

Dear Representatives and Senators,

Over the past few months, a tremendous amount of misinformation about illegal immigration in Utah and SB 81 has been given. Salt Lake City's Police Chief and others have propagated faulty information to the public. SLCPD gave me misleading and false information when I requested information to back up the Police Chief's comments made on KSL radio. The most recent misinformation is the Sutherland Institute's "Just the Facts" and a Deseret News' Editorial which recited Sutherland's "facts". In order to save embarrassment for anyone who may be referencing Sutherland's essay or the Deseret News Editorial, let me state that the Sutherland Institute clearly does not understand Utah's Correctional system especially "State Contract" inmates.

Sutherland claims to have obtained "county jail population." According to their table, they claim that Beaver County has 370 county inmates (considering Beaver County has a population of only 6200 people, I would worry for Representative Noel's and Senator Stowell's safety when visiting Beaver County if something was not obviously wrong with statistics.) Sutherland does not understand that 361 of the 370 inmates are actually "State Contract" inmates and belong to the state. These inmates cannot be used as a sampling for county inmates and crime. Sutherland lists 80 inmates for Daggett County yet 68 of these are state inmates. Box Elder is listed as 125 but 36 are state inmates. Kane County is listed as 26 yet 10 are state inmates. Carbon is listed as 72 yet 6 are state inmates. All of these counties had "zero" immigration holds according to Sutherland's data so removing them changes the percentage.

For Salt Lake County Jail, Sutherland lists only 29 inmates on federal hold. Yet, reports by the Salt Lake County Jail from January to May of 2009 show no month with less than 85 inmates on federal hold. The average is 106.2 inmates. The average bookings per month were higher than Sutherland listed with an average of 3,086.4 inmates per month. This equates to an average of 3.44% of inmates on federal hold. This is significantly higher than the 1% Sutherland reported.

Correct for just the errors in Beaver, Box Elder, Carbon, Daggett, and Kane Counties as well as using an average of 3.44 % of inmates on federal hold for Salt Lake County, and the "undocumented" portion in county jails jumps to 5.2%.

In addition, Sutherland takes a snapshot rather than data for the year. They report Utah County as having only 10.1% Hispanics when bookings for all of 2008 show 23.33% Hispanic with 15.3% of all prisoners have some sort of immigration hold. Moreover, it is uncertain how Sutherland ever got 10.1%. A snapshot from January 1, 2009 has the jail at 21.1% Hispanic and another snapshot on July 1, 2009 has the rate at 22.2%.

Sutherland makes numerous questionable assumptions. First, Sutherland assumes that everyone who is illegal has been identified. If the county jail does not have a cross-deputized

officer, many illegal aliens are never identified. This is precisely what part of SB 81 is trying to address. ICE has limited resources and cannot always make it to a county jail.

Unfortunately, until better data is available, ethnicity must be used since race and ethnicity are often the only information available. According to the PEW Hispanic Center, 76% of illegal aliens are Hispanic (in the Utah prison system it is 85.5%) According to the PEW Hispanic Center, between 38%-48% of Hispanics in Utah are illegal aliens. Unfortunately, until all police departments cross-deputize at least one officer, we will have to extrapolate illegal aliens from the Hispanic statistics. The only options are that illegal Hispanics are causing crime at a greater rate than the general population, legal Hispanics are committing more crime, or both categories are equally committing crime at a higher rate. It must be one of these three. I believe it is the first.

Sutherland did not account for recidivism rates. Obviously, if illegal aliens are deported even after their entire sentence is served, they will be less likely to be around for the cumulative effect of repeat offenders. Higher rates of outstanding warrants are also not factored by Sutherland. For example, of the 40 murders in the state of Utah in 2008, five cases have no suspects. Three have suspects/person of interests who have not been apprehended. All three are suspected illegal immigrants.

Sutherland fails to understand that illegal aliens can be deported by the courts rather than serve a full sentence. For example, Michele Ramirez was "sentenced to 78 days in county jail and deportation for her role in the shooting" of Diego Mendoza (see <http://www.deseretnews.com/article/print/705309408/Police-briefs.html>). Was 78 days a full sentence for a role in murder had deportation not been an option? If not, then she is underreported in the county jail system. If the sentence would have been more than year, Michele Ramirez is completely unaccounted for in the state system as an illegal alien. These numerous flaws call into question Sutherland's entire methodology.

