

155273

Alien Offenders in the Texas Correctional System

NCJRS

JUL 21 1995

ACQUISITIONS



August 15, 1994

Criminal Justice Policy Council
P.O. Box 13332
Austin, Texas 78711
(512) 463-1810

Tony Fabelo, Ph.D.
Executive Director

Alien Offenders in the Texas Correctional System

155273

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
Texas Criminal Justice Policy

Council

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

August 15, 1994

Criminal Justice Policy Council

P.O. Box 13332

Austin, Texas 78711

(512) 463-1810

Tony Fabelo, Ph.D.

Executive Director

Note from the Director

Texas has a large population of criminal aliens in its correctional system. In 1993, there were at least 3,125 criminal aliens in state prisons and, as of May 1994, there were an additional 1,343 in the jail backlog and 292 under parole supervision. *Criminal aliens* are aliens, legally or illegally residing in the United States, who have been convicted of a crime for which they could be deported. The operational costs to the state of maintaining this population are estimated at over \$74 million a year. An additional \$150 million in prison construction costs could be added if you assume that the state has to build prison capacity to house these offenders (or house state offenders that have been displaced by the housing of criminal aliens).

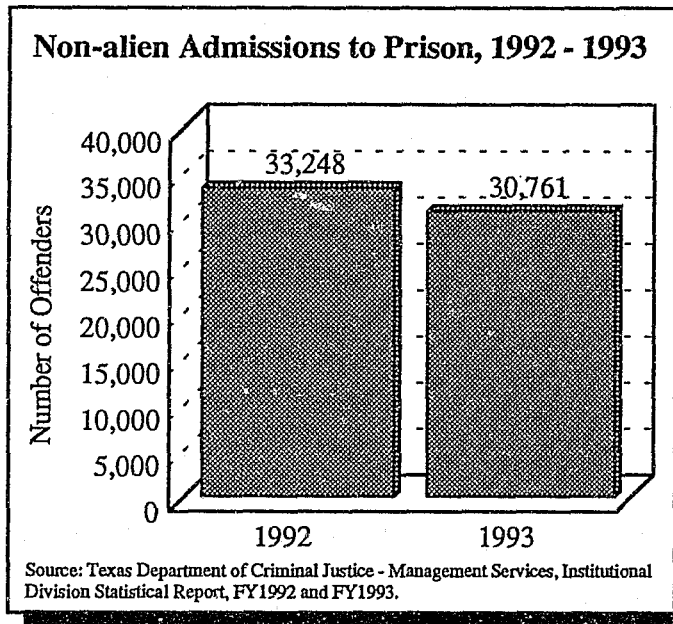
The above estimate of the number of criminal aliens in state prisons could be understated. The Institutional Division of the Texas Department of Criminal Justice (TDCJ-ID) relies on self-reported information by inmates to identify their nationality. The identity of those self-identified as not being citizens is submitted to the Immigration and Naturalization Service (INS) of the United States Department of Justice. The INS can then issue "detainers" on eligible criminal aliens. These detainers notify TDCJ or other applicable law enforcement agencies to turn aliens over to INS when they are released from custody. The detainers order the criminal aliens to show cause of why their deportation should not proceed. All the 3,125 criminal aliens in prison in 1993 had INS detainers issued. However, it is possible that more criminal aliens are in prison and have not been identified as such because they lie about their citizenship when they are interviewed by prison staff.

Criminal aliens admitted to prison in Texas were more likely to have committed a violent or drug offense than non-aliens. In 1993, of the criminal aliens admitted to prison 41.3% were admitted for violent offenses compared to 23.3% of non-alien admissions; 40.3% were admitted for drug offenses compared to 24.8% of non-alien admissions. Almost all criminal aliens admitted to prison were Hispanic (87%) and received an average sentence of 12 years. Criminal aliens released from prison in 1993 served an average of 21% of their sentence or 2.5 years.

