

Discretion as Weakness: Exploring the Relationship Between Correctional Officers' Attitudes Toward Discretion and Attempted Boundary Violations

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Title: Discretion as weakness: Exploring the relationship between correctional officers' attitudes toward discretion and attempted boundary violations

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Abstract

Research paints discretion as a tool correctional officers (COs) use to navigate their work. Discretion helps COs gain compliance and resolve conflicts amicably, and officers sometimes use it to improve relationships with incarcerated people. However, research also suggest that COs' reliance on discretionary power may produce harmful complications, undermining institutional regulations and creating conditions for serious rule violations. Little quantitative analysis exists on how CO discretion impacts prison operations, making the broader impact of discretion unclear. To address this gap, we use open-access data collected between 2017–2018 (Griffin & Hepburn, 2020). We then test whether a CO's attitude toward discretion may correspond with attempts from incarcerated people to encourage boundary violations. Results show that COs with more liberal attitudes toward discretion correspond with higher odds of being approached by incarcerated people to violate boundaries. Black COs have lower odds of being approached for minor boundary violations, while women officers have higher odds of having incarcerated people try to initiate an inappropriate relationship. Findings show that liberal attitudes among COs toward discretion may encourage incarcerated people to violate the most consequential prison rules. We conclude by discussing the implications for future research.

Keywords: Discretion, correctional officers, boundary violations

Introduction

In recent decades, the techniques correctional officers (or COs) use to maintain control of prisons have undergone notable shifts. Prison administrators have largely replaced “hard power” approaches, characterized by coercion and strict orders, with so-called “soft power” approaches—discretionary power psychologically enforced through policies encouraging incarcerated people to self-regulate (Crewe, 2011a, p. 456; Schultz, 2023a). With this shift, CO’s discretionary decision-making has emerged as a common practice underpinning order maintenance in prison, something well-known to prison staff, managers, and administrators (Ricciardelli, 2022). Individuals on the receiving end of COs’ discretionary decision-making also recognize and engage with the rule negotiating process (Haggerty & Bucerius, 2021). Steiner and Wooldredge (2018) suggest that how correctional officers exercise their discretion influences the amount of compliance they receive from incarcerated people. Such decisions may also influence how incarcerated people perceive the legitimacy of institutional rules and regulations, something researchers suggest affects both non-violent and violent infractions committed in prisons (Schultz & Ricciardelli, 2023; Sparks et al., 1996; Williams & Liebling, 2023).

Recent literature tends to present officer discretion as a utilitarian feature of prison life. COs use and express their behavior and emotions in distinctive ways to gain compliance from incarcerated people, as well as to resolve conflicts amicably (Liebling et al., 2011; Tait, 2011). Likewise, discretion allows incarcerated people to form working relationships with COs, as officers’ discretionary power provides tangible benefits in the form of “gaining minor favours, enhancing one’s privilege level and obtaining positive reports” (Crewe, 2011a, p. 457). However, qualitative research has shown that, while beneficial when exercised consistently (Vieraitis et al., 2018), CO discretion has complex and sometimes harmful impacts.

Discretionary decision-making may undermine the clarity of institutional regulations (Sykes, 1958), meaning that incarcerated people regularly describe testing boundaries to determine what the rules ‘really’ are (Crewe, 2011b; Walker, 2016). Further, research on boundary violations—which Marquart et al. (2001) define as “actions that blur, minimize, or disrupt the professional distance between correctional staff members and prisoners” (p. 878)—suggests that a portion of incarcerated people purposefully break prison regulations in order to gauge an officer’s willingness to ignore rule breaches, then use this information to target specific COs for more significant rule violations (Worley & Worley, 2013). A lack of supporting research limits these claims, as does an over-reliance on case studies and a broader lack of research on CO discretion.

Based on open-access National Institute of Justice (NIJ)-funded data collected in Texas and Massachusetts prisons between 2017–2018 (Griffin & Hepburn, 2020), we quantitatively test whether correctional officers who have a positive attitude toward discretion have higher odds of being approached by incarcerated individuals who are attempting to create boundary violations including inappropriate relationships. Correlations between these variables may suggest a statistical relationship between boundary violations and correctional officers’ positive attitudes toward discretion, as ‘positive’ officers may be more likely to be targeted for boundary violations than officers with less favorable attitudes toward discretion. Building on this foundation, we analyze the following research hypotheses:

- 1): Correctional officers with more positive attitudes toward discretion have higher odds of being asked to ignore minor rule violations by incarcerated people.
- 2): Correctional officers with more positive attitudes toward discretion have higher odds of being approached for moderate boundary violations by incarcerated people.

3): COs with more positive attitudes toward discretion have higher odds of being approached for an inappropriate relationship by incarcerated people.

Literature Review

Discretion in correctional work: Part of the Job?

Correctional officers commonly use discretion when making decisions, employing their personal and professional judgment about whether and how seriously they should enforce certain rules or official policies (Haggerty & Bucerius, 2021). These decisions significantly impact the daily operation of prisons. Sykes (1958) argues that COs' discretionary decision-making is the most important feature of custodial authority, even surpassing the influence of bureaucracy, policy, and law. In Sykes eyes, COs' daily routines are shaped by a choice between exercising their power and facing open rebellion on one hand or using discretion and being an easygoing "good Joe" who has positive relationships with incarcerated people on the other (Sykes, 1958, pp. 53, 37). Such pressures ensure that discretionary peacekeeping is a central feature of CO work, even outweighing the requirements of laws and institutional policies (Haggerty & Bucerius, 2021; Liebling et al., 2011; Schultz, 2023a). For Sykes, how COs make these decisions becomes the central characteristic of prison order, as officers "[buy] compliance or obedience in certain areas at the cost of tolerating disobedience elsewhere" (1958, p. 57). However, these decisions may also open COs to manipulation.

