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KATEDRA PRAWA KARNEGO WYKONAWCZEGO

## Reintegration of offenders

- Most offenders face significant social adaptation issues, which can include family and community stigmatization and ostracism, and the ensuing negative impact on their ability to find jobs or housing, return to formal education or build (or rebuild) individual and social capital.
- Unless they receive help to face these issues, they risk getting caught up in a vicious cycle of failed social integration, reoffending, reconviction and social rejection.

The rehabilitation of offenders and their successful social reintegration into society should therefore be among the basic objectives of criminal justice systems. Legally binding international human rights conventions, as well as the United Nations standards and norms in crime prevention and criminal justice, clearly acknowledge this point and emphasize the importance of interventions to support the social reintegration of offenders as a means of preventing further crime and protecting society

#### Reintegration of offenders

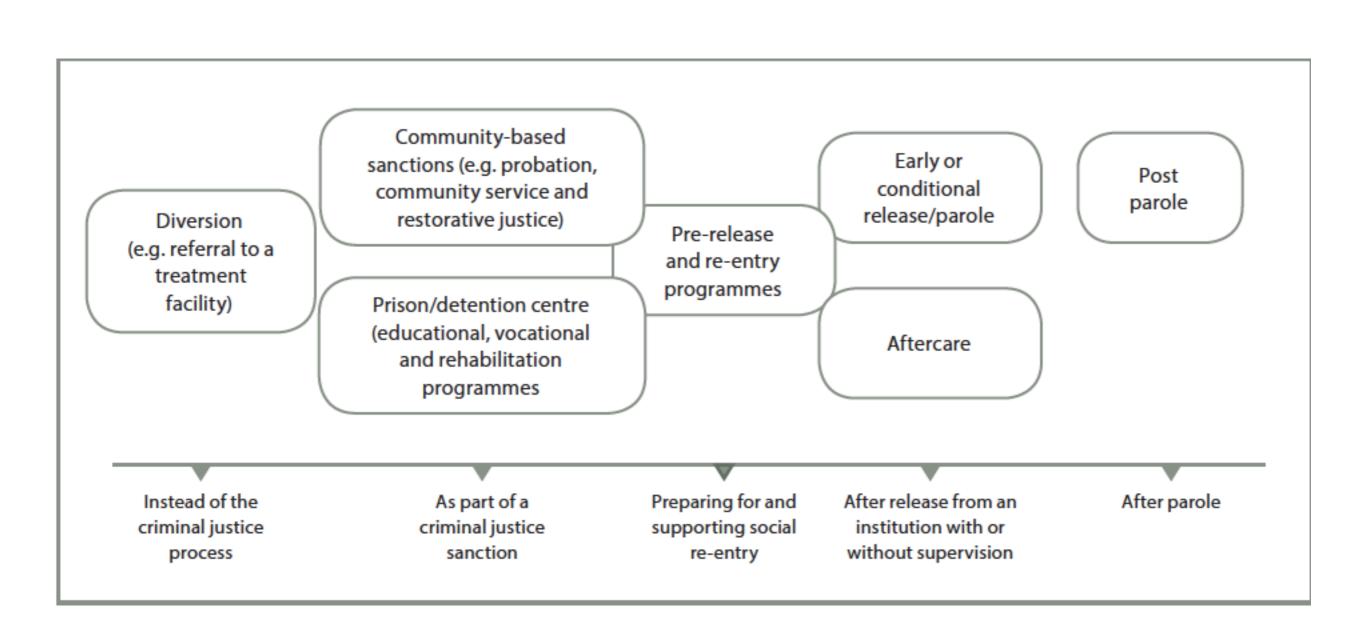
#### to desist from crime

- \* United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules):a rule 4, paragraph 1
  - Rule 4 1. The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life
- \* Polish Executive Penal Code art. 67 § 1

