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NATIONAL CIVIL SERVICE LEAGUE, 1825 K STREET, N.W., WASHINGTON, D. C. 20006

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ACQUISITION IS

FINAL REPORT

"INSTITUTES ON AFFIRMATIVE ACTION LEADERSHIP
DEVELOPMENT IN CORRECTIONAL INSTITUTIONS"

Project Sponsored

by

THE NATIONAL INSTITUTE OF CORRECTIONS

(LEAA Discretionary Grant No. 73-ED-99-0025)

SUMMARY/INTRODUCTION

The principal aim of this project was to provide, to those in positions of correctional leadership, training and information with regard to affirmative action.

Specifically, the Seminars were to:

- * increase participants' knowledge of the relevant law and regulations
- * help management understand and internalize LEAA's affirmative action guidelines and other requirements
- * enhance managers' abilities to plan, implement, measure and direct affirmative action
- * improve skills in solving problems and making decisions, in a period of rapid change
- * create an open climate for problem-solving in criminal justice and civil service systems within the States
- * allow administrators to evaluate their systems as to how they are fulfilling their intended purposes
- * monitor changes in systems with respect to racial balance in work forces, and nondiscrimination within service populations.

The Seminars also provided participants--who commented upon it appreciatively--the opportunity to meet, exchange problems and solutions, and thus gain needed perspective on their own situations.

Attainment of these ends entailed more than the conduct of the Seminars themselves. An extensive period of initial preparation included a thorough needs assessment, derived from a brief questionnaire sent to all invitees, as

well as from consultation with persons knowledgeable in the correctional field. Curricula, which were adapted to the corrections setting but based on the National Civil Service League's long experience in aiding public jurisdictions to modernize their personnel systems, were also developed in consultation with a task force of leading corrections officials, including William D. Leeke, South Carolina's Commissioner of Corrections, Anthony Travisono, Executive Director of the American Correctional Association, and Bennett Cooper, former Director of the Ohio Department of Rehabilitation and Corrections.

As part of the preparation for each of the seven regional Seminars held, profiles of 49 state-level adult correctional systems were developed, principally through telephone research. Besides accomplishing its primary aim of helping project faculty to better understand the needs of their prospective audiences, this research provided interesting and suggestive data on the systems examined. Seminar participants also completed evaluation questionnaires at the end of each session, as well as "Individual Action Plan" forms on which they could indicate which sessions were of most value to them, and in what particular areas they intended to act. These forms provided much information, as have the reports of D. A. Stewart Associates, Moorestown, New Jersey, who served as internal project evaluator. Followup questionnaires were sent during the ninth month of the project to all attendees, and on-site interviews were conducted with officials of nine agencies; these too provided significant information. By synthesizing the various findings, it was possible to make some interesting, if tentative, observations on the state of affirmative action in corrections. Among the principal conclusions reached were these:

- * No adult state system has yet attained the goal of having the ethnic distribution of its correctional work force stand in a 70-per-cent ratio to the ethnic distribution of inmate population; most have far to go.
- * Although minorities are not employed in proportion to minority inmates, a limited sub-survey of 12 states found that they were employed in proportion to their numbers in the relevant labor market area.
- * Employment of women in male institutions is a major issue in most systems. Some have taken significant actions, but the employment of women in contact positions is still not extensive.
- * Half of the adult systems surveyed use written tests to hire Correctional Officers; only 40 per cent reported that their tests were validated.
- * There are strong indications that retention and advancement, rather than recruitment, are the areas in which correctional officials most need to, and can, do more.

The extent of information developed through the project's several data gathering efforts proved to be a considerable unexpected benefit. The highly positive responses of participants to evaluation inquiries also proved gratifying, and indicated that adaptation of the League's curricula to the correctional setting has been successful. There is also little doubt that many participants and their systems have been alerted to the need for affirmative action, and to how to go about it.

The short lapse of time between the Seminars and post-session evaluation virtually ensured that evidence of behavioral change would be limited. Even so, followup research did indicate that there were significant changes in some systems in the wake of Seminar attendance.

A target population of 260 top-level administrators--Directors, Deputy Directors and agency EEO Officers--was projected to attend the Seminars. Actual attendance was 175, of whom 140, or 80 per cent, were identified as coming from the target population. In general, where systems directors--the demands on whose time proved enormous--did not attend or could not stay for a full three days, they typically sent a high-level representative with responsibility for EEO, i.e., someone also within the target population.

Sixty-two per cent of the adult correctional authorities invited sent a representative to the Seminars, and youth authorities, state personnel agencies and departments inclusive of corrections divisions responded favorably more than 50 per cent of the time. Only five states failed to send someone to the Seminars; just eight had no or inadequate representation of their adult correctional authority. Given the absence of any mechanism for mandatory attendance, and substantial counter-pressures for attention to other matters, Seminar attendance in fact exceeded all reasonable expectations.

In summary, these Seminars "raised the flag" of affirmative action in corrections, and made it more credible and feasible for a number of systems. The target population was reached, as were most systems. The great majority of participants reacted positively, and many indicated a need and desire for

further assistance. Extensive preliminary, post-session and followup data gathering provided valuable information and insights on the problems and prospects of affirmative action in corrections, and suggested how this initial effort might be followed up.

NARRATIVE

Needs assessment for this project began with acceptance of the contract. Initially, Project Director Curtis M. Graves and National Civil Service League Executive Director Daniel Price consulted a broad range of knowledgeable officials in the correctional field. William D. Leeke, South Carolina's Commissioner of Corrections, Bennett Cooper, former Director of the Ohio Department of Rehabilitation and Corrections and Anthony Travisono, Executive Director of the American Correctional Association, were most prominent among these. Then, in December 1975 and January 1976, core project staff met to set basic program goals and arrive at a division of labor. Those who attended were: Messrs. Graves and Price; Ben T. Adams, head of NCSL's Ohio field office, and former Personnel Director, Ohio Department of Rehabilitation and Corrections; Dr. Charles Dailey, management consultant and project faculty member; and Ed McCarthy, Research and Information Director, National Civil Service League. Bennett Cooper, former Ohio Director of Rehabilitation and Corrections, also joined the December group in an advisory capacity. It was agreed that curricula developed by the National Civil Service League during its many years of experience in affirmative action training and orientation provided a highly suitable base from which to derive curricula for the current Seminars. The principal challenge was to tailor these traditional League curricula to the needs of corrections officials, and to develop additional curricula on the basis of a thorough needs assessment.

To meet this challenge, it was determined to again consult with such leading corrections figures as Commissioner Leeke, Bennett Cooper and Frank A. Hall, Commissioner, Massachusetts Department of Corrections.

Lawrence Bershad, Professor of Law at Seton Hall University, Newark, New Jersey, and former Assistant Commissioner, Vermont Department of Corrections, was also asked to join the project faculty and to help in the development of curricula, especially as regards the application of EEO law to the correctional setting. ACA Executive Director Travisono was also asked to review draft curricula. With his comments and analysis, staff were able to proceed to preparation of actual learning modules.

Initial invitations to the Seminars included a 6-point "Attendee's Questionnaire" which briefly inquired into the EEO/Affirmative Action situation at the addressee's institution, and asked what the prospects relevant interests were. The answers given were of course factored into the development of curricula (See Appendix A).

During the course of the project, National Civil Service League Research Director Ed McCarthy and staff undertook a more extensive research effort to elicit a broad range of information about the adult correctional systems whose officials were invited to the leadership Seminars. Prior to each Seminar, research staff used Washington's extensive library resources to obtain maximum basic information on the various systems. Then a highly structured questionnaire was used to interview knowledgeable officials of the systems by telephone. Cooperation was virtually complete, even though interviews ran, on the average, between 45 minutes and an hour.

The immediate purpose of these interviews was to provide the basis for possible curriculum modifications, and to acquaint project faculty with the institutional peculiarities, problems, particular needs and other features of the systems to be served. The questionnaire used was slightly modified over the course of the project, in light of new information acquired.

It appears in final form in Appendix B, along with the 49 system "profiles" which were supplied to faculty prior to each session.

Research Results

Besides making possible curricula modifications and enhancing project faculty's preparation, this research effort allowed the compilation of some significant, if not always conclusive, data. The virtue of the telephone approach was that it made available large amounts of up-to-date and spontaneously given information, and resulted in vividness of description. Its limitations were that the answers given were inevitably subjective, that the interviewees varied in extent of knowledge of their systems, and that precise figures were not always available.

In September 1976, a mail questionnaire was sent to all previous Seminar attendees. The aims were to update and confirm data obtained during the telephone surveys, and to ascertain whether significant affirmative actions had been taken after attendance at a Seminar. Thirty-seven participants (21 per cent) responded. This limited response did not allow for drawing broad conclusions, but some findings were so pronounced as to allow at least tentative statements, or to confirm the information derived from the telephone surveys (See Appendix C).

In addition to the telephone inquiries and the mail questionnaire, data were also derived from a limited number of on-site interviews during November 1976, and from Evaluation Questionnaires and Individual Action Plan forms completed by Seminar attendees. Again, it is hard to draw broad conclusions from these sources alone (See Appendix D).

At the same time, when all data sources--initial questionnaire, library/telephone research, mail questionnaires, post-session evaluations and action plans, and on-site visits--are correlated, it becomes possible to make some fairly reliable statements with regard to a number of subject areas:

Of minority and female employment, it can be said that

- No adult State system has attained the goal of having the ethnic distribution of its correctional workforce stand in a 70 per cent ratio to the ethnic distribution of inmate population. Of 36 systems for which figures are available, 18 stand in a ratio of from 25 to 50 per cent, with most falling into the lower half of that range. Another 14 jurisdictions stand in less than a 25-per cent ratio.
- Minorities form less than 10 per cent of correctional work forces in 23 systems surveyed by telephone. In three systems, they are more than 40 per cent of the work force. In two of the three, minorities form a large proportion of the relevant labor pool, as well as of inmate population.
- Although minorities are not employed proportionate to the number of minority inmates, a limited sub-survey of 12 states showed that, in those states, they were invariably employed in proportions equal to or exceeding their representation in the relevant labor market areas.
- Employment of women as correctional officers in male institutions is a major issue in most systems, including many with low minority work force and inmate population, and little tradition of affirmative action. Thirty-eight per cent of those interviewed by phone (19) reported having placed women in former male-only positions. However, very few reported assigning women to cell blocks; many cited inmates' rights to privacy as justification. Of those surveyed by mail in September, 20 (54 per cent) reported taking affirmative action to bring women into all-male positions. Three systems initiated such action after Seminar attendance.
- Of those responding to the mail questionnaire, most reported no change, or even a decrease, in percentage of employed minorities and women since attendance at a Seminar. Some 16 per cent did report 1-5 per cent increases in minority employment and 11 per cent said that women employees had increased within that range. One system reported an increase in minority employment in the 6-10 per cent range. At the same time, 41 per cent reported 1-10 per cent increases in minority employment over the past three years, and 33 per cent reported increases in that range for women during the same period.

Of relevant personnel practices, it may be noted that

- Of three adult systems surveyed by telephone, 32 (67 per cent) had an Affirmative Action Officer. Nine of the 32 were part time; five of the nine were Personnel Directors.
- A substantial majority (38, or 78 per cent) of adult systems have an Affirmative Action Plan. Findings of the September mail questionnaire are similar. At least nine systems wrote or revised AAP's after Seminar attendance. These facts, and the interest shown in such plans during the Seminars, suggests that correctional leaders are aware of their needs but are anxious to know how to better meet them.
- Separate EEO grievance mechanisms are far from predominant but their number may be growing. Just 10 systems (21 per cent) surveyed by telephone reported such mechanisms, although another 18 (37 per cent) offer employees access to a human-rights or similar body outside the agency.

Of those responding to the September mail survey, 19 (51 per cent) reported separate EEO mechanisms, and another five (13 per cent) said that such mechanisms were in process of development. Since only two reported setting up such mechanisms since the Seminars, this appears to represent a disparity rather than a development. It may be that respondents defined "separate grievance mechanisms" to include EEO agencies outside the department.
- More than half (28, or 58 per cent) of the adult systems surveyed hire through a State merit system. Very few respondents complained however, that this is an impediment to affirmative action.
- At least 27 adult systems (55 per cent) report some degree of unionization. However, unions were in only two cases reported to have been factors inhibiting affirmative action.
- Fifty per cent (24) of all adult systems surveyed use written tests to hire Correctional Officers. Just 10 systems said that their tests are validated. Thirteen respondents to the September mail questionnaire (35 per cent) reported doing test validation. This response may not include validation done by State merit systems.
- About two-thirds (24) of those surveyed by mail reported using, or planning early use of, innovative EEO techniques. Six of these (25 per cent) reported introducing such techniques after Seminar attendance.
- Goals and timetables have been set by almost two-thirds (22) of the respondents to the September mail questionnaire. Of these, seven (32 per cent) reported setting goals and timetables since Seminar attendance.

- Of those responding to the September mail questionnaire, 27 (73 per cent) did some form of job analysis.
- Some 33 adult systems (67 per cent) surveyed by phone had done outreach recruitment. Of 37 respondents to the September mail questionnaire, 29 (78 per cent) had done outreach for minorities, and 25 (68 per cent) had conducted it for women. Seventeen systems (46 per cent) report doing outreach since Seminar attendance.
- Just 17 (35 per cent) of the adult systems which responded to the phone survey reported having career-ladder or other promotional programs for minorities and women. Eleven respondents to the September mail questionnaire (30 per cent) said they had "promotional programs for minorities and women," and 40 per cent said they had "career ladders" programs.

These facts, plus the high turnover experienced by many systems, suggests that retention and advancement, rather than recruitment, are the areas in which correctional officials most need to, and can, do more.

- Relatively few systems have taken innovative steps to deal with the difficulty of minority recruitment occasioned by the location of major institutions in rural or other areas remote from centers of minority population. Two-thirds (32) of the States surveyed by phone had principal institutions located in such areas, and virtually all systems had some problems in this regard. Seminar faculty suggested resort to extended shifts, to allow commutation by minority personnel, as well as other steps to deal with this somewhat intractable problem; far more needs to be done.
- Eighteen respondents (65 per cent) to the September mail questionnaire reported that personnel in their systems had received training in EEO within the past year or would receive it within two months. Directors and Senior Managers were most likely to receive such training, but line managers and in some instances all employees were apt to have received it as well.
- Eight respondents (21 per cent) to the mail survey reported having trained personnel in the management of change and conflict; two began such training after Seminar attendance.

Commitment to EEO can be measured by the following:

- Over 90 per cent of those surveyed by mail in September reported that their systems had issued a policy statement on EEO. Of these, five (15 per cent) had issued a statement since Seminar attendance.

- Ten Seminar attendees who responded to the mail questionnaire said that subsequent to attendance they had discussed the priority to be given EEO with their subordinates. Thirteen attendees--and there is some overlap between the two groups--said that they had had similar discussions with their superiors. Slightly larger numbers indicated that such discussions had taken place previously. Only four respondents reported no such priority-setting sessions.
- Twenty (54 per cent) of those who responded to the mail questionnaire reported giving greater priority to EEO since attending the Seminars.
- Fear of court action is not a primary motivation in most systems, though court orders have been responsible for considerable EEO progress in some southern systems. Only four adult state systems were found to be under court order concerning EEO matters, and five--including one under court order--have suits pending. One suite involves a charge of reverse discrimination. Both the pre-session telephone surveys and the mail questionnaire reflect this.

Many systems are keenly aware of the desirability of needs assessment.

- Of 37 respondents to the September mail questionnaire, 31 (83 per cent) said they had conducted EEO needs assessments. Seven (23 per cent) conducted their assessments after attending a Seminar. In answer to a subsequent question, 72 per cent said that they had examined the existing personnel system "to identify barriers to affirmative action and potential mechanisms for facilitating EEO."
- Most (33, or 93 per cent) who responded to the mail survey had conducted an ethnic survey of their work forces, and 80 per cent (29) had estimated potential minority hires in the relevant labor market area.
- Twenty-five (68 per cent) of those who responded to the September mail questionnaire felt a need for additional training or technical assistance in affirmative action. Those who expressed a preference included eight who wanted training in "recruitment and retention"; six who wanted coverage of "legal developments"; five who desired unspecified "technical assistance"; and four each who wanted training in "management techniques" or "EEO grievance procedures." At least 16 other topics were mentioned, though less frequently. This is somewhat at variance with the interest in "Affirmative Action Planning" and "Management of Change and Conflict" which manifested itself so markedly in the post-session evaluations, and Individual Action Plan forms.

An interesting, if ambiguous, picture emerges from all of this. The absolute numbers and percentages of minority and female employees, and their lack of distribution up the organizational ladder in most systems, indicate that correctional systems have much to do in the EEO field. Rural locations,

traditionally high turnover and other fairly intractable problems present real difficulties. They also make it easier to rationalize giving EEO less priority than more immediately pressing and basic problems of housing, feeding and disciplining inmates.

Even so, there is statistical evidence of progress, and the cooperation and interest shown by most correctional leaders during this project suggest that they are anxious to act. Many report giving EEO a higher priority after attending a Seminar. Although the most intense focus is on recruiting and hiring minorities, increasing numbers of systems want to know how better to deal with the matter of women in previously all-male jobs. Most systems have apparently done some form of needs assessment, and many have affirmative action plans or have set goals and timetables. At the same time, many correctional leaders are anxious to find better ways of accomplishing EEO. They also frequently express a need for additional training and technical assistance, especially for people farther down the managerial line.

Scheduling and Curricula

Scheduling began at the outset of the project when seven 3-day regional Seminars were scheduled for a 12-month period. Ultimately, eight Seminars were held, the eighth being a makeup session attended by persons who could not get to a regularly scheduled meeting. The original scheduling was also changed in that the session set for April 6-8 at San Jose, California was re-scheduled for September 21-23. This was to allow more preparatory lead time, during which maximal attendance could be solicited. The places and dates of the Seminars held were:

1. Daytona Beach, Florida, March 1-3, 1976
2. Bandera, Texas, April 28-30, 1976

3. Norfolk, Virginia, May 26-28, 1976
4. Oak Brook, Illinois, June 21-23, 1976
5. Hartford, Connecticut, July 20-22, 1976
6. Des Moines, Iowa, August 11-13, 1976
7. San Jose, California, September 21-23, 1976
8. Silver Spring, Maryland, November 10-12, 1976

State groupings, tentatively set at the outset of the project, were modified prior to the first session on the basis of demographic and sociological characteristics, geography and common history or like problems. Naturally, no grouping proved wholly suitable, but experience showed that all were sensibly based; the actual groupings are in Appendix E.

The curricula offered had both informational and "how-to" components. They were modified in three respects early in the program, but otherwise kept their form throughout. A segment on "Understanding Prejudice and Discrimination in our Nation" was eliminated after the second session, when criticisms that it was too elemental persisted. A closing "special interest curriculum" designed to surface and deal with individual needs and problems was dropped as a separate entity but absorbed into other segments of the program. Coverage of affirmative action for inmates was also dropped, simply as a matter of priorities. Participants professed little interest in the subject, and it proved difficult to integrate with other elements of the curricula.

In mature form, a typical Seminar schedule and learning modules appeared as follows:

"INSTITUTE IN AFFIRMATIVE ACTION LEADERSHIP DEVELOPMENT
IN CORRECTIONAL INSTITUTIONS"

DES MOINES, IOWA - AUGUST 11-13, 1976

Sponsored by:
National Institute on Corrections

Conducted by:
The National Civil Service League

In cooperation with:
The American Corrections Association

June 20

7:30 - 9:00 p.m.

-Reception

June 21

8:00 - 9:00 a.m.

-Breakfast (Natoma Room - 2nd Floor)
-Registration

9:00 - 9:30 a.m.

-Orientation & Introduction (Natoma Room)
-Statement of Purpose

Commissioner Robert P. Heyne
Indiana Department of Corrections

Anthony P. Travisono, Executive Director
American Corrections Association

9:30 - 12:00 Noon

"History of Equal Employment Opportunity
Legislation from 1866-1976"
Faculty: Curtis M. Graves, Managing
Associate, National Civil
Service League

12:00 - 1:30 p.m.

-Lunch (Natoma Room)

1:30 - 4:00 p.m.

"Major Court Cases and Rulings Impacting
Upon Equal Employment Opportunity"
Faculty: Attorney Lawrence Bershad
Professor, Seton Hall University

4:00 - 4:30 p.m.

"Obstacles to Affirmative Action"

June 22

8:00 - 9:00 a.m.

All events will be held in Natoma Room
Breakfast

9:00 - 12:00 Noon

"The Managing of Change"
Faculty: Dr. Charles Dailey, President
Biodata, Inc.

June 22 (Cont.)

12:30 - 1:30 p.m.

-Lunch

1:30 - 3:00 p.m.

"Elements of the Affirmative Action
Planning Process"

Faculty: Francine Pegues
Ohio Administration of Justice

Curtis M. Graves, Managing
Associate, National Civil
Service League

3:15 - 4:30 p.m.

"How To Devise and Establish Goals and
Timetables for the Employment of Minorities
and Women in Correctional Careers"

Faculty: Ben T. Adams, Senior Program
Associate, National Civil
Service League

June 23

8:00 - 9:00 a.m.

All events will be held in Natoma Room

-Breakfast

9:00 - 11:00 a.m.

"LEAA Requirements and Reporting Systems"

Faculty: Ben T. Adams
Curtis M. Graves

11:00 - 12:00 Noon

"Building Internal Complaint Mechanisms
Which Surface Racial Problems Before They
Get Out of Hand"

Faculty: Ben T. Adams

12:00 - 1:30 p.m.

Lunch

1:30 - 4:00 p.m.

"Recruitment and Placement of Women and
Minorities in Corrections"

Faculty: Francine Pegues
Ohio Administration of Justice

4:00 p.m.

Adjournment

MODULE I

SUBJECT: "The History of Equal Employment Opportunity Legislation from 1866 to 1975."

- A. A Chronological History and Rationale of Each of the Federal Acts on the Subject.
- B. Background and Rationale for the Various Presidential Executive Orders on the Subject.
- C. Equal Employment Opportunity Act of 1972 and its impact.
- D. State Executive Orders and Laws Passed in Each State in Attendance.

OBJECTIVES:

- A. To list the development of EEO Legislation.
- B. To help attendees identify how the Executive Orders, Federal Regulation and Legislation interface.

METHODOLOGY: Slide presentation with a lecture and programmed guided discussion. See Appendix.

INSTRUCTOR: Curtis M. Graves

ESTIMATED TIME:

2-1/2 hours

MODULE II

SUBJECT:

"Major Court Cases and Rulings Impacting Upon
Equal Employment Opportunity."

- A. Griggs v. Duke Power Co., Carter v. Gallagher,
NAACP v. Allen, Castro v. Beecher, Taylor v. Perini
- B. Proving bonafide occupational qualifications
- C. Abolishment of artificial barriers
- D. Use of test

OBJECTIVES:

- A. To help attendees to identify the law and the
relevant court cases which impact on the field.
- B. To list the most current case law which refine
Title VII and underscore its implications.

METHODOLOGY:

There will be an overhead slide presentation dealing
with the major cases and giving situations. This will
be accompanied by a guided situation. The major
learning will be tested by a small group exercises involving
spotting discrimination.

INSTRUCTOR: Lawrence Bershad

ESTIMATED TIME:

2 Hours

MODULE III

SUBJECT: "The Managing of Change"

- A. How organizations react to, oppose, or support changes such as equal opportunity programs.
- B. Principles of managing change that seasoned administrators find useful.
- C. Skills in detecting, analyzing, and controlling conflicts arising from affirmative action programs.

OBJECTIVES:

- A. Clarify the barriers to change that exist in many large organizations.
- B. Each participant identifies at least one new principle for managing change he can use in his own organization.
- C. Each participant sets one or more goals for improving his skills in managing change or conflict.

METHODOLOGY:

Short summary of principles which have been established as valid for managing change. A case study is then presented in which a large military organization attempted to initiate change. The group discusses the case, to identify in it the specific ways in which the principles appear in practice. Finally, each participant makes an individual brief plan for improving his skills in conflict management.

INSTRUCTOR: Dr. Charles Dailey

ESTIMATED TIME:
THREE HOURS

MODULE IV

SUBJECT: "Elements of the Affirmative Action Planning Process"

- A. Use of policy statements, directives, etc.
- B. Analyzing the workforce and service populations
- C. The outreach recruitment process
- D. Installation of upward mobility systems
- E. Internal monitoring and evaluation
- F. Staff training needs
- G. Commitment of resources

OBJECTIVES: A. To help attendees list the components of Affirmative Action Planning.

B. To compare these components and integrate them into a workable program.

METHODOLOGY: There will be an overhead slide presentation with a guided discussion.

INSTRUCTOR: Curtis M. Graves

ESTIMATED TIME: 1-1/2 hours

MODULE V

SUBJECT: "How to Devise and Establish Goals and Timetables for the Employment of Minorities and Women in Correctional Careers"

- A. Types of basic data.
- B. Alternative methods of arriving at realistic goals.
- C. Relevant court decisions involving the imposition of quotas: Armstead v. Starkville, Commonwealth of Pa. v. O'Neill, Bridgeport Guardians v. Bridgeport Civil Service Commission.

OBJECTIVES:

- A. Help participants to identify the legal implications for personnel decisions.
- B. Provide participants with mechanisms for documentation for proving job necessity.
- C. To help participants identify the impact of goals vs. timetables.
- D. To construct manpower data in such a way as to forecast EEO needs.

METHODOLOGY: The group will get a 30 minute lecture and then the group will be broken into small groups for an exercise designed to help them learn the skills of the goal-setting process.

INSTRUCTOR: Ben T. Adams

ESTIMATED TIME: 1-1/2 HOURS

MODULE VI

SUBJECT: "LEAA Requirements and Reporting Systems"

- A. What determines a good faith effort?
- B. How can LEAA funds be used to bring about long range change?

OBJECTIVES:

- A. To help attendees identify the LEAA requirements of EEO.
- B. To give attendees hands-on experience with LEAA/EEOC reporting.

METHODOLOGY:

Guided discussion and walk-through of the guidelines, regulations and reporting process. Attendees will also be given information on the projected new reporting process.

