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**STAFFING AND
MANAGING
THE TEXAS
DEPARTMENT OF
CORRECTIONS**

58610

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TEXAS DEPARTMENT OF CORRECTIONS

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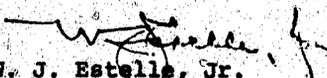
Dear Mr. McGrew:

As a follow-up to our recent telephone conversation, please let this letter serve as a request to the Texas Research League to conduct an overall management survey of this agency which would include a specific analysis of how we might more effectively report to our Board and others our financial and fiscal status on an on-going basis.

As you are aware, we have a number of control agencies to whom we must respond and they have their own guidelines and formats with which we must work. At the same time, there is a feeling on the part of our Board and our administrative staff that out of this myriad of report systems we are statutorially obliged to work with, we could at the same time develop a more understandable and usable statement or statements which would give us more effective capability for in-house audit and control.

I hope this request is not so general in nature that your staff finds it difficult to develop an approach to such a mission if the Research League finds it can undertake it. I have purposely made it general to leave you as much latitude and freedom in your investigation as possible. Please know that if you do undertake such a project, you will receive the full cooperation and assistance of this agency to the degree you request it.

Very truly yours,


W. J. Estelle, Jr.

INTRODUCTION

The Texas Department of Corrections operates the largest state prison system in the nation—having surpassed California in number of inmates sometime in 1976. In only the seven-plus years of this decade the prison population in Texas grew from 13,700 to more than 24,000—an increase of 78 percent. The Texas system:

- includes 15 prison units (a 16th is under construction and a 17th has been authorized for construction);
- employees 3,350 people including about 2,100 directly concerned with security); and
- has a budget for the current biennium of \$208 million appropriated by the Legislature for both operations and capital improvements.

The Texas system is not only the largest in the nation, it is also the most efficient administratively: TDC uses about one-half the number of employees proportionate to the inmate population as do other states, and the operating cost per inmate-day is roughly one-third the national average. (These aspects of TDC are discussed further in Part II of this report.)

TDC's primary function is security—isolating from the "free world" those persons found guilty of crimes and safeguarding inmates from each other. But the Texas prison system is much more than a simple custodial operation. It is a combination of agricultural, industrial, construction and educational enterprises which help support the inmates while offering them the opportunity to learn job skills and to advance their education.

TDC IS A LARGE AGRICULTURAL OPERATION

The Texas prison system occupies more than 102,000 acres, most of which is prime farmland in East Texas. On that land the Department produces:

- enough vegetables, meat, eggs and dairy products to feed the 27,000 inmates and employees;
- grain and roughages to feed the 150,000 head of cattle, hogs, horses and poultry; and
- raw materials such as cotton and broom corn for use in industrial operations.

From raw produce to the dining hall or to the industrial plant, the operation is Departmentally self-contained: Vegetables in excess of immediate need go to the TDC canning plant; livestock are slaughtered and prepared for food-service at the TDC meat-processing plant; animal hides are used in the TDC shoe factory and animal fat goes to the soap factory; and even sugarcane is turned into syrup at a TDC mill.

TDC IS AN INDUSTRIAL CONGLOMERATE

Twenty-one industries within the Department produce various goods and services for sale to qualified governmental agencies. Industrial sales amounted to more than \$14 million in fiscal year 1977. Still, the purchaser's cost was substantially below "free world" prices, resulting in considerable savings to taxpayers. Goods for internal use (e.g., shoes, belts, uniforms, soap and brooms) also are produced at the various factories.

TDC IS A CONSTRUCTION COMPANY

The Department's construction division has responsibility for building, renovating and maintaining the agency's physical facilities. Structures built by the division house inmates, industrial plants, vocational training centers, academic classrooms, community support services and agricultural operations. Much of the construction materials (rock, brick and concrete products) come from Departmental operations.

TDC IS A SECONDARY SCHOOL, JUNIOR COLLEGE AND SENIOR COLLEGE

The Windham School District operates in each of the 15 prison units. Courses ranging from remedial instruction through the secondary school level are available to all inmates; current enrollment exceeds 8,500. For inmates who wish to participate, five area junior colleges and three universities cooperate with the Department in offering college level work leading to Associate or Bachelors' degrees. Almost 3,000 are enrolled in these programs. More than 1,000 of the inmates participate in the vocational education program offered by the Windham District and the cooperating colleges.

IN SUM, TDC IS COMPLEX

Health care services, recreational programs, laundry, food service — essentially all of the activities which are normally associated with the functions of a self-contained community of 24,000 persons—are the responsibility of the Department. Fitting all of these programs into a manageable whole is a complex operation that is sometimes difficult to understand. Perhaps that is the reason the Department asked the League to make "a specific analysis of how we might more effectively report to our Board and others our financial and fiscal status on an on-going basis." Part I of this report responds to that request.

The Department also asked the League to examine the problems related to staffing the security function. Part II is directed to that part of the request.

IMPLEMENTATION

Based on preliminary reports submitted to the Department, most of the suggestions offered by the League are in the process of being implemented. Some of the recommendations require legislative action which will be requested by the Department at the 1979 Regular Session.

Part One

BOARD-STAFF RELATIONSHIPS

IN THE TEXAS

DEPARTMENT OF CORRECTIONS

I

THE CITIZEN BOARD: FORGOTTEN FUNDAMENTAL OF TEXAS GOVERNMENT

Agency governance by citizen boards like the Board of Corrections is one of the distinguishing features of Texas government. Among the 98 state agencies of general jurisdiction funded by the 1974-1975 General Appropriation Act, 57 were headed by multi-member boards appointed by the Governor for six-year overlapping terms of office. The ten largest agencies, together employing over 85 percent of the State's work force, all were governed by citizen boards.

The board system has contributed much to the success of Texas government. As an institution, it is the key to bringing citizen talent and interest into the affairs of the State, to hiring capable administrators and insulating them from politics, and to improving the performance of state agencies. The board system is an innovative alternative to the strong-executive, or cabinet-government, model that dominates other state governments—and in many respects is superior to that model.

Perhaps because its primary function is to support capable managers in their administration of state agencies, rather than to administer the agencies directly, the citizen board has received little credit or attention. Nor has much effort been given to the task of improving the capacity of the citizen board to perform its proper role in Texas government. For all of these reasons, it is important to begin this report by exploring the place of the board system of agency governance in the scheme of Texas government.

THE FUNCTIONS OF CITIZEN BOARDS

The system of state-agency governance by citizen boards places major reliance on board members to bring certain public values into the administration of state government:

PROTECT THE INTEGRITY OF EXECUTIVE AUTHORITY

Citizen boards are charged with overall responsibility for the care and management of the resources of their agencies, and the terms of appointment encourage board members to exercise independent judgment in making decisions. A principal duty of the citizen board member is to use his latitude to protect the integrity of the institution and authority entrusted to him.

ACT AS TRUSTEE OF THE PUBLIC INTEREST

Citizen boards are designed to provide direct public input to the administration of Texas government, and a basic duty of the citizen board member is to act as trustee of the public interest. This does not require him to reflect public opinion, but rather to exercise independent judgment *as a citizen* in

making decisions. In governing an agency on this basis, a continuing board of citizens represents collectively the long-term public interest in sound management of the affairs of the State.

SEPARATE POLITICS FROM ADMINISTRATION

A successful state administrative system is politically neutral as well as managerially competent. The design of Texas government places political and administrative duties clearly into two separate positions in the Executive Department:

- the Governor's role is to bring overall policy perspective and political leadership into state government;
- the agency administrator's job is to employ a staff and implement state laws efficiently.

Creating and maintaining this separation is a basic obligation of the citizen boards that govern agencies. The duties involved in such an obligation include, but go beyond, acting as a "heat shield." The hiring of a capable administrator is the single most important decision entrusted to the citizen board. Because the administrator serves at the pleasure of the board, and performs well-defined duties, the board ought to evaluate his performance continually and support him in his work.

PROVIDE EXECUTIVE LEADERSHIP FOR ADMINISTRATIVE AGENCIES

Policymaking duties for Texas government as a whole are divided between the Legislature, which writes the laws and appropriates funds for agency operations, and the Governor, who has a major voice in setting the legislative agenda and in vetoing bills. But the tasks of setting operating policy within the framework of state law and appropriations, and of overseeing its execution, are delegated to agency governance. These two functions occupy the major part of the citizen board member's time as a state official.

To participate in policymaking, the citizen board member should have a working knowledge of the law governing his agency and an understanding of existing patterns of agency operation. The board, as a continuing body, ought to have collective means of expressing its own priorities, of reviewing staff planning efforts, and of evaluating the conformity of performance to plans and priorities.

DEFINING THE BOARD— STAFF RELATIONSHIP

Responsibilities for state agency governance are best understood when cast in terms of a particular agency. The two succeeding sections analyze the Texas Department of Corrections to establish an understanding of basic legal and managerial factors that condition the board-staff relationship for that agency. A final section develops recommendations for improving certain aspects of board-staff interaction for the Department.

II

THE TEXAS DEPARTMENT OF CORRECTIONS: LEGAL FRAMEWORK

Governance of the Texas Department of Corrections follows generally the citizen-board model outlined in the previous section. The legal framework has three key features that bear analysis: (1) provisions for control of the Department by the Board and Director, (2) policies governing prison operations, and (3) financial arrangements for the agency.

