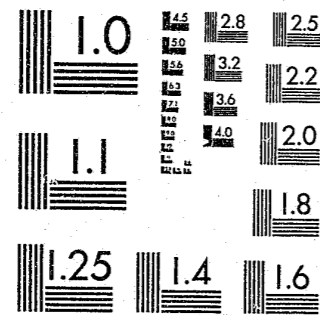


National Criminal Justice Reference Service



This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART  
NATIONAL BUREAU OF STANDARDS-1963-A

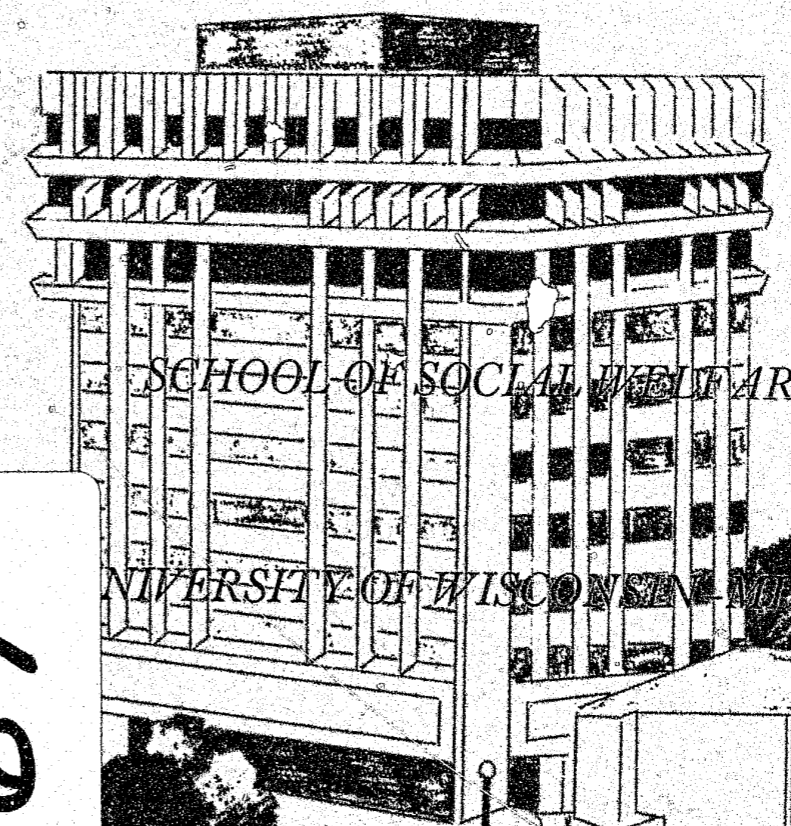
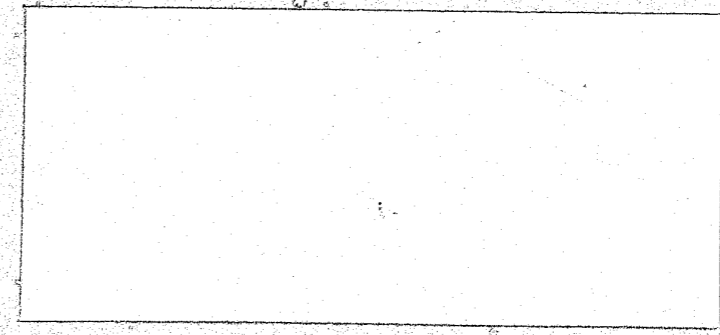
Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice  
United States Department of Justice  
Washington, D. C. 20531

10/4/85

B2133



98267

MILWAUKEE, WISCONSIN 53201  
414 / 963-4851

98267

ASSESSMENT OF AFFIRMATIVE ACTION  
IN CRIMINAL JUSTICE AGENCIES:  
AN EXECUTIVE SUMMARY

Project Associates:

- John A. Conley
- Christine Dunning
- William Feyerherm
- Ellen Hochstedler
- Carl E. Pope
- James Sprowls

This project was supported by Grant No. 81-IJ-K003, awarded to the Criminal Justice Faculty, School of Social Welfare, University of Wisconsin-Milwaukee, by the National Institute of Justice, U.S. Department of Justice. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

TABLE OF CONTENTS

Introduction . . . . .	1
A Review of Court Decisions Affecting Affirmative Action in Criminal Justice Employment . . . . .	4
Analysis of Impediments to Hiring Minorities in Criminal Justice Agencies: Results of Site Visits. . . . .	11
Analysis of Individual Responses to Affirmative Action Issues. . . . .	20

NCJRS

MAY 30 1985

ACQUISITIONS

## INTRODUCTION

The Criminal Justice Minority Employment Research Project was funded by a grant from the National Institute of Justice to the University of Wisconsin-Milwaukee to engage in an assessment of the status of affirmative action within criminal justice agencies throughout the nation. The report which follows is a summary of the activities and findings of the project.

