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Department of Correctional Services

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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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Governor



Thomas A. Coughlin III  
Commissioner

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**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**

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

**TABLE 2****RATES OF GROWTH AMONG UNITED STATES BORN AND  
FOREIGN-BORN INMATES UNDER DOCS CUSTODY  
APRIL 1, 1985 - DECEMBER 31, 1992**

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

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)

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EGYPT	3
EL SALVADOR	105
ENGLAND*	114
EQUADOR	147
ETHIOPIA	3

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FRANCE	8
FRENCH GUIANA	0
FRENCH POLYNESIA	1

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GERMANY**	51
GHANA	14
GREECE	34
GRENEADA	20
GUADELOUPE	0
GUATAMALA	29
GUINEA	0
GUYANA	245

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HAITI	185
HONDURAS	98
HONG KONG	21
HUNGARY	8

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INDIA	12
INDONESIA	1
IRAN	7
IRAQ	1
IRELAND	8
ISRAEL	32
ITALY	78
IVORY COAST	2

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JAMAICA	1,252
JAPAN	11
JORDAN	6

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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
<hr/>	
NETHERLANDS ANTILLES	17
NEW HEBRIDES	2
NEW ZEALAND	1
NICARAGUA	16
NIGERIA	35
NORTH KOREA	4
NORWAY	1
<hr/>	
PANAMA	221
PAKISTAN	15
PARAGUAY	1
PERU	57
PHILIPPINES	12
POLAND	22
PORTUGAL	5
<hr/>	
ROMANIA	11
REUNION	0
<hr/>	
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
<hr/>	
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
<b>TOTAL</b>	<b>7,729</b>

\*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**

<b>REGION OF BIRTH</b>	<b>FREQUENCY</b>	<b>PERCENT OF TOTAL</b>
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%
<b>TOTAL</b>	<b>7,729</b>	<b>100.0%</b>

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

<b>PLACE OF BIRTH</b>	<b>APRIL 1, 1985</b>	<b>DECEMBER 31, 1992</b>	<b>PERCENT CHANGE 1985-1992</b>
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%
<b>TOTAL</b>	<b>2,629</b>	<b>7,729</b>	<b>+ 194%</b>

\* 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**

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

\* 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**

<b>ALIEN STATUS</b>	<b>FREQUENCY</b>	<b>PERCENT OF TOTAL</b>
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%
<b>TOTAL</b>	<b>7,729</b>	<b>100%</b>

**TABLE 8**

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

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

\* 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**

<b>CRIME CATEGORY OF COMMITMENT OFFENSE</b>	<b>DOMINICAN REPUBLIC</b>	<b>JAMAICA</b>	<b>COLOMBIA</b>	<b>CUBA</b>
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%*
<b>TOTAL**</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

\* 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  
Guatemala  
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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