CONTROL OF THE DEPARTMENT

State law vests control of the Department jointly in the Board and Director of Corrections. Their joint responsibility covers not only administrative, but also substantive, aspects of prison operation; it extends to:

- “management of the affairs of the [Department]”; and
- “proper care, treatment, feeding, clothing and management of the prisoners confined therein.”

The nine-member Board of Corrections is composed of citizens appointed by the Governor, with the advice and consent of the Senate, to six-year terms as officers of the State. The Board is a continuing body on which three vacancies occur every two years through expiring terms of office. Although it may employ clerical assistance, the Board itself meets regularly only once every two months.

The Board employs the Director and exercises its responsibility by delegating to him the authority to manage the affairs of the Department, subject to its control and supervision. The Director, with approval of the Board,

- employs and may discharge personnel necessary to operate the Department efficiently, and
- prescribes rules and regulations governing inmates in the custody of the Department.

The Director makes full and complete reports to the Board at its regular meetings concerning the fiscal affairs and general conditions of the Department.

PRISON OPERATIONS

The law provides that the policy of the State of Texas is:

- “to manage and conduct the [Department of Corrections] in that manner as will be consistent with the operation of a modern prison system, and with the view of making the [Department] self-sustaining; and
- “[to see] that those convicted of violating the law and sentenced to a term in the State Penitentiary shall have humane treatment, and be given opportunity, encouragement and training in the matter of reformation. All prisoners shall be worked within the prison walls and upon farms owned or leased by the State. . . .”

The legislative intent expressed in this policy is elaborated in other statutory provisions covering the custody, labor, maintenance, and treatment of inmates.

CUSTODY OF INMATES

Secure confinement of inmates is a basic purpose of the Department. The Director has authority to provide for initial separation and classification of inmates; to prescribe rules for inmate discipline; and to grant, withhold, and revoke time credits on the basis of good conduct.

The Legislature has indicated that it expects *economical* as well as secure custody of inmates. The 1978-1979 appropriation to the Department limited security staff to no more than one per eleven inmates—a ratio less than half the average in other state prison systems.

INMATE LABOR

The law requires that inmates be kept at work under rules prescribed by the Director and approved by the Board. This requirement is intended to provide inmate training and rehabilitation, to assist in making the Department self-sustaining, and to produce goods and services for the benefit of other public agencies. Laws authorize both agricultural and industrial production, and appropriation riders habitually call for use of inmate labor to the extent possible in the Department's building programs.

MAINTENANCE OF INMATES

Adequate food, clothing, housing and other essentials are primary ingredients of humane treatment for inmates. The law requires that prisoners be fed

“good and wholesome food, properly prepared under wholesome, sanitary conditions, and in sufficient quantity, and reasonable variety.”

The Department also is required to furnish inmates suitable, substantial clothing and footwear. The Legislature expresses the extent of its commitment to adequate housing primarily by appropriating Building-Program funds to the Department.

The 1978-1979 Appropriation Act recognized in principle that some provision must be made for maintenance of all prisoners admitted to the Department's custody, and that the agency's budget should vary to some extent with the number of inmates. The Legislature gave the agency a contingency account to cover purchase of food and certain supplies in the event of increased inmate population.

TREATMENT OF INMATES

The Legislature has provided for opportunity and training in reformation primarily by requiring all illiterate inmates to receive 5-8 hours of education weekly, and allowing other inmates the opportunity of academic or vocational instruction. Appropriations also reflect continuing legislative commitment to medical, religious, and recreation programs. Finally, the Legislature has authorized the Department to operate a work release program whereby inmates are employed outside the prison system.

FINANCING THE DEPARTMENT

The Legislature normally includes funding for the Department of Corrections in the General Appropriation Bill passed during its Regular Session in odd-numbered years. Once signed into law by the Governor, that act provides money to cover operations of the agency for the succeeding fiscal biennium.

APPROPRIATIONS

The nature and amount of most expenditures authorized the Department are specified in "line items" within the appropriation act. However, the Legislature adds both spending authorizations and conditions by appending "riders" to the Department's appropriation items, appropriating money to other agencies for transfer to the Department, and authorizing the Department to collect and spend local funds.

FUNDS

The Legislature maintains control over appropriations and spending by grouping revenues into fund accounts. The Department receives money from six types of funds with varying restrictions:

1. *The General Revenue Fund* is the source of line-item funding for both current operations and building programs.
2. The Department's *Mineral Lease Fund* receives income from mineral leases on the Department's lands; certain amounts normally are appropriated via riders to (a) build and maintain employee housing, and (b) underwrite legal services provided the Department by the Attorney General of Texas. The Board must approve spending for employee housing.

3. The *Industrial Revolving Fund* receives income derived from sale of industrial products to outside public agencies; that income is appropriated by rider to finance industrial operations and capital outlays, with year-end balances exceeding \$1.5 million lapsing to the state treasury. State law provides that spending from the fund is subject to Board approval.
4. *Windham School District funds* consist of federal and state monies allocated by the Texas Education Agency for operation and maintenance of the school district serving inmates of the Department. The Board of Corrections sits *ex officio* as Board of the district and as such governs spending of its funds.
5. The *Educational and Recreational Fund* receives income from inmate-benefit activities. The Legislature, by appropriation rider, limits spending to educational and recreational benefits for inmates, and requires approval by the Board.
6. *Federal grant funds* may be accepted by the Board, so long as they do not create any debt that would require additional appropriations. Such funds are appropriated by rider for the purposes intended by the grant.

ACTIVITIES AND PROGRAMS

To justify receiving appropriations, the Department submits a "Budget Request" to state budget authorities in advance of each legislative session. The request is organized into "Programs" or end-products of the agency's efforts (such as "Rehabilitation, Retention, and Maintenance of Inmates"). Each program is divided further into functional "Activities," like "Security," and these in turn are broken down into "objects of expense" (for example, salaries) that express the actual purchases to be made. Since the State practices "zero-based budgeting," every Program and Activity in the Department's Budget Request is represented by a "Decision Package" presenting two or more levels of funding from which the Legislature may choose.

Using the Budget Request as a basis, the Legislature itemizes appropriations into Activities and summarizes them by Program. Because amounts appropriated generally do not coincide with any of the requested levels in Activity Decision Packages, the Department must thereafter rework its object-of-expense accounts to conform with the appropriation totals.

SPENDING OVERSIGHT

Spending by the agency is limited to appropriation account totals except for those accounts among which the Legislature expressly permits transfers (by rider). The State Comptroller monitors spending from appropriation accounts on a cash basis to ensure compliance with this rule. At the end of each fiscal year, the State Auditor audits spending by the Department; his reports reflect a modified accrual basis of accounting.

SIGNIFICANCE OF THE LEGAL FRAMEWORK

As will become apparent in the following section, the Texas Department of Corrections is a complex agency carrying out a variety of operations in multiple prison-unit locations. This complexity is a product of the legal framework in which the Department operates. In effect, the laws have created three levels of agency operations:

- Security.* The basic purpose of the Department is to secure those felons committed to its custody by the courts; a major portion of administrative effort is aimed at preventing escapes and controlling inmate behavior.
- Maintenance and Work.* Inmates have to be fed, clothed, and housed; and the law says they are to work. Much of the work effort is aimed at reducing the costs that the state must bear in maintaining inmates—through agricultural, industrial, and construction programs.
- Treatment.* Inmates are given a chance to reform by participating in educational, training, religious, counseling, recreational, and work release programs; and they receive medical treatment.

Each of these levels of operation can be evaluated from several perspectives. The law specifies three: (1) the impact of agency operations on inmates, (2) the managerial efficiency of agency operations, and (3) financial control of agency operations. The board-staff relationship focuses mainly on the first two perspectives, although the financial restrictions placed on the agency by law are important as limits on its operational freedom.

III

MANAGING THE DEPARTMENT OF CORRECTIONS

Within the framework of the law and appropriations, the Department has developed an operating strategy based largely on discipline, work, and educational opportunity for inmates. This strategy yields demonstrable benefits but also complicates the Department's operations. The agency has developed a unique organization structure to manage the multiplicity of operations required by its operating strategy, and it has developed methods of handling the tasks that are essential to planning and control of those operations.

OPERATING STRATEGY

The Department's operating strategy follows directly from legislative policies and is based on:

- secure confinement and discipline of inmates;
- full employment of inmates, with primary attention to producing food, clothing, housing, and other essentials for operating the Department; and to producing goods and services that benefit outside agencies while providing job training and rehabilitation for inmates; and
- educational opportunity for inmates, along with availability of medical care and religious, recreation, and other inmate-benefit (or treatment) programs.

The "humane treatment" required by law is a direct product of the safe environment; adequate food, clothing, and housing; and inmate-benefit programs thus provided. The use of inmate labor in agricultural, construction, and industrial jobs has as one aim making the Department "self-sustaining" through *cost-avoidance*—reductions in the cost of food, clothing, housing, and other necessities. Full employment of inmates also minimizes the need for security staff, allowing the maintenance of discipline despite a high ratio of inmates to staff; and the work has rehabilitative and job-training value as well.

This strategy has a common-sense plausibility and has been communicated well at all levels of the Department. It aids in managing and evaluating the work of employees. But even though it is simple to describe how the elements fit together logically, in practice the task of securing, feeding, clothing, housing, employing, educating, and medicating more than a thousand inmates at any one of the prison units is complicated. A variety of jobs have to be done all at once and tied together, and performance of those jobs depends on having materials and services produced or purchased according to plans and schedules made well in advance.