At the onset, the project staff realized that an assessment of the status of affirmative action in criminal justice agencies required a multi-layered approach. No single approach to data collection or analysis of issues would be likely to provide an adequate portrayal of the issues involved or the complexity of the approaches and problems faced in this area. As a consequence, the project staff selected several available research options as mechanisms to attack the problem. These are briefly described below, and each approach serves as one chapter in the following report.

Although affirmative action has come to represent a broad category of areas designed to reduce and/or rectify discriminatory employment practices, the project focused predominantly upon the employment of ethnic minorities. As a secondary effort, attention was given to affirmative action efforts which seek to rectify discriminatory practices based upon gender. Other areas which could be addressed in a study of employment practice would involve discrimination on the basis of age, religious affiliation, political affiliation, etc. However, the primary thrust of affirmative action programming has been in the directions of ethnic minorities and/or females, and as a consequence the major thrust of the project activities was in these directions.

-2-

It should also be noted that the project did not attempt to address either the moral/ethical "correctness" of affirmative action or to address the impact of affirmative action on agency performance. Our inquiry has been limited to an examination of a variety of efforts to accomplish affirmative action goals without an examination of the appropriateness or positive or negative consequences of the attainment of such goals. We have addressed the question of implementation of affirmative action; the extent to which the goals appear to be met and the nature of employee reactions, without engaging in extensive study of the organizational and performance impact of affirmative action.

In an effort to understand and assess the strategies utilized by criminal justice agencies in the affirmative action area, the project staff devised three basic research strategies. The first of these was an extensive review of the legal status of affirmative action, summarizing the extant court cases and administrative regulations applicable to allegations of discrimination in employment by public agencies and specifically criminal justice agencies. The second area of investigation began with a survey instrument sent to the 200 largest criminal justice agencies, designed to determine the current composition of the agency workforce, the existence of affirmative action plans, any innovative efforts at affirmative action implementation and the current legal status of the agency (e.g., the existence of court mandated quotas). After analysis of these responses, a subset of 19 agencies was selected for intensive on-site study. The site visits included interviews with the chief administrative officials, the officials responsible for implementation of affirmative action programming, and interviews with a small number of "target" employees, both minority and female. As a third strategy,

each of the agencies cooperated with the project by providing an opportunity to distribute an extensive survey instrument to a random sample of 100 employees. The responses to these surveys provide an opportunity to examine the perceptions that the individual officers (both majority and "target") hold of the affirmative action efforts in their agencies, both in general and as employed specifically in their departments.

The outline of this report follows closely the basic research strategies described above, with each of the strategies comprising a chapter. As with any research project, while a large number of individuals worked on various phases of the project, certain individuals carried primary responsibility for each area. Professor Christine Dunning was primarily responsible for the section dealing with legal issues. Professor Ellen Hochstedler was the primary author of the segment which analyzed the 19 site visits. This segment was based upon a much larger document detailing the results in each site which was produced by Professor Hochstedler, Professor James Sprowls, Sandra Furlong and Therese Maduza. Professor William Feyerherm, with the assistance of Therese Maduza, produced the section on the analysis of employee surveys. Each of these individual pieces, however, was the product of a strategy which evolved through the collaboration of all of the grant staff members, along with the helpful guidance of the National Institute of Justice project monitor, Ms. Jan Hulla.

The project benefitted from the staff support provided by Sharon Morten, MaryAnn Riggs, Robin Hauser and Dorothy Brostowicz, also Graduate Assistants Therese Maduza, Sandra Furlong, Brian Palmer, William Kaczmarek, Jane Baker and Cyndi Schaefer.

## Chapter 1

### A REVIEW OF COURT DECISIONS AFFECTING AFFIRMATIVE ACTION IN CRIMINAL JUSTICE EMPLOYMENT

Judicial decisions resulting from suits brought under provisions of the Constitution and relevant civil rights statutes in the past two decades have had a significant impact on the field of personnel administration in the public as well as the private sector. The 1972 amendments to the Civil Rights Act of 1964 brought the activities of state and local government employers under the umbrella of the 1964 Civil Rights Act and caused public employers to review and at times defend their employment practices with respect to discrimination against women and minorities. Given the diversity and sheer number of ensuing administrative and court challenges to employment practices, it would be impossible to construct an all-encompassing list with reference to equal employment opportunity challenges. Instead, the approach in this study is to utilize a cross-section of cases to determine trends in judicial attitudes and public agency compliance with fair employment. These cases are organized around the two major organizations which have generated the majority of legal activity surrounding equal employment issues: police agencies and correctional agencies.