Assessments of CO discretion remain limited, and most work on the topic is based on qualitative assessments of how officers use favors to maintain order or embody discretion within their working personality (Ibsen, 2013; Haggerty & Bucerius, 2021). The primary issue of discretion for COs lies in the fact that officers do not simply 'follow the rules,' but instead *interpret* the rules based on embodied knowledge drawn from formal training and occupational

subcultures (Ericson, 2007; Haggerty & Bucerius, 2021; Schultz, 2023a). COs are socialized to understand that their power is a product of negotiation with the incarcerated population (Haggerty & Bucerius, 2021). As a result, discretionary decision-making becomes part of the CO *habitus* (Haggerty & Bucerius, 2021). COs may then break, ignore, or otherwise ‘creatively’ enforce rules to obtain their desired outcome (Schultz, 2023a; Sykes, 1958). Such tacit contracts (Ericson, 2007)—a method of “exchange power” involving selective non-enforcement of rules to gain compliance or information (Liebling et al., 2011, p. 134; Hepburn, 1985)—play a key role in shaping CO discretionary decisions (Sykes, 1958; Schultz, 2023a). Research suggests COs employ tacit contracts when they underenforce rules “for the sake of (both *as a result of*, and *in order to preserve*) the relationship” with the incarcerated population (Liebling, 2000, p. 344, emphasis in original). Schultz (2023a, 2023b) develops this, suggesting that COs are likely to reinterpret regulations if they believe they are unfair or are designed to transfer liability onto them, leading to problematic exercises of discretionary power. Haggerty and Bucerius (2021) further support this line of thought, demonstrating that COs also negotiate or ignore rules they believe would cause trouble with incarcerated people on their units. The issue here is that without realistic guidelines surrounding the use of discretionary power, COs may overuse or underuse their authority, which may subsequently work against their legitimacy (Liebling, 2000; Sparks et al., 1996; Sykes, 1958).

Discretion comes with risks

By nature of their occupation, many of the policies COs deal with put unrealistic expectations on them in the performance of their work duties (Liebling et al., 2011; Schultz, 2023b; Sykes, 1958). COs must think about the potential future interpersonal consequences of their discretionary decisions, contemplating and anticipating how fellow officers and managers

will perceive them. Making the wrong decision can draw scrutiny and judgment from peers and unnecessary hostility from the incarcerated population, creating a quandary for COs (Haggerty & Bucerius, 2021). On one hand, there are officers who follow prison rules and regulations by the book, leaving little room for discretion (Liebling, 2000). These officers, whom Haggerty and Bucerius' CO participants refer to as "heat bags" (2021, p. 145), receive criticism from their peers and supervisors due to their strict level of enforcement. On the other hand, officers who negotiate and selectively non-enforce rules (Haggerty & Bucerius, 2021, p. 140; Liebling, 2000) may experience criticism from their peers, who view them as violating boundaries between COs and incarcerated people (Worley, 2016). Officers may ostracize these individuals because of their lack of action, especially if it violates subcultural nuances of correctional work such as the "no-friendship-with-inmates norm" (Worley, 2016, p. 1221; see also Marquart et al., 2001).

Further, COs frequently deal with the same individuals for weeks, months and even years, meaning that the impacts of short-term decisions also have long-term implications on future interactions with specific incarcerated people. As a result, forethought and long-term relationship-building often play an important role in discretionary decision-making for COs. This represents a notable difference between police officer and CO discretion, as the more transient nature of police/public interactions means that police officers rarely need to consider the long-term relational impacts of their discretionary decisions (Haggerty & Bucerius, 2021; Liebling, 2000). Overall, COs walk a complex tightrope between leniency and strict decision-making within their orientation to professional discretion. Ultimately, the reality of prison work puts COs in situations where they must select which infractions to enforce and which infractions to let slide, something that presents a distinct challenge to prison policies and managerial approaches to prison governance (Liebling et al., 2011; Schultz, 2023a; Sykes, 1958).

Regardless of whether COs lean toward being strict rule enforcers or malleable rule negotiators, research suggests that officers are aware that they consistently perform their discretionary decision-making in front of an engaged audience who parse, analyze, and dissect how they choose to handle misconduct of all kinds (Goffman, 1959; Haggerty & Bucerius, 2021; Ricciardelli, 2022). On the surface, this situation is comparable to the pressures faced by teachers or parents, who constantly face tests from children designed to determine the extent of rule enforcement—something which draws attention to academic descriptions of correctional officer work as possessing a relationship-centered and “domestic character” (Crawley, 2004; Tait, 2011, p. 441). Such a comparison is surprisingly apt given the infantilizing nature of incarceration, as researchers have suggested incarcerated peoples’ limited agency, dependence on prison staff for necessities, and lack of control over their environment means they are implicitly treated like children due to their captivity (De Viggiani, 2007; Miller, 2000; Sykes, 1958). Mathiesen’s (1965) classic monograph reminds us that individuals employ this feature of incarceration to their advantage, using their diminished agency and COs’ past discretionary decisions as a wedge to secure current and future privileges. Such pressures remind us that incarcerated people are key participants in the daily operations of prisons, who notice, interpret, and act in response to CO discretionary decisions, whether positive or negative (see Worley, 2016; Vieraitis et al., 2018).

