

Evaluation Study of Prince William County's Illegal Immigration Enforcement Policy FINAL REPORT 2010



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**POLICE EXECUTIVE
RESEARCH FORUM**

Table of Contents

List of Figures.....	v
List of Tables.....	viii
Acknowledgments.....	ix
Executive Summary.....	xi
1. Introduction.....	1
1.1. Background.....	1
1.2. Our Charge from the County.....	3
1.3. The Research Team.....	4
1.4. Research Questions and Methods.....	5
1.4.1. Quantitative Data Collection.....	5
1.4.2. Qualitative Data Collection.....	7
1.4.3. Data Analysis.....	8
1.4.4. Research Design Issues.....	8
1.5. Structure of the Report.....	9
2. The Policy’s History.....	11
2.1. Population Growth in Prince William County.....	11
2.2. The Economic Downturn.....	15
2.3. National and Local Efforts to Restrict Illegal Immigration.....	16
2.4. Participants in Crafting the Policy.....	16
2.5. The Initial June 2007 Immigration Enforcement Proposal.....	17
2.6. Refining the Policy and General Order 45.....	19
2.7. The October 2007 Resolutions.....	21
2.8. Further Modifications to the Policy and General Order 45.01.....	22
2.9. The Role of the Policy’s Opponents.....	22
3. The Goals of the Immigration Policy, Possible Unintended Consequences, and Implementation Obstacles.....	24
1.1 The policy’s goals.....	24
3.1. Possible unintended consequences of the policy.....	25
3.2. Implementation obstacles.....	26
4. Criminal Justice Processing of Illegal Immigrants in Prince William County.....	27
4.1. PWPCD’s Immigration Enforcement Policy.....	27
4.2. PWCPD Contacts with Suspected Illegal Immigrants, March 2008-December 2008.....	30
4.3. The Role of Magistrates and ADC in the Processing of Illegal Immigrants.....	31
4.4. PWC’s Handling of Illegal Immigrants in Comparison to Other Jurisdictions.....	36

- 5. The PWCPD’s Experience Implementing General Order 45.01 39
 - 5.1. Preparing for the Policy’s Implementation..... 39
 - 5.1.1. Policy Development..... 39
 - 5.1.2. Training..... 40
 - 5.1.3. Establishing the Criminal Alien Unit..... 40
 - 5.1.4. Community Outreach 40
 - 5.2. Officers’ Views and Experiences with Regard to the Immigration Policy: Survey Results 42
 - 5.2.1. Officers’ Knowledge of the Policy and General Views on the Policy..... 42
 - 5.2.2. Officers’ Experiences with Implementing the Policy 43
 - 5.2.3. Officers’ Perceptions of the Policy’s Impact on the Community and Police-Community Relations 45
 - 5.3. Officers’ Views and Experiences with Regard to the Immigration Policy: Interview and Focus Group Results 47
 - 5.3.1. Implementation Issues..... 47
 - 5.3.2. Effects on the Community and Police-Community Relations 50
 - 5.4. The Activities and Experiences of the Criminal Alien Unit (CAU)..... 52
 - 5.5. Other Departmental Issues 54
 - 5.5.1. Minority Recruitment..... 54
 - 5.5.2. Use of Language Translation Services..... 55
 - 5.5.3. Costs of the Policy 56
 - 5.6. Summary 56
- 6. The Experiences of the Judiciary, Jail, and ICE in Processing Illegal Immigrants in Prince William County 58
 - 6.1. Magistrates and the Judiciary 58
 - 6.2. The Prince William – Manassas Regional Adult Detention Center (ADC)..... 59
 - 6.3. The Immigration and Customs Enforcement Agency..... 60
- 7. Changes in the County’s Hispanic Population and the Number of Illegals 63
 - 7.1. Changes in the County’s Hispanic Population..... 63
 - 7.2. Indicators of decrease in the number of illegal immigrants: data from the U.S. Census Bureau’s American Community Survey 64
 - 7.3. Informant reports about population changes 72
 - 7.3.1. Other indicators of population change 72
 - 7.4. By how much did the number of illegal immigrants decline? 76
 - 7.4.1. Why Did People Leave? 77
 - 7.5. Summary 79
- 8. The Impacts of the Immigration Policy on Crime and Disorder in Prince William County 81
 - 8.1. Background on Crime in PWC..... 81
 - 8.2. Considerations in Assessing the Policy’s Impact on Crime and Disorder..... 84
 - 8.3. Arrests of Illegal Immigrants 87

