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

U.S. Department of Justice
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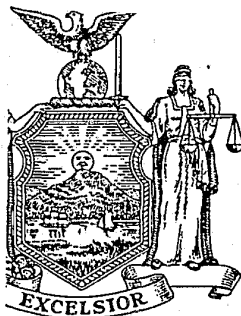
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Governor



Thomas A. Coughlin III
Commissioner

142910

**DIVISION OF PROGRAM PLANNING, RESEARCH
AND EVALUATION**

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

EXECUTIVE SUMMARY

Between April 1, 1985 and December 31, 1992, the Department's overall inmate population increased 78 percent. While the number of inmates born in the United States increased 72 percent during this time period, the number of foreign-born inmates increased sharply by 194 percent.

The foreign-born inmates come from 111 different countries throughout the world. However, approximately 80 percent of the inmates who claim foreign-birth come from either the Caribbean or South America. 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.

APRIL 1993

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, 1992 was 61,734. Approximately 12 percent (or 7,729) 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 seven and three-quarter year period between April 1, 1985 and December 31, 1992, the number of foreign-born inmates under DOCS custody increased by 5,100.

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 72 percent between April 1, 1985 and December 31, 1992. In contrast, the number of foreign-born inmates increased by 194 percent, or almost **three times** the percent increase in native-born inmates, during the same time period. Should this trend continue, over one-sixth 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 111 different countries throughout the world (see Table 3). However, when examined by region (see Appendix A) 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), the largest percentage of foreign-born inmates claim birth in the Caribbean.

Sixty-four percent (64%) of the foreign-born inmates under DOCS custody on December 31, 1992 were born in one of four countries; the Dominican Republic, Colombia, Cuba, or Jamaica. The Dominican Republic alone accounts for over one-fourth (29%) of all foreign-born inmates. For three of the four countries, (Dominican Republic, Colombia and Jamaica), the rate of increase between April 1, 1985 and December 31, 1992 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 approximately 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 4 percent) the alien status of many foreign-born inmates is tenuous at best. For example, 25 percent of the foreign-born inmates under the Department's custody on December 31, 1992 were in the United States illegally. In addition, the status of 21 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, slightly more than one-half of the 7,729 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 14 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); 61% and 75% having been committed for drug offenses, respectively.

To summarize, the number of foreign-born inmates under DOCS custody has greatly increased during the last seven 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 \$27,000. At that rate, it costs DOCS \$208,683,000 to house these 7,729 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 7,729 on December 31, 1992. That is an increase of 5,100 foreign-born inmates over the seven and three-quarter period. If one assumes that a new bed for each of these additional foreign-born inmates under custody in December 1992, it would have cost DOCS \$442,001,700 to provide new beds for these inmates.

CONCLUSION

The foreign-born prison population in New York State has increased substantially over the past seven 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, 1992
BY PLACE OF BIRTH**

PLACE OF BIRTH	FREQUENCY	PERCENT OF TOTAL
United States	53,710	87%
Foreign-Born	7,729	12%
Not Yet Known	295	1%
TOTAL	61,734	100%

TABLE 2

**RATES OF GROWTH AMONG UNITED STATES BORN AND
FOREIGN-BORN INMATES UNDER DOCS CUSTODY
APRIL 1, 1985 - DECEMBER 31, 1992**

PLACE OF BIRTH	APRIL 1, 1985	DECEMBER 31, 1992	PERCENT CHANGE 1985-1992
United States	31,213	53,710	+ 72%
Foreign-Born	2,629	7,729	+194%
Not Yet Known	775	295	- 62%
TOTAL	34,617	61,734	+ 78%

TABLE 3

NUMBER OF INMATES UNDER DOCS CUSTODY ON
DECEMBER 31, 1992 BY COUNTRY OF BIRTH

COUNTRY OF BIRTH	FREQUENCY
AFGHANISTAN	9
ALBANIA	14
ALGERIA	0
ANTIGUA	22
ARGENTINA	19
AUSTRALIA	2
AUSTRIA	5
<hr/>	
BAHAMA ISLANDS	11
BANGLADESH	4
BARBADOS	68
BELGIUM	0
BELIZE	25
BERMUDA	7
BOLIVIA	6
BRAZIL	10
BRITISH VIRGIN ISLANDS	12
BULGARIA	1
BURMA	4
<hr/>	
CAMBODIA	1
CAMEROON	2
CANADA	46
CAPE VERDE	1
CAYMAN ISLANDS	3
CHILE	10
CHINA	99
COLOMBIA	752
COSTA RICA	26
CUBA	655
CYPRUS	0
CZECHOSLOVAKIA	2
<hr/>	
DENMARK	1
DOMINICA	5
DOMINICAN REPUBLIC	2,261

TABLE 3 (CONTINUED)