INSTRUCTORS:

Lawrence Bershad - Curtis M. Graves

ESTIMATED TIME:

1-1/2 Hours

MODULE VII

SUBJECT: "Building Internal Complaint Mechanisms Which Surface Racial Problems Before They Get Out of Hand"

- A. Civil Rights Ombudsman for Residents
- B. EEO Complaint System for Employees
- C. How to Keep the Resolution of Complaints In-House

OBJECTIVES:

- A. To Identify the Rights of Employees and Residents
- B. To Differentiate Between Complaints and Grievances

METHODOLOGY: There will be a 30-minute lecture and guided group discussion for one hour.

INSTRUCTOR: Ben T. Adams

ESTIMATED TIME: 1-1/2 Hours

Questions and discussion were of course encouraged during all phases of the program. On the second and third days, extensive use was also made of audio-visual aids, group discussion problem-solving and other non-lecture devices. This proved consistent with the desires of attendees, who expressed a preference for participatory sessions.

Of those who completed post-Seminar evaluation questionnaires, the highest number found, in the following sequence, three modules of most value: "Managing Change and Conflict," "Elements of the Affirmative Action Planning Process," and "LEAA Requirements and Reporting Systems." When responses by the high-level "target" group were calculated, the placing of the first and second modules was reversed. In either case, the findings are consistent with the interests expressed in the attendees' Individual Action Plans, although the predominance of interest in "Elements of the Affirmative Action Planning Process" was more pronounced in the latter documents.

These particular sessions were characterized by use of participatory, audio-visual and other innovative techniques; this may help to account for their popularity. Also, the interest expressed in what are clearly managerial concerns--by both the target group and other attendees--suggests that the program was not far off its mark. If those who attended were not always highest-level officials, they were surely persons who conceived of themselves as faced with management problems in the EEO context, and thus as among the "movers and shakers" in this regard.

Attendance

Initially, it was planned to send invitations to Directors, Deputy Directors and EEO Officers of state-level adult and juvenile correctional systems, as well as analogous officials in state merit systems, State Planning Agencies

and Attorney Generals' offices. In general, this plan was adhered to, although the prospective audience was broadened after the first Seminar to include analogous officials at the municipal and county levels.

Intensive efforts were made to ensure the highest possible audience at each Seminar. League staff dispatched invitations four to six weeks in advance, and the Project Director followed up by phone. Prospective attendees were reminded that their transportation and room and board expenses would be paid for by the project grant. In some cases, previous attendees and American Correctional Association officials urged invitees to come. The aim, as set at the outset of the project, was to average 37 persons at each Seminar, for a total of 260. As indicated, however, the increase of invitations was broadened for the later sessions.

Total invitations and actual attendance eventually proved to be as follows:

TABLE I.

<u>Session</u>	<u>Number of Invitations</u>	<u>Number of Attendees</u>	<u>Attendees as Percentage of Invitees</u>	<u>Number and Percentage of Attendees Drawn from "Target" Population</u>
Daytona	32	17	53%	13 - 76%
Bandera	40	14	35	13 - 73
Norfolk	44	18	41	13 - 72
Oak Brook	48	29	60	25 - 86
Hartford	58	30	62	27 - 75
Des Moines	48	19	40	15 - 79
San Jose	56	37	52	24 - 83
Silver Spring	41	13	31	11 - 85
TOTALS	367	175	48%	141 - 80%

Average attendance at the first seven sessions was 23; that for eight sessions was 22. On average, 17 high-level "target" administrators attended each session.

The ratio of attendees to invitees, expressed as a percentage, declined between the first and second sessions but then increased steadily, with one exception, through the seventh Seminar. In general, the highest numbers and percentage of attendance correlated with the highest number of invitations sent. The one exception was Des Moines. Although intensity of followup to the initial invitation, immediate circumstances in the system and various other factors surely affected responses--thus making generalization difficult--it is likely that two elements affected the Des Moines session in particular: its scheduling, during the August vacation period, and the fact that most of the

states invited (Missouri, Kansas, Nebraska, Iowa, South Dakota, North Dakota, Minnesota and Wyoming) were not ones which saw themselves as faced with overwhelming minority inmate populations, or immediately-demanding affirmative action problems.

Figures can of course be looked at in more than one way. For example, only three states and the Virgin Islands had no representation; two of the four jurisdictions lie outside the continental United States. Another eight states had no or inadequate representation from their adult systems. On the other hand, adult entities provided the highest proportion (62 percent) of favorable responses to invitations sent to officials of the various types of agencies. Adult authorities were second only to youth-oriented agencies in responding to a followup mail questionnaire, thus indicating a relatively high level of persisting interest in the Seminar program on the part of these institutional groupings. The following table is illuminating:

TABLE II.

By Class of Institution : numbers and percentages of attendees in relation to invitees; and numbers and percentages of attendees who responded to followup questionnaire

<u>Type of Institution</u>	<u>Number Invited</u>	<u>Number Attended</u>	<u>Percentage Attended</u>	<u>Number and Percentage of Attendees Completing Questionnaire</u>
Supervisory Boards	9	1	11%	-
Adult Authorities	76	47	62	17 - 36%
Juvenile Authorities	36	19	53	7 - 37
State Personnel Depts.	36	14	40	1 - 7

<u>Type of Institution</u>	<u>Number Invited</u>	<u>Number Attended</u>	<u>Percentage Attended</u>	<u>Number and Percentage of Attendees Completing Questionnaire</u>
Social Service Depts. inclusive of Corrections	17	10	59	--
State Planning Agencies	39	17	44	3-17
(Governors') EEO Offices	7	4	57	1-25
Attorneys General	14	1	7	--
Local Systems	30	15	50	3-20
Other	13	5	39	1-20
TOTAL	277	133	48%	33-25%

If state-level adult and youth systems are taken to be those which this program was designed to reach, success was not complete, but the number and proportion of agencies reached were substantial. Not all correctional leaders felt themselves able to attend; the fact remains that most sent someone--usually someone working at a high-level of responsibility, particularly in EEO.

That "target" attendance was as high as it was is a source of some satisfaction. Those invited were extraordinarily busy high-level officials who head sophisticated bureaucratic systems which have to deal with immediately pressing problems of inmate care, housing and discipline. Understandably, many are apt to look to in-house "specialists"

to deal with specialized problems such as EEO. That substantial numbers of Directors chose to send appropriate representatives was not a matter of commitment versus noncommitment, but rather of judgement as to sound use of resources. As one Director put it, "at least five invitations to functions like this come into this office every week. It's impossible to send someone to every one--let alone go myself."

The level of target group attendance suggests a substantial commitment to EEO. Yet our preliminary research also indicated that for many systems, EEO was not first priority. Most professed an apparently genuine interest in the subject and had in fact initiated some sort of program, but very few saw it as among "the top five challenges facing your system." Worries about overcrowding, inmate violence, lack of money and the overall quality and numbers of staff are of more pressing concern. Also, many saw the EEO problem in somewhat paradoxical terms: as at once intractable--and less than pressing. The difficulty of recruitment, particularly for rural locations, was often cited; the implication often was that minorities and women were not especially anxious to work in correctional systems, and that as much had been done as could be expected. At the same time, very few agencies were under court order or threatened with suits; arguments regarding prospective legal costs seem not to be persuasive. Neither do many corrections officials accept wholeheartedly the common-sense proposition that the ethnic distribution of "contact" personnel ought to be close to that of the inmate population. Relatively few have had anything like the 1971 Attica experience, and even there hard data, beyond inmate

assertions that racial disparities contributed to tensions, are hard to come by. LEAA's so-called "70-per-cent guideline" as to employee/inmate ratios is widely seen as being unenforced with good reason--since it is felt to be unworkable.

In a number of instances, arguments such as these were met with the observations that brief attention to EEO problems could free administrators' long-term energies to deal with more intractable difficulties; that techniques are available to do more, and more effective, recruitment within existing situations; and that legal and federal pressures remain distinct and far-from-remote possibilities. Nevertheless, enough correctional administrators are persuaded otherwise to explain, in part, why Seminar attendance was not greater than it was.

In sum, attendance at the Seminars was substantial, most states and their adult systems were represented, and 80 per cent of those who attended were drawn from the projected target audience. Given competing demands, the lack of a sense of immediate urgency concerning EEO problems, and the non-mandatory character of the program, the level and quality of attendance constitute a substantial achievement. To the extent that the desired audience was reached, officials in many systems were alerted to the very real priority given to affirmative action by federal authorities, and to the implications of that emphasis.

Evaluation

In part, this was an ongoing internal process. Faculty exchanged observations and criticisms freely, and invited immediate comments by participants.

Thus, Professor Dailey modified his presentation in the direction of greater participation, after hearing complaints of "too much lecture." Other faculty members likewise made beneficial changes in details and content, and in style of delivery.

As indicated, the project also engaged a professional Evaluator, D.A. Stewart Associates of Moorestown, New Jersey. Members of this firm attended, and submitted detailed reports on, the Daytona, Norfolk and Hartford sessions. They did detailed assessments of post-seminar evaluation questionnaires on these and the other sessions as well. In their final report, Stewart Associates summarized the program, and commented on such items as "Composition of Participants," "Program Evaluation Reports," "Adequacy of Course Content," and "Sessions of Most Value." Among their most significant findings is the fact that over 80 per cent of both "target" and "non-target" attendees who completed the questionnaires rated the program "Excellent" or "Good" in terms of its responsiveness to their needs.

Project faculty and research staff also had access to the post-session Evaluation Questionnaires, and to Individual Action Plan forms. In addition, a post-session inquiry questionnaire was sent to all participants in late September 1976. Thirty-seven responses (21%) were received. This was disappointing, but some answers were given with sufficiently high frequency to confirm findings arrived at during preliminary research. Nine on-site interviews also confirmed most earlier findings.

Neither the relatively low response to the September questionnaire nor the limited number of on-site interviews conducted during November 1976 allow broad generalizations concerning behavioral change as a result of the Seminars.

In fact, to expect extensive changes in the short time between the Seminars and the post-session inquiries is to misunderstand the nature and potential of the Seminars program and to underestimate the difficulties facing many systems, even with the best will in the world. To some extent, the Seminars were a process of suggestion and discovery--on both sides. Project faculty built and refined curricula on the basis of extensive preliminary and ongoing research. Participants in turn received numerous suggestions as to how to update their personnel systems with regard to affirmative action. Not all problems were solved; not all questions were answered. But those who attended got advice grounded in reality and, more often than not, adaptable to their particular situations. This surely constitutes a significant step forward.

For their part, National Civil Service League staff gained invaluable information on the nature and affirmative action needs of the correctional systems served. In particular, they learned that the need for training and other forms of assistance is widespread, and that it extends well down into the organizations whose leaders attended the Seminars. In short, the experience and knowledge gained through conduct of the Seminars have built the National Civil Service League and its staff into a force especially suited to helping correctional systems modernize their personnel procedures, and effect affirmative action. A beginning has been made; the League will of course continue to respond to the needs of the corrections community at every opportunity.

APPENDIX A

SEMINARS ON AFFIRMATIVE ACTION LEADERSHIP
DEVELOPMENT IN CORRECTIONAL INSTITUTIONS:

"ATTENDEES' QUESTIONNAIRE"

"SEMINARS ON AFFIRMATIVE ACTION LEADERSHIP DEVELOPMENT IN CORRECTIONAL INSTITUTIONS"

ATTENDEES QUESTIONNAIRE

Please fill out and mail it back, in the enclosed self-addressed envelope, as soon as possible.

NAME _____

TITLE _____

AGENCY/ORGANIZATION _____

CITY _____ STATE _____ ZIP CODE _____

PHONE () _____

☐ I will be able to accept the invitation.☐ I will not be able to accept the invitation.

The LEAA grant under which we operate requires that each attendee states his/her hourly salary rate and source so as to establish the matching fund totals.

Hourly rate \$ _____ Source of salary _____

1. Has your system implemented an Affirmative Action System?
Yes _____ No _____
2. Has your system implemented an Affirmative Action System for residents work assignment within the Institution?
Yes _____ No _____
3. Are you now under Federal Court Order with respect to Equal Employment Opportunity? Yes _____ No _____. If yes what is the citation of the case?

4. Has hiring quotas been established by Court Order?
Yes _____ No _____
5. Is there an internal Grievance Procedure for EEO Problem?
Employees _____ Residents _____
6. What is your particular interest? _____

RESPONSES TO "ATTENDEES' QUESTIONNAIRE"

1. Has your system implemented an Affirmative Action System?

Yes 86

No 8

No Answer 6

2. Has your system implemented an Affirmative Action System for residents...?

Yes 21

No 52

Not applicable 18

No answer 6

3. Are you now under Federal Court Order....?

Yes 12*

No 82

Not applicable 2

*Reflects multiple responses from same state or agency.

4. Have hiring quotas become established by Court Order?

Yes 6

No 87

5. Is there an internal grievance procedure for EEO problems for -

Employees 86 Residents 35

6. Particular interests: Affirmative Action planning: 19; women's employment 4; LEAA requirements 5; recruitment and retention 3; balance scattered.

APPENDIX B

PRE-SESSION TELEPHONE QUESTIONNAIRE,
REPORTS AND TABULAR FINDINGS

"Seminars in Affirmative Action
Leadership Development"

Pre-Session Telephone Questionnaire

A. System-General

1. What is the organizational status of corrections in the State Administration? Is it at Cabinet level? Autonomous?
2. If not autonomous, is budget affected?
3. What is the division/department's jurisdiction (adult, juvenile, institutions, parole, probation, etc.)?
4. Describe the institutions in the system. How many?
Type (by security level, group incarcerated, etc.)?
Location (urban or rural)? Is this a factor in recruitment?
5. Is any new construction planned? Where? Type of facility?
6. Describe the prison population
Male? Female?
Ethnic percentages?

B. Personnel System

1. Does the division/department have its own personnel office?
2. Who is in charge?
3. Does the division/department do its own recruiting, examining, etc.?
4. Does a state merit system play a role?
5. What methods of screening and testing are used?
Written?
Oral?
Experience and education?

6. Used for which job classes?
7. Are tests validated as job-related?
8. Training programs? For disadvantaged?
9. Is there an Affirmative Action Plan? When implemented?
10. Is there an Affirmative Action or EEO Officer? When appointed?
11. Specific actions to achieve EEO?
 - a. Outreach?
 - b. Career ladders?
12. Describe available grievance mechanisms. Are there separate mechanisms for EEO complaints?
13. What is the rate of turnover (per month, year, etc.?)
 - a. Characteristics of departing population?
 - b. Correlation with particular institution, job category?

C. Personnel

1. How many employed? Types of jobs?
 - a. Custodial
 - b. Treatment
 - c. Administrative
 - d. Clerical
 - e. Service
 - f. Other
2. Ethnic distribution (of all employees; of contact personnel)
 - a. Caucasian
 - b. Black
 - c. Spanish-surname
 - d. American-Italian
 - e. Asian-American

3. Ratios

- a. Of inmate ethnic distribution to that of employees?
- b. Of workforce ethnic distribution to representation in the labor market area?

4. Minorities in higher grades? How many?

5. Do women work in all jobs, institutions? Limitations?

D. Problems

- 1. Is your system under or threatened with court order(s)?
- 2. Have you had racial incidents, riots in the past five years?
Did racial imbalance (in inmate/employee ratio) play a part?
- 3. Describe public and legislative attitudes re: corrections.
Are monies available?
- 4. What are the top five challenges facing your system?
- 5. Where does EEO rank in terms of priority?

BACKGROUND RESEARCH
FOR
SEMINAR IN AFFIRMATIVE
ACTION LEADERSHIP DEVELOPMENT

MARCH 3-5, 1976

PRISON SYSTEMS IN SEVEN SOUTHERN STATES

(Alabama; Arkansas; Florida;
Georgia; Louisiana; Mississippi;
South Carolina)

Note: The following information is submitted with the reminder that it is tentative and in some respects questionable. Most of it was developed by telephone, from officials having a vested interest in their answers. There was not time to consult annual reports and the like for more than two states; thus the statistics given are again largely dependent on the spur-of-the-moment estimates of interested officials.

* * *

The most striking thing about these and other southern prison systems is the number of persons they house, particularly as they form proportions of the overall prison population of the United States, and of the civilian populations of the various sections of the United States. Prisoners in southern systems are 47 per cent of all American prisoners. The proportion of prisoners to civilian population in the South is 32 per cent: the highest in the country. It is no wonder, then, that five states (Georgia, Florida, Alabama, Mississippi and Louisiana) are under court order to remedy conditions of, or resulting from, overcrowding. It has been recently estimated that the prison systems of 17 southern states are 20,000 over capacity. All of the seven states discussed herein suffer from this problem, as do other American systems, to one degree or another. Most are projecting continued increases, in some cases at accelerated rates, in the years ahead.

The causes of this condition are several. In Florida, the crime rate is second only to Arizona and Nevada. In the same state, the proportion of men placed on probation has fallen from 80 per cent to 60 per cent in about two years. Paroles are off about 30 per cent as well. Behind this lies a tendency of both judges and the public in favor of more incarceration, for longer and more fixed times. The public in these and other states is also opposed to increased public expenditures. As a result, there is a reluctance in many states to undertake new construction. Even so, five new prisons are contemplated in Florida; Georgia has two under construction and more planned; and Mississippi is developing more decentralized facilities.

In part, this no doubt reflects a popular desire to put criminals away, no matter what. However, it also has to do with the trend among corrections professionals towards more decentralized, urban-oriented, "diversionary" institutions, as opposed to merely building more high-security facilities. In January, corrections officials from 17 states met under the auspices of the Southern Governors Conference. They recommended reduction of incarceration and utilization of diversionary programs wherever possible. As has been indicated, they appear up against public opinion, and certain segments of the law enforcement and judicial communities; corrections officials complain of lack of coordination with the latter two. They also, of course, are confronted with popular and legislative reluctance to spend money on those regarded as anti-social. At least in South Carolina, where corrections officials have repeatedly warned State leaders that successful law suits over the issue of overcrowding and related evils are possible, there has not been a disposition to accept the status quo without argument.

Beset by problems such as those of space and finance outlined above, it is not surprising that southern officials contacted do not seem to see personnel matters, and specifically affirmative action, as having immediate priority. Yet these officials do not say that such matters are unimportant. Rather, they are quick to cite statistics indicating absolute and relative progress in hiring minorities and women, and to give plausible reasons why further progress has not been made. In general, it can be said of these systems that most have a substantial racial imbalance between guard and inmate populations. It should also be said that all appear to recognize that a problem exists, and that all profess to have made important strides in dealing with it.

Information as to the individual states was developed primarily through inquiry into a fixed set of topics. Beyond those indicated above, several generalizations can be made about the prison systems examined:

- Although most hire through a civil service system, written tests are not frequently used. Rather, evaluation of an application, interview and a background check are more usual.
- Few states professed to have an affirmative action plan as such.
- Outreach programs are few and relatively limited.
- Neither did most appoint a particular individual to be solely responsible for equal opportunity matters. None had a separate EEO grievance procedure.

--The lack of these features does not appear to be correlated with nonperformance in the area of affirmative action. Both South Carolina and Mississippi lacked these structures, but both cited important statistical gains.

--Affirmative action with regard to inmates is very limited, in some cases virtually nonexistent.

--Although unionization is not extensive, it has made some inroads, notably in Florida and Alabama.

* * *

A profile of each of the state systems follows.

Alabama faces as a central fact of life Judge Johnson's now somewhat famous decision. Officials see some hope in that a Judge on the same (5th) Federal circuit has held that Johnson went too far, especially in appropriating State monies (in effect), but the weight of his order is felt. That Alabama's merit system and its State Troopers are under court order to end racial imbalances in hiring also has implications that are not lost on corrections personnel.

Alabama operates about eight institutions, not counting 11 or so road camps which are currently under the jurisdiction of the Highway Department. The latter camps are to close, but the Board of Corrections plans to pick some of them up. If that is done, additional corrections personnel will be needed. There are four major adult male institutions, including a reception center. The State also operates a women's prison, a youthful offender facility, a cattle ranch and seven work release centers, situated principally in or near urban centers.

Total inmate population in 1973 was 3,632. Of that total, 2,642 were held in major adult male institutions. At the end of 1975, 3,550 men were housed in the major institutions. Judge Johnson has ordered that the number of inmates be reduced to designated capacity, which is 2,300.

The proportion of black to white prisoners is about 2-1 overall. This was the case for the major institutions and 9 of the 11 road camps, as of 1973. However, the Youth Center and the Cattle Ranch, both of which have small numbers of inmates, had majorities of whites in 1973. Thus, the evils flowing from overcrowding apparently affect black inmates disproportionately.

Inmates' other characteristics are probably typical of prison populations. Most are male, 17 to 30. More than half are single, divorced or separated. The largest single group have 9th to 12th grade education; a substantial number have only reached the 5th to 8th grades.

Correctional staff were only 1 per cent black in 1971. Today, blacks constitute 20 per cent of a total work force of about 800. Of this total, 600 are custodial personnel hired by the corrections division. Another 200 "treatment" personnel are under the State Department of Education.

Hiring is done through the State merit system. Written tests are not frequently used. Custodial personnel are hired principally on the basis of experience and interview, though a high school diploma has lately been required. All hired must go through a minimum-standards training program consisting of on-the-job as well as formal classroom elements. There is a 6- to 9-month probationary period.

There is no formal affirmative action plan. That the State merit system is under court order with regard to State Trooper hiring is cited as an incentive to corrections officials to act. The Personnel Director is responsible for affirmative action as well as his other duties. A Training Director has some role here as well.

Salary increases for correctional officers are cited as having attracted black applicants, including some with college degrees. However, turnover has been high, especially in major institutions. An internal program to upgrade correctional officers to become correctional "counselors" has also apparently facilitated black mobility.

Beyond this, it would seem that affirmative action is less than aggressive. The official interviewed acknowledged that the rural locations of many institutions has led to a situation in which white rural guards supervise urban black inmates. He also indicated however that outreach recruitment, particularly of ghetto residents, is not extensive, not only because of lack of money but because of a reluctance to hire urban residents who, it is apparently felt, are not likely to be qualified. Neither are "do-gooders" wanted. Alabama corrections officials have also been reluctant to hire females. Their argument, which they claim has been unofficially supported by EEOC, is that there are bona fide occupational inhibitions to female employment in the broad range of corrections jobs. Recently, a list of eligibles appeared which was 3-1 minority and female. Officials felt able to hire but one person from the list.

This reluctance runs up against Judge Johnson's order, which calls for a virtual doubling of custodial staff, and affirmative hiring to

reduce racial and cultural disparities between guards and inmates. There is also a suit in Federal District Court aimed at discrimination against women based on unreasonable height and weight requirements. In each case, Alabama seems to be hoping for a judicial or other reprieve; there is no enthusiasm for compliance at the moment. Johnson's order, particularly with regard to hiring additional personnel, is seen as impracticable and an unconstitutional appropriation of State money.

There is no separate grievance procedure for EEO complaints. The principal avenue of employee grievance is set forth in a training handbook which provides that an individual can grieve to his supervisor. He is entitled to a hearing within the agency, and can then appeal to the State Personnel Department, which apparently imposed the system.

The State Employees' Association, to which many corrections people belong, has also developed a frequently used grievance procedure. There is some prospect that this organization will soon affiliate with the AFL-CIO.

Judge Johnson's order at one point calls for inmates to be given meaningful work. Inmates themselves have organized around various issues. Work assignments and other determinations are nevertheless still made principally on the basis of available space, and custody class.

Arkansas, like Alabama, has been afflicted with a court finding that incarceration in that State's penal system constitutes cruel and unusual punishment forbidden by the Eighth Amendment to the Constitution. The Order in the Arkansas case substantially predates that by Judge Johnson. Another court suit (Finney v. Hutto) is concerned with employment discrimination in particular; it is currently in

preliminary stages. The plaintiffs seek class action relief for racial imbalance within guard populations in relation to inmates, quotas for hiring at all levels, and an injunction against hiring of less qualified whites.

The Arkansas Department of Corrections operates two major prisons in the southeast part of the State. Since about 80 per cent of the State's black population lives in that part of Arkansas, recruitment presents that much less of a problem. There are also a Youthful Offender facility, a female unit with 85 prisoners and two work release centers. There are 2,100 prisoners statewide. This is up from a total of 1,679 in December 1973. One big unit 30 miles south of Pine Bluff holds 1,600 men.

About half of all inmates statewide are black. However, 75 per cent (1,200 of 1,600) of those at the major facility near Pine Bluff are black. There are 500 employees. A relatively low percentage of employees are black. Many blacks are on night shifts, notably at the Tucker facility; morale is low, turnover fairly high. Promotional staffing is a particular source of grievance. There are no black Assistant Superintendents. One black has been promoted from Lieutenant to Captain; a second prospective Captain was abruptly fired, for reasons which are not clear. Employees are hired through the Arkansas Department of Employment Security, and through direct recruitment. There is no merit system involvement. Some referrals are obtained from the Urban League's minorities-in-law-enforcement program (LIMP); just how effective this has been as an outreach device is doubtful. Hiring is done on the basis of background and experience. A 12th grade education is required, though experience can be substituted.

An affirmative action plan was developed and implemented two years ago. The Personnel Director is responsible for affirmative action. There is no separate grievance procedure for EEO, and Arkansas corrections employees are not unionized. It should be kept in mind that, up to two years ago, Arkansas prisons relied primarily on trusty guards for discipline and security. Thus, many corrections personnel are relatively inexperienced.

There appears to be no program for affirmative action with regard to inmate work assignments. Supervisors must recommend job changes. Integration has occurred, down to and including cells and work details.

Florida has taken an unsuccessful appeal of U.S. District Court Judge Charles Scott's Costello decision, which holds conditions in the prison system to be in violation of the Eighth Amendment, to the 5th Circuit Court of Appeals. As in other states, the core issue is overcrowding.

The State operates 13 major institutions for adult males, 1 female prison, nine road camps and three vocational facilities. Five more major institutions are to open soon. In December 1973, Florida had 10,382 prisoners. It was then fourth in the country in numbers of persons held, and sixth per 100,000 population. In January 1976, the State had over 16,000 inmates and more prisoners in proportion to total population than any other State in the Union. Due to a shortage of facilities, some men are being housed in tents and warehouses. More than 20,000 individuals are expected to be incarcerated by the end of 1977.

