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Undocumented Citizens and Language Skills

Introduction

Law enforcement departments across Texas interact and serve a diverse population. More than ever before, language differences and the legal residency status of victims and suspects represent daily challenges for criminal justice agencies. Two reasons give particular relevance to the issues examined in this bulletin. First, recent immigration statistics show that a large percentage of the immigrants now come from Asia and Latin America instead of European nations (U.S. Census Bureau, 1991). Second, according to the United States Department of Labor (1996) "the employment of police officers, detectives, and special agents is expected to increase faster than average for all occupations through the year 2005" (p. 305). These national trends are likely to have important implications for the criminal justice system, in general, and local law enforcement departments, in particular.

While the exact number of undocumented citizens residing in the United States is unknown, the identification of criminals who are deportable requires cooperation between federal and state law enforcement agencies who first come in contact with criminal suspects who might be illegal aliens. Although the Immigration and Naturalization Service (INS) concentrates its enforcement resources in areas of criminal activity with high concentrations of alien participants (Scalia, 1996), it also participates in national databases, such as the National Crime Information Center. Since crime-related information is shared among law enforcement agencies, increases in arrest rates result from minor infractions or routine traffic stops conducted by state and local police officers.

As federal enforcement agencies continue to target criminal activities involving a large number of foreign participants

(such as international drug rings and transportation of illegal aliens), local law enforcement departments have a greater need for professionals who can understand and interact with a diverse population. The purpose of this bulletin is to share the experiences of law enforcement agencies across the state as they confront the national challenge posed by immigration.

Background

The United States had no laws restricting the number of immigrants until the second half of the 19th century (Heer, 1990). The number of immigrants, both legal and illegal, entering the country in the last decade has been record setting. Larger numbers will enter the United States during the 1990s than in any recent decade. The United States admits over 535,000 legal immigrants (under different categories such as family sponsored, employment based, and humanitarian status programs) annually (U.S. Committee on the Judiciary, 1996). The exact number of undocumented citizens residing in the United States is unknown, but the figure has been set between four and five million (Warren, 1994).

In view of the increase in the number of immigrants, as well as the historic changes in the country of origin, labor skills, and education, along with changes in national politics, it is not surprising that immigration has once again become a charged political and social issue. Previous immigration debates revolved around questions of whether immigrants assimilated to the United States culture and whether they took jobs away from native born Americans. More recently, the rapid growth of state level entitlement programs, along with efforts to balance the federal budget, have introduced

the additional question of whether noncitizens take advantage of the system or pay their fair share in the welfare state (U.S. Committee on the Judiciary, 1996).

Local enforcement agencies are the first to respond when noncitizens become either victims or perpetrators of crimes. National statistics show that a greater proportion of noncitizens in state prisons, than in federal prisons, are serving time for violent offenses. Statistics also show that of all those convicted of federal drug offenses, noncitizens tend to play a minor role in the drug conspiracy (Scalia, 1996). Further, where they played a minor role in other offenses, noncitizens were less likely to be prosecuted for other criminal acts (Scalia, 1996). In spite of these statistics, the number of non-U.S. citizens serving time in a federal prison or a contract state facility increased from 4,088 in 1984 to 18,929 in 1994 (an average 15% annually) (Scalia, 1996). Moreover, the noncitizens prosecuted in federal courts tended to receive longer prison sentences, were younger and less educated than citizens, had entered the United States legally, and were prosecuted in courts near the Southwestern border (Scalia, 1996).

The Survey

Interest in immigration and language skills prompted this month's bulletin. In the first section of the survey, respondents were asked a series of questions related to undocumented citizens/workers. Sixteen questions asked the likelihood of victimization, confidence in police services among undocumented citizens/workers, and questions on those instances when agencies are likely to verify the residency status of jailed suspects. For purposes of this bulletin, an undocumented citizen/worker is a person from another country who is living or working in the United States unlawfully.

In the second section of the survey, respondents were asked to report on bilingual and multilingual language skills. Although an earlier bulletin which addressed the issue of recruitment practices (McKay, 1996) included information on agency efforts to hire bilingual and multilingual officers, this survey asked several questions related to the bilingual and multilingual language skills that departments across the state consider important for their future employees. Eleven questions included subjects such as recruitment practices, language(s) most needed by enforcement agents and the incentives used to increase interest in learning another language among officers. For purposes of this survey bilingual refers to an officer who can speak a second language other than English, such as Vietnamese or Spanish. A multilingual officer is one who can speak two or more languages other than English.

