

# JUST THE FACTS

County data confirms what state information suggests: undocumented immigrants are not major sources of crime.

**FACT: ONLY 3.9  
PERCENT OF COUNTY-JAIL  
INMATES ARE IDENTIFIED  
UNDOCUMENTED IMMIGRANTS**

## INTRODUCTION

The debate surrounding Utah's immigration law (SB 81) is driven in part by a more fundamental question: are undocumented immigrants criminals? Some quickly respond to this question with another one: "what part of illegal don't you understand?" For those that view murder and rape in a different league than illegal border crossings and document fraud, however, such simple and often emotion-driven reactions fail to satisfy.

Utahns do not consider themselves criminals when they regularly break traffic laws or trespassing laws, and rightfully so. These actions do not prey upon society in ways that merit the term "criminal," even though they are often not victimless offenses.<sup>1</sup>

Many reasonable Utahns consider illegal immigration in like manner. Undocumented immigration, like other minor offenses, does not destroy civil society. To put it another way, it is not the number of illegal-border crossers in an area that paralyzes a community with fear, but rather the number of rapists, murderers, and violent gang members (i.e., the number of real criminals).

One argument put forward, however, is that illegal immigration is the method by which many such criminals come to Utah. County jail data is commonly cited to justify such claims, but only anecdotally (e.g., data from a single county jail). Further, the Hispanic ethnicity of county-jail inmates, not their legal status, is the basis of the assertion that they are undocumented. These claims have gone largely unchecked against broader, more reliable measures of criminals' legal status.

Data on state inmates and population trends indicate that such claims are false.<sup>2</sup> Recent population estimates are informative: between 2004 and 2008, the number of undocumented immigrants in Utah increased by 57 percent, yet the number of undocumented state prisoners increased only 10 percent.<sup>3</sup>

Some have attacked the validity of state-prison information, arguing that most undocumented criminals leave the system before being counted. They assert that county-jail data is the only reliable source.

However, even if this criticism were true, the sheer size of the growth of Utah’s undocumented community should have brought with it a larger increase in the number of undocumented immigrants in state prisons than actually occurred. In other words, the criticism misses the point: when combined with population trends, state-prisoner data still suggests that undocumented immigrants coming to Utah obey the law once they are here.

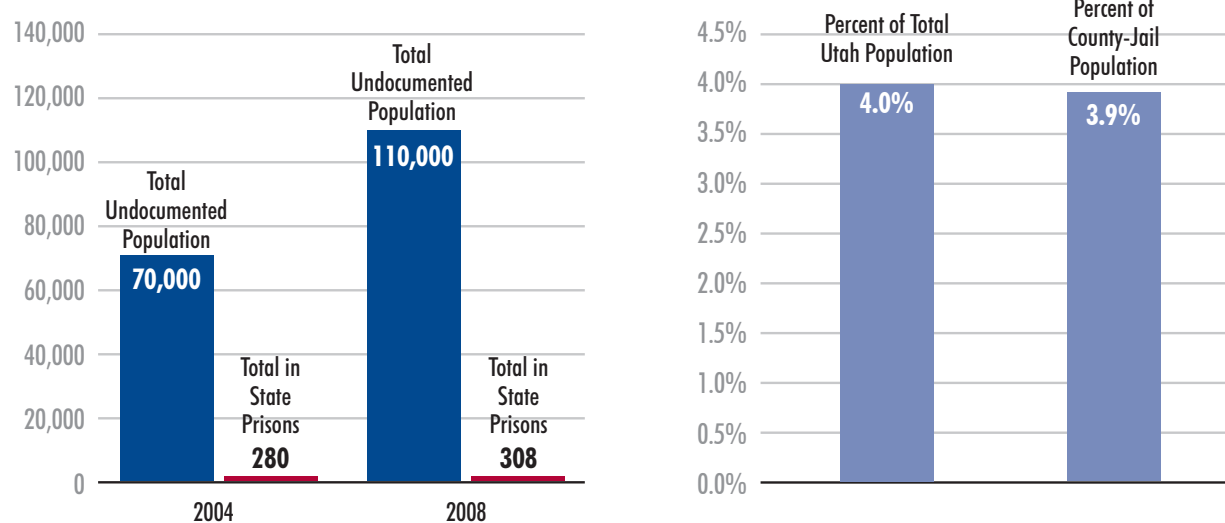
The critics of state-level data make one valid point, however. Without matching county-level information, the picture is incomplete.

## UNDOCUMENTED IMMIGRANTS IN COUNTY JAILS

Sutherland contacted every county in Utah between January 15 and January 30, 2009 to request information about the legal status and ethnic origins of inmates in county jails. Receiving and verifying the responses required several months. Twelve jails responded with ethnicity data and 17 responded with data on the number of inmates with criminal charges who have also been identified as undocumented immigrants and are being held for federal immigration officials. The jails and their responses are listed in the charts of County Jail Survey Results for Undocumented Immigrants (prior to the Endnotes).

The 17 jails that responded with immigration-status information held 5,269 inmates. Of those, only 3.9 percent

Undocumented Immigrants in Utah



were identified as undocumented. This figure is nearly equal to the estimated undocumented proportion of the total state population in 2008: four percent.<sup>4</sup>

Some may argue that this measure does not fully represent the number of undocumented immigrants in county jails. Whether or not this criticism is valid, there is no other broad measure available, and the only alternatives are anecdotes and conjecture. In other words, until a more reliable statewide measure is found, the number of undocumented prisoners in county jails being held for federal immigration officials is the best indicator that exists of undocumented-immigrant crime.