8.4.	Time Series Analysis of Crime Reports and Calls for Police Service	90
8.4.1.	Data and Methods	90
8.4.2.	Results	91
8.5.	Crime Victimization and Reporting by County Residents.....	95
8.6.	PWC Crime Trends in Comparison to Other Jurisdictions	96
8.6.1.	Trends in PWC and Manassas City.....	97
8.6.2.	PWC in Comparison to Other Northern Virginia Localities	98
8.6.3.	PWC in Comparison to Maryland Localities	100
8.6.4.	Summary of Comparisons.....	100
8.7.	PWCPD Officers' Perceptions of Crime and Disorder Problems and the Policy's Effectiveness in Controlling Them	101
8.8.	A Note on Traffic Violations.....	103
8.9.	Summary.....	104
9.	The Policy's Effects on Neighborhood Problems	107
9.1.	Results from informant and community interviews	107
9.2.	Comments about policy implementation	108
9.3.	Survey questions on neighborhood conditions	109
9.4.	Day labor sites declined temporarily but are still active	112
9.5.	Data from the Neighborhood Services Division	113
9.6.	Changes in complex households in the Hispanic communities.....	119
9.7.	Summary.....	121
10.	The Policy's Impact on Community Relations with the Police	124
10.1.	Overall Satisfaction with the Police	125
10.2.	Satisfaction with police implementation of the immigration policy.....	127
10.3.	Satisfaction with attitudes and behaviors of the police	132
10.4.	Satisfaction with police fairness.....	133
10.5.	Hispanic attitudes differ by language of interview.....	134
10.6.	Do community members understand the present immigration enforcement policy?.....	139
10.7.	Summary.....	142
11.	Effects on the County's Internal and External Reputation for Inclusiveness	144
11.1.	Resident ratings of quality of life in Prince William County	144
11.2.	Residents' desire to live in Prince William County in the future	145
11.3.	Residents' trust in County government.....	146
11.4.	How were perceptions of Prince William affected, outside the County itself?	148
11.5.	Summary.....	152
12.	Conclusions.....	154
12.1.	The implementation experience.....	154

12.2. Reducing the number of illegal immigrants in the county..... 154

12.3. Improving public safety and reducing crime..... 155

12.4. Reducing overcrowded housing problems, neighborhood nuisances and public disorder.
..... 156

12.5. Saving money by delivering fewer services to illegal immigrants..... 157

12.6. Maintaining the Prince William County Police Department’s reputation for
professionalism, and maintain community confidence and trust in police..... 157

12.7. Maintaining County’s reputation as an inclusive community, both internally (among its
current residents) and externally (among people outside the County). 158

12.8. Did serious unintended consequences emerge?..... 159

12.9. Implementation obstacles..... 161

12.10. Some implications and open questions 161

APPENDICES (Bound separately)

Appendix A: *Resolutions and General Orders*

Appendix B: *Survey of Washington, DC Area Law Enforcement Agencies Regarding Illegal Immigration and Local Immigration Enforcement*

Appendix C: *The Wave 1 (2008) and Wave 2 (2009) Surveys Of Prince William County Police Department Personnel*

Appendix D: *Time Series Data on Crime and Calls for Police Service*

Appendix E: *Time Series Model Details*

Appendix F: *Prince William County Zoning Ordinance*

Appendix G: *Summary of Methods, 2008 PWC Citizen Survey*

Appendix H: *Detailed Responses from 2008 Citizen Survey: Why Satisfied or Dissatisfied with the Police Policy?*

Appendix I: *Map of Public Use Micro Areas 501 and 502, representing Prince William County + cities*

Executive Summary

Evaluation Study of Prince William County's Illegal Immigration Enforcement Policy

Final Report

This is the final report of a three-year, interdisciplinary evaluation study of the illegal immigration policy in Prince William County that was adopted by resolution by the Board of County Supervisors in October 2007, amended in April 2008, and implemented in its current form in July 2008. This evaluation study was approved by the Board at the time the policy was passed into law, and it was funded by the County Police Department. In this report we recount some of the events leading up to and surrounding the implementation of the policy, identify the policy's goals, and then proceed to assess whether or not the policy met each of its goals over the years since its inception. We also investigate whether the policy has had any of the negative consequences that some had predicted would result from it. We have used a variety of resources and research methods in conducting our research, including both qualitative and quantitative data sources, and information supplied by the County police and government offices as well as information from independent sources. We conclude that the Prince William Immigration policy was smoothly implemented by the Prince William County Police Department and County staff; that the policy had wide-ranging effects, some of which were those intended; and that it also fell short of achieving some of its goals.

