

# Ethno-Racial Profiling and State Violence in a Southwest Barrio

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**ABSTRACT:** *This study, carried out in a barrio neighborhood near the U.S.-Mexican border, uses a structural violence perspective to understand the extent of and individual determinants of mistreatment of residents by immigration authorities. Results indicate that barrio residents are more likely than the U.S. population in general to experience mistreatment at the hands of state authorities. Multivariate analyses indicate that authorities dole out mistreatment especially to people who appear Mexican. Educated Latinos are also frequent targets of mistreatment, and being a native-born or naturalized U.S. citizen offers no protection. These results suggest an institutional pattern of state violence in barrios structured more by racism and nativism than by immigration law.*

In this study, we use a structural violence perspective as well as alternative views of violence to frame empirical analyses around two questions. First, how frequently are barrio residents mistreated by immigration officials? This question allows us to understand whether or not state authorities use violence more often in dealing with barrio residents than with U.S. residents generally. Second, which residents of barrios are most likely to be mistreated? This question gives us insight into the comparative strength of two structures of political and theoretical importance: racism/nativism versus immigration law/enforcement. That is, we compare whether mistreatment varies more with ethno-racial characteristics or with residency and citizenship status.

To answer these two questions, we use unique data from two independent random samples of residents of the largely Latino municipality of South Tucson, Arizona, located near the Arizona-Mexico border. In its small size (5,000 residents, one square mile of land), it resembles a neighborhood. The samples, one from 1993 and one from 2003, include data on

self-reported victimization by immigration authorities; demographic data on class, ethnicity, age, and legal status; and information about routine activities. After a discussion of theoretical perspectives, we describe our methods and results. Finally, we consider some theoretical and policy implications of our findings.

## **Barrios, Mexicanness, and Immigration Enforcement**

The theory of structural violence maintains that the extent of violence and who suffers violence in a particular region or place can be understood by examining local social and cultural structures (Farmer 2003; Galtung 1969; Nevins 2002; Rubio-Goldsmith et al. 2006). The definition of violence includes physical violence, of course, but also actions that deprive people of basic human rights such as health care, equal treatment before the law, economic well-being, dignity, and respect. Social structures are legal, economic, and political processes that pattern human interaction. Recent examples of social structures that perpetrate violence include new laws enacted in the 1990s and especially after September 11, 2001, that intensified the surveillance, detention, and exclusion of noncitizens. Before these laws blurred the boundaries between immigration law and criminal law, “only certain serious felony convictions subjected noncitizens to detention and deportation, such as murder, drug and firearms trafficking” (Miller 2005, 84). Cultural structures include the media and other everyday

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practices that reinforce ideologies. Recent examples of cultural structures that legitimate state violence against suspected unauthorized migrants can be found in the anti-immigrant rhetoric used in the news, film, and public discourse (Capetillo-Ponce 2008; Chavez 2001; Otto 2002).

In the border region, historical processes have created a range of social and cultural structures that allow for the pain and suffering of Mexicans and Mexican Americans (Ackleson 2005; Acuña 2004; Nevins 2002; Rosas 2006; Rubio-Goldsmith et al. 2006). Historically, along the border, immigration officials and ordinary citizens have committed illegal acts of violence against authorized and unauthorized U.S. residents of Mexican descent with impunity (Andreas 2000; Nevins 2003; Rubio-Goldsmith 2002). This history dates back to the atrocities committed by the U.S. army during the U.S.-Mexican War and continues through decades of vigilante-like policing by the Texas and Arizona Rangers.

A contemporary example of violence resulting from social and cultural structures is the rising number of deaths in the desert areas of the border region. This violence results from changes in the enforcement of U.S. immigration policy along the border (Eschbach et al. 1999; Hing 2006). In the 1990s the United States shifted enforcement efforts toward the highly visible and public urban areas along the border under a strategy that the Clinton administration called “prevention through deterrence” (Massey, Durand, and Malone 2002; Purcell and Nevins 2005). With border patrol agents massed at the main ports of entry, migrants are diverted into sparsely inhabited open terrain (Cornelius 2001). The difficulty of crossing deserts, rivers, and mountains has served to slow unauthorized migration, but it has also led to a drastic increase in migrant deaths. The Arizona sector of the border has been the most affected. In the ten years from 1990 through 1999, this sector’s medical examiner documented the deaths of twenty-six border crossers; in the six years from 2000 through 2005, the same office used identical criteria and documented the deaths of 802 (Rubio-Goldsmith et al. 2006). These deaths are largely unquestioned and ignored except by the migrants’ kin and by human rights activists. The degree to which this type of violence is normalized is reflected in a comment by the former immigration service commissioner, Doris Meissner, that the increased loss of life should be considered “expected deaths.”

Existing policies and practices expand the types of violence and abuse that are considered acceptable force. The war on drugs, dating to the Reagan administration, has “exacerbated the potential for human and civil rights abuses” along the border (Dunn 1996, 86). State agents often assume,

without evidence, that migrants pose a threat of bodily harm. Abuses carried out by agents are frequently defended on the basis that the U.S.-Mexico border is a war zone where border patrol agents put their lives on the line in order to protect their country (Dunn 1996, 19). The folding of immigration control into the new Department of Homeland Security (DHS) after 2001 exacerbated the stereotyping of immigrants as dangerous by equating them with terrorists and criminals, and this in turn continues to justify the militarization of the border (Johnson 2007). Citizen violence against persons of Mexican ancestry has existed alongside state-sanctioned violence. Both take place in a climate of impunity shaped by rural isolation, a biased judicial system, anti-immigrant ideologies, and the perception of the “Mexican” as the other (Andreas 2000; Inda 2006; Massey et al. 2002; Rubio-Goldsmith 2002). Amnesty International’s (1998, 4) report on human rights violations along the border region found evidence of “cruel, inhuman and degrading treatment, including beatings, sexual assault, denial of medical attention, and denial of food, water and warmth for long periods.” This abusive treatment was meted out to U.S. citizens and legal permanent residents of Mexican origin as well as to unauthorized migrants.

Most activity by immigration officials takes place at or close to the border, but officials also target towns and neighborhoods with large Latino populations because they attract migrants, both legal and unauthorized (Goldsmith and Romero 2008). Additional surveillance in these urban areas has resulted in joint training exercises and operations between military law enforcement agencies and civilian law enforcement agencies since the late 1980s. Details about these joint exercises and operations are treated as highly sensitive and rarely come to public attention unless they are exposed by community protests or investigative journalism (Dunn 1996). The targeting of barrios, along with the use of militaristic tactics by immigration authorities, leads us to expect that barrio residents will report high rates of mistreatment.