#### Decisions Regarding Police Agencies

Historically, judicial suits with respect to police agencies were resolved by the courts requiring that not only must the plaintiff demonstrate adverse impact, but also "evil intent" in order to establish the need for judicial intervention. More recent cases have involved the concept of adverse impact: if the government's action generates an adverse impact for a protected group (e.g., a racial minority), then the governmental unit (the defense) must demonstrate the "business necessity" of the criteria utilized. This business

necessity is primarily established by a demonstration of the job-relatedness of the criteria or policy being challenged. In validating the job-relatedness of employment criteria, the courts have accepted three general methods; 1) construct validity, in which the criteria being utilized are demonstrated as being "on their face" related to job performance; 2) content validity, in which the policy or criteria being challenged are demonstrated to measure skills which are acknowledged to be utilized in the performance of the job under question; or 3) criterion-related validity, in which the selection criteria being utilized are demonstrated through research to be directly related to a measure of satisfactory job performance. Clearly, the strongest defense is provided by criterion-related validity, although this is also the most costly and difficult to establish.

Cases involving police agencies may be generally categorized into three areas: recruitment, selection, and promotion.

#### Recruitment in Police Agencies

The few cases related to recruitment issues within police agencies have generally held that reliance upon word-of-mouth recruiting is insufficient to accomplish the objective of fair employment opportunities because people normally advise people of their own race and sex as to employment opportunities. Thus, reliance on recruitment by a majority white/male workforce has been found insufficient to overcome past discriminatory practices. However, challenges to existing minority recruitment efforts must show them to be inadequate and a failure before a finding of discrimination can be sustained. The burden has been placed on the plaintiffs, in such cases, to demonstrate the discriminatory aspects of any additional recruitment efforts. This burden is compounded by the findings that lack of success in recruitment is not by itself indicative of discriminatory practices.

#### Selection Criteria Within Police Agencies

A large number of cases and range of areas have been discussed with respect to the selection of individuals for employment within police agencies. In general, the court rulings have been that when a business necessity may be demonstrated, criteria are allowable even though they appear to have an adverse affect upon certain protected groups. For example, residency requirements and minimum height and weight requirements have been upheld in those situations where the specific criteria utilized could be validated as job-related. Likewise, tests of physical agility have been accepted so long as the agency demonstrated that the ability to perform the tasks requested is closely related to tasks ordinarily required.

A common feature of most police employment processes is some form of written examination or test. The burden rests with the employer to present data or evidence supporting the validity of a test as a predictor of job performance. Use of the testing instrument by another agency without challenge does not constitute silent acceptance of the validity or the acceptability of the testing instrument. Non-validated tests have not been held to be discriminatory per se, but if they result in adverse impact to protected groups, they may be challenged as discriminatory.

Another common feature of police employment processes is the utilization of a background check or screening. The court decisions with respect to such background screenings are mixed, with decisions overturning general screenings based on such factors as education, financial condition, arrests, drug history, and the arrest of family members. However, other cases upheld the use of background checks as a screening instrument when the major factor examined was a record of major felonies. The major suggestion in this area appears to be that if background investigations are utilized, written criteria

should be developed citing the specific areas to be examined and the specific criteria for exclusion from employment.

The professionalization of police departments through the attainment of higher levels of education has been supported by a variety of national commissions and other sources. The use of educational standards for achieving such an increase in the educational attainment level of police has often been upheld on a presumption of either the construct or content validity of such requirements. In a few instances, however, courts have found that lacking validation by meaningful study of the criterion-related validity of education requirements, they may be viewed as discriminatory.

Throughout many of the cases involving selection, the courts appear to have adopted a criterion which may be termed "proportionality"; that is, the courts have examined the extent of adverse impact upon protected populations and have required greater rigor in establishing the business necessity of selection criteria when faced with a more stringent adverse impact.