Methods

The research team, a collaboration between researchers at the University of Virginia, the Police Executive Research Forum, and James Madison University, analyzed both quantitative and qualitative data on the police and the community. This triangulation of methods strengthened our ability to learn about and understand the effects of the policy.

Our quantitative data sources included data from the Prince William County Police Department, including crime statistics, data on arrests of illegal immigrants, data on calls for service, and crime data from the department's records management system. We also analyzed published crime data from other jurisdictions in the metropolitan area. We conducted two anonymous surveys of the County's police officers, and analyzed data from the annual community surveys conducted by telephone each year by the University of Virginia Center for Survey Research. We also surveyed other police departments in the metropolitan area about their immigration enforcement practices. From the U.S. Census Bureau we accessed not only information from the decennial census, but also results of the 2006 through 2009 American Community Surveys, and the more detailed Public Use Micro Sample derived from those surveys.

Our qualitative data sources included focus groups with police officers at various levels, and key informant interviews with members of the County Board, key County staff, and community leaders on all sides of the immigration issue. We also conducted in-depth, semi-structured interviews with community residents, some recruited through our informants and others selected at random from among those who had been interviewed in the 2009 and 2010 community surveys. Many of these interviews were with Hispanic residents and some were conducted in Spanish. In addition, we observed staff at the local jail while they did their work, sat in on officer training for the new policy,

talked with members of the Criminal Alien Unit, and conducted day and evening “ride-alongs” with patrol officers.

The Policy’s History

The Hispanic population of Prince William County grew very rapidly, increasing by over 150 percent from 2000 to 2006. It is not known what proportion of these new residents were in the U.S. without legal authorization, but the number of illegal immigrants in the County definitely increased during these years. Starting in 2006, there was increasingly vocal concern among some residents about neighborhood problems and certain kinds of crime that they associated with the presence of illegal immigrants. These concerns resulted in action by members of the County Board. The first resolution concerning illegal immigrants was introduced in July 2007. After a period of study and vigorous public debate, the Board passed into law the initial version of the illegal immigration policy in October 2007. In addition to denying some specific county services to illegal immigrants, the initial policy required police officers to inquire about the citizenship or immigration status of any person they detained (including traffic stops) and for whom there was probable cause that they were not legally in the country. After police officers had been trained in the policy, it was put into effect in March of 2008. However, in a pivotal move the Board amended the policy in April 2008, changing it to read: “Officers shall investigate the citizenship or immigration status of all persons who are arrested for a violation of a state law or county ordinance when such arrest results in a physical custodial arrest.” Proponents of this change, including the Chief of Police, argued that the amended policy would reduce the risk that police officers would be accused of racial profiling. Officers were retrained, and the amended policy was implemented in July 2008. It remains in effect today.

The Policy’s Goals

Our analysis of the policy process and our interviews with those who advocated, created, implemented, and modified the immigration policy yields the following list of six goals that the Prince William County immigration enforcement policy was designed to achieve:

- 1) Reduce the number of illegal immigrants in the county;
- 2) Improve public safety and reduce crime;
- 3) Reduce overcrowded housing problems, neighborhood nuisances and public disorder, such as loitering at day labor sites and public intoxication;
- 4) Save money by delivering fewer services to illegal immigrants;
- 5) Maintain the Prince William County Police Department’s reputation for professionalism, and maintain community confidence and trust in police;
- 6) Maintain County’s reputation as an inclusive community, both internally (among its current residents) and externally (among people outside the County).

Our evaluation was also attentive to the following possible, adverse consequences that could have occurred. The policy might:

- A) Facilitate overzealous or inappropriate enforcement actions by police;
- B) Generate a flood of costly litigation against the Police Department and the County government;
- C) Overburden the Police Department to the point of reducing its effectiveness;

- D) Generate administrative costs far greater than anticipated at the time of adoption;
- E) Create fear and a sense of being unwelcome among immigrants in general;
- F) Cause legal immigrants, or Hispanics generally, to leave the county; and
- G) Result in lower crime reporting from the Hispanic community, or even increase their victimization.

