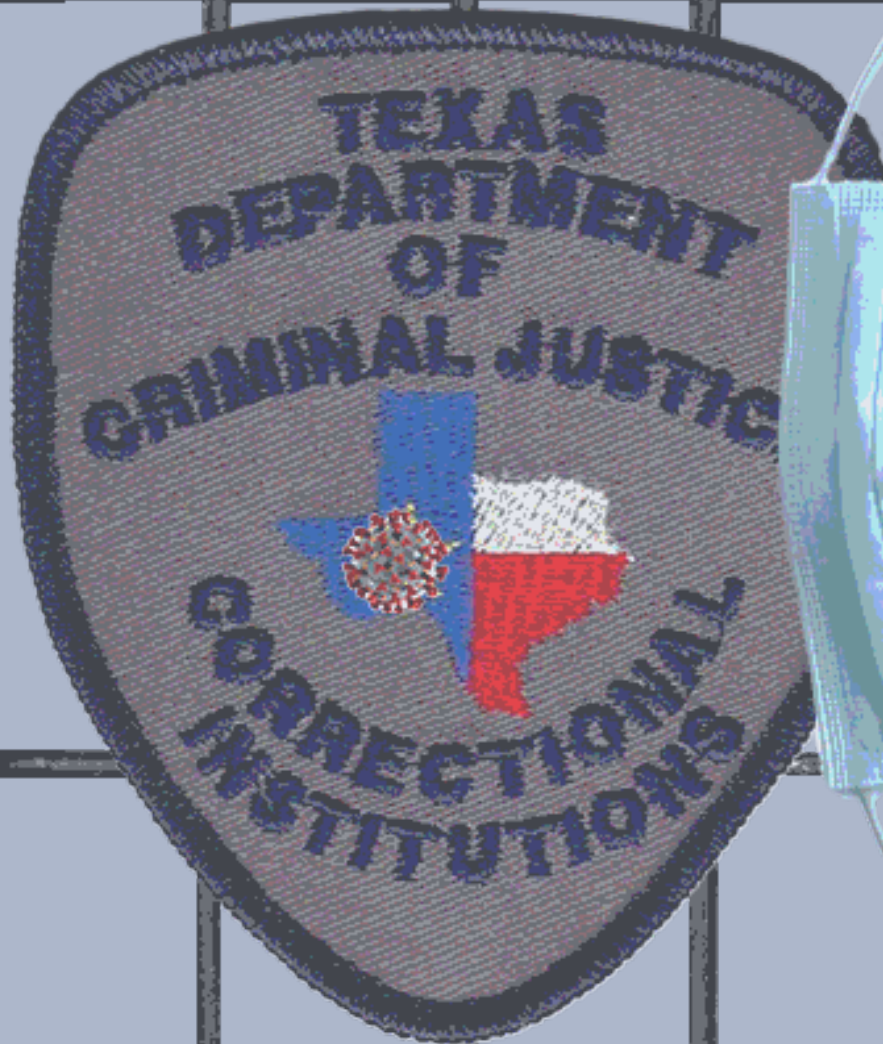


CANARY IN THE COAL MINE: A PROFILE OF STAFF COVID DEATHS IN THE TEXAS PRISON SYSTEM

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I. Introduction	1
II. Key Data Points	2
III. Deaths Among Prison Staff	3
<i>How many TDCJ employees have died from COVID in Texas prisons?</i>	3
Figure 1: TDCJ COVID Deaths Among Prison Staff vs. All TDCJ Employees	3
<i>What positions within TDCJ were held by staff members who died from COVID?</i>	3
Figure 2: TDCJ Staff Deaths by Job Type	4
<i>How has the number of COVID deaths among prison staff changed over time?</i>	4
Figure 3: COVID Deaths Among Texas Prison Staff by Month	4
IV. Deaths and Infections Among TDCJ Prison Staff: A Comparative Analysis	5
<i>How does Texas compare to other jurisdictions with respect to the number of COVID deaths among prison staff?</i>	5
Figure 4: State prison systems with the highest number of COVID deaths among staff	5
<i>How does Texas compare to other jurisdictions with respect to the rate of COVID deaths among prison staff?</i>	5
Figure 5: Staff COVID Deaths per 10,000 Employees in the Country's Largest Prison Systems	6
<i>How does Texas compare to other jurisdictions with respect to the number of COVID infections among prison staff?</i>	6
Figure 6: State prison systems with the highest number of COVID infections among staff	7
<i>How does Texas compare to other jurisdictions with respect to the rate of COVID infections among prison staff?</i>	7
Figure 7: Staff COVID Infections per 10,000 Employees in the Country's Largest Prison System	7
V. Age and Employment Characteristics of TDCJ Staff Who Died From COVID	7
<i>Which facilities have been most impacted by COVID staff deaths?</i>	8
Figure 8: Texas Prisons with the Most Staff COVID Deaths	8
<i>How old are the TDCJ employees who died from COVID?</i>	8
<i>How much correctional experience has been lost due to TDCJ's staff deaths from COVID?</i>	9
VI. Vaccinations and Other Mitigation Strategies	9
<i>What percent of TDCJ employees have been vaccinated against COVID?</i>	9
Figure 9: Percent of TDCJ employees vaccinated against COVID compared to Texas and U.S. Residents aged 12+, as of September 2021	10
<i>How many staff and incarcerated people have received booster shots?</i>	10

<i>What are the vaccination rates in the facilities most impacted by COVID infections?</i>	10
Figure 10: Vaccination rates among staff and incarcerated people in Texas prisons with the largest number of active COVID cases among staff, January 21, 2022	11
<i>How many employee COVID tests has TDCJ performed?</i>	11
<i>How is TDCJ managing other COVID mitigation measures?</i>	12
CDC Study: Vaccines Not Enough to Stop the Spread of COVID in Prisons	13
VII. COVID and Understaffing in TDCJ Facilities	13
<i>How have COVID deaths among TDCJ employees affected understaffing?</i>	13
<i>How have COVID infections affected understaffing?</i>	14
Figure 11: TDCJ facilities with the largest number of active COVID cases among staff, January 21, 2022, by correctional officer staffing level	14
<i>How does understaffing exacerbated by COVID impact conditions in Texas prisons?</i>	15
<i>What has been the impact of COVID deaths and understaffing on the morale of co-workers?</i>	15
VIII. Implications for People Incarcerated in TDCJ	16
<i>What information is available about how COVID is impacting people incarcerated in TDCJ facilities?</i>	16
<i>What do staff deaths and infections tell us about the impact of COVID on people incarcerated in Texas prisons?</i>	16
IX. Recommendations	17
<i>Texas justice system stakeholders, including the Parole Board, the Governor, and the Legislature, should use all their available authority to immediately reduce the number of people incarcerated in Texas prisons.</i>	17
<i>TDCJ should continue to require masks and take other precautionary measures even in facilities with more than a 70% vaccination rate.</i>	17
<i>TDCJ should immediately resume reporting data about COVID deaths of incarcerated people.</i>	18
<i>TDCJ should report data about booster shots among staff and incarcerated people.</i>	18
X. Conclusion	18
XI. Methodology	19

I. Introduction

Over 900,000 people in the U.S. have died from COVID since the onset of the pandemic.¹ Texas alone has lost over 80,000 lives to the virus.² While it is clear that COVID has wreaked havoc on Texas, there is extremely limited data available on the impact that COVID has had in Texas prisons and jails since the beginning of 2021, even though unsanitary conditions, poor ventilation, and the inability to socially distance make prisons especially vulnerable to COVID outbreaks. There is still not comprehensive data available on the toll that the Delta variant surge in the Summer of 2021 had behind bars, even though it was one of the deadliest periods of the pandemic for Texas. The limited data makes it more difficult to assess how Texas prisons are handling the Omicron surge and how they will weather future COVID variants.

In November 2020, we released a report titled “COVID and Corrections: A Profile of COVID Deaths in Custody in Texas,” which revealed that 190 people incarcerated in Texas prisons had died between the onset of

the pandemic and early October 2020, more than any other state prison system. Since the issuance of that report, the Texas Department of Criminal Justice (TDCJ) stopped releasing almost all data on COVID deaths among incarcerated people. As of the writing of this report in January 2022, the only COVID death data TDCJ regularly updates is the number of staff deaths and details about these staff members.