Undocumented Citizens

The overwhelming majority (70%) of law enforcement departments surveyed do not have a written policy on the handling of undocumented citizens/workers, and 51 percent of those without a policy are not likely to develop one in the next 12 months. Several of the respondents attached copies of their department's written policies regarding the handling of undocumented citizens/workers. The North Richland Hills Police Department's policy is included as an example of what these policies contain (the Irving and Dallas police departments have similar policies).

Likelihood of victimization. According to annual crime statistics, such as those published by the National Crime Victimization Survey (NCVS), victimization patterns vary in the general population. Compared to the general population, 54 percent of survey respondents said that undocumented citizens/workers are more likely to be victims of crime, while 32 percent said they are just as likely as the general population to be victims of crime. However, an overwhelming majority of respondents are of the opinion that undocumented citizens/workers are "less likely" (49%) or "much less likely" (43%) to report their crime victimization to authorities.

Responses to the question on likelihood of victimization for specific crime categories are reported on Table 1. As shown, law enforcement agencies across the state perceive undocumented citizens/workers just as likely as the general population to be victims of specific crimes. It is interesting to note that for two of the most serious personal crime victimizations (murder/manslaughter and sexual assault), the response "just as likely" is over 60 percent.

Among the reasons for their victimization, respondents answered that undocumented citizens/workers either carry cash, work at night or lack means of transportation which puts them at risk for victimization. Other typical responses included excessive drinking and the use of violence to solve conflicts. The El Paso Sheriff's Department and the Victoria, Lubbock, and Deer Park police departments reported that extortion and fraud are the victimization categories undocumented citizens/workers are more likely to suffer. These involve underpayment or nonpayment of wages and even threats to reveal their residency status to authorities. A typical reason for this victimization was offered by the Harris County Sheriff's Department statement reporting that undocumented workers are not familiar with the law, thus they continue to be victims of crimes.

Confidence in the police. Agencies were asked how much respect and confidence undocumented citizens/workers have for law enforcement authorities. While 43 percent and 54

Table 1. Assessing your agency's experience and compared to the general population, how likely are undocumented citizens to be victims of the following crimes?

	Much More Likely	More Likely	Just As Likely	Less Likely	Much Less Likely
Murder	0%	5%	65%	10%	13%
Sexual Assault	0%	5%	62%	5%	3%
Robbery	5%	38%	30%	8%	3%
Aggravated Assault	0%	33%	48%	1%	0%
Simple Assault	11%	24%	46%	3%	0%
Larceny/Theft	8%	35%	30%	5%	5%
Burglary	3%	8%	51%	16%	2%
Larceny	5%	24%	43%	5%	3%
Auto Theft	0%	11%	52%	14%	8%
Against Family & Children	5%	16%	52%	8%	3%

Percentages do not add to 100 due to missing data.

percent responded quite a bit of respect and a great deal of confidence, respectively, a high percentage of responses were in the no opinion category (41% for respect and 35% for confidence). Either respondents lacked information about the subject matter of the question, or the question was viewed as too sensitive to answer (Schuman and Presser, 1981).

Of those departments that responded to this survey, 86 percent do not have a strategy to encourage undocumented citizens/workers to report crimes against them. A high percentage of those without a policy do not plan to implement one in the next 12 months (89%). The Harris County Sheriff's Department, and the Amarillo and Arlington police departments are among the agencies that have such a policy. These departments rely on local radio and television stations where a crime prevention officer conducts informational advertisements.

Verification of residency status. Several questions were included for those departments administering detention facilities. Thirty-seven percent of the respondents verify the residency status of jailed suspects on a routine or occasional basis. While 48 percent of the departments surveyed never verify the residency status of jailed suspects, the El Paso County Sheriff's Department reported that the INS visits their detention facility on a daily basis.

Those departments that administer detention facilities were also asked how likely they were to verify the residency status of jailed suspects for specific crime categories. Table 2 shows that of the 19 departments that verify the residency status, most are very likely to do so for serious personal crimes, followed by the "likely" category for DUI, weapons, fraud, and auto theft.

The last set of questions asked respondents to list three resources the jail staff is likely to rely on to verify the residency status of jailed suspects. Most departments contact the INS, and some departments contact the suspect's family and friends. Other departments rely on criminal records (NCIC, etc.) or on a variety of community organizations. The last question queried respondents on the likelihood of contacting the INS to verify the residency status of jailed suspects for several crime categories. As shown in Table 3, a pattern similar to that found on Table 2 emerges. That is, jail staff is very likely to contact the INS for personal crimes, especially robbery, but very unlikely to contact this federal agency for gambling, drunkenness and disorderly conduct.

Language Skills

Eleven questions queried respondents on their agency's use of recruitment practices targeting bilingual and multilingual candidates, estimates on the number of bilingual and multilingual sworn officers, and the incentives used to increase interest among officers in learning a second language.

