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

EXECUTIVE SUMMARY

Between April 1, 1985 and December 31, 1991, the Department's overall inmate population increased 67 percent. While the number of inmates born in the United States increased 61 percent during this time period, the number of foreign-born inmates increased sharply by 172 percent.

The foreign-born inmates come from 110 different countries throughout the world. However, approximately 80 percent of the inmates who claim foreign-birth come from either the Caribbean or South America. Almost two-thirds of the foreign-born inmates were born in one of four countries; the Dominican Republic, Colombia, Cuba, or Jamaica.

Foreign-born inmates are more likely to be convicted of drug offenses and more serious felonies than inmates born in the United States. Should the foreign-born prison population continue to increase and be imprisoned for a longer time than inmates born in the United States, due to the nature of their commitment offenses, Department resources could be seriously strained as a result of the increased demand for housing and programming.

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NEW YORK STATE'S FOREIGN-BORN PRISON POPULATION

The number of inmates under the custody of the New York State Department of Correctional Services (DOCS) on December 31, 1991 was 57,795. Approximately 12 percent (or 7,141) 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 six and three-quarter year period between April 1, 1985 and December 31, 1991, the number of foreign-born inmates under DOCS custody increased by 4,512.

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 61 percent between April 1, 1985 and December 31, 1991. In contrast, the number of foreign-born inmates increased by 172 percent, or almost three times the percent increase in native-born inmates, during the same time period. Should this trend continue, over one-fifth of the inmates under DOCS custody will be foreign-born by the year 2000.

THE ORIGIN AND STATUS OF THE FOREIGN-BORN PRISON POPULATION

The foreign-born inmates come from 110 different countries throughout the world (see Table 3). However, approximately 80 percent of the inmates who claim foreign-birth come from either the Caribbean or South America (see Table 4). Inmates claiming birth in South America represent the larger percent increase for these two regions (see Table 5).

Sixty-four percent of the foreign-born inmates under DOCS custody on December 31, 1991 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 December 31, 1991 exceeded 100 percent (see Table 6). 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 and Colombia, each increased more than four times faster than native-born inmates (see Table 6).

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 percent) the alien status of many foreign-born inmates is tenuous at best. For example, 20 percent of the foreign-born inmates under the Department's custody on December 31, 1991 were in the United States illegally. In addition, the status of 39 percent of the foreign-born inmates had yet to be determined by the United States Immigration and Naturalization Service (see Table 7). Looked at another way, less than two-fifths of the 7,141 foreign-born inmates have been determined to have entered the United States legally.

POTENTIAL PROBLEMS ASSOCIATED WITH AN INCREASING FOREIGN-BORN PRISON POPULATION

The increasing number of foreign-born inmates is of great concern to DOCS 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 English is the predominant language. 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 8). 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 9 show that only 11 percent of the native-born inmates were convicted of Class-A felonies as compared with 30 percent of the foreign-born inmates. In New York State, the minimum sentence for a Class A-1 Felony is 15 years while the maximum sentence is life. For a Class A-2 felony, the minimum sentence is 3 years while the maximum is life. In contrast, the minimum sentence for a Class E felony is 1 year and the maximum sentence is 4 years.

Foreign-born inmates were half again as likely to be convicted of drug offenses than native-born inmates (see Table 10). 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 11).

To summarize, the number of foreign-born inmates under DOCS custody has greatly increased during the last six and three-quarter years. This increase has raised concerns about the drain on DOCS 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 DOCS in terms of the additional resources required to provide housing and provide programming for a significant group of the under custody population.

POSSIBLE FINANCIAL COSTS ASSOCIATED WITH A GROWING FOREIGN-BORN PRISON POPULATION

The average annual cost to DOCS for housing one inmate is approximately \$25,000. At that rate, it costs DOCS \$178,525,000 to house these 7,141 foreign-born inmates for one year.

Even more alarming is the fact that it costs DOCS approximately \$65,000,000 to build one 750 bed medium security facility. That works out to \$86,667 per bed.

