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U.S. Department of Justice
Federal Bureau of Prisons

Federal Prisons

VOL. 3, NO. 3

Winter 1994



149733

149741

**U.S. Department of Justice
National Institute of Justice**

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U.S. Department of Justice

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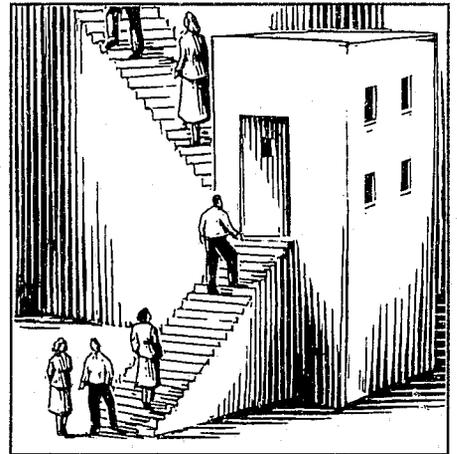
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Women as High-Security Officers

Gender-Neutral Employment in High-Security Prisons

Richard H. Rison

Historically, women have been underrepresented in corrections. Those women who did work in corrections traditionally were placed in clerical or other support service positions, and some served as correctional officers. Few women have served in supervisory or upper management positions.

While gender bias in correctional facility employment certainly still exists, the situation has changed. The "new" correctional philosophy is that women should be hired, trained, and promoted to all positions—and at all security levels, including maximum security.

For years, the Federal Bureau of Prisons has had a gender-neutral hiring policy for all positions except correctional officers at high-security male institutions (penitentiaries). As a result, the Bureau has witnessed steady growth in the numbers of women in its workforce. In January 1992, the gender-neutral policy was extended to all positions, with full implementation expected by 1994 (BOP, 1991).

The trend toward gender-neutral hiring in maximum-security institutions is also evident in the State corrections. Forty-five States use women to staff at least one male maximum-security prison or unit. Twenty-four of these allow women to be eligible for all correctional posts; policy is gender-neutral with respect to hiring women in these settings. In 15 States, women are not permitted to work certain maximum-security posts; these usually involve supervising showers or performing strip searches. Seven States have highly restrictive policies with



C.O. Kimberley Hawley talking with inmates. Photo by Gary Espiau/ USP Lompoc

respect to using women to staff male maximum-security prisons. Of these, six States exclude women correctional officers from positions within housing units, and one State excludes women completely from maximum-security prisons (NIC, 1991).

Based on 20 years of experience as a correctional administrator and a lengthy review of the current literature, I have encountered several myths about women in the workplace.

- Women do not want to be promoted. They would rather follow than lead.
- Advancement for women is precluded by domestic issues, such as a lack of mobility and a preoccupation with child care.
- Women simply cannot do the work that men can do in correctional settings because they do not have the skills needed to advance in the organization.

These myths have caused me to reflect on personal experiences in which gender bias has occurred. For example, while warden at the United States Penitentiary, Lompoc, California, I was asked to comment on the possibility of women working in "contact" positions at the maximum-security level. At first, I felt women could not handle the pressures associated with a maximum-security institution. However, after reviewing the available literature on the topic, I changed my mind. It seems I was also guilty of gender bias.

Much gender bias rests on claims that women cannot perform in the higher levels of an organization because they do not possess the necessary skills. Although this may be the case at times,



In 1978, Linda Allen became the first woman correctional officer at the U.S. Penitentiary, McNeil Island, Washington (now a State prison). She was one of only a few women to work as a C.O. in a high-security institution until recently.

the argument is circular: many women do not possess the skills they need for advancement because these same myths and assumptions restrict them from obtaining the training they need.

As correctional administrators, we must recognize when we are dealing with myths. We must ask ourselves if we subconsciously encourage gender bias by selecting women primarily to fill lower-level positions. Do we provide adequate career counseling and planning to enhance the advancement of women? These questions must be considered if the "glass ceiling" that limits gender equity is to be removed.

Legal issues

Title VII of the Civil Rights Act of 1964 prohibits discrimination on account of sex where gender is not a bona fide occupational qualification ("bfoq"). To prove a bona fide occupational qualification on the basis of gender the employer must show that gender is a qualification

"reasonably necessary to the normal operation of the particular business or enterprise." The bfoq defense applies only when "the essence of the business operation would be undermined by not hiring members of one sex exclusively" (*Diaz v. Pan American World Airways*, 1971).

The traditional point of view on hiring female correctional officers is that their presence poses serious problems not posed by males. However, assumptions based on such stereotypes are not valid under Title VII.

