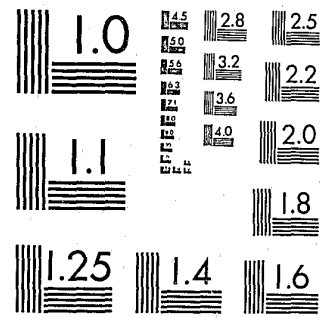


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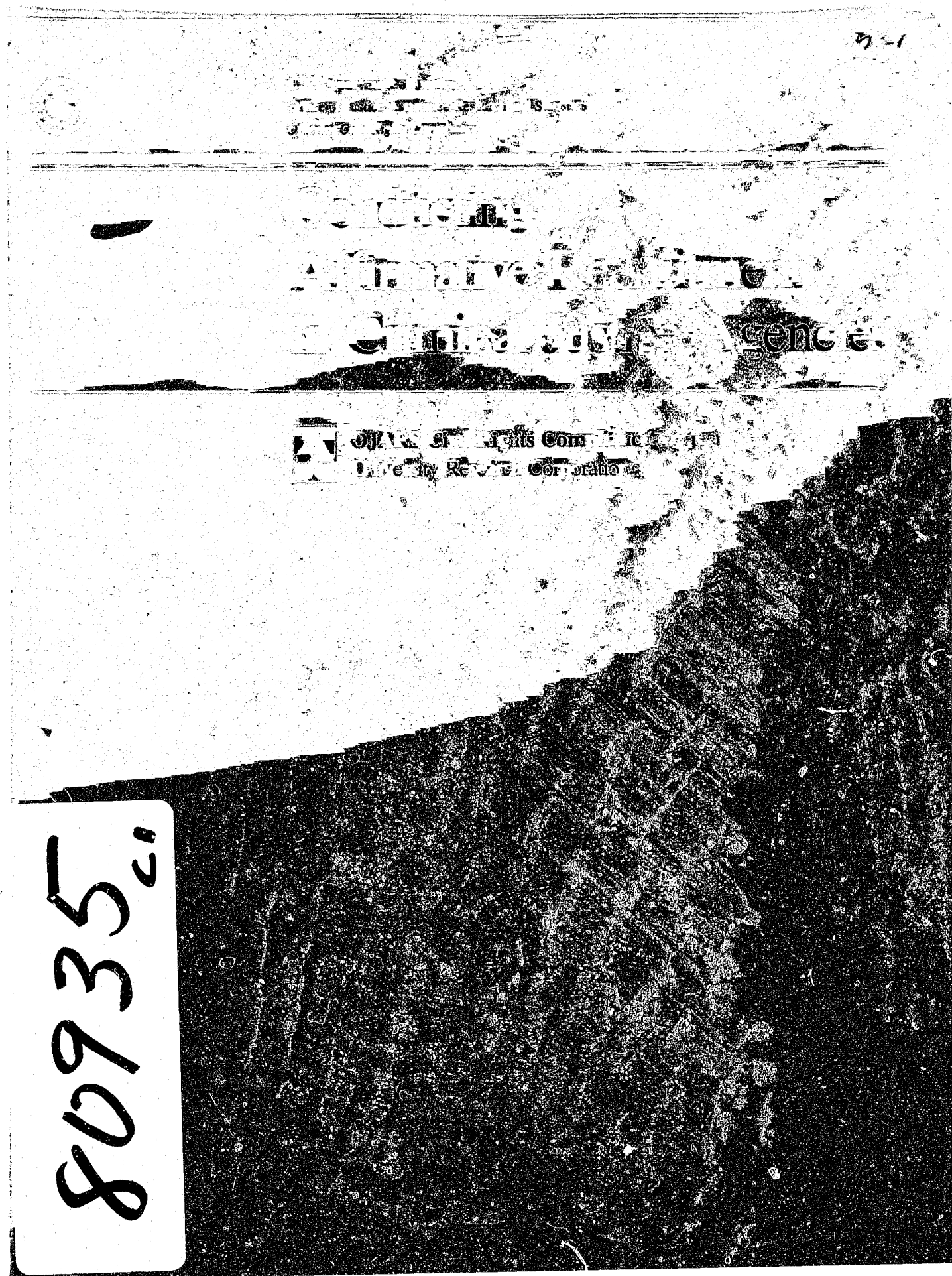
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