This brief uses publicly available data from TDCJ, the UCLA Law COVID Behind Bars Data Project, The Marshall Project, and the Texas Justice Initiative (TJI)³ about COVID deaths and infections of TDCJ staff to assess the impact that the virus is continuing to have on Texas prisons and state jails. Our analysis primarily focuses on the deaths of employees who work in TDCJ prisons (as opposed to central administration or parole offices),⁴ particularly the custodial staff, such as correctional officers, lieutenants, and sergeants, who have direct supervisory responsibilities for incarcerated people.

¹ “Coronavirus in the U.S.: Latest Map and Case Count.” The New York Times. March 3, 2020. Accessed February 22, 2022. <https://www.nytimes.com/interactive/2021/us/covid-cases.html>.

² Ibid.

³ “COVID-19 Updates.” Texas Department of Criminal Justice. Accessed January 31, 2022. <https://www.tdcj.texas.gov/covid-19/index2.html>;

“COVID-19 Fatalities in Texas Prisons and Jails.” Texas Justice Initiative. Accessed February 4, 2022. <https://texasjusticeinitiative.org/publications/covid-deaths-in-texas>;

“COVID-19 Updates.” Texas Department of Criminal Justice. Accessed January 31, 2022. <https://tdem.maps.arcgis.com/apps/dashboards/2ff5d30a425345938e2806eef44c3cbf>;

Sharon Dolovich, Aaron Littman, Kalind Parish, Grace DiLaura, Chase Hommeyer, Michael Everett, Hope Johnson, Neal Marquez, and Erika Tyagi. “UCLA Law Covid-19 Behind Bars Data Project: Jail/Prison Confirmed Cases Dataset.” UCLA Law, 2020. Accessed February 4, 2020. <https://uclacovidbehindbars.org>.

⁴ Incarcerated people also work in Texas prisons; however, due to the limited data available on COVID deaths among people incarcerated in Texas prisons, we do not include them in our counts in this report.

We examine the number of COVID deaths among staff and compare staff death rates in Texas to those in other states' prison agencies; analyze the data to determine a profile of those staff members who have lost their lives to COVID; and discuss the implications of these deaths at a time of record understaffing in Texas prisons.

We also consider what these deaths might reveal about the spread and toll of COVID among people who are incarcerated. Since we do not have data regarding recent COVID deaths among incarcerated people, we may think of staff deaths as the proverbial "canary in the coal mine," warning us that the full impact of COVID in Texas prisons has yet to be fully revealed.

II. Key Data Points

- A total of **78 TDCJ employees have died from COVID**, including 67 prison employees, since the onset of the pandemic. Additionally, 3 health care workers in the prisons have died from the virus.
- With 26 deaths for every 10,000 TDCJ employees, **Texas has the highest rate of staff deaths among the largest prison systems in the country** and the second highest rate of death nationwide. Texas's rate is 3 times the national average for prison staff deaths.
- A total of **13 TDCJ employees died in September 2021** during the surge of Delta variant infections, making it the deadliest month of the pandemic for TDCJ staff.
- The average age of death among those staff who died fell by 7 years since vaccines became available.
- More than half (62%) of all TDCJ staff deaths from COVID have been among custodial staff.
- Since the beginning of the pandemic, TDCJ has **lost over 1,000 years of staff experience** from employees who have died due to COVID, including over 660 years of custodial experience.
- Texas has the highest rate of staff COVID infection of all the country's largest prison systems.
- During the height of the Omicron surge, more than **13.5%** of prison employees had active COVID infections.
- Many of these deaths and high rates of infections occurred in facilities experiencing extreme understaffing, with **vacancy rates of up to 67%**.

III. Deaths Among Prison Staff

How many TDCJ employees have died from COVID in Texas prisons?

TDCJ is a vast agency that oversees not only prisons, but also parole and community supervision. According to our analysis of data from TJI and TDCJ, there have been a total of 78 deaths of TDCJ employees between the onset of the pandemic and January 31, 2022. An additional 3 prison healthcare workers employed by Texas Tech University Health Sciences Center or the University of

Texas Medical Branch have died of COVID since the onset of the pandemic. TDCJ does not count them in their official death toll.⁵

As seen in Figure 1, 67 (85%) of these deaths have been among TDCJ employees who work in prison facilities, as opposed to those employees who work in parole offices or at central TDCJ offices.

**Figure 1: TDCJ COVID Deaths Among Prison Staff vs. All TDCJ Employees
April 6, 2020 - January 31, 2022**



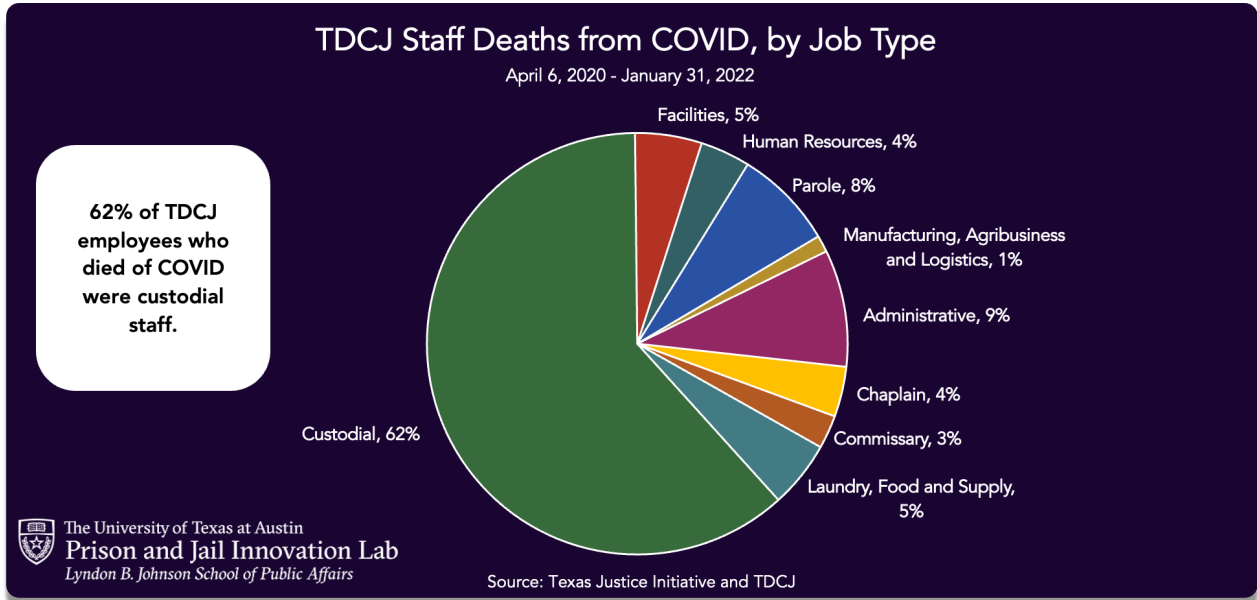
What positions within TDCJ were held by staff members who died from COVID?

Many different staff positions within the agency have been affected by COVID deaths, including human resources, food services, maintenance, and chaplains. But, as seen in Figure 2, 62% of all staff deaths from COVID

have been among custodial staff--the correctional officers, lieutenants, and sergeants who have the most contact with people who are incarcerated.

⁵ Because TDCJ includes people who work in the parole division in the official employee death count, we included them for the sake of consistency. Similarly, because TDCJ doesn't include healthcare workers in their count and our comparative analysis we did not include the three healthcare workers in our calculations.

