

## The Price of Prison Guard Unions

By Amanda Carey

*Summary: The California Correctional Peace Officers Association (CCPOA) staunchly defends California's tough-on-crime policies, including strict sentencing laws and pro-incarceration policies. But CCPOA also defends its special interest: it protects the collective bargaining power, pay and benefits of prison guards. A small union with 30,000 members, it is also one of the state's most powerful lobby organizations. CCPOA argues for a simple equation: stricter sentencing means more prisoners—and more prison guards. In California the results have been disastrous.*

In 2010, *The Economist* magazine dubbed Don Novey the “most important man in California politics that no one had ever heard of.” A former prison guard, Novey was elected president of the California Correctional Peace Officers Association (CCPOA) in 1980 and held office until 2002. During that time California's prison population exploded and so did the state's hiring of prison guards.

Novey made his union a political powerhouse. Today, California's prison guards union dispenses large amounts of money to political candidates, and it makes contributions to ballot initiatives and endorses or opposes policy proposals that will determine the number, salaries, and benefits of prison guards. Most importantly, the union uses its powerful bully pulpit to instruct California voters about crime and punishment, the two



issues that determine how many prisons the state builds and how many prison guards the state hires and pays.

In 1980 California's inmate population was 24,471. Within three years it grew to 34,640. By 1991, the inmate population stood at 97,309. In 1999 it was 165,166. Between 1990 and 2005 the prison population grew by 73 percent, three times faster than the state's population, reaching a high of 172,000 in 2006.

In recent years news stories of extraordinary prison overcrowding have prompted a reaction from panicked politicians. Governor Arnold Schwarzenegger transferred 10,000

prisoners to private prisons in other states, a move opposed by the CCPOA, and initiated an unpopular early release program. His successor, Governor Edmund G. Brown, Jr. proposes to send lower-level criminals to local jails. And in May the U.S. Supreme Court upheld a federal court order that

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California cut its prison population by up to 46,000 prisoners.

Still, California's tough on crime policies continue to require the incarceration of more criminals. No politician who hopes for a successful career is likely to call for reducing sentences or releasing criminals from prison to prevent overcrowding.

But that's just fine with the prison guards union. From 1980 to 2000, California built 23 new prison facilities. There are now 33 state prisons, not counting federal prisons, county jails and juvenile facilities. To support the increased need for prisoner supervision, the number of prison guards in California has grown from about 5,600 to over 30,000 today. By 2008, state spending on prison facilities, including guards, was \$10 billion, taking up nearly 11.5 percent of the state's general fund. Salaries comprise a big part of prison spending. The base pay for a state prison guard is \$73,728, and by including overtime many guards earn up to \$100,000 annually. A 2006 *Los Angeles Times* investigation found that 6,000 guards were earning more than \$100,000. One lieutenant raked in \$252,570.

Besides generous salaries and benefits, prison guards in California can retire as early

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**Labor Watch** is published by Capital Research Center, a non-partisan education and research organization classified by the IRS as a 501(c)(3) public charity. Reprints are available for \$2.50 prepaid to Capital Research Center.

as age 50. In retirement they are eligible to receive as much as 90 percent of their income: According to the state retirement formula, guards over 50 receive a percentage of their last year's salary equal to three times the number of years worked.

### **Crime and Punishment in America**

The increase in California's prison population has many causes, not least of which is the increase in crime. But in the 1960s, a time of social and civil unrest, fear of crime became a major issue in American politics, which also affected the rate of incarceration. The public began to demand tougher and longer sentences for criminals.

Republican Sen. Barry Goldwater made "crime in the streets" a major issue in presidential politics in 1964. Four years later, Alabama governor George Wallace mixed fear of crime and street rioting with hostility to civil rights and antiwar demonstrations, and even Richard Nixon picked up on the theme of "law and order" as tough-on-crime policies became increasingly popular. Norman Carlson, whom Nixon appointed Director of the Federal Prisons Bureau, declared that prisoner rehabilitation had been tried and failed. He said the U.S. was getting out of the rehabilitation business. The political climate favored incarceration policies regardless of cost, and politicians understood that the being known as "soft on crime" was a death sentence to their aspirations.

Today the Bureau of Labor Statistics estimates that local jails in the U.S. process 13 million people a year, with 800,000 offenders in jail at any one time. State and federal prisons incarcerate an additional 1.6 million people at any one time.

In the 1980s and 1990s the task of housing all these criminals gave rise to a prison industry. By 2000, according to a Justice Department sourcebook, there were 1,668

adult confinement-based correctional facilities nationwide. Eighty-four are federal facilities (eleven are maximum security prisons), and there are 1,320 state and 264 private prison facilities.