We also looked at possible obstacles to the policy's success, such as limits on the capacity of the criminal justice system to handle an increased flow of detainees. However, we found that most of these negative consequences did not occur and that the obstacles to implementation were fairly minor or temporary.

Contacts with illegal immigrants

From March 2008 through June 2010, PWCPD officers had 2,984 contacts with suspected illegal immigrants; 79 percent of these contacts were associated with an arrest. These arrests represent about six percent of all arrests in the County. Nearly all suspects thought to be illegal immigrants were later confirmed as such. The great majority of the illegal immigrants arrested were from Latin American countries. During the same period, the Adult Detention Center (a joint jail facility that serves Prince William County, Manassas, and Manassas Park and began its own 287[g] program in July 2007) checked the immigration status of 9,284 foreign-born arrestees, many of whom were, of course, legally present in the U.S. The ADC issued immigration detainers for about 30 percent of these. From July 2007 to June 2010, the ADC turned over a total of 2,499 illegal immigrants to U.S. Immigration and Customs Enforcement [ICE]. We have no specific figures on how many of these were deported or released back to the County by ICE.

Our survey of other jurisdictions in the metropolitan area reveals that Prince William's immigration enforcement policy is not entirely unique, since several other jurisdictions do check the immigration status of persons they send to jail. However, the County's policy of checking the immigration status of *all* arrestees is more comprehensive than those of other jurisdictions that do immigration checks.

PWCPD's experience implementing the current policy

The Police Department prepared extensively for implementation of the original immigration policy, trained all its officers thoroughly on the original and amended policies, and invested great effort into educating the public about how the policy was being implemented. Our surveys of officers show that they feel well trained and equipped to deal with immigration checks, and are comfortable implementing the policy. The Criminal Alien Unit has played an important, specialized role, focusing on proactive investigation of more serious offenders in coordination with the U.S. Immigration and Customs Enforcement [ICE]. Although implementation of the policy placed additional burdens and costs on PWCPD, especially on the command staff, the agency seems to have adapted well to these demands.

Police personnel believe that the policy initially caused fear in the immigrant community, undermining the immigrant community's trust of the Department. However, they also feel that their outreach efforts have helped to ease these fears; they regard problems with police-community relations as only occasional. Fears that the policy would hurt minority recruitment efforts or increase racial bias complaints have not been realized.

We found that coordination of the Police Department's efforts with the magistrates, the ADC staff, and ICE have all gone fairly smoothly. In the early stages of the program, slow follow-up by ICE did exacerbate crowding conditions at the ADC, increased the number of ADC inmates sent to other regional and local jails (known as "farm-outs") and caused an increase in the average length of an inmate's stay at the ADC. However, this issue was resolved in 2008 through a Memorandum of Agreement between ICE and ADC, and ICE agents now pick up (or allow the release) of immigration cases from the ADC within 48 hours. Although the 287(g) process for checking immigration status of arrestees is sometimes time-consuming, the process seems to work fairly smoothly. In October of 2009, ICE renegotiated its 287(g) agreements with Prince William and other localities that participate in this partnership program, placing closer limits on the types of cases for which ICE would take custody. However, this change has not had much effect on the policy's operations at the ADC, because staff there had already been informally prioritizing detainees so as to turn over only the more serious cases to ICE.

Changes in the County's Hispanic population and the number of illegals

It is challenging to determine whether the County's illegal immigrant population decreased after the policy was introduced, since no official statistical source actually counts illegal immigrants (other than the Police Department's records of persons arrested post-policy). It is also difficult to disentangle effects of the policy from the effects of the economic downturn that occurred at nearly the same time. Despite these challenges, the data suggest that the policy resulted in some important changes in the community.

Growth in the County's Hispanic population suddenly leveled off. While Prince William County accounted for most of the growth in the metropolitan area's Hispanic population from 2000 to 2006, since the policy's introduction nearly all Hispanic growth in the metro area has occurred outside of Prince William.

The number of non-citizens in the County decreased substantially (by about 7,400 persons in two years).