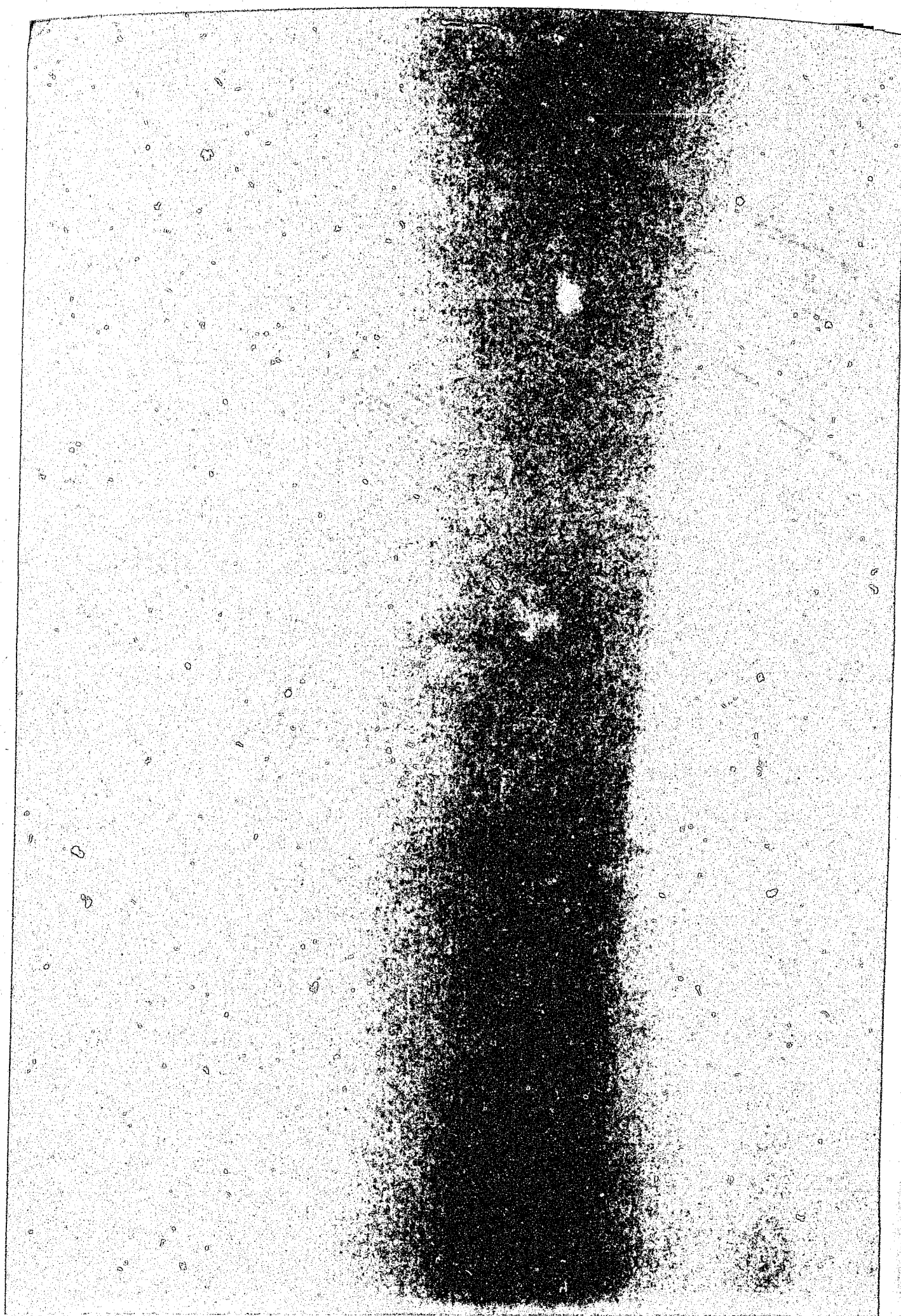
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CONDUCTING AFFIRMATIVE RECRUITMENT
IN CRIMINAL JUSTICE AGENCIES

