

NAVAL POSTGRADUATE SCHOOL
Monterey, California



THESIS

A CASE STUDY OF THE NON-VIOLENT INMATE LABOR
PROGRAM USED TO SUPPLEMENT OPERATING COSTS
AT THE FLEET AND INDUSTRIAL SUPPLY CENTER
OAKLAND, CALIFORNIA

by

Gregory J. Zacharski

June 1998

Principal Advisor: James L. Kerber
Associate Advisor: Kenneth J. Euske

Approved for public release; distribution is unlimited.

19980722 045

DTIC QUALITY INSPECTED 5

REPORT DOCUMENTATION PAGE

Form Approved
OMB No. 0704-0188

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.

1. AGENCY USE ONLY (Leave blank)

2. REPORT DATE
June 1998

3. REPORT TYPE AND DATES COVERED
Master's Thesis

4. TITLE AND SUBTITLE : A CASE STUDY OF THE NON-VIOLENT INMATE LABOR PROGRAM USED TO SUPPLEMENT OPERATING COSTS AT THE FLEET AND INDUSTRIAL SUPPLY CENTER OAKLAND, CALIFORNIA

5. FUNDING NUMBERS

6. AUTHOR(S)
Gregory J. Zacharski

7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)
Naval Postgraduate School
Monterey, CA 93943-5000

8. PERFORMING ORGANIZATION
REPORT NUMBER

9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)

10. SPONSORING / MONITORING
AGENCY REPORT NUMBER

11. SUPPLEMENTARY NOTES

The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.

12a. DISTRIBUTION / AVAILABILITY STATEMENT

Approved for public release; distribution is unlimited.

12b. DISTRIBUTION CODE

13. ABSTRACT (maximum 200 words)

Shrinking budgets are forcing many DoD facilities to defer maintenance and reduce non-mission critical operations. This thesis provides a detailed presentation of the non-violent inmate labor program utilized by the Fleet and Industrial Supply Center Oakland, California to reduce routine operating costs. The inmate labor program is examined to identify costs, benefits, obstacles, and potential for future use at other DoD installations. This thesis was accomplished through interviews of individuals familiar with the FISC Oakland non-violent inmate labor program and review of documents, correspondence and literature pertaining to the program. A chronology of events was constructed, key participants identified, and quantitative and qualitative evaluations of the inmate labor program are presented. The non-violent inmate labor program at FISC Oakland operated for over five years, providing nearly eight million dollars of supplementary labor to the facility and relieving a constrained operating budget.

14. SUBJECT TERMS

Fleet and Industrial Supply Center Oakland California, Labor Costs , Inmate Labor

15. NUMBER OF PAGES
62

16. PRICE CODE

17. SECURITY CLASSIFICATION
OF REPORT
Unclassified

18. SECURITY CLASSIFICATION
OF THIS PAGE
Unclassified

19. SECURITY CLASSIFI-
CATION OF ABSTRACT
Unclassified

20. LIMITATION OF
ABSTRACT
UL

Approved for public release; distribution is unlimited

A CASE STUDY OF THE NON-VIOLENT INMATE LABOR PROGRAM USED
TO SUPPLEMENT OPERATING COSTS AT THE FLEET AND INDUSTRIAL
SUPPLY CENTER OAKLAND, CALIFORNIA

Gregory J. Zacharski
Lieutenant, United States Navy
B.A., University of Illinois at Chicago, 1990

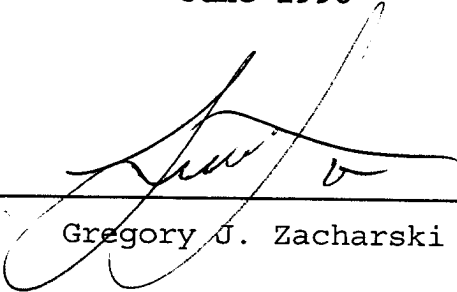
Submitted in partial fulfillment of the
requirements for the degree of

MASTER OF SCIENCE IN MANAGEMENT

from the

NAVAL POSTGRADUATE SCHOOL
June 1998

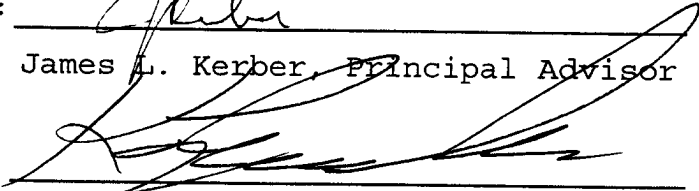
Author:

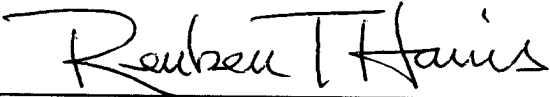


Gregory J. Zacharski

Approved by:



James L. Kerber, Principal Advisor

Kenneth J. Euske, Associate Advisor

Reuben T. Harris, Chairman
Department of Systems Management

ABSTRACT

Shrinking budgets are forcing many DoD facilities to defer maintenance and reduce non-mission critical operations. This thesis provides a detailed presentation of the non-violent inmate labor program utilized by the Fleet and Industrial Supply Center Oakland, California to reduce routine operating costs. The inmate labor program is examined to identify costs, benefits, obstacles, and potential for future use at other DoD installations. This thesis was accomplished through interviews of individuals familiar with the FISC Oakland non-violent inmate labor program and review of documents, correspondence and literature pertaining to the program. A chronology of events was constructed, key participants identified, and quantitative and qualitative evaluations of the inmate labor program are presented. The non-violent inmate labor program at FISC Oakland operated for over five years, providing nearly eight million dollars of supplementary labor to the facility and relieving a constrained operating budget.

TABLE OF CONTENTS

I. INTRODUCTION	1
A. PURPOSE	1
B. BACKGROUND	1
C. RESEARCH QUESTIONS	3
1. Primary Research Question	3
2. Secondary Research Questions	3
D. SCOPE	4
E. METHODOLOGY	4
F. ORGANIZATION	5
G. BENEFITS OF STUDY	5
II. BACKGROUND	7
A. INTRODUCTION	7
B. CALIFORNIA DEPARTMENT OF CORRECTIONS	7
1. California Department of Corrections Organization	7
2. California Department of Corrections Planned Reentry Program	9
C. VOLUNTEERS OF AMERICA (VOA)	10
1. Volunteers Of America Overview	10
2. Volunteers Of America Bay Area (VOABA)	12
D. THE VOABA-NAVY RELATIONSHIP	13
E. SUMMARY	13
III. NON-VIOLENT INMATE LABOR PROGRAM AT FISC OAKLAND	15
A. INTRODUCTION	15
B. LOMA PRIETA EARTHQUAKE AFTERMATH	15
C. THE WORK-RELEASE PROGRAM	16
1. The Initial Memorandum of Agreement (MOA)	16
2. The Work-Release Program in Operation	18
3. Legal Considerations	19
D. THE PRE-RELEASE/WORK-TRAINING PROGRAM	21
1. Background	21
2. The Work-Training Program at FISC Oakland	23
3. Work-Training Program Tasks and Projects	26
a. <i>Recurring Tasks</i>	26
b. <i>Special Projects</i>	27
E. AUTHORIZING LEGISLATION	28
1. Background	29
2. Demonstration Project Authorization	30
3. Permanent Legislation	31
F. THE END OF WORK-RELEASE AND WORK-TRAINING PROGRAMS AT FISC OAKLAND	32

G. SUMMARY	33
IV. NON-VIOLENT INMATE LABOR PROGRAM EVALUATION	35
A. INTRODUCTION	35
B. CONGRESSIONAL REPORT	35
C. FISC OAKLAND WORK-TRAINING PROGRAM COST ANALYSIS ...	39
D. WORK-TRAINING PROGRAM DRAWBACKS	42
E. OTHER BENEFITS OF THE WORK-TRAINING PROGRAM	42
F. SUMMARY	43
V. CONCLUSION	45
A. SUMMARY	45
B. EXPANDING DoD INMATE LABOR PROGRAMS	46
C. CONCLUSIONS	48
D. RECOMMENDATIONS FOR FURTHER STUDY	49
REFERENCES	51
INITIAL DISTRIBUTION LIST	53

I. INTRODUCTION

A. PURPOSE

This thesis provides a detailed presentation of alternative measures utilized by the Fleet and Industrial Supply Center (FISC), Oakland, California to reduce routine maintenance labor costs while concurrently reaching out to the local community. Specifically, the use of non-violent inmate labor, as coordinated through the California State Department of Corrections and Volunteers of America, Bay Area (VOABA), is examined to identify costs, benefits, obstacles, and potential for future use at other Department of Defense (DoD) installations.