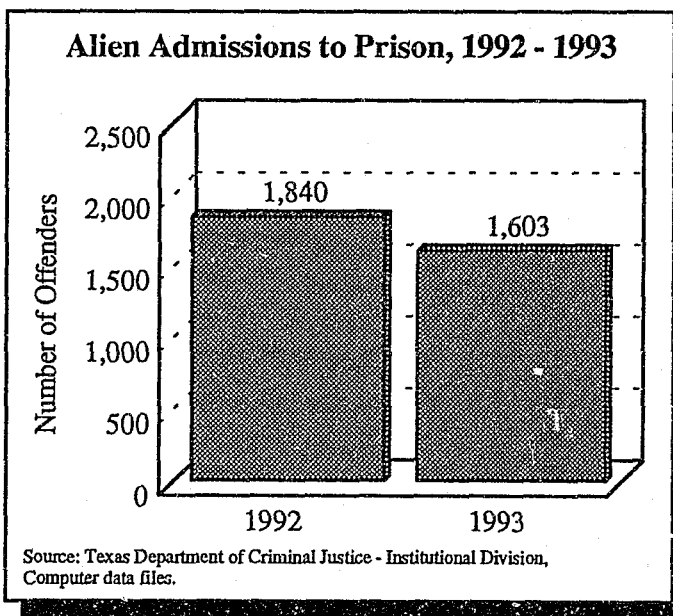
The issue of whether the federal government should pay for the state's cost of housing criminal aliens is one that is increasingly debated. According to a report by the United States General Accounting Office (GAO) to a congressional subcommittee (GAO/GGD 92-85, June 1992), INS does not have the capacity to conduct deportation hearings for all criminal aliens while aliens are incarcerated at penal institutions nor do they have the detention capacity to meet the demand to detain criminal aliens. According to the GAO report, INS projects that 88,800 criminal aliens will need to be detained in 1996 and, even with a planned detention capacity expansion, the INS capacity is projected to be 8,600 beds by 1996. In February 1991, INS reported that only about six percent of criminal aliens completed their deportation hearings before completing their sentences. Therefore, it is reasonable to argue that we cannot expect the INS under present policies to relieve the burden to the state of housing a large criminal alien population in its correctional system anytime in the near future.

Tony Fabelo, Ph.D.
Executive Director

The Number of Alien Offenders Admitted to Prison Decreased by 13% from 1992 to 1993

