

DID POLICING OF IMMIGRATION CHANGE DURING THE TRUMP ADMINISTRATION

by

Nitika Jane

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Nitika Jane

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Approved by:

Kirk Miller

Department of Sociology, Thomas Harriot College of Arts and Sciences

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In 2017, the Immigration and Customs Enforcement (ICE) renewed its implementation of the “Secure Communities” initiative. It was ostensibly intended to intensify policing of undocumented immigrants who violated criminal laws while in the United States. This policy expanded the scope of immigration policing by enabling local policing agencies to confirm the immigration status of all persons arrested during booking, collect biometric info about arrestees, and share it with Homeland Security (U.S. Department of Homeland Security (2010)). This program was intended to reduce the cost of identifying illegal immigrants by broadening the scope of powers allotted to local law enforcement (Cox & Miles, 2012, p.88). A basic but essential question that is not answered is whether the reinstatement of Secure Communities in 2017 led to racial profiling of Hispanics and other brown people. In order to empirically investigate the possibility that the reinstatement of Secure Communities led to racial profiling of Hispanics and Hispanic-looking people, a quantitative thesis project was conducted that analyzed demographic patterns about traffic stop characteristics using data from North Carolina law enforcement agencies between 2015 and 2019. The analysis examined patterns in drivers stopped by police (race, gender, age, and other characteristics of drivers). This is done by analyzing traffic stop data from the two years before Secure Communities was re-instituted under Trump (2015-2016) and the 2 years after it was re-instituted (2018 -2019). The impact of the implementation of Secure Communities is assessed by quantifying if there is a change in traffic stops for Hispanic individuals between the two time periods that coincide with its re-introduction. Additionally, a discussion of the current context of immigration in the United States and how that has impacted interactions between Hispanic residents and local police.

Literature Review

According to Gutierrez (2019), since the 1900s large influxes of Hispanic immigrants arrived whenever there were shortages of manual labor workers in both agricultural and industrial sectors of the United States. Hispanic immigrants were primarily located in the southwest region during periods of economic recession or wartime. The majority of these workers were young men who acquired specialized skills from working in silver mines and processing industries. The primary reasons for emigrating from Mexico were increasing unemployment rates and the privatization of property which left many landless. The workers were also able to receive higher wages in the United States which enticed young workers to seek job opportunities. Originally working in gold mines in California, Mexican workers then progressed to coal and copper mines. The majority of immigrants were men, however, fewer women immigrated and worked in domestic servitude within homes and restaurants. Since the Mexican Revolution in 1910, many Mexican politicians and community leaders dissuaded people from leaving home to the U.S. because of the harsh working conditions, and discrimination that occurred. Nevertheless, by the 1940s, 4.6 million guest worker visas were granted by the United States government, and 5.5 million unauthorized Mexican workers were deported.

By the 1960s, under the Kennedy presidential tenure, policies such as the Hart-Celler Act of 1965 attempted to combat the stigmatization of immigrant populations. Previously restricted populations from Asian and European countries were able to compete for the limited spots available for legal entry to the U.S. which dramatically impacted Mexican immigrants. As a result of the Hart-Celler Act, 7.5 million authorized and unauthorized Mexicans entered the U.S. through increasingly dangerous paths. The increasing prevalence of immigrants in American communities led to the vilification of majority Hispanic communities. These sentiments were

exacerbated by the 9/11 attacks and “War on Terror” initiatives by the Bush Administration in the early 2000s. The Department of Homeland Security and Bureau of Immigration and customs enforcement were created, and many immigrant populations including Hispanics faced racism at the national and local levels.

The concept of “criminal aliens” has expanded as a connection between immigration and criminal law, which is also referred to as “crimmigration” (Vazquez, 2017). The attitudes about immigration are reflected in the creation and enforcement of laws, either creating or removing barriers. One such example is the “Secure Communities” program, introduced in March 2008 by the Obama Administration. The Department of Homeland Security created this program to combine state and local policing agencies' resources to aid federal immigration enforcement. This program allows policing agencies to confirm the immigration status of all persons arrested during the booking process by collecting biometric information (fingerprinting). This information is processed through the FBI criminal database, in conjunction with the Immigrations and Customs Enforcement (ICE) database to check the immigration status of arrested persons. If an individual is flagged, the arresting agencies are notified, and ICE evaluates each case to determine if deportation occurs or how the case proceeds (Waslin, 2011). This program is stated to prioritize the removal of “significant threats to public safety as determined by the severity of their crime, their criminal history, and risk to public safety – as well as those who have violated the nation’s immigration laws” (U.S. Department of Homeland Security). According to Waslin (2011), an evaluation of the Secure Communities program in 2011 showed that 26% of deportations were level 1 convictions, 19% were level 2, and 29% were level 3 convictions, which are sentences of less than 1 year. This evaluation shows that the intentions of the program are not reflected in the proportion of serious offenders being deported