The question of which people in barrios are most likely to be mistreated is both politically and theoretically significant. Politically, the issue is a recurring one for immigrant rights advocates. Evidence that agents use ethno-racial profiling in immigration law enforcement is essential in the struggle to change widespread acceptance by the courts, the public, and policy makers of mistreatment as “collateral damage” in the war against terror. Racial profiling used in the war on drugs and in citizenship inspection within the context of immigration regulation places certain populations at risk before the law (Chang and Aoki 1997; Goldsmith and Romero 2008;

Johnson 2000; Romero 2006; Russell 1998; Warner 2005–6). By investigating the relative targeting of individuals in immigration law enforcement, researchers can better identify the criteria that agents use in selecting barrio residents for stops. Knowledge of these criteria in turn informs our understanding of race and citizenship in the United States and the hidden practices of immigration law enforcement.

One criterion we examine closely is “Mexicanness.” This is understood as a social and cultural structure that may make Latinos frequent targets of state violence. Like “blackness,” Mexicanness is socially and culturally constructed to separate group members from whites. Markers include skin color, facial features, language, and style, including dress. These markers identify “Mexicans” as a particular ethno-racial group that is distinct from and a cultural threat to whites and Anglo society (Capetillo-Ponce 2008; Goldsmith and Romero 2008). Although the Southwest was Mexican territory prior to the U.S. invasion, all persons of Mexican ancestry are often assumed to be foreigners. Thus, persons culturally or physically identified as “Mexican” carry a bodily “figurative border” (Chang 1999). “Mexican” is equated to “alien,” and Mexicanness becomes reasonable grounds for suspicion of criminality in immigration law enforcement (Warner 2005–6).

Research on the war on drugs recognizes racial profiling as an institutional practice that equates being black with being a criminal (Milovanovic and Russell 2001; Russell-Brown 2004). Extreme measures of surveillance and regulation of public space serve as a public spectacle of “law and order” and reinforce the image of black criminality (Mitchell 2003). Similarly, the 1975 U.S. Supreme Court decision in *United States v. Brignoni-Ponce* determined that “Mexican appearance” establishes sufficient grounds for citizenship inspection under the Fourth Amendment (Johnson 2000, 2007). This decision institutionalized ethno-racial profiling in the apprehension of suspected unauthorized immigrants. The “typing” of suspected aliens (Heyman 1995; Weissinger 1996) normalizes racial profiling in immigration law enforcement and reinforces an image of Mexicans as foreigners, aliens, and criminals (Kretsedemas 2008; Romero 2006; Warner 2005–6). Consequently, the “police practice known as ‘field investigations,’ where police interrogate persons who appear not to ‘belong’ to a given place” (Marx 2001, 323), is common in the war on drugs within low-income communities of color. This police practice in Mexican communities as part of immigration law enforcement serves to reclaim urban space for whites and forces Mexican Americans and Mexican immigrants off the street and out of other public spaces.

The use of “Mexicanness” as a criterion by law enforcement agents directs state violence at neighborhoods with relatively large Latino populations and toward people living in barrios who speak Spanish and who otherwise appear “Mexican.” As a consequence, we expect victims of state violence along the border to include many more people than those who are legally defined as criminals (that is, unauthorized immigrants). Anyone who displays a Mexican (or other non-U.S.) identity, regardless of actual legal status, is considered fair game. Legal scholars who apply critical race theory to immigration law identify various ways that immigration law enforcement places persons of Mexican ancestry at risk (e.g., Benitez 1994; Chang and Aoki 1997; Johnson 2000, 2004; Vargas 2001). According to Romero (2006, 463), these include: “(1) discretionary stops based on ethnicity and class; (2) use of intimidation and other forms to demean and subordinate persons stopped; (3) restricting the freedom of movement of Mexicans but not others in the same vicinity; (4) reinforced stereotypes of Mexican as ‘alien,’ ‘foreign,’ inferior and criminal; and (5) limited access to fair and impartial treatment before the law.”

While studying the importance of Mexicanness is our primary aim, we recognize that other characteristics of individuals may also pattern mistreatment. Previous research suggests that border authorities target working-class Latinos more frequently than middle-class Latinos (Heyman 2001, 2004; Romero and Serag 2005; Weissinger 1996). Compared to the overall U.S. population, unauthorized immigrants are more likely to be young, male, and uneducated, and to have lower incomes than other working adults (e.g., Massey et al. 2002). In addition to ethno-racial characteristics, these factors may also be related to mistreatment by immigration authorities, so they are also examined.

Furthermore, we are able to look at whether or not mistreatment of immigrants in the South Tucson portion of the border was higher or lower in 2003 than it was a decade earlier, in 1993. There is evidence that the number of immigrants arrested and deported from the United States increased after enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Miller 2005; Rodriguez and Hagen 2004; Welch 2002). However, Massey, Durand, and Malone (2002) suggest that immigration enforcement concentrated immigration agents directly along the border and in drug enforcement throughout the 1990s, and that enforcement in the interior parts of the borderlands—where South Tucson lies—experienced a decline in immigration enforcement activity.

Finally, we incorporate a consideration of routine activities into the structural violence analyses. Criminologists have found that certain environmental and situational circumstances are frequently present (e.g., Cohen and Felson 1979; Felson 1986; Felson and Gottfredson 1984; Miethe and Meier 1990, 1994). For instance, several researchers note that certain types of lifestyles place individuals at risk of victimization (Birkbeck and LaFree 1993; Felson 1994; Hindelang, Gottfredson, and Garofalo 1978). Other studies have found that certain circumstances provide opportunities to engage in deviant behavior (Barnes et al. 2007; Kennedy and Baron 1993; Osgood et al. 1996). In our application of routine-activities perspectives, we examine the routines of border agents and barrio residents as overlapping patterns that place some residents at greater risk than others of experiencing mistreatment. Often with the cooperation of the local police, border patrol agents canvas barrios, stopping pedestrians and cars. They often target places that attract large numbers of people, like big-box stores, libraries, schools, day labor sites, and so on (Heyman 2004; Romero and Serag 2005). For this reason, laborers and the employed, as well as individuals who leave their homes more often, are at greater risk of mistreatment. Similarly, “transnationals”—people who maintain strong familial, economic, and other ties with their country of origin—encounter border agents more often than others because they cross the border more frequently.