Figure 2: TDCJ Staff Deaths by Job Type
April 6, 2020 - January 31, 2022



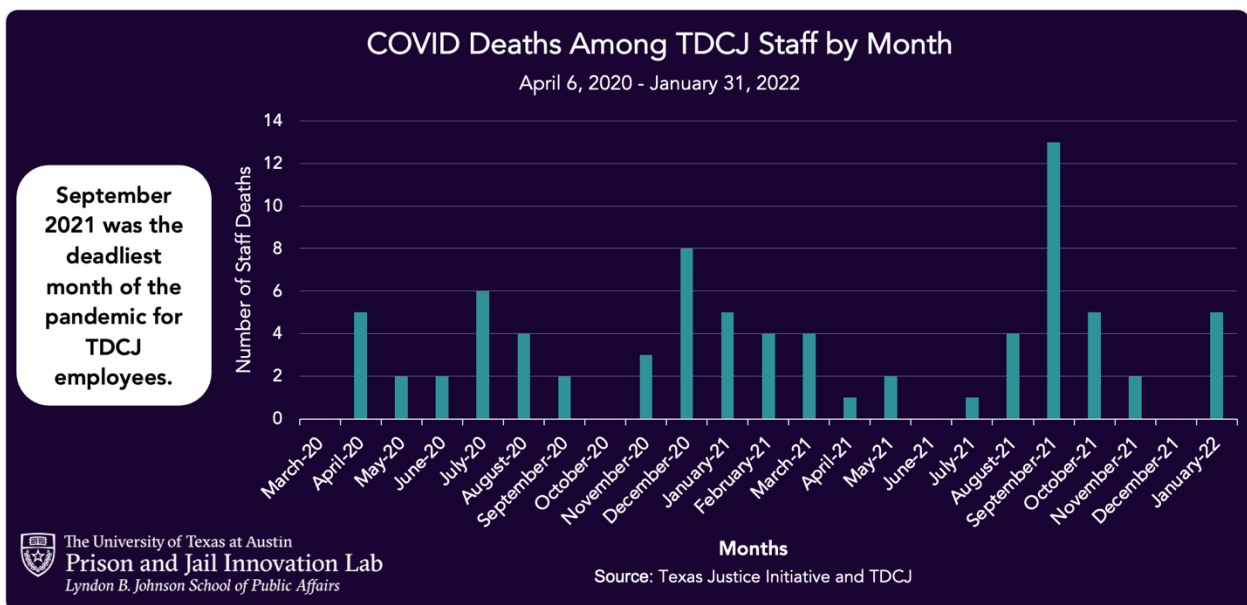
How has the number of COVID deaths among prison staff changed over time?

As in the rest of Texas, the prison system has experienced a number of COVID surges, resulting in spikes in the numbers of staff deaths during these times (in April, July, and December 2020, September 2021, and January 2022), as seen in Figure 3. The

deadliest month of the pandemic for TDCJ staff was September 2021, when 13 employees died. Deaths that month accounted for 1 in 6 of the total number of staff deaths since the start of the pandemic.

The deadliest month of the pandemic for TDCJ staff was September 2021.

Figure 3: COVID Deaths Among Texas Prison Staff by Month
April 6, 2020 - January 31, 2022



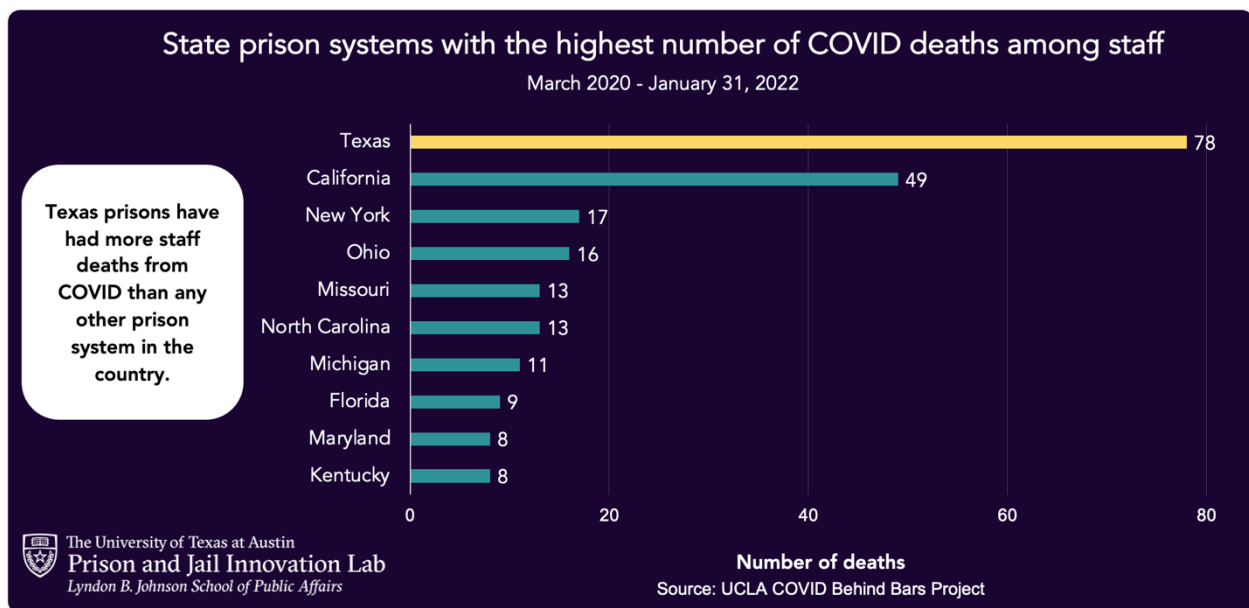
IV. Deaths and Infections Among TDCJ Prison Staff: A Comparative Analysis

How does Texas compare to other jurisdictions with respect to the number of COVID deaths among prison agency staff?

With 78 deaths, TDCJ has had more staff deaths from COVID than any other state prison system in the country. Figure 4 shows

the states with the highest number of staff deaths.⁶

Figure 4: State prison systems with the highest number of COVID deaths among staff March 2020 - January 31, 2022



How does Texas compare to other jurisdictions with respect to the rate of COVID deaths among prison agency staff?

Even if we control for the size of the Texas prison system by looking at rates rather than the total number of deaths, Texas still stands

out as one of the deadliest prison systems for staff during the pandemic.⁷ There have been 26 deaths for every 10,000 TDCJ employees.

⁶ Data on staff COVID infections and deaths in different state prison systems predominantly comes from the UCLA Law COVID Behind Bars Data Project. For more information, see the Methodology section.

⁷ Controlling for population also allows us to control for the fact that states structure their criminal justice systems and COVID data dashboards differently. There are slight variations in which staff deaths each prison system publicly reports. Therefore, the total number of deaths in one state is not necessarily perfectly comparable with the total number of staff deaths in another. For example, California’s data dashboard does not include deaths of people who work in parole offices, whereas TDCJ data does. (However, Texas still has the highest number of staff deaths, even if we remove parole staff deaths to make it more directly comparable to California).

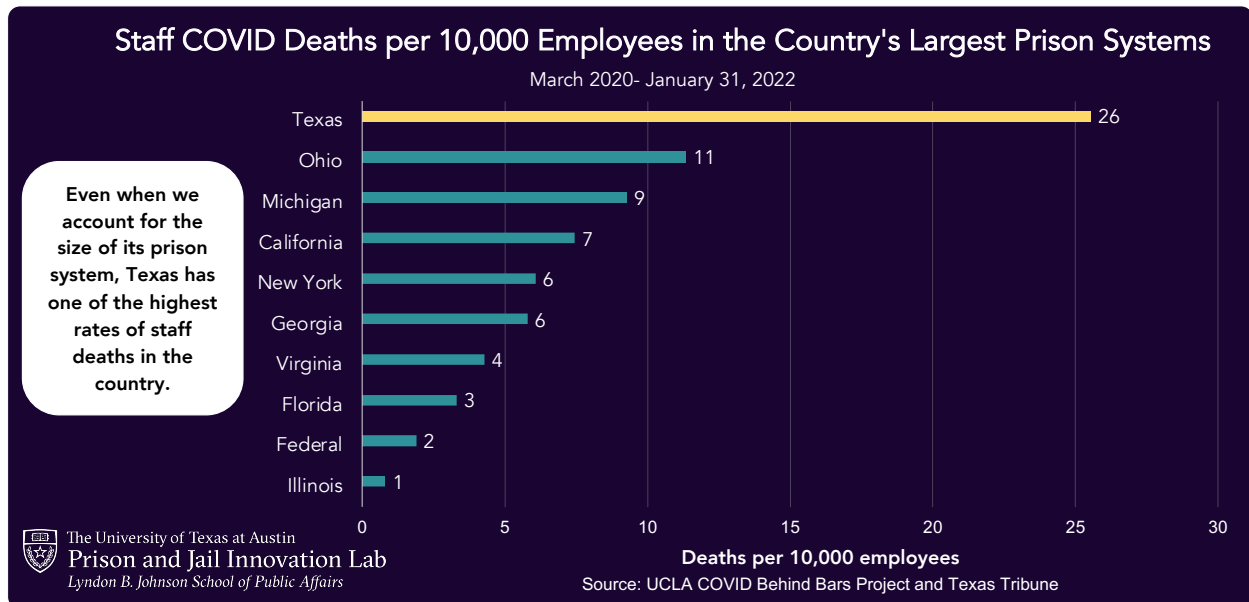
On average, state prisons have lost 7 staff to COVID for every 10,000 employees, making TDCJ's staff death rate more than three times the national average for prison agencies.⁸