The number of foreign-born offenders under DOCS custody rose from 2,629 inmates on April 1, 1985 to 7,141 on December 31, 1991. That is an increase of 4,512 foreign-born inmates over the six and three-quarter period. If one assumes that a new bed was needed for each of these additional foreign-born inmates under custody in December 1991, it would have cost DOCS \$391,040,000 to provide new beds for these inmates.

CONCLUSION

The foreign-born prison population in New York State has increased substantially over the past six and three-quarter years. While New York's total prison population has increased, the rate of increase in the foreign-born prison population has greatly outpaced the rate of increase in the native-born prison population.

The increase in the number of foreign-born inmates has also raised security and programming concerns since only 28 percent of these inmates come from countries in which English is the predominant language. In addition, foreign-born inmates were typically convicted of more serious offenses than their native-born counterparts suggesting that they are likely to serve more time in DOCS facilities than native-born inmates. If the proportion of foreign-born inmates continues to grow, it will likely produce an increasingly serious strain on DOCS resources in the future.

TABLE 1

NUMBER OF INMATES UNDER DOCS CUSTODY ON
DECEMBER 31, 1991
BY PLACE OF BIRTH

<u>PLACE OF BIRTH</u>	<u>FREQUENCY</u>	<u>PERCENT OF TOTAL</u>
UNITED STATES	50,313	87%
FOREIGN-BORN	7,141	12%
NOT YET KNOWN	341	1%
<u>TOTAL</u>	<u>57,795</u>	<u>100%</u>

TABLE 2

**RATES OF GROWTH AMONG
UNITED STATES BORN AND FOREIGN-BORN INMATES
UNDER DOCS CUSTODY
APRIL 1, 1985 - DECEMBER 31, 1991**

PLACE OF BIRTH	APRIL 1, 1985	DECEMBER 31, 1991	PERCENT CHANGE 1985-1991
UNITED STATES	31,213	50,313	+ 61%
FOREIGN-BORN	2,629	7,141	+172%
NOT YET KNOWN	775	341	- 56%
TOTAL	34,617	57,795	+ 67%

TABLE 3

NUMBER
OF INMATES UNDER DOCS CUSTODY ON
DECEMBER 31, 1991
BY COUNTRY OF BIRTH

COUNTRY OF BIRTH	FREQUENCY
AFGHANISTAN	9
ALBANIA	15
ALGERIA	1
ANTIGUA	23
ARGENTINA	18
AUSTRALIA	1
AUSTRIA	7
BAHAMA ISLANDS	13
BANGLADESH	2
BARBADOS	59
BELGIUM	1
BELIZE	35
BERMUDA	5
BOLIVIA	3
BRAZIL	9
BRITISH VIRGIN ISLANDS	11
BURMA	4
CAMBODIA	2
CAMEROON	1
CANADA	43
CAYMAN ISLANDS	3
CHILE	15
CHINA	78
COLOMBIA	734
COSTA RICA	20
CUBA	642
CYPRUS	1
CZECHOSLOVAKIA	1
DOMINICA	6
DOMINICAN REPUBLIC	2,050

TABLE 3 (CONTINUED)

COUNTRY OF BIRTH	FREQUENCY
EGYPT	1
EL SALVADOR	84
ENGLAND	114
EQUADOR	133
ETHIOPIA	6
FRANCE	8
FRENCH GUIANA	1
FRENCH POLYNESIA	1
GERMANY*	52
GHANA	12
GREECE	26
GRENEDE	14
GUADELOUPE	1
GUATAMALA	26
GUINEA	1
GUYANA	212
HAITI	164
HONDURAS	72
HONG KONG	17
HUNGARY	6
INDIA	12
INDONESIA	1
IRAN	6
IRAQ	1
IRELAND	9
ISRAEL	23
ITALY	90
IVORY COAST	2
JAMAICA	1,179
JAPAN	11
JORDAN	7
LAOS	3
LEBANON	4
LIBERIA	7
LIBYA	2
LUXEMBOURG	1