Women employees have brought claims against various State correctional systems, alleging that regulations establishing gender restrictions for "contact" positions (such as correctional officer) limit their opportunities for career advancement.¹

The argument made in claims by inmates has been that the presence of correctional personnel of the opposite sex in contact positions violates their privacy rights. The courts have usually rejected this argument.²

¹*Garret v. Okaloosa County*, 1984; *Dothard v. Dawlinson*, 1977; *Gertrude Csimadia et al. v. William Fauver et al.*, 1990; *Hardin v. Stynchcomb*, 1982; *Gunther v. Iowa State Men's Reformatory*, 1980; *Barbara Diamete v. Arthur Wallenstein*, 1990.

²*Smith v. Fairman*, 1982; *Johnson-Bey v. Foster*, 1990; *Truman v. Gunther*, 1990; *Merritt-Bey v. Sotts*, 1990; *Michenfelder v. Summer*, 1988. In some instances, however—*Forts v. Ward*, 1980, for example—courts have supported inmates' privacy claims. For instance, in a recent decision (*Jordan v. Gardner*, 1993), the Ninth Circuit held that searches by male officers of women inmates were sometimes traumatic due to prior sexual abuse, and potentially violated the Eighth Amendment.



Gary Espino/USP Lempoc

impermissible. The pedestal upon which women have been placed has all too often, upon closer inspection, been revealed as a cage. We conclude that sexual classifications are properly treated as suspect, particularly when those classifications are made with respect to a fundamental interest such as employment (*Sail'er Inn, Inc. v. Kirby*, 1971).

The same arguments are still being offered in favor of the combat exclusion laws that prohibit the assignment of women to aircraft or naval vessels engaged in combat missions (Bendekgey, 1991). Correctional case law relative to women in high-security prisons may offer potential for challenging the exclusion laws in the military.

The important trend in these cases is the increasing number that deny the "bfoq" defense to prison administrations. None of the 1990 cases were dismissed on the basis of security concerns that might justify gender-based restrictions in a correctional setting. A policy of barring women from work as correctional officers in high-security prisons would appear to render the agency subject to allegations of discriminatory hiring. In 1971, the California Supreme Court summarized well the position that must be taken in corrections and in the larger world:

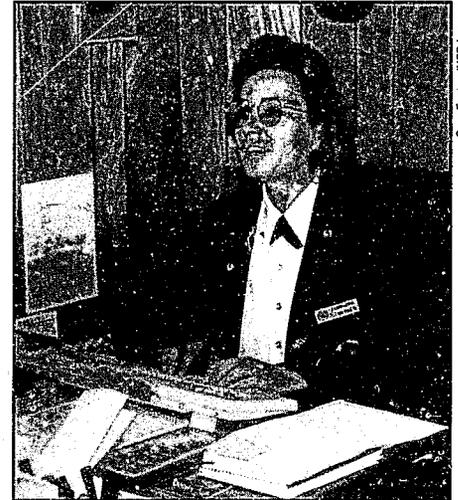
Laws and customs which disable women from full participation in the political, business, and economic arenas are often characterized as "protective" and "beneficial." Those same laws and customs applied to racial and ethnic minorities would readily be recognized as invidious and

Implementation strategies

States implemented their gender-free hiring policies—from the mid-1970's through late 1991—for a variety of reasons, ranging from recognition of equal opportunity issues and requests by women officers to open up high-security positions, to union pressures and court mandates.

Some simply announced with no fanfare that all positions would be opened to women applicants on a certain date, while others carefully phased women into various positions. The evolutionary process began with women being initially used in noncontact positions and gradually moving into cellblocks. As indicated, many States resisted change until they were under court mandate, and then relied on the courts' decisions to guide their implementation (NIC, 1991).

According to a 1991 study by the National Institute of Corrections, most agencies did not develop any formal or informal implementation plans when they



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Above: Special Investigative Supervisory Technician Joyce Lane preparing an investigative report.

Left: Warehouse worker Cathy Dunston conducts a cell search.

began to use women in correctional positions. The only States that did, Ohio and New Jersey, did so as a result of court decisions. A 1984 agreement with the court in Texas also served as a de facto plan; New York did not develop a formal plan, but its process was in line with an agreement between the Department of Correctional Services and the union.

Most States did not provide any special training during implementation—either to newly hired women or to other staff. Several States did offer relevant training covering some gender issues, including E.E.O.C. requirements, sexual harassment, and special orientations for female staff working in institutional settings.

There was little special support—such as mentoring programs and support groups—for the first women introduced into maximum-security prisons. Such

programs have since been developed in some States. The NIC study previously mentioned cited California as the major example of a State with a women's liaison mentoring program (at Soledad and Folsom prisons). In Minnesota, an association called Women in Criminal Justice is cosponsored by the Department of Corrections. Other State mentoring programs are limited.