**Art. 67 § 1 of the Executive Penal Code**, the primary aim of the execution of penalty of deprivation of liberty is to "evoke in a convict the will to cooperate in his shaping socially desirable attitudes, in particular, the sense of responsibility and the need to abide by the law, leading to **refraining from returning to crime.** 

- \* The primary objective of social reintegration programmes is to provide offenders with the assistance and supervision that they may need to desist from crime, to successfully reintegrate into the community and to avoid a relapse into criminal behaviour.
- \* In general, there are three main categories of social reintegration programmes:
  - A. prison-based rehabilitation programmes;
  - B. reintegration and aftercare programmes delivered upon release;
  - C. non-custodial, community-based programmes.

- \* The boundaries between these categories are not always clear. Some postrelease interventions do in fact begin while offenders are still imprisoned; such interventions are aimed at facilitating their post-release adjustment. In many countries, renewed emphasis is being placed on managing the re-entry of offenders into society.
- \*Re-entry support typically occurs at the end of a period of imprisonment, but it can also occur earlier as part of a conditional release programme, with or without formal supervision.
- \* They cover a wide range of services and initiatives implemented or sponsored by the criminal justice system, often complemented by collaborative schemes with community agencies



- All such interventions are best delivered as part of an integrated programme designed to address an individual offender's specific issues and challenges.
- Positive reintegration outcomes are more likely to be generated when factors
  predisposing offenders to criminal behaviour are confronted and their physical and social
  needs are addressed in a continuous and holistic manner both during and after
  imprisonment.
- For that reason, it is important to emphasize comprehensive interventions, based on a continuity of care, and to provide consistent assistance to offenders within and beyond the prison environment. Preparation for re-entry into society, for example, should obviously commence before an offender is released.

After release, interventions should facilitate a smooth transition from the prison to the community, reinforce the gains achieved in prison through treatment and educational programmes, and continue until reintegration is successfully completed.

# The link between social reintegration and public safety

- The criminal recidivism rate continues to be very high among certain groups of offenders.
- Although global statistics are not available, data from individual countries confirm that the rate of reoffending is high, sometimes higher than 70 per cent.
- Many offenders, even after serving repeated prison sentences, fail to desist from crime and to reintegrate into the community. Imprisonment, in itself, is incapable of addressing the offenders' social integration issues.
- Even when effective prison programmes have helped offenders to achieve progress during detention, that progress is often lost because of lack of follow-up supervision and assistance after release. Therefore, effective crime prevention strategies at the local and national levels must pay special attention to the integration (and reintegration) of offenders into the community.

In fact, adopting corresponding measures is arguably one of the best and most cost-effective ways of preventing their reoffending

## The link between social reintegration and public safety

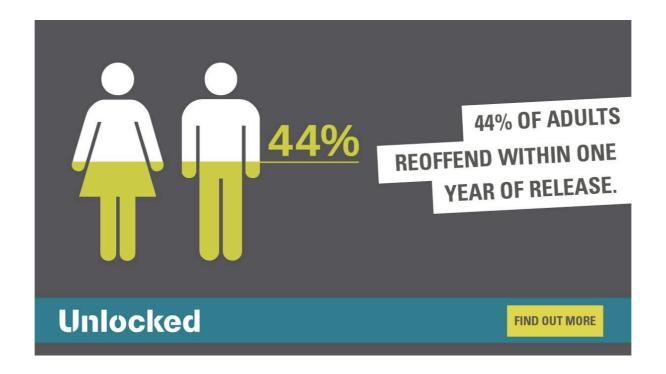
\* The social and economic costs of the failed reintegration of offenders are a major concern for policy makers around the world. Every crime has social costs.