Recruitment strategies. The first two questions asked about the strategies the departments use to recruit bilingual and multilingual officers. According to McKay (1996) some strategies can help target not only the best applicants but also the most qualified, diverse, and capable candidates. Thirty-five (95%) of the departments indicated that advertisements on bilingual electronic media (newspapers, radio, and television stations) are the most frequently used strategies to disseminate recruitment information. The Amarillo Police Department, for example, has a weekly 30-minute program on a Spanish radio station used by their recruitment



Table 2. If your staff verifies residency status, in which of the following examples is your staff likely to verify the residency status of jailed suspects?

	Very Likely	Likely	Unlikely	Very Unlikely
All Offenses	29%	21%	7%	43%
Murder	50%	7%	21%	21%
Sexual Assault	43%	14%	14%	29%
Robbery	50%	7%	14%	29%
Aggravated Assault	50%	7%	7%	36%
Simple Assault	14%	43%	7%	36%
Larceny/Theft	14%	43%	14%	29%
Burglary	21%	36%	7%	36%
Larceny	14%	43%	7%	36%
Auto Theft	14%	43%	14%	29%
Against Family & Children	29%	29%	7%	36%
Drug Possession	21%	36%	7%	36%
DUI	14%	43%	7%	36%
Weapons	14%	43%	7%	36%
Stolen Property	21%	36%	7%	36%
Fraud	21%	43%	0%	36%
Gambling	14%	29%	21%	36%
Drunkenness	14%	29%	21%	36%
Disorderly Conduct	14%	29%	21%	36%

Percentages do not add to 100 due to rounding.

Table 3. If your staff verifies residency status, in which of the following examples is your staff likely to contact the Immigration and Naturalization Service (INS) to verify the residency status of jailed suspects?

	Very Likely	Likely	Unlikely	Very Unlikely
All Offenses	14%	29%	21%	36%
Murder	43%	36%	7%	14%
Sexual Assault	43%	29%	14%	14%
Robbery	50%	14%	21%	14%
Aggravated Assault	29%	29%	21%	21%
Simple Assault	14%	29%	29%	29%
Larceny/Theft	14%	29%	29%	29%
Burglary	36%	21%	14%	29%
Larceny	21%	29%	21%	29%
Auto Theft	21%	29%	14%	36%
Against Family & Children	36%	14%	29%	21%
Drug Possession	29%	36%	7%	29%
DUI	14%	29%	29%	29%
Weapons	21%	36%	14%	29%
Stolen Property	29%	14%	29%	29%
Fraud	36%	21%	14%	29%
Gambling	14%	29%	14%	43%
Drunkenness	14%	36%	14%	36%
Disorderly Conduct	15%	31%	15%	38%

Percentages do not add to 100 due to rounding.



NORTH RICHLAND HILLS POLICE DEPARTMENT'S POLICY REGARDING THE HANDLING OF UNDOCUMENTED CITIZENS

The enforcement of immigration laws rests with the Immigration and Naturalization Service (INS). There are, however, some circumstances in which local police agencies can legally take undocumented aliens into custody.

ARRESTS OF UNDOCUMENTED ALIENS

- Officers may not arrest an alien, without a warrant, solely upon suspicion that he/she has entered the country illegally.
- An arrest without a warrant can be effected only when a state or local misdemeanor offense occurs within the officer's presence, or if the requirements of Articles 14.03 and 14.04 of the Code of Criminal Procedure, with regard to felony violations are satisfied.

DETENTION OF UNDOCUMENTED ALIENS

When an officer legally takes a person into custody, subject to 312.01, and the officer suspects that the arrested person may be in this country illegally, the communications officer will be notified of this suspicion, the commander will contact INS.

When the person suspected of being an undocumented alien is eligible for release, the communications officer will be responsible for notifying a service investigator with the Immigration and Naturalization Service regardless of the time.

The Immigration and Naturalization Service investigator will determine, usually through direct interrogation, that the suspect is an undocumented alien and advise the North Richland Hills Police Department that the Immigration and Naturalization Service will place a detainer on the subject.

The jail registration card will be amended to indicate that the suspect is to be held for the Immigration and Naturalization Service. The form must have the authorizing agent's name entered as the detaining authority.