## **Methodology**

We used survey data collected from residents of South Tucson, Arizona, in 1993 and 2003. The original impetus for the 1993 study came from local community leaders and residents who were concerned about the frequent and persistent harassment they experienced from immigration authorities. A research team came together at the University of Arizona and began by identifying similar research underway in a barrio neighborhood in South Texas, where a survey was piloted and a methodology created (Koulish et al. 1994). The survey instrument, which was adopted for the South Tucson study, was designed to measure attitudes toward immigration authorities, to estimate the rate of and nature of mistreatment in the population, and to relate attitudes and encounters to residents’ demographic characteristics. Findings from the South Texas data and the 1993 South Tucson data were published together and presented to public officials (Koulish et al. 1994). In response to the continuing problems of mistreatment in South Tucson in the ensuing decade, researchers at the University of Arizona’s Binational

Migration Institute repeated the study in 2003. We have access to both data sets about South Tucson.

To our knowledge, these are the only data on contacts with immigration officials among a residential population. Other studies of residential populations' negative interactions with state officials focus solely on the police (Williams 2004) and do not include border patrol or customs agents, who may be more involved with abuse in the barrios. Another source of data consists of formal complaints filed with the Immigration and Naturalization Service (and now the DHS). However, these data are presumed to underestimate the extent of harassment because many people who are mistreated do not file complaints (Koulish et al. 1994; Warner 2005–6). Other studies of mistreatment include only immigrants who have been deported or are based on samples that are not representative of a larger U.S. population (Phillips, Hagan, and Rodriguez 2006; Phillips, Rodriguez, and Hagan 2002). While useful information can be obtained from these other data sets, the data set from South Tucson is the only one that can be used to determine the extent to which ethno-racial profiling leads to abuse in a barrio located in the border region. The battery of questions investigated respondents' interactions with immigration officials, especially those involving mistreatment, as well as important demographic characteristics of individuals, including their race/ethnicity, gender, age, education, income, and language.

#### SETTING AND SAMPLE DESIGN

South Tucson is a small urban enclave completely surrounded by the city of Tucson and similar to many predominantly Latino neighborhoods in the border region. Of the approximately 5,000 residents, about 80 percent are Latino, 35 percent are foreign born, and 40 percent are living in poverty. The area is connected to the twin border towns of Nogales, Arizona, and Nogales, Sonora, by sixty-five miles of interstate highway.

The 1993 and 2003 data come from two independent random samples for which the primary sampling units were census-defined blocks from the 1990 and 2000 censuses, respectively. These blocks were randomly sorted and then the blocks at the top of the lists were selected for the sample. Within selected blocks, the interviewers approached the household on or nearest the northwest corner and then proceeded clockwise. A preset formula for skipping houses—for example, skipping every other household or every third household—was created and depended on the number of

households on the block. If no one was home in a selected household, one follow-up occurred. Selected households that were not interviewed (for whatever reason) were replaced with households from the next block on the randomly sorted list. This process continued until the sample sizes reached the goal of 10 percent of the household population (165 in 1993; 181 in 2003). Refusals were fairly uncommon (11 percent in 1993 and 18 percent in 2003).

In both waves, the interviewers were college students from the local university, most of whom grew up in the Tucson area. They underwent substantial training by the research team. In the field, interviewers operated in two-person teams that included at least one person fluent in Spanish and one person who identified as Latino. Interviews were conducted in the preferred language of the respondent.

Prior to the 1993 and 2003 studies, efforts were made to develop trust between South Tucson residents and the research team. Announcements about the survey were made on popular radio stations and in churches. Residents were told that the study was being conducted by academics at the university who were not affiliated with the government. A monetary incentive (\$10) was offered to encourage participation. Interviews lasted between forty-five minutes and three hours.

Table 1 compares the data collected in these two sample waves to values in the 1990 and 2000 censuses. Even though our samples are from three years later than the two censuses, the estimates should be similar.

**Table 1. Comparison between 1993 and 2003 Samples and the 1990 and 2000 Censuses**

	1990 census	1993 sample	2000 census	2003 sample
Latino/Latina (%)	80.4	80.6	80.2	80.7
Speaks at least some Spanish (%)	80.7	84.2	88.9	87.3
Born in the United States (%)	64.7	61.8	66.3	57.5*
Median household income (1993 dollars)	9,869	9,039	14,587	17,608
Employed in the last year (%)	66.1	39.9*	75.5	58.9*
Presently married (%)	37.5	46.1*	42.3	49.7*
Female (%)	51.4	67.1*	46.3	53.8*
N		165		181

\* The sample estimate is significantly different than the population parameters in the corresponding census years at  $p < .05$  on two-tailed tests, respectively. Hypotheses tests are not performed for median household income.

The table shows that the percentage of Latinos in the two samples is almost identical to the values for the population in the censuses. The same is true for the percentage of people who speak at least “some” Spanish, and for median household income. The 2003 sample, but not the 1993 sample, shows a slight underrepresentation of people not born in the United States. However, unemployed people, females, and married persons are overrepresented in both samples. Sudman (1983) indicates that these categories are often overrepresented in door-to-door surveys because such people are more likely than others to be at home. Thus, the comparison to the census shows that the samples are quite similar to the population except in relation to people disproportionately at home.

What biases does this create for our study? When we estimate the overall rate of mistreatment in South Tucson, the overrepresentation of people who spend more time at home will most likely bias our estimate downward. Presumably, people interact with immigration officials less often at home than in public. However, our analyses do not show a strong association between gender, marital status, and employment on the one hand and victimization on the other hand.<sup>1</sup> Although it is not definitive, this suggests that the overrepresentation of people who are disproportionately at home creates little bias. In the regression analyses discussed below, gender, marital status, and employment status are held constant. To the extent that these variables capture variation in staying at home, the regression coefficients will not be biased by the overrepresentation of this population.

In addition, some people who have encounters with immigration authorities are deported. Because all of those deported have had encounters with immigration authorities, a relatively large proportion of them may have been mistreated; however, they are not reached by our survey. Thus the ongoing practice of deportation may also lower the estimated rate of mistreatment in this study. We now turn to the measurement of variables.

## MEASUREMENT

Table 2 presents brief definitions and descriptive statistics for each variable. Below, we describe the variables in more detail, beginning with the dependent variables and then turning to the independent variables.