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Introduction

This document, "Conducting Affirmative Recruitment in Criminal Justice Agencies," is the first of three monographs on personnel management and civil rights compliance. The monograph series is designed for recipients of funds from the Law Enforcement Assistance Administration (LEAA), the National Institute of Justice (NIJ), the Bureau of Justice Statistics (BJS), and the Office of Juvenile Justice and Delinquency Programs (OJJDP). The second monograph covers nondiscriminatory selection procedures and the third describes how to design, implement, and evaluate an Equal Employment Opportunity Program (EEO).

The purpose of this series is to disseminate state-of-the-art information on these three important areas of contemporary personnel management to the thousands of criminal justice agencies throughout the country. Many changes occurred during the seventies in personnel management. A significant number of these changes have been in the area of nondiscrimination in the recruitment, selection, and retention of employees. Government programs and regulations that relate to nondiscriminatory personnel practices and court cases that affect public agencies--particularly criminal justice agencies--have proliferated over the last several years. Dealing with such changes requires an increase in base of knowledge by personnel managers, program administrators, and public officials. Government and private industry have tried to build this knowledge by making experts available from the field of equal employment opportunity (EEO) and personnel selection to provide technical assistance to personnel managers around the country. To extend knowledge sharing, this nondiscrimination series has been prepared for use in the public sector.

This monograph defines recruitment and highlights special concerns associated with recruitment unique to law enforcement programs and criminal justice agencies. The legal bases for nondiscrimination and existing nondiscriminatory recruitment procedures are reviewed. Available resources are identified for affirmative action vis-a-vis nondiscrimination. Procedures are outlined for securing data needed to evaluate degree of outreach and impact of recruitment efforts for purposes of developing corrective actions. The types of information needed on recruitment to write an adequate Equal Employment Opportunity Plan are described. Also covered in this monograph are goals of an affirmative action recruitment program and recommended timetables for meeting those goals.

Recruitment Defined

There is no "magic" definition of recruitment. Quite simply, it is the process by which suitable candidates are attracted to compete for a job.^{1/} This definition holds for jobs in both the private and public sectors.

The goals of recruitment in either sector are to obtain the best qualified person for a given job. Recruiters in both sectors must follow the same steps to achieve this goal: Decide what type of applicant is needed for the job. Determine, based on attrition rates, how many applicants are needed immediately; over the next few months; every year. Decide where applicants will work within a geographic location. Decide if applicants are likely to change jobs after being trained or for advancement.

Organization

Generally, there are two kinds of recruitment systems in the public sector (see Figure 1):

Figure 1
Open vs. Closed Recruitment Systems

<u>Recruitment Factors</u>	<u>Closed System</u>	<u>Open System</u>
Announcement of Vacancies:	By word of mouth or personal political connections.	Through media, public announcements, organizations, community groups.
Availability of Application Forms:	Applicant must appear at city hall, police headquarters, etc., to get application (sometimes applications are only given to those who "appear" to qualify).	Applications are available by mail and phone request, or at churches, libraries, schools, etc.
Minimum Qualifications:	Arbitrary, unvalidated, vague.	Only those critical to actual ability to perform, or to be trained to perform the specific job in question.
Resulting Applicant Pool:	Traditional--closely resembles race and sex composition of current staff.	Enlarged--representative of all segments of the community.

^{1/}"Selection of Personnel: How to Recruit for the Public Service," in Public Personnel Administration: Policies and Practices for Personnel (Englewood Cliffs, N.J., Prentice-Hall Inc., 1973) pp. 20, 102.

In an open recruitment system every effort is made to secure a large, diversified pool of applicants who represent the community. Job announcements are conspicuously posted in public places and are mailed to schools, colleges, and various community and professional organizations. The media--including minority and/or targeted publications--are contacted about the availability of openings to all qualified applicants.