as a result of the introduction of the program. This led to the discontinuation of the Secure Communities program by the Obama administration in 2014 because it did not lead to any meaningful reduction in the FBI index crime rate, nor the violent crime rate including homicide, rape, aggravated assault, or robbery (Cox & Miles, 2012, p.40).

Researchers have explored the potential connection between crime rates and immigration rates. Severe immigration policy may operate under the assumption that a large immigrant population within a community contributes to an increased capacity for participation in criminal behavior. In a quantitative analysis performed by Light and Miller (2018), there is no indicated increase in the violent crime rate due to undocumented immigration. The results suggested a negative relationship between violent crime and undocumented immigration, evident in both police reports and victimization data. This study was conducted longitudinal rather than previously conducted cross-sectional studies, which Light and Miller (2018) attribute as a possibility for differing conclusions. Native U.S. citizens are 2-4 times more likely to be arrested for violent, drug, and property crimes than their undocumented immigrant counterparts (Light et al., 2020). Although these studies conclude no causal relationship between undocumented immigration and increased crime rate, Davies and Fagan (2016) suggest immigrants tend to share a demographic profile, primarily age, and gender, that are consistent with groups that already commit a disproportionate amount of crime. In contrast to the previous studies, it is theorized that immigration may increase crime levels by increasing the pool of likely offenders. These factors such as socioeconomic status can influence the policing behaviors within a community and attitudes toward immigration.

Since local policing behavior can be influenced by the political climate of a particular region, it is important to consider what repercussions can occur because of this relationship.

Chand and Schreckhise (2014) found that “local political attitudes play a role, with Republican-leaning jurisdictions and those in states that support restrictive state-level immigration witnessing more deportations”. This bias within the law enforcement system allows policing agencies to be at fault for racial profiling and discriminatory practices. Profiling can be categorized as formal, which an officer would draw from data or experience previously acquired. Informal profiling occurs as an officer relies on stereotypes or assumptions commonly known within a community about a person or group of people (Coleman & Kocher, 2019, p. 1186). Racial profiling then would fall under the umbrella of informal profiling where certain races are attributed criminality while others are accredited lawfulness. Racial profiling also differs from criminal profiling as it relies on suspecting a person's capacity to commit a crime rather than connecting wrongdoing to a particular person. In the 1975 Supreme Court case, *U.S. v. Brignoni-Ponce*, the ruling established that a driver or passenger's appearance of Mexican descent (including their clothing) is grounds for investigatory stops for immigration confirmation (Coleman & Kocher, 2019, p. 1188). When considering policies such as Secure Communities, it can be argued that local policing agencies could use racial profiling practices when conducting traffic stops. The stop can then be assumed for the purpose of running an individual's information through federal databases confirming immigration status.

Secure Communities was re-introduced in 2017 by the Trump administration to intensify policing of undocumented immigrants, leading to the deportation of people violating criminal law while in the US. The major criticism of this program is the use of local policing agencies for immigration enforcement and the potential for police to make arrests assuming immigration status due to an individual's race or ethnicity. The narrative of Hispanic people contributing to increased crime rates and distrust of immigrants heightened during the presidential campaign of

Trump in 2016. This study aims to determine a quantifiable effect of the political climate and introduction of Secure Communities on Immigration policing behavior. Since the goal of the program was to increase the identification of undocumented immigrants to refer to DHS, it was hypothesized that people of Hispanic appearance would be disproportionately stopped for traffic violations to check immigration status.

