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## On Serving the Ignored: Latinos, Crime and the Criminal Justice System

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## **Issue Preface**

I was born and raised in San Antonio, Texas, during a period of intense social change. From 1968 to 1980, from elementary through high school, I went through the local desegregated school district with many of the same classmates in a west side neighborhood adjacent to an Air Force base. A couple of years after graduating from high school, I went off to a regional university and never moved back, although I did return regularly. San Antonio's neighborhoods were changing during those years, but not as rapidly or dramatically as those in other places across urban America. Scholars would describe the urban transformation elsewhere as the result of deindustrialization, the end of racial segregation, the growth of the underclass, widening economic disadvantage, an increase in female-headed families, and other urban problems. My personal impression was far less complicated and contradicted the memories of economic and racial tensions seen elsewhere.

As a child and teenager, I grew up with Asians, whites, blacks, and Hispanics but noticed that the population was becoming "more Mexican" or Mexican American as I neared graduation. While I moved through secondary school in an ethnically diverse area, I noticed that non-Latino whites (Anglos) were moving to housing "outside the loop" and were being replaced by Hispanics/Chicanos. The neighborhood was just over half

white in 1970, but by the time I went back for my 20-year high school reunion, the old neighborhood was almost completely Latino. Not only had San Antonio transformed into a majority Latino city as I matured into adulthood; the old neighborhood had also changed forever.

At the time, I did not realize, much less comprehend, that for the most part the Latinos moving into the community were not newcomers from abroad. These were not immigrants from across the border. Instead, they were from older urban areas in the surrounding west side, where many relatives resided, or from rural South Texas counties, birthplaces to other family members for decades. Some residents were retired military personnel coming back home after serving abroad or toiling in factories in the Midwest. Many were blue collar or civil service workers. Others were working more than one service sector job but were employed. Most households contained intact families with two parents and children, and many had extended family members residing in the same dwelling. It was not unusual to see three generations living under the same roof. The family structure was relatively stable, even in the face of social and economic change.

In childhood, we are often blind to the surroundings outside our direct purview, and that my Latino neighbors were not immigrants was not obvious to me at the time because my only observation was that they

were new to the community. It was only years later, as Latino growth accelerated across and within southwestern cities, that I recognized that internal migration and fertility accounted for much of the urban population transformation in places such as San Antonio. Concurrently with this demographic shift, the poverty rate rose, gang graffiti appeared, and the numbers of single-headed families, renter-occupied homes, and homicides increased significantly, all peaking simultaneously in the old neighborhood. This was a place that immigrants had largely bypassed while searching for work. Unlike what had occurred in other major American cities, such as Chicago, at the turn of the last century, immigrants had not replaced the older residents as they moved away from the center of the city. Instead, over time, my childhood community resembled many southwestern communities. Enmeshed in concentrated Latino poverty, the comfortable neighborhood of my childhood had become more barrio-like.

The growth of the Latino population is the main part of the story I want to tell here. Nativity aside, Latino visibility has risen over the past 20 years, and the perception that this is a new immigrant group or composed primarily of newcomers is reflected in the research literature, policy debates, and political circles. However, the historical presence of native-born Latinos in Texas, California, and elsewhere for well over 100 years is

another portion of that tale, and one that I contend requires attention to the past to inform the present. And of course, that requires further elaboration and research. Latinos are both new and old and have a wide range of experiences, but most are still concentrated in the urban southwestern United States. I wanted to impart the past and present story of Latinos, urban crime, and the criminal justice system, and also draw on some lessons from San Antonio – which happens to be my birthplace – and other research settings.

### **On Latinos and Crime**

For the past 20 years, I have been immersed in the study of violence. Initially, I was interested in bringing the study of Latinos back into the criminological literature generally and into the community and crime literature specifically. That required years of archival research and the gathering of data by hand from respective homicide units located in cities with a Latino concentration. There is, of course, a rich series of articles comparing and contrasting Latino homicides with other killings among racial/ethnic groups dating back over 60 years in the city of Houston, Texas (Bullock, 1955; Pokorny, 1965; Brewer, Damphouse, & Adkinson, 1998). At the end of the last century, the study of Latinos/Hispanics and crime was largely ignored or overlooked in the social science literature.

The focus was on racial variations in crime. But the emergence of this “new” group as the largest racial/ethnic group in the United States changed that focus. Latinos were incorporated into the study of crime, especially urban violence, but only after the Latino population grew.