In the more traditional closed recruitment system the primary means of finding new employees is word-of-mouth. Even when a public announcement of vacancies is required by law, those with the inside knowledge about where, when, and how to apply stand the best chance of getting the job. The closed system clearly presents a stumbling block to effective minority and female recruitment since the applicant pool is almost always drawn from a narrow segment of the community (see Figure 1).

Special Considerations

Though the goal and principles of recruitment are the same in the private and public sectors, differences do exist between the two that affect recruitment procedures. For example, in the public sector there are civil service rules and regulations which prescribe recruitment procedures which may or may not accommodate the special needs of minorities and women; whereas the private sector is not locked into specific laws and/or regulations which prescribe personnel actions. These differences tend to be more structural in nature. Public sector recruiters should be aware of these special considerations:

- Centralized administration is a factor in public sector recruitment. Often recruitment policies and guides are established in a central administrative division that is organizationally and geographically removed from agencies where the jobs are located.
- Another factor is law. Laws aimed at protecting government workers, civil service or merit systems, and laws expressing such policy as residency requirements for government workers, limit the pacing and scope of change the personnel system can accommodate.

Human resource planning constraints exist in the public sector that must be taken into account for effective affirmative action recruiting. Sound affirmative recruitment needs long-range planning and use of data on attrition rates, new positions, labor market trends, and budget considerations. Several external factors can intrude on the application of such staff forecasting or reduce its effectiveness. One such factor is swings in program emphasis that reflect political or public policy changes. For example, Federal or State funds for new programs can change the nature of an agency's operations and personnel needs. Budgetary realities, timetables, and hiring freezes can render the best planning unworkable. Sometimes, conflicts over funding and

operations between divisions of a government or between two separate governments can interfere with the staff forecasting needed to set up a viable recruitment program.

These recruitment problems in the public sector are compounded by a problem unique to the criminal justice system--the public's perception of law enforcement and criminal justice administration as being predominantly a white male domain. Altering this perception is crucial to the success of a program to recruit minorities and women into police forces, corrections facilities, juvenile justice programs, and so on. Ways to change this perception are outlined in the section on "Changing the Public Image" (see page 8).

Legal Basis for Affirmative Actions

In 1979, the 96th Congress passed Public Law 96-157, the Justice System Improvement Act, in an effort to "restructure the Federal Law Enforcement Assistance Administration, (and) to assist State and Local governments in improving the quality of their justice systems..." By this act, Congress was continuing a process begun a century earlier with the passage of the Civil Rights Act of 1866. Over that century, this process has attempted to ensure, with greater success with each successive piece of legislation passed, equal opportunity under the law for all its citizens. The concept of equal opportunity embodied in the U.S. Constitution has been enlarged over the last hundred years to include equal opportunity to vote, to secure gainful employment, and to have access to governmental services without regard to race, sex, country of national origin, creed, or handicap.

The Civil Rights Acts passed in the last half of the 19th century--in 1866, 1870, and 1871--were voted to enforce the constitutional guarantee of due process and to reverse the legacy of slavery. Until the early 1960's redress under these laws was left to the courts. With the passage of the Civil Rights Act of 1964, an effort to undertake proactive redress under the law by granting Federal agencies the power to sue for civil rights was started. Subsequently legislative assurances of equal opportunity and equal access were written into laws passed during the last two decades of civil rights reforms.

In a parallel development, social theorists expounded the theme that governmental services are improved if the people providing those services reflect the race, sex, and cultural characteristics of the people being served. This principle was a significant factor in the legislative history of the Omnibus Crime Control and Safe Streets Act of 1968, the precursor of the Justice System Improvement Act (JSIA) of 1979.

The importance of equal employment opportunity to effective law enforcement and justice administration was established in the Crime Control Act and was reaffirmed in the 1973 amendments and in the 1979 amendments, which are the JSIA. Under the JSIA, the mandate to enforce civil rights by the promotion of equal employment in various criminal

justice agencies receiving LEAA, BJS, NIJ, and OJJDP funds was transferred from the LEAA to the Office of Justice Assistance Research and Statistics (OJARS).