Methods & Data

The purpose of the study is to determine if there is a prevalence of profiling by local police to make arrests assuming immigration status due to race/ethnicity using a naturalistic experimental approach. The focus of this study is the Hispanic population in the state of North Carolina as well as individual counties in NC. Traffic stops were chosen as the source of comparison. The research expectation is to see a disproportionate increase in the number of Hispanic stops since the reimplementation of the Secure Communities program. The traffic stop data was acquired from the North Carolina State Bureau of Investigation's Traffic Stop Program Manager. All traffic stops from 2001-2022 are compiled in large datasets which are available to the public for 30 days after the end of the month. With the passing of Senate Bill 76, state-local law enforcement officers were required to record traffic stop statistics starting in 2001. Later expanded by the General Assembly all law enforcement officers in all 100 counties, however, also noted that an agency's data may be limited in any given month due to the responsibilities of the agency (North Carolina State Bureau of Investigation). Each traffic stop in the dataset includes Drivers and Passengers Searched by Sex, Race, and Ethnicity, Enforcement Action Taken by Driver's Age, Enforcement Action Taken by Driver's Sex, Race, and Ethnicity, Initial Purpose of Traffic Stop by Enforcement Action Taken, Initial Purpose of Traffic Stop by

Physical Resistance Encountered, Type of Search by Basis for Search. The elements of interest for this study were Ethnicity (Hispanic or not), date, stop reason, and county.

As a baseline value for comparison, the United States Census Bureau population count data was acquired. This baseline is the total Hispanic population count for each NC county and state. The traffic stops and census data encompasses the years 2015-2019, which accounts for 2 years before and 2 years after the reimplementation of the program to quantify the change. This data set included over 6 million traffic stops starting from 2015 to 2019, about 1.2 million each year, this includes about 100,000 Hispanic stops per year. The census data was used to account for increases in the Hispanic population growth, which would result in a higher rate of Hispanic stops due to an increase in the pool of likely offenders. It is important to consider the Hispanic demographic patterns when collecting population counts for North Carolina. According to Ordoñez (2021) of the University of North Carolina Population Center, the number of US-born Hispanics surpassed foreign-born individuals between 2009 and 2010. In North Carolina, Hispanic populations can vary either large or small depending on the region of the state, local policing, and politics regarding immigration can also vary depending on the region. These factors determine that a county-level focus was best for this research question to see patterns of local police either more or less likely to enforce laws against undocumented Hispanics.

Analysis & Findings

The goal of the analysis was to quantify the change, if any, from before and after the re-introduction of the Secure Communities program in 2017. The change is defined by “Time1” which is 2015-2016 and “Time2” which is 2018-2019. The comparison is determined using a disparity index which quantifies the change in stop probability. The focus is on values of a higher probability of Hispanic stops than what is expected from the size of the Hispanic

population at both the state and individual county levels. The disparity index is calculated by subtracting the % Hispanic traffic stop rate from the % Hispanic population. Then the disparity index from Time2 (after Secure Communities) is subtracted from Time1 (before Secure Communities) to give us the final change score.

Calculations:

Disparity Change Score

%Hispanic Stop Rate - %Hispanic population → disparity index (D.I.) value

Time2 (D.I.) - Time1 (D.I.) → Change Score

Hispanic Population Percentage		
County	2010	2020
Alamance	10.99	14.41
Alexander	4.30	5.04
Alleghany	9.01	11.83
Anson	3.02	3.02
Ashe	4.81	5.72
Avery	4.48	5.54
Beaufort	6.62	7.69
Bertie	1.26	1.80
Bladen	7.11	8.60
Brunswick	5.13	5.43
Buncombe	5.97	8.14
Burke	5.12	8.20
Cabarrus	9.39	12.07
Caldwell	4.57	6.10
Camden	2.15	3.29
Carteret	3.36	4.61
Caswell	3.13	4.41
Catawba	8.42	10.82
Chatham	12.89	13.60
Cherokee	2.51	3.12
Chowan	3.17	3.87
Clay	2.43	3.95
Cleveland	2.81	4.06
Columbus	4.59	5.16
Craven	6.02	7.14
Cumberland	9.23	11.80
Currituck	2.97	4.30
Dare	6.50	6.92
Davidson	6.39	8.23
Davie	6.05	7.90
Duplin	20.56	22.20
Durham	13.30	15.42
Edgecombe	3.72	5.53
Forsyth	11.89	14.29
Franklin	7.85	10.15
Gaston	5.92	8.80

