

Posted 5/16/17

IDEOLOGY TRUMPS REASON

Clashing belief systems challenge criminal justice policymaking

By Julius (Jay) Wachtel. Ideologies – collections of ideas, values and beliefs – are the sociopolitical glue that binds people into a common cause. Of course, there are consequences. Disputes between clashing ideologies have convulsed nations into war. At home, two competing ideologies – liberalism and conservatism – continue their long-running struggle for supremacy. Naturally, each camp trenchantly advances its own vision of justice, including how, when and to whom criminal sanctions should apply.

That split is reflected in the memberships of the [American Society of Criminology \(ASC\)](#) and the [Academy of Criminal Justice Sciences \(ACJS\)](#). With its roots in sociology, ASC has typically attracted so-called “progressive” scholars. In contrast, ACJS, which originated in a field once known as “police science,” enjoys a more practical orientation, and features a website that gives a prominent nod to practitioners. Still, both organizations publish respected scholarly journals and share substantial common ground. Indeed, the disciplines they cover enjoy a lot of overlap, and many academics belong to both groups.

This amity might soon be tested. Days ago the ASC executive board [released an extraordinary statement](#). Its four main points, rendered in boldface, directly challenge the Trump administration’s criminal justice agenda:

- Immigrants do not commit the majority of crime in the United States.
- The proposed travel ban is not empirically justified and targets the wrong countries.
- The U.S. is not in the midst of a national crime wave.
- The U.S. government plays an important role in police reform.

Each statement is followed with a discussion that includes notes to data and scholarship. If that’s too subtle a reminder of the Society’s empirical cred’s (and by implication, the Trump administration’s unscientific approach) one of the closing paragraphs makes the point succinctly:

Recent Presidential executive orders and other administrative decisions are at odds with established evidence in criminology and criminal justice. Crime-control policies should be built on science, and elected officials at all levels of

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government have a responsibility to endorse public policies that are evidence-based and that promote fairness, equality, and justice.

Incidentally, even that dig is footnoted, in this instance to a journal article that challenges the usefulness of deportations in reducing violent crime.

That's not to imply that footnotes are bad. What's disturbing about the discussions is that they seem tailored to support a particular ideological agenda. We'll have more to say about that later. For now let's tackle ASC's views on immigration policy. Here is an abridged version of its position:

Immigrants do not commit the majority of crime in the United States. First, a century's worth of findings on immigration and crime in the U.S. show that immigrant concentration decreases crime at the neighborhood and city levels – also known as the revitalization thesis. That immigration is a protective factor against crime also holds true for individuals; immigrants as a whole are far less likely to commit crimes than non-immigrants.

Indeed, as we skimmed the literature we found considerable support for the notion that immigration [can revitalize neighborhoods](#). Data also consistently indicates that foreign-born immigrants are substantially less likely than native-born persons to break the law. Interestingly, research in Chicago suggests that this effect may weaken over time. Compared to the third generation (parents and children all born in the U.S.), first-generation, foreign-born immigrants were 45 percent less likely to commit an act of violence. For members of the second generation the advantage was reduced to 22 percent.

So what about that third generation? Table 4 in [Undocumented Immigration and Rates of Crime and Imprisonment: Popular Myths and Empirical Realities](#) (Rubén G. Rumbaut, August 2008) reports percent ever-arrested and percent ever-incarcerated for a sample of nearly three-thousand Southern California males, ages 20-39, of known race, ethnicity and generation (condensed version below).

Ethnicity	Gen 1.5 - foreign born, arrived pre-teen		Gen 2 - U.S. born, at least one parent foreign-born		Gen 3 - U.S. born, both parents U.S. born	
	Arrested	Incarc	Arrested	Incarc	Arrested	Incarc
Mexican	22.3	11.9	29.8	20.4	39.6	26.6
White, non-Hispanic					29.4	18.1
Black, non-Hispanic					40.4	27.3

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While relatively low at the start, arrest and incarceration of Hispanics (and most other ethnic groups – see full table) increases dramatically by the third generation. By then between-group differences closely align with the U.S. imprisonment rate (“[Prisoners in 2010](#),” Table 14.) Whites are least likely and blacks are most likely to be incarcerated, while Hispanics fall between.