ORGANIZATIONAL STRUCTURE

To meet its needs for planning and control of multiple operations on 15 separate prison units, the Department requires an organization that allows both:

- centralized financial and functional controls, to achieve planning and uniformity of operations; and
- geographic (or decentralized) control of operations, to integrate the various tasks performed at each unit.

This problem has been solved by developing a “two-boss” or “matrix-type” structure.¹ The two kinds of managers in this structure are:

- the Assistant Director, who is responsible for a particular set of functions or activities that are carried out on all prison units; and
- the Warden, who is responsible for all of the activities on his geographic unit.

The six Assistant Directors share functional responsibility for Departmental operations generally as follows:

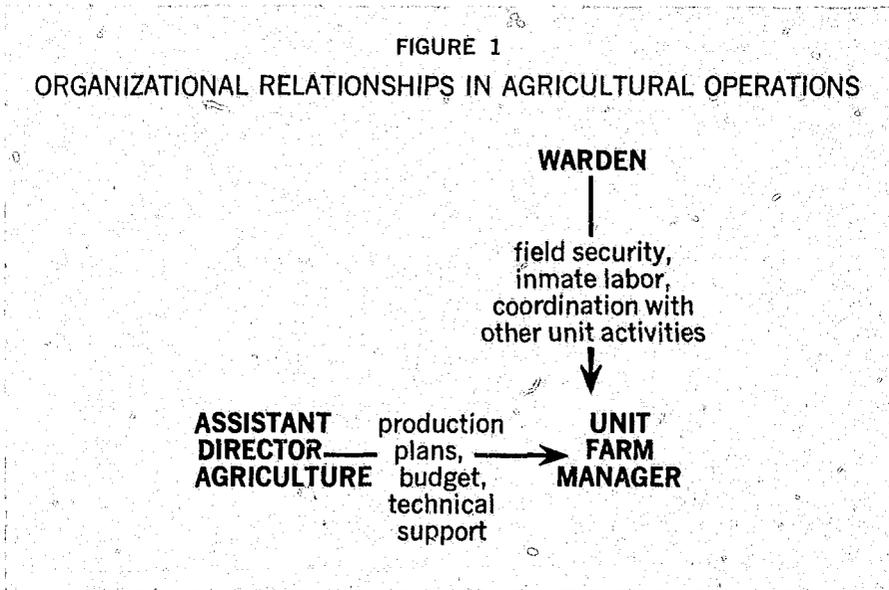
Assistant Director	Major Area of Responsibility
Special Services	security and discipline of inmates
Agriculture	production of food
Construction	construction and building maintenance
Industry	production of supplies for inmates and Department
Treatment	education, medical, inmate-benefit programs
Business	budgeting and accounting

Personnel on prison units work for the Warden but are subject to the technical and budgetary direction of the Assistant Directors. Wardens are in charge of day-to-day operations but have no role in budgeting or technical control of those activities. Assistant Directors have budgetary and technical responsibilities but must consult with a Warden to affect operations on his unit. And the Director oversees both operations and technical staff work.

¹ The organization has evolved naturally in response to agency responsibilities, rather than being patterned after a theoretical model. See *Matrix*, Stanley M. Davis and Paul R. Lawrence, (Addison-Wesley Publishing Co., Reading, Pa., 1977) for a discussion of the matrix structure.

PLANNING AND CONTROL

Relationships among the Assistant Director for Agriculture, Unit Warden, and Unit Farm Manager illustrate how this structure lends itself to planning and control of prison operations (see Figure 1). A unit's Farm Manager is responsible for all agricultural activities on the unit. The production plans and budget that control the acreages he plants, the amount of fertilizer he can use, and so on, are provided to him by the Assistant Director for Agriculture; and the agriculture staff gives technical support and oversight to his work during the year. The Warden coordinates agricultural activities with other unit operations, and supplies the field security staff and inmate labor to work in the agricultural program on the unit. Should the Warden decide that security provisions were inadequate or the weather inclement on a given day (for example), he could halt agricultural work even though certain tasks ought to be completed to enhance agricultural production.



In effect, the matrix structure frees the Assistant Director and his staff to concentrate on planning, budgeting, and oversight; and it allows operating personnel to perform with a minimum of centralized supervision. This system has worked well: the Department operates efficiently at a modest cost per inmate. The structure also benefits employee morale and development. Because responsibility is shared widely, a tangible sense of pride in performance permeates the Department down to the lowest levels. Furthermore, supervisors are tested with major responsibility early in their careers, contributing to their development and to the selection of key management personnel in the Department.

ESSENTIALS FOR PLANNING AND CONTROL

Behind the success of the matrix structure and the Department's operating strategy are certain planning and control tasks that have to be carried out, and done well. Five of these tasks are particularly important.

1. Adapting The Operating Budget to Inmate Population Levels.

The number of inmates in custody is a key variable influencing spending requirements for many of the Department's activities. Variable items in the budget have to be set at levels consonant with the inmate population if security, living-condition, and other standards are to be met. The Legislature appropriates contingency funds specifically for population-related adjustments in security staffing and purchases of food, personal items, and other supplies.

The Department has well-defined budgeting standards that relate key activities to population levels and other variables. Inmate personal items and supplies, for example, are budgeted according to historical usage rates, projected inmate population, and projected prices. If appropriations for such purchases are inadequate to support the budgeted rate of usage or the actual population, the Department must transfer funds into that account or lower its standards.

2. Setting and Meeting Internal Production Requirements.

Many necessities for operating the Department are produced internally. These internal production requirements must be set, and met, if the Department is to operate satisfactorily. The Legislature appropriates agricultural and industrial funds to finance such production. Figure 2 illustrates the chain of internal production within the Department.

To deal with the complexities of producing necessities, the Department has developed production planning methods similar to those found in private manufacturing firms—the basis of which are standardized requirements for the various products. Food standards, for example, include 0.6 pounds of meat, 1.5 eggs, one pint of milk, and four varieties of vegetables per inmate/day, in a 3,850 calorie diet. These standards, coupled with projected inmate population, are used in developing a food service budget. The agriculture budget converts food items to be produced internally into allocations of acreage, feed, seed, fertilizer, and other essentials for production. Again, if appropriations are inadequate to support budgeted production standards, the Department must transfer funds or lower its requirements.

3. Allocating Capital Funds.

All institutional programs are capital-intensive, and the Department is more so than most because it produces many of its own necessities. A capital budget is a necessary planning and management tool because a shortage of capital stock may limit production capacity or cause a failure to maintain the stan-

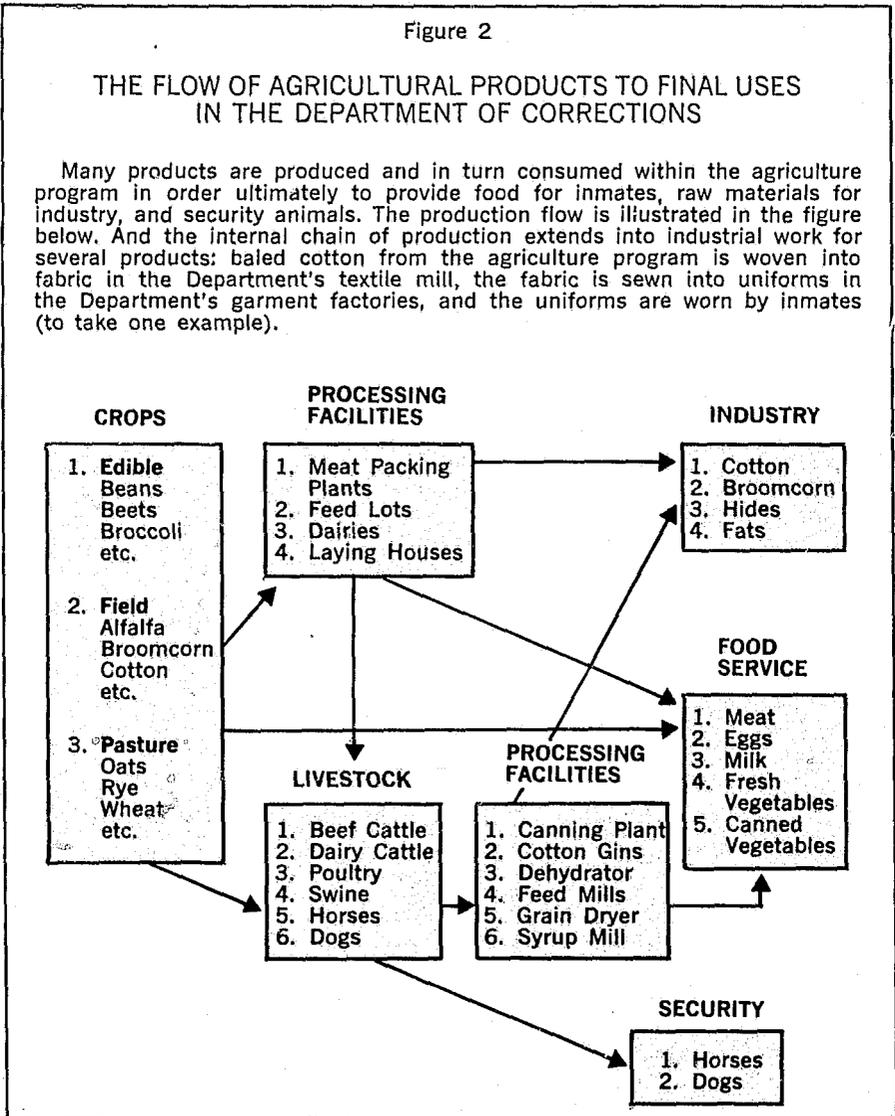
dards on which prison operations are based. The Legislature appropriates capital funds to the Department in (1) itemized Building-Program appropriations for major projects, (2) capital-outlay accounts within itemized operating appropriations, and (3) riders controlling special-purpose funds.