B. BACKGROUND

During the late nineteen-eighties the DoD budget began to shrink and many military facilities were forced to reduce non-mission critical operations. Cost-cutting measures often involved the deferral of routine maintenance; however, some commanders looked to new and innovative sources of labor. FISC Oakland was one such command. (FISC Point Paper, 1994)

On October 17, 1989 a six-plus Richter scale earthquake shook north central California from Santa Cruz to Marin County. The greatest of the earthquake's effects were felt and seen in Oakland. Collapsed structures (most notably, the once elevated Interstate 880), fires, power and telephone outages, and crowded emergency medical facilities represented the situation in Oakland. The large military establishment present in the San Francisco Bay Area, stationed at Treasure Island Naval Station, Alameda

Naval Air Station, FISC Oakland and the Presidio of San Francisco were instrumental in providing personnel and material to assist with ongoing disaster aid. The military was a logical choice from whom the community sought assistance, not only because of the large pool of available labor, but also due to their access to substantial stores of medical supplies and food held at supply centers. (FISC Point Paper, 1994)

During the earthquake the VOABA organization lost their Oakland, California facility that it used for its non-violent inmate rehabilitation and work-furlough programs. VOABA arranged with FISC Oakland to occupy the former Navy Lodge building on the base. This facility was fully refurbished with VOABA and California State Department of Corrections funding and used to house the non-violent inmates as well as the supervising probation officers of the rehabilitation and furlough programs. As a tenant organization of the FISC Oakland installation, VOABA paid the cost of base utilities that they consumed. In lieu of rent, they also provided inmates from the inmate rehabilitation program to perform activities such as landscaping, groundskeeping, painting, general cleaning, trash removal, and minor construction. (FISC Point Paper, 1994)

After being placed on the Base Realignment and Closure (BRAC) list in 1993, the fiscal support for base facility maintenance began to further diminish. The joint California Department of Corrections and VOABA non-violent inmate labor program seemed to be the answer to continued maintenance cost savings, but there was no legal statute to authorize continued utilization of this non-conventional labor source. The Fiscal Year 1994 Defense Authorization Bill contained an amendment, sponsored by Congressman Ronald V. Dellums (D-California), which designated a

limited inmate-labor pilot program for three Department of the Navy installations, including FISC Oakland. A subsequent amendment to the Fiscal Year 1995 Defense Authorization Bill, officially authorizing all DoD installations to enter into agreements coordinating the use of non-violent state inmate labor, was not passed. But, FISC continued to operate the pilot program and was able to concentrate its appropriated funding on personnel, environmental and other base closure issues. Routine maintenance costs would continue to be offset by using non-violent inmate labor. (Proposed Amendment to H.R. 1530, 1995)

C. RESEARCH QUESTIONS

1. Primary Research Question

What is the background and result of the utilization of non-conventional labor at FISC Oakland?

2. Secondary Research Questions

- a. What are the contributing factors to the success of the non-conventional labor program at FISC Oakland?
- b. What are the limitations to the continued use of non-violent inmate labor at other U.S. military installations?
- c. What are the benefits of the expanded use of non-violent inmate labor at other U.S. military installations?

D. SCOPE

The scope of this thesis is to present a case study that describes the background and history of the non-violent inmate labor program implemented at FISC Oakland between 1991 and 1996. Agreements between FISC Oakland, VOABA and the California Department of Corrections are examined to evaluate what participants described as the mutually beneficial nature of the non-violent inmate labor program. Additionally, an amendment to the FY 1994 Defense Authorization Bill, positively influenced by the FISC Oakland inmate labor program, is presented in an effort to facilitate the analysis of the potential benefit to other military installations, on a nationwide basis.

E. METHODOLOGY

This case study was accomplished predominantly through interviews of individuals familiar with the FISC Oakland non-violent inmate labor program and review of documents, correspondence and literature pertaining to the program. Initially, a chronology of the program was constructed and key participants were identified. Interviews were conducted with the FISC Oakland Office of Counsel and the President & CEO of VOABA, as well as a FISC Oakland Commanding Officer who was present during most of this period. Program documentation was provided by the interviewees, which allowed an evaluation of the inmate labor program with regard to benefits and drawbacks. The results of the non-violent inmate labor program at FISC were then examined to assess the potential for utilization at other DoD facilities.

F. ORGANIZATION

Chapter II reviews the California Department of Corrections organization and programs, the background of the VOABA inmate rehabilitation program, and the circumstances which brought VOABA and FISC Oakland together.

In Chapter III the details of the original inmate labor program Memorandums of Agreement between FISC and VOABA are examined to determine the extent and limitations of the non-violent inmate labor at FISC Oakland. A narrative of program accomplishments is also presented to illustrate the benefits to FISC Oakland. Additionally, a review of the Federal legislation authorizing non-violent inmate labor programs at DoD installations is presented.

Chapter IV examines documentation regarding the review and evaluation of the program. Cost-benefit studies are presented to evaluate the real financial savings incurred by the non-violent inmate labor program. Responses to Congressional inquiry are examined to consider concerns regarding the program. As well, the chapter will illustrate the potential drawbacks and advantages of utilizing this program at other DoD installations.

Chapter V summarizes the findings of prior chapters, provides answers to the research questions, and presents recommendations for further research.

G. BENEFITS OF STUDY

This case study provides a clear and concise depiction of the circumstances surrounding the agreement between VOABA and FISC Oakland regarding the non-violent inmate labor program undertaken from 1991 through 1996. It shows the successes and advantages of the program and illustrate how all DoD installations and facilities can seek passage

of Federal authorizing legislation to enter into the same agreements to realize the financial savings and other benefits that were realized at FISC Oakland.

II. BACKGROUND

A. INTRODUCTION

This chapter presents a brief overview of the California Department of Corrections, its organization and programs, specifically work-furlough and rehabilitation for non-violent inmates. A survey of the Volunteers of America organization is also presented, including its mission and human services programs provided, particularly its correctional services support. Additionally, the beginning of the VOABA/FISC Oakland relationship is examined.

B. CALIFORNIA DEPARTMENT OF CORRECTIONS

1. California Department of Corrections Organization

The California Department of Corrections operates all state prisons and oversees a variety of community correctional facilities. The California Department of Corrections also provides supervision for all parolees during their re-entry into society. The Department operates 33 prison facilities, 38 work camps, and six prisoner-mother facilities. Additionally, the California Department of Corrections operates 31 re-entry centers (for work-furlough), 16 community correctional facilities (pre-release/work-training), one boot camp, and one dedicated drug treatment facility. The California Department of Corrections is staffed by over 44,000 employees, of which nearly 28,000 are sworn peace officers (i.e., prison guards, parole, and probation officers). The operating cost of this Department consumes nearly eight percent of the annual California State budget. (CDC, Web)

California Department of Corrections facilities are segregated by security level ratings. Level IV facilities are traditional maximum-security prisons. Prisoners are housed in individual cells inside fenced, walled perimeters, augmented by electronic security devices and staffed by a large contingent of armed guards. Level IV inmates are generally chronic repeat offenders with a significant background of violence and escape attempts. (CDC, Web)

Level III prisons house inmates in individual cells, but surrounded by only fenced perimeters. Smaller staffs of armed guards are required than at Level IV facilities. Level III prisoners are generally not as chronic or violent as Level IV inmates, but have had prior convictions and significant behavioral problems. (CDC, Web)

Level II facilities house inmates in dormitory-style buildings, surrounded by a fenced perimeter and minimal armed guard coverage. These inmates may or may not have prior convictions, but display no history of institutional violence or escape attempts. (CDC, Web)

Level I correctional facilities are also dormitory-style dwellings, but have no secure perimeter and no armed coverage. Identified as Community Correctional Facilities (CCF), these facilities house non-violent parole violators and inmates classified as non-violent offenders with less than thirty months left to serve in their original sentence. Level I facilities are utilized for Planned Reentry programs such as work-training and work-furlough. Because of the need to find outside employment for work-furlough participants, most of the state's 31 Community Correctional Facilities are located in or near large metropolitan areas, such as Oakland, Los Angeles and San Diego. Level I facilities are fully funded and staffed with parole officers by the state, but managed and operated

by contractors, municipalities or other not-for-profit organizations, such as VOABA. (CDC, Web)

2. California Department of Corrections Planned Reentry Program

Based on the premise that some inmates benefit from a gradual release back into society the CDC has developed a Planned Reentry program for select inmates. Eligible inmates are non-violent offenders within six months of parole or release. Other requirements for admission to the program include:

- Inmates are not validated members or associates of prison gangs; do not require protective custody or protection from enemies.
- Inmates have not escaped or attempted escape from any facility or correctional programs (including work furlough).
- Medical, dental and psychological needs of inmates can be managed by Community Correctional Facility administrators.
- Inmates are not developmentally disabled.
- Inmates are not predatory homosexuals.
- Inmates' cases did not generate a high degree of news media or public interest at the time of arrest or continue to focus community attention on the program and its participants. (CDC, Web)

The Planned Reentry program has two separate aspects, work-furlough and work-training. In the work-training program, inmates are confined to the facility grounds where they perform basic labor tasks and receive counseling for their future return to society and the workforce. This

program is 20 percent less costly to the California Department of Corrections than housing the inmates in Level III prisons and also alleviates overcrowding there. (FISC Point Paper, 1994) The work-furlough program houses inmates in the same Community Correctional Facilities as work-training inmates, but as the term "furlough" implies, they are granted leave from the facility to find employment or training, reestablish family ties and plan for their ultimate release into society. For both of these programs, any inmate that causes problems or violates regulations is immediately remanded to a Level III correctional facility. (CDC, Web)

As mentioned earlier, Community Correctional Facilities are managed and operated by private or municipal organizations. One such California Department of Corrections Planned Reentry program was operated by the Volunteers of America organization at a Community Correctional Facility in the Oakland metropolitan area during the late nineteen-eighties.