#### Promotion Within Police Departments

In the examination of police agencies' promotional standards and procedures, the courts have examined three areas to determine whether the procedures are non-discriminatory: 1) the relationship of the promotional standards to job performance; 2) the promotional standards' adverse impact on minorities; and 3) the organizations' longstanding practices of alleged discrimination. As in other areas examined, the court decisions appear to represent a balancing of the business necessities of police organizations with the discriminatory impact of promotional procedures. The majority of court cases dealt with three areas within promotional procedures: seniority and time in grade; performance ratings; and written tests or examinations.

Seniority may operate in the promotion system in two fashions: first, through a requirement of a minimum number of years of service in a preceding rank prior to promotion, and second, through the provision of additional points or credits proportionate to longevity on the force. Longevity credits have generally been disallowed when challenged. The findings with respect to time in grade requirements have been mixed. When sufficient disparate impact on minorities and/or history of alleged discrimination exist, the courts have overturned time and grade requirements as discriminatory. However, in other cases the use of time in grade requirements for promotion has been upheld.

Ratings of past work performance would seem to be a legitimate basis for promotion. However, the manner in which the performance appraisal is conducted and the extent of documentation of objective standards have been scrutinized by the courts. Such performance ratings have been disallowed when they have had a demonstrably disparate impact on minority candidates and when the rating supervisor has been unable to justify the rating given to specific officers. However, in other instances in which subjective ratings have not demonstrated disparate impact, the ratings have not been overturned.

Written examinations or tests for promotion must meet the same standards of job-relatedness and validity as those given for entering into the police department. When the validity of the test as a predictor of job performance has not been proven, then disparate impact on minorities may be considered by the court.

#### Affirmative Action Within Correctional Agencies

Although subject to the same state and federal statutes and requirements, correctional agencies have not been the subject of the same types of discrimination suits. Suits in the correctional area have concentrated upon different employment conditions for male and female employees, whereas suits

in the policing area have primarily centered around the selection or entry criteria for employment, primarily alleging racial discrimination. Suits in the correctional area generally can be placed into three categories: those dealing with wage differentials, those dealing with job assignment, and those dealing with application or selection standards. With respect to wage differentials, the courts have generally held that when female employees (matrons) perform the same duties (booking, filing, and supervising prisoners, etc.) as males, they must receive comparable compensation. The fact that there is a greater volume of male than female prisoners has been seen as an irrelevant issue when the duties performed are comparable. When different duties were required of male correctional officers, wage differentials have been upheld.

Differential job assignment within correctional facilities has often been justified on the basis of protection of the privacy of male (or female) clients. When accommodations could be made to ensure privacy (such as the use of screens) without resulting to the exclusion of the opposite sex from guard duty, the courts have upheld findings of discrimination. However, when the level of intimacy required in performing job duties could not be accomplished without the invasion of privacy, such as frisking prisoners, gender has been upheld as a legitimate occupational qualification.

While discrimination suits within correctional agencies have been primarily related to sex as opposed to racial discrimination, the primary criteria for the courts' decisions appear to be consistent with standards discussed earlier in the area of police employment. Specifically, such criteria as height and weight standards have been successfully attacked when these standards have not been shown to be job related. Moreover, consideration has been given to whether an overall disparate impact has occurred due to the scoring of both written and oral examinations.

### Conclusion

The combination of the 1972 amendments to the Civil Rights Act of 1964 and the 1971 decision in the case of Griggs v. Duke Power Company have had the effect of increasing the number of employment discrimination cases and making possible the testing of affirmative action issues within criminal justice agencies. Across this time span, the courts have moved in a fashion which increasingly places a burden of proof upon the public agency to demonstrate that its hiring and employment practices are consistent with affirmative action guidelines. Thus, there has been a shift from the need to prove an intent to discriminate to a lesser standard of demonstrating disparate or adverse impact. In turn, the movement toward a standard of adverse impact has triggered a need for demonstration on the part of the public employer of the job relatedness of various personnel practices. Thus, the courts have required: a stringent validation of entry exams, a showing that other types of entry or promotional criteria are indeed "job related," and the showing that particular occupational qualifications (e.g., educational attainment) are indeed legitimate occupational qualifications.

Chapter 2

ANALYSIS OF IMPEDIMENTS TO HIRING MINORITIES IN  
CRIMINAL JUSTICE AGENCIES: RESULTS OF SITE VISITS

Introduction

This chapter represents a synthesis of information gathered during site visits conducted between May and August 1981 to fifteen police agencies and four corrections agencies in various parts of the country (see Hochstedler et al., 1982). The aim of this chapter is twofold: 1) to provide a general summary of the information gathered on site, and 2) to attempt to identify intra- or extra-agency factors that appear to play key roles in advancing or impeding the goals of affirmative action.