The Department has well-defined internal authorization processes for construction work; allocations for purchase of equipment and other assets are retained within operating appropriations items, with spending controlled accordingly. Transfers are sometimes necessary to meet capital requirements, just as in the operating areas discussed above.

Figure 2

**THE FLOW OF AGRICULTURAL PRODUCTS TO FINAL USES
IN THE DEPARTMENT OF CORRECTIONS**

Many products are produced and in turn consumed within the agriculture program in order ultimately to provide food for inmates, raw materials for industry, and security animals. The production flow is illustrated in the figure below. And the internal chain of production extends into industrial work for several products; baled cotton from the agriculture program is woven into fabric in the Department's textile mill, the fabric is sewn into uniforms in the Department's garment factories, and the uniforms are worn by inmates (to take one example).



4. *Transferring Funds.*

Within limits, the Department can transfer funds among appropriation accounts to manage its budget. Transfer procedures have to be sound in order to satisfy the population, production, and capital requirements noted above. Two separate appropriation riders authorize the Department to transfer funds—one keyed to population increases, and the other more general in nature. The Department has definite procedures for handling transfers within and among appropriation items.

5. *Analyzing Operating Costs and Returns.*

The tasks discussed thus far are primarily tactical in nature, involving planning and control for the short term. The Department's top management also must focus on long-range issues and alternatives, and to do that it has to analyze the costs and returns of current operations. The Department employs three kinds of cost/benefit measures for various purposes:

- Cost per inmate/day.* The principal cost measure for any institutional program is the cost of maintaining a resident for one day. The Department derives a General-Revenue operating cost per inmate/day to measure its performance with appropriated funds.
- Cost-avoidance.* The Department holds down actual expenses (and thus appropriations) primarily by avoiding costs through internal production of goods and services. In requesting appropriations, the staff publishes estimates of savings due to inmate labor in agricultural, industrial, and construction programs.
- Profit.* Industrial production for outside sales is financed by the Industrial Revolving Fund, with prices set to earn a return that allows replacement of assets and expansion into new enterprises. Income statements are produced monthly for each industrial operation detailing sales, cost of goods sold, and profit or loss. These statements include goods produced for internal use (and thus for cost-avoidance purposes) as well as for outside sales, and the figures are used mainly to generate annual financial statements.

IV

FOCUSING THE BOARD-STAFF RELATIONSHIP

To meet its legal obligations for control and oversight of the Department, and to appreciate the jobs done by the Director and his staff, the Board of Corrections requires an understanding of the agency's operating strategy and practices, as well as the information necessary for evaluating what is being accomplished. The required understanding and information ought to come systematically in staff reports to the Board.

THE REPORTING CYCLE

One key feature of a sound reporting system is its cyclical nature. The Board must understand and approve *at the beginning* what it is that the Department is trying to accomplish in its various operations. *Periodically* thereafter the Board has to evaluate performance based on those plans and approve major changes in plans and policy. Finally, *after the fact*, the Board should review with the staff the costs and accomplishments of agency operations as a prelude to inauguration of a new cycle.

THE INFORMATION BASE

One other feature is required for sound reporting from staff to Board: information must be presented in forms useful to the Board in fulfilling its responsibilities. The Department's staff produces a great volume of information in planning and controlling operations, requesting funds from the Legislature, reporting to state budgetary and fiscal authorities, as well as reporting to the Board. This information is generated in the forms required by those who use it (e.g., the zero-base budget format for Budget Requests), but it can be useful for other purposes if presented appropriately. Generally, for example, the Board's interest in the staff's work focuses on *areas of managerial responsibility*, and the Board should receive information organized in that fashion.

The following recommendations present a model reporting system which can be used as a basis for improving reports from staff to Board in the Department of Corrections.

OPERATING PLANS— A PREVIEW

Recommendation No .1

Before the start of each fiscal period, the Director and his staff should ensure that the Board understands the nature of activities to be financed by the operating budget it approves. The vehicle for conveying this understanding is an explanation of the Department's operating plans—which link budgeted spending with expected performance.

Operating plans should “flesh-out” the proposed budget, spelling out the objectives (*what* is to be done), methods (*how*), and standards (*how well*) for each agency activity; and summarizing expected spending for both current operations and capital improvements. Plan statements for the various activities should be grouped into areas of managerial responsibility, and the responsible manager ought to explain the plans for activities under his control.

Presenting operating plans in this fashion provides the Board more than a framework for understanding agency operations. It links managerial responsibility to accountability for performance, and it establishes a basis for evaluating actual spending and work accomplishments during the fiscal period.

BIMONTHLY REPORTS— PROGRESS

Recommendation No. 2

At each Regular Meeting of the Board, the Director and his staff should present reports that complement the operating plans laid out before the start of the fiscal period. This bimonthly reporting ought to compare expected with actual spending and performance, and to explain any changes in operating plans that become necessary during the fiscal period. Two kinds of reports are required—financial and substantive.

Financial reports account for spending to carry out the Department's work. They should present the sources from which the Department receives its funds, as well as the activities and purposes to which those funds are applied.

The presentation of financial data also should allow analysis of spending (1) in each area of managerial responsibility and (2) for both current-operating and capital-improvement purposes. Significant transfers among and within appropriation accounts ought to be highlighted for Board approval.

Substantive reports express in narrative or statistical terms the performance of agency activities. It is particularly important that these reports relate the progress of activities integral to the Department's operating strategy, so that the Board obtains a coherent picture of where the agency stands and in what direction it is headed.

For example, the Legislature has set a staffing standard of one Correctional Officer per eleven inmates. Security in prison units depends on maintaining adequate staffing, and the Department has had problems in recruitment and retention (as noted in Part II of this report). Given these factors, the staff should present a concise picture of Correctional Officer status to the Board at each Regular Meeting (Figure 3 illustrates such a report).

ANNUAL REVIEWS—ACCOMPLISHMENTS, COSTS, IMPLICATIONS

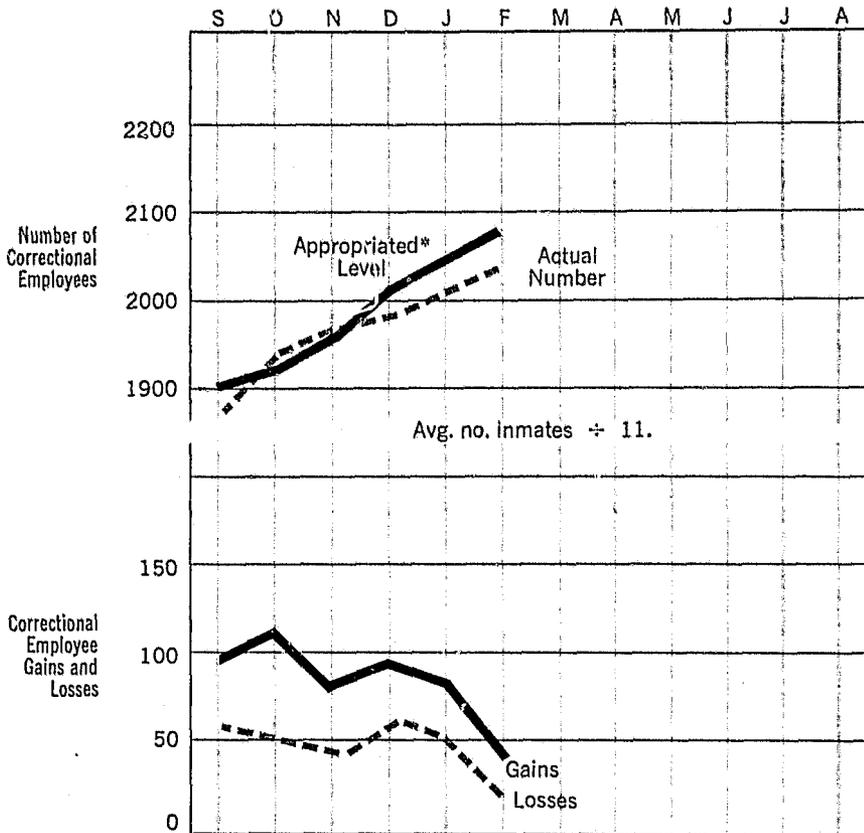
Recommendation No. 3

The Director and his staff should complete the reporting cycle by reviewing with the Board what the Department accomplished during the fiscal period, the costs associated with those accomplishments, and the implications of performance and other factors for future operating strategies and plans.

Analysis of costs and accomplishments is necessary for evaluating the Department's activities. Knowing how closely actual costs and quantities of agricultural production (for example) compared with budgeted figures, the staff can judge whether adjustments in the budgeting process are required to improve future budgets. In comparing unit costs for shoe production (and other efforts) with unit costs for the same activity in prior years, the staff learns why the Department's expenses are rising and can judge whether economies are possible.