More than half of Florida's inmates are less than 26 years of age. Most have never been married or been in military service. The

majority have an average IQ, but most display no more than 6th grade knowledge. Blacks outnumber whites by about 54 to 46 per cent. Fully 97 per cent of those held are male.

The system employs about 6,000 persons. Turnover is about 30 per cent per year. It is expected that 1,500 new personnel will be needed to staff six new institutions. Of present personnel, 14 per cent are black and 19 per cent minority. The person interviewed indicated that there had been a substantial increase in minority hiring since 1972, but could give no figures for comparison.

The Florida Division of Corrections, Department of Health and Rehabilitative Services, recently became the Department of Offender Rehabilitation, with full Cabinet status. Presumably, this reflects an increased significance for corrections in the State.

The system hires from registers supplied from the State civil service system. There is a basic written test for correctional officers, though some are hired on the basis of resumes. In general, hiring is done on test scores and an interview. A correctional officer must be a high school graduate and pass a physical.

Florida has an affirmative action plan, which may have to be revised because of the change to Cabinet status. A "Recruiting Coordinator" graded as a Personnel Technician II is in charge of equal opportunity matters. There are grievance procedures for both employees and inmates, though apparently not separate ones for EEO. Florida corrections employees are not yet unionized, but there will shortly be a representation election to determine (a) whether any representation is wanted and (b) if wanted, whether AFSCME or the Teamsters are to be the bargaining agent. Since corrections employees will be voting in a larger

pool of workers, the outcome may not reflect actual sentiment within the Department.

There has been no affirmative action with regard to inmate work assignments. Those who object to the present distribution of labor can resort to the inmate grievance procedure.

Georgia has a large prison system with usual problems of overcrowding and inadequate staffing. There are: 19 adult male facilities; 1 female prison; 3 Youth Offender institutions; and 500 bed spaces in various work release centers located in urban areas. In addition, there are 21 county correctional facilities, i.e., road camps. These are manned by county employees but they house a certain number of State prisoners for \$3.00 per day. This allows the State to set standards and keep some control. Most of Georgia's institutions are in rural areas. It is planned to build a prison in Atlanta within five years. Institutions are already under construction in Columbus and Macon, and another is planned for Savannah.

In December 1973, Georgia had 8,310 individuals in custody. It was then sixth highest in the country in number of prisoners held, and second per 100,000 population. The current inmate population is over 11,000 and 16,000 is projected by 1980. The women's prison, built to house 240, now holds 500. Two-thirds of the State's prisoners are black.

The number of employees was not available. Four years ago, not over two per cent of employees were black. Today, about 13 per cent are black. However, a large proportion of this increase is accounted for by blacks who work in community-based facilities (work release, other diversionary), where they are one-third of the labor force.

Turnover is high. Georgia is reported to have the lowest paid corrections department in the Southeast.

In most Georgia prisons, the business manager performs the personnel function. Only four have personnel directors. Hiring of entrants is done through the State merit system. State employees can also make a noncompetitive lateral transfer into corrections from another department. Only probation and parole personnel have to take written tests, as must secretaries. Other correctional personnel are hired on the basis of graded applications which take into account schooling and employment experience. A correction officer must have high school, or equivalent experience.

There is an affirmative action plan. Each institution and community facility has one too. The State Plan has been developed in the past year, principally by the Affirmative Action Officer, whose position was created at about the same time. Outreach has been limited. The system did seek a woman administrator, and there was some recruitment in urban areas, as well as in rural centers located close to prison facilities; in both locations, minorities were particularly sought. In the past year and a half, most institutions have managed to acquire a token female, who is usually employed on the gate or in another noncontact position.

There is a grievance procedure, but not just for EEO matters. The Affirmative Action Officer can handle EEO-related grievances as well.

Virtually all Georgia facilities are integrated. Most have dormitory facilities. County institutions may have some degree of segregation, but it is dealt with where discovered.

Louisiana's Director of Corrections, Mrs. Hunt, died about three weeks ago. The Acting Director is Mr. C. Paul Phelps. Mrs. Hunt left behind a situation in which Louisiana is under court order to relieve overcrowding, particularly at Angola prison.

The State operates three adult male facilities, including Angola. All are in rural locations. Recruitment of urban blacks for employment is admitted to be a problem, but outreach recruitment has been confined to some limited advertising and circular distribution in minority urban areas. Five juvenile centers are in urban locations, however. There are also several work release centers in similar areas. These house 100-200 persons. The intention is to decentralize major facilities, to make them smaller and place them closer to urban centers.

In 1973, Louisiana held 4,033 prisoners. The State was then ninth in the country per 100,000 population, even though there had been a decline of over 500 inmates during 1971-72. The number of those now incarcerated was not available, but it is surely increased from 1973.

The Department of Corrections employs personnel for both adult and juvenile facilities, as well as for probation and parole. The total is about 2,300, of whom 300 are probation or parole employees. One major institution has 850 custody personnel, and another 50 engaged in treatment-type work. The total departmental work force is 28 per cent black. Blacks also hold 27 per cent of jobs paying over \$12,000. These figures are in line with the State's black population, which forms 30 per cent of the whole. On the other hand, the prison population is about 70 per cent black.

Hiring is from registers provided by the State merit system. Written tests administered by civil service are the primary mode of

entry for all job levels. Affirmative action is theoretically the responsibility of the Chief Personnel Officer, but he apparently does no more than supply statistical data which will alert top officials to imminent problems.

There is no formal affirmative action plan. The interviewee was quick to point out however that Louisiana has always met LEAA guidelines in this area. Besides the limited outreach recruitment cited above, he pointed to a substantial effort to employ women. This was apparently instigated and inspired by Mrs. Hunt. It has resulted in significant numbers of women working in men's institutions as classification officers, tower guards and visiting-area personnel. They do not work in cell blocks or analogous areas. The juvenile institutions, which were segregated up until two years ago, have had their work forces integrated by hiring the less numerous race at a given facility as vacancies came open. This was at first done under court order, but it is now continued as policy.

There is no separate grievance procedure for EEO; indeed, grievance procedures do not seem highly developed at all. From 10 to 15 per cent of Louisiana's corrections work force are unionized.

White inmates got job preference until recently. However, a court order has required action to offset the effects of past discrimination. The State has told the Court that it will replace whites in preferred jobs with minorities as the jobs open up. The Court has also been asked if it desires that whites be removed forthwith in order to expedite matters; there has been no response.

Mississippi has been under court order to improve its prison system. Yet its legal troubles are apparently not of recent vintage, and important

steps appear to have been taken. There is just one State Penitentiary, at Parchman, which houses 2,400 inmates of both sexes in small and dispersed facilities. There is also a work release center on the south coast. A Youthful Offender facility is planned, to be built in a more urbanized area. Juveniles are held in a different system. Most plans are contingent on bills currently before the legislature. The system's Semi-Annual Report speaks of a possible "crisis" in overcrowding within a few months, but Mississippi's problems in this regard are surely less than those of some nearby states. It should be noted however that Parchman's inmate population, now 2,400, was 1,738 in December 1973.

There are 555 correctional employees. Of these, 400 are custodial personnel. Seventy (70) per cent of custodial personnel have been with the penitentiary two years or less. Until about a year before that, Mississippi relied on a trusty-guard system. Forty-five (45) per cent of all employees are black. There is one black major, a black lieutenant and two black sergeants among the 32-man supervisory staff. The inmate population is 2-1 black. Of 26 women employed, 11 hold jobs not solely related to the female inmate population.

The Semi-Annual Report includes recommendations for protection of employees, presumably as to pensions and insurance, as "law enforcement officers." It also asks for civil service protection and hiring levels adequate to make possible a 40-hour week. This has to do with turnover, which recently jumped from three to six per cent per month, and which is attributed to the departure of high-quality personnel for better jobs providing 40 hours and other benefits associated with a civil service merit system. Mississippi has no such system, though one is being developed. Corrections employment is presently at the

pleasure of the Superintendent. Legislation is pending for inclusion in the expected State merit system, or for setting up a separate merit system.

Hiring is usually done on the basis of a written application and oral interview; a 10th grade education is also required. Counsellors and psychiatrists must have experience in corrections. This has allowed many employees to move up through the system, particularly by furthering their education.

All new employees must attend a 98-hour, 2-week training session conducted early in the probationary period. They must attain a score of 80 on the test which follows in order to be certified to their correction officer position. Stress is also put on in-service education and training in both technical matters and human relations. An instructor exchange program has been developed with the nearest junior college, which is 25 miles away.

A recent Howard University survey found Mississippi's affirmative action plan to be among the top seven in the country in effectiveness. This is so, the interviewee said, despite the fact that the system has refused to lower standards to facilitate such action. All applicants face the same requirements.

The Personnel Director is responsible for affirmative action, but it is regarded as the province of all management-level personnel as well. There is a modest outreach program, involving use of advertising and television, but most recruitment appears to be word-of-mouth. According to the interviewee, working at the prison conveys a certain status in the local black community, which has been the locale of most actual recruitment. At the same time, it was acknowledged that

it is not easy to find qualified persons in the surrounding labor market area. Aside from the limited amount of advertising mentioned above, there has been relatively little effort, it appears, to bring in urban blacks.

There is no separate EEO grievance procedure. What there is consists of a resort to the chain of command, running up to the personnel superintendent. There are no unions, and there is no affirmative action with regard to inmate work assignments.

South Carolina's Department of Corrections operates 31 adult institutions, housing individuals 17 and up. Juvenile offenders, probation and parole are not under the Department's jurisdiction. Unlike the situation in other States surveyed, a considerable number of facilities are in urban areas. The State Capital, Columbia, has 10 institutions, with a major prison downtown. Seven work release centers are located in residential-industrial areas on the outskirts of urban centers. On the other hand, the State's Youthful Offender facility is in a rural area, as are several country-operated prison camps. The State is in the process of taking over some of these, as part of developing and expanding the Department's work release program. Since South Carolina's black population is well distributed throughout the State and its counties, the implications, for recruitment, of the relatively high number of urban or suburban correctional institutions are less than they might be.

In December 1973, South Carolina had 3,489 inmates in custody; the State was 7th in the country in numbers of prisoners per 100,000 population. Today, there are more than 6,300 inmates, and prisoners are being added at a rate of 100 per month. It is estimated

(New York Times, 1/25/76) that the State's institutions are already 60 per cent over capacity. Both the probation and parole functions are underfunded, and the trend is toward more incarceration, despite the warnings of correctional officials that suits as to overcrowding could probably be successfully pursued.

The Department of Corrections presently has 1,500 employees. In 1974-75, it had 1,300, of whom 720 were custodial personnel. Figures for actual "treatment" employees, apart from the general category of "noncustodial" personnel, are not available.

The Department hires through its own personnel office. Completion of an application and a background check are required. During the six months probationary period which follows initial hiring, the prospective corrections officer must complete 180 hours of training, on the job and in the Department's section of the State Criminal Justice Academy. At the end of probation, the employee is certified as a permanent, qualified corrections officer.

William D. Leeke has been Director of Corrections since 1968. He has apparently instituted considerable hiring of minorities, although the interviewee could not give direct information for the period prior to his own employment by the Department in 1971. Although the interviewee indicated that there were only 10 or 12 blacks in the Department in 1971, a 1972 American Bar Association study credited the South Carolina Department of Corrections with hiring more blacks in recent years than had any other such department. Staff are 30 per cent black now. This is in line with the black population of the State. The inmate population is 55 per cent black, however. Although the interviewee could not give precise figures, he indicated that blacks hold substantial

numbers of jobs above the entry level. There was a black Assistant Director in 1971, and both a Deputy Commissioner and a psychiatrist are black.

There is no formal affirmative action plan, and no one individual has EEO responsibility. However, the interviewee indicated that Mr. Leeke has made it clear at least since 1971 that such action is the province of all management personnel.

A departmental Task Force on the problems of women employees and prisoners was formed during the past year. Women are employed in the men's facilities, notably in the gun towers. Outreach recruitment has apparently been minimal. Among blacks, word-of-mouth has been a major factor accounting for the high number of applicants in recent years. Turnover is also high, particularly at the State's main prison in Columbia. The interviewee thought this inevitable, given the hard conditions at that maximum security institution.

There is a departmental grievance procedure, but no separate process for EEO matters. Appeals can be taken to the Commissioner of Corrections and to State officials at a higher level. The State Human Relations Commission has a role where EEO-related grievances are involved as well. There are no unions for corrections officers in South Carolina.

Although there is no affirmative action plan for inmates' work assignments, the interviewee felt that communications with prisoners are generally good. There are elected inmates' councils which, it was asserted, are generally representative of prisoner opinion. Representatives of these councils meet with prison officials quarterly. There is also an "ombudsman" for inmate grievances. It is unclear whether these arrangements exist at facilities other than the principal one in Columbia.

BACKGROUND RESEARCH
FOR
SEMINAR IN AFFIRMATIVE ACTION
LEADERSHIP DEVELOPMENT

BANDERA, TEXAS

APRIL 28-30, 1976

INTRODUCTION

The six southwestern States covered herein are a mixed bag. Overcrowding is a problem in at least four States, but none is in the kind of extreme condition found in certain southeastern States. Five of the six are relatively small systems, Texas being the exception. Efforts toward affirmative action vary in intensity according to need. In that Indians and especially Mexican-Americans are significant elements of both the general and prison populations in these States, their situations are rather particular. There are however racial disparities in all. Except in Colorado and to a limited extent in Arizona and Texas, unions are not a factor. Most of the States have grievance machinery of varying sophistication, but there is no separate mechanism for EEO, except in the sense of access to human relations agencies and EEOC.

Arizona has a well-coordinated correctional system servicing both adults and juveniles, in institutions and on parole. Its main prison, housing over 2000 inmates, is badly overcrowded and physically inadequate. It experienced a 25-per-cent population increase during the past year. A court suit on this and other substandard-services issues is imminent. Although the Executive and Department leadership have pressured for EEO, it is a less urgent priority than more basic inadequacies. The public and legislature are not wholly averse to expenditures, but the climate tends to favor incarceration and severity, rather than staff improvements.

Yet there is a clear need for affirmative action, for both women and minorities. Minority groups in the work force are all under-represented in relation to the prison population and, with the exception of Blacks, in proportion to their numbers in Arizona's population at large. Female correctional officers are limited to female institutions for adults, though women do perform a wider range of functions with the juvenile system. Both minorities and women are concentrated in the lower grades.

A principal inhibition to affirmative action is the central role played by the State's merit system agency with regard to recruitment, testing and certification. There is also currently a hiring freeze, and adverse economic conditions have resulted in a lessening of turnover, which was a problem at the Arizona State Prison up until 1973. The rural location of that and other institutions has been a negative factor in recruiting as well. Blacks have proved most difficult to recruit and retain. That Arizona has been to some extent afflicted with the phenomenon of ethnic "gangs" adds some urgency to the need for affirmative action.

Colorado's Division of Correctional Services is centered within the Department of Institutions. It has a separate budget, however, and has been relatively little affected by its lack of Cabinet level status. Discontinuity in the Colorado Governor's Chair and in Departmental/Division leadership has inhibited effective policy development for affirmative action and other areas in the past three years, but the current Governor is expected to remain in office until 1980.

The Division handles adult incarceration and parole. Juveniles are dealt with by a separate Division of Youth Services within the Department of Institutions. Probation is handled by the Judiciary. Overcrowding is not a problem at present. However, there have been some important changes in the ethnic makeup of the prison population during the last decade. The number of Blacks has particularly increased, though Spanish surnamed form a substantial proportion of the prison population as well. Overall, the current inmate composition is about 55 per cent minority. In contrast, the vast majority of employees, particularly correctional officers, are Anglo (White). Women do work in control towers and other non-contact areas in men's institutions, as well as in vocational and educational programs.

Division leadership seems aware of the need for affirmative action. It is also pointed out that minorities increased 300 per cent over the past two years though minority representation is still slight. New affirmative action plans are being developed; previous ones were ineffective. Particular emphasis has been placed recently on open recruitment and the provision of housing at the rural institutions which predominate.

Colorado (continued)

The Division has had a Personnel Director, a woman, for about two months. Reliance on the State Department of Personnel for recruitment, testing and the formal process of affirmative action has inhibited EEO. Colorado correctional employees are extensively unionized, and the unions are in general a negative force in relation to affirmative action. There are no court orders or quotas mandating or forbidding affirmative action.

New Mexico's Department of Corrections is a Cabinet-level agency with jurisdiction over adult institutions, probation and parole, and juvenile institutions and parole. Juvenile probation is a function of the Administrative Office of the Courts. The main penitentiary is at Santa Fe, and houses about 1,160 male and female prisoners. There are several farms and conservation centers as well, for adults and juveniles. About 50 per cent of those incarcerated come from the Albuquerque area, but the rural location of New Mexico's institutions seems less of a recruiting problem than it is in other states. Recruiting is less of a problem than is retaining staff of adequate quality. Entry-level turnover has traditionally been about 30 per cent and is at least in part a result of inadequate salaries. A system of career ladders is just being developed, but the lack of turnover at higher levels has created problems.

The ethnic distribution situation is somewhat atypical. Mexican-Americans are about 52 per cent of the work force, well distributed among the grade levels. Blacks are about 11 per cent of inmates, and (at most) 2 per cent of employees. There are 27 Native American inmates, and perhaps two employees--despite extensive recruiting efforts.

Overcrowding and other physical problems have been factors on a modest scale. Recently, the Legislature appropriated monies to meet the requirements for improvements set forth by a preliminary court order in relation to the case of Cox v. Aaron.

The State Department of Personnel plays a major role in recruiting, testing and certification for the Department of Corrections. The Department itself has a Personnel Coordinator, but everyday operations are largely decentralized. A new affirmative action plan is being

New Mexico (continued)

developed. Some recruitment of Blacks and Indians has been done, with no lasting success. Attainment of EEO is regarded as of less priority than acquisition and retention of competent staff in general. Better salaries, career opportunities and in-service training are seen as essential in this regard.

The current Departmental Secretary has been in office about five months. Unlike his predecessor, he has not had political and public relations problems. The result is that he has greater gubernatorial and legislative support for his proposals.

Oklahoma's cabinet-level Department is responsible for adult felons in institutions and on probation and parole. It operates six principal institutions, and five work release centers. Overcrowding is a substantial problem, and the prison population of over 3,400 is increasing at a rate of 100 per month. The turn-of-the-century prison at McAlester has a capacity of 500 but now houses 1,200 inmates. A 1973 riot occurred at that institution at a stage when McAlester's population was only slightly higher.

There has been an Affirmative Action Officer in the Department since November. The inmate population is about 33 percent minority; staff are 11 percent minority over all; this includes less than 5 percent blacks, and like number of Indians.

The Department has an outreach recruitment team which travels extensively to minority schools and areas. The State merit system conducts tests; selections are made from the top five. These are entry-level written tests, though minimum standards are resorted to as well. In general, participation by the State merit agency is apparently not seen as an inhibition to effective personnel recruitment.

Texas. This Department serves adult felons, male and female, 18 and up. The Texas Youth Council is responsible for juveniles, probation is a local function, and parole is under the aegis of the Board of Pardon and Parole. With 20,000 inmates and a staff of over 2,700, it is by far the largest of the several systems included in this report. There are two female institutions, and 13 male, of varying degrees of security. Most are in East Texas, in rural locations. This has been something of a factor with regard to recruitment, but less in relation to Blacks than to Mexican-Americans who lack cultural roots in that part of the State.

All Texas institutions are approaching a critical point of overcrowding; the rate of accretion was 307 per month during the first 3 months of 1976.

The Department has a Personnel Director who is also the Affirmative Action Officer. It does its own recruiting; there is no civil service system statewide. Hiring criteria are principally a background investigation and oral interview before employment, and a 4-week training period, plus probation to 6 months thereafter.

The inmate population is 38 percent white, 44 percent Black, and the balance Mexican-Americans and others. Blacks form 15 percent of the work force, and Spanish-surnamed 4 percent. The vast majority of staff are Caucasian.

There is an affirmative action plan first drafted in 1970 and revised in 1975. Outreach recruitment, including utilization of media, has been used extensively, particularly in urban areas. It has been successful everywhere but in Houston where the lure of better salaries and positions is crucial. Turnover is a perennial problem,

Texas (continued)

though the system has an in-service program for college students which has led some to move into career positions.

Texas has not had riots or become subject to court orders, despite some inmate restiveness and rumblings of lawsuits.

Utah's Division of Corrections is housed within the Department of Social Services. Difficulties on this account are minimal, but creation of a Department of Corrections is under consideration. The Division serves adult males and females, both in institutions and on probation and parole. Juveniles are serviced by a separate Family Services unit, as well as by the courts and local government.

There is one principal adult institution, which has five sub-facilities, one of which is for women. It is located at Draper, Utah, about 20 miles from Salt Lake City. Most employees are drawn from the Salt Lake City and Provo areas, but minorities are only minimally represented. The majority of 696 inmates (73 per cent) are Caucasian; 14 per cent are Spanish surnamed and 12 per cent are Black. Of approximately 350 employees, 190 of them correctional personnel, there are 10 Blacks, 20-25 Spanish surnamed and perhaps two Indians.

The Division of Corrections has no Personnel Department; it relies on a Bureau of Personnel in the Department of Social Services, and on a State Department of Personnel. The latter has control over the key personnel processes, but the Division has good input. Testing is usually oral, and follows determination of basic eligibility on the basis of education and experience.

There is an affirmative action program, conducted through the Social Services Bureau of Personnel and the State Department of Personnel. The Division does recruit minorities through ads, college visits and other means, and refers them to State Personnel for processing. There is a program of in-service training designed to bring participants into the probation/parole functions at the entry level.

Utah (continued)

The system is under no court orders. There has been a 21 per cent increase in prison population during the past year, but the base (575) was small and overcrowding is not a problem. Utah is one State which appears to have enough breathing room to allow reflection on what Corrections ought to be. It differs too in that sentiment for community-based corrections, and against additional prisons, is high. There has also been a recent appropriation to reduce probation case loads. At the same time, 90 per cent of the population favors capital punishment.

SEMINAR IN AFFIRMATIVE ACTION
LEADERSHIP DEVELOPMENT IN CORRECTIONAL INSTITUTIONS

NORFOLK, VIRGINIA

MAY 26-28, 1976

The Delaware Department of Correction has had cabinet-level status for only one year. Previously, it had been centered in the Department of Health and Social Services. Despite its separation, the budget has not been considerably increased, as the legislature appears to hold corrections at a low priority level.

Since its separation, the Department of Correction has been divided into the Bureau of Adult Correction (adult institutions) and the Bureau of Juvenile Correction (juvenile institutions). Probation and Parole services for adults are administered by the Office of Community Services under the Bureau of Adult Correction. The Family Court administers probation services to juveniles. The Aftercare Unit of the Bureau of Juvenile Correction provides after-care (parole) for juveniles. The Delaware Parole Board is an independent State agency, responsible only to the Governor, which paroles adult offenders. Juveniles are paroled by individual institutional review committees; the Review Boards are responsible to the Chief of the Bureau of Juvenile Correction.

Delaware has a total of 8 institutions. There are two rural maximum security adult male institutions and one rural maximum security female institution. The Bureau of Juvenile Correction maintains 5 urban juvenile correction units. The Sussex Correctional Institution for adult males is undergoing renovation as a result of a court order. Other construction is in the early planning stages.

The total prison population is approximately 1,016 males and 53 females. Integration extends to the division of labor, the cell-blocks and co-habited cells. There is no formal work or EEO grievance mechanism for prisoners. This is due to the lack of industry or

other prison employment in the system. For the most part prisoners do not work. However, implementation of some type of industry, perhaps clothing, is in the planning stages.

There are 800 employees in the Department of Correction, 72 of which are black (61 males & 11 females) and 3 Spanish-surnamed. There are 3 blacks and one Spanish-surnamed in the \$16,000-\$22,000 salary range, 2 blacks in the \$13,000-\$18,000 range and one black in the \$14,000-\$20,000 range. The Department also employs 2 Indian medical doctors. The employee turnover rate is highest among correctional officers at the maximum security institutions.

Women are employed on the cell blocks and elsewhere in the Department, including the Superintendent's position at the Women's Correctional Institution. But there is a need for affirmative action concerning female employment in the higher level positions.

The employees are unionized and have a collective bargaining procedure. Work grievances are handled through the union. There is no specific EEO grievance procedure for employees. However, the Department does have an EEO Officer, and employees have access to the Delaware Human Rights Commission and the State Merit system procedure for EEO.

The Department of Corrections does not have its own affirmative action program at this time. However, they are in the process of developing such a system. In the interim, the Department uses an affirmative action program set up by the Department of Health and Social Services. The Department of Corrections EEO Officer is assisting in the implementation of an affirmative action program, which should be in effect by this coming summer.

Recruiting, testing and hiring of personnel are handled by the State Department of Personnel. Notice of vacancies is given to the Department of Personnel by the Department of Corrections.

Affirmative action is a Department of Corrections priority, but is constrained by the initial hiring by the State Department of Personnel, over which the Department of Corrections has no control. The State Department of Personnel also administers outreach programs and only in special cases does the Department of Corrections solicit its own employees.

In general, problems exist in the areas of funding, facility improvement, training of correctional personnel, number of personnel, career ladders, and employment for prisoners.

The Delaware State Legislature seems negligent in allocating funds for corrections. In this "conservative state", treatment is frowned upon, and punishment favored. This attitude is reflected in the budget.

District of Columbia

As might be expected, this Department has its peculiarities, though its problems and general characteristics are familiar enough. The Director, who is appointed at the Mayor's pleasure, reports to the latter. The Department has its own budget, which is passed on by the Mayor and Council, as well as the House and Senate. The Department handles adult incarcerations, and both adult and youth parole. Probation is under the D.C. Superior Court. Juveniles are the responsibility of the Department of Human Resources' Bureau of Youth Services. The Department also runs the D.C. Jail. The Women's Detention Center accommodates some women serving 60-90 day sentences; those women with longer terms are sent to the Federal Bureau of Prisons. The Department runs six halfway houses, and contracts out four others.

In general, those convicted in the Superior Court for the District of Columbia are sent to District facilities, all of which are located in the Lorton-Occoquan area of Virginia. Those convicted of violations of the U.S. Code and sentenced in U.S. District Court go to the Federal Bureau of Prisons.