C. VOLUNTEERS OF AMERICA (VOA)

1. Volunteers Of America Overview

The Volunteers of America is a charitable, not-for-profit, human services organization. Volunteers of America focuses on community based programs and aids over one million people each year. Founded in 1896 at Cooper Union, New York by Christian Social Reformers Ballington and Maud Booth, the charter of the organization was as a "...broad and spiritual movement to reach and uplift the American people," vowing to "...go wherever we are needed and do whatever comes to hand." (VOA, Web)

At the turn of the century, Volunteers of America moved into tenement districts of large urban areas to care for the poor. They organized children's day nurseries, summer camps, housing for single men and women, and organized the first system of halfway houses for released prisoners. Today, the Volunteers of America organization offers more than 160 different programs helping children, youth, elderly, families in crisis, the homeless, people with disabilities and mental illness, and former criminal offenders returning to society. These programs fall under the three primary mission areas of the Volunteers of America organization: Housing, Health Services, and Human Services. (VOA, Web)

The Volunteers of America organization is the nation's single largest not-for-profit provider of affordable housing to low-income families and the elderly. Since 1968, Volunteers of America has developed over 130 apartment complexes in 28 different states providing homes for some 28,000 people. Volunteers of America also acquires foreclosed properties as a source of affordable housing. In addition to dwellings for elderly and low-income people, Volunteers of America plans and builds specialized housing through its Independent Living Initiative. This program also provides on-going support services, to assist living, for people with physical, mental and developmental disabilities. (VOA, Web)

Volunteers of America Health Services provide cost-free skilled nursing care to the elderly. Health and health-related services are provided in six different states, providing diverse and specialized care for nearly 3,000 people. (VOA, Web)

Human Services comprise the largest portion of Volunteers of America programs. Administered and governed by local boards of directors this decentralized structure

provides accountability and responsibility to the local community, while maintaining a conduit to the national VOA organization. These local services that are provided include: shelters for the homeless, adoption agencies, day-care and foster care for children, senior citizen centers, substance abuse recovery centers, and job training and rehabilitation for non-violent criminal offenders. VOABA, in California, is one of the local VOA organizations providing human services to the state's central coast. (VOA, Web)

2. Volunteers Of America Bay Area (VOABA)

The Volunteers of America organization established its first mission services on the West Coast in 1896. VOA set up a home for troubled girls in San Jose, and after successes there, looked to expand the mission. In the early 1900's, Volunteers of America established a shelter for homeless women and their children, in Oakland. Since then VOABA has had a strong emphasis on community corrections and prison relief efforts in the Oakland metropolitan area. Coordinating with the California Department of Corrections, VOABA developed two innovative programs in 1976. For women inmates, the mother-infant program was designed so that they could serve time while concurrently caring for their infants and young children. For male inmates, a community reentry program, as mentioned earlier, was based on the premise of release for employment while living in residential or commercial areas. This program is the same one that was operating from a house in the downtown Oakland area when the facility was destroyed during the October 1989 Loma Prieta earthquake. The loss of this facility pressed VOABA to quickly secure another

facility to avoid adversely affecting the inmates in the work-release program. (VOABA, Web)

D. THE VOABA-NAVY RELATIONSHIP

Early in 1989, VOABA had approached the Commanding Officer of the Navy Supply Center (later FISC) Oakland with the proposal of utilizing vacant buildings on the base in order to expand the non-violent inmate work-release program. While the Navy was considering the proposal, the Loma Prieta demolished the VOABA work-release facility. As a result VOABA management asked the Navy for emergency temporary housing. (FISC, Press Release) On November 14, 1989 a three-month contract between FISC Oakland and VOABA was signed by both parties, and the VOABA/CDC work-release program moved into the vacant Navy Lodge building at the FISC Oakland facility. (MOA, Nov 89) This marked the beginning of what would become nearly an eight-year relationship between VOABA and FISC Oakland.

E. SUMMARY

The California Department of Corrections, due to its sheer size, has been motivated to develop new programs for the rehabilitation of certain inmates. One of these programs, the Planned Reentry program, has been made successful through the cooperation of the VOABA organization. Although operating successfully since 1976, the non-violent inmate work-furlough program was forced out of its facility in 1989, and looked to the Navy for assistance. Subsequently, VOABA moved the program onto the FISC Oakland installation, and remained for the better part of a decade.

III. NON-VIOLENT INMATE LABOR PROGRAM AT FISC OAKLAND

A. INTRODUCTION

This chapter presents the relationship between VOABA and FISC Oakland during the period 1989 through 1997 with respect to the non-violent inmate labor programs that were undertaken. A chronology of events is presented to describe the conduct and evolution of these programs at FISC Oakland and demonstrate the overarching benefits.

B. LOMA PRIETA EARTHQUAKE AFTERMATH

During the aftermath of the Loma Prieta earthquake, the disaster relief efforts made by the San Francisco Bay Area military establishment proved invaluable in improving community relations. One of the community relationships fostered was between the Volunteers of America Bay Area and FISC Oakland. VOABA had approached FISC early in 1989 to propose an agreement between the two parties for the purpose of acquiring adequate housing for non-violent inmates participating in the California Department of Corrections work-furlough program. When the earthquake struck, FISC Oakland was weighing the benefits of this close relationship with the local community, the drawbacks of inmates on base and the inevitable legal considerations of the proposal. The VOABA facility in downtown Oakland was badly damaged during the earthquake placing the VOABA organization in the tenuous position of having to remand work-furlough inmates to already overcrowded California Department of Corrections Level III penitentiaries. Given these circumstances and the fact that the housing of inmates would be only on a temporary basis, the FISC Oakland Commanding Officer authorized a Memorandum of

Agreement to be drafted between FISC and VOABA for the use of the former lodge facility. (FISC Point Paper, Feb 1994)

C. THE WORK-RELEASE PROGRAM

1. The Initial Memorandum of Agreement (MOA)

As a former hotel facility, the building provided to VOABA contained over 21,000 square feet of useable space and was perfectly constructed to be utilized as a living space for many persons. The original Memorandum of Agreement covered the period November 14, 1989 through February 11, 1990. The Memorandum of Agreement specified no rental charge for the facility, but did require a 10,000 dollar charge for the utilities that were provided by FISC during the three-month period. Other specifics of the Memorandum of Agreement were as follows:

(1) A "Hold Harmless" clause was included in the Memorandum of Agreement whereby VOABA released from every liability the United States and its personnel arising out of VOABA's use of the FISC installation, supplies and services. Additionally, VOABA was required to defend, settle or pay every legal suit or claim that should be brought against the United States, its agencies, and its personnel due to the actions of VOABA and its program(s) while in residence at the FISC Oakland installation. Negligence on the part of the United States, its agencies or its personnel would release VOABA from the terms of this release.

(2) VOABA was responsible for procuring and maintaining, at its own expense, a 1 million-dollar insurance policy in the name of FISC Oakland and VOABA for the building. This policy would be changed at the request of FISC Oakland, as necessary. Additionally, a 30-day

notice was to be given to FISC if the insurance policy was to be changed materially or cancelled.

(3) FISC Oakland had the right to terminate the Memorandum of Agreement at any time during the period of the agreement, without prior notice; however, VOABA would be given ample time to remove all of its property from Building 521 and the installation.

(4) VOABA maintained administrative control over Building 521. Residents were not permitted to leave the immediate vicinity of the facility, except while traveling to outside job assignments. VOABA was responsible for transporting work-release program participants between the building and the installation main gate and ensuring that there would be no commingling of residents and FISC installation personnel. Within the confines of the building, VOABA was responsible for security with the stipulation that Oakland Police would have access to the FISC installation, if deemed necessary.

(5) VOABA was permitted to admit visitors to the facility, provided that a list of names and vehicles was submitted to the FISC Base Security Office, three days prior to the proposed visits. Visitors were to register their vehicles at the Security Office and obtain a visitor's pass to be retained for the duration of their stay on the FISC installation.

(6) The number of work-release program participants would be limited to the legal capacity of the building. Included in this maximum number would be the professional supervisory staff required for the program, as prescribed by the California Department of Corrections.