Gates	1.30	1.90
Graham	2.19	2.59
Granville	7.77	10.18
Greene	14.37	14.36
Guilford	7.11	9.63
Halifax	2.20	3.00
Harnett	10.68	14.15
Haywood	3.39	4.56
Henderson	9.75	12.90
Hertford	2.60	7.33
Hoke	12.26	14.76
Hyde	7.07	7.56
Iredell	6.79	8.45
Jackson	5.05	7.64
Johnston	12.86	15.93
Jones	3.92	4.30
Lee	18.27	20.73
Lenoir	6.58	7.92
Lincoln	6.70	7.39
Macon	4.94	7.85
Madison	1.25	2.02
Martin	3.70	4.22
McDowell	9.76	13.38
Mecklenburg	12.13	15.23
Mitchell	4.07	4.70
Montgomery	14.16	15.24
Moore	5.94	7.39
Nash	6.28	7.71
New Hanover	5.27	7.66
Northampton	1.38	2.00
Onslow	9.58	13.51
Orange	8.22	10.63
Pamlico	3.14	4.04
Pasquotank	4.04	5.51
Pender	6.09	8.28
Perquimans	2.12	2.40
Person	4.04	5.61
Pitt	5.45	7.62
Polk	5.48	5.31
Randolph	10.35	13.21
Richmond	5.88	7.15
Robeson	8.50	10.10
Rockingham	5.51	6.68
Rowan	7.69	10.85
Rutherford	3.54	5.10
Sampson	16.43	20.75
Scotland	2.10	3.20
Stanly	3.58	4.94
Stokes	2.65	3.27
Surry	9.70	11.91
Swain	3.90	4.19
Transylvania	2.91	5.15
Tyrrell	5.44	8.38
Union	10.37	12.64
Vance	6.74	8.73
Wake	9.70	11.35
Warren	3.40	4.00
Washington	3.55	3.37

Watauga	3.36	6.51
Wayne	9.90	12.72
Wilkes	5.45	7.05
Wilson	9.50	11.45
Yadkin	9.75	11.78
Yancey	4.57	5.50
NC State	8.36	10.71

Hispanic Stop Rate Percentage				
County	Time1 (2015 & 2016)	Disparity Index	Time2 (2018 & 2019)	Disparity Index
Alamance	10.85	-0.14	10.17	-4.24
Alexander	7.23	2.93	6.28	1.24
Alleghany	14.72	5.70	15.07	3.24
Anson	4.76	1.73	6.91	3.89
Ashe	8.47	3.65	7.49	1.78
Avery	6.23	1.76	6.29	0.75
Beaufort	6.85	0.23	7.17	-0.51
Bertie	2.86	1.60	2.98	1.18
Bladen	7.71	0.60	7.47	-1.13
Brunswick	5.54	0.41	6.59	1.16
Buncombe	5.24	-0.73	5.29	-2.85
Burke	9.25	4.14	9.88	1.67
Cabarrus	9.84	0.45	10.28	-1.79
Caldwell	5.52	0.95	5.99	-0.12
Camden	2.62	0.47	3.51	0.22
Carteret	3.46	0.10	5.49	0.88
Caswell	5.79	2.66	4.57	0.16
Catawba	8.76	0.34	10.11	-0.71
Chatham	11.16	-1.72	13.31	-0.29
Cherokee	2.39	-0.12	2.56	-0.56
Chowan	4.09	0.92	3.09	-0.78
Clay	3.18	0.75	3.60	-0.35
Cleveland	4.12	1.31	4.12	0.06
Columbus	5.58	0.99	6.25	1.09
Craven	4.70	-1.32	5.57	-1.58
Cumberland	6.67	-2.55	6.91	-4.89
Currituck	2.23	-0.74	2.76	-1.54
Dare	3.57	-2.93	4.56	-2.35
Davidson	7.96	1.57	8.64	0.41
Davie	7.97	1.92	9.03	1.13
Duplin	14.90	-5.66	19.09	-3.10
Durham	11.21	-2.08	10.81	-4.62
Edgecombe	3.33	-0.39	4.27	-1.27
Forsyth	8.99	-2.90	8.81	-5.48
Franklin	8.04	0.19	9.05	-1.10
Gaston	6.36	0.44	7.38	-1.42
Gates	2.40	1.10	2.43	0.53
Graham	2.88	0.69	2.15	-0.44
Granville	7.24	-0.54	9.19	-0.99
Greene	9.87	-4.49	13.14	-1.22
Guilford	6.08	-1.03	6.10	-3.53
Halifax	3.05	0.85	3.59	0.59
Harnett	11.33	0.65	10.81	-3.34
Haywood	4.84	1.44	5.69	1.14