Ironically, Sutherland's own data shows that Hispanics commit crime at roughly 50% higher than the general population. If Sutherland's research is correct and illegal aliens do not commit crimes at a higher rate than the general population, then Sutherland is asserting that Legal Hispanics have a higher crime rate than illegal Hispanics. Does Sutherland really believe this? I certainly do not. This is precisely why so many legal Hispanics are against illegal immigration. Legal immigrants have gone through a screening process. Foreign students have as well. It only makes sense that legal immigrants have lower crime rate otherwise the U.S. is wasting a lot of money at embassies throughout the world.

Unfortunately this questionable methodology is a continuation of Sutherland's faulty research last year of trying to use illegal alien population state prison population as proof that illegal

aliens do not commit crime at a higher rate than the general population. Sutherland did not take into account lagging statistics (someone does not commit crime or get caught immediately - before an illegal alien gets sent to state prison, one may receive a lighter sentence for the first few offenses or deported during the criminal justice process). Federal prisons have now reached 40% Hispanic but this is only after years of increase in the Hispanic population in general (<http://www.deseretnews.com/article/1,5143,705293233,00.html>).

Although Sutherland has been told about these errors they refuse to change their claims. A much better indicator of crime would be arrest rates which show a dramatically higher rate of crime. Admittedly, this statistics may be uncomfortable for some, but it is our responsibility to deal with the "facts" and have an honest conversation about the problems this state faces. Political correctness is destroying this nation. I have attached information received from BCI about the arrest rates for Utah as a whole, Salt Lake City, West Valley City and Provo City.

The Deseret News Editorial

The recent Deseret New Editorial shows the lack of willingness on the part of the media to properly research and is in danger of losing all credibility as an unbiased informational source. They mentioned litigation of the Oklahoma bill, but failed to mention that only a small portion of the bill is being litigated. The Ninth Circuit, arguably the most liberal court in the nation, has already upheld as constitutional the entire Arizona Law which included the provisions challenged in Oklahoma. The Eighth Circuit has upheld a Missouri Law with similar provisions.

The Deseret News has failed to headline that Utah now has the fastest growing illegal immigrant population in the United States according to the Pew Hispanic Center. Some what is not printed shows just as much bias as what is printed. Illegal immigrants have nearly twice the number of children than the general population. How are we going to pay for this? With a \$700 million deficit looming for 2011, which programs are we going to cut or which taxes are we going to raise?

The Salt Lake Police Department – False and Misleading Information

Of greatest concern, however, is my recent experience of my GRAMA request with the Salt Lake City Police Department. I was given false and misleading information which should concern everyone. We may disagree on solutions for illegal immigration but we should at least agree that we as legislators should be given correct information and that police departments should not be misleading the public. Public perception about the integrity of all of Utah law enforcement departments depends on this.

On April 21st, I requested information to substantiate Chief Burbank's comments on KSL radio where he was asked by Doug Wright about whether or not most of the crime was committed by "these folks." Chief Burbank responded,

That is absolutely not based in fact. We arrest by far, more Caucasian males than any other population. In fact, one of the things we have done since the early 90's is document our racial profiling concerns and so every single traffic stop, every single arrest, every report, every interaction our police officers have, we document. We are not dealing with, especially the undocumented but Hispanic individuals, at a higher rate than anyone else and the population in general. And we have proven that time and time again.

Doug Wright.

So we are talking per capita here.

Chief Burbank

Yes, per capita. Yes. This is not the case.

Since Chief Burbank was actively campaigning against SB 81, I asked that pursuant to Utah Code 63G-2-204(3)(a) SLCPD respond to my GRAMA request within five business days. After seven days, I called to express concern and was told that the city attorney would be in the next day and that I would have to talk to her. I was surprised about the seemingly little concern about breaking the law. I asked legal council to call who was given a similar run-a-around, but after expressing concern about violations of the law, was told that the information would be forthcoming the next day. The next day, I received nothing.

