

The Absentee Formal Education in Prison Guard Hiring Traditions: Extrapolating Pareto Distance to Inform Personnel Optimality for Corrections Agencies

Robb Elton¹

¹ School of Business, Northcentral University, USA

Correspondence: Robb Elton, School of Business, Northcentral University, USA.

Received: April 1, 2022

Accepted: May 5, 2022

Online Published: May 11, 2022

doi:10.5430/jms.v13n1p39

URL: <https://doi.org/10.5430/jms.v13n1p39>

Abstract

The educated corrections officer/guard is sufficiently schooled in the relevant social science area and possesses sufficient theoretical knowledge such that the quality of work, purpose, and goals of incarceration could be met. Thus, the desire to bring professionalism into the field of corrections has been recognized for many decades, particularly after the Attica tragedy of 1971. However, in pursuit of adequate staffing levels many factors (geography, for example) diminish the ability of prisons and correctional facilities to obtain formally educated employees. This mixed-methods research aimed to first identify prison policies through random selection of state corrections agencies in the United States (n=20) that may allow certain years of service as a substitute for a bachelor's degree in social sciences at hire. Secondly, there was a need to define how to calculate Pareto Distance (PD) as an indicator of incongruous education standards as to prison guards, and third, substantiate recommendations for benchmark employment to at least 1-in-5 guards with a baccalaureate. Unfortunately, the results were compelling. The majority of states permit teenagers to apply to work as prison guards. The incarceration rate is closely tied to the education level throughout the state. The Pareto Distance, however, represents a prospective benchmark for optimality where insufficient numbers of educated personnel are available to effectively operate a prison.

Keywords: corrections hiring practices, penology, prison employment practices, attica, incarceration rate, conditions of confinement, liability, pareto value, pareto principle, pareto distance

1. Introduction

Hiring practices for occupations in social science related fields have historically indicated that some level of post-secondary education was necessary. Psychologist, social worker, and detective for example are occupations that imply a discrete level of care as work is grounded in human relations. Each of these occupations demand a base level of training — some type of higher education (bachelors, masters, doctorate), including licensing and perhaps membership in a professional association. However, with corrections officers, higher education is not demanded of them. This is true despite the fact that guards interact with prisoners more than other employees each day, and recognizing a deep need for professional prison guards (Roberg & Bonn, 2004).

This researcher, in passing conversation with few prison guards revealed there were no such higher education requirements at hire or for advancement. These informal discourses led to the idea to inquire about whether these statements were widely true and accepted practice. It was shocking to think society demands guards be no smarter than a high school kid. Legal liability issues, communication problems, substandard level of care for prisoners, and general perception of legitimate authority are just a few concerns. The interest in the implications spawned this inquiry.

This deficit in corrections places discretion and autonomy in question — competencies of demand on the job — and guards have less education but more discretion than might be typically understood (Haggerty & Bucerius, 2020). One must also keep in mind that the occupation of 'prison guard' leans hard on interpersonal skills for effectiveness (Russo, 2019).

Fundamental notions regarding purpose and goals of incarceration are important ideas that influence how officials view prison operations (Tewksbury & Mustaine, 2008). However, research about internal policies and operations of prisons are not entirely knowable, for reasons such as "security secrecy" or cost. Where available, prison policies and

operations are often posted to state-operated websites for the public. It was from state corrections departments' data ($n=20$) where policies related to how officers are hired were found and included here.

There did not exist much of any academic literature about higher education in corrections officers. Available literature included repository data from state prison websites, magazines, or blogs. This seems to be consistent with corrections as having a practice base rather than an academic or theoretical base. This dichotomy does not have to be thus. However, there were a number of governmental reports that were created in response to large-scale riots or uprisings that have informed corrections praxes. Riots and uprisings were largely attributed to lapses in care and other violations of substantive rights, of which prison guard abuses were an issue. For example, *Attica: The Official Report* came out of the Attica Riots of 1971. The report was only half of the truth. The other half of the truth is that the riot was brought on by institutional racism, human rights violations, couched in abuse of formal authority; every bit preventable at the core (Shade, 2012). Shade (2012) also identified similar lapses in her research that elements grounded in a "lack of educational opportunities and the slave labor" were contributory fuel for the rioting (Shade, 2012, p. 1).