The staff should add to such performance indicators its assessments of external factors (e.g., inmate population trends and projections) affecting the agency, and then examine the implications for future operating strategies and plans. Would the Department benefit from producing, rather than purchasing, any of the goods and services it now buys—or from purchasing any goods and services currently produced? In what areas is capital expansion required to create the capacity needed for projected inmate population? In which operating areas should the agency economize to be more efficient, and what operations ought to expand for the same reason? By addressing such issues with the Board, the staff lays the groundwork for long-range planning.

FIGURE 3
CORRECTIONAL OFFICER STATUS, LAST DAY OF MONTH, FY 1978.



THE BIENNIAL BUDGET REQUEST—LOOKING AHEAD

The biennial budget request submitted by the Department to state budget authorities is in effect a three-year plan for the agency: it presents the operating budget for the coming fiscal year (based on current appropriations from the Legislature), and it forecasts requirements for the two fiscal years following that. A reporting system such as the one just described develops the information and perspectives needed to prepare, and justify, such a "long-range plan." It enables the staff to estimate needs as accurately as possible and to generate alternatives to current methods of operation when needed. Just as important, it enables the Board to understand the request more fully, to be more knowledgeable in its approval of the document, and to participate more actively in presenting it to state budget authorities and the Legislature.

Part Two

RECRUITMENT AND RETENTION

OF AN

ADEQUATE SECURITY FORCE

I

SETTING A STANDARD FOR SECURITY AND BUDGETING FOR GROWTH

The Texas Department of Corrections is an acknowledged leader among state prison systems. But two closely related personnel problems threaten TDC's ability to maintain that position:

- First, the number of security officers has not kept pace with increases in the inmate population; and
- Second, the Department has not been able to recruit and retain experienced personnel.

SETTING A STANDARD FOR SECURITY

In 1975 TDC operated the Texas prisons with a security force equal to one officer for each ten inmates (compared with a national average for all prisons of one to five), yet Texas was able to maintain a favorable comparison with other states in terms of a low incidence of violence. (*See Chart 1.*) The ability to operate with fewer officers proportionate to the inmate population largely explains why TDC spent \$5.03 per inmate/day contrasted to a national average of \$16.77 in 1975.

Inmate population continued to grow dramatically in 1976 and 1977, but the security staff did not increase proportionately, and the ratio of officers to inmates slipped to one-to-eleven. Even at the lower level escapes from Texas' prisons remained among the lowest in the nation (there were 14 escapes in 1976 and only three in 1977), and there were no major outbreaks of violence to focus attention on TDC security needs. For the 1978-1979 biennium, TDC asked for enough funds to allow a return to the one-to-ten staffing ratio, but the Legislature ignored that request and seized instead upon the 1977 operating level as a standard for incorporation into the appropriation bill.

- Texas' prison population is growing so fast that the ratio of officers to inmates is widening to an "extremely dangerous" 1 to 12.
- "In the last two years the incidence of assault has increased dramatically."
- Additional personnel sought in the agency's budget request must be granted if the balance is to be brought back to the one-to-ten ratio that has been TDC's standard for some years.

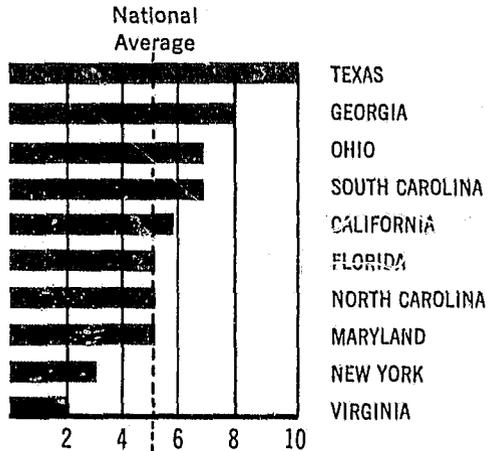
—W. J. Estelle, Jr.
Director TDC
1976

Time and staff limitations for this study did not permit an analysis of the penology aspects of TDC's program which would be required to suggest an appropriate security standard. But between the extremes—a national average of one officer for each five inmates contrasted to an arbitrary one-to-eleven ratio mandated by the Legislature—Texas should be able to establish a reasonable security level that both safeguards inmates and preserves cost efficiency.

Recommendation No. 1

The State's budget officials and the Texas Department of Corrections' staff should jointly examine the Department's need for security officers and recommend a staffing ratio for legislative approval.

Chart 1
**INMATES PER CUSTODIAL OFFICER
 TEN LARGEST STATE PRISON SYSTEMS
 1975**



**BUDGETING
 FOR GROWTH**

There is one further complication in the legislatively mandated security standard: The appropriated funds for the 1978-1979 biennium may not be enough to support even a one-to-eleven security ratio.

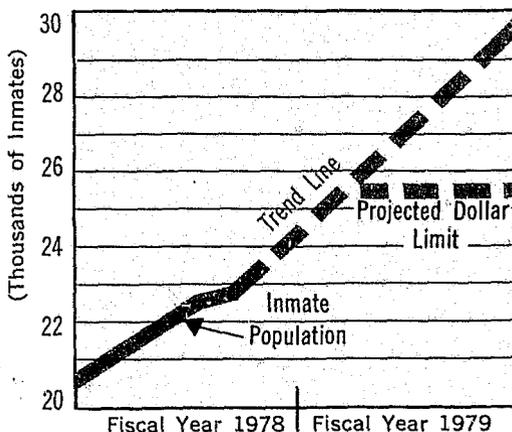
TDC has no control over the number of persons assigned to it for incarceration. The courts decide who will go to prison, and the Board of Pardons and Paroles or the courts decide when inmates are to be released. Budgeting for a custodial agency under those circumstances requires a delicate balance to ensure that enough funds are provided to maintain an effective operating level, but not so much that the agency is not economically efficient.

The Legislature solved the problem realistically for the Department in the 1978-1979 Appropriation Bill by funding a base population with general funds and providing a contingency amount (administered by the Governor) to cover the costs of growth beyond the base. Unfortunately the inmate population growth is exceeding legislative expectations, and—unless that growth trend takes a substantial downward turn—the contingency appropriation will be used up while the number of inmates is still increasing. In fact, if the exist-

ing trend continues, TDC will run out of funds necessary to increase the number of security officers (and keep them on the payroll to the end of the biennium) in September 1978 — eleven months before the end of the current budget cycle. (See Chart 2.) If that happens, the ratio of officers to inmates could reach one-to-thirteen (18 percent above the budgeted level) by the end of fiscal year 1979. The budget concept was sound; the implementation was faulty.

Chart 2

TDC: INMATE POPULATION GROWTH TREND AND PROJECTED GROWTH LIMIT BASED ON APPROPRIATIONS



Recommendation No. 2

A contingency appropriation for a custodial agency such as the Department of Corrections should be set high enough to ensure that whatever population materializes will be maintained adequately.

The Legislature should set a base appropriation for the Department of Corrections below anticipated actual costs, supplemented by a contingency allowance adequate to cover any foreseeable increases in inmate population. Both appropriations should be based on allocated per inmate costs times projected population.

Describing TDC's security responsibility in terms of an overall staffing ratio is misleading in two respects. First, not all correctional officers have duty assignments involving security. For example, in February 1978, five percent of TDC's officers were either in the training academy or were assigned administrative duties away from the prison units (e.g., training officers). If these positions are excluded, the current security staffing is about one officer for each twelve inmates—well above the intended legislative standard of one-to-eleven.

Second, the correctional officers are divided into three eight-hour shifts to provide 24-hour security coverage. Thus, staffing at an overall one-to-eleven level means that, on the average, the ratio actually is one officer for each thirty-three inmates for any given shift. The ratio is lower during working hours when inmates are dispersed into various work assignments and much higher at night when prisoners are confined. During working hours, for example, a field officer supervising a labor force outside the perimeter fence may be responsible for 20 to 30 inmates; but when prisoners are confined at night, one officer may have several hundred to watch.

II

INABILITY TO RECRUIT AND TO RETAIN EXPERIENCED OFFICERS

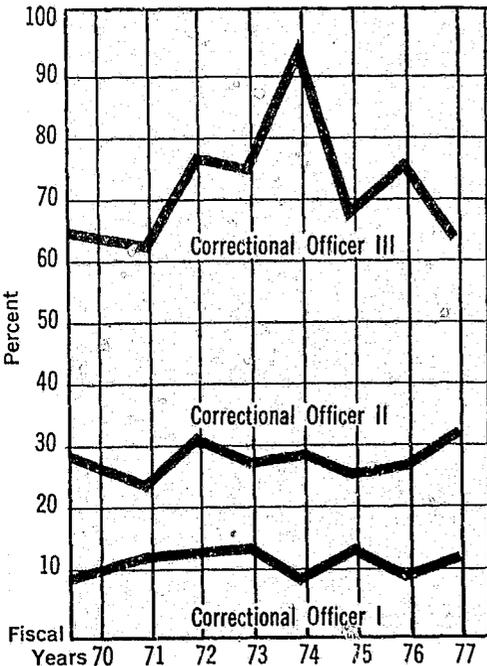
The increasing number of inmates per officer means that the security workload is performed by proportionately fewer people. That problem is compounded by TDC's inability to recruit and retain experienced personnel.