The Study

Affirmative action, for the purposes of this study, was defined as specific and identifiable measures taken with the expected result of increasing the proportionate representation of specific, identifiable classes of employees in a particular agency's workforce. Given that the study was concerned with criminal justice agencies, the research focused only on affirmative action within certain broadly-defined job categories typical of criminal justice work. For police agencies, the study was generally limited to sworn police officers. Affirmative action "success" was defined as that point at which the minority representation in the agency (ideally, at any given level or job classification) matched the minority representation in the general workforce in the respective communities.

As first planned, one of the aims of this research project was (a) to identify the extent to which minorities had been and still were underrepresented in particular job categories in particular agencies,

(b) to identify and describe the efforts, techniques, or strategies which had been employed to meet the goals of affirmative action, and (c) to assess the relative success of the efforts undertaken. It readily became apparent that such a neat examination of cause and effect was not possible due to the absence of baseline and attrition data and the amorphous nature of many of the affirmative action techniques and strategies employed. On the other hand, the experiences of the research staff in the field suggest strongly that had complete, accurate and precise data been available, data analysis alone would have painted a vague and misleading picture of affirmative action in the agencies studied. As is often the case with social research, the search for cause and effect was impeded not only due to the inability to control extraneous variables but also to the absence of essential data.

The Sample

The reader of this report is cautioned to bear in mind that the nineteen criminal justice agencies upon which this report is based are not representative of all criminal justice agencies or any particular subset thereof. In fact, it is probably most accurate to assume that this sample is a biased one since access to agency information and permission to conduct a site visit depended upon the approval of the chief administrator of the agency. Given the limits of personnel, time and money and the necessity of receiving permission, only a few sites could be selected for study, and therefore it was not possible to select the agencies in a manner whereby even the key variables could be standardized. Instead, a "smattering" of agencies was the aim of the selection procedures. Particular care was taken to insure that there was variation in the size of the agencies, the proportion of minority and female employees, region of country, type of agency, and type of affirmative action program.



The sample included three agencies that were or had been under some form of federal, court-enforceable affirmative action order or agreement, with another five agencies under some local and state administrative order. In addition, most of the remaining agencies, by virtue of being a governmental agency, were part of a general plan of affirmative action mandated by legislative action.

#### Methods of Data Collection

Criminal justice agencies were initially contacted by mail in early 1981 and asked to supply some basic information for the research project. This first mailed questionnaire was sent to more than two hundred agencies nationwide. The mailed survey questionnaire was a brief one, asking about the size and minority composition of the agency's workforce and the affirmative action program, if one existed. The information returned as a result of this inquiry established the pool from which the sample of nineteen was selected.

After permission to conduct the site visit was obtained, research staff traveled to the site to conduct interviews and gather institutional data. In each agency the chief administrator or a designee was interviewed, as was the individual most immediately and directly responsible for affirmative action matters, and the person in charge of personnel selection. These interviews consisted of standardized, structured and mostly open-ended questions concerning affirmative action philosophy and strategy generally and the affirmative action efforts and perceived efforts in the particular agency. At each agency the project staff attempted to interview eight "target" personnel, four minority, and four female employees.

Some agencies had codified procedure to the extent they could provide a written description of the entire process. Other agencies were in the process

of changing procedures, expected changes in the immediate future, or were using temporary procedures pending court decisions. The information used in this analysis reflects the personnel procedures in use in the summer of 1981.

#### THE FINDINGS

##### Current and Historical Data

As noted above, the limitations of missing data greatly hampered a more precise and complete analysis of the effect of affirmative action efforts. The lack of data was a common problem and worth noting in its own right. The project staff requested the following sets of information.

1. Number of employees in agency workforce in 1960, 1965, 1970, 1975, 1980, and 1981 by race and sex
2. Number of employees in leadership and professional positions in agency workforce in 1950, 1965, 1970, 1975, 1980 by race and sex
3. Job assignments and attrition rates by sex and race.

It was rare that an agency was able and willing to provide all such information. (While the project staff has no sure method of verification, in almost all cases the researchers who conducted the site visits were under the impression that lack of data was, in fact, the real problem, not the lack of cooperation on the part of the agency.)

Given what was learned from the target interviewees and other staff who were queried, there was not an obvious relationship between the current level of acceptance of minorities and females and either the way they had been deployed in the past or how long they had been represented in the agency workforce. In other words, there were agencies where minorities had long been employed in the workforce, yet racial tensions still ran high and morale appeared undermined. Likewise, agencies where minorities and females were

relative newcomers showed evidence of serious transition pains and peer resistance as well. Conversely, some agencies appeared to be enjoying relative calm in the face of recent affirmative action and change.

