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Criminal Immigrants in Texas

Illegal Immigrant Conviction and Arrest Rates for Homicide, Sex Crimes, Larceny, and Other Crimes

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President Donald Trump signed an executive order directing the Department of Homeland Security (DHS) to deport most illegal immigrants who encounter law enforcement, and Attorney General Jeff Sessions is attempting to withhold federal funds from local police departments that do not cooperate with DHS in that effort.¹ Underlying both actions is the belief that illegal immigrants are a significant source of crime.² This brief uses Texas Department of Public Safety data to measure the conviction and arrest rates of illegal immigrants by crime. In Texas in 2015, the criminal conviction and arrest rates for immigrants were well below those of native-born Americans. Moreover, the conviction and arrest rates for illegal immigrants were lower than those for native-born Americans. This result holds for most crimes.

BACKGROUND

The vast majority of research finds that immigrants do not increase local crime rates and that they are less likely to cause crime and less likely to be incarcerated than their native-born peers.³ There is less research on illegal immigrant criminality, but what research there is shows that illegal immigrants have lower incarceration rates nationwide and in the state of Texas relative to native-born Americans, although they have the same rates of re-arrest in Los Angeles County.⁴ Consistent

with those findings, immigration enforcement programs targeting illegal immigrant criminals have no effect on local crime rates, which indicates that they are about as crime prone as other residents.⁵

METHODOLOGY

This brief uses data from the Texas Department of Public Safety (DPS) obtained through a Public Information Act (PIA) request.⁶ The Texas DPS data separately show the number of convictions and arrests of illegal and legal immigrants for 44 and 46 different crimes, respectively, in the state of Texas by year from January 1, 2011, to November 15, 2017. This brief reports the conviction and arrest rates for each subpopulation of natives, illegal immigrants, legal immigrants, and all immigrants combined. This allows for a comparison of conviction and arrest rates between these subpopulations. This brief additionally displays conviction and arrest rates by select crimes.

Texas has these data because its law enforcement agencies cooperate with federal immigration enforcement authorities at the Department of Homeland Security (DHS) that check the biometrics of arrestees in the state.⁷ The Texas DPS keeps the results of these DHS checks that then allow a more direct look at immigrant criminality by immigration status.⁸ The DPS data released by the PIA request revealed slightly more arrests in 2015 than were reported by another

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This Immigration Research and Policy Brief was updated in August 2018 after the Texas Department of Public Safety (DPS) confirmed that their first release of convictions data was incorrect because of a coding error. As a result, Nowrasteh updated this brief's findings to reflect the accurate data released by DPS after they admitted their original error.

publicly available DPS report for the same year.⁹ The quality of the Texas DPS data is excellent and, if it errs, it is likely to overcount the convictions and arrests of illegal immigrants because it counts more total arrests than another DPS source.

This brief reports the conviction and arrest rates for 2015 because that is the most recent year for which estimates are available for the sizes of the legal immigrant, native-born, and illegal immigrant populations residing in the state of Texas.¹⁰ The numbers in this brief do not represent the total number of criminal immigrants in the state of Texas in 2015, but merely the number of convictions and arrests of illegal immigrants, legal immigrants, and natives. There were 22,797,819 native-born Americans, 1,758,199 illegal immigrants, and 2,913,096 legal immigrants living in Texas in 2015.¹¹ In that year, natives made up about 83 percent of the Texas population, illegal immigrants about 6.4 percent of the population, and legal immigrants about 10.6 percent. The conviction and arrest rates for the entire period of January 1, 2011, through November 15, 2017, are nearly identical to those of 2015, so the choice of year makes little difference. The DPS data that this brief analyzes are for all arrests and convictions that occurred in the year 2015, regardless of the year in which the crime was actually committed.

Controlling for the size of the population is essential to comparing relative conviction and arrest rates between groups. Thus, government agencies generally report the conviction rate as the number of convictions per 100,000 members of that particular group.¹² The three subgroups this brief analyzes are illegal immigrants, legal immigrants, and native-born Americans. It is important to note that the Texas DPS data report the number of convictions and arrests, not the *number of people* actually convicted or arrested. For instance, if a Texas court convicts a single person of two different offenses or of the same offense twice, then the Texas DPS data will count that as two convictions.