EGYPT	3
EL SALVADOR	105
ENGLAND*	114
EQUADOR	147
ETHIOPIA	3
FRANCE	8
FRENCH GUIANA	0
FRENCH POLYNESIA	1
GERMANY**	51
GHANA	14
GREECE	34
GRENEADA	20
GUADELOUPE	0
GUATAMALA	29
GUINEA	0
GUYANA	245
HAITI	185
HONDURAS	98
HONG KONG	21
HUNGARY	8
INDIA	12
INDONESIA	1
IRAN	7
IRAQ	1
IRELAND	8
ISRAEL	32
ITALY	78
IVORY COAST	2
JAMAICA	1,252
JAPAN	11
JORDAN	6
LAOS	3
LEBANON	9
LIBERIA	11
LIBYA	0
LITHUANIA	1
LUXEMBOURG	1

TABLE 3 (CONTINUED)

MALAGASY REPUBLIC	1
MALAYSIA	4
MALI	1
MARTINIQUE	1
MAUCAU	1
MEXICO	88
MOROCCO	3
NETHERLANDS ANTILLES	17
NEW HEBRIDES	2
NEW ZEALAND	1
NICARAGUA	16
NIGERIA	35
NORTH KOREA	4
NORWAY	1
PANAMA	221
PAKISTAN	15
PARAGUAY	1
PERU	57
PHILIPPINES	12
POLAND	22
PORTUGAL	5
ROMANIA	11
REUNION	0
SAINT LUCIA	5
ST. CHRIS, NEVIS, ANGUILLA	2
SAINT VINCENT	30
SAUDI ARABIA	2
SENEGAL	2
SIERRA LEONE	5
SINGAPORE	1
SOMALIA	3
SOUTH AFRICA	4
SOUTH KOREA	41
SOUTH YEMEN	1
SPAIN	17
SUDAN	2
TAIWAN	9
THAILAND	3
TRINIDAD AND TOBAGO	293
TUNISIA	1
TURKEY	14

TABLE 3 (CONTINUED)

UNITED ARAB EMIRATES	1
URUGUAY	7
USSR	45
VENEZUELA	24
VIETNAM	47
YEMEN	13
YUGOSLAVIA	34
ZAMBIA	0
TOTAL	7,729

*Includes Scotland (N=4)

**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, 1992
BY REGION OF BIRTH**

REGION OF BIRTH	FREQUENCY	PERCENT OF TOTAL
North America	134	1.7%
Caribbean	4,849	62.7%
Central America	520	6.7%
South America	1,278	16.5%
Europe	461	6.0%
Africa	90	1.2%
Near East	89	1.2%
Asia	290	3.8%
South Pacific	18	0.2%
TOTAL	7,729	100.0%

TABLE 5**RATES OF INCREASE BY REGION AMONG FOREIGN-BORN
INMATES UNDER DOCS CUSTODY
APRIL 1, 1985 - DECEMBER 31, 1992**

PLACE OF BIRTH	APRIL 1, 1985	DECEMBER 31, 1992	PERCENT CHANGE 1985-1992
North America	46	134	+ 191%
Caribbean	1,660	4,849	+ 192%
Central America	186	520	+ 180%
South America	367	1,278	+ 248%
Europe	261	461	+ 77%
Africa	15	90	+ 500%
Near East	*	89	N/A
Asia	87	290	+ 233%
South Pacific	7	18	+ 157%
TOTAL	2,629	7,729	+ 194%

* Data was not available.

TABLE 6

**RATES OF INCREASE BY SELECTED COUNTRY AMONG
FOREIGN-BORN INMATES UNDER DOCS CUSTODY
APRIL 1, 1985 - DECEMBER 31, 1992**

PLACE OF BIRTH	APRIL 1, 1985	DECEMBER 31, 1992	PERCENT CHANGE 1985-1992
Dominican Republic	548	2,261	+ 312%
Jamaica	408*	1,252	+ 207%
Colombia	195	752	+ 286%
Cuba	436	655	+ 50%
TOTAL	1,587	4,920	+ 210%

* 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, 1992**

ALIEN STATUS	FREQUENCY	PERCENT OF TOTAL
Awaiting Determination by INS	1,646	21.3%
Illegal Alien	1,934	25.0%
Legal Permanent Resident	3,343	43.3%
Naturalized Citizen	328	4.2%
Mariel Cuban	478	6.2%
TOTAL	7,729	100%

TABLE 8

**PREDOMINANT LANGUAGE OF NATIVE COUNTRY
FOR FOREIGN-BORN INMATES UNDER DOCS CUSTODY
ON DECEMBER 31, 1992**

PREDOMINANT LANGUAGE OF NATIVE COUNTRY	FREQUENCY	PERCENT OF TOTAL
English	2,135	27.6%
Spanish	4,538	58.7%
Oriental*	233	3.0%
European**	332	4.3%
Multiple***	491	6.4%
TOTAL	7,729	100%

* 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
FOREIGN-BORN INMATES UNDER DOCS CUSTODY ON
DECEMBER 31, 1992
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%	31%
C - Felony	23%	17%
D - Felony	27%	16%
E - Felony	11%	6%
Youthful Offender	1%	0%**
Not - Coded	0%**	0%**
TOTAL***	100%	100%

* Place of birth was unknown for 299 inmates (or 0.5%) of the 61,734 inmates under DOCS custody on December 31, 1992.