Raising the stakes: Boundary violations and inappropriate relationships

Qualitative research sheds light on the connections between discretionary rule enforcement and boundary violations, including serious problems like inappropriate relationships. In Texas, prison officials define inappropriate relationships as “personal relationships between employees and inmates/clients or with family members of inmates/clients [...] that is usually sexual or economic in nature and has the potential to jeopardize the security

of a prison institution or compromise the integrity of a correctional employee” (Worley et al., 2003, p. 179). Perhaps because of the massive consequences of these acts, research on boundary violations tends to focus on extreme forms of inappropriate relationships, such as those involving consensual or non-consensual sexual contact (Marquart et al., 2001; Worley et al., 2010).

Despite the high profile of inappropriate sexual relationships, research suggests they are comparatively rare when compared to other forms of interactions in prison (Haggerty & Bucerius, 2021). Less obvious forms of boundary violations, usually involving the exchange of goods and/or services for some benefit, appear to be much more common and have much more influence on the daily routines of prisons. For instance, Schultz (2023a) details how COs use discretion and relationships to ‘outsource’ use of force, leading to higher levels of violence against incarcerated people. Likewise, Walker (2016) describes how discretionary decision-making creates and reinforces racial divisions between incarcerated people in California prisons. All this suggests that discretion, boundary violations, and exchange-based relationships go far beyond the scope of the existing literature, and likely play a larger role in prison operations than administrators typically acknowledge.

Previous research suggests that gender may play a role in shaping boundary violations between COs and incarcerated people. Marquart et al.’s (2001) study found that staff members who were women were more likely to engage in boundary violations when compared to men. The same study also indicated that women made up eighty percent of staff boundary violations categorized as “dual-relationships,” or becoming personally or romantically involved with an incarcerated person (Marquart et al., 2001, p. 884). Worley and Worley (2013) discuss specific tactics that incarcerated people may use against women COs, which includes testing new officers

to gauge their responses to misconduct; if they ignore or use discretion to negotiate the original infraction, escalations in violations will typically follow (Worley & Worley, 2013).

COs may initiate boundary violations. However, incarcerated people may also seek out major boundary violations due to the significant advantages they can receive from such arrangements (Blackburn et al., 2011; Worley & Worley, 2013). Incarcerated individuals seeking to create a boundary violation often encourage COs to violate minor rules—often by drawing on the “good Joe” framework Sykes (1958) describes—such as providing simple, daily goods that are prohibited. Incarcerated people then use these smaller transactions as leverage when attempting to coerce correctional officers into more serious actions (Cooke et al., 2019; Worley et al., 2003). A series of minor but steadily escalating boundary violations often foreshadow the formation of inappropriate relationships (Cooke et al., 2019; Worley et al., 2003; Worley, 2016). Cooke et al. (2019) refer to the nature of this process as a “slippery slope,” as once a boundary violation occurs between an incarcerated person and a correctional officer, the process may escalate in terms of frequency and severity (p. 6).

Worley & Worley (2013) discuss an example of how some incarcerated people leverage CO discretion to establish inappropriate relationships. The authors describe the offense of “*inmate public autoerotism*,” which refers to an incarcerated person “[exposing] their genitalia in a sexually provocative manner or [masturbating] in the presence of staff or inmates” (Worley & Worley, 2013, p. 12). Incarcerated people looking to form an inappropriate relationship will perform these types of “tests” on correctional officers to see how, if at all, they enforce the violated rule (Worley et al., 2003, p. 178). How an officer chooses to use their discretion can positively reinforce the manipulative tactics used against them by incarcerated people who seek to form an inappropriate relationship. A correctional officer’s blatant ignorance of a rule

violation allows incarcerated people to gain leverage over them, which can then be used against the officer in the future (Cooke et al., 2019; Worley, 2016).

Inappropriate relationships between correctional officers and incarcerated people represent a serious ethical and policy violation within corrections, regardless of whether they involve sexual contact, economic transactions, or simple incompetence (Marquart et al., 2001; Worley et al., 2003). However, the connection between discretionary rule enforcement and boundary violations remains unclear. Discretion is an essential part of the day-to-day work of correctional officers, but a willingness to negotiate or reinterpret institutional rules may make officers a target for exploitation and manipulation. Qualitative studies in this area suggest that the early stages of this process are characterized by the observation and testing of correctional officers' discretionary responses to misconduct (Worley et al., 2003), but the existing literature relies heavily on case studies and qualitative interviews. A quantitative appreciation for the relationship between discretion and boundary violations is lacking. As such, this paper seeks to determine if existing quantitative data supports the above arguments.

Data and Methods

For this article, we analyze open-access National Institute for Justice (NIJ) funded data collected with U.S.-based COs (Griffin & Hepburn, 2020). The first author located the dataset on the National Archive of Criminal Justice Data (NACJD) with the search term 'correctional officers.' We use data from Phase One of a two-phase study, with each phase sampling a cross-section of correctional officers employed at state prisons in Texas and Massachusetts (see Griffin & Hepburn, 2020).¹ While face-to-face with study participants, the researchers administered a

¹We chose not to include Phase Two of the data source due to missing data. One of the four variables used to create the Discretion Index was not included in the Phase Two data, which is a key component of our analysis.

survey containing closed-ended interview questions and Likert-scale surveys. The original study by Griffin and Hepburn sought to determine the effects of stress on correctional officers' well-being and how correctional officer stress impacts the well-being of the prison. Our analysis relies on a selection of demographic control variables, survey questions measuring attitudes toward discretion, and questions pertaining to self-reported experiences with attempted boundary violations.

