, not well-publicized, and rarely if ever enforceable (Kittrie, 2006, pp. 1482–1484). As such, Kittrie (2006) contends that immigrants may be confused by these complexities and "are likely to play it safe and not report the crime" (p. 1482). We believe this assertion is problematic for several reasons. Besides underestimating the influence of grassroots organizing efforts in immigrant communities to raise awareness of limited cooperation policies, this assertion is speculative and not based on empirical data, which suggests that the conclusion that these policies are ineffective in encouraging crime reporting is grossly premature. In addition, as the following section discusses, a large body of literature suggests immigration *revitalizes* communities and contributes to a *reduction* in criminal activity. Ultimately, rather than increasing crime rates, limited cooperation policies may actually be effective in preserving this important characteristic of immigrant communities. As mentioned, much of the debate hinges on underlying assumptions about the general immigration-crime and immigrant-criminality links.

The Immigration-Crime Link Fallacy and Limited Cooperation Policies

Throughout U.S. history, immigrants have been scapegoated as contributing to societal ills, including crime. The general concern has been that, 1) immigrants are involved in criminal behavior to a greater degree than native-born co-ethnics and native-born non-Hispanic whites; or 2) influxes of immigrants into neighborhoods or cities disrupt social organization and diminish social control

mechanisms. The alleged immigration-crime link is not a recent development. For example, the 1899–1902 Industrial Commission, the 1911 Dillingham Commission, and the 1929 Wickersham Commission, which were major commissions initiated by the U.S. Congress, each devoted notable attention to determining "how immigration led to increases in crime" (Dingeman & Rumbaut, 2010, p. 346). Nevertheless, each report "found lower levels of criminal involvement among the foreign-born and higher levels among their native born counterparts" (Dingeman & Rumbaut, 2010, p. 346). Despite these findings, the xenophobic discourse regarding immigrant criminality has persisted and, as illustrated by recent debates regarding limited cooperation policies, has become a focal point of partisan politics. What has changed are the specific groups scapegoated; post-1965 immigrants from Latin America and Asia have essentially replaced Irish, Italian, Polish, and Czech immigrants as scapegoats. Though a few studies have found a positive relationship between immigration and crime in aggregate analyses, particularly in "new destinations" (see Shihadeh & Barranco, 2010, 2013), dozens of studies over the past several decades have either found little empirical support for the immigration-crime link hypothesis or have actually demonstrated an inverse relationship between immigration and crime (Kubrin & Ishizawa, 2012; Lee, Martínez, & Rosenfeld, 2001; Lyons et al., 2013; Martínez, Stowell, & Lee, 2010; Ousey & Kubrin, 2009). Thus, in addition to immigrants being less likely to engage in criminal behavior than native counterparts, several studies have found that immigrant communities tend to be insulated from criminogenic forces and that an influx of immigrants may decrease levels of violence in dilapidated neighborhoods. This phenomenon has been explained through the "immigrant revitalization" perspective (Lee & Martínez, 2002, p. 365; Lyons et al., 2013; Martínez et al., 2010). In their review of the literature, Lyons et al. (2013) identify two possible sociological explanations for the inverse immigration-crime relationship and the revitalization hypothesis: 1) immigrants increase neighborhood social organization through strong family and social ties, which, in turn, promote informal social control and collective efficacy; and 2) immigrants provide an influx of much-needed financial capital in the poorer areas in which they settle and also tend to have high levels of neighborhood employment (for a discussion of the negative consequences of pervasive joblessness, see Wilson [1996]).

Synthesizing a comprehensive list of contributions and conclusions from the extensive immigration-crime link literature is challenging due to variations across studies in methodologies used, levels of analyses examined, and results yielded (Ousey & Kubrin, 2018). Nevertheless, a recent meta-analysis of more than 50 studies empirically examining the immigration-crime link offers some clarity by concluding that, although weak, the overall average immigration-crime association is indeed negative (Ousey & Kubrin, 2018). And while authors' meta-analysis may not definitively support the immigrant revitalization hypothesis, it does offer substantial evidence *against* the supposed immigration-crime link.

Sociological research has consistently disproven the immigration-crime link for nearly a century. Contextualized within this literature, federal immigration enforcement programs at the local level, such as 287(g), Secure Communities, or CAP, and limited cooperation policies are essentially opposite sides of the same coin. On one side, if immigrant communities are just as safe as non-immigrant communities, immigration enforcement at the local level could potentially undermine community policing efforts by lowering immigrants' trust in local law enforcement agents and decreasing their willingness to report crime (Theodore, 2013), ultimately increasing crime rates. In other words, the devolution of immigration enforcement to local officials could potentially increase the very behaviors it is attempting to prevent, which is something Welch (2003) describes as the "irony of social control." On the other side, and consistent with the immigrant revitalization hypothesis, if immigrant communities are in fact *safer* than non-immigrant communities, the adoption of limited cooperation policies are one notable way that policymakers can continue to foster the positive, crime-reducing features of these communities.