Texas is an ideal state to study criminality by immigration status for multiple reasons: the state of Texas borders Mexico; it has a large illegal immigrant population; it is a politically conservative state governed by Republicans; in 2015 it did not have jurisdictions that limited its cooperation with federal immigration enforcement; and it has a law and order reputation for severely enforcing its criminal laws.

CONVICTIONS

Natives were convicted of 409,708 crimes, illegal immigrants were convicted of 15,803 crimes, and legal immigrants were convicted of 17,785 crimes in Texas in 2015. Thus, there

were 1,797 criminal convictions of natives for every 100,000 natives, 899 criminal convictions of illegal immigrants for every 100,000 illegal immigrants, and 611 criminal convictions of legal immigrants for every 100,000 legal immigrants (Figure 1). As a percentage of their respective populations, there were 50 percent fewer criminal convictions of illegal immigrants than of native-born Americans in Texas in 2015. The criminal conviction rate for legal immigrants was about 66 percent below the native-born rate.

Homicides supposedly committed by illegal immigrants garner the most public attention.¹³ On November 30, 2017, a San Francisco jury acquitted José Inés García Zárate, an illegal immigrant from Mexico previously deported five times, of murdering Kate Steinle.¹⁴ Her tragic killing galvanized public support for harsher immigration enforcement and the construction of a border wall and provided anecdotal evidence for then-candidate Trump's claim that illegal immigrants are responsible for a large number of crimes in the United States.¹⁵

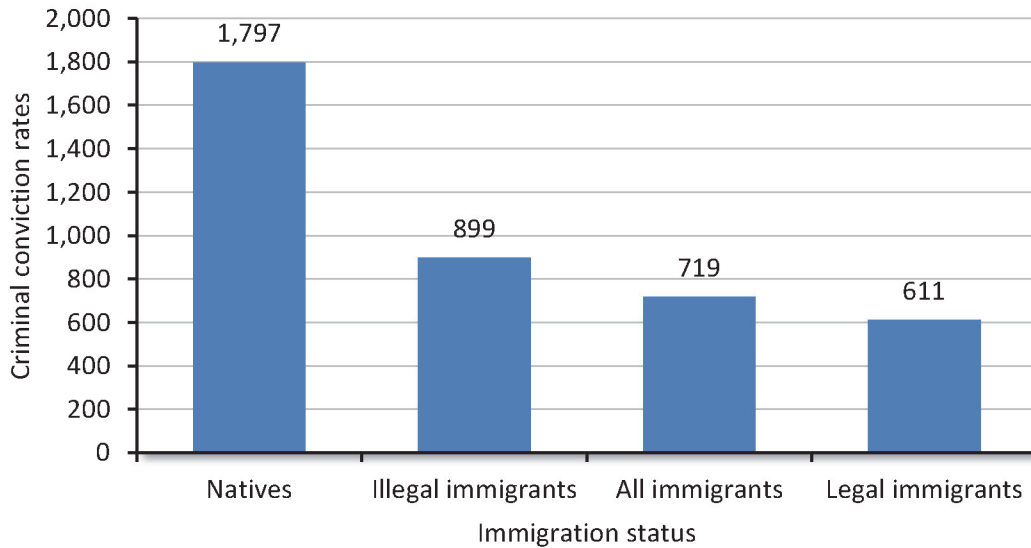
There were 785 total homicide convictions in Texas in 2015. Of those, native-born Americans were convicted of 709 homicides, illegal immigrants were convicted of 46 homicides, and legal immigrants were convicted of 30 homicides. The homicide conviction rate for native-born Americans was 3.1 per 100,000, 2.6 per 100,000 for illegal immigrants, and 1 per 100,000 for legal immigrants (Figure 2). In 2015, homicide conviction rates for illegal and legal immigrants were 16 percent and 67 percent below those of natives, respectively.