The Programs: A Typology

Affirmative action is basically an attempt to precipitate lasting change. When change occurs, there is a process or path of change and there is a locus of change. The measures undertaken by the agencies in their efforts to realize the goals of affirmative action can be classified along those two dimensions of change, process and locus, as depicted in Figure 1. One pole of the process dimension is the passive process in which one removes barriers to employment of minorities and females who themselves provide the initial impetus to establish the employer-employee relationship. The active process is one which seeks to directly effect or produce the desired result by selectively establishing that relationship through purposeful action on the part of the organization. In an affirmative action setting, an active process entails exclusive or differential selection.

The second dimension along which affirmative action efforts can be placed is one describing the locus of the change. There are two logical points on this dimension, organizations and individuals. The traditional methods of recruitment focus on the individual as the locus of change. Recruitment aims to develop or manipulate a desire in the individual to become an employee or, at the least, to locate those who already harbor such a desire. Successful recruitment requires a willingness on the part of the individual to be enticed. Given the fodder of recruitment, selection is a screening or rejecting process. The locus of change is the organization; selection marks a change from potential employer to actual employer. Successful selection requires a willingness on the part of the organization to select.

Figure 1 portrays the typology of affirmative action efforts observed in the agencies, as defined by the two dimensions of process and locus. This typology emerged from rather than guided the research. Cells I and II represent the recruitment phase where the locus of change is the individual. The passive processes used in recruitment include refocused advertising and efforts to present an integrated image. All agencies included in the sample took steps such as these in an effort to promote the goals of affirmative action. Cell II represents the active process of recruitment and includes techniques aimed at ferreting out qualified minorities and females and attempting to convince them to apply for employment.

Cells III and IV represent the selection phase where the locus of change is the organization. Cell III represents passive processes such as the redesign of selection procedures to eliminate unnecessary criteria which may be systematically discriminating against certain applicants. The essence of

Figure 1

Typology of Affirmative Action Efforts

		I	·	III
	PASSIVE	refocus advertising	·	redesign selection procedures
PROCESS		<hr/>		
		II	·	IV
	ACTIVE	active recruiting	·	quota systems
		individual	·	organization
		Locus of Change		

these efforts is that they reflect a change of heart of the agency to eliminate barriers to the selection of minorities and females for employment. Cell IV is the active process of selection of minorities and females. The most common form of this active process in the selection area is the utilization of employment quotas in the hiring process. This type of effort was the least common among the agencies visited, yet seven of the nineteen agencies had adopted such a position sometime in the five-year period preceding the site visits.

#### Results

Because of the inability to obtain time series data of the form necessary to examine changes in affirmative action success across time, a different approach was taken to assessing the relative importance of various organizational factors to "success" in affirmative action. For each agency, a minority representation goal was computed by the research staff. This goal was set equal to the proportion of minorities in that jurisdiction, either county or state level. The agencies were then divided into two groups: (1) those within 75% of their minority representation goal, the "success" group, and (2) those that fell short of 75% of their respective goal. Based upon this differentiation between successful and unsuccessful organizations, the relationship between the existence of a hiring quota (Cell IV in the preceding typology) and success in the affirmative action programming is extremely strong (Yule's  $Q = .95$ ). Whether the affirmative action effort has the support of external funds, whether they included expenses and spectacular gestures, and whether staff had been exclusively assigned to affirmative action issues appeared to have no bearing on the progress toward affirmative action goals.

The research staff also considered several areas which were believed to be possible impediments to success in affirmative action efforts. Among these are such items as educational requirements, extensive background investigations, and physical agility tests. While it was the case that these impediments were found in many agencies which were not defined as successful, for each of these components an agency utilizing the component and still maintaining a successful affirmative active posture was found, suggesting that each component was not necessarily an impediment to the attainment of affirmative action goals.

#### Summary

On the basis of the site interviews with personnel in nineteen agencies as well as the statistical data provided by the nineteen agencies, several conclusions begin to emerge. Caution should be used in generalizing too far from these conclusions, since the sample of agencies was selected not on a random basis but to provide examples of agencies with known variations in affirmative action programming. It should also be recognized that the types of data which might provide a better basis for placing these affirmative action efforts in context were not available. Nonetheless, several strong conclusions emerge from the research.