On May 1st, I received a response which included the statement that "Chief Burbank's statements were given as his opinion or belief and were not a recitation of statistical records." Additionally, I received a document that stated that in 2008 Adult Arrests by SLCPD were 24.53% Hispanic and 75.47% Non-Hispanic.

Not satisfied with the answer, I requested all information used to produce the statistics and the percentage separated by category of crime. On June 2nd, the Salt Police Department also finally admitted that "The SLCPD does not keep race or ethnicity data on general police contacts that do not result in arrest" despite what Chief Burbank had said on the radio.

What was most troubling, however, is what the new data showed. It showed that SLCPD had included "Unknown" in the "Non-Hispanic" column the month before thus greatly skewing the data. "Unknown" are not "Non-Hispanic." While 24.53% Hispanic is higher than the general population (despite the Chief's claim) it is not dramatic. But divide "Hispanic" by "Hispanic" plus "Non-Hispanic" as any reasonable person would and the results become startling. The

SLCPD's own data shows that in 2008 44.25% of the crime in Salt Lake City was committed by Hispanics. To verify this, I contacted BCI which had the total crime in Salt Lake City as 46,78% with 81.82% of the murders and 75% of rapes being committed by Hispanics.

In other words, the information I received on May 2 was a lie (Webster's Dictionary defines a lie as "anything that gives or is meant to give a false impression.") This misinformation was given to an elected official trying to counter the arguments made by the police chief affecting legislation that the Utah Legislature deemed in the best interest of Utah and most Utahns agreed with (77% according to the Tribune's own poll). Giving misinformation is corruption which should concern everyone and unfortunately casts a shadow on all law enforcement agencies.

Had "white males" being any other group and such false information given about them, there would have been outrage. It is frightening when the rule of law does not seem to matter with those responsible for enforcing the law. Such actions are against P.O.S.T. Code of Conduct in Utah which specifically prohibits police officers from giving misinformation. No police chief should see themselves above the law. The police chief's job is to follow the law and maintain a civil society.

Chief Burbank also called SB 81 inhumane which shows complete ignorance of the world in which we live. Inhumane, is being forced to squat, have a stick stuck between your arms and legs, hung upside down, and having your feet beaten to a bloody pulp. Then being forced to walk a mile on a gravel road. It is watching your brother shot in front of you, having to chant "red terror" while watching teenagers shot to create fear, or having to adopt your niece and nephew because your brother and sister-in-law were assassinated on their front door step. **Inhumane is having your cousin die in Kenya a year ago as a refugee while waiting five years to come this country legally because the United States currently has so many illegal aliens.** These experiences all happened to my business partner. With all due respect, SB 81 does not compare.

Many refugees are also members of our community. These and other legal immigrants will be hampered in their efforts to bring their families and relatives by the continuing tolerance of illegal immigration. These groups should fear the police chief's lack of actions. The chief's actions will lead to more racial division rather than less, but instead, Chief Burbank continues to propagate that those in favor of SB 81 are against immigration.

Chief Burbank fails to understand what it takes to keep a civil society. Respect for the rule of law is tantamount to this. Individuals obey laws that they may not like because they know that others will obey laws that others may not like. Otherwise, anarchy is possible where as one former Utah Supreme Court Chief Justice said, "everyone has a thousand oppressors."

Chief Burbank and others have failed to paint the full picture about the extent of crime and now we have a major problem on our hands. Had he and the media not seen illegal immigration as victimless crime earlier, we would not be in the position that we are today.

Chief Burbank recently compared enforcement of SB 81 to Nazi Germany (Salt Lake Tribune – July 3, 2009). This is hyperbole at its greatest, but if comparisons to Nazi Germany must be made then it is important to remember that Nazism began as a police state. A police state begins when the police decide what is right or wrong rather than the duly elected leaders because an ideology or power became more important than the truth. This is exactly what Chief Burbank is doing. My wife, a legal immigrant said “he is putting his philosophy over the facts.”