More recently, I wanted to revisit and expand the story of immigration and crime, even as part of the “illegality status” debate that now has risen in the public imagination. This too required more data collection – in Miami, Florida. After all, this is a place where anti-immigrant hysteria coincided with the 1980 boat lift out of the Mariel harbor in Cuba, a time when Cubans entered without “refugee status,” and a place where a series of political and economic refugees entered from the Caribbean Basin into the United States. I also wanted to update the border story because many U.S. residents base their opinions on incorrect notions of what crime on the border means or why border control is important when local crime is considered. Many readers consider the U.S./Mexican border a dangerous place, and I expanded a previous study of homicides in San Diego, California. In these two entry points – Miami and San Diego – I investigated what the Latino homicide level was relative to those of other racial/ethnic/immigrant groups. In others words, how useful is it to study Latino homicides but have little understanding of how they resemble and differ from those of other groups that are heavily foreign-born? These two

cities are in the areas most heavily affected by the new immigration. I then added the study of San Antonio because it is also located by the Mexican border. Across time, the Latino homicide rate declined in all of these cities and most of the communities within them. More immigrants meant less violent crime, or at least Latino violence. Why?

Part of the answer, suggested earlier in this essay and in other research outlets, centers on the Latino attachment to work. Latinos do not have high levels of unemployment, nor are they out of the labor force for long periods of time. Many are engaged in the world of work even though at times the attachment is in the form of low-paying wages requiring long hours, or even toiling in more than one job. That in part explains the Latino conundrum. Most are working and engaged in employment, but many, including immigrants, are part of the working poor. On the one hand, the Latino poverty rate is relatively high, but on the other hand, Latinos are working. Either way, both contribute to buffering violent crime, even in the extremely poor areas anchored in San Antonio's public housing units, or the "courts," which are some of the poorest places in the nation (Martinez 2014).

This brings us to another portion of the Latino experience, and one that is linked to this special issue. Latino families with children are relatively intact, and both parents are usually present in the household.

Unlike their urban counterparts in extremely disadvantaged communities, Latinos have fewer families headed by single parents or even less family disruption than do similarly situated racial/ethnic minority groups.

Furthermore, Latinos families, including immigrant families with multiple generations residing under the same roof, typically have more members of the extended family in the household than do other racial/ethnic groups.

An aunt, uncle, grandparent, or other adult member is usually nearby. This suggests not only that an adult family member is present but also that an element of stability is added to households that are poor but working. All of these factors – immigration, a multiple-generation family structure, the working poor – distinguish Latinos from other groups and help buffer crime among Latinos, nativity aside. This is but one reason why it is important to study Latinos. However, some other areas of criminological and criminal justice research require connecting back to the past, given recent policing concerns across urban America.

### **On Latinos and Criminal Justice Research**

The importance of studying Latinos beyond criminal victimization is undeniable. In the pioneering report of Dillingham on immigrant crime, the number of Mexican “aliens” incarcerated for violent offenses was at the crux of the data highlights (Dillingham 1907-1910). At the time, in 1904,



people of Mexican descent had the second highest level of incarceration among all immigrant groups for homicide, and one of the highest rates of detention for all crimes (Dillingham 1907–1910). This report is central to early work on race/ethnicity and crime, and it was considered crucial to early studies on the effects of Mexican immigration, including effects on crime and the criminal justice system (Rosales 1999). Early research on Latinos and police research contain overlooked historical studies of the Border Patrol mistreatment of “illegal” aliens (Samora 1971) and police abuse of those of Mexican origin in Texas. This is in addition to the historically “contentious relationship” between racial and ethnic minorities and police departments in Los Angeles and other urban areas during World War II, when demonizing Mexican Americans facilitated “zoot suit hysteria” and eventually drew attention to the simmering animosity between the Los Angeles Police Department and the city’s Mexican origin community during the 1940s (Escobar, 1999).

Along these lines, historian F. Arturo Rosales (1999) published *¡Pobre Raza!*, an important contribution to our understanding of immigration trends at the start of the last century. Adding to the then-nascent body of research on Latinos (of Mexican origin) and policing, his study included a description of how Mexican immigrants responded to the U.S. criminal justice system and to crime and violence within that system,

and of immigrants' reaction to non-Latino white hostility, during the era of massive Mexican immigration at the turn of the 20th century. Moreover, Rosales reminds us that long-standing border problems, such as the smuggling of liquor, drugs, and "illegal" immigrants, persisted, as did concerns about an emerging "Mexican problem" – a foible attributing an innate propensity to crime to newcomers from south of the Rio Grande. This perception still persists in contemporary society but now specifically targets "illegal immigrants," a demographic group most likely to include persons of Mexican origin (Rosales 1999).