** 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, 1992
IN EACH CRIME CATEGORY OF COMMITMENT OFFENSE**

CRIME CATEGORY OF COMMITMENT OFFENSE	PLACE OF BIRTH*	
	UNITED STATES	FOREIGN- BORN
Violent Felony Offense	53%	47%
Other Coercive Offense	4%	2%
Drug Offense	33%	46%
Property & Other Offenses	9%	4%
Youthful Offender	1%	0%**
Not Coded	0%**	0%**
TOTAL***	100%	100%

* Place of birth was unknown for 299 inmates (or 0.5%) of the 61,734 inmates under DOCS custody on December 31, 1992.

** 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, 1992 FROM SELECTED FOREIGN COUNTRIES
IN EACH CRIME CATEGORY OF COMMITMENT OFFENSE**

CRIME CATEGORY OF COMMITMENT OFFENSE	DOMINICAN REPUBLIC	JAMAICA	COLOMBIA	CUBA
Violent Felony Offense	35%	56%	22%	44%
Other Coercive Offense	1%	3%	2%	1%
Drug Offense	61%	38%	75%	49%
Property & Other Offenses	3%	2%	1%	5%
Youthful Offender	0%*	0%*	0%*	0%*
TOTAL**	100%	100%	100%	100%

* Less than one-half of one percent.

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

APPENDIX A

Listing of Foreign Countries by Region

NORTH AMERICA

Canada
Saint Pierre & Miquelon
Mexico

CARIBBEAN

Antigua
Bahama Islands
Barbados
Bermuda
British Virgin Islands
Cayman Islands
Cuba
Dominica
Dominican Republic
Grenada
Guadeloupe
Haiti
Jamaica
Martinique
Netherlands Antilles
Saint Christopher,
Nevis, Anguilla
Saint Lucia
Saint Vincent
Trinidad and Tobago
Turks and Caicos

CENTRAL AMERICA

Belize (formerly
British Honduras)
Costa Rica
El Salvador
Guatamala
Honduras
Nicaragua
Panama

Listing of Foreign Countries by Region (continued)

SOUTH AMERICA

Argentina
Bolivia
Brazil
Chile
Colombia
Ecuador
French Guiana
Guyana
Paraguay
Peru
Surinam
Uruguay
Venezuela

EUROPE

Albania
Angorra
Austria
Belgium
Bulgaria
Czechoslovakia
Denmark
East Germany
(includes East Berlin)
England
Estonia
Finland
France
Great Britain (see England
Scotland and Wales)
Greece
Greenland
Holland (see Netherlands)
Hungary
Iceland
Ireland (Republic
of Eire)
Italy (includes Sardinia
and Sicily)
Latvia
Liechtenstein
Lithuania

Listing of Foreign Countries by Region (continued)

Luxembourg
Malta
Monaco
Netherlands
Northern Ireland
Norway
Poland
Portugal
Romania
Russia (see USSR)
San Marino
Scotland
Soviet Union (see USSR)
Spain
Sweden
Switzerland
USSR (Soviet Union)
United Kingdom (see England,
Scotland, Wales or
Northern Ireland)
Wales
West Germany (includes
West Berlin)
Yugoslavia

AFRICA

Algeria
Angola
Benin
Botswana
Burungi
Cameroon
Cape Verde
Central African Republic
Chad
Congo
Dahomey
Djibouti
Equatorial Guinea
Ethiopia
Gabon
Gambia
Ghana

Listing of Foreign Countries by Region (continued)

Guinea
Ivory Coast
Kenya
Lesotho
Liberia
Libya
Malagasy Republic
(includes Madagascar)
Malawi
Mali
Mauritania
Mauritius
Morocco
Mozambique
Namibia
Niger
Nigeria
Reunion
Rhodesia (see Zimbabwe)
Rwanda
Senegal
Seychelles
Sierra Leone
Somalia
South Africa
South West Africa
Sudan
Swaziland
Tanzania
Togo
Tunisia
Uganda
Upper Volta
Western Sahara
Zaire
Zambia
Zimbabwe (formerly
Rhodesia)

NEAR EAST

Bahrain (Bahrein Islands)
Cyprus
Egypt
Iran

Listing of Foreign Countries by Region (continued)

Iraq
Israel
Jordan
Kuwait
Lebanon
Oman & Muscat
Qatar
Saudi Arabia
South Yemen
Syria
Turkey
United Arab Emirates
Yemen

ASIA

Afghanistan
Bangladesh
Bhutan
Brunei
Burma
Cambodia
Ceylon
China
Hong Kong
India
Indonesia
Japan
Laos
Malaysia
Maldives
Maucau
Mongolia
Nepal
North Korea
Pakistan
Sikkim
Singapore
South Korea
Sri Lanka
Taiwan
Thailand
Tibet
Vietnam

Listing of Foreign Countries by Region (continued)

SOUTH PACIFIC

Australia
Fiji Islands
French Polynesia
Gilbert Islands
Nauru
New Caledonia
New Hebrides
New Zealand
Palau
Papua New Guinea
Philippines
Solomon Islands
Tonga
Western Samoa

PLACE OF BIRTH NOT KNOWN

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