Of the 39 prison systems that make data publicly available with respect to staff deaths and total staffing levels, Texas has the second highest rate of staff deaths in the country, just

behind Kentucky. Texas also has the highest rate of staff death from COVID compared to the country's other large prison systems, as seen in Figure 5.

TDCJ's staff death rate is more than three times the national average for prison agencies.

**Figure 5: Staff COVID Deaths per 10,000 Employees in the Country's Largest Prison Systems⁹
March 2020 - January 31, 2022**



How does Texas compare to other jurisdictions with respect to the number of COVID infections among prison staff?

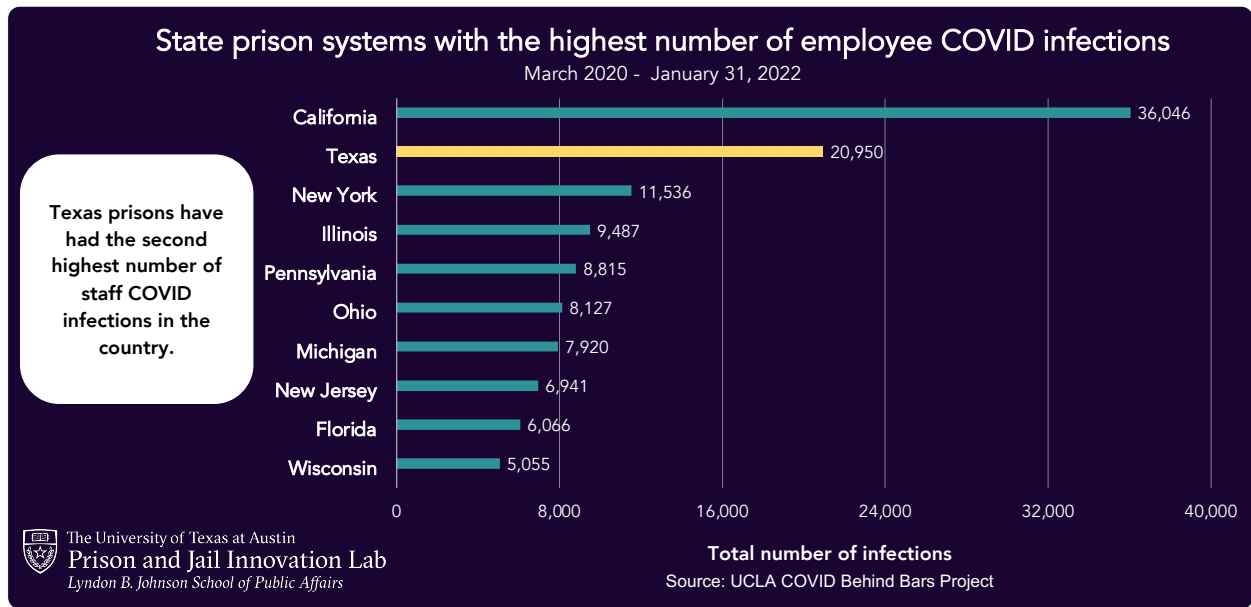
By January 31, 2022, TDCJ had recorded 20,000 positive COVID tests among staff. As seen in Figure 6, only one state, California, has had more positive cases among prison staff. Texas has had about twice as many

infections as New York and Illinois, the states with the next largest number of COVID infections among corrections agency employees.

⁸ The national average was calculated using data from the UCLA Law COVID Behind Bars Data Project.

⁹ Two of the ten largest prison systems, Pennsylvania and Arizona, are not included in this graph because there is no updated data available on how many of their corrections employees have died of COVID.

**Figure 6: State prison systems with the highest number of COVID infections among staff
March 2020 - January 31, 2022**



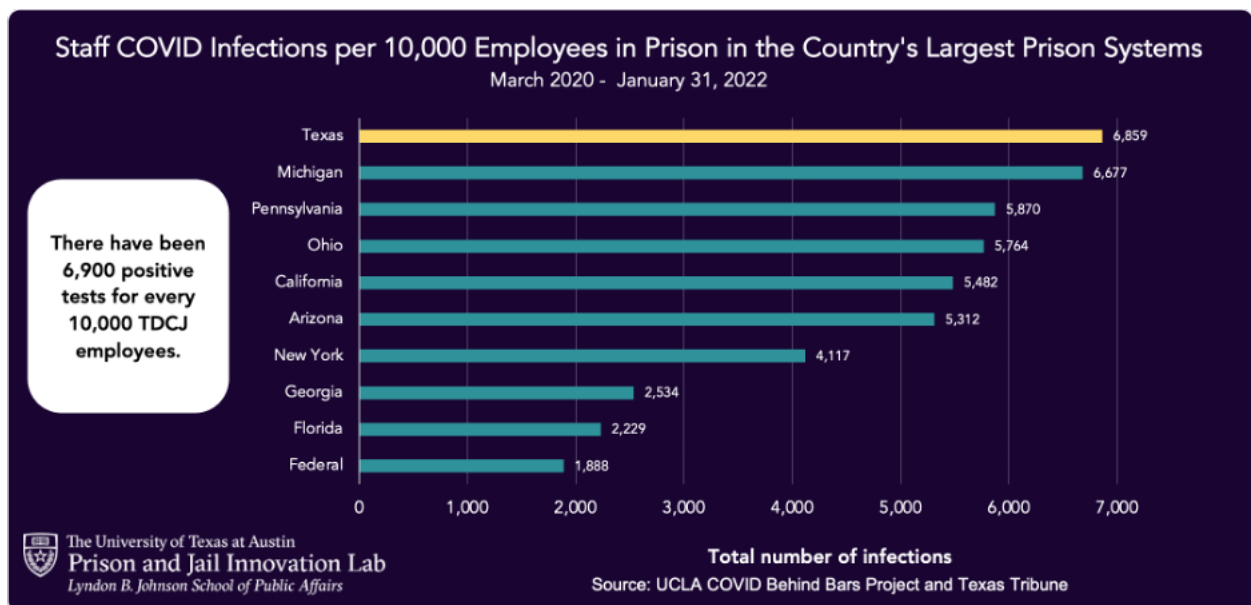
How does Texas compare to other jurisdictions with respect to the rate of COVID infections among prison staff?

Even when controlling for the size of Texas’s prison system, the rate of COVID infection among TDCJ staff is one of the highest in the country. TDCJ has had 6,900 positive COVID tests for every 10,000 employees, well above the average state prison rate of 4,700

positive cases per 10,000 prison employees. As seen in Figure 7, Texas has the highest for staff rate of infection for staff all the country’s largest prison systems.

Texas has the highest rate of infection for staff of all the country’s largest prison systems.