Turnover among the security force runs high (see Chart 3):

- At the entry level (correctional officer I) an annual turnover rate of about 65 percent has been the norm for the last several years, but reached almost 95 percent in fiscal year 1974.
- The correctional officer II classification makes up 80 percent of TDC's security force; turnover at this level ranges between 25 and 30 percent per year.
- At the first supervisory level (correctional officer III) annual turnover is much lower, yet still runs a significant 10 to 15 percent.

Chart 3

TDC: ANNUAL TURNOVER RATES OF CORRECTIONAL OFFICERS I, II, III



But the annual turnover rates do not describe the full magnitude of the recruitment-retention problem. In fiscal year 1977, the Department hired 924 employees and lost 952, while the TDC inmate population continued to climb; there was a net loss of 28 employees for the year.

In the latter part of 1977, the staffing of security positions became so critical that the Department was forced to cut back the officer training academy from a four-week period to two weeks in order to move new recruits into working positions faster.

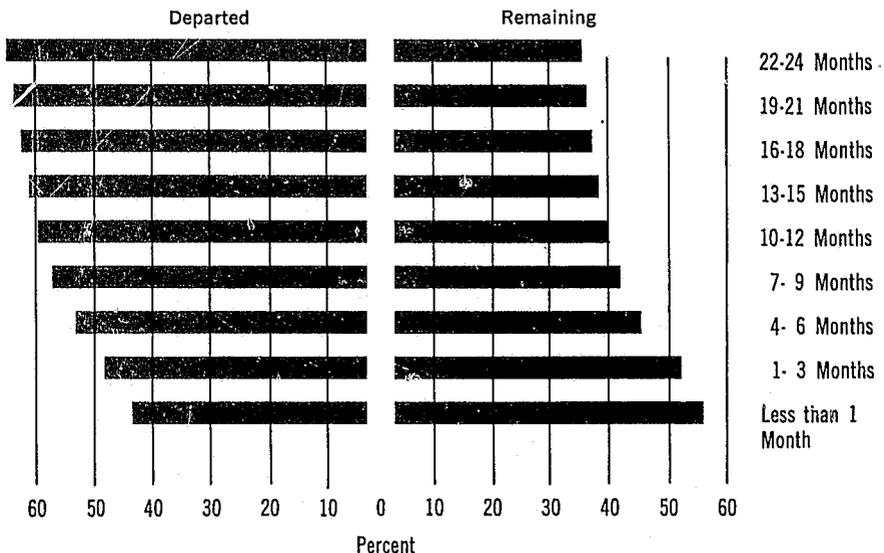
Part of the turnover in TDC's security force is built-in by the fact that the Department employs a number of students,

particularly those enrolled in the criminal justice program at Sam Houston State University in Huntsville. For the student, employment as a correctional officer offers an opportunity to work in a career-related job and to help pay for the cost of obtaining a college education. The Department gains in that the students generally are higher caliber employees than it would attract in the general market. In February 1978, there were 86 correctional officers enrolled as full-time students, and 209 were going to college part-time. Together these groups comprised 14 percent of the security force, and it is generally expected that upon completion of their college work the majority will seek other employment.

But student employment comprises only a small portion of the retention problem. During the 26-month period ending February 1978, the Department hired about 1,800 correctional officers. The attrition among that group depicts the magnitude of the recruitment-retention problem (see Chart 4):

- 44 percent of the officers hired left the Department without completing one month of service;
- At the end of six months, the attrition rate reached 54 percent;
- At the end of one year, attrition was 60 percent; and
- After two years, only 36 officers of each 100 hired remained with the Department.

Chart 4
ATTRITION OF CORRECTIONAL OFFICERS



IMPACT OF PERSONNEL STRAIN

Proportionately fewer officers means the available personnel must work longer and harder to maintain security. Constant high rates of turnover requiring the break-in of new and inexperienced officers adds to the problem.

- TDC's correctional officers, like other state employees, accrue vacation time (at rates ranging from 7 to 14 hours per month depending on length of service), but it is difficult to work out a vacation schedule to permit officers to be away from their job when the agency is short-handed.
- The continuing nature of a prison operation requires that some officers work on designated state holidays and take compensating time off on a day "mutually agreed upon by the employee and his supervisor;" that mutual agreement has been increasingly hard to reach.
- An officer who is required to work longer than the standard 40-hour week is entitled to "compensatory" time to be repaid with equivalent time-off at a later date. That, too, compounds the problem of working out a daily work schedule.

Working short-handed and yet continuing to maintain security has resulted in TDC falling further and further behind in time owed the security staff. (See Chart 5.)

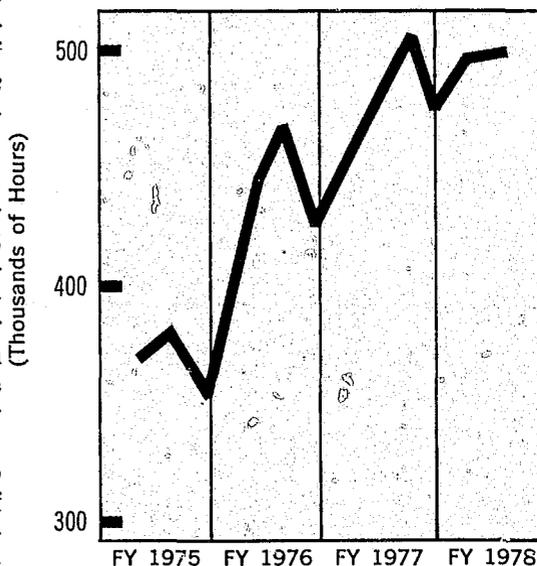
Counting vacation time earned, hours worked on holidays and other time to be repaid, midway through fiscal year 1978 the state owed TDC personnel in excess of 497,000 hours of prospective time off — the equivalent of 270 man-years.

The problem is compounding: understaffing makes scheduling time off more difficult; buildup of accrued time contributes to officer dissatisfaction and turnover; turnover leads to more time lost on training new employees; time lost on training taxes further the existing security force.

The strain on officers also is reflected in the quality of security TDC is able to maintain. In 1970, when TDC operated at an officer-inmate

Chart 5

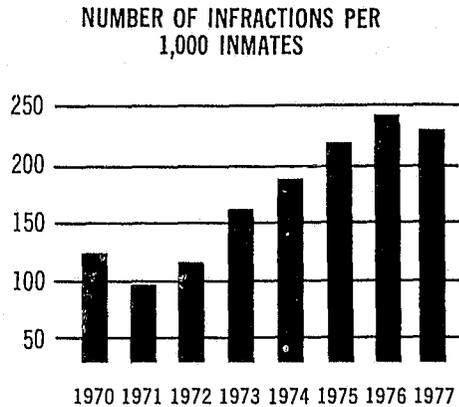
ACCUMULATED LEAVE ENTITLEMENT (Excluding Sick Leave)



ratio of one-to-nine, the incidence of inmate rules infractions was 124 for each 1,000 inmates. In 1977, TDC had one officer for each eleven inmates, and the incidence of rules infractions was 89 percent greater at 234 per 1,000 inmates. (See Chart 6.)

Chart 6

Undoubtedly there is more than one cause for the increase in the rate of rules infractions (for example, the prison units were more crowded in 1977 than they were in 1970), but decreased security resulting from proportionately fewer and less experienced officers likely is a contributing factor.



SALARY LEVELS AND ADVANCEMENT OPPORTUNITIES

During the League study more than 300 officers of the Department's security force (about 15 percent) were questioned, exit interviews of almost 700 former officers were reviewed and 67 persons who refused employment with TDC were contacted. The primary purpose in each instance was to determine the principal causes of TDC's recruitment-retention problem. Taking these three groups together, the dominant factors appear to be salaries and advancement opportunities. There also is other evidence to support that viewpoint.

SALARY LEVELS

In 1978, TDC collected salary data from other state agencies and major county and city law enforcement agencies within Texas. Comparisons were made between job descriptions of the various agencies and those of TDC employees. Although the comparisons were somewhat subjective and do not imply that all facets of the jobs are equivalent,¹ the findings nevertheless are significant.

¹There are also differences in qualification requirements. For example, a Texas highway patrolman must have two years of college, but a TDC correctional officer is required to have a high school education or the equivalent. According to the State Classification Office, the Texas ranking for salary purposes of highway patrolmen first, game wardens second and prison security personnel third is similar to the pattern followed in most states.

The TDC starting salary of \$743 per month is less than the lowest law enforcement agency's starting salary. In addition, TDC salary levels in each rank are lower than those reported by the law enforcement agencies.¹

For example, the \$848 per month paid a correction officer II (the classification of almost 80 percent of TDC's uniformed force) is substantially below the salary level (generally by about 30 percent) paid for comparable jobs in other state, local or federal law enforcement agencies. (See Table 1.)

Table 1
SALARY COMPARISONS FOR POSITIONS
COMPARABLE TO CORRECTIONAL OFFICER II

Fiscal Year 1978

	Monthly Salary	Percent
State Agencies		
Department of Corrections—Correctional Officer II	\$ 848	100.0%
Parks and Wildlife Department— Game Warden I	906	106.8
Department of Public Safety— Patrolman I	1,104	130.2
County Agencies		
Harris County Sheriff's Department	1,075	126.8
Dallas County Sheriff's Department	1,225	144.5
City Agencies		
Houston City Police Department	1,126	132.8
San Antonio City Police Department	1,142	134.7
Dallas City Police Department	1,164	137.3
Federal Agency		
Correctional Officer	1,028	121.2

¹TDC, *A Survey of Personnel and Institutional Data From Selected Criminal Justice Agencies as compared to TDC* (Huntsville: TDC, January 1978), p. 14. The survey also found that the TDC starting salary level (\$743 per month) ranked 18th (ranked from high salary to low salary) among 32 responding out-of-state prison systems.

