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THE IMPACT OF FOREIGN-BORN INMATES ON THE
NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES (DOCS)

This report, which was initially prepared for a House Sub-Committee investigating the criminal alien problem, briefly outlines the surge in foreign-born commitments since 1985 and their resulting impact on the Department.

Between April 1985 and October 1989, the Department's overall inmate population sharply increased 41 percent. During this time period, the number of foreign-born inmates grew at an even more striking rate (123%).

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**THE IMPACT OF FOREIGN-BORN INMATES ON THE
NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES (DOCS)**

The number of inmates under the custody of the New York State Department of Correctional Services (DOCS) on October 1, 1989 was 50,368. Approximately 12 percent (or 5,863) of these inmates claimed birth in a foreign country (see Table 1).

By comparison, an examination of the under custody population on April 1, 1985 indicates that the total number of inmates under DOCS custody was 34,617. Approximately eight percent (or 2,629) of these inmates claimed birth in a foreign country (see Table 2). Therefore, during the four and one-half year period between April 1, 1985 and October 1, 1989, the number of foreign-born inmates under DOCS custody increased by 3,234.

While striking, it does not provide a complete picture of the increase in foreign-born inmates under DOCS custody. As the data in Table 2 show, the number of inmates born in the United States (native-born) increased 41 percent between April 1, 1985 and October 1, 1989. In contrast, the number of foreign-born inmates increased by 123 percent, or three times the percent increase in native-born inmates, during the same time period. Should this trend continue, within ten years, approximately one-fifth of the inmates under DOCS custody will be foreign-born.

The foreign-born inmates come from many different countries throughout the world. However, approximately 81 percent of the inmates who claim foreign-birth come from either the Caribbean or South America (see Table 3). Inmates claiming birth in South America represent the larger percent increase for these two regions (see Table 4).

Two-thirds of the foreign-born inmates were born in one of four countries; the Dominican Republic, Colombia, Cuba or Jamaica. For three of the four countries, the rate of increase between April 1, 1985 and October 1, 1989 exceeded 100 percent (see Table 5). These rates of increase are significant when compared to the rate of increase for native-born inmates. For example, the number of Jamaican-born inmates increased three times faster than native-born inmates, inmates from the Dominican Republic increased more than four times faster than native-born inmates, and Colombian-born inmates increased six times faster than inmates born in the United States (see Table 5).

It is clear then, that the number of foreign-born inmates under DOCS custody is increasing at a significant rate. While a small proportion of these inmates are naturalized citizens (approximately 3%) the status of many foreign-born inmates is

tenuous at best. For example, 22 percent of the foreign-born inmates under the Department's custody on October 1, 1989 were in the United States illegally. In addition, the status of 37 percent of the foreign-born inmates had yet to be determined by the United States Immigration and Naturalization Service (see Table 6). Looked at another way, only two-fifths of the 5,863 foreign-born inmates have been determined to have entered the United States legally.

The increasing number of foreign-born inmates is of great concern to the Department for security and programming reasons, as well as the obvious drain placed on DOCS resources. One of the major concerns centers on language. Successful programming and institutional security depend upon effective communication. However, only 28 percent of the foreign-born inmates come from countries where the predominant language is English. By comparison, 59 percent come from countries where Spanish is the predominant language and 13 percent come from countries where Oriental languages, European languages, or more than one language predominate (see Table 7). Therefore, as the number of foreign-born inmates grows, the Department will have to expand its capacity to deal with a diversity of languages.

In addition to language differences between foreign-born and native-born inmates, the foreign-born inmates tend to be serving sentences for more serious crimes than native-born inmates. For example, the data in Table 8 show that only 12 percent of the native-born inmates were convicted of Class-A felonies as compared with 32 percent of the foreign-born inmates.

Foreign-born inmates were also twice as likely to be convicted of drug offenses than native-born inmates (see Table 9). Moreover, an examination of the commitment crime categories for inmates from selected countries shows that persons born in the Dominican Republic and Colombia were particularly likely to be committed for drug offenses (see Table 10).

To summarize, the number of foreign-born inmates under the Department's custody has greatly increased during the last four and one-half years. This increase has raised concerns about the drain on Department resources as well as communication problems arising from the diversity of languages represented in the foreign-born inmate population. Finally, foreign-born inmates are more likely to be convicted of drug offenses and more serious felonies than native-born inmates.