As a wave of prison building has spread across the country, state and local officials are competing outright for prisons. Small towns suffering the loss of manufacturing and farming jobs welcome prisons as a way to fuel local economic growth. Before 1980, only 36 percent of America's prisons were located in rural areas or near small towns. But during the 1980s an average of 16 new prisons were built each year in non-metropolitan areas. Prison-building exploded in states like Texas, California and Mississippi.

The competition for prisons has been fierce. Small towns in New York went all out in 1996 when Governor George Pataki proposed to build three new maximum-security prisons. The city fathers of Altamont set aside 100 acres to encourage state planners to locate a facility there, and Antwerp in northern New York applied for federal grants to rebuild its water system to entice the prison builders' interest. In Pennsylvania the state offered to sell the Federal Bureau of Prisons 200 acres of rural farmland for one dollar. Malone, New York, ten miles from the Canadian border, built three prisons. By 2000, twenty percent of the town's population consisted of prisoners and the prisons were flooded with federal money (\$30,000 per prisoner per year, according to one account). Prison guards were among the town's highest paid workers.

In far northeastern California, the town of Susanville (population 18,000), the subject of a 2007 PBS documentary, "Prison Town, USA," hosts three prison complexes. Inmates are half as large as the town's population. In 2012 California will likely spend more on imprisonment than on higher education.

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Meanwhile, prison guards unions have become more and more politically active. Indeed, this spring prison guards joined teachers to protest Wisconsin Governor Scott Walker's attempt to restrict collective bargaining rights and increase public employees' contributions for healthcare and pension benefits.

Almost two thousand miles south and one year before the Wisconsin protests, the Florida Police Benevolence Association (PBA) was targeting Republican gubernatorial candidate Rick Scott. The attack was downright misleading. In an email sent to PBA's 36,000 members, Miami-Dade President John Rivera wrote that Scott had

"vowed to revamp the entire pension system", "reduce benefits" and support "privatization of law enforcement duties", among other things. The union, which had already publicly endorsed Democrat candidate Alex Sink, had a laundry list of grievances against Scott and wanted to convince its members to cause Scott to fall hard at the ballot box. "For those of you that have been planning your future, you will undoubtedly have to re-plan," wrote Rivera in his email.

Later, the union had to publicly walk back its accusations and admit they were less than accurate. Around that same time, PBA state director David Murrell called the spending cuts in Scott's budget proposal "dangerous," and said they would cause early release of

prisoners. Though Rick Scott eventually won the election, it wasn't without the added turmoil of having to fight a smear campaign from the prison guard union.

**Prison Guard Unions: They Care for and Feed Politicians, Not Prisoners**

As the number of prisoners and correctional facilities has exploded, so has the number of prison guards. It is estimated that there are 454,000 prison guards in the U.S., and as their numbers increase so do their salaries. Vocational schools now offer coursework and degrees that can lead to prison guard jobs, and the prison guards unemployment rate is very low.

The median salary of prison guards nationwide is in the mid to high \$30,000 range. But salaries in states like New York and Pennsylvania are in the mid-\$40,000 range and in New Jersey they reach \$60,000. Thanks to their union, salaries are highest for California prison guards.

Today, prison guards are a special interest group just like teachers and other public sector employees. Once regarded as low-skilled and low members of society, correctional officers have joined the ranks of organized labor. Currently the American Federation of State, County and Municipal Employees (AFSCME), for example, represents 62,000 prison guards in states like Illinois, Minnesota and Oregon. The California Correctional Peace Officers Association (CCPOA) represents some 32,000 prison guards.

But as guards at city and county jails, state prisons, and federal penitentiaries continue to unionize, they are actively demanding higher wages and more benefits. They are shedding their old image as brutal “screws” and building a new image as public protectors, one that puts their unions in a position to demand higher compensation.

As public employees prison guards enjoy special advantages. Unlike unionized employees in the private sector, who must reach a collective bargaining agreement with an employer who worries about profits and competitors, prison guard unions negotiate over wages and benefits with government bureaucrats who have little incentive to bargain hard. Prison administrators and—until recently—the politicians who set public policy are unlikely to resist union demands. It’s easier to float a bond issue or raise taxes than resist union demands.

Over time public sector collective bargaining agreements have almost guaranteed high

pay scales, lavish pensions and generous health benefits for prison guards and other public employees. That has left union officials free to spend more of their time (and their members’ money) on lobbying politicians and influencing elections to win even more benefits. The unions even want government employers to automatically deduct union dues from their members’ paychecks, sparing themselves the trouble.

