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## Texas prison guard shortage raises alarm

Amid calls for new lockups, legislator says 12% job vacancy is bigger problem

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AUSTIN — As leading lawmakers disagree on whether the state needs to build new prisons, Texas can't fully staff the lockups it has now.

Some warn that a chronic shortage of correctional officers poses a danger.

"There's a public safety issue with the shortage," said Sen. John Whitmire, D-Houston, Senate Criminal Justice Committee chairman and Finance Committee member. "I'm told where you need two (correctional officers), you've got one, and sometimes you have none. It means that the public is at risk of a breakout. It means you endanger corrections officers, and you potentially endanger inmates."

The Texas Department of Criminal Justice says it's committed to keeping its facilities secure despite having to deal with correctional officer vacancies totaling 12 percent, with some prisons having much greater shortages.

Officers work voluntary overtime and "we keep all the critical areas staffed," even when that means suspending some "nonessential" operations such as an offender craft shop, said department spokeswoman Michelle Lyons. "We are dedicated to offering safe prisons and secure prisons."

But fatigue can cause problems because offenders "wait for mistakes and shortfalls and use it against the officers at one point or another," said Floyd Smith, a 21-year veteran and second vice president of the Corrections Association of Texas. "Mistakes get made when you're tired."

Lawmakers haven't aimed the intense criticism at TDCJ that they have at the unfolding problems of the hugely troubled Texas Youth Commission.

But there's concern that the adult prison system had only 88 percent of its correctional officer positions filled at the end of February, with 3,152 vacancies. The prison in Dalhart had the biggest shortage, with 63 percent of its positions filled.

### GUARDS DOWN, VIOLENCE UP

The vacancy rate in Texas correctional officer positions is worsening, and so is prison violence. Here are the correctional officer vacancy rates:

Year	Average	Highest month
2003	8.8 %	10%
2004	8.5 %	9.3 %
2005	10.7 %	11.9 %
2006	10.9 %	13.0 %
2007	2.1 % *	12.3 %

\*Partial

Source: Texas Department of Criminal Justice

### HELP WANTED

Percent of correctional officer positions that are vacant in the four states with the largest number of inmates in state correctional facilities.

- **California:** 9 percent
- **Texas:** 12 percent
- **Florida:** 4 percent
- **New York:** Less than 1 percent

## Labor pool, salary issues

The turnover rate, meanwhile, rose from 20 percent in 2002 to 24 percent in 2006.

The agency "wants new prisons, and they can't run the ones they have now. You cannot sugarcoat it any more. You talk about TYC, you've got a crisis here in TDCJ," said correctional officer Jaye Hightower, a 15-year veteran and vice president of the Corrections Association of Texas.

"The difference between the two is that (in the adult system) you'll either have a massive escape that puts the public at risk, or a riot where many lives are lost and also putting the (corrections officers') lives at risk."

Among chief reasons cited for the shortages are the prison locations in rural areas away from big labor pools, and staff salaries that don't adequately compensate for a tough job.

Hightower's group is pushing for an increase in hazardous-duty pay, but that's not funded for the coming two years in either of the budget proposals approved by the House and Senate.

Nor do the proposals fund an across-the-board raise for correctional officers, whose annual salaries top out at \$33,280 before the hazardous-duty pay.

The Senate proposal would put extra money into merit pay for state employees, with an additional boost at several agencies, including TDCJ.

### 'Wish lists'

Both budget plans also would provide more for correctional officers' overtime, after TDCJ ended a policy requiring them to first bank a number of hours. The House would fund an extra \$40 million, equal to 2.2 percent of officers' total \$1.8 billion pay over two years, with the Senate funding less.

Both proposals put state-employee pay raises on unfunded "wish lists," and the House added to its list a pay increase for correctional and parole officers.

Negotiators will discuss an across-the-board raise as they work out differences between the House and Senate budget proposals, Whitmire said.

Although both budget proposals also would convert two TYC facilities into adult prisons, only the Senate version includes money for new ones — three of them.

