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R e s e a r c h P r e v i e w

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Ethnicity, Crime, and Immigration

Summary of a presentation by Michael Tonry, School of Law, University of Minnesota

Members of *some* minority groups in every Western country are disproportionately likely to be arrested, convicted, and imprisoned. This is true whether they are from "racial" groups, have different ethnic backgrounds, or are recent emigrants. The offending patterns and justice system experiences of different groups are not simply the result of differences in wealth, social status, or political power, however. That is why "some" is emphasized. Not all disadvantaged groups are disproportionately involved in crime.

Race relations and political controversies involving immigrants and minorities are high on many countries' political and policy agendas. In an era of rapid social and economic change, many people feel threatened and insecure, and minority and immigrant groups may be blamed for much of what seems wrong. Hate crimes are increasingly common, and violent attacks against minority groups are more evident in Europe.

Minorities and crime

Countries vary significantly in crime patterns, legal traditions, and social science research traditions, and in their criminal justice systems. However, on some research questions related to minorities and crime, the findings are so robust and consistent across borders that generalizations can be made.

One is that in every country, crime and incarceration rates for some minority groups greatly exceed those for the majority. Perhaps most important, there are comparable disparities both for racial and ethnic minorities and for some that are not "visible" minorities. In England and Wales, and the United States, blacks are seven to eight times more likely than whites to be in prison. In Sweden, however, Finns have higher rates than Swedes, and the highest arrest disparities affect immigrants from Arab countries, South America, and Eastern Europe.

Second, it has long been clear that minority groups with high crime and imprisonment rates also suffer social and economic disadvantages. It was as clear in nineteenth-century England and early twentieth-century America, when the high-crime groups were white, as today in those countries when some of these groups are black. However, not all disadvantaged groups exhibit high crime rates.

Third, in countries where research has been conducted on racial and ethnic disparities in imprisonment, group differences in offending—not bias—appear to be the principal cause. Much of this research has been in English-speaking countries, with by far the most work in the United States. While showing that bias plays some role, the evidence indicates that criminality past and present is the major determinant of officials' decisions.

Fourth, seemingly neutral case processing often operates to the systematic disadvantage of minority group members. Justifiable practices, such as detaining people who seem least likely to appear for trial, result in the disproportionate confinement of minority offenders, who are often disadvantaged and less settled (fewer have stable families and jobs) than the majority. In some countries, detention before trial increases the likelihood of a prison sentence.

A second, similar problem—rewarding guilty pleas with sentencing concessions—may be more troubling. There is convincing evidence in some countries that some minority group members are less likely than other defendants to plead guilty, in part because of alienation from systems they believe treat them unfairly. From a management perspective, it makes sense to encourage guilty pleas, and thereby conserve resources, by reducing sentences. From a sentencer's perspective, it will often seem appropriate to acknowledge contrition and acceptance of responsibility, evidenced by a guilty plea, by reducing the sentence.

In England, under the "progressive loss of mitigation" doctrine, defendants who plead guilty are entitled to a reduced sentence. The later the plea, the smaller the discount. Afro-Caribbean defendants were found in one study to be substantially less likely than whites to plead guilty and often did so later in the process, thus losing sentence mitigation. (There are similar findings for the United States.)

Fifth, subcultural behaviors and stereotyping of minority groups often work to their disadvantage. Disproportionately large numbers of some minority groups commit crime. Many offenders in particular subcultures share distinctive patterns of dress and speech, places of recreation and residence, and socioeconomic backgrounds. Justice system officials, like many ordinary citizens, often assume that individuals with these characteristics are likely to be offenders. In the United States, young black men are particularly victimized this way.

What is most striking is that these findings come from so many countries. They apply to many groups, suggesting that bias, disparities, and disparate-impact policy dilemmas are endemic to developed countries where some groups are substantially less successful than the majority population.

Immigrants and crime

On the basis of the experiences of Western European immigrants to Canada and the U. S. early in this century, it has often been asserted that first-generation immigrants are typically more law-abiding than residents, with higher crime and imprisonment rates in later generations. Contemporary research has to some extent validated that traditional model. However, we now know the model is simplistic and only partly true.

One reason is that self-selected economic migrants from many Asian cultures have lower crime rates than the resident population in the first and later generations. The traditional model does not account for many groups deriving directly and sometimes indirectly from South and East Asia.

A second reason is this model insufficiently takes account of cultural differences between groups that differentially affect adaptation. The model would predict that Moroccans and Turks have similar crime patterns in the Netherlands, both being economically and socially disadvantaged groups who emigrated for the same reason at the same time. Yet Turks have markedly lower crime rates, and similar contrasts distinguish the two groups in other countries.

Third, the model insufficiently accounts for differences in receiving countries' social welfare (and settlement) policies. Research in Sweden reveals that Swedish social welfare has reduced the "second-generation effect."

There, crime rates for most immigrant groups are lower in the second than the first generation.

Fourth, why groups migrate powerfully shapes criminality and indications of successful adaptation. Swedish research shows that the adaptation experiences of guest-workers in the 1950s and 1960s from Croatia and Serbia were very different from those of comparable war refugees from the same areas in the 1980s and 1990s. The first wave roughly followed the North American pattern. In the second, first-generation migrants had high rates of crime and victimization (and unemployment, welfare dependence, family breakup, and mental health problems).

Fifth, the traditional model does not describe the experiences of many immigrant groups that have economic or social characteristics fundamentally shaping predicted criminality. Large numbers of Hong Kong Chinese moved to Canada in the 1980s and 1990s or made investments that will make a move possible later. For this group and many others, their economic, social, and cultural traits are much better predictors of crime than is any immigration and crime hypothesis.

The next step for research

Every Western country faces and will continue for many years to face issues of race, ethnicity, migration, and crime. Much can be learned by looking at the issues comparatively and cross-nationally. The next step is to create a community of researchers and policymakers who will attempt to establish what is known, what is knowable, and how knowledge might be advanced through comparative inquiry.

This summary is based on a presentation by Michael Tonry at an NIJ Research in Progress Seminar, where he discussed his work with researchers and criminal justice professionals and practitioners. A 60-minute VHS video, "Ethnicity, Crime, and Immigration," is available for \$19 (\$24 in Canada and other countries). Ask for NCJ 160765. Use the order form to obtain this video and any of the other tapes in the series.

The presentation was based on *Ethnicity, Crime, and Immigration: Comparative and Cross-National Perspectives*, volume 21 in the NIJ-supported series, *Crime and Justice: A Review of Research*, ed. Michael Tonry (Chicago, University of Chicago Press, 1996). It is available from the publisher.

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