**Figure 7: Staff COVID Infections per 10,000 Employees in the Country's Largest Prison Systems
March 2020 - January 31, 2022**

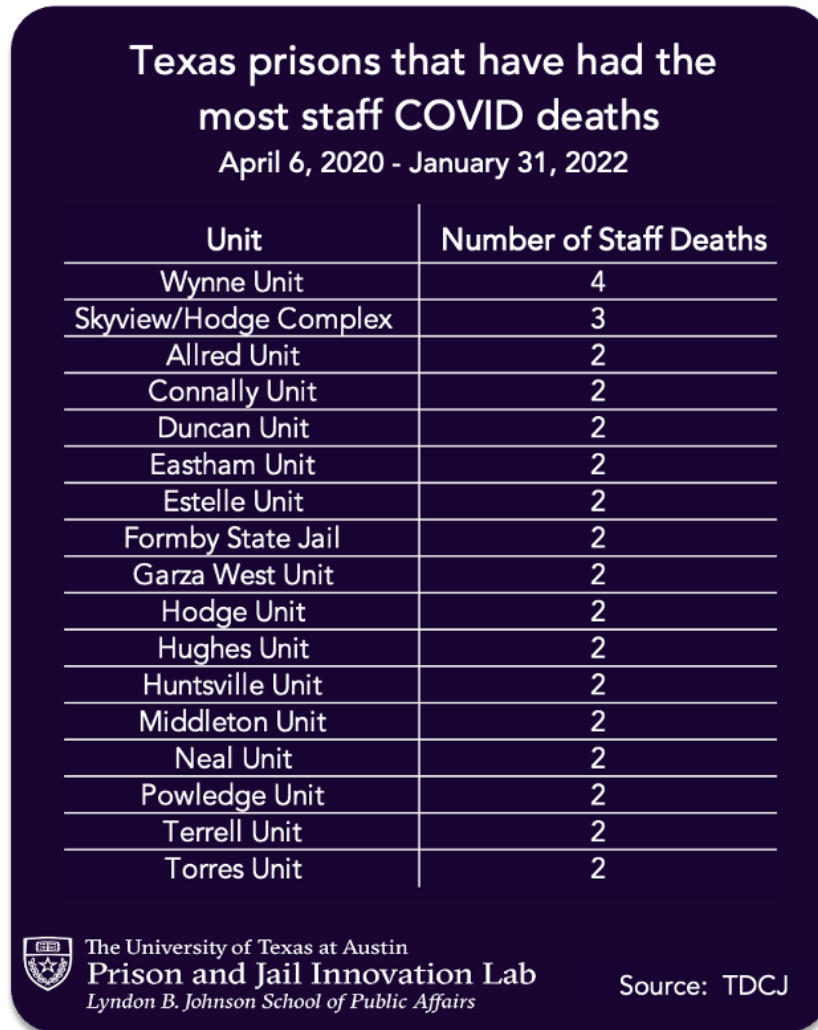


Which facilities have been most impacted by COVID staff deaths?

Over 40 facilities have lost staff to COVID; 17 of these prisons, listed in Figure 8, have reported multiple staff deaths. Together

these 17 prisons account for 47% of all staff deaths. The staff deaths have not been concentrated in any single region.

**Figure 8: Texas Prisons with the Most Staff COVID Deaths
April 6, 2020 - January 31, 2022**



How old are the TDCJ employees who died from COVID?

The average age of death has been declining significantly throughout the pandemic. In 2020, the average age of TDCJ staff who died from COVID was 59 years old. But in the time period since vaccines became widely available to staff members beginning in April

2021, the average age of death has fallen by 7 years to age 52, meaning increasingly younger staff members are falling victim to COVID.

Since vaccines became widely available to TDCJ staff, the average age of death has fallen by 7 years.

How much correctional experience has been lost due to TDCJ's staff deaths from COVID?

TDCJ has collectively lost over 1,020 years of staff experience.

In addition to the human cost of these deaths, TDCJ is losing staff with years of experience with the agency. On average, prison staff who died from COVID had 13 years of experience with the agency. That means TDCJ

has collectively lost over 1,020 years of experience among staff, including 668 years of correctional officer experience. TDCJ has lost heads of departments and highly experienced supervisors. These employees are not easily replaceable, especially in an agency already experiencing high levels of understaffing, as will be discussed below.

VI. Vaccinations and Other Mitigation Strategies

What percent of TDCJ employees have been vaccinated against COVID?

Vaccines are the most powerful tool available to prevent the worst harms from COVID, and 19 states nationwide have implemented vaccine mandates for state employees.¹⁰ Not only has Texas refused to mandate vaccination for state employees, but Governor Greg Abbott has also issued an executive order banning vaccine mandates in the state.¹¹ Without an incentive to get vaccinated, a remarkably low number of TDCJ employees have received the shot. As shown in Figure 9 below, the vaccination rate of TDCJ's correctional staff is well below the national and state averages for the general population.¹²

A union official attributed vaccine hesitancy to poor working conditions, which has led to a distrust of the agency. Union leader Jeff Ormsby was quoted in an article saying that unsafe and challenging working conditions and staff's distrust of the agency contributed to staff hesitancy to get the vaccine.¹³

The most recent data on *agency-wide* vaccination comes from the fall of 2021, although TDCJ does regularly update information about vaccination rates in each facility. As of September 20, 2021, only 47% of TDCJ employees had been vaccinated,¹⁴

¹⁰ "State Efforts to Ban or Enforce COVID-19 Vaccine Mandates and Passports." The National Academy for State Health Policy. October 8, 2021. <https://www.nashp.org/state-lawmakers-submit-bills-to-ban-employer-vaccine-mandates/>.

¹¹ Executive Order 39 of August 25, 2021, Prohibiting Vaccine Mandates In Texas. <https://gov.texas.gov/news/post/governor-abbott-issues-executive-order-39-prohibiting-vaccine-mandates-in-texas>.

¹² "See How Vaccinations Are Going in Your County and State." The New York Times. Accessed September 22, 2021. <https://www.nytimes.com/interactive/2020/us/covid-19-vaccine-doses.html>.

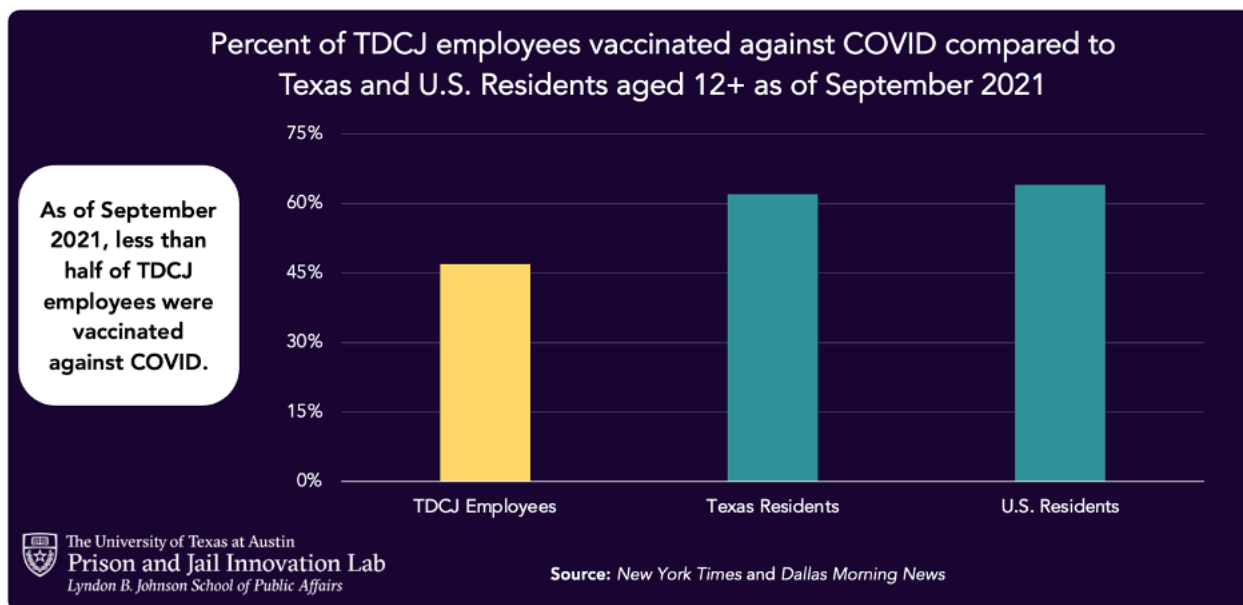
¹³ McGaughy, Lauren. "Prison staff death toll spikes after state relaxes coronavirus precautions behind bars." The Dallas Morning News. October 7, 2021. <https://www.dallasnews.com/news/investigations/2021/10/07/prison-staff-death-toll-spikes-after-state-relaxes-coronavirus-precautions-behind-bars/>.