**Dependent variables.** To identify those respondents who had or potentially had more encounters with immigration authorities, we measured the number of times respondents reported having seen the border patrol and

Table 2. Variables, Definitions, and Descriptive Statistics

Variable	Definition/question	% yes	Mean	Standard deviation
<i>Dependent variables</i>				
Times seen border patrol	"About how many times in the last year have you seen the border patrol patrolling your neighborhood or South Tucson?"	—	19.16	18.69
Number of mistreatment stories	Includes firsthand and secondhand stories of mistreatment and those who answered yes to the question, "Do you know anyone else who has been mistreated by immigration authorities?" Range 0–4.	—	0.43	0.72
Face-to-face encounter	Respondent has had face-to-face interactions with immigration authorities in the last several years. Includes secondhand stories from people the respondent knows "personally." 1 = yes, 0 = no.	32.1	—	—
Witness of mistreatment	Respondent relates a first-hand experience of mistreatment (includes experiences where the respondent is and is not the victim). 1 = yes, 0 = no.	11.9	—	—
Victim of mistreatment	Respondent has been a victim of mistreatment. 1 = yes, 0 = no.	9.2	—	—
<i>Ethnicity</i>				
Mexican ethnicity index	Standardized variable based on three dummy variables: respondent went to school in Mexico, reports "Mexican" identity, and speaks Spanish as well as or better than English.	—	0.00	1.00
School in Mexico	Respondent reports having received education in Mexico. 1 = yes, 0 = no.	35.9	—	—
Mexican identity	Respondent identifies as Mexican rather than Chicano, Hispanic, Latino, Mexican American, or a non-Latino identity. 1 = yes, 0 = no.	27.7	—	—
Spanish speaker	Respondent speaks Spanish as well as or better than English. 1 = yes, 0 = no.	69.6	—	—
<i>Immigration status<sup>a</sup></i>				
U.S.-born citizen (comparison)	1 = yes, 0 = no.	58.4	—	—
Naturalized citizen	1 = yes, 0 = no.	16.5	—	—
Lawful permanent resident	1 = yes, 0 = no.	17.7	—	—
Unauthorized	1 = yes, 0 = no.	3.8	—	—
Other immigrant status	1 = yes, 0 = no.	3.5	—	—

Variable	Definition/question	% yes	Mean	Standard deviation
<i>Routine activities perspective</i>				
Index of nonhousehold activities	Sum of three dummy variables: respondent is employed, considers self "politically active beyond voting," and is "active in religious activities (beyond church/temple once a week)." Range 0–3.	—	0.81	0.67
Transnational index	Sum of three dummy variables: respondent has close relatives living in Mexico, would like to bring these relatives to the U.S. to visit or live, and would like to return to Mexico to visit or live. Range 0–3.	—	1.76	1.14
<i>Other</i>				
Years of education	Calculated from midpoints on a categorical scale.	—	9.81	3.30
Adjusted household income	Adjusted to 1993 dollars.	—	15.68	10.7
Wave	1 = 2003, 0 = 1993.	52.3 <sup>b</sup>	—	—
Female	1 = yes, 0 = no.	60.1	—	—
Years of age		—	43.4	18.53
Not Latino	Includes non-Hispanic of all racial/ethnic groups. 1 = yes, 0 = no.	19.0	—	—

a. All responses to questions about immigration status are based on self-report.

b. "2003" is considered equivalent to "yes."

whether or not they had encounters with immigration authorities. The first measure comes from the question, "About how many times in the last year have you seen the border patrol patrolling your neighborhood or South Tucson?" Answers to this question vary from zero to over 200. We found that by taking the natural log respondents' answers, the variable's distribution became nearly normal, allowing us to use it as a dependent variable in ordinary least squares (OLS) regression. Taking this variable's natural log has the added advantage of minimizing the influence of the extremely high scores, which are presumably less accurate than the scores near the central tendency. We also use the natural log of border patrol sightings as an independent variable to identify which individuals had routines that brought them into contact with immigration authorities.

Encounters with immigration authorities were measured from a question that asked, "In the last several years, have you, or has anyone that you know personally, had any face-to-face interaction with immigration authorities?" Notice that this question captures information on more than one encounter and includes information about other people. In addition, the question asks respondents to recall events over the last several years. The accuracy of recall questions declines with the time elapsed (Sudman 1983).

To determine which encounters might have involved mistreatment, the survey asks, "What were these encounters like?" There were two response choices: (1) "All were positive/cordial; there were no problems at all," and (2) "Some/all were less than cordial; there were problems with some/all." Respondents who answered that some or all of the encounters posed a problem were then asked follow-up questions that probed for information about mistreatment. These included an open-ended question asking respondents to "describe" each negative encounter. In addition to these descriptions, a series of detailed questions were asked about each episode to gather information on the date, victim, source of information, type of mistreatment, location, agency, and other details about each episode of mistreatment.

We reviewed the information gathered on each encounter to determine which ones appeared to be actual cases of harassment or mistreatment and which did not. An encounter was defined as involving mistreatment if it included any form of verbal, physical, or legal activity on the part of immigration officers that fell outside approved policing behavior. Koulish and others (1994) operationalized state-approved behavior by reviewing existing law, precedent, and the *INS Officers' Handbook*. They concluded that this body of literature

grants the public the absolute right to courteous, fair, and sympathetic treatment from every INS officer. Further . . . physical force may only be used by immigration officers in self defense, the defense of others, or when absolutely necessary to make an arrest or prevent an escape. . . . No remarks of a sarcastic or "kidding" nature should ever be made to an alien about his/her name, nationality, race, religion, economic condition, dress, etc. Such remarks may result in disciplinary action against the officer involved. (11)

Many of the encounters described by respondents clearly involved mistreatment by this definition. In one episode, a woman was stopped while driving and pulled out of her car by her hair. In another, the officer handled

a woman's breast to check for "plants." In another, a group of friends were stopped by the border patrol and separated on the basis of language. One of them who didn't have papers was treated rudely and illegally deported. Additional narratives indicate instances of threats, racial slurs, separation of children and parents, detention of people without cause for up to twelve hours, and so on.

In contrast, encounters where immigration authorities acted professionally and within their jurisdiction—even if the encounters were upsetting to respondents—were not defined as mistreatment. For example, in one reported episode, the respondent was not allowed to enter the United States with his family. The narrative suggested that everyone in his family except him had *papeles*, papers. His family decided not to cross the border in order to remain with him. In this narrative and in the follow-up questions, the respondent expressed frustration, but there was no evidence that any verbal, physical, or legal mistreatment had occurred.

For each episode that was determined to involve mistreatment, we used the descriptions and follow-up questions to distinguish between firsthand episodes where the respondent was present, firsthand episodes where the respondent was the victim, and secondhand episodes involving other people the respondent knew personally. This information was used to create three different indicators of mistreatment. The first is a bivariate indicator of respondents who are *victims of mistreatment*. The second is a bivariate indicator of respondents who are *victims or witnesses of mistreatment* (that is, actually present). We used bivariate measures for these two variables because only two people reported more than one episode.