TABLE 3 (CONTINUED)

COUNTRY OF BIRTH	FREQUENCY
MALAGASY REPUBLIC	1
MALAYSIA	4
MARTINIQUE	2
MEXICO	68
MOROCCO	6
NETHERLANDS ANTILLES	13
NEW HEBRIDES	1
NICARAGUA	17
NIGERIA	38
NORTH KOREA	2
NORWAY	1
PANAMA	219
PAKISTAN	10
PERU	48
PHILIPPINES	12
POLAND	21
PORTUGAL	3
ROMANIA	3
REUNION	1
SAINT LUCIA	4
ST. CHRIS, NEVIS, ANGUILLA	8
SAINT VINCENT	21
SAUDI ARABIA	2
SENEGAL	2
SIERRA LEONE	5
SINGAPORE	1
SOMALIA	4
SOUTH AFRICA	2
SOUTH KOREA	34
SOUTH YEMEN	2
SPAIN	8
SUDAN	1
TAIWAN	6
TRINIDAD AND TOBAGO	287
TUNISIA	1
TURKEY	12

TABLE 3 (CONTINUED)

COUNTRY OF BIRTH	FREQUENCY
UNITED ARAB EMIRATES	1
URUGUAY	7
USSR	39
VENEZUALA	22
VIETNAM	38
YEMEN	8
YUGOSLAVIA	34
ZAMBIA	1
TOTAL	7,141

* In previous reports, East Germany and West Germany were reported separately. Due to the recent unification of East and West Germany, Germany is listed as one country in the present report.

TABLE 4

**FOREIGN-BORN INMATES
UNDER DOCS CUSTODY ON
DECEMBER 31, 1991
BY REGION OF BIRTH**

<u>REGION OF BIRTH</u>	<u>FREQUENCY</u>	<u>PERCENT OF TOTAL</u>
NORTH AMERICA	111	1.6%
CARIBBEAN	4,505	63.1%
CENTRAL AMERICA	473	6.6%
SOUTH AMERICA	1,202	16.8%
EUROPE	439	6.1%
AFRICA	94	1.3%
NEAR EAST	68	1.0%
ASIA	234	3.3%
SOUTH PACIFIC	15	0.2%
TOTAL	7,141	100.0%

TABLE 5

**RATES OF INCREASE BY REGION
AMONG FOREIGN-BORN INMATES
UNDER DOCS CUSTODY
APRIL 1, 1985 - DECEMBER 31, 1991**

PLACE OF BIRTH	APRIL 1, 1985	DECEMBER 31, 1991	PERCENT CHANGE 1985-1991
NORTH AMERICA	46	111	+141%
CARIBBEAN	1,660	4,505	+171%
CENTRAL AMERICA	186	473	+154%
SOUTH AMERICA	367	1,202	+228%
EUROPE	261	439	+ 68%
AFRICA	15	94	+527%
NEAR EAST	*	68	N/A
ASIA	87	234	+169%
SOUTH PACIFIC	7	15	+114%
TOTAL	2,629	7,141	+172%

* Data was not available.

TABLE 6

**RATES OF INCREASE
BY SELECTED COUNTRY
AMONG FOREIGN-BORN INMATES
UNDER DOCS CUSTODY
APRIL 1, 1985 - DECEMBER 31, 1991**

COUNTRY OF BIRTH	APRIL 1, 1985	DECEMBER 31, 1991	PERCENT CHANGE 1985-1991
DOMINICAN REPUBLIC	548	2,050	+274%
JAMAICA	408*	1,179	+189%
COLOMBIA	195	734	+276%
CUBA	436	642	+ 47%
	1,587	4,605	+190%