The Office of Civil Rights Compliance (OCRC) is charged with the enforcement of the JSIA by implementing regulations that cover nondiscrimination in federally assisted crime control and juvenile delinquency programs (28 CFR Part 42). Section 42.203 of these regulations lists specific prohibitions against employment discrimination:

- It is unlawful to deny employment because of race, national origin, sex, or handicap in connection with any program or activity funded in whole or in part with money made available under the JSIA or the Juvenile Justice Act.
- It is unlawful to use any selection device in a manner that is inconsistent with the Uniform Guidelines on Employee Selection Procedures (28 CFR Part 50).
- It is illegal to use a minimum height or weight requirement that operates to exclude disproportionately women and persons of certain national origin unless business necessity can be demonstrated.

Section 42.205 of the regulations empowers OCRC to investigate employment discrimination complaints, and Section 42.206 authorizes OCRC to conduct periodic compliance reviews of those recipients who appear to have equal employment opportunity problems. These guidelines apply to agencies and programs that receive funds from the NIJ, the LEAA, the BJS, and the OJJDP./2/

A major thrust of any affirmative action effort must be recruitment. Without recruitment strategies tailored to encourage women and minorities, the kinds of people an agency attracts will be limited. For some fields, few minorities and women have prepared themselves for careers because they never perceived real opportunities existed. This circumstance is still too true in the criminal justice field. Strategies to get individuals into these fields must focus on removing obstacles to participation in them.

²The guidelines governing nondiscrimination in employment practices and procedures require the following: "Each recipient of LEAA assistance within the criminal justice system which has 50 or more employees and which has received grants or subgrants of \$25,000 or more pursuant to and since the enactment of the Safe Streets Act of 1968, as amended, and which has a service population with a minority representation of 3 percent or more, is required to formulate, implement and maintain an equal employment opportunity program relating to employment practices affecting minority persons and women." See Federal Register, Vol. 43, No. 127 (June 30, 1978), page 28802. See also "Recruitment and the Written EEOP," page 13, for more information on goals and timetables.

Built-In Barriers

The largest barriers to effective minority recruitment are often found within the system itself. The hiring procedures of most state and local law enforcement agencies are often so complex they stymie even the best-intentioned efforts to increase the numbers of individuals from groups traditionally not employed in law enforcement and other criminal justice positions.

Another factor that affects recruitment is the testing process. Within the same agency, the need often exists for several types of testing processes. Each type has an appropriate use but can create barriers to effective affirmative recruitment.

Continuous vs. Noncontinuous Testing

Both continuous and noncontinuous testing have a valid place in the selection process. A continuous process can be described as a smooth flow. Applications are accepted and reviewed at all times. Tests are held frequently, sometimes applicants are even tested on a walk-in basis. This process is very useful for jobs with lots of turnover or hard to fill positions such as correctional officers. This process is also useful for jobs with a need for very specialized skills such as accountants.

In other situations--such as promotional positions--a noncontinuous process is more useful. In these cases, specific vacancies are announced and there is a closing date by which applications must be received for the test. Tests are held infrequently on an "as needed" basis.

Figure 2
Continuous vs. Noncontinuous Testing

	<u>Continuous Testing</u>	<u>Noncontinuous Testing</u>
When are applications accepted?	Anytime	Only between specified dates.
When are tests held?	Continuously (i.e., daily, weekly, monthly, bi-weekly).	Periodically (once or twice a year), or on an "as needed" basis, or when eligible list has expired.
When are job announcements posted?	Fliers are always posted; newspaper ads are run weekly or monthly.	Publication of ads and fliers is geared to a specific test date or opening.
How are applications processed?	Processed individually as received.	Held for specific review date and processed as a group.
What is the appropriate use?	Hard-to-fill jobs or jobs with heavy competition for specific skills (accountants, systems analysts, etc.). Jobs with significant turnovers or a large number of vacancies (clerk-typists, correctional officers, etc.).	Jobs with small numbers of vacancies, one-of-a-kind jobs, or promotional-only classifications.