The District's central facility, Lorton Reformatory, is a maximum and medium security institution for males. Youth Center Number 1 is located in the same complex and there is a second Youth Center at Occoquan, which also has a minimum-security adult institution. A second D.C. jail has just been opened. It will accommodate 960 inmates; 400 are already in residence. The old jail houses 663. It is expected that the new jail will just keep pace with the expansion of the population. An additional jail facility is likely to be requested. There are no plans for other than supplementary buildings

at Lorton and Occoquan, though all institutions are at or near capacity.

The Lorton-Occoquan complex is 18 miles from Washington. Urban recruitment is therefore not inhibited by remote location.

The prison population is over 90 percent black. There are 1,300 uniformed correctional officers, 65 percent of whom are black. Another 700 employees work in professional or administrative positions. Overall, the Department's work force is 56 percent black and 43 percent white. Nine of the top 12 positions in the Department are held by blacks, and there is apparently a good distribution of non-whites in the promotional ranks. Women work in most portions of the male facilities. Although recruiting is done in other major cities and on military bases, 90 percent of employees come from the Washington area.

The Department has a Personnel Officer in the Division of Manpower Management. It can be authorized to do its own recruiting for certain purposes, but normally applicants are initially assessed as to factors like experience and education, and then referred to the U.S. Civil Service Commission, which processes them and passes on their hiring. Hiring is aided by relatively good salaries and progression. A correctional officer is typically hired at a GS-6 rating and proceeds to GS-8 within 3 years.

There is an Affirmative Action Plan and Program. The Personnel Office has an EEO Specialist, and there are outreach, upward mobility and career ladder programs.

The work force is largely unionized, all non-supervisory personnel belonging to a local of the American Federation of Government Employees.

There is a grievance mechanism under the union contract; it provides, ultimately, for going to arbitration. In addition, an EEO grievance procedure allows access to the D.C. Government's Office of Human Rights. Most complaints are referred back to the Department for resolution, however. Turnover among correctional officers is around 14 percent, much of it being accounted for by heavy recruitment, sometimes of persons who do not stay.

Overcrowding is not yet a crucial problem, though it could be, at least at the D.C. Jails, by this summer's end. There were incidents at the D.C. Jail involving the taking of hostages in 1974 and 1975. Escape attempts were involved, though food and other day-to-day issues became the subject of investigation.

Kentucky's adult correctional services are provided by the Bureau of Corrections which is part of the Department of Justice. Juvenile services are provided by the Bureau of Social Services under the Department of Human Resources. The majority of juveniles receive community-based treatment rather than being institutionalized. Probation and Parole are administered by the Division of Community Services within the Bureau of Corrections. The division supervises adult offenders and those placed on "shock" probation.

The Kentucky Bureau of Corrections is at present undergoing a period of change. As a result of the Governor's "Blue Ribbon Report," the Department of Justice was ordered to re-organize the Bureau of Corrections.

Kentucky has a total of 7 institutions. There is a rural maximum security prison at Eddyville, established in 1888. The largest institution, at LaGrange, is a rural medium security institution. There is a women's institution, two forestry camps and two community-based programs. Funds have been appropriated for a new maximum security institution, but as of yet, no action has been taken. Overcrowding is a major problem in Kentucky.

The total prison population is approximately 3500 males and 141 women. Affirmative action and EEO work provisions for inmates are now under investigation by the Department of Justice. Self-imposed segregation is not prevented and races are not mixed in co-habited cells. There is no EEO grievance mechanism for prisoners as of yet, but one is being implemented.

There are 1100 employees in the Kentucky Bureau of Corrections, approximately 6% of which are minorities. Out of approximately 520

custodial personnel, 20 are women. In treatment positions there are 7 women out of a total of 60. There are 50 administrative positions and 150 clerical workers. The Division of Community Services, which handles probation and parole, employs 178 persons.

In upper-level administrative positions, the number of minorities employed is not high. In institutional administration, one associate superintendent is a black female. Four blacks are employed in Bureau administration and 4 of 60 in treatment positions. Women are employed in various positions, mostly clerical, although the personnel officer for the Bureau of Corrections is a woman. The 20 female corrections officers out of a total of 520, do not work in control towers or on the cell blocks in men's institutions.

The employees are not unionized and have no collective bargaining procedure. However, there is a specific grievance mechanism for EEO-related cases. At each location, including Probation and Parole departments, there is an EEO counsellor who is a peer-type employee. If this counsellor is unable to resolve the problem, it is referred to a central EEO compliance office that coordinates with the local counsellor in resolving the grievance. The complainant also has access to an appeal. This program has been in effect for one year. There is not as yet a grievance mechanism for non-EEO complaints, but one is in the planning stage.

The employee turnover rate is highest among guards at the maximum security prison at Eddyville and the women's institution at Pewee Valley. This is a salary versus transportation problem, as both institutions are located in isolated rural areas.

In 1974 and under the present Governor, an affirmative action program was implemented. The Bureau of Corrections uses their own affirmative action program in conjunction with that of the Governor. For the past three months, there has been an EEO coordinator in the Bureau of Corrections who is directing a minority recruitment effort.

Recruiting and testing are carried out by the Bureau in coordination with the State Department of Personnel. Written tests are used for most positions except that of corrections officer. The State Department of Personnel validates the tests as job-related.

The Department of Justice runs an Outreach program for the Bureau of Corrections, to attract minorities. The merit system concept is utilized by the Bureau, but work is needed in the area of career ladders, particularly in getting minorities and women into upper level positions.

In general, problems exist in the areas of overcrowding, salaries of correctional officers, employee grievances, quality of prison life (especially at Eddyville), career ladders and administrative re-organization.

MARYLAND

The Department of Public Safety and Correctional Services is headed by a Secretary. It includes a Department of Correctional Services, headed by a Deputy Secretary, which is in turn responsible for a Division of (Adult) Corrections, a Division of Probation and Parole, the Board of Parole, an Inmate Grievance Commission, and the Patuxent Institution, a diagnostic facility for adult defectives. An Advisory Board of Corrections consults with the Deputy Secretary. A Commissioner heads the Division of Corrections. Like the Secretary and Deputy Secretary, his is a political appointment. Juveniles are dealt with by the Department of Health and Mental Hygiene through its Juvenile Services Administration.

There is an overall Department of Corrections budget. The adult division of corrections has more or less chronic funding problems on this account.

The Division of Corrections runs seven institutions, its work release/camp system counting as one. The main prison is in Baltimore and goes back to the early 19th century. It is a maximum security institution having 960 male inmates. The penitentiary also includes a Reception and Diagnostic Center. The Center is to be replaced by a new 500-man Reception Center on the Penitentiary grounds by November 1976.

The Maryland House of Corrections at Jessup, some 25 miles outside Baltimore, is a medium security facility housing 1,700 males. A women's institution with 190 population is located there too, as is the headquarters of the correctional camp centers, which are minimum security facilities. There are six other camps, including a pre-release center in Baltimore. Hagerstown has the medium security Maryland Correctional

Institution for 860 youthful offenders, and the Maryland Vocational and Training Center, a rehabilitation facility with 1,089 inmates.

The total inmate population is 6,750; capacity is just under 5,000. It is an index of the problem of overcrowding that on the day inquiry was made with regard to this report, the Commissioner of Corrections was out examining a World War II troopship for use as a possible minimum security facility.

The inmate population is about 75 percent black. In contrast, the Division of Corrections staff of 2,200 is 78 percent white and 22 percent non-white. Though precise statistics were not available, it was asserted that blacks were well distributed up the promotional ladder, and have been for years. Disparities do appear to vary from location to location. They are worst in Hagerstown, where only six of 600 are black, and housing costs, a 3 percent non-white population, and low turnover due to high employment have combined to defeat affirmative action efforts. The problem on the Eastern Shore is seen as one of recruitment of indigenous minorities who have not been reached. There is skepticism about recruiting blacks from urban areas for employment in such a remote area.

Women work in the male institutions, principally as teachers and counselors. Less than 20 work as guards, several in towers. However, their duties are circumscribed only by "decency," i.e., they do not regularly work on the cell blocks. Recently, efforts to recruit for women's facilities resulted in predominantly male applicants off civil service registers. A decision was made not to appoint for the time being.

The Division of Corrections has a Personnel Director. It may recruit for special purposes, but it is generally supplied by the

State Merit System, which conducts examinations and provides lists for selection within the limits of veterans' preference and other statutory factors. Prospective correctional officers must be 19 years old, have two years work experience, and be high school graduates. The written entrance examination is a basic aptitude test; whether it has been validated is not clear. Beginning professionals take a statewide Professional Careers Test. Orals and un-assembled examinations are used for promotions.

Turnover is high in the maximum Security Facility in Baltimore, and considerable at Jessup. Hagerstown and the outlying camps are relatively stable. Although Maryland does not have collective bargaining, employees are organized, through an old-line Employees' Association and an AFSCME local apparently known as "the black union." The employee groups do not seem to be a key factor so far as affirmative action is concerned. There was a brief walkout at Hagerstown in 1972 over other issues, but militancy appears lacking.

There is a grievance mechanism for all State Personnel. Essentially, it follows the chain of command, and then goes to a Hearing Officer in the State Department of Personnel who has power to restore service, reduce or rescind penalties, etc. EEO complaints can also be handled, directly, through a separate mechanism in the State Department of Personnel. Corrections personnel have not utilized this route with any frequency.

Pressure from minority groups for affirmative action is apparently minimal. There is an Affirmative Action Plan, developed during 1975, and recently updated. Efforts to recruit females are relatively intense, and outreach recruitment has been done for minorities as well, with

inconsistent results. Problems at Hagerstown and on the Eastern Shore are recognized, though the former is seen as more or less intractable and skepticism was expressed as to the feasibility of bringing inmate/employee ethnic ratios into line, short of many drastic measures--which the State Merit System would seem to preclude.

The system is under no court orders at present. There were inmate disturbances in 1972, and there is an inmate grievance committee. Crowding, as noted, is a serious if not critical problem. Monies are lacking for sufficient vocational training and for fair wages for inmates. Pay levels are a problem with regard to hiring professionals. Public attitudes are more or less typical: demands for more and longer sentences--and reluctance to pay the resultant bills.

North Carolina

This State has a large correctional system, with some problems of overcrowding. The cabinet-level Department of Corrections, headed by a Secretary, has a Division of Prisons and a Division of Adult Probation and Parole, each headed by a Director. The responsibility for juvenile corrections was transferred to the State Department of Human Resources last year. The Division of Prisons runs six high-security institutions, the principal one being the central prison at Raleigh. Other major facilities are at Blanche, Odom and Caledonia. In addition, there are sixty-six field units administered through six geographic area commands. Seventeen are medium security institutions; the rest are minimum security. Each major city has two field units, usually involved in community corrections and work release. A / accommodate 18-21 year-old youth offenders. Most are dormitory-type arrangements. All are 25-50 percent over their 75-150-man capacities. Total capacity of the prison system is 10,164. There are now 13,186 inmates. The usual factors of public demands for mandatory and long sentences, legislative reluctance to spend, and economic dislocation seem responsible for a marked upsurge in recent years. A 1,484-bed facility is planned to open two years from now, and modest additions to existing facilities are planned. Nevertheless, the crowding problem threatens to outstrip all current efforts to deal with it. By the standards set in Judge Johnson's Alabama decision, at least three more 500-bed facilities are currently needed.

Employees number about 5,000 at present. The ratio of correctional officers to inmates in maximum security institutions is about 1-32. Statistics for 1975 shows that white males were 68.7 percent of the work

force; females and non-whites constituted 31.3 percent. Whites, male and female, were 81.8 percent of the total; non-whites were 18.2 percent. Comparative figures for 1972 indicate that black males increased by 11.5 percent and females by 8.9 percent by 1975. Precise figures for the ethnic breakdown of the inmate population were not available but a disparity was conceded. It was pointed out, however, that the proportions for personnel having contact with inmates is within 30-percent variance limits set by LEAA. Since Indians are numerous in North Carolina, blacks are not the only minority group to be taken into account in judging the prisons' ethnic situation.

The Division of Prisons has a Personnel Director. Each of the six geographic commands has one as well. A central manpower office handles paperwork. Corrections is not under the North Carolina merit system. Consequently, the Department and Divisions do their own hiring, though referrals are accepted from the State personnel system. There is no written examination. Correctional officers must be high school graduates. Post-hire training is provided. Probation and Parole Officers must have college. Tests for promotion are written and job-related; there are interviews as well.

The Department has a formal Affirmative Action Plan, which was implemented between 1972 and 1975. There has been outreach recruitment through newspapers, television, career days at schools and colleges, and Employment Security offices. Success has been at best modest. One problem in the professional categories is that qualified minorities will not take the relatively low salaries offered by the correctional system. One other related problem is that those recently attracted have not been of a high order of employability in the system, according to the interviewees.

Since the rape and murder of a female dental hygienist, there has been a certain reluctance to use women staff in overcrowded male facilities. No female correction officers serve in the guard towers, though some do work in control centers.

There is a career ladder program for correctional officers, which allows them to move into administrative and professional positions. Training and implementation on this subject are currently going on, with the intent of extending the career ladder to other categories of personnel.

Turnover is a relatively small problem, remaining at about 8 percent. There is thus much long-time expertise at the middle and higher levels. Traditionally, new personnel work first in minimum security facilities, then in medium and finally in maximum security institutions. All correctional officers receive 160 hours of training during their first year.

Collective bargaining is illegal and there are no unions. There are several older employee associations. A standard grievance mechanism allows resort to the chain of command, then to an Employment Relations Committee, the decisions of which are subject only to review by the Department Secretary. If the grievant finds the decision unacceptable, he or she may appeal to the State Department of Personnel. EEO grievances can be taken directly to the Employment Relations Committee or State Personnel. Only two or three have been so taken during the last three years, however.

The State Personnel Act allows for an inmate grievance committee, which is not controlled by corrections personnel. There is also a court order requiring the Division to allow inmates labor unions.

This is in addition to several suits regarding overcrowding.

As in some other southern States, overcrowding and concomitant problems of discipline, interpersonal security and having to deal with higher proportions of inmates serving time for serious crimes present basic difficulties which cause affirmative action to be of secondary concern. There is currently less emphasis on training and rehabilitation than previously. Protection of the public is seen as paramount, particularly as circumstances threaten to overwhelm rehabilitative efforts. However, it is still conceived that inmates can "work out" of the system.

Black groups in North Carolina have apparently gone to EEOC and the courts in efforts to bring about increased minority hiring. There have been three or four court suits. The Department has won them all.

Tennessee's Department of Correction is divided into Adult Services (adult institutions) and Juvenile Services (juvenile institutions). The Division of Probation and Parole (under Adult Services) supervises adult and addict parolees and probationers. The Division of Juvenile Probation (under Youth Services) provides aftercare services in all Counties for juveniles. The Board of Pardon and Parole is an independent agency which reports to the Governor. It handles only adults. Juveniles come under the jurisdiction of the Juvenile Courts, who determine release dates and provide parole services for non-adult offenders.

Tennessee has a total of 17 institutions. The largest is an urban maximum security penitentiary, opened in 1898. There are 6 medium security prisons and 10 work-release and community based programs. A new medium security institution will be operable by July 1976, and the Brushy Mountain Prison will be re-opened after renovation some time this year. However, overcrowding is still a serious problem in Tennessee.

The adult prison population is approximately 4740 males and 185 females. Integration in the cell blocks has been in effect for eight years and racially mixed cells were implemented last year. Self-imposed segregation is not allowed for incoming prisoners, but is not prevented in the case of long-term inmates who are free to choose their own cell-mates. Integration extends to the division of labor, and a discrimination grievance mechanism for prisoners is in the conceptualization stage.

There are 3000 employees in the Department of Corrections, 26% of which are minorities. Custodial and treatment personnel make up 60% of the work force, while the remaining 40% are employed in

administrative and clerical positions. Minorities occupy various high-level positions such as Assistant Commissioner for Adult Services and Commissioner of the Board of Pardon and Parole. Women work in control towers, arms rooms, check-gates and other non-contact positions in men's institutions. The employees of the Department of Correction are not unionized, but they do have a collective bargaining unit and a 5-level employee grievance mechanism. For EEO grievances, employees have access to the State Human Rights Commission. The employee turnover rate is highest amongst custodial personnel in urban institutions. This may be attributed to the high incidence of transient labor in the Nashville and other urban areas.

EEO is a high priority with the Department of Correction. There is a working written affirmative action program. The head of each institution is responsible for the individual programs. Written tests are used for most positions except that of prison guard. Not all tests stress job-relatedness, but instead concentrate on the employee's common sense and logic. The State Merit system is in effect and maintains an employee roster from which prison personnel are selected.

The Department of Corrections has no Outreach program of their own, but the State Department of Personnel does recruit from the various communities. Upward mobility in the higher levels is a problem, creating the need for improvement in the area of career ladders.

The Tennessee Legislature is not wholly adverse to expenditures, but the public tends to favor incarceration and severity, rather than improvement.

Virginia

This is not a cabinet-level Department of Corrections. Its Director reports to the State Director of Administration, who has responsibility for social service and other functions, and who reports directly to the Governor. However, Corrections has its own budget, upon which the General Assembly passes directly. There is a Division of Adult Services, which handles adult corrections; a Division of Youth Services, which is responsible for juvenile corrections, probation and parole; and a Division of Adult Probation and Parole Services.

The State's correctional problems are fairly familiar. Overcrowding is a main concern. It is estimated that by 1978 the system will have to accommodate 12,000 inmates--in facilities designed for 8,500. There are now 6,600 inmates, housed in two categories of facilities. In addition, 2,000 persons are awaiting transfer from local jails.

The main prison at Richmond, which authorities apparently tried to close as early as 1871, is one of seven major institutions, housing about 3,300 inmates. Most are maximum security institutions, but the seven include medium and minimum facilities as well. These are within 30 miles of Richmond, but three others are in rural areas. For the latter, recruitment of urban individuals can be a problem, though housing is provided at most of the major institutions.

Another 3,300 inmates are housed in 30 smaller, minimum security field units, three of which are work release centers. Capacity of the units is 100, but virtually all have populations between 150 and 200. Again, rurality presents recruitment problems. There is some new and prospective construction: A 1300-man medium/minimum security

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facility at Stanton; a planned 500-man unit, to replace existing dormitories and trailers at Powhattan; and, at Southhampton, additional trailer and portable field units to supplement current Youth Offender facilities. In general, however, funding appears to be not available to the extent needed to meet expected space needs. Recently, the legislature got funds for a 10-year construction plan to expand facilities by 75 percent.

Ethnic data were not available, though the inmate population was described as heavily black. Commitments for the first half of 1975 were 1,125 white and 1,206 black. Total employees number about 4,000; two-thirds are security personnel. A high proportion of newer employees are black. However, turnover is high, particularly (as would be expected) among younger correctional officers and at the central facility in Richmond. Low pay is a factor, as are improved employment prospects in Richmond and other labor market areas. Many correctional officers at northern Virginia facilities commute weekly for other parts of the State, the cost of living in the Washington area being too high for their incomes.

The Department has a Personnel Director. It recruits, screens and refers applicants to the State Department of Personnel for prospective hiring. The State Department sets salaries and other employment standards. There are no entry tests. Individuals are hired on the basis of minimum requirements, including high school graduation. There is an extensive post-hiring training program. Promotion is mostly on the basis of experience, and involves interview by a Board of Review.

The Department operates under several affirmative action plans. The State Department of Personnel provides one, the Department has its own, and a schedule of goals and timetables has been derived from LEAA guidelines.

There are goals and timetables for female hiring. Women work in the male facilities, including the cell blocks at certain times. Their numbers are not large, however.

The Department is in the process of recruiting an EEO Officer. There is an outreach program for urban recruitment. Newspaper ads, school visits and contacts through the Urban League are utilized. The State Division of Personnel's EEO Coordinator provides recruitment contacts as well. There is no career ladders program, however.

Collective bargaining is against Virginia law; there is no unionization. The general grievance mechanism runs through the chain of command to the Director, and then to the State Division of Personnel. An EEO grievance can be directly submitted to the State Division's EEO Coordinator, who is answerable to the Governor. However, that approach has been used only once.

Virginia has one court case pending, with regard to overcrowding. Its focus is the failure to pick up prisoners in local jails. There have been no extensive disturbances in recent years.

Although Virginia's Governor recently described the Department's affirmative action programs as the best in his Administration, the telephone interviewee ranked personnel and EEO as of major concern, along with overcrowding and lack of funding. As in other States, the public wants longer sentences, but does not want to pay for more prison facilities. An Alabama-type situation is not impossible.

The West Virginia Division of Correction is under the Department of Public Institutions, which is a cabinet-level department headed by a political appointee. Efforts have been made toward a separation and subsequent installment of the Division of Correction as a cabinet position, but as of yet they have been unsuccessful. The Division of Correction has no control over its own budget.

The Division of Correction is responsible for adult and juvenile correctional facilities, and the supervision of adult and juvenile probation and parole. The Board of Pardon and Parole is the paroling authority for adults, and the Juvenile Review Board has revocation authority for juveniles on parole.

West Virginia has a total of 11 institutions. The largest is a rural maximum security adult male institution, opened in 1866. There is also a mixed security women's institution, a medium security male institution, and 8 forestry camps and work-release units. Most facilities are in rural areas with the exception of the work-release programs. The maximum security institution at Moundsville has recently been renovated. No other construction is imminent or in planning.

The total prison population is approximately 1,645. There are approximately 1,150 adult males and 37 females. Juveniles in the various centers number approximately 458. Integration extends to the cell-blocks as well as to the division of labor. Self-imposed segregation in dining halls was a problem until it was discouraged in the last few years. Because of overcrowding in the maximum security institution, a small population lives two to a cell. These cells are not integrated. However, at the work-release and other institutions where dormitories are used, there is no racial separation.

There is an inmate work grievance mechanism at each facility, where an employee advisory council handles complaints. However, there is no specific affirmative action or EEO grievance mechanism for inmates. Because of budget problems with the Department of Public Institutions, the facility at Huttonsville has lost its farming rights to the surrounding property. As a result, 225 inmates have been denied job opportunities. The implementation of industry at Huttonsville is now in the planning stages.

There are approximately 1200 employees in the Division of Corrections, 4% of which are minorities. Women are utilized in all non-contact positions in the various men's institutions and in contact positions in the women's institution. Minorities and women have considerable exposure in the higher level jobs. However, no blacks are employed at the Huttonsville medium security prison at present.

Employees are not unionized, but do have a collective bargaining procedure. The Civil Service grievance mechanism is used for work-condition and EEO-related employee complaints.

Due to low salaries (approximately \$500.00 per month) and a transportation problem specifically at Huttonsville, the employee turnover rate for correctional officers is high.

The Division of Correction has its own affirmative action program. Yet the Department of Public Institutions does the recruiting, testing and hiring for the Department of Corrections under the State Merit system. There have been some complaints as to the job-relatedness of the testing. No Outreach program is in effect. Career ladders are implemented and effective.

In general, problems exist in the areas of legislative funding, inmate employment, inmate EEO mechanisms, correctional officers' salaries and budgetary limitations.

Background Research
For
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Leadership Development"

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INTRODUCTION

With these seven States, this series of Seminars on Affirmative Action Leadership Development confronts for the first time the correctional systems of the northern tier of industrial states. Like the southern and western States covered thus far, these systems face, in several instances, problems of overcrowding, compounded by public and legislative demands for more incarceration, and reluctance to spend money for needed facilities. Unlike the States covered earlier, most have unionized work forces, and in some instances union contracts inhibit affirmative action. It has to be added however that the unions in the majority of the States have not been, or have not chosen to be, problems in this regard.

The affirmative action record varies from State to State. Pennsylvania has been inhibited by both administrative disruptions and a lack of will. Michigan had had administrative problems but has a better record, it appears. Wisconsin has taken some bold and innovative steps, its usage of "Personnel Rule 27," recently struck down by a Circuit Court, to hire minorities to redress racial imbalance, being a case in point. Yet Wisconsin's correctional work force remains at about four per cent minority--proportionate to the State's minority population but well below the 30-40 per cent minority inmate population.

Indiana, which is only beginning to develop a meaningful affirmative action program, has comparable statistics. One suspects that rural locations and overwhelmingly white populations make it difficult to achieve more than modest hiring goals in such states.

Perhaps because the question was not asked directly, little sensitivity was expressed with regard to LEAA requirements. As with States previously considered, EEO is of concern in most of these States, but is seen as a fairly intractable problem of less than top priority.

Illinois

The Department of Corrections runs nine adult and nine juvenile institutions, and has jurisdiction over adult and juvenile parole. Probation is a county function. There are four maximum-security institutions. The total of persons incarcerated is about 9,000 -- up from 5,900 two years ago. The system is regionalized, i.e., prisoners normally serve their sentences in an institution in their region. One result of this is that although Blacks constitute about 55 percent of inmates over all, they are 75-80 percent of those in the prisons in northern Illinois. Incarcerated juveniles are 65-70 percent black.

The Department has 5,000 employees, 3,700 of whom work in institutions: 2,800 in adult facilities, and 900 in juvenile. Of 240 officials and administrators in the system, 170 are white males (70 percent); 15 are white females (6.3 percent); 46 are black males (19 percent) and 8 are black females (3 percent). Of the total, just under 10 percent are women.

Of 882 professionals, 531 are white males (60 percent); 117 are white females (13 percent); 155 are black males (17 percent); and 58 are black females (6.5 percent). Some 701 are male (79 percent), the balance female.

There are 2,384 Protective Services Personnel. Of these 1,575 are white males (66 percent); 181 are white females (7.5 percent); some 588 are black males (24 percent); and 59 are black females (2.4 percent).

Over all, blacks constitute about 24 percent of Departmental totals, regardless of occupational category. Other minorities are an additional one percent. Three years ago, minorities were 17 percent of the work force. Blacks

are 11 percent of the State's population. Women work in the male institutions as Correctional Officers, in most positions.

Hiring is done through the State Department of Personnel, which does all testing. Correctional Officers are hired on the basis of an oral. There is a requirement of high school graduation, but it can be waived. A six-month trainee program is followed by admission to the Correctional Officer series, and three months additional probation. Professionals can enter as a Social Services Career Trainee. This involves a one-year training period, plus three months' probation.