¹⁴ Ibid.

well below Texas' and the United States' overall vaccination rates at the time. Statewide, 62% of Texans over age 12 were

fully vaccinated in September 2021, compared with 64% of Americans over age 12 nationwide.¹⁵

Figure 9: Percent of TDCJ employees vaccinated against COVID compared to Texas and U.S. Residents aged 12+ as of September 2021



How many staff and incarcerated people have received booster shots?

Troublingly, TDCJ has not released any information about how many staff and incarcerated people have received booster shots, which grant greater protection against COVID than the single dose Johnson & Johnson vaccine and double-dose Moderna and Pfizer vaccines.

According to the CDC, booster shots significantly reduce the likelihood of severe illness from the Omicron variant.¹⁶ Without this data, it is impossible to know the extent to which staff and incarcerated people are protected from the Omicron variant.

What are the vaccination rates in the facilities most impacted by COVID infections?

Facilities with a range of vaccination rates have been impacted by COVID infections.

Staff infections have been concentrated in facilities that have lower vaccination rates.


¹⁵ The New York Times, supra note 12.

¹⁶ Thompson, Mark G., Karthik Natarajan, Stephanie A. Irving, Elizabeth A. Rowley, Eric P. Griggs, Manjusha Gaglani, Nicola P. Klein, et al. "Effectiveness of a Third Dose of mRNA Vaccines Against COVID-19–Associated Emergency Department and Urgent Care Encounters and Hospitalizations Among Adults During Periods of Delta and Omicron Variant Predominance — VISION Network, 10 States, August 2021–January 2022." *Morbidity and Mortality Weekly Report*, ePub: 21 (January 21, 2022). <https://doi.org/http://dx.doi.org/10.15585/mmwr.mm7104e3>.

Figure 10: Vaccination rates among staff and incarcerated people in Texas prisons with the largest number of active COVID cases among staff, January 21, 2022¹⁷

Facility vaccination rates in Texas prisons with the largest number of active COVID cases among staff, January 21, 2022

Unit	Number of Active Cases	Facility Vaccination Rate
Michael	71	64%
Garza West	72	51%
Beto	73	50%
Robertson	73	56%
Huntsville	74	Over 70%
Mt. View	74	Over 70%
Wainwright	76	59%
Clements	83	54%
Montford	88	59%
Wynne	108	63%
Polunsky	110	Over 70%
Estelle	122	62%
Allred	125	64%
Hughes	138	Over 70%


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Source: TDCJ

How many employee COVID tests has TDCJ performed?

As of January 21, 2022, TDCJ has performed 381,566 employee COVID tests. Since the agency has 30,500 employees,¹⁸ the data shows that, on average, each TDCJ employee has been tested just 12 times since the beginning of the pandemic.

Moreover, TDCJ does not appear to have amped up testing in response to the Omicron variant, even though testing can play a key role in limiting the spread of COVID. In late September, after the Delta variant had peaked and before the Omicron variant

¹⁷ Vaccination rates, testing data, and current infections are all from the TDCJ data dashboard, which presents point in time data. All such data are from January 21, 2022. Texas Department of Criminal Justice, *supra* note 3.

¹⁸ Texas Department of Criminal Justice | Texas Tribune Government Salaries Explorer." The Texas Tribune. 2021. January 1, 2021. Accessed January 21, 2022. <https://salaries.texastribune.org/departments/texas-department-of-criminal-justice/>.

emerged, TDCJ had performed an average of 16,800 tests per month. And since September, the agency has averaged a remarkably similar number of tests, 16,100,

despite the emergence of the highly contagious Omicron variant. Experts have urged increased testing as a critical measure in the effort to slow the spread of Omicron.¹⁹

How is TDCJ managing other COVID mitigation measures?

Despite low vaccination rates in its correctional facilities, TDCJ started rolling back its COVID mitigation measures, including mask requirements and social distancing. As of July 1, 2021, TDCJ has allowed facilities that have reached 70% vaccination rates to return to pre-pandemic operations. TDCJ claims that the “decision has been made in coordination with guidance from the CDC regarding herd immunity and vaccinations.”²⁰ However, there is no public health guidance stating that prisons should return to pre-pandemic measures once 70% of staff and people who are incarcerated get vaccinated.

According to our analysis, at least 5 TDCJ employees have already died in a facility that has reached 70% vaccination and thus returned to pre-pandemic operations. The CDC’s website states that we still do not know how many people need to be vaccinated to achieve herd immunity. Researchers at Emory University, the University of Michigan, and Yale University estimate that at least 85% of the

population needs to be vaccinated to achieve herd immunity.²¹

Dr. Anthony Fauci, Chief Medical Advisor to the President of the United States, has argued that people should move away from the concept of herd immunity. He argues that although researchers have estimated that 70% to 85% of people need to get vaccinated in order to achieve herd immunity, we still do not know if this is true. Other researchers are even more pessimistic. Sir Andrew Pollard, head of the Oxford Vaccine Group, testified to British lawmakers that the goal of achieving herd immunity was “mythical” given that vaccinated people can still catch the virus.²² Even though a record number of staff died during the Delta variant surge in September 2021 and Omicron cases are surging in early 2022, TDCJ shows no sign of reversing course and reinstating its COVID mitigation measures in all facilities. TDCJ is continuing its pre-pandemic operations, even though the pandemic’s end is far from over.

¹⁹ Michaels, David, Ezekiel J. Emanuel, and Rick A. Bright. “A National Strategy for COVID-19: Testing, Surveillance, and Mitigation Strategies.” *JAMA* 327, no. 3 (2022): 213. <https://doi.org/10.1001/jama.2021.24168>.

²⁰ “TDCJ Connections Newsletter: Mask Requirements Dropped at 10 TDCJ Units.” Texas Department of Criminal Justice. July 2021. https://www.tdcj.texas.gov/connections/-articles/20210700_mask_requirements.html.

²¹ del Rio, Carlos, Preeti N. Malani, and Saad B. Omer. 2021. “Confronting the Delta Variant of SARS-CoV-2, Summer 2021.” *JAMA* 326 (11): 1001. doi:10.1001/jama.2021.14811.

²² “Press Briefing by White House COVID-19 Response Team and Public Health Officials.” The White House. April 12, 2021. <https://www.whitehouse.gov/briefing-room/press-briefings/2021/04/12/press-briefing-by-white-house-covid-19-response-team-and-public-health-officials-27/>; Ellyatt, Holly. “Here’s why herd immunity from Covid is ‘mythical’ with the Delta variant.” CNBC. August 12, 2021. <https://www.cnbc.com/2021/08/12/herd-immunity-is-mythical-with-the-covid-delta-variant-experts-say.html>.

²³ Hagan, Liesl M., David W. McCormick, Christine Lee, Sadia Sleweon, Lavinia Nicolae, Thomas Dixon, and Robert Banta et al. 2021. “Outbreak of SARS-Cov-2 B.1.617.2 (Delta) Variant Infections Among Incarcerated Persons in a

CDC Study: Vaccines Not Enough to Stop the Spread of COVID in Prisons²³

In September 2021, the CDC released a study on a Delta variant COVID outbreak in a federal prison in Texas. The study focused on two housing units that had a 79% vaccination rate, but even that was not a high enough rate to stop the spread of COVID through the units. More than 70% of people in the housing units tested positive for COVID, including 70% of vaccinated people.

The study concluded that even when congregate living settings have high vaccination rates, it is vital to maintain mitigation strategies, including testing and masks, to reduce the spread of COVID due to the limited opportunities for social distancing behind bars.

VII. COVID and Understaffing in TDCJ Facilities

How have COVID deaths among TDCJ employees affected understaffing?