That salary levels *do* impact TDC's recruitment-retention capabilities is shown by a comparison of turnover rates and percentage salary increases for correctional officer IIs. As *Chart 7* demonstrates, changes in turnover rates are anticipatory of salary levels for the succeeding year. (Note that on *Chart 7* fiscal years of salary increases are slipped back to permit better visual comparisons of the relationship to turnover.)

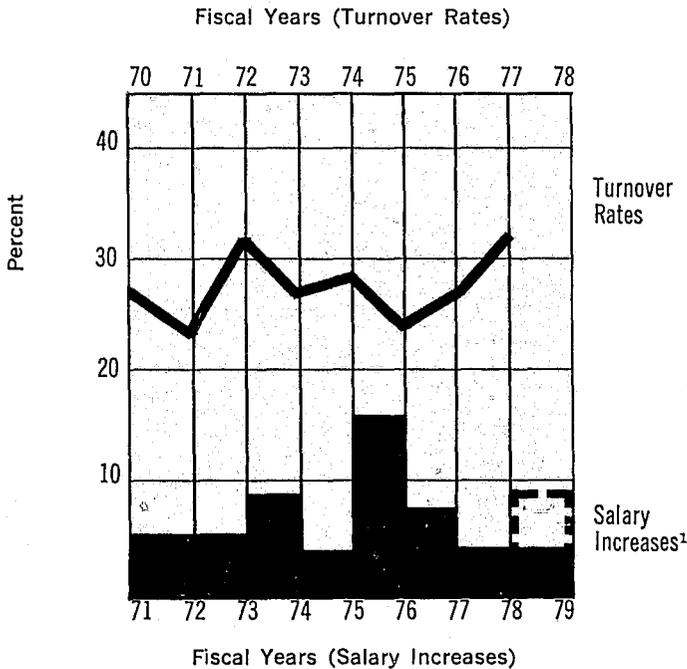
Turnover rates drop in years preceding higher percentage salary increases and rise in each year where the percentage salary increase falls or remains level in the succeeding year.

ADVANCEMENT OPPORTUNITIES

The lack of opportunity for promotion was identified as a second major factor contributing to the recruitment-retention problem—and it is easy to see why. The TDC security force is divided among six job classifications: correctional officer I, the training class; CO II, the dominant position containing

Chart 7

COMPARISON OF TURNOVER RATES AND SALARY INCREASES FOR CORRECTIONAL OFFICER II



almost eight of each ten officers; and four supervisory levels, CO III (informally designated as sergeants), lieutenants, captains, and majors. *Table 2* shows the breakdown of officers by classification.

Table 2

**TEXAS DEPARTMENT OF CORRECTIONS
UNIFORMED SECURITY FORCE**
February 1978

	Number	%	
Correctional Officer I	44	2%	Training Position
Correctional Officer II	1,612	79	
Correctional Officer III ..	226	11	1st Level Supervisor
Lieutenant	99	5	
Captain	43	2	
Major	29	1	
Total	<u>2,053</u>	<u>100%</u>	

Officers in the CO II classification who lack the capabilities for advancement to a supervisory position are in a dead-end job and cannot expect further advancement.

For most that also means little expectation of any significant salary increases other than those across-the-board raises granted by the Legislature to all state employees, plus a nominal increase of \$4 per month for each year of service as "hazardous duty pay" because of the officers direct contact with prison inmates.

In part the salary stalemate is the result of the Texas Legislature's unfortunate approach to a state salary plan. Each state job is assigned to one of twenty salary groups designed to equalize salaries across agency lines for jobs with similar qualifications and responsibilities (CO IIs, for example, are in salary group nine). For each salary group there are eight pay steps, implying to the casual observer that over a period of years an employee (without any advancement in position) might expect seven "merit raises" of about 3.4 percent each occasioned by increased experience and/or improved job performance. But the eight-step salary schedule is largely an illusion because the Legislature *authorizes and funds* merit increases only sporadically. With no mechanism provided for progression along the salary range, the result is that the vast majority of employees never get past salary step one.

For TDC's CO II positions, 70 percent of the employees are at step one of the salary schedule and less than one-half of one percent have progressed to step eight (*See Table 3.*)

Table 3

DISTRIBUTION OF CORRECTION OFFICERS II
BY YEARS OF SERVICE AND SALARY STEP

Years of Service	Salary Step								Per- cent	
	1	2	3	4	5	6	7	8		Total
Less than 1										6.6%
One +										31.7%
Two +										20.1%
Three +										10.0%
Four +										7.6%
Five +										5.3%
Six or More										18.7%
Total	<u>1126</u>	<u>275</u>	<u>74</u>	<u>45</u>	<u>29</u>	<u>40</u>	<u>16</u>	<u>7</u>	<u>1612</u>	<u>100.0%</u>

This means that the 30 CO IIs with six or more years of experience make the same base salary as do the 103 officers with less than one year of service—only the hazardous duty pay of \$4 per month for each year of service separates the two groups.

Even those officers who have the capability to handle supervisory responsibilities might get discouraged by the CO II bottleneck.

The next rung up the ladder from CO II is the CO III classification—the first level supervisor. In the present staffing pattern, there are 1,612 CO IIs and only 226 CO IIIs—a ratio of more than seven-to-one. When a vacancy occurs at the CO III level, competition for promotion is intense. In one recent case there were 30 applicants for one CO III vacancy—29 officers were disappointed.

III

IMPROVING RECRUITMENT AND RETENTION

A NEW SALARY AND PROMOTION PLAN

The TDC administration, together with the State Classification Office, has developed a new salary and promotion plan for security officers which the Legislature will be asked to approve in the 1979 Regular Session. The following changes are proposed:

1. CO I: This would remain as the training position, but new officers would advance to the rank of CO II upon completion of the four-week training academy course rather than staying at the CO I level for six months. This increases the first year's salary of a new recruit by 5.5 percent.¹
2. CO II and CO III: No change, per se, is proposed for these classifications. However, the CO III would no longer be a supervisory position, and many of the present CO IIs would be promoted to the CO III level based on experience and job performance.
3. Sergeant: This would be a new job title for officers now classed as CO IIIs and would be the first level of supervisory responsibility. (CO IIIs already hold the informal title of sergeant.)
4. Lieutenants, Captains, Majors and Assistant Wardens: These classifications would be moved to higher salary groups in order to maintain internal salary relationships with the positions below them.
5. Wardens: The positions of Warden I and II are now used to distinguish between heads of small and large units, but most of the 15 units are about the same size, and the position of Warden I is little used. In the proposed plan there would be only one level of warden.

Table 4 compares the present salary plan with that proposed.

¹The new CO I promotion policy does not require legislative approval, and the Department, after consultation with the State Classification Office, implemented this portion of the new plan in 1978. However, if the new plan is not approved by the Legislature, internal salary relationships and available funding might force TDC to reconsider that advancement policy.

Table 4

COMPARISON OF PRESENT AND PROPOSED

Position	Present Salary Plan		Proposed Salary Plan	
	Salary Group	1979 Amount	Salary Group	1980 Amount*
Warden II	21	\$23,952	21	\$24,768
Warden I	19	21,000	Position Abolished	
Assistant Warden	17	17,832	19	21,720
Major	15	15,624	17	18,420
Captain	14	14,628	15	16,140
Lieutenant	13	13,692	14	15,108
Sergeant	Does Not	Now Exist	13	14,148
Correctional Officer III	11	12,000	11	12,408
Correctional Officer II	9	10,512	9	10,872
Correctional Officer I	7	9,216	7	9,528

*Assuming a one-step increase (3.4%) in the salary schedule for fiscal year 1980.

The cost of the new salary plan will depend on the Department's future staffing pattern and the promotion policy followed with respect to CO IIs and IIIs. The cost estimate shown in *Table 5* is based on the assumptions that the TDC security staff (including wardens) will be 2,335 (a level likely to be reached by the end of the current biennium) and that CO IIs will be promoted to CO III upon completion of two years of service. Also included in the estimate is a one-step across-the-board increase in the state salary schedule in each year of the next biennium.¹ *Under these conditions*, the new salary plan would add \$7.6 million to the TDC security payroll for the 1980-1981 biennium:

¹It is also assumed that the present appropriation bill provisions relating to promotions and salary adjustments will not be changed.

- \$4.9 million would cover the cost of promotions and salary adjustments described earlier; and
- \$2.7 million would be needed to pay for increases in the state salary schedule.

A higher level of staffing at the end of fiscal year 1979, a different promotion policy or an increase in the state salary schedule larger than that assumed would each change the cost estimate. *Further, the cost of additional security officers which might be needed to offset further growth in the inmate population is not included.*

Higher salaries for the backbone of the security staff—those officers now classified as CO IIs—would be one result of the new salary plan. In fact, 72 percent of the cost of promotions and salary adjustments would go to the CO II group. (See Table 6.) But equally important is that the new plan provides a career ladder for correctional officers below the supervisory level.