Using a series of proxy measures (such as limited English proficiency, number of young Hispanic males) that all point in the same direction, we are also able to conclude that the number of illegal immigrants was significantly reduced. We estimate that this number decreased by an amount between 2,000 and 6,000 persons from 2006 to 2008. We believe that both the policy and the changing economy contributed to this decrease, but the immigration policy surely played a role because the rate of changes in these same proxy measures is so much smaller elsewhere in the metropolitan area.

The Hispanic population of the County was restructured, as unattached young adults (mostly male) left and were replaced by Hispanic couples, somewhat older adults, and families with small children, all more likely to be English speakers.

Impacts on crime and disorder

We find that the policy has not affected most types of crime in Prince William County, in large part because illegal immigrants account for only a small percent of arrests overall and a small to modest share of offenders for most types of crime. About seventy percent of arrests of illegal immigrants were for just three specific offenses: public drunkenness, driving while intoxicated, and driving

without a license. However, there was a substantial drop in aggravated assaults following the announcement of the policy and the initiation of immigration checks at ADC in July 2007. (Using a time-series analysis of weekly crime data from the PWCPD records management system, we can identify with some precision when the decrease in aggravated assaults occurred.) Because of this drop, the index of violent crimes also went down. We attribute the reduction in violence primarily to the publicity surrounding the adoption of the policy in its original form, but we caution that some of this drop may also have been due to a reduction in reporting of assaults by illegal immigrants (and perhaps legal immigrants as well). Our annual community surveys do not show any change in crime reporting by Hispanic residents, but police officers and community members tell us that crime reporting is still an issue for immigrants because of fears associated with the County's policy.

Property crimes and most crimes of public disorder do not appear to have been affected by the policy. However, there was an affect on one type of traffic offense: hit-and-run accidents in Prince William went down by nearly half between 2006 and 2008, and this change can reasonably be attributed to the introduction of the policy.

Despite these mixed findings, the policy in its current form (mandating immigration checks only for arrestees) appears to be a reasonable way of targeting illegal immigrants who are serious offenders—a policy goal on which there is broad agreement.

Effects on neighborhood problems

The implementation of the County's immigration enforcement policy did have significant effects on some of the neighborhood problems that had been of concern to activist groups and to members of the Board when they framed the policy. However, some of the effects proved to be temporary and others were apparent in some parts of the County but not in others. Survey respondents are divided on the severity of neighborhood problems and the degree to which they have improved or worsened. We attribute this partly to differences in where respondents live, as each of the problems was highly localized.

Prior to the policy's implementation, there was a significant problem of overcrowded housing in the County, associated with the increasing presence of illegal immigrants but localized in a few areas. We have strong, clear reports from some informants that particular overcrowded houses became vacant or changed to normal occupancy very soon after the policy was passed.

There were more complaints and founded violations of overcrowding and related property violations in the areas near Manassas than in the Eastern portion of the County. Perhaps as a result, there is evidence that overcrowded housing (or housing that may appear overcrowded to some residents even if it is not in violation of code) was reduced in the area around Manassas but did not decrease in the Eastern part of the County.

Prior to the introduction of the policy there were several active day labor sites that caused concern or apprehension for some residents. There are consistent reports in our qualitative data that loitering at day labor sites went down sharply when the policy was first implemented, but then returned to significant levels of activity at the sites within a year or so. Our direct observation and interviews with police officers in the fall of 2010 verified that the day labor sites in the County continue to be quite active.

Vacant housing became a major neighborhood issue at around the time the resolution was implemented, in part because of the mortgage crisis. Responses to the annual citizen survey, as well as

reports of informants, show that the problems with upkeep of vacant properties have lessened significantly in the last year.

There was a marked increase in the capabilities of the Neighborhood Services Division to guide and respond to complaints from residents about Property Code Enforcement issues. As a result, the Division's caseload of complaints did not recede as the policy was put into effect, but continues at a high level. Prince William County is now far better equipped than it was earlier in the decade to work with neighborhood groups to identify and correct problems in property code enforcement and to handle the increased, continuing caseload.

Saving money by delivering fewer services to illegal immigrants

Most of the more costly social services that are delivered to residents by the Prince William County government are federally funded or regulated. Some must, by Federal law, be delivered without regard to immigration status; others (such as Temporary Assistance to Needy Families, Food Stamps and Medicaid) have already been restricted at the Federal level from being delivered to illegal immigrants. Therefore, the County's October 2007 resolution covered only a small list of services, such as homeless intervention, that would be newly denied to illegal immigrants. We did not undertake to measure the cost savings from these changes, but it is clear that they are not very large. The County shifted any savings so realized to services from the same agencies for citizens and legal immigrants.