Sample & Analysis

Griffin and Hepburn (2020) use convenience sampling to determine which prisons to sample, with selection based on the geographical distance between the research site and the prison. The authors take a simple random sample of Massachusetts line officers from the state's eight state prisons. In Texas, the authors sampled line officers from ten state prisons through stratified proportionate random probability sampling. In Massachusetts, 259 out of the 335 sampled correctional officers agreed to participate, for a response rate of 77.3% (Griffin & Hepburn, 2020). In Texas, 256 out of the 261 sampled correctional officers agreed to participate, for a response rate of 97.7% (Griffin & Hepburn, 2020). The total sample size in their study is 515 correctional officers who were employed in Texas or Massachusetts state prisons during 2017–2018, with a total overall response rate of 86.2% (Griffin & Hepburn, 2020).

To measure correctional officer discretion, we created an index variable made up of four Likert-scale survey questions. These statement-based questions ask COs whether they strongly disagree, disagree, neither agree nor disagree, agree, or strongly agree with the following:

1. *"The old saying that "to get along, you have to go along" is especially appropriate here to how an officer can work with inmates to get the job done"*
2. *"An officer who overlooks some rule violations will get more inmate cooperation in the long run"*

3. *“By knowing when to enforce the rules and when not to, officers can make it easier on themselves in getting the job done”*
4. *“I agree with those officers who say that most policies must be bent a little to get the job done”*

By averaging COs responses to these statements, we have a measure of how flexible someone is when it comes to exercising discretion. Lower scores on the discretion index (1 or 2) indicate a negative attitude towards discretion or a strict, by the book, approach to rule violations. Higher scores (4 or 5) indicate a positive attitude towards discretion, having more flexibility when it comes to rule violations. We consider officers scoring a 3 on the discretion index to have a neutral attitude toward discretion. Table 1 provides a breakdown of descriptive statistics for the discretion index, including the mean average score per item, per group, and overall.

Table 1. Descriptive Statistics for Discretion Index ($n = 503$)

Variable	Mean	SD
Discretion Index	2.78	.881
Discretion Index by item:		
<i>“The old saying that “to get along, you have to go along” is especially appropriate here to how an officer can work with inmates to get the job done”</i>	2.42	1.196
<i>“An officer who overlooks some rule violations will get more inmate cooperation in the long run”</i>	2.50	1.273
<i>“By knowing when to enforce the rules and when not to, officers can make it easier on themselves in getting the job done”</i>	3.53	1.257
<i>“I agree with those officers who say that most policies must be bent a little to get the job done”</i>	2.68	1.211
Discretion Index by group:		
Female ($n = 146$)	2.60	.852
Male ($n = 357$)	2.85	.884
White ($n = 323$)	2.87	.877
Black ($n = 140$)	2.61	.853
Hispanic/Other ($n = 40$)	2.69	.94
Massachusetts ($n = 249$)	3.06	.802
Texas ($n = 254$)	2.52	.873

Notes. SD = Standard Deviation

Using Jamovi software (v. 2.3.28), we performed a confirmatory factor analysis on the variables to determine model fit. Although the Chi-Square Statistic is statistically significant at $p=0.032$ ($df=2$), other statistics suggest good fit to the data. The model scored 0.984 on the Comparative Fit Index, 0.951 on the Tucker Lewis Index, and 0.0201 on the SRMR, indicating a good fit. The RMSEA is 0.0697, which is a moderate fit (Nye, 2023). Factor scores ranged from 0.607–0.831. Correlation residuals do not exceed 0.1. We also conducted a reliability test which returned a Cronbach’s alpha of 0.679; this score is considered acceptable (Hajjar, 2018) and is consistent with other scales developed to measure discretion and rule compliance more broadly (Worley et al., 2024; Wortley, 2003). The variable is normally distributed, having acceptable levels of skewness (-0.0680) and kurtosis (-0.605).

The dependent variables are nominal, with response options of either yes or no. The researchers asked participants to respond to whether they had ever experienced the following while working as a correctional officer:

1. *“Requests by inmates to ignore or overlook some minor rule infractions” (Minor)*
2. *“Offers of goods or services from inmates in exchange for favors” (Moderate)*
3. *“An inmate request that you bring something into the prison or take something out of the prison” (Moderate)*
4. *“Inmates attempting to establish inappropriate relationships with you” (Major)*

Based on the literature we have outlined, we have assigned a classification of minor, moderator, or major boundary violations to each of our dependent variables. In our analyses and discussion, minor boundary violations include ignoring or overlooking rule infractions, moderate boundary violations include exchanging favors for goods or service or agreeing to take

something out or bring something into the prison, and major boundary violations include engaging in inappropriate relationships.

Clustering by prison system did not appear to pose a problem, as calculations for the intraclass correlation coefficient were estimated to be less than 5% in each of the four outcomes. Nevertheless, additional models were used to test robustness of the findings to the threat of autocorrelation, but they yielded similar results.²

All other statistical tests are run through IBM SPSS statistical analysis software. We use binomial logistic regression to analyze the data, with the discretion index serving as the independent variable in all tests (Model 1). We present 3 additional models to tease out the effects of potential moderators or controls, including employment length (Model 2), the state in which each prison is located (Model 3), and the race/ethnicity, gender, and age of COs (Model 4). Minimal data cleaning was necessary due to the organized and comprehensive nature of the data set. However, we removed cases with missing data pertaining to our index variable (although this impact was small, at $n = 12$) for a final sample size of $n = 503$. From there, we used listwise deletion to handle all other missing data, with sample sizes fluctuating between 496–502. As such, we do not have concerns about missing data impacting our analyses.

Results

Of the 503 correctional officers in our sample, 146 are female (29%) and 357 are male (71%). Three hundred twenty-three officers are White (64.2%), 140 are Black or African

²The possibility of autocorrelation comes from the fact that responses may be similar within each prison; for example, if some prisons define rules around discretion more clearly than others. Underestimation of the standard errors would then increase risk of Type I errors. To address this concern, we recalculated the models using fixed effects for each prison location to account for the clustering. However, these results did not differ substantively from the main results presented. Please contact the corresponding author to view the supplemental analyses.