\* In addition to the costs of investigating and prosecuting crimes, the costs of legal proceedings and the costs of imprisonment, other "social costs" to the victims and the community need to be equally kept in mind:

## The link between social reintegration and public safety

- If an ex-prisoner does not successfully reintegrate, there are direct and indirect costs to the community.
- \* If prisoners re-offend after release, community safety is compromised through increased crime. There are the costs associated with policing and adjudicating these new offences plus the costs of imposing new sanctions.
- \* There are far less easily quantifiable or indirect costs to society, such as those borne by the victims of these crimes, those associated with lost economic and community capacity, or through ex-prisoners relying on social services rather than contributing to society



## Prison overcrowding

- \* Furthermore, prison overcrowding is a major challenge in many countries.
- \* Although prison overcrowding is a complex problem, there is no doubt that it is attributable in part to the large number of repeat offenders who populate the prisons and for whom imprisonment has had little or no effect in terms of their desistance from crime. One key strategy in reducing the number of persons in prison is to provide effective rehabilitation programmes for prisoners and support their social reintegration upon release.
- \* Unfortunately, prison overcrowding itself affects the ability of prisons to offer meaningful rehabilitation programmes and tends to limit prisoners' access to existing programmes.



- Facilitating offender reintegration is a complex task, and the impact of specific interventions is often difficult to measure.
- Reduced criminal recidivism remains the ultimate indicator of successful social reintegration programmes.

"Recidivism" ("reoffending") refers to whether a person who is the object of a criminal justice intervention reoffends later on.

\* At the level of the individual, recidivism is prevented when an offender desists from crime.

"Desistance" refers to the process by which, with or without external intervention, offenders stop to engage in criminal conduct and maintain crime-free lives.

\* A number of factors are associated with desistance from crime, such as the acquisition of new skills, full-time employment or significant life partnership. Changes in family and employment circumstances are key factors in accounting for desistance.

- Desistance becomes less likely successful when problematic social circumstances increase, but the causal relationship between these factors and the absence of criminal behaviour are difficult to specify
- Programmes based on desistance theory emphasize long-term change over short-term control, recognizing that progress is unlikely to be direct or continuous. The focus is on supporting offenders to see themselves in a new and more positive light, with hope for the future. The approach assumes that the successful social reintegration of an offender rests on a combination of motivation and human and social capital.

"Human capital" refers in part to the capacity of the individual to make changes and achieve goals.

"Social capital" includes factors such as employment and supportive family or other relationships

- Preventing recidivism requires effective interventions based on an understanding of the factors that place offenders at risk and make it difficult for them to successfully reintegrate into society.
- Some risk factors are dynamic—meaning that they are willing to change—whereas other (static) risk factors are not.
- Static risk factors do not change over time; they include aspects such as, inter alia, an offender's gender, criminal history, age at the time of arrest or prior mental health problems.
- Dynamic risk factors, on the other hand, can be addressed through interventions within or outside the criminal justice system. Corresponding programmes vary according to the risk factors and the type of social reintegration challenges that they are designed to address.
- Many programmes focus on specific challenges confronting offenders, such as a low educational level, unemployment or drug use. Other programmes have been designed to deal with specific categories of offenders, such as young offenders, repeat offenders, offenders with drug disorders, offenders with mental disabilities or sexual offenders.

- Most offenders are confronted by a range of social, economic and personal challenges that tend to become obstacles to their social integration. Some of those challenges are a result of the offender's social environment, family, peer group or low educational and skill levels.
- Offenders may have a history of social isolation and marginalization, physical or emotional abuse, poor employment or unemployment, and involvement in a criminal lifestyle that began at an early age. Offenders may also be challenged by physical and mental disabilities or health issues, including problems related to substance abuse and drug addiction.
- Many offenders have serious skill deficits that make it difficult for them to compete and succeed in the community: poor interpersonal skills, low levels of formal education, illiteracy or innumeracy, poor cognitive or emotional functioning, or a lack of planning and financial management skills.
- Institutional and community-based programmes can address such dynamic risk factors by focusing on motivation, education, development of skills, employment, accommodation, interpersonal relationships, drug and alcohol treatment, mental health care and cognitive behavioural interventions.