We may not agree on everything or on how to solve the problem and prevent the problem from growing, but we should be able to agree that a police chief should provide accurate information and not let personal philosophy get in way of the truth. The only way we can solve the situation is by having an honest, open conversation about the consequences of illegal immigration.

One might ask why a part time legislator with no personal staff should have to check out the facts and GRAMA SLCPD rather than the press, but that is a question for another day.

As most of you know by now, increased crime is not my main reason for opposing illegal immigration (although it is a core constitutional responsibility of ours). Tolerating illegal immigration is wrong because it harms many legal immigrants and punishes those desperately trying to come here legally. In 2002, 13 million people applied for the 55,000 U.S. Green Card lottery slots. Where is the “compassion” for the 99.6% that did not receive a green card? Last year, 6.5 million potential immigrants applied. This is the greatest country in the world. We should not decide citizenship based on the willingness to rob others or break the law. This cheapens citizenship.

The media and other elites are in danger of losing all credibility with the public. According to poll in the Salt Lake Tribune, 78% of the citizens in Utah want SB 81 enforced. When will the elites realize that most Utahns are tired of being called racist, uncompassionate, or unchristian simply because they want the law enforced and believe that it is wrong to discriminate against the millions of people trying to come to this country legally?

I have attached the information I received from SLCPD as well as the statistics I received from BCI. The information should concern everyone. (I added the column on % of Hispanics using Hispanics and Non-Hispanics as the denominator – not including “Unknown Ethnicity”). I have also included information which shows how dramatically different U.S. immigration trends are today. This greatly concerns many legal immigrants as well as potential legal immigrants.



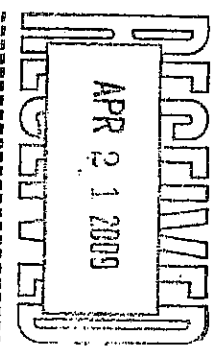
House of Representatives

State of Utah

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
P.O. BOX 145030 • SALT LAKE CITY, UTAH 84114-5030 • (801) 538-1029

April 21, 2009

Chief Chris Burbank
Salt Lake City Police Department
Public Safety Building
315 East 200 South
Salt Lake City, UT 84111



Re: Request for Records (Utah Code 63G-2-204).

Chief Burbank:

I listened with great interest to your interview, conducted on April 8, 2009, on the Doug Wright Show. During that interview, you stated that the Salt Lake City Police Department documents its racial profiling concerns and each stop, arrest, report, and interaction of its officers. You stated that you are "not dealing with, especially not undocumented, but Hispanic individuals at a higher rate than anyone else, given the population in the community, and we've proven that, time and time again." You also indicated that this proof is on a "per capita" basis. I request copies of records (including, but not limited to, electronic records) that substantiate that statement, as it relates to undocumented immigrants, and the proof that you referred to.

You also indicated in the interview that it is your belief that the Salt Lake City Police Department is "responsible for the deportation of more undocumented criminals than the entire state put together . . ." While you indicated that you do not have the numbers to back up that belief, it is my hope that you have some records that would establish a basis for your belief. I request a copy of records (including, but not limited to, electronic records) indicating the number of undocumented criminals that the Salt Lake City Police Department was responsible for getting deported in 2008 and any comparable data that you have access to for other police departments in the state.

As you are aware, the debate regarding illegal immigration and S.B. 81 is a pending topic of great concern in the state's media. It is imperative that the public is provided with the facts relating to this debate in an expedited manner, in order to ensure that the debate is based on accurate facts. Because the timely receipt of this information will be of great benefit to the public, and of great assistance in the pending debate, I request, pursuant to Utah Code 63G-2-204(3)(a), that you respond to my request for these records within five business days after receiving this letter.

Thank you for your time and attention to this important matter.

