

THE STAFF SHORTAGE / OVERCROWDING EPIDEMIC  
IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE

This petition to the Human Rights Council is submitted by the National Lawyers Guild - Prison Chapter on behalf of all present and future prisoners incarcerated within the Texas Department of Criminal Justice (TDCJ), in the State of Texas, United States of America.

The COVID-19 pandemic has caused a severe staffing shortage in Texas prisons to the level that it is causing dangerous and unsafe conditions, and resulting in system-wide human rights violations that constitute cruel, inhumane and degrading punishment of Texas prisoners. This staffing shortage is the equivalent of prisoner overcrowding. Texas has failed to maintain the Standard Minimum Rules for the Treatment of Prisoners in that Texas is incapable of ensuring the safety and security of prisoners, staff, service providers and visitors at all times (Mandela Rule 1).

It has been reported that the Texas Department of Criminal Justice had 7,253 correction officer vacancies for the 24,016 budgeted full time positions as of November 30, 2021. This is more than a 30% shortfall - however that number does not include a significant number of officers out on sick leave, on vacation, or simply AWOL (which is increasingly a common phenomenon because officers just don't show up). The number also does not accurately reflect that the positions are divided into two shifts, and that a large portion are not directly assigned to supervising housing areas where the majority of prisoners are warehoused. Some officers supervise the operations of departments such as the laundry, kitchen, law library, general library, education, recreation, medical, administration, visitation, the guard towers and outside patrol.

TDCJ has been plagued by understaffing issues for the past decade or more, so it is unknown if TDCJ has a mandatory minimum prisoner-to-officer ratio. However during normal operations the ratio in housing areas tends to be somewhere between 72:1 - 144:1. Specifically this represents one officer on patrol in a wing housing 144 prisoners, and one officer in the picket.

On the common occasion when prisoners are placed on lockdown because of staff shortages, one officer may supervise two wings, raising the ratio to 144:1 - 288:1. In comparison, the Federal Bureau of Prisons (BOP) requires a staffing ratio less than 15:1 to maintain adequate security (See, BOP Hiring and Staffing Report FY 2020 2nd Quarter Report).

In the 'TDCJ Legislative Appropriations Request for Fiscal Year 2022-2023', TDCJ officials admit that if the Agency is "not funded, the amount listed above [\$32,195,162.00] would represent the elimination of approximately 861 correctional positions, resulting in reducing staffing levels that could place public safety and the security of our institutions at risk. This would provide funding for only 91% of our 25,161 correctional



officer positions, assuming overtime is zero. With a focus on recruitment and retention efforts, continued funding for correctional staffing at current operational levels is needed to maintain an appropriate level of security and provide a safe environment for employees and offenders".

What is most significant about this Appropriations Report is that it put 22,896 (91% of 25,161) as the number that tips the scale on the safe levels of security. However, as per the TDCJ Correctional Officer Report (dated November 30, 2021) TDCJ has already dropped below that number to 16,763 filled positions (7,253 vacancies for the 24,016 budgeted full time positions). If both these documents are correct, then TDCJ is currently operating at least 6,133 positions under the level necessary to maintain appropriate levels of security.

Prolonged (or indefinite) staff shortages are equivalent to overcrowding - a situation in TDCJ that is strikingly similar to the horrific conditions created by overcrowding in the 70's which resulted in ever increasing riots, violence and rapes to the point that TDCJ (then Texas Department of Corrections) came under Federal supervision. The inadequate security caused by staff shortages and subsequent overcrowding has ushered in an informal practice that has reincarnated the Turn Key/Building Tender as officers are handing over the supervision (and subsequent discipline) of whole sections of prisons to other prisoners who assist the officers. As is historically proven, peer-pressure in prison as a control mechanism has no real enforcement value without the threat or use of prisoner-on-prisoner violence. As the issue of staff shortages / overcrowding increases, so will the risk to the safety of all prisoners confined within the TDCJ.

Officers employ severe and arbitrary disciplinary practices as a means of control. However, when disciplinary practices are perceived by the prison population to be unfair, it can create the reversed effect by giving the prisoners justification to rebel against the iron fist that arbitrary punishes them.

The combination of the lowered caliber of staff training and overworked officers (some officers are being forced to work as much as 16-hours in one shift) tend to take a lax approach to the enforcement of safety and security procedures. This subsequently exposes prisoners to dangerous conditions. Rookie officers are less supervised and increasingly thrust into situations that they are not properly trained to handle or simply lack the experience necessary to effectively de-escalate a violent situation - the crux of their duties as a correctional officer.

Short staffing results in increased and prolonged lockdowns. These close confinements result in increased depression and other mental health conditions. Such can be compounded by the inherent nature of prison life, the excessive heat conditions, the issue of under feeding, and will ultimately result in suicides, attempted suicide and increased prisoner-on-prisoner conflicts.

Although staffing shortages are the most apparent cause, in actuality the issue is best characterized as one of overcrowding - The Texas prison population is ultimately too large for the available resources and persons willing and able to be correctional officers. This has been the case long before the COVID-19 pandemic. No amount of funding or recruitment/retention efforts will cure this overcrowding issue. The conditions this creates violates the basic human rights of all Texas prisoners confined within the Texas Department of Criminal Justice.

Texas incarcerates an average 140,000 people. To systemically put such a large prison population at risk due to staff shortages / overcrowding, is a human rights violation of such a magnitude as to warrant serious consideration by the UN Human Rights Council. Such international scrutiny may prove to be the impetus for much needed prison reform in Texas.

Respectfully Submitted,

NATIONAL LAWYERS GUILD - PRISON CHAPTER