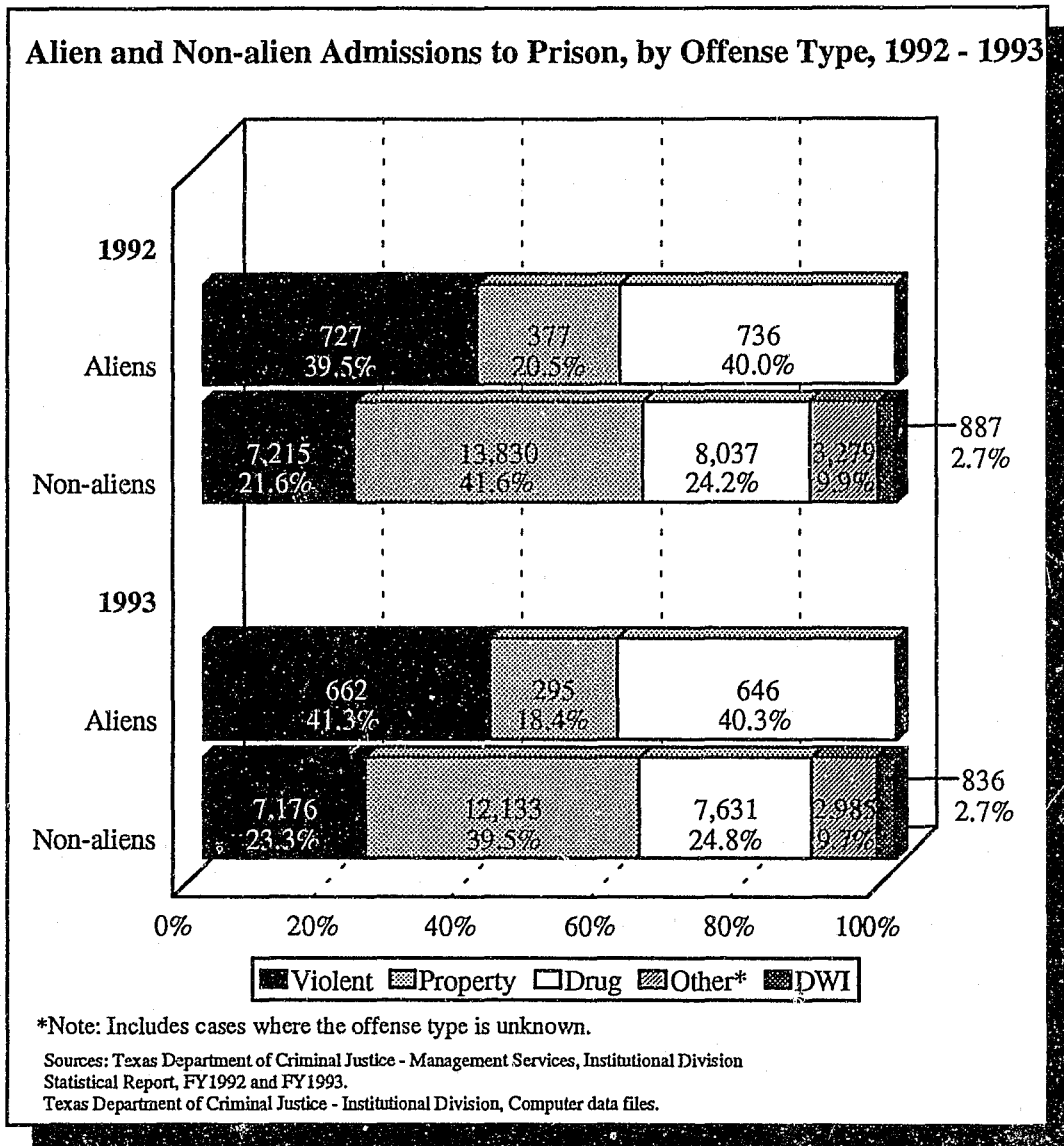


◆ The number of non-alien offenders admitted to prison decreased by 7.5% from 1992 to 1993, compared to a 13% decrease in the number of alien offenders.



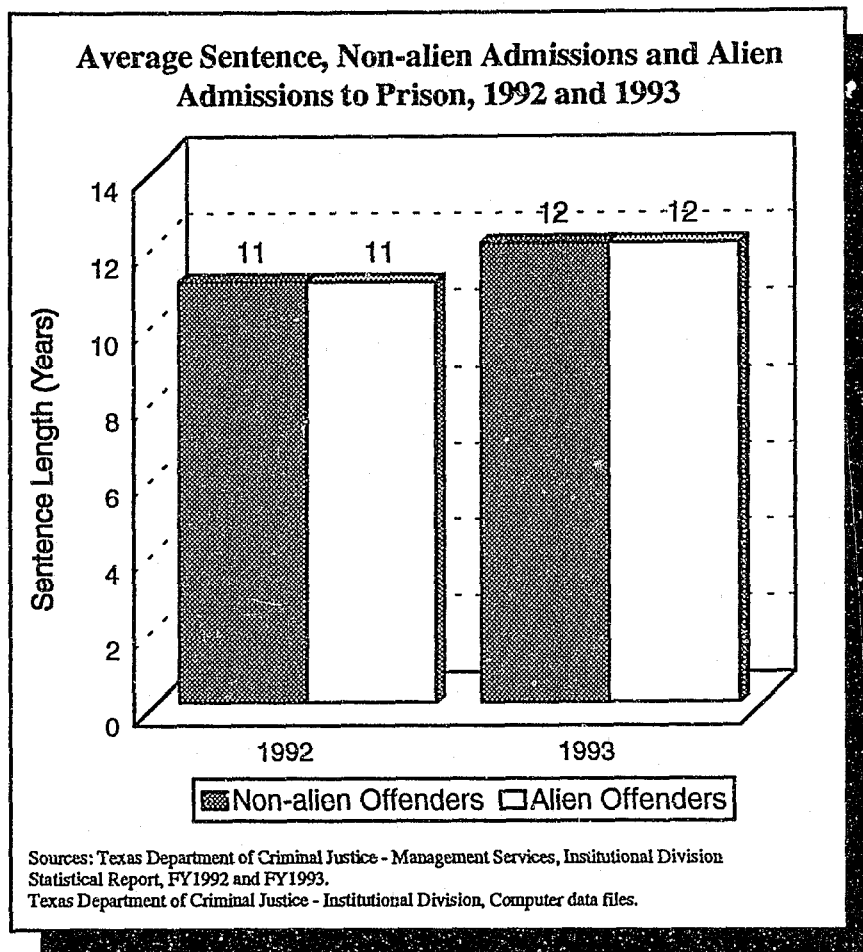
◆ The decrease in the number of aliens admitted to prison can be attributed to increased interdiction efforts by the Immigration and Naturalization Service.

Alien Offenders Admitted to Prison were More Likely to have Committed a Violent or Drug Offense than Non-alien