The upshot: Public sector unions wield extraordinary influence over elected officials and the public policies they enact. As City University of New York political scientist Daniel DiSalvo notes in a recent article, “The Trouble with Public Sector Unions” (National Affairs, Fall 2010)

*“When it comes to advancing their interests, public-sector unions have significant advantages over traditional unions. For one thing, using the political process, they can exert far greater influence over their members’ employers — that is, government — than private-sector unions can. Through their extensive political activity, these government-workers’ unions help elect the very politicians who will act as “management” in their contract negotiations — in effect handpicking those who will sit across the bargaining table from them, in a way that workers in a private corporation (like, say, American Airlines or the Washington Post Company) cannot.”*

Moreover, as DiSalvo notes: “It’s important to keep in mind that anything like police or firemen or prison guards...anything where people are putting their lives on the line, that also gives them an advantage over other groups.”

In California, CCPOA has pushed its advantage to the hilt. The union collects from its members monthly dues of about \$80, which raise some \$23 million a year. Of that amount the union “allocates approximately

\$8 million to lobbying,” according to California attorney Tim Kowal. Under President Don Novey, CCPOA created a political action committee (PAC) that spends upwards of a million dollars a year on political campaigns. CCPOA-PAC is the second largest political action committee in California. In the 2000 election CCPOA outspent the California Teachers’ Association with only one-tenth of its membership.

Unlike other labor unions, CCPOA does not automatically side with the Democratic Party. “A lot of protective services tend to be more bipartisan,” DiSalvo notes. Union members who are prison guards or police officers, says DiSalvo, are “more willing to protect their interests by aligning with Democrats or Republicans.” Historically, Republican candidates have tended to capitalize on the “law and order” issue and favored pro-incarceration policies. That “means more work for prison guards...it’s an indisputable fact that when there’s more prisoners for a longer time, there’s more work for prison guards.”

In 1990 CCPOA gave almost \$1 million to Republican gubernatorial candidate Pete Wilson, the largest campaign donation to one candidate in California history. Wilson beat Democrat Dianne Feinstein and went on to serve two terms as Governor. In 1998, the year before he left office, Wilson authorized a 12 percent pay increase for state prison guards while vetoing increases for other state employees.

In 1994 CCPOA contributed \$101,000 to pass Proposition 184, California’s “three strikes” ballot initiative, which puts three-time offenders in jail for lengthy mandatory terms. In 2004 it sunk more than \$1 million in a successful effort to defeat Proposition 66, a measure that would limit the crimes eligible for a life sentence in prison. In 2008

it gave \$1 million to defeat Proposition 5, which would reduce prison sentences for nonviolent drug offenders.

Nonetheless, CCPOA easily supports liberal Democrats when its power is at stake. The union supported the election of Democrat Gray Davis and, in a pay-back gesture, initiated a recall campaign aimed at Republican Arnold Schwarzenegger who had ousted Gray in a recall and later proposed to restructure the state prison system to control costs.

CCPOA reportedly contributed \$2 million to the 2010 election campaign of Democrat Edmund G. “Jerry” Brown. Brown subsequently offered prison guards a new contract that lets them bank all their vacation days and trade them in for cash when they retire. The old contract put an 80 day limit on trade-in vacation time.

The new contract also gives guards an extra \$130 a month for passing certain running and jumping tests to show that they are physically fit. Under the old contract if a guard failed the “bouncing for bucks” tests, as they were called, he had 60 days to retake the tests and pass them. Under the new contract the guard is only required to get an annual medical exam—not pass it—to get the bonus.

There’s no election too local or too small to attract the involvement of California’s prison guards union. In 1998 CCPOA targeted incumbent Kings County district attorney Greg Strickland for defeat because he investigated prison guards for misconduct and prosecuted several for prisoner abuse. CCPOA donated \$30,000 to Strickland’s opponent and sent out flyers implying that if inmates in the county jail could vote, they would vote for Strickland. He lost.

### **The Most Powerful Public Sector Union?**

Decades ago when prison guards first began to form associations for their mutual benefit, they could scarcely imagine how powerful their organizations would become. But with crime on the rise, prisons had to be built. Politicians, contractors and civic boosters figured out that prisons could also drive the growth of local economies. More prisoners meant more federal dollars, and more prisoners meant more corrections officers.

When states permitted unions to organize public employees it was only a matter of time before prison guards joined union ranks. Moreover, it wasn’t long before they realized the power of their bargaining chip. Who wants to take a chance on dangerous criminals escaping because there aren’t enough guards? Who wants to be perceived as being soft on crime? Who will vote against benefits for those who “walk the toughest beat”?

However, despite union lobbying for tougher incarceration policies and generous member benefits, one question needs an answer: What do states and their taxpayers have to show for it? Are crime rates lower?