American (27.8%), 32 are Hispanic (6.4%), six are Asian or other Pacific Islander (1.2%), and two are American Indian or Alaskan Native (0.4%). To protect participant confidentiality, we have combined the latter three categories into one “Hispanic/Other” category for our analyses, which represents 8% of the total sample. Two hundred forty-nine officers work within Massachusetts state prisons, and the other 254 work within Texas state prisons. Participant age ranges from 19–72, with a mean and median average age of 38. The mean average employment length is 8.44 years, but employment length ranges from less than a year to almost 47 years.

Table 2. Discretion Index and Requests to Overlook/Ignore Minor Rule Violations ($n = 502$)

	Model 1		Model 2		Model 3		Model 4	
	SE	OR	SE	OR	SE	OR	SE	OR
Discretion Index	.116	1.498**	.116	1.492**	.123	1.293*	.126	1.265
Employment Length			.012	.990	.012	.981	.016	.998
Massachusetts					.223	2.296**	.247	1.837*
Black							.241	.452**
Hispanic/Other							.376	.531
Female							.239	1.252
Age							.011	.979

Notes. SE = Standard Error; OR = Odds Ratio; * $p < .05$; ** $p < .01$

Table 2 outlines the results of the binomial logistic regression using the discretion index as the independent variable and the dependent variable asking if an incarcerated person had ever asked the officer to ignore or overlook a minor rule violation. The results in Table 2 indicate a significant relationship between correctional officer attitudes toward discretion and being asked to overlook or ignore minor rule violations. However, this relationship loses significance as variables are added to the model, losing statistical significance once all control variables are accounted for. These results indicate that officers with negative attitudes towards discretion are just as likely to be asked to ignore minor rule infractions as officers scoring the highest on the discretion index or who have the most positive attitudes towards discretion. This may have

something to do with what decisions officers define as discretionary, something we analyze in the discussion.

Two control variables have a statistically significant relationship with this outcome. Black/African American correctional officers report reduced odds of being asked to ignore or overlook minor rule infractions ($p = 0.001$). Black officers' odds of being asked are 55% lower than White officers (Table 2). The other statistically significant variable is geographic location ($p = 0.014$). Officers in Massachusetts are more likely to be asked to overlook or ignore rule violations, with about 84% higher odds compared to officers in Texas (Table 2). Interestingly, Black officers represent the racial group with the least favorable attitudes toward discretion in our sample, and Massachusetts COs have more favorable attitudes than Texas COs (Table 1).

Table 3. Discretion Index and Offers of Goods and Services for Favors (n = 496)

	Model 1		Model 2		Model 3		Model 4	
	SE	OR	SE	OR	SE	OR	SE	OR
Discretion Index	.132	1.488**	.132	1.470**	.139	1.532**	.141	1.479**
Employment Length			.017	.948**	.018	.952**	.022	.969
Massachusetts					.248	.783	.273	.659
Black							.294	.765
Hispanic/Other							.402	1.370
Female							.272	.763
Age							.014	.982

Notes. SE = Standard Error; OR = Odds Ratio; * $p < .05$; ** $p < .01$

The next results test the relationship between attitudes toward discretion and more serious (moderate) boundary violations. Table 3 contains a binomial logistic regression of the discretion index and the dependent variable asking if an incarcerated person had ever offered the officer goods or services in exchange for favors. These results indicate a statistically significant relationship between the two variables ($p = 0.006$) which maintains statistical significance across all 4 models. With each unit increase on the discretion index, the odds of being offered goods or services in exchange for favors increase by 48% (Table 3). Officers who scored the highest on

the discretion index are at over four times higher odds of being offered goods or services in exchange for favors, compared to those with the most negative attitude towards discretion (Table 3). In Models 2 and 3, employment length also appears to have a statistically significant relationship with this variable. However, once the other controls are added in Model 4, the relationship loses statistical significance. In Model 4, it is also worth noting that Hispanic/Other COs had 37% higher odds, but this was nonsignificant likely due to small sample size.

Table 4. Discretion Index and Requests to Bring In/Take Something Out of the Prison ($n = 502$)

	Model 1		Model 2		Model 3		Model 4	
	SE	OR	SE	OR	SE	OR	SE	OR
Discretion Index	.116	1.535**	.117	1.547**	.123	1.534**	.125	1.451**
Employment Length			.012	1.012	.012	1.012	.017	1.034*
Massachusetts					.213	1.050	.239	.811
Black							.260	.941
Hispanic/Other							.402	.841
Female							.268	.362**
Age							.013	.973*

Notes. SE = Standard Error; OR = Odds Ratio; * $p < .05$; ** $p < .01$

Table 4 displays the binomial logistic regression with the discretion index and the dependent variable asking if an incarcerated person had ever asked the officer to bring something in or take something out of the prison. The relationship between these variables is statistically significant across all 4 models ($p = 0.003$). With each unit increase on the discretion index, the odds of being asked to bring something in or take something out increase by 45% (Table 4). Correctional officers scoring the highest on the discretion index had four times higher odds of being asked to bring something in or take something out of the prison, compared to those who scored the lowest (Table 4).

Several control variables have a statistically significant relationship with this outcome, including gender, age, and employment length ($p = <0.001$; $p = 0.033$; $p = 0.049$). Female officers had about 64% lower odds of being asked to bring something in or take something out of

the prison compared to male officers (Table 4). Older officers had lower odds of being asked to take something out or bring something in, with a decrease of about 3% with each year of age. Officers with more experience had higher odds of being asked to take something out or bring something in, with about a 3% increase in odds with each year of experience. Interestingly, age and employment length are positively correlated but have opposite effects in the model; this could be evidence of a suppression effect, or it could be due some idiosyncrasies of the sample.