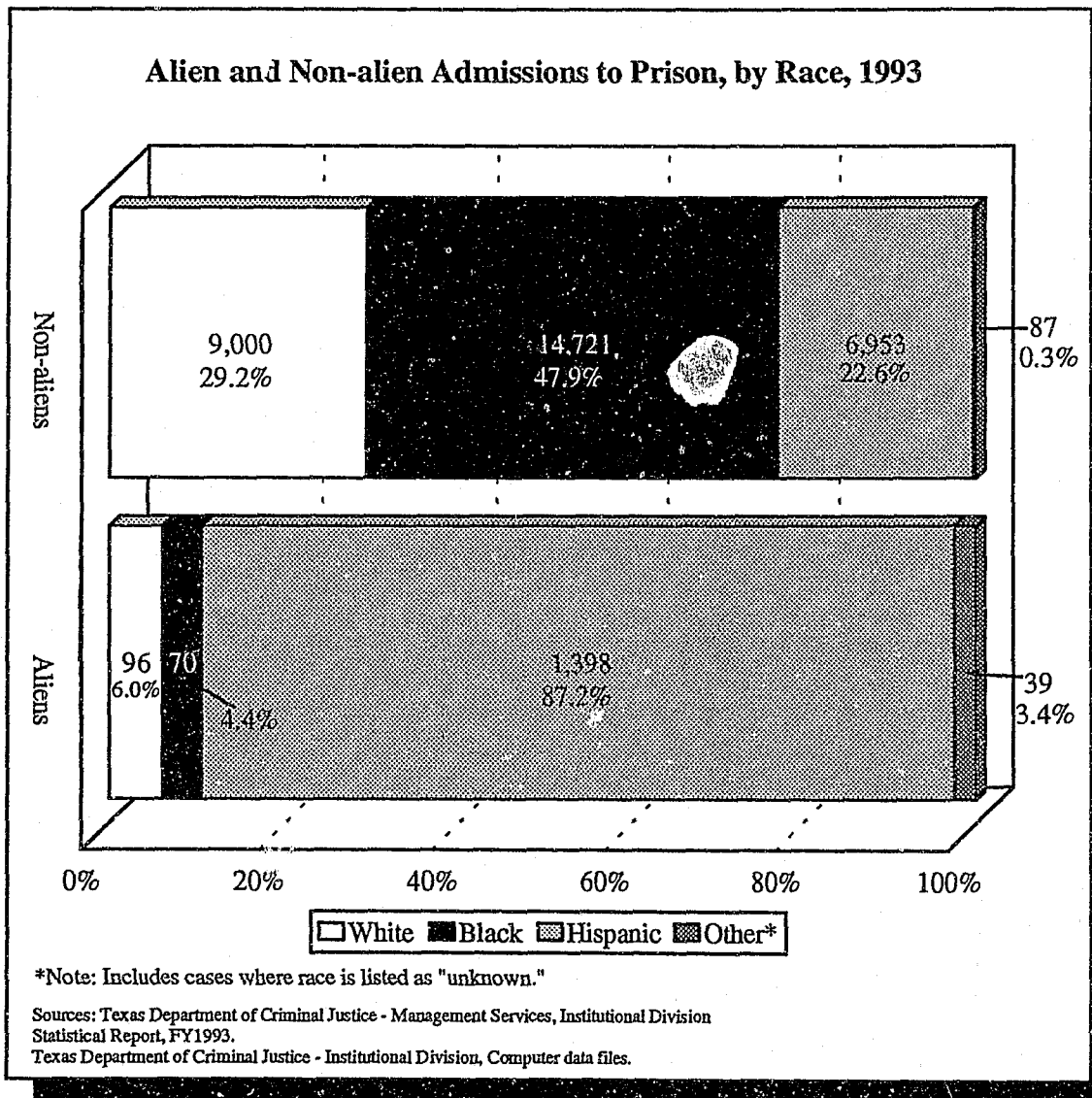
◆ **Property crimes were the most frequent offenses for non-alien offenders admitted to prison in 1992 and 1993.**

The Average Sentence of Those Admitted to Prison has Increased for Non-alien and Alien Offenders



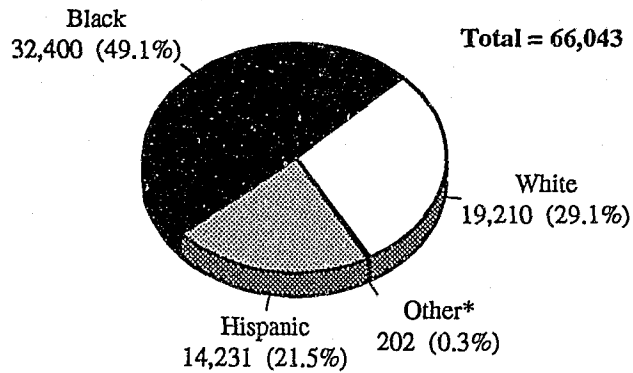
- ◆ The average sentence for alien offenders and non-alien offenders increased by one year from 1992 to 1993.

Hispanics were the Greatest Percentage of Alien Offenders Admitted to Prison in 1993



Hispanics Comprise the Largest Group of Aliens Currently in Prison

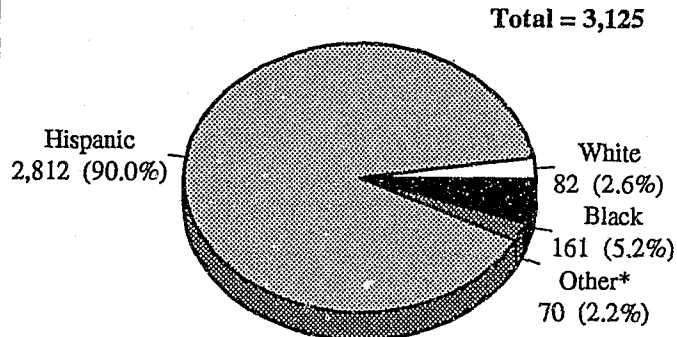
Non-alien On-Hand Prison Population, 1993



*Note: Includes cases where race is listed as "unk down."