A major issue that faced women staff in high-security settings was resistance from both male staff and administrators, based primarily on the sense that women need protection and wouldn't perform well in emergencies, thus threatening the agencies' safety and security interests. Agencies almost universally encountered resistance—whether subtle or overt—from male officers and supervisors when they began to use women in maximum-security settings. Resistance was especially strong in older facilities with firmly established "old boy" networks, where women at times were intentionally set up for failure. In most cases, these problems were dealt with one-on-one or by simply reiterating the new policy in staff meetings. This approach met opposition head-on by announcing that the policy was in effect and was not to be questioned. In nearly all cases, resistance faded as women proved themselves capable of handling all positions. Generally, safety and security concerns did not materialize (NIC, 1991).

Inmate resistance, while present, was not as prevalent as staff resistance. Male inmates' initial objections to having women in maximum-security housing units usually focused on privacy, although some simply objected to women giving them orders. As mentioned, recent court decisions have not upheld privacy arguments.



Officer Velparita Gilchris passes by showers with doors that were added to protect inmates' privacy.

Physical plants had to be modified as women began working in maximum-security settings. Yet, for the most part, such modifications were minor, involving added bathrooms for women officers or privacy screens in inmate showers.

In reviewing the implementation of gender neutrality in high security institutions, several common themes stand out as action areas for administrators:

- Develop a plan and optimize the time frame for implementation.
- Provide training and communications.
- Anticipate staff resistance.
- Phase women into maximum-security posts.
- Review organizational structures for job equality (Alpert and Crouch, 1991).

Employment findings

The trend toward gender neutrality in correctional officer positions has produced largely positive results:

- The literature overwhelmingly cites women's calming influence and their ability to control without using force as unpredicted benefits of this transition. Central to security arguments are observations that women defuse critical instances with less force, less violence, and less tension (NIC, 1991).
- Women offer a new work pool; correctional rosters can now be increased with this supplemental workforce. This complements the findings of the Hudson Institute that "Workforce 2000" will grow slowly, becoming older, more female, and more disadvantaged (Johnson, 1987).
- There is some evidence that the women's presence has made the male officers more attentive to assignments and that women are more observant and attentive than male officers.
- The major emphasis from all literature on women correctional officers in high-security facilities involves organizational structure. It focuses on the inequities, lack of clearly defined upward mobility, and underrepresentation in the higher ranks as major areas that need attention (Stewart, 1979). Rosabeth Moss Kanter notes that women behave differently in organizations not because of sex differences, but because of the structural characteristics of their roles—i.e., they rarely hold positions of power. Kanter concludes that organizations must seek to expand opportunity and mobility, and empower people by balancing the representation of women throughout the organizational structure.

Areas for future research

Women are now being incorporated into high-security correctional facilities in most States and in the Federal Bureau of Prisons. This is an important area for



Randy Paison/USP Atlanta

Officer Leslie Severit "shakes down" an inmate in a UNICOR plant that repairs U.S. postal mailbags.

future research efforts. Issues to be examined include:

- The effects of different administrative structures on the recruitment and placement of women in corrections.
- How unionization in a corrections system affects the hiring and advancement of women.
- Organizational practices—formal and informal—that contribute to or constrain the career commitment and aspirations of women.
- The conditions under which employment rights of women might be in opposition to male inmates' privacy rights.
- How institution "key indicators" differ before and after implementation of gender-neutral environments, with a focus on inmate/staff behavior.

- Whether staff/inmate resistance to change forms measurable patterns.
- Reasons for unsuccessful gender adjustments, if any.

Correctional agencies would do well to make the development of cooperative work relationships between men and women a major focus of the training and recruitment programs, and develop plans for advancing women along higher-level career paths throughout the organization.

Conclusion

Gender neutrality in employment is a critical responsibility of correctional administrators. Arguments against women in corrections in general—and in maximum-security institutions in particular, as I have attempted to show—are not persuasive. Both Equal Employment Opportunity (EEO) law and the concept of "reasonableness" in hiring and other personnel practices mandate equal treatment; carrying these out is another part of our responsibility as public administrators. The premise should be clear; restricting women to only certain positions in correctional facilities of any security level has no merit.

Correctional administrators can learn from current literature on gender differences in the workforce. The policy of increasing the representation of women as correctional officers in high-security facilities has largely been implemented with very little planning. However, there is almost universal agreement that the resistance to this change and the projections of failure are unfounded. ■

Richard H. Rison is Warden at the U.S. Medical Center for Federal Prisoners, Springfield, Missouri, and previously was Warden at the U.S. Penitentiary, Lompoc, California.



Randy Paison/USP Atlanta

Officers conducting pat searches upon inmates exiting metal detectors. Left, Officer Juel Hawkins; right, Officer Michelle Charles.

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