Should this trend continue, it is not only likely that the number of foreign-born inmates under DOCS custody will increase, but they will be imprisoned for a longer time than native-born inmates as well. Clearly, this scenario could have a very strong impact on the Department in terms of the additional resources required to provide housing and provide programming for a significant sub-group of the under custody population.

Since it costs the Department \$25,000 per year to house one offender, these 5,863 foreign-born offenders cost the Department \$146,575,000 annually.

Even more alarming is the fact that it costs the Department approximately \$65 million to build one 750 bed medium security facility. That works out to \$86,667 per bed. The number of foreign-born offenders under the Department's custody rose from 2,629 inmates on April 1, 1985 to 5,863 inmates on October 1, 1989. That is an increase of 3,234 foreign-born offenders over the four and one-half year period. If one assumes a new bed was needed for each of these additional foreign-born inmates under custody in October 1989, it cost the Department \$280,280,000 to provide new beds for these inmates.

TABLE 1

NUMBER OF INMATES UNDER DOCS CUSTODY ON
OCTOBER 1, 1989
BY PLACE OF BIRTH

<u>PLACE OF BIRTH</u>	<u>FREQUENCY</u>	<u>PERCENT OF TOTAL</u>
U.S. Born	44,089	87%
Foreign-Born	5,863	12%
Birthplace Unknown	<u>416</u>	<u>1%</u>
TOTAL	50,368	100%

TABLE 2

RATES OF GROWTH AMONG UNITED STATES BORN AND FOREIGN-BORN INMATES
UNDER DOCS CUSTODY
APRIL 1, 1985 - OCTOBER 1, 1989

<u>PLACE OF BIRTH</u>	<u>APRIL 1, 1985</u>	<u>OCTOBER 1, 1989</u>	<u>PERCENT CHANGE 1985-1989</u>
United States	31,213	44,089	+ 41%
Foreign Country	2,629	5,863	+123%
Not Yet Known	<u>775</u>	<u>416</u>	<u>- 46%</u>
TOTAL	34,617	50,368	+ 46%

TABLE 3

FOREIGN-BORN INMATES UNDER DOCS CUSTODY ON
OCTOBER 1, 1989
BY REGION OF BIRTH

<u>REGION OF BIRTH</u>	<u>FREQUENCY</u>	<u>PERCENT OF TOTAL</u>
North America	77	1.3%
Caribbean	3,669	62.6%
Central America	358	6.1%
South America	1,065	18.2%
Europe	428	7.3%
Africa	61	1.0%
Near East	55	0.9%
Asia	139	2.4%
South Pacific	<u>11</u>	<u>0.2%</u>
TOTAL	5,863	100.0%

TABLE 4

RATES OF INCREASE BY REGION AMONG FOREIGN-BORN INMATES
 UNDER DOCS CUSTODY
 APRIL 1, 1985 - OCTOBER 1, 1989

<u>REGION OF BIRTH</u>	<u>APRIL 1, 1985</u>	<u>OCTOBER 1, 1989</u>	<u>PERCENT CHANGE 1985-1989</u>
North America	46	77	+ 67%
Caribbean	1,660	3,669	+121%
Central America	186	358	+ 92%
South America	367	1,065	+190%
Europe	261	428	+ 64%
Africa	15	61	+307%
Near East	0	55	N/A
Asia	87	139	+ 60%
South Pacific	<u>7</u>	<u>11</u>	<u>+ 57%</u>
TOTAL	2,629	5,863	+123%

TABLE 5

RATES OF INCREASE BY SELECTED COUNTRY AMONG FOREIGN-BORN INMATES
UNDER DOCS CUSTODY
APRIL 1, 1985 - OCTOBER 1, 1989

<u>COUNTRY OF BIRTH</u>	<u>APRIL 1, 1985</u>	<u>OCTOBER 1, 1989</u>	<u>PERCENT CHANGE 1985-1989</u>
Dominican Republic	548	1,528	+179%
Jamaica	408 *	923	+126%
Colombia	195	681	+249%
Cuba	436	660	+ 51%

* Estimated because inmates born in Jamaica were originally grouped together with inmates born in the West Indies.