Source: Texas Department of Criminal Justice - Management Services, Institutional Division Statistical Report, FY1992 and FY1993.

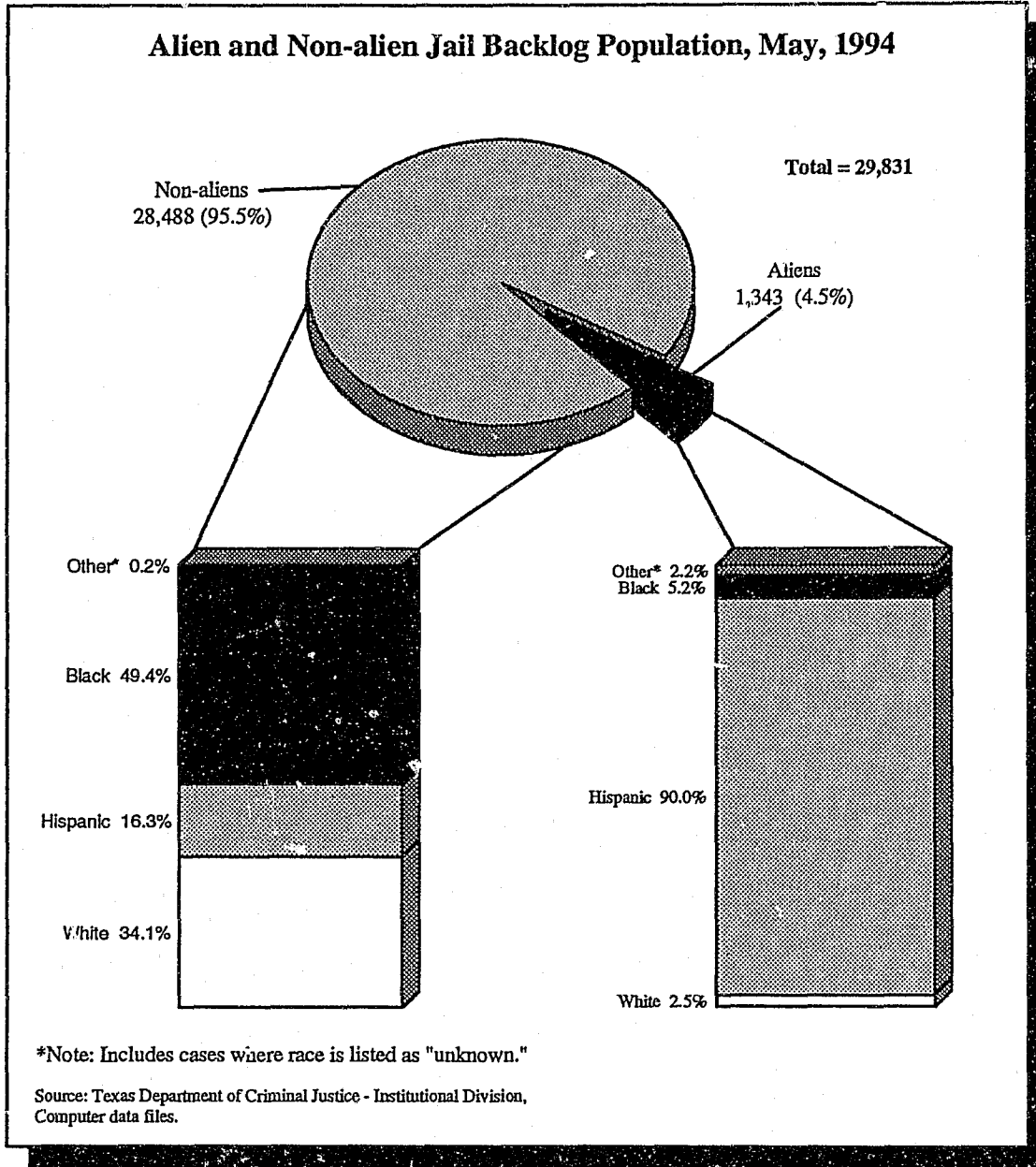
Alien On-Hand Prison Population, 1993



*Note: Includes cases where race is listed as "unknown."