Likely indicative of the era, other preconditions as 'fuel' for the *Attica* riots were racial demographics. All of the guards were white males, blacks made up over half the prison capacity (2, 000), and whites made up merely 38% (Shade, 2012). The prison population was 12% over capacity according to Shade (2012). Bernstein (2007) further linked the death of Black Guerilla Family (BGF) founder, George Jackson in a failed escape as a root cause that ignited *Attica* a few weeks later. With the help of his attorney, Fay Stender, he had written a best-selling book *Soledad Brother* (Jackson, 1971). In it Jackson mentioned prison conditions and racism as areas for targeted reform. Bernstein (2007) suggested Jackson's death negatively affected morale of *Attica's* prisoners as Jackson was a revered minority figure (Bernstein, 2007). A decade later McEleny (1982) cited, then current, problems in *Attica* were many of the same issues that pushed the 1971 riot.

While *Attica* was an extreme case, where many people died, it can be linked to numerous underlying socio-structural issues that drove prison reform to the fore of American consciousness. Besides the demographic make-up of the prison, there were unethical architectural design issues: (tear gas bombs made to be dropped electronically from ceiling), mission of the prison (work, rest, and marching like soldiers). A unilateral policy requiring higher education for guards, despite whiteness, might have mediated some of these issues.

Interestingly, much of the literature that relates to prison issues can be found in case law. Specifically related to incarceration is civil rights law having stemmed from rulings out of Title 42 U.S.C. § 1983 actions filed by prisoners seeking relief from state actors. The Supreme Court has provided a cannon of rulings.

Title 42, § 1983 of the United States Code was birthed from the reconstruction era post-Civil War, which sought to provide forum for petition and relief for blacks who were yet being victimized by overt white supremacists and others (§ 1983 is also termed The Klu Klux Klan Act of 1877). To this day, § 1983 actions can be a potent form of advocacy that can potentially alter the entire corrections landscape. Prisoner access to correspondence (*Turner v. Safley*, 1987), some due process for disciplinary actions (*Wolff v. McDonnell*, 1974), legal material (*Lewis v. Casey*, 1996), religion and other fundamental rights (*Procunier v. Martinez*, 1974) such as adequate nutrition, rest, light, exercise, visitation, were all defined through civil actions in this way.

2. Purpose

The purpose of this exploratory evaluation was to develop a sense of the educational levels of guards, and where applicable, extrapolate a way to produce optimality if higher education was actually absent in the job of prison guard. Considering the professionalization of other criminal justice jobs such as lawyer or police officer has seen maturation across the decades, how might educational level of prison guards affect operations? "Professionalism in the correctional workforce is relatively low, particularly among corrections officers" (Russo, 2019, n.p.). These kinds of issues strike at the core of the profession's legitimacy, and its future, so they cannot be ignored. More importantly, how might this phenomenon of state reinforced under-education implicate legal responsibility and ethics that prisoners are constitutionally due from their wards? Do benefits for increased education and training of workers outweigh any negatives? It is contended so.

3. Significance of Education in Corrections

In recent years there has been an increased presence of a prison abolitionist movement (Bagaric et al., 2021; McLeod, 2015). This movement has largely been empowered by overcrowding (Macdonald, 2018), custodial and peer violence (Burkhalter, 2021; Woolredge et al., 2020), health-care lapses including the COVID-19 pandemic (Beauvoir, 2020), deaths in custody (Press, 2021), punishments such as solitary confinement life-without parole for juveniles

(Cloud et al., 2021), sexual abuses (Surreal & Johnson, 2020), and the death penalty (Mcann, 2017). These issues fall under a constitutional analysis which demands humane punishments, conditions, and duration of such confinement. The U.S. Constitution prohibits punishments that are both cruel *and* unusual (Amendment 8, U.S. Constitution). It can comfortably stated that contemporary law enforcement has developed a deeply impersonal character, lacking in empathy and focus. George Floyd, Breonna Taylor are only the more publicized victims of an organized system of justice; where all races have felt some aspect of these effects (Statista 2022). Decision-making is affected by intelligence.

4. Methods

The methodology demanded by this form of inquiry is an exploratory, sequential mixed-methods, convergent design. In other words, this appraisal posits a case study element as antecedent to a later quantitative component where the results are tethered and analyzed together (Subedi, 2016; Yin, 2015). These approaches are accepted forms of inquiry (Fetters et al., 2013) and provides a clearer picture than any single methodology may be capable (Regnault et al. 2018). This data was informed through exploration of strict secondary sources, particularly official websites and policies bound to respective state-operated corrections departments. The departments that were included for evaluation were collected through randomized selection of a total population of 50 (the United States).