First, it is apparent that the perceived sentiment of the administrative leadership in the agency dictates the expressions of attitude of the agency workforce as a whole toward affirmative action philosophy and the acceptance of target personnel. Administrative leadership in an agency is a critical variable in determining whether affirmative action is a matter of pride or resentment in that agency.

Second, the relationship between a hiring quota and achieving numerical affirmative action goals must be recognized as the most important findings of this study. Not only does a hiring quota portend affirmative action success, the absence of a hiring quota generally spells affirmative action failure. A related finding of considerable significance is that no single selection component or policy necessarily prevents an agency from realizing its affirmative action goal. In other words, a hiring quota appears to be capable of overcoming any suspected impediments. Very high selection standards can be maintained and affirmative actions goals still met if coupled with a hiring quota.

Finally, it must be noted that both corrections and police agencies have a long way to go before claiming success with respect to affirmative action goals for females, reflecting parity with the general workforce in this country. In the agencies examined, affirmative action goals for women tended to be even more vaguely defined than those for minorities, and in the case of police agencies in particular, these goals were widely presumed to be unrealizable. In the agencies studied, the thrust of affirmative action efforts is aimed at ethnic minorities, not women. This inattention to affirmative action on behalf of females is reflected in the relative absence of hiring quotas for females; not a single agency studied had employed such a policy.

Chapter 3

ANALYSIS OF INDIVIDUAL RESPONSES TO  
AFFIRMATIVE ACTION ISSUES

While preceding chapters have examined the issues of affirmative action from the perspective of the agency or jurisdiction with policy responsibility, this chapter is concerned with individual employee responses to affirmative action issues. It appears important to examine individual responses in at least three areas. The first is to gather a general sense of the mood of criminal justice employees toward affirmative action. If one is to change an organization, it becomes critical to know the perceptions and beliefs of the staff of that organization. Second, a goal of this inquiry is to examine the differences in attitudes across various categories such as race, sex, length of service, and education. A third goal is to examine differences among employees, depending upon the affirmative action status of their organization.

Methodology

Each of the agencies visited during the site visit phase of the study arranged for a random sample of one hundred employees to respond to a mailed questionnaire. The questionnaire was mailed and returned from the project offices in order to assure employees that their responses would remain confidential. A total of 905 employees responded to the questionnaire, a response rate just under 50%. The questionnaire dealt with a variety of issues, including attitudes toward affirmative action in general, attitudes toward affirmative action in criminal justice settings, perceptions of job satisfaction, adequacy of communication within the agency, and adequacy of the promotional system. In addition, a variety of demographic factors were requested, such as age, length of service, race, sex, rank, and education.

The first phase in the analysis of the individual responses was to engage in a data-reduction technique, cluster analysis, in an effort to determine whether the attitudes toward affirmative action were unidimensional or multi-dimensional. The cluster analysis procedure generated a variety of dimensions in three basic areas. The first area, general affirmative action attitudes, was composed of nine specific dimensions, ranging from support of special selection criteria for employment and education through the use of quotas, the use of school busing, and a dimension exploring the perception that educated, middle-class blacks face few problems of discrimination in today's society. The second general area was related to criminal justice specific attitudes. Eleven separate categories were identified, ranging from support for special recruitment efforts through the use of different standards for recruitment and selection to the belief that minorities and/or female co-workers could function appropriately as co-workers. The third area dealt with what we have termed job condition dimensions, composed of three areas: job satisfaction, satisfaction with communication in the job, and satisfaction with the promotion system. Although the dimensions within each area were positively correlated with one another, the cluster analysis procedure did create separated dimensions, suggesting that attitudes toward affirmative action issues are not unidimensional and represent relatively complex sets of attitudes and beliefs.

#### Correlations Among Attitudes

As might be expected, there is considerable correlation between the general affirmative action attitudes and the criminal justice specific attitudes. In particular, those general scales which appear closest to the essence of affirmative action (use of special selection criteria, quotas, and

busing) are strongly related to the scales which appear to be most closely related to the essence of affirmative action within the criminal justice setting (specialized recruitment, the use of different standards for selection, and the general acceptability of affirmative action programming within criminal justice agencies). Job conditions appear to be important only in terms of criminal justice specific attitudes, not with respect to the attitudes toward general affirmative action issues. Those with higher job satisfaction were more likely to be supportive of special recruitment efforts, more likely to accept both females and minorities as co-workers, more likely to believe that qualified minority candidates for employment could be found, and slightly more likely to accept the legitimacy of affirmative action programming within criminal justice. Those who perceived communication within the agency as being satisfactory were more likely to believe in the availability of qualified minority candidates. However, with respect to most other dimensions, both of attitudes toward general affirmative action and criminal justice specific affirmative action, the scales of satisfaction with communication and satisfaction with promotions were essentially unimportant.