It is the policy of this department to hold persons suspected of being undocumented aliens for a period not to exceed 48 hours. If, after this period of time, all other charges have been disposed of and the Immigration and Naturalization Service has not taken custody of these persons, they will be released. However, if it can be satisfactorily shown that the Immigration and Naturalization Service will take custody of these persons in a reasonable length of time they may be detained an additional 24 hours with approval by the shift supervisor. Under no circumstances will these persons be detained longer than 72 hours from the time they are booked into jail.



team to announce employment opportunities. Fifteen departments (43%) rely on other strategies that include, among others, the use of flyers depicting minorities in law enforcement, minority community organizations and minority job banks. Twelve (32%) target college and university campuses. On these settings they rely on job fairs, student newspapers and career days. It is interesting to note that the North Richland Hills Police Department targets a five-state region in their recruitment efforts. The Amarillo Police Department sends a recruitment team in a 500 mile radius around Amarillo, and they plan to target at least 10 sites in Oklahoma, Kansas, Nebraska, Wyoming, and Colorado.

A second set of questions asked about the difficulties the departments confront in recruiting bilingual and multilingual officers. By becoming informed on what does not work, departments can develop more efficient strategies in the future (McKay, 1996). The most common response (20 respondents) was the lack of a qualified pool of candidates. These included not meeting the department's minimum employment criteria (8), scoring too low on the civil service exam (7), and lacking the minimum college requirements (5). Other difficulties mentioned included lack of interest in law enforcement as a career (6), competition with other agencies, especially federal agencies (5), and low salary scale (2). The Amarillo Police Department reported incidents with scam artists; as a result, they do not advertise their employment opportunities in national newspapers.

Bilingual needs and incentives. When asked which two languages would be desirable for officers to learn, 54 percent answered Spanish and 35 percent chose Vietnamese as first and second choices (see Table 4).

Law enforcement departments have several options to increase interest in learning a second language, as depicted in Table 5. While most departments use pay supplement, work

assignment, and shift schedule options, other departments are as likely to use a combination of strategies to increase interest in learning a second language. Financial rewards are the most frequently used incentive.

Table 5. Which of the following are among the incentives currently used in your department to increase interest in bilingual and multilingual language skills among police officers? Circle all that apply.

Incentives	Percentage
No Response	22% (8)
Pay Supplement and Work Assignment	19% (7)
Shift Schedule	19% (7)
Pay Supplement and Shift Schedule	14% (5)
Work Assignment	14% (5)
Pay Supplement	14% (5)

Table 6 shows the areas of law enforcement work where language skills are most beneficial to the departments. It is important to underscore the fact that these are among the areas of police work where a successful assignment requires the officer's ability and skills to get the public's cooperation (criminal investigations, domestic disturbance traffic stops) and support (patrol duties, crime prevention, community relations). It seems that having officers who can effectively communicate with citizens should be incentive enough for departments to provide more opportunities to hire candidates with this skill or to motivate sworn officers to learn a second language.

Table 4. If you had to make a choice, which two languages would it be desirable for your officers to learn?

Choice	Spanish	Vietnamese	Other	No Response
First	54% (20)	22% (8)	11% (4)	13% (5)
Second	22% (8)	35% (13)	16% (6)	27% (10)



Table 6. In which areas of police work, in your opinion is a police officer's bilingual or multilingual skills most beneficial to your department (crime investigation, domestic disturbances, crime prevention, etc.)?

Areas	Percentage
Criminal Investigation	73% (21)
Patrol Duties	35% (13)
Domestic Disturbances	32% (12)
Community Relations	19% (7)
Crime Prevention	16% (4)
Traffic Stops	13% (5)

Conclusion

Two conclusions can be reached after examining the issues in this bulletin. First, since law enforcement agencies share crime-related information, state and federal agencies are likely to increase their level of cooperation and interaction as undocumented citizens are processed by the criminal justice system. Second, the employment projections for bilingual criminal justice professionals in Texas continue to be excellent.

Several recommendations are suggested to law enforcement departments across the state. First, those departments without a written policy on the handling of undocumented citizens/workers should consider one before federal agencies influence the development of future guidelines. Second, police departments across the state should develop more aggressive campaigns on criminal victimization awareness. An advantage of this approach is that, while it might immediately increase criminal victimization complaints, it is a protective/preventive strategy. Noncitizens will become aware about state law, while at the same time officers' perceptions on the level of confidence and respect they have among this population might be altered. Finally, state law enforcement departments should recruit and hire not only the best candidates, but also those candidates that will serve the future needs of the agency with the skills to communicate with citizens in a foreign language.

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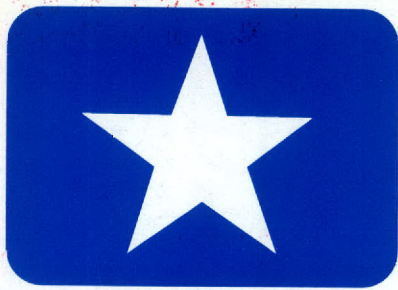
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