Table 5. Discretion Index and Attempts to Establish Inappropriate Relationships ($n = 501$)

	Model 1		Model 2		Model 3		Model 4	
	SE	OR	SE	OR	SE	OR	SE	OR
Discretion Index	.105	1.203	.105	1.190	.113	1.322*	.121	1.381**
Employment Length			.012	.974*	.012	.981	.016	.994
Massachusetts					.201	.569**	.232	.677
Black							.244	.723
Hispanic/Other							.370	.916
Female							.221	3.710**
Age							.011	.988

Notes. SE = Standard Error; OR = Odds Ratio; * $p < .05$; ** $p < .01$

The next results test the relationship between attitudes toward discretion and major boundary violations. In Table 5, we perform a binomial logistic regression with the discretion index and the dependent variable asking if the officer had ever experienced an incarcerated person attempting to establish an inappropriate relationship with them. The results in Table 5 indicate a statistically significant relationship between a correctional officer's attitude towards discretion and the odds of being targeted for an inappropriate relationship; however, this is only once region and CO demographics are added into the model, indicating a suppression relationship between our independent and dependent variable ($p = 0.007$). This comes from the fact that liberal attitudes toward discretion are more common among men and in Massachusetts (Table 1), but solicitations for inappropriate relationships are more frequent in Texas and

towards women.³ By controlling for these factors, we were able to isolate a positive influence of liberal attitudes toward susceptibility for this kind of solicitation, which justifies the use of both controls.

With each unit increase on the discretion index, the odds of being targeted to form an inappropriate relationship increase by 38% in the final model (Table 5). Officers scoring the highest on the discretion index have over three times higher odds of being targeted for an inappropriate relationship compared to those scoring the lowest (Table 5). The only control variable with statistical significance in our final model is gender ($p = <0.001$). Female correctional officers have almost four times higher odds of being targeted to form an inappropriate relationship compared to male officers (Table 5). Thus, women are more vulnerable to being solicited for inappropriate relationships with incarcerated people. This finding highlights their vulnerabilities as a correctional officer, but also points to the continued need to control for sex/gender to isolate the impact of discretion in models.

Discussion

Our analysis demonstrates the existence of a statistically significant relationship between correctional officers' attitudes toward discretion and the odds of being targeted for boundary violations for two of our three research hypotheses. Hypothesis 1 states "*Correctional officers with more positive attitudes toward discretion have higher odds of being asked to ignore minor rule violations by incarcerated people.*" While a relationship existed between COs attitudes toward discretion and being approached for minor boundary violations, the relationship lost statistical significance once control variables were added to the model, disproving Hypothesis 1.

³ Please contact the corresponding author to view supplemental analyses.

One explanation for this finding may lie in the wording of the question itself, which asked, *“In your work with inmates, have you ever had requests by inmates to ignore or overlook some minor rule infractions?”* The key word here is “requests.” As we outlined in the literature review, COs are socialized to understand the essential role of discretion in their work. As such, they routinely ignore, overlook, or underenforce the rule violations they observe so they can gain compliance in other areas or preserve positive relationships with incarcerated people (Haggerty & Bucerius, 2021; Liebling, 2000; Sykes, 1958). The use of such tacit contracts (Ericson, 2007; Schultz, 2023a) eliminates the need for incarcerated people to “request” COs to ignore or overlook rule infractions, as this is something COs do automatically depending on whether such a decision will assist them in maintaining order (Haggerty & Bucerius, 2021; Ibsen, 2013). The absence of a relationship between minor rule violations and attitudes toward discretion suggests that COs must occasionally violate or underenforce rules as part of the day-to-day work of managing a prison. Overall, the line between what is a ‘normal’ decision and what is a ‘special,’ discretionary decision is unclear in the literature and seems like an obvious area for deeper investigation going forward.

Across all tests of moderate to major boundary violations, officers with the most positive attitudes toward discretion had higher odds of being targeted for boundary violations compared to officers with the most negative attitudes toward discretion. These findings support Hypothesis 2, which states, *“Correctional officers with more positive attitudes toward discretion have higher odds of being approached for moderate boundary violations by incarcerated people.”* Hypothesis 3 is also supported: *“COs with more positive attitudes toward discretion have higher odds of being approached for an inappropriate relationship by incarcerated people.”*

Together, these findings reinforce prior qualitative research, which suggests that liberal attitudes are commonly associated with efforts to escalate minor to moderate instances of CO misconduct into major boundary violations. However, they also shift how we understand discretion in meaningful ways. Qualitative research takes a generally positive tone when it comes to CO discretion, describing it as something that helps prison units “run smooth” (Haggerty & Bucerius, 2021, p. 147) while also assisting officers in creating positive interactions with incarcerated people (Crawley, 2004; Ibsen, 2013; Tait, 2011). While we know that COs are likely to use discretion to keep units quiet, avoid paperwork, and maintain a working relationship with incarcerated people (Haggerty & Bucerius, 2021; Liebling, 2000; Sykes, 1958), we do not have a clear understanding about the downsides of such actions.