- ▶ There is no simple recipe for developing an effective and comprehensive strategy on the prevention of recidivism and the social reintegration of offenders.
- The approach taken in each country is determined, to a large extent, by existing laws and the resources that are available in the justice system and in the community, as well as the receptiveness of the population to progressive recidivism prevention initiatives.



#### Education

- One of the most important elements of prisoner education is teaching them how to lead a normal life and prevent the crime after ending incarceration
- ▶ Education is a human right, and this is also valid for people in prison.

More specifically, the Council of Europe has approved a number of recommendations relating to prisoners:

- The 1990 recommendation on Education in Prison and the European Prison Rules (revised in 2006), both of which uphold a prisoner's right to education.
- The United Nations Standard Minimum Rules for the Treatment of Prisoners refers to the importance of education and training for all prisoners, and
- its 1990 Basic Principles for the Treatment of Prisoners includes specific reference to the right of prisoners to take part in education.
- Education has been guaranteed as a right for prisoners by a number of bodies.

## The right to learn

- According to the European Law: Education in prisons should have purposes no less important than those of education in the community outside.
- In particular, the aims of prison education should be essentially the same as those in adult education.
- The primary aims of prison education services must be to facilitate the right to learn which all men and women have and which is a key to their human development.

## The right to learn

- ➤ The right to learn is defined in the declaration adopted by the 4th International UNESCO Conference on Adult Education. It is:
- the right to read and write;
- the right to question and analyse;
- the right to imagine and create;
- the right to read about one's own world and to write history;
- the right to have access to educational resources;
- the right to develop individual and collective skills.

- Education in prison is sometimes also seen as a means towards socialisation or resocialisation.
- Such education must respect the integrity and freedom of choice of the prisoner.
- However, education can awaken positive potential in prisoners and make them aware of new possibilities, it can also facilitate their choosing for themselves to turn away from crime.

## Physical education and sport

Physical education and sport have an important place in the range of educational and recreational facilities available in prisons.

The European Prison Rules states that all prisoners should be given the opportunity to take part regularly in properly organised sport and physical education, and suggest that some priority should be given to these activities.

Physical education and sports for prisoners should be emphasised and encouraged

#### Participation in physical education and sport can have three aims:

- Specific: to learn or improve one's performance in a particular sport, for example, swimming, basketball;
- Social:= to get along with other people through, for example, being part of a team and working together, learning to accept defeat, exercising self-control and coping with aggression;
- Reflective: exposure to values and norms of having rules in sport. Prisoners can learn that the rules exist for the benefit of all the participants.

#### Social education

#### Social education was not specifically mentioned in any legal document

- Social education should include practical elements that enable the prisoner to manage daily life within the prison, with a view to facilitating the return to society
- The term "social education" is preferred to alternatives such as "social and life skills" or "social training", because it focuses on the general education or development of the whole person
- Wherever possible, prisoners should be allowed to participate in education outside prison

#### Education

#### **According to that provisions:**

- Education is the central element in the system of social rehabilitation of inmates.
- In educational programmes for inmates, specificities of each person should be considered and possibilities for general cultural development provided.
- As a rule, after release the ex-inmate faces employment problems, and in penitentiary institutions they are affected by alienation from the normal way of life, absence of living perspectives and opportunity to change something.



## The right to education

- <u>Is provided by International Law (e.g. Standard Minimum Rules, Universal Declaration of Human Rights)</u>
- Also Polish law provides convicts with a possibility to continue their education, however, <u>learning is not compulsory.</u>

## The right to education and self-education, including being creative, the right to produce and sell their art

- Finding employment without education or vocational skills is extremely difficult.
- In most units, there are recreation rooms for sports activities, and a large part of them has independent sports fields.