Where entry-level jobs are filled through noncontinuous testing, affirmative recruitment is often difficult. Minorities who fill out application forms and then do not receive any response for 6 months become discouraged. Any recruitment effort that is far removed from the actual test date or completion of the selection process--for example, recruiting in January for jobs to be filled the following October--might be viewed as false advertising by those who feel they have reason to be suspicious. In these situations, agencies need to observe certain precautions:

- Recruiters should followup all applicants.
- Recruiters should give detailed information about what to expect during the remaining steps in the application process.
- Recruiters should indicate closing dates and other limitations related to the job application process to all people applying for a job.

Review Existing Procedures

Obviously, a close review of how the system works and how it is viewed is necessary before effective recruitment can begin. Such a review is required for developing an Equal Employment Opportunity Program for all phases of a recipient's employment process: For recruitment, selection, promotion, discipline, assignment, and so on. The details of preparing an EEOP are covered in Designing, Implementing, and Evaluating an Equal Employment Opportunity Program, by Boyd and Bennett, University Research Corporation, the OJARS Civil Rights Compliance Project, March 1981.

Recruitment planners should analyze their recruitment system to determine whether it is open or closed. Recruiters should inventory the tests used to screen applicants and the testing schedules; they should identify which are continuous and which are noncontinuous; they should pinpoint problems in these areas and plan corrective action. It will probably be necessary to work within the existing system for a while since making real procedural changes in public personnel systems is usually a time-consuming, complicated process.

Put on the "shoes" of applicants and ask the following questions about your recruiting procedures:

1. What happens to people who apply for a job or express an interest and then face a long delay before the actual test date? Do people get lost in the shuffle? What provision is made for followup?
2. Where are job announcements posted? Are minorities and women likely to see announcements?

3. Where or how do people get application forms? Does the current practice facilitate their acquisition by minorities and women?

Changing the Public Image

Recruiters should ask themselves if the agency could be perceived as being "for white men only." If the answer is yes, changing that public image of the agency is a first move toward developing an active recruitment program for minorities and women. That change process can be broken down into four steps:

Step #1: Make Top-Level Support Known

The public needs to be advised that the agency intends to open its recruitment and selection process to all segments of the community. This information needs to come from top management--those people who are in positions to carry out the promise. Top-level support could mean the mayor or governor; the chairman of the civil service commission or the personnel director; the chief of police or superintendent of criminal justice institutions, and so on.

Newspapers and community interest publications will run news articles or interviews at no cost advising the public of the new policy. Administrators can be interviewed on public service television shows or get free public service announcement time from radio and TV stations.

Step #2: Update Recruitment Literature

Sometimes the fliers, job announcements, and other materials used for recruitment turn off prospective female and minority applicants because of the tone of the literature or the language chosen. Recruiters should take a look at their literature. What do you see?

- Is sexist language used?
- Are the pictured clerical people all female and the officers all male?
- Do any of the people in the pictures appear to be Hispanic? Black? Asian?
- Where are the posters displayed? Are they placed where target groups are likely to see them?
- Is there wording to indicate you are an equal opportunity employer?
- Is Spanish, Vietnamese, or any other foreign language used where appropriate?
- Are minimum qualifications listed clearly?

In reviewing job announcements and other materials, recruiters should remember that the goal is to enlarge the pool of qualified applicants. To reach this goal, literature and advertising should:

- Clearly state the absolute minimum qualifications. Listing vague qualifications could raise false hopes. Listing "desirable" qualifications that are not actual requirements will create confusion and arouse suspicions of disparate treatment, all of which can create additional public image problems.
- Clearly indicate what has to be done in order to make formal application for the job--where to go to obtain applications, what documents need to be shown or submitted with applications, etc.
- Give some indication of what applicants can expect during the recruitment process. If no specific test date is planned, indicate the time period involved--i.e., the test will be held on an as-needed basis. If there are closing dates or deadlines, say so; i.e., applications will not be accepted if filed after a given date.

Step #3: Use the Media

It is hard to think of anything that can get your message out more quickly than radio, TV, newspapers, and magazines. Don't let the idea of costs scare you. TV and radio stations are required by law to make time available at no cost for public service announcements. Newspapers are glad to run an article describing your work or your recruitment campaign.

Don't forget these other vital resources for publicizing your recruitment campaign:

- foreign language newspapers
- local community newspapers
- union or employee organization newsletters
- newsletters and journals published by minority organizations.