Evaluation of previously collected data is not a radical practice in criminology. Databases and indices are repositories of primary research and it is from these that much secondary research is done. The FBI's Uniform Crime Reporting Program (UCR) is one such example. In fact, secondary source research abounds in criminal justice and other social sciences that have a relationship with the carceral structure, including weaknesses and strengths often limited by topic of study and how it can be interrogated (Murphy & Schlaerth, 2010).

4.1 Procedures

In selecting the study population, the author used a random name generator within which the 50 states were inserted in random order. Once the generator provided a randomized state name, that state was removed from the list and the generator ran again. This step was repeated until the study population ($n=20$) was compiled.

After the list was created (Table 1), policies regarding hiring and promoting were evaluated from each state. The policies indicated how the state enabled hiring of employees using years of experience within criminal justice settings in lieu of education, or degrees, age, credit reports, even vaccinations as a criterion. The hiring requirements (categorical data) were then alphabetized by state (Table 1).

The next steps required: (a) the identification of each state's incarceration rate [population of prisoners per 100,000]; (b) world rank for incarceration; (c) each state's bachelor degree rate (%); (d) the national average % of guards with a bachelor's degree; (e) standard Pareto Value ($PV = 20\%$); and (f) the calculated Pareto Distance ($PD =$ the difference between the state bachelor's degree rate from the PV).

Once these figures were available, the states were ranked from highest-to-lowest rate of incarceration (Table 2). The score of concern was the Pareto Distance (PD). The PD signifies the proximity to optimally operating corrections organization. To formulate whether an organization was optimally situated near the PV , a subtraction of each a state's bachelor degree rate (%) from a standardized PV will provide its respective PD , positive or negative.

This step may initially seem arbitrary, though the formula was conceptually framed on the *Pareto Principle* (where 20 percent of organizational activities will account for 80 percent of its results) (Reh, 2019). There exists much research regarding the different ways this Pareto Principle applies: Pareto (1906) himself discussed its application initially, and thereafter many others. Clayton (2018) provided a valuable depiction in his video. As to the qualitative portion of data evaluation, there is minimal use of basic math. These calculations reinforce proportion and give context to the results.

5. Integrated Results and Discussion

As can be derived from a perusal of Table 1, depicting the hiring practices of the states in question, Michigan operates the sole department of corrections requiring some higher education. To be sure, what is asked of putative hires, there, is that each one complete the equivalent of five college courses within their first year-and-a-half on the job. Although this course load translates to merely one-eighth of a bachelor's degree it is nevertheless the highest standard from this study (40% of the United States). The other 19 states appear to prefer a high school education as best practice.

Table 1. Study population, hiring practices, and minimum requirements

States	Age	Education/ Mandates	Source
Alabama	18+	Diploma*	https://doc.state.al.us/employ
Arizona	18+	Diploma	https://az.doc.hires
Arkansas	18+	Diploma	https://arcareers.ark.gov
California	20+	Diploma	https://cdcr.ca.gov/officers
Connecticut	21+	Diploma	https://corrOfficerConn
Delaware	19.5+	Diploma	https://doc.delaware.gov
Illinois	18+	Diploma	https://www.corrections.illinois
Maine	18+	Diploma	http://www.maine.gov/corrections
Maryland	18+	Diploma	https://dpscs.maryland.gov
Michigan	18+	15-college credits** within 18-mo.	https://www.michigan.gov/corrections
New Hampshire	18+	Diploma	https://www.nh.gov/nhdcc/jobs.html
New Jersey	18+	Diploma	https://www.state.nj.us/corrections
New York	21+	Diploma, Civil Service Exam, U.S. Citizenship	https://www.cs.ny.gov/examannouncements
Ohio	18+	Diploma, Civil Service Exam	https://www.indeed.com/OH.guard
Oklahoma	20+	Diploma, U.S. Citizen	https://www.correctionalofficeroklahoma
Pennsylvania	21+	GED/Diploma	https://www.correctionalofficeredu.org/pennsylvania/
South Carolina	18+	Diploma, DL, No Criminal Record	https://www.doc.sc.gov/Employment/employapplication.html
Virginia	18+	Diploma No Domestic Violence or Felony	https://www.correctionalofficeredu.org/virginia/
Wisconsin	18+	Diploma No felony or domestic violence, firearm standards, COVID-19 vaccination	https://wj.wi.gov/psc/wisjobs
Wyoming	18+	Diploma Credit and background checks	https://WDOC_JobDetails_Applying.pdf

*Diploma = General Education or High School Diploma. **29% of employees leave before 3-years.