(7) VOABA would be responsible for the initial renovation and repair of the building. Normal maintenance and modification of the existing facilities and structure as needed for VOABA use were also the sole financial

responsibility of VOABA. Additionally, all work to be done to the facility by VOABA would need to be approved by the FISC Oakland Staff Civil Engineer and be in compliance with applicable permits and building codes.

(8) VOABA would be required to provide areas for the recreation of the work-release program participants within the confines of the building and immediate surrounding grounds. Additionally, none of the FISC Oakland recreational facilities were to be utilized by VOABA programs unless authorization was expressly given by the Department of Recreational Services.

(9) In an effort to maintain a close liaison with the local community and preserve public information laws, VOABA would be required to maintain a close relationship with the FISC Oakland Public Affairs Officer. This relationship would ensure a free-flow of pertinent information with regard to the VOABA non-violent inmate work-release program in residence at the FISC Oakland installation. (MOA, Nov 1989)

2. The Work-Release Program in Operation

After receiving possession of the facility, VOABA began to renovate the building using California Department of Corrections funding and work-release program participants. The facility was modified to house and feed 80 non-violent inmates, as well as provide laundry, recreational, educational and counseling facilities. (FISC IOM, Jan 1991)

The work-release program operated without any documented incidents from November, 1989 until February, 1990. Program participants were transported to and from the main gate each day, received visitors and remained within the confines of the building during non-working

hours. For three months there were no security incidents, no violations of the Memorandum of Agreement and a healthy relationship was fostered between FISC Oakland and VOABA. As the initial Memorandum of Agreement neared expiration, VOABA sought to extend the agreement and keep the work-release program in residence at FISC Oakland. (FISC Point Paper, 1994)

Both FISC and VOABA were amicable to extending the current Memorandum of Agreement, until such time as a new agreement was drafted. The initial Memorandum of Agreement was written to provide only a temporary facility for the VOABA work-release program until a permanent facility was acquired. However, the firm relationship between VOABA and FISC and the positive community reaction to the program pressed both parties to seek a more permanent agreement. (FISC Point Paper, 1994) A longer-term agreement presented new hurdles to clear, in the form of legal considerations.

3. Legal Considerations

As both the Commanding Officer of FISC Oakland and the Director of VOABA prepared to continue their relationship, the FISC Oakland Office of Legal Counsel began to research the legality of the agreement. The outcome of this legal research rendered the following results:

First, there was no legal precedent for the type of inmate, work-release program that now existed at FISC Oakland. Additionally, the prisoners being housed on the FISC installation were state inmates. Title 18 U.S. Code § 4082 addressed only the utilization and boarding of Federal prisoners at military installations. However, Executive Order 11755 authorized the military to enter into contractual agreements involving non-Federal prisoners, if appropriated funds were used to administer the agreement.

In this case FISC was providing utilities to the facility from which VOABA was operating and, consequently, using appropriated Base Operating Support (BOS) funds to maintain the contractual agreement between the two parties. (FISC IOM, Jan 1990)

Second, under the provisions of the McKinney Homeless Assistance Act of 1978, the facility ceded to VOABA for the inmate work-release program, the abandoned Navy Lodge building, could be considered under-utilized Federal property, and as such could be identified for use by the homeless on an interim basis. Technically, the VOABA work-release inmates were "homeless" after the earthquake, and the term "interim" inferred no fixed duration. (FISC IOM, Jun 1990)

And third, there were no laws or statutes in the U.S. Code that expressly prohibited the current contractual agreement between FISC and VOABA.

Based on the preponderance of supporting legislation, the absence of prohibitive statutes, the successes of the VOABA inmate work-release program, and the support of the local community, the FISC Oakland Commanding Officer directed that a new Memorandum of agreement be drafted between FISC and VOABA. The new agreement provided for the continued use of Building 521 for the VOABA inmate work-release program under the original Memorandum of Agreement stipulations, but this time for the duration of one year. In March 1990 FISC and VOABA signed the new Memorandum of Agreement, and the inmate work-release program continued. (MOA, Mar 1990)

D. THE PRE-RELEASE/WORK-TRAINING PROGRAM

1. Background

As discussed in Chapter II, the California Department of Corrections and VOABA collaborated in the development of a Pre-Release program for non-violent inmates. This program was initiated to further alleviate the overcrowding conditions at Level III correctional facilities, while providing quality rehabilitation and employment training for non-violent offenders preparing to return to society. This Pre-Release or work-training Program is designed to operate in conjunction with and as an antecedent to the work-release program. Non-violent inmates within three to six months of release first enter the work-training program for social counseling and employment training, giving them the tools necessary for future social and employment successes in the work-release program. (VOABA Letter, Nov 1995)

Similar to the work-release program, the work-training program houses non-violent inmates in secure facilities within the local community; however, the inmates are not released from the physical confines of the facility. While in work-training program, inmates receive classroom training and individual counseling, as necessary, to make the most successful transition possible back into the community. (VOABA, Web)

Classroom training consisted of lectures, group discussions, practical exercises, and testing of skills and concepts that are taught. Additionally, outside specialists, volunteering their services, are used whenever possible to provide the highest quality training and education to the rehabilitating inmates. The following is

a list of topics and skills provided by the work-training program:

Loneliness, and how to deal with it. Communication skills to deal with persons who are unknown or unfamiliar are taught. Other skills, such as finding and joining social, educational or church groups are presented. Visits to various groups of interest are undertaken as well.

Employment Seeking is of paramount importance. Directions on where and how to look for a job are given. Job application and interviewing skills are taught and refined. The California Department of Employment provides on-site training for inmates, and educational trips to local industry Human Resources Offices are made.

Money Management is also a very important aspect for returning to society. Instruction on making and following a personal budget is first. How to shop and get the most value, how to cash a check, how to open a bank account, and how to apply for credit are also taught. The dangers of credit and the importance of credit limits are emphasized as well.

Housing and utilities are discussed. How to look and where to find adequate housing for the best value are taught. Renting, leasing, deposits, and utility costs are discussed, and a visit to an apartment complex is arranged.

Transportation is a key aspect when returning to society. Bus schedules, riding a bus, riding in a taxi, and how to buy a car are topics of discussion. Car repair, airports and bus stations are also discussed in great detail. Additionally, drivers' education is taught with the opportunity for each inmate to obtain a driver's license.

Family and the inmate's return home are discussed at length. How to come back to the household, how to alleviate feelings of being a burden on, or intruder in,

the family, and how to deal with lingering bitterness in the domestic environment are some of the issues in any re-entry situation.

Education and spare time are also items of high priority. The importance of continued education, whether a high school equivalency, vocational training, a college degree or other career preparation training is stressed. Constructive use of spare time for hobbies or personal improvement is heavily emphasized in order to become a more well-rounded, productive member of society. (VOABA Statement of Work, 1991)

2. The Work-Training Program at FISC Oakland

In early 1991, VOABA approached FISC Oakland with a request to expand its non-violent inmate program. VOABA wanted to add its work-training program to the FISC Oakland installation by opening a Work-Training Center. Encouraged by the success of the work-release program, the FISC Oakland Commanding Officer directed that another under-utilized building, a former barracks facility (Building 844), be added to the existing Memorandum of Agreement with VOABA. The new clauses in the existing Memorandum of Agreement, with respect to Building 844, required VOABA to renovate, refurbish, maintain and pay all utility costs, similar to the original facility; however, a rental fee of 5,000 dollars would be paid each month. (FISC IOM, Jan 1991)

While in negotiations to add the Work-Training Center component to the FISC Oakland installation, both FISC and VOABA struck upon an innovative evolution of the work-training program. Because the FISC Oakland installation was a secure facility, meeting at least California Department of Corrections Level II requirements, the

inmates participating in the work-training program could be allowed to venture beyond the confines of their residence, with proper supervision. Building on this principle, FISC and VOABA decided that non-violent inmates in the work-training program could be used to supplement or augment government employees performing basic custodial, maintenance and grounds keeping tasks. (FISC Point Paper, 1994)

Performing labor functions during the business day while attending the work-training program classroom training in the evenings would keep the inmates busy at all times. VOABA hoped that combining a comprehensive reentry education with practical work experience would bolster the confidence of the inmates, foster healthy interaction with members of society on a controlled basis, instill a work ethic and, overall, prepare them for a successful transition to the work-release program. The aspects of the expanded work-training program were acceptable to both FISC and VOABA, however the labor unions that represented government workers employed by FISC had to be consulted before the program could be initiated. (FISC Informational Release, 1993)

The American Federation of Government Employees (AFGE) Local 1533 was consulted about the use of non-violent inmate labor to augment and supplement the workers accomplishing custodial, maintenance and grounds-keeping functions at FISC Oakland. Under the All Others Unit Agreement with the national AGFE union, the local had the right to seek Impact and Implementation Bargaining, with regard to the inmate labor augmentation. Although the union local did not undertake Impact and Implementation Bargaining FISC conducted subsequent periodic reviews of the program to ensure that inmate labor did not operate in

conflict or competition with government employees. (FISC ltr to CHNAVPERs, Oct 1995)

Inmates were carefully screened by the California Department of Corrections prior to being chosen for admission to the work-training program. (See pp. 9) In addition to this strict selection process other procedures were established at FISC Oakland to insure inmates caused no problems while working on the base. FISC personnel were forbidden from interacting with the work-training program inmates on a social basis, or developing unduly familiar relationships while working with them. Adverse reports about the quality of work, and other complaints filed against inmates by FISC Oakland personnel, resulted in immediate removal of the subject inmates from the work-training program. This close scrutiny of work-training program participants served to both provide FISC Oakland with high quality laborers and avoid any potential criminal or public relations incidents resulting from improper behavior on the part of the inmates.