Ethnicity	2010 imprisonment rate per 100,000 pop.	
	Male	Female
Hispanic	1258	77
White	459	47
Black	3074	133

This phenomenon, which muddles neat, pro-immigrant conclusions, is no secret in the literature. Of course, to paint a truly illuminating picture would require parsing newcomers by their legal status. Inasmuch as legal immigrants are likely better educated, higher-income and have more job and educational prospects, we suspect that their descendants may also be more law-abiding. Instead, the ASC simply cherry-picked what data supported their views.

Let’s tackle another of the ASC’s targets: the Administration’s focus on violent crime. Here’s an extract from the Executive Board’s comments:

...rates of violent and property crime have been declining in the U.S. for at least a quarter century. Many criminologists have referred to this post-1990s period as “the great crime decline.” It is true that some cities experienced large increases in homicide in 2015, but this is not indicative of a national pattern as homicide rates overall remain significantly below 1990s peaks.

Once again, the ASC’s account misleads. “[Is Crime Up or Down? Well, it Depends](#)” conveys the obvious: whether crime has gone up or down depends on *when* we compare. Nationally, violence has been dropping since the eighties. But it’s still far higher than in 1960. It’s also important to consider *where* one sits. ASC conceded that “some cities experienced large increases in homicide in 2015.” But why leave out 2016? According to [data compiled by FiveThirtyEight](#) lots of hard-hit places got hit again. Killings in Cleveland increased by 20.6 percent; in Oakland, by 22.4 percent. For sheer numbers it’s hard to top Chicago, [which suffered an appalling 747 homicides in 2016](#), a 17.6 percent increase from the merely deplorable 495 murders in 2015. (By the way, it’s logged 213 so far this year.) And don’t even think about comparing America’s numbers to, say, Canada or Great Britain!

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Bottom line: many communities continue suffering from what any reasonable “empirical” person would consider a grotesque level of violence. Regardless of one’s ideological leanings, the numbers alone abundantly justify a vigorous response. For a prestigious criminological association to shrug it off by suggesting that things were once worse (they were once better, too) is, well, appalling. Perhaps one of the ASC’s luminaries might volunteer to move into an impacted neighborhood in, say, Chicago, place a calculator (and flak vest) by their bedside and let us know how it goes.

Bundling notions about complex topical areas such as immigration, violent crime and police use of force into a neat package is what ideologies do. Legal and illegal immigration can (does not!) yield different benefits and costs in the short term and the long. Surges in violence are (are not!) of legitimate concern in many cities. Reducing the use of force may (does not!) require changing a lot more than cops. To succeed at this one must sweep confounding data aside. What supports one’s position is good: what doesn’t is ignored. Incidentally, that’s called “confirmation bias.” We recently touched on that well-known phenomenon [here](#). That it apparently infects the ASC is disheartening.

Our concerns also extend to the Trumpists. Impulsively conceived, poorly designed travel bans, [moves to banish oversight of forensics](#), a return to the draconian drug sentencing policies of the past (click [here](#) and [here](#)), and the championing of aggressive police practices such as “[stop and frisk](#)” and “[broken windows](#)”, whose thoughtless use we’ve repeatedly criticized (click [here](#) and [here](#)) suggest they’re determined to occupy the opposite ideological bench. You know, the one to the (far) right of the ASC.

Meanwhile, as our polarized combatants settle in at their iPhones and greedily snatch at confirmatory morsels while fastidiously ignoring everything else, those who bear the consequences of their decisions are left to wonder: in this brave new data-driven, empirically-based world, is that really all there is?