Table 2. Study population Pareto distance score

States	Incarceration Rate	World Rank	State Bachelor Degree Rate (%)	% Guards with a Bachelor's Degree**	Pareto Value***	Pareto Distance
Oklahoma	993	3	16.8	13.4%	20%	-3.2
Arkansas	942	5	14.8			-5.2
Alabama	938	6	15.9			-4.1
Arizona	868	8	18.4			-1.6
Wyoming	850	9	17.5			-2.5
Virginia*	749	17	22			+2
South Carolina	678	24	17.8			-2.2
Wisconsin*	663	25	19.7			-.03
Ohio	659	26	17.6			-2.3
Pennsylvania	659	27	19			-1.0
Delaware	631	28	18.6			-1.4
Michigan	599	32	17.7			-2.3
California	549	36	21.2			+1.2
Maryland	531	37	21.5			+1.5
Illinois	497	38	21.1			+1.1
Connecticut	394	42	21.8			+1.8
New York	376	43	20.5			+0.05
New Jersey	341	45	24.2			+4.2
Maine	328	46	20			0
New Hampshire	328	47	22.7			+2.7

Source: Widra & Herring (2021). *Anomalous. ** This is the state national average. ***Pareto's Law: 20%.

In terms of this second phase of the study, which required a number of calculations, a few figures stood out. First, it was assumed that for a state to have an optimal level of educated prison guards, it would have to have a minimum Pareto Value (PV) of 20%, that is 1-in-5 guards with a degree. States' individual scores for PD were calculated by subtracting its bachelor's degree rate from PV. Each state's Pareto Distance (PD) represents the difference between each state's incarceration practices and the PV, which serves as a proxy surplus/deficit of educated guards. The national median, for reference = PD of 16.7 (of 13.4 -to- 20). The PD can also provide insight into how much decarceration needs to occur within a state to bridge the gap to mirror natural optimality. The national average for bachelor's degrees was recorded for inference value and contextual potential (13.4%),

In Table 2, states were ranked by worst incarceration rate (in the world), Oklahoma having the poorest and New Hampshire and Maine seemingly tied at the better end; however, there exists a notable distinction to be declared. Recall that in determining the percentage rate for each state by bachelor's degree, this figure was compared to each state's incarceration rate. As relates to the distinction between New Hampshire and Maine, it is New Hampshire with the greater rate of educated people (+2.7%). New Hampshire is thus penalized for their incarceration rate, which is equal to Maine's. New Hampshire would be accurately expected to have the better incarceration rate at around 319.4, based on the intelligence expectation. New Hampshire was the second most educated state in this study over Virginia by a PD of +.07%.

Moving on to the deeper anomalies: Virginia and Wisconsin. While the other states are clearly worst or better than Virginia, it has the third highest education score: 22% of Virginians hold a bachelor's degree, yet it suffocates itself in having the 17th rank for incarceration of its citizens — in the world. Many of the educated in Virginia are perhaps transitive and not permanent residents as Virginia is partial home to the intelligence community and having large universities. While this may call into question how an “intelligent state” could be so dumb, data suggests it is also a state with deep sociocultural issues. Many ideas and antiquated notions may underpin this nuance.

To obtain more insight about this quasi-anomalous finding, this researcher sought additional data for Virginia. Enter, the Prison Policy Initiative (2019) whose data was specific to the anomaly and housed a disturbing figure titled “*Virginia Incarceration Rates by Race and Ethnicity*.” The figure provides that ‘whites’ are incarcerated at a rate of 466 (per 100,000) and ‘Hispanics’ at 482 where either number alone would rank Virginia around #40 between Illinois and Connecticut (still above reason). However, when calculating the ‘Native American’ rate of 654 and the ‘black’ rate at 2,418 into the system, the sadness of the situation becomes apparent: there seems to be structural social inequity abound. This phenomenon is hardly surprising to anyone as it was reported and argued through the previous decades (Delaney et al., 2022). The heavy-handed law and order rhetoric began in the middle of the civil rights movement. Whispers of the policy of mass incarceration echoed through political conventions of the time. The exact date when mass incarceration of the poor and non-white can be traced to the year 1970 (Delaney et al., 2022; Surprenant, 2019).

More recently, however, Virginia seems to be acting on this data. Virginia has shown maturity and courage in abolishing its death penalty (Green, 2021). This is a major step for a ‘southern state,’ but incarceration in Virginia remains excessive. Anomalies aside, there is hope this rational trend continues. However, King (2022) reported their house of representatives voted down a bill that would eradicate solitary confinement in the state. Those antiquated notions are persistent barriers to common sense reforms.