Staff deaths due to COVID are exacerbating an understaffing crisis at TDCJ. Texas prisons are currently understaffed by 7,000 correctional officers, meaning 29% of positions are vacant.²⁴ The staffing shortages have been worsening every year: since 2017, Texas has seen a 62% increase in the number of staff vacancies.²⁵ Many prison units in TDCJ have reached unprecedented levels of understaffing.²⁶ In the Telford Unit and the Smith Unit, for example, 67% of correctional officer positions are vacant.²⁷

Many staff who died from COVID worked in facilities that were already dangerously understaffed. For example:

- the Connally Unit has lost 2 staff to COVID, while 58% of correctional officer positions are vacant; and
- the Wynne Unit has lost 4 staff to COVID, while 40% of correctional officer positions are vacant.

While no facility in TDCJ has lost more than 4 employees to COVID, even a small number of deaths can have a serious operational impact on facilities that are already severely understaffed, not to mention a significant impact on staff morale and emotional well-being.

Two Texas prisons are currently facing vacancy rates of 67% for correctional officers.

Federal Prison — Texas, July–August 2021." Morbidity and Mortality Weekly Report. Centers for Disease Control and Prevention. September 24, 2021. p.6. <https://www.cdc.gov/mmwr/volumes/70/wr/mm7038e3.htm>.

²⁴"Summary of Authorized and Filled Positions for Correctional Officers as of November 30, 2021." Texas Department of Criminal Justice via Keri Blakinger. Accessed January 21, 2002. Available at: <https://www.documentcloud.org/documents/21166154-november-2021-tdcj-staffing-report>.

²⁵ McCullough, Jolie. "You're not as safe as you should be.' How understaffing is affecting one Texas prison." The Texas Tribune. May 9, 2018. <https://www.texastribune.org/2018/05/09/understaffing-texas-prisons-telford-maximum-security-prison-timothy-da/>. In November 2017, 3,700 positions out of 26,000 authorized correctional officer positions were vacant. In October 2021, 7,000 correctional officer positions were vacant out of 24,000 authorized positions.

²⁶ Blakinger, Keri, Jamiles Lartey, Beth Schwartzapfel, Mike Sisak, and Christie Thompson. "As Corrections Officers Quit in Droves, Prisons Get Even More Dangerous." The Marshall Project and The Associated Press. November 1, 2021. <https://www.themarshallproject.org/2021/11/01/as-corrections-officers-quit-in-droves-prisons-get-even-more-dangerous>.

²⁷ Texas Department of Criminal Justice, *supra* note 24.

How have COVID infections affected understaffing?

Infections can have an even greater impact on understaffing. When staff become infected with COVID, they have to quarantine for at least 5 days, may require hospitalization, and can face long-term health consequences that can affect their ability to work. And any of their colleagues with whom they have had close contact are also supposed to isolate. On January 21, 2022, there were 4,115 active infections among staff, which amounts to 13.5% of TDCJ's already diminished workforce of 30,500 employees.²⁸

Again, many of these cases were concentrated in facilities that are already

extremely understaffed. For example:

- the Polunsky Unit had 110 active cases while 49% of correctional officer positions were vacant;
- the Beto Unit had 73 active infections while 47% of correctional officer positions were vacant;
- the Clements Unit had 83 active infections while 62% of correctional officer positions were vacant.

On January 21, 2022, 13.5% of TDCJ's already diminished workforce had active infections.

The facilities with 70 or more active cases and their staffing levels are listed in Figure 11.

Figure 11: TDCJ facilities with the largest number of active COVID cases among staff, January 21, 2022, by correctional officer staffing level

TDCJ facilities with the largest number of active COVID cases among staff, January 21, 2022, by correctional officer staffing level

Unit	Number of Active Cases	Percent of C.O. Positions Vacant
Hughes	138	30%
Allred	125	39%
Estelle	122	33%
Polunsky	110	49%
Wynne	108	38%
Montford	88	24%
Clements	83	62%
Wainwright	76	43%
Huntsville	74	26%
Mt. View	74	37%
Beto	73	47%
Robertson	73	44%
Garza West	72	36%
Michael	71	46%

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Source: TDCJ

²⁸ The Texas Tribune, supra note 18.

How does understaffing exacerbated by COVID impact conditions in Texas prisons?

Understaffing this severe can create extremely dangerous conditions for incarcerated people and employees alike. Understaffing affects every aspect of prison operations and negatively impacts the provision of health care, food, visitation, recreation, and other basic necessities behind bars. For example, in 2018, people incarcerated at the Telford Unit, where 35% of correctional officer positions were vacant at that time (now much worse), reported that they were confined to their cells most of their

day, rarely able to go outside, and given small, inadequate sack meals instead of going to the dining hall. Meanwhile, staff reported that they felt unsafe, had to cut corners due to understaffing, and work excessive overtime. And as vacancy rates at the Telford Unit climbed, so did the rate of assaults.²⁹ Understaffing also limits staff's ability to conduct routine supervision of residents, which can increase the risk of violence, misbehavior, and suicides.³⁰

What has been the impact of COVID deaths and understaffing on the morale of co-workers?

It is impossible to ignore the human impact of staff deaths, which can have a ripple effect on current employees. TDCJ staff are grieving the losses of coworkers, friends, and bosses. Personal losses like these can impact employees' sense of safety, wellbeing, and morale at work, further exacerbating the psychological impacts of working in overcrowded facilities.

A recent study of Black female correctional officers at Rikers found that people working in prisons report high rates of stress, burnout, anxiety, and chronic health challenges, which have only been exacerbated by the pandemic.³¹

These grueling and unsafe working conditions can also prompt TDCJ employees to quit their jobs, further exacerbating the understaffing crisis. For example, a November 2021 article by the Marshall Project and AP describes how TDCJ correctional officer Lance Lowry quit his job of 20 years to become a long-haul trucker. As the authors of the article explain, "he couldn't bear the job any longer. Watching friends and coworkers die from COVID, along with dwindling support from his superiors, wore on him." Before the pandemic, he was planning to stay with TDCJ for a few more years, but the pandemic caused him to change his plans.³²

²⁹ McCullough, *supra* note 25.

³⁰ Griffin, Marie L., and John R. Hepburn. "Inmate Misconduct and the Institutional Capacity for Control." *Criminal Justice and Behavior* 40, no. 3 (March 2013): 270–88. <https://doi.org/10.1177/0093854812457920>.

³¹ Martin-Howard S. "COVID-19's Impact on Black, Female Correctional Officers and Justice-Involved Individuals at Rikers Island Jail. *Crime & Delinquency*." February 2022. <https://doi.org/10.1177/00111287211073676>.

³² Blakinger et.al, *supra* note 26.

VIII. Implications for People Incarcerated in TDCJ

What information is available about how COVID is impacting people incarcerated in TDCJ facilities?

Throughout 2020, TDCJ provided almost immediate information about each death in custody due to COVID. That information was shared on social media, as well as on the agency's website. But that welcome level of transparency ended in January 2021, when TDCJ stopped releasing almost all information about COVID deaths among incarcerated people. There are no more social media announcements, and the agency's COVID data dashboard is rarely updated with this information. Moreover, there are long delays before any death is confirmed to be caused by COVID. As of the writing of this report, the most recent "presumed COVID death" listed on TDCJ's website is from October 2021, over four months after the person's death. Even worse, in the past year, TDCJ has taken up to a year to report COVID deaths. For example, on January 14, 2022, TDCJ reported the deaths of five incarcerated people who died in February 2021, nearly a year after their deaths. Thus, we still do not know the true toll of the deadly Delta variant behind bars,

nor can we assess the impact of Omicron. This lack of complete transparency and the lag in information leaves policymakers, public health officials, the media, advocates, researchers, and family members with no way of knowing the toll of the virus' spread behind bars and no way of holding TDCJ accountable.

The Texas Justice Initiative (TJI), an organization that collects data on custodial death reports submitted by the prison agency to the state Office of the Attorney General (OAG), estimates that a total of at least 300 people in TDCJ custody have died from COVID. Even this may be an underestimate, however, as it is unclear if TDCJ is reporting all COVID-related deaths to the OAG. A *New York Times* investigation found that, in Texas, the prison medical committee tasked with examining COVID deaths behind bars sometimes failed to list the virus as a cause of death, even when it was in fact the cause or a major contributing factor.³³

What do staff deaths and infections tell us about the impact of COVID on people incarcerated in Texas prisons?