## Education in polish penitentiary units

- In Poland vocational schools have been the most popular ones.
- Their popularity results from the fact that they offer a real chance to acquire a profession and to find employment after leaving prison.
- A significant problem comes with the practical teaching of a profession and the searching for employment.
- ▶ Each penitentiary unit in Poland is equipped with a library. The books are usually a gift from liquidated public libraries. Another difficulty is the fact that prison libraries do not have some current and relevant educational materials.
- Libraries in the community are a source of education, information and recreation, as well as centres of cultural development. Library services for prisoners should have the same wide range of functions and relevant materials as libraries for the public.

#### Education in polish penitentiary units

#### Among the most important functions of prison education are the following:

- To cover lacks in education Prison schools provide convicts with an opportunity to complete their primary education and to acquire a profession.
- To improve convicts' self-esteem (especially of those who, despite the fact that they have graduated from a primary school, can neither read nor write);
- To provide convicts with professional skills so that they would be able to find employment in their life in freedom;
- To eliminate chances for convicts to be involved into crime again;
- To minimise social exclusion of convicts after they leave prison

By covering any lacks in their education and being granted with a certificate of school graduation = convicts get a chance to enter the labour market.

## Benefits of Prison Education

- Recidivism: Studies show that there is a 43% reduction in recidivism rates for those prisoners who participate in prison education programs.
- Indeed, the higher the degree, the lower the recidivism rate is: **14%** for those who obtain an associate degree, **5.6%** for those who obtain a bachelor's degree, and 0% for those who obtain a master's degree.
- Employment Opportunities: There are increased and improved employment opportunities available for those formerly incarcerated people who engaged in prison education programs, and reentry is far smoother and more successful for those who took classes in prison, especially insofar as gainful employment is one of the defining features of successful reentry.
- Study found that there is 13% increase in post-release employment for parolees who participate in prison education programs

## Benefits of Prison Education

- Cost Effective: Prison education is a highly cost-effective investment. A study found that "a \$1 million investment in incarceration will prevent about 350 crimes, while that same investment in prison education will prevent more than 600 crimes. Prison education is almost twice as cost effective as incarceration.
- "Inside" Benefits: Even for those who are serving long term sentences, prison education has profound and often life-changing benefits. It may reduce violence and disciplinary infractions among those involved in prison education. Prison education also breaks down racial and ethnic barriers that are often a cause of tension and violence in prisons.

## Benefits of Prison Education

- Community and Intergenerational Benefits: Studies show, for instance, that post-secondary prison education has many positive effects on families of the incarcerated and on reintegration process.
- Improved safety and positive culture of prisons: The longer an inmate is involved in prison education, the more likely he will experience positive behavioral changes.



## Learning opportunities

#### **Vocational education**

- Vocational education can be an excellent source of more general personal development as well as a vehicle for imparting
- Vocational education can be administered along with work activities or within the prison education service.
- Vocational education should aim at the wider development of the individual, as well as being sensitive to trends in the labour market;

#### **Education for adaptability**

- But, even when skills are very well developed, it may be equally necessary for prisoners to progress in other aspects of their lives (personal or social education, or simply a general growth in confidence)
- Education helps prisoners to be more adaptable,

- \* 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.

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.

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

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

#### <u>Unemployment among formerly incarcerated people:</u>

- 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

#### The Right to work

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

- Is provided by International Law (e.g. Standard Minimum Rules, Universal Declaration of Human Rights)
- According to the Polish penitentiary system prisoners shall always be offered opportunity to work

## **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 professors

A prison education saved me from a lifetime behind bars



source: https://theconversation.com/aprison-education-saved-me-from-a-lifetimebehind-bars-54458

- \* Dr David Honeywell.
- \* He teaches criminology at Hull University and works as a research assistant at the University of Mancheste
- \* He spent a total of 15 years in prison before he has started his academic career.
- \* As he himself points out, education was for him a break from the prison reality.
- \* It was also a turning point in his 'criminal career'.
- \* Honeywell admits that if he didn't choose education in prison he would probably have spent his entire life behind bars.

#### 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 visitor 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?



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

- \* Cleodis Floyd, accused of 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 <u>celebrity</u>.

#### 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?