The analysis we provide here suggests that a ‘slippery slope’ of discretionary decisions (Cooke et al., 2019) may exist, and may have a meaningful impact in shaping and creating boundary violations. Correctional officers’ use of discretion is central to this process, as incarcerated people who are trying to determine the odds of boundary violations will monitor how officers respond to misconduct to identify targets for escalation (Worley et al., 2003). Such findings complicate how we discuss CO daily practice, as limited and productive forms of discretion are often associated with perceptions of fairness and institutional legitimacy (Haggerty & Bucerius, 2021; Schultz & Ricciardelli, 2022; Williams & Liebling, 2023). Establishing where the ‘good’ parts of discretion end and the ‘bad’ parts begin is a complex task—one which may shed light on how and why boundary violations continue to be a serious problem facing correctional operations. Understanding this and understanding how discretionary decision-making feeds and shapes boundary violations of all kinds appears to be an area of future research that is greatly needed.

There were several significant control variables in our analyses which require further discussion. We hypothesize the significance of geographic location may be due to the different policies present within Texas and Massachusetts prison systems, as well as differences in broader organizational cultures. For instance, Texas COs in this sample averaged a lower score on the discretion index compared to Massachusetts COs, suggesting a stricter organizational culture in Texas prisons that presumably limits opportunities for incarcerated people to connect with officers. Specific institutional histories may also impact such cultures. For example, in Texas, organizational cultures may still be influenced by the U.S. Federal Court's 1980 *Ruiz v. Estelle* decision, where the state department of corrections was found liable for creating a 'building tender' system where COs used discretion to give specific incarcerated people dictatorial power over large portions of the institution (Marquart & Couch, 1985). Landmark decisions like this—which also placed Texas corrections under judicial supervision for nearly 20 years—likely continue to impact the organizational culture of Texas prisons, as well as the discretionary decisions that COs make or do not make (Marquart & Couch, 1985). CO socialization processes may also differ depending on the state and/or prison. Lerman and Page's (2012) research demonstrates significant differences between CO subcultures and attitudes in different state prisons, supporting such conclusions. This highlights the need for more research on how the broader organizational cultures of specific prison systems impact discretionary decision-making by front-line prison staff (Lerman & Page, 2012; Schultz, 2023a).

Further, our findings indicate that COs demographic characteristics may also impact the likelihood of experiencing attempts to create boundary violations. Over a quarter of the officers sampled in this study were Black or African American, and these data suggest that COs from this group have reduced odds of being asked to ignore or overlook minor rule infractions. We

speculate that Alex's (1969) findings on how Black police officers exercise discretion may have some relevance. Alex (1969) argues that Black police officers experience double marginalization, simultaneously experiencing racism in the community and within the organizational structures of police agencies. Kochel (2020) identifies double marginalization in her research, and scholars widely discuss similar concepts in critical research with marginalized communities (e.g., Vigil, 2020). Double marginalization informs a complex relationship between Black officers and Black citizens, as officers may have to 'prove' they are 'real' cops to their coworkers while also facing accusations of 'selling out' from community members. In the worst-case scenarios, Alex (1969) suggests that Black officers negotiate these pressures by employing harsh, by-the-book policing with limited discretion—a finding with both support and contradiction in subsequent research (Brunson & Gau, 2011; Leinen, 1984; Paoline III et al., 2018; Sun & Payne, 2004; Weitzer, 2000). Overall, this research suggests that differences may exist in how Black and White police officers relate to discretion and conflict resolution due to how systemic racism shapes police/community relationships, police cultures, and broader perceptions of police officers (Brown & Frank, 2007).

With respect to the data analyzed here, we speculate that this finding may reflect a feature of the organizational structures Black COs encounter. In this sample of COs, Black officers averaged the lowest score on the discretion index compared to officers of other races, suggesting harsher attitudes toward discretion. These officers, who likely have to do 'extra' work to differentiate themselves from incarcerated Black people and 'prove' that they belong within predominantly-White occupational and organizational cultures that shape prison work (Britton, 1997), may be more likely to strictly enforce rules and use by-the-book approaches rather than

engage in discretionary decision-making (Brooks, 2015; Kochel, 2020; Sun & Payne, 2004; Vieraitis et al., 2018).

Such implications draw critical attention to how race impacts CO work, something well-understood from a policing perspective but less clear in prison work (Britton, 1997; Kochel, 2020). We stress that our analysis here is limited, as these data do not allow us to fully explore this possibility. However, we also believe that further research on how organizational structures around CO race impacts decision-making is clearly necessary. An intersectional approach, such as Vigil's (2020) model of "multiple marginality," may also shed light on additional structural, social, and subcultural factors that impact how Black COs approach discretion (p. 4). We caution that policymakers and researchers considering this topic must ensure that research on the topic helps reinforce a collective understanding of the issue: even a slight misstep could lead to a situation where racialized officers are unfairly placed under even greater levels of informal scrutiny, with problematic results (Alex, 1969; Britton, 2003).

Like previous studies on inappropriate relationships between correctional employees and incarcerated people (Marquart et al., 2001), we identify statistically significant findings indicating that women correctional officers have higher odds of being targeted for inappropriate relationships compared to male officers, something which reinforces the implicitly gendered nature of correctional work (Britton, 1997, 2003; Burdett et al., 2018). However, we note this finding is somewhat limited as the data do not allow us to determine whether this holds equally true for COs working with both incarcerated men and women or whether this only applies to COs working with incarcerated men.

While these data are not sufficient to verify Worley and Worley's (2013) suggestion that autoeroticism is a key method of 'testing' women officers, we believe women officers' higher

odds of being targeted underlines the importance of addressing sexual harassment in prison. Women officers commonly report experiencing sexual harassment from incarcerated men, something they are expected to ‘deal with’ as part of their work (Burdett et al., 2018; Carter, 2018). Our findings suggest that harassment from incarcerated people may in some cases be targeted, gendered ‘tests,’ designed to undermine officers (Worley & Worley, 2013). As a result, we believe these data imply that stronger institutional responses to sexual harassment of women officers are urgently needed.