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

TABLE 7

ALIEN STATUS OF FOREIGN-BORN INMATES UNDER DOCS CUSTODY ON DECEMBER 31, 1991

ALIEN STATUS	FREQUENCY	PERCENT OF TOTAL
AWAITING DETERMINATION BY INS	2,761	38.7%
ILLEGAL ALIEN	1,446	20.2%
LEGAL PERMANENT RESIDENT	2,368	33.2%
NATURALIZED CITIZEN	217	3.0%
MARIEL CUBAN	349	4.9%
TOTAL	7,141	100.0%

TABLE 8

**PREDOMINANT LANGUAGE OF NATIVE COUNTRY
FOR FOREIGN-BORN INMATES
UNDER DOCS CUSTODY ON
DECEMBER 31, 1991**

<u>PREDOMINANT LANGUAGE OF NATIVE COUNTRY</u>	<u>FREQUENCY</u>	<u>PERCENT OF TOTAL</u>
ENGLISH	2,002	28.0%
SPANISH	4,186	58.6%
ORIENTAL*	187	2.6%
EUROPEAN**	317	4.4%
MULTIPLE***	449	6.3%
TOTAL	7,141	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.

Note: Information regarding predominant languages of countries was obtained from: *Contemporary World Atlas*. Chicago, Illinois: Rand-McNally and Company, 1987.

TABLE 9

**PERCENT DISTRIBUTION OF
NATIVE AND FOREIGN-BORN INMATES
UNDER DOCS CUSTODY ON
DECEMBER 31, 1991
IN EACH FELONY CLASS
OF COMMITMENT OFFENSE**

FELONY CLASS OF COMMITMENT OFFENSE	PLACE OF BIRTH*	
	UNITED STATES	FOREIGN-BORN
A - FELONY	11%	30%
B - FELONY	27%	30%
C - FELONY	22%	16%
D - FELONY	27%	17%
E - FELONY	11%	6%
YOUTHFUL OFFENDER	1%	0%**
NOT CODED	0%**	0%
TOTAL***	100%	100%

* Place of birth was unknown for 369 inmates (or 0.6%) of the 57,795 inmates under DOCS custody on December 31, 1991.

** Less than one-half of one percent.

*** Percents may not sum to 100 due to rounding.

TABLE 10

PERCENT DISTRIBUTION
OF NATIVE AND FOREIGN-BORN INMATES
UNDER DOCS CUSTODY ON
DECEMBER 31, 1991
IN EACH CRIME CATEGORY OF COMMITMENT OFFENSE

CRIME CATEGORY OF COMMITMENT OFFENSE	PLACE OF BIRTH*	
	UNITED STATES	FOREIGN-BORN
VIOLENT FELONY OFFENSE	53%	44%
OTHER COERCIVE OFFENSE	4%	2%
DRUG OFFENSE	32%	49%
PROPERTY & OTHER OFFENSES	9%	4%
YOUTHFUL OFFENDER	1%	0%**
NOT CODED	0%	0%
TOTAL***	100%	100%

* Place of birth was unknown for 362 inmates (or 0.6%) of the 57,795 inmates under DOCS custody on December 31, 1991.

** Less than one-half of one percent.

*** Percents may not sum to 100 due to rounding.

TABLE 11

PERCENT DISTRIBUTION
 OF INMATES UNDER DOCS CUSTODY ON
 DECEMBER 31, 1991
 FROM SELECTED FOREIGN COUNTRIES
 IN EACH CRIME CATEGORY OF COMMITMENT OFFENSE

CRIME CATEGORY OF COMMITMENT OFFENSE	DOMINICAN REPUBLIC	JAMAICA	COLOMBIA	CUBA
VIOLENT FELONY OFFENSE	32%	53%	20%	46%
OTHER COERCIVE OFFENSE	1%	3%	2%	2%
DRUG OFFENSE	64%	41%	77%	47%
PROPERTY & OTHER OFFENSES	3%	3%	1%	5%
YOUTHFUL OFFENDER	0%*	1%	0%	0%
TOTAL**	100%	100%	100%	100%

* Less than one-half of one percent.

** Percents may not sum to 100 due to rounding.