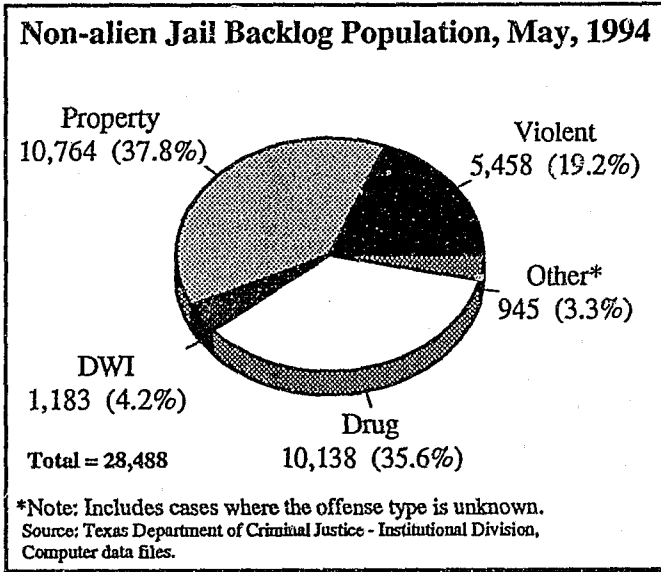
Source: Texas Department of Criminal Justice - Institutional Division, Computer data files.

Approximately Four Percent of Inmates Awaiting Transfer to Prison from County Jails are Aliens



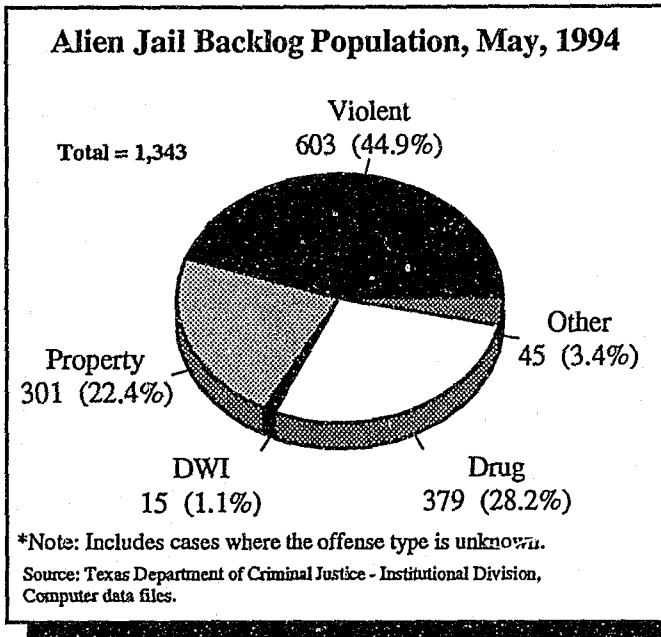
Assumptions: The number of aliens in the felony jail backlog is an estimate based upon the assumption that the overall percentage and the racial/ethnic breakdown of aliens in the felony jail backlog will be similar to the population of aliens admitted to prison.

Violent Crimes are the Most Common Offense among the Alien Jail Backlog Population



◆ Property and drug crimes account for over 70% of all crimes committed by the non-alien jail backlog population.

✓ Violent offenses are third most common, with about 20% of all crimes committed by the non-alien jail backlog population.

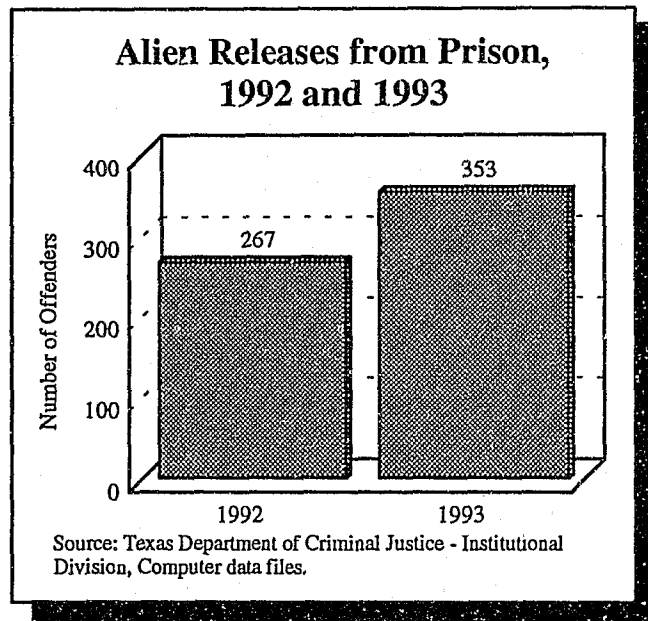
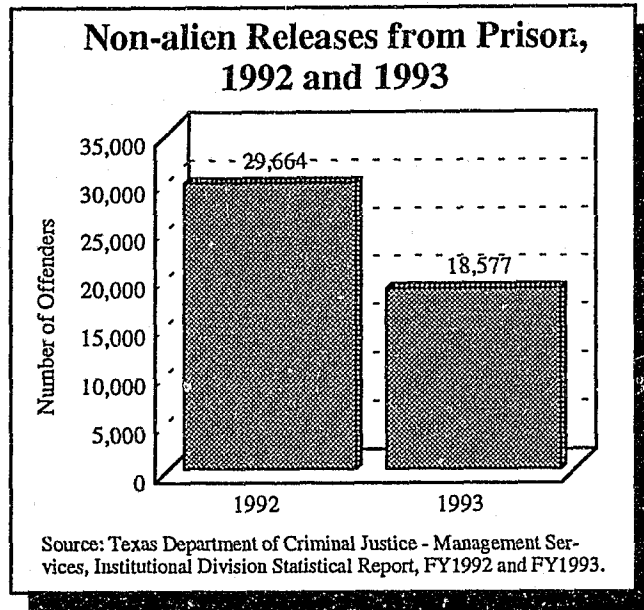