Sincerely,

Representative Christopher Herrod

MARTHA S. STONEBROOK
SENIOR CITY ATTORNEY

SALT LAKE CITY CORPORATION
LAW DEPARTMENT

RALPH BECKER
MAYOR
EDWIN P. RUTMAN, II
CITY ATTORNEY

May 1, 2009

Honorable Representative Christopher Herrod
Utah State Capitol Complex
350 State Capitol
P.O. Box 145030
Salt Lake City, Utah 84114-5030

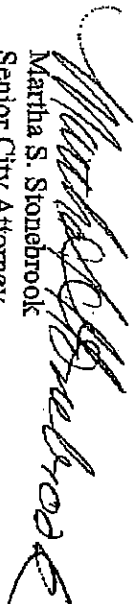
Re: Records Request

Dear Representative Herrod:

I write in response to your records request dated April 20, 2009 wherein you requested records that supported the statements Chief Burbank made on the Doug Wright Show on April 8, 2009. Chief Burbank's opinion, as stated on the Doug Wright Show, was based upon information he has received verbally from other state and federal law enforcement agencies and upon his knowledge and expertise as Chief of Police. To the extent that those verbal statements to Chief Burbank were based upon actual documents, any such documents would be in the custody and control of other state and federal law enforcement agencies. Salt Lake City does not possess documents from other agencies that relate to the subject of Chief Burbank's remarks on the Doug Wright Show. Chief Burbank's statements were given as his opinion or belief and were not a recitation of statistical records. Nevertheless, Chief Burbank's remarks were based, in part on the following information: In 2008 of the adult arrests, 25% were Hispanic adults and 75% were non-Hispanic; of the traffic citations issued in 2008, 12.46% were issued to Hispanic individuals and 73.98% were issued to Caucasian individuals. (See document attached).

If you are dissatisfied with our response to your request, you may appeal the City's decision to the City's Records Appeals Board by filing a written notice with the City Recorder within 30 calendar days after the date of this letter, pursuant to City Code § 2.64.140. The address of the City Recorder is P.O. Box 145515, Salt Lake City, Utah 84114-5515.

Very truly yours,

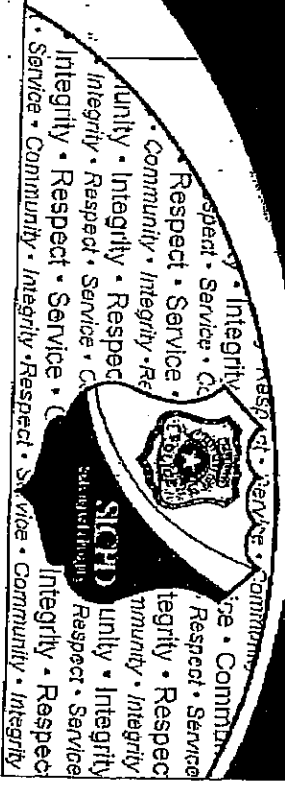

Martha S. Stonebrook
Senior City Attorney

Cc: Chief Chris Burbank

451 SOUTH STATE STREET, ROOM 505, P.O. Box 145478, SALT LAKE CITY, UT 84114-5478
TELEPHONE: 801-535-7788 FAX: 801-535-7840



Salt Lake City Police Department



2008 Adult Arrests - SLCPD

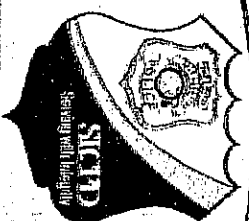
Hispanic	Non-Hispanic	Total
3,556	24,533	10,937
24.53%	75.47%	14,493

2008 Traffic Citations - SLCPD

Race	Total	% of Total
African American	1,048	2.41%
Asian	905	2.08%
American Indian	204	0.47%
Caucasian/White	32,211	73.98%
Hispanic	5,427	12.46%
Unknown	3,744	8.60%
Total	43,539	