An Affirmative Action Plan was formulated in 1970, and is revised each year. There is an EEO Officer. Outreach recruitment is done in ghetto areas, using mobile units and a range of other approaches. In general, recruitment has been easy, but the quality of applicants has been low, and turnover is high, especially in the large institutions and the Chicago area. Keeping black professionals has proved extremely difficult in particular.

About half of the Department's workers are under an AFSCME contract, and the proportion is expected to rise to three-fourths by the end of 1976. The use of career ladders has been inhibited by the contract's seniority provisions. There has been some talk of a court challenge, but no concrete steps have been taken.

There is a regular grievance mechanism which culminates in binding arbitration. EEO matters can be taken to the State Fair Employment Practices Commission, which has regulatory and enforcement power, and is widely used by State employees. Most of the FEPC cases emanating from the Department of Corrections last year were sex discrimination cases.

Illinois has a sophisticated, computer-based system of monitoring inmate work assignments and living areas to ensure integration. It also appears to be singular in the litigiousness of its inmates, who mounted 900 suits last year. Eight attorneys are retained full time to deal with these suits, many of which are based on claims that inmate civil rights have been violated. Most plaintiffs have proceeded pro se, even though SPA funds have been used to finance legal aid groups within the prisons. Court orders have been issued on a range of matters such as mail and medical services, as well as inmate segregation.

As elsewhere, crowding is a basic problem. Capacity is 10,500 and is being approached rapidly. Unless mandatory sentencing or some other intensifying development takes place, growth is expected to level off between twelve and fourteen thousand during the next two years. There is chronic gang conflict within the system, emanating principally from black Chicago street gangs, but there are white gangs as well.

Fiscal limitations, large and archaic institutions which are becoming unmanageable, and community and legislative resistance to community-based programs are seen as major problems. EEO is an ongoing concern. Programs in this area appear fairly sophisticated, and have met with some success, but there has been much frustration as well.

Indiana

The Commissioner who heads the Indiana Department of Corrections is responsible to the Governor directly. The Department has its own budget. It has jurisdiction over adult and juvenile institutions, as well as community services--parole, pre-release and work release programs, etc. Probation is a county function.

The Department runs a total of 13 adult and juvenile institutions. These include two maximum-security facilities: the State prison at Michigan City, having 1,550 inmates, and the Reformatory at Pendleton, with 1,650 younger males. Total inmate population is something over 5,000 adults, and 730 juveniles. There has been an increase in prison population since a long term low reached last fall, but overcrowding is not yet a problem, and the incarcerated population was higher 10 years ago. On the other hand, in several institutions, available footage per individual does not meet standards set in the Alabama and other prison cases. No new construction is imminent, though long-term plans are in the works.

The State Prison at Michigan City is located in the highly urbanized Gary-South Bend area of northern Indiana. Higher wages in the steel mills are a chief obstacle to successful recruitment and retention. The reformatory at Pendleton is about 30 miles from Indianapolis. Like most of the other institutions, it is in a non-urban area. This is a problem so far as minority recruitment is concerned. Most personnel are recruited locally, and tend to stay on the job, in part due to lack of alternative opportunities. The rate of turnover varies from time to time, and is relatively stable around Indianapolis. It is high at Michigan City, where two years ago it was 44 percent; economic recession has reduced this figure somewhat. Turnover is in any case a serious factor in hiring and retaining minorities.

Lack of alternatives has also led a high number of college graduates to apply for Correctional Officer and other positions. Because of their presence and interest in professional-level positions, the recent tendency has been to promote from within. The long-term implication is for white, college-educated former Correctional Officers to predominate in professional ranks. On the other hand, a new classification system has been developed which provides for career ladders

for minorities, to move from custodial to administrative/professional positions.

The Department has approximately 2,300 employees, about 950 of whom are custodial personnel. Hiring is fairly stable, though modest increases have occurred when CETA, LEAA or other monies have been made available. Virtually all employees have merit system status. The Commissioner and the heads of institutions are the exceptions. The work force is unionized, but membership is divided between AFSCME, the Indiana State Employees Association and the Indiana Teachers Association. A collective bargaining law went into effect in January, 1976, but was held unconstitutional by a lower court; the situation is now up in the air. Union representation is strongest at the State Prison and the reformatory. Thus far, the unions have not been a big factor so far as affirmative action is concerned.

Minorities are about 8 percent of state population, and about 20 percent of those incarcerated. The proportion -- about one-third -- is higher at Michigan City. Minority employees at that facility are about seven percent of the total, and this figure appears to hold, approximately, for the balance of the system. Thus, although the black work force appears to approach the proportion of blacks in the State population, the number of black employees, notably in protective services, is just one-third to one-half of the proportion incarcerated. There are no black administrators, and minority professionals are 10 percent of the total.

Most females, the majority white, are clerical personnel. The majority of female protective service workers are at a relatively small women's facility, but female Correctional Officers do work in male institutions in most available positions.

The Department has its own Personnel Director. Both individual institutions and the Department's Personnel Office do some recruiting, as does the State Personnel

Division within the Department of Administration. Hiring is done from lists provided by that Division, which administers and grades the examinations. Entry-level and promotional Correctional Officer exams, as well as those for professional positions, are written. The entry test is essentially for aptitude and is in the process of being validated over the next year. A statewide classification system was promulgated in February 1976.

There is a statutory grievance system under the State Personnel Act. In addition, there is an informal process within the chain of command. Both processes culminate in appeal to an Employees Appeals Commission and possible binding arbitration. On EEO matters, recourse can be had to the State Civil Rights Commission or EEOC.

There has been a State Affirmative Action Plan for 2 years. However, the Department of Corrections has just now initiated its first minority recruitment program, and appointed a Department-wide "Affirmative Action Expediter" who will coordinate the existing efforts of "Expeditors" at the level of individual institutions. The State Personnel Act and the merit system are seen as inhibiting affirmative action. With the Rule of 5, it is said, it is hard to reach minority applicants.

Minority recruiting at the professional level is difficult, because of the attractions of private industry. Some outreach recruitment is being attempted, especially at black colleges.

The system is under no major court orders, though it has been required to provide some psychiatric and treatment services. Inmate suits on miscellaneous topics abound, however. There have been no serious incidents in the past 5 years, though rumors of trouble are frequent.

The potential for overcrowding is seen as a major problem, as is choice between various proposed remedies. Affirmative action is of ongoing concern. Resistance from white employees is not great, but neither is the situation one of great priority.

Public indifference or hostility, and continuing budgetary restrictions, make it unlikely that bold new initiatives to head off problems are likely in Indiana.

Ohio adult corrections institutions and parole services are provided by the Department of Rehabilitation and Correction, which is a Cabinet post. Juvenile institutions and parole services are provided by the Ohio Youth Commission, also at Cabinet level. The Adult Parole Authority, within the Division of Parole and Community Services under the Department of Rehabilitation and Correction, has the authority to parole felons; it also supervises all probation officers in the state. Juvenile probation services are provided by the Juvenile Court, who may assign the duties of juvenile probation to the County probation departments. The Office of Subsidies, Community Services Division, within the Youth Commission administers state aid to juvenile court probation departments.

Ohio statutes divide male penal institutions into two categories--reformatories and penitentiaries. There are 8 adult institutions in Ohio, all of which are in rural locations. There is one maximum security penitentiary, one women's facility (mixed security), one medical facility based in a maximum security building, two reformatories (1 maximum, 1 medical), and 3 medium security institutions. Renovation is now taking place at the Ohio Penitentiary, but a recent proposal for a much-needed new facility has lain dormant in the legislature. No immediate action on this proposal is anticipated.

The total adult prison population is 12,211 (11,728 men, 483 women). Of the total adult population, 46.5% are minorities. Racial integration extends to

the cell-blocks, co-habited cells and the division of prison labor. Self-imposed segregation among prisons is not formally prevented and is evident in some dining halls. Cells are co-habited at 3 institutions and the Marion Correctional Institution is at present under a Federal court order putting a population ceiling on that institution. Overcrowding, then, is a major problem in Ohio.

Inmates have a general grievance mechanism (Administrative Regulation #845), through which treatment and job-related grievances are brought to the attention of the Institutional Parole Officer. If unresolved at this level, grievances are handled by the Division of Special Services. There is no specific EEO grievance mechanism for inmates, although complaints of this nature are covered under the above-mentioned regulation.

There are 3,465 employees in the Department of Rehabilitation and Correction (82.1% men, 17.9% women). Approximately 50% of the work force is composed of "protective services," which includes custodial and treatment personnel. Of the 3,465 employees in the Department, 8.5% are minorities (185 men, 110 women). The highest employee turnover rate is amongst guards at the various rural institutions. Salary levels are a deterrent to long-term employment.

Women are not used in "high-risk" areas in men's institutions. In the women's facility, they are utilized in towers and "high-risk" contact areas. Of a total of 640 professional staff, 99 are women. There are 85 professional staff members from the various minority groups.

The employees are not unionized and do not have a collective bargaining unit. An Executive Order requires that 30% of the total Departmental work-force must be represented before a union can be recognized. A 10% representation of the total Departmental work-force gives the employees "meeting and conference" rights. Job grievances are handled through an internal departmental grievance mechanism.

There is a specific grievance mechanism for EEO-related problems. A complaint is filed through the Department Affirmative Action Coordinator and the EEO Investigator who collaborate on the case. Complaints then go to the EEO Executive Officer and, if irreconcilable, are brought to the attention of the State Division of EEO. This system has been in operation since 1973 and has proved to be effective.

There is a written affirmative action plan for the Department of Rehabilitation and Correction that has been implemented since 1973. There is both an Affirmative Action Coordinator and an EEO Executive Officer in charge of the respective programs.

The Department of Rehabilitation and Correction has its own Bureau of Personnel which runs a statewide outreach program. Two minority recruitment officers perform this function. Written tests are administered to all applicants, including those applying for positions as correctional officers, by the State Department of Administrative Services. There have been some recent questions as to the validation of these tests as job-related.

In general, problems exist in the areas of overcrowding, attempts to apply EEO measures to the inmate population, and in the area of legislatively appropriated funds. Historically, the Ohio legislature has given corrections a low priority.

The New York Department of Correctional Services, a Cabinet post, administers the adult correctional institutions and parole services. The Adult Board of Parole is an autonomous agency which reports to the Governor but is administratively under the Department of Correctional Services. Juvenile institutions are administered by the Division of Youth under the Executive Department. Parole services and supervision are also the responsibility of the

Division, specifically the Bureau of Placement and Counseling. Probation services are administered by local County Departments in all the counties except three, where the State agency provides direct service. The Division of Probation, under the Executive Department, serves primarily to supervise County operations and provide financial assistance.

New York has a total of 35 institutions. There are 6 rural maximum security adult male institutions, 11 rural maximum/medium adult male institutions and 1 female institution. The remainder are urban youth and community-based programs. Renovation is occurring at 5 institutions. The Matteawan State Hospital (300 male, 4 female), previously administered by the Department of Correctional Services, is being taken over by the Department of Mental Hygiene, effective January 1, 1977.

The total prison population is 17,112 males and 437 females. Black prisoners make up 56.7% of the prison population, whites 25.4%, Spanish-surnamed 17.4% and those classified as "other" .5%. The projected population for April 1977 is 20,000 inmates. Overcrowding is a major problem in New York, one reason being the fact that State institutions must assume the surplus inmate population from New York City.

Integration extends to the cell-blocks, dormitories and the division of prison labor. Self-imposed segregation among inmates is discouraged. An inmate grievance committee, composed of three inmate-elected prisoners and various institutional officials, provides for a multi-level mechanism that handles treatment complaints and job-related grievances. Inmates also have access to Federal EEOC.

Not including probation and parole services, there are 10,508 employees in the Department of Correctional Services. 9,330 of these are employed in the correctional facilities (7,789 males, 1,541 females.)

There are 5,400 males in custodial positions, and 276 females. In clerical work, there are 210 men and 930 women; the remainder of the positions are administrative.

Minorities and women are well represented in the Department of Correctional Services, but do not approach the proportions of minority inmates. There are 1,134 blacks (840 male, 294 female), 318 Spanish-surnamed (281 male, 37 female) and 33 classified as "other" (27 male, 6 female). Women are assuming a greater role, especially as Correctional Officers. However, they are still utilized primarily in non-contact areas in men's institutions. In the women's institutions, they are employed in full-contact areas as correctional officers. Minorities and women are employed in the upper-level positions throughout the Department of Correctional Services.

The employees are unionized and have an extensive collective bargaining procedure. Employment grievances are handled through the union and EEO-related complaints are channeled through the Office of Minority Group Manpower Programs or the State Division of Human Rights.

The employee turnover rate is highest amongst guards at the maximum and max./medium security institutions. The rural location of these institutions creates a transportation problem, which is seen as the major deterrent to long-term employment.

Written EEO and Affirmative Action plans are handled through the Office of Minority Group Manpower Programs, which has been working successfully to open up a previously "closed shop" in the area of correctional officer employment. However, problems still exist because of the low percentage of minorities living in the rural areas in which the institutions are located.

Recruitment is done by the Office of Minority Group Programs. This office also runs an outreach program in the urban and college areas. No actual career ladder program exists, although there are promotional opportunities throughout the Department. The Department of Correctional Services is at present under a court-ordered quota to achieve a ratio of minority first level supervisory personnel (Sgt.) that is coincident with the percentage of minority correctional officers.

The State merit system plays an important role in the screening and testing of personnel. Written tests are administered by the State Civil Service Department, and are given to all applicants, including correctional officers.

In general, problems exist in the areas of overcrowding, recidivism, salaries and most of all the location of institutions, which inhibits minority recruitment.

Michigan

The Director is appointed by the Corrections Commission, which is in turn appointed by the Governor for a 3-year term. The Department has its own budget. It runs eight institutions and 12 corrections camps, all for adults. It also has responsibility for adult probation and parole. Juveniles are handled by the Department of Social Services.

The largest prison is at Jackson, in southern Michigan; it has 5,100 inmates. All institutions in the system are at or over capacity. The system as a whole is about 800 above the stated limit. Commitments per month are averaging about 200 above normal. Current population is about 11,100. Inmates are expected to number 13,000 by the end of this year, and to peak at almost 15,000 by 1978.

High unemployment and a trend to harsher sentencing are principal factors in this growth, which began about October 1974.

In the face of the threat of imminent overcrowding, some new construction has been projected. Almost 2,000 beds, including 1,000 at Jackson, are planned for the immediate future, and two more regional prisons are projected for 1980. A suit to enjoin the Department from taking any more prisoners and to release some of those in custody is also expected shortly.

Jackson and several other facilities are accessible by car from the large urban areas in southeastern Michigan from which the majority of prisoners come. The 800-man maximum-security institution at Marquette on the Upper Peninsula is eight hours from Detroit, however. The medium-security Michigan Training Unit at Ionia is also relatively remote, as are most of the corrections camps.

The Department has a Personnel Officer. Hiring is done through the State merit system, which does some recruiting. However, the Department does most recruiting, particularly of minorities. There is no written exam for entry-level Correctional Officers. An interview and background check are used. Hiring is followed by six months' training and a 2-year probationary period. Higher level promotional exams are oral, though middle level positions in the Correctional Officer services are filled through a written exam. Trainee positions for professional slots also require a written exam.

An affirmative action plan was formulated in 1971, and is updated each year. There is an Affirmative Action Officer. A vigorous outreach program is conducted, through the Urban League, NAACP, churches and the use of media in minority areas. A career ladders program has been in existence for minorities in the custody classes since 1974. It allows for acquisition of college credit, and movement to specialized positions in the correctional services. Turnover is nonetheless high, especially among employees not long on the job, and minorities.

The recent economic upswing has made recruiting and retention more difficult. Although there is a theoretical backlog of applicants, less than 50 per cent of those contacted respond to subsequent inquiries.

The Department has 3,200 employees of which 2,000 are custodial and related professional personnel. Of the total employed, 13.4 per cent are minority workers. Michigan's minority population is 13 per cent. However, inmate populations are 60 per cent minority. The current Departmental goal is to achieve a 15 per cent minority work force. This projection was set in 1971, when the work force was only six per cent minority.

Affirmative action has been inhibited to an extent by white employees' hostility, especially to upward mobility programs. About 78 per cent of the work force is unionized, by AFSCME and the Service Employees International Union (SEIU), even though there is no collective bargaining law. The union leadership verbalizes, if sometimes reluctantly, the attitudes and complaints of its predominately white constituency.

Overcrowding is of primary concern, as are related legislative and other efforts to toughen sentencing, etc. As elsewhere, EEO is of basic and continuing, but not overriding, concern.

Wisconsin

The Division of Corrections is under the Department of Health and Social Services. Action in many important areas, including affirmative action, has been

disrupted during the past several months by the lack of a permanent Division Administrator; an appointment is expected in the next two months. The Department as a whole is also undergoing reorganization. Even so, Wisconsin appears to have an active and enlightened program for equal opportunity. The lack of a separate Corrections budget does not appear to be a source of great difficulty, though Department-level rivalry for funds with the Department of Education is.

The Division has responsibility for all adult and juvenile institutions, for adult probation, and for providing staff to the State Parole Board, which is in the Office of the Secretary. Juvenile probation is a function of local courts or, in a minority of cases, another section of the Department of Health and Social Services.

There are three major adult institutions including the State prison, housing 1,000 inmates. The other two are medium security institutions, and a fourth is shortly to be converted to a Youth Offender facility. There is also a corrections camp system with about 10 units. Three urban pre-release centers differ from the dominant pattern of rural location, which has been a major factor inhibiting minority recruitment and retention.

Inmate population is now about 10 short of capacity and commitments are in an upswing. No new construction is currently planned. Minorities constitute between 30 and 40 per cent of a population, both adult and juvenile, of about 3,200. Division employees number about 3,000, of whom about 2,000 work in institutions. Of these, perhaps 1,300 are Correctional Officers. Minority employees in the institutions number about 4 per cent of the total employed. Minorities are three per cent of Wisconsin's population.

The Department's Bureau of Central Personnel is in the process of absorbing the Division's personnel functions. The individual institutions have their own

personnel managers, and do their own hiring, except for some supervisory personnel. Correctional Officers have in the past been hired on the basis of an oral screening, but they are now hired by random selection among high school graduate applicants, 18 and over. They are initially placed in a 2-year training program, with further training required for attainment of the "Correctional Officer-II" level. The State merit system sets criteria for promotional exams beyond this series; the exams are oral or written, depending on level, the higher being determined by an oral. It is possible to move up into supervisory or professional positions through the correctional series.

Turnover is not a big problem. The work force, other than supervisors, has been unionized by AFSCME, or pays a "fair share" fee. Two general grievance mechanisms exist, one through the union over working conditions, discipline, etc., and the other with regard to pay, classification and the like, to be pursued by individuals. EEO grievances can be taken to the State Equal Rights Division, which is the deferral agency for EEOC.

Both the Division and the Department have affirmative action plans, as apparently does each institution. The Division has an affirmative action officer, but not full time. Until recently, affirmative action was facilitated through "Personnel Rule 27," a State regulation which allowed hiring of minorities or women only where a racial imbalance has been shown. A Wisconsin Circuit Court struck the practice down, however, on the grounds that such procedure would require the force of legislation. According to the Judge, minorities and women are not per se "handicapped" or economically "disadvantaged" persons within the meaning of current law. The case is on appeal. Although the Rule is now suspended, positions are still being filled by the Corrections Division from lists compiled under it.

The Division has a substantial outreach recruitment effort, utilizing various media in minority areas, as well as the services of the Urban League. The system is under no major court orders.

Pennsylvania

The Bureau of Corrections is the largest segment of the Pennsylvania Department of Justice. However, the Commission has direct access to the Governor on personnel and other matters, excluding certain policy features, in which he is responsible to the Attorney General. Affirmative Action has been disrupted over the past three years by turnover among Directors of the State Bureau of Affirmative Action, and related institutional rivalries with the various Departments. The latest incumbent has a management, but not an affirmative action, background.

The Bureau runs eight adult institutions. There is a separate Board of Probation and Parole. The prisons are regionally located, and those convicted are usually sentenced to the regional institution. County prisons take prisoners serving sentences up to two years. By a special arrangement, the Bureau takes prisoners from the Philadelphia prisons who are serving six months to one year. Prisoners doing two to five years can go either to County facilities or Bureau institutions. Those serving over five years must go to Bureau prisons.

There are currently about 7,500 inmates, of whom 56 per cent are black. The proportion of blacks at Pittsburgh and Greaterford (Philadelphia area) are much higher, running close to 90 per cent at the latter facility. Transfers have been made to attempt to rectify such imbalances.

Employees number about 2,900, of whom approximately 1,400 are custodial staff. Turnover is not a serious problem. Except for physicians, acquisition of professionals has not been difficult. The rural location of several institutions makes minority recruitment difficult at these facilities. About 2,400 em-

ployees have been unionized by AFSCME. The union has not been an obstacle to affirmative action. Women work in the male institutions as support and counseling staff, but not as correctional officers. Grievances can be taken by an individual or his union. Most matters other than position classification can go to binding arbitration. EEO matters can be taken to the State Human Relations Committee or to EEOC.

The Bureau has a Personnel Director. Only clerical and top management jobs are non-civil service. The State Civil Service Commission develops and administers written tests for entry-level correctional officers, as well as for promotions. There is a Corrections Trainee program, in which some individuals can be hired for a year and then taken into the "Correctional Officer-I" position without a written exam. The tests are job-related. In general, civil service requirements are seen as obstacles to affirmative action.

Cumulative figures for the ethnic composition of the Departmental work force were not available. However, about 30 per cent of employees at Greaterford, and about six per cent at Pittsburgh, are blacks. There are less than 30 black professionals in the system.

The current affirmative action plan dates from 1974-75. Efforts have been curtailed by the disruptions indicated above. Promulgation of a new plan in 1977 depends on reception of guidelines from the State Bureau of Affirmative Action. The Bureau is under no court orders at this time. Growth in prison population is a problem, but is not at a crisis stage. It is hoped to avoid a crisis by increased use of diversionary facilities.

SEMINAR IN AFFIRMATIVE ACTION

LEADERSHIP DEVELOPMENT

HARTFORD, CONNECTICUT

JULY 20-23

A BACKGROUND REPORT

INTRODUCTION

The seven States and one territory covered in this report fall into two groups. New Jersey, Connecticut, Massachusetts and Rhode Island share similar social and economic characteristics, including fairly substantial minority populations, both at large and in their institutions as inmates. All are concerned with affirmative action, apparently more for minorities than for women, and have programs to that end. However, none of the programs are strikingly aggressive, and unionization of the existing work forces is probably an inhibiting factor. Nevertheless, minorities appear to be employed in proportion to their numbers in the work force in the surrounding labor market area.

Maine, Vermont, New Hampshire and, in a way, Puerto Rico, share some common characteristics. All are tourist centers, and all are more or less ethnically homogenous. Affirmative action in such a context takes some doing. Even so, as in the other States examined, affirmative action for women is needed. Only Vermont seemed interested. No information on affirmative action was available for Puerto Rico.

Connecticut

The Commissioner who heads Connecticut's Department of Corrections is appointed by, and serves at the pleasure of, the Governor. The Department has responsibility for adult institutions (offenders 16+) parole and community release. The Board of Parole is autonomous, and its members are appointed by the Governor. There is a separate Department of Adult Probation, and the Juvenile Court system handles juvenile probation. The Department of Children and Youth Services is in charge of juvenile institutions and parole services.

The Division of Community Release is responsible for offenders who are within one year of parole or release. It supervises 27 institutions which conduct community release programs. Nine units are within the Corrections Department, but 18 are halfway house operations outside it.

There are a total of 10 adult institutions. Six community correctional centers house pretrial detainees, misdemeanants, and felons serving up to one year, including some in a pre-release status. Those centers in urban areas such as Bridgeport, Hartford and New Haven have populations of from 300 to 600, but most inmates are being held for trial. About 10 percent are in a pre-release status, and another 10 percent are simply serving their time.

Four major institutions are provided for felons 16 and up who are serving more than one year. The women's institution at Niantic, on the eastern Connecticut shore, also holds some women in pre-trial detention. The inmate population is about 180. The Youth Offender facility at Cheshire has approximately 400 inmates, and is located about halfway between Hartford and New Haven, i.e., about 18 miles from either of those cities. A women's facility is currently under construction at Cheshire. The total institution will therefore be coed. That at Niantic is to be phased out as not economic.

The maximum security institution at Somers is located in a rural area of northern Connecticut, as is the adjacent Enfield minimum security facility. Both are within one hour's auto commutation of Hartford, but efforts to recruit and retain minorities from that area have in fact been inhibited by transportation difficulties. Springfield, Massachusetts, which has both black and Spanish-speaking populations, is about 15 minutes away, but recruitment is limited by the State line. Turnover is high at the Somers Institution.

The total inmate population for all institutions is about 3,000. The number has been rising, but is not at a crisis point as yet. About 45 percent of the total are black; another 7 percent are Spanish-surnamed. Department employees number about 1,800. Of these, about 9 percent are black, and 5 percent are Spanish-surnamed. Three years ago, minority employees were just 10 percent of the total. The State population and the proportion of minorities in the work force are both about 10 percent.

The workforce is substantially unionized. There are both union-related and departmental grievance procedures. Final appeal can be had to a Personnel Appeals Board. On EEO matters, resort can also be had to the State Human Rights Commission, or to EEOC.

The Personnel Administrator in the Hartford central office has two assistants. Two of the major institutions have personnel officers, and two have affirmative action officers. Personnel matters are handled by a business manager at the other facilities. There is an affirmative action officer in the central office in Hartford.

The State merit system administers all exams, though the Department is in the process of trying to re-acquire the Correctional Officer test, which it turned over to the State a year ago. The test, which is currently being validated, is a combination written and oral. The Department has conducted some amount of outreach recruitment, and has a career ladder program for Correctional Officers and counselors.

An Affirmative Action Plan, first issued several years ago, was updated in May. One contact expressed confidence that EEO problems were being dealt with, but there is some indication that recruitment and retention are problems, especially as regards Spanish-speaking persons.

Maine

The Bureau of Corrections, which is part of the Department of Mental Health and Corrections, is headed by a Director who is appointed by the Departmental Commissioner. The Bureau has responsibility for adult and juvenile institutions, probation and parole. The general public climate is such that corrections does not do well in the struggle for the budgetary "pie." Maine also recently put an end to all provisions for parole, and enacted a stricter criminal code. This has resulted in a strong upward trend in numbers of inmates. Facilities are becoming somewhat overcrowded, but no new construction is planned. Capacity for training and rehabilitation programs has already been outstripped.