Even though secondary data and numbers were analyzed regarding prison guard educational policy and standards, more in-depth research is needed. The metric used and developed for this subject matter of this article (*PD*), is illustrative at best, but it does not itself expound upon the wide overdependence upon corrections. However, the *PD* does point in a few directions. Qualitative research will be necessary to discover deeper reasons for carceral failures. Due to limited scope of this analysis, the findings lack the other 60% of the state corrections hiring practices.

6. Proposals and Conclusion

A follow-up study will shed more light on this subject. Further research is needed surrounding the ethical issues that stem from a lax educational policy regarding correctional officers/guards and in how this tradition affects the various stakeholders. Higher education must become part of the mission of state corrections agencies and modeling after The Federal Bureau of Prisons that require a baccalaureate. Moreover, current policies and praxes — to include perhaps the business model of corrections — are in moral conflict with standards of care with regard to prisoners. Tasks of prison guards and administrators can arguably be exponentially more difficult if compared to the more educated, prepared worker. Although lifting oneself from ignorance is not the end-all solution to optimal corrections, Milgram (1974) proved even intelligent people do dumb things under certain conditions.

Maintaining a workforce where one-out-of-five guards have baccalaureates can alter the entire correctional culture, including subtly raising the age of hire. The Pareto Principle hints at these facts. This is not an infeasible benchmark. Virginia recognizes the benefits of guards who are college educated as its corrections hiring policy indicates greater probability of hire is attached to a candidate with some higher education, speaks Spanish, or has military experience with a reliable work history (see Virginia in Table 1). However, as the results have shown, Virginia was an outlier in practice. In other words, Virginia's practices are not attached to responsible or fair goals.

In terms of recommended training materials, they must include review of related conditions of confinement law and civil rights case law. The cases cited above would be a great start for guards who seek to understand criminality and management. Case law provides in-depth rationale as to why these rights are relevant for all stakeholders in corrections. Finally, reading about wrongs that have produced law will instill a sense of responsibility about standard of care.

A likely more controversial topic could be for States to move away from retirement pensions and instead ‘front-load’ its employees with tuition reimbursement plans. This seems fiscally sound and permits employees to locate better uses for their wages. In addition to these notions — education is — up to a point tax deductible.

More broadly, despite education, it is not an oversimplification to look toward states such as Maryland, New York, New Jersey, and Connecticut for guidance, or to use legislative initiative and gubernatorial power as avenues to

reduce the incarceration rate accordingly, which will mimic or situate a pseudo increase in guard efficiency. The states with lower IR are ethnically diverse, perhaps more-so than the others. Each state has a differing economy, distinct social histories, but they are American histories, where managerial principles apply.

In order to obtain greater efficiency from workers without having the suggested standard baccalaureate degree, diminishing the prison population can be a solution. The following formula applies: **IR-PD(10)**, incarceration rate minus Pareto Distance multiplied by 10. For example, Oklahoma would take its Pareto Distance of -3.2 and multiply by 10 to obtain 320. Next subtracting *PD factor* of 320 from incarceration rate (current IR = 993) to arrive at a more comprehensible rate (640) in lieu of an appropriate *PD*. Oklahoma, as a small state would appear more responsible using this protocol, though not quite on the level of New Hampshire or New Jersey. Using this formula is but a pseudo solution for guard/prison optimality in states with an unnatural *PD* or *IR*, as other areas relating to criminal justice demand focus, too. Social constructs such as schools, parenting strategies, and employment opportunities for parents in need can be related interventions.

In searching for rationale for advocating standard formal education for prison guards, one may stumble across wise and relevant words attributed to Dostoyevsky, but were never truly uttered by him: “The degree of civilization in a society can be judged by entering its prisons” (Vinitzky, 2019). These words carry ideas that, in the very least, hopefully compels corrections agencies towards a positive *Pareto Distance* using education. Inadequate states do inadequate things. As seen from the strategic approach to hiring as discovered here, hiring suboptimal people as guards for the most important function in corrections should arguably be seen as lacking strategy, not a business or corrections strategy into itself. Hiring practices can be better optimized using the novel *PD* approach as developed by this author, or simply reduce the incarceration rate. Either strategy will enhance the safety of all stakeholders by having the best prepared intelligent guards, and adequately staffed prisons thereafter.

Acknowledgements

The author declared no conflict of interest and has not received funding from any source implicating any production of this manuscript.

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