On April 1, 1991 VOABA occupied Building 844 and began renovation. By the end of the month the facility was ready for the inmates to occupy. During the renovation of the building, however, VOABA found the facility more suited to the needs of the work-release program. The work-release program was moved to Building 844 while 70 new work-training program inmates moved into Building 521. The old facility was better arranged to be a classroom training environment. By the beginning of May 1991 the work-training program was operating and evolving at FISC Oakland. (FISC IOM, May 1990)

3. Work-Training Program Tasks and Projects

Many of the tasks and projects being undertaken by government employees at FISC, and eligible for work-training program inmates, were basic in scope and function. However, some of the special projects to which work-training program inmates were assigned required specialized skills. Carpenters, painters, electricians, welders, plumbers, carpet layers and tree trimmers were among the skilled professionals required to complete many of the pending projects at FISC. Coincidentally, a large portion of the work-training program inmates had one of the skills mentioned, and those that did not proved to be excellent apprentices, which further validated the intent of the work-training program and reinforced inmates' self-esteem. (FISC Point Paper, 1994) VOABA work-training program recurring tasks and specific projects for the month of September 1994 are presented as an example of the work accomplished through the expertise of work-training program inmates while in residence at FISC Oakland. (VOABA Project List, 1994)

a. Recurring Tasks

Landscaping and Weed Control: 10 to 12 inmates were to assist in mowing lawns, trimming shrubbery, removing weeds, planting flowers, applying fertilizer, operating manual and automatic watering systems, seeding lawns, and other landscaping associated duties. Additionally, inmates were to operate and maintain all of the required equipment.

Relamping: Three to five inmates were to assist government electricians in replacing fluorescent and incandescent lightbulbs in office spaces, warehouses, workshops, light towers and tops of buildings. Also, they

were to assist in the minor repair or replacement of lighting fixtures.

Carpet Cleaning: Five to eight inmates were to operate and maintain commercial grade carpet cleaning steam, pressure, vacuum and chemical systems. Carpets were to be cleaned in all designated buildings, when directed.

Floor Stripping and Waxing: Four to eight inmates were to operate and maintain electric buffers, strip floors and apply wax in all designated buildings, when directed.

Recycling Program: Six to eight inmates were to collect paper, cardboard, wooden crates and pallets, and scrap metal from designated locations on the FISC installation. Collected materials were to be sorted, baled and packaged as necessary and placed on pick-up vehicles. (VOABA Projects List, 1994)

b. Special Projects

Construct Internal Spaces: Five to 12 inmates (per project) were to assist in constructing walls, shelving and workbenches as needed, demolishing old walls, installing studding, hanging sheet-rock, taping and plastering the sheet-rock, and priming and painting all new walls. Additionally, the inmates were to assist in installing electrical conduit and switch boxes, hanging lights, placing receptacles, and pulling wire. Other tasks included relocating existing equipment and installing new equipment, installing drop/false ceilings, installing tile flooring, carpet installation, removal and replacement of hot and cold water and sewage piping. There were eight separate projects of this type accomplished in various facilities, including the Public Works maintenance shop, and the FISC Oakland physical fitness center.

Construct Fencing: Five to 10 inmates assisted in the removal of existing vegetation, refuse and debris from the site of a new fence, assemble the fence (approx. 1000 ft.) and paint and seal the fence with air pressure painting equipment.

Install Sprinkler System: Four to eight inmates assisted in constructing an automatic, underground sprinkler system. Trenches were dug, using a power trenching machine, PVC piping and valves were laid and connected to the water source, electrical conduit and wiring and control valves were installed, and the system operationally tested. Once operational, the trenches were backfilled and sodded over with new grass.

Tree Removal: Inmates assisted in the removal of selected, fully-grown trees. Trees were to be de-limbed and felled without damage to surrounding structures and power lines, cut into fireplace lengths and stacked. Large sections of tree trunks were disposed in a large commercial wood chipper. All chainsaws, chippers and other equipment were maintained by the inmates. (VOABA Projects List, 1994)

From May 1991 through October 1995 more than 6,400 inmates participated in the work-training program at FISC Oakland. (FISC ltr to CHNAVPERS, Oct 1995)

E. AUTHORIZING LEGISLATION

During the summer months of 1993 the Fiscal Year (FY) 1994 Defense Authorization Bill was being considered by Congress. It was during this debate that Congressman Ronald V. Dellums (D-California), of California's Ninth Congressional District, which includes Oakland, sponsored an amendment to the Defense Authorization Bill designated: USE OF SELECTED NAVAL INSTALLATIONS TO PROVIDE EMPLOYMENT

TRAINING TO NONVIOLENT OFFENDERS IN STATE PENAL SYSTEMS.
(Title XIII U.S. Code § 1374)

1. Background

In an effort to maintain a close relationship with the local community, Commanding Officers of FISC Oakland and Naval Air Station (NAS) Alameda were invited to, and did attend, informal weekly meetings with Oakland area leaders. Political candidates, leaders of commerce, community leaders and other interested parties comprised the membership. These *Lake Merit Breakfast Club* meetings served as a forum for community leaders to share information and ideas, network, and discuss the status of programs and policies in the Oakland community as a whole. The acceptance and subsequent successes of the inmate labor programs at FISC Oakland are due in part to the involvement of community leaders from the Oakland metropolitan area. The weekly community leader meetings had no official position on any issue, but did provide a forum for concerned community leaders to increase cooperation within the community. (Telephone interview with VOABA President/CEO, 6 May 1998)

Congressman Dellums was kept abreast of the VOABA non-violent inmate programs at FISC Oakland and NAS Alameda¹ because the military facilities, state prisoners and VOABA

¹ Naval Air Station Alameda was host to the Work Training Alternative Sentencing Program (WTASP) which was run by VOABA, in conjunction with CDC. WTASP, which was initiated in May 1993, consists of two programs; (1) The Alternative Sentencing Program which is an intensive 10-month military style "boot camp" combining physical training, regimentation and discipline with structured labor and drug and alcohol counseling, and (2) The Work Training Program, which operates in the same manner as the WTP at FISC Oakland.

itself were all residents of his Congressional District. By mid-1993 the successes of the programs at FISC Oakland and NAS Alameda were becoming more widely known, however there still was no Federal legislation that officially authorized the operation of these programs at Department of Defense installations.

2. Demonstration Project Authorization

The Fiscal Year 1994 Defense Authorization Conference Report was sent to the House of Representatives and Senate on November 10, 1993, by a joint Congressional committee, and subsequently passed by both houses and signed into Federal law by the President on November 30, 1993. (Congressional Quarterly, pp. 433) The annual Defense Authorization Bill directs and mandates those programs, projects and actions that the Department of Defense may undertake during the subsequent fiscal year, while spending Federally appropriated funds. (Schick, pp. 6)

The FY 1994 Defense Authorization included an amendment to Title XIII U.S. Code, adding § 1374: USE OF NAVAL INSTALLATIONS TO PROVIDE EMPLOYMENT TRAINING TO NONVIOLENT OFFENDERS IN STATE PENAL SYSTEMS, which was sponsored by Congressman Dellums. This amendment authorized the Secretary of the Navy to conduct demonstration projects to test the feasibility for using Navy facilities to provide employment training to non-violent offenders in State penal systems, prior to their release. The demonstration was limited to a maximum of three installations under the Secretary's purview. The Secretary was authorized to enter into cooperative agreements with one or more private, not-for-profit organizations for the purpose of providing pre-release employment training to non-violent offenders. As part of

the agreement(s) the Secretary was authorized to lease, or make available to the not-for-profit organizations any real property or facilities deemed appropriate for employment training. The not-for-profit organization was to accept all liability for loss, damage and injury to Government property and personnel resulting from the employment training program. Additionally, the Secretary was authorized to accept voluntary services provided by persons in the employment training programs. Finally, the Secretary of the Navy was directed to report to Congress, within two years from the date of the authorization, evaluating the success of the demonstration project(s) and recommending termination, continuation or expansion of the program(s). (Title XIII U.S. Code, § 1374)

As a result of the FY 1994 Defense Authorization Bill the Commanding Officers of both FISC Oakland and NAS Alameda made official requests to the Secretary of the Navy to enroll the already operating non-violent inmate work-training and work-training/alternative sentencing programs as two of the three designated demonstration projects. The Secretary of the Navy subsequently designated FISC Oakland and NAS Alameda as two of the three authorized project sites, due, in a large measure, to FISC having been the prototype for Congressman Dellum's sponsorship of the special amendment. (FISC ltr, 10 Nov 1994; NAS Alameda ltr, 4 Feb 1994)

3. Permanent Legislation

With the continued successes of the work-release and work-training programs, and in anticipation of positive feedback from reports to Congress, the Department of Defense Office of General Counsel submitted draft legislation to the Speaker of the House of Representatives.

