

# Criminalization

*A resource from Organized Communities Against Deportations (OCAD) and the Center for New Community (CNC)*

Donald Trump is building his presidency around exploiting anti-immigrant sentiment. He has focused on fear mongering about crimes committed by immigrants, whether real or imagined.

Disparaging immigrants as criminals is a nativist strategy hundreds of years old. The anti-immigrant movement today has taken this strategy and turned it into a primary narrative about immigrants that drives national policy. This was true under Obama and in past Administrations, and is even more true now.

The key to fighting back is understanding that this is not about crime, but about criminalization.

## What is criminalization?

Criminalization is the act of turning an activity into a crime, or treating someone or something as criminal.

- Marijuana was made illegal in the early 1900s during a rise in immigration from Mexico. It was used as an excuse to search and deport Mexican immigrants, many of whom used marijuana as part of their traditional practices. Prior to this criminalization of marijuana, it was used regularly as a medicine in the U.S. Now, marijuana possession is often used as a reason to target people of color for deportation or incarceration. Police officers specifically target communities of color for drug searches, even though white people use drugs with similar frequency. Source: [Drug Policy Alliance](#)
- Other drugs have been used to criminalize communities of color as well. One of President Nixon's aides admitted that the war on drugs was an excuse to criminalize the administration's enemies, "the antiwar left and black people." By the 1980s, the federal penalties for crack cocaine were 100 times more severe than for powder cocaine: although the drugs are the same, crack was associated with Black communities. After decades of advocacy, the disparity in sentencing between crack and powder cocaine is now 18:1. Source: [Drug Policy Alliance](#) and [CNN](#)
- Being in the U.S. without papers is a civil, or administrative, offense. But Trump's new executive order lists essentially all undocumented immigrants as priorities for deportation under the guise of targeting "criminals." He has created a whole new class of so-called criminals out of thin air, and intends to use state power to treat people as criminals. Source: [NPR](#)
- Entire communities can be criminalized when the law is enforced in a biased manner. For instance, police activity in Chicago is disproportionately concentrated in communities of color. This means that there are more DUI checkpoints, more charges for minor offenses like

loitering or disorderly conduct, more stop and frisks. This over-policing sends people of color into prisons, detention centers, or deportation. Source: [Chicago Tribune](#)

Different communities of color are targeted by criminalization in distinct, but intersecting ways. Muslim communities may be primary targets of surveillance, but may also experience criminalization by ICE depending on their immigration status. Black and Latinx communities may be primary targets of criminalization based on drug use or “gang membership,” but other communities of color are criminalized in similar ways. Individuals may also experience intersecting forms of oppression based on their identities, whether they are Black immigrants, Muslim Latinxs, queer Asians, or many other combinations of identities.

## **What is the cost of criminalization?**

The United States imprisons more people per capita than any other country on earth. In 2017, 2.3 million people are imprisoned, and 59% of them are people of color—even though only 30% of the population in the U.S. are people of color.

That’s 2.3 million families separated, 2.3 million lives upended or destroyed, 2.3 million people’s freedom stolen, 2.3 million lives with unfulfilled potential.

Taxpayers pay \$80 billion to lock up this many people in federal, state, and local facilities. But the social cost is much higher: experts estimate that it exceeds \$1 trillion. For instance, lost wages of people incarcerated total \$230 billion. The mental and physical costs of incarceration also contribute to these social costs, as do costs to families who must spend money and time visiting relatives in prison, and even the higher death rates that result from imprisonment.

Compare these costs to the massive cuts to public services in Trump’s proposed 2018 budget, as reported by the [Washington Post](#). The budget would:

- Cut \$200 million from program that provides food to women, infants, and children;
- Cut \$3.7 billion in grants for after-school and summer programs and teacher training;
- Cut \$5.8 billion from the National Institutes of Health;
- Cut \$6.2 billion from programs for community development and affordable housing;
- Cut \$2.6 billion from programs to help low-income seniors find jobs, job-training programs for youth, and more;
- Cut \$2.5 billion for environmental protection; eliminates climate change prevention programs;
- Cut \$1 billion from arts and cultural agencies, entirely eliminating the National Endowment for the Arts and three other agencies.

## Who profits from criminalization?

Criminalization doesn't just cost us money; it also helps big corporations get even richer. A huge set of industries profit from the mass incarceration that results from efforts to criminalize communities of color.

It is hard to estimate the total amount of money that corporations make from mass incarceration. But here are a few examples, according to The New Yorker:

- The prison phone industry earns an estimated \$1.2 billion per year charging outrageously high fees for phone calls from prison.
- The company Corizon Health is the country's largest prison health care firm. It earns \$1.4 billion annually and has been sued in over six hundred malpractice lawsuits over five years.
- Commissary companies earn \$1.6 billion per year by charging people up to five times the retail price for basic items like cereal.
- For-profit bail companies earn an estimated \$3 billion per year.

According to the Washington Post, for-profit prison companies like the Corrections Corporation of America (CCA) and the GEO Group make a combined \$3.3 billion annually, largely from immigrant detention. They have also spent roughly \$25 million lobbying the government, sometimes for policies to lock up even more people. Over 60% of immigration detention beds are operated by for-profit private companies, according to the group Grassroots Leadership.

## Role of the anti-immigrant movement in criminalization

Along with politicians, government, and private corporations, anti-immigrant groups are doing more than just talking about criminalizing immigrants and communities of color. They are actively lobbying Congress and developing relationships with law enforcement to implement policies criminalizing immigrants.