The third measure is a count variable that equals the total number of mistreatment episodes told by the respondent. This variable includes firsthand and secondhand stories. We added an additional episode for respondents who answered yes to a question near the end of the survey that asked, "Do you know anyone else who has been mistreated by immigration authorities?" This measure differs from the previous two in that it captures variation in who experienced mistreatment as well as who knew about the mistreatment of other people. The variable identifies the people most at risk of suffering negative outcomes from an oppressive climate created by immigration enforcement.

**Independent variables.** Because of our interest in "Mexicanness," we created an index of Mexican ethnicity from three underlying dummy variables. The first dummy variable flags respondents who claimed to be Mexican as opposed to Chicano, Mexican American, Hispanic, other

Latino, or not Latino. The second dummy variable captures the acculturating effects of U.S. schooling by flagging individuals who went to school in Mexico. The third dummy variable captures variation in language. On the survey, respondents were asked questions to determine which languages they spoke fluently, and the variable identifies those respondents who reported speaking Spanish as well as or better than they speak English. The three variables were combined in principal components factor analysis, a technique that creates a weighted sum of their answers on the three questions in a manner that maximizes their commonality. Because it was created in principal components analyses, the index has a mean of zero and standard deviation of one.

Residency status was coded from a question that asked respondents to select their status from a list of options. This information was used to construct dummy variables around the statuses that state agents might associate with unauthorized border crossers. Native-born U.S. citizens, who account for 58 percent of the sample, are the comparison category. Unlike people of any other status, native-born citizens are not subject to deportation under any circumstances. All other categories, depending on circumstances (such as felonies), are subject to deportation (Kretsedemas and Brotherton 2008). Dummy variables were created for those selecting (1) naturalized citizen, (2) lawful permanent resident, (3) undocumented, and (4) other status (1 = yes for all). The final variable includes several statuses like “applicant for asylum,” each of which is too rare (under 3 percent) for hypotheses testing. The undocumented category is rare as well, 4 percent, but is set apart because these people are the formal target of inspections. About 7 percent of the respondents refused to answer this question.

To capture routine activities that may lead some individuals to have more contact with immigration authorities than others, we created three variables. The first, described above, is the number of times people reported seeing the border patrol. Second, we identified “transnational” migrants by creating an index from three underlying dummy variables: whether the respondent had close relatives living in Mexico or Central America, would like to bring a close relative from Mexico or Central America to live in or visit the United States, and would like to move to or visit Mexico or Central America (1 = yes for all). The index equals the sum of these three questions.

Third, we measured respondents’ involvement in activities outside their homes. This was done by creating an index from three underlying dummy variables: whether the respondent was employed, was socially/

politically active beyond voting, and was religiously active beyond attending church weekly (1 = yes for all). The index is the sum of the three dummy variables. It is likely that these three indicators capture variation in respondents' routine activities that put them in contact with immigration authorities. The measures are not as direct as we would like, but there are no better measures available.

To measure respondents' socioeconomic status, we measured years of education and household income. Both variables were measured from categorical scales on the survey. We turned them into interval-ratio variables by taking the midpoints of the categories. About 20 percent of the respondents refused to answer the question about income.

In addition, we measured age, gender (1 = female, 0 = male), year of the survey (2003 = 1, 1993 = 0), and non-Latino (1 = yes). We did not create additional racial and ethnic variables because only 19 percent of the sample is not Latino.

**Missing data.** As suggested by Allison (2001), we used multiple imputations for missing data. In this method, missing data are imputed from an algorithm using all variables in the analyses to predict values for missing cases. A random variance component is added to the imputed values so that the variances of the imputed values are equivalent to those in the actual values. These imputations are calculated six times, creating six different data sets. The data sets are analyzed separately and then combined into one set of results. More precisely, coefficients are their average value across the six analyses, and standard errors are the square root of the average variances for each coefficient plus a correction based on the amount of variation in the results across the different samples. This correction minimizes the chances that results are being influenced by the imputations. The multiple imputations were created in the SAS system's MI procedure; results were combined in SAS's MIANALYZE procedure.

## STATISTICAL ANALYSIS

We used three different kinds of regression analyses because we had three different kinds of dependent variables. For models that predict the natural log of how many times respondents reported seeing the border patrol, we used ordinary least squares regression. In OLS models with a logged dependent variable, multiplying the coefficient by 100 gives the percentage change in the dependent variable for a unit change in the independent variable.

For models predicting the number of episodes of mistreatment that respondents reported, we used Poisson regression. This type of regression is appropriate for dependent variables that are counts because they constrain predicted values to numbers greater than zero. In addition, using OLS models with count data inflates standard errors for coefficients when counts are small (Barron 1992). In these Poisson regression models, the expected number of mistreatment episodes told by respondent  $i$  was  $E(Y_i) = \lambda = \exp(B_k X_{ik})$  for  $k$  independent variables.

Diagnostic tests for overdispersion (which occurs when the expected variance of  $Y$  is greater than  $\lambda$ ) validated the use of Poisson regression rather than a negative binomial model (Cameron and Trivedi 1990). Because Poisson models involve an exponential term, the effect of a unit change in any independent variable on the expected value of  $Y$  depends on the value of the other independent variables in the model. However, they can be interpreted quickly with exponentiation. For example, an estimated coefficient of 0.5 on the Mexican ethnicity index indicates that for a unit change in this index (which, recall, has a standard deviation of one unit), the expected number of episodes reported is  $(\exp 0.5)$  1.65 times greater, all else equal.

For models predicting who had face-to-face encounters, who was a witness or victim of mistreatment, and who was a victim of mistreatment, we used logistic regression. Logistic regression models are appropriate for binary dependent variables because predicted values fall between the values of zero and one. A logistic regression model can be written as a probability model where:

$$P_i(Y = 1) = \exp(B_k X_{ik}) / (1 + \exp(B_k X_{ik})).$$

The effect of an independent variable on the probability that  $Y = 1$  depends on the values selected for the other independent variables, but in general, positive and negative coefficients indicate an increase and a decrease, respectively, in the probability that the event occurred. The coefficients are log-odds ratios and they can also be interpreted through exponentiation. For example, in a model predicting whether or not an individual has been mistreated ( $1 = \text{yes}$ ), with an estimated effect of 0.5 for the Mexican ethnicity index, the odds of being mistreated are  $(\exp 0.5 =)$  1.65 times greater for a one-unit increase in this index, all else equal.