This proposed legislation was intended to permanently amend Title X of the U.S. Code by authorizing the Secretaries of the Military Departments to accept the services of non-violent offenders incarcerated in State and Local correctional facilities at military installations. (Memo from SECDEF to the Speaker of the House of Representatives, 15 Apr 1994)

On June 4, 1995, Congressman Kolbe of Arizona sponsored the proposed Defense Department legislation as an amendment to House Resolution 1530, but the amendment was not approved for consideration. (Proposed Amendment to H.R. 1530, 4 Jun 1995) As of that date, the required reports from the FISC Oakland and NAS Alameda regarding the performance of work-release and work-training program demonstration projects were not yet prepared. Congress was seemingly unwilling to pass permanent legislation authorizing work-release and work-training programs on an unlimited national basis without the benefit of extensive evaluation and recommendation for continuation or expansion. To the date of this thesis there has been no permanent Federal legislation passed authorizing Secretaries of Military Departments to accept the services of state and local non-violent offenders at military installations.

F. THE END OF WORK-RELEASE AND WORK-TRAINING PROGRAMS AT FISC OAKLAND

The FY 1997 California State Budget provided no funding to the California Department of Corrections for the continuation of non-violent inmate alternative sentencing and work-training programs. In October 1996 the VOABA work-release and work-training programs at FISC Oakland and NAS Alameda were terminated and the inmates were remanded

to CDC Level III correctional facilities. VOABA closed out Buildings 521 and 844, and returned custody to FISC Oakland. These actions coincided with the closing efforts at the FISC Oakland and NAS Alameda installations, as part of the Base Realignment and Closure (BRAC) process. FISC Oakland will close permanently on September 30, 1998. (Telephone interview with VOABA President/CEO, 6 May 1998)

G. SUMMARY

After the Loma Prieta earthquake of October 1989, VOABA approached FISC Oakland to provide a temporary facility to house its non-violent inmate work-release program participants displaced by the disaster. The FISC Commanding Officer deemed this an opportunity to contribute meaningfully to the Oakland community. A short-term Memorandum of Agreement was signed between FISC and VOABA. The joint VOABA and California Department of Corrections work-release program was evaluated and found to have no legal precedent. Neither was it in violation of any current Federal statute or code. After the initial Memorandum of Agreement expired, the Commanding Officer authorized another Memorandum of Agreement to be drafted for the period of one year.

During this time, VOABA requested that the non-violent inmate program be expanded to include a pre-release, work-training program where non-violent inmates received employment training prior to transfer into the work-release program. FISC agreed to let the work-training program move into another building on the installation, but these inmate trainees would also be used to augment and supplement designated government employee tasks at FISC. The labor union locals were consulted and, subsequently, inmate labor began at FISC Oakland. The inmates performed custodial,

maintenance, painting, landscaping and minor construction tasks and projects, while working with government employees. The inmates in the work-training program applied known skills, or learned new ones, by working on the installation during the day, while they received employment training and community re-entry training in the evenings.

The successes of the FISC/VOABA programs were made known to Congressman Ronald V. Dellums (D-CA). He was instrumental in the ultimate passage of legislation that authorized the Secretary of the Navy to establish non-violent inmate work-training demonstration projects at three military installations. FISC Oakland was one of the designees, and as such, was required to report to Congress, within two years, regarding an evaluation of the program and its merits for cancellation, continuation or expansion action.

In late 1996 California State funding was discontinued for the VOABA non-violent inmate work-release and work-training programs at FISC Oakland. VOABA vacated its facilities at FISC. (Coincident with BRAC directed installation shutdown, to be complete by September 1998.)

The content of the FISC and VOABA reports to Congress that evaluated the work-release and work-training programs and a display of the costs and benefits of an inmate-supplemented government workforce are presented in the next chapter.

IV. NON-VIOLENT INMATE LABOR PROGRAM EVALUATION

A. INTRODUCTION

This chapter presents the analysis of the non-violent inmate work-training program at FISC Oakland from April 1991 through October 1995. The data for the analysis is found in the FISC Oakland, California Department of Corrections, and VOABA Reports to Congress evaluating the authorized demonstration project, which used Navy facilities to provide employment training to non-violent, state inmates. Additional information is derived from a FISC Oakland cost analysis study of VOABA inmate labor, for the month of October 1994. Other subjective and intangible benefits of the work-training program at FISC Oakland are also examined.

B. CONGRESSIONAL REPORT

The FY 1994 Defense Authorizing Legislation, permitting the Navy's Non-violent Offender Work-training Program Demonstration Project, required a report be made to Congress within two years evaluating the program and recommending continuation or termination. The FISC Oakland Commanding Officer compiled and submitted this report to the Chief of Naval Personnel, which was forwarded to the Secretary of the Navy in October, 1995. The Secretary of the Navy reviewed the demonstration project report and sent it to Congress with his recommendations. (Title XIII U.S. Code, § 1374)

The Congressional report consisted of answers to questions in seven functional categories: Subjects of the Work-Training Program, Navy Facilities, Liabilities, Government Employees, State Department of Corrections,

Training, and Benefits to the Military. A summary of the answers is presented. (FISC Oakland ltr to CHNAVPERs, Oct 1995)

Subjects of the Work-Training Program: From April, 1991 through October, 1995 over 6,400 non-violent offenders participated in the work-training program at FISC Oakland. All participants in the program were classified by the California Department of Corrections as low-risk, non-violent offenders with minimum custody requirements, transitioned from the California State penal system. Additionally, all inmates were qualified for California Department of Corrections work-release programs and eligible for transfer to community programs throughout the San Francisco Bay Area. (FISC Oakland ltr to CHNAVPERs, Oct 1995)

Navy Facilities: The former Navy Lodge facility was used to house the work-training project. The facility served as living quarters, training and meeting space, administrative offices, and a food service facility for the program. The facility was fully refurbished and maintained by the work-training program inmates. Living and working conditions within the facility remained conducive to training. The day-to-day operation of the facility itself contributed to employment training opportunities. Daily operations included cooking, serving, laundry, janitorial and landscaping functions. These skills enhanced inmates job marketability and helped to keep them from re-entering the correctional system. (FISC Oakland ltr to CHNAVPERs, Oct 1995)

Liabilities: No liability was sustained by the Navy. The Memorandum of Agreement required VOABA to maintain a one million dollar liability insurance policy. There were no liability incidents. (FISC Oakland ltr to CHNAVPERs, Oct 1995)

Government Employees: Inmate labor did not, at any time, displace local workers. Rather, the inmate labor force supplemented union employees at FISC. The local union was consulted, prior to implementation of the work-training program, to allow Impact and Implementation Bargaining. The American Federation of Government Employees Local 1533 did not seek I&I Bargaining, but FISC Oakland did conduct subsequent and independent studies to insure that the work-training program did not operate in competition with government employees. Additionally, the nature of the services provided by the inmate laborers in the work-training program is considered to have enhanced the quality of life for FISC employees and associates. (FISC Oakland ltr to CHNAVPERs, Oct 1995)

State Department of Corrections: The inmates in the work-training program were governed by the policies and procedures of the California Department of Corrections, and were judiciously screened by the California Department of Corrections prior to admission to the work-training program. The work-training program appeared to substantially benefit FISC Oakland by providing labor assistance without financial compensation. Moreover, the admission of this category of inmate to FISC Oakland supported programs to relieve the continuing overpopulation problem at California State Prisons. (FISC Oakland ltr to CHNAVPERs, Oct 1995)

Training: Inmates with no prior trade/craft skills or service experience were provided training in basic custodial, carpet cleaning, cooking, recycling, landscaping, and forklift operation/certification. Journeymen or experienced craftsmen inmates were provided enhanced training in their areas of expertise (where available); particularly, plumbing, electrical, welding and landscaping. While FISC Oakland did not maintain records

of program effectiveness, VOABA and the California Department of Corrections indicated that the majority of inmates departing the work-training program have secured job interviews and employment positions in the areas in which they were trained. (FISC Oakland ltr to CHNAVPERs, Oct 1995)