In 1996 a Pacific Research Institute (PRI) study found that California’s crime rate was twice as high as it was in 1969, and violent crime was on the rise. The report endorsed California’s “tough on crime” policies while noting that the state crime rate was much higher than the rest of the nation. A 2003 PRI report revealed that “California’s violent crime rate remains extremely high, ranked 42nd (1 being lowest crime rate) in the nation, with 622 offenses per 100,000 people.” The report noted that in 2002, California homicides went up by 16 percent, robberies by 9.2 percent, rapes by 3.8 percent and auto theft by 12.7 percent even as more and more criminal offenders were being sentenced to prison.

According to the Bureau of Justice Statistics, the number of prisoners in local jails as well as state and federal prisons in 2009 totaled 2,284,913. Mercatus Center economist Veronique de Rugy observes that the U.S. incarceration rate was from 100 to 200 prisoners per 100,000 people between 1970 and 1980. It soared to 458 per 100,000 in 1990 and 753 per 100,000 in 2008 along with the expansion of prisons and prison guards. Of course, a correlation does not imply causation. Nonetheless, the increasing cost of incarcerating increasing numbers of criminal offenders is worrisome: \$52 billion a year, making corrections the second fastest growing item in state budgets after Medicaid.

When the U.S. Supreme Court ordered the release of up to 46,000 prisoners from California prisons last May, the 5-4 majority said the prisons were, “incompatible with the concept of human dignity.” One might add that the cost of the California prison system is incompatible with state fiscal solvency. As columnist Tim Cavanaugh writes in *Reason* magazine (July 2011), “For years the guards have operated on the principle that there are no strangers, only prisoners who haven’t been incarcerated yet. The state can’t afford that thinking anymore.”

Are prison guards to blame for the system? No. However, they do perpetuate a prison system that resists change, drains funds from state coffers, and further distorts California’s all-too-bizarre politics. Cavanaugh calls the CCPOA the “country’s most powerful union.”

He may be on to something.

**LW**

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# LaborNotes

At a Labor Day rally in Detroit, **Teamsters** chief **James Hoffa** gave us a taste of that lovely liberal tolerance: “The one thing about working people is we like a good fight. And you know what, they’ve got a war, they’ve got a war with us and there is only going to be one winner. It is going to be the workers ... we are going to win that war. ... President Obama, this is your army. We are ready to march ... let’s take these sons of bitches out and give America back to an America where we belong.” We’ve been warned.

From Hoffa’s lips to the ears of the union rank and file, as a months-long dispute between the **International Longshore and Warehouse Union (ILWU)** and **EGT Development**, a grain terminal operator in the Port of Longview in Washington State, finally erupted into violence. On September 8th, reports the *Seattle Times*, “... at least 500 Longshoremen and sympathizers stormed the Port of Longview and broke windows in the guard shack, according to Longview Police Chief **Jim Duscha**. As men wielding baseball bats and crowbars held six guards captive, others cut brake lines on boxcars and dumped grain.” On the same day, hundreds of Longshore workers in Seattle, Tacoma, Everett and Anacortes walked off the job in solidarity. The union is agitating for its right to work the terminal, while EGT maintains that its lease “...did not impose any obligation whatsoever upon EGT to utilize union labor at the terminal, much less obligate EGT to utilize persons who are represented by Local 21 of the International Longshore and Warehouse Union.”

On September 8th, President **Barack Obama** unveiled before a joint session of Congress his new jobs initiative, which in part, “...builds on a program in Georgia that several Republican leaders have highlighted, where people who collect unemployment insurance participate in temporary work as a way to build their skills while they look for a permanent job.” The problem is that the Georgia program Obama touts has been a spectacular failure – In fact, only 14 percent of trainees in that program have subsequently been hired by employers, as success rate “akin to other unemployed Georgians who do not participate in the program,” notes **James Bovard** in the *Wall Street Journal*. Not to mention the fact that, as *Reuters* notes, the unemployment rate in Georgia “stood at 10.1 percent in July and has exceeded the U.S. average for the past 48 months.” This is the model for the President’s jobs bill?

September brought more disheartening economic news, as **Census Bureau** data revealed that the national poverty rate climbed for the third straight year to 15.1 percent in 2010, meaning a record 46 million American lived below the poverty line last year. Meanwhile, Census also reported that median income in America dropped 2.3 percent to \$49,445 per year. To top it all off, **Congressional Budget Office (CBO)** director **Douglas Elmendorf** testified to the Congressional deficit-reduction super committee that unemployment will remain “...close to 9 percent through the end of 2012.”

The **National Labor Relations Board’s (NLRB)** war on **Boeing** is at last provoking some serious legislative blowback: Rep. **Tim Scott** of South Carolina has introduced the *Protecting Jobs from Government Interference Act* (H.R. 2587), which passed the House of Representatives on September 15th. If it becomes law, the *Act* would “prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance.” The *Act* now heads to the Senate, where its prospects are, sadly, not quite as sanguine.