Table 5

**ESTIMATED COST OF NEW SALARY PLAN
FOR 1980-1981 BIENNIUM**

(Thousands of Dollars)

	<u>1979-80</u>	<u>1980-81</u>	<u>Total</u>
1978-79 Salary Level	\$26,397.5	\$26,397.5	\$52,795.0
Promotions from CO I to CO II	\$ 28.0	\$ 28.0	\$ 56.0
Promotions from CO II to CO III:			
670 in 1979-80	1,433.6	1,478.7	2,912.3
324 in 1980-81		601.2	601.2
Other Salary Adjustments	658.4	682.1	1,340.5
Increase in State Salary Schedule:			
1 Step in 1979-80	894.8	894.8	1,789.6
1 Step in 1980-81		916.2	916.2
Increase in Salary Level	<u>\$ 3,014.8</u>	<u>\$ 4,601.0</u>	<u>\$ 7,615.8</u>
Total	<u>\$29,412.3</u>	<u>\$30,998.5</u>	<u>\$60,410.8</u>

Table 6

DISTRIBUTION OF PROMOTION COSTS AND
SALARY ADJUSTMENTS UNDER NEW SALARY PLAN

(Thousands of Dollars)

1978-79 Position	Amount	Percent
Correctional Officer I	\$ 56.0	1.1%
Correctional Officer II	3,513.5	71.6
Correctional Officer III	772.0	15.7
Lieutenant	198.2	4.0
Captain	92.4	1.9
Major	119.7	2.5
Assistant Warden	126.7	2.6
Warden I	31.5	.6
Warden II	—0—	—
Total	\$4,910.0	100.0%

Recommendation No. 3

The new salary plan developed jointly by TDC and the State Classification Office should be implemented beginning in fiscal year 1980.

Legislative implementation of a consistent policy on "merit raises" which allowed TDC—and all other state agencies—to move employees across the eight-step salary schedule also would improve recruitment and retention.¹

¹The recommendation that "merit raises" be authorized and be funded on a consistent basis has been made by the League in other reports. (See for example, *Quality Texas Government—People Make the Difference.*) Without that consistency state employees will continue to pile up in step one of the salary schedule where little differentiation is made for experience gained through satisfactory job performance.

EMPLOYEE HOUSING

Turnover among TDC employees likely would be even greater but for the provision of a number of emoluments such as uniforms, meals and housing in addition to salary. That the state quarters are in great demand is shown by the long waiting lists for houses at each prison unit and by the overcrowded (five or six officers to each room at some units) dormitories.

Housing for employees is provided primarily as a security measure. In the event of an escape or a major outbreak of violence, the Department needs to be able to mobilize its security force on short notice. The prison units, with the exception of four in the immediate vicinity of Huntsville, are isolated from major population centers, and housing officers and staff on the grounds of each prison unit is a practical security safeguard.

Prison labor is used in the Department's construction program and inmates are taught valuable trade skills which can be used upon release. In addition, building costs are substantially lower than those incurred in the "free world." Lower construction costs result in lower rental charges to employees. That, combined with the convenience in getting to an isolated job location while keeping the employee's family together, is an attractive inducement for officers to remain with the Department.

Recommendation No. 4

TDC should be authorized to provide more officer housing at each prison unit.

Income from the Department's mineral holdings has been used to pay housing construction costs, but the Legislature usually appropriates less than the total receipts available. By the end of fiscal year 1979 the accumulated revenues will exceed \$3 million. The appropriation from that balance of perhaps \$1 million in each year of the 1980-1981 biennium would permit the Department to eliminate overcrowding by expanding the present dormitory facilities and to add additional housing units. Priority attention should be given to the units located in the vicinity of Houston where a tight market makes housing both scarce and expensive, and to units isolated from population centers where other housing is not available.

MONEY NOT THE ONLY SOLUTION

Higher salaries, better promotional prospects that lead to higher salaries and adding other emoluments such as housing, all equate to one thing—more money. Although it is one of the critical factors, money alone is not the sole solution to the TDC recruitment-retention problem. Some people just are not equipped to work with inmates in a prison environment, but they do not find that out until they have tried the job. For others, what appeared to be an attractive new job opportunity turned into a dull routine which was not acceptable.

OFFICER TRAINING

TDC attempts through the training academy program to prepare officers to meet the challenges and responsibilities of their prospective jobs. However, based on the opinions of the present officers, the success of that training may not be great.

Recommendation No. 5

The Department should review the training academy program and seek to improve the curriculum and the capabilities of the instructors.

Two aspects of the academy's role should get priority attention. First, can the program be designed to identify at an early stage those persons who will not stay with the Department? With 44 percent of the officers leaving without completing one month of service, even rudimentary screening might be helpful. Second, can the training be related more directly to actual unit operations? It is this latter point that officers mentioned most often in criticizing the present training program.

In-service training at the unit level is designed in part to fill many of the gaps left uncovered in the academy program. It should continue officer training and keep already developed skills at a high level. Many officers expressed the opinion that the present efforts are inadequate and bear little relationship to the academy program. In part this may result from inattention at the unit level of administration.

Recommendation No. 6

The in-service training program should be reviewed by the TDC administration.

A number of the officers suggested that many of the training materials now used are badly outdated; others suggested that supervision from the training academy personnel would help improve the program.

SUPERVISION AND COMMUNICATIONS

Lack of effective supervision and communications was pointed to by a significant number of officers as being an internal problem contributing in part to the inability to retain security personnel. Many employees question the application of Departmental policies, particularly as related to promotions. That perception may result from officers not understanding those policies. Personnel management has become a sophisticated program that can be improved with supervisory training in dealing and communicating with employees.

Recommendation No. 7

TDC should initiate a training program for supervisors which concentrates on the development of improved personnel management and communication.

A training program for supervisors has been attempted by TDC in the past, but it was abandoned because of security demands created by personnel shortages. Indeed, that is the major impediment to improved personnel management in TDC. Training takes time away from an already shorthanded security force. Screening prospective recruits, while eliminating many people who would not stay with the Department on a long-term basis, also might mean that some of those who would stay would never be given the opportunity. *So long as the Department is operating at a crisis level—forced by circumstances to employ almost anyone who can bodily fill a security post—improvements of this type are difficult to implement.*

If security is allowed to deteriorate to the point that inmates are no longer safe from each other, the Texas prison system may get help from an unwanted source in finding some of the answers to their problems.

IV THE THREAT OF FEDERAL COURT ACTION

Using the U.S. Constitution's prohibition of cruel and unusual punishment (8th Amendment) and the guarantee of equal protection and due process (14th Amendment), the federal courts have taken an active—and often necessary—role in reforming the nation's prison systems. Perhaps the most sweeping example is that of the State of Alabama.

In a suit brought by inmates of the Alabama prison system,¹ evidence supported findings by the court that:

- the prison facilities were dilapidated,
- food service was not sanitary, and
- internal violence was widespread.

In short, the court found the Alabama prisons filthy and unsafe for the inmates. In a lengthy court order, the judge established "Minimum Constitutional Standards for Inmates of Alabama Penal System" which covered virtually every aspect of prison operation. The judge, in effect, took operating control of the Alabama penal system and appointed a 39-member Human Rights Committee to oversee the implementation of the minimum standards. The judge concluded with a warning to Alabama officials:

Let the defendant state officials now be placed on notice that failure to comply with the minimum standards set forth in the order of this Court . . . will necessitate the closing of those several prison facilities herein found to be unfit for human confinement.

The prison facilities operated by the Texas Department of Corrections are unlike those described in Alabama in almost every respect: While some of the TDC buildings are old, none of them are dilapidated and all are in good repair; Texas' prisons are clean, the food is good and served in a sanitary manner; and prisoners remain relatively safe from attack from fellow inmates. Nevertheless, a serious suit has been brought by inmates against the Department. *Ruiz v. Estelle* will be tried in the Fall of 1978 in the Federal District Court (Eastern Texas) with Judge William Wayne Justice presiding.

A ruling in the Ruiz case similar to that in Alabama would increase greatly the cost of maintaining the Texas prison system.

¹*Pugh v. Locke*, 406 F. Supp. 318 (M. D. Ala. 1976). For examples from other states where the federal courts have held conditions in penal institutions unconstitutional, see *Inmates of Suffolk County Jail v. Eisenstadt*, 360 F. Supp. 676 (D. Mass. 1973) Massachusetts; *Collins v. Schoonfield*, 344 F. Supp. 257 (D. Md. 1972) Maryland; *Holt v. Sarver*, 309 F. Supp. 362 (E. D. Ark. 1970) Arkansas; and *Gates v. Collier*, 349 F. Supp. 881 (N. D. Miss. 1972) Mississippi.

For example, the effect of the court order in Alabama was to mandate a security staffing ratio of one officer for each three inmates. Reducing the ratio in Texas to that level (from the one-to-eleven standard set by the Legislature for 1978-1979) likely would treble the present operating costs.

DOING A LOT WITH A LITTLE

Despite a diluted security level mandated by the Legislature, despite the funding problems and despite the inability of the Department to recruit and retain officers in adequate numbers, the Texas Department of Corrections continues to operate what many regard as the best prison system in the nation. The how is apparent: TDC employs a cadre of dedicated people who are willing to work harder and longer to make the system function despite the problems. But it is unrealistic to demand that the security staff continue under the existing pressures. Implementation of the suggestions in this report should help relieve some of the strain.

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