◆ Violent crimes are significantly more prevalent (24% greater) among alien offenders than among the non-alien jail backlog population.

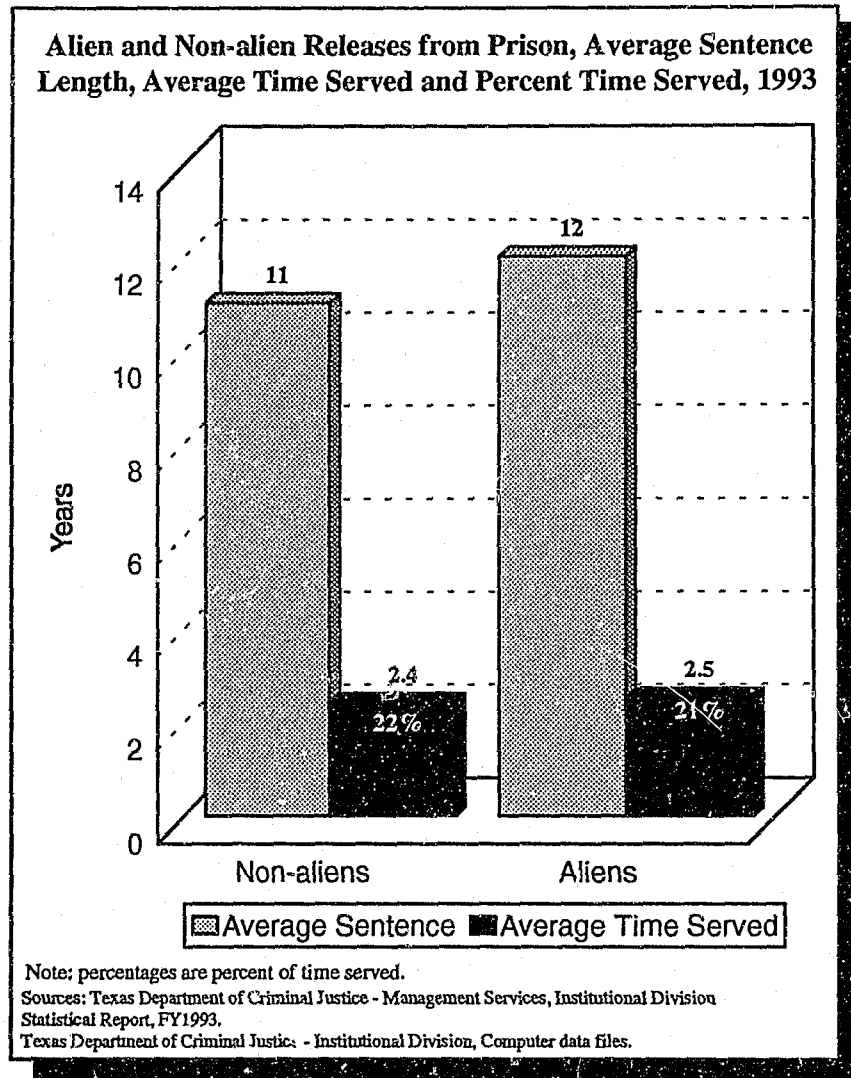
✓ Property and drug offenses make up about 50% of all offenses committed by aliens in the jail backlog population.

More Alien Offenders were Released from Prison in 1993 than 1992 Despite an Overall Decline in Prison Releases

- ◆ The number of non-alien offenders released from prison decreased by 37.4% from 1992 to 1993.
- ◆ The number of alien offenders released from prison increased by 32.2% from 1992 to 1993.