While we do not know how many people in TDCJ custody have died of COVID, the high rates of staff deaths, especially during the Delta variant surges, suggests that COVID is continuing to have a devastating impact on

people who live and work in Texas prisons. In the absence of transparent, reliable, and immediate information from TDCJ about deaths and infections among incarcerated people, we may think of the data related to

³³ Turcotte, Maura, Rachel Sherman, Rebecca Griesbach, and Ann Hinga Klein. "The Real Toll From Prison Covid Cases May Be Higher Than Reported." *The New York Times*. August 30, 2021. <https://www.nytimes.com/2021/07/07/us/inmates-incarcerated-covid-deaths.html>.

staff deaths and infections as the proverbial canary in the coal mine, warning us that the impact of COVID on people in custody

continues to be an issue that needs immediate attention.

IX. Recommendations

Texas justice system stakeholders, including the Parole Board, the Governor, and the Legislature, should use all their available authority to immediately reduce the number of people incarcerated in Texas prisons.

Since the onset of the pandemic, correctional health experts have urged officials to make every effort to depopulate prisons by releasing low-risk and medically vulnerable people as a high priority. Experts warned that all the distinctive aspects of correctional facilities—confined spaces, poor ventilation, overcrowding, lack of protective equipment, limited space to quarantine, restricted access to healthy foods, populations with underlying health issues, and regular transfers of people in custody—would make these facilities, and their surrounding communities, vulnerable to outbreaks.

The flow of staff in and out of prisons on a daily basis were of particular concern. Staff are at risk of unknowingly bringing the virus into prisons and exposing people who are incarcerated. They are also at risk of contracting the virus while on duty and unknowingly spreading it in their community when they return home after their shift.

TDCJ should continue to require masks and take other precautionary measures even in facilities with more than a 70% vaccination rate.

The Delta and Omicron variants have shown us that the COVID pandemic is far from over. And while vaccinations provide the best protection against COVID currently available and safeguard against most hospitalizations and deaths, they do not necessarily prevent

Reducing the number of people incarcerated in Texas prisons helps protect the people who are released while simultaneously creating smaller populations within correctional institutions, which increases the potential for social distancing in otherwise densely populated spaces. Having fewer people in custody would help protect both incarcerated people and staff, as well as the surrounding communities.

Correctional health and criminal justice experts provided numerous feasible proposals for how to responsibly and safely release those in custody determined to be medically vulnerable, nearing sentence completion, or at low risk of committing new crimes. Stakeholders should review and implement such proposals, prioritizing those that will have the biggest impact immediately.

the transmission of the virus. Prisons are home to many vulnerable individuals who are immunocompromised and with co-morbidities that put them at high risk if they become infected, and social distancing is impossible in many facilities. Even vaccinated

people can become very ill if they contract the virus, and high numbers of infections can severely disrupt operations in a correctional facility. And, as the last two years have amply demonstrated, prison facilities serve as a petri dish for the spread of COVID. Moreover, the number of people who are vaccinated in any given facility is not a fixed number. That figure can change as people transfer from or

move into the facility, so the agency should not rely on a particular unit's 70% vaccination rate as always being correct.

For these reasons, it is essential that TDCJ require masks and take other precautions in all facilities, and avoid any premature loosening of these safety measures.

TDCJ should immediately resume reporting data about COVID deaths of incarcerated people.

Our analysis shows the importance of collecting, tracking, and reporting data relevant to the impact of COVID behind bars, as it allows for a fuller understanding of the toll of the virus and whether mitigation strategies are working. This data can help guide the work of correctional administrators, policy makers, and public health officials, and is also needed by the media, advocates, researchers, and family members of those in custody.

For this reason, deaths of incarcerated people should be reported contemporaneously by TDCJ, and included on the agency's data dashboard. If necessary, these deaths can be reported as "presumed" deaths from COVID so as to avoid any delays in reporting. If staff deaths can be reported immediately, so too can deaths of people who are incarcerated.



If staff deaths can be reported immediately, so too can deaths of people who are incarcerated.

TDCJ should report data about booster shots among staff and incarcerated people.

Booster shots offer the most robust protection against the Omicron variant, yet TDCJ does not report any data on how many vaccinated staff and incarcerated people have received booster shots. It is essential that TDCJ start reporting data on booster

shots on its COVID data dashboard so policy makers, families, advocates, and the media can assess the level of risk that Omicron and future variants present to people who live and work in Texas prisons.

X. Conclusion

TDCJ has stopped its contemporaneous reporting of COVID deaths among people incarcerated in Texas prisons. However, the data the agency is releasing shows that COVID is still having a devastating impact on people who work in Texas prisons, especially

during the Delta variant surge of late summer 2021 and the current Omicron surge. This available data serves as a canary in the coal mine, an early warning sign reminding us that COVID is still having a devastating toll behind bars.

The high number of infections and deaths among TDCJ workers are likely linked to the low vaccination rate among staff, TDCJ's premature rollback of COVID mitigation measures that could help reduce the spread of the virus behind bars, and the increased contagiousness of the Delta and Omicron variants.

In addition to the tragedy that staff members' deaths cause for their families, friends, and colleagues, these fatalities, coupled with the high rate of COVID infections, exacerbate TDCJ's severe understaffing problem. Understaffing can lead to dangerous and inhumane conditions behind bars for both

staff and incarcerated people, and it can also contribute to the spread of the virus as staff shuttle between units to work extra shifts. It also creates a vicious cycle as staff who feel unsafe and overworked are more likely to quit their jobs.

Finally, the spread of COVID in TDCJ facilities has impacted more than just people working and incarcerated in Texas prisons. Outbreaks in Texas prisons can spill over into the community and lead to an increase in overall COVID cases, as visitors and prison staff transmit the virus from prisons into their home communities.³⁴ The spread of COVID behind bars puts all Texans at risk

XI. Methodology

This report compiled publicly available data from TDCJ, the Texas Justice Initiative, the UCLA Law COVID Behind Bars Data Project, and the Marshall Project (via Keri Blakinger). This brief analyzes only TDCJ prison employees; the data does not include those who work in local jails, federal prison facilities, or Immigration and Customs Enforcement (ICE) facilities.

The data on staff deaths primarily comes from the Texas Justice Initiative (TJI). Of the 78 deaths analyzed in this report, 76 come from TJI. We cross-referenced the deaths reported by TJI with deaths listed on TDCJ's website and added two additional deaths to our data set.

The age, facility, profession, and date of death all come from TJI.

We collected data on staff experience levels from TDCJ's announcement of staff deaths. We were able to identify how many years each employee worked for TDCJ for all but one person.

The data on the number of active infections and the vaccination rates come directly from TDCJ's online data dashboard. The data on the total number of TDCJ employees who have tested positive, vaccination rates, and the number of positive cases were collected on January 21, 2022. This number does not include people who work in prisons but who are

³⁴ Hagan, Liesl M., David W. McCormick, Christine Lee, Sadia Sleweon, Lavinia Nicolae, Thomas Dixon, and Robert Banta et al. "Outbreak Of SARS-Cov-2 B.1.617.2 (Delta) Variant Infections Among Incarcerated Persons In A Federal Prison — Texas, July–August 2021." 2021. Morbidity and Mortality Weekly Report. Centers for Disease Control and Prevention. <https://www.cdc.gov/mmwr/volumes/70/wr/mm7038e3.htm>.

employed by other agencies, such as healthcare workers employed by The University of Texas Medical Branch.

Data on staff deaths and infections in other states comes from the UCLA Law COVID Behind Bars Data Project. When we were aware of more recent data on deaths, infections, or staffing levels in TDCJ facilities, we updated the UCLA Law COVID Behind Bars Data Project's data with the most up-to-date Texas numbers. We updated the number of staff deaths with our numbers from TJI and TDCJ. We

updated the number of TDCJ employees with data from the Texas Tribune's Government Salary Explorer.³⁵ And we updated data on the number of positive COVID cases among employees with data from TDCJ's data dashboard.

We also used data on TDCJ staffing levels that was reported by The Marshall Project's Keri Blakinger following her Open Records request to the agency and agency-wide vaccination data collected by Dallas Morning News' Lauren McGaughy.

³⁵ The Texas Tribune, *supra* note 18.