Henderson	10.53	0.78	10.24	-2.66
Hertford	2.68	0.08	2.53	-4.80
Hoke	9.47	-2.79	9.27	-5.49
Hyde	7.41	0.34	6.95	-0.61
Iredell	6.87	0.08	7.90	-0.55
Jackson	6.88	1.83	8.10	0.46
Johnston	12.98	0.13	13.77	-2.15
Jones	5.72	1.79	6.23	1.94
Lee	14.93	-3.34	14.15	-6.59
Lenoir	7.59	1.01	6.45	-1.47
Lincoln	8.03	1.33	8.95	1.56
Macon	8.55	3.61	8.03	0.18
Madison	2.98	1.73	3.85	1.83
Martin	3.46	-0.25	3.72	-0.50
McDowell	6.00	-3.76	6.66	-6.72
Mecklenburg	8.75	-3.37	9.53	-5.70
Mitchell	6.72	2.65	5.41	0.70
Montgomery	10.47	-3.69	11.03	-4.20
Moore	7.36	1.42	6.39	-1.00
Nash	8.78	2.50	8.04	0.33
New Hanover	4.56	-0.71	5.38	-2.29
Northampton	2.78	1.40	3.28	1.29
Onslow	6.99	-2.59	9.06	-4.45
Orange	7.75	-0.47	8.76	-1.87
Pamlico	3.07	-0.07	3.12	-0.92
Pasquotank	2.66	-1.38	2.59	-2.93
Pender	7.15	1.06	4.03	-4.24
Perquimans	2.77	0.65	3.04	0.64
Person	4.90	0.85	5.89	0.27
Pitt	4.67	-0.78	4.86	-2.75
Polk	6.63	1.15	7.26	1.95
Randolph	11.79	1.44	14.04	0.82
Richmond	4.84	-1.04	5.22	-1.94
Robeson	9.93	1.43	8.46	-1.63
Rockingham	5.79	0.28	5.24	-1.44
Rowan	7.05	-0.64	6.76	-4.09
Rutherford	4.49	0.95	4.08	-1.01
Sampson	21.28	4.84	21.43	0.68
Scotland	2.80	0.70	1.97	-1.23
Stanly	4.61	1.03	4.67	-0.27
Stokes	4.36	1.71	6.39	3.12
Surry	8.76	-0.94	11.91	0.00
Swain	2.99	-0.91	2.84	-1.35
Transylvania	4.46	1.54	5.02	-0.13
Tyrrell	4.40	-1.04	4.40	-3.99
Union	10.98	0.61	10.22	-2.42
Vance	6.97	0.23	6.95	-1.78
Wake	8.94	-0.76	9.49	-1.87
Warren	6.29	2.90	4.99	0.99
Washington	4.40	0.85	4.32	0.94
Watauga	3.29	-0.07	5.31	-1.20
Wayne	12.51	2.61	11.67	-1.05
Wilkes	7.22	1.77	8.04	0.99
Wilson	7.59	-1.91	7.91	-3.55
Yadkin	9.82	0.07	11.75	-0.02
Yancey	7.69	3.12	4.78	-0.73
NC State	7.57	-0.79	8.12	-2.60