Benefits to the Military: The non-violent offender work-training program at FISC Oakland did not impact service members at the installation, their mission of service to the fleet remained unchanged. The program has demonstrated that non-violent offenders in a low level security, military setting can provide an inexpensive labor force that is not competitive with military members or union employees, at no liability to the Navy. The program helped to reduce some of the congestion in the state penal system and work-training participants were provided with personal enhancement and real skill training, which directly benefited FISC Oakland. Based on the documented successes of the program FISC Oakland recommended expansion of the non-violent offender work-training program. (FISC Oakland ltr to CHNAVPERs, Oct 1995)

The Secretary of the Navy forwarded the FISC Oakland report with revised recommendations for the work-training program. The Secretary recommended that the program be continued in order to allow further evaluation by corrections experts regarding the actual benefits to the offenders involved. The Secretary further concluded that, "Expansion of the limited demonstration project, based on the relatively short trial period and without careful consideration of the full benefits of the program, would be premature." (SECNAV ltr to Congress, Dec 1995)

C. FISC OAKLAND WORK-TRAINING PROGRAM COST ANALYSIS

Although a quantitative financial analysis of the non-violent offender, work-training program demonstration was not required for the FISC Oakland report to Congress, an internal cost analysis was prepared for the Commanding Officer. This cost analysis was prepared from work-training program data for a typical month of operation, and included as many aspects as practicable to develop a realistic dollar figure. (FISC/VOABA Cost Analysis, Sep 1995)

During the operation of the work-training program, there was an average of 70 inmates enrolled at any one time. Twenty inmates were required to operate and maintain the Work-Training Center facility, leaving the rest to supplement the FISC civilian workforce. The work-training program inmates worked six hours per day and 21 days out of each month. (FISC/VOABA Cost Analysis, Sep 1995)

The following is a functional breakdown of the types of tasks performed by inmate laborers in the work-training program, the average entry-level wage for each applicable trade (reflected in San Francisco Bay Area wage levels), and the average number of laborers required for each trade and skill each month. Total value of the labor performed is calculated and adjusted for fringe benefits that would be paid to a full-time equivalent (FTE) government employee:

Trade/Skill	Hourly Wage ¹	No. Of Workers	Value
Electrician	\$19.89	2	\$ 39.78
Carpenter	\$19.11	4	\$ 76.44
Plumber	\$19.11	3	\$ 57.33
Clerical	\$14.42	3	\$ 43.26
Janitorial	\$13.39	22	\$294.58
General Laborer	\$13.39	16	<u>\$214.24</u>
			\$725.63
	Fringe Adjustment	X	<u>1.22²</u>
	Hourly Labor Cost		\$885.27
	Hours per Year	X	<u>1,512.00</u>
	Annual Labor Cost		\$ 1,338,528.24

In addition to the inmate labor costs were the salary costs of three VOABA and California Department of Corrections supervisors, who monitored the inmates' activities while working on the base:

Security Supervisor Annual Salary	\$25,122.24
Number of Supervisors	X <u>3</u>
Annual Security Supervisory Cost	\$75,366.72

While inmate labor was provided to FISC Oakland at no cost and VOABA and the California Department of Corrections paid security supervisors, FISC did bear some of the costs of operating the work-training program. As part of the Memorandum of Agreement, FISC Oakland was responsible for major structural and system maintenance to the work-training program facility. Major maintenance and repair

¹ Hourly wage figures were converted from 1994 dollars to 1998 dollars using the GDP Deflator figures provided by the United States Federal Reserve Bank. (Federal Reserve, Web)

² FISC Oakland uses a 22 percent rate to adjust hourly wage cost to total hourly labor cost, reflecting such benefits as: leave/vacation, insurance, and employment taxes.

included replacing the roof every ten years, periodic boiler repair and other major structural repairs. These costs were amortized over a ten-year period and estimated to be \$40,000 per year. (FISC/VOABA Cost Analysis, Sep 1995)

FISC Oakland also provided two trucks from the base vehicle pool to the work-training program. These vehicles were provided to transport the inmate laborers to jobs around the FISC Oakland installation and to provide security supervisors a means to monitor the laborers. The two trucks incurred an annual maintenance cost of \$3,500 per vehicle. (FISC/VOABA Cost Analysis, Sep 1995)

Total expenditures and benefits of the work-training program at FISC Oakland are presented below:

Labor Provided by VOABA/CDC

Inmate	\$ 1,338,528.24
Security Supervisors	<u>\$ 75,366.72</u>
Total	<u>\$ 1,413,894.60</u>

FISC Oakland Expenditures

Facility Maintenance	\$ 40,000.00
Vehicle Maintenance	<u>\$ 7,000.00</u>
Total	<u>\$ -47,000.00</u>

Estimated Annual Benefit from Work-Training Program Labor	\$ 1,366,894.96
--	------------------------

Estimated Net Benefit to FISC Oakland April 1991-September 1996	\$ 7,517,922.28
--	------------------------

From 1991 through 1996 FISC Oakland saw annual operating budgets shrinking due to the end of the Cold War, the Defense Department drawdown, and the BRAC process. However, during this same period FISC spent a relatively

small amount of appropriated funding to support the work-training program, while reaping the benefits of seven and a half million dollars of skilled and unskilled labor. The benefits are, however, more than just financial. (FISC/VOABA Cost Analysis, Sep 1995)

D. WORK-TRAINING PROGRAM DRAWBACKS

While significant fiscal benefit was realized by FISC Oakland from inmate laborers, there were minor drawbacks to the program. Even the most carefully screened and closely supervised inmates falter from time to time. Persons who worked at FISC Oakland at the time the work-training program was in operation related two incidents of inmate trouble. One inmate attempted to scale the security fence surrounding the FISC Oakland facility, however, he fell and fractured both ankles. This inmate was immediately remanded to a Level III penitentiary to await trial for attempted escape. Another inmate carried on a short, social relationship with a FISC Oakland civilian employee. The two persons would meet in the employee's car during lunch. After this improper behavior was reported, the inmate was immediately returned to prison and the government employee was reprimanded. These incidents were the only evidence of trouble arising from the use of inmates as workers on the FISC Oakland installation.

E. OTHER BENEFITS OF THE WORK-TRAINING PROGRAM

The answers to Congressional inquiries are answered and the actual labor costs calculated may not capture the intrinsic value of inmate labor at FISC Oakland. Operation of the work-training program at FISC Oakland instead of at community residence no doubt alleviated the apprehension and concern expressed by members of the local community

about coexisting with inmates. With the work-training program confined to a secure military facility multiple interested parties benefited. FISC Oakland received a significant supplement to its labor force, the California Department of Corrections alleviated overcrowding at selected prison, inmates received training and counseling from VOABA, and the local community did not have to share its neighborhoods with prison inmates.

The extra 50 workers that FISC Oakland was able to utilize for both skilled and unskilled tasks improved services over normal operating standards. The installation was able to complete backlogged jobs and evaluate new projects. Work places were cleaner, the grounds were better kept, and the entire installation presented a more polished appearance. There was an improved quality of life and a generally "good" feeling about the condition and appearance of the Supply Center as a whole. These are qualities that cannot be measured by traditional performance metrics, but are equally important to the evaluation of and attitude toward the non-violent offender, work-training program at FISC Oakland. (FISC Point Paper, Feb 1994)

F. SUMMARY

As prescribed by the FY 1994 Defense Authorization, an evaluation of the non-violent offender, work-training program at FISC Oakland was prepared and sent to Congress. The FISC Oakland Commanding Officer, VOABA and the California Department of Corrections all responded very positively, and strongly recommended continuation and expansion of the program on a permanent basis. The Secretary of the Navy agreed that the program had merit, but recommended continuation of the demonstration program

for further evaluation before permanent, authorizing legislation should be considered.

Independent of the Congressional report, an internal cost analysis was done at FISC Oakland to estimate the actual cost of labor being provided by the work-training program. After incidental maintenance costs were deducted, FISC Oakland received an estimated seven and a half million dollars of skilled and unskilled labor from the inmate labor program, over a five year period.

In addition to the tangible and fiscal benefits of the work-training program at FISC Oakland were the intrinsic advantages. Most notable were the improved physical appearance of the installation and the ability to complete behind schedule jobs and undertake new projects, while engaged in downsizing. However, equally important were FISC Oakland residents' perceived improvement in the quality of life, and "good" feelings about their surroundings in general.

The aggregate evaluation of the non-violent offender, work-training program at FISC Oakland is overwhelmingly positive. The question to be answered is: Will the Non-Violent Offender Work-Training Program be able to continue to operate, and bring similar benefits to other military installations after FISC Oakland closes?

V. CONCLUSION

A. SUMMARY

After the Loma Prieta earthquake of October 1989, VOABA approached FISC Oakland to provide a temporary facility to house its non-violent inmate work-release program participants displaced by the disaster. FISC recognized this as an outstanding opportunity to contribute meaningfully to the local community and a short-term Memorandum of Agreement was signed between FISC and VOABA.