Community relations with the police

The data from our annual community surveys reveal that the introduction of the policy in 2007-2008 seriously disrupted police-community relations in the County, at least temporarily. When the policy was introduced and implemented, new and substantial gaps in satisfaction emerged between Hispanics and non-Hispanics in overall satisfaction with the police, satisfaction with the attitudes and behavior of officers, satisfaction with police fairness, and satisfaction with police efforts to enforce the immigration policy itself. The Police Department invested substantial effort in explaining the new policy and attempting to reassure members of the Hispanic community. It is likely that the damage to community relations would have been considerably greater, and more permanent, without these efforts. However, they were not sufficient to prevent a palpable chill to fall over police-community relations in 2008, as seen not only in our survey results but in the everyday experiences of police officers, reported to us in the 2008 focus groups and in some of the responses to our surveys of officers.

The good news is that the chilly relations with Hispanics warmed fairly rapidly. There was measurable improvement in 2009, and by 2010 Hispanic satisfaction with the overall performance of police equaled the satisfaction of non-Hispanics. On more specific questions about police attitudes and behaviors and about police fairness, a significant ethnic gap in satisfaction remained, but the gap regarding police attitudes had narrowed considerably from what was seen in 2008.

Through further analysis of the survey data and our in-depth interviews with some community residents, we found that the group that is most dissatisfied with the immigration policy is those Hispanics who do not speak English well. These County residents are far less satisfied than English-speaking Hispanics with particular aspects of police performance that are related to the immigration issue. Our qualitative interviews also reveal that many residents, especially Hispanics and even more so the less acculturated Hispanics, do not understand the current immigration policy. Further and

continuing effort will be required to get correct information out to the Hispanic community and to fully restore their confidence in the Prince William County police to the levels maintained before 2007.

The County's internal and external reputation for inclusiveness

The County's adoption of its immigration policy had a strong, immediate impact on the way Hispanic residents perceived their life in the County, their desire to continue to live in the County, and their trust in the County government. On several of these indicators, Hispanics had been more positive than non-Hispanics prior to 2006. In each of these, dramatic and unprecedented ethnic gaps emerged in 2008 that separate the views of Hispanics from those of non-Hispanics, whose views of the County were generally unaffected by the immigration controversy. In the two years that followed, these ethnic gaps were largely repaired, disappearing entirely for quality of life ratings and the desire to continue living in the County. The ethnic gap in government trust lingers on in 2010, but is not as wide as in 2008.

We have no direct opinion data on how Hispanics outside Prince William view the County, but data on Hispanic population trends in the metropolitan region as well as mortgage data from the Home Mortgage Disclosure Act show that Hispanics are avoiding Prince William County in favor of moving to other parts of the region. Thus, the County did not initially succeed in its goal of implementing the immigration enforcement policy without damaging its reputation as an inclusive community. For Hispanic residents within the County, ratings of quality of life and desire to continue living in the County rose sufficiently by 2010 to match the sentiments of non-Hispanic residents. So, the County had by 2010 achieved a measure of success in restoring its internal reputation as a welcoming place for Hispanics—that is, its reputation among Hispanics who live in Prince William. However, the data on Hispanic growth outside Prince William—and the relative lack of Hispanic growth within Prince William—suggest that there is much work to do if more Hispanics outside the County are to be convinced that they will be welcome in Prince William.

Unintended negative consequences and obstacles

We found no evidence of overzealous or inappropriate immigration enforcement actions by police. The flood of costly racial-profiling litigation that some had feared—under both the original and the current policy—never materialized. Another concern was that the Police Department might be overburdened to the point of reducing its effectiveness. While the burden of implementing and continuing the policy has been considerable, the Department has accommodated well to these demands and there is no evidence that its effectiveness has been hampered. We also did not find that the costs of the policy were widely different than those that the Police Department anticipated—and the County budgeted for—at the time of the policy's adoption.

It does seem that the policy, at least at first, created fear and a sense of being unwelcome among immigrants in general, and it seems to have caused some *legal* immigrants, or Hispanics generally, to leave or avoid the County. We have dealt with this issue above, in connection with our evaluation of the inclusiveness goals of the County's policy implementation.