The State Prison, located at Thomaston at a fairly remote point on the Maine Coast, is a maximum security institution for felons. The Maine Correctional Center near Portland is primarily for Youthful Offenders. There is a small women's facility, and male and female juvenile institutions, as well.

Adult prisoners total 550. Less than five percent are minority. Of 700 employees, about a comparable percentage are minority. The State population, exclusive of Indians, is less than 1 percent minority.

Women do work as correctional officers to a limited extent, but budget limitations and a high guard-inmate ratio have combined to prevent any use of women in the State Prison. It is felt that women could not handle the contact aspects of the job.

Low wages have led to considerable turnover, especially at the State Prison. Most who depart have either less than one year in, or over 10. Unionization has just gotten started, through a State Employees' Association, and AFSCME. There is a departmental grievance procedure, which can be taken on appeal to a State Employees Appeal Board, at the fifth level. Also each

institution has an affirmative action officer to whom EEO complaints can be taken. Such complaints can be referred to the Bureau Affirmative Action Officer who, though he has only advisory powers, can effectively set discrimination situations right. However, he is apparently less than aggressive on the matter of women in the full range of correctional positions. Appeal can also be taken to a State-level Affirmative Action Officer.

There is a departmental personnel officer, and each institution has a personnel officer as well. There is a state merit system which provides lists to fill certain positions. However, correctional officers are hired non-competitively by the institutions. Typically, a written and oral are used. Hiring is usually local. Promotion to sergeant and above is on a competitive basis. Tests have been validated, it is reported. A career ladder scheme was attempted in 1974, but was terminated due to high cost, and the relative lack of mobility between institutions.

As in Vermont and New Hampshire, women are the most significant group so far as affirmative action is concerned. There seems less disposition to act aggressively on the matter here than in Vermont. The State had about equal numbers of Indians and Blacks in 1970, but neither group forms any disproportionate element of inmate, workforce or general population. French Canadians appear not to have discrimination problems, and language communication has not been a source of difficulty.

Massachusetts

The Department of Corrections is headed by a Commissioner who reports to the Secretary for Human Services. It is responsible for adult institutions housing felons and misdemeanants age 17 and up. The Department of Youth Services maintains residential facilities for juveniles; there are no juvenile reformatories per se. The Commissioner of Youth Services and the Chairman of the Parole Board both report to the Secretary of Human Services. The Parole Board is within, but not subject to, the Department of Correction. Adult and juvenile probation is a function of the county courts.

The Department of Corrections maintains five major institutions, including the State Hospital at Bridgewater, which has a majority of voluntary commitments--for alcoholics, drugs, sex deviance or dangerousness, and mental illness. The maximum security prison is at Walpole, about 25 minutes from Boston. Medium/minimum security facilities are located at Norfolk, Concord and Framingham; the last is co-ed. There are also three minimum security prison camps, and 10 pre-release/community treatment centers, most in the Boston area.

Including about 800 voluntary commitments at Bridgewater, inmates at the major institution number about 3,000. Most are near capacity.

Ethnic distribution for the four non-hospitals is as follows:

<u>Institution</u>	<u>Number(%) White</u>	<u>Number (%) Black</u>	<u>Number (%) Other</u>
Walpole	411 (64.7)	220 (34.6)	4 (.6)
Norfolk	417 (61.5)	250 (36.9)	11 (1.6)
Concord	268 (69.3)	108 (27.9)	11 (2.8)
Framingham (female)	39 (52.7)	32 (43.2)	3 (4.1)
(male)	23 (69.7)	9 (27.3)	1 (3.0)
TOTAL	1158 (64.0)	619 (34.3)	30 (1.7)

Spanish surnamed are not indicated, and may be included in either major racial group. There are apparently substantial Hispanic communities in some Massachusetts cities. Hispanics in the State's workforce numbered 21,000 in 1970.

The Department has a total of 2,500 employees, of whom about 1,200 are correctional personnel. Among correctional personnel, ethnic composition in May 1976 was as follows:

<u>Institution</u>	<u>Total Corrections Officers</u>	<u>Minorities</u>	
		Number	Percent
Walpole	257	13	(5)
Norfolk	219	11	(5)
Concord	225	9	(4)
Framingham (women only)	53	13	(24)
Bridgewater	457	14	(3)
TOTAL	1211	60	(5)

Although the statistics are not exactly comparable, it would seem that the proportion of minority employees is substantially below that of minority inmates. However, although minorities in 1970 numbered about 5 percent of the total State population, their proportions of the work force were substantially smaller. Even if urban areas alone, in which almost all minorities live, are counted, blacks were just 2.8 percent of the work force, and Hispanics were about one percent.

Personnel within the Department is under the aegis of a Deputy Commissioner of Personnel and Training, to whom a Personnel Supervisor reports. The Massachusetts Division of Personnel Administration recruits and examines personnel for hire by the Department. It has an outreach recruitment program for minorities. Vacant positions are also advertised within the institutions. Written tests are used for both entry and promotional positions, though interview panels are

employed as well. Because of delays in giving exams for new titles, there is a relatively high number of "provisional" employees, i.e., persons appointed pending a test. Most correctional officers, however, come off a list.

Correctional officers typically serve six to nine months before being permanently appointed. Turnover is highest at the maximum security institution at Walpole. A relatively depressed economy has tended to keep people on the job in recent months. Most Correctional Officers are unionized, primarily by the AFSCME-Service Employees International Union Alliance. They joined last month in an illegal strike for higher pay. A tentative pact has been rejected and the matter is again under negotiation. Like other State employees, correctional personnel no doubt have trouble keeping up with the cost of living in the Boston area, where a family of four need \$14,300 for a decent living. Wages for State employees are considerably less.

There is an employee grievance mechanism, with appeal ultimately to the Massachusetts Civil Service Commission. The Massachusetts Commission Against Discrimination also handles EEO complaints.

There is a departmental Affirmative Action Officer, and an affirmative action plan. Career ladders are provided for all employees, through a training academy and staff development. Some women correctional officers work in male institutions, but only in non-contact posts. Some do work on cell blocks in pre-release settings.

As in other States, the mechanisms for EEO are in place in Massachusetts. The statistics also indicate that employment of minorities is in line with their share of the work force. However, there are far higher percentages of minorities in the inmate population, and it is not clear how aggressively minority recruitment is being pursued. Neither does there seem to be a great press to get more female correctional officers into male institutions.

New Hampshire

One of New Hampshire's distinguishing features is that it has no Department of Corrections. A Board of Trustees runs the State Prison at Concord. Women are sent to either Maine or Connecticut. Other Boards oversee a juvenile co-ed facility, and adult parole. The State Department of Probation has charge of adult and juvenile probation.

In 1970, the State had a total population of about 737,000. Four thousand were non-white. Minorities formed less than one per cent of the workforce and the general population, and were apparently concentrated in the industrial area adjacent to Lawrence and Haverhill, Massachusetts, in the southeast corner of the State. "Persons of Spanish language" were about 20 per cent more numerous in the work force than Blacks, but neither group numbered over 700.

The State Prison has 296 inmates, of whom 12 to 14 are minorities (4 per cent). Another 40 inmates are on release of some sort. Of 142 employees, 98 are correctional officers. All are white, and 95 are male.

There is high turnover--about 25 per cent last year--among correctional officers. The officers are not formally unionized, but there is movement in that direction. A grievance proceeds through the Warden, then to the Department of Personnel and, on appeal, to a Review Board.

There is no affirmative action officer, and whatever plan there is is confined to the rules and regulations for correctional officers, and to aspects of a training program. Women correctional officers are limited to non-contact areas, except for visiting.

Recruiting is done through the State Personnel Department, which gives a written test. Candidates are interviewed at the prison before hiring.

The current written tests have been validated, but they need revision. Professional services are, to a large extent, but not exclusively, provided on a consultant basis.

The lack of a Department of Corrections has led to considerable political influence over the system. The physical plant, and rehabilitation programs, have been neglected. Prison population grows by about 5 per cent a year.

As in the neighboring States, women are the obvious affirmative action focus. French-Canadians are undoubtedly numerous among inmates, but almost all are bilingual, and there are proportionate numbers of French-Canadian employees. Discrimination has not been alleged in any case. No great urgency was detected with regard to female recruitment, and there is no pressure to that end.

New Jersey

The Division of Correction and Parole is part of the State Department of Institutions and Agencies. A bill is pending to make the Division a cabinet-level Department, but no action has been taken as yet. The Division's experience has been that the budgetary tie-in with social welfare programs has both advantages and disadvantages. Specifically, the Division has sometimes benefited from transfers of funds, but it has on other occasions suffered. The mixing of funds is generally felt not to be good budgetary practice.

The Division is responsible for nine adult and two juvenile institutions, as well as for community-based programs for parolees and others. Within the Division, the Bureau of Parole staffs both adult and juvenile parole. The Bureau of Community Services is responsible for three Community Treatment Centers, in urban areas of the State, which serve 14-16 year olds, as well as for several adult pre-release institutions. The Bureau of State Use Industries produces, distributes and stores support items for various institutions. The Division of Corrections also inspects county and municipal detention facilities, and carries on various rehabilitation programs.

Of the nine adult institutions, all but three are either in or accessible from urban areas. The Trenton State Prison and the Youth-Adult reformatories at Bordentown and Yardville are in the same general area, while the Rahway State Prison and an adult diagnostic and treatment center at Avenel are in the highly populated central part of the State. The two juvenile facilities at Jamesburg and Skillman are in somewhat less accessible areas, especially given a lack of public transportation.

There are no major facilities in north Jersey, in or near Newark, Jersey City, Hackensack, Paterson, or other urban centers with the State's highest

minority populations. The State Prison Farm at Leesburg is in a remote and rural part of South Jersey, and the Annaandale and Clinton Reformatories, the latter coed, are in only somewhat less remote West Jersey. Even so, successful outreach recruitment from Trenton and Newark has been done for the latter two institutions.

One thousand juveniles, to age 18, are incarcerated. There are 5,000 prisoners 18 and up as well. All of the State's major institutions are at or near capacity. Addition of 3 to 400 new beds has been proposed, but no concrete plans for new construction are afoot.

The inmate population of New Jersey's adult institutions is estimated to be 65 percent black, 10 percent Spanish-surnamed, and 20-25 percent white. Of about 3,000 employees, 1,500 are correctional officers. The Division's ethnic breakdown, as of June 1975, was as follows:

Whites:	Male - 2,132;	Female 813
Black :	Male 615	Female 452
Spanish:	Male 19	Female 9
Other:	Male 52	Female 6

The percentage of white males is 75, that of black men 21. Blacks form a far higher proportion of female employees. Taken together, black men and women are 28 percent of the total. The State's minority population was just over 10 percent in 1970. Minorities are about 16 percent of the population in the Trenton area, where the principal State institution is located. Figures for the workforce are similar to those cited for the entire population.

Thus minorities appear to be represented in the Division of Corrections and Parole workforce in proportion to their numbers in the general population and the labor market area. However, they are not proportionate to the numbers of minority inmates.

The Division has a Chief of Personnel Services and Employee Relations. Each institution also has a personnel officer, or a business manager who handles personnel. The offices at the institutions recruit and hire, give technical advice at grievance hearings, and deal with various personnel problems. There is also recruitment out of the central office. Those hired generally come off a civil service list provided by the State Department of Civil Service. Though it is under challenge, New Jersey currently gives war veterans and disabled veterans absolute preference over others, and utilizes the "rule of three." The system therefore allows for little flexibility.

Good pay and the chronically depressed situation of the private sector in New Jersey have caused turnover to drop from 40 to 50 percent a few years ago to about 20 percent today. Most correctional officers are unionized, principally through the Policemen's Benevolent Association, which is rather militant, but undoubtedly not enthusiastic for affirmative action. There is a grievance procedure related to the PBA contract. Appeal can be taken to the State Department of Civil Service, or a dispute can be submitted to binding arbitration. There is also a State Division of Civil Rights, to which resort can be had in cases of discrimination.

Most recruitment, including outreach, is done by the State Department of Civil Service. That Department has a fairly aggressive record on affirmative action. Correctional Officer candidates take a written and physical exam developed by the State Department of Civil Service. These tests have apparently been validated. Upon employment, the candidate gets three weeks training, followed by a 4-month "test" or probationary period. There is currently a waiting list of from 150 to 200, thus making affirmative action difficult.

The Division is bound by a statewide affirmative action plan. There are Affirmative Action Officers at the Department and Division levels, as well as in each institution.

Puerto Rico

Puerto Rico, that lovely island, has, sad to say, a correctional system. Adult offenders are committed to the Administration of Corrections, for disposition to the Penitentiary at Rio Piedras, which has a capacity of 1,000 which is very close to being reached, or to one of several jails and camps of about 150-200 capacity. The Institution for Youthful Offenders houses juvenile offenders 18-21. Those under 18 are handled by the Department of Social Services.

The Administration of Corrections, headed by an Administrator, is also responsible for adult probation and parole. Whether or not there is affirmative action for women, Yanqui tourists or non-Spanish-surnamed persons is not known. Unlike the rest of our glorious country, it is not, with regard to Puerto Rico, easy to come upon clear statistics on race.

Rhode Island

The Director of the Department of Corrections is appointed by the Governor, and confirmed by the Senate. He currently has a five year term, but a new bill which could again cause him to serve at the pleasure of the Governor is expected to pass. The Department has jurisdiction over all adult and juvenile institutions, probation and parole. There is an independent Parole Board, however.

All institutions are located at Cranston, which is about 10 miles from Providence. For adults, there are one each of maximum, medium, and minimum security institutions, a women's facility, and a work release unit. The maximum security facility is at capacity, and the others are not far behind. Drugs, and the protection of inmates who have "talked" or otherwise compromised themselves, are problems. A Bond issue of \$7.5 million dollars for construction of a new maximum security facility has passed, and there are other proposals for medium and minimum security, and community corrections, facilities.

Adult inmates number 526 males and 12 females. About 30 percent are minority, principally black. There has been considerable racial tension among inmates. The Department has 780 employees, 567 male and 213 female. About 13 percent are black. The minority population in Rhode Island's workforce is about 3 percent.

Turnover was about 10 percent during the last year. It is highest at the maximum security institution. The existence of a 20-year retirement provision means that some older persons can be forced out to make room for younger people. The workforce is unionized, except for some clerical and administrative personnel. The union has sometimes been amenable to EEO but it has been and is

resisting the introduction of women correctional officers into male institutions.

Personnel, including EEO, is the responsibility of the Chief of Employee Relations. He hears grievance complaints on appeal from the supervisory/agency head levels. Non-monetary items can thereafter go to binding arbitration.

Employees are hired from State Merit System lists. However, there is considerable pre-test hiring of promising applicants who are given a physical and agility test, and then trained for six weeks. They have provisional status before conduct of the exam, which is written. Promotional exams are written, except for the highest levels. There is also an element of education and experience. Whether the written tests are valid appears doubtful.

The State Department of Administration has used CETA money to provide each Department with an Affirmative Action Officer, to whom discrimination appeals can be taken on an advisory/ombudsman basis. A few cases go to the State Human Rights Commission.

Seniority, especially as regards officer reassignments, is currently a sensitive issue. The union, as indicated, has also raised objections to women in the male correctional setting. On the other hand, the state merit system continues to certify women as qualified.

Again, the pattern of general configuration of minority employment to workforce proportions holds, as does the disparity with inmate population. There is however, some greater suggestion of racial tension in Rhode Island, especially among inmates, and of union resistance to affirmative action on behalf of women.

Vermont

Vermont is said to be in the northeastern United States. However, if we are to judge by its correctional system, it is unlike any other place in that country. Not even Maine and New Hampshire match its curious system.

The Department of Corrections is part of a Human Services Agency, and is headed by a Commissioner appointed by the Agency Secretary with the Governor's and the Senate's approval. The affiliation with the Agency is viewed positively, as giving access to Title XX and other funds. The Department is responsible for adult and juvenile institutions, probation and parole.

There are seven adult institutions. None are maximum security, though one medium facility has a short term maximum capacity for those who don't behave as good Vermonters should. There are about 450 adult inmates, 12 of them women, and about 120 juveniles. Emphasis has been put on probation instead of incarceration.

For those imprisoned, usually for not more than 10 months, it is a steady diet of convenience foods. Presumably, TV dinners and bologna sandwiches build steady habits. That means that it is not necessary to hire cooks. Neither are there clinical or professional personnel on staff. Rather, such services are acquired from other public agencies and private sources, as is maintenance. Also, about 350 volunteers perform a variety of non-security functions.

Affirmative action is decidedly a woman's matter. There are less than 1,000 minorities in the State. Of the inmate population, 3 or 4 are minorities. There is a like number of minority guards. There are a number of women among the 105 correctional officers employed. They work in the

larger male institutions, though not in contact positions where there is any degree of crowding. One male facility has a female superintendent. The Commissioner is actively seeking techniques to effect affirmative action for women. Male employees rebelled against an attempt to set quotas. He also alluded to the desirability of hiring a French-speaking officer or two at one of the more northerly institutions, into which an occasional hapless French-Canadian, fresh from the bush, stumbles without a command of English. He made no mention of possible affirmative action for bears.

The Department has its own personnel office, with a Manpower Manager in charge. She is the affirmative action officer, and does personnel training and development. The State personnel system recruits and provides candidates for hire. Promotion can be internal, or through the State merit system.

There is a State Employees Association, which bargains collectively, but not on salaries. A departmental grievance mechanism goes through a Hearing Officer to the Commissioner. It is for both inmate and employee grievances. Eventually, appeal can be taken to a State labor relations board.

Because of decisions to emphasize probation, the work force is stable at present. The Commissioner seems committed to affirmative action for women, but how tractable his situation is is questionable.

SEMINAR IN AFFIRMATIVE ACTION
LEADERSHIP DEVELOPMENT

DES MOINES, IOWA

AUGUST 17-19, 1976

INTRODUCTION

The eight midwestern States discussed herein vary considerably, but can be grouped on several bases. Kansas, Missouri and to a lesser extent Nebraska, Iowa and Minnesota have the large black populations in urban areas which correlate with sizable black inmate populations, and a sizable black labor pool. However, rural location is a factor inhibiting recruitment in these States. In the Dakotas and Wyoming, as well as Minnesota to an extent, Indians are a significant minority group, but the numbers are small both in institutions and the general population. The situation so far as affirmative action is concerned is thus somewhat intractable. In Wyoming, a booming population has brought problems with it. Mexican-Americans and to a lesser extent blacks and Indians have become significant elements in the general and inmate populations.

In summary, all of these could benefit to one degree or another from training in affirmative action policy development. Some have big problems, difficult to solve. Others need to be convinced that they have a problem at all. Indian recruitment presents a particularly difficult challenge for some.

Iowa

The Department of Social Services includes a Division of Adult Corrections which has jurisdiction over adult facilities, and a Division of Community Services which handles, through subsidiary bureaus, adult probation and parole and juvenile institutions and services. The Bureau of Community Services, which handles adult probation and parole in conjunction with local authorities, runs five halfway houses.

There are five adult institutions: The Iowa State Penitentiary at Fort Madison; the Men's Reformatory at Anamosa; a Security Medical Facility at Oakdale; the Women's Reformatory at Rockwell City; and a Release Center. The Reformatory is reasonably close (20-40 miles) from secondary population centers at Waterloo and Burlington, both of which have some minority population, but the other institutions, including the Penitentiary, are somewhat remote.

Both the Penitentiary, with a population of 813, and the Men's Reformatory are crowded, though not at crisis stage. Basically, overcrowding at the Reformatory has caused a shift of some prisoners to the Penitentiary, leading to a tense and unsettled situation at the latter institution, as established prisoner leadership is challenged by newer arrivals. Recently, there was a "sit-out" at the Reformatory, but violence has been minor. Efforts are being made with the legislature to get a new youth offender facility, but dispute over location has delayed this. The legislature has however voted \$1.35 million for community corrections, and for remodeling and adding to existing facilities.

Adult institutional population is about 25 percent black, 2 percent Indian and 1.5 percent Spanish-speaking. Of a total of 854 employees of the Division, less than 40 (4.6 percent) are minorities, and the great majority are black. In 1970, minorities numbered 41,614, out of a total population of just over 2.8 million (1.5 percent). The Statewide work force was 1.088 million, of

whom 10,845 were black, and 5,814 were Spanish-speaking, or 1.6 percent minority all told. Thus minorities are employed in corrections in somewhat higher proportion than their numbers in the work force. The proportion of minority population in urban areas is slightly higher, but still just 2.4 percent.

The Department of Social Services has a personnel office, as do the institutions. The latter do some recruiting. The State Department of Personnel develops and administers written entrance tests, and certifies from a civil service register. Promotional exams are written as well. The tests are reportedly validated. Correction officers enter upon six months probation, and a thorough training program.

Turnover is a problem, principally because of low pay and problems of the custodial job. There is a grievance mechanism, which involves proceeding through the Department and then to an ombudsman on the Governor's staff. EEO complaints can go directly from the Affirmative Action Officer in the Department to the ombudsman.

The Division has an Affirmative Action Plan, which dates from 1972. There is an Affirmative Action Officer at the Department level. Some outreach recruitment is conducted, and there are career ladder programs. Women work in all institutions but apparently only in non-contact positions. There is a Federal District Court case pending in which a woman is seeking redress for discrimination in job placement.

It is hard to pinpoint, but there was a certain defensiveness about the Iowa interview. The Division in fact is doing reasonably well, but there is not real evidence of aggressive affirmative action in what seems a difficult situation in any case.

Kansas

The Kansas Department of Corrections is responsible for four male adult institutions, a women's facility, a small "honor camp" a work release in Wichita, and adult probation and parole services in most of the State. Juveniles are the responsibility of the Department of Social and Rehabilitation Services.

The Penitentiary at Lansing, 20 miles from Kansas City, is a maximum security institution, as is the State Reception and Diagnostic Center in Topeka. The Industrial Reformatory at Hutchison is in a small urban area about 50 miles from Wichita and has maximum and medium security. The Kansas Correctional Vocational Training Center in Topeka is medium security, and emphasizes vocational and educational training of about 200 male inmates. The women's institution at Lansing had about 80 felons and misdemeanants. The Penitentiary and Reformatory were opened in 1864 and 1895, respectively. The Governor has proposed an additional adult institution, to cost \$15-17 million; the legislature has it under consideration. Location, as a factor in inhibiting recruitment, varies according to the institution, and is probably less important than economic and social factors in inhibiting minority recruitment.

Total inmate population is about 1,740, with 40.5 per cent being minority. Most minorities are black, but there are some Mexican-Americans as well. Indians amount to about 2 per cent of all inmates. The Department has 972 employees, 490 of whom are in "protective services." As of the end of Fiscal Year 1976 (June 30), six per cent of all employees were black, 1.6 per cent were Spanish-speaking, and there were no American Indians. Women work in male institutions as correctional officers. Thus far, the right of inmate privacy has been asserted to keep them off cell blocks, but they serve in a variety of non-contact positions.

In 1970, Kansas' population was just under 2.25 million. There were 124,510

minorities (5.5 percent), of whom about 107,000 were black. The next largest group were "persons of Spanish language," numbering about 30,000; there were 8,672 Indians. The total work force was 852,313. Blacks numbered 31,300, almost all in urban areas, and about 90 per cent of 14,647 "persons of Spanish language" worked in urban areas as well. Thus, minorities as a percentage of the work force were about seven percent. More recent statistics for particular labor market areas indicate a labor pool of 10.9 per cent in the Topeka area, and 7.3 per cent around Kansas City. In general, minority percentages of employees are not out of line with percentages in the labor force, but they are of course well below inmate percentages.

The work force is not unionized. There is a formal grievance mechanism which involves movement up the chain of command, with time for response and disposition stipulated for each level. The ultimate appeal is usually to the Department Secretary, but appeal can be taken to the State civil service agency on some issues. There is no separate EEO grievance mechanism within the Department, though such complaints can be taken to EEOC or the Kansas State Commission on Civil Rights. Discrimination problems have also been taken to local human relations agencies, but their jurisdiction is doubtful. Turnover is a problem, though whether it is more so for minorities is not clear.

The Secretary's office has a personnel section, which handles personnel administration and processing for the Department. Each institution also has a personnel section. Until Fiscal Year 1977 (July 1), general recruitment was left to the individual institutions. The Department relied on the State Department of Personnel for recruitment of minorities and women. However, an Affirmative Action Officer, Mr. William Green, has been appointed, and will do recruitment for the institutions and Department as well.

The State Department of Personnel develops and administers written tests.

Whether or not they are validated is a matter of dispute. An interview accompanies the written test, and the agency conducts another at the time of prospective appointment from the register under the "Rule of Five." A resume and oral are used for promotion, though eligible registers are established for Correctional Officer II and other positions.

There is an Affirmative Action Plan, which has just been updated. The current Affirmative Action Officer has not had the time to develop outreach programs to any great extent, and what career ladder programs there are have been more or less ineffectual. To recruit professionals, it is felt, will involve a nationwide search.

One decidedly innovative step was taken by the Governor in May, when he issued a memorandum authorizing certain agencies to hire trainees from among disadvantaged groups, including women. The individual begins two salaries below the usual grade, but can fill any position in the Department. If the person meets the qualifications for the position within two years, he or she is retained in the position. However, qualifications can be attempted within one year. The National Civil Service League has of course recommended this kind of practice in the past.

There have been no lawsuits, and affirmative action, particularly for women, is a focus of some attention. In part, this has to do with the recent appointment of the Affirmative Action Officer, who would probably welcome any suggestions on how to go about it all.

Minnesota

This is an autonomous Department of Corrections headed by a Commissioner, appointed by the Governor. The Department handles adult and juvenile parole, and most adult probation. Juvenile probation is a county function, though the Department can contract to handle it. The Department also has jurisdiction over two maximum security adult male institutions, a woman's institution, an adult compound, a juvenile camp, two co-ed institutions for young offenders up to age 19 and a pre-release center. Crowding is not a problem of crisis proportions, though a new 400-person maximum facility is planned, and the current pre-release center is to be converted to a medium security institution in October 1976.

Most of the institutions are in rural locations, which has presented serious recruitment problems. However, the men's maximum security institution at Stillwater is 20 miles from the Twin Cities area. Affirmative action has been most successful there and in the Department's Central Office in St. Paul.