The individual county percentages ranged from a low of zero percent in several counties to a high of 13.1 percent in Utah County. However, the size of the undocumented prison population in a given county is not necessarily an indicator of where crime is being committed. Rather, decisions about where an undocumented immigrant is incarcerated are primarily driven by practical considerations such as available space in the jail.<sup>5</sup> The high figure in Utah County is therefore just as likely to be an indicator of the ability of the jail to accept undocumented prisoners as it is a reflection of crime being committed by undocumented immigrants in Utah County.

## HISPANICS IN COUNTY JAILS

Data on the Hispanic origin of prisoners, independent of any measure of legal status, contains little useful information about undocumented-immigrant crime, as many or perhaps most of these inmates are legal residents. However, given the widespread use of such data by supporters of SB 81, there is value in checking the validity of their claims.

The 12 jails that provided Hispanic-ethnicity information held 4,105 prisoners, of which 17.7 percent were Hispanic. This figure is higher than the Hispanic proportion of the total state population (11.6 percent in 2007), but it is much lower than figures anecdotally cited by supporters of SB 81.<sup>6</sup> Once again, however, this information has little to say either way about the amount of serious crime being committed by undocumented immigrants.

The individual county percentages ranged from .5 percent (½ of one percent) in Beaver County to 30.8 percent in Kane County. The Utah County jail, regularly referred to anecdotally to support SB 81, interestingly came in at the lower end of the spectrum with only 10.1 percent Hispanic inmates.

## CONCLUSION

County-level data confirms what state-level information suggests: undocumented immigrants are not a major source of crime in Utah. Further, county-jail data suggests that anecdotes often cited by supporters of SB 81 are unreliable and misleading.

Certainly, there are violent criminals that are undocumented immigrants, just as there are violent criminals in every ethnic, demographic, or other group in Utah. However, their numbers do not seem to reach levels that justify the claims made in defense of Utah's immigration law. These facts should be considered as the negative impacts of SB 81 begin to surface.

Are undocumented immigrants criminals? Based on the available information, responsible citizens must answer with a resounding "no."

County Jail Survey Results for Undocumented Immigrants

UNDOCUMENTED IMMIGRANTS				HISPANIC ETHNICITY			
COUNTY	TOTAL INMATES	ON FEDERAL HOLD	PERCENT	COUNTY	TOTAL INMATES	HISPANIC	PERCENT
Beaver	370	0	0.0%	Beaver	370	2	0.5%
Box Elder	125	0	0.0%	Cache	320	34	10.6%
Cache	320	11	3.4%	Carbon	72	15	20.8%
Carbon	72	0	0.0%	Duchesne	146	5	3.4%
Daggett	80	0	0.0%	Emery	19	3	15.8%
Duchesne	146	2	1.4%	Kane	26	8	30.8%
Emery	19	0	0.0%	Millard	77	4	5.2%
Kane	26	0	0.0%	Salt Lake	2104	545	25.9%
Millard	77	1	1.3%	San Juan	84	20	23.8%
Salt Lake	2104	21	1.0%	Tooele	104	15	14.4%
San Juan	84	2	2.4%	Utah	712	72	10.1%
Sevier	100	2	2.0%	Wasatch	71	3	4.2%
Summit	74	3	4.1%	Total	4105	726	17.7%
Tooele	104	0	0.0%				
Utah	712	93	13.1%				
Wasatch	71	2	2.8%				
Weber	785	69	8.8%				
Total	5269	206	3.9%				

ENDNOTES

1. In 2008, 55 Utahns died from speed-related traffic accidents, second only to improper use of safety restraints. "Fatality Type," Zero Fatalities, <http://ut.zerofatalities.com/pdf/2008zerostats.pdf>, accessed June 12, 2009.
2. Sutherland Institute, *Utah's Citizens and Illegal Immigrants: Side-by-Side*, August 27, 2008, <http://www.sutherlandinstitute.org/uploads/immigrationSideBySide.pdf>.
3. The 57 percent increase is based on the mid-points of estimates of Utah's undocumented-immigrant population in 2004 and 2008 from the Pew Hispanic Center. The state-prisoner data was obtained by GRAMA request from the Utah Department of Corrections. Jeffrey S. Passel, *Unauthorized Migrants: Numbers and Characteristics*, June 14, 2005, Pew Hispanic Center, <http://pewhispanic.org/files/reports/46.pdf>. Jeffrey R. Passel and D'Vera Cohn, *A Portrait of Unauthorized Immigrants in the United States*, April 14, 2009, <http://pewhispanic.org/files/reports/107.pdf>.
4. The estimate of the undocumented-immigrant population is from the Pew Hispanic Center. Utah's 2008 population estimate is from the Utah Governor's Office. Jeffrey R. Passel and D'Vera Cohn, *A Portrait of Unauthorized Immigrants in the*

*United States*, April 14, 2009, <http://pewhispanic.org/files/reports/107.pdf>. "Demographics – Population Estimates," Governor's Office of Planning and Budget, <http://governor.utah.gov/dea/popestimates.html>, accessed June 11, 2009.

5. Telephone conversation with Utah County Jail personnel on June 11, 2009.
7. "Fact Sheet – Utah," U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/49000.html>, accessed June 11, 2009.



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