Illegal immigrants made up about 6.4 percent of the Texas population in 2015 but only accounted for 5.9 percent of all homicide convictions. Legal immigrants made up 10.6 percent of the Texas population but accounted for only 3.8 percent of homicide convictions. Native-born Americans made up 83 percent of the Texas population but accounted for 90.3 percent of all homicide convictions (Figure 3).

Commentators also disproportionately blame immigrants for sex assaults and sex offenses.¹⁶ This brief combines sexual assault and sexual offense into the criminal category of sex crimes. There were 28.6 sex crime convictions of illegal immigrants per 100,000 in 2015, about 7.9 percent fewer than for native-born Americans in the same year (Figure 4). The sex crime conviction rate for legal immigrants was 69 percent below that of natives. There were many fewer sex crime convictions against immigrants, including illegal immigrants, than against native-born Americans in Texas in 2015.

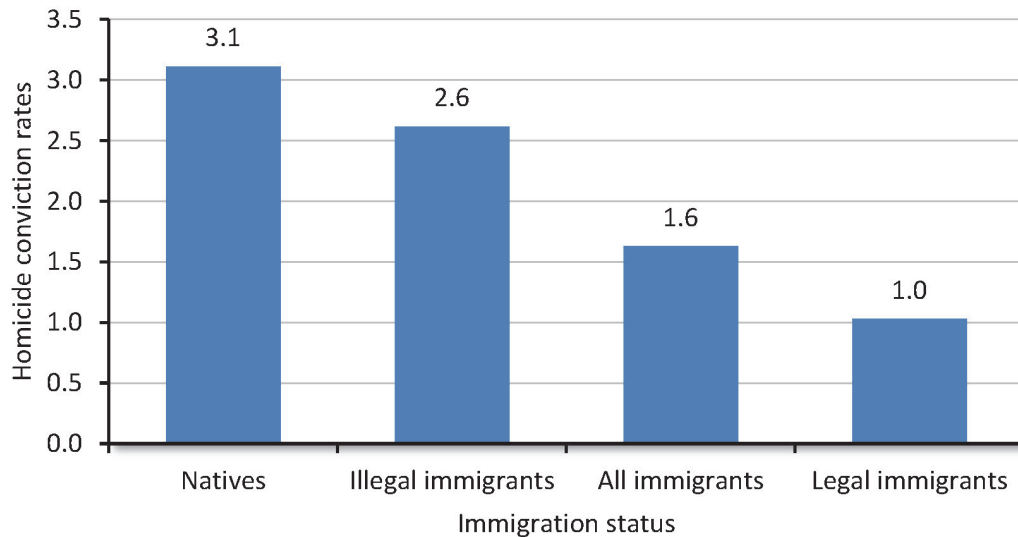
There were fewer larceny convictions of illegal immigrants and legal immigrants than there were of natives in 2015.

Figure 1
Criminal conviction rates by immigration status in Texas, 2015



Sources: Author's analysis of Texas Department of Public Safety data, the American Community Survey, and the Center for Migration Studies.
 Note: Rates are per 100,000 residents in each subpopulation.