We also performed a number of diagnostic tests on the models. First, we examined whether or not it was appropriate to combine the 1993 and

2003 samples. This check lets us determine whether the relationships between the independent and dependent variables vary across the two samples. We ran all models separately for the 1993 and 2003 data sets and tested for differences between the coefficients across years.<sup>2</sup> There was only one significant difference out of the sixty-seven tests, less than would be expected on the basis of chance, suggesting similar relationships in the two cross-sections.

Second, we explored the possibility that results were being biased by multicollinearity using variance inflation factors (VIF) in SAS's REG procedure. Multicollinearity does not bias coefficients, so there is no danger that an estimated coefficient will be too positive or too negative. Multicollinearity inflates standard errors and makes hypotheses tests too conservative. The variable with the highest VIF is the Mexican ethnicity index, which has a VIF of 4. Neter, Wasserman, and Kutner (1985) suggest that a VIF under 10 suggests that the standard errors are not being inflated.

## Results

### RATE OF MISTREATMENT AND SAMPLE CHARACTERISTICS

We begin by describing the sample characteristics shown in the descriptive statistics of table 2. Respondents reported seeing the border patrol an average of 19.2 times in South Tucson in the last year. Thirty-two percent reported that they or someone they know personally had a face-to-face encounter with immigration authorities. The average number of mistreatment episodes respondents reported is 0.43, with a range of 0 to 4. In addition, 11.9 percent of the sample related an episode of mistreatment that involved them as victim or witness. The majority of these firsthand accounts are by victims: 9.6 percent of the sample reported an episode in which they were the victim of mistreatment. At the 95 percent confidence level, this estimate ranges from 9.2 to 12.8 percent.<sup>3</sup>

It is difficult to compare the rate of victimization in this study to rates found in other studies because of differences in methodology and because of the size of our sample. Nevertheless, some comparison should be made. The U.S. Justice Department reports an annual rate of 0.2 victims of force or coercion from police officers per 100 population (Williams 2004). Calculating an annual rate in our data is possible because we have the dates for the mistreatment episodes; however, we know that our data are based on recall and become less accurate as respondents search their memories for episodes further back in time. Given this limitation, we estimate the

rate of mistreatment in the full calendar year prior to the year the survey was administered—that is, 1992 for the first wave and 2002 for the second wave. For these two years, the mistreatment rate per 100 people is 2.31 with a 95 percent confidence interval that ranges from 1.16 to 4.55.

Looking only at the victims who experienced force or coercion during this one-year period from both surveys, the victimization rate is 1.44 per 100 people (more than twelve times the national average), with a confidence interval of 0.60 to 3.42. Thus, the best estimates that can be produced from this data indicate a rate of victimization by immigration officials in South Tucson that is higher than the rate of victimization by police in the nation as a whole.

The data also show that the respondents in the samples have many characteristics that put them at risk of being mistreated. The Mexican ethnicity index is a standardized variable with a mean of zero and a standard deviation of one, but table 2 also shows the percentages for the three variables that make up this variable. A full 55.9 percent of the sample reported having been educated in Mexico, 27.9 percent identified as Mexican, and 66.9 percent reported speaking Spanish at least as well as they speak English. In addition, 3.8 percent were unauthorized, and 16.5 and 17.7 percent were naturalized U.S. citizens and lawful permanent residents, respectively. Only 19.3 percent of the sample were not Latino.

The index of nonhousehold activities, which is based on questions about respondents' employment, social/political activities, and religious activities, indicates that respondents were, on average, involved in only 0.81 (out of a possible 3) activities. The index of transnationalism, which is the sum of three factors (having close relatives in Mexico, wanting to bring a relative to the United States to live or visit, and wanting to go to Mexico to live or visit), shows that, on average, respondents answered yes to 1.81 of the three underlying questions.

Many of the respondents are also socioeconomically disadvantaged. The mean for years of education is less than two years of high school (9.81 years), and mean household income, which is adjusted to 1993 dollars in both waves, is only \$15,680. Next, we examine the regression models to learn which of these characteristics is most associated with mistreatment.

#### ETHNICITY, IMMIGRANT STATUS, ACTIVITIES, AND SOCIOECONOMIC STATUS

We begin by examining the role of Mexican ethnicity in South Tucson residents' experiences with immigration authorities. In the OLS regression

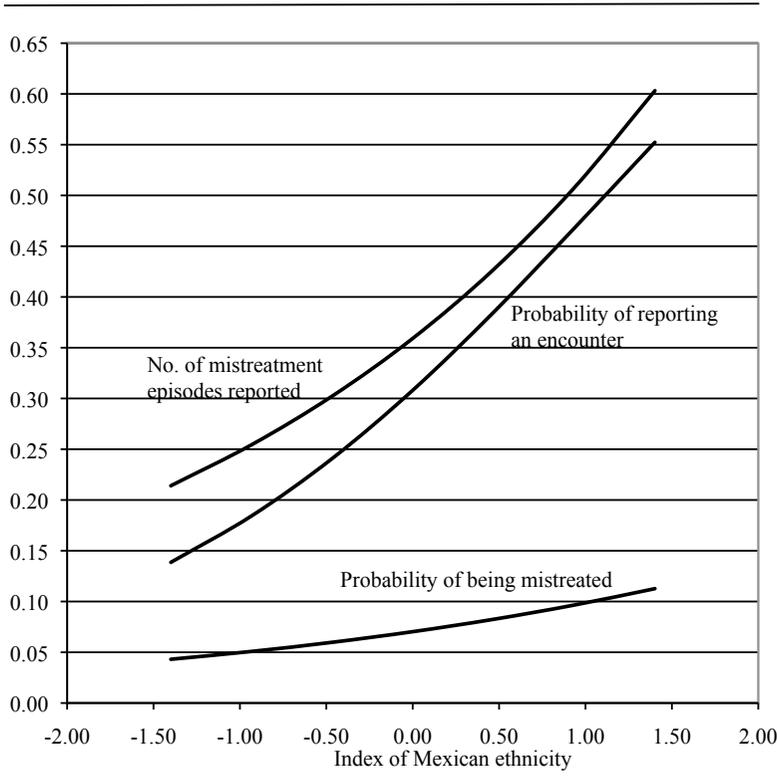
model predicting the number of times respondents had seen the border patrol, the index for Mexican ethnicity is not significant. This suggests that Mexican ethnicity is not, at least by this measure, related to having routine activities that bring individuals into greater contact with immigration authorities, all else equal.