Taken together, these findings suggest that while discretion represents an essential feature of positive CO relationship-building (Haggerty & Bucerius, 2021; Tait, 2011), it also represents a distinct vulnerability. However, we stress that these findings do not reduce the utility or need for discretion within correctional environments. After all, research on CO discretion consistently highlights it as an important (albeit complex) part of prison work—something that cushions strict rule enforcement, allows for positive relationships between prison staff and incarcerated people, and generally smooths institutional operations when exercised consistently and fairly (Haggerty & Bucerius, 2021; Liebling et al., 2011; Vieraitis et al., 2018). Rather, our analysis suggests an ongoing need for COs to remain diligent and cognizant about how incarcerated people experience and perceive daily, routine discretionary decision-making, and to be aware that a portion of the incarcerated population may use discretionary decisions as leverage to encourage boundary violations to their advantage. We believe that COs should be consistently reminded of these risks during training at the onset of and throughout their careers. Marquart et al.’s (2001) study indicates that 84% of CO boundary violations emerged from officer naïveté or by accident. Considering that incarcerated people who commit boundary violations appear to use these minor violations as leverage, it is essential to emphasize the

importance of maintaining professional boundaries between correctional officers and incarcerated people to prevent escalation into more serious kinds of violations.

Correctional officers must also be made aware of exactly what activities and behaviors are classified as boundary violations so they can avoid them and prevent inappropriate relationships from developing out of minor rule infractions. This requires ongoing training and education—something that is often the first target for cost cuts, and which suffers in the face of broader organizational strain. Both academic research (Novisky et al., 2023) and practitioner reports (Cornelius, 2022) suggest that correctional training programs across the U.S. and Canada have experienced dramatic cuts in both quality and resourcing since the COVID-19 pandemic began, just one part of a much larger crisis in prison staffing that extends across English-speaking countries (O'Connor et al., 2020; Spanoudakis et al., 2024). When discussing the responsibilities of policing organizations in Australia, Wortley (2003) states, “police organizations have a duty to ensure that policies and procedures are in place to help guide their members in the appropriate use of their power” (p. 556). Similarly, correctional organizations owe this duty to their officers. This accountability is critical due to the lack of public visibility concerning the inner workings of prison and, therefore, less opportunity to receive public scrutiny. While these data do not directly indicate whether training procedures are sufficient for COs, we stress that effective and ongoing training around boundary violations should be a central feature of CO professional development.

Future Directions

It is important to conduct further research on this topic for a variety of reasons. First, this paper has limitations that future research with a defined focus on discretion can address. With a Cronbach's alpha of 0.679, the index variable measuring officer attitudes toward discretion could

be stronger in terms of inter-item reliability. While considered acceptable, a score between 0.7–0.8 would increase the reliability of the index (Hajjar, 2018). The survey we based our analysis on only asked correctional officers four questions related to their attitudes towards discretion; this limited our options for items to include in the index variable. Future studies with a primary focus on discretion would involve more appropriate measures for quantitative analysis. Wortley (2003) developed two scales to measure attitudes toward discretion for police officers: the Service-oriented-Legalistic scale and the Watchmen scale. The Watchmen scale asks questions about the use of discretion for order maintenance, placing emphasis on “the nonenforcement of particular offenses [as] simply part of a wider strategy to keep things running smoothly and to maintain police power” (Wortley, 2003, p. 554). In the future, we recommend survey design that improves upon the psychometric characteristics and internal validity of the measure presented in our analysis. Future research on correctional officers’ attitudes toward discretion might consider adjusting Wortley’s (2003) Watchmen scale with appropriate modifications to reflect the differing dynamics of prison work.

Second, our findings imply that an officer’s attitude towards discretion will inform their use of discretion in practice, which is not necessarily the case. Linking these two concepts in more depth is a crucial next step, and future research on correctional officer discretion should also consider measuring the relationship between an officer’s attitude towards discretion and how this translates into their behavior. Third, we cannot assume COs are targeted for boundary violations simply due to their self-reported attitude toward discretion. To understand how and why COs are targeted for boundary violations, we must ask about the dynamics from incarcerated people who commit boundary violations. Finally, we do not know how the racial and gender makeup of the incarcerated population may change these results.

Conclusion

Multiple qualitative studies have analyzed the process incarcerated people who commit boundary violations use to manipulate correctional officers into engaging in inappropriate relationships, all of which identify similar findings (Cooke et al., 2019; Worley et al., 2010). This article quantitatively supports those findings, pointing to an important reality for correctional officers to consider when using their discretion. Boundary violations may start off as small or trivial instances of misconduct; however, they can escalate into more serious boundary violations, such as inappropriate relationships, which put the social climate of the prison and the physical safety of both correctional officers and incarcerated people at risk (Cooke et al., 2019; Worley et al., 2010).

This paper uses quantitative data to identify whether a relationship exists between correctional officers' attitudes toward discretion and the odds of being targeted for minor, moderate, and major boundary violations. COs attitudes toward discretion did not play a significant role in being approached for minor boundary violations, which we believe may be associated with the nature of how COs exercise discretion on a day-to-day basis (Haggerty & Bucerius, 2021). However, our findings indicate that COs with positive attitudes towards discretion are at higher odds of being targeted for moderate and major boundary violations. Discretion is essential to the smooth functioning of prison, and officers will often rely on it to maintain control over their environments and the people in it (Liebling, 2000). However, discretion can also contribute to officer vulnerability (Haggerty & Bucerius, 2021). Overall, we believe our analysis highlights the complex realities of CO discretionary decision-making, highlighting a clear need for further investigation on how this topic impacts both prison staff and incarcerated people in a range of jurisdictions.

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