Adult institutions currently house 1,743 prisoners. Of these 1,687 are male and 56 female. The adult prison population is 75 percent white, 16 percent black, 8 percent American Indian and 1 percent Spanish-speaking and other. Just under 300 juveniles are incarcerated, the majority being male. They are 85 percent white, 10 percent American Indian and about 5 percent black and all other. There was a serious incident involving conflict between whites, blacks, and Indians at the men's reformatory at St. Cloud. one year ago and the State Prison had a "race riot" five years ago.

The Department has 1,500 employees, 76 percent of whom are male. Of 700 guards, 86 percent are men. Women do work in male institutions as guards, though not in contact positions or in towers. There have been recent, unsuccessful, attempts at female recruitment.

The Department of Corrections has its own personnel department, headed by a Personnel Director, who also acts as Affirmative Action Officer. However, recruiting and testing for personnel other than guards is done by the State Department of Personnel. Guards are hired directly by the Department of Corrections, under guidelines set by the State Department. Guards are hired on the basis of oral tests, and are then trained; the latter process also acts as a screening mechanism. Written tests were previously used, but were dropped in part because they tended to discourage minority applicants.

It is asserted that EEO has a high priority in the Department. Indeed, getting and keeping minorities is regarded as more of a problem than overcrowding. It is felt that the public and hence legislators are not as responsive to the needs and problems of the correctional system as they might be.

Missouri

The Division of Corrections is part of the Department of Social Services, and is responsible for three major male institutions, a women's facility, three farm facilities, and several Community Service Centers. A separate Board of Probation and Parole handles all adult probation and parole for adult felons and some misdemeanants. Juveniles are the province of the Division of Youth Services, which runs three institutions and numerous group homes. Juvenile probation is a function of the State Circuit Courts.

All of the adult facilities are located in rural or semi-rural areas, the maximum-security State Penitentiary and the medium/minimum Intermediate Reformatory being at Jefferson City, which is about 120 miles from either Kansas City or St. Louis--from which areas about 60 percent of inmates come. Minority population in the Jefferson City area is small, as it is in the environs of the other institutions. The presence of a major black college in Jefferson City does help somewhat. However, low salaries (\$600/month) do not help. Two new medium security institutions have been proposed, to be placed in Kansas City and St. Louis, thus enhancing the prospect for prisoner community ties, and aiding recruitment.

Current adult prison population is 4,700, which is well above the "desired capacity" of 3,290. The American Civil Liberties Union has mounted a major suit. The population is divided virtually in half between blacks and whites; Spanish-speaking persons are less than one per cent. The Division has 1,260 employees, 612 of whom are correctional personnel. Of all employees, 80 (six per cent) are black, and about 60 of these are correctional personnel.

Total State population in 1970 was just under 4.7 million. There were about 480,000 blacks; the next largest single group was about 5,400 Indians. Blacks

are therefore slightly over 10 per cent of the population. However, they were about 14 per cent of urban population over all, and formed as much as one-third of the population in the Kansas City and St. Louis areas. Blacks were about 10 per cent of the State's work force; persons of Spanish language were less than one per cent. Most minorities lived in urban areas and therefore were a slightly higher proportion of the work force there. Over all, minorities work in the correctional system at about half their proportion in the work force and general population.

The institution's rural locations have made turnover a perennial problem, the rate last year running at about 30 per cent. The guard population is drawn from surrounding farmers and other residents, many of whom quit during the farming season or when construction jobs are available. The work force is partially unionized by AFSCME, but the union is not a significant factor thus far with regard to EEO matters. There is a grievance mechanism which moves through the chain of command and then to the State Personnel Board. There is no separate EEO procedure.

The Division has a personnel section, and each institution has one as well. However, the State Division of Personnel is responsible for examining and certifying all merit system employees, which includes most correctional personnel. The county test for Correction Officer is written; that for Correction Officer II involves an oral as well. The written tests are validated.

There is an affirmative action plan, which was revised in 1975. A Division Affirmative Action Officer is supplemented by an Affirmative Action Committee made up principally of minority employees. The Committee monitors the programs of affirmative action, provides information on the progress of such action, and emphasizes the need for training, in cross-cultural awareness and other relevant areas. There has been outreach recruitment, personally by institution heads and other supervisory personnel who went into the Kansas City and St. Louis areas.

Thus far, the results have been unimpressive. There is an informal career ladder program. Promotion is from within the system, and some minorities do work in supervisory positions. Until recently, two institution heads were black, but the stabbing by a prisoner of the head of the women's institution has disabled her and reduced the number of minority institution heads to one.

There are no lawsuits of great significance. Riots attended efforts at integration some years ago, but bi-racial Inmates' Councils helped to avoid trouble at the time of integration in 1973. There is interracial tension, but it is at a relatively low level. Corrections is perennially underfinanced. The desire to "lock 'em up" has not persuaded the public or legislators to build the facilities to do so. Lack of space, staff and viable programs are cited as principal problems.

Nebraska

The cabinet-level Department of Correctional Services has charge of all adult and juvenile institutions, and parole services. Probation is a local function. There are 10 institutions all told. The maximum security Nebraska Penal and Correctional Complex, which includes a Penitentiary Unit and Reformatory Unit, is located at Lincoln, where a Diagnostic and Evaluation Center is situated as well. Two separate male and female institutions for juveniles are in more rural areas, as is the Nebraska Center for Women. There are five work release centers in rural areas as well. The principal facilities are antiquated, and the Reformatory Unit at Lincoln is shortly to be replaced by a new minimum/medium security facility. Renovations of the Penitentiary and Diagnostic Center are planned as well. New construction is a principal budget item, and likely to receive approval if only because legislators and the public appear to prefer incarceration to community-based treatment.

Adult and juvenile incarcerates number 1,517. There are 1,320 adult males, 90 adult females, 152 male juveniles and 55 female juveniles. Minorities are 31 percent of the total population. The Department has 768 employees, of whom 245 are custodial personnel. There are 213 women in the Department, but only 15 female correctional officers. It is not known if they work in male institutions. Minority personnel in the Department number 41: 17 black males, 8 black females, 10 American Indian males, 4 Spanish-speaking males, and 2 Spanish-speaking females. Thus, minorities are about 5.3 per cent of all employees. In 1970, minorities were about 51,000 out of a total State population of just under 1.5 million (3.4 per cent). Only 1 percent lived in the Lincoln area. There were 12,554 blacks and 6,397 persons of Spanish language in a total work force of 576,065, or, again, 3.4 per cent. In urban areas, they were 4.6

per cent, but appear to have been concentrated in Omaha, about 50 miles from Lincoln. In any event, they appear to be employed by the Corrections Department in proportion to their numbers in the work force and population.

The work force is unionized, there is collective bargaining, and a grievance mechanism exists. Details are unknown. No information was available on employment of women in men's facilities.

The Department is not under a merit system. It has its own Personnel Department, and each institution does its own recruiting and testing. Some outreach has been done. There is an Affirmative Action Plan, and the Personnel Director serves as Affirmative Action Officer.

Crowding is a serious problem, and the number of guards is not commensurate with the number of prisoners. There is considerable hostility between guards and prisoners. The dilapidation of physical facilities has reached a point where a reluctant public and legislature have seen the need, as indicated above, for new institutions.

North Dakota

The Director of Institutions operates both adult and juvenile institutions. A separate Parole and Probation Department provide adult services in these areas. Juvenile probation is a local function. Parole for juveniles is supervised by the State Youth Authority and other agencies. Each institution has a separate budget but all are under the Director's supervision.

The State Penitentiary, a maximum-security institution, and a minimum-security farm are at Bismarck, and house all adult males and a very few (2-3) females. Most women are sent to Nebraska to serve their time. There is also a co-ed juvenile Industrial School at Mandan. Renovation of cell blocks at the Penitentiary has been undertaken.

There are 235 adult prisoners, and about 85 juveniles. Indians, particularly of the Sioux tribe, are the only significant minority group in the prison population, as in the State, but exact figures as to the number of Indian prisoners were not available. Of 182 personnel employed in the several institutions, only one woman and one Indian Correctional Officer are other than White males.

The total minority population of the State in 1970 was 18,276, of which 14,639 (80 per cent) were Indians. All told, minorities were about 3 per cent of the total population. Most Indians lived in rural areas, presumably on reservations. Work force statistics would seem to indicate a minority labor pool of rather less than 10,000, the majority being Indians. The potential for recruitment is not high. Indians have been recruited, but hiring is difficult and turnover is high. Staff limitations contribute to the problem, but cultural factors enter in as well.

Employees are not unionized. There are grievance routes for both employees and prisoners, but no separate EEO mechanism. There is an affirmative action plan, based on EEOC guidelines.

There is a State Personnel Department, which sets pay, classifies jobs and performs other personnel administration functions. There is a written entry test, but it is not validated. Tests are administered by the individual institutions, which also do recruiting. Experience is also evaluated, before hiring.

Corrections has a low priority among the public and legislators, who tend to have a very hard-nosed attitude toward criminal justice and corrections.

South Dakota

The State Board of Charities and Corrections oversees an adult male Penitentiary at Sioux Falls, a State Hospital for women at Yankton and two juvenile/youth facilities. All but the Penitentiary are in rural areas. The Division of Corrections is responsible for adult probation and parole, and the Department of Social Services. Probation is the courts' province, and there is no juvenile parole per se, but the Office of Youth Services of the Division of Corrections can provide supervision. The main Penitentiary and the co-ed training school are both being renovated.

There are 444 male and 26 female prisoners. Exact figures were lacking, but Indians are a significant part of the prison population--other minorities are few. There are 232 employees, of which 182 are male. There are a few Indian employees, but not many. Women work in non-contact parts of the men's facilities. There are just five women (out of 63) in positions paying over \$10,000 per year, and no minorities. In 1970, 32,365 Indians were about 5 per cent of the total population, but over 90 per cent of all minorities. Of a total work force of 240,097, probably not over 6 per cent were Indians. Most Indians (23,838) lived in rural areas, but 8,527 were in urban places.

Turnover is about 17.5 per cent for correctional officers, who are not unionized. There is a grievance mechanism which is set up under the State Career Services Act. After the Board of Charities and Corrections, appeals can be taken to a Personnel Policy Board and then to court. EEO grievances follow the same route except that an applicant goes to the Personnel Policy Board directly.

A State Board of Personnel serves as an advisory body to the agencies involved in corrections. There are no written tests. Training and experience are evaluated. Recruiting and testing, then, are by the agencies. There is outreach in the sense that minorities are notified of vacancies. The State's Affirmative Action Plan of 1973 is adhered to.

A limited State budget holds down allocations for corrections; this is a perennial problem. Recruiting and promoting Sioux Indians is the #1 EEO priority.

Wyoming

The State Board of Charities and Reform, which consists of the Governor and four other elected officials, has among its functions responsibility for all adult and juvenile penal institutions. A Secretary is the highest administrative official for corrections. The Department of Probation and Parole, an independent agency reporting only to the Governor, is responsible for both adult and juvenile probation and parole.

Wyoming has a State Penitentiary, with a subsidiary work farm and a psychiatric unit. The Penitentiary is an old Territorial Prison. It has maximum security capacity, but operates principally at a medium security level. It houses some 300 inmates. The Wyoming Industrial Institute has 60 juvenile male inmates, the Wyoming Girls School 92. The few (nine in 1974) adult females sentenced to incarceration are sent to the Nebraska Reformatory for Women, under contract with that State. There may be legal problems with this arrangement, and it is not good for the prisoners, but it endures. Within the State, the Penitentiary and other institutions are located in small cities, all over 100 miles from Wyoming's major urban places, Casper and Cheyenne. The Penitentiary is antiquated; a cell block is being added to it. The State Farm is also being remodeled, for fire safety and to accommodate additional prisoners. Another 30 beds are being added to the Penitentiary's psychiatric unit.

Wyoming is currently in the midst of a population explosion, and the emergence once again of "boom towns." There are many transients and newcomers, a noticeable percentage of whom are minorities, particularly Spanish-speaking persons. As with other new or transient populations, a certain proportion get into trouble with the law. The result is that the State

Penitentiary and other facilities are overcrowded, a "new breed" of young, tough prisoners has appeared and minorities form sizable percentages of the prison population. The Penitentiary, for example, houses 10 per cent Blacks, 35 per cent Spanish-speaking, and 5 per cent American Indians. There has been a tendency for ethnic groups to cluster; this is not discouraged unless, as in some cases, trouble results. The figure for Indians is somewhat misleading, in that those Indians convicted of crimes on Wyoming Reservations are sent to Federal institutions. However, only 242 Indian adults and juveniles are imprisoned in the whole Federal western region, of which Wyoming forms a part.

Current State population is about three per cent Black, 15 per cent Mexican-American and two per cent Indian. This represents something of a change from 1970, when there were 4,980 Indians and 2,568 Blacks. The total work force in 1970 was 123,389, of which just 602 were Black, and 5,175 Spanish-speaking. Most of these minorities lived in urban areas, but two-thirds of all Indians were in non-urban places.

Just 154 persons are employed in corrections: 118 men, and 36 women. There are two Mexican-American guards, six Mexican-American "treatment" personnel, a lone Oriental technician; a total of nine minorities in all. Women have been employed in towers at the Penitentiary, and some have been counselors at juvenile institutions. Efforts to attract minority candidates for administrative positions have so far failed. Most correctional personnel are white, and turnover is highest among this group, in part because of growing tension with inmates, and in part because of booming private industry.

Employees are not unionized, nor do they have collective bargaining rights. There is, under the State "Personnel Rules and Regulations," a grievance mechanism for employees. The State Personnel Department is reportedly developing a similar mechanism for EEO. As to prisoners, Federal guidelines are being relied on to deal with the average of six grievances filed each day, pending development of an adequate internal program.

The State Personnel Department sets minimum qualifications and serves in an advisory capacity, but individual institutions do their own recruiting and testing; they are not merit system agencies. There are no written tests, and personal interviews are heavily relied upon. Test validation is being done in the State department, but it is of limited relevance to the correctional institutions at the moment. There is a State-level affirmative action plan, but the correctional institutions do not have any. However, State guidelines will be applied in corrections as soon as they are available.

There is only an informal outreach program, and, because of difficulty in attracting and holding Indians and Mexican-Americans in particular, this involves recruitment out of the State.

The correctional institutions are under no court orders, but there are numerous prisoners' suits covering health, safety and personal security in the courts. Other suits on overcrowding are expected. There have been no serious incidents, but the ingredients of crowding, racial tension and out-of-date facilities make trouble not unlikely.

There is considerable sensitivity to EEO problems within the correctional system at the moment. Another positive factor is that both the public and legislators understand the implications of the population boom, and are willing to spend in the corrections area. One indication of this is that the legislature has designated \$500,000 to develop a long range plan for building corrections institutions. Interim housing facilities are planned, pending permanent institutions. A plan to reorganize to give corrections autonomy is also under consideration.

SEMINAR IN AFFIRMATIVE ACTION

LEADERSHIP DEVELOPMENT

San Jose, California

September 21-23, 1976

CORRECTIONAL SYSTEMS IN
SIX FAR WESTERN STATES

(California, Idaho, Montana, Nevada, Oregon and Washington)

Like other groupings in this series, these states naturally form subgroups, by common characteristics. California and Nevada share a substantial degree of ethnic diversity, and urban settings from which many minority inmates come -- and from which potential employees can be drawn. Washington and Oregon have small urban Black populations, but they are overall almost as homogenous as Idaho and Montana. In all states but California, Indians are present among inmates and in the general population in numbers significant enough to be a subject of concern. Degree of activity on affirmative action appears to correlate primarily with the presence of Blacks and Chicanos among inmates and in the work force. That is, the most sophisticated programs are in California and Oregon, and to a lesser extent in Washington and Nevada.

California

The Director of the Department of Corrections is appointed by the Governor with the advice and consent of the Senate. The Department has jurisdiction over adult institutions and parole. Juveniles are under the California Youth Authority. Probation is a county-level function.

The Department has a total of 12 institutions, two of which (Folsom and San Quentin) are maximum security. Virtually all are in rural areas in the northern part of the state. A high proportion of the client population are from major population centers, and efforts have been made to recruit in minority areas in Los Angeles and the Bay Area. There has not been much success to date. Minorities are reluctant to move to the prison locations, and local whites do not want them. The situation may be alleviated somewhat by current plans to build a number of smaller facilities, housing about 600 inmates each, particularly in the southern part of the state. However, EEO considerations were not a major factor in the development of this program, and most will be in relatively remote areas.

The ethnic breakdown for employees and inmates by percentage is as follows:

<u>Ethnic Group</u>	<u>Employee %</u>	<u>Inmate %</u>
Caucasian	76.8	44.4
Black	9.9	32.2
Spanish-heritage	10.5	21.4
Other	2.8	2.4

There are 8,008 employees; 6,789 work in institutions and have contact with inmates. Women work in male institutions as correctional officers. Their

activities are limited solely by considerations of inmate privacy.

Turnover is traditionally high, and is currently about 25 per cent a month. The California Correctional Workers' Association is dominated by white males; Black and Spanish-heritage personnel have their own unions, affiliated with the Teamsters and AFSCME. Thus far, the several unions have not taken common stands on economic or other matters. There is no collective bargaining law, though the state is committed to a good faith agreement to "meet and confer" twice a year.

There is a departmental grievance mechanism, but no separate EEO grievance mechanism--though one has been recommended. Employees do have access to EEOC and a state human rights agency. Discrimination complaints have not been numerous, and have followed any and all available routes.

The Department recently combined its Human Relations and Women's Affirmative Action Offices to form an Equal Employment Opportunity Office headed by a Deputy Director. Four professionals are on staff, and four more are to be hired. The Deputy Director for EEO is the Department's Affirmative Action Officer. The current Affirmative Action Plan is three years old, and updating is a priority. Even so, a prisoners' union credits the Plan with having lessened tension among inmates. There is also an affirmative action program for inmates.

Most employees are hired through the state merit system. Typically, written and oral tests are given for correctional officer. Some promotional exams are written, but supervisory appraisal is more frequently relied on. Validation of written exams is currently going on.

There are some special provisions for minority recruitment and testing. A separate human rights/EEO division under an Assistant Director

for Personnel and Training does some delegated testing of entry-level correctional officers. There is also a COD (Correctional Officer Development) Academy which hires and trains about 90 disadvantaged persons a year. The program is about two years old, originally got Emergency Employment Act funding, and still receives federal monies.

As indicated, outreach recruitment has been attempted, particularly in the Los Angeles and Bay areas, but with indifferent results. Broad career ladders programs have not been developed, though individuals with high potential are encouraged to develop their skills and experience and are pointed toward promotional opportunities.

The Department is under no EEO-related court orders or quotas. However, the California Correctional Workers' Association has filed a reverse discrimination suit in California Superior Court and is asking the judge to impose quotas for white males.

The Governor and the Department both give EEO high, if not first, priority; public attitudes lag, however. The "ethnic gang" phenomenon in California prisons makes the problem of ethnic disparities between guards and inmates an even more dangerous one than it might be.

Idaho

A Board of Corrections appointed by the Governor and serving at his pleasure oversees the Department of Corrections, which has jurisdiction over adult institutions, probation and parole. Institutionalized juveniles are sent to a Youth Training Center.

The Idaho Penitentiary/Correctional Institution at Boise has about 590 male inmates; it is a maximum-security institution. The Northern Idaho Penitentiary has 75 male clients, and 11 female, and is minimum security. Little additional construction is planned.

The Department has about 400 employees, about half of whom are custody personnel. There is a Public Employees Association, but no collective bargaining. Grievances go through the chain of command, initially to a supervisor, and eventually to the Department's Director. Appeal can thereafter be taken to an independent commission. Turnover is fairly high.

A Personnel Director heads an internal Personnel Department. However, hiring is through a State merit system which uses written and oral tests and registers. The tests are validated. There is a personnel and training coordinator, and a training and orientation period is required for all employees.

An Affirmative Action Plan has been developed in conjunction with the State Personnel Commission. The Department has no Affirmative Action Officer, however.

Minorities are a very small proportion of workers and inmates. Mexican-Americans are about 8 per cent of inmates, and Indians about 4 per cent.

Other minorities are present in numbers too small to be registered.

The number of minority employees was not available, and it is not clear that there are any. There are five or six female correctional officers at Boise, who do all jobs performed by males. There are a few at Cottonwood as well. Two other women work in the mental health section; their main function is to aid in the transfer of female prisoners.

Montana

The Department of Institutions has under it a Corrections Division which handles adult and juvenile institutions, and has a Probation and Parole Bureau. A Community Services Bureau develops community correctional facilities.

The Montana State Prison is at Deer Lodge, about 90 miles from Helena. There is a forestry camp at Swan River which houses youthful offenders and juveniles. The Pine Hill School for Boys is at Miles City, and the Mountain-view School for Girls is at Helena. Only the last is near an urban area, but that is not the problem in Montana, where reservation Indians are probably the principal minority. Adult women are sent to Nebraska for confinement.

There are about 470 adult prisoners, and about 285 juveniles. About 20 per cent of the total are Indian. Employees number 395. Of eight minorities, there is one Black, three Indians and four Mexican-Americans.

Turnover is not a problem. AFSCME is just starting to unionize, at the State Prison and the Boy's facility. There is a grievance mechanism in the union contract. No separate EEO grievance mechanism exists, but employees have access to a State Bureau of Human Rights.

The Department of Institutions' Personnel Department provides personnel services to the Corrections Division for recruiting, examination and certification. There is no testing for corrections positions. Experience, education and committee interviews are used instead. There are training programs for entry-level (Officer I and II) personnel.

other Indians.

All correctional jobs are advertised within the system before resort is had to outside recruitment; thus promotion is largely from within. Career ladders have been developed within this context. Minorities are trained for upward mobility within the limit of available jobs.

Women are not employed in the State Prison, but there are four in probation and parole. Policy is to consider women laid off from other Department bureaus for employment at the Prison. However, consideration is also being given to seeking a BFOQ to limit their access to custodial jobs.

Nevada

The State's three principal penal institutions are organized into a Department headed by Wardens at each facility appointed by the Governor. A maximum-security State Prison holds 400 inmates, and the Nevada Correctional Center has 450 clients. The Women's Correctional Center has 45-50 female inmates, including some from Idaho. All are remote from the principal urban area around Las Vegas (Reno has only 50,000 population in its general area). All institutions are at or over capacity.

The legislature is relatively willing to spend money on corrections, and construction of a medium-security facility in the Las Vegas area is planned for the near future. It will house 250 persons by January 1978. Early plans were for 900 inmates by 1980, but client population has shot up, and the projection is for 1200 by that date. About 40 per cent of inmates are out-of-state residents.

The Warden's Office at the State Prison has a personnel office staffed by a Personnel Technician. However, recruitment and examination are through the state personnel system. The Wardens hire correctional officers and other entry level personnel on the basis of pass/fail lists. A rule of five holds for promotions, but not in general for entry level positions. Testing for promotion is half written and half oral. Validation is proceeding. Psychological and physical tests are given, as appropriate, as well.

The Affirmative Action Plan is about a year old. A Departmental EEO Specialist has been on duty for about 18 months. There is no separate EEO grievance procedure, though one is planned for the near future. Employees can grieve individually or through the State Employees Association. Turnover is high, but has been going down.

Inmates are 23 per cent Black, 9 per cent Mexican-American, and 4 per cent American Indian. Of 320 employees, 233 are custodial personnel. A small number of Blacks, including an EEO Specialist and one supervisor, work in the system, but there are no other minorities. Women work in the male institutions as teachers, counselors and correctional officers. They work in the towers and on the blocks, but not in supervisory positions.

The opening of the Las Vegas facility should aid recruitment. Outreach has been done there for some time, with indifferent results. Examinations are also regularly given in Las Vegas. It has to be remembered that Blacks are 10 per cent or less of the population even in that vicinity. Until now, the Governor's policy has been that recruitment must be done in-state. Currently, permission is being sought to recruit in Oklahoma. Experiments with career ladder programs have been terminated as ineffective.

The system is under no court orders. There were racial disturbances at the Nevada State Prison in September and October. The "ethnic gang" phenomenon is a factor, but gets no official recognition.

Oregon

Corrections is a Division of the Department of Human Resources. The Division is headed by an Administrator appointed by the Director of the Department with the approval of the Governor and the State Senate. The current Administrator is an American Indian. The Correctional budget is integrated with that of the Department, but this is not a problem. Both the Governor and the Department give corrections high priority.

The Division has responsibility for adult institutions, probation and parole, including all felony offenders whether incarcerated or on work release. A small number of misdemeanants on probation or parole are also handled by the Division.

The State Penitentiary has a capacity of 1101. The Correctional Center, which houses male first-confinement offenders under 27 doing up to 10 years, can hold 476. A farm accommodates 150, and a Forest Camp at Tillamook in the northwestern part of the state houses 65 minimum-security offenders. The women's facility holds 76. Prigg Cottage, a 220-bed pre-release center attached to the Penitentiary is to open in January 1977. All major institutions are within five miles of the State Capitol at Salem; however, Salem has only a small minority population and most minority prisoners come from Portland and other urban centers. There are eight education and work release centers scattered across the state, as well as one restitution center. Private organizations have also been contracted with to provide work and education release centers in 20 other locations. The Governor's budget calls for four more community centers for probationers.

Actual inmate populations as of October 1, 1976 were 26 per cent over capacity--a total of 2,790 inmates, with 233 on work release. The ethnic

breakdown for inmates, employees and the state population is as follows:

<u>Ethnic Group</u>	<u>Inmate %</u>	<u>Employee %</u>	<u>State Population %</u>
Caucasian	82.8	94.0	96.1
Black	12.0	Not avail.	1.3
Span-heritage	2.5	"	1.2
Amer.Indian	2.7	"	0.7
Other	0.8	"	0.7
Total Minorities	18.0	6.0	3.9

The proportion of minorities in the available labor force is approximately the same as for state population. Thus, although there are substantially fewer minority employees than minority inmates, minorities form a higher proportion of employees than of the available labor force.

The correctional work force is unionized, by AFSCME at the State Penitentiary and by a State Employees Association at the Correctional Institution. The probation and parole staff are unionized too, but split between SEA and AFSCME.