On the issue of whether or not the policy has seriously reduced crime reporting by immigrants or by Hispanics generally, our evidence is mixed. Our community survey shows no changes from 2008 to 2010 in reported victimization of Hispanics or in the percentage who report crimes they have been victims of, nor does it show lower reporting rates for Hispanics than for non-Hispanics. On the other hand, we do not have data to assess before and after changes in crime reporting by Hispanics,

nor do we have specific data on reporting of crime by illegal immigrants. Some police officers express concern that crimes against illegal immigrants are less likely to be reported, and the department knows of specific crimes in the Hispanic community that were not reported to the police. The Police Department should certainly continue to encourage reporting by all residents and to emphasize their policy of not inquiring about the immigration status of those who are victims or witnesses to crimes.

Most of the possible obstacles that could have hindered successful implementation of the policy relate to issues of capacity. As has been noted, there was some initial strain on jail capacity in the early months, before a more streamlined coordination arrangement was worked out with ICE for prompt transfer of detainees. Other than that, the police department (with the additional resources provided by the Board of County Supervisors), the judicial system, the jail, and ICE have all been able to handle the steady flow of illegal immigrants who are arrested and the somewhat smaller number who are placed on detainer.

Overall conclusions and implications

Our overall conclusion, again, is that the Prince William immigration policy was smoothly implemented; that the policy had wide-ranging effects, some of which were those intended; and that it also fell short of achieving some of its goals. Some of the intended effects which were achieved were a reduction in the number of illegal immigrants in the County, a reduction in some specific categories of crime, but not in crime overall; and some amelioration of neighborhood problems, at least in parts of the County. The County was not able to implement the policy without creating a serious ethnic gap in perception of the police, ratings of the County as a place to live, and trust in the local government; Hispanic opinions on these matters plunged to unprecedented lows in 2008. This pattern emerged despite extensive efforts by the senior staff of the Police Department to educate the public about the policy through community meetings and media appearances. Fortunately, these ethnic gaps were largely—but not completely—repaired by 2010, with Hispanic residents currently showing satisfaction with the police and with the County as a place to live that equals that of non-Hispanics. It appears, however, that Hispanics elsewhere in the metropolitan area are not eager to move to Prince William, as its Hispanic growth rate continues to lag far behind that of the rest of the metropolitan area. It is also clear that many residents still do not understand the amended immigration enforcement policy.

One implication of Prince William's experience is inescapable: it is indeed possible for a local government to have an impact on its experience with illegal immigration, despite the national scope of the problem and the primacy of the Federal government in dealing with the issue.

The pattern and timing of change we have observed on several key indicators suggests that the impact of the policy on the Prince William community stemmed in large part from the very public controversy that accompanied its introduction, passage, and later modification. The irony is that the outcry about the policy and the fears of harassment and profiling that were aroused in the immigrant community were based on the original, 'probable cause' version of the policy, which was in effect in Prince William for only two months. The current policy, mandating immigration inquiry only upon arrest, was put into effect in July 2008 and remains in effect today. It is not clear that this latter policy would have raised the same level of concern if it had been proposed at the outset. If, accordingly, there had been less outcry and less arousal of fear, then it is doubtful that the police activities in identifying and detaining illegal immigrants arrested for crimes would, in themselves, have made nearly as much difference.

There are thus three circumstances that make the Prince William experience fairly unique and warrant caution from anyone who seeks to generalize the outcomes seen here to other jurisdictions. As we just noted, Prince William started with a highly controversial policy and then quickly switched to one that was somewhat less far-reaching, less controversial, and presented less possibility that allegations of racial profiling would arise. Second, the County has a highly professional and well-resourced Police Department that enjoyed continuity of its strong and effective leadership throughout our study period. Third, the immigration policy was implemented concurrently with drastic changes in the economy, the housing market, the construction industry, and mortgage finance. We are convinced that the effects of the policy in Prince William cannot all be attributed wholly to these economic factors, but it is not at all certain that the effects would have been as far-reaching if the economic circumstances had been less dire. For these reasons, the lessons of Prince William's experience should be applied with great caution to other places in other times.

The views and interpretations in this report are those of the authors and do not necessarily represent those of Prince William County's elected leaders, the County's Executive Management, the Police Department, or any other unit of County government.