A few examples:

- Staff members of the extremist anti-immigrant group Center for Immigration Studies (CIS) regularly testify before Congress. They have promoted criminalization policies to, for instance, force local police departments to contact ICE about individual cases.
- The anti-immigrant group Federation for American Immigration Reform (FAIR) has developed a network of sheriffs who they train and use to promote their work. These sheriffs are responsible for local policing decisions about racial profiling, participation in deportation programs like 287g, and more.
- Several anti-Muslim trainers tour the country giving biased trainings to local law enforcement that identify Muslim and Black communities as a threat, sometimes pointing to specific community leaders. Some members of these communities are likely vulnerable to deportation, and the trainings themselves promote racism and nativism that impact all communities of color.

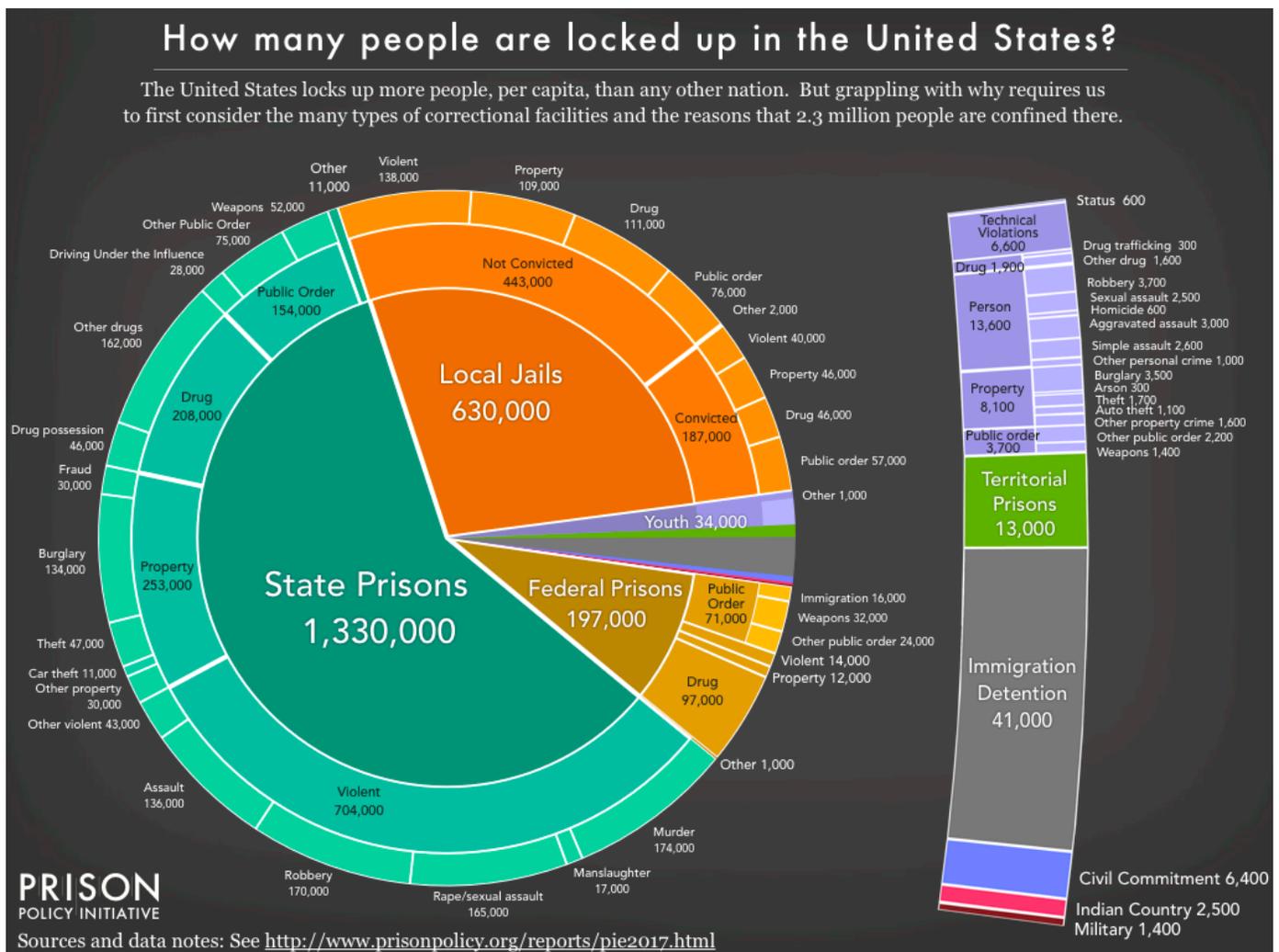
- Trump’s new Attorney General Jeff Sessions is in a significant position of power to criminalize communities of color. As a Senator, Sessions closely collaborated with FAIR and the other groups that comprise the anti-immigrant movement, serving as their most public ally on the Hill and championing their agenda.

Many of the policies that criminalize communities of color in different ways still operate based on similar racist logic. They also sometimes use similar tactics, like racial profiling, to target black communities, Muslim communities, Latinx communities, and others. Communities at the intersections of these identities, like Black immigrants, may be disproportionately at risk.

Source: Prison Policy Initiative

## Additional Resource

Mass Incarceration: The Whole Pie 2017 from the Prison Policy Initiative. Reprinted with permission.



## Sources

Drug Policy Alliance ([Link](#), [Link](#))

CNN ([Link](#))

National Public Radio ([Link](#))

Prison Policy Initiative ([Link](#))

Think Progress ([Link](#))

St. Louis Today ([Link](#))

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Grassroots Leadership ([Link](#))

Chicago Tribune ([Link](#))