Regarding policing, Rosales contends that immigrant Mexicans experienced the "negative presence of the police system" as soon as they landed on the U.S. side of the border. Drawing upon historical data, including the 1931 Wickersham Commission *Report on Crime and the Foreign Born*, he notes that many Mexican immigrants were disproportionately arrested for disorderly conduct (Warnshius, 1931, pp. 279–280), a "color-less charge" used to "keep them in check," and that "indiscriminate dragnets and brutal arrest tactics" were routine in "Latino" communities. These activities were undoubtedly linked to the widespread stereotype, as Escobar (1999) points out, that Mexicans were inclined toward criminality. For example, Warnshius quotes a Chicago police sergeant as stating, "You know, Indian and Negro blood does not mix very

well. That is the trouble with the Mexican; he has too much Negro blood,” a stereotype that I contend persists.

This early literature is highlighted for several reasons. First, it provides a foundation for contemporary research. Latinos have a presence in the early criminological literature that requires a connection to contemporary work. Second, much like previous Latino stereotypes, those in recent public discussions across the nation are stimulated by media reports and fueled by anti-immigrant pundits and politicians. Most of them go unchallenged, even while contributing to the claim that Latino immigrants are a dangerous criminal and economic threat to the nation. Stereotypes about Latinos and Latinas include notions that they are dumb peasants who are welfare prone, that they smuggle drugs across the border and engage in other criminal activities that require more policing in Latino communities. Moreover, growing demands for controlling the border and singling out “illegals,” most of whom are primarily of Mexican descent, are encouraged by politicians and commentators. Under the guise of improving “national security,” these demands include deploying the National Guard to assist federal police, building a higher fence along the border between Mexico and the United States as protection from “criminals” and “crime,” and labeling “undocumented” immigrants as criminal aliens. Immigration policy now reflects national concern about

local crime even in communities where Latino crime rates are low, in part because of the benefits of immigration (Saenz 2004).

Now, undocumented Latinos are targeted by local and federal police agencies and are singled out from others regardless of their legal status, which sets the stage for potential conflict between police and residents, particularly in disadvantaged Latino communities. According to Nik Theodore and colleagues (Theodore, 2013), many Latinos feel that they are under suspicion now that local police are involved in immigration policing. They include more than a quarter of native-born Latinos, almost half of the foreign-born respondents, and well over half of the undocumented in a recent survey on perceptions of law enforcement. Specifically, Latinos feel a sense of “isolation and disconnectedness from police” and are afraid to leave their homes, and there is a “diminished sense of public safety,” given the emphasis on immigration enforcement by local police (Theodore 2013; Kirk, Papachristos, Fagan, & Tyler, 2012). These perceptions are concentrated in economically disadvantaged communities, but the outcomes of criminal justice tactics are under-examined for all Latinos, and many questions remain unanswered about Latinos and their reactions to the police (Weitzer, 2013).

Anti-immigrant laws or ordinances initially emerged in places where few Latinos resided in previous decades. Aimed at preventing “illegals”

from finding housing, policies such as fining business owners and allowing local police to ticket “illegals” or ask about legality status are strategies typically employed in the federal domain. The consequences of anti-immigrant or anti-Latino initiatives are that all Latinos are singled out for stereotyping and are presumed illegal until proven otherwise. This is unfortunate because immigration often brings “immediate and tangible benefits,” such as economic revitalization and population stability, to all places, including small rural towns that are losing population (Carr, Lichter and Kefalas 2012). The benefits of immigrant revitalization cut across urban, suburban, and rural areas and include a decrease in violent crime.

### **Research on Special Populations**

My personal narrative, and what I have learned through 20 years of research on violence and criminality among Latinos in the United States, demonstrate the importance of research that focuses on specific populations, even those that are traditionally underrepresented in empirical studies. Large, encompassing studies that consider race or ethnicity as one variable but not as a primary focus may be useful for understanding some of the differences in patterns between different racial or ethnic groups, but they do not explore any of the innumerable important differences among groups.

As I have attempted to describe in this essay, I have learned, through decades of inquiry, that there are nuanced distinctions among Latinos, such as the differences between those native to the United States and those who are recent immigrants. My research also finds that, as I have described, there are certain cultural factors that differentiate Latinos from other populations in the United States. Therefore, policies targeting factors in Latino communities, such as crime prevention, educational interventions, and community development, can (and should) take these unique cultural qualities into account. The range of the Latino experience is expansive, and the diversity within the population requires more embracement. It is essential to acknowledge and examine that variation, as it is to remember that many of the stereotypes surrounding Latinos and immigrants have been recycled from the past, and that previous research informs the present.

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