Disparity Change Score Index	
County	Score
Greene	3.27
Duplin	2.56
Anson	2.16
Chatham	1.44
Stokes	1.41
Surry	0.94
Polk	0.79
Carteret	0.77
Brunswick	0.76
Dare	0.58
Lincoln	0.23
Jones	0.14
Madison	0.10
Columbus	0.10
Washington	0.10
Perquimans	-0.01
Yadkin	-0.09
Northampton	-0.11
Martin	-0.26
Camden	-0.26
Craven	-0.26
Halifax	-0.26
Haywood	-0.31
Bertie	-0.42
Swain	-0.44
Cherokee	-0.44
Granville	-0.46
Montgomery	-0.52
Gates	-0.57
Person	-0.58
Randolph	-0.62
Iredell	-0.64
Beaufort	-0.74
Wilkes	-0.79
Davie	-0.79
Currituck	-0.79
Pamlico	-0.85
Edgecombe	-0.88
Richmond	-0.90
Hyde	-0.95
Avery	-1.01
Catawba	-1.05
Caldwell	-1.06
Clay	-1.10
Wake	-1.11
Watauga	-1.13
Graham	-1.13
Davidson	-1.16
Cleveland	-1.25
Franklin	-1.30
Stanly	-1.30
Jackson	-1.38
Orange	-1.40
Pasquotank	-1.55
New Hanover	-1.57
Wilson	-1.63

Transylvania	-1.67
Alexander	-1.69
Chowan	-1.70
Rockingham	-1.72
Bladen	-1.73
Gaston	-1.86
Onslow	-1.87
Ashe	-1.87
Warren	-1.90
Scotland	-1.93
Mitchell	-1.95
Rutherford	-1.97
Pitt	-1.98
Vance	-2.01
Buncombe	-2.12
Nash	-2.17
Cabarrus	-2.24
Johnston	-2.28
Mecklenburg	-2.33
Cumberland	-2.34
Moore	-2.42
Alleghany	-2.46
Burke	-2.47
Lenoir	-2.48
Guilford	-2.50
Caswell	-2.50
Durham	-2.54
Forsyth	-2.58
Hoke	-2.70
Tyrrell	-2.95
McDowell	-2.95
Union	-3.03
Robeson	-3.06
Lee	-3.25
Macon	-3.42
Henderson	-3.44
Rowan	-3.45
Wayne	-3.66
Yancey	-3.84
Harnett	-3.99
Alamance	-4.10
Sampson	-4.16
Hertford	-4.88
Pender	-5.30
NC State	-1.81

The results show that the North Carolina State Change Score is -1.81, which is inconsistent with the expected change result. The negative value indicated a lower Hispanic stop rate for the size of the Hispanic population in NC after the Secure Communities program was reimplemented. As previously discussed, different regions in North Carolina have varied

attitudes about Hispanic people which influence policing behaviors, so change scores were also calculated by county. These results indicate Greene (+3.27), Duplin (+2.56), Anson (+2.16), Chatham (+1.44), Stokes (+1.41), and Surry (+0.94) Counties in NC had the highest positive change scores. In these counties, it is plausible that since the implementation of Secure Communities, there is a disproportionate increase in stop rate compared to the size of the Hispanic population in that county.

Discussion

The recent politicization of Hispanic immigration has influenced federal and local policing using policies such as Secure Communities. It allows the local police to collaborate with DHS to increase the identification of undocumented immigrants for deportation. The concerns about these policies are the potential for police racial profiling and intentional or implicit bias during booking and lack of transparency about the shortcomings of the program. This preliminary analysis shows little support for the research expectations as the North Carolina calculated change score shows no disproportionate increase in Hispanic stops. The limitations of this study include the use of United States Census Data from 2010 & 2020 as baseline values, which do not align with this Time1 and Time2 of the project. This data may also be inaccurate because of underreporting the number of undocumented Hispanics in a region due to distrust of governmental agencies among immigrant populations. The census data is a total population count which includes people who are not of driving age which is what the traffic stop data would be applied to. The stop reasons can be discretionary vs legalistic; it would be more likely that the result would reflect research expectations for discretionary stops like licensing and registration than legalistic moving/speeding violations.

According to Chand & Schreckhise (2014), Hispanic communities in the U.S. continue to experience higher levels of traffic stops and searches. This could be due to traffic stops for discretionary reasons such as licensing, registration, and vehicle issues increasing for the purpose of determining immigration status. Many undocumented Hispanic individuals live shadowed lives to socially isolate themselves from governmental attention. This is due to distrust of police and the potential for deportation and separation from family. According to Waslin (2011) of the American Immigration Council, there is a complaint procedure through the DHS Office of Civil Rights and Civil Liberties (OCRCL), There is continuing concern about immigrants' lack of access to information about complaint procedures and OCRCL's capacity to handle the complaints it receives. In a further study, it can be determined if local policing agencies are able to use traffic stop procedures to further personal bias against immigrant populations in North Carolina.

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