Figure 2
Homicide conviction rates by immigration status in Texas, 2015



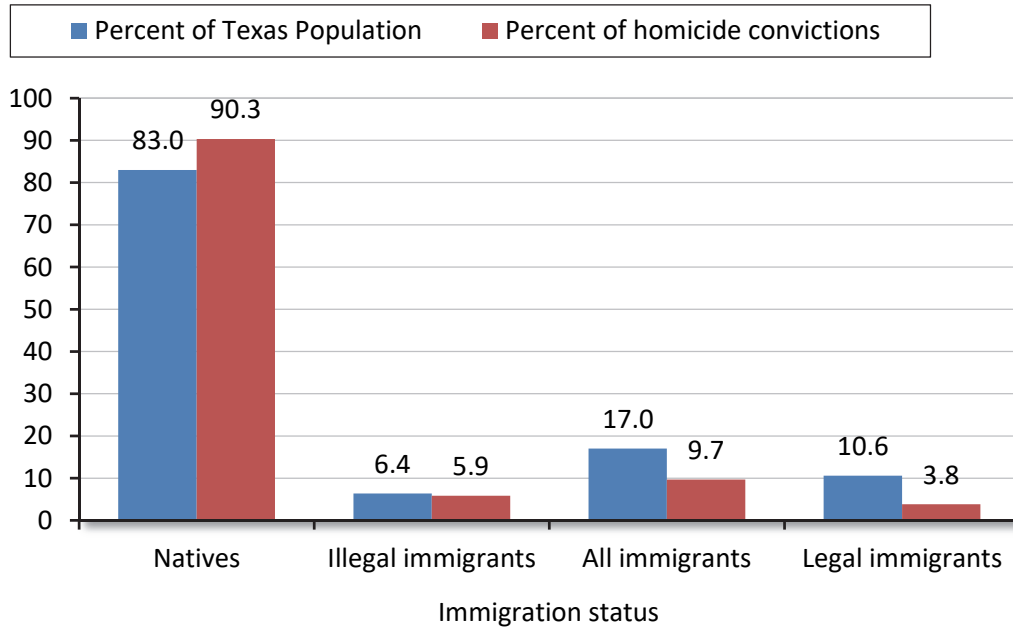
Sources: Author's analysis of Texas Department of Public Safety data, the American Community Survey, and the Center for Migration Studies.
 Note: Rates are per 100,000 residents in each subpopulation.

There were 267 larceny convictions of natives per 100,000 while there were only about 62 convictions against illegal immigrants and 74 against legal immigrants (Figure 5). The larceny conviction rate for illegal immigrants was 77 percent below that of natives. This is one of the few crimes where the criminal conviction rate of legal immigrants is greater than it is for illegal immigrants.

ARRESTS

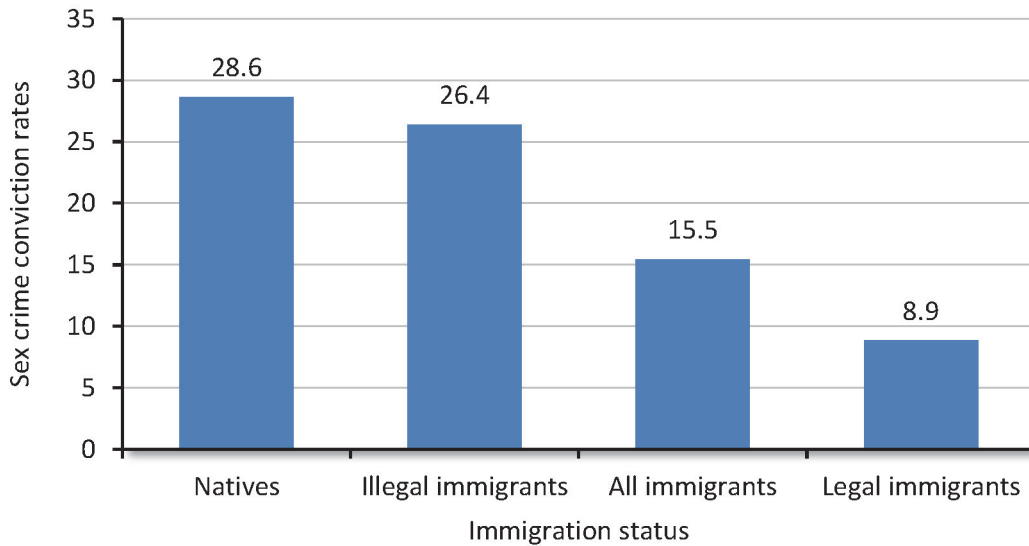
Some commentators argue that there is “immigrant privilege” in the criminal justice system whereby immigrants face fewer criminal convictions even though they are arrested for more crimes.¹⁷ However, the arrest rate for illegal immigrants is lower than for natives overall but higher for just a handful of individual crimes—very similar to the conviction rate. Lower

Figure 3
Share of homicide convictions and populations by immigration status in Texas, 2015



Sources: Author’s analysis of Texas Department of Public Safety data, the American Community Survey, and the Center for Migration Studies.