However, Mexican ethnicity is positively related to the other dependent variables. People with more positive values on the Mexican ethnicity index have a higher probability of having had, or knowing someone who has had, face-to-face encounters with immigration officials, as seen by the positive coefficient (0.73) in this model. In addition, those with a high score on this index reported more mistreatment stories (0.37), and they have a higher probability of being a witness or victim of mistreatment (0.86) and of being a victim of mistreatment (0.83).

To better illustrate the magnitude of these effects, figure 1 shows the expected number of mistreatment episodes reported, the probability of having an encounter with immigration authorities, and the probability of being mistreated, broken down by levels of Mexican ethnicity. The values are calculated from models 2, 3, and 5, respectively, with levels of the other dependent variables set to their grand mean. The measure of Mexican ethnicity is based on three underlying dummy variables: born in Mexico, speaks Spanish at least as well as English, attended school in Mexico (1 = yes for all). For respondents with none, one, two, and three of these characteristics, their corresponding factor scores are about -1.4, -0.4, +0.8, and +1.4, respectively.

The figure shows that all outcomes rise as the Mexican ethnicity index rises. For a respondent with none of these ethnicity characteristics (i.e., a score of -1.4), the expected number of mistreatment episodes is 0.21. For respondents with all of these ethnicity characteristics (a score of +1.4), the expected number of episodes is almost three times higher, at 0.61. Likewise, the probabilities of reporting an encounter increases from 0.139 (about 1 in 7) for respondents without any of the Mexican ethnicity characteristics to 0.553 (about 1 in 2) for respondents with all of them. The difference in the probability of being mistreated also differs for these two groups. Respondents without these characteristics have a probability of being mistreated equal to 0.043 (about 1 in 23 people); for people with all of these characteristics, the probability is 0.117 (about 1 in 8.5 people). Because these effects are calculated net of citizenship status, routine activities, socioeconomic status, gender, and age, they show evidence that immigration authorities practice ethno-racial profiling in stops and in doling out mistreatment.

Figure 1. Expected Number of Mistreatment Episodes Reported and Probability of Being a Victim of Mistreatment, by Level of Mexican Ethnicity



Note: Estimates are calculated from models 2, 3 and 5 of table 3. The values of all other independent variables are set to their grand mean.

In contrast to the strong effects of Mexicanness, respondents' actual immigration status shows little relation to any of the outcomes. Only one coefficient for the measures of immigrant status in the five different models is significant. This occurs in the model predicting face-to-face encounters, and it shows that unauthorized residents are less likely than native-born citizens to have such an encounter. Unauthorized people may make a greater effort to avoid immigration authorities. Alternatively, the unauthorized may have a lower rate of encounters in the data because of deportations.

However, a closer look at the coefficients shows that they are consistently negative in all the models except the one predicting sightings of the

**Table 3. Effects of Ethnic Profiling, Immigrant Status, Routine Activities, and Social Class on the Risk of Mistreatment**

	Times seen border patrol (natural log)		Face-to-face encounter		Number of mistreatment episodes		Mistreatment		
	1	2	3	4	5	Witness or victim	Victim		
<i>Ethnic profiling</i>									
Mexican ethnicity	-0.04	0.73 ***	0.37 **	0.86 **	0.83 *				
<i>Immigrant status</i>									
U.S.-born citizen (omitted)	—	—	—	—	—				
Naturalized citizen	0.19	-0.99	-0.13	-1.14	-1.06				
Lawful permanent resident	0.35	-0.70	-0.01	-1.09	-0.88				
Unauthorized	0.10	-1.84 **	-0.51	-1.23	-0.82				
Other immigrant status	0.71	-1.58	-0.12	-2.40	-2.00				
<i>Routine activities perspective</i>									
Index of nonhousehold activities	0.41 **	0.35 *	0.14	0.20	0.06				
Times seen border patrol (nlog)	—	0.10	0.11 ***	0.05	0.13				
Transnational index	0.32 **	0.20	0.33 ***	0.23	0.20				
<i>Socioeconomic status</i>									
Years of education	-0.06	0.14 ***	0.10 ***	0.18 **	0.18 **				
Adjusted household income (nlog)	0.00	-0.15	-0.10	-0.28	-0.33				
<i>Control variables</i>									
Wave (1 = 2003, 0 = 1993)	-0.77 ***	-0.74 ***	-0.11	-0.64	-0.51				
Female (1 = yes, 0 = no)	-0.55 **	0.07	-0.12	-0.61	-0.62				
Years of age	-0.02 ***	-0.02 **	-0.01 **	-0.02	-0.01				
Not Latino (1 = yes, 0 = no)	0.32	0.18	0.12	-0.36	-0.53				
Intercept	2.90 ***	-1.25	-1.99 ***	-1.97	-2.46				

\*  $p < .05$  on one-tailed test

\*\*  $p < .05$  on two-tailed test

\*\*\*  $p < .01$  on two-tailed test

Note: One-tailed tests are used when significance is not reached on a two-tailed test and a direction is predicted. Model one uses OLS regression. Model three uses Poisson regression. The other three models use logistic regression.

border patrol. For this reason, we calculated models that replaced all the different status categories shown in table 3 with a single dummy variable flagging those respondents who are native-born U.S. citizens. Coefficients for this variable are positive and significant (at the modest level of 0.05 on a one-tailed test) in models 2, 4, and 5. Thus, U.S. citizens are slightly more likely than people with other statuses to have reported having face-to-face encounters with immigration authorities and to have been witnesses and victims of mistreatment. Taken together, these findings indicate that U.S.-born citizens are at least as likely to be mistreated as people of other immigrant statuses.

The variables available to us to measure routine activities are admittedly crude, but their coefficients still show modest support for the perspective. Respondents who participated in more activities outside of the household (.41) and who had more transnational characteristics (0.32) reported seeing the border patrol more often. Nonhousehold activities are also associated with more face-to-face encounters, and transnationalism is related to the number of mistreatment episodes reported. The number of times a person had seen the border patrol is also significant in one model. Its coefficient in model 3 shows that people who reported seeing the border patrol more often also reported more mistreatment episodes. Finally, it is worth noting that all of the coefficients for the variables about routine activities are positive in all of the models. It is likely that this perspective would receive greater support with improved measures of routine activities.

The data also show that household income is not related to any of the dependent variables. However, more educated respondents, surprisingly, were more likely to report encounters and to be victims and witnesses of mistreatment. They also reported more mistreatment episodes.