During the time of the original Memorandum of Agreement VOABA requested that the non-violent inmate program be expanded to include a pre-release, work-training program where non-violent inmates received employment training prior to transfer into the work-release program. FISC agreed to let the work-training program move into another building on the installation, but these inmate trainees would also be used to augment and supplement designated government employee tasks at FISC. The inmates in the work-training program applied known skills, or learned new ones, by working on the installation during the day, while they received employment training and community re-entry training in the evenings.

The successes of the FISC/VOABA programs were instrumental in the ultimate passage of federal legislation that authorized the Secretary of the Navy to establish non-violent inmate work-training demonstration projects at FISC Oakland. An evaluation of the non-violent offender, work-training program at FISC Oakland strongly recommended continuation and expansion of the program on a permanent basis. The Secretary of the Navy subsequently recommended to Congress, continuation of the demonstration program for

further evaluation before permanent, authorizing legislation should be considered.

Cost analysis estimates of the inmate work-training program indicate that seven and a half million dollars of skilled and unskilled labor was provided to FISC Oakland over a five year period. Equally important were the intrinsic advantages. Most notably, the improved physical appearance of the installation, the ability to complete behind schedule jobs and undertake new projects, and FISC tenants' perceived improvement in the quality of life.

B. EXPANDING DoD INMATE LABOR PROGRAMS

As this case study illustrates, a very successful inmate labor program operated at FISC Oakland for over five years, providing nearly eight million dollars of labor to the installation. This considerable supplement to the government employee workforce provided relief to an already constrained operating budget by allowing the installation to undertake required maintenance while maintaining an aesthetically pleasing appearance. The combination of Congressional legislation, the California Department of Corrections, VOABA and FISC Oakland created an environment where the non-violent inmate work-training program was able to operate and evolve.

Attempts to create the results of the non-violent inmate work-training program at other DoD installations will require many of the same conditions which existed at FISC Oakland. Most importantly, Congress and the President will have to pass legislation authorizing the operation of state and local, non-violent inmate labor programs at military installations. State and local corrections departments will have to sponsor and support work-training or alternative sentencing programs. A key ingredient to

the program is that a concerned, capable, community oriented organization must be both willing and able to provide training, counseling and supervision for an inmate work-training program.

Even with all of the critical players involved in an inmate work-training program, there are no guarantees for prolonged success. At FISC Oakland in late 1996 the inmate work-training program was tremendously successful, Congressional support for the demonstration project continued and VOABA was offering valuable, rehabilitation and training to the inmates. However, the California legislature abruptly decreased FY 1997 funding to the California Department of Corrections and quickly brought an end to the work-training program at FISC Oakland.

Defense Department commanding officers interested in replicating the successes and benefits of the non-violent inmate work-training program at FISC Oakland must seek out the required participants. Commanders must investigate charitable organizations within the community as well as local correctional departments, which might facilitate inmate programs, to determine the feasibility of such programs on their own installations. Once initial inquiries are made regarding the potential for an inmate labor program, it is further incumbent upon the commander to petition the chain of command for authorization. This requirement will be, by far, the most difficult to achieve for two reasons. First, the authorizing legislation for the original non-violent inmate work-training demonstration projects has expired and the programs have been discontinued. And, second, new authorizing legislation must be passed to permit further inmate labor programs at DoD installations.

The requirement for authorizing legislation is a formidable hurdle to clear, with regard to establishing a

non-violent inmate work-training program at a DoD facility. The work-training program at FISC Oakland was in residence and operating for nearly two and a half years before authorizing legislation was proposed to Congress, and another year before it was passed, then only for the establishment of a demonstration project. Unless proposed legislation has the support of a strong champion in Congress, a proactive DoD commander, a preponderance of community approval, and clear and convincing evidence of significant fiscal benefit it is highly likely there will be no state and local inmate labor programs at DoD facilities.

C. CONCLUSIONS

The aggregate evaluation of the non-violent offender, work-training program at FISC Oakland is overwhelmingly positive. Helping the California Department of Corrections alleviate overcrowding conditions in state prisons, assisting the VOABA in bettering the community, and benefiting from seven and a half million dollars of supplemental labor, with marginal associated costs, can be viewed as a winning combination for all concerned parties.

The future of similar inmate labor programs within DoD, however, seems less positive. Continued budgetary constraints within all levels of government and a conspicuous absence of authorizing legislation indicate that any non-violent inmate labor program as expansive and successful as the one at FISC Oakland is highly unlikely. Considerable, though not impossible, effort will be required in the coming years to establish a need, garner support and secure authorization for state and local, non-violent inmate labor programs at DoD installations.

D. RECOMMENDATIONS FOR FURTHER STUDY

An area worthy of further study, with regard to inmate labor programs at DoD facilities, would be to ascertain the potential of, or plan for, similar programs in the near future. A logical starting point for such a study would be to consult the Volunteers of America organization, or other national entity involved with inmate rehabilitation. If inmate labor programs should be planned in areas with a DoD installation in close proximity, a cost/benefit study could be undertaken to demonstrate potential savings in operating costs by using inmate labor to supplement government employees.

REFERENCES

1. California Department of Corrections [web page] Mar 1998; <http://www.cdc.state.ca.us/> [Accessed 31 Mar 1998].
2. Volunteers of America [web page] Jan 1998; <http://www.voa.org/> [Accessed 31 Mar 1998].
3. Volunteers of America Bay Area [web page] Jan 1998; <http://www.voaba.org/> [Accessed 31 Mar 1998].
4. Gross Domestic Products and Components, Federal Reserve Bank of St. Louis [web page] Jan 1998; <http://www.stls.frb.org/fred/data/gdp.html> [Accessed 10 May 1998].
5. Bailey, John R. Personal Interview. 6 May 1998.
6. Schick, Allen. Manual on the Federal Budget Process, Congressional Research Service, 1991.
7. Congressional Quarterly, Vol. 49, 1993, Congressional Quarterly, Inc., 1994.
8. Fleet and Industrial Supply Center Oakland, CA, Informational Release on the Work Training Center, May 1993.
9. Fleet and Industrial Supply Center Oakland, CA, Point Paper on Non-Violent Offender Work-Training Program, February 1994.
10. Fleet and Industrial Supply Center Oakland, CA, VOABA Cost Analysis, October 1994.
11. Fleet and Industrial Supply Center Oakland, CA, Letter to the Assistant Secretary of the Navy, 10 November 1994.
12. Fleet and Industrial Supply Center Oakland, CA, Letter to the Chief of Naval Personnel, 31 October 1995.
13. Fleet and Industrial Supply Center Oakland, CA, Inter-Office Memorandum, 27 January 1990.

14. Fleet and Industrial Supply Center Oakland, CA, Inter-Office Memorandum, 3 May 1990.
15. Fleet and Industrial Supply Center Oakland, CA, Inter-Office Memorandum, 29 January 1991.
16. Fleet and Industrial Supply Center Oakland, CA, Inter-Office Memorandum, 19 December 1991.
17. Fleet and Industrial Supply Center Oakland, CA, Memorandum of Agreement, 14 November 1989.
18. Fleet and Industrial Supply Center Oakland, CA, Memorandum of Agreement, 24 March 1990.
19. Naval Air Station Alameda, CA, Letter to the Assistant Secretary of the Navy, 4 February 1994.
20. Office of the Secretary of the Navy, Letter to Congress, 18 December 1995.
21. Office of the Secretary of Defense, Memorandum to the Speaker of the House of Representatives, 15 April 1994.
22. Volunteers of America Bay Area, Statement of Work for the Work-Training Program, April 1991.
23. Volunteers of America Bay Area, Work-Training Program Project Listing, August 1994.
24. Volunteers of America Bay Area, Letter to the Chief of Naval Personnel, 1 November 1995.
25. Public Law 103-160, Fiscal Year 1994 Department of Defense Authorization, 30 November 1993.
26. Kolbe Amendment to House of Representatives Resolution 1530, 4 June 1995.

INITIAL DISTRIBUTION LIST

1. Defense Technical Information Center.....2
8725 John J. Kingman Rd., STE 0944
Ft. Belvoir, VA 22060-5101
2. Dudley Knox Library.....2
411 Dyer Rd.
Naval Postgraduate School
Monterey, CA 93943-5101
3. CDR James Kerber, USN, SC (Code SM/KB).....1
Department of Systems Management
Naval Postgraduate School
Monterey, CA 93940-5103
4. Professor Kenneth Euske (Code SM/EK).....1
Naval Postgraduate School
Monterey, CA 93940-5103
5. John R. Bailey.....1
President and CEO, Volunteers of America Bay Area
7677 Oakport St., Suite 1050
Oakland, CA 94621
6. Marsha C. Peterson.....1
Counsel, Fleet and Industrial Supply Center
250 Executive Way
Oakland, CA 94625-5000
7. LT Gregory J. Zacharski.....2
855 S. Third Ave.
Des Plaines, IL 60016