Figure 4
Sex crime conviction rates by immigration status in Texas, 2015



Sources: Author’s analysis of Texas Department of Public Safety data, the American Community Survey, and the Center for Migration Studies.
Note: Rates are per 100,000 residents in each subpopulation.

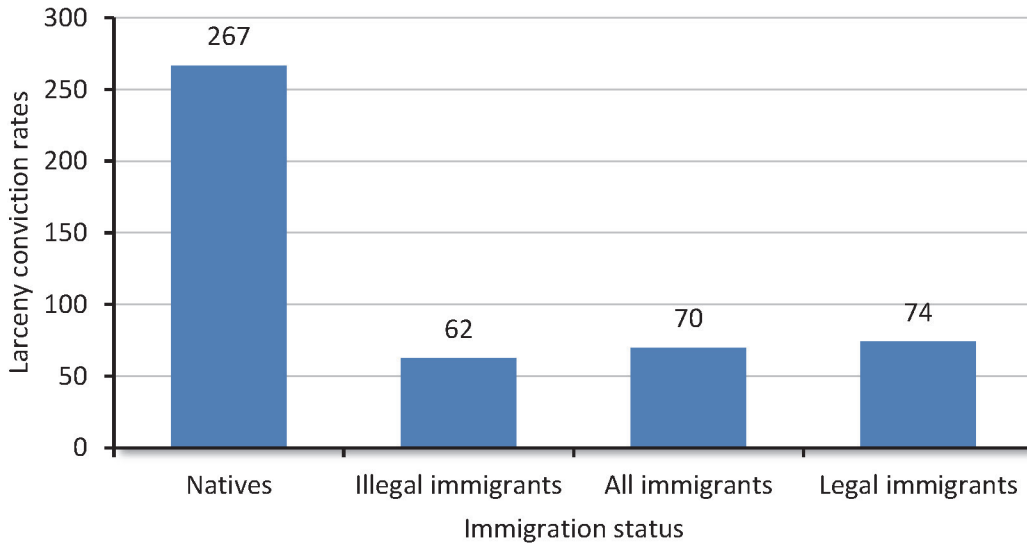
arrest rates for illegal immigrants overturns the “immigrant privilege” hypothesis.

In 2015, Texas police made 815,689 arrests of natives, 37,776 arrests of illegal immigrants, and 20,323 arrests of legal immigrants. For every 100,000 people in each subgroup, there were 3,578 arrests of natives, 2,149 arrests of illegal

immigrants, and 698 arrests of legal immigrants (Table 1). The arrest rate for illegal immigrants was 40 percent below that of native-born Americans. The arrest rate for all immigrants and legal immigrants was 65 percent and 81 percent below that of native-born Americans, respectively.

Per 100,000 people in their respective groups, there were

Figure 5
Larceny conviction rates by immigration status in Texas, 2015



Sources: Author's analysis of Texas Department of Public Safety data, the American Community Survey, and the Center for Migration Studies.
Note: Rates are per 100,000 residents in each subpopulation.

Table 1
Arrest rates by immigration status and crime in Texas, 2015

	All arrests	Homicide arrests	Sex crime arrests	Larceny arrests
Natives	3,578	5.4	52	407
Illegal immigrants	2,149	3.7	41	133
All immigrants	1,244	2.1	24	89
Legal immigrants	698	1.1	13	63

Source: Author's analysis of data from the Texas Department of Public Safety, the American Community Survey, and the Center for Migration Studies.
Note: Rates are per 100,000 residents in each subpopulation.

more arrests of natives for homicide, sex crimes, and larceny than there were arrests of illegal immigrants.

CONCLUSION

The homicide conviction rate for illegal immigrants was 16 percent below that of native-born Americans in Texas in

2015. The conviction rates for illegal immigrants were 7.9 percent and 77 percent below that of native-born Americans for sex crimes and larceny, respectively. For all criminal convictions in Texas in 2015, illegal immigrants had a criminal conviction rate 50 percent below that of native-born Americans. Legal immigrants had a criminal conviction rate 66 percent below that of native-born Americans.

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