Initially, we believed that more-educated people might be better able to answer questions about mistreatment than others. Educated African Americans, for example, show a greater awareness of racial profiling than less-educated African Americans (Weitzer and Tuch 2002). If this were the case, highly educated people might be more likely to report episodes of mistreatment that occurred longer ago and/or to report legal forms of mistreatment (as opposed to physical or verbal forms, which may be identified more easily by all respondents). However, in-depth examination of the data using the reported date of mistreatments and additional questions about the nature of the mistreatment did not support these conjectures.

A closer examination of the data showed that mistreated individuals are still, by general U.S. standards, not highly educated. The average in

our entire sample is only 9.8 years of education, and among those who are mistreated, it is only 10.7 years. Thus, future research needs to compare barrio residents who have some high school experience with those who have not gone to high school to better understand educational differences in mistreatment.

The dummy variable for the wave of the survey indicates that respondents reported fewer border patrol sightings and fewer face-to-face encounters with immigration authorities in 2003 than they did in 1993. However, this reduction in the presence of immigration authorities does not extend to a reduction in mistreatment, as indicated by the lack of significance for this variable in the other models.

## Discussion

This study examines the lives of South Tucson residents to determine how frequently barrio residents are victims of state violence and which barrio residents are more likely to be victims. Our analyses support premises put forward in a structural violence perspective (Farmer 2003; Galtung 1969; Nevins 2002, Rubio-Goldsmith et al. 2006). According to this perspective, social and cultural structures within a region determine who suffers violence, how much violence they suffer, and which forms of violence are widely considered acceptable or legitimate. Data for the study come from two random samples of South Tucson residents, one in 1993 and one in 2003.

The empirical results indicate that residential segregation—the institutional practice responsible for the existence of barrios—is a social and economic structure that concentrates state violence onto the Latino population in the Southwest. The rate of mistreatment in South Tucson is estimated to be between 1.2 and 4.6 per 100 residents per year. Furthermore, the analyses indicate that residents of South Tucson are victims of illegal force or coercion from immigration agents and the police at a rate of between 0.6 and 3.4 per 100 annually. Nationally, the rate of victimization by police is estimated to be 0.2 per 100 annually—which is one-third to one-seventeenth the rate in South Tucson.

Even though the estimated victimization rate for South Tucson residents is higher than that of the entire U.S. population, it may nonetheless be too low. Our samples of South Tucson residents overrepresent people who spend a great deal of time at home, and these people are slightly less likely to be mistreated. This view is consistent with a routine activities

perspective of victimization: people who have routine activities that involve leaving home tend to come into more frequent contact with immigration agents and the police, which in turn makes them more likely suffer mistreatment than people who mostly stay at home. In addition, the practice of immigration enforcement systematically results in the deportation of people from South Tucson. All deportees have interactions with immigration agents or the police, so their rate of mistreatment is likely to be higher than that of other barrio residents—yet they are not included in the study, being no longer present in the barrio. Despite these limitations, the data show that South Tucson residents are more likely to be victims of state violence than the general U.S. population. Thus, our finding supports Amnesty International's (1998) concerns about human rights violations in the border region.

Our analyses of which barrio residents are most likely to be victims of state violence indicate a pattern of state violence based on “Mexicanness.” The data indicate that people with ethnic characteristics, such as speaking Spanish, self-identifying as Mexican, and lacking a U.S. education, are more likely to have interactions with immigration officials, to report knowing about episodes of mistreatment, and to be victims of or witnesses to mistreatment. The higher victimization rate reported by this population is not the result of a combination of economic status, routine activities, or citizenship status, all of which are held constant in the analyses. Rather, immigration authorities behave more violently toward people who display signs of Mexican ethnicity than toward those who show Anglo ethnicity, regardless of class and citizenship status. We find no evidence that non-U.S. citizens are more likely to be victims of mistreatment than U.S. citizens. It is possible, as mentioned earlier, that rates of mistreatment of unauthorized people may be underestimated in these data because of deportations. Other research sampling deportees finds that they have often been mistreated (O’Leary 2008; Phillips, Hagan, and Rodriguez 2006). However, our data show that state agents treat many U.S. citizens violently too.

The importance of Mexican ethno-racial characteristics, as opposed to legal residency, in the profile of victims of violence has both theoretical and policy implications. With respect to theory, social science immigration scholars have failed to consider racial profiling in immigration law enforcement and the similarities in policing practices that are common in African American and Latino communities. The racial profiling of “blackness” offers insights into immigration law enforcement (Romero 2008). Recognizing the targeting of “Mexicanness,” rather than actual citizenship status, in

immigration law enforcement points to the ways that repressive forms of violence along the border are justified and legitimated. By legitimating the legal construction of “Mexican appearance” as sufficient grounds for citizenship inspection, the U.S. Supreme Court sanctioned racial profiling and reinforced racist notions of Mexicans as dangerous and criminal. Our findings point to the enduring legacy of oppressive racism and nativism directed at Mexicans broadly defined, and they support scholars’ contentions that Mexican ethnicity is mapped on racialized bodies, seemingly creating an ethno-racial minority group (Chang 1999; Warner 2005–6). Future research needs to further examine the significance of phenotypes, such as skin color and indigenous appearance, as determinants in immigration profiling.

Recent enforcement changes enacted by DHS and local governments are unlikely to reduce the practice of profiling residents who appear Mexican. These changes in the law call for more intense searches and are thus likely to increase ethno-racial profiling (Kretsedemas 2008). A full discussion of our findings in regard to comprehensive immigration reform is beyond the scope of this essay, but our analyses indicate the importance of racism and nativism in explaining current mistreatment trends and point to a need for policy change. These findings take on added urgency as immigration enforcement extends into all parts of the country. Legislation that imposes a state monopoly on violence must be aligned with constitutional principles guaranteeing individuals human and civil rights. Stories of abuse of enforcement powers abound in the national press. This study adds empirical and systematic analyses of the voices of barrio residents. There is no doubt that policy changes will be needed to curtail mistreatment. Unless efficient and credible civilian mechanisms are set in place for institutionalizing oversight over immigration law enforcement, unacceptable practices will continue.

## Notes

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1. A logistic regression model estimates a probability of being mistreated of 0.068 when all variables are at the sample means. If the sample means for variables

denoting females, employment, and native born are replaced with the Census means, the estimated probability rises slightly to 0.082, suggesting a minor underestimation of this probability from sampling error.

2. We use the formula  $t = (B_1 - B_2) / \text{Sqrt}(se_1^2 + se_2^2)$ . This formula will be too conservative if the covariance of the coefficients is positive (Neter, Wasserman, and Kutner 1985).

3. Confidence intervals are  $\pm 1.96$  times the standard error in a logistic regression model.

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