

Reintegration of convicts class 7

Employment of Prisoners – the First Step to Rehabilitation



academic year 2020/2021

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KATEDRA PRAWA KARNEGO WYKONAWCZEGO

Employment is a key to rehabilitation

- * Finding a job can be very difficult for individuals with criminal records. Research indicates that ex offenders experience substantial barriers to employment, including restrictions on hiring because of the type of criminal charge, attitudes and perceptions of employers, low education attainment, erosion of skills during incarceration, employment-ready skills, limited re-entry resources, unrealistic expectations for employment for entry-level positions, and lack of career development interventions.
- * During the time these ex-offenders spend in prison, individuals lose work skills, forfeit the opportunity to gain work experience, and affect interpersonal connections and social contacts that could lead to legal employment opportunities upon release.

Employment is a key to rehabilitation

It is important to prevent a crime- employment significantly reduces recidivism

- * For people with a history of offending, one of the most effective ways of preventing reoffending and improving their chances of leading a better life is to find and keep a job.
- * Employment has long been recognized as instrumental in reducing recidivism from crime after incarceration and supporting desistance from crime for former prisoner

However, most former prisoners experience difficulty finding a job after release. During the time spent in prison, many lose work skills and are given little opportunity to gain useful work experience. Moreover, the availability of job- training programs in prison has declined in recent years.

- * A large proportion of former prisoners have low levels of education and work experience, health problems, and other personal characteristics that make them hard to employ
- * No data can imply that the causes of crime can only be explained by poverty and unemployment, although we can all make conclusions based on that experience.

Employment is a key to rehabilitation

It is important to prevent a crime- employment significantly reduces recidivism

- * Studies show that the unemployment rate of formerly incarcerated people after one year may be as high as 60% because of multiple barriers to employment.

High unemployment = High recidivism

Without employment, ex-convicts are three to five times more likely to commit a crime than are those who gain employment after leaving prison

- * 89% of individuals who violated the terms of their probation or parole were unemployed at the time of violation

Why is it helpful?:

- * Employment helps in reform of a damaged individual
- * It stimulates the economy
- * It is used to structure from prison environment

The Value of Employment

It provides income - to meet financial obligations and move to self-sufficiency:

- * Fines, fees, restitution
- * Child support
- * Rent
- * Food
- * Clothing
- * Medical care

It helps with social connection:

- * Feeling of societal contribution
- * Feeling of self-worth

Employment is a key to rehabilitation

Formerly incarcerated people want to work. Their high unemployment rate reflects public will, policy, and practice — not differences in aspirations.

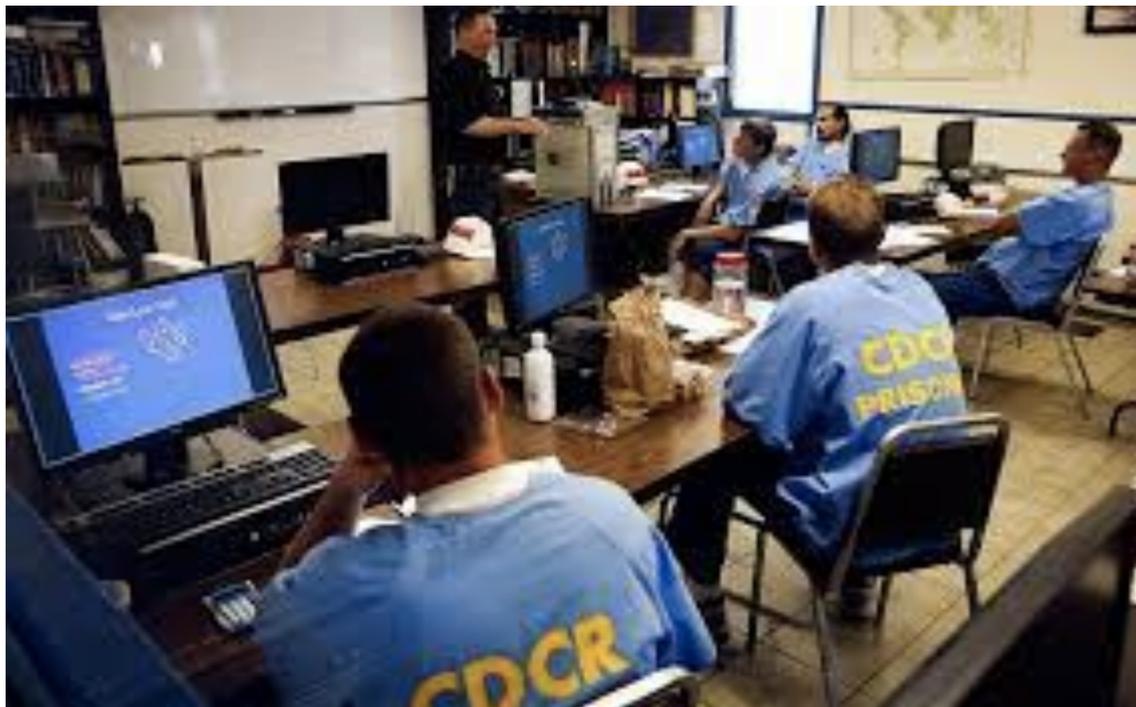
Unemployment among formerly incarcerated people:

- Over 600,000 people make the difficult transition from prisons to the community each year and although there are many challenges involved in the transition, the roadblocks to securing a job have particularly severe consequences.
- Employment helps formerly incarcerated people gain economic stability after release and reduces the likelihood that they return to prison, promoting greater public safety to the benefit of everyone.
- But despite the overwhelming benefits of employment, people who have been to prison are largely shut out of the labor market.

Vocational trainings

Vocational trainings help to equip convicts with specific professional skills, teach them how to be responsible towards colleagues and management, and further promote the self-employment of former convicts

- * Vocational and work programs are found to be effective in reducing recidivism and improving job readiness, particularly programs that link prisoners to community resources prior to release
- * By acquiring vocational skills and completing vocational trainings, retraining or enhancement of professional qualifications convicts are provided a way to successful rehabilitation



- * They come as the most popular choice because convicts are provided with actual opportunities to obtain occupational qualifications and to find employment after they leave prison.

Vocational trainings

- * Apart from vocational qualification courses, there are also programmes of occupational activation, under which educational activities/ working skills are implemented.

Solutions applied in Polish penitentiary institutions can be divided into two groups:

- * **The first group** includes projects of the national and international scope. These are programmes such as: POWER, Work for Prisoners, Norway Grants.
- * **The second group** includes original projects and solutions applied at custody suites and penitentiary institutions in Poland. They have been developed by employees of penitentiary institutions.
- * Such programmes are implemented with the support of some external entities, such as hospices, employment agencies, career counsellors, probation officers or social welfare centres.
- * The above-mentioned activities indicate strong determination and commitment of prison staff members, their substantive knowledge of law, psychology, pedagogy, labour markets or diagnostics.

Self-employment

Self-employment is also considered to be one of the most successful models of employment for prisoners

From Prison to Prosperity: A Model for Job Creation and Economic Self-Sufficiency

Limited Job Options:

- * The Society for Human Resource Management states that 80 percent of employers now run a criminal check. Especially during an economic downturn, it is understandable that, with a choice of applicants, employers shut out those with criminal convictions.
- * So self-employment is one of the few viable career alternatives for people released from prison.

Incarceration to Incorporation:

- * Prison-based entrepreneurship education in many countries began emerging in the 2000s to teach inmates self-employment skills before their return to society.

Self-employment

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From Prison to Prosperity: A Model for Job Creation and Economic Self-Sufficiency

- * In one of the women's prisons (Lecce Prison) in Italy, there is an enterprise "created in prison", where women prisoners sew vintage-style bags and accessories.
- * The enterprise employs 14 female prisoners, and the waiting list for employment seekers often exceeds 30.



Self-employment

Self-employment is also considered to be one of the most successful models of employment for prisoners

- * At the Lecce prison, the inmates spend twenty-two hours a day in their cells. The other two hours are spent in a small courtyard surrounded by high walls.
- * Accustomed to these conditions of imprisonment, women responded enthusiastically to the opportunity to work in the sewing shop.
- * The women inmates put everything they had into learning.



Barriers in hiring ex-offenders

Why employers are not willing to hire ex-convicts?

- * Ex-offenders may be categorically barred from certain types of work
- * Ex-offenders may benefit from an awareness of laws protecting them
- * A history of drugs or alcohol use may also limit employment options
- * Ex-offenders typically have legal issues beyond the crimes for which they were convicted
- * Ex-offenders often struggle after they made the transition from structured prison life to the mainstream social environment
- * Employment is critical in reducing the possibility of a return to criminal behaviour
- * The ex-offenders' ethnicity and gender may limit the certain types of work available to
- * There are offences that may be unacceptable for specific kind of job

Right to work

International Law

Standard Minimum Rules

Rule 89 of the Standard Minimum Rules

- * an untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

For further details as to the work of convicted persons, we have to take a closer look at rules 71-76 of the Standard Minimum Rules.