Received June 2, 2009

Salt Lake City Police Department



2008 Adult Arrests – SLCPPD

	White	Black	Native Am	Asian/P.I.	Unkn.	Hisp.	Not Hisp	Unk.
Homicide	8	6	0	2	0	3	7	6
Manslaughter	0	0	0	0	0	0	0	0
Rape	7	1	0	0	1	4	1	4
Robbery	89	19	5	12	1	33	38	55
Agg. Assault	188	39	14	14	4	84	62	113
Burglary	83	13	4	3	1	23	19	62
Larceny	1709	137	87	58	48	554	544	941
Auto Theft	34	4	0	0	0	16	6	16
Other Assault	1058	154	65	52	27	370	312	674
Arson	2	0	2	0	0	3	0	1
Forgery/Counterfeit	97	5	2	7	3	37	20	57
Fraud	70	15	1	3	2	16	29	46
Embezzlement	1	0	0	0	0	1	0	0
Stolen Property	112	20	2	2	1	54	34	49
Vandalism	249	24	10	16	6	77	86	142
Weapons	176	17	7	6	5	73	51	87
Prostitution	287	35	9	3	12	67	114	165
Sex Offenses	19	2	1	0	1	15	1	7
Drug Violations	1193	171	38	15	25	441	325	676
Gambling	0	0	0	0	0	0	0	0
Family Offenses	62	6	2	3	2	25	12	38
D.U.I.	1093	49	30	48	40	256	253	751
Liquor Laws	1489	131	373	31	35	517	796	746
Drunkennes	793	46	332	7	16	226	512	456
Disorderly	276	45	27	16	13	67	154	156
Vagrancy	1	0	0	0	0	1	0	0
Other Offenses	4430	728	354	152	107	1279	1968	2524
Total	13526	1667	1365	450	350	4242	5344	7772

Definition: race a human population considered distinct based on physical characteristics.

Definition: ethnicity a term which represents social groups with a shared history, sense of identity, geography and cultural roots which may occur despite racial difference.

From: "Stonebrook, Martha" <Martha.Stonebrook@slcgov.com>
To: [REDACTED]
"Burbank, Chris" <Chris.Burbank@slcgov.com>, "Dobrowolski, Walter"
<Walter.Dobrowolski@slcgov.com>, "Williams, Patricia"
<Patricia.Williams@slcgov.com>
Date: Tuesday - June 2, 2009 9:22 AM
Subject: FW: Herrod new document

[REDACTED] On behalf of Representative Herrod, you requested supplemental records and statistical information, as follows:

"As we discussed by phone, Representative Herrod shared with me your response (dated May 1, 2009) to his public records request. The response included data, based on race, for adult arrests and traffic citations. Representative Herrod would like to know if you have this type of data for police contacts that did not result in arrests. Also, he would like to know if you are able to further break down the arrest data that you provided into violent/nonviolent crimes or misdemeanor/felony crimes. Finally, he would like to know if you have any data indicating what percentage of the persons who the police had contact with, issued citations to, or arrested, were not legally present in the United States. Is this data available? If so, will you please share the data with him, through me? If you have any questions, please feel free to contact me. Thank you."

I have attached a document that represents the statistical information regarding the Salt Lake City Police Department adult arrests for 2008. The SLCPD does not keep race or ethnicity data on general police contacts that do not result in arrests. Also, the SLCPD does not keep statistical information concerning the legal status of individuals with whom the police have interactions.

You have the right to appeal the Police Department's decision regarding your request to the Mayor's Records Appeals Board by filing a written notice with the City Recorder within 30 calendar days after the date of this letter, pursuant to City Code § 2.64.140. The address of the City Recorder is 451 South State Street, PO Box 145515, Room 415, Salt Lake City, Utah 84111

Sincerely,

Martha S. Stonebrook
Senior City Attorney

Legal Advisor -- Salt Lake City Police Department
315 East 200 South, 8th Floor

P.O. Box 145497

Salt Lake City, Utah 84114-5497

Phone: (801) 799-3804

Fax: (801) 799-3640

IMPORTANT: Emails from the attorneys and staff of the City Attorney's Office are likely to contain confidential and privileged material for the sole use of the intended recipient. The use, distribution, transmittal or re-transmittal of any such communication is prohibited without the express approval of the City Attorney or a Deputy City Attorney in writing or by email. If you are not the intended recipient, please contact the sender and delete all copies.

From: Williams, Patricia
Sent: Tuesday, June 02, 2009 8:55 AM
To: Stonebrook, Martha
Subject: Herrod new document

Patricia Williams
Executive Assistant to Chief Burbank
Salt Lake City Police Department
801.799.3802 Office
801.799.3640 Fax
Patricia.Williams@slcgov.com