Empirical Evidence on "Sanctuary" Cities and Crime

As mentioned, much of the academic literature on limited cooperation policies focuses on the constitutionality of such policies, the ways in which these policies challenge commonly held notions of citizenship, and the sociodemographic factors associated with the introduction of immigrant inclusionary policies at the local level. Despite well-publicized political debates, relatively little work has critically and empirically examined the relationship between limited cooperation policies and crime. One notable exception is a recent study by Lyons et al. (2013, but see also Gonzalez, Collingwood, & El-Khatib, [2017], Wong [2017], or Martínez-Schuldt & Martínez [2017]). Drawing on data from the National Neighborhood Crime Studies, the authors examine the relationships between neighborhood/city-level characteristics, immigrant political opportunities (including limited cooperation policies), and violent crime (e.g., homicide and robbery). Similar to existing studies, Lyons et al. find that neighborhoods with greater immigrant concentration tend to have fewer homicides and robberies, consistent with the immigrant revitalization perspective (2013, pp. 615–616). In addition, the authors also find statistically significant negative interaction effects between limited cooperation policies at the city level and immigrant concentration at the neighborhood level for both homicide and robbery, which suggests that the protective effect of neighborhood immigrant concentration against violent crime is greater in cities with pro-immigrant legislation (pp. 617 and 620). This study's findings clearly demonstrate the importance of maintaining and expanding limited cooperation policies that foster positive immigrant community-police relations as well as other immigrant political opportunities. Moreover, the authors caution readers that "By marginalizing newcomers, creating political cynicism, and instilling mistrust of the police and local authorities, hostile regimes may set in motion the very processes they fear" (Lyons et al., 2013, p. 624).

Another study worth mentioning is a recent one by Provine et al. (2016) that examines the influence of several factors in the adoption of harsher immigration policing practices by local police chiefs and sheriffs. Pertinent to the issue we are analyzing in this chapter, the authors found virtually no evidence of an association between crime rates and policing practices. Even though Provine and colleagues do not specifically analyze the effects of local enforcement agents' involvement in community safety, the lack of association between crime and policing practices is notwithstanding quite revealing.

Conclusion

Inspired by the (renewed) public interest in "sanctuary" policies, including the legality and consequences of said policies, as reflected by the current political and social discourse in the United States, we reviewed the extant literature on "sanctuary" policies and posed a series of questions: What exactly is a "sanctuary" city, how and why have "sanctuary" policies evolved over time, and what is the link between "sanctuary" policies and crime? In addressing these questions, our brief review of the extant academic literature on local "sanctuary" (i.e., limited cooperation) policies elucidates a series of important findings.

First, relatively little empirical work has examined the impact local limited cooperation policies have on individual outcomes related to crime and crime reporting. As mentioned, Kittrie (2006) suggests that such policies alone may do little to impact community-police relations and lead to greater involvement of immigrants in criminal investigations, including the reporting of crimes committed against immigrants, because immigrants may not be fully aware of policy implications or may distrust local authorities. However, as we highlight, this is an empirical question. As far as we can tell, it is also a question that is yet to be answered, though some research has recently examined the socio-ecological correlates of crime reporting more generally (see Gutierrez & Kirk, 2017).

In a similar vein, little empirical work has examined the impact of local limited cooperation policies on aggregate outcomes related to crime. This is problematic given the recent reliance on horrifically tragic, high-profile incidents of violence committed by deportable immigrants in order to call for the dismantling of limited cooperation policies through the withholding of federal funds. Again, it is an empirical question whether or not limited cooperation policies contribute to increased violence at the county or city level. One notable study, conducted by Lyons et al. (2013), which is based on a nationally representative sample of U.S. neighborhoods, finds that immigrant neighborhoods tend to have *lower* levels of violent crime. In addition, the protective effect of immigration concentration on violent crime is actually *stronger* in cities with local "sanctuary" policies. It should be noted that this study was restricted to cross-sectional analysis suggesting future work should consider the relationship with a longitudinal lens.

Much of the recent political discourse focused on the criminogenic effects of limited cooperation policies also operates with the underlying assumption that immigrants and immigration are linked to crime. Despite this, the bulk of the empirical evidence suggests that immigration is either unrelated to or negatively associated with crime, depending on the specifics of the relationship in question, such as the unit of analysis (neighborhood, city, etc.), spatial coverage (nationwide, within a state, within a city, etc.), or time frame of the study.

Lastly, our review of the literature suggests that [the limited] existing evidence supports the expansion of limited cooperation policies. Criminological research has long established the importance of social organization and collective efficacy in reducing neighborhood crime (Sampson & Graif, 2009; Sampson, Raudenbush, & Earls, 1997). Ultimately, returning to the work of Lyons et al. (2013), it appears that limited cooperation policies expand immigrants' political opportunities and solidify community-official communication, which builds trust between communities and the officials that represent and serve them. The result is that this "spiral of trust" strengthens formal and informal social control through community organization, thus reducing crime.

Notes

1 See *Miranda-Olivares v. Clackamas County* and *Galarza v. Szalcyk*.
2 Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690, 102 Stat. 4181 (November 18, 1988).
3 In addition to its "jail check" function, there is evidence that shows that ICE also has extended the program's reach into communities through what the agency terms "at-large" activities.
4 The Official Website of the City of New York, www1.nyc.gov/office-of-the-mayor/news/520-14/mayor-bill-de-blasio-signs-law-bills-dramatically-reduce-new-york-city-s-cooperation-with#/0.
5 For a full list of city and county ordinances and administrative policies as well as state laws that limit compliance of local law enforcement with federal authorities, see Immigrant Legal Resource Center, "Detainer Policies," last updated on August 20, 2015, www.ilrc.org/detainer-policies.
6 *Jimenez Moreno* v. *Napolitano*, www.lexisnexis.com/legalnewsroom/immigration/b/insidenews/archive/2014/09/30/federal-district-court-reaffirms-that-ice-detainers-are-not-mandatory.aspx?Redirected=true.

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