- * But in general prison labour must not be of an afflictive nature (Rule 71 (1)) and prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer (Rule 71 (2)) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day (Rule 71(3)).
- * In addition, the international laws exclude any performance of hard labour emanating from a sentence or punishment imposed by a competent court or any work or service obtained from any person as a consequence of a sentence by a court of law

Right to work

International Law

Universal Declaration of Human Rights

[Article 23 of the Universal Declaration of Human Rights states that:](#)

- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- Everyone, without any discrimination, has the right to equal pay for equal work.
- Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

[Article 24 provides further that:](#)

- Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Right to work

Polish Penitentiary System

- According to the Polish penitentiary system prisoners shall always be offered opportunity to work
- They can receive a salary for work in some cases.
- They can also be employed for unpaid work. This latter employment is legal up to 90 hours per month for ‘a good cause’ to the benefit of a delimited list of authorities or public companies- on behalf of the prison (help cleaning, cooking, meal distribution) or the government, local authorities, local charities and educational organisations if this is done in a civic dimension (no more than 90 hours per month).
- Working inmates paid contribute towards social security, retirement, unemployment.
- A behaviour of the inmate while serving a penalty, including the work may be one of the reasons for granting parole.
- Salary is calculated depends on the type of work.
- Salary received by inmates is below the national minimum salary.
- Professional activities can take place inside and outside prisons. The daily work cannot exceed eight hours a day.

Right to work

Polish Penitentiary System

- The penitentiary administration provides support for destitute inmates.
- According to the article 114 of the Executive Penal Code, prisoners who do not work and do not have any financial resources may receive an allowance from the director of the unit (up to 1/10 minimum wage for employees)
- According to the article 113 of the Executive Penal Code, prisoners must transfer their money to the deposit or on a selected bank account.
- At the request of the prisoner, some funds can be transferred by an outside person.
- The prisoners can use these credentials to make purchases in prison.
- The remaining balance is given to the prisoner upon release or when they have an exit permit (if they are temporally released.)



Proposals

Proposals:

- * Employers should play an instrumental role in creating and developing opportunities for paid work for offenders.
- * Recruitment needs to be pragmatic: on the basis of attitude and 'character' rather than qualifications or health status.
- * Support should be offered to employees and their managers for as long as they need it.
- * Opportunities for 'pre-employment' and 'in work' skills development should be linked to realistic employment opportunities: not training for its own sake.
- * Criminal justice and other statutory agencies should facilitate effective pathways and access to real work and appropriate skills development while offenders are in the criminal justice system.

More so:

- * A multi-media campaign to encourage business leaders to give a qualified ex-offender a chance
- * Employers: review hiring procedures to consider „no-ex convict” policies
- * Legislatures: Comprehensive community-based reentry programs that provide supportive and employment services to help clients find and maintain a job

Benefits

Working with prisoners and ex-offenders has a whole range of benefits, including:

- * Reducing initial recruitment and job advertising costs
- * Diversity, inclusion and social responsibility - quite often ex offenders are skilled & enthusiastic people to work
- * Resolving skills shortages
- * Reducing staff absence

Only **17% of ex-offenders** manage to get a job within a year of release

3 out of 4 people would be comfortable buying from a business that employs ex-offenders

Ex-convicts as lawyers

Is that possible?



source: <https://www.bloomberg.com/news/features/2017-11-14/ex-cons-trying-to-be-lawyers-find-law-school-bar-exam-off-limits>

- * While he was serving a 20-year sentence in a Texas state penitentiary, Timothy McManus became a regular at the law library. It was a cool, quiet place for him, which offered relief from the tension and cacophony of the prison yard.
- * As he wrestled with the nuances of depositions and law journal articles, he began to see that the library offered more than a break. He was hooked on the law.
- * Released in 2011, McManus (an old family name he uses for privacy) has spent years offering inmates and recent parolees free legal research and help preparing appeals.
- * From his home in Georgia, he has closely followed criminal justice news and gorged on industry publications such as PrisonLegalNews.org, which is founded by former inmates, and the Prisoners' Self-Help Litigation Manual, all with an eye to law school and, ultimately, the bar. In addition to first-hand experience of the justice system, he has recommendations from professors and legal professionals.

Ex-convicts as lawyers

Is that possible?



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- * Cleodis Floyd, indicted on 65 felony charges, applied to more than 80 law schools before the University of Oregon admitted him.
- * Today, he is a member of the Washington State bar and the NFL Players Association.
- * Floyd was sentenced to five years of “community corrections,” including time in jail and a halfway house, and seven years of probation.
- * Floyd said his experience has helped him connect with clients. He regularly gets calls from former convicts trying to pursue legal careers, he said, such as Shon Hopwood, whom he referred to a mentor who could represent him at his Washington bar admission hearing.
- * In 2015, Hopwood became a licensed lawyer in the state and is something of a celebrity.

Task to complete

Inmates who study for years are often barred from law, medicine and other fields when they get out.

- Q1: Should Ex-Convicts Be Lawyers?