TABLE 6

ALIEN STATUS OF FOREIGN-BORN INMATES
 UNDER DOCS CUSTODY ON
 OCTOBER 1, 1989

<u>ALIEN STATUS</u>	<u>FREQUENCY</u>	<u>PERCENT OF TOTAL</u>
Awaiting Determination by INS	2,187	37.3%
Illegal Alien	1,313	22.4%
Legal Permanent Resident	1,794	30.6%
Naturalized Citizen	164	2.8%
Married Cuban	<u>405</u>	<u>6.9%</u>
TOTAL	5,863	100.0%

TABLE 7

PREDOMINANT LANGUAGE OF NATIVE COUNTRY FOR
FOREIGN-BORN INMATES UNDER DOCS CUSTODY ON
OCTOBER 1, 1989

<u>PREDOMINANT LANGUAGE OF NATIVE COUNTRY</u>	<u>NUMBER OF INMATES</u>	<u>PERCENT OF TOTAL</u>
English	1,622	27.7%
Spanish	3,466	59.1%
Oriental *	106	1.8%
European **	321	5.5%
Multiple ***	348	5.9%
TOTAL	5,863	100.0%

* Includes the following languages: Chinese, Japanese, Korean and Vietnamese.

** Includes all non-English and non-Spanish languages found on the European continent such as French, Portuguese, Italian, Greek, etc.

*** Countries with more than one predominant language.

TABLE 8

PERCENT DISTRIBUTION OF NATIVE AND FOREIGN-BORN INMATES
 UNDER DOCS CUSTODY ON
 OCTOBER 1, 1989
 IN EACH FELONY CLASS OF COMMITMENT OFFENSE

<u>FELONY CLASS OF COMMITMENT OFFENSE</u>	<u>PLACE OF BIRTH *</u>	
	<u>UNITED STATES</u>	<u>FOREIGN COUNTRY</u>
A-Felony	12%	32%
B-Felony	29%	30%
C-Felony	22%	16%
D-Felony	25%	16%
E-Felony	11%	5%
Youthful Offender	1%	0% **
Not Coded	0% **	0% **
TOTAL	100%	100%

* Place of birth was unknown for 416 inmates (or 0.8% of the 50,368 inmates under DOCS custody on October 1, 1989).

** Less than one-half of one percent.

TABLE 9

PERCENT DISTRIBUTION OF NATIVE AND FOREIGN-BORN INMATES
 UNDER DOCS CUSTODY ON
 OCTOBER 1, 1989
 IN EACH CRIME CATEGORY OF COMMITMENT OFFENSE

<u>CRIME CATEGORY OF COMMITMENT OFFENSE</u>	<u>PLACE OF BIRTH *</u>	
	<u>UNITED STATES</u>	<u>FOREIGN COUNTRY</u>
Violent Felony Offense	57%	43%
Other Coercive Offense	5%	3%
Drug Offense	27%	50%
Property and Other Offenses	10%	4%
Youthful Offender	1%	0% **
Not Coded	0% **	0% **
TOTAL	100%	100%

* Place of birth was unknown for 416 inmates (or 0.8% of the 50,368 inmates under DOCS custody on October 1, 1989).

** Less than one-half of one percent.

TABLE 10

PERCENT DISTRIBUTION OF INMATES UNDER DOCS CUSTODY ON
OCTOBER 1, 1989
FROM SELECTED FOREIGN COUNTRIES
IN EACH CRIME CATEGORY OF COMMITMENT OFFENSE

<u>CRIME CATEGORY OF COMMITMENT OFFENSE</u>	<u>DOMINICAN REPUBLIC</u>	<u>JAMAICA</u>	<u>COLOMBIA</u>	<u>CUBA</u>
Violent Felony Offense	31%	53%	14%	50%
Other Coercive Offense	2%	3%	1%	1%
Drug Offense	64%	39%	83%	45%
Property & Other Offenses	3%	4%	2%	4%
Youthful Offender	<u>0%</u> *	<u>1%</u>	<u>0%</u> *	<u>0%</u> *
TOTAL	100%	100%	100%	100%

* Less than one-half of one percent.