#### Race and Sex Differences in Attitudes

A primary interest in the study of affirmative action attitudes is the relationship of race and sex to differences in attitudes. The largest differences were attributable to differences between the races and attitudes of both the general affirmative action attitude and criminal justice specific affirmative action attitude dimension. As might be expected, the differences are generally in the direction of white respondents showing less enthusiasm for affirmative action positions and non-white respondents showing greater enthusiasm or support for affirmative-action-type positions. However,

although the differences in most dimensions are statistically significant, they do not represent a magnitude of difference which might be characterized as representing polarization. As an example, the set of questions relating approval of quotas yielded an average score for white respondents of 4.08, and an average score for non-white respondents of 3.19 on a 5.0 scale with 1 being Strongly Agree and 5 being Strongly Disagree. Thus, while it is clear that whites are less supportive of the use of quotas in general than non-whites, it cannot be said that the non-white respondents were strongly in favor of quotas. Indeed, it is only with respect to one dimension that the white and non-white respondents may be seen as taking opposing viewpoints. This is with respect to the belief that educated middle class blacks no longer face discrimination problems in employment and education.

With respect to the criminal justice specific dimensions of attitudes toward affirmative action, the largest differences between white and non-white respondents are with respect to the approval of special recruitment efforts and the perception of the legitimacy of affirmative action programs within criminal justice. In both instances, the mean score for the white respondents is close to the neutral, or no opinion, category, while the mean score for the non-white respondents is closer to the agree, or support, category. Again, while there are differences which are statistically significant, there is not an indication of polarization between the two groups of respondents. Two other facets of the racial differences in criminal justice specific attitudes are worth mentioning. The first is that there is no difference between the two groups in their willingness to accept members of other ethnic groups as co-workers; both indicate willingness to do so. Second, although there is a

statistically significant difference, both groups indicate disapproval of the use of different standards for the selection of minority employees.

When race and sex combinations are examined, a pattern emerges, in which the four groups are generally arrayed in the following fashion: white males are least approving of affirmative action issues, followed by white females, followed by black males, and finally, black females. Thus, the black females tend to be most supportive of affirmative action positions. Interestingly, this pattern does not carry through to the scores on the job-condition dimensions. There is essentially no difference between the groups except with respect to job satisfaction, in which females generally show slightly higher levels of job satisfaction than males.

#### Demographic and Organizational Factors

In addition to race and sex, a number of other factors were examined for their relationship to attitudes regarding affirmative action. Interestingly, the age of the respondent and the number of years of service had very little relationship toward their attitudes regarding affirmative action issues. On the other hand, education does appear to be related to attitudes regarding affirmative action. Those with more education tend to support special recruitment efforts, tend to support the use of affirmative action programs in criminal justice generally, and tend to agree with the proposition that criminal justice agencies should have approximately the same proportion of minorities as exist in the workforce generally. Also, those individuals who indicated that they were raised in larger communities tended to be more supportive of affirmative action efforts.

The final area which was examined with respect to variations in attitude toward affirmative action issues was the affirmative action status of the

employing agency. Two factors were examined here; first, whether the agency was close to meeting the goal of having the same percentage of minority employees as the workforce in general, and secondly, whether the agency was utilizing an enforced quota system for the hiring of minorities.

Those employees working in agencies which appeared to meet affirmative action goals were more likely to be supportive of general attitudes toward affirmative action and somewhat more likely to be supportive of affirmative action orientations with respect to criminal justice specific areas. Interestingly, these differences disappeared when the comparison was made between those respondents working in agencies utilizing enforced hiring quotas and those not having such quotas. In general, it may be concluded that the status of the agency seemed to have little impact upon the attitudes of the employees toward affirmative action.

However, it was very clear that those individuals working in agencies having enforced hiring quotas, were less likely to evidence job satisfaction, were less likely to be satisfied with communication on the job, and were considerably less likely to evidence satisfaction with the equity of promotion systems in the agencies.

It appears, therefore, that in those agencies which have achieved affirmative action goals the support of these goals among the employees has been increased; however, part of the price to be paid for these advances is a decrease in job satisfaction, a sense of less communication within the job setting, and a perception of less fairness in promotional decisions. It also appears that this price is greatest when enforced quotas are utilized.

**END**