Step #4: Get the Community Involved

If you are making a sincere effort to change both your public image and the makeup of your work force, there are numerous groups and organizations who will be happy to help you.

Every town has religious, professional, fraternal, and educational organizations who devote a major share of their efforts to public service. Frequently these groups are looking for a project to support.

section of the application form or a separate sheet or card. Whatever method is used to collect the data, two practices are essential:

- Applicants must be informed that the data are being collected for EEO reporting purposes only.
- The data should be maintained separately from the application forms and in such a way that they do not affect the selection process.

Other data needed for assessing recruitment efforts are labor force composition and trends to enable comparison with the composition of one's internal work force. These data should be readily available since sound personnel management practices necessitate such information for forecasting. Recruiters should have access to such information routinely so that staffing needs are met quickly.

Recruiters and line staff should be aware of trends likely to affect the mix of the applicant pool. These trends include changes in the population served and in service needs, in types of jobs needed, and in job technology that will affect the types of workers needed. Other information should shed light on the possibility of retraining employees displaced by technological changes, expected turnover rates through retirement and by specific categories of workers, and changes in the supply and demand for workers with special skills.

These statistics relate directly to the goal of aligning an agency's work force with the makeup of the available labor market. In gathering these statistics, it is best to catalog all positions in an agency by job classification and pay, then by the racial and sex characteristics of incumbents. (The same race and sex data are then collected on the applicant pool, as described in detail below.)

Another collection of statistics is needed on labor market composition of the area from which recruiters intend to draw applicants. One must outline the types of industries in that area; the size of the potential applicant pool, its mobility, and its educational levels; the pool's age, income, and ethnic distribution; transportation facilities; housing patterns; and health care. It is also necessary to graphically depict the applicant pool by sex, race, and national origin, indicating the number of workers and the number of unemployed people in the area. These data are quite similar to the data forecasters need for routine forecasting. Many sources at the Federal, State, and local levels exist for getting the data: The Bureau of Labor Statistics of the U.S. Department of Labor; the U.S. Census Bureau; the local Chamber of Commerce; local employment agencies; local institutions of higher education; State Employment Services; local social service agencies; city and county planning commissions, and so on.

The work force data by job classification provide the information needed to establish whether recruiting and/or hiring practices are discriminatory. These also provide the basis for identifying problem areas or discriminatory employment practices. In addition, by developing such a detailed picture of the internal workforce and available

labor market, agency planners get a firm grip on the resources available for recruiting applicants.

Recruitment and the Written EEOP

All statistics and information collected to develop an affirmative recruitment campaign must be retained for inclusion in the written Equal Employment Opportunity Program.

Indeed, that written EEOP is the history an agency might use as a defense in the event charges of discriminatory practices are brought against it. The written EEOP is certainly needed for compliance reviews conducted by the Office of Civil Rights Compliance. OCRC staff look for the following recruitment process documentation during a complaint investigation and/or a compliance review:

- A copy of the written procedure (if one exists) which the agency follows to seek out job applicants.
- If there is no written procedure, a brief narrative which describes both normal and special recruitment practices.
- A list of all media sources, trade schools, universities and colleges, professional organizations, and community groups used for recruitment over the past 12-month period.
- Information on the frequency and manner in which each of these recruitment resources were used.
- If data are available, the number by race, sex, and national origin of candidates referred from each of these resources.
- On a random sample basis, selected recruitment resource agencies are contacted in an attempt to confirm their utilization.
- A brief narrative of procedures the agency follows to keep an applicant's interest during the selection process.

Summary

The desired product from recipient agencies bound by the EEO Guidelines is the development, implementation, and maintenance of an Equal Employment Opportunity Program to facilitate employment of minority persons and women. Agencies having a minority representation in the service population of less than 3 percent are required to effect an EEO program for women. Recipients have 120 days to put the program into effect after receiving Federal assistance.

Criminal justice agencies exist to serve the public. Clearly it follows that those agencies should be representative of the public they serve. Affirmative recruitment strategies can have a great impact on the effectiveness of an organization and can widen equal employment opportunities.