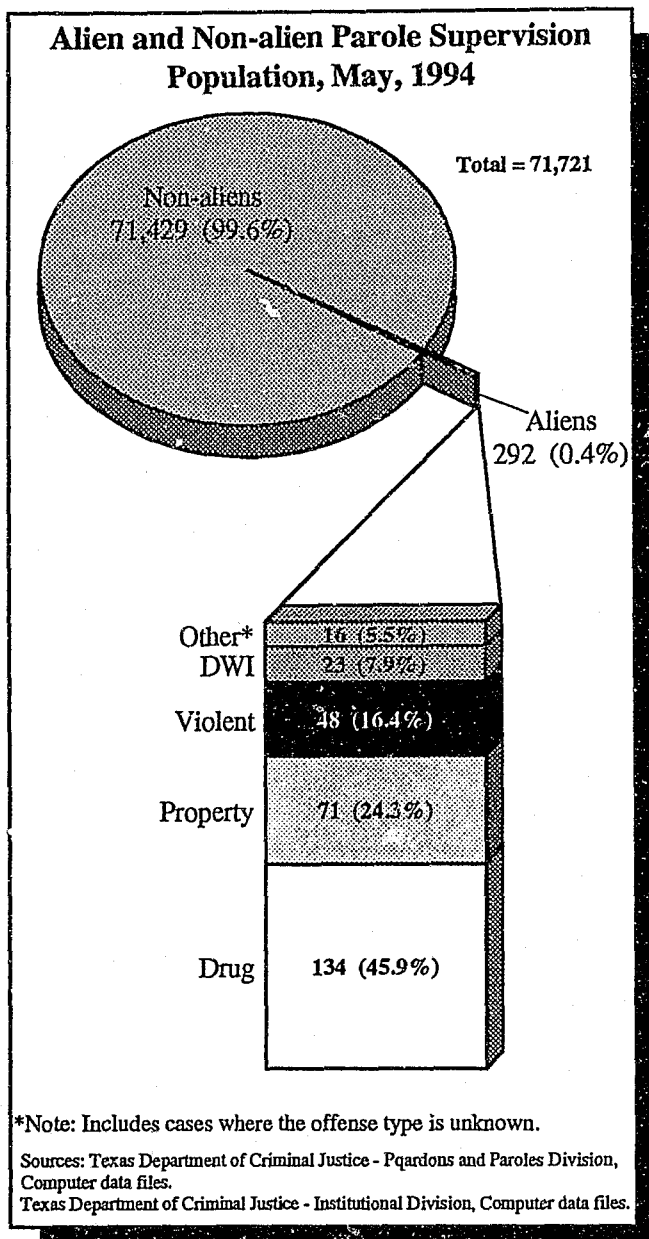


Alien Offenders Released from Prison in 1993 had Longer Average Sentences but Served Approximately the Same Average Time in Prison as Non-alien Offenders



Alien Offenders are a Very Small Percentage of All Offenders Currently Under Parole Supervision

◆ Drug offenses are the most common offenses among the alien parole supervision population.



Cost of Alien Offenders to the State Criminal Justice System

◆ Operational Prison Cost for Those Aliens Admitted in FY 1993:

(1,603 Alien Admissions) * (912 days Average Time Served) * (\$45.70/day Prison Operational Cost) = **\$66,810,475**

◆ State Backlog Payment for Alien Offenders in the Jail Backlog:

(1,343 Alien Offenders in the Jail Backlog) * (228 Average Days before Transfer to Prison) * (\$22.85/day Average Backlog Payment) = **\$6,996,761**

◆ Operational Costs of Aliens Under Parole Supervision:

(292 Aliens under Parole Supervision) * (Average 657 Days Under Parole Supervision) * (\$2.29/day Average Parole Supervision Payment) = **\$439,322**

◆ Construction Cost for 4,468 Capacity (Alien Prison Population in FY 1993 plus Alien Jail Backlog Population of May, 1994):

Cost to Construct† a 2,250 bed Maximum Security Facility = \$75,000,000; Number of Facilities Required for 4,468 Alien Offenders = 2; Total Construction Cost = \$75,000,000*2 = **\$150,000,000**

◆ Cost of Alien Offenders to the State:

Operational Prison Cost:	\$66,810,475
Backlog Payment:	\$6,996,761
Parole Supervision:	\$439,322
Construction Cost:	\$150,000,000
Total Cost:	\$224,246,559

† Does not include debt service.

Sources:

- (1) Operational prison costs per day from CJPC Texas Correctional Costs Per Day, March, 1993.
- (2) Average days before transfer to prison estimated by CJPC based on prison pressure for FY 1993.
- (3) Average state payment for jail backlog estimated by Texas Commission on Jail Standards.
- (4) Average days under parole supervision determined from TDCJ-ID computer data files.
- (5) Cost of constructing a maximum security facility estimated by TDCJ-ID.

Criminal Justice Policy Council Contributors:

Pablo Martinez, Ph. D.
Eric Benson
Nathan Pino