As elsewhere, turnover is a problem, though not a crucial one. Employees have access to two grievance mechanisms through the Division, and also to a Public Employee Relations Board. The Department of Human Resources has an Ombudsman office, which assigns three staff to correctional matters. The Governor's Office has an Ombudsman too. EEO matters can also be pursued through the Division's personnel office, the state Department of Labor or the Civil Rights Division. Appeal can thereafter be taken to the courts.

The Division has personnel offices at the Penitentiary, the women's facility, Grigg Cottage and the Correctional Center. The latter's Personnel

Officer is senior, and serves as Affirmative Action Officer for the Division. Most employees are hired, however, through the state Personnel Division after written examinations. The Administrator appoints on the basis of the rule of three or of five, according to the position. The divisional personnel offices primarily have responsibility for recordkeeping and processing functions. There is an Office of Federal Projects as well.

The Division has an Affirmative Action Plan. Career ladders programs have been developed over the past two years. There has also been outreach recruitment, but minorities have been reluctant to move to Salem. The NAACP has helped with recruitment, and there has been some use of BFOQ's to allow selective certification on ethnic and cultural grounds. At the same time, minorities have been promoted only slowly. Also, no women serve as correctional officers in male felony institutions, and a BFOQ is being sought to confine custody positions to males. Women are now 15 per cent of Correctional Officers; a 15-20 per cent increase is hoped for.

The Division is under no court orders. There have been no riots or serious tensions in the recent past, and the general climate between inmates and custodial personnel is good.

Washington

The Division of Adult Corrections is part of the Department of Social and Health Services. The Division Director is appointed by the Departmental Secretary with the approval of the Governor. The Division is responsible for adult institutions, probation and parole. Juvenile matters are the province of the Community Services Bureau of Juvenile Rehabilitation.

Eight institutions under the Division's authority include three large maximum-security facilities for males, a medium-security institution for women, and four smaller community centers/camps. There are also a number of work and training release centers. Virtually all of these facilities are at or over capacity. Inmate population as of November 1976 was as follows:

<u>Institution</u>	<u>Number of Inmates</u>
Walla Walla (Penitentiary)	1,845
Monroe (Reformatory)	743
Shelton (Corrections Center)	738
Work & Training Release Centers	268
Community Centers	300
<hr/>	
Total in male institutions only	3,894
Purdy (Women's institution)	165
<hr/>	
Total	4,059

Of the three major male institutions, only Shelton is in a decidedly remote rural area. However most minority inmates come from larger urban areas, and the minority work force is small near all three. Some limited new

construction is planned, including a second building at the Monroe Reformatory.

The ethnic breakdown for inmates in the major institutions, by number and percentage, is as follows:

<u>Ethnic Group</u>	<u>Walla Walla</u>	<u>Monroe</u>	<u>Shelton</u>	<u>Purdy</u>
Caucasian	1,273 - 69.0%	503 - 67.7%	610 - 82.6%	91 - 55.0%
Black	406 - 22.0%	205 - 27.6%	71 - 9.6%	59 - 36.0%
Chicano	55 - 3.0%	13 - 1.8%	30 - 4.1%	4 - 2.5%
AmerIndian	98 - 5.3%	22 - 2.9%	24 - 3.2%	9 - 5.6%
Other	13 - 0.7%	-- --	3 - 0.5%	2 - 1.0%
Total	1,845 -100.0%	743 -100.0%	738 -100.0%	165 -100.0%

<u>Ethnic Group</u>	Total Number/Percentage (male only) -- Incl female		
Caucasian	2,389	71.5%	2,480 - 71.0%
Black	682	20.4	741 - 21.1
Chicano	98	3.0	102 - 3.1
AmerIndian	144	4.3	153 - 4.4
Other	18	0.8	20 - 0.4
Total	3,329	100.0%	3,496 -100.0%

Figures for the community and release centers are similar.

Minorities form 7.4 per cent of the State's work force. Unfortunately, more specific figures were not available. Also, cumulative data on the ethnic composition of the Division's work force could not be had. However, the Division has set goals, based on the available labor pool within the state, for hiring minorities during 1976. As of November, the picture was as given on the following page.

Ethnic GroupInstitution: Walla Walla

	Target	Number Hired	% of Success
Black	7	7	100.0%
Chicano	7	8	114.0
AmerIndian	4	4	100.0
Asian American	4	0	0
<hr/>			
Total	22	19	86.4%

Ethnic GroupInstitution: Monroe

	Target	Number Hired	% of Success
Black	7	27	400.0%
Chicano	7	1	14.0
AmerIndian	3	2	67.0
Asian American	4	5	125.0
<hr/>			
Total	21	35	166.0%

Ethnic GroupInstitution: Shelton

	Target	Number Hired	% of Success
Black	28	15	53.5%
Chicano	13	6	46.1
AmerIndian	3	2	67.0
Asian American	1	2	200.0
<hr/>			
Total	45	25	58.1%

<u>Ethnic Group</u>	<u>Institution: Purdy</u>		
	Target	Number Hired	% of Success
Black	20	10	50.0%
Chicano	9	2	22.0
AmerIndian	2	2	100.0
Asian American	--	--	---
Total	31	14	45.2%

<u>Ethnic Group</u>	<u>Total: All Institutions</u>		
	Target	Number Hired	% of Success
Black	62	59	95.2%
Chicano	36	17	47.2
AmerIndian	12	10	83.3
Asian American	9	7	77.7
Total	119	93	78.1

Overall, the State of Washington's Division of Adult Corrections seems to have done well in attaining its goals. However, Chicano recruitment is less than it might have been, and it will be noted that the rate of success varies greatly from institution to institution.

Turnover in the Division is high. AFSCME has unionized the bulk of the work force. There is a divisional grievance mechanism, as well as one pursuant to the union agreement. A separate EEO grievance mechanism is currently being developed. EEO matters can also be taken to the state Human Rights Commission. There are not many discrimination complaints, but the Human Rights Commission's staff is inadequate in any case.

Personnel Officers at the Department level handle most personnel matters for Corrections and other divisions. A Personnel Assistant at the Division level works with them. Professionals are hired on the basis of a written test, though this is sometimes combined with an oral. Clerical staff also take a written test. Correctional Officers however are hired by individual institutions on the basis of experience and training. State employees are given first preference in hiring. A small number of positions are in the exempt class.

There is a Minority Affairs Office at the Department level. Affirmative Action Officers are appointed to handle Title VI and Title VII matters respectively. An Affirmative Action Plan also exists at the Department level, and has been supplemented by a June 1975 agreement with the Human Rights Commission.

Limited outreach recruitment has been undertaken, notably by the Reformatory, but lack of money has curtailed it. Career ladders programs exist for minorities. There are only a few women in male institutions, and a BFOQ is being sought, through the Human Rights Commission, to limit their further introduction.

The system is under no court orders. Any social disorders are a minor problem. The public is appalled at crowding and other bad conditions, but opposes expenditures, notably for proposed additional community-based facilities.

Pre-session Telephone Survey Results,
For 48 States and District of Columbia*

A. System - General

1. Organizational status of corrections

- a. Autonomous
- b. Subsumed under broader department

2. If not, is budget affected negatively?

Yes - 2 (estimate)

No - 47 (estimate)

3. Division/department jurisdiction?

- a. Adult institutions only : 11
- b. Adult institutions, probation and parole: 17
- c. Adult and juvenile institutions only: 1
- d. Adult and juvenile institutions, probation and parole: 19
- e. No answer 1

4. a. Total number of institutions:

Not tabulated

b. Type, by security level:

Not included

c. Location?

Urban - accessible: 16

Rural - inaccessible: 32

d. Factor in recruitment:

Yes : 40 (estimated)

No : 9 (estimated)

*Tabulated on selected basis, from narrative reports.

5. a. New construction planned?		
Yes: (less than) 20 systems		
b. Location(s)		
Urban:		15 (estimated)
Rural:		5 (estimated)
6. Prison populations:		Not tabulated
B. Personnel System		
1.a. Own personnel office?		21 (43%)
b. State merit system?		28 (57%)
2. Person in charge?		Not tabulated
3. Own recruiting and examining?		
Yes		21 (estimated)
4. State merit system role?		
Yes		28 (estimated)
5. Methods of screening and testing used?		
Written tests:		24
Experience and education		25
Oral interviews		(Not tabulated)
6. For which job classes?		(Not tabulated)
7. Written tests validated?		
Yes:	10	
No :	29	
N/A:	10	
8. Training programs?		
a. For entry-level correctional officers:		15
b. For disadvantaged:		4
9. Affirmative Action Plan?	Yes:	38

10. Affirmative Action/EE0 Officer?

Full Time: 23

Part Time: 9

Personnel Director: 5

11. Specific actions for EE0?

a. Outreach: 33

b. Career ladders: 17

12. Grievance mechanisms?

a. General: 49

b. EE0 only: 10

c. EE0, outside agency: 18

13. Turnover within system?

Low (1-10 percent per month): 6

Medium (10-30 percent per month): 9

High (30+ percent per month): 15

No answer or don't know 19

a - b. Characteristics of those departing (all systems: Briefly employed, in guard positions at high-security institutions.

C. Personnel

1. Number employed and types of jobs

(See

2. Ethnic distribution

(See

3. Ratios

(See

4. Minorities in higher grades?

a. Insufficient response for tabulation

5. Women

a. In all jobs:

19 systems

b. Viewed as problem:

13 systems

D. Problems

1. Court orders or lawsuits?

a. Four under court order

b. Five being sued.

2. Riots or incidents in past five years?

Yes: Less than 10. One attributed racial imbalance as a factor

3. Public and legislative attitudes not tabulated.

4. Top challenges

Not tabulated in detail. One held EEO to be #1.

APPENDIX C

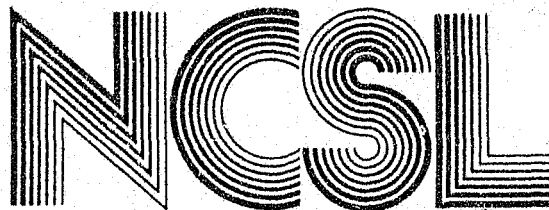
SEPTEMBER 1976

MAIL

FOLLOWUP EVALUATION

AND

FINDINGS



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917 15th Street, N.W. Washington, D.C. 20005
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Dear

The enclosed questionnaire is designed to find out what EEO-related steps you and your jurisdiction have taken since the "Institute on Affirmative Action Leadership Development" you attended. In particular, we are interested in the extent to which the at-home actions you and others proposed to take have in fact been implemented. Since many attendees cited the same goals, the questionnaire inquires as to implementation of the most frequently named, or especially significant, of those goals.

Your cooperation in completing the questionnaire and returning it to us at the earliest possible time will be much appreciated. Space for additional comments has been provided, and your thoughts will be welcome.

INFORMATION UPDATE AND TRAINING EVALUATION
(SEPTEMBER 1976)

NAME _____

ORGANIZATION _____

PHONE () _____

INSTITUTE ATTENDED _____

- I. The following seven questions are designed to give a general idea of your system's situation, past and present, with regard to equal employment opportunity and affirmative action. Check the appropriate line, and give other requested information, if possible.

1. Has your organization conducted a comprehensive needs assessment in regard to EEO?

Yes _____ No _____ When? _____

2. Did this assessment consist of or include:

- a. Survey and ethnic breakdown of all current personnel?

Yes _____ No _____

- b. Estimate of potential minority hires in relevant labor market area?

Yes _____ No _____

3. What is the number(s) and percentage(s) of minorities and women in your system?

	<u>Number</u>	<u>Percent of Total Workforce</u>
Currently		
Women:	_____	_____
Minorities:	_____	_____
At Time of Institute		
Women:	_____	_____
Minorities:	_____	_____
Three Years Ago		
Women:	_____	_____
Minorities:	_____	_____

4. Has your organization completed examination and evaluation of the existing personnel system to identify barriers to affirmative action, and potential mechanisms for facilitating EEO?

Yes _____ No _____ When? _____

5. Since attending the NIC-NCSL Institute, have you

- a. (if top official) Instituted discussion(s) with subordinate managers as to priority to be given EEO, affirmative action steps to be taken, etc.?

Yes _____ No _____ Done Previously _____

- b. (if EEO Officer, personnel director, other staff person, or subordinate manager) Instituted discussion(s) with top corrections officials as to EEO priority, affirmative action steps to be taken, etc.?

Yes _____ No _____ Done Previously _____

6. To what extent have you been confronted with suits by women or minorities alleging employment discrimination?

In the past two years the number of suits has been--

Less than five _____ 6 to 10 _____ more than 10 _____

In the past nine months--

Less than five _____ 6 to 10 _____ more than 10 _____

Since your "Institute" session--

Less than five _____ 6 to 10 _____ more than 10 _____

7. Have EEO-related problems not addressed by Institute sessions arisen?

Yes _____ No _____

Briefly describe.

II. This section (questions 8-10) means to add to the already-considerable amount of information we have on the structure and organization of your personnel system, especially as regards equal employment opportunity.

8. Does your system have a Director (or equivalent officer) in charge of EEO and affirmative action?

Yes _____ Full time _____ Part Time _____ No _____

Title _____

9. Within your state, are recruitment and/or certification the province of -- (check one)

_____ Personnel Officer(s) within the corrections system

_____ A state merit system

_____ Other (Explain) _____

10. Has your organization established a separate grievance mechanism for EEO complaints?

Yes _____ No _____ When? _____

III. These twelve questions are designed to get an overview of your practices with regard to EEO and related aspects of the personnel system. Again, the object is to add to what we already know, and to make possible intelligent followup.

11. Has your organization issued a policy statement on EEO?

Yes _____ No _____ When? _____

If not, is issuance planned for the near future?

Yes _____ No _____

12. Has your organization written _____ or extensively revised _____ an affirmative action plan?

Yes _____ No _____ When? _____

13. Since attending the NIC-NCSS "Institute on Affirmative Action Leadership Development" has your agency given Equal Employment Opportunity greater priority than previously in relation to other matters?

Yes _____ No _____

14. Has your organization instituted innovative means of employee selection designed to increase minority employment?

Yes _____ No _____ When? _____

15. Has your organization taken affirmative action to increase the number and expand the role(s) of women in male institutions?
Yes _____ No _____ When? _____
16. Has your organization implemented, and/or trained management personnel in, techniques for "the management of change and conflict?"
Yes _____ No _____ When? _____
17. Has your organization instituted test validation?
Yes _____ No _____ When? _____
18. Has your organization instituted specific programs for promotion of minorities and women?
Yes _____ No _____ When? _____
19. Has your organization instituted a system of goals and timetables for minority and female employees as a percentage of the workforce?
Yes _____ No _____ When? _____
20. Has your organization established career ladders program(s)?
Yes _____ No _____ When? _____
21. Has your organization _____ or state civil service _____ conducted job analysis of all _____ some _____ positions within the corrections agency?
Yes _____ No _____
22. Has your organization _____ or the state merit system _____ conducted outreach recruitment for minorities? _____ women? _____.
In the past year? _____. Since Institutes session? _____.

CONTINUED

2 OF 3

IV. These last two questions deal with EEO training you and your system's personnel might have had, and that which you might have need for. Space has been left after question 24 for your additional thoughts and comments, particularly as to how NIC and NCSL might be of assistance.

23. Which of the following personnel have received in the past year _____ will receive within two months _____ formal training in EEO and affirmative action?

Director and Senior Managers	_____	hours of training	_____
Line Managers	_____	" " "	_____
First Line Supervisors	_____	" " "	_____
All employees	_____	" " "	_____

24. Do you feel the need for additional EEO/affirmative action training _____ or technical assistance _____?

Yes _____ No _____

Briefly describe training needed.

INFORMATION UPDATE AND TRAINING EVALUATION
(SEPTEMBER, 1976)

Results for 37 Respondents

1. EEO needs assessment conducted?

Yes: 31

When? After Seminar session:	7 (23%)
Past year previous to Seminar:	8
1-4 years:	12
No answer:	10

2. Including -

a. Survey and ethnic breakdown of current personnel?

Yes: 33 (93%)

b. Estimate of potential minority hires in labor market area?

Yes: 29 (80%)

3. Percentage changes for -

a. Minorities:

Since Seminar -

No change:	17 systems
Decline:	2 systems
1-5% advance:	6 systems
6-10% :	1 systems
No answer:	11 systems

Last 3 years -

No change:	4 systems
Decline:	2 systems
1-5% advance:	11 systems
6-10% advance:	4 systems
No answer:	16 systems

b. Women:

Since Seminar -

No change:	20 systems
Decline:	2 systems
1-5% advance:	4 systems
6% and up:	-

Last 3 years -

No change:	2 systems
Decline:	5 systems
1-5% advance:	8 systems
6-10% advance:	5 systems

4. Identification of barriers, potential EEO mechanisms?

Yes:	26 (ongoing: 6; partial: 6)
No:	7
No answer:	4

5. a. Post-session discussion with subordinates?

Yes:	10
No:	2
Done previously:	13
No answer:	12

b. Post-session discussion with superiors?

* Yes:	15
No:	2
* Done previously:	15
No answer:	5

* Answers overlap.

6. Frequency of EEO suits?

Past two years:

Less than 5:	26 systems
6-10:	5 systems
More than 10:	3 systems
No answer:	4 systems

Past 9 months:

Less than 5:	28 systems
6-10:	2 systems
More than 10:	3 systems
No answer:	4 systems

Since Seminar:

Less than 5:	28 systems
6-10:	3 systems
More than 10:	1 system
No answer:	5 systems

7. Other problems not addressed by Seminars -

Yes: 5 (role of women - possibility of obtaining
BFOQ's; lack of EEO manpower; need for
literature to aid implementation)

No: 25
No answer: 6

II.

8. Director or equivalent for EEO?

Full time: 23
Part-time: 9
No: 1
No answer: 4

9. Recruitment and certification by -

a. Personnel Officer within correctional system 17
b. State merit system 28
c. Combination of a. and b. 11
d. Other 3

10. Separate grievance mechanism?

Yes: 19
No: 14 (In progress of establishing: 5)
No answer: 4

When?

Since Seminar: 2
Past year previous: 2
1-4 years ago: 6
No answer: 27

III.

11. Policy statement on EEO?

Yes: 33
No: 3 (Pending: 3)
No answer: 1

When?

Since Seminar:	5
Past year previous:	9
1-4 years ago:	9
Prior to 4 years ago:	1
No answer:	13

12. Affirmative Action Plan written or revised?

Yes:	33
No:	3
No answer:	1

When?

Since Seminar:	9
Past year previous:	3
1-3 years:	5
In process of continuing revision:	7

13. EEO given greater priority since Seminar?

Yes:	20
No:	14
No answer:	3

14. Innovative means to increase minority employment?

Yes:	20	(ongoing: 6)
No:	16	(pending: 4)

When?

Since Seminar:	6
Past year previous:	1
1-4 years ago:	4
No answer:	26

15. Affirmative action for women in male institutions?

Yes:	20	
No:	11	(1 request for BFOQ)
No answer:	6	

When?

Since Seminar:	3
Past year previous:	1
1-4 years:	7
Ongoing:	5
No answer:	21

16. Training of management personnel in "Management of Change and Conflict"

Yes: 8
No: 26 (Pending: 1)
No answer: 3

When?

Since Seminar: 2
Past year previous: 2
1-4 years: 1
Ongoing: 2
No answer: 30

17. Test validation instituted?

Yes: 11
No: 21 (Pending: 2)
Responsibility of
other dept: 9

When?

Since Seminar: 4
No answer: 33

(Question flawed by wording which may exclude validation by state
merit system)

18. Promotional programs for minorities and women?

Yes: 11
No: 23 (Pending: 3)
No answer: 3

When?

Since Seminar: 2
Past year previous: -
1-4 years ago: 2
Ongoing: 3
No answer: 30

19. Goals and timetables instituted?

Yes: 22
No: 13 (Pending: 1)
No answer: 2

When?

Since Seminar: 7
Past year previous: 4
1-4 years ago: 8
Ongoing: 5
No answer: 13

20. Career ladders programs established?

Yes:	15	
No:	19	(Pending: 3)
No answer:	3	

If yes, when?

Since Seminar:	2
Past year previous:	2
1-4 years ago:	4
No answer:	29

21. Job analysis done?

Yes:	27
All:	8
Some:	17
"Yes" only:	2
No:	6
No answer:	3

22. Outreach recruitment?

For minorities:	29
For women:	25
In past year:	11
Since Seminar:	17
No or no answer:	8

IV.

23. EEO Training?

In the past year:	14 systems
Received by -	
Director and Senior mgrs:	9 systems
Line managers:	5 systems
First line supervisors:	4 systems
All:	8 systems

To be received within two months:	4 systems
Director and Senior mgrs:	4 systems
Line managers:	3 systems
First line supervisors:	3 systems

No:	5
No answer:	20

24. Felt need for additional training?

Yes:	25
No:	7
No answer:	5

Topics enumerated:

Recruitment and retention:	8
Legal developments:	6
Technical assistance:	5
Management techniques:	4
EEO grievance procedure:	4
Staff development:	3
Upward mobility:	3
Scattered (1-2):	15

APPENDIX D
ON-SITE VISITS

NOVEMBER-DECEMBER 1976

These visits were designed to supplement telephone and questionnaire information, allow inquiry into post-session actions, and thus provide data for project self-evaluation. Three National Civil Service League professional staff conducted interviews with 12 former Seminar attendees in seven states. Dan Price, League Executive Director, visited two officials in Georgia and two in North Carolina. Project Director Curtis Graves visited adult and juvenile officials in Colorado, and adult officials in California and Louisiana. Ed McCarthy, Research and Information Director, NCSL, interviewed the Director and Personnel Director of the Mississippi Youth Authority, and adult and juvenile authorities in South Carolina.

The interviewers agreed beforehand to ask at least six basic questions:

1. What have you done to implement the objectives you set for yourself at the end of the Seminar session?
2. Has your organization established a separate EEO grievance mechanism?
3. What has been done to change the selection system so as to increase minority employment?
4. What has been done to increase the number of women in male institutions?
5. Have you instituted a system of goals and timetables?
6. What kinds of outreach recruitment have been tried?

Beyond these basic inquiries, the interviewers were free to pursue any other line of research, or to allow open-ended discussion. As the following summary indicates, there was a good deal of the latter. Although it is not possible to generalize about all of the systems surveyed, some significant findings emerged. With regard to the six basic questions asked, the following can be said:

- * Officials of five systems reported successful followup on commitments made at the Seminars. Actions included: writing of an Affirmative Action Plan based on guidelines obtained

from the Seminars; development of a utilization analysis of the work force by units, and resultant improved utilization of minorities; recruitment and hiring of additional women; creation of temporary "black" registers to facilitate affirmative action; improved implementation of existing affirmative action plan; and elimination of excessive certification requirements.

Three systems reported abortive or no attempts to follow up on Seminar goals. Officials of the remaining three said that no particular goals had been set, but showed that affirmative action had gone forward in any case.

- * Two systems reported the existence of separate EEO grievance mechanisms. The others cited as satisfactory existing general grievance mechanisms and extra-departmental human-rights machinery to which complainants have access. Virtually all recognized the need for adequate complaint mechanisms and the dangers of not having them.
- * There has been relatively little change in selection procedures, although there is general agreement that selection procedures must be valid and job-related, and at least one system has established temporary "black" registers. Officials generally are not optimistic about short-term change in selection practices, particularly where state merit systems and their requirements are extensively involved.
- * There is great sensitivity to, and some anxiety over, the question of hiring women for male institutions. At least six systems reported significant gains in hiring women after the Seminars; one of the six has been sued on the issue. Officials

of several others expressed serious misgivings about hiring women. They cited inmates' rights to privacy, the possibility of women being taken hostage, and other relatively familiar arguments. In general, however, there was openness on the subject, and the desire for constructive suggestions.

- * Two systems reported using goals and timetables, and several others reported non-formal arrangements along this line. Officials of one system objected to "quotas" and had trouble distinguishing between these and "goals and timetables." In general, the absence of such formal mechanisms did not correlate with lack of affirmative action.
- * Outreach recruitment is not extensive, though most systems reported efforts along these lines. Several, particularly in the South, felt that minority and female applications were numerous enough to preclude the necessity for media advertisement or other outreach techniques. As with other reports of affirmative action, the extent of action and success in this area correlated somewhat with the visible presence of minorities in the Department in general, and the personnel situation in particular. In one system, the Director is a minority, and that has encouraged minority applications.

If one other key fact emerged from these interviews, it is this: leadership is the key ingredient in affirmative action--that, and the presence of an adequate minority labor pool. This latter is particularly true of several southern systems surveyed. At the same time, it is clear that pro-EEO agitation in earlier years and the continued pressure of the law and the courts have contributed to some of the impressive gains which have been made. Without goodwill, the gains

made would have been much less than they have been; but good will alone has not been the whole story.

It can also be reported that virtually all of those interviewed gave a positive evaluation of their Seminar experience. Most felt that they had gained from their attendance, though there were differences of opinion about how original or crucial the information conveyed was. Virtually all, however, praised Senior Faculty for their objectivity and sensitivity to systems' needs, as well as for their efforts to respond to participants' particular requirements.

APPENDIX E

REGIONAL STATE GROUPINGS AND DATES

APPENDIX E

REGIONAL STATE GROUPINGS AND DATES

Daytona Beach, Fla.

March 1-3

Georgia
Florida
Alabama
Mississippi
Louisiana
Arkansas
Virgin Islands
South Carolina

Bandera, Texas

April 28-30

Texas
New Mexico
Arizona
Colorado
Oklahoma
Utah

Norfolk, Virginia

May 26-28

North Carolina
Virginia
Tennessee
Kentucky
Delaware
D. C.
Maryland
West Virginia

Oak Brook, Illinois

June 21-23

Pennsylvania
Wisconsin
Michigan
Ohio
Illinois
Indiana
New York

Hartford, Connecticut

July 20-22

Maine
New Hampshire
Vermont
Rhode Island
Connecticut
Massachusetts
New Jersey
Puerto Rico

Des Moines, Iowa

August 17-19

Missouri
Iowa
Kansas
Nebraska
Minnesota
North Dakota
South Dakota
Wyoming

San Jose, California

Sept 21-23

Montana
Oregon
Washington
Idaho
Alaska
California
Hawaii
Nevada

Silver Spring, Maryland

November 10-12

Makeup Session

END