Whitmire, banking on a new diversion and treatment emphasis, doesn't think they'll be needed. He voted to allow them only after a provision was added to ensure legislative leaders get fresh information about their cost and location, plus a study on decommissioning facilities if they become unnecessary.

Texas prison units with highest correctional officer vacancy rates, as of Feb. 28:

- **Dalhart:** 37 percent
- **Smith:** 33 percent
- **Coffield:** 31 percent
- **Beto:** 31 percent
- **Ferguson:** 28 percent

Serious offender-on-staff assaults per 10,000 offenders:

- **2002:** 3.7
- **2003:** 2.9
- **2004:** 3
- **2005:** 3.4
- **2006:** 4

Serious offender-on-offender assaults per 10,000 offenders:

- **2002:** 56.5
- **2003:** 64.9
- **2004:** 64
- **2005:** 65.4
- **2006:** 65.5

Diversion and treatment will reduce the prison population by addressing core problems such as substance abuse, some lawmakers said.

"We're, in fact, building beds, we're just ... putting them in there for programs to change people's lives," said Rep. Jerry Madden, R-Plano, House Corrections Committee chairman, who is championing the approach with Whitmire. "I think it's the right thing to be doing."

Some senators, however, said current and projected inmate populations suggest new prisons should be built.

"I don't want us to find ourselves in 2010, 2011 and 2012 having to use the parole rate as a safety valve for prison overcrowding. And the only way to be certain that won't happen is for us to build some new capacity," said Sen. Tommy Williams, R-The Woodlands.

## **Fundamental question**

If additional space ends up being unnecessary, lawmakers suggest older, inefficient and hard-to-staff prisons could be replaced with new ones closer to larger metropolitan area work forces.

"If you can't staff the ones you have now, I don't know how building a new prison is going to help us much," said Rep. Warren Chisum, R-Pampa, the Appropriations Committee chairman.

Rep. Sylvester Turner, D-Houston, a member of the Appropriations Committee, said, "How can you build them if you've got a (staff) shortage? ... For those who advocate building more prisons, politically it sounds great, but in terms of public safety and management, building prisons does not address that."

Those advocating new prisons say diversion programs don't obviate the need for them.

"I don't think diversion programs work unless the person being diverted has a worse alternative facing them," said Sen. Steve Ogden, R-Bryan, Senate Finance Committee chairman. Otherwise, he said, "The people being diverted will say, 'I don't want to put up with that. You can't keep me in jail, anyway.'"

## **Democrat, GOP views**

Ogden said he is concerned about inadequate staffing and overworked officers. "We're working on it" with such items as overtime and merit pay, he said.

Chisum said he isn't overly concerned that TDCJ could blossom into a TYC-like problem because of its staffing shortage.

"Shortage of staffing just means we have people working overtime, so we're not short of guards during the shift. Some of them may be pulling a double shift," he said. "We'd love to have enough people not to do that, but it's really not a very physically trying job, sometimes, just guarding prisoners, especially if they just ... work 12 hours (in a shift). A lot of them are capable of doing that, and they need the overtime, because it's not the highest-paying job in the world."

Hightower describes a different scenario. Like Smith, he works at the Jester IV unit, which has 92 percent of positions filled.

"If you're working eight hours a day, you get a 15-minute break, maybe, if staffing permits ... we have had people go to the bathroom on themselves because they were not allowed to take a break because of (lack of) staff," he said.

## **Breaks, overtime**

Lyons, who said she hadn't heard about a bathroom-break situation like Hightower described, said officers get scheduled breaks and a lunch period.

A total of 6,257 officers, about 27 percent of the 23,163 correctional officer work force, earned an average of 25.2 hours of overtime in February, she said.

"These are not people who are working 90-hour weeks," she said. "We don't do that to our staff."

Overtime is no substitute for adequate staffing, Hightower said, adding, "Fatigue is going to come into play as long as you continue to work people long hours. ... The fact is, you have units that are drastically, dangerously short.

"That should be a concern to everyone. That should be a concern to legislators who pass bills."

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